

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

In the Matter of	)	
	)	
Multispectral Solutions, Inc.	)	File No. EB-06-SE-372
	)	
	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: December 12, 2006**

**Released: December 14, 2006**

By the Chief, Spectrum Enforcement Division, Enforcement Bureau:

**I. INTRODUCTION**

1. In this Memorandum Opinion and Order, we admonish Multispectral Solutions, Inc. (“MSSI”) for marketing in the United States unauthorized radio frequency devices in violation of Section 302(b) of the Communications Act of 1934, as amended (“Act”),<sup>1</sup> and Section 2.803(a) of the Commission’s Rules (“Rules”).<sup>2</sup>

**II. BACKGROUND**

2. MSSI manufactures and markets an ultra-wideband (“UWB”) precision asset localization system that utilizes an UWB receiver and processor hub. The receiver and processor hub are classified as Class A digital devices and are required to be verified under Section 15.101(a) of the Rules.<sup>3</sup>

3. On October 31, 2006, in response to a complaint alleging that the UWB receiver and processor hub in MSSI’s precision asset localization system had not been verified in accordance with the FCC’s rules, the Spectrum Enforcement Division of the Enforcement Bureau issued a letter of inquiry (“LOI”) to MSSI.<sup>4</sup> In its response to the LOI, dated November 22, 2006, MSSI stated that it began marketing its precision asset localization system in the United States in 2003.<sup>5</sup> MSSI acknowledged that the system was marketed prior to verification of the UWB receivers and processor hubs utilized in the system.<sup>6</sup> MSSI asserted that it was not aware that the UWB receivers and processor hubs associated with its system were required to be verified. MSSI stated that it became aware of the verification requirement

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<sup>1</sup> 47 U.S.C. § 302a(b).

<sup>2</sup> 47 C.F.R. § 2.803(a).

<sup>3</sup> 47 C.F.R. §§ 15.101(a).

<sup>4</sup> See Letter from Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, to Dr. Robert J. Fontana, President, Multispectral Solutions, Inc. (October 31, 2006).

<sup>5</sup> See Letter from Dr. Robert J. Fontana, President, Multispectral Solutions, Inc. to the Federal Communications Commission, Spectrum Enforcement Division, Enforcement Bureau (November 22, 2006), at 1.

<sup>6</sup> *Id.* at 4. MSSI indicated, however, that the radio frequency identification tags utilized in the system, which are intentional radiators subject to the equipment certification requirements, were certified prior to marketing of the system. *Id.* at 2.

and proceeded to comply fully with all FCC regulations in June 2005. Finally, MSSSI asserted that all precision asset localization systems marketed after October 2005 are fully FCC compliant.<sup>7</sup>

### III. DISCUSSION

4. 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)(2) of the Commission’s implementing regulations provides that:

Except as provided elsewhere in this section, no person shall sell or lease, or offer for sale or lease (including *advertising* for sale or lease), or import, ship, 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 that is not required to have a grant of equipment authorization issued by the Commission, but which must comply with the specified technical standards prior to use, such device also complies with all applicable administrative (including verification of the equipment or authorization under a Declaration of Conformity, where required), technical, labelling and identification requirements specified in this chapter.

Pursuant to Section 15.101(a) of the Rules, Class A digital devices, such as MSSSI’s UWB receivers and processor hubs, must be verified prior to marketing in the United States.

5. MSSSI marketed its precision asset location system in the United States between 2003 and 2005. MSSSI admits that the system was marketed prior to the completion of verification procedures for the UWB receiver and processor hub. Accordingly, we conclude that MSSSI marketed unauthorized radio frequency devices in violation of Section 302(b) of the Act and Section 2.803(a) of the Rules.

6. Although we believe that a monetary forfeiture would be warranted for this violation, we note that MSSSI has not marketed the system in the United States since October 2005. The statute of limitations for issuing a Notice of Apparent Liability in this case is one year from the date of violation.<sup>8</sup> Accordingly, based upon our review of the facts and circumstances in this case, and because we are barred by the one-year statute of limitations from issuing a Notice of Apparent Liability, we admonish MSSSI for marketing unauthorized equipment in violation of Section 302(b) of the Act and Section 2.803(a) of the Rules.

### IV. ORDERING CLAUSES

6. Accordingly, **IT IS ORDERED** that Multispectral Solutions, Inc. **IS ADMONISHED** for marketing unauthorized radio frequency devices in violation of Section 302(b) of the Act and Section 2.803(a) of the Rules.

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<sup>7</sup> *Id.* at 1.

<sup>8</sup> *See* 47 U.S.C. § 503(b)(6); 47 C.F.R. § 1.80(c)(3).

7. **IT IS FURTHER ORDERED** that copies of this *Memorandum Opinion and Order* shall be sent by Certified Mail, Return Receipt Requested, to the attention of Dr. Robert J. Fontana, President, Multispectral Solutions, Inc., 20300 Century Blvd, Germantown, MD 20874.

FEDERAL COMMUNICATIONS COMMISSION

Kathryn S. Berthot  
Chief, Spectrum Enforcement Division  
Enforcement Bureau