



United States of America
FEDERAL TRADE COMMISSION
East Central Region

1111 Superior Avenue, Suite 200
Cleveland, Ohio 44114
(216) 263-3455

Jon Miller Steiger
Director

November 27, 2023

CEASE AND DESIST DEMAND

VIA EMAIL TO:
dbonner@potomacclaw.com

iDentidad Advertising Development, LLC
Andres Sanchez, CEO
848 Brickell Avenue, Suite 810
Miami, FL 33133
c/o Potomac Law Group, PLLC, Registered Agent

We have determined that iDentidad Advertising Development, LLC, is apparently routing and transmitting illegal robocall traffic, directly or indirectly, for entities involved in the following campaigns:

- Amazon-AuthorizeOrder
- Amazon-AuthorizeOrder-P3
- Amazon-SuspiciousCharge-P1
- Amazon-Various-P1
- Amazon-Various-P3
- Authorized-Order-P2
- Chinese-ISP/Cable/Wireless-Impers
- Chinese-PackageDelivery-P3
- Financial-Impers-4
- Financial-Impers-7
- GovtImpers
- GovtImpers-P1
- Recent-Purchase
- SSA-Impers
- Utility-30MinDisconnect
- Utility-Impers-P1
- Utility-Impers-P2

More specifically, our investigation revealed that iDentidad Advertising Development, LLC, apparently routed and transmitted illegal robocalls as set forth in Attachment A.

The Federal Trade Commission (FTC) works closely with USTelecom’s Industry Traceback Group (ITG), which is the registered industry consortium selected pursuant to the TRACED Act to conduct tracebacks.¹ Between August 21, 2022, and October 3, 2023, ITG investigated 61 prerecorded voice message calls that law enforcement, voice service providers using honeypots (i.e., unassigned numbers held by providers to detect illegal robocalls), and customers of YouMail had flagged as illegal robocalls made without consent of the called party.² ITG conducted tracebacks and determined that iDentidad Advertising Development, LLC, routed and transmitted the calls. ITG previously notified you of these calls and provided you access to supporting data identifying each call—including a recording and/or a description of the illegal robocall—as indicated in Attachment A. Further, the numerous traceback notices directed to iDentidad Advertising Development, LLC, indicate that you are apparently routing and transmitting illegal robocall traffic knowingly. **IF YOU ARE ENGAGED IN THESE ACTIVITIES, THEN YOU MUST IMMEDIATELY CEASE AND DESIST FROM ENGAGING IN THEM.**

The FTC, the nation’s consumer protection agency, enforces the Federal Trade Commission Act (FTC Act), 15 U.S.C. § 45 et seq., which prohibits unfair or deceptive acts or practices in or affecting commerce. The FTC also enforces the Telemarketing Sales Rule (TSR), 16 C.F.R. Part 310, which prohibits deceptive and abusive telemarketing practices. Section 310.3(b) of the TSR prohibits “assisting and facilitating” certain specified conduct.³ Under that provision, it is unlawful for any person or entity to “provide substantial assistance or support to any seller or telemarketer when that person knows or consciously avoids knowing that the seller or telemarketer is engaged in any act or practice that violates Sections 310.3(a), (c), or (d), or Section 310.4 of this Rule.” These Sections prohibit, among others, the following conduct:

- Making a false or misleading statement to induce any person to pay for goods or services or to induce a charitable contribution (16 C.F.R. § 310.3(a)(4));
- Misrepresenting a seller or telemarketer’s affiliation with any government entity (16 C.F.R. § 310.3(a)(2)(vii));
- Transmitting false or deceptive caller ID numbers (16 C.F.R. § 310.4(a)(8));
- Initiating or causing the initiation of calls that deliver prerecorded messages,⁴ unless the person called provided the seller express written permission to call (16 C.F.R. § 310.4(b)(1)(v)); and
- Initiating or causing the initiation of telemarketing calls to numbers listed on the National Do Not Call Registry, unless the person called provided express written permission to receive calls from the seller or the seller had an existing business relationship with the person called (16 C.F.R. § 310.4(b)(1)(iii)(B)).

¹ See Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, 133 Stat. 3274, Sec. 13(d) (2019) (TRACED Act).

² See 16 C.F.R. § 310.4(b)(1)(v).

³ A copy of the TSR is attached as Attachment B.

⁴ These calls are often referred to as “robocalls.”

The FTC can obtain civil penalties for TSR violations. Each illegal call is subject to a maximum civil penalty of \$50,120. *See* 16 C.F.R. § 1.98. In addition, a violation of the TSR is a violation of Section 5 of the FTC Act. *See* 15 U.S.C. §§ 6102(c), 57a(d)(3), 45(a). Accordingly, the FTC has authority to seek both preliminary and permanent injunctive relief to address TSR violations. *See* 15 U.S.C. § 53(b). The FTC may also seek the refund of money or payment of damages to address TSR violations. *See* 15 U.S.C. § 57b(b).

Combatting illegal telemarketing is a top priority for the FTC, with a special emphasis on halting illegal robocalls.⁵ We want you to be aware that the FTC has, for example, brought assisting and facilitating claims against technology companies that knowingly provided software and servers used by illegal robocallers, even though these technology companies did not contract directly with the illegal robocallers. *See FTC v. James B. Christiano*, Case No. 8:18-cv-00936 (C.D. Cal. May 31, 2018).

We also bring to your attention that the FTC has sued VoIP service providers for allegedly violating the TSR. In *FTC v. Educare*, the FTC alleged that defendant Globex Telecom, Inc. assisted and facilitated telemarketers it knew, or consciously avoided knowing, were violating the TSR's prohibitions on calls delivering prerecorded messages. *See FTC v. Educare Centre Services, Inc.*, No. 3:19-cv-00196-KC (W.D. Tex. Dec. 3, 2019).⁶ In September, 2020, Globex Telecom and its associates agreed to pay \$2.1 million to settle the FTC lawsuit, and Globex Telecom's former CEO and President was banned from telemarketing to the U.S. and was subject to a permanent court order.⁷ Similarly, in *FTC v. Alcazar Networks, Inc.*, the FTC alleged that Alcazar Networks, Inc. and its founder and sole owner assisted and facilitated telemarketers responsible for tens of millions of illegal telemarketing calls, including robocalls and spoofed calls that displayed "911" as the caller ID. *See FTC v. Alcazar Networks Inc., et al.*, No. 6:20-cv-2200 (M.D. Fla. Dec. 3, 2020).⁸ As part of their settlement with the FTC in January 2021, the defendants agreed to a permanent injunction that prohibits similar misconduct in the future and requires them to screen and monitor their customers, as well as imposing a monetary penalty.⁹

The FTC has business educational materials that can assist you in complying with the TSR. *See* <https://www.ftc.gov/tips-advice/business-center/guidance/complying-telemarketing-sales-rule>.

⁵ In 2022, the FTC received more than 2.7 million complaints about unwanted calls, including more than 1.61 million robocall complaints. The FTC maintains an interactive Tableau Public web page that publishes details about do not call complaints on a quarterly basis. *See* <https://public.tableau.com/profile/federal.trade.commission#!/vizhome/DoNotCallComplaints/Maps>.

⁶ A copy of the FTC's Amended Complaint is attached as Attachment C.

⁷ *See* <https://www.ftc.gov/news-events/press-releases/2020/09/globex-telecom-associates-will-pay-21-million-settling-ftcs-first>.

⁸ A copy of the FTC's Complaint is attached as Attachment D.

⁹ *See* <https://www.ftc.gov/news-events/press-releases/2020/12/ftc-takes-action-against-second-voip-service-provider>.

In addition to FTC regulations and the FTC's actions against providers of VoIP services, you should also be aware that the United States Department of Justice (DOJ), state attorneys general, and other agencies have brought civil actions against VoIP companies and their owners. In two cases, DOJ alleged that the defendants were committing and conspiring to commit wire fraud by knowingly transmitting robocalls that impersonated federal government agencies.¹⁰ In August 2020, a federal district court entered a permanent court order barring the defendants from conveying telephone calls into the U.S. telephone system.¹¹ State cases have had similar impacts.¹²

Within three business days, please send a message to FTC attorney Fil Maria de Banate via electronic mail at fdebanate@ftc.gov, certifying that iDentidad Advertising Development, LLC, has ceased engaging in the activities described above that may subject it to liability under the TSR or the FTC Act. Please direct any inquiries regarding this letter to Mr. de Banate by email or by telephone at 216.263.3413.

Sincerely,



Jon Miller Steiger
Director

Enclosures:

Attachment A (Chart of illegal robocalls)

Attachment B (TSR)

Attachment C (*Educare* Amended Complaint)

Attachment D (*Alcazar* Complaint)

¹⁰ See <https://www.justice.gov/opa/pr/department-justice-files-actions-stop-telecom-carriers-who-facilitated-hundreds-millions>.

¹¹ See <https://www.justice.gov/opa/pr/district-court-enters-permanent-injunction-shutting-down-telecom-carriers-who-facilitated>.

¹² For example, the Vermont and Michigan Attorneys General have brought successful actions against VoIP providers who route scam robocall traffic. See <https://ago.vermont.gov/blog/2022/08/02/vermont-joins-nationwide-anti-robocall-task-force>; <https://www.michigan.gov/ag/news/press-releases/2020/08/07/ag-nessel-announces-settlement-eliminating-telecom-carrier-responsible-for-illegal-robocalls>; https://www.michigan.gov/documents/ag/Assurance_of_Voluntary_Compliance_-_All_Access_Telecom_FINAL_9-11-20_702047_7.pdf.

ATTACHMENT A

Date of ITG Notification	Date of Call	Caller ID	Robocall Campaign Identifier	Link to Robocall Recording	Potential Violation
10/4/2023	10/3/2023	19547322937	Amazon-AuthorizeOrder-P3	https://portal.tracebacks.org/api/public/attachments/1385035	16 C.F.R. § 310.4(b)(1)(v)
9/12/2023	9/11/2023	16703581142	Chinese-ISP/Cable/Wireless-Impers	https://portal.tracebacks.org/api/public/attachments/1367174	16 C.F.R. § 310.4(b)(1)(v)
9/1/2023	8/19/2023	18008693557	Financial-Impers-7		16 C.F.R. § 310.4(b)(1)(v)
9/1/2023	8/29/2023	18446850060	Utility-Impers-P2	https://portal.tracebacks.org/api/public/attachments/1364654	16 C.F.R. § 310.4(b)(1)(v)
9/1/2023	8/29/2023	12259066745	Amazon-Various-P1	https://portal.tracebacks.org/api/public/attachments/1364429	16 C.F.R. § 310.4(b)(1)(v)
8/31/2023	8/30/2023	18133120784	Amazon-AuthorizeOrder-P3	https://portal.tracebacks.org/api/public/attachments/1364798	16 C.F.R. § 310.4(b)(1)(v)
8/31/2023	8/29/2023	16617595444	Utility-Impers-P2	https://portal.tracebacks.org/api/public/attachments/1364650	16 C.F.R. § 310.4(b)(1)(v)
8/30/2023	8/29/2023	18763185202	GovtImpers-P1	https://portal.tracebacks.org/api/public/attachments/1364433	16 C.F.R. § 310.4(b)(1)(v)
8/28/2023	8/23/2023	447313313368	Amazon-AuthorizeOrder-P3	https://portal.tracebacks.org/api/public/attachments/1363522	16 C.F.R. § 310.4(b)(1)(v)
8/25/2023	8/23/2023	12024181122	GovtImpers		16 C.F.R. § 310.4(b)(1)(v)
8/18/2023	8/17/2023	18333081411	Utility-Impers-P2	https://portal.tracebacks.org/api/public/attachments/1361753	16 C.F.R. § 310.4(b)(1)(v)
8/18/2023	8/17/2023	12065205608	Utility-Impers-P2	https://portal.tracebacks.org/api/public/attachments/1361749	16 C.F.R. § 310.4(b)(1)(v)
8/18/2023	8/17/2023	18333081010	Utility-Impers-P2	https://portal.tracebacks.org/api/public/attachments/1361741	16 C.F.R. § 310.4(b)(1)(v)
8/18/2023	8/14/2023	17148644316	Amazon-AuthorizeOrder-P3	https://portal.tracebacks.org/api/public/attachments/1361615	16 C.F.R. § 310.4(b)(1)(v)
8/9/2023	8/8/2023	14193451715	Amazon-AuthorizeOrder-P3	https://portal.tracebacks.org/api/public/attachments/1357916	16 C.F.R. § 310.4(b)(1)(v)
8/9/2023	8/8/2023	14193451201	Amazon-AuthorizeOrder-P3	https://portal.tracebacks.org/api/public/attachments/1357910	16 C.F.R. § 310.4(b)(1)(v)
8/5/2023	8/3/2023	12489254921	SSA-Impers	https://portal.tracebacks.org/api/public/attachments/1356820	16 C.F.R. § 310.4(b)(1)(v)
5/31/2023	5/27/2023	16465972167	Amazon-Various-P3	https://portal.tracebacks.org/api/public/attachments/1326259	16 C.F.R. § 310.4(b)(1)(v)

5/31/2023	5/30/2023	16784720325	Amazon-Various-P3	https://portal.tracebacks.org/api/public/attachments/1326257	16 C.F.R. § 310.4(b)(1)(v)
5/26/2023	5/23/2023	15615041984	Amazon-Various-P3	https://portal.tracebacks.org/api/public/attachments/1323679	16 C.F.R. § 310.4(b)(1)(v)
5/24/2023	5/23/2023	13304471636	Amazon-Various-P3	https://portal.tracebacks.org/api/public/attachments/1323675	16 C.F.R. § 310.4(b)(1)(v)
5/24/2023	5/24/2023	14195338150	Amazon-Various-P3	https://portal.tracebacks.org/api/public/attachments/1323671	16 C.F.R. § 310.4(b)(1)(v)
5/24/2023	5/24/2023	15052862290	Amazon-Various-P3	https://portal.tracebacks.org/api/public/attachments/1323669	16 C.F.R. § 310.4(b)(1)(v)
5/15/2023	5/13/2023	12038492912	Amazon-Various-P3	https://portal.tracebacks.org/api/public/attachments/1315933	16 C.F.R. § 310.4(b)(1)(v)
5/15/2023	5/13/2023	17087696501	Amazon-Various-P3	https://portal.tracebacks.org/api/public/attachments/1315929	16 C.F.R. § 310.4(b)(1)(v)
5/15/2023	5/13/2023	16316840615	Amazon-Various-P3	https://portal.tracebacks.org/api/public/attachments/1315925	16 C.F.R. § 310.4(b)(1)(v)
5/15/2023	5/13/2023	16617451127	Amazon-Various-P3	https://portal.tracebacks.org/api/public/attachments/1315917	16 C.F.R. § 310.4(b)(1)(v)
5/4/2023	5/3/2023	19524454291	Utility-30MinDisconnect	https://portal.tracebacks.org/api/public/attachments/1297871	16 C.F.R. § 310.4(b)(1)(v)
5/3/2023	5/1/2023	14135524117	Utility-30MinDisconnect	https://portal.tracebacks.org/api/public/attachments/1296725	16 C.F.R. § 310.4(b)(1)(v)
5/1/2023	4/29/2023	12317799950	Utility-30MinDisconnect	https://portal.tracebacks.org/api/public/attachments/1294794	16 C.F.R. § 310.4(b)(1)(v)
5/1/2023	4/29/2023	12318594830	Utility-30MinDisconnect	https://portal.tracebacks.org/api/public/attachments/1294792	16 C.F.R. § 310.4(b)(1)(v)
5/1/2023	4/29/2023	12317802306	Utility-30MinDisconnect	https://portal.tracebacks.org/api/public/attachments/1294790	16 C.F.R. § 310.4(b)(1)(v)
5/1/2023	4/28/2023	18188106349	Utility-30MinDisconnect	https://portal.tracebacks.org/api/public/attachments/1294778	16 C.F.R. § 310.4(b)(1)(v)
4/26/2023	4/25/2023	12703361226	Authorized-Order-P2	https://portal.tracebacks.org/api/public/attachments/1289697	16 C.F.R. § 310.4(b)(1)(v)
4/25/2023	4/24/2023	7852238190	Authorized-Order-P2	https://portal.tracebacks.org/api/public/attachments/1288032	16 C.F.R. § 310.4(b)(1)(v)
4/24/2023	4/21/2023	2316277251	Utility-30MinDisconnect	https://portal.tracebacks.org/api/public/attachments/1285450	16 C.F.R. § 310.4(b)(1)(v)
4/21/2023	4/20/2023	5613099144	Authorized-Order-P2	https://portal.tracebacks.org/api/public/attachments/1283147	16 C.F.R. § 310.4(b)(1)(v)

