

ATTORNEY GENERAL OF THE STATE OF NEW YORK
BUREAU OF INTERNET AND TECHNOLOGY

In the Matter of

**Investigation by LETITIA JAMES,
Attorney General of the State of New York, of**

**IGOR KOROGODSKIY,
4K APPS INC., and
ANNA KOLESNIK,**

Assurance No. 24-061

Respondents.

ASSURANCE OF DISCONTINUANCE

The Office of the Attorney General of the State of New York (“OAG”) commenced an investigation pursuant to Executive Law § 63(12) and General Business Law (“GBL”) §§ 349 and 350 into the lead generation practices of 4K Apps Inc. (“4K Apps”), its owner, Igor Korogodskiy (“Korogodskiy,” and together with 4K Apps, the “4K Respondents”) and Anna Kolesnik (“Kolesnik,” and collectively, “Respondents”). This Assurance of Discontinuance (“Assurance”) contains the findings of the OAG’s investigation, and the relief agreed to by the OAG and Respondents, whether acting through their respective directors, officers, employees, representatives, agents, affiliates, or subsidiaries (collectively, the “Parties”).

OAG’s FINDINGS

1. Respondent 4K Apps Inc. is a Florida corporation with a mailing address at 10 Prince Michael Lane, Palm Coast, Florida 32164.
2. Respondent Igor Korogodskiy is the owner and operator of Respondent 4K Apps Inc. Korogodskiy formulates, directs, and controls the policies, acts, and practices of Respondent 4K Apps Inc. Respondent Korogodskiy is an attorney registered in New York, a resident of New York, and conducts the business of 4K Apps from New York.

3. Respondent Anna Kolesnik lives in, and conducts her business from, New York.

Respondents' Deceptive Lead Generation Practices

4. Since at least 2019, Respondents have operated in the field of lead generation. A lead generator is typically paid by a third party to identify consumers who may be interested in a product or service. A lead generator may provide the third party with the name and contact information of the consumer, or simply connect the consumer directly to the third party.

5. Respondents' primary method of lead generation is through the creation of websites and the use of online ads that direct traffic to those websites, which, in turn, directs consumers to Respondents' clients.

6. More specifically, Respondents generally direct traffic to their clients by:

- a. Operating websites that purport to contain a directory of entities that provide services in a particular field, such as mental health facilities;
- b. Purchasing advertisements (*e.g.*, "Inpatient mental health treatment centers in Brooklyn, NY. Call 24/7") through search engines to direct consumers running searches for local services on Google, Bing, Yahoo, or AOL to Respondents' sites; and,
- c. Directing consumers on Respondents' sites to call or contact Respondents' clients regarding the services being sought.

7. Respondents operate their lead generation business in a deceptive manner, giving consumers a false impression of the services being advertised by Respondents' websites. Respondents' deceptive practices have included:

- a. Falsely representing Respondents' websites as providing impartial listings of entities offering a category of services in a region (*e.g.*, detoxification clinics in

Troy, New York) while in reality only providing consumers with contact information for Respondents' clients who do not provide these services in the region (*e.g.*, not in Troy, New York);

- b. Giving the false impression that a listed phone number is associated with a specific business or facility, when it is in actuality a phone number that directs the consumer to one of Respondents' clients;
- c. Giving the false impression that a listed toll-free phone number is a hotline or helpline for consumers in need of specific services, when it is in actuality a sponsored phone number that directs the consumer to one of Respondents' clients; and,
- d. Falsely representing that the websites can be used by consumers to connect with local mental health facilities, whereas in reality Respondents' clients operate substance abuse facilities, the closest of which might be located hundreds of miles away.

4K Respondents Operate a Network of Deceptive Websites Targeting Consumers Seeking Local Mental Health Treatment Facilities

8. Since August 2020, 4K Respondents have operated a network of websites that purport to provide a directory of mental health facilities located across the United States (collectively, the "Mental Health Sites"). 4K Respondents operate at least six Mental Health Sites in all, including MentalHealthDirectory.net, MentalHealthListings.net, MentalHealthClinics.org, and MentalHealthCenters.net.

9. All of these websites represent, expressly and by implication, that they are operated for the purpose of providing an impartial information service for individuals seeking mental health treatment in their area. For example, the "About" page on 4K Respondents'

MentalHealthClinics.org website claims the site exists for “one purpose”: “to provide those who need treatment a full directory of mental health facilities.”

10. Every page on the Mental Health Sites includes a toll-free phone number for a “helpline” that appears to connect to an independent service offering assistance to individuals seeking treatment for mental health issues. For example, at various times, the Mental Health Sites have included the following statement: “Do you need mental health and substance abuse treatment? Call (888) 331-3881 to learn about the best treatment options. This free helpline is confidential, free, and available 24/7.” This statement mirrors the description of the federal government’s SAMHSA helpline found on the SAMHSA website: “SAMHSA’s National Helpline . . . is a confidential, free, 24-hour-a-day, 365-day-a-year, information service . . . for individuals and family members facing mental and/or substance use disorders.”

11. All of the Mental Health Sites are designed to enable visitors to identify mental health facilities that are located nearby. Each Mental Health Site’s directory is organized by geographic area. Visitors are invited to “Find Mental Health Facilities Near You” by entering a city, county, or zip code into a search box.

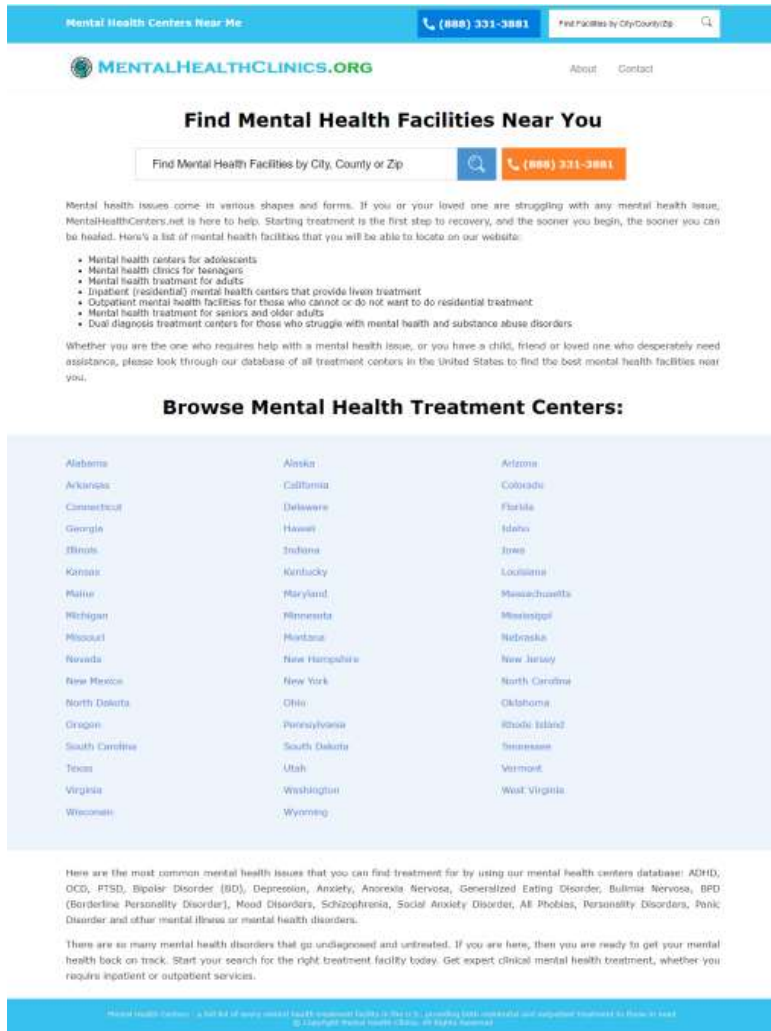


Figure 1 - Screen Capture of MentalHealthClinics.org Home Page

12. Visitors can also search for nearby mental health facilities by clicking on the name of their state, and then selecting from a list of cities and counties in that state. For example, clicking on a link labeled “New York,” shown in Figure 1 above, loads a page titled “Find Mental Health Facilities in New York,” a portion of which is depicted in Figure 2 below. All of the state specific pages follow the same format as this page.

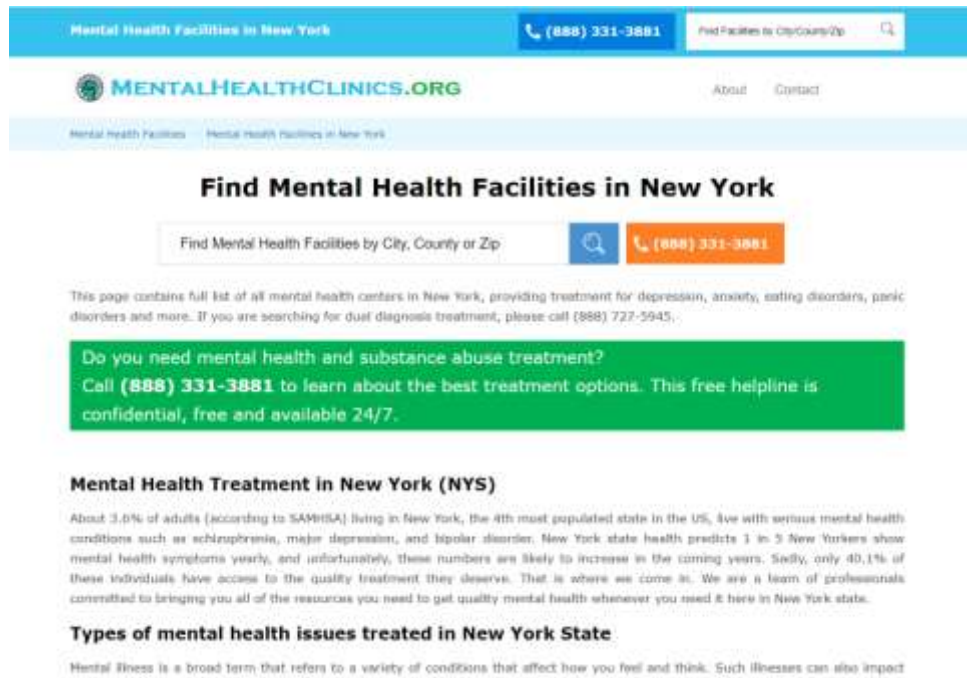


Figure 2 – Screen Capture of MentalHealthClinics.org New York Page – Top of Page

13. Further down, the webpage lists cities and counties in New York State. Clicking on a city or county, such as “Albany,” loads a new webpage with a list of facilities located in or near that area.

14. Every page on the Mental Health Sites that contains mental health facilities is formatted as a directory. Each entry in the directory includes the facility’s name, its address, a brief description of the services the facility offers, and what appears to be the facility’s phone number. Visitors are encouraged to call the listed number for “24/7 help with treatment.”



Figure 3 – Screen Capture from MentalHealthClinics.org New York Page – Listings

15. These listings convey the false impression that the phone numbers are associated with the listed mental health facilities.

16. However, *none* of the phone numbers actually connect consumers with the listed facility. Rather, *all* of the numbers are controlled by 4K Respondents and direct consumers to one of 4K Respondents’ clients.

17. Most calls have been directed to a call center operated by Legacy Healing. Legacy Healing operates in-patient substance abuse treatment facilities. The business only operates six such facilities nationwide, none of which are located in New York State. In fact, the closest, in New Jersey, is hundreds of miles from many upstate New York residents. Moreover, these substance abuse treatment facilities do not offer treatment for many of the mental health issues identified on 4K Respondents’ Mental Health Sites.

18. 4K Respondents’ Mental Health Sites therefore have falsely conveyed a variety of information, including:

- a. The Mental Health Sites falsely represent that that they are operated for the purpose of providing an impartial information service for individuals seeking mental health treatment in their area. In reality, the sites are a for-profit business operated to generate leads for 4K Respondents' clients.
- b. The Mental Health Sites falsely represent that the toll-free "helpline" is affiliated with an independent service offering assistance to individuals seeking treatment for mental health issues. In reality, the phone line connects to a for-profit operator of substance abuse treatment facilities.
- c. The Mental Health Sites falsely represent that they can be used by consumers to connect with local mental health facilities. In reality, consumers are connected with the operator of substance abuse treatment facilities, the closest of which may be located hundreds of miles away.
- d. The Mental Health Sites falsely represent that listed phone numbers are associated with the listed facilities. In reality, all of the numbers on the Mental Health Sites are operated by 4K Respondents and direct callers to the operator of substance abuse treatment facilities.

19. All of 4K Respondents' Mental Health Sites have operated in the same manner and reflected the same deceptive practices. Indeed, 4K Respondents' Mental Health Sites are nearly identical to one another, with minor changes in language based on the name of the Mental Health Site and the types of listings it purports to provide.

4K Respondents Operate a Network of Deceptive Websites Targeting Consumers Seeking Local Substance Abuse Treatment Facilities

20. 4K Respondents also operate a network of websites that purport to provide a nationwide directory of substance abuse treatment facilities (collectively, "Substance Abuse

Sites”). Since 2019, the 4K Respondents have operated more than 20 Substance Abuse Sites, including Inpatient-Rehab.org, SuboxoneClinics.net, AlcoholDetoxCenters.net, and FindDetoxCenters.com.

21. All of the Substance Abuse Sites have the same design, and operate in the same manner as the Mental Health Sites. They also employ the same deceptive elements, including: (i) falsely representing that the Substance Abuse Sites are operated for the purpose of providing an impartial information service for individuals seeking substance abuse treatment in their area; (ii) falsely representing that the toll-free “helpline” is affiliated with an independent service offering assistance to individuals seeking treatment for substance abuse issues; (iii) falsely representing that the Substance Abuse Sites can be used by consumers to connect with local substance abuse treatment facilities; and (iv) falsely representing that listed phone numbers are associated with the listed facilities.

22. One of the Substance Abuse Sites, Inpatient-DrugRehab.org, is illustrative. The site states that it provides “the most up-to-date listings of inpatient drug rehab centers across the U.S.” so that websites visitors “can find rehab centers in [their] state[s]” that “will help [them] recover once and for all.” See Figure 4 below. But contrary to this representation, this site, too, was designed to funnel consumers to 4K Respondents’ clients, who are affiliated with a limited number of facilities in a limited number of locations.

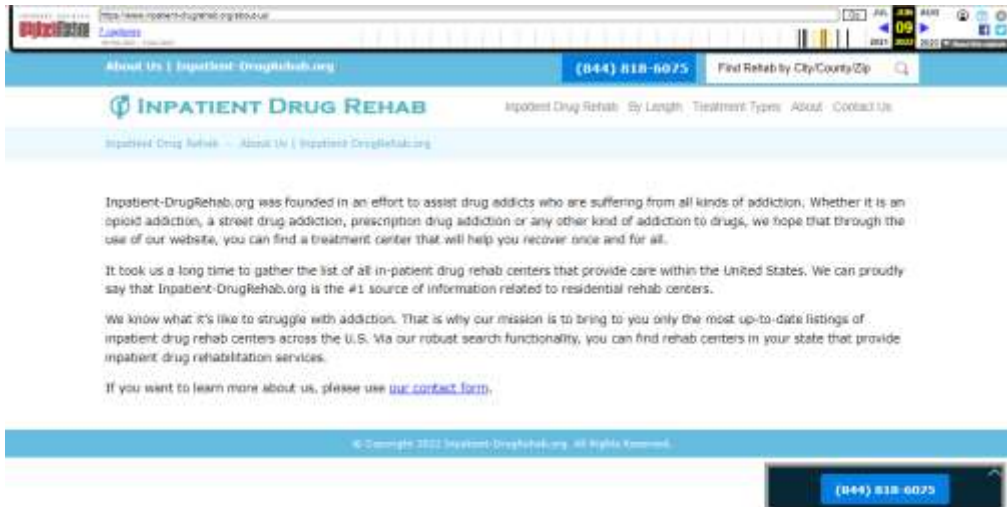


Figure 4 – Screen Capture of Inpatient-DrugRehab.org About Us Page

23. Like the Mental Health Sites, Inpatient-DrugRehab.org is designed to enable consumers to find local substance abuse treatment facilities. Visitors can search for nearby facilities by entering a city, county, or zip code into a search box, or by clicking on their state and selecting from a list of cities and counties.

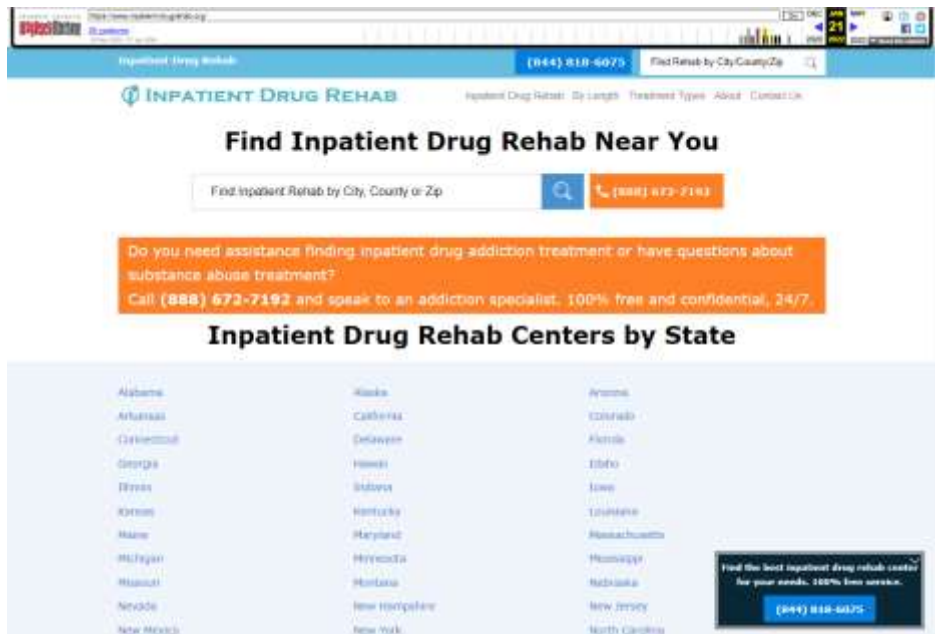


Figure 5– Screen Capture of Inpatient-DrugRehab.org

24. Every page on the site that contains a list of substance abuse treatment facilities is formatted as a directory. Each entry in the directory includes the facility's name, its address, a brief description of the services the facility offers, and what appears to be the facility's phone number.

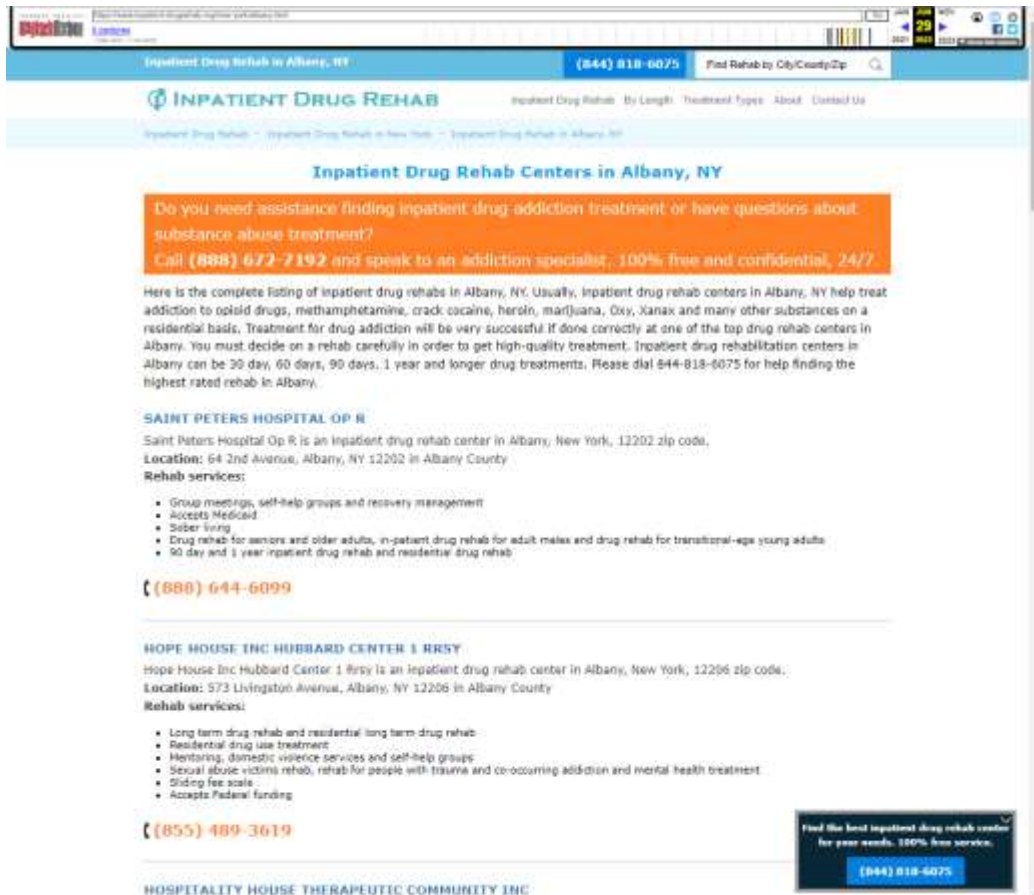


Figure 6– Screen Capture of Inpatient-DrugRehab.org – Listings in Albany, NY

25. In fact, all of the phone numbers on the site are controlled by 4K Respondents and direct callers to 4K Respondents' clients.

Representatives Answering the Phone Did Not Provide Consumers with Clarifying Information

26. The consumer confusion created by the Mental Health Sites and Substance Abuse Sites was compounded when consumers tried to contact a facility using one of the phone numbers listed on those sites. Among other things, during test calls conducted by the OAG, call center

representatives who responded to the calls (i) failed to identify the company, service, or facility answering the call, but rather only identified themselves generically as “intake” or similar, and (ii) resisted identifying or simply refused to identify who they worked for or where they operated.

27. Moreover, call center representatives told callers Medicaid and Medicare were not accepted at their facilities, and turned away callers that stated they did not have private insurance coverage. On multiple occasions, callers were told to “Google” other facilities if they were looking for a facility that accepted their insurance.

28. A consumer who called one of the phone numbers provided by the 4K Respondents when he was trying to reach his neighborhood mental health clinic might end the call with the misimpression that that facility did not accept his insurance, did not offer the services he was seeking locally, or otherwise could not help him. Thus, the misleading information posted by 4K Respondents on the Mental Health Sites and Substance Abuse Sites could easily derail a vulnerable consumer’s quest for mental health treatment.

4K Respondents Operate a Network of Deceptive Websites Targeting Consumers Seeking Local Assisted Living Facilities

29. 4K Respondents also operate a network of websites that purport to provide a nationwide directory of assisted living facilities (collectively, “Assisted Living Sites”). Since 2019, 4K Respondents have operated at least 20 Assisted Living Sites, including AssistedLivingNearMe.net, SeniorLivingHelp.org, MemoryCareFacilities.net, and SeniorGuidance.org.

30. The Assisted Living Sites have the same design, and operate in the same manner, as the Mental Health Sites and Substance Abuse Sites. They also employ the same deceptive elements.

31. All of the Assisted Living Sites represent, expressly and by implication, that they are operated for the purpose of providing an impartial information service for individuals seeking assisted living in their area.

32. The site SeniorLivingNearMe.net is illustrative. The “About Us” page on the site states: “Our mission is simple: we want to present you with the choice of senior living communities in the area of your choice.”

33. Like 4K Respondents’ other sites, the Assisted Living Sites are designed to enable visitors to identify assisted living facilities that are located nearby. Visitors can search for facilities in a particular area by entering a city, county, or zip code into a search box, or by clicking on the name of their state and then selecting from a list of cities and counties in that state.

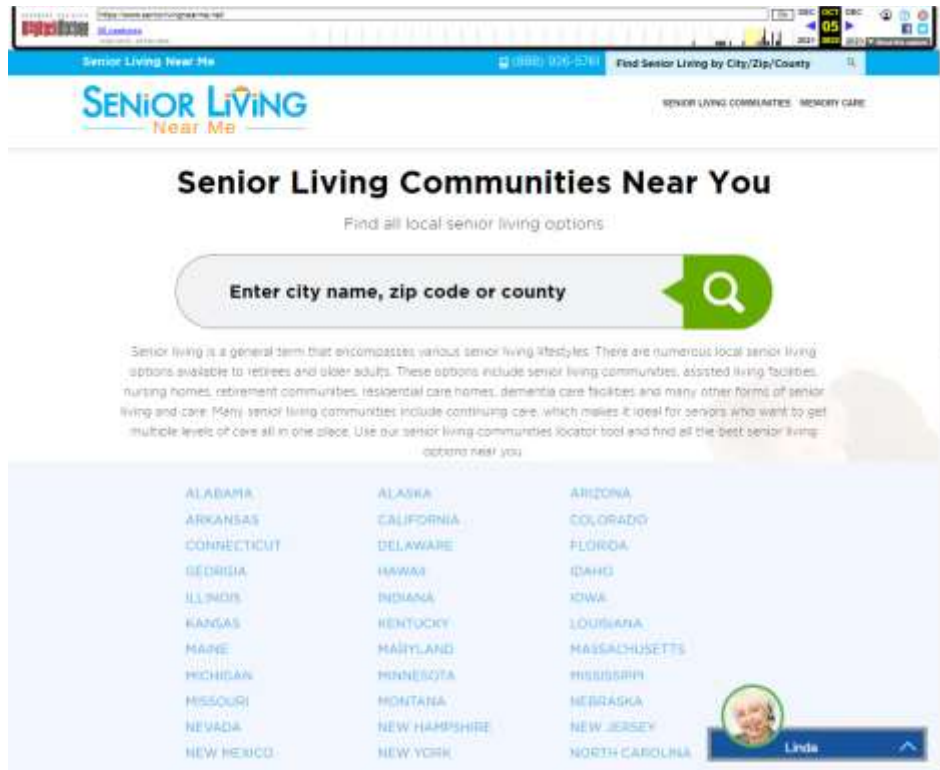


Figure 7 – Screen Capture of SeniorLivingNearMe.net

34. The listings of assisted living facilities are formatted as a directory. Each entry in the directory includes the facility's name, its address, a brief description of the services the facility offers, and what appears to be the facility's phone number.

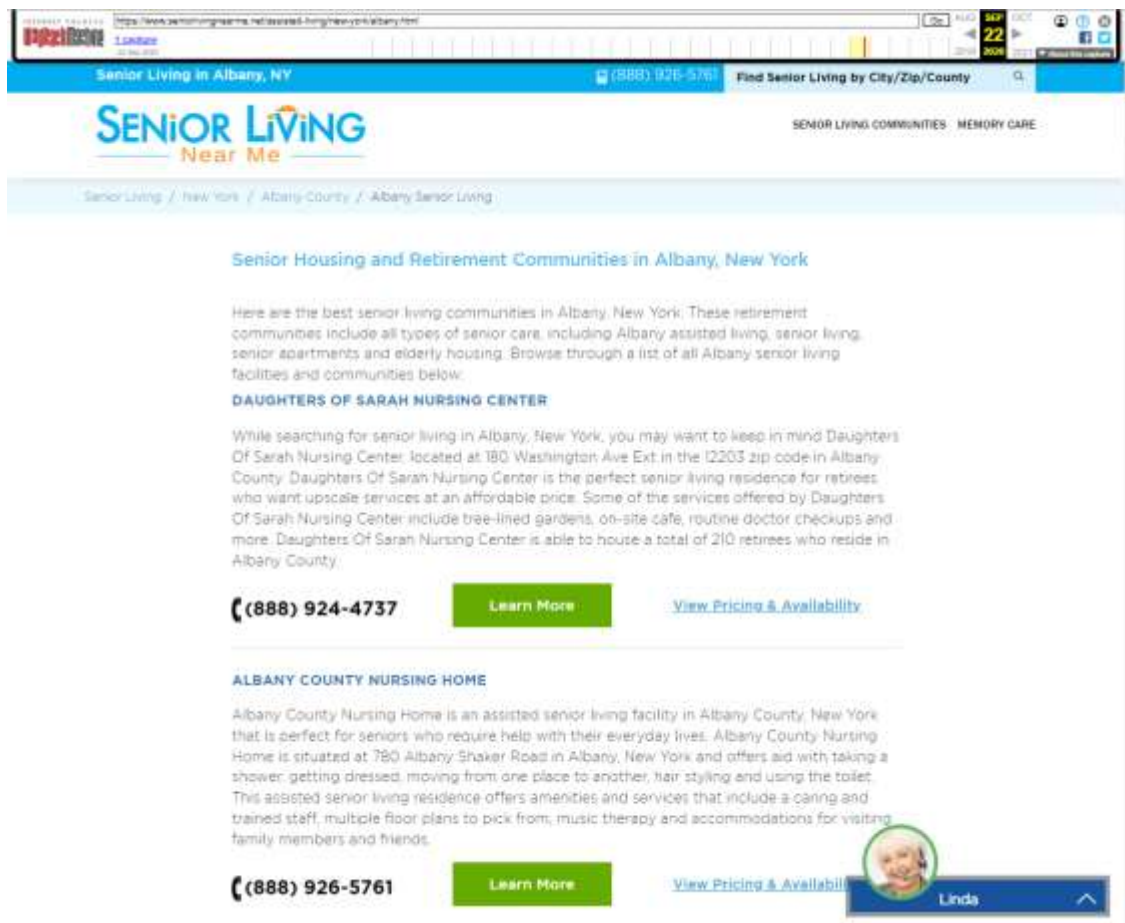


Figure 8 – Screen Capture of SeniorLivingNearMe.net – Listings in Albany, NY

35. Calling the listed phone number, however, does not connect the caller to the listed facility. Instead, callers are connected to a call center operated by 4K Respondents' client, A Place For Mom. A Place for Mom does not itself operate any assisted living facilities, but instead refers consumers to facilities with whom it works. A Place for Mom does not work with many of the facilities listed on 4K Respondents' websites.

36. The Assisted Living Websites also employ deceptive messaging not found on 4K Respondents’ other websites. For example, each facility’s listing includes a button or link labeled “View Pricing and Availability.” See Figure 8.

37. Clicking on the button or link opens a pop-up window with a form inviting visitors to enter their name and contact information to “instantly get information on” the facility’s pricing and availability, amenities, and dining options. After entering their information, visitors must click on a button labeled “Get Pricing and Availability.”



Figure 9 – Screen Capture of SeniorLivingNearMe.net – Listings in Albany, NY

38. Clicking on the button labeled “Get Pricing and Availability” does not, however, provide visitors with pricing and availability information for the listed facility. Instead, the information the visitor has entered into the form is sent to 4K Respondents’ client. That client then typically contacts the visitor. During these communications, the marketing client attempts to solicit additional information and arrange in-person site visits at various facilities.

39. Critically, the marketing client does not work with most of the senior living facilities listed on the Assisted Living Sites. It is therefore not possible for website visitors to actually obtain pricing and availability information about most of the listed facilities.

40. The 4K Respondents use another form of deceptive marketing on the SeniorGuidance.org website. Each webpage on the site displays a list of assisted living facilities in a particular area. The site claims that the listed facilities are the “Best” in that area. For example, the page for Albany, NY claims to list “The 9 Best Assisted Living Facilities in Albany, NY for 2024.” In addition, the listing for each is accompanied by a rating on a scale of one to five stars.

41. These statements falsely convey that the website operator has evaluated the listed facilities. In reality, the listed facilities do not reflect anyone’s view of the “best” facilities in a particular area; the website simply lists all of the facilities that are located in that area. Moreover, the star ratings are static, and do not reflect an actual rating of the listed facility.

42. The SeniorGuidance.org website also claims that users can “Find Medicare & Medicaid Assisted Living” in a particular area using the site’s search functionality. This claim is false; a search run using this functionality does not return a list of assisted living facilities that accept Medicare or Medicaid, and instead returns a list of *all* facilities in the searched for area. Moreover, the marketing client will not work with individuals who seek to pay using Medicare or Medicaid. So callers who attempt to contact one of the facilities using the listed phone numbers—which in fact connect callers to 4K Respondents’ marketing client—are routinely turned away.



Figure 10 – Screen Capture of SeniorGuidance.org

Respondent Kolesnik Operates a Network of Deceptive Websites Targeting Consumers Seeking Local Assisted Living Facilities

43. Respondent Kolesnik operates a network of websites that purport to provide a nationwide directory of assisted living facilities. The websites are nearly identical to 4K Respondents’ Assisted Living Sites and contain the same deceptive elements. Respondent Kolesnik has operated at least five sites in all, including PetFriendlySeniorLiving.com, AssistedLivingForCouples.com, ContinuingCareCommunities.org, FaithBasedAssistedLiving.org, and MemoryCareNearMe.org.

44. Many of Respondent Kolesnik’s sites are targeted at consumers who are seeking a facility with a particular characteristic. PetFriendlySeniorLiving.com, for example, claims to provide a directory of assisted living facilities that accommodate dogs, cats, and other pets, while FaithBasedAssistingLiving.org claims to provide a directory of facilities that are oriented towards a particular religion.

45. These representations are false. Kolesnik’s websites use the same directory of facilities found on 4K Respondents websites. For example, most of the facilities on

PetFriendlySeniorLiving.com are not, in fact, pet friendly. Similarly, most of the facilities listed on FaithBasedAssistingLiving.org are not oriented towards a particular religion.

4K Respondents Employ Misleading Ads to Attract Consumers to Their Websites

46. To attract traffic to their Mental Health Sites and Substance Abuse Sites, 4K Respondents run online advertisements through the Google and Bing search engines. 4K Respondents specifically target the ads at consumers searching for facilities that are located nearby by bidding on search terms that include particular areas. For example, 4K Respondents have bid on the search terms “inpatient mental health Port Jervis New York” and “Hartsdale NY inpatient rehab.”

47. The ads that 4K Respondents run all convey to consumers that they can find and connect to facilities in a particular area by visiting 4K Respondents’ websites. For instance, 4K Respondents employed ads for MentalHealthClinics.org that state “Inpatient mental health treatment centers in Brooklyn, NY. Call 24/7” and “Inpatient mental health treatment facilities in Amityville, NY. Call 24/7.”

48. These ads are misleading because consumers cannot connect to mental health facilities in Amityville or Brooklyn through 4K Respondents’ websites. The phone numbers on Respondents’ websites direct consumers to Respondents’ clients, who do not operate inpatient mental health treatment facilities and are not located in Amityville, Brooklyn, or any other location in New York.

49. In essence, 4K Respondents’ Mental Health Sites operated as a bait-and-switch scheme: vulnerable consumers—those seeking mental health services or substance abuse treatment—would run searches for local services and land on one of 4K Respondents’ Mental Health Sites or Substance Abuse Sites. On these sites, consumers are deceived into calling one of

4K Respondents' clients—who offered limited services, in a narrow set of locations not in New York, and often only accepted private insurance or cash—rather than the local facility they had hoped to reach and that might actually have been able to treat their mental health issue, might accept their insurance, or otherwise better suit their needs.

Respondents Employ Deceptive Native Advertising

50. Respondents also market their websites using native advertising. Respondents' native advertising typically takes the form of sponsored articles and posts published on blogs and other third-party websites. The articles and posts look like any other content on these third-party websites. Many identify the blogger or a guest contributor as the author. There is no indication that the articles or posts are advertising.

51. All of Respondents' articles and posts are created by contractors at Respondents' direction and posted on third-party websites by such contractors. Respondents then pay the operator of the third-party website to publish the content.

52. A post on a fitness blog entitled “8 Signs You Should Consider Assisted Living for Your Elderly Parent” is illustrative. The post included the following passage:

If you are considering assisted living for your loved one, it's important to research and compare facilities to find the best fit for their needs. You can find assisted living facilities in the US [here](#), and use search filters to narrow down your options based on location, services, and amenities. With careful research and consideration, you can find a facility that provides your loved one with the support and care they need to thrive.

The word “here” hyperlinks to 4K Respondents' SeniorGuidance.org website.

53. Respondents' native advertising is deceptive because they convey to consumers that they are independent, impartial, or from a source other than Respondents.

4K Respondents Have Long Been Aware Their Sites are Deceptive and Cause Consumer Confusion

54. The 4K Respondents have long been aware that their sites are deceptive and cause consumer confusion but they have done little to remedy the issues. Indeed, 4K Respondents ignored express requirements to provide disclosures, clarify who would answer calls made to the toll-free numbers provided on the Substance Abuse Sites and Mental Health Sites, or otherwise direct consumers to non-sponsored, neutral information on how to access mental health services.

55. For instance, in January 2021, when 4K Respondents signed a lucrative contract with a marketing firm that represented a group of addiction treatment and detoxification facilities (the “Marketing Client”), the Marketing Client told 4K Respondents to enhance disclosures including to “state that calls will be answered by Rehabs Near You” and “mention that you receive a fee from us, and have a link to www.samhsa.gov, as well as <https://www.myflfamilies.com/>” on the Sites. Respondents did not implement any of these requests on the Mental Health Sites for more than a year.

56. Additionally, the Marketing Client received several complaints about the deceptive nature of the Substance Abuse Sites and Mental Health Sites, which it reported to the 4K Respondents. Yet the 4K Respondents did not take any steps to address the deceptive elements of the sites. For instance:

- a. Shortly after Thanksgiving 2021, the Marketing Client received a complaint from a facility in Argyle, Texas regarding the listing for that center that appeared on DetoxNearMe.org. The Marketing Client agreed with the complainant, telling Respondent Korogodskiy “in her defense, it looks like they are calling the center but the calls go to me . . . it may be best to change the way that looks so people are not confused.” The Marketing Client also asked

Respondent Korogodskiy to remove the listing for the facility from the site. Respondent Korogodskiy responded that he would remove the facility from the site, but did not make changes to address the site's deceptive elements.

- b. In October 2021, the Marketing Client received a complaint from a network of treatment centers who complained that incorrect phone numbers for their facilities were being used on a "faux directory site," MentalHealthFacilities.net. The complainant further stated that when he called one of the phone numbers, he was prescreened for insurance and ability to pay, and then connected to an admissions rep at another facility that was not associated with the complainant's company. In response, Respondent Korogodskiy removed the specific facilities the complainant represented from the Mental Health Sites and Substance Abuse Sites, but did not make changes to address the sites' deceptive elements.
- c. In April 2022, the Marketing Client received a complaint from a county mental health association in Essex County, New York, which stated sites operated by 4K Respondents were falsely claiming to represent the association's facility. The Marketing Client asked Respondent Korogodskiy to remove the listing for that facility from the Site. Respondent removed *all* facilities in Essex from the Mental Health Sites and Substance Abuse Sites. The page for Essex County, NY on the Mental Health Sites continued to represent that it reflected "the full listing of mental health facilities in Essex County, NY" even though it no longer contained listings for *any* facilities.

57. 4K Respondents were made further aware that their sites were confusing consumers when the Marketing Client spot checked the “leads” that the sites were generating. The results of these spot checks included:

- a. In March 2022, the Marketing Client reported that a quality control review of the calls received through the Mental Health Sites and Substance Abuse Sites had found that “nearly everyone [was] looking for another facility” and “[w]hen the centers ‘go along’ with the call . . . then come back to the caller w[ith] a completely different facility than they originally thought they were calling the calls do not convert well” to admissions at the client facilities.
- b. In June 2022, the Marketing Client reported again that they had listened in on dozens of short calls they had received through the Mental Health Sites and Substance Abuse Sites and had tracked patterns, which included many people seeking mental health treatment and people who were “confused about who they [we]re calling.”

58. Thus, 4K Respondents were explicitly made aware that the Mental Health Sites and Substance Abuse Sites were causing consumer confusion, but did nothing to address the deceptive elements of the sites. Rather, 4K Respondents only conducted targeted removals of specific facilities that were the subject of complaints.

Recent Changes to Respondents’ Websites Have Not Materially Changed the Sites’ Deceptive Elements

59. Between approximately August and October 2022, 4K Respondents made minor changes to their websites in response to threatened legal action.

60. In or around August 2022, the Marketing Client reported that one of its clients had received a cease-and-desist letter from a large insurance company affiliated with more than 500 of

the facilities listed on the Mental Health Sites. Afterwards, the Marketing Client pressed 4K Respondents to make changes to their sites, stating, “Per our discussion, it is imperative that a consumer does not feel misled, even if this is unintentional, by calling a phone number that they believe is associated with a specific treatment center listed in your directory.” Among other things, the Marketing Client pressed 4K Respondents to add disclosures related to the sponsored nature of the Sites and as to who would respond to calls made to the numbers listed.

61. Under pressure from the Marketing Client, 4K Respondents updated certain elements of the Mental Health Sites between August and October 2022. 4K Respondents added the words “Who Answers?” near the toll-free numbers found at the top and bottom of the webpages on the Mental Health Sites and Substance Abuse Sites, as shown below.



Figure 11 – Exemplar of Updated Site Disclosures

62. When a consumer clicked on “Who Answers,” a pop-up window would open. The message in the window stated that any call made to the listed phone number would be answered by one of the site’s advertisers, as shown below.



When you call any number that is marked with "i", "Ad" or "Who answers?" you will be calling one of our advertisers.

If you'd like a current list of the advertisers we work with, please call (855) 225-7417.

If you'd like to find additional treatment options or speak to a specific treatment center, you can view all of our listings or visit SAMHSA at <https://www.samhsa.gov/>. In accordance with Florida Law, the Florida Department of Children and Families can provide additional treatment options and can be reached at <https://www.myflfamilies.com/service-programs/samh/>

Figure 12 – Exemplar of Updated Site Disclosures

63. 4K Respondents later updated this statement to specify that the sites “are not affiliated with any of the listed addiction or mental health facilities” and “Calling this # will route you to a third-party treatment center that advertises on this site.”

When you call any number that is marked with "i", "Ad", "Sponsored Ad" or "Who answers" you will be calling one of our advertisers.

We are not affiliated with any of the listed addiction or mental health facilities. Calling this # will route you to a third-party treatment center that advertises on this site.

If you'd like a current list of the advertisers we work with, please call (855) 225-7417.

If you'd like to find additional treatment options or speak to a specific treatment center, you can view all of our listings or visit SAMHSA at <https://www.samhsa.gov/>. In accordance with Florida Law, the Florida Department of Children and Families can provide additional treatment options and can be reached at <https://www.myflfamilies.com/service-programs/samh/>

Figure 13 – Exemplar of Updated Site Disclosures

64. After learning of the OAG’s investigation, 4K Respondents made additional changes to several of the Mental Health Sites and Substance Abuse Sites. In particular, 4K Respondents added the words “Who Answers” near other phone numbers on these sites. Clicking on these words would open the same pop-up window described above.

65. Respondents also made a change to their Assisted Living Sites. A small icon of the letter “i” was added near phone numbers found on the sites. Hovering over the icon opens a small

pop-up window with the message “Calling this number will connect you to a local A Place For Mom Senior Living Advisor.”

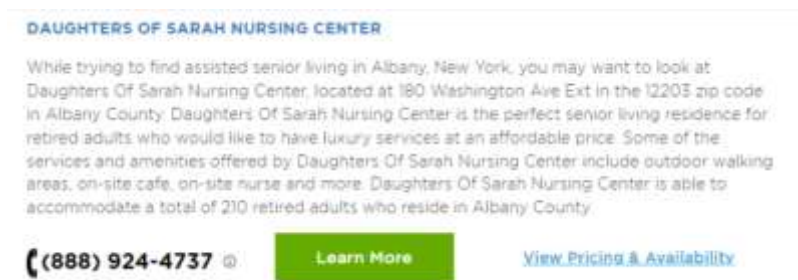


Figure 14 – Exemplar of Updated Listing

66. These changes have not materially altered the core false and misleading representations conveyed by Respondents’ sites. The sites continue to misrepresent that visitors can use the sites to connect with local facilities, and that the listed phone numbers are associated with the listed facilities. In addition, the Mental Health Sites continue to misrepresent that visitors can connect with mental health facilities that treat the mental health issues identified on the site, and the Assisted Living Sites continue to misrepresent that visitors can obtain pricing and availability information for the facilities listed on the site.

