

FILED

MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

2007 FEB . 2 PM 4: 06

CLERK U.S. DISTRICT COURT

1 Venue is proper as to all parties in this District

2 The activities of Defendants are in or affecting commerce, as defined in Section 4

4. The complaint states a claim upon which relief may be granted against Defendants, under Sections 5(a), 5(m)(1)(A), and 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a), 45(m)(1)(A), and 53(b).

5. Defendants have entered into this Stipulated Judgment and Order for Permanent Injunction (“Order”) freely and without coercion. The undersigned Individual Defendants further acknowledge that they have read the provisions of this Order and are prepared to abide by

7. "Outbound telephone call" means a telephone call initiated by a telemarketer to

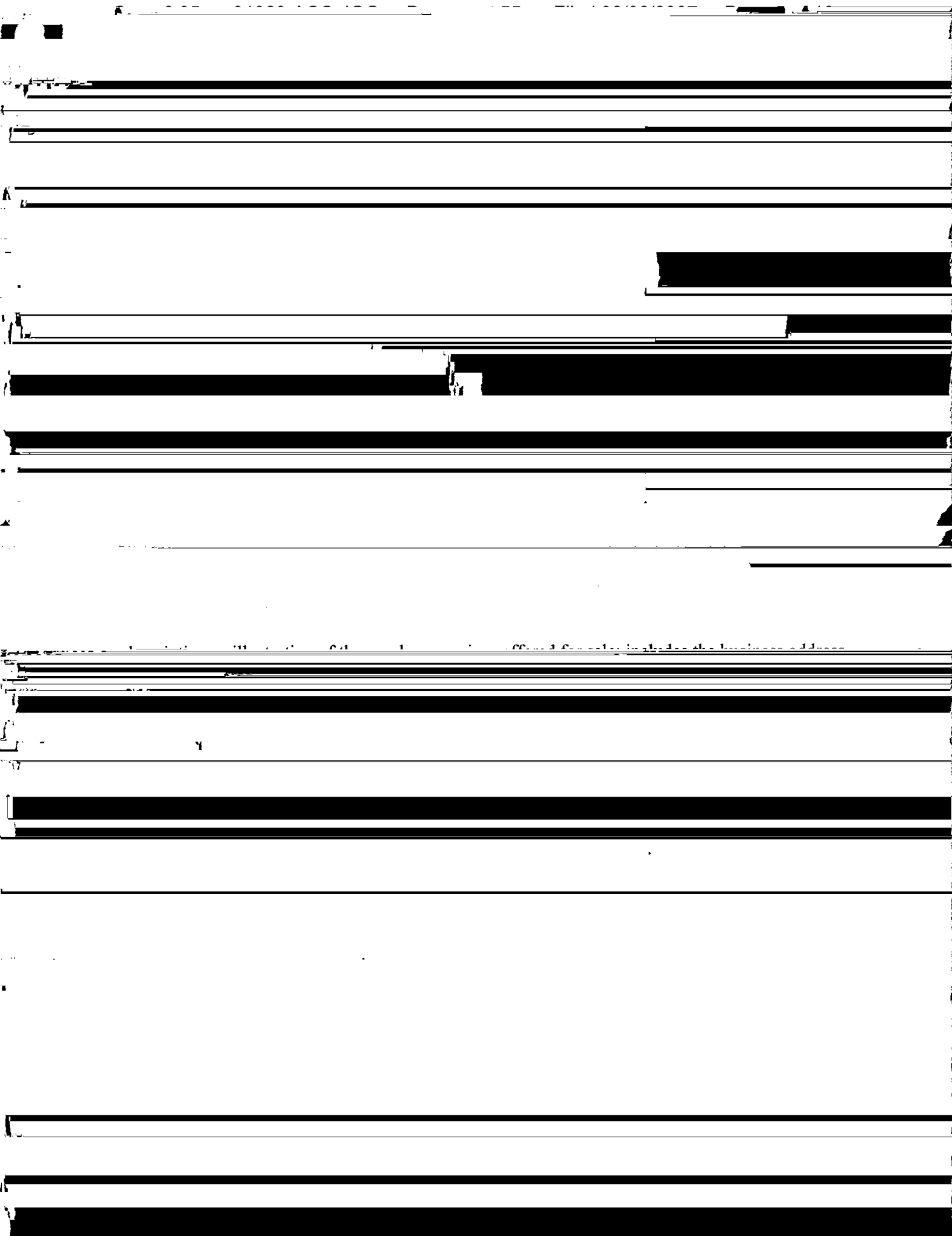
induce the purchase of goods or services or to solicit a charitable contribution. All such calls are "outbound telephone calls," even if the telemarketer does not ultimately connect them to a sales representative, or does not deliver a recorded message to induce a purchase or to solicit a charitable contribution.

8. "Person" means any individual, group, unincorporated association, limited or general partnership, corporation, or other business entity.

9. "Representatives" means Defendants' successors, assigns, officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise.

10. "Seller" means any person who, in connection with a telemarketing transaction,

11. "Customer" means a person who provides information for them to provide goods or services to the customer in



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to a sales representative within two (2) seconds of the person's completed greeting, measured per day per calling campaign;

2. Defendants and their Representatives, for each telemarketing call placed, allow the telephone to ring for at least fifteen (15) seconds or four (4) rings before disconnecting an unanswered call;

3. Whenever a sales representative is not available to speak with the individual who answers the call within two (2) seconds after the individual's completed greeting, the seller or telemarketer promptly plays a recorded message

was placed; and

4. Defendants and their Representatives retain records, in accordance with 16

includes the telephone number to which the calls may be placed and the signature of that person; or

4. to a person who has not stated that he or she does not wish to receive outbound telephone calls from the seller on whose behalf the call is made and Defendants can prove that the person (a) purchased, rented, or leased the seller's goods or services, or engaged in a financial transaction with the seller, within the

[REDACTED]

submitted an inquiry or application regarding a product or service offered by the

seller within the three (3) months immediately preceding the date of a

[REDACTED]

A. Changes to the Telemarketing Sales Rule. If the Commission promulgates rules that, in whole or part, modify or supersede the Telemarketing Sales Rule, then, on and after the

completely with all applicable requirements of such rules and (2) telephone calls that are permitted by such rules do not constitute a violation of this Order if Defendants and their

D.

III. CIVIL PENALTY AND CONDITIONAL SUSPENSION

IT IS FURTHER ORDERED that:

- A. Judgment in the amount of two million eight hundred thousand dollars

December 21, 2006, by Mr. Skow on behalf of The Broadcast Team, Inc., and on December 22, 2006, by Mr. Tuttle and by Mr. Edwards; each financial statement was accompanied by supporting documents. These sworn financial statements and supporting documents include material information upon which Plaintiff relied in negotiating and agreeing to this Order. If, upon motion by Plaintiff, this Court finds that Defendants have failed to disclose any material

F. If proceedings are instituted to lift the suspension imposed by this Paragraph,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

may be provided by law, including any other proceedings the Plaintiff may initiate to enforce this Order.

IV. DISMISSAL OF APPEAL IN RELATED CASE

Within 10 days of receipt of notice of the entry of this Order, defendant The Broadcast Team, Inc., shall dismiss with prejudice its appeal in The Broadcast Team, Inc. v. FTC, No. 06-13520 (11th Cir. notice of appeal filed June 15, 2006).

Transmit to the Associate Director for Enforcement, Bureau of Consumer Protection, Federal

Trade Commission, 601 New Jersey Ave., N.W., Washington, D.C. 20001, setting forth the fact and manner of their compliance, including the name and title of each person to whom a copy of the Order has been provided _____

VII. NOTIFICATION OF BUSINESS CHANGES

IT IS FURTHER ORDERED that the Corporate Defendant, and its successors and assigns, shall notify the Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 601 New Jersey Ave., N.W., Washington, D.C. 20001, at least thirty (30) days prior to any change in such Defendant's business, including, but not limited to, merger

IX. COMMUNICATION WITH DEFENDANTS

IT IS FURTHER ORDERED that for the purposes of compliance reporting, if undersigned counsel no longer represents a Defendant, Plaintiff and the Commission are authorized to communicate directly with such Defendant.

X. FEES AND COSTS

IT IS FURTHER ORDERED that each party to this Order hereby agrees to bear its own costs and attorneys' fees incurred in connection with this action.

XI. SEVERABILITY

~~IT IS FURTHER ORDERED that each party to this Order hereby agrees to bear its own costs and attorneys' fees incurred in connection with this action.~~

[REDACTED]

JUDGMENT IS THEREFORE ENTERED in favor of Plaintiff and against

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

[REDACTED]

EUGENE M. THIROLF
Director, Office of Consumer Litigation

*Daniel K. Crane-Hirsch by
permission for Allan Gordus*

Dated: January 26, 2007

ALLAN GORDUS
Counsel of record

~~Trial Attorney, Office of Consumer Litigation~~

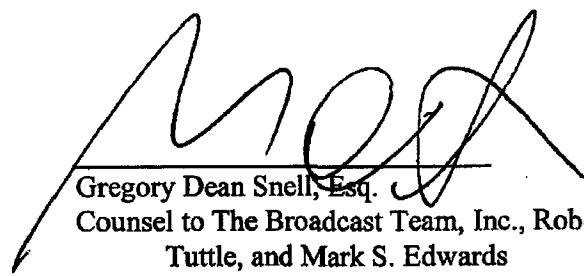
U.S. Department of Justice
P.O. Box 386
Washington, D.C. 20044-0386
Telephone: 202-307-1862
Facsimile: 202-514-8742

Daniel K. Crane-Hirsch

Dated: January 26, 2007

DANIEL K. CRANE-HIRSCH
Trial Attorney, Office of Consumer Litigation
U.S. Department of Justice
P.O. Box 386
Washington, D.C. 20044-0386
Telephone: 202-616-8242

Dated: December 22, 2006



Gregory Dean Snell, Esq.
Counsel to The Broadcast Team, Inc., Robert J.
Tuttle, and Mark S. Edwards
Snell Legal
Reflections Point, Suite 107
700 W. Granada Blvd.
Ormond Beach, FL 32174
TEL: 386-677-6770

Facsimile: 386-677-6770
E-mail: GregSnell@snelllegal.com