

IN THE CIRCUIT SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA

**STATE OF FLORIDA,
OFFICE OF THE ATTORNEY GENERAL,
DEPARTMENT OF LEGAL AFFAIRS,**

Case No.

Plaintiff,

vs.

**ADSURFDAILY, INC., a/k/a, AD SURF DAILY,
and ASD, a foreign corporation; THOMAS A.
BOWDOIN, Jr., a/k/a, T. ANDY BOWDOIN,
and ANDY BOWDOIN; and EDNA FAYE
SELMAN BOWDOIN,**

Defendants.

COMPLAINT

Plaintiff, **STATE OF FLORIDA, OFFICE OF THE ATTORNEY**

GENERAL, DEPARTMENT OF LEGAL AFFAIRS, brings this civil action for damages, civil penalties, injunctive, and other statutory relief under the Florida Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Florida Statutes ("FDUTPA").

JURISDICTION

1. This Court has jurisdiction pursuant to the provisions of §26.012, Fla. Stat. (2007) and §501.207, Fla. Stat. (2007).

2. Plaintiff, **STATE OF FLORIDA, OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LEGAL AFFAIRS,** is an "enforcing authority" of Chapter 501, Part II, Florida Statutes and is authorized to bring this action by §501.207, Fla. Stat. (2007).

3. The statutory violations alleged herein occurred in or affect more than one judicial circuit in the State of Florida so that Plaintiff is the appropriate "enforcing authority" as defined in §501.203(2), Fla. Stat. (2007).

4. Plaintiff has conducted an investigation and the Attorney General has determined that an enforcement action serves the public interest.

PARTIES

5. Defendant **AD SURF DAILY, INC., a/k/a, AD SURF DAILY and ASD** (hereinafter referred to as "**ASD**") is incorporated in the State of Nevada and is authorized to transact business in Florida. **ASD**'s principal place of business is 13 South Calhoun Street, Quincy, Gadsden County, Florida.

6. Defendant **THOMAS A. BOWDOIN, Jr., a/k/a T. ANDY BOWDOIN, ANDY BOWDOIN** (hereinafter referred to as "Andy Bowdoin") is the Chairman, Director, President, Secretary and Florida registered agent of Defendant **ASD** and is a resident of the State of Florida. **BOWDOIN**, together with his Defendant wife, perpetrated in the State of Florida the business activities more fully described below for his own personal benefit.

7. Defendant **EDNA FAYE SELMAN BOWDOIN** (hereinafter referred to as "Faye Bowdoin"), the wife of Defendant **ANDY BOWDOIN**, serves in a supervisory capacity for the Defendant **ASD** and is a resident of the State of Florida.

8. At all times relevant to this Complaint Defendants **ANDY BOWDOIN** and **FAYE BOWDOIN** participated in, managed, directed and controlled the operations, corporate policies, acts and practices of Defendant **ASD**.

9. At all times relevant to this Complaint Defendants **ANDY BOWDOIN** and **FAYE BOWDOIN** engaged in acts or practices in the conduct of "trade or commerce", as defined in §501.203(8), Florida Statutes (2007).

FACTS

Pyramid Sales Scheme

10. From on or about September 5, 2006, to present, Defendants **ASD**, **ANDY BOWDOIN** and **FAYE BOWDOIN** conducted and participated in a multi-level marketing and recruiting program that promised individuals "Extra-Ordinary Benefits" through the purchasing of advertising packages ("ad packages") and the recruiting of other individuals into the **ASD** program.

11. The Defendants conducted business throughout the State of Florida, as well as throughout the United States and the rest of the world.

12. Between on or about September 5, 2006, to present, the Defendants urged individuals through their convoluted, deceptive marketing and advertising, and through "rallies" conducted throughout the United States, to become members of **ASD** and to purchase ad packages for amounts ranging from \$1 to thousands of dollars per member. Minimum purchase amounts for ad packages were \$10 and \$12. Many members paid more than \$100 for **ASD** ad packages.

