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6 ATTORNEYS FOR PLAINTIFF

7
8 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10
11 FEDERAL TRADE COMMISSION,

12 Plaintiff,

13 v.

14 ALVIN CORDEIRO, individually and doing
business as Quick-Checks,

15 Defendant.

Case No.

**STIPULATED FINAL JUDGMENT
AND ORDER FOR PERMANENT
INJUNCTION**

16
17 Plaintiff, the Federal Trade Commission ("FTC" or "Commission"), has filed a complaint for a
18 permanent injunction and other relief pursuant to Sections 13(b) and 19 of the Federal Trade
19 Commission Act ("FTC Act"), 15 U.S.C. §§ 53(b) and 57b, and the Telemarketing and Consumer
20 Fraud and Abuse Prevention Act ("Telemarketing Act"), 15 U.S.C. § 6101 *et seq.*, naming Alvin
21 Cordeiro as a defendant and alleging violations of the Telemarketing Sales Rule, 16 C.F.R. Part 310
22 ("Rule").

23 Plaintiff and defendant have agreed to entry of this Stipulated Final Judgment and Order for
24 Permanent Injunction ("Order") by this Court in order to resolve all matters in dispute in this action.
25 The above-named defendant and the Commission have consented to the entry of this Order without trial
26 or adjudication of any issue of law or fact herein.

1 The Court, being fully advised in the premises and acting upon the joint motion of the parties,
2 **HEREBY ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:**

3 **FINDINGS**

4 1. This Court has jurisdiction of the subject matter of this action and of all the parties
5 hereto;

6 2. The complaint states a claim upon which relief may be granted against defendant Alvin
7 Cordeiro under Sections 13(b) and 19 of the FTC Act, 15 U.S.C. §§ 53(b) and 57b, the Telemarketing
8 and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. § 6101 *et seq.*, and the Telemarketing Sales
9 Rule ("Rule") 16 C.F.R. Part 310.

10 3. Venue in the Northern District of California is proper under 15 U.S.C. §§ 53(b) and
11 28 U.S.C. § 1391(b).

12 4. Defendant Cordeiro has waived all rights to seek judicial review of, or otherwise
13 challenge or contest the validity of, this Order;

14 5. Entry of this Order is in the public interest.

15 **DEFINITIONS**

16 For the purposes of this Order the following definitions shall apply:

17 1. "Defendant" means defendant Alvin Cordeiro, his agents, servants, employees,
18 successors, and assigns, and those persons in active concert or participation with him who receive actual
19 notice of this Order by personal service or otherwise.

20 2. "Lottery" means any scheme or program whereby one or more prizes are distributed by
21 chance among persons who have paid or promised consideration for a chance to win anything of value.

22 3. "Person" means any individual, group, unincorporated association, limited or general
23 partnership, corporation or other entity.

24 4. "Telemarketer" means any person who, in connection with telemarketing, initiates or
25 receives telephone calls to or from a customer.

26 5. "Telemarketing" means a plan, program, or campaign that is conducted to induce the
27 purchase of goods or services that uses one or more telephones.

1 business, and the business provides substantial assistance or support to any seller or telemarketer, the
2 defendant is hereby restrained and enjoined from failing to create and retain records sufficient to
3 demonstrate his compliance with this Order, including but not limited to:

- 4 1. The name, address, telephone number, dollar amounts paid, quantity of goods or
5 services purchased, and a description of the goods or services purchased, for
6 each seller or telemarketer to whom the defendant provides substantial assistance
7 and support;
- 8 2. Copies of all sales scripts, advertisements, or other marketing materials utilized
9 by any seller or telemarketer to whom the defendant provides substantial
10 assistance or support; and
- 11 3. Records that reflect, for every consumer complaint, refund request, stop payment
12 order or returned demand draft, whether received directly or indirectly or
13 through any third party:
 - 14 a. the consumer's name, address, telephone number and the dollar amount
15 paid by the consumer;
 - 16 b. the written complaint, refund request, stop payment order or
17 documentation of the returned demand draft, if any, and the date of the
18 complaint, refund request, stop payment order or returned demand draft;
 - 19 c. the basis of the complaint, refund request, stop payment order or returned
20 demand draft, if available; and
 - 21 d. any final resolution and the date of the resolution, if any.

22 B. For purposes of determining or securing compliance with this Order, the defendant shall
23 permit, for a period of five (5) years from the date of entry of this Order, and upon reasonable written
24 notice to the defendant, representatives of the Federal Trade Commission to access, inspect and/or copy
25 all such records.

1 **III. DISTRIBUTION OF ORDER**

2 IT IS FURTHER ORDERED that, for a period of five (5) years from the date of entry of this
3 Order, the defendant shall:

4 A. Provide a copy of this Order to, and obtain a signed and dated acknowledgment of
5 receipt of same from all employees, consultants, and independent contractors or others, immediately
6 upon employing or retaining any such persons, for any business in which the defendant is the majority
7 owner or directly or indirectly manages or controls the business, and the business provides substantial
8 assistance and support to any seller or telemarketer; and

9 B. Maintain for a period of three (3) years after creation, and upon reasonable notice, make
10 available to representatives of the Commission, the original signed and dated acknowledgments of the
11 receipt of copies of this Order, as required in Subsection (A) of this Section III.

12
13 **IV. COMPLIANCE REPORTING**

14 IT IS FURTHER ORDERED that for a period of five (5) years from the date of entry of this
15 Order:

16 A. Defendant shall notify plaintiff in writing of any employment or affiliation with any new
17 business that provides substantial assistance and support to any seller or telemarketer, including the new
18 business' name and address, a statement of the nature of the business, and a statement of defendant's
19 duties and responsibilities in connection with the business;

20 B. Within one hundred-eighty (180) days after the date of entry of this Order, defendant
21 shall file a report, in writing, setting forth in detail the manner and form in which he has complied with
22 this Order; and

23 C. For purposes of this Order all notices and reports required of defendant shall be made to
24 the following address:

25 Regional Director
26 Federal Trade Commission
27 915 Second Avenue, Suite 2896
28 Seattle, Washington 98174

1 **V. ACKNOWLEDGMENT OF RECEIPT OF ORDER**

2 IT IS FURTHER ORDERED that, within five (5) business days after receipt by defendant of
3 this Order as entered by the Court, defendant shall submit to plaintiff a truthful sworn statement, in the
4 form shown on Appendix A, that shall acknowledge receipt of this Order.
5

6 **VI. RETENTION OF JURISDICTION**

7 IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for the
8 purpose of enabling any of the parties to this Order to apply to the Court at any time for such further
9 orders or directives as may be necessary or appropriate for the interpretation or modification of this
10 Order, for the enforcement of compliance therewith or for the punishment of violations thereof.
11

12 SO ORDERED, this _____ day of _____, 2000
13

14 _____
15 United States District Judge

16 The parties hereby consent to the terms and conditions set forth above and consent to entry of
17 this Order without further notice to the parties. Defendant waives any rights that may arise under the
18 Equal Access to Justice Act, 28 U.S.C. § 2412.

19 FOR FEDERAL TRADE COMMISSION
20

FOR DEFENDANT ALVIN CORDEIRO
21

22 _____
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