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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <http://commerce.senate.gov>

NICK ROSSI, STAFF DIRECTOR
KIM LIPSKY, DEMOCRATIC STAFF DIRECTOR

October 10, 2017

Mr. Adrian Abramovich
Marketing Strategy Leaders, Inc.
Marketing Leaders, Inc.
c/o Law Offices of Rodolfo Nuñez, P.A.
2100 Salzedo Street, Suite 303
Coral Gables, Florida 33134

Dear Mr. Abramovich:

We write regarding the Federal Communications Commission's (Commission or FCC) Notice of Apparent Liability for Forfeiture (NAL), which found you apparently liable for perpetrating one of the largest spoofed robocall campaigns that the Commission has ever investigated.¹

The NAL, issued on June 22, 2017, asserts that you made nearly 100 million robocalls during a three-month period in 2016.² The Truth in Caller ID Act, Section 227(e) of the Telephone Consumer Protection Act, and Section 64.1604 of 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.³ These robocalls "spoofed" numbers local to the recipient, giving the appearance of originating from nearby. The calls offered holiday vacations and cruises to popular destinations in Mexico, the Caribbean, and Florida. They falsely claimed to be affiliated with well-known American travel and hospitality businesses, but in fact connected trusting call recipients to unaffiliated third parties.⁴

Unsolicited robocalling is consistently the number one consumer complaint to the FCC. According to the Commission's informal complaint data, 31 percent of the consumer complaints involving unwanted calls concern unwanted robocalls, specifically. A significant portion of unwanted call complaints received by the Commission concern spoofing.⁵ Moreover, despite government and consumer advocate efforts, including levying millions of dollars in fines against the people who program them and creating Do Not Call lists, unwanted robocalls persist.

Robocalls are not inherently negative. Many important services are carried out via robocall when institutions and call recipients have established a prior relationship. In fact, some of these

¹ Adrian Abramovich, Notice of Apparent Liab. for Forfeiture, FCC 17-80, No. EB-TCD-15-00020488 (June 22, 2017) [hereinafter NAL].

² *Id.* at 1.

³ 47 U.S.C. §§ 227(e)(5)(A)(i), 503(b); 47 CFR § 1.80.

⁴ NAL, *supra* note 1.

⁵ FCC – Open Data: Unwanted Calls, FCC, <https://opendata.fcc.gov/Consumer/CGB-Unwanted-Calls/m7wv-pw92> (last visited Oct. 10, 2017).

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types of robocalls, such as a hospital reminding a patient of an upcoming appointment, a pharmacy updating the availability of a prescription for pick-up, or an automaker warning a vehicle owner of an urgent safety recall, can have life or death consequences for the recipient. The increasing prevalence of unwanted, fraudulent robocalls frustrates recipients and makes them less likely to answer important calls.

The Commerce Committee has jurisdiction over communications and the regulation of consumer products and services.⁶ Protecting American consumers is a key priority of the Committee.

To assist the Committee in its oversight efforts, please provide responses to the following:

1. Do you acknowledge engaging in the conduct alleged in the June 22, 2017, NAL?
2. If so, describe when and how you began robocalling and engaging in neighbor spoofing,⁷ including the type(s) of devices and technologies used.
3. Provide a record of all robocalls you and/or your businesses have made.
4. Describe any relationships you or your businesses had with third party contractors, including, but not limited to, third parties representing themselves as popular American travel and hospital companies.
5. What steps are you taking to ensure that your businesses and your affiliates are not currently engaging in the illegal activity described in the NAL?
6. How are you addressing the apparent harm to consumers, carriers, and misrepresented companies and individuals caused by the alleged spoofing?

Please provide your responses as soon as possible, but no later than October 24, 2017. Thank you for your prompt attention to this matter.

Sincerely,



JOHN THUNE
Chairman



JERRY MORAN
Chairman
Subcommittee on Consumer
Protection, Product Safety,
Insurance, and Data Security

⁶ See S. Comm. on Rules & Admin., Standing Rules of the S., Rule XXV(f)(1), S. Doc. No. 113-18, at 21 (2013).

⁷ Neighbor spoofing results in the display of inaccurate caller ID information that misleads consumers into thinking they are receiving a local call.

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cc: The Honorable Bill Nelson, Ranking Member

The Honorable Richard Blumenthal, Ranking Member
Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security