

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

FEDERAL TRADE COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. 8:13-cv-1329-VMC-TBM
RESORT SOLUTION TRUST, INC.)	
a Florida corporation,)	
)	
LINCOLN RENWICK II, individually and as)	
owner, officer, or manager of Resort)	
Solution Trust, and)	
)	
ANTHONY TALAVERA, individually and as)	
owner, officer, or manager of Resort)	
Solution Trust,)	
)	
Defendants.)	
)	

Case No. 8:13-cv-1329-VMC-TBM

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

Plaintiff, the Federal Trade Commission (“FTC” or “Commission”), filed its Complaint for Injunctive and Other Equitable Relief for a permanent injunction and other equitable relief in this matter, pursuant to Sections 13(b) and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b) and 57b, and the Telemarketing and Consumer Fraud and Abuse Prevention Act (“Telemarketing Act”), 15 U.S.C. §§ 6101-6108. The Commission and Defendants Lincoln Renwick II and Anthony Talavera stipulate to the entry of this Stipulated Order for Permanent Injunction and Monetary Judgment (“Final Order”) to resolve all matters in dispute in this action between them.

THEREFORE, IT IS ORDERED as follows:

FINDINGS

1. This Court has jurisdiction over this matter.
2. The Complaint charges that Defendants participated in deceptive and unfair acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. §45, and the Telemarketing Sales Rule, 16 C.F.R. Part 310 (“TSR”), in connection with the sale of timeshare resale services.
3. Individual Defendants neither admit nor deny any of the allegations in the Complaint, except as specifically stated in this Order. Only for purposes of this action, Individual Defendants admit the facts necessary to establish jurisdiction.
4. Individual Defendants waive any claim that they 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 Final Order, and agree to bear their own costs and attorney fees.
5. Individual Defendants waive all rights to appeal or otherwise challenge or contest the validity of this Final Order.
6. This Final Order is in addition to, and not in lieu of, any other civil or criminal remedies that may be provided by law.

DEFINITIONS

For the purposes of this Final Order, the following definitions apply:

1. **“Individual Defendants”** means Lincoln Renwick II and Anthony Talavera and by whatever other names they may be known.

2. **“Corporate Defendant”** or **“Receivership Defendant”** means Resort Solution Trust, Inc., and its successors and assigns, and any fictitious business entities or business names created or used by this entity.
3. **“Defendants”** means the Individual Defendants and the Corporate Defendant, individually, collectively, or in any combination.
4. **“Person”** means a natural person, business structure, organization or other legal entity, including a corporation, partnership, sole proprietorship, limited liability company, association, cooperative, trust, subsidiary, division or any other group or combination acting as an entity.
5. **“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, whether or not covered by the Telemarketing Sales Rule.
6. **“Timeshare”** means any right of ownership or occupancy in any vacation property or properties (including, but not limited to, condominiums, resorts, campgrounds, and cruise ships) that provides rights-holders with periodic usage or occupancy rights. The term also includes “point-based” programs that provide similar ownership or occupancy benefits.
7. **“Timeshare Resale Service”** means any good, service, plan or program represented, expressly or by implication, to assist an individual in advertising, marketing, promoting, offering for sale, or selling an individual’s Timeshare.

FINAL ORDER

I. PERMANENT BAN ON TELEMARKETING

IT IS THEREFORE ORDERED that Individual Defendants, whether acting directly or indirectly, are hereby permanently restrained and enjoined from engaging in, participating in, or assisting others in Telemarketing.

II. PERMANENT BAN ON TIMESHARE RESALE SERVICES

IT IS FURTHER ORDERED that Individual Defendants, whether acting directly or indirectly, are hereby permanently restrained and enjoined from advertising, marketing, promoting, offering for sale, or selling, or assisting others in advertising, marketing, promoting, offering for sale, or selling, any Timeshare Resale Service.

