



Plaintiff, the Federal Trade Commission (“FTC”), for its Complaint alleges:

1. The FTC brings this action under Sections 5(a), 5(m)(1)(A), and 13(b), and 16(a),

Data Guru, Tailbone Security, and Leading Apex, and formulated, directed, controlled, or participated in the acts and practices of Data Guru, Tailbone Security, and Leading Apex, including the acts and practices set forth in this Complaint.

11. Defendant Christopher Herghelegiu is a Managing Member and Manger of Data Guru and Tailbone Security. In connection with the matters alleged herein, Herghelegiu resides in or has transacted business in this District. At all times material to this Complaint, acting alone or in concert with others, Herghelegiu had the authority and responsibility to prevent or correct unlawful telemarketing practices of Data Guru and Tailbone Security, and has formulated, directed, controlled, or participated in the acts and practices of Data Guru and Tailbone Security, including the acts and practices set forth in this Complaint.

12. Defendant Justin Ramsey is a Managing Member and Manager of Tailbone Security and Data Guru. He is also a manager of emp4(DefendantAo0 g/e(i)-1(al)]002 Twj0.0001 r00.0002ipat)

14. Defendant Prime Marketing LLC (“Prime Marketing”) is a limited liability company with its principal place of business at 721 Leister Drive, Lutherville, Maryland. Prime Marketing is owned and managed by Defendant Justin Ramsey. Prime Marketing transacts or has transacted business in this district and throughout the United States.

**THE TELEMARKETING SALES RULE
AND THE NATIONAL DO NOT CALL REGISTRY**

15. Congress directed the Commission to prescribe rules prohibiting abusive and deceptive telemarketing acts or practices pursuant to the Telemarketing Act, 15 U.S.C. §§ 6101-6108. The Commission adopted the original TSR in 1995, extensively amended it in 2003, and amended certain provisions thereafter. 16 C.F.R. Part 310.

16. Among other things, the 2003 amendments to the TSR established a do-not-call registry, maintained by the Commission (the “National Do Not Call Registry” or “Registry”), of consumers who do not wish to receive certain types of telemarketing calls. Consumers can register their telephone numbers on the Registry without charge either through a toll-free telephone call or over the Internet at donotcall.gov.

17. 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.gov, or by otherwise contacting law enforcement authorities.

18. The FTC allows sellers, telemarketers, and other permitted organizations to access the Registry over the Internet at telemarketing.donotcall.gov, to pay the fee(s) if required, and to download the numbers not to call.

19. Under the TSR, a “telemarketer” means any person who, in connection with telemarketing, initiates or receives telephone calls to or from a customer or donor. 16 C.F.R. § 310.2(ff). A “seller” means any person who, in connection with a telemarketing transaction,

23. Pursuant to Section 3(c) of the Telemarketing Act, 15 U.S.C. § 6102(c), and Section 18(d)(3) of the FTC Act, 15 U.S.C. § 57a(d)(3), a violation of the TSR constitutes an unfair or deceptive act or practice in or affecting commerce, in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

24. Defendants are “sellers” or “telemarketers” engaged in “telemarketing” as those terms are defined in the TSR 16 C.F.R. 310.2(dd), (ff), and (gg).

COMMERCE

25. At all times material to this Complaint, Defendants have maintained a substantial course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

RAMSEY’S, HERGHELEGIU’S, OFFNER’S AND THE COMMON ENTERPRISE CORPORATE DEFENDANTS’ VIOLATIONS

26. Since on or about January 1, 2012, Defendants Ramsey, Herghelegiu, Offner and the Common Enterprise Corporate Defendants initiated or caused the initiation of outbound telephone calls to consumers in the United States to induce the purchase of goods and services, including home security goods and services.

27. Defendants Ramsey, Herghelegiu, Offner and the Common Enterprise Corporate Defendants have engaged in telemarketing by a plan, program, or campaign conducted to induce the purchase of home security goods and services by the use of one or more telephones and which involves more than one interstate telephone call.

28. Defendants Ramsey, Herghelegiu, Offner and the Common Enterprise Corporate Defendants initiated or caused the initiation of live telemarketing calls to consumers to ascertain their interest in home security systems. Defendants obtained telephone numbers from public sources such as yellowpages.com and 411.com.

33. A significant percentage and number of the calls Defendants Ramsey, Herghelegiu, Offner and the Common Enterprise Corporate Defendants initiated or caused to be initiated were to telephone numbers on the Registry. By calling telephone numbers on the Registry, Defendants invaded their privacy and violated the TSR.

34. Defendant Ramsey, in a conversation with Defendant Offner, admitted to intentionally calling people on the Registry.

35. Defendants Ramsey, Herghelegiu, Offner and the Common Enterprise Corporate Defendants initiated or caused the initiation of millions of outbound telemarketing calls to telephone numbers listed on the Registry.

36. During just one week in July 2012, Defendants Ramsey, Herghelegiu, Offner and the Common Enterprise Corporate Defendants initiated or caused the initiation of 1,331,395 robocalls delivering the previously quoted prerecorded message. Eighty Percent of those calls (1,064,559) were to telephone numbers that had been listed on the Registry for more than 30 days prior to the date of the call.

37. Defendants Ramsey, Herghelegiu, Offner and the Common Enterprise Corporate Defendants initiated or caused the initiation of millions of outbound telephone calls delivering a prerecorded message to induce the purchase of goods or services.

38. Defendant Ramsey materially participated in initiating or causing the initiation of robocalls to numbers on the Registry. For example, he set up the call center in Florida, managed the day-to-day operations of the call center, obtained leads of numbers to call, uploaded data onto a dialer, and initiated the calls using the dialer.

39. For many of the calls delivering prerecorded messages, Ramsey recorded the message himself, using his own voice. Ramsey also uploaded the audio file containing the prerecorded message to the automated dialing platform system.

**DEFENDANT RAMSEY'S CONTINUED VIOLATIONS THROUGH PRIME
MARKETING OF CALLING CONSUMERS ON THE REGISTRY AND
RAMSEY'S DISREGARD FOR THE LAW**

40. Since on or about January 1, 2014, Defendants Ramsey and Prime Marketing have engaged in telemarketing of home alarm systems, as well as other goods or services, including auto warranties, solar products, debt relief services, and vacation and travel packages.

41. Defendant Ramsey materially participates in the telemarketing. For example, he determines the number of call center agents to use in campaigns, the number of hours they will work, and which recording or script to use. He has also hired or retained one or more companies to place outbound telephone calls, and Ramsey provides those companies with lists of telephone numbers to dial. These telephone calls include prerecorded messages, and they include calls to telephone numbers listed on the Registry. Ramsey uses agents located outside the United States who respond to consumers' questions through selecting prerecorded answers or responses.

42. Through its owner, Defendant Ramsey, Prime Marketing initiates or causes the initiation of calls to consumers on the Registry.

43. Since on or about January 1, 2014, Ramsey and Prime Marketing have caused the initiation of calls to numbers on the Registry.

44. For example, during April and May of 2016, Ramsey and Prime Marketing initiated or caused the initiation of 3,546,892 telephone calls to sell home security systems, home solar energy equipment, or other goods and services. Nearly a quarter of those calls, 837,989, were to telephone numbers that had been listed on the Registry for more than 30 days.

45. Defendant Ramsey and Prime Marketing made the violative calls after Ramsey or one of his companies had been sued by Attorneys General in Indiana and Mississippi for violating state law by making calls to consumers on state do not call lists and using an automated dialing device that disseminated recorded voice messages. The Indiana Attorney General obtained a judgment on February

CONSUMER INJURY

52. Consumers in the United States have suffered and will suffer injury as a result of Defendants' violations of the TSR. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers and harm the public interest.

THIS COURT'S POWER TO GRANT RELIEF

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court, as authorized by Sections 5(a), 5(m)(1)(A), and 13(b) of the FTC Act, 15 U.S.C. §§ 45(a), 45(m)(1)(A), 53(b), and pursuant to its own equitable powers:

- A. Enter judgment against Defendants and in favor of Plaintiff for each violation alleged in this complaint;
- B. Award Plaintiff monetary civil penalties from each Defendant for every violation of the TSR;
- C. Enter a permanent injunction to prevent future violations of the TSR and the FTC Act by Defendants; and
- D. 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.

Respectfully submitted,

David Shonka
Acting General Counsel

s/Russell Deitch

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