

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

In the Matter of

W.P. Clark
Puyallup, Washington

NAL/Acct. No. 315ST0009

ORDER

Adopted: April 29, 1994;

Released: May 10, 1994

By the Chief, Field Operations Bureau:

I. INTRODUCTION

1. W.P. Clark filed a Petition for Reconsideration, requesting reconsideration of the monetary forfeiture of \$1,600 issued pursuant to Section 503(b), 47 U.S.C. § 503(b), for violation of Section 301 of the Communications Act, 47 U.S.C. § 301, as amended (the Act). For the reasons noted below, the Bureau affirms the monetary forfeiture.

II. BACKGROUND

2. On February 2, 1993, the Seattle, WA Field Office issued a Notice of Apparent Liability (NAL) to W.P. Clark. The penalty was imposed for operating an unlicensed station. Based on the response from Mr. Clark, the Seattle Field Office issued a Notice of Forfeiture (NOF) for \$1,600 on February 24, 1993. Mr. Clark now appeals. The petitioner requested mitigation of the forfeiture amount based on his history of compliance and because of his financial condition. Counsel for Petitioner also argues that the Petitioner did not commit a willful violation; that Petitioner is not a licensee and therefore the FCC erred by not issuing a citation; and that there is no evidence that Petitioner operated a radio.

III. DISCUSSION AND CONCLUSION

3. The arguments raised at paragraphs 3 and 4 of the Petition for Reconsideration and Counsel's supplement have been thoroughly considered and are incorporated herein by reference. Upon review of these arguments raised in the petition, as well as review of the NAL and NOF, we find that the petitioner fails to present any new arguments or evidence that was not previously addressed.¹

Although the petitioner claims inability to pay the forfeiture, no documentation, such as tax returns or financial statements that were requested in the Notice of Apparent Liability, were submitted to support this claim. Accordingly, the forfeiture amount is affirmed.

IV. ORDERING CLAUSES

4. IT IS ORDERED THAT, pursuant to Section 503(b) of the Act, U.S.C. § 503(b), and Section 1.106 of the Rules, 47 C.F.R. § 1.106, the petition for reconsideration is DENIED.

5. IT IS FURTHER ORDERED that, pursuant to 1.80 of the Rules, 47 C.F.R. § 1.80, W.P. Clark must pay the forfeiture amount of One Thousand Six Hundred Dollars (\$1,600) within thirty (30) days of receipt of this Order. Payment may be made by check or money order payable to the Federal Communications Commission.² Please place NAL/Acct. No. 315ST0009 on the remittance and mail it to:

Federal Communications Commission
Post Office Box 73482
Chicago, Illinois 60673-7482

6. IT IS FURTHER ORDERED that a copy of this Order shall be sent to W.P. Clark and counsel.

FEDERAL COMMUNICATIONS COMMISSION

Richard M. Smith
Chief, Field Operations Bureau

¹ Contrary to the attorney's contention, Petitioner was engaged in an activity for which a license is required and, therefore, a citation pursuant to 47 U.S.C. § 503(b)(5)(C) is not required.

² Requests for installment plans should be mailed to: Chief,

Billings and Collections, Mail Stop 1110A2, 1919 M Street, N.W., Washington, D.C. 20554. Payment of the forfeiture in installments may be considered as a separate matter in accordance with Section 1.1914 of the Commission's Rules.