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Open Business Directory Ltd.

The Tennessee Regulatory Authority
Att. S. Bozarth
ADA-EEO/AA Coordinator Officer
460 James Robertson Parkway
Nashville
Tennessee, 37243-0505

Open Business Directory Ltd.

Service Agent Eur:

Bumplizstrasse 150

3018 Bern

Switzerland

Phone: + 1 (866) 214 5273

Fax: +1 (781) 658 2381

info@open-business-directory.com

April 3rd, 2014 MB Fax: 615-741-5015

Your Reference: Docket No: 13-00095

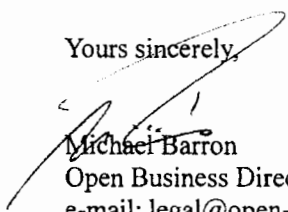
Dear Sir/Madam,

We refer to the above matter and are writing in answer and reply to the Petition filed pursuant to the above Docket number and in respect of alleged violations of the Tennessee Do-Not-fax Law following the request for reconsideration of the Order made on January 23rd 2014 under Tenn.Code Ann §4-5-317.

This Company would request that the hearing be conducted without the attendance of any Representative of the Company and that this letter and the attached Reply be taken in evidence in support of the reconsideration request in respect of the above Order made pursuant to Tenn Code §§65-4-501 et seq.

We thank you for your assistance and we await hearing from you following the hearing.

Yours sincerely,


Michael Barron

Open Business Directory Ltd. Legal Department

e-mail: legal@open-business-directory.com

**REPLY TO THE PETITION FILED IN SUPPORT OF ALLEGATIONS OF
VIOLATIONS OF TENN CODE ANN §65-4-501 et seq.**

- 1.The Company Open Business Directory Ltd is seeking reconsideration of the Order made against it on January 23rd, 2014 in which the Company was found to be in violation of the above Code and was ordered to pay a fine in the sum of \$24,000.
- 2.The Company was at the time of the hearing unaware of the issue of the Petition and did not have an opportunity of providing any answer to the Petition.
- 3.The Company has now had the opportunity of reviewing both the Petition and the Affidavit of Slayde Warren filed in support thereof and in respect of an alleged twelve violations of sending unsolicited facsimile advertisements stated in the Petition to five (5) Tennesseans.
- 4.The Petition alleges that the Company has violated the above Code concerning the sending of unsolicited fax advertisements which is defined as being **“any material advertising the commercial availability or quality of any property, goods, or services, that is transmitted by fax to any person located within the State of Tennessee without such person's prior express invitation or permission, and is transmitted from Tennessee or elsewhere for the purpose of offering the extension of credit or encouraging the purchase or rental of, or investment in, property, goods, or services.”**
- 5.The said Code does not cover every unsolicited fax transmissions, only advertisements.
- 6.The Company did respond to the letters sent to it by the TRA concerning complaints but advised that no file could be found from the details provided and therefore no contract existed.
- 7.In the case of Chalfant Travel Services a contract was entered into by the business and a copy of the completed and signed Order form is attached to this Reply and marked CTS 1.
- 8.The Company has not violated the above Code in that the Order form received by the businesses was not a form of advertisement as defined in the Code. The Order form received by the business is a Purchase Order Form by definition which does not advertise any service or availability or quality of any services and does not encourage the purchase of any services. A Purchase Order is a **request to purchase goods or services** The Order form does not advertise services.
- 9.The Purchase Order form sets out the terms should a business wish to order the service and the fees for such service.
- 10.An advertisement can also be defined as “the making of a representation in any form in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations”. and
“A notice or announcement in a public medium promoting a product, service, or event or publicizing a job vacancy”
11. The Purchase Order Form CTS 1 does not make such representations defined by the Code or generally.
- 12.The Company would therefore plead that for the above reasons it is not in violation of the Tennessee Do-Not-Fax Law as defined within the Code so far as it relates to an unsolicited fax

advertisement.

14. In view of the above facts the Open Business Directory Ltd would seek an order that the Authority should now reconsider its order made.

" CTS 1 "

Jan 18 12 02:00p

Chalfant Travel Services

615 377 9045

p.1

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Please send the completed form to our toll-free fax number: 888-641-1879 - before 01/26/2012

Yellow-Page-USA understands the actual importance of social networks and now offers to create your company's page on facebook.com, without additional charges, for all registered customers of its online directory. facebook.com has become the most visited website in the US and plays an increasingly important role in marketing your company's business. This new additional service will enable you to stay in closer touch with your existing customers and to find more people that are looking for the type of product or services that your business sells.

Contact Details:	<input checked="" type="checkbox"/> Please check to confirm or give actual data:
Record Nr: 5-229085535	<input type="checkbox"/>
Company: Chalfant Travel Services	<input type="checkbox"/>
Street / No: 6206 Bridlewood Lane	<input type="checkbox"/>
City / Zip: Brentwood 37027-4904	<input type="checkbox"/>
State: TENNESSEE	<input type="checkbox"/>
Phone: 615-377-8783	<input type="checkbox"/>
Fax: 615-377-9045	<input type="checkbox"/>
E-Mail: ChalfantTravelServices@comcast.net	<input type="checkbox"/>
Website: NONE	<input type="checkbox"/>

Products & Services:

(Please provide relevant keywords that summarize the range of products and services that your company offers.)

Specializing in INTERNATIONAL TRAVEL, TOURS & CRUISES - ESTABLISHED 1987In case that you would like to be removed from our fax list - please check here: ☐

Order: We hereby certify that all information and details about our company as given above are correct and we hereby order registration at the business directory Yellow-Page-USA.com managed by Open Business Directory Ltd. (herein referred as "Yellow-Page-USA") for a term of two years, at a price of US\$99 per month, payable one year in advance. Payment terms are 10 days from the date of registration. We authorize Yellow-Page-USA to create an official page for our company and its business community at www.facebook.com and to manage its content following our instructions as given herein. We understand that this offer does not indicate an agreement exists between Yellow-Page-USA and Facebook Inc. and that page creation is a professional service offered by Yellow-Page-USA. Referring to Facebook's "Pages Terms" we herewith confirm that Yellow-Page-USA shall be the authorized representative to set up this page at www.facebook.com.

We understand that Facebook has no obligation to distribute this content and may decide to stop publishing the official page at any time. Termination of this agreement with Yellow-Page-USA is required in writing by giving notice to Open Business Directory Ltd. (Email: info@open-business-directory.com - Postal Address: 225 Franklin Street, 26th Floor, Boston MA 02110) at least three months prior to the expiry of the order or the agreement will automatically renew for one year. Any omissions, errors or other incorrect data appearing in the directory are the sole responsibility of the client. Should the client elect to have their records removed from the listing, payment is still required. Yellow-Page-USA reserves the right to assign all contractual rights to a third party. This agreement and all questions of interpretation hereof shall be governed by the applicable state's statutory and common law. The customer can make any changes or amendments to their listing at any time, free of charge.

Print Name:

Authorized Signature:

Date:

Betty Jane Chalfant

1/18/2012