III. PROHIBITION AGAINST MISREPRESENTATIONS

IT IS FURTHER ORDERED that Individual Defendants, 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 Final Order, whether acting directly or indirectly, in connection with the advertising, marketing, promotion, offering for sale, or sale of any good or service, are hereby permanently restrained and enjoined from misrepresenting, or assisting others in misrepresenting, expressly or by implication, any material fact, including, but not limited to:

- A. the total cost to purchase, receive or use the good or service;
- B. any material restriction, limitation, or condition to purchase, receive or use the good or service;
- C. any material aspect of the nature or terms of a refund, cancellation, exchange,

or repurchase policy for the good or service; and

- D. any material aspect of the performance, efficacy, nature or central characteristic of the good or service.

IV. PROHIBITION ON COLLECTING ON ACCOUNTS

IT IS FURTHER ORDERED that Individual Defendants, 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 Final Order, whether acting directly or indirectly, in connection with the advertising, marketing, promotion, offering for sale, or sale of any good or service, are hereby permanently restrained and enjoined from attempting to collect, collecting, or assigning any right to collect payment from any consumer who purchased or agreed to purchase any Defendant's goods or services, where the purported authorization for the alleged sale occurred prior to the entry of this Final Order.

V. MONETARY JUDGMENT AND PARTIAL SUSPENSION

IT IS FURTHER ORDERED that:

- A. Judgment in the amount of \$6,488,856 is entered in favor of the Commission against Individual Defendants, jointly and severally, as equitable monetary relief.
- B. Upon all asset transfers listed herein in Subsections C-D, the remainder of the judgment is suspended, subject to the Subsections below.
- C. In partial satisfaction of the monetary judgment, within 15 days of entry of This Final Order, Defendant Lincoln Renwick II shall deliver to the Receiver, or his designated representative, possession of the 2004 BMW X5 SUV

identified in Defendant Lincoln Renwick II's financial statement dated May 26, 2013.

Upon the Receiver's request, Defendant Lincoln Renwick II shall promptly transfer title to the vehicle to the Receiver or his designated transferee. The Receiver or his designated agent shall sell the vehicle and add the proceeds from the sale to the receivership estate. Any transfer fees, taxes, or other payments mandated from a transferor by law shall be paid from the proceeds of the sale at the time the vehicle is sold.

D. In partial satisfaction of the monetary judgment, the following frozen assets held by third parties in the name of, or for the benefit of, Defendants shall be transferred to the Commission as follows:

1. within 15 days of entry of this Final Order, Bank of America, its parent corporation, subsidiaries, principals, and agents, shall transfer to the Commission by wire transfer, in accordance with instructions to be provided by the Commission, all funds in the name of, or for the benefit of the Defendants, including, but not limited to:

a. Account No. xxxxxxxx4495, held in the name of Lincoln Renwick II; and

b. Account No. xxxxxxxx2411, held in the name of Lincoln Renwick II.

2. within 15 days of entry of this Final Order, Wells Fargo, its parent corporation, subsidiaries, principals, and agents, shall transfer to the

Commission by wire transfer, in accordance with instructions to be provided by the Commission, all funds in the name of, or for the benefit of the Defendants, including, but not limited to, the following accounts:

- a. Account No. xxxxxxxxxx4879, held in the name of Lincoln Renwick II; and
- b. Account No. xxxxxxxxxx9668, held in the name of Lincoln Renwick II.

- E. The Commission's agreement to the suspension of part of the judgment is expressly premised upon the truthfulness, accuracy, and completeness of Defendants' sworn financial statements and related documents (collectively, "financial representations") submitted to the Commission, namely:
1. The Financial Statement of Individual Defendant Lincoln Renwick II signed on May 26, 2013;
 2. The Financial Statement of Individual Defendant Anthony Talavera signed on May 28, 2013;
 3. The Financial Statement of Corporate Defendant Resort Solution Trust, Inc., signed on May 26, 2013, by Lincoln Renwick II; and
 4. Sworn oral statements taken of the Individual Defendants Lincoln Renwick II (taken on January 21, 2014) and Anthony Talavera (taken on January 21, 2014).
- F. The suspension of the judgment will be lifted as to any Individual Defendant if, upon motion by the Commission, the Court finds that Individual 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.

