

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

In the Matter of)	
)	Facility ID No. 13529
Eddie Floyd)	NAL/Acct. No. MB-200741410225
)	FRN: 0011733425
Licensee of FM Translator Station K273AF)	File No. BRFT-20060515ADD
Carson City, Nevada)	

FORFEITURE ORDER

Adopted: August 5, 2010

Released: August 5, 2010

By the Chief, Audio Division, Media Bureau:

I. INTRODUCTION

1. In this Forfeiture Order, we issue a monetary forfeiture in the amount of five hundred dollars (\$500) to Eddie Floyd (“Licensee”), licensee of FM translator station K273AF, Carson City, Nevada (“Station”), for willfully violating Section 73.3539 of the Commission’s Rules (“Rules”) by failing to timely file a license renewal application for the Station, and for willfully and repeatedly violating Section 301 of the Communications Act of 1934, as amended (“Act”), by engaging in unauthorized operation of the Station after its authorization had expired.¹

II. BACKGROUND

2. On February 5, 2007, the Bureau issued a *Notice of Apparent Liability for Forfeiture* (“NAL”) in the amount of seven thousand dollars (\$7,000) to Licensee for these violations.² As noted in the NAL, Licensee’s renewal application for the Station’s license term was due on June 1, 2005, four months prior to the October 1, 2005, expiration date.³ Licensee did not file the application until May 15, 2006. On May 16, 2006, Licensee filed a request for special temporary authority (“STA”) for the Station to continue operating pending consideration of the late-filed renewal application.⁴ In the STA Request, Licensee explained that he had not previously held an FCC license, was unaware of the renewal requirements, and that the late-filing of the renewal application was inadvertent.⁵ Licensee did not submit a response to the NAL.

¹ 47 C.F.R. § 73.3539; 47 U.S.C. § 301.

² *Eddie Floyd*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 2134 (MB 2007). The Commission granted the license renewal application on February 5, 2007. By separate action today, the Commission is releasing an order commencing a hearing to determine whether Licensee is qualified to be and remain a Commission licensee following his conviction for money laundering and his apparent failure to inform the Commission about such misconduct.

³ See 47 C.F.R. §§ 73.1020, 73.3539(a).

⁴ See File No. BLSTA-20060516AAF (“STA Request”). This request was granted on May 22, 2006, and expired on November 22, 2006. Licensee later filed an untimely request for extension of the STA on February 6, 2007. See File No. BELSTA-20070206ABG. This request was dismissed on January 18, 2008.

⁵ See STA Request.

III. DISCUSSION

3. The forfeiture amount proposed in this case was assessed in accordance with Section 503(b) of the Act,⁶ Section 1.80 of the Rules,⁷ and the Commission's *Forfeiture Policy Statement*.⁸ In assessing forfeitures, Section 503(b)(2)(E) of the Act requires that we take into account 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.⁹

4. We conclude that Licensee willfully¹⁰ violated Section 73.3539 of the Rules and willfully and repeatedly¹¹ violated Section 301 of the Act¹² However, given the Commission's recent decisions assessing forfeitures in the amount of \$500 against licensees of translator stations for violations of Section 73.3539 of the Rules and Section 301 of the Act, we reduce the forfeiture amount *sua sponte* to \$500.¹³

IV. ORDERING CLAUSES

5. IT IS FURTHER ORDERED, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Sections 0.283 and 1.80 of the Commission's Rules,¹⁴ that Eddie Floyd SHALL FORFEIT to the United States the sum of five hundred dollars (\$500) for willfully violating Section 73.3539 of the Commission's Rules and willfully and repeatedly violating Section 301 of the Communications Act of 1934, as amended.

6. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Commission's Rules within 30 days of the release of this Forfeiture Order. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.¹⁵ Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Act. No. and FRN No. referenced in the caption above. Payment by check or money order may be mailed to Federal Communications Commission, at P.O. Box 979088, St. Louis, MO 63197-9000.

⁶ 47 U.S.C. § 503(b).

⁷ 47 C.F.R. § 1.80.

⁸ *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 (1997), *recon. denied*, 15 FCC Rcd 303 (1999).

⁹ 47 U.S.C. § 503(b)(2)(E).

¹⁰ Section 312(f)(1) of the Act defines "willful" as "the conscious and deliberate commission or omission of [any] act, irrespective of any intent to violate" the law. 47 U.S.C. § 312(f)(1). The legislative history of Section 312(f)(1) of the Act clarifies that this definition of willful applies to Sections 312 and 503(b) of the Act, H.R. REP. No. 97-765, 51 (Conf. Rep.), and the Commission has so interpreted the terms in the Section 503(b) context. *Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4387-88.

¹¹ Section 312(f)(2) of the Act defines "repeated" as "the commission or omission of [any] act more than once or, if such commission or omission is continuous, for more than one day." 47 U.S.C. § 312(f)(2). *See also Southern California*, 6 FCC Rcd at 4388 (applying this definition of repeated to Sections 312 and 503(b) of the Act).

¹² 47 C.F.R. § 73.3539; 47 U.S.C. § 301.

¹³ *See, e.g., KSOP, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 20950, 20952 (MB 2007) (issuing NAL in the amount of \$500 for translator station licensee's failure to timely file a license renewal application and for unauthorized operation of its station). *See also, Big Sky Owners Association, Inc.*, Forfeiture Order, 24 FCC Rcd 12215, 12217 (MB 2009) (same).

¹⁴ 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.283, 1.80.

¹⁵ 47 U.S.C. § 504(a).

Payment by overnight mail may be sent to U.S. Bank--Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank: TREAS NYC, BNF: FCC/ACV--27000001 and account number as expressed on the remittance instrument. If completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters "FORF" in block number 24A (payment type code).¹⁶ Licensee will also send electronic notification on the date said payment is made to Kelly.Donohue@fcc.gov and Alexander.Sanjenis@fcc.gov. Requests for payment of the full amount of the forfeiture under an installment plan should be sent to: Associate Managing Director-Financial Operations, Room 1-A625, 445 12th Street, S.W., Washington, D.C. 20554.¹⁷

7. IT IS FURTHER ORDERED, that a copy of this Forfeiture Order shall be sent by Certified Mail Return Receipt Requested, and by First Class Mail to, Eddie Floyd, 405 Apple Street, Reno, NV 89502 and to his contact representative, David D. Burns, Esq., Latham & Watkins LLP, 555 Eleventh Street, N.W., Suite 1000, Washington, D.C. 20004-1304.

FEDERAL COMMUNICATIONS COMMISSION

Peter H. Doyle
Chief, Audio Division
Media Bureau

¹⁶ See 47 C.F.R. § 1.1914.

¹⁷ *Id.*