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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

<p>Federal Trade Commission; all Fifty States, and the District of Columbia; Plaintiffs, vs. Cancer Fund of America, Inc., a Delaware corporation, et al.;</p> <p>Defendants.</p>	<p>CASE NO.</p> <p>STIPULATION RE ORDER FOR PERMANENT INJUNCTION AND MONETARY JUDGMENT AGAINST KYLE EFFLER</p>
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Plaintiffs, the Federal Trade Commission (“FTC” or “Commission”) and the states of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia have filed a complaint for a permanent injunction and other equitable relief against Defendants Cancer Fund of America, Inc., also d/b/a Breast Cancer Financial Assistance Fund (“CFA”), Cancer Support Services, Inc. (“CSS”), Children’s Cancer Fund of America, Inc. (“CCFOA”), and The Breast Cancer Society, Inc., also d/b/a The Breast Cancer Society of America

1 (“BCS”), Kyle Effler, and other individuals, alleging that all named Defendants violated,
 2 among other statutes, the Federal Trade Commission Act, 15 U.S.C. § 45, the
 3 Telemarketing and Consumer Fraud and Abuse Prevention Act (“Telemarketing Act”),
 4 15 U.S.C. §§ 6101-6108, and the Unfair and Deceptive Acts and Practices and Charitable
 5 Solicitation laws of the Plaintiff States. Plaintiffs and Defendant Kyle Effler stipulate to
 6 the entry of this Stipulated Order for Permanent Injunction and Monetary Judgment
 7 Against Kyle Effler (“Order”) to resolve all matters in dispute in this action between
 8 them.

9 THEREFORE, IT IS ORDERED as follows:

10 **FINDINGS**

11 1. This Court has jurisdiction over this matter.
 12 2. Venue is proper in the District of Arizona.
 13 3. The Complaint charges that Defendant Kyle Effler (“Effler”) and others
 14 engaged in deceptive acts or practices by making false and misleading claims in
 15 charitable solicitations in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, the
 16 Telemarketing Sales Rule (“TSR”), 16 C.F.R. Part 310, and the following state statutes
 17 regulating charitable solicitations and prohibiting deceptive and/or unfair trade practices:
 18

19 Alabama:	ALA. CODE §§ 8-19-1 through -15; and 13A-9-70 through 76.
20 Alaska:	ALASKA STAT. §§ 45.50.471 through 45.50.561; and 45.68.010 through 45.68.900.
21 Arizona:	ARIZ. REV. STAT. ANN. §§ 44-1521 through 44-1534 and 44-6551 through 44-6561.
22 Arkansas:	ARK. CODE ANN. §§ 4-28-401 through 4-28-416; and §§ 4-88-101 through 4-88-115.
23 California:	CAL. GOV. CODE §§ 12580 through 12599.6; CAL. BUS. & PROF. CODE §§ 17200 through 17206; and §§ 17510 through 17510.95.
24 Colorado:	COLO. REV. STAT. §§ 6-1-101 through 115; and 6-16-101 through 114.
25 Connecticut:	CONN. GEN. STAT. §§ 21a-175 through 21a-190l; and 42-110a through 42-110q.
26 Delaware:	DEL. CODE ANN. tit. 6, § 2513(a) (1998); tit. 6, § 2532(a) (1995); and tit. 6, §§ 2595(a) – (b) (1995).
27 Florida:	FLA. STAT. ch. 501, Part II; and ch. 496 (2013).

1	Georgia:	GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).
2	Hawaii:	HAW. REV. STAT. §§ 467B-9.6, 467B-9.7(d), and 467B-10.5; 480-15; and Act 217 §2 Haw. Sess. Laws (2014).
3	Idaho:	IDAHO CODE ANN. §§ 48-601 through 619; and 48-1201 through 1206.
4	Illinois:	225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.
5	Indiana:	IND. CODE §§ 24-5-0.5-1 through -12.
6	Iowa:	IOWA CODE § 714.16.
7	Kansas:	KAN. STAT. ANN. §§ 17-1759 through 17-1776.
8	Kentucky:	KY. REV. STAT. ANN. §§ 367.110 through 367.300.
9	Louisiana:	LA. REV. STAT. ANN. §§ 51:1401 through 1427; and 51:1901 through 1909.1.
10	Maine:	ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.
11	Maryland:	MD. CODE ANN., BUS. REG. §§ 6-101 through 6-701 (2010).
12	Massachusetts:	MASS. GEN. LAWS ch. 12 §§ 8 through 8M, 10; ch. 68 §§ 18 through 35; and ch. 93A §§ 1 through 11.
13	Michigan:	MICH. COMP. LAWS §§ 400.271 through 400.294.
14	Minnesota:	MINN. STAT. ch. 309.
15	Mississippi:	MISS. CODE ANN. §§ 79-11-501 through 79-11-529.
16	Missouri:	MO. REV. STAT. ch. 407.
17	Montana:	MONT. CODE ANN. § 30-14-103.
18	Nebraska:	NEB. REV. STAT. §§ 21-1901 through 21-19,177; 59-1601 through 59-1622; and 87-301 through 87-306.
19	Nevada:	NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, and 598.097.
20	New Hampshire:	N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:28-f; and 641:8.
21	New Jersey:	N.J. STAT. ANN. §§ 45:17A-18 through 45:17A-32(c); 56:8-1 through 56:8-20; and N.J. ADMIN. CODE §§ 13:48-1.1 through 13:48-15.1.
22	New Mexico:	N.M. STAT. §§ 57-12-1 through 57-12-22; and §§ 57-22-1 through 57-22-11 (1978).
23	New York:	N.Y. EXEC. LAW §§ 63 (12); 171-a through 175; and N.Y. GEN. BUS. LAW § 349.
24	North Carolina:	N.C. GEN. STAT. ANN. §§ 75-1.1; and 131F.
25	North Dakota:	N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and 51-15-01 through 51-15-11.
26	Ohio:	OHIO REV. CODE ANN. § 1716.
27	Oklahoma:	OKLA. STAT. ANN. tit. 18 §§ 552.1 through 552.22.
28	Oregon:	OR. REV. STAT. §§ 128.886; and 646.605 through 646.636.
	Pennsylvania:	10 PA. STAT. ANN. §§ 162.1 through .14 (1990).
	Rhode Island:	R.I. GEN. LAWS §§ 5-53.1-1 through 5-53.1-18.

1 3. “Charitable contribution” means any donation or gift of money or any other
2 thing of value.

3 4. “Donor” or “consumer” means any person solicited to make a charitable
4 contribution.

5 5. “Fundraising” means a plan, program, or campaign that is conducted to
6 induce charitable contributions by mail, telephone, electronic mail, social media, or any
7 other means.

8 6. “Nonprofit organization” means any person that is, or is represented to be, a
9 nonprofit entity, or that has, or is represented to have, a charitable purpose, specifically
10 including but not limited to any such entity that purports to benefit, either in whole or in
11 part, individuals who suffer or have suffered from cancer.

12 7. “Plaintiff States” means the states of Alabama, Alaska, Arizona, Arkansas,
13 California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois,
14 Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts,
15 Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New
16 Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio,
17 Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota,
18 Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin,
19 Wyoming, and the District of Columbia.

20 8. “Solicitor” means any person who solicits a charitable contribution.

21 9. “Telemarketing” means a plan, program, or campaign that is conducted to
22 induce the purchase of goods or services or a charitable contribution, by use of one or
23 more telephones and that involves a telephone call, whether or not covered by the
24 Telemarketing Sales Rule.

25 10. “And” and “or” shall be construed both conjunctively and disjunctively to
26 make the applicable sentence or phrase inclusive rather than exclusive.

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ORDER

I. PROHIBITIONS RELATED TO THE SOLICITATION AND CONTROL OF CHARITABLE ASSETS

IT IS FURTHER ORDERED that Effler is permanently restrained and enjoined from engaging in the following activities individually or in concert with other persons or entities, directly or indirectly:

A. Receiving any payment or other financial benefit for: (1) participating or assisting in the solicitation of charitable contributions, directly or indirectly, including by advising, acting as an independent contractor or as a fundraising consultant, supplying contact or donor lists, or providing caging, mail processing, or fulfillment services, or (2) controlling, directly or indirectly, or holding a majority ownership interest in, any entity engaged in the business of fundraising; and

B. Establishing, operating, controlling, or managing any nonprofit organization or other entity that holds charitable assets, or any program thereof, directly or indirectly, whether compensated or not, including by serving as a founder, incorporator, officer, director, trustee, chief executive, manager, supervisor, or other fiduciary; and

C. Managing, controlling, directing, distributing, or accounting for the use or application of any charitable asset, or participating or assisting in managing, controlling, directing, distributing, or accounting for the use or application of any charitable asset, directly or indirectly, whether compensated or not, including by acting as an independent contractor, advisor, or consultant;

D. **Provided that**, subject to the limitations of subsections I.A - C above, Effler may be employed by or volunteer for any nonprofit organization in any capacity not prohibited by the above, such as working in any non-supervisory role unrelated to the solicitation, management, custody, control, or distribution of any charitable asset.

II. PROHIBITION ON MISREPRESENTATIONS

IT IS FURTHER ORDERED that Effler and all other persons in active concert or participation with him who receive actual notice of this Order, whether acting directly or indirectly, are hereby permanently restrained and enjoined from making, or assisting in making, material misrepresentations in connection with the sale of consumer goods or services.

III. TELEMARKETING SALES RULE COMPLIANCE

IT IS FURTHER ORDERED that Effler and all other persons in active concert or participation with him who receive actual notice of this Order, whether acting directly or indirectly, are hereby permanently restrained and enjoined from violating, or assisting others in violating, any provision of the TSR, 16 C.F.R. Part 310, as currently promulgated or as it hereafter may be amended.

IV. COMPLIANCE WITH STATE LAW

IT IS FURTHER ORDERED that Effler, whether acting directly or indirectly, is hereby permanently restrained and enjoined from violating, or assisting others in violating, any provision of the following state laws:

Alabama:	ALA. CODE §§ 8-19-1 through -15; and 13A-9-70 through 76.
Alaska:	ALASKA STAT. §§ 45.50.471 through 45.50.561; and 45.68.010 through 45.68.900.
Arizona:	ARIZ. REV. STAT. ANN. §§ 44-1521 through 44-1534 and 44-6551 through 44-6561.
Arkansas:	ARK. CODE ANN. §§ 4-28-401 through 4-28-416; and §§ 4-88-101 through 4-88-115.
California:	CAL. GOV. CODE §§ 12580 through 12599.6; CAL. BUS. & PROF. CODE §§ 17200 through 17206; and §§ 17510 through 17510.95.
Colorado:	COLO. REV. STAT. §§ 6-1-101 through 115; and 6-16-101 through 114.
Connecticut:	CONN. GEN. STAT. §§ 21a-175 through 21a-190l; and 42-110a through 42-110q.
Delaware:	DEL. CODE ANN. tit. 6, § 2513(a) (1998); tit. 6, § 2532(a) (1995); and tit. 6, §§ 2595(a) – (b) (1995).
Florida:	FLA. STAT. ch. 501, Part II; and ch. 496 (2013).

1	Georgia:	GA. CODE ANN. §§ 43-17-1 through 43-17-23 (2011).
2	Hawaii:	HAW. REV. STAT. §§ 467B-9.6, 467B-9.7(d), and 467B-10.5; 480-15; and Act 217 §2 Haw. Sess. Laws (2014).
3	Idaho:	IDAHO CODE ANN. §§ 48-601 through 619; and 48-1201 through 1206.
4	Illinois:	225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.
5	Indiana:	IND. CODE §§ 24-5-0.5-1 through -12.
6	Iowa:	IOWA CODE § 714.16.
7	Kansas:	KAN. STAT. ANN. §§ 17-1759 through 17-1776.
8	Kentucky:	KY. REV. STAT. ANN. §§ 367.110 through 367.300.
9	Louisiana:	LA. REV. STAT. ANN. §§ 51:1401 through 1427; and 51:1901 through 1909.1.
10	Maine:	ME. REV. STAT. ANN. tit. 5, §§ 205-A through 214.
11	Maryland:	MD. CODE ANN., BUS. REG. §§ 6-101 through 6-701 (2010).
12	Massachusetts:	MASS. GEN. LAWS ch. 12 §§ 8 through 8M, 10; ch. 68 §§ 18 through 35; and ch. 93A §§ 1 through 11.
13	Michigan:	MICH. COMP. LAWS §§ 400.271 through 400.294.
14	Minnesota:	MINN. STAT. ch. 309.
15	Mississippi:	MISS. CODE ANN. §§ 79-11-501 through 79-11-529.
16	Missouri:	MO. REV. STAT. ch. 407.
17	Montana:	MONT. CODE ANN. § 30-14-103.
18	Nebraska:	NEB. REV. STAT. §§ 21-1901 through 21-19,177; 59-1601 through 59-1622; and 87-301 through 87-306.
19	Nevada:	NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, 598.0963, and 598.097.
20	New Hampshire:	N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:28-f; and 641:8.
21	New Jersey:	N.J. STAT. ANN. §§ 45:17A-18 through 45:17A-32(c); 56:8-1 through 56:8-20; and N.J. ADMIN. CODE §§ 13:48-1.1 through 13:48-15.1.
22	New Mexico:	N.M. STAT. §§ 57-12-1 through 57-12-22; and §§ 57-22-1 through 57-22-11 (1978).
23	New York:	N.Y. EXEC. LAW §§ 63 (12); 171-a through 175; and N.Y. GEN. BUS. LAW § 349.
24	North Carolina:	N.C. GEN. STAT. ANN. §§ 75-1.1; and 131F.
25	North Dakota:	N.D. CENT. CODE §§ 50-22-01 through 50-22-07; and 51-15-01 through 51-15-11.
26	Ohio:	OHIO REV. CODE ANN. § 1716.
27	Oklahoma:	OKLA. STAT. ANN. tit. 18 §§ 552.1 through 552.22.
28	Oregon:	OR. REV. STAT. §§ 128.886; and 646.605 through 646.636.
	Pennsylvania:	10 PA. STAT. ANN. §§ 162.1 through .14 (1990).
	Rhode Island:	R.I. GEN. LAWS §§ 5-53.1-1 through 5-53.1-18.

1	South Carolina:	S.C. CODE ANN. §§ 33-56-10 through 33-56-200.
2	South Dakota:	S.D. CODIFIED LAWS §§ 37-30-17 through 37-30-21; and 21-34-1 through 21-34-14.
3	Tennessee:	TENN. CODE ANN. §§ 48-101-501 through 48-101-522.
4	Texas:	TEX. BUS. & COM. CODE ANN. §§17.41 through 17.63.
5	Utah:	UTAH CODE ANN. §§ 13-11-1 through 13-11-23; 13-22-1 through 13-22-23; and 13-26-1 through 13-26-11.
6	Vermont:	VT. STAT. ANN. tit. 9 §§ 2453 through 2461; and 2471 through 2479.
7	Virginia:	VA. CODE ANN. §§ 57-48 through 57-69.
8	Washington:	WASH. REV. CODE §§ 19.86; and §19.09.
9	West Virginia:	W.VA. CODE §§ 29-19-1 -15b; and 46A-1-101through 46a-6-110.
	Wisconsin:	WIS. STAT. §§ 202.11-202.18.
	Wyoming:	WYO. STAT. ANN. §§ 40-12-101 through 114.

V. COOPERATION

IT IS FURTHER ORDERED that Effler must cooperate fully with Plaintiffs' representatives in this case and in any investigation related to or associated with the transactions or the occurrences that are the subject of the Complaint. Effler must provide truthful and complete information, evidence, and testimony. Effler must appear for interviews, discovery, hearings, trials, and any other proceedings that any Plaintiff's representative may reasonably request upon fourteen days written notice, or other reasonable notice, at such places and times as any Plaintiff's representative may designate, without the service of a subpoena.

