IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Federal Trade Commission, Plaintiff, v. Electronic Payment Solutions of America Incorporated, et al., Defendants.	No. CV-17-02535-PHX-SMM **JUDGMENT AND PERMANENT INJUNCTION**

Before the Court is Plaintiff Federal Trade Commissionôs Motion for Entry of Stipulated Order for Permanent Injunction and Judgment Against Defendant Michael Peterson. (Doc. 157.)

Plaintiff, the Federal Trade Commission (ñCommissionò or ñFTCò), filed its First Amended Complaint (ñComplaintò) for a permanent injunction and other equitable relief in this matter, pursuant to Section 13(b) of the Federal Trade Commission Act (ñFTC Actò), 15 U.S.C. Ä 53(b), and the Telemarketing and Consumer Fraud and Abuse Prevention Act (ñTelemarketing Actò), 15 U.S.C. ÄÄ 6101ï6108. The FTC and Defendant Michael Peterson (ñSettling Defendantò) stipulate to the entry of this Order (ñOrderò) to resolve all matters in dispute related to this action between them.

After review and consideration, and pursuant to the partiesô stipulation,

IT IS HEREBY ORDERED granting Plaintiff Federal Trade Commissionôs Motion for Entry of Stipulated Order for Permanent Injunction and Judgment Against Defendant Michael Peterson (Doc. 157), **regarding Defendant Michael Peterson only**.

IT IS FURTHER ORDERED directing the Clerk of Court to **terminate Defendant Michael Peterson only**. Pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Court finds no reason for just delay.

IT IS FURTHER ORDERED as follows:

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1. This Court has jurisdiction over this matter.

2. The Complaint charges that Settling Defendant participated in deceptive and unfair acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. Ä 45, and the FTCôs Trade Regulation Rule entitled Telemarketing Sales Rule (ñTSRò or ñRuleò), 16 C.F.R. Part 310, by his involvement in a credit card laundering scheme.

3. Settling Defendant neither admits nor denies any of the allegations in the Complaint, except as specifically stated in this Order. Only for purposes of this action, Settling Defendant admits the facts necessary to establish jurisdiction.

4. Settling Defendant waives any claim that he may have under the Equal Access to Justice Act, 28 U.S.C. Ä 2412, concerning the prosecution of this action through the date of this Order, and agrees to bear his own costs and attorneyôs fees.

5. Settling Defendant waives all rights to appeal or otherwise challenge or contest the validity of this Order.

For the purpose of this Order, the following deid

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8. ñ ò means any Person or entity engaged in the sale or marketing of any goods or services or a charitable contribution, including any Person who applies for ISO or Payment Processing services.

9. ñ ò means an account with an Acquirer that authorizes and allows a Merchant to honor or accept credit cards, or to transmit or process for payment credit card payments, for the purchase of goods or services or a charitable contribution.

10. ñ ò or ñ ò means the entities and individuals named as defendants in *FTC v. Money Now Funding, LLC, et al.*, CV 13-01583-PHX-ROS (D. Az. 2013), including Money Now Funding, LLC, Rose Marketing, LLC, Green Merchant Funding, Nationwide Lending, DePaola Marketing, LLC, Affiliate Marketing Group, LLC, Legal Doxs, LLC, US Doc Assist, LLC, Affinity Technologies, LLC, Nm ȳ MG ¹ LC, Lgal

services; (b) providing the means to transmit ‘ me d

I.

IT IS ORDERED that Settling Defendant, whether acting directly or indirectly, is permanently restrained and enjoined from Payment Processing or acting as an ISO or Sales Agent.

II.

IT IS FURTHER ORDERED that Settling Defendant, whether acting directly or indirectly, is permanently restrained and enjoined from Credit Card Laundering.

III.

IT IS FURTHER ORDERED that:

A. Judgment in the amount of five million seven hundred sixty-six thousand eight hundred sixty-eight dollars ($5,766,868) is entered in favor of the Commission against Settling Defendant, jointly and severally, as equitable monetary relief. The judgment is suspended subject to the Subsections below.

B. The Commissionôs agreement to the suspension of the judgment is expressly premised upon the truthfulness, accuracy, and completeness of the Settling Defendantôs sworn financial statements and related documents (collectively, ñfinancial representationsò) submitted to the Commission, namely: the Financial Statement of Settling Defendant signed on February 19, 2019.

C. The suspension of the judgment will be lifted as to Settling Defendant if, upon motion by the Commission, the Court finds that Settling Defendant failed to disclose any material asset, materially misstated the value of any

IV.

IT IS FURTHER ORDERED that Settling Defendant, whether acting directly or indirectly, are permanently restrained and enjoined from:

A. Disclosing, using, or benefitting from customer information, including the name, address, telephone number, email address, social security number, other identifying information, or any data that enables access to a customerôs account (including a credit card, bank account, or other financial account), that Settling Defendants obtained prior to entry of this Order in connection with the Money Now Funding Enterprise; and

B. Failing to destroy such customer information in all forms in their possession, custody, or control within thirty (30) days after entry of this Order.

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

V.

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

VI.

IT IS FURTHER ORDERED that Settling Defendant obtain acknowledgments of receipt of this Order:

2) Identify all business activities, including any business for which Settling Defendant performs services whether as an employee or otherwise and any entity in which he has any Ò ɔ l n l ᵐ

4) The structure of any entity that Settling Defendant has any ownership interest in or controls directly or indirectly 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.

C. Settling Defendant must submit to the Commission notice of the filing of any bankruptcy petition, insolvency proceeding, or similar proceeding by or against such Settling Defendant within 14 days of its filing.

D. Any submission to the Commission required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. Ä 1746, such as by concluding: ñI declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on:_____ò and supplying the date, signatoryôs full name, title (if applicable), and signature.

E. Unless otherwise directed by a Commission representative in writing, all

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

B. Personnel records showing, for each Person providing services, whether as an employee or otherwise, that Person's:

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