

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

ABSOLUTE FINANCIAL SERVICES LLC,

”

Defendants

Civil Action No. 0:20-cv-02596-JMC

**MOTION TO STIPULATE TO
ENTER PERMANENT INJUNCTION** LCDR Mr. LANT

IT IS SO STIPULATED:

J. REILLY DOLAN
Acting General Counsel

GREGORY A. ASHE
MARGUERITE MOELLER
Federal Trade Commission
600 Pennsylvania Avenue NW
Washington, DC 20580
Telephone: 202-326-3719 (Ashe)
Telephone: 202-326-2905 (Moeller)
Facsimile: 202-326-3768
Email: gashe@ftc.gov, mmoeller@ftc.gov

M. RHETT DEHART
Acting United States Attorney

JOHANNA C. VALENZUELA (#11130)
Assistant United States Attorney
1441 Main Street, Suite 500
Columbia, SC 29201
Telephone: 803-929-3122
Facsimile: 803-254-2912
Email: Johanna.Valenzuela@usdoj.gov

MARK C. MOORE (#4956)
NEXSEN PRUET, LLC
1230 Main Street, Suite 700 (29201)
Post Office Drawer 2426
Columbia, SC 29202
Telephone: 803-540-2146
Facsimile: 803-727-1458
Email: mmoore@nexsenpruet.com

REGINA HOLLINS LEWIS (#7553)
RANDI LYNN ROBERTS (#12462)
Gaffney Lewis, LLC
3700 Forest Drive, Suite 400
Columbia, SC 29204
Telephone: 803-790-8838
Facsimile: 803-790-8841
Email: rlewis@gaffneylewis.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 12, 2021, a true and correct copy of
**(1) MOTION TO STIPULATE TO ENTER PERMANENT INJUNCTION AND
MONETARY JUDGMENT AS TO DEFENDANT TALESIA NEELY and (2) [proposed]
STIPULATED PERMANENT INJUNCTION AND MONETARY JUDGMENT AS TO
DEFENDANT TALESIA NEELY** were filed electronically with the United States District
Court for the District of SN

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et al.,

Defendants

Civil Action No. 0:20-cv-02596-JMC

**[proposed] STIPULATED FINAL
ORDER FOR PERMANENT
INJUNCTION AS TO DEFENDANT
TALESIA NEELY**

Plaintiff, the Federal Trade Commission (“FTC”), commenced this civil action on July 13, 2020, pursuant to Sections 13(b) and 19 of the FTC Act, 15 U.S.C. §§ 53(b) and 57b, and Section 814(a) of the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692l(a). (ECF No. 2.) On July 17, 2020, on motion by the FTC, the Court entered an *ex parte* temporary restraining order (“TRO”) with asset freeze and other equitable relief against Defendants Absolute Financial Services, LLC, Absolute Financial Services Recovery, LLC, AFSR Global Logistics, LLC, LaShone Elam a/k/a LaShone Caldwell, and Talesia Neely. (ECF No. 18.) On

- E. **“Debt Collector”** means any Person who uses any instrumentality of interstate commerce or the mail in any business the principal purpose of which is the collection of any Debts, or who regularly collects or attempts to collect, directly or indirectly, Debts owed or due or asserted to be owed or due another. The term also includes any creditor who, in the process of collecting its own Debts, uses any name other than its own which would indicate that a third Person is collecting or attempting to collect such Debts. The term also includes any Person to the extent such Person collects or attempts to collect any Debt that was in default at the time it was obtained by such Person.
- F. **“Defendants”** means the Corporate Defendants and the Individual Defendants, individually, collectively, or in any combination.
- G. **“Individual Defendants**

D. Any fact material to Consumers concerning any product or service, such as the total

COOPERATION

IV. IT IS FURTHER ORDERED that the Defendant Neely must fully cooperate with representatives of the FTC in this case and in any investigation related to or associated with the transactions or the occurrences that are the subject of the Complaint. Defendant Neely must provide truthful and complete information, evidence, and testimony. Defendant Neely must appear for interviews, discovery, hearings, trials, and any other proceedings that a representative of the FTC may reasonably request upon 5 days written notice, or other reasonable notice, at such places and times as a representative of the FTC may designate, without the service of a subpoena. Nothing contained in this Section shall be deemed a waiver by Defendant Neely of any rights she may have pursuant to the Fifth Amendment to the Constitution of the United States.

ORDER ACKNOWLEDGMENTS

- V. IT IS FURTHER ORDERED** that Defendant Neely obtain acknowledgments of receipt of this Order:
- A. Defendant Neely, within 7 days of entry of this Order, must submit to the FTC an acknowledgment of receipt of this Order sworn under penalty of perjury.
 - B. For 5 years after entry of this Order, Defendant Neely, for any business that she, 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 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 Defendant Neely delivered a copy of this Order, she must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

COMPLIANCE REPORTING

VI. IT IS FURTHER ORDERED that Defendant Neely make timely submissions to the FTC:

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

1. Defendant Neely must: (a) identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the FTC may use to communicate with her; (b) identify all of her businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses; (c) describe the activities of each business, including the products and services offered, the means of advertising, marketing, and sales, and the involvement of any other Defendant (which she must describe if she knows or should know due to her own involvement); (d) describe in detail whether and how she is in compliance with each Section of this Order; and (e) provide a copy of each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the FTC.
2. Additionally, Defendant Neely 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 which 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 20 years after entry of this Order, Defendant Neely must submit a compliance notice,

E. Unless otherwise directed by a FTC representative in writing, all submissions to the FTC pursuant to this Order must be emailed to DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: FTC v. Absolute Financial Services, X200047.

RECORDKEEPING

VII. IT IS FURTHER ORDERED that Defendant Neely must create certain records for 20 years after entry of the Order, and retain each such record for 5 years. Specifically, Defendant Neely for any business that she, 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 products 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 FTC; and
- E. a copy of each unique advertisement or other marketing material.

COMPLIANCE MONITORING

