

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

In the Matter of)
Stephen R. Castleman) File No.: EB-FIELDNER-18-00026151
and Opal Castleman,)
Antenna Structure Owners)
Augusta, Illinois)

CITATION AND ORDER
ANTENNA STRUCTURE PAINTING, LIGHTING, AND REGISTRATION

Adopted: September 2, 2022

Released: September 2, 2022

By the Regional Director, Region One, Enforcement Bureau:

I. NOTICE OF CITATION

1. This CITATION AND ORDER (Citation) notifies Stephen R. and Opal Castleman (the Castlemans), owners of antenna structure 1011314 located in Augusta, Illinois (Antenna Structure), that they failed to (a) maintain the required obstruction lighting for an antenna structure that exceeds 60.96 meters (200 feet) in height above ground level;1 (b) observe the Antenna Structure lighting at least once each 24 hours visually or use an automatic indicator or alarm system to detect a lighting outage;2 (c) notify the Federal Aviation Administration (FAA) about lighting outages;3 (d) repaint the Antenna Structure as often as necessary to maintain good visibility;4 and (e) notify the Commission of a change in Antenna Structure ownership information.5 We therefore direct the Castlemans to take immediate steps to comply with the antenna structure painting, lighting, and registration regulations of the Federal Communications Commission (FCC or Commission). If the Castlemans fail to comply with these laws, they may be liable for significant fines.

2. Notice of Duty to Comply with the Law: We issue this Citation pursuant to section 503(b)(5) of the Communications Act of 1934, as amended (Act), which states that the Commission may not impose monetary forfeitures against non-regulatees who violate Commission rules or the Act unless and until: (a) the Commission issues a citation to the violator; (b) the Commission provides the violator a reasonable opportunity to respond; and (c) the violator subsequently engages in conduct described in the

1 47 CFR §§ 17.6(a), 17.21(a), 17.23; see also 47 U.S.C. § 303(q) (the Commission has "authority to require the painting and/or illumination of radio towers if and when in its judgment such towers constitute, or there is a reasonable possibility that they may constitute, a menace to air navigation").

2 47 CFR § 17.47(a).

3 47 CFR § 17.48(a).

4 47 CFR § 17.50.

5 47 CFR § 17.57. The FCC Antenna Structure Registration (ASR) database indicates that antenna structure number 1011314, located at 40° 13' 33.0" North latitude and 90° 53' 58.0" West longitude, is registered to MTS Inc. (MTS), Attention: Thomas Harwood. See MTS Inc., Application for Antenna Structure Registration, File No. A0267648 (filed May 28, 2002, notifying the FCC of an ownership change).

citation.⁶ Accordingly, the Castlemans are hereby on notice that they must comply with section 303(q) of the Act and the Commission's rules promulgated thereunder, including sections 17.6(a), 17.21(a), 17.23, 17.47(a), 17.48(a), 17.50, and 17.57 of the rules.⁷ If the Castlemans subsequently engage in any conduct of the type this Citation describes, the Castlemans may be subject to civil penalties, including but not limited to, substantial monetary forfeitures. In assessing such forfeitures, the Commission may consider both the conduct that led to this Citation and the conduct following the Citation.⁸

3. **Notice of Duty to Provide Information:** Pursuant to sections 4(i), 4(j), and 403 of the Act,⁹ we direct the Castlemans to respond in writing, within thirty (30) calendar days after the release date of this Citation, to the questions and requests for documents set out in Section IV of this Citation.

II. BACKGROUND

4. The lights on the Antenna Structure have not been properly functioning for approximately four years. On January 30, 2018, the FCC Operations Center received a complaint from a consumer reporting a lighting outage for antenna structure number 1011314. Finding that no Notice to Air Missions (NOTAM) had been issued for the Antenna Structure, the FCC Operations Center asked the FAA to issue a 90-day NOTAM for the Antenna Structure.¹⁰ That same day, the FAA issued a 90-day NOTAM for the Antenna Structure. In response to the complaint, an Agent from the Commission's Enforcement Bureau Field Office in Chicago (Chicago Office) opened an investigation and subsequently extended the NOTAM for the Antenna Structure.¹¹ Agents in the Chicago Office contacted MTS, the owner of the Antenna Structure in the ASR database, several times over the next few months and the Agents were informed that MTS would repair the lighting issues.

5. Despite assurances from MTS that it would repair the lighting issues at the Antenna Structure, a Field Agent found during an inspection in August 2018 that the Antenna Structure had not been brought into compliance. On August 22, 2018, the Agent inspected the Antenna Structure both during daytime hours and after sunset. The Agent observed that the Antenna Structure was over 200 feet in height above ground level, that it was being used for radio transmissions, that the top-level obstruction light on the Antenna Structure had a steady burning red and white light, but was not a flashing red obstruction light as required, and that the remaining obstruction lighting was extinguished.¹² Commission

⁶ See 47 U.S.C. § 503(b)(5). Section 503(b)(5) of the Act provides that a Citation is not required in the case of violations of Section 303(q) of the Act, 47 U.S.C. § 303(q), if the person or entity involved is a nonlicensee tower owner who has previously received notice of the obligations imposed by Section 303(q) from the Commission or the permittee or licensee who uses that tower. In this case, however, we are providing a Citation to the Castlemans because they are not licensees, and such notice may not have been provided to them previously.

⁷ 47 U.S.C. § 303(q); 47 CFR §§ 17.6(a), 17.21(a), 17.23, 17.47(a), 17.48(a), 17.50, 17.57.

⁸ See S. Rep. No. 95-580, 95th Cong., 1st Sess. at 9 (1977) (If a person or entity that has been issued a citation by the Commission thereafter engages in the conduct for which the citation of violation was sent, the subsequent notice of apparent liability "would attach not only for the conduct occurring subsequently *but also for the conduct for which the citation of violation was originally sent.*") (emphasis added).

⁹ 47 U.S.C. §§ 154(i), 154(j), 403.

¹⁰ NOTAMs alert aircraft pilots of potential hazards, including antenna structure lighting outages, which could affect flight safety.

¹¹ NOTAMs were extended several times and there is a current NOTAM for the Antenna Structure. See NOTAM 06/204 which expires December 31, 2022 (on file in EB-FIELDNER-18-00026151).

¹² On August 23, 2018, the Agent contacted the FAA to report that the top obstruction light on the Antenna Structure was a steady burning red and white light (not a flashing red obstruction light as required) with possibly a damaged beacon exhibiting red light with some white light from different angles and that the remaining lights mounted at the other levels on the structure were extinguished.

records indicated that the Antenna Structure was being used at that time for licensed radio operations.¹³ On August 30, 2018, the Agent contacted MTS and informed MTS of the improper functioning of the top-level obstruction light and the extinguishment of the remaining obstruction lighting on the Antenna Structure. The Commission issued a Notice of Violation to MTS on January 31, 2019.¹⁴ The Bureau does not have any record that MTS responded to the Notice of Violation or subsequent electronic mail correspondence and voicemail messages from the Bureau concerning this matter.

6. The Agent conducted additional inspections in September 2019. On September 3, 2019, the Agent observed that the top-level obstruction light had a steady burning red and white light (but it was not a flashing red obstruction light as required). On September 17 and 18, 2019, the Agent inspected the Antenna Structure after sunset and observed that the top-level obstruction light had a steady burning red and white light (but it was not a flashing red obstruction light as required) and that the remaining obstruction lighting on the Antenna Structure was extinguished. On September 18, 2019, the Agent observed during daytime hours that the paint on the Antenna Structure was severely faded and chipped, significantly reducing the Antenna Structure's visibility. The Agent subsequently contacted the entity leasing the Antenna Structure¹⁵ and contacted two Commission licensees that were collocated on the Antenna Structure¹⁶ to pursue compliance.

7. According to property records and court filings in Schuyler County, Illinois, on November 19, 2019, the Schuyler County Treasurer sold the delinquent real estate taxes on the five acre parcel where the Antenna Structure is located, 17254 Tower Road, Augusta, Illinois 62311, identified as Property Index Number 01-19-300-004, to Opal Castleman at a public sale of real estate for the nonpayment of taxes, and the Schuyler County Clerk issued a tax sale certificate of purchase for the property to Opal Castleman.¹⁷ On August 5, 2021, the Castlemans filed an Application for a Tax Deed in the Circuit Court of Schuyler County naming MTS Towers Inc. as a defendant.¹⁸ On December 21, 2021, the Schuyler County Circuit Court entered an order directing the issuance of a Tax Deed to the

¹³ See WQDC353, Public Safety Radio Pool; WQIV786, Industrial/Land Transportation Radio Service. These licenses are available at <https://www.fcc.gov/wireless/universal-licensing-system>. The licenses were subsequently modified to reflect that they were moved to other locations.

¹⁴ See MTS Inc., Notice of Violation, File No. EB-FIELDNER-18-00026151 (EB 2019). The Notice of Violation advised MTS that it was in violation of 47 CFR §§ 17.23, 17.48(a), and 17.57, for failing to maintain the Antenna Structure lighting in accordance with the specifications set forth on its ASR, failing to report the lighting outages to the FAA, and failing to notify the Commission of its change in address or phone number to update the ownership information in the ASR database. On December 4, 2018, the Bureau issued a Notice of Violation to MTS via first class U.S. Postal Service and UPS and both copies were returned as "undeliverable." The Notices of Violation sent to MTS on December 4, 2018, and January 31, 2019, were the same except they were sent to different addresses.

¹⁵ Motorola Solutions, Inc.

¹⁶ State of Illinois, licensee of WQDC353; Ameren Services Company, licensee of WQIV786. The licensees subsequently moved their transmitters from the Antenna Structure.

¹⁷ See Tax Sale Certificate of Purchase, Number 2018-00001, real estate taxes assessed to MTS Towers Inc. on Property Index Number 01-19-300-004 (5.00 acres), sold to Tax Purchaser Opal Castleman (Nov. 19, 2019) (on file in EB-FIELDNER-18-00026151). The Tax Sale Certificate of Purchase states that "[i]f the redemption period expires and said property has not been redeemed, the above named purchaser or his or her assignee will upon application and compliance with the provisions of the law pertaining thereto, be entitled to a tax deed on said real estate."

¹⁸ See *Stephen R. and/or Opal Castleman vs. MTS Towers Inc., et al.*, Circuit Court of Schuyler County, Illinois, Tax Case No. 19-TX-1 (7), Application for Tax Deed (filed Aug. 5, 2021) (on file in EB-FIELDNER-18-00026151).

Castlemans.¹⁹ The Tax Deed conveying the real estate property at 17254 Tower Road, Augusta, Illinois 62311, to the Castlemans was filed with the Schuyler County Clerk and Recorder on April 5, 2022.²⁰

8. On January 11, 2021, the Bureau sent additional correspondence to MTS, the owner of the Antenna Structure in the ASR database, regarding its obligations to repair the Antenna Structure and to inform the Bureau of actions by MTS to remedy the lighting outages.²¹ The Bureau does not have any record that MTS responded to the January 2021 correspondence or subsequent voicemail message from the Bureau to MTS concerning the Antenna Structure.

9. On February 9 and 10, 2022, an Agent from the Chicago Office revisited the Antenna Structure to investigate the painting and lighting conditions, and to determine whether there were any licensees or users operating from the Antenna Structure. On February 9, 2022, the Agent observed during daytime hours that the paint on the Antenna Structure was still severely faded and chipped, and that the Antenna Structure had not been repainted. On February 9, 2022, the Agent also inspected the Antenna Structure after sunset and observed that all of the red obstruction lights were extinguished. The Agent observed lights mounted on the Antenna Structure, but he was unable to verify that all of the required lights were installed. On February 10, 2022, the Agent returned to the Antenna Structure. He checked the frequencies operated by the last two Commission licensees that were collocated on the Antenna Structure²² and checked the radio spectrum from 100 MHz to 3 GHz. The Agent found no activity attributed to the Antenna Structure and concluded that there were no licensees or users operating from the Antenna Structure.

10. According to the ASR database, the Antenna Structure exceeds 200 feet in height above ground²³ and requires painting and lighting as specified in Chapters 3, 4, 5, and 13 of FAA Advisory Circular Number 70/7460-1J, Obstruction Marking and Lighting.²⁴ Specifically, the Antenna Structure is required to be painted and have, at its top, at least one red flashing beacon installed in a manner to ensure an unobstructed view of at least one light by a pilot, along with two or more steady burning red lights mounted at the one-fourth and three-fourth levels of the overall height of the tower, and two red flashing

¹⁹ See *Stephen R. and/or Opal Castleman vs. MTS Towers Inc., et al.*, Circuit Court of Schuyler County, Illinois, Tax Case No. 19-TX-1 (7), Court Order (Dec. 21, 2021) (on file in EB-FIELDNER-18-00026151). The Court found that the time for redemption from the sale had expired and the real estate had not been redeemed from the sale, that the Castlemans paid all taxes which became due subsequent to the sale, that they provided the required notices and complied with Illinois law, and that they were entitled to a Tax Deed of said real estate. The Court ordered the County Clerk of Schuyler County to execute and deliver to the Castlemans a Tax Deed vesting in the Castlemans title in fee simple to Property Index Number 01-19-300-004.

²⁰ See Tax Deed, Tax Case No. 19-TX-1 (7), filed with the Schuyler County Clerk and Recorder (Apr. 5, 2022) (on file in EB-FIELDNER-18-00026151). The County Clerk of Schuyler County, Illinois, granted and conveyed to Stephen R. Castleman and Opal Castleman, as joint tenants, the property at 17254 Tower Road, Augusta, Illinois 62311, Property Index Number 01-19-300-004. See Parcel Information Report, Schuyler County Assessments, for Parcel No. 01-19-300-004 for Tax Year 2022 (dated June 15, 2022) (on file in EB-FIELDNER-18-00026151). The Parcel Information Report states that the current owners of Parcel No. 01-19-300-004 are Stephen R. Castleman and Opal Castleman.

²¹ See Letter from the Deputy Field Director, Enforcement Bureau, to MTS Inc. (Jan. 11, 2021) (on file in EB-FIELDNER-18-00026151).

²² WQDC353, Public Safety Radio Pool, and WQIV786, Industrial/Land Transportation Radio Service.

²³ The registration for Antenna Structure 1011314 indicates that the overall height above ground is 121.6 meters (399 feet).

²⁴ The FCC assigns painting and lighting requirements at registration according to the FAA's determination for a structure (known as the FAA Study). For ASR number 1011314, the FAA Study, 96-AGL-3469-OE (Nov. 20, 1996), is available at <https://oeaaa.faa.gov/oeaaa/external/searchAction.jsp?action=showSearchArchivesForm>.

beacons mounted at the mid-level of the tower.²⁵ The lights on the Antenna Structure may be turned on and off using a controlled light sensitive device or the lights may remain on continuously.²⁶ The Antenna Structure must be marked with alternate sections of aviation orange and aviation white paint, and must be repainted as often as necessary to maintain good visibility.²⁷ At the most recent inspection in February 2022, the Agent verified that the paint on the Antenna Structure was severely faded and chipped, that none of the lights mounted on the Antenna Structure were functioning, and that there were no licensees or users operating from the Antenna Structure.

11. Even though an antenna structure is no longer being used for the transmission of radio energy, the antenna structure owner is required to maintain the painting and lighting specifications assigned to the structure until the structure is dismantled, is required to observe the antenna structure lighting at least once each 24 hours visually or use an automatic properly maintained indicator or alarm system to detect a lighting outage, is required to notify the FAA of certain lighting outages or improper functioning of lights, and is required to notify the Commission of any change in ownership information.²⁸ Failing to maintain required painting and lighting of an antenna structure and failing to notify the FAA of lighting outages or improper functioning of lights can present a significant risk to aviation safety. Failing to update the Commission of a change in antenna structure ownership information exacerbates the problem by diminishing the Commission's ability to identify the antenna structure owner when attempting to remedy lighting outages.

III. APPLICABLE LAW AND VIOLATIONS

12. Section 303(q) of the Act states that antenna structure owners shall maintain the painting and lighting of antenna structures as prescribed by the Commission.²⁹ Section 17.6(a) of the Commission's rules states that an antenna structure owner is responsible for complying with applicable structure painting and lighting regulations.³⁰ Section 17.21(a) of the rules requires that an antenna structure for which the FAA must be notified (i.e., one that is greater than 60.96 meters (200 feet) in height above ground level) must have painting and lighting, and section 17.23 states that an antenna structure's painting and lighting must conform to the specifications set forth in a final determination of "no hazard" issued by the FAA and the associated FAA study for that particular structure and the painting and lighting requirements prescribed on the ASR.³¹ Section 17.47(a) of the rules states that for an antenna structure which is registered with the Commission and has been assigned lighting specifications, the lighting must be observed at least once every 24 hours either visually or by using an automatic indicator or alarm system that will detect a lighting outage.³² Section 17.48(a) of the rules requires the owner of an antenna structure which is registered and has been assigned lighting specifications to notify the FAA immediately of any known extinguishment or improper functioning of any top steady burning light or any

²⁵ See FAA Advisory Circular Number 70/7460-1J, Chapter 5 and Appendix 1.

²⁶ See FAA Advisory Circular Number 70/7460-1J, Chapter 5.

²⁷ See FAA Advisory Circular Number 70/7460-1J, Chapters 3, 13 and Appendix 1; *see also* 47 CFR § 17.50.

²⁸ See 47 U.S.C. § 303(q); 47 CFR § 17.2; *see also* 2004 and 2006 Biennial Regulatory Reviews - Streamlining and Other Revisions of Parts 1 and 17 of the Commission's Rules Governing Construction, Marking and Lighting of Antenna Structures, Report and Order, 29 FCC Rcd 9787, 9808, para. 53 (2014) (stating that "a structure is considered an 'antenna structure' from the start of construction through dismantlement, regardless of when it begins and ceases to transmit radio energy" and emphasizing that "an antenna structure owner's obligations do not cease until the structure is dismantled").

²⁹ 47 U.S.C. § 303(q).

³⁰ 47 CFR § 17.6(a).

³¹ 47 CFR §§ 17.21(a), 17.23; *see also* 47 CFR § 17.7(a).

³² 47 CFR § 17.47(a).

flashing obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes.³³ Section 17.50 of the rules states that antenna structures requiring painting under the rules must be cleaned or repainted as often as necessary to maintain good visibility.³⁴ Under section 17.57 of the rules, the owner of an antenna structure for which an ASR number has been obtained must notify the Commission of any change in the antenna structure ownership information within five (5) days of such change.³⁵

13. The record in this case demonstrates that the Antenna Structure was registered with the Commission to MTS,³⁶ and that the Antenna Structure had been used at one time for licensed radio operations.³⁷ The record in this case also demonstrates that the Castlemans purchased the property with the Antenna Structure located at 17254 Tower Road, Augusta, Illinois 62311,³⁸ that they have not corrected the obstruction lighting outages at the Antenna Structure,³⁹ that they have not made the required observation of the tower lighting or installed an automatic alarm system,⁴⁰ that they have not reported lighting outages to the FAA,⁴¹ that they have not maintained the painting of the Antenna Structure,⁴² and that they have not updated the Commission regarding the Antenna Structure ownership information.⁴³ The Commission has made clear that antenna structure owners will have primary responsibility for maintaining the prescribed painting and lighting on their antenna structures. Based on the foregoing evidence, we find that Stephen R. Castleman and Opal Castleman violated section 303(q) of the Act, and sections 17.6(a), 17.21(a), 17.23, 17.47(a), 17.48(a), 17.50, and 17.57 of the Commission's rules.⁴⁴

IV. REQUEST FOR INFORMATION

14. We direct the Castlemans to respond to the following inquiries and/or provide the requested documents within 30 calendar days from the release date of this Citation:

- i. Provide a written statement describing the circumstances surrounding acquisition of the Antenna Structure located at 17254 Tower Road, Augusta, Illinois 62311.
- ii. Provide a copy of any agreements subsequent to the Tax Deed regarding any conveyance of the Antenna Structure and provide current Antenna Structure ownership information.
- iii. Describe the actions the Castlemans have taken to prevent future violations of section 303(q) of the Act, and part 17 of the Commission's rules, and provide a

³³ 47 CFR § 17.48(a).

³⁴ 47 CFR § 17.50.

³⁵ 47 CFR § 17.57 (the owner must notify the Commission by filing FCC Form 854).

³⁶ *See supra* n.5. The owner of an antenna structure that requires notice of proposed construction to the FAA due to physical obstruction must register the structure with the Commission. 47 CFR § 17.4(a). The Castlemans, as the owners of Antenna Structure 1011314, are responsible for updating the ownership information in the ASR database.

³⁷ *See supra* para. 5, n.13.

³⁸ *See supra* para. 7.

³⁹ *See supra* para. 9; 47 CFR §§ 17.6(a), 17.21(a), 17.23.

⁴⁰ *See supra* para. 11; 47 CFR § 17.47(a).

⁴¹ *See supra* para. 11; 47 CFR § 17.48(a).

⁴² *See supra* para. 9; 47 CFR § 17.50.

⁴³ *See supra* paras. 7-8; 47 CFR § 17.57.

⁴⁴ 47 U.S.C. § 303(q); 47 CFR §§ 17.6(a), 17.21(a), 17.23, 17.47(a), 17.48(a), 17.50, 17.57.

timeline specifying when the Castlemans will complete any pending corrective actions.

V. OPPORTUNITY TO RESPOND TO THIS CITATION

15. The Castlemans must respond to this Citation within 30 calendar days from the release date of this Citation. The Castlemans may respond by any of the following methods: (1) a written statement, (2) a teleconference interview, or (3) a personal interview at the Commission Field Office nearest to Augusta and Belleville, Illinois. The Commission Field Office nearest to Augusta and Belleville is located in Chicago, Illinois.

16. If the Castlemans request a teleconference or personal interview, contact David Dombrowski at (301) 725-1996. We note that such teleconference or interview must take place within 30 calendar days of the release date of this Citation. If the Castlemans prefer to submit a written response with supporting documentation, they must send the response within 30 calendar days of the release date of this Citation to the contact and address provided in the paragraph below.

17. All written communications should be sent to the street address and e-mail address below and reference File Number EB-FIELDNER-18-00026151.

David C. Dombrowski
Enforcement Bureau
Federal Communications Commission
EB Columbia Regional Office
9050 Junction Drive
Annapolis, Maryland 20701
Field@fcc.gov

18. Upon request, the Commission will make reasonable accommodations for persons with disabilities. If applicable, the Castlemans should provide a description of the accommodation required, and include as much detail as possible, and also provide a telephone number and other contact information. The Castlemans should allow at least five (5) business days advance notice; last minute requests will be accepted, but may be impossible to fill. The Castlemans should send an e-mail to fcc504@fcc.gov or call the FCC's Consumer and Governmental Affairs Bureau:

For sign language interpreters, CART, and other reasonable accommodations:
202-418-0530 (voice), 202-418-0432 (tty); and

For accessible format materials (braille, large print, electronic files, and audio format):
202-418-0531 (voice), 202-418-0432 (tty).

