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1 OF NETLATITUDE, INC.,

2 ATLAS MARKETING PARTNERS,
3 INC., A CORPORATION,

4 ATLAS INVESTMENT VENTURES
5 LLC, A LIMITED LIABILITY
6 COMPANY,

7 KASM, A CORPORATION, ALSO
8 D/B/A KASM, INC.,

9 TEK VENTURES, LLC, A LIMITED
10 LIABILITY COMPANY, ALSO D/B/A
11 PROVIDENT SOLUTIONS,

12 ACE BUSINESS SOLUTIONS LLC, A
13 CORPORATION,

14 ERIC PETERSEN, INDIVIDUALLY
15 AND AS AN OFFICER AND OWNER
16 OF ATLAS MARKETING PARTNERS,
17 INC., ATLAS INVESTMENT
18 VENTURES LLC, AND TEK
19 VENTURES, LLC,

20 TODD DIROBERTO, INDIVIDUALLY
21 AND AS AN OFFICER AND OWNER
22 OF ATLAS MARKETING PARTNERS,
23 INC., ATLAS INVESTMENT
24 VENTURES LLC, AND TEK
25 VENTURES, LLC,

26 KENAN AZZEH, INDIVIDUALLY
27 AND AS AN OFFICER AND OWNER
28 OF KASM, AND

SANDRA BARNES, INDIVIDUALLY
AND AS AN OFFICER AND OWNER
OF ACE BUSINESS SOLUTIONS LLC,

Defendants.

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

5 1. Plaintiff brings this action under Sections 5(a), 5(m)(1)(A), 13(b), 16(a), and
6 19 of the FTC Act, 15 U.S.C. §§ 45(a), 45(m)(1)(A), 53(b), 56(a), and 57b, and Section 6
7 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (“Telemarketing
8 Act”), 15 U.S.C. § 6105, for permanent injunctive relief, monetary relief, civil penalties,
9 and other relief for Defendants’ acts or practices in violation of Section 5(a)lTelemarketjunct 19.

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1 telecommunications services company offering, among other things, VoIP services,
2 including ringless voicemail and wholesale SIP termination. Netlatitude, in connection
3 with the matter alleged herein, routes and transmits outbound telephone calls for lead
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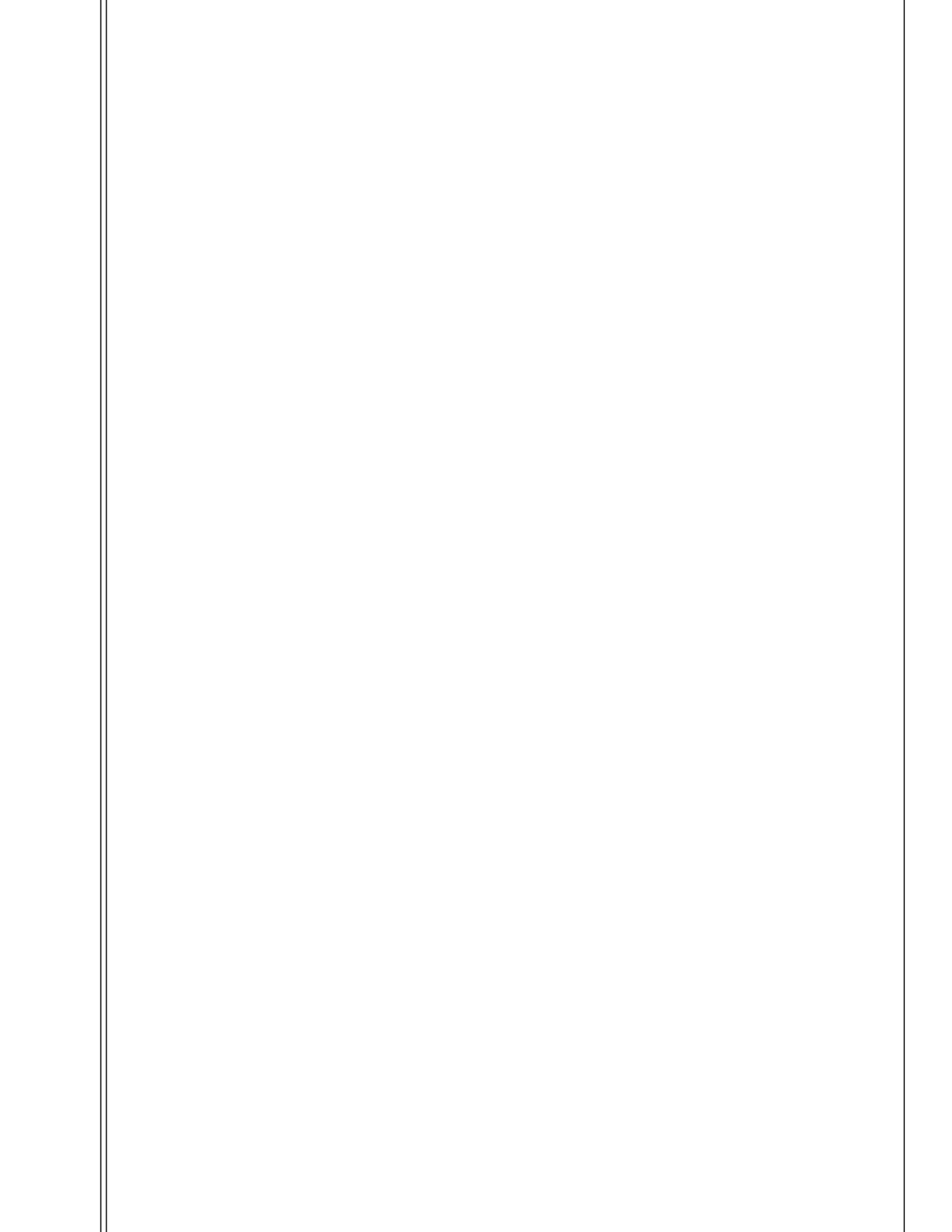
1 connection with the matters alleged herein, transacts or has transacted business in this
2 district and throughout the United States.

3 17. **Sandra Barnes** (“Barnes”) is the owner and director of Ace. Through her
4 direct participation in and control over Ace, Barnes has had knowledge of the acts and
5 practices constituting the violations alleged herein, had control over them, and directly
6 participated in them.

7 18. **Kasm, also d/b/a Kasm, Inc.**, (“Kasm”) is a California corporation with its
8 principal place of business at 1106 Second Street, Suite 348, Encinitas, California 92024.
9 Kasm conducted marketing and lead generation for debt relief services on behalf of Atlas
10 Investment from 2013 to March 2021. Kasm, in connection with the matters alleged
11 herein, transacts or has transacted business in this district and throughout the United
12 States.

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32. The TSR requires telemarketers in an outbound telephone call or internal or

- i. Bears the same proportional relationship to the total fee for renegotiating, settling, reducing, or altering the terms of the entire debt balance as the individual debt amount bears to the entire debt amount. The individual debt amount and the entire debt amount are those owed at the time the debt was enrolled in the service; or
- ii. Is a percentage of the amount saved as a result of the renegotiation, settlement, reduction, or alteration. The percentage charged cannot change from one individual debt to another. The amount saved is the difference between the amount owed at the time the debt was enrolled in the service and the amount actually paid to satisfy the debt. 16 C.F.R. § 310.4(a)(5)(i).

37. It is a violation of the TSR for any person to provide substantial assistance or support to any seller or telemarketer when that person knows or consciously avoids knowing that the seller or telemarketer is engaged in any practice that violates Sections 310.3(a), (c) or (d), or 310.4 of the TSR. 16 C.F.R. § 310.3(b).

38. 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).

DEFENDANTS' BUSINESS ACTIVITIES

Stratics Networks' Ringless Voicemail (RVM) Platform Service

39. Stratics Networks offers its customers the use of its ringless voicemail (RVM) platform service, which uses phone calls to deliver prerecorded voice messages (i.e., robocalls) *en masse* to consumers, ostensibly without causing the recipient's phone to ring and without giving recipients the opportunity to answer or block the incoming prerecorded message.

1 40. Stratics Networks, has advertised online that it is the “U.S. Inventor[] of
2 Ringless Voicemail & Unlimited Ringless Voicemail Drops.”¹

3 41. Despite Stratics Networks’ description of its voicemail technology as
4 “ringless,” the delivery of a prerecorded message to cellular telephone subscribers’
5 voicemail box may trigger an audible and visual notification that alerts recipients that
6 they have new voicemails. In fact, Stratics Networks stated in its own terms of service
7 that RVMs “may in some circumstances make a partial ring or line ‘tap’ or ‘ping’ on a
8 recipient’s phone.”

9 42. Stratics Networks’ RVM platform enables customers to upload prerecorded
10 messages, lists of recipients’ cell phone numbers, and caller IDs to transmit along with
11 each prerecorded message.

12 43. Stratics Networks has access to the prerecorded messages its customers
13 upload to its RVM platform and reserves the right to audit its customers’ accounts in its
14 terms and conditions of service, but it does not conduct due diligence to ensure that the
15 messages actually identified the seller or caller, or to prohibit the transmission of
16 prerecorded messages that failed to do so, or to ensure that that the call recipient had
17 given express consent to receive the call.

18 44. Stratics Networks’ RVM platform also allowed, but did not require, its
19 customers to scrub lists of uploaded cell phone numbers against the National DNC
20 Registry and state do-not-call lists.

21 45. Stratics Networks maintained and/or generated transmission records for its
22 customers. These transmission records include the customer’s calling number (caller ID),
23 the recipient’s cell phone number, the duration of the call, the date and time of the
24 delivery, and the disposition (i.e., that the prerecorded message reached the consumer’s
25 voicemail inbox).

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28 ¹ See <https://www.linkedin.com/company/stratics-networks> (accessed Jan. 29, 2022).

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1 53. Stratics Networks and its RVM customers are responsible for bombarding
2 American consumers in this district and throughout the United States with millions of
3 illegal robocalls, all delivered utilizing Stratics Networks’ RVM platform service.

4 54. These illegal robocalls pitched a variety of consumer goods and services,
5 including homebuying services, credit card and student debt relief services, and health
6 insurance. Stratics Networks’ RVM customers also utilized Stratics Networks’ RVM
7 platform service to deliver robocalls to consumers associated with fake lawsuit scams,
8 fraudulent sweepstakes, or cable television discount offers.

9 55. In numerous instances, when these outbound telephone calls delivered
10 prerecorded messages offering goods or services, Stratics Networks’ RVM customers did
11 not have a signed, express agreement, in writing, that evidences the willingness of the
12 recipient of the call to receive calls that deliver prerecorded messages by or on behalf of
13 the seller whose goods or services were being offered. Stratics Networks’ RVM
14 customers nevertheless initiated these robocalls to consumers residing in this district and
15 throughout the United States.

16 56. Despite acknowledging in its terms and conditions of service that its
17 customers must “obtain the prior written consent from each recipient to contact such
18 recipient” “[w]here required by applicable law or regulation,” Stratics Networks did not
19 have evidence of such consent and did not request or require that its customers submit
20 such evidence.

21 57. In the course of the telemarketing robocall campaigns described above,
22 Stratics Networks’ RVM customers also initiated or caused the initiation of millions of
23 outbound telephone calls to numbers that had been on the DNC Registry for more than 31
24 days. In numerous instances, Stratics Networks and its RVM customers did not scrub the
25 lists of uploaded recipient phone numbers against the DNC Registry, or make sure they
26 were scrubbed before they were uploaded onto the RVM platform. In numerous
27 instances, at the time of these calls, Stratics Networks’ RVM customers also did not have
28 a written agreement from consumers on the DNC Registry to receive such calls; nor did

1 they have a pre-existing or established business relationship with them. Stratics Networks
2 and its RVM customers nevertheless initiated these calls to consumers residing in this
3 district and throughout the United States.

4 58. In the course of the telemarketing robocall campaigns described above, in
5 numerous, if not all, instances, Stratics Networks' RVM customers failed to disclose to
6 consumers, truthfully, promptly, and in a clear and conspicuous manner, the identity of
7 the seller of the goods or services.

8 **The Atlas Defendants' Telemarketing Campaign Violated the TSR**

9 *The Atlas Defendants' Ringless Voicemail Operation*

10 59. Among the robocalls delivered via Stratics Networks' RVM platform were
11 millions of calls marketing the Atlas Defendants' debt relief services.

12 60. The Atlas Defendants are "sellers" and "telemarketers" of "debt relief
13 services" and engaged in "telemarketing," as defined by the TSR, 16 C.F.R. § 310.2.

14 61. The Atlas Defendants are sellers and telemarketers that initiated or caused
15 the initiation of outbound telephone calls, including calls delivering prerecorded
16 messages to consumers in the United States to induce the purchase of credit card debt
17 relief services, and that received inbound calls from consumers.

18 62. The Atlas Defendants have engaged in telemarketing by a plan, program, or
19 campaign conducted to induce the purchase of credit card debt relief services by the use
20 of one or more telephones and which involves more than one interstate telephone call.

21 63. Since at least January 2019, the Atlas Defendants have maintained a
22 substantial course of trade or business in the offering for sale of goods or services via the
23 telephone, in or affecting commerce, as "commerce" is defined in Section 4 of the FTC
24 Act, 15 U.S.C. § 44.

25 64. In 2013, the Atlas Defendants hired Azzeh, doing business under his own
26 company—Kasm—to provide marketing services. Azzeh conducted lead generation for
27 the Atlas Defendants, including by managing direct mail campaigns, purchasing live
28 transfers, and delivering ringless voicemails. Azzeh continued to work for the Atlas

1 Defendants until April 30, 2021. During this time, Azzeh and Kasm were “telemarketers”
2 on behalf of the Atlas Defendants and initiated millions of outbound telephone calls
3 delivering prerecorded messages to consumers to induce the purchase of the Atlas
4 Defendants’ debt relief services.

5 65. Between at least September 2019, a
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1 75. In numerous instances, consumers were subsequently transferred (or called
2 at a later time) for quality control calls, wherein another live telemarketer verified the
3 consumer’s banking information, payment amount, and draft date. The quality control
4 calls were conducted by Ace employees.

5 76. In numerous instances, Atlas Investment’s live telemarketers represented to
6 consumers that some of their monthly payment would be used to pay the consumer’s
7 debts.

8 77. During the quality control calls, however, Ace typically asked consumers to
9 affirm that they understood the monthly payments were for the Atlas Defendants’ fees
10 only. In numerous instances, the discrepancy between the representations made during
11 the sales pitch and quality control calls led to consumer confusion.

12 78. The Atlas Defendants purportedly subcontracted the debt relief service
13 program to Barnes and her company, Ace. Barnes and Ace were “sellers” that, in
14 connection with the Atlas Defendants’ telemarketing, provided debt validation letter
15 writing services to consumers in exchange for consideration. Barnes and Ace were also
16 “telemarketers” that, in connection with telemarketing, initiated or received telephone
17 calls to or from customers.

18 79. The Atlas Defendants’ debt relief services, carried out by Ace, consisted of a
19 series of debt validation letters sent by Ace to consumers’ creditors challenging the
20 validity of the consumers’ debt, regardless of whether the consumers believed the debt
21 was, in fact, invalid.

22 80. In numerous instances, Ace requested and received monthly bank
23 withdrawals from consumers approximately 30 days after the consumers enrolled in the
24 Atlas Defendants’ debt relief services program, regardless of whether Ace had sent a debt
25 validation letter for the consumers at that time. Frequently, no debt validation letter had
26 been sent at that time. After Ace received consumers’ payments, it distributed a
27 percentage of the fees back to the Atlas Defendants.
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1 robocall campaigns to induce the purchase of goods or services. Stratics Networks knew
2 or consciously avoiding knowing that, among other things, its RVM customers initiated
3 outbound telephone calls:

- 4 a. that delivered prerecorded messages offering goods or services, without
5 having a signed, express agreement, in writing, that evidences the
6 willingness of the recipient of the call to receive calls that deliver
7 prerecorded messages by or on behalf of the seller whose goods or services
8 were being offered;
- 9 b. to numbers listed on the National DNC Registry to induce the purchase of
10 goods or services, without having a written agreement from consumers to
11 receive such calls or a pre-existing or established business relationship with
12 them;
- 13 c. that failed to disclose the identity of the seller of goods or services truthfully,
14 promptly, and in a clear and conspicuous manner to the person receiving the
15 call.

16 *Traceback Requests Regarding RVM Customers' Robocall Campaigns*

17 91. USTelecom's Industry Traceback Group (ITG), the official U.S. Federal
18 Communications Commission (FCC)-designated consortium of telephone and broadband
19 industry companies working to determine the sources of and stop illegal robocalls,
20 repeatedly alerted Stratics Networks to likely illegal robocalls delivered using its RVM
21 platform.

22 92. USTelecom's ITG sends emails to voice service providers seeking assistance
23 with identifying the source of suspicious traffic, and it refers to these emails as
24 "Traceback Requests."

25 93. USTelecom's ITG defines a "Traceback" as follows:

26 A network-based process that seeks out the source of Suspicious Traffic.
27 Beginning at a terminating Voice Service Provider, a call is systematically
28 traced from one Voice Service Provider to the preceding Voice Service

1 Provider networks until a Non-Cooperative Voice Service Provider and/or
2 the originating Voice Service Provider or originating customer is identified.

3 94. USTelecom's ITG identifies as "Suspicious Traffic" "a pattern of voice calls
4 that: (1) transit one or more Voice Service Provider networks and (2) have characteristics
5 associated with abusive, unlawful, or fraudulent practices (including, but not limited to,
6 lack of header information, volumetric anomalies, calling or called party information
7 modification, complaints received from called parties, law enforcement, third-party
8 aggregators, or call transcripts)."

9 95. Stratics Networks received numerous Traceback Requests from
10 USTelecom's ITG alerting it to suspected illegal robocall traffic delivered via Stratics
11 Networks' RVM platform service and seeking its assistance in identifying the source(s)
12 (i.e., upstream carrier or originating end-user) of these "likely illegal" robocalls,
13 including over 30 such requests between August 2019 and February 2021.

14 96. These Traceback Requests to Stratics Networks identified likely illegal
15 robocalls that were being conducted through Stratics Networks' RVM platform in
16 connection with telemarketing campaigns that related to a variety of topics, including
17 homebuying services, credit card and student debt relief services, health insurance, cable
18 television discounts, fake lawsuit scams, and fraudulent sweepstakes winner notifications.

19 97. The Traceback Requests to Stratics Networks concerned robocall
20 telemarketing campaigns conducted over Stratics Networks' RVM platform by several of
21 its RVM customers, including Atlas Marketing, Telecord, Telesero, Health Innovations,
22 National Homebuyers, Elite Processing, Deltracon, Technest Limited, Shamoan Ahmad,
23 Progressive Promoting, Nitzke Enterprize, Care Advocacy Solutions, and PubClub.

24 98. USTelecom's ITG Traceback Requests to Stratics Networks provided call
25 detail records (i.e., the date, time, and called from and called to numbers) for suspicious
26 robocall incidents, and they also included additional details describing the characteristics
27 of the prerecorded messages associated with abusive, unlawful, or fraudulent practices,
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1 messages, did not identify the calling party, were placed to numbers on the National Do
2 Not Call Registry, were “likely FRAUD,” or involved attempts to extort money from
3 consumers.

4 99. USTelecom’s ITG Traceback Requests gave Stratics Networks access to
5 audio recordings of the prerecorded messages at issue to assist it in identifying the
6 robocalls’ source. Stratics Networks also had access to the prerecorded audio messages
7 its customers uploaded to its RVM platform, which it had the right to audit pursuant to its
8 terms and conditions of service. The audio recordings demonstrated that prerecorded
9 messages delivered via Stratics Networks’ RVM platform failed to disclose to consumers,
10 truthfully, promptly, and in a

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1 RVM platform that could prevent the delivery of prerecorded messages to numbers on
2 the DNC Registry.

3 104. Several of US Telecom’s ITG’s Traceback Requests to Stratics Networks
4 concerned robocalls delivered over Stratics Networks’ RVM platform as part of the Atlas
5 Defendants’ debt relief telemarketing campaign, including Traceback Requests Stratics
6 Networks received between April and June 2020. These Traceback Requests indicated
7 that they concerned a “DebtReduction-Hardship” or “DebtReduction-CoronaHardship”
8 campaign, and they noted that the robocalls delivered prerecorded messages offering pre-
9 approved loans and did not identify the caller.

10 105. Notwithstanding Stratics Networks’ representation to US Telecom’s ITG in
11 response to a April 29, 2020 traceback request that it “ha[d] taken immediate action and
12 triggered a full investigation” into the Traceback Request and “also suspended traffic,”
13 Stratics Networks permitted Atlas Marketing to continue using its RVM platform service
14 to deliver millions more robocalls for over five more months.

15 106. Accordingly, by no later than on or about April 29, 2020, Stratics Networks
16 knew or consciously avoided knowing that Atlas Marketing utilized its RVM platform
17 service to deliver prerecorded messages offering debt relief services without requiring it
18 to obtain prior express written consent from recipients or disclose the identity of the seller
19 of the debt relief services.

20 107. After April 29, 2020, Stratics Networks permitted Atlas Marketing to use its
21 RVM service to deliver more than 23 million additional ringless voicemail robocalls to
22 American consumers.

23 108. On October 26, 2020, the FTC issued a CID to The Stratics Group, Inc.
24 d/b/a/ Stratics Networks Inc. requesting, *inter alia*, information concerning certain
25 wholesale SIP termination and RVM customers that had originated, initiated, or routed
26 telephone calls using Stratics Networks’ services. The CID stated that the purpose of its
27 investigation was to determine, among other things, whether persons or entities initiated,
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1 caused the initiation of, or assisted the initiation of outbound telephone calls that violated
2 the TSR. Stratics Networks acknowledged the CID on November 5, 2020.

3 109. As described above, even after Stratics Networks acknowledged the FTC's
4 CID, it continued to provide RVM platform service to telemarketers that placed outbound
5 telephone calls that delivered prerecorded messages (i.e., robocalls) to induce the
6 purchase of goods or services in violation of the TSR.

7 **Netlatitude's Customers Operated Telemarketing Campaigns in Violation of the**
8 **TSR**

9 110. Between at least June 2015 and September 2020, Netlatitude purchased
10 access to Stratics Networks' wholesale SIP termination (outbound calling) service to
11 route and transmit robocalls, including lead-generation robocalls pitching debt relief
12 services and COVID-19 pandemic-related rebate and cash incentive programs.

13 111. Netlatitude also routed and transmitted lead generation robocalls utilizing
14 SIP termination (outbound calling) service not provided by Stratics Networks. For
15 example, in April 2020, Netlatitude routed such calls using SIP termination service from
16 Alcazar Networks, Inc., a nationwide provider of interconnected VoIP services that the
17 FTC later sued for assisting and facilitating tens of millions of illegal telemarketing
18 robocalls. *See FTC v. Alcazar Networks, et al.*, No. 6:20-cv-02200 (M.D. Fla. filed Dec.
19 3, 2020).

20 112. Many of these outbound telephone calls that Netlatitude routed and
21 transmitted between January 2020 and April 2021 were on behalf of its customer Fortress
22 Leads S De RI De Cv ("Fortress Leads"), which operated lead generation ringless
23 voicemail robocall campaigns originating outside of the United States. Netlatitude served
24 as the U.S. Point of Entry (i.e., first voice service provider within a call's path to transmit
25 an illegal robocall from a foreign voice service provider and place the call on the U.S.
26 public switched telephone network) for these robocall campaigns.

27 113. Netlatitude's customers, including Fortress Leads, were "telemarketers"
28 engaged in "telemarketing," as defined by the TSR, 16 C.F.R. § 310.2.

1 114. Many of the ringless voicemail robocalls routed and transmitted by
2 Netlatitude through Stratics Networks' SIP termination network told consumers that they
3 were qualified or pre-approved for programs that would lower or eliminate their loan
4 payments or balances. For example, on April 9, 2020, Netlatitude routed and transmitted
5 a telemarketing robocall via Stratics Networks' SIP termination network that stated the
6 following:

7 Hey, it's Kyla with processing. I was just calling to let you know that we do have
8 your pre-approved amount for the hardship program. Um...it is up to \$55,000, so
9 just give me a call and we can go over the details. My number is 877-224-
10 0244...and you can speak to me or any one of the representatives. Just in the case,
11 the number again is 877-224-0244. I look forward to hearing from you and have a
12 great day.

13 115. Many calls that Netlatitude routed and transmitted, including through
14 Stratics Networks' SIP termination network, delivered unlawful prerecorded messages to
15 induce the purchase of goods or services and failed to disclose the identity of the seller, in
16 violation of the TSR. This was true, for example, of most, if not all, of more than
17 136,000 robocalls Netlatitude routed and transmitted to consumers using Stratics
18 Networks' SIP termination service on just two days in September 2020.

19 116. Many of the calls that Netlatitude routed, and transmitted, including through
20 Stratics Networks' SIP termination network, were placed to numbers that had been listed
21 on the National Do Not Call Registry for more than 31 days, in violation of the TSR. This
22 was true of many of the more than 136,000 robocalls Netlatitude routed and transmitted
23 to consumers using Stratics Networks' SIP termination service on just two days in
24 September 2020.

25 **Stratics Networks and Netlatitude Knew or Consciously Avoided Knowing They**
26 **Were Assisting and Facilitating Netlatitude's Customers' TSR Violations**

27 117. On April 13, 2020, USTelecom's ITG sent Stratics Networks a Traceback
28 Request seeking its assistance in identifying the sources of certain suspected illegal
robocalls routed through Stratics Networks that the request described as prerecorded

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1 take appropriate steps to cease transmitting this traffic. It continued to route and transmit
2 numerous robocalls delivering unlawful prerecorded messages without obtaining
3 consumers' prior consent, which failed to identify the seller and which were sent even to
4 numbers that were listed on the National Do Not Call Registry.

5 124. Based on the facts and violations of law alleged in this Complaint, the FTC
6 has reason to believe that Defendants are violating or are about to violate laws enforced
7 by the Commission, and that consumers will continue to be injured by those ongoing
8 violations, because, among other things, Defendants: (a) have shown a pattern and
9 practice of continuing to assist and facilitate violations of the TSR, even after learning of
10 the violations; (b) remain active in the telecommunications or debt relief services
11 industries and maintain the means, ability, and incentive to resume their unlawful
12 conduct; (c) have repeatedly ignored law enforcement agencies' and trade associations
13 warnings about suspected illegal robocall traffic routed across their networks; (d) have
14 suspended customers violating telemarketing laws only after repeated warnings from law
15 enforcement agencies or trade associations; and/or (e) have failed to fully respond to
16 CIDs issued by the Commission.

17 **VIOLATIONS OF THE FTC ACT**

18 125. Section 5(a) of the FTC Act, 15
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1 c. Failed to disclose the identity of the seller of the goods or services truthfully,
2 promptly, and in a clear and conspicuous manner to the person receiving the
3 call, in violation of 16 C.F.R. § 310.4(d)(1); and

4 133. Stratics Networks, Netlatitude, and Hannigan's substantial assistance
5 violates the TSR, 16 C.F.R. § 310.3(b).

6 **Count III (Atlas Defendants, Petersen, DiRoberto, Kasm & Azzeh)**

7 **Initiating Unlawful Prerecorded Messages**

8 134. Paragraphs 1 through 126 are incorporated as if set forth fully herein.

9 135. As set forth above, in numerous instances, in connection with telemarketing,
10 Atlas Defendants, Petersen, DiRoberto, Kasm, and Azzeh have engaged in initiating or
11 causing the initiation of outbound telephone calls that deliver prerecorded messages to
12 induce the sale of debt relief services.

13 136. The acts or practices of Atlas Defendants, Petersen, DiRoberto, Kasm, and
14 Azzeh are abusive telemarketing acts or practices that violate the TSR, 16 C.F.R. §
15 310.4(b)(1)(v)(A).

16 **Count IV (Atlas Defendants, Petersen, DiRoberto, Kasm & Azzeh)**

17 **Failure to Make Oral Disclosure Required by the TSR**

18 137. Paragraphs 1 through 126 are incorporated as if set forth fully herein.

19 138. As set forth above, in numerous instances since at least September 12, 2019,
20 in connection with telemarketing, Atlas Defendants, Petersen, DiRoberto, Kasm, and
21 Azzeh have engaged in initiating or causing the initiation of outbound telephone calls that
22 failed to disclose the identity of the seller of the debt relief services truthfully, promptly,
23 and in a clear and conspicuous manner to the person receiving the call.

24 139. The acts or practices of Atlas Defendants, Petersen, DiRoberto, Kasm, and
25 Azzeh are abusive telemarketing acts or practices that violate the TSR, 16 C.F.R. §
26 310.4(d)(1).

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: February 16, 2023

**FOR FEDERAL TRADE
COMMISSION:**

Christopher E. Brown
Suzanne Barth
Attorneys