4/13/2023	4/12/2023	6072221080	Amazon-AuthorizeOrder-P3	https://portal.tracebacks.org/api/public/attachments/1273438	16 C.F.R. § 310.4(b)(1)(v)
3/17/2023	3/9/2023	5044966684	Financial-Impers-4	https://portal.tracebacks.org/api/public/attachments/1255797	16 C.F.R. § 310.4(b)(1)(v)
3/14/2023	3/9/2023	9892699472	Recent-Purchase	https://portal.tracebacks.org/api/public/attachments/1254984	16 C.F.R. § 310.4(b)(1)(v)
3/14/2023	3/9/2023	4173224643	Recent-Purchase	https://portal.tracebacks.org/api/public/attachments/1254978	16 C.F.R. § 310.4(b)(1)(v)
3/9/2023	3/7/2023	9736996899	Amazon-AuthorizeOrder-P3	https://portal.tracebacks.org/api/public/attachments/1252751	16 C.F.R. § 310.4(b)(1)(v)
3/9/2023	3/7/2023	6026799435	Amazon-AuthorizeOrder-P3	https://portal.tracebacks.org/api/public/attachments/1252749	16 C.F.R. § 310.4(b)(1)(v)
3/9/2023	3/7/2023	7148643165	Amazon-AuthorizeOrder-P3	https://portal.tracebacks.org/api/public/attachments/1252743	16 C.F.R. § 310.4(b)(1)(v)
3/9/2023	3/7/2023	7148646461	Amazon-AuthorizeOrder-P3	https://portal.tracebacks.org/api/public/attachments/1252739	16 C.F.R. § 310.4(b)(1)(v)
3/9/2023	2/28/2023	6514890009	Utility-Impers-P1		16 C.F.R. § 310.4(b)(1)(v)
3/7/2023	3/6/2023	7142909953	Authorized-Order-P2	https://portal.tracebacks.org/api/public/attachments/1251119	16 C.F.R. § 310.4(b)(1)(v)
3/7/2023	3/6/2023	3042372132	Authorized-Order-P2	https://portal.tracebacks.org/api/public/attachments/1251113	16 C.F.R. § 310.4(b)(1)(v)
3/7/2023	3/6/2023	8603898757	Authorized-Order-P2	https://portal.tracebacks.org/api/public/attachments/1251111	16 C.F.R. § 310.4(b)(1)(v)
3/7/2023	3/6/2023	9186932466	Authorized-Order-P2	https://portal.tracebacks.org/api/public/attachments/1251109	16 C.F.R. § 310.4(b)(1)(v)
1/4/2023	1/3/2023	8005179160	Chinese-PackageDelivery-P3	https://portal.tracebacks.org/api/public/attachments/1195631	16 C.F.R. § 310.4(b)(1)(v)
1/4/2023	1/3/2023	8003382853	Chinese-PackageDelivery-P3	https://portal.tracebacks.org/api/public/attachments/1195623	16 C.F.R. § 310.4(b)(1)(v)
12/2/2022	12/1/2022	2143620867	Amazon-AuthorizeOrder	https://portal.tracebacks.org/api/public/attachments/1159017	16 C.F.R. § 310.4(b)(1)(v)
11/28/2022	11/17/2022	2023246376	Chinese-PackageDelivery-P3	https://portal.tracebacks.org/api/public/attachments/1137680	16 C.F.R. § 310.4(b)(1)(v)
11/25/2022	11/3/2022	7872044706	Financial-Impers-4		16 C.F.R. § 310.4(b)(1)(v)
11/14/2022	11/10/2022	8179296757	Amazon-SuspiciousCharge-P1	https://portal.tracebacks.org/api/public/attachments/1129547	16 C.F.R. § 310.4(b)(1)(v)

10/12/2022	10/10/2022	0783652113	Amazon-Variou-P1	https://portal.tracebacks.org/api/public/attachments/1066872	16 C.F.R. § 310.4(b)(1)(v)
9/12/2022	8/21/2022	5055067656	Amazon-AuthorizeOrder	https://portal.tracebacks.org/api/public/attachments/1006849	16 C.F.R. § 310.4(b)(1)(v)
8/23/2022	8/21/2022	4253011617	Amazon-AuthorizeOrder	https://portal.tracebacks.org/api/public/attachments/1006875	16 C.F.R. § 310.4(b)(1)(v)
8/23/2022	8/21/2022	9192722261	Amazon-AuthorizeOrder	https://portal.tracebacks.org/api/public/attachments/1006858	16 C.F.R. § 310.4(b)(1)(v)
8/23/2022	8/21/2022	2036716660	Amazon-AuthorizeOrder	https://portal.tracebacks.org/api/public/attachments/1006854	16 C.F.R. § 310.4(b)(1)(v)