

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION**

STATE OF INDIANA,

Plaintiff,

v.

STARTEL COMMUNICATION LLC; WANDA
M. HALL, individually; ABHIJIT CHOWDHURY,
individually; PIRATEL LLC; and RAPID EAGLE
INC. DBA VOIP ESSENTIAL INC.

Defendants.

CASE NO. 3:21-cv-00150-RLY-MPB

CONSENT DECREE

Plaintiff, the State of Indiana, by and through its Attorney General Todd Rokita (“Plaintiff”), by counsel, Joseph D. Yeoman, Deputy Attorney General, having filed a Complaint (“Complaint”), and Defendants, Startel Communication LLC, and Wanda M. Hall (“Startel”, “Hall,” or “Defendants”), hereby enter into this Consent Decree without trial or adjudication of any issue of fact or law.

The parties believe it is in their best interests to resolve the issues presented by the State’s Complaint and avoid further litigation. The Consent Decree does not constitute an admission by Defendants of any violation of the Telemarketing and Consumer Fraud and Abuse Prevention Act (“Telemarketing Act”), 15 U.S.C. § 6103(e); the Telemarketing Sales Rule (“TSR”), 16 C.F.R. § Part 310; the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227; Indiana Telephone Solicitation of Consumers Act, Ind. Code 24-4.7; the Indiana Regulation of Automatic Machines

Dialing Act, Ind. Code 24-5-14; or violation of any applicable law, which it specifically denies, nor shall it be construed as an abandonment by the State of its assertion that Defendants violated those statutes. The parties consent to entry of a final judgment in this proceeding by the Court and accept this Consent Decree as a final determination of the issues resolved herein.

JURISDICTION AND SCOPE OF JUDGMENT

1. This Court has jurisdiction and venue over the subject matter of this action and the parties hereto.
2. Startel Communication LLC is a limited liability company formed under the laws of the State of Indiana.
3. Wanda M. Hall is a resident of the State of Indiana.
4. Hall is or was an Officer of Startel Communication LLC.
5. Abhijit Chowdhury is or was an Officer of Startel Communication LLC.
6. Abhijit Chowdhury is or was a resident of India.
7. This Consent Decree constitutes a complete settlement and release by the State of all civil claims that could have brought against Defendants in relation to alleged violations of the Telemarketing Act, the TSR, the TCPA, Indiana Telephone Solicitation of Consumers Act, Indiana Regulation of Automatic Machines Dialing Act, in connection with the alleged calls described in the Complaint.
8. Defendants do not admit any of the allegations in the Complaint, except as specifically stated herein, and solely for purposes of this case, admit the facts necessary to establish the Court's jurisdiction.

9. Defendants waive any claim that it may have under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order, and agree to bear its own costs and attorney fees.

10. Defendants waive all rights to appeal or otherwise challenge or contest the validity of this Order.

11. The Court approves the terms of the parties' agreement and hereby adopts them as its own determination of this matter and the parties' respective rights and obligations.

12. Entry of this Order is in the public interest.

13. Now, therefore, by consent and agreement of the parties, it is **ORDERED, ADJUDGED, AND DECREED** as follows:

II. DEFINITIONS

For the purpose of this Order, the following definitions apply:

A. **“Complaint”, “Defendant”, “Order”, “Plaintiff”, “Telemarketing Act”,** and **“TSR”** mean those definitions described above.

B. **“Assisting and Facilitating”** means providing substantial assistance or support to any third party.

C. **“Communication”** means any contact, whether formal or informal, between two or more Persons, at any time or place, and under any circumstances whatsoever, whereby information of any kind or nature was transmitted, transferred, disclosed, exchanged, or recorded. It includes, without limitation, any oral, written, and Electronically Stored Information that is opened or unopened, active, or deleted.

D. **“Contribution”** means any donation, gift of money, or any other payment, consideration, or thing of value, including, without limitation, personally identifiable information or any other personal data.

E. **“DNC Registry”** means the National Do Not Call Registry maintained by the Federal Trade Commission.

F. **“Documents”** is synonymous in meaning and equal in scope to the usage of “document” in Federal Rule of Civil Procedure 34(a), Fed. R. Civ. P. 34(a), and includes writings, drawings, graphs, charts, photographs, sound and video recordings, images, Internet sites, web pages, websites, electronic correspondence, including e-mail and instant messages, contracts, accounting data, advertisements, FTP Logs, Server Access Logs, books, written or printed records, handwritten notes, telephone logs, telephone scripts, receipt books, ledgers, personal and business canceled checks and check registers, bank statements, appointment books, computer records, customer or sales databases and any other Electronically Stored Information, including other data or data compilations from which information can be obtained directly or, if necessary, after translation into a reasonably usable form. A draft or non-identical copy is a separate Document within the meaning of the term.

G. **“Electronically Stored Information”** means, without limitation, computer or electronic files stored on file servers, e-mail servers, work stations, desktops, hard drives, solid-state drives, cloud storage, personal digital assistants, smartphones (e.g., Blackberrys, iPhones, Androids), tablets (e.g., iPads) and other mobile electronic devices, or other electronic social or industrial/business web-based media (e.g., Facebook®, Twitter®, LinkedIn®, Skype®, WhatsApp®, etc.), records, data, reports, and queries derived from or residing in applications and databases, computer printouts, contracts, cost sheets, data compilations from which information

can be obtained, derived, or can be translated through detection devices or converted or translated into reasonably usable form, magnetic discs, magnetic strips, magnetic tape, recognition characters, microfiche, microfilm, optical characters, punched cards, punched paper tapes, audio tapes or recordings, or video tapes or recordings.

H. **“Indiana DNC”** means the Indiana Do Not Call List.

I. **“Industry Traceback Group”** means the Industry Traceback Group, a consortium conducting private-led efforts to trace back the origin of suspected unlawful Robocalls, or any successor consortium registered with the Federal Communications Commission pursuant to Section 13 of the TRACED Act and 47 C.F.R. 64.1203.

J. **“Notification”** means any complaint, communication, request, or notice that is not a Traceback Request from a reliable third-party with documented evidence that a call, set of calls, or traffic carried by Defendants from a given Defendants Customer is unlawful or puts Defendants on notice that it likely is unlawful.

K. **“Originator”** means the last (farthest upstream) voice service provider in a Traceback sequence. The Originator may have placed the call itself, or received the call from its customer.

L. **“Outbound Telephone Call”** means a telephone call initiated to

1. Induce the purchase of goods or services;
2. Solicit a Contribution or payment;
3. Advertise or offer a loan or extension of credit; or
4. Obtain information, including, without limitation, through the arrangement of a meeting, that may used to induce the purchase of good or services, solicit a

Contribution, or solicit a loan or extension of credit.

M. **“Person”** means any individual, group, organization, unincorporated association, limited or general partnership, corporation, subsidiary, affiliate, or other legal entity.

N. **“Relevant Indiana Laws”** means Indiana’s telephone privacy laws, including but not limited to the Telephone Solicitation of Consumers Act (the “TSCA”), Ind. Code 24-4.7-4, the Regulation of Automatic Machines Dialing Act (the “Auto-Dialer Act”), Ind. Code 24-5-14, and the Indiana law Prohibiting False or Misleading Caller Identification, Ind. Code § 24-5-14.5-9.

O. **“Robocall(s)”** means a telephone call that delivers artificial or prerecorded voice messages, in whole or in part, including, without limitation, telephone calls utilizing soundboard technology and ringless voicemail messages.

P. **“Robocall Mitigation Database”** means the FCC’s database currently maintained at https://fccprod.servicenowservices.com/rmd?id=rmd_welcome.

Q. **“STIR/SHAKEN Authentication Framework”** means the Secure Telephone Identity Revisited and Signature-based Handling of Asserted Information Using Tokens standards. *See* 47 U.S.C. § 227b.

R. **“Telemarketing”** means the initiation of a telephone call or message for the purpose of encouraging the purchase of rental of, or investment in, property, goods, or services. *See* 47 C.F.R. § 64.1200(f)(13).

S. **“Telephony Services”** means wireline or wireless telecommunications services, including, without limitation:

1. the dialing, origination, termination, routing, or transmission of any

telephone calls made over the public switched telephone network;

2. VoIP Services;
3. electronic messaging services;
4. ringless voicemail messages; or
5. any other common carriage, telecommunications, or information services.

