

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

In the Matter of
Abdias Datis
Miami, Florida
File No.: EB-FIELDSCR-22-00033786
NAL/Acct. No.: 202432020002
FRN: 0034792267

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 \$120,000 against Abdias Datis (Datis) for operating an unauthorized radio station on 91.7 MHz in Miami, Florida, by which Datis apparently willfully and knowingly did or caused pirate radio broadcasting on February 5, 2023, February 25, 2023, and March 4, 2023, resulting in three days of apparent violations. 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 and other dangers to the public.2 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.3 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.4 Both of these figures are subject to annual

1 47 U.S.C. § 511.

2 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).

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

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, 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).

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 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. Datis has been directly involved in the operation of a pirate radio station (Station) on 91.7 MHz in Miami, Florida, for years. The Station is known as “Unique FM,” and Enforcement Bureau (Bureau) field agents (Agents) have confirmed that the Station has identified itself on-air as Unique FM since at least 2018.

4. The Bureau first became aware of Datis’s pirate radio station on May 3, 2018, when, in response to a complaint, Agents from the Bureau’s Miami Field Office (Miami Office) traced the source of radio transmissions on 91.7 MHz to an office suite leased by Datis’s wife at 20295 NW 2nd Avenue, Miami Gardens, Florida (First Transmission Site). 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>9</sup> A review of Commission records revealed no authorization for any FM broadcast station to operate at or near the First Transmission site on any frequency. Agents returned to the First Transmission Site on July 8, 2018, and again found an unauthorized broadcast station on 91.7 MHz exceeding the part 15 power limits.<sup>10</sup>

5. On September 18, 2018, using direction-finding techniques, an Agent from the Miami Office again traced the source of radio transmissions on 91.7 MHz to the First Transmission Site. 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>11</sup> Agents also listened to the Station and heard the operator identify the Station as “Unique FM.” On September 20, 2018, the Agents met with building maintenance staff on the roof of the First Transmission Site and traced a coaxial cable from an antenna transmitting on 91.7 MHz to suite 217E. The building owner confirmed that suite 217E was leased to

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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 \$2,391,097 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).

<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> *Id.* § 15.203.

<sup>9</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 (“ $\mu\text{V/m}$ ”) at three meters. *Id.* § 15.239(b).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

Datis's wife. On September 22, 2018, the owner of the building contacted the Agents to inform them that building maintenance had removed the cable leading to the antenna on the roof.

6. On November 15, 2018, using direction finding techniques, Agents from the Miami Office traced the source of radio transmissions on 91.7 MHz to an antenna on the roof of a building located at 18350 NW 2nd Avenue, Miami Gardens, Florida (Second Transmission Site). 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>12</sup> A review of Commission records revealed no authorization for any FM broadcast station to operate at or near the Second Transmission Site on any frequency. On December 6, 2018, building staff at the Second Transmission Site informed the agents that they had removed the antenna from the roof of the building but could not determine where the coaxial cable leading from the antenna terminated. The Agents met with building maintenance staff on December 7, 2018, on the roof of the Second Transmission Site and traced a coaxial cable from the former antenna location to a hallway shared by several suites. One of the suites was leased to Datis's wife, who had signed the lease on October 5, 2018,<sup>13</sup> just weeks after building personnel had removed the antenna cable at the First Transmission Site.

7. On February 27, 2019, using direction-finding techniques, an Agent from the Miami Office traced the source of radio transmissions on 91.7 MHz to a building located at 160 NW 176th, Miami Gardens, Florida (Third Transmission Site). 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>14</sup> A review of Commission records revealed no authorization for any FM broadcast station to operate at or near the Third Transmission site on any frequency. On April 1, 2019, a representative of the owner of the building at the Third Transmission Site contacted the agents and told them that she had traced a coaxial cable from an antenna on the roof of the Third Transmission Site to a suite leased by Datis's wife.<sup>15</sup> On April 19, 2019, the representative informed the Agents that the occupants of the suite had moved out. As of this date, Agents had yet to identify the operator of the Station. Beginning in March 2020, COVID-19 travel restrictions prevented onsite inspections until 2022.

## 2. PIRATE Act Investigation

8. The PIRATE Act, among other provisions, codified the definition of pirate radio,<sup>16</sup> increased fines for pirate radio operators,<sup>17</sup> and granted the Commission new enforcement authority to assess forfeitures against any person who permits the operation of pirate radio broadcasting,<sup>18</sup> such as the owners or managers of property whose property is used for pirate radio broadcasting.

9. On May 17, 2022, in response to a complaint, Agents from the Miami Office traced the source of radio transmissions on 91.7 MHz to an antenna on the roof a building located at 1175 NE 125th Street in North Miami Florida (Fourth Transmission Site). 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> Agents listened to and recorded the audio programming on 91.7 MHz, and heard

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<sup>12</sup> *Id.*

<sup>13</sup> See Lease for Unit 616, 18350 NW 2nd Avenue, Miami Gardens, Florida (on file EB-FIELDSCR-18-00027923).

<sup>14</sup> 47 CFR § 15.239(b).

<sup>15</sup> See Lease for Unit 413, 160 NW 176th, Miami Gardens, Florida (on file EB-FIELDSCR-19-00028564).

<sup>16</sup> 47 U.S.C. § 511(h).

<sup>17</sup> *Id.* § 511(a)-(b).

<sup>18</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).

<sup>19</sup> 47 CFR § 15.239(b).

the Station identify as “Unique FM” and its operator identify as DJ AJ.<sup>20</sup> A review of Commission records revealed no authorization for any FM broadcast station to operate at or near the Fourth Transmission Site on any frequency. The Agents accompanied by building staff documented a rooftop antenna with a coaxial cable running from the antenna to a rooftop air vent.

10. The following day, Agents from the Miami Office and building staff at the Fourth Transmission Site located the coaxial cable exiting from an air vent near suite 421 and entering that suite through a drop ceiling. Building management identified the lessee of suite 421 as Datis’s wife.<sup>21</sup> Before the Agents could knock on the door, Datis<sup>22</sup> exited the suite into the hallway where the Agents and building staff had discovered the coaxial cable. An Agent asked Datis if he had removed the transmitter above the drop ceiling tiles, to which he replied, “Yes I did” before leaving the area. After Datis left the area, building staff removed ceiling tiles in the hallway next to suite 421. Above the ceiling tiles just outside of suite 421, the Agents discovered an FM transmitter and two small fans. Building staff informed the Agents they had previously investigated noise emanating from the ceiling just outside of suite 421 and took photographs of the equipment. They also entered the suite and took photos of a laptop and audio mixer near the door, with audio and power cords running up into ceiling in the area where the transmitter was observed. Photos taken from inside the suite show a laptop with audio streaming software running along with the program title that included the name “DJ AJ Unique.”<sup>23</sup>

11. On September 15, 2022, Agents from the Miami Office again monitored the frequency 91.7 MHz in North Miami, Florida, and, using direction-finding techniques, traced the source of the signal to an antenna on the roof of a building located at { [REDACTED] } NW 147th Street, Miami, Florida (Fifth Transmission Site). 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> Agents listened to and recorded the audio programming on 91.7 MHz and heard the Station as Unique FM and its operator identify as DJ AJ. A review of Commission records revealed no authorization for any FM broadcast station to operate at or near the Fifth Transmission Site on any frequency. The Fifth Transmission Site is listed on Datis’s driver’s license records as his residence, and property records list his deceased mother as the owner. Driver’s license record photographs and photographs on DJ AJ’s Facebook and Instagram accounts show that “DJ AJ” and Datis are the same person.<sup>25</sup>

12. On September 19, 2022, February 5, 2023, February 25, 2023, and March 4, 2023, Agents from the Miami Office again monitored the frequency 91.7 MHz in North Miami, Florida, and, using direction-finding techniques, traced the source of the signal to Datis’s residence at the Fifth Transmission Site. The Agents took field strength measurements of the Station’s signal and on each of these dates determined that it exceeded the limits for operation under part 15 of the Commission’s rules.<sup>26</sup> On September 19, 2022, February 25, 2023, and March 4, 2023, the agents listened to and recorded the

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<sup>20</sup> See May 17, 2022 recording of Unique FM (on file EB-FIELDSCR-22-00033786).

