

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

LETTER
February 24, 1992

Released: February 28, 1992

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Agape Broadcasting 8310-MD
Foundation, Inc. 91070217
Licensee, Noncommercial
Radio Station KNON(FM)
4415 San Jacinto
Dallas, TX 75204

Attention: Arquilla Smith, Vice President

Dear Licensee:

This letter constitutes a Notice of Apparent Liability for a forfeiture of Five Thousand Dollars (\$5,000), for violations of Section 399B of the Communications Act of 1934, as amended. This notice is issued pursuant to Section 503(b) of the Communications Act, under authority delegated to the Chief of the Mass Media Bureau by Section 0.283 of the Commission's Rules.

Section 399B of the Communications Act prohibits public broadcast stations from broadcasting advertisements. It defines an advertisement as:

any message or other programming material which is broadcast or otherwise transmitted in exchange for any remuneration, and which is intended... to promote any service, facility, or product offered by any person who is engaged in such offering for profit....

47 U.S.C. § 399b. See also 47 C.F.R. § 73.503; and April 14, 1986, *Public Notice*.

Because of complaints indicating that KNON(FM), Dallas, TX, might have violated Section 399B of the Communications Act of 1934, as amended, and related Commission rules and policies, the Mass Media Bureau's Enforcement Division sent you a letter of inquiry dated July 8, 1991. The letter sought specific information concerning underwriting announcements apparently aired on March 28-29 and May 24-25, 1991. (Transcripts attached.) You were also asked to supply certain information about KNON's arrangements to broadcast programming "produced... or furnished by persons other than the licensee," as regulated by Section 73.503(c) of the Commission's rules.

By answer dated August 6, 1991, you conceded that "there were problems" in some of the March 1991 underwriting announcements, primarily during programming produced by Tejano Media Group (TMG). Pursuant to your contract with that organization, TMG was au-

thorized to program 15 hours a week with hispanic music and to underwrite or seek underwriting support for the show. You state that you had reviewed the underwriting and other FCC rules and policies with TMG and believed, based on your experience in prior dealings with TMG principals and on their explicit representation in the TMG contract, that FCC rules would be followed. You explain that you "closely, but informally," monitored the TMG broadcasts, and upon discovering questionable TMG underwriting announcements you took corrective actions, including meeting with TMG (during the week of April 8, 1991) to discuss and resolve the problems, making KNON staff available to assist TMG in underwriting matters, and seeking further guidance on these issues by speaking with Dallas-based FCC staff early in June. After receiving our letter of inquiry in July, you say you took more drastic actions, not only reviewing all TMG announcements being aired but also requiring pre-approval by KNON staff.

You claim that the May 24-25 announcements were aired during the Topacio show and that they were not authorized by KNON staff. The Topacio music club, you explain, was to underwrite and broadcast musical programming from noon to 2 p.m. on Saturdays (beginning March 2, 1991) and had represented to KNON that no other underwriters were involved with that programming. You state that you terminated your relationship with Topacio on July 6, 1991.

You state that after receiving our letter of inquiry, you made the necessary revisions to correct announcements being aired, instituted a prior approval policy for all underwriting announcements, and hired a part-time employee to "supervise and monitor all underwriting announcements, copy and production." These measures, you claim, will prevent future underwriting transgressions.

The Commission, however, has received information indicating that, despite your assurances to the contrary, KNON continued to broadcast announcements that appear to be prohibited by Section 399B. (See August 13, 1991, transcript, attached.) While you have pointed out specific changes and improvements in KNON underwriting announcements since our investigation began, it appears that promotional language has not been eradicated, and that your corrective measures and policies have been inadequate.

Based on the evidence before us, it appears that you have violated Section 399B of the Communications Act and related Commission rules and policies concerning the broadcast of advertisements by noncommercial educational stations. The subject underwriting announcements, all aired in exchange for remuneration, contain language promoting the services, facilities, or products offered by persons engaged in such offering for profit. The announcements do not merely identify the underwriter; rather, they contain qualitative and comparative terms, "calls to action," price information, and other inducements for listeners to patronize the commercial entities named.

Accordingly, you are hereby advised of your apparent liability for a total forfeiture of \$5,000 for your apparent repeated violations of Section 399B of Communications Act, in the manner specified above, on March 28-29, May 24-25, and August 13, 1991. This amount was reached after consideration of the factors set forth in Section 503(b)(2) of the Act and the guidelines described in our recently adopted *Policy Statement, Standards for Assessing Forfeitures*, 6 FCC Rcd 4695 (1991), *recon. pending*. Under

these standards. \$2,500 is the base forfeiture for violation of underwriting limitations by noncommercial stations. That figure was increased to reflect the fact that the violations were repeated.

In regard to this forfeiture proceeding, you are afforded a period of thirty (30) days from the date of this letter "to show, in writing, why a forfeiture penalty should not be imposed or should be reduced, or to pay the forfeiture. Any showing as to why the forfeiture should not be imposed or should be reduced shall include a detailed factual statement and such documentation and affidavits as may be pertinent." 47 C.F.R. § 1.80(f)(3). Other relevant provisions of Section 1.80 of the Commission's Rules are summarized in the attachment to this letter.

Sincerely,

Roy J. Stewart
Chief, Mass Media Bureau

ATTACHMENTS

KNON(FM), March 28-29, 1991

1. *Casa Jose* -- Just like mom used to make it. Casa Jose has the Mexican plates like steak ranchero, real tender strips... tan pequeno marinated in our special sauce grilled with bell pepper and fresh jalapeno strips, and yes, of course, they make their home-made tortillas...

2. *Duncanville Discount Tires* --... specializes in new and quality tires for passenger cars, sports cars, (etc.)....

3. *Steve's Pawn Shop* -- Hey--yeah, you--find yourself short of money, no credit at the bank, everybody turning you down for a loan? Feeling lost? Well, Here's Steve, what? Here's Steve... Steve who? Steve's Pawn Shop and Jewelry, that's right... Steve's Pawn Shop and Jewelry will loan you money on items such as gold, jewelry, (etc.), any item of worth....

4. *Amigo Custom Paint and Body Shop* --... Amigo Custom Paint and Body... Yes, of course, to serve you... they have free estimates, insurance claims are welcome...

5. *The Monopoly* --... Everyone in the metroplex knows where downtown Dallas is... and of course everyone knows where The Monopoly is... but some may ask, what is The Monopoly? Well, the Monopoly is the disco that guarantees you lots of fun every weekend Friday from 8 p.m. to 3 a.m., Saturday, from 8 p.m. to 4 a.m. ... free entry from 8-10... and also the fun is there until 2 p.m. ... But the important thing is that you came and find out for yourself what real fun is... or ask the managers Pepe and Hector Hinojosa what is going on, every weekend at The Monopoly. Yes, The Monopoly is the grand show! show! show!

The Monopoly Show... Now your guaranteed fun is at The Monopoly. Yes, have fun dancing salsa, merengue, cumbia, balada, disco, (etc.)... Sundays free entry from 8-10... now there is an excuse to go and have fun. ...

6. *Restaurante Santana* --... If you want to eat something delicious, 100% Mexican, Restaurante Santana has the best... house specialty... try it and delight yourself with the excellent food....

7. *Stolar Chiropractic Clinic* --... Life can be full of pain... the doctors at Stolar Chiropractic Clinic want you to feel healthy again. They are specialists at neck, head, back, arm and leg pains.... If you are hurt in an auto accident or at work and you don't know why you are feeling pain, the doctors at Stolar Chiropractic Clinic can help you today. Free consultations to everyone... you do not have to live with pain any more. Stolar Chiropractic are here so you can feel like new again... Stolar Chiropractic Clinic, to make you feel new again.

8. *Amador Insurance* --... has served the Dallas and Ft. Worth community for 20 years... specialize in Forms SR202, Suspended License. They can help you real fast without having to do the job twice. ... Don't forget to call Amador Insurance for your auto insurance and to get to know the best prices.

KNON(FM), May 24-25, 1991

1. *La Cronica* -- ... for special events call us at 363-7936. The Cronica Newspaper.

2. *Mexico Studio* -- ... Mexico Studio is the answer... capture those important moments, weddings, (etc.)... Prepare yourself for a photograph session, and you can look like a model... Our make-up artist will make you like a model, and your pictures will be the most beautiful memory of this great experience... call and ask for more information as soon as possible... photography by excellence...

3. *Topacio* -- The excitement continues here at Topacio's... every Saturday, bringing you music and more music... Today, Saturday, ... things are going to be great at your favorite club located at... The good times and good music continue...

Topacio offers you great music every Friday with the group Carabali and their new singer... We don't want to tell much, so you can go listen and see for yourself next Friday... Last night it was splended with their new singer directly from Lima, Peru. Now the Carabali group has a new singer and they have had a great change, that has been very well accepted by the public, and the group sounds great, so don't miss it next Friday.

Their new singer... we don't want to tell his name, we'll just tell you he's from Lima, Peru, so you can come and see him and decide if you like him... The excitement and music continue here at Topacio...

4. *Ovalles Garage* --... If your car is not working, or has problems, don't put up with it. Ovalles Garage will solve your problem... They will give the service you deserve.

5. *Joyeria Jailara* -- Jewelry Store Jailara offers you a great selection of 10 and 14-karat gold... Saturday is savings day, buy in cash, prices are slashed. Visit us and you will be persuaded that we have low prices on all our merchandise. Don't buy expensive things, come see us and save.... Saturdays are opportunity days.... Easy credit.... Call us at 943-1149.

6. *Casa Jose Mora* -- ... Jose Mora of Casa Mora in Arlington takes special care in preparing authentic Mexican Food... They specialize in tacos, those breakfast tacos, they are done so well....

7. *La Bamba* -- This is Simon the Diamond Molina for La Bamba... Tonight is fiesta party at La Bamba, ladies and gentleman, the first 300 people at the door are free before 11 p.m. The first 300 people win a free cellular phone. Join us for the hot legs contest, win \$100 in cash...

Tonight Fiesta. La Bamba serves free drinks for everyone before 11 p.m. ... We'll see you at La Bamba at 3500 McKinney and Lemon... free cover before 11 p.m. Let's do it.

8. *Amigos Custom Paint and Body* -- Amigo Custom Paint and Body features complete detailed work for your car or truck... Amigo, Amigo, Amigo, Amigo Custom Paint and Body specializes in jobs like radiant colors, those beautiful candy colors also, free hand striping done....

9. *Promociones Monterey* --... pleased to present this Saturday, June 8, at the Auto Auditorium in Fair Park, the number one group in Mexico, Los Bukis! Yes, this Saturday, June 8, Los Bukis! Also presenting ... Obtain your pre-sale tickets at Taqueria Tepatitlan, Chango Botanica, Taqueria Lupita, (etc.)... We'll see you this Saturday at the Auto Coliseum in Fair Park.

10. *Rosana's Weddings* --... Rosana's Weddings, your special shop for brides or quinceaneras....

11. *NAC Glass and Mirror* --... with years of quality professional guaranteed service in both commercial and residential... when you need to replace glass on your car or your truck, trust it to professionals like NAC Glass and Mirror.... Next time someone breaks your window in your business, your home or your car, NAC Glass and Mirror....

12. *Lipshi Motor Cars* -- Remember I told you, if you are looking for a good used automobile, Lipshi Motor Cars... used to be a Porsche Auto place ... no credit, bad credit, cars from \$2,000 to \$100,000... Tell them Simon the Diamond sent you, and right now their phone number is....

13. *La Bamba* -- Tina Evet, live in concert the first time in Dallas, from New York City, New York... Jone us for Coro... live on stage with all his dancers... I would like to invite all the beautiful girls to La Bamba this Saturday...

KNON(FM), August 13, 1991

1. Sensational dance this Friday at the Guys and Dolls.... International Promotions present this great dance with "Los Baron de Apodaca" Also presenting "Tropical Florida" strong hits this Friday with "Tropical Florida," also the music of "Los Vencedores de China Nuevo Leon." Obtain your tickets pre-sell in Ft. Worth.... We'll see you this Friday. [Translated from Spanish.]

2. Ladies and Gentlemen, the Hi Ho Ballroom... proudly presents Saturday, August 17, the return by popular demand, straight from the recordsetting concert in Houston, world famous "The Summit".... Live at Grand Prairies Hi Ho Ballroom, the largest Hispanic traveling road show.... Internationally known with two gold albums.... Ladies and gentlemen, your MC from La Caliente de Dallas, Simon the Diamond Molina.

3. This coming Thursday, ... the world premiere of the video "El Sancho." ... This Thursday come with us and be the first person on your block to see the world premiere video "El Sancho." ... The world premiere of "El Sancho" video this Thursday at The Monopoly, 609 North Hardwood.... [Spanish and English.]

4. Arlington's best Mex-Mex... Have you ever been to Mexico? Well, have you at least enjoyed great honest Mexican food, in Arlington? The answer is probably no, unless you have eaten at one of the most overlooked restaurants in town. We are speaking about Casa Jose in Arlington. Casa Jose, 2030 South Cooper Street, at Pio-

neer Parkway.... They... serve all your favorites, but let me tell you, still, in a town where you pay more at other places and you get less quality, it is a pleasure for me to recommend Casa Jose in Arlington. My friends, you will see the difference. Casa Jose in Arlington.... There you will be served the best. And don't forget their outdoor cantina and patio. It's simple, check them out. You'll be glad you did. [Spanish and English.]

5. If you are tired of those factory food fast burgers then I've got a place for you. The Feedbag has been cooking great food for over 15 years, and if you haven't tried one of their burgers, well, you are really missing out on something special. The Feedbag hamburger is hand-pattied and cooked to your order. They use only the freshest ingredients and each burger is cooked just the way you like it.... In addition to terrific food, you'll love the great atmosphere at the Feedbag. They have television, video games, and a great patio that's perfect for outside dining. The Feedbag also has some great prices on longnecks and buckets of beer. Whatever your pleasure, the Feedbag makes you feel at home. So why settle for less, when the Feedbag offers so much more?