T. **“Traceback”** means a network-based process that seeks out the source of suspicious traffic. Beginning at a terminating Voice Service Provider, a call is systematically traced from one Voice Service Provider to the preceding Voice Service Provider networks until a Non-Cooperative Voice Service Provider and/or the originating Voice Service Provider or originating customer is identified.

U. **“Traceback Request”** means any request to determine the source of a Robocall and/or the voice service providers that dialed, originated, transmitted, or routed a Robocall, which request was made by:

1. A telecommunications carrier or voice service provider;
2. The Industry Traceback Group;
3. A law enforcement agency; or
4. Any other industry organization comprised of telecommunications carriers

and/or voice service providers that seek to combat and reduce unlawful Robocalls.

Multiple Traceback Requests received in the space of 48 hours or relating to calls that are associated with the same campaign and happen in the same 48 hour period are considered one Traceback Request. For example, if Defendants receives five Traceback Requests over the course of 48 hours that relate to five different calls from the same Customer related to the same campaign, that five-Traceback Request cluster constitutes a single Traceback Request.

V. **“U.S. Point of Entry”** means the first FCC-registered Voice Service Provider routing traffic that was originated outside the United States on to the United States Public Switched Telephone Network.

W. **“Voice Service Provider”** means a provider of voice service, meaning any service that is interconnected with the public switched telephone network (PSTN) and that furnishes communications service to an end user using resources from the North American Numbering Plan. A Voice Service Provider may be located in the United States or be foreign.

X. **“Voice Service Provider Customer”** means any Voice Service Provider for whom or for which the Defendants and Defendants’ companies, officers, agents, and employees, have an agreement for Defendants to provide services in exchange for something of value.

Y. **“VoIP”** means Voice over Internet Protocol.

Z. **“VoIP Services”** shall have the meanings ascribed to “interconnected VoIP” and “non-interconnected VoIP” in 47 C.F.R. § 9.3 and 47 U.S.C. § 153(36), respectively.

I. COMPLIANCE WITH FEDERAL AND INDIANA LAW

IT IS ORDERED that Defendants and their companies, officers, agents, and employees, whether acting directly or indirectly, are permanently restrained and enjoined from engaging in violations of the TSR, the TCPA, or Relevant Indiana Laws as amended, Assisting and Facilitating others to engage in violations of the TSR, TCPA, or Relevant Indiana Laws, as amended, by committing any of the following acts, including initiating, causing others to initiate, or Assisting or Facilitating others in initiating, any Outbound Telephone Call that Defendants know or reasonably should have known plays or delivers a Robocall, which includes transmitting Robocall traffic from a Voice Service Provider Customer.

**II. DISCONTINUANCE AS A VOICE SERVICE PROVIDER AND PROVIDING
VOIP SERVICES**

IT IS FURTHER ORDERED that Defendants and their companies (if any are subsequently formed), officers, agents, and employees, are permanently restrained and enjoined from knowingly operating, owning, investing in, being an employee of, drawing revenue from, or consulting with a Voice Service Provider, and are permanently restrained and enjoined from knowingly providing VoIP Services to another Person.

III. SCREENING OF CURRENT AND PROSPECTIVE CUSTOMERS

IT IS FURTHER ORDERED that Defendants and their companies (if any are subsequently formed), officers, agents, and employees, are permanently restrained and enjoined from engaging with a Customer without first engaging in a reasonable screening of that Customer to ensure the prospective Customer is not a Voice Service Provider, provides VoIP Services, or initiates, causes others to initiate, or Assists or Facilitates others in initiating a Robocall.

For a new or prospective Customer, such reasonable screening must occur and be completed before beginning to provide services to the new Customer.

IV. CUSTOMER REVIEW AND TERMINATION

IT IS FURTHER ORDERED that Defendants and their companies (if any are subsequently formed), officers, agents, and employees must immediately terminate any business relationship with a Customer that Defendants know or should have reasonably known is a Voice Service Provider, provides VoIP Services, or initiates, causes others to initiate, or Assists or Facilitates others in initiating a Robocall.

V. CUSTOMER AGREEMENTS

IT IS FURTHER ORDERED that Defendants and their companies, officers, agents, and employees, whether acting directly or indirectly, agrees to require a Customer to not provide VoIP Services or initiate, cause to others to initiate, or Assist and Facilitate others in initiating a Robocall.

