

STATE OF INDIANA  
IN THE MARION COUNTY CIRCUIT/SUPERIOR COURT

CAUSE NO. \_\_\_\_\_

TODD ROKITA  
INDIANA ATTORNEY GENERAL

Petitioner,

v.

MICHAEL D. LANSKY LLC, dba AVID  
TELECOM

Respondent.

**VERIFIED PETITION TO ENFORCE  
CIVIL INVESTIGATIVE DEMAND**

Attorney General Todd Rokita, by Deputy Attorney General Joseph D. Yeoman, petitions the Court pursuant to Indiana Code § 4-6-3-6 for an order to enforce his Civil Investigative Demand (“CID”) issued to Michael D. Lansky LLC dba Avid Telecom. A true and accurate copy of the CID and the reissued CID are attached as Exhibits 1, 2.

RESPONDENT

1. Respondent, Michael D. Lansky, LLC dba Avid Telecom (“Avid Telecom”), is an Arizona corporation with a principal place of business located at 2830 N SWAN RD #160, TUCSON, AZ, 85712.
2. Avid Telecom has conducted business in Indiana by routing millions of telephone calls into Indiana, and contracting to do business with at least one Indiana telecommunications company.
3. For one of Avid Telecom’s clients, Avid Telecom routed over 46 million telephone calls to Indiana area codes, which included over 17 million calls to Hoosiers on the

Federal Do Not Call Registry and over 8 million calls to Hoosiers on the Indiana Do Not Call list.

4. Further, on Avid Telecom’s 499 filer information with the Federal Communications Commission, Avid purports to offer “Telecommunications Services” to Indiana. *See FCC Form 499 Filer Database*, Federal Communications Commission, <https://apps.fcc.gov/cgb/form499/499detail.cfm?FilerNum=828064> (last visited Sept. 30, 2022).

#### LEGAL STANDARD

5. The Attorney General may issue a CID if he has reasonable cause to believe the person may be in “possession, custody, or control of documentary material, or may have knowledge of a fact that is relevant to an investigation” being conducted to determine if a person or entity is in violation of a law enforced by the Attorney General, including a violation of the Telemarketing Sales Rule, 16 C.F.R. § 310.3 through 310.5, the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 and its implementing rules, 47 C.F.R. §§ 64.1200 and 64.1604, Indiana’s Telephone Solicitation of Consumers Act, Ind. Code 24-4.7 (“TSCA”), or the Regulation of Automatic Dialing Machines Act, Ind. Code 24-5-14 (“Auto-dialer Act”). Ind. Code § 4-6-3-3.
6. A CID issued under Ind. Code § 4-6-3-3 must contain the following: 1) “a general description of the subject matter being investigated and a statement of the applicable provisions of law;” and 2) “the date, time, and place at which the person is to appear, answer written interrogatories, or produce documentary material or other tangible items.” Ind. Code §§ 4-6-3-6(1) and (2).

7. If a person objects or refuses to comply with a CID, the Attorney General may file a petition to enforce the CID in the circuit or superior court in the county where the respondent maintains a principal place of business. Ind. Code § 4-6-3-6(a).
8. In his Petition to Enforce, the Attorney General must demonstrate the CID is proper. *Id.*
9. The Supreme Court has stated the Attorney General has a burden, “albeit a small one,” to demonstrate through his Petition to Enforce that his issuance of a CID is proper. See *Nu-Sash of Indianapolis, Inc. v. Carter*, 887 N.E.2d 92, 96 (Ind. 2008).
10. The Supreme Court specifically identified the Attorney General’s burden as requiring him “to establish only that there is an investigation and that there are reasonable grounds to believe that a person to whom the CID is directed has information relevant to the investigation.” *Id.* The Attorney General may establish there is “an investigation and the respondent is reasonably believed to have relevant information” by verified petition. *Id.*
11. If a court finds a CID was properly issued, a court shall order a respondent to comply with the requests contained in the CID. Ind. Code § 4-6-3-6(a).
12. If a court finds a party has “acted in bad faith in seeking or resisting the demand,” a court may enter an order requiring the party acting in bad faith to pay the expenses and attorney’s fees of the opposing party. Ind. Code § 4-6-3-6(c).
13. There is an active investigation into Avid Telecom and nineteen other telecommunications companies.

14. The Indiana Attorney General has reasonable belief Avid Telecom has relevant information to the investigation into Avid and several of the other nineteen other telecommunications companies.

#### FACTS

15. On August 2, 2022, the Attorney General, along with 49 other Attorneys General, announced the Anti-Robocall Litigation Task Force. *See Attorney General Todd Rokita Announces the Formation of a Nationwide Bipartisan Anti-Robocall Litigation Task Force*, Indiana Attorney General, (Aug. 2, 2022)

[https://events.in.gov/event/attorney\\_general\\_todd\\_rokita\\_announces\\_the\\_formation\\_of\\_a\\_nationwide\\_bipartisan\\_anti-robocall\\_litigation\\_task\\_force](https://events.in.gov/event/attorney_general_todd_rokita_announces_the_formation_of_a_nationwide_bipartisan_anti-robocall_litigation_task_force).

16. As a leader of the Task Force, the Attorney General initially issued 20 CIDs to 20 different telecommunications companies. Avid Telecom was one of those providers.

17. Avid Telecom is the “complete call center solution provider,” and offers its clients a wide variety of telecommunications services and/or products including but not limited to: “DIDs, outbound minutes, dialing software, high-quality data and industry expertise.” These services also include “wholesale carrier services.” *See Home*, Avid Telecom, <https://avidtelecom.net/> (last visited Oct. 28, 2022).

18. Further, Avid Telecom advertises that “[u]nlike other VoIP providers that try to be all things to all customers, Avid Telecom focuses on being the best provider of VoIP-to-PSTN termination services.” *Id.*

19. The Industry Traceback Group (“ITG”), the FCC’s designated registered traceback consortium that combats “illegal calls by tracing them to their origin”, uses a network-based process that is accessible to all voice service providers using the U.S.

telephone network to issue “Tracebacks.” A Traceback traces a call’s path beginning with the voice service provider that delivered that call to the call recipient, all the way back to the voice service provider or entity that originated or placed the call, in order to learn where the call came from and who helped route the call along the call path to the call recipient. The ITG traces back calls that are identified to be suspected illegal and fraudulent robocalls. A true and accurate copy of the ITG’s Policies and Procedures is attached as Exhibit 3.

20. Each call that is the subject of a Traceback is typically one among a call campaign, which is a group of calls with identical or nearly identical messaging as determined by the content and calling patterns of the caller. Exhibit 3 at 4.
21. A single Campaign often represents hundreds of thousands or millions of calls. represents hundreds of thousands or millions of calls. *Id.*
22. As Tracebacks are initiated, a known “downstream provider” notifies the ITG of the “upstream provider” that routed the call to it, and process continues working “up” the call path.
23. For every voice service provider in the call path that helped to route that call, the ITG sends a notice, via email, of the illegal call, a description of the call’s content, why the call is likely illegal, as well as a link to the audio recording so that the provider receiving the notice can be aware of the fraudulent or illegal message contained in the call that they routed across their network.
24. Each provider has a unique login to the ITG’s Traceback portal. Each provider can see how many Tracebacks it has been sent, as well as metrics about the upstream and

downstream voice service providers that it accepted a call from or routed a call to as related to each Traceback it receives.

25. As of August 3, 2022, Avid Telecom has been issued 267 Tracebacks. A true and accurate copy of a spreadsheet of Avid Telecom's Tracebacks, provided by USTelecom in response to a North Carolina CID, is attached as Exhibit 4.
26. Of the 267 calls, 126 calls were made to phone numbers on the Federal Do Not Call registry.
27. At least three of these calls went to phone numbers with an Indiana area code. Two of the phone numbers were on the Federal Do Not Call registry. All three phone calls were identified as being related to illegal or fraudulent scam calls.
28. Based on its Tracebacks, Avid Telecom has routed these types of calls:

<b>Call Type</b>	<b># of Tracebacks</b>
Amazon imposter or Amazon scam	12
Apple imposter or Apple scam	2
Auto warranty	95
Business listings	5
Employment or Debt scam	21
Health Insurance and Medicare	43
Government imposter or Gov. scam	10
SSA imposter or SSA scam	27
Utility scam	9

29. The following are Avid Telecom’s upstream voice service provider customers that have routed identified fraudulent and illegal calls to Avid that were the subject of Tracebacks:

