

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

In the Matter of
Jay Peralta,
Corona, New York
File No. EB-FIELDNER-16-00022343
NAL/Acct. No.: 201732380002
FRN: 0026136218

FORFEITURE ORDER

Adopted: October 10, 2017

Released: October 11, 2017

By the Commission:

1. We impose a penalty of \$404,166 against Jay Peralta for operating a radio on frequencies licensed to the New York City Police Department (NYPD) without authorization from the Commission, maliciously interfering with NYPD officers' communications, and transmitting false distress calls. Through his actions, as he described them to the NYPD, Mr. Peralta has demonstrated not only a deliberate disregard for the Commission's authority and rules, but for the safety of NYPD officers and the public that they are called to serve and protect.

2. On September 26, 2016, Mr. Peralta admitted to NYPD officers that, on nine different occasions in 2016, he made unauthorized transmissions on frequencies that the Commission has licensed to the NYPD. On April 14, 2017, the Commission issued a Notice of Apparent Liability for Forfeiture (NAL) proposing a \$404,166 forfeiture against Mr. Peralta for willful and repeated violations of Sections 301, 333, and 325(a) of the Communications Act of 1934, as amended (Act), by operating a radio transmitter without a license, causing malicious interference to the NYPD's licensed operations, and transmitting false distress signals, respectively. Mr. Peralta has not filed a response to the NAL. Based on the information before us, we find no reason to cancel, withdraw, or reduce the proposed penalty, and we therefore assess the \$404,166 forfeiture the Commission previously proposed in the NAL.

3. Accordingly, IT IS ORDERED that, pursuant to Section 503(b) of the Act, and Sections 0.111, 0.204, 0.311, and 1.80 of the Commission's rules, Jay Peralta IS LIABLE FOR A MONETARY

1 The NAL includes a more complete discussion of the facts and history of this case and is incorporated herein by reference. Jay Peralta, Notice of Apparent Liability for Forfeiture, 32 FCC Rcd 3246, 3246-47, paras. 2-4 (2017).

2 47 U.S.C. § 301.

3 47 U.S.C. § 333.

4 47 U.S.C. § 325(a).

5 47 U.S.C. § 503(b).

6 47 CFR §§ 0.111, 0.204, 0.311, 1.80.

FORFEITURE in the amount of Four Hundred Four Thousand, One Hundred Sixty-Six Dollars (\$404,166) for willfully and repeatedly violating Sections 301, 333 and 325(a) of the Act.⁷

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.⁸ 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.⁹

5. Payment of the forfeiture must be made by check or similar instrument, or by wire transfer, and must include the NAL/Account Number and FRN referenced above. Jay Peralta shall send electronic notification of payment to NER-Response@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.¹⁰ 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.

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 20554.¹¹ 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 Jay Peralta at his address of record.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

⁷ 47 U.S.C. §§ 301, 333, 325(a).

⁸ 47 CFR § 1.80.

⁹ 47 U.S.C. § 504(a).

¹⁰ An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

¹¹ See 47 CFR § 1.1914.