VI. COOPERATION

IT IS FURTHER ORDERED that Defendants must fully cooperate with representatives of the Plaintiff in this case, in any investigation related to or associated with the transactions or the occurrences that are the subject of the Complaint. Defendants must provide truthful and complete information, evidence (including any and all documents and other records), and testimony. Defendants must cause their officers, employees, representatives, or agents to appear for interviews, discovery, hearings, trials, and any other proceedings that a Plaintiff's representative may reasonably request upon thirty (30) days written notice, or other reasonable notice, at such places and times as a Plaintiff's representative may designate, without the service of a subpoena, but with per diem and mileage costs pursuant to 28 U.S.C. § 1821 if travel outside of the Central District of California is required and permissible.

Further, to assist the Plaintiff with any investigation related to or associated with the transactions or the occurrences that are the subject of the Complaint, and with monitoring of the Defendants' compliance with this order, the Defendants consent, for purposes of the Electronic Communications Privacy Act, to the disclosure, by electronic communications service providers and remote computing service providers of the contents of or Communications regarding any auto-dialed, telemarketing or prerecorded telephone calls or Communications with Customers regarding services provided by the Defendants. Defendants further agrees to execute, within five business

(5) days of a request from a Plaintiff, any forms or other documentation evidencing consent that may be required by such electronic communications service providers or remote computing service providers related to or associated with the transactions or the occurrences that are the subject of the Complaint. Defendants further agrees to execute, within fifteen business (15) days of a request from a Plaintiff, any forms or other documentation evidencing consent that may be required by such electronic communications service providers or remote computing service providers related to monitoring of the Defendants' compliance with this order.

VII. MONETARY JUDGMENT

IT IS FURTHER ORDERED that:

A. Judgment in the amount of One Million, Three Hundred and Thirty-Eight Thousand, and One Hundred (\$1,338,100) is entered in favor of Plaintiff against Defendants as equitable monetary relief, with One Million, Three Hundred and Thirty-Three Thousand, and One Hundred (\$1,333,100) being suspended for the inability to pay.

B. Defendants are ordered to pay to the Plaintiff a total of Five Thousand Dollars (\$5000). Such payment shall be made in installments over ten years in payments of \$500, with the first payment being made before November 1, 2022.

C. Defendants relinquish dominion and all legal and equitable right, title, and interest in all assets transferred pursuant to this Order and may not seek the return of any assets.

D. Defendants acknowledge that its Taxpayer Identification Numbers may be used for collecting and reporting on any delinquent amount arising out of this Order.

VIII. ORDER ACKNOWLEDGMENTS

IT IS FURTHER ORDERED that Defendants obtains acknowledgments of receipt of this Order:

A. Defendants, within seven (7) days of entry of this Order, must submit to Plaintiff an acknowledgment of receipt of this Order sworn under penalty of perjury;

B. For ten (10) years after entry of this Order, for any business that Defendants is a majority owner or controls directly or indirectly must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees, agents, and representatives with managerial responsibilities for conduct related to the subject matter of the Order; and (3) any business entity resulting from any change in structure as set forth in Section IX. Delivery must occur within fourteen (14) days of entry of this Order for current personnel. For all others, delivery must occur before they assume their responsibilities;

E. From each individual or entity to which Defendants delivered a copy of this Order, Defendants must obtain, within thirty (30) days, a signed and dated acknowledgment of receipt of this Order.

IX. COMPLIANCE REPORTING

IT IS FURTHER ORDERED that Defendants make timely submissions to Plaintiff:

A. One hundred twenty days (120) days after entry of this Order, Defendants must submit a compliance report, sworn under penalty of perjury.

1. Defendants must: (a) identify the primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the Plaintiff may use to communicate with them; (b) describe in detail whether and how Defendants is in compliance with each Section of this Order; and (c) provide a copy of

each Order Acknowledgment obtained pursuant to this Order, unless previously submitted to the Plaintiff.

