



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

May 20, 2005

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Keith S. Clark, President
Sandown Wireless
P.O. Box 564
East Hampstead, NH 03826

Re: File No. EB-05-SE-066

Dear Mr. Clark:

This is an official **CITATION**, issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended ("Communications Act"), 47 U.S.C. § 503(b)(5), for marketing unauthorized radio frequency devices in the United States in violation of Section 302(b) of the Communications Act, 47 U.S.C. § 302a(b), and Section 2.803(a) of the Commission's Rules ("Rules"), 47 C.F.R. § 2.803(a). As explained below, future violations of the Commission's rules in this regard may subject your company to monetary forfeitures.

By letter dated March 15, 2005, the Spectrum Enforcement Division of the Commission's Enforcement Bureau initiated an investigation into whether Sandown Wireless ("Sandown") is marketing in the United States unauthorized radio frequency devices, specifically, radio frequency jammers which can disrupt communications on cellular and Personal Communications Service frequencies, as well as other wireless radio services.

At the time of that letter, March 15, 2005, we observed on your website, www.criticalradio.com, your advertisement for sale of the following radio frequency devices:

- 1) CJ7 - Jams cellular and similar types of mobile phones operating on the following frequency bands: 860 to 885 MHz, 925 to 965 MHz, 1800 to 1950 MHz, with optional jamming on the 2100 to 2200 MHz band.
- 2) CJ7A - Jams the same frequencies as the CJ7.
- 3) CJ8A - Jams the same frequencies as the CJ7, plus Family Radio Service communications on the 462.5625 to 467.7125 MHz band.
- 4) CJ9A - Jams the same frequencies as the CJ8A.
- 5) CJ10A - Jams the same frequencies as the CJ8A.
- 6) TRJ-89 - High power jammer that operates on the same frequencies as the CJ8A, except that jamming on the 2100 to 2200 MHz band is standard rather than optional.

We received your response, dated March 26, 2005, in which you admitted that you marketed jamming equipment on four websites from January 1, 2005 to approximately March 20, 2005.¹ You stated that you marketed these devices to state and local governments but had not yet sold any of the radio frequency jammer models described on your websites. You also stated that following receipt of our letter, you removed the advertisements for these products from your websites.

Section 302(b) of the Act provides that “[n]o person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section.” Section 2.803(a)(1) of the Commission’s implementing regulations provides that:

no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship, or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless ... [i]n the case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled as required by § 2.925 and other relevant sections in this chapter.

Pursuant to Section 15.201(b) of the Rules, 47 C.F.R. § 15.201(b), intentional radiators such as cell phone jammers must be authorized in accordance with the FCC’s certification procedures prior to the initiation of marketing² in the U.S. In response to our question as to whether the jammers you offered for sale are certified, you responded that you rely on the manufacturer (Antenna Systems and Supplies) “to have their equipment certified if required.” Based on your failure to provide FCC Identification numbers or other documentation showing that the jammers you market have been certified, as well as our review of the Commission’s equipment authorization database, it appears that these devices have not been certified. Moreover, it does not appear that these devices are capable of receiving a grant of certification. In this regard, the main purpose of cell phone and other wireless jammers is to block or interfere with radio communications. Such use is clearly prohibited by Section 333 of the Act, 47 U.S.C. § 333, which states that “[n]o person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this Act or operated by the United States Government.” Thus, a device such a jammer which intentionally interferes with radio communications is not eligible for certification.³

On your websites and in the marketing materials that you included with your response, you stated that “[c]ellular jammers are not authorized and legal for use in the U.S. private sector and will only be sold and registered to DOD, Federal, State, and Local Law Enforcement Agencies. These agencies have been given special disposition by U.S. Federal Law.” Section 302(c) of the Act and Section 2.807(d) of the Rules⁴ exempt radio frequency devices for use by the federal government from the general prohibition on marketing of unauthorized equipment. However, contrary to the statement on your websites and in your marketing materials, there is no similar exemption allowing the marketing of unauthorized radio frequency devices to state and local law enforcement agencies.

¹ These four websites operated by Keith Clark (dba Sandown) are: www.criticalradio.com, www.criticalbattery.com, www.criticaltowers.com, and www.dispatchcomm.com.

² Section 2.803(e)(4) of the Rules defines “marketing” as the “sale or lease, or offering to sale or lease, including advertising for sale or lease, or importation, shipment or distribution for the purpose of selling or leasing or offering for sale or lease.” 47 C.F.R. § 2.803(e)(4).

³ Furthermore, Section 2.803(g) of the Rules provides that radio frequency devices that could not be authorized or legally operated under the rules “shall not be operated, advertised, displayed, offered for sale or lease, sold or leased, or otherwise marketed absent a license issued under part 5 of this chapter or a special temporary authorization issued by the Commission.” 47 C.F.R. § 2.803(g).

⁴ 47 C.F.R. § 2.807(d).

Accordingly, it appears that Sandown has violated Section 302(b) of the Act and Section 2.803(a) of the rules by marketing in the United States the six unauthorized radio frequency devices listed above.

If, after receipt of this citation, you violate the Communications Act or the Commission's rules in any manner described herein, the Commission may impose monetary forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation.⁵

You may respond to this citation within 30 days from the date of this letter either through (1) a personal interview at the Commission's Field Office nearest to your place of business, or (2) a written statement. Your response should specify the actions that you are taking to ensure that you do not violate the Commission's rules governing the marketing of radio frequency equipment in the future.

The nearest Commission field office appears to be the Boston District Office, in Quincy, Massachusetts. Please call Katherine Power at 202-418-1160 if you wish to schedule a personal interview. You should schedule any interview to take place within 30 days of the date of this letter. You should send any written statement within 30 days of the date of this letter to:

Kathryn Berthot
Deputy Chief, Spectrum Enforcement Division
Enforcement Bureau
Federal Communications Commission
445-12th Street, S.W., Rm. 7-C802
Washington, D.C. 20554

Under the Privacy Act of 1974, 5 U.S.C. § 552(a)(e)(3), we are informing you that the Commission's staff will use all relevant material information before it, including information that you disclose in your interview or written statement, to determine what, if any, enforcement action is required to ensure your compliance with the Communications Act and the Commission's rules.

The knowing and willful making of any false statement, or the concealment of any material fact, in reply to this citation is punishable by fine or imprisonment under 18 U.S.C. § 1001.

Thank you in advance for your anticipated cooperation.

Sincerely,

Kathryn Berthot
Deputy Chief, Spectrum Enforcement Division
Enforcement Bureau
Federal Communications Commission

⁵ See 47 C.F.R. § 1.80(b)(3).