

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Ben Jordan Communications Corporation	)	File No.: EB-FIELDSCR-22-00034082
Licensee of Station WBRQ(FM)	)	
	)	Facility ID: 90858
La Grange, Georgia	)	
	)	FRN: 0016992521

**NOTICE OF VIOLATION**

**Released: October 4, 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 rules<sup>1</sup> to Ben Jordan Communications Corporation, licensee of radio station WBRQ(FM) in La Grange, Georgia (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.<sup>2</sup>

2. On July 26, 2022, based on a complaint, agents of the Enforcement Bureau’s Atlanta Office monitored radio station WBRQ(FM) and observed the following violation:

- a. 47 CFR § 73.1350(a): “Each licensee is responsible for maintaining and operating its broadcast station in a manner which complies with the technical rules set forth elsewhere in this part and in accordance with the terms of the station authorization.” At the time of the agents’ observations, the Station was authorized to operate pursuant to File No. BLED-20110922AAM, granted to it by the Media Bureau on October 12, 2011. Agents determined that the Station was operating from a building rooftop at coordinates 33° 02’ 42” N latitude and 85° 00’ 51” W longitude, approximately 3.0 miles from its authorized location. Thus, the Station was operating from an unauthorized location with an unauthorized antenna, in violation of Section 73.1350(a) of the Rules.

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.<sup>3</sup> Therefore, Ben Jordan Communications Corporation 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

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

<sup>3</sup> 47 U.S.C. § 308(b); 47 CFR § 1.89.

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itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

4. In accordance with section 1.16 of the Commission's rules, we direct Ben Jordan Communications Corporation to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Ben Jordan Communications Corporation with personal knowledge of the representations provided in Ben Jordan Communications Corporation'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 Ben Jordan Communications Corporation's possession, custody, control, or knowledge has been produced.<sup>5</sup> 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>6</sup>

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  
504-219-8999  
FIELD@FCC.GOV

6. This Notice shall be sent to Ben Jordan Communications Corporation at its address of record and to Ben Jordan Communications Corporation's counsel, Jeffrey D. Southmayd, at 4 Ocean Ridge Boulevard South, Palm Coast, FL 32135.

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

FEDERAL COMMUNICATIONS COMMISSION

Dedrick Roybiskie  
Regional Director, Region Two  
Enforcement Bureau

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<sup>4</sup> 47 CFR § 1.89(c).

<sup>5</sup> 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.

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

<sup>7</sup> 5 U.S.C. § 552a(e)(3).