



Federal Communications Commission
Enforcement Bureau
Office of the Field Director

45 L Street, NE
Washington, DC 20554
field@fcc.gov

December 17, 2020

BY FIRST-CLASS MAIL AND CERTIFIED MAIL

Jackson Heights 95 LLC
Bronstein Properties LLC
108-18 Queens Boulevard, Suite 302
Forest Hills, New York 11375

**NOTICE OF ILLEGAL
PIRATE RADIO BROADCASTING**

Case Number: EB-FIELDNER-17-00023948

The New York Office of the Federal Communications Commission's (FCC) Enforcement Bureau is investigating a complaint about an unlicensed FM broadcast station operating on frequency 91.3 MHz. On November 14, 2020, agents from the New York Office confirmed by direction finding techniques that radio signals on frequency 91.3 MHz were emanating from the property at 3535 95th Street, Queens, New York. Publicly available records identify Jackson Heights 95 LLC as the owner of 3535 95th Street, Queens, New York, and Bronstein Properties LLC as the site's property manager.¹ The FCC's records show no license issued for operation of a radio broadcast station on 91.3 MHz at this location.

Radio broadcast stations operating on certain frequencies,² including 91.3 MHz, must be licensed by the FCC pursuant to the Communications Act of 1934, as amended (Act).³ While the FCC's rules create exceptions for certain extremely low-powered devices, our agents have determined that those exceptions do not apply to the transmissions they observed originating from the property. Accordingly, the station operating on the property may be violating the Act⁴

Under section 511(a) of the Act, persons or entities found to willfully and knowingly suffer (i.e., permit) a third party to engage in so-called "pirate radio" broadcasting on their property can face significant financial penalties.⁵ **Accordingly, you are hereby notified and warned that the FCC may issue a fine of up to \$2,000,000 if, following the response period set forth below, we determine that you have continued to permit any individual or entity to engage in pirate radio broadcasting from the property that you own or manage.**

¹ See *HDP Online*, NYC Housing Preservation & Development, <https://www1.nyc.gov/site/hpd/about/hpd-online.page> (search for property address, then choose "Property Owner Registration Information"); *Property Address Search*, NYC Finance, <https://a836-pts.nyc.gov/care/search/commonsearch.aspx?mode=address> (search for property address).

² 47 CFR § 73.201.

³ 47 U.S.C. § 301.

⁴ See, e.g., 47 U.S.C. § 511.

⁵ 47 U.S.C. § 511(a).

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If you do not respond to this Notice, the FCC may nonetheless determine that, as a legal matter, you have sufficient knowledge of the above-referenced pirate radio activity to support enforcement action against you. Service of this Notice to you or your agent establishes the foundation, along with other evidence, that could lead to significant financial penalties.

You have ten (10) business days from the date of this Notice to respond by providing evidence that you are no longer permitting pirate radio broadcasting to occur at 3535 95th Street, Queens, New York. In addition, we request that you identify the individual(s) engaged in pirate radio broadcasting on the property that you own or manage. 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 FCC's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with the FCC's rules. This will include any information that you disclose in your reply.

You may contact this office at field@fcc.gov if you have any questions.

Axel Rodriguez
Field Director
Enforcement Bureau

Enclosures:

Excerpts from the Communications Act of 1934, As Amended

⁶ 5 U.S.C. § 552a(e)(3).