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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMG Services, Inc., et al.,

Defendants, and

Park 269 LLC, et al.,

Relief Defendants.

Case No. 2:12-cv-536

STIPULATED  
ORDER FOR  
PERMANENT  
INJUNCTION AND  
JUDGMENT

12 Plaintiff Federal Trade Commission (“FTC” or “Commission”), filed its  
13 Complaint for Injunction and other Equitable Relief, subsequently amended as the  
14 Amended Complaint for Injunction and other Equitable Relief, (“Complaint”), seeking a  
15 permanent injunction and other equitable relief in this matter, pursuant to Section 13(b)  
16 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b); the Truth in  
17 Lending Act (“TILA”), 15 U.S.C. §§ 1601-1666j; and the Electronic Fund Transfer Act  
18 (“EFTA”), 15 U.S.C. §§ 1693-1693r. The Commission and AMG Services, Inc., Red  
19 Cedar Services, Inc., SFS, Inc., MNE Services, Inc., AMG Capital Management, LLC,  
20 Level 5 MotorSports, LLC, LeadFlash Consulting, LLC, Black Creek Capital  
21 Corporation, Broadmoor Capital Partners, LLC, Scott A. Tucker, Blaine A. Tucker, Don  
22 E. Brady, Robert D. Campbell, and Troy L. Little Axe, Jr. stipulate to the entry of this  
23 Stipulated Order for Permanent Injunction and Judgment to resolve Counts II and IV in  
24 the Complaint.

25 THEREFORE, IT IS ORDERED as follows:

26 **FINDINGS**

27 1. This Court has jurisdiction over this matter.

1           2.     Count II of the Complaint alleges that Defendants participated in deceptive acts or  
2 practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), in the collection  
3 of loans. Count IV of the Complaint alleges that Defendants violated Section 913(1) of  
4 EFTA, 15 U.S.C. § 1693k(1) and Section 1005.10(e)(1) of Regulation E, 12 C.F.R. §  
5 1005.10(e)(1), in the extension of credit.

6           3.     Only for purposes of this Order, Settling Defendants admit the facts necessary to  
7 establish jurisdiction of the Court as to Counts II and IV of the Complaint.

8           4.     The FTC and Settling Defendants, as defined herein, stipulate and agree to entry  
9 of this Order, without trial or final adjudication of any issue of fact or law, to settle and  
10 resolve all matters in dispute arising from the conduct alleged in Counts II and IV of the  
11 Complaint as against the Settling Defendants. This settlement does not settle and resolve  
12 any conduct not alleged in Counts II and IV of the Complaint or as to any other party.

13           This Order is for settlement purposes only, and does not constitute and shall not be  
14 interpreted to constitute an admission or denial by Settling Defendants or a finding that  
15 the law has been violated or not violated as alleged in the Complaint, or that the facts  
16 alleged in the Complaint are true or not true.

17           5.     The FTC and Settling Defendants have consented to entry of this Order without  
18 Settling Defendants admitting or denying liability for any of the violations in Counts II  
19 and IV of the Complaint.

20           6.     Settling Defendants waive any claim that they may have under the Equal Access  
21 to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the  
22 date of this Order, and agree to bear their own costs and attorney fees.

23           7.     Settling Defendants waive all rights to appeal or otherwise challenge or contest  
24 the validity of this Order.

25           8.     The FTC and Settling Defendants may not use this Order to support any argument  
26 that the FTC Act grants or does not grant the Commission jurisdiction over any  
27

1 Defendant. Notwithstanding the foregoing, and for purposes of this Order only, the  
2 Commission shall have jurisdiction over the Settling Defendants to seek enforcement of  
3 this Order.

4 9. Records submitted to the Commission pursuant to this Order shall be governed by  
5 the Confidentiality and Protective Order entered in this case (ECF No. 308).

#### 6 **DEFINITIONS**

7 For the purposes of this Order only, the following definitions apply:

8 1. "Collection of Debts" means any activity the principal purpose of which is  
9 to collect or attempt to collect, directly or indirectly, Debts owed or due or asserted to be  
10 owed or due.

11 2. "Covered Activities" means the extension or servicing of online credit  
12 primarily for personal, family, or household purposes or the Collection of Debts from  
13 consumers.

14 3. "Debt" means any obligation or alleged obligation of a consumer to pay  
15 money arising out of a transaction in which the money, property, or services that are the  
16 subject of the transaction are primarily for personal, family, or household purposes,  
17 whether or not such obligation has been reduced to judgment.

