

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

In the Matter of)
Jean Marius) File Nos.: EB-FIELDNER-23-00035354
Randolph, Massachusetts) EB-FIELDNER-20-00031201
) EB-FIELDNER-23-00035460
) NAL/Acct. No.: 202432010005
) FRN: 0014271175

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: April 25, 2024

Released: April 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 \$597,775 against Jean Marius (Marius) for operating an unauthorized radio station, known as "Radio Tele Planet Compas", on 105.3 MHz (Station) in Brockton, Massachusetts, on June 6 and July 12, 2023; on 89.3 MHz in Mattapan, Massachusetts, on June 7 and July 12, 2023; and on 105.3 MHz in Randolph, Massachusetts, on June 21, 2023, by which Marius apparently willfully and knowingly did, caused, or suffered to be done pirate radio broadcasting, resulting in five 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 events and other dangers to the public.

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 Federal Communications Commission (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

B. Factual Background

1. Pre-PIRATE Act Investigation

3. Marius has been directly involved in the operation of the Station for years.⁷ The Bureau first became aware of Marius’s Station on October 19, 2004, when field agents (Agents) from the FCC’s Boston Field Office (Boston Office), traced the source of radio transmissions on 89.3 MHz to a residence in Randolph, Massachusetts.⁸ 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.⁹ During an inspection of the Station, Marius admitted to the Agents that he was the owner and operator of the transmitting equipment operating on 89.3 MHz.¹⁰ Marius received verbal and written warnings to cease operation of his pirate radio station¹¹ but failed to do so. Agents again found the Station operating on 89.3 MHz over the part 15 power limits at the same location on April 20, 2005.¹² As a result, Marius was issued a Notice of Apparent Liability for Forfeiture (2005 NAL) for \$10,000 on November 17, 2005. Marius did not respond to the 2005 NAL, which was later affirmed in a 2006 Forfeiture Order.¹³

4. Based on a July 2017 complaint, Agents from the Boston Office on August 18 and November 15, 2017, traced the source of radio transmissions on 89.3 MHz to { [REDACTED] } Tucker Terrace, Randolph, Massachusetts (Randolph Site).¹⁴ On both dates, 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. Agents interviewed Marius on August 18, 2017, during which he admitted to

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, at *7 (EB Dec. 22, 2023); see also *Annual Adjustment of Civil Monetary Penalties to Reflect Inflation*, 89 Fed. Reg. 2148 (Jan. 12, 2024) (setting January 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 (“ $\mu\text{V}/\text{m}$ ”) at 3 meters).

⁷ According to a graphic on the Station’s website, it has been operating since 2002. See Radio Tele Planet Compas, <https://planetcompas.com/wp-content/uploads/2023/03/wicast-2023.jpg> (last visited Feb. 2, 2024).

⁸ See *Jean Harold Marius, Randolph, MA*, Notice of Apparent Liability for Forfeiture, para. 2 (Northeast Region, EB Apr. 20 2005), <https://docs.fcc.gov/public/attachments/DOC-263484A1.pdf>.

⁹ See *id.* at n.2.

¹⁰ See *id.* at para. 3 (citing 47 CFR §15.209(a)).

¹¹ See *id.* at paras. 3-4

¹² See *id.* at para. 5.

¹³ See *Jean Harold Marius, Randolph, MA*, Forfeiture Order, 21 FCC Rcd 1897, para. 2 (Northeast Region, EB 2006).

¹⁴ Material set off by double brackets { [] } is confidential and is redacted from the public version of this document.

operating the Station. Agents issued on-scene Notices of Unlicensed Operation on August 17 and November 15, 2017, which Marius signed and accepted.¹⁵

2. PIRATE Act Investigation

5. On June 6, 2023, and July 12, 2023, Agents from the Boston Office traced the source of radio transmissions on 105.3 MHz to {█} Oakdale Street, Brockton, Massachusetts (Brockton 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.¹⁶ The Agents listened to and recorded the audio programming on 105.3 MHz on both days. During the June 6 broadcast, Agents observed that the on-air broadcast on 105.3 MHz matched the streaming audio from the Radio Tele Planet Compas website at <https://planetcompas.com>.¹⁷ A review of Commission records revealed no authorization for any FM broadcast station to operate at or near the Brockton Site on any frequency.

