

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

Federal Trade Commission, and

**State of Ohio ex rel. Attorney General
Dave Yost,**

Plaintiffs,

v.

Educare Centre Services, Inc., a New
Jersey corporation, also dba Credit Card
Services, Card Services, Credit Card
Financial Services, Care Net, Tripletel
Inc., Revit Educ Srvc, L.L. Vision, Care
Value Services, and Card Value Services,

Tripletel, Inc., a Delaware
corporation,

Prolink Vision, S.R.L., a
Dominican Republic limited
liability company,

9896988 Canada Inc., a
Canadian company,

Globex Telecom, Inc., a Nevada
corporation,

9506276 Canada, Inc., dba
Globex Telecom, Inc., a Canadian
company,

Sam Madi, individually and as
an owner, officer, member, and/or
manager of Educare Centre
Services, Inc.,

**Mohammad Souheil a/k/a
Mohammed Souheil and Mike
Souheil,** individually and as an
owner, officer, member, and/or
manager of Educare Centre
Services, Inc., 9896988 Canada,
Inc., Globex Telecom, Inc.,

EP-19-CV-196-KC

**[PROPOSED]
STIPULATED ORDER FOR
PERMANENT INJUNCTION AS TO
DEFENDANT CHARLES KHAROUF**

9506276 Canada, Inc., and
Prolink Vision, S.R.L.,

**Wissam Abedel Jalil a/k/a Sam
Jalil**, individually and as an
owner, officer, member, and/or
manager of Tripletel, Inc., and
Prolink Vision, S.R.L.,

Charles Kharouf, individually
and as an owner, officer, member,
and/or manager of Educare
Centre Services, Inc., and
Prolink Vision, S.R.L.,

Defendants.

Plaintiffs, the Federal Trade Commission ("FTC" or "Commission") and the State of Ohio, (collectively, "Plaintiffs") filed its First Amended Complaint for Permanent Injunction and Other Equitable Relief (ECF No. 81) pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), the Telemarketing and Consumer Fraud and Abuse Prevention Act ("Telemarketing Act"), 15 U.S.C. §§ 6101-6108, the Ohio Consumer Sales Practices Act ("CSPA"), O.R.C. 1345.07, and the Ohio Telephone Solicitation Sales Act ("TSSA"), O.R.C. 4719.01 *et seq.* Plaintiffs and Defendant Charles Kharouf stipulate to the entry of this Stipulated Order for Permanent Injunction and Monetary Judgment ("Order") to resolve 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 First Amended Complaint charges that Kharouf participated in acts or practices that violated Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), the Telemarketing

1 Sales Rule ("TSR"), 16 C.F.R. Part 310, the Ohio CSPA, O.R.C. 1345.01 *et seq.*, and the
2 Ohio TSSA, O.R.C. 4719.01 *et seq.*

3 3. Kharouf neither admits nor denies any of the allegations in the First Amended
4 Complaint, except as specifically stated in this Order. Only for purposes of this action,
5 Kharouf admits the facts necessary to establish jurisdiction.

6 4. Kharouf waives any claim that he may have under the Equal Access to Justice
7 Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of this
8 Order, and agree to bear his own costs and attorney fees.

9 5. Kharouf and Plaintiffs waive all rights to appeal or otherwise challenge or contest
10 the validity of this Order.
11

12 DEFINITIONS

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

14 A. **"Debt Relief Product or Service"** means any product, service, plan or program
15 represented, expressly or by implication, to renegotiate, settle, or in any way alter the
16 terms of payment or other terms of the debt or obligation between a consumer and one or
17 more creditors or debt collectors, including a reduction in the balance, interest rate, or
18 fees owed by a consumer to a creditor or debt collector.

19 B. **"Defendants"** means Prolink Vision, S.R.L., 9896988 Canada, Inc., Educare
20 Centre Services, Inc., Tripletel, Inc., Mohammad Souheil, Sam Madi, Charles Kharouf,
21 Wissam Jalil, Globex Telecom, Inc., and 9506276 Canada, Inc., individually,
22 collectively, or in any combination.

23 C. **"Document"** is synonymous in meaning and equal in scope to the usage of
24 "document" and "electronically stored information" in Federal Rule of Civil Procedure
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1 34(a), Fed. R. Civ. P. 34(a), and includes writings, drawings, graphs, charts, photographs,
2 sound and video recordings, images, Internet sites, web pages, websites, electronic
3 correspondence, including e-mail and instant messages, contracts, accounting data,
4 advertisements, FTP Logs, Server Access Logs, books, written or printed records,
5 handwritten notes, telephone logs, telephone scripts, receipt books, ledgers, personal and
6 business canceled checks and check registers, bank statements, appointment books,
7 computer records, customer or sales databases and any other electronically stored
8 information, including Documents located on remote servers or cloud computing
9 systems, and other data or data compilations from which information can be obtained
10 directly or, if necessary, after translation into a reasonably usable form. A draft or non-
11 identical copy is a separate Document within the meaning of the term
12

13
14 D. “**Person**” means any natural person or any entity, corporation, partnership, or
15 association of persons.

16 E. “**Seller**” means any Person who, in connection with a Telemarketing transaction,
17 provides, offers to provide, or arranges for others to provide goods or services to a
18 customer in exchange for consideration.
19

20 F. “**Telemarketer**” means any Person who, in connection with Telemarketing,
21 initiates or receives telephone calls to or from a customer or donor.

22 G. “**Telemarketing**” means any plan, program, or campaign that is conducted to
23 induce the purchase of goods or services or a charitable contribution by use of one or
24 more telephones.
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ORDER

I. DEBT RELIEF PRODUCT OR SERVICE BAN

IT IS THEREFORE ORDERED that Charles Kharouf is permanently restrained and enjoined from advertising, marketing, promoting, or offering for sale, or assisting in the advertising, marketing, promoting, or offering for sale of any Debt Relief Product or Service, including any credit card interest rate reduction service.

II. TELEMARKETING BAN

IT IS FURTHER ORDERED that Charles Kharouf is permanently restrained and enjoined from participating in Telemarketing to the United States, whether directly or through an intermediary.

III. PROHIBITED MISREPRESENTATIONS AND OMISSIONS

IT IS THEREFORE ORDERED that Charles Kharouf, and all other Persons in active concert or participation with him, who receive actual notice of this Order by personal service or otherwise, whether acting directly or indirectly, in connection with the advertising, marketing, promoting, or offering for sale of any goods or services, are restrained and enjoined from misrepresenting or assisting others in misrepresenting, expressly or by implication, any material fact, including, but not limited to:

A. Misrepresenting, or assisting others in misrepresenting, expressly or by implication, any of the following:

1. Any material aspect of the nature or terms of the Seller's refund, cancellation, exchange, or repurchase policies; or
2. Any other fact material to consumers concerning any good or service, such as: the total costs; any material restrictions, limitations or conditions; or any

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