<b>Customer</b>	<b># of Tracebacks</b>
Airespring	4
AllClear Connect	4
Autelecom LLC	21
BestiumPro	2
Connexum LLC	9
Digital Media Solutions	15
Great Choice Telecom LLC	22
Great Lakes Communication	24
Icon Global Services	8
J Squared / RPG / Rising Eagle	19
Mobi Telecom LLC	75
NGL Communications LLC	2
Red Telecom LLC	2
Telcast Network / Voovertel	2
Telesero / Fiducia	7
Tellza / Phonetime / Matchcom	2
Third Rock Telecom	2
TouchTone	2
Trixcom / Vibtree Technologies, LLC	8

Urth Access, LLC	2
VOIP Terminator / BL Marketing	6
Yodel Technologies / Yodel Voice	8

30. Of the above-mentioned providers from which Avid accepted and routed identified fraudulent and illegal robocalls, the FCC has sent Robocall Cease-and-Desist Letters to:

- Airespring
- Great Choice Telecom
- Icon Global
- Mobi Telecom
- Third Rock
- Yodel Tech

*See Robocall Facilitators Must Cease and Desist*, Federal Communications Commission, <https://www.fcc.gov/robocall-facilitators-must-cease-and-desist> (last visited Sept. 30, 2022).

31. Further, the FCC brought an enforcement action against John Spiller and JSquared Telecom LLC for a record \$225 million fine. *See FCC Proposes Record \$225 Million Fine for 1 Billion Spoofed Robocalls*, FCC, (June 10, 2022) <https://www.fcc.gov/document/fcc-proposes-record-225-million-fine-1-billion-spoofed-robocalls-0>.



32. On June 10, 2020, the State of Indiana, along with seven other states, sued John Spiller, JSquared Telecom LLC, and other entities in *State of Texas et al. v. Rising Eagle Capital Group LLC et al.*, 4:20-cv-02021 (S.D.T.X 2020).
33. In *Spiller*, Avid Telecom produced over 195 GBs of Call Detail Records for John Spiller and his company J Squared Telecom.
34. Call Detail Records are automatically generated and are, essentially, call logs that capture the details (e.g., time and date of the call, the duration of the call, the called number, the calling number) of every incoming and outgoing call that is sent across a voice service provider's network.
35. An analysis of the call detail records completed as part of the *Spiller* case, Avid Telecom routed over 46 million telephone calls to Indiana area codes, which included over 17 million calls to Hoosiers on the Federal Do Not Call Registry and over 8 million calls to Hoosiers on the Indiana Do Not Call list.
36. In *Spiller*, John Spiller provided the Plaintiff States his Skype conversations with Michael Lansky ("Lansky"), CEO of Avid Telecom, and Stacey Reeves ("Reeves"), Vice President of Operations/Sales. In the messages, John Spiller went by the handle "onlywebleads." A true and accurate copy of a portion of the Skype messages between Lansky and Spiller are attached as Exhibit 5.
37. In these messages, Lansky agreed to help Spiller switch his traffic to a new company, Great Choice Telecom LLC, thus avoiding being shutdown by the FCC. At the time, Lansky knew Spiller had several legal actions pending against him, and that Spiller was sending him suspect robocall traffic.

38. Further, Lansky agreed to use an alias for Spiller during a credit check with another provider and possibly a business bank loan.
39. In total, Avid Telecom received 19 Tracebacks for JSquared Telecom's traffic.
40. In total, Avid Telecom received 22 Tracebacks for Great Choice Telecom's traffic.
41. Thus, Avid Telecom received 41 Tracebacks regarding traffic to a Spiller entity.
42. The communications below are illustrative of why the Attorney General believes Avid Telecom has relevant information to the Task Force's investigation. These are communications regarding only one of Avid Telecom's many clients.
43. On June 10, 2020, Lansky and Spiller discussed the lawsuit and/or FCC action:

Michael Lansky - 6/10/2020 10:20:07 AM  
hey John, just spoke to Craig Dingwall, and can you please call him  
asap..

onlywebleads - 6/10/2020 10:22:02 AM  
Will do

Michael Lansky - 6/10/2020 10:22:09 AM  
thanks,,

Michael Lansky - 6/10/2020 10:22:13 AM  
its very important

Michael Lansky - 6/10/2020 10:22:56 AM  
we need to make sure there is not a conflict of interest

onlywebleads - 6/10/2020 10:23:11 AM  
What do you mean?

onlywebleads - 6/10/2020 10:23:17 AM  
Conflict of interest?

Michael Lansky - 6/10/2020 10:23:16 AM  
hes been my regulatory attorney for 12-13 years

Michael Lansky - 6/10/2020 10:23:38 AM  
there isn't any at this point

Michael Lansky - 6/10/2020 10:24:06 AM  
But he can explain

Michael Lansky - 6/10/2020 10:24:45 AM  
he read the FCC news yesterday

Michael Lansky - 6/10/2020 10:24:24 AM  
he just called me and needs some clarification

onlywebleads - 6/10/2020 10:24:34 AM  
Understood

onlywebleads - 6/10/2020 10:35:15 AM  
I understand I just had a argument with Craig and he fired me as  
his client so there is no more conflict of interest

Michael Lansky - 6/10/2020 10:35:30 AM  
well ok...

Michael Lansky - 6/10/2020 10:35:46 AM  
sorry to hear there was an argument...

onlywebleads - 6/10/2020 10:36:36 AM  
Yea I felt he was listening to the media

onlywebleads - 6/10/2020 10:36:44 AM  
Not to me as a client of his

Michael Lansky - 6/10/2020 10:36:50 AM  
Im sure he is

Michael Lansky - 6/10/2020 10:37:21 AM  
meaning listening to the media

Michael Lansky - 6/10/2020 10:38:42 AM  
stressful times for everybody, especially you at this point

onlywebleads - 6/10/2020 10:42:52 AM  
I just talked to him again and apologized for my outburst and he is  
not firing me

onlywebleads - 6/10/2020 10:43:11 AM  
I told him I am under a lot of stress

onlywebleads - 6/10/2020 10:43:11 AM  
I told him I am under a lot of stress

Michael Lansky - 6/10/2020 10:51:05 AM  
he just called me.. we are all good until something changes from  
the FCC etc

Michael Lansky - 6/10/2020 10:51:23 AM  
meaning this goes from alagtions to something more serious

Michael Lansky - 6/10/2020 10:51:39 AM  
until then we drive on as normal

*See Exhibit 5 at SKYPE008109- 8110.*

44. On June 17, 2020, Lansky wrote about another telecom company closing:

Michael Lansky - 6/17/2020 10:44:03 PM  
I don't know if you know who Modok is.... but they closed up  
yesterday...

Michael Lansky - 6/17/2020 10:44:22 PM  
basically USTA put them out of business.. and they had a ton of it

onlywebleads - 6/17/2020 10:51:31 PM  
A ton of what?

Michael Lansky - 6/17/2020 10:51:56 PM  
traffic

onlywebleads - 6/17/2020 10:52:19 PM

Oh really wow what type of traffic?  
onlywebleads - 6/17/2020 10:52:30 PM  
Robo dialing traffic?  
Michael Lansky - 6/17/2020 10:52:49 PM  
they were terminating same kind traffic you are ... health care and  
auto warrantie I guess

*Id.* at SKYPE008111

45. On June 19, 2020. Spiller and Lansky had this discussion:

Michael Lansky - 6/19/2020 8:41:19 AM  
good morning John  
Michael Lansky - 6/19/2020 8:41:45 AM  
we are not seeing any traffic from you this morinng  
onlywebleads - 6/18/2020 5:07:08 PM  
I'm still working on it with PayPal right now and I'll keep you  
posted  
onlywebleads - 6/19/2020 9:47:01 AM  
Lansky I am going to be the new CEO of a new telecom company  
so I can continue to run my traffic if the FCC shuts off my business  
the new company is called Great Choice Telecom LLC and the  
new owner is Mikel  
Quinn he will have a FCC 499 this week as well  
Michael Lansky - 6/19/2020 9:48:12 AM  
good morning John... good to know, let me know when you are  
ready to tansit over to the new company. btw, please call me  
Michael... I much prefer it.  
onlywebleads - 6/19/2020 9:48:31 AM  
Understood will do

