

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

2003 SEP 19 AM 10:38

FILED

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

1ST BENEFICIAL CREDIT SERVICES LLC,
a corporation, also d/b/a First Beneficial Credit
Services, First Beneficial Credit Services, Inc., and
American Capitol,

PLATINUM EXPRESS BENEFITS LLC,
a corporation,

AMERICAN CAPITOL BENEFITS LLC,
a corporation,

VIKTOR GOLUB, a/k/a Victor Golub,
individually and as an officer of 1st Beneficial
Credit Services LLC, Platinum Express Benefits
LLC, and American Capitol Benefits LLC,

ARMAND PETROV, individually and
as an officer of 1st Beneficial Credit Services LLC,
Platinum Express Benefits LLC and American
Capitol Benefits LLC, and

GOLAN RABIN, a/k/a Glenn Stevens, a/ka/
Glen Stevens, individually,

Defendants.

Case No. 1:02CV1591
Judge Nugent
Mag. Judge Hemann

STIPULATED FINAL ORDER
AND PERMANENT
INJUNCTION

Plaintiff Federal Trade Commission ("Commission") filed its original complaint for a permanent injunction and other relief in this matter on August 14, 2002, pursuant to Sections 13(b) and 19 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b) and 57, and the Telemarketing and Consumer Fraud and Abuse Prevention Act ("Telemarketing Act"), 15 U.S.C. §§ 6101 *et seq.* On the same day, the Court entered, *ex parte*, a temporary restraining order and an order to show cause why a preliminary injunction should not be granted against then defendants 1st Beneficial Credit Services LLC ("FBCS"), Platinum Express Benefits LLC ("PEB"), and Viktor Golub ("Golub"), also doing business as American Capitol. The temporary restraining order was extended on August 26, 2002. On September 9, 2002, the Court entered a Stipulated Preliminary Injunction against FBCS, PEB and Golub.

On September 23, 2002, plaintiff filed its amended complaint repeating the same allegations but adding American Capitol Benefits LLC ("ACB") and Armand Petrov ("Petrov") as defendants. On September 27, 2002, plaintiff filed an application for a temporary restraining order and order to show cause why a preliminary injunction should not issue against ACB and Petrov. On October 25, 2002, the Court entered a Stipulated Preliminary Injunction covering all of the defendants, including ACB and Petrov. On March 25, 2003, the court accepted for filing plaintiff's second amended complaint, repeating the same allegations but adding Glen Stevens, a/k/a Glenn Stevens a/k/a Glen Rabin as a defendant. Simultaneously with the filing of this order, plaintiff has filed its third amended complaint repeating the same allegations but changing the name of defendant Glen Stevens to Golan Rabin ("Rabin"), a/k/a Glenn Stevens, a/k/a Glen Stevens.

Plaintiff and defendants FBCS, PEB, ACB, Golub, Petrov, and Rabin now enter into this Stipulated Final Order and Permanent Injunction.

FINDINGS

By the stipulation of the parties, and without any defendants admitting any liability for any of the violations alleged in the Complaint, the Court makes the following findings:

1. Plaintiff alleges that defendants FBCS, PEB, ACB, Golub, Petrov, and Rabin have violated Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), the Federal Trade Commission's Trade Regulation Rule entitled "Telemarketing Sales Rule," 16 C.F.R. Part 310, and the Telemarketing Act, 15 U.S.C. § 6101 *et seq.*
2. This Court has jurisdiction over the subject matter of this case and of the parties to this action pursuant to 15 U.S.C. §§ 45(a), 53(b), 57b, 6102(c) and 6105(b), and 28 U.S.C. §§ 1331, 1337(a) and 1345. Venue in the Northern District of Ohio is proper under 15 U.S.C. § 53(b) and 28 U.S.C. §§ 1391 (b), (c), and (d).
3. Plaintiff has the authority to seek the relief it has requested.
4. The Complaint states a claim upon which injunctive relief may be granted against defendants FBCS, PEB, ACB, Golub, Petrov, and Rabin under Sections 5(a), 13(b), and 19 of the FTC Act, 15 U.S.C. §§ 45(a), 53(b), and 57b and the Telemarketing Act, 15 U.S.C. § 6105.
5. The activities of defendants FBCS, PEB, ACB, Golub, Petrov, and Rabin alleged in the Complaint are in or affecting commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

