

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
Steve Kramer)
File No.: EB-TCD-24-00036094
NAL/Acct. No.: 202432170005
FRN: 0035440791

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: May 23, 2024

Released: May 24, 2024

By the Commission: Chairwoman Rosenworcel and Commissioners Starks and Gomez issuing separate statements.

I. INTRODUCTION

1. We propose a penalty of \$6,000,000 against Steve Kramer (Kramer) for perpetrating an illegal robocall campaign targeting potential New Hampshire voters two days before the state’s 2024 Democratic Presidential Primary Election (Primary Election) in apparent violation of the Truth in Caller ID Act of 2009, which is codified at section 227(e) of the Communications Act of 1934, as amended (Communications Act), and section 64.1604 of our rules. Kramer’s illegal robocalls carried a deepfake generative artificial intelligence (AI) voice message that imitated U.S. President Joseph R. Biden, Jr.’s voice and encouraged potential voters not to vote in the upcoming Primary Election (Deepfake Message). The caller identification (caller ID) information was inaccurate and misleading as the calls transmitted the telephone number associated with a prominent New Hampshire political operative (NHPO); in reality, Kramer—without the knowledge or consent of the individual identified in the caller ID—was responsible for the spoofed robocalls.

2. Following an extensive investigation by the Federal Communications Commission’s (Commission or FCC) Enforcement Bureau (Bureau), we find that Kramer knowingly caused thousands of illegal prerecorded voice robocalls to be transmitted using misleading and inaccurate caller ID information with the intent to defraud and cause harm in apparent violation of the Truth in Caller ID Act and the Commission’s implementing regulation, for which we propose a forfeiture penalty of \$6,000,000.

II. BACKGROUND

A. Legal Framework

3. Congress recognized that consumers have embraced caller ID as a vital part of voice telephone service, using it to help them decide whether to answer the phone. Caller ID is only valuable, however, if it is accurate. To protect consumers, Congress passed the Truth in Caller ID Act which

1 47 U.S.C. § 227(e); 47 CFR § 64.1604.

2 “Deepfake” is defined as “an image or recording that has been convincingly altered and manipulated to misrepresent someone as doing or saying something that was not actually done or said.” Deepfake, Merriam-Webster (last updated Mar. 21, 2024), https://www.merriam-webster.com/dictionary/deepfake.

3 See 156 Cong. Rec. H2522, H2523 (2010) (remarks of Rep. Stearns) (“Millions of Americans use caller ID to secure greater privacy for their families.”).

4 156 Cong. Rec. H2522, H2524 (2010) (remarks of Rep. Engel) (“Now, if you see a caller ID and you see it has a phone number, most people think that it’s ironclad that that’s the actual phone number that’s calling them when in

(continued....)

makes it “unlawful for any person . . . to cause any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value”⁵—a practice known as “spoofing.”⁶

4. On February 8, 2024, the Commission confirmed that the Telephone Consumer Protection Act’s restrictions on the making of calls using an “artificial or prerecorded voice” *already* encompasses current AI technologies that generate artificial human voices.⁷ In doing so, the Commission observed that uses of voice cloning “can uniquely harm consumers and those whose voice is cloned. Voice cloning can convince a called party that a trusted person, or someone they care about such as a family member, wants or needs them to take some action that they would not otherwise take.”⁸ While a Truth in Caller ID violation is not dependent on the content of the call, calls transmitting voice-cloned messages and inaccurate or misleading caller ID may further demonstrate a caller’s intent to defraud, cause harm, or wrongfully obtain something of value.

B. Factual Background

5. On January 21, 2024, two days before the New Hampshire Primary Election, thousands of potential voters received robocalls that included the following prerecorded and artificial voice Deepfake Message—all but the last sentence of which was spoken in a voice that was artificially created to sound like President Biden:⁹

This coming Tuesday is the New Hampshire Presidential Preference Primary. Republicans have been trying to push nonpartisan and Democratic voters to participate in their primary. What a bunch of malarkey. We know the value of voting Democratic when our votes count. It’s important that you save your vote for the November election. We’ll need your help in electing Democrats up and down the ticket. Voting this Tuesday only enables the Republicans in their quest to elect

truth it’s not.”); 155 Cong. Rec. S170-02, S173 (2009) (remarks of Sen. Nelson) (“Consumers expect caller I.D. to be accurate because it helps them decide whether to answer a phone call and trust the person on the other end of the line.”).

⁵ 47 U.S.C. § 227(e)(1).

⁶ *Caller ID Spoofing*, Fed. Comm’n Comm’n, <https://www.fcc.gov/spoofing> (last updated Mar. 7, 2022) (“Caller ID spoofing is when a caller deliberately falsifies the information transmitted to your caller ID display to disguise their identity.”).

⁷ *Implications of Artificial Intelligence Technologies on Protecting Consumers from Unwanted Robocalls and Robotexts*, CG Docket No. 23-362, Declaratory Ruling, FCC 24-17, 2024 WL 519167, at *2 (Feb. 8, 2024); *see also* 47 U.S.C. § 227(b)(1)(A)-(B).

⁸ *Id.*, para. 6.

⁹ Numerous news outlets have concluded that the recorded voice resembled the voice of President Biden. *See, e.g.*, Alex Seitz-Wald and Mike Memoli, *Fake Joe Biden robocall tells New Hampshire Democrats not to vote Tuesday*, NBC News (Jan. 22, 2024, Updated 11:45 AM EST), <https://www.nbcnews.com/politics/2024-election/fake-joe-biden-robocall-tells-new-hampshire-democrats-not-vote-tuesday-rcna134984> (“The call, an apparent imitation or digital manipulation of the president’s voice . . .”); Jacob Rosen, *Fake Biden robocall encourages voters to skip New Hampshire Democratic primary*, CBS News (Jan. 22, 2024, Updated Jan. 23, 2024 9:17 AM EST), <https://www.cbsnews.com/news/fake-biden-robocall-new-hampshire-primary/> (“A fake robocall impersonating President Biden . . .”); Sasha Pezenik and Brittany Shepherd, *Fake Biden robocall urges New Hampshire voters to skip their primary*, ABC News (Jan. 22, 2024, 8:08 PM), <https://abcnews.go.com/Politics/fake-biden-robocallurges-new-hampshire-voters-skip/story?id=106580926> (“A robocall appearing to impersonate the voice of President Joe Biden . . .”); Em Steck and Andrew Kaczynski, *Fake Joe Biden robocall urges New Hampshire voters not to vote in Tuesday’s Democratic primary*, CNN (Jan. 22, 2024, Updated 5:44 PM EST), <https://www.cnn.com/2024/01/22/politics/fake-joe-biden-robocall/index.html> (“A robocall that appears to be an AI voice resembling President Joe Biden . . .”).

Donald Trump again. Your vote makes a difference in November, not this Tuesday. If you would like to be removed from future calls, please press two now. Call {{ }} to be removed from future calls.¹⁰

6. The caller ID information, which matched the number identified in the Deepfake Message, indicated that the calls came from phone number {{ }} (Spoofed Number), which is subscribed to by the spouse of the NHPO, a former New Hampshire Democratic Party chair and treasurer of a Political Action Committee (PAC) that led an effort to encourage New Hampshire Democrats to write-in President Biden's name in the state's Primary Election.¹¹ However, neither the NHPO nor their spouse were in any way involved in making the calls.¹² Indeed, the Deepfake Message was directly counter to the very purpose of the NHPO's efforts with regards to the Primary Election: the NHPO's PAC encouraged voters to write-in Biden's name in the Primary Election, whereas the Deepfake Message encouraged voters to not vote at all.¹³

7. The Bureau launched an investigation into the calls in coordination with the New Hampshire Attorney General, the bipartisan Anti-Robocall Multistate Litigation Task Force (Task Force),¹⁴ the U.S. Department of Justice, and USTelecom's Industry Traceback Group (ITG).¹⁵ The investigation determined that Lingo Telecom, LLC (Lingo) was the originating provider for a number of

¹⁰ See Subpoena Response of Steve Kramer (Mar. 20, 2024) (on file in EB-TCD-24-00036094) (Kramer Subpoena Response) at email from {{ }} of Voice Broadcasting to Kramer (Jan. 21, 2024 at 2:34 PM) (attaching Deepfake Message audio file); Subpoena Response of Life Corp. (Feb. 7, 2024) (on file in EB-TCD-24-00036094) (Life Subpoena Response) at Response to Request for Information (RFI) No. 1 (confirming thousands of calls made on January 21, 2024 to recipients carrying the Deepfake Message); see also YouMail Threat Actor Profile for YPS-6194 (Mar. 19, 2024) (on file in EB-TCD-24-00036094). Material set off by double brackets {{ }} is confidential and is redacted from the public version of this document.

¹¹ Life Subpoena Response at Response to RFI No. 2 (confirming the Spoofed Number used with the calls); Email from NHPO to Brendan O'Donnell, Office of the New Hampshire Attorney General (Jan. 22, 2024 at 9:11 AM) (on file in EB-TCD-24-00036094) (NHPO Complaint) (stating that the Spoofed Number is "my personal cell phone number," but that the caller ID "showed my [spouse's] name" because their name is "the name under which both our cell phones are billed through US Cellular."); Lisa Kashinsky & Holly Otterbein, *Dems launch pro-Biden super PAC in New Hampshire, give Dean Phillips the cold shoulder*, Politico (Dec. 2, 2023), <https://www.politico.com/news/2023/12/02/biden-super-pac-new-hampshire-dean-phillips-00129750> ("On Friday, longtime New Hampshire democratic operative . . . confirmed to Politico that [they are] helping launch a super PAC [(Granite for America)] to encourage voters to write in Biden in the primary" and the NHPO is the "former chair of the New Hampshire Democratic Party").

¹² NHPO Complaint ("I have not authorized these calls . . . [My spouse] has not authorized these calls.").

¹³ See Lisa Kashinsky & Holly Otterbein, *Dems launch pro-Biden super PAC in New Hampshire, give Dean Phillips the cold shoulder*, Politico (Dec. 2, 2023), <https://www.politico.com/news/2023/12/02/biden-super-pac-new-hampshire-dean-phillips-00129750>.

¹⁴ "The Anti-Robocall Multistate Litigation Task Force is a 51-member collective of state Attorneys General, led by the Attorneys General of Indiana, North Carolina, and Ohio, which is focused on actively investigating and pursuing enforcement actions against various entities in the robocall ecosystem that are identified as being responsible for significant volumes of illegal and fraudulent robocall traffic routed into and across the country." Letter from Tracy Nayer, Special Deputy Attorney General, Consumer Protection Division, N.C. Dep't of Justice, to Talal Khalid, CEO, Telcast Network LLC, at n.1 (Nov. 3, 2023), <https://ncdoj.gov/wp-content/uploads/2023/11/State-AG-Task-Force-NOTICE-Letter-to-TELCAST.pdf>.

¹⁵ The ITG is the registered industry consortium selected pursuant to the TRACED Act to conduct tracebacks. See *Implementing Section 13(d) of the Pallone-Thune Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act)*, EB Docket No. 20-22, Report and Order, DA 23-719, 2023 WL 5358422, at *1, para. 1 (EB Aug. 18, 2023).

these calls, i.e., the first provider in the call path.¹⁶ Lingo identified Life Corp. (Life) as the party that transmitted the calls to Lingo.¹⁷ In turn, Life identified that Voice Broadcasting Corp. (Voice Broadcasting) “use[d] Life’s services and equipment to transmit” the calls via Life to originating providers.¹⁸ Voice Broadcasting is an entity that offers to “call a targeted list of your prospects and play your message to them” and in “which Life shares common ownership and control.”¹⁹ Voice Broadcasting transmitted the calls at the request of its client, Steve Kramer.²⁰

8. Kramer is a longtime political consultant who claims to have worked on campaigns in 38 different states and handled campaigns for 59 members of Congress.²¹ He has been described as having “decades of experience working on federal, state and local campaigns[.]”²² In his own words, Kramer is “someone who is knowledgeable about everything that’s going on [in politics].”²³

9. Email and text correspondence obtained from the parties involved reveals Kramer’s orchestration of the illegal robocall campaign that ultimately affected thousands of potential New Hampshire Primary Election voters. In the lead up to the New Hampshire Primary Election, Kramer approached an acquaintance (Individual-1) familiar with AI technology about creating the Deepfake Message.²⁴ On Saturday, January 20, 2024, Kramer provided Individual-1 with a call script:²⁵

New Hampshire auto call

This coming Tuesday is the New Hampshire Presidential preference primary.
(2 second pause for effect)

**Republicans have been trying to push non-partisan and democratic voters to participate in their primary. What a bunch of Mularkey!! We know the value of voting Democrati
...when our votes count.**

It’s important that you save your vote for the November election. We’ll need your help in electing Democrats up and down the ticket.

Voting this Tuesday only enables the Republicans in their quest to elect Donald Trump again. Your vote makes a difference in November, not this Tuesday.
(2 second pause)

If you would like to be removed from future calls, please press 2 now

¹⁶ See ITG Subpoena Response (Jan. 31, 2024) (on file in EB-TCD-24-00036094).

¹⁷ *Id.*

¹⁸ Life Subpoena Response, *supra* note 10, at Response to RFI No. 1.

¹⁹ Voice Broadcasting, <https://voicebroadcasting.com/default/> (last visited Mar. 26, 2024); Life Subpoena Response, *supra* note 10, at n.3.

²⁰ Life Subpoena Response, *supra* note 10, at Response to RFI No. 3.

²¹ 77 WABC, Frank Morano Interviews & More, *Steve Kramer* (Feb. 28, 2024) <https://www.listennotes.com/podcasts/frank-morano/steve-kramer-02-28-24-FgzNh3017wB/> (recording on file in EB-TCD-24-00036094) (Morano Podcast) at 11:49.

²² Holly Ramer, *Political consultant behind fake Biden robocalls says he was trying to highlight a need for AI rules*, The Associated Press (Feb. 26, 2024), <https://apnews.com/article/ai-robocall-biden-new-hampshire-primary-2024-f94aa2d7f835ccc3cc254a90cd481a99>.

²³ Morano Podcast at 12:38.

²⁴ Joint Law Enforcement Interview with Steve Kramer (Feb. 29, 2024) (involving the FCC and New Hampshire Attorney General’s Office) (recording on file in EB-TCD-24-00036094) (Kramer Interview) at 1:01:39 (Interviewer: “When did you ask [Individual-1] to do the Biden robocall, do you know?” Kramer: “Three days before I sent it out, maybe two days.”).

²⁵ Kramer Subpoena Response, *supra* note 10, at email from Kramer to [Individual-1] (Jan. 20, 2024 at 8:57 AM) (“Attached script. We are launching around 6pm on Sunday, however I’d like to send finished product to my tech today to set up.”).

Kramer claims he wrote the script himself, and specifically incorporated the word “malarkey,” which—according to Kramer—is President Biden’s “signature catchphrase” and “gets people’s attention.”²⁶ Individual-1 then used software available through a website operated by Eleven Labs Inc. (Eleven Labs) to create the Deepfake Message in accordance with the script Kramer provided;²⁷ later that same day, Individual-1 emailed two variations of the Deepfake Message to Kramer.²⁸ Also on January 20, Kramer’s father paid Individual-1 \$150 for the Deepfake Message on Kramer’s behalf.²⁹ President Biden was neither involved in creating the Deepfake Message, nor did he authorize the Deepfake Message.³⁰

10. Kramer needed a caller ID number to pair with the Deepfake Message. He ultimately selected a number associated with the NHPO, which was a carefully calculated decision.³¹ Kramer knew he wanted a New Hampshire area code because as he later explained, if you are a resident of New Hampshire “when you see someone from New Hampshire calling you, you’re more likely to pick up.”³² He also specifically wanted to use the telephone number of someone associated with the President Biden

²⁶ Kramer Interview at 48:17 (Interviewer: “The statement that you used for the robocalls here in New Hampshire two days before the primary – who created that statement?” Kramer: “I did it.”); *id.* at 49:24 (Kramer: “The Biden voice using ‘malarkey’ as his signature catchphrase gets people’s attention.”); *see also* Ben Guarino, *Joe Biden loves the word ‘malarkey.’ But nobody knows where it came from*, *The Washington Post* (July 28, 2016), <https://www.washingtonpost.com/news/morning-mix/wp/2016/07/28/joe-biden-loves-the-word-malarkey-but-nobody-knows-where-it-came-from/>.

²⁷ Vijay Balasubramaniyan, *Pindrop Reveals TTS Engine Behind Biden AI Robocall*, Pindrop, <https://www.pindrop.com/blog/pindrop-reveals-tts-engine-behind-biden-ai-robocall> (last visited Mar. 22, 2024) (concluding that Eleven Labs Inc.’s text-to-speech engine generated the Deepfake Message); Alex Seitz-Wald, *A New Orleans magician says a Democratic operative paid him to make the fake Biden robocall*, *NBC News* (Feb. 23, 2024), <https://www.nbcnews.com/politics/2024-election/biden-robocall-new-hampshire-strategist-rcna139760> (“Eleven Labs [used] . . . to create the Biden robocall.”).

²⁸ Kramer Subpoena Response, *supra* note 10, at email from [Individual-1] to Kramer (Jan. 20, 2024 at 10:13 AM) (attaching two variations of the Deepfake Message); Kramer Interview at 1:04:02 (Kramer: “This kid [Individual-1] seemed like he knew what he was doing and he could do it fast. And he did. And I would say that after I shot him the original script, he sent me one copy, and then maybe another copy a few minutes later, that he had worked on as far as the Biden voice.”).

²⁹ Subpoena Response of Individual-1 (Mar. 20, 2024) (on file in EB-TCD-24-00036094) (Individual-1 Subpoena Response) at Screenshot_20240222_143959 Venmo (showing two payments from Kramer’s father totaling \$150.00); Kramer Interview at 58:11 (Kramer: “[Individual-1 is] a street magician. So when I paid him \$150 in order to be able to create this call, I wanted to pay him a fair amount, what I thought would be a fair amount.”); *id.* at 18:07 (“Some of my canvassers don’t have bank accounts, so [Kramer’s father is] the one that keeps track of the Venmos we send out, or CashApp, or different other entities.”).

³⁰ Kramer Interview, *supra* note 24, at 1:07:57 (“The artificial intelligence script that I put in there for that call never went through the president.”); *Watch: White House holds briefing amid reports of AI-generated robocalls impersonating Biden in New Hampshire*, *PBS News Hour* (Jan. 22, 2024, Updated 3:51 PM EST), <https://www.pbs.org/newshour/politics/watch-live-white-house-holds-daily-briefing-as-biden-and-harris-focus-on-reproductive-rights> (“White House press secretary Karine Jean-Pierre confirmed Monday that the call ‘was indeed fake and not recorded by the president.’”).

³¹ *See* Kramer Interview, *supra* note 24, at 1:33:29 (Interviewer: “And did I hear you correctly – you provided Voice Broadcasting with the opt-out phone number that belonged to the former New Hampshire DNC Chairman?” Kramer: “Correct. That was a deliberate move by me[.]”).

³² *Id.* at 1:52:13 (Kramer: “I wanted to use someone in-state, in New Hampshire, because when you see someone from New Hampshire calling you, you’re more likely to pick up, which was my intent.”).

write-in campaign.³³ Kramer reviewed records pertaining to the NHPO's super PAC available on the Federal Election Commission website, and found the NHPO's name and number.³⁴

11. Meanwhile, on Friday, January 19, 2024, Kramer solicited Voice Broadcasting to procure “a Sunday night robo[call], probably 25k [calls] range.”³⁵ On Saturday, January 20, Kramer emailed Voice Broadcasting a list of names and numbers for the “robo-call tomorrow,”³⁶ which Kramer later explained was a list of potential New Hampshire voters likely to vote for a Democrat in the Primary Election.³⁷ Kramer's instructions to Voice Broadcasting were specific: “Call[s] should go out at 6:15pm EST Sunday. Run to answer machines and live pickup . . . we should be able to finish by 8:45pm.”³⁸ About a half-hour later, Kramer sent another email to Voice Broadcasting with the Deepfake Message “for Sunday night.”³⁹ On Sunday, January 21, Kramer instructed Voice Broadcasting to “use [the Spoofed Number] as the caller ID number” for the calls.⁴⁰ With Kramer's permission, Voice Broadcasting added a sentence to the end of the Deepfake Message that instructed potential voters to “call [the Spoofed Number] to be removed from future calls.”⁴¹ By 7:12 p.m. on the night of Sunday, January 21, Voice Broadcasting—“using Life's services and equipment”—had initiated 9,581 calls carrying the Deepfake Message to potential New Hampshire voters using the Spoofed Number as the caller ID number.⁴²

12. On Sunday, January 21, 2024, at about 6:17 p.m., the NHPO received a call from a man who had just received a “political call” from what appeared to be the NHPO's phone number.⁴³ The NHPO explained to the caller that they had not called him and the NHPO “shrugged it off.”⁴⁴ By approximately 8:00 p.m., while out to dinner, the NHPO received ten more calls from unfamiliar numbers.⁴⁵ The NHPO returned one of the calls and reached a woman who explained she received a call

³³ *Id.* at 1:52:33 (Interviewer: “How did you decide to use [NHPO's] number out of all of the 603 New Hampshire numbers?” Kramer: “Well, like I discussed before, I looked up on the FEC filings for that particular write-in campaign. [They were] listed as treasurer.”); *id.* at 31:43 (Interviewer: “Kramer, you keep referring to the former chair. What's the former chair's name?” Kramer: “Good question. I can't remember. [They are] well-publicized in the news, I really don't know [their] name. [They were] running the Biden write-in campaign.”); *id.* at 1:54:52 (Kramer: “I don't do anything by accident, at least I try not to. So again, the person [NHPO] was chosen because of [their] contacts within the media, certainly in New Hampshire and probably in other places as well[.]”).

³⁴ *Id.* at 32:35 (Interviewer: “How did you get [NHPO's] phone number?” Kramer: “I looked on the FEC filing for that committee and [they] came up as the treasurer.”); *id.* at 1:52:37 (Kramer: “I looked up on the FEC filings for that particular write-in campaign. [They were] listed as treasurer.”).

³⁵ Life Subpoena Response, *supra* note 10, at LIFE-03-0008.

³⁶ *Id.* at LIFE-03-0022 (attaching a file titled “New Hampshire DEM FEB 2020 Presidential voters”).

³⁷ Kramer Interview, *supra* note 24, at 26:30 (Kramer: “I sent [the call] out to 5,000 people who were registered Democrats who had voted before, so more likely Democrats to vote.”).

³⁸ Life Subpoena Response, *supra* note 10, at LIFE-03-0022.

³⁹ *Id.* at LIFE-03-0023.

⁴⁰ *Id.* at LIFE-03-0024.

⁴¹ *See id.* at Response to RFI No. 1.

⁴² *Id.* at Response to RFI Nos. 1-2 (confirming that Voice Broadcasting “initiated 9,581 calls on January 21, 2024, using Life's services and equipment with [the Spoofed Number] as the caller identification number”); *id.* at LIFE-03-0013 (showing last call placed at 7:12 p.m.).

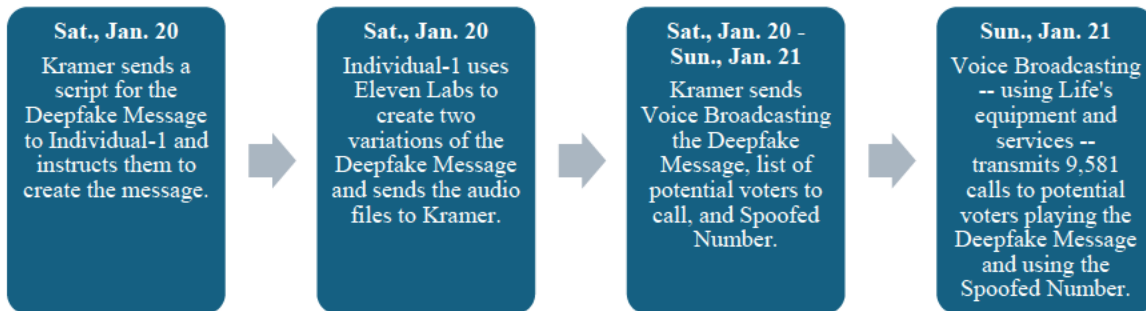
⁴³ NHPO Complaint, *supra* note 11.

⁴⁴ *Id.*

⁴⁵ *Id.*

from President Biden, and the caller ID showed the NHPO's spouse's name.⁴⁶ The woman stated that the message said to call the Spoofed Number to have her name removed from the list, and she asked the NHPO to have her name removed from the list.⁴⁷ The NHPO realized that they had to "leave dinner, go home, and try to fix this."⁴⁸ They then "spent the rest of the evening and all of the following day . . . focused on correcting the misinformation for as many people as [they] could through Election Day, January 23."⁴⁹ On Monday morning, January 22, the NHPO contacted the New Hampshire Attorney General's Office, reported the calls, and warned of an effort at voter suppression and election interference.⁵⁰ The NHPO "was and remain[s] deeply concerned about [their] phone number and name being connected with this deepfake call that tried to prevent people from voting."⁵¹

13. The flow chart below depicts the timeline of key events discussed above:



14. The news media began covering the calls almost immediately. On the morning of Monday, January 22, 2024, Kramer texted Individual-1 a link to an article covering the robocalls and wrote "[s]hhhhhhh."⁵² Individual-1 reacted with disbelief.⁵³ Later, Kramer told Individual-1 over the phone that because the call was 'spoofed' [] it could not be traced back.⁵⁴ Despite the ensuing news frenzy, Kramer remained silent for weeks about the Deepfake Message he had instigated.

C. Originating Service Provider Told to Cease and Desist

15. Following traceback information provided by the ITG, on February 6, 2024, the Bureau sent Lingo a cease-and-desist letter demanding that Lingo stop originating unlawful robocall traffic on its network.⁵⁵ Concurrently with the letter, the Bureau issued a public notice to all U.S.-based voice service providers informing them that if Lingo failed to effectively mitigate illegal robocall traffic within 48 hours of the notice then other service providers could block all calls or cease to accept any traffic from

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ Decl. of NHPO at para. 14, *League of Women Voters of New Hampshire et al. v. Kramer*, No. 1:24-cv-73 (D.N.H. filed Apr. 18, 2024), ECF No. 46-2 (Decl. of NHPO).

⁴⁹ *Id.* at para 15.

⁵⁰ NHPO Complaint, *supra* note 11.

⁵¹ Decl. of NHPO at para. 16.

⁵² Individual-1 Subpoena Response, *supra* note 29, at text message from Kramer to Individual-1 (Jan. 22, 2024 at 10:28 AM).

⁵³ *Id.*

⁵⁴ Decl. of Individual-1 at para. 15, *League of Women Voters of New Hampshire et al. v. Kramer*, No. 1:24-cv-73 (D.N.H. filed Apr. 18, 2024), ECF No. 46-8.

⁵⁵ Letter from Loyaan A. Egal, Chief, FCC Enforcement Bureau, to Alex Valencia, Chief Compliance Officer, Lingo Telecom LLC, 2024 WL 488250 (Feb. 6, 2024), <https://docs.fcc.gov/public/attachments/DOC-400264A1.pdf>.

