

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	)	
	)	
Steven Blumenstock	)	File No.: EB-TCD-15-00020134
	)	NAL/Acct. No.: 201632170007
	)	FRN: 0025786195

**FORFEITURE ORDER**

**Adopted: January 13, 2017**

**Released: January 13, 2017**

By the Chief, Enforcement Bureau:

**I. INTRODUCTION**

1. We impose a penalty of \$25,000 against Steven Blumenstock for causing the display of misleading or inaccurate caller identification (caller ID) information with the intent to cause harm. The Truth in Caller ID Act of 2009 and the Commission’s rules prohibit any individual from falsifying or faking his or her phone number with the intent to defraud, cause harm, or wrongfully obtain anything of value. This practice is known as spoofing. Congress and the Commission have recognized that bad actors use spoofing to trick victims into answering calls for the purpose of harassment and stalking, in addition to gaining unauthorized access to consumer information and placing false emergency calls to law enforcement. Accurate caller ID information is a vital tool that consumers use to protect their privacy, avoid fraud, and ensure peace of mind. Spoofing caller ID information for the purposes of harassment and stalking represents an egregious violation of federal law, and the Commission is committed to taking swift enforcement action against those who engage in such malicious misconduct.

2. In August 2016, the Enforcement Bureau (Bureau) of the Federal Communications Commission (FCC) issued a Notice of Apparent Liability to Mr. Blumenstock (*NAL*). The *NAL* proposed a \$25,000 penalty against Mr. Blumenstock for making 31 spoofed telephone calls to Ms. Robin Braver as part of a campaign of harassment and stalking of Ms. Braver. Mr. Blumenstock responded by admitting that he placed the spoofed calls and offering a number of arguments as to why the Commission should cancel or reduce the forfeiture amount. Because the proposed forfeiture already represents a discounted amount for a first-time violation, and no other mitigating factors apply, we reject Mr. Blumenstock’s request. After reviewing Mr. Blumenstock’s response to the *NAL*, we find no reason to cancel, withdraw, or reduce the proposed penalty, and we therefore assess the \$25,000 forfeiture.

**II. BACKGROUND**

3. The National Network to End Domestic Violence (NNEDV) contacted FCC staff on September 11, 2015 regarding spoofed calls received by one of its clients, Ms. Robin Braver.<sup>1</sup> Over the course of several months, Ms. Braver had received 31 harassing phone calls from Mr. Blumenstock spoofing the caller ID information of various sources.<sup>2</sup> The spoofed numbers appeared to be from

<sup>1</sup> The *NAL* includes a more thorough discussion of the facts and history of this case and is incorporated herein by reference. See *Steven Blumenstock and Gary Braver*, Notice of Apparent Liability for Forfeiture, 31 FCC Rcd 8648, 8650-53, paras. 6–14 (EB 2016) (*NAL*).

<sup>2</sup> Ms. Braver believes that the calls were made at the behest of her ex-husband, Gary Braver. Affidavit of Robin Braver, Apr. 14, 2016 (on file in File No. EB-TCD-15-00020134) at 2-3 (Robin Braver Affidavit).

correctional facilities, her child's school, and her parents' home.<sup>3</sup> Mr. Blumenstock, via an application called CallerIDFaker.com,<sup>4</sup> used a voice modulator and made references to specific, personal information regarding Ms. Braver's life and schedule that were not common knowledge.<sup>5</sup> Ms. Braver complained to Bureau staff and local law enforcement that she felt harassed and intimidated by the repeated menacing calls.<sup>6</sup> Ms. Braver used a third-party "unmasking" service to reveal the true caller ID information of the caller.<sup>7</sup> In each instance, the true caller ID information was the wireless phone number of Mr. Blumenstock.<sup>8</sup> Bureau staff corroborated this by subpoenaing the call records for Mr. Blumenstock's wireless phone.<sup>9</sup> BSD Telecom, the parent company of CallerIDFaker.com, further confirmed that Mr. Blumenstock used its application to place the calls to Ms. Braver.<sup>10</sup> On February 16, 2016, Nassau County Police arrested Mr. Blumenstock and charged him with one count of stalking in the third degree and one count of aggravated harassment in the second degree.<sup>11</sup>

