

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FEDERAL TRADE COMMISSION,)	
)	
Plaintiff,)	Civil No. 03 C 6249
)	
v.)	Judge Joan H. Lefkow
)	
DATATECH COMMUNICATIONS, INC.,)	Magistrate Judge Nan R. Nolan
a corporation, <i>et al.</i>)	
)	
Defendants.)	
)	

**STIPULATED ORDER FOR PERMANENT INJUNCTION AND
FINAL JUDGMENT AGAINST CERTAIN NAMED DEFENDANTS**

Plaintiff Federal Trade Commission (“FTC” or “Commission”), pursuant to Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), filed its Complaint for injunctive and other equitable relief, alleging that Datatech Communications, Inc., 9102-3127 Quebec Inc., d/b/a I-Point Media, Elias Bakomichalis, Gregory MacNeil, and Robert Brewer, engaged in deceptive acts and practices in connection with the offering for sale, sale, or distribution of business directories, in violation of Section 5 of the FTC Act, 15 U.S.C. § 45.

Some of the named Defendants, Datatech Communications, Inc., 9102-3127 Quebec Inc., d/b/a I-Point Media, Elias Bakomichalis, and Gregory MacNeil (“Defendants”), having been represented by counsel, and acting by and through said counsel, have consented to the entry of this Stipulated Order for Permanent Injunction and Final Judgment (“Stipulated Order”) against the Defendants without a trial or adjudication of any issue of law or fact herein.

NOW THEREFORE, the Plaintiff and Defendants having requested that the Court enter this Order, and the Court having considered the Stipulated Order reached among the parties, **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** as follows:

FINDINGS OF FACT

1. This is an action by the Commission instituted under Section 13(b) of the FTC Act, 15 U.S.C. § 53(b). The Complaint seeks permanent injunctive relief and consumer redress against Defendants in connection with the offering for sale, sale, or distribution of business directories.

2. The Complaint states a claim upon which relief may be granted against the Defendants under Sections 5 and 13(b) of the FTC Act, 15 U.S.C. §§ 45 and 53(b).

3. This Court has jurisdiction over the subject matter of this case and over the parties to this Stipulated Order. Venue in the Northern District of Illinois is proper.

4. The alleged practices of the Defendants are in or affecting commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

5. The Commission has the authority under Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), to seek the relief it has requested.

6. Defendants, without admitting or denying the allegations set forth in the Complaint, agree to the entry of this Stipulated Order. The FTC, by executing this Stipulated Order, does not admit that any defense to the Complaint is valid.

7. Defendants enter into this Stipulated Order voluntarily, and acknowledge that they understand the provisions of this Stipulated Order and are prepared to abide by its terms. Defendants are represented by counsel.

8. Defendants waive all claims under the Equal Access to Justice Act, 28 U.S.C. § 2412, *amended by* Publ. L. 104-121, 110 Stat. 847, 863-64 (1996). Defendants also waive all rights to seek judicial review or otherwise challenge or contest the validity of this Stipulated Order.

9. Any voluntary bankruptcy petition filed by Defendants Elias Bakomichalis and Gregory MacNeil, does not automatically stay this action, which the Court finds is the “commencement or continuation of an action or proceeding by a governmental unit to enforce such governmental unit’s police or regulatory power,” as set forth in 11 U.S.C. § 362(b)(4).

10. Any voluntary bankruptcy petition filed by Defendants Elias Bakomichalis and Gregory MacNeil, does not divest this Court of jurisdiction to enter this Stipulated Order against the Defendants.

11. The parties shall each bear their own costs and attorney’s fees incurred in this action.

12. Entry of this Stipulated Order is in the public interest.

DEFINITIONS

For the purpose of this Stipulated Order, the following definitions shall apply:

1. **“Plaintiff”** means the Federal Trade Commission.
2. **“Defendant”** or **“Defendants”** means Datatech Communications, Inc., 9102-3127 Quebec, Inc., d/b/a/ I-Point Media, Elias Bakomichalis, and Gregory MacNeil, individually and as officers and directors of the corporate defendants.
3. **“Asset”** or **“Assets”** means any legal or equitable interest in, right to, or claim to, any real and/or personal property, including without limitation, chattels, goods, instruments,

equipment, fixtures, general intangibles, leaseholds, mail or other deliveries, inventory, checks, notes, accounts, credits, contracts, receivables, shares of stock, and all cash, wherever located.

