

**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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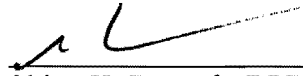
**TENNESSEE CODE ANNOTATED SECTION 4-5-313 NOTICE**

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Comes now the Tennessee Regulatory Authority, by and through the Legal Division, and hereby serves notice pursuant to Tenn. Code Ann. § 4-5-313 as follows:

1. An executed version of the accompanying Affidavit of Bertram H. Chalfant, Jr., (attached exhibit 1) may be introduced as evidence at the hearing of Direct Marketing Travel Services Inc., before the Tennessee Regulatory Authority, Docket No. 12-00146.
2. Bertram H. Chalfant, Jr. may not be called to testify orally, and you would then not be entitled to question such affiant unless you notify Shiva K. Bozarth, at Tennessee Regulatory Authority, 460 James Robertson Parkway, Nashville, Tennessee 37243, that you wish to cross-examine such affiant. To be effective, your request must be received on or before July 19, 2013 at 11:30 a.m. CST.

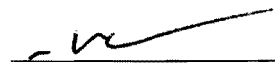
Respectfully submitted this the 2<sup>nd</sup> day of July, 2013.

  
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Shiva K. Bozarth, BPR # 022685  
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

BEFORE THE TENNESSEE REGULATORY AUTHORITY AT

NASHVILLE, TENNESSEE

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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AFFIDAVIT OF BERTRAM H. CHALFANT JR. IN SUPPORT OF ALLEGATIONS  
OF VIOLATIONS OF TENN. CODE ANN. § 65-4-401 *et seq.* PURSUANT TO A  
PROCEEDING REQUIRING OLEN MILLER D/B/A DIRECT MARKETING  
TRAVEL SERVICES, INC. TO SHOW CAUSE WHY A CEASE AND DESIST  
ORDER AND/OR FINE SHOULD NOT BE IMPOSED

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I, Bertram H. Chalfant Jr., being first duly sworn upon oath, do hereby state as follows:

1. I have personal knowledge of the facts stated herein.
2. I am employed by the State of Tennessee as an Investigator with the Do Not Call-Do Not Fax Programs of the Tennessee Regulatory Authority ("Authority" or "TRA").
3. As an Investigator in the Do Not Call-Do Not Fax programs my duties include investigation of complaints from Tennessee consumers alleging violation of the Tennessee Do Not Call Law, Tenn. Code Ann. § 65-4-401, *et seq.*
4. I am submitting this affidavit in support of allegations of violations of Tenn. Code Ann. § 65-4-401 *et seq.* pursuant to a show cause proceeding in TRA Docket No. 12-00146.
5. Between May 4, 2012 and November 11, 2012, the Consumer Services Division ("CSD") received complaints from eighteen (18) Tennessee consumers. The complaints total twenty (20) alleged violations of the TENN. CODE ANN. § 65-

4-401 *et seq.* Each of these eighteen (18) consumers was on the Tennessee Do-Not-Call Registry when they received this solicitation. Paragraphs 6 through 25 are summaries of the complaints:

6. On April 30, 2012, Direct Marketing Travel Services, Inc. called or directed that a call be made to [REDACTED] a Tennessee consumer, at telephone number [REDACTED] [REDACTED] from telephone number (801) 823-3446 in an attempt to sell travel services.
7. On May 10, 2012, Direct Marketing Travel Services, Inc. called or directed that a call be made to [REDACTED] a Tennessee consumer, at telephone number [REDACTED] from telephone number (801) 823-3446 in an attempt to sell travel services.
8. On May 22, 2012, Direct Marketing Travel Services, Inc. called or directed that a call be made to [REDACTED] a Tennessee consumer, at telephone number [REDACTED] [REDACTED] from telephone number (801) 823-3446 in an attempt to sell travel services.
9. On July 26, 2012, Direct Marketing Travel Services, Inc. called or directed that a call be made to [REDACTED] a Tennessee consumer, at telephone number [REDACTED] [REDACTED] from telephone number (801) 823-3446 in an attempt to sell travel services.
10. On June 5, 2012, Direct Marketing Travel Services, Inc. called or directed that a call be made to [REDACTED] a Tennessee consumer, at telephone number [REDACTED] [REDACTED] from telephone number (801) 823-3446 in an attempt to sell travel services.

