

**Report to the Commission on**  
**PROJECT SCOFFLAW'S FIRST FIVE YEARS**  
From the Bureau of Consumer Protection

January 2002



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## Executive Summary

### *Scofflaw: a contemptuous law violator*

The Commission established Project Scofflaw in 1996 to detect and prosecute violators of FTC-obtained district court orders. The Project has institutionalized Commission procedures to improve our ability to detect recidivists and deter violations through civil and criminal contempt actions. Through such prosecutions, contemptuous defendants face the possibility of incarceration, which is a remedy not otherwise available to the Commission, as well as fines, penalties and other monetary judgments. By seeking incarceration, the FTC stops illegal conduct and demonstrates to would-be scofflaws that the Commission will take all appropriate steps to ensure compliance with court orders and protect consumers from further violations.

Since 1996, Project Scofflaw actions have resulted in:

- C **27 defendants prosecuted for civil and/or criminal contempt:** 12 individuals successfully prosecuted in criminal actions; 2 defendants await sentencing; 2 defendants currently under indictment; and 11 successfully prosecuted in civil contempt actions
- C **Nearly 28 years of incarceration and home detention for 12 defendants**
- C **Almost \$4 million in penalties, fines and redress awards**

Under Project Scofflaw defendants have been prosecuted for:

- C **Engaging in conduct that was banned,** such as selling credit repair services and franchise and business opportunities
- C **Failing to post bonds,** as required before engaging in certain conduct, such as telemarketing and selling investment opportunities
- C **Making prohibited misrepresentations** in connection with selling credit repair services, business and investment opportunities and copier-machine toner
- C **Failing to file compliance reports or maintain records,** as requested or as required by an order

## **I. Introduction**

In April 1996, the Commission's Bureau of Consumer Protection initiated Project Scofflaw, a comprehensive law enforcement initiative to detect and prosecute violators of FTC-obtained federal district court orders. Project Scofflaw aims to deter recidivism through civil and criminal contempt actions where the defendants face the possibility of incarceration. Although recidivist conduct can be prosecuted through new district court cases, the possibility of jail time for violating an existing order may more effectively stop would-be career con artists from jumping from scam to scam. In the five years since its inception, Project Scofflaw initiatives have resulted in 12 individuals being sentenced to over 324 months (nearly 28 years) in jail or other detention and seven individuals ordered to pay more than \$4 million in fines, penalties, and restitution. As of November 2001, two other defendants await sentencing and two are under indictment.

Project Scofflaw includes a number of initiatives to strengthen the Commission's oversight of defendants and ability to bring or refer to the Department of Justice (DOJ) criminal and civil contempt actions where appropriate. These include:

- C Implementing new procedures and guidance, including:**
- C Coordinating more closely with DOJ** regarding potential criminal contempt actions (which it alone can bring)
- C Developing and implementing model order provisions** requiring, *e.g.*, defendants to maintain records of future activities, and report to the Commission staff on their location and employment activities

- C **Instituting new post order procedures** regarding, *e.g.*, specifying preferred methods of service of process to document that defendants received the final order, and including mandatory compliance report provisions that require defendants to show how they are complying with the final order
- C **Conducting comprehensive staff training** about use of the new provisions and how to bring civil and criminal contempt actions
- C **Initiating scofflaw investigations** based on complaint data and other leads
- C **Requesting that DOJ appoint FTC staff as Special Assistant United States Attorneys (SAUSAs) to assist DOJ in criminal prosecutions**

Part Two describes the origins of Project Scofflaw; Part Three describes certain aspects of the project in more detail; Part Four describes the Project's results, and Part Five describes current and ongoing activities.

## II. Background

Since the early 1980's, the Commission increasingly has sought federal court injunctive and other equitable relief, including redress and disgorgement, pursuant to Section 13(b) of the FTC Act.<sup>1</sup> Many of these cases have involved egregious conduct causing significant consumer injury and meriting strong preliminary relief, such as asset freezes, and rigorous permanent injunctive relief.<sup>2</sup> In the mid-1990's, the number of cases the Commission filed in federal court grew dramatically, fueled in part by its actions to combat Internet and telemarketing fraud. For example, in fiscal year 1990, the Commission obtained 39 Section 13(b) orders, while in 1999 the Commission obtained 130 orders, involving more than 160 defendants. As the number of cases grew, the Bureau recognized that additional order monitoring and, where appropriate enforcement, were necessary to better detect and prosecute prohibited conduct.<sup>3</sup>

Accordingly, the Bureau formed the Project Scofflaw working group, comprised of federal court litigators from headquarters and the regional offices. The Bureau charged the group with developing methods to bolster monitoring of district court defendants and to improve compliance with district court orders through prosecution of scofflaws. The working group identified several ways to accomplish its goals: assign program coordination duties to one office, while directing all offices to devote resources to the scofflaw program; develop better procedures and guidance for tracking defendants' compliance; coordinate more closely with DOJ in preparing contempt actions and in conjunction with criminal contempt referrals; request that DOJ appoint FTC staff as SAUSAs to assist DOJ in prosecuting the defendants; and immediately identify and investigate a set of potential scofflaw matters. Part III describes these plans in more detail.

### **III. Project Scofflaw Initiatives**

The working group determined that the staff needed to coordinate more closely with DOJ because of DOJ's exclusive authority to bring criminal contempt actions, and civil contempt actions where the United States, not the FTC, is the named plaintiff in the underlying action.<sup>4</sup> In addition, DOJ's input and advice are invaluable in cases where the FTC is the named plaintiff in the underlying action, especially when deciding whether a criminal or a civil contempt action to enforce an order entered in the underlying action is more appropriate.

Whether an action should be brought civilly or criminally depends on a number of factors, including the type of relief being sought,<sup>5</sup> the type of evidence (does it show the conduct was willful) and the amount of evidence (is there enough to meet the higher burden of proof for criminal convictions, "beyond a reasonable doubt," versus the "clear and convincing" standard for civil actions). In determining whether to accept an FTC referral, DOJ conducts, in essence, a cost-benefit analysis, weighing the costs of bringing a resource intensive criminal prosecution and its likelihood of success against the benefits, *i.e.*, incarceration of the recidivist and the deterrent effect that follows.<sup>6</sup>

In addition, the working group determined that certain new scofflaw procedures were needed, including creating or revising sample monitoring, recordkeeping and reporting provisions; providing staff training and guidance on appropriate use of the sample provisions and case selection; and implementing post-order procedures to improve our ability to track compliance.



## A. Coordination With DOJ

The working group determined that early and ongoing consultation with DOJ facilitates DOJ's prosecution of the FTC's criminal contempt referrals and civil contempt actions brought by the Commission under its own authority.<sup>7</sup> Coordinating at the outset of a contempt investigation makes the order enforcement process more efficient. For example, if through early consultation DOJ agrees that a case may be appropriate for criminal prosecution, the advance notice allows DOJ to pre-assign an attorney to coordinate with the Commission staff as it prepares the referral.<sup>8</sup> Conversely, if DOJ advises that a case is not appropriate for criminal prosecution, the Commission staff can consider other alternatives in a timely manner. For example, the Commission could decide to initiate a civil contempt action, bring a *de novo* section 13(b) case, or negotiate a modification of the original order.

Moreover, ongoing coordination with DOJ makes it possible to determine whether a civil contempt action should be pursued concurrently with a criminal contempt investigation. Even when the Commission refers a matter to DOJ for criminal contempt prosecution, the Commission, while consulting with DOJ, may determine that it should initiate a civil contempt action to halt ongoing injury as quickly as possible. Because a criminal contempt action is a separate and independent proceeding at law from the main case, with DOJ as the prosecutor, and a civil contempt action is part of the initial case between the original parties, there is no required order of actions. Indeed, the two actions may be initiated and prosecuted concurrently.<sup>9</sup> The criminal prosecution, however, may take more time to develop. By filing a civil contempt action, the Commission can obtain a temporary restraining order or preliminary injunction, possibly an asset freeze or the appointment of a receiver, and expedited

discovery to preserve the status quo while the civil contempt proceeding and criminal contempt investigation progress.

**B. New or Revised Model Order Provisions**

In addition to identifying the need to work more closely with DOJ, the working group improved existing procedures and guidance and created new ones to facilitate compliance, monitoring and post-order investigations.

Monitoring Provisions. The working group recommended that the staff use revised sample order provisions to improve the staff's ability to monitor order compliance. The provisions, as summarized below, provide a structured model, while allowing the staff flexibility to tailor an order to the facts of each case (subject, as always, to Commission approval):

- C **A requirement that each defendant submit, within 180 days after the order is entered, a written compliance report**, signed under penalty of perjury describing the manner in which the defendant is complying with the order and that each defendant submit, upon request, additional reports.
  
