and
Boaz Minitzer
and
Jeffrey Broughton
Defendants.

Plaintiff, the Federal Trade Commission ("FTC"), for its complaint alleges:

1. The FTC brings this action under Section 13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b), to obtain temporary, preliminary, and permanent injunctive relief, rescission or reformation of contracts, restitution, disgorgement of ill-gotten monies, and other equitable relief for Defendants' acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

JURISDICTION AND VENUE

- 2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), and 1345, and 15 U.S.C. §§ 45(a) and 53(b).
- 3. Venue is proper in this District under 28 U.S.C. § 1391(b) and (c), and 15 U.S.C. § 53(b).

PLAINTIFF

4. Plaintiff FTC is an independent agency of the United States Government created by statute. 15 U.S.C. § 41 et seq. The FTC is charged, inter alia, with enforcement of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce. The FTC is authorized to initiate federal district court proceedings, by its own attorneys, to enjoin violations of the FTC Act and to secure such equitable relief as may be appropriate in each case, including restitution and disgorgement. 15 U.S.C. § 53(b).

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- 5. Federal Loan Modification Law Center, LLP ("FLM Law Center"), formerly known as Anz & Hilmoe, LLP and presently doing business as FLM Law Center, Federal Loan Modification, and Federal Loan Modification Law Center, is a California limited liability partnership with its principal place of business at 9460 Balboa Boulevard, Northridge, CA 90048. At all times material to this Complaint, FLM Law Center, acting alone or in concert with others, has advertised, marketed, and/or sold purported mortgage loan modification services to consumers throughout the United States. FLM Law Center transacts or has transacted business in the Central District of California.
- Anz & Associates, PLC ("Anz & Associates"), is a California 6. professional law corporation with its principal place of business at 9460 Balboa Boulevard, Northridge, CA 91325. At all times material to this Complaint, Anz & Associates, acting alone or in concert with others, has advertised, marketed, and/or sold purported mortgage loan modification services to consumers throughout the United States. Anz & Associates transacts or has transacted business in the Central District of California.
- 7. LegalTurn Inc., also known as Legal Turn Inc. ("LegalTurn"), is a California corporation with its principal place of business at 6420 Wilshire Boulevard, Suite 200, Los Angeles, CA 90048. LegalTurn, which purports to be a legal referral network, at all times material to this Complaint, has received credit card payments from and has paid refunds to customers who have purchased purported mortgage loan modification services from Defendants. LegalTurn transacts or has transacted business in the Central District of California.
- 8. Federal Loan Modification, LLC ("Federal Loan Modification") is a California limited liability company with its principal place of business at 6420 Wilshire Boulevard, Suite 200, Los Angeles, CA 90048. Federal Loan Modification, acting alone or in concert with others, has advertised, marketed,

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27 28 and/or sold purported loan modification services. Federal Loan Modification transacts or has transacted business in the Central District of California.

- 9. Nabile "Bill" Anz, an attorney licensed in California, is a partner of Anz & Associates and FLM Law Center. At all times material to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, or participated in the acts and practices of Defendants, including the acts and practices set forth in this Complaint. Anz resides and transacts or has transacted business in the Central District of California.
- 10. Boaz Minitzer is the President of LegalTurn and the owner of Federal Loan Modification. At all times material to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, or participated in the acts and practices of Defendants, including the acts and practices set forth in this Complaint. Minitzer resides or transacts or has transacted business in the Central District of California.
- 11. Jeffrey Broughton is the President and Chief Executive Officer of FLM Law Center and an officer of LegalTurn. At all times material to this Complaint, acting alone or in concert with others, he has formulated, directed, controlled, or participated in the acts and practices of Defendants, including the acts and practices set forth in this Complaint. Broughton resides and transacts or has transacted business in the Central District of California.
- 12. Corporate Defendants have operated as a common enterprise while engaging in the deceptive acts and practices alleged below. Corporate Defendants share or have shared office space and employees, are commonly controlled, commingle or have commingled funds, and have participated in a common scheme to deceive consumers. Because Corporate Defendants have operated as a common enterprise, each of them is jointly and severally liable for the acts and practices alleged below.

COMMERCE

13. At all times relevant to this complaint, Defendants have maintained a substantial course of trade in or affecting commerce, as "commerce" is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

THE FEDERAL GOVERNMENT'S EFFORTS TO ASSIST HOMEOWNERS

- 14. In the response to the nation's mortgage crisis, the federal government has introduced and widely publicized a number of federal mortgage loan modification programs aimed at assisting distressed homeowners to modify or refinance mortgage loans that have become unaffordable.
- 15. In the past year, two U.S. Presidents, the Department of the Treasury, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and the Department of Housing and Urban Development ("HUD"), among other federal authorities, have announced these federal mortgage loan modification programs.
- 16. Additionally, HUD has designated thousands of HUD-approved non-profit housing counseling agencies, which it has recommended publicly to consumers who are at risk of foreclosure or falling behind on their mortgage payments. These HUD-approved housing counselors provide services at no cost to homeowners, negotiating with lenders to make homeowners' mortgage loans more affordable.

DEFENDANTS' BUSINESS PRACTICES

17. Since at least May 2008, Defendants have engaged in a course of conduct to advertise, market, offer to sell, and sell to consumers purported mortgage loan modification and foreclosure relief services. Defendants market their services under the name "Federal Loan Modification," although Defendants' business is not affiliated with or endorsed by the federal government. Defendants market their services to homeowners who are in financial distress, delinquent on

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their mortgage loans, or in danger of losing their homes to foreclosure. Defendants have charged consumers between \$1,000 and \$3,000 in up-front fees for their socalled Federal Loan Modification program.

- 18. Defendants have conducted an extensive national advertising campaign through television, radio, and the Internet to promote their Federal Loan Modification program. Defendants' advertisements have appeared on national television and cable networks, including but not limited to ABC, CNBC, BET, ESPN, ESPN2, and CNN, and have aired on dozens of radio stations nationwide. These advertisements direct homeowners who are struggling to pay their mortgages to call one of Defendants' toll-free telephone numbers or to visit Defendants' website at www.fedmod.com.
- 19. Several of Defendants' radio advertisements prominently feature the word "federal" and contain other statements to induce consumers to purchase loan modification and foreclosure relief services from Defendants. See, e.g. Exhibits 1, 2, and 3. The statements made in these advertisements include:
 - a. Please stay tuned for this important public announcement for those in danger of losing their home. Federal Loan Modification has a program for those that have fallen behind on their mortgage and are facing foreclosure. To find out if you're eligible for the program in your area, call this toll-free number now, 1-800-400-1268. You may be in danger of being evicted. If you can no longer afford your mortgage, find out if you are eligible for the Federal Loan Modification Law Program in your area.

[Exhibit 1]

b. Don't lose your home. Get the help you need to save it right now with the Federal Loan Modification Program. If you're like the millions of

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Americans out there who are struggling to pay a mortgage, you may be eligible for the Federal Loan Modification Program. Call Federal Loan Modification at 1-800-500-9975.

[Exhibit 2]

If you are losing your home, you're not alone. In fact, everyone c. knows that home foreclosures are rising. But there's only one that matters and that's your home. Now you can save your home and your family. But you need to call and ask about the Federal Loan Modification Program. Because not calling will only result in eviction. Don't lose your home. Call Federal Loan Modification at 1-800-600-3884.

[Exhibit 3]

Months after Defendants began airing radio advertisements generally, 20. Defendants have inserted, in the beginning of some of their radio advertisements, a disclaimer that states:

Not a government program or agency, Legal services by Bill Anz, Irvine, California through Federal Loan Modification Law Center.

The disclaimer, however, occurs at a speed several times faster and at a lower volume than the body of the advertisement. See, e.g. Exhibit 1. Defendants play the disclaimer at the beginning of the advertisement, delivered at a cadence and speed that is faster and more difficult to comprehend than the body of the advertisement, and before any information has been provided about the marketed product.

21. Defendants also have marketed their services through the website
www.fedmod.com, which has both a Spanish-language and English-language
version. The website www.fedmod.com urges consumers to call the toll-free
number 877-39-HOUSE for a "free" "no obligation" consultation. The website
www.fedmod.com also requests that consumers complete a short form and submit
the completed form to Defendants, after which a representative will contact the
consumer.

22. Rotating statements appear at the top of the homepage for the website www.fedmod.com, including the following statement that appears in large, all-capital print:

ARE YOU CONSIDERING WALKING OUT OF YOUR HOUSE BECAUSE YOU OWE MORE THAN IT IS WORTH? FLM CAN HELP YOU RIGHT NOW! Click HERE to get started!

- 23. Throughout, the website www.fedmod.com also contains various other statements to induce consumers to purchase Defendants' mortgage loan modification and foreclosure relief services, including:
 - a. At Federal Loan Modification Law Center we have some of the most experienced Personnel in the industry whose sole purpose is to save your home.
 - b. Can I do this myself? Why should I pay someone else to do it for me? . . . Our negotiators have more experience in mortgage retention than most any of these representatives. do you? . . . Much like in any important matter, having the proper guidance and representation can

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make all the difference in the world and can save you time, trouble, money and ultimately your home.

24. The website www.fedmod.com also contains a hyperlink to a web log (commonly known as a "blog") at www.keepmyhouse.com. The www.keepmyhouse.com blog, authored by Ralph R. Roberts, purports to be a "source of loan modification news, information, commentary, and community." Among other things, the www.keepmyhouse.com blog states that Mr. Roberts is an "an Award-Winning Author and REALTOR," a "Real estate-focused Consumer Advocate," and a "spokesperson for Federal Loan Modification Law Center, LLP." The blog www.keepmyhouse.com contains the following statement about Defendants' services:

KeepMyHouse.com wouldn't be possible without the support of the good folks at Federal Loan Modification Law Center, LLP. . . . Federal Loan Modification Law Center (www.fedmod.com) preserves the American Dream of Homeownership by successfully renegotiating loan agreements between homeowners and lenders. The company's team of experienced real estate attorneys and housing experts understands the fundamentals of the mortgage business, and has spared no expense or time in researching and presenting the best options available for homeowners facing foreclosure or having trouble making their monthly mortgage payments. Check them out at www.FedMod.com.

25. The blog www.keepymyhouse.com also displays banner advertisements for Defendants' services, including those that contain the following statements:

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- Federal Loan Modification Law Center Keeps You In Your House. a.
- Are you facing foreclosure? CALL 1-800-285-0380 Federal Loan **b**. Modification Law Center. STOP YOUR FORECLOSURE. WE NEGOTIATE WITH YOUR LENDERS FAST!
- 26. Consumers speak to Defendants' telemarketers when they call the tollfree numbers provided in Defendants' Internet, radio, or television advertising, or when Defendants call consumers after receiving consumers' information via the online form.
- 27. During the telemarketing sales calls, Defendants' representatives collect information from consumers, including details about the consumers' mortgages and income. After consumers provide this information, the telemarketers often tell consumers they are prime candidates for a loan modification.
- 28. Defendants' telemarketers typically promise consumers that Defendants will help modify consumers' mortgage loans to make their payments more affordable, and in numerous cases, telemarketers claim that they can prevent foreclosure.
- 29. In numerous instances, Defendants' telemarketers tell consumers that Defendants have a success rate in the high ninetieth percentile, and that Defendants' success rate is so high because they only accept consumers into the program who are virtually guaranteed to obtain modifications.
- 30. In numerous instances, Defendants' telemarketers represent that Defendants will obtain a loan modification for consumers within a specified period of time, typically no more than a couple of months.
 - 31. Defendants' telemarketers instruct consumers that they must pay at

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27 28 least a half of Defendants' fee up-front. The amount of the fee has ranged between approximately \$1,500 and \$3,000, with either half or a majority of the fee due upfront and the remainder due at a later time.

- 32. In numerous instances, Defendants' telemarketers tell consumers that if they are not satisfied with Defendants' service they are entitled to a full refund of the fees paid.
- 33. In numerous instances, after consumers have paid Defendants's fee, Defendants fail to answer or return consumers' telephone calls or provide updates about the status of Defendants' purported communications with the consumers' lenders. In other instances, Defendants misrepresent to consumers that negotiations are proceeding smoothly. In other instances, Defendants misrepresent that lenders are the cause for delay when, in reality, Defendants have made little if any effort to contact the lender.
- 34. In numerous instances, Defendants have encouraged consumers to stop paying their mortgages, telling consumers that delinquency will demonstrate the consumer's hardship to the lender and make it easier to obtain a loan modification. In numerous other instances, Defendants have advised consumers not to contact their lenders.
- 35. In numerous instances, Defendants fail to obtain mortgage loan modifications. In numerous instances, consumers learn from their lenders that Defendants have not even contacted the lender or that Defendants have had only minimal, non-substantive contacts with the lender. Some consumers who have paid for Defendants' services have been able to obtain mortgage loan modifications and avoid foreclosure only through their own efforts and not because of any service provided by Defendants.
- 36. In numerous instances, consumers who did not obtain modifications have encountered difficulty in obtaining promised refunds and have received refunds only after making repeated requests or complaining to entities such as the

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VIOLATIONS OF SECTION 5 OF THE FTC ACT

- 37. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits "unfair or deceptive acts and practices in or affecting commerce."
- 38. Misrepresentations or deceptive omissions of material fact constitute deceptive acts or practices prohibited by Section 5(a) of the FTC Act.

Count I

- 39. In numerous instances, Defendants have represented to consumers, expressly or by implication, that Defendants will obtain a mortgage loan modification or stop foreclosure in all or virtually all instances.
- 40. In truth and in fact, Defendants do not obtain a mortgage loan modification or stop foreclosure in all or virtually all instances.
- 41. Therefore, Defendants' representation as set forth in Paragraph 39 is false and misleading and constitutes a deceptive act or practice in violation of Section 5(a) of the FTC Act, 15 U.S. C. § 45(a).

Count II

- 42. Through the means described in Paragraphs 19 and 20, Defendants have represented to consumers, expressly or by implication, that Defendants are part of, affiliated with, or endorsed by the United States government or one or more federal government programs.
- 43. In truth and fact, Defendants are not part of, affiliated with, or endorsed by the United States government or one or more federal government programs.
- 44. Therefore, Defendants' representation as set forth in Paragraph 42 is false and misleading and constitutes a deceptive act or practice in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

CONSUMER INJURY

45. Consumers have suffered and will continue to suffer substantial injury

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as a result of Defendants' violations of the FTC Act. In addition, Defendants have been unjustly enriched as a result of their unlawful acts or practices. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

THIS COURT'S POWER TO GRANT RELIEF

Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court 46. to grant injunctive and such other relief as the Court may deem appropriate to halt and redress violations of the FTC Act. The Court, in the exercise of its equitable jurisdiction, may award ancillary relief, including rescission of contracts and restitution, and the disgorgement of ill-gotten monies, to prevent and remedy any violation of any provision of law enforced by the FTC.

PRAYER FOR RELIEF

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

- A. Award Plaintiff such preliminary injunctive and ancillary relief as may be necessary to avert the likelihood of consumer injury during the pendency of this action, and to preserve the possibility of effective final relief, including but not limited to temporary and preliminary injunctions;
- Enter a permanent injunction to prevent future violations of the FTC В. Act by Defendants;
- C. Award such relief as the Court finds necessary to redress injury to consumers resulting from Defendants' violations of the FTC Act, including but not limited to rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies; and
- D. Award Plaintiff the costs of bringing this action, as well as such other and additional relief as the Court may determine to be just and proper.

	Case 8:09-cv-00401-CJC-MLG	Document 1	Filed 04/03/2009	Page 14 of 17					
1	Dated: April 2, 2009	Respectfu	lly submitted,						
2	David C. Shonka								
4	Acting General Counsel								
5	Janu M. Sally								
6	Laura M. Sullivan Leah Frazier James Chen								
7		lsullivan@	oftc.gov; lfrazier@ft	c.gov;					
8	2.	Federal Ti 600 Penns	rade Commission sylvania Avenue						
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14		Federal Ti 10877 Wi	rade Commission Ishire Blyd., Ste. 700	0					
15	Federal Trade Commission 10877 Wilshire Blvd., Ste. 700 Los Angeles, CA 90024 Tel: (310) 824-4343 Fax: (310) 824-4380 jjacobs@ftc.gov								
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17		Attorneys	for Plaintiff FTC						
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UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself □) Federal Trade Commission				DEFENDANTS Federal Loan Modification Law Center, LLP; Anz & Associates, PLC; LegalTurn, Inc. a.k.a. Legal Turn, Inc.; Federal Loan Modification, LLC; Nabile "Bill" Anz; Boaz Minitzer; Jeffrey Broughton						
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)				meys (If k	(nown)					
John D. Jacobs; Laura M. Sullivan; Leah E. Frazier; James L. Chen 600 Pennsylvania Ave, NW Mail Drop NJ 3158 Washington, DC 20580										
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SACV09 -401 CJC (MLGx)

