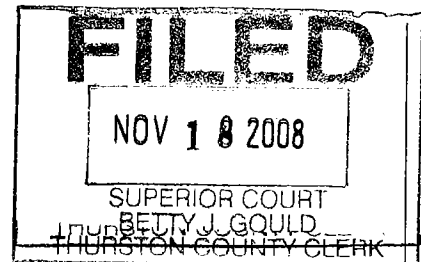


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STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT

In re:

Rommel Balingit,

Respondent.

NO. 08-2. 02672-5

ASSURANCE OF
DISCONTINUANCE

The State of Washington, by and through its attorneys, Robert M. McKenna, Attorney General, and Katherine M. Tassi, Assistant Attorney General, files this Assurance of Discontinuance pursuant to RCW 19.86.100.

I. INVESTIGATION

1.1 The Attorney General initiated an investigation into the business activities of the Respondent, Rommel Balingit ("Respondent").

1.2 In 2004, the Respondent created the Web site www.russellassetts.com. The Web site falsely purported to belong to a Washington state financial services and management company with a world-wide reputation. The Web site solicited personally identifiable information from consumers. The Web site was operational until December of 2007.

1.3 The Attorney General believes that the creation and operation of a Web site falsely purporting to belong to an actual financial services company has the capacity to deceive a substantial number of consumers and is therefore a deceptive and misleading practice in violation of the Consumer Protection Act, RCW 19.86 *et seq.*

COPY

1 1.4 The Attorney General also believes that soliciting consumers to provide
2 personally identifying information by means of a Web site purporting to belong to a financial
3 services company, when, in fact, it does not, is a violation of RCW 19.190.080, a section of the
4 Commercial Electronic Mail Act.

5 1.5 Respondent denies having committed any violation of the law, including, but
6 not limited to, RCW 19.86.020 and RCW 19.190.080.

7 **II. ASSURANCE OF DISCONTINUANCE**

8 2.1 Although Respondent denies having engaged in any violation of law,
9 Respondent agrees to conduct his business as follows:

10 2.2 Respondent shall not create, own, or operate any Web site falsely purporting to
11 belong to an entity or person to which it does not belong.

12 2.3 Respondent shall not solicit or collect any personally identifiable information
13 from consumers under false pretenses on any Web site or by any other means.

14 **III. PAYMENT**

15 3.1 The Respondent agrees to pay the amount of \$10,000.00 for the Attorney
16 General's Office to use toward any purpose authorized pursuant to RCW 19.86.080. This
17 amount is suspended on condition of full compliance with this Assurance.

18 **IV. ADDITIONAL PROVISIONS**

19 4.1 This Assurance of Discontinuance shall not be considered an admission of
20 violation of the Consumer Protection Act, RCW 19.86, *et seq.*, or any other statute, for any
21 purposes, but failure to comply with this Assurance of Discontinuance shall be *prima facie*
22 evidence of violations of RCW 19.86.020, thereby placing upon the violator, Respondent, the
23 burden of defending against imposition by the Court of damages, injunctions, restitution, and
24 civil penalties and costs, including reasonable attorneys' fees, including the costs and
25
26

1 attorneys' fees incurred in an investigation and action to enforce the terms of this Assurance of
2 Discontinuance.

3 4.2 Under no circumstances shall this Assurance of Discontinuance or the name of
4 the State of Washington, the Office of the Attorney General, or any of its employees or
5 representatives be used by the Respondent or by its officers, employees, representatives, or
6 agents in conjunction with any business activity of the Respondent.

7 4.3 Nothing in this Assurance of Discontinuance shall be construed so as to limit or
8 bar any other person or entity from pursuing any legal remedies against the Respondent.

9 4.4 This Assurance of Discontinuance resolves all issues raised by the State of
10 Washington and the Attorney General under the Consumer Protection Act, RCW 19.86, *et seq.*,
11 and the Commercial Electronic Mail Act, RCW 19.190, *et seq.*, pertaining to the acts set forth
12 in Paragraph 1.2 above that may have occurred before the date of entry of this Assurance of
13 Discontinuance and concludes the investigation thereof.

14 **APPROVED ~~IN OPEN COURT~~** this 19th day of November, 2008.

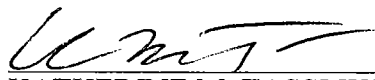
15
16 DAVID HUNTER OF MONTLAW
COURT COMMISSIONER

17 ~~JUDGE~~/COURT COMMISSIONER
18

19 Approved for Entry and Presented by:

20 ROBERT M. MCKENNA
Attorney General

Agreed to, Approved for Entry, Notice of
Presentation Waived:

21 
22 KATHERINE M. TASSI WSBA 32908
23 Assistant Attorney General
Attorneys for State of Washington

24 
25 ROMMEL BALINGIT
26 By: