

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

In re Application of
Mendocino Environmental Center
For Renewal of License for
Low Power FM Station KMEC-LP
Ukiah, California
Facility ID No. 124562
NAL/Acct. No. MB-202441410007
FRN: 0022837652
File No. 0000170650

ORDER

Adopted: March 25, 2024

Released: March 26, 2024

By the Chief, Audio Division, Media Bureau:

I. INTRODUCTION

1. The Media Bureau (Bureau) has before it a request to cancel a Notice of Apparent Liability (NAL) issued to Mendocino Environmental Center (Licensee), licensee of Station KMEC-LP, Ukiah, California (Station), for apparently willfully violating section 73.3539 of the Commission's rules (Rules) by failing to timely file a license renewal application for the Station. As discussed below, we cancel the forfeiture and instead admonish Licensee for the violation.

II. BACKGROUND

2. The Commission's base forfeiture amount for the failure to file a required form is \$3,000. In the NAL, the Bureau proposed a reduced forfeiture amount of \$1,500 based upon the specific circumstances of this case. Licensee was instructed to provide a response within thirty days of receipt of the NAL. The Bureau received Licensee's response on March 4, 2024. Licensee requests cancellation of the NAL due to financial hardship.

III. DISCUSSION

3. As noted in the NAL, the Commission will not consider reducing or cancelling a

1 Mendocino Environmental Center, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 24-127 (MB Feb. 9, 2024) (NAL).

2 See 47 CFR § 73.3539.

3 See Forfeiture Policy Statement and Amendment of Section 1.80(b) of the Rules to Incorporate the Forfeiture Guidelines, Report and Order, 12 FCC Rcd 17087, 17113-15 (1997) (Forfeiture Policy Statement), recon. denied, 15 FCC Rcd 303 (1999); 47 CFR § 1.80(b)(11), Table 1 to Paragraph (b)(11) – Base Amounts for Section 503 Forfeitures.

4 As an LPFM station, the Station is providing a secondary service. See, e.g., La Casa de la Raza, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 22-195 (MB Feb. 25, 2022); Virginia Center for Public Press, Memorandum Opinion and Order and Notice of Apparent Liability, 34 FCC Rcd 9312 (MB 2019) (proposing \$1,500 forfeitures for untimely filed renewal applications for LPFM stations).

5 NAL at 3.

6 Letter from Stephen Scalmanini, General Manager, Mendocino Environmental Center, to Office of Secretary, FCC (March 4, 2024) (NAL Response).

7 Id.

forfeiture in response to claimed inability to pay unless the respondent submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the respondent's current financial status.⁸ We accept Licensee's showing that payment of the proposed forfeiture would create a financial hardship. Licensee argues the proposed forfeiture amount exceeds its ability to pay, and in support, submits copies of (1) its bank records for the previous 27 months, and (2) its five most recent filings of Form 990-N with the Internal Revenue Service.⁹ Licensee's financial submissions, and the declaration of its General Manager Stephen Scalmanini, indicate that Licensee operated with a net gain significantly less than the proposed forfeiture.¹⁰ Accordingly, we will cancel the proposed forfeiture due to demonstrated inability to pay. However, we admonish Licensee for its willful violation of section 73.3539 of the Rules.¹¹

IV. ORDERING CLAUSES

4. Accordingly, **IT IS ORDERED** that, pursuant to section 504(b) of the Communications Act of 1934, as amended,¹² and sections 0.61, 0.283, and 1.80(f)(4) of the Commission's rules,¹³ the Notice of Apparent Liability for a Forfeiture (NAL/Acct. No. MB-202441410007) issued to Mendocino Environmental Center **IS CANCELLED** and that Mendocino Environmental Center is instead **HEREBY ADMONISHED** for its violation of section 73.3539 of the Commission's rules.

5. **IT IS FURTHER ORDERED** that copies of this Order shall be sent by First Class and Certified Mail, Return Receipt Requested, to Mendocino Environmental Center, c/o Stephen Scalmanini, 106 West Standley Street, Ukiah, CA 95482.

FEDERAL COMMUNICATIONS COMMISSION

Albert Shuldiner
Chief, Audio Division
Media Bureau

⁸ See *NAL* at 4, para. 12; *Discussion Radio, Inc.*, Memorandum Opinion and Order, 19 FCC Rcd 7433, 7441, para. 28 (2004), *forfeiture reduced on recon.*, 24 FCC Rcd 2206 (MB 2009).

⁹ *NAL Response* at 1 and Attachs. 1-4.

¹⁰ *Id.*

¹¹ See *Corning Christian Radio Corporation*, Order, 37 FCC Rcd 13300 (2022) (admonishing licensee for willful violation of the Commission's rules, and cancelling the \$1,500 forfeiture due to demonstrated inability to pay).

¹² 47 U.S.C. § 504(b).

¹³ 47 CFR §§ 0.61, 0.283, 1.80(f)(4).