

v.

LARRY S. GLICKLER DQ LQGLYL
EXVLQHVV DGRQG HOO\ *C
)XQHUDO +RPH

Defendant

Civil Action -cv-19

CONSENT DECREE

3ODLQWLII WKH 8QLWHG 6WDWHV RI \$PHULFD DFWLQJ
\$WWRUQH\ *HQHUDO E\ WKH)HGHUDO 7UDGH &RPPLVVLRQ
IR&LYLO 3HQDOWLHV DQG ,QMXQFWLYH DQG 2WKHU (TXLWD
FLYHQDOWLHV DQG RWKHU UHOLHI LQ WKLV PDWWHU SXU
)HGHUDO 7UDGH &RPPLVVLRQ \$FW)7& \$FW 86 & ††
*OLFNOHQGLYLGXDOO\ DQG GRLQJ EXVLQHVV DV %UDGIRUG
ZDLYHG VHUYLFH RI WKH 6XPPRQV DQG WKH &RPSODLQW
PRLVRQ 3ODLQWLII DQG 'HIHQGDQW /DUU\ 6 *OLFNOHU LQG
&RQQHOO\ *OLFNOHU)XQHUDO +RPH VWLSXODWH WR WKH
UWROYH DOO PDWWHUV LQ GLVSXWH LQ WKLV DFWLRQ EHWZ

ORDER

7+(5())25(,7 ,6 25'(5(' DV IROORZV

FINDINGS

7KLV &RXUW KDV MXULVGLFWLRQ RYHU WKLV PDWWHU

7KH &RPSODLQW FKDUJHV WKDW 'HIHQGDQW SDUWLFLS

YLDLRLRQ RI WKH)7&¶V 7UDGH 5HJXODWLRQ 5XOH &RQFHUQ

&

& 3)XQHUDO Q U 5 XOH' VKDOO PHDQ WKH 7UDGH 5HJXODWLF
,QG XVWU\ 3UDFWLFHV &) 5 3DUW LVVXHG E\ WKH)7
)7& SXEOLFDWLRQ HQWLWOHG 3&RPSO\LQJ ZLWK WKH)XQH
UHVSHFWLYHO\

' 3)XQHUDO WKDOO PHDQ DQ\ VHUYLFH ZKLFK PD\ EH XVH
GHFHDVHG KXPDQ ERGLHUIR W EXULDO QD QUGHPDWRVLRQ DQ
VXSHUYLVH RU FRQGXFW WKH IXQHUDO FHUHPRQ\ RU WKH I

I. INJUNCTION

,7 ,6 25'(5(' WKDW 'HIHQGDQW KLV DJHQWV VHUYDQWV
RWKSHU VRQV LQ DFWLYH FRQFHUW RU SDUWLFLSDWLRQ ZLV
ZKHWKHU DFWLQJ GLUHFWO\ RU LQGLUHFWO\ LQ FRQQHFW
DQ IXQHUDO VHUYLFHV WR WKH SXEOLF DUH SHUPDQHQC
GLFWHO\ RU WKURXJK DQ\ FRUSRUDWLRQ VXEVLGLDU\ GLYL
)XQHUDO 5XOH LQFOXGLQJ EXW QRW OLPLWHG WR WKH 5
\$)DLQLQJ WR VKRZ FRQVXPHUV ZKR LQTXLUH LQ SHUVRQ
RU DOWHUQDWLYH FRQWDLQHUV D SULQWHG RU W\SHZULW
EXQ DQ\ HYHQW EHIRUH VKRZLQJ DQ\ FDNHWV DOWHUQDV
VXEMHPV

%)DLQLQJ WR VKRZ FRQVXPHUV ZKR LQTXLUH LQ SHUVRQ
EXULDO FRQWDLQHUV D SULQWHG RU W\SHZULWWHQ RXWH
GLVFXVVLQJ RI EXW LQ DQ\ HYHQW EHIRUH VKRZLQJ DQ\ F
RU PRGHQV RU SLFWXUHV RI VXFK LWHPV

&)DLLOLQJ WR JLYH FRQVXPHUV ZKR LQTXLUH LQ SHUVRQ
JRRGV RU IXQHUDO VHUYLFHV D SULQWHG RU W\SHZULWWH
EHJLQQQLQJ GLVFXVVLQRQ RI WKH RYHUDOO W\SH RI IXQHUDO
RU VHUYLFHV RIIHUG RU WKH SULFHV RI VXFK IXQHUDO J
')DLLOLQJ WR FRPSO\ ZLWK DQ\ RWKHU SURYLVLQRQ RI WK
SXUVXDQW WR &) 5 † E LL 'HIHQGDQW LV QRW
FRPELQDWLRQ RI IXQHUDO JRRGV RU IXQHUDO VHUYLFHV W

\$)IG 00 KH0đ p €đ0 W

&)URP HDFK LQGLYLGXDO RU HQWLW\ WR ZKLFK 'HIHQGD
'HIHQGDQW PXVW REWDLQ ZLWKLQ WKLUW\ GD\V D VLJ
WKL2UGHU

β"Q&@0€ ± H 9"sQ&@ 0

%)RU WZHQW\ \HDUV DIWHU HQWU\ RI WKL V 2UGHU 'H
QRWLFH VZRUQ XQGHU SHQDOW\ RI SHUMXU\ ZLWKLQ IRXU
'HIHQGDQW PXVW UHSRUW DQ\ FKDQJH LQ D DQ\ GH
E WKH VWUXFWXUH RI DQ\ HQWLW\ WKDW 'HIHQGDQW KDV D
LQGHFWO\ WKDW PD\ DIIHFW FRPSOLDQFH REOLJDWLRQV DU
PHUHU VDOH RU GLVVROXWLRQ RI WKH HQWLW\ RU DQ\ VXE
DFWV RU SUDFWLFHV VXEMHFW WR WKL V 2UGHU
\$GGLWLRQDOO\ WKH 'HIHQGDQW PXVW UHSRUW DQ\ F
RULFWLWLRXV QDPHV RU UHVLGHQWLDO DGGUHVV RU E
LQFOXGH\ EXVLQHVV IRU ZKLFK KH SHUIRUPV VHUYLFHV ZK
DQ\ HQWLW\ LQ ZKLFK KH KDV DQ\ RZQHUVKLS LQWHUHV
DQG DQ\ ,QWHUQHW DGGUHVV RI WKH EXVLQHVV RU HQWLW\
& 'HIHQGDQW PXVW VXEPLW WR WKH &RPPLVVLRQ QRWLFH
LQVROF\ SURFHHGLQJ RU VLPLODU SURFHHGLQJ E\ RU DJD
RI

&RQVXPHU 3URWHFWLRQ)HGHUDO 7UDGH &RPPLVVLRQ
'& 7KH VXEMHFW OLQH PXVW EHJLQ 8QLWHG 6WDWHV Y

V. RECORDKEEPING

,7 ,6)857+(5 25'(5(' WKDW 'HIHQGDQW FUHDWH FHUWDLQ
DWHU HQWU\ RI WKH 2UGHU DQG UHWDLQ HDFK VXFK UHFR
'HIHQGDQW IRU DQ\ EXVLQHVV WKDW KH LV D PDMRULW\ RZ
FUHDWH DQG UHWDLQ WKH IROORZLQJ UHFRUGV
\$ \$FRXQWLQJ UHFRUGV VKRZLQJ WKH UHYHQXHV IURP DO
% 3HUVRRQHO UHFRUGV VKRZLQJ IRU HDFK SHUVRQ SURY
RU RWKHUZLVH WKDW SHUVRQ¶V QDPH DGGUHVHVH WHO
VHUFLFH DQG LI DSSOLFDEOH WKH UHVRQ IRU WHUPLQD
& &XVWRPHU ILOHV VKRZLQJ WKH QDPHV DGGUHVHVH WH
DQG WKH TXDQWLW\ DQG GHVFULSWLRQ RI IXQHDO JRRGV
' &RPSODLQWV DQG UHIXQG UHTXHVWV FRQFHUQLQJ WKH
VHUFLFHV ZKHWKHU UHFHLYHG GLUHFWO\ RU LQGLUHFWO\
(\$OORW\ QHFHVVDU\ WR GHPRQVUDWH IXOO FRPSOLD
LQFOXGLQJ DOO VXEPLVVLRQV WR WKH &RPPLVVLRQ DQG
) \$FRS\ RI HDFK SULFH OLVW FRQWUDFW DGYHUWLVHPI
VDOH RU RIIHU RI IXQHDO JRRGV RU IXQHDO VHUFLFHV

VI. COMPLIANCE MONITORING

,7 ,6)857+(5 25'(5(' IRU WKH SXUSRVH RI PRQLWRULQJ
ZLWK WKLV 2UGHU LQFOXGLQJ DQ\ IDLOXUH WR WUDQVIHU

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

**FOR THE FEDERAL TRADE
COMMISSION:**

FOR THE DEFENDANT:

By:

James M. ...



