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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

**ASSET & CAPITAL
MANAGEMENT GROUP, *et al.*,**

Defendants.

Case No. 8:13-cv-01107-DSF-JC

**STIPULATED FINAL ORDER FOR
PERMANENT INJUNCTION AND
SETTLEMENT OF CLAIMS AS TO
DEFENDANTS THAI HAN, JIM
TRAN PHELPS, KEITH HUA,
ASSET & CAPITAL
MANAGEMENT GROUP, CROWN
FUNDING COMPANY, LLC,
WESTERN CAPITAL GROUP,
INC., CREDIT MP, LLC, AND ONE
FC, LLC**

Plaintiff, Federal Trade Commission (“FTC”), commenced this civil action on July 23, 2013, pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), and Section 814(a) of the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692l(a). On motion by the FTC, on July 24, 2013, this Court entered an *ex parte* temporary restraining order (“TRO”) with asset freeze, appointment of receiver, and other equitable relief against Defendants Asset & Capital Management Group, Crown Funding Company, LLC,

1 One FC, LLC, Credit MP, LLC, Western Capital Group, Inc., SJ Capitol, LLC,
2 Green Fidelity Allegiance, Inc., Thai Han, Jim Tran Phelps, Keith Hua, and James
3 Novella [Dkt. No. 13]. On August 19, 2013, the Court entered a Stipulated
4 Preliminary Injunction as to Defendants Thai Han, Jim Tran Phelps, Keith Hua,
5 Asset & Capital Management Group, Crown Funding Company, LLC, Western
6 Capital Group, Inc., Credit MP, LLC, and One FC, LLC (“Stipulated PI”) [Dkt.
7 No. 51]. The FTC, defendants Thai Han, Jim Tran Phelps, Keith Hua, Asset &
8 Capital Management Group, Crown Funding Company, LLC, Western Capital
9 Group, Inc., Credit MP, LLC, and One FC, LLC, and the Receiver have stipulated
10 and agreed to entry of this Final Order for Permanent Injunction and Settlement of
11 Claims (“Order”) to resolve all matters in dispute in this action between them.
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16 FINDINGS

17 By stipulation of the parties, the Court finds as follows:

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19 1. This is an action by the FTC instituted under Section 13(b) of the FTC Act,
20 15 U.S.C. § 53(b), and Section 814(a) of the FDCPA, 15 U.S.C. § 1692l(a).
21 The Complaint seeks both permanent injunctive relief and equitable
22 monetary relief for the Stipulating Defendants’ alleged deceptive acts or
23 practices as alleged therein.
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26 2. The FTC has the authority under Section 13(b) of the FTC Act and
27 Section 814(a) of the FDCPA to seek the relief it has requested, and the
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Complaint states a claim upon which relief can be granted against the
Stipulating Defendants.

3. This Court has jurisdiction over th

1 7. This action and the relief awarded herein are in addition to, and not in lieu
2 of, other remedies as may be provided by law, including both civil and
3 criminal remedies.

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5 8. Entry of this Order is in the public interest.

6 **DEFINITIONS**

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8 1. **“Consumer”** means any person.

9 2. **“Credit repair services”** means using any instrumentality of interstate
10 commerce or the mails to sell, provide, or perform any service, in return for
11 the payment of money or other valuable consideration, for the express or
12 implied purpose of (i) improving any consumer’s credit record, credit
13 history, or credit rating, or (ii) providing advice or assistance to any
14 consumer with regard to any activity or service described in clause (i).

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17 3. **“Debt”** means any obligation or alleged obligation to pay money arising out
18 of a transaction, whether or not such obligation has been reduced to
19 judgment.

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21 4. **“Debt collection activities”** means any activities of a debt collector to
22 collect or attempt to collect, directly or indirectly, a debt owed or due, or
23 asserted to be owed or due, another.

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26 5. **“Debt collector”** means any person who uses any instrumentality of
27 interstate commerce or the mails in any business the principal purpose of
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1 which is the collection of any debts, or who regularly collects or attempts to
2 collect, directly or indirectly, debts owed or due or asserted to be owed or
3 due another. The term also includes any creditor who, in the process of
4 collecting its own debts, uses any name other than its own which would
5 indicate that a third person is collecting (20000t(. The)-85hndicate that a third12 0 0 12 .
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1 9. **“Regulated depository institution”** means a national bank, a member bank
2 of the Federal Reserve System, a bank insured by the Federal Deposit
3 Insurance Corporation, a branch or agency of a foreign bank or commercial
4 lending company owned or controlled by a foreign bank, a Federal or State
5 savings association, a Federal credit union, or any other institution otherwise
6 regulated by the Federal Reserve Board, the Office of the Comptroller of the
7 Currency, the Federal Deposit Insurance Corporation, or the National Credit
8 Union Administration.
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12 10. **“Secured or unsecured debt relief product or service”** means, with
13 respect to any mortgage, loan, debt, or obligation between a person and one
14 or more secured or unsecured creditors or debt collectors, any product,
15 service, plan, or program represented, expressly or by implication, to
16
17 (A) negotiate, settle, or in any way alter the terms of payment or other terms
18 of the mortgage, loan, debt, or obligation, including but not limited to, a
19 reduction in the amount of interest, principal balance, monthly payments, or
20 fees owed by a person to a secured or unsecured creditor or debt collector;
21
22 (B) stop, prevent, or postpone any mortgage or deed of foreclosure sale for a
23 person’s dwelling, any other sale of collateral, any repossession of a
24 person’s dwelling or other collateral, or otherwise save a person’s dwelling
25 or other collateral from foreclosure or repossession; (C) obtain any
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1 forbearance or modification in the timing of payments from any secured or
2 unsecured holder of any mortgage, loan, debt, or obligation; (D) negotiate,
3 obtain, or arrange any extension of the period of time within which the
4 person may (i) cure his or her defa
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1 and Western Capital Group, Inc., and their successors, assigns, affiliates, or
2 subsidiaries, and each of them by whatever names each might be known.

- 3 13. **“Stipulating Defendants”** means the Stipulating Individual Defendants and
4 the Stipulating Corporate Defendants, individually, collectively, or in any
5 combination, and each of them by whatever names each might be known.
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8 **ORDER**

9 **BAN ON DEBT COLLECTION ACTIVITIES**

- 10 **I. IT IS THEREFORE ORDERED** that the Stipulating Defendants, whether
11 acting directly or through any other person, are permanently restrained and
12 enjoined from:
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- 14 A. Engaging in debt collection activities;
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16 B. Assisting others engaged in debt collection activities; and
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18 C. Advertising, marketing, promoting, offering for sale, or selling, or
19 assisting others engaged in the advertising, marketing, promoting,
20 offering for sale, or selling, of any portfolio of consumer or
21 commercial debt or any program that gathers, organizes, or stores
22 consumer information relating to a debt or debt collection activities.
23

24 *Provided*, that Section I.C. shall not prohibit a Stipulating Individual
25 Defendant from engaging in any activity involving or related to the
26 advertising, marketing, promoting, offering for sale, or selling of any
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1 portfolio of consumer or commercial debt, if the Stipulating Individual
2 Defendant is the employee of a regulated depository institution and engages
3 in the activity in the context of such employment. This proviso shall not be
4 construed to limit the licensing or regulatory powers of any federal, state, or
5 local government agency or other entity regulating depository institutions.
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8 **PROHIBITED MISREPRESENTATIONS RELATING TO FINANCIAL-**
9 **RELATED PRODUCTS OR SERVICES**
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- 1 2. Any person's ability to improve or otherwise affect a
2 consumer's credit record, credit history, or credit rating or
3 ability to obtain credit;
- 4 3. That any person can improve any consumer's credit record,
5 credit history, or credit rating by permanently removing
6 negative information from the consumer's credit record, credit
7 history, or credit rating, even where such information is
8 accurate and not obsolete;
- 9 4. Any aspect of any secured or unsecured debt relief product or
10 service, including but not limited to, the amount of savings a
11 consumer will receive from purchasing, using, or enrolling in
12 such secured or unsecured debt relief product or service; the
13 amount of time before which a consumer will receive
14 settlement of that consumer's debts; or the reduction or
15 cessation of collection calls;
- 16 5. That a consumer will receive legal representation;
- 17 6. That any particular outcome or result from a financial-related
18 product or service is guaranteed, assured, highly likely or
19 probable, or very likely or probable;
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7. The nature or terms of any refund, cancellation, exchange, or repurchase policy, including, but not limited to, the likelihood of a consumer obtaining a full or partial refund, or the circumstances in which a full or partial refund will be provided to the consumer; and

8. Any other fact material to consumers concerning any financial-related product or service, such as:

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

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A. Judgment in the amount of EIGHTY NINE MILLION, EIGHT HUNDRED TWENTY SIX THOUSAND, NINE HUNDRED AND EIGHTY SIX DOLLARS (\$89,826,986) is entered in favor of the FTC against the Stipulating Defendants, jointly and severally, as equitable monetary relief.

B. In partial satisfaction of the judgment against the Stipulating Defendants:

1. All financial institutions holding accounts in the name of, on behalf of, or for the benefit of, any Receivership Entity shall, within ten (10) business days

1 LLC, xxxx2778 in the name of Asset Portfolio Partners, LLC,
2 xxxx2779 in the name of Asset Portfolio Partners, LLC,
3 xxxx5271 in the name of Capital FC, LLC, xxxx5270 in the
4 name of Capital IG, LLC, xxxx6075 in the name of First
5 Planners United, LLC, xxxx4465 in the name of Global AG,
6 LLC, xxxx6067 in the name of Global Holding Services, LLC,
7 xxxx6067 in the name of Global AG, LLC, xxxx4087 in the
8 name of Han Dynasty, Inc., xxxx2073 in the name of New
9 Capital Holdings, LLC, xxxx6263 in the name of Revere
10 Recovery Group, LLC, xxxx5276 in the name of United CC
11 Holdings, LLC, xxxx2811 in the name of United Services
12 Partnership, LLC, xxxx5500 in the name of Alhambra
13 Enterprises, xxxx1274 in the name of Las Vegas Funding and
14 Financial, LLC, xxxx5274 in the name of National FC, LLC,
15 xxxx6037 in the name of National Services Partners, LLC,
16 xxxx5275 in the name of Portfolio MG, LLC, xxxx5281 in the
17 name of American PG, LLC, xxxx5279 in the name of Capital
18 FP, LLC, xxxx5280 in the name of First FF, LLC, xxxx5278 in
19 the name of First FG, LLC, xxxx7902 in the name of First FS,
20 LLC, xxxx8788 in the name of Freeman United Holdings, LLC,
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1 xxxx3884 in the name of Global Pacific Financial Services,
2 xxxx2788 in the name of Grant Services Management, LLC,
3 xxxx8658 in the name of Heinz Capital Financial, LLC,
4 xxxx3902 in the name of Leon Solutions Services, LLC,
5 xxxx7884 in the name of National IG, LLC, xxxx9741 in the
6 name of P&P Group Insurance, xxxx5282 in the name of
7 Pacific Holding Planners, LLC, xxxx6275 in the name of
8 Portfolio MG, LLC, and xxxx8087 in the name of Premier PG,
9 LLC;

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13 (b) Forte Payment Systems shall, within ten (10) business days
14 of receipt of a copy of this Order, transfer to the Receiver or his
15 designated agent all funds, if any, in account numbers
16 xxxx4995 in the name of Western Capital Group, Inc.,

