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March 29, 2019

**VIA ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Re: Written *Ex Parte* Presentation by AmeriFactors Financial Group, LLC  
CG Docket Nos. 02-278 and 05-338

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Federal Communications Commission's ("FCC's" or "Commission's") rules, the undersigned counsel for AmeriFactors Financial Group, LLC ("AmeriFactors") hereby submits this letter concerning AmeriFactors' Petition for Expedited Declaratory Ruling filed July 13, 2017 in the above-captioned proceedings ("Petition"). AmeriFactors respectfully requests that the FCC move quickly to grant its Petition and declare that fax advertisements the recipient receives through online fax services or on a device other than a "telephone facsimile machine" are not subject to the Telephone Consumer Protection Act of 1991 ("TCPA"). Amerifactors previously advised the Commission that the district court hearing the complaint against AmeriFactors temporarily halted the case until March 28, 2019, pending input from the FCC. By this filing, Amerifactors hereby notifies the Commission that on March 27, 2019, the court issued an order to stay the litigation "up to 6

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months to allow the FCC to consider AmeriFactors' Petition."<sup>1</sup> In light of the limited duration of the stay, AmeriFactors once again urges the Commission to act promptly and grant the narrow relief requested in the Petition.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven A. Augustino".

Steven A. Augustino

*Counsel for AmeriFactors Financial Group,  
LLC*

cc: Z. Nakazawa  
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<sup>1</sup> See Text Order, *Career Counseling, Inc. v. Amerifactors Fin. Grp., LLC*, No. 3:16-cv-03013 (D.S.C. Mar. 27, 2019).