VI. MONETARY JUDGMENT

IT IS FURTHER ORDERED that judgment is hereby entered against Effler as follows:

A. Judgment in the amount of forty-one million one hundred fifty-two thousand two hundred thirty-one dollars (\$41,152,231) is entered in favor of Plaintiffs against Effler, as equitable monetary relief;

B. Effler shall pay sixty thousand dollars (\$60,000) to the STCO Fund described in Section VII.E, below within seven (7) days of entry of the Order. Upon such

1 payment, the remainder of the judgment shall be suspended as to Effler, subject to
2 Section VI.C-E, below;

3 C. Plaintiffs' agreement to the suspension of the judgment owed by Effler is
4 expressly premised upon the truthfulness, accuracy, and completeness of Effler's sworn
5 financial statements and related documents (collectively, "financial representations")
6 submitted to Plaintiffs, namely:

- 7 1. the Financial Statement of Individual, signed on December 4, 2014,
8 including attachments; and
- 9 2. Effler's representations, made through his counsel, in
10 correspondence dated January 20, 2015; January 27, 2015; January
11 30, 2015; and February 24, 2015;

12 D. The suspension of the judgment will be lifted as to Effler if, upon motion
13 by any Plaintiff, the Court finds that Effler failed to disclose any material asset,
14 materially misstated the value of any asset, or made any other material misstatement or
15 omission in the financial representations submitted to Plaintiffs, identified above. If the
16 suspension of the judgment is lifted pursuant to this provision, the judgment becomes
17 immediately due in the amount specified in Section VI.A above as to Effler (which the
18 Parties stipulate for purposes only of this Section represents the consumer injury that the
19 Complaint alleges was caused by Cancer Support Services, Inc., and for which the
20 Complaint alleges Effler, Cancer Fund of America, Inc., Cancer Support Services, Inc.,
21 and James Reynolds, Sr. are jointly and severally liable), less any payment previously
22 made by Defendant Effler pursuant to this Section, or by Defendants Cancer Fund of
23 America, Inc., Cancer Support Services, Inc., or James Reynolds, Sr., pursuant to any
24 other order entered in connection with this matter, plus interest computed from the date
25 of entry of this Order; and

26 E. The suspension of the judgment will be lifted as to Effler if, upon motion
27 by any Plaintiff State, the Court finds that Effler has violated any provision of Section I,
28 above, and a judgment in the amount set forth in Section VI.A above, less any prior

1 payments by Defendants Effler, Cancer Fund of America, Inc., Cancer Support Services,
2 Inc., or James Reynolds, Sr., becomes immediately due as to Effler. The judgment
3 amount shall be payable to the moving Plaintiff State, which shall use any money
4 collected pursuant to the requirements of Section VII.E.2, below.

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6 **VII. ADDITIONAL MONETARY PROVISIONS**

7 IT IS FURTHER ORDERED that:

8 A. Effler relinquishes dominion and all legal and equitable right, title, and
9 interest in all assets transferred pursuant to this Order, and may not seek the return of any
10 assets;

11 B. The facts alleged in the Complaint will be taken as true, without further
12 proof, in any subsequent civil litigation by or on behalf of the Plaintiffs, including in a
13 proceeding to enforce their rights to any payment or monetary judgment pursuant to this
14 Order, such as a nondischargeability complaint in any bankruptcy case;

15 C. The facts alleged in the Complaint establish all elements necessary to
16 sustain an action by Plaintiffs pursuant to Section 523(a)(2)(A) of the Bankruptcy Code,
17 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral estoppel effect for such
18 purposes;

19 D. Effler acknowledges that his Social Security Number, which he previously
20 submitted to Plaintiffs, may be used for collecting and reporting on any delinquent
21 amount arising out of this Order, in accordance with 31 U.S.C. § 7701;

22 E. Payment to the Plaintiff States:

23 1. All money paid to the Plaintiff States pursuant to this Order shall be
24 made by wire transfer to the Litigation Deposits Trust Fund (Fund Code “T-xx-909N”),
25 an interest bearing trust fund held by the Hawaii Attorney General’s Office in trust for
26 the Plaintiff States (“the short-term court ordered trust fund” or “STCO Fund”);

27 2. The STCO Fund shall be used to pay: (a) pursuant to cy pres,
28 qualifying charitable organizations with charitable purposes substantially similar to the

1 purposes for which the Defendants named in this matter solicited funds, and (b) the
2 Plaintiff States to reimburse costs of the investigation and to pay attorneys' fees. When
3 payment(s) from the STCO Fund are appropriate, the Plaintiff States shall submit to this
4 Court a Motion and Proposed Order recommending cy pres recipients and the amounts to
5 be paid to such recipients and/or the amounts to be paid to reimburse the Plaintiff States
6 for their costs and attorneys' fees. The Hawaii Attorney General shall distribute monies
7 from the STCO Fund only as authorized and directed by this Court. Effler has no right to
8 challenge any recommendations regarding monetary distributions made by the Plaintiff
9 States.

10 **VIII. ORDER ACKNOWLEDGMENTS**

11 IT IS FURTHER ORDERED that Effler provide acknowledgment of receipt of
12 this Order:

13 A. Effler, within seven days of entry of this Order, must submit to Plaintiff
14 Federal Trade Commission an acknowledgment of receipt of this Order sworn under
15 penalty of perjury;

16 B. For five years after entry of this Order, Effler, for any business that he,
17 individually or collectively with any other Defendant named in this matter, is the majority
18 owner or controls directly or indirectly, must deliver a copy of this Order to: (1) all
19 principals, officers, directors, and LLC managers and members; (2) all employees,
20 agents, and representatives who participate in conduct related to the subject matter of this
21 Order; and (3) any business entity resulting from any change in structure as set forth in
22 Section IX below. Delivery must occur within seven days of entry of this Order for
23 current personnel. For all others, delivery must occur before they assume their
24 responsibilities; and

25 C. From each individual or entity to which Effler delivered a copy of this
26 Order, Effler must obtain, within 30 days, a signed and dated acknowledgment of receipt
27 of this Order.

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IX. COMPLIANCE REPORTING

IT IS FURTHER ORDERED that Effler make timely submissions to Plaintiff Federal Trade Commission.

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

1. identify all his telephone numbers and all physical, postal, email and Internet addresses, including all residences;

2. identify all his business activities, including any business for which he performs services whether as an employee or otherwise and any entity in which he has any ownership interest;

3. describe in detail his involvement in each such business, including title, role, responsibilities, participation, authority, control, and any ownership;

4. identify all such businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses;

5. describe the activities of each business, including the goods and services offered, the means of advertising, marketing, sales, methods of payment, and the involvement of any other Defendant named in this matter (which Effler must describe if he knows or should know due to his own involvement);

6. identify the primary physical, postal, and email address and telephone number, as designated points of contact, which Plaintiffs or their representatives may use to communicate with him;

7. for all his activities with any nonprofit organization that Effler undertakes in connection with Section I.D of this Order:

a. identify all such nonprofit organizations by all of their names, telephone number[s], and physical, postal, email, and Internet addresses; and

b. describe in detail his involvement in each such nonprofit organization, including any title, role, responsibilities, participation, authority, and control;

1 8. describe in detail whether and how Effler is in compliance with each
2 Section of this Order; and

3 9. provide a copy of each Order Acknowledgment obtained pursuant
4 to this Order, unless previously submitted to Plaintiff Federal Trade Commission.

5 B. For ten years after entry of this Order, Effler must submit a compliance
6 notice, sworn under penalty of perjury, within 14 days of any change in the following:

7 1. Effler must report any change in: (a) any designated point of contact;
8 or (b) the structure of any entity that he has any ownership interest in or controls directly
9 or indirectly that may affect compliance obligations arising under this Order, including:
10 creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or affiliate
11 that engages in any acts or practices subject to this Order.

12 2. Effler must report any change in: (a) name, including aliases or
13 fictitious names, or residence address; or (b) title or role in any business activity,
14 including any business for which he performs services, whether as an employee or
15 otherwise, and any entity in which he has any ownership interest or controls, directly or
16 indirectly, and identify the name, physical address, and any Internet address of the
17 business or entity.

18 3. If Effler is employed by any nonprofit organization in any capacity
19 permitted by Section I.D of this Order or otherwise, he must report any change in title or
20 role with that nonprofit organization.

21 C. Effler must submit notice of the filing of any bankruptcy petition,
22 insolvency proceeding, or similar proceeding by or against him within 14 days of its
23 filing.

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

1 E. Unless otherwise directed by a Commission representative in writing, all
2 submissions to Plaintiff Federal Trade Commission pursuant to this Order must be
3 emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to:

4 Associate Director for Enforcement,
5 Bureau of Consumer Protection,
6 Federal Trade Commission,
7 600 Pennsylvania Avenue NW,
8 Washington, DC 20580

9 The subject line of each submission must begin: FTC v. Cancer Fund of America, et al.

10 **X. RECORDKEEPING**

11 IT IS FURTHER ORDERED that Effler must create certain records for ten years
12 after entry of this Order, and retain each such record for five years. Specifically, for any
13 business that he, individually or collectively with any other Defendant named in this
14 matter, is a majority owner or controls directly or indirectly, he must create and retain the
15 following records:

16 A. Accounting records showing revenues from all goods or services sold or
17 billed;

18 B. Personnel records showing, for each person providing services, whether as
19 an employee or otherwise, that person's name; address; telephone number; job title or
20 position; dates of service; and reason for termination (if applicable);

21 C. Records of all consumer complaints, whether received directly or indirectly,
22 such as through a third party, and any response;

23 D. All records necessary to demonstrate full compliance with each provision
24 of this Order, including all submissions to Plaintiff Federal Trade Commission; and

25 E. A copy of each unique advertisement or other marketing material.
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XI. COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for purposes of monitoring Effler's compliance with this Order, including the accuracy of the financial representations upon which the judgment was suspended:

A. Within 14 days of receipt of a written request from a representative of any Plaintiff, Effler must submit additional compliance reports or other requested information, which must be sworn under penalty of perjury; appear for depositions; and produce documents for inspection and copying. Plaintiffs are also authorized to obtain discovery, without further leave of court, using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69;

B. For matters concerning this Order, Plaintiffs are authorized to communicate directly with Effler. Effler must permit representatives of any Plaintiff to interview any employee or other person affiliated with him who has agreed to such an interview. The person interviewed may have counsel present;

C. Plaintiffs may use all other lawful means, including posing, through its representatives, as consumers, suppliers, or other individuals or entities, to Effler or any individual or entity affiliated with him, without the necessity of identification or prior notice. Nothing in this Order limits Plaintiff Federal Trade Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1, or the Plaintiff States' lawful use of relevant state laws governing pre-suit investigation and discovery; and

D. Upon written request from a representative of the Commission or any Plaintiff state, any consumer reporting agency must furnish a consumer report concerning Effler pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C. §1681b(a)(1).

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XII. 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.

XIII. STATE COURT ENFORCEMENT

Without limiting the above provisions, Effler agrees that the provisions of Sections I, II, and IV of this Order may be enforced by any Plaintiff State in a court of general jurisdiction in that Plaintiff's State if that Plaintiff state has reason to believe that persons in its state have been affected, and Effler consents to any such court's jurisdiction for purposes of enforcing the terms of Sections I, II, and IV of this Order.

SO STIPULATED AND AGREED:

April 8th, 2015

FOR DEFENDANT KYLE EFFLER:

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Fund of America, Inc.

April 8th, 2015

FOR DEFENDANT KYLE EFFLER:

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Attorneys for Kyle Effler and Cancer
Support Services, Inc.

April 8th, 2015

FOR DEFENDANT KYLE EFFLER:

Kyle Effler
Kyle Effler
On behalf of himself, individually

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May 15, 2015

FOR PLAINTIFF FEDERAL TRADE COMMISSION:



Charles A. Harwood
Regional Director
Tracy S. Thorleifson
Krista K. Bush
Sophie H. Calderón
Connor B. Shively
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5/8, 2015

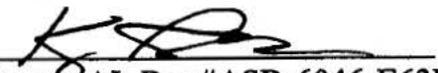
FOR PLAINTIFF STATE OF NEW MEXICO



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*Application for pro hac vice pending

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FOR THE STATE OF ALABAMA

By: 
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kbeckman@ago.state.al.us

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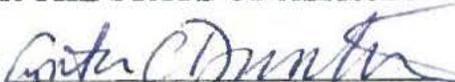
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Alabama

Signed 05/12, 2015

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FOR THE STATE OF ALASKA

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Alaska

Signed May 11, 2015

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FOR THE STATE OF ARIZONA

By: Nancy V. Anger
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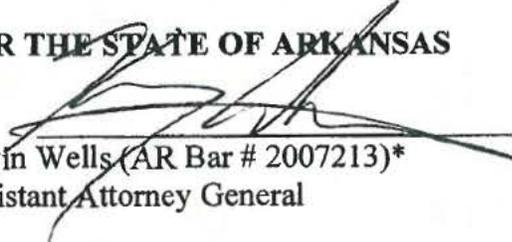
Telephone: (602) 542-7710

Attorneys for Plaintiff State of Arizona

Signed Mary S, 2015

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FOR THE STATE OF ARKANSAS

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Arkansas

Signed May 8, 2015

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FOR THE STATE OF CALIFORNIA

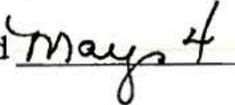
By: 
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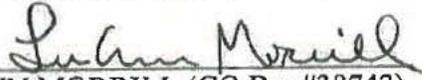
*Application for *pro hac vice* pending

Attorney for Plaintiff State of California

Signed , 2015

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FOR THE COLORADO SECRETARY OF STATE

By: 
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Attorney for Plaintiff Colorado Secretary of State

Signed May 7, 2015

FOR THE STATE OF COLORADO

By: 
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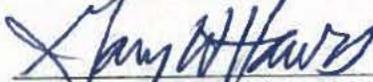
*Application for *pro hac vice* pending

Attorney for Plaintiff Colorado Attorney General

Signed May 6, 2015

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FOR THE STATE OF CONNECTICUT

By: 
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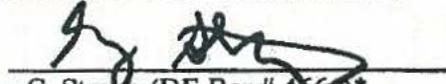
*Application for pro hac vice pending

Attorney for Plaintiff State of Connecticut

Signed 5/7, 2015

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FOR THE STATE OF DELAWARE

By: 
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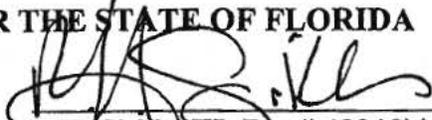
*Application for *pro hac vice* pending

Attorneys for Plaintiff State of Delaware

Signed 5/8, 2015

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FOR THE STATE OF FLORIDA

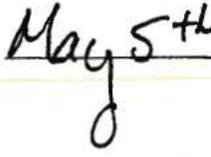
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Florida

Signed , 2015

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FOR THE STATE OF GEORGIA

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*Application for *pro hac vice* pending

*Attorney for Plaintiff State of Georgia and Plaintiff
Secretary of State for the State of Georgia*

Signed May 8, 2015

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FOR THE STATE OF HAWAII

By: Jodi L. K. Yi
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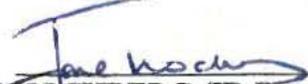
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Hawaii

Signed April 28, 2015

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FOR THE STATE OF IDAHO

By: 
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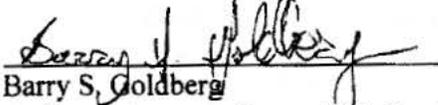
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Idaho

Signed April 30, 2015

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FOR THE PEOPLE OF THE STATE OF ILLINOIS

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*Application for *pro hac vice* pending
Attorney for Plaintiff State of Illinois

Signed April 30, 2015

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FOR THE STATE OF INDIANA

By: Richard M. Bramer
Richard M. Bramer (IN Bar # 15989-77)*
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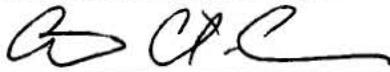
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*Application for *pro hac vice* pending
Attorney for Plaintiff State of Indiana

Signed May 6, 2015

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FOR THE STATE OF IOWA

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Iowa

Signed April 22, 2015

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FOR THE STATE OF KANSAS

By: Lynette R. Bakker

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Kansas

Signed May 5, 2015

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FOR THE COMMONWEALTH OF KENTUCKY

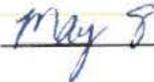
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Kentucky

Signed , 2015

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FOR THE STATE OF LOUISIANA

By: Cathryn E. Gits
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*Application for *pro hac vice* pending

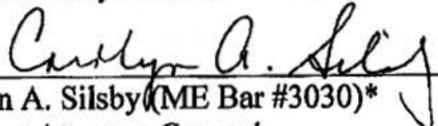
Attorney for Plaintiff State of Louisiana

Signed May 7, 2015

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FOR THE STATE OF MAINE

Janet T. Mills
Maine Attorney General

By: 
Carolyn A. Silsby (ME Bar #3030)*
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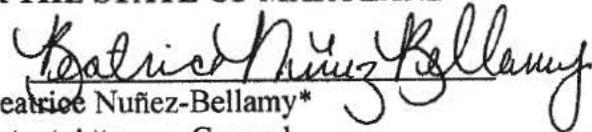
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Maine

Signed April 22, 2015

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FOR THE STATE OF MARYLAND

By: 
C. Beatrice Nunez-Bellamy*

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Maryland and

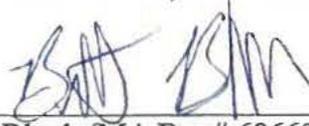
Secretary of State John Wobensmith

Signed May 14, 2015

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**FOR THE COMMONWEALTH OF
MASSACHUSETTS**

MAURA HEALEY, ATTORNEY GENERAL

By: 
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Assistant Attorney General

Office of Attorney General Maura Healey
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*Application for *pro hac vice* pending

Attorney for Plaintiff Commonwealth of Massachusetts

Signed May 8, 2015

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FOR THE STATE OF MICHIGAN

By: William R. Bloomfield
William R. Bloomfield (MI Bar #68515)*
Assistant Attorney General

Office of Attorney General Bill Schuette
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Michigan

Signed May 4, 2015

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FOR THE STATE OF MINNESOTA

By: Elizabeth Kremenak
ELIZABETH KREMENAK (MN Bar # 0390461)*
Assistant Attorney General

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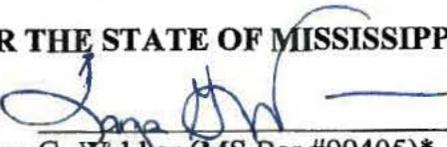
* Application for *pro hac vice* pending

Attorney for Plaintiff State of Minnesota

Signed May 7, 2015

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FOR THE STATE OF MISSISSIPPI

By: 
Tanya G. Webber (MS Bar #99405)*
Assistant Secretary of State/Charities Division

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Mississippi

Signed April 29, 2015

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FOR THE STATE OF MISSOURI

CHRIS KOSTER

Attorney General



ROBERT E. CARLSON, # 54602

Assistant Attorney General

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Missouri

Signed May 11, 2015

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FOR THE STATE OF MONTANA

By: Kelley L. Hubbard

TIMOTHY C. FOX
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*Application for *pro hac vice* pending

Attorneys for Plaintiff State of Montana

Signed May 7, 2015

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FOR THE STATE OF NEBRASKA

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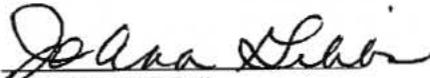
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Nebraska

Signed May 6, 2015

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FOR THE STATE OF NEVADA

By: 
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*Application for *pro hac vice* pending

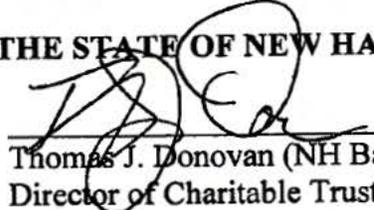
Attorney for Plaintiff State of Nevada

Signed 4/30, 2015

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FOR THE STATE OF NEW HAMPSHIRE

By:


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*Application for *pro hac vice* pending

Attorney for Plaintiff State of New Hampshire

Signed May 8, 2015

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FOR THE STATE OF NEW JERSEY

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of New Jersey

Signed May 1, 2015

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FOR THE STATE OF NEW YORK

ERIC T. SCHNEIDERMAN
Attorney General of the State of New York

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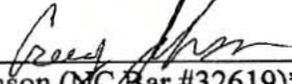
**Application for pro hac vice pending*

Attorney for Plaintiff State of New York

Signed , 2015

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FOR THE STATE OF NORTH CAROLINA

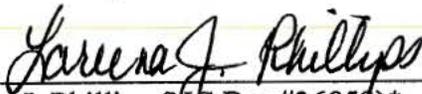
By: 
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*Application for pro hac vice pending

Attorney for Plaintiff State of North Carolina

Signed May 7, 2015

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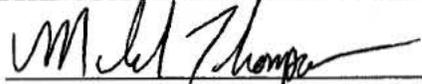
*Application for pro hac vice pending

Attorney for Plaintiff State of North Carolina

Signed May 7, 2015

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FOR THE STATE OF NORTH DAKOTA

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of North Dakota

Signed April 23, 2015

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FOR THE STATE OF OHIO

By: Yvonne Tertel
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*Application for *pro hac vice* pending

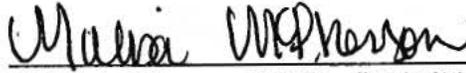
Attorney for Plaintiff State of Ohio

Signed May 6, 2015

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FOR THE STATE OF OKLAHOMA

E. SCOTT PRUITT
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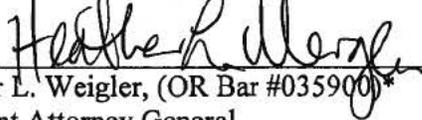
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Oklahoma

Signed May 12, 2015

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FOR THE STATE OF OREGON

By: 
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Oregon

Signed May 5, 2015

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**FOR THE COMMONWEALTH OF
PENNSYLVANIA**

By: *Michael T. Foerster*
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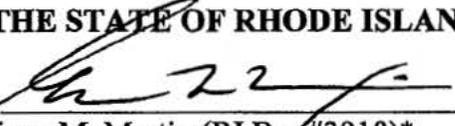
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Pennsylvania

Signed *May 13*, 2015

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FOR THE STATE OF RHODE ISLAND

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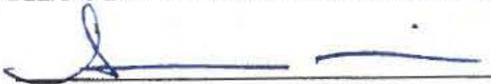
*Application for *pro hac vice* pending

Attorney for Plaintiff State of Rhode Island

Signed 5/1, 2015

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FOR THE STATE OF SOUTH CAROLINA

By: 
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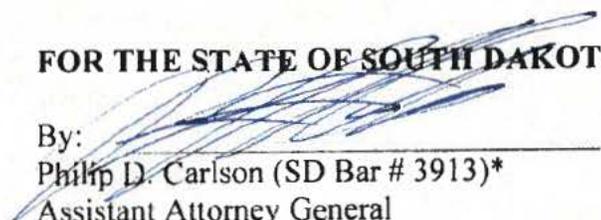
*Application for *pro hac vice* pending

Attorney for Plaintiff State of South Carolina

Signed May 7, 2015

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FOR THE STATE OF SOUTH DAKOTA

By: 

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of South Dakota

Signed April 29, 2015

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FOR THE STATE OF TENNESSEE

By: Janet M. Kleinfelter
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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Tennessee

Signed May 5, 2015

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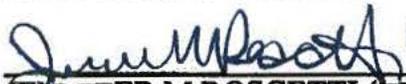
FOR THE STATE OF TEXAS

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Attorney General of Texas

CHARLES E. ROY
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JAMES E. DAVIS
Deputy Assistant Attorney General for Civil
Litigation

TOMMY PRUD'HOMME
Chief, Consumer Protection

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*Application for *pro hac vice* pending

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Signed May 14, 2015

FOR THE STATE OF UTAH

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Application for *pro hac vice* pending

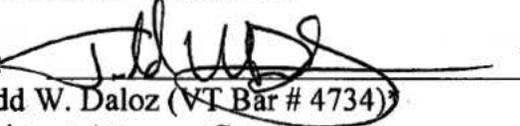
Attorney for Plaintiff State of Utah

Signed April 22, 2015

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FOR THE STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Vermont

Signed , 2015

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FOR THE COMMONWEALTH OF VIRGINIA

By: Richard S. Schweiker, Jr.
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*Application for *pro hac vice* pending

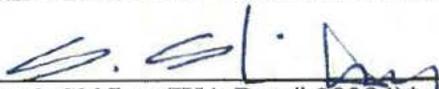
Attorney for Plaintiff State of Virginia

Signed May 5, 2015

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FOR THE STATE OF WASHINGTON

By:


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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Washington

Signed April 27, 2015

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FOR THE STATE OF WEST VIRGINIA

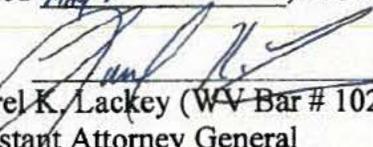
By: 
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*Application for pro hac vice pending

Signed May 7th, 2015

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*Application for pro hac vice pending

Attorneys for Plaintiff State of West Virginia

Signed April 30, 2015

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FOR THE STATE OF WISCONSIN

**BRAD D. SCHIMEL
ATTORNEY GENERAL**

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*Application for pro hac vice pending

Attorney for Plaintiff State of Wisconsin

Signed May 4, 2015

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FOR THE STATE OF WYOMING

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*Application for *pro hac vice* pending

Attorney for Plaintiff State of Wyoming

Signed May 8, 2015

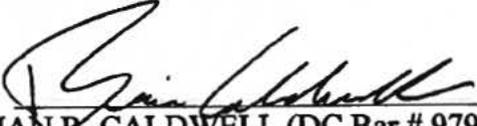
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FOR THE DISTRICT OF COLUMBIA

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Attorney General for the District of Columbia

ELIZABETH SARAH GERE
Acting Deputy Attorney General
Public Interest Division

BENNETT RUSHKOFF
Chief, Public Advocacy Section

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*Application for *pro hac vice* pending

Attorney for Plaintiff District of Columbia

Signed: May 7, 2015