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8 **UNITED STATES DISTRICT COURT**  
9 **WESTERN DISTRICT OF WASHINGTON**  
10 **AT SEATTLE**

11 FEDERAL TRADE COMMISSION,

12 Plaintiff,

13 v.

14 NANDA KUMAR DURAISAMI, A.K.A. NANDA  
15 DUMAR and D.N. KUMAR, d.b.a. BEST  
16 AMERICAN INVESTMENT SERVICES;  
17 BELLFIELD ROSE INTERNATIONAL CORP.;  
18 BIC; and MELBOURNE INTERNATIONAL BANK  
19 ("MIB"),

20 Defendant.

Civil No.

**COMPLAINT FOR  
INJUNCTIVE AND OTHER  
EQUITABLE RELIEF**

21 Plaintiff Federal Trade Commission ("FTC" or "Commission") for its Complaint alleges:

22 1. The FTC brings this action under Sections 13(b) and 19 of the Federal Trade  
23 Commission Act ("FTC Act"), 15 U.S.C. §§ 53(b) and 57b, and the Telemarketing and  
24 Consumer Fraud and Abuse Prevention Act ("Telemarketing Act"), 15 U.S.C. § 6101 *et seq.*, to  
25 obtain permanent injunctive relief, rescission of contracts, restitution, disgorgement, and other  
26 equitable relief for defendant's deceptive acts or practices in violation of Section 5(a) of the FTC  
27 Act, 15 U.S.C. § 45(a), and the FTC's Trade Regulation Rule entitled "Telemarketing Sales  
28 Rule," 16 C.F.R. Part 310.

1 **JURISDICTION AND VENUE**

2 2. Subject matter jurisdiction is conferred upon this Court by 15 U.S.C. §§ 45(a),  
3 53(b), 57b, 6102(c), and 6105(b) and 28 U.S.C. §§ 1331, 1337(a), and 1345.

4 3. Venue in the Western District of Washington is proper under 15 U.S.C. § 53(b)  
5 and 28 U.S.C. § 1391(b), (c), and (d).

6 **PLAINTIFF**

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8 4. Plaintiff Federal Trade Commission is an independent agency of the United States  
9 Government created by statute. 15 U.S.C. § 41 *et seq.* The Commission enforces Section 5(a)  
10 of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or  
11 affecting commerce. The Commission also enforces the Telemarketing Sales Rule ("TSR" or  
12 "the Rule"), 16 C.F.R. Part 310, which prohibits deceptive or abusive telemarketing practices.  
13 The Commission may initiate federal district court proceedings by its own attorneys to enjoin  
14 violations of the FTC Act and the TSR and to secure such equitable relief as may be appropriate  
15 in each case, including restitution for injured consumers. 15 U.S.C. §§ 53(b), 57b, and 6105(b).

16 **DEFENDANTS**

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18 5. Nanda Kumar Duraisami, a.k.a. Nanda Kumar, and D.N. Kumar ("Duraisami"),  
19 does business as Best American Investment Service, Bellfield Rose International Corp., BIC and  
20 Melbourne International Bank ("MIB"). Acting alone or in concert with others, he has  
21 formulated, directed, controlled, or participated in the acts and practices set forth in this  
22 Complaint. He has transacted business throughout the United States.

23 **COMMERCE**

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25 6. At all times relevant to this complaint, defendant Duraisami has maintained a  
26 substantial course of business in connection with charging fees for promised winnings, through  
27 telemarketing, in or affecting commerce, as "commerce" is defined in Section 4 of the FTC Act,  
28 15 U.S.C. § 44.

1 **DEFENDANTS' BUSINESS PRACTICES**

2 7. Since 2000, defendant Duraisami has engaged in a deceptive telemarketing  
3 scheme involving foreign lotteries. Operating mainly from Richmond and Vancouver, B.C.,  
4 Canada, defendant and his telemarketers have called U.S. consumers and have represented that  
5 they have won a large amount of money in the Australian lottery but that, in order to claim their  
6 winnings, consumers must pay certain fees, variously characterized as offshore account  
7 processing fees, taxes, or other fees.

8 8. Defendant and his telemarketers have instructed consumers to pay by cashier's  
9 check, made payable to one of the names under which the defendant has done business. The  
10 defendant and his telemarketers have instructed consumers to send the checks to one of  
11 numerous mail drops in Vancouver, B.C., rented by the defendant or at his direction.  
12 Defendant's victims, most of whom are elderly, believed that they had won the Australian lottery,  
13 and paid the defendant the requested amounts. They received nothing in return.

14 9. The sale and trafficking in foreign lotteries is a crime in the United States. The  
15 defendant and his telemarketers have failed to disclose to consumers that, by participating in the  
16 foreign lotteries, consumers are violating federal criminal law.

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18 **VIOLATIONS OF SECTION 5 OF THE FTC ACT**

19 10. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits deceptive acts and  
20 practices in or affecting commerce.

21 **COUNT I**

22 11. In numerous instances, in connection with telemarketing to consumers, the  
23 defendant has represented, expressly or by implication, that consumers have won a large cash  
24 award, but must pay a fee or fees to receive it.

25 12. In truth and in fact, consumers who pay the requested a fee or fees do not receive  
26 the promised large cash awards.







1 d. Award plaintiff the costs of bringing this action and reasonable attorneys'  
2 fees, as well as such other and additional relief as the Court may determine to be  
3 just and proper.

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5 Dated: \_\_\_\_\_, 2003

6 Respectfully Submitted,

7 WILLIAM E. KOVACIC  
8 General Counsel

9 CHARLES A. HARWOOD  
10 Regional Director

11 \_\_\_\_\_  
12 Maxine R. Stansell, WSBA #9418  
13 Attorney for Plaintiff  
14 Federal Trade Commission