

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

In the Matter of)
Joao Vieira) File No.: EB-FIELDNER-23-00035360
Brockton, Massachusetts) NAL/Acct No.: 202432010008
) FRN: 0035338326
)

FORFEITURE ORDER

Adopted: December 11, 2024

Released: December 13, 2024

By the Commission: Chairwoman Rosenworcel issuing a statement; Commissioner Simington dissenting.

1. We impose a penalty of \$40,000 against Joao Vieira (Vieira), for operating an unauthorized radio station on 102.1 MHz in Brockton, Massachusetts. Vieira has engaged in the longstanding illicit operation of an unauthorized radio station known as "Brockton FM." Operating an unauthorized, or pirate, radio station is illegal under the Communications Act of 1934, as amended (Communications Act or Act),1 and undermines the primary mission of the Federal Communications Commission (FCC or Commission) to manage radio spectrum. Such illegal operations can interfere with licensed communications, including authorized broadcasts and communications by public safety entities. Moreover, such illegal operations pose a danger to the public because they interfere with licensed stations that inform their listeners of important public safety messages, including Emergency Alert System transmissions that provide vital information regarding weather and other dangers to the public.2

2. On April 26, 2024, the Commission issued a Notice of Apparent Liability for Forfeiture proposing a \$40,000 forfeiture against Vieira for willful and knowing violations of section 511 of the Act by engaging in pirate radio broadcasting on June 6, 2023, and July 12, 2023.3 Vieira has not filed a response to the NAL.4 We incorporate by reference herein, affirm, and adopt as final all of our tentative findings of fact and conclusions of law set forth in the NAL and affirm the forfeiture proposed in the NAL.5

3. Accordingly, IT IS ORDERED that, pursuant to section 511 of the Act, 47 U.S.C. § 511, and section 1.80 of the Commission's rules, 47 CFR § 1.80, Joao Vieira is LIABLE FOR A MONETARY FORFEITURE in the amount of forty thousand dollars (\$40,000) for willfully and knowingly violating section 511 of the Act.

4. Payment of the forfeiture shall be made in the manner provided for in section 1.80 of the Commission's rules, 47 CFR § 1.80, within thirty (30) calendar days after the release of this Forfeiture

1 47 U.S.C. § 511.

2 See Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System, Report and Order, PS Docket No. 15-94, FCC 22-75, para. 3 (rel. Sept. 30, 2022).

3 See Joao Vieira, Brockton, Massachusetts, Notice of Apparent Liability for Forfeiture, FCC 24-49, 2024 WL 1960726 (Apr. 26, 2024) (NAL); 47 U.S.C. § 511. The NAL includes a more complete discussion of the facts and history of this case and is incorporated herein by reference.

4 On April 26, 2024, a copy of the NAL was sent to Joao Vieira by first class mail and certified mail, return receipt requested. The certified mailing was claimed, and the first class mail was not returned.

5 Any entity that is a "Small Business Concern" as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. § 657, "Oversight of Regulatory Enforcement," in addition to other rights set forth herein.

Order. Vieira shall send electronic notification of payment to the Office of the Field Director, Enforcement Bureau, Federal Communications Commission, at field@fcc.gov on the date said payment is made. 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, 47 U.S.C. § 504(a).

5. In order for Joao Vieira to pay the proposed forfeiture, Joao Vieira shall notify the Office of the Field Director at field@fcc.gov of his intent to pay, whereupon an invoice will be posted in the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. Payment of the forfeiture must be made by credit card using CORES at <https://apps.fcc.gov/cores/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. The Commission no longer accepts forfeiture payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:⁶

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters "FORF." In addition, a completed Form 159⁷ or printed CORES form⁸ must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, enter the Account Number in block number 23A (call sign/other ID), enter the letters "FORF" in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).⁹ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Manage Existing FRNs | FRN Financial | Bills & Fees" from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the "Open Bills" tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment, choose the "Pay by Credit Card" option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Manage Existing FRNs | FRN Financial | Bills & Fees" on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the "Open Bills" tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). Finally, choose the "Pay from Bank Account" option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from

⁶ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6).

⁷ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

⁸ Information completed using the Commission's Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

⁹ Instructions for completing the form may be obtained <http://www.fcc.gov/Forms/Form159/159.pdf>.

which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

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, 45 L Street NE, Washington, D.C. 20554. 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 Joao Vieira at {[]} Sheppard Avenue, Brockton, Massachusetts 02301.¹⁰

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

¹⁰ Material that is set off by double brackets {[]} is confidential and is redacted from the public version of this document.

**STATEMENT OF
CHAIRWOMAN JESSICA ROSENWORCEL**

Re: *In the Matter of Renold David, Brockton, Massachusetts*, Forfeiture Order, File No.: EB-FIELDSCR-23-00035352; *In the Matter of Joao Vieira, Brockton, Massachusetts*, Forfeiture Order, File No.: EB-FIELDNER-23-00035360; *In the Matter of Djovany Pierre and Mario Turner, Brockton, Massachusetts*, Forfeiture Order, File No.: EB-FIELDSCR-23-00035362 (December 11, 2024).

At the Federal Communications Commission, we are stewards of the public airwaves. We help ensure that this vital resource is broadly available and free from harmful interference. And for those who fail to follow the rules, there are consequences.

The three enforcement actions we announce today reinforce this fact. They also demonstrate our continued work to honor the responsibilities we have under the PIRATE Act.

I have consistently put these actions on the monthly agenda because I think they are a way to honor the work of FCC staff in the field. These investigations involve agents in small FCC offices around the country. But the work they do is a big deal because when our personnel are out and about they help protect the public airwaves that we count on for so much in modern life. The same goes for our emergency response teams who deploy after disasters to do a front-to-back assessment of the state of communications. I saw their efforts first hand in North Carolina after Hurricane Helene and they are nothing short of heroic. These aspects of our field work also often go unnoticed. I am glad that we have been able to shine a spotlight on them and honor our field staff in small ways like we do here today.

For safety purposes, we do not name the individuals from our field offices responsible for these investigations. But we thank them as well as staff in Washington who took up their work and converted it to action, including David Dombrowski, Matthew Gibson, Peter Hyun, Robert Kincaid, Jeremy Marcus, David Marks, Erica McMahon, and Michael Rhodes from the Enforcement Bureau; and Bill Dever and David Konczal from the Office of General Counsel.