

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

In the Matter of)	
)	
Gary M. Feldman)	File No.: EB-03-TP-110
5500 N.W. 4 th Avenue)	NAL/Acct. No. 200432700008
Miami, Florida)	FRN 00010018281
)	

FORFEITURE ORDER

Adopted: April 23, 2004

Released: April 27, 2004

By the Chief, Enforcement Bureau:

1. In this *Forfeiture Order* (“*Order*”), we issue a monetary forfeiture in the amount of ten thousand dollars (\$10,000) to Gary M. Feldman (“Mr. Feldman”) for willful violation of Section 301 of the Communications Act of 1934, as amended (“Act”).¹ The noted violation involves Mr. Feldman operating a radio station on the frequency of 91.9 MHz without Commission authorization.

2. On February 4, 2004, the District Director of the Commission’s Tampa, Florida Field Office (“Tampa Office”) issued a *Notice of Apparent Liability for Forfeiture* (“*NAL*”) in the amount of \$10,000 to Mr. Feldman.² Mr. Feldman has not filed a response to the *NAL*. Based on the information before us, we affirm the forfeiture.

3. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 503(b) of the Act,³ and Sections 0.111, 0.311 and 1.80(f)(4) of the Commission’s Rules (“Rules”),⁴ Gary M. Feldman **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$10,000 for willfully violating Section 301 of the Act.

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules 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.⁵ 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, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note NAL/Acct. No. 200432700008 and FRN 00010018281. 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. 20554.⁶

¹ 47 U.S.C. § 301.

² *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200432700008 (Enf. Bur., Tampa Office, released February 4, 2004).

³ 47 U.S.C. § 503(b).

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

⁵ 47 U.S.C. § 504(a).

⁶ *See* 47 C.F.R. § 1.1914.

7. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by first class mail and certified mail return receipt requested, to Gary M. Feldman, 5500 N.W. 4th Avenue, Miami, Florida 33127.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau