

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

October 9, 2009

IN RE:)	
)	
SHOW CAUSE PROCEEDING)	DOCKET NO.
AGAINST HEALTHCARE ADVANTAGE LLC/)	09-00036
THE SELECT GROUP/ CHRIS WIGGINS)	

ORDER REQUIRING HEALTHCARE ADVANTAGE LLC/ THE SELECT GROUP/ CHRIS WIGGINS TO APPEAR AND SHOW CAUSE WHY A CEASE AND DESIST ORDER AND/OR FINE SHOULD NOT BE IMPOSED

This matter is before the Hearing Officer on the recommendation of the Consumer Services Division ("CSD") of the Tennessee Regulatory Authority (the "Authority" or "TRA"), pursuant to Tenn. Code Ann. § 65-4-501, to consider preliminary findings of the CSD against Healthcare Advantage LLC ("Healthcare Advantage"), The Select Group ("Select") and Chris Wiggins ("Mr. Wiggins") (collectively, "Respondents") and determine whether to require the Respondents to appear before the Hearing Officer and show cause why the Authority should not sanction the Respondents for alleged violations of Tenn. Code Ann. §§ 65-4-501 through 506.

JURISDICTION

Tenn. Code Ann. § 65-4-504(a) (2004) provides:

The Authority is authorized to initiate proceedings to: issue a cease and desist order; to issue an order imposing a civil penalty up to a maximum of two thousand dollars (\$2,000) for each knowing violation; and to seek additional relief in any court of competent jurisdiction.

ALLEGED VIOLATIONS OF THE “DO NOT FAX” LAW

T.C.A. § 65-4-502(a)(Supp. 2008) provides:

No person shall transmit or cause another person to transmit an unsolicited facsimile advertisement;

Beginning August 28, 2006 through July 11, 2008, the Authority, through its Consumer Services and External Affairs Division, received 130 complaints from Tennessee telephone subscribers alleging that the Respondents had knowingly transmitted or caused unsolicited facsimile advertisements to be transmitted to them.

1. Jane A. Bacon, DMD, P.C./Hermitage Family and Cosmetic Dentistry, P.C. of 260 Jackson Meadows Drive, Hermitage, Tennessee 37076 filed a complaint (F06-0765) with the CSD on 9/06/2006 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 871-9152 on 8/28/2006. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Jane A. Bacon, DMD, P.C./Hermitage Family and Cosmetic Dentistry, P.C., CSD’s notices of violation and the response thereto are attached hereto as collective Exhibit 1).

COUNT 1: On 8/28/2006, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 871-9152 belonging to Jane A. Bacon, DMD, P.C./Hermitage Family and Cosmetic Dentistry, P.C. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

2. Bob McKenzie of Southern Properties Group at 6315 East Brainerd Road, Suite E, Chattanooga, Tennessee 37421 filed a complaint (F07-0174) with the CSD on 5/2/2007 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (423) 894-3059 on 5/2/2007. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified

mail on 7/21/2008 and 7/30/2008. (The complaint of Southern Properties Group, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 2).

COUNT 2: On 5/2/2007, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (423) 894-3059 belonging to Southern Properties Group which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

3. George Harrison of Plateau Properties, Inc. at P.O. Box 1400, Crossville, Tennessee 38557 filed a complaint (F07-0175) with the CSD on 5/1/2007 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (931) 707-1787 on 4/25/2007. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Plateau Properties, Inc., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 3).

COUNT 3: On 4/25/2007, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (931) 707-1787 belonging to Plateau Properties, Inc. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

4. Van L. Evans of Donelson Animal Hospital at 2518 Lebanon Road, Nashville, Tennessee 37214 filed a complaint (F07-0226) with the CSD on 5/11/2007 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 883-3205 on 4/27/2007. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Donelson Animal Hospital, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 4). Additional unsolicited facsimile advertisements were received on 5/9/2007 and 5/21/2007.

COUNT 4: On 4/27/2007, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 883-3205 belonging to Donelson Animal

Hospital which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502 (a).

5. The State of Tennessee, Office of the Attorney General at 425 Fifth Avenue North, Nashville, Tennessee 37243 filed a complaint (F07-0232) with the CSD on 5/15/2007 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 532-2910 on 5/11/2007. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of The State of Tennessee, Office of Attorney General, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 5).

COUNT 5: On 5/11/2007, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 532-2910 belonging to the State of Tennessee, Office of Attorney General which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502 (a).

6. Jamie Abernathy of Physical Therapy Specialists at 417 Erin Drive, Suite E, Knoxville, Tennessee 37919 filed a complaint (F07-0241) with the CSD on 5/21/2007 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (865) 588-4108 on 4/27/2007. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Physical Therapy Specialistst, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 6). An additional unsolicited facsimile advertisement was received on 5/22/2007.

COUNT 6: On 4/27/2007, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (865) 588-4108 belonging to Physical Therapy Specialists which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

7. Janet Edkins of Harmony Adoptions of TN, Inc. at 131 Cherokee Heights Dr., Maryville, Tennessee 37801 filed a complaint (F07-0272) with the CSD on 6/11/2007 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (865) 982-5950 on 5/7/2007. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Harmony Adoptions of TN, Inc., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 7).

COUNT 7: On 5/7/2007, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (865) 982-5950 belonging to Harmony Adoptions of TN, Inc. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

8. Pat Bryant of Bryant Sales Company, LLC at 2926 A Byington Solway, Knoxville, Tennessee 37931 filed a complaint (F07-0278) with the CSD on 6/11/2007 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (865) 690-5605 on 5/16/2007. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Bryant Sales Company, LLC, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 8).

COUNT 8: On 5/16/2007, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (865) 690-5605 belonging to Bryant Sales Company, LLC which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

9. Pat Bryant of Bryant Sales Company, LLC at 2926A Byington Solway, Knoxville, Tennessee 37931 filed a complaint (F07-0283) with the CSD on 6/11/2007 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (865) 690-5605 on 5/30/2007. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified

mail on 7/21/2008, 7/30/2008 and 8/22/2008. (The complaint of Bryant Sales Company, LLC, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 9).

COUNT 9: On 5/30/2007, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (865) 690-5605 belonging to Bryant Sales Company, LLC which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

10. Pat Seay of K.S. Supply Co. at P.O. Box 340, Pleasant View, Tennessee 37146 filed a complaint (F07-0496) with the CSD on 11/1/2007 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 746-2539 on 10/30/2007. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of K.S. Supply Co., CSD's notices of violation and response thereto are attached hereto as collective Exhibit 10).

COUNT 10: On 10/30/2007, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 746-2539 belonging to K.S. Supply Co. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

11. Jim Keeton of [REDACTED] filed a complaint (F07-0505) with the CSD on 11/5/2007 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 10/25/2007. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Jim Keeton, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 11).

COUNT 11: On 10/25/2007, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Jim Keeton who

objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

12. Sarah G. Keefer of [REDACTED] filed a complaint (F07-0517) with the CSD on 11/9/2007 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 10/30/2007. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Sarah G. Keefer, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 12). An additional unsolicited facsimile advertisement was received on 11/8/2007.

COUNT 12: On 10/30/2007, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Sarah G. Keefer who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

13. Randall Allen Davis of [REDACTED] filed a complaint (F07-0520) with the CSD on 11/13/2007 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 11/7/2007. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Randall Allen Davis, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 13).

COUNT 13: On 11/7/2007, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Randall Allen Davis who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

14. Jennie Wagner with the Dickson County Chamber of Commerce at 119 Highway 70 E, Dickson, Tennessee 37055 filed a complaint (F07-0530) with the CSD on 11/15/2007, alleging that

the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 441-3112 on 11/8/2007. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of the Dickson County Chamber of Commerce, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 14).

COUNT 14: On 11/8/2007, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 441-3112 belonging to the Dickson County Chamber of Commerce which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

15. John Reed with ExtendLife, Inc. at 209 Brookwood Dr., Chattanooga, Tennessee 37411 filed a complaint (F07-0553) with the CSD on 11/26/2007, alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (423) 698-5999 on 11/19/2007. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of ExtendLife, Inc., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 15).

COUNT 15: On 11/19/2007, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (423) 698-5999 belonging to ExtendLife, Inc. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

16. James E. Keeton, Jr. of [REDACTED] filed a complaint (F07-0568) with the CSD on 11/30/2007 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 11/30/2007. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of James E. Keeton, Jr., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 16).

COUNT 16: On 11/30/2007, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to James E. Keeton, Jr. who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

17. Pat Seay with K.S. Supply Co. at P. O. Box 340, Pleasant View, Tennessee 37146 filed a complaint (F07-0589) with the CSD on 12/5/2007 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 746-2549 on 12/3/2007. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of K.S. Supply Co., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 17).

COUNT 17: On 12/3/2007, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 746-2549 belonging to K.S. Supply Co. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

18. Sarah G. Keefer of [REDACTED] filed a complaint (F07-0615) with the CSD on 12/27/2007 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 12/18/2007. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Sarah G. Keefer, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 18).

COUNT 18: On 12/18/2007, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Sarah G. Keefer who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

19. Randy Davis of [REDACTED] filed a complaint (F07-0620) with the CSD on 12/21/2007 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 12/18/2007. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Randy Davis, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 19).

COUNT 19: On 12/18/2007, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Randy Davis who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

20. Randall A. Davis of [REDACTED] filed a complaint (F08-0030) with the CSD on 1/17/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 1/8/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Randall A. Davis, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 20).

COUNT 20: On 1/8/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Randall A. Davis who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

21. Pat Seay of K.S. Supply Co. at P.O. Box 340, Pleasant View, Tennessee 37146 filed a complaint (F08-0037) with the CSD on 1/18/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 746-2539 on 1/15/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and

7/30/2008. (The complaint of K.S. Supply Co., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 21).

COUNT 21: On 1/15/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 746-2539 belonging to K.S. Supply Co. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

22. James E. Keeton, Jr. of [REDACTED] filed a complaint (F08-0041) with the CSD on 1/22/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 1/22/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of James E. Keeton, Jr., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 22).

COUNT 22: On 1/22/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to James E. Keeton, Jr. who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

23. Wayne Morris of [REDACTED] filed a complaint (F08-0064) with the CSD on 1/24/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 1/22/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Wayne Morris, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 23).

COUNT 23: On 1/22/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Wayne Morris who

objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

24. Marvin Lynn Satterfield of [REDACTED] filed a complaint (F08-0102) with the CSD on 2/1/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 1/23/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Marvin Lynn Satterfield, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 24).

COUNT 24: On 1/23/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Marvin Lynn Satterfield who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

25. John P. Morris of John Morris Associates Inc. at 404 Ferncliff Drive, Signal Mountain, Tennessee 37377 filed a complaint (F08-0107) with the CSD on 1/31/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (423) 886-7686 on 1/29/2008. The CSD sent an Official Notice of Alleged Violation to the respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of John Morris Associates Inc., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 25).

COUNT 25: On 1/29/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (423) 886-7686 belonging to John Morris Associates Inc. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

26. Pat Seay of K.S. Supply Co. at P.O. Box 340, Pleasant View, Tennessee 37146 filed a complaint (F08-0110) with the CSD on 2/5/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 746-2539 on 1/31/2008. The CSD sent an

Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of K.S. Supply Co., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 26).

COUNT 26: On 1/31/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 746-2539 belonging to K.S. Supply Co. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

27. Randall A. Davis of [REDACTED] filed a complaint (F08-0114) with the CSD on 2/6/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 2/5/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Randall A. Davis, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 27).

COUNT 27: On 2/5/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Randall A. Davis who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

28. Britton Nielsen of The Flower Girls at 5617 Hillsboro Road, Nashville, Tennessee 37215 filed a complaint (F08-0118) with the CSD on 2/8/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 665-9370 on 2/4/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of The Flower Girls, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 28).

COUNT 28: On 2/4/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 665-9370 belonging to The Flower Girls

which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

29. Thomas H. Kevil of [REDACTED] filed a complaint (F08-0139) with the CSD on 2/15/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 2/12/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Thomas H. Kevil, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 29).

COUNT 29: On 2/12/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Thomas H. Kevil who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

30. Pat Seay of K.S. Supply Co. at P.O. Box 340, Pleasant View, Tennessee 37146 filed a complaint (F08-0141) with the CSD on 2/15/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 746-2539 on 2/13/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of K.S. Supply Co., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 30).

COUNT 30: On 2/13/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 746-2539 belonging to K.S. Supply Co. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

31. Randall A. Davis of [REDACTED] filed a complaint (F08-0143) with the CSD on 2/15/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 2/14/2008. The CSD sent an Official Notice

of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Randall A. Davis, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 31).

COUNT 31: On 2/14/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Randall A. Davis who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

32. Joe Rolwing of Cumberland Emerging Technologies at 111 10th Avenue South, Suite 110, Nashville, Tennessee 37203 filed a complaint (F08-0164) with the CSD on 2/21/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 255-6271 on 2/4/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Cumberland Emerging Technologies, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 32). An additional unsolicited facsimile advertisement was received on 2/14/2008.

COUNT 32: On 2/4/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 255-6271 belonging to Cumberland Emerging Technologies which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

33. Britton Nielsen of The Flower Girls at 5617 Hillsboro Road, Nashville, Tennessee 37215 filed a complaint (F08-0166) with the CSD on 2/21/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 665-9370 on 2/14/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/3008. (The complaint of The Flower Girls, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 33).

COUNT 33: On 2/14/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 665-9370 belonging to The Flower Girls which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

34. Jhuvette Seals of the Rogersville Police Department at 106 E. Kyle, Rogersville, Tennessee 37857 filed a complaint (F08-0171) with the CSD on 2/21/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (423) 272-3974 on 2/21/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of the Rogersville Police Department, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 34). An additional unsolicited facsimile advertisement was received on 3/4/08.

COUNT 34: On 2/21/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (423) 272-3974 belonging to the Rogersville Police Department which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

35. Mary W. Jones of [REDACTED] filed a complaint (F08-0176) with the CSD on 2/26/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 1/25/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Mary W. Jones, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 35).

COUNT 35: On 1/25/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Mary W. Jones who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

36. Mary W. Jones of [REDACTED] filed a complaint (F08-0177) with the CSD on or around 2/26/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 2/22/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Mary W. Jones, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 36).

COUNT 36: On 2/22/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Mary W. Jones who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

37. Randall A. Davis of [REDACTED] filed a complaint (F08-0182) with the CSD on 2/27/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 2/26/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Randall A. Davis, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 37).

COUNT 37: On 2/26/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Randall A. Davis who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

38. Rob Hill of [REDACTED] filed a complaint (F08-0184) with the CSD on 2/28/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 1/31/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Rob Hill, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 38).

COUNT 38: On 1/31/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Rob Hill who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

39. John E. and Jo M. Peckinpaugh of [REDACTED] filed a complaint (F08-0201) with the CSD on 3/5/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 3/5/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of John E. and Jo M. Peckinpaugh, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 39).

COUNT 39: On 3/5/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to John E. and Jo M. Peckinpaugh who object to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

40. Pat Seay of K.S. Supply Co. at P.O. Box 340, Pleasant View, Tennessee 37146 filed a complaint (F08-0202) with the CSD on 3/5/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 746-2539 on 3/3/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of K.S. Supply Co., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 40).

COUNT 40: On 3/3/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 746-2539 belonging to K.S. Supply Co. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

41. Melissa Jean Holman of [REDACTED] filed a complaint (F08-0205) with the CSD on 3/6/2008 alleging that the Respondents sent an unsolicited

facsimile advertisement to telephone number [REDACTED] on 3/3/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Melissa Jean Holman, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 41).

COUNT 41: On 3/3/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Melissa Jean Holman who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

42. Randall A. Davis of [REDACTED] filed a complaint (F08-0213) with the CSD on 3/7/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 3/5/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Randall A. Davis, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 42).

COUNT 42: On 3/5/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Randall A. Davis who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

43. Jon Vaden of Vadco, Inc. d/b/a Music City Septic/Grease Trap Service at 1629 Elm Hill Pike, Nashville, Tennessee 37210 filed a complaint (F08-0214) with the CSD on 3/6/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 889-9683 on 3/6/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Vadco, Inc. d/b/a Music City Septic/Grease Trap Service, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 43).

COUNT 43: On 3/6/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 889-9683 belonging to Vadco, Inc. d/b/a Music City Septic/Grease Trap Service which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

44. Harold Curtis Fry III of [REDACTED] filed a complaint (F08-0215) with the CSD on 3/10/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 2/25/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Harold Curtis Fry III, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 44). Additional unsolicited facsimile advertisements were received on 3/5/08 and 3/10/08.

COUNT 44: On 2/25/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Harold Curtis Fry III who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

45. Jhuvette Seals of the Rogersville Police Department at 106 E. Kyle, Rogersville, Tennessee 37873 filed a complaint (F08-0218) with the CSD on 3/10/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (423) 272-3974 on 3/10/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of the Rogersville Police Department, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 45).

COUNT 45: On 3/10/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (423) 272-3974 belonging to the Rogersville Police Department which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

46. Cindy Akins of Knoxville's Community Development Corporation at 901 North Broadway, Knoxville, Tennessee 37901 filed a complaint (F08-0220) with the CSD on 3/11/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (865) 594-8858 on 3/11/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Knoxville's Community Development Corporation, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 46).

COUNT 46: On 3/11/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (865) 594-8858 belonging to Knoxville's Community Development Corporation which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

47. Thomas Cook Wylly II and Pamela Port Wylly of [REDACTED] filed a complaint (F08-0225) with the CSD on 3/11/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 3/6/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Thomas Cook Wylly II and Pamela Port Wylly, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 47).

COUNT 47: On 3/6/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Thomas Cook Wylly II and Pamela Port Wylly who object to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

48. Kenneth M. Moore of [REDACTED] filed a complaint (F08-0227) with the CSD on 3/12/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 3/12/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and

7/30/2008. (The complaint of Kenneth M. Moore, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 48).

COUNT 48: On 3/12/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Kenneth M. Moore who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

49. Mary W. Jones of [REDACTED] filed a complaint (F08-0232) with the CSD on 3/12/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 3/4/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Mary W. Jones, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 49).

COUNT 49: On 3/4/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Mary W. Jones who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

50. Thomas V. Holmes of [REDACTED] filed a complaint (F08-0234) with the CSD on 3/12/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 3/11/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Thomas V. Holmes, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 50). Two prior unsolicited facsimile advertisements were received on 2/14/08 and 3/5/08.

COUNT 50: On 3/12/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Thomas V. Holmes

who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

51. Alan Abrams of [REDACTED] filed a complaint (F08-0235) with the CSD on 3/13/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 3/11/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Alan Abrams, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 51). A prior unsolicited facsimile advertisement was received on 3/5/08.

COUNT 51: On 3/11/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Alan Abrams who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

52. Diane Haston Gray of [REDACTED] filed a complaint (F08-0236) with the CSD on 3/13/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 2/21/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Diane Haston Gray, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 52). Additional unsolicited facsimile advertisements were received on 3/3/08 and 3/10/08.

COUNT 52: On 2/21/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Diane Haston Gray who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

53. Jhuvette Seals of the Rogersville Police Department at 106 E. Kyle, Rogersville, Tennessee 37857 filed a complaint (F08-0238) with the CSD on 3/17/2008 alleging that the

Respondents sent an unsolicited facsimile advertisement to telephone number (423) 272-3974 on 3/17/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008. (The complaint of the Rogersville Police Department, CSD's notice of violation and the response thereto are attached hereto as collective Exhibit 53).

COUNT 53: On 3/17/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (423) 272-3974 belonging to the Rogersville Police Department who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

54. Charles Farley of Nashville Foods at 264 Hermitage Avenue at Nashville, Tennessee 37210 filed a complaint (F08-0245) with the CSD on 3/19/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 248-6050 on 3/10/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Nashville Foods, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 54). Additional unsolicited facsimile advertisements were received on 3/4/08, 3/11/08, 3/12/08 and 3/18/08

COUNT 54: On 3/10/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement be sent to fax number (615) 248-6050 belonging to the Nashville Foods which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502 (a).

55. Peter G. Sloan of [REDACTED] filed a complaint (F08-0248) with the CSD on 3/18/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 3/17/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Peter G. Sloan, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 55).

COUNT 55: On 3/17/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Peter G. Sloan who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

56. Pat Seay of K.S. Supply Co. at P.O. Box 340, Pleasant View, Tennessee 37146 filed a complaint (F08-0256) with the CSD on 3/19/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 746-2539 on 3/17/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of K.S. Supply Co., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 56).

COUNT 56: On 3/17/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 746-2539 belonging to K.S. Supply Co. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

57. The State of Tennessee, Office of Attorney General at 425 Fifth Avenue North, Nashville, Tennessee 37243 filed a complaint (F08-0257) with the CSD on 3/20/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 253-5203 on 3/10/08. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of the State of Tennessee, Office of Attorney General, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 57). Additional unsolicited facsimile advertisements were received on 3/11/08 and 3/13/08.

COUNT 57: On 3/10/2008, the Respondents knowingly sent or caused to an unsolicited facsimile advertisement be sent to fax number (615) 253-5203 belonging to the State of Tennessee, Office of Attorney General which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502 (a).

58. Thomas V. Holmes of [REDACTED] filed a complaint (F08-0258) with the CSD on 3/20/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 3/5/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Thomas V. Holmes, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 58).

COUNT 58: On 3/5/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Thomas V. Holmes who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

59. Matt Turner of ole Songs, Inc. at 1227 16th Avenue S., Nashville, Tennessee 37212 filed a complaint (F08-0259) with the CSD on 3/20/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 327-2643 on 3/19/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of ole Song, Inc., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 59). An additional unsolicited facsimile advertisement was received on 3/19/08.

COUNT 59: On 3/19/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 327-2643 belonging to ole Songs, Inc. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

60. Fredia F. Carr of [REDACTED] filed a complaint (F08-0265) with the CSD on 3/25/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 3/18/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The

complaint of Fredia F. Carr, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 60). Additional unsolicited facsimile advertisements were received on 3/10/08 and 3/11/08.

COUNT 60: On 3/18/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Fredia F. Carr who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

61. Gerri Peterson of [REDACTED] filed a complaint (F08-0270) with the CSD on 3/20/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 3/12/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Gerri Peterson, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 61).

COUNT 61: On 3/12/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Gerri Peterson who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

62. John Reed of ExtendLife, Inc. at 209 Brookwood Drive, Chattanooga, Tennessee 37411 filed a complaint (F08-0271) with the CSD on 3/26/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (423) 698-4981 on 3/24/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of ExtendLife, Inc., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 62).

COUNT 62: On 3/24/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (423) 698-4981 belonging to ExtendLife, Ins. which

objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

63. Melissa Bagwell of Buhrman, Maddux & Buhrman at 419 N. Market Street, Suite 210, Chattanooga, Tennessee 37405 filed a complaint (F08-0278) with the CSD on 3/27/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (423) 265-7041 on 3/21/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Buhrman, Maddux & Buhrman, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 63).

COUNT 63: On 3/21/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (423) 265-7041 belonging to Buhrman, Maddux & Buhrman which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

64. Randall A. Davis of [REDACTED] filed a complaint (F08-0283) with the CSD on 3/28/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 3/26/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Randall A. Davis, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 64).

COUNT 64: On 3/26/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Randall A. Davis who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

65. Rachael Mimms of [REDACTED] filed a complaint (F08-0287) with the CSD on 3/31/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 3/31/2008. The CSD sent an Official Notice

of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Rachael Mimms, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 65).

COUNT 65: On 3/31/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Rachael Mimms who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

66. Arlene Matthai of [REDACTED] filed a complaint (F08-0289) with the CSD on 3/28/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 3/24/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Arlene Matthai, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 66). Additional unsolicited facsimile advertisements were received on 3/3/08, 3/10/08, 3/5/08, and 3/13/08.

COUNT 66: On 3/24/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Arlene Matthai who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

67. Linda Denton of The Ink Spot Printing at P.O. Box 221, Alcoa, Tennessee 37701 filed a complaint (F08-0292) with the CSD on 3/31/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (865) 980-5701 on 3/24/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of The Ink Spot Printing, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 67).

COUNT 67: On 3/24/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (865) 980-5701 belonging to The Ink Spot Printing which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

68. Pat Seay of K.S. Supply Co. at P.O. Box 340, Pleasant View, Tennessee 37146 filed a complaint (F08-0301) with the CSD on 4/3/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 746-2539 on 3/31/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of K.S. Supply Co., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 68).

COUNT 68: On 3/31/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 746-2539 belonging to K.S. Supply Co. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

69. Joe Lynn Spann of [REDACTED] filed a complaint (F08-0306) with the CSD on 4/3/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 3/3/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Joe Lynn Spann, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 69).

COUNT 69: On 3/3/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Joe Lynn Spann who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

70. Joe Lynn Spann of [REDACTED] filed a complaint (F08-0307) with the CSD on 4/3/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 3/17/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Joe Lynn Spann, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 70).

COUNT 70: On 3/17/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Joe Lynn Spann who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

71. Joe Lynn Spann of [REDACTED] filed a complaint (F08-0308) with the CSD on 4/3/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 3/12/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Joe Lynn Spann, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 71).

COUNT 71: On 3/12/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Joe Lynn Spann who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

72. Joe Lynn Spann of [REDACTED] filed a complaint (F08-0309) with the CSD on 4/3/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 3/31/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and

7/30/2008. (The complaint of Joe Lynn Spann, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 72).

COUNT 72: On 3/31/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Joe Lynn Spann who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

73. Lois Hammett of [REDACTED] filed a complaint (F08-0311) with the CSD on 4/3/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 3/17/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Lois Hammett, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 73).

COUNT 73: On 3/17/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Lois Hammett who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

74. Randall Wallace of Delta Data Systems at 2320 Clifton Avenue, Nashville, Tennessee 37209 filed a complaint (F08-0318) with the CSD on 4/4/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 320-8855 on 4/3/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Delta Data Systems, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 74). Three prior unsolicited facsimile advertisements were received on 3/6/08, 3/12/08, and 3/21/08.

COUNT 74: On 4/3/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 320-8855 belonging to Delta Data Systems

which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

75. Lareen J. Stevens of [REDACTED] filed a complaint (F08-0340) with the CSD on 4/10/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 3/12/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Lareen J. Stevens, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 75).

COUNT 75: On 3/12/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Lareen J. Stevens who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

76. Lareen J. Stevens of [REDACTED] filed a complaint (F08-0341) with the CSD on 4/10/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 3/20/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Lareen J. Stevens, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 76).

COUNT 76: On 3/20/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Lareen J. Stevens who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

77. Anne West and John R. Browning, Jr. of [REDACTED] filed a complaint (F08-0347) with the CSD on 4/14/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 4/10/2008. The CSD

sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Anne West and John R. Browning Jr.'s, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 77).

COUNT 77: On 4/10/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Anne West and John R. Browning, Jr. who object to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

78. The State of Tennessee, Office of Attorney General at 425 Fifth Avenue North, Nashville, Tennessee 37243 filed a complaint (F08-0365) with the CSD on 4/15/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 253-5203 on 4/14/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 6/23/2008, 7/21/2008 and 7/30/2008. (The complaint of the State of Tennessee, Office of Attorney General, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 78).

COUNT 78: On 4/14/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 253-5203 belonging to the State of Tennessee, Office of Attorney General which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502 (a).

79. Cindy Akins of Knoxville's Community Development Corporation at 901 North Broadway, Knoxville, Tennessee 37917 filed a complaint (F08-0371) with the CSD on 4/16/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (865) 594-8858 on 4/16/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Knoxville's Community Development Corporation, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 79).

COUNT 79: On 4/16/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (865) 594-8858 belonging to Knoxville's Community Development Corporation which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a)

80. Paul Vago of [REDACTED] filed a complaint (F08-0373) with the CSD on 4/16/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 4/15/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Paul Vago, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 80). Three prior unsolicited facsimile advertisements were received on 3/26/08, 4/3/08, and 3/20/08.

COUNT 80: On 4/15/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Paul Vago who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

81. Anne West & John R. Browning, Jr. of [REDACTED] filed a complaint (F08-0383) with the CSD on 4/21/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 4/18/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Anne West & John Browning Jr., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 81).

COUNT 81: On 4/18/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Anne West & John R. Browning, Jr. who object to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

82. Joe Lynn Spann of [REDACTED] filed a complaint (F08-0391) with the CSD on 4/23/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 4/22/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Joe Lynn Spann, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 82).

COUNT 82: On 4/22/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Joe Lynn Spann who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

83. Pat Seay of K.S. Supply Co. at P.O. Box 340, Pleasant View, Tennessee 37146 filed a complaint (F08-0399) with the CSD on 4/24/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 746-2539 on 4/22/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of K.S. Supply Co., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 83).

COUNT 83: On 4/22/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 746-2539 belonging to K.S. Supply Co. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

84. Charles and Susan Burnett of [REDACTED] filed a complaint (F08-0400) with the CSD on 4/25/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 4/24/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and

7/30/2008. (The complaint of Charles and Susan Burnett, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 84).

COUNT 84: On 4/24/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Charles and Susan Burnett who object to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

85. Linda Denton of Ink Spot Printing at P.O. Box 221, Alcoa, Tennessee 37701 filed a complaint (F08-0407) with the CSD on 4/28/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (865) 980-5701 on 4/24/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Ink Spot Printing, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 85).

COUNT 85: On 4/24/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (865) 980-5701 belonging to Ink Spot Printing which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

86. Randall A. Davis of [REDACTED] filed a complaint (F08-0415) with the CSD on 4/29/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 4/24/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Randall A. Davis, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 86).

COUNT 86: On 4/24/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Randall A. Davis who

objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

87. Edward D. and Diana Michelle Gentry of Davy Gentry Construction at 9 Crescent Blvd., Carthage, Tennessee 37030 filed a complaint (F08-0420) with the CSD on 5/1/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 735-1746 on 4/23/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Davy Gentry Construction, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 87).

COUNT 87: On 4/23/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 735-1746 belonging to Davy Gentry Construction which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

88. Danny Welch of Valley Truck & Trailer at 63 Shephard, Dunlap, Tennessee 37327 filed a complaint (F08-0422) with the CSD on 5/2/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (423) 949-9572 on 5/2/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Valley Truck & Trailer, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 88).

COUNT 88: On 5/2/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (423) 949-9572 belonging to Valley Truck & Trailer which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

89. Patricia W. Smith of [REDACTED] filed a complaint (F08-0425) with the CSD on or around 5/2/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 4/29/2008. The CSD sent an

Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Patricia W. Smith, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 89).

COUNT 89: On 4/29/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Patricia W. Smith who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

90. Pat Seay of K.S. Supply Co. at P.O. Box 340, Pleasant View, Tennessee 37146 filed a complaint (F08-0427) with the CSD on 5/2/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 746-2539 on 4/30/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of K.S. Supply Co., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 90).

COUNT 90: On 4/30/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 746-2539 belonging to K.S. Supply Co. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

91. Randall A. Davis of [REDACTED] filed a complaint (F08-0430) with the CSD on 5/5/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 5/2/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 6/23/2008, 7/21/2008 and 7/30/2008. (The complaint of Randall A. Davis, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 91).

COUNT 91: On 5/2/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Randall A. Davis who

objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

92. The State of Tennessee, Office of Attorney General at 425 Fifth Avenue North, Nashville, Tennessee 37243 filed a complaint (F08-0431) with the CSD on 5/6/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 253-5203 on 4/29/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 6/23/2008, 7/21/2008 and 7/30/2008. (The complaint of the State of Tennessee, Office of Attorney General, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 92).

COUNT 92: On 4/29/2008, the Respondents knowingly sent or caused to an unsolicited facsimile advertisement be sent to fax number (615) 253-5203 belonging to the State of Tennessee, Office of Attorney General which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502 (a).

93. Linda M. Scully of [REDACTED] filed a complaint (F08-0437) with the CSD on 5/6/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 4/21/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Linda M. Scully, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 93).

COUNT 93: On 4/21/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Linda M. Scully who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

94. Dan G. Smith of [REDACTED] filed a complaint (F08-0443) with the CSD on 5/5/2008 alleging that the Respondents sent an unsolicited facsimile

advertisement to telephone number [REDACTED] on 4/30/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Dan G. Smith, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 94).

COUNT 94: On 4/30/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Dan G. Smith who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

95. Joe Lynn Spann of [REDACTED] filed a complaint (F08-0454) with the CSD on 5/7/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 4/30/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Joe Lynn Spann, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 95).

COUNT 95: On 4/30/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Joe Lynn Spann who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

96. Howard J. Anderson of Small Systems, Inc. at 320 Main Street, Franklin, Tennessee 37064 filed a complaint (F08-0456) with the CSD on 5/8/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 599-5263 on 4/24/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Small Systems, Inc., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 96).

COUNT 96: On 4/24/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 599-5263 belonging to Small Systems, Inc. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

97. Randall A. Davis of [REDACTED] filed a complaint (F08-0460) with the CSD on 5/14/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 5/13/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Randall A. Davis, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 97).

COUNT 97: On 5/13/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Randall A. Davis who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

98. Pat Seay of K.S. Supply Co. at P.O. Box 340, Pleasant View, Tennessee 37146 filed a complaint (F08-0463) with the CSD on 5/14/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 746-2539 on 5/12/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of K.S. Supply Co., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 98).

COUNT 98: On 5/12/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 746-2539 belonging to K.S. Supply Co. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

99. Terry Fischer of [REDACTED] filed a complaint (F08-0465) with the CSD on 5/12/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 5/2/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Terry Fischer, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 99).

COUNT 99: On 5/2/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Terry Fischer who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

100. Damon W. Byrd of [REDACTED] filed a complaint (F08-0479) with the CSD on 5/16/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 5/13/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Damon W. Byrd, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 100).

COUNT 100: On 5/13/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Damon W. Byrd who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

101. Brooks R. Smith of [REDACTED] filed a complaint (F08-0481) with the CSD on 5/19/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 5/14/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and

7/30/2008. (The complaint of Brooks R. Smith, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 101).

COUNT 101: On 5/14/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Brooks R. Smith who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

102. Brooks R. Smith of [REDACTED] filed a complaint (F08-0483) with the CSD on 5/19/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 252-6344 on 5/5/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 6/23/2008, 7/21/2008 and 7/30/2008. (The complaint of Brooks R. Smith, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 102).

COUNT 102: On 5/5/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Brooks R. Smith who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

103. Brooks R. Smith of [REDACTED] filed a complaint (F08-0485) with the CSD on 5/19/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 4/24/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Brooks R. Smith, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 103).

COUNT 103: On 4/24/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Brooks R. Smith who

objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

104. Lois Rule of B. Rule & Company at P.O. Box 64, New Market, Tennessee 37820 filed a complaint (F08-0491) with the CSD on 5/19/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (865) 524-6050 on 5/13/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of B. Rule & Company, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 104).

COUNT 104: On 5/13/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (865) 524-6050 belonging to B. Rule & Company which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

105. Lois Rule of B. Rule & Company at P.O. Box 64, New Market, Tennessee 37820 filed a complaint (F08-0492) with the CSD on 5/19/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (865) 524-6050 on 5/2/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 6/23/2008, 7/21/2008 and 7/30/2008. (The complaint of B. Rule & Company, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 105).

COUNT 105: On 5/2/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (865) 524-6050 belonging to B. Rule & Company which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

106. Pat Seay of K.S. Supply Co. at P.O. Box 340, Pleasant View, Tennessee 37146 filed a complaint (F08-0503) with the CSD on 5/20/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 746-2539 on 5/19/2008. The CSD sent an

Official Notice of Alleged Violation to the Respondents via certified mail on 6/23/2008, 7/21/2008 and 7/30/2008. (The complaint of K.S. Supply Co., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 106).

COUNT 106: On 5/19/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 746-2539 belonging to K.S. Supply Co. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

107. Jackie and Laurie Perry of Donelson Preschool Child Care at 2525-B Lebanon Pike, Nashville, Tennessee 37214 filed a complaint (F08-0505) with the CSD on 5/21/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 883-2253 on 5/19/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Donelson Preschool Child Care, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 107).

COUNT 107: On 5/19/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 883-2253 belonging to Donelson Preschool Child Care which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

108. Joe Lynn Spann of [REDACTED] filed a complaint (F08-0508) with the CSD on 5/21/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 5/19/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 6/23/2008, 7/21/2008 and 7/30/2008. (The complaint of Joe Lynn Spann, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 108).

COUNT 108: On 5/19/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Joe Lynn Spann who

objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

109. Douglas L. Stevick of Texas RioGrande Legal Aid, Inc. at 311 Plus Park Blvd., Suite 135, Nashville, Tennessee 37217 filed a complaint (F08-0511) with the CSD on 5/21/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 366-3349 on 5/20/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Texas RioGrande Legal Aid, Inc., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 109).

COUNT 109: On 5/20/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 366-3349 belonging to Texas RioGrande Legal Aid, Inc. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

110. Randall A. Davis of [REDACTED] filed a complaint (F08-0516) with the CSD on 5/23/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 5/21/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Randall A. Davis, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 110).

COUNT 110: On 5/21/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Randall A. Davis who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

111. Melissa Taylor of Buhrman, Maddux & Buhrman at 419 N. Market Street, Suite 210, Chattanooga, Tennessee 37408 filed a complaint (F08-0518) with the CSD on 5/29/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (423) 265-

7041 on 5/20/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Buhrman, Maddux & Buhrman, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 111).

COUNT 111: On 5/20/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (423) 265-7041 belonging to Buhrman, Maddux & Buhrman which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

112. Dan G. Smith of [REDACTED] filed a complaint (F08-0519) with the CSD on 5/29/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 5/28/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Dan G. Smith, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 112).

COUNT 112: On 5/28/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Dan G. Smith who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

113. Jim Austin of Austin's Hallmark at 310 Ash Street, Nashville, Tennessee 37210 filed a complaint (F08-0524) with the CSD on 5/23/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 254-1822 on 5/13/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 6/23/2008, 7/21/2008 and 7/30/2008. (The complaint of Austin's Hallmark, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 113). An additional unsolicited facsimile advertisement was received on 5/20/08

COUNT 113: On 5/13/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 254-1822 belonging to Austin's Hallmark which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

114. Pat Seay of K.S. Supply Co. at P.O. Box 340, Pleasant View, Tennessee 37146 filed a complaint (F08-0525) with the CSD on 5/29/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 746-2539 on 5/28/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of K.S. Supply Co., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 114).

COUNT 114: On 5/28/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 746-2539 belonging to K.S. Supply Co. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

115. State Representative Mike McDonald filed a complaint (F08-0529) with the CSD on or around 6/9/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 888-3081 on 6/2/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 6/23/2008, 7/21/2008 and 7/30/2008. (The complaint of State Representative Mike McDonald, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 115).

COUNT 115: On 6/2/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 888-3081 belonging to State Representative Mike McDonald who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

116. Douglas L. Stevick of Texas RioGrande Legal Aid, Inc. at 311 Plus Park Blvd., Suite 135, Nashville, Tennessee 37217 filed a complaint (F08-0532) with the CSD on 5/30/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 366-3349 on 5/29/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Texas RioGrande Legal Aid, Inc., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 116).

COUNT 116: On 5/29/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 366-3349 belonging to Texas RioGrande Legal Aid, Inc. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

117. Phyllis W. Shuptrine of [REDACTED] filed a complaint (F08-0535) with the CSD on 6/6/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 6/4/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Phyllis W. Shuptrine, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 117).

COUNT 117: On 6/4/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Phyllis W. Shuptrine who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

118. Cheryl L. Rodgers of [REDACTED] filed a complaint (F08-0536) with the CSD on 6/4/2008 alleging that the Respondents sent unsolicited facsimile advertisements to telephone number [REDACTED] on 6/2/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Cheryl L. Rodgers, CSD's notices of violation and the response

thereto are attached hereto as collective Exhibit 118). Additional unsolicited facsimile advertisements were received on 4/10/08, 4/24/08, 5/2/08, 5/13/08, and 5/21/08.

COUNT 118: On 6/2/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Cheryl L. Rodgers who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

119. Janet Marie McIntyre of [REDACTED] filed a complaint (F08-0552) with the CSD on 6/11/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 5/8/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Janet Marie McIntyre, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 119).

COUNT 119: On 5/8/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Janet Marie McIntyre who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

120. Joe Lynn Spann of [REDACTED] filed a complaint (F08-0554) with the CSD on or around 6/16/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 5/28/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Joe Lynn Spann, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 120).

COUNT 120: On 5/28/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Joe Lynn Spann who

objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

121. Pat Seay of K.S. Supply Co. at P.O. Box 340, Pleasant View, Tennessee 37146 filed a complaint (F08-0574) with the CSD on 6/17/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 746-2539 on 6/16/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of K.S. Supply Co., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 121).

COUNT 121: On 6/16/2008, Healthcare Advantage knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 746-2539 belonging to K.S. Supply Co. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a) (2004).

122. James D. Brawner of [REDACTED] filed a complaint (F08-0576) with the CSD on 6/18/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 6/17/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of James D. Brawner, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 122).

COUNT 122: On 6/17/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to James D. Brawner who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

123. Lois Rule of Bradley Rule d/b/a B. Rule & Company at P.O. Box 64, New Market, Tennessee 37820 filed a complaint (F08-0579) with the CSD on 6/18/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (865) 524-6050 on

6/2/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 6/23/2008, 7/21/2008 and 7/30/2008. (The complaint of Bradley Rule d/b/a B.Rule & Company, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 123).

COUNT 123: On 6/2/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (865) 524-6050 belonging to Bradley Rule DBA B.Rule & Company which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

124. Phyllis W. Shuptrine of [REDACTED] filed a complaint (F08-0586) with the CSD on 6/25/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 6/4/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Phyllis W. Shuptrine, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 124).

COUNT 124: On 6/4/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Phyllis W. Shuptrine who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

125. Phyllis W. Shuptrine of [REDACTED] filed a complaint (F08-0591) with the CSD on 6/30/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 6/24/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Phyllis W. Shuptrine, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 125).

COUNT 125: On 6/24/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Phyllis W. Shuptrine who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

126. Micaela A. Fisher of [REDACTED] filed a complaint (F08-0595) with the CSD on 7/1/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 5/22/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Micaela A. Fisher, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 126).

COUNT 126: On 5/22/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Micaela A. Fisher who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

127. Micaela A. Fisher of [REDACTED] filed a complaint (F08-0596) with the CSD on 7/1/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 6/24/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Micaela A. Fisher, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 127).

COUNT 127: On 6/24/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Micaela A. Fisher who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

128. Douglas L. Stevick of Texas RioGrande Legal Aid, Inc. at 311 Plus Park Blvd., Suite 135, Nashville, Tennessee 37217 filed a complaint (F08-0601) with the CSD on 7/2/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number (615) 366-3349 on 6/30/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Texas RioGrande Legal Aid, Inc., CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 128).

COUNT 128: On 6/30/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number (615) 366-3349 belonging to Texas RioGrande Legal Aid, Inc. which objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

129. Mary S. Harmon of [REDACTED] filed a complaint (F08-0608) with the CSD on 7/9/2008 alleging that the Respondents sent unsolicited facsimile advertisements to telephone number [REDACTED] on 7/1/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The complaint of Mary S. Harmon, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 129). Additional unsolicited facsimile advertisements were received on 1/8/08, 3/11/08, 3/19/08, 3/31/08, 4/22/08, 4/30/08, 5/15/08, and 5/23/08.

COUNT 129: On 7/1/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Mary S. Harmon who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

130. Randall A. Davis of [REDACTED] filed a complaint (F08-0617) with the CSD on 7/14/2008 alleging that the Respondents sent an unsolicited facsimile advertisement to telephone number [REDACTED] on 7/11/2008. The CSD sent an Official Notice of Alleged Violation to the Respondents via certified mail on 7/21/2008 and 7/30/2008. (The

complaint of Randall A. Davis, CSD's notices of violation and the response thereto are attached hereto as collective Exhibit 130).

COUNT 130: On 7/11/2008, the Respondents knowingly sent or caused an unsolicited facsimile advertisement to be sent to fax number [REDACTED] belonging to Randall A. Davis who objects to receiving unsolicited facsimile advertisements in violation of Tenn. Code Ann. § 65-4-502(a).

CONCLUSION

The CSD received a total of 130 complaints from 69 consumers.¹ These consumers state that these faxes are unsolicited and they have no existing business relationship with the Respondents. In some cases, consumers state that the opt-out numbers provided by the Respondents appear to be used as confirmation for fax numbers to be sold to other advertisers. Requests from consumers for their fax numbers to be removed from further solicitation were unheeded. The Respondents simply continued to cause to transmit these unsolicited facsimile advertisements and the CSD continued to receive complaints.

On June 10, 2008, the CSD issued a subpoena to the carrier, Advanced Communications for telephone number (800) 881-0436, which was the originating facsimile number for these complaints. Advanced Communications customers have prepaid toll accounts. On June 10, 2008, Advanced Communications responded that the referenced facsimile number is paid for by a credit card in the name of Paul Wilson of P.O. Box 61633, Charleston, South Carolina.² Advanced Communications also produced 139 pages of calls originating from (800) 881-0436 that are forwarded to (843) 225-1685, which belongs to a different carrier, Knology. On June 12, 2008, a subpoena for telephone number (843) 225-1685 was issued to Knology. On June 18, 2008, the CSD received a response from Knology which identified the number as belonging to Healthcare Advantage at 2055 Spaulding,

¹ See Appendix.

² P.O. Box 61633, Charlotte, South Carolina is the same address and post office box as listed for The Select Company.

North Charleston, South Carolina 29406 and supplied a user name of Healthcareadvantage and an e-mail address of Lawrence@selectcompany. On June 18, 2008, an attorney, George R. Katosic, called CSD staff on behalf of his client, Healthcare Advantage, LLC, and stated that his client does not send faxes into the State of Tennessee. On June 23, 2008, the CSD faxed all Notices of Alleged Violation to Healthcare Advantage, LLC at (843) 225-9042. On July 3, 2008, the CSD received a letter dated June 30, 2008 from Mr. Katosic stating that his law office acts as compliance counsel to Healthcare Advantage, LLC, which denies responsibility for the offending faxes, and further directed the CSD to investigate a different company. After the exchange of several letters, e-mails and information between CSD Staff and the law office of George R. Katosic, CSD Staff determined that Healthcare Advantage, LLC and/or its affiliate, The Select Company, is responsible for causing the transmission of the unsolicited facsimile advertisements that are the subject of these complaints. By letter of July 28, 2008, Mr. Katosic formally responded to all 130 Notices of Alleged Violation on behalf of both The Select Company and Healthcare Advantage, LLC and admitted that a marketing entity, Global Promoting, had sent the prohibited facsimiles as part of a marketing campaign. The CSD then sent all Notices of Alleged Violation to Global Promoting, which were subsequently returned to sender. The whereabouts of Global Promoting could not be determined despite additional investigation by the CSD. Nevertheless, the Respondents are liable for the acts of their agent, as follows.

SUMMARY OF CHARGES

Tenn. Code Ann. § 65-4-502(a) provides:

No person shall transmit or cause another to transmit an unsolicited facsimile advertisement.

CSD's investigation discloses that the Respondents have followed a pattern of continued violation of Tenn. Code Ann. § 65-4-504(a). Tenn. Code Ann. § 65-4-504(a) provides:

The Authority is authorized to initiate proceedings relative to a violation of this part or any rules and regulations promulgated

pursuant to this part. Such proceedings include, without limitation, proceedings to: issue a cease and desist order; issue an order imposing a civil penalty up to a maximum of two thousand dollars (\$2,000) for each violation; and to seek additional relief in any court of competent jurisdiction. Violations shall be calculated in a liberal manner to deter violators and to protect consumers. Each page of each unsolicited facsimile advertisement may constitute a separate violation

Additionally, the Respondents have also not complied with Tenn. Code Ann § 65-4-502(b) which provides:

Any transmission by facsimile shall include in a margin at the bottom of each transmitted page or on the first page of the transmission the date and time of the transmission; an identification of the business, other entity or individual sending the message; and the telephone number of the sending machine of such business, other entity or individual.

The number of consumer complaints alleging violations in this Show Cause petition totals one hundred thirty (130). As a result, the maximum monetary penalty that may be assessed against Respondent for the alleged violations of Tennessee Do-Not-Fax Law included in this order is Two hundred sixty thousand dollars (\$260,000.00).


BASED UPON THE FOREGOING, the Hearing Officer hereby determines that the Respondents should appear and show cause why the Authority should not issue a cease and desist order and impose a civil penalty upon the Respondents of up to \$2,000 for each violation of Tenn. Code Ann. § 65-4-502(a) (2004).

IT IS THEREFORE ORDERED THAT:

1. Healthcare Advantage LLC, The Select Group and Chris Wiggins³ shall respond within **thirty (30) days** of the issuance of this Order.
2. The Respondents shall appear before the Authority, on a date yet to be determined, to show cause why the Authority should not proceed to take action against Healthcare Advantage LLC,

³ Chris Wiggins is both the registered agent for service of process and an Officer of Respondent companies.

The Select Group and Chris Wiggins for the unlawful actions set forth in this Order, including, but not limited to, the issuance of a cease and desist order and the imposition of a civil penalty up to a maximum of two thousand dollars (\$2000.00) for each violation.


Kelly Cashman-Grams, Hearing Officer

APPENDIX**VIOLATION DATES**

Complainants who were sent unsolicited facsimile advertisements:

1. Alan Abrams	3/11/08
2. Anne West & John R. Browning, Jr.	4/10/08, 4/18/08
3. Arlene Matthai	3/24/08
4. Austin's Hallmark	5/13/08
5. Bradley Rule DBA B. Rule & Company	5/2/08, 5/13/08, 6/2/08
6. Brooks R. Smith	4/24/08, 5/5/08, 5/14/08
7. Bryant Sales Company, LLC	5/16/07, 5/30/07
8. Buhrman, Maddux & Buhrman	3/21/08, 5/20/08
9. Charles and Susan Burnett	4/24/08
10. Cheryl L. Rodgers	6/2/08
11. Cumberland Emerging Technologies	2/4/08
12. Damon W. Byrd	5/13/08
13. Dan G. Smith	4/30/08, 5/28/08
14. Davy Gentry Construction	4/23/08
15. Delta Data Systems	4/3/08
16. Diane Haston Gray	2/21/08
17. Dickson Co. Chamber of Commerce	11/8/07
18. Donelson Animal Hospital	4/27/07
19. Donelson Preschool Child Care	5/19/08
20. ExtendLife, Inc.	11/19/07, 3/24/08
21. Fredia Carr	3/18/08
22. Gerri Peterson	3/12/08
23. Harmony Adoptions of TN, Inc.	5/7/07
24. Harold Curtis Fry III	2/25/08
25. Hermitage Family and Cosmetic Dentistry, P.C.	8/28/06
26. James D. Brawner	6/17/08
27. James E. Keeton, Jr.	10/25/07, 11/30/07, 1/22/08
28. Janet Marie McIntyre	5/8/08
29. Joe Lynn Spann	3/3/08, 3/12/08, 3/17/08, 3/31/08, 4/22/08, 4/30/08, 5/19/08, 5/28/08
30. John Morris Associates Inc.	1/29/08
31. John E. and Jo M. Peckinpaugh	3/5/08
32. K.S. Supply Co.	10/30/07, 12/3/07, 1/15/08, 1/31/08, 2/13/08, 3/3/08, 3/17/08, 3/31/08, 4/22/08, 4/30/08, 5/12/08, 5/19/08, 5/28/08, 6/16/08
33. Kenneth M. Moore	3/12/08
34. Knoxville's Community Development Corporation	3/11/08, 4/16/08
35. Lareen J. Stevens	3/12/08, 3/20/08
36. Linda M. Scully	4/21/08
37. Lois Hammett	3/17/08
38. Marvin Lynn Satterfield	1/23/08
39. Mary S. Harmon	7/1/08
40. Mary W. Jones	1/25/08, 2/22/08, 3/4/08

41. Melissa Jean Holman	3/3/08
42. Micaela A. Fisher	5/22/08, 6/24/08
43. Nashville Foods	3/10/08
44. Ole Songs, Inc.	3/19/08
45. Patricia W. Smith	4/29/08
46. Paul Vago	4/15/08
47. Peter G. Sloan	3/17/08
48. Phyllis W. Shuptrine	6/4/08, 6/4/08, 6/24/08
49. Physical Therapy Specialists	4/27/07
50. Plateau Properties, Inc.	4/25/07
51. Rachael Mimms	3/31/08
52. Randall Allen Davis	11/7/07, 12/18/07, 1/8/08, 2/5/08, 2/14/08, 2/26/08, 3/5/08, 3/26/08, 4/24/08, 5/2/08, 5/13/08, 5/21/08, 7/11/08
53. Rob Hill	1/31/08
54. Rogersville Police Department	2/21/08, 3/10/08, 3/17/08
55. Sarah G. Keefer	10/30/07, 12/18/07
56. Small Systems, Inc.	4/24/08
57. Southern Properties Group	5/2/07
58. State Representative Mike McDonald	6/2/08
59. Terry Fischer	5/2/08
60. Texas RioGrande Legal Aid, Inc.	5/20/08, 5/29/08, 6/30/08
61. The Flower Girls	2/4/08, 2/14/08
62. The Ink Spot Printing	3/24/08, 4/24/08
63. The State of Tennessee, Office of the Attorney General	5/11/07, 3/10/08, 4/14/08, 4/29/08
64. Thomas Cook Wylly III	3/6/08
65. Thomas H.Kevil	2/12/08
66. Thomas V. Holmes	3/11/08, 3/5/08
67. Vadco, Inc. d/b/a Music City Septic/Grease Trap Service	3/6/08
68. Valley Truck & Trailer	5/2/08
69. Wayne Morris	1/22/08