

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	File No. EB- 07-TC-578
)	
AZ Prime One Mortgage Corporation)	NAL/Acct. No. 200832170010
)	
)	FRN: 0017433095

FORFEITURE ORDER

Adopted: June 28, 2010

Released: June 29, 2010

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this *Forfeiture Order* (“Order”), we issue a monetary forfeiture in the amount of \$20,000 against AZ Prime One Mortgage Corporation (“AZ Prime One”) for willful and repeated violations of section 64.1200(c)(2) of the Commission’s rules, by making telephone calls for the purpose of delivering telephone solicitations to two residential telephone consumers who had registered their telephone numbers on the National Do-Not-Call Registry.

II. BACKGROUND

2. The facts and circumstances surrounding this case are set forth in the Commission’s Notice of Apparent Liability for Forfeiture¹ and need not be reiterated at length.

3. Section 64.1200(c)(2) of the Commission’s rules generally prohibits the delivery of telephone solicitations to residential telephone numbers that are contained in the National Do-Not-Call Registry, except in certain limited situations.² On February 28, 2007, the Enforcement Bureau (“Bureau”) issued a citation³ to AZ Prime One, pursuant to section 503(b)(5) of the Act,⁴ for delivering one or more telephone solicitations for mortgage loans and refinancing to residential telephone consumers who had registered their telephone numbers on the National Do-Not-Call Registry, in violation of section 64.1200(c)(2) of the Commission’s rules. The citation informed AZ Prime One that within 30 days of the date of the citation, it could either request an interview with Commission staff, or provide a written statement responding to the citation. AZ Prime One did not request an interview or otherwise respond to the citation.

4. Following the issuance of the citation, the Commission received at least two complaints from consumers alleging that AZ Prime One had delivered telephone solicitations to residential telephone

¹ *AZ Prime One Mortgage Corporation*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 7195 (Enf. Bur. 2008).

² 47 C.F.R. § 64.1200(c)(2).

³ Citation from Kurt A. Schroeder, Deputy Chief, Telecommunications Consumers Division, Enforcement Bureau, File No. EB-07-TC-578, issued to AZ Prime One on February 28, 2007.

⁴ See 47 U.S.C. § 503(b)(5) (authorizing the Commission to issue citations to persons who do not hold a license, permit, certificate or other authorization issued by the Commission or an applicant for any of those listed instrumentalities for violations of the Act or of the Commission’s rules and orders).

consumers who had registered their telephone numbers on the National Do-Not-Call Registry. These violations, which occurred after the Bureau's citation, resulted in the issuance of a Notice of Apparent Liability for Forfeiture against AZ Prime One on May 2, 2008 in the amount of \$20,000.⁵ The *NAL* ordered AZ Prime One to either pay the proposed forfeiture amount within thirty (30) days, or submit evidence or arguments in response to the *NAL* to show that no forfeiture should be imposed or that some lesser amount should be assessed. AZ Prime One did not respond to the *NAL* or pay the proposed forfeiture amount.

5. AZ Prime One did not respond to the *NAL*, and has accordingly failed to identify facts or circumstances to persuade us that there is a basis for modifying the proposed forfeiture. We are therefore not aware of any mitigating circumstances to warrant a reduction of the forfeiture penalty. For these reasons, and based on the information before us, we hereby impose a total forfeiture of \$20,000 for AZ Prime One's willful and repeated violations of section 64.1200(c)(2) of the Commission's rules and related orders, for the reasons set forth in the *NAL*.

III. ORDERING CLAUSES

6. Accordingly, IT IS ORDERED, pursuant to section 503(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 503(b), and section 1.80(f)(4) of the Commission's rules, 47 C.F.R. § 1.80(f)(4), and under authority delegated by sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that AZ Prime One Mortgage Corporation IS LIABLE FOR A MONETARY FORFEITURE to the United States Government in the sum of \$20,000 for willfully and repeatedly violating section 64.1200(c)(2) of the Commission's rules, 47 C.F.R. § 64.1200(c)(2), as described in the paragraphs above.

7. Payment of the forfeiture shall be made in the manner provided for in section 1.80 of the Commission's rules within thirty (30) days of the release of this Order. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to section 504(a) of the Act.⁶ Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the *NAL*/Account Number and FRN Number referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the *NAL*/Account number in block number 23A (call sign/other ID), and enter the letters "FORF" in block number 24A (payment type code). AZ Prime One will also send electronic notification to Johnny.Drake@fcc.gov on the date said payment is made. Requests for full payment under an installment plan should be sent to: Chief Financial Officer -- Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554. Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or Email: ARINQUIRIES@fcc.gov with any questions regarding payment procedures.

⁵ See n.2 *supra*; see also 47 U.S.C. § 503(b)(1).

⁶ 47 U.S.C. § 504(a).

8. IT IS FURTHER ORDERED that a copy of the Forfeiture Order shall be sent by First Class mail and certified mail return receipt requested to AZ Prime One Mortgage Corporation, aka HomePlaceLoans.com, Attention: Kimberly Callan, President; Brian Ramsey, Secretary; and Donald W. Hudspeth, Registered Agent, 7145 E. 1st St., Scottsdale, AZ 85251-5307 and 20601 N. 19th Ave. #100, Phoenix, AZ 85027-3587.

FEDERAL COMMUNICATIONS COMMISSION

P. Michele Ellison
Chief, Enforcement Bureau