

1 ALDEN F. ABBOTT
General Counsel

2 PATRICIA B. HSUE (CA Bar No. 258083)
3 ROBERTO ANGUIZOLA (IL Bar No. 6270874)
FEDERAL TRADE COMMISSION
4 600 Pennsylvania Ave., NW, Mailstop CC-8528
Washington, DC 20580
5 (202) 326-3132/phsue@ftc.gov
(202) 326-3284/ranguizola@ftc.gov
6 (202) 326-3395 (fax)

7 Attorneys for Plaintiff
Federal Trade Commission.

8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11
12 **Federal Trade Commission,**
Plaintiff,
13 vs.
14 **Forms Direct, Inc., also d/b/a**
Immigration Direct and successor in
15 **interest to American Immigration**
16 **Center Inc., File Right, LLC, United**
17 **Immigration Inc. and US Immigration**
Technology LLC; and
18 **Cesare Alessandrini, individually and as**
19 **an officer of Forms Direct, Inc.;**
20 Defendants.

Case No. 3:18-cv-06294

**STIPULATED FINAL ORDER FOR
PERMANENT INJUNCTION AND
MONETARY JUDGMENT**

21
22
23
24
25
26
27
28

1 Plaintiff, the Federal Trade Commission (“Commission” or “FTC”), filed its Complaint
2 for a Permanent Injunction and Other Equitable Relief (“Complaint”) in this matter, pursuant to
3 Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b).

4 The Commission and Defendants Forms Direct, Inc. d/b/a Immigration Direct, on behalf
5 of itself and as successor in interest to American Immigration Center Inc., File Right, LLC,
6 United Immigration Inc., and US Immigration Technology LLC, and Cesare Alessandrini
7 (collectively, “Defendants”) stipulate to the entry of this Stipulated Order for Permanent
8 Injunction and Monetary Judgment (“Order”) to resolve all matters in dispute in this action
9 between them.

10 THEREFORE, IT IS ORDERED as follows:

11 **FINDINGS**

- 12 1. This Court has jurisdiction over this matter.
- 13 2. The Complaint charges that Defendants participated in deceptive acts or practices in
14 violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).
- 15 3. Defendants neither admit nor deny any of the allegations in the Complaint, except as
16 specifically stated in this Order. Only for purposes of this action, Defendants admit the facts
17 necessary to establish jurisdiction.
- 18 4. Defendants waive any claim that they may have under the Equal Access to Justice Act, 28
19 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order, and agree
20 to bear their own costs and attorney fees.
- 21 5. Defendants and the Commission waive all rights to appeal or otherwise challenge or
22 contest the validity of this Order.

23 **DEFINITIONS**

24 For the purpose of this Order, the following definitions apply:

25 A. **“Clear(ly) and conspicuous(ly)”** means that a disclosure required by this Order is
26 difficult to miss (i.e., easily noticeable) and easily understandable by ordinary consumers,
27 including in all of the following ways:

- 28 1. In any communication that is solely visual or solely audible, the disclosure must be

1 made through the same means through which the communication is presented. In
2 any communication made through both visual and audible means, such as a
3 television advertisement, the disclosure must be presented simultaneously in both
4 the visual and audible portions of the communication even if the representation
5 requiring the disclosure is made in only one means.

6 2. A visual disclosure, by its size, contrast, location, the length of time it appears, and
7 other characteristics, must stand out from any accompanying text or other visual
8 elements so that it is easily noticed, read, and understood.

9 3. An audible disclosure, including by telephone or streaming video, must be
10 delivered in a volume, speed, and cadence sufficient for ordinary consumers to
11 easily hear and understand it.

12 4. In any communication using an interactive electronic medium, such as the Internet
13 or software, the disclosure must be unavoidable.

14 5. The disclosure must use diction and syntax understandable to ordinary consumers
15 and must appear in each language in which the representation that requires the
16 disclosure appears.

17 6. The disclosure must comply with these requirements in each medium through
18 which it is received, including all electronic devices and face-to-face
19 communications.

