

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 14-23879-CIV-ALTONAGA/O'Sullivan

FEDERAL TRADE COMMISSION,

Plaintiff,
vs.

CENTRO NATURAL CORP., *et al.*,

Defendants, and

BIONORE, INC., *et al.*,

Relief Defendants.

**STIPULATED ORDER FOR PERMANENT INJUNCTION AND MONETARY
JUDGMENT AS TO DEFENDANT SUSANA SUMBRE AND RELIEF DEFENDANTS
JORGE SUMBRE AND JAGER INTERNATIONAL, INC.**

Plaintiff, the Federal Trade Commission (“FTC”) filed its First Amended Complaint (ECF No. 14) for a permanent injunction and other equitable relief in this matter, pursuant to Sections 13(b) and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b) and 57b, Section 814 of the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692l, and the Telemarketing and Consumer Fraud and Abuse Prevention Act (“Telemarketing Act”), 15 U.S.C. §§ 6101–6108. (*See generally* First Am. Compl.) The FTC, Defendant Susana Sumbre, and Relief Defendants, Jorge Sumbre and Jager International, Inc. (collectively, “Sumbre Defendants”), 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 First Amended Complaint charges the Defendants participated in deceptive acts or practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the FDCPA, 15 U.S.C. §§ 1692–1692p, and the FTC's Trade Regulation Rule entitled "Telemarketing Sales Rule," 16 C.F.R. Part 310.

3. The Sumbre Defendants neither admit nor deny any of the allegations in the First Amended Complaint, except as specifically stated in this Order. Only for purposes of this action, the Sumbre Defendants admit the facts necessary to establish jurisdiction.

4. The Sumbre Defendants waive any claim they may have under the Equal Access

term also includes any person to the extent such person receives an assignment or transfer of a debt in default solely for the purpose of facilitating collection of such debt.

3. **“Defendants”** means Defendants Centro Natural Corp, Sumore, L.L.C., Javier Sumbre, Jessica Anzola, Carolina Orellana, Damian Biondi, Susana Sumbre, individually, collectively, or in any combination.

4. **“FTC”** means the Federal Trade Commission.

5. **“Hialeah Property”** means the property located at 10000 NW 80 Ct. Apt. # 2156, Hialeah, Florida.

6. **“Receiver”** means Scott Dimond, appointed in Section X of the Stipulated Preliminary Injunction (ECF No. 131) and Section XIII of the litigated Preliminary Injunction (ECF No. 152), and any deputy receivers that shall be named by Mr. Dimond.

7. **“Sumbre Defendants”** means Defendant Susana Sumbre and Relief Defendants Jorge Sumbre and Jager International, Inc., individually, collectively, or in any combination.

8. **“Telemarketing”** means any plan, program, or campaign that is conducted to induce the purchase of goods or services or a charitable contribution by use of one or more telephones.

II. BAN REGARDING DEBT COLLECTION ACTIVITIES

IT IS HEREBY ORDERED that Susana Sumbre is permanently restrained and enjoined from engaging in Debt Collection Activities or assisting others engaged in Debt Collection Activities, whether directly or through an intermediary.

III. BAN ON TELEMARKETING

IT IS FURTHER ORDERED that Susana Sumbre is permanently restrained and enjoined from engaging in Telemarketing or assisting others engaged in Telemarketing, whether directly or through an intermediary.

IV. PROHIBITION AGAINST MISREPRESENTATIONS

IT IS FURTHER ORDERED that Susana Sumbre and her officers, agents, servants, 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:

V. MONETARY JUDGMENT AND PARTIAL SUSPENSION

IT IS FURTHER ORDERED that:

A. Judgment in the amount of one **million five hundred twenty-eight thousand and one hundred forty two dollars (\$1,528,142)** is entered in favor of the FTC against

Susana Sumbre as equitable monetary relief. Furthe2(nst)5(),7 ajud-11(e)10(ment)-162mount Ssan-c

to Jorge and Susana Sumbre.

4. In the event that 50% of the sale proceeds, net of costs and fees, from the sale of the Hialeah Property equals less than \$31,000, the Sumbre Defendants shall make up the difference to the FTC by a cash payment. Said cash payment shall be made within seven (7) days of the sale closing on the Hialeah Property, by electronic fund transfer in accordance with instructions provided by FTC counsel.

C. Upon complete payment by the Sumbre Defendants of one hundred and twenty-six thousand dollars (\$126,000), as set forth in this Section V.B, the remainder of the judgments are suspended, subject to Section V.D–F.

D. The FTC's agreement to the suspension of part of the judgments is expressly premised upon the truthfulness, accuracy, and completeness of the Sumbre Defendants' sworn Financial Statements and related documents (collectively, "financial representations") submitted to the FTC, namely:

1. the Financial Statement of Susana Sumbre signed on November 17, 2014, including the attachments;
2. the Financial Statement of Jorge Sumbre signed on November 17, 2014, including the attachments; and
3. the Financial Statement of Jager International, Inc. signed by Jorge Sumbre, President, on November 24, 2014, including the attachments.

E. The suspension of the judgments listed in Section V.A will be lifted as to the Sumbre Defendants if, upon motion by the FTC, the Court finds that the Sumbre Defendants failed to disclose any material asset, materially misstated the value of any

asset, or made any other material misstatement or omission in the financial representations identified above.

F. If the suspension of the judgments is lifted, the judgments become immediately due as to the Sumbre Defendants in the amounts specified in Section V.A (which the

VIII. COOPERATION

IT IS FURTHER ORDERED that the Sumbre Defendants must fully cooperate with representatives of the FTC in this case and in any investigation related to or associated with the transactions or the occurrences that are the subject of the First Amended Complaint. The Sumbre Defendants must provide truthful and complete information, evidence, and testimony. The Sumbre Defendants must appear or must cause their officers, employees, representatives, or agents to appear for interviews, discovery, hearings, trials, and any other proceedings that an FTC representative may reasonably request upon five (5) days written notice, or other reasonable notice, at such places and times as an FTC representative may designate, without the service of a subpoena.

IX. ORDER ACKNOWLEDGMENTS

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

- A. Each Sumbre Defendant, within seven (7) days of entry of this Order, must submit to the FTC an acknowledgment of receipt of this Order sworn under penalty of perjury.
- B. For five (5) years after entry of this Order, Susana Sumbre only, for any business that she, individually or collectively with any other Defendants, is the majority owner or controls directly or indirectly, must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees, agents, and representatives who participate in conduct related to the subject matter of this 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 Susana Sumbre delivered a copy of this Order, she must obtain, within thirty (30) days, a signed and dated acknowledgment of receipt of this Order.

X. COMPLIANCE REPORTING

IT IS FURTHER ORDERED that Susana Sumbre make timely submissions to the FTC:

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

1. Susana Sumbre 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 Susana Sumbre performs services whether as an employee or otherwise and any entity in which she has any ownership interest; (c) describe in detail Susana Sumbre's involvement in each such business, including title, role, responsibilities, participation, authority, control, and any ownership; (d) identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the FTC may use to communicate with her; (e) identify all of Susana Sumbre's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses; (f) 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

D. Any submission to the FTC 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 an FTC representative in writing, all submissions to the FTC 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. Susana Sumbre et al., X150002.

XI. RECORDKEEPING

IT IS FURTHER ORDERED that Susana Sumbre must create certain records for ten (10) years after entry of the Order, and retain each such record for five (5) years. Specifically, Susana Sumbre, for any business that she, 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 in A-3(as)-1690a and c refund requests-3(-) - TJETBT1 0 0 1 4128.1

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.

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

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.

DONE AND ORDERED in Chambers at Miami, Florida, this 26th day of June, 2015.



CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: counsel of record

Handwritten signature

6/24/2015

