

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

In the Matter of)	
)	
Ronald Mondgock)	File Number: EB-06-PA-001
)	
Former Licensee of Station KA3OMZ)	NAL/Acct. No. 200732400002
)	
Honeybrook, Pennsylvania)	FRN: 0010-87-6589
)	

FORFEITURE ORDER

Adopted: March 4, 2008

Released: March 6, 2008

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

I. INTRODUCTION AND BACKGROUND

1. In this *Forfeiture Order* (“*Order*”), we issue a monetary forfeiture in the amount of four thousand three hundred dollars (\$4,300) to Ronald Mondgock (“Mondgock”), the former licensee of Novice Class Amateur Radio Service station KA3OMZ in Honeybrook, Pennsylvania, for willfully and repeatedly violating Section 301 of the Communications Act of 1934, as amended (“Act”),¹ by operating radio transmitting equipment on the frequencies 439.850 MHz and 147.560 MHz without a license.

2. On August 15, 2007, the Philadelphia Field Office issued a Notice of Apparent Liability for Forfeiture (“*NAL*”) to Mondgock in the amount of \$10,000 for operating radio transmitting equipment on the frequencies 439.850 MHz and 147.560 MHz without a license.² In its response to the *NAL*, Mondgock does not dispute the findings, but requests a cancellation of the forfeiture based on his inability to pay.

III. DISCUSSION

3. The proposed forfeiture amount in this case was assessed in accordance with Section 503(b) of the 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* (“*Forfeiture Policy Statement*”).⁵ In examining Mondgock’s response, Section 503(b) of the Act requires that the Commission 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 other

¹ 47 U.S.C. § 301.

² *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200732400002 (Enf. Bur., Philadelphia Office, rel. August 15, 2007).

³ 47 U.S.C. § 503(b).

⁴ 47 C.F.R. § 1.80.

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

such matters as justice may require.⁶

4. With regard to an individual's or entity's inability to pay, the Commission has determined that, in general, gross revenues are the best indicator of an ability to pay a forfeiture.⁷ After examining the financial documentation submitted by Mondgock, we decline to cancel the forfeiture, but find that a reduction in the forfeiture to \$4,300 is warranted based on Mondgock's demonstrated inability to pay the full forfeiture amount proposed in the *NAL*.

IV. ORDERING CLAUSES

5. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Sections 0.111, 0.311 and 1.80(f)(4) of the Commission's Rules, Ronald Mondgock **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of four thousand three hundred dollars (\$4,300) for violation of Section 301 of the Act.⁸

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/Account Number* and *FRN Number* referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the *NAL/Account number* in block number 23A (call sign/other ID), and enter the letters "FORF" in block number 24A (payment type code). Requests for full payment under an installment plan should be sent to: Chief Financial Officer -- Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554. Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or Email: ARINQUIRIES@fcc.gov with any questions regarding payment procedures.

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

FEDERAL COMMUNICATIONS COMMISSION

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

⁶ 47 U.S.C. § 503(b)(2)(E).

⁷ 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.*, 16 FCC Rcd 24385 (2000) (forfeiture not deemed excessive where it represented approximately 7.9 percent of the violator's gross revenues); *Hoosier Broadcasting Corporation*, 15 FCC Rcd 8640 (2002) (forfeiture not deemed excessive where it represented approximately 7.6 percent of the violator's gross revenues).

⁸ 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4); 47 U.S.C. § 301.