

Federal Communications Commission

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

In the Matter of)			
)			
American Multi-Media Syndicate Inc)	File	No.	EB-FIELDSCR-18-
00026933)			
Licensee of Station WDKK-LP)			
)			
Facility ID: 191815)			
)			
Hollywood, Florida)			

NOTICE OF VIOLATION

Released: September

18, 2018

By the Regional Director, Region Two, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),¹ to American Multi-Media Syndicate Inc (AMMS), licensee of Low Power FM (LPFM) station WDKK-LP in Hollywood, Florida. 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

2. On July 8 and August 22, 2018, agents of the Enforcement Bureau's Miami Office investigated and found the following violations:

- a. 47 CFR § 73.845: "Each LPFM licensee is responsible for maintaining and operating its broadcast station in a manner that complies with the technical rules set forth elsewhere in this part and in accordance with the terms of the station authorization..." According to its license, WDKK-LP is authorized to operate on frequency 101.1 MHz from

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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coordinates 25° 59' 16" N latitude and 80° 15' 02" W longitude (NAD 27), with an antenna height of 13 meters radiation center above ground (RCAG). On July 8 and August 22, 2018, agents determined that radio station WDKK-LP was operating on 101.1 MHz from an antenna structure at coordinates 25° 55' 02.7" N latitude and 80° 09' 26.4" W longitude (NAD 27), with an antenna height of approximately 30 meters RCAG. Thus, the station is operating 12.2 kilometers from its authorized location with an unauthorized antenna height.

- b. 47 CFR § 73.875: "The following procedures and restrictions apply to licensee modifications of authorized broadcast transmission system facilities... (b) The following changes may be made only after the grant of a construction permit application on FCC Form 318. (1) Any construction of a new tower structure for broadcast purposes, except for replacement of an existing tower with a new tower of identical height and geographical coordinates. (2) Any change in station geographic coordinates, including coordinate corrections and any move of the antenna to another tower structure at the same coordinates. (3) Any change in antenna height more than 2 meters above or 4 meters below the authorized value..." A check of the Commission's licensing database shows that AMMS has not filed an application, nor has been granted a construction permit, to operate from the antenna structure at the geographic coordinates and antenna height observed by agents on July 8 and August 22, 2018.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, AMMS 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

4. In accordance with Section 1.16 of the Rules, we direct AMMS to

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

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support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of AMMS with personal knowledge of the representations provided in AMMS'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

5. All replies and documentation sent in response to this Notice should be marked with the File No. specified above, and mailed to the following address:

Federal Communications Commission
Columbia Regional Office
P.O. Box 1493
Powder Springs, GA 30127

6. This Notice shall be sent to AMMS at its address of record.

7. 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.

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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.

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

⁷ 5 U.S.C. § 552a(e)(3).

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Ronald Ramage
Regional Director, Region Two
Enforcement Bureau