**Before the**

## Federal Communications Commission

## Washington, D.C. 20554

In the Matter of )

)

Michael R. Quinn ) File No.: EB-FIELDWR-14-00016622

Licensee of Station KLXR )

) NOV No.: V201432960013

Redding, California ) Facility ID No.: 55413

NOTICE OF VIOLATION

Released: July 31, 2014

By the District Director, San Francisco Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules)[[1]](#footnote-1) to Michael R. Quinn, licensee of radio station KLXR in Redding, 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 violation(s) noted herein.[[2]](#footnote-2)
2. On May 15, 2014, an agent of the Enforcement Bureau’s San Francisco Office inspected radio station KLXR located at 1326 Market St., Redding, California, and observed the following violation:
   1. 47 C.F.R. § 11.61(b): “Entries shall be made in EAS Participant records, as specified in § 11.35(a) and 11.54(a)(3).” KLXR did not have EAS CAP-formatted entries in the station’s EAS logs from January 1, 2014 through May 15, 2014.
3. As the nation’s emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its regulatees.
4. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,[[3]](#footnote-3) and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Michael R. Quinn 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]](#footnote-4)
5. In accordance with Section 1.16 of the Rules, we direct Mr. Quinn to support his response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by Mr. Quinn indicating personal knowledge of the representations provided in the response, verifying the truth and accuracy of the information therein,[[5]](#footnote-5) 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. 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]](#footnote-6)
6. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission

San Francisco Office

5653 Stone ridge Dr., Suite 105

Pleasanton, CA 94588

1. This Notice shall be sent to Michael R. Quinn at his address of record.
2. The Privacy Act of 1974[[7]](#footnote-7) 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 K. Hartshorn

District Director

San Francisco Office

Western Region

Enforcement Bureau

1. 47 C.F.R. § 1.89. [↑](#footnote-ref-1)
2. 47 C.F.R. § 1.89(a). [↑](#footnote-ref-2)
3. 47 U.S.C. § 308(b) [↑](#footnote-ref-3)
4. 47 C.F.R. § 1.89(c). [↑](#footnote-ref-4)
5. 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 C.F.R. § 1.16. [↑](#footnote-ref-5)
6. 18 U.S.C. § 1001 *et seq. See also* 47 C.F.R. § 1.17. [↑](#footnote-ref-6)
7. P.L. 93-579, 5 U.S.C. § 552a(e)(3). [↑](#footnote-ref-7)