11. On June 1, 2012, Direct Marketing Travel Services, Inc. called or directed that a call be made to [REDACTED] a Tennessee consumer, at telephone number [REDACTED] from telephone number (801)823-3446 in an attempt to sell travel services.
12. On June 7, 2012, Direct Marketing Travel Services, Inc. called or directed that a call be made to [REDACTED] a Tennessee consumer, at telephone number [REDACTED] from telephone number (801) 823-3446 in an attempt to sell travel services.
13. On June 25, 2012, Direct Marketing Travel Services, Inc. called or directed that a call be made to [REDACTED] a Tennessee consumer, at telephone number [REDACTED] from telephone number (801) 823-3446 in an attempt to sell travel services.
14. On June 26, 2012, Direct Marketing Travel Services, Inc. called or directed that a call be made to [REDACTED], a Tennessee consumer, at telephone number [REDACTED] from telephone number (801) 823-3446 in an attempt to sell travel services.
15. On July 5, 2012, Direct Marketing Travel Services, Inc. called or directed that a call be made to [REDACTED] a Tennessee consumer, at telephone number [REDACTED] from telephone number (801) 823-3446 in an attempt to sell travel services.
16. On July 17, 2012, Direct Marketing Travel Services, Inc. called or directed that a call be made to [REDACTED] a Tennessee consumer, at telephone number [REDACTED]

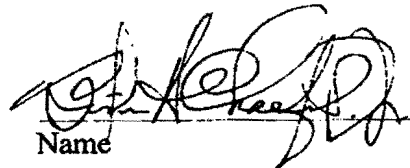
[REDACTED] from telephone number (801) 823-3446 in an attempt to sell travel services.

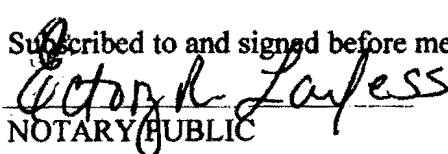
17. On July 17, 2012, Direct Marketing Travel Services, Inc. called or directed that a call be made to [REDACTED] a Tennessee consumer, at telephone number [REDACTED] [REDACTED] from telephone number (801) 823-3446 in an attempt to sell travel services.
18. On July 22, 2012, Direct Marketing Travel Services, Inc. called or directed that a call be made to [REDACTED] a Tennessee consumer, at telephone number [REDACTED] [REDACTED] from telephone number (801) 823-3446 in an attempt to sell travel services.
19. On July 25, 2012, Direct Marketing Travel Services, Inc. called or directed that a call be made to [REDACTED] a Tennessee consumer, at telephone number [REDACTED] from telephone number (801) 823-3446 in an attempt to sell travel services.
20. On August 16, 2012, Direct Marketing Travel Services, Inc. called or directed that a call be made to [REDACTED], a Tennessee consumer, at telephone number [REDACTED] from telephone number (801) 823-3446 in an attempt to sell travel services.
21. On August 23, 2012, Direct Marketing Travel Services, Inc. called or directed that a call be made to [REDACTED] a Tennessee consumer, at telephone number [REDACTED] [REDACTED] from telephone number (801) 823-3446 in an attempt to sell travel services.

22. On August 6, 2012, Direct Marketing Travel Services, Inc. called or directed that a call be made to [REDACTED] a Tennessee consumer, at telephone number [REDACTED] from telephone number (801) 823-3446 in an attempt to sell travel services.
23. On November 4, 2012, Direct Marketing Travel Services, Inc. called or directed that a call be made to [REDACTED] a Tennessee consumer, at telephone number [REDACTED] from telephone number (801) 823-3446 in an attempt to sell travel services.
24. On November 5, 2012, Direct Marketing Travel Services, Inc. called or directed that a call be made to [REDACTED] a Tennessee consumer, at telephone number [REDACTED] from telephone number (801) 823-3446 in an attempt to sell travel services.
25. On November 11, 2012, Direct Marketing Travel Services, Inc. called or directed that a call be made to [REDACTED] a Tennessee consumer, at telephone number [REDACTED] from telephone number (801) 823-3446 in an attempt to sell travel services.
26. The CSD investigation revealed that telephone number (801) 823-3446 belonged to Direct Marketing Travel Services, Inc. On August 16, 2012, the CSD sent fourteen (14) Notices of Alleged Violations to the Respondent via certified mail and email. Response was received August 17, 2012.
27. On September 5, 2012, the CSD sent two (2) NAV's to Respondent via certified mail and email. A response was received on September 6, 2012.

28. On October 11, 2012, the CSD sent one (1) NAV to Respondent via certified mail. To date no response has been received.
29. On November 13, 2012, the CSD sent two (2) NAV's to Respondent via certified mail and email. To date no response has been received.
30. On November 28, 2012, the CSD sent one (1) NAV to respondent via email and facsimile. To date no response has been received.
31. On April 12, 2013, the CSD sent twenty (20) NAV's to respondent via certified mail. On April 18, 2013, the green certified mail card was signed by Christine Shafer.
32. Direct Marketing Travel Services, Inc. responded to sixteen (16) of the twenty (20) NAVs that were sent and we investigated their responses. That investigation determined that the complainants did not give express permission as required by Tenn. Code Ann. § 65-4-401(6)(B)(i). Our investigation, found that none of the information provided in the responses were verifiable.
33. Direct Marketing Travel Services Inc. is not registered as a solicitor with the Tennessee Regulatory Authority.

**FURTHER AFFIANT SAITH NOT.**

  
Name

Subscribed to and signed before me on this 18 day of June, 2013  
  
NOTARY PUBLIC

My Commission Expires: January 6, 2014 (SEAL)

