

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

In the Matter of	)	
	)	
<b>QUETZAL BILINGUAL</b>	)	NAL/Acct. No. MB201641410005
<b>COMMUNICATIONS, INC.</b>	)	FRN: 0004958930
	)	Facility ID No. 54257
Licensee of Station KURS(AM)	)	File No. BR-20130801APB
San Diego, California	)	

**FORFEITURE ORDER**

**Adopted: June 21, 2016**

**Released: June 21, 2016**

By the Chief, Audio Division, Media Bureau:

**I. INTRODUCTION**

1. In this Forfeiture Order, we issue a monetary forfeiture in the amount of twelve thousand dollars (\$12,000) to Quetzal Bilingual Communications, Inc. (Licensee), licensee of Station KURS(AM), San Diego, California (Station), for willfully and repeatedly violating Sections 73.3526<sup>1</sup> and 73.3615<sup>2</sup> of the FCC's rules by failing to retain all required documentation in the Station's public inspection file and by failing to file certain Biennial Ownership Reports. In addition, we uphold the finding that the captioned license renewal application should be granted only for a period of four (4) years instead of a full term of eight years.

**II. BACKGROUND**

2. On April 19, 2016, the Media Bureau (Bureau) issued a *Notice of Apparent Liability for Forfeiture (NAL)* in the amount of twelve thousand dollars (\$12,000) to Licensee for the violations.<sup>3</sup> As noted in the *NAL*, Section 73.3526 of the FCC's rules requires broadcast licensees to maintain a public inspection file containing, *inter alia*, quarterly issues and programs lists detailing the station's public affairs programming and Section 73.3615 of the FCC's rules requires the biennial filing of an Ownership Report (FCC Form 323). The Bureau found that the Licensee failed to file required issues and programs lists and biennial Ownership Reports.<sup>4</sup> Licensee did not submit a response to the *NAL*.

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<sup>1</sup> 47 CFR § 73.3526.

<sup>2</sup> 47 CFR § 73.3615.

<sup>3</sup> *Quetzal Bilingual Commc'ns, Inc. Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture*, 31 FCC Rcd 3731 (MB 2016).

<sup>4</sup> *NAL*, 31 FCC Rcd at 3231, para. 1.

### III. DISCUSSION

3. The forfeiture amount proposed in this case was assessed in accordance with Section 503(b) of the Communications Act of 1934, as amended (“Act”),<sup>5</sup> Section 1.80 of the FCC’s rules,<sup>6</sup> and the Commission’s *Forfeiture Policy Statement*.<sup>7</sup> In assessing forfeitures, Section 503(b)(2)(E) of the Act requires that we 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 such other matters as justice may require.<sup>8</sup>

4. We conclude that Licensee willfully<sup>9</sup> and repeatedly<sup>10</sup> violated Sections 73.3526 and 73.3615 of the FCC’s rules and that no circumstances warrant reduction or cancellation of the forfeiture. We will withhold grant of the renewal application until Licensee has completed payment of the forfeiture.

### IV. ORDERING CLAUSES

5. Accordingly, IT IS ORDERED, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Sections 0.283 and 1.80 of the FCC’s rules,<sup>11</sup> that Quetzal Bilingual Communications, Inc. SHALL FORFEIT to the United States the sum of twelve thousand dollars (\$12,000) for its apparent willful and repeated violations of Section 73.3526 and 73.3615 of the FCC’s Rules.

6. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the FCC’s rules within 30 days of the release of this Forfeiture Order. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.<sup>12</sup> Payment of the forfeiture must be made by check or similar instrument, wire transfer or credit card, and must include the NAL/Acct. No. and FRN No. referenced herein. Regardless of the form of payment, a completed FCC Form 159 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). Licensee will also send electronic notification on the date said payment is made to Penelope.Dade@fcc.gov and Kim.Varner@fcc.gov. Below are additional instructions that should be followed based on the form of payment selected:

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<sup>5</sup> 47 U.S.C. § 503(b).

<sup>6</sup> 47 CFR § 1.80.

<sup>7</sup> *The Comm’n’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).

<sup>8</sup> 47 U.S.C. § 503(b)(2)(E).

<sup>9</sup> Section 312(f)(1) of the Act defines “willful” as “the conscious and deliberate commission or omission of [any] act, irrespective of any intent to violate” the law. 47 U.S.C. § 312(f)(1). The legislative history of Section 312(f)(1) of the Act clarifies that this definition of willful applies to Sections 312 and 503(b) of the Act, H.R. REP. No. 97-765, 51 (Conf. Rep.), and the Commission has so interpreted the terms in the Section 503(b) context. *S. California Broad. Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4387-88, para. 5 (1991).

<sup>10</sup> Section 312(f)(2) of the Act provides that “[t]he term ‘repeated,’ when used with reference to the commission or omission of any act, means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day.” *See* 47 U.S.C. § 312(f)(2).

<sup>11</sup> 47 U.S.C. § 503(b); 47 CFR §§ 0.283, 1.80.

<sup>12</sup> 47 U.S.C. § 504(a).

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2- GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

7. IT IS FURTHER ORDERED that copies of this Order shall be sent, by First Class and Certified Mail, Return Receipt Requested, to the Licensee, Mr. Jaime Bonilla Valdez, Quetzal Bilingual Communications, Inc., 296 H Street, Suite 300, Chula Vista, CA 91910 and to Licensee's counsel, Aaron P. Shainis, Esq., Shainis & Peltzman, Chartered, 1850 M Street, N.W., Suite 240, Washington, DC 20036.

FEDERAL COMMUNICATIONS COMMISSION

Peter H. Doyle  
Chief, Audio Division  
Media Bureau