

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

In the Matter of	)	
	)	File No. EB-07-TC-13259
Clean Credit, Inc.	)	NAL/Acct. Nos. 200832170077 and
	)	20093217009
	)	FRN: 0018140178

**FORFEITURE ORDER**

**Adopted: September 16, 2010**

**Released: September 28, 2010**

By the Commission:

**I. INTRODUCTION**

1. In this *Forfeiture Order* (“Order”), we issue a monetary forfeiture in the amount of \$139,500 against Clean Credit, Inc. (“Clean Credit”) for willful and repeated violations of section 227 of the Communications Act of 1934, as amended (“Act”),<sup>1</sup> and the Commission’s related rules and orders,<sup>2</sup> by delivering at least 31 unsolicited advertisements, or “junk faxes,” to the telephone facsimile machines of at least 29 consumers.

**II. BACKGROUND**

2. This Forfeiture Order arises from two distinct Notices of Apparent Liability for Forfeiture<sup>3</sup> that were issued against Clean Credit. The facts and circumstances surrounding these cases are set forth in the *NALs* and need not be reiterated at length.

3. The Telephone Consumer Protection Act of 1991 (TCPA) was enacted by Congress to address problems of abusive telemarketing, in particular junk faxes.<sup>4</sup> As Congress recognized, unsolicited faxes often impose unwanted burdens on the called party, including costs of paper and ink, and making fax machines unavailable for legitimate business messages.<sup>5</sup> Section 227(b)(1)(C) of the Act makes it “unlawful for any person within the United States, or any person outside the United States if the recipient is within the United States . . . to use any telephone facsimile machine, computer, or other device to send,

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<sup>1</sup> 47 U.S.C. § 227.

<sup>2</sup> See also 47 U.S.C. § 503(b)(1).

<sup>3</sup> *Clean Credit, Inc.*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 13866 (Enf. Bur.2008) (“*NAL 1*”); *Clean Credit, Inc.*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 18506 (2008) (“*NAL 2*”) (collectively “*NALs*”).

<sup>4</sup> Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243, 105 Stat. 2394, *codified at* 47 U.S.C. § 227. See also Junk Fax Prevention Act of 2005, Pub. L. No. 109-21, 119 Stat. 359 (2005).

<sup>5</sup> See, e.g., S. Rep. No. 1462, 102d Cong., 1<sup>st</sup> Sess. 2 (1991); H. Rep. No. 102-317, 102d Congress, 1<sup>st</sup> Sess. 10 (1991).

to a telephone facsimile machine, an unsolicited advertisement” unless the sender has an established business relationship with the recipient.<sup>6</sup>

4. As the *NALs* discuss, the Enforcement Bureau issued a junk fax citation<sup>7</sup> to Clean Credit on August 29, 2007, in response to one or more consumer complaints alleging that Clean Credit had faxed unsolicited advertisements. Clean Credit did not respond to this citation. Subsequently, the Commission received numerous additional complaints from consumers alleging that Clean Credit had faxed unsolicited advertisements to them. These violations, which occurred after the Bureau’s citation, resulted in the issuance of two Notices of Apparent Liability for Forfeiture against Clean Credit: on September 26, 2008, in the amount of \$13,500, and on December 19, 2008, in the amount of \$126,000.<sup>8</sup> In total, the *NALs* cited Clean Credit for sending 31 unlawful, unsolicited fax advertisements to 29 consumers. The *NALs* ordered Clean Credit either to pay the proposed forfeiture amounts within thirty (30) days or to submit evidence or arguments to show that no forfeitures should be imposed or that some lesser amounts should be assessed.

### III. DISCUSSION

5. As with the citation, Clean Credit did not respond to the *NALs*. Accordingly, we affirm our findings that Clean Credit violated the Act and our rules on 31 separate occasions. Since we have no evidence to suggest that the proposed forfeiture should be reduced or cancelled, we hereby impose a total forfeiture of \$139,500 for Clean Credit’s willful or repeated violation of section 227 of the Act and the Commission’s related rules and orders, as set forth in the *NALs*.

### IV. ORDERING CLAUSES

6. Accordingly, IT IS ORDERED, pursuant to section 503(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 503(b), and section 1.80(f)(4) of the Commission’s rules, 47 C.F.R. § 1.80(f)(4), that Clean Credit, Inc. IS LIABLE FOR A MONETARY FORFEITURE to the United States Government in the sum of \$139,500 for willfully and repeatedly violating section 227(b)(1)(c) of the Communications Act, 47 U.S.C. § 227(b)(1)(c), section 64.1200(a)(3) of the Commission’s rules, 47 C.F.R. § 64.1200(a)(3), and the related orders as described in the paragraphs above.

7. Payment of the forfeiture shall be made in the manner provided for in section 1.80 of the Commission’s rules within thirty (30) days of the release of this Order. 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.<sup>9</sup> Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the *NAL/Account Number* and *FRN Number* referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the *NAL/Account number* in block number 23A (call sign/other ID), and enter the letters “FORF” in

<sup>6</sup> 47 U.S.C. § 227(b)(1)(C); 47 C.F.R. § 64.1200(a)(3).

<sup>7</sup> Citation from Kurt A. Schroeder, Deputy Chief, Telecommunications Consumers Division, Enforcement Bureau, File No. EB-07-TC-13259, issued to Clean Credit on August 29, 2007. For further details, see *NAL 2,23 FCC Rcd at 18507*, para. 3.

<sup>8</sup> See n.3, *supra*; see also 47 U.S.C. § 503(b)(1).

<sup>9</sup> 47 U.S.C. § 504(a).

block number 24A (payment type code). Clean Credit, Inc. will also send electronic notification on the date said payment is made to [Johnny.Drake@fcc.gov](mailto:Johnny.Drake@fcc.gov). Requests for full payment under an installment plan should be sent to: Chief Financial Officer -- Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554. Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or Email: [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov) with any questions regarding payment procedures.

8. IT IS FURTHER ORDERED that a copy of the Forfeiture Order shall be sent by First Class Mail and Certified Mail Return Receipt Requested to Clean Credit, Inc., Attn: Christopher Parks, 5332 S. Memorial Drive, #100, Tulsa, OK 74145.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary