

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

FEDERAL TRADE COMMISSION,	)	
	)	
Plaintiff,	)	Civil Action No. 02-C-5762
v.	)	Judge John W. Darrah
	)	Magistrate Judge Ashman
BAY AREA BUSINESS COUNCIL, INC.,	)	
a Florida corporation, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**STIPULATED FINAL JUDGMENT AND ORDER FOR  
PERMANENT INJUNCTION AND OTHER EQUITABLE  
RELIEF AGAINST DEFENDANT CHRISTOPHER TOMASULO**

Plaintiff, the Federal Trade Commission (“FTC” or “Commission”), commenced this action by filing its Complaint, and subsequently its Amended Complaint, for injunctive and other equitable relief pursuant to Sections 13(b) and 19 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 53(b) and 57b, and the Telemarketing and Consumer Fraud and Abuse Prevention Act (“Telemarketing Act”), 15 U.S.C. § 6101 *et seq.*, charging that defendants Bay Area Business Council, Inc., Bay Area Business Council Customer Service Corp., American Leisure Card Corp., Bay Memberships, Inc., Bay Vacations, Inc., Sr. Marketing Consultants, Inc., Special Technologies, Inc., Peter J. Porcelli, II, Christopher Tomasulo, and Bonnie A. Harris, engaged in deceptive acts and practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, and the FTC’s Telemarketing Sales Rule (“TSR”), 16 C.F.R. Part 310.

On April 8, 2004, the Court entered summary judgment against defendants Bay Area

Business Council, Inc., Bay Area Business Council Customer Service Corp., American Leisure Card Corp., Sr. Marketing Consultants, Inc., Bay Memberships, Inc., Special Technologies, Inc., Peter J. Porcelli, II, and Bonnie A. Harris, followed by entry of a Permanent Injunction with Monetary Judgment and Other Relief, dated April 14, 2004.

The Commission and Defendant Christopher Tomasulo hereby stipulate to entry of this Stipulated Final Judgment and Order for Permanent Injunction and Other Equitable Relief Against Defendant Christopher Tomasulo ("Order") to resolve all matters of dispute between them in this action.

**IT IS THEREFORE STIPULATED, AGREED AND ORDERED** as follows:

**FINDINGS**

1. This Court has jurisdiction over the subject matter of this case and the parties pursuant to Sections 5, 13(b) and 19 of the FTC Act, 15 U.S.C. §§ 45, 53(b) and 57b, the Telemarketing Act, 15 U.S.C. §§ 6101, *et seq.*, the FTC's Telemarketing Sales Rule, 16 C.F.R. Part 310, and 28 U.S.C. §§ 1331, 1337(a), and 1345. Pursuant to these statutes and regulations, the Commission has the authority to seek the relief contained herein.

2. Venue, process, and service of process are proper.

3. The activities of Defendant Christopher Tomasulo are in or affecting commerce, as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

4. The Commission's Amended Complaint states claims upon which relief may be granted against Defendant Christopher Tomasulo under Sections 5, 13(b), and 19 of the FTC Act, 15 U.S.C. §§ 45, 53(b) and 57b, the Telemarketing Act, 15 U.S.C. §§ 6101, *et seq.*, and the FTC's Telemarketing Sales Rule, 16 C.F.R. Part 310.

5. Defendant Christopher Tomasulo has entered into this Order freely and without coercion. Defendant Christopher Tomasulo further acknowledges that he has read the provisions of this Order and is prepared to abide by them.

6. The Commission and Defendant Christopher Tomasulo stipulate and agree to entry of this Order, without trial or final adjudication of any issue of fact or law, to settle and resolve all matters in dispute between them arising from the Amended Complaint in this matter, up to the date of entry of this Order.

7. Defendant Christopher Tomasulo waives all rights to seek judicial review or otherwise to challenge or contest the validity of this Order.

8. Defendant Christopher Tomasulo agrees that this Order does not entitle him to seek or obtain attorney's fees as a prevailing party under the Equal Access to Justice Act, 28 U.S.C. § 2412, as amended, and he further waives any and all rights or claims that may arise under said provision of law. The parties shall each bear their own costs and attorney's fees incurred in this action.

9. This Order is in addition to, and not in lieu of, any other civil or criminal remedies that may be provided by law.

10. This Order pertains exclusively to Defendant Christopher Tomasulo. Nothing in this Order shall modify, limit or affect in any way the final judgment and permanent injunction previously entered against defendants Bay Area Business Council, Inc., Bay Area Business Council Customer Service Corp., American Leisure Card Corp., Sr. Marketing Consultants, Inc., Bay Memberships, Inc., Special Technologies, Inc., Peter J. Porcelli, II, and Bonnie A. Harris.

11. Entry of this Order is in the public interest.

## DEFINITIONS

For purposes of this Order, the following definitions shall apply:

1. "Plaintiff" means the Federal Trade Commission.
2. "Defendant" means Defendant Christopher Tomasulo.
3. "Asset" or "Assets" means any legal or equitable interest in, right to, or claim to, any real or personal property, including, but not limited to, "goods," "instruments," "equipment," "fixtures," "general intangibles," "inventory," "checks," or "notes," (as these terms are defined in the Uniform Commercial Code), lines of credit, chattels, leaseholds, contracts, mail or other deliveries, shares of stock, lists of consumer names, accounts, credits, premises, receivables, funds, and all cash, wherever located.
4. The term "Document" or "Documents" means any materials listed in Federal Rule of Civil Procedure 34(a) and includes writings, drawings, graphs, charts, photographs, audio and video recordings, computer records, and other data compilations from which information can be obtained and translated, if necessary, into reasonably usable form through detection devices. A draft or nonidentical copy is a separate Document within the meaning of the term.
5. "Person" means any individual, group, unincorporated association, limited liability company, limited or general partnership, corporation, or other business entity.
6. "Credit-Related Product" means any product, program, or service which is advertised, offered for sale, or sold as a method by which persons may establish or obtain any extension of credit or credit device, including, but not limited to credit cards, loans, or financing, or as a method to consolidate or liquidate debts.
7. "Telemarketing" means the advertising, offering for sale, or sale of any good or

service to any person by means of telephone sales presentations, either exclusively or in conjunction with the use of other advertising.

**ORDER**

**I. BAN ON TELEMARKETING OR SELLING  
CREDIT-RELATED PRODUCTS**

**IT IS THEREFORE ORDERED** that Defendant Christopher Tomasulo is hereby permanently restrained and enjoined from engaging in, participating in, or assisting in the Telemarketing, advertising, promotion, offering for sale, or sale of Credit-Related Products to any consumer.

**II. PROHIBITED BUSINESS PRACTICES**

**IT IS FURTHER ORDERED** that in connection with the advertising, promotion, offering for sale, or sale of any goods or services by any means whatsoever, Defendant Christopher Tomasulo, and his successors, assigns, officers, agents, servants, employees, and those persons in active concert or participation with him who receive actual notice of this Order by personal service, facsimile, or otherwise, whether acting directly or through any corporation, subsidiary, division, entity, person, name, or other device, are hereby permanently restrained and enjoined from:

A. Making, or assisting others in the making of, any statement or representation of material fact that is false or misleading, whether directly or by implication, orally or in writing, including, but not limited to, any misrepresentation that:

1. A person or entity is affiliated with MasterCard, any other credit card or debit card company, or a bank or other financial institution;

2. A person or entity is contacting the consumer in response to a credit application made by the consumer;

3. After paying a fee, the consumer is likely or is guaranteed to receive a credit card, debit card, or any other payment card or device of any kind;

4. The purchase of a credit card, debit card, or other payment card or device from a person or entity increases the likelihood that a consumer's credit will improve or that the consumer will get other offers for unsecured credit cards in the future;

5. After paying a fee, the consumer will receive, at no additional charge, other products or services; or

6. Consumers who agree to purchase any good or service will be charged the amount specified in the sales offer or presentation.

B. Misrepresenting, directly, indirectly, expressly, or by implication, or omitting, any fact material to a person's decision to purchase any product or service; and

C. Failing to comply with the FTC's Telemarketing Sales Rule, 16 C.F.R. Part 310, as currently written or amended, including but not limited to:

1. Violating Section 310.3(a)(1)(ii) of the Telemarketing Sales Rule by failing to disclose truthfully, in a clear and conspicuous manner, before a customer pays for goods or services offered, all material restrictions, limitations, or conditions to purchase, receive, or use the goods or services that are the subject of the sales offer;

2. Violating Section 310.3(a)(4) of the Telemarketing Sales Rule by making a false or misleading statement to induce any person to pay for goods or services; or

3. Violating Section 310.4(a)(4) of the Telemarketing Sales Rule by

requesting or receiving payment of any fee or consideration in advance of obtaining a loan or other extension of credit when the seller or telemarketer has guaranteed or represented a high likelihood of success in obtaining or arranging a loan or other extension of credit.

D. Nothing in this Section or in any other Section of this Order shall modify or limit the ban set forth in Section I of this Order.

### **III. CONSUMER REDRESS**

**IT IS FURTHER ORDERED** that:

A. Judgement is hereby entered against Defendant Christopher Tomasulo in the amount of \$12,563,962.34; *provided, however*, that this judgment against Defendant Christopher Tomasulo shall be suspended as long as the Court makes no finding, as provided in Section IV of this Order, that Defendant Christopher Tomasulo has materially misrepresented or omitted the nature, existence or value of any asset. Any payments required to be made to the Commission shall be made by certified check or other guaranteed funds payable to and delivered to the Commission, or by wire transfer in accord with directions provided by the Commission.

B. All funds paid pursuant to this Section or Section IV 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. If the Commission determines, in its sole discretion, that 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 practices alleged in the Amended Complaint. Any funds not used for such equitable relief shall be deposited to the United States Treasury as



disgorgement. Defendant shall have no right to challenge the Commission's choice of remedies under this Paragraph. The Commission and Defendant 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;

C. In the event of any default on any obligation to make payment under this Section or Section IV, interest, computed pursuant to 28 U.S.C. § 1961, as amended, shall accrue from the date of default to the date of payment, and shall immediately become due and payable;

D. Defendant is required, unless he already has done so, to provide the Commission with clear, legible and full-size photocopies of all valid driver's licenses that he possesses, which will be used for reporting and compliance purposes; and

E. Defendant agrees that the facts as alleged in the Amended Complaint filed in this action shall be taken as true in the event of any subsequent proceedings or litigation to enforce this Order or to collect amounts due pursuant to this Section or Section IV, including, but not limited to, a non-dischargeability complaint in any bankruptcy proceeding.

#### **IV. RIGHT TO REOPEN**

**IT IS FURTHER ORDERED** that within five (5) business days after the date of entry of this Order, Defendant shall submit to the Commission a truthful sworn affidavit (in the form shown on **Appendix A** to this Order) that shall reaffirm and attest to the truthfulness, accuracy, and completeness of the financial statements, dated September 5, 2002, and May 23, 2004, that Defendant submitted to the Commission. The Commission's agreement to this Order is expressly premised upon the financial condition of Defendant, as represented in said financial statements and supporting attachments, which contain material information upon which the

Commission relied in negotiating and agreeing to this Order.

If, upon motion of the Commission, the Court finds that Defendant has failed to disclose any material asset, or materially misrepresented the value of any asset, or has made any other material misrepresentation or omission in his financial statement and supporting attachments, the Court shall enter judgment against Defendant, in favor of the Commission, in the amount of \$12,563,962.34 (the minimum total amount of consumer injury in this matter), and the entire amount of the judgment shall become immediately due and payable, less any amount already paid. Interest on said judgment shall be computed pursuant to 28 U.S.C. § 1961, as amended, and shall be due from the date of entry of this Order to the date of payment, and Plaintiff shall be permitted to execute upon the judgment immediately and engage in discovery in aid of execution.

*Provided, however,* that in all other respects, this Order shall remain in full force and effect, unless otherwise ordered by the Court; and *provided further,* that proceedings instituted under this Section are in addition to, and not in lieu of, any other civil or criminal remedies that may be provided by law, including, but not limited to, contempt proceedings, or any other proceedings that the Commission or the United States may initiate to enforce this Order.

#### **V. CUSTOMER LISTS**

**IT IS FURTHER ORDERED** that Defendant, and his successors, assigns, officers, agents, servants, employees, and those persons in active concert or participation with him who receive actual notice of this Order by personal service, facsimile, or otherwise, whether acting directly or through any corporation, subsidiary, division, entity, person, name, or other device, 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 product or service from any defendant named in the Amended Complaint, or whose identifying information was obtained for the purpose of soliciting them to pay money to or receive any product or service from any defendant, at any time prior to entry of this Order, in connection with the Telemarketing, offering for sale, or sale of the products or services referenced in the Amended Complaint. *Provided, however,* that Defendant may disclose such identifying information to a law enforcement agency or as required by any law, regulation, court order, or to counsel.

## **VI. COMPLIANCE MONITORING**

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

A. Within ten (10) days of receipt of written notice from a representative of the Commission, Defendant shall 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 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 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 and suppliers to: Defendant, Defendant's employees, or any other entity managed or controlled in whole or in part by Defendant, without the necessity

of identification or prior notice; and

C. Defendant 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 Order. The person interviewed may have counsel present.

*Provided, however,* that nothing in this 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)).

#### **VII. COMPLIANCE REPORTING BY DEFENDANT**

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

A. For a period of five (5) years from the date of entry of this Order,

1. Defendant shall notify the Commission of the following:

a. Any changes in Defendant's residence, mailing addresses, and telephone numbers, within ten (10) days of the date of such change;

b. Any changes in Defendant's employment status (including self-employment), and any change in the ownership of Defendant in any business entity, within ten (10) days of the date of such change. Such notice shall include the name and address of each business that Defendant is affiliated with, employed by, creates or forms, or performs services for; a statement of the nature of the



business; and a statement of Defendant's duties and responsibilities in connection with the business or employment; and

c. Any changes in Defendant's name or use of any aliases or fictitious names; and

2. Defendant shall notify the Commission of any changes in corporate structure of any business entity that Defendant directly or indirectly controls, or has an ownership interest in, that may affect compliance obligations arising under this Order, including, but not limited to, a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor entity; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this 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 Defendant learns less than thirty (30) days prior to the date such action is to take place, Defendant 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 Order, Defendant shall provide a written report to the FTC, sworn to under penalty of perjury, setting forth in detail the manner and form in which he has complied and is complying with this Order. This report shall include, but not be limited to:

1. The then-current residence address, mailing addresses, and telephone numbers of Defendant;

2. The then-current employment and business addresses and telephone numbers of Defendant, a description of the business activities of each such

employer or business, and the title and responsibilities of Defendant for each such employer or business;

3. A copy of each acknowledgment of receipt of this Order obtained by Defendant pursuant to Section X of this Order; and
4. Any other changes required to be reported pursuant to Paragraph A above.

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

Director for Midwest Region  
Federal Trade Commission  
55 East Monroe Street, Suite 1860  
Chicago, Illinois 60603  
Re: FTC v. Bay Area Business Council, Inc., et al., Civil Action No. 02-C-5762.

D. For purposes of the compliance reporting and monitoring required by this Order, the Commission is authorized to communicate directly with Defendant.

