

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

In the Matter of)	
)	
Philip J. Beaudet)	File No.: EB-FIELDNER-22-00034515
)	NAL/Acct. No.: 202332010003
Licensee of Amateur Radio Station N6PJB, Burney, California)	FRN: 0001977578
)	
)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: May 30, 2023

Released: May 30, 2023

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. We propose a penalty of \$24,000 against Philip J. Beaudet (Beaudet) for apparently willfully and repeatedly interfering with the radio communications of the Western Amateur Radio Friendship Association (WARFA) while it was attempting to hold a regularly scheduled net¹ and for failing to provide station identification on amateur radio frequencies.

2. Amateur radio frequencies are shared, and amateur radio licensees may not monopolize any frequency for their exclusive use. Deliberate interference undermines the utility of the Amateur Radio Service by preventing communications among licensed users that comply with the Commission's rules. In addition, the failure to transmit call sign information disrupts the orderly administration of the Amateur Radio Service by preventing licensed users from identifying the entity that is transmitting.

3. In this Notice of Apparent Liability for Forfeiture (NAL), we find that Beaudet, licensee of Amateur Radio Station N6PJB in Burney, California, apparently willfully and repeatedly violated section 333 of the Communications Act of 1934, as amended (Act), and sections 97.101(d) and 97.119(a) of the Commission's rules,² by causing harmful interference to licensed radio operations and by failing to transmit his assigned call sign in the Amateur Radio Service. We conclude Beaudet is apparently liable for a forfeiture in the amount of twenty-four thousand dollars (\$24,000).

II. BACKGROUND

A. Legal Framework

4. Section 333 of the Act states that “[n]o person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under the Act or operated by the United States government.”³ The legislative history for section 333 identifies willful and malicious interference as “intentional jamming, deliberate transmission on top of the transmissions of authorized users already using specific frequencies in order to obstruct their communications, repeated interruptions, and the use and transmission of whistles, tapes, records, or other types of noisemaking devices to interfere with the communications or radio signals of other stations.”⁴

¹ A “net” is an on-air meeting of a group of local amateurs to discuss matters of common interest.

² 47 U.S.C. § 333; 47 CFR §§ 97.101(d), 97.119(a).

³ 47 U.S.C. § 333.

⁴ H.R. Rep. No. 101-316, at 8 (1989).

Section 97.101(d) of the Commission's rules states that "[n]o amateur operator shall willfully or maliciously interfere with or cause interference to any radio communications or signal."⁵

5. Section 97.119(a) states that "[e]ach amateur station, except a space station or telecommand station, must transmit its assigned call sign on its transmitting channel at the end of each communication, and at least every 10 minutes during a communication, for the purpose of clearly making the source of the transmissions from the station known to those receiving the transmissions."⁶

B. Factual Background

6. The Commission has received numerous complaints alleging that Beaudet caused intentional interference to other amateur radio operators using frequency 3.908 MHz and failed to transmit his assigned call sign, in apparent violation of section 333 of the Act, and sections 97.101(d) and 97.119(a) of the Commission's rules.⁷ On November 22, 2022, in response to continued complaints alleging intentional interference to amateur radio communications, an agent from the San Francisco Field Office (San Francisco Office) of the Federal Communications Commission's Enforcement Bureau (Bureau) drove to Burney, California, to investigate the complaints. The agent monitored frequency 3.908 MHz and used direction finding techniques to identify the source of the transmissions as Beaudet's amateur radio station, N6PJB, which he was operating at his residence in Burney, California. The agent monitored the transmissions emanating from Beaudet's residence on his station for approximately two hours that evening and heard him playing recordings on 3.908 MHz that caused interference to the ongoing WARFA net while failing to provide his assigned amateur call sign.

7. On November 29, 2022, an agent from the San Francisco Office drove to Burney, California, to continue to investigate the complaints. The agent monitored frequency 3.908 MHz and used direction finding techniques again to identify the source of the transmissions as Beaudet's amateur radio station, N6PJB, which he was operating at his residence in Burney, California. The agent monitored the transmissions emanating from Beaudet's station for approximately an hour and a half that evening and heard him playing recordings on 3.908 MHz, causing interference to the ongoing WARFA net and again failing to identify with his assigned call sign. On December 1, 2022, an agent from the San Francisco Office again returned to Burney, California, to continue to investigate the complaints. Once again, the agent monitored frequency 3.908 MHz and using direction findings techniques identified the source of the transmissions as Beaudet's amateur radio station, which he was operating at his residence in Burney, California. The agent monitored the transmissions from Beaudet's station for approximately one hour that evening and heard Beaudet playing recordings on 3.908 MHz causing interference to the ongoing WARFA net without providing his assigned call sign.