- C **A requirement that imposes an ongoing obligation on each defendant to notify the Commission of location and employment changes** (*e.g.*, changes in residence, mailing addresses, telephone numbers, employment status, and the structure of business entities). In addition to providing the Commission with useful information for any needed follow-up, this requirement alerts the defendants that the Commission will be watching their future activities.

Service Provision. The working group recommended a new provision to satisfy better the requirement in criminal contempt actions that the defendants have knowledge of the final order.

- C **A requirement that the defendant submit a signed, notarized acknowledgment of receipt of the order.**

Post-Order Communications with the Defendant. In the past, the staff's requests for information to counsel who had represented the defendants were not always successful (*e.g.*, either counsel would not return calls or would inform the staff that the firm no longer represented the defendant and did not know the defendant's whereabouts). To address this, the model includes:

- C **Language authorizing the Commission to communicate directly with the defendant or identifying the person who should be contacted as the defendant's representative** in connection with requests for compliance reports or access to business premises. This provision resolves potential problems with ethical canons prohibiting attorneys from directly communicating with represented parties or, alternatively, clarifies that the opposing counsel remains in the case as the defendant's representative after the final order is entered.

Post-Order Investigatory Techniques. The working group also drafted sample provisions to facilitate post-order compliance investigations. The provisions set forth:

- C **Language that authorizes the Commission to use the federal civil discovery rules without seeking further leave of court** to monitor and investigate the defendant's compliance with the order.<sup>10</sup>

- C **Language that authorizes the Commission to use surreptitious techniques,** including posing as consumers and taping sales pitches, to gather information regarding the defendant's activities.<sup>11</sup> Additional language clarifies that nothing in the order limits the Commission's lawful use of compulsory process pursuant to the FTC Act, so that various monitoring provisions contained in the order and federal court discovery are not construed as the exclusive means of investigating a defendant's post-judgment conduct.
- C **Language that notifies the defendant that the Commission may apply for, and the Court may issue, an *ex parte* order granting the Commission immediate access to the business premises without complying with ordinary notice provisions.**<sup>12</sup>

C. **Staff Training**

After improving coordination with DOJ and revising the sample order provisions, the working group trained the staff on use of the sample provisions (*e.g.*, how and when to use), assessing which cases merit further investigation, and implementing post-order procedures to improve our ability to track compliance. DOJ also trained staff who were appointed as SAUSAs in criminal procedure and practice.<sup>13</sup>

## IV. Program Results

Under Project Scofflaw, 27 defendants have been prosecuted criminally for violating preliminary or final orders or civilly for violating final orders.<sup>14</sup> The Commission also has modified several orders to resolve alleged order violations in lieu of filing a contempt motion. A complete list of these cases is attached.

### A. Criminal Actions

DOJ and United States Attorney's Offices successfully have prosecuted criminally 12 defendants for conduct that violated orders.<sup>15</sup> Two other defendants await sentencing and two are under indictment. In eight of these cases, a Commission staff attorney was cross-designated as a SAUSA to assist DOJ or the prosecuting U.S. Attorney's Office.

Violations of Conduct Provisions of Preliminary or Permanent Injunctions. Nine of the 16 criminal actions alleged criminal contempt<sup>16</sup> for violating conduct provisions in an order and resulted in sentences totaling seven months home confinement and 324 months in prison. The individual sentences ranged from seven months to 67 months. Some examples follow.

- Ronald Dante (*FTC v. Ronald Dante dba Perma-Derm Academy*) was convicted by a jury and sentenced to 67 months in jail for violating his final order by operating another fraudulent diploma mill.<sup>17</sup>
- Rory Cypers (*FTC v. American Fortune 900*) was sentenced to six months in "boot camp," 30 months in jail, and 24 months in a half-way house (totaling 60 months) for fraudulently telemarketing precious metals as investments in violation of the final order.

- Lonny Remmers (*FTC v. Satellite Broadcasting Corp.*) was sentenced to 46 months for failing to post a bond and for making substantive misrepresentations regarding investments.
- Dennis Goddard (*FTC v. Goddard Rarities*) received 24 months for failing to post a bond and for making substantive misrepresentations regarding investments.

