UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

FEDERAL TRADE COMMISSION, et al.; Plaintiffs, vs. ASSOCIATED COMMUNITY SERVICES, INC., a Michigan corporation, also d/b/a A.C. SERVICES, et al., Defendants.	Case No. 2:21-cv-10174-DML-CI Judge David M. Lawson Magistrate Judge Curtis Ivy, Jr. **STIPULATION RE ORDER FOR PERMANENT INJUNCTION AND MONETARY JUDGMENT AGAINST COMMUNITY SERVICES APPEAL, LLC AND BARBARA COLE**

Plaintiffs, the Federal Trade Commission ("Commission" or "FTC") and the Attorneys General of the states of Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nebraska, Nevada,

New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, and the District of Columbia; the Secretaries of State of Colorado, Georgia, Maryland, North Carolina, and Tennessee; and the Florida Department of Agriculture and Consumer Services and the Utah Division of Consumer Protection (collectively "Plaintiffs"), have filed their Complaint in this matter against Associated Community Services, Inc., Central Processing Services, LLC, Community Services Appeal, LLC, The Dale Corporation, Directele, Inc., Robert W, "Bill" Burland, Richard T. Cole, Amy J. Burland, Barbara Cole, Scot Stepek, Nikole Gilstorf, Antonio Lia, and John Lucidi. The Complaint sought 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 6 of the Telemarketing and Consumer Fraud and Abuse Prevention Act ("Telemarketing Act"), 15 U.S.C. § 6105, and the unfair and deceptive acts and practices and charitable solicitation laws of the State Plaintiffs. Plaintiffs and Defendants Community Services Appeal, LLC and Barbara Cole stipulate to the entry of a Stipulated Order for Permanent Injunction and Monetary Judgment ("Order") to resolve all matters in dispute in this action between them.

THEREFORE, IT IS STIPULATED as follows:

FINDINGS

1. This Court has jurisdiction over this matter.

2. The Complaint charges that Defendants Community Services Appeal, LLC, Barbara Cole, and others engaged in deceptive acts or practices by making false or misleading claims in charitable solicitations on behalf of numerous nonprofit organizations in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, the state statutes listed below, and Sections 310.3(a)(4), 310.3(b), 310.3(d)(1), (3), and (4) of the Telemarketing Sales Rule ("TSR" or "Rule"), 16 C.F.R. §§ 310.3(a)(4), 310.3(b), and 310.3(d)(1), (3), and (4), and engaged in abusive telemarketing practices by repeatedly or continuously causing a telephone to ring and by delivering prerecorded messages in outbound telephone calls, in violation of Sections 310.4(b)(1)(i) and 310.4(b) of the TSR, 16 C.F.R. §§ 310.4(b)(1)(i) and (b).

STATE STATUTES ALLEGEDLY VIOLATED BY DEFENDANTS	
Alabama	ALA. CODE §§ 8-19-1 through -15; and §§ 13A-9-70 through 76.

California	CAL. BUS. & PROF. CODE §§ 17200 through 17206, and §§ 17510 through 17510.95; CAL. GOV. CODE §§ 12580 through 12599.8.
Colorado	COLO. REV. STAT. §§ 6-1-101 through 115; and §§ 6-16-101 through 114.
Connecticut	CONN. GEN. STAT. §§ 21a-175 through 21a-190l; and §§ 42-110a through 42-110q.
Delaware	DEL. CODE ANN. tit. 6, § 2513(a) (1998); tit. 6, § 2532(a) (1995); and tit. 6, §§ 2595(a) – (b) (1995).
Florida	FLA. STAT. ch. 501, Part II; and ch. 496 (2020).
Georgia	GA. CODE ANN. §§ 10-1-390 through 10-1-408 (2017); and §§ 43-17-1 through 43-17-23 (2016).
Illinois	225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.
Indiana	IND. CODE §§ 24-5-0.5-1 through -12.
Kansas	KAN. STAT. ANN. §§ 17-1759 through 17-1776.
Kentucky	KY. REV. STAT. ANN. §§ 367.110 through 367.993.
Louisiana	LA. REV. STAT. ANN. §§ 51:1401 through 1427; and §§ 51:1901 through 1909.1.
Maine	ME. REV. STAT. ANN. tit. 5, § 207 (2019).
Maryland	MD. CODE ANN., BUS. REG. §§ 6-101 through 6-701 (LexisNexis 2015 and 2020 Suppl.).
Massachusetts	MASS. GEN. LAWS ch. 68 § 32 and ch. 93A § 2.
Michigan	MICH. COMP. LAWS §§ 400.271 through 400.294.
Missouri	MO. REV. STAT. ch. 407.

