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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

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CLERK OF DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

Case No. 8:09cv1483-T17 TGW

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

CAREER HOTLINE, INC., a corporation, and

SUSAN BRIGHT, individually and as an officer  
of CAREER HOTLINE, INC., and d/b/a  
UNIQUE FLOWERS,

Defendants.

COMPLAINT FOR PERMANENT  
INJUNCTION AND OTHER  
EQUITABLE RELIEF

[FILED UNDER SEAL]

Plaintiff, the Federal Trade Commission ("FTC"), for its Complaint alleges:

1. The FTC brings this action under Section 13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b), to obtain temporary, preliminary, and permanent injunctive relief, rescission or reformation of contracts, restitution, the refund of monies paid, disgorgement of ill-gotten monies, and other equitable relief for Defendants' acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

**JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), and 1345, and 15 U.S.C. §§ 45(a), 53(b).

3. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c), and 15 U.S.C. § 53(b).

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**PLAINTIFF**

4. The FTC is an independent agency of the United States Government created by statute. 15 U.S.C. §§ 41-58. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair and deceptive acts or practices in or affecting commerce. The FTC is authorized to initiate federal district court proceedings, by its own attorneys, to enjoin violations of the FTC Act and to secure such equitable relief as may be appropriate in each case, including restitution and disgorgement. 15 U.S.C. §§ 53(b), 56(a)(2)(A) .

**DEFENDANTS**

6. Defendant Career Hotline, Inc. is a Florida corporation with its principal place of business at 6212 Seminole Blvd., Seminole, FL 33772. Career Hotline, Inc. transacts or has transacted business in this District and throughout the United States. At all times material to this Complaint, acting alone or in concert with others, Career Hotline, Inc. has advertised, marketed, distributed, or sold employment placement services to consumers throughout the United States.

7. Defendant Susan Bright is the owner of Career Hotline, Inc. She also does business as Unique Flowers. At all times material to this Complaint, acting alone or in concert with others, she has formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint. Defendant Bright resides in this district and in connection with the matters alleged herein, transacts or has transacted business in this district and throughout the United States.

**COMMERCE**

8. At all times relevant to this Complaint, Defendants have maintained a substantial course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act,

15 U.S.C. § 44.

**DEFENDANTS' BUSINESS ACTIVITIES**

9. Since at least January 2009, Defendants have conducted a nationwide advertising and telemarketing scheme to sell purported employment goods and services to consumers residing throughout the United States.

10. Defendants place classified advertisements in the employment sections of local newspapers located throughout the United States. They also post listings in the jobs sections of Craigslist in selected cities throughout the country. The advertisements announce the availability of jobs of a particular type, with wages of a specified amount, plus benefits. The advertisements invite readers to call a toll-free phone number. The following ad, which was placed by Defendants in the Sunday, March 1, 2009, issue of the *Columbus Dispatch*, is typical:

**WAREHOUSE**

Will train. Must be able to lift 20 Lbs.  
FT position for immediate hire.  
\$20-\$30 per hr. Full benefits:  
medical, dental, 401(k)  
Call 1-800-921-4557

11. When consumers call the toll-free number they hear a pre-recorded telephone message. Set forth below is a recording of a prerecorded telephone message which is typical of those used by Defendants:

**FEMALE RECORDING:** You have reached the employment hotline. If you know your party's extension you may enter it now.

For employment, we currently have many job openings for immediate hire. These are full-time, permanent positions. For our entry level positions, no experience is required and will start out between 25,000 and 35,000 per year. Our mid-level positions will start out between 35,000 and 50,000 per year. And you must be available to begin work with a minimum of 35 hours per week. For all of our openings, you will be required to start within the next two weeks. Full

benefits are offered. Medical and dental begin 90 to 180 days after employment has begun. Vacation, holiday pay and 401K start six months to one year after employment has begun.

We can start you interviewing today as long as you are available to begin work right away.

First, there is a guaranteed placement fee required of 195. This is the only fee charged and we do guarantee placement to you.

Typically, our clients begin work in the first one to five days. These are direct hire, full-time, permanent positions and you must be available to begin work in the next two weeks.

If you are ready to get started and can begin work right away, press one now to get started.

When consumers press “one” they are connected to a live representative, as described below.

12. Defendants have also solicited consumers through their websites

CareerHotline.org. or Worknow.biz. The following representations are typical:

Great paying jobs are available for immediate hire. For all of these positions you must be available to start work within the next two weeks.

The employers we work with have unadvertised vacancies that they need to fill immediately. That’s where we come in.

\*\*\*\*

Typically our clients are starting their new jobs in 14 day’s. [sic]

\*\*\*\*

We work with over 5000 companies and have developed a level of trust that is unmatched in this industry. The companies know that we are placing only the best people for the job. Because they need positions filled immediately, we can turn the process around very quickly.

Because our business is to fill these positions as quickly as possible we have a **100% GUARANTEE** that you are placed with one of these fortune 500 companies.

Simply pay the one time guarantee placement fee of \$195. This guarantees you an interview within 48 hours and typically our clients are placed within 2 weeks.

The websites have contained a form requesting contact information for consumers to fill out and e-mail to Defendants.

13. Consumers who respond to the classified advertisements or the website speak to a live representative who delivers a telephone sales pitch which largely repeats the information they have already received that jobs are available and that a person is guaranteed a job upon payment of a fee ranging from \$89 to \$195. Defendants' sales representatives are provided a written sales script that they use in their calls with consumers. It states, in part:

I have several positions available right now for immediate hire...we're only looking for people who are able to start in the next 2 weeks. Are you available to start right away? Ok these are direct hire full time permanent positions with benefits. Are you working now? What kind of work have you been doing?? (LISTEN) Whats [sic] your name? Phone #?

These positions pay above average salaries with full benefits. Now they only hire people we refer so we can guarantee placement to you.

The written sales script contains the following suggested answer to the question, "What if I don't get a job?":

As I said it is a guaranteed placement these companies are looking to hire immediately. The only time someone has not gotten hired is when they don't go on the interviews I send them on. You are going to the interviews, right?

14. Defendants tell consumers who wish to purchase their services to send a fee ranging from \$89 to \$195 and a copy of their resume. Defendants tell consumers that they will receive a call to set up job interviews within 48 hours after Career Hotline receives the money.

15. After consumers pay the fee and send their resumes, they hear nothing from Defendants. Consumers who call requesting information are told to leave their name and phone number and that someone will get back to them. In numerous instances, Defendants do not return

consumers' calls, even when consumers have called multiple times over several weeks. If consumers do get through to someone, Defendants tell them that they are working on getting them a job and someone will get back to them. Some consumers have received an e-mail containing a list of companies in their area and nothing more. In numerous instances, Defendants do not provide consumers interviews, much less jobs.

16. Many consumers request a refund of the fee they paid to Defendants because they have not gotten a job. Defendants tell consumers that the fee is non-refundable and do not provide a refund.

### **VIOLATIONS OF THE FTC ACT**

17. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits "unfair or deceptive acts or practices in or affecting commerce."

18. Misrepresentations or deceptive omissions of material fact constitute deceptive acts or practices prohibited by Section 5(a) of the FTC Act.

### **Count I**

19. In numerous instances, through the means described in Paragraphs 9 through 14, Defendants have represented, directly or indirectly, expressly or by implication, that consumers who pay Defendants' placement fee and transmit their resumes will obtain jobs.

20. In truth and in fact, in numerous instances, in which Defendants have made the representations set forth in Paragraph 19 of this Complaint, Defendants have failed to obtain jobs for consumers who have paid the placement fee and transmitted their resumes.

21. Therefore, the making of the representation as set forth in Paragraph 19 of this Complaint constitutes a deceptive act or practice in or affecting commerce in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

## CONSUMER INJURY

22. Consumers have suffered and will continue to suffer substantial injury as a result of Defendants' violations of the FTC Act. In addition, Defendants have been unjustly enriched as a result of their unlawful acts or practices. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

## THIS COURT'S POWER TO GRANT RELIEF

23. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court to grant injunctive and such other relief as the Court may deem appropriate to halt and redress violations of the FTC Act. The Court, in the exercise of its equitable jurisdiction, may award ancillary relief, including rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies, to prevent and remedy any violation of any provision of law enforced by the FTC.

## PRAYER FOR RELIEF

Wherefore, Plaintiff Federal Trade Commission, pursuant to Sections 13(b) of the FTC Act, 15 U.S.C. § 53(b) and the Court's own equitable powers, requests that the Court:

A. Award Plaintiff such preliminary injunctive and ancillary relief as may be necessary to avert the likelihood of consumer injury during the pendency of this action and to preserve the possibility of effective final relief, including but not limited to, temporary and preliminary injunctions, an order freezing assets and immediate access to documents;

B. Enter a permanent injunction to prevent future violations of the FTC Act by Defendants;

C. Award such relief as the Court finds necessary to redress injury to consumers resulting from Defendants' violations of the FTC Act, including but not limited to, rescission or

reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies; and

D. Award Plaintiff the costs of bringing this action, as well as such other and additional relief as the Court may determine to be just and proper.

Respectfully submitted,

Willard K. Tom  
General Counsel

Dated:

8/4/09



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202-326-2747 (telephone)(DeCastro)  
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Attorneys for Plaintiff  
FEDERAL TRADE COMMISSION



# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

### I. (a) PLAINTIFFS

Federal Trade Commission

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)  
David Fix  
600 Pennsylvania Avenue, NW, H-288  
Washington, DC 20580 (202)-326-3298

### DEFENDANTS

Career Hotline, Inc., a corporation, and Susan Bright, individually and as an officer of Career Hotline, Inc., and d/b/a Unique Flowers

County of Residence of First Listed Defendant Seminole  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

### II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

### III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

### IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 910 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 910 Constitutionality of State Statutes

### V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

### VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
15 USC 45(a)

Brief description of cause:

Violations of the FTC Act

### VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

**DEMAND \$** \_\_\_\_\_

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

### VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE \_\_\_\_\_ SIGNATURE OF ATTORNEY OF RECORD \_\_\_\_\_

### FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

RECEIVED  
 DISTRICT COURT  
 TAMPA, FLORIDA  
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