

The Honorable Ricardo S. Martinez

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FEDERAL TRADE COMMISSION,  
  
Plaintiff,  
  
v.  
  
JOHN STEFANCHIK, individually and as an officer and director of Beringer Corporation,  
SCOTT B. CHRISTENSEN, individually and as an officer and director of Atlas Marketing, Inc.,  
  
JUSTIN W. ELY, individually and as an officer and director of Premier Consulting Group, Inc., and as a manager of Atlas Marketing, Inc.,  
  
BERINGER CORPORATION, dba The Stefanchik Organization, a Washington corporation,  
  
ATLAS MARKETING, INC., also dba The Stefanchik Organization, a Nevada Corporation, and  
  
PREMIER CONSULTING GROUP, INC., a Utah Corporation,  
  
Defendants.

CIVIL ACTION NO. 04-1852RSM

**STIPULATED FINAL JUDGMENT AND ORDER FOR PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF AS TO DEFENDANTS JUSTIN W. ELY AND PREMIER CONSULTING GROUP, INC.**

Plaintiff, the Federal Trade Commission ("Commission" or "FTC"), has filed a First Amended Complaint for permanent injunction and other equitable relief pursuant to Section 13(b)

1 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), and the Telemarketing  
2 and Consumer Fraud and Abuse Prevention Act (“Telemarketing Act”), 15 U.S.C. §§ 6101-6108,  
3 charging defendants John Stefanchik, Scott B. Christensen, Justin W. Ely, Beringer Corporation,  
4 Atlas Marketing, Inc., and Premier Consulting Group, Inc., doing business collectively as “The  
5 Stefanchik Organization,” with deceptive acts and practices in connection with the telemarketing  
6 of course materials, in-person workshops, videotapes, audio tapes and other educational products  
7 and services that purport to teach consumers how to broker, purchase, and/or resell privately-held  
8 mortgages or promissory notes that are secured by real estate. The Commission’s First Amended  
9 Complaint alleges that defendants’ deceptive acts and practices violate Section 5(a) of the FTC  
10 Act, 15 U.S.C. § 45(a), and the FTC’s Trade Regulation Rule entitled “Telemarketing Sales  
11 Rule” (“Rule”), 16 C.F.R. Part 310.

12 The Commission and defendants Justin W. Ely (“Ely”) and Premier Consulting Group,  
13 Inc. (“Premier”), having been represented by counsel and, acting by and through such counsel,  
14 have consented to the entry of this Stipulated Judgment for Permanent Injunction and Other  
15 Equitable Relief (“Stipulated Judgment”) without a trial or adjudication of any issue of law or fact  
16 herein.

17 **NOW, THEREFORE**, the Commission and defendants Ely and Premier, having  
18 requested the Court to enter this Stipulated Judgment, it is **HEREBY ORDERED**,  
19 **ADJUDGED, AND DECREED** as follows:

#### 20 **FINDINGS**

21 1. This is an action by the Commission instituted under Sections 13(b) and 19 of the  
22 FTC Act, 15 U.S.C. §§ 53(b) and 57b. Pursuant to these Sections, the Commission has the  
23 authority to seek the relief contained herein.

24 2. The Commission’s First Amended Complaint states a claim upon which relief may  
25 be granted against defendants Ely and Premier under Sections 5(a), 13(b) and 19 of the FTC Act,  
26 15 U.S.C. §§ 45(a), 53(b) and 57b, and the Telemarketing Act, 15 U.S.C. § 6101 *et seq.*

27 3. This Court has jurisdiction over the subject matter of this case and all parties  
28 hereto. Venue in the Western District of Washington is proper.

1 4. The alleged activities of defendants Ely and Premier are in or affecting commerce,  
2 as defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

3 5. The parties shall each bear their own costs and attorney's fees incurred in this  
4 action and have waived all rights to seek judicial review or otherwise to challenge the validity of  
5 this Stipulated Judgment.

6 6. This Stipulated Judgment does not constitute, and shall not be interpreted to  
7 constitute, either an admission by defendants Ely or Premier or a finding by the Court that  
8 defendants Ely and Premier have engaged in any violations of Section 5(a) of the FTC Act, 15  
9 U.S.C. § 45(a), the Telemarketing Sales Rule, 16 C.F.R. Part 310, or any other law or regulation.

10 7. Entry of this Stipulated Judgment is in the public interest.

11 **Definitions**

12 1. **"Defendants"** means Justin W. Ely and Premier Consulting Group, Inc., and each  
13 of them, by whatever names each might be known.

14 2. **"Assisting others"** means knowingly providing any of the following goods or  
15 services to another entity: (1) performing customer service functions, including, but not limited to,  
16 receiving or responding to consumer complaints; (2) formulating or providing, or arranging for  
17 the formulation or provision of, any telephone sales script or any other marketing material; (3)  
18 providing names of, or assisting in the generation of, potential customers; or (4) performing  
19 marketing services of any kind.

20 3. **"Document"** is synonymous in meaning and equal in scope to the usage of the  
21 term in Federal Rule of Civil Procedure 34(a), and includes writings, drawings, graphs, charts,  
22 photographs, audio and video recordings, computer records, and other data compilations from  
23 which information can be obtained and translated, if necessary, through detection devices into  
24 reasonably usable form. A draft or non-identical copy is a separate document within the meaning  
25 of the term.

26 4. **"Paper Business"** means the business of brokering the sale of, purchasing, and/or  
27 selling privately-held mortgages or promissory notes that are secured by real estate.



1 E. In connection with telemarketing, as defined in the Telemarketing Sales Rule, 16  
2 C.F.R. Part 310, and as hereafter may be amended, violating or assisting others to violate any  
3 provision of the Rule, including, but not limited to:

- 4 1. Misrepresenting, directly or by implication, any material aspect of the  
5 performance, efficacy, nature, or central characteristics of goods or  
6 services that are the subject of the sales offer, in violation of Section  
7 310.3(a)(2)(iii) of the Rule, 16 C.F.R. § 310.3(a)(2)(iii); and
- 8 2. Making a false or misleading statement to induce any person to pay for any  
9 good or service in violation of Section 310.3(a)(4) of the Rule, 16 C.F.R.  
10 § 310.3(a)(4).

11  
12 **II.**

13 **IT IS FURTHER ORDERED** that Defendants directly or through any corporation,  
14 partnership, subsidiary, division or other device, and their officers, agents, directors, employees,  
15 salespersons, independent contractors, subsidiaries, affiliates, successors, assigns and all other  
16 persons or entities in active concert or participation with them who receive actual notice of this  
17 Order by personal service or otherwise, including by facsimile, in connection with the advertising,  
18 promotion, marketing, offering for sale, or sale of any business venture, profit-making venture or  
19 other investment opportunity (including, but not limited to, an opportunity to invest in real estate  
20 or in mortgages or other intangible items), or seminar or other tool purported to teach consumers  
21 how to succeed in any business venture, profit-making venture or other investment opportunity,  
22 are hereby restrained and enjoined from:

- 23 A. Misrepresenting, expressly or by implication, that consumers who purchase any  
24 product or service will make a substantial amount of money;
- 25 B. Misrepresenting, expressly or by implication, the income, profit, or sales volume  
26 that consumers who purchase any product or service may or are likely to achieve;

1 C. Misrepresenting, expressly or by implication, the income, profit, or sales volume  
2 achieved by consumers who previously purchased any product or service that defendants Ely and  
3 Premier marketed or sold;

4 D. Misrepresenting, expressly or by implication, that any services offered by  
5 defendants Ely and Premier are provided by persons substantially experienced in a particular  
6 business venture, profit-making venture or other investment opportunity, or that such persons are  
7 readily available to assist consumers with finding or completing transactions in the business  
8 venture, profit-making venture or other investment opportunity being marketed or sold;

9 E. Representing, expressly or by implication, that consumers who purchase any  
10 product or service will make a substantial amount of money, unless defendants Ely and Premier  
11 possess and rely upon a reasonable basis to substantiate the representation at the time the  
12 representation is made;

13 F. Misrepresenting, expressly or by implication, any fact material to a consumer's  
14 decision to purchase any product or service; and

15 G. In connection with telemarketing, as defined in the Telemarketing Sales Rule, 16  
16 C.F.R. Part 310, and as hereafter may be amended, violating or assisting others to violate any  
17 provision of the Rule, including, but not limited to:

- 18 1. Misrepresenting, directly or by implication, any material aspect of the  
19 performance, efficacy, nature, or central characteristics of goods or  
20 services that are the subject of the sales offer, in violation of Section  
21 310.3(a)(2)(iii) of the Rule, 16 C.F.R. § 310.3(a)(2)(iii); and
- 22 2. Making a false or misleading statement to induce any person to pay for any  
23 good or service in violation of Section 310.3(a)(4) of the Rule, 16 C.F.R.  
24 § 310.3(a)(4).

1 **III. DISCLOSURE OF CONSUMER LISTS**

2 **IT IS FURTHER ORDERED** that Defendants directly or through any corporation,  
3 partnership, subsidiary, division or other device, and their officers, agents, directors, employees,  
4 salespersons, independent contractors, subsidiaries, affiliates, successors, assigns, and all other  
5 persons or entities in active concert or participation with them who receive actual notice of this  
6 Stipulated Judgment by personal service or otherwise, are permanently restrained and enjoined  
7 from selling, renting, leasing, transferring, or otherwise disclosing the name, address, telephone  
8 number, credit card number, bank account number, e-mail address, or other identifying  
9 information of any person who paid any money to any defendant to this action, at any time prior  
10 to entry of this Stipulated Judgment, in connection with promoting, offering for sale, selling, or  
11 participating in the sale of, directly or indirectly, any target product or service. *Provided,*  
12 *however,* that defendants Ely and Premier may disclose such identifying information to a law  
13 enforcement agency or as required by any law, regulation, or court order.

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15 **IV. CONSUMER RESTITUTION**

16 **IT IS FURTHER ORDERED** that:

17 A. Judgment is entered against defendants Ely and Premier jointly and severally in the  
18 amount of \$20,990,812.00. Payment of this amount shall be suspended subject to the conditions  
19 set forth in Section V of this Stipulated Judgment.

20 B. In the event that a monetary payment under this Stipulated Judgment becomes due,  
21 all funds paid pursuant to this Section shall be deposited into a fund administered by the  
22 Commission or its designated agent to be used for equitable relief, including, but not limited to,  
23 consumer restitution and any attendant expenses for the administration of such equitable relief. In  
24 the event that direct restitution is wholly or partially impracticable or funds remain after restitution  
25 is completed, the Commission may apply any remaining funds for such other equitable relief  
26 (including consumer information remedies) as it determines to be reasonably related to the  
27 defendants' practices alleged in the First Amended Complaint. Any funds not used for such  
28 equitable relief shall be deposited into the U.S. Treasury as disgorgement. Defendants Ely and

1 Premier shall have no right to challenge the Commission's choice of remedies under this Section.  
2 No portion of any payments or assets assigned under the judgment herein shall be deemed a  
3 payment of any fine, penalty, or punitive assessment.

4 C. In accordance with 31 U.S.C. § 7701, defendants Ely and Premier are hereby  
5 required, unless they have done so already, to furnish to the Commission their respective taxpayer  
6 identifying numbers (social security numbers or employer identification numbers) which shall be  
7 used for the purposes of collecting and reporting on any delinquent amount arising out of  
8 defendants' relationship with the government.

9 D. Defendants Ely and Premier agree that the facts as alleged in the First Amended  
10 Complaint filed in this action shall be taken as true for purposes of any subsequent proceedings to  
11 enforce payments required by this Part, including, but not limited to, a non-dischargeability  
12 complaint filed in a bankruptcy proceeding.

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14 **V. RIGHT TO REOPEN**

15 **IT IS FURTHER ORDERED** that, by agreeing to this Stipulated Judgment, defendants  
16 Ely and Premier reaffirm and attest to the truthfulness, accuracy, and completeness of (1) the  
17 Financial Statement executed by defendant Ely on May 30, 2006; (2) the tax returns, profit and  
18 loss statements, and balance sheets of the companies affiliated with or owned by defendant Ely  
19 and provided to the Federal Trade Commission; and (3) information relating to real estate  
20 interests provided to the Federal Trade Commission on June 14, 2006 (collectively "Financial  
21 Materials and Statements"). Plaintiff's agreement to this Stipulated Judgment is expressly  
22 premised upon the truthfulness, accuracy, and completeness of defendants' financial condition as  
23 represented in the Financial Materials and Statements, which contain material information upon  
24 which plaintiff relied in negotiating and agreeing to the terms of this Stipulated Judgment. If,  
25 upon motion by the Commission, this Court finds that one or more defendants failed to disclose  
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1 any material asset, or materially misrepresented the value of any asset, or made any other material  
2 misrepresentation in or omission from the Financial Materials and Statements, the Court shall  
3 enter judgment against the offending defendant(s), jointly and severally, in favor of the  
4 Commission, in the amount of \$20,990,812.00, less any amount already paid to the Commission;  
5 *provided, however*, that in all other respects this Stipulated Judgment shall remain in full force and  
6 effect unless otherwise ordered by the Court; and *provided further*, that proceedings instituted  
7 under this Section are in addition to and not in lieu of any other civil or criminal remedies as may  
8 be provided by law, including any other proceedings the Commission may initiate to enforce this  
9 Stipulated Judgment. Solely for purposes of this Section, defendants Ely and Premier waive any  
10 right to contest any of the allegations in the Commission's First Amended Complaint.  
11

#### 12 VI. ACKNOWLEDGMENT OF RECEIPT OF JUDGMENT BY DEFENDANTS

13 **IT IS FURTHER ORDERED** that each defendant, within five (5) business days of  
14 receipt of this Stipulated Judgment as entered by the Court, shall submit to the Commission a  
15 truthful sworn statement acknowledging receipt of this Stipulated Judgment.  
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#### 17 VII. MONITORING COMPLIANCE OF SALES PERSONNEL

18 **IT IS FURTHER ORDERED** that Defendants, in connection with any business where  
19 (1) a defendant is the majority owner of the business or directly or indirectly manages or controls  
20 the business, and (2) the business is engaged in telemarketing or marketing or assisting others  
21 engaged in telemarketing or marketing any business venture, profit making venture, or other  
22 investment opportunity (including an opportunity to invest in real estate or in mortgages or other  
23 intangible item), or seminar or other tool purported to teach consumers how to succeed in any  
24 business venture, profit making venture, or other investment opportunity, are hereby permanently  
25 restrained and enjoined from:

26 A. Failing to take reasonable steps sufficient to monitor and ensure that all employees  
27 and independent contractors engaged in sales or other customer service functions comply with  
28 Sections I and II of this Stipulated Judgment. Such steps shall include adequate monitoring of

1 sales presentations or other calls with customers and shall also include, at a minimum, the  
2 following: (1) listening to the oral representations made by persons engaged in sales or other  
3 customer service functions; (2) establishing a procedure for receiving and responding to consumer  
4 complaints; and (3) ascertaining the number and nature of consumer complaints regarding  
5 transactions in which each employee or independent contractor is involved; *provided*, that this  
6 Section does not authorize or require defendants Ely and Premier to take any steps that violate  
7 any federal, state, or local laws;

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

10 C. Failing to take corrective action with respect to any sales person whom defendants  
11 Ely and Premier determine is not complying with this Stipulated Judgment, which may include  
12 training, disciplining, and/or terminating such sales person.

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14 **VIII. DISTRIBUTION OF JUDGMENT BY DEFENDANTS**

15 **IT IS FURTHER ORDERED** that, for a period of five (5) years from the date of entry  
16 of this Stipulated Judgment, Defendants shall deliver copies of the Stipulated Judgment as  
17 directed below:

18 A. **Corporate Defendant:** Defendant Premier Consulting Group, Inc., shall deliver a  
19 copy of this Stipulated Judgment to all of its principals, officers, directors, and managers.  
20 Defendant Premier Consulting Group, Inc., also shall deliver copies of this Stipulated Judgment to  
21 all of its employees, agents, and representatives who engage in conduct related to the subject  
22 matter of the Stipulated Judgment. For current personnel, delivery shall be within five (5) days of  
23 service of this Stipulated Judgment upon Defendant Premier Consulting Group, Inc. For new  
24 personnel, delivery shall occur prior to them assuming their responsibilities.

25 B. **Individual Defendant Justin W. Ely as Control Person:** For any business that  
26 Justin W. Ely controls, directly or indirectly, or in which Justin W. Ely has a majority ownership  
27 interest, Justin W. Ely shall deliver a copy of this Stipulated Judgment to all principals, officers,  
28 directors, and managers of that business. Justin W. Ely shall also deliver copies of this Stipulated

1 Judgment to all employees, agents, and representatives of that business who engage in conduct  
2 related to the subject matter of the Stipulated Judgment. For current personnel, delivery shall be  
3 within five (5) days of service of this Stipulated Judgment upon defendant Justin W. Ely. For new  
4 personnel, delivery shall occur prior to them assuming their responsibilities.

5 C. **Justin W. Ely as Employee or Non-Control Person:** For any business where  
6 Justin W. Ely is not a controlling person of a business but otherwise engages in conduct related to  
7 the subject matter of this Stipulated Judgment, Justin W. Ely shall deliver a copy of this Stipulated  
8 Judgment to all principals and managers of such business before engaging in such conduct.

9 D. Defendants Justin W. Ely and Premier Consulting Group, Inc., shall secure a  
10 signed and dated statement acknowledging receipt of the Stipulated Judgment, within thirty (30)  
11 days of delivery, from all persons receiving a copy of the Stipulated Judgment pursuant to this  
12 Section.

#### 13 14 **IX. COMPLIANCE REPORTING BY DEFENDANTS**

15 **IT IS FURTHER ORDERED** that, in order that compliance with the provisions of this  
16 Stipulated Judgment may be monitored:

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

18 1. Defendant Justin W. Ely shall notify the Commission of the following:

19 a. Any changes in residence, mailing address, and telephone number of  
20 Justin W. Ely, within ten (10) days of the date of such change;

21 b. Any changes in employment status (including self-employment) of  
22 Justin W. Ely, and any change in the ownership of Justin W. Ely in  
23 any business entity, within ten (10) days of such change. Such

24 notice shall include the name and address of each business that

25 Justin W. Ely is affiliated with, employed by, creates or forms, or

26 performs services for; a statement of the nature of the business and

27 a statement of Justin W. Ely's duties and responsibilities in

28 connection with the business or employment;

1 c. Any changes in Justin W. Ely's name or use of any aliases or  
2 fictitious names; and

3 2. Defendants Premier Consulting Group, Inc., and Justin W. Ely shall notify  
4 the Commission of any changes in corporate structure of Premier  
5 Consulting Group, Inc., or any business entity that Justin W. Ely directly or  
6 indirectly controls or has an ownership interest in, that may affect  
7 compliance obligations arising under this Stipulated Judgment, including,  
8 but not limited to, a dissolution, assignment, sale, merger, or other action  
9 that would result in the emergence of a successor entity; the creation or  
10 dissolution of a subsidiary, parent, or affiliate that engages in any acts or  
11 practices subject to this Stipulated Judgment; the filing of a bankruptcy  
12 petition; or a change in the corporate name or address, at least thirty (30)  
13 days prior to such change, *provided* that, with respect to any proposed  
14 change in the corporation about which the defendants learn less than thirty  
15 (30) days prior to the date such action is to take place, defendants shall  
16 notify the Commission as soon as is practicable after obtaining such  
17 knowledge.

18 B. One hundred eighty (180) days after the date of entry of this Stipulated Judgment,  
19 defendants Premier Consulting Group, Inc., and Justin W. Ely each shall provide a  
20 written report to the FTC, sworn to under penalty of perjury, setting forth in detail  
21 the manner and form in which they have complied and are complying with this  
22 Stipulated Judgment. This report shall include, but not be limited to:

23 1. **For Justin W. Ely:**

- 24 a. The then-current residence address, mailing address, and telephone  
25 number of Justin W. Ely;  
26 b. The then-current employment and business addresses and telephone  
27 numbers of Justin W. Ely, a description of the business activities of  
28

1 each such employer or business, and the title and responsibilities of  
2 Justin W. Ely, for each such employer or business; and

3 c. Any other changes required to be reported under Subparagraph A  
4 of this Section.

5 2. **For All Defendants:**

6 a. A copy of each acknowledgment of receipt of this Stipulated  
7 Judgment, obtained pursuant to Section VIII of this Stipulated  
8 Judgment; and

9 b. Any other changes required to be reported under Subparagraph A  
10 of this Section.

11 C. For the purposes of this Stipulated Judgment, defendants Justin W. Ely and  
12 Premier Consulting Group, Inc., shall, unless otherwise directed by the Commission's authorized  
13 representatives, mail all written notifications to the Commission to:

14 Associate Director of Enforcement  
15 Federal Trade Commission  
16 601 New Jersey Avenue, N.W.  
17 Washington, D.C. 20001

18 Re: *FTC v. John Stefanchik, et al.*, Civil Action No. C04-1852RSM

19 D. For the purposes of compliance reporting and monitoring required by this  
20 Stipulated Judgment, the Commission is authorized to communicate directly with defendants  
21 Premier Consulting Group, Inc., and Justin W. Ely.

22 **X. COOPERATION WITH COMMISSION COUNSEL**

23 **IT IS FURTHER ORDERED** that defendant Justin W. Ely shall, in connection with this  
24 action or any subsequent investigations related to or associated with the transactions or  
25 occurrences that are the subject of the Commission's First Amended Complaint, cooperate in  
26 good faith with the Commission and appear at such places and times as the Commission shall  
27 reasonably request, after written notice to him and his counsel of record, for interviews,  
28 conferences, pretrial discovery, review of documents, and for such other matters as may be  
reasonably requested by the Commission. If requested in writing by the Commission, defendant

1 Justin W. Ely shall appear and provide truthful testimony in any trial, deposition, or other  
2 proceeding related to or associated with the transactions or the occurrences that are the subject of  
3 the First Amended Complaint, without service of a subpoena.  
4

#### 5 **XI. RECORD KEEPING PROVISIONS**

6 **IT IS FURTHER ORDERED** that for a period of eight (8) years from the date of entry  
7 of this Stipulated Judgment, defendants Ely and Premier, and their agents, employees, officers,  
8 corporations, successors, and assigns, and those persons in active concert or participation with  
9 them who receive actual notice of this Stipulated Judgment by personal service or otherwise,  
10 including by facsimile, in connection with any business where: (1) any defendant is the majority  
11 owner of the business, or directly or indirectly manages or controls the business, and (2) the  
12 business is engaged in telemarketing or marketing or assisting others engaged in telemarketing or  
13 marketing any business venture, profit making venture or other investment opportunity (including  
14 an opportunity to invest in real estate or in mortgages or other intangible item), or seminar or  
15 other tool purported to teach consumers how to succeed in any business venture, profit making  
16 venture or other investment opportunity, are hereby permanently restrained and enjoined from  
17 failing to create and retain the following records:

- 18 A. Accounting records that reflect the cost of goods or services sold, revenues  
19 generated, and the disbursement of such revenues;
- 20 B. Personnel records accurately reflecting: the name, address, and telephone number  
21 of each person employed in any capacity by such business, including as an  
22 independent contractor; that person's job title or position; the date upon which the  
23 person commenced work; and the date and reason for the person's termination, if  
24 applicable;
- 25 C. Customer files containing the names, addresses, telephone numbers, dollar  
26 amounts paid, quantity of items or services purchased, and description of items or  
27 services purchased, to the extent such information is obtained in the ordinary  
28 course of business;

- 1 D. Complaints and refund requests (whether received directly, indirectly, or through  
2 any third party) and any responses to those complaints or requests;
- 3 E. Copies of all sales scripts, training materials, advertisements, or other marketing  
4 materials; and
- 5 F. All records and documents necessary to demonstrate full compliance with each  
6 provision of this Stipulated Judgment, including but not limited to, copies of  
7 acknowledgments of receipt of this Stipulated Judgment, required by Sections VI  
8 and VIII of this Stipulated Judgment, and all reports submitted to the FTC  
9 pursuant to Section IX of this Stipulated Judgment.  
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## 11 XII. COMPLIANCE MONITORING

12 **IT IS FURTHER ORDERED** that for the purpose of monitoring and investigating  
13 compliance with any provision of this Stipulated Judgment,

14 A. Within ten (10) days of receipt of written notice from a representative of the  
15 Commission, defendants Premier Consulting Group, Inc., and Justin W. Ely each shall submit  
16 additional written reports, sworn to under penalty of perjury; produce documents for inspection  
17 and copying; appear for deposition; and/or provide entry during normal business hours to any  
18 business location in such defendant's possession or direct or indirect control to inspect the  
19 business operation;

20 B. In addition, the Commission is authorized to monitor compliance with this  
21 Stipulated Judgment by all lawful means including, but not limited to, the following:

- 22 1. Obtaining discovery from any person, without further leave of court, using  
23 the procedures prescribed by Fed. R. Civ. P. 30, 31, 33, 34, 36, and 45;
- 24 2. Posing as consumers and suppliers to: Premier Consulting Group, Inc., and  
25 Justin W. Ely, their employees, or any other entity managed or controlled in whole or in part by  
26 Premier Consulting Group, Inc., and Justin W. Ely, without the necessity of identification or prior  
27 notice; and  
28

1 C. Premier Consulting Group, Inc., and Justin W. Ely shall permit representatives of  
2 the Commission to interview any employer, consultant, independent contractor, representative,  
3 agent, or employee who has agreed to such an interview, relating in any way to any conduct  
4 subject to this Stipulated Judgment. The person interviewed may have counsel present.

5 *Provided, however,* that nothing in this Stipulated Judgment shall limit the Commission's  
6 lawful use of compulsory process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49  
7 and 57b-1, to obtain any documentary material, tangible things, testimony, or information relevant  
8 to unfair or deceptive acts or practices in or affecting commerce (withing the meaning of 15 U.S.C.  
9 § 45(a)(1)).

10  
11 **XIII. RETENTION OF JURISDICTION**

12 **IT IS FURTHER ORDERED** that this Court shall retain jurisdiction of this matter for the  
13 purpose of construction, modification, and enforcement of this Stipulated Judgment.

14 **SO ORDERED**, this 14 day of November 2006, at Seattle.

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17 **RICARDO S. MARTINEZ**  
18 **UNITED STATES DISTRICT JUDGE**

19 The parties, by their respective counsel, hereby consent to the terms and conditions of the  
20 Stipulated Judgment as set forth above and consent to entry thereof. The defendants waive any  
21 rights that may arise under the Equal Access to Justice Act, 28 U.S.C. § 2412, *amended by* Pub. L.  
22 104-121, 110 Stat. 847, 863-64 (1996).

23 **FOR FEDERAL TRADE COMMISSION**  
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Nadine S. Samter WSBA # 23881  
27 Kial S. Young Mass. BBO #633515  
28 Federal Trade Commission  
915 Second Ave., Suite 2896  
Seattle, WA 98174  
(206) 220-6350



1 FAX (206) 220-6366  
2 nsamter@ftc.gov; kyoung@ftc.gov

3 ATTORNEYS FOR PLAINTIFF  
4 FEDERAL TRADE COMMISSION

5 \_\_\_\_\_  
6 JUSTIN W. ELY,  
7 Individually and as an officer of  
8 Premier Consulting Group, Inc.

9 DEFENDANT

10 \_\_\_\_\_  
11 Jodi A. McDougall  
12 Cozen O'Connor, PC  
13 1201 Third Avenue, Suite 5200  
14 Seattle, WA 98101-3071  
15 (206) 373-7233  
16 FAX: (206) 621-8783  
17 jmcdougall@cozen.com

18 ATTORNEY FOR DEFENDANTS JUSTIN W. ELY  
19 AND PREMIER CONSULTING GROUP, INC.

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