



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

April 10, 2008

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Corporate Image Marketing, Inc.  
Corporate Image Marketing d/b/a Abco Communications  
Corporate Image Marketing d/b/a Brand800.com  
c/o Mr. Anthony B. Kinnear and Mr. Robert Zoglin  
418 Aviation Blvd.  
Suite E  
Santa Rosa, CA 95403

RE: EB-07-TC-13275

Dear Mssrs. Kinnear and Zoglin:

This is an official **CITATION**, issued pursuant to section 503(b)(5) of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 503(b)(5), for failure to respond completely and timely to a Commission inquiry and for violations of the Federal Communications Commission's rules that govern toll free number administration.<sup>1</sup> As explained below, future violations of the Act or Commission's rules in this regard may subject you and your company to monetary forfeitures.

Sections 4(i), 4(j), and 403 of the Act afford the Commission broad authority to investigate the entities it regulates. Section 4(i) authorizes the Commission to "issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions,"<sup>2</sup> and Section 4(j) states that "the Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice."<sup>3</sup> Section 403 likewise grants the Commission "full authority and power to institute an inquiry, on its own motion ... relating to the enforcement of any of the provisions of this Act."<sup>4</sup>

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<sup>1</sup> See 47 C.F.R. §§ 52.105 and 52.107. A copy of these provisions is enclosed for your convenience.

<sup>2</sup> 47 U.S.C. § 154(i).

<sup>3</sup> 47 U.S.C. S 154(j).

<sup>4</sup> 47 U.S.C. § 403.

Section 251(e)(1) of the Act requires the Commission to ensure that numbers are made available on an equitable basis.<sup>5</sup> To meet this obligation, the Commission implemented rules to ensure “the efficient, fair, and orderly allocation of toll free numbers” and, specifically prohibit the warehousing and hoarding of toll free numbers.<sup>6</sup> Warehousing is defined as a practice whereby Responsible Organizations (“RespOrgs”) reserve toll free numbers from the Service Management System database without having a customer for whom the numbers are being reserved.<sup>7</sup> Hoarding is defined as a practice whereby a toll free subscriber acquires more numbers than the subscriber plans to use.<sup>8</sup> Hoarding also includes number brokering, which is the selling of a toll free number for a fee.<sup>9</sup> The Commission has found that warehousing and hoarding are contrary to the public interest.<sup>10</sup>

It has come to our attention that your company, acting under your direction, reserved toll free numbers, either directly or indirectly through an affiliate, from the Service Management System database without having an actual toll free subscriber for whom those numbers were being reserved. In addition, your company, acting under your direction, engaged in the selling of toll free numbers for a fee.

**If, after receipt of this citation, you or your company violate the Communications Act or the Commission’s rules in any manner described herein, the Commission may impose monetary forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation.**

You may respond to this citation within 30 days from the date of this letter either through (1) a personal interview at the Commission’s Field Office nearest to your place of business, (2) a written statement, or (3) a teleconference interview with the Commission’s Telecommunications Consumers Division in Washington, DC. Your response should specify the actions that you are taking to ensure that you do not violate the Commission’s rules governing the warehousing and hoarding of toll free numbers, as described above.

**Please contact Sharon Lee at (202) 418-7534 to arrange for an interview at the closest field office, if you wish to schedule a personal interview. You should schedule any interview to**

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<sup>5</sup> 47 U.S.C. § 251(e)(1). *See also* Toll Free Service Access Codes, *Second Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-155, 12 FCC Rcd 11162 (1997) (*Second Report and Order*).

<sup>6</sup> *See Second Report and Order*, 12 FCC Rcd 11162 (1997). *See also* Toll Free Service Access Codes, *Fourth Report and Order*, CC Docket No. 95-155, 13 FCC Rcd 9058 (1998); *see also* Toll Free Service Access Codes, *Fifth Report and Order*, CC Docket No. 95-155, 15 FCC Rcd 11939 (2000).

<sup>7</sup> 47 C.F.R. § 52.105.

<sup>8</sup> 47 C.F.R. § 52.107.

<sup>9</sup> *Id.*

<sup>10</sup> *See Second Report and Order*, 12 FCC Rcd 11162 at paras. 25 and 30 (requiring language be added to the SMS tariff and the LECs’ toll free database access tariffs to make RespOrgs aware of the Commission’s conclusions on the subject of warehousing and hoarding). *See also* sections 52.105 and 52.107 of the Commission’s rules, 47 C.F.R. §§ 52.105 and 52.107.

**take place within 30 days of the date of this letter. You should send any written statement within 30 days of the date of this letter to:**

Sharon D. Lee  
Associate Chief  
Telecommunications Consumers Division  
Enforcement Bureau  
Federal Communications Commission  
445-12<sup>th</sup> Street, S.W., Rm. 4-A222  
Washington, D.C. 20554

**Reference EB-07-TC-13275 when corresponding with the Commission.**

Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Please allow at least 5 days advance notice; last minute requests will be accepted, but may be impossible to fill. Send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau:

For sign language interpreters, CART, and other reasonable accommodations:  
202-418-0530 (voice), 202-418-0432 (tty);

For accessible format materials (braille, large print, electronic files, and audio format): 202-418-0531 (voice), 202-418-7365 (tty).

Under the Privacy Act of 1974, 5 U.S.C. § 552(a)(e)(3), we are informing you that the Commission's staff will use all relevant material information before it, including information that you disclose in your interview or written statement, to determine what, if any, enforcement action is required to ensure your compliance with the Communications Act and the Commission's rules.

The knowing and willful making of any false statement, or the concealment of any material fact, in reply to this citation is punishable by fine or imprisonment under 18 U.S.C. § 1001.

Thank you in advance for your anticipated cooperation.

Sincerely,

Colleen K. Heitkamp  
Chief, Telecommunications Consumers Division  
Enforcement Bureau  
Federal Communications Commission

Enclosures

cc: Todd Daubert  
Isaac Himowitz