

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

In the Matter of)	
)	
)	File No.: EB-TCD-21-00032187
Thomas Dorsher;)	NAL/Acct. No.: 202232170007
ChariTel Inc;)	FRN: 0029846979
OnTel Inc;)	FRN: 0029796505
ScammerBlaster Inc)	FRN: 0032657736
)	

FORFEITURE ORDER

Adopted: September 21, 2023

Released: September 22, 2023

By the Commission: Chairwomen Rosenworcel and Commissioner Starks issuing separate statements.

TABLE OF CONTENTS

Heading	Paragraph #
I. INTRODUCTION.....	1
II. BACKGROUND.....	2
A. Legal Framework.....	2
B. Factual Background.....	3
III. DISCUSSION.....	10
A. The Dorsher Enterprise Violated the TCPA by Making 20,650 Prerecorded Voice Message Calls to Toll Free Numbers.....	11
1. Dorsher’s Mistaken Identity Argument Is Meritless.....	12
2. Dorsher Incorrectly Asserts Toll Free Customers Aren’t Charged for Calls.....	14
3. No Good Faith or Public Safety Doctrine Justifies the Dorsher Enterprise’s Calls.....	17
B. The Dorsher Enterprise Intentionally Violated the TCPA.....	22
C. The \$116,156,250 Forfeiture Is Warranted by the Dorsher Enterprise’s Egregious Conduct.....	26
1. Dorsher Significantly Mischaracterizes the Enterprise’s Conduct.....	27
2. The Dorsher Enterprise Was Not Entitled to a Warning.....	31
IV. CONCLUSION.....	34
V. ORDERING CLAUSES.....	35

I. INTRODUCTION

1. We impose a penalty of \$116,156,250 against Thomas Dorsher (Dorsher), ChariTel Inc (ChariTel), Ontel Inc (OnTel), and ScammerBlaster Inc (ScammerBlaster) (collectively, the Dorsher Enterprise)¹ for willfully and repeatedly engaging in conduct that violated the Telephone Consumer Protection Act (TCPA) and the rules of the Federal Communications Commission (Commission or FCC)

¹ Any entity that is a “Small Business Concern” as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. § 657, “Oversight of Regulatory Enforcement,” in addition to other rights set forth herein.

prohibiting prerecorded voice message calls made without consent or an emergency purpose to toll free numbers.² We hold the members of the Dorsher Enterprise jointly and severally liable.³ After reviewing Dorsher’s response to the Notice of Apparent Liability (*Notice*), we find no reason to cancel, withdraw, or reduce the proposed penalty, and we therefore assess the \$116,156,250 forfeiture.

II. BACKGROUND

A. Legal Framework

2. Section 227(b)(1)(A)(iii) of the Communications Act of 1934, as amended (Act) and the Commission’s implementing rules prohibit making prerecorded voice message calls to any telephone number assigned to “any service for which the called party is charged for the call” absent prior express consent or an emergency purpose.⁴ When a call is placed to a toll-free number, the called party—and not the caller—pays the toll charge.⁵ Intentional violations are subject to a four-year statute of limitations.⁶ Intent is fairly ascribed to a caller who makes autodialed or prerecorded voice calls to the types of numbers covered by the TCPA without “a reasonable basis to conclude that the intended recipient had consented to receive such calls,” and who “intend[ed] to violate the other applicable legal requirements, including any such requirements set forth in the TCPA’s statutory exceptions.”⁷

B. Factual Background

3. On October 29, 2020, the Industry Traceback Group (ITG)⁸ informed the Enforcement Bureau (Bureau) that a caller was targeting and calling owners of toll free telephone numbers (Toll Free Customers) and playing prerecorded voice messages.⁹ The ITG traced the calls to Integrated Path Communications, LLC (Integrated Path Communications), a competitive local exchange carrier,¹⁰ which in turn identified the maker of the calls as ChariTel,¹¹ a company formed and operated by Dorsher.¹² The

² 47 U.S.C. § 227(b); 47 CFR 64.1200(a)(1)(iii). The TCPA is codified in the Communications Act of 1934, as amended (Act).

³ *Thomas Dorsher, ChariTel Inc, OnTel Inc, ScammerBlaster Inc*, Notice of Apparent Liability for Forfeiture, FCC 22-57, at 13-17, paras. 27-35 (July 14, 2022) (*Notice*).

⁴ 47 U.S.C. § 227(b)(1)(A)(iii); 47 CFR § 64.1200(a)(1)(iii); *see also id.* § 64.1200(a)(9) (articulating exemptions to liability under section 64.1200(a)(1)(iii); none of which apply here).

⁵ *See generally 8YY Access Charge Reform*, WC Docket No. 18-156, Report and Order, 35 FCC Rcd 11594, 11595-6, para. 5 (2020) (*8YY Access Charge Reform Order*) (“8YY services have long been a prominent fixture of the telecommunications landscape. Calls to 8YY numbers differ from other calls carried over the public switched telephone network in that the party receiving the call—not the party placing the call—pays the toll charges.”).

⁶ 47 U.S.C. § 227(b)(4)(B).

⁷ S. Rep. No. 116-41, at 12 (2019).

⁸ The Industry Traceback Group (ITG) is the registered consortium selected by the Enforcement Bureau (Bureau) to lead industry efforts to trace back illegal robocalls to determine their origin. *Implementing Section 13(d) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act)*, EB Docket No. 20-22, Report and Order, 36 FCC Rcd 12782, 12782 (EB Aug. 25, 2021).

⁹ ITG, *ScammerBlaster Traceback Findings & Interaction*, at 1 (Oct. 29, 2020) (on file in EB-TCD-21-00032187) (ScammerBlaster Referral).

¹⁰ Integrated Path Communications LLC, *Company*, <http://www.ipc-llc.com/index-1> (last visited July 3, 2023).

¹¹ ScammerBlaster Referral at 1.

¹² *See Notice, supra* note 3, at 3-4, paras. 6-7.

messages themselves purported to be made on behalf of ScammerBlaster, a company also formed and operated by Dorsher.¹³

4. Records obtained from Integrated Path Communications exposed the Dorsher Enterprise's scheme. ChariTel purchased several thousand direct inward dial (DID)¹⁴ telephone numbers and Voice over Internet Protocol (VoIP) service from Integrated Path Communications.¹⁵ Between January 1, 2021, and March 2, 2021, ChariTel used these phone numbers to make 9,763,599 prerecorded voice message calls (i.e., robocalls) to toll free numbers.¹⁶

5. The calls played a prerecorded voice message proclaiming to be a "public service announcement" warning Toll Free Customers about the dangers of illegal robocalls and directing recipients to report robocalls to the FCC, phone companies, and the ScammerBlaster website:

This is an important public service announcement. There is a rise in scam calls impacting people around the world. Many of these scammers are directly funding terrorist organizations, and in 2017, 16 billion dollars was scammed from Americans. Much of this money is used to fund terrorist organizations such as the Al-Qaeda and ISIS to further hurt our neighbors around the world. It is critical that you report any phone calls from these scammers to the FCC or to the phone company of the scammer. You can use free carrier look up tools to identify the carrier and then call or email the carrier so that the scammer's phone system is shut down. Most importantly, if someone with a foreign accent claims to be the IRS, Social Security Administration Office, Microsoft, Amazon, Cash App, or any other questionable source that generally doesn't call you, immediately hang up the call and report it on our website, scammerblaster.com. Again that's scammerblaster.com. Knowledge is power. If everyone refuses to fall victim to these scams, then the scammer's revenue source will dry up and together we can get this problem significantly reduced.¹⁷

The message would play continuously for up to ten hours if the called party did not terminate the call.¹⁸

6. Two of these calls were to an AT&T Service, Inc. (AT&T) toll free fraud protection hotline.¹⁹ AT&T attested that it never consented to those calls.²⁰ Other calls were to toll free subscribers

¹³ ScammerBlaster Public Service Announcement Recording (Jan. 31, 2021 09:24 EST) (on file in EB-TCD-21-00031748) (ScammerBlaster Recording); *see Notice, supra* note 3, at 4-5, para. 8.

¹⁴ "Direct Inward Dialing" is a telephone service that allows a specific phone in a multi-line entity to receive calls directly instead of the caller having to go through an operator or needing to dial an extension. Twilio, *Direct Inward Dialing (DID)*, <https://www.twilio.com/docs/glossary/what-direct-inward-dialing-did> (last visited July 6, 2023).

¹⁵ E-mail from Harold Barr, Vice President, Integrated Path Communications, LLC, to Daniel Stepanicich, Attorney Advisor, Telecommunications Consumers Division, FCC Enforcement Bureau (July 28, 2021, 18:09 EDT) (on file in EB-TCD-21-00031748) (Integrated Path Communications Narrative Response); ChariTel Inc and Integrated Path Communications, LLC, Master Service Agreement (July 13, 2021) (on file in EB-TCD-21-00031748) (ChariTel Service Agreement).

¹⁶ Integrated Path Communications Subpoena Response (May 14, 2021) (on file in EB-TCD-21-00031748) (Call Detail Records).

¹⁷ ScammerBlaster Recording.

¹⁸ *See* Call Detail Records (showing the maximum call length of 36,000 seconds or 10 hours).

¹⁹ Affidavit of Adam Panagia, Director, Global Fraud Management, AT&T Services, Inc., para. 4 (Sept. 21, 2021) (AT&T Aff.); Call Detail Records.

²⁰ AT&T Aff. para. 5.

who complained to the Commission about ChariTel's robocalls.²¹ None of these complainants said that they gave consent to Dorsher, ChariTel, OnTel, or ScammerBlaster.²² Both AT&T and these other complainants were ultimately charged for these toll free calls.

7. Integrated Path Communications paid ChariTel \$0.0001 (one ten thousandth of a cent) for each minute of outbound calls that it made to toll free numbers.²³ Dorsher used the revenue from ChariTel's toll free robocalls to fund OnTel's operations, namely, launching telephone denial of service (TDoS) attacks against other companies.²⁴ A TDoS attack is a flood of calls to a telephone number made with the intent to tie up that telephone line and disrupt communications.²⁵ TDoS attacks are highly dangerous as they disable telephone networks and can disrupt critical emergency services.²⁶ Dorsher branded his toll free robocalling and TDoS schemes as "ScammerBlaster," which he advertised to the public on his website.²⁷

8. On July 14, 2022, the Commission adopted the *Notice* and proposed a penalty of \$116,156,250 against the Dorsher Enterprise.²⁸ Dorsher contested the Commission's finding of liability in a three-sentence response to the *Notice*, stating he was "struggling, and finding difficulty, in seeing anything in [the *Notice*] that is actually accurate" and questioned if the Commission might "have the wrong person," but offered no legal or factual counterarguments to the Commission's apparent findings.²⁹ In response to a subpoena sent by the Bureau concurrently with the release of the NAL, Dorsher also contested liability on the grounds that Toll Free Customers do not pay on a per call basis, and that his calls were excepted from liability because they were made in good faith.³⁰ Dorsher also contested that he violated the TCPA with intent because a lawyer purportedly advised that the Dorsher Enterprise's robocalling operation did not violate the TCPA.³¹ Lastly, Dorsher contested the assessed forfeiture on the

²¹ FCC Consumer Complaint 4715208 (Feb. 9, 2021); FCC Consumer Complaint 4528459 (Feb. 1, 2021); FCC Consumer Complaint 4520483 (Jan. 28, 2021); FCC Consumer Complaint 4480335 (Jan. 11, 2021); FCC Consumer Complaint 4478654 (Jan. 10, 2021) (collectively, *ScammerBlaster Complaints*).

²² See *ScammerBlaster Complaints*.

²³ *Integrated Path Communications Narrative Response*, *supra* note 15.

²⁴ Affidavit of David Frankel on Behalf of ZipDX LLC, para. 16 (on file in EB-TCD-21-00032187) (ZipDX Aff.).

²⁵ Cyber Risks to 911: Telephony Denial of Service, Cybersecurity & Infrastructure Security Agency at 1, https://www.cisa.gov/sites/default/files/publications/Cyber%20Risks%20to%20911%20TDoS_6.4.2020%20-%20%28508c%29_1.pdf.

²⁶ *Id.*

²⁷ Internet Archive, *About Us* (Apr. 20, 2021), <https://web.archive.org/web/20210420203344/https://scammerblaster.com/about-us/>; ScammerBlaster, *About Us*, <https://scammerblaster.com/> (as visited on Jan. 19, 2022) (on file in EB-TCD-21-00032187). The Federal Bureau of Investigation seized the scammerblaster.com website as part of a criminal action in the District of Utah. ScammerBlaster, *About Us*, <https://scammerblaster.com/> (last visited July 21, 2023).

²⁸ *Notice*, *supra* note 3, at 1, para. 1.

²⁹ E-mail from Thomas Dorsher to Dan Stepanicich, Attorney Advisor, Telecommunications Consumers Division, FCC Enforcement Bureau (Sep. 15, 2022, 15:02 EDT) (on file in EB-TCD-21-00032187) (Dorsher Notice Response).

³⁰ E-mail from Thomas Dorsher to Dan Stepanicich, Attorney Advisor, Telecommunications Consumers Division, FCC Enforcement Bureau, Attach. FCC question responses, at 8 (Sep. 13, 2022, 17:49 EDT) (Dorsher Subpoena Response).

