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10 **SUPERIOR COURT OF ARIZONA**  
11 **IN MARICOPA COUNTY**

12 STATE OF ARIZONA, *ex rel.* KRISTIN K.  
13 MAYES, Attorney General,

14 Plaintiff,

15 v.

16 OLD TOWN AC, L.L.C.,

17 Defendant.  
18

Case No. **CV2023-017529**

**COMPLAINT**

19  
20 Plaintiff, State of Arizona *ex rel.* Kristin K. Mayes, the Attorney General (the “State”),  
21 alleges the following for its Civil Complaint (the “Complaint”) against Defendant Old Town AC,  
22 L.L.C. (“Old Town AC”).

23 **INTRODUCTION**

24 1. Old Town AC offered and provided heating, ventilation, and air conditioning  
25 services to consumers in Arizona.

26 2. From February 2016 to February 2019, Old Town AC purchased telephone leads  
27 and would call Arizona consumers to sell or set up appointments to sell heating, ventilation, and  
28 air conditioning services.



1 registered their telephone numbers on the Federal Trade Commission’s Do-Not-Call Registry  
2 when Old Town AC was not authorized or permitted to make the solicitations.

3 13. During this time period, Old Town AC did not have the express written consent by  
4 the consumers to call them and make the solicitations.

5 14. Many of these consumers were not prior customers, employees, or other people who  
6 Old Town AC would have had permission to contact for the purpose of making the solicitations  
7 absent written consent.

8 **CLAIM FOR RELIEF**

9 **VIOLATIONS OF THE ARIZONA TELEPHONE SOLICITATIONS ACT,  
10 A.R.S. §§ 44-1271 to -1282, AND ARIZONA CONSUMER FRAUD ACT,  
11 A.R.S. §§ 44-1521 to -1534**

12 15. The State realleges all prior allegations of this Complaint as though fully set forth  
13 herein.

14 16. Old Town AC was a “seller” as defined under the ATSS. As a “seller” Old Town  
15 AC was required to comply with the ATSS.

16 17. The conduct described in the preceding paragraphs of this Complaint violates the  
17 ATSS, including, but not limited to:

- 18 a. Initiating telephone solicitations to telephone numbers entered in the National  
19 Do Not Call Registry, in violation of A.R.S. § 44-1278(B)(6) and  
20 16 C.F.R § 310.4(b)(1)(iii)(B);
- 21 b. Initiating telephone solicitations to telephone numbers entered in the National  
22 Do Not Call Registry, in violation of A.R.S. §§ 44-1278(B)(6) and  
23 47 C.F.R § 64.1200(c)(2); and
- 24 c. Initiating telephone solicitations to telephone numbers entered in the National  
25 Do Not Call Registry, in violation of A.R.S. § 44-1282.

26 18. Old Town AC is not exempt from the ATSS.

27 19. Old Town AC’s violations of A.R.S. § 44-1278 of the ATSS constitute unlawful  
28 practices under the ACFA, A.R.S. § 44-1522, pursuant to A.R.S. § 44-1278(C).



