

15-2002-8600-021  
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IN THE DISTRICT COURT OF OKLAHOMA AND DISTRICT COURT  
STATE OF OKLAHOMA, OKLAHOMA COUNTY, OKLA.

OCT 15 2002

STATE OF OKLAHOMA, ex rel., )  
W.A. DREW EDMONDSON, )  
ATTORNEY GENERAL OF OKLAHOMA, )

PATRICK PRESLEY, COURT CLERK  
Deputy

Plaintiff,

vs.

CJ-2002-8600  
Case No.

CTI BUSINESS MANAGEMENT SYSTEMS, )  
LLC, )  
Defendant, )

PETITION

Comes now, Plaintiff, the State of Oklahoma ex rel. W.A. Drew Edmondson, Attorney General, and for its causes of action against CTI Business Management Systems LLC, hereafter "Defendant," alleges and states as follows:

JURISDICTION AND VENUE

1. That this petition is filed and these proceedings are instituted under the provisions of the Consumer Protection Act, 15 O.S. 2001 §751 et. seq., and the Commercial Telephone Solicitation Act, 15 O.S. 2001 §775A.1 et. seq.
2. That standing of the Attorney General to commence this action is conferred by 15 O.S. 2001 §756.1.
3. That this Court is the proper venue for this action.

### **PARTIES**

4. That this action is brought in the public interest by W.A. Drew Edmondson, the duly elected Attorney General for the State of Oklahoma to prohibit Defendant from operating in Oklahoma as an unregistered commercial telephone seller in violation of 15 O.S. 2001 §775A.4; operating an automatic dial announcing device in violation of 15 O.S. 2001 §755.1; and from engaging in unfair and deceptive trade practices in violation of 15 O.S. 2001 §753(20).

5. That the Attorney General brings this action to obtain restitution, civil penalties and injunctive relief pursuant to 15 O.S. 2001 §756.1 and 15 O.S. 2001 §761.1 of the Oklahoma Consumer Protection Act.

6. That Defendant is a Texas corporation with its principal place of business in Houston, Texas. The registered agent for service of process is John E. Turner, 12727 Featherwood, Suite 111, Houston, Texas 77034. Defendant is engaged in the sale of automatic dial announcing devices to Oklahoma consumers. Defendant is not registered as a corporation or as any other business entity with the Oklahoma Secretary of State.

7. That any reference to the acts, practices, or omissions of Defendant shall include those acts, practices, or omissions of Defendant's officers, directors, employees, representatives, billing and collections agents, or other agents.

### **FACTUAL ALLEGATIONS AND VIOLATIONS**

8. That Defendant is now, and has been at all times relevant to this cause of action, transacting business in Oklahoma as a commercial telephone seller, as defined in 15 O.S. 2001 §775A.2, of automatic dial announcing devices to Oklahoma consumers.

9. That Defendant markets its automatic dial announcing devices to Oklahoma consumers through the use of commercial telephone solicitations as defined in 15 O.S. 2001 §775A.2.

10. That before doing business in the State of Oklahoma, commercial telephone sellers are required to register with the Attorney General's Office pursuant to 15 O.S. 2001 §775A.3.

11. That Defendant has failed to register with the Attorney General's Office and is engaged in commercial telephone sales in the State of Oklahoma in violation of 15 O.S. 2001 §775A.4.

12. That Defendant markets its automatic dial announcing devices to Oklahoma consumers through the use of an automatic dial announcing device in violation of 15 O.S. 2001 §755.1. Specifically, the commercial telephone solicitations placed by Defendant through its automatic dial announcing device are not initiated by a live operator who gives the caller the option to disconnect prior to the playing of a prerecorded voice message.

13. That Defendant is engaging in unfair and deceptive trade practices in violation of 15 O.S. §2001 753(20). Specifically, Defendant fails to advise consumers of the requirement under Oklahoma law that calls from an automatic dial announcing device be initiated by a live operator, even in instances when a consumer has made Defendant aware of the consumer's intentions to use the device without a live operator and Defendant's form contract indicates Defendant is fully aware of Oklahoma law. Furthermore, once a consumer becomes aware of Oklahoma's legal requirements and seeks to return the automatic dial announcing device to

Defendant for a refund, Defendant's response is to refuse delivery, and to advise the consumer of ways to circumvent Oklahoma law.

14. Although not prerequisite to the granting of injunctive relief pursuant to the Oklahoma Consumer Protection Act, this Court should note that irreparable harm will result to Oklahoma consumers, businesses, and institutions if Defendant is not immediately restrained from the deceptive acts and practices set forth in the Petition. Furthermore, Oklahoma consumers have no adequate remedy at law. In addition, Plaintiff respectfully submits that it is prepared to demonstrate a substantial probability of success on the merits with respect to this cause of action.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiff, State of Oklahoma, prays for relief as follows:

15. That the Court adjudge and decree that the Defendant has engaged in the conduct complained of in this petition.

16. That the Court adjudge and decree that the Defendant's acts and practices as described in this petition are in violation of Oklahoma law.

17. That the Court issue a permanent injunction, authorized by 15 O.S. 2001 § 756.1(A)(2), enjoining and restraining the Defendant, its officers, agents, servants, employees, successors, assigns, and all persons in active concert or participation with the Defendant, from engaging in the conduct outlined in this petition.

18. That the Court assess a civil penalty, pursuant to 15 O.S. 2001 §761.1<sup>(b)</sup>) of up to \$10,000.00 per violation, against Defendant, for each and every violation of 15 O.S. 2001 §

753(20), 15 O.S. 2001 §755.1; and 15 O.S. 2001 §775A.4 caused by the conduct outlined in this petition.

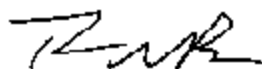
19. That the Court make such orders pursuant to 15 O.S. 2001 §756.1 as it deems appropriate to provide for restitution or damages to consumers of money acquired by Defendant as a result of the conduct outlined in this petition

20. That the Court award and allow the Plaintiff, State of Oklahoma, to recover from the Defendant the costs and expenses of this action, including reasonable attorney's fees and investigative costs as provided by 15 O.S. 2001 §761.1(D).

21. For such other relief as the Court may deem just and proper to fully and effectively dissipate the effect of the conduct complained of in this petition or which may otherwise seem proper to the Court.

**DATED** this 15<sup>th</sup> day of October, 2002.

W.A. DREW EDMONDSON  
ATTORNEY GENERAL



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