

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

In the Matter of	)	
	)	
<b>MINISTERIOS EL JORDAN</b>	)	EB Docket No. 18-239
	)	
Application for Modification for Station	)	Facility ID No. 194038
KEJM-LP, Carthage, Missouri	)	File No: BPL – 20171121AAB

To: Marlene H. Dortch, Secretary  
Attn: Administrative Law Judge Jane Hinckley Halprin

**MOTION TO TERMINATE THE HEARING**

1. On October 11, 2018, the Enforcement Bureau (Bureau) commenced a hearing proceeding before the then Chief Administrative Law Judge to determine whether Ministerios El Jordan (Jordan) is qualified to be and to remain a Federal Communications Commission (Commission) licensee and, as a consequence thereof, whether its license for Low Power FM Station (LPFM) KEJM-LP should be revoked, and its pending application denied.<sup>1</sup> For the reasons set forth below, the Chief, Enforcement Bureau, through her attorneys, respectfully requests that the Administrative Law Judge terminate the hearing proceeding and certify the case to the Commission.

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<sup>1</sup> See *In the Matter of Ministerios El Jordan*, Order to Show Cause, Hearing Designation Order and Notice of Opportunity for Hearing, EB Docket No. 18-239, DA 18-834 (rel. Oct. 11, 2018) (HDO).

## BACKGROUND

2. Jordan is a non-profit organization that was first incorporated in Missouri in September 2009.<sup>2</sup> Jordan applied for a construction permit for a new LPFM station on October 25, 2013, by submitting Commission Form 318 (October 2013 Application).<sup>3</sup> Section II, Question 3(a) of the Commission's Form 318 asks the applicant to identify, *inter alia*, "each party to the application including, as applicable, the applicant, its officers, directors, five percent or greater stockholders, non-insulated partners, members, and all other persons and entities with attributable interests" and their citizenship.<sup>4</sup> In the October 2013 Application, Jordan responded to Section II, Question 3(a) by identifying as "board members" with an equal percentage of votes, the following individuals: Eliud Villatoro, Johana Villatoro, Timoteo Garcia, Marlon Fuentes, and Tomas Calgua. In response to the citizenship inquiry in Section II, Question 3(a), Jordan answered "US" for each of these five individuals.<sup>5</sup>

3. Jordan filed a minor modification application on January 10, 2017,<sup>6</sup> notifying the Commission that the transmitter site specified in the October 2013 Application was unavailable, specifying new transmitter coordinates, and stating that the station was ready to broadcast at the new coordinates.<sup>7</sup> In response to Section II, Question 3(a), Jordan again identified Eliud Villatoro, Johana Villatoro, Timoteo Garcia, Marlon Fuentes, and Tomas Calgua as board

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<sup>2</sup> See Missouri Nonprofit Corporation Details for Charter No. N00994664 as of June 15, 2018 (available at: <https://bsd.sos.mo.gov/BusinessEntity/BusinessEntityDetail.aspx?page=beSearch&ID=2864628>); see also Articles of Incorporation of a Nonprofit Corporation for Charter No. N00994664 (filed Sept. 8, 2009) (available at: <https://bsd.sos.mo.gov/Common/CorrespondenceItemViewHandler.ashx?IsTIFF=true&fileDocumentId=6437643&version=1>); File No. BNPL-20131025ACN, at Exh. 2 (filed Oct. 25, 2013) (October 2013 Application).

<sup>3</sup> See October 2013 Application.

<sup>4</sup> *Id.* at Section II, Question 3(a).

<sup>5</sup> See *id.*

<sup>6</sup> See File No. BMPL-20170110AAI (filed Jan. 10, 2017).

<sup>7</sup> See *id.* at Exh. 1.

members and identified each as a United States citizen.<sup>8</sup>

4. Jordan filed another modification application on November 20, 2017 (November 2017 Modification)<sup>9</sup> notifying the Commission that the studio location and mailing address had changed and requesting certain engineering changes.<sup>10</sup> In the November 2017 Modification, Jordan again identified Eliud Villatoro, Johana Villatoro, Timoteo Garcia, Marlon Fuentes, and Tomas Calgua in response to Section II, Question 3(a) and represented that each was a United States citizen.<sup>11</sup> This application is pending before the Commission's Media Bureau.

