

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

	)	<b>CIVIL ACTION NO.</b>
<b>Federal Trade Commission,</b>	)	
	)	<b>CV-12-914-PHX-DGC</b>
Plaintiff,	)	
	)	
v.	)	
	)	
<b>North America Marketing and Associates,</b>	)	
<b>LLC, a Nevada limited liability</b>	)	
<b>company, <i>et al.</i>;</b>	)	
	)	
Defendants and Relief Defendant.	)	
	)	

**Motion to Issue Stipulated Final Order for Permanent Injunction and Other  
Equitable Relief Entered Into by Plaintiff and Defendants  
Daniel Vigil and National Opportunities, LLC (AZ)**

Plaintiff Federal Trade Commission and Defendants Daniel Vigil and National Opportunities, LLC (AZ) have entered into a Stipulated Final Order for Permanent Injunction and Other Equitable Relief (“Stipulated Final Order”).

The parties request that the Court issue the attached Stipulated Final Order.

Dated: June 20, 2013

Respectfully submitted,

DAVID C. SHONKA  
Acting General Counsel

DEANYA T. Cocanougher  
Regional Director

/s/ Gary D. Kennedy

GARY D. KENNEDY, Okla. Bar No. 4961  
ANNE D. LEJEUNE, Tex. Bar No. 24054286  
JAMES E. ELLIOTT, Tex. Bar No. 06557100  
LUIS H. GALLEGOS, Okla. Bar No. 19098  
Federal Trade Commission  
1999 Bryan Street, Suite 2150  
Dallas, Texas 75201  
(214) 979-9379; gkenedy@ftc.gov (Kennedy)  
(214) 979-9371; alejeune@ftc.gov (LeJeune)  
(214) 979-9373; jelliott@ftc.gov (Elliott)  
(214) 979-9383; lgallegos@ftc.gov (Gallegos)  
(214) 953-3079 (Fax)  
Attorneys for Plaintiff  
FEDERAL TRADE COMMISSION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

1 I certify that on June 20, 2013, Plaintiff, Federal Trade Commission, electronically  
2 transmitted the attached **Motion to Issue Stipulated Final Order for Permanent**  
3 **Injunction and Other Equitable Relief Entered Into by Plaintiff and Defendants**  
4 **Daniel Vigil and National Opportunities, LLC (AZ)**, with proposed **Stipulated Final**  
5 **Order**, by ECF or email to the following:

6 **BY ECF:**

7 Claude C. Wild, III  
8 Greenberg Traurig, LLP  
9 1200 17<sup>th</sup> Street, Suite 2400  
10 Denver, CO 80202  
11 Stacey F. Gottlieb  
12 Greenberg Traurig  
13 2375 East Camelback Road Suite 700  
14 Phoenix, AZ 85016

15 *Counsel for:*

16 Joseph Wayne Lowry  
17 Sheila Ann Lowry  
18 North America Marketing and Associates, LLC  
19 NAMAA, LLC  
20 TM Multimedia Marketing, LLC (Nevada)  
21 National Opportunities, LLC (Nevada)  
22 World Wide Marketing and Associates, LLC  
23 Wide World of Marketing, LLC  
24 Precious Metals Resource, LLC  
25 Guaranteed Communications, LLC  
26 Superior Multimedia Group, LLC

27 John A. Shannon, Jr.  
28 40 North Central Avenue, Suite 1400  
Phoenix, AZ 85047

*Counsel for:*

Kimberly Joy Birdsong

1 William D. Black  
2 Attorney at Law  
3 One East Camelback Rd., Suite 550  
4 Phoenix, AZ 85012

*Counsel for:*

5 Daniel Vigil  
6 National Opportunities, LLC (Arizona)

7 Ashley D. Adams, PLC  
8 8245 North 85<sup>th</sup> Way  
9 Scottsdale, AZ 85258

*Counsel for:*

10 Carl Edward Morris, Jr.  
11 Marketing Strategies, LLC

12 Stephen C. Kunkle, PLLC  
13 5150 North 16<sup>th</sup> Street, Suite A-222  
14 Phoenix, AZ 85016

*Counsel for:*

15 Tracy Jerome Morris  
16 TM Multimedia Marketing, LLC (Arizona)

17 Kevin M. Judiscak  
18 Scott W. Hulbert  
19 Engleman Berger, PLC  
20 3636 North Central Avenue, Suite 700  
21 Phoenix, AZ 85012