19. We advise the Castlemans that it is a violation of section 1.17 of the Commission's rules⁴⁵ for any person to make any false or misleading written or oral statement of fact to the Commission. Specifically, no person shall:

(1) In any written or oral statement of fact, intentionally provide material factual information that is incorrect or intentionally omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading; and

(2) In any written statement of fact, provide material factual information that is incorrect or omit material information that is necessary to prevent any material

⁴⁵ 47 CFR § 1.17.

factual statement that is made from being incorrect or misleading without a reasonable basis for believing that any such material factual statement is correct and not misleading.

20. Further, the knowing and willful making of any false statement, or the concealment of any material fact, in reply to this Citation is punishable by fine or imprisonment.⁴⁶

21. Violations of section 1.17 of the Commission's rules or the criminal statute referenced above may result in further legal action, including monetary forfeitures pursuant to section 503 of the Act.

22. Finally, we warn the Castlemans that, under the Privacy Act of 1974,⁴⁷ Commission staff will use all relevant material information before it, including information disclosed in interviews or written statements, to determine what, if any, enforcement action is required to ensure compliance by the Castlemans with the Act and the Commission's rules.⁴⁸

VI. FUTURE VIOLATIONS

23. If, after receipt of this Citation, the Castlemans again violate section 303(q) of the Act, and/or sections 17.6(a), 17.21(a), 17.23, 17.47(a), 17.48(a), 17.50, and 17.57 of the Commission's rules by engaging in conduct of the type described herein, the Commission may impose sanctions for each such violation. For example, the Commission may impose monetary forfeitures. The base forfeiture for failure to comply with prescribed lighting and/or marking is \$10,000.⁴⁹ The Commission may further adjust the forfeiture reflecting enumerated statutory factors, which include 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."⁵⁰

VII. ORDERING CLAUSES

24. Accordingly, **IT IS ORDERED** that, pursuant to sections 4(i) and 4(j) of the Act,⁵¹ Stephen R. Castleman and Opal Castleman must cease and desist from future violations of the Commission's tower painting and lighting rules set forth in sections 17.6(a), 17.21(a), 17.23, 17.47(a), 17.48(a), and 17.50 and must update the Antenna Structure ownership information pursuant to section 17.57 of the Commission's rules.⁵²

25. **IT IS FURTHER ORDERED** that, pursuant to sections 4(i), 4(j), and 403 of the Act,⁵³ Stephen R. Castleman and Opal Castleman must provide the written information requested in Section IV, above. Stephen R. Castleman and Opal Castleman must support their responses with an affidavit or declaration under penalty of perjury, verifying the truth and accuracy of the information therein and that all of the information requested has been produced. All such declarations provided must comply with

⁴⁶ 18 U.S.C. § 1001.

⁴⁷ 5 U.S.C. § 552a(e)(3).

⁴⁸ Any entity that is a "Small Business Concern" as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. § 657, "Oversight of Regulatory Enforcement," in addition to other rights set forth herein.

⁴⁹ See 47 CFR § 1.80(b).

⁵⁰ See 47 U.S.C. § 503(b)(2)(E); 47 CFR § 1.80(b)(10).

⁵¹ 47 U.S.C. § 154(i), (j).

⁵² 47 CFR §§ 17.6(a), 17.21(a), 17.23, 17.47(a), 17.48(a), 17.50, 17.57.

⁵³ 47 U.S.C. §§ 154(i), 154(j), 403.

section 1.16 of the Commission's rules and be substantially in the form set forth therein.⁵⁴ The FCC must receive the response within 30 calendar days of the release date of this Citation and Order.

26. **IT IS FURTHER ORDERED** that a copy of this Citation and Order shall be sent by first class mail and certified mail, return receipt requested, to Stephen R. Castleman and Opal Castleman at P.O. Box 843, Belleville, Illinois 62222-0843.

FEDERAL COMMUNICATIONS COMMISSION

David C. Dombrowski
Regional Director, Region One
Enforcement Bureau

⁵⁴ 47 CFR § 1.16.