



**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

April 9, 2002

American Employers Group
a.k.a. American Employers Group, Inc.
1018 Dodge Street
Omaha, Nebraska 68102
Attention: Sidney Ferenc/Pres.
Jeffrey Silver/Reg. Agent
Steven Menzies/Dir. & Sec.
Clay Cox

American Employers Group
a.k.a. American Employers Group, Inc.
P.O. Box 3646
Omaha, Nebraska 68103
Attention: Sidney Ferenc/Pres.
Jeffrey Silver/Reg. Agent
Steven Menzies/Dir. & Sec.
Clay Cox

American Employers Group
a.k.a. American Employers Group, Inc.
Applied Underwriters, Inc.¹
5 Thomas Mellon Circle, Suite 365
San Francisco, California 94134
Attention: Sidney Ferenc/Pres.
Steven Menzies/Exec. VP-COO
Arthur Davis/Dir.
Irwin Chafetz/Dir.
Donald Schupak/Dir.
Jeffrey Silver/Dir.
Andrew Astrachan/Dir.
Robert Stafford/Dir. of Finance

American Employers Group
a.k.a. American Employers Group, Inc.
Applied Underwriters, Inc.¹
P.O. Box 281900
San Francisco, California, 94128-1900
Attention: Sidney Ferenc/Pres.
Steven Menzies/Exec. VP-COO
Arthur Davis/Dir.
Irwin Chafetz/Dir.
Donald Schupak/Dir.
Jeffrey Silver/Dir.
Andrew Astrachan/Dir.
Robert Stafford/Dir. of Finance

American Employers Group
a.k.a. American Employers Group, Inc.
831 Mitten Road
Burlingame, California 94010
Attention: Sidney Ferenc
Steven Menzies
Eric Butler

RE: EB-02-TC-036

Dear Correspondents:

¹ The Telecommunications Consumers Division has obtained information that American Employers Group is a subsidiary of Applied Underwriters, Inc.

This is an official **CITATION** issued pursuant to section 503(b)(5) of the Communications Act of 1934, as amended (the Communications Act), 47 U.S.C. § 503(b)(5).

It has come to our attention that your company recently sent one or more unsolicited advertisements to telephone facsimile machines (see attachment).² Pursuant to the Telephone Consumer Protection Act of 1991 (TCPA) and the Commission's rules, it is unlawful to use a "telephone facsimile machine, computer, or other device to send an unsolicited advertisement to a telephone facsimile machine." 47 U.S.C. § 227(b)(1)(C); 47 C.F.R. § 64.1200(a)(3).

In addition to the violation identified above, it appears that your company has also violated the provisions of the TCPA and the Commission's rules that require any person or entity who sends a message via a telephone facsimile machine to clearly mark "in a margin at the top or bottom of each transmitted page of the message or on the first page of the transmission, the date and time it is sent and an identification of the business, other entity, or individual sending the message and the telephone number of the sending machine or of such business, other entity, or individual." 47 U.S.C. § 227(d)(1)(B); 47 C.F.R. § 68.318(d).

Please be advised that subsequent violations of the Communications Act or of the Commission's rules may result in the imposition of monetary forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation. See 47 C.F.R. § 1.80(b)(3).

The phrase "unsolicited advertisement" is defined in the TCPA and the Commission's rules as "any material advertising the commercial availability or quality of any property, goods, or services which is transmitted to any person without that person's prior express invitation or permission." 47 U.S.C. § 227(a)(4); 47 C.F.R. § 64.1200(f)(5). Both the TCPA and the Commission's rules define "telephone facsimile machine" as "equipment which has the capacity to transcribe text or images, or both, from paper into an electronic signal and to transmit that signal over a regular telephone line, or to transcribe text or images (or both) from an electronic signal received over a regular telephone line onto paper." 47 U.S.C. § 227(a)(2); 47 C.F.R. § 64.1200(f)(2). Addressing the TCPA's definition of "telephone facsimile machine," the Commission stated that "[f]ax modem boards are the functional equivalent of stand-alone facsimile machines." *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, 10 FCC Rcd 12391, 12405, para. 29 (1995).

Pursuant to section 503(b)(5) of the Communications Act, you may request a personal interview at the Commission's Field Office nearest to your place of business. The nearest office appears to be either the Kansas City Office at 520 NE Colbern Road, Lee's Summit, Missouri 64086 or the San Francisco Office at 5653 Stoneridge Drive, Suite 105, Pleasanton, California 94588-8543. You can contact the Kansas City Office or the San

² In addition to the advertisement(s) referenced by and attached to this citation, the complaining party may also have included with the complaint one or more facsimile advertisements transmitted by other senders. This citation concerns only the facsimile advertisement(s) referenced by and attached to the citation, and your response only needs to address such advertisement(s).

Francisco Office by telephone at (816) 316-1248 or (925) 416-9717, respectively. You must schedule this interview to take place within 21 days of the date of this citation.

Kurt A. Schroeder
Deputy Chief, Telecommunications Consumers Division
Enforcement Bureau
Federal Communications Commission
445-12th Street, S.W.
Washington, D.C. 20554

If you choose to submit a written statement, your written statement should specify what actions have been taken to correct the violation(s) outlined above. Please reference EB-02-TC-036 when corresponding with the Commission.

Under the Privacy Act of 1974, 5 U.S.C. § 552(a)(e)(3), we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with the TCPA and the Commission's rules. This will include any information that you disclose in your interview or written statement. Please be advised that if you choose not to respond to this citation and a forfeiture is issued, your unresponsiveness will be considered in our assessment of a forfeiture amount.

You should also be aware that the knowing and willful making of any false statement, or the concealment of any material fact, in reply to this citation is punishable by fine or imprisonment under 18 U.S.C. § 1001.

Thank you in advance for your anticipated cooperation.

Sincerely,



Kurt A. Schroeder
Deputy Chief, Telecommunications Consumers Division
Enforcement Bureau
Federal Communications Commission

Enclosures

American Employers Group has a Workers' Compensation product to meet your needs!



SOLUTIONONE is the integrated WORKERS' COMPENSATION product designed for small to medium sized businesses - in diverse markets.

- A+ Market
- 10% Commission
- Difficult Classes
- Competitive Rates
- Integrated Products
- Multi-State Exposure
- Continuous Arrangements
- 2002 Incentive Bonus Program

Only from SolutionOne will you find a product that offers coverages and benefits with you, the producer, in mind.

RIGHT NOW - you can START by calling for more information about SolutionOne - our representatives are here to assist with your needs.

* Remove Fax: (213) 626-2816

solutions that work **get STARTED today!**

To request a **Brokers Kit** from **American Employers Group** call the **Business Development Center** at: **877-AEG-4450**

TOLL FREE: 877-234-4450



STATE LICENSE NO's: CA: 0C79805, CO: NPA00110842, IL: 94-3339969, MN: IA-20250966, NV: 9702, PA: 48284, TN: 0000823570

You have been sent this fax because your company responded to our marketing department either by mail, telephone, or at an industry function. All business is placed through a licensed insurance agency in the jurisdiction in which the business is placed. An executed agency agreement may be required prior to accepting business depending upon particular state regulations. If you wish to be removed from our fax list, please call toll-free: 866-AEG-4408 • Originating Facsimile Number: (415) 715-6848, PO Box 3646, Omaha, NE 68103-0646



SOLUTIONONE

better business solutions

attention

AGENTS, BROKERS and ALL WORKERS' COMPENSATION PRODUCERS

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2002 Incentive
Bonus Program**

announcing

SolutionOne, the integrated WORKERS' COMPENSATION product that is designed for small to medium sized businesses - in diverse markets.

Only from SolutionOne will you find a product that offers coverages and benefits with you, the producer, in mind.

RIGHT NOW - you can START by calling or faxing your submissions in - our representatives are here to assist your needs.

- A+ Market**
- 10% Commission**
- Difficult Classes**
- Competitive Rates**
- Integrated Products**
- Continuous Arrangements**
- & a 2002 Incentive Bonus Program!**

* Remove: (213) 626-2816

get STARTED today!

FAX an Acord Application to the attention of Marketing - New Submissions at:
TOLL FREE FAX

877-AEG-4452

or **CALL** to request a **Brokerage Kit** from **American Employers Group Business Development** at:
TOLL FREE

877-AEG-4450

You have been sent this fax because your company responded to our marketing department either by mail, telephone, or at an industry function. All business is placed through a licensed insurance agency in the jurisdiction in which the business is placed. An executed agency agreement may be required prior to accepting business depending upon particular state regulations.

If you wish to be removed from our fax list, call toll-free: 866-AEG-4408. Originating Facsimile Number: (415) 715-6848, PO Box 3646, Omaha, NE 68103-0646

STATE LICENSE NO's

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