

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

In the Matter of	)	
	)	
Dexter Blake	)	File No.: EB-FIELDNER-17-00023354
Mount Vernon, New York	)	NAL/Acct No.: 202432010003
	)	FRN: 0018292433

**NOTICE OF APPARENT LIABILITY FOR FORFEITURE**

**Adopted: November 15, 2023**

**Released: November 16, 2023**

By the Commission: Chairwoman Rosenworcel issuing a statement.

**I. INTRODUCTION**

1. In this Notice of Apparent Liability for Forfeiture (NAL), we propose a penalty of \$2,316,034 against Dexter Blake (Blake) for operating an unauthorized radio station on 104.5 MHz in Mount Vernon, New York. Blake appears to have engaged in the longstanding illicit operation of an apparently unauthorized radio station known as “Linkage Radio”. Operating an unauthorized, or pirate, radio station is illegal under the Communications Act of 1934, as amended (Communications Act or Act).<sup>1</sup> 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 events and other dangers to the public.<sup>2</sup> 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.

**II. BACKGROUND**

**A. Legal Framework**

2. On January 24, 2020, Congress passed the Preventing Illegal Radio Abuse Through Enforcement Act (PIRATE Act), which was subsequently codified as section 511 of the Communications Act.<sup>3</sup> Section 511 states that any person who willfully and knowingly does or causes or suffers to be done any pirate radio broadcasting shall be subject to a fine of not more than \$2,000,000 and not more than \$100,000 for each day during which such offense occurs.<sup>4</sup> Both of these figures are subject to annual

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<sup>1</sup> 47 U.S.C. § 511.

<sup>2</sup> See *Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System*, Report and Order, PS Docket No. 15-94, FCC 22-75, para. 3 (rel. Sept. 30, 2022).

<sup>3</sup> *Preventing Illegal Radio Abuse Through Enforcement Act*, Pub. L. 116-109, 134 Stat. 3 (2020) (codified at 47 U.S.C. § 511).

<sup>4</sup> 47 U.S.C. § 511(a)-(b). Prior to the passage of the PIRATE Act, the maximum monetary penalty for pirate radio transmissions was \$151,005. See 47 CFR §1.80(b)(9)(ii) (2019); see also *Acerome Jean Charles*, Notice of Apparent Liability for Forfeiture, 34 FCC Rcd 12744 (2019). That maximum limit was increased to \$2,000,000 by the PIRATE Act.

inflation adjustments.<sup>5</sup> Section 511 defines pirate radio broadcasting as “the transmission of communications on spectrum frequencies between 535 and 1705 kilohertz, inclusive, or 87.7 and 108 megahertz, inclusive, without a license issued by the Federal Communications Commission (Commission), but does not include unlicensed operations in compliance with part 15 of title 47, Code of Federal Regulations.”<sup>6</sup> Part 15, among other requirements, states that unlicensed operators in the FM band must not transmit over a certain power limit.<sup>7</sup> Moreover, under part 15, intentional radiators, such as FM transmitters, must be designed to ensure that no antenna other than that furnished by the responsible party shall be used with the device (e.g., a permanently attached antenna or an antenna that uses a unique coupling to the intentional radiator).<sup>8</sup>

## B. Factual Background

### 1. Pre-PIRATE Act Investigation

3. Blake has been directly involved in the operation of a pirate radio station (Station) on 101.5 MHz and 104.5 MHz in Mount Vernon, New York, for at least fifteen years. The Station is known as Linkage Radio.<sup>9</sup> On August 13, 2008, in response to complaints, Enforcement Bureau (Bureau) field agents (Agents) from the New York Field Office traced the source of radio transmissions on 101.5 MHz to an FM transmitter antenna on the roof of Linkage Caribbean Restaurant, an establishment then owned by Blake, at 78 East 3rd Street, Mt. Vernon, New York (3rd Street site).<sup>10</sup> The Agents took field strength measurements and determined that the Station’s signal exceeded the limits for operation under part 15 of the Commission’s rules.<sup>11</sup> Commission records indicated no authorization for any FM broadcast station to operate at or near the 3rd Street site on any frequency. One of the agents spoke to Blake, who admitted to operating the Station. Blake shut down the audio remotely and told the agents that he would not operate the Station again.<sup>12</sup>

4. On March 3, 2009, the Commission issued an NAL (2009 NAL) against Blake for the unauthorized operation of a radio transmitter at the 3rd Street site, proposing a \$10,000 forfeiture.<sup>13</sup> The 2009 NAL stated that the Agents “discovered a website called ‘Linkage Radio’ which identified Dexter Blake, aka DJ Linkage, as the owner of the Station on 101.5 MHz and the Linkage Caribbean

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<sup>5</sup> See 47 CFR § 1.80(b)(6) (setting the current inflation adjusted statutory maximum for a violation of 47 U.S.C. § 511(a) at \$2,316,034 and 47 U.S.C. § 511(b) at \$115,802); *Amendment of Section 1.80(b) of the Commission’s Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, DA 22-1356, 2022 WL 18023008, at \*5 (EB Dec. 23, 2022); see also *Annual Adjustment of Civil Monetary Penalties to Reflect Inflation*, 88 Fed. Reg. 783 (Jan. 5, 2023) (setting January 15, 2023, as the effective date for the increases).

<sup>6</sup> 47 U.S.C. § 511(h).

<sup>7</sup> 47 CFR § 15.239(b) (stating that the field strength of any emissions in the 88-108 MHz band shall not exceed 250 microvolts/meter at 3 meters).

<sup>8</sup> 47 CFR § 15.203.

<sup>9</sup> See Linkage Radio, <http://www.linkageradio.com> (last visited June 8, 2023).

<sup>10</sup> See *Dexter Blake*, Notice of Unauthorized Operation, File No. EB-08-NY-0291 (Northeast Region, New York Office, Aug. 20, 2008).

<sup>11</sup> Section 15.239 of the Commission’s rules provides that non-licensed broadcasting in the 88-108 MHz band is permitted only if the field strength of the transmission does not exceed 250 microvolts per meter (“ $\mu\text{V}/\text{m}$ ”) at three meters. 47 CFR § 15.239(b). Measurements showed that the field strength of the Station’s signal exceeded the permissible level for a non-licensed part 15 transmitter. Documentation of field strength measurements are on file in EB-FIELDNER-17-00023354.

<sup>12</sup> *Dexter Blake, Mt. Vernon, New York*, Notice of Apparent Liability for Forfeiture, File No. EB-08-NY-0291, para. 4 (EB 2009) (2009 NAL), *aff’d*, *Dexter Blake, Mt. Vernon, New York*, Forfeiture Order, 25 FCC Rcd 10038 (EB 2010) (*Blake Forfeiture Order*).

<sup>13</sup> *Id.*

Restaurant.”<sup>14</sup> Blake did not respond to the 2009 NAL.

5. On July 22, 2010, the Commission issued a Forfeiture Order against Blake in the amount of ten thousand dollars (\$10,000) for willful and repeated violations of section 301 of the Communication Act.<sup>15</sup> Blake subsequently acknowledged operating without a license but asked that the forfeiture be cancelled or reduced based on his inability to pay.<sup>16</sup> The Commission reduced the forfeiture to one thousand seven hundred dollars (\$1,700) but warned Blake that “future violations of this kind may result in significantly higher forfeitures that may not be reduced due to Mr. Blake’s financial condition.”<sup>17</sup> Blake never paid the reduced forfeiture.

