

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Fabrice Polynice North Miami, FL, Harold Sido and Veronise Sido North Miami, FL*, EB File Nos. EB-FIELDSCR-13-00012949, EB-FIELDSCR-15-00018596.

I strongly support today's Forfeiture Order against both a known operator of a pirate radio station and the landlords that rented the shed where the illegal pirate radio operations took place. This item, however, is informative for a number of reasons.

First, the fine against the pirate operator should be much higher, but our forfeiture authority is capped due to the maximum set out by statute. The Notice of Apparent Liability (NAL) set a base forfeiture amount of \$710,000, which was reduced to \$144,344 based on the statutory maximum permitted under Section 503(b)(2)(D) of the Act. This amount pales in comparison to penalties for other violations of Commission rules and is simply not enough to serve as a sufficient deterrent against operating pirate radio stations. The duration in which this pirate operated emphasizes this point. This is why I applaud bipartisan legislation introduced in the House of Representatives, the "Preventing Illegal Radio Abuse Through Enforcement Act," or PIRATE Act, which considers raising the statutory maximum to \$2 million and increasing the statute of limitations.

Second, the item affirmatively declares that the Commission is not required to issue a citation to those operating a pirate radio station. Specifically, the item states that "[t]he citation requirement in Section 503(b)(5) does not apply 'if the person involved is engaging in activities for which a license, permit, certificate, or other authorization is required...'" I agree with this interpretation. Beyond not being required by law, in many instances involving pirate radio, issuing a citation, or Notice of Unlicensed Operations (NOUO), can be counterproductive. In a game of whack-a-mole, locating and taking enforcement action against pirate operators is tough enough. Warning enterprise pirates that you are on to them can send them underground, or onto another frequency, increasing the time it takes to get the pirate off the air. Despite this being clear in law today, the PIRATE Act reemphasizes this legal authority and requires the Commission, absent good cause, to go straight to a NAL in pirate enforcement actions.

Third, beyond just going after the pirate operator, today's item takes enforcement action against intentional violations of our rules by the landlords. I firmly believe that this is a vital step towards ending the practice of pirate radio operations. If the pirate is unable to find partners that enable the operation, it will have a hard time accessing our airwaves. In this case, the Sidos were warned by the Commission about the pirate operations on numerous occasions over multiple years. Despite this, the Sidos funded much of the operation, including the Internet connection and electrical power services, as well as provided access to a shed where the illegal operations took place. Their submitted response is both unconvincing and contrary to documented facts. Today's item will set clear Commission precedent going forward that landlords who materially assist with unlawful pirate operations can be held jointly and severally liable for such violations. This precedent, coupled with the enhanced tools for holding landlords liable provided in the PIRATE Act, will greatly enhance the Commission's ability to stop pirate operations.

Finally, on a larger note, the issue of pirate radio is a real problem that is becoming more noticeable in more markets. When I first began focusing on this issue, we knew that Florida, New York, and New Jersey were problematic areas. However, we are constantly learning about new markets where pirates have launched operations, including in Colorado and North Carolina. This means that we must continue our crackdown against both pirate operators and landlords that knowingly facilitate this unlawful activity. I thank Chairman Pai and the bureau for their focus on this issue, as well as legislators in the House of Representatives, particularly Representatives Lance, Tonko, and Collins, whose PIRATE Act, if passed, will enhance the Commission's tools to police the airwaves and put an end to such efforts that

cause harm to local broadcasting licensees and American listeners. The fight continues.