

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

STATE OF IOWA ex rel.
THOMAS J. MILLER,
ATTORNEY GENERAL OF IOWA,
99AG25112

Plaintiff,

v.

PAUL GLUCHANICZ
an individual, doing business inter alia as
SWEEPSTAKES RESEARCH LEGAL
DEPT., ASSET ALLOCATION
AUTHORITY, and AMERICA AWARD
ADVISORY,

Defendant.

Case No. CE 59161

CONSENT JUDGMENT

FILED
POLK COUNTY IA
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CLERK DISTRICT COURT

On this 18th day of August, 2008, the Court, having been presented by Assistant Attorney General Steve St. Clair with this Consent Judgment, determines that final judgment should be entered herein, and finds as follows:

1. Plaintiff State of Iowa ex rel. Thomas J. Miller, Iowa Attorney General, has filed a Petition in Equity against the above-named Defendant pursuant to Iowa Code § 714.16 (2007), the Iowa Consumer Fraud Act; Iowa Code Ch. 714B, the Iowa Prize Promotions Law; and Iowa Code § 714.16A, the Consumer Frauds Against Older Iowans law; asking the Court for restitution as well as injunctive and other relief.

2. The Court has jurisdiction of the parties and subject matter.

3. Defendant denies wrongdoing or liability of any kind, but has voluntarily agreed to entry of this Consent Judgment in order to resolve this dispute with Plaintiff. This Consent Judgment does not constitute an admission or finding of any fact or liability and shall not be admissible for such purpose in any other proceeding or jurisdiction. Defendant freely enters into

this Consent Judgment for settlement purposes only to resolve all consumer protection claims the Plaintiff may have as of the date of this Consent Judgment with regard to the Defendant's activities in the State of Iowa as described in the Petition without adjudication of any issues of law or fact.

4. The Court finds that this Consent Judgment should be entered.

For purposes of this Consent Judgment:

"Attorney General" refers to the Attorney General of Iowa.

"Defendant" refers to Paul Gluchanicz and any business under his direct or indirect control.

"Marketing," including other forms of the word, includes advertising, promoting, buying, transferring, offering for rental or sale, renting, selling, and/or other commercial use.

"Sweepstakes" includes any form of real or purported contest, competition, giveaway, sweepstakes, game of chance, game of skill, game of chance and skill, and/or prize promotion.

IT IS THEREFORE ORDERED pursuant to Iowa R. Civ. P. 1.1501 *et seq.* and Iowa Code § 714.16(7) that Defendant Paul Gluchanicz and Defendant's employees, agents, servants, representatives, affiliates, successors, assigns, and all other persons, corporations and other entities acting in concert or participating with Defendant who have actual or constructive notice of the Court's injunction, are enjoined from violating the Iowa Consumer Fraud Act, Iowa Code § 714.16; the Iowa Prize Promotions Law, Iowa Code Ch. 714B; and/or the Consumer Frauds Against Older Iowans law, Iowa Code § 714.16A; and are further enjoined from engaging, whether individually or in combination, directly or indirectly, in the acts and practices set forth in the lettered subparagraphs below:

A. To the extent the conduct in question is directed to an Iowa resident or performed in Iowa, the marketing of information, whether in the form of a sweepstakes report or otherwise, relating or purportedly relating to one or more sweepstakes;

B. To the extent the conduct in question is directed to an Iowa resident or performed in Iowa, the use of any deceptive mailings or other deceptive communications to obtain any form of payment, information, or anything else of value;

C. The marketing of the name or personal information of any Iowa resident whom Defendant knows or should know responded to any communication relating to a sweepstakes or to any deceptive communication.

IT IS FURTHER ORDERED that, in addition to whatever other legal remedies may be available, a violation of this Consent Judgment constitutes a violation of the Iowa Consumer Fraud Act, Iowa Code § 714.16 (2007), and each violation by Defendant of this Consent Judgment, in a Consumer Fraud Act action by the Attorney General that establishes such violation by a preponderance of the evidence, gives rise to a rebuttable presumption that a civil penalty should be imposed in the highest amount provided for by Iowa Code § 714.16 (7), namely \$40,000.00.

IT IS FURTHER ORDERED pursuant to Iowa Code § 714.16(7) that Defendant provide to the Attorney General, upon or before the filing of this Consent Judgment, a list of the names, last known addresses, and total amounts paid directly or indirectly to Defendant by Iowa residents in connection with the marketing of any sweepstakes reports, or any other sweepstakes-related information or merchandise as described in the Petition, accompanied by Defendant's sworn statement in writing attesting to the completeness and accuracy of such list.

IT IS FURTHER ORDERED pursuant to Iowa Code § 714.16(7) that Defendant pay to the Attorney General, upon or before the filing of this Consent Judgment, funds sufficient to pay full restitution to each person whose name was required to be provided to the Attorney General by the injunctive paragraph immediately above. To the extent that after reasonable efforts the Attorney General is unable to make restitution to one or more consumers, the undistributed restitution may be deposited into the fund described in the next paragraph.

IT IS FURTHER ORDERED pursuant to Iowa Code § 714.16(7), Defendant pay to the Attorney General, upon or before the filing of this Consent Judgment, \$8,000.00 to be deposited into the consumer fraud enforcement fund referred to in Iowa Code § 714.16A.

IT IS FURTHER ORDERED pursuant to Iowa Code § 714.16(7) that Defendant provide reasonable cooperation in connection with the Attorney General's efforts to ascertain compliance with this Consent Judgment and/or, for a period of twenty months after the filing of this Consent Judgment, to protect consumers from the conduct or schemes described in the Petition.

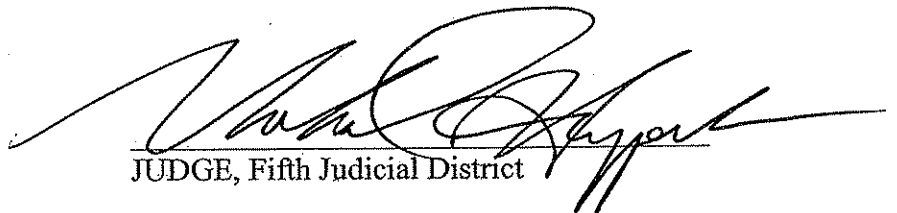
IT IS FURTHER ORDERED that the Court retains jurisdiction for purposes of enforcing this Consent Judgment.


IT IS FURTHER ORDERED that Defendant pay the court costs herein upon the filing of this Consent Judgment.

Approved:

Dated: 8/15/08

Dated: 8/15/08


JUDGE, Fifth Judicial District


Defendant Paul Gluchanicz


Edward M. Mansfield, Attorney for Defendant

Dated: August 15, 2008


Steve St. Clair, Assistant Attorney General