

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

In the Matter of
Brindley Marshall
Miami, Florida
File No.: EB-FIELDSCR-23-00034973
NAL/Acct. No.: 202432020003
FRN: 0034792283

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: January 25, 2024

Released: January 26, 2024

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 \$358,665 against Brindley Marshall (Marshall) for operating an unauthorized radio station on 97.7 MHz in Miami, Florida, by which Marshall apparently willfully and knowingly did or caused pirate radio broadcasting February 5, February 25, and March 4, 2023, resulting in three days of apparent violations. As far back as 2016, Marshall has engaged in the longstanding illicit operation of an unauthorized radio station known as "Hot 97.7 FM" (Station). Operating an unauthorized, or pirate, radio station is illegal under the Communications Act of 1934, as amended (Communications Act or Act)1 and undermines the primary mission of the Federal Communications Commission (FCC or Commission) 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. Accordingly, enforcement action here is essential.

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.2 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.3 Both of these figures are subject to annual

1 47 U.S.C. § 511.

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

3 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) (proposing a penalty of \$151,005), consent decree adopted, Order 35 FCC Rcd 6878 (2020). In 2020, that maximum limit was increased to \$2,000,000. See 47 U.S.C. § 511.

inflation adjustments.⁴ 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 Commission, but does not include unlicensed operations in compliance with part 15 of title 47, Code of Federal Regulations.”⁵ Part 15, among other requirements, states that unlicensed operators in the FM band must not transmit over a certain low-power limit.⁶ 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).⁷

B. Factual Background

1. Pre-PIRATE Act Investigation

3. Marshall has been directly involved in the operation of a pirate radio station in Miami, Florida, for years. The Station is known as Hot 97.7 FM, and Enforcement Bureau (Bureau) field agents (Agents) have confirmed that the Station has regularly identified itself on-air as Hot 97.7 FM since at least 2016.⁸ Additional evidence indicates that Marshall has been operating the Station for many years prior to that.⁹

4. On March 24, 2016, using direction-finding techniques, Agents from the Bureau’s Miami Field Office (Miami Office) traced the source of transmissions on 97.7 MHz to a single-story commercial building located at 5749 NW 22nd Avenue in Miami.¹⁰ The Agents took field strength measurements and determined that the signal strength exceeded the limits for operation under part 15 of the Commission’s rules.¹¹ Agents listened to and recorded the audio programming on 97.7 MHz and hear the operator identify as “Bo.”¹² A review of Commission records revealed no authorization for any FM broadcast station to operate at or near this location on any frequency.

5. Between March 2016 and October 2019, Agents from the Miami Office monitored the frequency 97.7 MHz, and, using direction finding techniques, traced the source of the signal to various

⁴ 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 \$2,391,097 and 47 U.S.C. § 511(b) at \$119,555); *Amendment of Section 1.80(b) of the Commission’s Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, DA 23-1198, 2023 WL 8889597 (EB Dec. 22, 2023); see also *Annual Adjustment of Civil Monetary Penalties to Reflect Inflation*, 89 Fed. Reg. 2148 (Jan. 12, 2024) (setting Jan. 15, 2024 as the effective date for the increases).

⁵ 47 U.S.C. § 511(h).

⁶ 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).

⁷ *Id.* § 15.203.

⁸ See agents’ notes and audio recording of transmissions on file in EB-FIELDSCR-16-00021268.

⁹ Marketing materials for the Hot 97.7 FM posted on Marshall’s Facebook page state that the station has been “Serving the Community for 30 Years” Facebook, Brindley Marshall (brindleybothelover.marshall), <https://www.facebook.com/brindleybothelover.marshall/posts/pfbid02aRzCdVinRMpMRNSbimARfPRBhb3qphek659EKvW4k1xafCVt8Mh5CStM6z6BTGH5I>.

¹⁰ Audio recordings of segments of the transmission are on file in EB-FIELDSCR-16-00021268.

¹¹ 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.

