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For Immediate Release**FCC ISSUES \$5 MILLION PENALTY FOR ILLEGAL ROBOCALLING
AGAINST JACOB WOHL AND JOHN BURKMAN*****Parties Made Unlawful Robocalls to Voters' Wireless Phones Without Prior Consent***

WASHINGTON, June 6, 2023—The Federal Communications Commission today adopted a \$5,134,500 fine against John M. Burkman, Jacob Alexander Wohl, and J.M. Burkman & Associates LLC for making 1,141 unlawful robocalls. In this unanimous decision, the FCC rejected the arguments asserted by the parties in their response to the Commission's 2021 proposed fine in this case.

The robocalls in this case, made on August 26 and September 14, 2020, told potential voters that if they voted by mail, their “personal information will be part of a public database that will be used by police departments to track down old warrants and be used by credit card companies to collect outstanding debts.” The recorded messages identified Burkman and Wohl by name and claimed to be made by “Project-1599.”

In response to the Commission's 2021 proposed fine, Burkman and Wohl argued that the dialing companies they hired to make the calls were responsible for any alleged violations. Yet, their own emails show Burkman and Wohl directing the dialing companies on specific details of the calling campaigns such as which zip codes to call, pricing, and other matters related to the robocalling campaign. In addition, the FCC has been clear for many years that it looks at the totality of circumstances in determining which party is liable for directing illegal robocalls. Burkman and Wohl, who have each subsequently pleaded guilty to one count of telecommunications fraud, were fined and sentenced to community service which included 500 hours registering voters in minority and low-income communities.

The parties also argued in their response that political robocalls are exempt from the Telephone Consumer Protection Act restrictions. However, as the Commission has previously stated, the mere fact that a calling campaign is political in nature does not protect the caller from liability under Commission rules.

“This penalty emphasizes the seriousness with which we take our obligations to protect American consumers, and in this instance American voters, from being targeted through the clear and illegal misuse of U.S. communications networks,” said FCC Enforcement Chief Loyaan A. Egal. “We commend our law enforcement partners for bringing Burkman and Wohl to justice for their actions, and we will continue our efforts to make it clear that there are significant consequences for engaging in this type of conduct.”

Today's Forfeiture Order follows a detailed investigation by the FCC's Enforcement Bureau. The investigation found that the unlawful calls were prerecorded and made to consumers'

wireless phones without the required prior consent. FCC investigators examined call detail records for every call that the dialing companies made on behalf of the parties and determined that 1,141 calls were made to wireless telephones. The Enforcement Bureau called consumers who received the robocalls and found no evidence of consent having been given—nor did the parties provide any evidence that they had obtained consent to make the calls.

The Enforcement Bureau worked with the Ohio Attorney General’s Office to identify two dialing service platforms that provided evidence confirming the robocall campaigns and identifying the clients who had hired them for this service.

If the parties fail to pay the penalty, the FCC will refer the matter to the Department of Justice for collection. The Forfeiture Order adopted by a vote of the full Commission and released today is available at: <https://www.fcc.gov/document/fcc-assesses-over-5m-forfeiture-unlawful-robocalls>.

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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).