Violations of Asset Freeze Orders or Failure to Disclose Assets. Four cases alleged that the defendants violated asset freeze orders and/or failed to disclose assets to the Commission as part of the asset freeze.

- Jeffrey Jordan (*FTC v. Meridian Capital Management*) was sentenced to three months in prison.<sup>18</sup>
- Joan Orth (*FTC v. Metropolitan Communications*) was sentenced to six months home confinement.
- William Tankersly (*FTC v. Think Achievement Corp.*) was sentenced to 27 months in jail.<sup>19</sup>
- Kenneth Taves (*FTC v. J.K. Publications*) pled guilty to contempt for violating an order freezing his assets and requiring him to disclose all assets to the Commission. He is awaiting sentencing.

Criminal Prosecutions under Mail and Wire Fraud Statutes. In addition, DOJ and United States Attorney's Offices prosecuted three defendants for mail and wire fraud in lieu of a criminal contempt action, but used evidence to show that the defendants were violating a court order. For the

two defendants who have been sentenced, this provided a basis for an “enhanced” sentence pursuant to the Federal Sentencing Guidelines.

- Joe Champion (also a defendant in *FTC v. Satellite Broadcasting Corp.*) was sentenced to 21 months in jail.
- Ronald Schaeffer (*FTC v. World Wide Classics*) was convicted by a jury and sentenced to 37 months in jail.
- Ronald Michel (*FTC v. Golden Oak Numismatics*) awaits sentencing.

Pending Cases. Criminal contempt cases are pending against Robert Febre (*FTC v. Robert Febre*), and Dennis W. Vaughan, III (*FTC v. Parade of Toys*), for violating a final order.

- Febre was indicted in March 2001 for operating a new credit repair scam and business.
- Vaughan was indicted in June 2001 for promoting a business venture in violation of the permanent order banning such conduct.

## **B. Civil Contempt Actions**

The Commission also has filed 10 post-order civil contempt actions against 11 individual defendants, resulting in relief ranging from conditional incarceration to occupational bans to significant redress to imposing a penalty structure for future violations.

Conditional Incarcerations. Three defendants have been conditionally incarcerated until they complied with provisions of a final order.

- Thomas Norton (*FTC v. Jordan Ashley*) refused to comply with the monitoring provisions so the Court incarcerated him until he answered the Commission's request for information.
- William Tankersly and his wife, Linda, (*FTC v. Think Achievement Corp.*) also have been held in civil contempt for failing to repatriate assets to satisfy the Commission's judgment. The Court incarcerated Mrs. Tankersly and revoked the release bond Mr. Tankersly had posted pending his criminal contempt sentencing for not complying and repatriating the money. Mr. Tankersly remains in jail and Mrs. Tankersly was incarcerated for six months.
- James Quincy (*FTC v. Paradise Palms Vacation Club*) was incarcerated until he posted a \$50,000 escrow account to comply with the final order's performance bond requirement.

Occupational Bans. Three defendants became subject to occupational bans as a result of their contemptuous conduct.

- Keith Berggren (*FTC v. Giving You Credit*) allegedly continued to make misrepresentations about credit repair in violation of the order so the Commission filed a motion to show cause to hold him in contempt. The matter was resolved through a settlement that permanently bans Berggren from engaging in any credit improvement services.
- Barry Taylor (*FTC v. Telecommunications of America, Inc.*) allegedly continued to engage in business opportunity fraud so the Commission also sought to have the Court



find him in contempt. The Court banned Taylor from selling future business opportunities and ordered him to pay over \$650,000 in redress.

- Michael Chierico (*FTC v. Michael Chierico*) allegedly continued to engage in fraudulent telemarketing of office toner. The Court found Michael Chierico and his wife Teri in civil contempt, banned them from telemarketing, and ordered them to pay an additional \$2 million for redress. When the Chiericos refused, the Court held them in civil contempt a second time and ordered them to turn over their house to the receiver. When the Chiericos again refused, the Court held them in contempt again and ordered them incarcerated until they complied. The Eleventh Circuit vacated the contempt orders as to Teri Chierico and affirmed the contempt orders as to Michael Chierico, and the parties subsequently settled the entire case through mediation. The Commission obtained the Chiericos' largest asset, their home, worth nearly \$2 million, to fund redress to the toner fraud victims.
- Augustine Delgado and his company Fortuna Alliance (*FTC v. Fortuna Alliance, LLC*), also were conditionally banned from promoting any marketing or investment program until they paid full refunds to their victims. When they failed to pay sufficient monies to ensure full refunds, the Court held them in contempt. The defendants settled the contempt action, paying an additional \$2.2 million into the refund pool.

#### Future Penalties.

- Richard Murkey (*FTC v. Keith Gill*) was held in contempt for violating a ban on offering credit repair services, failing to rescind consumer contracts, and failing to

provide a compliance report to the FTC. The court appointed a receiver to wind down Murkey's business and established a \$5,000 per day penalty, for future violations of the ban. In addition, the court established a \$1,000 per day penalty for future violations by Murkey and Keith Gill for failing to rescind consumer contracts and for failing to submit a compliance report.

### **C. Modified Orders with Enhanced Injunctive Relief**

Finally, in several cases the Commission has chosen to obtain a modified permanent injunction, enhancing the injunctive relief, through negotiations to resolve alleged order violations before filing a civil contempt motion. In these cases, the Commission determined that it would be more efficient and effective to negotiate with the defendants in lieu of proceeding directly to court. For example,

- Gary Duvall doing business as Infinity Software (*United States v. Makiko Kato*) agreed to a modified final order (prohibiting him from misrepresenting the earnings potential of medical billing business opportunities and claims that he would provide profitable locations) that expands the order coverage, requires him to post a \$350,000 bond, and requires him to offer, honor, and disclose a refund policy.
- Mark Reiber dba Credit Report Counselors (*United States v. Reiber*) agreed to a modified final order (barring him from misrepresenting his credit repair services and accepting an advance fee for his services) that bans him from the credit repair business.
- Ben Valenty (*FTC v. National Art Publishers and Distributors, Inc.*) agreed to a modified final order (banning him from telemarketing investment offerings) that bans him from all telemarketing.



## **V. Future Actions**

As part of Project Scofflaw, the FTC's staff continues to pursue leads and tips about defendants who may be engaging in prohibited conduct, conducting full-scale investigations as needed. In addition, Project Scofflaw team members will be conducting sweeps to determine whether defendants are providing accurate information about their current location and activities. Follow up actions may be taken against defendants who are found to have misrepresented their data or have not provided required data.

## Endnotes

1. 15 U.S.C. § 53(b).
2. The Commission considers a number of factors when deciding whether to proceed in federal court or administratively. These factors may include, *inter alia*, the presence or absence of legal or factual issues that require application of the Commission’s special expertise; the need to immediately halt on-going practices that cause consumer injury, particularly practices that cause significant economic injury or pose health or safety risks; the importance of consumer redress, restitution or disgorgement; and the need for temporary or preliminary relief to preserve the possibility of monetary relief.
3. The Commission already had in place a comprehensive program for ensuring compliance with administrative orders issued by the Commission. After issuance of the final order, all respondents are required to submit a compliance report 60 days after the date of service of the final order detailing the manner and form of their compliance. 16 C.F.R. § 2.41.
4. For example, DOJ may bring cases with the United States as the plaintiff, at the FTC’s request for FTC rule and administrative order violations pursuant to Section 16 of the FTC Act. 15 U.S.C. § 56(a).
5. Criminal contempt is intended to vindicate the authority of the court by punishing the wrongdoer through incarceration, probation, or fines. In contrast, the purpose of civil contempt is to obtain sanctions that will remedy the order violation, *i.e.*, either to coerce compliance with the order or to compensate the victims. Civil contempt remedies include compensatory restitution; modifications such as bans or bonds to strengthen existing orders; and prospective civil penalties for future violations. Courts also can impose “conditional” incarceration to coerce compliance – the defendant has the “keys to his jail cell” so that once he complies with the order, he must be set free. *Shillitani v. United States*, 384 U.S. 364, 368 (1968).
6. DOJ can estimate the range of potential incarceration through the United States Sentencing Guidelines (USSG), which prescribe how courts calculate a defendant’s sentence upon conviction, factoring in the type of crime committed, the effect on victims, the defendant’s role in the crime and his criminal history. Of course, courts are not bound by DOJ’s estimate.
7. When the Commission has determined that violations of a court order may merit criminal contempt prosecution, the matter is referred to DOJ, which (including United States Attorneys) has exclusive authority to conduct the prosecution.
8. Pre-referral coordination between DOJ and Commission staff, whereby the assigned DOJ attorney provides a “dispassionate assessment of the propriety of criminal charges,” also minimizes the appearance that the Commission, as the civil plaintiff, could be using improperly the possible criminal prosecution as leverage for the benefit of its own action. *See Young v. United States ex rel. Vuitton*

*et Fils S.A.*, 481 U.S. 787, 802-10 (1987).

