

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

In the Matter of)	
)	
Carolina Liquidators, Inc.)	File No. EB-00-TC-010
)	
Forfeiture Order)	NAL/Acct. No. X3217-007

FORFEITURE ORDER

Adopted: October 31, 2000

Released: November 2, 2000

By the Commission:

1. In this Order, we issue a monetary forfeiture in the amount of \$230,000 against Carolina Liquidators, Inc. (Carolina Liquidators) for willfully or repeatedly violating Section 227(b)(1)(C) of the Communications Act of 1934, as amended (Act), and the Commission’s rules and orders.¹ Carolina Liquidators sent unsolicited advertisements to telephone facsimile machines on 34 separate occasions.

2. On July 12, 1999, the Commission staff issued a citation to Carolina Liquidators pursuant to section 503 of the Act.² The staff cited Carolina Liquidators for using a telephone facsimile machine, computer, or other device to send unsolicited advertisements to a telephone facsimile machine, in violation of section 227 of the Act and the Commission’s rules and orders. Despite the citation’s warning that subsequent violations could result in the imposition of monetary forfeitures, the Commission received several consumer letters stating that Carolina Liquidators had continued to engage in such conduct after receiving the citation.³ On July 25, 2000, the Commission issued a Notice of Apparent Liability for Forfeiture (NAL) against Carolina Liquidators that proposed a forfeiture amount of \$230,000 for 34 apparent violations. Although Commission rules provide that a cited party must either respond to the NAL or pay the full amount of the proposed forfeiture within 30 days of issuance of an NAL,⁴ Carolina Liquidators failed to respond to the NAL or pay the proposed forfeiture amount. Therefore, based on the information before us, we affirm this forfeiture in the full amount proposed in the NAL.

3. Accordingly, IT IS ORDERED, pursuant to section 503(b)(5) of the Act, as amended, 47

¹ See 47 U.S.C. § 227(b)(1)(C); 47 C.F.R. § 64.1200(a)(3); see also *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Report and Order*, 7 FCC Rcd 8752, 8779, ¶ 54 (1995) (*TCPA Report and Order*) (stating that Section 227 of the Act prohibits the use of telephone facsimile machines to send unsolicited advertisements).

² See 47 U.S.C. § 503(b)(5) (authorizing the Commission to issue citations to non-common carriers for violations of the Act or of the Commission’s rules and orders).

³ See *Carolina Liquidators, Inc., Notice of Apparent Liability For Forfeiture*, FCC 00-263 (released July 25, 2000).

⁴ 47 C.F.R. § 1.80.

U.S.C. § 503(b)(5), and section 1.80 of the Commission's rules, 47 C.F.R. § 1.80, that Carolina Liquidators, Inc. IS LIABLE FOR A MONETARY FORFEITURE in the amount of \$230,000 for willful or repeated violations of section 227(b)(1)(C) of the Act, 47 U.S.C. § 227(b)(1)(C), sections 64.1200(a)(3) and 64.1200(f)(5) of the Commission's rules, 47 C.F.R. §§ 64.1200(a)(3), 64.1200(f)(5), and the related orders.

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Commission's Rules within 30 days of the release of this Order.⁵ 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.⁶ Payment may be made to the Commission's Credit and Debt Management Center by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note the NAL/Acct. No. referenced above. Requests for full payment under an installment plan should be sent to: Chief, Credit and Debt Management Center, FCC, 445 12th Street, S.W., Washington, D.C. 20554.

5. IT IS FURTHER ORDERED that a copy of this Forfeiture Order SHALL BE SENT by certified mail to Mr. Cory Pierce, Owner, Carolina Liquidators, Inc., 2722 West Irving Blvd., Irving, Texas 75061.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas
Secretary

⁵ 47 C.F.R. § 1.80(f)(4).

⁶ 47 U.S.C. § 504(a).