COPILEVITZ & CANTER, LLC

ATTORNEYS AT LAW

423 W. EIGHTH STREET
SUITE 400
KANSAS CITY, MISSOURI 64105
(816) 472-9000 0 FAX (816) 472-5000
E-MAIL copcankc@copilevitz-canter.com

June 14, 2002

Mr. Joe Shields
16822 Stardale Lane
Friendswood, TX 77546

RE: Newgen Results Corporation

Dear Mr. Shields:

Your letters dated March 17 have been forwarded to me by my client for response.

My review of the Telephone Consumer Protection Act (TCPA) shows that you have not received a "telephone solicitation" within the meaning of the term as defined by 47 U.S.C. § 227(a)(3) because of your established business relationship with the Ford dealers in question.

My client regrets any intrusion into your privacy and will not contact you again on behalf of any client.

Further, my client has implemented a "do-not-call" policy with due care and therefore is protected by the affirmative defense language found in the TCPA, as well.

Please do not hesitate to contact me if I can be of further assistance.

Sincerely yours,

William E. Raney

For the Firm

WER:tmg

c: Les Silver, President
Alan Thiessen
Public Utility Commission of Texas

G:\BILL\newgen\Joe Shields.apr 15

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

DUPLICATE

December 10, 2002

Newgen Results Coporation
10243 Genetic Center Drive
San Diego, CA 92121
Attn: Leslie Silver, President/CEO
Alan Thiessen, Director Teleservices

Newgen Results Corporation
12680 High Bluff Drive, Suite 300
San Diego, CA 92121
Attn: Leslie Silver, President/CEO
Alan Thiessen, Director Teleservices

Newgen Results Corporation
1247 Highfield Drive
Lawrenceville, GA 30043-4679
Attn: Leslie Silver, President/CEO
Alan Thiessen, Director Teleservices
Ernest Gibson, Manager

TeleTech Holdings, Inc.[1]
9197 South Peoria Street
Englewood, CO 80112
Attn: Kenneth Tuchman, Chairman/CEO
Sharon O'Leary, Senior Vice President & General Counsel

RE: EB-02-TC-259

Dear Correspondents:

This is an official **CITATION**, issued pursuant to section 503(b)(5) of the Communications Act of 1934, as amended (the Act), for violations of the Federal Communications Commission's rules that govern telephone solicitation.[2]

It has come to our attention that your company, or an entity acting on behalf of your company, delivered a telephone solicitation to a residential telephone line despite a previous do-not-call request by a member of the household. Section 64.1200(e) of the Commission's rules requires entities that make telephone solicitations to residential telephone subscribers to follow certain procedures to ensure that the subscribers are able to stop such solicitation calls. Specifically, entities that advertise through telephone solicitation must (1) develop written policies for maintaining a do-not-call list and make such written policies available upon demand; (2) inform and train their personnel engaged in any aspect of telephone solicitation about the existence and use of the do-not-call list; (3) place consumers who request not to receive telephone solicitations on the do-not-call list; and (4) honor each do-not-call request for ten years from the time the request is made.[3] In addition, the Commission has found that it is unlawful to

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1 The Telecommunications Consumers Division has obtained information which indicates that Newgen Results Corporation is a wholly owned subsidiary of TeleTech Holdings, Inc.

2 47 U.S.C. § 227; 47 C.F.R. § 64.1200.

3 47 C.F.R. § 64.1200(e).

call a residential telephone line to deliver a telephone solicitation if any member of the household has made a do-not-call request.[4]

Under the Act and the Commission's rules, a telephone solicitation is "the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person;" calls that are made either by tax-exempt nonprofit organizations or to any person who has provided prior express invitation or permission to call or has an established business relationship with the caller are not considered telephone solicitations.[5]

The attached information provided to the Commission indicates that your company failed to honor a do-not-call request that was made by or on behalf of a residential telephone subscriber who does not have an established business relationship with your company and did not expressly invite or authorize the call. That action violates section 64.1200(e)(2)(vi) of the Commission's rules.

Subsequent violations of the Commission's rules and orders of the type described herein may result in the imposition of monetary forfeitures not to exceed $11,000 for each such violation or each day of a continuing violation.[6]

Pursuant to section 503(b)(5) of the Communications Act, you may request a personal interview with a Commission agent located nearest to your place of business. You should be prepared to discuss when your company recorded the do-not-call request(s) referenced in the attached consumer correspondence and why your company failed to honor such request(s). You also will be expected to discuss your procedures for training your company's telephone solicitors as to do-not-call responsibilities, and to specify what steps your company has taken to ensure future compliance with the Commission's do-not-call rules. Finally, you must supply a copy of your company's written do-not-call policy as required by section 64.1200(e)(2)(i) of the Commission's rules. You may contact an agent in San Diego, California; Denver, Colorado; or Atlanta, Georgia at (858) 496-5111, (303) 231-5212, or (770) 935-3370, respectively to arrange for an interview. You must schedule the interview to take place within 21 days of the date of this citation. Alternatively, you may submit a written statement addressing the specified topics, and attaching your company's written do-not-call policy, to the following address within 21 days of the date of this citation:

Kurt A. Schroeder
Deputy Chief
Telecommunications Consumers Division
Enforcement Bureau
Federal Communications Commission
445 - 12th Street, S.W.
Washington, D.C. 20554

---

4 *Consumer.Net v. AT&T, Order*, 15 FCC Rcd 281, 298 (1999).

5 47 U.S.C. § 227(a)(3); 47 C.F.R. § 64.1200(f)(3).

6 *See* 47 C.F.R. § 1.80(b)(3).

You should reference EB-02-TC-259 when corresponding with the Commission.

As required by the Privacy Act of 1974, 5 U.S.C. § 552(a)(e)(3), you are hereby notified that the Commission's staff will use all relevant material information to determine what, if any, enforcement action is required to ensure your compliance with the Commission's rules. This will include any information that you disclose in your interview or written statement. If you choose not to respond to this citation and a Notice of Forfeiture is issued, your unresponsiveness will be considered in our assessment of a forfeiture amount.

Finally, you should be aware that the knowing and willful making of any false statement or the concealment of any material fact in reply to this citation is punishable by fine or imprisonment under 18 U.S.C. § 1001.

Thank you in advance for your anticipated cooperation.

Sincerely,

Kurt A. Schroeder
Deputy Chief
Telecommunications Consumers Division
Enforcement Bureau
Federal Communications Commission

Enclosures

Friendswood, Texas 77546
Home: 281-
Home and F
Work: 281-
Pager: 713-
Fax Work: 2

March 17, 2002

RECEIVED & INSPECTED
APR 05 2002
FCC - MAILROOM

Federal Communications Commission
Consumer Information Bureau
Consumer Complaints
445 Twelfth Street SW
Washington, DC 20554

TCPA COMPLAINT – Repeated Telephone Solicitations after a Do-not-call Demand

To Whom It May Concern:

I am writing to the Commission in reference to the initiation of two telemarketing related calls to my residential telephone line after my do-not-call demand by Newgen Results Corporation, 10243 Genetic Center Drive, San Diego, California. 92121. Repeated telemarketing related calls to residential telephone lines after a do-not-call demand are a violation of 47 U.S.C. § 227 (1992) as amended and the FCC's implementing rules commonly known as the Telephone Consumer Protection Act (TCPA) of 1991.

On March 4th, 2002 at 18:57 PM a predictive dialer "hang up" call was initiated to my residence. I believe the call was initiated by Newgen Results Corporation ("Newgen"). On March 4th, 2002 at 19:18 PM another predictive dialer call was initiated by Newgen to my residence. The second call initiated by the Newgen predictive dialer did connect to a Newgen agent. These calls were initiated to my residence after two do-not-call demands placed with Newgen. The do-not-call demands were placed by CM/RRR letter dated October 20th, 2001 and again by priority mail with delivery confirmation dated November 28th, 2001. Copies of those letters as well as Newgen's response's are enclosed.