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1 Partnership, LLC, xxxx6217 in the name of United FP, Inc.,
2 xxxx5768 in the name of Las Vegas Funding & Financial,
3 xxxx7386 in the name of National FC, LLC, xxxx8652 in the
4 name of National Services Partners, LLC, xxxx7387 in the
5 name of Portfolio MG, LLC, xxxx9068 in the name of
6 American PG, LLC, xxxx7834 in the name of First FF LLC,
7 xxxx9069 in the name of First FG, LLC, xxxx7833 in the name
8 of First FS LLC, xxxx9065 in the name of Freeman United
9 Holdings, LLC, xxxx9066 in the name of Heinz Capital
10 Financial LLC, xxxx7832 in the name of National IG LLC, and
11 xxxx9067 in the name of Pacific Holding Planners, LLC;

12 (d) JP Morgan Chase Bank shall, within ten (10) business days
13 of receipt of a copy of this Order, transfer to the Receiver or his
14 designated agent all funds, if any, in account numbers
15 xxxx7540 in the name of Portfolio MG, LLC, xxxx7524 in the
16 name of First Grant Holdings, LLC, and xxxx2228 in the name
17 of Pacific Holding Planners, LLC; and

18 (e) Wells Fargo Bank shall, within ten (10) business days of
19 receipt of a copy of this Order, transfer to the Receiver or his
20 designated agent all funds, if any, in account numbers
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xxxx9438 in the name of Capital IG, LLC, xxxx3891 in the
name of First CG, Inc., xxxx4912 in the name of First CG, Inc.,
xxxx3945 in the name of One World Film Ventures LLC,
xxxx1445 in the name of United FP, Inc., xxxx0995 in the
name of United FP, Inc., xxxx8895 in the name of Web Audict,
xxxx0537 in the name of Web Audict, xxxx9436 in the name of
First Franklin Holdings Inc., xxxx4953 in the name of First
Franklin Holdings Inc., xxxx2422 in the name of Individual
Security Investor Services, xxxx2714 in the name of Individual
Security Investor Services, xxxx7719 in the name of Las Vegas
Funding & Financial, LLC, xxxx9772 in the name of Las Vegas
Funding & Financial, LLC, xxxx9444 in the name of First
Technology Services, xxxx4946 in the name of First
Technology Services, xxxx6861 in the name of Ish Inc.,
xxxx9291 in the name of Ish Inc., xxxx0511 in the name of

1 2. Ally Bank shall, within ten (10) business days from receipt of a
2 copy of this Order, (i) transfer to the FTC or its designated
3 agent all funds, if any, in account number xxxx1113 in the
4 name of Thai & Sarah Han and account number xxxx8716 in
5 the name of Thai & Sarah Han; and (ii) liquidate certificate of
6 deposit number xxxx2150 in the name of Thai & Sarah Han and
7 certificate of deposit number xxxx0981 in the name of Thai &
8 Sarah Han, and transfer the proceeds of such liquidation to the
9 FTC or its designated agent;
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13 3. Defendant Han shall, within ten (10) business days from receipt
14 of a copy of this Order, transfer to the Receiver title to (i) the
15 2010 Mercedes C63 identified on his financial statement, and
16 (ii) the 2011 BMW X6M identified on his financial statement.
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18 Defendant Han shall cooperate fully with th
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1 4. Defendant Han shall, within twenty-one (21) days from receipt
2 of a copy of this Order, transfer to the Receiver title to the real
3 property located at 19648 Mulberry Drive, Walnut, California.
4 Defendant Han shall cooperate fully with the Receiver and shall
5 execute any instrument or document presented by the Receiver,
6 and do whatever else the Receiver deems necessary or desirable
7 to effect such transfer. Upon such transfer, the real property
8 shall be an asset of the receivership estate, to be governed by
9 Section V of this Order; provided, however, that upon the sale
10 of such real property, the Receiver shall transfer to the Internal
11 Revenue Service (“IRS”) from the net sales proceeds an amount
12 equal to the lesser of (i) \$1,699,967 or (ii) the net sales
13 proceeds, as partial payment of Defendant Han’s outstanding
14 federal tax liability; provided, further, that if for any reason and
15 at any time, the IRS rejects, refunds, or otherwise returns to
16 Defendant Han, in whole or in part, the payment contemplated
17 by this subsection, then within five (5) days of receipt of such
18 refund or return from the IRS, Defendant Han shall transfer the
19 returned funds to the FTC or its designated agent;
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- 1 5. Defendant Han shall, within two (2) months, either (i) transfer
2 to the FTC or its designated agent cash in the amount of
3 \$50,000, or (ii) transfer to the Receiver title to the real property
4 located at 70 Deermont, Irvine, California, in which case
5 Defendant Han shall cooperate fully with the Receiver and shall
6 execute any instrument or document presented by the Receiver,
7 and do whatever else the Receiver deems necessary or desirable
8 to effect such transfer. Upon such transfer, the real property
9 shall be an asset of the receivership estate, to be governed by
10 Section V of this Order, provided that Defendant Han shall
11 have the right of first offer on any sale of such property;
12
13 6. Funds in the amount of \$698,867.38 transferred from counsel
14 for the Stipulating Defendants to the Receiver on November 5,
15 2013 and that constitute the amount of funds repatriated by the
16 Stipulating Individual Defendants shall be assets of the
17 receivership estate, to be governed by Section V of this Order;
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19 7. Defendant Phelps shall, within ten (10) business days from
20 receipt of a copy of this Order, transfer to the FTC or its
21 designated agent, cash in the amount of \$10,000;
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8. Defendant Phelps shall, within ten (10) business days from receipt of a copy of this Order, transfer to the Receiver title to (i) the 2010 Aston Martin Vantage V12 identified on his financial statement and (ii) the 2010 Cadillac CTS-V identified on his financial statement. Defendant Phelps shall cooperate fully with the Receiver and shall execute any instrument or document presented by the Receiver, and do whatever else the Receiver deems necessary or desirable to effect such transfers. Upon such transfers, the vehicles shall be assets of the receivership estate, to be governed by Section V of this Order;

9. Defendant Hua shall, within ten (10) business days from receipt of a copy of this Order, transfer to the Receiver title to the 2007 BMW M6 identified on his financial statement. Defendant Hua shall cooperate fully with the Receiver and shall execute any instrument or document presented by the Receiver, and do whatever else the Receiver deem

1 C. Upon completion of the asset transfers identified in this Section, the
2 remainder of the judgment is suspended as to the Stipulating
3 Individual Defendants, subject to the Subsections below.

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5 D. The asset freeze is modified to permit the transfers identified in this
6 Section. Upon completion of those transfers, the asset freeze is
7 dissolved.

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9 E. The FTC's agreement to the suspension of the judgment against the
10 Stipulating Individual Defendants is expressly premised upon the
11 truthfulness, accuracy, and completeness of the Stipulating
12 Defendants' sworn financial statements and related documents
13 (collectively, "financial statements") submitted to the FTC, namely
14 (i) the Financial Statement of Individual Defendant Thai Han signed
15 on August 5, 2013, including its attachments; (ii) the Financial
16 Statement of Individual Defendant Jim Tran Phelps signed on
17 August 5, 2013, including its attachments; (iii) the Financial
18 Statement of Individual Defendant Keith Hua signed on August 5,
19 2013, including its attachments; (iv) the Financial Statement of
20 Corporate Defendant Asset & Capital Management Group signed by
21 Thai Han on August 15, 2013, including its attachments; (v) the
22 Financial Statement of Corporate Defendant Crown Funding
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1 Company, LLC signed by Thai Han on August 15, 2013, including its
2 attachments; (vi) the Financial Statement of Corporate Defendant
3 Western Capital Group, Inc. signed by Thai Han on August 15, 2013,
4 including its attachments; (vii) the Financial Statement of Corporate
5 Defendant Credit MP, LLC signed by Thai Han on August 16, 2013,
6 including its attachments; and (viii) the Financial Statement of
7 Corporate Defendant One FC, LLC signed by Thai Han on August 16,
8 2013, including its attachments.