Lingo without liability under the Communications Act or the FCC's rules.⁵⁶ On the same day, both the New Hampshire State Attorney General's Office and the Task Force demanded that Life cease and desist from, respectively, violating New Hampshire election law and transmitting suspected illegal robocall traffic.⁵⁷

16. On February 23, 2024, Individual-1 publicly disclosed creating the Deepfake Message at Kramer's request, and that Kramer had asked Individual-1 to delete their email communications reflecting Kramer's involvement.⁵⁸ Three days later, Kramer publicly accepted responsibility for the calls.⁵⁹ He later stated, "I believe in my actions and I did them deliberately," and that he had no intention of "apologiz[ing] to the people who feel disenfranchised or in some way that democracy has been disrupted."⁶⁰ Kramer claimed the calls were not made on behalf of any other person or entity.⁶¹

III. DISCUSSION

17. Kramer's activities apparently violated the Truth in Caller ID Act, which makes it unlawful to "cause any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value."⁶² The Commission's implementing regulation at section 64.1604 of its rules states that this prohibition applies to a person or entity who knowingly causes, "directly, or indirectly," "any caller

⁵⁶ *Robocall Enforcement Notice to All U.S.-Based Voice Service Providers*, Public Notice, DA 24-102, 2024 WL 488244 (Feb. 6, 2024), <https://docs.fcc.gov/public/attachments/DA-24-102A1.pdf>.

⁵⁷ Press Release, N.H. Dep't of Justice, Voter Suppression AI Robocall Investigation Update (Feb. 6, 2024), <https://www.doj.nh.gov/news/2024/20240206-voter-robocall-update.html> (NH Investigation Update) ("Today, the Election Law Unit is issuing a cease-and-desist order to Life Corporation[.]"); Letter from Tracy Nayer, Special Deputy Attorney General, Consumer Prot. Div., N.C. Dep't of Justice, to Walter Monk, Founding Owner Life Corporation, *et al.*, (Feb. 6, 2024), <https://ncdoj.gov/wp-content/uploads/2024/02/State-AG-Task-Force-NOTICE-Letter-to-LIFE-CORP-Feb.-2024-1.pdf>.

⁵⁸ Alex Seitz-Wald, *A New Orleans magician says a Democratic operative paid him to make the fake Biden robocall*, NBC News (Feb. 23, 2024), <https://www.nbcnews.com/politics/2024-election/biden-robocall-new-hampshire-strategist-rcna139760>.

⁵⁹ *See id.* ("Steve Kramer initially did not respond to multiple requests for comment."); Marcia Kramer, *Steve Kramer explains why he used AI to impersonate President Biden in New Hampshire*, CBS News (Feb. 26, 2024), <https://www.cbsnews.com/newyork/news/steve-kramer-explains-why-he-used-ai-to-impersonate-president-biden-in-new-hampshire/> ("A political consultant who represents several New York politicians admits he's the man behind the fake robocall telling President Joe Biden's supporters not to vote in New Hampshire.").

⁶⁰ Kramer Interview, *supra* note 24, at 2:17:37 (Kramer: "I believe in my actions and I did them deliberately. And I don't care about what other people think."); *id.* at 1:11:25 (Kramer: "And I'm not going to apologize to the people who might have gotten that call, I think that sometimes that's the way it is."); Morano Podcast, *supra* note 21, at 19:34 (Kramer: "The people who feel disenfranchised, or in some way that democracy has been disrupted, if I didn't do this, this regulations, these regulations would have never changed. And in the same way someone who can get through airport security and then is actually working for a security agency in order to be able to show the flaws.").

⁶¹ Kramer Interview, *supra* note 24, at 1:59:22 (Interviewer: "So, to close the loop on this, it was your idea to use this number, and you didn't communicate with anyone else about this part of the strategy behind the calls?" Kramer: "Correct."); Morano Podcast, *supra* note 21, at 25:10 (Kramer: "Dean Phillips' campaign had no idea I was doing this. I had a different contract with them to get them on the ballot in New York and in Pennsylvania and we did both. They had no knowledge."); *id.* at 25:22 (Kramer: "The company that I used in order to be able to send out these calls . . . [t]hey had no knowledge of it."); *id.* at 25:33 (Kramer: "The person who created [the recording], [Individual-1], had no knowledge of how I was going to use it.").

⁶² 47 U.S.C. § 227(e)(1).

identification service to transmit or display misleading or inaccurate caller identification information” with the intent specified in the statute.⁶³

18. As discussed in more detail below, Kramer apparently knowingly used misleading or inaccurate caller ID information with the intent to defraud and cause harm:

Knowingly: Kramer very specifically selected the Spoofed Number for the calls, with full knowledge it was associated with the NHPO.⁶⁴ Kramer then explicitly directed Voice Broadcasting to place 9,581 calls using the Spoofed Number as the caller ID.⁶⁵

Misleading or Inaccurate: As a result of Kramer’s actions, the caller ID transmitted with the calls was both inaccurate and misleading because the number was associated with the NHPO and their spouse, neither of whom were the actual source of the calls.⁶⁶

Intent to Defraud: Kramer intended to fraudulently deprive voters of their right to cast a ballot in the New Hampshire Primary Election by making false representations of material facts, including by conveying misleading voter eligibility information, using an imitation of President Biden’s voice to deliver that information, and indicating that the call was associated with a local political leader.

Intent to Cause Harm: Kramer intended to cause harm to potential voters and the election process by fueling a false narrative giving potential voters fake information in order to convince them to forgo their right to vote in an election. He also intended to cause harm to the NHPO by subjecting them to a stream of pointless callbacks from confused call recipients.

19. As discussed in more detail below, we propose a forfeiture in the amount of \$6,000,000. We calculate the proposed forfeiture by assessing a base forfeiture of \$1,000 per each apparently unlawful call. We then apply an upward adjustment of 100% to the proposed amount to reflect the egregiousness, nature, circumstances, extent, and gravity of the violations for which Kramer is apparently culpable. As we have in other mass-spoofing cases, we analyze and verify a portion of the apparently unlawfully spoofed calls and apply the proposed forfeiture amount to those verified calls. In this case, the Bureau verified a subset of 3,000 apparently unlawful spoofed calls.

A. Kramer Knowingly Caused the Transmission of Inaccurate and Misleading Caller ID Information

20. Kramer knowingly caused the calls at issue by directing—in detail—Voice Broadcasting to transmit spoofed calls.⁶⁷ Kramer provided Voice Broadcasting with the date and time to make the calls, the list of voters to call, the recording of the message to be played, and the spoofed caller ID number to transmit with the calls.⁶⁸ Kramer instructed Voice Broadcasting to play the recording when

⁶³ 47 CFR § 64.1604(a).

⁶⁴ See *supra* para. 10.

⁶⁵ See *supra* para. 11.

⁶⁶ See *supra* paras. 10, 11.

⁶⁷ See generally *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 et al.*, CG Docket No. 02-278, WC Docket No. 07-135, Declaratory Ruling and Order, 30 FCC Rcd 7962, 790, para. 30 (2015) (stating that the Commission looks at “the totality of the facts and circumstances” to determine who is responsible for making a call for purposes of the TCPA and that a person can be liable for making a call even if he doesn’t physically place the call, if he is “so involved in placing the as to be deemed to have initiated it” and further noting that one of the factors that can be considered is “the extent to which a person willfully enables fraudulent spoofing of telephone numbers”).

⁶⁸ See *supra* para. 11.

either a person answered the call or when the person’s voicemail was activated.⁶⁹ Ultimately, Voice Broadcasting transmitted 9,581 calls through Life pursuant to Kramer’s instructions.⁷⁰

21. The caller ID number Kramer instructed Voice Broadcasting to use was both inaccurate and misleading, which Kramer not only knew, but planned for and intended. The caller ID information was inaccurate because it did not reflect a number associated with the party causing the calls, i.e., Kramer, but instead was the NHPO’s cell phone number.⁷¹ The caller ID information was also misleading because it reflected a New Hampshire area code.⁷² Indeed, Kramer specifically wanted a New Hampshire number because “when you see someone from New Hampshire calling you, you’re more likely to pick up, which was my intent.”⁷³ Kramer further misled call recipients by using the telephone number associated with a prominent member of the New Hampshire Democratic Party who was not connected to the calls.⁷⁴ He selected a number associated with the NHPO because of their connection to the campaign to write-in President Biden’s name in the Primary Election.⁷⁵ All of these carefully calculated decisions demonstrate Kramer knowingly caused the calls to be made with inaccurate and misleading caller ID information.

B. Kramer Intended to Defraud and Cause Harm

22. Under the Truth in Caller ID Act, “intent” encompasses a broad scope of objectives, namely, an intent to defraud, cause harm, or wrongfully obtain something of value.⁷⁶ Here, the evidence reflects that Kramer acted with intent to defraud and cause harm.

1. Kramer Intended to Defraud Potential Voters

23. The elements of common law fraud are: (1) a false representation; (2) in reference to a material fact; (3) made with knowledge of its falsity; (4) with the intent to deceive; and (5) an action that is taken in reliance upon the representation.⁷⁷ The fifth element—an action taken in reliance upon the representation—is not necessary to establish an intent to defraud voters under the Truth in Caller ID

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *See supra* para. 10.

⁷² Kramer Interview, *supra* note 24, at 1:52:16.

⁷³ *Id.* at 1:52:16.

