

BEFORE THE TENNESSEE REGULATORY AUTHORITY

IN RE:)	
)	
SHOW CAUSE PROCEEDING AGAINST)	DOCKET NO. 14-00031
NOACH PALATNIK DBA PURE AIR, INC.)	
DBA AIR DUCT CLEANING)	
FOR ALLEGED VIOLATIONS OF TENN. CODE)	
ANN. § 65-4-401 <i>et seq.</i>)	

SETTLEMENT AGREEMENT

This settlement agreement has been entered into between the Compliance Division ("Compliance") of the Tennessee Regulatory Authority ("TRA" or "Authority") and Noach Palatnik d/b/a Pure Air Inc. d.b/a Air Duct Cleaning ("Respondent"), and is subject to the approval of the directors of the TRA. The subject of this settlement agreement are eight (8) separate complaints received by the Authority's Consumer Services Division alleging that Respondent violated the Tennessee Do-No-Call Telephone Sales Solicitation law, T.C.A. § 65-4-401 *et seq.*, and TRA Rules and Regulations 1220-4-11-.07, by making or causing to be made telephone sales solicitation calls to the residential telephone numbers of eight (8) separate Tennessee consumers whose residential telephone numbers were registered on the Tennessee Do-Not-Call Register.

Statements of Fact

1. Respondent acknowledges that he or his agents did place calls to the eight (8) consumer phone numbers identified in the consumer complaints.
2. Respondent failed to register as a solicitor pursuant to Tenn. Code Ann. § 65-4-405(d).

3. Respondent has no previous call violations with the TRA, and has agreed to no longer telemarket to Tennessee residents.
4. Respondent does not own or operate any business that engages in telemarketing.
5. Respondent has serious financial difficulties and is in a financially compromised situation.
6. Compliance considered the factors stated in Tenn. Code Ann. § 65-4-116(b) during the negotiations that resulted in this Settlement Agreement, including the size of Respondent's business and the gravity of the violations by Respondent.
7. T.C.A. § 65-4-405(f) authorizes the TRA to assess penalties for violations of the Tennessee Do-Not-Call statutes, including the issuance of a cease and desist order and the imposition of civil penalties for knowing violations.

Terms of Settlement

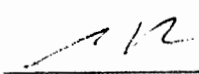
8. In an effort to resolve these eight (8) complaints as well as Respondent's failure to register as a solicitor, Compliance and Respondent agree to settle these complaints on the following terms subject to approval by the directors of the TRA.
9. Respondent admits that he was not registered as a solicitor as required by Tenn. Comp. R. & Reg. 1220-4-11-.04 of the Telephone Solicitations Regulations, and further admits that the eight (8) complaints against him were true and valid complaints.
10. Subject to the provisions of Paragraph 11 through 13, Respondent agrees to pay a civil penalty in the amount of eighteen thousand dollars (\$18,000) to the TRA said amount

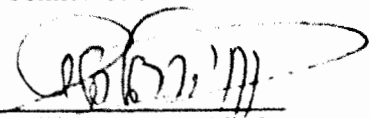
reflecting a two thousand dollar (\$2,000) civil penalty for each of the eight (8) consumer complaints as well as a two thousand dollar (\$2,000) civil penalty for failing to register as a solicitor with the Authority.

11. Respondent shall pay eighteen hundred dollars (\$1,800) towards the civil penalties outlined in Paragraph 10 within fifteen days from the ratification of this Settlement Agreement.
12. The remaining civil penalties in Paragraph 10 shall be stayed for a period of ten (10) years at which time the penalties shall be dismissed. Should Respondent commit any future violation of Tennessee's Do-Not-Call or Do-Not-Fax laws within ten (10) years of the approval of this Settlement Agreement then Respondent agrees to pay the remaining sixteen thousand two hundred dollar (\$16,200) civil penalty in full.
13. Respondent agrees that neither he nor any of his employees, agents, or affiliates over whom he exerts control shall telemarket or cause another to telemarket to Tennessee residents.
14. Respondent agrees to appear telephonically at the Authority conference at which this Settlement Agreement will be considered for approval.
15. Respondent agrees to remain in compliance with all the statutory and regulatory requirements of the TRA.
16. 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.

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Settlement Agreement.

Respectfully submitted,


Shiva K. Bozarth, BPR No.22685
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