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1 types of telemarketing calls. Consumers can register their telephone numbers on
2 the Registry without charge either through a toll-free telephone call or over the
3 Internet at donotcall.gov.

4 7. Consumers who receive telemarketing calls to their registered
5 numbers can complain of Registry violations the same way they registered,
6 through a toll-free telephone call or over the Internet at donotcall.gov, or by
7 otherwise contacting law enforcement authorities.

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1 County, filed 5/17/16); Affolder v. Media Mix 365 LLC, Nicholas Long, and Does
2 1-25, 8:16-cv-1470-DOC-KES (C.D. Cal., filed 8/9/2016); Boger v. Trinity
3 Heating & Air, Inc. and Media Mix 365, LLC, 16-cv-01729-TDC (D. Md., filed
4 6/23/17).

5 16. Since 2016, some Media Mix clients also have been sued for calls to
6 numbers on the National Do Not Call Registry. Media Mix was an initiator of the
7 violative phone calls as alleged in each action. For example, in Worsham v.
8 Trinity Heating and Air, Inc., 16-cv-01131-JFM (D. Md., filed 5/31/16), the
9 complaint alleged that Media Mix used fictitious business names as
10 † 6 R O D U 5 H V H D U for the purpose of making telemarketing calls.
11 Likewise, in Slovin v. Sunrun, Inc., 15-cv-05340-YGR (N.D. Cal., filed
12 7/12/16), the complaint alleged that Media Mix made calls on behalf of Sunrun
13 using the fictitious business names listed on the National Do Not Call
14 Not Call Registry.

15 17. Media Mix has access to the National Do Not Call Registry. In
16 December 2013, Media Mix subscribed for access to the Registry and downloaded
17 the phone numbers registered in four Colorado area codes. It has not downloaded
18 any phone numbers since then under its own subscription to the Registry. The
19 FTC also has no record that Media Mix has accessed the Registry at any time
20 under another subscription.

21 18. Defendant Nicholas J. Long, Nick Long, the chief executive
22 officer and an owner of Media Mix. At times material to this Complaint, acting
23 alone or in concert with others, Nick Long has had the authority and responsibility
24 to prevent or correct the unlawful telemarketing practices of Media Mix and has
25 formulated, directed, controlled, had the authority to control, or participated in the
26 acts or practices of Media Mix, including the acts and practices set forth in this
27 Complaint. Nick Long resides in this District and, in connection with the matters
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1 alleged herein, transacts or has transacted business in this District and throughout
2 the United States.

3 19. Nick Long is familiar with telemarketing statutes and regulations. In
4 2010, Texas sued Nick Long, Michael Aaron Jones (also known as Aaron Michael
5 Jones) † - R Q H V . Andrew Salisbury, LLC, On Point Media,
6 Inc., and others for calling phone numbers on the National Do Not Call Registry
7 while telemarketing auto warranties. Texas v. SCM Media, 1:09-CV-387-SS
8 (W.D. Tex. 2011). In 2011, Nick Long, Salisbury, and Jones stipulated to entry of
9 D Q R U G H U to with the Texas case. The Order required Nick Long,
10 Salisbury, and Jones to comply with federal and state telemarketing statutes,
11 including the Telemarketing Act, 15 U.S.C. §§ 6101-6108, and all regulations
12 promulgated pursuant to such statutes for calls to Texas consumers or for calls
13 conducted from Texas. It also enjoined them from aiding, abetting, or facilitating
14 others in making telephone calls that violated those telemarketing statutes and
15 regulations, or from initiating or causing others to initiate outbound telephone calls
16 to phone numbers on the National Do Not Call Registry.

17 20. Nick Long provided a document W R 7 H [D V F D O O H G † ' R 1
18 7 U D L Q 7 L K Q L J V . G R F X P H Q W H [S O D L Q V W K D W † 7 K H 1
19 D Y D L O D E O H W R K H O S F R Q V X P H U V E O R F N X Q Z D O
20 G R F X P H Q W D O V R Q R W H V W K D W † 7 H O H P D U N H W H
21 [consumers] register [on the Do Not Call Registry] to remove [W K H F R Q V X P H U V
22 S K R Q H Q X P E H U I U R P W K H L U O L V W D O G V W R S F

23 21. In 2016, Nick Long and Media Mix were named as defendants in a
24 class action that alleges Media Mix called numbers on the National Do Not Call
25 Registry to telemarket home solar energy systems. See Affolder 8:16-cv-1470-
26 DOC-KES.

27 22. Since 2010, Nick Long has maintained close business ties to his
28 codefendants in the Texas lawsuit, Salisbury and Jones. Both Salisbury and Jones

1 were recently sued by the FTC for placing millions of calls to numbers on the Do
2 Not Call Registry. Since at least 2016, Nick Long has also had close business ties
3 to Justin Ramsey. Justin Ramsey has also been sued by the FTC for placing
4 millions of calls to numbers on the Do Not Call Registry.

5 x In May 2018, the FTC sued Salisbury and his company, World
6 Connection USA, / / & ‡ : R U O G & in FTC v. Salisbury, No. SACV 18-0936-DOC (C.D. Cal.). The Christian
7 SACV 18-0936-DOC (C.D. Cal.). The Christian
8 complaint alleged
9 that since 2005, the defendants made or assisted, and facilitated the
10 making of, telemarketing calls to phone numbers on the Registry.
11 Nick Long was the organizer and is the registered agent for World
12 Connection and was personally served with the Christian
13 complaint
14 on June 4, 2018.

15 x In January 2017, the FTC sued Jones and others in FTC v. Jones
16 8:17-cv-58-DOC-JCG (C.D. Cal.). The Jones
17 complaint alleged that,
18 since at least March 2009, Jones controlled an enterprise that made or
19 facilitated the making of S U H U H F R U O C A L L S · F O U N D A T I O N ‡
20 on the National Do Not Call Registry. - R O B O C A L L I N G enterprise
21 included On Point Media, the auto warranty telemarketing company
22 that Jones, Salisbury, and Nick Long controlled and which was a
23 defendant in the 2010 Texas action.

24 x In January 2017, the FTC sued Justin Ramsey and others in FTC v.
25 Ramsey 9:17-cv-80032-KAM (S.D. Fla.). The Ramsey
26 complaint
27 alleged that, since 2012, Ramsey and his company, Prime Marketing,
28 LLC, robocalled numbers on the National Do Not Call Registry.
Media Mix employed Ramsey to make calls on its behalf for some of
O H G L D O L [¶ V F O L H I N A W I M 2 0 1 6 , M e d i a M i x p a i d O \
Prime Marketing over \$110,000.

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26. Defendants initiate outbound telephone calls to consumers in the United States to induce the purchase of home solar energy systems.

27. Defendants engage in telemarketing by a plan, program, or campaign conducted to induce the purchase of home solar energy systems by the use of one or more telephones and which involves more than one interstate telephone call.

28. Since at least 2015 and as part of their campaign to market home solar energy systems, Defendants have initiated millions of outbound telemarketing calls to the phone numbers of consumers who had previously told them that they did not want to be called.

1 given express written consent to receive telemarketing calls from Defendants or
2 from the third parties to whom Defendants sold the sales leads.

3 35. Defendants have also made thousands of telephone calls that caused
4 telephones to ring, or engaged people in telephone conversations, repeatedly or
5 continuously:

- 6 x Media Mix called thousands of phone numbers more than 3 times in a
7 single day;
- 8 x Media Mix called thousands of phone numbers more than 30 times each;
- 9 x Media Mix called one number more than 300 times in less than six months;
- 10 x And finally, Media Mix called one number over 1,000 times in less than
11 one year.

12 Defendants made these antmade cales lp9 (m)1.07323.0 13 D64fe, er harasth phonfr

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1 per violation. 16 C.F.R. § 1.98(d) (2016). Effective January 24, 2017, the
2 maximum civil penalty amount was adjusted to \$40,654. 16 C.F.R. § 1.98 (2017).
3 Effective January 22, 2018, the maximum civil penalties amount was adjusted to
4 \$41,484 for each violation of the TSR. 16 C.F.R. § 1.98 (2018). As of February
5 14, 2019, the maximum civil penalties amount was adjusted to \$42,530 for each
6 violation of the TSR. 16 C.F.R. § 1.98 (2019). Some of the TSR violations
7 alleged in this Complaint occurred during 2015-2018 when the civil penalty was
8 capped at \$16,000, \$40,000, \$40,654, or \$41,484 per violation. ' H I H Q G D Q W V ¶

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contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies; and

E. Award Plaintiff the costs of bringing this action, as well as such other and additional relief as the Court may determine to be just and proper.

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Respectfully submitted,

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