

WAC 308-320-080 Business records. A commercial telephone solicitor shall maintain records of each commercial solicitation campaign and shall inform the department of the location where the business records are kept. The following business records shall be kept for a period of two years after the campaign has been completed unless otherwise stated below.

(1) A list of the names, principal residence addresses, and dates of employment of salespersons who solicit on behalf of the commercial telephone solicitor and the name(s) the salesperson(s) uses while soliciting.

(2) A list and a description of the items the solicitor is offering for sale and the suppliers name, address, and telephone number.

(3) A copy of all sales scripts the solicitor requires salespersons to use when soliciting prospective purchasers, or if no sales script is required to be used, a statement to that effect.

(4) A copy of all sales training information and literature, including but not limited to, scripts, outlines, instructions, and information regarding how to conduct telephone sales, sample introductions, sample closings, product information, and contest or premium awards information provided by the solicitor to salespersons in writing or orally, and a copy of all written materials the solicitor sends to any prospective or actual purchaser.

(5) If the solicitor represents or implies, or directs salespersons to represent or imply to purchasers that the purchaser will receive certain specific items or certificates, whether the items or certificates are described as gifts, premiums, bonuses, prizes, or otherwise, the solicitor shall maintain a written record which includes:

(a) A list of the items offered.

(b) The value or worth of each item described to the prospective purchasers and the basis for the valuation.

(c) The price paid by the solicitor to the supplier for each of these items and the name, address and telephone number of each supplier.

(d) Paper documentation of all rules, regulations, terms, and conditions a prospective purchaser must meet in order to receive an item.

(6) If the purchaser is to receive fewer than all of the items described by the solicitor, the record shall include the following:

(a) The manner in which the solicitor decides which item or items a particular prospective purchaser is to receive.

(b) The odds a single prospective purchaser has of receiving each described item.

(c) The name and address of each recipient who has during the preceding twelve months, or as long as the solicitor has been in business if less than twelve months, received the item having:

(i) The greatest value; and

(ii) The item having the least odds of being received.

(7) A historical listing of all products sold by the solicitor clearly showing when the sale of each product was initiated and subsequently terminated.

(8) A list of the business telephone numbers at each location where telephone solicitation is taking place.

(9) The name of the manager or other person in charge at each location where telephone solicitation is taking place.

[Statutory Authority: 1989 c 20 and RCW 34.05.220. WSR 90-02-060, § 308-320-080, filed 1/2/90, effective 2/2/90.]