

APPLICATION FOR CERTIFICATE OF REGISTRATION
Telephone Solicitation Sales Act, § 4719 of Ohio Revised Code

*****To make this process easier you may wish to print the instructions with the application*****
(The instructions will direct you on how to electronically upload files with this application.)

You are required to pay a \$250.00, two hundred and fifty dollar fee with you application.

Applicant

Name _____

Contact

Person _____

Address _____

City _____ State _____ Zip _____

Telephone

Number _____ Fax Number _____

Tax Identification Number _____

If Applicant is an individual:

Date of Birth _____ Social Security Number _____

Driver's License No. _____ State of Issuance _____

1. **Prepare a file** to list all business names, real and fictitious, that the applicant will use to engage in telephone solicitations: ***This file should be identified as "Q1 Business Names."*** This file will be uploaded when you submit your completed application. Please see instructions for more information. (Please note these names may also need to be properly registered with the Ohio Secretary of State's office pursuant to Title 17 of the Ohio Revised Code.)

2. State the name and street address of a resident of Ohio that serves as statutory agent for the purpose of service of process:

Name _____

Address _____

City _____ State _____ Zip _____

Telephone Number _____ Fax Number _____

3. Has the applicant, at any time during the previous seven years, filed bankruptcy, been adjudged bankrupt, or been reorganized because of insolvency? **YES/NO** _____

If YES, **Prepare a separate file** identified as **"Q3 Name of Court"** that provides the name of the court that exercised jurisdiction, the date of the action, the docket number of the matter and the final disposition if applicable.

4. **Prepare a file** identified as **"Q4 Business or Occupation Engaged"** that provides each business or occupation engaged in by the applicant during the last three years and the location of each business or occupation. (Do not include the business activities for which this application was submitted)
5. **Prepare a file** identified as **"Q5 Employment-Experience"** that provides all of the employment/experience of the applicant as a telephone solicitor or salesperson including business activities for which this application was submitted.
6. Answer the following questions regarding the applicant and pertaining to any court of competent jurisdiction of this state, any other state or court of the United States.
- A. Has the applicant been arrested for, convicted of, pleaded guilty to, or entered a plea of no contest for a felony? **YES/NO** _____
- B. Is the applicant currently being prosecuted by indictment or information for a felony? **YES/NO** _____

If YES to either of the questions above, state the nature of the felony and provide the name of the court or administrative agency, the date of the filing, the docket number of the matter, and the final disposition if applicable. Prepare and identify your answers as **"Q6 A-B Felony and Court"**.

- C. Has the applicant been convicted of or pleaded guilty to or entered a plea of no contest for engaging in a pattern of corrupt activity, racketeering, a violation of federal or state securities law, or a theft offense as defined in Section 2913.01 of the Revised Code or in similar law of any other state or the United States? **YES/NO** _____
- D. Is the applicant currently being prosecuted by indictment or information for any of the above described felonies? **YES/NO** _____

If YES to either of the questions above, state the nature of the felony and provide the name of the court or administrative agency, the date of the filing, the docket number of the matter and the final disposition if applicable. Prepare and identify your answers as **"Q6 C-D Convicted or Plea"**.

- E. Has there has ever been a judicial or administrative finding that the applicant has acted as a salesperson without a license, or whether such a license has been refused, revoked, or suspended in any jurisdiction? **YES/NO** _____

If YES to the question above, provide the name of the court or administrative agency, the date of the filing, the docket number of the matter and the final disposition if applicable. Prepare and identify your answers as **"Q6 E Finding"**.

- F. Has the applicant worked for or been affiliated with a company that has had entered against it an injunction, a temporary restraining order, or a final judgment or order, including an agreed judgment or order, an assurance of voluntary compliance, or any similar instrument, in any civil or administrative action involving racketeering, fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property; the use of any untrue, deceptive, or misleading representation; or the use of any unfair, unlawful, deceptive, or unconscionable trade act or practice? **YES/NO** _____

If YES to the above question, provide the name of the court or administrative agency, the date of filing, the docket number of the matter, and the final disposition if applicable. Prepare and identify your answers as **"Q6 F AVC AFFILIATE"**.

