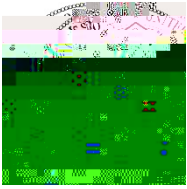


UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580



Division of Marketing Practices

April 15, 2008

Ms. Kristen Marshall
Copilevitz & Canter, LLC
310 W. 20th Street, Ste. 300
Kansas City, Mo. 64108

De

- (i) the seller or telemarketer employs technology that ensures abandonment of no more than three (3) percent of all calls answered by a person, measured per day per calling campaign;
- (ii) the seller or telemarketer, for each telemarketing call placed, allows the telephone to ring for at least fifteen (15) seconds or four (4) rings before disconnecting an unanswered call;
- (iii) whenever a sales representative is not available to speak with the person answering the call within two (2) seconds after the person's completed greeting, the seller or telemarketer promptly plays a recorded message that states the name and telephone number of the seller on whose behalf the call was placed; and
- (i) the seller or telemarketer, in accordance with §310.5(b)-(d), ***retains records establishing compliance with §310.4(b)(4)(i)-(iii).***

[Emphasis added.]

defense. Such exculpatory evidence would be produced to rebut potential allegations of Do Not Call or Call Abandonment violations. On the other hand, failure of an entity to produce such evidence when faced with allegations of § 310.4(b)(1)(iii) Do Not Call violations or of § 310.4(b)(1)(iv) Call Abandonment violations would be evidence of a violation of the TSR.

¹Under the FTC Act, the Commission may also seek restitution for consumers injured by violations of the TSR, or disgorgement of ill-gotten gains attributable to violations of the TSR. 15 U.S.C. § 53(b).