*Counsel for:*

22 Robb Evans & Associates, LLC  
23 Receiver

**BY EMAIL:**

24 Sarah Lynne Stapel  
25 4474 Eagle Street  
26 Denver, CO 80239

27 Alyisse Maloi Tramel  
28 2606 North 71<sup>st</sup> Drive  
Phoenix, AZ 85035

Dated: June 20, 2013

/s/ Gary D. Kennedy  
Gary D. Kennedy

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

<hr/>		)	<b>CIVIL ACTION NO.</b>
<b>Federal Trade Commission,</b>		)	
		)	<b>CV-12-914-PHX-DGC</b>
	Plaintiff,	)	
		)	
	v.	)	
		)	
<b>North America Marketing and Associates, LLC,</b>		)	
a Nevada limited liability company, <i>et al.</i> ;		)	
		)	
Defendants and Relief Defendants.		)	
<hr/>		)	

**STIPULATED FINAL ORDER FOR PERMANENT INJUNCTION AND  
OTHER EQUITABLE RELIEF AS TO DEFENDANTS DANIEL VIGIL  
AND NATIONAL OPPORTUNITIES, LLC (AZ)**

1 Plaintiff Federal Trade Commission (“Commission”) filed a Complaint for  
2 Permanent Injunction and Other Equitable Relief against Defendants North America  
3 Marketing and Associates, LLC; NAMAA, LLC; TM Multimedia Marketing, LLC, a  
4 Nevada limited liability company; TM Multimedia Marketing, LLC, an Arizona limited  
5 liability company; National Opportunities, LLC, a Nevada limited liability company;  
6 National Opportunities, LLC, an Arizona limited liability company; World Wide  
7 Marketing and Associates, LLC; Wide World of Marketing, LLC; Precious Metals  
8 Resource, LLC; Guaranteed Communications, LLC; Superior Multimedia Group, LLC;  
9 Kimberly Joy Birdsong; Joseph Wayne Lowry; Tracy Jerome Morris; Sarah Lynne  
10 Stapel; Alyisse Maloi Tramel; Daniel Vigil; and Relief Defendants Sheila Ann Lowry;  
11 Carl Edward Morris, Jr.; and Marketing Strategies, LLC. The Complaint alleges that  
12 Defendants engaged in unfair or deceptive acts or practices in violation of Sections 13(b)  
13 and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b) and 57b,  
14 and Section 6(b) of the Telemarketing and Consumer Fraud and Abuse Prevention Act  
15 (“Telemarketing Act”), 15 U.S.C. § 6105(b).

16 Plaintiff Federal Trade Commission and Defendants Daniel Vigil and National  
17 Opportunities, LLC (AZ) (“Defendants”), through their attorney, have agreed to entry of  
18 this Stipulated Permanent Injunction and Final Order (“Order”) as to Defendants by this  
19 Court to resolve all matters of dispute between them in this action.

20 **NOW THEREFORE**, Plaintiff Federal Trade Commission and Defendants  
21 having requested the Court to enter this Order,

22 **IT IS ORDERED, ADJUDGED, AND DECREED** as follows:

FINDINGS

1  
2           1.       This Court has jurisdiction of the subject matter of this case and Plaintiff  
3 and Defendants.

4  
5           2.       Venue in this district is proper under 28 U.S.C. § 1391(b) and (c), and 15  
6 U.S.C. § 53(b).

7  
8           3.       The activities of Defendants are in or affecting commerce, as defined in  
9 Section 4 of the FTC Act, 15 U.S.C. § 44.

10          4.       The allegations of the Complaint state a claim upon which relief may be  
11 granted against Defendants under Sections 13(b) and 19 of the FTC Act, 15 U.S.C.  
12 §§ 53(b) and 57b, and Section 6(b) of the Telemarketing Act, 15 U.S.C. § 6105(b).

13  
14          5.       Plaintiff has authority under Sections 13(b) and 19 of the FTC Act, 15  
15 U.S.C. §§ 53(b) and 57b, and Section 6(b) of the Telemarketing Act, 15 U.S.C.  
16 § 6105(b), to seek the relief it has requested.

17  
18          6.       Defendants have entered into this Order freely and without coercion.  
19 Defendants further acknowledge that they have read the provisions of this Order and are  
20 prepared to abide by them.

