

## End of Rhodes?: \$9.9MM Forfeiture Order Entered–FCC Hammers Scott Rhodes for \$2k a Call

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The story of Rhodes is an interesting one that we have covered on TCPAWorld for years.

This is one of the rare cases where a PLATFORM was held liable for actions by its users– apparently because the platform was allegedly *designed* to permit spoofing and illegal conduct.

But as former Commissioner O'Reilly said, the speech at issue was political speech so its not clear why a platform–and ultimately its owner–should be held liable for something someone else said/did and in furtherance of political viewpoints.

Regardless I am not here to defend anyone–and I am not–just reporting the interesting news that this saga appears to have come to an end.

In *U.S. v. Scott Rhodes*, 2024 WL 1174510, CV 21-110-M-DLC (D. Mo. March 19, 2024) the Court entered a forfeiture order of \$9,918,000 against Rhodes in connection with 4,959 illegally spoofed calls.

Here's the rationale:

*The FCC found that Rhodes “designed his spoofed calling campaigns to be as disruptive as possible,” (id. at 19), and concluded that Rhodes was “highly culpable and unlikely to be deterred absent a substantial penalty,” (id. at 20). Accordingly, the FCC applied a 100% upward adjustment to \$2,000 per violation, for a total forfeiture penalty of \$9,918,000. (Doc. 1-3 at 26.) During the FCC proceedings, Rhodes did not contest the basis for the forfeiture calculation nor assert an inability to pay the proposed forfeiture amount. (See Doc. 1-2.)*

The court noted the \$2k per call sought against Rhodes was well below the maximum permitted penalty of \$11,766 per violation–so it was unmoved by Rhodes' alleged inability to pay.

The Court also imposed an unusual sanction upon Rhodes: “any filing that fails to comply with the Federal Rules of Civil Procedure, this Court's local rules, or the Court's orders will be stricken without review.”

Eesh.

It seems to be the end of the road for Rhodes.

We'll keep an eye on this.

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