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this court has concurrent jurisdiction to grant the exception from discharge relief set forth in Section V (Monetary Judgment) of this Order pursuant to 11 U.S.C. § 523(a)(3)(B).

10. Entry of thirfBTo3enlief

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Order

I. Prohibition on the Disclosure of ~~45 Sea 119er EDvo3stromarohib 10~~ ~~ITTS HREFORE C~~

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financial account) of any person that any defendant obtained prior to entry of this Order in connection with the marketing or offering of payday loans or other extensions of credit.

C. Failing to destroy such consumer information in all forms in Defendant’s possession, custody, or control within thirty (30) days after entry of this order.

Provided, however, that consumer 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. Monetary Judgment

IT IS FURTHER ORDERED that:

A. Judgment in the amount of four million, one hundred twenty four thousand, seven hundred ten dollars (\$4,124,710) is entered in favor of the FTC

1 immediately due as to Defendant in the amount specified in Subsection
2 V(A), which the parties stipulate to only for purposes of this Section
3 represents the consumer injury, less any payment previously made pursuant
4 to this Section, plus interest computed from the date of entry of this Order.

5 E. All money paid to the FTC pursuant to this Order may be deposited into a
6 fund administered by the FTC or its designee to be used for equitable relief,
7 including consumer redress and any attendant expenses for the
8 administration of any redress funds. If a representative of the FTC decides
9 that direct redress to consumers is wholly or partially impracticable or
10 money remains after redress is completed, the FTC may apply any
11 remaining money for such other equitable relief (including consumer
12 information remedies) as the FTC determines to be reasonably related to
13 the practices alleged in the Complaint. Any money not used for such
14 equitable relief is to be deposited to the United States Treasury as equitable
15 disgorgement. Defendant has no right to challenge any actions the FTC or
16 its representatives may take pursuant to this Subsection.

17 F. Defendant relinquishes dominion and all legal and equitable right, title, and
18 interest in all assets transferred pursuant to this Order and may not seek the
19 return of any assets.

20 G. The facts alleged in the Complaint will be taken as true, without further
21 proof, in any subsequent civil litigation, by or on behalf of the FTC in a
22 proceeding to enforce its rights to any payment or monetary judgment
23 pursuant to this Order, such as a nondischargeability complaint in any
24 bankruptcy case.

25 H. Based on the allegations set forth in the Complaint, which shall be taken as
26 true for purposes of this Section, Defendant stipulates that the Judgment is
27 excepted from any discharge granted to Defendant in the Ayers Bankruptcy
28 Case pursuant to 11 U.S.C. § 523(a)(3)(B), (4) and (6).

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I. Defendant acknowledges that his Taxpayer Identification Numbers (Social Security Numbers or Employer Identification Numbers), which Defendant previously submitted to the FTC, may be used for collecting and reporting

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VII. Compliance Reporting

IT IS FURTHER ORDERED

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1. Defendant must report any change in: (a) any designated point of contact; or (b) the structure of any entity that Defendant has any ownership interest in or directly or indirectly controls 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.
 2. Additionally, Defendant must report any change in (a) name, including aliases or fictitious name, or residence address; or (b) title or role in any business activity, including any business for which Defendant performs services whether as an employee or otherwise and any entity in which Defendant has any ownership interest, and identify the name, physical address, and any Internet address of the business or entity.
- C. Defendant must submit to the FTC notice of the filing of any bankruptcy petition, insolvency proceeding, or any similar proceeding by or against Defendant within 14 days of its filing.
- D. Any submission to the FTC required by this Order to be sworn to under

1 **VIII. Recordkeeping**

2 IT IS FURTHER ORDERED that Defendant must create certain records for 20
3 years after entry of the Order and retain each such record for 5 years. Specifically,
4 Defendant must create and maintain the following records:

- 5 A. Proof of consumers' express, informed consent to have their Sensitive
6 Personal Information transferred or disclosed, which includes the
7 consumer's name, and, if collected, phone number, and address; the
8 manner, time, place, and method of the authorization; and sufficient data to
9 readily show the complete consumer experience, including an audio
10 recording of the entirety of any telemarketing transaction;
- 11 B. Accounting records showing the revenues from all goods or services sold,
12 all costs incurred in generating those revenues, and the resulting net profit
13 or loss;
- 14 C. Personnel records showing, for each person providing services, whether as
15 an employee or otherwise, that person's: name, addresses, and telephone
16 numbers; job title or position; dates of service; and, if applicable, the reason
17 for termination;
- 18 D. Complaints and refund requests, whether received directly or indirectly,
19 such as through a third party, and any response;
- 20 E. All records necessary to demonstrate full compliance with each provision
21 of this Order, including all submissions to the FTC; and
- 22 F. A copy of each unique advertisement or other marketing material.

23 **IX. Compliance Monitoring**

24 IT IS FURTHER ORDERED that, for the purpose of monitoring Defendant's
25 compliance with this Order, including the financial representations upon which the
26 judgment was suspended:

- 27 A. Within 14 days of receipt of a written request from a representative of the
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requested information, which must be sworn to under penalty of perjury; appear for depositions; and produce documents for inspection and copying. The FTC 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 FTC is authorized to communicate directly with Defendant. Defendant

may resist,

1 reasonable notice in such places, as well as any ETC representative

2 without service of a subpoena.

3 **VI. Retention of Jurisdiction**

4 **IT IS FURTHER**

5 and enforcement of this Order.

6 **ORDERED.**

6 **IT IS SO C**

7 Date: 1/26/16

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