



NEWS

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See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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RAYON SHERWIN “JUNIOR” PAYNE SENTENCED TO PRISON FOR UNLICENSED RADIO OPERATION

Washington, D.C. - Today, the Federal Communications Commission (FCC) announced that, in the United States Middle District of Florida, Orlando Division, United States Magistrate, Honorable David A. Baker sentenced Rayon Sherwin “Junior” Payne to 9 months imprisonment, followed by one year supervised release during which time he must perform 50 hours of community service. Payne was charged with multiple counts of operating an unlicensed FM radio facility, in violation of Title 47, United States Code, Section 301. He pleaded guilty to two of the counts before Magistrate Judge Baker.

The conditions of supervised release stipulate that Payne must not violate any Federal, State or Local laws, including Section 301 of the Communications Act of 1934, as amended. The case was prosecuted by the United States Attorney’s Office, Middle District of Florida, Orlando Division.

The conviction and subsequent sentencing is the result of an investigation that began in February of 1999. The Commission’s Tampa Florida Office received complaints from residents and broadcasters in the Orlando, Florida area of interference to the reception of licensed broadcast stations in the area. Payne pled guilty to two counts of unlicensed radio operation and agreed to forfeit all equipment used in connection with the unlicensed operation in February of 2003.

The operation of an unlicensed broadcast station is a violation of Section 301 of the Communications Act of 1934, as amended. Operators of unlicensed stations may be subject to civil monetary penalties of up to \$11,000 per single violation or per day of a continuing violation not to exceed \$87,500 for continuing violations. In addition, unlicensed operators may be subject to criminal sanctions, including a maximum \$100,000 fine and up to one year imprisonment for a first offense.

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