

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Westchester Community College	)	File No. EB-09-NY-0280
Licensee of Radio Station WARY – FM 88.1 MHz	)	
Facility ID # 71709	)	NOV No. V201032380002
Valhalla, New York	)	
	)	

**NOTICE OF VIOLATION**

**Released: December 22, 2009**

By the District Director, New York Office, Northeast 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 Westchester Community College ("College"), licensee of radio station WARY in Valhalla, New York.
2. On September 28, 2009, an agent of the Enforcement Bureau's New York Office inspected station WARY located in Valhalla, New York, and observed the following violations:
  - a) 47 C.F.R. § 73.3527 (e)(1): "A copy of the current FCC authorization to construct or operate the station, as well as any other document necessary to reflect any modifications thereto or any conditions that the FCC has placed on the authorization. These materials shall be until replaced by a new authorization, at which time a copy of the new authorization and any related materials shall be placed in the file." At the time of inspection, WARY's public file contained no copy of the current authorization.
  - b) 47 C.F.R. § 73.3527 (e)(3): "A copy of any service contour maps, submitted with any application tendered for filing with the FCC, together with any other information in the application showing service contours and/or main studio and transmitter location (State, county, city, street address, or other identifying information)." At the time of inspection, WARY's public file contained no contour maps.
  - c) 47 C.F.R. § 73.3527 (e)(4): A copy of the most recent, complete ownership report filed with the FCC for the station, together with any subsequent statement filed with the FCC certifying that the current report is accurate, and together with all related material. These materials shall be retained until a

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<sup>1</sup> 47 C.F.R. § 1.89.

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new, complete ownership report is filled with the FCC, at which time a copy of the new report and any related materials shall be placed in the file.” At the time of inspection, WARY’s public file contained no copy of the ownership report.

- d) 47 C.F.R. § 73.3527(e)(7): “At all times, a copy of the most recent version of the manual entitled The Public and Broadcasting.” At the time of inspection, WARY’s public file contained no copy of the Public and Broadcasting.
  - e) 47 C.F.R. § 73.3527(e)(8): "For non-exempt noncommercial educational broadcast stations, every three months a list of programs that have provided the station's most significant treatment of community issues during the preceding three month period." At the time of inspection, WARY's public file did not contain issues/programs lists.
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, Westchester Community College must submit a written statement 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 the licensee. 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  
New York Office  
201 Varick Street  
New York, New York 10014

- 4. This Notice shall be sent to Westchester Community College 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>

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<sup>2</sup> 47 U.S.C. § 308(b).

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

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

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Daniel W. Noel  
District Director  
New York District Office  
Northeast Region  
Enforcement Bureau