FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

September 28, 2009

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

TagQuest Marketing Solutions
dba Tag Qwest Marketing
Attn: Victor Mastaglio
711 Medford Center, Suite 240
Medford, OR 97504

RE: EB-09-TC-444

Dear Mr. Mastaglio:

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 violations of the Act and the Federal Communications Commission's rules that govern telephone solicitations, prerecorded and autodialed telephone calls and facsimile ("fax") transmissions.[1] As explained below, future violations of the Act or Commission's rules in this regard may subject you and your company to monetary forfeitures.

It has come to our attention that you or your company, acting under your direction, apparently sent one or more calls or faxes in violation of Section 227(b) of the Communications Act and the Commission's related rules, as described in the attached complaint(s).[2] Specifically, one or more complaints have been filed against your company showing that your company, acting under your direction, committed the violation(s) checked below. Once you have identified the violation(s), proceed to the associated section(s) of the citation to obtain the legal requirements related to each violation and then read the section titled, "Responding to the Citation" if you wish to respond. While your company has not been accused of any of the other unchecked violations listed below, you might find it useful to familiarize yourself with the other

[1] 47 U.S.C. § 227; 47 C.F.R. § 64.1200. A copy of these provisions is enclosed for your convenience. Section 227 was added to the Communications Act by the Telephone Consumer Protection Act of 1991 and is most commonly known as the TCPA. The TCPA and the Commission's parallel rules restrict a variety of practices that are associated with telephone solicitation and use of the telephone network to deliver unsolicited advertisements or prerecorded and autodialed telephone calls.. 47 U.S.C. § 64.1200(a)(3); *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 – Junk Fax Protection Act of 2005*, Report and Order and Third Order on Reconsideration, 21 FCC Rcd 3787 (2006) (*2006 TCPA Report and Order*).

[2] We have attached 7 complaints at issue in this citation. The complaints address alleged TCPA violation(s)that contain the telephone number 888-310-0049, which you or your business utilized during the time period at issue.

sections so that you or your company will be better informed of the Commission's Telecommunications Consumer Protection Act ("TCPA") rules.

☒ FACSIMILE VIOLATIONS

- ☒ Unsolicited Fax Advertisement (See Section I(A) – page 1)
- ☐ Incomplete Fax Header (See Section I(B) – page 2)
- ☐ Insufficient Opt-Out Notice (See Section I(C) – page 2)
- ☐ Opt-Out Request Not Honored (See Section I(D) – page 3)

☐ PRERECORDED AND AUTODIALED CALL MESSAGE VIOLATIONS

- ☐ Prerecorded or Autodialed Call to a Cell Phone, Emergency Line or Health Care Facility (See Section II(A) – page 4)
- ☐ Prerecorded Call to a Residential Line (See Section II(B) – page 5)
- ☐ Prerecorded Line Seizure (See Section II(C) – page 6)
- ☐ Prerecorded Identification Not Provided (See Section II(D) – page 7)

☐ DO-NOT-CALL VIOLATIONS

- ☐ National Do-Not-Call (See Section III(A) – page 7)
- ☐ Company-Specific Do-Not-Call (See Section III(B) – page 8)

☐ TIME OF DAY VIOLATION (See Section IV – page 9)

If, after receipt of this citation, you or your company violates the Communications Act or the Commission's rules in any manner described herein, the Commission may impose monetary forfeitures not to exceed $16,000 for each such violation or each day of a continuing violation.

RESPONDING TO THE CITATION

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

If you would like to submit a written statement, including any supporting documentation, send the response within 30 days of the date of this letter to the address below. If you would like to arrange a teleconference interview, please contact Al McCloud at (202) 418-2499. You should schedule any interview to take place within 30 days of the date of this letter.

Joshua Zeldis
Assistant Division Chief
Telecommunications Consumers Division
Enforcement Bureau
Federal Communications Commission
445-12th Street, S.W., Rm. 4-A122
Washington, D.C. 20554

Reference EB-09-TC-444 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 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,

Joshua P. Zeldis
Assistant Division Chief
Telecommunications Consumers Division
Enforcement Bureau
Federal Communications Commission

Enclosures