4. **“Material”** means likely to affect a person’s choice of, or conduct regarding, goods or services.

5. **“Person”** means a natural person, an organization or other legal entity, including a corporation, partnership, sole proprietorship, limited liability company, association, cooperative, or any other group or combination acting as an entity.

6. **“Consumer”** includes any individual, group, unincorporated association, limited or general partnership, corporation or other business entity.

7. **“Customer”** means any person who has paid, or may be required to pay, for goods or services offered for sale or sold by the Defendants.

8. **“Assisting others”** means providing substantial assistance or support to any person. For purposes of this Stipulated Order, providing substantial assistance or support includes, but is not limited to: (a) preparing, printing, or transmitting invoices; (b) recording or verifying sales solicitations; (c) performing customer service functions including, but not limited to, receiving or responding to consumer complaints, obtaining or receiving identifying and/or financial information from consumers, and communicating with consumers on behalf of a seller or telemarketer; (d) developing, providing, or arranging for the development or provision of sales scripts or any other marketing material; (e) verifying, processing, fulfilling, or arranging for the fulfillment of orders; (f) developing, providing, or arranging for the provision of names of potential customers; (g) collecting or arranging for the collection of accounts receivable or other

amounts owed; (h) providing or arranging for the provision of post office boxes or commercial mail receiving agencies; or (i) performing or providing marketing services of any kind.

9. **“Telemarketing”** means any business activity (including, but not limited to, initiating or receiving telephone calls, managing others who initiate or receive telephone calls, operating an enterprise that initiates or receives telephone calls, owning an enterprise that initiates or receives telephone calls, or otherwise participating as an officer, director, employee, or independent contractor in an enterprise that initiates or receives telephone calls) that involves attempts to induce consumers to purchase any item, good, service, membership, partnership interest, trust interest, or other beneficial interest, or to enter a contest for a prize, by means of telephone sales presentations, either exclusively or in conjunction with the use of other forms of telemarketing. *Provided, however,* that the term “telemarketing” shall not include transactions that are not completed until after a face-to-face contact between the seller or solicitor and the consumer solicited.

10. **“Document”** is synonymous in meaning and equal in scope to the term, as defined in Federal Rule of Civil Procedure 34(a), and includes any written, typed, printed, transcribed, taped, recorded, filmed punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated or made, including, but not limited to, any advertisement, book, pamphlet, periodical, contract, correspondence, file, invoice, memorandum, note, telegram, report, record, audio and video recordings, handwritten note, working paper, routing slip, chart, graph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minute, code book, electronic mail, copies of checks (front and back), complaints, airbills, and computer

material (including print-outs, cards, magnetic or electronic tapes, discs and such codes or instructions as will transform such computer materials into easily understandable form). A draft or non-identical copy is a separate document within the meaning of this term.

11. **“Financial Institution”** means any bank, savings and loan institution, credit union, or any financial depository of any kind, including, but not limited to, any brokerage house, trustee, broker-dealer, escrow agent, title company, commodity trading company, or precious metal dealer.

ORDER

I.

PERMANENT BAN

IT IS THEREFORE ORDERED that Datatech Communications, Inc., 9102-3127 Quebec, Inc., d/b/a/ I-Point Media, Elias Bakomichalis, and Gregory MacNeil, individually and as officers and directors of the corporate defendants, whether directly or indirectly, in concert with others, or through any corporation, intermediary, third party, business entity, device, or person under their control, are hereby permanently restrained and enjoined from engaging in, participating in, or assisting others who engage or participate in, the advertising, marketing, promoting, telemarketing, offering for sale, sale, or distribution of any type of business directory or directory listing, in any format, including, but not limited to, print media, CD-ROM, DVD, e-mail, or disseminated over the Internet.

II.

