

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Mr. Richard Jackowitz)	File No.: EB-TCD-13-00010173
IT Connect, Inc.)	NAL/Acct. No.: 201432170004
)	FRNs: 0021888045
Forfeiture Order)	0021888037

FORFEITURE ORDER

Adopted: February 18, 2015

Released: February 19, 2015

By the Commission:

1. We impose a penalty of \$3,360,000 against Richard Jackowitz and IT Connect, Inc. (IT Connect) for selling or attempting to sell 210 toll free numbers in violation of the Commission's rules. We take this action to preserve the Commission's policy that toll free numbers are public resources that are not privately owned and, therefore, cannot be sold. The Commission is committed to eradicating these types of activities that result in the inefficient use of numbering resources and contribute to the premature exhaustion of toll free numbers.

2. On March 26, 2014, the Federal Communications Commission (Commission) issued a Notice of Apparent Liability for Forfeiture (*NAL*) proposing a \$3,360,000 forfeiture against Mr. Jackowitz and IT Connect for willful and repeated violations of Section 52.107 of the Commission's rules by brokering 210 toll free numbers for prices ranging from \$375 to \$60,000 per number.¹ Neither Mr. Jackowitz nor IT Connect filed a timely response to the *NAL*.² Based on the information before us, we affirm the forfeiture proposed in the *NAL*.³

3. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended (Act)⁴ and Section 1.80 of the Commission's rules (Rules),⁵ Richard Jackowitz

¹ The *NAL* includes a more complete discussion of the facts and history of this case and is incorporated herein by reference. *Richard Jackowitz and IT Connect, Inc.*, Notice of Apparent Liability for Forfeiture, 29 FCC Rcd 3318 (2014) (*NAL*); *see also* 47 C.F.R. § 52.107

² Mr. Jackowitz failed to file a timely response to the *NAL* or request an extension of time to respond to the *NAL*. *Cf.* 47 C.F.R. § 1.46 (stating that it is Commission policy "that extensions of time shall not be routinely granted."). Nonetheless, on July 21, 2014 (approximately three months after the filing deadline), Mr. Jackowitz sent an e-mail response to the *NAL*. *See* E-mail from Richard Jackowitz to Sarah Citrin, Assistant Division Chief, Telecommunications Consumers Division, FCC Enforcement Bureau (July 21, 2014, 19:26 EDT) (July 21 E-mail). We reject Mr. Jackowitz e-mail response to the *NAL* as untimely. Moreover, even if the July 21 E-mail had been timely, it is meritless—Mr. Jackowitz contested certain facts in the *NAL* (*e.g.*, that he returned certain monies for numbers he could not procure, and that he sold a certain number for less than the *NAL* stated), but he provided no documentary or other reliable support for his claims, and, in any event, acknowledged that he did, in fact, sell toll-free numbers. As a result, Mr. Jackowitz did not offer any credible evidence or arguments in response to the *NAL*, did not contest the underlying violations, and did not argue that the forfeiture should be reduced or cancelled.

³ On May 7, 2013, the Commission imposed a \$240,000 forfeiture against Mr. Jackowitz and IT Connect, Inc. for similar brokering violations. *Richard Jackowitz and IT Connect, Inc.*, Forfeiture Order, 28 FCC Rcd 6692 (2013).

⁴ 47 U.S.C. § 503(b).

⁵ 47 C.F.R. § 1.80.

and IT Connect **ARE JOINTLY AND SEVERALLY LIABLE FOR A MONETARY FORFEITURE** in the amount of three million three hundred sixty thousand dollars (\$3,360,000) for willfully and repeatedly violating Section 52.107 of the Rules.⁶

4. 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 date of this Forfeiture Order.⁷ 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.⁸

5. 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. Mr. Richard Jackowitz and/or IT Connect shall send electronic notification of payment to Johnny Drake at Johnny.Drake@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.⁹ 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:

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

6. 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, D.C. 20554.¹⁰ 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.

⁶ 47 C.F.R. § 52.107.

⁷ 47 C.F.R. § 1.80.

⁸ 47 U.S.C. § 504(a).

⁹ An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

¹⁰ See 47 C.F.R. § 1.1914.

7. **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 Mr. Richard Jackowitz, IT Connect, Inc., 314 Route 94, Suite 2, South Warwick, NY 10990, and to Mr. Richard Jackowitz, 10 Knollcroft Terrace, Warwick, NY 10990-2929.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary