

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No.

**06-61851**

**CIV-ZLOCH**  
**MAGISTRATE JUDGE**  
**SNOW**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

RANDALL L. LESHIN,  
RANDALL L. LESHIN, P.A., also d/b/a EXPRESS  
CONSOLIDATION,  
EXPRESS CONSOLIDATION, INC.,  
CONSUMER CREDIT CONSOLIDATION, INC.,  
and MAUREEN A. GAVIOLA,

Defendants.

FILED BY: [Signature]  
2006 DEC 11 AM 9:12  
S.D. OF FLORIDA

**COMPLAINT FOR PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF**

Plaintiff, the Federal Trade Commission (“FTC” or “the Commission”), for its complaint alleges:

1. Plaintiff FTC brings this action under Sections 5(a), 13(b), and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a), 53(b), and 57b; and the Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. §§ 6101-6108 (“Telemarketing Act”), to secure temporary, preliminary, and permanent injunctive relief, rescission of contracts and restitution, disgorgement of ill-gotten gains, and other equitable relief for Defendants’ violations of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the FTC’s Telemarketing Sales Rule (“TSR”), 16 C.F.R. Part 310.

2. As explained in detail below, Defendants use telemarketing and other methods to sell debt consolidation services in the name of Express Consolidation, Inc., a purported nonprofit

corporation directed by attorney Randall L. Leshin. Express Consolidation, however, is not a genuine nonprofit corporation. Rather, Express Consolidation, under Leshin's direction, solicits debt consolidation contracts for him and funnels revenue to defendant Randall L. Leshin, PA — a for-profit corporation that conducts business under the name "Express Consolidation" and is controlled by Leshin. Defendants also use Express Consolidation's ostensible nonprofit status to try to evade telemarketing rules from which bona fide nonprofits are exempt, including the FTC's National Do Not Call Registry, and Defendants have hired telemarketers to make millions of illegal telemarketing calls. Defendants' conduct violates: (a) the FTC Act's prohibition on deceptive practices; and (b) the provisions of the TSR that forbid (i) deceptive telemarketing practices, (ii) telemarketing calls that hang-up or play a recording when a consumer answers instead of connecting the consumer to a sales representative, and (iii) calling persons who have registered on the National Do Not Call Registry or who have told Defendants that they do not wish to receive telemarketing calls from Express Consolidation.

#### **JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over this matter pursuant to 15 U.S.C. §§ 45(a), 53(b), 57b, 6105(b), and 28 U.S.C. §§ 1331, 1337(a) and 1345.

4. Venue is proper in the United States District Court for the Southern District of Florida pursuant to 15 U.S.C. § 53(b) and 28 U.S.C. § 1391(b) and (c).

#### **PLAINTIFF**

5. Plaintiff FTC is an independent agency of the United States Government created and given statutory authority and responsibility by the FTC Act, 15 U.S.C. §§ 41-58 (as amended). The Commission is charged with enforcing, among other things: (1) Section 5(a) of

