

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

<b>In the Matter of</b>	)	<b>File No.: EB-01-DL-512</b>
	)	
<b>David Edwin Merrell</b>	)	<b>NAL/Acct. No. 200132500002</b>
	)	
<b>Wichita Falls, Texas</b>	)	<b>FRN 0005-0709-74</b>

**FORFEITURE ORDER**

**Adopted: December 20, 2001**

**Released: December 26, 2001**

By the Chief, Enforcement Bureau:

1. In this *Forfeiture Order* (“*Order*”), we issue a monetary forfeiture in the amount of ten thousand dollars (\$10,000) against David Edwin Merrell (“*Merrell*”) for willful violation of Section 301 of the Communications Act of 1934 (“*Act*”), as amended.<sup>1</sup> The noted violation involves Merrell’s operation of a radio station on an amateur frequency without a license.

2. On September 10, 2001, the Commission’s Dallas, Texas, Office issued a *Notice of Apparent Liability for Forfeiture* in the amount of \$10,000 to Merrell.<sup>2</sup> Merrell has not filed a response. Based on the information before us, we affirm the forfeiture.

3. **ACCORDINGLY, IT IS ORDERED THAT**, pursuant to Section 503(b) of the Act,<sup>3</sup> and Sections 0.111, 0.311 and 1.80(f)(4) of the Commission’s Rules,<sup>4</sup> Merrell **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$10,000 for violating Section 301 and 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<sup>5</sup> within 30 days of the release of this *Order*. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.<sup>6</sup> Payment may be made by mailing a check or similar instrument, payable to the order of the “Federal Communications Commission,” to the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note “NAL/Acct. No. 200132980001” and “FRN 0005-0709-74,” referenced above. Requests for full payment under an installment plan should be sent to: Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.<sup>7</sup>

<sup>1</sup> 47 U.S.C. §§ 301 and 303(n).

<sup>2</sup> *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200132500002 (Enf. Bur., Dallas Office, released September 10, 2001).

<sup>3</sup> 47 U.S.C. § 503(b).

<sup>4</sup> 47 C.F.R. §§ 0.111, 0.311 and 1.80(f)(4).

<sup>5</sup> 47 C.F.R. § 1.80.

<sup>6</sup> 47 U.S.C. § 504(a).

<sup>7</sup> See 47 C.F.R. § 1.1914.

5. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by Certified Mail -- Return Receipt Requested -- to David Edwin Merrell at 704 Ross Avenue, Wichita Falls, Texas 76306.

**FEDERAL COMMUNICATIONS COMMISSION**

David H. Solomon  
Chief, Enforcement Bureau