**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF MICHIGAN**

**SOUTHERN DIVISION**

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| FEDERAL TRADE COMMISSION, et al.;<br><br>Plaintiffs,<br><br>vs.<br><br>ASSOCIATED COMMUNITY SERVICES, INC., a Michigan corporation, also d/b/a A.C. SERVICES, et al.<br><br>Defendants. | Case No. 2:21-cv-10174-DML-CI<br><br>Judge David M. Lawson<br><br>Magistrate Judge Curtis Ivy, Jr.<br><br>**STIPULATION RE ORDER FOR PERMANENT INJUNCTION AND MONETARY JUDGMENT AGAINST ASSOCIATED COMMUNITY SERVICES, INC., CENTRAL PROCESSING SERVICES, LLC, AND RICHARD "DICK" T. 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, Inc., 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 Associated Community Services, Inc., Central Processing Services, LLC, and Richard "Dick" T. 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 Associated Community Services, Inc., Central Processing Services, LLC, Richard "Dick" T. 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 | |
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| Alabama | ALA. CODE §§ 8-19-1 through -15; and §§ 13A-9-70 through 76. |

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| 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. |

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| 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. |

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| 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 Associated Community Services, Inc., Central Processing Services, LLC, and Richard "Dick" T. 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 Associated Community Services, Inc., Central Processing Services, LLC, and Richard "Dick" T. Cole admit the facts necessary to establish jurisdiction.

4. Defendants Associated Community Services, Inc., Central Processing Services, LLC, and Richard "Dick" T. 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 Associated Community Services, Inc., Central Processing Services, LLC, and Richard "Dick" T. 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 Richard "Dick" T. Cole ("Defendant Dick Cole") and the corporate defendants Associated Community Services, Inc. ("Defendant ACS"), also d/b/a A.C. Services, andCentral Processing Services, LLC ("Defendant CPS").

B. **"ACS Corporate Defendants"** means Defendant ACS and Defendant CPS.

C. **"Defendants"** means Associated Community Services, Inc., also d/b/a A.C. Services; Central Processing Services, LLC; Community Services Appeal, LLC; The Dale Corporation, Inc.; 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.

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

E. **"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.

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

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

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

I. **"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.

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

K. **"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 STIPULATED that the ACS Corporate Defendants and Defendant Dick 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 ACS Corporate Defendants and Defendant Dick 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 Dick 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 the Defendant Dick 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 the ACS Corporate Defendants and Defendant Dick Cole, the officers, agents, and employees of the ACS Corporate Defendants and Defendant Dick 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 the ACS Corporate Defendants and Defendant Dick Cole, the officers, agents, and employees of the ACS Corporate Defendants and Defendant Dick 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:

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|---|---|
| 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. |

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| 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. |

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| 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 the ACS Corporate Defendants and Defendant Dick 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. The ACS Corporate Defendants and Defendant Dick Cole must provide truthful and complete information, evidence, and testimony. The ACS Corporate Defendants and

Defendant Dick 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 the ACS Corporate Defendants and Defendant Dick Cole, the officers, agents, and employees of the ACS Corporate Defendants and Defendant Dick 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 is hereby entered against the ACS Corporate Defendants and Defendant Dick 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 the ACS Corporate Defendants and Defendant Dick Cole, jointly and severally, as equitable monetary relief.

B. The judgment is suspended as to all Settling Defendants, subject to Paragraphs VII.D and VII.E.

C. Plaintiffs' agreement to the suspension 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 ACS, executed on March 10, 2020;

2. The financial statement of Defendant CPS, executed on March 10, 2020;

3. The financial statement of Defendant Richard "Dick" T. Cole, executed on March 10, 2020;

4. The sworn declaration of Defendant Richard "Dick" T. Cole, executed on October 23, 2020; and

5. 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.

D. 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.

E. 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 Associated Community Services, Inc.; Central Processing Services, LLC; Community Services Appeal, LLC, Robert W, "Bill" Burland, Richard "Dick" T. Cole, Amy J. Burland, Barbara Cole, 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 paid to the Florida Department of Legal Affairs Escrow Fund ("Florida Escrow Fund") if the Court has not approved one or more charities to receive the Contribution pursuant to Paragraph VII.F. 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.F, then any such payments shall be made to the approved charities.

F. 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 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 Settling Defendants 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.

## 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 Dick Cole acknowledges that his Social Security Number, which he 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. The ACS Corporate Defendants and Defendant Dick 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 Dick Cole , for any business that he, individually or collectively with any other Defendant named in this matter, is the majority owner or controls directly or indirectly, and each ACS Corporate Defendant 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 the ACS Corporate Defendants and Defendant Dick 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 Dick 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 he performs services whether as an employee or otherwise and any entity in he has any ownership interest; and (c) describe in detail his 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 the ACS Corporate Defendants or any entity that either the ACS Corporate Defendants or

Defendant Dick 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 Dick 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 he performs services whether as an employee or otherwise and any entity in which he 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, the ACS Corporate Defendants, and Defendant Dick Cole for any business that, individually or collectively with any other Defendants, he 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 the ACS Corporate Defendants or Defendant Dick 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 Dick 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:**

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September 14, 2020

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September 14, 2020

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For Central Processing Services, LLC

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Richard "Dick" T. Cole
On behalf of himself, individually

**FOR THE FEDERAL TRADE COMMISSION:**

March 1, 2021

By: /s/ Tracy S. Thorleifson

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February 25, 2021

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