

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

In the Matter of)
Burt Byng) File No.: EB-FIELDSCR-12-00000831
Miami, Florida) NAL/Acct. No.: 201232600016
FRN: 0021991153

FORFEITURE ORDER

Adopted: November 13, 2012

Released: November 13, 2012

By the Regional Director, South Central Region, Enforcement Bureau:

1. In this Forfeiture Order (Order), we issue a monetary forfeiture in the amount of ten thousand dollars (\$10,000) to Burt Byng for willful and repeated violation of Section 301 of the Communications Act of 1934, as amended (Act).1 The noted violations involved Mr. Byng's operation of an unlicensed radio station on the frequency 107.1 MHz in Miami, Florida.

2. On August 22, 2012, the Enforcement Bureau's Miami Office (Miami Office) issued a Notice of Apparent Liability for Forfeiture (NAL) in the amount of \$10,000 to Mr. Byng.2 Mr. Byng has not filed a response to the NAL. Based on the information before us, we affirm the forfeiture.

3. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 503(b) of the Communications Act of 1934, as amended,3 and Sections 0.111, 0.204, 0.311 and 1.80(f)(4) of the Commission's rules,4 Burt Byng IS LIABLE FOR A MONETARY FORFEITURE in the amount of \$10,000 for violations of Section 301 of the Act.5

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Commission's rules within thirty (30) calendar days after the release date of this Forfeiture Order.6 If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to Section 504(a) of the Act.7 Burt Byng shall send electronic notification of payment to SCR-Response@fcc.gov on the date said payment is made. The payment must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account number and FRN referenced above. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.8 When completing the FCC Form 159, enter the

1 47 U.S.C. § 301.

2 Burt Byng, Notice of Apparent Liability for Forfeiture, 27 FCC Rcd 10114 (Enf. Bur. 2012).

3 47 U.S.C. § 503(b).

4 47 U.S.C. § 301; 47 C.F.R. §§ 0.111, 0.204, 0.311, 1.80(f)(4).

5 47 U.S.C. § 301.

6 47 C.F.R. § 1.80.

7 47 U.S.C. § 504(a).

8 An FCC Form 159 and detailed instructions for completing the form may be obtained at http://www.fcc.gov/Forms/Form159/159.pdf.

Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Below are additional instructions you should follow based on the form of payment you select:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

5. Any request for full payment under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554.⁹ If you have questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

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

FEDERAL COMMUNICATIONS COMMISSION

Dennis P. Carlton
Regional Director, South Central Region
Enforcement Bureau

⁹ See 47 C.F.R. § 1.1914.