- G. If the suspension of the judgment is lifted, the judgment becomes immediately due as to that Individual Defendant in the amount specified in Subsection A above (which the parties stipulate only for purposes of this Section represents the consumer injury), less any payment previously made pursuant to this Section, plus interest computed from the date of entry of this Final Order.
- H. All monies paid to the Commission pursuant to this Final Order shall be deposited into a fund administered by the Commission 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 Commission decides that direct redress to consumers is wholly or partially impracticable or money remains after redress is completed, the Commission may apply any remaining money for such equitable relief (including consumer information remedies) as it determines to be reasonably related to Defendants' practices alleged in the Complaint. Any money not used for such equitable relief is to be deposited to the U.S. Treasury as disgorgement. Defendants have no right to challenge any actions the Commission or its representatives may take pursuant to this Subsection.
- I. Defendants relinquish dominion and all legal and equitable right, title, and

interest in all assets transferred pursuant to this Final 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 Commission, including in a proceeding to enforce its rights to any payment or monetary judgment pursuant to this Final 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 Commission pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C. §523(a)(2)(A), and this Final Order will have collateral estoppel effect for such purposes.
- L. Defendants acknowledge that their Taxpayer Identification Numbers (Social Security Numbers or Employer Identification Numbers), which Defendants previously submitted to the Commission, may be used for collecting and reporting on any delinquent amount arising out of this Final Order, in accordance with 31 U.S.C. §7701.

VI. CUSTOMER INFORMATION

IT IS FURTHER ORDERED that Individual Defendants, 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 Final Order, are hereby permanently restrained and enjoined from directly or indirectly:

- A. Failing to provide sufficient customer information to enable the Commission to efficiently administer consumer redress. If a representative of the Commission requests in writing any information related to redress, Individual Defendants must provide it, in the form prescribed by the Commission, within 14 days.
- B. Disclosing, using, or benefitting from customer information including, but not limited to, the name, address, telephone number, email address, social security number, other identifying information, 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 Final Order in connection with advertising, marketing, promotion, offering for sale or sale of any timeshare resale service; and
- C. Failing to destroy such customer information in all forms in their possession, custody, or control within 30 days after receipt of written direction to do so from a representative of the Commission. Destroying shall be by means that protect against unauthorized access to the customer information, such as by burning, pulverizing, or shredding any papers, and by erasing or destroying any electronic media, to ensure that the customer information cannot practicably be read or reconstructed.

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.

VII. LIFTING OF ASSET FREEZE

IT IS FURTHER ORDERED that the freeze of Individual Defendants' assets shall be lifted for the sole purpose of transferring funds and assets pursuant to Section V above and shall be dissolved only upon transfer of all such funds and assets owed to Plaintiff. A third party shall be entitled to rely upon a letter from Counsel for Plaintiff stating that the freeze on the assets of a Defendant has been lifted.

VIII. RECEIVERSHIP

IT IS FURTHER ORDERED that:

- A. Except as modified by this Section, the receivership imposed by this Court shall continue as set forth in the Order of Preliminary Injunction entered on June 11, 2013.
- B. The Receiver shall take all steps necessary to immediately wind down the affairs and liquidate the assets of the Receivership Defendant, as well as the assets of the Individual Defendants surrendered to the Receiver pursuant to Section V of this Final Order, from wherever and in whatever form they may be located.
- C. The Receiver shall continue to be entitled to compensation for the performance of his duties pursuant to this Final Order from the assets of the Receivership Defendant, at the billing rate previously agreed to by the Receiver. Within 30 days after entry of this Final Order, and every 30 days thereafter until completed, the Receiver shall file with the Court an accounting and request for the payment of such reasonable compensation.

