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2. The Commission's complaint states a claim upon which relief may be



1 William D. Claspell, a/k/a Bill Claspell, Richard Frost, Dino Mitchell, Clinton Rackley,  
2 Lance Himes, a/k/a Lance R. Himes, a/k/a Raymond L. Himes, Leary Darling, Donna F.  
3 Duckett, Della Frost, also d/b/a Zoom Docs, Christopher Grimes, also d/b/a Elite  
4 Marketing Strategies, Alannah M. Harre, also d/b/a National Marketing Group, Ronald  
5 W. Hobbs, a/k/a Ron Hobbs, also d/b/a Ron Hobbs & Associates, Janine Lilly, also d/b/a  
6 Doc Assistant, Michael McIntyre, also d/b/a McIntyre Marketing, Benny Montgomery,  
7 also d/b/a Montgomery Marketing, Virginia Rios, also d/b/a V&R Marketing Solutions  
8 and Kendrick Thomas, also d/b/a KT Advertising.

9 8. “**National Do Not Call Registry**” means the registry of telephone numbers  
10 maintained by the FTC, pursuant to the Telemarketing Sales Rule, 16 C.F.R.  
11 § 310.4(b)(1)(iii)(B), of Persons who do not wish to receive Outbound Telephone Calls to  
12 induce the purchase of goods or services.

13 9. “**New Business**” means a business in which the prospective purchaser is  
14 not currently engaged, or a new line or typ2.765iM1(Thomas17epura6lept nL-.aN7 TD.0023 T1H

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13. **“Representatives”** means Defendant Rackley’s officers, agents, servants, employees, and attorneys, and all other Persons in active concert or participation with any



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**III.**

**Prohibition Against Misrepresentations**

**IT IS ORDERED** Defendant Rackley and his Representatives, whether acting directly or indirectly, in connection with the advertising, marketing, promotion, offering for sale, or sale of any products or services other than those banned by Sections I or II of this Order, are **permanently restrained and enjoined from** misrepresenting or assisting others in misrepresenting, expressly or by implication:

A. That Defendant Rackley or any other Person offers, sells, or provides loans or cash advances;

B. The amount of income, earnings, or profits that a Person may or is likely to earn, or that other Persons have earned;

C. That Defendant Rackley or any other Person will provide, locate, or obtain leads containing the names or contact information of Persons potentially interested in products or services Defendant Rackley or any other Person purports to offer;

D. That Defendant Rackley or any other Person will contact, sell, or provide services to businesses consumers refer;

E. The total cost to purchase, receive, or use any products or services; or

F. Any material aspect of the performance, efficacy, nature, or central characteristics of any product or service.

**IV.**

**Monetary Judgment**

**IT IS FURTHER ORDERED** that:

A. Judgment in the amount of One Hundred Seventy-Nine Thousand, Nine Hundred Seventy-Six Dollars and Fifty-Two Cents (\$179,976.52) is entered in favor of the Commission against Defendant Rackley as equitable monetary relief.

B. All payments under this Order must be made by electronic fund transfer in accordance with instructions provided by a representative of the Commission.





1 consumers is wholly or partially impracticable or money remains after redress is  
2 completed, the Commission may apply any remaining money for such other equitable  
3 relief (including consumer information remedies) as it determines to be reasonably  
4 related to Defendants' practices alleged in the Complaint. Any money not used for such  
5 equitable relief is to be deposited to the U.S. Treasury as disgorgement. Defendant  
6 Rackley has no right to challenge any actions the Commission or its representatives may  
7 take pursuant to this Subsection.

8 **V.**

9 **Lifting of Asset Freeze**

10 **IT IS FURTHER ORDERED** the asset freeze set forth in the Preliminary  
11 Injunction Order (Doc. 95) entered by this Court on September 13, 2013, is modified to  
12 permit the payments and transfers identified in Section IV of this Order. Upon  
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1 C. Failing to destroy such customer information in all forms in Defendant  
2 Rackley's possession, custody, or control within thirty (30) days after receipt of written  
3 direction to do so from a representative of the Commission.

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

7 **VII.**

8 **Cooperation**

9 **IT IS FURTHER ORDERED** Defendant Rackley must fully cooperate with  
10 representatives of the Commission in this case and in any investigation related to or  
11 associated with the transactions or the occurrences that are the subject of the Complaint.  
12 Defendant Rackley must provide truthful and complete information, evidence, and  
13 testimony. Defendant Rackley must appear for interviews, discovery, hearings, trials, and  
14 any other proceedings that a Commission representative may reasonably request upon  
15 five (5) days written notice, or other reasonable notice, at such places and times as a  
16 Commission representative may designate, without the service of a subpoena.

17 **VIII.**

18 **Order Acknowledgments**

19 **IT IS FURTHER ORDERED** that Defendant Rackley obtain acknowledgments  
20 of receipt of this Order as follows.

