

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

In the Matter of
Djovany Pierre and Mario Turner
Brockton, Massachusetts
File No.: EB-FIELDSCR-23-00035362
NAL/Acct. No.: 202432010007
FRNs: 0035338201
0035338268

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 \$40,000 against Djovany Pierre (Pierre) and Mario Turner (Turner), jointly and severally, for operating an unauthorized radio station, known as "Radio Tele Brockton" or "Brockton Heat", on 96.5 MHz (Station) in Brockton, Massachusetts, by which Pierre and Turner apparently willfully and knowingly did or caused pirate radio broadcasting on June 6 and July 12, 2023, resulting in two 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 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.<sup>4</sup> Section 511 defines pirate radio broadcasting as “the transmission of communications on spectrum frequencies between 535 and 1705 kilohertz, inclusive, or 87.7 and 108 megahertz, inclusive, without a license issued by the Federal Communications Commission (Commission), but does not include unlicensed operations in compliance with part 15 of title 47, Code of Federal Regulations.”<sup>5</sup> Part 15, among other requirements, states that unlicensed operators in the FM band must not transmit over a certain low-power limit.<sup>6</sup>

3. The PIRATE Act, among other provisions, codified the definition of pirate radio,<sup>7</sup> increased fines for pirate radio operators,<sup>8</sup> and granted the Commission new enforcement authority to assess forfeitures against any person who permits the operation of pirate radio broadcasting, such as the property owners whose property is used for pirate radio broadcasting.<sup>9</sup>

## B. Factual Background

4. On June 6, 2023, field agents (Agents) from the FCC’s New York and Columbia Field Offices monitored the frequency 96.5 MHz in Brockton, Massachusetts, and, using direction-finding techniques, traced the source of the signal to the JP Variety Store at 673 North Main Street, Brockton, Massachusetts (North Main Street 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>10</sup> Agents listened to and recorded the audio programming on 96.5 MHz, which identified the Station as “Radio Tele Brockton 96.5.”<sup>11</sup> A review of Commission records revealed no authorization for any FM broadcast station to operate at or near the North Main Street Site on any frequency.

5. On July 12, 2023, Agents again monitored the frequency 96.5 MHz in Brockton, Massachusetts, and using direction-finding techniques traced the source of the signal to the North Main Street 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> The Agents heard the Station identified over the air as “Brockton Heat.” In addition to transmitting on the same frequency from the same location, the Brockton Heat website, [www.brocktonheat.com](http://www.brocktonheat.com), confirmed that Brockton Heat and Radio Tele Brockton are the same station.<sup>13</sup> The Agents determined that the programming on 96.5 MHz was an

---

<sup>4</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, 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).

<sup>5</sup> 47 U.S.C. § 511(h).

<sup>6</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>7</sup> 47 U.S.C. § 511(h).

<sup>8</sup> *Id.* § 511(a)-(b).

<sup>9</sup> See 47 U.S.C. § 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>10</sup> 47 CFR § 15.239(b).

<sup>11</sup> See Audio recording of June 6, 2023 broadcast from North Main Street Site (on file in EB-FIELDNER-23-00035362).

<sup>12</sup> 47 CFR § 15.239(b).

<sup>13</sup> See <https://www.brocktonheat.com> (displaying the name “Radio TeleBrockton” and the e-mail address [radiotelebrockton@gmail.com](mailto:radiotelebrockton@gmail.com)) (last visited Jan. 30, 2024). The Radio Tele Brockton Facebook page also includes the same e-mail address as <https://www.brocktonheat.com>. See Radio Tele Brockton, Facebook, <https://www.facebook.com/radiotelebrocktonlive> (last visited Jan. 30, 2024).

exact match for the audio on the Station's TuneIn internet stream.<sup>14</sup> Agents then entered the business at the North Main Street Site and asked to speak with the owner. An employee told them the owner was Djovany Pierre, and gave them Pierre's business card listing his name and the phone number 508-232-86 { [REDACTED] }.<sup>15</sup>

6. While searching for websites and social media related to Radio Tele Brockton / Brockton Heat in June and July 2023, Agents found an Instagram account for Radio Tele Brockton listing the name Djovany Pierre and the Station's website address, <https://www.brocktonheat.com>.<sup>16</sup> This website lists the Station's administration number as 508-232-86 { [REDACTED] },<sup>17</sup> which is the same number on Pierre's business card and the same number for JP Realty & Associates Inc,<sup>18</sup> another business registered to Pierre.<sup>19</sup> JP Realty & Associates Inc is listed in carrier records as the subscriber (i.e., the person to whom the number is assigned) for this phone number, as well as for the Station's studio number, 508-580-19 { [REDACTED] }, also listed on the Station's website.<sup>20</sup> The Agents contacted Pierre on the Station's administration phone number on July 12, 2023. Pierre informed the Agents that he would shut down the Station and gave the Agents permission to access the antenna located atop the JP Variety Store on the North Main Street Site, where they found a coaxial cable leading from the pole-mounted antenna to a locked room below his store. While exiting the North Main Street Site, the Agents interviewed two individuals from an adjoining business about the Station, one of whom stated that the Station had been operating for multiple years.

7. In a follow-up call with the Agents on July 12, 2023, Pierre admitted that he knew the Station had been operating for about one year. Notwithstanding the Station's use of two telephone numbers associated with his real estate company,<sup>21</sup> and his stated willingness—and apparent ability—to shut the Station down,<sup>22</sup> Pierre denied any involvement in the Station's operation.<sup>23</sup> Pierre claimed he had rented a room at the North Main Street Site to Turner, whom he identified as the Station's operator. The Agents' investigation of Turner discovered a LinkedIn page wherein he referred to himself as a “self-employed broadcast engineer” operating a company called KMX Electronics.<sup>24</sup> A banner reading “2023 KMX Electronics” is displayed at the bottom of the Station's website,<sup>25</sup> and Turner is listed in carrier

---

<sup>14</sup> See Video comparison of Station's over-the-air transmission and internet stream, <https://tunein.com/radio/Brockton-Heat-s280979>, on July 12, 2023 (on file in EB-FIELDNER-23-00035362).

<sup>15</sup> Material set off by double brackets { [ ] } is confidential and is redacted from the public version of this document.

<sup>16</sup> See Instagram, Radio Tele Brockton, [https://www.instagram.com/radio\\_tele\\_brockton](https://www.instagram.com/radio_tele_brockton) (last visited Jan. 10, 2024) (on file in EB-FIELDNER-23-00035362).

<sup>17</sup> See Radio Tele Brockton, <https://www.brocktonheat.com> (last visited Jan. 10, 2024) (on file in EB-FIELDNER-23-00035362).

<sup>18</sup> See JP Realty & Associates, Inc., <https://jprealtyma.com/index.html> (last visited Dec. 26, 2024). This website has been recently taken down, but can be found archived at <https://web.archive.org/web/20231226030145/http://www.jprealtyma.com/>.

<sup>19</sup> See Secretary of the Commonwealth of Massachusetts, Corporations Division, Business Entity Summary J P Realty & Associates Inc, <https://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSummary.aspx?sysvalue=UEt7Y00Tbm0Stiv2XKIrvPNQ20uvzfaQKnu3XB8ip.g-> (last visited Jan. 10, 2024).

<sup>20</sup> See Radio Tele Brockton website, <https://www.brocktonheat.com/> (last visited Jan. 10, 2024) (on file in EB-FIELDNER-23-00035362).

<sup>21</sup> See *supra* para. 6.

<sup>22</sup> *Id.*

<sup>23</sup> A screenshot image taken of Pierre's Facebook account in 2018 lists him as “Manager Radio Tele Brockton.” See Image on file in EB-FIELDNER-23-00035362.

<sup>24</sup> See LinkedIn, Mario Turner, <https://www.linkedin.com/in/mario-turner-kmx/> (last visited Jan. 10, 2024).

<sup>25</sup> See Radio Tele Brockton website, <https://www.brocktonheat.com/> (last visited Jan. 10, 2024).

records as the subscriber of the phone number for KMX Electronics, (508) 577-96{[REDACTED]}.<sup>26</sup> This same phone number is also listed as the engineering contact number on the Station's website.<sup>27</sup>

### III. DISCUSSION

8. We find that Pierre and Turner, in apparent violation of section 511 of the Act,<sup>28</sup> willfully and knowingly did, caused, or suffered to be done pirate radio broadcasting through the operation of an unlicensed radio station on 96.5 MHz, known as "Radio Tele Brockton" and "Brockton Heat," on June 6 and July 12, 2023. On both of these dates, Agents observed Pierre and Turner's Station operating at the North Main Street Site on 96.5 MHz. Agents performed field strength measurements on both dates and determined that these transmissions exceeded the limits for operation under part 15 of the Commission's rules.<sup>29</sup> A review of Commission records does not reveal an authorization for any FM broadcast station to operate at or near the North Main Street Site at any time relevant to the violations discussed in this NAL. Evidence collected by the Agents, including Pierre's admitted knowledge of and business relationship with the Station, plus information from the Station's website and social media posts, shows that Pierre and Turner jointly operated the Station.<sup>30</sup> Accordingly, the Commission finds that Pierre and Turner's actions on June 6 and July 12, 2023, constituted pirate radio broadcasting in apparent violation of section 511 of the Act on a joint and several basis.<sup>31</sup>

#### A. Joint and Several Liability

9. As discussed above, we find that Pierre and Turner are each apparently liable for willfully and knowingly doing, causing, or suffering to be done pirate radio broadcasting under section 511. The Commission has found in previous enforcement cases that joint and several liability is warranted where more than one party was responsible for a particular violation.<sup>32</sup> We find that such apparent joint and several liability is appropriate here in light of Pierre and Turner's support of, and participation in, the unauthorized station at issue.

#### B. 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

---

<sup>26</sup> The KMX Electronics phone number is listed on the KMX Electronics Facebook page. See KMX Electronics, Facebook, <https://www.facebook.com/kmxelectronics> (last visited Jan. 10, 2024).

<sup>27</sup> See Radio Tele Brockton website, <https://www.brocktonheat.com/> (last visited Jan. 10, 2024).

<sup>28</sup> 47 U.S.C. § 511.

<sup>29</sup> 47 CFR §§ 15.209(a), 15.239(b); see also 47 U.S.C. § 511(h) (stating that pirate radio broadcasting "does not include unlicensed operations in compliance with part 15 of title 47, Code of Federal Regulations.>").

<sup>30</sup> See *supra* paras. 4-7. Although we consider Pierre to be a joint operator of the Station, his June 12, 2023 statement to Agents, at a minimum, constitutes an admission that he was "suffering to be done" pirate radio broadcasting within the meaning of section 511 of the Act. See 47 U.S.C. § 511(a), (h). Specifically, Pierre admitted that he knew the Station had been operating from the North Main Street Site for about a year, claimed he had the ability to halt Station operations, and offered to do so. See *supra* para. 7.

<sup>31</sup> 47 U.S.C. § 511(a), (h).

<sup>32</sup> *César Ayora and Luis Angel Ayora, Queens, New York*, Notice of Apparent Liability for Forfeiture, FCC 23-17, 2023 WL 2560017 (Mar. 15, 2023), *aff'd*, Forfeiture Order, FCC 23-80, 2023 WL 6843186 (Oct. 13, 2023); *Fabrice Polynice, Harold Sido and Veronise Sido, North Miami, FL*, Forfeiture Order, 33 FCC Rcd 6852 (2018); *Telseven, LLC and Patrick B. Hines*, Forfeiture Order, 31 FCC Rcd 1639 (2016); *Scott Malcolm*, Forfeiture Order, 31 FCC Rcd 1652 (2016). Such liability "may be assigned to any individual taking part in the operation of the unlicensed station, regardless of who else may be responsible for the operation." *Andre Alleyne, Jesse White*, Forfeiture Order, 26 FCC Rcd 10372, 10374, para. 8 (EB 2011).

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>

11. 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>

12. The primary intent of the PIRATE Act is to increase financial penalties for pirate radio broadcasting.<sup>38</sup> Accordingly, in 2023 the Commission established a base forfeiture of \$20,000 for pirate radio broadcasting,<sup>39</sup> which is twice the pre-PIRATE Act base forfeiture level. Consequently, for each of the two days that Pierre and Turner apparently willfully and knowingly violated section 511 of the Act, we apply this base forfeiture amount, for a total proposed base forfeiture of \$40,000.<sup>40</sup> In applying the applicable statutory factors, we consider whether there is any basis for an upward or 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*,<sup>41</sup> Pierre and Turner are apparently jointly and severally liable for a proposed total monetary forfeiture of \$40,000.<sup>42</sup>

#### IV. CONCLUSION

13. We have determined that Djovany Pierre and Mario Turner apparently willfully and knowingly did, caused, or suffered to be done pirate radio broadcasting in violation of section 511 of the

---

<sup>33</sup> 47 U.S.C. § 511(a).

<sup>34</sup> 47 CFR § 1.80(b)(11).

<sup>35</sup> *Id.*

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

<sup>37</sup> 47 U.S.C. § 511(a)-(b); *see* 47 CFR § 1.80(b)(6) (setting the current inflation adjusted statutory maximum for a violation of 47 U.S.C. § 511(a) at \$2,391,097 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).

<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 applied this base forfeiture amount in prior Notices of Apparent Liability for Forfeiture for pirate radio activities. *See, e.g., 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, at \*1 (Oct. 13, 2023).

<sup>40</sup> *See* 47 U.S.C. § 511.

<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> 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.

Act on June 6, 2023 and July 12, 2023. As such, Djovany Pierre and Mario Turner are apparently jointly and severally liable for a forfeiture of \$40,000.

## V. ORDERING CLAUSES

14. 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, Djovany Pierre and Mario Turner are hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of forty thousand dollars (\$40,000) for willful and knowing violation of section 511 of the Act, 47 U.S.C. § 511.

15. **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, Djovany Pierre and Mario Turner **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 18.

16. In order for Djovany Pierre and Mario Turner to pay the proposed forfeiture, they shall notify the Office of the Field Director at [field@fcc.gov](mailto:field@fcc.gov) of their intent to pay, whereupon an invoice will be posted in the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. Upon payment, Pierre and Turner 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>43</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>44</sup> or printed CORES form<sup>45</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>46</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

---

<sup>43</sup> For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6).

<sup>44</sup> FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

<sup>45</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>46</sup> Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

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.

17. 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>47</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).

18. 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>48</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).

19. 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>49</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>50</sup>

---

<sup>47</sup> See 47 CFR § 1.1914.

<sup>48</sup> *Id.* §§ 1.16, 1.80(g)(3).

<sup>49</sup> 47 U.S.C. § 503(b)(2)(E).

<sup>50</sup> See, e.g., *Ocean Adrian Hinson, Surry County, North Carolina*, Forfeiture Order, 34 FCC Rcd 7619, 7621, para. 9 & n.21 (2019); *Veal 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).

20. **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 Djovany Pierre and Mario Turner at 673 North Main Street, Brockton, MA 02301 and Mario Turner at {[REDACTED]} Dover St., Brockton, MA 02301.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary



**STATEMENT OF  
CHAIRWOMAN JESSICA ROSENWORCEL**

Re: *In the Matter of Djovany Pierre and Mario Turner, Brockton, Massachusetts*, Notice of Apparent Liability for Forfeiture, File No.: EB-FIELDSCR-23-00035362; (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.