

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

IN DISTRICT COURT  
SOUTH CENTRAL JUDICIAL DISTRICT

STATE OF NORTH DAKOTA EX REL.  
WAYNE STENEHJEM,  
ATTORNEY GENERAL,

Petitioner,

-vs-

FORTUNE HI-TECH MARKETING, INC.,  
a Kentucky Corporation,

Respondent.

Civil No. 10 C 124

**ORDER OF APPROVAL**

CPAT 090340.001

Pursuant to the authority of this Court provided in N.D.C.C. § 51-15-06.1,

IT IS HEREBY ORDERED that the attached Assurance of Voluntary Compliance  
is approved as an assurance of discontinuance as specified in N.D.C.C. § 51-15-06.1.

The Clerk of Court shall receive and file this Assurance of Voluntary Compliance.

Dated this 19 day of January, 2010.

BY THE COURT:

LS Bruce Haskell  
Judge of the District Court

**RECEIVED & FILED**

**JAN 19 2010**

**Clk. of Crt. Burleigh Co.**

**100247**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

IN DISTRICT COURT  
SOUTH CENTRAL JUDICIAL DISTRICT

STATE OF NORTH DAKOTA EX REL.  
WAYNE STENEHJEM,  
ATTORNEY GENERAL,

Petitioner,

-vs-

FORTUNE HI-TECH MARKETING, INC.,  
a Kentucky Corporation,

Respondent.

Civil No. 10 C 124

**ASSURANCE OF VOLUNTARY  
COMPLIANCE**

CPAT 090340.001

FORTUNE HI-TECH MARKETING, INC.  
880 CORPORATE DRIVE, SUITE 200  
LEXINGTON, KY 40503-5400

WHEREAS Wayne Stenehjem, Attorney General of the State of North Dakota (hereinafter "Attorney General"), acts in the public interest pursuant to North Dakota law.

WHEREAS Respondent Fortune Hi-Tech Marketing, Inc. is a Kentucky corporation with its principal place of business located at 880 Corporate Drive, Suite 200 Lexington, KY 40503-5400.

WHEREAS Respondent is engaged in the business of soliciting and selling merchandise in the State of North Dakota, through network marketing.

WHEREAS Respondent Fortune Hi-Tech Marketing is a network marketing company. Respondent purports to offer to consumers a business and compensation

**RECEIVED & FILED**

JAN 15 2010

Clk. of Crt. Burleigh Co. 265

plan designed to yield financial rewards from the sale of goods and services through the vehicle of network marketing. Respondent provides tools and other material support to allow consumers to build their own businesses as independent sales representatives for Respondent and its providers.

WHEREAS the Attorney General determined it was in the public interest to review the Respondent's activities to ascertain whether violations of chs. 51-04, 51-15, 51-18, or 51-16.1 have occurred.

WHEREAS the Attorney General issued a Cease and Desist Order against Respondent on December 10, 2009. Respondent subsequently requested a hearing.

WHEREAS Respondent specifically denies it has engaged in any violations of North Dakota law and the parties desire to settle the alleged violations, without any finding or admission of liability on the part of Respondent;

NOW THEREFORE it is hereby agreed:

1. This Assurance of Voluntary Compliance shall constitute the statutory assurance of discontinuance as provided in N.D.C.C. § 51-15-06.1. Respondent acknowledges *in personam* jurisdiction in North Dakota. Nothing in this Assurance of Voluntary Compliance is intended to waive any rights or private remedies available to consumers. *See also* N.D.C.C. § 51-15-09.

2. Respondent, its directors, officers, principals, employees, agents, contractors, servants and all other persons in active concert or participation with it, whether directly or indirectly, voluntarily agree to comply with North Dakota's Transient Merchant Law, N.D.C.C. ch. 51-04, if applicable.

3. Upon execution of this agreement, Respondent shall make a payment to the Attorney General in the sum of \$12,500 in payment of investigation costs and attorney fees. Payment shall be the form of a check or money order payable to Office of Attorney General – North Dakota, and delivered to:

Parrell D. Grossman  
Assistant Attorney General  
Director, Consumer Protection & Antitrust Division  
Office of Attorney General  
Gateway Professional Center  
1050 East Interstate Ave. Ste. 200  
Bismarck, ND 58503-5574

4. Respondent agrees to refund 100% of any participation fees to any North Dakota participant who makes a request for a refund to the Respondent or to the Office of the Attorney General, for any reason, within thirty days of the date of this Assurance of Voluntary Compliance.

5. Respondent agrees it will comply with this Assurance of Voluntary Compliance and further acknowledges and agrees any violations of this Assurance of Voluntary Compliance shall be punishable as contempt of court pursuant to N.D.C.C. ch. 27-10

6. If Respondent is adjudged in contempt of court for violations of this Assurance of Voluntary Compliance or adjudged in violation of this Assurance of Voluntary Compliance, said Respondent shall also be responsible for payment to the Attorney General for reasonable investigation costs, expenses, and attorney fees.

7. Respondent agrees it will advise its directors, officers, principals, employees, agents, contractors, servants, independent contractors, and all other persons in active concert or participation with it, that it is a misrepresentation pursuant

to North Dakota law to state that the Attorney General has endorsed or approved Respondent's services, products, or business activities in North Dakota.

8. Respondent agrees that it will advise its independent contractors that it is a misrepresentation pursuant to North Dakota law to state to any person that they may earn income solely by the recruitment of other participants.

9. The Attorney General agrees his December 10, 2009, Cease and Desist Order is vacated pursuant to the terms of this Assurance of Voluntary Compliance upon the District Court's Approval of the Assurance of Voluntary Compliance.

10. Respondent represents the signer below is competent and fully authorized to act on behalf of Respondent. Respondent acknowledges it has been provided the opportunity to review this Assurance of Voluntary Compliance with an attorney, understand the implications and obligations imposed by it and have freely, willingly and knowingly entered into this Assurance of Voluntary Compliance. Respondent further acknowledges and agrees this Assurance of Voluntary Compliance may be approved by and filed with the State of North Dakota District Court without any further notice or hearing. Signatures transmitted electronically or via facsimile by Respondent shall be deemed the equivalent of original signature; this document may be executed in counterparts, with each counterpart deemed an original.

Dated this 13<sup>th</sup> day of January, 2010.

**FORTUNE HI-TECH MARKETING, INC**  
(including all "doing business as" names, formal corporate names, fictitious names of any kind or any variations of the same)

By: Thomas A. Mills

Thomas A. Mills  
(Print name)

CEO  
(Title)

STATE OF KENTUCKY )  
COUNTY OF FAYETTE ) ss

Subscribed and sworn to before me this  
13 day of January, 2010.

Barry L. Levy  
Notary Public

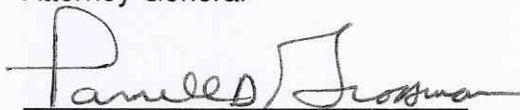


This Assurance of Voluntary Compliance is hereby received and accepted this 14  
day of January, 2010.

**STATE OF NORTH DAKOTA**

Wayne Stenehjem  
Attorney General

By:



Parrell D. Grossman  
State ID No. 04684  
Assistant Attorney General  
Director, Consumer Protection and  
Antitrust Division  
Office of Attorney General  
Gateway Professional Center  
1050 E Interstate Avenue, Ste 200  
Bismarck, ND 58503-5574  
(701) 328-5570

Attorneys for Petitioner