
Federal Communications Commission

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

In the Matter of)	
)	
SEMM Foundation)	File No.: EB-FIELDNER-20-00031055
Licensee of LPFM Station WSAX-LP)	Facility ID: 196804
)	
Columbus, Ohio)	
)	FRN: 0023125255
)	

NOTICE OF VIOLATION

Released: July 8, 2020

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 rules¹ to SEMM Foundation, the licensee of Low Powered FM Station WSAX-LP in Columbus, Ohio. 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 May 29, 2020 in response to a complaint, an Agent of the Enforcement Bureau's Chicago Office inspected WSAX-LP and observed the following violations:

- a. 47 CFR § 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."³ WSAX-LP is authorized to operate at the following coordinates: 39° 58' 54" North, 082° 51' 11" West. On May 29, 2020, the Agent determined that WSAX-LP was transmitting from Whitehall Yearling High School, 675 South Yearling Road, Whitehall, Ohio at the coordinates 39° 57' 40.2" North, 082° 53' 26.4" West which is 3.9 kilometers from its authorized location. Therefore, WSAX-LP was not operating in accordance with the terms of the station authorization.
- b. 47 CFR § 73.875(b)(2): "The following changes may be made only after the grant of a construction permit application on FCC Form 318. ...Any change in station geographic coordinates, including coordinate corrections and any move of the antenna to another tower structure located at the same coordinates..." At the time of inspection, SEMM Foundation had not filed an FCC Form 318 to modify its transmitting coordinates.

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

³ 47 CFR § 73.845.

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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, SEMM 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 SEMM to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of SEMM 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 SEMM'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 and emailed to the following address:

Federal Communications Commission
Columbia Regional Office
9050 Junction Drive
Annapolis, Maryland 20701
Field@fcc.gov

6. This Notice shall be sent to SEMM Foundation, 3750 East Broad Street, #13682, Columbus, Ohio 43213.

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.

FEDERAL COMMUNICATIONS COMMISSION

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

⁹ P.L. 93-579, 5 U.S.C. § 552a(e)(3).