

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

|                                  |   |                             |
|----------------------------------|---|-----------------------------|
| In the Matter of                 | ) |                             |
|                                  | ) |                             |
| Vision Latina Broadcasting, Inc. | ) | File No.: EB-10-HU-0068     |
|                                  | ) | NAL/Acct. No.: 201132540003 |
| Licensee of Station KBPO         | ) | FRN: 0010019115             |
| Port Neches, Texas               | ) | Facility ID: 68762          |
|                                  | ) |                             |

**FORFEITURE ORDER**

**Adopted:** March 30, 2012

**Released:** March 30, 2012

By the Regional Director, South Central Region, Enforcement Bureau:

**I. INTRODUCTION**

1. In this Forfeiture Order (Order), we issue a monetary forfeiture in the amount of five hundred dollars (\$500) to Vision Latina Broadcasting, Inc. (Vision Latina Broadcasting), licensee of Station KBPO, Port Neches, Texas (the Station), for willful and repeated violation of Sections 73.1125 and 73.3526 of the Commission's rules (Rules).<sup>1</sup> The noted violations involved Vision Latina Broadcasting's failure to maintain: (1) a main studio with a meaningful staff and management presence; and (2) a complete public inspection file and make that file available.

**II. BACKGROUND**

2. On June 30, 2011, the Enforcement Bureau's Houston Office (Houston Office) issued a Notice of Apparent Liability for Forfeiture and Order (NAL)<sup>2</sup> to Vision Latina Broadcasting for failing to comply with main studio staffing and public inspection file rules. As discussed in detail in the NAL,<sup>3</sup> an agent from the Houston Office attempted to inspect Station KBPO's main studio during normal business hours on December 2, 2010 and found the main studio locked and unstaffed. The agent returned to the main studio on December 9, 2010 and found one staff member present, who produced a public inspection file for the Station, which was missing several required items. The staff member claimed the company's president would provide the missing documents when he returned from Mexico on December 13, 2010, but when the agent returned on that day the company's president was still in Mexico. The employees at the main studio on December 13, 2010 refused to make any part of the public inspection file available. In view of the record evidence, including that the main studio was not fully staffed during three separate visits, a complete public inspection file was not produced during two separate visits, and these violations appeared to continue for a period of time without any apparent station management or oversight, the NAL proposed a forfeiture of \$25,000 against Vision Latina Broadcasting for violations of Sections 73.1125 and 73.3526 of the

<sup>1</sup> 47 C.F.R. §§ 73.1125, 73.3526.

<sup>2</sup> *Vision Latina Broadcasting, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 26 FCC Rcd 9231 (Enf. Bur. 2011).

<sup>3</sup> A comprehensive recitation of the facts and history of this case can be found in the NAL and is incorporated herein by reference.

Rules. Vision Latina Broadcasting submitted a response to the *NAL* requesting “cancellation or a substantial reduction of the forfeiture proposed in the *NAL* to not more than \$500” based on its inability to pay.<sup>4</sup> Vision Latina Broadcasting also submitted a certification that its main studio is now staffed consistent with the rules and that the station’s public inspection file is complete and available to the public.<sup>5</sup>

### III. DISCUSSION

3. The proposed forfeiture amount in this case was assessed in accordance with Section 503(b) of the Act,<sup>6</sup> Section 1.80 of the Rules,<sup>7</sup> and the *Forfeiture Policy Statement*.<sup>8</sup> In examining Vision Latina Broadcasting’s response, Section 503(b) of the Act requires that the Commission take into account the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.<sup>9</sup> As discussed below, we have considered Vision Latina’s response in light of these statutory factors and we find that a reduction in the forfeiture is warranted based solely on its documented inability to pay.

4. As set forth in the *NAL*, an agent from the Houston Office inspected or attempted to inspect Station KBPO’s main studio on December 2, 9, and 13, 2010 and, among other things, found no management personnel present and an incomplete public inspection file. In its response to the *NAL*, Vision Latina Broadcasting does not deny any of the facts set forth in the *NAL*.<sup>10</sup> Therefore, we find that Vision Latina Broadcasting willfully and repeatedly violated Sections 73.1125 and 73.3526 of the Rules by failing to maintain: (1) a main studio with a meaningful staff and management presence; and (2) a complete public inspection file and make that file available. With regard to an individual’s or entity’s inability to pay a claim, the Commission has determined that, in general, gross revenues are the best indicator of an ability to pay a forfeiture.<sup>11</sup> Having reviewed Vision Latina’s submitted documentation, we conclude that the forfeiture should be reduced to \$500.

### IV. ORDERING CLAUSES

5. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Sections 0.111, 0.204, 0.311, 0.314, and 1.80(f)(4) of the Commission’s

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<sup>4</sup> Letter from Gilardo Castro, Vice President, Vision Latina Broadcasting, Inc., to Lee R. Browning, Resident Agent, Houston Office, Enforcement Bureau (Aug. 25, 2011) (*NAL Response*).

<sup>5</sup> *Id.* at 2.

<sup>6</sup> 47 U.S.C. § 503(b).

<sup>7</sup> 47 C.F.R. § 1.80.

<sup>8</sup> *The Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997), *recon. denied*, 15 FCC Rcd 303 (1999) (*Forfeiture Policy Statement*).

<sup>9</sup> 47 U.S.C. § 503(b)(2)(E).

<sup>10</sup> *See NAL Response* at 1.

<sup>11</sup> *See PJB Communications of Virginia, Inc.*, Forfeiture Order, 7 FCC Rcd 2088, 2089 (1992) (forfeiture not deemed excessive where it represented approximately 2.02 percent of the violator’s gross revenues); *Local Long Distance, Inc.*, Forfeiture Order, 16 FCC Rcd 24385 (2000) (forfeiture not deemed excessive where it represented approximately 7.9 percent of the violator’s gross revenues); *Hoosier Broadcasting Corporation*, Forfeiture Order, 15 FCC Rcd 8640 (2002) (forfeiture not deemed excessive where it represented approximately 7.6 percent of the violator’s gross revenues).

rules, Vision Latina Broadcasting, Inc. **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of five hundred dollars (\$500) for violations of Sections 73.1125 and 73.3526 of the Commission's rules.<sup>12</sup>

6. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within thirty (30) calendar days of the release of this Order. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for enforcement pursuant to Section 504(a) of the Act.<sup>13</sup> Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Account Number and FRN referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters "FORF" in block number 24A (payment type code). Requests for full payment under an installment plan should be sent to: Chief Financial Officer -- Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554. Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or Email: ARINQUIRIES@fcc.gov with any questions regarding payment procedures. Vision Latina Broadcasting, Inc. shall also send electronic notification to SCR-Response@fcc.gov on the date said payment is made.

7. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by both First Class and Certified Mail, Return Receipt Requested, to Vision Latina Broadcasting, Inc. at 419 Stadium Road, Port Arthur, Texas, 77642.

FEDERAL COMMUNICATIONS COMMISSION

Dennis P. Carlton  
Regional Director, South Central Region  
Enforcement Bureau

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<sup>12</sup> 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.111, 0.204, 0.311, 0.314, 1.80(f)(4), 73.1125, 73.3526.

<sup>13</sup> 47 U.S.C. § 504(a).