



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
REGION ONE**

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June 13, 2018

Reginald Simeon
Brooklyn, New York

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDNER-18-00026467

On March 29, 2018, Agents from the New York Office (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 88.5 MHz in Brooklyn, New York. The Agents confirmed by direction finding techniques that radio signals on frequency 88.5 MHz were emanating from a residential property on East 49th Street in Brooklyn, New York. Through investigation, the Agents confirmed that you are the operator of the unlicensed radio station. The Commission's records show that no license was issued for operation of a radio station on 88.5 MHz at this location in Brooklyn, New York.

Radio stations operating on a range of frequencies,¹ including 88.5 MHz, must be licensed by the FCC pursuant to Section 301 of the Communication Act of 1934, as amended (Act).² 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.³ Agents measured the field strength of the signal on the frequency 88.5 MHz for the station and found that it exceeded the maximum permitted level of 250 μ V/m at 3 meters for non-licensed devices. Thus, this station is operating in violation of Section 301 of the Act.⁴

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

¹ 47 CFR § 73.201.

² 47 U.S.C. § 301.

³ 47 CFR §§ 15.1 *et seq.*

⁴ 47 U.S.C. § 301.

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.⁵

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 1974,⁶ 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

⁵ See 47 U.S.C. §§ 401, 501, 503 and 510.

⁶ 5 U.S.C. § 552a(e)(3).