21  
22          7.       Defendants waive all rights to seek appellate review or otherwise challenge  
23 or contest the validity of this Order.

24          8.       Defendants waive all claims that may arise under the Equal Access to  
25 Justice Act, 20 U.S.C. § 2412, concerning the prosecution of this action to date.  
26 Defendants also waive any claim against Plaintiff and its employees, representatives, or  
27 agents.  
28





1 C. “**Defendants**” means Daniel Vigil and National Opportunities, LLC (AZ).

2 D. “**Individual Defendant**” means Daniel Vigil.

3 E. “**Corporate Defendant**” means National Opportunities, LLC (AZ).

4 F. “**Document**” or “**Electronically Stored Information**” is synonymous in  
5 meaning and equal in scope to the usage of the terms in Rule 34(a) of the Federal Rules of  
6 Civil Procedure and includes:

7

8 1. The original or a true copy of any written, typed, printed,  
9 electronically stored, transcribed, taped, recorded, filmed, punched, or  
10 graphic matter or other data compilations of any kind, including, but not  
11 limited to, letters, email or other correspondence, messages, memoranda,  
12 interoffice communications, notes, reports, summaries, manuals, magnetic  
13 tapes or discs, tabulations, books, records, checks, invoices, work papers,  
14 journals, ledgers, statements, returns, reports, schedules, or files; and

15 2. Any electronically stored information stored on any Smartphones,  
16 flash drives, telephones, personal digital assistants (“PDAs”), desktop  
17 personal computers and workstations, laptops, notebooks, and other  
18 portable computers, or other electronic storage media, whether assigned to  
19 individuals or in pools of computers available for shared use; and home  
20 computers used for work-related purposes; backup disks and tapes, archive  
21 disks and tapes, and other forms of offline storage, whether stored onsite  
22 with the computer used to generate them, stored offsite in another company  
23 facility, or stored, hosted, or otherwise maintained offsite by a third-party;  
24  
25  
26  
27  
28

1 and computers and related offline storage used by Defendants or  
2 Defendants' participating associates, which may include persons who are  
3 not employees of the company or who do not work on company premises.  
4

5 **G. "Mail"** includes, but is not limited to, all envelopes, papers, or other items  
6 delivered, whether by United States Mail, United Parcel Service, FedEx, electronic mail,  
7 or similar delivery service.  
8

9 **H. "Material fact"** means any fact that is likely to affect a person's choice of,  
10 or conduct regarding, goods or services.

11 **I. "Person"** means a natural person, organization, or other legal entity,  
12 including a corporation, partnership, sole proprietorship, limited liability company,  
13 association, cooperative, or any other group or combination acting as an entity.  
14

15 **J. "Work-at-home opportunity"** means any good, service, plan, or program  
16 that is represented, expressly or by implication, to assist an individual in any manner to  
17 earn money while working from home or from locations other than the business premises  
18 of Defendants.  
19

20 **ORDER**

21 **I.**

22 **BAN ON WORK-AT-HOME OPPORTUNITIES**

23 **IT IS ORDERED** that Defendants, whether acting directly or through any other  
24 person, corporation, partnership, subsidiary, division, agent, or other device, are  
25 permanently restrained and enjoined from:  
26  
27  
28



1 obtaining a full or partial refund, or the circumstances in which a full or partial refund  
2 will be granted to the consumer; and

3 **D.** Any material aspect of the performance, efficacy, nature or other  
4 characteristic of the good, service, plan, or program.

5 **III.**  
6 **PROHIBITION AGAINST VIOLATING THE**  
7 **TELEMARKETING SALES RULE**

8 **IT IS FURTHER ORDERED** that, in connection with telemarketing,  
9 Defendants, and their agents, servants, employees, and all persons in active concert or  
10 participation with them who receive actual notice of this Order by personal service or  
11 otherwise, whether acting directly or through any corporation, partnership, subsidiary,  
12 division, agent, or other device, are permanently restrained and enjoined from violating,  
13 or assisting others in violating, any provision of the Telemarketing Sales Rule, 16 C.F.R.  
14 Part 310, as currently promulgated or as it may be amended, including, but not limited to,  
15 by:

16 **A.** Representing, directly or indirectly, expressly or by implication that  
17 consumers who purchase and use any website sold by Defendants are likely to earn  
18 substantial income, in violation of Section 310.3(a)(2)(vi) of the TSR, 16 C.F.R. Part  
19 310.3(a)(2)(vi);

20 **B.** Representing, directly or indirectly, expressly or by implication that  
21 consumers who purchase and use any advertising package sold by Defendants are likely  
22 to quickly earn back the cost, or substantially more than the cost of the advertising  
23 package, in violation of Section 310.3(a)(2)(vi) of the TSR, 16 C.F.R. Part  
24 310.3(a)(2)(vi); and

25 **C.** Representing, directly or indirectly, expressly or by implication that  
26 business experts, business professionals, and marketing coaches will provide substantial  
27 assistance to consumers in operating any work-at-home opportunity they purchased from  
28

1 Defendants, in violation of Section 310.3(a)(2)(iii) of the TSR, 16 C.F.R. Part  
2 310(a)(2)(iii).

3  
4 **IV.**  
**DUTY TO PROTECT CUSTOMER INFORMATION**

5 **IT IS FURTHER ORDERED** that Defendants and their agents, servants, and  
6 employees, and all persons in active concert or participation with any of them who  
7 receive actual notice of this Order by personal service or otherwise, whether acting  
8 directly or through any corporation, partnership, subsidiary, division, agent, or other  
9 device, are permanently restrained and enjoined from:  
10

11  
12 **A.** Disclosing, using, or receiving any benefit from customer information,  
13 including the name, address, telephone number, email address, social security number,  
14 other identifying information, or any data that enables access to a customer's account  
15 (including a credit card, bank account, or other financial account), of any person which  
16 was obtained by Defendants prior to entry of this Order in connection with Defendants'  
17 offering for sale or sale of work-at-home opportunities; and  
18

19 **B.** Failing to dispose of customer information in all forms in their possession,  
20 custody, or control within thirty (30) days after entry of this Order. Disposal shall be by  
21 means that protect against unauthorized access to the customer information, such as by  
22 burning, pulverizing, or shredding any papers, and by erasing or destroying any electronic  
23 media, to ensure that the customer information cannot practicably be read or  
24 reconstructed.  
25  
26  
27  
28



1 severally against Corporate Defendant and Individual Defendant, as equitable monetary  
2 relief, including, but not limited to, restitution or disgorgement, and for paying any  
3 attendant expenses for the administration of any restitution fund; *provided, however*, that  
4 this Judgment for equitable monetary relief shall be suspended upon the satisfaction of  
5 the obligations applicable to each Defendant as imposed by Subsection B of this Section  
6 and subject to the provisions of Section VII, titled "Right to Reopen."  
7  
8

9 B. Within ten (10) days of the date of entry of this Order, Individual Defendant  
10 shall pay **FOURTEEN THOUSAND FOUR HUNDRED FIFTY DOLLARS**  
11 (\$14,450) in equitable monetary relief, including, but not limited to, restitution or  
12 disgorgement, and for paying any attendant expenses for the administration of any  
13 restitution fund, to the Commission in the form of a wire transfer or certified or cashier's  
14 check made payable to the Commission, or such agent as the Commission may direct.  
15

16 C. In the event of default on any obligation to make payment under this Order,  
17 interest, computed according to 28 U.S.C. § 1961(a), shall accrue from the date of default  
18 to the date of payment. Defendants shall be liable for all payments required by this Order  
19 and for interest on such payments.  
20

21 D. All funds paid under this Order shall be deposited into a fund administered  
22 by the Commission or its agent to be used for equitable relief, including, but not limited  
23 to, restitution and any attendant expenses for the administration of any restitution fund.  
24 Defendants shall cooperate fully to assist the Commission in identifying consumers who  
25 may be entitled to restitution under this Order. In the event that direct restitution to  
26 consumers is wholly or partially impracticable or funds remain after restitution is  
27  
28

1 completed, the Commission may apply any remaining funds for the other equitable relief  
2 (including consumer information remedies) as it determines to be reasonably related to  
3 Defendants' practices alleged in the Complaint. Any funds not used for the equitable  
4 relief shall be deposited to the United States Treasury as disgorgement. Defendants shall  
5 have no right to challenge the Commission's choice of remedies under this Section and  
6 shall have no right to contest the manner of distribution chosen by the Commission.  
7