*Id.* at SKYPE008112

46. On June 25, 2020, Lansky and Spiller exchanged these messages:

onlywebleads - 6/25/2020 2:13:14 PM  
Yea it does but I have some new guys starting up in a few days so I'll keep  
you abreast when they start up  
Michael Lansky - 6/25/2020 2:13:31 PM  
sounds good.. appreciate the business  
Michael Lansky - 6/25/2020 2:13:50 PM  
have you figured out when you are going to make the change to the  
company?  
onlywebleads - 6/25/2020 2:15:54 PM  
At the middle of next month I will be made a Ceo to Great choice  
Telecom LLC and I'll be running all my traffic through that company  
onlywebleads - 6/25/2020 2:16:13 PM  
I'll let you know before I make the switch

Michael Lansky - 6/25/2020 2:16:39 PM  
ok perfect  
Michael Lansky - 6/25/2020 2:16:48 PM  
just want to stay in synch

*Id.* at SKYPE008114

47. On August 26, 2020, in responding to Great Choice Telecom's first Traceback, Avid Telecom wrote to USTelecom:

Request to add a new provider:

Provider Name: Great Choice Telecom LLC, Provider Contact Name: Mikel Quinn, Provider Email: Mikel@greatchoicetelecom.com, Provider Phone Number: 832-763-7352, Provider Address: 9597 Jones Road, suite 110, Provider City: Houston, Provider Zip: 77064, Provider Country: United States

*See* Exhibit 4.

48. On September 30, 2020, they had this exchange:

onlywebleads - 9/30/2020 11:18:07 AM  
Will you be a credit reference for me since I've been paying you on a credit for almost a year now?  
Michael Lansky - 9/30/2020 11:20:56 AM  
sure no problem  
onlywebleads - 9/30/2020 11:23:57 AM  
Thank you  
onlywebleads - 9/30/2020 11:25:16 AM  
It's going to be for great choice telecom, LLC and under my alias Mikel Quinn will that still be ok?  
Michael Lansky - 9/30/2020 11:25:26 AM  
ok  
Michael Lansky - 9/30/2020 11:26:02 AM  
who is going to be checking so I make sure I respond?  
onlywebleads - 9/30/2020 11:26:12 AM  
Peerless  
Michael Lansky - 9/30/2020 11:26:14 AM  
ok  
Michael Lansky - 9/30/2020 11:26:41 AM  
just a fyi... I basically dont send them any traffic as we were getting a lot FAS from them.. so beware  
onlywebleads - 9/30/2020 11:27:55 AM  
Yea I am aware I just want them for one thing and it's for toll free

termination not for LD.  
Michael Lansky - 9/30/2020 11:28:06 AM  
no worries.. I will give you a good reference  
onlywebleads - 9/30/2020 11:28:14 AM  
Thank you

Exhibit 5 at SKYPE008125.

49. On June 23, 2021, Reeves wrote to USTelecom in response to a Great Choice

Traceback: “we are closing the customer route.” Exhibit 4.

50. On June 29, 2021, Reeves wrote to USTelecom in response to another Great Choice

Traceback: “We have blocked the customer until the issue can be investigated.”

Exhibit 4.

51. On August 26, Avid Telecom wrote to USTelecom in response to another Great

Choice Traceback: “We are informing the customer and blocking the customer

pending further investigation [sic],” and “The customer had previously been

permanently blocked.” *Id.*

52. On October 14, 2021, they had this exchange:

onlywebleads - 10/26/2021 1:31:56 PM

Im putting you down as a referral for my business loan it will be under  
Great Choice Telecom and Mikel Quinn since he’s the owner Ñot me on  
paper

Michael Lansky - 10/26/2021 1:32:58 PM

ok

onlywebleads - 10/26/2021 1:44:40 PM

I’m sorry for the confusion but I run the business but with the lawsuit that  
I went through previously I had to put him on my account as the face of  
my business but he is getting replaced because he is a drunk and moved  
from Houston to Louisiana and can’t get in contact with him anymore he  
doesn’t have access to the bank accounts at all

onlywebleads - 10/26/2021 1:45:02 PM

So that is a plus

Michael Lansky - 10/26/2021 1:49:11 PM

no worries.. understood

Exhibit 5 at SKYPE008154.

53. On October 27, 2021, Avid Telecom wrote to USTelecom in response to another Great Choice Traceback: “We are also blocking the customer route until investigation can be done.” Exhibit 4.

54. On October 27, 2021, Reeves wrote to USTelecom in response to another Great Choice Traceback: “The customer was disconnected this morning based on previous traceback received this morning.” *Id.*

55. On October 27, 2021, Lansky and Spiller had this discussion:

Michael Lansky - 10/27/2021 12:51:06 PM

John, You have been sent two USTA tickets with horrible calls that you have not answered

Michael Lansky - 10/27/2021 12:51:19 PM

we have to block you

onlywebleads - 10/27/2021 12:51:29 PM

Really I'll answer them now I didn't know I apologize

Michael Lansky - 10/27/2021 12:52:07 PM

they are terrible tickets... the kind that will get everybody associated with them turned down

Michael Lansky - 10/27/2021 12:52:11 PM

pure fraud

onlywebleads - 10/27/2021 12:52:29 PM

I am cutting the client off now just saw them

Michael Lansky - 10/27/2021 12:52:36 PM

USTA send notices and we sent you notices

onlywebleads - 10/27/2021 12:52:58 PM

I apologize I had turned down my traffic and I'm traveling so my email isn't up to date but I'm on it now

Michael Lansky - 10/27/2021 12:53:04 PM

USTA has told us we need to turn you down

onlywebleads - 10/27/2021 12:53:03 PM

I apologize greatly for this

onlywebleads - 10/27/2021 12:53:03 PM

I apologize greatly for this

Michael Lansky - 10/27/2021 12:53:38 PM

they told us we need to have a zero tolerenc policy on fraud tickets

Michael Lansky - 10/27/2021 12:53:58 PM

you know they can put us out of business in a heartbeat

onlywebleads - 10/27/2021 12:54:17 PM

I know I'm working on it now give me a day to fix my traffic

onlywebleads - 10/27/2021 1:19:17 PM

I blocked traffic and I apologize for not seeing it  
Michael Lansky - 10/27/2021 1:20:25 PM  
unfortunately USTA advised us to turn the carrier that sent this traffic  
off...  
Michael Lansky - 10/27/2021 1:20:38 PM  
they really dont give us a choice  
onlywebleads - 10/27/2021 1:21:00 PM  
So that is it then their is no way for me to earn you back as a vendor  
Michael Lansky - 10/27/2021 1:21:07 PM  
if another ticket hit.. and we didnt have you turned off... they would  
tell our vendors to turn us off  
onlywebleads - 10/27/2021 1:21:15 PM  
Understood  
Michael Lansky - 10/27/2021 1:21:30 PM  
the landscape got brutal  
onlywebleads - 10/27/2021 1:21:47 PM  
I'm going to fix my traffic  
Michael Lansky - 10/27/2021 1:21:51 PM  
lets just let is simmer for a bit  
Michael Lansky - 10/27/2021 1:22:05 PM  
like a week or so...  
onlywebleads - 10/27/2021 1:22:06 PM  
Give me a week to fix my shit on my side I apologize  
Michael Lansky - 10/27/2021 1:22:24 PM  
maybe start you back with some limited ports  
onlywebleads - 10/27/2021 1:22:11 PM  
Sounds good thank you  
onlywebleads - 10/27/2021 1:25:19 PM  
Ok sounds good I apologize again for this error in my business  
Michael Lansky - 10/27/2021 1:25:30 PM  
Thanks  
onlywebleads - 10/27/2021 1:25:52 PM  
I'm going to fix my ports now  
onlywebleads - 10/28/2021 11:07:00 AM  
Lansky can we come to a better conclusion than you cutting me off for a  
week I will call you to discuss right now  
Michael Lansky - 10/28/2021 11:10:00 AM  
I can't afford another ticket from you  
Michael Lansky - 10/28/2021 11:10:45 AM  
Usta told us to us turn you off  
Michael Lansky - 10/28/2021 11:11:14 AM  
If we didn't and got another ticket... we'd be so screwed  
onlywebleads - 10/28/2021 11:13:02 AM  
You won't get another ticket from me you will be only receiving from the  
traffic i can vouch for Not the new clients traffic only the ones I need you  
to complete their 800# calls



onlywebleads - 10/28/2021 11:13:37 AM

I need you as a vendor on my switch for the older clients Ñot the new clients

onlywebleads - 10/28/2021 11:42:08 AM

Please Michael i Can promise you that you will Ñot get another Traceback from me at all

onlywebleads - 10/28/2021 4:47:27 PM

That was one Traceback that was from back in October 18th and another one from October 26 those are the only ones that I received from USTA. The client has been terminated yesterday

Exhibit 5 at SKYPE008156-57.

56. On December 20, 2021, Reeves wrote to USTelecom in response to another Great Choice Traceback: “Customer route has been permanently closed.” Exhibit 4.
57. On or around January 7, 2020, Avid received its first Traceback related to J Squared. *See* Exhibit 4.
58. On or around February 17, 2020, Avid received its first Traceback related to J Squared for Auto Warranty robocalls. *See* Exhibit 4.
59. On or around June 19, 2020, Avid received its last Traceback related to J Squared. *See* Exhibit 4.
60. On or around August 24, 2020, Avid received its first Traceback related to Great Choice. The Traceback was related to Auto Warranty robocalls. Exhibit 4.
61. Avid Telecom continued to receive Tracebacks related to Great Choice until on or around December 17, 2021. *Id.*
62. In all, Avid Telecom received 41 Tracebacks regarding illegal robocalls that sent by a Spiller entity.
63. Avid Telecom has done business with an Indiana telecommunications company. Startel Communication LLC was an Indiana business. A true and accurate copy Startel Communication’s Articles of Incorporation are attached as Exhibit 6.

64. Further, another one of Avid Telecom's clients, Mobi Telecom LLC, is being sued by the Ohio Attorney General's office. A true and accurate of the Ohio Attorney General's lawsuit is attached as Exhibit 7.
65. Avid Telecom received 75 Tracebacks related to Mobi Telecom, with 71 of them related to auto warranty robocalls. *See* Exhibit 4.
66. Regarding Mobi's Tracebacks, Reeves and/or Avid never responded to USTelecom to demonstrate that the caller had proof of consent to send the calls. *See Id.*
67. On July 7, 2022, the FCC issued a Cease-and-Desist letter for Mobi Telecom. A true and accurate copy of the Cease-and-Desist letter has been attached as Exhibit 8.
68. On July 8, 2022, Reeves wrote to USTelecom in response a July 7, 2022 Traceback, "this customer was terminated for violating our customer agreement." Exhibit 4.
69. Since August 3, 2022, the Task Force has received more information from USTelecom. The State has reason to believe, based on this new information, that one of Avid Telecom's clients is using faulty or fake consent to justify the legality of their robocalls. A true and accurate copy of a spreadsheet of Avid Telecom's Updated Tracebacks, provided by USTelecom in response to a North Carolina CID, is attached as Exhibit 9.
70. As an example, Reeves provided USTelecom with a screen shot from CashRefi to show that a caller had consented to receiving auto warranty calls. A true and accurate copy of the Screenshot is attached as Exhibit 10.
71. In the screen shot, it is clear that this website is for a home mortgage rates and not auto-warranty. Thus, the call recipient would not be consenting to auto-warranty calls, but calls related to home mortgages.

72. Further, the “approved partners” from this website leads to:  
<http://mycashrefi.com/ps/v23/partners.html>. On that webpage, the potential call recipient is agreeing to being called by 2967 different entities.
73. The Office of the Attorney General is currently conducting an investigation into whether the policies and actions of Avid Telecom constitute a violation of the Telemarketing Sales Rule, 16 C.F.R. § 310.3 through 310.5, the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 and its implementing rules, 47 C.F.R. §§ 64.1200 and 64.1604, Indiana’s Telephone Solicitation of Consumers Act, Ind. Code 24-4.7 (“TSCA”), or the Regulation of Automatic Dialing Machines Act, Ind. Code 24-5-14 (“Auto-dialer Act”) by providing assistance to those that violate the above provisions.
74. From information obtained through an initial investigation conducted by the Attorney General, the Attorney General has reason to believe Avid Telecom, presumably the holder and custodian of its own records, may be in possession, custody, or control of documentary material, and may have knowledge of facts that are relevant to an investigation being conducted to determine whether Avid Telecom violated the Telemarketing Sales Rule, 16 C.F.R. § 310.3 through 310.5, the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 and its implementing rules, 47 C.F.R. §§ 64.1200 and 64.1604, Indiana’s Telephone Solicitation of Consumers Act, Ind. Code 24-4.7 (“TSCA”), or the Regulation of Automatic Dialing Machines Act, Ind. Code 24-5-14 (“Auto-dialer Act”) by providing assistance to those that violate the above provisions.

PETITIONER’S ATTEMPTS TO OBTAIN RESPONSES TO THE CID

75. On August 1, 2022, in furtherance of its investigation, the Office of the Indiana Attorney General issued CID # 2022-00792-8753, containing interrogatories and requests for production of documents. The Attorney General requested a response to CID # 2022-00792-8753 by August 15, 2022. A true and accurate copy of CID 2022-00792-8753 is attached and marked as Exhibit 1.
76. The CID was mailed via United Parcel Service to Avid Telecom's Registered Agent: Michael Lansky at 2830 N SWAN RD #160, TUCSON, AZ 85712.
77. On Wednesday August 10, 2022: Michael Lansky emailed undersigned counsel "We just received your package late Monday afternoon (at my home?) and I am currently traveling. Our counsel is copied on this email. We should be responding shortly."
78. On August 15, 2022, counsel for Avid Telecom objected to the CID 2022-00792-8753. A true and accurate copy of the objection is attached and marked as Exhibit 10.
79. On August 18, 2022, undersigned counsel and Avid Telecom's counsel had a meet and confer to discuss the objections. Undersigned counsel made it clear that the Office would move forward to enforce the CID. In the meet and confer, undersigned counsel stated a willingness to work with Avid Telecom's counsel to ease the alleged burden of responding. Avid Telecom's counsel said they would discuss with their client.
80. On August 22, 2022, undersigned counsel and Avid Telecom's local counsel met in person to discuss the CID. In this meeting, undersigned counsel notified Avid Telecom's counsel of Avid Telecom's response in *Spiller* and the already existing evidence of illegal calls that Avid Telecom has routed to Indiana residents.

81. On August 26, 2022, undersigned counsel emailed Avid Telecom's local counsel for an update on the CID response.
82. On August 30, 2022, Avid Telecom's local counsel sent undersigned counsel a letter. A true and accurate copy is attached as Exhibit 11.
83. On September 1, 2022, the Attorney General reissued CID 2022-00792-8753 with a new due of September 16, 2022. Exhibit 2.
84. On September 16, 2022, Avid Telecom's counsel sent another objection to answering CID 2022-00792-8753. A true and accurate copy is attached as Exhibit 12.
85. Avid Telecom has not provided a full response to CID 2022-00792-8753 as of the date of this filing.
86. Avid Telecom's failure to provide a response to CID 2022-00792-8753 is in bad faith.
87. The Attorney General has attempted to secure a response to CID 2022-00792-8753 through repeated communications with Avid Telecom. The Attorney General's attempts have been unsuccessful.

RELIEF

88. As the Attorney General has issued his CID 2022-00792-8753 as part of his duties to protect Indiana consumers by enforcing consumer protection law, the Attorney General requests that the Court set this matter for hearing at the Court's earliest convenience.
89. The Attorney General requests that the Court order Avid Telecom to provide a full response to CID 2022-00792-8753 by answering fully and truthfully the interrogatories and requests for production propounded in CID 2022-00792-8753 and award reasonable expenses to the Office of the Indiana Attorney General for the

Attorney General's costs and attorney's fees in petitioning to enforce CID 2022-00792-8753.

90. The Attorney General requests that the Court enter all other just and proper relief.

I affirm, under the penalties for perjury, that the foregoing representations are true.

Respectfully submitted,

Office of the Indiana Attorney General

Date: 11/1/2022

By: /s/ Joseph D. Yeoman  
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(317) 232-7979 (Fax)

**CERTIFICATE OF SERVICE**

I hereby certify that on November 1, 2022, I electronically filed the foregoing with the Clerk of the Court using the IEFS system. I hereby certifies that a copy of the above Verified Petition to Enforce Civil Investigative Demand was mailed by United States certified mail, return service requested on November 1, 2022 to the following:

Registered Agent: Michael Lansky  
Michael D. Lansky LLC  
2830 N SWAN RD #160  
TUCSON, AZ 85712

/s/ Joseph D. Yeoman  
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