

Watch Out for Fax Vote Scam: Gullible Employees May Generate Unwarranted Expenses

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Last week I received a peculiar junk fax that I think network managers should know about.

In a big black block, the fax started, "BUSH vs GORE" and went on to say, "Recent opinion polls suggest that the presidential race between Bush & Gore is very close. . . ." The fax then instructs the recipient, "To vote, simply check one of the boxes below and fax your vote back to us." Below the boxes, the document then provides two 900 numbers and the legend, "Your votes will be presented to the Presidential candidates and the major political parties. The total votes received will be available at the end of the poll at www.pollresults.co.uk ."

In smaller letters, the fax reveals the clincher: "Calls to these numbers cost \$2.95 per minute, a small price for greater democracy. Calls take approx. 1 or 2 minutes. Your views are important. We make sure that decision makers are hearing them."

The final lines give the supposed origin of the fax (although it reads, "Poll commissioned by. . .") and gives two telephone numbers for supposedly having one's fax number removed from their junk fax list.

The fax appears to have violated FCC regulations and federal law in two ways: first, there was no header showing the organization sending the fax or the fax number used to send it; second, the fax was sent to my fax machine without authorization and with no established business relationship. See < http://www.fcc.gov/ccb/consumer_news/tpa.html > for the FCC's explanation of the Telephone Consumer Protection Act (TCPA) which explicitly, ". . . prohibit[s] the transmission of unsolicited advertisements by telephone facsimile machines. . . ."

Some other serious problems of credibility in the junk fax:

- * I measured the time it takes to send the fax at ordinary resolution: less than 30 seconds, not up to two minutes.
- * The Web site named in the message is completely blank.
- * There is no sense in using a fax machine to count votes: a simple system of telephone registration can allow electronic counting of preferences in a few seconds per call.

From a statistical standpoint (and I am a trained statistician), this supposed "poll" is complete rubbish: it will represent only the opinions of people gullible enough to spend at least \$2.95 responding to a junk fax message from total strangers, with zero reason to believe that the results will in any way be meaningful or of any interest to any normally intelligent person.

Managers, warn your employees not to respond to this kind of scam: it is clearly designed to generate revenue from unsuspecting recipients. Remember that if anyone uses your phone lines to originate a call, even if in response to fraud, your firm will be liable for the expenses, no matter how outrageous. If, for example, it happened to take, say 10 minutes for the designated fax machines to process your employee's fax, your firm would be charged \$29.50 by your phone company – and trying to get that charge removed would be nearly impossible.

I sent the originators a cease-and-desist order warning them that further violations of my rights would lead to a court proceeding demanding \$500 per incident. I also sent a copy of the fax to my regional FBI office (for investigation of possible wire fraud), to the Federal Trade Commission (for investigation of possible fraud), to the Federal Communications Commission (for investigation of possible violations of FCC regulations) and to the Federal Elections Commission (for investigation of abuse of the election process).

For the record, I am not a lawyer, and this is not legal advice. For legal advice, consult an attorney with expertise in this area of practice.

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