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

Federal Trade Commission,  
  
Plaintiff,  
  
vs.  
  
ELH Consulting, LLC, *et al.*,  
  
Defendants.

12-cv-2246-PHX-FJM  
  
**STIPULATED FINAL JUDGMENT**

1 Plaintiff and Defendants 3Point14 Consultants, LLC, also d/b/a Elite Planning  
2 Group, and Rares Stelea (“Stipulating Defendants”), have agreed to entry of  
3 this Stipulated Final Judgment and Order for Permanent Injunction (“Order”)  
4 by this Court in order to resolve all claims against Stipulating Defendants in  
5 this action. Plaintiff and Stipulating Defendants have consented to entry of this  
6 Order without trial or adjudication of any issue of law or fact herein. The  
7 Receiver did not file an objection, and the time for doing so has expired.

8 **NOW THEREFORE**, Plaintiff and Stipulating Defendants, having  
9 requested the Court to enter this Order, and the Court having considered the  
10 Order reached between the parties, **IT IS HEREBY ORDERED**,  
11 **ADJUDGED, AND DECREED** as follows:

12 **FINDINGS**

13 1. This is an action by the Commission instituted under Sections  
14 13(b) and 19 of the FTC Act, 15 U.S.C. §§ 53(b) and 57b, the Telemarketing  
15 Act, 15 U.S.C. §§ 6101-6108, and the TSR, 16 C.F.R. Part 310. Pursuant to  
16 these Sections of the FTC Act and the Telemarketing Act, the Commission has  
17 the authority to seek the relief contained herein.

18 2. The Commission’s Complaint states a claim upon which relief  
19 may be granted under Sections 5(a), 13(b), and 19 of the FTC Act, 15 U.S.C.  
20 §§ 45(a), 53(b), and 57b, and Section 6(b) of the Telemarketing Act, 15 U.S.C.  
21 § 6105(b).

22 3. This Court has jurisdiction over the subject matter of this case  
23 and personal jurisdiction over the Stipulating Defendants.

24 4. Venue, process, and service of process are proper.

25 5. The activities of Stipulating Defendants, as alleged in the  
26 Complaint, are “in or affecting commerce” as “commerce” is defined in  
27 Section 4 of the FTC Act, 15 U.S.C. § 44.

28 6. Stipulating Defendants neither admit nor deny any of the  
allegations set forth in the Commission’s Complaint, except as specifically

1 | stated in this Order. Only for purposes of this action, Stipulating Defendants  
2 | admit the facts necessary to establish jurisdiction.

3 |         7.       Stipulating Defendants waive: (a) all rights to seek judicial  
4 | review or otherwise challenge or contest the validity of this Order; (b) any  
5 | claim that any of them may have against the Commission, its employees,  
6 | representatives, or agents; (c) all claims under the Equal Access to Justice Act,  
7 | 28 U.S.C. § 2412, *as amended by* Pub. L. 104-121, 110 Stat. 847, 863-64  
8 | (1996); and (d) any rights to attorney’s fees that may arise under said provision  
9 | of law. The Commission and Stipulating Defendants shall each bear their own  
10 | costs and attorney’s fees incurred in this action.

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

13 |         9.       Entry of this Order is in the public interest.

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1 electronic communication;

2 c. formulating or providing, or arranging for the formulation  
3 or provision of, any marketing support material or service, including but  
4 not limited to, web or Internet Protocol addresses or domain name  
5 registration for any Internet websites, affiliate marketing services, or  
6 media placement services;

7 d. providing names of, or assisting in the generation of,  
8 potential customers;

9 e. performing marketing, billing, or payment services of any  
10 kind; and

11 f. acting or serving as an owner, officer, director, manager,  
12 or principal of any entity.

13 3. **“Corporate Defendant”** means 3Point14 Consultants, LLC, also  
14 d/b/a Elite Planning Group, and its successors and assigns, as well as any  
15 subsidiaries, and any fictitious business entities or business names created or  
16 used by these entities, or any of them.

17 4. **“Defendants”** means the Individual Defendant and the Corporate  
18 Defendant, individually, collectively, or in any combination.

19 5. **“Document”** or **“Documents”** means any materials listed in  
20 Federal Rule of Civil Procedure 34(a) and includes writings, drawings, graphs,  
21 charts, photographs, audio and video recordings, computer records, and other  
22 data compilations from which information can be obtained and translated, if  
23 necessary, into reasonably usable form through detection devices. A draft or  
24 nonidentical copy is a separate Document within the meaning of the term.

25 6. **“Financial Institution”** means any bank, savings and loan  
26 institution, credit union, or any financial depository of any kind, including, but  
27 not limited to, any brokerage house, trustee, broker-dealer, escrow agent, title  
28 company, commodity trading company, or precious metal dealer.

7. **“Individual Defendant”** means Rares Stelea and by whatever

1 other names he may be known.

2 8. “**Person**” means a natural person, an organization or other legal  
3 entity, including a corporation, partnership, sole proprietorship, limited liability  
4 company, association, cooperative, or any other group or combination acting as  
5 an entity.

6 9. “**Plaintiff**” means the Federal Trade Commission (“Commission”  
7 or “FTC”).

8 10. “**Receiver**” means Peter S. Davis of Simon Consulting, LLC.

9 11. “**Stipulating Defendants**” means 3Point14 Consultants, LLC,  
10 also d/b/a Elite Planning Group and Rares Stelea; and their successors and  
11 assigns, as well as any subsidiaries, and any fictitious business entities or  
12 business names created or used by these entities, or any of them.

13 **I.**

14 **PROHIBITED PRACTICES**

15 **IT IS FURTHER ORDERED** that Stipulating Defendants and their  
16 officers, agents, servants, employees, attorneys, and all other persons in active  
17 concert or participation with any of them who receive actual notice of this  
18 Order by personal service or otherwise, whether acting directly or through any  
19 trust, corporation, partnership, limited liability company, subsidiary, division,  
20 or other device, in connection with procuring services from third parties  
21 including, but not limited to, affiliate networks, payment processors, banks or  
22 other financial institutions, marketing affiliates, customer service providers,  
23 lead brokers, web designers, and fulfillment houses, are permanently restrained  
24 and enjoined from:

25 A. Making, or assisting others in making, directly or indirectly,  
26 expressly or by implication, any false or misleading material representation,  
27 including, but not limited to, misrepresentations about:

28 1. The affiliation between any person or entity seeking to  
procure services and any other person or entity;

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1 merchant agreement between Stipulating Defendants and Global Payments,  
2 Inc., and/or Century Bankcard Services, LLC; and (2) the balance remaining in  
3 the 3Point14 account at Bank of America Bank into which processed credit  
4 card charges were deposited, in favor of the Receiver;

5 C. All funds paid pursuant to this Order shall be deposited into a  
6 fund administered by the Commission or its agent to be used for equitable  
7 relief, including, but not limited to, consumer redress, and any attendant  
8 expenses for the administration of such equitable relief. Stipulating Defendants  
9 shall cooperate fully to assist the Commission in identifying consumers who  
10 may be entitled to redress pursuant to this Order. If the Commission  
11 determines, in its sole discretion, that direct redress to consumers is wholly or  
12 partially impracticable or funds remain after redress is completed, the  
13 Commission may apply any remaining funds for such other equitable relief  
14 (including consumer information remedies) as it determines to be reasonably  
15 related to Defendants' practices alleged in the Complaint. Any funds not used  
16 for such equitable relief shall be deposited to the United States Treasury as  
17 disgorgement. Stipulating Defendants shall have no right to challenge the  
18 Commission's choice of remedies under this Section. Stipulating Defendants  
19 shall have no right to contest the manner of distribution chosen by the  
20 Commission. This judgment for equitable monetary relief is solely remedial in  
21 nature and is not a fine, penalty, punitive assessment or forfeiture;

22 D. Stipulating Defendants relinquish all dominion, control, and title  
23 to the funds paid to the fullest extent permitted by law. Stipulating Defendants  
24 shall make no claim to or demand for return of the funds, directly or indirectly,  
25 through counsel or otherwise;

26 E. In accordance with 31 U.S.C. § 7701, as amended, Stipulating  
27 Defendants are hereby required, unless they already have done so, to furnish to  
28 the Commission their taxpayer identifying numbers (social security number or  
employer identification number), which shall be used for purposes of collecting

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1 *however*, that, in all other respects, this Order shall remain in full force and  
2 effect, unless otherwise ordered by the Court; and

3 C. Any proceedings instituted under this Section shall be in addition  
4 to, and not in lieu of, any other civil or criminal remedies that may be provided  
5 by law, including, but not limited to, contempt proceedings, or any other  
6 proceedings that the Commission or the United States might initiate to enforce  
7 this Order. For purposes of this Section, Stipulating Defendants waive any  
8 right to contest any of the allegations in the Commission's Complaint.

9 **IV.**

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1 their possession, custody, or control within thirty (30) days after entry of this

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**VI.**  
**COMPLIANCE REPORTING**

1 Defendant must submit a compliance notice, sworn under penalty of perjury,  
2 within 14 days of any change in the following:

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

10 2. Additionally, Stipulating Defendant Rares Stelea must  
11 report any change in: (a) name, including aliases or fictitious name, or  
12 residence address; or (b) title or role in any business activity, including  
13 any business for which he performs services whether as an employee or  
14 otherwise and any entity in which he has any ownership interest, and  
15 identify its name, physical address, and Internet address, if any.

16 C. Each Stipulating Defendant must submit to the Commission  
17 notice of the filing of any bankruptcy petition, insolvency proceeding, or any  
18 similar proceeding by or against such Stipulating Defendant within 14 days of  
19 its filing.

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

26 E. Unless otherwise directed by a Commission representative in  
27 writing, all submissions to the Commission pursuant to this Order must be  
28 emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal  
Service) to: Associate Director for Enforcement, Bureau of Consumer

1 Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW,  
2 Washington, DC 20580. The subject line must begin: FTC v. ELH  
3 Consulting, LLC, et al. (FTC Matter No. X130004).

4 **VII.**

5 **RECORDKEEPING**

6 **IT IS FURTHER ORDERED** that Stipulating Defendants must create  
7 certain records for 20 years after entry of the Order, and retain each such record

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

9 B. For matters concerning this Order, the Commission is authorized  
10 to communicate directly with each Stipulating Defendant. Stipulating  
11 Defendant must permit representatives of the Commission to interview any  
12 employee or other person affiliated with any Stipulating Defendant who has  
13 agreed to such an interview. The person interviewed may have counsel  
14 present.

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

## 22 IX.

### 23 COOPERATION WITH FTC COUNSEL

24 **IT IS FURTHER ORDERED** that Stipulating Defendants shall, in  
25 connection with this action or any subsequent investigations related to or  
26 associated with the transactions or the occurrences that are the subject of the  
27 FTC’s Complaint, cooperate in good faith with the FTC and appear, or cause  
28 their officers, employees, representatives, or agents to appear, at such places  
and times as the FTC shall reasonably request, after written notice, for

1 interviews, conferences, pretrial discovery, review of documents, and for such  
2 other matters as may be reasonably requested by the FTC. If requested in  
3 writing by the FTC, Stipulating Defendants shall appear, or cause their officers,  
4 employees, representatives, or agents to appear, and provide truthful testimony  
5 in any trial, deposition, or other proceeding related to or associated with the  
6 transactions or the occurrences that are the subject of the Complaint, without  
7 the service of a subpoena.

8 **X.**

9 **DISSOLUTION OF ASSET FREEZE**

10 **IT IS FURTHER ORDERED** that the freeze on the assets of  
11 Stipulating Defendants pursuant to the Stipulated Preliminary Injunction  
12 entered in this action shall be lifted permanently. A financial institution shall  
13 be entitled to rely upon a letter from Plaintiff stating that the freeze on  
14 Stipulating Defendants' assets has been lifted.

15 **XI.**

16 **SEVERABILITY**

17 **IT IS FURTHER ORDERED** that the provisions of this Order are  
18 separate and severable from one another. If any provision is stayed or  
19 determined to be invalid, the remaining provisions shall remain in full force  
20 and effect.

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**XII.**

**JURISDICTION**

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

**IT IS SO ORDERED.**

DATED this 11<sup>th</sup> day of June, 2013.