6. By stipulating and consenting to the entry of this Stipulated Final Order and Permanent Injunction, defendants FBCS, PEB, ACB, Golub, Petrov, and Rabin do not admit any of the allegations in the third amended complaint except those reflected in Paragraphs 1 through 5 herein, or waive any defense or privilege which was raised or which could have been raised in this action. Likewise, by executing this Order, plaintiff does not admit that any defense to the complaint is valid.
7. The Court entered a Temporary Restraining Order against defendants FBCS, PEB and Golub on August 14, 2002, which was extended on August 26, 2002.
8. The Court entered a Stipulated Preliminary Injunction against defendants FBCS, PEB, and Golub on September 9, 2002. The Court entered a Stipulated Preliminary Injunction against defendants FBCS, PEB, ACB, Golub and Petrov, on October 25, 2002.
9. This action and the relief ordered herein are in addition to, and not in lieu of, other remedies as may be provided by law, including civil and criminal remedies.
10. The parties waive all rights to seek judicial review of, or otherwise challenge or contest the validity of this Order or the temporary or preliminary orders entered in this proceeding. Defendants FBCS, PEB, ACB, Golub, Petrov, and Rabin also waive any claim they may have under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action to the date of the entry of this Stipulated Final Order and Permanent Injunction. Defendants FBCS, PEB, ACB, Golub, Petrov, and Rabin further waive and release any claims they may have against the plaintiff or its employees, agents or representatives.
11. Defendants FBCS, PEB, ACB, Golub, Petrov, and Rabin consent freely and without

coercion to entry of this Stipulated Final Order and Permanent Injunction in the interest of settling this litigation, and acknowledge that they understand the provisions of this Order and are prepared to abide by its terms. At all times, defendants FBCS, PEB, ACB, Golub, Petrov, and Rabin have been represented by counsel, including during the negotiations that led to this Order.

12. Any voluntary bankruptcy petition filed by any defendant does not automatically stay this action which the Court finds is the “commencement or continuation of an action or proceeding by a governmental unit to enforce such governmental unit’s police or regulatory power” as set forth in 11 U.S.C. § 362(b)(4).
13. Any voluntary bankruptcy petition filed by any defendant does not divest this Court of the jurisdiction to enter this Stipulated Final Order and Permanent Injunction against the defendants.
14. Entry of this Order is in the public interest.

ORDER

DEFINITIONS

For the purposes of this Order, the following definitions shall apply:

1. **Document** is synonymous in meaning and equal in scope to the usage of the term in Federal Rule of Civil Procedure 34(a), and includes writings, drawings, graphs, charts, photographs, audio and video recordings, computer records, and other data compilations from which information can be obtained and translated, if necessary, through detection devices into reasonably usable form. A draft or non-identical copy is a separate document

within the meaning of the term.

2. ***Defendants*** means 1st Beneficial Credit Services LLC, Platinum Express Benefits LLC, American Capitol Benefits LLC, Viktor Golub, Armand Petrov, and Golan Rabin, their successors, assigns, officers, agents, servants, employees and those persons or entities in active concert or participation with any of them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any corporation, limited liability company, subsidiary, division, partnership, consulting agreement, or any other device.
3. ***Plaintiff*** means the Federal Trade Commission.
4. The terms “and” and “or” shall be construed conjunctively or disjunctively as necessary, and to make the applicable phrase or sentence inclusive rather than exclusive.
5. ***Consumer*** means any person, including any individual, group, unincorporated association, limited or general partnership, corporation or other business entity.
6. ***Assisting others*** means knowingly providing any of the following goods or services to another entity: (1) performing customer service functions, including, but not limited to, receiving or responding to consumer complaints; (2) formulating or providing, or arranging for the formulation or provision of, any telephone sales script or any other marketing material; (3) providing names of, or assisting in the generation of, potential customers; or (4) performing marketing services of any kind.
7. ***Credit related goods and services*** means any good or service which is advertised, offered for sale, or sold to consumers as a method by which consumers may establish or obtain any credit, credit device, or debit device, including but not limited to credit cards, debit

cards, loans or financing.

I.

**RESTRICTIONS ON THE SALE OF
CREDIT CARDS AND CREDIT RELATED GOODS AND SERVICES**

IT IS HEREBY ORDERED that defendants are hereby permanently restrained and enjoined from:

1. Engaging or participating in the advertising, offering for sale, sale or distribution of advance fee credit cards; and
2. Engaging in "telemarketing" as that term is defined in Section 310.2(cc) of the Telemarketing Sales Rule ("TSR"), 16 C.F.R. § 310.2(cc), and from being a "telemarketer" as that term is defined in Section 310.2(bb) of the TSR, 16 C.F.R. § 310.2(bb), where consumers are offered, expressly or by implication, credit related goods and services.

II.

COMPLIANCE WITH THE FEDERAL TRADE COMMISSION ACT

IT IS FURTHER ORDERED that, in connection with the sale of goods or services, defendants are hereby permanently restrained and enjoined from making, or assisting others in the making of, any express or implied representation of material fact that is false or misleading, including, but not limited to misrepresenting, expressly or by implication, that after paying Defendants a fee, consumers will, or are highly likely to, receive an unsecured major credit card, such as a VISA or MasterCard credit card.

III.

COMPLIANCE WITH THE TELEMARKETING SALES RULE

IT IS FURTHER ORDERED that defendants are hereby permanently restrained and enjoined from violating the Telemarketing Sales Rule—specifically including, but not limited to:

1. Requesting or receiving payment of any fee or consideration from any person in advance of that person obtaining a loan or other extension of credit while guaranteeing or representing a high likelihood of success in obtaining or arranging a loan or other extension of credit for a person, as prohibited by the Telemarketing Sales Rule, 16 C.F.R. § 310.4(a);
2. Misrepresenting, directly or by implication, that after paying a fee, consumers will receive, or are highly likely to receive, an unsecured major credit card in violation of Section 310.3(a)(2)(iii) of the Telemarketing Sales Rule, 16 C.F.R. § 310.3(a)(2)(iii); or
3. Violating or assisting others in violating any other provision of the Telemarketing Sales Rule, 16 C.F.R. Part 310; *provided, however*, that nothing in this Section shall be construed to nullify the prohibitions set forth in Section I, above.

A copy of the Telemarketing Sales Rule is appended to this Order as Attachment A and is incorporated herein as if fully rewritten. In the event that the Telemarketing Sales Rule is amended by the Commission in a manner which would create a new or different standard applicable to defendants' obligations under this Order, defendants' compliance with the Telemarketing Sales Rule as so amended shall not be deemed a violation of this Order.

IV.

MANDATORY COMPLIANCE

IT IS FURTHER ORDERED that defendants Golub, Petrov, and Rabin, in connection with any and every business entity of which any of them is a majority owner, or which any of them otherwise manages or controls and where the business is engaged in the sale or marketing of any good or service, are hereby permanently restrained and enjoined from:

1. Failing to take reasonable steps sufficient to monitor and ensure that all employees and independent contractors engaged in sales or other consumer service functions comply with **Sections I to III** of this Order. Such steps shall include adequate monitoring of sales presentations or other calls with consumers, and shall also include, at a minimum, the following: (1) listening to the oral representations made by persons engaged in sales or other consumer service functions; (2) establishing a procedure for receiving and responding to consumer complaints; and (3) ascertaining the number and nature of consumer complaints regarding transactions in which each employee or independent contractor is involved;
2. Failing promptly to investigate fully any consumer complaint received by any business to which this Section applies; and
3. Failing to take corrective action with respect to any salesperson whom defendants Golub or Petrov determine is not complying with this Order, which may include training, disciplining, and/or terminating such salesperson.

PROVIDED, however, that nothing in this Section shall be construed to nullify the prohibitions set forth in **Section I**, above.

V.

PROHIBITIONS AGAINST DISTRIBUTION OF CUSTOMER LISTS

IT IS FURTHER ORDERED that defendants are permanently restrained and enjoined from selling, renting, leasing, transferring or otherwise disclosing the name, address, telephone number, credit card number, bank account number or other identifying information of any person.

who paid any money to any of the defendants at any time in connection with the offering for sale or sale of any good or service; *provided, however*, that any defendant may disclose such identifying information to a law enforcement agency or as required by any law, regulation or court order, and shall disclose such identifying information to the Commission pursuant to this Order.

VI.

PROHIBITION ON TRANSFERRING BUSINESS INFORMATION

IT IS FURTHER ORDERED that defendants are hereby restrained and enjoined from transferring or in any other way providing to any person (other than a federal, state or local law enforcement agency or pursuant to a court order), directly or indirectly, any books, records, tapes, disks, accounting data, manuals, electronically stored data, banking records, invoices, telephone records, ledgers, payroll records, or other documents of any kind, including information stored in computer-maintained form, in the possession, custody or control of any defendant, or any trade secrets or knowledge, whether recorded or otherwise, that are in any way related to defendants FBCS, PEB, and/or ACB.

VII.

SUSPENDED JUDGMENT

A. **IT IS FURTHER ORDERED** that judgment is hereby entered against defendants, jointly and severally, for equitable monetary relief, in the amount of six million, four hundred and thirty thousand, and seven hundred dollars (\$6,430,700) in United States currency. Plaintiff and defendants agree that this sum represents the estimated loss to consumers over the past three years arising from the activities described in the Commission's Complaint against

these defendants, and that this judgment shall not be construed as the payment of any fine, penalty, punitive assessment, or forfeiture. **PROVIDED, however,** that this monetary judgment shall be suspended upon the satisfaction of Subpart B, below, and subject to the conditions set forth in **Section IX** of this Order.

B. **IT IS FURTHER ORDERED** that defendants shall pay to the Plaintiff as equitable monetary relief, including but not limited to consumer redress and disgorgement and expenses of administering any redress fund, the amount of one hundred eighty-eight thousand nine hundred sixty-two dollars and twenty-nine cents (\$188,962.29) in United States currency.

1. Payment by Defendants shall be made as follows:

Defendants shall authorize the funds on deposit in the following financial institution to be disbursed, and the same shall be disbursed, to the plaintiff in the amount shown:

Account Name	Name and Address of Financial Institution	Account No.	Amount
American Capitol Benefits LLC	Bank of America, N.A.	0049 6615 2506	\$142,117.20

Defendants shall authorize ACH Direct, Inc. to disburse to the plaintiff all funds in its possession, custody or control pursuant to contract with any of the defendants, represented to be \$46,845.09 as of July 7, 2003. ACH shall comply with this authorization.

2. Once the funds described in this Subpart B are transferred to the Commission, the

six million, four hundred and thirty thousand, and seven hundred dollar (\$6,430,700) judgment against defendants shall be extinguished, except as otherwise provided in this Subpart and **Section IX** of this Order.

3. **PROVIDED, however**, that decisions by the parties as to the funds defendants are to pay were based on financial information provided by those defendants (see **Section IX**, below), and the terms of this **Section** are subject to **Section IX**, below.

4. **PROVIDED FURTHER, however**, that in the event that defendants default in making their payment required by this Subpart B, the judgment of six million, four hundred and thirty thousand, and seven hundred dollars (\$6,430,700), less the sum of payments made pursuant to this Subpart shall become immediately due and payable.

C. **IT IS FURTHER ORDERED** that defendants shall cooperate fully with the Commission and its agents in all attempts to collect the amount due pursuant to this **Section** if they fail to pay the full amount due at the time specified herein. In such an event, defendants agree to provide the Commission, to the extent not already done, with their Canadian federal and provincial tax returns for the preceding two years, and to complete new financial disclosure forms fully and accurately within ten (10) business days of receiving a request from the Commission to do so. Defendants further authorize the Commission to verify all information provided on their financial disclosure forms with all appropriate third parties, including but not limited to financial institutions.

D. **IT IS FURTHER ORDERED** that Defendants Golub, Petrov, and Rabin are

hereby required, unless they have done so already, to furnish to the Commission their taxpayer identifying numbers, in accordance with 31 U.S.C. § 7701, and the Canadian equivalents thereof, which shall be used for purposes of collecting and reporting on any delinquent amount arising out of their relationship with the government.

E. **IT IS FURTHER ORDERED** that, unless already done, defendants shall provide the Commission with clear, legible and full-size photocopies of all valid driver's licenses in their possession, which will be used for collection, reporting and compliance purposes.

VIII.

ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANT

IT IS FURTHER ORDERED that defendants Golub, Petrov, and Rabin within five (5) business days of receipt of this Order as entered by the Court, must submit to the Commission a truthful sworn statement acknowledging receipt of this Order.

IX.

RIGHT TO REOPEN WITH SUM CERTAIN

IT IS FURTHER ORDERED that,

A. Plaintiff's agreement to, and the Court's approval of, this Final Order is expressly premised upon the truthfulness, accuracy, and completeness of the financial information provided by defendants in the financial statement provided to plaintiff by defendant Rabin dated April 10, 2003, the financial statements of defendants Golub and Petrov dated October 2, 2002, and filed with the court on November 27, 2002, the deposition testimony of defendants Golub and Petrov on January 29 and 30, 2003, respectively, and the deposition testimony of defendant Rabin on May 21, 2003. In these disclosures, defendants provided material information upon which

plaintiff relied in negotiating and agreeing to this Final Order. If the Court finds, upon motion by the Federal Trade Commission, that any defendant failed to disclose any material asset, materially misrepresented the value of any asset, or made any other material misrepresentation or omission, the Court shall reinstate the judgment against that defendant, in favor of the Commission, in the amount of six million, four hundred and thirty thousand, and seven hundred dollars (\$6,430,700), which shall become immediately due and payable, less any amounts previously paid. Should this judgment be modified as to the monetary liability of any defendant this Final Order, in all other respects, shall remain in full force.

B. Defendants authorize plaintiff to verify all information they have provided with all appropriate third parties, including, but not limited to, financial institutions and credit reporting bureaus; and

C. Proceedings instituted under this Section are in addition to, and not in lieu of, any and all other proceedings and remedies as may be provided by law, including any other proceedings plaintiff may initiate to enforce this Final Order. Solely for the purposes of reopening under this Section, defendants waive any right to contest any of the allegations set forth in the complaint filed in this matter.

X.

LIFT OF ASSET FREEZE

IT IS FURTHER ORDERED that the freeze of defendants' assets, imposed in the Preliminary Injunctions entered in this proceeding, shall be lifted upon compliance with the provisions of **Section VII** of this Order by defendants. A financial institution shall be entitled to rely upon a letter from any Commission official stating that defendants have complied with the

provisions of **Section VII** of this Order, which letter shall be provided promptly by plaintiff upon compliance.

XI.

USE OF CONSUMER REDRESS AND DISGORGEMENT FUNDS

IT IS FURTHER ORDERED that:

A. Plaintiff shall deposit all funds received from defendants pursuant to this Order in an interest-bearing account administered by plaintiff or its agent.

B. All funds paid by defendants shall be used for equitable relief, including but not limited to consumer redress and any attendant expenses for the administration of any redress fund. In the event plaintiff determines that direct redress to consumers is wholly or partially impracticable or funds remain after redress is completed, plaintiff may apply any remaining funds to such other equitable relief (including consumer education remedies) as it determines to be reasonably related to defendants' practices alleged in the complaint. Any funds not used for such equitable relief shall be deposited as disgorgement to the United States Treasury. Defendants shall have no right to challenge plaintiff's choice of remedies under this Section.

XII.

RECORD KEEPING PROVISIONS

IT IS FURTHER ORDERED that, for a period of eight (8) years from the date of entry of this Order, as to any entity of which defendant Golub, defendant Petrov, or defendant Rabin is a majority owner or exercises control, these defendants and their agents, employees, officers, corporations, successors, and assigns, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are hereby

restrained and enjoined from failing to create and retain the following records:

- A. Accounting records that reflect the cost of goods or services sold, revenues generated, and the disbursement of such revenues;
- B. Personnel records accurately reflecting: the name, address, and telephone number of each person employed in any capacity by such business, including as an independent contractor; that person's job title or position; the date upon which the person commenced work; and the date and reason for the person's termination, if applicable;
- C. Consumer files containing the names, addresses, phone numbers, dollar amounts paid, quantity of items or services purchased, and description of items or services purchased, to the extent such information is obtained in the ordinary course of business;
- D. Complaints and refund requests (whether received directly, indirectly or through any third party) and any responses to those complaints or requests; and
- E. Copies of all sales scripts, training materials, advertisements, or other marketing materials.

XIII.

COMPLIANCE REPORTING BY DEFENDANTS GOLUB, PETROV AND RABIN

IT IS FURTHER ORDERED that, in order that compliance with the provisions of this Order may be monitored:

- A. For a period of five (5) years from the date of entry of this Order,
 - (1) Defendants Golub, Petrov, and Rabin shall each notify the Commission of the following:

(a) Any change in his residence, mailing addresses, and telephone numbers, within ten (10) days of the date of such change;

(b) Any changes in his employment status (including self-employment) within ten (10) days of the date of such change. Such notice shall include the name and address of each business that the defendant is affiliated with, employed by, or performs services for; a statement of the nature of the business; and a statement of his duties and responsibilities in connection with the business;

(c) Any changes in his name or use of any aliases or fictitious names;
and

(2) Defendants shall notify the Commission of any changes in corporate structure that may affect compliance obligations arising under this Order, including but not limited to a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order; the filing of a bankruptcy petition; or a change in the corporate name or address, at least thirty (30) days prior to such change, *provided* that, with respect to any proposed change in the corporation about which a defendant learns less than thirty (30) days prior to the date such action is to take place, such defendant shall notify the Commission as soon as is practicable after obtaining such knowledge.

B. One hundred eighty (180) days after the date of entry of this Order, each defendant shall provide a written report to the FTC, sworn to under penalty of perjury, setting forth in detail the manner and form in which it has complied and is complying with this Order. This report

shall include, but not be limited to:

- (1) Any changes required to be reported pursuant to subparagraph (A) above;
- (2) A copy of each acknowledgment of receipt of this Order obtained by defendant pursuant to **Section XV**;

C. For the purposes of this Order, defendants shall, unless otherwise directed by the Commission's authorized representatives, mail all written notifications to the Commission to:

John Mendenhall
Director, East Central Region
Federal Trade Commission
1111 Superior Ave., East
Suite 200
Cleveland, Ohio 44114
Re: FTC v. 1st Beneficial Credit Services LLC, et. al, Civil Action No. 02-CV-

1591

D. For purposes of the compliance reporting required by this Section, the Commission is authorized to communicate directly with defendants Golub, Petrov and Rabin.

XIV.

COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring and investigating compliance with any provision of this Order,

A. Within ten (10) days of receipt of written notice from a representative of the Commission, defendants Golub, Petrov and Rabin shall submit additional written reports, sworn to under penalty of perjury; produce documents for inspection and copying; appear for deposition; and/or provide entry during normal business hours to any business location in his

possession or direct or indirect control to inspect the business operation;

B. In addition, the Commission is authorized to monitor compliance with this Order by all other lawful means, including but not limited to the following:

- (1) obtaining discovery from any person, without further leave of court, using the procedures proscribed by Fed. R. Civ. P. 30, 31, 33, 34, 36, and 45;
- (2) posing as consumers and suppliers to: defendants, their employees, or any other entity managed or controlled in whole or in part by defendants Golub, Petrov, or Rabin, without the necessity of identification or prior notice;

PROVIDED that nothing in this Order shall limit 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, to obtain any documentary material, tangible things, testimony, or information relevant to unfair or deceptive acts or practices in or affecting commerce within the meaning of 15 U.S.C. § 45(a)(1).

C. Defendants shall permit representatives of the Commission to interview any employer, consultant, independent contractor, representative, agent, or employee who has agreed to such an interview, relating in any way to any conduct subject to this Order. The person interviewed may have counsel present.

XV.

DISTRIBUTION OF ORDER BY DEFENDANTS

IT IS FURTHER ORDERED that, for a period of five (5) years from the date of entry of this Order, defendants shall deliver a copy of this Order to the principals, officers, directors, managers and employees under the control of any of them for any business that (a) employs or

contracts for personal services from defendant Golub, defendant Petrov, or defendant Rabin and (b) has responsibilities with respect to the subject matter of this Order. Defendant Golub, Petrov, or Rabin, as the case may be, shall secure from each such person a signed and dated statement acknowledging receipt of the Order within thirty (30) days after the date of service of the Order or the commencement of the employment relationship.

XVI.

INDEPENDENCE OF OBLIGATIONS

IT IS FURTHER ORDERED that the expiration of any requirements imposed by this Stipulated Final Order shall not affect any other obligation arising under this Order.

XVII.

RETENTION OF JURISDICTION

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

XVIII.

COSTS AND ATTORNEYS FEES

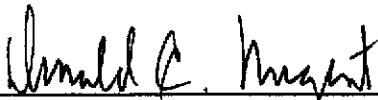
IT IS FURTHER ORDERED that each party to this Order bear its own costs and attorneys fees incurred in connection with this action.

XIX.

ENTRY BY CLERK

THERE BEING NO JUST REASON FOR DELAY, the Clerk of Court is hereby directed to enter this Order.

SO ORDERED, this 19th day of September, 2003

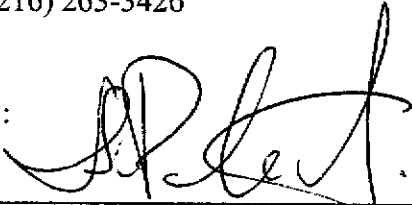

DONALD C. NUGENT
United States District Judge

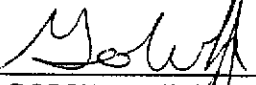
Stipulated and agreed to this 12th day of September, 2003.

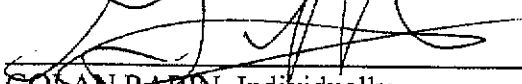
PLAINTIFF:


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Federal Trade Commission
1111 Superior Avenue, Suite 200
Cleveland, Ohio 44114
Telephone: (216) 263-3455
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DEFENDANTS:


ARMAND PETROV, Individually and as an officer of 1ST BENEFICIAL CREDIT SERVICES LLC, PLATINUM EXPRESS LLC, and AMERICAN CAPITOL BENEFITS LLC


VIKTOR GOLUB, Individually and as an officer of 1ST BENEFICIAL CREDIT SERVICES LLC, PLATINUM EXPRESS LLC, and AMERICAN CAPITOL BENEFITS LLC


GOLAN RABIN, Individually

1ST BENEFICIAL CREDIT SERVICES LLC

By: Yohub Title: President

PLATINUM EXPRESS LLC

By: Yohub Title: President

AMERICAN CAPITOL BENEFITS LLC

By: Yohub Title: President