

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

In the Matter of)	
)	
Klaus D. Kramer)	File No. EB-01-DL-0345
)	
Oklahoma City, OK)	NAL/Acct. No. 200132500001

FORFEITURE ORDER

Adopted: November 8, 2001

Released: November 13, 2001

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this *Forfeiture Order* (“*Order*”), we issue a monetary forfeiture in the amount of nine thousand five hundred dollars (\$9,500) to Klaus D. Kramer (“Mr. Kramer”) for willful and repeated violations of Section 301 of the Communications Act of 1934, as amended (“the Act”).¹ The noted violations involve Mr. Kramer’s operation of a radio station on Citizen’s Band (“CB”) frequencies without Commission authorization.

2. On July 13, 2001, the Commission’s Dallas, Texas Field Office (“Dallas Office”) issued a *Notice of Apparent Liability for Forfeiture* (“*NAL*”) in the amount of nine thousand five hundred dollars (\$9,500) to Mr. Kramer for the noted violations.² Mr. Kramer filed a response to the *NAL* on August 14, 2001.

II. BACKGROUND

3. In February 2001, in response to a complaint of a CB radio station operating with excessive power in Oklahoma City, Oklahoma, the Dallas Office sent agents to investigate and locate the source of the transmissions using direction finding equipment. In the course of two days, the agents observed a series of transmissions on CB channel 19, and traced the source of one of the signals to Mr. Kramer’s residence. The agents traced the source of another one of the signals to a multiple story building. The source of the last observed signal was traced by the agents to Mike’s Cycle Shop, a business owned by Mr. Kramer. The agents conducted inspections at the multiple story building and Mike’s Cycle Shop. The inspections revealed that Mr. Kramer violated Section 301 of the Act by operating radio transmitters from both locations without authorization. Mr. Kramer admitted to making the transmissions at all three locations, and voluntarily relinquished the equipment from the multiple story building and Mike’s Cycle Shop to the investigating agents. On March 12, 2001, the Dallas Office issued

¹ 47 U.S.C. § 301.

² *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200132500001 (Enf. Bur., Dallas Office, released July 13, 2001).

two *Notices of Violation* to Mr. Kramer. In response to the *Notices of Violation*, Mr. Kramer acknowledged the violations, and indicated that he would discontinue operating the station. In March 1998 and October 1999, agents monitored and inspected similar stations operated by Mr. Kramer. On each occasion, Mr. Kramer voluntarily surrendered the equipment.

4. On July 13, 2001, the Dallas Office issued the captioned *NAL* to Mr. Kramer for operating radio transmitters without Commission authorization in willful and repeated violation of Section 301 of the Act. In his response, Mr. Kramer requests an explanation as to how the amount of the *NAL* was determined, and contends that the forfeiture amount is excessive. Mr. Kramer states that he sent a letter indicating that he would discontinue operating the radio station equipment, and has disposed of his equipment. According to Mr. Kramer, the proposed forfeiture amount is unfair in light of the other CB radio operators in the area.

III. DISCUSSION

5. As the *NAL* states, the forfeiture amount in this case was assessed in accordance with Section 503(b) of the Act,³ Section 1.80 of the Commission's Rules ("the Rules"),⁴ and *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, 12 FCC Rcd 17087 (1997), *recon. denied*, 15 FCC Rcd 303 (1999). In examining Mr. Kramer's response, Section 503(b) of the Act requires that the Commission 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 other such matters as justice may require.⁵

6. Mr. Kramer does not dispute the finding in the *NAL* that he committed the violation that led to the forfeiture. The base forfeiture amount for each occurrence of unauthorized or unlicensed operation is \$10,000.⁶

7. We are not persuaded by Mr. Kramer's arguments that the forfeiture amount is excessive and unfair. The Dallas Office has received complaints regarding his operations. Additionally, after inspections of similar operations by Mr. Kramer on two separate occasions in March 1998 and October 1999, Mr. Kramer voluntarily surrendered the offending equipment and on at least one occasion stated that the violations would not be repeated. Nonetheless, our investigation revealed that Mr. Kramer again violated our rules in February 2001. Thus, imposition of a forfeiture in at least the amount of \$9,500 is warranted.⁷

³ 47 U.S.C. § 503(b).

⁴ 47 C.F.R. § 1.80.

⁵ 47 U.S.C. § 503(b)(2)(D).

⁶ *See* note to 47 C.F.R. § 1.80(b)(4).

⁷ Given our conclusion that a \$9,500 forfeiture is appropriate we need not address the details of why the Dallas Office chose not to propose the full base amount here for Mr. Kramer's third round of violations.

IV. ORDERING CLAUSES

8. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Act, and Sections 0.111, 0.311 and 1.80(f)(4) of the Rules,⁸ Klaus D. Kramer **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of nine thousand five hundred dollars (\$9,500) for operating radio transmitters without Commission authorization in willful and repeated violation of Section 301 of the Act.

9. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within 30 days of the release of this *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.⁹ Payment shall be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Federal Communications Commission, Forfeiture Collection Section, Finance Branch, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note the NAL/Acct. No. referenced above. Requests for full payment under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.¹⁰

10. **IT IS FURTHER ORDERED** that, a copy of this *Order* shall be sent by Certified Mail, Return Receipt Requested, to Klaus D. Kramer, 2212 SW 29th Street, Oklahoma City, Oklahoma 73119-2118.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁸ 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

⁹ 47 U.S.C. § 504(a).

¹⁰ *See* 47 C.F.R. § 1.1914.