III. DISCUSSION

8. We find that Beaudet apparently willfully and repeatedly violated section 333 of the Act and sections 97.101(d) and 97.119(a) of the Commission's rules.⁸ First, Beaudet apparently willfully and repeatedly violated section 333 of the Act and section 97.101(d) of the Commission's rules when he caused harmful interference to the WARFA net by playing recordings that interrupted the ongoing communications. On November 22 and 29, and December 1, 2022, an agent from the San Francisco Office observed Beaudet transmitting on Amateur Radio Service frequency 3.908 MHz by playing recordings for extended periods of time. With these transmissions, Beaudet harmfully interfered with other amateur radio operators who were already communicating on the same frequency. Further, his transmissions would have harmfully interfered with any other amateur licensees attempting use the frequency. Based on the nature of Beaudet's transmissions and the playing of a recording, we find that

⁵ 47 CFR § 97.101(d).

⁶ *Id.* § 97.119(a).

⁷ 47 U.S.C. § 333; 47 CFR §§ 97.101(d), 97.119(a).

⁸ 47 U.S.C. § 333; 47 CFR § 97.101.

Beaudet's transmissions appear to have been made deliberately to prevent other amateur radio operators from conducting legitimate communications.

9. Second, Beaudet apparently violated section 97.119(a) of the Commission's rules by failing to transmit his Amateur Radio Service call sign.⁹ On November 22 and 29, and December 1, 2022, an agent from the San Francisco Office monitored 3.908 MHz collectively for approximately four and a half hours and during those times observed transmissions by Beaudet in which he failed to transmit his assigned call sign, N6PJB.

10. Based on the evidence before us, we find that Beaudet apparently willfully and repeatedly violated section 333 of the Act and sections 97.101(d) and 97.119(a) of the Commission's rules by interfering with other licensed amateur communications and failing to transmit his assigned call sign.¹⁰

A. Proposed Forfeiture

11. Section 503(b) of the Act authorizes the Commission to impose a forfeiture against any entity that "willfully or repeatedly fail[s] to comply with any of the provisions of [the Act] or of any rule, regulation, or order issued by the Commission."¹¹ Here, section 503(b)(2)(D) of the Act authorizes us to assess a forfeiture against Beaudet of up to \$23,727 for each violation.¹² In exercising our forfeiture authority, we must consider 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."¹³ In addition, the Commission has established forfeiture guidelines that establish base penalties for certain violations and identify criteria that we consider when determining the appropriate penalty in any given case.¹⁴ Under these guidelines, we may adjust a forfeiture upward for violations that are egregious, intentional, or repeated, or that cause substantial harm or generate substantial economic gain for the violator.¹⁵

12. Section 1.80 of the Commission's rules sets a base forfeiture of \$7,000 for causing interference to authorized stations and a base forfeiture of \$1,000 for failing to provide station identification.¹⁶ Therefore, we propose a total base forfeiture of \$24,000 (consisting of a \$7,000 forfeiture for each of the three days of harmful interference and a \$1,000 forfeiture for each of the three days for failure to provide station identification),¹⁷ for which Beaudet is apparently liable. In applying the

⁹ 47 CFR § 97.119(a).

¹⁰ 47 U.S.C. § 333; 47 CFR §§ 97.101(d), 97.119(a).

¹¹ 47 U.S.C. § 503(b).

¹² See 47 U.S.C. § 503(b)(2)(D); 47 CFR § 1.80(b)(7), (9); see also *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, DA 22-1356, 2022 WL 18023008, at *5 (EB Dec. 23, 2022); see also *Annual Adjustment of Civil Monetary Penalties to Reflect Inflation*, 88 Fed. Reg. 783 (Jan. 5, 2023) (setting January 15, 2023 as the effective date for the increases).

¹³ 47 U.S.C. § 503(b)(2)(E).

¹⁴ 47 CFR § 1.80(b)(10), tbl. 3 (articulating criteria for upward adjustments (egregious misconduct, ability to pay/relative disincentive, intentional violation, substantial harm, prior violations of any FCC requirements, substantial economic gain, and repeated or continuous violation) and downward adjustments (minor violation, good faith or voluntary disclosure, history of overall compliance, and inability to pay)).

¹⁵ *Id.*

¹⁶ *Id.* § 1.80.

¹⁷ See *Jay Peralta, Corona, New York*, Notice of Apparent Liability for Forfeiture, 32 FCC Rcd 3246, 3251 (2017), *forfeiture ordered*, Forfeiture Order, 32 FCC Rcd 7993 (2017) (assessing a forfeiture in the amount of \$21,000 per day, which includes the base forfeiture of \$7,000 per day for interference, plus the upward adjustment for egregious conduct, for causing deliberate interference to public safety frequencies on 9 different occasions); see also *William F. Crowell*, Notice of Apparent Liability for Forfeiture, 30 FCC Rcd 14,267, 14,271 (EB, Western Region, San Francisco Office 2015), *forfeiture ordered*, Forfeiture Order, 31 FCC Rcd 8700 (EB 2016) (assessing a forfeiture in the amount of \$7,000 per day for 2 days for causing intentional interference to amateur radio operators).

applicable statutory factors, we also consider whether there is any basis for a downward adjustment of the proposed forfeiture. Here, we find none.¹⁸ Finally, we caution Beaudet that future violations of this kind may result in significantly higher forfeitures or revocation of his amateur license.

IV. CONCLUSION

13. We have determined that Beaudet apparently willfully and repeatedly violated section 333 of the Act and sections 97.101(d) and 97.119(a) of the Commission's rules.¹⁹ As such, Beaudet is apparently liable for a total forfeiture of \$24,000.

V. ORDERING CLAUSES

14. Accordingly, **IT IS ORDERED** that, pursuant to section 503(b) of the Act, 47 U.S.C. § 503(b), and section 1.80 of the Commission's rules, 47 CFR § 1.80, Philip J. Beaudet is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of twenty-four thousand dollars (\$24,000) for willful and repeated violations of section 333 of the Act, 47 U.S.C. § 333, and sections 97.101(d) and 97.119(a) of the Commission's rules, 47 CFR §§ 97.101 (d) and 97.119(a).

15. **IT IS FURTHER ORDERED** that, pursuant to section 1.80 of the Commission's rules, 47 CFR § 1.80, within thirty (30) calendar days of the release date of this Notice of Apparent Liability for Forfeiture, Philip J. Beaudet **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture consistent with paragraph **Error! Reference source not found.**, below.

16. In order for Philip J. Beaudet to pay the proposed forfeiture, Philip J. Beaudet shall notify Laura Smith, Special Counsel, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, at laura.smith@fcc.gov of his intent to pay, whereupon an invoice will be posted in the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. Upon payment, Philip J. Beaudet shall send electronic notification of payment to Laura Smith, Enforcement Bureau, Federal Communications Commission, at laura.smith@fcc.gov on the date said payment is made. Payment of the forfeiture must be made by credit card using CORES at <https://apps.fcc.gov/cores/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. 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:²⁰

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters "FORF". In addition, a completed Form 159²¹ or printed CORES form²² must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, 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

¹⁸ 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.

¹⁹ 47 U.S.C. § 333; 47 CFR §§ 97.101(d), 97.119(a).

²⁰ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #1).

²¹ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

²² Information completed using the Commission's Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

(Payor FRN).²³ 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 CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment, 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 CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). Finally, 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.

17. 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, D.C. 20554.²⁴ 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.

18. The written statement seeking reduction or cancellation of the proposed forfeiture, if any, must include a detailed factual statement supported by appropriate documentation and affidavits pursuant to sections 1.16 and 1.80(f)(3) of the Commission’s rules.²⁵ The written statement must be mailed to the Office of the Secretary, Federal Communications Commission, 45 L Street, NE, Washington, D.C. 20554, ATTN: Enforcement Bureau – Office of the Field Director and must include the NAL/Account Number referenced in the caption. The statement must also be e-mailed to field@fcc.gov.

19. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits the following documentation: (1) federal tax returns for the past three years; (2) financial statements for the past three years prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status.²⁶ Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation. Inability to pay, however, is only one of several factors that the Commission will consider in determining the appropriate forfeiture, and we

²³ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

²⁴ See 47 CFR § 1.1914.

²⁵ *Id.* §§ 1.16, 1.80(f)(3).

²⁶ 47 U.S.C. § 503(b)(2)(E).

retain the discretion to decline reducing or canceling the forfeiture if other prongs of 47 U.S.C. § 503(b)(2)(E) support that result.²⁷

20. **IT IS FURTHER ORDERED** that a copy of this Notice of Apparent Liability for Forfeiture shall be sent by first class mail and certified mail, return receipt requested to Philip J. Beaudet at his address of record.

FEDERAL COMMUNICATIONS COMMISSION

Loyaan A. Egal
Chief
Enforcement Bureau

²⁷ See, e.g., *Ocean Adrian Hinson, Surry County, North Carolina*, Forfeiture Order, 34 FCC Rcd 7619, 7621, para. 9 & n.21 (2019); *Vearl Pennington and Michael Williamson*, Forfeiture Order, 34 FCC Rcd 770, paras. 18-21 (2019); *Fabrice Polynice, Harold Sido and Veronise Sido, North Miami, Florida*, Forfeiture Order, 33 FCC Rcd 6852, 6860-62, paras. 21-25 (2018); *Adrian Abramovich, Marketing Strategy Leaders, Inc., and Marketing Leaders, Inc.*, Forfeiture Order, 33 FCC Rcd 4663, 4678-79, paras. 44-45 (2018); *Purple Communications, Inc.*, Forfeiture Order, 30 FCC Rcd 14892, 14903-904, paras. 32-33 (2015); *TV Max, Inc., et al.*, Forfeiture Order, 29 FCC Rcd 8648, 8661, para. 25 (2014).