

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

In the Matter of)	
)	
Confederated Tribes and)	Facility ID No. 24586
Bands of the Yakama Nation)	NAL/Acct. No. MB-20164140011
)	FRN: 001457831
Licensee of Station KYNR(AM))	File No. BR-20140123BAK
Toppenish, Washington)	

FORFEITURE ORDER

Adopted: August 10, 2016

Released: August 10, 2016

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 Confederated Tribes and Bands of the Yakama Nation (Licensee), licensee of Station KYNR(AM), Toppenish, Washington (Station), for willfully violating Section 73.3539 of the FCC rules (Rules) by failing to timely file a license renewal application for the Station.

II. BACKGROUND

2. On June 8, 2016, 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.¹ As noted in the *NAL*, Licensee's renewal application for the Station's previous license term was due on October 1, 2013, four months prior to the February 1, 2014, expiration date.² Licensee did not file a renewal application until January 23, 2014, almost four months after the filing deadline and one week before the Station's license expiration date. Licensee provided no explanation for the untimely filing of the application. No response to the *NAL* has been filed.

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),³ Section 1.80 of the Rules,⁴ and the Commission's *Forfeiture Policy Statement*.⁵ 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

¹ *Confederated Tribes and Bands of the Yakama Nation*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 16-634 (MB June 8, 2016).

² See 47 CFR §§ 73.1020, 73.3539(a).

³ 47 U.S.C. § 503(b).

⁴ 47 CFR § 1.80.

⁵ *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).

respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.⁶

4. We conclude that Licensee willfully⁷ violated Section 73.3539 of the Rules and that no circumstances warrant reduction or cancellation of the forfeiture. We will withhold grant of the renewal application until Licensee has completed payment of the forfeiture.

IV. ORDERING CLAUSES

5. IT IS ORDERED, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Sections 0.283 and 1.80 of FCC rules,⁸ that Confederated Tribes and Bands of the Yakama Nation SHALL FORFEIT to the United States the sum of one thousand, five hundred dollars (\$1,500) for willfully violating Section 73.3539 of FCC rules.

6. Payment of the forfeiture must be made by a check or similar instrument, wire transfer or credit card and include the Account Number and FRN referenced in the caption above. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the Account Number in block number 23A (callsign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Licensee will also send electronic notification on the date said payment is made to Penelope Dade at Penelope.Dade@FCC.GOV and Alexander Sanjenis at Alexander.Sanjenis@FCC.GOV. Failure to do so will result in additional delay of processing the Application. 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 47 U.S.C. § 503(b)(2)(E).

⁷ 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 Cal. Broad. Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4387-88, para. 5 (1991).

⁸ 47 U.S.C. § 503(b); 47 CFR §§ 0.283, 1.80.

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. Ronnie Washines, Confederated Tribes and Bands of the Yakama Nation, P.O. Box 151, Toppenish, WA 98948.

FEDERAL COMMUNICATIONS COMMISSION

Peter H. Doyle
Chief, Audio Division
Media Bureau