PX 81

DECLARATION OF ROBERT H. BRAVER
PURSUANT TO 28 U.S.C. §1746

I, Robert H. Braver, hereby declare as follows:

1. My name is Robert H. Braver, and I am a United States citizen. I am over the age of eighteen and I live in Norman, Oklahoma.

2. 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.

3. Information that would reveal personally identifiable information has been redacted from the attachments.

4. I previously executed a declaration relating to my experiences with Lifewatch, Inc. and its telemarketers on March 30, 2013. A true and correct copy of my March 30, 2013 declaration is attached hereto as **Braver Attachment A**. On May 7, 2012, I sent a letter to Evan Sirlin at Lifewatch, Inc., regarding telemarketing calls that I had received. A true and correct copy of my May 7, 2012 letter to Mr. Sirlin is attached hereto as **Braver Attachment B**.

5. On August 10, 2015, at approximately 9:55 a.m., I received a telephone call on my home telephone line. According to my telephone system call log or call history, the telephone call came from telephone number 727-810-3950, and the name of the caller was "Cell Phone, FL." I recorded the telephone call and provided the audio file of this telephone call to a representative of the Federal Trade Commission, who arranged for the call to be transcribed. The transcript of that call is attached hereto as **Braver Attachment C**.

6. When I answered the telephone call, I heard a prerecorded message offering a medical alert system and $3000 in grocery store certificates. The prerecorded message, among other things, stated, "Senior Alert Systems is sending out free life-saving medical alert pendants to all eligible senior citizens." The prerecorded message also stated that the "medical alert

system has already been paid for" because I was referred by my "doctor or primary care physician." Then the recording said, "press one now to verify your shipping address. Press five to notify your health care provider you have refused the shipment. Seniors, press one now."

7. I pressed one on my telephone keypad to speak to a representative. After a brief hold, I spoke to a female representative who identified herself as "Lenore." At the end of the conversation, Lenore said she was going to transfer me to the verification department, but the call disconnected.

8. On the same day, August 10, 2015, at approximately 10:55 a.m., I received a telephone call from a female who identified herself as "Kay Brown" with "Senior Alert Specialists." According to my telephone system call log or call history, the telephone call came from telephone number 711-229-9118, and the name of the caller was "Name Unavailabl." I recorded the telephone call and provided the audio file of this telephone call to a representative of the Federal Trade Commission, who arranged for the call to be transcribed. The transcript of that call is attached hereto as **Braver Attachment D**. During the call, Ms. Brown provided me with the customer service telephone number 800-716-1433. Ms. Brown told me that my credit card would be charged the same day by "Medical Alarms."

9. On the same day, August 10, 2015, at approximately 12:26 p.m., I received an email "Activity Alert" from my credit card issuing bank indicating that "MedAlarms" submitted a charge for $34.95 on August 10, 2015.

10. That same day, August 10, 2015, using Google's search engine, I searched for "medical alarm systems." One of the Google search results for medical alarm systems was a web page or link to the "Lifewatch" website at www.lifewatch-usa.com. I clicked on the link,

and I was directed to the Lifewatch homepage. In the upper right hand corner of the homepage, Lifewatch listed its customer service telephone number as 800-716-1433.

11. On August 13, 2015, I logged in to my online Visa credit card account, and discovered that the transaction associated with the $34.95 charge was finalized on August 12, 2015. The description of the transaction indicated that the charge was made by "MEDALARMS 800-7161433 NY." I took a screen shot of my online Visa credit card account showing the transaction associated with the $34.95 charge. Attached hereto as **Braver Attachment E** is a true and correct copy of the screen shot of the transaction information associated with the August 12, 2015 charge made to my credit card by "MEDALARMS 800-7161433 NY."

12. I had not requested any information about medical alert devices or systems nor was I interested in receiving or purchasing a medical alert device. I also had not given prior permission to receive prerecorded telemarketing calls from any companies offering medical alert devices or systems.

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

Executed on August 13, 2015.

Robert H. Braver

DECLARATION OF ROBERT BRAVER

Robert Braver affirms and states as follows:

1. I am an adult and competent to testify about the matters stated herein.

2. At all times relevant to this declaration, I was a resident of Norman, Oklahoma.

3. On or about April 27, 2012, I received a telephone call on my home telephone.

4. The telephone call commenced with a prerecorded message. The message was not preceded by a live operator. The telephone call was made to solicit the sale of a medical alert device and monitoring service.

5. I did not knowingly or voluntarily request, consent, permit or authorize receipt of the telephone call referenced in paragraphs 3 and 4.

6. On or about July 23, 2012, I provided the Office of the Indiana Attorney General with an audio recording of the telephone call referenced in paragraphs 3 and 4.

7. Exhibit "A" attached hereto is a true and accurate copy of the transcript of the prerecorded telemarketing telephone call referenced in paragraphs 3 and 4.