Montana	MONT. CODE ANN. §§ 30-14-103 and 30-14-111.
Nebraska	NEB. REV. STAT. §§ 21-1901 through 21-19,177; §§ 59-1601 through 59-1622; and §§ 87-301 through 87-306.
Nevada	NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, and 598.0963.
New Hampshire	N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:28-f; and 641:8.
New Jersey	N.J. STAT. ANN. §§ 45:17A-18 through 45:17A-40; 56:8-1 through 56:8-226; and N.J. ADMIN. CODE §§ 13:48-1.1 through 13:48-15.1.
New Mexico	N.M. STAT. §§ 57-12-1 through 57-12-22; and §§ 57-22-1 through 57-22-11 (1978).
New York	N.Y. EXEC. LAW §§ 63(12) and 171-a through 175; N.Y. GEN. BUS. LAW § 349; and N.Y. NOT-FOR-PROFIT CORP. LAW § 112.
North Carolina	N.C. GEN. STAT. §§ 75-1.1, 75-102 to 75-104, 131F-20, and 131F-21.
Ohio	OHIO REV. CODE ANN. ch. 1716.
Oklahoma	OKLA. STAT. ANN. tit. 18 §§ 552.1 through 552.22.
Oregon	OR. REV. STAT. §§ 128.886; and 646.605 through 646.636.
Pennsylvania	10 PA. STAT. §§ 162.1 through 162.23.
Tennessee	TENN. CODE ANN. §§ 48-101-501 through 48-101-522.
Texas	TEX. BUS. & COM. CODE ANN. §§ 17.41 through 17.63.

Utah	UTAH CODE ANN. §§13-22-1 through 13-22-23; 13-26-1 through 13-26-11; and 13-11-1 through 13-11-23.
Virginia	VA. CODE ANN. §§ 57-48 through 57-69.
Washington	WASH. REV. CODE §§ 19.86, 19.09, and 80.36.
West Virginia	W.VA. CODE §§ 29-19-1 -15b; and §§ 46A-1-101 through 46A-6-110.
Wisconsin	WIS. STAT. §§ 202.11 through 202.18.
Wyoming	WYO. STAT. ANN. §§ 40-12-101 through 114.

3. Defendants Community Services Appeal, LLC and Barbara Cole neither admit nor deny any of the allegations in the Complaint, except as specifically stated in this Stipulation. Only for purposes of this action, Defendants Community Services Appeal, LLC and Barbara Cole admit the facts necessary to establish jurisdiction.

4. Defendants Community Services Appeal, LLC and Barbara Cole waive any claim that they may have under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of the Order, and agree to bear their own costs and attorney fees.

5. Defendants Community Services Appeal, LLC and Barbara Cole waive all rights to appeal or otherwise challenge or contest the validity of the Order.

6. Entry of the Order is in the Public Interest.

DEFINITIONS

For the purpose of this Stipulation, the following definitions apply:

A. "**Settling Defendants**" means individual defendant Barbara Cole ("Defendant Barbara Cole") and corporate defendant Community Services Appeal, LLC ("Defendant CSA").

B. **"Defendants"** means Associated Community Services, Inc., also d/b/a A.C. Services; Central Processing Services, LLC; Community Services Appeal, LLC; The Dale Corporation; Directele, Inc.; Robert W. "Bill" Burland; Richard "Dick" T. Cole; Amy J. Burland; Barbara Cole; John Lucidi; Nikole Gilstorf (a/k/a Nikole Luton and/or Nikole Dicks); Antonio "Tony" Lia; and Scot Stepek.

C. **"Plaintiffs"** means the Commission and the State Plaintiffs (including each state), individually, collectively, or in any combination

D. **"State Plaintiffs"** means the Attorneys General of the states of Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey,

New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, and the District of Columbia; the Secretaries of State of Colorado, Georgia, Maryland, North Carolina, and Tennessee; and the Florida Department of Agriculture and Consumer Services and the Utah Division of Consumer Protection.

E. **"Contribution"** means any donation or gift of money or any other thing of value.

F. **"Donor"** means any Person solicited to make a Contribution.

G. **"Fundraising"** means a plan, program, or campaign that is conducted to induce Contributions by mail, telephone, electronic mail, social media, or any other means.

H. **"Fundraising Services"** means providing assistance in Fundraising, directly or indirectly, including by advising, assisting, acting as a broker, independent contractor or fundraising consultant, investing, planning, supplying or arranging for the supply of contact or Donor lists, arranging for any Person to affiliate with any Person for the purpose of Fundraising, or providing or arranging for the provision of marketing services (e.g., creating or advising on solicitation

materials), printing, customer service, caging, escrow, payment processing, mail processing, or fulfillment services in connection with Fundraising.

