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1 Plaintiff, Federal Trade Commission (“Commission” or “FTC”), filed its
2 Complaint for Permanent Injunction and Other Equitable Relief, subsequently
3 amended as First Amended Complaint for Permanent Injunction and Other
4 Equitable Relief (“Complaint”), pursuant to Section 13(b) of the Federal Trade
5 Commission Act (“FTC Act”), 15 U.S.C. § 53(b). The Commission and
6 Defendants TOBIAS WEST aka Toby West, Tobey West, and Eric West, and
7 KOMAL WEST (“Stipulating Defendants”) stipulate to entry of this Permanent
8 Injunction and Final Judgment (“Order”) to resolve all matters in dispute in this
9 action between them as follows:

10 **FINDINGS OF FACT**

- 11 1. This Court has jurisdiction over this matter.
- 12 2. The Complaint charges that Stipulating Defendants participated in deceptive
13 acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and
14 the Mortgage Assistance Relief Services (“MARS Rule/Regulation O”), 12 C.F.R.
15 § 1015, and the Telemarketing Sales Rule, 16 C.F.R. § 310, in connection with the
16 advertising, marketing, promotion, offering for sale, or sale of mortgage assistance
17 relief services and student debt relief services.
- 18 3. Stipulating Defendants neither admit nor deny any of the allegations in the
19 Complaint, except as specifically stated in this Order. Only for purposes of this
20 action, Stipulating Defendants admit the facts necessary to establish jurisdiction.
- 21 4. Stipulating Defendants waive any claim that they may have under the Equal
22 Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action
23 through the date of this Order, and agree to bear their own costs and attorney fees.
- 24 5. Stipulating Defendants and the Commission waive all rights to appeal or
25 otherwise challenge or contest the validity of this Order.

26 **DEFINITIONS**

- 27 A. “**Assisting others**” includes: (1) performing customer service functions,
28 including receiving or responding to consumer complaints; (2) formulating or

1 foreclosure or repossession; (b) negotiate, obtain, or arrange a modification, or
2 renegotiate, settle, or in any way alter any terms of the mortgage, loan, debt, or
3 obligation, including a reduction in the amount of interest, principal balance,
4 monthly payments, or fees owed by a person to a secured or unsecured creditor or
5 debt collector; (c) obtain any forbearance or modification in the timing of
6 payments from any secured or unsecured holder or servicer of any mortgage, loan,
7 debt, or obligation; (d) negotiate, obtain, or arrange any extension of the period of
8 time within which a person may (i) cure his or her default on the mortgage, loan,
9 debt, or obligation, (ii) reinstate his or her mortgage, loan, debt, or obligation, (iii)
10 redeem a dwelling or other collateral, or (iv) exercise any right to reinstate the
11 mortgage, loan, debt, or obligation or redeem a dwelling or other collateral; (e)
12 obtain any waiver of an acceleration clause or balloon payment contained in any
13 promissory note or contract secured by any dwelling or other collateral; or (f)
14 negotiate, obtain, or arrange (i) a short sale of a dwelling or other collateral, (ii) a
15 deed-in-lieu of foreclosure, or (iii) any other disposition of a mortgage, loan, debt,
16 or obligation other than a sale to a third party that is not the secured or unsecured
17 loan holder. The foregoing shall include any manner of claimed assistance,
18 including auditing or examining a person's application for the mortgage, loan,
19 debt, or obligation.

20 2. With respect to any loan, debt, or obligation between a person and one
21 or more unsecured creditors or debt collectors, any product, service, plan, or
22 program represented, expressly or by implication, to: (a) repay one or more
23 unsecured loans, debts, or obligations; or (b) combine unsecured loans, debts, or
24 obligations into one or more new loans, debts, or obligations.

25 E. **“Stipulating Defendants”** means Tobias West aka Tobey West, Toby West,
26 and Eric West, and Komal West.

1 **ORDER**

2 **I. BAN ON SECURED AND UNSECURED DEBT RELIEF PRODUCTS**
3 **AND SERVICES**

4 **IT IS ORDERED** that Stipulating Defendants are permanently restrained
5 and enjoined from advertising, marketing, promoting, offering for sale, or selling,
6 or assisting others in the advertising, marketing, promoting, offering for sale, or
7 selling, of any secured or unsecured debt relief product or service.

8 **II. PROHIBITION AGAINST MISREPRESENTATIONS RELATING**
9 **TO FINANCIAL PRODUCTS AND SERVICES**

10 **IT IS FURTHER ORDERED** that Stipulating Defendants, and their
11 officers, agents, employees, and attorneys, and all other persons or entities in
12 active concert or participation with any of them, who receive actual notice of this
13 Order, whether acting directly or indirectly, in connection with the advertising,
14 marketing, promoting, offering for sale, or selling of any financial product or
15 service, are permanently restrained and enjoined from misrepresenting, or assisting
16 others in misrepresenting, expressly or by implication:

17 A. the terms or rates that are available for any loan or other extension of credit,
18 including:

- 19 1. closing costs or other fees;
- 20 2. the payment schedule, monthly payment amount(s), any balloon
21 payment, or other payment terms;
- 22 3. the interest rate(s), annual percentage rate(s), or finance charge(s), or
23 whether they are fixed or adjustable;
- 24 4. the loan amount, credit amount, draw amount, or outstanding balance;
25 the loan term, draw period, or maturity; or any other term of credit;
- 26 5. the amount of cash to be disbursed to the borrower out of the
27 proceeds, or the amount of cash to be disbursed on behalf of the borrower to any
28 third parties;

1 **V. MONETARY JUDGMENT AND PARTIAL SUSPENSION**

2 **IT IS FURTHER ORDERED** that:

3 A. Judgment in the amount of two million three hundred twenty-nine thousand
4 four hundred fifty-six dollars (\$2,329,456.00) is entered in favor of the
5 Commission against Stipulating Defendants, jointly and severally, as equitable
6 monetary relief.

