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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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FEDERAL TRADE COMMISSION,

Plaintiff,

v.

TRAVIS DELOY PETERSON, a/k/a Travis Peterson and T. D. Peterson, individually and also d/b/a Veterans of America, Telefunding LLC, Vehicles for Veterans, LLC, Saving Our Soldiers, Donate Your Car, Donate That Car LLC, Act of Valor, and Medal of Honor,

Defendant.

**ORDER GRANTING STIPULATED  
MOTION FOR PERMANENT  
INJUNCTION AND MONETARY  
JUDGMENT**

Case No. 4:18-cv-00049-DN-PK

District Judge David Nuffer

Magistrate Judge Paul Kohler

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Plaintiff, the Federal Trade Commission (“FTC”), filed its Complaint for Permanent Injunction and Other Equitable Relief (“Complaint”), pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), and the Telemarketing and Consumer Fraud and Abuse Prevention Act (“Telemarketing Act”), 15 U.S.C. §§ 6101-6108. The FTC and Defendant Travis Deloy Peterson (“Defendant”) have reached an agreement resolving all matters in dispute in this action between them.<sup>1</sup> Based upon the FTC’s motion<sup>2</sup> for entry of a Stipulated Order for Permanent Injunction and Monetary Judgment (“Order”), and good cause appearing, the following findings are entered:

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<sup>1</sup> Plaintiff’s Motion for Entry of Stipulated Order for Permanent Injunction and Monetary Judgment, [docket no. 30](#), filed Mar. 25, 2019.

<sup>2</sup> *Id.*

## FINDINGS

1. This Court has jurisdiction over this matter.
2. The Complaint charges that Defendant participated in deceptive and abusive acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, and Sections 310.3 and 310.4 of the FTC's Telemarketing Sales Rule ("TSR"), 16 C.F.R. §§ 310.3(d)(1)-(2), 310.4(b)(1)(v), by using unlawful prerecorded messages or "robocalls" and making false or misleading claims to induce charitable contributions.
3. 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, Defendant admits the facts necessary to establish jurisdiction.
4. Defendant waives any claim that he may have under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order, and agrees to bear his own costs and any attorney fees.
5. Defendant waives all rights to appeal or otherwise challenge or contest the validity of this Order.
6. Defendant waives and releases any claims that relate to this action that he may have against the FTC.
7. Entry of this Order is in the public interest.

## ORDER

IT IS HEREBY ORDERED that the FTC's motion<sup>3</sup> is GRANTED.

IT IS FURTHER ORDERED that the following permanent injunction is entered against Defendant:

### DEFINITIONS

For the purpose of this Order, the following definitions apply:

- A. **"Caller Identification Service"** means a service that allows a telephone subscriber to have the telephone number, and, where available, name of the calling party transmitted contemporaneously with the telephone call, and displayed on a device in or connected to the subscriber's telephone.
- B. **"Charitable Contribution(s)"** means any donation or gift of money or any other thing of value.
- C. **"Defendant"** means Travis Deloy Peterson, also known as Travis Peterson and T. D. Peterson, and by whatever name he is known.
- D. **"Donor"** means any Person solicited to make a Charitable Contribution.
- E. **"Established Business Relationship"** means a relationship between a Seller and a consumer based on:
1. The consumer's purchase, rental, or lease of the Seller's goods or services or a financial transaction between the consumer and Seller, within the eighteen (18) months immediately preceding the date of a Telemarketing call; or
  2. The consumer's inquiry or application regarding a product or service offered by the Seller, within the three (3) months immediately preceding the date of a

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<sup>3</sup> [Docket no. 30](#).

Telemarketing call.

F. “**Fundraising**” means a plan, program, or campaign that is conducted to induce Charitable Contributions by mail, telephone, electronic mail, social media, or any other means.

G. “**National Do Not Call Registry**” means the “do-not-call” registry of telephone numbers maintained by the FTC pursuant to 16 C.F.R. § 310.4(b)(1)(iii)(B).

H. “**Nonprofit Organization**” means any Person that is, or is represented to be, a nonprofit entity, or that has, or is represented to have, a charitable purpose, specifically including but not limited to any such entity that purports to benefit, either in whole or in part, military servicemembers, veterans, and/or their family members.

I. “**Outbound Telephone Call**” means a telephone call initiated by a Telemarketer to induce the purchase of goods or services or to solicit a Charitable Contribution.

J. “**Person**” means a natural person, an organization or other legal entity, including a corporation, partnership, sole proprietorship, limited liability company, association, cooperative, or any other group or combination acting as an entity.

K. “**Seller**” means any Person who, in connection with a Telemarketing transaction, provides, offers to provide, or arranges for others to provide goods or services to the customer in exchange for consideration, whether or not such Person is under the jurisdiction of the FTC.

L. “**Telemarketer**” means any Person who, in connection with Telemarketing, initiates or receives telephone calls to or from a customer or Donor.

M. “**Telemarketing**” means any plan, program, or campaign that is conducted to induce the purchase of goods or services or a Charitable Contribution, by use of one or more telephones and that involves a telephone call, whether or not covered by the TSR.

## I. BAN ON SOLICITING CHARITABLE CONTRIBUTIONS

IT IS ORDERED that Defendant is permanently restrained and enjoined from engaging in the following activities individually or in concert with other Persons or entities, directly or indirectly:

A. Receiving any payment or other financial benefit for (i) participating or assisting in the solicitation of Charitable Contributions, directly or indirectly, including by advising, acting as an independent contractor or as a Fundraising consultant, supplying contact or Donor lists, or providing caging, mail processing, or fulfillment services, or (ii) controlling, directly or indirectly, or holding a majority ownership interest in, any entity engaged in the business of Fundraising;

B. Establishing, operating, controlling, or managing any Nonprofit Organization or other entity that holds charitable assets, or any program thereof, directly or indirectly, whether compensated or not, including by serving as a founder, incorporator, officer, director, trustee, chief executive, manager, supervisor, or other fiduciary;

C. Managing, controlling, directing, distributing, or accounting for the use or application of any charitable asset, or engaging, participating or assisting in managing, controlling, directing, distributing, or accounting for the use or application of any charitable asset, directly or indirectly, whether compensated or not, including by acting as an independent contractor, advisor, or consultant; and

D. *Provided that* subject to the limitations of Subsections I.A, I.B, and I.C above, Defendant may be employed by or volunteer for any Nonprofit Organization in any capacity not prohibited by the above, such as working in any non-supervisory role unrelated to the solicitation, management, custody, control, or distribution of any charitable asset.

## II. PROHIBITIONS AGAINST MISREPRESENTATIONS

IT IS FURTHER ORDERED that Defendant, Defendant's officers, directors, agents, employees, independent contractors, and attorneys, and all other Persons in active concert or participation with any of them who receive actual notice of this Order, whether acting directly or indirectly, in connection with Telemarketing or the advertising, marketing, promotion, offering for sale, selling, or distribution of any good or service, are permanently restrained and enjoined from misrepresenting, or assisting others in misrepresenting, expressly or by implication:

- A. That an entity identified as the potential recipient of a Charitable Contribution is a charity;
- B. That a Charitable Contribution to an entity identified as the potential recipient is tax deductible; or
- C. Any material fact.

## III. BAN ON ROBOCALLS

IT IS FURTHER ORDERED that Defendant, whether acting directly or through an intermediary, is permanently restrained and enjoined from:

- A. Engaging in, causing others to engage in, or assisting others to engage in the initiation of any Outbound Telephone Call that delivers a prerecorded message; and
- B. Controlling, holding a managerial post in, consulting for, serving as an officer in, having any revenue sharing agreement with, or holding any ownership interest, share, or stock in any company that engages in conduct prohibited in Subsection III.A above. *Provided, however,* that it is not a violation of this Order to own a non-controlling interest in a publicly-traded company that engages in such conduct.

#### **IV. PROHIBITIONS ON DECEPTIVE AND ABUSIVE TELEMARKETING**

IT IS FURTHER ORDERED that Defendant, Defendant's officers, directors, agents, employees, independent contractors, and attorneys, and all other Persons in active concert or participation with any of them who receive actual notice of this Order, whether acting directly or indirectly, in connection with Telemarketing or the advertising, marketing, promotion, offering for sale, selling, or distribution of any good or service, are hereby permanently restrained and enjoined from:

A. Denying or interfering in any way, directly or indirectly, with a Person's right to be placed on any registry of names and/or telephone numbers of Persons who do not wish to receive Outbound Telephone Calls including, but not limited to, harassing any Person who makes such a request; hanging up on that Person; failing to honor the request; requiring the Person to listen to a sales pitch before accepting the request; assessing a charge or fee for honoring the request; requiring a Person to call a different number to submit the request; and requiring the Person to identify the Seller or charitable organization making the call or on whose behalf the call is made;

B. Initiating any Outbound Telephone Call to a Person when that Person has previously stated that he or she does not wish to receive an Outbound Telephone Call made by or on behalf of the Seller whose goods or services are being offered or made on behalf of the charitable organization for which a Charitable Contribution is being solicited;

C. Initiating any Outbound Telephone Call to a Person at a telephone number on the National Do Not Call Registry, unless Defendant proves that:

1. Defendant obtained the express agreement, in writing, of such Person to place calls to that Person. Such written agreement shall clearly evidence such Person's

authorization that calls made by or on behalf of Defendant may be placed to that Person, and shall include the telephone number to which the calls may be placed and the signature of that Person; or

2. Defendant has an Established Business Relationship with such Person, and that Person has not previously stated that he or she does not wish to receive Outbound Telephone Calls made by or on behalf of Defendant;

D. Initiating any Outbound Telephone Call that fails to transmit or cause to be transmitted to any Caller Identification Service in use by a recipient of a Telemarketing call: (i) the telephone number of the Telemarketer making the call, or the telephone number for customer service of the Seller or the charitable organization on whose behalf the call is made; and, (ii) the name of the Telemarketer (when made available by the Telemarketer's carrier), or the name of the Seller or the charitable organization; and

E. Violating the Telemarketing Sales Rule, 16 C.F.R. Part 310.

## **V. MONETARY JUDGMENT**

A. Judgment in the amount of Five Hundred Forty-One Thousand Thirty-Two Dollars and Ten Cents (\$541,032.10) is entered in favor of the FTC against Defendant, as equitable monetary relief.

B. Upon completion of all asset transfers specified in Subsections V.C and V.D below, and subject to Subsections V.E through V.N below, the judgment is suspended.

C. Within 7 days of entry of this Order, by electronic fund transfer in accordance with instructions previously provided by a representative of the FTC:

1. U.S. Bank, N.A., its parent corporation, subsidiaries, principals, and agents must transfer to the FTC all funds held in the frozen account ending in xxxx2234;



2. Mountain America Credit Union, its parent corporation, subsidiaries, principals, and agents must transfer to the FTC all funds held in the frozen account ending in xxxx0460;
3. America First Federal Credit Union, its parent corporation, subsidiaries, principals, and agents must transfer to the FTC all funds held in the frozen account ending in xxxx8108;
4. People's Intermountain Bank, its parent corporation, subsidiaries, principals, and agents must transfer to the FTC all funds held in the frozen accounts ending in xxxx0883 and xxxx5649;
5. Wells Fargo Bank, N.A., its parent corporation, subsidiaries, principals, and agents must transfer to the FTC all funds held in the frozen accounts ending in xxxx0683 and xxxx7436;
6. Gunnison Valley Bank, its parent corporation, subsidiaries, principals, and agents must transfer to the FTC all funds held in the frozen account ending in xxxx1148;
7. Utah Independent Bank, its parent corporation, subsidiaries, principals, and agents must transfer to the FTC all funds held in the frozen account ending in xxxx5972; and
8. Washington Federal, its parent corporation, subsidiaries, principals, and agents must transfer to the FTC all funds held in the frozen account ending in xxxx3458.

D. Within 7 days of the date of entry of this Order, to the extent that Defendant has not already done so, Defendant is ordered to transfer to the FTC or its designated representative 16 servers or computer equipment and 88 vehicles identified in Defendant's Financial Representations.

E. Automotive Recovery Services, Inc., d/b/a Insurance Auto Auctions, (“ARS”) shall sell, return to the Donor, or otherwise dispose of all vehicles obtained through Defendant, pursuant to its auction service agreement with Defendant dated September 29, 2015, and in the ordinary course of its business as permitted by applicable laws, rules, and/or regulations. ARS shall deposit all net sales proceeds to U.S. Bank, N.A. in the account with the number ending in xxxx2234.

F. The FTC’s agreement to the suspension of part of the judgment is expressly premised upon the truthfulness, accuracy, and completeness of Defendant’s sworn financial statements and related documents (collectively, “Financial Representations”) submitted to the FTC, namely:

1. The Financial Statement of Defendant Travis Deloy Peterson signed on September 14, 2018, including any attachments;
2. The Financial Statement of Telefunding LLC signed by Defendant Travis Deloy Peterson on September 14, 2018, including any attachments;
3. The Financial Statement of Tiny Towns R.E LLC signed by Defendant Travis Deloy Peterson on September 14, 2018, including any attachments;
4. The Financial Statement of Donate That Car LLC (Michigan entity) signed by Defendant Travis Deloy Peterson on September 14, 2018, including any attachments;
5. The Financial Statement of Vehicles for Veterans LLC signed by Defendant Travis Deloy Peterson on September 7, 2018, including any attachments;
6. The Financial Statement of Donate That Car LLC (Nevada entity) signed by Defendant Travis Deloy Peterson on September 7, 2018, including any

attachments;

7. The Financial Statement of Donate Real Estate LLC signed by Defendant Travis Deloy Peterson on September 7, 2018, including any attachments;
8. The Financial Statement of Medal of Honor signed by Defendant Travis Deloy Peterson on September 7, 2018, including any attachments;
9. The Financial Statement of Victims Relief L.L.C. signed by Defendant Travis Deloy Peterson on September 7, 2018, including any attachments;
10. The Financial Statement of C.R. Watson LLC signed by Defendant Travis Deloy Peterson on November 20, 2018, including any attachments; and
11. Additional information and documentation (including the attached photographs) provided by Defendant to FTC counsel by separate emails on the following dates and times (Eastern Time):
  - a. July 18, 2018 at 10:04 AM;
  - b. July 19, 2018 at 1:32 PM;
  - c. August 5, 2018 at 12:09 PM;
  - d. August 27, 2018 at 1:54 PM;
  - e. August 28, 2018 at 10:06 PM;
  - f. September 10, 2018 at 1:57 PM;
  - g. October 18, 2018 at 3:51 PM, 3:53 PM, 3:56 PM, and 4:02 PM;
  - h. October 19, 2018 at 11:57 AM, 1:57 PM, and 2:39 PM;
  - i. October 21, 2018 at 10:54 AM;
  - j. November 2, 2018 at 4:03 PM, 4:08 PM, 4:49 PM, and 5:00 PM;
  - k. November 3, 2018 at 1:38 PM; and

I. November 4, 2018 at 7:45 PM.

G. The suspension of the judgment will be lifted if, upon motion by the FTC, the Court finds that Defendant failed to disclose any material asset, materially misstated the value of any asset, or made any other material misstatement or omission in the Financial Representations identified above.

H. If the suspension of the judgment is lifted, the judgment becomes immediately due as to Defendant in the amount specified in Subsection V.A above (which the parties stipulate only for purposes of this Section represents the consumer injury alleged in the Complaint), less any payment previously made pursuant to this Section, plus interest computed from the date of entry of this Order.

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

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

K. The facts alleged in the Complaint establish all elements necessary to sustain an action by the FTC pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral estoppel effect for such purposes.

L. Defendant acknowledges that the Taxpayer Identification Numbers (Social Security Numbers or Employer Identification Numbers), which Defendant previously submitted to the FTC, may be used for collecting and reporting on any delinquent amount arising out of this Order, in accordance with 31 U.S.C. §7701.

M. All money paid to the FTC pursuant to this Order may be deposited into a fund administered by the FTC or its designee to be used for equitable relief, including consumer redress and any attendant expenses for the administration of any redress fund. If a representative of the FTC decides that direct redress to consumers is wholly or partially impracticable or money remains after redress is completed, the FTC may apply any remaining money for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to Defendant's practices alleged in the Complaint. Any money not used for such equitable relief is to be deposited to the U.S. Treasury as disgorgement. Defendant has no right to challenge any actions the FTC or its representatives may take pursuant to this Subsection.

N. The asset freeze ordered by the Court is modified to permit the asset transfers identified in the Monetary Judgment Section. Upon completion of those transfers, the asset freeze is dissolved. *Provided, however,* that the freeze on the U.S. Bank, N.A. account with the number ending in xxxx2234 shall dissolve only after (i) ARS has sold, returned, or otherwise disposed of all vehicles and deposited all net sales proceeds pursuant to Subsection V.E above and (ii) U.S. Bank, N.A. has transferred to the FTC all funds in the account pursuant to Subsection V.C.1 above.

## **VI. DONOR INFORMATION**

IT IS FURTHER ORDERED that Defendant, Defendant's officers, directors, agents, employees, independent contractors, and attorneys, and all other Persons in active concert or participation with any of them who receive actual notice of this Order, whether acting directly or indirectly:

A. Are permanently restrained and enjoined from failing to provide sufficient Donor information to enable the FTC to efficiently administer consumer redress. If a representative of

the FTC requests in writing any information related to redress, Defendant must provide it, in the form prescribed by the FTC, within 14 days;

B. Are permanently restrained and enjoined from disclosing, using, or benefitting from any information about or list of Donors to Defendant, including the name, address, telephone number, email address, social security number, other identifying information, or any data that enables access to a Donor's account (including a credit card, bank account, or other financial account), that Defendant obtained prior to entry of this Order;

C. Shall destroy, or cause to be destroyed, all information related to Donors, including any list of Donors to Defendant, in their possession, custody, or control, in all forms within 30 days after receipt of written direction to do so from a representative of the FTC; and

D. Shall, within 7 days after entry of this Order:

1. Send a copy of this Order and provide clear and conspicuous notice of the prohibitions in this Section VI to each fundraiser, Telemarketer, independent contractor, list management company, escrow agent, or other third party with possession, custody, or control of any such information about Donors to Defendant; and
2. Direct that each such Person or party immediately destroy, or cause to be destroyed, all such Donor information in its possession, custody, or control and provide a sworn notice to Defendant within 30 days of receipt of the Order attesting to its destruction.

*Provided, however,* that Donor 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.

## **VII. COOPERATION**

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

## **VIII. ORDER ACKNOWLEDGMENTS**

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

A. Defendant, within 7 days of entry of this Order, must submit to the FTC an acknowledgment of receipt of this Order sworn under penalty of perjury.

B. For 10 years after entry of this Order, Defendant for any business that he is the majority owner or controls, directly or indirectly, must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees having managerial responsibilities for conduct related to the subject matter of the Order and all agents and representatives who participate in conduct related to the subject matter of the Order; and (3) any business entity resulting from any change in structure as set forth in the Section titled Compliance Reporting. Delivery must occur within 7 days of entry of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities.

