



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

March 17, 2006

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Estop Electronics, Inc.
d/b/a The Antenna Farm, E-Stop Electronics
Attn: John W. Holbrook
9311 Sedgefield Road
North Fort Myers, FL 33917

Re: File No. EB-05-SE-196

Dear Mr. Holbrook:

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 of the Commission's Rules ("Rules"), 47 C.F.R. § 2.803. As explained below, future violations of the Commission's rules in this regard may subject your company to monetary forfeitures.

Your response dated December 5, 2005 to our Letter of Inquiry ("LOI") issued on November 22, 2005, acknowledged that you marketed an uncertified radiofrequency device for Citizen's Band ("CB") use, the Magnum Mini radio transceiver ("Magnum Mini"), through your web site, www.theantennafarm.com. Furthermore, you indicated that upon receipt of our December 5, 2005 letter, you ceased marketing the device and discontinued offering it for sale on your web site.

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 labelled as required by § 2.925 and other relevant sections in this chapter.

In addition, Section 2.803(g) of the Rules provides that radio frequency devices that could not be authorized or legally operated “shall not be operated, advertised, displayed, offered for sale or lease, sold or leased, or otherwise marketed”

Section 95.409 of the Rules, 47 C.F.R. § 95.409, specifies that CB transmitters must be certified. Accordingly, the Magnum Mini must be authorized in accordance with the FCC’s certification procedures prior to the initiation of marketing in the United States. The Magnum Mini, as advertised on your web site, operates on 400 channels within the 25.164 to 29.655 MHz frequency range, at an output of 15 watts peak envelope power in “AM mode.” This frequency range, as well as the number of channels, are clearly beyond what is authorized in Section 95.407(a) of the Rules, 47 C.F.R. § 95.407(a), for CB use. The transmitter power for the Magnum Mini also exceeds the levels specified in Section 95.409(a) of the Rules, 47 C.F.R. § 95.409(a). Furthermore, Section 95.425(c) of the Rules, 47 C.F.R. § 95.425(c), explicitly prohibits the operation of CB transmitters on unauthorized frequencies or illegal power levels. Thus, the Magnum Mini apparently does not comply with the FCC’s technical standards, and therefore would not be capable of receiving a grant of equipment certification. Accordingly, it appears that Estop has violated Section 302(b) of the Act, 47 U.S.C. § 302a(b), and Section 2.803 of the Rules, 47 C.F.R. § 2.803 by marketing in the United States a radio frequency device, that is not authorized and is not eligible for authorization.

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.¹

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 Tampa Office in Tampa, Florida. Please call Gabriel Collazo 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.

¹ See 47 C.F.R. § 1.80(b)(3).

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