

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

In the Matter of)	
)	
Gabriel A. Garcia)	File Numbers: EB-10-SF-0095
)	EB-10-SF-0105
San Jose, California)	NAL/Acct. No.: 201132960003
)	FRN: 0020645396

FORFEITURE ORDER

Adopted: March 14, 2012

Released: March 15, 2012

By the Regional Director, Western Region, Enforcement Bureau:

I. INTRODUCTION

1. In this Forfeiture Order, we issue a monetary forfeiture in the amount of twenty-five thousand dollars (\$25,000) to Gabriel A. Garcia (Garcia) for willfully and repeatedly violating Section 303(n) of the Communications Act of 1934, as amended (Act).¹ The noted violations involved Garcia's failure to allow inspection of an unlicensed broadcast station operating on various FM band frequencies in San Jose, California.

2. On May 4, 2011, the Enforcement Bureau's San Francisco Office (San Francisco Office) issued a Notice of Apparent Liability for Forfeiture (*NAL*) in the amount of \$25,000 to Garcia.² Garcia 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, and Sections 0.111, 0.204, 0.311, 0.314, and 1.80(f)(4) of the Commission's Rules, Gabriel A. Garcia **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of twenty-five thousand dollars (\$25,000) for willfully and repeatedly violating Section 303(n) of the Communications Act of 1934, as amended.³

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within thirty (30) calendar 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 U.S. Department of Justice for collection pursuant to Section 504(a) of the Act.⁴ 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 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

¹ 47 U.S.C. § 303(n).

² *Gabriel A. Garcia*, Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 6692 (Enf. Bur. 2011) (*NAL*).

³ 47 U.S.C. §§ 303(n), 503(b); 47 C.F.R. §§ 0.111, 0.204, 0.311, 0.314, 1.80(f)(4).

⁴ 47 U.S.C. § 504(a).

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. Gabriel A. Garcia shall also send electronic notification on the date said payment is made to WR-Response@fcc.gov

5. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by both First Class Mail and Certified Mail, Return Receipt Requested, to Gabriel A. Garcia, at his address of record.

FEDERAL COMMUNICATIONS COMMISSION

Rebecca L. Dorch
Regional Director, Western Region
Enforcement Bureau