

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

In the Matter of)	
)	
MINISTERIOS EL JORDAN)	EB Docket No. 18-239
)	
)	
Application for Modification for Station)	Facility ID No. 194038
KEJM-LP, Carthage, Missouri)	File No.: BPL – 2017112AAB
)	

ORDER

Issued: April 22, 2019

Released: April 22, 2019

By *Order to Show Cause, Hearing Designation Order and Notice of Opportunity for Hearing (Order to Show Cause)* in the above-captioned matter, the Chief, Enforcement Bureau, pursuant to delegated authority, commenced a hearing proceeding to determine whether Ministerios El Jordan is qualified to be and remain a Commission licensee and whether its license for Low Power FM Station KEJM-LP, Carthage, Missouri, should be revoked and its pending modification application denied.¹ The issues to be considered stemmed from the overarching questions of whether Ministerios El Jordan was owned or controlled by non-United States citizens in excess of the degree permissible under Section 310(b)(3) of the Communications Act and whether it misrepresented that level of foreign ownership in its dealings with the Commission.² To avail itself of the opportunity to be heard and the right to present evidence at the hearing, Ministerios El Jordan was directed by the *Order to Show Cause* to file a written appearance within 20 days stating that it would appear at the hearing and present evidence on the issues specified.³

As the *Order to Show Cause* was released on October 11, 2018, Ministerios El Jordan's written appearance was due by October 31, 2018. Ministerios El Jordan did not file the required written appearance, nor did it submit a petition seeking dismissal of the *Order to Show Cause* or permission to file its appearance after the deadline. Rather, an undated letter filed on the entity's behalf was received in the FCC's mail processing facility on November 9, 2018.⁴ The letter, which indicated that it was in

¹ *Ministerios El Jordan*, EB Docket No. 18-239, Order to Show Cause, Hearing Designation Order and Notice of Opportunity for Hearing, 15 FCC Rcd 9893 (EB 2018) (*Order to Show Cause*).

² Section 310(b)(3) of the Communications Act, 47 U.S.C. § 310(b)(3), provides that a license shall not be granted to "any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representatives thereof or by any corporation organized under the laws of a foreign country."

³ *Order to Show Cause*, 15 FCC Rcd at 9902, para. 30.

⁴ Letter to Federal Communications Commission re KEJM-LP, Carthage, Missouri (received Nov. 9, 2018) (available as attachment to the Enforcement Bureau's motion to terminate this hearing proceeding).

response to the *Order to Show Cause*, conceded that the group was controlled by non-citizens and purported to surrender the license for Station KEJM-LP. On February 8, 2019, the Enforcement Bureau filed a motion requesting that the Presiding Judge dismiss the above-captioned application of Ministerios El Jordan with prejudice, terminate this hearing proceeding, and certify the case to the Commission.⁵

Section 1.92 of the Commission's rules provides that following the issuance of an Order to Show Cause, the right to a hearing shall be deemed waived if an applicant fails to file a written appearance within the time specified.⁶ Upon that occurrence, the Presiding Judge is directed to issue an order reciting the events or circumstances constituting a waiver of the hearing, terminate the hearing, and certify the case to the Commission.⁷ Section 1.221 of the Commission's rules provides that when an application is designated for hearing, if the applicant fails to timely file the required written appearance, a petition to dismiss without prejudice, or a petition to accept for good cause shown a late-filed written appearance, the application will be dismissed with prejudice for failure to prosecute.⁸ Because Ministerios El Jordan did not file the required notice of appearance or other permissible pleading, its right to a hearing in this matter is deemed waived and its modification application must be dismissed with prejudice. Accordingly, the relief requested by the Enforcement Bureau in its Motion to Terminate the Hearing is granted.

IT IS ORDERED that Administrative Law Judge Jane Halprin shall serve as Presiding Judge in the above-entitled proceeding.

IT IS FURTHER ORDERED that, pursuant to Section 1.221(c) of the Commission's rules and paragraph 31 of the *Order to Show Cause*, the above-captioned application IS DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that, pursuant to Section 1.92(c) of the Commission's rules and paragraph 31 of the *Order to Show Cause*, the hearing proceeding in the above-captioned matter IS TERMINATED and this proceeding IS CERTIFIED to the Commission.⁹

FEDERAL COMMUNICATIONS COMMISSION



Jane Halprin
Administrative Law Judge

⁵ Enforcement Bureau, Motion to Terminate the Hearing, EB Docket No. 18-239 (filed Feb. 8, 2019), <https://ecfsapi.fcc.gov/file/102080891724791/2%208%2019%20EB%20Motion%20to%20Terminate.pdf>

⁶ 47 CFR § 1.92(a)(1).

⁷ 47 CFR § 1.92(c).

⁸ 47 CFR § 1.221(c).

⁹ A copy of this Order will be sent via U.S. mail to the licensee of record and the Enforcement Bureau.