<sup>21</sup> See Lease for Suite 421, 1175 NE 125th Street, North Miami, Florida, (on file EB-FIELDSCR-22-00033786).

<sup>22</sup> Agents later identified the man who had exited the suite as Datis from driver license records. See Abdias Datis, driver’s license records (on file EB-FIELDSCR-22-00033786).

<sup>23</sup> See photographs of suite 421 (on file EB-FIELDSCR-22-00033786).

<sup>24</sup> 47 CFR § 15.239(b).

<sup>25</sup> See Abdias Datis, driver’s license records (on file EB-FIELDSCR-22-00033786); Facebook, DJ AJ Unique (DJ AJ Miami), <https://www.facebook.com/DJAJ305/>, Instagram, djad305, <https://www.instagram.com/djaj305>. Datis also posted a video on his Facebook account in which he is introduced both as “AJ” and “Abdias Datis”. Facebook, DJ AJ Unique (DJ AJ Miami), <https://www.facebook.com/DJAJ305/>, <https://www.facebook.com/watch/?v=2456853104490469> (last visited July 10, 2023).

<sup>26</sup> 47 CFR § 15.239(b).

audio programming on 91.7 MHz and heard the Station identify as Unique FM.<sup>27</sup> On September 19, 2022, Agents heard the operator of 91.7 MHz identify himself as DJ AJ.<sup>28</sup>

### III. DISCUSSION

13. We find that Abdias Datis apparently willfully and knowingly violated section 511 of the Act by operating a pirate radio station on 91.7 MHz on February 5, 2023, February 25, 2023, and March 4, 2023.<sup>29</sup> On each of these dates, Agents observed Datis's Station operating at his residence at the Fifth Transmission Site. Agents performed field strength measurements and determined that these transmissions exceeded the limits for operation under part 15 of the Commission's rules.<sup>30</sup> A review of Commission records does not reveal an authorization for any FM broadcast station to operate at or near the Fifth Transmission Site at any time relevant to this NAL. Evidence collected by Agents show that Datis is DJ AJ, the operator of the Station.<sup>31</sup> Accordingly, the Commission finds that Datis's actions on February 5, 2023, February 25, 2023, and March 4, 2023, constituted pirate radio broadcasting in apparent violation of section 511 of the Act.<sup>32</sup>

#### A. Proposed Forfeiture

14. 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>33</sup> 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."<sup>34</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>35</sup>

15. Section 511 of the Act and section 1.80 of the Commission's rules authorize enhanced penalties for pirate radio broadcasting.<sup>36</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 \$119,555 for each day during which the offense occurs, but not more than \$2,391,097 in total.<sup>37</sup>

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<sup>27</sup> See September 19, 2023, February 25, 2023, and March 4, 2023 recordings of Unique FM (on file EB-FIELDSCR-22-00033786).

<sup>28</sup> See September 19, 2023 recording of Unique FM (on file EB-FIELDSCR-22-00033786).

<sup>29</sup> 47 U.S.C. § 511.

<sup>30</sup> 47 CFR § 15.239(b).

<sup>31</sup> See *supra* notes 22, 25.

<sup>32</sup> See 47 U.S.C. § 511.

<sup>33</sup> *Id.* § 511(a).

<sup>34</sup> 47 CFR § 1.80(b)(11).

<sup>35</sup> *Id.*, Table 4 to paragraph (b)(11).

<sup>36</sup> See 47 U.S.C. § 511(a)-(b); 47 CFR § 1.80 (b)(6); 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, 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).

<sup>37</sup> See *id.*

16. The primary intent of the PIRATE Act is to increase financial penalties for pirate radio broadcasting.<sup>38</sup> Accordingly, as explained in two recent notices of apparent liability for forfeiture under the PIRATE Act, we propose a base forfeiture of \$20,000<sup>39</sup> (twice the pre-PIRATE Act base forfeiture level) for each of the three days that Datis apparently willfully and knowingly violated section 511 of the Act, for a total proposed base forfeiture of \$60,000.<sup>40</sup>

