

STATE OF OREGON
Marion County Circuit Courts
JUN 13 2012
ENTERED

STATE OF OREGON
Marion County Circuit Courts
JUN 13 2012
FILED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

IN THE MATTER OF:
CAMBRIDGE WHO'S WHO PUBLISHING,
INC.,
Respondent.

Case No. 12 CI 7434

ASSURANCE OF VOLUNTARY
COMPLIANCE

1.

Respondent CAMBRIDGE WHO'S WHO PUBLISHING, INC. does business in Oregon. This agreement is between respondent and the Oregon Department of Justice (DOJ) acting pursuant to ORS 646.632.

PROCEDURE

2.

This Assurance of Voluntary Compliance (AVC) is a settlement of a disputed matter. It shall not be considered an admission of a violation for any purpose. Respondent and DOJ agree that no provision of this AVC operates as a penalty, forfeiture, or punishment under the Constitution of the United States, under the Constitution of the State of Oregon, or under any other provision of law.

///

1

3.

2 Respondent understands and agrees that this AVC applies to respondent, its principals,
3 officers, directors, agents, employees, representatives, successors and assigns, jointly and
4 severally, while acting personally, or through any corporation or other business entities, whose
5 acts, practices or policies are directed, formulated or controlled by respondent.

6

4.

7 Respondent and respondent's attorney agree and understand that following acceptance of
8 the AVC by DOJ, DOJ may communicate directly with respondent for the purpose of executing
9 and enforcing the terms of this agreement and resolving future complaints.

10

5.

11 Respondent understands and agrees that if this AVC is accepted by DOJ, it will be
12 submitted to the Circuit Court of the State of Oregon for Marion County for approval, and, if
13 approved, will be filed with the court pursuant to ORS 646.632(2).

14

6.

15 Respondent waives any further notice of submission to and filing with the court of this
16 AVC. Respondent agrees to accept service of a court certified copy by email.

17

7.

18 If monies which are ordered to be paid in this AVC are not paid timely, DOJ may convert
19 the AVC to a money judgment under ORS 646.632(2) without notice to respondent. Respondent
20 agrees that a copy of the money judgment may be sent to Respondent via first class mail to the
21 addresses following its signature or to that of its attorney.

22

8.

23 Respondent shall not represent or imply that DOJ acquiesces or approves of respondent's
24 past business practices, current efforts to reform their practices, or any future practices which
25 respondent may adopt or consider adopting. DOJ's decision to settle this matter or to otherwise
26

1 unilaterally limit current or future enforcement action does not constitute approval or imply
2 authorization for any past, present, or future business practice.

3 9.

4 The parties acknowledge that no other promises, representations or agreements of any
5 nature have been made or entered into by the parties. The parties further acknowledge that this
6 AVC constitutes a single and entire agreement that is not severable or divisible, except that if
7 any provision herein is found to be legally insufficient or unenforceable, the remaining
8 provisions shall continue in full force and effect.

9 REMEDIES

10 10.

11 Respondent shall obey Oregon's Unlawful Trade Practices Act, ORS 646.605 to ORS
12 646.656.

13 11.

14 Within 15 days of the execution of this AVC, Respondent shall refund the consumers
15 listed below, in the amounts indicated. Refunds shall be paid by check, made out to the
16 consumer for the amount indicated and sent to DOJ to be forwarded to these consumers.

17 1. Phyllis Fread of McMinnville, Oregon (\$14,593)

18 2. Hector Hernandez of Portland, Oregon (\$598)

19 3. Diana Huhn of Portland, Oregon (\$618)

20 12.

21 Effective immediately, Respondent shall issue a full refund to any Oregon consumer who
22 files a valid, unsolicited complaint with DOJ.

23 13.

24 Within 30 days of execution of this AVC, Respondent shall pay the sum of \$13,500 to
25 DOJ for deposit to the Oregon Department of Justice Protection and Education Account
26 established pursuant to ORS 180.095.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

14.

Within 15 days of execution of this AVC, Respondent shall re-write all of its Oregon call scripts to:

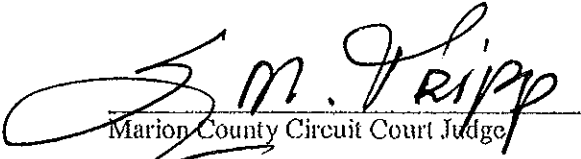
- (a) comply with the 30-second rule of ORS 646.611, including immediately discontinuing the call if the consumer indicates that they do not wish to listen to a solicitation;
- (b) clearly state the total cost of the goods or services being sold, at the time those goods or services are described.
- (c) no longer offer "free" airline tickets or any other "free" prize or gift to Oregon consumers;
- (d) reiterate that free membership is available *before* explaining the different types of membership that are for sale.

15.

Respondent agrees that, in addition to any other sanctions which may be imposed under this AVC or under the law, any future violation of the terms of this AVC may result in civil penalties of \$25,000 for each violation, and Respondent will be subject to such further relief as the court may deem appropriate.

APPROVAL BY COURT

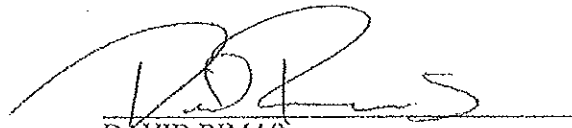
APPROVED FOR FILING and SO ORDERED this 12th day of JUNE, 2012.


Marion County Circuit Court Judge

///

1 REVIEW & APPROVAL BY RESPONDENTS' ATTORNEY

2
3 Dated this 5th day of June, 2012.

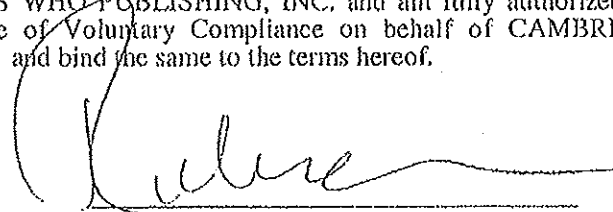
4
5
6 

7 DAVID RIMAS
8 Attorney for Respondent Cambridge Who's Who Publishing
9 Klein Zelman Rothermel LLP
10 485 Madison Avenue
11 New York, NY 10022
12 Ph. 212 935 6020
13 Fax: 212 753 8101
14 drimas@kleinzelman.com

15 CORPORATE RESPONDENT'S SIGNATURE AND ACKNOWLEDGMENTS

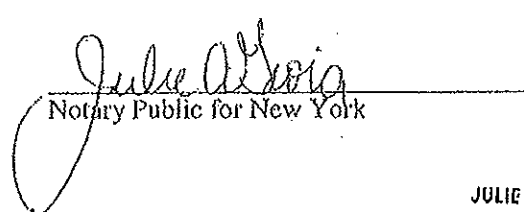
16 Respondent's Vice President has read and understands this agreement and each of its
17 terms. Respondent agrees to each and every term.

18 I, Richard Someck, being first duly sworn on oath depose and say that I am the Vice
19 President of CAMBRIDGE WHO'S WHO PUBLISHING, INC. and am fully authorized and
20 empowered to sign this Assurance of Voluntary Compliance on behalf of CAMBRIDGE
21 WHO'S WHO PUBLISHING, INC. and bind the same to the terms hereof.

22
23 

24 RICHARD SOMECK, Vice President
25 Cambridge Who's Who Publishing
26 498 Rexcorp Plaza, West Tower
Uniondale, NY 11556

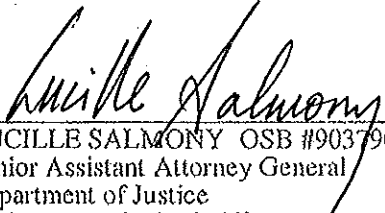
27 SUBSCRIBED AND SWORN to before me this 05 day of June, 2012.

28
29 
30 Notary Public for New York

ACCEPTANCE BY DOJ

Accepted this 5th day of June, 2012.

JOHN R. KROGER
Attorney General


LUCILLE SALMONY OSB #903790
Senior Assistant Attorney General
Department of Justice
Of Attorneys for Plaintiff
Financial Fraud/Consumer Protection Section
1162 Court Street NE
Salem, OR 97301-4096
Phone: (503) 934-4400
Fax: (503) 378-5017
Email: Lucille.Salmony@doj.state.or.us