C. From each individual or entity to which Defendant delivered a copy of this Order, Defendant must obtain, within 30 days, a signed and dated acknowledgment of receipt of this

Order.

### **IX. COMPLIANCE REPORTING**

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

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

1. Identify all his telephone numbers and all physical, postal, email, and Internet addresses, including all residences;
2. Identify all his business activities, including any business for which he performs services whether as an employee or otherwise and any entity in which he has any ownership interest;
3. Describe in detail his involvement in each such business, including title, role, responsibilities, participation, authority, control, and any ownership;
4. Identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the FTC may use to communicate with him;
5. Identify all his businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses;
6. Describe the activities of each such business, including the goods and services offered, the means of advertising, marketing, and sales;
7. For all his activities with any Nonprofit Organization that Defendant undertakes in connection with Section I.D of this Order:
  - a. identify all such Nonprofit Organizations by all of their names, telephone



number(s), and physical, postal, email, and Internet addresses; and

- b. describe in detail his involvement in each such Nonprofit Organization, including any title, role, responsibilities, participation, authority, and control;

8. Describe in detail whether and how he is in compliance with each Section of this Order; and

9. Provide a copy of each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the FTC.

B. For 20 years after entry of this Order, Defendant must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following:

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 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.
2. 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.
3. If Defendant is employed by any Nonprofit Organization in any capacity

permitted by Section I.D of this Order or otherwise, he must report any change in title or role with that Nonprofit Organization.

C. Defendant must submit to the FTC notice of the filing of any bankruptcy petition, insolvency proceeding, or 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 under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: “I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on: \_\_\_\_\_” and supplying the date, signatory’s full name, title (if applicable), and signature.

E. Unless otherwise directed by an FTC representative in writing, all submissions to the FTC pursuant to this Order must be emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to:

Associate Director for Enforcement  
Bureau of Consumer Protection  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

The subject line must begin: *FTC v. Travis Deloy Peterson*, X180038.

## **X. RECORDKEEPING**

IT IS FURTHER ORDERED that Defendant must create certain records for 20 years after entry of the Order, and retain each such record for 5 years. Specifically, Defendant, for any business that he is a majority owner or controls directly or indirectly, must create and retain the following records:

- 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: name; addresses; telephone numbers; job title or position; dates of service; and (if applicable) the reason for termination;

C. Records of all consumer complaints and refund requests, whether received directly or indirectly, such as through a third party, and any response;

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

E. A copy of each unique advertisement or other marketing material.

## **XI. COMPLIANCE MONITORING**

IT IS FURTHER ORDERED that, for the purpose of monitoring Defendant's compliance with this Order, including the Financial Representations upon which part of the judgment was suspended:

A. Within 14 days of receipt of a written request from a representative of the FTC, Defendant must: submit additional compliance reports or other requested information, which must be sworn 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 must permit representatives of the FTC to interview any employee or other Person affiliated with him who has agreed to such an interview. The Person interviewed may have counsel present.

C. The FTC may use all other lawful means, including posing, through its representatives as consumers, suppliers, or other individuals or entities, to Defendant or any

individual or entity affiliated with him, without the necessity of identification or prior notice. Nothing in this Order limits the FTC's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

D. Upon written request from a representative of the FTC, any consumer reporting agency must furnish consumer reports concerning Defendant, pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C. § 1681b(a)(1).

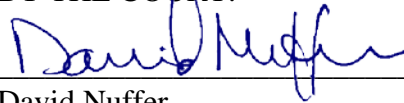
## **XII. RETENTION OF JURISDICTION**

IT IS FURTHER ORDERED that this Court retains jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

The clerk is directed to close this case.

Dated April 1, 2019.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer  
United States District Judge