

## ASSURANCE OF VOLUNTARY COMPLIANCE

**In the matter of:**

**John F. Abate, dba *inter alia* as win-track.com and Market Force,  
and  
Success Publishers, LLC,  
Respondents.**

The above-named Respondents enter into this Assurance of Voluntary Compliance (AVC) in order to resolve concerns of the Iowa Attorney General relating to efforts that pre-date this AVC that involve the misleading advertising or sale of information or materials to Iowans purporting to enable them to acquire wealth through lotteries, money-making opportunities, and/or other means. This AVC is not an admission of liability by Respondents, and Respondents expressly deny the concerns of the Iowa Attorney General as set forth herein.

The Attorney General releases Respondents from liability under the Iowa Consumer Fraud Act, Iowa Code § 714.16 (“CFA”), for such advertisements and sales to the extent that they pre-date this AVC, provided however that the release does not apply to the extent a Respondent provided misleading information to the Attorney General relating to past marketing to Iowa residents.


Respondents, and each of them, agree: **(1)** to refrain from engaging or participating, directly or indirectly, in any form of marketing that (a) involves advertising or sale to residents of Iowa, or is conducted in whole or in part from an Iowa location, and (b) involves the provision of information or materials purporting to enable the recipient to achieve better-than-chance results in lotteries and/or other chance-dominated gaming activities, involves money-making opportunities regarding which the reasonably anticipated results are exaggerated, and/or involves other deceptive and/or unfair representations or conduct; **(2)** to pay \$3,812.00 to be used in the Iowa Attorney General’s discretion to make refunds to Iowans who made a payment for information or materials as described in (1)(b) above, with any funds remaining after reasonable efforts to go into the fund created by Iowa Code § 714.16A; **(3)** to provide a refund to each unrefunded Iowan who paid for information or materials as described in (1)(b) above and who requests such a refund; **(4)** to return any payments hereafter received from an Iowa resident for information or materials as described in (1)(b) above; **(5)** to refrain from any use or transfer of the names of Iowans who are or were eligible for a refund under (2) above; **(6)** to respond fully and promptly to reasonable requests from the Attorney General for information or materials relating to the activities prohibited above or compliance with this AVC; **(7)** to pay \$1,000.00 into the fund created by Iowa Code § 714.16A; and **(8)** that any future violation of this AVC shall constitute a violation of the CFA, and that any such AVC violation if proved by a preponderance of evidence shall give rise to civil penalties and other remedies as set forth in the CFA and/or other applicable law.

Notwithstanding any other provision herein, in connection with online or magazine advertising that reaches Iowa residents and from which Iowa residents cannot reasonably be excluded, Respondents are not in violation of this AVC for such advertising that would otherwise violate this AVC to the extent that no orders or payments are accepted from persons with Iowa addresses and that prospective Iowa customers are timely informed that no orders or payments will be accepted from them so that they do not unreasonably expend time or resources attempting to make a purchase that under this AVC is not to be consummated; provided further that an instance of conduct that would otherwise violate this AVC shall not be deemed a violation to the extent that it is isolated, inadvertent, and occurred despite procedures and practices reasonably designed to prevent such instances, including, without limitation, postal mail forwarding.


Date: 3/21/16

  
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John F. Abate

Date: 3/21/16


  
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Success Publishers, LLC,  
by [name printed:] owner

Date: 3/24/16

  
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Geoffrey N. Rosamond  
Attorney for Respondents

Accepted by:

Date: 4-6-16

  
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Steve St. Clair  
Assistant Iowa Attorney General