



NEWS

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See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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SHLOMO MALKA FOUND IN CONTEMPT OF COURT-ORDERED INJUNCTION, FINED \$35,000.00 FOR UNLICENSED RADIO OPERATION

Washington, D.C. - Today, the Federal Communications Commission (FCC) announced that, on March 3, 2003, in the United States Southern District of Florida, United States District Judge, Honorable Wilkie D. Ferguson, Jr., found Shlomo Malka in civil contempt due to Malka's continued unlicensed radio operation in violation of FCC rules and a court-ordered injunction.

The court ordered Malka to pay a fine of \$35,000.00 and to relinquish any claim to radio station equipment seized from Malka's unlicensed radio station last week. In addition, Malka was ordered to fully cooperate with the FCC in the continuing investigation of the unlicensed radio station, and to identify all individuals and advertisers who had any relationship with the operation of the unlicensed station.

The Commission's Miami, Florida Office received complaints from listeners and broadcasters in south Florida of interference to the reception of licensed broadcast stations in the area. Previously, U.S. Marshals and the FCC had seized Malka's radio station equipment. On January 29, 2002, Judge Ferguson issued an order enjoining Malka from future acts of possessing and/or using radio equipment to willfully and knowingly violate Section 301 of the Communications Act of 1934, as amended ("Act"). Following issuance of this order, Malka persisted in the unlicensed operation.

The injunction against Malka's unlicensed operation has now been made permanent. Additional fines of \$10,000.00 per violation will be imposed in the event the court finds Malka has engaged in unlicensed broadcasting at any time in the future, along with any additional civil and/or criminal penalties imposed by the court. The case was prosecuted by the United States Attorney's Office, Southern District of Florida, Ft. Lauderdale Division.

The operation of an unlicensed broadcast station is a violation of Section 301 of the Act. Operators of unlicensed stations may be subject to monetary penalties of up to \$11,000 per violation. In addition, unlicensed operators may be subject to criminal sanctions, including fines and imprisonment.

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