21 A. Defendant Rackley, within seven (7) days of entry of this Order, must  
22 submit to the Commission an acknowledgment  
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1 from any change in structure as set forth in the Section titled Compliance Reporting.  
2 Delivery must occur within seven (7) days of entry of this Order for current personnel.  
3 For all others, delivery must occur before they assume their responsibilities.

4 C. From each individual or entity to which Defendant Rackley delivered a  
5 copy of this Order, Defendant Rackley must obtain, within thirty (30) days, a signed and  
6 dated acknowledgment of receipt of this Order.

7 **IX.**

8 **Compliance Reporting**

9 **IT IS FURTHER ORDERED** Defendant Rackley make timely submissions to  
10 the Commission as follows.

11 A. One year after entry of this Order, Defendant Rackley must submit a  
12 compliance report, sworn under penalty of perjury, which must:

13 1) this Order

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- 5) Describe the activities of each business, including the goods and services offered, the means of advertising, marketing, and sales, and the involvement of any other Defendant in the case of *FTC v. Money Now Funding* (which Defendant Rackley must describe if he knows or should know due to his own involvement);
- 6) Describe in detail whether and how Defendant Rackley is in compliance with each Section of this Order; and
- 7) Provide a copy of each Order Acknowledgment obtained pursuant to this Order

1 D. Any submission to the Commission required by this Order to be sworn  
2 under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746,  
3 such as by concluding: “I declare under penalty of perjury under the laws of the United  
4 States of America that the foregoing is true and correct. Executed on: \_\_\_\_\_” and  
5 supplying the date, signatory’s full name, title (if applicable), and signature.

6 E. Unless otherwise directed by a Commission representative in writing, all  
7 submissions to the Commission pursuant to this Order must be emailed to  
8 DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to:

9 Associate Director for Enforcement  
10 Bureau of Consumer Protection  
11 Federal Trade Commission  
12 600 Pennsylvania Avenue NW  
13 Washington, DC 20580

14 The subject line must begin: FTC v. Clinton Rackley, Matter No. X130063.

15 **X.**

16 **Recordkeeping**

17 **IT IS FURTHER ORDERED** Defendant Rackley must create certain records  
18 for twenty (20) years after entry of the Order, and retain each such record for five (5)  
19 years. Specifically, Defendant Rackley, for any business that Defendant Rackley is a  
20 majority owner or controls directly or indirectly, must create and retain the following  
21 records.

22 A. Accounting records showing the revenues from all goods or services sold;

23 B. Personnel records showing, for each person providing services, whether as  
24 an employee or otherwise, that person’s: name; addresses; telephone numbers; job title or  
25 position; dates of service; and (if applicable) the reason for termination;

26 C. Records of all consumer complaints and refund requests, whether received  
27 directly or indirectly, such as through a third party, and any response;

28 D. All records necessary to demonstrate full compliance with each provision  
of this Order, including all submissions to the Commission; and

E. A copy of each unique advertisement or other marketing material.

1 **XI.**

2 **Compliance Monitoring**

3 **IT IS FURTHER ORDERED** that, for the purpose of monitoring Defendant  
4 Rackley's compliance with this Order, including the financial representations upon which  
5 part of the judgment was suspended and any failure to transfer any assets as required by  
6 this Order:

7 A. Within 14 days of receipt of a written request from a representative of the  
8 Commission, Defendant Rackley must submit additional compliance reports or other  
9 requested information, which must be sworn under penalty of perjury; appear for  
10 depositions; and produce documents for inspection and copying. The Commission is also  
11 authorized to obtain discovery, without further leave of court, using any of the procedures  
12 prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions),  
13 31, 33, 34, 36, 45, and 69.

14 B. For matters concerning this Order, the Commission is authorized to  
15 communicate directly with Defendant Rackley. Defendant Rackley must permit  
16 representatives of the Commission to interview any employee or other person affiliated  
17 with Defendant Rackley who has agreed to such an interview. The person interviewed  
18 may have counsel present.

19 C. The Commission may use all other lawful means, including posing, through  
20 its representatives as consumers, suppliers, or other individuals or entities, to Defendant  
21 Rackley or any individual or entity affiliated with him, without the necessity of  
22 identification or prior notice. Nothing in this Order limits the Commission's lawful use of  
23 compulsory process, pursuant to Sections 9 a

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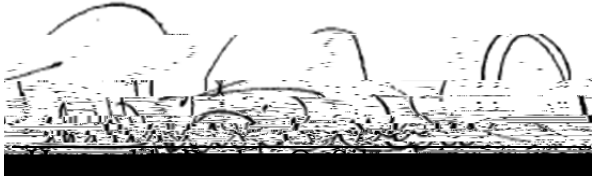
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**XII.**

**Retention of Jurisdiction**

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

Dated this 2nd day of June, 2015.



Senior United States District Judge