

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	File Number EB-07-SE-203
)	
Wal-Mart Stores, Inc. and Sam's West, Inc.)	NAL/Acct. No. 200832100036
)	
Bentonville, AR)	FRN #0008627473
)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: April 9, 2008

Released: April 10, 2008

By the Commission:

I. INTRODUCTION

1. In this *Notice of Apparent Liability for Forfeiture* ("NAL"), we find that Wal-Mart Stores, Inc. and Sam's West, Inc.¹ (collectively "Wal-Mart"), apparently willfully and repeatedly violated Section 15.117(k) of the Commission's Rules ("Rules")² by failing to place the required Consumer Alert label immediately adjacent to and clearly associated with television receiving equipment that contains an analog broadcast television tuner but does not contain a digital broadcast television tuner (hereinafter "analog-only tuner") that it displayed or offered for sale or rent.³ We conclude, pursuant to Section 503(b) of the Communications Act of 1934, as amended ("Act"),⁴ that Wal-Mart is apparently liable for a forfeiture in the amount of nine hundred ninety-two thousand dollars (\$992,000).

II. BACKGROUND

2. Congress has established February 17, 2009, as the deadline for the end of analog transmissions for full power television stations. The Commission is statutorily obligated to promote the orderly transition to digital television, "a critical step in the evolution of broadcast television."⁵ As we stated previously, "[w]e are committed to ensuring the rapid completion of that transition in a way that delivers the greatest possible benefits to the viewing public."⁶ As part of that commitment and in light of the upcoming deadline, we recently announced that "it is necessary and appropriate to require retailers to provide consumers with information regarding this transition date at the point of sale."⁷ We reached this

¹ Sam's West, Inc. is wholly-owned by Wal-Mart Stores, Inc., and operates 582 domestic Sam's Club warehouse merchandise outlets.

² 47 C.F.R. § 15.117(k).

³ The devices subject to this proceeding were offered for sale at various Wal-Mart and Sam's Club retail locations and electronically at the Sam's Club internet site, www.samsclub.com.

⁴ 47 U.S.C. § 503(b).

⁵ 2002 *Biennial Regulatory Review*, Report and Order and Notice of Proposed Rulemaking, 18 FCC Rcd 13620, 13825 ¶ 532 (2003).

⁶ *Id.*

⁷ *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television*, (continued....)

conclusion after determining that consumer electronics industry efforts had not adequately informed consumers how analog-only television equipment purchased now will function when the transition to digital broadcasting ends.⁸

3. To ensure that consumers do not inadvertently buy analog-only television equipment without understanding that such devices will not be capable of receiving off-the-air television reception of digital signals after analog broadcasting ends unless connected to a digital-to-analog converter or a digital subscription service, we adopted rules requiring anyone that sells, offers for sale, or rents television receiving equipment that does not contain a digital television (“DTV”) tuner to display a Consumer Alert at the point of sale.⁹ This requirement also applies to the sale or rent of analog-only television receiving equipment via direct mail, catalog, or electronic means (e.g., the Internet). These requirements are contained in Section 15.117(k) of the Rules, which became effective on May 25, 2007.¹⁰

4. Section 15.117(k)(3) of the Rules requires that the Consumer Alert contain the following language:

CONSUMER ALERT

This television receiver has only an analog broadcast tuner and will require a converter box after February 17, 2009, to receive over-the-air broadcasts with an antenna because of the Nation’s transition to digital broadcasting. Analog-only TVs should continue to work as before with cable and satellite TV services, gaming consoles, VCRs, DVD players, and similar products. For more information, call the Federal Communications Commission at 1-888-225-5322 (TTY: 1-888-835-5322) or visit the Commission’s digital television website at: www.dtv.gov.

The Consumer Alert must be in a size of type large enough to be clear, conspicuous and readily legible, consistent with the dimensions of the equipment and the label. The alert either must be printed on a transparent material and affixed to the screen, in a manner that is removable by the consumer and does not obscure the picture when displayed for sale, or displayed separately immediately adjacent to each television receiver offered for sale and clearly associated with the analog-only model to which it pertains.¹¹ In the case of other analog-only video devices that do not include a display (e.g., VCRs, DVD players), the Consumer Alert must be in a prominent location on the device, such as on the top or front, or displayed separately immediately adjacent to and clearly associated with the analog-only model to which it pertains.¹² To the extent that any persons display or offer for sale or rent via direct mail, catalog, or electronic means analog-only television receiving equipment, they must prominently display the Consumer Alert as part of all advertisements or descriptions of such television receiving equipment, in

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Second Report and Order, 22 FCC Rcd 8776 ¶ 1 (2007) (“*Second DTV Periodic Report and Order*”).

⁸ *Id.* at 8781-2 ¶ 10.

⁹ *Id.* at 8784 ¶ 14. See 47 C.F.R. § 15.117(k). In the *Second DTV Periodic Report and Order*, the Commission defined “point of sale” as the “place where televisions are displayed for consumers prior to purchase.” See *Second DTV Periodic Report and Order*, 22 FCC Rcd at 8781 n.29.

¹⁰ *Second Periodic Review in the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, 72 Fed. Reg. 28894-01 (May 23, 2007).

¹¹ 47 C.F.R. § 15.117(k)(1).

¹² *Id.*

clear and conspicuous print, and in close proximity to any images or descriptions of such equipment.¹³

5. Immediately after the rule became effective, the Commission's Enforcement Bureau began inspecting hundreds of stores throughout the country, as well as dozens of popular retailer websites, and observed many models of analog-only television receiving equipment on display without the required Consumer Alert labels. On May 30 2007, the Enforcement Bureau issued a Citation to Wal-Mart for offering for sale television receiving equipment having an analog-only tuner without displaying the required Consumer Alert in close proximity.¹⁴ Between May 30, 2007, and June 13, 2007, the Enforcement Bureau conducted inspections at numerous stores and, based on those inspections, issued additional Citations to Wal-Mart for violations at its stores.¹⁵ After affording Wal-Mart a reasonable opportunity to respond to the first Citation,¹⁶ agents and investigators from the Enforcement Bureau began inspecting numerous additional Wal-Mart stores on June 14, 2007, in various states and once again observed in fifty-one (51) stores and the Sam's Club website, television receiving equipment with analog-only tuners on display without the required Consumer Alert labels.¹⁷

6. Under Section 503(b)(1) of the Act, any person who is determined by the Commission to have willfully or repeatedly failed to comply with any provision of the Act or any rule, regulation, or order issued by the Commission shall be liable to the United States for a forfeiture penalty.¹⁸ Section 312(f)(1) of the Act defines willful as "the conscious and deliberate commission or omission of [any] act, irrespective of any intent to violate" the law.¹⁹ The legislative history to Section 312(f)(1) of the Act clarifies that this definition of willful applies to both Sections 312 and 503(b) of the Act²⁰ and the Commission has so interpreted the term in imposing forfeitures pursuant to Section 503(b).²¹ The Commission may also assess a forfeiture for violations that are merely repeated, and not willful.²²

¹³ 47 C.F.R. § 15.117(k)(2).

¹⁴ *Wal-Mart Supercenter Store #573*, Citation No. C20073256002, (Enf. Bur., Kansas City, MO Office, rel. May 30, 2007).

¹⁵ See Attachment A for a list of the citations issued to Wal-Mart (collectively "*Citations*"). In preparing the *Citations*, Enforcement Bureau staff relied on publicly available information, including retailer and manufacturer websites, to identify the television receiving equipment with analog-only tuners.

¹⁶ On June 11, 2007, Wal-Mart responded to the first Citation. See Letter from Gary De Angelis, Co-Manager for Wal-Mart Store #573, to the Enforcement Bureau, Federal Communications Commission dated June 1, 2007 ("*Citation Response*"). Wal-Mart subsequently filed consolidated responses to the first and other *Citations*. See Letters from Kyle Holifield, Director, Product Compliance & Safety for Wal-Mart, to William Davenport, Assistant Bureau Chief and George Dillon, Assistant Bureau Chief, Enforcement Bureau, Federal Communications Commission dated June 13, 21, and 29, 2007. We note that following issuance of the citations, the Enforcement Bureau, after reviewing the devices' technical specifications and user's manuals, determined that the following Citations referred to erroneously identified equipment models: Citation Nos. C20073264010 (Toshiba MW27H62) and C20073254008 (Samsung DVD6700). In light of this evidence, we hereby cancel the relevant portions of the above citations with respect to those models.

¹⁷ See Attachment B for a listing of the stores and the website visited and the models observed at each store and website. Enforcement Bureau staff determined that these models had analog-only tuners by consulting the manufacturer's product manuals or, if such were unavailable, the models' technical specifications from the Wal-Mart and Sam's Club websites.

¹⁸ 47 U.S.C. § 503(b)(1)(B); 47 C.F.R. § 1.80(a)(2).

¹⁹ 47 U.S.C. § 312(f)(1).

²⁰ H.R. Rep. No. 97-765, 97th Cong. 2d Sess. 51 (1982).

²¹ See, e.g., *Application for Review of Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4388 (1991) ("*Southern California Broadcasting Co.*").

²² See, e.g., *Callais Cablevision, Inc., Grand Isle, Louisiana*, Notice of Apparent Liability for Monetary Forfeiture, (continued....)

“Repeated” means that the act was committed or omitted more than once, or lasts more than one day.²³ To impose such a forfeiture penalty, the Commission must issue a notice of apparent liability and the person against whom the notice has been issued must have an opportunity to show, in writing, why no such forfeiture penalty should be imposed.²⁴ The Commission will then issue a forfeiture if it finds by a preponderance of the evidence that the person has violated the Act or a Commission rule.²⁵ As we set forth below, we conclude under this standard that Wal-Mart is apparently liable for forfeiture for its apparent willful and repeated violations of Section 15.117(k) of the Commission’s rules.

III. DISCUSSION

7. Based on the evidence before us, we find that Wal-Mart apparently willfully and repeatedly violated Section 15.117(k) of the Rules by failing to display conspicuously and in close proximity to equipment with an analog-only tuner, in clear and conspicuous print, the required Consumer Alert label. Specifically, as detailed in Attachment B, agents and investigators from the Enforcement Bureau observed a number of different models of television receiving equipment having only an analog-only tuner on display in fifty-one (51) Wal-Mart stores and on the Sam’s club website without the required Consumer Alert labels.²⁶ Wal-Mart previously received sixty-three (63) Citations for this same type of conduct prior to the agents’ inspections.²⁷

8. Under Section 503(b)(2)(D) of the Act,²⁸ we may assess an entity that is neither a common carrier, broadcast licensee or cable operator a forfeiture of up to \$11,000 for each violation or each day of a

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16 FCC Rcd 1359, 1362 ¶ 10 (2001) (“*Callais Cablevision*”) (issuing a Notice of Apparent Liability for, *inter alia*, a cable television operator’s repeated signal leakage).

²³ *Southern California Broadcasting Co.*, 6 FCC Rcd at 4388 ¶ 5; *Callais Cablevision, Inc.*, 16 FCC Rcd at 1362 ¶ 9.

²⁴ 47 U.S.C. § 503(b); 47 C.F.R. § 1.80(f).

²⁵ *See, e.g., SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7591 ¶ 4 (2002) (forfeiture paid).

²⁶ Attachment B lists the dates of the Enforcement Bureau inspections, the analog-only models identified in violation of Section 15.117(k), as well as the Wal-Mart stores involved.

²⁷ Section 503(b)(5) states that no forfeiture liability shall be determined against any person who does not hold a license, permit, certificate, or other authorization issued by the Commission unless, prior to issuance of any Notice of Apparent Liability, such person is “(A) sent a citation of the violation charged; (B) is given a reasonable opportunity for a personal interview with an official of the Commission at the field office of the Commission which is nearest to such person’s place of residence; and (C) subsequently engages in conduct of the type described in such citation.” 47 U.S.C. § 503(b)(5). The apparent violations discussed in this *NAL* are subject to forfeiture because we have afforded Wal-Mart a reasonable opportunity for a personal interview or to submit a written response to its first Citation before conducting a second round of inspections that would count towards potential forfeiture liability. *See supra* para. 5 and notes 15 and 16. To the extent that the television receiving models involved in this *NAL* differ from those listed in the *Citations*, no additional citations are necessary because the more recent apparent violations are “conduct of the type described” in the earlier *Citations* – violations of Section 15.117(k). *See HighTech CB Shop*, Forfeiture Order, 20 FCC Rcd 12514, 12516 ¶ 9 (Enf. Bur. South Central Region 2005), *recon. denied*, 20 FCC Rcd 19269 (Enf. Bur. 2005). In any event, the requirements of Section 503(b)(5) do not apply to Wal-Mart, which is a Commission licensee and therefore subject to forfeiture under Section 503(b)(2) of the Act without first receiving notice via a citation. *See, e.g.,* Earth station authorizations E940457 and E950140 issued to Wal-Mart Stores, Inc. (We note further that Wal-Mart also apparently holds numerous wireless licenses through the entity Wal-Mart Stores East, LP. *See, e.g.,* Stations KD51835 and KNAD455 licensed to Wal-Mart Stores East, LP, in the Industrial/Business Pool Private Land Mobile Service.)

²⁸ 47 U.S.C. § 503(b)(2)(D). The Commission twice amended Section 1.80(b)(3) of the Rules, 47 C.F.R. § 1.80(b)(3), to increase the maximum forfeiture amounts, in accordance with the inflation adjustment requirements contained in the Debt Collection Improvement Act of 1996, 28 U.S.C. § 2461. *See Amendment of Section 1.80 of*

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continuing violation, up to a statutory maximum forfeiture of \$97,500 for any single continuing violation. In exercising such authority, we must take into account “the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.”²⁹

9. The Commission’s *Forfeiture Policy Statement*³⁰ and Section 1.80 of the Rules do not establish a specific base forfeiture for violation of the analog-only tuner labeling requirements. In adopting the Consumer Alert labeling requirements, the Commission stated that “[a]ccurate communication of this impending change is a highly material disclosure for consumers contemplating the purchase of a television.”³¹ We also noted that it is a matter of public safety for consumers who rely on analog-only televisions to obtain critical emergency information.³²

10. Similar issues arose regarding labeling requirements for wireless hearing aid-compatible handsets. In those cases, the Enforcement Bureau established a base forfeiture amount of \$8,000 per handset model that failed to comply with the labeling requirements.³³ The labeling requirements for wireless hearing aid-compatible handsets and the analog-only tuner labeling requirements both serve the important goal of ensuring that consumers have access to necessary information. In light of the similarities in these labeling requirements, we conclude that an \$8,000 base forfeiture amount per unlabeled model or device in each store where Bureau agents and investigators observed a violation is appropriate for apparent violations of Section 15.117(k).³⁴

11. We find that, beginning on June 14, 2007, as detailed in attachment B, even after receiving the *Citations* warning of violations in its stores across the country, Wal-Mart displayed numerous different models of equipment with an analog-only tuner in fifty-one (51) stores and the Sam’s Club website without the required Consumer Alert label. As a result, Wal-Mart continued to market television receiving equipment to consumers without adequately warning that the equipment contained an analog-only television receiver. Those consumers may not learn of their equipment’s limitations until the analog-only devices cease to receive over-the-air television signals, long after any period for returning the equipment has expired. This scenario is precisely the outcome that our rule was intended to prevent.³⁵ Applying the

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the Commission’s Rules and Adjustment of Forfeiture Maxima to Reflect Inflation, Order, 15 FCC Rcd 18221 (2000) (adjusting the maximum statutory amounts from \$10,000/\$75,000 to \$11,000/\$87,500); *Amendment of Section 1.80 of the Commission’s Rules and Adjustment of Forfeiture Maxima to Reflect Inflation*, Order, 19 FCC Rcd 10945 (2004) (adjusting the maximum statutory amounts from \$11,000/\$87,500 to \$11,000/\$97,500).

²⁹ 47 U.S.C. § 503(b)(2)(E). See also 47 C.F.R. § 1.80(b)(4), Note to paragraph (b)(4): Section II. Adjustment Criteria for Section 503 Forfeitures.

³⁰ See *The Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087, 17115 (1997), *recon. denied*, 15 FCC Rcd 303 (1999) (“*Forfeiture Policy Statement*”).

³¹ *Second DTV Periodic Report and Order*, 22 FCC Rcd at 8782-3 ¶ 12.

³² *Id.* at 8783 ¶ 12. See also 47 C.F.R. §§ 11.1-11.61, 79.2.

³³ See *Pine Telephone Inc.*, Notice of Apparent Liability, 22 FCC Rcd 9205, 9210 ¶ 11 (Enf. Bur., Spectrum Enf. Div. 2007); *IT&E Overseas, Inc.*, Notice of Apparent Liability, 22 FCC Rcd 7660, 7665 ¶ 10 (Enf. Bur., Spectrum Enf. Div. 2007).

³⁴ We caution Wal-Mart and other retailers that future cases involving repeat offenders may result in the imposition of forfeitures on a continuing violation basis.

³⁵ “After the transition, absent a label requirement, even cable and satellite subscribers might be surprised to find that they cannot receive television broadcasts over-the-air on an analog-only television purchased today if they choose to discontinue subscription service or their cable or satellite service is terminated by disaster, service disruption, or for non-payment of their bills.” *Second DTV Periodic Report and Order*, 22 FCC Rcd at 8783 ¶ 12.

analysis set forth above to the facts of this case, we conclude that Wal-Mart is apparently liable for a \$992,000 base forfeiture.³⁶

IV. ORDERING CLAUSES

12. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Section 1.80 of the Commission's Rules, Wal-Mart Stores, Inc., and Sam's West, Inc., are hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of nine hundred ninety-two thousand dollars (\$992,000) for violations of Section 15.117(k) of the Rules.³⁷

13. **IT IS FURTHER ORDERED** that, pursuant to Section 1.80 of the Commission's Rules within thirty days of the release date of this Notice of Apparent Liability for Forfeiture, Wal-Mart Stores, Inc., and Sam's West, Inc., **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

14. Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Account Number and FRN Number referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters "FORF" in block number 24A (payment type code). Requests for full payment under an installment plan should be sent to: Chief Financial Officer -- Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554. Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or Email: ARINQUIRIES@fcc.gov with any questions regarding payment procedures.

15. The response, if any, must be mailed to Federal Communications Commission, Enforcement Bureau, and must include the NAL/Acct. No. referenced in the caption.

16. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices ("GAAP"); or (3) some other reliable and objective documentation that accurately reflects the petitioner's current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

17. Requests for payment of the full amount of this Notice of Apparent Liability for Forfeiture under an installment plan should be sent to: Associate Managing Director, Financial Operations, 445 12th Street, S.W., Room 1A625, Washington, D.C. 20554.³⁸

³⁶ See Attachment B regarding the calculation of the total proposed forfeiture amounts.

³⁷ 47 U.S.C. § 503(b), 47 C.F.R. §§ 1.80, 15.117(k).

³⁸ See 47 C.F.R. § 1.1914.

18. **IT IS FURTHER ORDERED** that a copy of this *Notice of Apparent Liability for Forfeiture* shall be sent by Certified Mail, Return Receipt Requested, and regular mail, to Kyle Holifield, Director, Product Compliance & Safety, Wal-Mart Stores, Inc., 702 SW 8th Street, Bentonville, AR 72716 and Gregory Kunkle, Esq., Keller & Heckman, LLP, at 1001 G Street, NW, Washington, DC 20005.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

Attachment A

Store #- Location	Citation No.	Release Date
Wal-Mart Store # 573, Lee's Summit, MO	C20073256002	May 30, 2007
Wal-Mart Store # 5338, San Diego, CA	C20073294006	May 31, 2007
Wal-Mart Store # 2082, Cerritos, CA	C20073290016	May31, 2007
Wal-Mart Store # 789, Mesquite, TX	C20073250006	May 31, 2007
Wal-Mart Store # 3725, Niles, IL	C20073232004	May 31, 2007
Wal-Mart Store # 2550, Vancouver, WA	C20073292004	May 31, 2007
Wal-Mart Store # 3420, Westbury, NY	C20073238011	May 31, 2007
Wal-Mart Store # 2091, Miami, FL	C20073260001	May 31, 2007
Wal-Mart Store # 3831, Portsmouth, VA	C20073264005	June 1, 2007
Sam's Club Store # 6676, Willow Grove, PA	C20073240006	June 1, 2007
Wal-Mart Store # 1960, Tampa, FL	C200073270004	June 1, 2007
Wal-Mart Store # 0989, Metairie, LA	C20073262001	June 1, 2007
Wal-Mart Store # 0591, Covington, LA	C20073262002	June 1, 2007
Wal-Mart Store # 5131, Trevose, PA	C20073240003	June 4, 2007
Wal-Mart Store # 2904, Brockton, MA	C20073226004	June 4, 2007
Wal-Mart Store # 2088, Batavia, NY	C20073228002	June 4, 2007
Wal-Mart Store # 5130, Philadelphia, PA	C20073240008	June 4, 2007
Wal-Mart Store # 2007, Anchorage, AK	C20073278001	June 4, 2007
Wal-Mart Store # 3297, Houston, TX	C20073254005	June 4, 2007
Sam's Club Store # 6346, Houston, TX	C20073254007	June 5, 2007
Sam's Club Store # 8274, Houston, TX	C20073254006	June5, 2007
Wal-Mart Store # 2204, Des Plaines, IL	C20073232007	June 5, 2007
Wal-Mart Store # 2248, Catonsville, MD	C20073234003	June 5, 2007

Wal-Mart Store # 2341, Quincy, MA	C20073226001	June 5, 2007
Sam's Club Store # 4735, La Habra, CA	C20073290023	June 5, 2007
Wal-Mart Store # 2242, Anaheim, CA	C20073290024	June 5, 2007
Sam's Club # 4743, Plano, TX	C20073250008	June 6, 2007
Wal-Mart Store # 3564, Horsham, PA	C20073240012	June 6, 2007
Wal-Mart Store # 1985, Laurel, MD	C200732340005	June 6, 2007
Wal-Mart Store # 1103, Houston, TX	C200732540008	June 6, 2007
Wal-Mart Store # 1373, Lilburn, GA	C20073248007	June 6, 2007
Wal-Mart Store # 428, Lakewood, CO	C20073280008	June 6, 2007
Wal-Mart Store # 1117, Plano, TX	C20073250010	June 6, 2007
Sam's Club Store # 4735, Forney, CA	C20073290023	June 6, 2007
Wal-Mart Store # 1985 Laurel, MD	C20073234005	June 6, 2007
Wal-Mart Store # 2151, Sunrise, FL	C20073260007	June 7, 2007
Wal-Mart Store # 5091, Cypress, TX	C20073254010	June 7, 2007
Wal-Mart Store # 1184, Stone Mountain, GA	C20073248008	June 7, 2007
Wal-Mart Store # 2406, Hamburg, NY	C20073228003	June 7, 2007
Wal-Mart Store # 1040, Houston, TX	C20073254011	June 7, 2007
Sam's Store # 6635, Littleton, CO	C20073280011	June 11, 2007
Wal-Mart Store # 2559, Warren, MI	C20073236007	June 11, 2007
Wal-Mart Store #2445, Hatfield PA	C20073240021	June 11, 2007
Wal-Mart Store # 2040, Burlington, NJ	C20073240023	June 11, 2007
Wal-Mart Store # 1837, Humble, TX	C20073254014	June 11, 2007
Wal-Mart Store # 3476, Canton, MI	C20073236008	June 11, 2007
Wal-Mart Store # 2412?, Ellicott City, MD	C20073234008	June 12, 2007
Wal-Mart Store # 768, Katy, TX	C20073254016	June 12, 2007

Wal-Mart Store # 5177, Bristol, PA	C20073240027	June 12, 2007
Wal-Mart Store # 2068, Fairless Hills, PA	C20073240024	June 12, 2007
Wal-Mart Store # 1811, Norfolk, VA	C20073264010	June 12, 2007
Sam's Club Store # 4764, Katy, TX	C20073254015	June 12, 2007
Wal-Mart Store # 2412, Ellicott City, MD	C20073234008	June 12, 2007
Wal-Mart Store # 2022, North Windham, CT	C20073226006	June 12, 2007
Wal-Mart Store # 5296, Barboursville, WV	C20073234010	June 13, 2007
Wal-Mart Store # 3520, Seaucus, NJ	C20073238018	June 14, 2007
Wal-Mart Store # 2031, Union City, CA	C200732960016	June 14, 2007
Wal-Mart Store # 5293, Valley Stream, NY	C20073238025	June 14, 2007
Sam's Club Store # 4774, Seaucus, NJ	C20073238019	June 14, 2007
Wal-Mart Store # 1697, Elk Grove, CA	C20073296024	June 18, 2007
Wal-Mart Store # 5192, Sacramento, CA	C20073296022	June 18, 2007
Wal-Mart Store # 2269, Yakima, WA	C20073298020	June 18, 2007
Wal-Mart Store # 2277, Clovis, CA	C20073296026	June 20, 2007

Attachment B

1. June 14, 2007, Wal-Mart, Store # 2074, Wasilla, AK.

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	DVD	MWR10D6	\$8,000
Magnavox	DVD/VCR	MWR20V6	\$8,000
Panasonic	DVD	DMR-ES15	\$8,000
Panasonic	DVD/VCR	DMR-ES35VS	\$8,000
Samsung	DVD	DVD-R129	\$8,000
Sony	DVD	RDR-GX330	\$8,000
Sony	DVD/VCR	SLV-D370P	\$8,000
SV2000	DVD	WV10D6	\$8,000
		Subtotal	\$64,000

2. June 14, 2007, Wal-Mart Store # 1291, Tucson, AZ.

Manufacturer	Device	Model #	Forfeiture Amount
Funai	DVD/VCR	WV10D6	\$8,000
Magnavox	DVD/VCR	MWR20V6	\$8,000
		Subtotal	\$16,000

3. June 14, 2007, Wal-Mart Store # 5435, San Jose, CA.

Manufacturer	Device	Model #	Forfeiture Amount
Philips	TV	20PT6245/37	\$8,000
Sony	DVD/VCR	SLV-D370P	\$8,000
		Subtotal	\$16,000

4. June 14, 2007, Wal-Mart Store # 3762, West Des Moines, IA.

Manufacturer	Device	Model #	Forfeiture Amount
Philips	TV	20PT6245/37	\$8,000
		Subtotal	\$8,000

5. June 14, 2007, Wal-Mart Store # 5380, Hanover, MA.

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	DVD	MWR20V6	\$8,000
		Subtotal	\$8,000

6. June 14, 2007, Wal-Mart Store # 2522, Escanaba, MI.

Manufacturer	Device	Model #	Forfeiture Amount
Durabrand	SDTV	DWT1304A	\$8,000
Magnavox	TV/VHS/DVD	MWC20T6	\$8,000
Magnavox	SDTV	20MS233S	\$8,000
Magnavox	TV/DVD/VCR	MWC20T6	\$8,000
Philips	TV	20PT6245/37	\$8,000
		Subtotal	\$40,000

7. June 14, 2007, Wal-Mart Store # 2434, Iron Mountain, MI.

Manufacturer	Device	Model #	Forfeiture Amount
Durabrand	TV	DWT1304	\$8,000
		Subtotal	\$8,000

8. June 14, 2007, Wal-Mart Store # 3565, East Norristown, PA.

Manufacturer	Device	Model #	Forfeiture Amount
Durabrand	TV	DWT1304	\$8,000
Magnavox	TV/DVD/VCR	MWC20T6	\$8,000
Magnavox	DVD/VCR	MWR20V6	\$8,000
Magnavox	DVD	MWR10D6	\$8,000
Philips	DVD/VCR	DVP3150V	\$8,000
		Subtotal	\$40,000

9. June 14, 2007, Wal-Mart Store # 1469, Chattanooga, TN.

Manufacturer	Device	Model #	Forfeiture Amount
Philips	DVR	DVP3150V	\$8,000
		Subtotal	\$8,000

10. June 14, 2007, Wal-Mart Store # 2257, Houston, TX.

Manufacturer	Device	Model #	Forfeiture Amount
Philips	DVR	DVP3050V	\$8,000
Samsung	DVD/VCR	DVD-V5650	\$8,000
		Subtotal	\$16,000

11. June 14, 2007, Wal-Mart Store # 1313, San Antonio, TX.

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	DVDR	MWR10D6	\$8,000
Magnavox	DVD/VCR	MWR20V6	\$8,000
Philips	DVDR	DVDR-3390	\$8,000
SV2000	DVDR	WV10D6	\$8,000
		Subtotal	\$32,000

12. June 14, 2007, Wal-Mart Store # 5245, San Antonio, TX.

Manufacturer	Device	Model #	Forfeiture Amount
Philips	DVDR	DVDR-3390	\$8,000
		Subtotal	\$8,000

13. June 15, 2007, Wal-Mart Store # 1325, Tucson, AZ.

Manufacturer	Device	Model #	Forfeiture Amount
Philips	DVD/DVR	DVP3150V/37	\$8,000
		Subtotal	\$8,000

14. June 15, 2007, Wal-Mart Store # 771, Merritt Island, FL.

Manufacturer	Device	Model #	Forfeiture Amount
Durabrand	TV	DWT1905	\$8,000
Durabrand	TV	DWT1304	\$8,000
Philips	TV	20PT6245/37	\$8,000
Subtotal			\$24,000

15. June 15, 2007, Wal-Mart Store # 834, Bethany, MO.

Manufacturer	Device	Model #	Forfeiture Amount
Philips	TV	20PT6245/37	\$8,000
Subtotal			\$8,000

16. June 15, 2007, Wal-Mart Store # 2404, San Antonio, TX.

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	DVD/VCR	MWR10D6	\$8,000
Subtotal			\$8,000

17. June 15, 2007, Sam's Club, samsclub.com.

Manufacturer	Device	Model #	Forfeiture Amount
Panasonic	DVD	DMR-ES15S	\$8,000
Subtotal			\$8,000

18. June 16, 2007, Sam's Club Store # 8290, Orlando, FL.

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	TV/DVD/VCR	MSD724G	\$8,000
Subtotal			\$8,000

19. June 16, 2007, Wal-Mart Store #2247, Cary, NC.

Manufacturer	Device	Model #	Forfeiture Amount
Duraband	TV	DWT 1905	\$8,000
Subtotal			\$8,000

20. June 16, 2007, Wal-Mart Store # 1751, Raleigh, NC.

Manufacturer	Device	Model #	Forfeiture Amount
Philips	TV	20PT6245/37	\$8,000
Panasonic	DVD Recorder	DMR-ES15	\$8,000
Subtotal			\$16,000

21. June 18, 2007, Wal-Mart Store # 3891, Waukegan, IL.

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	TV/DVD/VCR	MWC20T6	\$8,000
Magnavox	TV/DVD/VCR	MWC24T5	\$8,000
Philips	TV	20PT6245	\$8,000
Subtotal			\$24,000

22. June 18, 2007, Wal-Mart Store # 3507, Baltimore/P. Coving, MD.

Manufacturer	Device	Model #	Forfeiture Amount
Durabrand	SDTV	DWT1304	\$8,000
Durabrand	SDTV	DWT1905	\$8,000
Magnavox	TV/DVD	MWC13D6	\$8,000
Philips	TV	20TP6245/37	\$8,000
RCA	TV	20F420T	\$8,000
Subtotal			\$40,000

23. June 18, 2007, Wal-Mart Store # 2539, Spokane Valley, WA.

Manufacturer	Device	Model #	Forfeiture Amount
Philips	DVD/VCR	DVP3150V	\$8,000
Subtotal			\$8,000

24. June 19, 2007, Sam's Club Store # 8203, Marietta, GA.

Manufacturer	Device	Model #	Forfeiture Amount
Panasonic	DVD	DMR-ES15	\$8,000
Subtotal			\$8,000

25. June 19, 2007, Wal-Mart Store # 2281, West Mifflin, PA.

Manufacturer	Device	Model #	Forfeiture Amount
Durabrand	TV	DWT1304	\$8,000
Emerson	DVD/VCR	EW1100F	\$8,000
JVC	DVD/VCR	DR-MV7	\$8,000
Panasonic	DVD RW	DMR-ES35V	\$8,000
Panasonic Diga	DVD RW	DMR-ES20	\$8,000
Polaroid	DVD	DRM-2001G	\$8,000
Philips	TV	20PT6245/37	\$8,000
Philips	TV	20PF5120	\$8,000
Philips	DVD RW	DVDR3455H	\$8,000
Sony	DVD/VCR	SLV-D370P	\$8,000
Subtotal			\$80,000

26. June 19, 2007, Wal-Mart Store # 2423, Carolina, PR.

Manufacturer	Device	Model #	Forfeiture Amount
RCA	DVD/VCR	DRC8320N	\$8,000
Subtotal			\$8,000

27. June 19, 2007, Wal-Mart Store # 2105, Farmers Branch, TX.

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	DVD	MWR10D6	\$8,000
Magnavox	TV/DVD/VCD	MWC20T6	\$8,000
Magnavox	TV/DVD	MWC13D6	\$8,000
Philips	DVD/VCR	DVP3150V	\$8,000
Samsung	DVD/VCR	DVD-V5650	\$8,000
Subtotal			\$40,000

28. June 19, 2007, Wal-Mart Store # 1055, Garland, TX.

Manufacturer	Device	Model #	Forfeiture Amount
Samsung	DVD/VCR	DVD-V5650	\$8,000
Subtotal			\$8,000

29. June 19, 2007, Sam's Club # 4783, Garland, TX.

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	TV/DVD/VCR	MSD742G	\$8,000
Subtotal			\$8,000

30. June 20, 2007, Wal-Mart Store # 2718, San Antonio, TX.

Manufacturer	Device	Model #	Forfeiture Amount
Philips	DVD/VCR	DVP3050V/37	\$8,000
Magnavox	DVD/VCR	MWR20V6	\$8,000
Subtotal			\$16,000

31. June 29, 2007, Wal-Mart Store # 2871, Cinnaminson, NJ.

Manufacturer	Device	Model #	Forfeiture Amount
Philips	DVD/VCR	DVP3150V/37	\$8,000
Magnavox	DVD/VCR	MWR10D6	\$8,000
Magnavox	DVD/VCR	MWD2205	\$8,000
Samsung	DVD/VCR	DVD-V5650	\$8,000
Subtotal			\$32,000

32. June 29, 2007, Wal-Mart Store # 2300, Pittsburgh, PA..

Manufacturer	Device	Model #	Forfeiture Amount
Durabrand	TV	DWT1304	\$8,000
Magnavox	TV/DVD/VCR	MWC20T6	\$8,000
Magnavox	DVD Recorder	MWR10D6	\$8,000
Magnavox	DVD/VCR	MWR20V6	\$8,000
Philips	DVD Recorder	DVDR3390/37	\$8,000
Philips	DVD/VCR	DVP3150V/37	\$8,000
Samsung	DVD/VCR	DVDV5650	\$8,000
SV2000	DVD Recorder	WV10D6	\$8,000
Subtotal			\$64,000

33. July 2, 2007, Wal-Mart Store # 905, Longmont, CO

Manufacturer	Device	Model #	Forfeiture Amount
Philips	DVD/VCR	DVP3050V	\$8,000
Samsung	DVD/VCR	DVD-V5650	\$8,000
Panasonic	DVD Recorder	DMR-ES15S	\$8,000
Sanyo	TV	DS24205	\$8,000
Subtotal			\$32,000