4. On August 2, 2016, the Bureau issued the *NAL* proposing a forfeiture of \$25,000 each against Mr. Blumenstock and Gary Braver for apparently causing the display of misleading or inaccurate caller ID information with the intent to harass and cause harm in violation of the Truth in Caller ID Act of 2009, as codified in Section 227(e) of the Communications Act of 1934, as amended (Act),<sup>12</sup> and Section 64.1604 of the Commission's rules (Rules).<sup>13</sup>

5. On August 19, 2016, Mr. Blumenstock filed an "opposition" to the *NAL*.<sup>14</sup> Mr. Blumenstock admits that he placed the calls to Ms. Braver,<sup>15</sup> yet makes a number of arguments as to why the *NAL* should be cancelled or reduced. First, he claims that he did not intend to harm her.<sup>16</sup> Second, he argues that his violations do not warrant a \$25,000 forfeiture and that the forfeiture should be reduced to \$2,500, which he claims would be a sufficient deterrent.<sup>17</sup> Finally, he states that he had no knowledge of the Truth in Caller ID Act and should have been given an opportunity to correct the violations, especially because he has never been charged with any violation of the Communications Act or rule of the Commission.<sup>18</sup> We find these arguments unpersuasive.

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<sup>3</sup> *Id.*

<sup>4</sup> CallerIDFaker.com allows customers to falsify their caller ID information. See CallerIDFaker.com website, <http://www.calleridfaker.com> (last visited June 3, 2016) (voiceover in embedded video on front page of the website states, "Ever want to be someone else? With CallerIDFaker, you can be whoever you want to be.").

<sup>5</sup> Robin Braver Affidavit at 1, 3-4.

<sup>6</sup> *NAL*, 31 FCC Rcd at 8651, para. 11.

<sup>7</sup> Robin Braver Affidavit at 2-3.

<sup>8</sup> *Id.* at 3-4.

<sup>9</sup> *NAL*, 31 FCC Rcd at 8652, para. 13.

<sup>10</sup> See Response of BSD Telecom of May 20, 2016 (on file in File No. EB-TCD-15-00020134).

<sup>11</sup> Nassau County, New York, First District Court, Case No. 2016NA004625, Arrest No. R300448.

<sup>12</sup> 47 U.S.C. § 227(e).

<sup>13</sup> 47 CFR § 64.1604.

<sup>14</sup> *Steven Blumenstock*, Opposition to Notice of Apparent Liability for Forfeiture (Aug. 19, 2016) (on file in EB-TCD-15-00020134) (*NAL* Response).

<sup>15</sup> Affidavit of Steven Blumenstock, Aug. 16, 2016 (on file in File No. EB-TCD-15-00020134) (Steven Blumenstock Affidavit).

<sup>16</sup> *NAL* Response at 1-2.

<sup>17</sup> *Id.* at 2-4.

<sup>18</sup> *Id.* at 2.

### III. DISCUSSION

6. The Bureau proposed a forfeiture in this case in accordance with Section 227(e) of the Act,<sup>19</sup> Section 1.80 of the Rules,<sup>20</sup> and the Commission's *Forfeiture Policy Statement*.<sup>21</sup> When we assess forfeitures, Section 503(b)(2)(E) requires that 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."<sup>22</sup> As discussed below, we have fully considered Mr. Blumenstock's response to the *NAL*, but we find none of his arguments persuasive. We therefore affirm the \$25,000 forfeiture proposed in the *NAL*.

#### A. Mr. Blumenstock Willfully and Repeatedly Violated the Truth in Caller ID Act by Making Spoofed Calls to Robin Braver with the Intent to Harm

7. The Truth in Caller ID Act states that it is unlawful for any person "to cause any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value. . . ."<sup>23</sup> Mr. Blumenstock does not contest that he made spoofed calls to Ms. Braver,<sup>24</sup> rather he insists that he had no intent to harm her.<sup>25</sup> The record does not support his assertion.

8. We find that the record does not support Mr. Blumenstock's claim that he did not intend to harm Ms. Braver.<sup>26</sup> In the *Truth in Caller ID Order*, the Commission determined that harm does not only include physical or financial harm but also emotional harm such as stalking and harassment.<sup>27</sup> Mr. Blumenstock's extensive calling campaign, and the spoofed numbers he selected, were specifically designed to induce Ms. Braver to answer the calls for the purpose of intimidating, harassing, and threatening her.<sup>28</sup> On numerous instances, Mr. Blumenstock spoofed the numbers of prisons, including a New York maximum security prison, with messages such as "we are waiting for you" and "hey we have a spot here for you."<sup>29</sup> Often Mr. Blumenstock placed several calls within minutes of each other.<sup>30</sup> Mr. Blumenstock also spoofed numbers with a special, personal meaning to Ms. Braver, such as her child's school district and her parents' home.<sup>31</sup> The calls often referenced very personal information.<sup>32</sup> Additionally, Mr. Blumenstock used the voice modulation feature of CallerIDFaker.com to disguise his voice.<sup>33</sup> As we stated in the *NAL* and reaffirm here, the numbers selected, the use of the modulation tool,

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<sup>19</sup> 47 U.S.C. § 227(e).

<sup>20</sup> 47 CFR § 1.80.

<sup>21</sup> *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).

<sup>22</sup> 47 U.S.C. § 503(b)(2)(E).

<sup>23</sup> 47 U.S.C. § 227(e)(1).

<sup>24</sup> Steven Blumenstock Affidavit.

<sup>25</sup> *NAL* Response at 1-2.

<sup>26</sup> *See id.* at 1-2.

<sup>27</sup> *Truth in Caller ID Order*, 26 FCC Rcd at 9122, para 22.

<sup>28</sup> *See NAL*, 31 FCC Rcd at 8654-55, para. 20.

<sup>29</sup> *Id.* at Attachment.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.* at 8654-55, para. 20.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.* at 8651, para. 9.

the malicious tone, the nature of the messages, and the personal references therein demonstrate an intent to cause harm.<sup>34</sup>

9. Mr. Blumenstock argues that he had “no profit motive in any of the alleged activities” which should excuse his liability.<sup>35</sup> The Commission has stated, however, that harm “is a broad concept that encompasses financial, physical, and emotional harm, include stalking, harassment, and the violation of protection and restraining orders.”<sup>36</sup> Accordingly, Mr. Blumenstock violated the statute regardless of whether his actions were for financial benefit.

10. The Truth in Caller ID Act “does not require ‘willful’ or ‘repeated’ violations to justify imposing a penalty.”<sup>37</sup> Nevertheless, we found in the *NAL* that Mr. Blumenstock’s actions were both willful and repeated violations of the Truth in Caller ID Act.<sup>38</sup> Mr. Blumenstock consciously and deliberately falsified the caller ID information of his calls to Ms. Braver using CallerIDFaker.com. On 31 separate occasions, Mr. Blumenstock made spoofed, harassing calls to Ms. Braver.<sup>39</sup> Call records from Mr. Blumenstock’s carrier and BSD Telecom confirm that Mr. Blumenstock placed these calls.<sup>40</sup> Even if Mr. Blumenstock was unaware of the statute, he knowingly spoofed his calls to Ms. Braver. These violations of the Truth in Caller ID Act warrant the forfeiture.

#### **B. Mr. Blumenstock’s Spoofed Calls were an Egregious Violation of the Truth in Caller ID Act**

11. In his response to the *NAL*, Mr. Blumenstock contends that his actions were not egregious, especially in comparison to other forfeitures assessing \$25,000.<sup>41</sup> Mr. Blumenstock points to four previous cases where the Commission issued \$25,000 forfeitures and argues that each one was more egregious than his case.<sup>42</sup> The cited cases involve unlicensed broadcast operations, interference with law enforcement frequencies, or previous violations of Commission rules.<sup>43</sup>

12. We do not find those cases to be more egregious than this one. Congress recognized that spoofing is closely associated with harassment and stalking.<sup>44</sup> In the *Truth in Caller ID Order*, the

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<sup>34</sup> *Id.* at 8655, para. 21.

<sup>35</sup> *NAL* Response at 4.

<sup>36</sup> *Rules and Regulations Implementing the Truth in Caller ID Act of 2009*, WC Docket No. 11-39, Report and Order, 26 FCC Rcd 9114, 9122, para. 22 (2011) (Truth in Caller ID Order). Truth in Caller ID Order, 26 FCC Rcd at 9122, para. 22. This is consistent with Congress’s intent, which discussed the connection between spoofing and harassment. See 156 CONG. REC. H8378 (2010) (discussing possible harassment scenarios related to spoofing); 155 CONG. REC. S173 (2009) (noting that stalkers spoof calls).

<sup>37</sup> Truth in Caller ID Order at 9133, para. 48.

<sup>38</sup> *NAL*, 31 FCC Rcd at 8655-56, para. 23, note 65.

<sup>39</sup> *Id.* at 8650, para. 7.

<sup>40</sup> *Id.* at 8652, para. 13.

<sup>41</sup> *NAL* Response at 2-4.

<sup>42</sup> *NAL* Response at 2-3.

<sup>43</sup> See *Drew Buckley*, Forfeiture Order, 30 FCC Rcd 165, 165, para. 1 (EB 2015) (interfering with emergency frequencies); *Damian Anthony Ojouku Allen*, Notice of Apparent Liability for Forfeiture, 29 FCC Rcd 2982, 2982, para. 1 (EB 2014) (broadcasting without a license and disregarding Commission rules); *Estevan J. Gutierrez*, Forfeiture Order, 28 FCC Rcd 15486, 15486, para. 1 (EB 2013) (broadcasting without a license and interfering with licensed operations); *Fabrice Polynice*, Forfeiture Order, 28 FCC Rcd 4297, 4297, para. 1 (EB 2013) (broadcasting without a license).

<sup>44</sup> See 155 CONG. REC. S173 (2009) (“Furthermore, while these examples are serious enough, think about what would happen if a stalker used caller I.D. spoofing to trick his victim into answering the telephone, giving out

(continued....)

Commission stated that the “alteration of caller identification information for the purpose of harassing or stalking someone [is] an egregious violation of the Act and of our rules implementing the Act.”<sup>45</sup> Recognizing the seriousness of the issue, the Commission stated that it would enforce its rules “vigorously” against those who engaged in such malicious and abusive practices.<sup>46</sup> Mr. Blumenstock’s actions are precisely the type that Congress and the Commission intended to combat with the Truth in Caller ID Act and its implementing rules.<sup>47</sup> As discussed above, he engaged in a calling campaign to harass and intimidate Ms. Braver. We intend to fully enforce our rules to prevent such egregious behavior. Mr. Blumenstock committed an egregious violation of the Act warranting the penalty proposed in the *NAL*.

**C. The Bureau Provided Appropriate Notice of the Forfeiture as required by Section 503(b)(4) of the Act**

13. The Truth in Caller ID Act requires that the Commission provide the notice required under Sections 503(b)(3) (notice and opportunity for a hearing before the Commission or an administrative law judge) or 503(b)(4) of the Act (Notice of Apparent Liability) before assessing a forfeiture for unlawful spoofing.<sup>48</sup> In implementing the Truth in Caller ID Act, the Commission determined that “Congress intended to give the Commission the authority to proceed *expeditiously* to stop and, where appropriate, assess a forfeiture penalty against, any person or entity engaged in prohibited caller ID spoofing without first issuing a citation.”<sup>49</sup> In this case, sufficient notice was provided by issuing the *NAL* pursuant to Section 503(b)(4) of the Act.

14. Mr. Blumenstock argues that he was unaware of the Truth in Caller ID Act, but he would have conformed his conduct to the law had he been issued a citation first.<sup>50</sup> But the Truth in Caller ID Act does not require a citation; the required notice was properly provided through the Notice of Apparent Liability. Moreover, Mr. Blumenstock may not claim ignorance of the law as a defense. The Commission “does not consider ignorance of the law a mitigating factor.”<sup>51</sup> Mr. Blumenstock received requisite notice pursuant to the Truth in Caller ID Act.

**D. The Full Amount of the Forfeiture is Warranted**

15. After considering the relevant statutory factors and the Commission’s *Forfeiture Policy Statement*, we find that Mr. Blumenstock is liable for a total forfeiture of \$25,000. Although he did not specifically mention the mitigating factors set forth in Section 503(b)(2)(E) of the Act, Mr. Blumenstock argues that the Commission should reduce the forfeiture to \$2,500, due to his circumstances. We

(Continued from previous page) \_\_\_\_\_

personal information, or telling the person on the other end of the line about their current whereabouts. The results could be tragic.”).

