



United States of America
FEDERAL TRADE COMMISSION
East Central Region

1111 Superior Avenue, Suite 200
Cleveland, Ohio 44114
(216) 263-3455

Jon Miller Steiger
Director

November 27, 2023

CEASE AND DESIST DEMAND

VIA EMAIL TO:
dflanagan@nrai.com

Acrobat Communications, Inc.
Constantin Barbulescu, CEO
P.O. Box 110141
Lakewood Ranch, FL 34211
c/o Diane Flanagan, Registered Agent

We have determined that Acrobat Communications, Inc., is apparently routing and transmitting illegal robocall traffic, directly or indirectly, for entities involved in the following campaigns:

- Amazon-AuthorizeOrder
- Amazon-AuthorizeOrder-P2
- Amazon-AuthorizeOrder-P3
- Amazon-SuspiciousCharge
- Amazon-SuspiciousCharge-P1
- Amazon-Various-P1
- Authorized-Order
- Authorized-Order-P1
- CCIRR-P3FinancialImpers
- Chinese-Consulate-P1
- Chinese-Consulate-P2
- Chinese-ExpressReturn
- Chinese-ISP/Cable/Wireless-Impers
- FedReserv-Impers
- Financial-Impers-4
- Impersonation-Fraud-P1
- Recent-Purchase
- SSA-CalltheSSA
- SSA-KindlyPressOne

- Utility-DisconnectVarious-P1

More specifically, our investigation revealed that Acrobat Communications, Inc., apparently routed and transmitted illegal robocalls as set forth in Attachment A.

The Federal Trade Commission (FTC) works closely with USTelecom’s Industry Traceback Group (ITG), which is the registered industry consortium selected pursuant to the TRACED Act to conduct tracebacks.¹ Between January 22, 2021, and September 11, 2023, ITG investigated 62 prerecorded voice message calls that law enforcement, voice service providers using honeypots (i.e., unassigned numbers held by providers to detect illegal robocalls), and customers of YouMail had flagged as illegal robocalls made without consent of the called party.² ITG conducted tracebacks and determined that Acrobat Communications, Inc., routed and transmitted the calls. ITG previously notified you of these calls and provided you access to supporting data identifying each call—including a recording and/or a description of the illegal robocall—as indicated in Attachment A. Further, the numerous traceback notices directed to Acrobat Communications, Inc., indicate that you are apparently routing and transmitting illegal robocall traffic knowingly. **IF YOU ARE ENGAGED IN THESE ACTIVITIES, THEN YOU MUST IMMEDIATELY CEASE AND DESIST FROM ENGAGING IN THEM.**

The FTC, the nation’s consumer protection agency, enforces the Federal Trade Commission Act (FTC Act), 15 U.S.C. § 45 et seq., which prohibits unfair or deceptive acts or practices in or affecting commerce. The FTC also enforces the Telemarketing Sales Rule (TSR), 16 C.F.R. Part 310, which prohibits deceptive and abusive telemarketing practices. Section 310.3(b) of the TSR prohibits “assisting and facilitating” certain specified conduct.³ Under that provision, it is unlawful for any person or entity to “provide substantial assistance or support to any seller or telemarketer when that person knows or consciously avoids knowing that the seller or telemarketer is engaged in any act or practice that violates Sections 310.3(a), (c), or (d), or Section 310.4 of this Rule.” These Sections prohibit, among others, the following conduct:

- Making a false or misleading statement to induce any person to pay for goods or services or to induce a charitable contribution (16 C.F.R. § 310.3(a)(4));
- Misrepresenting a seller or telemarketer’s affiliation with any government entity (16 C.F.R. § 310.3(a)(2)(vii));
- Transmitting false or deceptive caller ID numbers (16 C.F.R. § 310.4(a)(8));
- Initiating or causing the initiation of calls that deliver prerecorded messages,⁴ unless the person called provided the seller express written permission to call (16 C.F.R. § 310.4(b)(1)(v)); and
- Initiating or causing the initiation of telemarketing calls to numbers listed on the National Do Not Call Registry, unless the person called provided express written permission to

¹ See Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, 133 Stat. 3274, Sec. 13(d) (2019) (TRACED Act).

² See 16 C.F.R. § 310.4(b)(1)(v).

³ A copy of the TSR is attached as Attachment B.

⁴ These calls are often referred to as “robocalls.”

receive calls from the seller or the seller had an existing business relationship with the person called (16 C.F.R. § 310.4(b)(1)(iii)(B)).

