

The
GOLDEN
TEXT
Workshop

ver.thrive 3.26

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[@SINCERELYSAMUAL](#)

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ORIGIN STORY



WARNING! Never use or leave artificial or prerecorded messages, and never call/text a number on any Do Not Call list. Callers who violate the National Do Not Call (DNC) Registry and the Telephone Consumer Protection Act (TCPA) face potentially catastrophic legal damages.

TCPA/Do Not Call FAQs

TELEMARKETING

1. What is a “telemarketing” call or text?

Telemarketing calls and texts are calls and texts made for the purpose of promoting or encouraging the use of your services. Calls can have more than one purpose. If one of the purposes is telemarketing, then the TCPA and Do Not Call rules apply.

2. Are there any policies or procedures that I need to have in place before I start making telemarketing calls and texts?

Yes. The TCPA requires that persons making telemarketing calls and texts have written procedures for maintaining an internal Do Not Call (DNC) list. An internal DNC list is a list of consumers who have asked not to be called or texted by you or your Market Center.

The required written procedures must include the following minimum standards:

(1) Written policy. You must have a written policy for maintaining an internal DNC list. This written policy must be made available to consumers upon request.

(2) Training of personnel engaged in telemarketing. Anyone engaged in any aspect of telemarketing must be informed and trained on the existence and use of DNC lists. You can be held liable for TCPA violations committed by employees, contractors, and vendors who are engaged in telemarketing on your behalf.

(3) Recording, disclosure of DNC requests. If you receive a request not to receive calls or texts from someone, you must record the request and place the person’s name and telephone number on your internal DNC list at the time the request is made. You must honor the DNC request.

(4) Identification of callers. Anyone making a call for telemarketing purposes must provide the called party with their name, the name of the person or entity on whose behalf the call is being made, and a telephone number or address at which the person or entity may be contacted. Some courts have held that this requirement applies to text messages too.

(5) Maintenance of internal DNC lists. Anyone making calls for telemarketing purposes must maintain a record of a consumer’s request not to receive further telemarketing calls and texts. A DNC request must be honored for 5 years from the time the request is made.

3. What are state “mini-TCPA laws”?

Some states have telemarketing laws that have restrictions which are similar to or stricter than the TCPA’s. It is important that you consult with your Market Center or a lawyer about whether your state’s telemarketing laws impose requirements in addition to the TCPA and Do Not Call rules.

PRIOR EXPRESS WRITTEN CONSENT

4. What type of consent is needed for telemarketing calls and texts?

Under the TCPA, you need “prior express written consent” for telemarketing calls and texts (a) made to phone numbers on the National Do Not Call Registry and/or made using (b) an artificial voice, (c) a prerecorded voice, or (d) an automatic telephone dialing system.

5. What is prior express written consent?

Prior express written consent means a written agreement that (a) includes consent language which authorizes the caller to make telemarketing calls and texts to the telephone number provided by the person called, (b) includes the signature of the person called, and (c) informs the person called that they are not required to enter the agreement as a condition of purchasing any goods or services. The written agreement does not need to be obtained or maintained in paper form. You can use an electronic form.

The consent language in the written agreement should be “clear and conspicuous,” identify the person or entity who can call and text the consumer, include consent for use of an artificial or prerecorded voice and an automatic telephone dialing system (if you intend to use these methods), and require the consumer to take some action to accept the consent language. “Clear and conspicuous” means that it is apparent to a reasonable consumer.

TCPA/Do Not Call FAQs

6. What are examples of a written agreement with proper consent language?

Here’s an example of a written TCPA consent agreement through a [web form](#):

By checking this box, you agree that [name of agent] [a representative from name of office] may contact you at the telephone number you provided, even if your number is on a federal, state, or internal Do Not Call list, and may send marketing calls and texts to you using an automated system for selection or dialing of numbers or pre-recorded or artificial voice messages that relate to real estate products or services. Your consent is not required to purchase products or services. You may unsubscribe at any time.

Here’s an example of a written TCPA consent agreement through a [paper form](#):

By signing this form, I consent to receiving telephone calls and texts from [name of agent] [a representative from name of office] using an automated system for selection or dialing of numbers or pre-recorded or artificial voice messages that relate to real estate products or services at this telephone number: (____) _____. I understand that my consent is not required to purchase products or services.

[Signature of consumer]

7. What does it mean to keep a record of consent?

The person calling or texting a consumer must be able to prove that consent was obtained from the consumer in writing. The call/texter needs to be able to prove at a minimum that the consumer (a) agreed to be contacted and solicited via calls and texts from the caller/texter, (b) consented to telemarketing calls and texts using an automatic telephone dialing system or artificial or prerecorded voice (if used by the caller/texter), and (c) provided their telephone number.

8. Is consent assumed if I’m calling a past client?

Generally, no. You can’t just assume that you have consent to make a telemarketing call to a past client. It depends on the nature of the call you’re making and what prior consent you obtained. For a past client whose number is on the National Do Not Call (DNC) Registry, you may make a telemarketing call to that client if you can demonstrate that you have an “established business relationship” with him or her, or if you have “prior express written consent” to call him or her.

There are two types of established business relationships that are narrowly defined. First, you can make a telemarketing call to a client for up to 18 months after the date of the last financial transaction between you and the client, unless the client asks you not to call again. Second, you may make a telemarketing call for up to 3 months after a client’s inquiry about your services, unless the client asks you not to call again.

However, you still need to comply with other TCPA requirements even if you have an established business relationship with a past client. You still need to have prior express written consent from a past client for calls and texts using (a) an artificial voice, (b) a prerecorded voice, or (c) an automatic telephone dialing system.

Remember that if your client tells you to stop calling or texting at any time, any prior consent and the established business relationship exceptions terminate. You must honor your client’s Do Not Call request. Your client may revoke consent at any time through any reasonable means, including verbally. You may not limit how someone can revoke consent.

9. Do I need prior express written consent for ringless voicemails and voicemail drops?

Yes. The use of a prerecorded voice requires prior express written consent from the consumer who is called. This requirement includes ringless voicemails and voicemail drops.

TCPA/Do Not Call FAQs

THIRD-PARTY LEAD GENERATORS

10. Can I avoid TCPA liability if I rely on lead lists provided by third-party lead generators?
No. As the caller/texter, you are liable for any calls and texts you make that violate the TCPA or Do Not Call rules. Third-party lead generation vendors generally place the burden of complying with the TCPA on you and will not agree to indemnify you for losses or damages you sustain as a result of a TCPA claim made against you.
11. How can I protect myself against TCPA liability if I choose to rely on third-party lead generators?
If you choose to rely on leads obtained from third-party vendors, leads where the consumer has provided prior express written consent to be called or texted by you carry the least risk.
To determine whether the vendor properly obtained prior express written consent, you should ask:
- Did the vendor obtain written consent on your behalf? If not, you do not have proper consent to make telemarketing calls and texts to the consumer if their number is on the National Do Not Call Registry. Consent cannot be transferred. (See also Question #13 regarding 1:1 consent.)
 - What was the scope of consent? If the vendor did not obtain the consumer's consent to telemarketing calls and texts using an artificial or prerecorded voice or an automatic telephone dialing system for the telephone number provided, you cannot use those methods for making calls and texts.
 - How was consent obtained? To be effective, consent must be provided after a "clear and conspicuous" disclosure to the consumer that they will be called and texted. "Clear and conspicuous" means notice that would be apparent to a reasonable consumer.
 - When was consent obtained? If consent was not obtained recently, there is a risk that the consumer has subsequently revoked consent or placed their number on the National Do Not Call Registry, or that the telephone number has been transferred to another consumer who has not provided consent.
 - Is there a written record of consent and do you have access to it? The caller/texter has the burden of showing consent. If you do not have a written record of consent, you cannot prove that the consumer provided consent.
- If you do not have proper written consent to call or text a lead, you should confirm that the lead's telephone number is not on the National Do Not Call Registry, any applicable state Do Not Call list, or an internal Do Not Call list before making any calls or texts. Telephone numbers must be checked against the National Do Not Call Registry every 31 days if you do not have proper consent to call and text the consumer who has that number.
12. Can I be held liable for TCPA violations committed by lead generators?
Yes. If you contract with a vendor to obtain leads on your behalf, you can be held liable for TCPA violations committed by that vendor while working for you.
13. What is one-to-one (or 1:1) consent?
The FCC recently ordered that prior express written consent must be obtained on a one-to-one basis. This means that lead generators must obtain a consumer's prior express written consent for one caller/texter at a time. Lead generation forms that use a single consent for multiple callers/texters or "marketing partners" will not be effective after January 27, 2025. According to the FCC, the new rules make it clear that lead generators must obtain consumer consent to receive calls and texts one seller at a time rather than have a single consent apply to several telemarketers at once.

TCPA/Do Not Call FAQs

NATIONAL DO NOT CALL REGISTRY

14. How do I access the National Do Not Call Registry?
The FTC has a website – www.telemarketing.donotcall.gov – where you can create an account to access the National Do Not Call Registry and log into the Registry to see if telephone numbers are listed on it. Creating an account is free, and you can check telephone numbers for up to 5 area codes without paying a fee. There is an annual fee for each area code after the first 5. If you have an account, you also can work with a third-party TCPA compliance vendor to access the Registry with your account information and check telephone numbers for you.
The FTC also has a website with a FAQ about the Do Not Call rules and how to use the Registry:
<https://www.ftc.gov/business-guidance/resources/qa-telemarketers-sellers-about-dnc-provisions-tsr-0>
15. How often do telephone numbers need to be checked against the National Do Not Call Registry?
Telephone numbers must be checked against the National Do Not Call Registry every 31 days if you do not have prior express written consent to call and text the numbers.

AUTOMATIC TELEPHONE DIALING SYSTEM (ATDS)

16. What is an "automatic telephone dialing system" (ATDS)?
Under the TCPA, an "automatic telephone dialing system" (ATDS) is equipment that has the capacity to store numbers using a random or sequential number generator or the capacity to produce numbers using a random or sequential number generator. Mobile phones generally will not fall under this definition. Under current case law, most dialers also will not fall under this definition if they use a pre-existing list of telephone numbers instead of generating numbers to be dialed. Some states have broader definitions. It is important that you consult your Market Center or a lawyer about whether you are using a dialing system or platform that may be considered an ATDS under the TCPA or your state's laws.
17. Do the consent rules for an automatic telephone dialing system (ATDS) apply if I'm just calling one number at a time?
Yes. If you are using an automatic telephone dialing system (ATDS), the TCPA rules apply, including the need to obtain prior express written consent. Additionally, it does not matter what type of equipment you use to call a number on the National Do Not Call (DNC) Registry, a state DNC list, or internal DNC list. The DNC rules apply to all telemarketing calls.

ARTIFICIAL INTELLIGENCE (AI)

18. Can I use AI to make calls and texts?
It depends on how you are using AI.
You can use AI technologies to help draft content and construct conversations for use in calls and texts. You must then follow the TCPA and other applicable laws when you initiate those calls and texts. The FCC has ruled that the TCPA applies to AI technologies that simulate human voices, resemble or clone the voice of a real person and/or generate call content using a prerecorded voice.
Do not make an AI-generated voice call or message unless you:
- Obtain prior express written consent from the called party to do so,
 - Disclose at the beginning of the call that the called party is interacting with AI,
 - Identify the person or entity responsible for making the call,
 - Offer an opt-out method for the called party to request that you stop calling, and
 - Comply with other TCPA restrictions (including the Do Not Call list).
- Do not send an AI-generated text message unless you make clear to the person receiving the text that the person is not communicating with a human. The AI disclosure must be made at the beginning of the text and must be done in a way to ensure that recipients don't think they are interacting with a human at any point in their communications.

How to Avoid TCPA Penalties:

Obtain Prior Express Written Consent:

Ensure you have explicit consent from individuals before sending them any marketing communications, especially texts or automated calls.

