



Federal Trade Commission Protecting America's Consumers

For Release: 11/9/2011

FTC-Initiated Case Results in Contempt Order Against 'Scam Recovery' Kit Promoters Court Rules Defendants Must Comply with its Preliminary Injunction Barring Advance Fees

A federal judge has found a telemarketer and his company in contempt for violating a court order barring them from charging consumers in advance for a service that purportedly would help consumers recover money they lost in previous telemarketing scams. The contempt order stems from an action the FTC initiated in March 2011 as part of a multi-agency [law enforcement initiative](#) against scammers who prey upon financially strapped consumers.

The contempt [order](#) found that Brian Scott Hessler and Business Recovery Services LLC violated a preliminary injunction issued against them in April by charging an up-front fee for do-it-yourself kits they claimed would help consumers recover money they lost in business opportunity and work-at-home scams. The Department of Justice filed the motion for contempt on the FTC's behalf.

The contempt order requires the defendants to make refunds to some consumers and gives them 30 days to show that their business practices comply with the court's preliminary injunction. The court will assess a \$1,000 per day fine for every day they fail to certify compliance. For every violation of the injunction that the FTC can prove after the contempt order, the court will assess a \$1,000 fine and order refunds to customers.

In its original [complaint](#), the FTC alleged that the defendants violated the Telemarketing Sales Rule by falsely claiming their kits, which cost up to \$499, would help consumers recover money they lost to scams. They also accepted advance payments from consumers without waiting seven business days for the consumers to receive the recovered money.

The U.S. District Court for the District of Arizona granted the motion for contempt on October 17, 2011.

Click these links for FTC consumer education about refund and [recovery scams](#), [business opportunities](#), [job scams](#), [federal and postal job scams](#), [work-at-home schemes](#), and [envelope-stuffing rip-offs](#).

The Federal Trade Commission works for consumers to prevent fraudulent, deceptive, and unfair business practices and to provide information to help spot, stop, and avoid them. To file a complaint in English or Spanish, visit the FTC's online [Complaint Assistant](#) or call 1-877-FTC-HELP (1-877-382-4357). The FTC enters complaints into Consumer Sentinel, a secure, online database available to more than 2,000 civil and criminal law enforcement agencies in the U.S. and abroad. The FTC's website provides free information on a variety of [consumer topics](#). Like the FTC on [Facebook](#) and follow us on [Twitter](#).

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(Business Recovery Services)

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Related Items:

[United States of America, Plaintiff, v. Business Recovery Services, LLC, and Brian Hessler, Individually, and as Owner, Officer, or Manager of Business Recovery Services, LLC, Defendants](#)
(United States District Court for the District of Arizona)
Case No. 2-11-cv-00390-JAT
File No. 1123009

For Consumers:

- Business Opportunities: What You Need to Know

For Businesses:

- Looking to Earn Extra Income: Here's How to Avoid Bogus Business Opportunity Offers

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