

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

In the Matter of
Joe L. Ford, d/b/a/
Ford Communications
Licensee of Paging Stations KNKM966, KNKM224
KNKL902, KNKO751 and KNKO274
Various Locations in Kentucky
File No. EB-00-TS-149
NAL/Acct. No. 200132100005

FORFEITURE ORDER

Adopted: February 12, 2001

Released: February 14, 2001

By the Chief, Technical and Public Safety Division, Enforcement Bureau:

I. INTRODUCTION

1. In this Forfeiture Order ("Order"), we issue a monetary forfeiture in the amount of five thousand dollars (\$5,000) against Joe L. Ford, d/b/a Ford Communications ("Ford"), for violation of Section 301 of the Communications Act of 1934 ("Act"), as amended, and Section 22.3 of the Commission's Rules ("Rules").

2. On November 29, 2000, the Chief, Enforcement Bureau, issued a Notice of Apparent Liability ("NAL") for Forfeiture in the amount of five thousand dollars (\$5,000).

II. BACKGROUND

3. Ford's authorization for the captioned stations expired on April 1, 1999. Ford, however, did not file applications for renewal of the authorization for the above listed stations until March 7, 2000. On April 20, 2000, the Commission reinstated Ford's authority to operate the captioned stations.

4. On November 29, 2000, the Chief, Enforcement Bureau, issued a Notice of Apparent Liability for Forfeiture ("NAL") to Ford in the amount of \$5,000 for its operation of paging stations without valid licenses in willful and repeated violation of Section 301 of the Communications Act and Section 22.3 of the Commission's Rules.

1 47 C.F.R. § 22.3.

2 Notice of Apparent Liability for Forfeiture, NAL/Acct. No. 200132100005 (Enf. Bur., rel. November 29, 2000).

3 47 U.S.C. § 301; 47 C.F.R. § 22.3.

cover the forfeiture amount. Ford states that it has not made a profit in the last three years. In support of this assertion, Ford submits profit and loss statements from 1997, 1998, and 1999.

III. DISCUSSION

5. Section 301 of the Act sets forth the general mandate that no person shall use or operate any apparatus for the transmission of energy or communications or signals by radio within the United States except under and in accordance with a license.⁴ Section 22.3 of the Commission's Rules provides, in pertinent part, that stations in the Public Mobile Service must be operated with a valid Commission authorization.⁵ We find that Ford willfully and repeatedly violated Section 301 of the Communications Act and Section 22.3 of the Rules by operating paging stations without valid licenses.

6. Ford submits profit and loss statements in support of its assertion that its revenues are insufficient to cover the proposed forfeiture. The Commission requires licensees claiming inability to pay a forfeiture to provide tax returns or financial statements prepared in accordance with generally accepted accounting principles for the most recent three years or other reliable and objective documentation that accurately reflects the licensee's current financial status. *See Barry A. Stevenson*, 12 FCC Rcd 1976, 1977 (Compl. & Inf. Bur. 1997). Ford's financial statements do not include any certification as to their correctness, and we cannot determine from the information available that these financial statements were prepared in accordance with generally accepted accounting principles. In any event, Ford's profit and loss statements indicate that it had gross revenues of \$237,171.30 in 1997, \$190,935.93 in 1998, and \$231,332.82 in 1999. The proposed forfeiture amount of \$5,000 is not excessive in the context of these revenues. Therefore, we affirm the forfeiture of \$5,000.

IV. ORDERING CLAUSES

7. Accordingly, **IT IS ORDERED THAT**, pursuant to Section 503(b) of the Act⁶, and Sections 0.111, 0.311 and 1.80(f)(4) of the Commission's Rules⁷, Joe L. Ford, d/b/a Ford Communications, **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$5,000 for willful and repeated violation of Section 301 of the Communications Act of 1934, as amended, and Section 22.3 of the Commission's Rules.

8. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Commission's Rules⁸ within 30 days of the release of this Order. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to section 504(a) of the Act.⁹ Payment shall be made by mailing a check or similar instrument, payable to the order

⁴ 47 U.S.C. § 301.

⁵ 47 C.F.R. § 22.3.

⁶ 47 U.S.C. § 503(b).

⁷ 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

⁸ 47 C.F.R. § 1.80.

⁹ 47 U.S.C. § 504(a).

of the Federal Communications Commission, to the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note the NAL/Acct. No. 200132100005. Requests for full payment under an installment plan should be sent to: Chief, Credit and Debt Management Center, 445 12th Street, S.W., Washington, D.C. 20554.¹⁰

9. IT IS FURTHER ORDERED that a copy of this Forfeiture Order shall be sent by Certified Mail Return Receipt Requested to counsel for Joe L. Ford, d/b/a Ford Communications, Lewis H. Goldman Law Offices, Attention Lewis H. Goldman, 4141 North Henderson Road, Plaza Suite 9, Arlington, Virginia 22203.

FEDERAL COMMUNICATIONS COMMISSION

Joseph P. Casey
Chief, Technical and Public Safety Division
Enforcement Bureau

¹⁰ See 47 C.F.R. § 1.1914.