8  
9 E. Defendants relinquish all dominion, control, and title to the funds paid to  
10 the fullest extent permitted by law. Defendants shall make no claim to or demand for  
11 return of the funds, directly or indirectly, through counsel or otherwise.  
12

13 F. Defendants shall take no deduction, capital loss, write-off, or any other tax  
14 benefit on any federal or state tax return, amended tax return, IRS Form 1045, or any  
15 other tax filing, for all or any part of any payment toward satisfaction of this judgment.  
16

17 G. Defendants agree that the facts as alleged in the Complaint filed in this  
18 action shall be taken as true without further proof in any bankruptcy case or subsequent  
19 civil litigation pursued by the Commission to enforce its rights to any payment or money  
20 judgment pursuant to this Order, including, but not limited to, a nondischargeability  
21 complaint in any bankruptcy case. Defendants further stipulate and agree that the facts  
22 alleged in the Complaint establish all elements necessary to sustain an action by the  
23 Commission pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C.  
24 § 523(a)(2)(A), and that this Order shall have collateral estoppel effect for such purposes.  
25

26  
27 H. In accordance with 31 U.S.C. § 7701, Defendants are required, within ten  
28 (10) days after entry of this Order, unless they already have done so, to furnish the



1 Commission with taxpayer identifying numbers (Social Security numbers or employer  
2 identification numbers), which shall be used for purposes of collecting and reporting on  
3 any delinquent amount arising out of their relationship with the government. Defendants  
4 are further required, within ten (10) days after entry of this Order, unless they already  
5 have done so, to provide the Commission with clear, legible, and full-size photocopies of  
6 all valid driver's licenses that Defendants possess, which will be used for reporting and  
7 compliance purposes.  
8  
9

10 I. Proceedings instituted under this Section are in addition to, and not in lieu  
11 of, any other civil or criminal remedies that may be provided by law, including any other  
12 proceedings the Commission may initiate to enforce this Order.  
13

14 **VII.**

15 **RIGHT TO REOPEN**

16 **IT IS FURTHER ORDERED** that:

17  
18 A. The Commission's agreement to this Order and the Court's approval are  
19 expressly premised upon the truthfulness, accuracy, and completeness of the Defendants'  
20 representations regarding their respective financial condition, as set forth in Defendants'  
21 sworn financial statements and supporting documents submitted to the Commission as  
22 follows:  
23  
24  
25  
26  
27  
28

Defendant	Dated
Daniel Vigil	Sworn Financial Statement dated May 9, 2012
National Opportunities, LLC, (AZ)	Sworn Financial Statement dated May 9, 2012

Defendants stipulate that all financial statements and information submitted by them are truthful, accurate, and complete. The documents submitted contain material information upon which the Commission relied in negotiating and agreeing to the terms of this Order.

B. If, upon motion by the Commission, the Court determines that Defendants failed to disclose any material asset, materially misrepresented the value of any asset, or made any other material misrepresentation in or omission from Defendants' financial disclosures, the value of which exceeds \$1,000, then the suspension of the judgment, ordered in Subsection A of the Section titled "Monetary Judgment," shall be terminated and the entire judgment amount shall be entered against Defendants. *Provided, however,* that Defendants shall be entitled to offset these judgment amounts by any sums already paid under this Order.

C. The reinstated judgment shall become immediately due and payable by Defendants, and interest computed at the rate prescribed under 28 U.S.C. § 1961, as amended, shall immediately begin to accrue on any unpaid balance. *Provided, however,* that in all other respects this Order shall remain in full force and effect unless otherwise ordered by the Court; and

1 D. Any proceedings instituted under this Section would be in addition to, and  
2 not in lieu of, any other civil or criminal remedies as may be provided by law, including,  
3 but not limited to, contempt proceedings, or any other proceedings that the Commission  
4 or the United States might initiate to enforce this Order. For purposes of this Section,  
5 Defendants waive any right to contest any of the allegations in the Commission's  
6 Complaint.  
7  
8

9 **VIII.**

10 **LIFTING OF ASSET FREEZE**

11 **IT IS FURTHER ORDERED** that the freeze of Defendants' assets set forth in  
12 the Preliminary Injunction, entered by this Court on May 23, 2012, shall be lifted to the  
13 extent necessary for Defendants to comply with Paragraph VI.B. of this Order. After  
14 Defendants have complied with Paragraph VI.B. of this Order, the freeze of Defendants'  
15 assets shall be lifted permanently.  
16  
17

