

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

CAREER HOTLINE, INC.,

a Florida corporation,

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

Defendants.

Case No: 8:09-cv-1483-T-17TGW

STIPULATED FINAL ORDER FOR  
PERMANENT INJUNCTION AND  
MONETARY JUDGMENT AS TO  
DEFENDANT SUSAN L. BRIGHT

On August 11, 2009, plaintiff, the Federal Trade Commission (“FTC” or “Commission”), pursuant to Sections 5(a) and 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), filed its Complaint for Injunctive and Other Equitable Relief [D.E. 1], charging Susan L. Bright and Career Hotline, Inc. with engaging in deceptive acts and practices in violation of Section 5 of the FTC Act. The FTC applied *ex parte* for a Temporary Restraining Order (“TRO”) and for an Order to Show Cause Why a Preliminary Injunction Should Not Be Granted [D.E. 5] pursuant to Rule 65(b) of the Federal Rules of Civil Procedure. That same day, the Court granted the FTC’s application and entered a TRO and Order to Show Cause against the defendants [D.E. 8]. Afterward, the Court extended the TRO on August 13 [D.E. 14] and August 21 [D.E. 17]. Following a hearing at which defendant Susan Bright appeared *pro se* and did not contest the entry of a preliminary injunction, the Court entered the preliminary injunction, on September 8, against the defendants [D.E. 25]. The Commission and Bright hereby stipulate to the entry of, and request the Court to enter, this Stipulated Final Order for

Permanent Injunction and Monetary Judgment as to defendant Bright (“Order”), to resolve all matters of dispute between them in this action.

**IT IS THEREFORE STIPULATED, AGREED, AND ORDERED** as follows:

1. 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);
2. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and 15 U.S.C. § 53(b);
3. The activities alleged in the complaint are in or affecting “commerce” as that term is defined in Section 4 of the FTC Act, 15 U.S.C. § 44;
4. The facts that the FTC has stated in its complaint, if true, would state a claim upon which relief may be granted under Sections 5(a) and 13(b) of the FTC Act, 15 U.S.C. §§ 45(a) and 53(b);
5. Bright has entered into this Order freely and without coercion, and she acknowledges that she has read the provisions of this Order and is prepared to abide by them;
6. The undersigned have agreed that the entry of this Order resolves all matters of dispute between them arising from the Complaint in this action, up to the date of entry of this Order. This Order, however, shall have no preclusive effect as to any action brought by any other state or federal law enforcement agency;
7. Bright waives all rights to seek appellate review or otherwise challenge or contest the validity of this Order and waives and releases any claim she may have against the Commission, its employees, representatives, or agents;
8. Bright agrees that this Order does not entitle her to seek or to obtain attorneys’ fees as a prevailing party under the Equal Access to Justice Act, 28 U.S.C. § 2412, as amended by

Pub. L. 104-121, 110 Stat. 847, 863-64 (1996), and she further waives any rights to attorneys' fees that may arise under said provision of law;

9. This Order does not constitute an admission by Bright that the law has been violated as alleged in the complaint, or that the facts as alleged in the complaint, other than the jurisdictional facts, are true;
10. This Order is remedial in nature and no portion of any payments paid herein shall be deemed or construed as payment of a fine, damages, penalty, or punitive assessment; and
11. Entry of this Order is in the public interest.

### ORDER

#### DEFINITIONS

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

1. "Asset" means any legal or equitable interest in, right to, or claim to, any real and personal property, including, but not limited to, "goods," "instruments," "equipment," "fixtures," "general intangibles," "inventory," "checks," "notes" (as these terms are defined in the Uniform Commercial Code), and all chattel, leaseholds, contracts, mail or other deliveries, shares of stock, lists of consumer names, accounts, credits, premises, receivables, funds, reserve funds, and cash, wherever located.
2. "Assisting others" means knowingly providing any of the following goods or services to another entity: (1) performing customer service functions, including, but not limited to, receiving or responding to consumer complaints; (2) formulating or providing, or arranging for the formulation or provision of, any promotional material; (3) providing names of, or assisting in the generation of, potential customers; (4) performing

promotional or marketing services of any kind; or (5) processing credit and debit card payments.

3. “**Bright**” means defendant Susan L. Bright, individually and as an officer of Career Hotline, Inc., and d/b/a Unique Flowers.
4. “**Career Hotline**” means defendant Career Hotline, Inc., a Florida corporation, and its successors and assigns.
5. “**Document**” is synonymous in meaning and equal in scope to the usage of the term in Federal Rule of Civil Procedure 34(a), and includes writings, drawings, graphs, charts, Internet sites, Webpages, Websites, electronic correspondence, including e-mail and instant messages, photographs, audio and video recordings, contracts, accounting data, advertisements (including, but not limited to, advertisements placed on the World Wide Web), FTP Logs, Server Access Logs, USENET Newsgroup postings, World Wide Web pages, books, written or printed records, handwritten notes, telephone logs, telephone scripts, receipt books, ledgers, personal and business canceled checks and check registers, bank statements, appointment books, computer records, and other data compilations from which information can be obtained and translated. A draft or non-identical copy is a separate document within the meaning of the term.
6. “**Plaintiff**” or “**Commission**” or “**FTC**” means the Federal Trade Commission.
7. The words “**and**” and “**or**” shall be understood to have both conjunctive and disjunctive meanings.

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**CONDUCT PROHIBITION**

**I.**

**PROHIBITION AGAINST VIOLATION OF SECTION 5(a) OF THE FTC ACT**

**IT IS THEREFORE ORDERED** that, in connection with the advertising, marketing, promotion, or offering of employment services, Bright, and each of her agents, servants, employees, and those persons in active concert or participation with her who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, affiliate or other device, is hereby permanently restrained and enjoined from making, expressly or by implication, any false or misleading statement or misrepresentation of material fact, or assisting others in the same, including, but not limited to:

- A. the availability of current or local job openings;
- B. the availability of job openings that offer specific salaries, benefits, or work schedules;
- C. access to unlisted or exclusive job openings;
- D. that consumers will obtain job interviews;
- E. that consumers will obtain or are likely to obtain employment; or
- F. that consumers who do not obtain employment will receive a refund of any fee consumers paid for employment services.

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**II.**

**MONETARY JUDGMENT**

**IT IS FURTHER ORDERED** that:

- A. Bright is personally liable to the Commission for seventy-five thousand dollars (\$75,000), which the FTC alleges is the amount of injury suffered by consumers, and the FTC is awarded a monetary judgment in this amount; provided, however, that payment of this judgment shall be suspended subject to the conditions set forth in Subsections B through F of this Section of the Order; and provided further, that the liability created by this judgment shall be personal.
- B. The Commission's agreement to this Order is expressly premised upon the truthfulness, accuracy and completeness of Bright's sworn financial statements and supporting documents submitted to the Commission on or about September 4, 2009, as well as all subsequent addenda thereto, all of which Bright stipulates is truthful, accurate, and complete. Bright and the Commission stipulate that these financial disclosures include material information upon which the Commission relied in negotiating and agreeing to this Order. Bright and the Commission stipulate that the Commission has relied on the truthfulness, accuracy, and completeness of these financial disclosures in agreeing to the terms of this Order and that the Commission would not have entered into this Order but for the truthfulness, accuracy, and completeness of these financial disclosures.
- C. If, upon motion by the Commission, this Court finds that Bright has failed to disclose any material asset or materially misstated the value of any asset in the financial statement and related documents described above, or has made any other

material misstatement or omission in the financial statements and related documents described above, then this Order shall be reopened and suspension of the judgment shall be lifted for the purpose of requiring payment of \$75,000, as set forth in Subsection A of this Section. Provided, however, that in all other respects this Order shall remain in full force and effect, unless otherwise ordered by the Court.

- D. Upon such reinstatement of the monetary judgment, the Court shall make an express determination that the monetary judgment shall be immediately due and payable. The Commission shall be entitled to interest on the judgment, computed from the day of entry of this Order, at the rate prescribed by 18 U.S.C. § 1961, as amended. The Commission shall be permitted to execute on the judgment immediately after the suspension is lifted and engage in discovery in aid of execution.
- E. All funds paid to the Federal Trade Commission pursuant to the Order shall be deposited into an account administered by the Commission or its agent to be used for equitable relief, including but not limited to consumer redress, and any attendant expenses for the administration of such equitable relief. In the event that direct redress to consumers is wholly or partially impracticable or funds remain after redress is completed, the Commission may apply any remaining funds for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to Bright's practices alleged in the complaint. Any funds not used for such equitable relief shall be deposited to the United States Treasury as disgorgement. Bright shall have no right to challenge

the Commission's choice of remedies under this Section. Bright shall have no right to contest the manner of distribution chosen by the Commission.

- F. Bright relinquishes all dominion, control, and title to the funds paid to the fullest extent permitted by law. Bright shall make no claim to or demand return of the funds, directly or indirectly, through counsel or otherwise.
- G. Bright agrees that the facts as alleged in the Complaint filed in this action shall be taken as true without further proof in any bankruptcy case or subsequent civil litigation pursued by the Commission to enforce its rights to any payment or money judgment pursuant to this Final Order, including but not limited to a nondischargeability complaint in any bankruptcy case. Bright further stipulates and agrees that the facts alleged in the Complaint establish all elements necessary to sustain an action pursuant to, and that this Order shall have collateral estoppel effect for purposes of, Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C. § 523(a)(2)(A).
- H. Proceedings instituted under this Section are in addition to, and not in lieu of, any other civil or criminal remedies that may be provided by law, including any other proceedings the Commission may initiate to enforce this Order.

### III.

#### **ORDER PROVISION REGARDING CUSTOMER INFORMATION**

**IT IS FURTHER ORDERED** that Bright, and each of her agents, servants, and employees, and all other persons in active concert or participation with her who receive actual notice of this Order by personal service or otherwise, are permanently restrained and enjoined from:

- A. disclosing, using, or benefitting from customer information, including 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), of any person which Bright obtained prior to entry of this Order in connection with the advertising, marketing, promotion, or offering of employment services; and
- B. failing to dispose of such customer information in all forms in their possession, custody, or control within thirty (30) days after entry of this Order. Disposal 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.

#### IV.

#### COMPLIANCE MONITORING

**IT IS FURTHER ORDERED** that, for the purpose of (i) monitoring and investigating compliance with any provision of this Order, and (ii) investigating the accuracy of Bright's financial statements upon which the Commission's agreement to this Order is expressly premised:

- A. Within ten (10) days of receipt of written notice from a representative of the Commission, Bright shall submit additional written reports, which are true and accurate and sworn to under penalty of perjury; produce documents for inspection

and copying; appear for deposition; and provide entry during normal business hours to any business location in Bright's possession or direct or indirect control to inspect the business operation;

B. In addition, the Commission is authorized to use all other lawful means, including but not limited to:

1. obtaining discovery from any person, without further leave of court, using the procedures prescribed by Fed. R. Civ. P. 30, 31, 33, 34, 36, 45 and 69;
2. having its representatives pose as consumers and suppliers to Bright, her employees, or any other entity managed or controlled in whole or in part by Bright, without the necessity of identification or prior notice; and

C. Bright shall permit representatives of the Commission to interview any employer, consultant, independent contractor, representative, agent, or employee who has agreed to such an interview, relating in any way to any conduct subject to this Order. The person interviewed may have counsel present.

Provided however, that nothing in this Order shall limit 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, to obtain any documentary material, tangible things, testimony, or information relevant to unfair or deceptive acts or practices in or affecting commerce (within the meaning of 15 U.S.C. § 45(a)(1)).

## V.

### COMPLIANCE REPORTING

**IT IS FURTHER ORDERED** that, in order that compliance with the provisions of this Order may be monitored:

- A. For a period of five (5) years from the date of entry of this Order,
1. Bright shall notify the Commission of the following:
    - a. Any changes in her residence, mailing addresses, and telephone numbers, within ten (10) days of the date of such change;
    - b. Any changes in her employment status (including self-employment), and any change in her ownership in any business entity within ten (10) days of the date of such change. Such notice shall include the name and address of each business that she is affiliated with, employed by, creates or forms, or performs services for; a detailed description of the nature of the business; and a detailed description of her duties and responsibilities in connection with the business or employment; and
    - c. Any changes in her name or use of any aliases or fictitious names within ten (10) days of the date of such change;
  2. Bright shall notify the Commission of any changes in structure of Career Hotline or any business entity that she directly or indirectly controls, or has an ownership interest in, that may affect compliance obligations arising under this Order, including but not limited to: incorporation or other organization; a dissolution, assignment, sale, merger, or other action; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order; or a change in the business name or address, at least thirty (30) days prior to such change, provided that, with respect to any such change in the business entity about which

she learns less than thirty (30) days prior to the date such action is to take place, she shall notify the Commission as soon as is practicable after obtaining such knowledge.

- B. One hundred eighty (180) days after the date of entry of this Order and annually thereafter for a period of five (5) years, Bright shall provide a written report to the FTC, which is true and accurate and sworn to under penalty of perjury, setting forth in detail the manner and form in which she has complied and is complying with this Order. This report shall include, but not be limited to:
1. Bright's then-current residence address, mailing addresses, and telephone numbers;
  2. Bright's then-current employment status (including self-employment), including the name, addresses, and telephone numbers of each business that Bright is affiliated with, employed by, or performs services for; a detailed description of the nature of the business; and a detailed description of Bright's duties and responsibilities in connection with the business or employment;
  3. A copy of the acknowledgment of receipt of this Order, obtained pursuant to the Section titled "Distribution of Order;" and
  4. Any other changes required to be reported under Subsection A of this Section.
- C. Bright shall notify the Commission of the filing of a bankruptcy petition by her within fifteen (15) days of filing.

- D. For the purposes of this Order, Bright shall, unless otherwise directed by the Commission's authorized representatives, send by overnight courier all reports and notifications required by this Order to the Commission, to the following address:

Associate Director for Enforcement  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W., Room NJ-2122  
Washington, D.C. 20580  
Re: FTC v. Career Hotline, Inc., and Susan L. Bright  
Case No.: 8:09-CV-1483-T-17TGW

Provided that, in lieu of overnight courier, Bright may send such reports or notifications by first-class mail, but only if she contemporaneously sends an electronic version of such report or notification to the Commission at:

[DEBrief@ftc.gov](mailto:DEBrief@ftc.gov).

- E. For purposes of the compliance reporting and monitoring required by this Order, the Commission is authorized to communicate directly with Bright.

## VI.

### RECORDKEEPING

**IT IS FURTHER ORDERED** that, for a period of eight (8) years from the date of entry of this Order, Bright, for any business for which she is the majority owner or directly or indirectly controls, is hereby restrained and enjoined from failing to create and retain the following records:

- A. Accounting records that reflect the cost of goods or services sold, revenues generated, and the disbursement of such revenues;

- B. Personnel records accurately reflecting: the name, address, and telephone number of each person employed in any capacity by such business, including as an independent contractor; that person's job title or position; the date upon which the person commenced work; and the date and reason for the person's termination, if applicable;
- C. Customer files containing the names, addresses, telephone numbers, dollar amounts paid, quantity of items or services purchased, and description of items or services purchased, to the extent such information is obtained in the ordinary course of business;
- D. Complaints and refund requests (whether received directly or indirectly, such as through a third party,) and any responses to those complaints or requests;
- E. Copies of all sales scripts, training materials, advertisements, or other marketing materials; and
- F. All records and documents necessary to demonstrate full compliance with each provision of this Order, including but not limited to, copies of acknowledgments of receipt of this Order required by the Sections titled "Distribution of Order" and "Acknowledgment of Receipt of Order" and all reports submitted to the FTC pursuant to the Section titled "Compliance Reporting."