20 7. The disclosure must not be contradicted or mitigated by, or inconsistent with,
21 anything else in the communication.

22 8. When the representation or sales practice targets a specific audience, such as
23 children, the elderly, or the terminally ill, “ordinary consumers” includes
24 reasonable members of that group.

25 B. “**Corporate Defendant**” means Forms Direct, Inc. d/b/a Immigration Direct and
26 successor in interest to American Immigration Center Inc., File Right, LLC, United Immigration
27 Inc., and US Immigration Technology LLC, and its successors, assigns, affiliates, and
28 subsidiaries.

1 C. **“Dedicated Landing Page”** means the first webpage a consumer sees upon reaching a
2 website that positions any required text or image at or near the center of the website page to be
3 visible in its entirety without scrolling, and fills the majority of the visible page space for desktop
4 users and at least one-third (1/3) of the visible page space for mobile or tablet users.

5 D. **“Defendants”** means the Individual Defendant and the Corporate Defendant, individually,
6 collectively, or in any combination.

7 E. **“Individual Defendant”** means Cesare Alessandrini.

8 F. **“Overlay”** means a content box that is displayed on top of a website page in a color and
9 format that contrasts with that page, is positioned at or near the center of the website page to be
10 unavoidable and visible in its entirety without scrolling, and fills the majority of the visible page
11 space for desktop users and at least one-third (1/3) of the visible page space for mobile or tablet
12 users.

13 G. **“The Websites”** mean immigrationdirect.com, uscitizenship.info, us-immigration.com,
14 usimmigration.us, usimmigrationcitizenship.com, and any other website owned, operated, or
15 controlled partially or wholly by any of the Defendants that is involved in the sale of any U.S.
16 immigration government form preparation services.

17 **ORDER**

18 **I. PROHIBITION AGAINST MISREPRESENTATIONS**

19 IT IS HEREBY ORDERED that, in connection with promoting or offering for sale any service or
20 product, Defendants, Defendants’ officers, agents, employees, and attorneys, and all other persons
21 in active concert or participation with any of them, who receive actual notice of this Order,
22 whether acting directly or indirectly, are permanently restrained and enjoined from:

23 A. Misrepresenting or assisting others in misrepresenting, expressly or by implication, that
24 any of the Defendants, or any other person, is affiliated with, licensed or sponsored by, or
25 otherwise connected to any government entity; and

26 B. Misrepresenting or assisting others in misrepresenting, expressly or by implication, any
27 fact material to consumers concerning any good or service, including but not limited to:

28 1. The identity of the company or individual providing the good or service;

2. The total cost to purchase, receive, or use the good or service; or
3. Any other fact material to consumers concerning the good or service.

**II. MANDATORY DISCLOSURE OF MATERIAL INFORMATION RELATING TO
THE SALE OF U.S. IMMIGRATION GOVERNMENT FORM PREPARATION
SERVICES**

IT IS FURTHER ORDERED that, in connection with the advertising, marketing, promotion, offering for sale, or sale of any products or services to assist in the preparation of U.S. immigration government forms, Defendants, Defendants' officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are permanently restrained and enjoined from:

A. Failing to disclose, Clearly and Conspicuously, that:

1. The individuals or entities offering the U.S. immigration government form preparation services for sale are not endorsed by or affiliated with any government entity; and
2. Consumers must separately submit their completed U.S. immigration government applications, along with any relevant government fees, to the applicable government entity (collectively, "Required Disclosures").

B. In the case of sales conducted verbally or through audible means, failing to disclose, Clearly and Conspicuously, the Required Disclosures before obtaining personal or billing information from consumers.

C. In the case of The Websites, failing to disclose, Clearly and Conspicuously, the Required Disclosures through a Dedicated Landing Page or an Overlay, immediately after a consumer either first reaches the website or interacts with the website by clicking anywhere on the landing webpage. In order to navigate away from the Dedicated Landing Page or Overlay, consumers must check the box at the bottom of the Required Disclosures. The Dedicated Landing Page or Overlay also may not contain any other text or image other than the following:

Before you continue, please understand that:

- This website is run by a private company. We have no connection to U.S.

1 Citizenship and Immigration Services (USCIS) or any other government agency.

2 • **YOU** must send your completed government forms directly to USCIS or other
3 government agency. We don't do that for you.

4 • **YOU** must pay any required government fees directly to USCIS or other
5 government agency. We don't do that for you.

6 OK.

7 (Must click OK to proceed)

8 D. In the case The Websites conduct business in a language other than English, failing to
9 disclose, Clearly and Conspicuously, the Required Disclosures in the same language that The
10 Websites conduct their business in. In the case The Websites conduct business in Spanish, the
11 Dedicated Landing Page or Overlay may not contain any other text or image other than the
12 following:

13 Antes de continuar, tiene que comprender lo siguiente:

14 • Este sitio web está operado por una compañía privada. No tenemos ninguna
15 relación con el servicio de inmigración USCIS ni con ninguna otra agencia del gobierno.

16 • Después de completar sus formularios del gobierno, **USTED** los debe enviar
17 directamente al servicio de inmigración USCIS o a otra agencia del gobierno. Nosotros no lo
18 hacemos por usted.

19 • **USTED** debe pagar directamente cualquier cargo requerido por el gobierno al
20 servicio de inmigración USCIS o a otra agencia del gobierno. Nosotros no lo hacemos por usted.

21 OK.

22 (Usted tiene que hacer clic en "OK" para proceder).

23 *Provided, however,* should Defendants provide the services of submitting the completed
24 government form or remitting the applicable government fee to the relevant government entity on
25 behalf of consumers, Defendants shall not be required to disclose the portions of the second
26 statement in the Required Disclosures that are no longer true, as long as Defendants disclose,
27 Clearly and Conspicuously, before consumers provide personal or billing information: (1) the
28 relevant fees Defendants charge for their services, (2) any applicable government fees that are

1 included in the fee Defendants charge, and (3) any applicable government fee that consumers
2 must still separately pay to the applicable government entity.

3 **III. MONETARY JUDGMENT**

4 IT IS FURTHER ORDERED that:

5 A. Judgment in the amount of Two Million and Two Hundred Thousand Dollars
6 (\$2,200,000) is entered in favor of the Commission against the Corporate Defendant as equitable
7 monetary relief.

8 B. The Corporate Defendant is ordered to pay to the Commission Two Million and Two
9 Hundred Thousand Dollars(\$2,200,000) which, as the Corporate Defendant stipulates, its
10 undersigned counsel holds in escrow for no purpose other than payment to the Commission. Such
11 payment must be made within 7 days of entry of this Order by electronic fund transfer in
12 accordance with instructions previously provided by a representative of the Commission.

13 **IV. ADDITIONAL MONETARY PROVISIONS**

14 IT IS FURTHER ORDERED that:

15 A. Defendants relinquish dominion and all legal and equitable right, title, and interest in all
16 assets transferred pursuant to this Order and may not seek the return of any assets.

17 B. The facts alleged in the Complaint will be taken as true, without further proof, in any
18 subsequent civil litigation by or on behalf of the Commission arising out of this Order, including
19 in a proceeding to enforce its rights to any payment or monetary judgment pursuant to this Order,
20 such as a nondischargeability complaint in any bankruptcy case.

21 C. The facts alleged in the Complaint establish all elements necessary to sustain an action by
22 the Commission pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C.
23 § 523(a)(2)(A), and this Order will have collateral estoppel effect for such purposes.

24 D. The Corporate Defendant acknowledges its Taxpayer Identification Number (Employer
25 Identification Number), which the Corporate Defendant must submit to the Commission, may be
26 used for collecting and reporting on any delinquent amount arising out of this Order, in
27 accordance with 31 U.S.C. §7701.

28 E. All money paid to the Commission pursuant to this Order may be deposited into a fund

1 administered by the Commission or its designee to be used for equitable relief, including
2 consumer redress and any attendant expenses for the administration of any redress fund. If a
3 representative of the Commission decides that direct redress to consumers is wholly or partially
4 impracticable or money remains after redress is completed, the Commission may apply any
5 remaining money for such other equitable relief (including consumer information remedies) as it
6 determines to be reasonably related to Defendants' practices alleged in the Complaint. Any
7 money not used for such equitable relief is to be deposited to the U.S. Treasury as disgorgement.
8 Defendants have no right to challenge any actions the Commission or its representatives may take
9 pursuant to this Subsection.

10 **V. CUSTOMER INFORMATION**

11 IT IS FURTHER ORDERED that Defendants are permanently restrained and enjoined from
12 directly or indirectly failing to provide sufficient customer information to enable the Commission
13 to efficiently administer consumer redress. If a representative of the Commission requests in
14 writing any information related to redress, Defendants must provide it, in the form prescribed by
15 the Commission, within 14 days.

16 **VI. ORDER ACKNOWLEDGMENTS**

17 IT IS FURTHER ORDERED that Defendants obtain acknowledgments of receipt of this Order:

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

20 B. For 5 years after entry of this Order, each Individual Defendant for any business that such
21 Defendant, individually or collectively with any other Defendants, is the majority owner or
22 controls directly or indirectly and each Corporate Defendant, must deliver a copy of this Order to:
23 (1) all principals, officers, directors, and LLC managers and members; (2) all employees having
24 managerial responsibilities for conduct related to the subject matter of the Order and all agents
25 and representatives who participate in conduct related to the subject matter of the Order; and (3)
26 any business entity resulting from any change in structure as set forth in the Section titled
27 Compliance Reporting. Delivery must occur within 7 days of entry of this Order for current
28 personnel. For all others, delivery must occur before they assume their responsibilities.

1 C. From each individual or entity to which a Defendant delivered a copy of this Order, that
2 Defendant must obtain, within 30 days, a signed and dated acknowledgment of receipt of this
3 Order.

4 **VII. COMPLIANCE REPORTING**

5 IT IS FURTHER ORDERED that Defendants make timely submissions to the Commission:

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

8 1. Each Defendant must: (a) identify the primary physical, postal, and email address and
9 telephone number, as designated points of contact, which representatives of the Commission may
10 use to communicate with Defendant; (b) identify all of that Defendant's businesses by all of their
11 names, telephone numbers, and physical, postal, email, and Internet addresses; (c) describe the
12 activities of each business, including the goods and services offered, the means of advertising,
13 marketing, and sales, any websites where its goods or services are being sold or advertised, and
14 the involvement of any other Defendant (which the Individual Defendant must describe if they
15 know or should know due to their own involvement); (d) describe in detail whether and how that
16 Defendant is in compliance with each Section of this Order; and (e) provide a copy of each Order
17 Acknowledgment obtained pursuant to this Order, unless previously submitted to the
18 Commission.

19 2. Additionally, each Individual Defendant must: (a) identify all telephone numbers and all
20 physical, postal, email and Internet addresses, including all residences; (b) identify all business
21 activities, including any business for which such Defendant performs services whether as an
22 employee or otherwise and any entity in which such Defendant has any ownership interest; and
23 (c) describe in detail such Defendant's involvement in each such business, including title, role,
24 responsibilities, participation, authority, control, and any ownership.

25 B. For 10 years after entry of this Order, each Defendant must submit a compliance notice,
26 sworn under penalty of perjury, within 14 days of any change in the following:

27 1. Each Defendant must report any change in: (a) any designated point of contact; or (b) the
28 structure of any Corporate Defendant or any entity that Defendant has any ownership interest in

1 or controls directly or indirectly that may affect compliance obligations arising under this Order,
2 including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or affiliate
3 that engages in any acts or practices subject to this Order.

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

9 C. Each Defendant must submit to the Commission notice of the filing of any bankruptcy
10 petition, insolvency proceeding, or similar proceeding by or against such Defendant within 14
11 days of its filing.

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

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

22 **VIII. RECORDKEEPING**

23 IT IS FURTHER ORDERED that Defendants must create certain records for 10 years after entry
24 of the Order, and retain each such record for 5 years. Specifically, the Corporate Defendant in
25 connection with the sale of any U.S. immigration government form preparation services and the
26 Individual Defendant, for any business that such Defendant, individually or collectively with any
27 other Defendants, is a majority owner or controls directly or indirectly, must create and retain the
28 following records:

- 1 A. accounting records showing the revenues from all goods or services sold;
- 2 B. personnel records showing, for each person providing services, whether as an employee or
3 otherwise, that person's: name; addresses; telephone numbers; job title or position; dates of
4 service; and (if applicable) the reason for termination;
- 5 C. records of all consumer complaints and refund requests, whether received directly or
6 indirectly, such as through a third party, and any response;
- 7 D. all records necessary to demonstrate full compliance with each provision of this Order,
8 including all submissions to the Commission; and
- 9 E. a representative copy of each materially different advertisement, sales script, or other
10 marketing material in connection with the sale of any U.S. immigration government form
11 preparation services, including any webpages of The Websites that describe the products or
12 services offered for sale or the fees consumers pay, such as the homepage, the product page, or
13 the order page.

14 **IX. COMPLIANCE MONITORING**

15 IT IS FURTHER ORDERED that, for the purpose of monitoring Defendants' compliance with
16 this Order:

- 17 A. Within 14 days of receipt of a written request from a representative of the Commission,
18 each Defendant must: submit additional compliance reports or other requested information,
19 which must be sworn under penalty of perjury; appear for depositions; and produce documents
20 for inspection and copying. The Commission is also authorized to obtain discovery, without
21 further leave of court, using any of the procedures prescribed by Federal Rules of Civil Procedure
22 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69.
- 23 B. For matters concerning this Order, the Commission is authorized to communicate directly
24 with each Defendant. Defendants must permit representatives of the Commission to interview
25 any employee or other person affiliated with any of the Defendants who has agreed to such an
26 interview. The person interviewed may have counsel present.
- 27 C. The Commission may use all other lawful means, including posing, through its
28 representatives as consumers, suppliers, or other individuals or entities, to Defendants or any

1 individual or entity affiliated with Defendants, without the necessity of identification or prior
2 notice. Nothing in this Order limits the Commission's lawful use of compulsory process,
3 pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.r

4 **X. RETENTION OF JURISDICTION**

5 IT IS FURTHER ORDERED that this Court retains jurisdiction of this matter for purposes of r
6 construction, modification, and enforcement of this Order.
7
8

9 **SO ORDERED** this ___ day of _____, 2018.
10
11

12
13 **SO STIPULATED AND AGREED:**

14 **FOR THE PLAINTIFF FEDERAL
15 TRADE COMMISSION**


16 _____
17 Patricia Hsue
18 Roberto Anguizola
19 Federal Trade Commission
20 600 Pennsylvania Ave, NW CC-8528
21 Washington, DC 20580
22 Tel. (202) 326-3132
23 Fax (202) 326-3395
24 phsue@ftc.gov

25 Date: 10/15/18 r

26 **DEFENDANTS Forms Direct, Inc.**

27 _____
28 Cesare Alessandrini, Individually and as an
officer or manager of Forms Direct, Inc.r

FOR DEFENDANTS

_____ 
John Graubert
Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001
Tel. (202) 662-5938
jgraubert@cov.com

Date: 10/23/18

6/29/18
Date

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Certificate of Service

I HEREBY CERTIFY that on October 15, 2018, I served a true and correct copy of the foregoing *Stipulated Final Order For Permanent Injunction And Monetary Judgment* on the following counsel for Defendants via electronic mail:

JOHN D. GRAUBERT
Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
Tel. 202-662-5938
Fax: 202-778-5938
Email: jgraubert@cov.com
Counsel for Defendants

Dated: October 15, 2018

/s/ Patricia B. Hsue

Patricia B. Hsue
Roberto Anguizola
Federal Trade Commission
600 Pennsylvania Ave., NW
Mailstop CC-8528
Washington, DC 20580
(202) 326-3132 / phsue@ftc.gov
(202) 326-3284 / ranguizola@ftc.gov

Attorneys for Plaintiff
FEDERAL TRADE COMMISSION