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Acting United States Attorney
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[REDACTED]

This matter comes before the Court on stipulation between the Plaintiff, Federal Trade

Commission ("FTC" or "Commission") and the Defendants, [REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

any fact alleged in Plaintiff's Complaint or a finding that Plaintiff is likely to prevail on the merits of its claims against Defendants.

II. DEFINITIONS

For purposes of this Order, the following definitions shall apply:

1. **"Asset"** or **"Assets"** means any legal or equitable interest in, right to, or claim to, any real or personal property, including, but not limited to, chattels, goods, instruments, equipment, fixtures, general intangibles, effects, leaseholds, mail or other deliveries, inventory, checks, notes, accounts, credits, receivables (as those terms are defined in the Uniform Commercial Code), and all cash, wherever located.

2. **"Assisting Others"** means providing goods or services to another person or entity, with knowledge or conscious avoidance of knowledge that the other person or entity is engaged in any act or practice that violates Section 5 of the FTC Act or the Telemarketing Sales

the information is contained in a multi-page document, the disclosure shall appear on the first page;

b. in communications disseminated orally, the message shall be delivered in a volume and cadence sufficient for an ordinary consumer to hear and comprehend it;

c. in communications made through an electronic medium (such as television, video, radio, and interactive media such as the Internet, online services, and software), the message shall be presented simultaneously in both the audio, if any, and visual, if any, portions of the communication.

In any communication presented solely through visual or audio means, the message may be made through the same means in which the communication is presented. In any communication disseminated by means of an interactive electronic medium such as software, the Internet, or online services, a disclosure must be unavoidable and presented prior to the consumer incurring any financial obligation. Any audio message shall be delivered in a volume and cadence sufficient for an ordinary consumer

to hear and comprehend it. Any visual message shall be of a size and shade, with a degree of contrast to the background against which it appears, and shall appear on the screen for a duration and in a location sufficiently noticeable for an ordinary consumer to read and comprehend

with, or in mitigation of the message shall be used in any communication.

4. **“Consumer”** means an actual or potential purchaser, customer, licensee, or lessee, regardless of whether that person is a corporation, limited liability corporation, partnership, association, other business or governmental entity, or natural person, and regardless of whether the purchase is made for business purposes or for personal or household purposes.

5. **“Corporate Defendants”** means Low Pay, Inc., also dba LPC, Inc., lowpaycard.com, and mylpc.com; LP Capital Holdings, Inc., and Century Luxury, Inc.

6. **“Credit-related products or services”** includes, but is not limited to, credit cards, lines of credit, loans, interest rate reduction, credit counseling, debt settlement, debt negotiation, mortgage modification, foreclosure rescue or assistance, and mortgage refinancing services.

7. **“Defendant”** or **“Defendants”** means all the Individual Defendants and Corporate Defendants, individually, collectively, or in any combination.

8. **“Document”** or **“Documents”** is synonymous in meaning and equal in scope to the usage of the term in Federal Rule of Civil Procedure 34(a), and includes writings, drawings, graphs, charts, photographs, audio and video recordings, computer records, and other data compilations from which information can be obtained and translated, if necessary, through detection devices into reasonably usable form. A draft or non-identical copy is a separate document within the meaning of the term.

9. **“Individual Defendants”** means Mardan M. Afrasiabi, also known as Dan Afrasiabi, The Mardan Afrasiabi Living Trust, and Ramin Rahimi, and each of them by whatever names each might be known.

goods or services.

11. **“Person”** means any individual, group, unincorporated association, limited or general partnership, corporation, or other business entity.

12. **“Telemarketing Sales Rule” or TSR** means the FTC Rule entitled “Telemarketing Sales Rule,” 16 C.F.R. § 310, or as it may hereafter be amended.

13. The terms **“and”** and **“or”** shall be construed conjunctively or disjunctively as necessary to make the applicable 1 _____

PROHIBITED CONDUCT

4. Consumers can cancel and obtain a refund of one or more fees by
returning specified items within a specified refund period.

