

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  
27  
28

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

United States of America, and  
State of Arizona, *ex rel.* Kristin K. Mayes,  
Attorney General,  
  
Plaintiffs,  
  
v.  
Vision Solar LLC, a limited liability  
company,  
Solar Xchange LLC, a limited liability  
company, also d/b/a Energy Exchange, and  
Mark Getts, individually and as an officer of  
Solar Xchange LLC,  
  
Defendants.

Case No. \_\_\_\_\_

**STIPULATED ORDER FOR  
PERMANENT INJUNCTION,  
CIVIL PENALTY JUDGMENT,  
AND OTHER RELIEF AS TO  
DEFENDANTS SOLAR XCHANGE  
LLC AND MARK GETTS**

Plaintiffs, the United States of America, acting upon notification and authorization to the Attorney General by the Federal Trade Commission (“Commission” or “FTC”), and the State of Arizona *ex rel.* Kristin K. Mayes, Attorney General (the “State”) (collectively, “Plaintiffs”) filed their Complaint for Permanent Injunction, Civil Penalties, and Other Relief (“Complaint”), for a permanent injunction, civil penalties, and other relief in this matter, pursuant to Sections 5(a), 5(m)(1)(A), 13(b), 19, and 16(a)(1) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b), 57b, and 56(a)(1),

1 Section 6 of the Telemarketing and Consumer Fraud and Abuse Prevention Act  
2 (“Telemarketing Act”), 15 U.S.C. § 6105, the Arizona Consumer Fraud Act, A.R.S.  
3 §§ 44-1521 to 44-1534 (the “ACFA”), and the Arizona Telephone Solicitations Act,  
4 A.R.S. §§ 44-1271 to 44-1282 (the “ATSA”). Defendants Solar Xchange LLC and Mark  
5 Getts (“Defendants”) have waived service of the summons and the Complaint.  
6 Defendants have been advised of the right to a trial in this matter, and have waived the  
7 same. Plaintiffs and Defendants stipulate to the entry of this Stipulated Order for  
8 Permanent Injunction, Civil Penalty Judgment, and Other Relief (“Order”) to resolve all  
9 matters in dispute in this action between them.

10 THEREFORE, IT IS ORDERED as follows:

11 **FINDINGS**

- 12 1. This Court has jurisdiction over this matter.
- 13 2. The Complaint charges that Defendants participated in acts or practices in  
14 violation of Section 5 of the FTC Act, 15 U.S.C. § 45, the FTC’s Telemarketing Sales  
15 Rule (the “TSR”), as amended, 16 C.F.R. Part 310, and the above-listed Arizona state  
16 statutes in connection with the marketing of residential solar energy systems by, among  
17 other things: (a) falsely claiming during telemarketing calls that Defendant Solar  
18 Xchange LLC is affiliated with an electric utility or government entity; (b) making  
19 unsubstantiated claims regarding the cost savings associated with installing and using  
20 solar panels; (c) placing or causing to be placed telemarketing calls to consumers whose  
21 telephone numbers were on the National Do Not Call Registry; (d) causing phone  
22 numbers to ring, or engaging Persons in telephone conversations, repeatedly or  
23 continuously with the intent to annoy, abuse, or harass any Person at the called number.
- 24 3. Defendants neither admit nor deny any of the allegations in the Complaint,  
25 except as specifically stated in this Order. Only for purposes of this action, Defendants  
26 admit the facts necessary to establish jurisdiction.
- 27 4. Defendants waive any claim that they may have under the Equal Access to  
28 Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date

1 of this Order, and agree to bear their own costs and attorney fees.

2 5. Defendants waive all rights to appeal or otherwise challenge or contest the  
3 validity of this Order.

4 **DEFINITIONS**

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

6 A. **“Corporate Defendant”** means Solar Xchange LLC and its successors and  
7 assigns.

8 B. **“Defendants”** means the Corporate Defendant and the Individual Defendant,  
9 individually, collectively, or in any combination.

10 C. **“Entity-Specific Do Not Call List”** means a list of telephone numbers  
11 maintained by a Seller or Telemarketer of Persons who previously have stated that they  
12 do not wish to receive Outbound Telephone Calls made by or on behalf of the Seller or  
13 Telemarketer.

14 D. **“Established Business Relationship”** means a relationship between a  
15 Seller and a consumer based on: (a) the consumer’s purchase, rental, or lease of the  
16 Seller’s goods or services or a financial transaction between the consumer and Seller,  
17 within the eighteen months immediately preceding the date of a Telemarketing call; or  
18 (b) the consumer’s inquiry or application regarding a product or service offered by the  
19 Seller, within the three months immediately preceding the date of a Telemarketing call.

20 E. **“Express Written Agreement”** means a written agreement that clearly  
21 evidences a Person’s authorization that calls made by or on behalf of a specific party may  
22 be placed to that Person, and shall include the telephone number to which the calls may  
23 be placed and the signature of that Person.

24 F. **“Individual Defendant”** means Mark Getts.

25 G. **“Lead Generator”** means any Person that provides, in exchange for  
26 consideration, consumer information to a Seller or Telemarketer for use in the  
27 Telemarketing of any goods or services.

28 H. **“Outbound Telephone Call”** means a telephone call initiated by a

1 Telemarketer to induce the purchase of goods or services or to solicit a charitable  
2 contribution.

3 I. “**Person**” means any individual, group, unincorporated association, limited  
4 or general partnership, corporation, or other business entity.

5 J. “**Seller**” means any Person who, in connection with a Telemarketing  
6 transaction or Telephone Solicitation, provides, offers to provide, or arranges for others  
7 to provide goods or services to the customer in exchange for consideration, whether or  
8 not such Person is under the jurisdiction of the Commission.

9 K. “**Telemarketer**” means any Person who, in connection with Telemarketing,  
10 initiates or receives telephone calls to or from a customer or donor, whether or not such  
11 Person is under the jurisdiction of the Commission.

12 L. “**Telemarketing**” means any plan, program, or campaign which is  
13 conducted to induce the purchase of goods or services or a charitable contribution, by use  
14 of one or more telephones, and which involves more than one interstate telephone call.

15 M. “**Telephone Solicitation**” means any voice communication from a live  
16 operator, announcing device or otherwise that offers merchandise for sale or rent and that  
17 is to or from a person located in Arizona.

## 18 **ORDER**

### 19 **I. Prohibition Against Misrepresentations**

20 IT IS ORDERED that Defendants, Defendants’ officers, agents, employees, and  
21 attorneys, and all other Persons in active concert or participation with any of them, who  
22 receive actual notice of this Order, whether acting directly or indirectly, in connection  
23 with promoting or offering for sale any good or service, are permanently restrained and  
24 enjoined from misrepresenting or assisting others from misrepresenting, expressly or by  
25 implication:

- 26 A. that Defendants are affiliated with a government entity or utility company;  
27 B. that consumers are being contacted because of any policy, directive, order,  
28 regulation, or program issued by a government entity or utility company; and

C. any other fact material to consumers concerning any product or service, such as: the total costs, any material restrictions, limitations, or conditions; or any material aspect of its performance, efficacy, nature, or central characteristics, including the cost savings associated with installing or using solar panels.

**II. Prohibition Against Deceptive Claims,  
Including False and/or Unsubstantiated Claims**

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 promoting or offering for sale solar panels and installation services, are permanently restrained and enjoined from making any representation, expressly or by implication, about the cost savings that consumers may accrue by installing and using solar panels at their homes, unless the representation is non-misleading, and, at the time such representation is made, Defendants possess and rely upon a reasonable basis for the representation.

**III. Prohibitions on Abusive Telemarketing and Telephone Solicitations**

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 Telemarketing or Telephone Solicitations, are permanently restrained and enjoined from engaging in, causing others to engage in, or assisting others engaging in, any of the following practices:

A. Initiating any Outbound Telephone Call to any telephone number listed on the National Do Not Call Registry, unless the Defendant proves that the call was placed on behalf of a Seller to a Person from whom the Seller had:

1. Obtained the Express Written Agreement to place calls to that Person; or
2. An Established Business Relationship with such Person; and that

1 Person has not stated that he or she does not wish to receive Outbound Telephone  
2 Calls made by or on behalf of the Seller.

3 B. Causing any telephone to ring, or engaging any Person in telephone  
4 conversation, repeatedly or continuously with intent to annoy, abuse, or harass any  
5 Person at the called number.

6 C. Initiating any Outbound Telephone Call to a Person when that Person  
7 previously has stated that he or she does not wish to receive an Outbound Telephone Call  
8 made by or on behalf of either the Seller whose goods or services are being offered, or  
9 made by or on behalf of the charitable organization for which a charitable contribution is  
10 being solicited.