¹² The DJ also promoted the services of Pure Funk DJs, a party DJ service with which Marshall was known to have been affiliated, and announced the station’s website as hot97fmiami.com.

locations in Miami, Florida, including: (1) 5749 NW 2nd Avenue on March 24, 2016; (2) 14525 NW 12th Avenue on June 7, 2016; (3) 2146 NW 58th Street on June 29, 2017; (4) 1270 NW 62nd Street on September 2, 2017; and (5) 2179 NW 65th Street on seven dates.¹³ Each time, Agents took field strength measurements and determined that the signal strength exceeded the limits for operation under part 15 of the Commission's rules.¹⁴ Agents listened to¹⁵ and recorded the audio programming on 97.7 MHz and heard the operator refer to himself as "Bo," "Bo da Lover," or "Bo the Lover," which are aliases for Marshall.¹⁶ A review of Commission records revealed no authorization for any FM broadcast station to operate at or near any of these locations on any frequency. In response to these violations, the Bureau issued a Notice of Unlicensed Operation (NOUO) to Marshall on four separate occasions.¹⁷

6. PIRATE Act Investigation

7. The PIRATE Act, among other provisions, codified the definition of pirate radio,¹⁸ increased fines for pirate radio operators,¹⁹ 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.²⁰

8. On February 7, 2020, Agents from the Miami Office monitored the frequency 97.7 MHz, and, using direction-finding techniques, traced the source of transmissions to 2179 NW 65th Street in Miami, Florida.²¹ The Agents took field strength measurements and determined that the signal strength exceeded the limits for operation under part 15 of the Commission's rules.²² A review of Commission records revealed no authorization for any FM broadcast station to operate at or near this location on any frequency at any time relevant to this NAL.

¹³ Agents traced the signal to 2179 NW 65th Street in Miami Florida on December 2, 2017; May 3, 2018; June 6, 2018; July 28, 2018; November 7, 2018; February 13, 2019; and October 15, 2019.

¹⁴ 47 CFR § 15.239(b).

¹⁵ Agents heard the operator on Hot 97.7 FM identify himself as Bo or Bo the Lover on several dates, including March 2, 2016; June 29, 2017; October 24, 2017; and October 25, 2017; December 2, 2017, and June 11, 2018. On two of these occasions (March 24, 2016, and December 2, 2017) Agents also made recordings of 97.7 MHz that include the operator of the station identifying himself as Bo the Lover (audio recordings on file in EB-FIELDSCR-16-00021268 and EB-FIELDSCR-17-00024510).

¹⁶ Marshall refers to himself by the nickname "Bo The Lover." *See e.g.*, Facebook, Brindley Marshall (brindleybothelover.marshall), Facebook, Bo The Lover, <https://www.facebook.com/BoeTheLover/>; <https://www.facebook.com/brindleybothelover.marshall/>; Instagram, bodalover977, <https://www.instagram.com/bodalover977/>; *see also* BEST OF MIAMI ARTS & ENTERTAINMENT 2012 BEST FM RADIO PERSONALITY *Bo the Lover*, Miami New Times, June 12, 2012, (naming Brindley "Bo the Lover" Marshall as best radio personality), <https://www.miaminewtimes.com/best-of/2012/arts-and-entertainment/best-fm-radio-personality-6403063>.

¹⁷ *Brindley Marshall Miami, Florida*, Notice of Unlicensed Operation, 2016 WL 1645241 (Miami Office Apr. 21, 2016); *Brindley Marshall Miami, Florida*, Notice of Unlicensed Operation (Miami Office July 13, 2016) (available at <https://docs.fcc.gov/public/attachments/DOC-340361A1.pdf>); *Brindley Marshall Miami, Florida*, Notice of Unlicensed Operation, 2017 WL 4571151 (Miami Office Oct. 4, 2017); and *Brindley Marshall Miami, Florida*, Notice of Unlicensed Operation, 2017 WL 6048586 (Miami Office Dec. 5, 2017).

¹⁸ 47 U.S.C. § 511(h).

¹⁹ *Id.* § 511(a)-(b).

²⁰ *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).

²¹ Agents had previously observed operation of the Hot 97.7 FM station from this location on seven occasions from December 2, 2017 to October 15, 2018. *See supra* note 13.

²² 47 CFR § 15.239(b).

9. On March 4, 2020, Agents from the Miami Office again monitored the frequency 97.7 MHz and, using direction finding techniques, traced the signal to a mixed-use commercial and residential building at 6829 NW 15th Avenue, in Miami (15th Avenue Site). The Agents took field strength measurements and determined that the signal strength exceeded the limits for operation under part 15 of the Commission's rules.²³ A review of Commission records revealed no authorization for any FM broadcast station to operate at or near this location on any frequency. COVID-19 travel restrictions prevented further onsite inspections at that time.

10. On February 5, 2023, after these restrictions were lifted, Agents from the Miami Office again monitored the frequency 97.7 MHz, and, using direction finding techniques, traced the signal to the 15th Avenue Site. The Agents took field strength measurements on February 5, February 25, and March 4, 2023, and determined that the signal strength exceeded the limits for operation under part 15 of the Commission's rules.²⁴ Agents also observed that the antenna at the 15th Avenue Site, a dual bay FM antenna, was mounted on a tower behind the building with coaxial cable leading from the antenna down the tower and into the building. Because the antenna was attached via a standard coaxial cable, this configuration renders the station noncompliant with part 15 of the Commission's rules.²⁵

11. Following their investigation, Agents conducted online research and uncovered several social media accounts that show Marshall to be the operator of Hot 97.7 FM.²⁶ For example, Agents discovered that Marshall's Facebook account contained multiple postings in 2023 detailing the cost charged for artists to have their music played on Hot 97.7 FM and for businesses to advertise on the Station.²⁷ One post, titled "Radio Advertisement for Your Business," included weekly and monthly rates for having music played 20 times a day, as well as monthly rates for 20 radio advertisements per day.²⁸ On June 23 2023, Marshall reposted a 2021 video commercial for Hot 97.7 FM in which he solicited both

²³ *Id.*

²⁴ *Id.*

²⁵ *See id.* § 15.203 (stating that to be part 15 compliant a device must use an antenna permanently affixed or with a unique coupling). Agents observed that the antenna used at the 15th Avenue site, a dual bay FM antenna, is mounted on a tower with coaxial cable leading from the antenna to inside the building. This is not an antenna permanently affixed by the manufacturer, nor is the use of coaxial cable between transmitter and antenna a "unique coupling" within the meaning of the rule. Photographs of the antenna and support structure are on file in EB-23-FIELDSCR-00034973.

²⁶ *See, e.g.*, Facebook, Brindley Marshall (brindleybothelover.marshall), <https://www.facebook.com/brindleybothelover.marshall/>; Instagram, bodalover977, <https://www.instagram.com/bodalover977/>; <https://www.facebook.com/hot977/>; <https://twitter.com/boe977>; www.tiktok.com/@bodalover977.

²⁷ *See, e.g.*, Facebook, Brindley Marshall (brindleybothelover.marshall), <https://www.facebook.com/brindleybothelover.marshall/posts/pfbid02aRzCdVinRMpMRNSbimARfPRBhb3qphek659EKvW4k1xafCVt8Mh5CStM6z6BTGH5I>; <https://www.facebook.com/brindleybothelover.marshall/posts/pfbid02XcPZkfVHtC2T1G7SY68KE6g3aU5kQjWqdwf9XvezoTpxGYrxrKeo3T3ShNixhacl>; <https://www.facebook.com/brindleybothelover.marshall/posts/pfbid0pm5RF29rkDodXMJZvo53mE8vycViaSw8D34NpJwkyEDq4cBuzuY31oQYLyMEkr3l>; <https://www.facebook.com/brindleybothelover.marshall/posts/pfbid02xVAVz7Hta8zQLUzLhsqhHmofRUdkUqxE47piLeewBfM2kCCUnjWbbSXT14LamEPdl>.

²⁸ Facebook, Brindley Marshall (brindleybothelover.marshall), <https://www.facebook.com/brindleybothelover.marshall/posts/pfbid02aRzCdVinRMpMRNSbimARfPRBhb3qphek659EKvW4k1xafCVt8Mh5CStM6z6BTGH5I>.

businesses and artists.²⁹ Multiple videos posted in 2023 also show Marshall operating the Station in the Hot 97.7 FM studio.³⁰

III. DISCUSSION

12. We find that Marshall apparently willfully and knowingly violated section 511 of the Act by operating a pirate radio station on 97.7 MHz on February 5, February 25, and March 4, 2023. On each of these dates, Agents observed Marshall's pirate radio station operating on 97.7 MHz at the 15th Avenue Site. Agents performed field strength measurements and determined that these transmissions exceeded the limits for operation under part 15 of the Commission's rules. Moreover, the Agents also took photographs of the antenna used to broadcast the signal on each date and determined that it used a standard coaxial connector and, therefore, was not compliant with the part 15 rules.³¹ A review of Commission records does not reveal an authorization for any FM broadcast station to operate at or near the 15th Avenue Site at any time relevant to the violations discussed in this NAL. Evidence collected by the Agents shows that Marshall is the operator of the Station.³² Accordingly, the Commission finds that Marshall's actions on February 5, February 25, and March 4, 2023, constituted pirate radio broadcasting in apparent violation of section 511 of the Act.³³

