

**CONCURRING STATEMENT OF
COMMISSIONER KEVIN J. MARTIN**

Re: Infinity Broadcasting Operations, Inc., Licensee of Station WKRK-FM, Detroit, Michigan, Memorandum Opinion and Order

As I have said repeatedly in this and other proceedings, I am disappointed that a majority of the Commission refuses to use the full extent of our statutory authority to fine broadcasters who violate the indecency laws.¹

While I agree that Infinity Broadcasting Operations, Inc. violated our indecency regulations during the broadcast of the “Deminski and Doyle Show” on January 9, 2002, I continue to believe the fine of \$27,500 is inadequate, and therefore I concur in this Order. I would have found several violations within this program and assessed the statutory maximum for each violation, for a total fine of over \$200,000.

¹ See, e.g., *Infinity Broadcasting Operations, Inc., Licensee of Station WKRK-FM, Detroit, Michigan, Notice of Apparent Liability*, 18 FCC Rcd. 6915, 6939 (2003) (Separate Statement of Commissioner Martin, urging the Commission to fine violators “per utterance”).