

**June 5, 2020**

**ATTORNEY GENERAL RAOUL WORKS TO EXPOSE ILLEGAL ROBOCALLERS**

**Chicago** — Attorney General Kwame Raoul, as part of the State Attorneys General Robocall Working Group, issued [a letter to the Federal Communications Commission \(FCC\)](#) encouraging continued collaboration among state attorneys general and telecom companies to coordinate tracing back illegal robocalls to their source.

“Robocalls continue to be some of the most frequent consumer complaints my office receives, and with good reason because they cost people time and money,” Raoul said. “States partnering with the FCC and telecom companies help us trace these illegal calls back to their source and support our work to end the nuisance of robocalls.”

Under the TRACED Act, which became law in December 2019, the FCC will select a single registered association to manage the work to trace back illegal robocalls. Because a call can pass through the networks of many telecom companies before reaching its final destination, tracing that call, which is key to enforcing laws against illegal robocallers, requires collaboration among telecom companies and state attorneys general. In their comments, Raoul and the coalition note that traceback investigations are necessary for law enforcement to more efficiently identify and investigate illegal robocallers and expose voice service providers that assist and facilitate illegal robocallers.

For the last few years, state attorneys general have encouraged the telecom industry to increase the number and speed of traceback investigations each month. Many telecom companies have joined this effort and are working hard to stop illegal robocallers. Traceback investigations are more urgent than ever because of coronavirus-related robocall scams, including scams related to coronavirus relief checks, pitches for coronavirus test kits, health plans offering coronavirus testing, work-from-home offers preying on job-seekers, and scams offering relief on utility bills, student loans, taxes, or other debt.

Since 2018, Illinois has been a member of a coalition of states working with the telecom industry to attack the scourge of robocalls in a comprehensive way by implementing commonsense business practices to minimize illegal robocalls and trace these calls back to their source. This coalition of 45 states includes Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, the District of Columbia, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia and Wisconsin.

Attorney General Raoul is joined in submitting today’s comments by the attorneys general of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, the District of Columbia, Delaware, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

Attorney General Raoul has been a consistent advocate for protections against illegal robocalls. In 2019, Raoul, in cooperation with the FTC, announced a major crackdown on robocalls that included 94 actions targeting operations around the country that were responsible for more than 1 billion calls. As part of that crackdown, Raoul [filed a lawsuit](#) against Glamour Services, LLC; Awe Struck, Inc.; and Matthew Glamkowski,

the manager of Glamour Services and president of Awe Struck for allegedly using robocalling and telemarketing to solicit home cleaning services. In May 2019, Raoul submitted comments to the Federal Communications Commission urging the adoption of its proposed rules on enforcement against caller ID spoofing.

Consumers who wish to file a complaint concerning robocalls they have received can do so on the [Attorney General's website](#). Information about how consumers can add their number to the [Do Not Call Registry is also available on the Attorney General's website](#).

PRESIDENT  
Tim Fox  
*Montana Attorney General*

PRESIDENT-ELECT  
Karl A. Racine  
*District of Columbia  
Attorney General*

VICE PRESIDENT  
Tom Miller  
*Iowa Attorney General*

IMMEDIATE PAST PRESIDENT  
Jeff Landry  
*Louisiana Attorney General*

EXECUTIVE DIRECTOR  
Chris Toth

June 4, 2020

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of

Implementing Section 13(d) of the Pallone–Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act) )  
EB Docket No. 20-22 )  
)

**REPLY COMMENTS OF [52] STATE ATTORNEYS GENERAL**

**I. Introduction**

The undersigned State Attorneys General submit these Reply Comments in support of the public notice issued by the Enforcement Bureau,<sup>1</sup> which amends and adopts its rules inviting any interested consortia that seek to be selected, in accordance with Section 13(d) of the Pallone–Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (“TRACED Act”)<sup>2</sup>, as the single registered consortium that will both serve as a neutral third party to manage the private-led efforts to trace back the origin of suspected unlawful robocalls, and be responsive to the needs of interested parties, including State Attorneys General.<sup>3</sup>

State Attorneys General have long been leaders in the fight against illegal robocallers and their assault on the American people’s privacy. As a

1850 M Street, NW  
Twelfth Floor  
Washington, DC 20036  
Phone: (202) 326-6000  
<https://www.naag.org/>

<sup>1</sup> See *Implementing Section 13(d) of the Pallone–Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act)*, Report and Order and Further Notice of Proposed Rulemaking, EB Docket No. 20-22 (released Mar. 27, 2020) (hereinafter “R&O and FNPRM”).

<sup>2</sup> Pallone–Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, 133 Stat. 3274 (2019) (hereinafter “TRACED Act”).

<sup>3</sup> See, e.g., R&O and FNPRM at ¶¶ 15, 16, and 21.

result of the rise of caller ID spoofing, there is limited visibility of the entities and individuals that perpetrate these harassing and unlawful calls. State Attorneys General have prioritized tracking down these bad actors and bringing their illegal activity to light.

## **II. Traceback is Necessary for Law Enforcement to More Efficiently Identify and Investigate Illegal Robocallers**

In late 2017, forty-five State Attorneys General formed the Robocall Technologies Working Group, a bipartisan multistate coalition to investigate the technological solutions that major voice service providers were designing, developing, and implementing in order to choke off these illegal calls at their source.<sup>4</sup> In 2019, fifty-one State Attorneys General and fifteen voice service providers agreed to a set of Anti-Robocall Principles,<sup>5</sup> which outline common-sense business practices that voice service providers can implement to minimize these calls, including offering call blocking for free to their customers, analyzing and monitoring their network traffic for patterns consistent with illegal robocalls, and taking action against suspicious callers. One of the foundations of these Principles is a commitment to participate in “traceback” investigations, which is the process of determining the origin or source of a robocall, typically by starting with the receiving party and terminating voice service provider and tracing the call backwards through the path of intermediate providers, ultimately, to the originating voice service provider and the origin of the call.<sup>6</sup> Without traceback efforts, bad actors can, and will, continue

---

<sup>4</sup> The Robocall Technologies Working Group is led by North Carolina\*, New Hampshire\*, and Indiana\*, and currently includes Alabama, Alaska, Arizona\*, Arkansas\*, California\*, Colorado\*, Connecticut, District of Columbia\*, Delaware, Florida\*, Hawaii, Idaho, Illinois\*, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts\*, Michigan\*, Minnesota, Mississippi\*, Missouri, Nebraska\*, Nevada, New Jersey, New York, North Dakota, Ohio\*, Oklahoma, Oregon, Pennsylvania\*, Rhode Island, South Carolina, South Dakota, Tennessee, Texas\*, Utah, Vermont\*, Virginia, West Virginia, and Wisconsin. Executive Committee members are indicated by an asterisk (\*).