A. Proposed Forfeiture

13. 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."³⁴ In exercising our forfeiture authority, we consider 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."³⁵ We may adjust a forfeiture downward for minor violations, good faith or voluntary disclosure, a history of overall compliance, or an inability to pay.³⁶

14. Section 511 of the Act and section 1.80 of the Commission's rules authorize enhanced penalties for pirate radio broadcasting.³⁷ 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 \$119,555 for each day during which the offense occurs, but not more than \$2,391,097 in total.³⁸

²⁹ Facebook, Brindley Marshall (brindleybothelover.marshall), <https://www.facebook.com/brindleybothelover.marshall/posts/pfbid02cNh5gecCVwBG3nHfSEuptDm8RDwnQwa4r6JsLXoNut2fiQdXFutUvNZV9MLSS8LEl>.

³⁰ See e.g., Facebook, Brindley Marshall (brindleybothelover.marshall), <https://www.facebook.com/brindleybothelover.marshall/videos/1035740181138019>; <https://www.facebook.com/brindleybothelover.marshall/videos/265035086132002>; <https://www.facebook.com/brindleybothelover.marshall/videos/307414554969778>; <https://www.facebook.com/brindleybothelover.marshall/videos/3455420834787051>. Many additional such videos can be found in the videos section of Marshall's Facebook account. See <https://www.facebook.com/brindleybothelover.marshall/videos>.

³¹ See *supra* note 25.

³² See *supra* paras. 5, 11.

³³ 47 U.S.C. § 511(a), (h).

³⁴ *Id.* § 511(a).

³⁵ 47 CFR § 1.80(b)(11).

³⁶ *Id.*

³⁷ 47 U.S.C. § 511; 47 CFR § 1.80(b)(6).

³⁸ 47 U.S.C. § 511(a)-(b); see 47 CFR § 1.80(b)(6) (setting the current inflation adjusted statutory maximum for a

15. The primary intent of the PIRATE Act is to increase financial penalties for pirate radio broadcasting.³⁹ Accordingly, as explained in two recent notices of apparent liability for forfeiture under the PIRATE Act, we impose a base forfeiture of \$20,000⁴⁰ (twice the pre-PIRATE Act base forfeiture level) for each of the three days that Marshall apparently willfully and knowingly violated section 511 of the Act within the one-year statute of limitations, for a total proposed base forfeiture of \$60,000.⁴¹

16. Moreover, given the particular facts of this case, and consistent with the *Forfeiture Policy Statement*,⁴² we conclude that a significant upward adjustment is warranted based on Marshall's long history of prior violations of the Act, including specifically engaging in pirate radio broadcasting, discovered by Commission Agents from 2016 to 2020.⁴³ We also find that Marshall's conduct was intentional. Marshall had been warned multiple times since 2016 that his conduct was illegal, but he nonetheless chose to continue to operate without authorization. Based on the severity of the facts underlying these factors, we propose the maximum penalty of \$119,555⁴⁴ for each day of the three days during which Marshall operated his pirate radio station in 2023 for a total penalty of \$358,665. 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. After applying section 1.80 of the Commission's rules and the statutory factors, and consistent with the *Forfeiture Policy Statement*, we therefore propose a total monetary forfeiture of \$358,665, for which Marshall is apparently liable.⁴⁵

IV. CONCLUSION

17. We have determined that Brindley Marshall apparently willfully and knowingly did or caused pirate radio broadcasting in violation of section 511 of the Act. As such, Brindley Marshall is apparently liable for a forfeiture of \$358,665.

V. ORDERING CLAUSES

18. 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,

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violation of 47 U.S.C. § 511(a) at \$2,391,097 and 47 U.S.C. § 511(b) at \$119,555); *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, DA 23-1198, 2023 WL 8889597 (EB Dec. 22, 2023); *see also* Annual Adjustment of Civil Monetary Penalties to Reflect Inflation, 89 Fed. Reg. 2148 (Jan. 12, 2024) (setting Jan. 15, 2024 as the effective date for the increases).

