

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

FEDERAL TRADE COMMISSION and  
OFFICE OF THE ATTORNEY GENERAL,  
STATE OF FLORIDA,  
DEPARTMENT OF LEGAL AFFAIRS,

Plaintiffs,

v.

Case: No. 8:15-cv-1417-T-23AEP

E.M. SYSTEMS & SERVICES, LLC, a Florida limited liability company; ADMINISTRATIVE MANAGEMENT & DESIGN, LLC, a Florida limited liability company; KLS INDUSTRIES, LLC, d/b/a SATISFIED SERVICE SOLUTIONS, LLC, a Florida limited liability company; EMPIRICAL DATA GROUP TECHNOLOGIES, LLC, a Florida limited liability company; EPIPHANY MANAGEMENT SYSTEMS, LLC, a Florida limited liability company; STEVEN D. SHORT, an individual; KARISSA L. DYAR, an individual; ONE EASY SOLUTION LLC, a Florida limited liability company; CHRISTOPHER C. MILES, an individual; JASON E. GAGNON, an individual; KENNETH A. SALLIES, an individual; MATTHEW B. THOMAS, an individual; CARDREADY, LLC, a California limited liability company; BRANDON A. BECKER, an individual; JAMES F. BERLAND, an individual; and ANDREW S. PADNICK, an individual,

Defendants.

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STIPULATED ORDER FOR PERMANENT INJUNCTION AND MONETARY  
JUDGMENT AS TO THE E.M. SYSTEMS DEFENDANTS

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Plaintiffs Federal Trade Commission and the Florida Attorney General filed their *Amended Complaint For Permanent Injunction And Other Equitable Relief* ("Complaint") in this matter pursuant to Sections 13(b) and 19 of the Federal Trade Commission Act ("FTC Act"), 15

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U.S.C. §§ 53(b) and 57b; the Telemarketing and Consumer Fraud and Abuse Prevention Act (“Telemarketing Act”), 15 U.S.C. §§ 6101-6108; and the Florida Deceptive and Unfair Trade Practices Act (“FDUTPA”), Chapter 501, Part II, Florida Statutes (2014). Plaintiffs and the E.M. Systems Defendants—E.M. Systems & Services, LLC; Administrative Management & Design, LLC; KLS Industries, LLC, d/b/a Satisfied Services Solutions, LLC; Empirical Data Group Technologies, LLC; Epiphany Management Systems, LLC; Steven D. Short, and Karissa L. Dyar—stipulate to the entry of this *Stipulated Order For Permanent Injunction and Monetary Judgment as to the E.M. Systems Defendants* (“Order”) to resolve all matters in dispute in this action between them.

THEREFORE, IT IS ORDERED as follows:

#### FINDINGS

1. This Court has jurisdiction over this matter.
2. The Complaint charges that the E.M. Systems Defendants participated in deceptive acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45; in violation of the FTC’s Trade Regulation Rule entitled “Telemarketing Sales Rule” (“TSR”), 16 C.F.R. Part 310; and in violation of FDUTPA.
3. The E.M. Systems Defendants neither admit nor deny any of the allegations in the Complaint, except as specifically stated in this Order. Only for purposes of this action, the E.M. Systems Defendants admit the facts necessary to establish jurisdiction.
4. The E.M. Systems Defendants waive any claim that they may have under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order, and agree to bear their own costs and attorneys’ fees.

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5. The E.M. Systems Defendants waive all rights to appeal or otherwise challenge or contest the validity of this Order.

### DEFINITIONS

For purposes of this Order, the following definitions apply:

A. "ACH Debit" means any completed or attempted debit to a Person's account at a financial institution that is processed electronically through the Automated Clearing House Network.

B. "Acquirer" means a business organization, financial institution, or an agent of a business organization or financial institution that has authority from an organization that operates or licenses a credit card system (*e.g.* Visa, MasterCard, American Express, and Discover) to authorize Merchants to accept, transmit, or process payment by credit card through the credit card system for money, goods or services, or anything else of value.

C. "Chargeback" means a procedure whereby an issuing bank or other financial institution charges all or part of an amount of a Person's credit or debit card transaction back to the acquiring or merchant bank.

D. "Client" means any Person (a) who obtains, directly or indirectly, from any E.M. Systems Defendant a Merchant Account; or (b) for whom any E.M. Systems Defendant acts as a Sales Agent, either directly or indirectly.

E. "Credit Card Laundering" means:

(i) Presenting or depositing into, or causing or allowing another to present or deposit into, the credit card system for payment, a Credit Card Sales Draft generated by a transaction that is not the result of a credit card transaction between the cardholder and the Merchant;

(ii) Employing, soliciting, or otherwise causing or allowing a Merchant, or an employee, representative, or agent of a Merchant, to present to or deposit into the credit card system for payment, a Credit Card Sales Draft generated by a transaction that is not the result of a credit card transaction between the cardholder and the Merchant; or

(iii) Obtaining access to the credit card system through the use of a business relationship or an affiliation with a Merchant, when such access is not authorized by the Merchant Account agreement or the applicable credit card system.

F. "Credit Card Sales Draft" means any record or evidence of a credit card transaction.

G. "Debt Relief Product or Service" means any product, service, plan or program represented, directly or by implication, to renegotiate, settle, or in any way alter the terms of payment or other terms of the debt between a Person and one or more unsecured creditors or debt collectors, including, but not limited to, a reduction in the balance, interest rate, or fees owed by a Person to an unsecured creditor or debt collector.

H. "E.M. Systems Defendants" means all of the E.M. Individuals and E.M. LLC's, individually, collectively, or in any combination.

I. "E.M. Individuals" means Karissa L. Dyar and Steven D. Short.

J. "E.M. LLC's" means E.M. Systems & Services, LLC; Administrative Management & Design, LLC; KLS Industries, LLC, d/b/a Satisfied Services Solutions, LLC; Empirical Data Group Technologies, LLC; Epiphany Management Systems, LLC; and their successors and assigns, as well as any subsidiaries and any fictitious business entities or business names created or used by these entities, including: Applied Budgeting; Bigger Budget; Competitive Budgeting; Complete Budgeting; Conserved Budgeting; Consigned Savings;

Containing Expenses; Debt Smart Solutions, Decisive Budgeting; Efficient Budgeting; Insightful Budgeting; Intuitive Budgeting; Less Costly Living; Living Competitively; Lowered Expenses; Prepared Budgeting; Reduced Expenses; Resourceful Budgeting; Sensible Budgeting; Skilled Budgeting; Spend Less Monthly; Total Budgeting; Today's Financial Living; Your Household Budget; and Your Next Financial Step.

K. "Independent Sales Organization" or "ISO" means any Person that (a) enters into an agreement or contract with a Payment Processor to sell or market Payment Processing services to a merchant; and (b) holds, directly or indirectly, either partial or full liability in the event of losses related to the Payment Processing activities conducted by or on behalf of the merchant.

L. "Outbound Telemarketing" means any plan, program, or campaign which is conducted to induce the purchase of goods or services or a charitable contribution by use of one or more telephones, and which involves a phone call initiated by a telemarketer, whether or not covered by the Telemarketing Sales Rule.

M. "Merchant" means a Person who is authorized under a written contract with an Acquirer to honor or accept credit cards, or to transmit or process for payment credit card payments, for the purchase of good or services.

N. "Merchant Account" means an account with an Acquirer that authorizes and allows a Merchant to honor or accept credit cards, or to transmit or process for payment credit card payments, for the purchase of goods or services or a charitable contribution.

O. "Payment Processing" means providing a Person, directly or indirectly, with the means used to charge or debit accounts through the use of any payment mechanism, including, but not limited to, Remotely Created Payment Orders, ACH Debits, or debit, credit, prepaid, or

stored value cards. Whether accomplished through the use of software or otherwise, Payment Processing includes, among other things: (a) reviewing and approving merchant applications for payment processing services; (b) providing the means to transmit sales transaction data from merchants to acquiring banks or other financial institutions; (c) clearing, settling, or distributing proceeds of sales transactions from acquiring banks or financial institutions to merchants; or (d) processing Chargebacks or returned Remotely Created Payment Orders or ACH Debits.

**P.** “Payment Processor” means any Person providing Payment Processing services in connection with another Person’s sale of goods or services or in connection with any charitable contribution.

**Q.** “Person” means an individual, group, unincorporated association, limited or general partnership, corporation, or entity.

**R.** “Receivership Defendants” means the E.M. Systems Defendants, One Easy Solutions, LLC, and Christopher C. Miles.

**S.** “Remotely Created Payment Order” means any check, draft, payment instruction, or payment order, whether written or electronic format, that is drawn on a payor’s account, initiated or created by or on behalf of the payee, and deposited into or cleared through the check clearing system. For purposes of this definition, an account includes any financial account or credit or other arrangement that allows checks, payment instructions, or orders to be drawn against it that are payable by, through, or at a bank.

**T.** “Sales Agent” means a Person that matches, arranges, or refers a prospective Client or Clients to a Payment Processor or ISO for Payment Processing, but does not hold any contractual liability in the event of losses related to the Payment Processing activities conducted by or on behalf of Clients. As such, a Sales Agent may be involved in recommending a

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particular Payment Processor or ISO to a prospective Client, forwarding to the Payment Processor or ISO a prospective Client's or Client's merchant application, or negotiating rates and fees charged by a Payment Processor or ISO, but a Sales Agent may not be involved in any Payment Processing and may not act as an ISO.

**I. BAN ON OUTBOUND TELEMARKETING**

IT IS ORDERED that the E.M. Systems Defendants are permanently restrained and enjoined from participating, or from assisting others, in Outbound Telemarketing.

**II. BAN ON MARKETING DEBT RELIEF PRODUCTS OR SERVICES**

IT IS FURTHER ORDERED that the E.M. Systems Defendants are permanently restrained and enjoined from advertising, marketing, promoting, or offering for sale or assisting others in advertising, marketing, promoting, or offering for sale any Debt Relief Product or Service.

**III. PROHIBITION AGAINST MISREPRESENTATIONS**

IT IS FURTHER ORDERED that the E.M. Systems Defendants, the E.M. Systems Defendants' officers, agents, employees, and attorneys, and all other Persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the advertising, marketing, promoting or offering for sale, or sale of any good or service, are permanently restrained and enjoined from misrepresenting, or assisting others in misrepresenting, expressly or by implication:

- A. The total costs to purchase, receive, or use the good or service;
- B. That any Person is affiliated with, endorsed or approved by, or otherwise connected to any other Person;
- C. The terms of any policy about refunds, cancellations, exchanges, or repurchases;

D. Any material aspect of the performance, efficacy, nature, or characteristics of the product or service; or

E. Any other material fact.

#### IV. PROHIBITION AGAINST CREDIT CARD LAUNDERING

IT IS FURTHER ORDERED that the E.M. Systems Defendants, the E.M. Systems Defendants' officers, agents, employees, and attorneys, and all other Persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the advertising, marketing, promoting or offering for sale, or sale of any good or service, are permanently restrained and enjoined from Credit Card Laundering.

However, nothing in this section prohibits the E.M. Systems Defendants from opening, operating, or utilizing a Merchant Account to honor or accept credit cards, or to transmit or process for payment credit card payments, for the purchase of goods or services directly from an entity for which an E.M. Systems Defendant is a majority owner.

#### V. PROHIBITION AGAINST UNSUBSTANTIATED CLAIMS

IT IS FURTHER ORDERED that the E.M. Systems Defendants, the E.M. Systems Defendants' officers, agents, employees, and attorneys, and all other Persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, in connection with the advertising, marketing, promoting or offering for sale, or sale of any good or service, are permanently restrained and enjoined from making any representation or assisting others in making any representation, expressly or by implication, about the benefits, performance, or efficacy of any product or service, unless, at the time such representation is made, the E.M. Systems Defendants possess and rely upon competent and reliable evidence that substantiates that the representation is true.

**VI. PROHIBITION AGAINST ACTING AS AN ISO  
OR SALES AGENT FOR ANY CLIENT**

IT IS FURTHER ORDERED that the E.M. Systems Defendants are permanently restrained and enjoined from acting as an ISO or Sales Agent for any Client.

**VII. MONETARY JUDGMENT**

IT IS FURTHER ORDERED that:

A. Judgment in the amount of \$12,365,731.00 (Twelve Million Three Hundred Sixty-five Thousand Seven Hundred and Thirty-one Dollars) is entered in favor of the Plaintiffs against the E.M. Systems Defendants, jointly and severally, as equitable monetary relief.

B. In partial satisfaction of the monetary judgment, within ten (10) days of receiving notice of this Stipulated Order by any means, the entities listed below shall turn over the account or asset identified below to the Receiver by electronic fund transfer in accordance with the instructions provided by counsel for the Receiver, by certified check or other guaranteed funds payable to and delivered to the Receiver, or otherwise instructed by counsel for Receiver:

1. Bank of America, N.A., its parent corporation, subsidiaries, principals, and agents shall turn over:

- a. Account No. XXXXXXXXX6626, held in the name of Karissa L. Dyar and Steven D. Short;
- b. Account No. XXXXXXXXX5777, held in the name of Steven D. Short;
- c. Account No. XXXXXXXXX3460, held in the name of Karissa L. Dyar;
- d. Account No. XXXXXXXXX2032, held in the name of Karissa L. Dyar.

C. The E.M Systems Defendants hereby grant to the Plaintiffs all legal and equitable

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right, title, and interest in all assets held by the Receiver, including the funds identified above in Section VII, Paragraph B and those in the name of or for the benefit of the E.M. Systems Defendants. After satisfaction of any Court-authorized payments to the Receiver, the Receiver shall transfer the E.M. Systems Defendants' remaining assets and the net proceeds, if any, from the sale of any remaining assets belonging to the E.M. Systems Defendants, to the Plaintiffs. Any assets or proceeds turned over to Plaintiffs as part of Subsection B. or this subsection, shall be applied to the monetary judgment described in Subsection A., with the remainder of the judgment suspended as described in the following subsections.

D. Plaintiffs' agreement to the partial suspension of the judgment against the E.M. Systems Defendants is expressly premised upon the truthfulness, accuracy, and completeness of the sworn financial statements and related documents (collectively, "financial representations" ) submitted to Plaintiffs, namely:

1. Financial Statement of Karissa Dyar signed on June 22, 2015, including the attachments;
2. Financial Statement of Steven D. Short, signed on June 22, 2015, including the attachments;
3. Corporate Financial Statement of Administrative Management & Design, LLC, signed by Steven D. Short on June 22, 2015;
4. Corporate Financial Statement of E.M. Systems & Services, LLC, signed by Steven D. Short on June 22, 2015;
5. Corporate Financial Statement of Empiracle (sic) Data Group Technologies, LLC, signed by Steven D. Short on June 22, 2015;
6. Corporate Financial Statement of Epiphany Management Systems, LLC, signed by Steven D. Short on June 22, 2015; and
7. Corporate Financial Statement of KLS Industries, LLC, signed by Karissa Dyar on June 22, 2015.

E. The suspension of the judgment will be lifted as to any E.M. Systems Defendant

if, upon motion by Plaintiffs, the Court finds that any E.M. Systems Defendant failed to disclose any material asset, materially misstated the value of any asset, or made any other material misstatement or omission in the financial representations identified above.

F. If the suspension of the judgment is lifted, the judgment becomes immediately due as to that E.M. Systems Defendant in the amount specified in Subsection A. above, which parties stipulate only for purposes of this Section represents the consumer injury alleged in the Complaint, less any payment previously made pursuant to this Section, plus interest computed from the date of entry of this Order.

G. The E.M. Systems Defendants relinquish dominion and all legal and equitable right, title, and interest in all assets transferred pursuant to this Order and may not seek the return of any assets.

H. The facts alleged in the Complaint will be taken as true, without further proof, in any subsequent civil litigation by or on behalf of Plaintiffs, including in a proceeding to enforce their right to any payment or monetary judgment pursuant to this Order, such as a nondischargeability complaint in any bankruptcy case.

I. The facts alleged in the Complaint establish all elements necessary to sustain an action by Plaintiffs pursuant to Section 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral estoppel effect for such purposes.

J. The E.M. Systems Defendants acknowledge that their Taxpayer Identification Numbers (Social Security Number or Employer Identification Number), which the E.M. Systems Defendants previously submitted to Plaintiffs, may be used for collecting and reporting any delinquent amount arising out of this Order, in accordance with 31 U.S.C. § 7701.

K. All money paid to Plaintiffs pursuant to this Order may be deposited into a fund administered by the Plaintiff Federal Trade Commission or its designee to be used for equitable relief, including consumer redress and any attendant expenses for the administration of any redress fund. If Plaintiffs decide that direct redress to consumers is wholly or partially impracticable or money remains after redress is completed, Plaintiffs may apply any remaining

money for such other equitable relief (including consumer information remedies) as they determine to be reasonably related to the E.M. Systems Defendants' practices alleged in the Complaint. All funds not used for the equitable relief described above in this subsection ("remaining funds") is to be divided equally between the Commission and the Florida Attorney General, with half to be deposited to the U.S. Treasury as disgorgement and half to be deposited to the Florida Attorney General Department of Legal Affairs Escrow Fund. The E.M. Systems Defendants have no right to challenge any actions Plaintiffs or their representatives may take pursuant to this subsection.

#### **VIII. LIFTING OF ASSET FREEZE**

IT IS FURTHER ORDERED that the freeze of the E.M. Systems Defendants' assets will be lifted for the sole purpose of transferring funds and assets pursuant to Section VII above and will be dissolved only upon completion of all those transfers. A third party may rely upon a letter from Plaintiffs stating that the freeze on the assets of a Defendant has been lifted.

#### **IX. RECEIVERSHIP**

IT IS FURTHER ORDERED that

A. The Receivership imposed by this Court will continue as set forth in the Order of Preliminary Injunction entered on June 30, 2015.

B. The Receiver will continue to be entitled to compensation for the performance of his duties pursuant to the Order of Preliminary Injunction from the assets of the Receivership Defendants.

**X. CUSTOMER INFORMATION**

IT IS FURTHER ORDERED THAT the E.M. Systems Defendants, the E.M. Systems Defendants' officers, agents, employees, and attorneys, and all other Persons in active concert or participation with any of them, who receive actual notice of this Order, are permanently restrained and enjoined from, directly or indirectly:

A. Failing to provide sufficient customer information to enable Plaintiffs to efficiently administer consumer redress. If a representative of either Plaintiff requests in writing any information related to redress, the E.M. Systems Defendants must provide it, in the form prescribed by that Plaintiff, within 14 days;

B. Disclosing, using, or benefitting from customer information, including the name, address, telephone number, email address, Social Security number, other identifying information, or any data that enables access to a customer's account (including a credit card, bank account, or other financial account) that any E.M. Systems Defendant obtained prior to entry of this Order in connection with marketing or sale of Debt Relief Products or Services; and

C. Failing to destroy such customer information in all forms in their possession, custody, or control within 30 days after receipt of written direction to do so from a representative of Plaintiffs.

Provided, however, that customer information need not be disposed of, and may be disclosed, to the extent requested by a government agency or required by law, regulation, or court order.

**XI. COOPERATION**

IT IS FURTHER ORDERED THAT the E.M. Systems Defendants must fully cooperate with representatives of Plaintiffs in this case and in any investigation related to or associated

with the transactions or the occurrences that are the subject of the Complaint. The E.M. Systems Defendants must provide truthful and complete information, evidence, and testimony. The E.M. Individuals must appear, and the E.M. LLCs must cause their officers, employees, representations, or agents, to appear, for interviews, discovery, hearings, trials, and any other proceedings that a representative of either Plaintiff may reasonably request upon 5 days written notice, or other reasonable notice, at such places and times as the representative may designate, without the service of a subpoena. This provision does not preclude any E.M. Individual from properly invoking any Fifth Amendment privilege against self-incrimination.

## **XII. ORDER ACKNOWLEDGMENTS**

IT IS FURTHER ORDERED THAT the E.M. Systems Defendants obtain acknowledgments of receipt of this Order:

A. Each of the E.M. Systems Defendants, within 7 days of entry of this Order, must submit to Plaintiffs an acknowledgment of receipt of this Order sworn under penalty of perjury.

B. For 5 years after entry of this Order, each of the E.M. Individuals, for any business that he or she, individually or collectively with any other E.M. Systems Defendant, is the majority owner or controls directly or indirectly, and each of the E.M. LLC's, must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees, agents, and representatives who participate in conduct related to the subject matter of the Order; and (3) any business entity resulting from any change in structure as set forth in the Section titled Compliance Reporting. Delivery must occur within 7 days of entry of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities.

C. From each Person to which an E.M. Systems Defendant delivered a copy of this Order, that E.M. Systems Defendant must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

### XIII. COMPLIANCE REPORTING

IT IS FURTHER ORDERED THAT the E.M. Systems Defendants make timely submissions to Plaintiffs:

A. One year after entry of this Order, each of the E.M. Systems Defendants must submit a compliance report, sworn under penalty of perjury:

1. Each of the E.M. Systems Defendants must: (a) identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the Commission and Florida Attorney General may use to communicate with that E.M. Systems Defendant; (b) identify all of that E.M. Systems Defendant's businesses by all of their names, telephone numbers, and physical, postal, email, and Internet addresses; (c) describe the activities of each business, including the goods and services offered, the means of advertising, marketing, and sales, and the involvement of any other E.M. Systems Defendant (which each E.M. Individual must describe if he or she knows or should know due to his or her involvement); (d) describe in detail whether and how that E.M. Systems Defendant is in compliance with each Section of this Order, and (e) provide a copy of each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to Plaintiffs.

2. Additionally, each of the E.M. Individuals must: (a) identify all telephone numbers and all physical, postal, email and Internet addresses, including all residences; (b) identify all business activities, including any business for which that E.M. Individual performs services whether as an employee or otherwise and any entity which that E.M. Individual has any

ownership interest; and (c) describe in detail that E.M. Individual's involvement in each such business, including title, role, responsibilities, participation, authority, control, and any ownership.

B. For 20 years after entry of this Order, each of the E.M. Systems Defendants must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following:

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

2. Additionally, each of the E.M. Individuals must report any change in: (a) name, including aliases or fictitious names, or residence address; or (b) title or role in any business activity, including any business for which he or she performs services, whether as an employee or otherwise, and any entity in which he or she has any ownership interest, and identify the name, physical address, and any Internet address of the business or entity.

C. Each of the E.M. Systems Defendants must submit to Plaintiffs notice of the filing of any bankruptcy petition, insolvency proceeding, or similar proceeding by or against that E.M. Systems Defendant within 14 days of its filing.

D. Any submission to Plaintiffs required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: "I declare under penalty of perjury under the laws of the United States of America that the

foregoing is true and correct. Executed on: \_\_\_\_\_” and supplying the date, signatory’s full name, title (if applicable), and signature.

E. Unless otherwise directed by Plaintiffs’ representative in writing, all submissions to the Commission pursuant to this Order must be emailed to [DEbrief@ftc.gov](mailto:DEbrief@ftc.gov) or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: FTC v. E.M. Systems, X150051. All submissions to the Florida Attorney General pursuant to this Order must be emailed to [cpenforcement@myfloridalegal.com](mailto:cpenforcement@myfloridalegal.com) or sent to: Office of The Attorney General, Director of Consumer Protection Division, 3507 East Frontage Road #325, Tampa, Florida 33607.

#### XIV. RECORDKEEPING

IT IS FURTHER ORDERED that the E.M. Systems Defendants must create certain records for 20 years after entry of this Order, and retain each such record for 5 years. Specifically, the E.M. LLC’s and each of the E.M. Individuals, for any business that such E.M. Individual, individually or collectively with any other E.M. Systems Defendant, is a majority owner or controls directly or indirectly, must create and retain the following records:

- A. accounting records showing the revenues from all goods or services sold;
- B. personnel records showing, for each person providing services, whether as an employee or otherwise, that person’s name; addresses; telephone numbers; job title or position; dates of service; and (if applicable) the reason for termination;
- C. records of all consumer complaints and refund requests, whether received directly or indirectly, such as through a third party, and any response;

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D. all records necessary to demonstrate full compliance with each provision of this Order, including all submissions to Plaintiffs; and

E. a copy of each unique advertisement or other marketing material.

#### XV. COMPLIANCE MONITORING

IT IS FURTHER ORDERED that for the purpose of monitoring the E.M. Systems Defendants' compliance with this Order, including the financial representations upon which part of the judgment was suspended, and any failure to transfer any assets as required by this Order:

A. Within 14 days of receipt of a written request from a representative of either Plaintiff, each of the E.M. Systems Defendants must: submit additional compliance reports or other requested information, which must be sworn under penalty of perjury; and appear for depositions; and produce documents for inspection and copying. Plaintiffs are also authorized to obtain discovery, without further leave of court, using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69.

B. For matters concerning this Order, Plaintiffs are authorized to communicate directly with each of the E.M. Systems Defendants. The E.M. Systems Defendants must permit representatives of Plaintiffs to interview any employee or other individual affiliated with any E.M. Systems Defendant who has agreed to such an interview. The individual interviewed may have counsel present.

C. Plaintiffs may use all other lawful means, including posing, through their representatives as consumers, suppliers, or other individuals or entities, to the E.M. Systems Defendants, or any individual or entity affiliated with the E.M. Systems Defendants, without the necessity of identification or prior notice. Nothing in this Order limits 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.

D. Upon written request from a representative of the Commission or the Florida Attorney General, any consumer reporting agency must furnish consumer reports concerning the E.M. Individuals, pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C. §1681b(a)(1).

**XVI. RETENTION OF JURISDICTION**

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

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
STEVEN D. MERRYDAY  
UNITED STATES DISTRICT JUDGE

**STIPULATED:**

**Plaintiffs:**

FEDERAL TRADE COMMISSION



NICHOLAS M. MAY, DC Bar # 979754

[nmay@ftc.gov](mailto:nmay@ftc.gov)

ANNA M. BURNS, GA Bar # 558234

[aburns@ftc.gov](mailto:aburns@ftc.gov)

225 Peachtree Street NE, Ste 1500

Atlanta, GA 30303

Phone: 404-656-1360 (May)

404-656-1350 (Burns)

Fax: 404-656-1390

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OFFICE OF ATTORNEY GENERAL, STATE OF FLORIDA,  
DEPARTMENT OF LEGAL AFFAIRS



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Patricia A. Conners  
Deputy Attorney General  
Office of the Attorney General  
State of Florida  
Department of Legal Affairs  
PL-01, The Capitol  
Tallahassee, Florida 32399-1050

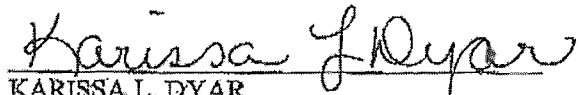
and

Jennifer Hayes Pinder  
Julia Harris  
Office of the Attorney General  
State of Florida  
Department of Legal Affairs  
3507 East Frontage Road #325  
Tampa, Florida 33607  
Tel: (813) 287-7950  
Fax: (813) 281-5515  
Email: [jennifer.pinder@myfloridalegal.com](mailto:jennifer.pinder@myfloridalegal.com)  
Email: [julia.harris@myfloridalegal.com](mailto:julia.harris@myfloridalegal.com)

*COUNSEL for Plaintiff Office of the Attorney General,  
State of Florida, Department of Legal Affairs*

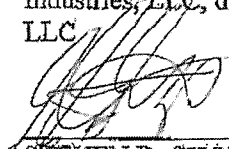
**Defendants:**

Dated: 7/29/16



KARISSA L. DYAR,  
In her individual capacity and as President of KLS  
Industries, LLC, d/b/a Satisfied Service Solutions,  
LLC

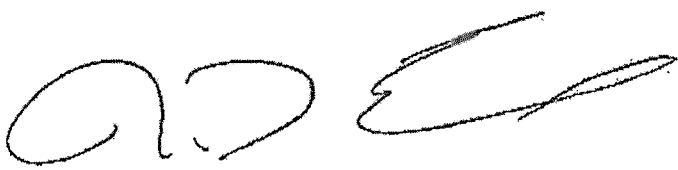
Dated: 7/29/16



STEVEN D. SHORT,  
In his individual capacity and as President of E.M.  
Systems & Services, LLC; Administrative  
Management & Design, LLC; Empirical Data  
Group Technologies, LLC; Epiphany Management  
Systems, LLC

**For Defendants:**

Dated: 7-29-16



ROBERT D. ECKARD, FL Bar# 162655  
Robert Eckard & Associates, P.A.  
Robert@roberteckardlaw.com  
3110 Alternate US 19 North  
Palm Harbor, FL 34683  
Phone: (727) 772-1941  
Fax: (727) 771-7940

*Attorney for Defendants Steven D. Short; Karissa L.  
Dyar; E.M. Systems & Services, LLC;  
Administrative Management & Design, LLC; KLS  
Industries, LLC, d/b/a Satisfied Services Solutions,  
LLC; Empirical Data Group Technologies, LLC;  
and Epiphany Management Systems, LLC*

7/29/16