34. July 6, 2007, Wal-Mart Store # 194, Baytown, TX

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	DVD	MWR10D6	\$8,000
SV2000	DVD	WV10D6	\$8,000
		Subtotal	\$16,000

35. July 9, 2007, Sam's Club Store # 8299, Plano, TX

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	DVD Recorder	MSR90D6	\$8,000
		Subtotal	\$8,000

36. July 11, 2007, Wal-Mart Store # 1875, Glen Burnie, MD

Manufacturer	Device	Model #	Forfeiture Amount
Durabrand	SDTV	DWT1304	\$8,000
		Subtotal	\$8,000

37. July 11, 2007, Wal-Mart Store # 5228, Columbia, MD

Manufacturer	Device	Model #	Forfeiture Amount
Durabrand	SDTV	DWT1304	\$8,000
Magnavox	TV/DVD	MWC24T5	\$8,000
		Subtotal	\$16,000

38. July 11, 2007, Wal-Mart Store # 2449, Caguas, PR.

Manufacturer	Device	Model #	Forfeiture Amount
JVC	DVD/VCR	DR-MV7SU	\$8,000
Toshiba	TV	20AS26	\$8,000
RCA	DVD/VCR	DRC8320N	\$8,000
		Subtotal	\$24,000

39. July 11, 2007, Sam's Club Store # 6350, Sherman, TX

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	DVD Recorder	MSR90D6	\$8,000
		Subtotal	\$8,000

40. July 17, 2007, Wall-Mart Supercenter Store # 24, Jacksonville, AR

Manufacturer	Device	Model #	Forfeiture Amount
Panasonic	DVD Recorder/VCR	DMR-ES35V	\$8,000
Samsung	DVD Recorder	DVD-R129	\$8,000
		Subtotal	\$16,000

41. July 19, 2007, Wall-Mart Store # 1884, Scranton, PA

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	DVD Recorder	MWR10D6	\$8,000
Philips	DVD Recorder	DVDR3390	\$8,000
		Subtotal	\$16,000

42. October 9, 2007, Wall-Mart Store # 3475, Norristown, PA

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	DVD Recorder	MWR10D6	\$8,000
SV2000	DVD Recorder	WV10D6	\$8,000
		Subtotal	\$16,000

43. October 9, 2007, Wall-Mart Store # 5229, Wyncote, PA

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	DVD Recorder	MWR10D6	\$8,000
Philips	DVD Recorder	WV10D6	\$8,000
		Subtotal	\$16,000

44. October 9, 2007, Sam's Club Store # 6368, Chesapeake, VA

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	DVD Recorder	MSR90D6	\$8,000
Panasonic	DVD Recorder/VCR	DMR-ES46V	\$8,000
		Subtotal	\$16,000

45. October 9, 2007, Wal-Mart Store # 5047, Audubon, NJ

Manufacturer	Device	Model #	Forfeiture Amount
SV2000	DVD Recorder	WV10D6	\$8,000
		Subtotal	\$8,000

46. October 9, 2007, Wal-Mart Store # 2096, Warminster, PA

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	DVD Recorder	MWR10D6	\$8,000
		Subtotal	\$8,000

47. November 9, 2007, Wal-Mart Store # 546, Richmond, TX

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	DVD Recorder/VCR	MWR10D6	\$8,000
SV2000	DVD Recorder	WV10D6	\$8,000
		Subtotal	\$16,000

48. November 19, 2007, Wal-Mart Store # 2242, Anaheim, CA

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	DVD Recorder/VCR	MWR10D6	\$8,000
SV2000	DVD Recorder	WV10D6	\$8,000
		Subtotal	\$16,000

49. December 6, 2007, Sam's Club Store # 6677, Monroeville, PA

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	DVD Recorder	MSR900D6	\$8,000
		Subtotal	\$8,000

50. December 11, 2007, Wal-Mart Store # 5045, Tomball, TX

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	DVD Recorder/	MWR10D6	\$8,000
		Subtotal	\$8,000

51. December 20, 2007, Sam's Club Store # 4783, Garland, TX

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	DVD Recorder	MSR90D6	\$8,000
		Subtotal	\$8,000

52. December 20, 2007, Wal-Mart Store # 1055, Garland, TX

Manufacturer	Device	Model #	Forfeiture Amount
Philips	HD DVD Recorder	DVDR3455H	\$8,000
Polaroid	TV	FLM-153B	\$8,000
		Subtotal	\$16,000

53. January 15, 2008, Wal-Mart Store # 1935, Johnstown, PA

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	DVD Recorder/VCR	MWR10D6	\$8,000
SV2000	DVD Recorder	WV10D6	\$8,000
		Subtotal	\$16,000

54. February 21, 2008, Wal-Mart Store # 5033, Fort Morgan, CO

Manufacturer	Device	Model #	Forfeiture Amount
Magnavox	DVD Recorder/VCR	MWR10D6	\$8,000
		Subtotal	\$8,000

TOTAL PROPOSED FORFEITURE: \$992,000