UNITED STATES DISTRICT COURT .,"", ,,'I '5 .., ! I: " 9
MIDDLE DISTRICT OF FLORIDA

ORLANDO DIVISION ". "\T. '.- ~_ 1'~ I ~1 A

16 C.F.R. Part 310, as amended by 68 Fed. Reg. 4580, 4669 (January 29,

6. Defendant CFI Sales & Marketing, L.L.C. ("CFI Sales") is a Florida limited liability company with its principal place of business at 5601 Windhover Drive, Orlando,
Florida 32819. Defendant CFI Sales is a telemarketer that initiates outbound telephone calls to induce consumers to purchase goods or services from CFI and Westgate. CFI Sales transacts or has transacted business in this District. Defendant
CFI Sales is owned by Defendant CFI. CFI dominates or controls the acts and
practices of CFI Sales.
THE TELEMARKETING SALES RULE
AND THE NATIONAL DO NOT CALL REGISTRY
7. Congress directed the FTC to prescribe rules prohibiting abusive and deceptive telemarketing acts or practices pursuant to the Telemarketing Act, 15 U.S.C.

9. Consumers who receive telemarketing calls to their registered numbers can complain
of Registry violations the same way they registered, through a toll-free telephone call
or over the Internet at donotcall.gol', or by otherwise contacting law enforcement authorities.
10. Since September 2,2003, sellers, telemarketers, and other permitted organizations
have been able to access the Registry over the Internet at telemarketing.donotcall.gov
to download the registered numbers.
II. Since October 17,2003, sellers and telemarketers have been prohibited from calling
numbers on the Registry in violation of the Amended TSR. 16 C.F.R.
§ 3 IO.4(b)(I)(iii)(B).
12. A seller or telemarketer may call a consumer's number on the Registry ifit can prove
that the seller has an "established business relationship" with the consumer, and so
long as the consumer has not subsequently made an entity-specific do-not-call request stating that he or she does not wish to receive calls made by or on behalf of the seller.
16 C.F.R. § 31O.4(b)(I)(iii)(B)(ii). An "established business relationship"

Telemarketing Sales Rule

telephones and which involves more than one interstate telephone call.

22. cal3ns1 7[telephones

award monetary civil penalties of not more than $11,000 for each violation of the
TSR. Defendants' violations ofthe TSR were committed with the knowledge
required by Section 5(m)(1)(A) of the FTC Act, 15 U.S.c. § 45(m)(l)(A).
31. This Court, in the exercise of its equitable jurisdiction, may award ancillary relief to remedy injury caused by defendants' violations ofthe Rule and the FTC Act.

PRA

Dated: _---'--,-_\~':\~-O=-ac..!--

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