

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

Case No: 8:12-cv-586-T-35EAJ

PRO CREDIT GROUP, LLC, a Florida limited liability company, BRETT FISHER, individually and as an officer, owner, director, member, or manager of Pro Credit Group, LLC, SANDERS LEGAL GROUP, P.A., a Florida corporation, SANDERS LAW, P.A., a Florida corporation, ANDRE KEITH SANDERS, individually and as an officer, owner, director, member, or manager of Sanders Legal Group, P.A., and My Success Track, LLC, MY SUCCESS TRACK, LLC, a Florida limited liability company, CONSUMER CREDIT GROUP, LLC, a Florida limited liability company, DALE ROBINSON, individually, and as an officer, owner, director, member, or manager of member of Consumer Credit Group, LLC, FIRST FINANCIAL ASSET SERVICES, INC., a Florida corporation and WILLIAM BALSAMO, individually and as an officer, owner, director, member, or manager of Consumer Credit Group, LLC,

Defendants.

ORDER OF FINAL DEFAULT JUDGMENT, PERMANENT INJUNCTION AND
OTHER EQUITABLE RELIEF AS TO DEFENDANT PRO CREDIT GROUP

THIS CAUSE comes before the Court for consideration of Plaintiff's Motion for Entry of Default Judgment and Order for Permanent Injunction and Other Equitable Relief as to Defendant Pro Credit Group, LLC. (Dkt. 214) Upon consideration of all relevant filings, case law, and being otherwise fully advised, the Court hereby GRANTS Plaintiff's motion.

Plaintiff, the Federal Trade Commission ("Commission" or "FTC"), filed its Complaint on March 19, 2012 for a permanent injunction and other equitable relief in this matter, pursuant to Sections 13(b) and 19 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 53(b) and 57b, and the Telemarketing and Consumer Fraud and Abuse Prevention Act ("Telemarketing Act"), 15 U.S.C. § 6101 *et seq.* The Court granted leave to file and entered an Amended Complaint on November 14, 2012. (Dkt. 183) The FTC alleged that defendant Pro Credit Group, LLC, ("PCG"), along with several other corporations and individuals, violated Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the FTC's Telemarketing Sales Rule ("TSR"), 16 C.F.R. Part 310 (1995) (as amended), in connection with the alleged deceptive marketing of a service to lower consumers' credit card interest rates (the "LI service"), and violated Section 5(a) of the FTC Act in connection with processing payments from consumers that consumers did not owe and that consumers were coerced into paying through lies, threats and abusive phone calls from foreign call centers working with PCG and other defendants.

has not retained counsel and has not answered Plaintiff's Amended Complaint. Further, no response to the instant motion has been filed and the time for doing so has elapsed. The Court, having considered the FTC's Motion and evidence, finds that an order granting default judgment against PCG is appropriate.

Corporations cannot represent themselves *pro se* and neither principals of corporations nor their registered agents, who are not lawyers, can represent the interests of a corporation in a court of law. See M.D. Fla. Local Rule 2.03(e); Palazzo v. Gulf Oil Corp.

processing activities and the marketing or sale of a service purporting to lower the interest rates on consumers' debts.

5. The FTC has the authority under Sections 13(b) and 19 of the FTC Act, 15 U.S.C. §§ 53(b) and 57(b), to seek the relief it has requested.

6. Defendant was properly served with the Summons and Complaint on March 21, 2012. Defendant was properly served with the Amended Complaint on November 14, 2012.

7. Defendant has not been represented by counsel in this action since August 28, 2012. Defendant did not retain new counsel, despite this Court's Order that it do so.

8. Default was entered against Defendant PCG on December 18, 2012.

9. The factual allegations in the Commission's Amended Complaint are taken as true as against Defendant PCG.

10. As alleged in the Amended Complaint, Defendant PCG participated in a common enterprise to market or sell a service purporting to lower the interest rates on consumers' debts ("Interest Rate Reduction Scheme"). In addition to promising lower interest rates, as part of the Interest Rate Reduction Scheme,

often claimed that they were law enforcement officers or lawyers or otherwise affiliated with law enforcement authorities. Callers threatened consumers with arrest or legal action if they failed to pay immediately and, in numerous instances, possessed consumers' personal information – such as Social Security Numbers or addresses – and used that information to convince consumers that they were legitimate debt collectors. Consumers paid the purported debts as instructed because they were afraid of the threatened repercussions.

15. PCG processed consumers' payments. PCG also fielded complaints from consumers and from the Better Business Bureau of Clearwater, Florida, about the callers' abusive practices and about the fact that consumers did not owe the money the callers sought. In August 2010, Defendant was contacted by a U.S. Secret Service agent conducting a criminal investigation stemming from consumer complaints spawned by the acts described above.

16. Despite knowledge of consumer complaints and the criminal investigation, PCG continued processing payments for the overseas callers without contracts or proof of the right to collect the debts.

17. Defendant PCG directly participated in the unfair practices of this Debt Collection Scheme.

18. As a result of the unfair and deceptive acts and practices set forth above in the Interest Rate Reduction Scheme and the Debt Collection Scheme, consumers have incurred injury of at least \$25,283,238. Verified financial

23. This Order is in addition to, and not in lieu of, any other civil or criminal

arranging for the development or provision of sales scripts or other marketing materials; (4) providing, or arranging for the provision of, names of potential customers; or (5) performing marketing services of any kind including, but not limited to, telemarketing.

payment or other terms of any debt or obligation between a consumer and one or more secured or unsecured creditors, servicers, or debt collectors.

6. **Í HY'Ya Uf_Yhjb[Í** means any plan, program or campaign that is conducted to induce the purchase of goods or services by means of the use of one or more telephones, and which involves a telephone call, whether or not covered by the Telemarketing Sales Rule, 16 C.F.R. Part 310.

ORDER

I.

PERMANENT BAN REGARDING TELEMARKETING

IT IS THEREFORE ORDERED that Defendant is permanently restrained and enjoined from engaging or participating in telemarketing, directly or through an intermediary, including, but not limited to, by consulting, brokering, planning, investing, marketing, or by providing customer service or billing or payment services.

Section IV shall not be construed as an exception to this Section I.

II.

PERMANENT BAN REGARDING FINANCIAL -RELATED GOODS OR SERVICES

IT IS FURTHER ORDERED

Related Goods or Services.

Section IV shall not be construed as an exception to this Section II.

III.
PERMANENT BAN REGARDING
DEBT RELIEF SERVICES

IT IS FURTHER ORDERED that Defendant, whether acting directly or indirectly, is permanently restrained and enjoined from providing debt relief

monetary judgment pursuant to this Order, such as a nondischargeability complaint in any bankruptcy case.

C. The facts alleged in the Amended 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 this Order will have collateral estoppel effect for such purposes.

D. Defendant's Taxpayer Identification Numbers (Employer Identification Numbers) may be used for collecting and reporting on any delinquent amount arising out of this Order, in accordance with 31 U.S.C. § 7701.

E. All money paid to the Commission pursuant to this Order may be deposited into a fund administered by the Commission or its designee to be used for equitable relief, including consumer redress and any attendant expenses for the administration of any redress fund. If a representative of the Commission decides that direct redress to consumers is wholly or partially impracticable or money remains after redress is completed, the Commission may apply any remaining money for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to Defendant's practices alleged in the Amended Complaint. Any money not used for such equitable relief is to be deposited to the U.S. Treasury as disgorgement. Defendant has no right to challenge any actions the Commission or its representatives may take pursuant to this Subsection.

VII.
LIFTING OF ASSET FREEZE

IT IS FURTHER ORDERED that the freeze against the assets of
Defendant pursuant to Part II of the Stipulated Preliminary Injunction as to

Defendants Brett Fisher and Pro Credit Group, LLC, entered by[(of)-8(i-3(mdz A gc0 0 B3T 1 0 0 1

account) that any Defendant obtained prior to entry of this Order in connection with any activities alleged in the Amended Complaint; and

C. Failing to dispose of such customer information in all forms in their possession, custody, or control within 30 days after entry of this Order. Disposal must 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 destroying 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 law, regulation, or court order.

IX.
ORDER ACKNOWLEDGMENTS

IT IS FURTHER ORDERED that Defendant obtain acknowledgments of receipt of this Order as follows:

A. Defendant, within 7 days of entry of this Order, must submit to the Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.

B. For 10 years after entry of this Order, Defendant must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees, agents, and representatives who participate in conduct related to the subject matter of the Order; and (3) any business entity resulting from any change in structure as set forth in the Section titled

Compliance Reporting. Delivery must occur within 7 days of entry of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities.

C. From each individual or entity to which a Defendant delivers a copy of this Order, that Defendant must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

X.
COMPLIANCE REPORTING

IT IS FURTHER ORDERED that Defendant make timely submissions to the Commission as follows:

A. Within 180 days after entry of this Order, Defendant must submit a compliance report, sworn under penalty of perjury. In that report, Defendant must:

1. Identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the Commission may use to communicate with Defendant;
2. Identify all of the

4. Describe in detail whether and how the Defendant is in compliance with each Section of this Order; and
5. Provide a copy of each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the Commission.

B. For 10 years following entry of this Order, Defendant must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following:

1. Any designated point of contact; or
2. The structure of Defendant or any entity that Defendant has any ownership interest in or controls directly or indirectly that may affect compliance obligations arising under this Order, including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order.

C.

D. All reco

the necessity of identification or prior notice. Nothing in this Order limits the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

XIII.
RETENTION OF JURISDICTION

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

The CLERK is DIRECTED to serve this order on the unrepresented parties and the counsel of record. In the circumstance that the unrepresented parties' address is not listed on CM/ECF, the CLERK is directed to use the address provided in the return of service.

DONE and ORDERED in Tampa, Florida, this 3rd day of December, 2013.

A handwritten signature in red ink is written over a signature line that has been completely blacked out. The signature is cursive and appears to be "John P. ...".

Copies furnished to: