



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

March 17, 2023

CEASE AND DESIST DEMAND

VIA EMAIL TO:
michael@call48.com

HFA Services LLC, also d/b/a Call48
Michael Halperin, CEO
1200 South Rogers Circle
Unit 6
Boca Raton, FL 33487
c/o Samuel Kastner, Registered Agent

We have determined that HFA Services LLC, also d/b/a Call48 (HFA Services) is apparently routing and transmitting illegal robocall traffic, directly or indirectly, for entities involved in the following campaigns:

- Amazon-AuthorizeOrder
- Amazon-SuspiciousCharge
- Amazon-SuspiciousCharge-P1
- Chinese-PackageDelivery
- FedReserv-Impers
- Grandparentscam
- Hotel-ComplimentaryStay
- Legal-Enforcement-Notice
- SSA-Suspended
- StudentLoan-Forgiveness/Relief-Center
- StudentLoan-Payments-P1
- Utility-30MinDisconnect

More specifically, our investigation revealed that HFA Services 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 September 7, 2021, and February 4, 2023, ITG investigated 35 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 HFA Services 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 of the illegal robocall—as indicated in Attachment A. Further, the numerous traceback notices directed to HFA Services 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)).

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

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.”

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>.

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

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>.

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 attorneys Fil Maria de Banate and Christian M. Capece, via electronic mail at fdebanate@ftc.gov and ccapecce@ftc.gov, certifying that HFA Services 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 and Mr. Capece by email or by telephone at 216.263.3413 or 216.263.3419.

Sincerely,

JONATHAN STEIGER
Digitally signed by
JONATHAN STEIGER
Date: 2023.03.17
14:34:10 -04'00'

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
2/4/2023	2/3/2023	5592546440	StudentLoan-Payments-P1	https://portal2.tracebacks.org/api/public/attachments/1226298	16 C.F.R. 310.4(b)(1)(v)
2/4/2023	2/3/2023	8583273282	StudentLoan-Payments-P1	https://portal2.tracebacks.org/api/public/attachments/1226300	16 C.F.R. 310.4(b)(1)(v)
2/3/2023	2/3/2023	8052971000	StudentLoan-Payments-P1	https://portal2.tracebacks.org/api/public/attachments/1226308	16 C.F.R. 310.4(b)(1)(v)
12/9/2022	12/7/2022	9108641085	Amazon-AuthorizeOrder	https://portal2.tracebacks.org/api/public/attachments/1167377	16 C.F.R. 310.4(b)(1)(v)
12/9/2022	12/7/2022	9192201167	Amazon-AuthorizeOrder	https://portal2.tracebacks.org/api/public/attachments/1167378	16 C.F.R. 310.4(b)(1)(v)
12/2/2022	12/1/2022	9702864273	Amazon-AuthorizeOrder	https://portal2.tracebacks.org/api/public/attachments/1159030	16 C.F.R. 310.4(b)(1)(v)
10/24/2022	10/19/2022	9018187500	Chinese-PackageDelivery	https://portal2.tracebacks.org/api/public/attachments/1094279	16 C.F.R. 310.4(b)(1)(v)
10/24/2022	10/19/2022	9018187500	Chinese-PackageDelivery	https://portal2.tracebacks.org/api/public/attachments/1094280	16 C.F.R. 310.4(b)(1)(v)
7/5/2022	6/29/2022	3235386562	Grandparentscam	https://portal2.tracebacks.org/api/public/attachments/946586	16 C.F.R. 310.4(b)(1)(v)
4/13/2022	4/8/2022	6083680512	Hotel-ComplimentaryStay	https://portal2.tracebacks.org/api/public/attachments/807773	16 C.F.R. 310.4(b)(1)(v)
4/13/2022	4/11/2022	8126800968	Hotel-ComplimentaryStay	https://portal2.tracebacks.org/api/public/attachments/807777	16 C.F.R. 310.4(b)(1)(v)
3/7/2022	3/6/2022	9548741046	Amazon-AuthorizeOrder	https://portal2.tracebacks.org/api/public/attachments/735445	16 C.F.R. 310.4(b)(1)(v)
2/2/2022	1/27/2022	7042597915	StudentLoan-Forgiveness/Relief-Center	https://portal2.tracebacks.org/api/public/attachments/660778	16 C.F.R. 310.4(b)(1)(v)
2/2/2022	1/28/2022	6622384580	StudentLoan-Forgiveness/Relief-Center	https://portal2.tracebacks.org/api/public/attachments/660780	16 C.F.R. 310.4(b)(1)(v)
2/2/2022	1/28/2022	3214105822	StudentLoan-Forgiveness/Relief-Center	https://portal2.tracebacks.org/api/public/attachments/660784	16 C.F.R. 310.4(b)(1)(v)

2/1/2022	1/27/2022	4143383264	StudentLoan-Forgiveness/Relief-Center	https://portal2.tracebacks.org/api/public/attachments/660787	16 C.F.R. 310.4(b)(1)(v)
1/26/2022	1/24/2022	6036742799	SSA-Suspended	https://portal2.tracebacks.org/api/public/attachments/648018	16 C.F.R. 310.4(b)(1)(v)
1/25/2022	1/24/2022	8027385813	SSA-Suspended	https://portal2.tracebacks.org/api/public/attachments/648010	16 C.F.R. 310.4(b)(1)(v)
1/25/2022	1/24/2022	8027381303	SSA-Suspended	https://portal2.tracebacks.org/api/public/attachments/648011	16 C.F.R. 310.4(b)(1)(v)
1/25/2022	1/24/2022	5129646540	SSA-Suspended	https://portal2.tracebacks.org/api/public/attachments/648025	16 C.F.R. 310.4(b)(1)(v)
1/25/2022	1/24/2022	8316663886	SSA-Suspended	https://portal2.tracebacks.org/api/public/attachments/648026	16 C.F.R. 310.4(b)(1)(v)
1/25/2022	1/24/2022	4409359526	SSA-Suspended	https://portal2.tracebacks.org/api/public/attachments/648029	16 C.F.R. 310.4(b)(1)(v)
1/25/2022	1/20/2022	8434441852	SSA-Suspended	https://portal2.tracebacks.org/api/public/attachments/648033	16 C.F.R. 310.4(b)(1)(v)
1/25/2022	1/20/2022	2406084333	SSA-Suspended	https://portal2.tracebacks.org/api/public/attachments/648035	16 C.F.R. 310.4(b)(1)(v)
1/20/2022	1/15/2022	9707123046	Amazon-SuspiciousCharge	https://portal2.tracebacks.org/api/public/attachments/642449	16 C.F.R. 310.4(b)(1)(v)
1/20/2022	1/18/2022	4172073487	Amazon-SuspiciousCharge	https://portal2.tracebacks.org/api/public/attachments/642454	16 C.F.R. 310.4(b)(1)(v)
1/19/2022	1/17/2022	5163047249	Amazon-AuthorizeOrder	https://portal2.tracebacks.org/api/public/attachments/638999	16 C.F.R. 310.4(b)(1)(v)
1/18/2022	1/17/2022	6178861844	SSA-Suspended	https://portal2.tracebacks.org/api/public/attachments/638877	16 C.F.R. 310.4(b)(1)(v)
1/18/2022	1/17/2022	5164104524	SSA-Suspended	https://portal2.tracebacks.org/api/public/attachments/638880	16 C.F.R. 310.4(b)(1)(v)
1/18/2022	1/17/2022	8609498913	SSA-Suspended	https://portal2.tracebacks.org/api/public/attachments/638881	16 C.F.R. 310.4(b)(1)(v)
1/18/2022	1/17/2022	6039694235	Amazon-AuthorizeOrder	https://portal2.tracebacks.org/api/public/attachments/638987	16 C.F.R. 310.4(b)(1)(v)

1/14/2022	1/12/2022	6066691762	Amazon-SuspiciousCharge-P1	https://portal2.tracebacks.org/api/public/attachments/635451	16 C.F.R. 310.4(b)(1)(v)
11/22/2021	11/20/2021	5515033662	Utility-30MinDisconnect	https://portal2.tracebacks.org/api/public/attachments/567525	16 C.F.R. 310.4(b)(1)(v)
9/10/2021	9/9/2021	2514587119	FedReserv-Impers	https://portal2.tracebacks.org/api/public/attachments/440547	16 C.F.R. 310.4(b)(1)(v)
9/7/2021	9/3/2021	9707281554	Legal-Enforcement-Notice	https://portal2.tracebacks.org/api/public/attachments/431139	16 C.F.R. 310.4(b)(1)(v)