³¹ *Id.* at 6.

grounds that his conduct was not egregious, and that the FCC should have warned him before releasing the *Notice*.³²

9. Independently, while not legally relevant to this forfeiture order, on November 11, 2022, a federal grand jury sitting in the District of Utah charged Dorsher and others with multiple federal criminal counts for conduct related to the Dorsher Enterprise’s robocalling scheme.³³ The indictment alleged that Dorsher and a co-conspirator launched TDoS attacks against private businesses, including two U.S. based telecommunications service providers, under the ScammerBlaster name.³⁴ The indictment also alleged that in May 2021, Dorsher targeted a telecommunications service provider’s numbers reserved for 9-1-1 call support services.³⁵ The indictment further alleged that in 2022, Dorsher directed an attack against a different telecommunications service provider that affected 41,000 customers and rendered a hospital in a foreign country unable to make or receive calls.³⁶ Purportedly, the objectives of the conspiracy “were to harass and intimidate businesses and disrupt their operations in an effort to secure concessions from those businesses, including the termination of customer accounts, payment of money to ScammerBlaster, customer refunds, and other demands of Dorsher.”³⁷

III. DISCUSSION

10. The Commission proposed a forfeiture in this case in accordance with section 503(b) of the Act,³⁸ section 1.80 of the Commission’s rules,³⁹ and the Commission’s *Forfeiture Policy Statement*.⁴⁰ When we assess forfeitures, we 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.”⁴¹ We have fully considered Dorsher’s responses to the *Notice*, which raised various factual and legal arguments, but we find none of them persuasive. We therefore affirm the \$116,156,250 forfeiture proposed in the *Notice*.

A. The Dorsher Enterprise Violated the TCPA by Making 20,650 Prerecorded Voice Message Calls to Toll Free Numbers

11. Section 227(b)(1)(A)(iii) of the Act and the Commission’s rules prohibit making prerecorded voice message calls without prior express consent, absent an emergency purpose or an exemption, to numbers for which the called party is charged for the call—including toll free numbers.⁴² The Commission found that between January 1, 2021, and March 2, 2021, Dorsher, using ChariTel and on behalf of OnTel and ScammerBlaster, made 9,763,599 prerecorded voice message calls to toll free

³² *Id.* at 6-9.

³³ Indictment, *United States v. Thomas William Dorsher, et al.*, No. 2:22-cr-00463-CW (D. Utah 2022).

³⁴ *Id.* at para. 8.

³⁵ *Id.* at para. 11.

³⁶ *Id.*

³⁷ *Id.* at para. 9.

³⁸ 47 U.S.C. § 503(b).

³⁹ 47 CFR § 1.80.

⁴⁰ *The Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997) (*Forfeiture Policy Statement*), *recons. denied*, Memorandum Opinion and Order, 15 FCC Rcd 303 (1999).

⁴¹ 47 U.S.C. § 503(b)(2)(E).

⁴² *Id.* § 227(b)(1)(A)(iii), (b)(2); 47 CFR § 64.1200(a)(1)(iii).

numbers.⁴³ Bureau staff verified 20,650 of these calls for violations of the TCPA.⁴⁴ The Dorsher Enterprise’s purported defenses, discussed below, do not alter our conclusions.

1. Dorsher’s Mistaken Identity Argument Is Meritless.

12. In response to the *Notice*, Dorsher states, “I am really struggling, and finding difficulty, in seeing anything in here that is actually accurate. As such, I think you have the wrong person?”⁴⁵ Dorsher also argues that “the [*Notice*] fails to explain how I *actually* violated the TCPA—because I did not.”⁴⁶ Dorsher offers no new evidence or legal arguments to support his claim that the *Notice* is factually inaccurate or that he may not be the person responsible for originating the calls that Bureau staff identified as violating the TCPA.

13. We are not persuaded by Dorsher’s conclusory statement that we may “have the wrong person.” The Bureau’s investigation identified the members of the Dorsher Enterprise as the source of the 20,650 verified robocalls. The ITG informed the Bureau that a caller was targeting toll free services with prerecorded voice message calls that referenced “ScammerBlaster.”⁴⁷ The ITG traced the calls to Integrated Path Communications which identified the sources of the calls as ChariTel.⁴⁸ Records produced in response to a subpoena to Integrated Path Communications showed that Dorsher executed, on behalf of ChariTel, a service agreement with Integrated Path Communications on July 13, 2020, for several thousand direct DID telephone numbers and VoIP service.⁴⁹ Call detail records produced by Integrated Path Communications show millions of calls to toll free numbers originating from ChariTel’s account between January 1, 2021, and March 2, 2021. Dorsher’s own response to the FCC’s subpoena confirms his connection to the other members of the Dorsher Enterprise.⁵⁰ Dorsher offers no evidence to refute our findings. Therefore, we conclude that the Dorsher Enterprise made the calls identified in the *Notice*.

2. Dorsher Incorrectly Asserts Toll Free Customers Aren’t Charged for Calls.

14. Toll free service is a “service for which the called party is charged for the call.”⁵¹ When a caller makes a toll free call, the toll free service provider—typically a long distance carrier—pays the caller’s local exchange carrier for originating the call.⁵² The toll free service provider also pays intermediate providers in the call path.⁵³ The called party—the Toll Free Customer—then compensates the toll free service provider for completing the call.⁵⁴

⁴³ *Notice*, *supra* note 3, at 7, para. 13; *id.* At 16-17, para. 34.

⁴⁴ *Id.*

⁴⁵ Dorsher Notice Response, *supra* note 29, at 1.

⁴⁶ Dorsher Subpoena Response, *supra* note 30, at 8.

⁴⁷ ScammerBlaster Referral, *supra* note 9, at 1.

⁴⁸ *Id.*

⁴⁹ Integrated Path Communications Narrative Response, *supra* note 15; ChariTel Service Agreement, *supra* note 15.

⁵⁰ ScammerBlaster Subpoena Response, at 1. Dorsher named himself as the president and director of ChariTel and the president, vice president, treasurer, and secretary of both OnTel and ScammerBlaster. *Id.*

⁵¹ 47 U.S.C. § 227(b)(1)(A)(iii); 47 CFR § 64.1200(a)(1)(iii).

⁵² *8YY Access Charge Reform Order*, *supra* note 5, at 11598, para. 10.

⁵³ *Id.*

⁵⁴ *Id.*

15. Dorsher argues that there is no proof the Toll Free Customers were charged for calls they received from the Dorsher Enterprise. He states, “where is the proof that anyone that I have allegedly called had to pay money for THAT call? Where is the proof that a toll-free provider charges on a per-call basis[.]”⁵⁵ He argues that “Consumers—and businesses alike—have flat-rated plans for which they are not charged for calls, whether they use a traditional 10-digit *or* a toll-free number.”⁵⁶

16. Dorsher’s claim that toll free calling plans work no differently from other flat rate business calling plans is incorrect. Toll free subscribers have long paid the cost of telephone calls made to those numbers.⁵⁷ In order to confirm this, the Bureau reviewed a number of toll free service providers’ publicly available billing practices. The Bureau found that providers charge their Toll Free Customers on a per call basis or in bundles of minutes where the per minute cost can be easily determined.⁵⁸ Further, as it pertains to this case specifically, AT&T confirmed that its Toll Free Customers were “financially responsible” for calls they received from the Dorsher Enterprise.⁵⁹ We therefore find that: (a) toll free service providers continue to charge on a per-minute basis as a general matter; (b) where toll free service is sold in bundled minutes, the charges are easily broken down into a per minute cost; and (c) in the instant case, the Dorsher Enterprise’s robocalls resulted in actual financial losses to the Toll Free Customers who received them. Accordingly, the Toll Free Customers that the Dorsher Enterprise robocalled were charged for those calls.

3. No Good Faith or Public Safety Doctrine Justifies the Dorsher Enterprise’s Calls.

17. Dorsher claims that he “acted in good faith and with the interests of protecting victims . . . and shutting down scammers from being able to prey on innocent Americans.”⁶⁰ There is no good faith or public interest exception to the TCPA, however, and Dorsher’s attempted defense in this regard thus fails.

⁵⁵ Dorsher Subpoena Response, *supra* note 30, at 8.

⁵⁶ *Id.*

⁵⁷ See *8YY Access Charge Reform Order*, *supra* note 5, at 11598, para. 10 (describing toll free compensation); *Toll Free Service Access Codes*, CC Docket No. 95.155, Second Report and Order and Further Notice of Proposed Rulemaking, 12 FCC Rcd 11162, 11166, para. 4 (1997) (“Unlike traditional telephone calls, for which the calling party paid, 800 service subscribers agreed to pay for calls made to subscriber-designated numbers.”); *Provision of Access for 800 Service*, CC Docket No. 86-10, Report and Order, 4 FCC Rcd 2824, 2825, para. 5 (1989) (noting that toll free service has existed since 1967); *WATS-Related and Other Amendments of Part 69 of the Commission’s Rules*, CC Docket No. 86-1, Report and Order, 59 Rad. Reg. 2d 1418, para. 2 (1986); *AT&T Co. (Long Lines Department)*, Docket No. 19989, Final Decision and Order, 59 FCC 2d 671, 674, para. 5 (1976) (observing that such calls were paid for by the company that had received the calls and had subscribed to the toll free service).

⁵⁸ See, e.g., Twilio, *Programmable Voice Pricing*, <https://www.twilio.com/en-us/voice/pricing/us> (last visited May 26, 2023) (offering \$0.022 per minute to receive toll free calls); Voxology, *Pricing*, <https://voxolo.gy/pricing> (last visited May 26, 2023) (offering \$0.0022 per six seconds to receive toll free calls); Vonage, *Toll Free Number Bundles*, <https://businesssupport.vonage.com/articles/answer/Toll-Free-Bundles> (last visited May 26, 2023) (offering bundled toll free minutes that range from \$0.0299 per minute to \$0.0179 per minute); Telnix, *SIP Trunking Pricing*, <https://telnix.com/pricing/elastic-sip#volume-based> (last visited July 17, 2023) (offering toll free plans starting at \$0.015 per minute); Spectrum, *Spectrum Business Voice Pricing Guide*, <https://www.spectrum.com/policies/charter-spectrum-business-voice-price-guide> (last visited July 17, 2023) (offering toll free service starting at \$0.04 per minute).

⁵⁹ AT&T Aff., *supra* note 19, at para. 7.

⁶⁰ Dorsher Subpoena Response, *supra* note 30, at 6.

18. The TCPA contains an exception permitting a caller to make prerecorded calls to toll free numbers for an emergency purpose,⁶¹ and while Dorsher did not expressly or even impliedly invoke that exception, we construe portions of his subpoena response as making an argument in that vein. We find any such defense unavailing. “The term emergency purpose[] means calls made necessary in any situation affecting the *health and safety* of consumers.”⁶² Such instances include, for example, a public utility warning customers about unexpected service interruptions,⁶³ a school notifying family members about an incident affecting the health and safety of students and faculty,⁶⁴ and healthcare providers notifying the public about imminent health and safety risks arising from the COVID-19 pandemic.⁶⁵ In each such case, the callers made the calls in response to an imminent and specific health or safety concern affecting the particular recipients of the prerecorded messages.

19. Although we agree that illegal robocalls are a serious threat to the American public, we are not convinced that the Dorsher Enterprise’s prerecorded message did anything to protect the health and safety of consumers.⁶⁶ The “public service announcement” cannot reasonably be interpreted as necessary to warn anyone about specific threats posed by illegal robocalls, as the message directed the recipient to visit the ScammerBlaster website and report information that would allow the Dorsher Enterprise to take action into its own hands. Furthermore, the fact that the Dorsher Enterprise: (a) only sent the prerecorded message to Toll Free Customers; and (b) configured his message to play on repeat for up to ten hours if not disconnected convinces us that the Dorsher Enterprise’s motivations were far more pecuniary than philanthropic. The Dorsher Enterprise intended to target Toll Free Customers to generate revenue, not to warn any specific person or entities of a supposed imminent health or safety threat. We reject Dorsher’s argument that he acted with an emergency purpose.

20. Dorsher cites the “Good Samaritan” law, “Duty to Rescue”, “Omission” law, and the “Rescue Doctrine” as potentially justifying the calls.⁶⁷ Dorsher argues that “[t]here are various elements in these laws that are quite noteworthy, especially as it pertains to when someone is being injured, or at risk of being injured, as in the case of victims at the hands of scammers, and someone like me has a deep desire to protect them from such injury.”⁶⁸ Dorsher does not cite any cases to support these arguments or explain how the laws are a valid defense to a TCPA violation.

21. Indeed, the laws and doctrines to which Dorsher refers are irrelevant or inapplicable—or both—to the instant TCPA claim. Good Samaritan laws protect bystanders who render emergency

⁶¹ 47 U.S.C. § 227(b)(1)(A)(iii); 47 CFR § 64.1200(a)(1)(iii).

⁶² 47 CFR § 64.1200(f)(4) (emphasis added).

⁶³ *Rules and Regulations Implementing the Telephone Consumer Protection Act*, Report and Order, 7 FCC Rcd. 8752, 8778, para. 51 (1992).

⁶⁴ *Rules and Regulations implementing the Telephone Consumer Protection Act*, Report and Order, 31 FCC Rcd 9054, 9062, para. 20 (2016).

⁶⁵ *Rules and Regulations implementing the Telephone Consumer Protection Act*, Report and Order, 35 FCC Rcd 2840, 2841-42, paras. 7-8 (CGB 2020).

⁶⁶ FCC, *Robocall Response Team: Combating Scam Robocalls & Robotexts*, <https://www.fcc.gov/spoofed-robocalls> (last visited July 4, 2023) (explaining that fighting illegal robocalls and malicious caller ID spoofing is a “top priority” for the Commission).

⁶⁷ Dorsher Subpoena Response, *supra* note 30, at 7.

⁶⁸ *Id.*

medical care from tort liability.⁶⁹ Dorsher does not claim he or any member of the Dorsher Enterprise was rendering assistance to someone who appeared to be experiencing a medical emergency. Good Samaritan laws are therefore not applicable. Similarly, a “duty to rescue” only arises where a special relationship creates such a duty.⁷⁰ The Dorsher Enterprise members do not claim to have had a special relationship to the called parties that would give rise to “a special responsibility to render assistance,”⁷¹ assuming that their actions could be considered “assistance” at all. Even if such a relationship existed, none of the called parties required rescuing or were rescued by the Dorsher Enterprise. A failure to act where there is an affirmative duty to act can give rise to omission liability.⁷² Dorsher cites no cases nor explains his reasoning for invoking “Omission;” it is unclear how this doctrine would apply to a claim under the TCPA—a statute which imposes no affirmative duty to act. Finally, “[u]nder the [rescue] doctrine, one who is injured in reasonably undertaking to rescue a person in danger may not be charged with contributory negligence and thus may recover from the person whose negligence created the perilous situation.”⁷³ Whether Dorsher is contributorily negligent is not at issue here; the rescue doctrine is irrelevant.

B. The Dorsher Enterprise Intentionally Violated the TCPA

22. Section 227(b)(4)(E) of the Act provides that the statute of limitations is four years, rather than one year, if the violation was committed “with the intent to cause such violation.”⁷⁴ In the *Notice*, the Commission indicated that the Dorsher Enterprise made prerecorded message calls with the intent to violate the TCPA because the Dorsher Enterprise: (1) targeted protected toll free numbers with prerecorded messages; and (2) had no reasonable basis to believe that it had consent for the calls.⁷⁵

23. Dorsher’s response refutes neither of these findings. First, Dorsher does not contest that he targeted toll free numbers. Instead, he questions whether the called parties were “charged for the call,”

⁶⁹ See, e.g., N.D. Cent. Code § 32-03.1-02 (2023) (North Dakota’s Good Samaritan Act); see also *McDowell v. Gillie*, 626 N.W.2d 666, 671 (N.D. 2001) (“The obvious purpose of the Good Samaritan Act is to encourage those who do not have a preexisting duty to voluntarily act in times of emergency by limiting the threat of civil liability for the actions taken.”); see also Charles Krause & Alfred Gans, *American Law of Torts* § 15:3 (2023) (“‘Good Samaritan laws’ afford[] either liability or suit immunity to those persons acting in emergency medical care situations[.]”). Dorsher resides in North Dakota.

⁷⁰ Jonathan Purver, 33 A.L.R. 3d 301 (1970); see also *Twitter, Inc. v. Taamneh*, 143 S.Ct. 1206, 1221 (2023) (“Although inaction can be culpable in the face of some independent duty to act, the law does not impose a generalized duty to rescue.”).

⁷¹ *McDowell*, 626 N.W.2d at 669.

⁷² See *State v. Streeper*, 727 N.W.2d 759, 767 (N.D. 2007) (“In some very limited instances, a person can be held criminally liable *solely* for failing to render aid to another. . . . A person can be held civilly liable for failing to render aid to someone he knew or had reason to know was put in danger by his conduct.”); see also Wayne LaFave, *Substantive Criminal Law* § 6.2 (3d ed. 2022) (describing criminal omission and giving examples, such as failing to file a tax return).

⁷³ *Barger v. Charles Mach. Works, Inc.*, 658 F.2d 582, 587 (8th Cir. 1981); see also *McShane Constr. Co. v. Gotham Ins. Co.*, 867 F.3d 923, 930-31 (8th Cir. 2017) (“The rescue doctrine contemplates a voluntary act by one who, in an emergency and prompted by spontaneous human motives to save human life, attempts a rescue which he had no duty to attempt by virtue of a legal obligation or duty fastened on him by his employment.”); see also Barry Lindahl, *Modern Tort Law: Liability and Litigation* § 3:26 (2d ed. 2023) (“The purpose of the doctrine is to avoid finding the rescuer contributorily negligent when the rescuer voluntarily placed himself or herself in a perilous situation.”).

⁷⁴ 47 U.S.C. § 227(b)(4)(E).

⁷⁵ The Dorsher Enterprise also had no reasonable basis to believe that one of the TCPA exemptions applied. See *supra* paras. 18-19.

such that the calls constituted a violation of section 227(b)(1)(A)(iii) in the first place.⁷⁶ As discussed above,⁷⁷ the longstanding definition of toll free service is a “service for which the called party is charged for the call,”⁷⁸ and Dorsher’s response itself indicates his understanding of this fundamental definition—“businesses obtain toll-free numbers so their customers don’t have to pay long distance charges.”⁷⁹ Second, the Commission has historically identified “toll-free lines” as a “category of protected telephone line[]” under the TCPA,⁸⁰ and the record reveals that the Dorsher Enterprise intentionally made calls to such lines. In particular, the Dorsher Enterprise was a beneficiary of the toll free compensation scheme. Integrated Path Communications paid the Dorsher Enterprise \$0.0001 for each minute of outbound calls that it made to toll free numbers.⁸¹ It is illogical to expect that Integrated Path would provide that service at a loss, which means that the Dorsher Enterprise must have understood that Integrated Path was earning revenues based on those calls. Given the Commission’s historical identification of toll free lines as protected by the TCPA, our longstanding recognition that toll-free calls are charged to the called party, and the marketplace evidence regarding how toll free calling is billed, we see no reasonable basis for the Dorsher Enterprise to believe that no consent was required for its calls to toll free lines. Finally, Dorsher has introduced no evidence that the Dorsher Enterprise had any reasonable basis to conclude the called party consented to receive the calls.⁸²

24. Instead, Dorsher argues that his reliance on legal advice constitutes a defense against liability.⁸³ Dorsher states, “[y]ou will note that a telecommunications lawyer signed off on my operation BEFORE the time period in question starting January 1, 2021. I have acted in good faith when educating the public about scams[.]”⁸⁴ The advice that Dorsher received from his counsel, however, is inapposite in

⁷⁶ 47 U.S.C. § 227(b)(1)(A)(iii).

⁷⁷ See *supra* paras. 14-16.

⁷⁸ 47 U.S.C. § 227(b)(1)(A)(iii); cf. *8YY Access Charge Reform Order*, *supra* note 5, at 11598, para. 10 (describing toll free compensation); *Toll Free Service Access Codes*, CC Docket No. 95.155, Second Report and Order and Further Notice of Proposed Rulemaking, 12 FCC Rcd 11162, 11166, para. 4 (1997) (“Unlike traditional telephone calls, for which the calling party paid, 800 service subscribers agreed to pay for calls made to subscriber-designated numbers.”); *Provision of Access for 800 Service*, CC Docket No. 86-10, Report and Order, 4 FCC Rcd 2824, 2825, para. 4 (1989) (“The term “800 service” describes an interexchange service in which subscribers agree in advance to pay for calls made to certain subscriber-designated numbers.”).

⁷⁹ Dorsher Subpoena Response, *supra* note 30, at 8.

⁸⁰ *FCC Enforcement Advisory*, Public Notice, 31 FCC Rcd 1940, 1940 (EB 2016); see also, e.g., *FCC Enforcement Advisory*, Public Notice, 29 FCC Rcd 12657, 12657 (EB 2014) (same); *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, et al.*, CC Docket No. 96-128, *et al.*, Report and Order, 11 FCC Rcd 20541, 20575, para. 65 (1996) (concluding that section 227(b)(1) of the Act “bars the use of autodialers to generate payphone compensation by calling toll-free 800 numbers, which are billed to the called party”).

