STATE OF NEW YORK
DEPARTMENT OF STATE

In the Matter of the Alleged Violations of the Do Not Call Registry

- by-

Essential Health Solutions, LLC, Joseph Clifford, Jr., et al.

CONSENT ORDER

2024-C-112101

1. The Department of State (the "Department") is an executive agency of the State of New York charged with enforcement of §399-z of the General Business Law.

2. An investigation against Essential Health Solutions, LLC and all controlling persons named or unnamed, as defined in General Business Law §§399-z(g) and (h), including but not limited to its parents, members, managers and principals (collectively referred to as "Respondents"), was initiated based on complaints received by the Department alleging violations of New York State General Business Law §399-z and 19 New York Codes, Rules and Regulations (NYCRR), Part 220.

3. Respondents enter into this agreement to resolve a disputed matter and settle alleged violations of New York General Business Law §399-z(5), to wit: having made or caused to be made unsolicited telemarketing sales calls to customers when said customer's telephone numbers were on the national do-not-call registry, established by the Federal Trade Commission, for a period of thirty-one (31) days prior to the date each call was made.

4. By executing this Consent Order, Respondents affirmatively waive the right to a hearing in the manner provided by law, consent to the issuance and entry of this Order and agree to be bound by the terms, provisions and conditions contained herein.

5. Specifically, Respondents agree that they shall not contact any New York State resident who has registered their number on the national do-not-call registry at least thirty-one (31) days prior to the contact without documentation of the consumer's express request for or express consent to contact from a single, specified entity that places the call to the consumer, and that any such contact to which a consumer has consented shall be placed under the name of the entity identified in the request or consent.

6. In settlement of this matter, the Department and Respondents agree to a civil penalty of **$40,000.00**, subject to the conditions set forth below.

7. Respondents are aware that the Department alleges violations of New York General Business Law §399-z relating to telemarketing calls made in New York State by Essential Health Solutions, LLC. The Department consents to close and discontinue the investigation into any violations occurring prior to the date on which this order is signed by the Department, with prejudice, provided that the Respondents, following the date of execution of this order: 1) are not determined by the Department to have violated the express agreement referenced in paragraph five (5) of this agreement following the execution of this Consent Order; (2) are not determined by the Department to have violated any provision of New York General Business Law §399-z for a period of three (3) years following the date of execution of this Consent Order; (3) are not determined by the Department to have provided operational support to any entity that has violated any provisions of the New York General Business Law §399-z during the one-year period following the date of execution of this Consent Order; (4) comply with all statutory requirements prior to engaging in any future telemarketing activity, including but not limited to registration as a telemarketer in New York State in accordance with General Business Law §399-p; and (5) satisfy the civil penalty referenced in paragraph six (6) in accordance with the terms of this Consent Order.

NOW, in consideration of the above, the parties consent to entry of an **ORDER** with the following terms and conditions:

TC1. Respondents shall return the fully executed and notarized Consent Order such that same are received by the Department **on or before April 21, 2025**. The mailing address to send the executed documents is: NYS Department of State, Division of Consumer Protection, Attn: Katie Sherwin, Division Director, One Commerce Plaza, 99 Washington Avenue, Suite 500, Albany, NY 12231.

TC2. Respondents shall pay the civil penalty in the amount of **forty thousand dollars ($40,000.00)** to **"NYS Department of State"** as follows:

(a) **$6,666.66** payable on or before April 30, 2025;
(b) **$6,666.66** payable on or before May 30, 2025;
(c) **$6,666.66** payable on or before June 30, 2025;
(d) **$6,666.66** payable on or before July 30, 2025;
(e) **$6,666.66** payable on or before August 30, 2025;
(f) **$6,666.70** payable on or before September 30, 2025.

TC3. The Consent Order herein expressly depends upon representations made by Respondents both oral or written, formal or informal which relate to the subject matter of the Consent Order, as well as the accuracy, truthfulness and completeness of all such representations to the Department. If any such representation is determined to be limited, inaccurate or untruthful, the Department shall not be bound by the terms herein and shall initiate any lawfully authorized action against Respondents.

TC4. The effective date of this Order shall be the date on which the Secretary of State or their designee signs the same. The Department will provide Respondents with a fully executed copy of this Order as soon as practicable after the Secretary of State or their designee signs the same.

TC5. The failure of Respondents to comply fully and in timely fashion with any provision of this Order shall constitute a default and a failure to perform an obligation under this Order. Such default shall result in a referral to the Office of Attorney General for collection of the full civil penalty for each identified violation as identified in New York General Business Law §399-z(14)(a) and pursuant to New York Executive Law §63. Respondents hereby acknowledge the fine owed under this agreement, accept the same as valid and waive the right to contest the same. Specifically, the civil penalty is owed by reason of Respondents' violations of, *inter alia*, New York General Business Law §399-z and the regulations promulgated thereunder.

TC6. This Order constitutes the entire agreement of the parties, and no provision of the agreement shall be deemed waived or otherwise modified except as is specifically set forth in a writing executed by the Secretary of State or their designee indicating an intent to modify this Order.

TC7. Nothing contained in this Order shall be construed as barring, diminishing, adjudicating or in any way affecting: (1) any legal, administrative or equitable rights or claims, actions, suits, causes of action or demand whatsoever that the Department may have against anyone, other than Respondents, their parents, subsidiaries or affiliates; (2) any right of the Department to enforce administratively or at law or in equity, the terms, provisions and conditions of this Order; or (3) any right of the Department to bring any future action, either administrative or judicial, for any future violations of the applicable laws, the implementing regulations or conditions contained in orders if any, issued by the Department to Respondents.

TC8. The penalty set forth in this Consent Order is neither intended to be nor shall not be construed by Respondents as a benchmark for any penalty that may be imposed upon any determination against Respondents of future violations of New York General Business Law §399-z.

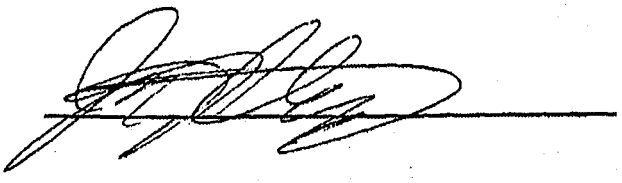
Dated: April 22nd, 2025
Albany, New York

NEW YORK STATE
DEPARTMENT OF STATE

By: _____
Katie Sherwin, Director
Division of Consumer Protection

CONSENT OF ESSENTIAL HEALTH SOLUTIONS, LLC

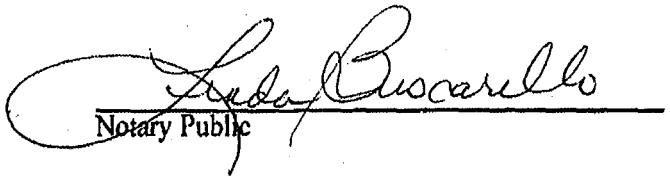
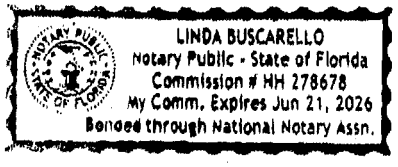
Joseph Clifford on behalf of the Respondents, including Essential Health Solutions, LLC and all controlling persons, named or unnamed, as defined in General Business Law §§399-z(g) and (h), including but not limited parents, members, managers and principals, hereby consents to the issuing and entering of this Order, affirms that they are a partner/principal/manager/member of Essential Health Solutions, LLC and authorized to enter into this consent order on behalf of the Respondents, waives the right to a hearing and agrees to be bound by the terms and conditions herein.



STATE OF

COUNTY OF Broward) ss.:

On this 21 day of April in the year 2025 before me, the undersigned, personally appeared Joseph Clifford, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity and that by their signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.



Notary Public