

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

In the Matter of	)	
	)	
Patrick Keane	)	File No.: EB-12-TCD-00000305
a/k/a The Street Map Co., Accurate Map Co., Data	)	
World, Map World, Map Co.	)	NAL/Acct. No.: 201332170001
	)	
Apparent Liability for Forfeiture	)	FRN: 0020318242
	)	
	)	

**NOTICE OF APPARENT LIABILITY FOR FORFEITURE**

**Adopted: October 22, 2012**

**Released: October 23, 2012**

By the Commission:

**I. INTRODUCTION**

1. In this Notice of Apparent Liability for Forfeiture (NAL), we find that Patrick Keane, operating under various business names,<sup>1</sup> apparently willfully and repeatedly violated Section 227(b)(1)(C) of the Communications Act of 1934, as amended (Communications Act or Act), and Section 64.1200(a)(4) of the Commission's rules, by delivering 38 unsolicited advertisements, or "junk faxes," to the telephone facsimile machines of 31 consumers.<sup>2</sup> As discussed below, in the last two years, the Commission has issued NALs against Mr. Keane for 62 additional junk fax violations. Based in part on the fact that the Commission, with today's NAL, has now taken enforcement action against Mr. Keane for 100 junk fax violations, we find that Mr. Keane is apparently liable for the maximum penalty permitted by law for the apparent violations at issue in this NAL, and propose a forfeiture of \$16,000 for each such violation, for a total forfeiture in the amount of \$608,000.

**II. BACKGROUND**

2. The Telephone Consumer Protection Act of 1991 was enacted by Congress to address problems of abusive telemarketing, including junk faxes.<sup>3</sup> 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. 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

<sup>1</sup> As set forth below, Mr. Keane appears to have used several different business names throughout the course of the Commission's investigation of his activities. Neither this NAL nor the Commission's prior enforcement actions against Mr. Keane attempt to identify each and every such name he has used, but the liability proposed in these actions applies to Mr. Keane, regardless of the names he uses or has used.

<sup>2</sup> See 47 U.S.C. § 227(b)(1)(C); 47 C.F.R. § 64.1200(a)(4). See also *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Junk Fax Prevention Act of 2005*, Report and Order and Third Order on Reconsideration, 21 FCC Rcd 3787 (2006) (*Junk Fax Prevention Act R&O*), modified, 23 FCC Rcd 15059 (2008).

<sup>3</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) (*Junk Fax Act*).

use any telephone facsimile machine, computer, or other device to send, to a telephone facsimile machine, an unsolicited advertisement....”<sup>4</sup>

3. On February 5, 2008, in response to consumer complaints alleging that The Street Map Co. (Street Map) had faxed unsolicited advertisements, the Bureau sent a citation to Mr. Keane and Street Map pursuant to Section 503(b)(5) of the Act.<sup>5</sup> Despite the citation’s warning that subsequent violations could result in the imposition of monetary forfeitures, the Commission continued to receive numerous additional consumer complaints indicating that Mr. Keane, operating as Street Map, continued to send junk faxes after the citation. Based on complaints concerning junk faxes received between November 2009 and November 2010, the Commission issued two *Notices of Apparent Liability for Forfeiture* against Mr. Keane operating as Street Map and other names.<sup>6</sup> The first *NAL* involved 11 faxes and proposed a forfeiture of \$55,000, while the second involved 51 faxes and proposed an additional forfeiture of \$315,500.<sup>7</sup> The *NALs* named both Mr. Keane and Street Map, as well as other business and trade names under which Mr. Keane has apparently operated.<sup>8</sup> Mr. Keane did not respond to either *NAL*.

4. Notwithstanding the citation and the two *NALs*, Mr. Keane has apparently continued to send junk faxes, albeit using different names, or variations on the same name, such as “Accurate Map Co.,” “Data World,” “Map World,” and “Map Co.”<sup>9</sup> None of these names—or the name “Street Map”—appears to be registered as a fictitious or other trade name, and all appear to be traceable to Mr. Keane. All of the faxes advertise laminated maps and share similar designs and layouts, including use of a distinctive cartoon manikin touting the benefits of the maps. Moreover, all but one of the faxes at issue in this *NAL* use the same street address and telephone numbers.<sup>10</sup> This address (717 N. Union St., Wilmington, DE 19805) and the three telephone numbers (888-801-4409, 855-888-8842, and 855-321-7755) are all assigned to Mr. Keane and billed either to Street Map (888-801-4409) or to another of his business names, First State Map Company (855-888-8842 and 855-321-7755).<sup>11</sup> In addition, the address

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<sup>4</sup> 47 U.S.C. § 227(b)(1)(C). The prohibition is subject to certain exceptions, such as if the sender has an “established business relationship” (EBR) with the recipient and the sender obtained the facsimile number from the recipient through voluntary communication in the context of an EBR, or from a directory, advertisement, or website through which the recipient voluntarily agreed to make its facsimile number available for public distribution. In addition, the unsolicited ad must notify the recipient how to opt out of receiving future facsimile advertisements, subject to certain requirements. The Commission has adopted implementing rules. 47 C.F.R. § 64.1200(a)(4).

<sup>5</sup> Citation from Kurt A. Schroeder, Deputy Chief, Telecommunications Consumers Division, FCC Enforcement Bureau, to The Street Map Company (Feb. 5, 2008) (on file in EB-08-TC-998). The citation was addressed to “The Street Map Company” and directed to the attention of Mr. Keane, and expressly warned that future violations of the Act and the Commission’s rules governing telephone solicitations and unsolicited advertisements might subject Mr. Keane or the entities perpetrating such behavior to monetary forfeitures.

<sup>6</sup> *Street Map Co.*, Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 16371 (2010) (*NAL 1*); *Street Map Co.*, Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 8318 (*NAL 2*).

<sup>7</sup> *NAL 1*, 25 FCC Rcd at 16373; *NAL 2*, 26 FCC Rcd at 1822.

<sup>8</sup> Both *NAL 1* and *NAL 2* indicated that, according to publicly available information, “Street Map” also did business as First State Map & Globe Co., Globe World, Rockford Map Gallery LLC, and Rockford Map & Globe. See *NAL 1*, 25 FCC Rcd at 16371 n.1; *NAL 2*, 26 FCC Rcd at 8318 n.1. Appendix B gives examples of faxes that were addressed in these *NALs*.

<sup>9</sup> See Appendix A for a listing of the consumer complaints against Accurate Map Co., Data World, and Map World requesting Commission action.

<sup>10</sup> Appendix C includes examples of faxes that were the subject of complaints listed in Appendix A.

<sup>11</sup> First State Map Company was registered in Delaware as a trade name in 1986 and uses the address 1800 Lovering Ave., Wilmington, DE. See Delaware State Courts; Trade, Business & Fictitious Names; File No. 8008, <http://www.courts.delaware.gov/tradenames/JICKioskDetails.aspx?TradeNameID=67831> (last visited Sept. 6, 2012) (showing trade name registration) and American Yellow Pages, <http://www.yppstate.com/info/de/369006.html> (last

and one of the telephone numbers, 855-888-8842, are listed as contact information for Mr. Keane and another of his map enterprises, Learnamap.com.<sup>12</sup>

5. The one fax mentioned above that uses a different address and phone number is the subject of a complaint filed with the Commission on September 5, 2012 by the New York City Police Department. This fax is similar to the other faxes in that it advertises the same type of laminated maps and uses a similar design, including the same cartoon manikin. The only material difference between this recent fax and the other faxes discussed above is it appears that Mr. Keane is now using a new business name (Map Co.), a new Wilmington, DE address (4023 Kennett Pike, STE 132), and a new telephone number for responses (855-744-5544).<sup>13</sup> As with the other business names, Map Co. does not appear to be an actual company or registered trade name. Further, according to telephone company records, the new telephone number (855-744-5544) is assigned to Mr. Keane's business, First State Map Company.<sup>14</sup>

### III. DISCUSSION

#### A. Apparent Violations of Section 227(b)(1)(C) of the Act and the Commission's Rules Restricting Unsolicited Facsimile Advertisements

6. In this NAL, we find that Mr. Keane has again apparently violated Section 227(b)(1)(C) of the Act and Section 64.1200(a)(4) of the Commission's rules by using a facsimile machine, computer, or other device to send unsolicited advertisements to consumers. Under the Commission's rules, the sender of a junk fax is "the person or entity on whose behalf a facsimile unsolicited advertisement is sent or whose goods or services are advertised or promoted in the unsolicited advertisement."<sup>15</sup> Each of the consumers listed in Appendix A has provided evidence that he or she received a junk fax or faxes from Mr. Keane, operating through different business names; that he or she did not have an established business relationship with Mr. Keane, or any of his business names; and that he or she did not give him permission to send the faxes. The faxes at issue here clearly constitute advertisements, as they advertise laminated maps, and encourage consumers to place orders for those maps by calling one of Mr. Keane's telephone numbers. The faxes therefore fall within the definition of a prohibited "unsolicited advertisement."<sup>16</sup>

#### B. Proposed Forfeiture

7. Section 503(b)(1)(B) of the Act authorizes the Commission to impose a forfeiture against any person who "willfully or repeatedly fail[s] to comply with any of the provisions of [the] Act or of any

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(Continued from previous page)

visited Sept. 6, 2012) (identifying address as 1800 Lovering Avenue, Wilmington, DE). This address is the same as that used by other business names, such as Rockford Map & Globe, that we have connected to Mr. Keane. See Better Business Bureau, <http://www.bbb.org/delaware/business-reviews/maps-publishers-and-distributors/rockford-map-and-globe-in-wilmington-de-7004173> (last visited Sept. 6, 2012) (identifying 1800 Lovering Avenue, Wilmington, DE as address for Rockford Map & Globe); *NAL 1*, 25 FCC Rcd 16371 n.1 (identifying Rockford Map & Globe as alternate name for Street Map); *NAL 2*, 26 FCC Rcd 8318 n.1 (same).

<sup>12</sup> Learnamap.com Contact Page, <http://www.learnamap.com/contact/contact.php> (last visited July 19, 2012).

<sup>13</sup> See Appendix C for a copy of this fax.

<sup>14</sup> See supra note 11 (discussing First State Map Company and Mr. Keane).

<sup>15</sup> 47 C.F.R. § 64.1200(f)(10).

<sup>16</sup> An "unsolicited advertisement" is "any material advertising the commercial availability or quality of any property, goods, or services which is transmitted to any person without that person's prior express invitation or permission, in writing or otherwise." 47 U.S.C. § 227(a)(5); 47 C.F.R. § 64.1200(f)(15).

rule, regulation, or order issued by the Commission.”<sup>17</sup> As to certain violators—for example, individuals such as Mr. Keane who are not themselves holders of or applicants for any form of Commission authorization and whose violations do not involve conduct for which such authorization is necessary—the Commission must first issue a citation, as it did in this case, warning them of the violation charged before imposing monetary penalties. “In determining the amount of . . . a forfeiture penalty,” Section 503(b)(2)(E) mandates that “the Commission or its designee shall take into account the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.”<sup>18</sup> The Commission’s forfeiture guidelines set forth the base amount for penalties for certain kinds of violations, and identify criteria, consistent with the Section 503(b)(2)(E) factors, that may influence whether we adjust the base amount downward or upward.<sup>19</sup> For example, we may adjust a penalty upward for “[e]gregious misconduct,” an “[i]ntentional violation,” or where the subject of an enforcement action has “[p]rior violations of any FCC requirements.”<sup>20</sup> Currently, the maximum penalty that the Commission may impose against a person or business such as Mr. Keane is \$16,000 per violation.<sup>21</sup>

8. The Commission has generally considered a penalty of \$4,500 per unsolicited fax advertisement as an appropriate base forfeiture for violating the prohibition against sending junk faxes.<sup>22</sup> The Commission has increased the penalties, however, for entities and individuals who have engaged in numerous and repeated violations. For example, in the second *NAL* against Mr. Keane, the Commission proposed a forfeiture of \$315,500, which included an upward adjustment for the more than 60 apparent junk fax violations in which he had engaged at that time.<sup>23</sup> As we have noted in these recent cases, we

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<sup>17</sup> 47 U.S.C. § 503(b)(1)(B).

