

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

In the Matter of

Eliandro B. Ramos

Danbury, CT

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File Number: EB-06-BS-158

NAL/Acct. No. 200732260002

FRN 0016388233

FORFEITURE ORDER

Adopted: January 16, 2008

Released: January 18, 2008

By the Acting Regional Director, Northeast Region, Enforcement Bureau:

1. In this *Forfeiture Order* ("Order"), we issue a monetary forfeiture in the amount of ten thousand dollars (\$10,000) to Eliandro B. Ramos ("Ramos") for willfully and repeatedly violating Section 301 of the Communications Act of 1934, as amended ("Act"),¹ by operating on the frequency of 296.550 MHz without Commission authorization.

2. On April 26, 2007, the Commission's Boston Field Office issued a *Notice of Apparent Liability for Forfeiture* ("NAL") in the amount of \$10,000 to Ramos for operating without a license on 296.550 MHz.² Ramos does not dispute the findings in the NAL, but requests a cancellation of the forfeiture based on his inability to pay. We decline to reduce the proposed forfeiture based on an inability to pay. The Commission has determined that, in general, an individual's or entity's gross revenues are the best indicator of an ability to pay a forfeiture. The Commission also has stated that, when evaluating a subject's ability to pay, it is appropriate to consider the totality of the subject's financial situation, including all potential sources of income. We have reviewed the personal income tax returns submitted by Ramos and we find that the forfeiture represents a percentage of gross income that falls within the range that has been found acceptable.³

¹47 U.S.C. § 301.

² *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200732260002 (Enf. Bur., Boston Office, released April 26, 2007).

³ See *PJB Communications of Virginia, Inc.*, 7 FCC Rcd 2088, 2089 (1992) (forfeiture not deemed excessive where it represented approximately 2.02 percent of the violator's gross revenues); *Local Long Distance, Inc.*, 15 FCC Rcd 24385, 24389 ¶ 11 (2000), *recon. denied*, 16 FCC Rcd 10023, 10025 ¶ 6 (2001) (forfeiture not deemed excessive where it represented approximately 7.9 percent of the violator's gross revenues); *Hoosier Broadcasting Corporation*, 14 FCC Rcd 3356 (CIB 1999), *recon. denied*, 15 FCC Rcd 8640, 8641 (Enf. Bur. 2002) (forfeiture not deemed excessive where it represented approximately 7.6 percent of the violator's gross income).

3. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended (“Act”),⁴ and Sections 0.111, 0.311 and 1.80(f)(4) of the Commission’s Rules,⁵ Eliandro B. Ramos **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$10,000 for willfully and repeatedly 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 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.⁶ 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. 20554.⁷

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 Eliandro B. Ramos at his address of record.

FEDERAL COMMUNICATIONS COMMISSION

G. Michael Moffitt
Acting Regional Director, Northeast Region
Enforcement Bureau

⁴ 47 U.S.C. § 503(b).

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

⁶ 47 U.S.C. § 504(a).

⁷ See 47 C.F.R. § 1.1914.