

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA,
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta
DEC 15 2020
JAMES N. HATTEN, Clerk
By: [Signature] Deputy Clerk

CONSUMER FINANCIAL
PROTECTION BUREAU,

Plaintiff,

v.

UNIVERSAL DEBT & PAYMENT
SOLUTIONS, LLC; *et al.*

Defendants.

Civil Action No.
1:15-CV-0859-RWS

STIPULATED FINAL JUDGMENT AND ORDER AS TO
DEFENDANT TASHA PRATCHER

Plaintiff, the Consumer Financial Protection Bureau (“Bureau”), commenced this action on March 26, 2015, by filing a complaint [ECF No. 1] (“Complaint”) against certain individuals and entities (“Defendants,” as further defined below), alleging deceptive and unfair acts and practices in connection with consumer debt collection in violation of the Consumer Financial Protection Act, 12 U.S.C. §§ 5531, 5536 (“CFPA”), and various violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692-1692p (“FDCPA”).

On March 21, 2019, the Court issued a decision [ECF No. 576] (the “Summary Judgment Decision”) on the motion for summary judgment filed by the Bureau against certain Defendants, including Defendant Tasha Pratcher (“Pratcher” or “Stipulating Defendant”). The Court found Pratcher liable for substantial assistance under the CFPA. The Court reserved its ruling on what remedies should be imposed on Pratcher.

The Bureau and Stipulating Defendant desire to settle this dispute and, as a result, agree to the entry of this Stipulated Final Judgment and Order (“Order”).

FINDINGS

1. The Court has jurisdiction over the parties and the subject matter of this action.

2. In the Summary Judgment Decision, the Court found that the evidence accepted on summary judgment established the existence of an unlawful phantom debt collection scheme among Defendants other than S Payment Processing & Solutions LLC. ECF No. 576 at 9-12, 25-28, 48-49, 63.

3. The Court ruled that Pratcher rendered substantial assistance to Defendant Marcus Brown, her estranged husband, and to another Defendant in their commission of acts prohibited under the CFPA. The Court held that Pratcher provided such assistance recklessly, given Brown’s prior criminal

conviction and her history with Brown, thereby violating 12 U.S.C. § 5536(a)(3). *Id.* at 31.

4. The Bureau and Stipulating Defendant agree to the entry of this Order to settle and resolve all matters in dispute arising from the conduct alleged in the Complaint.

5. The Court has found that the Complaint states claims upon which relief may be granted under the FDCPA and the CFPA. ECF No. 149.

6. The relief provided in this Order is appropriate and available pursuant to sections 1054 and 1055 of the CFPA, 12 U.S.C. §§ 5564 and 5565.

7. Stipulating Defendant neither admits nor denies the allegations in the Complaint except as stated in this Order. For purposes of this Order, Stipulating Defendant admits the facts necessary to establish the Court's jurisdiction over her and the subject matter of this action.

8. Stipulating Defendant waives all rights to seek judicial review or otherwise challenge or contest the validity of this Order. Stipulating Defendant further waives any claim she may have under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action to the date of this Order. Each party will bear its own costs and expenses, including, without limitation, attorneys' fees.

9. Entry of this Order is in the public interest.

DEFINITIONS

10. The following definitions apply to this Order:
- a. “Affected Consumers” means Consumers who paid any money to the LLC Defendants between March 1, 2011 and March 31, 2015.
 - b. “Assisting Others” includes, but is not limited to:
 - i. consulting in any form whatsoever;
 - ii. providing paralegal or administrative support services;
 - iii. performing customer service functions including, but not limited to, receiving or responding to consumer complaints;
 - iv. formulating or providing, or arranging for the formulation or provision of, any advertising or marketing material including, but not limited to, web or Internet Protocol addresses or domain name registration for any internet websites, affiliate marketing services, or media placement services;
 - v. providing names of, or assisting in the generation of, potential customers;

- vi. performing marketing, billing, or payment services of any kind; and
 - vii. acting or serving as an owner, officer, director, manager, or principal of any entity.
- c. “Consumer” means an individual or an agent, trustee, or representative acting on behalf of an individual. 12 U.S.C. § 5481(4).
- d. “Consumer Financial Product or Service” is synonymous in meaning and equal in scope to the definition of the term, as of the Effective Date, in section 1002(5) of the CFPA, 12 U.S.C. § 5481(5), and, subject to applicable restrictions contained in the CFPA, includes, but is not limited to:
- i. engaging in deposit-taking activities, transmitting or exchanging funds, or otherwise acting as a custodian of funds or any financial instrument for use by or on behalf of a consumer;
 - ii. providing payments or other financial data processing products or services to a consumer by any technological means, including processing or storing financial or banking data for any payment instrument, or through

any payments systems or network used for processing payments data, including payments made through an online banking system or mobile telecommunications network; or

iii. providing financial advisory services to consumers on individual financial matters or relating to proprietary financial products or services, including providing credit counseling to any consumer or providing services to assist a consumer with debt management or debt settlement, modifying the terms of any extension of credit, or avoiding foreclosure.

e. “Debt” means any obligation or alleged obligation of a Consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment. 15 U.S.C. § 1692a(5).

f. “Debt Collector” means (i) any Person who uses an instrumentality of interstate commerce or the mail in any business the principal purpose of which is the collection of

Debts or who regularly collects or attempts to collect, directly or indirectly, Debts owed or due or asserted to be owed or due another; (ii) any creditor who, in the process of collecting its own Debts, uses any name other than its own that would indicate that a third Person is collecting or attempting to collect the creditor's Debts; and (iii) any Person to the extent that such Person collects or attempts to collect any Debt that was in default at the time it was obtained by such Person.

g. "Defendants" means all of the Individual Defendants and the LLC Defendants, individually, collectively, or in any combination.

i. "Individual Defendants" means Pratcher, Marcus Brown, Sarita Brown, Mohan Bagga, and Sumant Khan, collectively, or in any combination, and each of them by any other names by which they might be known;

ii. "LLC Defendants" means Check & Credit Recovery, LLC, Credit Power, LLC, Universal Debt & Payment Solutions, LLC, Universal Debt Solutions, WNY Account Solutions, LLC, WNY Solutions Group, LLC, and S Payment Processing & Solutions, LLC and their

successors and assigns, collectively, or in any combination;

iii. “Stipulating Defendant” means Tasha Pratcher or any other name by which she might be known.

h. “Effective Date” means the date on which the Order is issued.

i. “Enforcement Director” means the Assistant Director of the Office of Enforcement for the Consumer Financial Protection Bureau, or his or her delegate.

j. “Person” means an individual, partnership, company, corporation, association (incorporated or unincorporated), trust, estate, cooperative organization, or other entity.

k. “Receiver” means Mark J. Bernet, a partner in the law firm of Akerman, LLP.

l. “Related Consumer Action” means a private action by or on behalf of one or more consumers or an enforcement action by another governmental agency brought against Stipulating Defendant based on substantially the same facts as this matter.

m. “Relevant Period” means March 1, 2011 through March 31, 2015.

- n. “Service Provider” is synonymous in meaning and equal in scope to the definition of the term, as of the Effective Date, in section 1002(26) of the CFPA, 12 U.S.C. § 5481(26), and, subject to applicable restrictions contained in the CFPA, includes, but is not limited to, any Person that provides material service to a Person that is a “covered person” under the CFPA, 12 U.S.C. § 5481(6), in connection with the offering or provision by such “covered person” of a Consumer Financial Product or Service, including a Person that:
- i. participates in designing, operating, or maintaining the Consumer Financial Product or Service; or
 - ii. processes transactions relating to the Consumer Financial Product or Service (other than unknowingly or incidentally transmitting or processing financial data in a manner that such data is undifferentiated from other types of data of the same form as the Person transmits or processes).

ORDER

CONDUCT RELIEF

I.

Permanent Ban on Debt Collection

IT IS ORDERED that:

11. Stipulating Defendant, whether acting directly or indirectly, is permanently restrained and enjoined from or Assisting Others in:

- a. acting as a Debt Collector;
- b. holding any ownership interest in (i) a Debt Collector or (ii) a payment processor to a Debt Collector;
- c. receiving any remuneration or other consideration from (i) a Debt Collector or (ii) a payment processor to a Debt Collector if the remuneration or consideration relates to the collection of Debts;
- d. providing services or assistance to, or working in any capacity for, a Debt Collector, including but not limited to acting as a Service Provider, employee, or independent contractor to a Debt Collector; and

- e. advertising, marketing, promoting, offering for sale, processing payments for, selling, or buying any Debt or consumer information relating to a Debt.

Nothing in this Order shall be read as an exception to this Paragraph.

II.

Prohibition on Misrepresentations Concerning Consumer Financial Products or Services

IT IS FURTHER ORDERED that:

12. Stipulating Defendant, and her officers, agents, servants, employees, and attorneys, and all other persons in active concert or participation with her who have actual notice of this Order, whether acting directly or indirectly, in connection with any Consumer Financial Product or Service, are permanently restrained and enjoined from misrepresenting, omitting, or Assisting Others in misrepresenting or omitting, expressly or by implication, any material fact, including but not limited to:

- a. a business name or identity;
- b. that any Person is an attorney or is barred or licensed to practice law in a particular jurisdiction;

- c. that any Person who is not associated or affiliated with an attorney or law firm is affiliated or associated with an attorney or law firm;
- d. that a Consumer will receive legal representation;
- e. how much a Consumer will save from purchasing, using, or enrolling in a Consumer Financial Product or Service;
- f. how long it will take to settle any Debts;
- g. the likelihood of any particular outcome or result from a Consumer Financial Product or Service; or
- h. the nature or terms of any refund, cancellation, exchange, or repurchase policy, including but not limited to the likelihood of a Consumer obtaining a full or partial refund, or the circumstances in which a full or partial refund will be provided to the Consumer.

III.

Prohibition on Unfair Practices Involving Consumer Financial Products or Services

IT IS FURTHER ORDERED that:

13. Stipulating Defendant and her officers, agents, servants, employees, and attorneys, and all other persons in active concert or

participation with her who have actual notice of this Order, whether acting directly or indirectly, in connection with any Consumer Financial Product or Service, are permanently restrained and enjoined from or Assisting Others in:

- a. Placing telephone calls to consumers without meaningful disclosure of the caller's identity; and
- b. Concealing their identity by causing "000-000-0000" or any other false or misleading information to appear on a consumer's caller identification.

IV.

Prohibition on Business Ventures with Other Defendants

IT IS FURTHER ORDERED that:

14. Stipulating Defendant, whether acting directly or indirectly, is permanently restrained and enjoined from investing in, providing services to, working for, serving as an officer of, or being otherwise engaged in any business venture or project involving any other Defendant.

V.

Consumer Information

IT IS FURTHER ORDERED that:

15. Stipulating Defendant and her officers, agents, servants, employees, and attorneys, and all other Persons in active concert or participation with her, who receive actual notice of this Order, whether acting directly or indirectly, are permanently restrained and enjoined from using, disclosing, or benefiting from Consumer information, including the name, address, telephone number, email address, social security number, other identifying information, or any data that enables access to a Consumer's account (including a credit card, bank account, or any financial account) that any Defendant obtained before the Effective Date in connection with any Defendant's activity as a Debt Collector.

VI.

Prohibition on Certain Merchant Processing Activities

IT IS FURTHER ORDERED that:

16. Stipulating Defendant and her officers, agents, servants, employees, and attorneys, and all other persons in active concert or participation with her, who receive actual notice of this Order, whether acting directly or indirectly, are permanently restrained and enjoined from

allowing third parties to use any merchant processing account that Stipulating Defendant owns or controls to collect consumer payments.

17. Stipulating Defendant and her officers, agents, servants, employees, and attorneys, and all other persons in active concert or participation with her, who have actual notice of this Order, whether acting directly or indirectly, are permanently restrained and enjoined from re-opening or using the following merchant payment processing accounts associated with the unlawful debt collection scheme: account numbers 8788370013263 and 8788370013280 with Frontline Processing Corporation, account numbers 5644000000476853, 564400000618298, 564400000641183, and 564400000735647 with Francis David Corporation d/b/a/ Electronic Merchant Systems, account numbers 8788730001893 and 8788730002232 with Pathfinder Payment Solutions, Inc., and account numbers 4445017408336 and 445017416651 with Vantiv, Inc. d/b/a PaidSuite.

MONETARY PROVISIONS

VII.

Order to Pay Redress

IT IS FURTHER ORDERED that:

18. A judgment for monetary relief and damages is entered in favor of the Bureau and against Stipulating Defendant, in the amount of

\$300,000.00, for the purpose of providing redress to Affected Consumers; however, full payment of this judgment will be suspended upon satisfaction of the obligations in Paragraphs 19 and 20 of this Section and in Sections IX and X, and subject to Section VIII of this Order.

19. Within 10 days of the Effective Date, Stipulating Defendant must pay to the Bureau, by wire transfer to the Bureau or to the Bureau's agent, and according to the Bureau's wiring instructions, \$2,500.00 in partial satisfaction of the judgment as ordered in Paragraph 18 of this Section.

20. To the extent Stipulating Defendant has not already done so, Stipulating Defendant is ordered to relinquish any interest in and transfer to the Receiver, or to the Receiver's designated agent, possession, custody, and control of the following assets within seven (7) days of entry of this Order, unless otherwise stated:

- a. The real property located at 150 Parkridge, Buffalo, New York.
- b. The real property located at 1575 Genesee Ave., Buffalo, New York.
- c. The real property located at 1585 Genesee Ave., Buffalo, New York.
- d. The real property located at 11 Hastings St., Buffalo, New York.

- e. The real property located at 382 Eggert Rd., Buffalo, New York.
- f. The real property located at 426 Dartmouth Ave., Buffalo, New York
- g. The real property located at 77 Theodore St., Buffalo, New York.
- h. The real property located at 42 Roebling Ave., Buffalo, New York.
- i. The real property located at 127 Taunton Pl., Buffalo, New York.
- j. The real property located at 2847 Eggert Rd., Buffalo, New York.

Provided, however, that the Receiver may abandon, without further court order, any asset set forth in this paragraph or otherwise he deems in his discretion to be of inconsequential or no value.

21. Stipulating Defendant shall cooperate fully with the Receiver and shall execute any instrument or document presented by the Receiver, and take any other actions the Receiver deems necessary or appropriate to effect the transfers required by Paragraph 20. The properties set forth in Paragraph 20 shall constitute Receivership Assets, as that term is defined in the Order Appointing Receiver, ECF No. 624. Stipulating Defendant shall

fully cooperate with Receiver in connection with his efforts to market, sell, or otherwise dispose of the properties described in Paragraph 20.

22. The asset freeze imposed by the Preliminary Injunction [ECF No. 16] is dissolved as to Stipulating Defendant as of the Effective Date as to any assets that are not Receivership Assets, as that term is defined in the Order Appointing Receiver [ECF No. 624].

23. With regard to any redress that Stipulating Defendant pays under this Section, if Stipulating Defendant, directly or indirectly, receives any reimbursement or indemnification from any source, including but not limited to payment made under any insurance policy, or if Stipulating Defendant secures a tax deduction or tax credit with regard to any federal, state, or local tax, Stipulating Defendant must: (a) immediately notify the Enforcement Director in writing, and (b) within 10 days of receiving the funds or monetary benefit, Stipulating Defendant must transfer to the Bureau the full amount of such funds or monetary benefit (“Additional Payment”) to the Bureau or to the Bureau’s agent according to the Bureau’s wiring instructions. After the Bureau receives the Additional Payment, the amount of the suspended judgment referenced in Paragraph 18 will be reduced by the amount of the Additional Payment and the Additional

Payment will be applied toward satisfaction of the monetary judgment entered in Paragraph 18.

24. Any funds received by the Bureau in satisfaction of this judgment will be deposited into a fund or funds administered by the Bureau or to the Bureau's agent according to applicable statutes and regulations to be used for redress for Affected Consumers, including, but not limited to, refund of moneys, restitution, damages or other monetary relief, and for any attendant expenses for the administration of any such redress.

25. If the Bureau determines, in its sole discretion, that redress to consumers is wholly or partially impracticable or if funds remain after redress is completed, the Bureau will deposit any remaining funds in the U.S. Treasury as disgorgement. Stipulating Defendant will have no right to challenge any actions that the Bureau or its representatives may take under this Section.

26. Payment of redress to any Affected Consumer under this Order may not be conditioned on that Affected Consumer waiving any right.

VIII.

Effect of Misrepresentation or Omission Regarding Financial Condition

IT IS FURTHER ORDERED that:

27. The Bureau's agreement to enter into this Order and the suspension of the monetary judgment entered in Section VII of this Order is expressly premised on the truthfulness, accuracy, and completeness of Stipulating Defendant's financial statements and supporting documents submitted to the Bureau, which Stipulating Defendant has attested, subject to the penalties imposed by 18 U.S.C. §§ 1001 and 3571, are truthful, accurate, and complete, and which are:

- a. Financial Statement of Pratcher, including the attachments, executed on April 8, 2015 and submitted to the Bureau on or about that date;
- b. Updated Financial Statement of Pratcher, including the attachments, signed on May 15, 2018, and submitted to the Bureau on or about that date;
- c. Updated Financial Statement of Pratcher, including the attachments, signed on June 8, 2020, and submitted to the Bureau on or about that date.

28. If upon motion by the Bureau, the Court determines that Stipulating Defendant has failed to disclose any material asset or that any of her Financial Statements listed in Paragraph 27 contain any material misrepresentation or omission, including materially misstating the value of

any asset, the Court shall terminate the suspension of the monetary judgment entered in Section VII of this Order and the full judgment of \$300,000 entered shall be immediately due and payable.

29. If the Court terminates the suspension of the monetary judgment under this Section, the Bureau will be entitled to interest on the Order, computed from the date of entry of this Order, at the rate prescribed by 28 U.S.C. § 1961, as amended, on any outstanding amounts not paid.

30. Provided, however, that in all other respects this Order shall remain in full force and effect unless otherwise ordered by the Court; and, provided further, that proceedings instituted under this provision would be in addition to, and not in lieu of any other civil or criminal remedies as may be provided by law, including any other proceedings that the Bureau may initiate to enforce this Order.

IX.

Order To Pay Civil Money Penalty

IT IS FURTHER ORDERED that:

31. Under section 1055(c) of the CFPA, 12 U.S.C. § 5565(c), by reason of Stipulating Defendant's violations of the CFPA described in the Summary Judgment Decision, and taking into account the factors in 12 U.S.C. § 5565(c)(3), Stipulating Defendant must pay a civil money penalty of \$1.00 to

the Bureau. This nominal penalty is based on Stipulating Defendant's limited ability to pay as attested to in her financial statements listed in Section VIII above.

32. Within 10 days of the Effective Date, Stipulating Defendant must pay the civil money penalty by wire transfer to the Bureau or to the Bureau's agent in compliance with the Bureau's wiring instructions.

33. The civil money penalty paid under this Order will be deposited in the Civil Penalty Fund of the Bureau as required by section 1017(d) of the CFPA, 12 U.S.C. § 5497(d).

34. Stipulating Defendant must treat the civil money penalty paid under this Order as a penalty paid to the government for all purposes.

35. Regardless of how the Bureau ultimately uses those funds, Stipulating Defendant may not:

- a. Claim, assert, or apply for a tax deduction, tax credit, or any other tax benefit for any civil money penalty paid under this Consent Order; or
- b. Seek or accept, directly or indirectly, reimbursement or indemnification from any source, including but not limited to payment made under any insurance policy, with regard to any civil money penalty paid under this Consent Order.

36. Stipulating Defendant agrees that the civil penalty imposed by the Order represents a civil penalty owed to the United States Government, is not compensation for actual pecuniary loss, and, thus, as to Stipulating Defendant, it is not subject to discharge under the Bankruptcy Code under 11 U.S.C. § 523(a)(7).

X.

Additional Monetary Provisions

IT IS FURTHER ORDERED that:

37. In the event of any default on Stipulating Defendant's obligations to make payment under this Order, interest, computed under 28 U.S.C. § 1961, as amended, will accrue on any outstanding amounts not paid from the date of default to the date of payment, and will immediately become due and payable.

38. Stipulating Defendant relinquishes all dominion, control, and title to the funds paid and assets transferred under this Order to the fullest extent permitted by law and no part of the funds or other assets may be returned to Stipulating Defendant.

39. The facts alleged in the Complaint will be taken as true and be given collateral estoppel effect, without further proof, in any proceeding based on the entry of the Order, or in any subsequent civil litigation by or on

behalf of the Bureau in a proceeding to enforce its rights to any payment or monetary judgment under this Order, such as a nondischargeability complaint in any bankruptcy case.