18 4. "Defendants" means AMG Services, Inc., SFS, Inc., Red Cedar Services,  
19 Inc., MNE Services, Inc., Scott A. Tucker, Blaine A. Tucker, AMG Capital Management,  
20 LLC, Level 5 Motorsports, LLC, LeadFlash Consulting, LLC, Black Creek Capital  
21 Corporation, Broadmoor Capital Partners, LLC, Don E. Brady, Robert D. Campbell, and  
22 Troy L. Little Axe, Jr., Timothy J. Muir, and The Muir Law Firm, LLC.

23 5. "Settling Defendants" means AMG Services, Inc., SFS, Inc., Red Cedar  
24 Services, Inc., MNE Services, Inc., Scott A. Tucker, Blaine A. Tucker, AMG Capital  
25 Management, LLC, Level 5 Motorsports, LLC, LeadFlash Consulting, LLC, Black Creek  
26  
27

1 Capital Corporation, Broadmoor Capital Partners, LLC, Don E. Brady, Robert D.  
2 Campbell, and Troy L. Little Axe, Jr.

3 6. "Entity Settling Defendants" means AMG Services, Inc., SFS, Inc., Red  
4 Cedar Services, Inc., MNE Services, Inc., AMG Capital Management, LLC, Level 5  
5 Motorsports, LLC, LeadFlash Consulting, LLC, Black Creek Capital Corporation, and  
6 Broadmoor Capital Partners, LLC.

7 7. "Individual Settling Defendants" means Scott A. Tucker, Blaine A.  
8 Tucker, Don E. Brady, Robert D. Campbell, and Troy L. Little Axe, Jr.

## 9 ORDER

### 10 I. PROHIBITED COLLECTION PRACTICES

11 **IT IS ORDERED** that Settling Defendants and their successors, assigns, officers, agents,  
12 servants, employees and attorneys, and those persons or entities in active concert or  
13 participation with any of them who receive actual notice of this Order by personal  
14 service, facsimile transmission, email, or otherwise, whether acting directly or through  
15 any corporation, subsidiary, division, or other device, in connection with the collection of  
16 debts, are hereby permanently restrained and enjoined from misrepresenting, or assisting  
17 others in misrepresenting, expressly or by implication:

- 18 A. That consumers can be arrested or imprisoned for failing to pay Settling  
19 Defendants;
- 20 B. That Settling Defendants will or can take formal legal action against  
21 consumers, including but not limited to, filing suit; and
- 22 C. Any other material fact.

### 23 II. PROHIBITED ELECTRONIC FUND TRANSFER PRACTICES

24 **IT IS FURTHER ORDERED** that Settling Defendants and their successors, assigns,  
25 officers, agents, servants, employees, and attorneys, and those persons or entities in  
26 active concert or participation with any of them who receive actual notice of this Order  
27 by personal service, facsimile transmission, email, or otherwise, whether acting directly

1 or through any corporation, subsidiary, division, or other device, are hereby permanently  
2 restrained and enjoined from conditioning the extension of credit on preauthorized  
3 electronic fund transfers.

### 4 III. ORDER ACKNOWLEDGMENTS

5 **IT IS FURTHER ORDERED** that Settling Defendants obtain acknowledgments of  
6 receipt of this Order:

- 7 A. Each Settling Defendant, within 7 days of entry of this Order, must submit  
8 to the Commission an acknowledgment of receipt of this Order sworn  
9 under penalty of perjury.
- 10 B. For 3 years after entry of this Order, each Individual Settling Defendant  
11 for any business engaged in Covered Activities that such Individual  
12 Settling Defendant, individually or collectively with any other Defendants,  
13 is the majority owner or controls directly or indirectly, and each Entity  
14 Settling Defendant must deliver a copy of this Order to: (1) all principals,  
15 officers, directors, and LLC managers and members; (2) all employees,  
16 agents, and representatives who participate in Covered Activities; and (3)  
17 any business entity resulting from any change in structure as set forth in  
18 the following Section titled Compliance Reporting. Delivery must occur  
19 within 7 days of entry of this Order for current personnel. For all others,  
20 delivery must occur before they assume their responsibilities.
- 21 C. From each individual or entity to which a Settling Defendant delivered a  
22 copy of this Order, that Settling Defendant must obtain, within 30 days, a  
23 signed and dated acknowledgment of receipt of this Order.

### 24 IV. COMPLIANCE REPORTING

25 **IT IS FURTHER ORDERED** that Settling Defendants make timely submissions to the  
26 Commission:

27 A. One year after this Court enters judgment on the last remaining count in the  
Complaint, each Settling Defendant must submit a compliance report, sworn under  
penalty of perjury:

1. Each Settling Defendant must: (a) identify the Settling Defendant's  
primary physical, postal, and email address and telephone number, as designated points  
of contact, which representatives of the Commission may use to communicate with such  
Settling Defendant; (b) identify by all of their names, telephone numbers, and physical,

1 postal, email, and Internet addresses any and all businesses engaged in Covered Activities  
2 for which the Settling Defendant, individually or collectively with any other Defendants,  
3 is the majority owner or controls directly or indirectly; (c) describe the activities of each  
4 business identified in subparagraph (b) above and the involvement of any other  
5 Defendant (which Individual Settling Defendants must describe if they know or should  
6 know due to their own involvement); (d) describe in detail whether and how that Settling  
7 Defendant is in compliance with each Section of this Order; and (e) provide a copy of  
8 each Order Acknowledgment obtained pursuant to this Order, unless previously  
9 submitted to the Commission.

10 2. Additionally, each Individual Settling Defendant must: (a) identify all  
11 telephone numbers and all physical, postal, email and Internet addresses, including all  
12 residences; (b) identify all businesses engaged in Covered Activities for which such  
13 Defendant performs services whether as an employee or otherwise; and (c) describe in  
14 detail such Defendant's involvement in each business covered in subparagraph (b) above,  
15 including title, role, responsibilities, participation, authority, control, and any ownership.

16 B. For 10 years after this Court enters judgment on the last remaining count in the  
17 Complaint, each Settling Defendant must submit a compliance notice, sworn under  
18 penalty of perjury, within 14 days of any change in the following:

19 1. Each Entity Settling Defendant must report any change in: (a) any  
20 designated point of contact; or (b) the structure of any Entity Settling Defendant or any  
21 entity that the Entity Settling Defendant has any ownership interest in or controls directly  
22 or indirectly that may affect compliance obligations arising under this Order, including:  
23 creation, merger, sale, or dissolution of the entity or any subsidiary, parent, or affiliate  
24 that engages in any acts or practices subject to this Order.

25 2. Additionally, each Individual Settling Defendant must report any change  
26 in: (a) name, including aliases or fictitious name, or residence address; (b) title or role in  
27 any business engaged in Covered Activities, including any such business for which such

1 Individual Settling Defendant performs services whether as an employee or otherwise; or  
2 (c) the ownership structure for any entity engaged in Covered Activities that the  
3 Individual Settling Defendant, individually or collectively with any other Defendants,  
4 controls directly or indirectly, including any changes to the name, physical address, and  
5 any Internet address of such business or entity.

6 C. Each Settling Defendant must submit to the Commission notice of the filing of  
7 any bankruptcy petition, insolvency proceeding, or similar proceeding by or against such  
8 Settling Defendant within 14 days of its filing.

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

14 E. Unless otherwise directed by a Commission representative in writing, all  
15 submissions to the Commission pursuant to this Order must be emailed to  
16 DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate  
17 Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission,  
18 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin:  
19 FTC v. AMG Services, Inc., No. X120026.

## 20 V. RECORDKEEPING

21 **IT IS FURTHER ORDERED** that Settling Defendants must create certain records for  
22 10 years after this Court enters judgment on the last remaining count in the Complaint,  
23 and retain each such record for 5 years, as follows. Specifically, each Entity Settling  
24 Defendant engaged in Covered Activities, and each Individual Settling Defendant, for  
25 any business engaged in Covered Activities that such Individual Settling Defendant  
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1 individually or collectively with any other Defendants, is a majority owner or controls  
2 directly or indirectly, must create and retain the following records:

- 3 A. accounting records showing the revenues from all goods or services sold;
- 4 B. personnel records showing, for each person providing services, whether as an  
5 employee or otherwise, that person's: name; addresses; telephone numbers; job title or  
6 position; dates of service; and (if applicable) the reason for termination;
- 7 C. records of all consumer complaints and refund requests, whether received directly  
8 or indirectly, such as through a third party, and any response;
- 9 D. all records necessary to demonstrate full compliance with each provision of this  
10 Order, including all submissions to the Commission; and
- 11 E. examples of each form agreement used with consumers to authorize electronic  
12 fund transfers.