Consequently, I am filing a complaint with the Federal Communications Commission against Newgen Results Corporation and respectfully request commission action for what I believe is a willful and knowing violation of the Telephone Consumer Protection Act (TCPA) of 1991.

Thank you,

Joe Shields
Systems Engineering Specialist

Confirmed
APR 09 2002
Distribution Center

CC: Newgen Results Corporation
Attn: Les Silver
10243 Genetic Center Drive
San Diego, CA. 92121

Newgen Results Corporation
Attn: Alan Thiessen
10243 Genetic Center Drive
San Diego, CA. 92121

16822 Stardale Lane
Friendswood, Texas 77546
Home: 281-
Home and Fa
Work: 281-
Pager: 713-
Fax Work: 281-

March 17, 2002

Priority Mail with Delivery Confirmation

Newgen Results Corporation
Attn: Les Silver
10243 Genetic Center Drive
San Diego, CA. 92121

Dear Mr. Silver:

I recently spoke with Alan Thiessen, Director, Teleservices, Newgen Results Corporation ("Newgen") about two more calls that were initiated to my home on behalf of a Ford Motor Company dealership on March 4, 2002. Even though I appreciate Mr. Thiessen calling me the next day as I had requested, I find that I must again write to you about these repeated calls to my residence.

On March 4th, 2002 at 18:57 PM a predictive dialer "hang up" call was initiated to my residence. I believe the call was initiated by Newgen. On March 4th, 2002 at 19:18 PM another predictive dialer call was initiated by Newgen to my residence. The second call initiated by the Newgen predictive dialer did connect to a Newgen agent. These calls were initiated to my residence after two do-not-call demands placed with Newgen. These do-not-call demands were placed by CM/RRR letter dated October 20th, 2001 and again by priority mail with delivery confirmation dated November 28th, 2001.

It was explained to me that each dealership call list is separate from each other and that a do-not-call demand must be made for each individual dealership. I find this unacceptable. I believe the intent of the legislature that enacted the TCPA was to mandate that a consumer would make one (1) do-not-call demand for the product represented and that any further calls representing that product would be a violation of the TCPA. Furthermore, I also believe that my do-not-call demand made to Newgen was to cease the initiation of calls to my residence "on behalf of *all* entities".

I believe I have a claim for statutory damages and injunctive relief as provided for by the Telephone Consumer Protection Act ("TCPA") against Newgen. Such claim would be for the failure of Newgen, on at least two occasions, to honor my do-not-call demand. If Newgen does not believe that I have such a claim, I would be very much interested in hearing why Newgen would believe that I do not have such a claim.

I look forward to the immediate attention to this matter

Respectfully,

Joe Shields
Systems Engineering Specialist

CC: Newgen Results Corporation
Attn: Alan Thiessen
10243 Genetic Center Drive
San Diego, CA. 92121

Federal Communications Commission
Consumer Information Bureau
Consumer Complaints
445 Twelfth Street SW
Washington, DC 20554

Office of Consumer Protection
Office of the Attorney General
P.O. Box 12548
Austin, TX 78711-2548

Office of Customer Protection
Public Utility Commission of Texas
P.O. Box 13326
Austin, Texas 78711-3326

P.S. Recently the Texas legislature passed HB472. It was signed by the governor of Texas and went into effect as of January 1, 2002. This law, codified as Texas Business and Commerce Code Chapter 43, requires that all companies provide caller ID information to the recipients of telemarketing related calls. My employer and other reputable companies that have direct access to the PBX transmit the name of their company and the receptionist telephone number. I would strongly recommend that Newgen comply with Texas State law and do the same. Be advised that there are several bills before the federal legislature to amend the TCPA to require the transmission of caller ID information on all telemarketing related calls within the United States.

6:18PM 10/15 CALL #33
UNAVAILABLE
DELETE
◄REVIEW►

OUT OF AREA
OUT OF AREA
NEW 02 10. 15PM 6:18
OFF
FLASH

UNKNOWN CALLER
04 2.04 6:57PM

UNKNOWN CALLER
05 2.04 7:18PM
TALK
OFF

Joe Shields
16822 Stardale Lane
Friendswood. Texas 77546
Home: 281-
Home and F
Work: 281-
Pager: 713-
Fax Work: 281

October 20, 2001

CM/RRR 7001 0360 0002 7349 9874

Newgen Results Corporation
Attn: Les Silver
10243 Genetic Center Drive
San Diego, CA. 92121

Dear Mr. Silver:

I am writing in reference to a telephone call (a CRM survey call) that was initiated by your company to my unlisted and unpublished residential telephone number representing Bay Area Ford Inc. on 10/15/01 at 18:18 PM. During that call I demanded that my telephone number be placed on your company's do-not-call list and that I be supplied with a copy of the written policy on maintaining such a do-not-call list. I was told several times that my number would be "removed" from the dialing computer and that I had to contact Bay Area Ford to insure no further calls from your company. Furthermore, I was not supplied with a copy of your company's do-not-call policy.

Such response from your company to my demand does not comply with 47 U.S.C. § 227 (1992) as amended and the FCC's implementing rules commonly known as the Telephone Consumer Protection Act (TCPA) of 1991. Neither does the response comply with Texas state law codified in Texas Business & Commerce Code, Section 35.47.

Be advised that the telemarketing portion of any prior business relationship is terminated "at the time" the request is made for a telephone number to be placed on a company wide do-not-call list. Furthermore, all for profit (such as survey calls) calls must provide the full name (first and last name) of the individual caller, the full name of the entity initiating the call and a telephone number or address of the entity initiating the call. In common terms – your call center is not exempt from the requirements of the TCPA and Texas state law provides for a private right of action for *any* violation of the TCPA. I am fully prepared to provide a court of law a recording and transcript of the telephone call, caller ID print out and sufficient case law that will substantiate my position in this matter.

Consequently, this is a demand that Newgen Results Corporation place all of my telephone numbers listed at the upper right of this letter on a company wide do-not-call list. This company wide do-not-call demand applies to all officers, employees, agents, representatives, contractors, affiliates, third party affiliates and all persons and entities acting in concert or in contract with Newgen Results Corporation. Additionally, I demand that I be supplied with a copy of the Newgen Results Corporation policy on maintaining such a do-not-call list.

I believe that my demand is most lenient. Regrettably, my leniency will change if I receive any further telephone calls to any of my telephone numbers that either directly or indirectly promote the products and/or services of Newgen Results Corporation.

I look forward to your immediate attention to this matter.

Respectfully,

Joe Shields
Systems Engineering Specialist

CC: Kenneth C. Kaye
Counselor of Law
1101 West Main, Suite P
League City, Texas 77573

Bay Area Ford Inc.
Attn: Allen Armin
16800 Feathercraft Lane
Houston, Texas 77058-2607

Ford Motor Company
Attn: John W. Martin Jr.
One American Road
Dearborn, Michigan 48126-2798

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

NEWGEN RESULTS CORP.
ATTN: KEN SILVERT
10243 GENETIC CENTER DR.
SAN DIEGO, CA 92121

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery
X Guillermo X 10-24-2001

C. Signature
X

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

SAN DIEGO, CA SHERMAN VALLEY OCT 24 2001 USPS

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label) 7001 0360 0002 7349 9874

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

Joe Shields
16822 Stardale Lane
Friendswood, Texas 77546
Home: 281-
Home and Fax-
Work: 281-
Pager 713-
Fax Work: 281-8

October 20, 2001

Bay Area Ford Inc.
Attn: Allen Armin
16800 Feathercraft Lane
Houston, Texas 77058-2607
CM/RRR 7001 0360 0002 7349 9867

Ford Motor Company
Attn: John W. Martin Jr.
One American Road
Dearborn, Michigan 48126-2798
CM/RRR 7001 0360 0002 7349 9850

Dear Mr. Armin and Mr. Martin:

I am writing in reference to a telephone call (a CRM survey call) that was initiated by Newgen Results Corporation to my unlisted and unpublished residential telephone number representing Bay Area Ford Inc. on 10/15/01 at 18:18 PM. During that call I demanded that my telephone number be placed on a company wide do-not-call list and that I be supplied with a copy of the written policy on maintaining such a do-not-call list. I was told several times that my number would be "removed" from the dialing computer and that I had to contact Bay Area Ford Inc. to insure no further calls would be initiated by Newgen Results Corporation to my residence. Furthermore, I was not supplied with a copy of Newgen Results Corporation's do-not-call policy.

Such response to my demand does not comply with 47 U.S.C. § 227 (1992) as amended and the FCC's implementing rules commonly known as the Telephone Consumer Protection Act (TCPA) of 1991. Neither does the response comply with Texas state law codified in Texas Business & Commerce Code, Section 35.47.

Consequently, this is notification of termination of the telemarketing portion of any business relationship that may exist between me and Bay Area Ford Inc. and/or Ford Motor Company. Furthermore, this is a demand that Bay Area Ford Inc. and Ford Motor Company place all of my telephone numbers listed at the upper right of this letter on a company wide do-not-call list. This company wide do-not-call demand applies to all officers, employees, agents, representatives, contractors, affiliates, third party affiliates and all persons and entities acting in concert or in contract with Bay Area Ford Inc. and Ford Motor Company. Additionally, I demand that I be supplied with a copy of the Bay Area Ford Inc. and Ford Motor Company policy on maintaining such a do-not-call list.

I believe that my demand is most lenient. Regrettably, my leniency will change if I receive any further telephone calls to any of my telephone numbers that either directly or indirectly promote the products and/or services of Bay Area Ford Inc. and Ford Motor Company.

I look forward to your immediate attention to this matter.

Respectfully,

Joe Shields
Systems Engineering Specialist

CC: Kenneth C. Kaye
Counselor of Law
1101 West Main, Suite P
League City, Texas 77573

Newgen Results Corporation
Attn: Les Silver
10243 Genetic Center Drive
San Diego, CA. 92121

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BAY AREA FORD INC.
ATTN: ALLEN ARMIN
16800 FEATHER CRAFT LN
HOUSTON, TX 77058-2607

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) | B. Date of Delivery

X CHAMELUX 10-2

C. Signature

X [signature] 10-22-01

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7001 0360 0002 7349 9867

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FORD MOTOR COMPANY
ATTN: JOHN W. MARTIN JR.
ONE AMERICAN RD.
DEARBORN MI
48126-2798

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) | B. Date of Delivery

X [illegible] X [illegible]

C. Signature

X [illegible] ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7001 0360 0002 7349 9850

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

7001 0360 0002 7349 9874

92121

Postage	$ 0.34	UNIT ID: 0546
Certified Fee	2.10	
Return Receipt Fee (Endorsement Required)	1.50	Postmark Here
Restricted Delivery Fee (Endorsement Required)		Clerk: KMNQCX
Total Postage & Fees	$ 3.94	10/20/01

Sent To NEWGEN RESULTS CORP
Street, Apt. No.; or PO Box No. 10943 GENETIC CENTER DR
City, State, ZIP+4 SAN DIEGO CA 92121

PS Form 3800, January 2001 See Reverse for Instructions

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7001 0360 0002 7349 9867

77058

Postage	$ 0.34	UNIT ID: 0546
Certified Fee	2.10	
Return Receipt Fee (Endorsement Required)	1.50	Postmark Here
Restricted Delivery Fee (Endorsement Required)		Clerk: KMNQCX
Total Postage & Fees	$ 3.94	10/20/01

Sent To BAY AREA FORD INC.
Street, Apt. No.; or PO Box No. 16800 FEATHERCRAFT LN
City, State, ZIP+4 HOUSTON TX 77058-2601

PS Form 3800, January 2001 See Reverse for Instructions

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7001 0360 0002 7349 9850

48126

Postage	$ 0.34	UNIT ID: 0546
Certified Fee	2.10	
Return Receipt Fee (Endorsement Required)	1.50	Postmark Here
Restricted Delivery Fee (Endorsement Required)		Clerk: KMNQCX
Total Postage & Fees	$ 3.94	10/20/01

Sent To FORD MOTOR COMPANY
Street, Apt. No.; or PO Box No. ONE AMERICAN RD
City, State, ZIP+4 DEARBORN MI 48126-2798

PS Form 3800, January 2001 See Reverse for Instructions

UNITED STATES POSTAL SERVICE

***** WELCOME TO *****
FRIENDSWOOD
FRIENDSWOOD, TX 77546-9998
10/20/01 11:39:44 AM

Store: 0585 Trans: 84
Register: SYSTEM Cashier: KMNQCX
Customer's Name: PAID
Unit ID: STATION
Time Number: 1800-ASKUSPS

First Class		3.94
Destination:	48126	
Weight:	1.00oz	
Postage Type:	PVI	
Total Cost:	3.94	
Base Rate:	0.34	
SERVICES		
Certified Mail	2.10	
Return Receipt	1.50	
2. First Class		3.94
Destination:	77058	
Weight:	1.00oz	
Postage Type:	PVI	
Total Cost:	3.94	
Base Rate:	0.34	
SERVICES		
Certified Mail	2.10	
Return Receipt	1.50	
3. First Class		3.94
Destination:	92121	
Weight:	1.00oz	
Postage Type:	PVI	
Total Cost:	3.94	
Base Rate:	0.34	
SERVICES		
Certified Mail	2.10	
Return Receipt	1.50	

Subtotal	11.82
Total	11.82
Cash	12.00
Change Due	
Cash	0.18

Number of Items Sold: 3

THE EMPLOYEES OF THE FRIENDSWOOD POST
WOULD LIKE TO REMIND YOU
SCHOOL IS IN SESSION
PLEASE DRIVE CAREFULLY!
Thank you

NEWGEN
10243 Genetic Center Drive
San Diego, CA 92121
(800)763-9436

November 26, 2001

16822 Stardale Lane
Friendswood, Texas 77546

Dear Mr. Shields:

As an agent for Bay Area Ford, and at your request, we have removed you from our Bay Area Ford call database. We have added you to a Do Not Call list for Bay Area Ford and have notified Bay Area Ford of your request to be added to their Do Not Call list. Enclosed is a copy of our "Do Not Call" policy.

We are sorry for any inconvenience we may have caused, and if we can be of service to you in the future, please do not hesitate to contact us.

Sincerely,

Alan Thiessen
Director, Teleservices
Newgen Results

Joe Shields
16822 Staroale Lane
Friendswood, Texas 77546
Home: 281-
Home and
Work: 281-
Pager: 713-
Fax Work: 2b

November 28, 2001

Priority Mail with Delivery Confirmation

Newgen Results Corporation
Attn: Les Silver
10243 Genetic Center Drive
San Diego, CA. 92121

Dear Mr. Silver:

I am in receipt of a letter from an Alan Thiessen, Director, Teleservices, Newgen Results Corporation in response to my letter to you dated October 20th, 2001.

The response from Mr. Thiessen has me perplexed. There was no copy of a Newgen Results Corporation do-not-call policy enclosed.

It also appears that my telephone numbers have not been placed on the Newgen Results Corporation company wide do-not-call list. So that there is no misunderstanding, my do-not-call demand was for those calls made by Newgen Results Corporation on behalf of *all* entities.

Please see to it that I receive a copy of the Newgen Results Corporation do-not-call policy and that my do-not-call request is handled properly pursuant to the federal statute.

Thank you,

Joe Shields
Systems Engineering Specialist

CC: Kenneth C. Kaye
Counselor of Law
1101 West Main, Suite P
League City, Texas 77573

Newgen Results Corporation
Attn: Alan Thiessen
10243 Genetic Center Drive
San Diego, CA. 92121

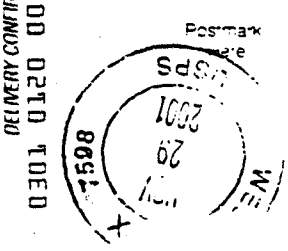
U.S. Postal Service Delivery Confirmation Receipt

DELIVERY CONFIRMATION NUMBER: 0301 0120 0001 2683 0129

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

[illegible]
[illegible]
SAN DIEGO CA 92121



POSTAL CUSTOMER:
Keep this receipt. For inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- [x] Priority Mail
- [ ] Package Services

(See Reverse)

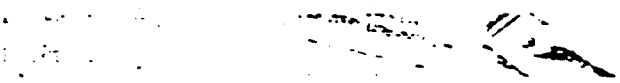
PS Form 152, January 2001

Shipping center
Ship
Rates
Supplies
Web Tools

Track & Confirm
Delivery Confirmation
Signature Confirmation

Keyword/Search
keyword search

Shipping center *Track & Confirm*



Delivery Status

You entered 0301 0120 0001 2683 0429

Your item was delivered at 10:37 am on December 03, 2001 in SAN DIEGO, CA 92121.

Shipment history >

Track & Confirm

Enter number from shipping receipt in the field below

Go >

POSTAL INSPECTORS
Preserving the Trust

site map | contact us | FAQs | search | keywords

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NEWGEN
10243 Genetic Center Drive
San Diego, CA 92121
(800)763-9436

December 5, 2001

16822 Stardale Lane
Friendswood, Texas 77546

Dear Mr. Shields:

Please accept my apologies for not including the do not call policy in my reply to your original letter. Enclosed, you will find a copy of Newgen's policy for customers requesting that we do not make further contact. I have placed your numbers on our do not call list as requested.

Sincerely,

Alan Thiessen
Director, Teleservices
Newgen Results

NEWGEN RESULTS CORPORATION

"DO-NOT-CALL" POLICY

IN COMPLIANCE WITH THE
TELEPHONE CONSUMER PROTECTION ACT OF 1991
(T.C.P.A.)

AND

THE TELEMARKETING AND CONSUMER FRAUD
AND ABUSE PROTECTION ACT OF 1994

AND

ACCOMPANYING REGULATIONS

THESE PROCEDURES ARE MANDATORY

ROOM MANAGER COPY

I. INTRODUCTION

It is the intention of Newgen Results Corporation and all its managers and employees to maintain the highest standards possible in the course of its business. Toward this end, Newgen Results Corporation does not intend to violate the privacy rights or wishes of any person who does not want to be called by the organization. The following policy is mandatory in all solicitations and campaigns by our company.

II. "DO-NOT-CALL" POLICY

A "do-not-call" is a customer or non-customer who informs us orally or in written form that he or she does not want further telemarketing solicitation from Newgen Results Corporation. The specific reason or severity of the tone of the request is not important. ANY REQUESTS WILL BE HONORED.

REQUESTS FOR "DO-NOT-CALL" POLICY

Any customer who requests a copy of this "do-not-call" policy is entitled to receive it as soon as possible.

III. INSTRUCTING CALLERS

Telemarketers will be instructed on company policy and provided with guidance on expected reactions and how to make proper entries to delete consumers from future calling campaigns.

IV. COMPLETION OF APPROPRIATE FORMS

1) Neatly print customers name and address in appropriate section of "do-not-call" form (sample attached).
2) Fill in area code and phone number.
3) Print the current date in the correct box.
4) Fill in your name in the proper space.
5) Turn form over to supervisor for approval.
6) The form must be filled out completely, legibly, and the telephone number must be stapled to the back in order for the individual to be removed from our calling lists.

V. STATE "DO-NOT-CALL" LISTS

The procedure for our "do-not-call" list file will be as follows:

1) The "do-not-call" file will be updated as often as forms are received and used to suppress any names of any files in which Newgen Results Corporation . uses for any campaign.

2) Upon receipt of the "do-not-call" lists from any state. the "do-not-call" file will be updated on an "as received" basis to suppress those names contained in those lists from all campaigns.

3) "Do-not-call" requests pursuant to the Newgen Results Corporation 's "do-not-call" form will be company and product specific. All new "do-not-call" names will be processed and updated within 60 days from request for suppression by the customer.