11 D. Failing to maintain an internal “do not call” list for Persons who previously  
12 have stated that they do not wish to receive an Outbound Telephone Call made by or on  
13 behalf of either the Seller whose goods or services are being offered, or made by or on  
14 behalf of the charitable organization for which a charitable contribution is being solicited.

15 E. Violating the Telemarketing Sales Rule, 16 C.F.R. Part 310, attached as  
16 Appendix A.

17 **IV. Lead Generator Review, Notice, and Termination**

18 IT IS FURTHER ORDERED that:

19 A. Defendants shall, within ninety (90) days of entry of this Order:

20 1. Review and determine the methods used by Defendants’ existing  
21 Lead Generators to obtain the leads sold or offered for sale to Defendants and, if any of  
22 those leads were obtained by means of an Outbound Telephone Call that does not comply  
23 with this Order, Defendants immediately shall cease purchasing leads from the Lead  
24 Generator unless and until Defendants confirm that the Lead Generator is in compliance  
25 pursuant to the requirements specified in Section IV.B. below;

26 2. Provide, electronically or otherwise, Defendants’ existing Lead  
27 Generators that use Outbound Telephone Calls to generate leads with (i) a copy of this  
28 Order; and (ii) a written notice stating that, if such Lead Generator sells any leads to

Defendants that do not comply with this Order, Defendants will immediately cease purchasing leads from such Lead Generator; and

3. Request from all of Defendants' existing Lead Generators that have been provided notice pursuant to Section IV.A.2 above, an electronic acknowledgement or other signed and dated statement acknowledging receipt of this Order and the written notice set forth in the preceding subparagraph. If any Lead Generator fails to provide Defendant with such an acknowledgement within ten (10) days of such a request, Defendant shall immediately cease purchasing leads from such Lead Generator.

B. Prior to purchasing leads from any new Lead Generator, Defendants shall:

1. Review and determine the methods used by the Lead Generator to obtain leads offered for sale to Defendants and, if any of those leads were obtained by means of a telephone call that does not comply with this Order, Defendants are prohibited from purchasing such leads;

2. For any Lead Generator previously terminated pursuant to Section IV.A.1 above, conduct additional reviews, as specified in Section IV.B.1 above, on a quarterly basis for one (1) year to ensure continued compliance with this Order;

3. Provide, electronically or otherwise, Defendants' Lead Generators that use Outbound Telephone Calls to generate leads with: (i) a copy of this Order; and (ii) a written notice stating that, if such Lead Generator sells any leads to Defendants that do not comply with this Order, Defendant will immediately cease purchasing leads from such Lead Generator; and

4. Obtain from each new Lead Generator provided notice pursuant to Section V.B.3 above an electronic acknowledgement or other signed and dated statement acknowledging receipt of this Order and the written notice set forth in the preceding subparagraph.

## V. Monetary Judgment for Civil Penalty

IT IS FURTHER ORDERED that:

A. Judgment in the amount of Thirteen Million Eight Hundred Fifty-Nine

1 Thousand, Two Hundred Eighty-Three Dollars (\$13,859,283.00) is entered in favor of  
2 Plaintiffs against the Corporate Defendant and the Individual Defendant, jointly and  
3 severally, as a civil penalty.

4 B. Defendants are ordered to pay to Plaintiff United States of America, by  
5 making payment to the Treasurer of the United States, Sixty-Two Thousand Five  
6 Hundred Dollars (\$62,500.00). Such payment must be made within 7 days of entry of  
7 this Order by electronic fund transfer in accordance with instructions previously provided  
8 by a representative of Plaintiff United States of America.

9 C. Defendants are ordered to pay Plaintiff State of Arizona Sixty-Two  
10 Thousand Five Hundred Dollars (\$62,500.00). Such payment must be made within 7  
11 days of entry of this Order by electronic fund transfer in accordance with instructions  
12 previously provided by a representative of Plaintiff State of Arizona. The money will be  
13 deposited into the Consumer Protection-Consumer Fraud Revolving Fund pursuant to  
14 A.R.S. § 44-1531.01 and used for the purposes set forth therein.

15 D. Upon completion of the payments required under Subsections V.B. and  
16 V.C., the remainder of the judgment is suspended, subject to the Subsections below.

17 E. The Commission's and Plaintiffs' agreement to the suspension of part of  
18 the judgment is expressly premised upon the truthfulness, accuracy, and completeness of  
19 Defendant's sworn financial statements and related documents (collectively, "financial  
20 representations") submitted to the Commission, namely, the Declaration of Mark Getts  
21 dated April 26, 2023, including attachments.

22 F. The suspension of the judgment will be lifted as to any Defendant if, upon  
23 motion by the Commission or any Plaintiff, the Court finds that such Defendant failed to  
24 disclose any material asset, materially misstated the value of any asset, or made any other  
25 material misstatement or omission in the financial representations identified above.

26 G. If the suspension of the judgment is lifted, the judgment becomes  
27 immediately due as to that Defendant in the amount specified in Subsection V.A. above  
28 (which the parties stipulate only for purposes of this Section represents the amount of the



civil penalty for the violations alleged in the Complaint), less any payment previously made pursuant to this Section, plus interest computed from the date of entry of this Order.

## **VI. Additional Monetary Provisions**

IT IS FURTHER ORDERED that:

A. Defendants relinquish dominion and all legal and equitable right, title, and interest in all assets transferred pursuant to this Order and may not seek the return of any assets.

B. The facts alleged in the Complaint will be taken as true, without further proof, in any subsequent civil litigation by or on behalf of the Commission or Plaintiffs in a proceeding to enforce their rights to any payment or monetary judgment pursuant to this Order.

C. Defendants agree that the judgment represents civil penalties owed to the governments of the United States and the State of Arizona, is not compensation for actual pecuniary loss, and, therefore, as to the Individual Defendant, it is not subject to discharge under the Bankruptcy Code pursuant to 11 U.S.C. § 523(a)(7).

D. Defendants acknowledge that their Taxpayer Identification Numbers (Social Security Numbers or Employer Identification Numbers), which Defendants must submit to the Commission, may be used for collecting and reporting on any delinquent amount arising out of this Order, in accordance with 31 U.S.C. § 7701.

## **VII. 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, whether acting directly or indirectly, are permanently restrained and enjoined from:

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 Telemarketing or Telephone Solicitations based on a lead provided by a Lead Generator from whom Defendants are required to cease purchasing leads pursuant to Subsection IV.A. of this Order; and

B. failing to destroy customer information referenced in Subsection VII.A. in all forms in their possession, custody, or control within 30 days after determining that the information was obtained from a Lead Generator from whom Defendants are required to cease purchasing leads pursuant to Subsection IV.A. of this Order.

### **VIII. Cooperation**

IT IS FURTHER ORDERED that Defendants must fully cooperate with representatives of Plaintiffs and the Commission in this case and in any investigation related to or associated with the transactions or the occurrences that are the subject of the Complaint. Defendants must provide truthful and complete information, evidence, and testimony. Individual Defendant must appear and Corporate Defendant must cause its officers, employees, representatives, or agents to appear for interviews, discovery, hearings, trials, and any other proceedings that a Plaintiff or Commission representative may reasonably request upon ten (10) days written notice, or other reasonable notice, at such places and times as a Plaintiff or Commission representative may designate, without the service of a subpoena.

### **IX. 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 to the Arizona Attorney General's Office an acknowledgment of receipt of this Order sworn under penalty of perjury.

B. For 5 years after entry of this Order, 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 Corporate Defendant, must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and

1 members; (2) all employees having managerial responsibilities for conduct related to the  
2 subject matter of the Order and all agents and representatives who participate in conduct  
3 related to the subject matter of the Order; and (3) any business entity resulting from any  
4 change in structure as set forth in the Section titled Compliance Reporting. Delivery  
5 must occur within 7 days of entry of this Order for current personnel. For all others,  
6 delivery must occur before they assume their responsibilities.

7 C. From each individual or entity to which a Defendant delivered a copy of  
8 this Order, that Defendant must obtain, within 30 days, a signed and dated  
9 acknowledgment of receipt of this Order.

#### 10 X. Compliance Reporting

11 IT IS FURTHER ORDERED that Defendants make timely submissions to the  
12 Commission and to the State:

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

15 1. Each Defendant must: (a) identify the primary physical, postal, and  
16 email address and telephone number, as designated points of contact, which  
17 representatives of the Commission and Plaintiffs may use to communicate with  
18 Defendant; (b) identify all of that Defendant's businesses by all of their names, telephone  
19 numbers, and physical, postal, email, and Internet addresses; (c) describe the activities of  
20 each business, including the goods and services offered, the means of advertising,  
21 marketing, and sales, and the involvement of any other Defendant (which Individual  
22 Defendant must describe if he knows or should know due to his involvement); (d)  
23 describe in detail whether and how that Defendant is in compliance with each Section of  
24 this Order; and (e) provide a copy of each Order Acknowledgment obtained pursuant to  
25 this Order, unless previously submitted to the Commission.

26 2. Additionally, Individual Defendant must: (a) identify all telephone  
27 numbers and all physical, postal, email and Internet addresses, including all residences;  
28 (b) identify all business activities, including any business for which such Defendant

1 performs services whether as an employee or otherwise and any entity in which such  
2 Defendant has any ownership interest; and (c) describe in detail such Defendant’s  
3 involvement in each such business, including title, role, responsibilities, participation,  
4 authority, control, and any ownership.

5 B. For ten (10) years after entry of this Order, each Defendant must submit a  
6 compliance notice, sworn under penalty of perjury, within 14 days of any change in the  
7 following:

8 1. Each Defendant must report any change in: (a) any designated point  
9 of contact; or (b) the structure of Corporate Defendant or any entity that Defendant has  
10 any ownership interest in or controls directly or indirectly that may affect compliance  
11 obligations arising under this Order, including: creation, merger, sale, or dissolution of  
12 the entity or any subsidiary, parent, or affiliate that engages in any acts or practices  
13 subject to this Order.

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

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

23 D. Any submission to the Commission required by this Order to be sworn  
24 under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746,  
25 such as by concluding: “I declare under penalty of perjury under the laws of the United  
26 States of America that the foregoing is true and correct. Executed on: \_\_\_\_\_” and  
27 supplying the date, signatory’s full name, title (if applicable), and signature.

28 E. Unless otherwise directed by a Commission representative in writing, all

1 submissions to the Commission pursuant to this Order must be emailed to  
2 DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate  
3 Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission,  
4 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin:  
5 FTC v. Solar Xchange LLC, Matter No. 2223063.

## 6 **XI. Recordkeeping**

7 IT IS FURTHER ORDERED that Defendants must create certain records for ten  
8 (10) years after entry of this Order, and retain each such record for five (5) years.

9 Specifically, Corporate Defendant and Individual Defendant for any business that such  
10 Defendant, individually or collectively with any other Defendants, is a majority owner or  
11 controls directly or indirectly, must create and retain the following records:

- 12 A. Accounting records showing the revenues from all goods or services sold;
- 13 B. Personnel records showing, for each person providing services, whether as  
14 an employee or otherwise, that person's: name; addresses; telephone numbers; job title or  
15 position; dates of service; and (if applicable) the reason for termination;
- 16 C. Records of all consumer complaints, whether received directly or indirectly,  
17 such as through a third party, and any response;
- 18 D. Records of all Outbound Telephone Calls dialed by Defendants or on  
19 behalf of Defendants or their businesses by their vendors, contractors, or  
20 telecommunications providers, including for each call: (a) the number called; (b) the time  
21 and date of the call; (c) the duration of the call; and (d) any telephone number or IP  
22 address to which the call was forwarded or transferred;
- 23 E. Copies of any Express Written Agreements obtained by the Defendants,  
24 whether directly or indirectly, or documentation of any Established Business  
25 Relationships, that correspond to all Outbound Telephone Calls made by or on behalf of  
26 Defendants to telephone numbers listed on the National Do Not Call Registry;
- 27 F. Copies of any websites, emails, text messages, or other communications  
28 used by Defendants or any third party since entry of this Order to obtain Express Written

1 Agreements or create an Established Business Relationship for calls made by or on behalf  
2 of Defendants to telephone numbers listed on the National Do Not Call Registry.

3 G. All records necessary to demonstrate full compliance with each provision  
4 of this Order, including all submissions to the Commission.

## 5 XII. Compliance Monitoring

6 IT IS FURTHER ORDERED that, for the purpose of monitoring Defendants'  
7 compliance with this Order, including the financial representations upon which part of  
8 the judgment was suspended and any failure to transfer any assets as required by this  
9 Order:

10 A. Within 14 days of receipt of a written request from a representative of the  
11 Commission or Plaintiffs, each Defendant must: submit additional compliance reports or  
12 other requested information, which must be sworn under penalty of perjury; appear for  
13 depositions; and produce documents for inspection and copying. The Commission and  
14 Plaintiffs are also authorized to obtain discovery, without further leave of court, using  
15 any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including  
16 telephone depositions), 31, 33, 34, 36, 45, and 69, provided that Defendants, after  
17 attempting to resolve a dispute without court action and for good cause shown, may file a  
18 motion with this Court seeking an order for one or more of the protections set forth in  
19 Rule 26(c).

