



TENNESSEE REGULATORY AUTHORITY

460 James Robertson Parkway
Nashville, Tennessee 37243-0505

MEMORANDUM

TO: **Kenneth C. Hill, Chairman**
Sara Kyle, Director
James M. Allison, Director

FROM: Shiva K. Bozarth, Legal Counsel *SKB*

DATE: October 8, 2012

RE: Docket No. 12-00052 *Petition for the appointment of a Hearing Officer*

AGENDA: This matter is scheduled for the October 15, 2012 Authority Conference.

Investigative staff requests that a Hearing Officer be appointed to determine whether a Show Cause should be initiated against Dave Andrews/DBA/ Fly Away Travel for unsolicited facsimiles sent to Tennessee consumers. Investigative staff has determined that during the period of December 18, 2008 through April 3, 2012, the Consumer Services Division ("CSD") received one hundred thirteen (113) complaints from twenty-nine (29) Tennessee consumers against Fly-Away Travel alleging violations of TENN. CODE ANN. §§ 65-4-501 – 506 also known as the Do-Not-Fax law. The CSD Staff opened an investigation that ultimately revealed that these companies are owned by David Andrews. David Andrews has refused to communicate with the CSD, leaving no recourse other than formal action.

Because Mr. Andrews failed to cooperate during the investigation, the Investigative Staff consisting of Charles Pemberton, Bert Chalfant, Stacy Balthrop, and Shiva Bozarth, recommends that the Authority appoint General Counsel, or her designee, as Hearing Officer in this matter for the purpose of:

- (1) issuing a Show Cause Order to determine why the Tennessee Regulatory Authority should not sanction Mr. Andrews and the other Respondent's for alleged violations of Tenn. Code Ann. §§65-4-501 - 506; and
- (2) preparing this matter for hearing.