

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

In the Matter of	)	
	)	
Latino Center for Prevention & Action in	)	
Health and Welfare	)	File No.: EB-FIELDWR-19-00028702
Licensee of LPFM Station KSXA-LP	)	
	)	
Facility ID Number 196543	)	
	)	
Santa Ana, California	)	

**NOTICE OF VIOLATION**

**Released: July 11, 2019**

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)<sup>1</sup> to Latino Center for Prevention & Action in Health and Welfare (Latino Center), licensee of LPFM Station KSXA-LP, Santa Ana, 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.<sup>2</sup>

2. On March 5, 2019, an Agent of the Enforcement Bureau's Los Angeles Office inspected KSXA-LP and observed the following violations:

a. 47 CFR § 73.1820(a)(1)(iii): "Station log. All stations: An entry of each test and activation of the Emergency Alert System (EAS) pursuant to the requirement of part 11 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 inspection, the agent observed that there was no log available.

b. 47 CFR § 73.1660(a)(2). "Acceptability of broadcast transmitters.... An LPFM transmitter shall be certified for compliance with the requirements of this part following the procedures described in part 2 of this chapter." 47 C.F.R. § 2.925 (a) (1) states: "Each equipment covered in an application for equipment authorization shall bear a label listing the following: (1) FCC Identifier consisting of the two elements in the exact order specified in § 2.926. The FCC

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

Identifier shall be preceded by the term FCC ID in capital letters on a single line, and shall be of a type size large enough to be legible without the aid of magnification.” During the inspection, the agent could not find the FCC Identifier for the transmitter used in this LPFM station.

3. Pursuant to section 308(b) of the Communications Act of 1934, as amended,<sup>3</sup> and section 1.89 of the Rules, we seek additional information concerning the violation and any remedial actions taken. Therefore, Latino Center 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.<sup>4</sup>

4. In accordance with section 1.16 of the Rules, we direct Latino Center to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Latino Center with personal knowledge of the representations provided in the response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the Latino Center’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.<sup>6</sup>

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  
Los Angeles Regional Office  
11331 183<sup>rd</sup> Street, PMB #365  
Cerritos, CA 90703  
[Field@FCC.gov](mailto:Field@FCC.gov)

6. This Notice shall be sent to Latino Center for Prevention & Action in Health and Welfare, 450 W. 4<sup>th</sup> Street, Suite 130, Santa Ana, CA 92701.

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<sup>3</sup> 47 U.S.C. § 308(b).

<sup>4</sup> 47 CFR § 1.89(c).

<sup>5</sup> 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.

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

7. The Privacy Act of 1974<sup>7</sup> 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

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<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).