

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

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FOR THE FEDERAL BUREAU OF INVESTIGATION

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NASHVILLE DIVISION

FEDERAL TRADE COMMISSION

the Telemarketing and Consumer Fraud and Abuse Prevention Act (“Telemarketing Act”), 15 U.S.C. § 6101 *et seq.*, charging the Defendants Internet Marketing Group, Inc., OneSetPrice, Inc., First Choice Terminal, Inc. (a Louisiana corporation), First Choice Terminal, Inc. (an Arizona corporation), B & C Ventures, Inc., RPM Marketing Group, Inc., National Event Coordinators, Inc., David G. Cutler, Cindy Gannon, Paul D. Bonnallie, Tisa Christiana Spraul, and Michael J. Hatch with deceptive acts and practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, the Commission’s Trade Regulation Rules entitled “Telemarketing Sales Rule,” 16 C.F.R. Part 310, and “Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures” (the “Franchise Rule”), 16 C.F.R. Part 436.

The complaint states a claim upon which relief may be granted against Defendant

David G. Cutler under Sections 5, 13(b), and 19 of the FTC Act, 15 U.S.C. §§ 45, 53(b), and 57b, and the Telemarketing Sales Rule and the Franchise Rule;

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

4. The activities of Defendant David G. Cutler are "in or affecting commerce" as

located.

B. **“Franchise Rule”** is defined as the Commission’s Trade Regulation Rule entitled “Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures,” 16 C.F.R. Part 436, as currently promulgated or as it may hereafter be amended. A copy of the current Franchise Rule is attached hereto.

C. **“Franchise”** means any written or oral business arrangement, however denominated, which is a “franchise” as that term is defined in Section 436.2(a) of the Franchise Rule, 16 C.F.R. § 436.2(a).

D. **“Business Venture”** means any written or oral business arrangement however denominated, whether or not covered by the Franchise Rule, 16 C.F.R. Part 436, which consists

include the solicitation of sales through the mailing of a catalog which: contains a written

description and illustration of the goods or services offered for sale; is printed or otherwise

of the seller; includes multiple pages of written material or illustrations; and has been issued not

less frequently than once a year when the person making the solicitation does not solicit

product or service offered by the seller, within the three (3) months immediately preceding the date of a telemarketing call.

K. **“Outbound telephone call”** means a telephone call initiated by a telemarketer to induce the purchase of goods or services or to solicit a charitable contribution.

L. **“Permanent Receiver”** means Robb Evans & Associates, L.L.C., appointed as

Receiver of the assets of the Debtor, as defined in the Chapter 11 Reorganization Plan filed with the Court on 10/1/11.

of the term.

**CONDUCT PROHIBITIONS**

**I. INJUNCTIVE PROVISIONS**

~~WHEREFORE ORDERED, ADJUDGED, AND DECREED:~~

connection with the advertising, promotion, offering for sale, or sale of any Franchise or Business Venture, Defendant David G. Cutler, his agents, servants, employees, and attorneys, and all other persons or entities in active concert or participation with him who receive actual notice of this Final Judgment and Order by personal service or otherwise, whether acting directly

B. **IT IS FURTHER ORDERED** that in connection with the advertising.

promotion, offering for sale, or sale of any Franchise or Business Venture, Defendant David G. Cutler, his agents, servants, employees, and attorneys, and all other persons or entities in active concert or participation with him who receive actual notice of this Final Judgment and Order by personal service or otherwise, whether acting directly or through any business entity, corporation,



Rule;

\_\_\_\_\_ that D. Student David C. Cuthbertson has a number 2121 1-1

[REDACTED]

1. Initiating or causing others to initiate an outbound call to a telephone number

listed on the National Do Not Call Registry, unless

name, address, telephone number, social security number, or other identifying information of any person who purchased services from Defendants Internet Marketing Group, Inc., OneSetPrice

Inc., First Choice Terminal, Inc. (a Louisiana corporation), First Choice Terminal, Inc. (an Arizona corporation), B & C Ventures, Inc., RPM Marketing Group, Inc., National Event Coordinators, Inc., David G. Cutler, Cindy Gannon, Paul D. Bonnallie, Tisa Christiana Spraul, and Michael J. Hatch at any time prior to the date this Final Judgment and Order is entered.

*Decided however that Defendant David G. Cutler was disclosed and identified in Court's*

to the terms of this Final Judgment and Order.

B. **IT IS FURTHER ORDERED** that if the Commission should have evidence that the above-referenced financial statements and information failed to disclose any material asset the value of which exceeds \$1,000, materially misrepresented the value of any asset, or made any other material misrepresentation or omission, the Commission may move that the Court reopen

this Final Judgment and Order for the sole purpose of allowing the Commission to file a motion to

enforce its rights pursuant to this Final Judgment and Order, including a nondischargeability complaint filed in any bankruptcy case.

C. Proceedings initiated under this Paragraph are in addition to, and not in lieu of, ~~any other civil or criminal penalties that may be provided by law including any other~~

proceedings the Plaintiff may initiate to enforce this Final Judgment and Order.

**RECEIVERSHIP**

**V. COOPERATION WITH PERMANENT RECEIVER**

**IT IS FURTHER ORDERED** that Defendant David G. Cutler shall cooperate fully with  
the Permanent Receiver

**VI. CLAIMS AGAINST THE PERMANENT RECEIVER**

**IT IS FURTHER ORDERED** that Defendant David G. Cutler hereby waives any claim he may have against the Permanent Receiver or the receivership estate.

**ASSET FREEZE**

**VIII. COMPLIANCE REPORTING BY DEFENDANT**

assignment, sale, merger, or other action that would result in the emergence of a successor entity; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this Final Judgment and Order; the filing of a bankruptcy petition; or a change in the corporate name or address, at

proposed change in the corporation about which Defendant David G. Cutler learns

5 A list of four telephone numbers that Defendant David C. Galt has used since



David G. Cutler.

**IX. COMPLIANCE MONITORING**

**IT IS FURTHER ORDERED** that, for the purpose of monitoring and investigating

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A. Within ten (10) days of receipt of written notice from a representative of the Commission, Defendant David G. Cutler shall submit additional written reports, sworn to under penalty of perjury; produce documents for inspection and copying; appear for deposition; and/or provide entry during normal business hours to any business location in his possession or under his direct or indirect control to inspect the business operation;

B. In addition, the Commission is authorized to monitor compliance with this Final

Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act,

15 U.S.C. §§ 49 and 57h-1 to obtain any documentary material, tangible things, testimony, or

information relevant to unfair or deceptive acts or practices in or affecting commerce (within the meaning of 15 U.S.C. § 45(a)(1)).

C. Defendant David G. Cutler must secure a signed and dated statement

all persons receiving a copy of the Final Judgment and Order pursuant to this Paragraph.

the extent such information is obtained in the ordinary course of business

D. Origin of the data source, which is not a document or communication

provision of this Final Judgment and Order, including, but not limited to, copies of

reports submitted to the FTC pursuant to Paragraph VIII.

**XII. COOPERATION WITH FTC COUNSEL**

**IT IS FURTHER ORDERED** that Defendant David G. Cutler shall, in connection with this action or any subsequent investigations related to or associated with the transactions or the

**YU DEFENTION OF JURISDICTION**

IT IS FURTHER ORDERED THAT THE COURT SHALL HAVE JURISDICTION OVER THE CASE

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