5. On January 24, 2017, the Commission received a complaint asserting that four of the five board members that Jordan had identified in each of its Commission applications were not United States citizens.<sup>12</sup> The Bureau initiated an investigation and determined that there were substantial and material questions of fact as to whether (i) Jordan repeatedly made misrepresentations to and/or lacked candor with the Commission in its submission of various applications in connection with Station KEJM-LP concerning the citizenship and identity of its board members; (ii) aliens (non-United States citizens) owned or voted more than one-fifth of Jordan's capital stock in violation of Section 310(b)(3) of the Communications Act of 1934, as amended (the Act);<sup>13</sup> (iii) Jordan failed to maintain the continuing accuracy and completeness of information furnished in its still pending November 17 Modification; and (iv) Jordan failed to respond to Commission requests for information. As a result, the Bureau designated the matter for hearing.<sup>14</sup>

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<sup>8</sup> See *id.* at Section II, Question 3(a).

<sup>9</sup> See File No. BPL-20171121AAB (filed Nov. 10, 2017).

<sup>10</sup> See *id.* at Exh. 1.

<sup>11</sup> See *id.* at Section II, Question 3(a).

<sup>12</sup> See Complaint No. 1415080 (filed Jan. 24, 2017).

<sup>13</sup> 47 U.S.C. § 310(b)(3).

<sup>14</sup> See *supra* at n.1.

6. Jordan did not enter an appearance in this proceeding.

### **JORDAN'S FAILURE TO APPEAR**

7. Section 1.221(c) of the Commission's rules (Rules) states that, when an application has been designated for hearing, if the applicant fails to timely file a written appearance stating that it will appear on the date fixed for the hearing and present evidence on the issues specified in the hearing designation order, that application "will be dismissed with prejudice for failure to prosecute."<sup>15</sup> In the case of a revocation proceeding, the respondent must similarly file a written notice of appearance.<sup>16</sup> Failure to do so in a timely manner constitutes a waiver of the party's right to a hearing.<sup>17</sup> Section 1.92(c) of the Rules further provides that, when a hearing is waived, the Presiding Judge "shall, at the earliest practicable date, issue an order reciting the events or circumstances constituting a waiver of hearing, terminating the hearing proceeding, and certifying the case to the Commission."<sup>18</sup>

8. Pursuant to Paragraph 30 of the HDO, Jordan was required to file a written appearance "stating that it will appear at the hearing and present evidence on the issues" within 20 calendar days of the release of the HDO.<sup>19</sup> The HDO further stated that, if Jordan failed to timely file a written appearance, a petition to dismiss without prejudice, or a petition to accept for good cause shown an untimely written appearance, "its right to a hearing shall be deemed to be waived [and] the captioned application shall be dismissed with prejudice for failure to prosecute."<sup>20</sup> The HDO was released on October 11, 2018. Accordingly, Jordan's written notice

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<sup>15</sup> 47 CFR § 1.221(c).

<sup>16</sup> See 47 CFR § 1.91(c).

<sup>17</sup> See 47 CFR § 1.92(a)(1).

<sup>18</sup> 47 CFR § 1.92(c).

<sup>19</sup> HDO at para 30.

<sup>20</sup> HDO at para. 31.

of appearance was due no later than October 31, 2018. Jordan did not file a written appearance or any other petition with the then Presiding Judge by that date.

9. Pursuant to Section 1.221(c) of the Rules, therefore, Jordan's pending November 2017 Modification shall be dismissed with prejudice for failure to prosecute. Furthermore, since Jordan waived its right to a hearing pursuant to Section 1.91(c) of the Rules, the Bureau respectfully requests that the Presiding Judge issue an order reciting the events or circumstances constituting a waiver of the hearing, terminating the hearing proceeding, and certifying the case to the Commission.

### **JORDAN'S DESIRE TO SURRENDER ITS LICENSE**

10. Instead of filing a written notice of appearance or any other type of submission in the hearing proceeding, it appears that Eliud Villatoro, on behalf of Jordan, filed a letter with the Commission surrendering Jordan's license for Station KEJM-LP.<sup>21</sup> In this letter, Jordan appears to concede that it was being controlled by non-citizens and had thus violated the Commission's alien ownership rules.<sup>22</sup> The letter also confirms that Jordan received the HDO. Specifically, the letter states "[y]our Order dated October 11, 2018 was the first indication I had that there was a problem."<sup>23</sup> As such, it appears Jordan was, or should have been, fully aware of its opportunity to appear in this proceeding.

### **CONCLUSION**

11. Accordingly, because Jordan failed to file a timely written appearance, the Bureau respectfully requests that the Presiding Judge dismiss Jordan's pending application for

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<sup>21</sup> See Letter to Federal Communications Commission (received Nov. 9, 2018), attached as Attachment A. The signer of the communication does not identify his or her name. However, the signature is consistent with that of Eliud H. Villatoro, identified as Jordan's president, made on Jordan's 2016 Annual Registration Report filed with the Missouri Secretary of State. See Attachment B.

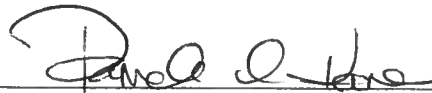
<sup>22</sup> See Attachment A.

<sup>23</sup> *Id.*

modification with prejudice for failure to prosecute, terminate the proceeding, and certify the case to the Commission.

Respectfully submitted,

Rosemary C. Harold  
Chief, Enforcement Bureau

A handwritten signature in black ink, appearing to read "Pamela S. Kane", written over a horizontal line.

Pamela S. Kane  
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Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
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Enforcement Bureau  
Federal Communications Commission  
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(202) 418-7330

February 8, 2019

## **EXHIBIT A**

Received & Inspected

NOV 09, 2018

FCC Mailroom

Federal Communications Commission

Washington, DC 20554

re: KEJM-LP, Carthage, Missouri, Fac ID 194038

Gentlemen:

On behalf of Ministerios el Jordan, of Station KEJM-LP, I am surrendering the station license for cancellation. The station has stopped broadcasting.

In 2013, we were approached by Leo Ashcraft who identified himself as a qualified consulting engineer. He said that we could apply for a new a low power FM radio station and said he would prepare the application for filing with the FCC. Not being familiar with FCC rules, I told him to go ahead. He completed the application and sent it to the FCC, signing my name. I am not fluent in English and did not review the application before hand, as I would not have understood its questions.

Your Order dated October 11, 2018, was the first indication I had that there was a problem. I consulted with a knowledgeable FCC attorney who informed me that the group, being controlled by non-citizens, was generally not eligible to own a radio station, and suggested that we surrender the license. We did not intend to make untrue statements to the FCC, nor to obtain a license for which we were not eligible. We apologize for any mistakes.

Sincerely,

(signature)

A handwritten signature in blue ink, appearing to be "Leo Ashcraft", is written over a horizontal line. There are some additional scribbles and marks below the signature.





United States of America  
**FEDERAL COMMUNICATIONS COMMISSION**  
**LOW POWER FM STATION LICENSE**

Received & Inspected

NOV 09 2018

FCC Mailroom

Authorizing Official:

Official Mailing Address:

MINISTERIOS EL JORDAN

1705 SOUTH BAKER BLVD

CARTHAGE MO 64836

Facility Id: 194038

Call Sign: KEJM-LP

License File Number: BLL-20170118AAL

This license covers permit no.: BMPL-20170110AAI

*for Karen Williams*  
James D. Bradshaw

Deputy Chief

Audio Division

Media Bureau

Grant Date: **JAN 23 2017**

This license expires 3:00 a.m.  
local time, February 01, 2021.

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve the public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.

Callsign: KEJM-LP

License No.: BLL-20170118AAL

Name of Licensee: MINISTERIOS EL JORDAN

Station Location: MO-CARTHAGE

Frequency (MHz): 96.3

Channel: 242

Class: LP100

Hours of Operation: Unlimited

Transmitter: Type Certified. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Transmitter output power: 0.030 kW

Antenna type: Non-Directional

Description: NWE NWE-34

Antenna Coordinates: North Latitude: 37 deg 09 min 34 sec

West Longitude: 94 deg 19 min 42 sec

Effective radiated power (Watts): 100

Height of radiation center above ground (Meters): 15

Height of radiation center above mean sea level (Meters): 334

Height of radiation center above average terrain (Meters): 26

Antenna structure registration number: Not Required

Overall height of antenna structure above ground: 15 Meters

Obstruction marking and lighting specifications for antenna structure:

It is to be expressly understood that the issuance of these specifications is in no way to be considered as precluding additional or modified marking or lighting as may hereafter be required under the provisions of Section 303(q) of the Communications Act of 1934, as amended.

None Required

Special operating conditions or restrictions:

- 1 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

\*\*\* END OF AUTHORIZATION \*\*\*

## **EXHIBIT B**

Jason Kander Secretary of State  
2016 ANNUAL REGISTRATION REPORT  
NONPROFIT

N00994664  
Date Filed: 8/25/2016  
Jason Kander  
Missouri Secretary of State

\* SECTION 1, 3 & 4 ARE REQUIRED

REPORT DUE BY: 8/31/2016

N00994664  
Ministerios El Jordan  
ELIUD H VILLATORO  
212 N. MAIN ST.  
CARTHAGE MO 64836

ORGANIZED UNDER THE LAWS OF:  
Missouri

PRINCIPAL PLACE OF BUSINESS OR CORPORATE HEADQUARTERS:

\*  
1 1705 S Baker Blvd (Required)  
STREET Carthage Mo 64836  
CITY / STATE ZIP

If changing the registered agent and/or registered office address, please check the appropriate box(es) and fill in the necessary information.

☐ The new registered agent

IF CHANGING THE REGISTERED AGENT, AN ORIGINAL WRITTEN CONSENT FROM THE NEW REGISTERED AGENT MUST BE ATTACHED AND FILED WITH THIS REGISTRATION REPORT.

☐ The new registered office address

Must be a Missouri address, PO Box alone is not acceptable. This section is not applicable for Banks, Trusts and Foreign Insurance.

OFFICERS  
NAME AND PHYSICAL ADDRESS (P.O. BOX ALONE NOT ACCEPTABLE): MUST LIST PRESIDENT AND SECRETARY BELOW A

PRESIDENT Eliud H Villatoro (Required)  
STREET 905 Valley St  
CITY/STATE/ZIP Carthage Mo 64836  
V-PRES Edilma J Villatoro  
STREET 905 Valley St  
CITY/STATE/ZIP Carthage Mo 64836  
SECRETARY Edgar Poros (Required)  
STREET 206 N Main St  
CITY/STATE/ZIP Carthage Mo 64836  
TREASURER Efraim Coqui  
STREET 406 Walnut St Apt 3  
CITY/STATE/ZIP Carthage Mo 64836

BOARD OF DIRECTORS  
NAME AND PHYSICAL ADDRESS (P.O. BOX ALONE NOT ACCEPTABLE): MUST LIST AT LEAST THREE DIRECTORS BELOW B

NAME Ruth C Fuentes (Required)  
STREET 212 N Main St  
CITY/STATE/ZIP Carthage Mo 64836  
NAME Samuel Hernandez  
STREET 708 Howard St  
CITY/STATE/ZIP Carthage Mo 64836  
NAME Eddy Fuentes  
STREET 210 N Main St  
CITY/STATE/ZIP Carthage Mo 64836  
NAME  
STREET  
CITY/STATE/ZIP

NAMES AND ADDRESSES OF ALL OTHER OFFICERS AND DIRECTORS ARE ATTACHED

The undersigned understands that false statements made in this report are punishable for the crime of making a false declaration under Section 576.060 RSMo. Photocopy or stamped signature not acceptable.

4 Authorized party or officer sign here

Please print name and title of signer:

NAME

TITLE

REGISTRATION REPORT FEE IS:

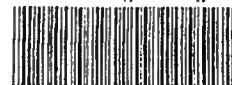
\$15.00 if filed on or before 8/31/2016  
\$20.00 if filed after 8/31/2016

Corporation will be administratively dissolved if report is not filed by 11/30/2016

WHEN THIS FORM IS ACCEPTED BY THE SECRETARY OF STATE, BY LAW IT WILL BECOME A PUBLIC DOCUMENT AND ALL INFORMATION PROVIDED IS SUBJECT TO PUBLIC DISCLOSURE

ORI-08252016-0816 State of Missouri

No of Pages 1 Page



Annual Report - Non-Profit

REQUIRED INFORMATION MUST BE COMPLETE OR \*

RETURN COMPLETED REGISTRATION REPORT AND PAYMENT TO: SECRETARY OF STATE, P.O. BOX 1300, JEFFERSON CITY, MO 64102

## **CERTIFICATE OF SERVICE**


Pamela S. Kane certifies that she has on this 8th day of February, 2019 sent copies of the foregoing "MOTION TO TERMINATE THE HEARING" via first-class U.S. mail to:

The Honorable Jane H. Halprin  
Administrative Law Judge  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554 (by hand, courtesy copy)

Mr. Eliud Villatoro  
Ministerios El Jordan  
1721 South Baker Boulevard  
Carthage, MO 64836-3004

Steven Hays, Esq.  
622 South Main Street  
Joplin, MO 64801

Aaron Scott  
Cedar Creek Consulting  
14117 W. Travis Lane  
Malakoff, TX 75148-3570

  
Pamela S. Kane