

Federal Communications Commission

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

In the Matter of)	
)	
Horizon Broadcasting, Inc)	File No. EB-11-KC-0065
Licensee of Radio Station KOJY)	
Facility ID # 27659)	NOV No. V201232560003
Bloomfield, IA)	
)	
)	
)	

NOTICE OF VIOLATION

Released: February 7, 2012

By the District Director, Kansas City Office, South Central, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules¹ to Horizon Broadcasting, Inc, licensee of Station KOJY in Bloomfield, Iowa.
2. On August 23, 2011, an agent of the Commission’s Kansas City Office inspected Station KOJY located at Bloomfield, IA, and observed the following violation(s):
 - a. 47 C.F.R. § 73.1225 (c)(2): “The following records shall be made available by all broadcast stations upon request by representatives of the FCC (2) The written designations for chief operators and, when applicable, the contracts for chief operators engaged on a contract basis.” At the time of inspection, there was nothing in writing designating the chief operator.
 - b. 47 C.F.R. § 73.1225(c)(5): “The following records shall be made available by all broadcast stations upon request by representative of the FCC. (5) Station logs and special technical records.” At the time of inspection, no logs were available for review.
 - c. 47 C.F.R. § 73.1870(c)(3): “The chief operator is responsible for completion of the following duties specified in the paragraph below. When these duties are delegated to other persons, the chief operator shall maintain supervisory oversight sufficient to know that each requirement has been fulfilled in a timely and correct manner. (3)

¹47 C.F.R. § 1.89.

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Review of the station records at least once each week to determine if required entries are being made correctly additionally, verification must be made that the station has been operated as required by the rules or the station authorization. Upon completion of the review, the chief operator or his designee must date and sign the log, initiate any corrective action which may be necessary and advise the station licensee of any condition which is repetitive.” At the time of inspection, no station records were available to determine if the required logs were being maintained or reviewed. During the inspection, the station engineer stated that he was not reviewing the station records.

- d. 47 C.F.R. § 73.3526 (e)(5): “*Contents of the file.* The material to be retained in the public file is as follows: (5) Ownership reports and related materials. A copy of the most recent, complete ownership report filed with the FCC for the station, together with any 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 new, complete ownership report is filed 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, there was no recent ownership report in the Public Inspection File. The ownership report in the Public Inspection File was from 2008, and the station changed ownership in 2009.

- 3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission’s rules, Horizon Broadcasting, Inc., 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
Kansas City Office
520 NE Colbern Road, 2nd Floor
Lee’s Summit, MO 64081

- 4. This Notice shall be sent to Horizon Broadcasting, Inc. at its address of record.

²47 U.S.C. § 308(b).

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5. The Privacy Act of 1974³ 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.⁴

FEDERAL COMMUNICATIONS COMMISSION

Ronald D Ramage
District Director
Kansas City District Office
South Central
Enforcement Bureau

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*