 ${\bf AFTER\ COMPLETING\ THE\ FRONT\ SIDE\ OF\ FORM\ CV-71, COMPLETE\ THE\ INFORMATION\ REQUESTED\ BELOW.}$



FOR OFFICE USE ONLY: Case Number:

Case 8:00 17 COURT PROPERTY COURT COVER SHEET

VIII(a). IDENTICAL CASES: Has If yes, list case number(s):	this action been prev	riously filed in this court an	d dismissed, remanded or closed? ▼No □ Yes			
VIII(b). RELATED CASES: Have If yes, list case number(s):	any cases been previ	iously filed in this court tha	t are related to the present case? Mo Ves			
□ C. 1	Arise from the same of Call for determination For other reasons wor Involve the same pate	or closely related transaction of the same or substantial ald entail substantial duplicent, trademark or copyright,	ly related or similar questions of law and fact; or ation of labor if heard by different judges; or and one of the factors identified above in a, b or c also is present.			
(a) List the County in this District;	California County out	tside of this District; State i	f other than California; or Foreign Country, in which EACH named plaintiff resides. this box is checked, go to item (b).			
County in this District:*	s ageneres or emprey	cos is a named plainair. If	California County outside of this District; State, if other than California; or Foreign Country			
orange						
그렇다. 그 이렇게 그 얼마나 아니다 그 나는 그리는 그리는 그리는 그리는 그리는 그리는 그리는 그리는 그리는 그리		The state of the s	f other than California; or Foreign Country, in which EACH named defendant resides. If this box is checked, go to item (c).			
County in this District:*	-		California County outside of this District; State, if other than California; or Foreign Country			
Federal Loan Modification Law LLC - Orange County; Anz & A Anz, Boaz Minitzer, Jeffrey Bro	ssociates, PLC, Le	galTurn, Inc., Nabile				
(c) List the County in this District; Note: In land condemnation c			f other than California; or Foreign Country, in which EACH claim arose.			
County in this District:*			California County outside of this District; State, if other than California; or Foreign Country			
Drange						
* Los Angeles, Orange, San Bernar Note: In land condemnation cases, us	and the second and second		San Luis Obispo Counties			
X. SIGNATURE OF ATTORNEY (OR PRO PER	John Sacr	ar Date april Z. 2009			
Notice to Counsel/Parties: The or other papers as required by la	ne CV-71 (JS-44) Civ w. This form, approve	ed by the Judicial Conferenc	rmation contained herein neither replace nor supplement the filing and service of pleadings to of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed ting the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)			
Key to Statistical codes relating to Se	ocial Security Cases:					
Nature of Suit Code	Abbreviation	Substantive Statement of	f Cause of Action			
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))				
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)				
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))				
863	DIWW	All claims filed for widow Act, as amended. (42 U.S	vs or widowers insurance benefits based on disability under Title 2 of the Social Security S.C. 405(g))			
864	SSID	All claims for supplement Act, as amended.	tal security income payments based upon disability filed under Title 16 of the Social Security			
RSI All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))						

CV-71 (05/08)

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Cormac J. Carney and the assigned discovery Magistrate Judge is Marc Goldman.

	The case number on all documents filed with the Court should read as follows:							
	SA	ACV09-	401	CJC	(MLGx)			
	Pursuant to General Order District of California, the Magis notions.							
A	all discovery related motions sh	ould be n	oticed o	on the ca	lendar of t	he Magistrat	e Judge	
=	=======================================	====			=====	======	-	
		NO	TICE TO	COUNSE	L			
A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).								
Sub	sequent documents must be filed at the	he following	location:					
L	Western Division 312 N. Spring St., Rm. G-8 Los Angeles, CA 90012		st Fourth	on n St., Rm. 12701-451		Eastern Div 3470 Twelftl Riverside, C	h St., Rm. 134	
Failu	re to file at the proper location will result in	n your docum	ents being	returned to	o you.			