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7 **UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF ARIZONA**

9 _____) **CIVIL ACTION NO.**
10 **Federal Trade Commission,**)
11) **CV-12-914-PHX-DGC**
12 Plaintiff,)
13 v.)
14 **North America Marketing and Associates,**)
15 **LLC, a Nevada limited liability**)
16 **company, *et al.*;**)
17 Defendants and Relief Defendant.)
18 _____)

19 **Motion to Issue Stipulated Final Order for Permanent Injunction**
20 **and Other Equitable Relief Entered Into by Plaintiff**
21 **and Defendant Alyisse Maloi Tramel**

22 Plaintiff Federal Trade Commission and Defendant Alyisse Maloi Tramel have
23 entered into a Stipulated Final Order for Permanent Injunction and Other Equitable Relief
24 (“Stipulated Final Order”).
25

26 The parties request that the Court issue the attached Stipulated Final Order.
27
28

Dated: June 20, 2013

Respectfully submitted,

DAVID C. SHONKA
Acting General Counsel

DEANYA T. Cocanougher
Regional Director

/s/ Gary D. Kennedy

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FEDERAL TRADE COMMISSION

CERTIFICATE OF SERVICE

I certify that on June 20, 2013, Plaintiff, Federal Trade Commission, electronically transmitted the attached **Motion to Issue Stipulated Final Order for Permanent Injunction and Other Equitable Relief Entered Into by Plaintiff and Defendant Alyisse Maloi Tramel**, with proposed **Stipulated Final Order**, by ECF or email to the following:

BY ECF:

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Counsel for:

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Sheila Ann Lowry
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NAMAA, LLC
TM Multimedia Marketing, LLC (Nevada)
National Opportunities, LLC (Nevada)
World Wide Marketing and Associates, LLC
Wide World of Marketing, LLC
Precious Metals Resource, LLC
Guaranteed Communications, LLC
Superior Multimedia Group, LLC

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25 *Counsel for:*
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27 Receiver

28 **BY EMAIL:**

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Alyisse Maloi Tramel
2606 North 71st Drive
Phoenix, AZ 85035

Dated: June 20, 2013

/s/ Gary D. Kennedy
Gary D. Kennedy

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9 **FOR THE DISTRICT OF ARIZONA**

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13 Plaintiff,)
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15 v.)
16)
17 **North America Marketing and Associates, LLC,**)
18 a Nevada limited liability company, *et al.*;)
19)
20 Defendants and Relief Defendants.)
21 _____)

22 **STIPULATED FINAL ORDER FOR PERMANENT INJUNCTION AND OTHER**
23 **EQUITABLE RELIEF AS TO DEFENDANT ALYISSE MALOI TRAMEL**
24

25 Plaintiff Federal Trade Commission ("Commission") filed a Complaint for
26 Permanent Injunction and Other Equitable Relief against Defendants North America
27 Marketing and Associates, LLC; NAMAA, LLC; TM Multimedia Marketing, LLC, a
28 Nevada limited liability company; TM Multimedia Marketing, LLC, an Arizona limited
liability company; National Opportunities, LLC, a Nevada limited liability company;
National Opportunities, LLC, an Arizona limited liability company; World Wide
Marketing and Associates, LLC; Wide World of Marketing, LLC; Precious Metals

1 Resource, LLC; Guaranteed Communications, LLC; Superior Multimedia Group, LLC;
2 Kimberly Joy Birdsong; Joseph Wayne Lowry; Tracy Jerome Morris; Sarah Lynne
3 Stapel; Alyisse Maloi Tramel; Daniel Vigil; and Relief Defendants Sheila Ann Lowry;
4 Carl Edward Morris, Jr.; and Marketing Strategies, LLC. The Complaint alleges that
5 Defendants engaged in unfair or deceptive acts or practices in violation of Sections 13(b)
6 and 19 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 53(b) and 57b,
7 and Section 6(b) of the Telemarketing and Consumer Fraud and Abuse Prevention Act
8 ("Telemarketing Act"), 15 U.S.C. § 6105(b).
9