6. On February 22, 2017, the Commission received a complaint that Dexter Blake was operating an unlicensed radio station on 101.5 MHz in the Mount Vernon area under the name Linkage Radio. On March 2, 2017, Agents from the New York Field Office observed the signal on 101.5 MHz and, using direction finding techniques, traced the source to a building at 159 South 13th Avenue in Mount Vernon, New York (Thirteenth Avenue site). The Agents observed a mast mounted on the roof of the building supporting a Dominator vertical antenna with a coaxial cable running down the side of the building and entering a window at the basement level.<sup>18</sup> The Agents took field strength measurements of the Station’s signal and determined that it exceeded the limits for operation under part 15 of the Commission’s rules.<sup>19</sup> Commission records indicated no authorization for any FM broadcast station to operate at or near the Thirteenth Avenue site.<sup>20</sup> Agents also determined that the over-the-air signal monitored on 101.5 MHz matched the audio being streamed by linkageradio.com.<sup>21</sup> A Notice of Unlicensed Operation (NOUO) was subsequently mailed to Blake.<sup>22</sup>

7. On April 18, 2017, using direction finding techniques, Agents traced the source of an unauthorized signal on 104.5 MHz to a small apartment building at 53 Mount Vernon Avenue, Mount Vernon, NY (Mount Vernon Avenue site).<sup>23</sup> The Agents observed a Dominator type vertical antenna on the apartment building rooftop. The Agents interviewed the manager of a restaurant located on the

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<sup>14</sup> *Id.* at para. 4, n.5.

<sup>15</sup> *Blake Forfeiture Order*, 25 FCC Rcd at 10038.

<sup>16</sup> Blake “admit[ted] to having operated the unlicensed station, but claims that cancellation [was] warranted because the individual from whom he received the equipment did not advise him that he needed an individual license.” *Dexter Blake*, Memorandum Opinion and Order, 27 FCC Rcd 15087, para. 3 (EB 2012).

<sup>17</sup> *Id.* at 15088-89, para. 6.

<sup>18</sup> The Dominator is a 3/4 wavelength vertical antenna designed to operate in the 87.5 to 108 MHz range providing +3 dB gain.

<sup>19</sup> 47 CFR § 15.239(b).

<sup>20</sup> On March 2, 2017, the agents also visited 511 S Fulton Avenue, Mount Vernon, NY. The Agents had identified this address as Blake’s residence and also saw a map on the Linkage Radio website suggesting that this could be the location of the studio. There was a small apartment building at the address, but agents were not able to gain entry. The owner of a business location next door to the apartment building confirmed to the Agents that Dexter Blake had a “radio station” at this address.

<sup>21</sup> Linkage Radio programming is streamed online via the linkageradio.com site and via a Linkage Radio smartphone application. During investigations of Blake’s pirate radio activities, Agents would often monitor the Linkage Radio audio stream and verified that it corresponded to the same programming that was contemporaneously being transmitted on 101.5 or 104.5 MHz, providing further evidence that Blake and Linkage Radio are responsible for the unauthorized transmissions. *See also infra* at para. 15.

<sup>22</sup> *Dexter Blake*, Notice of Unlicensed Operation, File No. EB-FIELDNER-17-00023354 (Columbia Field Office, Mar. 14, 2017).

<sup>23</sup> Agents had first visited the Thirteenth Avenue site but found that was not the source of the signal and that the previously observed roof-mounted antennas were no longer visible.

ground floor who stated that he was aware of a radio station in the building and that it was owned by Blake. The Agents took field strength measurements of the Station's signal and determined that it exceeded the limits for operation under part 15 of the Commission's rules.<sup>24</sup> Commission records indicated no authorization for any FM broadcast station to operate at or near the Mount Vernon Avenue site. The Agents left an on-scene NOUO for both Blake and the owner of the apartment building.<sup>25</sup>

8. On June 12, 2017, Agents conducted a follow-up investigation at the Mount Vernon Avenue site and observed that the Dominator type vertical antenna that had been observed at this location on April 18, 2017, was no longer visible. The Agents returned to the Thirteenth Avenue site and observed that a Dominator type vertical antenna was once again visible on the roof. The Agents also monitored broadcasting on 104.5 MHz at that location and took field strength measurements of the Station and determined that the transmissions exceeded the limits for operation under part 15 of the Commission's rules.

9. During further investigations in 2017, Agents found that the Facebook icon on the Linkage Radio website linked directly to Blake's Facebook page with a profile picture showing Blake wearing headphones and seated at a microphone, with a superimposed graphic reading "101.5 FM."<sup>26</sup> Another image on the Linkage Radio website at that time showed Blake seated in what appears to be a broadcast studio with a large banner behind him reading "Linkage Radio – 101.5 FM & 104.5 FM."<sup>27</sup>

10. In follow-up investigations at the Thirteenth Avenue site Agents took field strength measurements of the Linkage Radio transmissions on 104.5 MHz on May 29, October 18, and October 30, 2018, and on April 18 and August 20, 2019. On each of these dates the signal level exceeded the limits for unlicensed operation under part 15 of the Commission's rules.<sup>28</sup>

## 2. PIRATE Act Investigation

11. The PIRATE Act, among other provisions, codified the definition of pirate radio,<sup>29</sup> increased fines for pirate radio operators,<sup>30</sup> and granted the Commission new enforcement authority to assess forfeitures against any person who permits the operation of pirate radio broadcasting, such as the property owners whose property is used for pirate radio broadcasting.<sup>31</sup>

12. On May 3 and 5, 2022, Agents observed Linkage Radio activity on 104.5 MHz in the Mount Vernon area. On both dates, using direction finding techniques, agents traced the source of the transmissions to the Thirteenth Avenue site where they observed a Dominator type vertical antenna on the roof. The Agents took field strength measurements of the Station's signal on both dates and determined

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<sup>24</sup> 47 CFR § 15.239(b).

<sup>25</sup> *Dexter Blake*, Notice of Unlicensed Operation, File No. EB-FIELDNER-17-00023354 (Chicago Field Office, Apr. 18, 2017); *Brown, George*, Notice of Unlicensed Operation, File No. EB-FIELDNER-17-00023354 (Chicago Field Office, Apr. 18, 2017). NOUOs were subsequently sent via USPS and UPS. *Dexter Blake*, Notice of Unlicensed Operation, File No. EB-FIELDNER-17-00023354, File No. EB-FIELDNER-17-00023354 (Columbia Field Office, May 11, 2017); *George Brown*, Notice of Unlicensed Operation, File No. EB-FIELDNER-17-00023354 (Columbia Field Office, May 11, 2017). The Commission also mailed an NOUO to Blake on June 6, 2017. *Dexter Blake*, Notice of Unlicensed Operation, File No. EB-FIELDNER-17-00023354 (Columbia Field Office, June 6, 2017). Copies of the cited NOUOs are on file in EB-FIELDNER-17-00023354.

<sup>26</sup> Copy of image on file in File No. EB-FIELDNER-17-00023354.

<sup>27</sup> *Id.*

<sup>28</sup> 47 CFR § 15.239(b).

<sup>29</sup> 47 U.S.C. § 511(h).

<sup>30</sup> *Id.* § 511(a)-(b).

<sup>31</sup> *See id.* § 511(a) ("Any person who willfully and knowingly does or causes or suffers to be done any pirate radio broadcasting shall be subject to a fine of not more than \$2,000,000.") (emphasis added).

that it exceeded the limits for operation under part 15 of the Commission's rules.<sup>32</sup>

13. On July 15, 2022, the Commission, pursuant to its new authority granted by the PIRATE Act, sent a Notice of Illegal Pirate Radio Broadcasting (NIPRB) to Michelle Hepburn—the apparent owner of the building at the Thirteenth Avenue site.<sup>33</sup> The NIPRB provided notice to the property owner that, under section 511(a) of the Act, persons or entities found to willfully and knowingly suffer (i.e., permit) a third party to engage in pirate radio broadcasting on their property can face significant financial penalties. Accordingly, the NIPRB notified and warned Hepburn that under the PIRATE Act the FCC may issue a fine of up to \$2,000,000 if the FCC determines that she continued to permit any individual or entity to engage in pirate radio broadcasting from any property that she owned or managed. Although Hepburn did not respond to the NIPRB, pirate radio activity at the Thirteenth Avenue site ceased shortly after it was issued.

14. On February 21, 2023, Agents heard programming being transmitted on 104.5 MHz with the Station identifying itself as Linkage Radio. Using direction finding techniques the Agents determined that the transmissions were coming from a house located at 322 South Third Avenue in Mount Vernon, New York (Third Avenue site). A Dominator type vertical antenna was mounted on the roof of the building. Agents took field strength measurements and determined that the transmissions exceeded the limits for operation under part 15 of the Commission's rules.<sup>34</sup>

15. During the next two months the Agents continued their investigation, monitoring the pirate radio broadcasting at the Third Avenue site. Transmissions by Linkage Radio on 104.5 MHz were observed on April 13-22, 24-30, and May 1-2, 2023. Agents determined, based on field strength measurements, that the 104.5 MHz transmissions exceeded the limits for operation under part 15 of the Commission's rules,<sup>35</sup> and corresponded to the audio being streamed on linkageradio.com. During the 2023 investigation, Agents also confirmed that the Facebook icon on the Linkage Radio website continued to link directly to Blake's Facebook page. While Blake's Facebook profile picture had changed, the photos section contained an image similar to the profile picture found during the 2017 investigation.<sup>36</sup> The videos section of Blake's Facebook page also contained several recordings in which the banner found in the 2017 investigation reading "Linkage Radio – 101.5 FM & 104.5 FM"<sup>37</sup> is shown.<sup>38</sup>

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<sup>32</sup> 47 CFR § 15.239(b).

<sup>33</sup> *Michelle Hepburn*, Notice of Illegal Pirate Radio Broadcasting, File No. EB-FIELDNER-17-00023354 (Region One Regional Office, July 15, 2022).

<sup>34</sup> 47 CFR § 15.239(b). Blake has relocated the Station three times since 2017: (1) from the Thirteenth Avenue site to the Mount Vernon Avenue site; (2) back to the Thirteenth Avenue site; and (3) to the Third Avenue site. Each relocation occurred after agents found the Station on the air and issued NOUO's to Blake or, in the case of the third relocation, a NIPRB to the property owner. *See supra*, paras. 7-8.

<sup>35</sup> 47 CFR § 15.239(b).

<sup>36</sup> <https://www.facebook.com/linkageradio/photos> (last visited on June 5, 2023).

<sup>37</sup> Copy of image on file in File No. EB-FIELDNER-17-00023354.

<sup>38</sup> <https://www.facebook.com/linkageradio/videos> (last visited on June 5, 2023). These include videos showing Blake at the studio controls with captions announcing that "Dexter Blake was live" on the following dates: September 9, 2022 (<https://www.facebook.com/linkageradio/videos/power-pack-sunday/1552084221913354/>); October 1, 2022 (<https://www.facebook.com/linkageradio/videos/power-pack-sunday/1552084221913354/>); and October 22, 2022 (<https://www.facebook.com/linkageradio/videos/675910637135416/> and <https://www.facebook.com/linkageradio/videos/605357718008740/>) (each of the foregoing links last visited on June 20, 2023).

### III. DISCUSSION

16. We find that Blake apparently willfully and knowingly violated section 511 of the Act<sup>39</sup> by operating a pirate radio station on 104.5 MHz, at a minimum, on February 21, 2023; April 13-22 and 24-30, 2023; and May 1-2, 2023, resulting in a total of at least 20 days of apparent violations. Agents observed Blake’s pirate radio Station, Linkage Radio, operating on these dates at the Third Avenue site on 104.5 MHz and determined that the transmissions exceeded the limits for operation under part 15 of the Commission’s rules.<sup>40</sup> Therefore, all transmissions from the Third Avenue site during this period failed to comply with part 15 of the Commission’s rules.<sup>41</sup> Commission records indicate no authorization for any FM broadcast station to operate at or near the Third Avenue site at any time relevant to this NAL. Accordingly, the Commission finds that Blake’s actions—on a total of 20 days—constituted pirate radio broadcasting in apparent violation of section 511 of the Act.<sup>42</sup>

