

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

In the Matter of	)	
	)	
Family Car Service, Inc.	)	File No. EB-05-NY-353
	)	
Brooklyn, NY	)	NAL/Acct. No. 200732380003
	)	
	)	FRN. 0014 5183 69

**ORDER**

**Adopted: January 22, 2008**

**Released: January 24, 2008**

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

**I. INTRODUCTION AND BACKGROUND**

1. In this Order (“*Order*”), we cancel a proposed forfeiture in the amount of ten thousand dollars (\$10,000) issued to Family Car Service, Inc. (“Family Car Service”) for apparent willful and repeated violation of Section 301 of the Communications Act of 1934, as amended (“Act”),<sup>1</sup> by operating radio transmission equipment on the frequencies 30.94 MHz and 30.98 MHz without a license in Brooklyn, NY.

2. On December 21, 2006, the Commission’s New York Field Office issued a Notice of Apparent Liability for Forfeiture (“*NAL*”) in the amount of \$10,000 to Family Car Service for unauthorized radio transmissions from a taxicab service operated at 262 4<sup>th</sup> Avenue, Brooklyn, NY 11215. A response to the *NAL* was submitted by Lillian Rodriguez on January 22, 2007.

**II. DISCUSSION**

3. We agree with Ms. Rodriguez that the *NAL* should be cancelled because the *NAL* was issued to a non-existent entity. Although Ms. Rodriguez admits that she owns the taxicab service at issue in the *NAL*, she explains that she operates the business as a sole proprietor under the name “Family Car Service.” Ms. Rodriguez states that Family Car Service is not an incorporated entity and provides supporting documentation. Accordingly, we conclude that the *NAL* was not issued to the proper subject and must be cancelled.

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<sup>1</sup> 47 U.S.C. § 301.

4. We note, however, that in her response to the *NAL*, Ms. Rodriguez admits that her taxicab service operated without authorization on the frequencies and dates identified in the *NAL*. Ms. Rodriguez claims that she was not aware that she needed an FCC license to operate the radio equipment. While Ms. Rodriguez subsequently was granted a license on January 19, 2006, to operate on the subject frequencies at her taxicab service in Brooklyn, New York, we remind Ms. Rodriguez that prior knowledge of the law is not necessary in determining whether a violation existed.<sup>2</sup> As a licensee, Ms. Rodriguez will be held responsible for any future violations of the Commission's rules.

### III. ORDERING CLAUSES

5. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended,<sup>3</sup> and Sections 0.111, 0.311 and 1.80(f)(4) of the Rules,<sup>4</sup> the Notice of Apparent Liability for Forfeiture issued to Family Car Service, Inc. is **HEREBY CANCELLED**.

6. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by Certified Mail, Return Receipt Requested, and regular mail, to Lillian Rodriguez at her address of record and to counsel for Lillian Rodriguez at his address of record.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>2</sup> See, e.g. *Profit Enterprises, Inc.*, Forfeiture Order, 8 FCC Rcd 2846, 2846 (1993) (denying the mitigation claim of a manufacturer/distributor who thought that the equipment certification and marketing requirements were inapplicable, stating that its "prior knowledge or understanding of the law is unnecessary to a determination of whether a violation existed ... ignorance of the law is [not] a mitigating factor.").

<sup>3</sup> 47 U.S.C. § 503(b).

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