

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
AmericanWest Advertising LLC)	File No.: EB-TCD-12-00000307 ¹
)	NAL/Acct. No.: 201132170015
)	FRN: 0020675757

FORFEITURE ORDER

Adopted: January 9, 2015

Released: January 9, 2015

By the Chief, Telecommunications Consumers Division, Enforcement Bureau:

1. We impose a penalty of \$18,000 against AmericanWest Advertising LLC (AmericanWest) for delivering four unsolicited, prerecorded advertising messages to consumers. Consumers have the right not to be bothered by prerecorded sales calls that they do not expect and have not agreed to receive. Congress took note of the especially intrusive nature of prerecorded calls—or “robocalls”—and authorized the Commission to adopt rules to ensure that consumers are protected from such automated calls. We hold AmericanWest accountable for its violations of these rules.

2. On March 22, 2011, the Enforcement Bureau (Bureau) issued a Notice of Apparent Liability for Forfeiture (*NAL*) proposing an \$18,000 forfeiture against AmericanWest² for willful and repeated violation of Section 227(b)(1)(B) of the Communications Act of 1934, as amended (Act)³ and Section 64.1200(a)(2) of the Commission’s rules (Rules), as that section existed at the time of the violations,⁴ by delivering four prerecorded advertising calls to four consumers without either prior express consent or an established business relationship.⁵ AmericanWest has not filed a response to the *NAL*. Based on the information before us, we affirm the forfeiture proposed in the *NAL*.

¹ The investigation began under EB-09-TC-395 and was subsequently assigned File No. EB-TCD-12-00000307. Any future correspondence with the Commission concerning this matter should reflect the new case number.

² *American West Advertising*, Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 3762 (Enf. Bur. 2011). The *NAL* noted that the proposed forfeiture penalty applied to both the corporate entity, which is AmericanWest Advertising LLC, and all principals and officers, including the designated contact person, who is Patrice Huth.

³ 47 U.S.C. § 227(b)(1)(B).

⁴ At the time of the violations and when the *NAL* was issued, the Commission’s rules governing prerecorded calls to residential telephone lines were codified at 47 C.F.R. § 64.1200(a)(2). Since then, the Commission has amended and renumbered the provisions contained therein as 47 C.F.R. § 64.1200(a)(3). *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Report and Order, 27 FCC Rcd 1830 (2012) (amending rules governing prerecorded advertising calls to require that prior express consent to receive such calls must be in writing and to remove the exemption for calls made under an established business relationship).

⁵ The *NAL* includes a more complete discussion of the facts and history of this case and is incorporated herein by reference. *NAL*, 26 FCC Rcd at 3763-65, paras. 2-7.

3. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Act,⁶ Section 1.80 of the Rules,⁷ and Sections 0.111, 0.204, and 0.311 of the Rules,⁸ AmericanWest Advertising LLC **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of eighteen thousand dollars (\$18,000) for willfully and repeatedly violating Section 227(b)(1)(B) of the Act⁹ and Section 64.1200(a)(2) of the Rules, as that section existed at the time of the violations.¹⁰

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within fifteen (15) calendar days after the release date of this Forfeiture Order.¹¹ If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to Section 504(a) of the Act.¹²

5. Payment of the forfeiture must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account Number and FRN referenced above. AmericanWest Advertising LLC shall send electronic notification of payment to Johnny Drake at johnny.drake@fcc.gov on the date said payment is made. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.¹³ When completing the Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Below are additional instructions that should be followed based on the form of payment selected:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

6. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer – Financial Operations, Federal Communications Commission, 445 12th Street, SW, Room 1-A625, Washington, DC, 20554.¹⁴ Questions regarding payment procedures should

⁶ 47 U.S.C. § 503(b).

⁷ 47 C.F.R. § 1.80.

⁸ 47 C.F.R. §§ 0.111, 0.204, 0.311.

⁹ 47 U.S.C. § 227(b)(1)(B).

¹⁰ 47 C.F.R. § 64.1200(a)(2) (2003).

¹¹ 47 C.F.R. § 1.80.

¹² 47 U.S.C. § 504(a).

¹³ An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

¹⁴ See 47 C.F.R. § 1.1914.

be directed to the Financial Operations Group Help Desk by telephone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

7. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by first class mail and certified mail, return receipt requested, to Patrice Huth, Member, AmericanWest Advertising LLC, 2108 SW 152nd Street, Burien, WA 98116; Patrice Huth, 27020 9th Avenue South, Des Moines, WA 98198; and Patrice Huth, 27020 8th Avenue South, Des Moines, WA 98198.

FEDERAL COMMUNICATIONS COMMISSION

Richard A. Hindman
Chief, Telecommunications Consumers Division
Enforcement Bureau