⁸¹ *Integrated Path Communications Narrative Response*, *supra* note 15.

⁸² See S. Rep. No. 116-41, at 12 (“the calling party must knowingly use an automatic telephone dialing system to intentionally place calls to covered numbers without a reasonable basis for believing it had the necessary consent to call”).

⁸³ Dorsher Subpoena Response, *supra* note 30, at 6; see also Letter from Thomas H. Rowland to Thomas Dorsher (Aug. 10, 2020) (on file in EB-TCD-21-00031748) (Rowland Letter) (the letter was produced by Dorsher in response to the July 14, 2022, subpoena).

⁸⁴ Dorsher Subpoena Response, *supra* note 30, at 6 (capitalization in original).

the context of this investigation.⁸⁵ Dorsher’s lawyer provided guidance “based on an understanding that ScammerBlaster contacts *residential lines*[.]”⁸⁶ In his response, Dorsher admits that toll free numbers are generally business numbers, and that he knew he was calling businesses.⁸⁷ Thus, he could not reasonably have relied on the legal opinion.⁸⁸

25. The Dorsher Enterprise’s complex calling scheme is further evidence of intentionality. The scheme consisted of two parts. First, the Dorsher Enterprise intentionally called toll free numbers to generate revenue via the agreement between ChariTel and Integrated Path, through which Integrated Path Communications credited ChariTel for calls that it made to toll free numbers.⁸⁹ ChariTel received \$0.0001 per minute for calls placed to toll free numbers.⁹⁰ Second, the Dorsher Enterprise used the revenue generated from calling toll free numbers to finance the activities of “ScammerBlaster,” which included TDoS attacks against alleged “scammers.”⁹¹ In his discussion with an ITG consultant, Dorsher admitted that the credits ChariTel earned through its calls to toll free numbers “help offset the cost of additional non toll free calls.”⁹² Dorsher’s own website boasts that his calls to Toll Free Customers caused them to incur charges by the minute;⁹³ he cannot credibly claim otherwise now. This complex, multi-level scheme points to the Dorsher Enterprise’s intentionality: Dorsher’s creation of a sophisticated venture through which he generated revenue through one set of robocalls in order to fund a different but related mass calling campaign indicates an understanding of the toll free landscape, including the fact that the called parties were charged. The Dorsher Enterprise specifically called toll free numbers—and only toll free numbers—because it received compensation from Integrated Path Communications for such calls which it used to fund ScammerBlaster’s activities. And as explained above, the record reveals no

⁸⁵ In a letter attached to his response, Dorsher’s lawyer noted that Dorsher “does not obtain express written consent prior to contacting residential lines,” and, therefore, the lawyer advised Dorsher that his calls “must be for a non-commercial purpose or a commercial purpose with no advertising or telemarketing.” Rowland Letter at 1.

⁸⁶ *Id.* (emphasis added).

⁸⁷ Dorsher Subpoena Response, *supra* note 30, at 8.

⁸⁸ We are aware of no authority supporting the application of the advice-of-counsel defense in the context of a TCPA violation. Regardless, in other areas of law, the advice-of-counsel defense pertains only to a party’s intent. Principles of the Law, Compliance and Enforcement for Organizations § 6.06 (2021) (“The advice-of-counsel defense is generally not used as an affirmative defense, but instead is offered to negate an element of the offense—wrongful intent.”); *see also In re Geller*, 314 B.R. 800, 808 (Bankr. D.N.D. 2004) (“Reliance on attorney advice absolves a debtor of fraudulent *intent* only when that reliance was reasonable and the advice given was informed advice.” (emphasis added)). In this capacity, “the advice of counsel must have been sought in good faith, from honest motives, and for good purposes, after a full and fair disclosure of all the facts within the accuser’s knowledge and information, and the advice must have been followed in good faith.” *See Miller v. Huron Reg’l Med. Ctr., Inc.*, 145 F. Supp. 3d 873, 885 (D.S.D. 2015) (quotations omitted). The Dorsher Enterprise presumably did not disclose that it was contacting toll free numbers because the advice addressed residential lines.

⁸⁹ Integrated Path Communications Narrative Response, *supra* note 15.

⁹⁰ *Id.*

⁹¹ ZipDX Aff., *supra* note 24, at para. 16.

⁹² *Id.*

⁹³ *See* Internet Archive, *About Us* (Apr. 20, 2021), <https://web.archive.org/web/20210420203344/https://scammerblaster.com/about-us/> (on file in EB-TCD-21-00032187) (“Additionally, when our call-flooding tool is used on toll-free numbers, we cost the scammer approximately \$4,000,000 daily” and “[t]his is accomplished by flooding toll-free numbers which are expensive for scammers to have since every incoming phone call to a foreign scammer costs money for each incoming call”); Internet Archive, *Who we are, what we do* (Feb. 21, 2021), <https://web.archive.org/web/20210221213905/https://scammerblaster.com/> (on file in EB-TCD-21-00032187) (“By sending a high volume of calls . . . [this] runs up their phone bill hundreds of dollars per minute.”).

reasonable grounds for the Dorsher Enterprise to believe that calls to toll-free lines—which the Commission has identified as protected by the TCPA—could be made without consent under the TCPA.

C. The \$116,156,250 Forfeiture Is Warranted by the Dorsher Enterprise’s Egregious Conduct

26. After considering the relevant statutory factors and the Commission’s *Forfeiture Policy Statement*, we find the Dorsher Enterprise members jointly and severally liable for a total forfeiture of \$116,156,250. The proposed base forfeiture and upward adjustments are consistent with our rules and precedent. We find no basis to reduce the forfeiture.

1. Dorsher Significantly Mischaracterizes the Enterprise’s Conduct.

27. Under the Commission’s forfeiture guidelines, we may adjust a forfeiture upward for violations that are egregious, intentional, or repeated, or that cause substantial harm or generate substantial economic gain for the violator.⁹⁴ As explained in the *Notice*, the total forfeiture results from assessing a base forfeiture of \$4,500 for each unlawful robocall that the Bureau verified was made without the requisite prior express consent.⁹⁵ The Commission verified 20,650 unlawful prerecorded voice message calls to toll free numbers.⁹⁶ We also found the Dorsher Enterprise’s violations were egregious because it targeted toll free numbers to fund TDoS attacks, and we proposed to adjust upwardly the base forfeiture to \$5,625 per violation.⁹⁷

28. Dorsher argues that the identified conduct was not egregious; instead, he argues that he has been unfairly “lumped in with auto-warranty scam calls.”⁹⁸ Dorsher asks, “[h]ow could a jury possibly be convinced that I’m on an equal plateau of those scammers who stole hundreds of millions of dollars from Americans, whereas I have never asked for money, nor do I sell any product or service?”⁹⁹ Dorsher states, “I have acted in good faith when educating the public about scams . . . and with the interests of protecting victims in view and shutting down scammers from being able to prey on innocent Americans.”¹⁰⁰ Dorsher also states that “[i]t is assumed/implied . . . that I am responsible for TDoS attacks that have affected the telecommunications network. Oh yeah? Where is the proof? No proof of this outrageous claim exists because this has never happened.”¹⁰¹

29. It did, in fact, happen—as the evidence shows. Sworn witness testimony confirms the Dorsher Enterprise made TDoS attacks.¹⁰² ScammerBlaster itself proudly boasted of and advertised these attacks online.¹⁰³ Dorsher launched his attacks with little to no vetting that the target was actually an

⁹⁴ 47 CFR § 1.80(b)(10), Note to paragraph (b)(10).

⁹⁵ *Notice*, *supra* note 3, at 10, para. 21.

⁹⁶ *Id.* at 7, para. 13.

⁹⁷ *Id.* at 11-12, paras. 23-25.

⁹⁸ Dorsher Subpoena Response, *supra* note 30, at 8.

⁹⁹ *Id.* at 8.

¹⁰⁰ *Id.* at 6.

¹⁰¹ *Id.* at 8.

¹⁰² *Id.*, at paras. 9-10 (describing Dorsher’s TDoS attack against an ITG consultant).

¹⁰³ ScammerBlaster, *Call Flooding Social Security Administration Scammers* (May 12, 2022), <https://www.youtube.com/watch?v=PGZMcySCKyM> (video by ScammerBlaster purporting to show himself using TDoS attacks to take down call centers); ScammerBlaster, *Destroying Scammer Call Centers with Call Flooding*, <https://scammerblaster.com/destroying-scammer-call-centers-with-call-flooding/> (last visited Apr. 14, 2022) (on file in EB-TCD-21-00031748) (describing how ScammerBlaster will flood call centers with TDoS attacks).

illicit scammer.¹⁰⁴ Such conduct is extremely reckless and dangerous. Moreover, Dorsher's conduct belies his claims that he acted in good faith with the sole intention of educating the public about scam calls because the Dorsher Enterprise's underlying motive behind the robocalls was to generate revenue to fund these reckless TDoS attacks.¹⁰⁵

30. We also disagree that the Dorsher Enterprise is less culpable than other robocallers fined by the Commission. Each of Dorsher's calls cost the Toll Free Customer money, and the amounts are significant when aggregated across thousands of calls, many of them lasting hundreds of minutes.¹⁰⁶ Each robocall also imposes an opportunity cost on the Toll Free Customer. Potential clients or customers cannot reach the Toll Free Customer while the line is tied up by the robocall.¹⁰⁷ For example, in at least two instances, Dorsher and ChariTel made prerecorded voice message calls to AT&T's fraud protection hotline, tied up the toll free line, and made it impossible for consumers to reach AT&T's hotline to report fraud issues.¹⁰⁸ In some instances, a single robocall from the Dorsher Enterprise generated revenue by seizing toll free lines for up to 10 hours.¹⁰⁹ This can have a crippling effect on toll free businesses and customers seeking support for legitimate purposes such as AT&T's fraud assistance services, and the Commission has observed that traffic pumping imposes undue costs on consumers and harm competition.¹¹⁰ Accordingly, we affirm that the Dorsher Enterprise's conduct was egregious; we find no basis to reduce the forfeiture.

2. The Dorsher Enterprise Was Not Entitled to a Warning.

31. Congress enacted the Telephone Robocall Abuse Criminal Enforcement and Deterrent (TRACED) Act in 2019 to enhance the Commission's enforcement tools to combat illegal robocalls.¹¹¹ The TRACED Act permits the FCC to issue a Notice of Apparent Liability for violations of Section 227(b) of the Act without first issuing a citation.¹¹²

32. Dorsher argues the Commission should have warned him before releasing the *Notice*. He states that "[t]he FCC has never issued to me any warning or indication of any concerns. . . . The FCC did not provide any indication whatsoever that there was any concern about anything going on with my operation at all, in advance of your public outing of my anti-scammer operation."¹¹³ Dorsher cites no

¹⁰⁴ See *ZipDX Aff.*, *supra* note 24, at paras. 11-13 (Dorsher admitted he mistakenly targeted an ITG consultant who had attempted to contact him about a traceback).

¹⁰⁵ See *id.* at para. 16 ("The toll free calls help offset the costs of additional non Toll Free calls, which we do about 4-5,000 non Toll Free calls daily.").

¹⁰⁶ See Integrated Path Narrative Response, *supra* note 15 (stating per minute charges for calls to toll free numbers); Letter from Matt Nodine, AT&T Services, Inc., to Marlene H. Dortch, WC Docket No. 18-156, et al., at Attach. 6 (filed Jan. 13, 2020) (AT&T Letter) (outlining costs of toll free traffic pumping).

¹⁰⁷ See AT&T Letter at 3.

¹⁰⁸ AT&T Aff., *supra* note 19, at paras. 4-6.

¹⁰⁹ Call Detail Records, *supra* note 16.

¹¹⁰ See *Connect America Fund et al.*, CC Docket No. 01-92, 26 FCC Rcd 17663, 17875-76, paras. 663 and 665 (2011) (*2011 ICC Transformation Order*). The CFCA has quantified the annual loss from traffic pumping at \$4.54 billion. Communications Fraud Control Association, *Fraud Loss Survey Report 2021* at 56 (2021), available at <https://cfca.org/wp-content/uploads/2021/12/CFCA-Fraud-Loss-Survey-2021-2.pdf>.

¹¹¹ TRACED Act § 3(a).

¹¹² *Id.*; 47 U.S.C. § 227(b)(4); see also 47 CFR § 1.80(d) (excepting forfeiture under section 227(b) from the citation requirement).

¹¹³ Dorsher Subpoena response, *supra* note 30, at 6.

statutes or rules to support his argument. Nor does he argue that the Commission should have first issued him a citation.

33. We disagree with Dorsher and find the Commission's procedure was appropriate. The TCPA allows the Commission to impose a civil forfeiture in accordance with subsection 503(b)(3) (i.e., notice and opportunity for a hearing before the Commission or an administrative law judge) or subsection 503(b)(4) (i.e., a notice of apparent liability) of the Act.¹¹⁴ The TRACED Act, enacted on December 30, 2019, removed the requirement to first issue a citation for violations of section 227(b) before issuing a notice of apparent liability against any person who does not hold or has applied for a FCC license, permit, certificate, or authorization.¹¹⁵ Here, the Commission followed the procedures described in subsection 503(b)(4) by issuing a notice of apparent liability against the Dorsher Enterprise on July 14, 2022.¹¹⁶ As the *Notice* proposed a forfeiture for apparent violations of section 227(b) that occurred after December 30, 2019, there was no need to issue a citation. Therefore, the Commission provided appropriate notice to the Dorsher Enterprise.

IV. CONCLUSION

34. Based on the record before us and in light of the applicable statutory factors, we find that Dorsher and the Dorsher Enterprise willfully and repeatedly violated the TCPA with intent, section 227(b)(1)(A)(iii) of the Act, and section 64.1200(a)(1)(iii) of the Commission's rules by making 20,650 prerecorded voice message calls between January 1, 2021, and March 2, 2021, to toll free numbers without prior express consent or an emergency purpose or other exception under the Act and our rules. For the reasons discussed in the *Notice*, we find the members of the Dorsher Enterprise jointly and severally liable.¹¹⁷ We decline to cancel or reduce the \$116,156,250 forfeiture proposed in the *Notice*.

V. ORDERING CLAUSES

35. Accordingly, **IT IS ORDERED** that, pursuant to section 503(b) of the Act, 47 U.S.C. § 503(b), and section 1.80 of the Commission's rules, 47 CFR § 1.80, Thomas Dorsher, ChariTel Inc, OnTel Inc, and ScammerBlaster Inc **ARE JOINTLY AND SEVERALLY LIABLE FOR A MONETARY FORFEITURE** in the amount of one hundred sixteen million, one hundred fifty-six thousand, two hundred fifty dollars (\$116,156,250) for willfully and repeatedly violating section 227(b)(1)(A)(iii) of the Act and sections 64.1200(a)(1)(iii) of the Commission's rules.

36. Payment of the forfeiture shall be made in the manner provided for in section 1.80 of the Commission's rules, 47 CFR § 1.80, within thirty (30) calendar days after the release of this Forfeiture Order. Thomas Dorsher, ChariTel Inc, OnTel Inc, and ScammerBlaster Inc shall send electronic notification of payment to Lisa Ford, Enforcement Bureau, Federal Communications Commission, at lisa.ford@fcc.gov on the date said payment is made. If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to 47 U.S.C. § 504(a).

37. In order for Thomas Dorsher, ChariTel Inc, OnTel Inc, and ScammerBlaster Inc to pay the proposed forfeiture, each aforementioned party shall notify Lisa Ford at lisa.ford@fcc.gov of their intent to pay, whereupon an invoice will be posted in the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. Payment of the forfeiture must be made by credit card using CORES at <https://apps.fcc.gov/cores/userLogin.do>, ACH (Automated Clearing House) debit from a bank

¹¹⁴ 47 U.S.C. § 227(b)(4)(A).

¹¹⁵ TRACED Act § 3(a); 47 U.S.C. § 227(b)(4); 47 CFR § 1.80(d).

¹¹⁶ See *Notice*, *supra* note 3; 47 U.S.C. § 503(b)(4); 47 CFR § 1.80(d).

¹¹⁷ *Notice*, *supra* note 3, at 13-17, paras. 27-35.

account, or by wire transfer from a bank account. The Commission no longer accepts forfeiture payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:¹¹⁸

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters “FORF”. In addition, a completed Form 159¹¹⁹ or printed CORES form¹²⁰ must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, enter the Account Number in block number 23A (call sign/other ID), enter the letters “FORF” in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).¹²¹ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

38. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer – Financial Operations, Federal Communications Commission, 45 L Street NE, Washington, D.C. 20554.¹²² Questions regarding payment procedures should be directed to the

¹¹⁸ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #1).

¹¹⁹ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

¹²⁰ Information completed using the Commission’s Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

¹²¹ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

¹²² See 47 CFR § 1.1914.

Financial Operations Group Help Desk by telephone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

39. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by first class mail and certified mail, return receipt requested, to Thomas Dorsher, ChariTel Inc, 9017 Highway 1, Oakes, ND 58474; OnTel Inc, 611 Main Ave., Unit 112, Oakes, ND 58474; and ScammerBlaster Inc, 9017 Highway 1, Oakes, ND 58474.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

**STATEMENT OF
CHAIRWOMAN JESSICA ROSENWORCEL**

Re: *In the Matter of Thomas Dorsher; ChariTel Inc; OnTel Inc; and ScammerBlaster Inc*, Forfeiture Order, File No. EB-TCD-21-00032187 (September 21, 2023)

The scammers behind robocalls are nothing if not persistent. But so is the Federal Communications Commission. We are not going to stop fighting the good fight to block these annoying calls from our phones. So today, we follow through on an investigation and finalize a \$116 million fine against a company whose scheme was to make money off of phony toll free calls. In total, we have referred over \$500 million in robocall fines to the Department of Justice for collection this year.

This week we also put providers on notice to block traffic from another offender if it fails to clean up its act—this time it is One Owl, a company that had previously popped up on our radar enabling illegal robocall traffic under the name One Eye. We know how this game works. The bad actors behind these scams know when we're on to them, like when we told providers to block One Eye's illegal traffic in May, so they set up a new entity under a new name. But we are finding new ways to stay on their trail and this notice is evidence of just that.

In addition, this week we brought on another ally in this fight. The Rhode Island Attorney General signed a Memorandum of Understanding with us to share resources to combat illegal robocalls. That means 47 state attorneys general are now working with us to stop junk calls. This is progress.

But for us to keep at it we will need some updates to the law. First, the fine we issue today we will hand over to our colleagues at the Department of Justice. But to hold those who violated our rules accountable I think this agency should have the authority it needs to go to court and collect on our own. Second, in a recent decision, the Supreme Court narrowed the definition of "autodialer" under the Telephone Consumer Protection Act, making it easier for bad actors to evade consequences under the law. This needs a fix.

Back to what we have done today. I want to thank the Robocall Response Team and staff responsible for this action, including Daniel Stepanicich, Jane van Benten, Alex Hobbs, Kristi Thompson, Victoria Randazzo, Rakesh Patel, and Loyaan Egal from the Enforcement Bureau; Kristi Thornton and Mark Stone from the Consumer and Governmental Affairs Bureau; Elizabeth Drogula, Zachary Ross, Jonathan Lechter, Erik Raven-Hansen, and David Zesiger from the Wireline Competition Bureau; Chin Yoo, Valerie Hill, Richard Mallen, and Anjali Singh from the Office of General Counsel; and Michelle Schaefer, Ed Cureg, and Kenneth Lynch from the Office of Economics and Analytics.

**STATEMENT OF
COMMISSIONER GEOFFREY STARKS**

Re: *In the Matter of Thomas Dorsher; ChariTel Inc; OnTel Inc; ScammerBlaster Inc*, Forfeiture Order

Last July, when we considered this matter at the NAL stage, I called Thomas Dorsher and his companies' conduct "particularly striking." Even against the backdrop of the cases we've considered in the intervening year – including our \$300 million forfeiture order against auto warranty scammers – Dorsher's conduct still stands out.

So it bears repeating: in less than three months, Dorsher placed more than nine and a half million robocalls to toll free numbers. Dorsher made money off each and every one of these calls, through an access stimulation agreement at the expense of toll free subscribers. And then he used that money to fund telephone denial of service attacks – attacks that disable telephone networks, and can disrupt critical emergency services.

Dorsher's claim that he was actually trying to "shut down scammers" is meritless in the face of these facts. I commend the Enforcement Bureau for their work in revealing those facts. It also bears mention that this matter was brought to the attention of the Bureau by the Industry Traceback Group. As I have said repeatedly, there are numerous hurdles to finding these bad actors, and bringing them to account for violations of our rules. I am pleased to see another example of how, by working together, we can untangle these schemes and protect consumers.