

Federal Communications Commission

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

In the Matter of)	
)	
Dallas Country Club)	FileNo.EB-FIELDSCR-12-00003947
Licensee of Stations WPIM417 and WQHS361)	NOV No. V20123250021
Dallas, TX)	
)	

NOTICE OF VIOLATION

Released: September 12, 2012

By the District Director, Dallas Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),¹ to Dallas Country Club, licensee with call signs WPIM417 and WQHS361 in Dallas, Texas. Pursuant to Section 1.89(a) of the Rules, issuance of this NOV 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 August 27, 2012, an agent from the Enforcement Bureau's Dallas Office observed the following violation(s):

- a. 47 C.F.R. § 1.903 (a): "Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission....".
Dallas Country Club was operating on the frequency 462.725 MHz. Its station licenses, WPIM417 and WQHS361, authorize operation on 451.875 MHz, 452.4125 MHz, 456.3625 MHz, 457.3125 MHz, and 457.4125 MHz, 467.8125 MHz, 467.8375 MHz, 467.8625 MHz, and 467.9125 MHz.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Dallas Country Club 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

¹ 47 C.F.R. § 1.89.
² 47 C.F.R. § 1.89(a).
³ 47 U.S.C. § 308(b).
⁴ 47 C.F.R. § 1.89(c).

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4. In accordance with Section 1.16 of the Rules, we direct Dallas Country Club to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Dallas Country Club with personal knowledge of the representations provided in Dallas Country Club response, verifying the truth and accuracy of the information therein,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

5. 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
Dallas Office
9330 LBJ Freeway Suite 1170
Dallas, Texas 75243

6. This Notice shall be sent to Dallas Country Club at its address of record.

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.

FEDERAL COMMUNICATIONS COMMISSION

James D. Wells
District Director
Dallas District Office
South Central Region
Enforcement Bureau

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)'.⁷" 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).