

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
<b>Taylor Broadcasting Company</b>	)	Facility ID No. 64644
	)	NAL/Acct. No. MB-2007414140318
Licensee of Station WJTB(AM)	)	FRN: 0011431749
North Ridgeville, Ohio	)	File No. BR-20040830ACC

**FORFEITURE ORDER**

**Adopted: December 13, 2011**

**Released: December 14, 2011**

By the Chief, Audio Division, Media Bureau:

**I. INTRODUCTION**

1. In this Forfeiture Order, we issue a monetary forfeiture in the amount of one thousand, five hundred dollars (\$1,500) to Taylor Broadcasting (“Licensee”), licensee of Station WJTB(AM), North Ridgeville, Ohio (“Station”), for willfully violating Section 73.3539 of the Commission’s Rules (“Rules”) by failing to file a timely license renewal application for the Station.<sup>1</sup>

**II. BACKGROUND**

2. On May 3, 2007, the Bureau issued a *Notice of Apparent Liability for Forfeiture* (“NAL”) in the amount of one thousand, five hundred dollars (\$1,500) to Licensee for this violation.<sup>2</sup> As noted in the *NAL*, Licensee’s renewal application for the Station’s license term was due on June 1, 2004, four months prior to the October 1, 2004, expiration date.<sup>3</sup> Licensee did not file the application until August 30, 2004, and provided no explanation for the untimely filing of the renewal application. Licensee did not submit a response to the *NAL*.

**III. DISCUSSION**

3. The forfeiture amount proposed in this case was assessed in accordance with Section 503(b) of the Communications Act of 1934, as amended (“Act”),<sup>4</sup> Section 1.80 of the Rules,<sup>5</sup> and the Commission’s *Forfeiture Policy Statement*.<sup>6</sup> In assessing forfeitures, Section 503(b)(2)(E) of the Act requires that we 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 such other matters as justice may require.<sup>7</sup>

<sup>1</sup> 47 C.F.R. § 73.3539.

<sup>2</sup> *Taylor Broadcasting Company*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 8454 (MB 2007). The Commission granted the license renewal application on May 3, 2007.

<sup>3</sup> See 47 C.F.R. §§ 73.1020, 73.3539(a).

<sup>4</sup> 47 U.S.C. § 503(b).

<sup>5</sup> 47 C.F.R. § 1.80.

<sup>6</sup> *The Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997), *recon. denied*, 15 FCC Rcd 303 (1999).

<sup>7</sup> 47 U.S.C. § 503(b)(2)(E).

4. We conclude that Licensee willfully<sup>8</sup> violated Section 73.3539 of the Rules<sup>9</sup> and find that the proposed forfeiture of one thousand, five hundred dollars (\$1,500) is warranted.

#### IV. ORDERING CLAUSES

5. IT IS FURTHER ORDERED, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Sections 0.283 and 1.80 of the Commission's Rules,<sup>10</sup> that Taylor Broadcasting Company SHALL FORFEIT to the United States the sum of one thousand, five hundred dollars (\$1,500) for willfully violating Section 73.3539 of the Commission's Rules.

6. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Commission's Rules within 30 days of the release of this Forfeiture 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>11</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 in the caption above. Payment by check or money order may be mailed to Federal Communications Commission, at 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, BNF: FCC/ACV--27000001 and account number as expressed on the remittance instrument. If 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).<sup>12</sup> Licensee will also send electronic notification on the date said payment is made to Kelly.Donohue@fcc.gov and Alexander.Sanjenis@fcc.gov. Requests for payment of the full amount of the forfeiture under an installment plan should be sent to: Associate Managing Director-Financial Operations, Room 1-A625, 445 12th Street, S.W., Washington, DC 20554.<sup>13</sup>

7. IT IS FURTHER ORDERED, that a copy of this Forfeiture Order shall be sent by First Class and Certified Mail, Return Receipt Requested, to Mr. James E. Taylor, Taylor Broadcasting Company, 612 Wayne Street, Elyria, OH 44035.

FEDERAL COMMUNICATIONS COMMISSION

Peter H. Doyle  
Chief, Audio Division  
Media Bureau

<sup>8</sup> Section 312(f)(1) of the Act defines "willful" as "the conscious and deliberate commission or omission of [any] act, irrespective of any intent to violate" the law. 47 U.S.C. § 312(f)(1). The legislative history of Section 312(f)(1) of the Act clarifies that this definition of willful applies to Sections 312 and 503(b) of the Act, H.R. REP. No. 97-765, 51 (Conf. Rep.), and the Commission has so interpreted the terms in the Section 503(b) context. *Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4387-88.

<sup>9</sup> 47 C.F.R. § 73.3539.

<sup>10</sup> 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.283, 1.80.

<sup>11</sup> 47 U.S.C. § 504(a).

<sup>12</sup> See 47 C.F.R. § 1.1914.

<sup>13</sup> *Id.*