

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

In the Matter of)	
)	File No.: EB-FIELDNER-17-00023506
César Ayora and Luis Angel Ayora)	NAL/Acct No.: 202332010001
Queens, New York)	FRNs: 0033397985, 0033398017
)	

FORFEITURE ORDER

Adopted: October 12, 2023

Released: October 13, 2023

By the Commission:

1. We impose a penalty of \$2,316,034 against César Ayora and Luis Angel Ayora (collectively, the Ayoras), jointly and severally, for operating an unauthorized radio station on 105.5 MHz in Queens, New York. The Ayoras have jointly engaged in the longstanding illicit operation of an unauthorized radio station known as Radio Impacto 2. Operating an unauthorized, or pirate, radio station is illegal under the Communications Act of 1934, as amended (Communications Act or Act).¹ Pirate radio stations undermine the Commission’s primary mission to manage radio spectrum. Such illegal operations can interfere with licensed communications, including authorized broadcasts and communications by public safety entities. Moreover, such illegal operations pose a danger to the public because they interfere with licensed stations that inform their listeners of important public safety messages, including Emergency Alert System transmissions that provide vital information regarding weather and other dangers to the public. Some of the most egregious pirate radio operations are run by individuals who have ignored prior enforcement actions by the Commission. This is one such case. As such, it merits the strongest possible enforcement measures to the fullest extent of the law.

2. On March 15, 2023, the Commission issued a Notice of Apparent Liability for Forfeiture proposing a \$2,316,034 forfeiture against the Ayoras for willful and knowing violations of section 511 of the Act by engaging in pirate radio broadcasting.² Neither of the Ayoras have filed a response to the *NAL*.³ We incorporate by reference herein, affirm, and adopt as final all of our tentative findings of fact and conclusions of law set forth in the *NAL* and affirm the forfeiture proposed in the *NAL*.⁴

3. Accordingly, **IT IS ORDERED** that, pursuant to section 511 of the Communications Act of 1934, as amended, 47 U.S.C. § 511, and section 1.80 of the Commission’s rules, 47 CFR § 1.80, Cesar Ayora and Luis Ayora are **LIABLE FOR A MONETARY FORFEITURE**, jointly and severally, in the amount of two million three hundred sixteen thousand thirty-four dollars (\$2,316,034) for willfully and knowingly violating section 511 of the Act.

4. Payment of the forfeiture shall be made in the manner provided for in section 1.80 of the Commission’s rules, 47 CFR § 1.80, within thirty (30) calendar days after the release of this Forfeiture

¹ 47 U.S.C. § 511.

² The *NAL* includes a more complete discussion of the facts and history of this case and is incorporated herein by reference. See *César Ayora & Luis Angel Ayora Queens, New York*, Notice of Apparent Liability for Forfeiture, FCC 23-17, 2023 WL 2560017 (Mar. 15, 2023) (*NAL*); 47 U.S.C. § 511.

³ As required by the terms of the *NAL*, a copy was sent to César Ayora and Luis Angel Ayora by first class mail and certified mail. See *NAL* at para. 24. Although the certified mail was returned, the first-class mail was not returned.

⁴ Any entity that is a “Small Business Concern” as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. § 657, “Oversight of Regulatory Enforcement,” in addition to other rights set forth herein.

Order. The Ayoras shall send electronic notification of payment to the Office of the Field Director, Enforcement Bureau, Federal Communications Commission, at field@fcc.gov on the date said payment is made. If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to section 504(a) of the Act, 47 U.S.C. § 504(a).

5. In order for César Ayora and Luis Angel Ayora to pay the proposed forfeiture, César Ayora or Luis Angel Ayora shall notify the Office of the Field Director at field@fcc.gov of his intent to pay, whereupon an invoice will be posted in the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. Payment of the forfeiture must be made by credit card using CORES at <https://apps.fcc.gov/cores/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. The Commission no longer accepts forfeiture payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:⁵

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters "FORF." In addition, a completed Form 159⁶ or printed CORES form⁷ must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, enter the Account Number in block number 23A (call sign/other ID), enter the letters "FORF" in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).⁸ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Manage Existing FRNs | FRN Financial | Bills & Fees" from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the "Open Bills" tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment, choose the "Pay by Credit Card" option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using CORES <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Manage Existing FRNs | FRN Financial | Bills & Fees" on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the "Open Bills" tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678).

⁵ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #1).

⁶ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

⁷ Information completed using the Commission's Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

⁸ Instructions for completing the form may be obtained <http://www.fcc.gov/Forms/Form159/159.pdf>.

Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

6. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer – Financial Operations, Federal Communications Commission, 45 L Street NE, Washington, D.C. 20554. Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by telephone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

7. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by first class mail and certified mail, return receipt requested, to César Ayora and Luis Angel Ayora at the Radio Impacto 2 studio at 91-16 43rd Avenue Elmhurst NY, 11373.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary