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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Federal Trade Commission,

Plaintiff,

vs.

Aaron Michael Jones, also known as Michael Aaron Jones, also known as Mike Jones, individually and as an owner, officer, or manager, or a *de facto* owner, officer, or manager of Allorey, Inc., Audacity LLC, Data World Technologies, Inc., Dial Soft Technologies, Inc., Digital Marketing Solutions, Inc., Local Lighthouse Corp., Savilo Support Services, Inc., Secure Alliance Corp., Velocity Information Corp., and World Access Media;

Houston Fraley, individually and as an officer of Local Lighthouse Corp.;

Tyler Hall, individually and as an officer of Local Lighthouse Corp. and Secure Alliance Corp.;

No. SACV17-00058 DOC (JCGx)

**Stipulated Final Order for
Permanent Injunction and
Civil Penalty Judgment as
to Defendant Steven
Stansbury [83]**

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Kasia Kinaman, individually and as an n05.45s,5 Tc -0.0008Tr 12 0 0 1e Tc -0L64Inc.;T/Artif

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1 **Therefore, it is ordered** as follows:

2 **FINDINGS**

3 1. This Court has jurisdiction over this matter.

4 2. The Complaint charges that Defendant Stansbury participated in acts
5 or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, and the
6 FTC’s Telemarketing Sales Rule (the “TSR” or “Rule”), as amended, 16 C.F.R.
7 Part 310, by assisting and facilitating his clients who were, among other things:
8 (a) placing telemarketing calls to consumers that delivered prerecorded messages;
9 (b) placing telemarketing calls to consumers whose telephone numbers were on the
10 National Do Not Call (“DNC”) Registry; and (c) transmitting inaccurate caller ID
11 numbers and names with their telemarketing calls.

12 3. Defendant Stansbury neither admits nor denies any of the allegations
13 in the Complaint, except as specifically stated in this Order. Only for purposes of
14 this action, Defendant Stansbury admits the facts necessary to establish
15 jurisdiction.

16 4. Defendant Stansbury waives any claim that he may have under the
17 Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this
18 action through the date of this Order, and he agrees to bear his own costs and
19 attorney fees.

20 5. Defendant Stansbury and the Commission waive all rights to appeal or
21 otherwise challenge or contest the validity of this Order.

22 **DEFINITIONS**

23 For the purpose of this Order, the following definitions apply:

24 A. “**Defendant Stansbury**” means Defendant Steven Stansbury.

25 B. “**Caller Identification Service**” means a service that allows a
26 telephone subscriber to have the telephone number, and, where available, name of
27 the calling party transmitted contemporaneously with the telephone call, and
28 displayed on a device in or connected to the subscriber’s telephone.

1 C. **“Lead Generator”** means any person that provides, in exchange for
2 consideration, consumer information to a Seller or Telemarketer for use in the
3 marketing of any goods or services.

4 D. **“National Do Not Call Registry”** means the “do-not-call” registry of
5 telephone numbers maintained by the Commission pursuant to 16 C.F.R.

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1 B. Initiating any Outbound Telephone Call to a telephone number within
2 a given area code when the annual fee for access to the telephone numbers within
3 that area code that are on the National Do Not Call Registry has not been paid by
4 or on behalf of Defendant Stansbury.

5 C. Initiating any Outbound 8a.54t5 Tw c -Ring7 -Rnl8.7(byi)8.7(paw -R)2-1.7(ic)11.
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1 transfer in accordance with instructions previously provided by a representative of
2 the Commission. Upon such payment, the remainder of the judgment is suspended,
3 subject to the Subsections below.

4 C. The Commission's agreement to the suspension of this judgment is
5 expressly premised upon the truthfulness, accuracy, and completeness of
6 Defendant Stansbury's sworn financial statement dated March 30, 2017 and the
7 bank statements Defendant Stansbury produced with that financial disclosure.

8 D. The suspension of the judgment will be lifted if, upon motion by the
9 Commission, the Court finds that Defendant Stansbury failed to disclose the

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1 I. Defendant Stansbury acknowledges that his Taxpayer Identification
2 Number (Social Security Number), which he must submit, may be used for
3 collecting and reporting on any delinquent amount arising out of this Order, in
4 accordance with 31 U.S.C. § 7701.

5 **VI**

6 **Cooperation**

7 **It is further ordered** that Defendant Stansbury must fully cooperate with
8 representatives of the Commission in this case and in any investigation related to
9 or associated with the transactions or the occurrences that are the subject of the
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VII

Order Acknowledgments

It is further ordered that Defendant Stansbury obtain acknowledgments of receipt of this Order as follows:

A. Defendant Stansbury, within seven days of entry of this Order, must submit to the Commission an acknowledgment of receipt of this Order sworn under penalty of perjury.

B. For five years after entry of this Order, Defendant Stansbury, for any business that he, individually or collectively with any other defendants, is the majority owner, or controls directly or indirectly, must deliver a copy of this Order to: (1) any individual or business that provides an automated dialing platform to Defendant Stansbury's business; and (2) any Lead Generator or entity that provides Telemarketing services to Defendant Stansbury's business. Delivery must occur within seven days of entry of this Order for current providers. For all others, delivery must occur before they begin providing services.

C. For five years after entry of this Order, Defendant Stansbury, for any

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VIII

Compliance Reporting

It is further ordered that Defendant Stansbury make timely submissions to the Commission:

A. One year after entry of this Order, Defendant Stansbury must submit a compliance report, sworn under penalty of perjury. Defendant Stansbury must:

- 1) Identify all telephone numbers and all physical, postal, email and Internet addresses, including all residences;
- 2) Identify all business activities, including any business for which he performs services whether as an employee or otherwise and any entity in which he has any ownership interest;
- 3) Describe in detail his involvement in each such business,

1 8) Provide a copy of each Order Acknowledgment obtained
2 pursuant to this Order, unless previously submitted to the
3 Commission.

4 B. For ten years after entry of this Order, Defendant Stansbury must
5 submit a compliance notice, sworn under penalty of perjury, within fourteen days
6 of any change in the following:

7 1) Name, including aliases or fictitious name, or residence
8 address;

9 2) Title or role in any business activity, including any business for
10 which he performs services whether as an employee or
11 otherwise and any entity in which he has any ownership
12 interest, and identify the name, physical address, and any
13 Internet address of the business or entity;

14 3) Any designated point of contact; or

15 4) The structure of any entity that he has any ownership interest in
16 or controls directly or indirectly that may affect compliance
17 obligations arising under this Order, including: creation,
18 merger, sale, or dissolution of the entity or any subsidiary,
19 parent, or affiliate that engages in any acts or practices subject
20 to this Order.

21 C. Defendant Stansbury must submit to the Commission notice of the
22 filing of any bankruptcy petition, insolvency proceeding, or similar proceeding by
23 or against him within fourteen days of its filing.

24 D. Any submission to the Commission required by this Order to be
25 sworn under penalty of perjury must be true and accurate and comply with 28
26 U.S.C. § 1746, such as by concluding: “I declare under penalty of perjury under
27 the laws of the United States of America that the foregoing is true and correct.
28

1 Executed on: _____” and supplying the date, signatory’s full name, title (if
2 applicable), and signature.

3 E. Unless otherwise directed by a Commission representative in writing,
4 all submissions to the Commission pursuant to this Order must be emailed to
5 DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to:
6 Associate Director for Enforcement, Bureau of Consumer Protection, Federal
7 Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The
8 subject line must begin: *FTC v. Steven Stansbury*, Matter Number X170013.

9 **IX**

10 **Recordkeeping**

11 **It is further ordered** that Defendant Stansbury must create certain records
12 for twenty years after entry of the Order, and retain each such record for five years.
13 Specifically, Defendant Stansbury, for any business that Defendant Stansbury,
14 individually or collectively with any other Defendant, is a majority owner or
15 controls directly or indirectly, must create a

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1 E. All records relating to automated dialing platforms used by Defendant
2 Stansbury or his business to initiate telephone calls, including contracts with such
3 automated dialing platforms; and

4 F. All records necessary to demonstrate full compliance with each
5 provision of this Order, including all submissions to the Commission.

6 **X**

7 **Compliance Monitoring**

8 **It is further ordered** that, for the purpose of monitoring Defendant
9 Stansbury's compliance with this Order, including the financial representations
10 upon which the judgment was suspended:

11 A. Within 14 days of receipt of a written request from a representative of
12 the Commission, Defendant Stansbury must: (1) submit additional compliance
13 reports or other requested information, which must be sworn under penalty of
14 perjury; (2) appear for depositions; and (3) produce documents for inspection and
15 copying. The Commission is also authorized to obtain discovery, without further
16 leave of court, using any of the procedures prescribed by Federal Rules of Civil
17 Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69.

18 B. For matters concerning this Order, the Commission is authorized to
19 communicate directly with Defendant Stansbury. Defendant Stansbury must permit
20 representatives of the Commission to interview anyone employed by or affiliated
21 with Defendant Stansbury who has agreed to such an interview. The person
22 interviewed may have counsel present.

23 C. The Commission may use all other lawful means, including posing,
24 through its representatives as consumers, suppliers, or other individuals or entities,
25 to Defendant Stansbury or any individual or entity affiliated with Defendant
26 Stansbury, without the necessity of identification or prior notice. Nothing in this
27 Order limits the Commission's lawful use of compulsory process, pursuant to
28 Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1.

1 D. Upon written request from a representative of the Commission, any
2 consumer reporting agency must furnish consumer reports concerning Defendant
3 Stansbury pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C.
4 §1681b(a)(1).

5 **XI**

6 **Retention of Jurisdiction**

7 **It is further ordered** that this Court retains jurisdiction of this matter for
8 purposes of construction, modification, and enforcement of this Order.

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PART 310
RULE 16 CFR PART 310

part.

This part implements the Tele-
marketing and Consumer Abuse
Prevention Act, 15 U.S.C. 6101-
6108, as amended.

Sec.

310.1 Scope of regulations.

310.2 Definitions.

310.3 Abusive telemarketing ac-
tivities.

310.4 Abusive telemarketing ac-
tivities.

310.5 Recordkeeping requirements.

310.8 Federal access to the
Call Registry.

310.9 Severability.

AUTHORITY: 15 U.S.C. 6101-6108.

SOURCE: 75 FR 48516, Aug. 10, 2010, unless
otherwise noted.

§ 310.2 Definitions.

licenses a credit card system to author-
ize merchants to accept, transmit, or

the credit card system for
else of value.

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16 CFR Ch. I (1–16 Edition)

(b) Attorney General means the chief legal officer of a state.

(c) Billing information means any data that enables any person to access a customer's or donor's account, such as a credit card, checking, savings, share or similar account, utility bill, mortgage loan account, or debit card.

(d) Caller identification service means a service that allows a telephone subscriber to have the telephone number, and, where available, name of the calling party transmitted contemporaneously with the telephone call, and displayed on a device in or connected to the subscriber's telephone.

(e) Cardholder means a person to whom a credit card is issued or who is authorized to use a credit card on behalf of or in addition to the person to whom the credit card is issued.

(f) Charitable contribution means any donation or gift of money or any other thing of value.

(g) Commission means the Federal Trade Commission.

(h) Credit means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(i) Credit card means any card, plate, coupon book, or other credit device existing for the purpose of obtaining money, property, labor, or services on credit.

(j) Credit card sales draft means any record or evidence of a credit card transaction.

(k) Credit card system means any method or procedure used to process credit card transactions involving credit cards issued or licensed by the operator of that system.

(l) Customer means any person who is or may be required to pay for goods or services offered through telemarketing.

(m) Debt relief service means any program or service represented, directly or by implication, to renegotiate, settle, or in any way alter the terms of payment or other terms of the debt between a person and one or more unsecured creditors or debt collectors, including, but not limited to, a reduction in the balance, interest rate, or fees owed by a person to an unsecured creditor or debt collector.

(n) Donor means any person solicited to make a charitable contribution.

(o) Established business relationship means a relationship between a seller and a consumer based on:

(1) the consumer's purchase, rental, or lease of the seller's goods or services or a financial transaction between the consumer and seller, within the eighteen (18) months immediately preceding the date of a telemarketing call; or

(2) the consumer's inquiry or application regarding a product or service offered by the seller, within the three (3) months immediately preceding the date of a telemarketing call.

(p) Free-to-pay conversion means, in an offer or agreement to sell or provide any goods or services, a provision under which a customer receives a product or service for free for an initial period and will incur an obligation to pay for the product or service if he or she does not take affirmative action to cancel before the end of that period.

(q) Investment opportunity means anything, tangible or intangible, that is offered, offered for sale, sold, or traded based wholly or in part on representations, either express or implied, about past, present, or future income, profit, or appreciation.

(r) Material means likely to affect a person's choice of, or conduct regarding, goods or services or a charitable

person's contribution.

cancel before contribution.

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any goods or services, a provision

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sent by a money transfer provider and received in the form of cash. For purposes of this definition, money transfer provider means any person or financial institution that provides cash-to-cash money transfers for a person in the normal course of its business, whether or not the person holds an account with such person or financial institution. The term cash-to-cash money transfer includes a remittance transfer, as defined in section 919(g)(2) of the Electronic Fund Transfer Act ("EFTA"), 15 U.S.C. 1693a, that is a cash-to-cash transaction; however it does not include any transaction that is:

- (1) An electronic fund transfer as defined in section 903 of the EFTA;
- (2) Covered by Regulation E, 12 CFR 1005.20, pertaining to gift cards; or
- (3) Subject to the Truth in Lending Act, 15 U.S.C. 1601 et seq.

(g) Cash reload mechanism is a device, authorization code, personal identification number, or other security measure that makes it possible for a person to convert cash into an electronic (as defined in section 106(2) of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006(2)) form that can be used to add funds to a general-use prepaid card, as defined in Regulation E, 12 CFR 1005.2, or an account with a payment intermediary. For purposes of this definition, a cash reload mechanism is not itself a general-use prepaid debit card or a swipe reload process or similar method in which funds are added directly onto a person's own general-use prepaid card or account with a payment intermediary.

* * * * *

(cc) Remotely created payment order means any payment instruction or order drawn on a person's account that is created by the payee or the payee's agent and deposited into or cleared through the check clearing system. The term includes, without limitation, a "remotely created check," as defined in Regulation CC, Availability of Funds and Collection of Checks, 12 CFR 229.2(fff), but does not include a payment order cleared through an Automated Clearinghouse (ACH) Network or subject to the Truth in Lending Act, 15 U.S.C. 1601 et seq., and Regulation Z, 12 CFR part 1026. et seq.

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avoids knowing that the seller or telemarketer is engaged in any act or practice that violates §§310.3(a), (c) or (d), or §310.4 of this Rule.

(c) Credit card laundering. Except as expressly permitted by the applicable credit card system, it is a deceptive telemarketing act or practice and a violation of this Rule for:

(1)

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(3) Requesting or receiving payment of any fee or consideration from a person for goods or services represented to recover or otherwise assist in the return of money or any other item of value paid for by, or promised to, that person in a previous telemarketing transaction, until seven (7) business days after such money or other item is delivered to that person. This provision shall not apply to goods or services provided to a person by a licensed attorney;

(4) Requesting or receiving payment of any fee or consideration in advance of obtaining a loan or other extension of credit when the seller or telemarketer has guaranteed or represented a high likelihood of success in obtaining or arranging a loan or other extension of credit for a person;

(5)(i) Requesting or receiving payment of any fee or consideration for any debt relief service until and unless:

(A) The seller or telemarketer has renegotiated, settled, reduced, or otherwise altered the terms of at least one debt pursuant to a settlement agreement, debt management plan, or other such valid contractual agreement;

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(i) In any telemarketing transaction involving preacquired account information and a free-to-pay conversion feature, the seller or telemarketer must:

(A) Obtain from the customer, at a minimum, the last four (4) digits of the account number to be charged;

(B) Obtain from the customer his or her express agreement to be charged for the goods or services and to be charged using the account number pursuant to paragraph (a)(7)(i)(A) of this section; and,

(C) Make and maintain an audio recording of the entire telemarketing transaction.

(ii) In any other telemarketing transaction involving preacquired account information not described in paragraph (a)(7)(i) of this section, the seller or telemarketer must:

(A) At a minimum, identify the account to be charged with sufficient specificity for the customer or donor to understand what account will be charged; and

(B) Obtain from the customer or donor his or her express agreement to be charged for the goods or services and to be charged using the account number identified pursuant to paragraph (a)(7)(ii)(A) of this section; or

(8) Failing to transmit or cause to be transmitted the telephone number, and, when made available by the telemarketer's carrier, the name of the telemarketer, to any caller identification service in use by a recipient of a telemarketing call; provided that it shall not be a violation to substitute (for the name and phone number used in, or billed for, making the call) the name of the seller or charitable organization on behalf of which a telemarketing call is placed, and the seller's or charitable organization's customer or donor service telephone number, which is answered during regular business hours.

(b) Pattern of calls. (1) It is an abusive telemarketing act or practice and a violation of this Rule for a telemarketer to engage in, or for a seller to cause a telemarketer to engage in, the following conduct:

(i) Causing any telephone to ring, or engaging any person in telephone conversation, repeatedly or continuously

with intent to annoy, abuse, or harass any person at the called number;

(ii) Denying or interfering in any way, directly or indirectly, with a person's right to be placed on any registry of names and/or telephone numbers of persons who do not wish to receive outbound telephone calls established to comply with §310.4(b)(1)(iii);

(iii) Initiating any outbound telephone call to a person when:

(A) That person previously has stated that he or she does not wish to receive an outbound telephone call made by or on behalf of the seller whose goods or services are being offered or made on behalf of the charitable organization for which a charitable contribution is being solicited; or

(B) That person's telephone number is on the "do-not-call" registry, maintained by the Commission, of persons who do not wish to receive outbound telephone calls to induce the purchase of goods or services unless the seller:

(i) Has obtained the express agreement, in writing, of such person to place calls to that person. Such written agreement shall clearly evidence such person's authorization that calls made by or on behalf of a specific party may be placed to that person, and shall include the telephone number to which the calls may be placed and the signature⁶⁶⁴ of that person; or

(ii) Has an established business relationship with such person, and that person has not stated that he or she does not wish to receive outbound telephone calls under paragraph (b)(1)(iii)(A) of this section; or

(iv) Abandoning any outbound telephone call. An outbound telephone call is "abandoned" under this section if a person answers it and the telemarketer does not connect the call to a sales representative within two (2) seconds of the person's completed greeting.

(v) Initiating any outbound telephone call that delivers a prerecorded message, other than a prerecorded message permitted for compliance with the call

⁶⁶⁴ For purposes of this Rule, the term "signature" shall include an electronic or digital form of signature, to the extent that such form of signature is recognized as a valid signature under applicable federal law or state contract law.

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seller or charitable organization, has maintained and recorded a list of telephone numbers the seller or charitable organization may not contact, in compliance with § 310.4(b)(1)(iii)(A);

(iv) The seller or a telemarketer uses a process to prevent telemarketing to any telephone number on any list established pursuant to § 310.4(b)(3)(iii) or 310.4(b)(1)(iii)(B), employing a version of the "do-not-call" registry obtained from the Commission no more than thirty-one (31) days prior to the date any call is made, and maintains records documenting this process;

(v) The seller or a telemarketer or another person acting on behalf of the seller or charitable organization, monitors and enforces compliance with the procedures established pursuant to § 310.4(b)(3)(i); and

(vi) Any subsequent call otherwise violating § 310.4(b)(1)(ii) or (iii) is the result of error.

(4) A seller or telemarketer will not be liable for violating § 310.4(b)(1)(iv) if:

(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 over the duration of a single calling campaign, if less than 30 days, or separately over each successive 30-day period or portion thereof that the campaign continues.

(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 placed⁶⁶⁶; and

(iv) The seller or telemarketer, in accordance with § 310.5(b)-(d), retains records establishing compliance with § 310.4(b)(4)(i)-(iii).

⁶⁶⁶ This provision does not affect any seller's or telemarketer's obligation to comply with relevant state and federal laws, including but not limited to the TCPA, 47 U.S.C. 227, and 47 CFR part 64.1200.

(c) Calling time restrictions. Without the prior consent of a person, it is an abusive telemarketing act or practice and a violation of this Rule for a telemarketer to engage in outbound telephone calls to a person's residence at any time other than between 8:00 a.m. and 9:00 p.m. local time at the called person's location.

(d) Required oral disclosures in the sale of goods or services. It is an abusive telemarketing act or practice and a violation of this Rule for a telemarketer in an outbound telephone call or internal or external upsell to induce the purchase of goods or services to fail to disclose truthfully, promptly, and in a clear and conspicuous manner to the person receiving the call, the following information:

(1) The identity of the seller;

(2) That the purpose of the call is to sell goods or services;

(3) The nature of the goods or services; and

(4) That no purchase or payment is necessary to be able to win a prize or participate in a prize promotion if a prize promotion is offered and that any purchase or payment will not increase the person's chances of winning. This disclosure must be made before or in conjunction with the description of the prize to the person called. If requested by that person, the telemarketer must disclose the no-purchase/no-payment entry method for the prize promotion; provided, however, that, in any internal upsell for the sale of goods or services, the seller or telemarketer must provide the disclosures listed in this section only to the extent that the information in the upsell differs from the disclosures provided in the initial telemarketing transaction.

(e) Required oral disclosures in charitable solicitations. It is an abusive telemarketing act or practice and a violation of this Rule for a telemarketer, in an outbound telephone call to induce a charitable contribution, to fail to disclose truthfully, promptly, and in a clear and conspicuous manner to the person receiving the call, the following information:

(1) The identity of the charitable organization on behalf of which the request is being made; and

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(2) That the purpose of the call is to solicit a charitable contribution.

[75 FR 48516, Aug. 10, 2010, as amended at 76 FR 58716, Sept. 22, 2011]

EFFECTIVE DATE NOTE: At 80 FR 77558, Dec.

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action on the Commission, if feasible, prior to its initiating an action under this Rule. The notice shall be sent to the Office of the Director, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, and shall include a copy of the state's or private person's complaint and any other pleadings to be filed with the court. If prior notice is not feasible, the state or private person shall serve the Commission with the required notice immediately upon initiating its action.

(b) If a judgment is obtained in any state court, any attorney shall file a copy of the judgment, other than a judgment entered in a proceeding in state court, in the event of an actual violation of the criminal statute of such state.

§310.8 [redacted] for access to [redacted] national Do Not Call Registry.

(a) [redacted] violation of [redacted] rule for any [redacted] to initiate, or [redacted] use any telephone number to initiate, an outbound telemarketing call to any person whose telephone number is within a given geographic area, unless such seller or other person has paid the annual fee, §310.8 [redacted] access to telephone numbers which include [redacted]



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of data for the remainder of the annual period.