#### A. Proposed Forfeiture

17. Section 511 of the Act authorizes the Commission to impose a forfeiture against any person “who willfully and knowingly does or causes or suffers to be done any pirate radio broadcasting.”<sup>43</sup> In exercising our forfeiture authority, we consider the “nature, circumstances, extent and gravity of the violations 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.”<sup>44</sup> We may adjust a forfeiture downward for minor violations, good faith or voluntary disclosure, a history of overall compliance, or an inability to pay.<sup>45</sup>

18. Section 511 of the Act and section 1.80 of the Commission’s rules authorize enhanced penalties for pirate radio broadcasting.<sup>46</sup> Under these sections, any person who willfully and knowingly does or causes or suffers to be done any pirate radio broadcasting shall be subject to a fine of not more than \$115,802 for each day during which the offense occurs, but not more than \$2,316,034.<sup>47</sup>

19. The primary intent of the PIRATE Act is to increase financial penalties for pirate radio broadcasting.<sup>48</sup> Accordingly, as explained in two recent notices of apparent liability for forfeiture under

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<sup>39</sup> 47 U.S.C. § 511.

<sup>40</sup> 47 CFR §§ 15.209(a), 15.239(b); *see also* 47 U.S.C. § 511(h) (stating that pirate radio broadcasting “does not include unlicensed operations in compliance with part 15 of title 47, Code of Federal Regulations”).

<sup>41</sup> 47 CFR § 15.209(a); *see also* 47 U.S.C. § 511(h) (stating that pirate radio broadcasting “does not include unlicensed operations in compliance with part 15 of title 47, Code of Federal Regulations”).

<sup>42</sup> 47 U.S.C. § 511(a), (h).

<sup>43</sup> *Id.* § 511(a).

<sup>44</sup> *Call Identification Trust Anchor*, 18 Fed Reg 40096, 40116 (June 21, 2023) (amending 47 CFR § 1.80 by redesignating paragraphs (b)(9) through (11) as paragraphs (b)(10) through (12)) (to be codified at 47 CFR § 1.80 (b)(11)).

<sup>45</sup> *Id.*

<sup>46</sup> 47 U.S.C. § 511; 47 CFR § 1.80(b)(6).

<sup>47</sup> 47 U.S.C. § 511(a)-(b); *see* 47 CFR § 1.80(b)(6) (setting the current inflation adjusted statutory maximum for a violation of 47 U.S.C. § 511(a) at \$2,316,034 and 47 U.S.C. § 511(b) at \$115,802); *Amendment of Section 1.80(b) of the Commission’s Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, *supra* note 5, at \*5; *see also Annual Adjustment of Civil Monetary Penalties to Reflect Inflation*, *supra* note 5, 88 Fed. Reg. at 783 (setting January 15, 2023, as the effective date for the increases).

<sup>48</sup> *See* S. Rep. No. 116-178, 1 (2019) (“The purpose of S. 1228, the Preventing Illegal Radio Abuse Through Enforcement Act or PIRATE Act, is to increase the financial penalties for pirate radio broadcasting.”).

the PIRATE Act, we impose a base forfeiture of \$20,000<sup>49</sup> (twice the pre-PIRATE Act base forfeiture level) for each of the 20 days that Blake apparently willfully and knowingly violated section 511 of the Act, for a total proposed base forfeiture of \$400,000.<sup>50</sup>

