

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

In the Matter of)	
)	
M&R Enterprises, Inc.)	File No. EB-01-IH-0441
)	NAL/Acct. No. 200232080010
Licensee of Station WESL(AM))	FRN: 0005-0159-87
East St. Louis, Illinois)	Facility ID No.72815
)	

FORFEITURE ORDER

Adopted: July 30, 2002

Released: July 31, 2002

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this Forfeiture Order, we find that M&R Enterprises, Inc. ("M&R"), licensee of Station WESL(AM), East St. Louis, Illinois, willfully and repeatedly violated Section 73.3526 of the Commission's rules, 47 C.F.R. § 73.3526, by denying access to the public inspection file to members of the public on two occasions. Based on our review of the facts and circumstances in this case and after considering M&R's response¹ to our Notice of Apparent Liability ("NAL") in this matter,² we conclude that M&R is liable for a forfeiture in the amount of five thousand dollars (\$5,000).

II. BACKGROUND

2. On July 3, 2001, the Enforcement Bureau received a complaint alleging that M&R failed to comply with the Commission's public inspection file requirements. The complainant alleged that on July 2 and July 3, 2001, station staffers Betty Robinson and Steve Riggins denied access to members of the public, including Mr. Anthony Noland, Ms. Clytee Shaw, and Mr. Michael Bryant, who requested to view the public inspection file. As a result of that complaint, the Commission sent M&R a letter of inquiry on August 8, 2001. M&R responded to the Commission's letter of inquiry on August 15, 2001. In the response, M&R stated that the public inspection file is maintained in the manager's office in East St. Louis, Illinois, and has been since the station was acquired. M&R further responded that Mr. Noland, Ms. Shaw, and Mr. Bryant did not ask for any specific materials and that the public inspection file was in the office at the time of the alleged violation. The complainant maintains that the named individuals

¹ M&R responded by submitting financial information on April 24, 2002. Letter from Robert Riggins, General Manager, Station WESL, M&R Enterprises, Inc. to Charles Kelley, Chief, Investigations and Hearings Division, Enforcement Bureau, FCC dated April 9, 2002.

² *M&R Enterprises, Inc. (Station WESL(AM)) East St. Louis, Illinois, Notice of Apparent Liability for Forfeiture*, 17 FCC Rcd 5897 (2001) ("NAL").

specifically asked for access to the public inspection file and that station personnel denied them access. M&R did not deny this. Rather, M&R stated that these individuals did not ask for any specific materials. Based on these facts the Enforcement Bureau issued the NAL on March 29, 2001 finding M&R apparently liable for a forfeiture in the amount of ten thousand dollars (\$10,000).³

3. In response to the NAL, M&R did not contest the violation described in the NAL, but instead asserted that it is a small station in a highly depressed area, and requested that the forfeiture be cancelled, based on its inability to pay. In support of this request, M&R submitted its tax returns for the prior three years.

III. DISCUSSION

4. The Commission has determined that, in general, a licensee's gross revenues are the best indicator of its ability to pay a forfeiture. *See PJB Communications of Virginia, Inc.*, 7 FCC Rcd 2088, 2089 (1992). After reviewing the financial documentation submitted by M&R, we conclude that it is appropriate to reduce the forfeiture amount from \$10,000 to \$5,000.

IV. ORDERING CLAUSES

5. ACCORDINGLY, IT IS ORDERED pursuant to Section 503(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 503(b), and Sections 0.111, 0.311 and 1.80 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311 and 1.80, that M&R Enterprises, Inc. is LIABLE for a FORFEITURE in the amount of five thousand dollars (\$5,000) for willfully and repeatedly violating Section 73.3526 of the Commission's rules, 47 C.F.R. § 73.3526.

6. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Commission's rules, 47 C.F.R. § 1.80, within 30 days of the release of this Forfeiture Order. If the forfeiture is not paid within the period specified, the Commission may refer the case to the Department of Justice for collection pursuant to Section 504(a) of the Act, 47 U.S.C. § 504(a). M&R may pay the forfeiture by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment MUST INCLUDE the FCC Registration number (FRN) referenced above and also must 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. *See* 47 C.F.R. § 1.1914.

7. IT IS FURTHER ORDERED that a copy of this Forfeiture Order shall be sent, by Certified Mail/Return Receipt Requested, to M&R Enterprises, Inc., Robert Riggins, General Manager, 149 South Eighth Street, East St. Louis, IL 62201.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

³ See note 2 supra.