

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

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| In the Matter of |) | |
| |) | |
| Dennis Wallace |) | File No.: EB-FIELDNER-19-00028424 |
| |) | |
| Court-Appointed Receiver of Radio Station KWUL |) | Facility ID Number 70301 |
| |) | |
| Elsberry, Missouri |) | FRN: 0025945346 |
| |) | |

NOTICE OF VIOLATION

Released: June 5, 2019

By the Regional Director, Region One, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to section 1.89 of the Commission’s rules (Rules)¹ to Dennis Wallace, Court-Appointed Receiver of FM radio station KWUL. 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

2. On May 15, 2019, an Agent of the Enforcement Bureau’s Chicago Office inspected FM radio station KWUL and observed the following violation:

47 CFR § 11.52(d)(1): “With respect to monitoring for EAS messages that are formatted in accordance with the EAS Protocol, EAS Participants must monitor two EAS sources. The monitoring assignments of each broadcast station and cable system and wireless cable system are specified in the State EAS Plan and FCC Mapbook. They are developed in accordance with FCC monitoring priorities.” The Missouri State EAS Plan 2018 specifies that KWUL is in the St. Louis Operational Area. The two sources of monitoring assignments in the St. Louis Operational Area are: LP-1 stations KEZK-FM (102.5 MHz) or KMOX-AM (1120 kHz) and LP-2 stations KFTK-FM (97.1 MHz) or WIL-FM (92.3 MHz). During the inspection conducted on May 15, 2019, the Agent found that the KWUL EAS equipment was not monitoring the LP-1 and LP-2 stations but only monitoring the Federal Emergency Management Agency’s Integrated Public Alert and Warning System.

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

3. As the nation's emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its licensees.

4. 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 violation and any remedial actions taken. Therefore, Dennis Wallace, Court-Appointed Receiver of radio station KWUL, 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

5. In accordance with section 1.16 of the Rules, we direct Dennis Wallace, Court-Appointed Receiver of KWUL to support his response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by him, 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 company'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

6. 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
Office of Regional Director
Columbia Regional Office
9050 Junction Drive
Annapolis, Maryland 20701

7. This Notice shall be sent to the Dennis Wallace, Court-Appointed Receiver of KWUL, 1282 Smallwood Drive, Waldorf, Maryland 20603 and to counsel of record, Lee J. Peltzman, 1850 M Street, NW #240, Washington, DC 20036.

³ 47 U.S.C. § 308(b).

⁴ 47 CFR § 1.89(c).

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.

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

8. 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

David C. Dombrowski
Regional Director
Region One
Enforcement Bureau
Federal Communications Commission

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).