8. On or about August 15, 2012, I provided the Office of the Indiana Attorney General a copy of a credit card statement reflecting my purchase of a medical alert device and monitoring service that was a result of the telephone call referenced in referenced in paragraphs 3 and 4.

9. Exhibit "B" attached hereto is a true and accurate copy of a credit card statement reflecting my purchase of a medical alert device and monitoring service that was a result of the telephone call referenced in referenced in paragraphs 3 and 4.

10. No additional information has been provided to the Office of the Indiana Attorney General.

FURTHER DECLARANT SAYETH NOT.

I AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE FOREGOING STATEMENTS ARE TRUE.

Date: March 30, 2013

Robert Braver

Transcript of Safeline Call to Robert Braver, April 27, 2012

Braver: Hello. Hello.

Recorded Male Voice: …are a senior citizen, listen closely to the following information. Each year there's been a significant rise in the number of senior citizens suffering death and serious life-threatening injuries from a delay in response times for medical emergencies, fires, burglaries or even a simple fall…

Braver: Hello.

Recorded Male Voice: …American Heart Association and the American Diabetic Association are urging all senior citizens to get a personal life-saving emergency medical alert system for their home. For the first time [inaudible] senior benefits program is providing senior citizens with this life-saving emergency medical alert equipment at no charge to seniors. Press one now to find out how. Just one push of a button, you can have a live certified medical emergency technician on the line to help you in just seconds. Again press one now and you'll never have to feel helpless, worried or by yourself in an emergency situation…

Braver: Hello.

Recorded Male Voice: …Press five now to be removed from our senior benefits calling list.

Braver: Hello.

Ringing

Music

Matthew: Senior Benefits. This is Matthew speaking. Can I ask who I am speaking with?

Braver: Oklahoma

Matthew: Oklahoma?

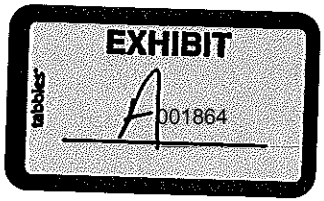
Braver: Yeah, isn't that where you're calling me from? Hello?

Matthew: Is that your name?

Braver: I'm sorry, what?

Matthew: To whom am I speaking with?

Braver: This is Mark Williams.



Matthew: Mr. Williams, in case we get disconnected, is [REDACTED] the best number to reach you back on?

Braver: Uh yes.

Matthew: Okay and you said this was your home phone?

Braver: Yeah uh yes.

Matthew: Okay um great. For responding today to our senior benefits program, you have been selected to receive a full free medical alert system package that has a value of over 400 dollars.

Braver: Uh huh.

Matthew: You're probably familiar with the medical alert system and how it works. You know that TV commercial "I've fallen and I can't get up"?

Braver: Yes I was just thinking of that.

Matthew: All right well it's the same system as seen on TV and the way it works is simple. If you have a medical emergency, fire, burglary, or even something as simple as a fall that you have difficulty getting up from, you simply push the button on the lightweight waterproof necklace or bracelet and speak hands-free from anywhere in your home to a live certified emergency medical technician. They will evaluate your situation and make sure that you get the help you need and notify family or 911 and comfort you until help arrives. And your alert button works anywhere in the house and it even works outside on your property. Has a fifteen hundred foot range which is over a quarter of a mile, you know, and this device could really help you in a time of need…

Braver: Uh huh

Matthew: …and could even be life-saving. You know, device will give you the peace of mind you need, allow you to feel safe and make sure you never feel alone in that case of an emergency. And Mr. Williams, you nev…you will never have to feel helpless, worried or by yourself in an emergency situation. Plus, our device has been recommended by the American Heart Association, the American Diabetes Association, the National Institute of Aging, and has been helping save the lives of America's senior citizens for over thirty years. And your free medical alert system package is gonna include a medical alert base station with a speaker, a water-proof wrist and necklace button, a med-lock key lock box which prevents broken doors and windows, a voice remote, which is an easy to use device that allows you to answer and talk on the telephone by simply depressing the necklace button. So, no more getting up to answer the phone and no more missed calls. It also has an away from home protection card that gives emergency personnel twenty-four hour a day, seven day a week access to your important medical information. And last but not least, a very important part of this service is a daily wellness check. Every day at the same time we'll check with you to make sure that you are safe and

everything is okay. So, the system is completely free, and the shipping is also free. Normally all this would cost over four hundred dollars, but today you pay absolutely nothing for the system. The only thing you would be responsible for is the emergency medical technician monthly monitor fee which is thirty-four ninety five per month and the [inaudible] cycle doesn't start until you receive the system and activate it. Everything else is free. Also, there's no contract whatsoever and you can cancel at any time with no cancellation fees. Mr. Williams, what address would you like your emergency medical alert system sent to?

Braver: Um [ADDRESS REDACTED].

Matthew: You said [STREET NAME REDACTED]?

Braver: Yep.

Matthew: Okay. Is that one word or two?

Braver: One word.

Matthew: Okay. And the city?

Braver: Norman, like the man's name.

Matthew: Okay.

Braver: Oklahoma.

Matthew: And your zip code?

Braver: [redacted]

Matthew: Okay. And for the monthly emergency medical monitoring uh which card would you like to use? Uh Visa, Master Card, Discover or American Express?

Braver: Well, I don't give my credit card information out to someone who I don't know that just calls me on the phone.

Matthew: Well, I understand. Um, Mr. Williams have you heard of the federal credit card protection act?

Braver: Um, no.

Matthew: Okay well it's a federal law that has been passed in the United States to protect credit card holders such as yourself. Says that anyone who uses their credit card over the phone or on the internet is not liable for any charges unless they receive exactly what was promised to them. You know, so there is absolutely no risk whatsoever and over seventy percent of all Americans use their credit cards over the phone and the internet. And phone and internet

transactions would never have grown to be a massive multi-billion dollar industry without the federal…

Braver: Right. Oh yeah, and I use my credit card on the internet and over the phone all the time. It's just they, of course they tell you, the attorney general, everybody knows that you don't give that out over the phone to someone who calls you out of the blue. You know what I mean?

Matthew: Uh huh. Well…

Braver: See, since you called me and I didn't call you, in fact, the only thing that comes up on my caller-ID is just a number, it has Oklahoma City. Uh, doesn't even have a name on the caller-ID. So, I don't even know who you are.

Matthew: Okay, well uh we're we're Safeline uh, Mr. Williams. We've been in business since nineteen seventy-seven, and we have provided life-saving life safety services…

Braver: Right.

Matthew: …to tens of thousands of people for over thirty years and are among the leaders in our field. And our name is Safeline. And we just provide that that safety, you know, like I said…[inaudible]

Braver: Okay. Where where are you located?

Matthew: Safeline owns its own U.L. listed monitoring center staffed with highly trained care specialists at our secure facility in New York. Uh from there we monitor customers all across the U.S.

Braver: Okay. All right. Well let me get…this will be a Visa card.

Matthew: We take Visa Master Card Discover or American Express.

Braver: Well that works, cause I'm holding a Visa card in my hand.

Matthew: Okay. When you're ready…[inaudible]

Braver: Okay. [NUMBER REDACTED]

Matthew: Okay, so you have [NUMBER REDACTED]

Braver: Yep.

Matthew: [NUMBER REDACTED]

Braver: Yep.

Matthew: [NUMBER REDACTED]

Braver: Yes.

Matthew: Okay. And the expiration [inaudible]

Braver: [DATE REDACTED]

Matthew: Okay. And if you flip the card over you should see three numbers…[inaudible]

Braver: Yep. [NUMBER REDACTED]

Matthew: Okay. All right. Okay, uh Mr. Williams, uh your equipment will be shipped to you at the address of [ADDRESS REDACTED] in Norman Oklahoma [redacted]. And you will receive…it will arrive in a few days. Don't forget to activate your system as soon as you receive it by plugging it into your phone line and pushing the button. This will make a test call and activate your system and immediately start protecting you.

Braver: Okay.

Matthew: Okay.

Braver: Okay.

Matthew: I'm going to transfer you…I'm going to transfer you to our confirmation department so they can give you the confirmation number and verify that I have entered all your information into the system correctly. And they will also give you a customer service number in case you have any additional questions. Thank you very much and I hope you will enjoy the safe feeling of having a medical alert system.

Braver: Okay.

Matthew: …please hold. If you would please hold, I will transfer you to the confirmation department.

Braver: Okay, well I've got to walk out the door in one minute.

Matthew: Okay. I'm going to transfer you.

Braver: Okay. Sir? Are you still there?

Matthew: Mr. Williams, how is your name spelled on your credit card?

Braver: [inaudible] I A M S.

Matthew: I'm sorry I didn't quite catch that Mr. Willaims.

Braver: [inaudible] W I L L I A M S.

Matthew: And your first name?

Braver: Hello?

Matthew: Yeah I'm still here Mr. Williams.

Braver: Uh yes, Mark.

Matthew: Mark?

Braver: Yep.

Matthew: M A R K?

Braver: Yep.

Matthew: All right. I'll be transferring you in just a moment.

Braver: Okay. I've got to leave basically now.

Matthew: Okay. Only one more moment.

Braver: Okay. Okay [inaudible] you need to get ready. [inaudible] We're leaving in fifteen minutes. [inaudible] Okay I hope you're ready now.

Music

Lloyd: Hi this is Lloyd. I'm in the confirmation department. Take a quick minute to make sure that all your information has been entered into the system correctly.

Braver: Okay. Needs to be quick because I am uh I got people waiting on me. I'm due out the door about two minutes ago.

Lloyd: Uh okay, Mr. Williams. I'll run this as quick as I can. Okay can you keep up quick?

Braver: Okay go.

Lloyd: All right. I have your address as [ADDRESS REDACTED]. That's in Norman, Oklahoma. Zip code [redacted] with your phone number area code four oh five [NUMBER REDACTED].

Braver: Uh huh.

Lloyd: And I do show you got the medical alert system today. It is thirty-four dollars and ninety-five cents a month. You get everything, all the equipment is for free. And I do see that you'll be using your Visa card ending in [NUMBER REDACTED] and that's for the first payment of thirty-four dollars and ninety-five cents.

Braver: Yep.

Lloyd: And your system will get shipped out to you in the next couple of days. You'll receive it in five to seven days. When you get it don't forget to activate your system. You'll do that by plugging it into your phone jack and just simply hitting the red button…

Braver: Yeah, the gentleman told me that so we can, yeah.

Lloyd: Okay, do you want to take down our customer service number real quick?

Braver: Um, yeah.

Lloyd: Okay it's one eight hundred

Braver: Uh huh.

Lloyd: Seven one seven

Braver: Uh huh.

Lloyd: Nine two nine five.

Braver: Okay.

Lloyd: And that's Life Watch. And uh I'll get the rest of it done from here you're all set and I just want to thank you for joining the Safeline by Life Watch family and I hope you have a wonderful evening.

Braver: Okay. Thank you.

Lloyd: All right thank you, sir.

Braver: Good-bye.

CHASE

slate

CREDIT CARD [redacted]

	Trans Date	Post Date	Type	Description	Amount
☐	04/27/2012	04/30/2012	Sale	LIFEWATCH INC (MOTO) 516-3745433, NY 115570000 US Online, Mail, or Telephone transaction	$34.95

EXHIBIT
tabbies
B
001871

Robert Braver
[redacted]
Norman, Oklahoma [redacted]
Fax: (405) [redacted]

May 7, 2012

Mr. Evan Sirlin
Lifewatch, Inc.
1315B Broadway, Suite 106
Hewlett, NY 11557

RE: Prerecorded telephone sales calls

Dear Mr. Sirlin:

I am writing with regard to three nuisance telemarketing calls that I received last month. The three calls all rang my phone and transmitted Caller ID information indicating an Oklahoma City area telephone number with only the name "Oklahoma City OK".

The calls appear to be auto-dialed and initiated for the purpose of delivering a pre-recorded message. The prerecorded message purports to be on behalf of "The American Senior Benefits Program", and states that The American Heart Association and American Diabetic Association are urging all seniors to obtain an emergency medical alert system for their home.

No further identification or contact information is provided in the prerecorded message, and a Google search on *American Senior Benefits telemarketing* yields as the first hit a link to American Senior Benefits Association's home page, which prominently displays the following message:

> **It has been brought to our attention that many consumers are getting automated phone calls from "American Senior Benefits Program." We are NOT this company. We are working with several state and federal agencies to get these calls stopped as quickly as possible**

By playing along as a customer and pressing "1" after the conclusion of the prerecorded message, I was able to speak to a live operator who only identified himself as Matthew with dubious and ambiguous name "Senior Benefits".

Only after playing along and actually signing up for service under the fictitious name "Mark Williams" was I told that the company was Lifewatch, which, after previously being provided a different company name twice, I was only able to confirm when the charge appeared on my credit card.

Calling the 516-374-5433 number listed with the credit card transaction led me to J.R. in your customer service department and then Pam in the sales department. Both J.R. and Pam appeared to be fully aware of these prerecorded calls being made on behalf of Lifewatch.

I am concerned about these calls because they appear to constitute two separate criminal offenses under Oklahoma law:

21 O.S. § 1847a generally prohibits unsolicited prerecorded sales calls. Violations are punishable by a fine and up to one year in jail. **21 O.S. § 1847a(E) further allows me, as the telephone subscriber, the option to void any contract or agreement to purchase any goods or services as a result of the unlawful call. As I stated in my subsequent telephone call to Pam in your sales department, I am indeed exercising that option, and I expect a prompt refund of the $34.95 that was charged to my VISA card.**

21 O.S. § 1861 requires that the name and organizational or business affiliation be given to the person answering the telephone prior to any solicitation or sales presentation. Violations for a first or second offense are a misdemeanor punishable by a fine and up to one year in jail. A third offense is a felony punishable by a fine and up to two years in the state penitentiary.

I mention these offenses because they are enumerated as violations of The Oklahoma Consumer Protection Act, which provides for civil remedies including actual damages, (to include nominal damages), as well as attorney's fees. While I represent myself initially, I will retain counsel if it appears that a case will be headed to trial.

In addition, I believe these calls constitute numerous violations of the federal Telephone Consumer Protection Act of 1991 ("TCPA"), principally at 47 U.S.C. § 227, and the FCC regulations promulgated thereunder.

Specifically, I believe the separate and distinct violations include, but are not necessarily limited to:

- Initiation of a prerecorded message to a residential telephone subscriber without prior express permission or invitation;
- Failure to provide the identity of the calling party within the message;
- Failure to provide an address or telephone number within the message where the calling party can be reached;
- The call was accompanied by a Caller ID number answered either as being generally unavailable or mailbox full, and a Caller ID name that did not identify your legal business name.

Among other things, the TCPA provides for statutory damages for each violation as well as injunctive relief in a private civil action. Statutory damages under the TCPA are generally $500 per violation, and can reach up to $1,500 per violation for willful or knowing violations.

I do intend to pursue my available civil remedies. I have been bringing TCPA claims in the Oklahoma courts for over fifteen years and have a good track record.

According to Pam, the calls were made by a reseller. However, it is well settled that the party on whose behalf the calls were made is deemed to be the telemarketer and is ultimately responsible for violations. Further, in my conversations with your representatives, it seems that everyone is

aware of the prerecorded calls. Therefore, I am affording you this opportunity to let me know **within the next ten days** if you are interested in discussing settlement of my claims prior to my initiating a civil action in this matter. If so, please contact me in writing at the fax or email addresses above.

Sincerely,

Robert Braver

OFFICIAL TRANSCRIPT PROCEEDING

FEDERAL TRADE COMMISSION

MATTER NO. [redacted]

TITLE LIFEWATCH, INC.

DATE RECORDED: AUGUST 10, 2015

TRANSCRIBED: AUGUST 11, 2015

REVISED: AUGUST 12, 2015

PAGES 1 THROUGH 17

TELEPHONE CONVERSATION BETWEEN ROBERT BRAVER AND LENORE

G5001-20150810-095538-1439218538.179.mp3

FEDERAL TRADE COMMISSION

I N D E X

RECORDING:	PAGE:
Telephone conversation between Robert Braver and Lenore	4

FEDERAL TRADE COMMISSION

In the Matter of:)
Lifewatch, Inc.) Matter No. [redacted]
)
---)
August 10, 2015

The following transcript was produced from a digital recording provided to For The Record, Inc. on August 11, 2015.

P R O C E E D I N G S

- - - - -

TELEPHONE CONVERSATION BETWEEN ROBERT BRAVER AND LENORE

MR. BRAVER: Hello. Hello.

RECORDING: (Inaudible) hang up, this is not a sales call. AARP and the National Center for Aging has issued the following community alert for senior citizens over 65 years of age only. Due to the recent dramatic increase in injuries and deaths experienced by senior citizens from a fall, a burglary, or any medical emergency, Senior Alert Systems is sending out free life-saving medical alert pendants to all eligible senior citizens. Because you were referred by your doctor or primary care physician, your medical alert system has already been paid for. Your shipping is paid for.

Press one now to verify your address and your delivery date.

In addition to your new medical alert system, you will also be receiving $3,000 in grocery store certificates to help you save money every month on your household living expenses.

The entire alert system and $3,000 gift certificate is free of charge.

Again, press one now to verify your shipping address. Press five to notify your health care provider

you have refused the shipment. Seniors, press one now.

MR. BRAVER: Hello.

(Number pressed.)

RECORDING: All representatives are currently busy. Please hold for the next available confirmation agent. We just need to ensure that we have all of your details completely correct so we can ship your system as soon as possible and get you protected at the earliest available opportunity. We will be with you momentarily.

You have made a wonderful decision to protect your safety and personal independence, so please hold the line for just a few moments. Thank you for your patience.

All representatives are currently busy. Please hold for the next available confirmation agent. We just need to ensure that we have all of your details completely correct so we can ship your system as soon as possible and get you protected at the earliest available opportunity. We will be with you momentarily.

You have made a wonderful decision to protect your safety and personal independence, so please hold the line for just a few moments. Thank you for your patience.

All representatives are currently busy. Please hold for the next available confirmation agent. We just

need to ensure that we have all of your details completely correct so we can ship your system as soon as possible and get you protected at the earliest available opportunity. We will be with you momentarily.

You have made a wonderful decision to protect --

LENORE: Thank you for holding. Senior specialist Lenore speaking. May I ask who I'm speaking with?

MR. BRAVER: Yes, this is Robert Braver.

LENORE: Hello, Robert. How you doing this morning?

MR. BRAVER: Well, I'm okay.

LENORE: That's good. Now, Robert, in case we get disconnected, sir, I can call you back at this telephone number, correct?

MR. BRAVER: Yes. We need to do this a little bit quickly because I need to be heading out the door here in a little bit. But I'm ready to go.

LENORE: Oh, okay. Okay. Do you have a medical alert system already, Robert?

MR. BRAVER: No, I don't. No, but I heard the recorded --

LENORE: Okay.

MR. BRAVER: -- message, and I guess I would

just need to confirm the details so you can send that to me.

LENORE: Okay. Well, Robert, there is a small fee that you have to pay, which is the medical monitoring, and that's $34.95, Robert.

MR. BRAVER: Okay. Well, we -- we can do that real quick if we need to.

LENORE: Okay, no problem, Robert. Okay. So -- so, you say you don't have time, so your address is [redacted] Robert, Norman, Oklahoma, [redacted], is that correct, Robert?

MR. BRAVER: Yes.

LENORE: Okay. Now, Robert, we're going to send that system out to you immediately. Now, when the system arrives, Robert, there's going to be a medical technician that will call you and then set you up so they can start monitoring you, Robert.

Now, Robert, for the medical monitoring, I do need a billing method on file available, Robert. Now, what would you like to use today, sir? Will it be a debit card, a bank card or a credit card today, sir?

MR. BRAVER: Yeah, a credit card. It's a Visa.

LENORE: Okay, no problem, Robert. Are you -- are you ready?

MR. BRAVER: Yes.

LENORE: Okay, no problem, Robert. I just wanted to make sure everything is together. Okay. So, let me get down right to that. All right, Robert. So, it's a Visa. Okay. Now, what I need for you to do is look -- excuse me, I'm sorry. Turn the card in front and give me the 16 numbers in front of the card, Robert.

MR. BRAVER: Yeah, it's XXXX XXXX XXXX XXXX.

LENORE: All right, thank you. Now, Robert, the month and the year of the expiration date.

MR. BRAVER: [redacted]

LENORE: Okay. Okay, Robert. Now, turn the card over and give me the three-digit code.

MR. BRAVER: [redacted]

LENORE: Okay, thank you, Robert. Okay. Now, Robert, what would you like, a (inaudible) or necklace, sir?

MR. BRAVER: I'm sorry, what?

LENORE: What would you like, Robert, a bracelet or necklace, sir?

MR. BRAVER: Oh, like a pendant? Yeah, the --

LENORE: Yeah, the --

MR. BRAVER: Yes, the pendant, yeah.

LENORE: Okay, the neck -- okay. Okay, all right. Let me just put the rest of your information in.

It will take a few minutes, Robert, because I know you have to leave, sir.

MR. BRAVER: Yeah, thank you.

LENORE: Okay. All right. All right. Okay. Now, are you still on -- I'm going to verify your address to make sure that's correct. I want to have the correct address for you, Robert. All right. Okay. Are you still living at [redacted], Norman, Oklahoma, [redacted], correct?

MR. BRAVER: Yes.

LENORE: We verified that, correct?

MR. BRAVER: Yes, ma'am.

LENORE: All right. All right, Norman [sic]. Now, this system is going to arrive within the next 10 to 14 business days for you. Now, today, Norman [sic], you're going to be billed the $34.95 and will not be billed again until 40 days from today's date, sir. Now, Norman [sic], once the system arrives to your home, sir, please activate the system as soon as you receive it by plugging it in your phone line jack and pushing the button. This is going to make a test call. It's going to activate the system and immediately start protecting you.

Now, I'm going to transfer you to verification. They're just going to verify everything. That takes a

few minutes, Norman [sic]. They're going to make sure I entered all your information in correctly and they will also give you a customer service number in case you have additional questions.

Norman [sic], I do want to thank you so very much and I hope you enjoy the safe feeling of having a medical alert system. Please hold. Do not hang up, Norman [sic], and I'm going to transfer the call. You have a wonderful rest of your day, Norman [sic], okay?

MR. BRAVER: Thank you.

LENORE: You're welcome.

(On hold.)

RECORDING: All representatives are currently busy. Please --

RECORDING: Your call is very important to us. Please stay on the line and you'll be transferred to the next available agent.

RECORDING: -- hold for the next available confirmation agent. We just need to ensure that we have all of your details completely correct so we can ship your system as soon as possible and get you protected at the earliest available opportunity. We will be with you momentarily.

You have made a wonderful decision to protect your safety and personal independence, so please hold the

line for just a few moments. Thank you for your patience.

All representatives are currently busy. Please hold for the next available confirmation agent. We just need to ensure that we have all of your details completely correct so we can ship your system as soon as possible and get you protected at the earliest available opportunity. We will be with you momentarily.

You have made a wonderful decision to protect your safety and personal independence, so please hold the line for just a few moments. Thank you for your patience.

All representatives are currently busy. Please hold for the next available confirmation agent. We just need to ensure that we have all of your details completely correct so we can ship your system as soon as possible and get you --

RECORDING: Your call is very important to us. Please stay on the line and you'll be transferred to the next available agent.

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RECORDING: Good-bye.

(The call was concluded.)

(The recording was concluded.)

C E R T I F I C A T I O N O F T Y P I S T

MATTER NUMBER: [redacted]

CASE TITLE: LIFEWATCH, INC.

TAPING DATE: AUGUST 10, 2015

TRANSCRIPTION DATE: AUGUST 11, 2015

REVISION DATE: AUGUST 12, 2015

I HEREBY CERTIFY that the transcript contained herein is a full and accurate transcript of the tapes transcribed by me on the above cause before the FEDERAL TRADE COMMISSION to the best of my knowledge and belief.

DATED: AUGUST 12, 2015

S/Elizabeth M. Farrell

ELIZABETH M. FARRELL

C E R T I F I C A T I O N O F P R O O F R E A D E R

I HEREBY CERTIFY that I proofread the transcript for accuracy in spelling, hyphenation, punctuation and format.

S/Sara J. Vance

SARA J. VANCE

OFFICIAL TRANSCRIPT PROCEEDING

FEDERAL TRADE COMMISSION

MATTER NO. [redacted]

TITLE LIFEWATCH, INC.

DATE RECORDED: AUGUST 10, 2015
TRANSCRIBED: AUGUST 11, 2015
REVISED: AUGUST 12, 2015

PAGES 1 THROUGH 12

TELEPHONE CONVERSATION BETWEEN ROBERT BRAVER AND
KAY BROWN
G5001-20150810-105503-1439222103.182.mp3

FEDERAL TRADE COMMISSION

I N D E X

RECORDING:	PAGE:
Telephone conversation between Robert Braver and Kay Brown	4

FEDERAL TRADE COMMISSION

In the Matter of:)
Lifewatch, Inc.) Matter No. [redacted]
)
----------)
August 10, 2015

The following transcript was produced from a digital recording provided to For The Record, Inc. on August 11, 2015.

P R O C E E D I N G S

- - - - -

TELEPHONE CONVERSATION BETWEEN ROBERT BRAVER AND KAY BROWN

MR. BRAVER: Hello.

MS. BROWN: Hi, Robert. My name is Kay Brown. I'm with senior alert specialist. We had technical difficulties and I'm just getting to people that have placed an order with us.

MR. BRAVER: Oh, great.

MS. BROWN: Yes, for the waterproof necklace, sir. Before I say any other information regarding your information, could you please tell me the name of the street you live on? Thank you.

MR. BRAVER: It's [redacted].

MS. BROWN: Yes, sir, thank you very much. So, I will -- so, what I do is I just verify all the information has been entered into our system correctly, as well as get your permission to process the payment. Not everyone writes down their nine-digit confirmation, customer ID account number all in one, and then I also have a CS, customer service, 800 number. Again, these numbers come in their -- in your package, so not everyone writes them down.

So, if you could please answer the following

questions with yes or no, that would be great.

MR. BRAVER: Okay.

MS. BROWN: So, I would like to verify I'm speaking with Robert, last name I show is Braver.

MR. BRAVER: Right.

MS. BROWN: Is that correct?

MR. BRAVER: Yes.

MS. BROWN: Okay, great, thank you. And you reside -- you're in Norman, Oklahoma, at [redacted]. The zip code is [redacted]. Is that all correct?

MR. BRAVER: Yeah, that's correct. And [redacted] is one word.

MS. BROWN: Yes, sir. Yes, sir.

MR. BRAVER: Okay.

MS. BROWN: We have a nice address verification program. I appreciate that --

MR. BRAVER: Oh, good, okay.

MS. BROWN: Thank you. Thank you. For the home phone number 405-[redacted], is this also your land line?

MR. BRAVER: Yes, it is.

MS. BROWN: Okay, great. And we're going to send you out the waterproof necklace. Could you please verify your date of birth? Thank you.

MR. BRAVER: [redacted] --

MS. BROWN: Okay.

MR. BRAVER: -- [redacted].

MS. BROWN: [redacted]. And this unit is for you, correct?

MR. BRAVER: Yes.

MS. BROWN: Okay. Just double-checking. Give me one moment. I'm going to pull up the billing method. I do verify that information as well if you need a moment to retrieve it.

MR. BRAVER: Oh, no, I have it right here still.

MS. BROWN: Oh, okay, great. Is there -- okay. So, let me back up. I do show the preferred method of payment for the $34.95 monthly monitoring fee will be applied to a Visa card. Is that correct?

MR. BRAVER: Yes.

MS. BROWN: Thank you. Is there a middle initial on the card?

MR. BRAVER: Yes, H.

MS. BROWN: Thank you. One moment. Great. Okay. So, I'm just going to read the information you already gave out and make sure it's all correct. Thank you.

MR. BRAVER: Okay.

MS. BROWN: XXXX XXXX XXXX XXXX, is that

correct?

MR. BRAVER: Well, you cut out on the -- that second group of numbers. Read that second group of numbers again.

MS. BROWN: Oh, man. Yes, I will. Okay, XXXX XXXX. Was that the group?

MR. BRAVER: No, the second group, the -- the --

MS. BROWN: Oh, okay, the very second --

MR. BRAVER: The second group of --

MS. BROWN: Yes, sir. XXXX.

MR. BRAVER: Yes, that is correct.

MS. BROWN: Okay, great, thank you. The expiration date is [redacted] and the three-digit code is [redacted]. Is that correct?

MR. BRAVER: Yes, that is all correct.

MS. BROWN: Okay, great. Now, I just want to tell you about a special promotion we are running for signing up today. You do qualify to receive a free 911 help now button. Now, Robert, this is an additional button that you can wear around your wrist, your neck, or simply keep in your pocket. So, if you have an emergency away from home, of course, you would push the button, a 911 operator will speak to you live over the speaker that is in the button. They will also be able to pinpoint

your exact location no matter where you are in the United States.

The button is completely free, the activation is free and the shipping is free. There's a home monitoring charge of $9.99 per month. Are you interested in trying the 911 help now button?

MR. BRAVER: No, I don't think that I would have any use for that, but thank you.

MS. BROWN: Okay, great. And the unit you are getting, it's the advanced version. It does have 1,500 square feet. So, around the length of four football fields. That's a pretty good distance. Okay? So, I do have a nine-digit confirmation ID number as well as our CS, customer service, 800 number. Are you interested in writing either of these numbers down now?

MR. BRAVER: Sure.

MS. BROWN: Okay, great. ID -- do you have a pencil or pen?

MR. BRAVER: I do.

MS. BROWN: Great. It's nine numbers. It is 658.

MR. BRAVER: Mm-hmm.

MS. BROWN: 796.

MR. BRAVER: Okay.

MS. BROWN: 832.

MR. BRAVER: Okay.

MS. BROWN: Okay. The CS, 800-716 --

MR. BRAVER: Mm-hmm.

MS. BROWN: -- -1433.

MR. BRAVER: Okay.

MS. BROWN: Monday through Friday, 10:00 to 6:00 p.m.

MR. BRAVER: Okay.

MS. BROWN: We are Eastern time, so we are one hour ahead of you.

MR. BRAVER: Okay.

MS. BROWN: Okay, great. So, Robert Braver, by providing your credit card information and verbal authorization today, August 10th, 2015, you are authorizing medical alarms to initiate a one-time credit card debit on August 10th, ‘15, for the amount of $34.95, and a recurring credit card debit to your account in the amount of $34.95 on the 18th of every month.

Now, the first credit card debit, Robert, shall be drafted or applied from your account on or after 8/10/2015, to be followed by successive debits, if applicable, as just described. So, within a couple weeks, I’m sure you’ll know if you’re going to utilize the system for another month. Of course, you pay today, we don’t charge you again on this 18th, it would be the

following month.

MR. BRAVER: Okay.

MS. BROWN: Please note, Mr. Braver, that if at any time, sir, you wish to revoke this authorization and cancel any scheduled debit to your account, you must notify us at the customer service number during those hours of operation at least three business days prior to the scheduled debit dates. And that will be in the package.

Do you authorize Medical Alarms to proceed with these credit card debits, sir?

MR. BRAVER: Yes.

MS. BROWN: Thank you. Credit card debits will be drafted from your account with the following information, card ending in XXXX, expiration [redacted], three-digit number is [redacted], in the amount of $34.95.

Should you have any questions regarding your payments, please reach out to our customer service office Monday through Friday, 10:00 to 6:00 p.m. Eastern, 7 -- 800-716-1433.

Do you have any questions regarding --

MR. BRAVER: No.

MS. BROWN: -- the credit card debit procedure, sir?

MR. BRAVER: No, not at all.

MS. BROWN: Great. Ten to 14 days your package shall arrive, possibly sooner.

MR. BRAVER: Wonderful.

MS. BROWN: Thank you very much.

MR. BRAVER: Thank you.

MS. BROWN: Enjoy your day.

MR. BRAVER: All right, you, too. Thank you.

MS. BROWN: Thank you. You're welcome, Mr. Brave --

MR. BRAVER: Bye.

MS. BROWN: -- Braver. Bye-bye.

MR. BRAVER: Bye.

(The call was concluded.)

(The recording was concluded.)

C E R T I F I C A T I O N O F T Y P I S T

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DATED: AUGUST 12, 2015

S/Elizabeth M. Farrell

ELIZABETH M. FARRELL

C E R T I F I C A T I O N O F P R O O F R E A D E R

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S/Sara J. Vance

SARA J. VANCE

Date	Description	Type	Amount	Balance
08/12/2015	MEDALARMS 800-7161433 NY Transaction date: 08/10/2015 Card type: Visa Transaction type: Purchases Merchant description: MISCELLANEOUS PERSONAL SERVICES-NOT ELSEWHERE Merchant information: 800-7161433 , NY Reference number: 9124 Dispute this transaction		$34.95	[redacted]

Braver Att. E