B. For ten (10) years after entry of this Order, Defendants must submit a compliance notice, sworn under penalty of perjury, within fourteen (14) days of any change in the following: (a) any designated point of contact; (b) the structure of any Person that Defendants has any ownership interest in or controls directly or indirectly that may affect compliance obligations arising under this Order, including: creation, merger, sale, or dissolution of the entity or any subsidiary, parent, affiliate, or Person that engages in any acts or practices subject to this Order; or (c) if the Defendants create a new business.

C. Defendants must submit to the Plaintiff notice of the filing of any bankruptcy petition, insolvency proceeding, or similar proceeding by or against them or any entity in which Defendants has any ownership interest, or any filing for voluntary dissolution, within fourteen (14) days of its filing.

D. Any submission required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: “I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on: _____” and supplying the date, signatory’s full name, title (if applicable), and signature.

E. Unless otherwise directed by a Plaintiff’s representative in writing, all submissions to the Plaintiff pursuant to this Order must be emailed to joseph.yeoman@atg.in.gov or sent by overnight courier (not the U.S. Postal Service) to:

Consumer Protection Division
c/o Joseph Yeoman or Telephone Privacy
Office of Indiana Attorney General
302 West Washington Street

IGCS – 5th Floor
Indianapolis, IN 46204
p: 317.234.1912 | f: 317.232.7979
joseph.yeoman@atg.in.gov

The subject line must begin: *State of Indiana v. Startel Communication LLC, et al*, 3:21-cv-00150-RLY-MPB.

X. RECORDKEEPING

IT IS FURTHER ORDERED that Defendants must create and retain records related to this claim after entry of the this Order for ten (10) years; for the avoidance of doubt, this includes any and all records related to this claim currently in their possession, including, without limitation, Documents, contracts, call detail records, invoices, and Communications. Defendants may archive or move to offsite storage any and all call detail records after eighteen (18) months, provided that the archive of offsite storage is maintained for the remaining period.

Additionally, Defendants are to keep the following records for a ten (10) year period ongoing:

- A. Accounting records showing the revenues from all goods or services sold;
- B. Records of all contracts, service agreements, invoices, and sales agreements with each Customer, client, supplier, or vendor, including, without limitation, any Communications or Documents related thereto;
- C. Records of all Tracebacks or Notifications concerning the subject matter of the Order, whether received directly or indirectly, such as through a third party, and any response;
- D. All formal written requests from law enforcement agencies, subpoenas, civil investigative demands, search warrants, and related records, and other complaints about unwanted, fraudulent, or abusive Telemarketing or autodialed telephone calls, and all responses thereto;

E. All records necessary to demonstrate full compliance with each provision of this Order, including all submissions to the Plaintiff.

All such records must be voluntarily provided to Plaintiff, if requested. Defendants is only required to provide call detail records that are not archived or in offsite storage, if requested.

XI. COMPLIANCE MONITORING

IT IS FURTHER ORDERED that, for the purpose of monitoring Defendants' compliance with this Order, and any failure to transfer any assets as required by this Order:

A. For matters concerning this Order, Defendants must permit representatives of the Plaintiff to interview any employee or other individual affiliated with Defendants who has agreed to such an interview, provided that the individual interviewed may have counsel present.

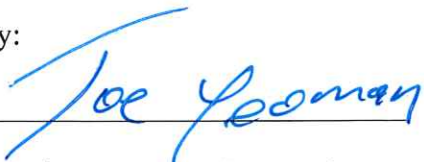
B. Upon written request from a representative of the Plaintiff, any consumer reporting agency must furnish consumer reports concerning Defendants, pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C. § 1681b(a)(1), as amended.

XII. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court retains jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order.

IN WITNESS WHEREOF, the parties have executed this Consent Decree:
Attorney General of Indiana

By:



Joseph D. Yeoman, Deputy Attorney General
Indiana Bar No. 35668-29

Date: 10/20/2022

Joseph.Yeoman@atg.in.gov
Deputy Attorneys General

302 West Washington Street
IGCS – 5th Floor
Indianapolis, IN 46204
(317) 234-1912
(317) 232-7979 (Fax)

Date: 10-7-2022

FOR DEFENDANTS, WANDA HALL AND STARTEL COMMUNICATION LLC

Wanda Hall
Signature

Wanda Hall
Name

CEO
Title

Date: _____

SO ORDERED this ___ day of _____, 2022.

UNITED STATES DISTRICT JUDGE