

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Vilnord Simon)	File No.: EB-FIELDSCR-15-00019795
)	NAL/Acct. No.: 201632600004
North Miami, Florida)	FRN: 0025816935
)	

FORFEITURE ORDER

Adopted: July 25, 2017

Released: July 26, 2017

By the Regional Director, Region Two, Enforcement Bureau:

1. We impose a penalty of \$15,000 against Vilnord Simon for operating an unlicensed radio station on 103.1 MHz in North Miami, Florida. Commission Field Agents observed Mr. Simon operating his unauthorized radio station three times in late 2015 and early 2016. Commission action in this area is essential because unlicensed radio stations do not broadcast Emergency Alert Service (EAS) messages, and so create a public safety hazard for their listeners. Moreover, unlicensed radio stations create a danger of interference to licensed communications and undermine the Commission's authority over FM broadcast radio operations.

2. On January 22 and August 17, 2015, and on April 23, 2016, Agents from the Miami Field Office observed Mr. Simon operating an unlicensed radio station.¹ On April 28, 2016, the Commission warned Mr. Simon in writing that operation of this unlicensed station was illegal and that continued operation could result in further enforcement action.² Later, Commission Agents observed continued operation of the unlicensed station. Accordingly, on August 17, 2016, the Enforcement Bureau issued a Notice of Apparent Liability for Forfeiture (*NAL*) proposing a \$15,000 forfeiture against Mr. Simon for willful and repeated violation of Section 301 of the Communications Act of 1934, as amended (Act),³ by operating an unlicensed radio station. Mr. Simon has not filed a response to the *NAL*. Based on the information before us, we affirm the forfeiture proposed in the *NAL*.

3. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Act,⁴ and Sections 0.111, 0.204, 0.311, and 1.80 of the Commission's rules,⁵ Vilnord Simon **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of Fifteen Thousand dollars (\$15,000) for willfully and repeatedly violating Section 301 of the Act.⁶

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Commission's rules within thirty (30) calendar days after the release date of this Forfeiture Order.⁷ If the

¹ The *NAL* includes a more complete discussion of the facts and history of this case and is incorporated herein by reference. *Vilnord Simon*, Notice of Apparent Liability for Forfeiture, 31 FCC Rcd 8985, 8985-86, paras. 2-5 (EB 2016).

² *Vilnord Simon*, Notice of Unlicensed Operation (EB Apr. 28, 2016) (on file in EB-FIELDSCR-15-00019795).

³ 47 U.S.C. § 301.

⁴ 47 U.S.C. § 503(b).

⁵ 47 CFR §§ 0.111, 0.204, 0.311, 1.80.

⁶ 47 U.S.C. § 301.

⁷ 47 CFR § 1.80.

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.⁸

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. Vilnord Simon shall send electronic notification of payment to Steven Spaeth at steven.spaeth@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.⁹ 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.

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 20554.¹⁰ 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 Vilnord Simon at his address of record.

FEDERAL COMMUNICATIONS COMMISSION

Ronald D. Ramage
Regional Director
Region Two
Enforcement Bureau

⁸ 47 U.S.C. § 504(a).

⁹ An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

¹⁰ See 47 CFR § 1.1914.