**VII.**

**DISTRIBUTION OF ORDER**

**IT IS FURTHER ORDERED** that, for a period of five (5) years from the date of entry of this Order, Bright shall deliver copies of the Order as directed below:

- A. Bright as control person: For any business that Bright controls, directly or indirectly, or in which she has a majority ownership interest, she must deliver a copy of this Order to (1) all principals, officers, directors, and managers of that business; (2) all employees, agents, and representatives of that business who engage in conduct related to the subject matter of this Order; and (3) any business entity resulting from any change in structure set forth in Subsection A.2 of the Section titled "Compliance Reporting." For current personnel, delivery shall be within five (5) days of service of this Order upon Bright. For new personnel, delivery shall occur prior to them assuming their responsibilities. For any business entity resulting from any change in structure set forth in Subsection A.2 of the Section titled "Compliance Reporting," delivery shall be at least ten (10) days prior to the change in structure.
- B. Bright as employee or non-control person: For any business where Bright is not a controlling person of a business but otherwise engages in conduct related to the subject matter of this Order, she must deliver a copy of this Order to all principals and managers of such business before engaging in such conduct.
- C. Bright must secure a signed and dated statement acknowledging receipt of this Order, within thirty (30) days of delivery, from all persons receiving a copy of this Order pursuant to this Section.

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Case No. 8:09-CV-1483-T-17TGW

**VIII.**

**ACKNOWLEDGMENT OF RECEIPT OF ORDER**

**IT IS FURTHER ORDERED** that Bright, within five (5) business days of receipt of this Order as entered by the Court, must submit to the Commission a truthful sworn statement acknowledging receipt of this Order.

**IX.**

**RETENTION OF JURISDICTION**

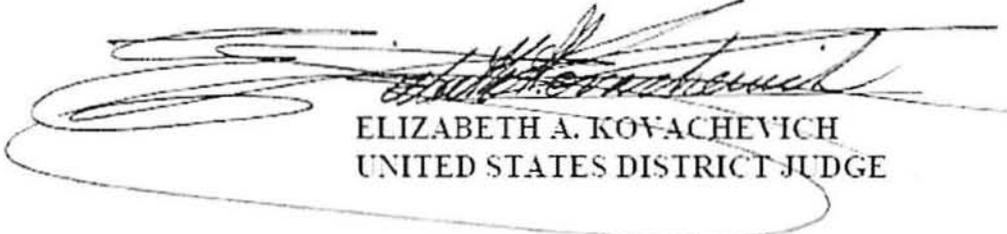
**IT IS FURTHER ORDERED** that this Court shall retain jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

**SO ORDERED**, this 7<sup>th</sup> day of January, 2010 at 4:30 p.m., Eastern Standard Time.

**X.**

**ENTRY OF ORDER**

**IT IS FURTHER ORDERED** that there is no just reason for delay, and the Clerk of Court is hereby directed to enter this Order immediately.

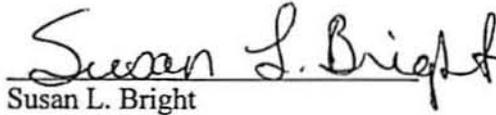
  
ELIZABETH A. KOVACHEVICH  
UNITED STATES DISTRICT JUDGE

Stipulated and agreed to by:



David Fix  
Arturo DeCastro  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
202-326-3298; 202-326-2747  
*For Plaintiff Federal Trade Commission*

Date: 1/7/2010



Susan L. Bright  
141 Shirley Drive  
Largo, Florida 33770-3013  
727-815-5101  
*For Defendant Susan L. Bright*

Date: 11-23-9