

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

In the Matter of
Jose Luis Gerez
Queens, New York
File No.: EB-FIELDNER-16-00020896
NAL/Acct. No: 201632380002
FRN: 0025807975

FORFEITURE ORDER

Adopted: October 5, 2016

Released: October 6, 2016

By the Regional Director, Region One, Enforcement Bureau:

1. We impose a penalty of \$10,000 against Jose Luis Gerez for operating an unlicensed radio station on 95.1 MHz in Queens, New York. The Commission previously warned Mr. Gerez that operation of this unlicensed station was illegal and that continued operation could result in further enforcement action. Mr. Gerez's deliberate disregard of the Commission's warning warrants a significant penalty.

2. On August 26, 2016, the Enforcement Bureau issued a Notice of Apparent Liability for Forfeiture (NAL) proposing a \$10,000 forfeiture against Mr. Gerez for willful and repeated violation of Section 301 of the Communications Act of 1934, as amended (Act) by operating an unlicensed FM broadcast station on 95.1 MHz from various locations in Queens, New York. Mr. Gerez has not filed a response to the NAL. Based on the information before us, we affirm the forfeiture proposed in the NAL.

3. Accordingly, IT IS ORDERED that, pursuant to Section 503(b) of the Act and Sections 0.111, 0.204, 0.311, and 1.80 of the Commission's rules (Rules), Jose Luis Gerez IS LIABLE FOR A MONETARY FORFEITURE in the amount of Ten Thousand Dollars (\$10,000) for willfully and repeatedly violating Section 301 of the Act.

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 after the release date 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 enforcement of the forfeiture pursuant to Section 504(a) of the Act.

1 See Jose Luis Gerez, Notice of Apparent Liability for Forfeiture, DA 16-962 (EB, Aug. 26, 2016).

2 47 U.S.C. § 503(b).

3 47 CFR §§ 0.111, 0.204, 0.311, and 1.80.

4 47 U.S.C. § 301.

5 47 CFR § 1.80.

6 47 U.S.C. § 504(a).

5. Payment of the forfeiture must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account Number and FRN referenced above. Mr. Gerez shall send electronic notification of payment to Matthew L. Gibson at matthew.gibson@fcc.gov on the date said payment is made. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.⁷ When completing the Form 159, enter the 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 that should be followed based on the form of payment selected:

- 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.

6. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer – Financial Operations, Federal Communications Commission, 445 12th Street, SW, Room 1-A625, Washington, DC 20554.⁸ Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by telephone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

7. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by first class mail and certified mail, return receipt requested, to Jose Luis Gerez at his address of record.

FEDERAL COMMUNICATIONS COMMISSION

David Dombrowski
Regional Director, Region One
Enforcement Bureau

⁷ An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

⁸ See 47 CFR § 1.1914.