17. Moreover, given the particular facts of this case, and consistent with the *Forfeiture Policy Statement*,<sup>41</sup> we conclude that a significant upward adjustment is warranted. In this regard, we are particularly mindful that Datis's unauthorized operation occurred over at least five years from 2018 to 2023.<sup>42</sup> Accordingly, we propose an upward adjustment of \$20,000 for each of the three days during which Datis operated his pirate radio station on February 5, 2023, February 25, 2023, and March 4, 2023, for a total penalty of \$120,000. In applying the applicable statutory factors, we also consider whether there is any basis for a downward adjustment of the proposed forfeiture. Based on the facts of this case, we find none. After applying section 1.80 of the Commission's rules, and the statutory factors, and consistent with the *Forfeiture Policy Statement*, Datis is apparently liable for a proposed total monetary forfeiture of \$120,000.<sup>43</sup>

#### IV. CONCLUSION

18. We have determined that Abdias Datis apparently willfully and knowingly did or caused pirate radio broadcasting in violation of section 511 of the Act. As such, Datis is apparently liable for a forfeiture of \$120,000.

#### V. ORDERING CLAUSES

19. 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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<sup>38</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.").

<sup>39</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 2023 WL 2560017, at \*5 (Mar. 15, 2023); *Thomas Barnes, La Grande, Oregon*, Notice of Apparent Liability for Forfeiture 2023 WL 2560016, at \*4 (Mar. 15, 2023).

<sup>40</sup> See 47 U.S.C. § 511. We note that had this been a continuing violation, we would have imposed a \$20,000 base forfeiture for each day of the continuing violation.

<sup>41</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)(11).

<sup>42</sup> See *supra* paras. 4-12. While Section 503(b)(6) of the Act generally bars the Commission from proposing a forfeiture for violations that occurred more than a year prior to the issuance of an NAL, we may consider the fact that Datis' apparent misconduct occurred over an extended period to place "the violations in context, thus establishing the licensee's degree of culpability and the continuing nature of the violations." See *Roadrunner Transportation Inc. et al.*, Forfeiture Order, 15 FCC Rcd 9669, 9671-72, para. 8 (2000) (quoting *Cate Communications Corporation*, Memorandum Opinion and Order, 60 RR 2d 1386 (1986)); see also *IOU Acquisitions, Inc.; Air-Tel, LLC*, 33 FCC Rcd 8919, 8931, para. 27 (2018) (upward adjustment for two-year and four-year periods of unauthorized operations) *Midessa Television Limited Partnership*, Notice of Apparent Liability for Forfeiture, 29 FCC Rcd 13247 13250-51, para. 11 (2014) (upward adjustment for four-year period of unauthorized operations); *Union Oil Company of California, Notice of Apparent Liability for Forfeiture*, 27 FCC Rcd 13806, 13810-11, para. 10, n.32 (2012) (upward adjustment for six- and eight-year periods of unauthorized operations) (forfeiture paid).

<sup>43</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.

Abdias Datis is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of one hundred twenty thousand dollars (\$120,000) for willful and knowing violation of section 511 of the Act. 47 U.S.C. § 511.

20. **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, Abdias Datis **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 23 below.

21. In order for Abdias Datis to pay the proposed forfeiture, Abdias Datis shall notify the Office of the Field Director at [field@fcc.gov](mailto: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, Abdias Datis 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>44</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>45</sup> or printed CORES form<sup>46</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>47</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 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

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<sup>44</sup> For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6).

<sup>45</sup> FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

<sup>46</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>47</sup> Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

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.

22. 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>48</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).

23. 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.<sup>49</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).

24. 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.<sup>50</sup> 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.<sup>51</sup>

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<sup>48</sup> See 47 CFR § 1.1914.

<sup>49</sup> *Id.* §§ 1.16, 1.80(g)(3).

<sup>50</sup> 47 U.S.C. § 503(b)(2)(E).

<sup>51</sup> 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).

25. **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 Abdias Datis at {[REDACTED]} NW 147th Street, Miami, Florida 33168.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

**STATEMENT OF  
CHAIRWOMAN JESSICA ROSENWORCEL**

Re: *In the Matter of Abdias Datis, Miami, Florida*, Notice of Apparent Liability for Forfeiture, File No.: EB-FIELDWR-22-00033786 (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.