The FTC can obtain civil penalties for TSR violations. Each illegal call is subject to a maximum civil penalty of \$50,120. *See* 16 C.F.R. § 1.98. In addition, a violation of the TSR is a violation of Section 5 of the FTC Act. *See* 15 U.S.C. §§ 6102(c), 57a(d)(3), 45(a). Accordingly, the FTC has authority to seek both preliminary and permanent injunctive relief to address TSR violations. *See* 15 U.S.C. § 53(b). The FTC may also seek the refund of money or payment of damages to address TSR violations. *See* 15 U.S.C. § 57b(b).

Combatting illegal telemarketing is a top priority for the FTC, with a special emphasis on halting illegal robocalls.⁵ We want you to be aware that the FTC has, for example, brought assisting and facilitating claims against technology companies that knowingly provided software and servers used by illegal robocallers, even though these technology companies did not contract directly with the illegal robocallers. *See FTC v. James B. Christiano*, Case No. 8:18-cv-00936 (C.D. Cal. May 31, 2018).

We also bring to your attention that the FTC has sued VoIP service providers for allegedly violating the TSR. In *FTC v. Educare*, the FTC alleged that defendant Globex Telecom, Inc. assisted and facilitated telemarketers it knew, or consciously avoided knowing, were violating the TSR's prohibitions on calls delivering prerecorded messages. *See FTC v. Educare Centre Services, Inc.*, No. 3:19-cv-00196-KC (W.D. Tex. Dec. 3, 2019).⁶ In September, 2020, Globex Telecom and its associates agreed to pay \$2.1 million to settle the FTC lawsuit, and Globex Telecom's former CEO and President was banned from telemarketing to the U.S. and was subject to a permanent court order.⁷ Similarly, in *FTC v. Alcazar Networks, Inc.*, the FTC alleged that Alcazar Networks, Inc. and its founder and sole owner assisted and facilitated telemarketers responsible for tens of millions of illegal telemarketing calls, including robocalls and spoofed calls that displayed "911" as the caller ID. *See FTC v. Alcazar Networks Inc., et al.*, No. 6:20-cv-2200 (M.D. Fla. Dec. 3, 2020).⁸ As part of their settlement with the FTC in January 2021, the defendants agreed to a permanent injunction that prohibits similar misconduct in the future and requires them to screen and monitor their customers, as well as imposing a monetary penalty.⁹

⁵ In 2022, the FTC received more than 2.7 million complaints about unwanted calls, including more than 1.61 million robocall complaints. The FTC maintains an interactive Tableau Public web page that publishes details about do not call complaints on a quarterly basis. *See* <https://public.tableau.com/profile/federal.trade.commission#!/vizhome/DoNotCallComplaints/Maps>.

⁶ A copy of the FTC's Amended Complaint is attached as Attachment C.

⁷ *See* <https://www.ftc.gov/news-events/press-releases/2020/09/globex-telecom-associates-will-pay-21-million-settling-ftcs-first>.

⁸ A copy of the FTC's Complaint is attached as Attachment D.

⁹ *See* <https://www.ftc.gov/news-events/press-releases/2020/12/ftc-takes-action-against-second-voip-service-provider>.

The FTC has business educational materials that can assist you in complying with the TSR. See <https://www.ftc.gov/tips-advice/business-center/guidance/complying-telemarketing-sales-rule>.

In addition to FTC regulations and the FTC's actions against providers of VoIP services, you should also be aware that the United States Department of Justice (DOJ), state attorneys general, and other agencies have brought civil actions against VoIP companies and their owners. In two cases, DOJ alleged that the defendants were committing and conspiring to commit wire fraud by knowingly transmitting robocalls that impersonated federal government agencies.¹⁰ In August 2020, a federal district court entered a permanent court order barring the defendants from conveying telephone calls into the U.S. telephone system.¹¹ State cases have had similar impacts.¹²

Within three business days, please send a message to FTC attorney Fil Maria de Banate via electronic mail at fdebanate@ftc.gov, certifying that Acrobat Communications, Inc., has ceased engaging in the activities described above that may subject it to liability under the TSR or the FTC Act. Please direct any inquiries regarding this letter to Mr. de Banate by email or by telephone at 216.263.3413.

Sincerely,



Jon Miller Steiger
Director

Enclosures:

- Attachment A (Chart of illegal robocalls)
- Attachment B (TSR)
- Attachment C (*Educare* Amended Complaint)
- Attachment D (*Alcazar* Complaint)

¹⁰ See <https://www.justice.gov/opa/pr/department-justice-files-actions-stop-telecom-carriers-who-facilitated-hundreds-millions>.

