

Federal Communications Commission

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

In the Matter of)	
)	
Chinese Sound of Oriental and West Heritage,)	File No.: EB-FIELDWR-19-00028704
Licensee of LPFM Station KQEV-LP)	Fac. ID No.: 196455
Covina, California)	
)	

NOTICE OF VIOLATION

Released: October 3, 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 rules¹ to Chinese Sound of Oriental and West Heritage (Chinese Sound), licensee of LPFM Station KQEV-LP, Covina, California (Station). Pursuant to section 1.89(a) of the Commission's 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 March 15, 2019, an Agent of the Enforcement Bureau's Los Angeles Office inspected KQEV-LP and observed the following violations:

a. 47 C.F.R. 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." The Station's license authorizes the height of the radiation center of the transmitting antenna to be 15 meters above ground level. At the time of the inspection, the agent measured the height of the radiation center of the antenna to be 22.2 meters above ground level. In addition, the Station's license authorizes its transmitting antenna to be located at coordinates 34° 03' 55" N, 117° 50' 44" W (NAD-27). At the time of the inspection, the agent observed that the actual location of the transmitting antenna was located at the coordinates of N 34° 03' 53.6" and W 117° 50' 44.2" (NAD-27), revealing a discrepancy of approximately 40 meters.

b. 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 of the Station, the agent observed that there was no EAS log available.

c. 47 C.F.R. 73.1660(a)(2): "An LPFM transmitter shall be certified for compliance with the requirements of this part following the procedures described in part 2 of this chapter." At the time of the inspection, the LPFM transmitter utilized by the Station was not certified for compliance. During the inspection, the agent observed that the Station

¹ 47 CFR § 1.89.

² 47 CFR § 1.889(a).

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employed an OMB Model EM 100 Dig Plus transmitter. The transmitter did not bear the label required for certified equipment under section 2.925(a)(1) of the Commission's rules,³ and a subsequent review of the Commission's databases revealed no certification for this model of LPFM transmitter.

3. Pursuant to section 308(b) of the Communications Act of 1934, as amended,⁴ and section 1.89 of the Commission's rules,⁵ we seek additional information concerning the violation and any remedial actions taken. Therefore, Chinese Sound 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.⁶

4. In accordance with section 1.16 of the Commission's rules, we direct Chinese Sound to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Chinese Sound with personal knowledge of the representations provided in the response, verifying the truth and accuracy of the information therein,⁷ and confirming that all of the information requested by this Notice which is in the Chinese Sound'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.⁸

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 183rd Street, PMB #365
Cerritos, CA 90703
Field@FCC.gov

6. This Notice shall be sent to Chinese Sound of Oriental and West Heritage, 11 Tomahawk Lane, Carson, CA 90745.

³ See 47 CFR § 2.925(a)(1).

⁴ 47 U.S.C. § 308(b).

⁵ 47 CFR § 1.89.

⁶ 47 CFR § 1.89(c).

⁷ Section 1.16 of the Commission's 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.

⁸ 18 U.S.C. §§ 1001, *et seq.*; *see also* 47 CFR § 1.17.

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7. The Privacy Act of 1974⁹ 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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Lark Hadley
Regional Director
Region Three
Enforcement Bureau

⁹ P.L. 93-579, 5 U.S.C. § 552a(e)(3).