**Before the**

## Federal Communications Commission

## Washington, D.C. 20554

In the Matter of )

)

Beasley Media Group, LLC ) File No.: EB-FIELDNER-15-00015674

Licensee of Station WTMR )

Camden, New Jersey ) NOV No.: V201532400006

)

) Facility ID: 24658

)

NOTICE OF VIOLATION

Released: November 3, 2015

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

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules)[[1]](#footnote-1) to Beasley Media Group, LLC (Beasley), licensee of radio station WTMR in Camden, New Jersey. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice 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.[[2]](#footnote-2)
2. On July 29, 2015, agents of the Enforcement Bureau’s Philadelphia Office inspected radio station WTMR located at 2775 Mt Ephraim Ave, Camden, New Jersey, and observed the following violation:

47 C.F.R. §17.49(a): "Recording of antenna structure light inspections in the owner record. The owner of each antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part must maintain a record of any observed or otherwise known extinguishment or improper functioning of a structure light. This record shall be retained for a period of two years and provided to the FCC or its agents upon request…" At the time of inspection, the obstruction lighting at the mid-level of the WTMR antenna structure was extinguished. However, the tower light logs for Station WTMR did not include any record of the extinguished structure light.

1. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,[[3]](#footnote-3) and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Beasley Media Group, LLC 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, 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]](#footnote-4)
2. In accordance with Section 1.16 of the Rules, we direct Beasley Media Group, LLC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Beasley Media Group, LLC with personal knowledge of the representations provided in Beasley Media Group, LLC’s response, verifying the truth and accuracy of the information therein,[[5]](#footnote-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]](#footnote-6)
3. 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

Philadelphia Office

2300 East Lincoln Hwy

One Oxford Valley Building

Suite 404

Langhorne, PA 19047

1. This Notice shall be sent to Beasley Media Group, LLC at its address of record.
2. The Privacy Act of 1974[[7]](#footnote-7) 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

David Dombrowski

District Director

Philadelphia District Office

Northeast Region

Enforcement Bureau

1. 47 C.F.R. § 1.89. [↑](#footnote-ref-1)
2. 47 C.F.R. § 1.89(a). [↑](#footnote-ref-2)
3. 47 U.S.C. § 308(b). [↑](#footnote-ref-3)
4. 47 C.F.R. § 1.89(c). [↑](#footnote-ref-4)
5. Section 1.16 of the 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. [↑](#footnote-ref-5)
6. 18 U.S.C. § 1001 *et seq. See also* 47 C.F.R. § 1.17. [↑](#footnote-ref-6)
7. P.L. 93-579, 5 U.S.C. § 552a(e)(3). [↑](#footnote-ref-7)