20. Moreover, given the particular facts of this case, and consistent with the *Forfeiture Policy Statement*,<sup>51</sup> we conclude that a significant upward adjustment is warranted. First, we find that Blake's conduct was intentional. In conversations with Agents in 2008, Blake admitted to being the operator of the pirate Station at the 3rd Street site.<sup>52</sup> Moreover, Blake has been repeatedly placed on notice that his conduct is illegal. He admitted to operating an unlicensed transmitter in his response to the 2010 Forfeiture Order.<sup>53</sup> Since that admission, the Commission mailed three different NOUOs to Blake, each advising that such unauthorized operation is illegal and could result in further enforcement action, and expressly directed him to cease such operations.<sup>54</sup> Further, the relocation of the transmitter each time the Station location was detected by the Commission and notice was provided to Blake or to others at the relevant property, indicates an intent to conceal illegal conduct.<sup>55</sup> Second, we find that an upward adjustment is warranted based on Blake's history of prior violations (and specifically illegal pirate radio transmissions) of the Act between 2008 and May 2022.<sup>56</sup> Based on the severity of the facts underlying these factors, we propose the maximum penalty of \$115,802<sup>57</sup> for each day of the 20 days during which the Blake operated his pirate radio Station in 2023 for a total penalty of \$2,316,040. In applying the applicable statutory factors, we also consider whether there is any basis for a downward adjustment of the proposed forfeiture. We find none. Finally, we reduce the proposed penalty from \$2,316,040 to \$2,316,034 based on the statutory limits imposed by section 511(a) of the Act.<sup>58</sup> After applying section 1.80 of the Commission's rules and the statutory factors, and consistent with the *Forfeiture Policy Statement*, Blake is apparently liable for a proposed monetary forfeiture of \$2,316,034.<sup>59</sup>

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<sup>49</sup> The Commission first used this base forfeiture amount in two prior Notices of Apparent Liability for Forfeiture. See *César Ayora and Luis Angel Ayora, Queens, New York*, Notice of Apparent Liability for Forfeiture, FCC 23-17, 2023 WL 2560017, at \*5 (Mar. 15, 2023); *Thomas Barnes, La Grande, Oregon*, Notice of Apparent Liability for Forfeiture, FCC 23-16, 2023 WL 2560016, at \*4 (Mar. 15, 2023).

<sup>50</sup> See 47 U.S.C. § 511.

<sup>51</sup> 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 17087,17101, para. 27 (1997) (Forfeiture Policy Statement), recons. denied, Memorandum Opinion and Order, 15 FCC Rcd 303 (1999); 47 CFR § 1.80(b)(10).

<sup>52</sup> See *supra* para. 3.

<sup>53</sup> See *supra* para. 5.

<sup>54</sup> See *Dexter Blake*, *supra* note 22; see also *supra* note 25. Despite delivery confirmations Blake not responded to these NOUOs.

<sup>55</sup> See *supra* para. 14; see also *Michelle Hepburn*, *supra* note 33.

<sup>56</sup> See *supra* paras. 6-8 and 12-14.

<sup>57</sup> 47 U.S.C. § 511(a); see 47 CFR § 1.80(b)(6); *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, *supra* note 5, at \*5 (setting the current inflation adjusted statutory daily maximum for a violation of 47 U.S.C. § 511(a) at \$115,802); see also *Annual Adjustment of Civil Monetary Penalties to Reflect Inflation*, *supra* note 5, 88 Fed. Reg. at 783 (setting January 15, 2023, as the effective date for the increases).

<sup>58</sup> 47 U.S.C. § 511(a). Section 511(a) limits the maximum forfeiture for pirate radio broadcasting to \$2,000,000 which has subsequently been adjusted for inflation to \$2,316,034.

<sup>59</sup> 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.

#### IV. CONCLUSION

21. We have determined that Dexter Blake apparently willfully and knowingly did or caused pirate radio broadcasting in apparent violation of section 511 of the Act. As such, Dexter Blake is apparently liable for a forfeiture of \$2,316,034.

#### V. ORDERING CLAUSES

22. 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, Dexter Blake is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of two million three hundred sixteen thousand and thirty-four dollars (\$2,316,034) for willful and knowing violation of section 511 of the Act.<sup>60</sup>

23. **IT IS FURTHER ORDERED** that, pursuant to section 1.80 of the Commission's rules, 47 CFR § 1.80, within thirty (30) calendar days of the release date of this Notice of Apparent Liability for Forfeiture, Dexter Blake **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture consistent with paragraph 26 below.

