

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

In the Matter of
Ravi's Import Warehouse, Inc.,
Dallas, Texas
File No.: EB-FIELDSCR-17-00024142
NAL/Acct No.: 201732500001
FRN: 0026514281

FORFEITURE ORDER

Adopted: April 25, 2018

Released: April 26, 2018

By the Regional Director, Region Two:

I. INTRODUCTION

1. We impose a penalty of \$22,000 against Ravi's Import Warehouse, Inc., (Ravi's) for operating a cellular phone jammer (jammer or signal jammer) in its commercial establishment in Dallas, Texas, in willful violation of Sections 301, 302a(b), and 333 of the Communications Act of 1934, as amended (Act), and Sections 2.805(a) and 15.1(c) of the Commission's rules. The Enforcement Bureau (Bureau) previously proposed a \$22,000 forfeiture against Ravi's for its use of a signal jammer. In response to the NAL, Ravi's asserts that the Bureau incorrectly applied relevant portions of the Act and proposed a forfeiture that was inconsistent with precedent. After reviewing Ravi's response to the NAL, we disagree and find no reason to cancel, withdraw, or reduce the proposed penalty. We therefore assess the \$22,000 forfeiture the Bureau previously proposed.

II. BACKGROUND

2. On July 26, 2017, the Bureau issued the NAL proposing a \$22,000 forfeiture against Ravi's for its apparent willful violation of Sections 301, 302a(b), and 333 of the Act and Section 2.805(a) and 15.1(c) of the Commission's rules stemming from its operation of a signal jammer. As discussed in the NAL, on April 10, 2017, an agent from the Bureau's Dallas Field Office (Dallas Office) responded to a complaint from an AT&T representative asserting that an AT&T base station was receiving interference from what appeared to be a signal jammer. The AT&T representative advised the agent that the characteristics of the interference were typical of a signal jammer. While the agent was en route to the general location of the suspected signal jammer, the AT&T representative separately, and using his own equipment, determined that the jammer was likely located within Ravi's commercial establishment. When the agent arrived on the scene, the AT&T representative was already present and stated that shortly after Ravi's security personnel noticed the AT&T representative's presence, the jammer ceased operating. In the presence of the AT&T representative, the agent spoke with Anita Bhatia, who stated that she was

1 47 U.S.C. §§ 301, 302a(b), 333.

2 47 CFR §§ 2.805(a), 15.1(c).

3 Ravi's Import Warehouse, Inc., Dallas Texas, Notice of Apparent Liability for Forfeiture, 32 FCC Rcd 5606 (EB 2017) (NAL).

4 The NAL includes a more complete discussion of the facts and history of this case and is incorporated in its entirety herein by this reference.

5 See NAL, 32 FCC Rcd at 5607, para. 3.

the owner of Ravi's.⁶ Ms. Bhatia admitted to the agent that Ravi's used a signal jammer as a means of preventing its employees from using mobile phones while at work.⁷ The agent informed Ms. Bhatia of the public safety issues that could be caused by Ravi's use of a cell jammer. Ms. Bhatia acknowledged that, in February 2017, the AT&T representative had warned her adult son against the operation of a signal jammer. Ms. Bhatia further stated that she disposed of the jammer shortly before the agent's arrival. Ms. Bhatia refused to voluntarily retrieve and surrender the device to the agent, and she also refused to identify the specific dumpster in which she disposed of the device.⁸ Instead, Ms. Bhatia offered to sell the signal jammer to the agent.⁹ The agent declined the offer and issued a Notice of Unlicensed Radio Operation informing Ravi's that the operation of a signal jammer is illegal.¹⁰ The following day, the agent contacted the AT&T representative, who confirmed that AT&T was no longer receiving interference from equipment operated at Ravi's commercial establishment.¹¹

3. On August 21, 2017, Ravi's submitted a brief response to the *NAL*.¹² In the *NAL* Response, Ravi's affirms the core facts establishing that it violated Sections 301, 302a(b), and 333 of the Act and Sections 2.805(a) and 15.1(c) of the Commission's rules but argues that the Bureau misapplied relevant law and Commission precedents in proposing a \$22,000 monetary forfeiture against Ravi's. Specifically, Ravi's argues that, (i) while Ms. Bhatia used a jammer and discarded it in a dumpster, that the FCC agent did not ask her to retrieve it; and (ii) that the Bureau erred in applying Section 503(b)(2)(D) of the Act and otherwise misapplied the law in determining the proposed forfeiture amount. For the reasons set forth below, we find that Ravi's has not provided an adequate basis for reducing or canceling the forfeiture proposed in the *NAL*.

III. DISCUSSION

4. The Bureau proposed a forfeiture in this case in accordance with Section 503(b) of the Act,¹³ Section 1.80 of the Commission's rules,¹⁴ and the Commission's *Forfeiture Policy Statement*.¹⁵ When we assess forfeitures, Section 503(b)(2)(E) requires that we take into account the "nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require."¹⁶ We have fully considered Ravi's response to the *NAL*, which includes a variety of legal arguments, but we find none of them persuasive. The Bureau therefore affirms the \$22,000 forfeiture proposed in the *NAL*.

⁶ *NAL*, 32 FCC Rcd at 5607, para. 3.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Ravi's Import Warehouse, Inc., Response to Notice of Apparent Liability for Forfeiture (Aug. 21, 2017) (on file in EB-FIELDSCR-17-00024142) (*NAL* Response). The *NAL* Responses is two pages, *see id.*, and is accompanied by a one-page notarized affidavit of Anita Bhatia. *Id.*, Affidavit of Anita Bhatia (Bhatia Affidavit).

¹³ 47 U.S.C. § 503(b).

¹⁴ 47 C.F.R. § 1.80.

¹⁵ *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) (*Forfeiture Policy Statement*), *recons. denied*, Memorandum Opinion and Order, 15 FCC Rcd 303 (1999).

¹⁶ 47 U.S.C. § 503(b)(2)(E).

5. In the NAL Response, Ravi's admits to the core "operative facts" set forth in the *NAL*—that Ravi's operated a signal jammer on April 10, 2017, and that Ravi's previously received a warning from AT&T in February 2017.¹⁷ As a result, Ravi's conceded the central facts to support a conclusion that Ravi's violated Sections 301 and 302a(b) of the Act and Sections 2.805(a) and 15.1(c) of the Commission's rules by operating a radiofrequency device without authority from the Commission and Section 333 of the Act by willfully causing interference to AT&T.¹⁸ Thus, we affirm our apparent findings of liability.

6. In the NAL Response, however, Ravi's disputes narrow portions of the *NAL*'s description of the April 10, 2017,¹⁹ conversation between Ms. Bhatia and the agent from the Dallas Office. Ravi's disputes whether the FCC Agent asked her to retrieve the signal jammer from the trash and she declined or whether she told the agent that the agent could retrieve it. Specifically, in the Bhatia Affidavit, Ms. Bhatia states that she "told [the FCC agent] that [she] had thrown the jammer in the dumpster and that they were welcome to retrieve it. They declined to do so."²⁰ Even if we were to accept the version of events recounted in the Bhatia Affidavit, the disputed portion of the conversation between Ms. Bhatia and the agent is irrelevant to our finding of liability, especially in light of Ravi's admissions in the NAL Response.²¹ Rather, the only logical purpose of the Bhatia Affidavit would be to argue against the \$5,000 upward adjustment proposed in the *NAL* for egregious behavior. Although Ravi's does not make such an affirmative argument in the NAL Response, even if it had done so, we would not find it persuasive. While Ravi's disputes the characterization in the *NAL* that Ms. Bhatia refused to voluntarily surrender the jamming device to the agent,²² the NAL Response does not deny the Bureau's assertion that Ms. Bhatia offered to sell the signal jammer to the agent.²³ Because the *NAL* based the \$5,000 upward adjustment on the egregiousness of Ms. Bhatia's attempt to sell the jamming device to the agent, we need not address the factual question raised in the NAL Response of who told whom that they could retrieve the jammer from the trash.²⁴

7. The remainder of the NAL Response asserts that the Bureau misapplied applicable law in calculating the *NAL*'s proposed forfeiture of \$22,000.²⁵ Ravi's asserts that the *NAL*'s use of Section 503(b)(2)(D) of the Act "is misplaced."²⁶ To the contrary, this is the applicable statutory section to apply when the Commission proposes or assesses a forfeiture against an entity that is not a broadcast licensee or a common carrier.²⁷ And the monetary forfeiture proposed in the *NAL* is consistent with the

¹⁷ NAL Response at 1.

¹⁸ 47 U.S.C. §§ 301, 302a(b), 333; 47 CFR §§ 2.805(a), 15.1(c). As noted in the *NAL*, because the same underlying facts here resulted in violations of both Section 301 (operation without an instrument of authorization) (\$10,000 base forfeiture) and Section 302a(b) (use of unauthorized or illegal equipment) (\$5,000 base forfeiture), we imposed only one of these two base forfeiture amounts. *NAL* at 32 FCC Rcd 5609, n. 22.

