

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**      **William E. Kovacic, Chairman**  
                                 **Pamela Jones Harbour**  
                                 **Jon Leibowitz**  
                                 **J. Thomas Rosch**

	)	
<b>In the Matter of</b>	)	
	)	
<b>SHIVA VENTURE GROUP, INC.</b>	)	<b>DOCKET NO. C-</b>
<b>dba INNOVA FINANCIAL GROUP,</b>	)	
	)	
<b>a corporation.</b>	)	
	)	

**COMPLAINT**

The Federal Trade Commission, having reason to believe that Shiva Venture Group, Inc. dba Innova Financial Group, a corporation (“respondent”) has violated provisions of the Federal Trade Commission Act and the Truth in Lending Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Shiva Venture Group, Inc. dba Innova Financial Group is a California corporation with its principal office or place of business at 700 Gale Dr. Suite 260, Campbell, CA 95008.
2. The acts and practices of respondent alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.
3. In the mortgage lending industry, there are certain terms of art. These terms generally have the following meanings. An “interest rate” is the rate charged the consumer for the loan. It is usually stated as an annual amount, such as “6% interest.” “Intere

monthly payment amount does not contain the amount of interest owed for that month.

## **FEDERAL TRADE COMMISSION ACT VIOLATIONS**

### **COUNT I: Failure to Disclose, or Failure to Disclose Adequately, Material Terms**

6. Through the means described in Paragraph 5, respondent has represented, expressly or by implication, that consumers can receive mortgage loans at the terms prominently stated in the advertisements, including but not necessarily limited to a low monthly payment amount and/or a low payment rate.
7. In its mortgage loan advertisements as described in Paragraph 5, respondent has failed to disclose, or failed to disclose adequately, additional terms pertaining to the mortgage offer, such as:
  - a. That the advertised low monthly payment amount: (1) applies only for a limited period of time, after which the monthly payment amount will increase; (2) does not include the amount of interest that the consumer owes each month; and (3) is less than the monthly payment amount (including interest) that the consumer owes, with the difference added to the total amount due from the consumer.
  - b. That the advertised payment rate: (1) applies only for a limited period of time, after which the rate will increase; (2) does not include the amount of interest that the consumer owes each month, and (3) is less than the interest rate that the consumer owes, with the difference added to the total loan balance.
8. The information described in Paragraph 7 would be material to consumers shopping for a mortgage loan. The failure to disclose, or failure to disclose adequately, this information, in light of the representations made in Paragraph 6, was, and is, a deceptive practice.
9. Respondent's practices constitute deceptive acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. § 45(a).

## **TRUTH IN LENDING ACT AND REGULATION Z VIOLATIONS**

### **COUNT II: Failure to Disclose, or Failure to Disclose Clearly and Conspi**

- a. the terms of repayment;
  - b. the “annual percentage rate,” using that term; and
  - c. if the annual percentage rate may be increased after consummation, that fact.
11. Respondent’s practices have violated Section 144 of the Truth in Lending Act, 15 U.S.C. § 1664 (as amended) and Section 226.24(c) of Regulation Z, 12 C.F.R. § 226.24(c).

**COUNT III: Failure to Disclose, or Failure to Disclose Clearly and Conspicuously, Required Credit Advertisement Rate Information**

12. Respondent’s mortgage loan advertisements, including but not necessarily limited to Exhibits A and B, state a rate of finance charge and a payment rate for mortgage loan advertisements, but fail to disclose, or fail to disclose clearly and conspicuously, the following information required by Regulation Z:
- a. the rate of finance charge stated as an “annual percentage rate,” using that term;
  - b. the annual percentage rate, stated in conjunction with and at least as conspicuously as the stated simple annual rate; and
  - c. required payment rate disclosures.
13. Respondent’s practices have violated Section 144 of the Truth in Lending Act, 15 U.S.C. § 1664 (as amended), and Section 226.24(b) of Regulation Z, 12 C.F.R. § 226.24(b) (including as more fully set out in Section 226.24(b) of the Official Staff Commentary on Regulation Z, 12 C.F.R. § 226.24(b), Supp. 1).

THEREFORE, the Federal Trade Commission this    day of    ,    , has issued this complaint against respondent.

By the Commission.

Donald S. Clark  
Secretary

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