UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of                                                )  FILE NO. 1723003
James V. Grago, Jr., individually and  )  AGREEMENT CONTAINING
d/b/a ClixSense.com      )  CONSENT ORDER

The Federal Trade Commission (“Commission”) has conducted an investigation of
certain acts and practices of James V. Grago, Jr., individually and doing business as
(“BCP”) has prepared a draft of an administrative Complaint (“draft Complaint”). BCP and
Proposed Respondent enter into this Agreement Containing Consent Order (“Consent
Agreement”) to resolve the allegations in the attached draft Complaint through a proposed
Decision and Order to present to the Commission, which is also attached and made a part of
this Consent Agreement.

IT IS HEREBY AGREED by and between Proposed Respondent and BCP, that:

1. Proposed Respondent is James V. Grago, Jr., individually and doing business as
   ClixSense.com, which is a sole proprietorship with its principal office or place of
   business in Hampstead, North Carolina.

2. Proposed Respondent neither admits nor denies any of the allegations in the Complaint,
   except as specifically stated in the Decision and Order. Only for purposes of this
   action, Proposed Respondent admits the facts necessary to establish jurisdiction.

3. Proposed Respondent waives:

   A. Any further procedural steps;

   B. The requirement that the Commission’s Decision and Order contain a statement
      of findings of fact and conclusions of law; and

   C. All rights to seek judicial review or otherwise to challenge or contest the
      validity of the Decision and Order issued pursuant to this Consent Agreement.

4. This Consent Agreement will not become part of the public record of the proceeding
   unless and until it is accepted by the Commission. If the Commission accepts this
   Consent Agreement, it, together with the draft Complaint, will be placed on the public
   record for thirty (30) days and information about it publicly released. Acceptance does
not constitute final approval, but it serves as the basis for further actions leading to final disposition of the matter. Thereafter, the Commission may either withdraw its acceptance of this Consent Agreement and so notify Proposed Respondent, in which event the Commission will take such action as it may consider appropriate, or issue and serve its Complaint (in such form as the circumstances may require) and decision in disposition of the proceeding, which may include an Order. See Section 2.34 of the Commission’s Rules, 16 C.F.R. § 2.34 (“Rule 2.34”).

5. If this agreement is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to Rule 2.34, the Commission may, without further notice to Proposed Respondent: (1) issue its Complaint corresponding in form and substance with the attached draft Complaint and its Decision and Order; and (2) make information about them public. Proposed Respondent agrees that service of the Order may be effected by its publication on the Commission’s website (ftc.gov), at which time the Order will become final. See Rule 2.32(d). Proposed Respondent waives any rights it may have to any other manner of service. See Rule 4.4.

6. When final, the Decision and Order will have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other Commission orders.

7. The Complaint may be used in construing the terms of the Decision and Order. No agreement, understanding, representation, or interpretation not contained in the Decision and Order or in this Consent Agreement may be used to vary or contradict the terms of the Decision and Order.

8. Proposed Respondent agrees to comply with the terms of the proposed Decision and Order from the date that Proposed Respondent signs this Consent Agreement. Proposed Respondent understands that it may be liable for civil penalties and other relief for each violation of the Decision and Order after it becomes final.
JAMES V. GRAGO, JR.,
Individually and d/b/a
CLIXSENSE.COM

By: _______________________
    James V. Grago, Jr.
    Individually and as Owner,
    ClixSense.com

Date: ______________________

By: _______________________
    JB Kelly
    Cozen O'Connor
    Attorney for Proposed Respondent

By: _______________________
    Bryan Mosca
    Cozen O'Connor
    Attorney for Proposed Respondent

Date: ______________________

FEDERAL TRADE COMMISSION

By: _______________________
    Monique F. Einhorn
    Attorney, Bureau of Consumer Protection

By: _______________________
    Jamie E. Hine
    Attorney, Bureau of Consumer Protection

By: _______________________
    Andrea V. Arias
    Attorney, Bureau of Consumer Protection

APPROVED:

___________________________
    Robert Schoshinski
    Assistant Director
    Division of Privacy and Identity Protection

___________________________
    Maneesha Mithal
    Associate Director
    Division of Privacy and Identity Protection

___________________________
    Andrew Smith
    Director
    Bureau of Consumer Protection

Date: _______________________

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