



1 **FINDINGS**

2 1. This Court has jurisdiction over this matter

3 2. The First Amended Complaint charges that Defendants participated in  
4 deceptive and unfair acts or practices in violation of Section 5 of the FTC Act, 15  
5 U.S.C. §45, in a scheme to place unauthorized charges on consumers' mobile  
6 telephone bills, a practice known as "cramming."

7 3. Settling Defendants neither admit nor deny any of the allegations in  
8 the First Amended Complaint, except as specifically stated in this Order. Only for  
9 purposes of this action, Settling Defendants admit the facts necessary to establish  
10 jurisdiction.

11 4. Settling Defendants waive and release any claims that they may have  
12 against Plaintiff, the Commission, and their agents that relate to this action.  
13 Settling Defendants waive any claim that they may have under the Equal Access to  
14 Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through  
15 the date of this Order, and agree to bear their own costs and attorney fees.

16 5. Settling Defendants waive all rights to appeal or otherwise challenge  
17 or contest the validity of this Order.

18 **DEFINITIONS**

19 For the purpose of this Order, the following definitions apply:

20 A. **"Settling Defendants"** means the Individual Settling Defendant and  
21 the Corporate Settling Defendants, individually, collectively, or in any  
22 combination.

23 1. **"Corporate Settling Defendants"** means Concise Consulting,  
24 Inc., and MMJX Consulting, Inc., and their dba's, successors, and assigns.

25 2. **"Individual Defendant"** means Michael Pajaczkowski.

26 B. **"Person"**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

**I. BAN ON PLACING CHARGES ON TELEPHONE BILLS**

IT IS HEREBY ORDERED that Settling Defendants are permanently restrained and enjoined from billing, submitting for billing, or assisting or facilitating the billing or submitting for billing, charges to any telephone bill,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Commission representative may designate, without the service of a subpoena.

2 **VI. ORDER ACKNOWLEDGMENTS**

3 IT IS FURTHER ORDERED that Settling Defendants obtain  
4 acknowledgments of receipt of this Order:

5 A. Each Settling Defendant, within 7 days of entry of this Order, must  
6 submit to the Commission an acknowledgment of receipt of this Order sworn  
7 under penalty of perjury.

8 B. For 3 years after entry of this Order, each Individual Settling  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1



1 Defendants, is a majority owner or controls directly or indirectly, must create and  
2 retain the following records:

3 A. accounting records showing the revenues from all goods or services  
4 sold;

5 B. personnel records showing, for each person providing services,  
6 whether as an employee or otherwise, that person's name; addresses; telephone  
7 numbers; job title or position; date of service; and (if applicable) the reason for  
8 termination;

9 C. records of all consumer complaints and refund requests, whether  
10 received directly or indirectly, such as through a third party, and any response;

11 D. all records necessary to demonstrate compliance with each  
12 provision of this Order, including all submissions to the Commission;

13 E. a copy of each unique advertisement or other marketing material.

#### 14 IX. COMPLIANCE MONITORING

15 IT IS FURTHER ORDERED that, for the purpose of monitoring Settling  
16 Defendants' compliance with this Order:

17 A. Within 14 days of receipt of a written request from a representative of  
18 the Commission, each Settling Defendant must: submit additional compliance  
19 reports or other records [(rS85919 r512.2 (et)8.5 (: s)8.4 (ubm)12.Dc [( a2t0 (l5 (e)3.IN)-04



