

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

*Re: Infinity Broadcasting Operations, Inc., Licensee of Station WKRK-FM, Detroit,  
Michigan, Notice of Apparent Liability for Forfeiture*

I support this Notice's finding that the licensee apparently violated our rule against the broadcast of indecent content, but I would have proposed a higher fine. For instance, we could have found that each time the show's hosts solicited a new call on an indecent topic, the ensuing conversation constituted a separate violation. As the Notice acknowledges, we have the discretion to consider each indecent utterance a separate violation.<sup>1</sup>

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<sup>1</sup> See Notice at ¶ 12. See also 18 U.S.C. § 1864 ("Broadcasting obscene language. Whoever utters any obscene, indecent, or profane language by means of radio communication shall be fined under this title or imprisoned not more than two years, or both.")