

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FEDERAL TRADE COMMISSION *
Plaintiff *
vs. * CIVIL ACTION NO. MJG-11-1483
LOMA INTERNATIONAL *
BUSINESS GROUP INC., et al. *
Defendants *
* * * * *

PERMANENT INJUNCTION

The Court, issues this Permanent Injunction pursuant to the Memorandum and Order Re: Injunctive Relief issued herewith.

I. FINDINGS

1. The Court has jurisdiction over all parties to the instant case.
2. Defendants Manuel Alban and Lola Alban and Loma International Business Group, Inc. violated Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

II. DEFINITIONS

1. **"Individual Defendants"** means Manuel E. Alban and Lola P. Alban.
2. **"Corporate Defendant"** means Loma International Business Group, Inc. and its successors and assigns.
3. **"Defendants"** means all of the Individual Defendants and the Corporate Defendant, individually, collectively, and in any other combination.

4. **"Immigration-Related Documents"** means (a) original documents provided by or on behalf of a customer or other person, such as passports and marriage and birth certificates; (b) any applications, petitions, or other papers filed on a customer's behalf, but does not include incomplete forms; and (c) any documents from the United States Department of Homeland Security or the United States Department of Justice received by the Defendants on behalf of any customer.
5. **"Immigration services"** means any service purporting to aid any person in any immigration matter involving the United States government, such as by: (a) appearing in any immigration case, either in person or through the preparation or filing of any brief, paper, application, petition, form, or other document, on behalf of another person, before any branch of the United States Department of Homeland Security or the United States Department of Justice; (b) selecting which visa, work permit, temporary protective status, residency, citizenship, or other immigration status or benefit to apply for, or which application or other form to use, or providing advice regarding these selections; (c) advising a person regarding the requirements for obtaining a visa, a work permit, temporary protective status, residency, citizenship, or any other immigration status or benefit; or (d) advising a person regarding his or her answers on any immigration-related document, paper, application, petition, or other form.
6. **"Customer"** means any person who purchased or agreed to purchase, or any person on whose behalf a person purchased or agreed to purchase, immigration services from any Defendant prior to the entry of this Order.
7. **"Customer Contact Information"** means a customer's last known name, address, and telephone number.

ORDER

I. BAN ON PROVIDING IMMIGRATION SERVICES

IT IS ORDERED that Defendants are permanently restrained and enjoined from advertising, marketing, promoting, or offering for sale, or assisting in the advertising, marketing, promoting, or offering for sale of, any immigration services.

II. PROHIBITION AGAINST MISREPRESENTATIONS

IT IS FURTHER ORDERED that Defendants, Defendants' officers, agents, servants, employees, 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 promoting or offering for sale any good or service are permanently restrained and enjoined from misrepresenting, expressly or by implication:

- A. The Defendants' education, training, or credentials, or that Defendants are qualified or authorized to provide immigration services or tax preparation services;
- B. The total costs to purchase, receive, or use, or the quantity of, the good or service;
- C. Any material restriction, limitation, or condition to purchase, receive, or use the good or service; and
- D. Any material aspect of the performance, efficacy, nature, or central characteristics of the good or service.

III. MONETARY JUDGMENT

A. The Albans shall, by July 1, 2014, make an initial payment of \$75,000 to a fund managed by the FTC or its designee, and such payments as shall be required by further Order, so that the total payments are no greater than \$616,203.

B. The FTC, or its designee, shall manage the fund and repay Defendants' customers to the extent that the customers can be located and provide statements, under oath, supporting their entitlement to repayment.

C. At such time, if any, that the reimbursements to customers reduce the fund to less than \$10,000, the Court shall, absent a showing of good cause not to do so, require an additional payment from the Albans in an amount to be determined in light of then existing circumstances.

D. If, by a date that is two years after the making of the initial payment or, if later, any subsequent payment, the fund has not been reduced below \$10,000, the fund (and payments hereunder) shall be terminated, and the remaining balance in the fund shall be paid to the FTC or such recipient(s) as the FTC may designate.

IV. CUSTOMER INFORMATION

IT IS FURTHER ORDERED that Defendants, and their officers, agents, servants, employees, and attorneys, and all other persons in active concert or participation with any of them who receive actual notice of this Order by personal service or otherwise, 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 (e.g., passport, marriage certificate), or any data that enables access to a customer's account (including a credit card, bank

account, or other financial account), that any Defendant obtained prior to entry of this Order in connection with the offering for sale of immigration services; and

B. Failing to destroy any customer information in any form Defendants may now have in their possession, custody, or control within 30 days after receipt of written direction to do so from a representative of the Commission. *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 a law, regulation, or court order.

V. MONITORSHIP TERMINATION

IT IS FURTHER ORDERED that the Monitor must complete all duties within 120 days after entry of this Order, but any party may, or the Monitor may request, that the Court extend that Monitor's term for good cause.

Within 30 days after receipt of written direction to do so from a representative of the Commission, the Monitor shall turn over to the Commission all forms of immigration customer information in his possession, custody, or control. The Monitor shall provide a list to the Commission of any personal items returned to Defendants.

Upon completion of the responsibilities described in this Section, the Monitor shall submit a final report and application for fees and expenses. Upon the Court's approval of the Monitor's final report, the Monitor's role shall be terminated.

VI. UPDATING CUSTOMER CONTACT INFORMATION

This section was incorporated into section V.

VII. ORDER ACKNOWLEDGMENTS

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

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

B. For 5 years after entry of this Order, each Individual Defendant, for any business that such Defendant, individually or collectively with any other Defendant, is the majority owner or controls, directly or indirectly, and the Corporate Defendant, must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees, agents, and representatives who participate in conduct related to the subject matter of this 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 a Defendant delivers a copy of this Order, that Defendant must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

VIII. COMPLIANCE REPORTING

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

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

1. Each Defendant must: (a) identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the Commission may use to communicate with Defendant; (b) identify all of that Defendants businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses; (c) describe the activities of each such business, including the goods and services offered, the means of advertising, marketing, and sales, and the involvement of any other Defendant (which Individual Defendants must describe if they know, or should know, due to their own involvement); (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.

2. Additionally, each Individual Defendant must: (a) identify all telephone numbers and all physical, postal, email and Internet addresses, including all residences; (b) identify all business activities, including any business for which such Defendant performs services, whether as an employee or otherwise, and any entity in which such Defendant has any ownership interest; and (c) describe in detail such Defendant's involvement in each such business, including title, role, responsibilities, participation, authority, control, and any ownership.

B. For 10 years after entry of this Order, each Defendant must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following:

1. Each Defendant must report any change in:
(a) any designated point of contact; or (b) the structure of Corporate Defendant or 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. Additionally, each Individual 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 such Defendant performs services whether as an employee or otherwise, and any entity in which such Defendant has any ownership interest, and identify the name, physical address, and any Internet address of the business or entity.

C. Each Defendant must submit to the Commission notice of the filing of any bankruptcy petition, insolvency proceeding, or any similar proceeding by or against such 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. § 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 a Commission representative in writing, all submissions to the Commission 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 NW
Washington, DC 20580

The subject line must begin: *FTC v. Loma Intl.
Business Group, Inc., et al.*, X110035.

IX. RECORDKEEPING

IT IS FURTHER ORDERED that Defendants must create certain records for 10 years after entry of the Order, and to retain each such record for 5 years. Specifically, the Corporate Defendant and each Individual Defendant for any business in which that Defendant, individually or collectively with any other Defendants, 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 Commission; and
- E. A copy of each unique advertisement or other marketing material.

X. COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring Defendants' compliance with this Order and any failure to transfer any assets required by this Order:

A. Within 14 days of receipt of a written request from a representative of the Commission, each 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 Commission is also authorized to obtain discovery, without further leave of court, using any of the procedures described 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 Commission shall communicate with Defendants through their counsel.

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

XI. 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.

SO ORDERED, on Monday, March 24, 2014.

/s/
Marvin J. Garbis
United States District Judge