

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Charles Philome
Pompano Beach, FL
File No.: EB-FIELDSCR-16-00021884
NAL/Acct. No.: 201732600001
FRN: 0026005926

FORFEITURE ORDER

Adopted: March 14, 2017

Released: March 15, 2017

By the Regional Director, Region Two, Enforcement Bureau:

1. We impose a penalty of \$20,000 against Charles Philome (Mr. Philome) for operating an unauthorized radio station on 88.7 MHz and 90.1 MHz from three different locations in Pompano Beach and Margate, Florida. Commission agents had previously observed Mr. Philome operate a radio station without authorization. They had also warned Mr. Philome that operation of this unlicensed station was illegal and that continued operation could result in further enforcement action in written notices of unlawful operation on December 2, 2015 and on August 29, 2016. On December 11, 2015, on a call with one of the agents, Mr. Philome admitted that he was operating the station, and the agent warned him orally that continuing to operate the station without authorization was illegal. Despite the Commission's warnings, Mr. Philome continued to operate the station without authorization.

2. Subsequently, on November 3, 2016, the Enforcement Bureau issued a Notice of Apparent Liability for Forfeiture (NAL) proposing a \$20,000 forfeiture against Mr. Philome for willful and repeated violation of Section 301 of the Communications Act of 1934, as amended (Act), by operating an unlicensed radio station. Mr. Philome has not filed a response to the NAL. Based on the information before us, we affirm the forfeiture proposed in the NAL.

1 The agents confirmed by direction finding techniques that radio signals on frequency 88.7 MHz in Pompano Beach, Florida were emanating from Mr. Philome's place of business in Pompano Beach, Florida on December 2, 2015, and on frequency 90.1 MHz on July 16, 2016, and on frequency 90.1 MHz at Mr. Philome's place of business in Margate, Florida on February 2, 2016. See Charles Philome, Notice of Unlicensed Operation (Dec. 2, 2015); Charles Philome, Notice of Unlicensed Operation (Aug. 29, 2016).

2 See Charles Philome, Notice of Unlicensed Operation (Dec. 2, 2015); Charles Philome, Notice of Unlicensed Operation (Aug. 29, 2016).

3 Charles Philome, Notice of Apparent Liability for Forfeiture, 31 FCC Rcd 11960, 11962 (EB 2016)(NAL).

4 The NAL includes a more complete discussion of the facts and history of this case and is incorporated herein by reference.

5 47 U.S.C. § 301.

6 NAL, 31 FCC Rcd at 11960-62, paras. 2-7. The Commission received confirmation that the NAL was delivered to Mr. Philome on November 7, 2016.

7 Mr. Philome contacted the Bureau by telephone on January 27, 2017, asking us to return his call. Bureau staff returned his telephone call and found that his voice mail box was full. Bureau staff then sent a text message, inviting him call again. Mr. Philome called a second time on February 2, 2017, and left a voicemail message stating that he received a notice from the Commission, but that he is not involved with a radio station. Bureau staff called again, on February 17, 2017, to ask if he had any further information to provide. Mr. Philome has not returned that call. Mr. Philome's left his voice mail arguing that he was not involved with the station two months after the due

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3. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Act⁸ and Section 1.80 of the Commission's rules (Rules),⁹ and Sections 0.111, 0.204, and 0.311 of the Rules,¹⁰ Mr. Philome **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of twenty thousand dollars (\$20,000) for willfully and repeatedly violating Section 301 of the Act.¹¹

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within thirty (30) calendar days after the release date of this Forfeiture Order.¹² If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to Section 504(a) of the Act.¹³

5. Payment of the forfeiture must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account Number and FRN referenced above. Mr. Philome shall send electronic notification of payment to Janet Moran at Janet.Moran@fcc.gov on the date said payment is made. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.¹⁴ When completing the Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Below are additional instructions that should be followed based on the form of payment selected:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

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date for filing a response to the *NAL*, and a written statement was not filed in compliance with the filing instructions in the *NAL*. See *NAL*, 31 FCC Rcd at 11964, para. 13, 11965, para. 16. Furthermore, as a separate and independent basis for rejecting Mr. Philome's contention, we note that he has not provided any substantive basis for questioning the evidence in the *NAL* which supports the conclusion that he was the operator of the unauthorized station. See *NAL*, 31 FCC Rcd at 11960-62, paras. 2-7 (noting that, on four occasions, November 18, 2015; February 2, 2016; July 16, 2016; and September 12, 2016; Agents from the Bureau's Miami Field Office used direction-finding techniques to locate Mr. Philome's unlicensed radio transmitter, and observed him operating that transmitter on each of those occasions).

⁸ 47 U.S.C. § 503(b).

⁹ 47 CFR § 1.80.

¹⁰ 47 CFR §§ 0.111, 0.204, 0.311.

¹¹ 47 U.S.C. § 301.

¹² 47 CFR § 1.80.

¹³ 47 U.S.C. § 504(a).

¹⁴ An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

6. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer – Financial Operations, Federal Communications Commission, 445 12th Street, SW, Room 1-A625, Washington, DC 20554.¹⁵ Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by telephone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

7. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by first class mail and certified mail, return receipt requested, to Charles Philome at his address of record.

FEDERAL COMMUNICATIONS COMMISSION

Ronald D. Ramage
Regional Director
Region Two
Enforcement Bureau

¹⁵ See 47 CFR § 1.1914.