

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Materials & Applications	)	File No.: EB-FIELDWR-19-00030070
Licensee of Station KGAP-LP	)	
	)	
Facility ID: 196198	)	
	)	
Los Angeles, California	)	
	)	

**NOTICE OF VIOLATION**

**Released: June 25, 2020**

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 Materials and Applications, licensee of radio station KGAP-LP in Los Angeles, 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 December 11, 2019, an agent of the Enforcement Bureau’s Los Angeles Office observed the following violation(s):

- a. 47 CFR § 73.1201(b)(1): Station Identification. “Content. Official station identification shall consist of the station’s call letters immediately followed by the community or communities specified in its license as the station’s location; [p]rovided, [t]hat the name of the licensee, the station’s frequency, the station’s channel number, as stated on the station’s license, and/or the station’s network affiliation may be inserted between the call letters and station location.” On December 11, 2019, the Agent monitored KGAP-LP and noted that the station identification did not specifically state the community of license.
- b. 47 CFR § 11.61 (a) (1), (2): Tests of EAS procedures “(a) EAS Participants shall conduct tests at regular intervals, as specified in paragraphs (a)(1) and (a)(2) of this section... (1) Required Monthly Tests of the EAS header codes, Attention Signal, Test Script and EOM code... These monthly tests must be transmitted within 60 minutes of receipt by EAS Participants in an EAS Local Area or State... (2) Required Weekly Tests...”(A) Analog and digital AM, FM, and TV broadcast stations must conduct tests of the EAS header and EOM codes at least once a week at random days and times.” Based on the EAS record provided by the licensee, dated February 19, 2020, no monthly tests were conducted for the months December, 2019, and January, 2020, and no weekly tests were conducted for the period between December 15,

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

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2019, to February 1, 2020.

3. Pursuant to section 308(b) of the Communications Act of 1934, as amended,<sup>3</sup> and section 1.89 of the Rules,<sup>4</sup> we seek additional information concerning the violation and any remedial actions taken. Therefore, Materials and Applications 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>5</sup>

4. In accordance with section 1.16 of the Rules, we direct Materials and Applications to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Materials and Applications with personal knowledge of the representations provided in Materials and Applications' response, verifying the truth and accuracy of the information therein,<sup>6</sup> and confirming that all of the information requested by this Notice which is in Materials and Applications' 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>7</sup>

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  
Los Angeles Regional Office  
11331 183rd Street, PMB #365  
Cerritos, CA 90703  
Field@FCC.gov

6. This Notice shall be sent to Materials and Applications, 970 N. Broadway Blvd., Suite 206, Los Angeles, CA 90012.

7. The Privacy Act of 1974<sup>8</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.

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<sup>3</sup> 47 U.S.C. § 308(b).

<sup>4</sup> 47 CFR § 1.89.

<sup>5</sup> 47 CFR § 1.89(c).

<sup>6</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>7</sup> 18 U.S.C. §§ 1001, *et seq.*; *see also* 47 CFR § 1.17.

<sup>8</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

FEDERAL COMMUNICATIONS COMMISSION

Lark Hadley  
Regional Director  
Region Three  
Enforcement Bureau