



**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

August 4, 2005

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Eli Premore
Gabriel LLC
534 N. Detroit Street
Los Angeles, CA 90036

Re: File No. EB-05-SE-229

Dear Mr. Premore:

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 an unauthorized radio frequency device 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.

The equipment authorization for the Remocon LRT-1 learned mode remote control transmitter device ("learned mode transmitter"), also known as the Remocon RMC-600, manufactured by Tung Shih Technology Co., Ltd. was revoked on April 18, 2005 (copy of revocation order enclosed).¹ Following the issuance of the revocation order, we received a complaint indicating that Gabriel LLC was continuing to market the LRT-1 through www.alibaba.com and www.productsdeals.com. Our internet research confirms that you are continuing to market the LRT-1 on these 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 the LRT-1 learned mode transmitter, must be authorized in accordance with the FCC's

¹ *Tung Shi Technology Co., Ltd.*, 20 FCC Rcd 7801 (Enf. Bur. 2005).

certification procedures prior to marketing in the United States. As noted above, the certification for the LRT-1 has been revoked. Accordingly, it appears that Gabriel LLC has violated Section 302(b) of the Act and Section 2.803(a) of the Rules by marketing unauthorized radio frequency devices.

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.²

If you choose to do so, 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 Los Angeles Office in Cerritos, California. Please call Thomas Fitz-Gibbon at 202-418-0693 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:

Thomas Fitz-Gibbon
Spectrum Enforcement Division, Enforcement Bureau
Federal Communications Commission
445-12th Street, S.W., Rm. 7-A820
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

Enclosure

² See 47 C.F.R. § 1.80(b)(3).