



THE AMERITAS ACACIA COMPANIES TELEMARKETING POLICY

FINAL POLICY FOR AMERITAS ACACIA COMPANIES' COMPLIANCE WITH THE TELEPHONE CONSUMER PROTECTION ACT (TCPA)

“Do Not Call Rules”

Effective as of November 15, 2004

[Intended to Replace the Policies and Guidelines established May 01, 2004]

1.00 POLICY

1.05 Scope. These Do-Not-Call (“DNC”) rules apply to all of The Ameritas Acacia Companies, except Acacia Federal Savings Bank and Calvert Group LTD, and all of their marketing representatives, including producers, registered representatives, agents (both general or career), brokers, telemarketers and agencies.

.005 **Business Telephone Numbers.** Neither the DNC rules nor this policy are applicable to business telephone numbers (other than home businesses), including business cellular numbers. A telephone number is considered a business telephone number if it is listed in the business directory of a telephone book, is listed as a business number on a business card or business stationary or similar type publication, or the individual provides the telephone number as their “business” or “work” telephone number.

.010 **Home Businesses.** Home businesses that use a residential line are protected by DNC laws, and subject to the requirements of Section 1.15 below.

1.10 Training. Prior to placing calls to residential telephone numbers, all marketing representatives must review and be familiar with these policies and procedures.

1.15 Marketing Calls. Telephone calls or messages to residential or customer cellular telephone numbers that are initiated for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services **must** comply with **all** the following requirements:

.005 **Internal DNC Registry.** Calls may **not** be placed to any residential customer whose name or telephone number appears on the Internal DNC Registry maintained by The Ameritas Acacia Companies. The Ameritas Acacia Companies must honor the customer’s request even if the customer is not registered on the National DNC Registry or the applicable state DNC registry (or a supplemental registry at the line of business, division,

or company level).

.010 **State Registry.** Calls may **not** be placed to any number that appears on a State registry unless the call is permitted under the applicable State laws. Marketing representatives must familiarize themselves with the DNC laws for each state to which they will be placing calls.

.020 **National DNC Registry.** Calls may **not** be placed to any residential or cellular telephone number that appears on the National DNC Registry (<http://telemarketing.donotcall.gov>) **unless:**

1. Within the previous eighteen (18) months, the customer has made a financial transaction or has a security position, a money balance, or account activity with The Ameritas Acacia Companies;
2. Within the previous eighteen (18) months, the customer has had an account with the producer's broker-dealer (including the clearing firm) or insurance company, as identified on a customer's account application for accounts held directly at a mutual fund or insurance company;
3. Within the preceding three (3) months, the customer has contacted us about our products or services sometime;
4. Within the preceding three (3) months, the customer has given us written permission to contact him/her;
5. The customer is a family member, friend, or acquaintance of the producer placing the telephone call. The FCC has indicated that a friend or acquaintance is someone who would expect the call, and who has a close, or, at least, firsthand relationship with the producer placing the call;

OR

6. The customer receiving the call is a broker or a dealer.

NOTE: There are **no** exceptions under the law for "referred leads" as such.

.025 **Time of Day.** Calls may only be placed after 8 a.m. and before 9 p.m. (local time for the telephone number that receives the call) unless the customer receiving the call has given prior express permission to call outside of these times, or has an established business relationship with the customer placing the call.

.030 **Identification at time of call.** Producers must provide the following information at the time of call:

1. Name of individual producer.
2. Name and address or telephone number of the broker-dealer, or agency if the producer is not a Registered Representative. Note: An 800 number is not required, but 900 and similar type numbers are prohibited.
3. Statement that the purpose of the telephone call is to solicit the purchase of securities or related service.

.035 **Records.** It is the sole responsibility of the person making a call to keep a record of all telemarketing calls, and maintain that record for a minimum of five (5) years. The records should indicate the date, time, number called, name of customer/consumer and purpose for each call.

.040 **Cross Marketing.** The customer's established business relationship with one of The Ameritas Acacia Companies **does not** extend to affiliated entities. Thus, a producer/rep may not contact a policyholder of one company to offer a product sold by an affiliated company.

1.20 Specific "Do Not Call" requests from customers or consumers. When a customer or consumer specifically requests that they not be contacted by telephone, such request must be reported to the Insurance Compliance Office. The customer's name and telephone number will be recorded on our Internal DNC Registry that must be checked prior to making any telephone calls for marketing purposes.

.005 **Broker/Dealer, Life Insurance, Annuities, Worksite and Retirement.** Immediately contact Janet Gustafson at 800.745.6665 ext. 4317 or at jgustafson@ameritas.com. The Internal DNC Registry is available at <http://tools4you.com>.

.010 **Group Division.** Immediately contact Geri McKeown at 800-659-2223 ext. 2222 or at gmckeown@ameritas.com. Geri McKeown will be responsible for forwarding the information to Janet Gustafson.

1.25 Outsourcing. Producers who outsource their telemarketing calls must get an express written agreement from the telemarketer that the telemarketer complies with all state and federal DNC laws and regulations, and that the telemarketer will not call any number appearing on The Ameritas Acacia Companies Internal DNC Registry.

2.00 RESOURCES

2.05 Registry Compilation Service. The Ameritas Acacia Companies recommends that its producers subscribe to the PossibleNOW DNCQuickcheck service ("Quickcheck"). Quickcheck provides simultaneous verification of telephone numbers against the National and states' DNC Registries.

Producers will still need to check the Internal DNC Registry at <http://tools4you.com> prior to placing calls.

2.10 Access to National DNC Registry. The National DNC Registry is maintained by the FTC at <http://telemarketing.donotcall.gov>. Producers using the National Registry must update their records at least every three (3) months. Producers should use their own information when registering for access to the National DNC Registry.

2.15 State Information. State DNC laws and/or lists can usually be found at each state's website (e.g. www.state.il.us where "il" stands for Illinois). You may have to do a general search on the website for "do not call", "telemarketing" or "solicitation".

2.20 Future Resources. The company is exploring the possibility of maintaining a comprehensive Do-Not-Call Registry on an appropriate company website. If a comprehensive registry is feasible, the company will notify producers as soon as it becomes available.

3.00 PENALTIES

Calling a customer who has listed their residential number on the National DNC Registry, even if through a referral by an existing customer, family member or friend, could result in a federal fine of up to \$11,000 per call, state penalties and/or termination of the producer's license.