

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

In the Matter of)	
)	
William L. Needham and Lucille Needham)	File No. EB-02-KC-198
Owners of Antenna Structure No. 1064409)	NAL/Acct. No. 200232560008
Osage Beach, Missouri)	FRN: 0007-1278-06

MEMORANDUM OPINION AND ORDER

Adopted: May 5, 2004

Released: May 7, 2004

By the Chief: Enforcement Bureau

1. By this *Memorandum Opinion and Order* (“*Order*”), we grant, to the extent noted, the petition for reconsideration of the *Forfeiture Order*¹ filed by William L. Needham and Lucille Needham (the “Needhams”), owners of Antenna Structure No. 1064409, Osage Beach, Missouri.² The *Forfeiture Order* imposed a monetary forfeiture in the amount of ten thousand dollars (\$10,000) against the Needhams for willful violation of the painting requirements of Section 17.50 of the Commission’s Rules (“Rules”).

2. In their petition for reconsideration, the Needhams represent that they are “both over 70 and do not work” and that their “income has been below the poverty level for several years.”³ They claim that payment of the forfeiture would constitute an “[un]reasonable levy.”⁴ In support of this claim, the Needhams provide federal tax returns for 2000, 2001 and 2002.

3. After reviewing the Needham’s inability to pay claim and supporting documentation, we conclude that the assessed \$10,000 forfeiture would pose a financial hardship. We therefore conclude that cancellation of the forfeiture is warranted based on the Needham’s inability to pay.⁵

4. Accordingly, **IT IS ORDERED** that, pursuant to Sections 405, 503(b)(2)(d) and 504(b) of the Communications Act of 1934, as amended, and Sections 1.80(i) and 1.106 of the Rules, the Needham’s petition for reconsideration **IS GRANTED TO THE EXTENT NOTED HEREIN**.

¹ *William L. Needham and Lucille Needham*, 18 FCC Rcd 5221 (Enf. Bur. 2003).

² See Petition for Reconsideration (April 21, 2003) (“Petition”).

³ *Id.* at 2. Given our disposition herein, we need not address the petitioners’ other arguments.

⁴ *Id.*

⁵ See, e.g., *Thomas A. Brothers*, 17 FCC Rcd 26125 (Enf. Bur. 2002); *Jeffrey Alan Pettrey*, 16 FCC Rcd 22088 (Enf. Bur. 2001).

5. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by First Class and Certified Mail Return Receipt Requested to William L. and Lucille Needham, 1090 Bluff Drive, Osage Beach, Missouri 65065.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau