

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

In the Matter of	)	
	)	Facility ID No. 134741
<b>Meadowland Baptist Church</b>	)	NAL/Acct. No. MB-20074141003
	)	FRN: 0008941122
Licensee of Low Power FM Station WBLG-LP	)	File No. BRL-20040601ACJ
Bowling Green, Kentucky	)	

**FORFEITURE ORDER**

**Adopted: October 8, 2009**

**Released: October 9, 2009**

By the Chief, Audio Division, Media Bureau:

**I. INTRODUCTION**

1. In this Forfeiture Order we issue a monetary forfeiture in the amount of two hundred and fifty dollars (\$250) to Meadowland Baptist Church (“Meadowland”), licensee of Low Power FM (“LPFM”) Station WBLG-LP, Bowling Green, Kentucky (the “Station”), for its willful violation of Section 73.3539 of the Commission’s Rules (“Rules”)<sup>1</sup> by failing to timely file a license renewal application for the Station.

**II. BACKGROUND**

2. On January 30, 2007, the Bureau issued a Notice of Apparent Liability for Forfeiture (“NAL”) in the amount of one thousand five hundred dollars (\$1,500) to Meadowland for this violation.<sup>2</sup> In response to the NAL, Meadowland submitted a letter (“Letter”) on February 20, 2007.

3. As noted in the NAL, Meadowland’s renewal application for the Station’s current license term was due on April 1, 2004, four months prior to the August 1, 2004, expiration date.<sup>3</sup> Meadowland did not file the application until June 1, 2004, and provided no explanation for the untimely filing of the renewal application. On January 30, 2007, the staff advised Meadowland of its apparent liability for a forfeiture of \$1,500 for willfully violating Section 73.3539 of the Rules, based on the fact that it failed to timely file a renewal application for the Station.

4. In its Letter, Meadowland explains that the delay in its filing was inadvertent, occasioned by the severe health problems and hospitalization of its chief engineer and liaison, David Morris. Therefore, it argues, the forfeiture should be cancelled.<sup>4</sup>

<sup>1</sup> 47 C.F.R. § 73.3539.

<sup>2</sup> *Meadowland Baptist Church*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 1471 (MB 2007).

<sup>3</sup> See 47 C.F.R. §§ 73.1020, 73.3539(a).

<sup>4</sup> Meadowland also states that after the passing of the renewal deadline, it contacted the Audio Division for further instruction. Because the phone calls took place after the filing deadline, we decline to consider Meadowland’s suggestion that they should factor into our analysis. Additionally, Meadowland states that, as of the date of the Letter, it was unclear whether the new church leadership desired to continue the broadcast ministry. Because Meadowland retained the Station’s license and its concomitant obligations throughout the period in question, we likewise decline to consider this argument.

### III. DISCUSSION

5. The forfeiture amount proposed in this case was assessed in accordance with Section 503(b) of the Communications Act of 1934, as amended (the “Act”),<sup>5</sup> Section 1.80 of the Rules,<sup>6</sup> and the Commission’s *Forfeiture Policy Statement*.<sup>7</sup> 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.<sup>8</sup>

6. Meadowland does not dispute that it failed to file a timely renewal application for the Station, but states that this violation was unintentional. Specifically, it explains that its chief engineer, David Morris, was hospitalized at the time the renewal application was due. Mr. Morris, Meadowland explains, had previously handled the licensee’s applications and renewals, and the church itself “had no prior experience in the process of applying, or reapplying for license” and was “unaware of the need of immediate renewal filing.”<sup>9</sup>

7. We reject this argument. As the Commission has held, violations resulting from inadvertent error or failure to become familiar with the FCC’s requirements are willful violations.<sup>10</sup> In the context of a forfeiture action, “willful” does not require a finding that the rule violation was intentional. Rather, the term “willful” means that the violator knew that it was taking (or, in this case, not taking) the action in question, irrespective of any intent to violate the Rules.<sup>11</sup> While we are sympathetic to the health problems experienced by Mr. Morris and the difficulties it posed for the church, Meadowland, as the licensee, was ultimately responsible for ensuring it complied with the Commission’s Rules by filing a timely renewal application.<sup>12</sup>

8. We have considered Meadowland’s Letter and the record of this case in light of the above statutory factors, our Rules, and the *Forfeiture Policy Statement*. We conclude that Meadowland

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<sup>5</sup> 47 U.S.C. § 503(b).

<sup>6</sup> 47 C.F.R. § 1.80.

<sup>7</sup> *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).

<sup>8</sup> 47 U.S.C. § 503(b)(2)(E).

<sup>9</sup> Letter at 1.

<sup>10</sup> See *PJB Communications of Virginia, Inc.*, Memorandum Opinion and Order, 7 FCC Rcd 2088 (1992); *Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4387 (1991), *recon. denied*, 7 FCC Rcd 3454 (1992) (“*Southern California*”) (stating that “inadvertence . . . is at best, ignorance of the law, which the Commission does not consider a mitigating circumstance”); *Standard Communications Corp.*, Memorandum Opinion and Order, 1 FCC Rcd 358 (1986) (stating that “employee acts or omissions, such as clerical errors in failing to file required forms, do not excuse violations”).

<sup>11</sup> See *Five Star Parking d/b/a Five Star Taxi Dispatch*, Forfeiture Order, 23 FCC Rcd 2649 (EB 2008) (declining to reduce or cancel forfeiture for late-filed renewal based on licensee’s administrative error); *Southern California*, 6 FCC Rcd at 4387. See also *Domtar Industries, Inc.*, Notice of Apparent Liability for Forfeiture, 21 FCC Rcd 13811, 13815 (EB 2006); *National Weather Networks, Inc.*, Notice of Apparent Liability for Forfeiture, 21 FCC Rcd 3922, 3925 (EB 2006).

<sup>12</sup> See, e.g., *Educational Media Foundation*, Letter, 2008 WL 4693171 (MB 2008) (citing *Request for Waiver by Center City School*, Order, 17 FCC Rcd 22424, 22426 (WCB 2002) (“it is the applicant who has responsibility ultimately for the timely submission of its application.”)).

willfully<sup>13</sup> violated Section 73.3539 of the Rules. However, consistent with our recent precedent regarding LPFM stations, we reduce the forfeiture amount *sua sponte* to \$250.<sup>14</sup>

#### IV. ORDERING CLAUSES

9. 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,<sup>15</sup> that Meadowland Baptist Church SHALL FORFEIT to the United States the sum of two hundred and fifty dollars (\$250) for willfully violating Section 73.3539 of the Commission's Rules.

10. 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.<sup>16</sup> Payment of the 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 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).<sup>17</sup>

11. IT IS FURTHER ORDERED, that a copy of this Forfeiture Order shall be sent by Certified Mail Return Receipt Requested and by First Class Mail to Dr. Gary Beatty, Meadowland Baptist Church, 2886 Girkin Road, Bowling Green, Kentucky 42101.

FEDERAL COMMUNICATIONS COMMISSION

Peter H. Doyle  
Chief, Audio Division  
Media Bureau

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<sup>13</sup> 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.

<sup>14</sup> *See, e.g., Muskegon Training and Educational Center*, Forfeiture Order, 23 FCC Rcd 11241 (MB 2008) (reducing forfeiture amount against LPFM station for late-filed renewal application from \$1,500 to \$250).

<sup>15</sup> 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.283, 1.80.

<sup>16</sup> 47 U.S.C. § 504(a).

<sup>17</sup> *See* 47 C.F.R. § 1.1914.