

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.

**MCAFEE AND ASSOCIATES, INC.**  
A Missouri corporation;

and

**JOHN A. MCAFEE;** in his  
individual and corporate capacities;

and

**ALEXANDER CHASTEEN;** in his  
individual and corporate capacities;

and

**CLAY WALTERS;** in his individual and  
corporate capacities;

and

**JUSTIN ROBERTS;** in his individual and  
corporate capacities;

and

**RACHAEL EDMONDSON;** in her  
individual and corporate capacities,

Defendants.

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**EQUITY NO. 05771 EQCE084077**

**CONSENT JUDGMENT**

The Court, having been presented by Assistant Attorney General J. Andrew Cederdahl with this Consent Judgment, finds and orders as follows:

1. This Consent Judgment, which has been approved by all Defendants, is intended to

resolve this litigation pursuant to IOWA CODE § 714.16, the Iowa Consumer Fraud Act (CFA), and IOWA CODE § 714.16A, the Older Iowans Act (OIA). For purposes of entry of this Consent Judgment, the above-captioned Defendants agree that any and all service or notice requirements relating to this Consent Judgment may be fully met through Plaintiff's prompt emailing of a file-stamped copy of this document to the Defendants' attorney, Jess Vilsack.

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

3. Defendants deny that they, or (as applicable) their agents, owners, officers, directors, or employees are legally responsible for any conduct in violation of the CFA or the OIA, and this Consent Judgment is not an admission of liability by those individuals or entities. Defendants deny that they had any involvement in the design of the mailers described below. McAfee and Associates, Inc. purchased the pre-designed mailers from Countrywide Printing, and Alexander Chasteen, Clay Walters, Justin Roberts, and Rachael Edmondson subsequently purchased the mailers from McAfee and Associates, Inc. However, to end this matter and avoid protracted litigation, Defendants agree to this Consent Judgment despite their denials of liability.

4. 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 CFA, and the OIA, that McAfee and Associates, Inc., John A. McAfee, in his individual and corporate capacities, Alexander Chasteen, in his individual and corporate capacities, Clay Walters, in his individual and corporate capacities, Justin Roberts, in his individual and corporate capacities, and Rachael Edmondson, in her individual and corporate capacities (each a "Defendant", and collectively, the "Defendants"), and each Defendant's employees, successors, principals, partners, members, agents, representatives, subsidiaries, assigns, and all other persons, corporations or other entities acting in concert or participating with one or more

Defendants who have actual or constructive knowledge of this Consent Judgment, shall refrain, now and at all times in the future, from the doing any of the following when sending mailers to Iowa residents or any Iowa location:

- a. Including depictions of actual or illustrative government buildings on any of the envelopes or enclosed solicitations;
- b. Using words and/or phrases on the envelopes or enclosed solicitations, which explicitly or impliedly create a false impression that the mailer is sent from any governmental entity or department, including, but not limited to the following and their general word and phrase variations:
  - i. “For private use only”
  - ii. “Official business”
  - iii. “Official notification”
  - iv. “Important information about your government benefit”
  - v. “Public notice”
  - vi. “For official use only”
  - vii. “Penalty for non-authorized use”/other mail tampering warnings
- c. Not identifying, and/or otherwise obscuring, the entity to which mailer solicitations inviting return of personal or any other information for sale leads, sales or subscriptions are or may be returned;
- d. Using any font smaller than bold, 12-point, on a disclaimer appearing on all future Iowa mailers, reading: **“McAfee and Associates is a for-profit insurance business not associated with Medicare or any other governmental entity, program or benefit.”**;

**IT IS FURTHER ORDERED** that each Defendant shall inform all persons and/or

entities the Defendant may hereafter hire for mail solicitation services to Iowa residents or from any Iowa location, including people and/or entities who provide mailer and solicitation graphics, designs, messaging or other consulting and mailer supplies, of the existence of this Consent Judgment, its requirements regarding the Defendants' mailer solicitations to Iowa residents and all Iowa locations, and the Defendants' agreement to refrain from the aforementioned practices and tactics. If at any time any Defendant obtains actual or constructive knowledge that an agent used mail solicitation services that violate this Consent Judgment, the Defendant shall immediately take reasonable steps to cease the conduct.

**IT IS FURTHER ORDERED** that the Defendants, jointly and severally, shall pay to the Attorney General \$5,000.00 in the manner instructed by the Attorney General, such sum to be deposited in the Consumer Education and Litigation Fund referred to in Iowa Code § 714.16C.

**IT IS FURTHER ORDERED** that each Defendant shall refrain from selling, renting, sharing, transferring, making available for use by others, soliciting, or making any other use whatsoever of the names, phone numbers, addresses, and/or other identifying or personal information of persons with Iowa addresses who responded to the solicitation from the Defendants that was attached as Attachment I to the Department of Justice's July 16, 2018 subpoena, and shall promptly destroy the identifying or personal information.

**IT IS FURTHER ORDERED** that each Defendant shall comply with reasonable requests from the Attorney General for information relating to compliance with this Consent Judgment.

**IT IS FURTHER ORDERED** that nothing contained in this Consent Judgment shall be construed to waive any individual right of action by a consumer or a local, state, federal or other governmental entity.

**IT IS FURTHER ORDERED** that nothing herein diminishes the requirements, duties,

obligations, or powers set forth in the CFA.

**IT IS FURTHER ORDERED** that the Attorney General's execution of this Consent Judgment and its subsequent entry by the Court constitutes a settlement, and a release of the Defendants from any and all liability for conduct that (i) occurred prior to entry of this Consent Judgment; and (ii) would violate the CFA and/or OIA. The Attorney General may seek to enforce violations of this Consent Judgment.

**IT IS FURTHER ORDERED** that, in addition to whatever other legal remedies may be available, a material violation of this Consent Judgment constitutes a violation of the Consumer Fraud Act, Iowa Code § 714.16 (CFA), and each such violation by a Defendant of this Consent Judgment, if established by a preponderance of the evidence in an enforcement action by the Attorney General, gives rise to all of the remedies provided in the CFA against the applicable Defendant.

**IT IS FURTHER ORDERED** that the Court retain jurisdiction to enforce this Consent Judgment.

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

**SO ORDERED**





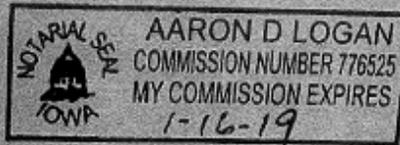
Approved:

Date: 1-11-19

*Clay Walters*

Clay Walters, in his corporate and individual capacities

STATE OF IOWA )  
 ) ss:  
COUNTY OF POLK )



Subscribed and sworn to by CLAYTON WALTERS before the undersigned notary public in and for the state of IOWA on this 11 day of JANUARY, 2019.

*Aaron D Logan*  
Notary Public in and for the State of IOWA

Approved:

Date: 1-14-19

Justin Roberts  
Justin Roberts, in his corporate and individual capacities

STATE OF IOWA )  
COUNTY OF Dallas ) ss:

Subscribed and sworn to by Justin Roberts before the undersigned notary public in and for the state of ~~IOWA~~ on this 14 day of January, 2019.

Valerie Cain  
Notary Public in and for the State of IOWA







State of Iowa Courts

**Type:** ORDER FOR JUDGMENT

**Case Number**      **Case Title**  
EQCE084077      STATE OF IOWA EX REL VS MCAFEE AND ASSOC INC ET AL

So Ordered

A handwritten signature in blue ink, appearing to read 'Celene Gogerty', is written over a horizontal line.

Celene Gogerty, District Judge  
Fifth Judicial District of Iowa