



## Telecom Decision CRTC 2009-522

Ottawa, 26 August 2009

### Rob Sugar - Violations of the Unsolicited Telecommunications Rules

File number: 8665-C12-200601626

*In this decision, the Commission imposes administrative monetary penalties totalling \$4,000 on Rob Sugar for fax telemarketing telecommunications initiated on his behalf to consumers whose telecommunications numbers were registered on the National Do Not Call List, in violation of the Unsolicited Telecommunications Rules.*

1. On 6 July 2009, a notice of violation was issued to Rob Sugar pursuant to section 72.07 of the *Telecommunications Act* (the Act). The notice alleged that fax telemarketing telecommunications were initiated on Mr. Sugar's behalf to consumers whose numbers had been registered on the National Do Not Call List (DNCL), in violation of Part II, section 4<sup>1</sup> of the Commission's Unsolicited Telecommunications Rules.
2. Mr. Sugar was given until 5 August 2009 to pay the administrative monetary penalties (AMPs) set out in the notice of violation or to make representations to the Commission with respect to the violations.
3. The Commission notes that Mr. Sugar neither paid the AMPs specified in the notice of violation nor made representations in accordance with the notice. Accordingly, pursuant to subsection 72.08(3) of the Act, Mr. Sugar is deemed to have committed the violations outlined in the notice of violation dated 6 July 2009.
4. The Commission hereby imposes AMPs totalling \$4,000 on Rob Sugar.
5. The Commission hereby notifies Mr. Sugar of his right to apply to the Commission to review and rescind or vary this decision under section 62 of the Act and to appeal this decision to the Federal Court of Appeal under section 64 of the Act. Any review and vary application under section 62 must be made within thirty days after the date of this decision. An appeal from this decision may be brought in the Federal Court of Appeal with the leave of that Court. Leave to appeal must be applied for within thirty days after the date of this decision or within such further time as a judge of the Court grants in exceptional circumstances.
6. The amount of \$4,000 is due by **25 September 2009** and is to be paid in accordance with the instructions contained in the notice of violation. For any amount owing that is not paid by **25 September 2009**, interest calculated and compounded monthly at the average bank rate plus 3 percent will be payable on that amount and will accrue during the period beginning on

---

<sup>1</sup> Part II, section 4 of the Unsolicited Telecommunications Rules states that a telemarketer shall not initiate, and a client of a telemarketer shall make all reasonable efforts to ensure that the telemarketer does not initiate, a telemarketing telecommunication to a consumer's telecommunications number that is on the National DNCL, unless express consent has been provided by such consumer to be contacted via a telemarketing telecommunication by that telemarketer or the client of that telemarketer.

the due date and ending on the day before the date on which payment is received.

7. If payment of the debt has not been received within thirty days of the date of this decision, the Commission intends to certify the unpaid amount and register the certificate with the Federal Court in order to collect the amount owing.

Secretary General

*This document is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>*