B. Misrepresenting, or assisting others in misrepresenting, expressly or by implication, any material fact, including but not limited to misrepresentations about:

1. The total cost to purchase, receive, or use the goods and services;
2. Any material restrictions, limitations, or conditions to purchase, receive, or use the goods and services;
3. Any material aspect of the nature or terms of a refund, cancellation, exchange, or repurchase policy for the goods or services; or

3. Any other restriction or condition on the use of the product or service or the benefits offered in connection with the product or service; and

D Violating, or assisting others in violating, as defined by Section 310.3(b) of the

TSR 16 C.F.R. § 310.3(b) [REDACTED] TSR 16 C.F.R. § 310.3(b) [REDACTED]

limited to:

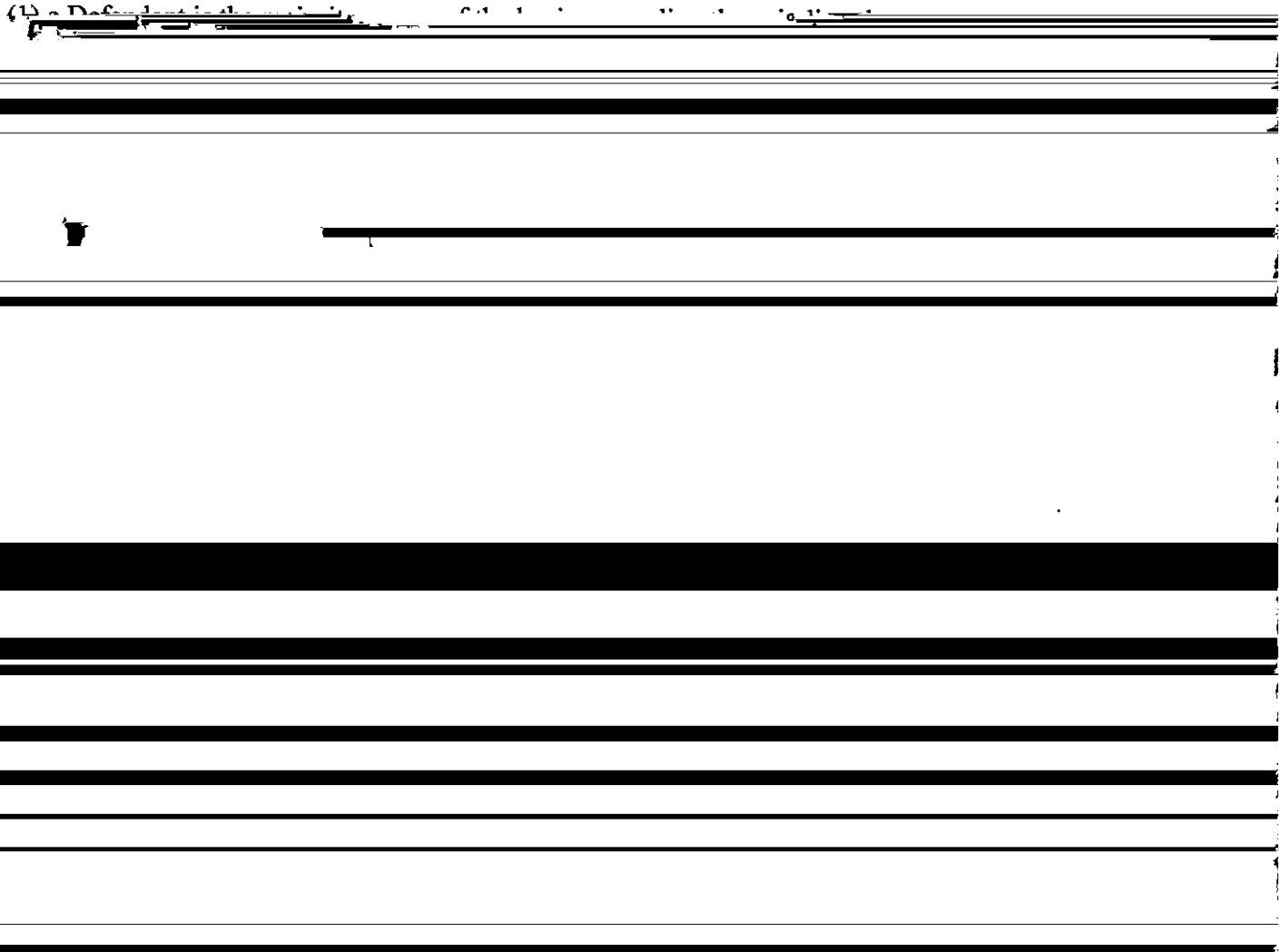
1. Section 310.3(a)(2)(iii) of the TSR, 16 C.F.R. § 310.3(a)(2)(iii), by

5. Section 310.4(a)(4) of the TSR, 16 C.F.R. § 310.4(a)(4), by requesting or receiving payment of a fee or consideration in advance of consumers obtaining a loan or other extension of credit when the Defendants have guaranteed or represented a high likelihood of success in obtaining or arranging the loan or other extension of credit for such consumers.
6. Section 310.4(a)(6), 16 C.F.R. § 310.4(a)(6), by causing billing information to be submitted for payment without the express informed consent of the consumer.

IV.

MONITORING COMPLIANCE OF PERSONNEL

IT IS FURTHER ORDERED that Defendants, in connection with any business where



provided that this Section does not authorize or require the Defendants to take any steps that violate any federal, state, or local laws;

B. Failing promptly to investigate fully any consumer complaint received by any business to which this Section applies; and

C. Failing to take corrective action with respect to any employee or independent contractor who Defendants determine is not complying with this Order, which may include training, disciplining, and/or terminating such person.

V.

MAINTAIN RECORDS AND REPORT NEW BUSINESS ACTIVITY

IT IS FURTHER ORDERED that Defendants and their officers, agents, servants, employees, salespersons, and attorneys, and all other persons in active concert or participation with them, who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other device, are hereby restrained and enjoined from:

A. Failing to create and maintain documents that, in reasonable detail, accurately, fairly, and completely reflect the Defendants' incomes, disbursements, transactions, and use of money, beginning as of the date of entry of this Order;

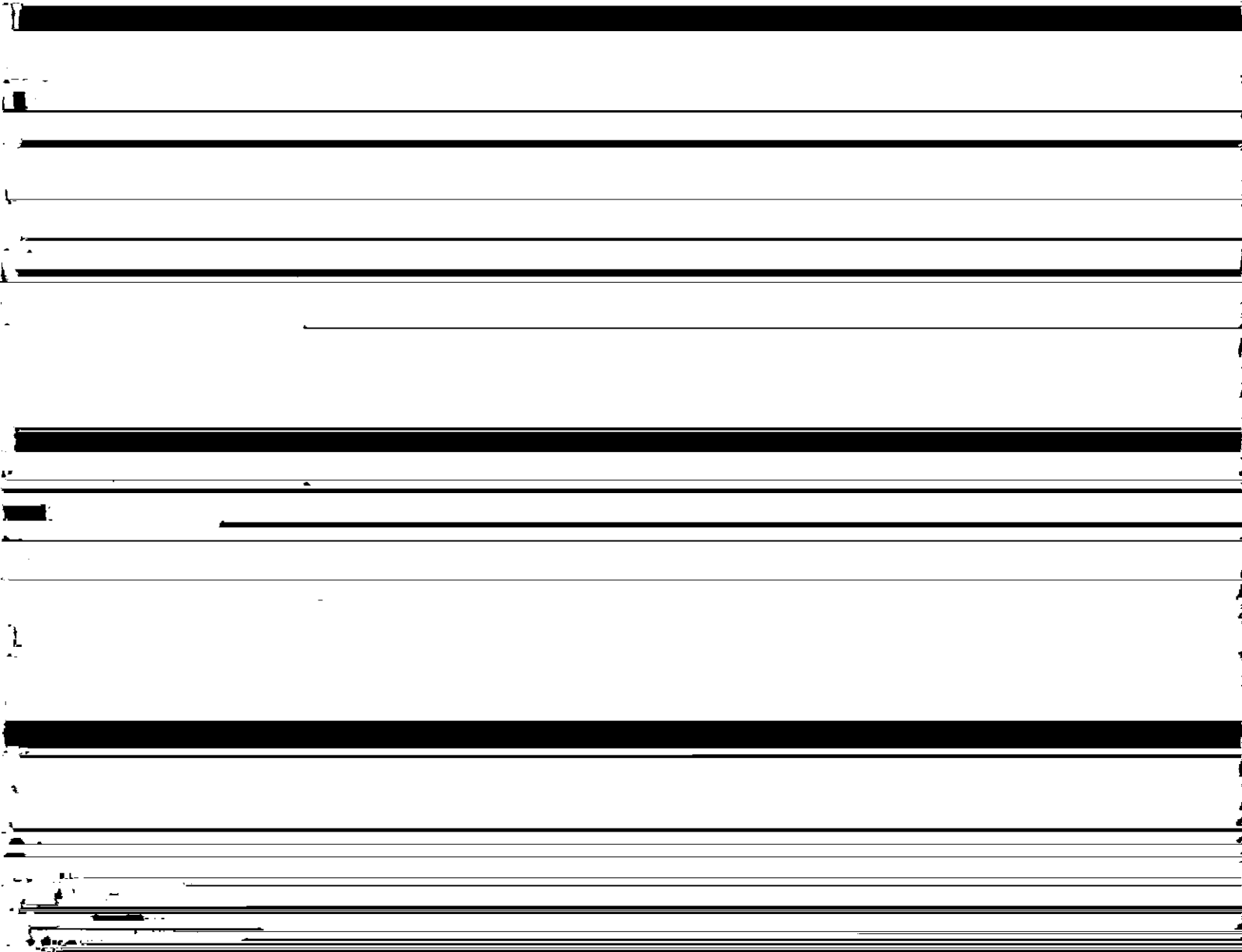
B. ~~Failing to create and maintain books, records, accounts, bank statements, and~~

disposing of, in any manner, directly or indirectly, any documents, including electronically,

stored information, that relate in any way to the business practices or business or personal finances of Defendants; to the business practices or finances of entities directly or indirectly under the control of Defendants; or to the business practices or finances of entities directly or indirectly under common control with any other Defendant;

D. Failing to maintain complete records of any consumer complaints and disputes, whether coming from the consumer or any intermediary, such as a government agency or Better Business Bureau, and any responses made to those complaints or disputes; and

A. Any transfer of any asset out of the ordinary course of business or reasonable and ordinary living expenses without prior written disclosure to the Commission, at least fifteen (15) business days prior to the transfer, of the purpose, amount, and recipient of such transfer. Reasonable attorney fees and litigation costs incurred by Defendants, including payment of reasonable retainers, shall be deemed within the ordinary course of business and/or living expenses for the purposes of this Order. Plaintiff retains the right to challenge in Court amounts paid for attorney fees and litigation costs, or to seek an order enjoining payment of further attorney fees and litigation costs, should it deem that circumstances warrant such relief. The assets affected by this Part shall include both existing assets and assets acquired by the Defendants.



mail address, or other identifying information of any person who has paid any money to any Defendant in connection with the advertising, promoting, offering for sale, or sale, directly or indirectly of any product or service. Provided that the Defendant is not required to disclose

identifying information to a law enforcement agency or as required by any law, regulation, or court order.

VIII.

COMPLIANCE MONITORING

IT IS FURTHER ORDERED that for the purpose of monitoring compliance with this

of this Order, and thereafter within ten (10) days of a written request from the Commission, the full list, or if agreed by the parties, some sample of that list, of all consumers who have paid Defendants, directly or indirectly, any fee, purchase price, or other payment since the date of entry of this Order in connection with any credit-related goods or services, including, but not limited to, the LBC merchant card issued by [REDACTED]

[REDACTED]

consumer's name, address, telephone number, date of transaction, amount paid, and the salesperson's full name.

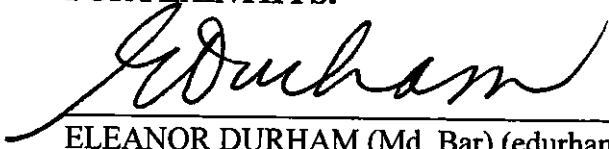
IX.

DISTRIBUTION OF ORDER BY DEFENDANTS

IT IS FURTHER ORDERED that Defendants shall immediately provide a copy of this Order to each of their corporations, subsidiaries, affiliates, divisions, directors, officers, agents,

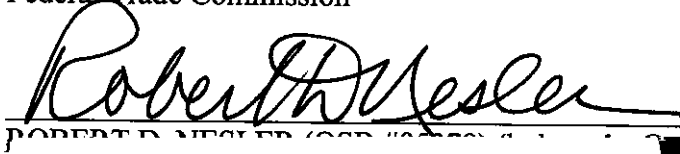
(2) any other person or entity that may be subject to any provision of this Order. Service upon

FOR PLAINTIFFS:



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Attorney for Defendants M. L. Mallow

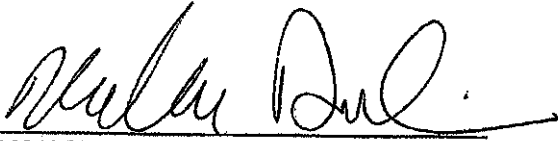
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and The Mardan Afrasiabi Living Trust

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