

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

In the Matter of)	
)	
Accessory Connection, Inc.)	
c/o Jon Hannan, Jr.)	File No. EB-02-TP-249
1205 Dewar Court)	NAL/Acct. No. 200232700019
Palm Bay, Florida 32905)	FRN 0007-3078-12

MEMORANDUM OPINION AND ORDER

Adopted: May 5, 2004

Released: May 7, 2004

By the Chief, Enforcement Bureau:

1. In this *Memorandum Opinion and Order* (“Order”), we grant the petition for reconsideration of the *Forfeiture Order*¹ issued against Accessory Connection, Inc. (“Accessory”).² The *Forfeiture Order* found that Accessory operated unauthorized and non-compliant radio transmission equipment in willful and repeated violation of Sections 301 and 302(b) of the Communications Act of 1934, as amended (“Act”),³ and imposed a monetary forfeiture in the amount of twenty thousand dollars (\$20,000) against Accessory.

2. In 2002, the Commission’s Tampa, Florida Office (“Tampa Office”) responded to complaints that an authorized cellular radio site located in Jensen Beach, Florida was experiencing interference from Accessory’s cellular antenna light display unit (“display unit”) at a retail kiosk located in the Treasure Coast Square Mall, Jensen Beach, Florida. The Tampa Office investigated, conducted on-site inspections of Accessory’s display unit, used field strength measurements, and confirmed that the display unit was causing interference. The Tampa Office’s investigation resulted in the issuance of a Citation/Warning on April 30, 2002,⁴ a Citation on May 22, 2002,⁵ and ultimately the

¹ *Accessory Connection, Inc. c/o Jon Hannan Jr.*, 18 FCC Rcd 1550 (Enf. Bur. 2003) (“*Forfeiture Order*”).

² See Letter from Jon R. Hannan, Jr., President, Accessory, Inc. to Federal Communications Commission, Office of Secretary (dated February 25, 2003).

³ 47 U.S.C. §§ 301, 302(b).

⁴ Citation/Warning of Unlicensed Radio Operation (Enf. Bur., Tampa Office, issued on site, April 30, 2002) (hand-delivered to Amanda Rodgers, Accessory sales representative) (advising that display unit, which generated radiofrequency radiation, was causing harmful interference to Commission licensed cellular operations, and was neither authorized by nor in compliance with the Commission’s Part 15 equipment authorization provisions, and ordering that the unit’s unlicensed operation be terminated).

⁵ Citation (Enf. Bur., Tampa Office, sent by certified mail, May 22, 2002) (advising that the operation of the radio transmitting display unit violated Section 302(b) of the Act because it was not Commission authorized or compliant, and may violate Section 301 because it was not Commission licensed, and that such operation may result in the imposition of monetary fines).

release of a *Notice of Apparent Liability* on August 5, 2002.⁶ The *NAL* found that Accessory apparently willfully and repeatedly violated Section 301 of the Act, by operating radio transmission equipment without Commission authorization, and Section 302(b) of the Act, by operating a radio frequency device that was not Commission certified, exceeded permissible radiation limits, and caused harmful interference. The *NAL* upwardly adjusted the \$10,000 base forfeiture amount and proposed a \$20,000 forfeiture, because Accessory's operations caused harmful interference and Accessory had been issued prior citations.

3. On February 6, 2003, the Enforcement Bureau ("Bureau") released a *Forfeiture Order*,⁷ having no record of receiving a response to the *NAL*. Accessory filed a petition for reconsideration on March 5, 2003,⁸ and supplemented its filing on April 27, 2004.⁹ In its supplemental filing, Accessory claims, and the Florida State public records confirm, that Accessory was dissolved on September 19, 2003, and its status was "inactive." Given that the company has been dissolved, and that neither it nor its principals holds Commission authorizations, we believe that cancellation of the \$20,000 *Forfeiture Order* is appropriate. Consistent with the discretion accorded to us under 503(b)(2)(D) of the Act,¹⁰ and implemented by Section 1.80(i) of the Rules,¹¹ as well as recent precedent,¹² we therefore are canceling the \$20,000 forfeiture.

4. Accordingly, **IT IS ORDERED** that, pursuant to Sections 405 and 504(b) of the Act¹³ and Sections 1.106 and 1.80(i) of the Rules,¹⁴ the Petition for Reconsideration filed by Accessory Connection, Inc. of the Bureau's February 6, 2003 *Forfeiture Order* for NAL/Acct. No. 200232700019 **IS GRANTED** and the \$20,000 forfeiture issued to Accessory Connection, Inc. **IS CANCELLED**.

⁶ *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200232700019 (Enf. Bur., Tampa Office, August 5, 2002) ("*NAL*").

⁷ See note 1, *supra*.

⁸ See note 2, *supra*. In its petition, Accessory did not dispute that it operated unauthorized and non-compliant radio transmitting equipment, but sought cancellation or reduction of the forfeiture based upon its lack of knowledge that employees were operating the equipment, its subsequent remedial efforts, and its inability to pay. Given our disposition herein, we need not address Accessory's claims.

⁹ See Facsimile from Jon R. Hannan, Jr. to Holly Berland, Federal Communications Commission, Enforcement Bureau, Spectrum Enforcement Division (April 27, 2004).

¹⁰ 47 U.S.C. § 503(b)(2)(D).

¹¹ 47 C.F.R. § 1.80(i).

¹² See *Grass Roots Broadcasting, LLC*, DA 04-602 (Enf. Bur. March 5, 2004); *Madison Broadcasting Group, Inc.*, 18 FCC Rcd 4860 (Enf. Bur. 2003).

¹³ 47 U.S.C. §§ 405 and 504(b).

¹⁴ 47 C.F.R. §§ 1.106 and 1.80.

5. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by First Class and Certified Mail Return Receipt Requested to Accessory Connection, Inc., c/o Jon Hannan, Jr., 1205 Dewar Court, Palm Bay, Florida 32905.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau