

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS

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FEDERAL TRADE COMMISSION,	)	)
	)	)
Plaintiff,	)	)
	)	)
v.	)	Civil Action No. 3:11-CV-2059-N
	)	)
DEBT RELIEF USA, INC.,	)	)
a corporation,	)	)
	)	)
KELLY REILLY, Individually and as an	)	)
officer of the corporation,	)	)
	)	)
ALVIN BELL, Individually and as an	)	)
officer of the corporation,	)	)
	)	)
JAMES WOJCIK, Individually and as an	)	)
officer of the corporation, and	)	)
	)	)
VALERIE LEATH, Individually and as a	)	)
manager of the corporation,	)	)
	)	)
Defendants.	)	)
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STIPULATED FINAL JUDGMENT AND ORDER FOR  
PERMANENT INJUNCTION AND MONETARY RELIEF  
AS TO DEFENDANT ALVIN BELL

Plaintiff Federal Trade Commission filed a Complaint for Permanent Injunction and Other Equitable Relief against Defendants Debt Relief USA, Inc., Kelly Reilly, Alvin Bell, James Wojcik, and Valerie Leath (“Defendants”). The Complaint alleges that Defendants engaged in unfair or deceptive acts or practices in violation of Section 5(a) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 45(a). Defendant Alvin Bell was served with the Summons and Complaint.

Plaintiff Federal Trade Commission and Defendant Bell have been represented by the attorneys whose names appear hereafter. Plaintiff Federal Trade Commission and Defendant Bell have agreed to entry of this Stipulated Final Judgment and Order for Permanent Injunction (“Order”), without adjudication of any issue of fact or law;

THEREFORE, on the joint motion of Plaintiff and Defendant Bell, it is ORDERED, ADJUDGED, and DECREED as follows:

#### FINDINGS

1. This Court has jurisdiction of the subject matter of this case and of the parties.
2. Venue in this district is proper under 28 U.S.C. § 1391(b) and (c), and 15 U.S.C. § 53(b).
3. The activities of Defendant Bell as alleged in the Complaint are in or affecting commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.
4. The allegations of the Complaint state a claim upon which relief may be granted against Defendant Bell under Sections 5(a) and 13(b) of the FTC Act, 15 U.S.C. §§ 45(a) and 53(b).
5. Defendant Bell neither admits nor denies any of the allegations in the Complaint, except as specifically stated in this Order. Only for purposes of this action, Defendant Bell admits the facts necessary to establish jurisdiction.
6. Plaintiff has authority under Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), to seek the relief it has requested.

7. Defendant Bell stipulates to the entry



2. improve, or arrange to improve, any consumer's credit record, credit history, or credit rating;

3. provide advice or assistance to any consumer with regard to any activity or service the purpose of which is to improve a consumer's credit record, credit history, or credit rating;

4. provide any consumer, arrange for any consumer to receive, or assist any consumer in receiving, a loan or other extension of credit;

5. provide any consumer, arrange for any consumer to receive, or assist any consumer in receiving, debt relief services; or

6. provide any consumer, arrange for any consumer to receive, or assist any consumer in receiving any service represented, expressly or by implication, to renegotiate, settle, or in any way alter the terms of payment or other terms of the debt between a consumer and one or more secured creditors, servicers, or debt collectors.

G. "Individual Defendants" means Kelly Reilly, Alvin Bell, James Wojcik, and Valerie Leath.

H. "Corporate Defendant" means Debt Relief USA, Inc., and its successors and assigns.

I. "Defendants" means all of the Individual Defendants and the Corporate Defendant, individually, collectively, or in any combination.

J. "Mortgage assistance relief product or service" means any product, service, plan, or program, offered or provided to the consumer in exchange for consideration, that is

represented, expressly or by implication, to assist or attempt to assist the consumer with any of the following:

1. stopping, preventing, or postponing any mortgage deed of trust foreclosure sale for the consumer's dwelling, any repossession of the consumer's dwelling, or otherwise saving the consumer's dwelling from foreclosure or repossession;
2. negotiating, obtaining, or arranging a modification of any term of a dwelling loan, including a reduction in the amount of interest, principal balance, monthly payments, or fees;
3. obtaining any forbearance or modification in the timing of payments from any dwelling loan holder or servicer on any dwelling loan;
4. negotiating, obtaining, or arranging any extension of the period of time within which the consumer may (a) cure his or her default on a dwelling loan, (b) reinstate his or her dwelling loan, (c) redeem a dwelling, or (d) exercise any right to reinstate a dwelling loan or redeem a dwelling;
5. obtaining any waiver of an acceleration clause or balloon payment contained in any promissory note or contract secured by any dwelling; or
6. negotiating, obtaining, or arranging (a) a short sale of a dwelling, (b) a deed-in-lieu of foreclosure, (c) or any other disposition of a dwelling loan other than a sale to a third party that is not the dwelling loan holder.

The foregoing shall include any manner of claimed assistance, including, but not limited to, auditing or examining a consumer's mortgage or home loan application.

K. "Person" means a natural person, an organization or other legal entity, including a corporation, partnership, sole proprietorship, limited liability company, association, cooperative, or any other group or combination acting as an entity.

L. "Plaintiff" or "Commission" means the Federal Trade Commission.

M. "Tax relief product or service" means any good, service, plan, or program, represented, expressly or by implication, to renegotiate, settle, or alter the terms of a tax obligation between a person and a taxing entity.

#### ORDER

#### I. BAN ON DEBT RELIEF, TAX RELIEF, AND MORTGAGE ASSISTANCE RELIEF PRODUCTS OR SERVICES

IT IS THEREFORE ORDERED that Defendant Bell, whether acting directly or through any other person, is permanently restrained and enjoined from:

- A. Advertising, marketing, promoting, offering for sale, or selling any debt relief product or service, tax relief product or service, or mortgage assistance relief product or service; and
- B. Assisting others engaged in advertising, marketing, promoting, offering for sale, or selling any debt relief product or service, tax relief product or service, or mortgage assistance relief product or service.

#### II. PROHIBITED MISREPRESENTATIONS RELATING TO FINANCIAL RELATED PRODUCTS OR SERVICES

IT IS FURTHER ORDERED that Defendant Bell and his officers, agents, servants, employees, and attorneys, and those persons or entities in active concert or participation with

him who receive actual notice of this Order by personal service, facsimile transmission, email, or otherwise, whether acting directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, marketing, promotion, offering for sale, or sale of any financial related product or service, are permanently restrained and enjoined from:

- A. Misrepresenting or assisting others in misrepresenting, expressly or by implication, any material fact, including but not limited to:
  - 1. The terms or rates that are available for any loan or extension of credit;
  - 2. Any person's ability to improve or otherwise affect a consumer's credit record, credit history, credit rating, or ability to obtain credit;
  - 3. That any person can improve any consumer's credit record, credit history, or credit rating, even where such information is accurate and not obsolete; and
  - 4. That a consumer will receive legal representation;
- B Advertising or assisting others in advertising credit terms other than those terms that actually are or will be arranged or offered by a creditor or lender.

### III. PROHIBITION AGAINST MATERIAL MISREPRESENTATIONS

IT IS FURTHER ORDERED Defendant Bell and his officers, agents, servants, employees, and attorneys, and those persons or entities in active concert or participation with him who receive actual notice of this Order by personal service, facsimile transmission, email, or otherwise, whether acting directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, marketing, promotion, offering for sale, or sale of any product or service, are permanently restrained and enjoined from:





credit card, bank account, or other financial account of any person which was obtained by any Defendant prior to entry of this Order in connection with Defendants' debt relief service; and

B. Failing to dispose of customer information described in Subsection A of this Section, titled "Duty to Protect Customer Information," in all forms in their possession, custody, or control within thirty (30) days after entry of this Order. Disposal shall be by means that protect against unauthorized access to the customer information, such as by burning, pulverizing, or shredding any papers, and by erasing or deleting any electronic media, to ensure that the customer information cannot practicably be read or reconstructed.

Provided, however, that customer information need not be disposed of, and may be disclosed, to the extent requested by a government agency or required by a law, regulation, or court order.

#### V. PROHIBITION ON COLLECTING ACCOUNTS

IT IS FURTHER ORDERED that Defendant Bell and his officers, agents, servants, employees, and attorneys, and those persons or entities in active concert or participation with him who receive actual notice of this Order by personal service, facsimile transmission, email, or otherwise, whether acting directly or through any corporation, subsidiary, division, or other device, are permanently restrained and enjoined from: (a) attempting to collect, collecting, selling, assigning, or otherwise transferring any right to collect payment for debt relief services from any consumer who purchased or agreed to purchase any debt relief services from Defendants prior to the entry of this Order and (b) from withdrawing funds from any consumer's bank account pursuant to any agreement relating to Defendants' debt relief service.

VI. MONETARY JUDGMENT

IT IS FURTHER ORDERED that:

A. Judgment for equitable monetary relief is entered against Defendant Bell, jointly and severally, in the amount of TWENTYTHREE MILLION, THREE HUNDRED NINETY-ONE THOUSAND, FOUR HUNDRED NINETY EIGHT DOLLARS (\$23,391,498) provided, however, that this judgment shall be suspended upon the fulfillment of the obligations in Subsection B of this Section and subject to the conditions set forth in the Section of this Order titled "Right to Reopen."

B. Defendant Bell represents that he is the sole owner of a 2005 Dodge Ram 1500, Vehicle Identification No. 1D7HA18N85S360690 (Texas License Plate 31KLH3). Defendant Bell represents and warrants that since August 24, 2012, he has not directly encumbered the vehicle with any other lien, mortgage, deed of trust, assignment, pledge, security interest, or other interest. Defendant Bell shall immediately take the specific steps as set forth below to sell the vehicle for not less than fair market value or an amount approved by counsel for Plaintiff, to a third-party buyer:

1. Defendant Bell shall tender the vehicle to a used-car retailer, broker or listing service ("Selling Agent"), chosen upon agreement between the parties, for immediate sale.
2. Within three (3) business days of receipt of the net proceeds from the sale of the vehicle, the Selling Agent shall remit the net proceeds of the sale, less any costs for sales commission, advertising, insurance, and payment of priority liens, to the Commission in the form of an electronic funds transfer or certified or cashier's

check made payable to the Commission, or an agent as the Commission may direct, and provide a copy of the bill of sale and evidence of the sales commission, advertising, and insurance costs, and priority lien payments to the Commission pursuant to the notification instructions contained in Subsection D of the Section titled "Compliance Reporting."

3. Defendant Bell, through the Selling Agent, shall sell the vehicle "as is."

C. All funds paid to the Commission pursuant to this Order shall be deposited into a fund administered by the Commission or its agent to be used for equitable relief, including, but not limited to, restitution and any attendant expenses for the administration of the equitable relief. Defendant Bell shall cooperate fully to assist the Commission in identifying consumers who may be entitled to restitution under this Order. In the event that direct restitution to consumers is wholly or partially impracticable or funds remain after restitution is completed, the Commission may apply any remaining funds for other equitable relief (including consumer information remedies) as it determines to be reasonably related to Defendants' practices alleged in the Complaint. Any funds not used for the equitable relief shall be deposited to the United States Treasury as disgorgement. Defendant Bell shall have no right to challenge the Commission's choice of remedies under this Section and shall have no right to contest the manner of distribution chosen by the Commission.

D. If Defendant Bell obtains a credit or refund of any federal income taxes or penalties paid for tax years 2011 and 2012, then he shall promptly pay the Commission the amount of the credit or refund, together with any interest he has earned in connection with the credit or refund.

To ensure Defendant Bell's compliance with this Subsection:

1. Defendant Bell shall deliver to the Commission copies of all completed and signed federal income tax returns and all amended returns, including all attached forms, schedules, and statements, that he files for tax years 2011 and 2012. These copies shall be delivered to the Commission within ten (10) days after each return or amended return is filed with the IRS; and
2. Within ten (10) days after Defendant Bell's final date allowed under IRS rules to file an amended federal income tax return for tax years 2011 and 2012, he shall sign and submit to the IRS a Form 4506, along with the Form 4506 fee, directing the IRS to send to the Commission copies of his original federal income tax returns and all amended tax returns filed with the IRS for tax years 2011 and 2012.

E. In the event of default on any obligation to make payment under this Order, interest, computed pursuant to 28 U.S.C. § 1961, as amended, shall accrue from the date of default to the date of payment, and shall immediately become due and payable.

F. Defendant Bell relinquishes all dominion, control, and title to the funds paid to the fullest extent permitted by law. Defendant Bell shall make no claim to or demand for return of the funds, directly or indirectly, through counsel or otherwise.

G. Defendant Bell agrees that the facts as alleged in the Complaint filed in this action shall be taken as true without further proof in any bankruptcy case or subsequent civil litigation pursued by the Commission to enforce its rights to any payment or money judgment pursuant to this Order, including, but not limited to, a nondischargeability complaint in any bankruptcy case. Defendant Bell further stipulates and agrees that the facts alleged in the

Complaint establish all elements necessary to sustain an action by the Commission pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C. § 523(a)(2)(A), and that this Order shall have collateral estoppel effect for such purposes.

H. In accordance with 31 U.S.C. § 7701, Defendant Bell is required, unless he already has done so, to furnish the Commission with taxpayer identifying numbers (Social Security numbers or employer identification numbers), which shall be used for purposes of collecting and reporting on any delinquent amount arising out of his relationship with the government. Defendant Bell is further required, unless he already has done so, to provide the Commission with clear, legible, and full-size photocopies of all valid driver's licenses that he possesses, which will be used for reporting and compliance purposes.

I. This judgment for equitable monetary relief is solely remedial in nature. No portion of any payments made under the judgment shall be deemed a payment of any fine, penalty, punitive assessment, or forfeiture.

J. Proceedings instituted under this Section are in addition to, and not in lieu of, any other civil or criminal remedies that may be provided by law, including any other proceedings the Commission may initiate to enforce this Order.

## VII. RIGHT TO REOPEN

IT IS FURTHER ORDERED that:

A. The Commission's agreement to this Order and the Court's approval are expressly premised upon the truthfulness, accuracy, and completeness of the sworn financial statement and all attachments signed by Defendant Bell on August 24, 2012, and the supplemental financial information provided by Defendant Bell. Defendant Bell stipulates that

all financial information he submitted to the Commission is truthful, accurate, and complete. The documents submitted contain material information upon which the Commission relied in negotiating and agreeing to the terms of this Order.

B. If, upon motion by the Commission, the Court determines that Defendant Bell failed to disclose any material asset, materially misrepresented the value of any asset, or made any other material misrepresentation or omission in his financial disclosures, then the suspension of the judgment, ordered in Subsection A of the Section titled "Monetary Judgment," shall be terminated and the entire judgment amount shall be entered against Defendant Bell. The reinstated judgment shall become immediately due and payable by Defendant Bell, and interest computed at the rate prescribed under 28 U.S.C. § 1961, as amended, shall immediately begin to accrue on any unpaid balance.

C. In all other respects this Order shall remain in full force and effect unless otherwise ordered by the Court.

D. Proceedings instituted under this Section would be in addition to, and not in lieu of, any other civil or criminal remedies ~~may~~ be provided by law, including any other proceedings that the Commission may initiate to enforce this Order.

#### VIII. COOPERATION WITH FEDERAL TRADE COMMISSION

IT IS FURTHER ORDERED that Defendant Bell shall cooperate in good faith with representatives of the Commission in this case and in any investigation related to or associated with the transactions or occurrences that are the subject of the Commission's Complaint. Defendant Bell shall appear at such places and times as a Commission representative shall reasonably request, upon five days written notice, ~~in~~ interviews, conferences, pretrial discovery, review of documents, and for such other matters as may be reasonably requested, and shall

provide truthful testimony in any trial, deposition, or other proceeding, without the service of a subpoena.

