

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

_____)
FEDERAL TRADE COMMISSION,)
)
Plaintiff,) Case No.
)
v.)
)
MAIL TREE INC., a Florida corporation,)
)
MICHAEL MCKAY CO., a Florida corporation,)
)
SPIN MAIL, INC., a Florida corporation,)
)
MCP MARKETING ACTIVITIES, LLC, a Nevada)
limited liability company, also d/b/a MAGELLAN)
MAIL and MAGELLAN MARKETING,)
)
TRANS NATIONAL CONCEPTS, INC.,)
a Nevada corporation,)
)
ROMERIA GLOBAL, LLC, a Florida limited)
liability company, also d/b/a LOWENSTEIN)
VARICK AND NAGEL,)
)
SUPREME MEDIA, LLC, a Florida limited)
liability company,)
)
VERNIER HOLDINGS, INC., a Florida)
corporation,)
)
AWARDS RESEARCH CONSULTANT, LLC,)
a Nevada limited liability company,)
)
MAILPRO AMERICAS CORP., a Florida)
corporation,)
)
MASTERPIECE MARKETING, LLC, a Texas)
limited liability company, also d/b/a AFFILIATED)
OPPORTUNITIES GROUP (AOG), CORPORATE)
ACCOUNTING AUTHORITY (CAA),)
DISPATCH NOTIFICATION SERVICES (DNS),)
INFORMATION REPORTING GROUP (IRG),)
NATIONAL DIRECTORY CENTER (NDC), and)

PRIORITY INFORMATION EXCHANGE (PIE),)
)
 MATTHEW PISONI, individually and as owner,)
 officer, or director of MAIL TREE INC.,)
 MICHAEL MCKAY CO., SPIN MAIL, INC.,)
 and MCP MARKETING ACTIVITIES, LLC,)
)
 MARCUS PRADEL, individually and as owner,)
 officer, or director of MAIL TREE INC.,)
 MICHAEL MCKAY CO., SPIN MAIL, INC., and)
 TRANS NATIONAL CONCEPTS, INC.,)
)
 JOHN LEON, individually and as owner,)
 officer, or director of ROMERIA GLOBAL, LLC,)
 SUPREME MEDIA, LLC, and VERNIER)
 HOLDINGS, INC., and)
)
 VICTOR RAMIREZ, individually and as owner,)
 officer, or director of AWARDS RESEARCH)
 CONSULTANT, LLC,)
)
)
 Defendants.)
)
 _____)

**COMPLAINT FOR PERMANENT INJUNCTION
AND OTHER EQUITABLE RELIEF**

Plaintiff, the Federal Trade Commission (“FTC”), for its Complaint alleges:

1. The FTC brings this action under Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), to obtain temporary, preliminary, and permanent injunctive relief, rescission or reformation of contracts, restitution, the refund of monies paid, disgorgement of ill-gotten monies, and other equitable relief for Defendants’ acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), and 1345, and 15 U.S.C. §§ 45(a) and 53(b).

3. Venue is proper in this district under 28 U.S.C. § 1391(b)(1), (b)(2), (c)(1) and (c)(2), and 15 U.S.C. § 53(b).

PLAINTIFF

4. The FTC is an independent agency of the United States Government created by statute. 15 U.S.C. §§ 41-58. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce.

5. The FTC is authorized to initiate federal district court proceedings, by its own attorneys, to enjoin violations of the FTC Act and to secure such equitable relief as may be appropriate in each case, including rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies. 15 U.S.C. §§ 53(b) and 56(a)(2)(A).

DEFENDANTS

6. Defendant Mail Tree Inc. is a Florida corporation with its registered address at 6278 N. Federal Highway, Suite 446, Fort Lauderdale, Florida 33308. Mail Tree Inc. transacts or has transacted business in this district and throughout the United States.

7. Defendant Michael McKay Co. is a Florida corporation with its registered address at 6278 N. Federal Highway, Suite 446, Fort Lauderdale, Florida 33308. Michael McKay Co. transacts or has transacted business in this district and throughout the United States.

8. Defendant Spin Mail, Inc. is a Florida corporation with its registered address at 6278 N. Federal Highway, Suite 446, Fort Lauderdale, Florida 33308. Spin Mail, Inc. transacts or has transacted business in this district and throughout the United States.

9. Defendant MCP Marketing Activities, LLC, also doing business as Magellan Mail and Magellan Marketing, is a Nevada limited liability company with its registered address at

6015 Rancho, C-24, Las Vegas, Nevada 89106. MCP Marketing Activities, LLC transacts or has transacted business in this district and throughout the United States.

10. Defendant Trans National Concepts, Inc. is a Nevada corporation with its registered address at 10300 W. Charleston Boulevard, Suite 13-250, Las Vegas, Nevada 89135. Trans National Concepts, Inc. transacts or has transacted business in this district and throughout the United States.

11. Defendant Romeria Global, LLC, also doing business as Lowenstein Varick and Nagel, is a Florida limited liability company with its registered address at 2805 E. Oakland Park Boulevard, Suite 252, Fort Lauderdale, Florida 33306. Romeria Global, LLC transacts or has transacted business in this district and throughout the United States.

12. Defendant Supreme Media, LLC is a Florida limited liability company with its registered address at 757 SE 17th Street, Fort Lauderdale, Florida 33316. Supreme Media, LLC transacts or has transacted business in this district and throughout the United States.

13. Defendant Vernier Holdings, Inc. is a Florida corporation with its registered address at 2881 E. Oakland Park Boulevard, Suite 206, Fort Lauderdale, Florida 33306. Vernier Holdings, Inc. transacts or has transacted business in this district and throughout the United States.

14. Defendant Awards Research Consultant, LLC is a Nevada limited liability company with its registered address at 311 W. 3rd Street, Carson City, Nevada 89703. Awards Research Consultant, LLC transacts or has transacted business in this district and throughout the United States.

15. Defendant Mailpro Americas Corp. is a Florida corporation with its registered address at 3363 NE 163rd Street, Suite 802, North Miami Beach, Florida 33160. Mailpro

Americas Corp. transacts or has transacted business in this district and throughout the United States.

16. Defendant Masterpiece Marketing, LLC, also doing business as Affiliated Opportunities Group (AOG), Corporate Accounting Authority (CAA), Dispatch Notification Services (DNS), Information Reporting Group (IRG), National Directory Center (NDC), and Priority Information Exchange (PIE), is a Texas limited liability company with its registered address at 6278 N. Federal Highway, Suite 446, Fort Lauderdale, Florida 33308. Masterpiece Marketing, LLC transacts or has transacted business in this district and throughout the United States.

17. Defendant Matthew Pisoni is or has been an owner, officer, or director of Mail Tree Inc., Michael McKay Co., Spin Mail, Inc., and MCP Marketing Activities, LLC. At times material to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint. Defendant Mathew Pisoni resides in this district and, in connection with the matters alleged herein, transacts or has transacted business in this district and throughout the United States.

18. Defendant Marcus Pradel is or has been an owner, officer, or director of Mail Tree Inc., Michael McKay Co., Spin Mail, Inc., and Trans National Concepts, Inc. At times material to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint. Defendant Marcus Pradel resides in this district and, in connection with the matters alleged herein, transacts or has transacted business in this district and throughout the United States.

19. Defendant John Leon is or has been an owner, officer, or director of Romeria Global, LLC, Supreme Media, LLC, and Vernier Holdings, Inc. At times material to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint. Defendant John Leon resides in this district and, in connection with the matters alleged herein, transacts or has transacted business in this district and throughout the United States.

20. Defendant Victor Ramirez is or has been an owner, officer, or director of Awards Research Consultant, LLC. At times material to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint. Defendant Victor Ramirez resides in this district and, in connection with the matters alleged herein, transacts or has transacted business in this district and throughout the United States.

21. Defendants Mail Tree Inc., Michael McKay Co., Spin Mail, Inc., MCP Marketing Activities, LLC, Trans National Concepts, Inc., Romeria Global, LLC, Supreme Media, LLC, Vernier Holdings, Inc., Awards Research Consultant, LLC, Mailpro Americas Corp., and Masterpiece Marketing, LLC (collectively, "Corporate Defendants") have operated as a common enterprise while engaging in the deceptive acts and practices alleged below. Defendants have conducted the business practices described below through an interrelated network of companies that have common officers, managers, business functions, employees, and office locations, and that have commingled funds. Because these Corporate Defendants have operated as a common enterprise, each of them is jointly and severally liable for the acts and practices alleged below. Defendants Mathew Pisoni, Marcus Pradel, John Leon and Victor Ramirez have formulated,

directed, controlled, had the authority to control, or participated in the acts and practices of the Corporate Defendants that constitute the common enterprise.

COMMERCE

22. At all times material to this Complaint, Defendants have maintained a substantial course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

DEFENDANTS’ BUSINESS ACTIVITIES

23. Since at least 2010, Defendants have operated a prize promotion scheme that targets consumers in the United States, Canada, the United Kingdom, and other countries around the world. As part of that scheme, Defendants have distributed mass mailings designed to induce consumers to send money to Defendants, purportedly to enable consumers to collect a large cash prize they supposedly have won.

24. In perpetrating their scheme, Defendants send personalized letters to consumers informing them that they have won a substantial cash prize, typically more than \$2 million dollars. Although Defendants have used many versions of these letters, the letters always prominently feature the amount the consumer purportedly has won. That amount often will appear at the top of the letter, in large, bold print.

25. To create the impression that consumers have won and will receive a substantial cash prize, Defendants’ letters typically represent that consumers have been specially selected to receive the prize. Examples of statements in the letters include:

[Jane Doe], your selection to receive this VERIFIED DOCUMENTATION was made official today at 09:34:02 confirming your status as DESIGNATED RECIPIENT of cash directives for Prize Payment Amounts now GUARANTEED to exceed £2.9 Million and GUARANTEED to be sent to you pursuant to official guidelines established by this division.

26. Defendants' letters indicate that in order to collect the prize money, consumers must send Defendants a fee, usually ranging between \$20.00 and \$30.00 U.S. dollars—or similar amounts in a foreign currency—by cash, check, or money order. Defendants' letters also include a short form that consumers are instructed to complete, sign, and return with their payment. This form typically is captioned: "Distribution and Assessment Claim Form," "Transfer Order Certificate," "Prize/Data Transfer Form," "Cash/Prize Directive Form," or similar terms suggesting that the purpose of the form is to claim the prize money. Defendants' mailings also contain an unstamped return envelope addressed to one of Defendants' post office boxes, and consumers are instructed to use that envelope in making their payment.

27. Defendants' letters also often indicate that the recipients are "guaranteed" to receive the prize money as long as they return the form by the specified deadline and pay Defendants the specified fee. Examples of statements in the letters include:

Dear [Jane Doe], Official procurement documentation for **GUARANTEED** payout of the full \$2,280,856.00 is **GUARANTEED** to you if you follow the instructions below and return the form bearing your Registered Documentation Claim Number by the deadline. That's all you have to do – you are a **GUARANTEED RECIPIENT!** Congratulations!

28. Defendants attempt to create a sense of urgency by suggesting that consumers have a limited amount of time to claim the prize money or it will be forfeited. For example, Defendants' letters have warned that the offer is "extremely time-sensitive" and that "failing to respond in time negates all rights to these funds."

29. Only in dense, confusing language, at the bottom or on the back of the letters, are consumers told either that they have not won anything or that Defendants do not sponsor sweepstakes at all. This language typically states that Defendants only compile a report for

consumers about available sweepstakes and contests. Given the location and content of this language, it does not adequately inform consumers that they have not won a substantial cash prize.

30. In numerous instances, Defendants' personalized letters have led consumers to believe that they have won a substantial cash prize and that they must pay the requested fee in order to receive their prize. As a result, many consumers have sent Defendants the fee requested in Defendants' mailings. Some consumers have even sent Defendants this fee more than once.

31. None of the consumers who paid Defendants' fee has received the substantial cash prize promised in Defendants' mailings. In fact, most consumers have received nothing at all from Defendants, not even the report of available sweepstakes and contests Defendants purportedly compile for consumers.

32. Once they have paid Defendants' fee, many consumers then receive additional letters from Defendants soliciting additional fees, purportedly to collect other sweepstakes winnings.

33. Since 2013, Defendants have sent more than 4 million of their sweepstakes letters from the United States to consumers throughout the world.

34. Since 2010, Defendants have collected over \$25 million from consumers in connection with their sweepstakes operation.

VIOLATIONS OF THE FTC ACT

35. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits "unfair or deceptive acts or practices in or affecting commerce."

36. Misrepresentations or deceptive omissions of material fact constitute deceptive acts or practices prohibited by Section 5(a) of the FTC Act.

COUNT I

37. In numerous instances, in connection with the advertising, marketing, promotion, offering for sale, or sale of sweepstakes information, Defendants have represented, directly or indirectly, expressly or by implication, that consumers who pay Defendants a specified fee will receive a substantial cash prize.

38. In truth and in fact, consumers who pay Defendants the specified fee do not receive a substantial cash prize.

39. Therefore, Defendants' representation as set forth in Paragraph 37 of this Complaint is false and misleading and constitutes a deceptive act or practice in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

CONSUMER INJURY

40. Consumers have suffered and will continue to suffer substantial injury as a result of Defendants' violations of the FTC Act. In addition, Defendants have been unjustly enriched as a result of their unlawful acts or practices. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

THIS COURT'S POWER TO GRANT RELIEF

41. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court to grant injunctive and such other relief as the Court may deem appropriate to halt and redress violations of any provision of law enforced by the FTC. The Court, in the exercise of its equitable jurisdiction, may award ancillary relief, including rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies, to prevent and remedy any violation of any provision of law enforced by the FTC.

PRAYER FOR RELIEF

Wherefore, Plaintiff FTC, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), and the Court's own equitable powers, requests that the Court:

A. Award Plaintiff such preliminary injunctive and ancillary relief as may be necessary to avert the likelihood of consumer injury during the pendency of this action and to preserve the possibility of effective final relief, including but not limited to, temporary and preliminary injunctions, an order freezing assets, the appointment of a receiver, and immediate access;

B. Enter a permanent injunction to prevent future violations of the FTC Act by Defendants;

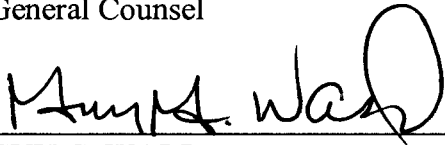
C. Award such relief as the Court finds necessary to redress injury to consumers resulting from Defendants' violations of the FTC Act, including but not limited to, rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies; and

D. Award Plaintiff the costs of bringing this action, as well as such other and additional relief as the Court may determine to be just and proper.

Respectfully submitted,

JONATHAN E. NUECHTERLEIN
General Counsel

Dated: May 18, 2015



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