
Federal Communications Commission

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

In the Matter of)	
)	
Vernon R. Baldwin, Inc.)	
)	
Licensee of Station WMOH)	File No.: EB-FIELDNER-19-00029715
Facility ID: 65955)	
)	
Hamilton, Ohio)	

NOTICE OF VIOLATION

Released: November 27, 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 Vernon R. Baldwin, Inc., licensee of AM station WMOH in Hamilton, Ohio. 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 noted herein.²

2. On August 22, 2019, an Agent of the Enforcement Bureau's Columbia Office investigated a complaint about the operation of AM Station WMOH and found the following violation:

- a. 47 CFR § 73.1590(a)(6): "The licensee of each AM, FM, TV and Class A TV station, except licensees of Class D non-commercial educational FM stations authorized to operate with 10 watts or less output power, must make equipment performance measurements for each main transmitter as follows: Annually, for AM stations, with not more than 14 months between measurements." ... At the time of the August 22, 2019 investigation, Vernon R. Baldwin, Inc. last made equipment performance measurements of AM Station WMOH in October 2017. The most recent equipment performance measurements should have been made no later than December 2018.

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

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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, Vernon R. Baldwin, Inc. 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 timeline 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 Vernon R. Baldwin, Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Vernon R. Baldwin, Inc. with personal knowledge of the representations provided in Vernon R. Baldwin, Inc.'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 and emailed to the following address:

Federal Communications Commission
Enforcement Bureau
Columbia Regional Office
9050 Junction Drive
Annapolis, Maryland 20701

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.

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6. This Notice shall be sent to Vernon R. Baldwin, Inc., 2081 Fairgrove Avenue, Hamilton, Ohio 45011 and its counsel, John F. Garziglia, Womble Carlyle Sandridge & Rice, LLP, 1200 19th Street, N.W., Suite 500, Washington, D.C. 20036.

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.

FEDERAL COMMUNICATIONS COMMISSION



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

⁷ 5 U.S.C. § 552a(e)(3).