18 **IX.**

19 **PROHIBITION ON COLLECTING ON ACCOUNTS**

20 **IT IS FURTHER ORDERED** that Defendants and their officers, agents,  
21 servants, employees, and all persons in active concert or participation with them who  
22 receive actual notice of this Order by personal service or otherwise, whether acting  
23 directly or through any corporation, partnership, subsidiary, division, agent, or other  
24 device, or any of them, in connection with the advertising, marketing, promotion, offering  
25 for sale or sale of any good, service, plan, program, or business opportunity are  
26 permanently restrained and enjoined from attempting to collect, collecting, selling,  
27  
28

1 assigning, or otherwise transferring any right to collect payment from any consumer who  
2 purchased or agreed to purchase any work-at-home opportunity from Defendants.

3  
4 **X.**

5 **ORDER ACKNOWLEDGMENTS**

6 **IT IS FURTHER ORDERED** that Defendants obtain acknowledgments of  
7 receipt of this Order:

8  
9 **A.** Within seven (7) days of entry of this Order, Defendants must submit to the  
10 Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.

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

19  
20 **C.** From each individual or entity to which Defendants delivered a copy of this  
21 Order, such Defendant must obtain, within thirty (30) days, a signed and dated  
22 acknowledgment of receipt of this Order.  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

XI.

COMPLIANCE REPORTING

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

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

1. Defendants must: (a) designate at least one telephone number and an email, physical, and postal address as points of contact, which representatives of the Commission may use to communicate with Defendants; (b) identify all of Defendants' businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses; (c) describe the activities of each business, including the products and services offered, the means of advertising, marketing, and sales, and the involvement of any other Defendant; (d) describe in detail whether and how that Defendant is in compliance with each Section of this Order; and (e) provide a copy of each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the Commission; and

2. Additionally, Defendants must: (a) identify all telephone numbers and all email, Internet, physical, and postal addresses, including all residences; (b) identify all titles and roles in all business activities, including any business for which a Defendant performs services whether as an employee or otherwise and any entity in which a Defendant has any ownership interest; and (c) describe in detail a Defendant's

1 involvement in each such business, including title, role, responsibilities, participation,  
2 authority, control, and any ownership.

3  
4 **B.** For ten (10) years following entry of this Order, Defendants must submit a  
5 compliance notice, sworn under penalty of perjury, within fourteen (14) days of any  
6 change in the following:

7  
8 1. Defendants must report any change in: (a) any designated point of contact;  
9 or (b) the structure of any entity that Defendant has any ownership interest in or directly  
10 or indirectly controls that may affect compliance obligations arising under this Order,  
11 including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or  
12 affiliate that engages in any acts or practices subject to this Order; and

13  
14 2. Additionally, Defendants must report any change in: (a) name, including  
15 aliases or fictitious name, or residence address; or (b) title or role in any business activity,  
16 including any business for which a Defendant performs services whether as an employee  
17 or otherwise and any entity in which a Defendant has any ownership interest, and identify  
18 its name, physical address, and Internet address, if any.

19  
20 **C.** Defendants must submit to the Commission notice of the filing of any  
21 bankruptcy petition, insolvency proceeding, or any similar proceeding by or against a  
22 Defendant within fourteen (14) days of its filing.

23  
24 **D.** Any submission to the Commission required by this Order to be sworn  
25 under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746,  
26 such as by concluding: "I declare under penalty of perjury under the laws of the United  
27

28

1 States of America that the foregoing is true and correct. Executed on: \_\_\_\_\_” and  
2 supplying the date, signatory’s full name, title (if applicable), and signature.  
3

4 E. Unless otherwise directed by a Commission representative in writing, all  
5 submissions to the Commission under this Order must be emailed to DEbrief@ftc.gov or  
6 sent by overnight courier (not the U.S. Postal Service) to: Associate Director for  
7 Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600  
8 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: *FTC*  
9 *v. North America Marketing and Associates, LLC, et al.*, Civil Action No. 2:12-cv-914-  
10 DGC (D. Ariz.) (X120024), Defendant \_\_\_\_\_.”  
11

12 **XII.**

13 **RECORDKEEPING**

14 **IT IS FURTHER ORDERED** that Defendants must create certain records for ten  
15 (10) years after entry of the Order, and retain each such record for five (5) years.  
16 Specifically, Defendants, for any business in which any Defendant, individually or  
17 collectively with any other Defendant, is a majority owner or directly or indirectly  
18 controls, must maintain the following records:  
19  
20

