

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

In re Applications of)	Facility I.D. No. 68762
)	NAL/Acct. No. MB-201241410036
Vision Latina Broadcasting, Inc.)	FRN: 0010019115
)	
For Renewal of License for)	File No. BR-20050701ACM
Station KBPO(AM))	
Port Neches, Texas)	
)	
And)	
)	
Vision Latina Broadcasting, Inc., Assignor, and Christian Ministries of the Valley, Inc., Assignee)	
)	
Assignment of License for)	File No. BAL-20090521AAE
Station KBPO(AM))	
Port Neches, Texas)	

ORDER

Adopted: February 20, 2013

Released: February 21, 2013

By the Chief, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into by the Media Bureau (“Bureau”), Vision Latina Broadcasting, Inc. (“Vision Latina”), licensee of Station KBPO(AM), Port Neches, Texas (“Station”), and Christian Ministries of the Valley, Inc. (“Christian Ministries”). The Consent Decree resolves issues arising from tardiness of the captioned license renewal application and a Petition to Deny (“Petition”) filed against the captioned license assignment application (“Assignment Application”) for the Station.¹ For the reasons set forth below, we also dismiss the Petition.²

¹ SouthEast Texas Telecom (“SouthEast”) filed the Petition against the Assignment Application on June 26, 2009, arguing that: (1) the Station was operating at variance from its license without Commission consent in May and June of 2009; (2) the Station was operating in violation of the Commission’s radiofrequency radiation exposure guidelines because there was no protective fence around the towers; and (3) Vision Latina had prematurely transferred control of the Station to Christian Ministries. Christian Ministries filed an Opposition to the Petition on July 23, 2009, to which SouthEast filed a Reply on September 11, 2009. On October 11, 2011, the staff sent a Letter of Inquiry to Vision Latina requesting that it respond to the allegations raised in the Petition. Vision Latina filed a Response on November 18, 2011.

² SouthEast also argues that the Station lacks a functioning main studio and that local parties have been unable to access the Station’s public file. The Enforcement Bureau recently issued a Forfeiture Order to Vision Latina for its failure to maintain a main studio with a meaningful management staff presence and failure to maintain a complete public inspection file. *See Vision Latina Broadcasting, Inc.*, Forfeiture Order, 27 FCC Rcd 2978 (EB 2012) (reducing proposed \$25,000 forfeiture for violations of Sections 73.1125 and 73.3525 of the Rules to \$500 based on financial hardship); Notice of Apparent Liability for Forfeiture and Order, 26 FCC Rcd 9231 (EB 2011) (issuing \$25,000 NAL for main studio and public file violations). *See also Vision Latina Broadcasting, Inc.*, Notice of Apparent Liability for Forfeiture, 27 FCC Rcd 6258 (EB 2012) (issuing \$15,000 NAL for failing to make available a

2. The Consent Decree stipulates that Vision Latina violated Section 73.3539 of the Commission's Rules ("Rules") and that both Vision Latina and Christian Ministries violated Section 310 of the Communications Act of 1934, as amended ("Act"), and Section 73.3540 of the Rules, and provides, among other things, that Vision Latina and Christian Ministries will collectively make a \$10,000 voluntary contribution to the United States Treasury.³ A copy of the Consent Decree is attached hereto and incorporated by reference.

3. After reviewing the terms of the Consent Decree, we find that the public interest will be served by its approval and by terminating the Bureau's investigation of potential violations of the Rules in connection with the captioned applications and granting those applications.

4. Based on the record before us, we conclude that nothing in that record creates a substantial or material question of fact whether either Vision Latina or Christian Ministries possesses the basic qualifications to be a Commission licensee.

5. ACCORDINGLY, IT IS ORDERED that, the Petition to Deny filed by SouthEast Texas Telecom IS DISMISSED WITH PREJUDICE.

6. IT IS FURTHER ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended,⁴ and by the authority delegated by Sections 0.61 and 0.283 of the Rules,⁵ the Consent Decree attached hereto IS ADOPTED.

7. IT IS FURTHER ORDERED that the investigation by the Media Bureau of the matters noted above IS TERMINATED.

complete public inspection file); Notice of Apparent Liability for Forfeiture, 27 FCC Rcd 6246 (EB 2012) (issuing \$25,000 NAL for willful provision of incorrect factual information of a material nature to the Commission regarding Station's public inspection file). Accordingly, we need not discuss these issues further.

³ With respect to the allegations that Christian Ministries engaged in unauthorized operation of the Station and operated the Station without adequate fencing, we find that those violations are outside the statute of limitations. The station was under the control of Christian Ministries when the violations allegedly occurred. However, Christian Ministries was not the licensee of the Station at the time, and the statute of limitations prevents us from imposing a forfeiture penalty on Christian Ministries for these violations. *See* 47 U.S.C. § 503(6)(B) ("No forfeiture penalty shall be determined or imposed against any person under this subsection if such person does not hold a broadcast station license issued under subchapter III of this chapter and if the violation charged occurred more than 1 year prior to the date of issuance of the required notice or notice of apparent liability.").

⁴ 47 U.S.C. § 154(i).

⁵ 47 C.F.R. §§ 0.61, 0.283.

8. IT IS FURTHER ORDERED that copies of this Order shall be sent, by First Class and Certified Mail-Return Receipt Requested, to Mr. Gildaro Castro, Vice-President, Vision Latina Broadcasting, Inc., 3101 32nd Street, Port Arthur, TX 77642; and to Christian Ministries of the Valley, Inc., P.O. Box 1290, Weslaco, TX, 78599, and to its representative, Lee G. Petro, Esq., Drinker Biddle & Reath LLP, 1500 K Street, N.W., Suite 1100, Washington, DC 20005; and to Dan J. Alpert, Esq., The Law Office of Dan J. Alpert, 2120 N. 21st Rd., Arlington, VA 22201.

FEDERAL COMMUNICATIONS COMMISSION

William T. Lake
Chief, Media Bureau

CONSENT DECREE**I. Introduction**

1. This Consent Decree is entered into by: (a) the Media Bureau of the Federal Communications Commission; (b) Vision Latina Broadcasting, Inc., licensee and proposed assignor of Station KBPO(AM), Port Neches, Texas; and (c) Christian Ministries of the Valley, Inc., proposed assignee of the Station.

II. Definitions

2. For the purposes of this Consent Decree, the following definitions shall apply:
 - (a) “Act” means the Communications Act of 1934, as amended, 47 U.S.C. §§151 *et seq.*;
 - (b) “Assignment Application” means the FCC Form 314 application filed by Vision Latina and Christian Ministries for approval of the assignment of the license for the Station (File No. BAL-20090521AAE);
 - (c) “Bureau” means the Media Bureau of the Federal Communications Commission;
 - (d) “Christian Ministries” means Christian Ministries of the Valley, Inc., proposed assignee of the Station;
 - (e) “Commission” or “FCC” means the Federal Communications Commission;
 - (f) “Compliance Plan” means the compliance plan provided in the Appendix hereto;
 - (g) “Effective Date” means the date on which the Bureau releases the Order;
 - (h) “Filing Date Rule” means Section 73.3539 of the Commission’s Rules, 47 C.F.R. § 73.3539;
 - (i) “Final Order” means the status of the Order after the period for administrative and judicial review has lapsed;
 - (j) “Investigation” means the Bureau’s investigation of the allegations contained in the Petition, including the letter of inquiry from the Bureau to Vision Latina, dated October 11, 2011;
 - (k) “Vision Latina” means Vision Latina Broadcasting, Inc., licensee and proposed assignor of the Station;
 - (l) “Order” means an order of the Bureau adopting this Consent Decree;
 - (m) “Parties” means Vision Latina, Christian Ministries, and the Bureau;
 - (n) “Petition” mean the Petition to Deny received by the Bureau on June 26, 2009, alleging one or more violations of the Act and/or the Rules by the Vision Latina and/or Christian Ministries;

(o) "Renewal Application" means the FCC Form 303-S application filed by Vision Latina for renewal of its license for the Station (File No. BR-20050701ACM);

(p) "Rules" means the Commission's regulations set forth in Title 47 of the Code of Federal Regulations;

(q) "Station" means Station KBPO(AM), Port Neches, Texas (Facility ID No. 68762), licensed to Vision Latina.

III. Background

3. On July 1, 2005, Vision Latina filed the Renewal Application, three months after the filing deadline.⁶ Subsequently, on May 21, 2009, Vision Latina and Christian Ministries submitted the Assignment Application seeking consent to the assignment of the Station's license to Christian Ministries. The Petition was filed with respect to the Assignment Application, and the Bureau thereafter commenced the Investigation to determine whether Vision Latina and/or Christian Ministries had violated the Act and/or the Rules, as alleged, by engaging in the unauthorized transfer of control of the Station from Vision Latina to Christian Ministries.

4. Vision Latina and Christian Ministries have each represented that, upon grant of the Assignment Application, Vision Latina and Christian Ministries will consummate the assignment of the Station from Vision Latina to Christian Ministries in accordance with the terms of their agreements, after which Vision Latina will hold no attributable broadcast interests and will have no involvement in or responsibility for the operation of the Station. Christian Ministries has committed to implement and adhere to the Compliance Plan, which is incorporated by reference into this Consent Decree.

5. Because of the issues identified in the Bureau's investigation, the Parties have agreed to enter into this Consent Decree to which Vision Latina, Christian Ministries, and the Bureau intend to be legally bound.

IV. Agreement

6. The Parties acknowledge that any proceeding that might result from the Investigation will be time-consuming and will require the expenditure of public and private resources. In order to conserve such resources and to promote future compliance by Christian Ministries with the Act and the Rules, the Parties are entering into this Consent Decree in consideration of the mutual commitments made herein.

7. The Parties agree to be legally bound by the terms and conditions of this Consent Decree. Vision Latina, Christian Ministries, and the Bureau each represents and warrants that its signatory is duly authorized to enter into this Consent Decree on its behalf. Vision Latina and Christian Ministries agree that the Commission has jurisdiction over the matters contained in this Consent Decree and the authority to enter and adopt this Consent Decree.

8. The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between them concerning the Bureau's Investigation of the matters discussed herein. The Bureau finds that its Investigation raises no substantial and material questions of fact as to whether Vision Latina or Christian Ministries possesses the basic qualifications, including those relating to character, to hold or obtain a Commission license or authorization.

⁶ The Station's application for renewal was due on or before April 1, 2005.

9. The Parties agree that this Consent Decree shall become effective on the Effective Date. Upon the Effective Date, the Order and this Consent Decree shall have the same force and effect as any other order of the Bureau and any violation of the terms of this Consent Decree shall constitute a separate violation of a Bureau order, entitling the Bureau or the Commission to exercise any rights and remedies attendant to the enforcement of a Bureau order.

10. As part of the Order, the Bureau shall terminate the Investigation and dismiss the Petition. Additionally, the Bureau shall grant the Renewal Application and the Assignment Application after the Effective Date, provided that the following conditions have been met: (1) Vision Latina and Christian Ministries have fully and timely satisfied their respective obligations to make the first payment of their voluntary contributions as specified in Paragraphs 13 and 14 below; and (2) there are no issues that would preclude grant of the Renewal Application and the Assignment Application (including, but not limited to, pendency of a 2013 license renewal application for the Station). In the event that there are issues that would preclude the grant of either the Renewal Application or the Assignment Application, the affected application will remain pending.

11. From and after the Effective Date, the Bureau shall not, either on its own motion or in response to third-party objection, initiate any inquiries, investigations, forfeiture proceedings, hearings, or other sanctions or actions against Vision Latina, Christian Ministries, or the Station, based in whole or in part on (i) the Investigation, (ii) the Petition, (iii) any other similar complaints (by whomever made) alleging that violations alleged in the Petition occurred prior to the Effective Date, or (iv) the allegations contained in any of the foregoing. The Bureau agrees that, in the absence of material new evidence, it will not, on its own motion, initiate or recommend to the Commission, any new proceeding, formal or informal, regarding the matters discussed in Paragraphs 3 and 4, above, with regard to any violations of the Act, the Rules, or Commission policy, that occurred prior to the Effective Date. The Bureau further agrees that, in the absence of material new evidence, it will not use the facts developed in the Investigation prior to the Effective Date to initiate on its own motion, or recommend to the Commission, any proceeding, formal or informal, or take any action on its own motion against Vision Latina and/or Christian Ministries with respect to their respective basic qualifications to be or remain a Commission licensee. Nothing in this Consent Decree shall prevent the Bureau from instituting, or recommending to the Commission, new investigations or enforcement proceedings against Vision Latina and/or Christian Ministries, in the event of any alleged future misconduct, for violation of this Consent Decree, or for violation of the Act or the Rules, consistent with the provisions of this Consent Decree.

12. Vision Latina and Christian Ministries stipulate the following:

- (a) Vision Latina violated Section 73.3539 of the Rules by failing to timely file the Renewal Application; and
- (b) Vision Latina and Christian Ministries violated Section 310(d) of the Act and Section 73.3540 of the Rules by allowing Christian Ministries to assume control of the Station without prior Commission authorization.

13. Vision Latina and Christian Ministries hereby jointly agree to make a voluntary contribution to the United States Treasury in the amount of Ten Thousand Dollars (\$10,000) in four quarterly payments of Two Thousand Five Hundred Dollars (\$2,500), the first of which will be within 15 days of the Effective Date, and the remaining three payments will be paid on or before the 90th, the 180th, and the 270th day, respectively, of the due date of the first payment.

14. Payments hereunder must include the Account Number and FRN referenced in the caption to the Order. 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). Vision Latina and Christian Ministries will also send electronic notification on the date *each* payment is made to Tom.Hutton@fcc.gov and Alexander.Sanjenis@fcc.gov.

15. Christian Ministries represents that it has adopted, and is currently in the process of implementing, a compliance plan for the purpose of preventing future violations of the Act and of the Rules. A summary of the plan is set forth in the Appendix. Christian Ministries agrees, to the extent that it has not already done so, to implement the Compliance Plan upon consummation of the assignment of the Station license to it and to keep such Compliance Plan in effect for three (3) years thereafter.

16. Vision Latina and Christian Ministries each agree that it is required to comply with each individual condition of this Consent Decree. Each specific condition is a separate condition of the Consent Decree as approved. To the extent that either Vision Latina or Christian Ministries fails to satisfy any condition, in the absence of Commission alteration of the condition or Rule, it will be deemed noncompliant and may be subject to possible enforcement action, including, but not limited to, designation of the matter for hearing, letters of admonishment, or forfeitures.

17. Vision Latina and Christian Ministries waive any and all rights that either party may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Order, provided that the Order adopts the Consent Decree without change, addition or modification.

18. Vision Latina and Christian Ministries waive any claims that either may otherwise have under the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 C.F.R. § 1.1501 et seq., relating to the matters discussed in this Consent Decree.

19. If any Party (or the United States on behalf of the FCC) brings a judicial action to enforce the terms of the Order, none of the Parties shall contest the continuing validity of the Consent Decree or the Order. Vision Latina, Christian Ministries, and the Bureau further agree that they will waive any statutory right to a trial *de novo* with respect to any matter upon which the Order is based (provided in each case that the Order is limited to adopting the Consent Decree without change, addition, or modification), and that they will consent to a judgment incorporating the terms of this Consent Decree.

20. In the event that this Consent Decree is rendered invalid by any court of competent jurisdiction, this Consent Decree shall become null and void and may not be used in any manner in any legal proceeding.

21. This Consent Decree may be signed in counterparts and/or by telecopy and, when so executed, the counterparts, taken together, will constitute a legally binding and enforceable instrument whether executed by telecopy or by original signatures.

MEDIA BUREAU
FEDERAL COMMUNICATIONS COMMISSION

William T. Lake, Chief

Date

VISION LATINA BROADCASTING, INC.

By: Gilardo Castro, President

Date

CHRISTIAN MINISTRIES OF THE VALLEY, INC.

By: Enrique Garza, President

Date

APPENDIX**COMPLIANCE PLAN FOR STATION KBPO(AM)**

Christian Ministries of the Valley, Inc., will institute the following procedures with regard to Station KBPO(AM) to ensure compliance with the Commission's Rules and the Communications Act of 1934, as amended. Unless otherwise provided, all terms defined in the Consent Decree apply to this Compliance Plan.

1. Christian Ministries will conduct training for all Station employees on compliance with FCC Rules applicable to station operations. To augment this training, outside counsel, or other comparable professionals, will conduct a live workshop for all Station employees. Christian Ministries will videotape this workshop and use it as refresher training for staff and management at least every twelve (12) months, and to train any new Station employee within five (5) days of commencement of his or her duties at the Station.
2. Christian Ministries shall engage FCC counsel on an ongoing basis to provide guidance to Christian Ministries on FCC compliance issues, to provide regular updates and notices on developments in communications law applicable to Christian Ministries, and to review Christian Ministries' applications and reports prior to filing with the FCC. In regard to the last matter, Christian Ministries recognizes and acknowledges that any and all information provided to the FCC must completely and candidly set forth all relevant facts and circumstances, regardless of whether such a submission may disclose a violation of the Act or the Rules.
3. Christian Ministries shall maintain sole control of the programming, personnel, and finances of the Station and shall provide an affidavit or declaration to the Bureau, signed by Christian Ministries' President, certifying that, since the commencement of this Compliance Plan or the filing of its last such report, if any, Christian Ministries has maintained and is maintaining such control and is in compliance with the Act, the Rules, and FCC policy, on or before December 31 (but no earlier than December 1 of each such year) of each year of the three-year term of this Compliance Plan as provided in Section IV, Paragraph 15, of the accompanying Consent Decree. In the event that Christian Ministries is unable to so certify, it will disclose the reasons therefore and indicate what steps it has taken to render its operation of the Station in compliance with the Act, the Rules, and FCC policy.