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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

VICEROY MEDIA SOLUTIONS, LLC, also
d/b/a quick-jobs.com and localjobsindex.com, a
California limited liability corporation;

VOLTRON INTERACTIVE, LLC, a Delaware
limited liability corporation;

SUNIL KANDA, individually and as an owner of
VICEROY MEDIA SOLUTIONS, LLC and
VOLTRON INTERACTIVE, LLC; and

QUYNH TRAN, a/k/a/ Kayli Tran, individually
and as an owner of VICEROY MEDIA
SOLUTIONS, LLC and VOLTRON
INTERACTIVE, LLC,

Defendants.

Case No. 3:23-cv-03516-JCS

**STIPULATED ORDER FOR
CIVIL PENALTY JUDGMENT,
PERMANENT INJUNCTION,
AND OTHER RELIEF**

Plaintiff, the United States of America, acting upon notification and authorization to the
Attorney General the Federal Trade Commission (“Commission” or “FTC”), filed its Complaint

STIPULATED ORDER FOR CIVIL PENALTY JUDGMENT, PERMANENT INJUNCTION,
AND OTHER RELIEF

1 for Civil Penalties, Permanent Injunction, and Other Relief (“Complaint”), for a permanent
2 injunction, civil penalties, and other relief in this matter, pursuant to Sections 5(a)(1),
3 5(m)(1)(A), 13(b), 16(a), and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C.
4 §§ 45(a), 45(m)(1)(A), 53(b), 56(a), and 57b. Defendants have waived service of the summons
5 and the Complaint. Plaintiff and Defendants stipulate to the entry of this Stipulated Order for
6 Civil Penalty Judgment, Permanent Injunction, and Other Relief (“Order”) to resolve all matters
7 in dispute in this action between them.

8 THEREFORE, IT IS ORDERED as follows:

9 **I. FINDINGS**

10 1. This Court has jurisdiction over this matter.

11 2. The Complaint charges that Defendants participated in deceptive acts or practices
12 in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, and the Telemarketing Sales Rule (the
13 “TSR” or “Rule”), as amended, 16 C.F.R. Part 310, in connection with (a) acquiring consumer
14 data using websites purportedly offering consumers job or education opportunities, and then (b)
15 selling the consumer data to third parties.

16 3. Defendants waive any claim that they may have under the Equal Access to Justice
17 Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order,
18 and agree to bear their own costs and attorney fees.

19 4. Defendants and Plaintiff waive all rights to appeal or otherwise challenge or
20 contest the validity of this Order.

21 **II. DEFINITIONS**

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

23 A. “**Affirmative Express Consent**” means, upon being presented with unambiguous
24 options to provide or withhold consent, an affirmative act communicating specific, informed, and
25 unambiguous authorization to collection and sale, transfer, or disclosure of Covered Information.

26 The following does not constitute Affirmative Express Consent:

27 1. Inferring consent from the hovering over, muting, pausing, or closing of a
28

1 given piece of content by the consumer; or

2 2. Obtaining consent through a user interface that has the substantial effect of
3 subverting or impairing user autonomy, decision-making, or choice.

4 B. **“Clear(ly) and Conspicuous(ly)”** means that a required disclosure is difficult to
5 miss (i.e., easily noticeable) and easily understandable by ordinary consumers, including in all of
6 the following ways:

7 1. In any communication that is solely visual or solely audible, the disclosure
8 must be made through the same means through which the communication is
9 presented. In any communication made through both visual and audible means,
10 such as a television advertisement, the disclosure must be presented
11 simultaneously in both the visual and audible portions of the communication even
12 if the representation requiring the disclosure is made in only one means.

13 2. A visual disclosure, by its size, contrast, location, the length of time it
14 appears, and other characteristics, must stand out from any accompanying text or
15 other visual elements so that it is easily noticed, read, and understood.

16 3. An audible disclosure, including by telephone or streaming video, must be
17 delivered in a volume, speed, and cadence sufficient for ordinary consumers to
18 easily hear and understand it.

19 4. In any communication using an interactive electronic medium, such as the
20 Internet or software, the disclosure must be unavoidable.

21 5. The disclosure must use diction and syntax understandable to ordinary
22 consumers and must appear in each language in which the representation that
23 requires the disclosure appears.

24 6. The disclosure must comply with these requirements in each medium
25 through which it is received, including all electronic devices and face-to-face
26 communications.

27 7. The disclosure must not be contradicted or mitigated by, or inconsistent

1 with, anything else in the communication.

2 8. This disclosure must not be presented to the consumer through a hyperlink
3 or hoverbox.

4 9. When the representation or sales practice targets a specific audience, such
5 as children, the elderly, or the terminally ill, “ordinary consumers” includes
6 reasonable members of that group.

7 C. “**Covered Information**” means information from or about an individual
8 consumer, including (a) first and last name; (b) a home or other physical address, including street
9 name, name of city or town, or zip code; (c) an email address or other online contact information,
10 such as a social media username; (d) a telephone number, including mobile number; (e) gender;
11 (f) age or date of birth; (g) response to any survey or multiple-choice question about
12 circumstances specific to the consumer, such as education level, employment status, or
13 household debt; or (h) any information combined with any of (a) through (g).

14 D. “**Defendants**” means all of the Individual Defendants and all of the Corporate
15 Defendants, individually, collectively, or in any combination.

16 1. “**Corporate Defendants**” means Viceroy Media Solutions, LLC, Voltron
17 Interactive, LLC, and their successors and assigns.

18 2. “**Individual Defendants**” means Sunil Kanda and Quynh Tran.

19 E. “**Lead Generation**” means (a) using marketing techniques to identify or attract
20 prospective customers’ interest in a third party’s product or service; (b) obtaining, or assisting
21 others in obtaining, Covered Information of prospective customers for a third-party’s product or
22 service; or (c) providing any such Covered Information of prospective customers to a third party.
23 For purposes of this definition, the term “third party” does not include service providers or their
24 sub-processors that (a) provide services to Defendants; (b) use or receive Covered Information at
25 Defendants’ direction or to detect, prevent, or investigate security incidents or fraud, or to
26 comply with regulatory obligations; and (c) do not pay or receive payment as consideration for
27 the Covered Information provided by Defendants.

28 STIPULATED ORDER FOR CIVIL PENALTY JUDGMENT, PERMANENT INJUNCTION,
AND OTHER RELIEF

1 F. “**Outbound Telephone Call**” means a telephone call initiated by a Telemarketer
2 to induce the purchase of goods or services or to solicit a charitable contribution.

3 G. “**Person**” or “**persons**” includes a natural person, an organization, or other legal
4 entity, including a corporation, partnership, sole proprietorship, limited liability company,
5 association, cooperative, or any other group or combination acting as an entity

6 H. “**Seller**” means any person who, in connection with a Telemarketing transaction,
7 provides, offers to provide, or arranges for others to provide goods or services to the customer in
8 exchange for consideration.

9 I. “**Telemarketer**” means any person who, in connection with Telemarketing,
10 initiates or receives telephone calls to or from a customer or donor.

11 J. “**Telemarketing**” means any plan, program, or campaign which is conducted to
12 induce the purchase of goods or services or a charitable contribution by use of one or more
13 telephones and which involves more than one interstate telephone call. The term does not
14 include the solicitation of sales through the mailing of a catalog which: contains a written
15 description or illustration of the goods or services offered for sale; includes the business address
16 of the Seller; includes multiple pages of written material or illustrations; and has been issued not
17 less frequently than once a year, when the person making the solicitation does not solicit
18 customers by telephone but only receives calls initiated by customers in response to the catalog
19 and during those calls takes orders only without further solicitation. For purposes of the previous
20 sentence, the term “further solicitation” does not include providing the customer with
21 information about, or attempting to sell, any other item included in the same catalog which
22 prompted the customer’s call or in a substantially similar catalog.

23 **III. BAN ON ROBOCALLS**

24 IT IS ORDERED that Defendants, whether acting directly or through an intermediary,
25 are permanently restrained and enjoined from initiating, causing others to initiate, or assisting
26 others in initiating any Outbound Telephone Call that plays or delivers a prerecorded message.
27

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1 **IV. REQUIREMENTS RELATED TO THE SALE, TRANSFER, OR DISCLOSURE**
2 **OF COVERED INFORMATION**

3 IT IS FURTHER ORDERED that Defendants, Defendants’ officers, agents, employees,
4 and attorneys, and all other persons in active concert or participation with any of them, who
5 receive actual notice of this Order, whether acting directly or indirectly, are permanently
6 restrained and enjoined from:

7 A. In connection with Lead Generation, collecting and selling, transferring, or
8 otherwise disclosing any consumer’s Covered Information or promoting or offering for sale any
9 good or service, whether directly or through an intermediary to any Person, unless Defendants
10 have:

- 11 1. Clearly and Conspicuously disclosed to the consumer, separate and apart from
12 any “privacy policy,” “terms and conditions,” “terms of service,” or other similar
13 document:
 - 14 a. The specific purpose(s) for which the Covered Information is being
15 collected, sold, transferred, or disclosed;
 - 16 b. The categories of Covered Information that will be sold, transferred, or
17 disclosed;
 - 18 c. The name of every Person who collects the Covered Information, where
19 the name disclosed must be that of a natural person, legal entity, or
20 registered DBA;
 - 21 d. The name of every Person to whom the Covered Information will be sold,
22 transferred, or disclosed, where the name disclosed must be that of a
23 natural person, legal entity, or registered DBA;
 - 24 e. All purposes for which each recipient will use the Covered Information;
 - 25 f. The categories of Covered Information, if any, that the recipient will sell,
26 transfer, or disclose to third parties;
 - 27 g. The name of each Person to whom the recipient will sell, transfer, or
28

1 disclose the Covered Information, where the name disclosed must be that
2 of a natural person, legal entity, or registered DBA.

3 h. A simple, easily located means for the consumer to withdraw
4 authorization to collection, sale, transfer, or distribution of the consumer's
5 Covered Information;

6 i. Any limitations on the consumer's ability to withdraw authorization to
7 collection, sale, transfer, or distribution of the consumer's Covered
8 Information; and

9 j. All other information material to the provision of authorization to
10 collection, sale, transfer, or distribution of the consumer's Covered
11 Information;

12 2. Obtained, after making the disclosures set forth in Subsection A(1) of this
13 Section, the consumer's Affirmative Express Consent to the collection and sale,
14 transfer, or disclosure of the consumer's Covered Information; and

15 3. Obtained a signed and dated certification from the recipient of the Covered
16 Information stating:

17 a. The name and nature of the recipient's business(es), including the
18 purpose(s) for obtaining consumers' Covered Information;

19 b. The recipient's physical address(es) for conducting business;

20 c. All of the recipient's trade name(s), alter egos, DBA names, fictitious
21 names, or aliases under which the recipient conducts or has conducted
22 business;

23 d. All of the recipient's businesses licenses, and business registrations;

24 e. A description of the recipient's business, including describing the nature
25 of goods or services sold and the nature of sale:

26 f. That Covered Information will not be used for any purpose other than the
27 specific purpose(s) stated in the required disclosure under Subsection A(1)

1 of this Section; and

- 2 g. The identity of each Person with whom the recipient will share the
3 Covered Information and all purposes for which each Person will use the
4 Covered Information obtained from the recipient; or

5 B. Taking any action to provoke, encourage, compel, or mislead any consumer to
6 provide Affirmative Express Consent, including:

- 7 1. Requiring Affirmative Express Consent as a condition of use of the
8 services on any website owned or operated by Defendants or the opportunity to
9 purchase, earn, or qualify for any Reward; or
10 2. Obtaining Affirmative Express Consent through a user interface that fails
11 to provide a clear option to proceed without providing consent.

12 **V. MANDATORY DISCLOSURE ON EMPLOYMENT SITES**

13 IT IS FURTHER ORDERED that Defendants, Defendants' officers, agents, employees,
14 and attorneys, and all other persons in active concert or participation with any of them, who
15 receive actual notice of this Order, whether acting directly or indirectly, are permanently
16 restrained and enjoined from failing, on all pages of any Lead Generation website related to
17 employment that collects Covered Information, to disclose Clearly and Conspicuously and in a
18 manner that is visible without scrolling:

19 "This site contains a list of third-party job postings and is not affiliated with any
20 employer. To apply to a specific job, visit the employer's website."

21 **VI. JUDGMENT FOR CIVIL PENALTY AND PARTIAL SUSPENSION**

22 IT IS FURTHER ORDERED that:

23 A. Judgment in the amount of Nine Hundred Thirteen Thousand, Six Hundred and
24 Ninety-Six Dollars (\$913,696) is entered in favor of Plaintiff against Corporate Defendants,
25 jointly and severally, as a civil penalty.

26 B. Corporate Defendants are ordered to pay to Plaintiff, by making payment to the
27 Treasurer of the United States, One Hundred Fifty Thousand Dollars (\$150,000), which, as

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1 Corporate Defendants stipulate, their undersigned counsel holds in escrow for no purpose other
2 than payment to Plaintiff. Such payment must be made within 7 days of entry of this Order by
3 electronic fund transfer in accordance with instructions previously provided by a representative
4 of Plaintiff.

5 C. In the event that the Corporate Defendants fail to make the required payment
6 when due under Subsection B above, the entire judgment becomes immediately due in the
7 amount specified in Subsection A above, less any partial payment previously made pursuant to
8 this Section, plus interest computed from the date of entry of this Order. Upon such payment,
9 the remainder of the judgment is suspended, subject to the Subsections below.

10 D. The Commission's and Plaintiff's agreement to the suspension of part of the
11 judgment is expressly premised upon the truthfulness, accuracy, and completeness of Corporate
12 Defendants' sworn financial statements and related documents (collectively, "financial
13 representations") submitted to the Commission, namely:

- 14 1. The Financial Statements of Corporate Defendants Viceroy Media Solutions and
15 Voltron Interactive on January 24 and 26, 2023; and
- 16 2. All financial documents submitted by Corporate Defendants to Commission
17 Counsel.

18 E. The suspension of the judgment will be lifted as to any Corporate Defendant if,
19 upon motion by the Commission or Plaintiff, the Court finds that Corporate Defendants failed to
20 disclose any material asset, materially misstated the value of any asset, or made any other
21 material misstatement or omission in the financial representations identified above.

22 F. If the suspension of the judgment is lifted, the judgment becomes immediately
23 due as to Corporate Defendants in the amount specified in Subsection A above, which the parties
24 stipulate only for purposes of this Section represents the amount of the civil penalty for the
25 violations alleged in the Complaint, less any payment previously made pursuant to this Section,
26 plus interest computed from the date of entry of this Order.

27
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VII. ADDITIONAL MONETARY PROVISIONS

IT IS FURTHER ORDERED that:

A. Defendants relinquish 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.

B. 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 Order, such as a nondischargeability complaint in any bankruptcy case.

C. 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 Order will have collateral estoppel effect for such purposes.

D. Defendants agree that the civil penalty judgment represents a civil penalty owed to the government of the United States, is not compensation for actual pecuniary loss, and, therefore, as to the Individual Defendants, it is not subject to discharge under the Bankruptcy Code pursuant to 11 U.S.C. § 523(a)(7).

E. Defendants acknowledge that their Taxpayer Identification Numbers (Social Security Numbers or Employer Identification Numbers), which Defendants must submit to the Commission, may be used for collecting and reporting on any delinquent amount arising out of this Order, in accordance with 31 U.S.C. §7701.

F. All money received by the Commission pursuant to this Order may be deposited into a fund administered by the Commission or its designee to be used for consumer relief, such as 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 such redress is completed, the Commission may apply any remaining money for such related relief (including consumer information remedies) as it determines to be reasonably related to Defendants' practices alleged in the Complaint. Any money not used for relief is to be deposited to the U.S. Treasury as an additional civil penalty.

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1 Defendants have no right to challenge any actions the Commission or its representatives may
2 take pursuant to this Subsection.

3 **VIII. CUSTOMER INFORMATION**

4 IT IS FURTHER ORDERED that Defendants, Defendants' officers, agents, employees,
5 and attorneys, and all other persons in active concert or participation with any of them, who
6 receive actual notice of this Order, are permanently restrained and enjoined from directly or
7 indirectly:

8 A. Failing to provide sufficient customer information to enable the Commission to
9 efficiently administer consumer redress. If a representative of the Commission requests in
10 writing any information related to redress, Defendants must provide it, in the form prescribed by
11 the Commission, within 14 days;

12 B. Within 30 days after receipt of written direction to do so from a representative of
13 the Commission, failing to destroy Covered Information in all forms, including the name,
14 address, phone number, email address, gender, date of birth, or any survey question responses,
15 that are in any Defendant's possession, custody, or control and was obtained prior to entry of this
16 Order in connection with the advertising, marketing, or promotion of any employment
17 opportunities, *provided, however*, that a customer's information need not be deleted to the extent
18 requested by a government agency or as required by a law, regulation, or court order;

19 C. For any Covered Information not deleted pursuant to Subsection B of this Section,
20 selling, transferring, or disclosing such information to any Person, unless Defendants first
21 comply with Section IV and Subsection VIII(F) of this Order;

22 D. Within 60 days after the effective date of this Order, failing to:

- 23 1. Identify each Person who has accessed, received, or acquired a consumer's
24 Covered Information from any Defendant without the consumer's Affirmative
25 Express Consent;
- 26 2. Identify with specificity what categories of Covered Information was
27 disclosed to each Person identified in Subsection D(1) of this Section; or

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1 3. Submit a list of the information identified in Subsections D(1)–(2) of this
2 Section and a description of the methodologies used to identify that information
3 to: DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to:
4 Associate Director of Enforcement, Bureau of Consumer Protection, Federal
5 Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The
6 subject line must begin: “In re Quick-Jobs.com, [X-number]”;

7 E. Within 90 days after the effective date of this Order, failing to:

8 1. Provide a copy of the Complaint and Order to all Persons identified under
9 Subsection (D)(1) of this Section;

10 2. Notify each such Person in writing that the Federal Trade Commission
11 alleges that Defendants disclosed Covered Information of consumers to them in a
12 manner that was unfair or deceptive and in violation of the FTC Act and TSR;

13 3. Instruct each such Person in writing that Covered Information accessed,
14 received, or acquired from Defendants prior to the effective date of this Order:

15 a. Shall not be used for Telemarketing;

16 b. To the extent such Person has not yet used the Covered
17 Information for Telemarketing, must be destroyed; and

18 c. To the extent such Person has used the Covered Information for
19 Telemarketing, may be retained by such Person for the sole purpose of
20 attempting to comply with state and federal recordkeeping requirements
21 applicable to Telemarketing;

22 where such instruction shall include a list of names or other unique identifiers
23 sufficient for the Person to identify the records, together with the categories of
24 Covered Information identified in Subsection D(2) of this Section and demand
25 written confirmation that the Person has complied with the requirements of
26 Subsection E(3) of this Section;

27 4. Provide a copy of the instructions sent under Subsection E(3) of this
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1 Section to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal
2 Service) to Associate Director for Enforcement, Bureau of Consumer Protection,
3 Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC
4 20580. The subject line must begin: “In re Quick-Jobs.com, [X-number]”; or

5 5. Provide, within 5 days of receipt, each written confirmation under
6 Subsection E(3) of this Section to DEbrief@ftc.gov or sent by overnight courier
7 (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of
8 Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW,
9 Washington, DC 20580. The subject line must begin: “In re Quick-Jobs.com, [X-
10 number]”; or

11 F. Selling, transferring, or disclosing Covered Information to any Person identified
12 in Subsection D(1) of this Section unless Defendants have first:

- 13 1. Confirmed the Person’s receipt of the instructions provided under
14 Subsection E(3);
- 15 2. Received from the Person a written confirmation of compliance with those
16 instructions; and
- 17 3. Complied with Section X of this Order.

18 IX. COOPERATION

19 IT IS FURTHER ORDERED that Defendants must fully cooperate with representatives
20 of Plaintiff and the Commission in this case and in any investigation related to or associated with
21 the transactions or the occurrences that are the subject of the Complaint. Defendants must
22 provide truthful and complete information, evidence, and testimony. Individual Defendants must
23 appear and Corporate Defendants “must cause Defendants’ officers, employees, representatives,
24 or agents to appear” for interviews, discovery, hearings, trials, and any other proceedings that a
25 Plaintiff or Commission representative may reasonably request upon 5 days written notice, or
26 other reasonable notice, at such places and times as a Plaintiff or Commission representative may
27 designate, without the service of a subpoena.

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X. 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 each Corporate Defendant 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 a Defendant delivered a copy of this Order, that Defendant must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

XI. 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 and Plaintiff 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)

1 describe the activities of each business, including the goods and services offered,
2 the means of advertising, marketing, and sales, and the involvement of any other
3 Defendant (which Individual Defendants must describe if they know or should
4 know due to their own involvement); (d) describe in detail whether and how that
5 Defendant is in compliance with each Section of this Order; and (e) provide a
6 copy of each Order Acknowledgment obtained pursuant to this Order, unless
7 previously submitted to the Commission.

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

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

17 1. Each Defendant must report any change in: (a) any designated point of
18 contact; or (b) the structure of any Corporate Defendant or any entity that
19 Defendant has any ownership interest in or controls directly or indirectly that may
20 affect compliance obligations arising under this Order, including: creation,
21 merger, sale, or dissolution of the entity or any subsidiary, parent, or affiliate that
22 engages in any acts or practices subject to this Order.

23 2. Additionally, Individual Defendants must report any change in: (a) name,
24 including aliases or fictitious name, or residence address; or (b) title or role in any
25 business activity, including any business for which such Defendant performs
26 services whether as an employee or otherwise and any entity in which such
27 Defendant has any ownership interest, and identify the name, physical address,

1 and any Internet address of the business or entity.

2 C. Each Defendant must submit to the Commission notice of the filing of any
3 bankruptcy petition, insolvency proceeding, or similar proceeding by or against such Defendant
4 within 14 days of its filing.

5 D. Any submission to the Commission required by this Order to be sworn under
6 penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by
7 concluding: “I declare under penalty of perjury under the laws of the United States of America
8 that the foregoing is true and correct. Executed on: _____” and supplying the date, signatory’s
9 full name, title (if applicable), and signature.

10 E. Unless otherwise directed by a Commission representative in writing, all
11 submissions to the Commission pursuant to this Order must be emailed to DEbrief@ftc.gov or
12 sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement,
13 Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW,
14 Washington, DC 20580. The subject line must begin: FTC v. Quick-Jobs.com, Matter No.
15 2123088.

16 **XI. RECORDKEEPING**

17 IT IS FURTHER ORDERED that Defendants must create certain records for 10 years
18 after entry of the Order, and retain each such record for 5 years. Specifically, Corporate
19 Defendants must create and retain the following records:

20 A. Accounting records showing the revenues from all goods or services sold;

21 B. Personnel records showing, for each person providing services, whether as an
22 employee or otherwise, that person’s: name; addresses; telephone numbers; job title or position;
23 dates of service; and (if applicable) the reason for termination;

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

26 D. All documents reflecting Affirmative Express Consent collected as required under
27 Subsection IV(A)(1), including:

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- 1 1. The name and contact information submitted by the person providing Affirmative
2 Express Consent;
- 3 2. A copy of the public-facing user interface containing the request for Affirmative
4 Express Consent, including all required disclosures, maintained in the same manner and
5 format in which it would be presented to the person providing the Affirmative Express
6 Consent;
- 7 3. The purpose for which Affirmative Express Consent was requested and obtained;
- 8 4. All information gathered or collected from the person providing Affirmative
9 Express Consent;
- 10 5. The date that the Affirmative Express Consent was obtained; and
- 11 6. Any additional information necessary to establish Defendants' compliance with
12 requirements for Affirmative Express Consent, as defined in this Order;
- 13 E. All certifications obtained as required under Subsection IV(A)(2);
- 14 F. All written confirmations obtained under Subsection VIII(E)(3);
- 15 G. All records of any market, behavioral, or psychological research, or user,
16 customer, or usability testing, including any A/B or multivariate testing, copy
17 testing, surveys, focus groups, interviews, clickstream analysis, eye or mouse
18 tracking studies, heat maps, or session replays or recordings concerning the
19 subject matter of this Order; and
- 20 H. All records necessary to demonstrate full compliance with each provision of this
21 Order, including all submissions to the Commission.

22 **XII. COMPLIANCE MONITORING**

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

- 26 A. Within 14 days of receipt of a written request from a representative of the
27 Plaintiff, each Defendant must: submit additional compliance reports or other requested

28 STIPULATED ORDER FOR CIVIL PENALTY JUDGMENT, PERMANENT INJUNCTION,
AND OTHER RELIEF

1 information, which must be sworn under penalty of perjury; appear for depositions; and produce
2 documents for inspection and copying. The Commission and Plaintiff are also authorized to
3 obtain discovery, without further leave of court, using any of the procedures prescribed by
4 Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45,
5 and 69.

6 B. For matters concerning this Order, the Commission and Plaintiff are authorized to
7 communicate directly with each Defendant. Defendant must permit representatives of the
8 Commission and Plaintiff to interview any employee or other person affiliated with any
9 Defendant who has agreed to such an interview. The person interviewed may have counsel
10 present.

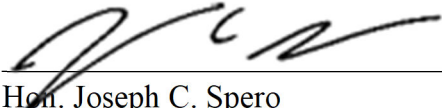
11 C. The Commission and Plaintiff may use all other lawful means, including posing,
12 through its representatives as consumers, suppliers, or other individuals or entities, to Defendants
13 or any individual or entity affiliated with Defendants, without the necessity of identification or
14 prior notice.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

16 **XIII. RETENTION OF JURISDICTION**

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

19 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

20
21 Date: July 17, 2023



22 Hon. Joseph C. Spero
23 United States Magistrate Judge
24 Northern District of California

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28 STIPULATED ORDER FOR CIVIL PENALTY JUDGMENT, PERMANENT INJUNCTION,
AND OTHER RELIEF