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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMG Services, Inc., et al.,

Defendants, and

Park 269 LLC, et al.,

Relief Defendants.

Case No. 2:12-cv-536

[PROPOSED]
STIPULATED
ORDER FOR
PERMANENT
INJUNCTION AND
JUDGMENT

Plaintiff Federal Trade Commission (“FTC” or “Commission”), filed its Complaint for Injunction and other Equitable Relief, subsequently amended as the Amended Complaint for Injunction and other Equitable Relief, (“Complaint”), seeking a permanent injunction and other equitable relief in this matter, pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b); the Truth in Lending Act (“TILA”), 15 U.S.C. §§ 1601-1666j; and the Electronic Fund Transfer Act (“EFTA”), 15 U.S.C. §§ 1693-1693r. The Commission and AMG Services, Inc., Red Cedar Services, Inc., SFS, Inc., MNE Services, Inc., AMG Capital Management, LLC, Level 5 MotorSports, LLC, LeadFlash Consulting, LLC, Black Creek Capital Corporation, Broadmoor Capital Partners, LLC, Scott A. Tucker, Blaine A. Tucker, Don E. Brady, Robert D. Campbell, and Troy L. Little Axe, Jr. stipulate to the entry of this Stipulated Order for Permanent Injunction and Judgment to resolve Counts II and IV in the Complaint.

THEREFORE, IT IS ORDERED as follows:

FINDINGS

1. This Court has jurisdiction over this matter.

1 2. Count II of the Complaint alleges that Defendants participated in deceptive acts or
2 practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), in the collection
3 of loans. Count IV of the Complaint alleges that Defendants violated Section 913(1) of
4 EFTA, 15 U.S.C. § 1693k(1) and Section 1005.10(e)(1) of Regulation E, 12 C.F.R. §
5 1005.10(e)(1), in the extension of credit.

6 3. Only for purposes of this Order, Settling Defendants admit the facts necessary to
7 establish jurisdiction of the Court as to Counts II and IV of the Complaint.

8 4. The FTC and Settling Defendants, as defined herein, stipulate and agree to entry
9 of this Order, without trial or final adjudication of any issue of fact or law, to settle and
10 resolve all matters in dispute arising from the conduct alleged in Counts II and IV of the
11 Complaint as against the Settling Defendants. This settlement does not settle and resolve
12 any conduct not alleged in Counts II and IV of the Complaint or as to any other party.

13 This Order is for settlement purposes only, and does not constitute and shall not be
14 interpreted to constitute an admission or denial by Settling Defendants or a finding that
15 the law has been violated or not violated as alleged in the Complaint, or that the facts
16 alleged in the Complaint are true or not true.

17 5. The FTC and Settling Defendants have consented to entry of this Order without
18 Settling Defendants admitting or denying liability for any of the violations in Counts II
19 and IV of the Complaint.

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

23 7. Settling Defendants waive all rights to appeal or otherwise challenge or contest
24 the validity of this Order.

25 8. The FTC and Settling Defendants may not use this Order to support any argument
26 that the FTC Act grants or does not grant the Commission jurisdiction over any
27

1 Defendant. Notwithstanding the foregoing, and for purposes of this Order only, the
2 Commission shall have jurisdiction over the Settling Defendants to seek enforcement of
3 this Order.

4 9. Records submitted to the Commission pursuant to this Order shall be governed by
5 the Confidentiality and Protective Order entered in this case (ECF No. 308).

6 **DEFINITIONS**

7 For the purposes of this Order only, the following definitions apply:

8 1. "Collection of Debts" means any activity the principal purpose of which is
9 to collect or attempt to collect, directly or indirectly, Debts owed or due or asserted to be
10 owed or due.

11 2. "Covered Activities" means the extension or servicing of online credit
12 primarily for personal, family, or household purposes or the Collection of Debts from
13 consumers.

14 3. "Debt" means any obligation or alleged obligation of a consumer to pay
15 money arising out of a transaction in which the money, property, or services that are the
16 subject of the transaction are primarily for personal, family, or household purposes,
17 whether or not such obligation has been reduced to judgment.

18 4. "Defendants" means AMG Services, Inc., SFS, Inc., Red Cedar Services,
19 Inc., MNE Services, Inc., Scott A. Tucker, Blaine A. Tucker, AMG Capital Management,
20 LLC, Level 5 Motorsports, LLC, LeadFlash Consulting, LLC, Black Creek Capital
21 Corporation, Broadmoor Capital Partners, LLC, Don E. Brady, Robert D. Campbell, and
22 Troy L. Little Axe, Jr., Timothy J. Muir, and The Muir Law Firm, LLC.

23 5. "Settling Defendants" means AMG Services, Inc., SFS, Inc., Red Cedar
24 Services, Inc., MNE Services, Inc., Scott A. Tucker, Blaine A. Tucker, AMG Capital
25 Management, LLC, Level 5 Motorsports, LLC, LeadFlash Consulting, LLC, Black Creek
26
27

1 Capital Corporation, Broadmoor Capital Partners, LLC, Don E. Brady, Robert D.
2 Campbell, and Troy L. Little Axe, Jr.

3 6. "Entity Settling Defendants" means AMG Services, Inc., SFS, Inc., Red
4 Cedar Services, Inc., MNE Services, Inc., AMG Capital Management, LLC, Level 5
5 Motorsports, LLC, LeadFlash Consulting, LLC, Black Creek Capital Corporation, and
6 Broadmoor Capital Partners, LLC.

7 7. "Individual Settling Defendants" means Scott A. Tucker, Blaine A.
8 Tucker, Don E. Brady, Robert D. Campbell, and Troy L. Little Axe, Jr.

9 **ORDER**

10 **I. PROHIBITED COLLECTION PRACTICES**

11 **IT IS ORDERED** that Settling Defendants and their successors, assigns, officers, agents,
12 servants, employees and attorneys, and those persons or entities in active concert or
13 participation with any of them who receive actual notice of this Order by personal
14 service, facsimile transmission, email, or otherwise, whether acting directly or through
15 any corporation, subsidiary, division, or other device, in connection with the collection of
16 debts, are hereby permanently restrained and enjoined from misrepresenting, or assisting
17 others in misrepresenting, expressly or by implication:

- 18 A. That consumers can be arrested or imprisoned for failing to pay Settling
19 Defendants;
- 20 B. That Settling Defendants will or can take formal legal action against
21 consumers, including but not limited to, filing suit; and
- 22 C. Any other material fact.

23 **II. PROHIBITED ELECTRONIC FUND TRANSFER PRACTICES**

24 **IT IS FURTHER ORDERED** that Settling Defendants and their successors, assigns,
25 officers, agents, servants, employees, and attorneys, and those persons or entities in
26 active concert or participation with any of them who receive actual notice of this Order
27 by personal service, facsimile transmission, email, or otherwise, whether acting directly

1 or through any corporation, subsidiary, division, or other device, are hereby permanently
2 restrained and enjoined from conditioning the extension of credit on preauthorized
3 electronic fund transfers.

4 **III. ORDER ACKNOWLEDGMENTS**

5 **IT IS FURTHER ORDERED** that Settling Defendants obtain acknowledgments of
6 receipt of this Order:

- 7 A. Each Settling Defendant, within 7 days of entry of this Order, must submit
8 to the Commission an acknowledgment of receipt of this Order sworn
9 under penalty of perjury.
- 10 B. For 3 years after entry of this Order, each Individual Settling Defendant
11 for any business engaged in Covered Activities that such Individual
12 Settling Defendant, individually or collectively with any other Defendants,
13 is the majority owner or controls directly or indirectly, and each Entity
14 Settling Defendant must deliver a copy of this Order to: (1) all principals,
15 officers, directors, and LLC managers and members; (2) all employees,
16 agents, and representatives who participate in Covered Activities; and (3)
17 any business entity resulting from any change in structure as set forth in
18 the following Section titled Compliance Reporting. Delivery must occur
19 within 7 days of entry of this Order for current personnel. For all others,
20 delivery must occur before they assume their responsibilities.
- 21 C. From each individual or entity to which a Settling Defendant delivered a
22 copy of this Order, that Settling Defendant must obtain, within 30 days, a
23 signed and dated acknowledgment of receipt of this Order.

24 **IV. COMPLIANCE REPORTING**

25 **IT IS FURTHER ORDERED** that Settling Defendants make timely submissions to the
26 Commission:

- 27 A. One year after this Court enters judgment on the last remaining count in the
Complaint, each Settling Defendant must submit a compliance report, sworn under
penalty of perjury:
1. Each Settling Defendant must: (a) identify the Settling Defendant's
primary physical, postal, and email address and telephone number, as designated points
of contact, which representatives of the Commission may use to communicate with such
Settling Defendant; (b) identify by all of their names, telephone numbers, and physical,

1 postal, email, and Internet addresses any and all businesses engaged in Covered Activities
2 for which the Settling Defendant, individually or collectively with any other Defendants,
3 is the majority owner or controls directly or indirectly; (c) describe the activities of each
4 business identified in subparagraph (b) above and the involvement of any other
5 Defendant (which Individual Settling Defendants must describe if they know or should
6 know due to their own involvement); (d) describe in detail whether and how that Settling
7 Defendant is in compliance with each Section of this Order; and (e) provide a copy of
8 each Order Acknowledgment obtained pursuant to this Order, unless previously
9 submitted to the Commission.

10 2. Additionally, each Individual Settling Defendant must: (a) identify all
11 telephone numbers and all physical, postal, email and Internet addresses, including all
12 residences; (b) identify all businesses engaged in Covered Activities for which such
13 Defendant performs services whether as an employee or otherwise; and (c) describe in
14 detail such Defendant's involvement in each business covered in subparagraph (b) above,
15 including title, role, responsibilities, participation, authority, control, and any ownership.

16 B. For 10 years after this Court enters judgment on the last remaining count in the
17 Complaint, each Settling Defendant must submit a compliance notice, sworn under
18 penalty of perjury, within 14 days of any change in the following:

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

25 2. Additionally, each Individual Settling Defendant must report any change
26 in: (a) name, including aliases or fictitious name, or residence address; (b) title or role in
27 any business engaged in Covered Activities, including any such business for which such

1 Individual Settling Defendant performs services whether as an employee or otherwise; or
2 (c) the ownership structure for any entity engaged in Covered Activities that the
3 Individual Settling Defendant, individually or collectively with any other Defendants,
4 controls directly or indirectly, including any changes to the name, physical address, and
5 any Internet address of such business or entity.

6 C. Each Settling Defendant must submit to the Commission notice of the filing of
7 any bankruptcy petition, insolvency proceeding, or similar proceeding by or against such
8 Settling Defendant within 14 days of its filing.

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

14 E. Unless otherwise directed by a Commission representative in writing, all
15 submissions to the Commission pursuant to this Order must be emailed to
16 DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate
17 Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission,
18 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin:
19 FTC v. AMG Services, Inc., No. X120026.

20 **V. RECORDKEEPING**

21 **IT IS FURTHER ORDERED** that Settling Defendants must create certain records for
22 10 years after this Court enters judgment on the last remaining count in the Complaint,
23 and retain each such record for 5 years, as follows. Specifically, each Entity Settling
24 Defendant engaged in Covered Activities, and each Individual Settling Defendant, for
25 any business engaged in Covered Activities that such Individual Settling Defendant
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1 individually or collectively with any other Defendants, is a majority owner or controls
2 directly or indirectly, must create and retain the following records:

- 3 A. accounting records showing the revenues from all goods or services sold;
- 4 B. personnel records showing, for each person providing services, whether as an
5 employee or otherwise, that person's: name; addresses; telephone numbers; job title or
6 position; dates of service; and (if applicable) the reason for termination;
- 7 C. records of all consumer complaints and refund requests, whether received directly
8 or indirectly, such as through a third party, and any response;
- 9 D. all records necessary to demonstrate full compliance with each provision of this
10 Order, including all submissions to the Commission; and
- 11 E. examples of each form agreement used with consumers to authorize electronic
12 fund transfers.

13 **VI. COMPLIANCE MONITORING**

14 IT IS FURTHER ORDERED that, for the purpose of monitoring the Settling
15 Defendants' compliance with this Order, after this Court enters judgment on the last
16 remaining count in the Complaint:

- 17 A. Within 14 days of receipt of a written request from a representative of the
18 Commission, each Settling Defendant must: submit additional compliance reports or
19 other requested information, which must be sworn under penalty of perjury; appear for
20 depositions; and produce documents for inspection and copying. The Commission is also
21 authorized to obtain discovery, without further leave of court, using any of the procedures
22 prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions),
23 31, 33, 34, 36, 45, and 69, provided that Settling Defendants, after attempting to resolve a
24 dispute without court action and for good cause shown, may file a motion with this Court
25 seeking an order for one or more of the protections set forth in Rule 26(c).
- 26 B. For matters concerning this Order, the Commission is authorized to communicate
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1 directly with each Settling Defendant. Each Settling Defendant must permit
2 representatives of the Commission to interview any employee or other person affiliated
3 with any Settling Defendant who has agreed to such an interview. The person
4 interviewed may have counsel present.

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

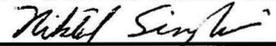
11 **VII. RETENTION OF JURISDICTION**

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

14
15 **IT IS SO ORDERED**, this _____ day of _____, 2013.

16
17 _____
18 United States District Judge

19
20 **SO STIPULATED AND AGREED**

21 
22 _____
23 NIKHIL SINGHVI
24 Federal Trade Commission
25 600 Pennsylvania Ave., NW
26 Mailstop NJ-3158
27 Washington, DC 20580
Telephone: (202) 326-3480
Facsimile: (202) 326-3629
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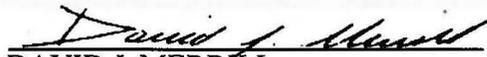
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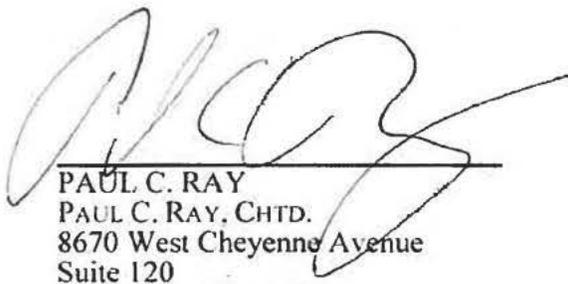
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11 *Attorney for Defendants AMG*
12 *Services, Inc.; Red Cedar Services, Inc.*
13 *dba 500FastCash; SFS, Inc. dba*
14 *OneClickCash; MNE Services, Inc.,*
15 *dba Tribal Financial Services,*
16 *Ameriloan, UnitedCashLoans,*
17 *USFastCash*

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AMG Services, Inc.


Name: Joe Frazier
Title: Interim President

Black Creek Capital Corporation

Name:
Title:

SFS, Inc.

Name:
Title:

Broadmoor Capital Partners, LLC

Name:
Title:

Red Cedar Services, Inc.

Name:
Title:

Scott A. Tucker

MNE Services, Inc.


Name: Joe Frazier
Title: President

Blaine A. Tucker

AMG Capital Management, LLC

Name:
Title:

Don E. Brady

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AMG Services, Inc.

Black Creek Capital Corporation

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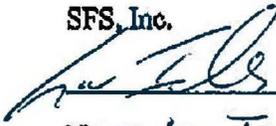
Name:

Title:

Title:

SFS, Inc.

Broadmoor Capital Partners, LLC



Name: *Lee Jakes*

Name:

Title: *CEO*

Title:

Red Cedar Services, Inc.

Scott A. Tucker

Name:

Title:

MNE Services, Inc.

Blaine A. Tucker

Name:

Title:

AMG Capital Management, LLC

Don E. Brady

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AMG Services, Inc.

Black Creek Capital Corporation

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SFS, Inc.

Broadmoor Capital Partners, LLC

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Red Cedar Services, Inc.



Name: Troy Little

Scott A. Tucker

Title: President

MNE Services, Inc.

Name:

Blaine A. Tucker

Title:

AMG Capital Management, LLC

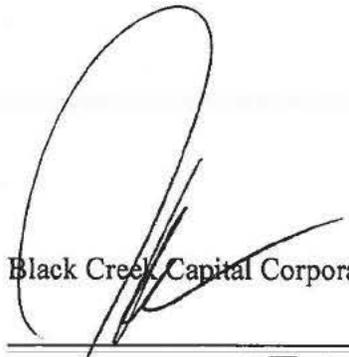
Name:

Don E. Brady

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AMG Services, Inc.


Black Creek Capital Corporation

Name:

Name: *Scott Tucker*

Title:

Title: *President*

SFS, Inc.


Broadmoor Capital Partners, LLC

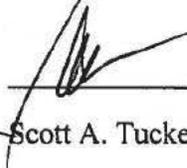
Name:

Name: *Scott Tucker*

Title:

Title: *MANAGER*

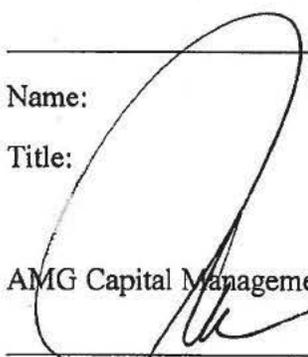
Red Cedar Services, Inc.


Scott A. Tucker

Name:

Title:

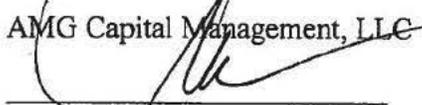
MNE Services, Inc.


Blaine A. Tucker

Name:

Title:

AMG Capital Management, LLC


Don E. Brady

Name: *Scott Tucker*

Title: *Sole Owner*

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AMG Services, Inc.

Black Creek Capital Corporation

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SFS, Inc.

Broadmoor Capital Partners, LLC

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Red Cedar Services, Inc.

Name:

Scott A. Tucker

Title:

MNE Services, Inc.

Name:



Blaine A. Tucker

Title:

AMG Capital Management, LLC

Name:

Don E. Brady

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Broadmoor Capital Partners, LLC

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Red Cedar Services, Inc.

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Scott A. Tucker

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MNE Services, Inc.

Name:

Blaine A. Tucker

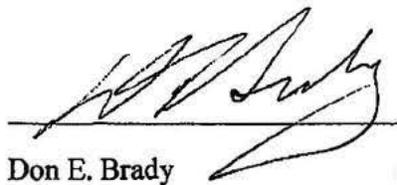
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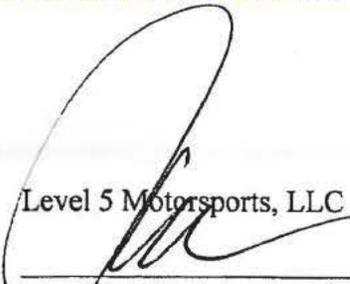
AMG Capital Management, LLC

Name:

Don E. Brady

Title:



1 Level 5 Motorsports, LLC
2 

3 Name: *Scott Tucker*

Robert D. Campbell

4 Title: *Sole Owner*

5
6 LeadFlash Consulting, LLC

7
8 Name:

Troy L. Little Axe, Jr.

9 Title:

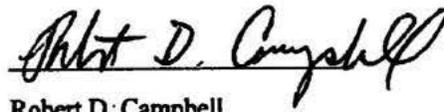
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Level 5 Motorsports, LLC

Name:

Title:



Robert D. Campbell

LeadFlash Consulting, LLC

Name:

Title:

Troy L. Little Axe, Jr.

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Level 5 Motorsports, LLC

Name:

Robert D. Campbell

Title:

LeadFlash Consulting, LLC



Name: *Troy L. Little Axe, Jr.*

Troy L. Little Axe, Jr.

Title: *Sole Owner*

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Level 5 Motorsports, LLC

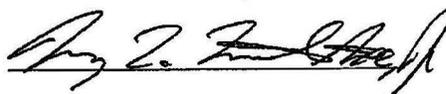
Name:

Robert D. Campbell

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LeadFlash Consulting, LLC

Name:



Troy L. Little Axe, Jr.

Title: