

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Patrick Keane) File No.: EB-08-TC-998
a/k/a The Street Map Co., Accurate Map Co.,) NAL/Acct. No.: 201132170002
Data World, Map World, Map. Co.) FRN: 0020318242
)
) File Nos. : EB-08-TC-998
) EB-07-TC-5233
) NAL/Acct. No.: 201132170002
) FRN: 0020318242
)
) File No.: EB-12-TCD-00000305
) NAL/Acct. No.: 201332170001
) FRN: 0020318242

FORFEITURE ORDER

Adopted: May 3, 2013

Released: May 7, 2013

By the Commission: Commissioner McDowell not participating.

I. INTRODUCTION

1. In this Forfeiture Order (Order), we issue a monetary forfeiture for \$978,500 against Patrick Keane a/k/a Street Map, et.al., for willful and repeated violations of Section 227(b)(1)(C) of the Communications Act of 1934, as amended (Act),1 and Section 64.1200(a)(4) of the Commission’s rules,2 by delivering 100 unsolicited advertisements, or “junk faxes,” to the telephone facsimile machines of 90 consumers.

II. BACKGROUND

2. Congress enacted the Telephone Consumer Protection Act of 1991 to address problems of abusive telemarketing, including junk faxes.3 Unsolicited faxes often impose unwanted burdens on the called party, including costs of paper and ink, while making fax machines unavailable for legitimate messages. Section 227 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, to a telephone facsimile machine, an unsolicited advertisement”4

1 47 U.S.C. § 227(b)(1)(C).

2 47 C.F.R. § 64.1200(a)(4).

3 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).

4 47 U.S.C. §§ 227(b)(1); 227(b)(1)(C). The prohibition is subject to certain exceptions. For example, a person may fax an unsolicited advertisement if that person has an “established business relationship” (EBR) with the recipient, and the sender obtained the facsimile number from the recipient through voluntary communications in the context of (continued....)

3. Pursuant to Section 503(b)(5) of the Act,⁵ the Enforcement Bureau (Bureau) issued a junk fax citation⁶ to The Street Map Company (Street Map) and Mr. Keane on February 5, 2008, in response to consumer complaints alleging that Street Map had faxed unsolicited advertisements. The Bureau did not receive any response to this citation.

4. Thereafter, from December 2009 through September 2012, the Commission received numerous additional complaints from consumers alleging that Street Map had faxed them unsolicited advertisements. Based on these violations, which occurred after the Bureau's citation, the Commission issued three Notices of Apparent Liability for Forfeiture⁷ against Street Map and Mr. Keane. The Commission issued the first NAL on November 10, 2010 for \$55,000, another on June 1, 2011 for \$315,500, and the third on October 23, 2012 for of \$608,000.⁸ The NALs were served on Street Map to the attention of Mr. Keane or directly to Mr. Keane and gave Mr. Keane 30 days to pay each proposed forfeiture or file a written statement seeking a reduction or cancellation.⁹ Although the Bureau confirmed through certified mail that the respondents received the NALs, the forfeitures have not been paid, and the Commission has not received any responsive pleading.¹⁰

III. DISCUSSION

5. Section 503(b)(2)(D) authorizes the Commission to assess a maximum forfeiture of \$16,000 per violation against an entity such as Patrick Keane a/k/a Street Map, *et.al.*¹¹ In exercising such

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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 such ads, subject to certain requirements. *Id.* The Commission has adopted implementing rules. See 47 C.F.R. § 64.1200(a)(4).

⁵ 47 U.S.C. § 503(b)(5).

⁶ 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-12-TCD-00000305). 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 "may subject you and your company to monetary forfeitures."

⁷ *The Street Map Company*, Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 16371 (2010) (*NAL 1*); *The Street Map Company*, Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 8318 (2011) (*NAL 2*); *Patrick Keane a/k/a Street Map et. al.*, Notice of Apparent Liability for Forfeiture, 27 FCC Rcd 13757 (2012) (*NAL 3*) (collectively NALs).

⁸ We directed the first two NALs to "The Street Map Company," the name listed as the sender of the faxes in the complaints. We defined this to include Patrick Keane, and thus by reference averred his personal liability for the actions of Street Map. See *NAL 1*, 25 FCC Rcd at 16371 n.1; *NAL 2*, 26 FCC Rcd at 8318 n.1. In *NAL 3*, we noted that Mr. Keane had apparently used a variety of different business names on the junk faxes in later complaints, names that were neither actual companies nor registered trade names. 27 FCC Rcd. at 13759, para. 6. We accordingly directed *NAL 3* to Mr. Keane personally.