I. **"Person"** means any individual, group, organization, unincorporated association, limited or general partnership, corporation, or other legal entity.

J. **"Telemarketing"** means any plan, program, or campaign that is conducted to induce the purchase of goods or services or to solicit a Contribution, by use of one or more telephones and which involves a telephone call, whether or not covered by the Telemarketing Sales Rule.

STIPULATION

I. BAN ON FUNDRAISING

IT IS STIPLULATED that Defendant CSA and Defendant Barbara Cole are permanently restrained and enjoined from Fundraising or providing Fundraising Services to any Person, whether directly or indirectly. This includes controlling, directly or indirectly, or holding an ownership interest in, any entity engaged in Fundraising or the provision of Fundraising Services.

II. BAN ON TELEMARKETING

IT IS FURTHER STIPULATED that the Defendant CSA and Defendant Barbara Cole are permanently restrained and enjoined from engaging in, or assisting others to engage in, Telemarketing, whether acting directly or through an intermediary, including by consulting, brokering, planning, investing, or advising. ***Provided, however,*** that this Section does not prohibit Defendant Barbara Cole, individually (including as an employee of another Person) or through any business either of them owns or operates, from initiating any Manually Dialed Call when such a call is not part of a plan, program, or campaign to induce the sale of a good or service or solicit a Contribution through a telephone call and is only incidental to the business. For purposes of this provision, "Manually Dialed Call" means a telephone call that is dialed by an individual who manually selects the telephone number to be called without the assistance of an automated dialer or similar device and without the use of any prerecorded message. ***Provided, further,*** that it is not a violation of the Order for Defendant Barbara Cole to own a non-controlling stock interest in a publicly traded company that engages in conduct banned in this Section II.

III. PROHIBITION AGAINST MISREPRESENTATIONS

IT IS FURTHER STIPULATED that Defendant CSA and Defendant Barbara Cole, the officers, agents, and employees of Defendant CSA and Defendant Barbara Cole, and all other Persons in active concert or participation with any of them, who receive actual notice of the Order, whether acting directly or indirectly, in connection with the advertising, marketing, promotion, offering for sale, selling, or distribution of any good or service are permanently restrained and enjoined from misrepresenting, or assisting others in misrepresenting, expressly or by implication, any material fact.

IV. COMPLIANCE WITH STATE LAW

IT IS FURTHER STIPULATED that Defendant CSA and Defendant Barbara Cole, the officers, agents, and employees of Defendant CSA and Defendant Barbara Cole, and all other Persons in active concert or participation with any of them, who receive actual notice of the Order, whether acting directly or indirectly, in connection with the advertising, marketing, promotion, offering for sale, selling, or distribution of any good or service are permanently restrained and enjoined from violating, causing others to violate, or assisting others in violating any provision of the following state laws:

Alabama	ALA. CODE §§ 8-19-1 through -15; and §§ 13A-9-70 through 76.
California	CAL. BUS. & PROF. CODE §§ 17200 through 17206, and §§ 17510 through 17510.95; CAL. GOV. CODE §§ 12580 through 12599.8.
Colorado	COLO. REV. STAT. §§ 6-1-101 through 115; and §§ 6-16-101 through 114.
Connecticut	CONN. GEN. STAT. §§ 21a-175 through 21a-190l; and §§ 42-110a through 42-110q.
Delaware	DEL. CODE ANN. tit. 6, § 2513(a) (1998); tit. 6, § 2532(a) (1995); and tit. 6, §§ 2595(a) – (b) (1995).
Florida	FLA. STAT. ch. 501, Part II; and ch. 496 (2020).
Georgia	GA. CODE ANN. §§ 10-1-390 through 10-1-408 (2017); and §§ 43-17-1 through 43-17-23 (2016).
Illinois	225 ILL. COMP. STAT. §§ 460/0.01 through 460/23.
Indiana	IND. CODE §§ 24-5-0.5-1 through -12.
Iowa	IOWA CODE § 714.16.
Kansas	KAN. STAT. ANN. §§ 17-1759 through 17-1776.
Kentucky	KY. REV. STAT. ANN. §§ 367.110 through 367.993.
Louisiana	LA. REV. STAT. ANN. §§ 51:1401 through 1427; and §§ 51:1901 through 1909.1.
Maine	ME. REV. STAT. ANN. tit. 5, § 207 and tit. 10, § 1499-A (2019).
Maryland	MD. CODE ANN., BUS. REG. §§ 6-101 through 6-701 (LexisNexis 2015 and 2020 Suppl.).

Massachusetts	MASS. GEN. LAWS ch. 68 § 32 and ch. 93A § 2.
Michigan	MICH. COMP. LAWS §§ 400.271 through 400.294.
Missouri	MO. REV. STAT. ch. 407.
Montana	MONT. CODE ANN. §§ 30-14-103 and 30-14-111.
Nebraska	NEB. REV. STAT. §§ 21-1901 through 21-19,177; §§ 59-1601 through 59-1622; and §§ 87-301 through 87-306.
Nevada	NEV. REV. STAT. §§ 598.1305, 598.0915(15), 598.096, and 598.0963.
New Hampshire	N.H. REV. STAT. ANN. §§ 7:19; 7:20; 7:21; 7:24; 7:28; 7:28-c; 7:28-f; and 641:8.
New Jersey	N.J. STAT. ANN. §§ 45:17A-18 through 45:17A-40; 56:8-1 through 56:8-226; and N.J. ADMIN. CODE §§ 13:48-1.1 through 13:48-15.1.
New Mexico	N.M. STAT. §§ 57-12-1through 57-12-22; and §§ 57-22-1 through 57-22-11 (1978).
New York	N.Y. EXEC. LAW §§ 63(12) and 171-a through 175; N.Y. GEN. BUS. LAW § 349; and N.Y. NOT-FOR-PROFIT CORP. LAW § 112.
North Carolina	N.C. GEN. STAT. §§ 75-14, 75-15.1, and 131F-1 to 131F-33.
Ohio	OHIO REV. CODE ANN. ch. 1716.
Oklahoma	OKLA. STAT. ANN. tit. 18 §§ 552.1 through 552.22.
Oregon	OR. REV. STAT. §§ 128.886; and 646.605 through 646.636.
Pennsylvania	10 PA. CONS. STAT. §§ 162.1 through 162.23 (1990).
Tennessee	TENN. CODE ANN. §§ 48-101-501 through 48-101-522.

Texas	TEX. BUS. & COM. CODE ANN. §§ 17.41 through 17.63.
Utah	UTAH CODE ANN. §§13-22-1 through 13-22-23; 13-26-1 through 13-26-11; and 13-11-1 through 13-11-23.
Virginia	VA. CODE ANN. §§ 57-48 through 57-69.
Washington	WASH. REV. CODE §§ 19.86, 19.09, and 80.36.
West Virginia	W.VA. CODE §§ 29-19-1 -15b; and §§ 46A-1-101 through 46A-6-110.
Wisconsin	WIS. STAT. §§ 202.11 through 202.18.
Wyoming	WYO. STAT. ANN. §§ 40-12-101 through 114.

V. COOPERATION

IT IS FURTHER STIPULATED that Defendant CSA and Defendant Barbara Cole shall cooperate fully with Plaintiffs' representatives in this case, including in any investigation into any Defendant's compliance with the Order, and in any investigation related to or associated with the transactions, occurrences, or Persons that are the subject of the Complaint. Defendant CSA and Defendant Barbara Cole must provide truthful and complete information, evidence, and testimony. Defendant CSA and Defendant Barbara Cole must appear for interviews, discovery, hearings, trials, and any other proceedings that any Plaintiff's representative may reasonably request upon seven days' written notice, or other reasonable notice, at

such places and times as each Plaintiff's representative may designate, without the service of a subpoena.

VI. DONOR INFORMATION

IT IS FURTHER STIPULATED that Defendant CSA and Defendant Barbara Cole, the officers, agents, and employees of Defendant CSA and Defendant Barbara Cole, and all other Persons in active concert or participation with any of them, who receive actual notice of the Order, are permanently restrained and enjoined from directly or indirectly:

A. Disclosing, using, or benefitting from any information about any Donor solicited by Defendants, including the name, address, telephone number, email address, social security number, other identifying information, or any data that enables access to a Donor's account (including a credit card, bank account, or other financial account), that any Defendant obtained prior to entry of the Order;

B. Failing to destroy such Donor information in all forms in their possession, custody, or control within 10 days after entry of the Order; and

C. Failing to provide a sworn statement certifying they have destroyed such Donor information in all forms in their possession, custody, or control within 15 days after entry of the Order.

Provided, however, that Donor information need not be disposed of, and may be disclosed, to the extent requested by a government agency or required by law, regulation, or court order.

VII. MONETARY JUDGMENT AND PARTIAL SUSPENSION

IT IS FURTHER STIPULATED that judgment be entered against Defendant CSA and Defendant Barbara Cole as follows:

A. Judgment in the amount of One Hundred Ten Million Sixty-Three Thousand Eight Hundred Forty-Three Dollars and no cents ($110,063,843.00) is entered in favor of Plaintiffs against Defendant CSA and Defendant Barbara Cole, jointly and severally, as equitable monetary relief.

B. Defendant Barbara Cole shall take the following steps to sell all interest in the property located at 7170 Lighthouse Road, Port Hope, Michigan, 48468 (the "Port Hope Property"):

1. Defendant Barbara Cole shall within ten (10) days of entry of the Order retain a real estate agent to list the Port Hope Property for sale, *provided that*, Defendant Barbara Cole first obtains from counsel for the FTC written approval of the real estate agent and of the terms that Defendant Barbara Cole establishes for

the listing, including the list price, which approval shall not be unreasonably withheld;

2. Defendant Barbara Cole shall sell the Port Hope Property upon terms and conditions acceptable to the FTC. Defendant Barbara Cole shall promptly comply with all reasonable requests from the FTC related to that sale, including, but not limited to, signing contracts with real estate agents, keeping the property in good repair, keeping the property in a condition suitable for showing to prospective purchasers, signing contracts for the sale of the property, and signing all documents necessary or appropriate for the transfer of the property to a new buyer(s);

3. If, after six (6) months from the date of the entry of the Order, all interests in the Port Hope Property have not been sold, Defendant Barbara Cole shall immediately retain an auction company and direct it to sell all remaining interest in the property at a public auction, *provided that*, Defendant Barbara Cole first obtains from counsel for the Commission written approval of the auction company and of the terms that Defendant Barbara Cole establishes for the auction, which approval shall not be unreasonably withheld;

4. Defendant Barbara Cole shall be responsible for timely payment of all taxes, fees, association dues, and all other attendant expenses related to the maintenance and ownership of the Port Hope Property until such time as the property is sold or auctioned. Defendant Barbara Cole further is required to continue and to maintain in full force insurance coverage on the property until its sale or auction;

5. All net proceeds from the sale or auction of the Port Hope Property after payment of obligations due and owing to any valid mortgage holders and other priority lien holders, any property taxes owed, any adjustments in favor of the buyer(s) required to sell the property, and any reasonable and customary real estate agent fees and closing costs incurred in connection with such sale or auction that have been approved by counsel for the FTC, which approval shall not be unreasonably withheld, shall be paid to the Florida Department of Legal Affairs Escrow Fund ("Florida Escrow Fund"). Any sheriff, title company, or other person involved in such a sale or auction may rely on the Order as the authority to deliver the net proceeds to the Florida Escrow Fund;

6. To secure her performance under this Subsection B, Defendant Barbara Cole hereby grants to Plaintiff Federal Trade Commission a lien on and security interest in the Port Hope Property in the value of Five Hundred Thousand Dollars

($500,000). Defendant Barbara Cole represents and acknowledges that the Commission is relying on the material representations that she is the sole owner of the Port Hope Property; that title to the Port Hope Property is marketable; and that the Port Hope Property is not encumbered by any lien, mortgage, deed of trust, assignment, pledge, security interest, or other interest except for the lien, mortgage or security interest identified in the Financial Statement of Defendant Barbara Cole executed on March 10, 2020 and any lien, mortgage, or security interest held by the Internal Revenue Service;

7. Defendant Barbara Cole expressly agrees that the Port Hope Property is not a homestead property; and

8. Defendant Barbara Cole shall cooperate fully with the Commission in the perfection of its lien and security interest of the Port Hope Property and be responsible for preparing, executing, and recording the necessary documents and taking other actions necessary to perfect the Commission's voluntary lien on and security interest in the Port Hope Property. Defendant Barbara Cole shall be responsible for paying all costs relating to the preparation, execution, delivery, filing, recording, and termination of the voluntary lien on and security interest in the Port Hope

Property. Defendant Barbara Cole shall deliver to the Commission copies of all recording documents used to perfect the Commission's voluntary lien on and security interest in the Port Hope Property within ten days from the date of entry of the Order.

C. Upon completion of all payments and requirements described in Paragraph VII.B, the remainder of the judgment is suspended as to all Settling Defendants, subject to Paragraphs VII.E and VII.F.

D. Plaintiffs' agreement to the suspension of part of the judgment is expressly premised upon the truthfulness, accuracy, and completeness of the Settling Defendants' sworn financial statements and related documents (collectively referred to as "Financial Representations") submitted to the Plaintiffs, namely:

1. The financial statement of Defendant CSA, executed on March 10, 2020;

2. The financial statement of Defendant Barbara Cole, executed on March 10, 2020; and

3. Supplemental attachments to the March 10, 2020 financial statements, including bank statements and tax returns, produced by the

Settling Defendants' undersigned counsel to the Commission on March 10, 2020; April 13, 2020; April 14, 2020; and May 29, 2020.

E. The suspension of the judgment will be lifted as to a Settling Defendant if, upon motion by any Plaintiff, the Court finds that the Settling Defendant 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 judgment is lifted as to one or more Settling Defendants, the judgment becomes immediately due as to that Settling Defendant(s) in the amount specified in Paragraph VII.A (which the parties stipulate only for purposes of this Section represents the consumer injury that the Complaint alleges was caused by Associated Community Services, Inc., Central Processing Services, LLC, and Community Services Appeal, LLC, and for which the Settling Defendants are jointly and severally liable), less any payment previously made by Defendant Barbara Cole pursuant to this Section, or by Associated Community Services, Inc.; Central Processing Services, LLC; Community Services Appeal, LLC, Robert W, "Bill" Burland, Richard "Dick" T. Cole, Amy J. Burland, Nikole Gilstorf (a/k/a Nikole Luton and/or Nikole Dicks); Antonio "Tony" Lia; John Lucidi,

or Scot Stepek pursuant to any other order entered in connection with this matter, plus interest computed from the date of entry of the Order. Payments on the judgment shall be made to the Florida Escrow Fund if the Court has not approved one or more charities to receive the Contribution pursuant to Paragraph VII.G. Such payments shall be made by wire transfer, cashier's check, or other certified funds made payable to the Florida Department of Legal Affairs Escrow Fund. If the Court has approved one or more charities to receive a Contribution pursuant to Paragraph VII.G, then any such payments shall be made to the approved charities.

G. The State Plaintiffs shall identify one or more charities to recommend to this Court as suitable to receive a Contribution. Within ninety days of the receipt of any funds by the Florida Escrow Fund pursuant to Paragraph VII.B.5 of the Order, the State Plaintiffs shall submit to this Court a motion and proposed order recommending one or more recipients for the Contribution, the amount to be paid to any approved recipient, and the manner and timeframe for such payment. Any monies paid by Defendant Barbara Cole and held in the Florida Escrow Fund shall be distributed only as authorized and directed by this Court. The Settling Defendants shall have no right to challenge any recommendations regarding any Contribution or monetary distribution made by the State Plaintiffs.

H. Defendant Barbara Cole understands that any Contribution to a charity described herein is being made in lieu of consumer restitution and not on behalf of Defendant Barbara Cole. Therefore, Defendant Barbara Cole stipulates that she will not claim any tax deduction, credit, or other benefit related to any Contribution to a charity discussed in the Order.

VIII. ADDITIONAL MONETARY PROVISIONS

IT IS FURTHER STIPULATED that:

A. Settling Defendants relinquish dominion and all legal and equitable right, title, and interest in all assets transferred pursuant to the Order and may not seek the return of any assets.

B. The facts alleged in the Complaint will be taken as true, without further proof, in any subsequent civil or administrative litigation by or on behalf of any Plaintiff with any of the Settling Defendants in a proceeding to enforce the right to any payment or monetary judgment pursuant to the Order, such as a nondischargeability complaint in any bankruptcy case.

C. The facts alleged in the Complaint establish all elements necessary to sustain an action by any Plaintiff pursuant to Section 523(a)(2)(A) of the

Bankruptcy Code, 11 U.S.C. § 523(a)(2)(A), and the Order will have collateral estoppel effect for such purposes.

D. Defendant Barbara Cole acknowledge that her Social Security Number, which she previously submitted to Plaintiffs, may be used for collecting and reporting on any delinquent amount arising out of the Order, in accordance with 31 U.S.C. §7701.

IX. ORDER ACKNOWLEDGMENTS

IT IS FURTHER STIPULATED that the Settling Defendants obtain acknowledgments of receipt of the Order:

A. Defendant CSA and Defendant Barbara Cole, within seven days of entry of the Order, each must submit to Plaintiff Federal Trade Commission an acknowledgment of receipt of the Order sworn under penalty of perjury.

B. For ten years after entry of the Order, Defendant Barbara Cole , for any business that she, individually or collectively with any other Defendant named in this matter, is the majority owner or controls directly or indirectly, and Defendant CSA must deliver a copy of the Order to: (1) all principals, officers, directors, and LLC managers and members and (2) any business entity resulting from any change in structure as set forth in the Section titled Compliance Reporting. Delivery must

occur within seven days of entry of the Order for current personnel. For all others, delivery must occur before they assume their responsibilities.

C. From each individual or entity to which the Settling Defendants delivered a copy of the Order, the Settling Defendants must obtain, within thirty days, a signed and dated acknowledgment of receipt of the Order.

