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1 U.S.C. § 53(b), the Telemarketing and Consumer Fraud and Abuse Act
 2 37 H O H P D U N H W L Q J \$ F W 6108, and the 2009 Omnibus
 3 Appropriations Act, Public Law 111, Section 626, 123 Stat. 524, 678 (Mar. 11,
 4 3 2 P Q L E X V \$ F W ' D V F O D U L I L H G t y E \ W K H & U H G L
 5 Responsibility and Disclosure Act of 2009, Public Law 111 Section 511, 123
 6 Stat. 1734, 1763 0 D \ 3 & U H G L W & D U G \$ F W ' D Q G
 7 Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111
 8 203, Section 1097, 124 Stat. 1376, 2102 - X O \ -) U P D R O G N G \$ F W '
 9 12 U.S.C. § 5538. The FTC and Defendant Bloom Law Group PC, also d/b/a
 10 Home Shield Network and Keep Your Home USA 6 W L S X O D W L Q J ' H I H Q G I
 11 stipulate to the entry of this Stipulated Order for Permanent Injunction and
 12 0 R Q H W D U \ - X G J P H Q W 3 2 U G H U ' W R U H V R O Y H D O O I
 13 between them.

14 THEREFORE, IT IS ORDERED as follows:

15 FINDINGS

- 16 1. This Court has jurisdiction over this matter.
- 17 2. The Complaint charges that Stipulating Defendant participated in deceptive
 18 acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45(a), the
 19 Telemarketing Sales Rule, 16 C.F.R. § 310, and the Mortgage Assistance Relief
 20 6 H U Y L F H V 5 X O H 3 0 \$ 5 6 5 X O H ' R U 3 5 H 1 5 X O D E W L R Q 2 '
 21 codified as 16 C.F.R. Part 322, in connection with the marketing and sale of
 22 student loan debt relief services and mortgage assistance relief services.
- 23 3. Stipulating Defendant waives any claim that it may have under the Equal
 24 Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action
 25 through the date of this Order, and agrees to bear its own costs and attorney fees.
- 26 4. Stipulating Defendant and the FTC waive all rights to appeal or otherwise
 27 challenge or contest the validity of this Order.

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1 any consumer in receiving, credit, debit, or stored value cards;

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1 redeem a dwelling or other257 Tm 0 gar

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I.

~~BA~~ BAN ON SECURED AND UNSECURED
DEBT RELIEF PRODUCTS AND SERVICES

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

II.

BAN ON TELEMARKETING

IT IS FURTHER ORDERED that Stipulating Defendants permanently restrained and enjoined from participating or assisting others in telemarketing, whether directly or through an intermediary.

III.

PROHIBITION AGAINST MISREPRESENTATIONS
RELATING TO FINANCIAL PRODUCTS AND SERVICES

IT IS FURTHER ORDERED that Stipulating Defendant, Stipulating
' H I H Q G D Q W ¶, or

1 whether they are fixed or adjustable;

2 4. the loan amount, credit amount, draw amount, or outstanding balance;
3 the loan term, draw period, or maturity; or any other term of credit;

4 5. the amount of cash to be disbursed to the borrower out of the
5 proceeds, or the amount of cash to be disbursed ~~half of~~ to the borrower to any
6 third parties;

7 6. whether any specified minimum payment amount covers both interest
8 and principal, and whether the credit has or can result in negative amortization; or

9 7. that the credit does not have a prepayment penalty ~~whether~~
10 subsequent refinancing may trigger a prepayment penalty and/or other fees;

11 B. WKH DELOLW\ WR LPSURYH RU RWKHU ZLVH DIIH

12 KLVWRU\ FUHGLW UDWLQJ RU DELOLW\ WR REWDL

13 record, credit history, credit rating, or ability to obtain credit can be improved by

14 SHUPDQH QWO\ UHPRYLQJ FXUUHQW DFFXUDWH QH

15 credit record or history;

16 C. that a consumer will receive legal representation; or

17 D. any other fact material to consumers concerning any good or service, such
18 as: the total costs; any material restrictions, limitations, or conditions; or any
19 material aspect of its performance, efficacy, nature, or central characteristics.

20 IV.

21 PROHIBITION AGAINST MISREPRESENTATIONS

22 RELATING TO ANY PRODUCTS OR SERVICES

23 IT IS FURTHER ORTS OR SERVICES

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1 program, are permanently restrained and enjoined from misrepresenting, or
2 assisting others in misrepresenting, expressly or by implication:

3 A. any material aspect of the nature or terms of any refund, cancellation,
4 exchange, or repurchase policy, including the likelihood of a consumer obtaining a
5 full or partial refund, or the circumstances in which a full or partial refund will be
6 granted to the consumer;

7 B. that any person is affiliated with, endorsed or approved by, or otherwise
8 connected to any other person; government entity; public, non-profit, or other non
9 commercial program; or any other program;

10 C. the nature, expertise, position, or job title of any person who provides any
11 product, service, plan, or program; or

12 D. any other fact material to consumers concerning any good or service, such
13 as: the total costs; any material restrictions, limitations, or conditions; or any
14 material aspect of its performance, efficacy, nature, or central characteristics.

15 V.

16 PROHIBITION AGAINST UNSUBSTANTIATED CLAIMS

17 IT IS FURTHER ORDERED that Stipulating Defendant, Stipulating

18 ' H I H Q S O F C A W T, agents, employees, and attorneys, and all other persons in
19 active concert or participation with any of them, who receive actual notice of this
20 Order, whether acting directly or indirectly, in connection with the sale of any
21 financial product or service, are permanently restrained and enjoined from making
22 any representation or assisting others in making any representation, expressly or by
23 implication, about the benefits, performance, or efficacy of any financial product
24 or service, unless the representation is non-misleading, and, at the time such
25 representation is made, Stipulating Defendant ~~possess~~ relies upon competent
26 and reliable evidence that is sufficient in quality and quantity based on standards
27 generally accepted in the relevant fields, when considered in light of the entire
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1 body of relevant and reliable evidence, to substantiate that the representation is
2 true.

3 VI.

4 MONETARY JUDGMENT AND PARTIAL SUSPENSION

5 IT IS FURTHER ORDERED that:

- 6 A. Judgment in the amount of ~~Nine Million, One Hundred Thirtyone~~
7 ~~Thousand, Seven Hundred and Twelve Dollars (\$9,131,712)~~ is entered in favor of
8 the Commission against ~~Stipulating Defendants~~ as equitable monetary relief.
- 9 B. In partial satisfaction of the judgment against the ~~Stipulating Defendant~~
10 Wells Fargo, N.A., shall, within 10 business days from receipt of a copy of this

1 discovery, hearings, trials, and any other proceedings that Commission
2 representative may reasonably request upon 5 days written notice, or other
3 reasonable notice, at such places and times as a Commission representative may
4 designate, without the service of a subpoena.

5 IX.

6 CUSTOMER INFORMATION

7 IT IS FURTHER ORDERED that Stipulating Defendant, Stipulating
8 ' H I H Q S o f f i c e r s , agents, employees, attorneys, and all other persons or entities
9 in active concert or participation with any of them, who receive actual notice of
10 this Order, are permanently restrained and enjoined from directly or indirectly:

11 A. failing to provide sufficient customer information to enable the Commission
12 to efficiently administer consumer redress. If a representative of the Commission
13 requests in writing any information related to redress, Stipulating Defendant must
14 provide it, in the form prescribed by the Commission, within 14 days.

15 B. disclosing, using, or benefitting from customer information, including the
16 name, address, telephone number, email address, social security number, FSA ID,
17 other identifying information, or any data that enables F a H V V W R D F X V W R P H
18 account (including a student loan account, credit card, bank account, or other
19 financial account), that any Defendant obtained prior to entry of this Order in
20 connection with the marketing or sale of secured or unsecured debt relief products
21 or services; and

22 C. failing to destroy such customer information in all forms in their possession,
23 custody, or control within 30 days after receipt of written direction to do so from a
24 representative of the Commission.

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

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XII.

COMPLIANCE REPORTING

IT IS FURTHER ORDERED that Stipulating Defendant make timely submissions to the Commission:

- A. One year after entry of BDC Order, Stipulating Defendant shall submit a

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

3 E. a copy of each unique advertisement or other marketing material.
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5 XIV.

6 COMPLIANCE MONITORING

7 IT IS FURTHER ORDERED that, for the purpose of monitoring Stipulating
8 ' H I H Q S O O P L A F Defendant's compliance with this Order, including the financial representations
9 upon which part of the judgment was suspended and any failure to transfer any
10 assets as required by this Order:

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

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

23 C. The Commission may use all other lawful means, including posing, through
24 its representatives as consumers, suppliers, or other individuals or entities, to
25 Stipulating Defendant or any individual or entity affiliated with Stipulating
26 Defendant, without the necessity of identification or prior notice. Nothing in this

27 2 U G H U O L P L W V W K H & R P P L V V L R Q ¶ V O D Z I X O X V H R I
28 Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 157b-

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XV.

RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court retains jurisdiction of this