<sup>5</sup> Fifty-One State Attorneys General, *Anti-Robocall Principles*, <https://ncdoj.gov/download/141/files/19699/state-ags-providers-antirobocall-principles-feb-2020-with-signatories>.

<sup>6</sup> Principle #4. Investigate Suspicious Calls and Calling Patterns. *If a provider detects a pattern consistent with illegal robocalls, or if a provider otherwise has reason to suspect illegal robocalling or spoofing is taking place over its network, seek to identify the party that is using its*

to operate in secrecy by hiding behind a misleading or inaccurate caller ID name and number, and by routing calls through numerous providers' networks prior to reaching consumers across this country.

The Executive Committee of the Robocall Technologies Working Group has been prioritizing traceback efforts since 2018, and is eager to work cooperatively with the consortium selected by the Commission to effectively and efficiently engage in cross-carrier traceback investigations to trace illegal robocalling campaigns, and to identify those that are originating such campaigns to law enforcement agencies. The State Attorneys General recognize, in accordance with the TRACED Act and with this R&O and FNPRM, that tracing a call to its source requires immense collaboration and cooperation across the telecommunications industry,<sup>7</sup> since a single call can—and typically does—pass through the networks of multiple voice service providers before reaching its final destination. To date, we have worked with

---

network to originate, route, or terminate these calls and take appropriate action. *Taking appropriate action may include, but is not limited to, initiating a traceback investigation, verifying that the originating commercial customer owns or is authorized to use the Caller ID number, determining whether the Caller ID name sent to a receiving party matches the customer's corporate name, trademark, or d/b/a name, terminating the party's ability to originate, route, or terminate calls on its network, and notifying law enforcement authorities.*

....

Principle #6. Require Traceback Cooperation in Contracts. For all new and renegotiated contracts governing the transport of voice calls, *use best efforts to require cooperation in traceback investigations by identifying the upstream provider from which the suspected illegal robocall entered its network or by identifying its own customer if the call originated in its network.*

Principle #7. Cooperate in Traceback Investigations. To allow for timely and comprehensive law enforcement efforts against illegal robocallers, *dedicate sufficient resources to provide prompt and complete responses to traceback requests from law enforcement and from USTelecom's Industry Traceback Group. Identify a single point of contact in charge of responding to these traceback requests, and respond to traceback requests as soon as possible.*

*See id.* (emphases added).

<sup>7</sup> See TRACED Act § 13(d), 133 Stat. at 3287; R&O and FNPRM at ¶¶ 2, 5, and 21 (recognizing that “[c]ollaboration with private-led traceback efforts is important to unmask the identities of those entities making the illegal robocalls,” and that, for the selected registered consortium to be a “competent manager of the private-led efforts to trace back the origin of suspected unlawful robocalls,” such consortium must “work cooperatively and collaboratively across the industry”).

USTelecom's Industry Traceback Group, which has provided State Attorneys General with the results of its cross-carrier traceback investigations.

Recently, in January 2020, State Attorneys General met with federal law enforcement partners, several major voice service providers, as well as USTelecom, to discuss important considerations for the traceback process, including: (1) criteria to be taken into account when prioritizing illegal robocalling campaigns for traceback investigations; (2) modifications to the logistics of the traceback process that would aid law enforcement investigative efforts; (3) incorporating consumer complaint data from the offices of State Attorneys General into traceback investigations in order to help identify the perpetrators of the illegal robocall campaigns directly affecting our constituents; and (4) streamlining processes for document production to law enforcement pursuant to subpoenas and civil investigative demands.<sup>8</sup>

### **III. Traceback also Exposes those that Assist and Facilitate Illegal Robocallers**

Not only do traceback investigations help to identify entities and individuals conducting illegal robocalling campaigns, but these investigations also shed light on members of the telecommunications ecosystem that are assisting robocallers in their efforts to scam consumers. Some voice service providers refuse to cooperate with efforts to trace illegal calls to their source. Others may cooperate with traceback requests, but are repeatedly deemed to be either a provider originating illegal robocall campaigns, or a provider that is the U.S. point of entry for illegal robocalling campaigns that originate overseas. However, if a voice service provider knows, or consciously avoids knowing, that the millions of robocalls it traffics across its network to the American people are illegal calls, that provider is violating laws that prohibit providing

---

<sup>8</sup> See, e.g., National Association of Attorneys General, *52 Attorneys General Join Effort to Expand Illegal Robocall Response*, <https://www.naag.org/naag/media/naag-news/52-attorneys-general-join-effort-to-expand-illegal-robocall-response.php> (May 4, 2020, 2:00 p.m. ET).

substantial assistance or support to one engaged in deceptive and abusive telemarketing acts or practices.<sup>9</sup>

In some cases, both state and federal law enforcement agencies have sent letters to such voice service providers in an effort to notify them of the law, and to encourage them to take immediate action to cut off these calls from originating on, or passing through, their networks. Additionally, the Attorney General for the State of Ohio, with the FTC, recently sued Globex Telecom, Inc., a VoIP service provider, for allegedly violating the Telemarketing Sales Rule by assisting and facilitating telemarketers that it knew or consciously avoided knowing were making misrepresentations to consumers about goods or services offered or sold using unlawful, prerecorded messages.<sup>10</sup> The U.S. Department of Justice also brought civil actions against VoIP providers and individuals for engaging in wire fraud and conspiracy to commit wire fraud by transmitting millions of fraudulent robocalling scam calls to recipients in the United States, which included government imposter scams, tech support scams, and loan scams, and resulted in consumers losing money.<sup>11</sup> In that case, the Court granted an injunction to prohibit the defendants from engaging in any call termination services or carrying any VoIP calls terminating in the United States based on its consideration of evidence of defendants' "reckless indifference" to the fraud they were enabling, which evidence included the civil investigative demands that defendants were issued by the Attorneys General for the States of Missouri and Indiana regarding investigations of illegal telemarketing calls that were being routing through the

---

<sup>9</sup> See 15 U.S.C. §§ 6101–6108; 16 C.F.R. § 310.3(b).

<sup>10</sup> See *FTC v. Educare Ctr. Servs., Inc.*, No. 3:19-cv-00196 (W.D. Tex. Am. Compl. filed Dec. 3, 2019); see also *United States v. Dish Network L.L.C.*, 954 F.3d 970, 976 (7th Cir. 2020) (“A principal that learns of illegal behavior committed by its agents, chooses to do nothing, and continues to receive the gains, is liable for the agent’s acts.”).

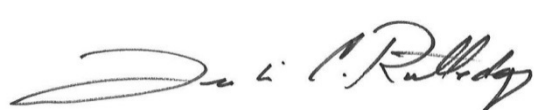
<sup>11</sup> See *United States v. Palumbo*, No. 1:20-cv-00473, slip op. at 1–6 (E.D.N.Y. filed Mar. 24, 2020).

defendants' networks, as well as defendants' receipt of, and response to, traceback investigation notifications.<sup>12</sup>

#### IV. Conclusion

State Attorneys General are unwavering in their commitment to combat illegal robocalls by pursuing the scammers perpetuating the illegal calls, as well as those in the industry that facilitate this traffic and, ultimately, make these calls possible. We applaud the Commission's diligent work to select a single neutral consortium that will manage the effort to trace back the origin of suspected unlawful robocalls in order to identify and expose wrongdoers. We look forward to continuing our law enforcement efforts in cooperation with the Commission's selected registered consortium.

#### BY [52] STATE ATTORNEYS GENERAL



Leslie Rutledge  
Arkansas Attorney General



Josh Stein  
North Carolina Attorney General



Steve Marshall  
Alabama Attorney General



Kevin G. Clarkson  
Alaska Attorney General



Mark Brnovich  
Arizona Attorney General



Xavier Becerra  
California Attorney General



Phil Weiser  
Colorado Attorney General



William Tong  
Connecticut Attorney General

---

<sup>12</sup> See *id.* at 9, 12–13, and 17–18 (determining that, “[w]hether by design or not, the telecommunications ‘intermediary’ industry is set up perfectly to allow fraudulent operators to rotate telephone numbers endlessly and blame other parties for the fraudulent call traffic they carry”).



Kathleen Jennings  
Delaware Attorney General

Ashley Moody  
Florida Attorney General

Clare E. Connors  
Hawaii Attorney General

Kwame Raoul  
Illinois Attorney General

Tom Miller  
Iowa Attorney General

Daniel Cameron  
Kentucky Attorney General

Aaron M. Frey  
Maine Attorney General

Maura Healey  
Massachusetts Attorney General

Keith Ellison  
Minnesota Attorney General

Karl A. Racine  
District of Columbia Attorney General

Christopher M. Carr  
Georgia Attorney General

Lawrence Wasden  
Idaho Attorney General

F. Aaron Negangard  
Indiana Chief Deputy Attorney General

Derek Schmidt  
Kansas Attorney General

Jeff Landry  
Louisiana Attorney General

Brian Frosh  
Maryland Attorney General

Dana Nessel  
Michigan Attorney General

Lynn Fitch  
Mississippi Attorney General



Eric S. Schmitt  
Missouri Attorney General



Douglas Peterson  
Nebraska Attorney General



Gordon MacDonald  
New Hampshire Attorney General



Hector Balderas  
New Mexico Attorney General



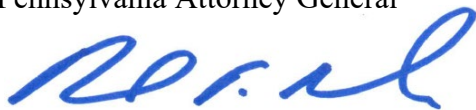
Wayne Stenehjem  
North Dakota Attorney General



Mike Hunter  
Oklahoma Attorney General



Josh Shapiro  
Pennsylvania Attorney General



Peter F. Neronha  
Rhode Island Attorney General



Jason R. Ravensborg  
South Dakota Attorney General



Tim Fox  
Montana Attorney General



Aaron D. Ford  
Nevada Attorney General



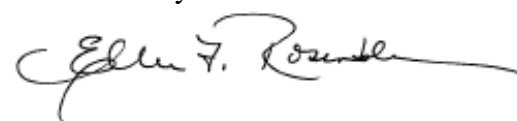
Gurbir S. Grewal  
New Jersey Attorney General



Letitia James  
New York Attorney General



Dave Yost  
Ohio Attorney General



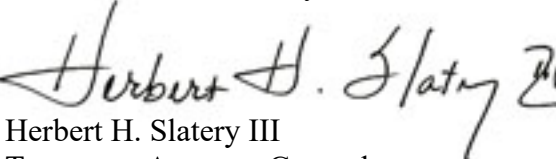
Ellen F. Rosenblum  
Oregon Attorney General



Dennise N. Longo Quiñones  
Puerto Rico Attorney General



Alan Wilson  
South Carolina Attorney General



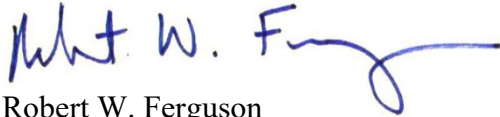
Herbert H. Slatery III  
Tennessee Attorney General



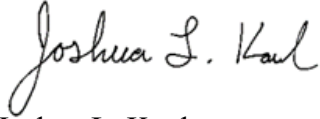
Ken Paxton  
Texas Attorney General



T.J. Donovan  
Vermont Attorney General



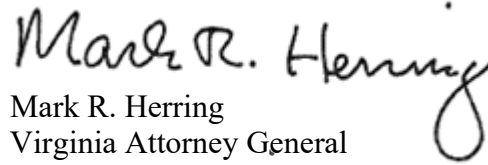
Robert W. Ferguson  
Washington Attorney General



Joshua L. Kaul  
Wisconsin Attorney General



Sean Reyes  
Utah Attorney General



Mark R. Herring  
Virginia Attorney General



Patrick Morrissey  
West Virginia Attorney General



Bridget Hill  
Wyoming Attorney General

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**THE PEOPLE OF THE STATE OF ILLINOIS,**

**Plaintiff,**

**v.**

**GLAMOUR SERVICES, LLC, a Illinois Limited  
Liability Company; AWE STRUCK, INC.,  
an Illinois Corporation; and MATTHEW  
GLAMKOWSKI, individually and in his capacity as  
Manager of Glamour Services, LLC and as President  
of Awe Struck, Inc.,**

**Defendants.**

**No. 2019-cv-**

**COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF**

1. Plaintiff, the People of the State of Illinois, by KWAME RAOUL, Illinois Attorney General, as a Complaint for Injunctive and Other Relief against Defendants Glamour Services, LLC, an Illinois limited liability company registered to do business in Illinois (“Glamour Services”), Awe Struck, Inc., an Illinois corporation (“Awe Struck”), and Matthew Glamkowski, as an individual and in his capacity as manager for Glamour Services, LLC and as President of Awe Struck, Inc., (“Glamkowski”), (collectively “Defendants”), states the following:

**NATURE OF PLAINTIFF’S CLAIMS**

2. This lawsuit arises under the Telephone Consumer Protection Act, 47 U.S.C. §227, *et seq.*, (“TCPA”), and the Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. §6101, *et seq.*, (“Telemarketing Act”), to challenge Defendants’ telephone solicitation practices. Plaintiff seeks a permanent injunction and other relief, based upon Defendants’

violations of the TCPA and of the Telemarketing Act in connection with placing telemarketing solicitations to consumers whose telephone numbers have been registered with the National Do Not Call Registry.

3. Plaintiff, as part of the same case or controversy, also brings this action pursuant to the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/1 *et seq.*, (“Consumer Fraud Act”).

### **JURISDICTION AND VENUE**

4. This court has jurisdiction over this matter pursuant to 28 U.S.C. §§1331 and 1337(a), 47 U.S.C. §227(g)(2), and 15 U.S.C. §6103(a), and supplemental jurisdiction over the state claims pursuant to 28 U.S.C. §1367.

5. Venue in this judicial district is proper pursuant to 28 U.S.C. §1391(b), in that a substantial part of the events or omissions giving rise to the claim occurred in this judicial district. Venue is also proper in this judicial district pursuant to 47 U.S.C. §227(g)(4) and 15 U.S.C. §6103(e), in that Defendants have transacted business in this district.

6. Plaintiff notified the Federal Communications Commission of this civil action in writing on or about June 21, 2019.

7. Plaintiff notified the Federal Trade Commission of this civil action in writing on or about June 21, 2019.

## PARTIES

8. Plaintiff, as *parens patriae*, by and through its attorney, Kwame Raoul, Attorney General, is authorized by 47 U.S.C. §227(g)(1) to file actions in federal district court to enjoin violations of and enforce compliance with the TCPA on behalf of residents of the State of Illinois, and to obtain actual damages or damages of \$500 for each violation, and up to treble that amount for each violation committed willfully or knowingly.

9. Plaintiff, as *parens patriae*, by and through its attorney, Kwame Raoul, Attorney General, is authorized by 15 U.S.C. §6103 to file actions in federal district court to enjoin violations of and enforce compliance with the Telemarketing Act on behalf of residents of the State of Illinois, and to obtain damages, restitution, or other compensation on behalf of residents of Illinois, or to obtain such further and other relief as the court may deem appropriate.

10. Plaintiff, by Kwame Raoul Attorney General of the State of Illinois, is charged, *inter alia*, with the enforcement of the Consumer Fraud Act, 815 ILCS 505/7.

11. Glamour Services is a limited liability company organized under the laws of the State of Illinois.

12. Glamour Services's principal place of business is 245 West Roosevelt Road, Suite 104, West Chicago, Illinois 60185.

13. Awe Struck is a corporation organized under the laws of the State of Illinois.

14. Awe Struck's principal place of business is 245 West Roosevelt Road, Suite 104, West Chicago, Illinois 60185.

15. Glamkowski is sued individually, and in his capacity as manager of Glamour Services and as president of Awe Struck.

16. Glamkowski manages the day-to-day operations of Glamour Services and Awe Struck.

17. Glamkowski approved, authorized, directed, and participated in Defendants' telephone solicitation scheme by: (a) creating and approving the scripts that employees, agents, or third parties use to make the telephone solicitations; (b) creating and recording in advance the "ringless" voicemails to be distributed; (c) purchasing lists of consumers to target for telephone solicitations; (d) directing, training, and supervising employees, agents, or third parties to make the telephone solicitations; (e) determining the number and frequency of the telephone solicitations; and (f) approving payment or paying employees, agents, or third parties to conduct the telephone solicitations.

18. As described below, Defendants Glamkowski, Glamour Services, and Awe Struck have engaged, and continued to engage in a pattern and practice of defrauding consumers; thus, to adhere to the fiction of a separate corporate existence between Defendants Glamkowski and Glamour Services or between Defendants Glamkowski and Awe Struck would serve to sanction fraud and promote injustice.

19. For purposes of this Complaint, any references to the acts and practices of Defendants shall mean that such acts and practices are by Glamkowski and/or through the acts of Glamour Services's and Awe Struck's respective owners, officers, directors, members, employees, partners, representatives, and/or other agents.

#### **DEFENDANTS' BUSINESS PRACTICES**

20. Defendants are, and at all times relevant to this Complaint have been, doing business and transacting business as a provider of certain services, including, but not limited to the following: (1)

window washing, (2) pressure washing, (3) air duct cleaning, (4) gutter cleaning, and (5) carpet cleaning (hereinafter “cleaning service(s)”).

21. Defendants, in an attempt to sell their cleaning services, direct telemarketing solicitations to, or cause them to be directed to consumers, including but not limited to Illinois consumers.

Defendants’ Unfair and Deceptive Telemarketing Activities

22. On at least 28 occasions since 2014, Illinois consumers have complained to the Illinois Attorney General of receiving unsolicited telemarketing calls from Defendants, despite being enrolled on the National Do Not Call Registry.

23. Defendants have sent telemarketing calls to Illinois consumers whose numbers are registered on the National Do Not Call Registry but who have not complained to the Illinois Attorney General’s Office.

24. Over 1,000 consumer complaints have been submitted to law enforcement agencies by Illinois consumers who received unsolicited telemarketing calls from Defendants, despite being enrolled on the National Do Not Call Registry.

25. In numerous instances, Illinois consumers have complained that Defendants continued to call them despite the consumers informing Defendants they were on the National Do Not Call Registry and despite the consumers specifically requesting Defendants to take them off their call list(s).

26. In numerous instances, Defendants have initiated telephone solicitations to residential telephone subscribers in Illinois using an artificial or prerecorded voice to deliver a message without the prior express consent of the called subscribers.



27. In numerous instances, Defendants have initiated telephone solicitations that deliver prerecorded voice messages without identifying the identity of the seller Defendants.

28. These messages were prerecorded in the sense that Glamkowski recorded them ahead of time, and then the recording was played when the call was answered by consumers' voice mailboxes. The quality and preciseness of each message left confirm use of prerecorded messages. The number of consumers who report receiving identical messages confirms the messages were sent *en masse*.

29. In numerous instances, Defendants have harassed, hung up on, or otherwise failed to honor Illinois consumers' requests that they be removed from Defendants' telemarketing lists.

30. In numerous instances, Defendants have threatened Illinois consumers or used profane or obscene language against Illinois consumers during their telemarketing activities.

#### Defendants' Unfair and Deceptive Cleaning Service Practices

31. In some instances, Defendants have taken money from consumers and have failed to commence or complete the promised cleaning services and have failed to provide refunds to consumers.

32. In some instances, Defendants have failed to inform consumers of the prices Defendants intend to charge for each type of cleaning service prior to conducting work.

33. In some instances, the cleaning services Defendants perform are completed in a shoddy and unworkmanlike manner.

## APPLICABLE STATUTES

### FEDERAL LAWS

#### TELEPHONE CONSUMER PROTECTION ACT AND APPLICABLE RULES

34. The TCPA, enacted in 1991, amended the Communications Act of 1934 by adding 47 U.S.C. §227, which requires the Federal Communications Commission to

...initiate a rulemaking proceeding concerning the need to protect residential telephone subscribers' privacy rights to avoid receiving telephone solicitations to which they object. ... The regulations required by [the TCPA] may require the establishment and operation of a single national database to compile a list of telephone numbers of residential subscribers who object to receiving telephone solicitations, and to make that compiled list and parts thereof available for purchase. If the Commission determines to require such a database, such regulations shall— ... (F) prohibit any person from making or transmitting a telephone solicitation to the telephone number of any subscriber included in such database ...

47 U.S.C. §227(c)(1) and (c)(3).

35. On June 26, 2003, the Federal Communications Commission revised its rules and promulgated new rules pursuant to the TCPA. These new rules provide for a National Do Not Call Registry.

36. 47 C.F.R. §64.1200(c) provides in part: “No person or entity shall initiate any telephone solicitation to: ... (2) A residential telephone subscriber who has registered his or her telephone number on the national do-not-call registry of persons who do not wish to receive telephone solicitations that is maintained by the Federal Government.”

37. 47 U.S.C. §227(a)(4) and 47 C.F.R. §64.1200(f)(14) provide in part: “The term telephone solicitation means the initiation of a telephone call or message for the purpose of encouraging the

purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person ...”

38. At all times relevant to this complaint, Defendants were engaged in the practice of conducting telephone solicitations as defined in the TCPA and the rules promulgated pursuant to the TCPA.

39. The TCPA provides in part:

Whenever the attorney general of a State, or an official or agency designated by a State, has reason to believe that any person has engaged or is engaging in a pattern or practice of telephone calls or other transmissions to residents of that State in violation of this section or the regulations prescribed under this section, the State may bring a civil action on behalf of its residents to enjoin such calls, an action to recover for actual monetary loss or receive \$500 in damages for each violation, or both such actions. If the court finds the defendant willfully or knowingly violated such regulations, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under the preceding sentence.

47 U.S.C. § 227(g)(1).

**TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT AND  
TELEMARKETING SALES RULE**

40. In 1994, Congress directed the FTC to prescribe rules prohibiting abusive and deceptive telemarketing acts or practices pursuant to the Telemarketing Act, 15 U.S.C. §§ 6101-6108. On August 16, 1995, the FTC adopted the Telemarketing Sales Rule (the “Original TSR”), 16 C.F.R. Part 310, which became effective on December 31, 1995. On January 29, 2003, the FTC amended the Original TSR by issuing a Statement of Basis and Purpose and the final amended TSR (“TSR”). Telemarketing Sales Rule, 68 Fed. Reg. 4580-01.

41. Among other things, 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 <https://donotcall.gov/>.

42. Sellers, telemarketers, and other permitted organizations can access the Registry over the Internet at <https://telemarketing.donotcall.gov/> to download the registered numbers. Sellers and telemarketers are prohibited from calling registered numbers in violation of the TSR. 16 C.F.R. § 310.4(b)(1)(iii)(B).

43. 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 to 1-888-382-1222 or over the Internet at <https://donotcall.gov/>, or by contacting law enforcement.

44. The TSR also requires a telemarketer to honor a person’s request to no longer receive telemarketing calls made by or on behalf of the telemarketer. 16 C.F.R. §310.4(b)(1)(iii)(A).

45. The TSR prohibits a telemarketer from initiating an outbound telephone call that delivers a prerecorded message unless the message promptly discloses:

- a. the identity of the seller;
- b. that the purpose of the call is to sell goods or services; and
- c. the nature of the goods or services.

16 C.F.R. §310.4(b)(1)(v)(B)(ii).

46. Defendants are each a “seller” or “telemarketer” engaged in “telemarketing,” as defined by the TSR, 16 C.F.R. § 310.2(dd), (ff), (gg).

47. Section 6103(a) of the Telemarketing Act authorizes the Attorney General of a state to enforce the Telemarketing Act and the TSR, 15 U.S.C. §6103(a).

## STATE LAW

### CONSUMER FRAUD ACT

48. Section 2 of the Consumer Fraud Act, provides:

Unfair methods of competition and unfair or deceptive acts or practices, including but not limited to the use or employment of any deception, fraud, false pretense, false promise, misrepresentation or the concealment, suppression or omission of any material fact, with intent that others rely upon the concealment, suppression or omission of such material fact, or the use or employment of any practice described in section 2 of the 'Uniform Deceptive Trade Practices Act,' approved August 5, 1965, in the conduct of any trade or commerce are hereby declared unlawful whether any person has in fact been misled, deceived or damaged thereby. In construing this section consideration shall be given to the interpretations of the Federal Trade Commission and the federal courts relating to section 5(a) of the Federal Trade Commission Act.

815 ILCS 505/2.

49. Subsection 1(f) of the Consumer Fraud Act defines "trade" and "commerce" as follows:

The terms 'trade' and 'commerce' mean the advertising, offering for sale, sale, or distribution of any services and any property, tangible or intangible, real, personal, or mixed, and any other article, commodity, or thing of value wherever situated, and shall include any trade or commerce directly or indirectly affecting the people of this State.

815 ILCS 505/1(f).

50. Section 2Z of the Consumer Fraud Act states that any person who knowingly violates certain Illinois statutes, including the Automatic Telephone Dialers Act and the Telephone

Solicitations Act, “commits an unlawful practice within the meaning of this Act.” 815 ILCS 5050/2Z.

51. Section 30(b) of the Automatic Telephone Dialers Act provides that “[i]t is a violation of this Act to play a prerecorded message placed by an autodialer without the consent of the called party.” 815 ILCS 305/30.

52. Section 15 of the Telephone Solicitations Act states in relevant part:

- (a) No person shall solicit the sale of goods or services in this State by placing a telephone call during the hours between 9 p.m. and 8 a.m.
- (b) A live operator soliciting the sale of goods or services shall:
  - 1. immediately state his or her name, the name of the business or organization being represented, and the purpose of the call; and
  - 2. inquire at the beginning of the call whether the person consents to the solicitation; and
  - 3. if the person called requests to be taken off the contact list of the business or organization, the operator must refrain from calling that person again and take all steps necessary to have that person’s name and telephone number removed from the contact records of the business or organization so that the person will not be contacted again by the business or organization...
- (c) A person may not solicit the sale of goods or services by telephone in a manner that impedes the function of any caller ID when the telephone solicitor’s service or equipment is capable of allowing the display of the solicitor’s telephone number.

815 ILCS 413/15.

53. Section 25 of the Telephone Solicitations Act states in relevant part:

- (a) It is a violation of this Act to make or cause to be made telephone calls to any emergency telephone number as defined in Section 5 of this Act. It is a violation of this Act to make or cause to be made telephone calls in a manner that does not comply with Section 15.
- (b) It is a violation of this Act to continue with a solicitation placed by a live operator without the consent of the called party.
- (c) It is an unlawful act or practice and a violation of this Act for any person engaged in telephone solicitation to obtain or submit for payment a check, draft, or other form of negotiable paper drawn on a person's checking, savings, or other account or on a bond without the person's express written consent.

815 ILCS 413/25.

54. Section 7 of the Consumer Fraud Act provides:

Whenever the Attorney General has reason to believe that any person is using, has used, or is about to use any method, act or practice declared by the Act to be unlawful, and that proceedings would be in the public interest, he may bring an action in the name of the State against such person to restrain by preliminary or permanent injunction the use of such method, act or practice. The Court, in its discretion, may exercise all powers necessary, including but not limited to: injunction, revocation, forfeiture or suspension of any license, charter, franchise, certificate or other evidence of authority of any person to do business in this State; appointment of a receiver; dissolution of domestic corporations or association suspension or termination of the right of foreign corporations or associations to do business in this State; and restitution.

In addition to the remedies provided herein, the Attorney General may request and this Court may impose a civil penalty in a sum not to exceed \$50,000 against any person found by the Court to have engaged in any method, act or practice declared unlawful under this Act. In the event the court finds the method, act or practice to have been entered into with intent to defraud, the court has the authority to impose a civil penalty in a sum not to exceed \$50,000 per violation.

815 ILCS 505/7.

55. Section 10 of the Consumer Fraud Act provides, "In any action brought under the provisions of this Act, the Attorney General is entitled to recover costs for the use of this State."

815 ILCS 505/10.

## **VIOLATIONS**

### **COUNT I - TCPA AND RULES**

56. Paragraphs 1 through 55 are incorporated herein by reference.

57. Defendants have violated 47 U.S.C. §227(b)(1)(A)(iii), by engaging in a pattern or practice of initiating telephone solicitations through the use of automatic telephone dialing

systems or an artificial or prerecorded voice to telephone numbers assigned to cellular telephone services.

58. Defendants have violated 47 C.F.R. §64.1200(a) and 47 U.S.C. §227(b)(1)(B), by engaging in a pattern or practice of initiating telephone solicitations to residential telephone subscribers in Illinois, using an artificial or prerecorded voice to deliver a message without the prior express consent of the called subscribers.

59. Defendants have violated 47 C.F.R. §64.1200(c)(2) and 47 U.S.C. §227(c), by engaging in a pattern or practice of initiating telephone solicitations to residential telephone subscribers in Illinois, whose telephone numbers were listed on the National Do Not Call Registry.

**PRAYER FOR RELIEF - COUNT I**

WHEREFORE, Plaintiff prays that this honorable Court enter an Order:

- A. Finding that Defendants have violated the TCPA;
- B. Permanently enjoining Defendants from initiating telephone solicitations through the use of automatic telephone dialing systems or an artificial or prerecorded voice to telephone numbers assigned to cellular telephone services;
- C. Permanently enjoining Defendants from initiating telephone solicitations to residential telephone subscribers using an artificial or prerecorded voice to deliver a messages without the prior express consent of the called subscribers;
- D. Permanently enjoining Defendants from initiating telephone solicitations to residential telephone subscribers in Illinois, whose telephone numbers are listed on the National Do Not Call Registry;



- E. Assessing against Defendants damages of \$1,500 for each violation of the TCPA found by the Court to have been committed by Defendants willfully and knowingly; if the Court finds Defendants have engaged in violations of the TCPA that are not willful and knowing, then assessing against Defendants damages of \$500 for each violation of the TCPA, as provided by 47 U.S.C. §227;
- D. Assessing against Defendants all costs incurred by Plaintiff in bringing this action; and
- E. Awarding Plaintiff such other and additional relief as the Court determines to be just and proper.

#### **COUNT II - TSR**

60. Paragraphs 1 through 59 are incorporated herein by reference.

61. In numerous instances, in connection with telemarketing, Defendants have initiated or caused a telemarketer to initiate an outbound telephone call to a person's telephone number on the National Do Not Call Registry in violation of the TSR, 16 C.F.R. § 310.4(b)(1)(iii)(B).

62. In numerous instances, in connection with telemarketing, Defendants have initiated or caused a telemarketer to initiate an outbound telephone call to a person who previously has stated that he or she does not wish to receive an outbound telephone call made by or on behalf of Defendants, in violation of the TSR, 16 C.F.R. §310.4(b)(1)(iii)(A).

63. In numerous instances, in connection with telemarketing, Defendants have denied a person the right to be placed on any registry of names or telephone numbers that do not wish to receive calls by Defendants, including but not limited to, harassing persons that make such a request, hanging up on persons, and failing to honor persons' requests in violation of the TSR, 16 C.F.R. §310.4(b)(1)(ii).

64. In numerous instances, in connection with telemarketing, Defendants have engaged in the use of threats, intimidation, or the use of profane or obscene language against a person, in violation of the TSR, 16 C.F.R. §310.4(a)(1).

65. In numerous instances, in connection with telemarketing, Defendants have initiated outbound calls that deliver prerecorded voice messages that fail to disclose the identity of the seller in violation of the TSR, 16 C.F.R. §310.4(b)(1)(v)(B)(ii).

66. In numerous instances, in connection with telemarketing, Defendants have initiated telephone solicitations to residential telephone subscribers using an artificial or prerecorded voice to deliver a message without the prior express consent of the called subscribers in violation of the TSR, 16 C.F.R. §310.4(b)(1)(v)(A).

#### **PRAYER FOR RELIEF- COUNT II**

WHEREFORE, Plaintiff prays that this honorable Court enter an Order:

- A. Finding that Defendants have violated the Telemarketing Act and the TSR;
- B. Permanently enjoining Defendants from initiating telephone solicitations to person's telephone numbers on the National Do Not Call Registry;
- C. Permanently enjoining Defendants from initiating or causing outbound telephone calls to be made to persons who have previously stated that they do not wish to receive telephone calls made by or on behalf of Defendants;
- D. Permanently enjoining Defendants from denying a person the right to be placed on any registry of names or telephone numbers that do not wish to receive calls by Defendants, including but not limited to, harassing persons that make such a request, hanging up on persons, and failing to honor persons' requests;

- E. Permanently enjoining Defendants from engaging in the use of threats, intimidation, or the use of profane or obscene language against a person in connection with telemarketing;
- F. Permanently enjoining Defendants from initiating outbound calls that deliver prerecorded voice messages that fail to disclose the identity of the seller;
- G. Permanently enjoining Defendants from initiating telephone solicitations to residential telephone subscribers using an artificial or prerecorded voice to deliver a message without the prior express consent of the called subscribers;
- H. Assessing against Defendants damages for the residents of Illinois, rescission of contracts, the refund of monies paid, and the disgorgement of ill-gotten monies;
- I. Assessing against Defendants all costs incurred by Plaintiff in bringing this action, including reasonable attorney's fees; and
- J. Awarding Plaintiff such other and additional relief as the Court determines to be just and proper.

### **COUNT III - CONSUMER FRAUD ACT**

67. Paragraphs 1 through 66 are incorporated herein by reference.

68. Defendants were at all times relevant hereto, engaged in trade and commerce in the State of Illinois, in that Defendants advertised, offered for sale, and sold products and services including, but not limited to cleaning services to Illinois consumers and billed Illinois consumers for the same.

69. Defendants engaged in a course of trade or commerce that constitutes deceptive and/or unfair acts or practices declared unlawful pursuant to Section 2 of the Consumer Fraud Act by

continuing to place telemarketing calls to Illinois consumers after they requested that Defendants cease this activity.

70. Defendants engaged in a course of trade or commerce that constitutes deceptive and/or unfair acts or practices declared unlawful pursuant to Section 2 of the Consumer Fraud Act by representing to consumers, expressly or by implication, with the intent that consumers rely on the representation, that it was legal to place telemarketing calls to consumers when in fact the consumers had placed their phone number on the National Do Not Call Registry.

71. Defendants engaged in a course of trade or commerce that constitutes deceptive and/or unfair acts or practices declared unlawful under Section 2 of the Consumer Fraud Act by performing work in a shoddy and unworkmanlike manner and failing to refund consumers' money.

72. Defendants engaged in a course of trade or commerce that constitutes deceptive and/or unfair acts or practices declared unlawful pursuant to Section 2 of the Consumer Fraud Act by taking money from consumers and failing to commence or complete the promised work and failing to provide refunds to consumers.

73. Defendants engaged in a course of trade or commerce that constitutes deceptive and/or unfair acts or practices declared unlawful pursuant to Section 2 of the Consumer Fraud Act by failing to inform consumers, with the intent that consumers rely on the omission, of the material term of the prices Defendants intend to charge for each type of service prior to conducting work.

74. Defendants engaged in a course of conduct or trade that constitutes deceptive and/or unfair acts or practices declared unlawful pursuant to Section 2Z of the Consumer Fraud Act by knowingly making or causing to be made telephone calls using an autodialer to play prerecorded

messages without the consent of the called parties in violation of the Automatic Telephone Dialers Act, 815 ILCS 305/30.

75. Defendants engaged in a course of conduct or trade that constitutes deceptive and/or unfair acts or practices declared unlawful pursuant to Section 2Z of the Consumer Fraud Act by knowingly failing to refrain from calling persons who had requested to be taken off Defendants' contact list(s), in violation of the Telephone Solicitations Act, 815 ILCS 413/15(b)(3), 815 ILCS 413/25(a).

76. Defendants engaged in a course of conduct or trade that constitutes deceptive and/or unfair acts or practices declared unlawful pursuant to Section 2Z of the Consumer Fraud Act by knowingly failing to inquire at the beginning of the call whether the person called consents to the solicitation, in violation of the Telephone Solicitations Act, 815 ILCS 413/15(b)(2), 815 ILCS 413/25(a).

77. Defendants engaged in a course of conduct or trade that constitutes deceptive and/or unfair acts or practices declared unlawful pursuant to Section 2Z of the Consumer Fraud Act by knowingly continuing with a solicitation placed by a live operator without the consent of the called party in violation of the Telephone Solicitations Act, 815 ILCS 413/25(b).

**PRAYER FOR RELIEF- COUNT III**

WHEREFORE, Plaintiff prays that this honorable Court enter an Order:

- A. Finding that Defendants have violated Section 2 of the Consumer Fraud Act;
- B. Finding that Defendants have violated Section 2Z of the Consumer Fraud Act by knowingly violating the Automatic Telephone Dialers Act and the Telephone Solicitations Act;

- C. Permanently enjoining Defendants from continuing to place telemarketing calls to Illinois consumers after consumers request that Defendants cease this activity;
- D. Permanently enjoining Defendants from representing to consumers, expressly or by implication, with the intent that consumers rely on the representation, that it was legal to place telemarketing calls to consumers when in fact the consumers had placed their phone number on the National Do Not Call Registry;
- E. Permanently enjoining Defendants from performing work in a shoddy and unworkmanlike manner and failing to refund consumers' money;
- F. Permanently enjoining Defendants from taking money from consumers and failing to commence or complete the promised work and failing to provide refunds to consumers;
- G. Permanently enjoining Defendants from failing to inform consumers, with the intent that consumers rely on the omission, of the material term of the prices Defendants intend to charge for each type of service prior to conducting work;
- H. Permanently enjoining Defendants from knowingly making or causing to be made telephone calls using an autodialer to play prerecorded messages without the consent of the called parties;
- I. Permanently enjoining Defendants from knowingly failing to refrain from calling persons who had requested to be taken off Defendants' contact list(s);
- J. Permanently enjoining Defendants from knowingly failing to inquire at the beginning of the call whether the person called consents to the solicitation;
- K. Permanently enjoining Defendants from knowingly continuing with a solicitation placed by a live operator without the consent of the called party;

- L. Ordering Defendants to pay full restitution to all affected Illinois consumers;
- M. Ordering Defendants to pay a civil penalty of \$50,000.00 per deceptive or unfair act or practice and an additional amount of \$50,000 for each act or practice found to have been committed with intent to defraud, as provided in Section 7 of the Consumer Fraud Act, 815 ILCS 505/7;
- N. Assessing a civil penalty in the amount of Ten Thousand Dollars (\$10,000) for any method, act, or practice declared unlawful under the Consumer Fraud Act and directed towards a person 65 years of age or older;
- O. Requiring Defendants to pay all costs for the prosecution and investigation of this action, as provided by Section 10 of the Consumer Fraud Act, 815 ILCS 505/10; and
- P. Awarding Plaintiff such other and additional relief as the Court determines to be just and proper.

Dated: June 25, 2019

Respectfully submitted,

THE PEOPLE OF THE STATE OF ILLINOIS,  
by KWAME RAOUL,  
Illinois Attorney General

BY:

  
\_\_\_\_\_  
GREG GRZESKIEWICZ

BY:

*/s/ Tracy Walsh*  
\_\_\_\_\_  
TRACY WALSH

KWAME RAOUL  
Illinois Attorney General

SUSAN ELLIS, Chief  
Consumer Protection Division

GREG GRZESKIEWICZ, Chief  
Consumer Fraud Bureau

ANDREA LAW, Unit Supervisor  
Consumer Fraud Bureau

TRACY WALSH, #6297889  
Assistant Attorney General  
Illinois Attorney General - Consumer Fraud Bureau  
100 W. Randolph St., 12<sup>th</sup> floor; Chicago, IL 60601  
(312) 814-2159; [twalsh@atg.state.il.us](mailto:twalsh@atg.state.il.us)





## Do Not Call Registry

Telemarketing calls are often an unwelcome annoyance. To reduce the amount of unwanted telemarketing calls you receive, you can register your home and cellular phone numbers on the nationwide Do Not Call Registry. The Attorney General's Office enforces the rules of the Do Not Call Registry to make sure that businesses follow the law and consumers do not become victims of fraud.

To register, visit <https://donotcall.gov/register/reg.aspx>  
or call 1-888-382-1222 (TTY: 1-866-290-4236).

### Easy on-line registration

Step 1 Enter up to three phone numbers and your email address

Step 2 Check that the information is correct

Step 3 Receive an email from [verify@donotcall.gov](mailto:verify@donotcall.gov) within a few minutes. It will tell you if your number was previously registered or if the new registration is complete.

**This service is free to consumers and doesn't require repeated enrollment—once you sign up, your registration will not expire.**

However, it's important to know that, under federal and state law, a number of businesses or organizations still can call numbers on the registry, including:

- calls from organizations with which you have established a business relationship;
- calls for which you have given prior written consent;
- calls which are not commercial or do not include unsolicited advertisements;
- calls by or on behalf of tax-exempt non-profit organizations.
- calls that are political
- calls about charities
- calls about debt collection

The Do Not Call Registry stops **sales** calls from real companies. The Registry is a list that tells telemarketers what numbers not to call. The FCC does not and cannot block calls and the Registry can't stop calls from scammers who ignore the Registry. To get fewer unwanted calls, look into [blocking unwanted calls](#). There are different call-blocking options for mobile phones, traditional landlines, and landlines that use the internet (VoIP). More information on call blocking can be found on the FCC website [www.donotcall.gov](http://www.donotcall.gov).

For more information, please contact us.

#### Chicago Consumer Hotline

1-800-386-5438  
1-800-964-3013 TTY

#### Springfield Consumer Hotline

1-800-243-0618  
1-877-844-5461 TTY

#### Carbondale Consumer Hotline

1-800-243-5377  
1-877-964-3013 TTY