20 B. For matters concerning this Order, the Commission and Plaintiffs are  
21 authorized to communicate directly with each Defendant. Defendants must permit  
22 representatives of the Commission and Plaintiffs to interview any employee or other  
23 person affiliated with any Defendant who has agreed to such an interview. The person  
24 interviewed may have counsel present.

25 C. The Commission and Plaintiffs may use all other lawful means, including  
26 posing, through its representatives, as consumers, suppliers, or other individuals or  
27 entities, to Defendants or any individual or entity affiliated with Defendants, without the  
28 necessity of identification or prior notice. Nothing in this Order limits the Commission's

1 lawful use or compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15  
2 U.S.C. §§ 49, 57b-1.

3 D. Upon written request from a representative of the Commission or Plaintiffs,  
4 any consumer reporting agency must furnish consumer reports concerning Individual  
5 Defendant pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C.  
6 § 1681b(a)(1).

7 **XIII. Retention of Jurisdiction**

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

10 This \_\_\_\_ day of \_\_\_\_\_, 2023.

11  
12 \_\_\_\_\_  
13 UNITED STATES DISTRICT JUDGE  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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  
27  
28

**SO STIPULATED AND AGREED:**

**FOR THE UNITED STATES OF AMERICA**

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General  
Civil Division

ARUN G. RAO  
Deputy Assistant Attorney General  
Civil Division

AMANDA N. LISKAMM  
Director, Consumer Protection Branch

RACHAEL L. DOUD  
Assistant Director, Consumer Protection Branch



Date: July 14, 2023

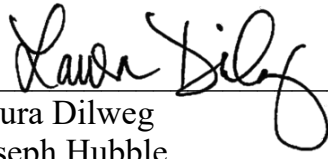
Coleen Schoch  
Nicole Frazer  
Trial Attorneys  
Consumer Protection Branch  
Civil Division, U.S. Department of Justice  
450 5th Street, NW, Suite 6400-South  
Washington, DC 20044-0386  
Telephone: (202) 305-7386  
Facsimile: (202) 514-8742  
Email: [Coleen.schoch@usdoj.gov](mailto:Coleen.schoch@usdoj.gov)  
Email: [Nicole.Frazer@usdoj.gov](mailto:Nicole.Frazer@usdoj.gov)



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  
27  
28

**FOR THE STATE OF ARIZONA**

KRISTIN K. MAYES  
Attorney General, State of Arizona

  
\_\_\_\_\_

Date: 07/14/2023

Laura Dilweg  
Joseph Hubble  
Assistant Attorneys General  
Office of the Attorney General  
2005 North Central Avenue  
Phoenix, AZ 85004-1592  
Telephone: (602) 542-7753  
Telephone: (602) 542-8766  
Facsimile: (602) 542-4377  
Email: [consumer@azag.gov](mailto:consumer@azag.gov)  
Email: [Laura.Dilweg@azag.gov](mailto:Laura.Dilweg@azag.gov)  
Email: [Joseph.Hubble@azag.gov](mailto:Joseph.Hubble@azag.gov)

**FOR THE FEDERAL TRADE COMMISSION**

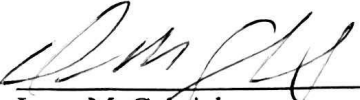
  
\_\_\_\_\_

Date: 07/14/2023

Alan Bakowski  
Robin Rock  
Attorneys  
Federal Trade Commission  
233 Peachtree Street N.E., Suite 1000  
(404) 656-1363; [abakowski@ftc.gov](mailto:abakowski@ftc.gov)  
(404) 656-1368; [rock@ftc.gov](mailto:rock@ftc.gov)

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  
27  
28

**FOR DEFENDANTS:**



Date: 5/2/2023

Isaac M. Gabriel  
Dorsey & Whitney LLP  
2398 E. Camelback Rd., Suite 760  
Phoenix, AZ 85016  
(602) 735-2702  
gabriel.isaac@dorsey.com

*Counsel for Solar Xchange LLC and Mark Getts*

**DEFENDANTS:**



Date: 5/2/23

MARK GETTS  
INDIVIDUALLY AND AS AN  
OFFICER OF SOLAR XCHANGE LLC