

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

In the Matter of)
)
Russell A. Sims, Jr.)
Brooksville, Florida)
)

File Number: EB-04-TP-499
NAL/Acct. No. 200532700010
FRN 0013798665

FORFEITURE ORDER

Adopted: October 17, 2005

Released: October 19, 2005

By the Regional Director, South Central Region, Enforcement Bureau:

1. In this *Forfeiture Order* (“*Order*”), we issue a monetary forfeiture in the amount of seventeen thousand dollars (\$17,000) to Russell A. Sims, Jr. for willful violation of Sections 301 and 303(n) of the Communications Act of 1934, as amended (“*Act*”),¹ and Section 95.426(a) (CB Rule 26) of the Commission’s Rules (“*Rules*”).² The noted violations involve Mr. Sims’ operation of a citizens band (“*CB*”) radio station without Commission authorization and refusal to make his *CB* radio station available for inspection.

2. On July 25, 2005, the District Director of the Commission’s Tampa Field Office (“*Tampa Office*”) issued a *Notice of Apparent Liability for Forfeiture* (“*NAL*”) in the amount of \$17,000 to Mr. Sims.³ Mr. Sims 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 Communications Act of 1934, as amended,⁴ and Sections 0.111, 0.311 and 1.80(f)(4) of the Commission’s Rules,⁵ Russell A. Sims, Jr. **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$17,000 for operating a citizens band radio station without Commission authorization and refusing to make his station available for inspection in violation of Sections 301 and 303(n) of the Act and Section 95.426(a) of the Rules.

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.⁶ Payment of the forfeiture must be made by check or similar instrument, payable to the order of the

¹47 U.S.C. §§ 301, 303(n).

²47 C.F.R. § 95.426(a).

³*Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200532700010 (Enf. Bur., Tampa Office, released July 25, 2005).

⁴47 U.S.C. § 503(b).

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

⁶47 U.S.C. § 504(a).

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 Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank /LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 911-6106. Requests for full payment under an installment plan should be sent to: Associate Managing Director, Financial Operations, 445 12th Street, S.W., Room 1A625, Washington, D.C. 20554.⁷

5. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by First Class Mail and Certified Mail Return Receipt Requested to Russell A. Sims, Jr. at his address of record.

FEDERAL COMMUNICATIONS COMMISSION

Dennis P. Carlton
Regional Director, South Central Region
Enforcement Bureau

⁷See 47 C.F.R. § 1.1914.