⁹ See *NAL 1*, 25 FCC Rcd at 16373 para. 9; *NAL 2*, 26 FCC Rcd at 8323, para. 14; *NAL 3*, 27 FCC Rcd at 13763, para. 16.

¹⁰ To ensure that Mr. Keane had clear notice of the NALs and an opportunity to respond, Bureau staff sent him copies of both *NAL 1* and *NAL 2* a second time, on October 21, 2011, and allowed additional time for any response. The Bureau also sent copies of *NAL 3* to four separate addresses associated with Mr. Keane, all by first class and certified mail. Again, Mr. Keane did not pay the proposed forfeiture or respond to the NALs.

¹¹ 47 U.S.C. § 503(b)(2)(D). Section 503(b)(2)(D) provides for forfeitures of up to \$10,000 for each in cases 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 increased the

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authority, the Commission must consider “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.”¹²

6. We find that, for the reasons explained in the *NALs*, Patrick Keane a/k/a Street Map, *et.al.*, willfully and repeatedly violated Section 227(b)(1)(C) of the Act¹³ and Section 64.1200(a)(4) of the Commission’s rules,¹⁴ by delivering 100 junk faxes to the telephone facsimile machines of 90 consumers. Because Mr. Keane, operating as The Street Map Co., *et.al.*, failed to answer any of our three *NALs*, we are not aware of any mitigating circumstances to warrant a cancellation or reduction of the forfeiture penalty. In imposing the penalty, we emphasize that it attaches to Mr. Keane individually as well as to Street Map, and any other name through which he does business.¹⁵

7. Because we have no evidence to suggest that the proposed forfeitures should be reduced or cancelled, we hereby impose a total forfeiture of \$978,500 against Mr. Keane operating as The Street Map Co., *et.al.*, for willful and repeated violations of Section 227(b)(1)(C) of the Act and Section 64.1200(a)(4) of the Commission’s rules, as set forth in the *NALs*.

IV. ORDERING CLAUSES

8. 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 Patrick Keane operating as The Street Map Co., *et.al.* **IS LIABLE FOR A MONETARY FORFEITURE** to the United States Government in the sum of \$978,500 for willfully and repeatedly violating Section 227(b)(1)(C) of the Communications 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).

9. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Commission’s rules within thirty (30) calendar 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 enforcement pursuant to Section 504(a) of the Act, 47 U.S.C. § 504(a). Patrick Keane individually or together with The Street Map Company shall send electronic notification to Johnny.Drake@fcc.gov , Daniel.Grosh@fcc.gov and Phillip.Priesman@fcc.gov on the date said payment is made.

10. The payment must be made by check or similar instrument, wire transfer, or credit card, and must include the *NAL*/Account number and FRN referenced above. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.¹⁶ When completing the

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maximum statutory forfeiture under Section 503(b)(2)(C) to \$16,000. *See* 47 C.F.R. § 1.80(b)(7); *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 an increase in the maximum forfeiture for this type of violation to \$16,000).

¹² *See* 47 U.S.C. § 503(b)(2)(E).

¹³ 47 U.S.C. § 227(b)(1)(C).

¹⁴ 47 C.F.R. § 64.1200(a)(4).

¹⁵ “The Street Map Company” may only be a name used by Mr. Keane to conduct business and not an actual legal entity. Based on staff research, it appears that Mr. Keane carries out the same business as “The Street Map Company” through a host of other names, including but not limited to, Accurate Map Co., Data World, Map World, Thomas Map Co., and Trump Map Co. According to the Delaware Department of State, Division of Corporations, he also appears to have organized the limited liability company “Rockford Map Gallery LLC” in 2005.

¹⁶ FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

FCC Form 159, enter the Account Numbers 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.

11. 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, DC 20554.¹⁷ 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.

12. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order 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; Mr. Patrick Keane, 717 N. Union St., Wilmington, DE 19805, and Mr. Patrick Keane, 1522 Gilpin Ave., Apt. 2, Wilmington, DE 19806-3016.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

¹⁷ See 47 C.F.R. § 1.1914.