#### **VIII. MONITORING COMPLIANCE OF SALES PERSONNEL**

**IF IS FURTHER ORDERED** that Defendant, in connection with any business that Defendant controls, directly or indirectly, or in which Defendant has a majority ownership interest, is hereby permanently restrained and enjoined from:

A. Failing to take reasonable steps sufficient to monitor and ensure that all employees and independent contractors engaged in sales or other customer service functions comply with Sections I, II and V of this Order. Such steps shall include adequate monitoring of sales presentations or other contacts with consumers, and shall also include, at a minimum, the following: (1) listening to the oral representations made by persons engaged in sales or other customer service functions; (2) establishing a procedure for receiving and responding to

consumer complaints; and (3) ascertaining the number and nature of consumer complaints regarding transactions in which each employee or independent contractor is involved;

B. Failing promptly to investigate fully any consumer complaint received by any business to which this Section applies; and

C. Failing to take corrective action with respect to any sales person or customer service representative whom Defendant determines is not complying with this Order, which may include training, disciplining, and/or terminating such sales person or customer service representative.

### **IX. RECORD KEEPING PROVISIONS**

**IT IS FURTHER ORDERED** that, for a period of eight (8) years from the date of entry of this Order, for any business that Defendant controls, directly or indirectly, or in which Defendant has a majority ownership interest, Defendant, and his successors, assigns, officers, agents, servants, employees, and those persons in active concert or participation with him who receive actual notice of this Order by personal service, facsimile, or otherwise, whether acting directly or through any corporation, subsidiary, division, entity, person, name, or other device, are hereby 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, 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 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 Order, including, but not limited to, copies of the acknowledgments of receipt of this Order required by Section X, and all reports submitted to the FTC pursuant to Section VII.

#### **X. DISTRIBUTION OF ORDER BY DEFENDANT**

**IT IS FURTHER ORDERED** that, for a period of five (5) years from the date of entry of this Order, Defendant shall deliver copies of this Order as directed below:

A. For any business that Defendant controls, directly or indirectly, or in which Defendant has a majority ownership interest, Defendant must deliver a copy of this Order to all principals, officers, directors, and managers of that business. Defendant must also deliver copies of this Order to all employees, agents, and representatives of that business who engage in conduct related to the subject matter of the Order. For current personnel, delivery shall be within five (5) days of service of this Order upon Defendant. For new personnel, delivery shall occur prior to them assuming their responsibilities.

B. For any business where Defendant is not a controlling person of the business but otherwise engages in conduct related to the subject matter of this Order, Defendant must deliver

a copy of this Order to all principals and managers of such business before engaging in such conduct.

C. Defendant must secure a signed and dated statement acknowledging receipt of the Order, within thirty (30) days of delivery, from all persons receiving a copy of the Order pursuant to this Section.

#### **XI. ACKNOWLEDGMENT OF RECEIPT OF ORDER BY DEFENDANT**

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

#### **XII. COOPERATION**

**IT IS FURTHER ORDERED** that Defendant Christopher Tomasulo, in connection with this action or any subsequent investigations or proceedings related to or associated with the transactions or occurrences that are the subject of the Commission's Amended Complaint, including but not limited to proceedings in bankruptcy court involving other defendants named in this action, shall cooperate fully and in good faith with the Commission. This cooperation shall require Defendant to (1) respond truthfully and completely to all questions concerning any matter that may be put to him, whether in written questions, interviews, pursuant to compulsory process, or at any trial, hearing, or other legal proceeding; (2) attend all interviews, meetings, trials, hearings, or legal proceedings at which his presence is requested by the Commission or compelled by compulsory process or court order; and (3) produce voluntarily all documents, records, or other tangible evidence relating to matters which the Commission, or its designee, inquires. If requested in writing by the Commission, Defendant shall appear and provide truthful

testimony in any trial, hearing, deposition, or other proceeding related to or associated with the transactions or occurrences that are the subject of the Amended Complaint, without the service of a subpoena or payment of any witness fees. The Commission's agreement to this Order is expressly premised on Defendant's compliance with the requirements of this Section XII. If, upon motion by the Commission, the Court finds that Defendant has not complied with the requirements of this Section XII, the Commission may request that this Order be reopened to allow the Commission to modify the Order; *provided*, that proceedings to reopen instituted under this provision would be in addition to, and not in lieu of, any other civil or criminal remedies as may be provided by law, including any other proceedings that the Commission may initiate to enforce this Order.

### **XIII. RETENTION OF JURISDICTION**

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

### **XIV. SEVERABILITY**

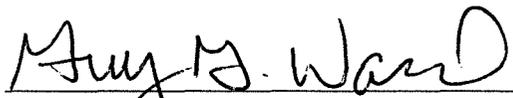
**IT IS FURTHER ORDERED** that the provisions of this Order are separate and severable from one another. If any provision is stayed or determined to be invalid, the remaining provisions shall remain in full force and effect.



**XV. ENTRY OF THIS FINAL JUDGMENT**

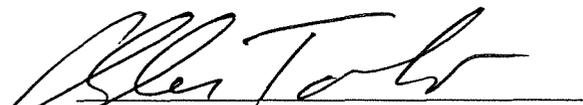
**IT IS FURTHER ORDERED**, pursuant to Federal Rule of Civil Procedure 54(b), that there is no just reason for delay and the Clerk of Court immediately shall enter this Order as a final judgment as to Defendant Christopher Tomasulo.

**SO STIPULATED:**

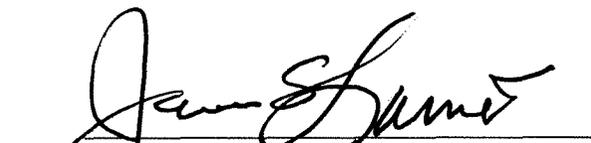


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(312) 960-5634; Fax: (312) 960-5600  
Attorneys for Federal Trade Commission

Dated: January 26, 2005

  
Defendant Christopher Tomasulo,  
individually

Dated: OCTOBER 11, 2004

  
Jerome S. Lamet  
Jerome S. Lamet & Associates  
542 S. Dearborn St., Suite 1260  
Chicago, IL 60605  
(312) 939-2221; Fax: (312) 939-2741  
Attorney for Defendant Christopher Tomasulo

Dated: October, 15, 2004

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2004

\_\_\_\_\_  
Honorable John W. Darrah  
United States District Judge

APPENDIX A

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

_____	)	
FEDERAL TRADE COMMISSION,	)	
	)	
Plaintiff,	)	Civil Action No. 02-C-5762
v.	)	Judge John W. Darrah
	)	Magistrate Judge Ashman
BAY AREA BUSINESS COUNCIL, INC.,	)	
a Florida corporation, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**AFFIDAVIT OF DEFENDANT CHRISTOPHER TOMASULO**

Christopher Tomasulo, being duly sworn, hereby states and affirms as follows:

1. My name is Christopher Tomasulo. I am a defendant in the above-captioned civil action. I am a citizen of the United States and am over the age of eighteen. I have personal knowledge of the facts set forth in this Affidavit.

2. My current business address is \_\_\_\_\_.  
My current business telephone number is \_\_\_\_\_. My current residential address is \_\_\_\_\_.  
My current residential telephone number is \_\_\_\_\_.

3. On \_\_\_\_\_, I received a copy of the Stipulated Final Judgment and Order for Permanent Injunction and Other Equitable Relief Against Defendant Christopher Tomasulo ("Order"), which was signed by the Honorable John W. Darrah and entered by the Court on \_\_\_\_\_. A true and correct copy of the Order that I received is appended

to this Affidavit.

4. I reaffirm and attest to the truthfulness, accuracy and completeness of the financial statements, dated September 5, 2002, and May 23, 2004, and supporting attachments, that I submitted to the Federal Trade Commission.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on \_\_\_\_\_, at \_\_\_\_\_.  
[Date] [City, State]

\_\_\_\_\_  
[Signature of Defendant]

State of \_\_\_\_\_, City of \_\_\_\_\_

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires:  
  
\_\_\_\_\_