

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS

FEDERAL TRADE COMMISSION, and

STATE OF ARKANSAS, *ex rel.*
TIM GRIFFIN,
ATTORNEY GENERAL,

Plaintiffs,

v.

BINT OPERATIONS LLC, a limited liability
company,

LASHONDA MOORE, individually and as an
officer of **BINT OPERATIONS LLC**, and

MARLON DEANDRE MOORE, formerly known
as **MARLON DEANDRE MAIDEN**, individually
and as an officer of **BINT OPERATIONS LLC**,

Defendants.

Case No. 4:21-cv-00518-KGB

**STIPULATED ORDER FOR
PERMANENT INJUNCTION
AND OTHER RELIEF**

Plaintiffs, the Federal Trade Commission (“Commission”) and the State of Arkansas (“Arkansas”), filed their Complaint for Permanent Injunction, Monetary Relief, and Other Relief (“Complaint”), for a permanent injunction, monetary relief, civil penalties, and other relief in this matter, pursuant to Sections 13(b) and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b) and 57b, the Consumer Review Fairness Act of 2016 (“CRFA”), 15 U.S.C. § 45b, and the Arkansas Deceptive Trade Practices Act (“Arkansas DTPA”), Ark. Code § 4-88-101 *et seq.* Plaintiffs and Defendants stipulate to the entry of this Stipulated Order for Permanent Injunction and Other Relief (“Injunctive Order”). Additionally, Arkansas and Defendants stipulate to the entry of the Stipulated Order for Monetary Judgment and Civil Penalty Judgment Between Defendants and State of Arkansas (“Monetary Judgment”). The Commission and

Defendants stipulate that the entry of the Injunctive Order resolves all matters in dispute between them. Additionally, Arkansas and Defendants stipulate that the entry of the Injunctive Order and the Monetary Judgment resolves 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 Defendants participated in deceptive and unfair acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, Section 2(d) of the Consumer Review Fairness Act of 2016 (“CRFA”), 15 U.S.C. § 45, and Arkansas DTPA, Ark. Code § 4-88-101 *et seq.* by operating a pyramid scheme, making false or misleading income representations, and unfairly and illegally restricting the publishing of truthful commentary.
3. 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, Defendants admit the facts necessary to establish jurisdiction.
4. 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 attorney fees.
5. Defendants and Plaintiffs waive all rights to appeal or otherwise challenge or contest the validity of this Order.

DEFINITIONS

For the purpose of this Order, the following definitions apply:

- A. **“Defendants”** means all of the Individual Defendants and the Corporate Defendants, individually, collectively, or in any combination.
1. **“Corporate Defendant”** means BINT Operations LLC and its successors and assigns.
 2. **“Individual Defendants”** means LaShonda Moore and Marlon Deandre Moore, formerly known as Marlon Deandre Maiden.
- B. **“Business Venture”** means any written or oral business arrangement, however denominated, whether or not covered by 16 C.F.R. Part 437, that consists of providing payment or other consideration for the right or means to offer, sell, or distribute a good or service.
- C. **“Covered Communication”** means a written, oral, or Pictorial review, performance assessment, or other similar analysis of goods or services, including conduct related to the goods or services.
- D. **“Good or Service”** includes merchandise, products, plans, or programs including Business Ventures and Investment Opportunities.
- E. **“Investment Opportunity”** means anything, tangible or intangible, that is offered, offered for sale, sold, or traded based wholly or in part on representations, either express or implied, about past, present, or future income, profit, or appreciation.
- F. **“Multi-Level Marketing Program”** means any plan or program in which a participant has the right to (1) recruit others into the program or have others placed in the participant’s downline and (2) receive payment or other compensation that is based, in whole or in part, upon purchases, sales, or any other activities of the participant’s downline other than

participants directly below them in their downline. Downline refers to the collection of persons who have been recruited by a participant or who have been otherwise placed under a participant in the MLM's organizational hierarchy or structure. This includes the collection of participants or other individuals whom a participant has personally recruited (first level), any participants and customers recruited by first level participants (second level), any participants and customers recruited by second level participants (third level), and so forth, however denominated.