24. In order for Dexter Blake to pay the proposed forfeiture, Dexter Blake shall notify the Office of the Field Director at [field@fcc.gov](mailto:field@fcc.gov) of their intent to pay, whereupon an invoice will be posted in the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. Upon payment, Dexter Blake shall send electronic notification of payment to the Office of the Field Director, Enforcement Bureau, Federal Communications Commission, at [field@fcc.gov](mailto:field@fcc.gov) on the date said payment is made. 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 Civil Penalty payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:<sup>61</sup>

- 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 159<sup>62</sup> or printed CORES form<sup>63</sup> must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to [RROGWireFaxes@fcc.gov](mailto: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).<sup>64</sup> 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

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<sup>60</sup> 47 U.S.C. § 511.

<sup>61</sup> For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #1).

<sup>62</sup> FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

<sup>63</sup> 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>.

<sup>64</sup> Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.



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 at <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). 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.

25. 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, N.E., Washington, D.C. 20554.<sup>65</sup> Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov).

26. The written statement seeking reduction or cancellation of the proposed forfeiture, if any, must include a detailed factual statement supported by appropriate documentation and affidavits pursuant to sections 1.16 and 1.80(f)(3) of the Commission’s rules.<sup>66</sup> The written statement must be mailed to the Office of the Secretary, Federal Communications Commission, 45 L Street, N.E., Washington, D.C. 20554, ATTN: Enforcement Bureau – Office of the Field Director, and must include the NAL/Account Number referenced in the caption. The statement must also be e-mailed to the Office of the Field Director at [field@fcc.gov](mailto:field@fcc.gov).

27. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits the following documentation: (1) federal tax returns for the past three years; (2) financial statements for the past three years prepared according to generally accepted accounting practices; 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. Inability to pay, however, is only one of several factors that the Commission will consider in determining the appropriate forfeiture, and we retain the discretion to decline reducing or canceling the forfeiture if other prongs of 47 CFR § 1.80(b)(10) support that result.

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<sup>65</sup> See 47 CFR § 1.1914.

<sup>66</sup> *Id.* §§ 1.16, 1.80(f)(3).

28. **IT IS FURTHER ORDERED** that a copy of this Notice of Apparent Liability for Forfeiture shall be sent by first class mail and certified mail, return receipt requested, to Dexter Blake at 621 S 9th Ave Mount Vernon, NY 10550.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

**STATEMENT OF  
CHAIRWOMAN JESSICA ROSENWORCEL**

Re: *In the Matter of Dexter Blake, Mount Vernon, New York*, Notice of Apparent Liability for Forfeiture, File No.: EB-FIELDNER-17-00023354 (November 15, 2023)

At the Federal Communications Commission we are stewards of the public airwaves. To ensure that this essential resource is broadly available, we have rules that govern its use. And for those who fail to follow the rules, there are consequences.

In the PIRATE Act, Congress upped the ante. It increased the penalties for those who transmit unauthorized signals over the FM and AM radio bands because they can compromise public trust in this service and jeopardize the broadcasting of emergency alerts. This means higher fines and more regular enforcement sweeps in our largest radio markets.

Here we propose fines against three unauthorized radio operators in New York that are the direct result of an enforcement sweep taken pursuant to this new law. They add up to more than \$6,412,000 in penalties. They also demonstrate that the agency's field agents are taking their broadcast enforcement duties under the PIRATE Act and that we are taking our responsibility as stewards of the public airwaves seriously.

I want to thank Representative Velazquez, Representative Rice, Representative Bilirakis, Senator Peters, and Senator Daines for their work on the PIRATE Act. I also want to thank the Field Regional Management and Agents of our New York Field Office for their work on these investigations. In addition, I want to share my appreciation for other staff at the agency responsible for these actions, including Reggie Breshears, Loyaan Egal, Robert Keller, Jeremy Marcus, David Marks, Ryan McDonald, and Michael Rhodes from the Enforcement Bureau; and William Dever and David Konczal from the Office of General Counsel.