

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

FEDERAL TRADE COMMISSION,	)	
	)	
Plaintiff,	)	Case No. _____
	)	
v.	)	
	)	
MORTGAGE FORECLOSURE SOLUTIONS,	)	
INC., a Florida corporation,	)	
	)	
DEBRA BEHRENS, and	)	
	)	
MICHAEL SIANI,	)	
	)	
Defendants.	)	
	)	

**PLAINTIFF’S COMPLAINT FOR INJUNCTIVE  
AND OTHER EQUITABLE RELIEF**

Plaintiff, the Federal Trade Commission (“FTC” or “Commission”), for its complaint alleges:

1. The Commission brings this action under Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b), to secure preliminary and permanent injunctive relief, rescission of contracts, restitution, disgorgement, and other equitable relief for Defendants’ deceptive acts or practices in connection with the selling of mortgage foreclosure rescue services in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

## **JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331(a), 1337(a), and 1345, and 15 U.S.C. §§ 45(a) and 53(b).

3. Venue in the United States District Court for the Middle District of Florida is proper under 28 U.S.C. §§ 1391(b) and (c), and 15 U.S.C. § 53(b).

## **THE PARTIES**

4. Plaintiff, Federal Trade Commission, is an independent agency of the United States Government created by the FTC Act, 15 U.S.C. §§ 41-58 (as amended). The Commission enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce. The Commission, through its own attorneys, may initiate federal district court proceedings to enjoin violations of the FTC Act and to secure such equitable relief, including rescission of contracts, restitution, and the disgorgement of ill-gotten gains caused by Defendants' law violations, as may be appropriate in each case. 15 U.S.C. § 53(b).

5. Defendant, Mortgage Foreclosure Solutions, Inc. ("MFS"), is a Florida corporation that has a principal place of business at 16809 U.S. Highway 19 N., Suite B, Clearwater, Florida. MFS transacts or has transacted business in this district.

6. Defendant, Debra Behrens ("Behrens"), is an owner and officer of Defendant MFS. Individually, or in concert with others, she directs, controls, formulates, or participates in the acts and practices set forth herein. Behrens resides, transacts, or has transacted business in this district.

7. Defendant, Michael Siani (“Siani”), is an owner and officer of Defendant MFS. Individually, or in concert with others, he directs, controls, formulates, or participates in the acts and practices set forth herein. Siani resides, transacts, or has transacted business in this district.

### **COMMERCE**

8. The acts and practices of Defendants, as alleged in this Complaint, are in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

### **DEFENDANTS’ BUSINESS ACTIVITIES**

9. Since at least 2006, the Defendants have conducted a nationwide marketing scheme to sell purported mortgage foreclosure rescue services to consumers residing throughout the United States.

10. The Defendants advertise, market, and promote their mortgage foreclosure rescue services on Internet websites and blogs, including:

[www.mortgageforeclosuresolutions.biz](http://www.mortgageforeclosuresolutions.biz), [www.mortgageforeclosuresolutions.com](http://www.mortgageforeclosuresolutions.com),  
[www.mortgageforeclosuresolutions.info](http://www.mortgageforeclosuresolutions.info), [www.mortgageforeclosuresolutions.net](http://www.mortgageforeclosuresolutions.net),  
[www.mortgageforeclosuresolutions.org](http://www.mortgageforeclosuresolutions.org), and [www.mortgageforeclosuresolutions.us](http://www.mortgageforeclosuresolutions.us). The Defendants claim that they can stop foreclosure and save consumers’ homes, regardless of consumers’ hardships or payment histories. The following claims are illustrative of the claims made by the Defendants on their websites and blogs:

Here at Mortgage Foreclosure Solutions we know the best solutions for most situations and can assist any homeowner across the country regardless of their hardship or past payment history with their lender. Mortgage Foreclosure Solutions, [sic] is a solution provider for individuals to Stop Foreclosure. We have helped countless people avoid foreclosure, and can assist you to prevent foreclosure.

We have helped countless people prevent foreclosure and can help you in your situation . . . If you want to avoid foreclosure WE HAVE A STOP FORECLOSURE SOLUTION . . . you can Prevent Foreclosure but you must act quickly.

Once you have been informed of your rights, we will take immediate action to stop foreclosure. Constant foreclosure help, communication and updates will be available to you.

No matter how far you are behind in your payments, the size of your mortgage debt or your credit history, we have **Mortgage Foreclosure Solutions**.

If we take you on as a client we will negotiate with your lender to work out a solution with your budget in mind, so you can get back on the road to financial recovery.

11. The websites and blogs also assure consumers that MFS is so confident that they can provide relief that they guarantee their services:

We are so confident of our abilities to provide mortgage foreclosure solutions that we guarantee our services to Stop Foreclosure.

We are so confident of our abilities to provide you with a solution in stopping your foreclosure that we guarantee our services in writing to you.

12. The websites and blogs encourage consumers to call the Defendants' toll-free telephone number for a free consultation. When consumers call for the free consultation, they are told they need to answer questions to determine if they qualify for a workout plan with their lender. All consumers are then told that they qualify for a

workout plan, regardless of the answers they provide.

13. After their calls are briefly placed on hold, consumers are informed that Defendants have accepted them as a client and that Defendants will save their home. Defendants promise consumers that Defendants will immediately begin negotiating with the lender and provide a solution to save their home from foreclosure.

14. Defendants then require consumers to pay an advanced fee of \$950 and a \$250 processing setup charge for their mortgage foreclosure rescue services. Consumers who express reservations about paying \$1,200 in advance are assured by Defendants that their services are guaranteed.

15. After consumers have paid MFS for the mortgage foreclosure rescue services, Defendants often do not provide updates concerning the foreclosure proceedings or return consumers' telephone calls. In other instances, when consumers do reach Defendants' representatives, consumers are told either that Defendants are working on a solution or that no solution can be found.

16. Defendants do not stop mortgage foreclosure or save consumers' homes in all or virtually all instances.

17. Many consumers who have retained the Defendants' services ultimately lose their homes to foreclosure. Other consumers avoid foreclosure only through their own efforts and not because of any service provided by Defendants.

## **VIOLATIONS OF SECTION 5 OF THE FTC ACT**

18. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits unfair or deceptive acts or practices in or affecting commerce.

19. Misrepresentations or omissions of material fact constitute deceptive acts or practices prohibited by Section 5(a) of the FTC Act.

### **COUNT I**

20. Defendants represent, expressly or by implication, that Defendants will stop foreclosure in all or virtually all instances.

21. In truth and in fact, Defendants do not stop foreclosure in all or virtually all instances.

22. Therefore, representations set forth in Paragraph 20 are false and misleading and constitute deceptive acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

### **CONSUMER INJURY**

23. Consumers throughout the United States have suffered and continue to suffer substantial monetary loss as a result of the Defendants' violation of the FTC Act as set forth above. In addition, the Defendants have been unjustly enriched as a result of their unlawful acts and practices. Absent injunctive relief by this Court, the Defendants are likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

### **THIS COURT'S POWER TO GRANT RELIEF**

24. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court to grant injunctive and such other relief as the Court may deem appropriate to halt and redress violations of the FTC Act. The Court, in the exercise of its equitable jurisdiction, may award ancillary relief, including, but not limited to, rescission of contracts, restitution, and the disgorgement of ill-gotten gains, to prevent and remedy injury caused by Defendants' law violations.

### **PRAYER FOR RELIEF**

Wherefore, Plaintiff Federal Trade Commission, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. §§ 53(b), and the Court's own equitable powers, requests that this Court:

1. Award Plaintiff such preliminary injunctive and ancillary relief as may be necessary to avert the likelihood of consumer injury during the pendency of this action and to preserve the possibility of effective final relief, including, but not limited to, temporary and preliminary injunctions, an order freezing assets, and immediate access to records;
2. Enter a permanent injunction to prevent future violations of the FTC Act by the Defendants;
3. Award such relief against the Defendants as the Court finds necessary to redress injury to consumers resulting from violations of law described above, including, but not limited to, rescission or reformation of contracts, restitution, the refund of monies

paid, and the disgorgement of ill-gotten monies; and

4. Award Plaintiff the costs of bringing this action, as well as such other and additional relief as the Court may determine to be just and proper.

Dated: January 23, 2008

Respectfully submitted,

William Blumenthal  
General Counsel

/s/ Dama J. Brown

Dama J. Brown, Trial Counsel

Michigan Bar. P54775

Federal Trade Commission

225 Peachtree Street N.E., Suite 1500

Atlanta, Georgia 30306

Telephone: (404) 656-1361

Facsimile: (404) 656-1379

Email: [dbrown1@ftc.gov](mailto:dbrown1@ftc.gov)