

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA  
Miami Division

**Case Number: 16-21843-CIV-MORENO**

FEDERAL TRADE COMMISSION and THE  
STATE OF FLORIDA,

Plaintiffs,

vs.

STUDENT AID CENTER, INC., RAMIRO  
FERNANDEZ-MORIS, and DAMIEN  
ALVAREZ,

Defendants.

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**DEFAULT JUDGMENT AND ORDER FOR PERMANENT INJUNCTION AND OTHER  
EQUITABLE RELIEF AS TO DEFENDANT DAMIEN ALVAREZ**

On May 23, 2016, Plaintiffs Federal Trade Commission and Office of the Attorney General, State of Florida, Department of Legal Affairs, filed a Complaint for Permanent Injunction and Other Equitable Relief against Defendants Student Aid Center, Inc., Ramiro Fernandez-Moris, and Damien Alvarez. The Complaint alleges that Defendants engaged in unfair or deceptive acts or practices in violation of Section 5(a) of the Federal Trade Commission Act, the Telemarketing Sales Rule, and the Florida Deceptive and Unfair Trade Practices Act. Defendant Alvarez was served with the summons and the Complaint on July 2, 2016.

This cause came before the Court upon Plaintiffs' Motion for Default Judgment Against Defendant Alvarez (**D.E. 89**), filed on **August 4, 2017**. The Court has considered the motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is

**ADJUDGED** that the motion is GRANTED. The Court finds Defendant Alvarez liable for Counts I through VI of the Complaint. Having reviewed the Declaration of Plaintiff Federal

Trade Commission Forensic Accountant Thomas VanWazer and other written submissions of Plaintiffs, the Court finds the amount of Defendant Student Aid Center, Inc.'s unjust gains from its unlawful practices is the net revenue of \$35,332,438 (total sales of \$38,371,537.33 less total sales returns of \$2,985,098.83). Plaintiffs are entitled to equitable monetary relief against Damien Alvarez in the amount of \$35,332,438. It is further

**ORDERED** that Defendant Alvarez is permanently restrained and enjoined from advertising, marketing, promoting, offering for sale, or selling, or assisting others in the advertising, marketing, promoting, offering for sale, or selling of any secured or unsecured debt relief product or service. It is further

**ORDERED** that Defendant Alvarez, his officers, agents, 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 the advertising, marketing, promoting, offering for sale, or selling of any product, service, plan, or program, are permanently restrained and enjoined from misrepresenting, or assisting others in misrepresenting, expressly or by implication:

- A. Any material aspect of the nature or terms of any refund, cancellation, exchange, or repurchase policy, including the likelihood of a consumer obtaining a full or partial refund, or the circumstances in which a full or partial refund will be granted to the consumer;
- B. That any person is affiliated with, endorsed or approved by, or otherwise connected to any other person; government entity; public, non-profit, or other non-commercial program; or any other program;

- C. The nature, expertise, position, or job title of any person who provides any product, service, plan, or program;
- D. The person who will provide any product, service, plan, or program to any consumer;
- E. That any person providing a testimonial has purchased, received, or used the product, service, plan, or program;
- F. That the experience represented in a testimonial of the product, service, plan, or program represents the person's actual experience resulting from the use of the product, service, plan, or program under the circumstances depicted in the advertisement; or
- G. Any other fact material to consumers concerning any good or service, such as: the total costs; any material restrictions, limitations, or conditions; or any material aspect of its performance, efficacy, nature, or central characteristics.

It is further

**ORDERED** that Defendant Alvarez, his officers, agents, 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 the advertising, marketing, promoting, offering for sale, or selling of any financial product or service, are permanently restrained and enjoined from making any representation or assisting others in making any representation, expressly or by implication, about the benefits, performance, or efficacy of any product or service, unless the representation is non-misleading, and, at the time such representation is made, Defendant Alvarez possesses and relies upon competent and reliable evidence that is sufficient in quality and quantity based on standards generally accepted in the

relevant fields, when considered in light of the entire body of relevant and reliable evidence, to substantiate that the representation is true.

The Court retains jurisdiction for purposes of construction, modification, and enforcement of this Order.

DONE AND ORDERED in Chambers at Miami, Florida, this 18<sup>th</sup> of October 2017.

  
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FEDERICO A. MORENO  
UNITED STATES DISTRICT JUDGE

Copies furnished to:  
Counsel of Record

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