7 B. Stipulating Defendants Tobias West and Komal West relinquish dominion
8 and all legal and equitable right, title, and interest in favor of the FTC in all funds
9 of Defendants Good EBusiness, LLC, Select Student Loan Help, LLC, and Select
10 Document Preparation, Inc., and Relief Defendant Beverly Hills Tax Group, LLC,
11 remaining after payment of the fees authorized by the Court to the court-appointed
12 receiver, Tom McNamara. Such payment, if any, shall be made by the holder of
13 the funds by electronic fund transfer in accordance with instructions provided to
14 the holder of the funds by a representative of the Commission. The remainder of
15 the judgment is suspended upon payment of any such remaining funds to the FTC,
16 or if no such funds remain, upon entry of this Order, subject to the Subsections
17 below.

18 C. The Commission's agreement to the suspension of part of the judgment is
19 expressly premised upon the truthfulness, accuracy, and completeness of
20 Stipulating Defendants' sworn financial statements dated March 1, 2016, and
21 related documents (collectively, "financial representations") submitted to the
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1 E. If the suspension of the judgment is lifted, the judgment becomes
2 immediately due in the amount specified in Subsection A above (which the parties
3 stipulate only for purposes of this Section) which represents the consumer injury
4 alleged in the Complaint, less any payment previously made pursuant to this
5 Section, plus interest computed from the date of entry of this Order.

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1 **VIII. ORDER ACKNOWLEDGMENTS**

2 **IT IS FURTHER ORDERED** that Stipulating Defendants obtain
3 acknowledgments of receipt of this Order:

4 A. Each Stipulating Defendant, within seven (7) days of entry of this Order,
5 must submit to the Commission an acknowledgment of receipt of this Order sworn
6 under penalty of perjury.

7 B. For five (5) years after entry of this Order, Stipulating Defendants, for any
8 business that such Stipulating Defendants, individually or collectively with any
9 other Defendant, is the majority owner or controls directly or indirectly, must
10 deliver a copy of this Order to: (1) all principals, officers, directors, and LLC
11 managers and members; (2) all employees, agents, and representatives who
12 participate in conduct related to the subject matter of this Order; and (3) any
13 business entity resulting from any change in structure as set forth in the Section
14 titled Compliance Reporting. Delivery must occur within seven (7) days of entry
15 of this Order for current personnel. For all others, delivery must occur before they
16 assume their responsibilities.

17 C. From each individual or entity to which a Stipulating Defendant delivered a
18 copy of this Order, that Stipulating Defendant must obtain, within thirty (30) days,
19 a signed and dated acknowledgment of receipt of this Order.

20 **IX. COMPLIANCE REPORTING**

21 **IT IS FURTHER ORDERED** that Stipulating Defendants make timely
22 submissions to the Commission:

23 A. One year after entry of this Order, each Stipulating Defendant must submit a
24 compliance report, sworn under penalty of perjury. Stipulating Defendants must:

25 1. identify the primary physical, postal, and email address and telephone
26 number, as designated points of contact, which representatives of the Commission
27 may use to communicate with Stipulating Defendants;

28 2. identify all of Stipulating Defendants' businesses by all of their

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1 submissions to the Commission pursuant to this Order must be emailed to
2 DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to:
3 Associate Director for Enforcement, Bureau of Consumer Protection, Federal
4 Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The

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1 under penalty of perjury; appear for depositions; and produce documents for
2 inspection and copying. The Commission is also authorized to obtain discovery,
3 without further leave of court, using any of the procedures prescribed by Federal
4 Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36,
5 45, and 69.

6 B. For matters concerning this Order, the Commission is authorized to
7 communicate directly with each Stipulating Defendant. Stipulating Defendants
8 must permit representatives of the Commission to interview any employee or other
9 person affiliated with any Stipulating Defendant who has agreed to such an
10 interview. The person interviewed may have counsel present.

11 C. The Commission may use all other lawful means, including posing, through
12 its representatives as consumers, suppliers, or other individuals or entities, to
13 Stipulating Defendants or any individual or entity affiliated with Stipulating
14 Defendants, without the necessity of identification or prior notice. Nothing in this
15 Order limits the Commission's lawful use of compulsory process, pursuant to
16 Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

17 **XII. ENTRY OF JUDGMENT**

18 **IT IS FURTHER ORDERED** that there is no just reason for delay of entry
19 of this judgment, and that, pursuant to Federal Rule of Civil Procedure 54(b), the
20 Clerk immediately shall enter this Order as a final judgment as to Stipulating
21 Defendants.

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1 **XIII. RETENTION OF JURISDICTION**

2 **IT IS FURTHER ORDERED** that this Court retains jurisdiction of this
3 matter for purposes of construction, modification, and enforcement of this Order.
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6 DATED: May 13, 2016

7 Hon. Otis D. Wrij
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