

SEP 17 2001

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

BY ¹ DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

vs.

COMPUTERS BY US, INC. also d/b/a FENCEWAY

Civil Action No. L-00-3232

JEFFREY M. WESKO individually and as an officer of

} FINAL ORDER

corporate officer, on November 11, 2000. The corporate defendant did not answer the complaint.

On March 16, 2001, plaintiff moved for entry of default against the corporate

[REDACTED]

as requested by counsel on March 16, 2001

[REDACTED]

Plaintiff has been in contact with Jeffrey Wasko, also a defendant in this action

U.S.C. §§ 45(a)(1), 49, 53(b), 56(a) and 57b, and the Commission's Trade Regulation

and Commission Rule 16 C.F.R. Part 435; and

4. Entry of this Final Order is in the public interest.

DEFINITIONS

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

... and Faraway Computers, and

6 "FTC" or "Commission" means the Federal Trade Commission

1.

Defendant, its successors and assigns.

whether acting directly or indirectly through any persons or entities under any of the
defendants' control, is hereby permanently restrained from advertising, marketing or

engaged in the advertising, marketing, or offering goods or services via the
_____ shall cite this Final Order as the subject matter of the bond,

partial performance due, in whole or in part, to any violation of the Rule or
Section 5(a) of the FTC Act related to this Final Order, or any provision of this
Order, or any other violation of law.

E. Defendant and its successors, assigns, or any person acting in concert or participation with Defendant, shall not disclose the existence of the bond to any

without simultaneously and conspicuously making the following

THIS DOCUMENT IS PART OF A FINAL ORDER AGAINST

~~any receipt of payment by Defendants or any of the Individual~~

Defendants, or any agent of Defendant or any of the Individual Defendants, if such representation is untrue.

III.

IT IS FURTHER ORDERED that the defendants, their successors and assigns, and any officers, agents, servants, employees and representatives, and all persons in ~~any contact or communication with any one or more of them~~ who receive actual notice of

this Final Order by personal service or otherwise, are hereby permanently restrained and enjoined from violating, directly or through any corporation, subsidiary, division or other device, any provisions of the Rule, 16 C.F.R. Part 435, or from assisting or facilitating any other individual or entity from violating any provisions of the Rule, including but not limited to:

- A. Soliciting mail or telephone sales when defendants do not have a reasonable ~~confidence to expect that they~~ will be able to ship the ordered merchandise either: (1)

In the event that the Rule is hereafter amended or modified, Defendant's compliance with the Rule as so amended or modified shall not be deemed a violation of this Final Order. A copy of this Rule is attached hereto as Appendix A and incorporated herein as if fully set forth verbatim.

IV.

by ~~_____~~ Defendant, its successors and assigns, and any

officers, agents, servants, employees and representatives, and all persons in active contact or communication with any one or more of them who receive actual notice of this

Final Order by personal service or otherwise, are hereby permanently restrained and enjoined from selling, renting, leasing, transferring or otherwise disclosing the name,

value of which exceeds \$1,000, materially misrepresented the value of any asset, or
or any other material misrepresentation or omission in the above-referenced

(1) pay to the Plaintiff consumer redress in the amount of TWO HUNDRED

and interest on the unpaid amounts for consumer redress

Final Order be modified pursuant to this Paragraph, this Final Order, in all other

respects, shall remain in full force and effect unless otherwise ordered by this Court. Any proceedings instituted under this Paragraph shall be in addition to, and not in lieu of, any other civil or criminal remedies available by law. Solely for the purposes of reopening or enforcing this Paragraph, any of the allegations set forth in the complaint filed in this matter are deemed admitted.

VI.

IT IS FURTHER ORDERED that for a period of five (5) years from the date of

entry of this Final Order,

- A. Defendant shall notify the FTC in writing at least thirty (30) days prior to any proposed change in the corporation, including, but not limited the use of a new

business plan, distribution, equipment, sale or

perjury, setting forth in detail the manner and form in which the defendant has complied and is complying with this Final Order. This report shall include, but not be limited to:

~~_____ the defendant's then-current business address and telephone number;~~

2. A description of the defendant's business activities;
 3. A copy of each acknowledgment of receipt of this Final Order obtained by the defendant pursuant to Paragraph X below; and
 4. A statement describing the manner in which the defendant has complied and is complying with this Final Order.
- C. Upon written request by a representative of the Plaintiff or the FTC, the defendant shall submit additional written reports (under oath, if requested) and produce documents on fifteen (15) days' notice with respect to any conduct subject to this Final Order;
- D. The notices and reports required by this Paragraph shall be sent to the:

Associate Director
Division of Marketing Practices
Federal Trade Commission
Room H238
6th Street & Pennsylvania Ave, NW
Washington, DC 20580

VII.

IT IS FURTHER ORDERED that the Plaintiff and the FTC are authorized to

~~_____ by all lawful means, including but~~

A. The Plaintiff and the FTC are authorized, without further leave of court, to obtain discovery from any person in the manner provided by Chapter V of the Federal

Rules of Civil Procedure, Fed. R. Civ. P. 26 - 37, including the use of compulsory process pursuant to Fed. R. Civ. P. 45, for the purpose of monitoring and investigating Defendant's compliance with any provision of this Final Order, and copy of such process shall be provided to Defendant, unless Defendant has

will be permitted

VIII.

... shall be in effect for a period of five (5) years from the date of

entry of this Final Order, for the purpose of determining compliance with this Final Order, Defendant shall permit representatives of the Plaintiff or the FTC, within three (3) business days of receipt of written notice from the Plaintiff or the FTC:

A. Access during normal business hours to any office, or facility storing documents,

... of Defendant engaged in the sale or offering for sale of goods or

defendants' business premises for the purposes of inspecting and copying all documents relevant to any matter contained in this Final Order.

IV

or shipped any goods or services, or from whom such business accepted money
or other items of value:

D. Records that reflect, for every consumer complaint or refund request, whether

_____ through a third party

[The following section of the document is heavily redacted with multiple thick black horizontal bars, obscuring all text and content.]

management capacity, all personnel involved in responding to consumer

complaints, all other personnel, whether designated as

employees or contractors for any business where: (1) any of the

Individual Defendants in the majority owner of the business or directly or

indirectly involved in the business, and (2) the business is engaged in

XII.

IT IS FURTHER ORDERED THAT THE COURT SHALL RETAIN JURISDICTION OF THIS MATTER

SO ORDERED, this ^{15TH} day of September, 2001 at Baltimore, Maryland.