IX. COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of (i) monitoring and investigating compliance with any provision of this Order, and (ii) investigating the accuracy of Defendant Bell's financial statements upon which the Commission's agreement to this Order is expressly premised:

A. Within ten (10) days of receipt of written notice from a representative of the Commission, Defendant Bell shall submit additional written reports, which are true and accurate and sworn to under penalty of perjury; produce documents for inspection and copying; appear for deposition; and provide entry during normal business hours to any business location in his possession or direct or indirect control to inspect the business operation;

B. In addition, the Commission is authorized to use all other lawful means, including, but not limited to:

1. obtaining discovery from any person, without further leave of court, using the procedures prescribed by Fed. R. Civ. P. 30, 31, 33, 34, 36, 45, and 69;

2. having its representatives pose as consumers and suppliers to Defendant Bell, his employees, or any other entity managed or controlled in whole or in part by Defendant Bell, without the necessity of identification or prior notice; and

C. Defendant Bell shall permit representatives of the Commission to interview any employer, consultant, independent contractor, representative, agent, or employee who has agreed to such an interview, relating in any way to any conduct subject to this Order. The person interviewed may have counsel present.



Provided, however, that nothing in this Order shall limit the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49 and 57b-1, to obtain any documentary material, tangible things, testimony, or information relevant to unfair or deceptive acts or practices in or affecting commerce (within the meaning of 15 U.S.C. § 45(a)(1)).

X. COMPLIANCE REPORTING

IT IS FURTHER ORDERED that, in order that compliance with the provisions of this Order may be monitored:

A. For a period of four (4) years from the date of entry of this Order, Defendant Bell shall notify the Commission of the following:

1. any changes in his residence, mailing addresses, and telephone numbers, within ten (10) days of the date of the change;
2. any changes in his employment status (including self-employment) and any change in his ownership in any business entity, within ten (10) days of the date of the change. The notice shall include the name and address of each business that Defendant Bell is affiliated with, employed by, creates or forms, or performs services for; a detailed description of the nature of the business; and a detailed description of his duties and responsibilities in connection with the business or employment;
3. any changes in Defendant Bell's name or use of any aliases or fictitious names within ten (10) days of the date of the change; and
4. any changes in any business entity that Defendant Bell directly or indirectly controls, or has an ownership interest in, that may affect compliance obligations arising under this Order, including, but not limited to: incorporation or other

organization; a dissolution, assignment, sale, merger, or other action; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order; or a change in the business name or address, at least thirty (30) days prior to the change provided that, with respect to any change in the business entity about which Defendant Bell learns less than thirty (30) days prior to the date the action is to take place, he shall notify the Commission as soon as is practicable after obtaining the knowledge.

B. One hundred eighty (180) days after the date of entry of this Order and annually thereafter for a period of four (4) years, Defendant Bell shall provide a written report to the Commission, which is true and accurate and sworn to under penalty of perjury, setting forth in detail the manner and form in which he has complied and is complying with this Order. This report shall include, but not be limited to:

1. Defendant Bell's then-current residence address, mailing addresses, and telephone numbers;
2. Defendant Bell's then-current employment status (including self-employment), including the name, addresses, and telephone numbers of each business that he is affiliated with, employed by, or performs services for; a detailed description of the nature of the business; and a detailed description of Defendant Bell's duties and responsibilities in connection with the business or employment; and
3. a copy of each acknowledgment of receipt of this Order, obtained pursuant to the Section titled "Distribution of Order," and
4. any other changes required to be reported under Subsection A of this Section.

C. Defendant Bell shall notify the Commission of the filing of a bankruptcy petition by Defendant Bell within fifteen (15) days of filing.

D. For the purposes of this Order, Defendant Bell shall, unless otherwise directed by the Commission's authorized representatives, send by overnight courier (not the U.S. Postal Service) all reports and notifications to the Commission that are required by this Order to:

Associate Director for Enforcement  
Bureau of Consumer Protection  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580  
RE: FTC v. Debt Relief USA, Inc., Kelly Reilly, Alvin Bell, James Wojcik,  
and Valerie Leath. Civil Action No. 3:11-CV-2059-N.

Provided that, in lieu of overnight courier, Defendant Bell may send reports or notifications by first-class mail, but only if he contemporaneously sends an electronic version of the report or notification to the Commission at [DEBrief@ftc.gov](mailto:DEBrief@ftc.gov).

E. For purposes of the compliance reporting and monitoring required by this Order, the Commission is authorized to communicate directly with Defendant Bell.

#### XI. RECORD KEEPING

IT IS FURTHER ORDERED that, for a period of seven (7) years from the date of entry of this Order, Defendant Bell, for any business for which he is the majority owner or directly or indirectly controls, is restrained and enjoined from failing to create and retain the following records:

A. Accounting records that reflect cost of products sold, revenues generated, and the disbursement of the revenues;

B. Personnel records accurately reflecting: the name, address, and telephone number of each person employed in any capacity by the business, including as an independent contractor; that person's job title or position; the date upon which the person commenced work; and the date and reason for the person's termination, if applicable;

C. Customer files containing the names, addresses, phone numbers, dollar amounts paid, quantity of items or services purchased, and description of items or services purchased, to the extent the information is obtained in the ordinary course of business;

D. Complaints and refund requests (whether received directly or indirectly, such as through a third party) and any responses to those complaints or requests;

E. Copies of all sales scripts, training materials, advertisements, or other marketing materials, including, but not limited to, scripts, talking points, rebuttal recommendations, advertisements, and marketing materials, and a representative copy of all letters or other written communications sent to consumers or third parties; and

F. All records and documents necessary to demonstrate full compliance with each provision of this Order, including, but not limited to, copies of acknowledgments of receipt of

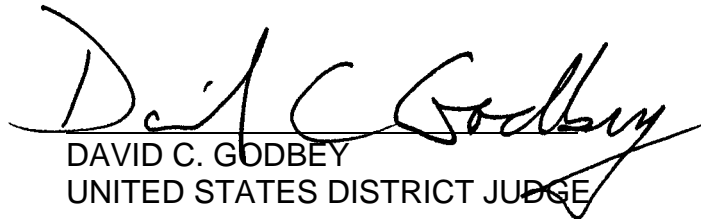
A. Defendant Bell as control person:

XIV. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

IT IS SO ORDERED.

SIGNED December 3, 2012.

  
DAVID C. GODBEY  
UNITED STATES DISTRICT JUDGE

The parties, by their respective counsel, consent to the terms and conditions of the Stipulated Permanent Injunction and Final Order as set forth above and consent to the entry of it.

SO STIPULATED AND AGREED:

FOR DEFENDANT ALVIN BELL:

/s/ Alvin Bell  
ALVIN BELL, Individually

Date: 9-12-12

/s/ Scott M. Garelick  
SCOTT M. GARELICK  
Texas Bar. No. 24029053  
600 North Pearl Street, Suite 1600  
Plaz9 0.7pogAemrficse  
Texas75 203  
214) 953-1321 3  
214) 953-0696E  
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Date: 9-12-12

FOR PLAINTIFF FEDERAL TRADE COMMISSION:

WILLARD K. TOM  
General Counsel

DEANYA T. KUECKELHAN  
Regional Director

/s/ Susan E. Arthur  
SUSAN E. ARTHUR  
Texas Bar No. 01365300  
SHEREEN EL DOMEIRI  
Texas Bar No. 24036518

Date: 11-21-12

FEDERAL TRADE COMMISSION  
Southwest Regional Office  
1999 Bryan Street, Suite 2150  
Dallas, Texas 75201  
Tel: 214-979-9370 (Arthur)  
Tel: 214-979-9395 (El Domeiri)  
Fax: 214-953-3079  
Email: sarthur@ftc.gov  
Email: seldomeiri@ftc.gov

ATTORNEYS FOR PLAINTIFF  
FEDERAL TRADE COMMISSION