PX 4

DECLARATION OF MIRISASHA A. VELEZ
PURSUANT TO 28 U.S.C. § 1746

I, Mirisasha A. Velez, hereby declare as follows:

1. My name is Mirisasha A. Velez, and I am a United States citizen who is over eighteen years of age. I am a Senior Financial Investigator with the Florida Department of Agriculture and Consumer Services ("FDACS"), a position that I have held since December 2007. My business address is 1707 Orlando Central Parkway, Suite 175, Orlando, Florida 32809, and I have been under the employ of the FDACS for approximately eleven years. I have personal knowledge of the facts stated in this declaration, and if called as a witness, I could and would competently testify to the facts stated herein.

2. As a Senior Financial Investigator, briefly my duties include investigating matters under the jurisdiction of the FDACS's Division of Consumer Services. This includes regulatory, administrative and civil investigations of consumer complaints and unlicensed activity.

3. I am a custodian of records for the FDACS. I am familiar with the record keeping process employed by the FDACS and I attest that all of the attached documents have been received, retained and/or compiled in the course of the regularly conducted business activity of the FDACS. Where appropriate, sensitive identifying information in the attachment documents has been redacted.

BACKGROUND

4. The FDACS is focused on protecting consumers from harmful and deceptive practices. The FDACS is the State of Florida's clearinghouse for consumer complaints, information, and protection. The FDACS also regulates the conduct of various businesses, including those that involve commercial telephone solicitation activities, pursuant to the Florida Telemarketing Act (Chapter 501, Part IV, Florida Statutes).

5. A commercial telephone solicitation activity is defined by Florida Statute Section 501.603(1)(a) as an unsolicited telephone call to a person initiated by a commercial telephone seller or salesperson, or an automated dialing machine used in accordance with the provisions of Section 501.059(7) for the purpose of inducing the person to purchase or invest in consumer goods or services. The Act requires businesses that engage in commercial telephone solicitation activity to be licensed as Commercial Telephone Sellers by the FDACS before operating in Florida. The Act defines doing business in the State of Florida as a telephone solicitation from a location in Florida or solicitation from other states or nations directed to purchasers in Florida.

6. To apply for a license, businesses must file a Commercial Telephone Seller Business License Application with the FDACS. The application requires businesses to, among other things, identify the principal location from which the applicant will operate, the mailing address of all maildrops used by the applicant, and any other names used by the applicant when doing business. The application fee for a business applying for a telemarketing license is $1500 annually. The approval of a Commercial Telephone Seller Business License Application is not an endorsement by the FDACS as to the validity of the products or services sold by the company. Approval is based upon submission of applicable fees, paperwork used in conjunction with the solicitations and resulting sales, and a security, either in the form of surety bond, certificate of deposit, or a letter of credit. Once a business receives a telemarketing license, it is required to file additional Commercial Telephone Seller Business License Applications each year to renew their license. The FDACS maintains, and I have access to, the telephone solicitation license application documents and other paperwork submitted for purposes of obtaining a telemarketing license.

7. Sales representatives working for telemarketers each must be licensed as a Commercial Telephone Salesperson with the FDACS. The application fee for a sales representative is $50 annually, and sales representatives must renew their license each year.

8. As part of our duties, FDACS investigators have the authority to conduct unannounced visits to Florida commercial telephone sellers' businesses, i.e., telemarketing businesses. The purpose of these visits is to conduct compliance inspections to determine whether the business is acting lawfully and in compliance with the various Florida telemarketing laws enforced by the FDACS.

Lifewatch, Inc.

9. In September 2012, the FDACS discovered that Florida telemarketers were selling Lifewatch, Inc. ("Lifewatch") products. Because of this, the FDACS determined that Lifewatch needed to be registered as a telemarketer with the FDACS and notified Lifewatch of this decision. In response, on November 9, 2012, Lifewatch, Inc. ("Lifewatch") filed a Commercial Telephone Seller Business License Application with the FDACS. The application indicated that the company used the fictitious name Lifewatch USA and listed Lifewatch's address as 266 Merrick Road, Suite 104, Lynbrook, New York. Evan Sirlin was identified as the company's President, and its Owners were listed as Carole Sirlin and Jill Sirlin. The application indicated that Lifewatch has been providing "Medical Alert/Alarm Provider for Services and Equipment" since December 3, 1996. The application was electronically signed by Evan Sirlin. Attached hereto as **Velez Att. A** is a true and correct copy of Lifewatch's 2012 Commercial Telephone Seller Business License Application.

10. Lifewatch also submitted several documents along with its application, including the script its telemarketers would be using, a Call Center Welcome Package with the notation

"DRAFT 08-09-12," a Medical Alarm System Lease and Monitoring Service Agreement, and product information. Attached hereto as **Velez Atts. B**, **C**, and **D**, respectively, are true and correct copies of the Call Center Welcome Package, Medical Alarm System Lease and Monitoring Service Agreement, and product information that were attached to the application. The script that Lifewatch originally contained deficiencies that needed editing in order to comply with statutory requirements. Attached hereto as **Velez Att. E** is a true and correct copy of the modified Lifewatch sales script that the FDACS ultimately approved.

11. Lifewatch's application was approved and it was issued telemarketing license number TC4342 on December 17, 2012.

12. On or about December 10, 2013, Lifewatch filed a Commercial Telephone Seller Business License Application to renew its telemarketing license with the FDACS. The renewal application listed the same corporate information as the previous application. The renewal application also attached the same script and product information. A new Medical Alarm System Lease and Monitoring Service Agreement was attached to the 2013 renewal application. The application was electronically signed by Evan Sirlin. Attached hereto as **Velez Atts. F** and **G**, respectively, are true and correct copies of Lifewatch's 2013 Commercial Telephone Seller Business License Application and the Medical Alarm System Lease and Monitoring Service Agreement attached to the application.

13. On or about January 1, 2015, Lifewatch filed another Commercial Telephone Seller Business License Application to renew its telemarketing license with the FDACS. The renewal application listed the same corporate information as the previous applications. The renewal application also attached the same script and Call Center Welcome Package that were previously filed. The application was electronically signed by Evan Sirlin. Attached hereto as

Velez Att. H is a true and correct copy of Lifewatch's 2015 Commercial Telephone Seller Business License Application.

U S Digest LLC

14. U S Digest LLC ("U S Digest") has had a telemarketing license since 2012.

15. On or about December 18, 2012, U S Digest filed a Material Change Form indicating that it used the fictitious name Senior Care Alert. Attached hereto as **Velez Att. I** is a true and correct copy of U S Digest's December 18, 2012 Material Change Form.

16. On or about April 18, 2014, U S Digest filed a Commercial Telephone Seller Business License Application to renew its telemarketing license with the FDACS. The renewal application listed U S Digest's address as 4950 Park Boulevard N, Pinellas Park, Florida 33781, and identified Angelica Cobane as the Manager. The application indicated that the company sold "Magazines," but, among other things, it attached a document titled Lifewatch USA Call Center Welcome Package with the notation "DRAFT 05-31-12." Attached hereto as **Velez Atts. J** and **K**, respectively, are true and correct copies of U S Digest's 2014 Commercial Telephone Seller Business License Application and the "DRAFT 05-31-12" Lifewatch USA Call Center Welcome Package that was attached to the application.

17. On or about April 18, 2014, U S Digest also faxed to the FDACS various scripts and other documents, indicating on the fax cover sheet, "Please see attached to update our file." Included in this fax was another document titled Lifewatch USA Call Center Welcome Package, but with the notation "DRAFT 12-11-12." Attached hereto as **Velez Att. L** is a true and correct copy of the "DRAFT 12-11-12" Lifewatch USA Call Center Welcome Package that was faxed to the FDACS on or about April 18, 2014

18. On May 28, 2014, FDACS investigators conducted an on-site compliance inspection of U S Digest at 4950 Park Boulevard N, Pinellas Park, Florida 33781. Twelve employees were present, and FDACS investigators found scripts at each telephone station indicating that sales were being made for magazines and medical alarms. Two of the telemarketers were found to be unlicensed, and the business was closed.

Multi Level Marketing LLC

19. On or about April 29, 2013, Multi Level Marketing LLC ("Multi Level Marketing") filed a Commercial Telephone Seller Business License Application with the FDACS. The application listed Multi Level Marketing's address as 3110 1st Avenue N, Suite 7W, St. Petersburg, Florida 33713. Connie Pedroff was listed as the company's Owner. The application indicated that the company was selling magazine subscription renewals and medical alert services. The application included three scripts, including a script selling a Lifewatch USA medical alert system. Attached hereto as **Velez Atts. M** and **N**, respectively, are true and correct copies of Multi Level Marketing's 2013 Commercial Telephone Seller Business License Application and the Lifewatch USA script that was attached to the application.

20. Multi Level Marketing's application was approved and it was issued telemarketing license number TC4443 on May 16, 2013.

21. In or around May 2014, Multi Level Marketing filed a Commercial Telephone Seller Business License Application to renew its telemarketing license with the FDACS. The renewal application indicated that Multi Level Marketing used two fictitious names: "Life Watch" and Preferred Reader. Attached hereto as **Velez Att. O** is a true and correct, but incomplete, copy of Multi Level Marketing's 2014 Commercial Telephone Seller Business License Application.

Direct Agent Response, Inc.

22. On or about October 23, 2013, Direct Agent Response, Inc. ("Direct Agent Response") filed a Commercial Telephone Seller Business License Application with the FDACS. The application listed Direct Agent Response's address as 6555 NW 36th Street, Suite 104, Virginia Gardens, Florida 33166. Douglas James Coleman was listed as the company's President. The application included several attached documents, including a "Senior Life Alarm" sales script selling a medical alert device, and information related to Lifewatch USA. Attached hereto as **Velez Atts. P, Q,** and **R**, respectively, are true and correct copies of Direct Agent Response's 2013 Commercial Telephone Seller Business License Application, and the "Senior Life Alarm" script and Lifewatch USA documents that were attached to the application.

23. Direct Agent Response's application was approved and it was issued telemarketing license number TC4552 on October 25, 2013.

24. On June 2, 2014, Mr. Coleman notified the FDACS by email that Direct Agent Response had been dissolved.

Senior Medical Alert Systems, LLC

25. On or about May 22, 2014, Senior Medical Alert Systems, LLC ("Senior Medical Alert") filed a Commercial Telephone Seller Business License Application with the FDACS. The application was not filled out correctly, but eventually all the deficiencies were corrected. According to the final application, Senior Medical Alert's two office locations were 11098 Biscayne Boulevard, Suite #201, Miami, Florida 33161, and 900 NE 125 Street, Suite #110, North Miami, Florida 33161. The listed officer was identified as Barbara Ladenheim. The application stated that the company would be selling "medical alert system[s]." The Senior Medical Alert application also included several telemarketing scripts, all of which related to

medical alert systems. Attached hereto as **Velez Att. S** are true and correct copies of Senior Medical Alert's 2014 Commercial Telephone Seller Business License Application, and related communications. Attached hereto as **Velez Atts. T**, **U**, and **V**, respectively, are true and correct copies of the sales, verification, and ACH/bank account debit scripts that were attached to the application.

26. Senior Medical Alert's application was approved and it was issued telemarketing license number TC4737 on June 30, 2014.

27. On or about August 4, 2014, FDACS investigators conducted an on-site compliance inspection at 11098 Biscayne Boulevard, Suite #201, Miami, Florida 33161. At the site, an FDACS investigator interviewed Mark F. Levine, a Senior Medical Alert manager. Mr. Levine stated that Senior Medical Alert received inbound calls that were live transferred from Lifewatch USA. According to Mr. Levine, these were calls that Lifewatch USA was unable to answer or handle. Attached hereto as **Velez Att. W** is a true and correct copy of FDACS's Case Summary Report for Senior Medical Alert, which includes information about the August 4, 2014 on-site compliance inspection. While on-site, FDACS investigators took photographs for evidence. Attached hereto as **Velez Att. X** are true and correct copies of photographs that FDACS investigators took during their on-site compliance visit to Senior Medical Alert.

28. FDACS investigators determined telemarketing violations related to forty-one telemarketers, and fined Senior Medical Alert. The company chose to pay an investigative settlement of $20,500 and continue to operate with licensed telemarketers.

29. On or about November 3, 2014, Senior Medical Alert filed a Material Change Form adding two new officers: Evan Sirlin and Mitchel May. Both these officers are listed as Directors, and their addresses are listed as 266 Merrick Road, Suite 106, Lynbrook, New York

11563. The Material Change Form failed to include required information, so on or about November 12, 2014, an FDACS Regulatory Specialist sent Senior Medical Alert a letter informing the company of the additional information that needed to be included. The FDACS sent two follow up emails, on December 23, 2014 and January 8, 2015. On January 8, 2015, the company responded, indicating that the Material Change Form should be disregarded. Attached hereto as **Velez Atts. Y, Z,** and **AA**, respectively, are Senior Medical Alert's November 3, 2014 Material Change Form; the November 12, 2014 FDACS letter requesting additional information; and the email communications between the FDACS Regulatory Specialist and Senior Medical Alert about the Material Change Form.

TMI Marketing Group, LLC

30. On or about March 11, 2013, TMI Marketing Group, LLC ("TMI") filed a Commercial Telephone Seller Business License Application for a telemarketing license with the FDACS. The application listed TMI's address as 4410 West Hillsborough Avenue, Suite F, Tampa, Florida 33614, and the Managing Member as David M. Reilly. Attached hereto as **Velez Att. BB** is a true and correct copy of TMI's 2013 Commercial Telephone Seller Business License Application.

31. TMI's application was approved and it was issued telemarketing license number TC4405 on March 29, 2013.

32. On May 31, 2013, TMI notified the FDACS by letter that it would be conducting telemarketing for three medical alert providers, including Lifewatch. TMI provided the FDACS with copies of information about Lifewatch, including scripts, product information, and contractual documents. Attached hereto as **Velez Atts. CC** and **DD**, respectively, are true and

correct copies of the May 31, 2013 letter TMI sent to the FDACS and the Lifewatch scripts that TMI provided to the FDACS.

33. On or about March 28, 2014, TMI filed a Commercial Telephone Seller Business License Application to renew its telemarketing license with the FDACS. The renewal application indicated that TMI used the fictitious name American Alert Services, LLC, and that it sold "Medical Alert System & Monitoring Services." The renewal application listed Lifewatch as the only company for which it was telemarketing. The application attached a Lifewatch script, which was slightly different than the script previously submitted, and other Lifewatch documents. Attached hereto as **Velez Atts. EE** and **FF**, respectively, are true and correct copies of TMI's 2014 Commercial Telephone Seller Business License Application (without the exhibits), and the script that was attached to the application.

Oasis Money Group LLC

34. On March 28, 2014, FDACS investigators, including myself, conducted an on-site compliance inspection at 541 N. Palmetto Avenue, Suite 103, Sanford, Florida. The investigators found that the business operating from the location was Oasis Money Group LLC ("Oasis").

35. Oasis did not have a telemarketing license and, based on the information found at the location, I determined Oasis was operating illegally under another company's, Payless Solutions Inc., telemarketing license. Paul Miranda, the owner of Oasis, was fined and the telemarketing room was issued a cease and desist order.

36. I interviewed both Mr. Miranda and Oasis employees, and learned that Oasis was telemarketing medical alert devices on behalf of Lifewatch. FDACS investigators also collected copies of "Senior Life Response" scripts that the Oasis telemarketers used during telemarketing

calls. Attached hereto as **Velez Att. GG** is a true and correct copy of a "Senior Life Response" script that was found on-site during the regulatory inspection at 541 N. Palmetto Avenue, Suite 103, Sanford, Florida.

Payless Solutions Inc./Global Marketing Enterprises Inc.

37. Payless Solutions Inc. ("Payless") has had a telemarketing license since 2010.

38. On or about April 5, 2014, after the FDACS shut down Oasis, Payless filed a Commercial Telephone Seller Business License Application to renew its telemarketing license with the FDACS. The renewal application listed Payless's mailing address as 8803 Futures Drive, Suite #10, Orlando, Florida 32819, and its business locations as 541 N. Palmetto Avenue, Suite 103, Sanford, Florida 32771, and 5401 N. Orange Blossom Trail, Suite 200, Orlando, Florida 32810. Fariborz Fard was listed as Payless's President. The application indicated that the company was selling "Lower interest and alarm alert." The application attached several telemarketing scripts, including a script selling medical alert devices. Attached hereto as **Velez Atts. HH** and **II**, respectively, are true and correct copies of Payless's 2014 Commercial Telephone Seller Business License Application and the medical alert sales script that was attached to the application.

39. On or about October 30, 2014, Payless filed a Material Change Form, indicating, among other things, the company's name had changed to Global Marketing Enterprises Inc.

Payless Solutions Enterprises LLC

40. On or about August 25, 2014, Payless Solutions Enterprises LLC ("PSE") filed a Commercial Telephone Seller Business License Application with the FDACS. The application listed PSE's primary business address as 541 North Palmetto Avenue, Suite 103, Sanford, Florida 32711. Mark Nonsant was listed as the company's Vice President. The application

indicated that PSE would be selling "Medical Alert Systems," and it attached a "Medical Alert System" script. Attached hereto as **Velez Atts. JJ** and **KK**, respectively, are true and correct copies of PSE's 2014 Commercial Telephone Seller Business License Application and the Medical Alert System script that was attached to the application.

41. PSE's application was approved and it was issued telemarketing license number TC4785 on September 4, 2014.

Miranda Money Group LLC

42. On or about September 17, 2014, Miranda Money Group LLC ("Miranda Money Group") filed a Commercial Telephone Seller Business License Application with the FDACS. The application listed Miranda Money Group's address as 541 N. Palmetto Avenue, Sanford, Florida 32771, and indicated that it used the fictitious name Oasis Money Group. Paul Miranda was listed as the Owner of Miranda Money Group. The application listed Lifewatch Inc., at 266 Merrick Road, Suite 104, Lynbrook, New York 11563, as an affiliate of Miranda Money Group. The application indicated that Lifewatch used the fictitious name Senior Life Support. An addendum included with the application states that "All fulfillments are done by Life watch, Inc. which sends customers the information on the product." The Miranda Money Group application also attached several "Senior Life Support" telemarketing scripts, all of which related to medical alert systems. Attached hereto as **Velez Atts. LL, MM, NN, OO**, and **PP**, respectively, are true and correct copies of Miranda Money Group's 2014 Commercial Telephone Seller Business License Application with the addendum and the scripts that were attached to the application.

43. Miranda Money Group's application was approved and it was issued telemarketing license number TC4799 on September 30, 2014.

Personal Security Shopper Inc.

44. Personal Security Shopper Inc. ("Personal Security Shopper") has had a telemarketing license since December 2008.

45. On or about December 21, 2012, Personal Security Shopper filed a Commercial Telephone Seller Business License Application to renew its telemarketing license with the FDACS. The renewal application indicated that Personal Security Shopper used several fictitious names, including "Life Watch." The renewal application listed Personal Security Shopper's address as 12505 Starkey Road, Suite E, Largo, Florida 33773, and Thomas P. Meehan as its President. The application indicated that the company was "Marketing Identity Theft and Prepaid Legal Services" but, among other things, it attached a document titled Lifewatch USA Call Center Welcome Package with the notation "DRAFT 08-27-12." Attached hereto as **Velez Atts. QQ** and **RR**, respectively, are true and correct copies of Personal Security Shopper's 2012 Commercial Telephone Seller Business License Application and the "DRAFT 08-27-12" Lifewatch USA Call Center Welcome Package that was attached to the application.

Total Security Vision Inc.

46. On or about August 4, 2014, Total Security Vision Inc. ("Total Security Vision") filed a Commercial Telephone Seller Business License Application with the FDACS. The application listed Total Security Vision's business address as 2721 Forsyth Road, #256, Winter Park, Florida 32792, and listed Mohammad Ullah as the President. The application attached telemarketing scripts and other documents related to the sale of debt reduction products. Attached hereto as **Velez Att. SS** is a true and correct copy of Total Security Vision's 2014 Commercial Telephone Seller Business License Application, without the attachments.

47. Total Security Vision's application was approved and it was issued telemarketing license number TC4767 on August 14, 2014.

48. On or about September 12, 2014, Total Security Vision filed a Material Change Form, which attached two new scripts selling a medical alert device. Attached hereto as **Velez Atts. TT, UU,** and **VV**, respectively, are true and correct copies of Total Security Vision's September 12, 2014 Material Change Form and the medical alert device scripts that were attached to the form.

Alertlink

49. On or about September 11, 2013, Alertlink filed a Commercial Telephone Seller Business License Application with the FDACS. The application listed Alertlink's business address as 5233 Coconut Creek Parkway, Margate, Florida 33063. The application indicated that Alertlink had two parent companies, I Slingshot Inc.("I Slingshot") and Peacewatch Enterprises Inc. ("Peacewatch"). The application also listed two Directors, Cary Gottlieb and Hing-Tack Chen. The application attached telemarketing scripts and other documents related to the sale of medical alert devices. Attached hereto as **Velez Atts. WW, XX**, **YY**, and **ZZ**, respectively, are true and correct copies of Alertlink's 2013 Commercial Telephone Seller Business License Application, and the sales and verification scripts and other product information that were attached to the application.

50. On or about October 4, 2013, Alertlink provided to the FDACS, via email, a document titled "Alertlink Partnership Agreement." The agreement indicated that I Slingshot and Peacewatch formed Alertlink as a partnership, commencing on August 1, 2013. I Slingshot's address was listed in the agreement as 7027 W. Broward Boulevard, Suite 394, Plantation, Florida 33317, and Peacewatch's address was listed as 226 Merrick Road, Suite 104,

Lynbrook, New York 11563. Cary Gottlieb signed the agreement on behalf of I Slingshot, and Hing Tack Chen signed on behalf of Peacewatch. Attached hereto as **Velez Att. AAA** is a true and correct copy of the Alertlink Partnership Agreement that Alertlink provided to the FDACS.

51. I have accessed Peacewatch's website, peachwatch-chi.com. Peacewatch's website indicates that the company is "Affiliated with Lifewatch-USA" and lists the company's address as 266 Merrick Road, Suite 104, Lynbrook, New York 11563. Attached hereto as **Velez Att. BBB** is a true and correct copy of the home web page of Peacewatch's website.

52. Alertlink's application was approved and it was issued telemarketing license number TC4545 on October 18, 2013.

53. On February 3, 2014, the FDACS investigators conducted an on-site compliance inspection at Alertlink's offices as 5233 Coconut Creek Parkway, Margate, Florida 33063. FDACS investigators found "Senior Care Line" medical alert scripts that were different from the scripts provided to the FDACS as part of Alertlink's application. Attached hereto as **Velez Att. CCC** and **DDD**, respectively, are true and correct copies of the medical alert sales and rebuttal scripts for "Senior Care Line" that were found at Alertlink's business location. FDACS investigators also obtained at least two Regulatory Investigative Statements from Alertlink's telemarketers. One telemarketer indicated in her statement that sales calls were generated when an "Auto system calls out and trans[mits calls] into me." Attached hereto as **Velez Att. EEE** are true and correct copies of two Regulatory Investigative Statements FDACS investigators obtained during their on-site compliance inspection on February 3, 2014. FDACS investigators determined that the majority of Alertlink's telemarketers were unlicensed, and the company was issued a fine.

54. Alertlink cancelled its Commercial Telephone Seller Surety Bond on or about September 13, 2014.

Live Response Agent Inc.

55. On or about June 14, 2013, Live Response Agent Inc. ("Live Response Agent") filed a Commercial Telephone Seller Business License Application with the FDACS. The application listed Live Response Agent's address as 3457 Parkway Center Court, Orlando, Florida 32808, and identified Paige Arnold as the company's President. The application indicated that it would be selling medical alert systems, and that "Life Watch USA," located at 266 Merrick Road, Lynbrook, New York 11563, is its Parent company. Attached hereto as **Velez Att. FFF** is a true and correct copy of Live Response Agent's 2013 Commercial Telephone Seller Business License Application.

56. Live Response Agent's application was approved and it was issued telemarketing license number TC4466 on June 21, 2013.

57. At some point, Live Response Agent provided the FDACS with two medical alert device telemarketing scripts. Attached hereto as **Velez Atts. GGG** and **HHH** are true and correct copies of the two medical alert device telemarketing scripts that Live Agent Response provided to the FDACS.

58. In January 2014, Live Response Agent employees contacted the FDACS, claiming they were not getting paid. In July 2014, the FDACS determined that Live Response Agent was no longer operating.

Javonni Inc.

59. On or about May 7, 2013, Javonni Inc. ("Javonni") filed a Commercial Telephone Seller Business License Application with the FDACS. The application listed Javonni's address

at 11524 East US Highway 92, Suite 300, Seffner, Florida 33584. Jesus R. Sardina and William S. Stevens were identified as the company's Owners. The application indicated that the company would be conducting "Energy Sales," and the application attached scripts and documents related to Santana Energy Service. Attached hereto as **Velez Att. III** is a true and correct copy of Javonni's 2013 Commercial Telephone Seller Business License Application.

60. Javonni's application was approved and it was issued telemarketing license number TC4433 on May 10, 2013.

61. On or about November 8, 2013, Javonni provided to the FDACS, via email, two new scripts that the company would be using. These two scripts both sold GE three-in-one security systems, which included a medical alert system. Attached hereto as **Velez Atts. JJJ** and **KKK** are true and correct copies of the security system scripts that Javonni provided to the FDACS.

62. Javonni's license expired on May 10, 2014, and its surety bond was cancelled as of July 25, 2014.

***FTC, et al. v. Worldwide Info Services, Inc., et al.* Defendants**

63. On January 6, 2014, the Federal Trade Commission ("FTC"), and the State of Florida, Office of the Attorney General, Department of Legal Affairs ("State of Florida"), filed *FTC, et al. v. Worldwide Info Services, Inc., et al.* in the United States District Court in the Middle District of Florida. Among the defendants named in the matter are six telemarketing companies that had, at some point, obtained telemarketing licenses or exemptions from the FDACS: Elite Information Solutions, Inc.; Absolute Solutions Group, Inc.; The Credit Voice, Inc.; Live Agent Response 1 LLC; Arcagen Inc.; and American Innovative Concepts, Inc. Below is the information that the FDACS has on these defendants.

Elite Information Solutions, Inc./Absolute Solutions Group, Inc.

64. In or about February 2011, Elite Information Solutions, Inc. ("Elite") filed a Commercial Telephone Seller Affidavit of Exemption with the FDACS. In the Affidavit of Exemption, Elite claimed an exemption from the licensing requirements of the Florida Telemarketing Act because the company did not make the major sales presentation during the telephone solicitation and completed the sale at a later face-to-face meeting. Elite's Affidavit of Exemption identified the company's address as 495 E. Semoran Boulevard, "Cassleberry," Florida 32707, and its President as Michael Hilgar. Attached hereto as **Velez Att. LLL** is a true and correct copy of the Commercial Telephone Seller Affidavit of Exemption that Elite filed with the FDACS.

65. In or about June 2012, Absolute Solutions Group, Inc. ("Absolute") filed a Commercial Telephone Seller Affidavit of Exemption with the FDACS, seeking an exemption on the same grounds upon which Elite had claimed its exemption. Absolute's Affidavit of Exemption identified Absolute's address as 435 Douglas Avenue, Suite 2205, Altamonte Springs, Florida 32714, and its President as Michael Hilgar. Attached hereto as **Velez Att. MMM** is a true and correct copy of the Commercial Telephone Seller Affidavit of Exemption that Absolute filed with the FDACS.

66. In July 2012, I was contacted by the landlord of 495 E. Semoran Boulevard, Casselberry, Florida 32707, who informed me that her tenant was operating a possibly illegal telemarketing business selling medical alert systems out of the property. The landlord, Laura Lundberg, told me that the name of the company on the lease was Elite, and the principal of the company was Michael Hilgar. She reported that the telemarketers were using the aliases

Safeline Alert, Lifewatch USA, Lifewatch, Senior Safeline, Senior Alert Line, and other variations thereof.

67. Lundberg provided me with copies of the scripts being used at the Casselberry location. Attached hereto as **Velez Att. NNN** are true and correct copies of the scripts that Lundberg provided to me. The script discussed rates and prices, and also requested consumers' credit card or checking account information to set up recurring monthly charges. Based on my review of this script, it was clear that the telemarketing being done was outside the scope of the exemptions that Elite and Absolute had claimed.

68. On or about September 24, 2012, FDACS investigators, including myself, conducted on-site compliance inspections at 495 E. Semoran Boulevard and 435 Douglas Avenue. During the inspection at 495 E. Semoran Boulevard, FDACS investigators collected sales scripts related to medical alert devices, and interviewed representatives. Attached hereto as **Velez Att. OOO** is a true and correct copy of a script that was confiscated during the regulatory inspection at 495 E. Semoran Boulevard. The employees at that location identified the company as Absolute. At the 435 Douglas Avenue location, the FDACS investigators found several confirmation scripts and documentation for Lifewatch USA. Attached hereto as **Velez Att. PPP** are true and correct copies of scripts and other documents that were confiscated during the regulatory inspection at 435 Douglas Avenue. The manager at 435 Douglas Avenue confirmed that Lifewatch USA was the fulfillment company for which Absolute did telemarketing, and provided Lifewatch's address as 266 Merrick Road, Suite 104, Lynbrook, New York 11563.

69. Based on the information the FDACS found at the locations, I determined that the business was operating as Absolute, and that Absolute was conducting illegal telemarketing

sales. The company was fined for operating without a telemarketing license and having unlicensed telemarketers.

The Credit Voice, Inc.

70. The Credit Voice, Inc. ("The Credit Voice") originally applied for and was issued telemarketing license number TC2980 in 2007.

71. In or about January 2012, The Credit Voice filed a Commercial Telephone Seller Business License Application to renew its telemarketing license with the FDACS. The renewal application indicated that The Credit Voice was "Marketing for Lifewatch medical products," and attached Lifewatch USA sales and rebuttal scripts. Attached hereto as **Velez Atts. QQQ, RRR,** and **SSS**, respectively, are true and correct copies of The Credit Voice's 2012 Commercial Telephone Seller Business License Application and the Lifewatch USA sales and rebuttal scripts that were attached to the application. On or about March 14, 2012, The Credit Voice filed a Material Change Form adding 495 E. Semoran Boulevard, Casselberry, Florida as an additional location. On or about August 21, 2012, The Credit Voice filed another Material Change Form adding 474 S. Northlake Boulevard, Suite 1024, Altamonte Springs, Florida 32701 as an additional location.

72. During the FDACS's inspection at 495 E. Semoran Boulevard in connection with Elite and Absolute, Hilgar informed me that Absolute and The Credit Voice were partners, and that all of the telemarketers working for Absolute were licensed through The Credit Voice. Hilgar asked me, and I confirmed, if the telemarketers were licensed through, and paid by, The Credit Voice, the business could operate. The telemarketing operation began operating under The Credit Voice's telemarketing license.

73. On or about October 16, 2012, The Credit Voice filed a Material Change Form updating the telemarketing script on file for the company. According to the Material Change Form, The Credit Voice began using a revised script on September 6, 2012. Attached hereto as **Velez Att. TTT** is a true and correct copy of The Credit Voice's October 16, 2012 Material Change Form, and the scripts attached to it.

74. On or about November 28, 2012, The Credit Voice filed a Material Change Form adding the Fictitious Name TCV, and adding 435 Douglas Avenue, Suite 2205, Altamonte Springs, Florida 32714 as an additional location. Attached hereto as **Velez Att. UUU** is a true and correct copy of The Credit Voice's November 28, 2012 Material Change Form.

75. In early 2013, I was informed by counsel for The Credit Voice that the company was out of business. On April 1, 2013, I had an investigator conduct surveillance at The Credit Voice's main office location, 18830 US Highway 19, Suite 330, Clearwater, Florida. The investigator reported that there were no signs of activity and the office looked empty.

Live Agent Response 1, LLC

76. On November 12, 2012, Live Agent Response 1 LLC ("Live Agent Response") filed a Commercial Telephone Seller Business License Application with the FDACS. The application listed Live Agent Response's address as 1104 and 1106 South Powerline Road, Pompano Beach, Florida 33069, and indicated that it used the fictitious name LAR. The application stated that the company would be selling "Senior Emergency System Products and Services." The Live Agent Response application included a "Senior Emergency Care" telemarketing script, which sold a medical alert system and identified Lifewatch Inc. as the company providing the system. Attached hereto as **Velez Atts. VVV** and **WWW**, respectively,

are true and correct copies of Live Agent Response's 2012 Commercial Telephone Seller Business License Application and the Senior Emergency Care script attached to the application.

77. During the application process, an FDACS Regulatory Consultant asked for some additional information, including Live Agent Response's relationship with Lifewatch. Counsel for Live Agent Response responded in an email dated December 5, 2012, that the company "will be selling products provided by Lifewatch…." Attached hereto as **Velez Att. XXX** is a true and correct copy of the December 5, 2012 email from Live Agent Response's counsel.

78. Live Agent Response's application was approved and it was issued telemarketing license number TC4339 on December 13, 2012.

79. In or around June 2013, the FDACS received information that Live Agent Response had ceased telemarketing.

Arcagen Inc.

80. On April 1, 2013, Arcagen Inc. ("Arcagen") filed a Commercial Telephone Seller Business License Application for a telemarketing license with the FDACS. The application listed Arcagen's address as 474 S. Northlake Boulevard, Suite 1024, Altamonte Springs, Florida 32701, and indicated that it used the fictitious name A.R.I. The company's registered agent and owner was listed as Gary M. Martin. The application indicated that the company was selling "Medical Alarm Products and Services." The Arcagen application included a "Senior Medical Alert" telemarketing script, which sold a medical alert system and identified Lifewatch Inc. as the company providing the system. Attached hereto as **Velez Atts. YYY** and **ZZZ**, respectively, are true and correct copies of Arcagen's 2013 Commercial Telephone Seller Business License Application and the Senior Medical Alert script attached to the application.

81. Arcagen's application was approved and it was issued telemarketing license number TC4426 on April 26, 2013.

82. On Thursday, January 9, 2014, FDACS investigators, including myself, assisted the court-appointed receiver in the *FTC, et al. v. Worldwide Info Services, Inc., et al.* matter with the takeover of Arcagen at 474 S. Northlake Boulevard, Suite 1024, Altamonte Springs, Florida 32701. At the location, we found three unlicensed sales representatives, and issued cease and desist warnings. The FDACS also determined that Arcagen was operating at a second location not on file with the FDACS, 435 Douglas Avenue, Suite 2205 and 2305, Altamonte Springs, Florida.

American Innovative Concepts, Inc.

83. On August 20, 2013, American Innovative Concepts, Inc. ("American Innovative Concepts") filed a Commercial Telephone Seller Business License Application with the FDACS. The application listed 474 S. Northlake Boulevard, Suite 1024, Altamonte Springs, Florida 32701 as the company's business address. Yuluisa Nieves was listed as American Innovative Concepts' President. The application included a "Senior Medical Alert" telemarketing script, which sold a medical alert system and identified Lifewatch Inc. as the company providing the system. Attached hereto as **Velez Atts. AAAA** and **BBBB**, respectively, are true and correct copies of American Innovative Concepts' 2013 Commercial Telephone Seller Business License Application and the Senior Medical Alert script attached to the application.

I hereby declare under penalty of perjury that the foregoing statement is true and correct.

Executed on May 29, 2015.

Mirisasha A. Velez