

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Gerald Sutton,
Alma, Arkansas
File No.: EB-FIELDSCR-18-00027605
NAL/Acct. No.: 201932020005
FRN: 0028746782

FORFEITURE ORDER

Adopted: June 17, 2020

Released: June 18, 2020

By the Acting Field Director, Enforcement Bureau:

1. Operating an unlicensed station is illegal under the Communications Act of 1934, as amended (Act). Pirate radio stations undermine the Commission’s primary mission to manage radio spectrum. Such illegal operations can interfere with licensed communications, including authorized broadcasts and communications by public safety entities. Moreover, such illegal operations pose a danger to the public because they interfere with licensed stations that inform their listeners of important public safety messages, including Emergency Alert System transmissions that provide vital information regarding weather and other dangers to the public.

2. The Enforcement Bureau previously issued a Notice of Apparent Liability for Forfeiture (Notice) against Gerald Sutton (Sutton)1 for apparently operating an unlicensed pirate radio station in violation of section 301 of the Act2 and proposed a \$10,000 fine for apparently statutory violations.3 Sutton did not respond to the Notice. Therefore, we affirm the Notice and impose a penalty of \$10,000 against Sutton for willfully operating an unlicensed, or pirate, radio station.

3. Accordingly, IT IS ORDERED that, pursuant to section 503(b) of the Act,4 and section 1.80 of the Commission’s rules,5 and sections 0.111, 0.204, and 0.311 of the Commission’s rules,6 Gerald Sutton IS LIABLE FOR A MONETARY FORFEITURE in the amount of Ten Thousand Dollars (\$10,000) for willfully violating section 301 of the Act.7

4. Payment of the forfeiture shall be made in the manner provided for in section 1.80 of the Commission’s rules within thirty (30) calendar days after the release date of this Forfeiture Order.8 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.9

1 Any entity that is a “Small Business Concern” as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. § 657, “Oversight of Regulatory Enforcement,” in addition to other rights set forth herein.

2 47 U.S.C. § 301.

3 Gerald Sutton, Notice of Apparent Liability for Forfeiture, 34 FCC Red 7226 (EB 2019). The Notice includes a more complete discussion of the facts and history of this case and is incorporated herein by reference.

4 47 U.S.C. § 503(b).

5 47 CFR § 1.80.

6 47 CFR §§ 0.111, 0.204, 0.311.

7 47 U.S.C. § 301.

8 47 CFR § 1.80.

9 47 U.S.C. § 504(a).

5. Payment of the Civil Penalty must be made by credit card, ACH (Automated Clearing House) debit from a bank account using the Commission's Fee Filer (the Commission's online payment system),<sup>10</sup> or by wire transfer. The Commission no longer accepts Civil Penalty payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:<sup>11</sup>

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. A completed Form 159 must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to [RROGWireFaxes@fcc.gov](mailto:RROGWireFaxes@fcc.gov) on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 may result in payment not being recognized as having been received. When completing FCC Form 159, enter the Account Number in block number 23A (call sign/other ID), enter the letters "FORF" in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).<sup>12</sup> For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using the Commission's Fee Filer website at <https://apps.fcc.gov/FeeFiler/login.cfm>. To pay by credit card, log-in using the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Pay bills" on the Fee Filer Menu, and select the bill number associated with the NAL Account – the bill number is the NAL Account number with the first two digits excluded – and then choose the "Pay by Credit Card" option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using the Commission's Fee Filer website at <https://apps.fcc.gov/FeeFiler/login.cfm>. To pay by ACH, log in using the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Pay bills" on the Fee Filer Menu and then select the bill number associated to the NAL Account – the bill number is the NAL Account number with the first two digits excluded – and choose the "Pay from Bank Account" option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

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.<sup>13</sup> 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](mailto:ARINQUIRIES@fcc.gov).

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<sup>10</sup> Payments made using the Commission's Fee Filer system do not require the submission of an FCC Form 159.

<sup>11</sup> For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6), or by e-mail at [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov).

<sup>12</sup> Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

<sup>13</sup> See 47 CFR § 1.1914.

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 Gerald Sutton at his address of record.

FEDERAL COMMUNICATIONS COMMISSION

Ronald Ramage  
Acting Field Director  
Enforcement Bureau