10
11 Plaintiff Federal Trade Commission and Defendant Alyisse Maloi Tramel have
12 agreed to entry of this Stipulated Permanent Injunction and Final Order ("Order") as to
13 Defendant by this Court to resolve all matters of dispute between them in this action.
14

15 **NOW THEREFORE**, Plaintiff Federal Trade Commission and Defendant having
16 requested the Court to enter this Order,
17

18 **IT IS ORDERED, ADJUDGED, AND DECREED** as follows:

19 **FINDINGS**

20 1. This Court has jurisdiction of the subject matter of this case and Plaintiff
21 and Defendant.
22

23 2. Venue in this district is proper under 28 U.S.C. § 1391(b) and (c), and 15
24 U.S.C. § 53(b).
25

26 3. The activities of Defendant are in or affecting commerce, as defined in
27 Section 4 of the FTC Act, 15 U.S.C. § 44.
28

1 4. The allegations of the Complaint state a claim upon which relief may be
2 granted against Defendant under Sections 13(b) and 19 of the FTC Act, 15 U.S.C.
3 §§ 53(b) and 57b, and Section 6(b) of the Telemarketing Act, 15 U.S.C. § 6105(b).

4
5 5. Plaintiff has authority under Sections 13(b) and 19 of the FTC Act, 15
6 U.S.C. §§ 53(b) and 57b, and Section 6(b) of the Telemarketing Act, 15 U.S.C.
7 § 6105(b), to seek the relief it has requested.

8
9 6. Defendant has entered into this Order freely and without coercion.
10 Defendant further acknowledges that he has read the provisions of this Order and is
11 prepared to abide by them.

12
13 7. Defendant waives all rights to seek appellate review or otherwise challenge
14 or contest the validity of this Order.

15 8. Defendant waives all claims that may arise under the Equal Access to
16 Justice Act, 20 U.S.C. § 2412, concerning the prosecution of this action to date.
17 Defendant also waives any claim against Plaintiff and its employees, representatives, or
18 agents.

19
20 9. Entry of this Order is in the public interest.

21
22 10. Each party shall bear its own costs and attorneys' fees incurred in this
23 action.

24 11. Defendant neither admits nor denies of the allegations in the Complaint,
25 except as specifically stated in this Order. Only for purposes of this action, Defendant
26 admits the facts necessary to establish jurisdiction.
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DEFINITIONS

For purposes of this Stipulated Final Order (“Order”), the following definitions shall apply:

A. “**Asset**” means any legal or equitable interest in, right to, or claim to, any real or personal property, including, but not limited to, “goods,” “instruments,” “equipment,” “fixtures,” “general intangibles,” “inventory,” “checks,” or “notes” (as these terms are defined in the Uniform Commercial Code), lines of credit, chattels, leaseholds, contracts, mail or other deliveries, shares of stock, lists of consumer names, accounts, credits, premises, receivables, funds, and cash, wherever located.

B. “**Assisting others**” includes, but is not limited to: (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 sales script or other marketing material; (3) providing names of, or assisting in the generation of, potential customers; (4) performing marketing or billing services of any kind; (5) acting as an officer or director of a business entity; or (6) providing telemarketing services.

C. “**Defendant**” means Alyisse Maloi Tramel.

D. “**Document**” or “**Electronically Stored Information**” is synonymous in meaning and equal in scope to the usage of the terms in Rule 34(a) of the Federal Rules of Civil Procedure and includes:

1. The original or a true copy of any written, typed, printed, electronically stored, transcribed, taped, recorded, filmed, punched, or

1 graphic matter or other data compilations of any kind, including, but not
2 limited to, letters, email or other correspondence, messages, memoranda,
3 interoffice communications, notes, reports, summaries, manuals, magnetic
4 tapes or discs, tabulations, books, records, checks, invoices, work papers,
5 journals, ledgers, statements, returns, reports, schedules, or files; and
6

7 2. Any electronically stored information stored on any Smartphones,
8 flash drives, telephones, personal digital assistants (“PDAs”), desktop
9 personal computers and workstations, laptops, notebooks, and other
10 portable computers, or other electronic storage media, whether assigned to
11 individuals or in pools of computers available for shared use; and home
12 computers used for work-related purposes; backup disks and tapes, archive
13 disks and tapes, and other forms of offline storage, whether stored onsite
14 with the computer used to generate them, stored offsite in another company
15 facility, or stored, hosted, or otherwise maintained offsite by a third-party;
16 and computers and related offline storage used by Defendant or Defendant’s
17 participating associates, which may include persons who are not employees
18 of the company or who do not work on company premises.
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23 **E. “Mail”** includes, but is not limited to, all envelopes, papers, or other items
24 delivered, whether by United States Mail, United Parcel Service, FedEx, electronic mail,
25 or similar delivery service.
26

27 **F. “Material fact”** means any fact that is likely to affect a person’s choice of,
28 or conduct regarding, goods or services.

ORDER

BAN ON WORK-AT-HOME OPPORTUNITIES

A. Advertising, marketing, promoting, offering for sale, or selling any work-at-home opportunity, including, but not limited to, web development, advertising, marketing, lead generation, or customer maximization services to assist the start-up or operation of a work-at-home opportunity;

B. Assisting others engaged in advertising, marketing, promoting, offering for sale, or selling any work-at-home opportunity, including, but not limited to, web development, advertising, marketing, lead generation, or customer maximization services to assist the start-up or operation of a work-at-home opportunity; and

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1 at-home opportunity, including, but not limited to, web development, advertising,
2 marketing, lead generation, or customer maximization services to assist the start-up or
3 operation of a work-at-home opportunity.

4 **II.**

5 **PROHIBITED REPRESENTATIONS RELATING**
6 **TO ANY GOODS OR SERVICES**

7 **IT IS FURTHER ORDERED** that Defendant and his agents, servants,
8 employees, and all persons in active concert or participation with any of them who
9 receive actual notice of this Order by personal service or otherwise, whether acting
10 directly or through any corporation, partnership, subsidiary, division, agent, or other
11 device, in connection with the advertising, marketing, promotion, offering for sale or sale
12 of any good, service, plan, or program, are permanently restrained and enjoined from
13 misrepresenting, or assisting others in misrepresenting, expressly or by implication, any
14 material fact, including, but not limited to, that:

- 15 **A.** Purchasers are likely to earn substantial income;
16 **B.** Purchasers will receive substantial assistance from marketing coaches;
17 **C.** Any material aspect of the nature or terms of any refund, cancellation,
18 exchange, or repurchase policy, including, but not limited to, the likelihood of a consumer
19 obtaining a full or partial refund, or the circumstances in which a full or partial refund
20 will be granted to the consumer; and
21 **D.** Any material aspect of the performance, efficacy, nature or other
22 characteristic of the good, service, plan, or program.
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III.

PROHIBITION AGAINST VIOLATING THE
TELEMARKETING SALES RULE

IT IS FURTHER ORDERED that, in connection with telemarketing, Defendant and his agents, servants, employees, and all persons in active concert or participation with any of them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any corporation, partnership, subsidiary, division, agent, or other device, are permanently restrained and enjoined from violating, or assisting others in violating, any provision of the Telemarketing Sales Rule, 16 C.F.R. Part 310, as currently promulgated or as it may be amended, including, but not limited to, by:

A. Representing, directly or indirectly, expressly or by implication that consumers who purchase and use any website sold by Defendant is likely to earn substantial income, in violation of Section 310.3(a)(2)(vi) of the TSR, 16 C.F.R. Part 310.3(a)(2)(vi);

B. Representing, directly or indirectly, expressly or by implication that consumers who purchase and use any advertising package sold by Defendant is likely to quickly earn back the cost, or substantially more than the cost of advertising package, in violation of Section 310.3(a)(2)(vi) of the TSR, 16 C.F.R. Part 310.3(a)(2)(vi); and

C. Representing, directly or indirectly, expressly or by implication that business experts, business professionals, and marketing coaches will provide substantial assistance to consumers in operating any work-at-home opportunity they purchased from Defendant, in violation of Section 310.3(a)(2)(iii) of the TSR, 16 C.F.R. Part 310(a)(2)(iii).

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IV.

DUTY TO PROTECT CUSTOMER INFORMATION

IT IS FURTHER ORDERED that Defendant and his agents, servants, and employees, and all persons in active concert or participation with any of them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any corporation, partnership, subsidiary, division, agent, or other device, are permanently restrained and enjoined from:

A. Disclosing, using, or receiving any benefit 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 was obtained by any Defendant prior to entry of this Order in connection with Defendant's offering for sale or sale of work-at-home opportunities; and

B. Failing to dispose of 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.

V.

COOPERATION WITH COMMISSION COUNSEL

IT IS FURTHER ORDERED that Defendant shall, in connection with this action or any subsequent investigations related to or associated with the transactions or the occurrences that are the subject of the Commission's Complaint, cooperate in good faith with the Commission and appear, or cause his employees, representatives, or agents to appear, at such places and times as the Commission shall reasonably request, after written notice, for interviews, conferences, pretrial discovery, review of documents, and for such other matters as may be reasonably requested by the Commission. If requested in writing by the Commission, Defendant shall appear, or cause their employees, representatives, or agents to appear, and provide truthful testimony in any trial, deposition, or other proceeding related to or associated with the transactions or the occurrences that are the subject of the Complaint, without the service of a subpoena.

VI.

MONETARY JUDGMENT

IT IS FURTHER ORDERED that:

A. Judgment in the amount of **SEVENTEEN MILLION, NINE HUNDRED AND FIFTY-SEVEN THOUSAND, FIVE HUNDRED AND EIGHTY-NINE DOLLARS** (\$17,957,589), an estimate of the total amount of consumer injury caused by the activities alleged in the Commission's Complaint, is entered in favor of the Commission and jointly and severally against Defendant, as equitable monetary relief, including, but not limited to, restitution or disgorgement, and for paying any attendant

1 expenses for the administration of any restitution fund; *provided, however*, that this
2 Judgment for equitable monetary relief shall be suspended upon the satisfaction of the
3 obligations applicable to each Defendant as imposed by Subsection B of this Section and
4 subject to the provisions of Section VII, titled "Right to Reopen."
5

6 B. Within ten (10) days of the date of entry of this Order, Defendant shall pay
7 **NINE THOUSAND FOUR HUNDRED DOLLARS (\$9,400)** in equitable monetary
8 relief, including, but not limited to, restitution or disgorgement, and for paying any
9 attendant expenses for the administration of any restitution fund, to the Commission in
10 the form of a wire transfer or certified or cashier's check made payable to the
11 Commission, or such agent as the Commission may direct.
12
13

14 C. Time is of the essence for the payment specified above. In the event of
15 default on any obligation to make payment under this Order, interest, computed according
16 to 28 U.S.C. § 1961(a), shall accrue from the date of default to the date of payment.
17 Defendant shall be jointly and severally liable for all payments required by this Order and
18 for interest on such payments.
19

20 D. All funds paid under this Order shall be deposited into a fund administered
21 by the Commission or its agent to be used for equitable relief, including, but not limited
22 to, restitution and any attendant expenses for the administration of any restitution fund.
23 Defendant shall cooperate fully to assist the Commission in identifying consumers who
24 may be entitled to restitution under this Order. In the event that direct restitution to
25 consumers is wholly or partially impracticable or funds remain after restitution is
26 completed, the Commission may apply any remaining funds for the other equitable relief
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1 (including consumer information remedies) as it determines to be reasonably related to
2 Defendant's practices alleged in the Complaint. Any funds not used for the equitable
3 relief shall be deposited to the United States Treasury as disgorgement. Defendant shall
4 have no right to challenge the Commission's choice of remedies under this Section and
5 shall have no right to contest the manner of distribution chosen by the Commission.
6

7 E. Defendant relinquishes all dominion, control, and title to the funds paid to
8 the fullest extent permitted by law. Defendant shall make no claim to or demand for
9 return of the funds, directly or indirectly, through counsel or otherwise.
10

11 F. Defendant shall take no deduction, capital loss, write-off, or any other tax
12 benefit on any federal or state tax return, amended tax return, IRS Form 1045, or any
13 other tax filing, for all or any part of any payment toward satisfaction of this judgment.
14

15 G. Defendant agrees that the facts as alleged in the Complaint filed in this
16 action shall be taken as true without further proof in any bankruptcy case or subsequent
17 civil litigation pursued by the Commission to enforce its rights to any payment or money
18 judgment pursuant to this Order, including, but not limited to, a nondischargeability
19 complaint in any bankruptcy case. Defendant further stipulates and agrees that the facts
20 alleged in the Complaint establish all elements necessary to sustain an action by the
21 Commission pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C.
22 § 523(a)(2)(A), and that this Order shall have collateral estoppel effect for such purposes.
23

24 H. In accordance with 31 U.S.C. § 7701, Defendant is required, within ten (10)
25 days after entry of this Order, unless he already has done so, to furnish the Commission
26 with taxpayer identifying numbers (Social Security numbers or employer identification
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numbers), which shall be used for purposes of collecting and reporting on any delinquent amount arising out of their relationship with the government. Defendant is further required, within ten (10) days after entry of this Order, unless he already has done so, to provide the Commission with clear, legible, and full-size photocopies of all valid driver's licenses that he possesses, which will be used for reporting and compliance purposes.

I. 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.

VII.

RIGHT TO REOPEN

IT IS FURTHER ORDERED that:

A. The Commission's agreement to this Order and the Court's approval are expressly premised upon the truthfulness, accuracy, and completeness of Defendant's representations regarding their respective financial condition, as set forth in each Defendant's sworn financial statements and supporting documents submitted to the Commission as follows:

Defendant	Dated
Alyisse Maloi Tramel	Sworn Financial Statement dated 06/04/12 Declaration dated 01/26/13

1
2 Defendant stipulates that all financial statements and information submitted by him are
3 truthful, accurate, and complete. The documents submitted contain material information
4 upon which the Commission relied in negotiating and agreeing to the terms of this Order.
5

6 B. If, upon motion by the Commission, the Court determines that Defendant
7 failed to disclose any material asset, materially misrepresented the value of any asset, or
8 made any other material misrepresentation in or omission from his financial disclosures,
9 the value of which exceeds \$1,000, then the suspension of the judgment, ordered in
10 Subsection A of the Section titled "Monetary Judgment," shall be terminated and the
11 entire judgment amount shall be entered against Defendant. *Provided, however,* that such
12 Defendant shall be entitled to offset these judgment amounts by any sums already paid
13 under this Order.
14

15 C. The reinstated judgment shall become immediately due and payable by
16 Defendant, and interest computed at the rate prescribed under 28 U.S.C. § 1961, as
17 amended, shall immediately begin to accrue on any unpaid balance. *Provided, however,*
18 that in all other respects this Order shall remain in full force and effect unless otherwise
19 ordered by the Court; and
20

21 D. Any proceedings instituted under this Section would be in addition to, and
22 not in lieu of, any other civil or criminal remedies as may be provided by law, including,
23 but not limited to, contempt proceedings, or any other proceedings that the Commission
24 or the United States might initiate to enforce this Order. For purposes of this Section,
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1 Defendant waives any right to contest any of the allegations in the Commission's
2 Complaint.

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4 **VIII.**

5 **LIFTING OF ASSET FREEZE**

6 **IT IS FURTHER ORDERED** that the freeze of Defendant's assets set forth in
7 the Preliminary Injunction, entered by this Court on May 23, 2012, shall be lifted to the
8 extent necessary to turn over Defendant's assets as required by the Section titled
9 "Monetary Judgment," and upon completion of Defendant's obligations under Subsection
10 B of the Section VI, titled "Monetary Judgment," shall be lifted permanently.
11

12 **IX.**

13 **PROHIBITION ON COLLECTING ON ACCOUNTS**

14 **IT IS FURTHER ORDERED** that Defendant and his officers, agents, servants,
15 employees, and all persons in active concert or participation with any of them who
16 receive actual notice of this Order by personal service or otherwise, whether acting
17 directly or through any corporation, partnership, subsidiary, division, agent or other
18 device, or any of them, in connection with the advertising, marketing, promotion, offering
19 for sale or sale of any good, service, plan, program, or business opportunity are
20 permanently restrained and enjoined from attempting to collect, collecting, selling,
21 assigning, or otherwise transferring any right to collect payment from any consumer who
22 purchased or agreed to purchase any work-at-home opportunity from Defendant.
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X.

ORDER ACKNOWLEDGMENTS

IT IS FURTHER ORDERED that Defendant obtains acknowledgments of receipt of this Order:

A. Within seven (7) days of entry of this Order, Defendant must submit to the Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.

B. For five (5) years after entry of this Order, Defendant, for any business that Defendant is the majority owner or directly or indirectly controls, must deliver a copy of this Order to: (1) all principals, officers, directors, managers, agents, employees, and representatives; and (2) any business entity resulting from any change in structure as set forth in the Section titled Compliance Reporting. Delivery must occur within seven (7) days of entry of this Order for current personnel. To all others, delivery must occur before they assume their responsibilities.

C. From each individual or entity to which Defendant delivered a copy of this Order, Defendant must obtain, within thirty (30) days, a signed and dated acknowledgment of receipt of this Order.

XI.

COMPLIANCE REPORTING

IT IS FURTHER ORDERED that Defendant makes timely submissions to the Commission:

A. One year after entry of this Order, Defendant must submit a compliance report, sworn under penalty of perjury.

1 1. Defendant must: (a) designate at least one telephone number and an email,
2 physical, and postal address as points of contact, which representatives of the Commission
3 may use to communicate with Defendant; (b) identify all of Defendant's businesses by all
4 of their names, telephone numbers, and physical, postal, email, and Internet addresses; (c)
5 describe the activities of each business, including the products and services offered, and
6 the means of advertising, marketing, and sales; (d) describe in detail whether and how
7 Defendant is in compliance with each Section of this Order; and (e) provide a copy of each
8 Order Acknowledgment obtained pursuant to this Order, unless previously submitted to
9 the Commission; and

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

17 **B.** For ten (10) years following entry of this Order, Defendant must submit a
18 compliance notice, sworn under penalty of perjury, within fourteen (14) days of any
19 change in the following:

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

3
4 2. Additionally, Defendant must report any change in: (a) name, including
5 aliases or fictitious name, or residence address; or (b) title or role in any business activity,
6 including any business for which Defendant performs services whether as an employee or
7 otherwise and any entity in which Defendant has any ownership interest, and identify its
8 name, physical address, and Internet address, if any.
9

10 C. Defendant must submit to the Commission notice of the filing of any
11 bankruptcy petition, insolvency proceeding, or any similar proceeding by or against
12 Defendant within fourteen (14) days of its filing.
13

14 D. Any submission to the Commission required by this Order to be sworn under
15 penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as
16 by concluding: "I declare under penalty of perjury under the laws of the United States of
17 America that the foregoing is true and correct. Executed on: ____" and supplying the
18 date, signatory's full name, title (if applicable), and signature.
19

20 E. Unless otherwise directed by a Commission representative in writing, all
21 submissions to the Commission under this Order must be emailed to DEbrief@ftc.gov or
22 sent by overnight courier (not the U.S. Postal Service) to: Associate Director for
23 Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600
24 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: *FTC v.*
25 *North America Marketing and Associates, LLC, et al.*, Civil Action No. 2:12-cv-914-DGC
26 (D. Ariz.) (X120024), Defendant ____."
27
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XII.

RECORDKEEPING

IT IS FURTHER ORDERED that Defendant must create certain records for ten (10) years after entry of the Order, and retain each such record for five (5) years.

Specifically, Defendant, for any business in which he is a majority owner or directly or indirectly controls, must maintain the following records:

A. Accounting records showing the revenues from all goods or services sold, all costs incurred in generating those revenues, and the resulting net profit or loss;

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

C. Complaints and refund requests, whether received directly or indirectly, such as through a third party, and any response;

D. All records necessary to demonstrate full compliance with each provision of this Order, including all submissions to the Commission; and

E. A copy of each advertisement or other marketing material.

XIII.

COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring Defendant's compliance with this Order:

A. Within fourteen (14) days of receipt of a written request from a representative of the Commission, Defendant must: submit additional compliance reports

1 or other requested information, which must be sworn under penalty of perjury; appear for
2 depositions; and produce documents, for inspection and copying. The Commission is also
3 authorized to obtain discovery, without further leave of court, using any of the procedures
4 prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions),
5 31, 33, 34, 36, 45, and 69.
6

7 **B.** For matters concerning this Order, the Commission is authorized to
8 communicate directly with Defendant. Defendant must permit representatives of the
9 Commission to interview any employee or other person affiliated with Defendant who has
10 agreed to such an interview. The person interviewed may have counsel present.
11

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

RETENTION OF JURISDICTION

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

IT IS SO ORDERED.

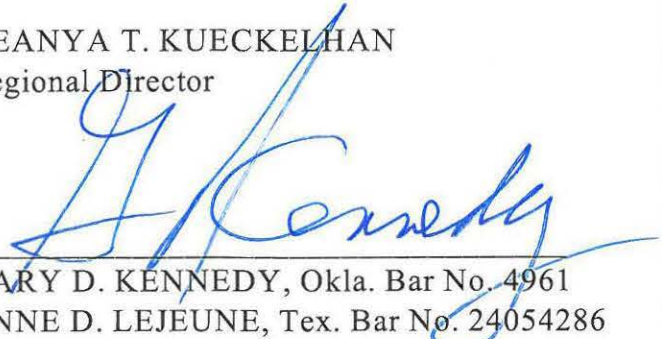
1 **SO STIPULATED:**

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4 DATED: _____

06/29/13

WILLARD K. TOM
General Counsel

DEANYA T. KUECKELHAN
Regional Director

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11 GARY D. KENNEDY, Okla. Bar No. 4961
12 ANNE D. LEJEUNE, Tex. Bar No. 24054286
13 LUIS H. GALLEGOS, Okla. Bar No. 19098
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15 Federal Trade Commission
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17 Dallas, Texas 75201
18 (214) 979-9379; gkenedy@ftc.gov (Kennedy)
19 (214) 979-9371; alejeune@ftc.gov (LeJeune)
20 (214) 979-9383; lgallegos@ftc.gov (Gallegos)
21 (214) 979-9373; jelliott@ftc.gov (Elliott)
22 (214) 953-3079 (Fax)

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26 Attorneys for Plaintiff
27 FEDERAL TRADE COMMISSION
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2 DATED:

Jan. 29, 2013

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ALYISSE MALOI TRAMEL
Pro Se Defendant