<sup>18</sup> 47 U.S.C. § 503(b)(2)(E).

<sup>19</sup> 47 C.F.R. § 1.80(b)(5) note. The absence of a particular type of violation from the forfeiture guidelines must “not be taken to mean that the violation is unimportant or nonexistent,” and “the Commission retains discretion to impose forfeitures for other violations.” *Commission’s Forfeiture Policy Statement & Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report & Order, 12 FCC Rcd 17087, 17110, para. 53 (1997) (*Forfeiture Policy Statement*).

<sup>20</sup> 47 C.F.R. § 1.80(b)(5) note.

<sup>21</sup> 47 U.S.C. § 503(b)(2)(C). Section 503(b)(2)(C) provides for forfeitures of up to \$10,000 for each violation in cases, as in the instant case, where the violation does not involve a Commission licensee or common carriers, among others. *See* 47 U.S.C. § 503(b)(2)(C). In accordance with the inflation adjustment requirements contained in the Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, Sec. 31001, 110 Stat. 1321, the Commission implemented an increase of the maximum statutory forfeiture under section 503(b)(2)(C) to \$16,000. *See* 47 C.F.R. § 1.80(b)(4). *See also Amendment of Section 1.80(b) of the Commission’s Rules, Adjustment of Forfeiture Maxima to Reflect Inflation*, 23 FCC Rcd 9845 (2008) (amendment of section 1.80(b) to reflect inflation increased the forfeiture maximum for this type of violator to \$16,000).

<sup>22</sup> *See Get-Aways, Inc.*, Notice of Apparent Liability For Forfeiture, 15 FCC Rcd 1805, 1812, para. 16 (1999); *Get-Aways, Inc.*, Forfeiture Order, 15 FCC Rcd 4843 (2000); *see also US Notary, Inc.*, Notice of Apparent Liability for Forfeiture, 15 Rcd 16999, 17003, para. 13 (2000); *US Notary, Inc.*, Forfeiture Order, 16 FCC Rcd 18398 (2001); *Tri-Star Marketing, Inc.*, Notice of Apparent Liability For Forfeiture, 15 FCC Rcd 11295, 11300, para.12 (2000) (*Tri-Star NAL*); *Tri-Star Marketing, Inc.*, Forfeiture Order, 15 FCC Rcd 23198 (2000).

<sup>23</sup> *NAL 2*, 26 FCC Rcd at 8321-22, paras. 10-11 (2011) (applying a \$75,000 upward adjustment in proposing a forfeiture for 51 junk fax violations, taking into account the violator’s prior 11 junk fax violations); *see also National Employee Benefits Group*, Notice of Apparent Liability, 27 FCC Rcd 2734, 2737, para. 8 (2012) (applying a \$150,000 upward adjustment in proposing a forfeiture for 97 junk fax violations); *Laser Technologies*, Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 10792, 10795, para. 9 (2011) (applying a \$50,000 upward adjustment in proposing a forfeiture for 40 junk fax violations); *Presidential Who’s Who*, Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 8989, 8993–95, paras. 11–13 (2011) (applying a \$150,000 upward adjustment in proposing a forfeiture for 31 junk fax violations, taking into account the violator’s 73 prior junk fax violations) (*Presidential Who’s Who NAL*).



intend to apply appropriate upward adjustments, up to the \$16,000 statutory maximum forfeiture, on a case-by-case basis, taking into account our obligation under section 503(b)(2)(E) of the Act.<sup>24</sup> Indeed, where the Commission has found that a given violator of junk fax or other TCPA prohibitions appears to have engaged in deceit by attempting to disguise its identity to confuse consumers or evade law enforcement, the Commission has proposed the full statutory maximum of \$16,000 per unsolicited fax.<sup>25</sup>

9. Consistent with the factors that must control our determination of the amount of a forfeiture penalty to assess for a given violator and violation, we propose the maximum penalty of \$16,000 for each of the 38 violations at issue in this NAL, for a total proposed forfeiture of \$608,000. As in other recent cases where the Commission has proposed the maximum penalty, we do so here because Mr. Keane has apparently engaged in numerous and repeated violations, and has done so intentionally and in an egregious manner.

10. With this NAL, we have now taken enforcement actions against Mr. Keane for 100 apparent violations of the Junk Fax Act and the Commission's implementing rules.<sup>26</sup> All of these apparent violations occurred *after* the Enforcement Bureau first warned Mr. Keane, via citation, that his conduct violated the law. All of the apparent violations in the present case also occurred after both our prior *NALs*. The fact that Mr. Keane appears to have engaged in such a large number of violations after having been told, several times, that his conduct violated the law strongly suggests that he acted with deliberate and intentional disregard for TCPA requirements and the consumers the law is designed to protect.

11. Mr. Keane's use of different, multiple names to send unsolicited fax advertisements further suggests a deliberate intent to violate the law. As indicated, the faxes at issue in *NAL 1* and *NAL 2* used the name "Street Map," while the faxes at issue in the current NAL use the names "Accurate Map," "Data World," "Map World," and "Map Co." None of these names appears to be an actual, independent legal entity, or a registered fictitious business name. Mr. Keane appears to have no purpose for using these different names other than to disguise that he is the sender of the junk faxes. This again suggests that Mr. Keane is intentionally violating the law.

12. As a further reason to impose the maximum penalty authorized, we note that the faxes at issue in this NAL violate not only the prohibition on sending junk faxes but certain other rules as well. Section 68.318(d) of our rules requires that every fax must show, in the margin, the date and time it was sent and an identification of the business, entity, or individual sending the message, as well as the

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<sup>24</sup> See, e.g., *NAL 2*, 26 FCC Rcd at 8322, para. 11: "Those who violate our junk fax rules are on notice that we intend to use the full range of our enforcement power to deter future noncompliance and protect consumers from the annoyance and harms caused by such conduct, including assessing the statutory maximum forfeiture amount of \$16,000 per violation."

<sup>25</sup> *Tim Gibbons*, Notice of Apparent Liability for Forfeiture, FCC 12-98 (rel. Sept. 4, 2012); *Sabrina Javani d/b/a EZ Business Loans*, Notice of Apparent Liability for Forfeiture, 27 FCC Rcd 7921 (2012); *Teresa Goldberg a/k/a Tammy Pocknett d/b/a Software Training Co. et al.*, Notice of Apparent Liability for Forfeiture, 27 FCC Rcd 2723 (2012); *Travel Club Marketing d/b/a Travelink Corp. et al.*, Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 15381 (2011).

<sup>26</sup> Section 504(c) of the Act, 47 U.S.C. § 504(c), prohibits the Commission from using the issuance of an NAL against a party in one proceeding to the prejudice of that party in another proceeding, until either the party pays the forfeiture or a court issues a final order that it do so. However, this prohibition does not restrict the Commission from considering the *facts* that underlie prior NALs. *Forfeiture Policy Statement*, 12 FCC Rcd at 17102-04, paras. 33-36. Thus, consideration in the current NAL of Mr. Keane's past conduct that led to our earlier enforcement actions is fully consistent with section 504(c) of the Act. See *Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Memorandum Opinion and Order, 15 FCC Rcd. 303, 304-05, paras. 3-5 (1999).

telephone number of the sending machine.<sup>27</sup> Section 64.1200(a)(4)(iii) of the Commission's rules requires that all unsolicited advertisements contain an opt-out notice that informs the recipient of the ability and means to avoid future unsolicited advertisements, including a domestic telephone number that the recipient can call to transmit such requests to the sender.<sup>28</sup> None of the faxes submitted with the complaints comply with any of these requirements. In fact, as a complainant points out,<sup>29</sup> the ostensible opt-out number on many of the faxes is actually the number provided by the Federal Trade Commission for consumers to call and list their telephone numbers on the National Do Not Call Registry, a number and registry that has no relevance to faxes. These acts appear to be additional violations of our rules and the Junk Fax Act that could carry separate penalties of up to \$16,000 each.<sup>30</sup> While we do not propose independent penalties for these violations at this time, we do consider such violations to be aggravating factors that justify upward adjustments to the base forfeiture amounts.

