

JOSHUA H. STEIN  
ATTORNEY GENERAL



TRACY NAYER  
SPECIAL DEPUTY ATTORNEY GENERAL

February 6, 2024

Walter Monk, Founding Owner  
Amber Valdez Schober, President  
Christina Beetler, Vice President  
Brandy Monk Derrick, Secretary/Treasurer  
Life Corporation  
1527 S Cooper Street  
Arlington, TX 76010  
c/o Corporation Service Company d/b/a CSC—Lawyers Incorporating Service Company  
211 E. 7th Street, Suite 620  
Austin, TX 78701-3218  
*Sent via certified mail, return receipt requested, and via email to [wmonk@lifecorp.com](mailto:wmonk@lifecorp.com),  
[avaldez@lifecorp.com](mailto:avaldez@lifecorp.com), [aschober@lifecorp.com](mailto:aschober@lifecorp.com), [cbaird@lifecorp.com](mailto:cbaird@lifecorp.com)*

**Re: NOTICE from the Anti-Robocall Multistate Litigation Task Force Concerning  
Life Corporation’s Involvement in Suspected Illegal Robocall Traffic**

Dear Mr. Monk and Mses. Schober, Beetler, and Monk Derrick:

The Anti-Robocall Multistate Litigation Task Force (“Task Force”)<sup>1</sup> has received information identifying your company—Life Corporation (“Life Corp”)—as the originating calling customer responsible for transmitting suspected illegal robocall traffic leading up to the New Hampshire Presidential Primary Election on Tuesday, January 23, 2024.

It appears that Life Corp originated an artificially generated robocall campaign sought to dissuade New Hampshire voters from participating in last week’s primary.<sup>2</sup> The Task Force has immediate concerns that this attempt to disrupt New Hampshire’s Presidential Primary Election is something that Life Corp, its subsidiaries, affiliates, customers, and/or other individuals or entities in the robocall ecosystem may seek to replicate in each of our respective states in the upcoming

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<sup>1</sup> The Anti-Robocall Multistate Litigation Task Force is a 51-member collective of State Attorneys General, led by the Attorneys General of Indiana, North Carolina, and Ohio, which is focused on actively investigating and pursuing enforcement actions against various entities in the robocall ecosystem that are identified as being responsible for significant volumes of illegal and fraudulent robocall traffic routed into and across the country.

<sup>2</sup> See, e.g., *Fake Joe Biden robocall tells New Hampshire Democrats not to vote Tuesday*, NBC News, Jan. 22, 2024, <https://www.nbcnews.com/politics/2024-election/fake-joe-biden-robocall-tells-new-hampshire-democrats-not-vote-tuesday-rcna134984>.

primary elections and caucuses during this year’s Presidential election cycle. This Notice is intended to inform Life Corp about the Task Force’s concerns regarding its apparent involvement in this call campaign, and to caution Life Corp that it should cease originating any illegal call traffic immediately. Transmission of these calls may be violations of the Telephone Consumer Protection Act,<sup>3</sup> the Truth in Caller ID Act,<sup>4</sup> as well as state consumer protection statutes.

### **Task Force’s Concerns about Calls Originated by Life Corp**

As part of its investigation into the transmission of illegal robocalls and those who originate them, the Task Force regularly reviews call traffic information provided by industry sources, including USTelecom’s Industry Traceback Group (“ITG”).<sup>5</sup> As of the date of this Notice, the ITG has issued at least ten (10) traceback notices concerning this calling campaign. Based on information available to the Task Force, each of those calls was originated by Life Corp.

Our investigation indicates that the calling phone number was illegally spoofed, likely in a further attempt to confuse potential voters. The Task Force is concerned about Life Corp’s involvement in any attempt to deliberately falsify information transmitted to New Hampshire primary voters’ caller ID displays. Additionally, the Task Force is concerned that some portion of the spoofed calls were marked with A-level STIR/SHAKEN attestations by Lingo Telecom, LLC<sup>6</sup> (“Lingo”), which was identified as the originating provider for a majority of the traced calls. By affixing an A-level attestation, it appears that, not only did Life Corp wrongfully use this calling number, but that Lingo improperly attested that Life Corp had the legal right to use the allegedly

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<sup>3</sup> 47 U.S.C. § 227; 47 C.F.R. § 64.1200.

<sup>4</sup> 47 U.S.C. § 227(e); 47 C.F.R. § 64.1604.

<sup>5</sup> Established in 2015, the ITG is a private collaborative industry group—composed of providers across wireline, wireless, VOIP, and cable services—that traces and identifies the sources of suspected illegal and suspicious robocalls. In December 2019, Congress enacted the Pallone–Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (“TRACED Act”) to combat the scourge of unlawful robocalls. *See* Pub. L. No. 116-105, § 13(d), 133 Stat. 3274 (2019). Following its enactment, the Federal Communications Commission designated the ITG as the official private-led traceback consortium charged with leading the voice communications industry’s efforts to trace the origin of suspected illegal robocalls through various communications networks through tracebacks. *See* 47 C.F.R. § 64.1203.

<sup>6</sup> Lingo Telecom, LLC is associated with several entity names including Matrix Telecom, LLC, Impact Telecom, Americatel, BullsEye Telecom, Inc., Clear Choice Communications, Excel Telecommunications, Startec, and VarTec Telecom. *See* FCC Form 499 Filer Database, *available at* <https://apps.fcc.gov/cgb/form499/499detail.cfm?FilerNum=802572> (499 Entry for Lingo Telecom, LLC); FCC Robocall Mitigation Database, *available at* [https://fccprod.servicenowservices.com/rmd?id=rmd\\_form&table=x\\_g\\_fmc\\_rmd\\_robocall\\_mitigation\\_database&sys\\_id=464896b91b4db4107ccf20ecac4bcbe1&view=sp](https://fccprod.servicenowservices.com/rmd?id=rmd_form&table=x_g_fmc_rmd_robocall_mitigation_database&sys_id=464896b91b4db4107ccf20ecac4bcbe1&view=sp) (RMD entry for Lingo Telecom, LLC); FCC Robocall Mitigation Database, *available at* [https://fccprod.servicenowservices.com/rmd?id=rmd\\_form&table=x\\_g\\_fmc\\_rmd\\_robocall\\_mitigation\\_database&sys\\_id=889eb7a21befa01002beea82f54bcbe5&view=sp](https://fccprod.servicenowservices.com/rmd?id=rmd_form&table=x_g_fmc_rmd_robocall_mitigation_database&sys_id=889eb7a21befa01002beea82f54bcbe5&view=sp) (RMD entry for Matrix Telecom, LLC).

spoofed number. Further, our initial review of over 20,000 of the calls made from this illegally spoofed calling number during the two days prior to the New Hampshire Primary Election shows that some of the calls exhibited patterns that were consistent with a Telephony Denial of Service or “TDoS” attack.<sup>7</sup> The Task Force also has reason to believe there was an intention to cause harm to prospective voters by attempting to discourage them from exercising their constitutionally protected right to vote and to cause harm to the subscriber of the phone number that was spoofed.

Thus, the information available to the Task Force indicates that Life Corp is involved in, at a minimum, originating call traffic indicative of, and associated with, illegal and/or suspicious robocalling campaigns and/or practices, which conduct could subject Life Corp to damages, civil penalties, injunctions, and other available relief provided to State Attorneys General under both federal and state laws.

### **Overview of Select Relevant Laws**

#### Telephone Consumer Protection Act (47 U.S.C. § 227; 47 C.F.R. § 64.1200)

Under the Telephone Consumer Protection Act (“TCPA”), the Federal Communications Commission (“FCC”) promulgated rules restricting calls made with automated telephone dialing systems and calls delivering artificial or prerecorded voice messages.<sup>8</sup> Additionally, the TCPA generally prohibits solicitation calls placed to numbers on the National Do Not Call Registry.<sup>9</sup> State Attorneys General are authorized to bring enforcement actions to enjoin violative calls and recover substantial civil penalties for *each violation* of the TCPA.<sup>10</sup> The TCPA exempts from its prohibitions calls made for emergency purposes and certain other calls,<sup>11</sup> including those made with the “prior express consent” of the called party or with “prior express *written* consent” of the called party for telemarketing calls.<sup>12</sup> Note, however, single consents purportedly given by a consumer to large groups of marketers listed on an alternate webpage are insufficient to satisfy this exemption.<sup>13</sup>

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<sup>7</sup> A Telephony Denial of Service or “TDoS” attack is an intentional attack on the telephony/voice service communications system of an organization intended to disrupt service by flooding the network with multiple and malicious inbound calls. A TDoS attack can be made against private business or public-safety response systems (also known as “PSAPs” or public safety answering points) such as 911 centers, police departments, and hospitals.

<sup>8</sup> 47 U.S.C. §§ 227(b)(1)(A)(iii), (b)(1)(B); 47 C.F.R. § 64.1200(a)(1)–(3).

<sup>9</sup> 47 U.S.C. § 227(c); 47 C.F.R. § 64.1200(c)(2).

<sup>10</sup> 47 U.S.C. § 227(g)(1).

<sup>11</sup> 47 U.S.C. §§ 227(b)(1)(A)–(B), (b)(2)(B); 47 C.F.R. §§ 64.1200(a)(1)–(3), (a)(9).

<sup>12</sup> 47 U.S.C. §§ 227(b)(1)(A)–(B); 47 C.F.R. §§ 64.1200(a)(1)–(3), (f)(9).

<sup>13</sup> For example, in November 2022, the FCC issued an order requiring all voice service providers to block calls from provider Urth Access, LLC. In response to allegations concerning the transmission of illegal robocalls, Urth Access claimed to have obtained express consent for each of the calls. However, that consent stemmed from websites where consumers purportedly agreed to receive robocalls from over 5,000 “marketing partners” listed on a separate site. The FCC found

Truth in Caller ID Act (47 U.S.C. § 227(e); 47 C.F.R. § 64.1604)

Under the federal Truth in Caller ID Act, it is generally unlawful for a person to “knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value.”<sup>14</sup> State Attorneys General have the authority to bring enforcement actions for violations of the Truth in Caller ID Act and its prohibition against illegal caller identification spoofing.<sup>15</sup> Such violative conduct can lead to assessments of civil penalties of up to \$10,000 for each violation, or three times that amount for each day of continuing violations.<sup>16</sup> Note that any penalties for violations of the Truth in Caller ID Act are in addition to those assessed for any other penalties provided for by the TCPA.<sup>17</sup>

Telemarketing Sales Rule (15 U.S.C. §§ 6101–6108; 16 C.F.R. Part 310)

In 1994, Congress passed the Telemarketing and Consumer Fraud and Abuse Prevention Act which directed the Federal Trade Commission (“FTC”) to prescribe rules prohibiting deceptive telemarketing acts or practices.<sup>18</sup> Pursuant to this directive, the FTC promulgated the Telemarketing Sales Rule (“TSR”). It is a violation of the TSR for sellers or telemarketers to violate TSR provisions against deceptive and abusive telemarketing acts or practices,<sup>19</sup> and for voice service providers to provide substantial assistance to sellers or telemarketers that the provider “knows or consciously avoids knowing” are engaged in practices that violate TSR provisions

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this type of agreement insufficient to constitute express consent. *See FCC Orders Voice Service Providers to Block Student Loan Robocalls*, <https://www.fcc.gov/document/fcc-orders-voice-service-providers-block-student-loan-robocalls> (Order); *FCC Issues Robocall Cease-and-Desist Letter to Urth Access*, <https://www.fcc.gov/document/fcc-issues-robocall-cess-and-desist-letter-urth-access> (Cease-and-Desist Letter). Additionally, in December 2023, the FCC issued a Second Report and Order determining that prior express written consent required under the TCPA must be given to one seller at a time. *See Second Report and Order and Second Further Notice of Proposed Rulemaking, Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, CG Docket No. 02-278 (Dec. 18, 2023)*, <https://www.fcc.gov/document/fcc-closes-lead-generator-robocall-loophole-adopts-robotext-rules>. We note also that this interpretation is consistent with the FTC’s interpretation of the express consent requirement of the TSR. *See Federal Register, Vol. 73 No. 169, 2008 at 51182*, <https://www.govinfo.gov/content/pkg/FR-2008-08-29/pdf/E8-20253.pdf>; (Consumer’s agreement with a seller to receive calls delivering prerecorded messages is nontransferable); *FTC, Complying with the Telemarketing Sales Rule, The Written Agreement Requirement* (<https://www.ftc.gov/business-guidance/resources/complying-telemarketing-sales-rule#writtenagreement>).

<sup>14</sup> 47 U.S.C. § 227(e)(1); 47 C.F.R. § 64.1604.

<sup>15</sup> 47 U.S.C. § 227(e)(6).

<sup>16</sup> 47 U.S.C. §§ 227(e)(6)(A).

<sup>17</sup> *Id.*

<sup>18</sup> 15 U.S.C. § 6102.

<sup>19</sup> 16 C.F.R. §§ 310.3, 310.4.

against deceptive and abusive telemarketing acts or practices.<sup>20</sup> State Attorneys General have concurrent authority with the FTC to sue to obtain damages, restitution, or other compensation on behalf of their citizens for violations of the TSR.<sup>21</sup>

### General Note regarding State Laws

In addition to their authority to enforce the above federal statutes, State Attorneys General are empowered to enforce their respective state laws regulating various aspects of the initiation and transmission of illegal robocall and telemarketing call traffic across the U.S. telephone network. Originating callers and voice service providers transmitting calls into and throughout the states are obligated to familiarize themselves with, and abide by, all applicable state laws.

### Requested Action in Response to this Notice

We request that you review this Notice in detail and carefully scrutinize and actively investigate any suspected illegal call traffic that you have originated to ensure that you are following all applicable federal and state laws and regulations, including those referenced above. If further investigation shows that you have originated, and continue to originate, calls not dissimilar from the campaign highlighted in this Notice, the Task Force may decide to pursue an enforcement action against you and your principal owners and operators. Additionally, this Notice *does not* waive or otherwise preclude the Task Force from bringing an enforcement action related to conduct preceding the date of this Notice, including conduct that resulted in violations related to the call traffic referenced in this Notice.

The Task Force remains steadfast in its resolve to meaningfully curb illegal robocall traffic and to quickly act against those who seek to disrupt voter participation in our respective states' upcoming primary elections and caucuses during this year's Presidential election cycle. Please direct any inquiries regarding this Notice to my attention at [tnayer@ncdoj.gov](mailto:tnayer@ncdoj.gov).

Your anticipated cooperation and immediate attention are greatly appreciated.

Sincerely,



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Tracy Nayer  
Special Deputy Attorney General  
Consumer Protection Division  
North Carolina Department of Justice

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<sup>20</sup> 16 C.F.R. § 310.3(b).

<sup>21</sup> 15 U.S.C. § 6103; 16 C.F.R. § 310.7.