PROHIBITED BUSINESS ACTIVITIES

IT IS FURTHER ORDERED that Defendants, and their officers, agents, directors, servants, employees, salespersons, independent contractors, corporations, subsidiaries, affiliates, successors, and assigns, and all other persons or entities in active concert or participation with them who receive actual notice of this Stipulated Order by personal service or otherwise, whether acting directly or through any person, trust, corporation, subsidiary, division, or other device, or any of them, in connection with the advertising, promoting, telemarketing, offering for sale, sale, or provision of any good or service, are hereby permanently restrained and enjoined from:

A. Making, or assisting others in making, any express or implied representation or omission of material fact that is false or misleading, in any manner, to any consumer or entity, including, but not limited to, any false or misleading statement:

1. That consumers have a preexisting or other type of relationship with any person or entity that offers a good or service;
2. That consumers are being called to renew a good or service, or any other false or misleading statement concerning the purpose of any communication with consumers;
3. That consumers have a right to cancel a good or service without financial obligation; and
4. That consumers purchased goods or services that were shipped and/or billed to them.

B. Failing to disclose in outbound telephone calls to consumers, promptly and in a clear and conspicuous manner: (1) the identity of the seller; (2) that the purpose of the call is to sell goods or services; and, (3) the nature of the goods or services.

III.

MONETARY JUDGMENT

IT IS FURTHER ORDERED that:

A. Judgment in the amount of nine million one hundred fifty-one thousand seven hundred fifty-nine dollars (\$9,151,759) in United States currency is hereby entered against the Defendants, jointly and severally, as equitable monetary relief. *Provided* that this judgment shall be subject to the conditions set forth in Section IV (Right to Reopen); and, *provided further*, that this judgment amount, except such amounts as specified below in this Section III, shall be suspended upon Defendants' fulfillment of the payment obligations set forth below in this Section III.

B. The Defendants shall pay to the Commission one hundred sixty-five thousand dollars (\$165,000) in United States currency in the manner set forth below:

1. Within ten (10) days of the signing of this Stipulated Order the Defendants shall direct Michael R. Koblenz, of Mound, Cotton, Wollan & Greengrass, to wire transfer fifty-six thousand dollars (\$56,000) from Defendants' funds currently held in escrow by Mound, Cotton, Wollan & Greengrass to the Federal Trade Commission, to be deposited into a non-interest bearing escrow account established by the Commission for the purpose of receiving payments due under the provisions of this Stipulated Order;

2. Within ten (10) days of the signing of this Stipulated Order the Defendants shall direct the Chittenden Bank, 15 Canada Street, Swanton, Vermont 05488, to wire transfer six thousand one hundred forty-one dollars (\$6,141) from Datatech Communications, Inc., account number 4-45-3863-6, to the Federal Trade Commission, to be deposited into a non-interest bearing escrow account established by the Commission for the purpose of receiving payments due under the provisions of this Stipulated Order;

3. Within thirty (30) days of the signing of this Stipulated Order Defendant Elias Bakomichalis shall pay to the Commission fifty-one thousand four hundred twenty-nine dollars and fifty cents (\$51,429.50) in United States currency, by a cashier's check made payable to the Federal Trade Commission, to be deposited into a non-interest bearing escrow account established by the Commission for the purpose of receiving payments due under the provisions of this Stipulated Order;

4. Within thirty (30) days of the signing of this Stipulated Order Defendant Gregory MacNeil shall pay to the Commission fifty-one thousand four hundred twenty-nine dollars and fifty cents (\$51,429.50) in United States currency, by a cashier's check made payable to the Federal Trade Commission, to be deposited into a non-interest bearing escrow account established by the Commission for the purpose of receiving payments due under the provisions of this Stipulated Order.

Wire transfers made pursuant to Section III of this Stipulated Order shall be made in accordance with instructions provided by the Commission.

C. If the Defendants fully comply with the provisions set forth in this Section III, the monetary judgment established by this Stipulated Order shall be deemed fully satisfied. If the

Defendants do not fulfill, or only partially fulfill, the conditions set forth in this Section III: (1) the suspension of the \$9,151,759 judgment amount set forth in Section III(A) shall be vacated and the full amount of that judgment shall immediately become due, plus interest from the date of entry of this Stipulated Order pursuant to 28 U.S.C. § 1961, less any payments or transfers already made to the FTC; and, (2) the Defendants shall waive any right to contest any allegations in Plaintiff's Complaint and the facts as alleged in Plaintiff's Complaint filed in this action must be taken as true in any subsequent litigation filed by the FTC to collect such unpaid amount, including, but not limited to, a nondischargeability complaint filed in any bankruptcy case; *Provided, however, further,* that in the event the Defendants do not comply with any provision of this Stipulated Order, including any provision set forth in this Section III, this subsection does not prevent the FTC from seeking an order to show cause why the Defendants should not be held in contempt for failure to comply with the Stipulated Order provision.

D. All funds paid by Defendants pursuant to this Stipulated Order shall be deposited into a fund administered by the Commission or its agent to be used for equitable relief, including, but not limited to, consumer redress and any attendant expenses for the administration of any redress fund. In the event that direct redress to consumers is wholly or partially impracticable or funds remain after redress is completed, the Commission may apply any remaining funds for such other equitable relief (including consumer information remedies) as it determines to be reasonably related to the Defendants' practices alleged in the Complaint. Any funds not used for such equitable relief shall be deposited to the United States Department of Treasury as disgorgement. By signing this Stipulated Order, the Defendants relinquish all dominion, control and title to the monies transferred to the FTC, and agree that all legal and equitable title to said

monies is vested in the Commission. The Defendants shall have no right to challenge the Commission's choice of remedies under this Section. In the event this Stipulated Order is not approved by the Commission all monies shall be returned to the Defendants.

E. The FTC and the Defendants acknowledge and agree that this judgment for equitable monetary relief is solely remedial in nature and is not a fine, penalty, punitive assessment, or forfeiture.

IV.

RIGHT TO REOPEN

IT IS FURTHER ORDERED that:

A. Within ten (10) business days after the date of entry of this Stipulated Order by the Court, the Defendants shall each submit to the Commission a truthful sworn statement (in the form shown on **Attachments A** through **C** of this Order), that shall reaffirm and attest to the truthfulness, accuracy, and completeness of their respective financial statements, submitted to the Commission dated September 30, 2003, August 17, 2004, September 15, 2004, and December 7, 2004, and other supplemental documents and information provided by Defendants and their counsel to the Commission in letters dated September 23, 2003, October 1, 2003, October 22, 2003, October 24, 2003, November 25, 2003, January 8, 2004, February 5, 2004, March 1, 2004, March 15, 2004, March 17, 2004, July 13, 2004, July 19, 2004, August 17, 2004, September 15, 2004, September 23, 2004, November 6, 2004, November 7, 2004, November 8, 2004, November 18, 2004, November 30, 2004, and January 10, 2005, in support of Defendants' respective financial statements. Plaintiff's agreement to this Stipulated Order is expressly premised upon the truthfulness, accuracy, and completeness of Defendants' financial condition,

as represented in the financial statements and documents referenced above, which contain material information upon which Plaintiff relied in negotiating and agreeing to the terms of this Stipulated Order.

B. If upon motion of the FTC, with notice to the Defendants and an opportunity to respond, the Court finds that a Defendant failed to file the sworn statements required by this Section, or that a Defendant failed to disclose any material asset, materially misrepresented the value of an asset, or made any other material misrepresentation in or omission from the sworn financial statements and supporting documents, the Court shall enter judgment against such Defendant, in favor of the FTC, in the amount of nine million one hundred fifty-one thousand seven hundred fifty-nine dollars (\$9,151,759) in United States currency, and the entire amount of the judgment shall become immediately due and payable, less any amount already paid.

Provided, however, that in all other respects, this judgment shall remain in full force and effect, unless otherwise ordered by the Court.

C. Upon entry of a judgment pursuant to Paragraph B of this Section against any Defendant by the Court, said Defendant authorizes any third party, including, but not limited to, individuals, banks, savings and loan institutions, pension funds, escrow agents, title companies, brokerage firms, commodity trading companies, business entities, or other financial institutions of any kind, located in the United States or any other country, in possession of any assets or funds belonging to or owed to the Defendant, to transfer the assets or funds to the Commission in full or partial satisfaction of the judgment. Said funds are to be transferred to the Commission by cashier's or certified check made payable to the Federal Trade Commission, and mailed to the

Director, Midwest Region, Federal Trade Commission, 55 East Monroe Street, Suite 1860,
Chicago, Illinois 60603.

D. Defendants authorize Plaintiff to verify all financial information they provide or have provided to the Commission pursuant to Paragraph A of this Section by obtaining information and documents from all appropriate third parties, including, but not limited to, government agencies, financial institutions, and credit reporting bureaus, located in the United States or any other country.

E. Defendants are hereby required, in accordance with 31 U.S.C. § 7701, to furnish to the Commission their respective taxpayer identifying numbers (social security numbers or employer identification numbers), which shall be used for purposes of collecting and reporting on any delinquent amount arising out of such persons' obligations pursuant to this Stipulated Order.

F. In any proceeding instituted under this Section, Defendants shall not challenge for any reason the appropriateness, fairness, or validity of judgment in the amount of nine million one hundred fifty-one thousand seven hundred fifty-nine dollars (\$9,151,759) in United States currency.

V.

DISCLOSURE OF CUSTOMER INFORMATION

IT IS FURTHER ORDERED that Defendants, and their officers, agents, directors, servants, employees, salespersons, independent contractors, corporations, subsidiaries, affiliates, successors, and assigns, and all other persons or entities in active concert or participation with them who receive actual notice of this Stipulated Order by personal service or otherwise, whether acting directly or through any person, trust, corporation, subsidiary, division, or other device, or

any of them, are permanently restrained and enjoined from selling, renting, leasing, transferring, or otherwise disclosing the name, address, telephone number, social security number, credit card number, bank account number, e-mail address, or other identifying information of any person who paid any money to or received any goods or services from any Defendant, or whose identifying information was obtained for the purpose of soliciting them to pay money to or receive goods or services from any Defendant at any time prior to the date this Stipulated Order is entered, in connection with the sale or rendition of the products, programs, or services referenced in the Complaint. *Provided, however,* that Defendants, their successors, assigns, officers, agents, servants, employees, and all other persons or entities in active concert or participation with them who receive actual notice of this Stipulated Order by personal service or otherwise, whether acting directly or through any person, trust, corporation, subsidiary, division, or other device, may provide such identifying information to a law enforcement agency or as required by any law, regulation, or court order.

VI.

SUSPEND COLLECTION ON ACCOUNTS

IT IS FURTHER ORDERED that Defendants are hereby permanently enjoined and restrained from collecting or attempting to collect payment for any business directory and/or listings in any business directory, directly or through any third party, on any account established prior to entry of this Stipulated Order.

VII.

ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANTS

IT IS FURTHER ORDERED that each of the Defendants, within five (5) business days of receipt of this Stipulated Order as entered by the Court, must submit to the Commission a truthful sworn statement, in the form shown on **Attachment D** to this Stipulated Order, acknowledging receipt of this Stipulated Order.

VIII.

COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring and investigating compliance with any provision of this Stipulated Order,

A. Within ten (10) days of receipt of written notice from a representative of the Commission, Defendants Datatech Communications, Inc., 9102-3127 Quebec Inc., d/b/a I-Point Media, Elias Bakomichalis, and Gregory MacNeil, shall each submit additional written reports, sworn to under penalty of perjury; produce documents for inspection and copying; appear for deposition; and/or provide entry during normal business hours to any business location in such Defendant's possession or direct or indirect control to inspect the business operation.

B. In addition, the Commission is authorized to monitor compliance with this Stipulated Order by all other lawful means, including, but not limited, to the following:

1. Obtaining discovery from any person, without further leave of court, using the procedures prescribed by Fed. R. Civ. P. 30, 31, 33, 34, 36, and 45;
2. Posing as consumers or suppliers to: Defendants Datatech Communications, Inc., 9102-3127 Quebec Inc., d/b/a I-Point Media, Elias Bakomichalis,

and Gregory MacNeil, said Defendants' employees, or any other entity managed or controlled in whole or in part by Defendants Datatech Communications, Inc., 9102-3127 Quebec Inc., d/b/a I-Point Media, Elias Bakomichalis, and Gregory MacNeil, without the necessity of identification or prior notice;

C. Defendants Datatech Communications, Inc., 9102-3127 Quebec Inc., d/b/a I-Point Media, Elias Bakomichalis, and Gregory MacNeil, shall permit representatives of the Commission to interview any employer, consultant, independent contractor, representative, agent, or employee who has agreed to such an interview, relating in any way to any conduct subject to this Stipulated Order. The person interviewed may have counsel present.

