



**FEDERAL COMMUNICATIONS COMMISSION  
ENFORCEMENT BUREAU  
REGION ONE**

Columbia Regional Office  
9200 Farm House Lane  
Columbia, Maryland 21046  
(301) 725-1996

June 22, 2017

Mordechai Benishai  
Brooklyn, New York

**NOTICE OF UNLICENSED OPERATION**

Case Number: EB-FIELDNER-17-00024478

On June 8, 2017, Agents from the New York Office of the Federal Communications Commission's (FCC's or Commission's) Enforcement Bureau (Bureau) responded to a complaint of an unlicensed FM station operating on the frequency 94.1 MHz in Brooklyn, New York. The Agents confirmed by direction finding techniques that radio signals on frequency 94.1 MHz were emanating from a bookstore called Tos Seform Center, 1012 Avenue L, Brooklyn, New York. The Commission's records show that no license was issued for operation of a radio station on 94.1 MHz at this location in Brooklyn, New York. You admitted to the Agents that the station was operating from within the bookstore that you own.

FM radio stations operating on 88-108 MHz, including 94.1 MHz, must be licensed by the FCC pursuant to Section 301 of the Communications Act of 1934, as amended (Act).<sup>1</sup> The only exception to this licensing requirement is for certain transmitters using or operating at a power level or mode of operation that complies with the standards established in Part 15 of the Commission's rules.<sup>2</sup> The field strength of the signal on frequency 94.1 MHz was measured at 4,296 microvolts per meter ( $\mu\text{V}/\text{m}$ ) at 405.4 meters, which exceeded the maximum permitted level of 250  $\mu\text{V}/\text{m}$  at 3 meters for non-licensed devices. Thus, this station is operating in violation of Section 301 of the Act.<sup>3</sup>

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<sup>1</sup> 47 U.S.C. § 301.

<sup>2</sup> 47 CFR §§ 15.1 *et seq.*

<sup>3</sup> 47 U.S.C. § 301.

You are hereby warned that operation of radio transmitting equipment without a valid radio station authorization constitutes a violation of the Federal laws cited above and could subject the operator to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions, including imprisonment.<sup>4</sup>

**UNLICENSED OPERATION OF THIS RADIO STATION MUST BE DISCONTINUED IMMEDIATELY.**

You have ten (10) days from the date of this notice to respond with any evidence that you have authority to operate granted by the FCC. Your response should be sent to the address in the letterhead and reference the listed case number. Under the Privacy Act of 1974,<sup>5</sup> we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.



David C. Dombrowski  
Regional Director  
Region One  
Enforcement Bureau  
Federal Communications Commission

Attachments:

Excerpts from the Communications Act of 1934, As Amended  
Enforcement Bureau, "Inspection Fact Sheet", March 2005

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<sup>4</sup> See 47 U.S.C. §§ 401, 501, 503 and 510.

<sup>5</sup> 5 U.S.C. § 552a(e)(3).