

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

In the Matter of	)	File Number: EB-05-NY-290
	)	
Shawn Deroux	)	NAL/Acct. No: 200632380008
	)	
Bronx, NY	)	FRN: 0014159255
	)	
	)	

**ORDER**

**Adopted:** November 2, 2006

**Released:** November 6, 2006

By the Regional Director, Northeast Region, Enforcement Bureau:

1. In this *Order*, we reconsider on our motion, pursuant to Section 1.108 of the Commission's Rules,<sup>1</sup> the *Forfeiture Order* issued in the above-captioned proceeding. Specifically, we amend the *Forfeiture Order* to affirm the full seventeen thousand dollar (\$17,000) forfeiture amount proposed in the underlying *Notice of Apparent Liability for Forfeiture* ("NAL").

2. On October 13, 2006, the Enforcement Bureau issued a *Forfeiture Order* in the amount of ten thousand dollars (\$10,000) to Shawn Deroux ("Deroux") for willfully and repeatedly violating Section 301 of the Communications Act of 1934, as amended ("Act"), by operating an unlicensed radio transmitter on the frequency 87.9 MHz in Bronx, NY.<sup>2</sup> The *Forfeiture Order* inadvertently failed to address the seven thousand dollar (\$7,000) forfeiture amount proposed in the *NAL* for Deroux's willful and repeated failure to permit a station inspection in violation of Section 303(n) of the Act.<sup>3</sup> The *Forfeiture Order* was intended to affirm the full \$17,000 forfeiture amount proposed in the *NAL* based on Deroux's failure to respond to the *NAL* released on August 8, 2006. We find, based on the information before us, that Deroux willfully and repeatedly violated Sections 301 and 303(n) of the Act and the full \$17,000 forfeiture amount proposed in the *NAL* should be affirmed.

3. Accordingly, **IT IS ORDERED** that, pursuant to the authority contained in Section 1.108 of the Commission's rules, 47 C.F.R. § 1.108, we hereby reconsider and amend, on our own motion, the October 13, 2006, *Forfeiture Order*, as explained herein.

<sup>1</sup> 47 C.F.R. § 1.108 provides that the Commission may, on its own motion, set aside any action made or taken within 30 days from the date of public notice of such action, as that date is defined in section 1.4 of the Commission's rules.

<sup>2</sup> *Shawn Deroux*, DA 06-2018, 2006 WL 2934354 (rel. Oct. 13, 2006).

<sup>3</sup> *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200632380008 (Enf. Bur., New York Office, released August 8, 2006).

4. **IT IS FURTHER ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended (“Act”),<sup>4</sup> and Sections 0.111, 0.311, and 1.80(f)(4) of the Commission’s Rules,<sup>5</sup> Shawn Deroux **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$17,000 for willfully and repeatedly violating Sections 301 and 303(n) of the Act.

5. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within thirty (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.<sup>6</sup> 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 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, 1A625, 445 12th Street, S.W., Washington, D.C. 20554.<sup>7</sup>

6. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by First Class Mail and Certified Mail Return Receipt Requested to Shawn Deroux at his address of record.

#### FEDERAL COMMUNICATIONS COMMISSION

Russell Monie, Jr.  
Regional Director, Northeast Region  
Enforcement Bureau

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<sup>4</sup> 47 U.S.C. § 503(b).

<sup>5</sup> 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

<sup>6</sup> 47 U.S.C. § 504(a).

<sup>7</sup> See 47 C.F.R. § 1.1914.