- G. In any jurisdiction, has there been entered against the applicant an injunction, a temporary restraining order, or a final judgment or order, including an agreed judgment or order, an assurance of voluntary compliance, or any similar instrument, in any civil or administrative action involving engaging in a pattern of corrupt activity, racketeering, fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property; the use of any untrue, deceptive, or misleading representation; or the use of any unfair, unlawful, deceptive, or unconscionable trade act or practice? **YES/NO** _____

- H. Is there any litigation or proceeding of the above described nature pending against the applicant? **YES/NO** _____

If YES to either of the questions above, provide the name of the court or administrative agency, the date of filing, the docket number of the matter, and the final disposition if applicable. Prepare and identify your answers as **"Q6 G-H AVC APPLICANT OR PENDING LITIGATION"**.

7. **Prepare a file** identified as **"Q7 Telephone Numbers"** that provides all telephone numbers to be used by the applicant, including all telephone lines even if they are outbound or inbound lines only, with the street address where each telephone using these numbers will be located.
8. **Prepare a file** identified as **"Q8 Financial/Banking"** that provides the name, address and account number of each financial institution where banking or similar monetary transactions are done by the applicant. Please note that account number information is not public record pursuant to Ohio Revised Code § 4719.02(E).
9. Provide the following information for the applicant:

- A. The applicant's place of organization:

Address _____

City _____ State _____ Zip _____

- B. If applicant is a partnership, **prepare and provide** a copy of any written partnership agreement, identified as **"Q9 B Partnership"**.
- C. If applicant is a corporation, Limited Liability Company or any other form of organization, provide:

Date organized _____ in the State of _____

Prepare and provide a copy of the current Articles of Incorporation/Organization and the Bylaws, as **"Q9 C Articles-Bylaws"**.

Address of headquarters:

Address _____

City _____ State _____ Zip _____

10. **Prepare a file** identified as **"Q10 Addresses"** providing the complete street address of each location from which the applicant will be doing business, designating the address of the principal location. You must include every address at which mail will be received by or on behalf of the applicant and identify any such location that is a post office box or mail drop. You must also indicate if the location receives mail or if it is a mail drop only.

11. **Prepare a file** identified as **"Q11 Related Entity"** providing the following information for any parent, affiliate, or other related entity if the related entity may engage in a business transaction with a purchaser relating to any telephone solicitation by the applicant. Include the name and address of the related entity, the address of headquarters, and related entity's place of organization.

- A. If applicant is a partnership, prepare and provide a copy of any written partnership agreement, identified as **"Q11 A Partnership"**.
- B. If applicant is a corporation, Limited Liability Company or any other form of organization, provide the date organized and in which State.

This can be included when you **prepare and provide** a copy of the current Articles of Incorporation/Organization and the Bylaws, as **"Q11 B Articles-Bylaws"**.

12. **Prepare a file** identified as **"Q12 Related Responsible Entity"** Provide the following information for any related entity that accepts responsibility or is otherwise held out by the applicant as being responsible for any statement or act of the applicant relating to any telephone solicitation by the applicant. Include the name and address of the related entity, the address of headquarters, and related entity's place of organization.

- A. If applicant is a partnership, prepare and provide a copy of any written partnership agreement, identified as **"Q12 A Partnership"**.
- B. If applicant is a corporation, Limited Liability Company or any other form of organization, provide the date organized and in which State.

This can be included when you **prepare and provide** a copy of the current Articles of Incorporation/Organization and the Bylaws, as **"Q12 B Articles-Bylaws"**.

13. If the applicant is a corporation, partnership or proprietorship, **Prepare a file** identified as ***“Q13 Related Person”*** providing the following information for each officer, director, trustee, general partner, limited partner, sole proprietor and owner: name, office held, address of residence, yes or no if they have an ownership interest, driver’s license number, state of issuance, social security number, and date of birth.
14. **Prepare a file** identified as ***“Q14 Additional Management Responsibilities”*** List the following information for each individual not listed in answer to question 13 who has management responsibilities in connection with the business: name, address of residence, driver’s license number, state of issuance, social security number, date of birth, and what their specific management duties are in relation to the business.
15. **Prepare a file** identified as ***“Q15 Addition to DBA”***. List the following information for each person who is in charge of each location specified in answer to question 10: person in charge (even if that name appears in an answer to another question), address of residence, driver’s license number, state of issuance, social security number, date of birth, and the address of the location of which they are in charge.
16. **Prepare a file** identified as ***“Q16 Solicitors”***. Please list all salespersons and other individuals soliciting on behalf of the applicant. All salespersons must use their true names when engaging in telephone solicitation. The file should include the name, address of residence, driver’s license number, state of issuance, social security number, and date of birth for each identified individual. **Please note that social security number information is not public record pursuant to Ohio Revised Code § 4719.02(E).**
17. If applicable, **Prepare a file** identified as ***“Q17 Acts of Salespersons”*** providing individual's name, court or administrative agency rendering decision, judgment or order with docket number, date action filed, the date of the conviction, judgment or order and the name of the government agency that brought the action. In regards to any person listed in item 13, 14, 15, or 16 who:
- A. Has been convicted of or pleaded guilty to, entered a plea of no contest for, or is being prosecuted by indictment or information for a felony, engaging in a pattern of corrupt activity, racketeering, a violation of federal or state securities law, or a theft offense as defined in **Section 2913.01 of the Revised Code** or in similar law of any other state or the United States.
 - B. Is involved in pending litigation or proceedings or has had entered against itself an injunction, a temporary restraining order, or a final judgment or order, including a stipulated judgment or order, an assurance of voluntary compliance, or any similar instrument, in any civil or administrative action involving engaging in a pattern of corrupt activity, racketeering, fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property; the use of any untrue, deceptive, or misleading representation; or the use of any unfair, unlawful, deceptive, or unconscionable trade act or practice,
 - C. Is or has been subject to any litigation, injunction, temporary restraining order, or final judgment or order, including a stipulated judgment or order, an assurance of voluntary compliance, or any similar instrument, in any civil or administrative action involving engaging in a pattern of corrupt activity, racketeering, fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property; the use of any untrue, deceptive, or misleading representation; or the use of any unfair, unlawful, deceptive, or unconscionable trade act or practice.

- D. At any time during the previous seven years, has filed for bankruptcy, been adjudged bankrupt, or been reorganized because of insolvency.
- E. Has been a principal, director, officer, or trustee of or a general or limited partner in, or had responsibilities as a manager in, any corporation, partnership, joint venture, or other entity that filed for bankruptcy, was adjudged bankrupt, or was reorganized because of insolvency within one year after the person held that position.

If **NO**, person listed in questions **13, 14, 15, or 16** has been involved in such activity, please indicate such in this space:

NO_____

18. If applicable, **Prepare a file** identified as **“Q18 Offerings”** if the applicant is engaging in solicitations that involve the offering of a gift, award or prize, please provide the following disclosures for each item. **Please note, Ohio Revised Code 4719.05 requires that a solicitor submit the following disclosures to the Attorney General, no later than fourteen (14) days prior to making statements concerning gifts, awards or prizes.**

- A. Description of the item
- B. Item’s verifiable market value and the basis for evaluation:
- C. All terms and conditions purchaser must satisfy in order to receive the item:
- D. If they are ascertainable, provide the odds, for a given purchaser, of receiving the item._____
- E. If the odds are not ascertainable, state all the factors and methods used in calculating the odds.
- F. If a purchaser is to receive fewer than all the items described by the seller, provide the manner in which the telephone solicitor decides which item a given purchaser is to receive.
- G. If they are ascertainable, the odds, for a given purchaser, of receiving each Item described_____.
If the odds are not ascertainable, state all the factors and methods used in calculating the odds.

If applicable, **Prepare a file** identified as **“Q18 A Received Offerings”** provide the name, address, and telephone number of each person that, during the preceding twelve months or any portion of that twelve-month period in which the telephone solicitor has done business, has received each gift, award, or prize.

If question 18 is not applicable to the applicant, please indicate in the field below:

N/A_____

19. **Prepare a file** to accompany this application providing a copy of:

- A. All scripts, outlines or presentations the applicant will require or suggest are used by a salesperson when soliciting. **Identified as “Q19 A Scripts”**. If no such documents are to be used, mail a notarized statement to that effect.

Ohio Attorney General’s Office, Consumer Protection
Attn: Registration Unit
30 East Broad St 14th floor
Columbus, Ohio 43215

Please note, Ohio Revised Code 4719.06 REQUIRES certain information to be verbally disclosed by a salesperson or solicitor and therefore, this information should be included in appropriate scripts submitted. See the above referenced section of the statute for a full explanation of this requirement.

- B. **Prepare a file** identified as “**Q19 B Salesperson Information**”. Provide all sales information or literature to be provided by the applicant to a salesperson. (Including verification of employee training regarding Federal Do Not Call regulations)
- C. **Prepare a file** identified as “**Q19 C Transaction Documents/Literature**”. Provide all sales information or literature to be provided by the applicant to a purchaser in connection with any solicitation.

Please note, Ohio Revised Code 4719.07 REQUIRES either a written confirmation or a notice of cancellation be given to a purchaser and therefore, these materials must be submitted with your application. See the above referenced section of the statute for a full explanation of this requirement.

- D. **Prepare a file** identified as “**Q19 D Policies and Procedures**” Please provide any written policies and procedures on complying with the Federal Communication Commission’s Telephone Consumer Protection Act of 1991 (47 USC § 227 and 47 C.F.R. 64.1200), and the Federal Trade Commission’s Telemarketing Sales Rule (15 USCS §6101 and 16 CFR 310.1), particularly with respects to compliance with the do-not-call provisions or state with specificity the reason why applicant is not required to comply.
- E. Are you registered with the Federal Trade Commission to download the National Do-Not-Call Registry? If so, please provide your organization ID. _____

20. **Prepare a file** identified as “**Q20 Surety Bond**”. Include a copy of a surety bond in the amount of \$50,000.00. The bond must be issued by a surety company which holds a certificate of authority to do business in Ohio issued by the Superintendent of Insurance. The bond must meet the requirements set forth in Section 4719.04 of the Revised Code.

Name of Surety Company _____

NAIC# _____ Statutory Home Location _____

Contact Person _____

Address _____

City _____ State _____ Zip _____

Telephone Number _____ Fax Number _____

Refer to your instructions to submit your application electronically with the electronic files.
(You may wish to save a completed copy of your application on your computer.)

Failure to submit the proper fee or to fully complete all sections and questions of the application will result in a deficiency letter or email being sent to you in response to your incomplete application.

ATTESTATION

I swear or affirm that this application and any attachments hereto, have been prepared or carefully reviewed by me and constitute a complete, truthful and correct statement of all information required therein. I further realize that any false responses or statements will be grounds for denial of this application, and may subject me to civil and/or criminal prosecution, as provided by law.

CHECKBOX ☐ I AGREE

Upon submission of your application you will receive a confirmation screen and your application will be sent to TSSA@OhioAttorneyGeneral.gov. (Please add this email address to your contact list to ensure our communications are not misrouted to a spam or junk folder.) This confirmation will include instructions regarding how to send us your filing fee. Upon receipt of the filing fee and completed application we will begin our review process and contact you should we need additional information. Thank you.