

## Enforcement Bureau Cracks Down on Properties Allowing Pirate Radio

On December 18, the Federal Communications Commission's ("FCC" or the "Commission") Enforcement Bureau released [three Notices of](#) Illegal Pirate Radio Broadcasting to multiple New York City-based property managers for housing an unlicensed radio broadcasting operation. In conjunction with the notices, the FCC issued an [Order](#) – without the typical notice and comment procedures – implementing the Preventing Illegal Radio Abuse Through Enforcement Act ("PIRATE Act") and specifying the new elements of this enforcement regime.

Under the "[PIRATE](#) Act", the FCC is able to levy fines of \$10,000 a day, up to \$2,000,000 total (much higher than previously allowed) on landlords and property managers who ignore or help facilitate pirate radio efforts. Additionally, the FCC will no longer go through the trouble of first issuing a "Notice of Unlicensed Operation," which is like the police calling a criminal to say they will be there in a couple of hours to investigate a possible crime. Now the FCC will assume a violation and propose the penalty out of the gate. In these cases, however, the FCC is giving the property managers 10 days to respond to the notice with evidence of the station's removal. One last note for these third parties: don't think you can play the "sovereign citizen" card to get out of liability; pirate broadcasters have [tried something like that before](#) and it doesn't work.



### Now Available: NETA Webinar Series

Over the last few weeks, attorneys Bob Winteringham, Dan Kirkpatrick, and Frank Montero have presented a series of compliance webinars for the National Education Telecommunications Association as a part of their course entitled "Navigating Common Compliance Matter," which covered important compliance topics for broadcast stations.

Those webinar topics include:

- Corporation for Public Broadcasting compliance
- Navigating the Online Public File
- Equal Employment Opportunity compliance
- Underwriting Rules
- How to Design a Compliance Program

These are extremely helpful educational videos for any public media organization. You can enroll for the free course and watch the webinars [here](#).

## Davina Sashkin Elected Co-Managing Member of Fletcher, Heald & Hildreth

We are pleased to announce that Davina Sashkin has been elected to serve as as Co-Managing Member of the Firm effective January 1, 2021. Ms. Sashkin joins current Co-Managing Members Matthew H. McCormick and Dan A. Kirkpatrick in overseeing the Firm's strategic vision and day-to-day operations. She will continue to serve in her role as Chair of the Firm's Marketing Committee.

Since the joining the firm in 2008, Ms. Sashkin has counseled a wide array of clients on broadcast and telecommunications regulations and compliance matters, and is known for her ability to handle complex commercial transactions among FCC-regulated businesses. In addition to her client work, Ms. Sashkin is actively engaged in pro bono work, including serving as pro bono counsel for incarcerated individuals fighting for just and reasonable phone rates, and most recently, was instrumental in blocking the merger of two inmate calling services giants in 2019.



Ms. Sashkin is a frequent author and contributor of [CommLawBlog](#) and her writings have garnered national attention, earning her a *LexBlog Excellence Award*. She is also an active member of the Federal Communications Bar Association, having served on numerous committees and as an FCBA Foundation Trustee.

"I am honored to join the management team and proud to build on the Firm's solid foundation of nearly 100 years of broadcast and telecommunications experience," said Ms. Sashkin. "I am excited to help lead FHH into the future."

Ms. Sashkin holds a J.D. from the Catholic University of America Columbus School of Law, an M.A. from Georgetown University's Communication, Culture & Technology program, and a B.A. from George Washington University.

## Upcoming FCC Broadcast Deadlines

### Broadcast Deadlines:

#### **February 1, 2021**

*Radio License Renewal Applications Due* – Applications for renewal of license for radio stations located in Kansas, Nebraska, and Oklahoma must be filed in the Licensing and Management System (LMS). These applications must be accompanied by Schedule 396, the Broadcast Equal Employment Opportunity (“EEO”) Program Report, also filed in LMS, regardless of the number of full-time employees. Under the new public notice rules, radio stations filing renewal applications must begin broadcasts of their post-filing announcements concerning their license renewal applications between the date the application is accepted for filing and five business days thereafter and must continue for a period of four weeks. Once complete, a certification of broadcast, with a copy of the announcement’s text, must be posted to the OPIF.



*Television License Renewal Applications Due* – Applications for renewal of license for television stations located in Arkansas, Louisiana, and Mississippi must be filed in LMS. These applications must be accompanied by Schedule 396, the Broadcast EEO Program Report, also filed in LMS, regardless of the number of full-time employees. Under the new public notice rules, radio stations filing renewal applications must begin broadcasts of their post-filing announcements concerning their license renewal applications between the date the application is accepted for filing and five business days thereafter and must continue for a period of four weeks. Once complete, a certification of broadcast, with a copy of the announcement’s text, must be posted to the OPIF within seven days.

*EEO Public File Reports* – All radio and television station employment units with five or more full-time employees and located in Arkansas, Kansas, Louisiana, Mississippi, Nebraska, New Jersey, New York, and Oklahoma must place EEO Public File Reports in their OPIFs. For all stations with websites, the report must be posted there as well. Per announced FCC policy, the reporting period may end ten days before the report is due, and the reporting period for the next year will begin on the following day.

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