

**GUEST COLUMN**

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**Campana and Torkildson: Don't add small biz to no-call**By **JOSEPH CAMPANA** and **SANDI TORKILDSON**

One of the most popular laws has been the consumer do-not-call list, enacted to assure an individual consumer's right to privacy.

The Legislature is proposing an expansion of the do-not-call regulations to include cell phones, banning unsolicited faxes, and boosting fines from \$100 to as much as \$10,000.

The proposal -- Senate Bill 99 and Assembly Bill 217 -- also includes a "small business" do-not-call registry that would allow small businesses to add their business phone numbers.

On the surface, this might sound helpful. Most small business owners probably think of the calls we receive on behalf of not-for-profits, the periodic torrents of recorded political campaign calls, and the uncompleted or dropped calls from unknown callers.

But these types of calls will continue to consumers and to businesses because they are exempt or won't change under the current proposal.

Instead, the likely target of the "small business" do-not-call provisions are legitimate telemarketing calls from conglomerates plugging their business services.

If business people don't like these calls, current state law already provides a simple process to request to be placed on a telemarketer's own do-not-call list. And a written request or brief e-mail complaint to the state Department of Agriculture, Trade and Consumer Protection should terminate unwanted telemarketing in the unusual case that a telemarketer does not comply.

So what will the "small business" do-not-call provision accomplish? It will create a nightmare for some small businesses that depend on using the phone to introduce their services and products.

Ninety percent of all businesses have 20 or fewer employees. These are the businesses that could go on the "small business" do-not-call registry. Ironically, the proposed law will hurt this same majority of businesses.

Small businesses cannot afford the time, fees or labor to comply with the complex regulations being proposed. They cannot afford the risk of legal fees and lost work if unfairly accused of violations.

Many small businesses provide innovative or highly competitive products and services that can benefit other businesses and the economy. Their success often depends on being able to make an appointment with a business decision maker to share the product or service.

*Campana is principle of J. Campana & Associates. Torkildson co-owns A Room of One's Own Bookstore*