

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

CV 21-110-M-DLC

Plaintiff,

vs.

ORDER

SCOTT RHODES,

Defendant.

Plaintiff, the United States of America, acting upon request to the Attorney General by the Federal Communications Commission (the “FCC” or “Commission”) pursuant to 47 U.S.C. §§ 401(a) and 504(a), filed a Complaint for recovery of a civil monetary forfeiture and injunctive relief. Plaintiff has prevailed on its claim for injunctive relief.

Accordingly, IT IS ORDERED as follows:

FINDINGS

1. This Court has jurisdiction over this matter.
2. The United States proved that Defendant Scott Rhodes (“Defendant” or “Rhodes”) repeatedly violated the Truth in Caller ID Act, 47 U.S.C. § 227(e)(1), and Truth in Caller ID Rule, 47 C.F.R § 64.1604. Defendant made thousands of telephone calls in which he unlawfully falsified, or “spoofed”

his caller identification information “with the intent to defraud, cause harm, or wrongfully obtain anything of value.” 47 U.S.C. § 227(e)(1).

3. Plaintiff proved a reasonable likelihood that Rhodes will violate the law again unless he is enjoined.

ORDER

I. PROHIBITION ON VIOLATING THE TELEPHONE CONSUMER PROTECTION ACT AND TRUTH IN CALLER ID ACT

IT IS ORDERED that Defendant, his agents, employees, and all other Persons in active concert or participation with any of them, who receive actual notice of this Order, whether acting directly or indirectly, are permanently restrained and enjoined from violating, or causing others to violate, the Telephone Consumer Protection Act, as amended, 47 U.S.C. § 227, and its implementing regulations, 47 C.F.R. § 64.1200, as well as the Truth in Caller ID Act, 47 U.S.C. § 227(e), and its implementing regulations, 47 C.F.R. § 64.1604.

II. BAN ON CERTAIN TELEPHONE CALLS

IT IS FURTHER ORDERED that Defendant, whether acting directly or through an intermediary, is permanently restrained and enjoined from “spoofing,” i.e., initiating any telephone call or text message using misleading or inaccurate caller identification information or causing any caller identification service to transmit misleading or inaccurate caller identification information.

IT IS FURTHER ORDERED that Defendant, whether acting directly or

through an intermediary, is permanently restrained and enjoined from playing an artificial or prerecorded message during any telephone call, unless Defendant has received the express written consent of the call's recipient to do so.

III. ORDER ACKNOWLEDGMENTS

IT IS FURTHER ORDERED that Defendant, within seven (7) days of entry of this Order, must submit to the Commission and counsel for the United States an acknowledgment of receipt of this Order sworn under penalty of perjury.

IV. COMPLIANCE REPORTING

IT IS FURTHER ORDERED that Defendant must make specific submissions to the Commission within the time frames set forth below.

One year after entry of this Order, Defendant must submit a compliance report, sworn under penalty of perjury, and must: (a) identify a primary physical, postal, and email address and telephone number, as designated points of contact, which representatives of the Commission and Plaintiff may use to communicate with Defendant; and (b) describe in detail whether and how Defendant is in compliance with each provision of this Order. Additionally, Defendant must identify all of his telephone numbers and all of his physical, postal, email and Internet addresses, including all residences and business addresses.

For 20 years after entry of this Order, Defendant must submit a compliance notice, sworn under penalty of perjury, within 14 days of any change in the

following: name, including aliases or fictitious name; telephone number; residence address; or business address.

If Defendant or any company in which he has an ownership or controlling interest files a bankruptcy petition, or initiates a similar proceeding, Defendant must submit to the Commission notice of the filing within 14 days of filing it.

Any submission to the Commission required by this Order to be sworn under penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746, such as by concluding: “I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on:” and supplying the date, Defendant’s full name, and signature.

Unless otherwise directed by a Commission representative in writing, all submissions to the Commission pursuant to this Order must be emailed to EnforcementBureauTCD@fcc.gov or sent by overnight courier (not the U.S. Postal Service) to:

Chief, Telecommunications Consumers Division, Enforcement Bureau
Federal Communications Commission
45 L Street NE
Washington, DC 20554.

V. COMPLIANCE MONITORING

For matters concerning this Order, representatives of Plaintiff and the Commission are authorized to communicate directly with the Defendant. The Defendant must permit representatives of the Plaintiff to interview any employee

or other person affiliated with Defendants who has agreed to such an interview.

The person interviewed may have counsel present.

Plaintiff and the Commission may use all other lawful means, including posing, through their representatives, as consumers, suppliers, or other individuals or entities, to Defendant or any individual or entity affiliated with Defendant, without the necessity of identification or prior notice.

Plaintiff and the Commission may seek information or documents from or relating to Defendant for the purposes of enforcing this Order, including through requests for documents, interrogatories, depositions. Such discovery may be taken without leave of this Court and shall be conducted according to the rules set forth in Federal Rules of Civil Procedure 27, 30, 31, 33, and 34.

VI. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED THAT this Court retains jurisdiction of this matter for purposes of construction, modification, and enforcement of this Order and any other Orders entered in this matter.

DATED this 20th day of February, 2024.



Dana L. Christensen, District Judge
United States District Court