

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Broward County Office of	)	
Environmental Services	)	File No. EB-09-MA-0120
Licensee of Radio Stations:	)	
WQBD978, WQAW416	)	
Pompano Beach, FL	)	NOV No. V200932600006
	)	
	)	

**NOTICE OF VIOLATION**

**Released: July 30, 2009**

By the Resident Agent, Miami Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (“Notice”) issued pursuant to Section 1.89 of the Commission’s Rules<sup>1</sup> to Broward County Office of Environmental Services (“BCOES”), licensee of radio stations WQBD978 and WQAW416 in Pompano Beach, FL.
  
2. On July 23, 2009, agents of the Commission’s Miami Office of the Enforcement Bureau inspected a BCOES-owned telemetry system at a Broward County transmitter site located at 4301 SW 142nd Avenue, Davie, FL. The inspection was conducted with a representative of Data Flow Systems, Inc., BCOES’ telemetry system radio service contractor. The agents observed the following violation:

47 C.F.R. § 1.903(a): “Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part.” Furthermore, 47 C.F.R. § 1.903(b) states: “The holding of an authorization does not create any rights beyond the terms, conditions and period specified in the authorization.” The agents observed that the system was operating on the frequencies 217.175 MHz, 217.825 MHz, 218.325 MHz, and 219.850 MHz. At the time of inspection, BCOES was not authorized under any license to operate on these frequencies at the Davie transmitter site, nor was BCOES authorized under any license to operate on the frequency 219.850 MHz at any location.
  
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, BCOES must submit a written statement

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 U.S.C. § 308(b).

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concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of BCOES. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Miami Office  
PO Box 520617  
Miami, FL 33152-0617

4. This Notice shall be sent to BCOES at its address of record.
5. The Privacy Act of 1974<sup>3</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

Steven DeSena  
Resident Agent  
Miami Office  
South Central Region  
Enforcement Bureau

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<sup>3</sup>P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>4</sup>18 U.S.C. § 1001 *et seq.*