21 A. Accounting records showing the revenues from all goods or services sold,  
22 all costs incurred in generating those revenues, and the resulting net profit or loss;  
23

24 B. Personnel records showing, for each person providing services, whether as  
25 an employee or otherwise, that person’s: name, addresses, and telephone numbers; job  
26 title or position; dates of service; and, if applicable, the reason for termination;  
27  
28

1 C. Complaints and refund requests, whether received directly or indirectly,  
2 such as through a third party, and any response;

3  
4 D. All records necessary to demonstrate full compliance with each provision of  
5 this Order, including all submissions to the Commission; and

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

7  
8 **XIII.**

9 **COMPLIANCE MONITORING**

10 **IT IS FURTHER ORDERED** that, for the purpose of monitoring Defendants'  
11 compliance with this Order:

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

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

25  
26 C. The Commission may use all other lawful means, including posing, through  
27 its representatives, as consumers, suppliers, or other individuals or entities, to Defendants  
28



1 or any individual or entity affiliated with Defendants, without the necessity of  
2 identification or prior notice. Nothing in this Order limits the Commission's lawful use  
3 of compulsory process, under Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.  
4

5 **XIV.**

6 **RETENTION OF JURISDICTION**

7 **IT IS FURTHER ORDERED** that this Court retains jurisdiction of this matter for  
8 purposes of construction, modification, and enforcement of this Order.  
9

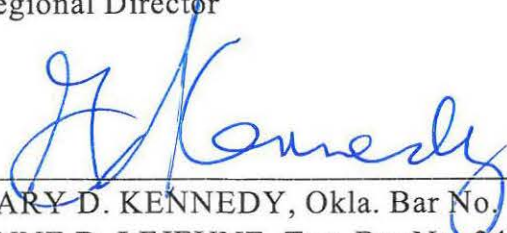
10  
11 **IT IS SO ORDERED.**  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **SO STIPULATED:**

2  
3  
4 DATED: 06/20/13

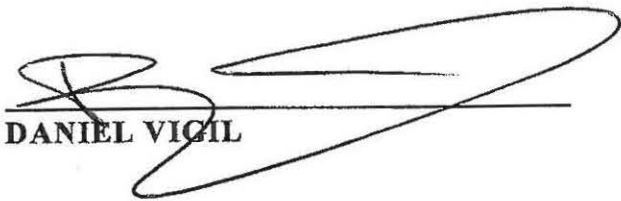
DAVID C. SHONKA  
Acting General Counsel

DEANYA T. KUECKELHAN  
Regional Director

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
  
GARY D. KENNEDY, Okla. Bar No. 4961  
ANNE D. LEJEUNE, Tex. Bar No. 24054286  
LUIS H. GALLEGOS, Okla. Bar No. 19098  
JAMES E. ELLIOTT, Tex. Bar No. 06557100  
Federal Trade Commission  
1999 Bryan Street, Suite 2150  
Dallas, Texas 75201  
(214) 979-9379; gkennedy@ftc.gov (Kennedy)  
(214) 979-9371; alejeune@ftc.gov (LeJeune)  
(214) 979-9383; lgallegos@ftc.gov (Gallegos)  
(214) 979-9373; jelliott@ftc.gov (Elliott)  
(214) 953-3079 (Fax)

Attorneys for Plaintiff  
FEDERAL TRADE COMMISSION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

  
\_\_\_\_\_

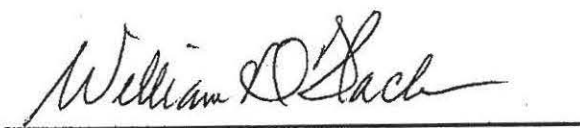
**DANIEL VIGIL**

DATED: 01/28/13

  
\_\_\_\_\_

**NATIONAL OPPORTUNITIES, LLC (AZ)**  
by Daniel Vigil, Manager

DATED: 01/28/13

  
\_\_\_\_\_

**WILLIAM D. BLACK**  
Attorney at Law  
One East Camelback Rd., Suite 550  
Phoenix, Arizona 85012  
Counsel for Defendants Daniel Vigil and  
National Opportunities, LLC (AZ)

DATED: 1-28-13