

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

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

Plaintiff,

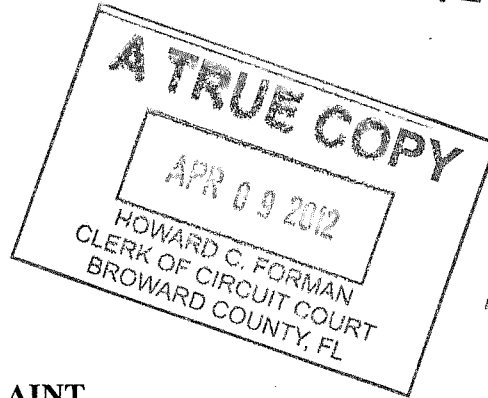
vs.

TRAVEL PARTNERS USA, LLC,
JAMES ROBERT PARRY, and
JEFFERY A. LEE,

Defendants.

CASE No.:

12 - 10092



COMPLAINT

Plaintiff Office of the Attorney General, Department of Legal Affairs, State of Florida, hereby sues Defendants Travel Partners USA, LLC, James Parry and Jeffery Lee, and alleges as follows:

1. This is an action pursuant to Florida's Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Florida Statutes ("FDUTPA"). The action seeks declaratory and injunctive relief, restitution, civil penalties, and attorney's fees, pursuant to Florida Statutes Section 501.207.

2. This Court has jurisdiction over the subject matter of this action pursuant to the provisions of FDUTPA and Chapter 501, Part II, Florida Statutes as well as Florida Statutes Section 26.012(2)(c). The amount at issue is in excess of \$15,000, exclusive of fees and costs.

3. The Plaintiff is an enforcing authority of FDUTPA, pursuant to Section 501.203(2), as the violation at issue occurred in and/or affected more than one judicial circuit.

4. Venue is proper in the Seventeenth Judicial Circuit under Sections 47.011 and 47.021 as the registered principal place of business of the Defendant entity is in Broward

County, Florida and the violations alleged herein occurred in Broward County as well as in Miami-Dade and Palm Beach Counties.

5. The Plaintiff has conducted an investigation and the head of the enforcing authority, Attorney General Pamela Jo Bondi, has determined, in writing, that an enforcement action serves the public interest. A copy of that determination is attached hereto as **Exhibit A**.

6. Travel Partners USA, LLC is an inactive Florida corporation with its principal place of business registered as 6400 N. Andrews Ave #530, Fort Lauderdale, Florida 33309.

7. James R. Parry is an individual residing in the State of Florida at the address 4234 N. Ocean Dr., Hollywood, FL 33019.

8. Jeffery A. Lee is an individual residing in the State of Florida at the address 2700 Forest Hills Blvd #201, Coral Springs, FL 33065.

9. On or about February 19, 2004, Defendants incorporated Travel Partners USA, LLC, which marketed itself as a discount travel sales company, operating under the control and direction of James Parry and Jeffery Lee.

10. At all times material herein, James Parry and Jeffery Lee were the owners and/or operators of the Defendant Corporation, Travel Partners USA, LLC. Each of James Parry and Jeffery Lee are individually liable for the misconduct of the Defendant Corporation as each of James Parry and Jeffery Lee participated directly in the deceptive practices and/or acts and possessed the authority and control over those practices and acts. As such, both James Parry and Jeffery Lee are primary participants in alleged deceptive and unfair trade practices intentionally directed at Florida residents.

11. Defendants, at all times material hereto, provided goods or services as defined within Section 501.203(8), Florida Statutes.

12. Defendants, at all times material hereto, solicited consumers within the definitions of Section 501.203(7), Florida Statutes.

13. Defendants, at all times material hereto, were engaged in trade or commerce within the definition of Section 501.203(8), Florida Statutes.

FACTUAL ALLEGATIONS

14. Travel Partners USA, LLC, James Parry, and Jeffery Lee have marketed and sold Travel Partners USA Club memberships using misleading and deceptive sales tactics. Consumers were offered “free” gifts to attend sales presentations; however, the gifts ultimately require monetary deposits, payments or other consideration not previously disclosed to the consumer, or were otherwise not as represented in the original offer.

15. For example, Defendants enticed consumers to attend sales presentations by offering “free” trips. It is not until consumers arrive at the offices of Travel Partners USA, LLC that they learn that they will have to put down a deposit to receive to obtain the promised “free” trips. When consumers attempt to schedule the “free” trips, the restrictions are so severe that they are unable to do so. Additionally, consumers discovered that, instead of receiving a gas card or voucher as promised, the consumers only received a series of small rebates for future purchases of gas. Likewise, instead of receiving a groceries card or voucher, consumers were required to submit \$100 in grocery receipts monthly in order to receive a \$25 coupon.

16. Consumers paid thousands of dollars to become a member of Travel Partners USA, expecting to receive deep discounts on travel the Defendants advertised as a benefit of membership. Consumers were able to obtain the same prices without the benefit of a membership, and/or consumers were unable to schedule the trips desired through Travel Partners USA, LLC.

17. Consumers who attempted to invoke the promised 3-day rescission period were charged significant cancellation fees that were not clearly and conspicuously disclosed in advance.

18. The practices of the Defendants constitute unfair, deceptive and unconscionable trade practices that are likely to deceive a consumer acting reasonably in the same circumstances.

19. Consumers in the State of Florida were actually deceived and injured by the unfair and deceptive practices of Defendants.

COUNT I -- DECEPTIVE AND UNFAIR TRADE PRACTICES

20. Plaintiff adopts, incorporates herein and re-alleges paragraphs 1 through 19 as if fully set forth hereinafter.

21. Chapter 501.204(1), Florida Statutes, declares that unfair, deceptive, or unconscionable acts or practices in the conduct of any trade or commerce are unlawful.

22. During the pertinent period between at least January 1, 2008 and approximately January 1, 2011, Defendants engaged in various willful, unfair, deceptive and unconscionable trade practices, as set forth herein, in violation of Chapter 501, Part II, Florida Statutes.

23. Defendants misrepresented to consumers that they would receive free prizes for attending sales presentations. The prizes in fact either required a deposit or further purchases by the consumers. Such representations were false.

24. Defendants failed to disclose in a sufficiently clear and conspicuous manner the cancellation fees that would be charged in the event the consumer cancelled the contract.

25. Defendants lured consumers into the offices of Travel Partners USA, LLC and used deceptive and misleading representations to obtain payment from consumers, including misrepresenting the costs and benefits of membership in Travel Partners USA, LLC.

WHEREFORE, the Plaintiff prays for the entry of the final judgment jointly and severally against the Defendants:

1. Permanently enjoin and prohibit Defendants from engaging in any of the following activities:

a. violating the provisions of Chapter 501, Part II, Florida Statutes, Florida's Deceptive and Unfair Trade Practices Act;

b. directly and indirectly from any ownership, financial, management, or other controlling interest in any entity, selling or engaging or participating in advertising, promoting, marketing, offering any products or services relating to travel clubs, discounted travel, timeshare clubs, vacation rentals, or other travel-related services.

c. Destroying, mutilating, concealing, altering, or disposing of, in any manner, Travel Partner, LLC's books, records, contracts, financial records, consumer files and financial information, regardless of the manner in which it is stored, for a period of two (2) years from the date of this judgment.

2. Order full restitution to the consumers injured by the Defendants' violations of the Florida Deceptive and Unfair Trade Practices Act;

3. Enter judgment in favor of the Plaintiff and against each of the Defendants, jointly and severally, and award civil penalties in the sum of at least \$10,000 per incident (or \$15,000, if the consumer is a senior citizen or handicapped) pursuant to Florida Statutes Section 501.2075 and 501.2077;

4. Order disgorgement of any and all tuition and other fees collected by Defendants from consumers on the basis of violations of the Florida Deceptive and Unfair Trade Practices Act;

5. Award attorneys' fees and costs to the Plaintiff for the prosecution of this action pursuant to Florida Statutes Section 501.2105;

6. Award such other and further relief as the court deems just and proper.

Dated: April 9, 2012

PAMELA JO BONDI
ATTORNEY GENERAL

By: 

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Ronald J. Honick, Florida Bar No. 091157
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_____ /


DECLARATION OF PUBLIC INTEREST

COMES NOW, PAMELA JO BONDI, ATTORNEY GENERAL, STATE OF
FLORIDA, and states:

1. Pursuant to Section 20.11, Florida Statutes, I am the head of the Department of Legal Affairs, State of Florida (hereinafter referred to as the Department).
2. In this matter, the Department seeks declaratory and injunctive relief, disgorgement, and civil penalties caused by an act or practice performed in violation of Chapter 501, Part II, Florida Statutes.
3. I have reviewed this matter and I have determined that an enforcement action serves the public interest.

Dated: February __, 2012

By: _____


PAMELA JO BONDI,
ATTORNEY GENERAL OF THE
STATE OF FLORIDA

EXHIBIT

A

TABLER