

Federal Communications Commission

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

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| In the Matter of |) | |
| |) | |
| La Raza Media Group, LLC |) | File No.: EB-FIELDSCR-21-00032883 |
| Licensee of Station WTWB |) | |
| |) | Facility ID: 74153 |
| Auburndale, Florida |) | |
| |) | |
| |) | |
| |) | |

NOTICE OF VIOLATION

Released: April 15, 2022

By the Regional Director, Region Two, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to section 1.89 of the Commission’s rules¹ to La Raza Media Group, LLC, licensee of radio station WTWB in Auburndale, Florida (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 violation(s) noted herein.²

2. On March 29, 2022, an Agent of the Enforcement Bureau’s Miami Office monitored and inspected the Station and observed the following violation:

- a. 47 CFR § 73.1560(a): “(1) . . . the antenna input power of an AM station, as determined by the procedures specified in § 73.51, must be maintained as near as practicable to the authorized antenna input power and may not be less than 90 percent nor greater than 105 percent of the authorized power,” and “(2) Whenever the transmitter of an AM station cannot be placed into the specified operating mode at the time required, transmissions of the station must be immediately terminated. However, if the radiated field at any bearing or elevation does not exceed that permitted for that time of day, operation in the mode with the lesser radiated field may continue under the notification procedures of paragraph (d) of this section.” According to its license, the Station is authorized to operate with 5 kilowatts of power during daytime hours and 13 watts of power during nighttime hours. In response to a complaint that the Station was not reducing power after sunset, an Agent from the Miami Office monitored field strength levels for the Station and observed the station did not reduce power after sunset. The Agent then spoke with the Station’s general manager and learned that the station was operating at 3.5 kilowatts during daytime and nighttime hours. Operating at 3.5 kilowatts during nighttime hours far exceeds the Station’s nighttime authorization to operate at 13 watts, and therefore violated section 73.1560(a)(1) of the Commission’s rules. Because it did not seek authority for reduced daytime operating power, the Station’s daytime operations also violated sections 73.1560(a)(1) – (2) of the Commission’s rules.

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

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b. 47 CFR § 73.1745(a): “No broadcast station shall operate at times, or with modes or power, other than those specified and made a part of the license, unless otherwise provided in this part.” According to its license, the Station is authorized to operate with 5 kilowatts of power during daytime hours and 13 watts of power during nighttime hours. In response to a complaint that the Station was not reducing power after sunset, an Agent from the Miami Office monitored field strength levels for the Station and observed the station did not reduce power after sunset, in violation of section 73.1745(a) of the Commission’s rules. After speaking with Station’s general manager, the Agent learned that the station operated at 3.5 kilowatts during daytime and nighttime hours.

3. Pursuant to section 308(b) of the Communications Act of 1934, as amended (Act), and section 1.89 of the Commission’s rules, we seek additional information concerning the violations and any remedial actions taken.³ Therefore, La Raza Media Group, LLC 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.⁴

4. In accordance with section 1.16 of the Commission’s rules, we direct La Raza Media Group, LLC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of La Raza Media Group, LLC with personal knowledge of the representations provided in La Raza Media Group, LLC’s response, verifying the truth and accuracy of the information therein, 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.⁵ 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 Number, specified above, and mailed to the following address:

Federal Communications Commission
Region Two Regional Office
P.O. Box 1493
Powder Springs, GA 30127

6. This Notice shall be sent to La Raza Media Group, LLC at its address of record.

³ 47 U.S.C. § 308(b); 47 CFR § 1.89.

⁴ 47 CFR § 1.89(c).

⁵ 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.

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

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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.

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Dedrick Roybiskie
Regional Director, Region Two
Enforcement Bureau

⁷ 5 U.S.C. § 552a(e)(3).