¹⁹ NAL Response at 1.

²⁰ NAL Response, Affidavit of Anita Bhatia.

²¹ NAL Response at 1.

²² *Id.*

²³ *Compare NAL*, 32 FCC Rcd at 5607, para. 3, *to* NAL Response at 1.

²⁴ *See NAL*, 32 FCC Rcd at 5609, para. 8.

²⁵ NAL Response at 2.

²⁶ *Id.*

²⁷ *See* 47 U.S.C. 503(b)(2)(D).

Commission's precedents for enforcement actions involving signal jammers.²⁸ We therefore reject Ravi's argument for a reduction of the monetary forfeiture.

8. After considering the relevant statutory factors and the Commission's *Forfeiture Policy Statement*, we find that Ravi's is liable for a total forfeiture of \$22,000. As explained in the *NAL*, this amount represents the sum of (a) the \$10,000 base forfeiture for operating a radio without the Commission's authorization, in violation of Sections 301 and 302a(b) of the Act and Sections 2.805(a) and 15.1(c) of the Commission's rules, (b) the \$7,000 base forfeiture for causing harmful interference, in violation of Section 333 of the Act, and (c) an upward adjustment of \$5,000 to address the egregiousness of Ravi's attempt to generate revenue from the Commission's efforts to resolve an interference complaint (with potential public safety ramifications).

IV. CONCLUSION

9. Based on the record before us, and in light of the applicable statutory factors, we conclude that Ravi's willfully violated Sections 301, 302a(b) and 333 of the Act and Sections 2.805(a) and 15.1(c) of the Commission's rules by operating a signal jammer from its commercial establishment in Dallas, Texas. We decline to cancel or reduce the \$22,000 forfeiture proposed in the *NAL*.

V. ORDERING CLAUSES

10. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Act,²⁹ and Section 1.80 of the Rules,³⁰ Ravi's Import Warehouse, Inc., **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of Twenty-Two Thousand Dollars (\$22,000) for willfully violating Sections 301, 302a(b), and 333 of the Act,³¹ and Sections 2.805(a) and 15.1(c) of the Commission's rules.³²

11. 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.³³ 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.³⁴

12. 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. Ravi's shall send electronic notification of payment to Matthew L. Gibson at matthew.gibson@fcc.gov, with a copy to field@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.³⁵ When completing Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number 24A

²⁸ See, e.g., *R&N Manufacturing, Ltd.*, Notice of Apparent Liability for Forfeiture, 29 FCC Rcd 3332, para. 2 (2014), *cancelled by* Order, 31 FCC Rcd 1897 (EB 2016) (adopting a Consent Decree terminating and resolving the investigation); *The Supply Room, Inc.*, Notice of Apparent Liability for Forfeiture, 28 FCC Rcd 4981, 85-87, paras. 11-14 (2013), *cancelled by* Order, 31 FCC Rcd 2082 (EB 2016) (adopting a Consent Decree terminating and resolving the investigation). In addition, we note that Ravi's reliance on *U.S. v. Baxter*, 841 F. Supp. 2d 378 (D. Me. 2012), is misplaced. Unlike the present case, *Baxter* involved violations of the Commission's Part 97 rules for amateur radio licensees, not the operation of a signal jamming device.

²⁹ 47 U.S.C. § 503(b).

³⁰ 47 CFR § 1.80.

³¹ 47 U.S.C. § 301, 302a(b), 333.

³² 47 CFR §§ 2.805(a), 15.1(c).

³³ *Id.*

³⁴ 47 U.S.C. § 504(a).

³⁵ An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

(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. Luis, 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.

13. 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, S.W., Room 1-A625, Washington, DC 20554.³⁶ Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by telephone, 1-877-480-3201, or by e-mail, ARINQUIRES@fcc.gov.

14. **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 Ravi's Import Warehouse, Inc., Attn: Anita Bhatia, 11029 Harry Hines Boulevard, Dallas, Texas 75229, with a copy to Allen Landerman, Esq., Allen Landerman, P.C., 16801 Addison Road, Suite 125, Addison, Texas 75001.

FEDERAL COMMUNICATIONS COMMISSION

Ronald Ramage
Regional Director
Region Two
Enforcement Bureau

³⁶ See 47 CFR § 1.1914.