

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

In the Matter of)	
)	File No.: EB-FIELDNER-15-00018541
Jose Luis Hernandez)	NAL/Acct. No.: 201632380001
)	FRN: 0025007683
Passaic, New Jersey)	

FORFEITURE ORDER

Adopted: May 26, 2016

Released: May 26, 2016

By the Regional Director, Region 1, Enforcement Bureau:

1. We impose a penalty of \$10,000 against Jose Luis Hernandez for operating a pirate radio station in Passaic, New Jersey. The Commission warned Mr. Hernandez in writing that pirate operations are illegal. The fact the Mr. Hernandez would ignore the Commission's warnings demonstrates a deliberate disregard for the Commission's authority and its rules, warranting a significant penalty.

2. On October 30, 2015, the Enforcement Bureau's New York Office issued a Notice of Apparent Liability for Forfeiture (*NAL*) in the amount of \$10,000 to Mr. Hernandez¹ for willful and repeated violation of Section 301 of the Communications Act of 1934, as amended (Act)² for operating an unlicensed radio transmitter on 95.9 MHz in Passaic, New Jersey. Mr. Hernandez 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,³ and Sections 0.111, 0.204, 0.311, and 1.80(f)(4) of the Commission's rules (Rules),⁴ Jose Luis Hernandez **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of ten thousand dollars (\$10,000) for violations of Section 301 of the Act.⁵

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.⁶ 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.⁷ Jose Luis Hernandez shall send electronic notification of payment to *NER-Response@fcc.gov* on the date said payment is made. The payment must be made by check or similar instrument, wire transfer, or credit card, and must include the *NAL/Account Number* and *FRN* referenced above. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.⁸ When completing the FCC Form 159, enter the

¹ *Jose Luis Hernandez*, Notice of Apparent Liability for Forfeiture, 30 FCC Rcd 11673 (Enf. Bur. 2015)

² 47 U.S.C. § 301.

³ 47 U.S.C. § 503(b).

⁴ 47 C.F.R. §§ 0.111, 0.204, 0.311, 1.80(f)(4).

⁵ 47 U.S.C. § 301.

⁶ 47 C.F.R. § 1.80.

⁷ 47 U.S.C. § 504(a).

⁸ An FCC Form 159 and detailed instructions for completing the form may be obtained at

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 you should follow based on the form of payment you select:

- 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.

5. 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, S.W., Room 1-A625, Washington, D.C. 20554.⁹ If you have questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

6. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by both First Class Mail and Certified Mail, Return Receipt Requested, to Jose Luis Hernandez at his address of record.

FEDERAL COMMUNICATIONS COMMISSION

David C. Dombrowski
Regional Director
Region 1
Enforcement Bureau

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<http://www.fcc.gov/Forms/Form159/159.pdf>

⁹ See 47 C.F.R. § 1.1914.