

JS-6

1 STUART F. DELERY
 Assistant Attorney General
 2 MAAME EWUSI-MENSAH FRIMPONG
 Deputy Assistant Attorney General
 3 Civil Division
 U.S. Department of Justice
 4 MICHAEL S. BLUME, Director
 Consumer Protection Branch
 5 DANIEL K. CRANE-HIRSCH
 SONDRA L. MILLS, California Bar No. 90723
 6 Trial Attorneys, Consumer Protection Branch
 U.S. Department of Justice
 7 PO Box 386
 Washington, DC 20044-0386
 8 (202) 616-8242 (phone)
 (202) 514-8742 (fax)
 9 daniel.crane-hirsch@usdoj.gov
sondra.mills@usdoj.gov
 10 Attorneys for Plaintiff United States of America

11 [Additional counsel are listed on page 2]

12 UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

<p>14 THE UNITED STATES OF AMERICA, Plaintiff, 15 vs. 16 JOSEPH TURPEL, 17 Defendant.</p>

Case No. 8:11-cv-01777-JGB-JPR

STIPULATED FINAL JUDGMENT AND ORDER FOR PERMANENT INJUNCTION AS TO DEFENDANT JOSEPH TURPEL

1 The additional counsel presenting this document to the Court are:

2 F. ANTONE ACCUARDI, OSB 974613
2331 S.W. 5th Ave, 2nd Floor
3 Portland, OR 97201
(503) 223-7747
4 fax (503) 223-7776
Interlaw@justice.com

5
6 MARITZA B. LEON, State Bar No. 213752
130 W. Route 66 Ste. 222
Glendora, CA 91740
7 (626) 733-2847
(626) 969-3296
8 leonfamilylaw@yahoo.com

9 Attorneys for Defendant Joseph Turpel

10 Stanton T. Mathews, State Bar No. 99058
Stanton T. Mathews & Associates
11 24012 Calle DeLa Plata #320
Laguna Hills, CA 92653
12 (949) 586-2235
mathews@mathewsfirm.com

13 Specially representing Defendant Joseph Turpel for purposes of negotiation and
14 not litigation

15 Plaintiff, the United States of America, acting upon notification and
16 authorization to the Attorney General by the Federal Trade Commission (“FTC”
17 or the “Commission”), has commenced this action by filing the complaint herein.
18 The United States and Defendant Joseph Turpel (“Defendant”), represented by the
19 attorneys whose names appear hereafter, have agreed to settlement of this action
20 without adjudication of any issue of fact or law herein.

1 B. formulating or providing, or arranging for the formulation or
2 provision of, caller identification management services;

3 C. formulating or providing, or arranging for the formulation or
4 provision of, any advertising or marketing material, including, but
5 not limited to, any telephone sales script, direct mail solicitation,
6 or the design, text, or use of images of any Internet website, email,
7 or other electronic communication;

8 D. formulating or providing, or arranging for the formulation or
9 provision of, any marketing support material or service, including
10 but not limited to, web or Internet Protocol addresses or domain
11 name registration for any Internet websites, affiliate marketing
12 services, or media placement services;

13 E. providing names of, or assisting in the identification of, actual or
14 potential customers;

15 F. performing marketing, billing, or payment services of any kind;
16 and/or

17 G. acting or serving as an owner, officer, director, manager, or
18 principal of any entity.

19 3. **“Caller identification management services”** means a service

20 relating to:

- 1 A. the procurement of telephone numbers for sellers or
2 telemarketers;
- 3 B. the procurement of caller identification services for sellers or
4 telemarketers; or
- 5 C. the receipt of or demand for payments arising from the use of
6 caller identification services by sellers or telemarketers.

7 4. **“Caller identification service”** means a service that allows a
8 telephone subscriber to have the telephone number, and, where available, name of
9 the calling party transmitted contemporaneously with the telephone call, and
10 displayed on a device in or connected to the subscriber’s telephone.

11 5. **“Charitable contribution”** means any donation or gift of money or
12 any other thing of value.

13 6. **“Defendant”** means Defendant Joseph Turpel, an individual, and any
14 fictitious business entities or business names, created or used by him, including,
15 without limitation, Sonkie, Sonkie One, Global Telephone Broadcasting LLC, and
16 Telco Compliance Management.

17 7. **“Person”** means any individual, group, unincorporated association,
18 limited or general partnership, corporation, or other business entity.

19 8. **“Representatives”** means Defendant Joseph Turpel and his
20 successors, assigns, officers, agents, servants, employees, attorneys and those

1 persons in active concert or participation with any of them who receive actual
2 notice of this Order by personal service or otherwise.

3 9. “**Seller**” means any person who, in connection with a telemarketing
4 transaction, provides, offers to provide, or arranges for others to provide goods or
5 services to the customer in exchange for consideration whether or not such person
6 is under the jurisdiction of the Commission.

7 10. “**Telemarketer**” means any person who, in connection with
8 telemarketing, initiates or receives telephone calls to or from a customer or donor.

9 11. “**Telemarketing**” means a plan, program, or campaign, whether or
10 not covered by the Telemarketing Sales Rule (“TSR”), 16 C.F.R. Part 310, that is
11 conducted to induce the purchase of goods or services, or a charitable
12 contribution, by use of one or more telephones.

13 **ORDER**

14 **I. PERMANENT BAN ON ROBOCALLS**

15 **IT IS THEREFORE ORDERED** that Defendant, whether acting directly
16 or through any person, trust, corporation, partnership, limited liability company,
17 subsidiary, division, or other device, is permanently restrained and enjoined from
18 initiating, causing others to initiate, or assisting other persons initiating, any
19 telephone call that delivers a prerecorded message, also known as a “robocall.”
20

- 1 1. Schools First Federal Credit Union loan summaries for loans with
2 concluding digits 94, 98, and 99, all printed to PDF format January 25,
2013;
- 3 2. Great Lakes account information and six months' payment history
4 for consolidation loan with account number concluding 0007, printed to
PDF format January 25, 2013;
- 5 3. Chevron credit card statement for account number concluding 0111,
with a statement closing date of January 20, 2013 (page 1 of 6 only);
- 6 4. Discover credit card statement for account number concluding 4603,
7 with a statement closing date of January 2, 2013;
- 8 5. Schools First Federal Credit Union Visa credit card statement for
account number concluding 1182, with a statement closing date of January
9 2, 2013, printed to PDF format January 25, 2013;
- 10 6. Ocwen Loan Servicing loan information and verification of mortgage
account for account concluding 6089, printed to PDF format January 25,
11 2013;
- 12 7. Schools First Federal Credit Union loan summaries for loan with
concluding digit 88, printed to PDF format January 25, 2013;
- 13 8. Ocwen Loan Servicing account statement for account concluding
6089, dated January 14, 2013;
- 14 9. U.S. Individual Income Tax Returns, Forms 1040, for 2009, 2010,
15 and 2011, for Defendant and spouse, with Defendant's SSN concluding
6859;
- 16 10. Orange County Fictitious Business Name Statement identifying
17 "Telco Compliance Management" as a fictitious business name registered
to Joseph Francis Turpel, filed May 23, 2012;
- 18 11. Zillow website "Zestimate" of value of Defendant and spouse's
residence (page 3 only, printed to PDF format January 28, 2013);
- 19 12. Email from Defendant's tax preparer Jack Gendreau to Defendant,
20 dated February 7, 2013; and

1 13. Corrected Schedule B for Defendant and spouse's 2011 federal
2 income tax return.

3 These sworn financial statements and their exhibits include material information
4 upon which Plaintiff and the Commission relied in negotiating and agreeing to this
5 Order. If, upon motion by Plaintiff, this Court finds that Defendant's financial
6 statements and his exhibits failed to disclose any material asset or materially
7 misstated the value of any asset, or made any other material misstatement or
8 omission, the Court shall lift the suspension of the judgment and require payment
9 of civil penalties in the full amount of the judgment (\$395,000.00): provided,
10 however, that in all other respects this Order shall remain in full force and effect,
11 unless otherwise ordered by the Court. Proceedings instituted under this
12 Paragraph are in addition to, and not in lieu of, any other civil or criminal
13 remedies that may be provided by law, including any other proceedings the
14 Plaintiff may initiate to enforce this Order.

15 C. Defendant relinquishes dominion and all legal and equitable right,
16 title, and interest in all assets transferred pursuant to this Order and may not seek
17 the return of any such assets.

18 D. Defendant agrees that the facts as alleged in the complaint filed in
19 this action shall be taken as true, without further proof, in any subsequent civil
20 litigation filed by or on behalf of the Commission to enforce its rights to any
21 payment or money judgment pursuant to this Order.

1 E. Defendant agrees that the judgment represents a civil penalty owed to
2 the United States Government, is not compensation for actual pecuniary loss, and,
3 therefore is not subject to discharge under the Bankruptcy Code pursuant to 11
4 U.S.C. § 523(a)(7).

5 F. Defendant acknowledges that his Taxpayer Identification Numbers
6 and Social Security Numbers may be used for collecting and reporting on any
7 delinquent amount arising out of this Order, in accordance with 31 U.S.C. § 7701.

8 **IV. COOPERATION WITH PLAINTIFF AND COMMISSION COUNSEL**

9 **IT IS FURTHER ORDERED** that Defendant shall, in connection with
10 this action or any subsequent investigations related to, or associated with, the
11 transactions or the occurrences that are the subject of the Complaint, cooperate in
12 good faith with Plaintiff or the Commission and appear, or cause his officers,
13 employees, representatives, or agents to appear, at such places and times as
14 Plaintiff or the Commission shall reasonably request, after written notice, for
15 interviews, conferences, pretrial discovery, review of documents, and for such
16 other matters as may be reasonably requested by Plaintiff or the Commission. If
17 requested in writing by Plaintiff or the Commission, Defendant shall appear, or
18 cause his officers, employees, representatives, or agents to appear, and provide
19 truthful testimony in any trial, deposition, or other proceeding related to or
20 associated with the transactions or the occurrences that are the subject of the

1 Complaint, without the service of a subpoena. Defendant shall be eligible for
2 reimbursement of reasonable travel expenses to the extent prescribed by law in 28
3 U.S.C. § 1821.

4 **V. ORDER ACKNOWLEDGMENTS**

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

7 A. Defendant, within 7 days of entry of this Order, must submit to the
8 Commission an acknowledgment of receipt of this Order sworn under penalty of
9 perjury.

10 B. For five years after entry of this Order, Defendant for any business
11 that he is the majority owner or directly or indirectly controls, must deliver a copy
12 of this Order to: (1) all principals, officers, directors, and managers; (2) all
13 employees, agents, and representatives who participate in conduct related to the
14 subject matter of the Order; and (3) any business entity resulting from any change
15 in structure as set forth in the Section titled Compliance Reporting. Delivery must
16 occur within 7 days of entry of this Order for current personnel. To all others,
17 delivery must occur before they assume their responsibilities.

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

1 **VI. COMPLIANCE REPORTING**

2 **IT IS FURTHER ORDERED** that Defendant make timely submissions to
3 the Commission:

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

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

18 2. Additionally, Defendant must: (a) identify all of his telephone
19 numbers and all email, Internet, physical, and postal addresses,
20 including all residences; (b) identify all titles and roles in all

1 business activities, including any business for which he
2 performs services, whether as an employee or otherwise and
3 any entity in which he has any ownership interest; and (c)
4 describe in detail his involvement in each such business,
5 including his title, role, responsibilities, participation,
6 authority, control, and any ownership.

7 B. For 12 years following entry of this Order, Defendant must submit a
8 compliance notice, sworn under penalty of perjury, within 14 days of any change
9 in the following:

- 10 1. Defendant must report any change in: (a) any designated point
11 of contact; or (b) the structure of any entity that Defendant has
12 any ownership interest in or directly or indirectly controls,
13 where such change may affect compliance obligations arising
14 under this Order, including: creation, merger, sale, or
15 dissolution of the entity or any subsidiary, parent, or affiliate
16 that engages in any acts or practices subject to this Order.
- 17 2. Additionally, Defendant must report any change in: (a) his
18 name, including aliases or fictitious name, or residence
19 address; or (b) title or role in any business activity, including
20 any business for which Defendant performs services, whether

1 as an employee or otherwise, and any entity in which
2 Defendant has any ownership interest, and identify its name,
3 physical address, and Internet address, if any.

4 C. Defendant must submit to the Commission notice of the filing of any
5 bankruptcy petition, insolvency proceeding, or any similar proceeding by or
6 against him within 14 days of its filing.

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

13 E. Unless otherwise directed by a Commission representative in writing,
14 all submissions to the Commission pursuant to this Order must be emailed to
15 DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to:
16 Associate Director for Enforcement, Bureau of Consumer Protection, Federal
17 Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The
18 subject line must begin: U.S. v. Turpel (X120005).

VII. RECORDKEEPING

IT IS FURTHER ORDERED that Defendant must create certain records for 12 years after entry of the Order, and retain each such record for 5 years. Specifically, Defendant, for any business in which he is a majority owner or directly or indirectly controls, must create and 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 communications with and submissions to the Commission; and

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

1 **VIII. COMPLIANCE MONITORING**

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

4 A. Within 14 days of receipt of a written request from a representative
5 of the Commission or Plaintiff, Defendant must: submit additional compliance
6 reports or other requested information, which must be sworn under penalty of
7 perjury; appear for depositions; and produce documents for inspection and
8 copying. The Commission and Plaintiff are also authorized to obtain discovery,
9 without further leave of court, using any of the procedures prescribed by Federal
10 Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36,
11 45, and 69, provided that Defendant, after attempting to resolve a dispute without
12 court action and for good cause shown, may file a motion with this Court seeking
13 an order for one or more of the protections set forth in Rule 26(c), subject to the
14 procedural requirements of Local Rules 37-1, 37-2, 37-3, and 37-4 (C.D. Cal.
15 2013), as amended.

16 B. For matters concerning this Order, the Commission and Plaintiff are
17 authorized to communicate directly with Defendant. Defendant must permit
18 representatives of the Commission and Plaintiff to interview any employee or
19 other person affiliated with Defendant who has agreed to such an interview. The
20 person interviewed may have counsel present.

1 C. The Commission and Plaintiff may use all other lawful means,
2 including by having representatives pose as consumers, suppliers, or other
3 individuals or entities, to Defendant or any individual or entity affiliated with him,
4 without the necessity of identification or prior notice. Nothing in this Order limits
5 the Commission's lawful use of compulsory process, pursuant to Sections 9 and
6 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

7 **IX. SEVERABILITY**

8 **IT IS FURTHER ORDERED** that the provisions of this Order are
9 separate and severable from one another. If any provision is stayed or determined
10 to be invalid, the remaining provisions shall remain in full force and effect.

11 **X. RETENTION OF JURISDICTION**

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

15 //

16 //

17 //

18 //

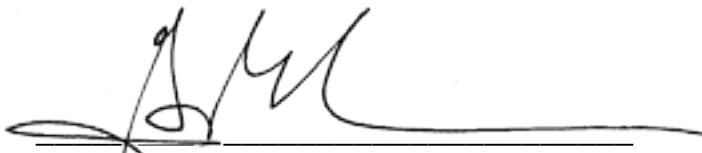
19 //

20

21

1 **JUDGMENT IS THEREFORE ENTERED** in favor of Plaintiff and against
2 Defendant Joseph Turpel, pursuant to all the terms and conditions recited above.

3 SO ORDERED this 15th day of April, 2014.

4
5 
6 HON. JESUS G. BERNAL
UNITED STATES DISTRICT JUDGE

7 WE HEREBY CONSENT TO ENTRY OF THE ABOVE STIPULATED FINAL
8 JUDGMENT AND ORDER FOR PERMANENT INJUNCTION

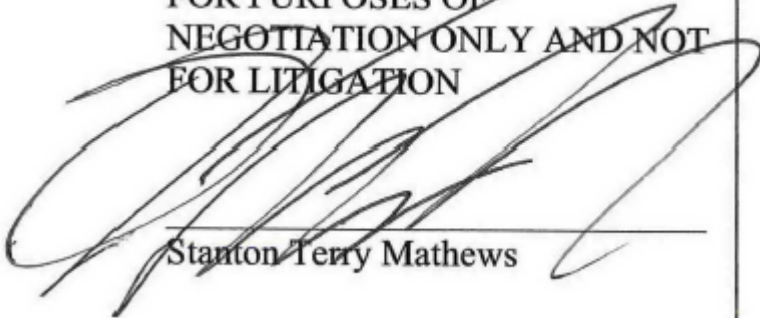
9 FOR INDIVIDUAL DEFENDANT:

10 DATED: Jan 29th, 2014

11 
12 JOSEPH TURPEL

13 SPECIALLY REPRESENTING
14 DEFENDANT JOSEPH TURPEL
15 FOR PURPOSES OF
16 NEGOTIATION ONLY AND NOT
17 FOR LITIGATION

18 DATED: 1/29, 2014

19 
20 Stanton Terry Mathews

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

DATED: 1-17, 2014


E. ANTONE ACCUARDI, OSB
974613
2331 S.W. 5th Ave, 2nd Floor
Portland, OR 97201
(503) 223-7747
fax (503) 223-7776

MARITZA B. LEON, State Bar No.
213752
130 W. Route 66 Ste. 222
Glendora, CA 91740
(626) 733-2847
(626) 969-3296

Attorneys for Defendant Joseph
Turpel

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

FOR PLAINTIFF:

STUART F. DELERY
Assistant Attorney General
MAAME EWUSI-MENSAH
FRIMPONG
Deputy Assistant Attorney General
Civil Division
U.S. Department of Justice
MICHAEL S. BLUME, Director
Consumer Protection Branch

DATED: April 11, 2014

Daniel K. Crane-Hirsch
DANIEL K. CRANE-HIRSCH
SONDRA L. MILLS, California Bar
DANIEL K. CRANE-HIRSCH
SONDRA L. MILLS, California Bar
No. 90723
Trial Attorneys, Consumer Protection
Branch
U.S. Department of Justice
PO Box 386
Washington, DC 20044-0386
(202) 616-8242 (phone)
(202) 514-8742 (fax)
daniel.crane-hirsch@usdoj.gov
sondra.mills@usdoj.gov

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

OF COUNSEL:
C. STEVEN BAKER
Director, Midwest Region
JAMES H. DAVIS
Attorney, Midwest Region
MATTHEW H. WERNZ
Attorney, Midwest Region
Federal Trade Commission
55 West Monroe Street, Suite 1825
Chicago, Illinois 60603
(312) 960-5634; jdavis@ftc.gov
(312) 960-5596; mwernz@ftc.gov