

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

V.

9140-9201 QUÉBEC INC., a Quebec corporation,
also doing business as AMETECK GROUP,
MARKETING MIDWEST, MIDWEST
MARKETING, and MIDWEST MARKETING
INC.;

MIDWEST ADVERTISING & PUBLISHING
INC., a Quebec corporation, also doing business as
MIDWESTERN ADVERTISING AND
PUBLISHING and GLOBAL SITE DESIGN;

THE LOCAL BUSINESS PAGES, a Quebec
company;

PREMIUM BUSINESS PAGES INC., a Delaware corporation;

AMETECH GROUP LLC, a dissolved Nevada
limited liability company;

AMETECK GROUP LLC, a Delaware limited liability company;

DATA NET TECHNOLOGIES, LLC, a Georgia
limited liability company;

RÉMY MUNILLA, individually; as an owner, officer, or director of Defendants 9140-9201 Québec Inc. and Midwest Advertising & Publishing Inc.; and as an owner and/or manager of Defendants The Local Business Pages, Premium Business Pages Inc., Ametek Group LLC, Ametek Group LLC, and Data Net Technologies, LLC; and

Case No. 1:18-cv-04115

Judge Rebecca R. Pallmeyer

Magistrate Judge M. David Weisman

CAROL BEAUDOIN, individually, and as an)
owner, officer, or director of Defendant Premium)
Business Pages Inc.,)
)
Defendants.)
_____)

**DEFAULT JUDGMENT AND ORDER FOR
PERMANENT INJUNCTION AND MONETARY RELIEF**

Plaintiff, the Federal Trade Commission (“Commission” or “FTC”), filed its Complaint for Permanent Injunction and Other Equitable Relief (“Complaint”), against Defendants 9140-9201 Québec Inc., also doing business as Ametech Group, Marketing Midwest, Midwest Marketing, and Midwest Marketing Inc.; Midwest Advertising & Publishing Inc., also doing business as Midwestern Advertising and Publishing and Global Site Design; The Local Business Pages; Premium Business Pages Inc.; Ametech Group LLC; Ametech Group LLC; Data Net Technologies, LLC; Rémy Munilla; and Carol Beaudoin, pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 45(a).

The Court, having found all Defendants in default, and the Commission, having moved for entry of default judgment on all counts of the Complaint against Defendants, **IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** as follows:

FINDINGS

1. This is an action by the Commission under Sections 5 and 13(b) of the FTC Act, 15 U.S.C. §§ 45 and 53(b). The Commission’s Complaint seeks permanent injunctive relief against Defendants in connection with the offering for sale or sale of Internet directory listings, search engine optimization services, and website design and hosting services in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and seeks equitable monetary relief in the form

of consumer redress and/or disgorgement. Pursuant to Section 13(b) of the FTC Act, 15 U.S.C. §53(b), the Commission has the authority to seek the relief contained herein.

2. This Court has jurisdiction over the subject matter of this case and has jurisdiction over all parties hereto.

3. Venue is proper as to all parties in the Northern District of Illinois.

4. The Commission's Complaint states a claim upon which relief may be granted against Defendants under Sections 5 and 13(b) of the FTC Act, 15 U.S.C. §§ 45 and 53(b).

5. The activities of Defendants, as alleged in the Complaint, are in or affecting commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

6. All Defendants were served with process in this matter, and they thereafter failed to file an answer to the Complaint within the time set forth by Rule 12(a) of the Federal Rules of Civil Procedure, or to otherwise defend this action. On November 1, 2018, the Court entered an order of default as to Defendants. The Commission now is entitled to a default judgment, pursuant to Rule 55(b) of the Federal Rules of Civil Procedure.

7. The factual allegations in the Commission's Complaint are taken as true against Defendants. Those allegations and the evidence supporting them establish that Defendants violated Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

8. The Court now finds that, in connection with the offering for sale or sale of Internet directory listings, search engine optimization services, and website design and hosting services, Defendants have violated Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), by falsely representing, directly or indirectly, expressly or by implication, that consumers have a preexisting business relationship with Defendants.

9. The Court further finds that, in connection with the offering for sale or sale of Internet directory listings, search engine optimization services, and website design and hosting services, Defendants have violated Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), by falsely representing, directly or indirectly, expressly or by implication, that consumers have ordered one of Defendants' services.

10. The Court further finds that, in connection with the offering for sale or sale of Internet directory listings, search engine optimization services, and website design and hosting services, Defendants have violated Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), by falsely representing, directly or indirectly, expressly or by implication, that consumers owe money to Defendants for one of Defendants' services.

11. The Court further finds that Individual Defendants are individually liable, jointly and severally, for the unlawful acts and practices of Corporate Defendants.

12. Defendants are likely to continue to engage in the acts and practices alleged in the Complaint unless they are permanently enjoined from such acts and practices.

13. Defendants' net sales amounted to four-million, six-hundred fifty-five thousand, three-hundred forty dollars and seventy-two cents (\$4,655,340.72 United States Dollars) from the conduct alleged in the Commission's Complaint. *See, e.g., FTC v. Trudeau*, 579 F.3d 754, 771 (7th Cir. 2009) ("Consumer loss is a common measure for civil sanctions in contempt proceedings and direct FTC actions.").

14. The Commission is therefore entitled to equitable monetary relief against Defendants in the amount of four-million, six-hundred fifty-five thousand, three-hundred forty dollars and seventy-two cents (\$4,655,340.72), for which Defendants are jointly and severally liable.

15. This Order is in addition to, and not in lieu of, any other civil or criminal remedies that may be provided by law.

16. Entry of this Order is in the public interest.

DEFINITIONS

For purposes of this Order, the following definitions apply:

1. “**Corporate Defendants**” means 9140-9201 Québec Inc., also doing business as Ametek Group, Marketing Midwest, Midwest Marketing, and Midwest Marketing Inc.; Midwest Advertising & Publishing Inc., also doing business as Midwestern Advertising and Publishing and Global Site Design; The Local Business Pages; Premium Business Pages Inc.; Ametech Group LLC; Ametek Group LLC; and Data Net Technologies, LLC, and their successors and assigns.

2. “**Defendants**” means all of the Individual Defendants and the Corporate Defendants, individually, collectively, or in any combination.

3. “**Individual Defendants**” means Rémy Munilla and Carol Beaudoin.

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

ORDER

I.

BAN ON CERTAIN ACTIVITIES

IT IS THEREFORE ORDERED that Defendants are permanently restrained and enjoined from advertising, marketing, promoting, telemarketing, offering for sale, or selling, or assisting in the advertising, marketing, promoting, telemarketing, offering for sale, or selling, of

any Internet directory listings, search engine optimization services, or website design and hosting services.

II.

PROHIBITION AGAINST MISREPRESENTATIONS

IT IS FURTHER ORDERED that 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, in connection with promoting or offering for sale any good or service, are permanently restrained and enjoined from misrepresenting, or assisting others in misrepresenting, expressly or by implication:

- A. That consumers have a preexisting business relationship with Defendants;
- B. That consumers have ordered one of Defendants' services;
- C. That consumers owe money to Defendants for one of Defendants' services;
- D. The nature of Defendants' relationship with consumers;
- E. The purpose of Defendants' communications with consumers; or
- F. Any other fact material to consumers concerning any good or service, such as: the total costs; any material restrictions, limitations, or conditions; or any material aspect of its performance, efficacy, nature, or central characteristics.

III.

MONETARY JUDGMENT

IT IS FURTHER ORDERED that:

- A. Judgment in the amount of four-million, six-hundred fifty-five thousand, three-hundred forty dollars and seventy-two cents (\$4,655,340.72) is entered in favor of the Commission against Defendants, jointly and severally, as equitable monetary relief.

B. Upon entry of this Order, this monetary judgment, less any payments received by the Commission pursuant to the Section titled Turnover of Assets Held By Third Parties, shall become immediately due and payable by Defendants, and interest immediately shall begin to accrue upon the unpaid balance.

C. All payments under this Section shall be made by electronic fund transfer in accordance with instructions provided by a representative of the Commission.

D. Defendants acknowledge that their Taxpayer Identification Numbers (Social Security Numbers or Employer Identification Numbers), which Defendants must submit to the Commission, may be used for collecting and reporting on any delinquent amount arising out of this Order, in accordance with 31 U.S.C. § 7701.

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

IV.

TURNOVER OF ASSETS HELD BY THIRD PARTIES

IT IS FURTHER ORDERED that, in order to partially satisfy the monetary judgment set forth in the Section titled Monetary Judgment, any financial or brokerage institution, escrow agent, title company, commodity trading company, automated clearing house, network transaction processor, payment processor, business entity, or person that holds, controls, or maintains custody of any account or asset of any Defendant, or any account or asset held on behalf of, or for the benefit of, any Defendant, or any account or asset frozen pursuant to the *Ex Parte* Temporary Restraining Order with Asset Freeze, Other Equitable Relief, and Order to Show Cause Why a Preliminary Injunction Should Not Issue, or the Preliminary Injunction with Asset Freeze and Other Equitable Relief, previously entered in this matter, shall turn over such account or asset to the Commission, by electronic fund transfer in accordance with instructions provided by a representative of the Commission, within ten (10) business days of receiving notice of this Order by any means, including, but not limited to, via facsimile.

The accounts and assets to be turned over to the Commission pursuant to this Section include, without limitation, the following:

- A. The following accounts held by PayPal Holdings, Inc.:
 - 1. Ametec Group/Midwest Advertising (Rémy Munilla), Account Number xxxx9545;
 - 2. Premium Business Pages (Carol Beaudoin), Account Number xxxx4770;
 - 3. Future Systems, Inc. (Carol Beaudoin), Account Number xxxx7725;
 - 4. The Local Business Pages (Isabel Jimenez), Account Numbers xxxx0093, xxxx6408, xxxx6901, xxxx0494, and xxxx0544;

B. The account held by Fifth Third Bank, N.A., in the name Ametech Group LLC (Joseph Jacob), Account Number xxxx4515;

C. The account held by US Bank, N.A., in the name Joseph A. Jacob dba Ametech Group LLC dba Ameteck Group LLC (Joseph Jacob), Account Number xxxx7306;

D. The account held by Renasant Bank in the name Data Net Technologies LLC (Sherilee Vera Metteer), Account Number xxxx0411; and

E. The following accounts held by TD Bank, N.A.:

1. Future Systems Inc. (Carol Beaudoin), Account Number xxxx0507;
2. Premium Business Pages (Carol Beaudoin), Account Number xxxx6616;
3. Matrix Data Systems Inc. (Carol Beaudoin), Account Number xxxx1391;

and

4. Isabel Jimenez dba The Local Business Pages Inc., Account Number xxxx4661.

V.

CUSTOMER INFORMATION

IT IS FURTHER ORDERED that 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 directly or indirectly:

A. Failing to provide sufficient customer information to enable the Commission to efficiently administer consumer redress. If a representative of the Commission requests in writing any information related to redress, Defendants must provide it, in the form prescribed by the Commission, within fourteen (14) days.

B. Disclosing, using, or benefitting from customer information, including the name, address, telephone number, email address, Social Security number, other identifying information, or any data that enables access to a customer's account (including a credit card, bank account, or other financial account), that any Defendant obtained prior to entry of this Order in connection with the offering for sale or sale of Internet directory listings, search engine optimization services, and website design and hosting services; and

C. Failing to destroy such customer information in all forms in their possession, custody, or control within thirty (30) days after receipt of written direction to do so from a representative of the Commission.

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

VI.

PROHIBITION ON COLLECTING ACCOUNTS

IT IS FURTHER ORDERED that 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 attempting to collect, collecting, selling, or assigning, or otherwise transferring any right to collect payment for any Internet directory listings, search engine optimization services, or website design and hosting services, directly or through any third party.

VII.

ORDER ADKNOWLEDGMENTS

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

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

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

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

VIII.

COMPLIANCE REPORTING

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

A. One (1) year after entry of this Order, each Defendant must submit a compliance report, sworn under penalty of perjury:

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

2. Additionally, each Individual Defendant must: (a) identify all telephone numbers and all physical, postal, email, and Internet addresses, including all residences; (b) identify all business activities, including any business for which such Defendant performs services whether as an employee or otherwise and any entity in which such Defendant has any ownership interest; and (c) describe in detail such Defendant's

involvement in each such business, including title, role, responsibilities, participation, authority, control, and any ownership.

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

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

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

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

D. Any submission to the Commission required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: "I declare under penalty of perjury under the laws of the United States of America

that the foregoing is true and correct. Executed on: _____” and supplying the date, signatory’s full name, title (if applicable), and signature.

E. Unless otherwise directed by a Commission representative in writing, all submissions to the Commission pursuant to this Order must be emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: *FTC v. 9140-9201 Québec Inc., et al.*, Matter No. X180033.

IX.

RECORDKEEPING

IT IS FURTHER ORDERED that Defendants must create certain records for twenty (20) years after entry of this Order, and retain each such record for five (5) years. Specifically, each Corporate Defendant and each Individual Defendant for any business that such Defendant, individually or collectively with any other Defendants, is a majority owner or controls directly or indirectly, must create and retain the following records:

- A. Accounting records showing the revenues from all goods or services sold;
- B. Personnel records showing, for each person providing services, whether as an employee or otherwise, that person’s: name, addresses, telephone numbers, job title or position, dates of service, and (if applicable) the reason for termination;
- C. Records of all consumer complaints and refund requests, whether received directly or indirectly, such as through a third party, and any response;

D. Customer files obtained after entry of this Order showing the names, addresses, telephone numbers, dollar amounts paid, and the quantity and description of goods or services purchased, to the extent such information is obtained in the ordinary course of business; and

E. All records necessary to demonstrate full compliance with each provision of this Order, including all submissions to the Commission.

X.

COMPLIANCE MONITORING

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

A. Within fourteen (14) days of receipt of a written request from a representative of the Commission, each Defendant 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. The Commission is 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, the Commission is authorized to communicate directly with each Defendant. Defendant must permit representatives of the Commission to interview any employee or other person affiliated with any Defendant who has agreed to such an interview. The person interviewed may have counsel present.

C. The Commission may use all other lawful means, including posing, through its representatives as consumers, suppliers, or other individuals or entities, to Defendants or any individual or entity affiliated with Defendants, without the necessity of identification or prior

notice. Nothing in this Order limits the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

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

XI.

RETURN OF UNCASHED CHECKS

IT IS FURTHER ORDERED that Defendants waive and release all rights, claims, and interests in all uncashed checks and other negotiable instruments sent by consumers in response to Defendants' invoices and/or collection activities related to the offering for sale or sale of Internet directory listings, search engine optimization services, and website design and hosting services. Said uncashed checks and negotiable instruments, held by the Commission pursuant to the *Ex Parte* Temporary Restraining Order with Asset Freeze, Other Equitable Relief, and Order to Show Cause Why a Preliminary Injunction Should Not Issue, or the Preliminary Injunction with Asset Freeze and Other Equitable Relief, previously entered in this matter, shall not be cashed, but shall be returned to their makers by the Commission or its agent; and the Commission or its agent is authorized for this purpose to open any mail addressed to any Defendant that is or has been forwarded to the Commission and to dispose of such mail as the Commission, in its sole discretion, determines to be appropriate. In the event that the makers of the uncashed checks or negotiable instruments cannot be located, or the Commission, in its sole discretion, determines that the return of checks or negotiable instruments is otherwise impracticable, the Commission or its agent shall destroy the checks or negotiable instruments.

XII.

LIFTING OF ASSET FREEZE

IT IS FURTHER ORDERED that the freeze on the assets of Defendants shall remain in effect until the Commission has received the total amount required by the Section titled Monetary Judgment, *provided, however*, that Defendants may transfer funds to the extent necessary to make all payments required by that Section. Upon payment to the Commission of the total amount required by the Section titled Monetary Judgment, the freeze against the assets of Defendants shall be lifted permanently.

XIII.

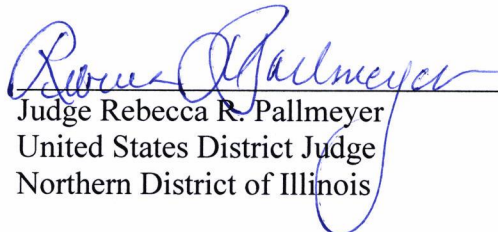
RETENTION OF JURISDICTION

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

JUDGMENT IS THEREFORE ENTERED in favor of the Commission and against Defendants pursuant to all the terms and conditions recited above.

IT IS SO ORDERED.

Dated: November 28, 2018


Judge Rebecca R. Pallmeyer
United States District Judge
Northern District of Illinois