

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

In re Application of	)	
	)	
Imani Communications Corporation, Inc.	)	Facility ID No. 81739
	)	NAL/Acct. No. MB-202041410006
For Renewal of License for	)	FRN: 0007716624
Station WBFZ(FM)	)	File No. 0000108753
Selma, Alabama	)	

**ORDER**

**Adopted: January 13, 2021**

**Released: January 13, 2021**

By the Chief, Audio Division, Media Bureau:

**I. INTRODUCTION**

1. In this *Order*, on our own motion, we modify a *Forfeiture Order*<sup>1</sup> issued to Imani Communications Corporation, Inc. (Licensee), licensee of Station WBFZ(FM), Selma, Alabama (Station). The *Forfeiture Order* incorrectly stated that the Licensee had not filed a written statement in response to the *Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture (NAL)* released on October 30, 2020.<sup>2</sup> In fact, the Licensee had timely filed a response, which we consider herein. Based upon our review of the response, we affirm our finding that the Licensee willfully violated section 73.3539 of the Commission's rules (Rules) but find reduction of the forfeiture is justified. Accordingly, we reduce the forfeiture to five hundred dollars (\$500).

**II. BACKGROUND**

2. Section 73.3539(a) of the Rules requires that applications for renewal of license for broadcast stations must be filed "not later than the first day of the fourth full calendar month prior to the expiration date of the license sought to be renewed."<sup>3</sup> An application for renewal of the Station's license should have been filed by October 1, 2019, the first day of the fourth full calendar month prior to the Station's license expiration date of April 1, 2020.<sup>4</sup> The application was not filed until March 23, 2020. The Licensee provided no explanation for its untimely filing of the application.

3. Accordingly, on October 30, 2020, we released the *NAL*, which proposed a forfeiture of three thousand dollars (\$3,000). The *NAL* gave the Licensee thirty days to pay the full amount of the proposed forfeiture, or file a written statement seeking reduction or cancellation of the proposed forfeiture.<sup>5</sup>

4. On December 15, 2020, we issued the *Forfeiture Order*, which stated that the Licensee had neither paid the proposed forfeiture nor responded in writing to the *NAL*. This statement, however, was erroneous. Although we were unaware of it at the time we issued the *Forfeiture Order*, the Licensee

<sup>1</sup> *Imani Commc'ns Corp., Inc.*, Forfeiture Order, DA 20-1482 (MB Dec. 15, 2020).

<sup>2</sup> *Imani Commc'ns Corp., Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 35 FCC Rcd 12037 (MB Oct. 30, 2020) (*NAL*).

<sup>3</sup> *Id.* § 73.3539(a).

<sup>4</sup> *Id.* §§ 73.1020, 73.3539(a).

<sup>5</sup> *NAL*, 35 FCC Rcd at 12039, para. 9.

had in fact submitted a written response in which it did not dispute that it had violated section 73.3539 of the Rules but requested that we cancel the proposed forfeiture based on the Licensee's inability to pay it.<sup>6</sup> We consider the response below.

### III. DISCUSSION

5. The proposed forfeiture amount in this case was assessed in accordance with Section 503(b) of the Act,<sup>7</sup> Section 1.80 of the Rules,<sup>8</sup> and the Forfeiture Policy Statement.<sup>9</sup> Section 503(b)(2)(E) of the Act requires that the Commission 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 other such matters as justice may require.<sup>10</sup>

6. We have considered the Licensee's response in light of these statutory factors. We affirm our undisputed finding that the Licensee willfully violated section 73.3539 of the Rules. However, based on the financial documents provided by the Licensee as part of the response, we find that there is a sufficient basis to reduce (but not cancel) the forfeiture to five hundred dollars (\$500). The forfeiture, as reduced, represents a percentage of the Licensee's gross revenues comparable to that assessed against gross revenues in prior cases.<sup>11</sup>

### IV. ORDERING CLAUSES

7. Accordingly, **IT IS ORDERED** that, pursuant to sections 0.61, 0.283, and 1.108 of the Commission's rules,<sup>12</sup> the forfeiture issued to Imani Communications Corporation, Inc., on December 15, 2020, **IS HEREBY REDUCED**, and that, pursuant to section 503(b) of the Communications Act of 1934, as amended, and sections 0.283 and 1.80 of the Commission's Rules, Imani Communications Corporation, Inc., **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$500 for its willful violation of section 73.3539 of the Commission's rules.

8. Payment of the forfeiture 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>13</sup> or by wire transfer. The Commission no longer accepts forfeiture payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:<sup>14</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

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<sup>6</sup> Response to Notice of Apparent Liability for Forfeiture and Request for Canceling Forfeiture of Imani Commc'ns Corp., Inc. (dated Nov. 14, 2020).

<sup>7</sup> 47 U.S.C. § 503(b).

<sup>8</sup> 47 CFR § 1.80.

<sup>9</sup> *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).

<sup>10</sup> 47 U.S.C. § 503(b)(2)(E).

<sup>11</sup> *See, e.g., Nievesquez Productions, Inc.*, Forfeiture Order, 26 FCC Rcd 14178, 14181, para. 9 (MB 2011) (noting that the Media Bureau had "previously found forfeiture amounts as high as 5 percent of gross revenues to be reasonable" and that the Enforcement Bureau had "found that a forfeiture as high as 7.9 percent of the violator's gross revenue was not excessive despite claims of financial hardship").

<sup>12</sup> 47 CFR §§ 0.61, 0.283, 1.108.

<sup>13</sup> Payments made using the Commission's Fee Filer system do not require the submission of an FCC Form 159.

<sup>14</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).

provide all required information in Form 159 may result in payment not being recognized as having been received. When completing 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>15</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 dollar limitation on credit card transactions, which cannot exceed \$24,999.99.
- 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.

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, 45 L Street NE, Washington, DC 20554. Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov).

10. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by First Class and Certified Mail, Return Receipt Requested, to Franklin Bernard Fortier, PO Box 36701, Selma, AL 36701.

FEDERAL COMMUNICATIONS COMMISSION

**Albert Shuldiner**

Albert Shuldiner  
Chief, Audio Division  
Media Bureau

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<sup>15</sup> Instructions for completing the form may be obtained at <https://transition.fcc.gov/Forms/Form159/159.pdf>.