

## Solicitation Calls on Cellphone

I am getting a half-dozen calls a day on my cellphone from shady telemarketers. The most common are:

1. small business services (usually "Google" marketing)
2. car warranty sales/renewal offers
3. credit card services (no company mentioned, just looking for "cardholder")
4. nonprofit donation scams

How can I make them stop?

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Either register on the Do Not Call list <https://www.donotcall.gov/> or have fun with them. One of my favorites is asking them if they have the "good stuff" and when I can get it or if they can help me bury the bodies!

Jonathan Stein, California

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I would love to toy with them - but it is always a recording, and there is no way I am pressing "1" or whatever to alert them to the fact there is a live body on the other end!

Marshall D. Chriswell, Pennsylvania

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1. Stopping them is probably optimistic.
2. Register in donotcall registry. You should not have to do this with cell phones, but it helps.
3. If your phone supports a spam feature, then the number will no longer ring through.
4. Hangup quickly, or revert to only answering calls where they are in your phone directory as a known number. You can always call back if they leave a message. If they don't leave a message, I will normally block the number.

Darrell G. Stewart, Texas

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I registered every phone I have, even the fax machine [yes I still have one and it is not 1980], with the do not call registry. It seems in the last year, though, that there is a flood of calls that are recordings so you cannot interrupt to say "take me off your call list" and they do recordings so you think it is a live conversation like, "sorry, I had a problem with my headset" and continue to talk. Cell phones USED TO BE sacred and they could not be called by telemarketers because it cost you money to receive the call. I would hope that is still the case but based on the 5-6 calls I have had in the last 7 days, it seems not.

Eliz. C. A. Johnson, California

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I just confirmed that my cellphone has been registered on the do not call registry since 2012.

What is a "spam feature" on a cellphone?

Marshall D. Chriswell

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What truly bothers me are the solicitation calls on my "business phone"!?!

Roberta Fay, California

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My phone will trigger a message for a first time call from a number not in my contacts to ask "is this spam" and do you want to block these calls. I would think this is on most smart phones now.

Eliz. C. A. Johnson

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I get them on office phone, I don't know who thought call spoofing s a good idea. You want my trust you yet the firs

I either hang up or go gonzo creative. t thing you do is lie to me. That marks you as breathtakingly stupid. I either hang up or get gonzo creative.

John Davidson, Pennsylvania

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I've done some compliance work in this area, so I have some thoughts.

1) I believe the Do Not Call registry expires after 5 years, though I did not check. You may need to renew.

2) It is still illegal to call a cell phone for telemarketing without permission from the owner. FCC has some helpful resources on this topic:

Consumer Guide on unwanted calls, texts, and faxes:

<https://www.fcc.gov/consumers/guides/stop-unwanted-calls-texts-and-faxes>

Web Resources for Blocking Robocalls:

<https://www.fcc.gov/unwanted-calls>

3) In some states (I do not know whether PA is one of them), there may be state laws that prohibit some of this behavior, e.g., state laws prohibiting pre-recorded messages for telemarketing purposes.

4) It is required that certain information be included in legitimate telemarketing calls, including the identity of the caller. It sounds like some of these calls may be violations of more than one legal requirement.

You can file complaints with the FCC here:

[https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket\\_form\\_id=39744](https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=39744)

The FTC has overlapping jurisdiction with the FCC depending on who is doing the calling and why, and in general, the FTC is a great deal more active in responding to consumer complaints, so I would also file a complaint with the FTC here:

[https://www.ftccomplaintassistant.gov/?utm\\_source=takeaction#&panel1-1](https://www.ftccomplaintassistant.gov/?utm_source=takeaction#&panel1-1)

And you can also contact your state Attorney General's office to see if they might be doing anything to violate state telecom law as well.

Good luck!

Kelcey Patrick-Ferree, Iowa

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Kelcey,

Does this apply to Google Voice numbers or only your cellular company issued telephone number?

Realistically speaking, is anyone (state AG?) actually going to do anything? I was under the impression that these folks change things up far too quickly for the government to easily catch them (changing numbers, routing and rerouting through servers, spoofing numbers, etc.) and that this isn't a big priority type case anyway. I'm happy to fill out the form for the calls, but I don't want to waste time if it's likely that nothing is going to happen.

Kristin Haugen, Minnesota

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Kelcey brought out some good points for sure, but I wanted to throw in some insight as to a (potentially lucrative) remedy available that no one has mentioned yet -- the Telephone Consumer Protection Act (TCPA @ 47 U.S.C. 227(b)(3)). There are of course more specifics, but the general nutshell is that if you receive such spam/telemarketing calls then you are eligible for damages per the statute of \$500 \*per\* violation (i.e. per call) with the possibility of treble damages if the calls were 'willful and knowing.'

Obviously, more often than not this would be a matter for small claims court in most states, which can be both a good thing and/or a bad thing.

But.... here's the rub that someone already mentioned --- who do you sue or send a demand? The fly in the ointment is the hugely difficult task of tying the phone number displayed when receiving the call --> a company/business/person.

I have received a number of the same type of calls (the car warranty one, for the inquisitive) and every single time, without fail, the phone number that pops up on my caller ID almost always leads to a dead end. It's either spoofed outright and/or made from a VOIP service (such as Vonage), then that number is forwarded on to your phone from a "middle-man" company that sell & assign their 'vacant' range of phone numbers to these fly-by-night spamming outfits for this exact purpose. So, discovering the identity of the caller (or their company) is tantamount to a shell game.

Seth Combs, Kentucky

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Kristin,

I don't know the status of Google Voice numbers, sorry.

In my experience, of the three (FCC, FTC, state AG), the state AG is the most likely to do something about the problem, followed by the FTC and last the FCC. How effective they can be does depend on the nature of the company and where it's based. But the real scammers (like the guy with the thick accent who keeps calling to tell me that my "Windows computer" is sending him error messages...!) aren't going to pay attention to the Do Not Call registry, either....

Kelcey Patrick-Ferree

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To Seth's point, I had a client who received a call from a debt collector. But the number showed up as our county sheriff on caller ID. She reported it to the Sheriff, who took a report, and confirmed it wasn't them calling, but even the Sheriff could not locate the bad guy. Its almost impossible.

Now if Cutco starts calling you, then we should sue them!

Jonathan Stein

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I downloaded an app called "Should I answer?" which aggregates user reviews/reports about specific numbers to provide spam warnings when the phone rings. I'll see how that goes.

Thank you for all the responses!

Marshall D. Chriswell

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If it is an automated call and you did not give permission for the call, then there is a claim to be made. Hardest part is locating the defendant to be name in the action and that the defendant has resources to go after.

I have set up a contact for these callers and save each new number to it so I cannot answer and even have the call go straight to voicemail (in case it is a real person).

Phil A. Taylor, Massachusetts

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I use DU Caller. My son found it. It put names to one that has been calling me. I Googled it too. The least I can do is call the number, blocking mine, and ask for the person by name. If I get it right, I can scare the crap out of whoever is doing it.

Mitchell P. Goldstein, Virginia