40. The facts alleged in the Complaint establish all elements necessary to sustain an action by the Bureau under § 523(a)(2)(A) of the Bankruptcy Code, 11 U.S.C. § 523(a)(2)(A), and for such purposes this Order will have collateral estoppel effect against Stipulating Defendant, even in such Stipulating Defendant's capacity as debtor-in-possession.

41. Under 31 U.S.C. § 7701, Stipulating Defendant, unless she has already done so, must furnish to the Bureau her taxpayer identifying numbers, which may be used for purposes of collecting and reporting on any delinquent amount arising out of this Order.

42. Within 30 days of the entry of a final judgment, consent order, or settlement in a Related Consumer Action, Stipulating Defendant must notify the Enforcement Director of the final judgment, consent order, or settlement in writing. That notification must indicate the amount of redress, if any, that Stipulating Defendant paid or is required to pay to consumers and describe the consumers or classes of consumers to whom that redress has been or will be paid.

43. To preserve the deterrent effect of the civil money penalty in any Related Consumer Action, Stipulating Defendant may not argue that she is entitled to, nor may Stipulating Defendant benefit by, any offset or reduction of any monetary remedies imposed in the Related Consumer Action because of the civil money penalty paid in this action or because of any payment that the Bureau makes from the Civil Penalty Fund. If the court in any Related Consumer Action offsets or otherwise reduces the amount of compensatory monetary remedies imposed against Stipulating Defendant based on the civil money penalty paid in this action or based on any payment that the Bureau makes from the Civil Penalty Fund, Stipulating Defendant must, within 30 days after entry of an Order granting such offset or reduction, notify the Bureau and pay the amount of the offset or reduction to the U.S. Treasury. Such a payment will not be considered an additional civil money penalty and will not change the amount of the civil money penalty imposed in this action.

44. Upon written request of a representative of the Bureau, any consumer reporting agency must furnish consumer reports to the Bureau concerning Stipulating Defendant under Section 604(a)(1) of the Fair Credit Reporting Act, 15 U.S.C. § 1681b(a)(1), which may be used for purposes of collecting and reporting on any delinquent amount arising out of this Order.

COMPLIANCE PROVISIONS

XI.

Reporting Requirements

IT IS FURTHER ORDERED that:

45. Stipulating Defendant must notify the Bureau of any development that may affect compliance obligations arising under this Order, including but not limited to, a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor company to RX Office Solutions, LLC or WNY Solutions Group, LLC, of which she is the sole owner; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order; the filing of any bankruptcy or insolvency proceeding by or against Stipulating Defendant; or a change in Stipulating Defendant's name or address. Stipulating Defendant must provide this notice, if practicable, at least 30 days before the development, but in any case no later than 14 days after the development.

46. Within 7 days of the Effective Date, Stipulating Defendant must:

- a. Designate at least one telephone number and email, physical, and postal address as points of contact, which the Bureau may use to communicate with Stipulating Defendant;

- b. Identify all businesses for which Stipulating Defendant is the majority owner, or that Stipulating Defendant directly or indirectly controls, by all of their names, telephone numbers, and physical, postal, email, and Internet addresses;
- c. Describe the activities of each such business, including the products and services offered, and the means of advertising, marketing, and sales.
- d. Identify Stipulating Defendant's telephone numbers and all email, Internet, physical, and postal addresses, including all residences;
- e. Describe in detail Stipulating Defendant's involvement in any business for which she performs services in any capacity or which she wholly or partially owns, including her title, role, responsibilities, participation, authority, control, and ownership.

47. Stipulating Defendant must report any change in the information required to be submitted under Paragraph 46 at least 30 days before the change or as soon as practicable after the learning about the change, whichever is sooner.

48. Within 90 days of the Effective Date and again one year after the Effective Date, Stipulating Defendant must submit to the Enforcement Director an accurate written compliance progress report sworn to under penalty of perjury (“Compliance Report”), which, at a minimum:

- a. Lists each applicable paragraph and subparagraph of the Order and describes in detail the manner and form in which Stipulating Defendant has complied with each such paragraph and subparagraph of this Order;
- b. Attaches a copy of each Order Acknowledgment obtained under Section XII, unless previously submitted to the Bureau.

XII.

