



# NEWS

**Federal Communications Commission**  
**445 12<sup>th</sup> Street, S.W.**  
**Washington, D. C. 20554**

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.  
See *MCI v. FCC*, 515 F.2d 385 (D.C. Cir. 1974).

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**FOR IMMEDIATE RELEASE**  
January 9, 2003

**NEWS MEDIA CONTACT:**  
John Winston (202) 418-7450

## **TELEMARKETING ENFORCEMENT ACTIONS ANNOUNCED**

Washington, D.C. – Today the Commission's Enforcement Bureau, Telecommunications Consumers Division, announced the issuance of 13 citations during the period October 1, 2002 to December 31, 2002 for alleged violations of the Telephone Consumer Protection Act of 1991 (TCPA) and the corresponding Commission's rules (see attached list). These actions follow nearly \$7 million in forfeitures proposed or issued since December 1999. The rules prohibit the use of artificial or prerecorded voice messages and telephone facsimile (fax) machines to send unsolicited advertisements, and require telemarketers to honor do-not-call requests, among other things.

Additionally, since December 1999, a total of 205 TCPA citations have been issued by the Bureau: 175 for unsolicited fax advertisements, 28 for prerecorded unsolicited advertisements to residential phone lines, and 2 for failure to honor do-not-call requests. Detailed information on the Commission's enforcement actions in this area is available at [www.fcc.gov/eb/tcd/working.html](http://www.fcc.gov/eb/tcd/working.html).

Prerecorded calls are unlawful when placed to a residential telephone line unless: the call is for emergency purposes; the recipient has given consent or has an established business relationship with the caller; the call is non-commercial or does not contain an unsolicited advertisement; or the caller is a tax exempt non-profit organization. All unsolicited fax advertisements are unlawful when they are sent to a fax machine without the recipient's prior approval, or when the sender does not have an established business relationship with the recipient. A citation is a warning to a non-regulated entity, as required in these circumstances by the Communications Act (Act), telling the party that the Commission has been made aware of a violation of the Act and/or the Commission's rules and providing information on possible penalties if the unlawful activity continues. The party has an opportunity to respond to the citation.

Consumers who have received prerecorded telephone advertising messages or unsolicited fax advertisements, or have experienced other violations of the TCPA and Commission rules, are encouraged to contact the Commission regarding the incident(s). Consumers can file a complaint by completing the on-line Consumer Complaint Form at [www.fcc.gov/cgb/complaints.html](http://www.fcc.gov/cgb/complaints.html) or by sending a letter summarizing the complaint to the Federal Communications Commission, Consumer and Governmental Affairs Bureau, Consumer Inquiries and Complaints Division, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554. Consumers can file complaints via telephone by calling the Consumer Center at 1-888-CALL-FCC. Consumers may be asked to provide documentation in support of their complaints.

Consumers may also file TCPA complaints with state authorities or bring a private suit in an appropriate court of their state. Consumers can bring private suits to enjoin the unlawful conduct and either recover the actual monetary loss stemming from the TCPA violation or receive up to \$500 in damages for each violation, whichever is greater. The court may award treble damages if it finds that the defendant willfully or knowingly committed the violation.

Enforcement Bureau contacts: John Winston at (202) 418-7450 or Al McCloud at (202) 418-2499.

**CITATIONS ISSUED: OCTOBER 1– DECEMBER 31, 2002**

<b><u>Citation Recipient</u></b>	<b><u>File Number</u></b>	<b><u>Date Issued</u></b>
*Accurate Collision Repair, Inc.	EB-02-TC-273	10/8/02
*A Friendly Carpet Cleaning	EB-02-TC-254	10/15/02
*Integrated Chiropractic Clinic	EB-02-TC-255	10/22/02
*Silverleaf Resorts, Inc.	EB-02-TC-256	10/29/02
*American Health and Life Insurance	EB-02-TC-257	11/5/02
*Executive Carpet & Beyond, Inc.	EB-02-TC-258	11/12/02
**Cardon Enterprises	EB-02-TC-261	11/19/02
*JZA Development Corporation	EB-02-TC-260	11/26/02
*Inbound Calls, Inc.	EB-02-TC-264	12/3/02
***Newgen Results Corporation	EB-02-TC-259	12/10/02
*Chon-Ji Academy of Martial Arts, Inc.	EB-02-TC-265	12/17/02
*Captain Clean Carpet Care	EB-02-TC-266	12/20/02
**Toner World, Inc.	EB-02-TC-267	12/27/02

\* Prerecorded unsolicited advertisement to a residential telephone line.

\*\* Unsolicited advertisement to a fax machine.

\*\*\* Failure to honor a do-not-call request.

**This list is provided for informational purposes only and does not provide parties with additional rights. Parties wishing to respond to a citation should do so in accordance with the instructions and by the deadline set forth in the citation.**