

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA
CIVIL ACTION**

STATE OF FLORIDA
OFFICE OF THE ATTORNEY GENERAL,
DEPARTMENT OF LEGAL AFFAIRS,

Plaintiff,

CASE NO: 2013-CA-003045-O

v.

VANDERBILT & ASSOCIATES, LLC,
a Florida limited liability company, BUCHANAN
CAPITAL MANAGEMENT, LLC, a Florida
limited liability company a/k/a Buchanon Capital
Management, LLC, and MERRILL T. MILLER,
an individual,

Defendants.

FILED IN OFFICE
CIVIL DIVISION
2013 SEP 30 AM 8:42
LYDIA GARDNER
CLERK CIRCUIT COURT
ORANGE CO., FL.

STIPULATED PERMANENT INJUNCTION

THIS CAUSE came before this Court on September 30th, 2013 pursuant to stipulation of the parties, and the Court being otherwise fully advised in the premises,

IT IS ORDERED AND ADJUDGED:

A. That Defendants, Vanderbilt & Associates, LLC, Buchanan Capital Management, LLC a/k/a Buchanon Capital Management and Merrill T. Miller, and their officers, agents, and employees, and those persons in active concert or participation with them who receive actual notice of this Stipulated Permanent Injunction, whether acting directly or through any corporation, subsidiary, division, other person or other device, are permanently enjoined:

- (i) from engaging in any deceptive or unfair acts or practices in the collection of consumer debts in violation of the Florida Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Florida Statutes (2012);

- (ii) from engaging in any violation of the Fair Debt Collection Practices Act as contained in 15 U.S.C. §§ 1692- 1692p, including, but not limited to, any violation of the specific requirement contained Section 1692g(a) and (b);
- (iii) from engaging in any violation of the Fair Credit Reporting Act as contained in 15 U.S.C. §§1681-1681x; and,
- (iv) from engaging in any violation of the Florida Consumer Collection Practices Act (the "FCCPA"), Chapter 559, Part VI, Florida Statutes (2012), including the specific prohibitions that in collecting any consumer debts, Defendants shall not;
 - (1) Simulate in any manner a law enforcement officer or a representative of any governmental agency;
 - (2) Use or threaten force or violence;
 - (3) Tell a debtor who disputes a consumer debt that she or he or any person employing her or him will disclose to another, orally or in writing, directly or indirectly, information affecting the debtor's reputation for credit worthiness without also informing the debtor that the existence of the dispute will also be disclosed as required by subsection (6);
 - (4) Communicate or threaten to communicate with a debtor's employer prior to obtaining final judgment against the debtor, unless the debtor gives her or his permission in writing to contact her or his employer or acknowledges in writing the existence of the debt after the debt has been placed for collection, but this shall not prohibit a person from telling the debtor that her or his employer will be contacted if a final judgment is obtained;
 - (5) Disclose to a person other than the debtor or her or his family information affecting the debtor's reputation, whether or not for credit worthiness, with knowledge or reason to know that the other person does not have a legitimate business need for the information or that the information is false;
 - (6) Disclose information concerning the existence of a debt known to be reasonably disputed by the debtor without disclosing that fact;
 - (7) Willfully communicate with the debtor or any member of her or his family with such frequency as can reasonably be expected to harass the debtor or her or his family, or willfully engage in other conduct which can reasonably be expected to abuse or harass the debtor or any member of her or his family;
 - (8) Use profane, obscene, vulgar, or willfully abusive language in communicating with the debtor or any member of her or his family;

- (9) Claim, attempt, or threaten to enforce a debt when such person knows that the debt is not legitimate or assert the existence of some other legal right when such person knows that the right does not exist;
- (10) Use a communication which simulates in any manner legal or judicial process or which gives the appearance of being authorized, issued or approved by a government, governmental agency, or attorney at law, when it is not;
- (11) Communicate with a debtor under the guise of an attorney by using the stationery of an attorney or forms or instruments which only attorneys are authorized to prepare;
- (12) Orally communicate with a debtor in such a manner as to give the false impression or appearance that such person is or is associated with an attorney;
- (13) Advertise or threaten to advertise for sale any debt as a means to enforce payment except under court order or when acting as an assignee for the benefit of a creditor;
- (14) Publish or post, threaten to publish or post, or cause to be published or posted before the general public individual names or any list of names of debtors, commonly known as a deadbeat list, for the purpose of enforcing or attempting to enforce collection of consumer debts;
- (15) Refuse to provide adequate identification of herself or himself or her or his employer or other entity whom she or he represents when requested to do so by a debtor from whom she or he is collecting or attempting to collect a consumer debt;
- (16) Mail any communication to a debtor in an envelope or postcard with words typed, written or printed on the outside of the envelope or postcard calculated to embarrass the debtor;
- (17) Communicate with the debtor between the hours of 9 p.m. and 8 a.m. in the debtor's time zone without the prior consent of the debtor;
- (18) Communicate with a debtor if a person knows that the debtor is represented by an attorney with respect to such debt and has knowledge of, or can readily ascertain, such attorney's name and address, unless the debtor's attorney fails to respond within a reasonable period of time to a communication from the person, unless the debtor's attorney consents to a direct communication with the debtor, or unless the debtor initiates the communication; or
- (19) Cause charges to be made to any debtor for communications by concealment of the true purpose of the communication, including collect telephone calls and

telegram fees.

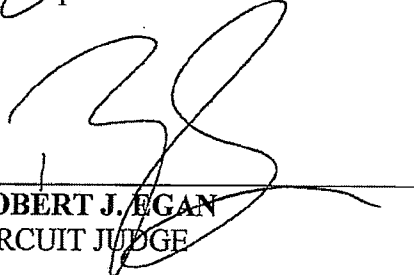
(v) from failing to provide written notice of assignment to debtors as required by Section 559.715, Florida Statutes.

B. IT IS FURTHER ORDERED that Defendants shall comply with Section 559.5556, Florida Statutes, regarding maintenance of records, and shall, in addition, create and maintain for a period of 3 years from the date of the transaction all records necessary to demonstrate full compliance with each provision of this Stipulated Permanent Injunction.

C. The terms of this Stipulated Permanent Injunction shall apply to Defendant, Merrill T. Miller, individually, and to any business engaged in consumer debt collection in which he hold an ownership interest, a management interest or where he directly or indirectly controls or manages the business.

D. This Court shall retain jurisdiction of this matter for purposes of construction, modification, and enforcement of this Permanent Injunction.

30th **DONE AND ORDERED** in Chambers at Orlando, Orange County, Florida, on this 30th day of September, 2013 at 8:30 a.m/p.m.



ROBERT J. EGAN
CIRCUIT JUDGE

CERTIFICATE OF SERVICE

20th I HEREBY CERTIFY that a copy of the above Order was delivered to all parties this 20th day of September, 2013. Pursuant to the Procedures Implementing Electronic Case Filing in Circuit Civil Cases Section 4.3, any party not receiving a copy of this Order by ECF must be provided a paper copy of this document and a copy of the Notice of Electronic Filing by the filer. Paper copies will not be provided by the Court.



Judicial Assistant/Attorney