**Before the**

## Federal Communications Commission

## Washington, D.C. 20554

In the Matter of )

 )

International Aerospace Solutions, Inc. ) File No.: EB-FIELDWR-17-00023984

Licensee of Radio Station KTHO (AM) )

Facility ID # 51528 )

 )

South Lake Tahoe, California )

 )

NOTICE OF VIOLATION

 Released: May 15, 2018

By the Regional Director, Region Three, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules)[[1]](#footnote-3) to International Aerospace Solutions, Inc., licensee of Station KTHO (AM), South Lake Tahoe, California. 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 violations noted herein.[[2]](#footnote-4)
2. On December 7, 2017, an agent of the Enforcement Bureau’s San Francisco Office attempted to inspected Station KTHO (AM) in South Lake Tahoe, California, and observed violations of the following Rules:
	1. 47 CFR § 11.61(a)(1),(2) of the Rules requires EAS Participants shall conduct tests at regular intervals, as specified in paragraphs (a)(1) and (a)(2) of this section. At the time of the inspection, there were no EAS logs or station logs showing that the required weekly or monthly EAS tests had been conducted.
	2. 47 CFR § 73.1840(a): “Any log required to be kept by station licensees shall be retained by them for a period of 2 years. However, logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the FCC and about which the licensee has been notified, shall be retained by the licensee until specifically authorized in writing by the FCC to destroy them.” At the time of the inspection, the station log and/or the EAS logs had not been maintained for the previous two years.
	3. 47 CFR § 73.1820(a)(1)(iii): “An entry of each test and activation of the Emergency Alert System (EAS) pursuant to the requirement of [part 11](https://www.law.cornell.edu/cfr/text/47/part-11%22%20%5Co%20%22part%2011) of this chapter and the EAS Operating Handbook. Stations may keep EAS data in a special EAS log which shall be maintained at a convenient location; however, this log is considered a part of the station log.” At the time of the inspection, there was no station log or EAS log showing entries of the required weekly or monthly EAS tests.
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,[[3]](#footnote-5) and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, International Aerospace Solutions, Inc., must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must (i) fully explain each violation, including all relevant surrounding facts and circumstances, (ii) contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) include a time line for completion of any pending corrective action(s). Further, the response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.[[4]](#footnote-6)
4. In accordance with Section 1.16 of the Rules, we direct International Aerospace Solutions, Inc. to support his response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by International Aerospace Solutions, Inc., verifying the truth and accuracy of the information therein,[[5]](#footnote-7) 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-8)
5. 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
Los Angeles Regional Office
11331 183rd Street, PMB #365

Cerritos, CA 90703
Field@FCC.gov

1. This Notice shall be sent to International Aerospace Solutions, Inc. at its address of record, with a copy to its counsel, Nathaniel J. Hardy, Wood Martin and Hardy, 3300 Fairfax Drive, Suite 202, Arlington, VA 22201- 4400.
2. The Privacy Act of 1974[[7]](#footnote-9) 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

Lark Hadley

Regional Director

Region Three

Enforcement Bureau

1. 47 CFR § 1.89. [↑](#footnote-ref-3)
2. 47 CFR § 1.89(a). [↑](#footnote-ref-4)
3. 47 U.S.C. § 308(b). [↑](#footnote-ref-5)
4. 47 CFR § 1.89(c). [↑](#footnote-ref-6)
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 CFR § 1.16. [↑](#footnote-ref-7)
6. 18 U.S.C. § 1001 *et seq. See also* 47 CFR § 1.17. [↑](#footnote-ref-8)
7. *See* 5 U.S.C. § 552a(e)(3). [↑](#footnote-ref-9)