³⁹ 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.").

⁴⁰ *Thomas Barnes, La Grande, Oregon*, Notice of Apparent Liability for Forfeiture, 2023 WL 2560016, at *4, para. 12 (Mar. 15, 2023); *Cesar Ayora and Luis Angel Ayora, Queens, New York*, Notice of Apparent Liability for Forfeiture, 2023 WL 2560017, at *5, para. 15. (Mar. 15, 2023).

⁴¹ See 47 U.S.C. § 511.

⁴² 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)(11).

⁴³ See *supra* paras. 3-8.

⁴⁴ 47 U.S.C. § 511(a); 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 \$2,391,097 and 47 U.S.C. § 511(b) at \$119,555); *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, DA 23-1198, 2023 WL 8889597 (EB Dec. 22, 2023); *see also* Annual Adjustment of Civil Monetary Penalties to Reflect Inflation, 89 Fed. Reg. 2148 (Jan. 12, 2024) (setting Jan. 15, 2024 as the effective date for the increases).

⁴⁵ 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.

Brindley Marshall is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of three hundred fifty eight thousand six hundred sixty five dollars (\$358,665) for willful and knowing violation of section 511 of the Act. 47 U.S.C. § 511.

19. **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, Brindley Marshall **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 22.

20. In order for Brindley Marshall to pay the proposed forfeiture, he 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>. Upon payment, Marshall 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. 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:⁴⁶

- 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 159⁴⁷ or printed CORES form⁴⁸ 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).⁴⁹ 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 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

⁴⁶ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6).

⁴⁷ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

⁴⁸ 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>.

⁴⁹ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

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.

21. 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. 20554.⁵⁰ 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.

22. 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(g)(3) of the Commission’s rules.⁵¹ 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.

23. 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.⁵² 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 U.S.C. § 503(b)(2)(E) support that result.⁵³

⁵⁰ See 47 CFR § 1.1914.

⁵¹ *Id.* §§ 1.16, 1.80(g)(3).

⁵² 47 U.S.C. § 503(b)(2)(E).

⁵³ See, e.g., *Ocean Adrian Hinson, Surry County, North Carolina*, Forfeiture Order, 34 FCC Rcd 7619, 7621, para. 9 & n.21 (2019); *Vearl Pennington and Michael Williamson*, Forfeiture Order, 34 FCC Rcd 770, paras. 18–21 (2019); *Fabrice Polynice, Harold Sido and Veronise Sido, North Miami, Florida*, Forfeiture Order, 33 FCC Rcd 6852, 6860–62, paras. 21–25 (2018); *Adrian Abramovich, Marketing Strategy Leaders, Inc., and Marketing Leaders, Inc.*, Forfeiture Order, 33 FCC Rcd 4663, 4678-79, paras. 44-45 (2018); *Purple Communications, Inc.*, Forfeiture Order, 30 FCC Rcd 14892, 14903-904, paras. 32-33 (2015); *TV Max, Inc., et al.*, Forfeiture Order, 29 FCC Rcd 8648, 8661, para. 25 (2014).

24. **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 Brindley Marshall at {[REDACTED]} NW 143rd St, Opa Locka, FL 33054.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

**STATEMENT OF
CHAIRWOMAN JESSICA ROSENWORCEL**

Re: *In the Matter of Brindley Marshall, Miami, Florida*, Notice of Apparent Liability for Forfeiture, File No.: EB-FIELDSCR-23-00034973 (January 25, 2024)

In this series of enforcement actions, we propose fines against five unauthorized radio operators in Florida. These operators were not just using the public airwaves unlawfully, they were increasing the risk for harmful interference of authorized users. That is unacceptable.

I want to thank the Field Regional Management and Agents in our Miami Field Office for their work on these investigations. This is a team on the front lines of enforcing our rules governing the public airwaves. I am grateful for their efforts, which have been boosted in a big way by congressional action in the PIRATE Act. I also want to thank those in Washington who took up their work and converted it into what we have here today, including Loyaan Egal, Jeremy Marcus, Matthew Gibson, Ryan McDonald, Michael Rhodes, David Marks, Robert Keller, and Reggie Breshears from the Enforcement Bureau; and William Dever and David Konczal from the Office of General Counsel.