- D. Upon the liquidation of any asset held by or surrendered to the Receiver, the Receiver shall, at the FTC's request, immediately transfer all funds to the FTC or its designated representative in partial satisfaction of the judgment pursuant to Section V of this Final Order. The Receiver is authorized to withhold a reasonable sum, not to exceed ten (10)% of the then-current liquid assets for costs, fees and expenses.
- E. Upon approval of the Receiver's final report and request for payment, but no later than 90 days after entry of this Final Order, the receivership shall be terminated, and all funds remaining after payment of the Receiver's final approved payment shall be remitted immediately to the FTC or its designated representative.
- F. Within 5 days of termination of the receivership, the Receiver shall return all records of the Receivership Defendant in his possession relating to their financial affairs to the Individual Defendants so that they may prepare and file all necessary corporate and individual tax returns. The Receiver is also directed to promptly turn over to Plaintiff records sufficient to show the names of customers of the Corporate Defendant, their addresses and contact information, and their net payments to the Corporate Defendant.
- G. Any party or the Receiver may request that the Court extend the Receiver's term for good cause.

IX. ORDER ACKNOWLEDGMENTS

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

- A. Each Individual Defendant, within 7 days of entry of this Final Order, must submit to the Commission an acknowledgment of receipt of this Final Order sworn under penalty of perjury.
- B. For 15 years after entry of this Final 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, must deliver a copy of this Final Order to: (1) all principals, officers, directors, and managers; (2) all employees, agents, and representatives who participate in timeshare resale services; and (3) any business entity resulting from any change in structure as set forth in the Section entitled "Compliance Reporting." Delivery must occur within 7 days of entry of this Final Order for current personnel. To all others, delivery must occur before they assume their responsibilities.
- C. From each individual or entity to which an Individual Defendant delivered a copy of this Final Order, that Defendant must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Final Order.

X. COMPLIANCE REPORTING

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

- A. One year after entry of this Final Order, each Individual Defendant must submit a compliance report, sworn under penalty of perjury:
1. Each Individual 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 Defendant's 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 (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 Final Order; and (e) provide a copy of each Order Acknowledgment obtained pursuant to this Final 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 15 years after entry of this Final Order, each Individual Defendant must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following:
1. Each Individual Defendant must report any change in: (a) any designated point of contact; or (b) the structure of the 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 Final 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 Final 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 Individual Defendant must submit to the Commission notice of the filing of any bankruptcy petition, insolvency proceeding, or similar proceeding by or against such Defendant within 14 days of its filing.

- D. Any submission to the Commission required by this Final 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 Final 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. Resort Solution Trust, Inc., Lincoln Renwick II, and Anthony Talavera, File No.X130047.

XI. RECORD KEEPING

IT IS FURTHER ORDERED that Individual Defendants must create certain records for 15 years after entry of the Final Order, and retain each such record for 5 years. Specifically, 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, and 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 Final Order, including all submissions to the Commission; and
- E. A copy of each unique advertisement or other marketing material.

XII. COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring Individual Defendants' compliance with this Final Order, including the financial representations upon which part of the judgment was suspended and any failure to transfer assets as required by this Final Order:

- A. Within 14 days of receipt of a written request from a representative of the Commission, each Individual 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 prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69.
- B. For matters concerning this Final Order, the Commission is authorized to communicate directly with each Individual Defendant. Defendants must

permit representatives of the Commission to interview any employee or other person affiliated with any Defendant who has agreed to such an interview.

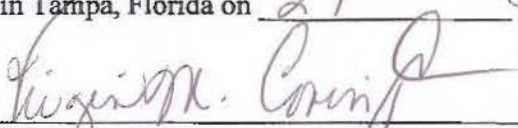
The person interviewed may have counsel present.

- C. The Commission may use all other lawful means, including posing, through its representatives, as consumers, suppliers, or other individuals or entities, to Defendants or any individual or entity affiliated with Defendants, without the necessity of identification or prior notice. Nothing in this Final Order limits the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

XIII. RETENTION OF JURISDICTION

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

DONE and ORDERED in Tampa, Florida on 24th June, 2014.



 HONORABLE VIRGINIA M. HERNANDEZ COVINGTON
 UNITED STATES DISTRICT JUDGE

SO STIPULATED AND AGREED:

FOR PLAINTIFF:



 HAROLD E. KIRTZ
 Counsel for Plaintiff
 Federal Trade Commission
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 404-656-1357

DEFENDANTS:



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