G. “**Pictorial**” includes pictures, photographs, video, illustrations, and symbols.

H. “**Review-Limiting Contract Term**” means a standardized contract term that:

1. prohibits or restricts the ability of a person who is a party to the contract to engage in a Covered Communication;
2. imposes a penalty or fee against a person who is a party to the contract for engaging in a Covered Communication; or
3. transfers, or requires a person who is a party to the contract to transfer, to any other person any intellectual property rights in a Covered Communication, with the exception of a non-exclusive license to lawfully use a Covered Communication about a Defendant's goods or services.

ORDER

I. BAN ON MULTI-LEVEL MARKETING

IT IS ORDERED that Defendants are permanently restrained and enjoined from engaging, participating, or assisting in the advertising, marketing, promoting, offering for sale, or operating any Multi-Level Marketing Program.

II. PROHIBITED MARKETING SCHEMES

IT IS FURTHER ORDERED that Defendants are permanently restrained and enjoined from engaging, participating, or assisting in the advertising, marketing, promoting, offering for

sale, or operating any Ponzi scheme or chain referral scheme, including but not limited to any “blessing loom” scheme.

III. PROHIBITION AGAINST MISREPRESENTATIONS

IT IS FURTHER ORDERED that Defendants, 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, promotion, or offering for sale of any Good or Service, are permanently restrained and enjoined from:

- A. Misrepresenting or assisting in misrepresenting, expressly or by implication:
 1. That participants will or are likely to earn substantial income from selling any Good or Service or by participating in the Investment Opportunity or Business Venture;
 2. The amount of sales, income, or profit a participant earned by selling any Goods or Service or by participating in the Investment Opportunity or Business Venture;
 3. Any material aspect of the Investment Opportunity or Business Venture, including, but not limited to, its:
 - i. Risk, liquidity, earnings potential, or profitability;
 - ii. Legality, performance, efficacy, nature, or central characteristics;
 - iii. Terms of any refund, cancellation, exchange, or repurchase policies;
 4. The total costs to purchase, receive, or participate in the Investment Opportunity or Business Venture; or
 5. Any material restriction, limitation, or condition to purchase, receive, or participate in the Investment Opportunity or Business Venture.

B. Making any representation, expressly or by implication, regarding the amount or level of income, including full-time or part-time income, that a participant can reasonably expect to earn through an Investment Opportunity or Business Venture unless the representation is non-misleading and, at the time such representation is made, Defendant possesses and relies upon competent and reliable evidence sufficient to substantiate that the representation is true. Implied representations include representations regarding the amount or level of income that a participant reasonably can expect to earn include, but are not limited to, representations involving and images used to show luxury goods or an improved lifestyle.

**IV. PROHIBITED USE OF REVIEW-LIMITING
AND RELATED CONTRACT TERMS**

IT IS FURTHER ORDERED that Defendants and 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 sale or leasing of any Good or Service, are permanently restrained and enjoined from:

A. Offering to any prospective client a contract, or offering to any client a renewal contract, that includes a Review-Limiting Contract Term;

B. Requiring that a client accept a Review-Limiting Contract Term as a condition of any Defendant's fulfillment of its obligation under a client contract that a Defendant entered into before the effective date of this Order; or

C. Attempting to enforce or assert the validity of any Review-Limiting Contract Term in any client contract that a Defendant entered into before the effective date of this Order.

Nothing in this Section shall require a Defendant to publish or host the content of any person, affect any other legal duty of a party to a contract, or affect any cause of action arising from the breach of such duty.

V. PROHIBITION ON VIOLATIONS OF THE ARKANSAS DTPA

IT IS FURTHER ORDERED that Defendants and 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 sale or leasing of any Good or Service, are permanently restrained and enjoined from violating the Arkansas DTPA, Ark. Code § 4-88-101 *et seq.*, including directly or indirectly operating a “pyramid promotional scheme,” Ark. Code Ann. § 4-88-109(b)(9)(A), and engaging in the prohibited conduct listed in Counts V-VII of the Complaint.

VI. CUSTOMER INFORMATION

IT IS FURTHER ORDERED that Defendants, 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. 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 Defendant obtained prior to entry of this Order in connection with the advertising, marketing, promotion, or offering for sale of any Investment Opportunity or Business Venture; and

B. 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 representatives of both the Commission and Arkansas.

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.

VII. ORDER ACKNOWLEDGMENTS

IT IS FURTHER ORDERED that Defendants obtain acknowledgments of receipt of this Order:

A. Each Defendant, within 7 days of entry of this Order, must submit to the Commission and Arkansas an acknowledgment of receipt of this Order sworn under penalty of perjury.

B. For 20 years after entry of this Order, each Individual Defendant for any business that such Defendant, individually or collectively with any other Defendants, is the majority owner or controls directly or indirectly, and the Corporate Defendant, must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees having managerial responsibilities for conduct related to the subject matter of the Order and all 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 individual or entity to which a Defendant delivered a copy of this Order, that Defendant must obtain, within 30 days, a signed and dated acknowledgment of receipt of this Order.

VIII. COMPLIANCE REPORTING

IT IS FURTHER ORDERED that Defendants make timely submissions to the Commission and Arkansas:

A. One year after entry of this Order, each Defendant must submit a compliance report, sworn under penalty of perjury:

1. Each Defendant must: (a) identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of either Plaintiff may use to communicate with Defendant; (b) identify all of that 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 Defendant (which Individual Defendants must describe if they know or should know due to their own involvement); (d) describe in detail whether and how that 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 Individual Defendant 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 such Defendant performs services whether as an employee or otherwise and any entity in which such Defendant has any ownership interest; and (c) describe in detail such Defendant'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 Defendant must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the following:

1. Each Defendant must report any change in: (a) any designated point of contact; or (b) the structure of the Corporate Defendant or any entity that 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 or any subsidiary, parent, or affiliate that engages in any acts or practices subject to this Order.

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

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

D. Any submission to either Plaintiff 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 a Commission representative in writing, all submissions to the Commission pursuant to this Order must be emailed to 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. BINT Operations LLC et al., X210020.

F. Unless otherwise directed by the Arkansas representatives, all submissions to Arkansas must be sent by overnight courier (not the U.S. Postal Service) to: Consumer Protection Dept., Arkansas Office of the Attorney General, 323 Center Street, Suite 200, Little Rock, AR 72201. The subject line must begin: Arkansas v. BINT Operations LLC et al., 4:21-CV-00518-KGB.

IX. RECORDKEEPING

IT IS FURTHER ORDERED that Defendants must create certain records for 20 years after entry of the Order and retain each such record for 5 years. Specifically, Corporate Defendant in connection with the advertising, marketing, promotion, or offering for sale of any Good or Service and each Individual Defendant for any business that such Defendant, individually or collectively with any other 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;

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

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

X. COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring Defendants' compliance with this Order, including but not limited to Defendants' financial representations upon which Arkansas has relied upon in stipulating to a partial suspension of the Monetary Judgment:

A. Within 14 days of receipt of a written request from a representative of either Plaintiff, each Defendant must: submit additional compliance reports or other requested information, which must be sworn under penalty of perjury; 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 independently authorized to communicate directly with each Defendant. Each Defendant must permit representatives of either Plaintiff to interview any employee or other person affiliated with any Defendant who has agreed to such an interview. The person interviewed may have counsel present.

C. Plaintiffs may each independently use all other lawful means, including posing, through its representatives as consumers, suppliers, or other individuals or entities, to Defendants or any individual or entity affiliated with 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 Arkansas, any consumer reporting agency must furnish consumer reports concerning Individual Defendants, pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C. §1681b(a)(1).

XI. RETENTION OF JURISDICTION

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

SO ORDERED this ___ day of _____, 202__.

UNITED STATES DISTRICT JUDGE

SO STIPULATED AND AGREED:


FOR PLAINTIFF FEDERAL TRADE COMMISSION:



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Date: 7/19/23

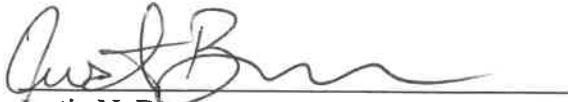
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MARLON DEANDRE MOORE

Date: July 6, 2023

DEFENDANTS:

BINT OPERATIONS LLC



By: Marlon Deandre Moore, Individually, and
as a Owner of BINT OPERATIONS LLC

Date: 7/6/23



By: LaShonda Moore, Individually, and
as a Owner of BINT OPERATIONS LLC

Date: 7/6/23

LASHONDA MOORE



LaShonda Moore, Individually, and
as a Owner of BINT OPERATIONS LLC

Date: 7/6/23

MARLON DEANDRE MOORE



By: Marlon Deandre Moore, Individually, and
as a Owner of BINT OPERATIONS LLC

Date: 7/6/23