

VT SUPERIOR COURT
WASHINGTON UNIT

STATE OF VERMONT
SUPERIOR COURT
WASHINGTON UNIT

2012 JUN 12 P 2:55

STATE OF VERMONT,)
)
 Plaintiff)
)
 v.)
)
 BLVD NETWORK, LLC, COAST TO)
 COAST VOICE, LLC, EMERGENCY)
 ROADSIDE VOICEMAIL, LLC, EMPIRE)
 VOICE SYSTEMS, LLC, FIRST RATE)
 VOICE SERVICES, LLC, METELINE)
 TECH, INC., PBA SERVICES, INC.,)
 PERSONAL CONTACT SOLUTIONS, LLC,)
 ROADSIDE PAL, LLC, SELECTED)
 OPTIONS, INC., SELECTED SERVICES,)
 INC., TRIVOICE INTERNATIONAL, LTD.,)
 USA VOICE MAIL, INC., VOICEMAIL)
 SOLUTIONS, LLC, VOX TRAIL, LTD.,)
)
 Defendants)

FILED

CIVIL DIVISION
Docket No. 451-6126rcv

PETITION TO ENFORCE CIVIL INVESTIGATIVE SUBPOENAS

I. Introduction

1. The Vermont Attorney General brings this suit under the Vermont Consumer Protection Act, 9 V.S.A. § 2460(c), to enforce civil investigative subpoenas issued to 15 sellers of services that are believed to have been wrongly billed to Vermont consumers' local telephone bills.

II. Parties, Jurisdiction and Related Matters

2. Defendant BLVD Network, LLC, is a seller of services whose last known address is in Washington, DC. BLVD charged more than 220 Vermont consumers at least \$18,000 on their local telephone bills for those services.

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ATTORNEY
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109 State Street
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3. Defendant Coast to Coast Voice, LLC, is a seller of services whose last known address is in the State of New Hampshire. Coast to Coast charged 340 or more Vermont consumers at least \$24,000 on their local telephone bills for those services.

4. Defendant Emergency Roadside Voicemail, LLC, is a seller of services whose last known address is in the State of New York. Emergency Roadside charged more than 250 Vermont consumers at least \$22,000, net of refunds, on their local telephone bills for those services.

5. Defendant Empire Voice Systems, LLC, is a seller of services whose last known address is in the State of Florida. Empire charged more than 510 Vermont consumers at least \$32,000, net of refunds, on their local telephone bills for those services.

6. Defendant First Rate Voice Services, LLC, is a seller of services whose last known address is in the State of Florida. First Rate charged more than 200 Vermont consumers at least \$16,000, on their local telephone bills for those services.

7. Defendant Meteline Tech, Inc., is a seller of services whose last known address is in the State of Florida. Meteline charged more than 560 Vermont consumers at least \$42,000, on their local telephone bills for those services.

8. Defendant PBA Services, Inc., is a seller of services whose last known address is in the State of Florida. PBA charged more than 280 Vermont consumers at least \$20,000, net of refunds, on their local telephone bills for those services.

9. Defendant Personal Contact Solutions, LLC, is a seller of services whose last known address is in the State of Florida. Personal Contact charged more than 350 Vermont consumers at least \$26,000, net of refunds, on their local telephone bills for those services.

10. Defendant Roadside Pal, LLC, is a seller of services whose last known address is in the State of New York. Roadside Pal charged more than 140 Vermont consumers at least \$19,000, on their local telephone bills for those services.

11. Defendant Selected Options, Inc., is a seller of services whose last known address is in the State of Nevada. Selected Options charged more than 270 Vermont consumers at least \$21,000, on their local telephone bills for those services.

12. Defendant Selected Services, Inc., is a seller of services whose last known address is in the State of Florida. Selected Services charged more than 390 Vermont consumers at least \$28,000, net of refunds, on their local telephone bills for those services.

13. Defendant TriVoice International, Ltd., is a seller of services whose last known address is in the State of Missouri. TriVoice charged more than 330 Vermont consumers at least \$32,000, on their local telephone bills for those services.

14. Defendant USA Voice Mail, Inc., is a seller of services whose last known address is in the State of Florida. USA Voice Mail charged more than 200 Vermont consumers at least \$23,000, on their local telephone bills for those services.

15. Defendant Voicemail Solutions, LLC, is a seller of services whose last known address is in the State of Maryland. Voicemail Solutions charged more than 290 Vermont consumers at least \$25,000, on their local telephone bills for those services.

16. Defendant VoxTrail, Ltd., is a seller of services whose last known address is in the State of Washington. VoxTrail charged more than 190 Vermont consumers at least \$8,000, net of refunds, on their local telephone bills for those services.

17. The Vermont Attorney General is authorized under the Vermont Consumer Protection Act, 9 V.S.A. § 2460(a) and (c), to issue and to enforce Civil Investigative Subpoenas seeking information relating to potential violations of the Act's prohibitions on unfair and deceptive acts and practices in commerce.

18. This Court has personal jurisdiction over Defendants and is the proper venue for this action, based on the marketing and sale of services by Defendants, their placement of charges on local telephone bills throughout Vermont, and their non-resident status in Vermont. 9 V.S.A. § 2460(c).

III. Statutory Framework

19. The Vermont Consumer Protection Act, 9 V.S.A. § 2453(a), prohibits unfair and deceptive acts and practices in commerce.

20. Charging consumers for goods or services on their telephone bills without the consumers' consent—a practice called “cramming”—is an unfair and deceptive practice in commerce.

21. Under 9 V.S.A. § 2460(a), the Attorney General has the authority, when he has reason to believe that any person is or has been in violation of the Consumer Protection Act, to “examine or cause to be examined by any agent or representative designated by him or her for that purpose, any books, records, papers, memoranda and physical objects of whatever nature bearing upon each alleged violation, and may demand written responses under oath to questions bearing upon each alleged violation.”

22. Such demands are issued as Civil Investigative Subpoenas, sent, as required by 9 V.S.A. § 2460(a), at least ten days prior to the date of such examination, by certified mail.

23. Under 9 V.S.A. § 2460(b), a person on whom such notice is served “shall comply with the terms thereof unless otherwise provided by the order of a court of this state.”

24. Under 9 V.S.A. § 2460(c),

[w]henever any person fails to comply with any notice served upon him under this section or whenever satisfactory copying or reproduction of any such material cannot be done and such person refuses to surrender such material, the attorney general ... may file, in the superior court ... in Washington county if such person is a nonresident or has no principal place of business in this state, and serve upon such person, a petition for an order of such court for the enforcement of this section. Whenever any petition is filed under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this section. Any disobedience of any order entered under this section by any court shall be punished as a contempt thereof.

25. The Consumer Protection Act is a remedial statute that is to be interpreted liberally to achieve its purpose of protecting consumers, and whose requirements on businesses are to be strictly construed to that end.

IV. Facts

26. Between April 24 and May 10, 2012, the Vermont Attorney General’s Office sent Civil Investigative Subpoenas to all of the named Defendants in this action by certified mail to their registered agents.

27. The Attorney General’s Office had reason to believe that Defendants had engaged in cramming Vermont consumers, based, among other things, on (a) a report of the United States Senate Committee on Commerce, Science, and Transportation’s Office of Oversight and Investigations Majority Staff, *Unauthorized Charges on Telephone Bills* (July 12, 2011), (b) company reports from the Better Business Bureau; and (c) a review of complaints on the Federal Trade Commission’s confidential database, Consumer Sentinel.

28. All Defendants received, and signed for, their Civil Investigative Subpoena.

29. Despite the passage of over one month since the issuance of the last of the Civil Investigative Subpoenas, none of the Defendants have responded to their Civil Investigative Subpoena, nor have any of them indicated that they will do so.

V. Cause of Action: Refusal to Comply with Subpoena

30. Defendants have violated the Vermont Consumer Protection Act, 9 V.S.A. § 2460, by refusing to comply with duly issued Civil Investigative Subpoenas.

WHEREFORE Plaintiff State of Vermont requests judgment in its favor and:

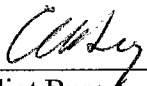
1. The issuance of an order requiring Defendants to respond fully and promptly to the Civil Investigative Subpoenas issued to them by the Attorney General's Office.
2. Such other relief as the Court deems appropriate.

Dated: 6/13/12

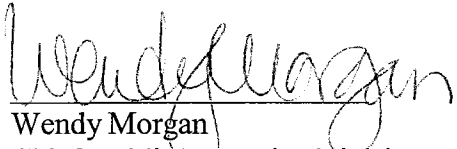
STATE OF VERMONT

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