

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

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**STATE OF IOWA** *ex rel.*  
THOMAS J. MILLER,  
ATTORNEY GENERAL OF IOWA,

Plaintiff,

v.

**NICHOLAS VALENTI, d/b/a**  
**WB Co., TL DISTRIBUTION and**  
**SOUTHWEST PUBLISHING,**

Defendant.

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**EQUITY No. EQCE 080631**

**CONSENT JUDGMENT**

The Court, having been presented by Assistant Attorney General Amy Licht with this Consent Judgment, finds and orders as follows:

1. Plaintiff State of Iowa *ex. rel.* Thomas J. Miller, Iowa Attorney General, has filed a Petition in Equity against the above-captioned Defendant pursuant to Iowa Code § 714.16, the Iowa Consumer Fraud Act (“CFA”), and Iowa Code § 714.16A, the Older Iowans Act (“OIA”), and this Consent Judgment, which has been approved by the above-named Defendant, is intended to resolve this litigation.

2. The Court has jurisdiction of the parties and subject matter.

3. The Court finds that this Consent Judgment should be entered.

**IT IS THEREFORE ORDERED**, pursuant to Iowa R. Civ. P. 1.1501 *et. seq.*, the Iowa Consumer Fraud Act, and the Older Iowans Act, that Defendant and his employees, agents, servants and representatives, and all other persons, corporations and other entities acting in concert or participating with Defendant who have acquired actual or constructive knowledge of the Court’s injunction, are permanently restrained and enjoined from: (A) participating in deceptive, misleading, or unfair mail solicitations directed to residents of Iowa (or directed to

non-Iowans from an Iowa location) that relate to 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, and/or involve other deceptive and/or unfair representations or conduct, and (B) selling, renting, sharing, transferring, making available for use by others, or making any use whatsoever of the names and/or other identifying information of persons with Iowa addresses whom the Defendant has reason to believe responded to solicitations that would hereafter be prohibited by (A), above.

**IT IS FURTHER ORDERED** that Defendant shall provide a refund to any unrefunded Iowans who paid for information or materials as described above and who requests such a refund.

**IT IS FURTHER ORDERED** that Defendant pay \$5,000.00 on or before the date of entry of this Consent Judgment to be used in the Attorney General's discretion to make refunds to Iowans who made a payment for information or materials described above, with any funds remaining after reasonable efforts to go into the fund created by Iowa Code §714.16A.

**IT IS FURTHER ORDERED** that Defendant comply, honestly and in good faith, with reasonable requests by the Attorney General for information regarding the activities described in the Petition.

**IT IS FURTHER ORDERED** that the Court retain jurisdiction to enforce this Consent Judgment and that, in addition to any and all other available remedies, including without limitation contempt of court, a violation of this Consent Judgment constitutes a violation of the CFA for purposes of enforcement by the Attorney General.

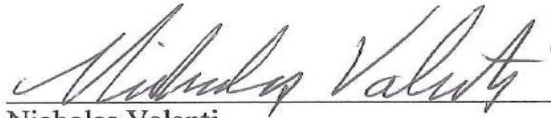
**IT IS FURTHER ORDERED** that the Defendant pay court costs, if any.

**SO ORDERED.**

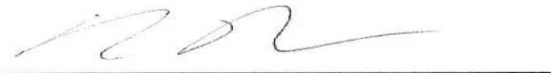
Approved as to form and substance

DEFENDANTS :

DATE: 12-1-16


  
\_\_\_\_\_  
Nicholas Valenti

DATE: 12-5-16

  
\_\_\_\_\_  
Nicholas Sarcone  
Attorney for Defendant

PLAINTIFF:

DATE: 12/14/16

  
\_\_\_\_\_  
Amy Licht  
Assistant Attorney General



State of Iowa Courts

**Type:** ORDER FOR CONSENT DECREE

**Case Number** EQCE080631  
**Case Title** STATE OF IOWA EX REL ATTY GEN MILLER VS NICHOLAS VALENTI

So Ordered

A handwritten signature in black ink, appearing to be "D. May", is written over a horizontal line.

David May, District Court Judge,  
Fifth Judicial District of Iowa