

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

In the Matter of)	
)	
Rony Richard Louis)	File No.: EB-03-TP-441
600 W. Oak Ridge Road, Building 3)	NAL/Acct. No. 200432700010
Orlando, Florida 32809)	FRN 0010339414

MEMORANDUM OPINION AND ORDER

Adopted: December 3, 2004

Released: December 7, 2004

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this *Memorandum Opinion and Order* (“*Order*”), we deny the petition for reconsideration filed on May 24, 2004, by Rony Richard Louis (“Mr. Louis”). Mr. Louis seeks reconsideration of the *Forfeiture Order*¹ in which the Chief, Enforcement Bureau, found him liable for a monetary forfeiture in the amount of \$10,000 for willful and repeated violation of Section 301 of the Communications Act of 1934, as amended (“Act”). The noted violation involves Mr. Louis’s operation of a radio station on the frequency 89.5 MHz without Commission authorization.

2. On March 3, 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. Louis.² Mr. Louis did not file a response to the *NAL*. On May 17, 2004 the Chief, Enforcement Bureau issued a no response *Forfeiture Order*, affirming the \$10,000 forfeiture proposed in the *NAL*.

II. BACKGROUND

3. On November 4, 2003, two agents from the Commission’s Tampa, Florida Field Office (“Tampa Office”) working in the Orlando, Florida area observed an FM radio station operating on the frequency 89.5 MHz. Using direction-finding equipment and techniques, the agents determined that the station was broadcasting from 600 W. Oak Ridge Road, Building 3, Orlando, Florida 32809. The agents took field strength measurements of the station’s signal and determined that it needed a license to operate. The Commission’s records showed that no license had been issued for this operation. After locating the station, the agents inspected the station, which was operated by Mr. Rony Richard Louis. Mr. Louis received a verbal and a written warning concerning the operation of the unlicensed station and voluntarily surrendered the transmitter to the agents.

4. On January 15, 2004, the same two agents from the Tampa office drove to Orlando, Florida, and observed an FM radio station operating on 89.5 MHz. The agents determined that the station was broadcasting from 600 W. Oak Ridge Road, Building 3, Orlando, Florida 32809, the same location identified in the November 4, 2003 inspection. The agents took field strength measurements of the station’s signal and determined that it needed a license to operate. The Commission’s records showed that

¹See *Rony Richard Louis*, 9 FCC Rcd 8917 (Enf. Bur. 2004).

²*Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200432700010 (Enf. Bur., Tampa, Florida Office, released March 3, 2004).

no license had been issued for this operation. A vehicle registered to Mr. Louis was in front of the building. The same vehicle that was present during the prior inspection on November 4, 2003. The agents returned to the location on January 16, 2004. They spoke to Mr. Louis, who denied having any transmitter at that site. The agents noted that the antenna was still on the premises, and that the end of the cable from the antenna structure entered the space occupied by Mr. Louis. In addition, the owner of the building informed the agents that Mr. Louis leased the premises in Building 3.

5. On March 3, 2004, the Enforcement Bureau of the Tampa office issued Mr. Louis a *Notice of Apparent Liability for Forfeiture* (“NAL”) in the amount of \$10,000 for willful and repeated violation of Section 301 of the Communications Act of 1934, as amended. Mr. Louis did not file a response to the NAL. The Chief of the Enforcement Bureau issued a *No Response Forfeiture Order* on May 17, 2004, affirming the forfeiture proposed by the NAL. On May 24, 2004, Mr. Louis filed a petition for reconsideration of the *Forfeiture Order*. Mr. Louis does not dispute that he violated Section 301 of the Act but requests dismissal of the forfeiture with prejudice. Mr. Louis admits that he operated the radio station without Commission authorization at the time of the first inspection, but claims that he was not operating the station at the time of the second inspection. In conclusion, he stated “I promise you that this kind of behavior will never take place anymore.”

III. DISCUSSION

6. The forfeiture amount in this case has been assessed in accordance with Section 503(b) of the Communications Act of 1934, as amended (“Act”),³ Section 1.80 of the Rules,⁴ and *The Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*,⁵ (“Policy Statement”). Section 503(b) of the Act requires that the Commission, in examining Mr. Louis’ petition take into account the nature, circumstances, extent and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.⁶

7. In his petition for reconsideration Mr. Louis promises to discontinue operation of the radio station without authorization. We note that Mr. Louis was warned orally and in writing in November, 2003 to discontinue operation of the radio station without authorization, yet despite these warnings, he resumed operation of the radio station without Commission authorization in January, 2004. While Mr. Louis appears to deny that he was responsible for the operation of the unlicensed station at the time of the second inspection, the circumstances belie his denial. In any event, the admitted violation at the time of the first inspection is sufficient alone to justify the forfeiture. Moreover, we find that Mr. Louis’s promise to discontinue operation of a radio station without Commission authorization does not provide a basis for reduction or cancellation of the forfeiture.⁷

³47 U.S.C. § 503(b).

⁴47 C.F.R. § 1.80.

⁵12 FCC Rcd 17087 (1997), *recon. denied*, 15 FCC Rcd 303 (1999).

⁶47 U.S.C. § 503(b)(2)(D).

⁷*See, e.g., Seawest Yacht Brokers*, 9 FCC Rcd 6099, 6099 (1994); *Callais Cablevision, Inc.*, 17 FCC Rcd 22626, 22629 (2002); *Radio Station KGVL, Inc.*, 42 FCC 2d 258, 259 (1973); and *Executive Broadcasting Corp.*, 3 FCC 2d 699, 700 (1966).

IV. ORDERING CLAUSES

8. Accordingly, **IT IS ORDERED** that, pursuant to Section 405 of the Act⁸ and Section 1.106 of the Rules,⁹ Mr. Louis's petition for reconsideration of the May 17, 2004, *Forfeiture Order* **IS DENIED**.

9. **IT IS FURTHER ORDERED** that, pursuant to Section 503(b) of the Act,¹⁰ and Sections 0.111, 0.311 and 1.80(f)(4) of the Commission's Rules ("Rules"),¹¹ Mr. Rony Richard Louis **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$10,000 for willfully and repeatedly violating Section 301 of the Act.

10. 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.¹² Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Acct. No. and FRN No. referenced above. Payment by check or money order may be mailed to Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. Payment by overnight mail may be sent to Bank One/LB 73482, 525 West Monroe, 8th Floor Mailroom, Chicago, IL 60661. Payment by wire transfer may be made to ABA Number 071000013, receiving bank Bank One, and account number 1165259. 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. 20554.¹³

11. **IT IS FURTHER ORDERED THAT** this *Order* shall be sent by regular mail and by certified mail, return receipt requested, to Mr. Rony Richard Louis, 600 West Oak Ridge Road., Building 3, Orlando, Florida 32809.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁸47 U.S.C. § 405.

⁹47 C.F.R. § 1.106.

¹⁰47 U.S.C. § 503(b).

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

¹²47 U.S.C. § 504(a).

¹³See 47 C.F.R. § 1.1914.