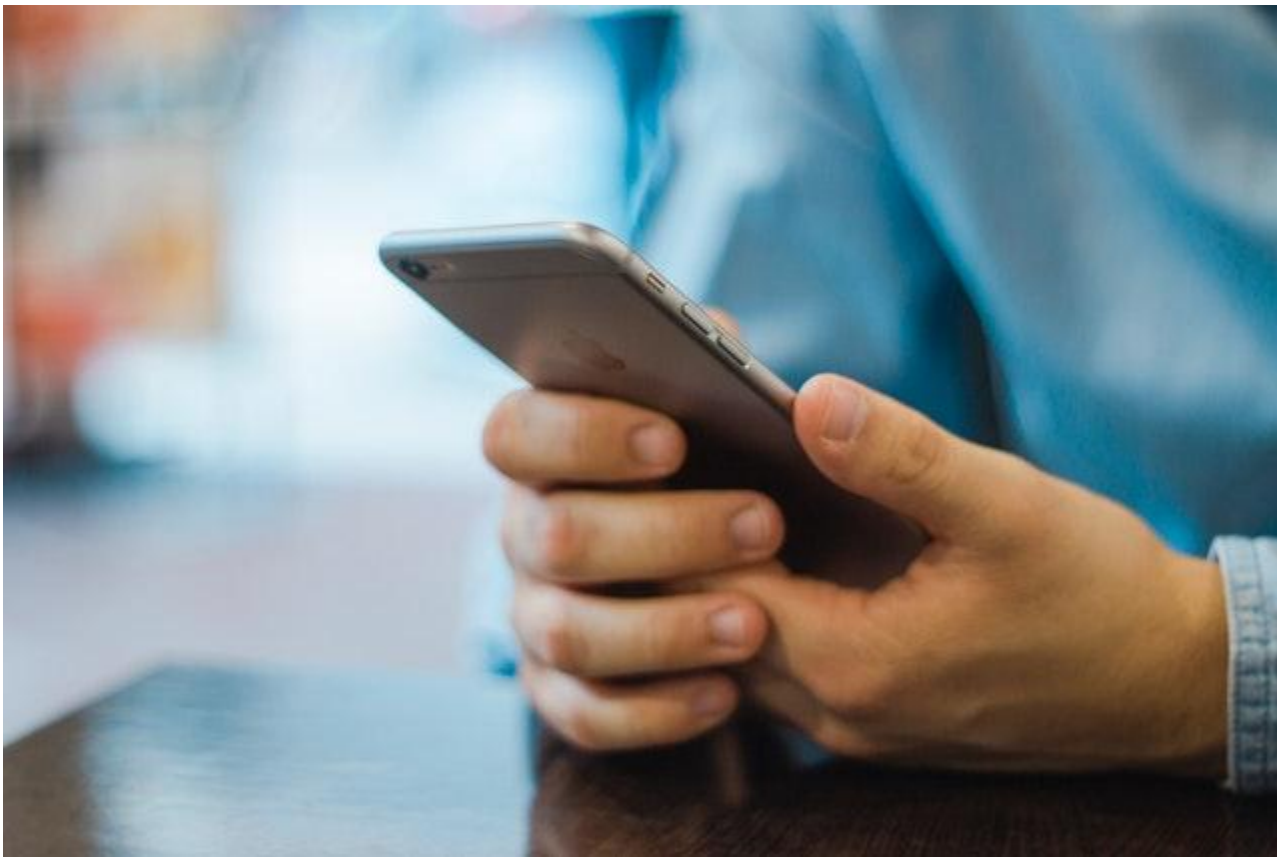


FCC Proposes \$45 Million Fine Against Robocalling Telemarketer

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WASHINGTON, D.C.—The Federal Communications Commission today proposed a \$45 million fine against a company that conducted an apparently illegal robocall campaign to sell health insurance under the pretense that the annual enrollment period had been reopened due to the coronavirus pandemic. Interstate Brokers of America apparently made 514,467 unlawful robocalls without subscribers' prior express consent or an emergency purpose. This is the largest TCPA robocall fine ever proposed by the Commission.

The FCC's Enforcement Bureau investigation found that Interstate Brokers made 514,196 robocalls to wireless phones and 271 telemarketing robocalls to landline phones in apparent violation of the Telephone Consumer Protection Act. The Bureau reviewed a sample of 10,000 calls, confirmed with the dialing platform provider that the calls were pre-recorded messages, and spoke to several recipients who confirmed they had not provided to consent to be called. The proposed fine is based on the verified calls.

Interstate Brokers is a Ft. Lauderdale, Florida-based lead generator run by Gregory Robbins and which also does business as National Health Agents. The company purchased lists of phone numbers from third-party vendors; it also acquired numbers from consumers looking for health insurance quotes online, without clearly disclosing that, by providing contact information, the consumers would be subject to robocalls. The company left prerecorded voice messages marketing its clients' insurance plans. Voice recognition software would identify when a consumer answered the call. If a consumer responded by pressing a number on their phone, or by staying on hold, the system automatically transferred the call to a call center operated by Interstate Brokers. Consumers were then offered insurance products sold by one of several insurance companies that had hired Interstate Brokers

One of the company's prerecorded voice messages stated: "Many states' opened enrollment options to combat the COVID-19 virus and our plans include telemedicine services that would allow you to see a doctor over the phone or a video that could treat common sickness like the cold and flu. Give me a call back, at our phone number ... and I can go over what is still available in your area." The FCC's investigation was prompted by a report from the Industry Traceback Group of suspected illegal robocall traffic. FCC investigators also reviewed consumer complaints including those found online. For example, one consumer wrote online: "Message left from 'Ashley' from the Health care center calling to announce open enrollment for health care due to COVID-19. ... Called on my work cell phone that I do no personal business on."

Under the Telephone Consumer Protection Act, robocalls made to wireless phones and telemarketing robocalls made to landlines require prior written consent of the called party. Many of the calls also were made, apparently unlawfully, to consumers on the Do Not Call Registry.

The proposed action, formally called a Notice of Apparent Liability for Forfeiture, or NAL, contains only allegations that advise a party – Gregory Robbins, Interstate Brokers of America LLC, and National Health Agents LLC – on how it has apparently violated the law and may set forth a proposed monetary penalty. The Commission may not impose a greater monetary penalty in this case than the amount proposed in the NAL. Neither the allegations nor the proposed sanctions in the NAL are final Commission actions. The party will be given an opportunity to respond, and the

Commission will consider the party's submission of evidence and legal arguments before acting further to resolve the matter.

Action by the Commission February 18, 2022 by Notice of Apparent Liability for Forfeiture (FCC 22-16). Chairwoman Rosenworcel, Commissioners Carr, Starks, and Simington approving. Chairwoman Rosenworcel and Commissioner Starks issuing separate statements.