

Federal Communications Commission

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

In the Matter of
Entertainment Media Trust
Dennis J. Watkins, Trustee
Licensee of Radio Station WQQX
Facility ID #72815
East St. Louis, Illinois
File No.: EB-FIELDNER-12-00003919
NOV No.: V201232320009

NOTICE OF VIOLATION

Released: September 17, 2012

By the District Director, Chicago Office, Northeast Region, Enforcement Bureau:

This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules to Entertainment Media Trust, licensee of AM Station WQQX in East St. Louis, Illinois. Pursuant to Section 1.89(a) of the Rules, issuance of this NOV does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.

1. On June 28, 2012, an agent of the Commission's Chicago Office inspected Station WQQX at its main studio at 6500 West Main Street, Suite 315, Belleville, Illinois, and observed the following violations:

- a. 47 C.F.R. § 73.1560: "[T]he antenna input power of an AM station . . . may not be less than 90% . . . of the authorized power." At the time of inspection, the antenna input power was 763 watts which is 76.3% of the authorized power.
b. 47 C.F.R. § 73.1225(d): "Commercial and noncommercial AM stations must make . . . available upon request by representatives of the FCC. (1) Copy of the most recent antenna . . . impedance measurement." At the time of inspection, a copy of the antenna impedance measurement was not made available.
c. 47 C.F.R. § 73.1230(a): "The station license . . . shall be posted . . . at the place the licensee considers to be the principal control point of the transmitter." At the time of inspection, the station license was not posted at the main studio, which is the station's principal transmitter control point.

2. Pursuant to Section 308(b) of the Communications Act of 1934, as amended, and Section 1.89 of the Commission's Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Entertainment Media Trust must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation,

147 C.F.R. § 1.89.

2 47 C.F.R. § 1.89(a).

3 47 U.S.C. § 308(b).

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including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

3. In accordance with Section 1.16 of the Commission’s rules, we direct Entertainment Media Trust to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Entertainment Media Trust with personal knowledge of the representations provided in Entertainment Media Trust’s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

4. 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
Chicago Office
1550 North Northwest Highway, Room 306
Park Ridge, IL 60068

5. This Notice shall be sent to Entertainment Media Trust, at its address of record.

6. The Privacy Act of 1974⁷ 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.

FEDERAL COMMUNICATIONS COMMISSION

James M. Roop
District Director
Chicago District Office
Northeast Region
Enforcement Bureau

⁴ 47 C.F.R. § 1.89(c).

⁵Section 1.16 of the Commission’s rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁷P.L. 93-579, 5 U.S.C. § 552a(e)(3).