⁷⁴ NHPO Complaint, *supra* note 11 (“I have nothing to do with the calls purporting to be from President Biden. I have not authorized these calls.”).

⁷⁵ *See supra* para. 10.

⁷⁶ 47 U.S.C. § 227(e)(1).

⁷⁷ *See Pence v. United States*, 316 U.S. 332, 338 (1942); *Hercules & Co. v. Shama Rest. Corp.*, 613 A.2d 916, 923 (D.C. 1992); *see also Marini v. Adamo*, 995 F. Supp. 2d 155, 199-200 (E.D.N.Y. 2014) (citing *Chanavil v. Gulatti*, 169 F.3d 168, 171 (2d Cir. 1999)); *M & D Cycles, Inc. v. Am. Honda Motor Co.*, 208 F. Supp. 2d 115, 120 (D.N.H. 2002) (“To establish fraud, a plaintiff must prove that the defendant intentionally made a representation with knowledge of its falsity or with conscious indifference to its truth with the intention to cause another to rely on it. . . . In addition, the plaintiff must prove that he justifiably relied on the misrepresentation, to his detriment.”), *aff’d*, 70 F. App’x 592 (1st Cir. 2003).

Act.⁷⁸ A violation of the Truth in Caller ID Act based on an intent to defraud requires only a showing of the first four elements to establish the necessary intent, not a successful result.⁷⁹

24. *False Representations of Material Facts.* Kramer's calls conveyed several false representations of material facts. First, the Deepfake Message falsely conveyed the fact that President Biden recorded the message, which he did not; the voice was an AI-generated recording mimicking the president's voice.⁸⁰ A message seemingly appearing to come from the president of the United States is likely to carry great weight.⁸¹ Second, the Deepfake Message falsely conveyed that a voter could not vote in the Primary Election *and* the November presidential election: "We know the value of voting Democratic when our votes count. It's important that you save your vote for the November election."⁸² A misrepresentation that deceptively tells a potential voter that the president of the United States is telling them to refrain from voting in an election in order to "save" their vote for a later election is a false representation of material facts, and here poses potentially "devastating effects on the democratic election process."⁸³ Third, the calls transmitted the Spoofed Number as the caller ID and the Deepfake Message further instructed listeners that they could call the Spoofed Number to be removed from future calls, which of course was not the case.⁸⁴ Use of a New Hampshire area code and number associated with a prominent New Hampshire Democrat added significant legitimacy to the false Deepfake Message.⁸⁵ Failure to provide an accurate name and number of the caller prevented call recipients from opting out of receiving future calls and removed an important privacy protection, and thus this omission is material.⁸⁶

25. *Knowledge of Falsity.* Kramer was well aware that each of these misrepresentations was false because he himself carefully designed each one in order to create a specific outcome—detering potential voters from voting. He knew the message was not created by President Biden; he instructed Individual-1 to create an AI-generated deepfake message in accordance with a script he wrote himself.⁸⁷ He knew that voters need not refrain from voting in the New Hampshire Primary Election in order to "save" their vote for November; Kramer is a long-time political consultant well-versed in basic voting

⁷⁸ See *Sumco Panama SA, Sumco Panama USA, Virtual Telecom Kft, Virtual Telecom Inc., Davis Telecom Inc., Geist Telecom LLC, Fugle Telecom LLC, Tech Direct LLC, Mobi Telecom LLC, And Posting Express Inc.*, Forfeiture Order, FCC 23-64, 2023 WL 5013646, at *3, para. 11 (Aug. 3, 2023) ("While reliance on the misrepresentation is required under common law, only a showing of intent to defraud rather than actual reliance and harm is required under the Truth in Caller ID Act.") (quotations omitted); *John C. Spiller; Jakob A. Mears; Rising Eagle Capital Group LLC; JSquared Telecom LLC; Only Web Leads LLC; Rising Phoenix Group; Rising Phoenix Holdings; RPG Leads; and Rising Eagle Capital Group - Cayman*, Forfeiture Order, 36 FCC Rcd 6225, 6235, para. 20 (2021) (*Rising Eagle Forfeiture Order*) (same).

⁷⁹ See *Rising Eagle Forfeiture Order*, 36 FCC Rcd at 6235, para. 20.

⁸⁰ See *supra* paras. 5, 9.

⁸¹ Kramer Interview, *supra* note 24, at 26:30 (Kramer: "I sent [the call] out to 5,000 people who were registered Democrats who had voted before, so more likely Democrats to vote.").

⁸² See *supra* para. 5.

⁸³ See NH Investigation Update, *supra* note 57; *McCutcheon v. Fed. Election Comm'n*, 572 U.S. 185, 191 (2014) ("There is no right more basic in our democracy than the right to participate in electing our political leaders."); *Reynolds v. Sims*, 377 U.S. 533, 555 (1964) ("The right to vote freely for the candidate of one's choice is of the essence of a democratic society[.]").

⁸⁴ See *supra* paras. 5, 11.

⁸⁵ See *supra* paras. 5, 11.

⁸⁶ See 47 CFR § 64.1200(b)(1)-(3) (requiring artificial or prerecorded voice messages state the identity of the caller, telephone number of the caller, and when left on answering machines to include "a toll free number that enables the called person to call back at a later time").

⁸⁷ See *supra* para. 9.

principles.⁸⁸ Lastly, he knew that calling the Spoofed Number would not remove voters from the calling list; the NHPO was not associated with the robocalling campaign in any way and thus had no ability to remove voters from Kramer’s list.⁸⁹

26. *Intent to Deceive.* Kramer made all of these misrepresentations with the intent to deceive voters. He wanted voters to believe that they were hearing from President Biden, as evidenced by his (a) instructions to Individual-1 to use AI to make the message sound like President Biden and (b) incorporation of Biden’s catchphrase term, “malarkey,” into the script.⁹⁰ Kramer wanted voters to believe that voting in the Primary Election meant they could not vote in November, as evidenced by the language of the script instructing voters to “save” their vote.⁹¹ That Kramer wanted voters to believe the calls came from someone with a New Hampshire area code and specifically from the NHPO, a prominent figure in the super PAC that was leading President Biden’s write-in campaign in New Hampshire—instead of himself—is evidenced by his use of a number associated with the NHPO, and by his inclusion of that number in the Deepfake Message itself as the number to call to be removed from future calls.⁹² Kramer admitted his belief was that voters felt “duped” by his efforts.⁹³

2. Kramer Intended to Cause Harm to Potential Voters by Depriving Them of Their Vote in the Primary Election and the NHPO by Subjecting Them to a Stream of Unsettling and Unwarranted Callbacks

27. Kramer intended to harm potential voters by giving them false information in order to convince them to forgo their right to vote in an election.⁹⁴ Kramer himself acknowledged—without regret—that people may have felt “disenfranchised” or that “democracy has been disrupted” as a result of his calls.⁹⁵ Kramer’s calls not only harmed potential voters but also interfered with the Primary Election and potentially could have interfered with the November 2024 General Election. Interfering with an election undermines public trust in the electoral process that is the foundation of our democracy.⁹⁶

28. Kramer also intended to harm the NHPO by using the Spoofed Number as the caller ID for the calls and explicitly instructing recipients to call the Spoofed Number to avoid future calls.⁹⁷ We

⁸⁸ See *supra* para. 8.

⁸⁹ See *supra* para. 10.

⁹⁰ See *supra* para. 9.

⁹¹ See *supra* para. 5.

⁹² See *supra* paras. 5, 10-11.

⁹³ Marissa Tansino, *Man says he was behind AI robocalls impersonating Joe Biden before New Hampshire Primary*, WMUR-9 Manchester (Feb. 28, 2024), <https://www.wmur.com/article/joe-biden-ai-robocall-new-hampshire-steve-kramer/60005189> (Kramer: “Now there’s real impact and it’s going to keep happening, so that we have real regulations that protect those same people who thought they were duped[.]”).

⁹⁴ See *supra* para. 24.

⁹⁵ Morano Podcast, *supra* note 21, at 19:34 (Kramer: “The people who feel disenfranchised or in some way that democracy has been disrupted, if I didn’t do this, this regulations, these regulations would have never changed. And in the same way someone who can get through airport security and then is actually working for a security agency in order to be able to show the flaws? You know this in a similar way, not exactly the same but in a similar way allows an innocuous happening to be seen by everybody. You know Thomas Jefferson used to say, you do a thing act as the whole world is watching. And they were. And everyone was watching on that Monday and Tuesday of the primary.”); see also Kramer Interview, *supra* note 24, at 2:17:37 (Kramer: “I believe in my actions and I did them deliberately.”).

⁹⁶ See NH Investigation Update, *supra* note 57 (quoting New Hampshire Attorney General Formella: “Ensuring public confidence in the electoral process is vital. AI-generated recordings used to deceive voters have the potential to have devastating effects on the democratic election process.”).

⁹⁷ See *supra* paras. 5, 10.

have long recognized that receiving unsolicited “call backs” as a result of having one’s number spoofed is a “harm” under the Truth in Caller ID Act.⁹⁸ The NHPO received a stream of such calls as a result of Kramer using the Spoofed Number.⁹⁹ Indeed, Kramer admits he specifically anticipated that potential voters would futilely attempt to return calls to the NHPO,¹⁰⁰ subjecting the NHPO to annoyance and intruding on their privacy.

3. Kramer Used Generative AI Technology and Spoofing to Perpetrate Election Interference

29. Kramer’s actions convey his intent to utilize dishonest and deceptive tactics to disrupt the New Hampshire Primary Election. He wanted to send a message to voters telling them not to vote. Kramer no doubt understood that any phone message using his own number and his own voice would be a pointless exercise. But he knew that a lot of people—potentially thousands in New Hampshire—would care what the president of the United States has to say; and he knew New Hampshire Primary Election voters would pay attention to a phone call from the NHPO, who was a well-known figure.¹⁰¹ He also knew that he did not want to get caught for any of the deceptions he sought to undertake.

30. Generative AI technology and spoofing made it possible for Kramer to achieve these harmful objectives. He engaged the help of an acquaintance—Individual-1—who he knew to be familiar with AI technology.¹⁰² Kramer gave Individual-1 specific instructions on cloning President Biden’s voice, including instructing Individual-1 to use the word “malarkey” in the script Kramer drafted, which he knew to be the president’s preferred nomenclature.¹⁰³

31. Not surprisingly, Kramer likely realized that faking the president’s voice but using his own phone number to send the message to voters would not achieve the disruptive effects in the election that he intended. So in addition to misleading potential voters about the message, he also chose to mislead them about who was calling them, using a number associated with the NHPO.¹⁰⁴ The use of AI technology can be beneficial. However, the manner in which Kramer used it was detrimental to the free exercise of the right to vote in a democracy. The use of spoofing technology can be detrimental as well.¹⁰⁵ The combination of these technologies in a single scheme to interfere with an election can be potent. In addition to interfering with the freedom to vote, Kramer caused havoc for the NHPO, whose private number was made known to thousands of call recipients. The NHPO was implicated in egregious misconduct in which they had absolutely no involvement.¹⁰⁶ The NHPO was subjected to phone calls throughout the evening of January 21, while the NHPO was at dinner with their spouse, with comments

⁹⁸ See *Adrian Abramovich, Marketing Strategy Leaders, Inc., and Marketing Leaders, Inc.*, Notice of Apparent Liability for Forfeiture, 32 FCC Rcd 5418, 5424, para. 18 (“‘Neighbor spoofing’ also harms the true subscriber of the spoofed number when affected consumers redial the spoofed number.”).

⁹⁹ See *supra* para. 12.

¹⁰⁰ See Kramer Interview, *supra* note 24 at 1:57:15 (Kramer: “Usually [the number] is generic in nature, and if we do the campaign number, I ask them to put a line that isn’t going to get tied up, because you are going to get a response. Every time you put out an automated call, everybody likes automated calls. So sometimes they like to complain.”); *id.* at 28:03 (Kramer: “I put that number because I knew [NHPO] would blow it up.”).

¹⁰¹ See *id.* at 1:16:55 (Kramer explaining use of an AI-generated voice of a known politician causes a “tremendous jump” in poll responsiveness).

¹⁰² See *supra* para. 9.

¹⁰³ See *id.*

¹⁰⁴ See *supra* para. 10.

¹⁰⁵ See *supra* para. 4.

¹⁰⁶ See *supra* para. 10.

and questions concerning a matter the NHPO knew nothing about.¹⁰⁷ Kramer sought to disrupt the New Hampshire Primary Election and knowingly violated the NHPO's privacy.

C. Proposed Forfeiture

32. The Commission proposes a \$6,000,000 forfeiture against Kramer. The base forfeiture appropriate for the apparent Truth in Caller ID Act violations here is \$1,000 per call, which we increase by 100% in light of the circumstances present, and multiply by a verified subset of calls to yield a total forfeiture of \$6,000,000.

33. The Commission may "proceed expeditiously . . . and, where appropriate, assess a forfeiture penalty against, any person or entity engaged in prohibited caller ID spoofing without first issuing a citation."¹⁰⁸ The Commission's rules authorize a forfeiture of up to \$14,067 for each spoofing violation.¹⁰⁹ Unlike forfeitures assessed under section 503(b)(1)(B) of the Communications Act, "the Truth in Caller ID Act does not require 'willful' or 'repeated' violations to justify imposition of a penalty"¹¹⁰—though the apparent violations at issue here would easily meet that standard. Thus, the Commission is not required to demonstrate the "conscious and deliberate commission or omission of such act" or that such act happened more than once or for more than one day to propose a forfeiture for apparently unlawful spoofing.¹¹¹

34. In exercising its forfeiture authority, the Commission considers the "nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require."¹¹² The Commission may adjust a base forfeiture upward or downward based on various criteria.¹¹³ Among other criteria, the Commission may apply an upward adjustment for violations that are intentional, involve egregious misconduct, or cause substantial harm.¹¹⁴

1. We Propose a Base Forfeiture of \$1,000 Per Apparently Unlawful Spoofed Robocall

35. The Commission has utilized a base forfeiture of \$1,000 per unlawful spoofed robocall in past mass-spoofing enforcement actions.¹¹⁵ The Commission has applied the \$1,000 amount in prior

¹⁰⁷ *Supra* para 12.

¹⁰⁸ *Rules and Regulations Implementing the Truth in Caller ID Act of 2009*, WC Docket No. 11-39, Report and Order, 26 FCC Rcd 9114, 9132, para. 47 (2011) (*Truth in Caller ID Order*); *see also* 47 U.S.C. § 227(e)(5)(A)(ii) ("Paragraph (5) of section 503(b) of this title shall not apply in the case of a violation of this subsection."). The Truth in Caller ID Act requires that the Commission provide the notice required under section 503(b)(3) (notice and an opportunity for a hearing before the Commission or an administrative law judge) or section 503(b)(4) of the Communications Act (Notice of Apparent Liability) before assessing a forfeiture for unlawful spoofing. 47 U.S.C. § 227(e)(5)(A)(iii). This Notice of Apparent Liability provides the required notice under section 503(b)(4) of the Communications Act.

¹⁰⁹ 47 CFR § 1.80(b)(4); *see Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, DA-22-1356, 2022 WL 18023008 (EB Dec. 23, 2023); *see also Annual Adjustment of Civil Monetary Penalties to Reflect Inflation*, 89 Fed. Reg. 2148 (Jan. 12, 2024) (setting January 15, 2024 as the effective date for the increases).

¹¹⁰ *Truth in Caller ID Order*, 26 FCC Rcd at 9133, para. 48; *see also* 47 CFR § 1.80(a)(4).

¹¹¹ 47 U.S.C. § 312(f)(1)-(2) (defining "willful" and "repeated").

¹¹² *Id.* § 503(b)(2)(E); *see also* 47 CFR § 1.80(b)(11).

¹¹³ *See* 47 CFR § 1.80(b)(11) tbl. 3.

¹¹⁴ *See id.*

¹¹⁵ *See e.g., Scott Rhodes a.k.a. Scott David Rhodes, Scott D. Rhodes, Scott Platek, Scott P. Platek*, Forfeiture Order, 36 FCC Rcd 705, 728, para. 54 (2021) (*Rhodes Forfeiture Order*); *Rising Eagle Forfeiture Order*, 36 FCC Rcd at 62576-57, para. 59 (same).

cases on the basis that the aggregate forfeiture would serve the dual goals of punishment and deterrence, and that higher amounts would be unlikely to achieve a more effective result.¹¹⁶ We believe that rationale applies to this case as well and thus propose a base forfeiture amount of \$1,000 per apparent violation.

2. Kramer's Intentional, Egregious, and Harmful Actions Warrant a 100% Upward Adjustment

36. The Commission considers specific upward and downward adjustment criteria which may increase or decrease the base forfeiture, including—among other criteria—whether the violation was minor, whether the violation involves egregious misconduct, whether the violation was intentional, and whether the violation caused substantial harm.¹¹⁷ Based on the balancing of the criteria that are applicable here, we find that the circumstances warrant a 100% upward adjustment from the base penalty. We base this finding on our assessment that Kramer's apparent violations caused substantial harm, were intentional, and constituted egregious misconduct.

37. *Substantial Harm.* Kramer's apparently illegal robocalls—nearly 10,000 of them—caused harm in multiple ways to multiple people. The Deepfake Message aimed to deceive potential voters about who was calling them and convince them to not exercise their right to vote.¹¹⁸ The calls further risked degrading the general public's faith in elections. Kramer's actions also harmed the NHPO, who received a slew of calls to their personal cell phone from individuals seeking to be removed from future calls.¹¹⁹ This factor weighs in favor of an upward adjustment.

38. *Intentional Misconduct.* Kramer does not deny that he designed and executed this scheme with purpose.¹²⁰ He wrote the script used to create the Deepfake Message.¹²¹ He carefully selected the Spoofed Number knowing it was associated with the NHPO.¹²² He provided detailed instructions to Voice Broadcasting to launch the campaign,¹²³ which as he explained in his own words, "I don't do anything by accident."¹²⁴ This factor weighs in favor of an upward adjustment.

39. *Egregious Misconduct.* Kramer sent thousands of potential voters a prerecorded AI-generated voice message that imitated the voice of the president of the United States.¹²⁵ The message he scripted told people not to vote in the New Hampshire primary.¹²⁶ And he did so under the cover of the phone number of an unknowing and unconsenting local political leader.¹²⁷ Further, he acted without

¹¹⁶ See e.g., *John C. Spiller; Jakob A. Mears; Rising Eagle Capital Group LLC; JSquared Telecom LLC; Only Web Leads LLC; Rising Phoenix Group; Rising Phoenix Holdings; RPG Leads; and Rising Eagle Capital Group – Cayman*, Notice of Apparent Liability for Forfeiture, 35 FCC Rcd 5948, 5963, para. 38 (2020).

¹¹⁷ See 47 CFR § 1.80(b)(11) tbl. 3; see also *The Comm'n's Forfeiture Policy Statement & Amend. of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, CI Docket No. 95-6, Report and Order, 12 FCC Rcd 17087, 17100-01, para. 27 (1997).

¹¹⁸ See *supra* paras. 5, 24.

¹¹⁹ See *supra* para. 12.

¹²⁰ See *supra* para. 16.

¹²¹ See *supra* para. 9.

¹²² See *supra* para. 10.

¹²³ See *supra* para. 11.

¹²⁴ See Kramer Interview, *supra* note 24, at 1:54:53; see also *id.* at 2:17:37 (Kramer: "I believe in my actions and I did them deliberately.").

¹²⁵ See *supra* para. 5.

¹²⁶ *Id.*

¹²⁷ See *supra* paras. 10, 11-12.

remorse, publicly claiming that his actions were justified to pursue his own agenda.¹²⁸ The egregiousness of this conduct—interfering with an election—undermines public trust in the electoral process. This factor weighs in favor of an upward adjustment.

40. *Justice.* Lastly, in assessing a forfeiture, the Commission may consider “such other matters as justice may require.”¹²⁹ Kramer’s misuse of AI technology to disseminate false information through an illegal robocall campaign warrants an increased penalty as a matter of justice. Kramer misused AI technology to clone the voice of the president to deceive voters and interfere with an election. This conduct erodes the public’s trust in our communication networks and democracy itself, and warrants a substantial penalty.

3. We Apply the Adjusted Base Forfeiture Amount to a Subset of Apparently Unlawful Spoofed Calls

41. Lastly, as has been the case in prior spoofing enforcement actions,¹³⁰ we apply the base forfeiture to a subset of calls which the Commission verified to be apparently unlawful. The reasons for doing so, rather than proposing a forfeiture based on the total number of apparently spoofed calls, are pragmatic. First, in some cases, depending on the specific spoofing scheme, it can be time-consuming to analyze every apparently spoofed call. Second, in large spoofing schemes, we find that applying a base forfeiture amount (with any applicable upward or downward adjustment) to a subset of verified calls results in a proposed forfeiture that achieves the dual goals of penalizing wrongful conduct and preventing it from recurring. Each case is unique, and we must use our discretion in proposing an appropriate penalty to meet the specific circumstances.

42. The Bureau reviewed a sample of 3,000 of the 9,581 robocalls for violations of the Truth in Caller ID Act.¹³¹ The Bureau verified that the Spoofed Number was used for each of the 3,000 calls.¹³²

43. In sum, we increase the base forfeiture of \$1,000 by 100% to yield a \$2,000 per-call adjusted base penalty. We multiply that by the subset of 3,000 verified calls to yield a total proposed forfeiture of \$6,000,000.

IV. CONCLUSION

44. Kramer is responsible for knowingly causing thousands of calls that used misleading and inaccurate caller ID information with the intent to defraud and cause harm in apparent violation of section 227(e) of the Communications Act of 1934, as amended, and section 64.1604 of the Commission’s rules. As such, Kramer is apparently liable for a forfeiture of \$6,000,000.

V. ORDERING CLAUSES

45. Accordingly, **IT IS ORDERED** that, pursuant to section 503(b) of the Communications Act, 47 U.S.C. § 503(b), and section 1.80 of the Commission’s rules, 47 CFR § 1.80,¹³³ Steve Kramer is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of six

¹²⁸ See *supra* para. 16.

¹²⁹ 47 USC § 503(b)(2)(E); see also 47 CFR § 1.80(b)(11).

¹³⁰ See e.g., *Rhodes Forfeiture Order*, 36 FCC Rcd at 728, para. 54 (multiplying the base forfeiture amount by the number of verified spoofed calls to reach a total proposed base forfeiture); *Rising Eagle Forfeiture Order*, 36 FCC Rcd at 6256-57, para. 59 (same).

¹³¹ See Verified Call Detail Records (on file in EB-TCD-24-00036094); Decl. of B. Labbor, FCC Enforcement Bureau (May 1, 2024) (on file in EB-TCD-24-00036094) (Labbor Decl.) (explaining how the calls were verified).

¹³² Labbor Decl.

¹³³ 47 CFR § 1.80.

million dollars (\$6,000,00) for violations of section 227(e) of the Communications Act¹³⁴ and section 64.1604¹³⁵ of the Commission's rules.

46. **IT IS FURTHER ORDERED** that, pursuant to section 1.80 of the Commission's rules,¹³⁶ 47 CFR § 1.80, within thirty (30) calendar days of the release date of this Notice of Apparent Liability for Forfeiture, Steve Kramer **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture consistent with paragraph 49 below.

47. Steve Kramer shall send electronic notification of payment to Lisa Ford, Enforcement Bureau, Federal Communications Commission, at lisa.ford@fcc.gov on the date said payment is made. Payment of the forfeiture must be made by credit using CORES at <https://apps.fcc.gov/cores/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. The Commission no longer accepts Civil Penalty payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters "FORF". In addition, a completed Form 159¹³⁷ or printed CORES form¹³⁸ must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, enter the Account Number in block number 23A (call sign/other ID), enter the letters "FORF" in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN)¹³⁹ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Manage Existing FRNs | FRN Financial | Bills & Fees" from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the "Open Bills" tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment, choose the "Pay by Credit Card" option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, log in using the FCC Username associated to the FRN captioned above. If payment

¹³⁴ 47 U.S.C. § 227(e).

¹³⁵ 47 CFR § 64.1604.

¹³⁶ *Id.* § 1.80.

¹³⁷ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

¹³⁸ Information completed using the Commission's Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

¹³⁹ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6).

must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

48. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 45 L Street, NE, Washington, D.C. 20554.¹⁴⁰ Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

49. The written statement seeking reduction or cancellation of the proposed forfeiture, if any, must include a detailed factual statement supported by appropriate documentation and affidavits pursuant to sections 1.16 and 1.80(g)(3) of the Commission’s rules.¹⁴¹ The written statement must be mailed to the Office of the Secretary, Federal Communications Commission, 45 L Street, NE, Washington, D.C. 20554, ATTN: Enforcement Bureau – Telecommunications Consumers Division, and must include the NAL/Account Number referenced in the caption. The statement must also be e-mailed to Raul Rojo at raul.rojo@fcc.gov.

50. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits the following documentation: (1) federal tax returns for the past three years; (2) financial statements for the past three years prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status.¹⁴² Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation. Inability to pay, however, is only one of several factors that the Commission will consider in determining the appropriate forfeiture, and we retain the discretion to decline reducing or canceling the forfeiture if other prongs of 47 U.S.C. § 503(b)(2)(E) support that result.¹⁴³

¹⁴⁰ See 47 CFR § 1.1914.

¹⁴¹ *Id.* §§ 1.16, 1.80(g)(3).

¹⁴² 47 U.S.C. § 503(b)(2)(E).

¹⁴³ See, e.g., *Ocean Adrian Hinson, Surry County, North Carolina*, Forfeiture Order, 34 FCC Rcd 7619, 7621, para. 9 & n.21 (2019); *Vearl Pennington and Michael Williamson*, Forfeiture Order, 34 FCC Rcd 770, paras. 18-21 (2019); *Fabrice Polynice, Harold Sido and Veronise Sido, North Miami, Florida*, Forfeiture Order, 33 FCC Rcd 6852, 6860-62, paras. 21-25 (2018); *Best Insurance Contracts, Inc., and Philip Roesel, dba Wilmington Insurance Quotes*, Forfeiture Order, 33 FCC Rcd 9204, 9218-19, para. 44-45 (2018); *Purple Communications, Inc.*, Forfeiture Order, 30 FCC Rcd 14892, 14903-04, paras. 32-33 (2015); *TV Max, Inc., et al.*, Forfeiture Order, 29 FCC Rcd 8648, 8661, para. 25 (2014).

51. **IT IS FURTHER ORDERED** that a copy of this Notice of Apparent Liability for Forfeiture and a copy of the Verified Call Detail Records shall be sent by first class mail and certified mail, return receipt requested, to Steve Kramer at {{ }.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

**STATEMENT OF
CHAIRWOMAN JESSICA ROSENWORCEL**

Re: *In the Matter of Steve Kramer*, File No.: EB-TCD-24-00036094, Notice of Apparent Liability for Forfeiture (May 23, 2024)

Last year in Nigeria, a clip manipulated with Artificial Intelligence spread far and wide. It showed a presidential candidate scheming to rig ballots. In Slovakia, people across the country heard a manipulated audio clip of an opposition candidate supporting both election fraud and an effort to raise the price of beer.

But there is no need to travel to far-off lands to see how AI can sow confusion. Because this year in the United States a fraudulent campaign targeted voters in New Hampshire. It used AI-generated voice cloning to mimic an unauthorized message from President Biden, two days before the primary election in the state. This is unnerving. Because when a caller sounds like a politician you know, a celebrity you like, or a family member who is familiar, any one of us could be tricked into believing something that is not true with calls using AI technology. It is exactly how the bad actors behind these junk calls with manipulated voices want you react.

So when we saw this happen here, on our shores, we acted fast. The Federal Communications Commission issued a Declaratory Ruling that made clear that “artificial or prerecorded voice” robocalls using AI voice cloning technology violate the Telephone Consumer Protection Act. We partnered in this effort with State Attorneys General, including the New Hampshire Attorney General, who is one of 49 State Attorneys General who have signed on to a Memorandum of Understanding to work with this agency on junk robocalls. This ruling matters. Because it gives our state colleagues the right to go after bad actors behind these calls and seek damages under the law. Then we worked with carriers to trace those responsible for this calling campaign. When we found the carrier behind it, we immediately sent a cease and desist letter and notified all other carriers to go ahead and stop carrying this traffic.

Today, we tie up our investigation into these New Hampshire calls with two separate actions.

First, we hold Steve Kramer responsible for the scam calls he set up to defraud voters using call spoofing technology that violates the Truth in Caller ID Act. This fine is \$6,000,000.

Second, we hold Lingo Telecom, the carrier that put these scam calls on the line, responsible for failing to follow our call authentication policies. This fine is \$2,000,000.

But this is only a start. Because we know AI technologies that make it cheap and easy to flood our networks with fake stuff are being used in so many ways here and abroad. It is especially chilling to see them used in elections. That is why yesterday I shared with my colleagues a proposal to require election advertisements in the United States to simply disclose if they use AI technology. I think as these tools become more accessible, every one of us has a right to know.

Back to the enforcement actions before us. They are the result of fast work and valuable partnerships. A special thank you goes to New Hampshire Attorney General John Formella and his staff for assistance with this investigation.

I also want to thank the agency staff for their work, including Loyaan Egal, Jermaine Haynes, Peter Hyun, Balki Labbor, Ryan McDonald, Rakesh Patel, Raul Rojo, Daniel Stepanicich, Kristi Thompson, and Jane van Benten from the Enforcement Bureau; Erik Beith, Elizabeth Drogula, Jonathan Lechter, and Zachary Ross from the Wireline Competition Bureau; Jerusha Burnett and Kristi Thornton from the Consumer and Governmental Affairs Bureau; Richard Mallen, Erika Olsen, Joel Rabinowitz, and Derek Yeo from the Office of General Counsel; and Ed Cureg and Kenneth Lynch from the Office of Economics and Analytics

**STATEMENT OF
COMMISSIONER GEOFFREY STARKS**

Re: *In the Matter of Steve Kramer*, File No. EB-TCD-24-00036094, Notice of Apparent Liability for Forfeiture (May 23, 2024)

This January, two days before the New Hampshire primary election, Steve Kramer orchestrated an illegal robocall campaign. He targeted thousands of voters. And his message was among the most anti-democratic things a person can push in our society: don't vote. But who would listen Steve Kramer? So he used the voice of the President of the United States, deployed from the phone number of a New Hampshire political operative. All it took was the help of an acquaintance, publicly available software technology, and \$150. With that, Kramer generated a deepfake recording of the President telling eligible voters to stay at home on election day.

But that wasn't enough to get this dangerous message to thousands of people. For years, we have been building safeguards into our telephone networks, to block illegal calls before they reach your phone. But Lingo Telecom, LLC, the company that originated many of the calls at issue, did not follow those legally-required safeguards. It passed on Kramer's call, associated with spoofed caller ID information, with the highest level of attestation available under STIR/SHAKEN – an "A-level" attestation. It verified a relationship between the spoofed number and the party that transmitted the calls to Lingo that did not exist, and that it should have known did not exist. That smoothed the way for those calls to make their way to thousands of voters across the state.

Today's Notices of Apparent Liability detail each of these steps – and I emphasize them – to show that it is the *combination* of these events that can have the most devastating effects. Had Kramer not been able to duplicate President Biden's voice so easily, this may have had less impact.¹ Voice cloning is a significant threat to the trust and integrity of our phone systems. This is why, days after Kramer's actions, the FCC swiftly (and unanimously, I might add) issued a declaratory ruling making clear that calls using voice cloning technologies fall under the requirements – and penalties – of the Telephone Consumer Protection Act.² And had Lingo not rubber stamped so many of these calls, it could have limited the consequences of Kramer's scheme. This is why the FCC requires all voice service providers to implement STIR/SHAKEN, and to use know-your-customer protocols to verify that the party transmitting the call has the authority to use the caller ID they designate.

And this is why, today, we use the authority granted to us by Congress in the Truth in Caller ID Act and the TRACED Act to propose forfeitures against both sides of this equation.

I want to thank the staff of the Enforcement Bureau for their prompt and dedicated investigation into this critical case. As always with robocall cases, the collaboration of our state, federal, and industry partners was key. The Bureau conducted this investigation in coordination with the New Hampshire Attorney General's Office, the bipartisan Anti-Robocall Multistate Litigation Task Force, the Department of Justice, and the Industry Traceback Group. I extend my thanks to each of those bodies. And finally, I want to recognize the Chairwoman for her leadership and efforts in building these collaborative relationships, which have proven critical to our enforcement of the law and our protection of American consumers and voters.

¹ That is not to say it would have no impact; we have previously seen illegal robocalls used for voter suppression. See *John M. Burkman, Jacob Alexander Wohl, J.M. Burman & Associates*, Forfeiture Order, 38 FCC Rcd 5529 (2023) (FCC's assessment of \$5,134,000 forfeiture order against perpetrators of 2020 robocall voter suppression scheme for violations of the TCPA).

² *Implications of Artificial Intelligence Technologies on Protecting Consumers from Unwanted Robocalls and Robotexts*, CG Docket No. 23-362, Declaratory Ruling, FCC 24-17 (2024).

**STATEMENT OF
COMMISSIONER ANNA M. GOMEZ**

Re: *In the Matter of Steve Kramer*, File No.: EB-TCD-24-00036094, Notice of Apparent Liability for Forfeiture (May 23, 2024)

Today, the Commission adopted a Notice of Apparent Liability for Forfeiture to address an action that harmed consumers.

We find that Mr. Steve Kramer apparently acted with the intent to defraud New Hampshire voters by misleading them about their voting rights. Kramer sent thousands of spoofed robocalls containing a message, created with Artificial Intelligence (AI), imitating President Biden’s voice and instructing listeners to refrain from voting in the New Hampshire primary election.

This is significant. The apparent actions of Kramer not only harmed New Hampshire voters, but compromised trust in democracy itself.

In February of this year, we adopted a Declaratory Ruling confirming that the Telephone Consumer Protection Act’s prohibition on using “artificial or prerecorded voice” to make robocalls includes AI technologies that generate human voices.

The action at issue today exemplifies AI technology being harnessed for harm. The consequences for consumers and the threat to our democratic processes warrant a strong response. That is why this proposed penalty is so important, as the Commission must do what is within our power to deter scams manipulating AI to prey on consumers and to threaten our democratic processes.

Thank you for the Enforcement Bureau and all staff at the FCC that contributed to this proposed enforcement action.

**DECLARACIÓN DE LA COMISIONADA
ANNA M. GOMEZ**

Re: *In the Matter of Steve Kramer*, File No.: EB-TCD-24-00036094, Notice of Apparent Liability for Forfeiture (May 23, 2024)

La Comisión propone hoy confiscaciones por actividades que perjudican a los consumidores.

Hemos detectado que el señor Steve Kramer actuó aparentemente con la intención de defraudar a los electores de New Hampshire, engañándolos en relación con su derecho a voto. Kramer transmitió miles de llamadas automáticas usando una voz idéntica a la del Presidente Biden, generada con inteligencia artificial, instruyendo a los electores para que no acudieran a votar en las elecciones primarias.

También hallamos que Lingo Telecom, mediante su aparentemente laxa aplicación de los requisitos de protección al consumidor establecidos por la FCC, permitió que se llevara a cabo la maniobra, aparentemente fraudulenta, del señor Kramer.

Todo esto es relevante. Las aparentes acciones de Kramer no sólo perjudican a los electores de New Hampshire, sino que también afectan la confianza en la democracia. Las aparentes acciones de Lingo no lograron identificar adecuadamente las llamadas automáticas falsificadas.

En febrero de este año, adoptamos una resolución declaratoria confirmando que la prohibición de utilizar “voz artificial o pregrabada” para realizar llamadas automáticas también incluye a tecnologías de inteligencia artificial que imitan voces humanas. Las actividades en cuestión hoy ejemplifican el uso de la tecnología de inteligencia artificial para causar daño. Las consecuencias para los consumidores, y la amenaza que estas actividades representan para nuestros procesos democráticos, justifican una respuesta contundente.

Por eso las sanciones propuestas son tan importantes, ya que la Comisión debe hacer todo lo que esté a su alcance para desalentar a los estafadores que manipulan la inteligencia artificial con el propósito de aprovecharse de los consumidores, amenazando nuestros procesos democráticos.

Agradecemos a la oficina de aplicación de normas (Enforcement Bureau) y a todo el personal de la FCC que ha contribuido en la elaboración de esta propuesta de aplicación de normas.