Respondents’ Websites and Advertisements Have Deceived Tens of Thousands of Consumers

67. Tens of thousands of consumers have been exposed to Respondents’ deceptive websites and advertisements, including thousands of consumers in New York State. Many of those consumers were deceived, calling the phone numbers listed on Respondents’ sites believing them to be the phone numbers for the listed facilities.

68. These calls were extremely lucrative for Respondents. Respondents were paid for every call that met a certain condition. For some clients, 4K Respondents were paid if a call lasted for 30 seconds; another client paid Respondents if the caller made an appointment to tour an assisted living facility. Each of these “billable leads” can earn Respondents between \$160 and

\$325. Since 2019, Respondents have generated tens of thousands of billable leads, earning millions of dollars from these calls.

69. In addition, Respondents operate websites intended to generate leads for clients in other industries, including emergency dentistry, auto insurance, pest control, fire and water damage restoration, and emergency veterinary services. These websites employed many of the same deceptive and misleading tactics that were used on the Mental Health Sites, Substance Abuse Sites, and Assisted Living Sites.

Respondents' Violations

70. Respondents' conduct violated, *inter alia*, Executive Law § 63(12), which authorizes the OAG to pursue repeated fraudulent or illegal acts, and GBL §§ 349 and 350, which prohibit deceptive acts and practices and false advertising.

71. Respondents neither admit nor deny OAG's findings in Paragraphs 1-70 above.

72. OAG finds the relief and agreements contained in this Assurance appropriate and in the public interest. THEREFORE, OAG is willing to accept this Assurance pursuant to Executive Law § 63(15), in lieu of commencing a statutory proceeding for violations of Executive Law § 63(12), GBL §§ 349 and 350.

IT IS HEREBY UNDERSTOOD AND AGREED, by and between the Parties:

RELIEF

73. For the purposes of this Assurance, the following definitions shall apply:

- a. "Clear(ly) and Conspicuous(ly)" shall mean that a required disclosure is difficult to miss (*i.e.*, easily noticeable) and easily understandable by ordinary consumers, including in all of the following ways:

- i. In any communication that is solely visual or solely audible, the disclosure must be made through the same means through which the communication is presented. In any communication made through both visual and audible means, such as a television advertisement, the disclosure must be presented simultaneously in both the visual and audible portions of the communication even if the representation requiring the disclosure (“Triggering Representation”) is made through only one means.
- ii. A visual disclosure, by its size, contrast, location, the length of time it appears, and other characteristics, must stand out from any accompanying text or other visual elements so that it is easily noticed, read, and understood.
- iii. An audible disclosure, including by telephone or streaming video, must be delivered in a volume, speed, and cadence sufficient for ordinary consumers to easily hear and understand it.
- iv. In any communication using an interactive electronic medium, such as the internet or software, the disclosure must be unavoidable.
- v. The disclosure must be diction and syntax understandable to ordinary consumers and must appear in each language in which the Triggering Representation appears.
- vi. The disclosure must not be contradicted or mitigated by, or inconsistent with, any other representation(s).

- vii. The disclosure must not be combined with other marketing or promotional text or information that is unrelated or immaterial to the subject matter of the disclosure or not legally required.
- b. “Close Proximity” shall mean that the disclosure is next to the Triggering Representation. A disclosure made through a hyperlink, pop-up, interstitial, or other similar technique is not in Close Proximity to the Triggering Representation.
- c. “Lead Generation” shall mean providing a person or entity with the name or contact information of an individual that may be interested in a product or service, or directing the individual to or connecting the individual with the person or entity.

74. Respondents shall comply with Executive Law § 63(12) and GBL §§ 349 and 350 in connection with any Lead Generation services, including but not limited to in the development and use of Lead Generation materials.

75. Respondents shall not represent any services connected to Lead Generation as independent, impartial, or not sponsored; mislead consumers concerning Lead Generation’s commercial nature, including by representing that Lead Generation materials are affiliated with a party other than a client; or engage in Lead Generation in a manner that is likely to deceive, confuse, or mislead consumers as to the purpose or nature of the Lead Generation. For example:

- a. On each web page that Respondents create or operate for the purpose of Lead Generation, Respondents shall Clearly and Conspicuously disclose that the web page is commercial advertising and shall include: (i) that the content is sponsored or is an advertisement, (ii) the identity of the sponsor or advertiser,

and (iii) the nature of the products, goods, or services offered by the sponsor or advertiser and/or the sponsor's or advertiser's clients.

- b. In each instance where Respondents display a phone number, web form, chat bot, or other communication device that would connect a consumer with one of Respondents' clients, Respondents must Clearly and Conspicuously and in Close Proximity disclose that the phone number, web form, chat bot, or other communication device is an advertisement (such as labeling it "sponsored advertisement"). Respondents must also Clearly and Conspicuously disclose (i) the identity of the sponsor or advertiser with which the consumer will be connected, (ii) the nature of the products, goods, or services offered by the sponsor or advertiser and/or the sponsor's or advertiser's clients, and (iii) any material limitations on the sponsor's products, goods, or services (*e.g.*, they are only available in limited regions), but may do so in a hyperlink, pop-up, interstitial, or other similar technique, so long as it is next to the phone number, web form, chat bot, or other communication device and hard to miss.
- c. Respondent shall not misrepresent, expressly or by implication, the purpose or nature of any Lead Generation materials, including by representing that they were created for any purpose other than that of Lead Generation.
- d. For the avoidance of doubt, this Assurance does not prohibit a Respondent from including client-required disclosures in marketing materials so long as the inclusion of those disclosures does not violate the provisions of this Assurance.

76. Respondents shall not misrepresent the products or services marketed through Lead Generation, and shall Clearly and Conspicuously disclose any material limitations concerning

those products or services. For the avoidance of doubt, if Respondents solicit consumers to call, email, or otherwise contact a specific entity in the context of a website purporting to provide information on a broad set of services and/or information on services in a particular region, Respondents must disclose any limitations on the services (*e.g.*, if it only operates in Florida on a website purporting to provide listings in New York or does not accept Medicare or Medicaid on a website purporting to provide listings for facilities that do).

77. Respondents shall not represent that a phone number, webform, or any other means of communication connected to Lead Generation is associated with anyone other than the actual recipient of the communication. For example, Respondents shall not disclose a phone number or include a webform directly next to or under an entry for a business on pages containing a directory of businesses unless the phone number or webform connects to that business.

78. Respondents shall not make, or cause to be made, any representations concerning Lead Generation that do not Clearly and Conspicuously disclose any material connections between the speaker and Respondents. For the avoidance of doubt, if a third-party website has been compensated by Respondents or an agent thereof to publish material that links to Respondents' websites, the published material must Clearly and Conspicuously disclose that the third party has been paid by Respondents. Notwithstanding the foregoing, Respondents shall not be liable for a violation of this paragraph due to a representation made by another party if Respondents contractually required the party to Clearly and Conspicuously disclose the material connections required by this paragraph in a written agreement and, upon learning of the violation, demand that the party come into compliance.

79. Respondents shall not misrepresent any review, rating, or ranking made in connection with Lead Generation, or misrepresent that a review, rating, or ranking has been made.

80. Within three (3) months of the Effective Date of this AOD, each Respondent shall provide a sworn, notarized statement that all of the Respondent's Lead Generation Materials are compliant with the terms of this Agreement.

81. If, within seven (7) years of the Effective Date of this Agreement, any Respondent creates a new company, partnership, or other entity that engages in Lead Generation, Respondent shall report the following to the OAG within two (2) weeks of that creation date:

- a. The name(s) of the entity or entities created; and,
- b. Any and all domain names, phone numbers, email addresses, and online mechanisms registered or used by the new entity or entities for the purpose of Lead Generation.

MONETARY RELIEF

82. Respondents shall pay to the State of New York One Million Five Hundred Thousand Dollars (\$1,500,000) (the "Monetary Relief Amount"). Payment of the Monetary Relief Amount shall be made pursuant to the following schedule: \$750,000 within fifteen (15) days of the Effective Date of this Assurance and the remaining \$750,000 forty-five (45) days thereafter. Any payment shall reference AOD No. 24-061.

83. Payments shall be made by wire transfer in accordance with instructions provided by an OAG representative.

MISCELLANEOUS

84. Respondents expressly agree and acknowledge that the OAG may initiate a subsequent investigation, civil action, or proceeding to enforce this Assurance, for violations of the Assurance, or if the Assurance is voided pursuant to paragraph 91, and agrees and acknowledges that in such event:

- a. any statute of limitations or other time-related defenses are tolled from and after the Effective Date of this Assurance;
- b. the OAG may use statements, documents or other materials produced or provided by the Respondents prior to or after the effective date of this Assurance;
- c. any civil action or proceeding must be adjudicated by the courts of the State of New York, and that Respondents irrevocably and unconditionally waive any objection based upon personal jurisdiction, inconvenient forum, or venue.
- d. evidence of a violation of this Assurance shall constitute prima facie proof of a violation of the applicable law pursuant to Executive Law § 63(15).

85. If a court of competent jurisdiction determines that any Respondent has violated the Assurance, the Respondent shall pay to the OAG the reasonable cost, if any, of obtaining such determination and of enforcing this Assurance, including without limitation legal fees, expenses, and court costs.

86. This Assurance is not intended for use by any third party in any other proceeding.

87. Acceptance of this Assurance by the OAG is not an approval or endorsement by the OAG of any of Respondents' policies, practices, or procedures, and the Respondents shall make no representation to the contrary.

88. All terms and conditions of this Assurance shall continue in full force and effect on any successor, assignee, or transferee of the Respondents. Respondents shall include any such successor, assignment, or transfer agreement a provision that binds the successor, assignee, or transferee to the terms of the Assurance. No party may assign, delegate, or otherwise transfer any of its rights or obligations under this Assurance without the prior written consent of the OAG.

89. Any failure by the OAG to insist upon the strict performance by Respondents of any of the provisions of this Assurance shall not be deemed a waiver of any of the provisions hereof, and the OAG, notwithstanding that failure, shall have the right thereafter to insist upon the strict performance of any and all of the provisions of this Assurance to be performed by the Respondents.

90. All notices, reports, requests, and other communications pursuant to this Assurance must reference Assurance No. 24-061, and shall be in writing and shall, unless expressly provided otherwise herein, be given by hand delivery; express courier; or electronic mail at an address designated in writing by the recipient, followed by postage prepaid mail, and shall be addressed as follows:

If to Respondent 4K Apps, to:

Dustin P. Mansoor
Klein Moynihan Turco LLP
450 7th Avenue, 40th Floor
New York, NY 10123
dmansoor@kleinmoynihan.com

If to Respondent Igor Korogodskiy, to:

Dustin P. Mansoor
Klein Moynihan Turco LLP
450 7th Avenue, 40th Floor
New York, NY 10123
dmansoor@kleinmoynihan.com

If to Respondent Anna Kolesnik, to:

Anna Kolesnik
120 Kensington Street
Brooklyn, NY 11235
petfriendlyseniorliving@gmail.com

If to the OAG, to:

Chief, Bureau of Internet & Technology
New York State Attorney General Office

28 Liberty Street
New York, NY 10005

91. The OAG has agreed to the terms of this Assurance based on, among other things, the representations made to the OAG by the Respondents and their counsel and the OAG's own factual investigation as set forth in Findings, paragraphs (1)-(69) above. The Respondents represent and warrant that neither they nor their counsel have made any material representations to the OAG that are inaccurate or misleading. If any material representations by Respondents or their counsel are later found to be inaccurate or misleading, this Assurance is voidable by the OAG in its sole discretion.

92. No representation, inducement, promise, understanding, condition, or warranty not set forth in this Assurance has been made to or relied upon by the Respondents in agreeing to this Assurance.

93. The Respondents represent and warrant, through the signatures below, that the terms and conditions of this Assurance are duly approved.

94. Nothing in this Agreement shall relieve Respondents of other obligations imposed by any applicable state or federal law or regulation or other applicable law.

95. Respondents agree not to take any action or to make or permit to be made any public statement denying, directly or indirectly, any finding in the Assurance or creating the impression that the Assurance is without legal or factual basis.

96. Nothing contained herein shall be construed to limit the remedies available to the OAG in the event that any Respondent violates the Assurance after its Effective Date.

97. This Assurance may not be amended except by an instrument in writing signed on behalf of the Parties to this Assurance.

98. In the event that any one or more of the provisions contained in this Assurance shall for any reason be held by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, in the sole discretion of the OAG, such invalidity, illegality, or unenforceability shall not affect any other provision of this Assurance.

99. Respondents acknowledge that they have entered this Assurance freely and voluntarily and upon due deliberation with the advice of counsel.

100. This Assurance shall be governed by the laws of the State of New York without regard to any conflict of laws principles.

101. The Assurance and all its terms shall be construed as if mutually drafted with no presumption of any type against any party that may be found to have been the drafter.

102. This Assurance may be executed in multiple counterparts by the parties hereto. All counterparts so executed shall constitute one agreement binding upon all parties, notwithstanding that all parties are not signatories to the original or the same counterpart. Each counterpart shall be deemed an original to this Assurance, all of which shall constitute one agreement to be valid as of the effective date of this Assurance. For purposes of this Assurance, copies of signatures shall be treated the same as originals. Documents executed, scanned and transmitted electronically and electronic signatures shall be deemed original signatures for purposes of this Assurance and all matters related thereto, with such scanned and electronic signatures having the same legal effect as original signatures.

103. The Effective Date of this Assurance shall be the date of the last signature to this agreement.

**LETITIA JAMES
ATTORNEY GENERAL OF
THE STATE OF NEW YORK**

By: Clark Russell
Jordan Adler
Laura Mumm

Bureau of Internet and Technology
Office of the New York State
Attorney General
28 Liberty St.
New York, NY 10005

Date

IGOR KOROGODSKIY

Igor Korogodskiy

Igor Korogodskiy

7/22/2024

Date

4K APPS INC.

Igor Korogodskiy

By: Igor Korogodskiy

7/22/2024

Date

ANNA KOLESNIK

Anna Kolesnik

Anna Kolesnik

7/23/2024

Date