Comply with Do Not Call Regulations:

Adhere to the National Do Not Call Registry and maintain internal do-not-call lists.

Proper Disclosures:

Make clear and conspicuous disclosures in your marketing communications, including your company name and contact information

Keep Accurate Records:

Maintain detailed records of consent and opt-outs.

Train Your Staff:

Ensure your employees are trained on TCPA compliance and understand the importance of obtaining proper consent.

Monitor Your Campaigns:

Regularly monitor your marketing campaigns for potential TCPA violations.

“

the average person responds to an email within 90 minutes, **the average text message response happens within**

90 SECONDS!

CTIA - The Wireless Association

”

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GAMEPLAN

PLAY TO WIN



**Send
40+
Texts!**

- **RINGERS ON!** TURN THE SOUND ON YOUR PHONE NOTIFICATIONS
- SAM WILL DISPLAY A TEXT MESSAGE WITH INSTRUCTIONS
- SEND TEXT TO **AT LEAST 5 PEOPLE** (MORE INSTRUCTIONS PROVIDED)
- **IF YOU RECEIVE A PHONE CALL, PLEASE POLITELY LEAVE THE ROOM**
 - **BUT DEFINITELY TAKE THAT CALL!!**
- **IF YOU RECEIVE A TEXT RESPONSE - RAISE YOUR HAND!**
 - WE'LL COME UP WITH RESPONSES AS A GROUP
- SET THE APPOINTMENT!

Sounds like we should meet!



CAN YOU BE BRAVE
...for 90 seconds?



The Golden Text



1A

Would you be willing to sell your house to one of our buyers?

- Sam Jackson, KW

the golden text

1B

We have motivated buyers actively looking for homes – if the numbers made sense, would you consider selling your home?

optimized golden text

MIO FIR

Message

DIRECT

- Buy
- Sell
- Invest

INDIRECT

- Market Report
- CMA
- Vendor List
- Best Buy
- App
- Savings

Method

PROSPECT

- Call
- Text
- Email
- Direct Message
- Door Knock

MARKET

- Direct Mail
- Email
- Social Media

2.

#1
Appt
Setter!

Have your real estate needs changed?

**Do you have any questions about the
changing real estate market?**

Real Estate Context

"This is the dictionary of business success language. Right from page 1, you're given the strategy to change the way you influence others."

SCOTT STRATTEN, President of UnMarketing Inc. and best-selling author of the UnMarketing series

Phil M Jones

EXACTLY WHAT TO SAY

The Magic Words
for Influence
and Impact

Phil M Jones



3

Hey [Name]! Would it make sense to start you on a home search at any point in 2026?

Any Plans Text

21

**People I talk to are always shocked
when they find out what their home is
actually worth today.**

Want me to pull yours?

I'm Shocked Text

5

**I'm not sure it's for you but,
there are a handful of homes I found
that are a DEAL right now!**

Any interest?

Discount Rack Text

Price Reduced Homes - .KW.com

The screenshot displays a real estate website interface for 'GLG Tech Team'. At the top, there are navigation links: 'Meet the Team', 'Search Properties', 'Blog', 'More', and 'Log In'. Below this is a search bar with a placeholder 'City, Neighborhood, Address, School District, P...' and a search icon. To the right of the search bar are filters for 'For Sale', 'Price', 'Beds & Baths', 'Property Type', and 'Filters', along with a 'Save Search' button.

The main content area is titled 'Properties For Sale' and shows '50 of 230 Results'. The results are sorted by 'Recently Updated'. There are four property cards visible:

- Property 1:** 'New - 1 Hour', \$525,000, 3 bd, 2 ba, 1,725 sq ft, .12 ac, 1430 Diplomat Drive, Cumming, GA 30041. Listing Courtesy of: RE/MAX Town and Country, Atlanta SOLD System, First MLS.
- Property 2:** 'Open: Sat 12PM - 2PM', \$1,050,000, 6 bd, 5 ba, 5,812 sq ft, .22 ac, 2615 Hillendale Circle, Cumming, GA 30041. Listing Courtesy of: Compass, Home with Sherry Team, First MLS.
- Property 3:** 'Open: Sat 1PM - 3PM', 'New - 5 Hours', \$854,000, 5 bd, 4 ba, 4,498 sq ft, .25 ac, 7047 Bennington Lane, Cumming, GA 30... Listing Courtesy of: gosh.cory@karynorman.com.
- Property 4:** 'New - 2 Hours', \$725,000, 4 bd, 4 ba, 3,545 sq ft, .36 ac, 1475 Badingham Drive, Cumming, GA 30... Listing Courtesy of: Synergy Real Estate, LLC, TTD: 555-5576, Lisa Webb, First MLS.

At the bottom of the property cards, there are 'Price Drop' indicators with a downward arrow icon. To the right of the property cards is a map showing the geographic distribution of these properties, with price tags overlaid on the map. The map includes various landmarks like 'Old Atlanta Recreation Center' and 'Champion Run'. A video player is visible at the bottom left of the screenshot, showing a video of a house with a 'Price Drop' indicator and a play button.

Text is Better

Open Rate

Text/SMS

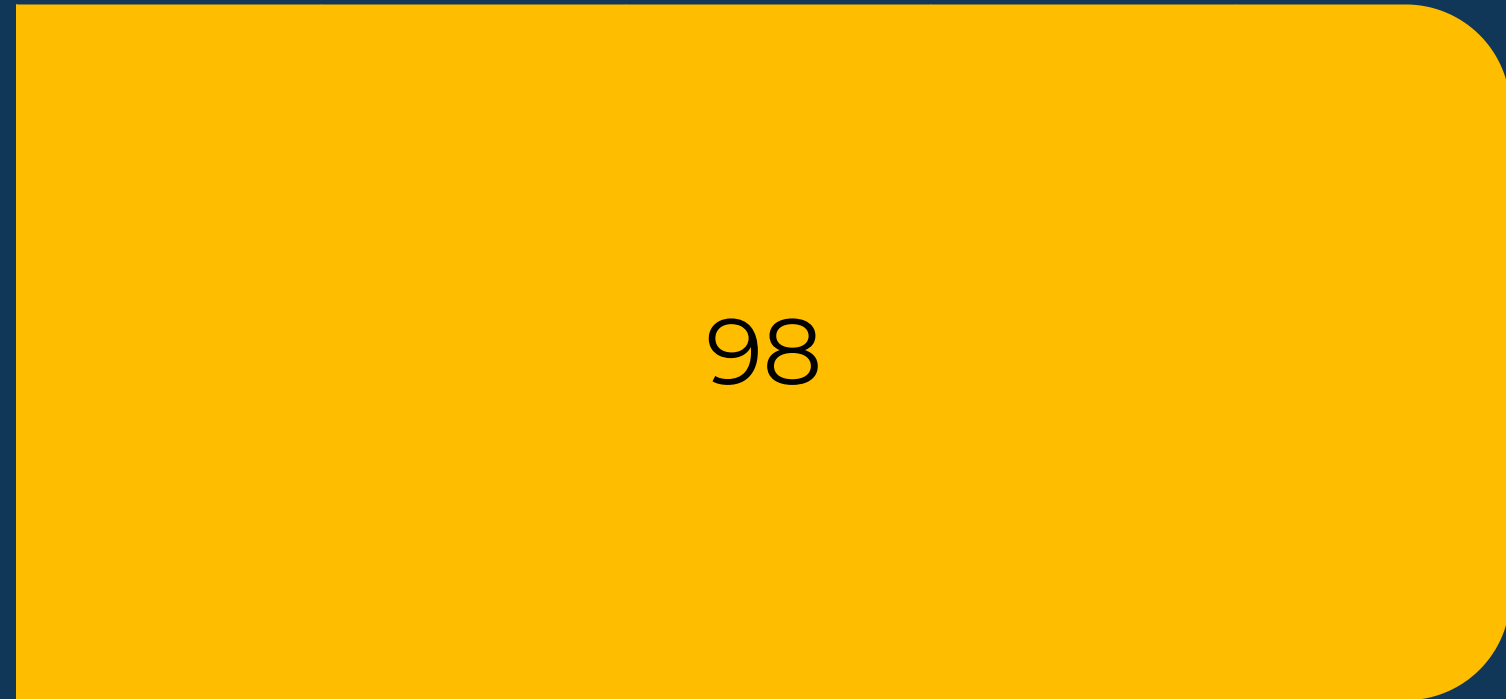
98

Email

20

0 20 40 60 80 100

Forbes via Infobip



Response Rate

Text is
Better

Text/SMS

45

Email

6

0

10

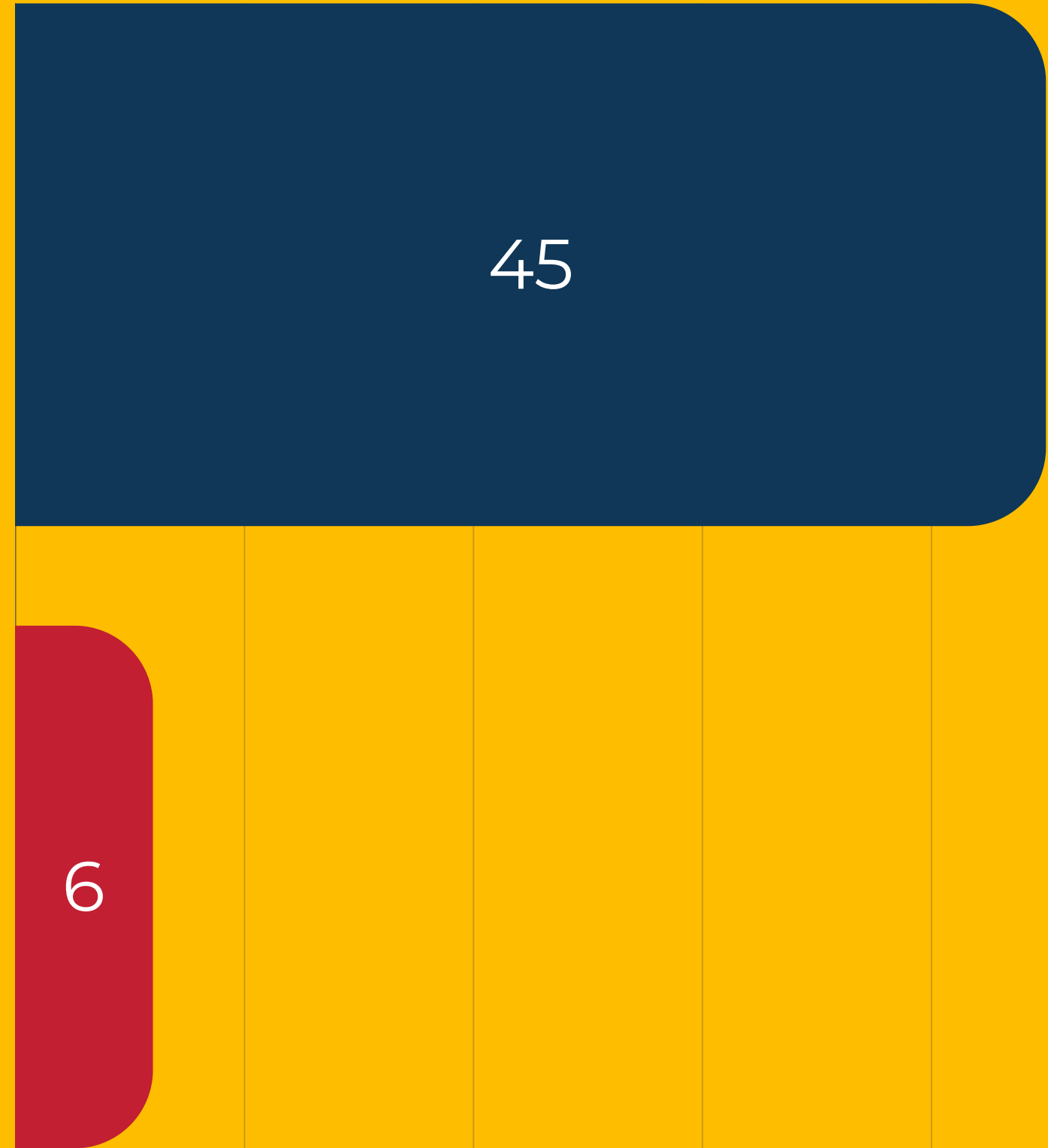
20

30

40

50

Forbes via Infobip



6A

How open minded would you be to getting set up on a custom home search? Are you thinking about moving in the next 18 months?

Open Minded Buyers

6B

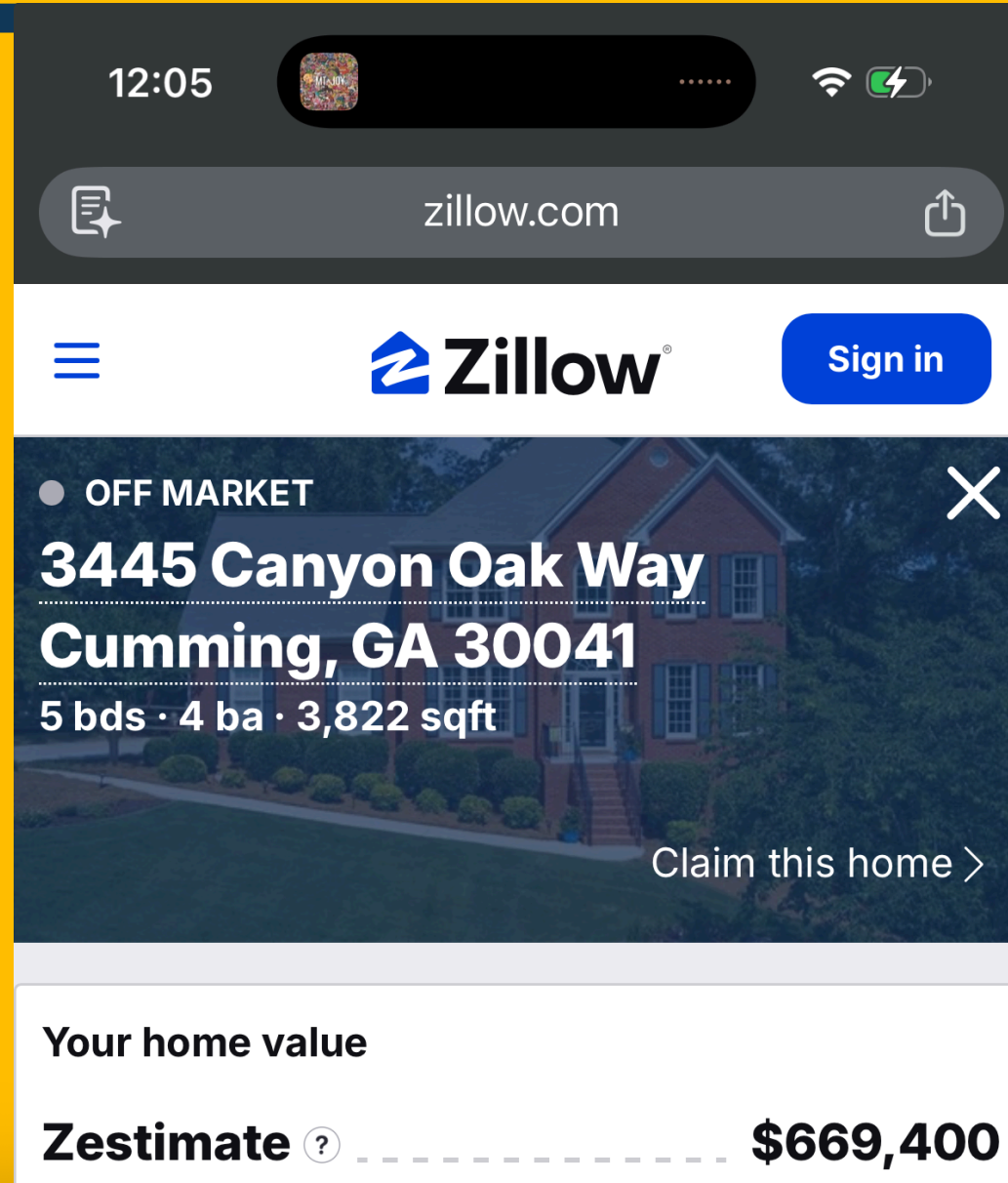
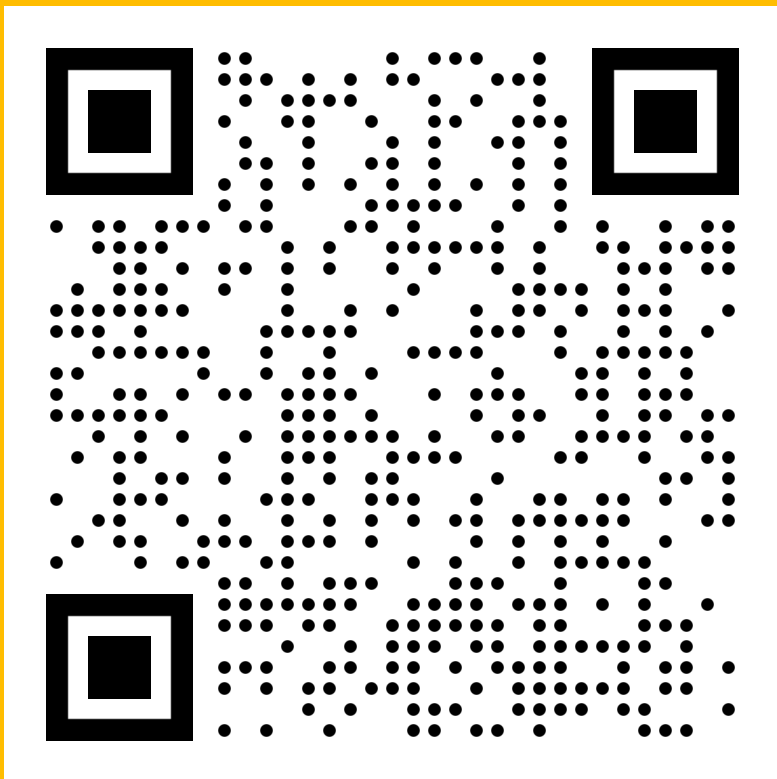
How open minded would you be to finding out how much buyers are paying for houses right now in your neighborhood?