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11 F. The suspension of the judgment will be lifted as to a Stipulating
12 Individual Defendant if, upon motion by the FTC, the Court finds that
13 the Stipulating Individual Defendant failed to disclose any material
14 asset, materially misstated the value of any asset, or made any other
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1 H. All money paid to the FTC pursuant to this Order may be deposited
2 into a fund administered by the FTC or its designee to be used for
3 equitable relief, including but not limited to consumer redress and any
4 attendant expenses for the administration of any redress funds. If a
5 representative of the FTC decides that direct redress to consumers is
6 wholly or partially impracticable or money remains after redress is
7 completed, the FTC may apply any remaining money for such other
8 equitable relief, including but not limited to consumer information
9 remedies, as the FTC determines to be reasonably related to the
10 practices alleged in the Complaint. Any money not used for such
11 equitable relief is to be deposited to the United States Treasury as
12 equitable disgorgement. The Stipulating Defendants have no right to
13 challenge any actions the FTC or its representatives may take pursuant
14 to this Subsection.
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20 I. To ensure this Order effectuates disgorgement, Defendant Han shall
21 not, directly or indirectly, take any deduction, capital loss, or other tax
22 benefit on any federal or state tax return for any asset transfer made to
23 the Receiver or FTC pursuant to this Order. Within fourteen (14)
24 days of receipt of a written request from the FTC, Defendant Han
25 shall take all necessary steps, including but not limited to filing with
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1 the IRS a completed IRS Form 4506 or 8821, to cause the IRS or
2 other tax authority to provide information directly to the FTC.

3 J. The Stipulating Defendants relinquish dominion and all legal and
4 equitable right, title, and interest in all assets transferred pursuant to
5 this Order and may not seek the return of any assets.

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

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

17
18 M. The Stipulating Defendants acknowledge that their Taxpayer
19 Identification Numbers (Social Security Numbers or Employer
20 Identification Numbers), which the Stipulating Defendants previously
21 submitted to the FTC, may be used for collecting and reporting on any
22 delinquent amount arising out of this Order, in accordance with 31
23 U.S.C. § 7701.
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1 occurrences that are the subject of the Complaint. The Stipulating
2 Defendants must provide truthful and complete information, evidence and
3 testimony. The Stipulating Individual Defendants must appear and the
4 Stipulating Corporate Defendants must cause their officers, employees,
5 representatives, or agents to appear for interviews, discovery, hearings,
6 trials, and any other proceedings that an FTC representative may reasonably
7 request upon 5 days written notice, or other reasonable notice, at such places
8 and times as an FTC representative may designate, without the service of a
9 subpoena.
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1 (1) all principals, officers, directors, and LLC managers and members;
2 (2) all employees, agents, and representatives who participate in
3 conduct related to the subject matter of the Order; and (3) any
4 business entity resulting from any change in structure as set forth in
5 the Section titled Compliance Reporting. Delivery must occur within
6 7 days of entry of this Order for current personnel. To all others,
7 delivery must occur before they assume their responsibilities.
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10 C. From each individual or entity to which a Stipulating Defendant
11 delivered a copy of this Order, that Stipulating Defendant must obtain,
12 within 30 days, a signed and dated acknowledgment of receipt of this
13 Order.
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1 of that Stipulating Defendant's businesses by all of their names,
2 telephone numbers, and physical, postal, email, and Internet
3 addresses; (c) describe the activities of each business, including
4 the products and services offered, the means of advertising,
5 marketing, and sales, and the involvement of any other
6 Defendant (which the Stipulating Individual Defendants must
7 describe if they know or should know due to their own
8 involvement); (d) describe in detail whether and how that
9 Stipulating Defendant is in compliance with each Section of
10 this Order; and (e) provide a copy of each Order
11 Acknowledgment obtained pursuant to this Order, unless
12 previously submitted to the FTC;
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- 17 2. Additionally, each Stipulating Individual Defendant must:
18 (a) identify all telephone numbers and physical, postal, email,
19 and Internet addresses, including all residences; (b) identify all
20 business activities, including any business for which such
21 Stipulating Individual Defendant performs services whether as
22 an employee or otherwise and any entity in which such
23 Stipulating Individual Defendant has any ownership interest;
24 and (c) describe in detail such Stipulating Individual
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1 Defendant's involvement in each such business, including title,
2 role, responsibilities, participation, authority, control, and any
3 ownership.
4

5 B. For 20 years following entry of this Order, each Stipulating Defendant
6 must submit a compliance notice, sworn under penalty of perjury,
7 within 14 days of any change in the following:
8

9 1. Each Stipulating Defendant must report any change in: (a) any
10 designated point of contact; or (b) the structure of any
11 Stipulating Corporate Defendant or any entity that such
12 Stipulating Defendant has any ownership interest in or directly
13 or indirectly controls that may affect compliance obligations
14 arising under this Order, including: creation, merger, sale, or
15 dissolution of the entity or any subsidiary, parent, or affiliate
16 that engages in any acts or practices subject to this Order.
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18 2. Additionally, each Stipulating Individual Defendant must report
19 any change in: (a) name, including aliases or fictitious name, or
20 residence address; or (b) title or role in any business activity,
21 including any business for which such Stipulating Individual
22 Defendant performs services whether as an employee or
23 otherwise and any entity in which such Stipulating Individual
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1 Defendant has any ownership interest, and identify its name,
2 physical address, and Internet address, if any.

- 3 C. Each Stipulating Defendant must submit to the FTC notice of the
4 filing of any bankruptcy petition, insolvency proceeding, or any
5 similar proceeding by or against such Stipulating Defendant within 14
6 days of its filing.
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- 8 D. Any submission to the FTC required by this Order to be sworn under
9 penalty of perjury must be true and accurate and comply with 28
10 U.S.C. § 1746, such as by concluding: “I declare under penalty of
11 perjury under the laws of the United States of America that the
12 foregoing is true and correct. Executed on: _____” and supplying the
13 date, signatory’s full name, title (if applicable), and signature.
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- 15 E. Unless otherwise directed by a FTC representative in writing, all
16 submissions to the FTC pursuant to this Order must be emailed to
17 DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal
18 Service) to: Associate Director for Enforcement, Bureau of Consumer
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1 **IX. IT IS FURTHER ORDERED** that the Stipulating Defendants must create
2 certain records for 20 years after entry of the Order, and retain each such
3 record for 5 years. Specifically, each Stipulating Corporate Defendant and
4 each Stipulating Individual Defendant for any business in which such
5 Stipulating Individual Defendant, individually or collectively with any other
6 Defendants, is a majority owner or directly or indirectly controls, must
7 maintain the following records:
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- 10 A. Accounting records showing the revenues from all goods or services
11 sold, all costs incurred in generating those revenues, and the resulting
12 net profit or loss;
 - 13 B. Personnel records showing, for each person providing services,
14 whether as an employee or otherwise, that person's: name, addresses,
15 and telephone numbers; job title or position; dates of service; and, if
16 applicable, the reason for termination;
 - 17 C. Complaints and refund requests, whether received directly or
18 indirectly, such as through a third party, and any response;
 - 19 D. All records necessary to demonstrate full compliance with each
20 provision of this Order, including all submissions to the FTC; and
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 - 22 E. A copy of each advertisement or other marketing material.
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COMPLIANCE MONITORING

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X. IT IS FURTHER ORDERED that, for the purpose of monitoring the Stipulating Defendants’ compliance with this Order, including the financial representations upon which part of the judgment was suspended and any failure to transfer any assets as required by this Order:

A. Within 14 days of receipt of a written request from a representative of

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

ENTRY OF JUDGMENT

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XI. IT IS FURTHER ORDERED that there is no just reason for delay of entry of this judgment, and that, pursuant to Federal Rule of Civil Procedure 54(b), the Clerk immediately shall enter this Order as a final judgment as to defendants Thai Han, Jim Tran Phelps, Keith Hua, Asset & Capital Management Group, Crown Funding Company, LLC, Western Capital Group, Inc., Credit MP, LLC, and One FC, LLC.

RETENTION OF JURISDICTION

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

IT IS SO ORDERED, May 19, 2014.



DALE S. FISCHER
United States District Judge