6. On June 7, 2023, and July 12, 2023, Agents from the Boston Office monitored the frequency 89.3 MHz in Mattapan, Massachusetts, and, using direction-finding techniques, traced the source of the signal to {█} Walk Hill Street, Mattapan, Massachusetts (Mattapan Site). On both days, 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.¹⁸ The Agents listened to and recorded the audio programming on 89.3 MHz on both days. During the July 12 broadcast, the Agents observed that the on-air broadcast on 89.3 MHz matched the streaming audio from the Radio Tele Planet Compas website at <https://planetcompas.com>.¹⁹ A review of Commission records revealed no authorization for any FM broadcast station to operate at or near the Mattapan Site on any frequency.

7. On June 21, 2023, Agents from the Boston Office monitored the frequency 105.3 MHz in Randolph, Massachusetts, and, using direction-finding techniques, traced the source of the signal to the Randolph 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.²⁰ On July 5, 2023, Agents returned to the Randolph Site and observed that the on-air broadcast on 105.3 MHz matched the streaming audio from the Radio Tele Planet Compas website at <https://planetcompas.com>.²¹ A review of Commission records revealed no authorization for any FM broadcast station to operate at or near the Randolph Site on any frequency. Investigation into the ownership of the Randolph Site revealed Marius to be the owner.²²

8. In addition, Agents searched for websites related to Radio Tele Planet Compas. The website for the Station displayed the frequency numbers of both 105.3 and 89.3 MHz.²³ It also contained

¹⁵ See *Jean Harold Marius*, Notice of Unlicensed Operation, (Boston Field Office, EB Aug., 18, 2017) (on file EB-FIELDNER-17-00024881); *Jean Marius*, Notice of Unlicensed Operation, (Boston Field Office, EB Nov., 15, 2017) (on file EB-FIELDNER-17-00024881).

¹⁶ 47 CFR § 15.239(b).

¹⁷ See Video matching internet stream from the Station's website with the over-the-air broadcast of 105.3 MHz from the Brockton Site (on file EB-FIELDNER-23-00035354).

¹⁸ 47 CFR § 15.239(b).

¹⁹ See Video matching internet stream from the Station's website with over-the-air broadcast of 89.3 MHz (on file EB-FIELDNER-20-00031201).

²⁰ 47 CFR § 15.239.

²¹ See Video matching internet stream from the Station's website with the over-the-air broadcast of 105.3 MHz from the Randolph Site (on file EB-FIELDNER-23-00035354).

²² See Randolph, MA Online Assessment Database, {█} TUCKER TR, <https://gis.vgsi.com/randolphma/{█}> (last visited Jan. 8, 2024).

²³ See Radio Tele Planet Compas, <https://planetcompas.com> (last visited Feb. 2, 2024).

images of Marius, the e-mail address {[REDACTED]}@gmail.com, and its location in Randolph, Massachusetts.²⁴ Furthermore, after a Notice of Illegal Pirate Radio Broadcasting (NIPRB)²⁵ was sent to the owners of the Brockton Site, Marius sent an e-mail to the Commission from the same e-mail address of {[REDACTED]}@gmail.com which included a screenshot attachment of the NIPRB.²⁶ In that e-mail, Marius stated:

I am writing to inform you that I, Jean Marius, have ceased operations on frequency 105.3 FM since July 2023. I received a notification from the FCC to discontinue operating my radio station on this frequency, and accordingly, I have complied with the directive. As of the date specified, *my radio station* is no longer on the air.²⁷

The e-mail was signed “Jean Harold Marius, Planetcompas.com, Radio Tele Planet Compas.”²⁸

