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**Federal Communications Commission**

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

In the Matter of	)	
	)	
Howard N. Henderson	)	
Licensee of	)	
	)	
Radio Station KDAP	)	File Nos. EB-09-SD-0111
Facility ID # 33760	)	EB-09-SD-0112
Douglas, Arizona	)	
	)	
Radio Station KDAP-FM	)	
Facility ID # 33761	)	NOV No. V200932940003
Douglas, Arizona	)	

**NOTICE OF VIOLATION**

Released: September 23, 2009

By the District Director, San Diego Office, Western 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 Howard N. Henderson, licensee of broadcast radio stations KDAP and KDAP-FM in Douglas, Arizona.

2. On September 1, 2009, agents of the Enforcement Bureau's San Diego Office inspected KDAP and KDAP-FM, located at 2031 N. Sulphur Springs Street, Douglas, AZ and observed the following violations:

47 C.F.R. § 11.35(a): "EAS Participants must determine the cause of any failure to receive the required tests or activations specified in Sections 11.61(a)(1) and (a)(2). Appropriate entries indicating reasons why any tests were not received must be made in the broadcast station log as specified in Sections 73.1820 and 73.1840 of this chapter for all broadcast streams . . . ." At the time of the inspection, there were no entries in the station log indicating why tests had been sporadically missed over the three months prior to the inspection.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, Howard N. Henderson, must submit a written statement concerning this

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 U.S.C. § 403.

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matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action taken to correct each violation, preclude recurrence, and should include a time line for completion of pending corrective actions.

4. The response must be complete in itself and signed by a principal or officer of Howard N. Henderson. 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  
San Diego District Office  
4542 Ruffner Street, Suite 370  
San Diego, CA 92111

5. This Notice shall be sent to by Certified Mail/Return Receipt Requested and regular mail to Howard N. Henderson, at its address of record.

6. 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

William R. Zears Jr.  
District Director  
San Diego District Office  
Western 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.*