13. Accordingly, weighing the facts before us, we propose the maximum penalty allowed under the Act and our rules—\$16,000, for each junk fax apparently sent to these consumers—for a total penalty of \$608,000. This penalty takes into account, in the language of section 503(b)(2)(E), the “extent” of the violations, and Mr. Keane’s “degree of culpability” and “history of prior offenses,”<sup>31</sup> and in the language of our forfeiture guidelines, Mr. Keane’s apparent “egregious,” “intentional,” and “repeated” violations.<sup>32</sup> We believe this upward adjustment and overall penalty against Mr. Keane, and all his various businesses and trade names, are appropriate in view of the number, scope, and repeated nature of the apparent violations, the fact that he apparently engaged in much of this misconduct deliberately and in complete disregard of the Commission’s previous warnings, and the fact that he has used different names to confuse consumers and disguise his true identity as the sender of these faxes. All of these factors strongly indicate knowing, willful, and deliberate efforts to violate the junk fax rules and then to conceal and evade responsibility for such violations.

#### IV. CONCLUSION

14. We have determined that Mr. Keane apparently violated Section 227(b)(1)(C) of the Act and Section 64.1200(a)(4) of the Commission’s rules by using a telephone facsimile machine, computer, or other device to send 38 unsolicited advertisements to the 31 consumers identified in Appendix A. We have further determined that Mr. Keane is apparently liable for a forfeiture in the amount of \$608,000. Mr. Keane will have the opportunity to submit evidence and arguments in response to this NAL to show that no forfeiture should be imposed or that some lesser amount should be assessed.<sup>33</sup>

#### V. ORDERING CLAUSES

15. 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 of the Commission’s rules, 47 C.F.R. § 1.80, that Patrick Thomas Keane, operating as Accurate Map. Co., Data World, Map World, Map Co., and other names, is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of \$608,000 for willful and repeated violations of Section 227(b)(1)(C) of the Communications

<sup>27</sup> 47 C.F.R. § 68.318(d).

<sup>28</sup> 47 C.F.R. § 64.1200(a)(4)(iii).

<sup>29</sup> See FCC Form 1088A – Junk Fax Complaint from A. Pendergast (Nov. 9, 2011) (“The removal # is the national do not call registry.”) See also example faxes in Appendix C.

<sup>30</sup> See 47 C.F.R. §§ 68.318(d), 64.1200(a)(4)(iii).

<sup>31</sup> 47 U.S.C. § 503(b)(2)(E).

<sup>32</sup> 47 C.F.R. § 1.80 sec. II (Adjustment Criteria for Section 503 Forfeitures).

<sup>33</sup> See 47 U.S.C. § 503(b)(4)(C); 47 C.F.R. § 1.80(f)(3).

Act, 47 U.S.C. § 227(b)(1)(C), and Section 64.1200(a)(4) of the Commission's rules, 47 C.F.R. § 64.1200(a)(4).

16. **IT IS FURTHER ORDERED**, pursuant to Section 1.80 of the Commission's rules,<sup>34</sup> that within thirty (30) calendar days of the release date of this *Notice of Apparent Liability for Forfeiture*, Mr. Keane **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

17. Payment of the forfeiture must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account number and FRN referenced above. Patrick Keane shall send electronic notification of payment to Johnny Drake at [Johnny.Drake@fcc.gov](mailto:Johnny.Drake@fcc.gov) on the date said payment is made. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.<sup>35</sup> When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Below are additional instructions you should follow based on the form of payment you select:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

18. Any request for full payment under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554.<sup>36</sup> If you have questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov).

