

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

In the Matter of )
Meridian Marketing Group Inc. )
File Nos.: EB-06-TC-913, EB-07-TC-1691
NAL/Acct. No.: 200832170044
FRN: 0017629825

FORFEITURE ORDER

Adopted: November 3, 2010

Released: November 4, 2010

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this Forfeiture Order ("Order"), we issue a monetary forfeiture in the amount of \$18,000 against Meridian Marketing Group Inc. ("Meridian") for willful and repeated violations of section 227 of the Communications Act of 1934, as amended ("Act"), and the Commission's related rules and orders, by delivering at least four unsolicited advertisements to the telephone facsimile machines of at least four consumers.

II. BACKGROUND AND DISCUSSION

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

1 As in the Notice of Apparent Liability giving rise to this Forfeiture Order (see note 3 below), all references herein to "Meridian" encompass not only Meridian Marketing Group Inc., but also the principals and officers of the company, and "Meridian Marketing Group."

2 47 U.S.C. § 227.

3 See 47 U.S.C. § 503(b)(1). The Commission has the authority under this section of the Act to assess a forfeiture against any person who has "willfully or repeatedly failed to comply with any of the provisions of this Act or of any rule, regulation, or order issued by the Commission under this Act ..."; see also 47 U.S.C. § 503(b)(5) (stating that the Commission has the authority under this section of the Act to assess a forfeiture penalty against any person who does not hold a license, permit, certificate or other authorization issued by the Commission or an applicant for any of those listed instrumentalities so long as such person (A) is first issued a citation of the violation charged; (B) is given a reasonable opportunity for a personal interview with an official of the Commission, at the field office of the Commission nearest to the person's place of residence; and (C) subsequently engages in conduct of the type described in the citation).

4 See Meridian Marketing Group Inc., Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 5687 (Enf. Bur. 2008).

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3. Section 227(b)(1)(C) of the Act makes it “unlawful for any person within the United States, or any person outside the United States if the recipient is within the United States . . . to use any telephone facsimile machine, computer, or other device to send, to a telephone facsimile machine, an unsolicited advertisement.”<sup>5</sup> On October 20, 2006, in response to one or more consumer complaints alleging that Meridian had faxed unsolicited advertisements, the Enforcement Bureau (“Bureau”) issued a citation<sup>6</sup> to Meridian, pursuant to section 503(b)(5) of the Act,<sup>7</sup> for using a telephone facsimile machine, computer, or other device to send unsolicited advertisements, in violation of section 227 of the Act and the Commission’s related rules and orders.<sup>8</sup> Soon thereafter, the Bureau staff issued another citation to Meridian.<sup>9</sup> Each citation informed Meridian that within 30 days of the date of the citation, the company could either request an interview with Commission staff, or provide a written statement responding to the citations. On November 17, 2006 and July 11, 2007, Meridian responded to the citations, claiming corrective measures had been taken both to remove the complainants’ phone numbers from call lists and to train employees on faxing requirements.<sup>10</sup>

4. Following the issuance of the citations, the Commission received at least four complaints from consumers alleging that Meridian faxed at least four unsolicited advertisements to them. These violations, which occurred after the Bureau’s citations, resulted in the issuance of a Notice of Apparent Liability for Forfeiture against Meridian on April 4, 2008 in the amount of \$18,000.<sup>11</sup> The *NAL* ordered Meridian either to pay the proposed forfeiture amount within thirty (30) days or to 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. On April 15, 2008, Meridian responded to the *NAL*.<sup>12</sup>

5. Meridian claims that the phone number from which the faxes were sent does not belong to the company, but the record shows otherwise.<sup>13</sup> The phone number at issue in the *NAL*, 1-800-736-3416, was identified by all of the listed complainants as having been a contact number listed on the faxes at issue, and information obtained from the relevant telephone carrier indicates that Meridian is the

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<sup>5</sup> 47 U.S.C. § 227(b)(1)(C); 47 C.F.R. § 64.1200(a)(3).

<sup>6</sup> Citation from Kurt A. Schroeder, Deputy Chief, Telecommunications Consumers Division, Enforcement Bureau, File No. EB-06-TC-913 issued to Meridian Marketing Group Inc. on October 20, 2006.

<sup>7</sup> 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).

<sup>8</sup> See 47 U.S.C. § 227.

<sup>9</sup> Citation from Kurt A. Schroeder, Deputy Chief, Telecommunications Consumers Division, Enforcement Bureau, File No. EB-07-TC-1691 issued to Meridian Marketing Group Inc. on June 25, 2007.

<sup>10</sup> Letter from Mark Anderson, to Kurt Schroeder, Deputy Chief, Telecommunications Consumers Division, Enforcement Bureau, dated November 17, 2006 at 2 (“*Meridian’s Response to 2006 Citation*”); Letter from Mark Anderson, to Kurt Schroeder, Deputy Chief, Telecommunications Consumers Division, Enforcement Bureau, dated July 11, 2007 at 1 (“*Meridian’s Response to 2007 Citation*”)

<sup>11</sup> See n.2 *supra*; see also 47 U.S.C. § 503(b)(1).

<sup>12</sup> Letter from Mark Anderson, Meridian Marketing Group, Inc., to Office of the Secretary, Attn.: Enforcement Bureau, Federal Communications Commission, dated April 15, 2008 (“*Meridian’s NAL Response*”).

<sup>13</sup> *Meridian’s NAL Response* at 1.

subscriber for this number.<sup>14</sup> In a March 11, 2008 response to a Commission request for information, PowerNet Communications provided billing information for this number indicating that a Meridian contact person was the end user for the number. Hence, Meridian has failed to identify facts or circumstances to persuade us that there is a basis for canceling the proposed forfeiture. For these reasons, and based on the information before us, we hereby impose a total forfeiture of \$18,000 for Meridian's willful and repeated violation of section 227 of the Act and the Commission's related rules and 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, 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that Meridian Marketing Group Inc. **IS LIABLE FOR A MONETARY FORFEITURE** to the United States Government for the sum of \$18,000 for willfully and repeatedly violating section 227(b)(1)(c) of the Communications Act, 47 U.S.C. § 227(b)(1)(c), section 64.1200(a)(3) of the Commission's rules, 47 C.F.R. § 64.1200(a)(3), and the related orders 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.<sup>15</sup> 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). Meridian Marketing Group Inc. will also send electronic notification on the date said payment is made to [Johnny.Drake@fcc.gov](mailto:Johnny.Drake@fcc.gov). 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](mailto:ARINQUIRIES@fcc.gov) with any questions regarding payment procedures.

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<sup>14</sup> See E-mail from Dawn Glitz, Paralegal, PowerNet Global Communications, to Latashia Middleton, Analyst, Telecommunications Consumers Division, Enforcement Bureau, dated March 11, 2008. Commission staff had inquired about the toll-free number at issue in the *Junk Fax NALs*, 1-800-736-3416, and PowerNet Global's response indicated that that from April 3, 2006 to March 2008, Mark Anderson of Meridian Marketing Group, 250 S. Ronald Reagan Blvd., Longwood, FL 32750, was listed as the billing contact for the number in the carrier's records.

<sup>15</sup> 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 Meridian Marketing Group Inc., Attention: Patricia A. Anderson, President, Mark R. Anderson, Vice President, 250 S. Ronald Reagan Boulevard, Suite 116, Longwood, FL 32750-5466.

FEDERAL COMMUNICATIONS COMMISSION

P. Michele Ellison  
Chief, Enforcement Bureau