



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

March 7, 2008

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED
AND FACSIMILE AT 718-228-6869

Mr. Craig Andersen
K1CRA Radio Store
5421 South Abbott Road
Armor Plaza
Orchard Park, NY 14127

Re: File No. EB-06-SE-441

Dear Mr. Andersen:

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), to K1CRA Radio Store ("K1CRA") for marketing unauthorized radio frequency devices in violation of Section 302(a) of the Act, 47 U.S.C. § 302(a), and Section 2.803(a)(1) of the Commission's Rules ("Rules"), 47 C.F.R. § 2.803(a)(1). As explained below, future violations of the Commission's rules in this regard may subject your company to monetary forfeitures.

After receiving a complaint, the Spectrum Enforcement Division of the Commission's Enforcement Bureau ("Division") initiated an investigation into whether K1CRA was marketing unauthorized hand held transceivers in the United States. On May 17, 2007, Division personnel observed that K1CRA was advertising for sale on its website, www.K1CRA.com,¹ two hand held transceiver models identified as the Jingtong JT-208 and the Jingtong JT-308, which collectively were capable of operation in frequency bands restricted variously to the Aviation (Part 87), Maritime (Part 80), Public Mobile (Part 22), Private Land Mobile (Part 90), Satellite Communications (Part 25), Auxiliary Broadcasting (Part 74), and Personal Radio (Part 95) services. As part of the investigation, the Division sent a letter of inquiry ("LOI") to K1CRA on October 18, 2007,² inquiring, *inter alia*, whether these

¹ The website addresses were: www.k1cra.com/catalog/product.aspx?productID=1437 and www.k1cra.com/catalog/product.aspx?productID=1438.

² Letter from Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, to K1CRA Radio Store (October 18, 2007).

devices were certified under the rules for each service,³ and if so, requesting a copy of the grant of certification.

In your November 21, 2007 response to the LOI,⁴ you admit that you purchased the specified devices from a vendor at a ham fest, who you state represented to you that for Amateur radio use, certification of the devices was not necessary. You state that you prepared the web pages regarding these devices, and that you meant to keep them pre-loaded on your server, but not published, pending your own investigation into whether the devices needed to be certified. The devices nevertheless were somehow published on your website. You state that later through your own due diligence and research, you discovered that the Jingtong radios were not certified and could not be used in the United States. After this research, you state, you immediately discontinued all sales and parted out or discarded the remaining units you had in inventory. You state that you marketed the devices at ham fests and sold a total of six JT-208 and three JT-308 Jingtong radios between September 11, 2006 and November 18, 2006, and that you advised the purchasers that the devices could not be used legally in the United States.

Section 302(b) of the Act states: “[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.”⁵ Section 2.803(a)(1) of the Rules provides:

[N]o 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: (1) In 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....⁶

In addition, Section 15.201(b) of the Rules provides that, with certain exceptions not relevant here, “all intentional radiators operating under the provisions of ... [Part 15] shall be certificated by the Commission....”⁷

The Jingtong JT-208 and the Jingtong JT-308 are intentional radiators and therefore must be authorized in accordance with the certification procedures prior to marketing in the United States. K1CRA admits that these devices are not certified and that it marketed them in the United States. Accordingly, we conclude that K1CRA violated Section 302(b) of the Act and Section 2.803(a)(1) of the Rules.

If, after receipt of this citation, The K1CRA Radio Store violates 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.⁸

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,

³ See 47 C.F.R. §§ 22.377, 25.129, 74.851, 80.203, 87.147, 90.203, and 95.603.

⁴ Letter from Craig R. Andersen, Owner, K1CRA, to Susan M. Stickley, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission (November 21, 2007).

⁵ 47 U.S.C. § 302a(b).

⁶ 47 C.F.R. § 2.803(a)(1).

⁷ 47 C.F.R. § 15.201(b).

⁸ See 47 C.F.R. § 1.80(b)(3).

or (2) a written statement. Your response should specify the actions that K1CRA is taking to ensure that it does not violate the Commission's rules governing wireless devices in the future.

The nearest Commission field office is the New York Office in New York, New York. Please call Susan Stickley at 202-418-0871 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 S. 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 S. Berthot
Chief, Spectrum Enforcement Division
Enforcement Bureau