

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

In the Matter of)	
)	Facility ID No. 15670
World Overcomers Outreach Ministries)	NAL/Acct. No. MB20041810115
)	FRN: 0010948313
Licensee of Station WLRM(AM))	File No. BR-20040520AIW
Millington, Tennessee)	

FORFEITURE ORDER

Adopted: January 22, 2009

Released: January 23, 2009

By the Chief, Audio Division, Media Bureau:

I. INTRODUCTION

1. In this Forfeiture Order (“Order”), we issue a monetary forfeiture in the amount of nine thousand dollars (\$9,000), to World Overcomers Outreach Ministries (“Licensee”), licensee of Station WLRM(AM), Millington, Tennessee (“Station”), for its willful and repeated violation of Section 73.3526 of the Commission’s Rules (“Rules”)¹ by failing to properly maintain a public file for the Station.

II. BACKGROUND

2. On December 22, 2004, the Bureau issued a Notice of Apparent Liability for Forfeiture (“NAL”) in the amount of nine thousand dollars (\$9,000) to Licensee for this violation.² Licensee filed a Request for Reduction of Proposed Forfeiture (“Request”) on January 12, 2005.

3. On May 20, 2004, Licensee filed an application to renew the license of the Station. Section III, Item 3 of the license renewal application form, FCC Form 303-S, requests that the licensee certify that the documentation required by Section 73.3526 or 73.3527 of the Rules, as applicable, has been placed in the station’s public inspection file at the appropriate times. Licensee indicated “No” to that certification, attaching an exhibit explaining that the issues/programs lists from the first quarter of 1998 through the second quarter of 2003 were not in the Station’s public files. On December 22, 2004, the staff advised Licensee of its apparent liability for a forfeiture of \$9,000 for willfully and repeatedly violating Section 73.3526 of the Rules, based on the fact that, by its admission, over five years’ worth of issues/programs lists were missing from the Station’s public inspection file between 1998 and 2003.³ In response, Licensee filed the subject Request.

4. In support of its Request, Licensee states that a cancellation of the forfeiture is warranted because: (1) the Station has been assigned and Licensee no longer owns any broadcast stations; and (2) the forfeiture amount assessed against it is in excess of those imposed on other licensees for violations similar to or more serious than Licensee’s violation. Licensee asserts these reasons warrant a cancellation or reduction of the assessed forfeiture.

¹ 47 C.F.R. § 73.3539.

² *Letter to Alton R. Williams from Peter Doyle*, reference 1800B3-MAT (MB Dec. 22, 2004).

³ The Commission granted the above-referenced license renewal application on December 22, 2004.

III. DISCUSSION

5. The forfeiture amount proposed in this case was assessed in accordance with Section 503(b) of the Act,⁴ Section 1.80 of the Rules,⁵ and the Commission's *Forfeiture Policy Statement*.⁶ In assessing forfeitures, Section 503(b)(2)(E) of the Act requires that we take into account the nature, circumstances, extent and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.⁷

6. Licensee first argues that it should be relieved of liability because it no longer owns the Station.⁸ We disagree. A licensee is liable for forfeiture for those violations occurring when the station was under its stewardship.⁹

7. Licensee further argues that we should reduce the forfeiture because the forfeiture amount is inconsistent with that issued to licensees in similar situations. Again, we disagree. It is undisputed that Licensee's public files were incomplete for over five years, missing issues/programs lists from the first quarter of 1998 through the second quarter of 2003. The \$9,000 forfeiture issued to the Station is consistent with prior forfeitures for similar violations.¹⁰

8. Finally, we reject Licensee's argument that the forfeiture should be reduced or cancelled because the forfeiture amount is out of proportion with the seriousness of the violation. Specifically, Licensee argues that issues/programs lists serve no useful purpose because "the public has no interest whatsoever in the content of radio station issues and programs lists."¹¹ Accordingly, Licensee argues that failure to place issues/programs lists in a public file "is no more serious than and should be treated as a mere 'failure to maintain required records' for which the [g]uidelines specify a \$1,000 forfeiture."¹²

⁴ 47 U.S.C. § 503(b).

⁵ 47 C.F.R. § 1.80.

⁶ *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997), *recon. denied*, 15 FCC Rcd 303 (1999).

⁷ 47 U.S.C. § 503(b)(2)(E).

⁸ See FCC File No. BAL-20041109AAD, granted Dec. 28, 2004.

⁹ See, e.g., *Broadcast Entertainment Corporation*, Memorandum Opinion and Order, 23 FCC Rcd 5431, 5432 ¶ 4 (Enf. Bur. 2008) (finding that sale of a station is not a basis for cancelling a proposed forfeiture); *Vista Point Communications, Inc.*, Memorandum Opinion and Order and Forfeiture Order, 14 FCC Rcd 140 ¶ 1 n.2 (MMB 1999) (finding licensee liable for forfeiture for violations of the Commission's rules that took place when station was under its stewardship); *Petition for Reconsideration Concerning Liability of First Media of Monterey, Inc.*, Memorandum Opinion and Order, 7 FCC Rcd 4589 ¶ 3 (MMB 1992) (finding that, although license was assigned to another party, assignor is still liable for forfeiture because it owned the station during the period the violation occurred).

¹⁰ See *Phoenix Broadcasting Group, Inc.*, Forfeiture Order, 23 FCC Rcd 10927 (MB 2008) citing *Faith Baptist Church, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 9146 n.14 (MB 2007) (\$10,000 forfeiture issued for eleven missing issues/programs lists); *Geneva Broadcasting, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 21 FCC Rcd 10642 (MB 2006) (same); *WGSO, L.L.C.*, Forfeiture Order, 2008 WL 4403051, (MB 2008) (\$10,000 forfeiture issued for 10 missing issues/programs lists).

¹¹ Request at 3.

¹² *Id.*

9. As we discussed at length in *Faith Christian Music Broadcast Ministries*,¹³ issues/programs lists provide both the Commission and the listening public with important information regarding the extent to which a station has met the needs and interests of its community during the prior license term, and therefore, whether license renewal is warranted.¹⁴ The rule also is designed to facilitate the airing of programming responsive to community needs.¹⁵ As such, these requirements are integral components of a licensee's obligation to serve the public interest and meet its community service obligations.¹⁶ The harm, inability to provide full information to the public, exists whether or not a member of the public requests to inspect the public inspection file.¹⁷ Given these considerations, we find that the forfeiture amount set forth in the *Forfeiture Policy Statement* for public file violations to be appropriate.

10. We have considered Licensee's response to the NAL in light of the above statutory factors, our Rules, and the *Forfeiture Policy Statement*. We conclude that Licensee willfully¹⁸ and repeatedly¹⁹ violated Section 73.3526 of the Rules. We find that there is no basis for reduction of the proposed monetary forfeiture.

IV. ORDERING CLAUSES

11. Accordingly, IT IS ORDERED, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Sections 0.283 and 1.80 of the Commission's Rules,²⁰ that World Overcomers Outreach Ministries, SHALL FORFEIT to the United States the sum of \$9,000 for willfully and repeatedly violating Section 73.3526 of the Commission's Rules.

12. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Commission's Rules within 30 days of the release of this Forfeiture 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.²¹ Payment of the proposed forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Acct. No. and FRN No. referenced in the caption above. Payment by check or money order may be mailed to Federal Communications Commission, at P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank—Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number

¹³ *Faith Christian Music Broadcast Ministries, Inc.*, Forfeiture Order, 20 FCC Rcd 19051, 19053. (2005).

¹⁴ See *Sun Valley Radio, Inc.*, Forfeiture Order, DA 08-2426, 2008 WL 4758843 at ¶ 8 (MB Oct. 2008) (“*Sun Valley*”), citing *Normandy Broadcasting Corp. and Lawrence N. Brandt*, Initial Decision, 8 FCC Rcd 1, 14 (1992).

¹⁵ See *Sun Valley* at ¶ 8 (citing *Forfeiture Policy Statement*, 12 FCC Rcd at 17104-05 ¶ 39).

¹⁶ See *id.* (citing 47 U.S.C. § 307(a)).

¹⁷ *Wilson Broadcasting, Inc.*, Forfeiture Order, 22 FCC Rcd 15963 (EB 2007).

¹⁸ Section 312(f)(1) of the Act defines “willful” as “the conscious and deliberate commission or omission of [any] act, irrespective of any intent to violate” the law. 47 U.S.C. § 312(f)(1). The legislative history of Section 312(f)(1) of the Act clarifies that this definition of willful applies to Sections 312 and 503(b) of the Act, H.R. REP. No. 97-765, 51 (Conf. Rep.), and the Commission has so interpreted the terms in the Section 503(b) context. See *Southern California*, 6 FCC Rcd at 4387-88.

¹⁹ Section 312(f)(1) of the Act defines “repeated” as “the commission or omission of [any] act more than once or, if such commission or omission is continuous, for more than one day.” 47 U.S.C. § 312(f)(1). See also *Southern California*, 6 FCC Rcd at 4388 (applying this definition of repeated to Sections 312 and 503(b) of the Act).

²⁰ 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.283, 1.80.

²¹ 47 U.S.C. § 504(a).

021030004, receiving bank: TREAS NYC, BNF: FCC/ACV--27000001 and account number as expressed on the remittance instrument. If completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters "FORF" in block number 24A (payment type code).²²

13. IT IS FURTHER ORDERED, that copies of this Forfeiture Order shall be sent by Certified Mail Return Receipt Requested and by First Class Mail, to: World Overcomers Outreach Ministries, Alton R. Williams, President, 2124 E. Holmes Road, Memphis, Tennessee 38116, and to its counsel, Robin H. Rasmussen, Esq., Apperson, Crump & Maxwell, PLC, 6000 Poplar Avenue, Suite 400, Memphis, Tennessee 38119-3972.

FEDERAL COMMUNICATIONS COMMISSION

Peter H. Doyle
Chief, Audio Division
Media Bureau

²² See 47 C.F.R. § 1.1914.