

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**IN RE:**

**SHOW CAUSE PROCEEDING AGAINST  
DIRECT MARKETING TRAVEL  
SERVICES, INC. FOR ALLEGED  
VIOLATIONS OF TENN. CODE ANN.  
§ 65-4-401 *et seq.***

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**DOCKET NO. 12-00146**

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**PETITION**

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Comes now the Tennessee Regulatory Authority (“TRA” or “Authority”) Consumer Services Division (“CSD”) by and through counsel and requests that the Hearing Officer appointed by the Directors on February 13, 2013, issue an Order requiring that Direct Marketing Travel Services, Inc. (“Direct Marketing”) appear and show cause before the Authority why it should not be found liable for violations of the Tennessee Do-Not-Call law. The CSD further requests that at the hearing before the Authority that the Directors impose the maximum civil penalty allowed by law and order that Direct Marketing cease and desist making any telephone calls to Tennessee consumers.

**ALLEGATIONS OF FACT**

1. Direct Marketing contacts consumers by telephone and solicits those consumers to purchase goods and or services.
2. Direct Marketing is not registered as a solicitor with the TRA.
3. Between on or about April 30, 2012 and on or about November 11, 2012, Direct Marketing made at least twenty (20) telephone calls to at least eighteen (18) Tennesseans soliciting them to purchase goods and/or services.
4. Each of these Tennesseans was on the Do-Not-Call registry.
5. CSD’s investigation determined that these Tennesseans had never given Direct Marketing

permission to contact them for solicitation purposes.

6. As evidence of the above allegations the CSD submits the Affidavit of Bertram Chalfant, Jr. (Exhibit 1) and requests that it be entered into the record in this cause.


#### **CAUSES OF ACTION**

7. The facts alleged in paragraph 2 constitutes a violation of Tenn. Code Ann. §65-4-405(d).
8. The facts alleged in paragraphs 3 – 5 constitute twenty (20) violations of Tenn. Code Ann. §65-4-404.

#### **PRAYER FOR RELIEF**

9. The CSD requests that the Hearing Officer place this matter on the docket for hearing at the August 6, 2013, Authority Conference.
10. That at that hearing the Authority issue a cease and desist order barring Direct Marketing from soliciting Tennessee consumers for goods or services.
11. Pursuant to Tenn. Code Ann. §65-4-405(f) the Authority may impose a civil penalty of up to two thousand dollars (\$2,000) per violation of law for a total of at least forty thousand dollars (\$40,000).

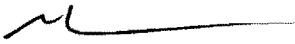
Respectfully submitted,

  
Shiva K. Bozarth, BPR No.22685  
Legal Counsel  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon Direct Marketing Travel Services, Inc., Attn: Olen Miller, 5700 Memorial Highway, Suite 221, Tampa, FL 33615, email: olenm123@yahoo.com and Direct Marketing Travel Services, Inc., Attn: Bob Perlmutter, 5700 Memorial Highway, Suite 221, Tampa, FL 33615, email: TCM.Technical@gmail.com, by delivering same in the United States First Class Mail, with sufficient postage thereon to reach its destination.

This 3<sup>rd</sup> day of July, 2013.

  
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Shiva K. Bozarth