Order Distribution and Acknowledgement

IT IS FURTHER ORDERED that:

49. Within 7 days of the Effective Date, Stipulating Defendant must submit to the Enforcement Director an acknowledgment of receipt of this Order, sworn under penalty of perjury.

50. Within 30 days of the Effective Date, Stipulating Defendant and for any business for which she is the majority owner or which she directly or indirectly controls, must deliver a copy of this Order to each of its board members and executive officers, as well as to any managers, employees,

Service Providers, or other agents and representatives who have responsibilities related to the subject matter of the Order.

51. For 10 years from the Effective Date, Stipulating Defendant, for any business for which she is the majority owner or which she directly or indirectly controls, must deliver a copy of this Order to any business entity resulting from any change in structure referred to in Section XI (Reporting Requirements), any future board members or executive officers, as well as to any managers, employees, or other agents and representatives who will have responsibilities related to Consumer Financial Products or Services before they assume their responsibilities.

52. Stipulating Defendant must secure a signed and dated statement acknowledging receipt of a copy of this Order, ensuring that any electronic signatures comply with the requirements of the E-Sign Act, 15 U.S.C. § 7001 et seq., within 30 days of delivery, from all persons receiving a copy of this Order under this Section.

53. Within 90 days of the Effective Date, Stipulating Defendant must provide the Bureau with a list of all persons and their titles to whom this Order was delivered through that date under Paragraphs 50 and 51 and a copy of all signed and dated statements acknowledging of receipt of this Order under Paragraph 52.

XIII.

Recordkeeping

IT IS FURTHER ORDERED that:

54. Stipulating Defendant must create, or if already created, must retain for at least 10 years, all documents and records necessary to demonstrate full compliance with each provision of this Order, including all submissions to the Bureau. Stipulating Defendant must make these materials available to the Bureau upon the Bureau's request.

XIV.

Notices

IT IS FURTHER ORDERED that:

55. Unless otherwise directed in writing by the Bureau, Stipulating Defendant must provide all submissions, requests, communications or other documents relating to this Order in writing, with the subject line, "In re CFPB v. Universal Debt & Payment Solutions LLC, et al., ENF Matter No. 2013-0916-2," and send them by overnight courier or first-class mail to the below address and contemporaneously by email to Enforcement_Compliance@cfpb.gov:

Assistant Director for Enforcement
Consumer Financial Protection Bureau
ATTENTION: Office of Enforcement

must appear for interviews, discovery, hearings, trials, and any other proceedings that the Bureau may reasonably request upon 10 days written notice, or other reasonable notice, at such places and times as the Bureau may designate, without the service of compulsory process.

XVI.

Compliance Monitoring

IT IS FURTHER ORDERED that, to monitor Stipulating Defendant's compliance with this Order, including the financial representations upon which the judgment was suspended:

59. Within 14 days of receipt of a written request from the Bureau, Stipulating Defendant must submit requested information, which must be made under penalty of perjury; provide sworn testimony; or produce documents.

60. For purposes of this Section, the Bureau may communicate directly with Stipulating Defendant, unless Stipulating Defendant retains counsel related to these communications.

61. Stipulating Defendant must permit Bureau representatives to interview any employee or other person affiliated with Stipulating Defendant who has agreed to such an interview. The person interviewed may have counsel present.

62. Nothing in this Order limits the Bureau's lawful use of civil investigative demands under 12 C.F.R. § 1080.6 or other compulsory process.

XVII.

Miscellaneous

IT IS FURTHER ORDERED that:

63. Nothing contained herein shall be construed as to deprive any Person, not a party to this case, of any private right under the law.

64. The Bureau may serve Stipulating Defendant, directly or through any attorney she retains for this purpose, via electronic mail any written notices required or permitted to be served pursuant to this Order.

XVIII.

Entry of Judgment

IT IS FURTHER ORDERED that:

65. There is no just reason for delay of entry of this judgment, and under Federal Rule of Civil Procedure 54(b), the Clerk immediately shall enter this Order as a final judgment as to Stipulating Defendant Tasha Pratcher.


XIX.

Retention of Jurisdiction

IT IS FURTHER ORDERED that:

66. This Court will retain jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

IT IS SO ORDERED, December 15, 2020.


The Honorable Richard Story
United States District Judge