

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

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| In the Matter of |) | |
| |) | |
| WTRI Holding, LLC |) | Facility ID No. 67755 |
| |) | NAL/Acct. No. MB-201441410019 |
| Licensee of Station WTRI(AM) |) | FRN: 0012801213 |
| Brunswick, Maryland |) | File No. BR-20110624ABD |

FORFEITURE ORDER

Adopted: January 27, 2015

Released: January 27, 2015

By the Chief, Audio Division, Media Bureau:

I. INTRODUCTION

1. In this Forfeiture Order, we issue a monetary forfeiture in the amount of five thousand dollars (\$5,000) to WTRI Holding, LLC (“Licensee”),¹ licensee of Station WTRI(AM), Brunswick, Maryland (“Station”), for willfully and repeatedly violating Section 73.1740 of the Commission’s Rules (“Rules”) by discontinuing operation of the Station without timely requesting special temporary authority (“STA”).²

II. BACKGROUND

2. On March 31, 2014, the Media Bureau (“Bureau”) issued a *Notice of Apparent Liability for Forfeiture* (“NAL”) in the amount of five thousand dollars (\$5,000) to Licensee for this violation.³ As noted in the NAL, Section 73.1740 of the Rules requires that stations adhere to minimum operating requirements and, pursuant to Section 73.1740(a)(4) of the Rules, if they are unable to do so for more than 30 days, they must request authorization to remain silent. The Bureau found that the Station was silent for over seven months without the required STA.⁴ Moreover, Licensee did not provide an explanation for its failure to timely request STA.

III. DISCUSSION

3. The forfeiture amount proposed in this case was assessed in accordance with Section 503(b) of the Communications Act of 1934, as amended (“Act”),⁵ Section 1.80 of the Rules,⁶ and the Commission’s *Forfeiture Policy Statement*.⁷ In assessing forfeitures, Section 503(b)(2)(E) of the Act

¹ On April 30, 2014, an involuntary transfer of control application was filed, identifying Roger H. Rafson as the court-appointed receiver of Licensee’s assets. See File No. BTC-20140430AAR. Accordingly, we are providing a copy of this Forfeiture Order to Mr. Rafson.

² See 47 C.F.R. §73.1740(a)(4).

³ *WTRI Holding, LLC*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 29 FCC Rcd 3236 (MB 2014).

⁴ *NAL*, 29 FCC Rcd at 3238.

⁵ 47 U.S.C. § 503(b).

⁶ 47 C.F.R. § 1.80.

⁷ *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).

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.⁸

4. We conclude that Licensee willfully⁹ and repeatedly¹⁰ violated Section 73.1740 of the Rules and that no circumstances warrant reduction or cancellation of the forfeiture. We will withhold grant of the renewal application until Licensee has completed payment of the forfeiture.

IV. ORDERING CLAUSES

5. IT IS 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,¹¹ that WTRI Holding, LLC, SHALL FORFEIT to the United States the sum of five thousand dollars (\$5,000) for willfully and repeatedly violating Section 73.1740 of the Commission's Rules.

6. Payment of the forfeiture must be made by a check or similar instrument, wire transfer or credit card and include the Account Number and FRN referenced in the caption above. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the Account Number in block number 23A (callsign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Licensee will also send electronic notification on the date said payment is made to Penelope Dade at Penelope.Dade@FCC.GOV and Alexander Sanjenis at Alexander.Sanjenis@FCC.GOV. 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

⁸ 47 U.S.C. § 503(b)(2)(E).

⁹ 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 (1991).

¹⁰ Section 312(f)(2) of the Act provides that "[t]he term 'repeated,' when used with reference to the commission or omission of any act, means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day." *See* 47 U.S.C. § 312(f)(2).

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

U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

7. IT IS FURTHER ORDERED that a copy of this Forfeiture Order shall be sent, by First Class and Certified Mail-Return Receipt Requested, to WTRI Holdings, LLC, 214 13th Avenue, Brunswick, MD 21716-1830, and to Roger H. Rafson, c/o Rosenberg Martin Greenberg, LLP, 25 S. Charles Street, 21st Floor, Baltimore, MD 21201.

FEDERAL COMMUNICATIONS COMMISSION

Peter H. Doyle
Chief, Audio Division
Media Bureau