STATE OF NEW YORK
DEPARTMENT OF STATE

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

- by-

Merchant Service Center, et. al.

CONSENT ORDER

2026-C-0113-01012

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

2. An enforcement action against Merchant Service Center 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, officers, directors, managers, principals, and owners, 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. Merchant Service Center ("Respondent") enters 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 consumers who registered telephone numbers on the national do-not-call registry, established by the Federal Trade Commission, thirty-one (31) days or longer prior to the date each call was made.

4. By executing this Consent Order, Respondent affirmatively waives the right to a hearing in the manner provided by law, consents to issuance and entry of this Order and agrees to be bound by the terms, provisions and conditions contained herein.

5. Specifically, Respondent agrees that it shall not contact any New York State consumer or not-for profit organization that has registered their number on the national do-not-call registry at least thirty-one (31) days prior to contact without documentation of an express request to contact as required by General Business Law §399-z(1)(k).

6. In settlement of this matter, the Department and Respondent agree to a civil penalty of **$55,000.00**.

7. Respondent is aware that the Department alleges violations of New York General Business Law §399-z relating to telemarketing calls made in New York State by Respondent. The Department consents to close and discontinue the investigation into any potential violations occurring prior to the date on which this Order is signed, with prejudice, provided that the Respondent complies with this Order and all terms and conditions outlined in TC1-TC8, below.

NOW, in consideration of the above, the parties consent to entry of an **ORDER** as outlined herein and subject to the following additional terms and conditions:

TC1. Respondent shall return the fully executed and notarized Consent Order such that same is received by the Department **on or before March 19, 2026**. The mailing address to which the Consent Order should be sent 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. Respondent shall pay the civil penalty in the amount of **fifty-five thousand dollars ($55,000.00)** to **"NYS Department of State,"** on or before **March 26, 2026**.

TC3. This Consent Order expressly depends upon representations made by Respondent 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 Respondent.

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 Respondent 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 Respondent 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. Respondent hereby acknowledges the fine owed under this agreement, accepts the same as valid and waives the right to contest the same. Specifically, the civil penalty is owed by reason of the alleged 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 the Respondent 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, officers, directors, managers, principals, and owners; (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 Respondent.

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

Dated: March 13 2026.
Albany, New York

NEW YORK STATE
DEPARTMENT OF STATE

By: _____
Katie Sherwin, Director
Division of Consumer Protection

CONSENT OF MERCHANT SERVICE CENTER

Rexalyn Sales on behalf of the Respondent Merchant Service Center and all controlling persons, named or unnamed, as defined in General Business Law §§399-z(g) and (h), including but not limited to parents, members, officers, directors, managers, principals, and owners hereby consents to the issuing and entering of this Order, affirms that they are authorized to enter into this consent order on behalf of the Respondent as a parent, member, officer, director, manager, principal, and/or owner of the Respondent Merchant Service Center, waives the right to a hearing and agrees to be bound by the terms and conditions herein.

STATE OF PHILIPPINES

COUNTY OF BACOLOD ss.:

On this 13 day of MAR in the year 2026 before me, the undersigned, personally appeared _____, 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

ATTY JOHN MARK A. CAMALON
NOTARY PUBLIC
FOR AND IN THE CITIES OF BACOLOD, TALISAY
MURCIA, DON SALVADOR BENEDICTO OF THE
PROVINCE OF NEGROS OCCIDENTAL
UNTIL DEC. 31, 2026
NOTARIAL COMM. NO 0035 - 26
ROLL OF ATTORNEY'S NO 67085
MCLE COMPLIANCE NO. VIII. 0016641 / 4/14/2028
IBP O.R. NO. INV 578606 - 12/31/2025
PTR NO 9370534 - 12/26/2025
DOOR # 4, 2nd Floor, Bacolod Malayan
Bldg., 3rd St. corner Lacson Bacolod City
OFFICE 703 - 2005

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Series of 2026