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

Federal Trade Commission,  
  
Plaintiff,  
  
v.  
  
Jamie L. White,  
  
Defendant.

No. CV-17-04533-PHX-JJT

**ORDER FOR PERMANENT  
INJUNCTION AND MONETARY  
JUDGMENT**

Plaintiff, the Federal Trade Commission (“Commission” or “FTC”), filed its Complaint for Permanent Injunction and Other Equitable Relief (“Complaint”), pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b). The Commission and Defendant stipulate to the entry of this Stipulated Order for Permanent Injunction and Monetary Judgment (“Order”) to resolve all matters in dispute in this action between them.

THEREFORE, IT IS ORDERED as follows:

**FINDINGS**

1. This Court has jurisdiction over this matter.
2. The Complaint charges that Defendant participated in unfair acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, in arranging fraudulent merchant accounts to process consumer credit card transactions and in

1 providing nominal products and services to fulfill consumer orders for purported  
2 moneymaking opportunities.

3 3. Defendant neither admits nor denies any of the allegations in the  
4 Complaint, except as specifically stated in this Order. Only for purposes of this  
5 action, Defendant admits the facts necessary to establish jurisdiction.

6 4. Defendant waives any claim that she may have under the Equal  
7 Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action  
8 through the date of this Order, and agrees to bear her own costs and attorney fees.

9 5. Defendant and the Commission waive all rights to appeal or  
10 otherwise challenge or contest the validity of this Order.

### 11 **DEFINITIONS**

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

13 A. **“Assists”** or **“assisting”** includes, but is not limited to: (a)  
14 performing customer service functions, including receiving or responding to  
15 consumer complaints; (b) formulating or providing, or arranging for the  
16 formulation or provision of, (i) any advertising or marketing material, including  
17 but not limited to any telephone sales script; or (ii) advertising or marketing  
18 services; (c) providing names of, or assisting in the generation of, potential  
19 customers; (d) advising on, arranging for, or brokering consumer payment  
20 processing services; or (e) establishing corporate entities.

21 B. **“Business Opportunity”** means a commercial arrangement in  
22 which: (a) a seller solicits a prospective purchaser to enter into a new business;  
23 and (b) the prospective purchaser makes a required payment; and (c) the seller,  
24 expressly or by implication, orally or in writing, represents that the seller or one or  
25 more designated persons will: (i) provide locations for the use or operation of  
26 equipment, displays, vending machines, or similar devices, owned, leased,  
27 controlled, or paid for by the purchaser; or (ii) provide outlets, accounts, or  
28 customers, including, but not limited to internet outlets, accounts, or customers,

1 for the purchaser's goods or services; or (iii) buy back any or all of the goods or  
2 services that the purchaser makes, produces, fabricates, grows, breeds, modifies,  
3 or provides, including but not limited to providing payment for such services as,  
4 for example, stuffing envelopes from the purchaser's home.

5 C. **"Defendant"** means Jamie L. White.

6 D. **"Designated person"** means any person, other than the seller,  
7 whose goods or services the seller suggests, recommends, or requires that the  
8 purchaser use in establishing a new business.

9 E. **"Grant Product or Service"** means any product or service,  
10 including a plan or program, that is represented, expressly or by implication, to  
11 assist a consumer in any manner in obtaining a grant or similar financial assistance  
12 from the government or any other source.

13 F. **"Independent Sales Organization"** or **"ISO"** means any person  
14 that enters into an agreement or contract with a Payment Processor to sell or  
15 market Payment Processing services to a merchant.

16 G. **"Payment Processor"** means any person providing, directly or  
17 indirectly, the means used to charge or debit accounts through the use of any  
18 payment mechanism, including, but not limited to, debit, credit, prepaid, or stored  
19 value cards. The means used to charge or debit accounts covered by this definition  
20 includes, among other things: (a) reviewing and approving merchant applications  
21 for payment processing services; (b) providing the means to transmit sales  
22 transaction data from merchants to acquiring banks or other financial institutions;  
23 (c) clearing, settling, or distributing proceeds of sales transactions from acquiring  
24 banks or financial institutions to merchants; and (d) processing chargebacks.

25 H. **"Person"** means any natural person or any entity, corporation,  
26 partnership, or association of persons.

27 I. **"Related Product or Service"** means any product or service (a)  
28 offered using consumer information obtained in connection with the sale of any

1 Business Opportunity or Grant Product or Service, and (b) offered to: (i) fulfill a  
2 consumer's order for a Business Opportunity or Grant Product or Service; (ii)  
3 increase the profitability of a Business Opportunity (including but not limited to  
4 search engine optimization and customer maximization services); (iii) increase the  
5 amount of grant money available to a consumer through the use of a Grant Product  
6 or Service; or (iv) improve a consumer's ability to use a Business Opportunity or  
7 Grant Product or Service.

8 J. **"Seller"** means a person who offers for sale or sells a business  
9 opportunity.

10 K. **"Sales Agent"** means a person that matches, arranges, or refers  
11 prospective applicants for merchant accounts to a Payment Processor or ISO.

12 L. **"Telemarketing"** means any plan, program, or campaign that is  
13 conducted to induce the purchase of goods or services by use of one or more  
14 telephones, and which involves a telephone call, whether or not covered by the  
15 Telemarketing Sales Rule, 16 C.F.R. Part 310.

16 **ORDER**

17  
18 **I. BAN AGAINST PAYMENT PROCESSING OR ACTING AS AN ISO  
19 OR SALES AGENT**

20 IT IS ORDERED that Defendant, whether acting directly or indirectly, is  
21 permanently restrained and enjoined from acting as a Payment Processor, ISO,  
22 Sales Agent, or an agent or employee of any of the foregoing.

23 **II. BAN ON TELEMARKETING**

24 IT IS THEREFORE ORDERED that Defendant is hereby permanently  
25 restrained and enjoined from engaging in telemarketing or assisting others to  
26 engage in telemarketing, whether directly or through an intermediary.

1                                   **III. BAN ON MARKETING AND SALE OF BUSINESS**  
2                                   **OPPORTUNITIES, GRANT PRODUCTS AND SERVICES, AND**  
3                                   **RELATED PRODUCTS AND SERVICES**

4           IT IS FURTHER ORDERED that Defendant, whether acting directly or  
5 through an intermediary, is hereby permanently restrained and enjoined from:

6           A. Advertising, marketing, promoting, offering for sale, or selling, or  
7 assisting in the advertising, marketing, promoting, offering for sale, or selling, of  
8 any Business Opportunities, Grant Products or Services, or any Related Products  
9 or Services; and

10          B. Providing, or assisting in providing, any Related Products or  
11 Services.

12                                   **IV. PROHIBITION ON MISREPRESENTATIONS**

13           IT IS FURTHER ORDERED that Defendant, her agents, employees, and  
14 attorneys, and all other persons in active concert or participation with any of them,  
15 who receive actual notice of this Order, whether acting directly or indirectly, in  
16 connection with the advertising, marketing, promoting, offering for sale, or selling  
17 of any product, service, plan, or program, are permanently restrained and enjoined  
18 from misrepresenting, or assisting others in misrepresenting, expressly or by  
19 implication:

20          A. That a person is, or represents, Amazon or any other on-line  
21 merchant;

22          B. That consumers who purchase websites or advertising packages will  
23 earn, or are likely to earn, any specified level of income;

24          C. That a person is, or represents, the government or any other entity;

25          D. That consumers will, or are likely to, earn substantial income; and

26          E. Any fact material to consumers concerning any product, service,  
27 plan or program, such as: the total costs; any material restrictions, limitations, or  
28 conditions; or any material aspect of its performance, efficacy, nature, or central  
characteristics.

1                   **V.     MONETARY JUDGMENT AND SUSPENSION**

2           IT IS FURTHER ORDERED that:

3           A.     As equitable monetary relief, Defendant is jointly and severally  
4     liable for the judgment in the amount of Three Million and Seventy-Four  
5     Thousand Dollars (\$3,074,000) entered in favor of the Commission and against  
6     Chad Gettel in *FTC v. Chad Gettel*, Case No. 2:17-cv-02791 (D. Ariz.).

7           B.     The judgment is suspended subject to Subsections C through E  
8     below.

9           C.     The Commission’s agreement to the suspension of the judgment is  
10    expressly premised upon the truthfulness, accuracy, and completeness of  
11    Defendant’s sworn financial statements and related documents (collectively,  
12    “financial representations”) submitted to the Commission, namely, the Financial  
13    Statement of Individual Defendant Jamie L. White signed on August 30, 2017,  
14    including the attachments.

15          D.     The suspension of the judgment will be lifted if, upon motion by the  
16    Commission, the Court finds that Defendant failed to disclose any material asset,  
17    materially misstated the value of any asset, or made any other material  
18    misstatement or omission in the financial representations identified above.

19          E.     If the suspension of the judgment is lifted, the judgment becomes  
20    immediately due as to that Defendant in the amount specified in Subsection A  
21    above (which the parties stipulate only for purposes of this Section represents the  
22    consumer injury alleged in the Complaint), less any payment previously made  
23    pursuant to this Section, plus interest computed from the date of entry of this  
24    Order.

1 **VI. ADDITIONAL MONETARY PROVISIONS**

2 IT IS FURTHER ORDERED that:

3 A. Defendant relinquishes dominion and all legal and equitable right,  
4 title, and interest in all assets transferred pursuant to this Order and may not seek  
5 the return of any assets.

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

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

15 D. Defendant acknowledges that her Taxpayer Identification Numbers  
16 (Social Security Numbers or Employer Identification Numbers), which Defendant  
17 previously submitted to the Commission, may be used for collecting and reporting  
18 on any delinquent amount arising out of this Order, in accordance with 31 U.S.C.  
19 § 7701.

20 E. All money paid to the Commission pursuant to this Order may be  
21 deposited into a fund administered by the Commission or its designee to be used  
22 for equitable relief, including consumer redress and any attendant expenses for the  
23 administration of any redress fund. If a representative of the Commission decides  
24 that direct redress to consumers is wholly or partially impracticable or money  
25 remains after redress is completed, the Commission may apply any remaining  
26 money for such other equitable relief (including consumer information remedies)  
27 as it determines to be reasonably related to Defendant's practices alleged in the  
28 Complaint. Any money not used for such equitable relief is to be deposited to the

1 U.S. Treasury as disgorgement. Defendant has no right to challenge any actions  
2 the Commission or its representatives may take pursuant to this Subsection.

3 **VII. CUSTOMER INFORMATION**

4 IT IS FURTHER ORDERED that Defendant, Defendant's officers, agents,  
5 employees, and attorneys and all others in active concert or participation with any  
6 of them, who receive notice of this Order, are permanently restrained and enjoined  
7 from directly or indirectly:

8 A. disclosing, using, or benefitting from customer information,  
9 including the name, address, telephone number, email address, social security  
10 number, other identifying information, or any data that enables access to a  
11 customer's account (including a credit card, bank account, or other financial  
12 account), that any Defendant obtained prior to entry of this Order; and

13 B. failing to destroy such customer information in all forms in their  
14 possession, custody, or control within 30 days after entry of this Order.

15 Provided, however, that customer information need not be disposed of, and  
16 may be disclosed, to the extent requested by a government agency or required by  
17 law, regulation, or court order.

18 **VIII. COOPERATION**

19 IT IS FURTHER ORDERED that Defendant must fully cooperate with  
20 representatives of the Commission in this case and in any investigation related to  
21 or associated with the transactions or the occurrences that are the subject of the  
22 Complaint. Defendant must provide truthful and complete information, evidence,  
23 and testimony. Defendant must appear for interviews, discovery, hearings, trials,  
24 and any other proceedings that a Commission representative may reasonably  
25 request upon five days written notice, or other reasonable notice, at such places  
26 and times as a Commission representative may designate, without the service of a  
27 subpoena.  
28

1 **IX. ORDER ACKNOWLEDGMENTS**

2 IT IS FURTHER ORDERED that Defendant obtain acknowledgments of  
3 receipt of this Order:

4 A. Defendant, within seven days of entry of this Order, must submit to  
5 the Commission an acknowledgment of receipt of this Order sworn under penalty  
6 of perjury.

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

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

19 **X. COMPLIANCE REPORTING**

20 IT IS FURTHER ORDERED that Defendant make timely submissions to  
21 the Commission:

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

- 24 1. Defendant must: (a) identify the primary physical, postal, and  
25 email address and telephone number, as designated points of contact, which  
26 representatives of the Commission may use to communicate with  
27 Defendant; (b) identify all of Defendant's businesses by all of their names,  
28 telephone numbers, and physical, postal, email, and Internet addresses; (c)

1 describe the activities of each business, including the goods and services  
2 offered; (d) describe in detail whether and how Defendant is in compliance  
3 with each Section of this Order; and (e) provide a copy of each Order  
4 Acknowledgment obtained pursuant to this Order, unless previously  
5 submitted to the Commission.

6 2. Additionally, Defendant must: (a) identify all telephone  
7 numbers and all physical, postal, email and Internet addresses, including all  
8 residences; (b) identify all business activities, including any business for  
9 which such Defendant performs services whether as an employee or  
10 otherwise and any entity in which such Defendant has any ownership  
11 interest; and (c) describe in detail Defendant's involvement in each such  
12 business, including title, role, responsibilities, participation, authority,  
13 control, and any ownership.

14 B. For 20 years after entry of this Order, Defendant must submit a  
15 compliance notice, sworn under penalty of perjury, within 14 days of any change  
16 in the following:

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

23 2. Additionally, Defendant must report any change in: (a) name,  
24 including aliases or fictitious name, or residence address; or (b) title or role  
25 in any business activity, including any business for which Defendant  
26 performs services whether as an employee or otherwise and any entity in  
27 which Defendant has any ownership interest, and identify the name,  
28 physical address, and any Internet address of the business or entity.

1 C. Defendant must submit to the Commission notice of the filing of any  
2 bankruptcy petition, insolvency proceeding, or similar proceeding by or against  
3 Defendant within 14 days of its filing.

4 D. Any submission to the Commission required by this Order to be  
5 sworn under penalty of perjury must be true and accurate and comply with  
6 28 U.S.C. § 1746, such as by concluding: “I declare under penalty of perjury under  
7 the laws of the United States of America that the foregoing is true and correct.  
8 Executed on: \_\_\_\_\_” and supplying the date, signatory’s full name, title (if  
9 applicable), and signature.

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

16 **XI. RECORDKEEPING**

17 IT IS FURTHER ORDERED that Defendant must create certain records for  
18 20 years after entry of the Order, and retain each such record for five years.  
19 Specifically, Defendant, for any business that Defendant is a majority owner or  
20 controls directly or indirectly, must create and retain the following records:

21 A. accounting records showing the revenues from all goods or services  
22 sold;

23 B. personnel records showing, for each person providing services,  
24 whether as an employee or otherwise, that person’s: name; addresses; telephone  
25 numbers; job title or position; dates of service; and (if applicable) the reason for  
26 termination;

27 C. records of all consumer complaints and refund requests, whether  
28 received directly or indirectly, such as through a third party, and any response; and

1 D. all records necessary to demonstrate full compliance with each  
2 provision of this Order, including all submissions to the Commission.

3 **XII. COMPLIANCE MONITORING**

4 IT IS FURTHER ORDERED that, for the purpose of monitoring  
5 Defendant's compliance with this Order, including the financial representations  
6 upon which the judgment was suspended:

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

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

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

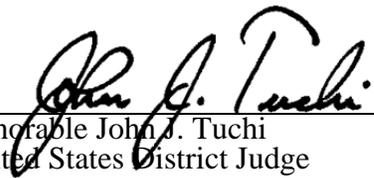
25 D. Upon written request from a representative of the Commission, any  
26 consumer reporting agency must furnish consumer reports concerning Defendant,  
27 pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C.  
28 § 1681b(a)(1).

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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.

Dated this 20th day of December, 2017.

  
\_\_\_\_\_  
Honorable John J. Tuchi  
United States District Judge