¹¹ See <https://www.justice.gov/opa/pr/district-court-enters-permanent-injunction-shutting-down-telecom-carriers-who-facilitated>.

¹² For example, the Vermont and Michigan Attorneys General have brought successful actions against VoIP providers who route scam robocall traffic. See <https://ago.vermont.gov/blog/2022/08/02/vermont-joins-nationwide-anti-robocall-task-force>; <https://www.michigan.gov/ag/news/press-releases/2020/08/07/ag-nessel-announces-settlement-eliminating-telecom-carrier-responsible-for-illegal-robocalls>; https://www.michigan.gov/documents/ag/Assurance_of_Voluntary_Compliance_-_All_Access_Telecom_FINAL_9-11-20_702047_7.pdf.

ATTACHMENT A

Date of ITG Notification	Date of Call	Caller ID	Robocall Campaign Identifier	Link to Robocall Recording	Potential Violation
9/12/2023	9/11/2023	18337024650	Chinese-Consulate-P2	https://portal.tracebacks.org/api/public/attachments/1367103	16 C.F.R. § 310.4(b)(1)(v)
9/12/2023	9/11/2023	18830407692	Chinese-Consulate-P2	https://portal.tracebacks.org/api/public/attachments/1367101	16 C.F.R. § 310.4(b)(1)(v)
9/11/2023	9/10/2023	18814906179	Chinese-ISP/Cable/Wireless-Impers	https://portal.tracebacks.org/api/public/attachments/1366713	16 C.F.R. § 310.4(b)(1)(v)
9/8/2023	9/7/2023	18001648845	Chinese-ISP/Cable/Wireless-Impers	https://portal.tracebacks.org/api/public/attachments/1366445	16 C.F.R. § 310.4(b)(1)(v)
9/8/2023	9/7/2023	180084004226	Chinese-ISP/Cable/Wireless-Impers	https://portal.tracebacks.org/api/public/attachments/1366439	16 C.F.R. § 310.4(b)(1)(v)
8/29/2023	8/24/2023	12109017157	Amazon-AuthorizeOrder-P2		16 C.F.R. § 310.4(b)(1)(v)
8/18/2023	8/17/2023	148722108109	Authorized-Order	https://portal.tracebacks.org/api/public/attachments/1361911	16 C.F.R. § 310.4(b)(1)(v)
8/18/2023	8/16/2023	131625733313	Amazon-AuthorizeOrder-P3	https://portal.tracebacks.org/api/public/attachments/1361613	16 C.F.R. § 310.4(b)(1)(v)
8/16/2023	8/15/2023	12120988957	Chinese-Consulate-P2	https://portal.tracebacks.org/api/public/attachments/1361074	16 C.F.R. § 310.4(b)(1)(v)
8/16/2023	8/14/2023	18000288727	Chinese-Consulate-P2	https://portal.tracebacks.org/api/public/attachments/1361072	16 C.F.R. § 310.4(b)(1)(v)
8/16/2023	8/14/2023	10800201006	Chinese-Consulate-P2	https://portal.tracebacks.org/api/public/attachments/1361070	16 C.F.R. § 310.4(b)(1)(v)
8/16/2023	8/15/2023	12121402587	Chinese-Consulate-P2	https://portal.tracebacks.org/api/public/attachments/1361068	16 C.F.R. § 310.4(b)(1)(v)
8/16/2023	8/15/2023	18000880701	Chinese-Consulate-P2	https://portal.tracebacks.org/api/public/attachments/1361066	16 C.F.R. § 310.4(b)(1)(v)
8/12/2023	8/10/2023	12121002409	Chinese-Consulate-P2	https://portal.tracebacks.org/api/public/attachments/1359539	16 C.F.R. § 310.4(b)(1)(v)
8/11/2023	8/9/2023	12120193771	Chinese-Consulate-P2	https://portal.tracebacks.org/api/public/attachments/1359537	16 C.F.R. § 310.4(b)(1)(v)
8/11/2023	8/9/2023	12121433493	Chinese-Consulate-P2	https://portal.tracebacks.org/api/public/attachments/1359535	16 C.F.R. § 310.4(b)(1)(v)
8/11/2023	8/9/2023	13616304948	Chinese-Consulate-P2	https://portal.tracebacks.org/api/public/attachments/1359533	16 C.F.R. § 310.4(b)(1)(v)
8/11/2023	8/10/2023	12121663563	Chinese-Consulate-P2	https://portal.tracebacks.org/api/public/attachments/1359531	16 C.F.R. § 310.4(b)(1)(v)
8/11/2023	8/10/2023	12121353410	Chinese-Consulate-P2	https://portal.tracebacks.org/api/public/attachments/1359529	16 C.F.R. § 310.4(b)(1)(v)
8/4/2023	8/3/2023	131631659077	CCIRR-P3FinancialImpers	https://portal.tracebacks.org/api/public/attachments/1356832	16 C.F.R. § 310.4(b)(1)(v)
7/25/2023	7/24/2023	18335881058	Amazon-AuthorizeOrder-P3	https://portal.tracebacks.org/api/public/attachments/1353154	16 C.F.R. § 310.4(b)(1)(v)
7/21/2023	7/20/2023	180078162565	Chinese-Consulate-P1	https://portal.tracebacks.org/api/public/attachments/1351659	16 C.F.R. § 310.4(b)(1)(v)
7/13/2023	7/10/2023	180028317463	Chinese-Consulate-P1	https://portal.tracebacks.org/api/public/attachments/1339640	16 C.F.R. § 310.4(b)(1)(v)
6/20/2023	6/12/2023	18335290394	Impersonation-Fraud-P1		16 C.F.R. § 310.4(b)(1)(v)
5/11/2023	5/9/2023	18334726304	Amazon-AuthorizeOrder-P3	https://portal.tracebacks.org/api/public/attachments/1310846	16 C.F.R. § 310.4(b)(1)(v)
4/5/2023	4/4/2023	2504304812	Financial-Impers-4	https://portal.tracebacks.org/api/public/attachments/1268949	16 C.F.R. § 310.4(b)(1)(v)
3/3/2023	2/28/2023	493031879564	Amazon-AuthorizeOrder-P3	https://portal.tracebacks.org/api/public/attachments/1249398	16 C.F.R. § 310.4(b)(1)(v)
3/2/2023	2/27/2023	4163023733	Recent-Purchase	https://portal.tracebacks.org/api/public/attachments/1246668	16 C.F.R. § 310.4(b)(1)(v)
2/28/2023	2/24/2023	48618225840	CCIRR-P3FinancialImpers	https://portal.tracebacks.org/api/public/attachments/1246817	16 C.F.R. § 310.4(b)(1)(v)
2/28/2023	2/27/2023	353214774291	CCIRR-P3FinancialImpers	https://portal.tracebacks.org/api/public/attachments/1246815	16 C.F.R. § 310.4(b)(1)(v)