19. The response, if any, must be mailed both to: Marlene H. Dortch, Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, SW, Washington, D.C. 20554, Attn: Enforcement Bureau – Telecommunications Consumers Division; and to Richard A. Hindman, Chief, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, SW, Washington, D.C. 20554, and must include the NAL/Acct. No. referenced in the caption. Documents sent by overnight mail (*other than* United States Postal Service Express Mail) must be addressed to: Marlene H. Dortch, Secretary, Federal Communications Commission, Office of the Secretary, 9300 East Hampton Drive, Capitol Heights, MD 20743. Hand or messenger-delivered mail should be directed, without

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<sup>34</sup> 47 C.F.R. § 1.80.

<sup>35</sup> An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

<sup>36</sup> See 47 C.F.R. § 1.1914.

envelopes, to Marlene H. Dortch, Secretary, Federal Communications Commission, Office of the Secretary, 445 12<sup>th</sup> Street, SW, Washington, D.C. 20554 (deliveries accepted Monday through Friday 8:00 a.m. to 7:00 p.m. only). See [www.fcc.gov/osec/guidelines.html](http://www.fcc.gov/osec/guidelines.html) for further instructions on FCC filing addresses.

20. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner's current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

21. **IT IS FURTHER ORDERED** that a copy of this *Notice of Apparent Liability for Forfeiture* shall be sent by Certified Mail Return Receipt Requested and First Class mail to Mr. Patrick Keane, 24-A Trolley Square, Wilmington, DE 19806; Mr. Patrick Keane, 1800 Lovering Ave., Wilmington, DE 19806-2122; and Mr. Patrick Keane, 717 N. Union St., Wilmington, DE 19805; Mr. Patrick Keane, 4023 Kennett Pike, Suite 132, Wilmington, DE 19807.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary



## APPENDIX A

## Complainants and Apparent Violation Dates

<b>Complainant received facsimile solicitations</b>	<b>Apparent Violation Date(s)</b>
A. Pendergast, Flowers By Nino	10/27/2011; 10/29/2011; 11/05/2011; 11/07/2011; 11/09/2011
I. Whitehead, U.S. Govt. Printing Office	10/31/2011
A. May	10/31/2011
J. Newman	11/06/2011
A. Richardson, Paul S. McDonald & Assoc., Inc.	11/07/2011
J. Newman, Newman Brothers	11/08/2011
J. Hinterbichler, Arrow Enterprises LLC	11/20/2011
C. Kern	11/20/2011
G. Zamudio, Mind's Eye Technology, Inc.	11/20/2011
B. Delaney, Parke-West Fine Art Appraisal Service	11/28/2011; 12/1/2011
B. Fried, Galaxy Promotions	11/29/2011
J. Greco, E&M Mayock and Associates	12/1/2011
M. Benioff	12/6/2011
C. Drechsler, Garmin AT	12/12/2011
V. Carver	12/12/2011
S. Delauter	12/15/2011
J. Watson, Nick Watson Agency	12/16/2011
R. Miller, Advantage Northwest	12/20/2011
D. Breen, David H. Breen P.A.	12/29/2011
H. Townsend	12/31/2011
C. Ledet	1/07/2012
L. Wistow	1/16/2012, 1/22/2012, 1/26/2012
A. Curtiss	1/22/2012
L. Lapham	2/05/2012
D. Neumetzger	3/4/2012
T. Chernok	3/4/2012
K. Fleming, Fleming Construction Services, LLC	3/16/2012
S. Mielach	3/16/2012
A. Koganov	3/19/2012
E. Mata, Zaphyr Technologies	3/20/2012
P. Malarkey, New York City Police Department	9/5/12

APPENDIX B

Examples of Faxes in NAL 1 and NAL 2

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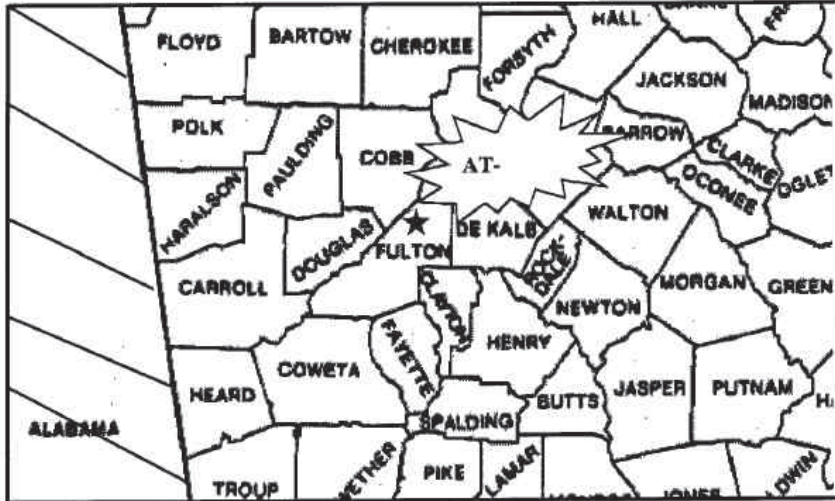
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APPENDIX C

Examples of Faxes in This NAL

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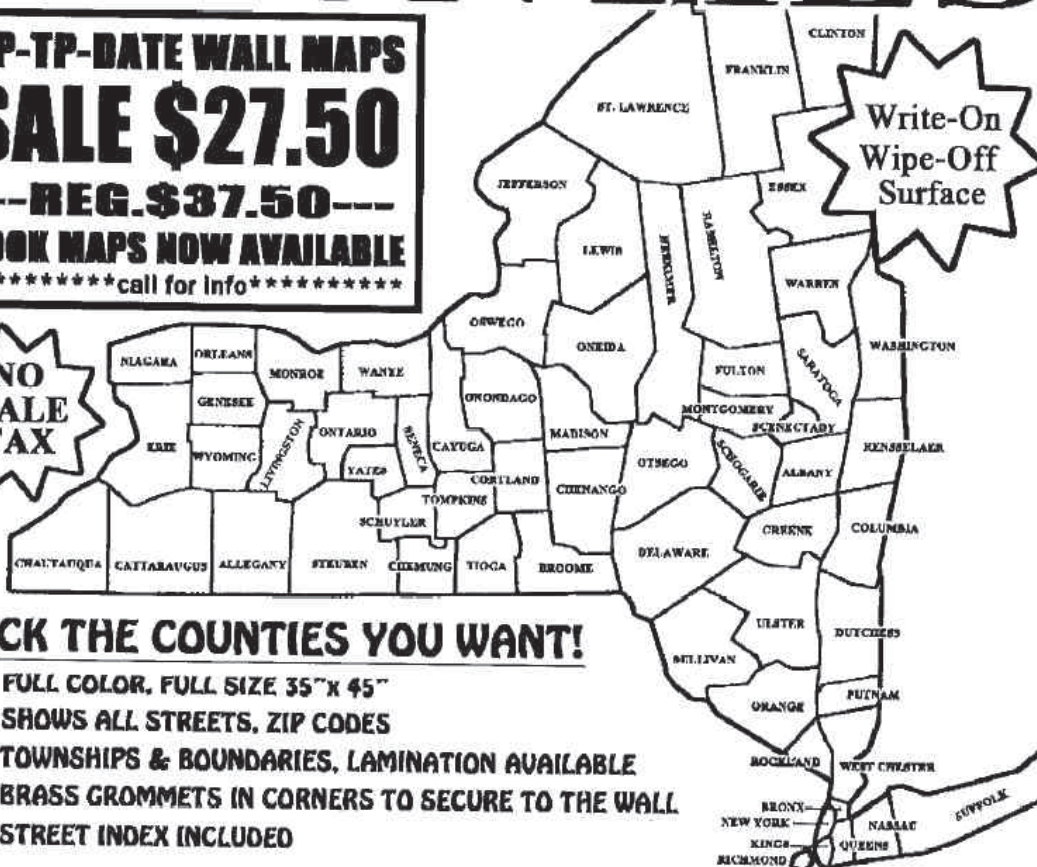
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