X. COMPLIANCE REPORTING

IT IS FURTHER STIPULATED that the Settling Defendants make timely submissions to the Federal Trade Commission and, on behalf of the State Plaintiffs, the Office of the Michigan Attorney General:

A. One year after entry of the Order, each Settling Defendant must submit a compliance report, sworn under penalty of perjury:

1. The Settling Defendants each must: (a) identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the Commission may use to communicate with each of them; (b) identify all of their businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses; (c) describe the activities of each business, including the goods and services offered, the means of advertising, marketing, or sales, and the

involvement of any other Defendant (which Defendant CSA and Defendant Barbara Cole must describe if they know or should know due to their own involvement); (d) describe in detail whether and how they are in compliance with each Section of the Order; and (e) provide a copy of each Order Acknowledgment obtained pursuant to the Order, unless previously submitted to the Federal Trade Commission and the Office of the Michigan Attorney General.

2. Additionally, Defendant Barbara Cole 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 she performs services whether as an employee or otherwise and any entity in she has any ownership interest; and (c) describe in detail her involvement in each such business, including title, role, responsibilities, participation, authority, control, and any ownership.

B. For ten years after entry of the Order, the Settling Defendants each must submit a compliance notice, sworn under penalty of perjury, within fourteen days of any change in the following:

1. Settling Defendants each must report any change in: (a) any designated point of contact; or (b) the structure of Defendant CSA or any entity that either Defendant CSA or Defendant Barbara Cole have any ownership interest in or control directly or indirectly that may affect compliance obligations arising under the Order, including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or affiliate that engages in any acts or practices subject to the Order.

2. Additionally, Defendant Barbara Cole must report any change in: (a) name, including aliases or fictitious name, or residence address; or (b) title or role in any business activity, including any business for which she performs services whether as an employee or otherwise and any entity in which she has any ownership interest, and identify the name, physical address, and any Internet address of the business or entity.

C. The Settling Defendants each must submit to the Commission and to the Office of the Michigan Attorney General notice of the filing of any bankruptcy petition, insolvency proceeding, or similar proceeding by or against him or her within 14 days of its filing.

D. Any submission required by the 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 a Commission representative in writing, all submissions to the Commission pursuant to the 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, et al. v. Associated Community Services, Inc., et al., Case No. _____.

F. Unless otherwise directed by a representative of the Office of the Michigan Attorney General in writing, all submissions to the Office of the Michigan Attorney General pursuant to the Order must be must be emailed to AG-COD@michigan.gov or sent to:

Michigan Department of Attorney General
Corporate Oversight Division
PO Box 30736
Lansing, MI 48909

The subject line must begin: FTC, et al. v. Associated Community Services, Inc., et al. Case No. _____.

G. The Settling Defendants expressly consent to the sharing of any and all documents submitted as part of their compliance reporting to any Plaintiff with all other Plaintiffs.

XI. RECORDKEEPING

IT IS FURTHER STIPULATED that the Settling Defendants must create certain records for 10 years after entry of the Order, and retain each such record for 5 years. Specifically, Defendant CSA or Defendant Barbara Cole for any business that, individually or collectively with any other Defendants, she 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 individual providing services, whether as an employee or otherwise, that individual'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 and refund requests, whether received directly or indirectly, such as through a third party, and any response;

D. All records necessary to demonstrate full compliance with each provision of the Order, including all submissions to the Commission and to the Office of the Michigan Attorney General; and

E. A copy of each unique advertisement or other marketing material.

XII. COMPLIANCE MONITORING

IT IS FURTHER STIPULATED that, for the purpose of monitoring the Settling Defendants' compliance with the Order, and any failure to transfer any assets as required by the Order:

A. Within fourteen days of receipt of a written request from a representative of any Plaintiff, the Settling Defendants must: submit additional compliance reports or other requested information, which must be sworn under penalty of perjury; appear for depositions; and produce documents for inspection and copying. Each Plaintiff is also authorized to obtain discovery, without further leave of court, using any of the procedures prescribed by Federal Rules of Civil

Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69. Nothing in the Order limits any Plaintiff's lawful demand for documents or other evidence pursuant to applicable law.

B. For matters concerning the Order, each Plaintiff is authorized to communicate directly with the Settling Defendants. Settling Defendants must permit representatives of any Plaintiff to interview any employee or other individual affiliated with either Defendant CSA or Defendant Barbara Cole who has agreed to such an interview. The individual interviewed may have counsel present.

C. Any Plaintiff may use all other lawful means, including posing, through its representatives as consumers, donors, suppliers, or other individuals or entities, to the Settling Defendants or any individual or entity affiliated with the Settling Defendants, without the necessity of identification or prior notice. Nothing in the Order limits the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1, nor limits State Plaintiffs' lawful use of relevant state laws governing pre-suit investigation and discovery.

D. Upon written request from a representative of any Plaintiff, any consumer reporting agency must furnish consumer reports concerning Defendant

Barbara Cole, pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C. § 1681b(a)(1).

XIII. STATE COURT ENFORCEMENT

IT IS FURTHER STIPULATED that, without limiting any other provisions of the Order, each State Plaintiff shall have the authority to enforce or seek sanctions for violations of Sections I – IV, VI, and XII of the Order independently in a court of general jurisdiction in its state, if that State Plaintiff has reason to believe that Persons in its state have been or will be affected. No approval from any other Plaintiff is required. Settling Defendants consent to any such state court's jurisdiction for purposes of enforcing the terms of Sections I – IV, VI, and XII of the Order.

XIV. RETENTION OF JURISDICTION

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

STIPULATIONS FOLLOW

SO STIPULATED AND AGREED:

FOR DEFENDANTS CSA AND BARBARA COLE:

September 11, 2020

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Attorneys for Defendants Community Services Appeal, LLC, and Barbara Cole

Sept. 8, 2020

Barbara Cole, Manager
For Community Services Appeal, LLC

Sept. 8, 2020

Barbara Cole
On behalf of herself, individually

FOR THE FEDERAL TRADE COMMISSION:

March 1, 2021

By: /s/ Tracy S. Thorleifson

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Local Counsel for the
Federal Trade Commission
Pursuant to Local Rule 83.20(g):

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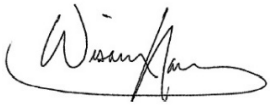
FOR THE STATE OF MICHIGAN

February 26, 2021 By: 

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FOR JENA GRISWOLD, COLORADO SECRETARY OF STATE

February 25, 2021

By: *s/ with the consent of Diane R. Hazel*

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PHILIP J. WEISER, ATTORNEY GENERAL FOR THE STATE OF COLORADO

Dated: February 25, 2021

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March 3rd, 2021

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FOR THE STATE OF GEORGIA AND THE GEORGIA SECRETARY OF STATE

February 22, 2021

By: /s/ with the consent of Roger A. Chalmers

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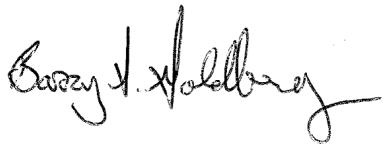
FOR THE STATE OF ILLINOIS



January 19, 2021 By: _____.

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LETITIA JAMES, ATTORNEY GENERAL OF THE STATE OF NEW YORK

February 24, 2021

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February 17, 2021

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FOR THE STATE OF TEXAS

February 11, 2021

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FOR THE COMMONWEALTH OF VIRGINIA, *EX REL.* MARK R. HERRING, ATTORNEY GENERAL

March 3rd, 2021

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FOR THE STATES OF ALABAMA, CALIFORNIA, CONNECTICUT, FLORIDA, INDIANA, IOWA, KENTUCKY, MAINE, MARYLAND, MASSACHUSETTS, MISSOURI, MONTANA, NEBRASKA, NEVADA, NEW HAMPSHIRE, NEW MEXICO, NORTH CAROLINA, OHIO, OKLAHOMA, PENNSYLVANIA, TENNESSEE, UTAH, WASHINGTON, WEST VIRGINIA, WISCONSIN, AND WYOMING, THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, THE SECRETARIES OF STATE OF MARYLAND, NORTH CAROLINA, AND TENNESSEE, THE DIVISION OF CONSUMER PROTECTION OF THE UTAH DEPARTMENT OF COMMERCE, AND THE DISTRICT OF COLUMBIA

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FOR THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA

February 10, 2021

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FOR THE STATE OF FLORIDA
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February 11, 2021 By: _____

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_____
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FOR THE STATE OF INDIANA

February 17, 2021

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FOR THE COMMONWEALTH OF MASSACHUSETTS

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FOR THE STATE OF OHIO

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FOR THE STATE OF OKLAHOMA

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Feb. 25, 2021

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FOR THE STATE OF UTAH

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FOR THE STATE OF WASHINGTON

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FOR THE STATE OF WYOMING

2/24, 2021

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2/24, 2021

By: Kit Wendtland

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February 11, 2021 By: _____

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FOR THE NORTH CAROLINA DEPARTMENT OF THE SECRETARY OF STATE

February 11, 2021 By:_____

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FOR THE DIVISION OF CONSUMER PROTECTION, UTAH DEPARTMENT OF COMMERCE

FEB 25th, 2021

By: _____

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FOR THE DISTRICT OF COLUMBIA

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District of Columbia

February 16, 2021

By: Kathleen Konopka

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Deputy Attorney General

Catherine A. Jackson
(D.C. Bar No. 1005415)
Chief, Public Integrity Section

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