Provided, however, that nothing in this Stipulated Order shall limit the Commission's lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1, to obtain any documentary material, tangible things, testimony, or information relevant to unfair or deceptive acts or practices in or affecting commerce (within the meaning of 15 U.S.C. § 45(a)(1)).

IX.

COMPLIANCE REPORTING BY DEFENDANTS

IT IS FURTHER ORDERED that, in order that compliance with the provisions of this Stipulated Order may be monitored:

- A. For a period of three (3) years from the date of entry of this Stipulated Order,
 1. Defendants Elias Bakomichalis and Gregory MacNeil, shall each notify the Commission of the following:

a. Any changes in residence, mailing addresses, and telephone numbers of Elias Bakomichalis and Gregory MacNeil, within thirty (30) days of the date of such change;

b. Any changes in employment status (including self-employment) of Elias Bakomichalis and Gregory MacNeil, within thirty (30) days of the date of such change. Such notice shall include the name, address, and telephone number, of each business that Elias Bakomichalis and Gregory MacNeil is affiliated with, employed by, creates or forms, or performs services for; a statement of the nature of the business; and a statement of Elias Bakomichalis and Gregory MacNeil's duties and responsibilities in connection with the business;

c. Any changes in Elias Bakomichalis and Gregory MacNeil's name or use of any aliases or fictitious names; and

d. Any businesses in which Elias Bakomichalis and Gregory MacNeil possesses an ownership interest of more than five percent (5 %), or directly or indirectly manages or controls the business, including the name, address, telephone number, and all places where the business is incorporated and/or registered;

2. Defendants Datatech Communications, Inc., 9102-3127 Quebec Inc., d/b/a I-Point Media, Elias Bakomichalis, and Gregory MacNeil, shall notify the Commission of any changes in corporate structure of Datatech Communications, Inc., and 9102-3127 Quebec Inc., d/b/a I-Point Media, or any business entity that Elias Bakomichalis, or Gregory MacNeil directly or indirectly controls, or has an ownership interest in, that may

affect compliance obligations arising under this Stipulated Order, including, but not limited to, a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this Stipulated Order; the filing of a bankruptcy petition; or a change in the corporate name or address, at least thirty (30) days prior to such change, *provided* that, with respect to any proposed change in the corporation about which the Defendants learn less than thirty (30) days prior to the date such action is to take place, Defendants shall notify the Commission as soon as is practicable after obtaining such knowledge.

B. One hundred eighty (180) days after the date of entry of this Stipulated Order, Defendants Datatech Communications, Inc., 9102-3127 Quebec Inc., d/b/a I-Point Media, Elias Bakomichalis, and Gregory MacNeil, shall each provide a written report to the FTC, sworn to under penalty of perjury, setting forth in detail the manner and form in which they have complied and are complying with this Stipulated Order. This report shall include, but not be limited to:

1. For Elias Bakomichalis and Gregory MacNeil:
 - a. The then current residence address, mailing address, and telephone numbers of Elias Bakomichalis and Gregory MacNeil;
 - b. The then current employment and business addresses and telephone numbers of Elias Bakomichalis and Gregory MacNeil, a description of the business activities of each such employer or business, and the title and responsibilities of Elias Bakomichalis and Gregory MacNeil, for each such employer or business; and

c. Any other changes required to be reported under subparagraph A of this Section.

2. For all Defendants:

a. A copy of each acknowledgment of this Stipulated Order, obtained pursuant to Section X of this Stipulated Order; and

b. Any other changes required to be reported under subparagraph A of this Section.

C. For the purposes of this Stipulated Order, Defendants shall each, unless otherwise directed by the Commission's authorized representatives, mail all written notifications to the Commission to:

Director
Federal Trade Commission, Midwest Region
55 East Monroe Street, Suite 1860
Chicago, Illinois 60603
Re: *FTC v. Datatech Communications, Inc., et al.*, Civil Action No. 03 C 6249

D. For purposes of the compliance reporting and monitoring required by this Stipulated Order, the Commission is authorized, unless otherwise directed by the Defendants, to communicate directly with the Defendants.

X.

DISTRIBUTION OF ORDER BY DEFENDANTS

IT IS FURTHER ORDERED that, for a period of three (3) years from the date of entry of this Stipulated Order, Defendants shall deliver copies of the Stipulated Order as directed below:

A. Defendants Datatech Communications, Inc., and 9102-3127 Quebec Inc., d/b/a I-Point Media must deliver a copy of this Stipulated Order to all of their principals, officers, directors, and managers. Defendants Datatech Communications, Inc., and 9102-3127 Quebec Inc., d/b/a I-Point Media also must deliver copies of this Stipulated Order to all of their employees, agents, and representatives who engage in conduct related to the subject matter of the Stipulated Order. For current personnel, delivery shall be within (5) days of service of this Stipulated Order upon Defendants. For new personnel, delivery shall occur prior to the employees assuming their responsibilities.

B. For any business that Defendants Elias Bakomichalis and Gregory MacNeil control, directly or indirectly, or in which Defendants Elias Bakomichalis and Gregory MacNeil have a majority ownership interest, said Defendants must deliver a copy of this Stipulated Order to all principals, officers, directors, and managers of that business. Defendants Elias Bakomichalis and Gregory MacNeil must also deliver copies of this Stipulated Order to all employees, agents, and representatives of that business who engage in conduct related to the subject matter of the Stipulated Order. For current personnel, delivery shall be within (5) days of service of this Stipulated Order upon Defendants. For new personnel, delivery shall occur prior to them assuming their responsibilities.

C. For any business where Defendants Elias Bakomichalis and Gregory MacNeil is not a controlling person of a business but otherwise engages in conduct related to the subject matter of this Stipulated Order, said Defendants must deliver a copy of this Stipulated Order to all principals and managers of such business before engaging in such conduct.

D. Defendants Datatech Communications, Inc., 9102-3127 Quebec Inc., d/b/a I-Point Media, Elias Bakomichalis, and Gregory MacNeil must secure a signed and dated statement acknowledging receipt of the Stipulated Order, within thirty (30) days of delivery, from all persons receiving a copy of the Stipulated Order pursuant to this Section.

XI.

RECORD KEEPING PROVISIONS

IT IS FURTHER ORDERED that, for a period of six (6) years from the date of entry of this Stipulated Order, in connection with any business where Defendants Datatech Communications, Inc., 9102-3127 Quebec Inc., d/b/a I-Point Media, Elias Bakomichalis, and Gregory MacNeil, possess a majority ownership interest, or directly or indirectly control the business, Defendants and their agents, employees, officers, corporations, successors, and assigns, and those persons in active concert or participation with them who receive actual notice of this Stipulated Order by personal service or otherwise, are hereby permanently restrained and enjoined from failing to create and retain the following records:

A. Accounting records that reflect the cost of goods or services sold, revenues generated, and the disbursement of such revenues;

B. Personnel records accurately reflecting: the name, address, and telephone number of each person employed in any capacity by such business, including as an independent contractor; that person's job title or position; the date upon which the person commenced work; and the date and reason for the person's termination, if applicable;

C. Customer files containing the names, addresses, telephone numbers, account numbers, dollar amounts paid, quantity of items or services purchased, and description of items

or services purchased, to the extent such information is obtained in the ordinary course of business;

D. Complaints and refund requests (whether received directly, indirectly or through any third party) and any responses to those complaints or refund requests;

E. Copies of all sales scripts, training materials, advertisements, or other marketing materials; and

F. All records and documents necessary to demonstrate full compliance with each provision of this Stipulated Order, including, but not limited to, copies of acknowledgments of receipt of this Stipulated Order, required by Section X, and all reports submitted to the FTC pursuant to Section IX of this Stipulated Order.

XII.

DISSOLUTION OF ASSET FREEZE

IT IS FURTHER ORDERED that immediately following the entry this Stipulated Order by the Court the freeze against the assets of Defendants Datatech Communications, Inc., 9102-3127 Quebec Inc., d/b/a I-Point Media, Elias Bakomichalis, and Gregory MacNeil, shall be lifted.

XIII.

RELEASE FROM DUTY TO WITHHOLD MAIL

IT IS FURTHER ORDERED that:

A. All commercial mail receiving and/or forwarding agencies, commercial freight holding and/or forwarding agencies, customs brokers, or other parties holding or receiving mail and/or freight on behalf of the Defendants, including A.N. Deringer, Inc., #8 12th Street, Blaine,

Washington 98230 and Touchpoint Logistics, 1925 Holmes Road, Suite 200, Elgin, Illinois 60123, are immediately released from their duty, pursuant to Section VII of the Stipulated Preliminary Injunction Order, to forward the Defendants' mail to the Commission.

B. The Defendants authorize the Commission to retain, open, or dispose of any such mail forwarded to it as the FTC deems appropriate. Defendants shall have no right to challenge the FTC's actions under this Section.

XIV.

INDEPENDENCE OF OBLIGATIONS

IT IS FURTHER ORDERED that the provisions of this Stipulated Order are separate and severable from one another. If any provision is stayed or determined to be invalid, the remaining provisions shall remain in full force and effect.

XV.

RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for purposes of construction, modification, and enforcement of this Stipulated Order.

XVI.

COMPLETE SETTLEMENT

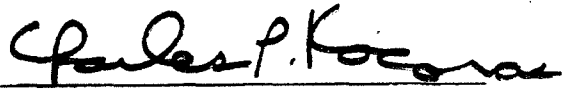
The parties, by their respective counsel, hereby consent to entry of the foregoing Stipulated Order which shall constitute a final judgment and order in this matter. The parties further stipulate and agree that the entry of the foregoing Stipulated Order shall constitute a full, complete and final settlement of this action.

JUDGMENT IS THEREFORE ENTERED in favor of the Plaintiff and against the

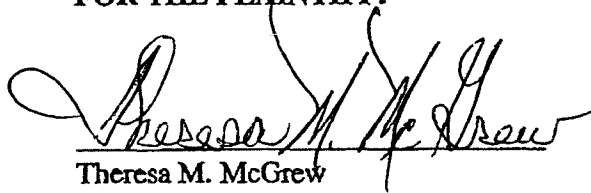
Defendants, pursuant to all the terms and conditions recited above.

SO ORDERED:

Dated: AUG 11 2005

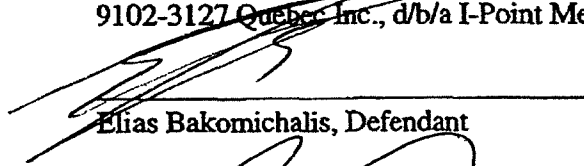

UNITED STATES DISTRICT JUDGE

FOR THE PLAINTIFF:

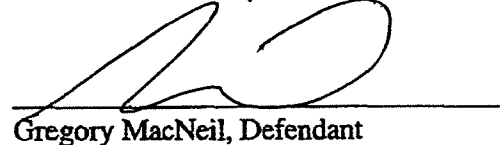


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FEDERAL TRADE COMMISSION

DEFENDANTS, Individually and on behalf
of Datatech Communications, Inc., and
9102-3127 Quebec Inc., d/b/a I-Point Media



Elias Bakomichalis, Defendant

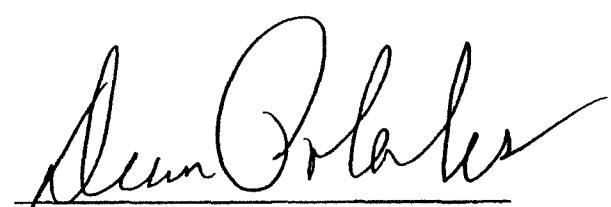


Gregory MacNeil, Defendant

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