13. By becoming a member of **ASD**, a person could establish an "advertising website" either on **ASD**'s website or on the person's separate website. **ASD** established two websites for member ad packages: www.asdcashgenerator.com and www.lafuentedinero.com

14. Members were entitled to earn “credits” by viewing other members’ advertising websites. One credit was received for each viewing of another member’s website advertising.

15. Members were also entitled to earn commissions at rates established from time-to-time by **ASD**. Commissions were paid to members for viewing other member’s websites and for referring members who purchased ad packages from **ASD**.

16. During the period between on or about September 5, 2006, to present, the Defendants have obtained millions of dollars from persons in Florida and throughout the world who joined **ASD** as members.

17. To promote Defendants' multi-level sales and recruiting program, the Defendants have caused marketing materials and advertisements of **ASD** to be disseminated to consumers in Florida, and throughout the United States and the world.

18. By and through their marketing and sales materials, Defendants have expressly or by implication misrepresented:

- a. That an **ASD** member would earn 150% commission for viewing ads.
- b. That **ASD** members could make a request to ASD and within 48 hours obtain daily cash outs of their credits and commissions.
- c. That **ASD** members enjoyed stable commissions.
- d. That Google agreed to enter into a relationship with **ASD** to show Google ads on the **ASD** website www.asdofferuniverse.com

COUNT I
(Deceptive and Unfair Trade Practices -
Violations of Chapter 2-9, Florida Administrative Code)

19. Plaintiff adopts, incorporates herein and realleges paragraphs 1 through 18.
20. Section 501.204(1), Florida Statutes (2007), declares deceptive acts or practices in the conduct of any trade or commerce to be unlawful.
21. Section 501.205(1), Florida Statutes (2007), authorizes Plaintiff to promulgate rules specifying deceptive acts or practices in trade or commerce.
22. Chapter 2-9, Florida Administrative Code (F.A.C.), sets forth the rules of Plaintiff pertaining to advertising and sales of goods or services.
23. Rule 2-9.002(3), F.A.C., declares it a deceptive act or practice to misrepresent the sponsorship, endorsement, approval or certification of goods or services.
24. Rule 2-9.002(5), F.A.C., declares it a deceptive act or practice to misrepresent the nature, characteristics, benefits, warranties, guarantees, or qualities of goods or services.
25. As set forth in paragraphs 1 through 18, above, Defendants in their advertising have misrepresented to members in the **ASD** multi-level sales and recruiting program the sponsorship, endorsement, approval or certification of services offered, and the nature, characteristics, benefits, warranties, guarantees, or qualities of goods or services, in violation of Rules 2-9.002(3) and 2-9.002(5), F.A.C.
26. The violations of Rules 2-9.002(3) and 2-9.002(5), F.A.C., by Defendants constitute deceptive acts and practices in violation of §501.204(1), Fla. Stat. (2007).
27. The acts and practices of Defendants, as alleged herein, have injured and will continue to injure and prejudice the public.
28. Defendants have willfully engaged in the acts and practices alleged herein when Defendants knew or should have known that said acts and practices were unfair, deceptive or prohibited by rule.

29. Unless Defendants are temporarily and permanently enjoined from engaging further in the acts and practices alleged herein, the continued activities of Defendants will result in irreparable injury to the public for which there is no adequate remedy at law.

COUNT II
(Deceptive and Unfair Trade Practices -
Violations of Chapter 849, Florida Statutes)

30. Plaintiff adopts, incorporates herein and realleges paragraphs 1 through 18.

31. Section 501.204(1), Florida Statutes (2007), declares deceptive acts or practices in the conduct of any trade or commerce to be unlawful.

32. As alleged in paragraphs 1 through 18, Defendants have engaged in a sales or marketing plan or operation to induce and cause persons to pay consideration, or to make an investment, in excess of \$100 and acquire an opportunity to receive a benefit or thing which is not primarily contingent on the volume or quantity of goods, services or other property sold in bona fide sales to consumers and which is related to the inducement of additional persons to participate in the same sales or marketing plan or operation.

33. Defendants' "pyramid sales scheme" described above constitutes a lottery in violation of §849.091(2), Fla. Stat. (2007).

34. As declared in §849.46, Fla. Stat., by the Florida Legislature, §849.09(2), Fla. Stat. (2007), is intended to protect the welfare, health, safety and morals of the public and shall be liberally construed for accomplishment of these purposes.

35. Defendants' "pyramid sales scheme" violates public policy and constitutes unfair or deceptive acts and practices in conduct of trade or commerce in violation of §501.204(1), Fla. Stat. (2007).

36. These acts and practices of Defendants, as alleged herein, have injured and will continue to injure and prejudice the public.

37. Defendants have willfully engaged in the acts and practices alleged herein when Defendants knew or should have known that said acts and practices were unfair, deceptive or prohibited by rule.

38. Unless Defendants are temporarily and permanently enjoined from engaging further in the acts and practices alleged herein, the continued activities of Defendants will result in irreparable injury to the public for which there is no adequate remedy at law.

COUNT III
(Deceptive, Unconscionable and Unfair Trade Practices)

39. Plaintiff adopts, incorporates and realleges paragraphs 1 through 18, as if fully set forth below.

40. Section 501.204(1), Fla. Stat. (2007), declares deceptive, unconscionable or unfair acts or practices in the conduct of any trade or commerce to be unlawful.

41. Through Defendants' "pyramid sales scheme" and advertising misrepresentations related to said scheme, as herein alleged, Defendants have committed acts and practices in trade or commerce which shock the conscience, offend established public policy and are immoral, unethical, oppressive, unscrupulous or substantially injurious to consumers, acts and practices which are material and are likely to mislead consumers acting reasonably under the circumstances.

42. The aforementioned conduct of Defendants constitutes unconscionable or unfair acts and practices in trade or commerce in violation of §501.204(1), Fla. Stat. (2007).

43. These acts and practices of Defendants have injured, and continue to injure, and prejudice the public.

44. Defendants have willfully engaged in the acts and practices alleged herein when Defendants knew or should have known that said acts and practices were unconscionable and unfair.

45. Unless Defendants are temporarily and permanently enjoined from engaging further in the acts and practices alleged herein, the continued activities of Defendants will result in irreparable injury to the public for which there is no adequate remedy at law.

RELIEF FOR ALL COUNTS

WHEREFORE, Plaintiff, **STATE OF FLORIDA, OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LEGAL AFFAIRS**, hereby requests this Court to:

(1) Grant a temporary and permanent injunction against Defendants **ADSURFDAILY, INC., a/k/a AD SURF DAILY** and **ASD**, their directors, officers, managers, including Defendants **THOMAS A. BOWDOIN, a/k/a, T. ANDY BOWDOIN** and **ANDY BOWDOIN**, and **EDNA FAYE SELMAN BOWDOIN**, agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of the injunction, prohibiting such persons from engaging in the acts and practices in violation of provisions of Chapter 502, Part II, Florida Statutes (2007) and Chapter 2-9, Florida Administrative Code (2007) relating to the "pyramid sales scheme" and advertising misrepresentations, as more specifically alleged above.

(2) Enter a money judgment against Defendants in an amount equal to the actual damages of all consumers injured by reason of the violations alleged above, pursuant to §501.207(1)(c), Fla. Stat. (2007).

(3) Assess against Defendants, jointly and severally, civil penalties in the amount of Ten Thousand Dollars (\$10,000) for each violation of §501.204, Fla. Stat. (2007) alleged above, pursuant to §501.2075, Fla. Stat. (2007).

(4) Order dissolution of **AD SURF DAILY, INC.**

(5) Order disgorgement of all monies and assets of the Defendants derived from the Defendants' violations of §849.091(2), Fla. Stat. (2007) and §501.204(1), Fla. Stat. (2007).

(6) Award Plaintiff reasonable attorney's fees and costs pursuant to §501.2105, Fla. Stat. (2007).

(7) Award such other and further relief as the Court deems appropriate.

Respectfully submitted,

BILL MCCOLLUM
ATTORNEY GENERAL

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