



TENNESSEE REGULATORY AUTHORITY

**460 James Robertson Parkway
Nashville, Tennessee 37243-0505**

MEMORANDUM

TO: Docket File 12-00069

**FROM: Stacy Balthrop, Compliance Officer
Consumer Services Division**

DATE: November 27, 2012

**SUBJECT: Request to void Do Not Call Settlement Agreement
Docket No. 12-00069
Consider Violation of Settlement Agreement**

The Settlement Agreement (Agreement) between the Consumer Services Division (CSD) and Sam Cooper D/B/A Global Media Management was approved by Chairman Kenneth C. Hill, Director Sara Kyle, and Director Herbert H. Hilliard during the August 20, 2012, Authority Conference. The Order Approving the Settlement Agreement was issued September 17, 2012.

In accordance with the Agreement, Mr. Sam Cooper D/B/A Global Media Management agreed to pay a civil penalty in the amount of three thousand dollars (\$3,000) to the TRA within thirty (30) days after the Directors approval for violation of Do Not Call Sales Solicitation law Tenn. Code Ann. § 65-4-401, et seq., and TRA Rules and Regulations 1220-4-11-.07.

Mr. Cooper has failed to make the three thousand dollar (\$3,000) payment and multiple attempts to contact him have been unsuccessful. I request that Docket 12-00069 be re-opened for consideration of revoking the Agreement.

Attachment: Order to Approve Settlement Agreement

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
AT NASHVILLE, TENNESSEE**

September 17, 2012

IN RE:	)	
	)	
ALLEGED VIOLATIONS OF TENN. CODE ANN.	)	DOCKET NO.
65-4-401, DO-NOT-CALL, AGAINST SAM	)	12-00069
COOPER, DBA GLOBAL MEDIA	)	
MANAGEMENT, LLC	)	

ORDER APPROVING SETTLEMENT AGREEMENT

This matter came before Chairman Kenneth C. Hill, Director Sara Kyle and Director Herbert H. Hilliard of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on August 20, 2012, for consideration of a proposed Settlement Agreement between the Consumer Services Division of the TRA (the "CSD") and Sam Cooper d/b/a Global Media Management, LLC ("Global Media") related to alleged violations of the Tennessee Telephone Solicitation ("Do-Not-Call") Law, Tenn. Code Ann. § 65-4-401 *et seq.* and Tenn. Comp. R. & Regs. 1220-4-11-.01 *et seq.* The Settlement Agreement pertains to five complaints received by the CSD alleging that Global Media violated the Do-Not-Call Law by making or causing to be made telephone sales solicitation calls to the residential telephone numbers of five separate Tennessee consumers whose residential telephone numbers were listed on the Tennessee Do-Not-Call Register. At the time of the complaints, Global Media was not registered with the TRA as a telephone solicitor. The proposed Settlement Agreement is attached hereto as Exhibit A.

Tenn. Code Ann. § 65-4-404 and Tenn. Comp. R. & Regs. 1220-4-11-.07(1) prohibit persons and entities from knowingly making or causing to be made telephone sales solicitation

calls to any residential subscribers in this state who have given timely and proper notice to the Authority of their objection to receiving telephone solicitations. Tenn. Code Ann. § 65-4-405(d) requires persons or entities desiring to make telephone solicitations to residential subscribers to register in the Do-Not-Call program. Tenn. Code Ann. § 65-4-405(f) authorizes the Authority to initiate proceedings relative to violations of the Do-Not-Call statutes and the TRA rules and regulations promulgated pursuant to the Do-Not-Call statutes.¹ “Such proceedings may include without limitation 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.”²

In negotiating the terms and conditions of this Settlement Agreement, the CSD took into consideration Tenn. Code Ann. § 65-4-116(b), which provides:

In determining the amount of the penalty, the appropriateness of the penalty to the size of the business of the person, firm or corporation charged, the gravity of the violation and the good faith of the person, firm or corporation charged in attempting to achieve compliance, after notification of a violation, shall be considered. The amount of the penalty, when finally determined, may be deducted from any sums owing by the state to the person, firm or corporation charged or may be recovered in a civil action in the courts of this state.

The proposed Settlement Agreement was negotiated as the result of the CSD’s investigation into the complaint against Global Media. The maximum penalty faced by Global Media in this docket was twelve thousand dollars (\$12,000) arising from the five complaints and the failure to register in the Do-Not-Call Program. In the proposed Settlement Agreement, Global Media agreed to stop immediately all telemarketing sales solicitation calls until Global Media is registered as a solicitor with the Authority. In addition, Global Media agreed to pay a civil penalty of \$3,000 to the Authority in settlement of these violations, to be remitted to the

¹ See Tenn. Comp. R. & Regs. 1220-4-11-.01 *et seq.*

² Tenn. Code Ann. § 65-4-405(f).

TRA within thirty days after the Directors' approval of the Settlement Agreement.

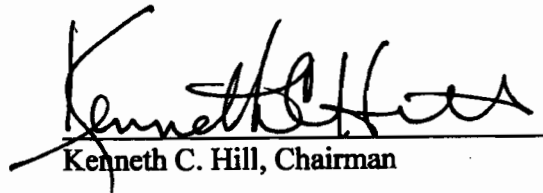
A representative of Global Media appeared telephonically at the Authority Conference on August 20, 2012. Following a review of the Settlement Agreement, the Directors voted unanimously to accept and approve the Settlement Agreement.

IT IS THEREFORE ORDERED THAT:

1. The Settlement Agreement, attached hereto as Exhibit A, is accepted and approved and is incorporated into this Order as if fully rewritten herein.

2. The amount of \$3,000 shall be paid by Sam Cooper d/b/a Global Media Management, LLC to the Tennessee Regulatory Authority as set out herein.

3. Upon payment of the amount of \$3,000 and compliance with the terms of the Settlement Agreement attached hereto, Sam Cooper d/b/a Global Media Management, LLC is excused from further proceedings in this matter, provided that, in the event of any failure on the part of Sam Cooper d/b/a Global Media Management, LLC to comply with the terms and conditions of the Settlement Agreement, the Authority reserves the right to re-open this investigation and Sam Cooper d/b/a Global Media Management, LLC shall pay any and all costs incurred by the TRA to enforce the Settlement Agreement.


Kenneth C. Hill, Chairman


Sara Kyle, Director


Herbert H. Hilliard, Director

Docket No. 12-00069

AT NASHVILLE, TENNESSEE

8881 WOODMARK DR., CORDOVA, TN 38018

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12-00346

Exhibit A

Regulations, and further admits that the five complaints against Global Media Management LLC were true and valid complaints.

2. Respondent agrees to immediately stop all telemarketing sales solicitation calls until Global Media Management LLC is registered as a solicitor with the Authority.
3. Respondent agrees to pay a civil penalty in the amount of three thousand dollars (\$3,000.00) to the TRA within thirty (30) days after the directors of the TRA approve this settlement agreement.
4. Respondent agrees to appear in person or telephonically at the TRA conference at which this settlement agreement will be considered for approval.
5. Respondent agrees to remain in compliance with all the statutory and regulatory requirements of the TRA.
6. In the event that Respondent fails to comply with the terms and conditions of this Settlement Agreement, the TRA reserves the right to re-open this investigation and Respondent shall pay any and all costs incurred by the TRA to enforce the Settlement Agreement.



LISA COOPER
CHIEF, CONSUMER SERVICES DIVISION



SAM COOPER, GENERAL PARTNER
GLOBAL MEDIA MANAGEMENT LLC