#### 13 VI. COMPLIANCE MONITORING

14 IT IS FURTHER ORDERED that, for the purpose of monitoring the Settling  
15 Defendants' compliance with this Order, after this Court enters judgment on the last  
16 remaining count in the Complaint:

- 17 A. Within 14 days of receipt of a written request from a representative of the  
18 Commission, each Settling Defendant must: submit additional compliance reports or  
19 other requested information, which must be sworn under penalty of perjury; appear for  
20 depositions; and produce documents for inspection and copying. The Commission is also  
21 authorized to obtain discovery, without further leave of court, using any of the procedures  
22 prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions),  
23 31, 33, 34, 36, 45, and 69, provided that Settling Defendants, after attempting to resolve a  
24 dispute without court action and for good cause shown, may file a motion with this Court  
25 seeking an order for one or more of the protections set forth in Rule 26(c).
- 26 B. For matters concerning this Order, the Commission is authorized to communicate  
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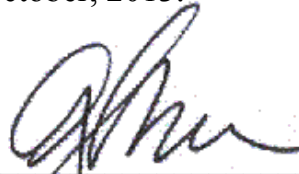
1 directly with each Settling Defendant. Each Settling Defendant must permit  
2 representatives of the Commission to interview any employee or other person affiliated  
3 with any Settling Defendant who has agreed to such an interview. The person  
4 interviewed may have counsel present.

5 C. The Commission may use all other lawful means, including posing, through its  
6 representatives as consumers, suppliers, or other individuals or entities, to Settling  
7 Defendants or any individual or entity affiliated with Settling Defendants, without the  
8 necessity of identification or prior notice. Nothing in this Order limits the Commission's  
9 lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15  
10 U.S.C. §§ 49, 57b-1.

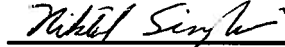
11 **VII. RETENTION OF JURISDICTION**

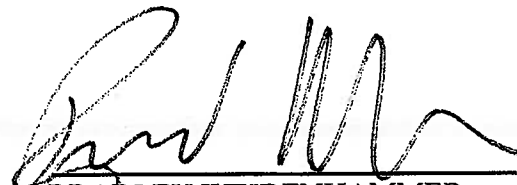
12 **IT IS FURTHER ORDERED** that this Court retains jurisdiction of this matter  
13 for purposes of construction, modification, and enforcement of this Order.

14 **IT IS SO ORDERED** this 8th day of October, 2013.

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Gloria M. Navarro  
United States District Judge

20 **SO STIPULATED AND AGREED**

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22 NIKHIL SINGHVI  
23 Federal Trade Commission  
24 600 Pennsylvania Ave., NW  
25 Mailstop NJ-3158  
26 Washington, DC 20580  
27 Telephone: (202) 326-3480  
Facsimile: (202) 326-3629  
Email: nsinghvi@ftc.gov  
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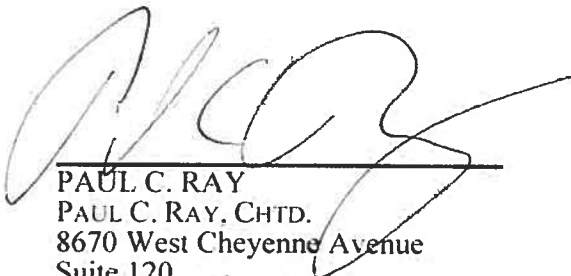
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Financial Services, Ameriloan,  
UnitedCashLoans, USFastCash)*

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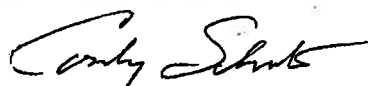
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4 **FREDERICKS PEEBLES & MORGAN LLP**  
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6 **Louisville, CO 80027**  
7 **Omaha, NE 68116**  
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10 **Email: cschulte@ndnlaw.com**

11 *Attorney for Defendants AMG*  
12 *Services, Inc.; Red Cedar Services, Inc.*  
13 *dba 500FastCash; SFS, Inc. dba*  
14 *OneClickCash; MNE Services, Inc.,*  
15 *dba Tribal Financial Services,*  
16 *Ameriloan, UnitedCashLoans,*  
17 *USFastCash*



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AMG Services, Inc.



Name: *Joe Frazier*  
Title: *Interim President*

Black Creek Capital Corporation

Name:  
Title:

SFS, Inc.

Broadmoor Capital Partners, LLC

Name:  
Title:

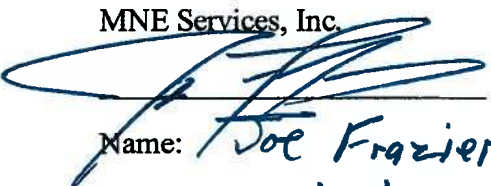
Name:  
Title:

Red Cedar Services, Inc.

Name:  
Title:

Scott A. Tucker

MNE Services, Inc.



Name: *Joe Frazier*  
Title: *President*

Blaine A. Tucker

AMG Capital Management, LLC

Name:  
Title:

Don E. Brady

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AMG Services, Inc.

Black Creek Capital Corporation

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Name:

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Title:

SFS, Inc.

Broadmoor Capital Partners, LLC

  
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Name: *Lee Jakes*

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Name:

Title: *CEO*

Title:

Red Cedar Services, Inc.

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Scott A. Tucker

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Name:

Title:

MNE Services, Inc.

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Blaine A. Tucker

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AMG Capital Management, LLC

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Don E. Brady

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AMG Services, Inc.

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Broadmoor Capital Partners, LLC

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Red Cedar Services, Inc.



Name: Troy Little

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Scott A. Tucker

Title: President

MNE Services, Inc.

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Name:

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Blaine A. Tucker

Title:

AMG Capital Management, LLC

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AMG Services, Inc.

Black Creek Capital Corporation

Name:

Name: *SCOTT TUCKER*

Title:

Title: *PRESIDENT*

SFS, Inc.

Broadmoor Capital Partners, LLC

Name:

Name: *SCOTT TUCKER*

Title:

Title: *MANAGER*

Red Cedar Services, Inc.

Scott A. Tucker

Name:

Title:

MNE Services, Inc.

Blaine A. Tucker

Name:

Title:

AMG Capital Management, LLC

Name: *SCOTT TUCKER*

Don E. Brady

Title: *SOLE OWNER*

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AMG Services, Inc.

Black Creek Capital Corporation

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Red Cedar Services, Inc.

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Scott A. Tucker

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MNE Services, Inc.

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Blaine A. Tucker

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Red Cedar Services, Inc.

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Name: Scott A. Tucker

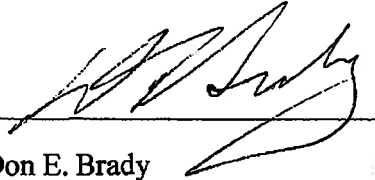
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MNE Services, Inc.

\_\_\_\_\_  
Name: Blaine A. Tucker

Title:

AMG Capital Management, LLC

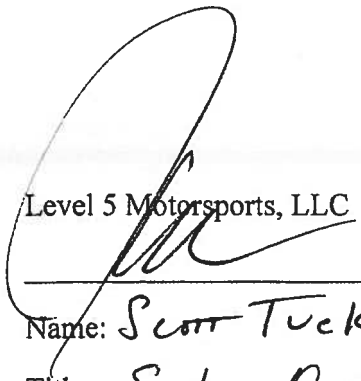
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Name: Don E. Brady 

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Level 5 Motorsports, LLC

  
Name: *Scott Tucker*  
Title: *Sole Owner*

Robert D. Campbell

LeadFlash Consulting, LLC

Name:  
Title:

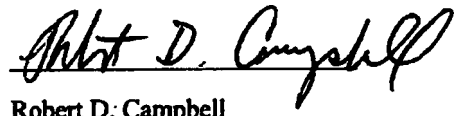
Troy L. Little Axe, Jr.

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Level 5 Motorsports, LLC

Name:

Title:



Robert D: Campbell

LeadFlash Consulting, LLC

Name:

Title:

Troy L. Little Axe, Jr.



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Level 5 Motorsports, LLC

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Name:

Robert D. Campbell

Title:

LeadFlash Consulting, LLC

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Name: *Blair Tucker*

Troy L. Little Axe, Jr.

Title: *Sole Owner*

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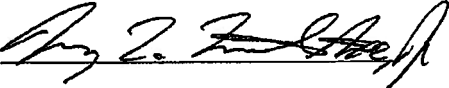
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