III. DISCUSSION

9. We find that Marius, in apparent violation of section 511 of the Act,²⁹ willfully and knowingly did, caused, or suffered to be done pirate radio broadcasting through the operation of an unlicensed radio station on 105.3 MHz on June 6, June 21 and July 12, 2023, and on 89.3 MHz on June 7 and July 12, 2023, known as “Radio Planet Tele Compas.” On each of these dates, Agents performed field strength measurements and determined that these transmissions exceeded the limits for operation under part 15 of the Commission’s rules. A review of Commission records does not reveal an authorization for any FM broadcast station to operate at or near the Brockton, Mattapan, or Randolph Sites at any time relevant to the violations discussed in this NAL. Evidence collected by the Agents shows that Marius is the operator of the Station,³⁰ and in his December 8, 2023 e-mail, Marius admitted that he owned the Station. Accordingly, the Commission finds that Marius’s actions on June 6, June 7, June 21, and July 12, 2023³¹, constituted pirate radio broadcasting in apparent violation of section 511 of the Act.³²

A. Proposed Forfeiture

10. 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.”³³ 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.”³⁴ We may adjust a forfeiture

²⁴ *See id.*

²⁵ *See Andre O. Jeanty and Racimene Jeanty Reme*, Notice of Illegal Pirate Radio Broadcasting, 2023 WL 8642981 (EB Dec. 1, 2023).

²⁶ E-mail from Harold Marius Mr Compas to David Dombrowski, Regional Director, Region One, FCC Enforcement Bureau (Dec. 8, 2023, 9:17:41EDT).

²⁷ *Id.*(emphasis added).

²⁸ *Id.*

²⁹ 47 U.S.C. § 511.

³⁰ *See supra* paras. 7-8.

³¹ There are two apparent violations on July 12, 2023. One violation occurred at the Brockton Site on 105.5 MHz and the other at the Mattapan Site on 89.3 MHz. *See supra*. paras. 5-6.

³² 47 U.S.C. § 511(a), (h).

³³ 47 U.S.C. § 511(a).

³⁴ 47 CFR § 1.80(b)(11).

downward for minor violations, good faith or voluntary disclosure, a history of overall compliance, or an inability to pay.³⁵

11. Section 511 of the Act and section 1.80 of the Commission's rules authorize enhanced penalties for pirate radio broadcasting.³⁶ 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.³⁷

12. The primary intent of the PIRATE Act is to increase financial penalties for pirate radio broadcasting.³⁸ Accordingly, in 2023, the Commission established a base forfeiture of \$20,000 for pirate radio broadcasting,³⁹ which is twice the pre-PIRATE Act base forfeiture level. Consequently, for each of the five instances⁴⁰ that Marius apparently willfully and knowingly violated section 511 of the Act, we apply this base forfeiture amount, for a total proposed base forfeiture of \$100,000.⁴¹

13. Moreover, given the particular facts of this case, and consistent with the *Forfeiture Policy Statement*,⁴² we conclude that significant upward adjustments are warranted. First, we find that Marius's conduct was intentional. Marius had been warned multiple times since 2004 that his conduct was illegal, including a forfeiture order issued against him,⁴³ but he nonetheless chose to continue to operate without authorization. Second, we find that an upward adjustment is warranted based on Marius's history of prior violations of the Act observed by Agents in 2004 and 2017.⁴⁴ Last, we find that Marius's broadcasting on two separate frequencies and from three different geographic areas was egregious as it significantly increased the likelihood of interference to lawfully operating stations and the potential for harm to the public if such stations needed to transmit emergency alerts. Based on the severity of the facts underlying

³⁵ *Id.*

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

³⁷ 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, at *7 (EB Dec. 22, 2023); see also *Annual Adjustment of Civil Monetary Penalties to Reflect Inflation*, 89 Fed. Reg. 2148 (Jan. 12, 2024) (setting January 15, 2024, as the effective date for the increases).

³⁸ 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.").

³⁹ 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), *aff'd*, Forfeiture Order, FCC 23-80, 2023 WL 6843186 (Oct. 13, 2023); *Thomas Barnes, La Grande, Oregon*, Notice of Apparent Liability for Forfeiture, FCC 23-16, 2023 WL 2560016, at *4 (Mar. 15, 2023), *aff'd*, Forfeiture Order, FCC 23-79, 2023 WL 6843178 (Oct. 13, 2023).

⁴⁰ The Commission has found that unauthorized operation on different frequencies at different locations on the same day are separate violations. See *Gerlens Cesar, Boston, Massachusetts*, Notice of Apparent Liability for Forfeiture, 34 FCC Rcd 12734, para.12 (2019), *terminated in Consent Decree*, 35 FCC Rcd 6887 (2020). In this case, Marius had two violations on July 12, 2023—the first at the Brockton Site on 105.3 MHz and the second at the Mattapan Site on 89.3 MHz.

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. 3-4.

⁴⁴ See *id.*

these factors, we propose the maximum penalty of \$119,555⁴⁵ for each of the five instances in which Marius operated his pirate radio station in 2023, for a total penalty of \$597,775.

14. 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*,⁴⁶ Marius is apparently liable for a proposed total monetary forfeiture of \$597,775.⁴⁷

IV. CONCLUSION

15. We have determined that Jean Marius apparently willfully and knowingly did, caused, or suffered to be done pirate radio broadcasting in violation of section 511 of the Act on June 6, 2023, June 7, 2023, June 21, 2023, and on two different frequencies on July 12, 2023. As such, Marius is apparently liable for a forfeiture of \$597,775.

V. ORDERING CLAUSES

16. 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, Jean Marius is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of five hundred ninety-seven thousand, seven hundred seventy-five dollars (\$597,775) for willful and knowing violation of section 511 of the Act, 47 U.S.C. § 511.

17. **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, Jean Marius **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 20.

18. In order for Jean Marius 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, Marius 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:⁴⁸

- 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 159⁴⁹ or printed CORES form⁵⁰

⁴⁵ 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 January 15, 2024, as the effective date for the increases).

⁴⁶ *See id.*

⁴⁷ 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.

⁴⁸ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6).

⁴⁹ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

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).⁵¹ 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 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.

19. 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. 20554.⁵² 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.

20. 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.⁵³ 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.

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⁵⁰ 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>.

⁵¹ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

⁵² See 47 CFR § 1.1914.

⁵³ *Id.* §§ 1.16, 1.80(g)(3).

21. 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.⁵⁴ 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.⁵⁵

22. **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 Jean Marius at his last known address of {[REDACTED]} Tucker Terrace, Randolph, Massachusetts 02368-5033.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

⁵⁴ 47 U.S.C. § 503(b)(2)(E).

⁵⁵ 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, 14903-04, paras. 32-33 (2015); *TV Max, Inc., et al.*, Forfeiture Order, 29 FCC Rcd 8648, 8661, para. 25 (2014).

**STATEMENT OF
CHAIRWOMAN JESSICA ROSENWORCEL**

Re: *In the Matter of Jean Marius, Randolph, Massachusetts*, Notice of Apparent Liability for Forfeiture, File No.: EB-FIELDNER-23-00035354 (April 25, 2024)

For nine decades, the Federal Communications Commission has been our Nation's watchdog when it comes to the use of the public airwaves. We take this responsibility seriously. It means that this resource is broadly available for all kinds of radio and wire activities, provided those who use our airwaves comply with our rules. When users fail to do so and cause harmful interference to others, we take action. That is exactly what we do today with these fines proposed against unauthorized radio operators in Massachusetts.

Thank you to the agents and Field Regional Management in our Boston and New York Field Offices for their work on this effort under the PIRATE Act. These agents are unsung heroes who help us manage our airwaves, and for their security we do not mention them here today but want them to know we are grateful for their service. I will mention, however, those who took up their charge in Washington, so thank you to Loyaan Egal, Jeremy Marcus, Matthew Gibson, Ryan McDonald, Michael Rhodes, David Marks, Robert Keller, Andrew Leja, and Reggie Breshears from the Enforcement Bureau; and William Dever and David Konczal from the Office of General Counsel.