Open Minded Sellers

60

**How open minded would you be to
be to grabbing coffee and sharing
your real estate goals with me?**

Open Minded Goals



What are your thoughts on this?

“

VIDEO
TEXT

”

Video Text: First Client | Past Clients

8

- “I was thinking of you”
- Share gratitude
- Be authentic
- “If I can be of any help”
- **NO SALES ASKS**



4 Gratitude Video Styles

You Were My First.

Gratitude to your very first client! Did they know you were THAT new?

I Still Remember When...

Pull a specific memory, something that was funny or something unique!

Because of You, I...

Remember that time your life was impacted by a client. Big or small? When do you think of them?

I'm Not Asking for Anything

Hi. It's been a while - just wanted to pop in your messages to see how you have been!

Consumers retain 95% of a message when watching a video, compared to only 10% when reading text.

Source: RESIMPLI



PROFIT SHARE

Hey[Name]! I've always enjoyed working with you, I was wondering, how open minded would you be to.....

a) coming over to KW?

b) meeting my team leader? _____

DOWNLOAD
THE GOLDEN
TEXTS

SCAN ME



LEAVE A KIND WORD?

THANK YOU!

What class did you attend with Sam?

What did you want to learn by attending?

What was the biggest takeaway you had from Sam?

What problem did Sam help solve in your business?

