

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
5TH DIVISION

STATE OF ARKANSAS, *ex rel.*
LESLIE RUTLEDGE, ATTORNEY GENERAL

PLAINTIFF

v.

CASE NO. 60CV-20-1484

JEAN BUTLER

DEFENDANT

CONSENT JUDGMENT

The State of Arkansas, *ex rel.* Leslie Rutledge, Attorney General (“the State”), brought this action to redress and restrain alleged violations of the Arkansas Deceptive Trade Practices Act, Ark. Code Ann. §§ 4-88-101, *et seq.* (“ADTPA”). The State and the Defendant wish to resolve this action and have negotiated this Consent Judgment (“Judgment”) in good faith.

Based upon the facts and matters before this Court, and by the agreement and with the consent of the parties, the Court FINDS:

1. The State brought this enforcement action pursuant to the ADTPA.
2. This Court has jurisdiction over this matter and the parties pursuant to Ark. Code Ann. §§ 4-88-104, 16-4-101, and the common law of the State of Arkansas.
3. Venue is proper pursuant to Ark. Code Ann. §§ 4-88-104, 4-88-112, 16-60-104, and the common law of the State of Arkansas.

4. For purposes of this Consent Judgment, the Attorney General and Jean Butler waive all objections and defenses that either party may have to the jurisdiction or venue of the Circuit Court of Pulaski County, Arkansas.

5. Terms used for the purposes of this Judgment are as follows:

- a. Unless otherwise indicated, the terms used herein shall carry those definitions provided by the ADTPA.
- b. "Scheme" means a plan, program, promotion, or campaign that is conducted to mislead a prospective victim or victims to believe that they have won, or may or will win or receive, a sweepstakes, contest, lottery, prize, inheritance, money, property, or other thing of value, contingent on the victim providing, or providing a means of accessing or obtaining, any fee.
- c. "Funds" mean any currency, check, money order, stored value card, stored value card numbers, bank wire transmission, or other monetary value.
- d. "Money Mule" means a person who facilitates a Scheme by receiving illegally acquired Funds from a victim for the purpose of transmitting the Funds, or providing access to the Funds, to the operator of the Scheme.

6. The State maintains the facts and violations of law alleged in its Complaint.

7. Defendant neither admits nor denies the facts and violations of law alleged in the State's Complaint, except that Defendant admits that she is competent and capable of managing her affairs and that jurisdiction and venue is proper in this Court.

8. This Consent Judgment constitutes the entire agreement of the State and the Defendant. The undersigned acknowledge that there are no communications or oral understandings contrary, different, or which in any way restrict this Consent Judgment, and that any and all prior agreements or understandings within the subject matter of this Consent Judgment are, upon the effective date of the Consent Judgment, superseded, null and void.

9. This Consent Judgment resolves and releases all civil claims, causes of action, or proceedings, which were or could have been asserted by the State against the Defendant for those practices alleged within its Complaint. This release shall not in any way limit the authority of the Attorney General to conduct such investigations or to bring any enforcement action regarding alleged violations of law unrelated to its Complaint or occurring after the date of this Consent Judgment. Also, the Attorney General is empowered to seek enforcement of any and all sections of this Consent Judgment by appropriate petition to this Court.

10. Nothing in this Consent Judgment shall be construed to deprive any person or entity not a signatory hereto of any private right of action of any kind whatsoever, nor shall this Consent Judgment be construed to create any private right of action for any person or entity not a signatory hereto.

11. This Consent Judgment does not constitute an admission by the Defendant of any fact or the existence or application of any law, regulation, or legal principle.

12. Nothing herein shall be construed as the endorsement of or acquiescence in, any trade practices of the Defendant, past, current, or future; and, the Defendant shall make no representations to the contrary.

13. As a resolution to this matter, the State and the Defendant have agreed to the following provisions:

- a. Defendant shall immediately cease and desist from operating or engaging in any activity, either directly or indirectly, as a Money Mule in any Scheme within the State of Arkansas or affecting any consumer to the extent Defendant is currently engaging in such activity, if any.
- b. Defendant is permanently prohibited and enjoined from engaging, facilitating, assisting, either directly or indirectly, in any Scheme within the State of Arkansas or affecting any Arkansas consumer.
- c. Defendant shall fully cooperate with the Attorney General, or other law enforcement agency, in any investigation related to this Scheme, including without limitation, turning over all documents and information, including bank records, related to any such Scheme and executing documents necessary to permit

the Attorney General, or other law enforcement, access to Funds, records or other such documents.

d. In accordance with Ark. Code Ann. § 4-88-113(a)(3), the Defendant is assessed a civil penalty to be paid to the State in the total amount of \$100,000, under the following stipulations:

- i. Defendant shall pay a total of \$12,500 within 48 months beginning on the 1st day of the month following the entry of this judgement in minimum installments of \$260.42 per month, which shall be due on the 1st of each month thereafter or as the parties may mutually agree in writing.
- ii. The remaining \$87,500 of the total civil penalty shall be suspended as long as Defendant is fully compliant with the provisions of this Consent Judgment, including making timely payments of all of the aforementioned monthly installment payments.
- iii. The amount due under this Consent Judgment shall not bear interest unless Defendant defaults on this agreement and fails to pay the aforementioned total of \$12,500 in full within 48 months, fails to make an installment payment when due, or violates a provision of this Consent Judgment.

- e. Should the Court determine that the Defendant has defaulted on the aforementioned installment payments or violated any of the provisions of this Consent Judgment:
- i. The Defendant shall immediately cease all activity determined by the Court to be in violation of this Consent Judgment;
 - ii. The aforementioned civil penalty in the total amount of \$100,000, less the amount paid by Defendant prior to default, shall be immediately due and payable in full to the State;
 - iii. The total amount due upon default shall accrue post-judgement interest at the rate of 10% per annum which shall be applied retroactively to the date of the entry of this Consent Judgment and shall continue accruing thereafter;
 - iv. Defendant shall pay a total of \$5,000 as compensation for the Attorney General's expenses, costs, and attorneys' fees reasonably incurred in this action;
 - v. Additionally, in accordance with Ark. Code Ann. § 4-88-113(c), should the Court determine that Defendant violated an injunctive provision of this Consent

- Judgment, Defendant shall forfeit and pay to the State of Arkansas a civil penalty of not more than \$10,000; and
- vi. The payment of the aforementioned civil penalty and suspended civil penalty shall be in addition to the payment of any restitution, civil penalties, attorney fees, costs, or other sanctions ordered by the Court due to the violation(s) triggering this provision.

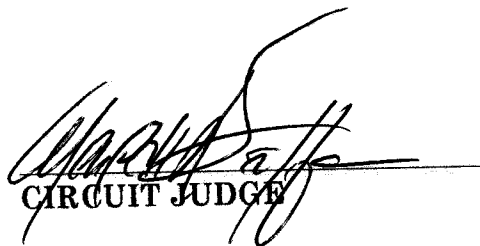
14. Pursuant to Ark. Code Ann. § 16-66-221, Defendant shall file with the Court a schedule of all her property and assets, verified by affidavit, within forty-five (45) days of the entry of this Consent Judgment.

15. This Consent Judgment shall not be modified except in writing by the agreement of the Attorney General and the Defendant and shall be subject to approval by the Court.

16. This Consent Judgment is fair, reasonable, and in the public interest and shall constitute a final judgment in this action.

WHEREFORE, this Court approves this Consent Judgment, orders each party to abide by the terms set forth herein, and retains jurisdiction of this action.

IT IS SO ORDERED.


CIRCUIT JUDGE

DATE: June 25, 2021

JOINTLY APPROVED FOR ENTRY AND SUBMITTED BY:

PLAINTIFF:

LESLIE RUTLEDGE
ATTORNEY GENERAL

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DATE: 06/15/2021

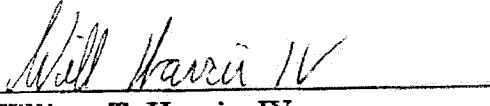
DATE: 06/15/2021

DEFENDANT:


Jean Butler

DATE: 15 June 2021

DEFENDANT'S COUNSEL:


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DATE: 6-15-21