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For Immediate Release**FCC PROPOSES FIRST PIRATE ACT FINES TOTALING MORE THAN \$2 MILLION FOR ILLEGAL RADIO BROADCASTING*****Act Gives FCC Additional Enforcement Authority, Including Higher Penalties Against Pirate Radio Operators***

WASHINGTON, March 15, 2023—The Federal Communications Commission today announced its first proposed fines under the Preventing Illegal Radio Abuse Through Enforcement Act (PIRATE Act) against three pirate radio operators. First, the Commission proposed the maximum penalty allowable, \$2,316,034, against César Ayora and Luis Angel Ayora for pirate radio broadcasting in Queens, New York. Second, the Commission proposed an \$80,000 forfeiture against Thomas Barnes for pirate radio broadcasting in La Grande, Oregon.

Pirate radio broadcasting is the unauthorized transmission of radio frequency signals on the frequencies in or adjacent to the FM and AM radio bands. Pirate radio results in a number of harms, including causing harmful interference to licensed radio stations which transmit public safety emergency alert messages. Operating an unauthorized, or pirate, radio station is illegal under the Communications Act of 1934. To enhance enforcement capabilities, Congress enacted the PIRATE Act in January 2020.

The PIRATE Act provides the FCC with additional enforcement authority, including higher penalties against pirate radio broadcasters of up to \$100,000 per day with a maximum of \$2 million (now \$115,802 and \$2,316,034, respectively, adjusted for inflation). In addition to tougher fines on violators, the law requires the FCC to conduct periodic enforcement sweeps and grants the Commission authority to take enforcement action against landlords and property owners that willfully and knowingly permit pirate radio broadcasting on their properties.

First, the Commission proposed the maximum penalty allowable under the PIRATE Act, \$2,316,034, against César Ayora and Luis Angel Ayora for operating a pirate radio station known as “Radio Impacto 2” in Queens, NY. The Commission previously issued Luis Angel Ayora a \$20,000 forfeiture in 2015, which he did not pay. In 2016, the U.S. Marshals Service executed a warrant *in rem* and seized the Ayoras’ broadcasting equipment. As part of their PIRATE Act investigation, FCC Enforcement Bureau Agents found scores of apparent violations between March and September 2022, including multiple weekly on-air radio programs. The Ayoras even advertised their pirate radio station for no less than 25 weeks, and continue to operate their unauthorized station to date.

Second, the Commission proposed an \$80,000 forfeiture against Thomas Barnes for operating a pirate radio station known as “Pirate Radio Eastern Oregon” in La Grande, Oregon. Barnes received multiple warnings notifying him that operating a pirate radio station is a violation of

the Communications Act, but nonetheless he continued to engage in unauthorized radio broadcasting. However, Barnes ceased operation on or before April 15, 2022, after the Bureau notified his landlord of the landlord's potential liability under the PIRATE Act if pirate radio operations were to continue on the property.

The proposed actions, both formally called a Notice of Apparent Liability for Forfeiture, or NAL, serve to advise the parties on how they have apparently violated the law and set forth proposed monetary penalties. In any subsequent ruling in these matters, the Commission may not impose a monetary penalty greater than the amount proposed in each NAL. Moreover, the NALs are not final Commission actions, because, under the law, the party to be charged is afforded an opportunity to respond. If it does so, the Commission may consider the party's submission of additional evidence and arguments before acting further to resolve the matter.

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).