2/28/2023	2/27/2023	393452818980	CCIRR-P3FinancialImpers	https://portal.tracebacks.org/api/public/attachments/1246813	16 C.F.R. § 310.4(b)(1)(v)
2/28/2023	2/27/2023	35924119000	CCIRR-P3FinancialImpers	https://portal.tracebacks.org/api/public/attachments/1246811	16 C.F.R. § 310.4(b)(1)(v)
2/23/2023	2/23/2023	353419846863	Authorized-Order-P1	https://portal.tracebacks.org/api/public/attachments/1244197	16 C.F.R. § 310.4(b)(1)(v)
2/17/2023	2/15/2023	2096298448	Recent-Purchase	https://portal.tracebacks.org/api/public/attachments/1239951	16 C.F.R. § 310.4(b)(1)(v)
2/16/2023	2/15/2023	2407164850	Recent-Purchase	https://portal.tracebacks.org/api/public/attachments/1239948	16 C.F.R. § 310.4(b)(1)(v)
2/16/2023	2/15/2023	2145002223	Recent-Purchase	https://portal.tracebacks.org/api/public/attachments/1239946	16 C.F.R. § 310.4(b)(1)(v)
2/16/2023	2/15/2023	2252476019	Recent-Purchase	https://portal.tracebacks.org/api/public/attachments/1239940	16 C.F.R. § 310.4(b)(1)(v)
2/16/2023	2/15/2023	2405958118	Recent-Purchase	https://portal.tracebacks.org/api/public/attachments/1239938	16 C.F.R. § 310.4(b)(1)(v)
1/31/2023	1/26/2023	7681619368	Financial-Impers-4	https://portal.tracebacks.org/api/public/attachments/1222033	16 C.F.R. § 310.4(b)(1)(v)
1/31/2023	1/30/2023	8724510060	Financial-Impers-4	https://portal.tracebacks.org/api/public/attachments/1222028	16 C.F.R. § 310.4(b)(1)(v)
1/31/2023	1/30/2023	8957467059	Financial-Impers-4	https://portal.tracebacks.org/api/public/attachments/1222026	16 C.F.R. § 310.4(b)(1)(v)
1/3/2023	12/28/2022	48535158980	Amazon-Various-P1	https://portal.tracebacks.org/api/public/attachments/1194029	16 C.F.R. § 310.4(b)(1)(v)
1/3/2023	12/29/2022	359885544505	Amazon-Various-P1	https://portal.tracebacks.org/api/public/attachments/1194027	16 C.F.R. § 310.4(b)(1)(v)
10/15/2022	10/5/2022	0603449329	Financial-Impers-4	https://portal.tracebacks.org/api/public/attachments/1074513	16 C.F.R. § 310.4(b)(1)(v)
9/16/2022	9/13/2022	302102623351	Amazon-AuthorizeOrder-P3	https://portal.tracebacks.org/api/public/attachments/1037794	16 C.F.R. § 310.4(b)(1)(v)
9/16/2022	9/14/2022	48506057111	Amazon-AuthorizeOrder-P3	https://portal.tracebacks.org/api/public/attachments/1037785	16 C.F.R. § 310.4(b)(1)(v)
8/30/2022	8/25/2022	48322713133	Utility-DisconnectVarious-P1	https://portal.tracebacks.org/api/public/attachments/1018540	16 C.F.R. § 310.4(b)(1)(v)
7/12/2022	7/10/2022	48782983373	Chinese-ExpressReturn	https://portal.tracebacks.org/api/public/attachments/952441	16 C.F.R. § 310.4(b)(1)(v)
5/9/2022	5/7/2022	5888897638	Amazon-SuspiciousCharge-P1	https://portal.tracebacks.org/api/public/attachments/838939	16 C.F.R. § 310.4(b)(1)(v)
5/9/2022	5/6/2022	5888833388	Amazon-SuspiciousCharge-P1	https://portal.tracebacks.org/api/public/attachments/838937	16 C.F.R. § 310.4(b)(1)(v)
2/28/2022	2/20/2022	2703124468	Amazon-AuthorizeOrder	https://portal.tracebacks.org/api/public/attachments/707400	16 C.F.R. § 310.4(b)(1)(v)
2/22/2022	2/19/2022	6068838284	Amazon-AuthorizeOrder	https://portal.tracebacks.org/api/public/attachments/707398	16 C.F.R. § 310.4(b)(1)(v)
2/15/2022	2/11/2022	9373670860	SSA-KindlyPressOne	https://portal.tracebacks.org/api/public/attachments/694447	16 C.F.R. § 310.4(b)(1)(v)
2/10/2022	2/9/2022	40774926332	Amazon-SuspiciousCharge	https://portal.tracebacks.org/api/public/attachments/683952	16 C.F.R. § 310.4(b)(1)(v)
2/10/2022	2/8/2022	8974201924	Amazon-SuspiciousCharge	https://portal.tracebacks.org/api/public/attachments/683944	16 C.F.R. § 310.4(b)(1)(v)
1/21/2022	1/19/2022	9498417995	SSA-KindlyPressOne	https://portal.tracebacks.org/api/public/attachments/643799	16 C.F.R. § 310.4(b)(1)(v)
1/21/2022	1/15/2022	5028313839	Amazon-AuthorizeOrder	https://portal.tracebacks.org/api/public/attachments/638980	16 C.F.R. § 310.4(b)(1)(v)
1/6/2022	1/5/2022	7725223189	Amazon-AuthorizeOrder	https://portal.tracebacks.org/api/public/attachments/624223	16 C.F.R. § 310.4(b)(1)(v)
12/20/2021	12/14/2021	8883405713	Amazon-SuspiciousCharge	https://portal.tracebacks.org/api/public/attachments/604159	16 C.F.R. § 310.4(b)(1)(v)
7/14/2021	7/12/2021	254716059449	FedReserv-Impers	https://portal.tracebacks.org/api/public/attachments/280180	16 C.F.R. § 310.4(b)(1)(v)
1/26/2021	1/25/2021	3035295186	SSA-CalltheSSA	https://portal.tracebacks.org/api/public/attachments/28872	16 C.F.R. § 310.4(b)(1)(v)

1/25/2021	1/22/2021	2285918691	SSA-CalltheSSA	https://portal.tracebacks.org/api/public/attachments/28736	16 C.F.R. § 310.4(b)(1)(v)
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