



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

May 27, 2008

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED
AND FACSIMILE AT 775-249-9320

Monty Henry, Owner
DPL Surveillance Equipment
18345 Kittridge Street #12
Reseda, California 91335-6164

Re: File No. EB-08-SE-203

Dear Mr. Henry:

This is an official **CITATION**, issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended ("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 Act, 47 U.S.C. § 302a(b), and Sections 2.803 and 15.205(a) of the Commission's Rules ("Rules"), 47 C.F.R. §§ 2.803 and 15.205(a), and for failing to fully respond to Enforcement Bureau directives to provide certain information and documents. As explained below, future violations of the Commission's rules in this regard may subject your company to monetary forfeitures.

By letter of inquiry ("LOI") dated May 16, 2008, the Spectrum Enforcement Division of the Commission's Enforcement Bureau initiated an investigation into whether DPL Surveillance Equipment is marketing in the United States unauthorized radio frequency devices, specifically, cell phone jammers, wireless device jammers and GPS jammers.

At the time of that letter, May 16, 2008, we observed on your website, www.DPL-Surveillance-Equipment.com, your marketing of the following radio frequency devices:

1. GSM Mobile Phone Jammer
2. Portable Cell Phone Jammer (900Mw)
3. Cell Phone Jammer (32w)
4. Desk-Top Cell Phone Jammer/Blocker Ultra-High Power (160w)
5. Portable Video/Wi-Fi Jammer (900Mw)
6. Anti-Tracker/GPS Blocker

We received your response dated May 19, 2008, in which you admit to marketing these devices beginning on or about January 15, 2008. In your response, you state that you sold one unit of the Portable Cell Phone Jammer (900Mw) to a Chicago, Illinois police officer. You also state that you have sold multiple units of the Anti-Tracker/GPS Blocker but provided information only for "some" of the purchasers. You state that you have not sold any units of the GSM Mobile Phone Jammer, Cell Phone Jammer (32w) and the Desk-Top Cell Phone Jammer/Blocker Ultra-High Power (160w). However, you

failed to address whether you have sold units of the Portable Video/Wi-Fi Jammer (900Mw). You state that you do not stock the cell phone or video jammers and do not manufacture the devices.

Moreover, your response did not address all the questions set forth in the May 16, 2008 LOI. Your response did not provide, *inter alia*: (1) the manufacturer for any device; (2) whether you import each device; (3) copies of marketing materials for each device; and, (4) for the GPS Blocker and Video/Wi-Fi Jammer, the total number of units distributed in the United States. In addition, your response was not supported by an affidavit or declaration signed under penalty of perjury, as directed by the LOI.

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.

Additionally, Section 2.803(g) of the Rules, 47 C.F.R. § 2.803(g), provides in pertinent part that:

[R]adio frequency devices that could not be authorized or legally operated under the current 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.

Pursuant to section 15.201(b) of the Rules, 47 C.F.R. § 15.201(b), intentional radiators¹ must be authorized in accordance with the Commission’s certification procedures prior to the initiation of marketing² in the United States. It does not, however, appear that the jamming devices marketed on your website are capable of receiving a grant of certification. In this regard, the main purpose of cell phone, GPS 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 as a jammer which intentionally interferes with radio communications is not eligible for certification.

With respect to the GPS Blocker, Section 15.205(a) of the Rules allows intentional radiators to transmit only spurious emissions in the restricted frequency bands.³ Thus, the GPS Blocker, which operates in the 1450 MHz to 1600 MHz bands, intentionally transmits radio frequency energy on restricted frequencies and is ineligible for certification on this basis as well.

¹ Section 15.3(o) of the Rules defines an “intentional radiator” as a “device that intentionally generates and emits radio frequency energy by radiation or induction.” 47 C.F.R. § 15.3(o).

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 47 C.F.R. § 2.1 defines spurious emissions as “[e]missions on a frequency or frequencies which are outside the necessary bandwidth and the level of which may be reduced without affecting the corresponding transmission of information. Spurious emissions include harmonic emissions, parasitic emissions, intermodulation products and frequency conversion products, but exclude out-of-band emissions.”

Furthermore, your website states that the cell phone jammers you advertise are “[f]or [e]xport [o]nly. USA customers must be authorized Law Enforcement and/or Gov. [sic] Agency approved.” Section 302(c) of the Act and Section 2.807(d) of the Rules⁴ exempt radio frequency devices intended for use by the federal government from the general prohibition on marketing of unauthorized equipment. However, there is no similar exemption allowing the marketing or sale of unauthorized radio frequency devices to state and local law enforcement agencies.

Accordingly, it appears that DPL Surveillance Equipment has violated Section 302(b) of the Act and Sections 2.803 and 15.205(a) of the Rules by marketing in the United States the unauthorized radio frequency devices listed on its website.

Furthermore, Sections 4(i), 4(j), and 403 of the Act,⁵ afford the Commission broad authority to investigate the entities it regulates. Section 4(i) authorizes the Commission to “issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions.” Section 4(j) states that “the Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch business and to the ends of justice.” Section 403 grants the Commission “full authority and power at any time to institute an inquiry, on its own motion, in any case and as to any matter or thing concerning which complaint is authorized to be made, to or before the Commission by any provision of this Act, or concerning which any question may arise under any of the provisions of this Act.” Pursuant to this authority, we sent you the May 16, 2008 LOI directing you to provide certain information and documents. Your response email indicates that you received the LOI. However, your response failed to address all the questions set forth in the LOI. Accordingly, it appears DPL Surveillance Equipment violated a Commission order by failing to respond to Enforcement Bureau directives to provide certain information and documents.

A party may not ignore the directives in a Bureau inquiry letter.⁶ You are again ordered, pursuant to Sections 4(i), 4(j), and 403 of the Act, to provide the information sought by our May 16, 2008 LOI. You must provide this information in the manner indicated therein within 20 days of the date of this citation.

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.⁷

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.

⁴ 47 C.F.R. § 2.807(d).

⁵ 47 U.S.C. §§ 154 (i), 154 (j) and 403.

⁶ See, e.g., *SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7591 (2002). In *SBC Communications, Inc.*, the Commission imposed a \$100,000 forfeiture against a carrier for its willful refusal to supply a sworn declaration in response to an Enforcement Bureau letter of inquiry. The Commission stated, “[T]he order here was squarely within the Commission’s authority and, in any event, parties are required to comply with Commission orders even if they believe them to be outside the Commission’s authority.” *Id.* at 7591.

⁷ See 47 C.F.R. § 1.80(b)(3).

The nearest Commission field office appears to be the Los Angeles District Office, in Los Angeles, California. Please call Zachary Rothstein at 202-418-0608 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
Chief, Spectrum Enforcement Division
Enforcement Bureau
Federal Communications Commission
445-12th Street, S.W., Rm. 3-C366
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
Chief, Spectrum Enforcement Division
Enforcement Bureau
Federal Communications Commission