

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

In the Matter of
Vasco Oburoni,
Worcester, Massachusetts
File No. EB-FIELDNER-15-00019024
NAL/Acct. No: 201732260001
FRN: 0026006791

FORFEITURE ORDER

Adopted: January 18, 2017

Released: January 19, 2017

By the Regional Director, Region One, Enforcement Bureau:

I. INTRODUCTION

1. We impose a penalty of \$15,000 against Vasco Oburoni for operating an unlicensed radio station on 102.3 MHz in Worcester, Massachusetts in violation of Section 301 of the Communications Act of 1934, as amended (Act). The penalty represents the full amount proposed in the Notice of Apparent Liability for Forfeiture, and is based on the full base forfeiture amount as well as an upward adjustment reflecting Mr. Oburoni's decision to continue his misconduct after being warned that his actions violated the Act and the Commission's rules. After reviewing Mr. Oburoni's response to the NAL, we find no reason to cancel, withdraw, or reduce the proposed penalty, and we therefore assess the \$15,000 forfeiture the Bureau previously proposed.

II. BACKGROUND

2. On November 10, 2016, the Enforcement Bureau (Bureau) issued the NAL, proposing a \$15,000 forfeiture against Mr. Oburoni for his apparent willful violation of Section 301 of the Act for operating an unlicensed radio broadcast station on 102.3 MHz in Worcester, Massachusetts. On December 8, 2016, Mr. Oburoni timely submitted a response to the NAL. In the NAL Response, Mr. Oburoni sought to "appeal" the NAL and for additional time to prepare for such an "appeal."

III. DISCUSSION

3. In the NAL, we instructed Mr. Oburoni how he could respond to it. Specifically, we instructed Mr. Oburoni either to (a) pay the proposed monetary forfeiture within 30 days from the release of the NAL or (b) submit a written statement seeking a reduction or cancellation of the proposed

1 Vasco Oburoni, Worcester, Massachusetts, Notice of Apparent Liability for Forfeiture, 31 FCC Rcd 12316 (EB 2016) (NAL).

2 NAL, 31 FCC Rcd at 12318-19, para 8.

3 Letter from Vasco Oburoni (dated December 8, 2016) (on file in EB-FIELDNER-15-00019024) (NAL Response).

4 Id.

forfeiture within 30 days of the release of the NAL.⁵ Even construing Mr. Oburoni's request for an "appeal" in the broadest possible sense as constituting a request for a reduction or cancellation of the monetary forfeiture proposed in the NAL, we note that the NAL Response does not include any substantive argument, either to attempt to rebut the facts presented in the NAL or to establish grounds under which we could consider a reduction of the monetary forfeiture. We note that the NAL stated that the Commission will not consider a request for a reduction or cancellation of a proposed forfeiture unless the person who is subject to the NAL has requested such reduction or cancellation and submitted "a detailed factual statement supported by appropriate documentation and affidavits pursuant to Sections 1.16 and 1.80(f)(3) of the rules."⁶ The NAL also explained that, to support a claim of inability to pay, Mr. Oburoni would need to submit (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects his current financial status.⁷ Mr. Oburoni did not submit any required documentation or affidavits as required by the Commission's rules. Accordingly, we find no basis to reduce or cancel the forfeiture based on an alleged inability to pay.

4. We also note that, despite receiving from the Commission Notices of Unlicensed Operation⁸ and the NAL itself, Mr. Oburoni has apparently not terminated operation of his unlicensed broadcast station on 102.3 MHz in Worcester, Massachusetts. Specifically, on December 13, 2016, two agents from the Boston Field Office traveled to Worcester and confirmed that Mr. Oburoni's unlicensed radio broadcast station was still operating on 102.3 MHz from the same location identified in the NAL. We take this opportunity to once again warn Mr. Oburoni that operation of radio transmitting equipment without a valid radio station authorization constitutes a violation of Federal law and could subject Mr. Oburoni to severe penalties, including, but not limited to, further substantial monetary fines, an *in rem* arrest action against the offending radio equipment, and criminal sanctions, including imprisonment.⁹

IV. CONCLUSION

5. Based on the record before us and in light of the applicable statutory factors and the Commission's forfeiture guidelines, we conclude that Vasco Oburoni violated Section 301 of the Act by operating an unlicensed radio broadcast station on 102.3 MHz in Worcester, Massachusetts. We decline to cancel or reduce the \$15,000 forfeiture proposed in the NAL.

V. ORDERING CLAUSES

6. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Act,¹⁰ and Section 1.80 of the Rules,¹¹ Vasco Oburoni **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of Fifteen Thousand Dollars (\$15,000) for willfully and repeatedly violating Section 301 of the Act.

7. 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 of this Forfeiture Order.¹² If the forfeiture is not

⁵ NAL, 31 FCC Rcd at 12319, para 11.

⁶ *Id.*, 31 FCC Rcd at 12320, para 14.

⁷ *Id.*

⁸ *See id.*, 31 FCC Rcd at 12316-17, paras 2-3.

⁹ *See* 47 U.S.C. §§ 401, 501, 503, and 510.

¹⁰ 47 U.S.C. § 503(b).

¹¹ 47 C.F.R. § 1.80.

¹² *Id.*

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.¹³

8. 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. Oburoni shall send electronic notification of payment to Matthew L. Gibson at matthew.gibson@fcc.gov, with a copy to NER-Response@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.¹⁴ 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 completed Form 159) must be mailed to the 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.

9. 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 20554.¹⁵ 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.

10. **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 Vasco Oburoni, at 52 Ward Street, Worcester, Massachusetts 01610.

FEDERAL COMMUNICATIONS COMMISSION

David Dombrowski
Regional Director, Region One
Enforcement Bureau

¹³ 47 U.S.C. § 504(a).

¹⁴ An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

¹⁵ See 47 C.F.R. § 1.1914.