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

I	11. Provide Outlets, Accounts, or Customers, including, but not
2	limited to, Internet outlets, accounts, or customers, for the
3	purchaser's goods or services; or
4	iii. Buy back any or all of the goods or services that the
5	purchaser makes, produces, fabricates, grows, breeds,
6	modifies, or provides, including but not limited to providing
7	payment for such services as, for example, stuffing envelopes
8	from the purchaser's home.
9	2. "Business Opportunity Rule" means the FTC Rule entitled "Disclosure
10	Requirements and Prohibitions Concerning Business Opportunities," 16 C.F.R. Part 437,
11	as amended.
12	3. "Business Opportunity Seller" means a Person who offers for sale or sells
13	a business opportunity.
14	4. "Corporate Defendants" means Money Now Funding, LLC, a/k/a Money
15	Now Funded, a/k/a Cash4Businesses, a/k/a CashFourBusinesses, a/k/a Green Merchant
16	Funding, a/k/a Nationwide Lending, Rose Marketing, LLC, DePaola Marketing, LLC,
17	Affiliate Marketing Group, LLC, Legal Doxs, LLC, a/k/a First Business, LLC, US Doc
18	Assist, LLC, a/k/a First Business, LLC, Affinity Technologies, LLC, Marketing Expert
19	Solutions, LLC, Strategic Media Advertising, LLC, Global Network Marketing, LLC,
20	Precise Payroll Services, LLC, and their successors and assigns.
21	5. "Defendants" means the Individual Defendants and Corporate Defendants,
22	individually, collectively, or in any combination.
23	6. "Designated Person" means any Person, other than the Business
24	Opportunity Seller, whose goods or services the Business Opportunity Seller suggests,
25	recommends, or requires that the purchaser use in establishing or operating a New
26	Business.
27	7. "Individual Defendants" means Lukeroy K. Rose, a/k/a Luke Rose,
28	Cordell Bess, Cynthia Miller, a/k/a Cynthia Metcalf, Solana DePaola, Jennifer Beckman,

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 nLaN7 TD.0023 T1)		
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"Representatives" means Defendant Rackley's officers, agents, servants, 13. employees, and attorneys, and all other Persons in active concert or participation with any

B. Holding any ownership interest, share, or stock in any business, other than a publicly traded company, that engages in Telemarketing.

However, this Section shall not prohibit Defendant Rackley from responding by telephone to consumer inquiries regarding the sale of goods or services, so long as payment or authorization of payment is made only after a face-to-face meeting with the consumer.

II.

Ban on the Sale of Business or Work-at-Home Opportunities

IT IS FURTHER ORDERED Defendant Rackley, whether acting directly or through an intermediary, is permanently restrained and enjoined from:

- A. Advertising, marketing, promoting, or offering for sale or assisting in the advertising, marketing, promoting, or offering for sale of any (1) Business Opportunity, (2) Work-at-home Opportunity, or (3) service to assist in the creation, advertising, marketing, promotion, or operation of a Business Opportunity or Work-at-home Opportunity, including, but not limited to, website development, advertising, marketing, sale of leads or lead generation, social media promotion, search engine optimization, training, and business establishment services; and
- B. Holding any ownership interest, share, or stock in any business, other than a publicly traded company, that engages in or assists in advertising, marketing, promoting, or offering for sale of any (1) Business Opportunity, (2) Work-at-Home Opportunity, or (3) service to assist in the creation, advertising, marketing, promotion, or operation of a Business Opportunity or Work-at-Home Opportunity, including, but not limited to, website development, advertising, marketing, sale of leads or lead generation, social media promotion, search engine optimization, training, and business establishment services.

1 III. 2 **Prohibition Against Misrepresentations** 3 IT IS ORDERED Defendant Rackley and his Representatives, whether acting 4 directly or indirectly, in connection with the advertising, marketing, promotion, offering 5 for sale, or sale of any products or services other than those banned by Sections I or II of 6 this Order, are **permanently restrained and enjoined from** misrepresenting or assisting 7 others in misrepresenting, expressly or by implication: 8 A. That Defendant Rackley or any other Person offers, sells, or provides loans 9 or cash advances: 10 B. The amount of income, earnings, or profits that a Person may or is likely to 11 earn, or that other Persons have earned; 12 C. That Defendant Rackley or any other Person will provide, locate, or obtain 13 leads containing the names or contact information of Persons potentially interested in 14 products or services Defendant Rackley or any other Person purports to offer; 15 D. That Defendant Rackley or any other Person will contact, sell, or provide 16 services to businesses consumers refer; 17 E. The total cost to purchase, receive, or use any products or services; or F. 18 Any material aspect of the performance, efficacy, nature, or central 19 characteristics of any product or service. 20 IV. 21 **Monetary Judgment** 22 **IT IS FURTHER ORDERED** that: 23 Judgment in the amount of One Hundred Seventy-Nine Thousand, Nine A. 24 Hundred Seventy-Six Dollars and Fifty-Two Cents (\$179,976.52) is entered in favor of 25 the Commission against Defendant Rackley as equitable monetary relief. 26 B. All payments under this Order must be made by electronic fund transfer in 27 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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C. 1 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 representatives of the Commission in this case and in any investigation related to or 10 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 of receipt of this Order as follows. 20 21 Defendant Rackley, within seven (7) days of entry of this Order, must A. 22 submit to the Commission an acknowledgment 23 24 25 26 27

1	from any change in structure as set form 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:
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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 Order68 2t95 0 TD0 Tc()Tj/TT2 1 Tf1.9355 0 TD-.0003 Tc-.0009 Tw2

1	D.	Any submission to the Commission required by this Order to be sworn			
2	under penal	ty 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 An	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 Bureau of Consumer Protection			
10		Federal Trade Commission 600 Pennsylvania Avenue NW			
11		Washington, DC 20580			
12	The subject line must begin: FTC v. Clinton Rackley, Matter No. X130063.				
13	X.				
14	Recordkeeping				
15	IT IS FURTHER ORDERED Defendant Rackley must create certain records				
16	for twenty (20) years after entry of the Order, and retain each such record for five (5)				
17	years. Specifically, Defendant Rackley, for any business that Defendant Rackley is a				
18	majority ow	oner or controls directly or indirectly, must create and retain the following			
19	records.				
20	A.	Accounting records showing the revenues from all goods or services sold;			
21	В.	Personnel records showing, for each person providing services, whether as			
22	an employe	e or otherwise, that person's: name; addresses; telephone numbers; job title or			
23	position; dates of service; and (if applicable) the reason for termination;				
24	C.	Records of all consumer complaints and refund requests, whether received			
25	directly or i	ndirectly, such as through a third party, and any response;			
26	D.	All records necessary to demonstrate full compliance with each provision			
27	of this Order, including all submissions to the Commission; and				
28	E.	A copy of each unique advertisement or other marketing material.			

Compliance Monitoring

XI.

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

- A. Within 14 days of receipt of a written request from a representative of the Commission, Defendant Rackley must submit additional compliance reports or other requested information, which must be sworn under penalty of perjury; appear for depositions; and produce documents for inspection and copying. The Commission is also authorized to obtain discovery, without further leave of court, using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69.
- B. For matters concerning this Order, the Commission is authorized to communicate directly with Defendant Rackley. Defendant Rackley must permit representatives of the Commission to interview any employee or other person affiliated with Defendant Rackley who has agreed to such an interview. The person interviewed may have counsel present.
- C. The Commission may use all other lawful means, including posing, through its representatives as consumers, suppliers, or other individuals or entities, to Defendant Rackley or any individual or entity affiliated with him, without the necessity of identification or prior notice. Nothing in this Order limits the Commission's lawful use of compulsory process, pursuant to Sections 9 a

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