

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

FEDERAL TRADE COMMISSION,

Plaintiff,

vs.

SIMPLE HEALTH PLANS LLC, a Florida limited liability company;

HEALTH BENEFITS ONE LLC, a Florida limited liability company, also d/b/a Health Benefits Center, Simple Health, Simple Health Plans, Simple Insurance, Simple Insurance Plans, Simple Auto, Simple Home, Simple Home Plans, Simple Care, Simple Life, and National Dental Savings;

HEALTH CENTER MANAGEMENT LLC, a Florida limited liability company;

INNOVATIVE CUSTOMER CARE LLC, a Florida limited liability company;

SIMPLE INSURANCE LEADS LLC, a Florida limited liability company, also d/b/a Health Insurance Services;

SENIOR BENEFITS ONE LLC, a Florida limited liability company;

STEVEN J. DORFMAN, individually and as an officer, member, or manager of SIMPLE HEALTH PLANS LLC, HEALTH BENEFITS ONE LLC, HEALTH CENTER MANAGEMENT LLC, INNOVATIVE CUSTOMER CARE LLC, SIMPLE INSURANCE LEADS LLC, and SENIOR BENEFITS ONE LLC; and

CANDIDA L. GIROUARD, individually and as an officer or manager of SIMPLE HEALTH PLANS LLC, HEALTH BENEFITS ONE LLC, HEALTH CENTER MANAGEMENT LLC, INNOVATIVE CUSTOMER CARE LLC, SIMPLE INSURANCE LEADS LLC, and SENIOR BENEFITS ONE LLC;

Case No.: 18-cv-62593-DPG

**STIPULATED ORDER FOR  
PERMANENT INJUNCTION AND  
SUSPENDED MONETARY  
JUDGMENT AS TO DEFENDANT  
CANDIDA L. GIROUARD**

Defendants.

Plaintiff, the Federal Trade Commission ("Commission" or "FTC"), filed its Complaint for Permanent Injunction and Other Equitable Relief, subsequently amended as Amended Complaint for Permanent Injunction and Other Equitable Relief (as amended, "Complaint"), for a permanent injunction and other equitable relief in this matter, pursuant to Sections 13(b) and 19 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 53(b) and 57b, and the Telemarketing and Consumer Fraud and Abuse Act ("Telemarketing Act"), 15 U.S.C. §§ 6101-6108. The Commission and Defendant Candida L. Girouard ("Stipulating Defendant") stipulate to the entry of this Stipulated Order for Permanent Injunction and Monetary Judgment as to Defendant Candida L. Girouard ("Order") to resolve all matters in dispute in this action between them.

**THEREFORE, IT IS ORDERED** as follows:

**FINDINGS**

1. This Court has jurisdiction over this matter.
2. The Complaint charges that Defendants participated in deceptive acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, and in violation of the FTC's Telemarketing Sales Rule ("TSR"), 16 C.F.R. Part 310, as amended, in connection with the advertising, marketing, telemarketing, promoting, offering for sale, or sale of limited benefit plans and medical discount memberships.
3. Stipulating Defendant neither admits nor denies any of the allegations in the Complaint, except as specifically stated in this Order. Only for purposes of this action, Stipulating Defendant admits the facts necessary to establish jurisdiction.

4. Stipulating Defendant waives any claim that she may have under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order, and agrees to bear her own costs and attorney fees.

5. Stipulating Defendant waives all rights to appeal or otherwise challenge or contest the validity of this Order.

### **DEFINITIONS**

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

1. **“Clear and Conspicuous”** means that a required disclosure is difficult to miss (i.e., easily noticeable) and easily understandable by ordinary consumers, including in all of the following ways:
  - a. In any communication that is solely visual or solely audible, the disclosure must be made through the same means through which the communication is presented. In any communication made through both visual and audible means, such as a television advertisement, the disclosure must be presented simultaneously in both the visual and audible portions of the communication even if the representation requiring the disclosure is made in only one means.
  - b. A visual disclosure, by its size, contrast, location, the length of time it appears, and other characteristics, must stand out from any accompanying text or other visual elements so that it is easily noticed, read, and understood.
  - c. An audible disclosure, including by telephone or streaming video, must be delivered in a volume, speed, and cadence sufficient for ordinary consumers to easily hear and understand it.
  - d. In any communication using an interactive electronic medium, such as the Internet or software, the disclosure must be unavoidable.

e. The disclosure must use diction and syntax understandable to ordinary consumers and must appear in each language in which the representation that requires the disclosure appears.

f. The disclosure must comply with these requirements in each medium through which it is received, including all electronic devices and face-to-face communications.

g. The disclosure must not be contradicted or mitigated by, or inconsistent with, anything else in the communication.

h. When the representation or sales practice targets a specific audience, such as children, the elderly, or the terminally ill, "ordinary consumers" includes reasonable members of that group.

2. **"Corporate Defendants"** means **Simple Health Plans LLC; Health Benefits One LLC**, also doing business as Health Benefits Center, Simple Health, Simple Health Plans, Simple Insurance, Simple Insurance Plans, Simple Auto, Simple Home, Simple Home Plans, Simple Care, Simple Life, and National Dental Savings; **Health Center Management LLC; Innovative Customer Care LLC; Simple Insurance Leads LLC**, also doing business as Health Insurance Services; and **Senior Benefits One LLC**, and their successors and assigns.

3. **"Defendants"** means all of the Individual Defendants and the Corporate Defendants, individually, collectively, or in any combination.

4. **"Entity-Specific Do Not Call List"** means a list of telephone numbers maintained by a Seller or Telemarketer of persons who have previously stated that they do not wish to receive Outbound Telephone Calls made by or on behalf of the Seller or Telemarketer.

5. **"Established Business Relationship"** means a relationship between the Seller and a person based on: (a) the person's purchase, rental, or lease of the Seller's goods or services

or a financial transaction between the person and Seller, within the 18 months immediately preceding the date of the Telemarketing call; or (b) the person's inquiry or application regarding a product or service offered by the Seller, within the 3 months immediately preceding the date of a Telemarketing call.

6. **“Healthcare-Related Products”** means any program, plan, membership, card, product, insurance policy, or other good or service, that offers, or purports to offer, insurance, discounts, savings, or benefits on healthcare, or access to such insurance, discounts, savings, or benefits.

7. **“Individual Defendants”** means Steven J. Dorfman and Candida L. Girouard, and by whatever other names each may be known.

8. **“National Do Not Call Registry”** means the “do-not-call” registry of telephone numbers maintained by the Commission pursuant to 16 C.F.R. § 310.4(b)(1)(iii)(B).

9. **“Outbound Telephone Call”** means a telephone call initiated by a Telemarketer to induce the purchase of goods or services or to solicit a charitable contribution.

10. **“Receiver”** means Michael Goldberg, Esq., the permanent receiver appointed in the Preliminary Injunction and Order entered by the Court on May 14, 2019 (Docket No. 139) (“Preliminary Injunction”), and any deputy receivers that shall be named by the permanent receiver.

11. **“Seller”** means any person who, in connection with a Telemarketing transaction, provides, offers to provide, or arranges for others to provide goods or services to the customer in exchange for consideration whether or not such person is under the jurisdiction of the Commission.

12. **“Telemarketer”** means any person who, in connection with Telemarketing,

initiates or receives telephone calls to or from a customer or donor, whether or not such person is under the jurisdiction of the Commission.

13. “**Telemarketing**” means a plan, program, or campaign which is conducted to induce the purchase of goods or services or a charitable contribution, by use of one or more telephones and which involves more than one interstate telephone call.

## **ORDER**

### **I.**

#### **BAN ON HEALTHCARE-RELATED PRODUCTS**

**IT IS THEREFORE ORDERED** that Stipulating Defendant is permanently restrained and enjoined from advertising, marketing, promoting, offering for sale, or selling, or assisting in the advertising, marketing, promoting, offering for sale, or selling, of any Healthcare-Related Products.

### **II.**

#### **PROHIBITION AGAINST MISREPRESENTATIONS**

**IT IS FURTHER ORDERED** that Stipulating Defendant, Stipulating Defendant’s officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with promoting or offering for sale any good or service, are permanently restrained and enjoined from misrepresenting or assisting others in misrepresenting, expressly or by implication:

A. Any material aspect of the performance, efficacy, nature, or central characteristics of any good or service;

- B. Any material restriction, limitation, or condition to purchase, receive, or use goods or services that are the subject of a sales offer;
- C. Any affiliation with, or endorsement or sponsorship by, any person or government entity;
- D. Any material aspect of the nature or terms of the seller's refund, cancellation, exchange, or repurchase policies; or
- E. Any other fact material to consumers concerning any good or service, such as: the total costs; any material restrictions, limitations, or conditions; or any material aspect of its performance, efficacy, nature, or central characteristics.

### III.

#### **PROHIBITION AGAINST VIOLATING THE TSR**

**IT IS FURTHER ORDERED** that Stipulating Defendant, Stipulating Defendant's officers, agents, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are permanently restrained and enjoined from:

A. Initiating any Outbound Telephone Call, or causing others to initiate any Outbound Telephone Call, in which the Telemarketer fails to disclose truthfully, promptly, and in a Clear and Conspicuous manner to the person receiving a call:

- 1. the identity of the Seller;
- 2. that the purpose of the call is to sell goods or services; and
- 3. the nature of the goods or services;

B. Abandoning, or causing others to abandon, any Outbound Telephone Call to a person by failing to connect the call to a live operator within two seconds of the person's



completed greeting, unless the Seller or Telemarketer proves that the following four conditions are met:

1. the Seller or Telemarketer employs technology that ensures abandonment of no more than three percent of all calls answered by a person, measured over the duration of a single calling campaign, if less than thirty (30) days, or separately over each successive 30-day period or portion thereof that the campaign continues;
2. the Seller or Telemarketer, for each Telemarketing call placed, allows the telephone to ring for at least fifteen seconds or four rings before disconnecting an unanswered call;
3. whenever a live operator is not available to speak with the person answering the call within two seconds after the person's completed greeting, the Seller promptly plays a recorded message that states the Seller's name and telephone number; and
4. the Seller retains records establishing compliance with the preceding three conditions;

C. Initiating any Outbound Telephone Calls, or causing others to initiate any Outbound Telephone Calls, that delivers a prerecorded message, other than a prerecorded message permitted for compliance with Section III.B.3 of this Order, unless the Seller or Telemarketer proves that:

1. Prior to making any such call to induce the purchase of any good or service, the Seller has obtained from the recipient of the call an express agreement, in writing, that:



- a. the Seller obtained only after a Clear and Conspicuous disclosure that the purpose of the agreement is to authorize the Seller to place prerecorded calls to such person;
  - b. the Seller obtained without requiring, directly or indirectly, that the agreement be executed as a condition of purchasing any good or service;
  - c. evidences the willingness of the recipient of the call to receive calls that deliver prerecorded messages by or on behalf of the specific Seller; and
  - d. includes such person's telephone number and signature; and
2. In any such call to induce the purchase of any good or service, the Seller or Telemarketer:
  - a. allows the telephone to ring for at least fifteen (15) seconds or four (4) rings before disconnecting an unanswered call; and
  - b. within two (2) seconds after the completed greeting of the person called, plays a prerecorded message that promptly discloses the Seller's identity, that the purpose of the call is to sell goods or services, and the nature of the goods or services, followed immediately by a disclosure of one or both of the following:
    - i. in the case of a call that could be answered in person by a consumer, that the person called can use an automated interactive voice and/or keypress-activated opt-out mechanism to assert a do-not-call request at any time during the message. The mechanism must:

- (a) automatically add the number called to the Seller's Entity-Specific Do Not Call List;
  - (b) once invoked, immediately disconnect the call; and
  - (c) be available for use at any time during the message; and
- ii. in the case of a call that could be answered by an answering machine or voicemail service, that the person called can use a toll free-number to assert a do-not-call request. The number provided must connect directly to an automated interactive voice or keypress-activated opt-out mechanism that:
  - (a) automatically adds the number called to the Seller's Entity-Specific Do Not Call List;
  - (b) immediately thereafter disconnects the call; and
  - (c) is accessible at any time throughout the duration of the Telemarketing campaign;

D. Initiating any Outbound Telephone Calls, or causing others to initiate Outbound Telephone Calls, to any person's telephone number on the National Do Not Call Registry, unless the Seller or Telemarketer proves that:

- 1. the Seller has obtained the express agreement, in writing, of such person to place calls to that person. Such written agreement shall clearly evidence such person's authorization that calls made by or on behalf of the Seller may be placed to that person, and shall include the telephone number to which the calls may be placed and the signature of that person; or

2. the Seller has an Established Business Relationship with such person, and that person has not previously stated that he or she does not wish to receive Outbound Telephone Calls made by or on behalf of the Seller;

E. Initiating Outbound Telephone Calls, or causing another to initiate Outbound Telephone Calls, to a person who has previously stated that he or she does not wish to receive an Outbound Telephone Call made by or on behalf of the Seller;

F. Initiating Outbound Telephone Calls, or causing others to initiate Outbound Telephone Calls, to a telephone number within a given area code when the Seller has not, either directly or through another person, paid the required annual fee for access to the telephone numbers within that area code that are included in the National Do Not Call Registry unless the telephone call is:

1. a solicitation to induce charitable contributions;
2. to a business;
3. to persons who have given the Seller their express agreement, in writing and signed, to receive calls from Seller; or
4. to persons who have an Established Business Relationship with Seller; and

G. Violating the Telemarketing Sales Rule, 16 C.F.R. Part 310, attached as Appendix A to this Order.

IV.

**MONETARY JUDGMENT AND SUSPENSION**

**IT IS FURTHER ORDERED** that:

A. Judgment in the amount of One-Hundred Ninety-Five Million, Four Hundred Sixty-Six Thousand and Four Hundred Forty-Three Dollars (\$195,466,443) is entered in favor of the Commission against Stipulating Defendant as equitable monetary relief.

B. The judgment is suspended subject to the Subsections below.

C. The Commission's agreement to the suspension of the judgment against Stipulating Defendant is expressly premised upon the truthfulness, accuracy, and completeness of Stipulating Defendant's sworn financial statement and related documents (collectively, "financial representations") submitted to the Commission, namely:

1. The Financial Statement of Individual Defendant Candida L. Girouard signed on November 21, 2019, including the attachments;

2. The "Candida Girouard Update to Financial Affidavit" dated April 7, 2020; and

3. The email updating the Financial Statement of Individual Defendant Candida L. Girouard dated April 21, 2020 and sent from Cassandra LaChase, Legal Assistant to Brian H. Mallonee, to FTC counsel Elizabeth Scott and Joannie Wei, and the Receiver Michael Goldberg.

D. The suspension of the judgment will be lifted as to Stipulating Defendant if, upon motion by the Commission, the Court finds that Stipulating 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, the judgment becomes immediately due as to Stipulating Defendant in the amount specified in Subsection A above (which the parties stipulate only for purposes of this Section represents the consumer injury alleged in the Complaint), plus interest computed from the date of entry of this Order.

F. Stipulating Defendant relinquishes dominion and all legal and equitable right, title, and interest in all assets transferred pursuant to this Order and may not seek the return of any assets.

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

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

I. Stipulating Defendant acknowledges that her Taxpayer Identification Numbers (Social Security Numbers or Employer Identification Numbers), which Stipulating Defendant previously submitted to Plaintiff, may be used for collecting and reporting on any delinquent amount arising out of this Order, in accordance with 31 U.S.C. § 7701.

J. All money paid to the Commission pursuant to this Order may be deposited into a fund administered by the Commission or its designee to be used for equitable relief, including consumer redress and any attendant expenses for the administration of any redress fund. If a representative of the Commission decides that direct redress to consumers is wholly or partially impracticable or money remains after redress is completed, the Commission may apply any

remaining money for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to Defendants' practices alleged in the Complaint. Any money not used for such equitable relief is to be deposited to the U.S. Treasury as disgorgement. Stipulating Defendant has no right to challenge any actions the Commission or its representatives may take pursuant to this Subsection.

V.

**CUSTOMER INFORMATION**

**IT IS FURTHER ORDERED** that Stipulating Defendant, Stipulating Defendant's officers, agents, employees and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this Order, are permanently restrained and enjoined from directly or indirectly:

A. Failing to provide sufficient customer information to enable the Commission to efficiently administer consumer redress. If a representative of the Commission requests in writing any information related to redress, Stipulating Defendant must provide it, in the form prescribed by the Commission, within fourteen (14) days;

B. Disclosing, using, or benefiting from customer information, including the name, address, telephone number, email address, Social Security number, other identifying information, or any data that enables access to a customer's account (including a credit card, bank account, or other financial account), that any Defendant obtained prior to entry of this Order in connection with the advertising, marketing, telemarketing, promoting, offering for sale, or sale of any Healthcare-Related Products; and

C. Failing to destroy such customer information in all forms in their possession, custody, or control within thirty (30) days after receipt of written direction to do so from a representative of the Commission.

*Provided, however,* that customer 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.

## VI.

### COOPERATION

**IT IS FURTHER ORDERED** that Stipulating Defendant must fully cooperate with representatives of the Commission in this case and in any investigation related to or associated with the transactions or the occurrences that are the subject of the Complaint. Stipulating Defendant must provide truthful and complete information, evidence, and testimony. Stipulating Defendant must appear for interviews, discovery, hearings, trials, and any other proceedings that a Commission representative may reasonably request upon five (5) days written notice, or other reasonable notice, at such places and times as a Commission representative may designate, without the service of a subpoena. Provided however, that nothing herein shall constitute or be construed as a waiver by Stipulating Defendant of her right against self-incrimination under the Fifth Amendment.

## VII

### COOPERATION WITH THE RECEIVER

**IT IS FURTHER ORDERED** that Stipulating Defendant must fully cooperate with and assist the Receiver and the Receiver's professionals in this case and in any investigation related to or associated with the transactions or the occurrences that are the subject of the Complaint and



the duties imposed on, or powers granted to, the Receiver by any current or future order of the Court. This cooperation and assistance shall include, but not be limited to, providing any information to the Receiver and the Receiver's professionals that is reasonably necessary to enable the Receiver to exercise his authority and discharge his responsibilities under the applicable orders of the Court. Stipulating Defendant must provide truthful and complete information, evidence, and testimony. Stipulating Defendant must appear for interviews, discovery, hearings, trials, and any other proceedings that the Receiver or the Receiver's professionals may reasonably request upon five (5) days written notice, or other reasonable notice, at such places and times as the Receiver may reasonably designate, without the service of a subpoena.

### VIII.

#### ORDER ACKNOWLEDGMENTS

**IT IS FURTHER ORDERED** that Stipulating Defendant obtains acknowledgements of receipt of this Order:

- A. Stipulating Defendant, within seven (7) days of entry of this Order, must submit to the Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.
- B. For five (5) years after entry of this Order, Stipulating Defendant for any business that Stipulating Defendant, individually or collectively with any other Defendant, is the majority owner or controls directly or indirectly, must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees having managerial responsibilities for conduct related to the subject matter of the Order and all agents and representatives who participate in conduct related to the subject matter of the Order; and (3) any business entity resulting from any change in structure as set forth in the Section titled

Compliance Reporting. Delivery must occur within seven (7) days of entry of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities.

C. From each individual or entity to which Stipulating Defendant delivered a copy of this Order, Stipulating Defendant must obtain, within thirty (30) days, a signed and dated acknowledgment of receipt of this Order.

## IX.

### COMPLIANCE REPORTING

**IT IS FURTHER ORDERED** that Stipulating Defendant make timely submissions to the Commission:

A. One (1) year after entry of this Order, Stipulating Defendant must submit a compliance report, sworn under penalty of perjury. Stipulating Defendant must: (1) identify all telephone numbers and all physical, postal, email and Internet addresses, including all residences; (2) identify all business activities, including any business for which Stipulating Defendant performs services whether as an employee or otherwise and any entity in which Stipulating Defendant has any ownership interest; (3) describe in detail Stipulating Defendant's involvement in each such business, including title, role, responsibilities, participation, authority, control, and any ownership; (4) 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 Stipulating Defendant; (5) identify all of Stipulating Defendant's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses; (6) describe the activities of each business, including the goods and services offered, the means of advertising, marketing, and sales, and the involvement of any other Defendant (which Stipulating Defendant must describe if she knows or should know due to her own

involvement); (7) describe in detail whether and how Stipulating Defendant is in compliance with each Section of this Order; and (8) provide a copy of each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the Commission.

B. For fifteen (15) years after entry of this Order, Stipulating Defendant must submit a compliance notice, sworn under penalty of perjury, within fourteen (14) days of any change in the following: (1) name, including aliases or fictitious name, or residence address; (2) title or role in any business activity, including any business for which Stipulating Defendant performs services whether as an employee or otherwise and any entity in which Stipulating Defendant has any ownership interest, and identify the name, physical address, and any Internet address of the business or entity; (3) any designated point of contact; or (4) the structure of any entity that Stipulating Defendant has any ownership interest in or controls directly or indirectly that may affect compliance obligations arising under this 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 this Order.

C. Stipulating Defendant must submit to the Commission notice of the filing of any bankruptcy petition, insolvency proceeding, or similar proceeding by or against such Stipulating Defendant within fourteen (14) days of its filing.

D. Any submission to the Commission required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: "I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on: \_\_\_\_\_" and supplying the date, signatory's full name, title (if applicable), and signature.

E. Unless otherwise directed by a Commission representative in writing, all submissions to the Commission pursuant to this Order must be emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: *FTC v. Simple Health Plans LLC; Candida L. Girouard, et al.*, FTC Matter No. X190009.

X.

**RECORDKEEPING**

**IT IS FURTHER ORDERED** that Stipulating Defendant must create certain records for fifteen (15) years after entry of the Order, and retain each such record for five (5) years. Specifically, Stipulating Defendant for any business that Stipulating Defendant, individually or collectively with any other Defendant, is a majority owner or controls directly or indirectly, must create and retain the following records:

- A. Accounting records showing the revenues from all goods or services sold;
- B. Personnel records showing, for each person providing services, whether as an employee or otherwise, that person's: name, addresses, telephone numbers, job title or position, dates of service, and (if applicable) the reason for termination;
- C. Records of all consumer complaints 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 this Order, including all submissions to the Commission;
- E. A copy of each unique advertisement or other marketing material; and

F. Copies of agreements, applications, and contracts with suppliers, payment processors, and list brokers.

**XI.**

**COMPLIANCE MONITORING**

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

A. Within fourteen (14) days of receipt of a written request from a representative of the Commission, Stipulating Defendant 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. The Commission also is 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.

B. For matters concerning this Order, the Commission is authorized to communicate directly with Stipulating Defendant. Stipulating Defendant must permit representatives of the Commission to interview any employee or other person affiliated with Stipulating Defendant who has agreed to such an interview. The person interviewed may have counsel present.

C. The Commission may use all other lawful means, including posing, though its representatives as consumers, suppliers, or other individuals or entities, to Stipulating Defendant or any individual or entity affiliated with Stipulating Defendant, without the necessity of identification or prior notice. Nothing in this 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.



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

**XII.**

**RETENTION OF JURISDICTION**

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

**SO ORDERED**, this 8<sup>th</sup> day of September 2021, 2020.

  
\_\_\_\_\_  
HON. DARRIN P. GAYLES  
United States District Judge

**SO STIPULATED AND AGREED:**

**FOR PLAINTIFF:**

ALDEN F. ABBOTT  
General Counsel

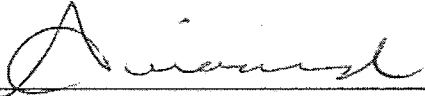
  
\_\_\_\_\_  
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Attorneys for Plaintiff  
FEDERAL TRADE COMMISSION

Date: February 4, 2021

**FOR DEFENDANT CANDIDA L. GIROUARD:**




CANDIDA L. GIROUARD

Defendant

Date:

10/16/20



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Attorney for Defendant

CANDIDA L. GIROUARD

Date:

10/16/20