



Dear Clients and Friends,

The do-not-fax restriction will call for most businesses to review their use of the fax machine. An important first step is to determine which faxes fit the definition of an "unsolicited advertisement." It is probably wiser to consider questionable faxes as advertisements rather than face fines or lawsuits.

Businesses should seek written permission

from existing clients regarding the sending of faxes as soon as possible. With written permission, the question of whether a fax is an advertisement or not is moot.

A written permission to fax should also become part of the process when meeting prospects. This will ensure that ongoing sales activity will be covered.

*Sincerely yours,
Jim Lill, President*

Junk Fax Provisions

"Junk faxes" will be prohibited as of July 1, 2005. It will be unlawful to send an unsolicited advertisement to a fax machine without the prior written consent of the recipient of the fax.

Legislation is currently being considered in the Senate to ease the do-not-fax restrictions. The bill, S.714, would allow some flexibility for businesses. Most importantly, it would make an exception to the do-not-fax prohibition when there is an existing business relationship.

Businesses should take immediate steps to comply with the do-not-fax restrictions. An "unsolicited advertisement" requiring prior written consent to fax to a recipient is defined as "any material advertising the commercial availability or quality of any property, goods, or services which is transmitted to any person without that person's prior express invitation or permission."

Beginning July 1, a prior written statement must be received in order to send a commercial fax. This statement must include a fax number to which any advertisements may be sent.

The sender of the fax should include the following on any faxes:

1. A clear and conspicuous display of the fax's sender on the first page of the unsolicited advertisement
2. The recipient's ability to opt-out of future unsolicited advertisements to any fax machine or machines and that any request must be complied with by the sender in the shortest reasonable time
3. An explanation of the proper requirements for a valid opt out.
It should include a domestic telephone and fax number that will receive an opt-out request.

Ask us about free COBRA and FSA administration!

Mid American Group, Inc. *The Leading Edge*® 414 Plaza Drive, Suite 303, Westmont, IL 60559 Phone: (630) 789-9508 Fax: (630) 789-9516 Email: JimLill@midamgroup.com The information on this page is for general information only. It should not be construed as legal advice. All rights reserved. Pamela D. Mitroff Consulting, Inc. Wheaton, IL

(Please call us if you would like to discontinue the receipt of this monthly fax.)