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1	2.	The Commission's complaint states a claim upon which relief may be
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1	ii. Provide Outlets, Accounts, or Customers, including, but not
2	limited to, Internet outlets, accounts, or customers, for the
3	purchaser's goods or services; or
4	iii. Buy back any or all of the goods or services that the
5	purchaser makes, produces, fabricates, grows, breeds,
6	modifies, or provides, including but not limited to providing
7	payment for such services as, for example, stuffing envelopes
8	from the purchaser's home.
9	2. <b>"Business Opportunity Rule</b> " means the FTC Rule entitled "Disclosure
10	Requirements and Prohibitions Concerning Business Opportunities," 16 C.F.R. Part 437,
11	as amended.
12	3. <b>"Business Opportunity Seller</b> " means a Person who offers for sale or sells
13	a business opportunity.
14	4. " <b>Corporate Defendants</b> " means Money Now Funding, LLC, a/k/a Money
15	Now Funded, a/k/a Cash4Businesses, a/k/a CashFourBusinesses, a/k/a Green Merchant
16	Funding, a/k/a Nationwide Lending, Rose Marketing, LLC, DePaola Marketing, LLC,
17	Affiliate Marketing Group, LLC, Legal Doxs, LLC, a/k/a First Business, LLC, US Doc
18	Assist, LLC, a/k/a First Business, LLC, Affinity Technologies, LLC, Marketing Expert
19	Solutions, LLC, Strategic Media Advertising, LLC, Global Network Marketing, LLC,
20	Precise Payroll Services, LLC, and their successors and assigns.
21	5. "Defendants" means the Individual Defendants and Corporate Defendants,
22	individually, collectively, or in any combination.
23	6. " <b>Designated Person</b> " means any Person, other than the Business
24	Opportunity Seller, whose goods or services the Business Opportunity Seller suggests,
25	recommends, or requires that the purchaser use in establishing or operating a New
26	Business.
27	7. "Individual Defendants" means Lukeroy K. Rose, a/k/a Luke Rose,
28	Cordell Bess, Cynthia Miller, a/k/a Cynthia Metcalf, Solana DePaola, Jennifer Beckman,

1	William D. Claspell, a/k/a Bill Claspell, Richard Frost, Dino Mitchell, Clinton Rackley,
2	Lance Himes, a/k/a Lance R. Himes, a/k/a Raymond L. Himes, Leary Darling, Donna F.
3	Duckett, Della Frost, also d/b/a Zoom Docs, Christopher Grimes, also d/b/a Elite
4	Marketing Strategies, Alannah M. Harre, also d/b/a National Marketing Group, Ronald
5	W. Hobbs, a/k/a Ron Hobbs, also d/b/a Ron Hobbs & Associates, Janine Lilly, also d/b/a
6	Doc Assistant, Michael McIntyre, also d/b/a McIntyre Marketing, Benny Montgomery,
7	also d/b/a Montgomery Marketing, Virginia Rios, also d/b/a V&R Marketing Solutions
8	and Kendrick Thomas, also d/b/a KT Advertising.
9	8. "National Do Not Call Registry" means the registry of telephone numbers
10	maintained by the FTC, pursuant to the Telemarketing Sales Rule, 16 C.F.R.
11	§ 310.4(b)(1)(iii)(B), of Persons who do not wish to receive Outbound Telephone Calls to
12	induce the purchase of goods or services.
13	9. " <b>New Business</b> " means a business in which the prospective purchaser is
14	not currently engaged, or a new line or typ2.765iM1(Thomas17epura6lept nLaN7 TD.0023 T1
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1	13.	"Representatives" means Defendant Rackley's officers, agents, servants,
2	employees, a	and attorneys, and all other Persons in active concert or participation with any
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1	В.	Holding any ownership interest, share, or stock in any business, other than
2	a publicly tra	aded company, that engages in Telemarketing.

However, this Section shall not prohibit Defendant Rackley from responding by
telephone to consumer inquiries regarding the sale of goods or services, so long as
payment or authorization of payment is made only after a face-to-face meeting with the
consumer.

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## II.

8 Ban on the Sale of Business or Work-at-Home Opportunities
 9 IT IS FURTHER ORDERED Defendant Rackley, whether acting directly or
 10 through an intermediary, is permanently restrained and enjoined from:

A. Advertising, marketing, promoting, or offering for sale or assisting in the
advertising, marketing, promoting, or offering for sale of any (1) Business Opportunity,
(2) Work-at-home Opportunity, or (3) service to assist in the creation, advertising,
marketing, promotion, or operation of a Business Opportunity or Work-at-home
Opportunity, including, but not limited to, website development, advertising, marketing,
sale of leads or lead generation, social media promotion, search engine optimization,
training, and business establishment services; and

18 Β. Holding any ownership interest, share, or stock in any business, other than 19 a publicly traded company, that engages in or assists in advertising, marketing, 20 promoting, or offering for sale of any (1) Business Opportunity, (2) Work-at-Home 21 Opportunity, or (3) service to assist in the creation, advertising, marketing, promotion, or 22 operation of a Business Opportunity or Work-at-Home Opportunity, including, but not 23 limited to, website development, advertising, marketing, sale of leads or lead generation, 24 social media promotion, search engine optimization, training, and business establishment 25 services.

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1		III.
2		Prohibition Against Misrepresentations
3	IT IS	<b>SORDERED</b> Defendant Rackley and his Representatives, whether acting
4	directly or in	ndirectly, in connection with the advertising, marketing, promotion, offering
5	for sale, or s	sale of any products or services other than those banned by Sections I or II of
6	this Order, a	are permanently restrained and enjoined from misrepresenting or assisting
7	others in mi	srepresenting, expressly or by implication:
8	А.	That Defendant Rackley or any other Person offers, sells, or provides loans
9	or cash adva	ances;
10	В.	The amount of income, earnings, or profits that a Person may or is likely to
11	earn, or that	other Persons have earned;
12	C.	That Defendant Rackley or any other Person will provide, locate, or obtain
13	leads contai	ning the names or contact information of Persons potentially interested in
14	products or	services Defendant Rackley or any other Person purports to offer;
15	D.	That Defendant Rackley or any other Person will contact, sell, or provide
16	services to b	businesses consumers refer;
17	E.	The total cost to purchase, receive, or use any products or services; or
18	F.	Any material aspect of the performance, efficacy, nature, or central
19	characteristi	cs of any product or service.
20		IV.
21		Monetary Judgment
22	IT IS	FURTHER ORDERED that:
23	А.	Judgment in the amount of One Hundred Seventy-Nine Thousand, Nine
24	Hundred Se	eventy-Six Dollars and Fifty-Two Cents (\$179,976.52) is entered in favor of
25	the Commis	sion against Defendant Rackley as equitable monetary relief.
26	В.	All payments under this Order must be made by electronic fund transfer in
27	accordance	with instructions provided by a representative of the Commission.
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1	consumers is wholly or partially impracticable or money remains after redress is
2	completed, the Commission may apply any remaining money for such other equitable
3	relief (including consumer information remedies) as it determines to be reasonably
4	related to Defendants' practices alleged in the Complaint. Any money not used for such
5	equitable relief is to be deposited to the U.S. Treasury as disgorgement. Defendant
6	Rackley has no right to challenge any actions the Commission or its representatives may
7	take pursuant to this Subsection.
8	V.
9	Lifting of Asset Freeze
10	IT IS FURTHER ORDERED the asset freeze set forth in the Preliminary
11	Injunction Order (Doc. 95) entered by this Court on September 13, 2013, is modified to
12	permit the payments and transfers identified in Section IV of this Order. Upon
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1	C. Failing to destroy such customer information in all forms in Defendant
2	Rackley's possession, custody, or control within thirty (30) days after receipt of written
3	direction to do so from a representative of the Commission.
4	However, that customer information need not be disposed of, and may be
5	disclosed, to the extent requested by a government agency or required by law, regulation,
6	or court order.
7	VII.
8	Cooperation
9	IT IS FURTHER ORDERED Defendant Rackley must fully cooperate with
10	representatives of the Commission in this case and in any investigation related to or
11	associated with the transactions or the occurrences that are the subject of the Complaint.
12	Defendant Rackley must provide truthful and complete information, evidence, and
13	testimony. Defendant Rackley must appear for interviews, discovery, hearings, trials, and
14	any other proceedings that a Commission representative may reasonably request upon
15	five (5) days written notice, or other reasonable notice, at such places and times as a
16	Commission representative may designate, without the service of a subpoena.
17	VIII.
18	Order Acknowledgments
19	IT IS FURTHER ORDERED that Defendant Rackley obtain acknowledgments
20	of receipt of this Order as follows.
21	A. Defendant Rackley, within seven (7) days of entry of this Order, must
22	submit to the Commission an acknowledgment
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1	from any change in structure as set forth in the Section titled Compliance Reporting.
2	Delivery must occur within seven (7) days of entry of this Order for current personnel.
3	For all others, delivery must occur before they assume their responsibilities.
4	C. From each individual or entity to which Defendant Rackley delivered a
5	copy of this Order, Defendant Rackley must obtain, within thirty (30) days, a signed and
6	dated acknowledgment of receipt of this Order.
7	IX.
8	Compliance Reporting
9	IT IS FURTHER ORDERED Defendant Rackley make timely submissions to
10	the Commission as follows.
11	A. One year after entry of this Order, Defendant Rackley must submit a
12	compliance report, sworn under penalty of perjury, which must:
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1	5)	Describe the activities of each business, including the goods and
2		services offered, the means of advertising, marketing, and sales, and
3		the involvement of any other Defendant in the case of FTC v. Money
4		Now Funding (which Defendant Rackley must describe if he knows
5		or should know due to his own involvement);
6	6)	Describe in detail whether and how Defendant Rackley is in
7		compliance with each Section of this Order; and
8	7)	Provide a copy of each Order Acknowledgment obtained pursuant to
9		this Order68 2t95 0 TD0 Tc( )Tj/TT2 1 Tf1.9355 0 TD0003 Tc0009 Tw2
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1	D.	Any submission to the Commission required by this Order to be sworn
2	under penal	ty of perjury must be true and accurate and comply with 28 U.S.C. § 1746,
3	such as by c	concluding: "I declare under penalty of perjury under the laws of the United
4	States of An	nerica that the foregoing is true and correct. Executed on:" and
5	supplying th	he date, signatory's full name, title (if applicable), and signature.
6	E.	Unless otherwise directed by a Commission representative in writing, all
7	submissions	s to the Commission pursuant to this Order must be emailed to
8	DEbrief@ft	c.gov or sent by overnight courier (not the U.S. Postal Service) to:
9		Associate Director for Enforcement Bureau of Consumer Protection
10		Federal Trade Commission 600 Pennsylvania Avenue NW
11		Washington, DC 20580
12	The subject	line must begin: FTC v. Clinton Rackley, Matter No. X130063.
13		Х.
14		Recordkeeping
15	IT IS	<b>S FURTHER ORDERED</b> Defendant Rackley must create certain records
16	for twenty (2	20) years after entry of the Order, and retain each such record for five (5)
17	years. Speci	fically, Defendant Rackley, for any business that Defendant Rackley is a
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	majority ow	oner or controls directly or indirectly, must create and retain the following
19	majority ow records.	mer or controls directly or indirectly, must create and retain the following
19 20		oner or controls directly or indirectly, must create and retain the following Accounting records showing the revenues from all goods or services sold;
	records.	
20	records. A. B.	Accounting records showing the revenues from all goods or services sold;
20 21	records. A. B. an employed	Accounting records showing the revenues from all goods or services sold; Personnel records showing, for each person providing services, whether as
20 21 22	records. A. B. an employed	Accounting records showing the revenues from all goods or services sold; Personnel records showing, for each person providing services, whether as e or otherwise, that person's: name; addresses; telephone numbers; job title or
20 21 22 23	records. A. B. an employed position; dat C.	Accounting records showing the revenues from all goods or services sold; Personnel records showing, for each person providing services, whether as e or otherwise, that person's: name; addresses; telephone numbers; job title or tes of service; and (if applicable) the reason for termination;
<ol> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> </ol>	records. A. B. an employed position; dat C.	Accounting records showing the revenues from all goods or services sold; Personnel records showing, for each person providing services, whether as e or otherwise, that person's: name; addresses; telephone numbers; job title or tes of service; and (if applicable) the reason for termination; Records of all consumer complaints and refund requests, whether received
<ol> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> </ol>	records. A. B. an employed position; dat C. directly or in D.	Accounting records showing the revenues from all goods or services sold; Personnel records showing, for each person providing services, whether as e or otherwise, that person's: name; addresses; telephone numbers; job title or tes of service; and (if applicable) the reason for termination; Records of all consumer complaints and refund requests, whether received ndirectly, such as through a third party, and any response;
<ol> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> </ol>	records. A. B. an employed position; dat C. directly or in D.	Accounting records showing the revenues from all goods or services sold; Personnel records showing, for each person providing services, whether as e or otherwise, that person's: name; addresses; telephone numbers; job title or tes of service; and (if applicable) the reason for termination; Records of all consumer complaints and refund requests, whether received ndirectly, such as through a third party, and any response; All records necessary to demonstrate full compliance with each provision

1 XI. 2 **Compliance Monitoring** 3 **IT IS FURTHER ORDERED** that, for the purpose of monitoring Defendant 4 Rackley's compliance with this Order, including the financial representations upon which 5 part of the judgment was suspended and any failure to transfer any assets as required by 6 this Order: 7 A. Within 14 days of receipt of a written request from a representative of the 8 Commission, Defendant Rackley must submit additional compliance reports or other 9 requested information, which must be sworn under penalty of perjury; appear for 10 depositions; and produce documents for inspection and copying. The Commission is also 11 authorized to obtain discovery, without further leave of court, using any of the procedures 12 prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 13 31, 33, 34, 36, 45, and 69. 14 B. For matters concerning this Order, the Commission is authorized to 15 communicate directly with Defendant Rackley. Defendant Rackley must permit 16 representatives of the Commission to interview any employee or other person affiliated 17 with Defendant Rackley who has agreed to such an interview. The person interviewed may have counsel present. 18 19 C. The Commission may use all other lawful means, including posing, through 20 its representatives as consumers, suppliers, or other individuals or entities, to Defendant 21 Rackley or any individual or entity affiliated with him, without the necessity of 22 identification or prior notice. Nothing in this Order limits the Commission's lawful use of 23 compulsory process, pursuant to Sections 9 a 24 25

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1	XII.
2	<b>Retention of Jurisdiction</b>
3	IT IS FURTHER ORDERED this Court retains jurisdiction of this matter for
4	purposes of construction, modification, and enforcement of this Order.
5	Dated this 2nd day of June, 2015.
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9	Senior United States District Judge
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