<sup>45</sup> Truth in Caller ID Order, 26 FCC Rcd at 9123, para. 22.

<sup>46</sup> *Id.*

<sup>47</sup> Indeed, as discussed below, the Commission could have imposed a significantly higher fine.

<sup>48</sup> 47 U.S.C. § 227(e)(5)(A)(iii).

<sup>49</sup> Truth in Caller ID Order, 26 FCC Rcd at 9132, para. 47 (emphasis added).

<sup>50</sup> *NAL* Response at 2.

<sup>51</sup> *Profit Enterprises*, Forfeiture Order, 8 FCC Rcd 2846, 2846, para. 5 (1993) (finding that Profit Enterprises violated the Act and could be penalized despite not knowing that it was subject to the Communications Act). Forfeitures assessed under Section 503(b) of the Act only require willful or repeated conduct irrespective of any intent to violate any provision. 47 U.S.C. §§ 312(f)(1), 503(b). There does not need to be any showing of intent to violate the law. *Mulzer Enterprises, Inc.*, 13 FCC Rcd 20250, 20250 para. 6 (1998). The Truth in Caller ID Act does not even require a showing that the violation was willful or repeated. Truth in Caller ID Order, 26 FCC Rcd at 9133, para. 48.

disagree. The proposed base forfeiture amounts are consistent with our Rules and precedent, and we find no basis to reduce the forfeiture.

16. In exercising our forfeiture authority here, we 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.”<sup>52</sup> In addition, the Commission has established forfeiture guidelines that identify criteria to consider when determining the appropriate penalty in any given case.<sup>53</sup> Under these 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.<sup>54</sup> We may also adjust proposed forfeitures downward in cases where the violation is minor in nature, when there is evidence of good faith action or voluntary disclosure of the violations, when the violator has a history of overall compliance, or when the violator demonstrates an inability to pay.<sup>55</sup>

17. The Truth in Caller ID Act authorizes penalties up to \$10,000 for each spoofing violation.<sup>56</sup> Mr. Blumenstock committed 31 violations over a four month period.<sup>57</sup> Were we to exercise our discretion to assess Mr. Blumenstock’s full liability under the statute, the forfeiture amount would be \$310,000. Our decision to assess a \$25,000 forfeiture takes into account mitigating factors. The \$25,000 forfeiture properly reflects the seriousness of the violation and should deter future violators.<sup>58</sup> As discussed above, the Commission has stated that the alteration of caller ID information for the purpose of harassment is an egregious violation for which the Commission will seek “substantial penalties.”<sup>59</sup> We have assessed \$25,000 fines in previous egregious cases involving individuals,<sup>60</sup> and we find that such a penalty is appropriate here.

18. The *NAL* considered possible mitigating factors when assessing the proposed forfeiture and we affirm that reasoning here. Mr. Blumenstock is highly culpable. He does not contest that he made the spoofing calls to Ms. Braver.<sup>61</sup> Mr. Blumenstock, however, is a first-time violator of the Act. In the *NAL*, we accounted for the fact that this is his first violation and reduced the proposed forfeiture accordingly.

19. Finally, while Mr. Blumenstock did not explicitly argue that he is unable to pay, he claimed financial hardship due to attorney fees and possible sanctions resulting from his criminal case

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<sup>52</sup> 47 U.S.C. § 503(b)(2)(E); Truth in Caller ID Order, 26 FCC Rcd at 9132, para. 46 (“In order to provide guidance about the factors the Commission will use in determining the amount of penalty it will assess for violations of the Truth in Caller ID Act, we adopt the Commission’s proposal to employ the balancing factors the Commission typically considers when determining the forfeiture policy. Those factors are set out in Section 503(b)(2)(E) of the Communications Act.”).

<sup>53</sup> 47 CFR § 1.80(b)(8), Note to paragraph (b)(8).

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> 47 U.S.C. § 227(e)(5)(A)(i).

<sup>57</sup> Robin Braver Affidavit at 2-3.

<sup>58</sup> The Bureau is within its authority to consider deterrence as a factor in setting an appropriate forfeiture amount. *Cesar Chavez Foundation*, Forfeiture Order, 27 FCC Rcd 5252, 5258, para. 13, note 50 (EB 2012).

<sup>59</sup> *See supra* para. 10.

<sup>60</sup> *See, e.g., Damian Anthony Ojouku Allen*, Notice of Apparent Liability for Forfeiture, 29 FCC Rcd 2982 (EB 2014); *Fabrice Polynice*, Forfeiture Order, 28 FCC Rcd 4297 (EB 2013); *Estevan J. Gutierrez*, Forfeiture Order, 28 FCC Rcd 15486 (EB 2013).

<sup>61</sup> Steven Blumenstock Affidavit.

associated with this matter.<sup>62</sup> In assessing the violator's inability to pay, the Commission has determined that "gross income or revenues are the best indicator of an ability to pay a forfeiture."<sup>63</sup> The Commission will not consider an inability to pay claim unless the violator submits: "(1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices ('GAAP'); or (3) some other reliable and objective documentation that accurately reflects the petitioner's current financial status."<sup>64</sup> Mr. Blumenstock has not submitted any financial documentation.

20. Weighing the relevant statutory factors, the evidence that Mr. Blumenstock submitted, and our forfeiture guidelines, we conclude that a forfeiture of \$25,000 properly reflects the seriousness of Mr. Blumenstock's violations.

#### IV. CONCLUSION

21. Based on the record before us and in light of the applicable statutory factors, we conclude that Mr. Blumenstock violated Section 227(e) of the Act and Section 64.1604 of the Rules by making spoofed phone calls to Ms. Braver with the intent to harm. Mr. Blumenstock admits to placing the calls and failed to offer any compelling argument as to why we should cancel or reduce the proposed forfeiture. We therefore impose the \$25,000 forfeiture proposed in the *NAL*.

#### V. ORDERING CLAUSES

22. Accordingly, **IT IS ORDERED** that, pursuant to Section 227(e) of the Act,<sup>65</sup> and Sections 0.111, 0.311, and 1.80 of the Rules,<sup>66</sup> Steven Blumenstock **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of twenty-five thousand dollars (\$25,000) for violating Section 227(e) of the Act and Sections 64.1604 of the Rules.

23. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within thirty (30) calendar days after the release of this Forfeiture Order.<sup>67</sup> 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 Section 504(a) of the Act.<sup>68</sup>

24. 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. Steven Blumenstock shall send electronic notification of payment to Lisa Williford at [Lisa.Williford@fcc.gov](mailto:Lisa.Williford@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>69</sup> When completing the 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 that should be followed based on the form of payment selected:

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<sup>62</sup> *NAL* Response at 2.

<sup>63</sup> *Gerald Parks*, Forfeiture Order, 30 FCC Rcd. 7038, 7040, para. 6 (EB 2015).

<sup>64</sup> *Frank Neely*, Memorandum and Order, 22 FCC Rcd 1434, 1435, para. 5 (EB 2007). *See also*, *Gerald Parks*, 30 FCC Rcd at 7040, para. 6. *See also* *TV Max, Inc., et al.*, Forfeiture Order, 29 FCC Rcd 8648, 8661, para. 25 (2014) (noting that the Commission had previously rejected "inability to pay" claims in cases of egregious violations); *Whisler Fleurinor*, Forfeiture Order, 28 FCC Rcd 1087, 1090, para. 9 (EB 2013) (finding that violator's inability to pay outweighed by gravity of multiple intentional violations).

<sup>65</sup> 47 U.S.C. § 227(e).

<sup>66</sup> 47 CFR §§ 0.111, 0.311, 1.80.

<sup>67</sup> *Id.*

<sup>68</sup> 47 U.S.C. § 504(a).

<sup>69</sup> An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with completed Form 159) must be mailed to the 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.

25. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer – Financial Operations, Federal Communications Commission, 445 12th Street, SW, Room 1-A625, Washington, DC 20554.<sup>70</sup> Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by telephone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

26. **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 Steven Blumenstock, [REDACTED], and to Martin L. Miller, Esq., Simon & Miller, 99 West Hawthorne Avenue, Suite 308, Valley Stream, New York 11580.

FEDERAL COMMUNICATIONS COMMISSION

Travis LeBlanc  
Chief  
Enforcement Bureau

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<sup>70</sup> See 47 CFR § 1.1914.