9. *Gompers v. Buck Stove & Range Co.*, 221 U.S. 418, 444-45 (1911).

10. Absent this provision, the only provision in the Federal Rules of Civil Procedure clearly authorizing post-judgment discovery is Rule 69, permitting a creditor to obtain discovery from any person, including the judgment debtor, to assist in the execution of a judgment. The Rules were drafted, in large part, with the belief that the judgment is the final step in most cases, and that there would be no need for any post-judgment discovery except to facilitate execution on the judgment. In FTC cases, however, the court retains jurisdiction for the purpose of construction, modification, and enforcement of the order. Therefore, it was necessary to clarify that post-judgment discovery may be required to achieve those ends.

11. This language merely preserves existing, rather than confers new, legal authority to employ such investigative techniques. *See, generally*, Omnibus Crime Control and Safe Streets Act of 1968, Title III, as amended by the Electronic Communications Privacy Act of 1986, 18 U.S.C. § 2510, *et seq.*

12. This language similarly preserves the FTC's existing rights to seek *ex parte* relief when it can meet the court's standard for granting such relief. For example, if the FTC can show good cause to the court to find that the defendants are likely to destroy documents if the FTC notifies them of its intent to visit the business premises, the language authorizes the FTC to file an *ex parte* application to the court.

13. More than a dozen FTC attorneys have been appointed as SAUSAs and have participated in prosecuting criminal contempt cases for violations of FTC-obtained orders as well as criminal mail and wire fraud cases that were related to FTC cases. The appointments have been made pursuant to 28 U.S.C. § 543 and 15 U.S.C. § 6107.

14. In addition, the Commission successfully has prosecuted numerous civil contempts for violating preliminary injunctions and asset freezes during litigation. *See, e.g., FTC v. Affordable Media, LLC*, 179 F.3d 1228 (9<sup>th</sup> Cir. 1999) (defendants Michael and Denise Anderson conditionally incarcerated for refusing to repatriate assets held in an off-shore trust; the Ninth Circuit, in affirming the district court's contempt order, rejected the Anderson's argument that a duress clause prevented them from complying); *FTC v. Verity Int'l Ltd.*, 140 F. Supp. 2d 313 (S.D. N.Y. 2001) (defendants Robert Green and Marilyn Shein fined \$5,000 per day for the first ten days and then \$10,000 per day thereafter until they fully and truthfully disclose their financial picture as required in the preliminary injunction); *FTC v. Productive Marketing, Inc.*, 136 F. Supp. 2d 1096 (C.D. Cal. 2001) (nonparty American Credit Card Processing Corp. ordered to pay over to receiver monies it was holding, and to pay a \$50 fine for the first day of non-compliance, doubling every day thereafter). These prosecutions are not tracked by Project Scofflaw, however, because they occur as part of the regular motions practice that takes place during litigation. Project Scofflaw, instead, focuses on criminal prosecution of preliminary orders and civil and criminal contempt actions for violations of final orders.

15. We have included three actions prosecuted under the mail or wire fraud statutes, 18 U.S.C. § § 1341-1343, in lieu of a criminal contempt action because the conduct in question violated an FTC order. Under the Federal Sentencing Guidelines promulgated by the United States Sentencing Commission, a defendant's sentence for mail or wire fraud is increased for violating a court order. USSC § 2 F1.1(b)(4)(c).

16. 18 U.S.C. § 401.

17. Dante fled the country into Mexico on the last day of his trial. The United States Marshals worked with the Mexican authorities to apprehend him several months later.

18. Jordan's three month prison term increased his criminal history level under the Sentencing Guidelines such that when he subsequently was sentenced for the underlying telemarketing fraud, that sentence was greater than it would have been if he had not been prosecuted for criminal contempt.

19. Tankersly also has been indicted for mail and wire fraud for the conduct that gave rise to the underlying FTC action.

