

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

In the Matter of )  
 )  
Mr. Jerry Smith ) File No. EB-00-PA-414  
 )  
125 Commonwealth Ave. ) NAL/Acct. No. 200132400001  
Claymont, Delaware )

**FORFEITURE ORDER**

**Adopted: April 18, 2001**

**Released: April 20, 2001**

By the Chief, Enforcement Bureau:

1. In this *Forfeiture Order* (“*Order*”), we issue a monetary forfeiture in the amount of thirteen thousand five hundred dollars (\$13,500) to Jerry Smith for willful and repeated violations of Sections 95.409(a), 95.410(a) and 95.411(a)(1) of the Commission’s Rules (“*Rules*”).<sup>1</sup> The noted violations involve Mr. Smith’s operation of a Citizens Band (“*CB*”) Radio Station with a non-type-accepted transmitter, with a transmitter output power greater than four watts carrier power in the AM (A3) mode, and with an external RF power amplifier.

2. On January 8, 2001, the Commission’s Philadelphia, Pennsylvania Field Office issued a *Notice of Apparent Liability for Forfeiture* (“*NAL*”) in the amount of thirteen thousand five hundred dollars (\$13,500) to Mr. Smith for the noted violations.<sup>2</sup> Mr. Smith has not filed a response. Based on the information before us, we affirm this forfeiture.

3. Accordingly, IT IS ORDERED that, pursuant to Section 503(b) of the Communications Act of 1934, as amended (“*Act*”),<sup>3</sup> and Sections 0.111, 0.311 and 1.80(f)(4) of the Rules,<sup>4</sup> Jerry Smith IS LIABLE FOR A MONETARY FORFEITURE in the amount of thirteen thousand dollars (\$13,500) for operating a CB Radio Station with a non-type-accepted transmitter, with a transmitter output power greater than four watts carrier power in the AM (A3) mode, and with an external RF power amplifier, in willful and repeated violation of Sections 95.409(a), 95.410(a) and 95.411(a)(1) of the Rules.

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules<sup>5</sup> within 30 days of the release of this *Order*. If the forfeiture is not paid within the period specified,

<sup>1</sup> 47 C.F.R. §§ 95.409(a), 95.410(a) and 95.411(a)(1).

<sup>2</sup> *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200132400001 (Enf. Bur., Philadelphia Office, released January 8, 2001).

<sup>3</sup> 47 U.S.C. § 503(b).

<sup>4</sup> 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

<sup>5</sup> 47 C.F.R. § 1.80.

---

the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.<sup>6</sup> Payment shall be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Federal Communications Commission, Forfeiture Collection Section, Finance Branch, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note the NAL/Acct. No. referenced above. Requests for full payment under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.<sup>7</sup>

5. IT IS FURTHER ORDERED that, a copy of this *Order* shall be sent by Certified Mail, Return Receipt Requested, to Jerry Smith, 125 Commonwealth Avenue, Claymont, DE 19703.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon  
Chief, Enforcement Bureau

---

<sup>6</sup> 47 U.S.C. § 504(a).

<sup>7</sup> See 47 C.F.R. § 1.1914.