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2 Plaintiff, the United States of America, acting upon notification and authorization
3 to the Attorney General by the Federal Trade Commission (“FTC” or “Commission”),
4 pursuant to Section 16(a)(1) of the Federal Trade Commission Act (“FTC Act”), 15
5 U.S.C. § 56(a)(1), for its complaint alleges:

6 1. Plaintiff brings this action under Sections 5(a), 5(m)(1)(A), 13(b), 16(a),
7 and 19 of the FTC Act, 15 U.S.C. §§ 45(a), 45(m)(1)(A), 53(b), 56(a), and 57b, and
8 Section 6 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (the
9 “Telemarketing Act”), 15 U.S.C. § 6105, to obtain monetary civil penalties, a permanent
10 injunction, and other relief for Defendants’ violations of Section 5(a) of the FTC Act, 15
11 U.S.C. § 45(a), and the FTC’s Telemarketing Sales Rule (the “TSR” or “Rule”), as
12 amended, 16 C.F.R. Part 310 (2013).

13 **JURISDICTION AND VENUE**

14 2. This Court has subject matter jurisdiction over this action pursuant to 28
15 U.S.C. §§ 1331, 1337(a), 1345, and 1355, and 15 U.S.C. §§ 45(m)(1)(A), 53(b), and
16 56(a). This action arises under 15 U.S.C. § 45(a).

17 3. Venue is proper in this District under 28 U.S.C. §§ 1391(b)-(c) and 1395(a),
18 and 15 U.S.C. § 53(b). Defendants reside in and transact business in this District.

19 **DEFENDANTS**

20 4. Defendant KFJ Marketing, LLC, (“KFJ”) is a California limited liability
21 company with its principal place of business at 31355 Oak Crest Drive, Suite 150,
22 Westlake Village, CA, 91361. KFJ is a telemarketer that initiates outbound telephone
23 calls to induce consumers to purchase solar panels and installation services. KFJ
24 transacts or has transacted business in this district.

25 5. Defendant Sunlight Solar Leads, LLC (“Sunlight”) is a California limited
26 liability company with its principal place of business at 31355 Oak Crest Drive, Suite
27 150, Westlake Village, CA, 91361. Sunlight is a telemarketer that initiates outbound
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1 17. Under the TSR, an “outbound telephone call” means a telephone call
2 initiated by a telemarketer to induce the purchase of goods or services or to solicit a
3 charitable contribution. 16 C.F.R. § 310.2(v).

4 18. The TSR prohibits sellers and telemarketers from initiating an outbound
5 telephone call to numbers on the Registry unless the seller (1) has obtained the
6 consumer’s express agreement, in writing, to place such calls, or (2) has an established
7 business relationship with that consumer, and the consumer has not stated that he or she
8 does not wish to receive such calls. 16 C.F.R. §§ 310.2(o), 310.4(b)(1)(iii)(B). Valid
9 written consent to receive a live telemarketing call to a number on the Registry requires:
10 (i) a writing signed by the consumer, (ii) clearly evidencing authorization to receive calls
11 placed on behalf of a specific seller, and (iii) stating the phone number to which such
12 calls may be placed. 16 C.F.R. § 310.4(b)(1)(iii)(B)(1).

13 19. The TSR prohibits sellers and telemarketers from initiating an outbound
14 telephone call that delivers a prerecorded message (“robocall”), unless the seller has
15 obtained the consumer’s express agreement, in writing, to receive such calls. 16 C.F.R.
16 § 310.4(b)(1)(v). Such express agreement must include: (1) a clear and conspicuous
17 disclosure that the purpose of the agreement is to authorize the seller to place
18 prerecorded calls to such person; (2) that the seller did not require the agreement to be
19 executed as a condition of purchasing a good or service; (3) the specific seller the
20 consumer is authorizing to make robocalls; and (4) the consumer’s telephone number
21 and signature. 16 U.S.C. § 310.4(b)(1)(v)(A)(i)-(iv).

22 20. The TSR prohibits sellers and telemarketers from initiating an outbound
23 telephone call to any person when that person previously has stated that he or she does
24 not wish to receive an outbound telephone call mad.2(s)8.4f.16 U.S.C. §

1 recipient of a telemarketing call, or transmit the customer service number of the seller on
2 whose behalf the call is made and, when made available by the telemarketer's seller, the
3 name of the seller. 16 C.F.R. § 310.4(a)(8).

4 22. The TSR prohibits sellers and telemarketers from calling any telephone
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1 30. Defendants’ robocalls contained statements similar to the following: “this is
2 an important public service announcement,” “this is an urgent call about your energy
3 bill,” and “stop the 14% increase coming soon.” The recorded message then directed
4 consumers to press “1” to lower their electric bill. Consumers who pressed “1” were
5 transferred to a telemarketer who worked for Defendants. The telemarketer asked if the
6 consumer was interested in solar panels. If so, the telemarketer scheduled an
7 appointment for the consumer to meet with a private solar installation company.
8 Defendants then sold this information to private solar panel installation companies as a
9 customer lead.

10 31. Defendants did not have consumers’ express agreement, in writing, to
11 receive robocalls from Defendants.

12 32. In numerous instances, Defendants continued to call consumers who had
13 previously informed Defendants that they did not wish to receive additional calls by or
14 on behalf of Defendants.

15 33. In numerous instances, Defendants “spoofed” their calls by transmitting
16 phony caller identification information so that the call recipients did not know the
17 sender. Defendants also spoofed their calls to appear to be from a local area number
18 34. Defendants also spoofed their calls to appear to be from a local area number
19 35. Defendants also spoofed their calls to appear to be from a local area number
20 36. Defendants also spoofed their calls to appear to be from a local area number
21 37. Defendants also spoofed their calls to appear to be from a local area number
22 38. Defendants also spoofed their calls to appear to be from a local area number
23 39. Defendants also spoofed their calls to appear to be from a local area number
24 40. Defendants also spoofed their calls to appear to be from a local area number
25 41. Defendants also spoofed their calls to appear to be from a local area number
26 42. Defendants also spoofed their calls to appear to be from a local area number
27 43. Defendants also spoofed their calls to appear to be from a local area number
28 44. Defendants also spoofed their calls to appear to be from a local area number

1 **Count II**

2 **Failure to Honor Entity-Specific Do Not Call Requests**

3 36. In numerous instances, in connection with telemarketing, Defendants have
4 initiated, or caused others to initiate, an outbound telephone call to a person who has
5 previously stated that he or she does not wish to receive such a call made by or on behalf
6 of the seller whose goods or services are being offered in violation of the TSR. 16
7 C.F.R. § 310.4(b)(1)(iii)(A).

8 **Count III**

9 **Failure to Transmit Caller Identification**

10 37. In numerous instances, in connection with telemarketing, Defendants have
11 failed to transmit, or cause to be transmitted, the telephone number and name of the
12 telemarketer or of the seller to any caller identification service in use by a recipient of a
13 telemarketing call, in violation of the TSR. 16 C.F.R. § 310.4(a)(8).

14 **Count IV**

15 **Initiating Unlawful Prerecorded Messages**

16 38. In numerous instances, in connection with telemarketing, Defendants have
17 made, or caused others to make, outbound telephone calls that delivered prerecorded
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1 Dated: March 10, 2016

Respectfully submitted,

2 Federal Trade Commission

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AMERICA

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