

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

In the Matter of )  
 )  
Orvac Electronics, Inc. )  
 )  
Fullerton, California )  
 )

File Number: EB-08-LA-0051  
NAL/Acct. No: 200832900004  
FRN: 0017705658

**FORFEITURE ORDER**

**Adopted: May 27, 2009**

**Released: May 29, 2009**

By the Regional Director, Western Region, Enforcement Bureau:

**I. INTRODUCTION**

1. In this *Forfeiture Order* (“*Order*”), we issue a monetary forfeiture in the amount of seven thousand dollars (\$7,000) to Orvac Electronics, Inc. (“Orvac”), in Fullerton, California, for willful and repeated violation of Section 302(b) of the Communications Act of 1934, as amended (“Act”),<sup>1</sup> and Section 2.803(a)(1) of the Commission’s Rules (“Rules”).<sup>2</sup> On May 30, 2008, the Enforcement Bureau’s Los Angeles Office issued a *Notice of Apparent Liability for Forfeiture* (“NAL”) to Orvac after determining that Orvac marketed non-certified 2.4 GHz wireless video transmitters and wireless cameras (intentional radiators). In this *Order*, we consider Orvac’s argument that the devices at issue were registered with the FCC.

**II. BACKGROUND**

2. On November 22, 2006, an agent from the Los Angeles Office inspected Orvac’s retail store in Fullerton, California, and observed several models of uncertified wireless cameras and stand alone video transmitters on display and for sale.<sup>3</sup> A review of the Commission’s records revealed these devices had not received an equipment authorization from the Commission, which is required for transceivers operating on these frequencies.<sup>4</sup> Wireless video cameras and other short range 2.4 GHz video transmitters are classified as intentional radiators under the Commission’s Rules<sup>5</sup> and must be certified and labeled with an FCC I.D. number pursuant to the Commission’s Rules.<sup>6</sup>

3. On January 23, 2007, the Los Angeles Office issued a Citation to Orvac for violation of Section 302(b) of the Act and Section 2.803(a)(1) of the Commission’s Rules by marketing uncertified

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<sup>1</sup> 47 U.S.C. § 302a(b).

<sup>2</sup> 47 C.F.R. § 2.803(a)(1).

<sup>3</sup> This included models manufactured by Cop Security and LYD.

<sup>4</sup> Such devices are intentional radiators and must be certificated by the Commission prior to marketing. *See* 47 C.F.R. § 15.201(b).

<sup>5</sup> 47 C.F.R. § 15.201.

<sup>6</sup> 47 C.F.R. § 2.925.

wireless cameras and stand alone video transmitters.<sup>7</sup> The *Citation* warned Orvac that future violations may subject Orvac to substantial monetary forfeitures,<sup>8</sup> seizure of equipment through *in rem* forfeiture action, and criminal sanctions, including imprisonment.<sup>9</sup> The Los Angeles Office did not receive a response from Orvac, but the U.S. Postal Service did return a delivery receipt indicating that Orvac had received the Citation.

4. On March 8, 2007, an agent from the Los Angeles Office inspected Orvac's retail store in Fullerton, California, and observed one uncertified wireless video camera on display, model CTSL 15-2400 CTSL, manufactured by Cop Security, which operated on 2.4 GHz.

5. On March 5, 2008, a Los Angeles agent again inspected Orvac's retail store in Fullerton, California, and observed three models of wireless cameras, Speco Technologies model WC-2503, and Cop Security models 2400 CTSL and 2400 CTJ on display and for sale. All of these wireless cameras operated on 2.4 GHz. Additionally, the agent observed a stand-alone video transmitter, WIV model TRX-20, which also operated on 2.4 GHz, on display and for sale.

6. On March 6, 2008, the Los Angeles agent reviewed the Commission's databases and found no record of FCC certifications for Speco Technologies model WC-2503, Cop Security models 2400 CTSL and 2400 CTJ, and WIV model TRX-20.

7. On April 4, 2008, the Los Angeles agent again inspected Orvac's retail store in Fullerton, California, and observed the three models of wireless cameras, Speco Technologies model WC-2503, and Cop Security models 2400 CTSL and 2400 CTJ, on display and for sale. The agent also observed the stand-alone video transmitter, WIV model TRX-20, on display and for sale.

8. On May 30, 2008, the Los Angeles Office issued a *NAL* in the amount of \$7,000 to Orvac.<sup>10</sup> In the *NAL*, the Los Angeles Office found that Orvac apparently willfully and repeatedly violated Section 302(b) of the Act,<sup>11</sup> and Section 2.803(a)(1) of the Rules<sup>12</sup> by marketing non-certified 2.4 GHz wireless video transmitters and wireless cameras (intentional radiators). Orvac filed a response on June 16, 2008 ("*Response*"). In its *Response*, Orvac does not dispute that it marketed all of the COP-USA, Speco and WIV models listed above and in the *NAL*. Instead, Orvac states that it sells "wireless product registered with the FCC," references FCC Identifier NK2-2400 and provides a 2006 FCC Equipment Authorization Grant for FCC Identifier TW4-906T issued to Shenzhen AEE Technology Co., Ltd., for a 2.4 GHz Wireless Camera ("*Shenzhen Grant*"), along with a "LVD Report" for Shenzhen AEE Technology Co., LTD Model ZT-906T and an "EMC Test Report" for Models ZT-906T and ZT-903T.

### III. DISCUSSION

9. The proposed forfeiture amount in this case was assessed in accordance with Section 503(b) of the Act,<sup>13</sup> Section 1.80 of the Rules,<sup>14</sup> and *The Commission's Forfeiture Policy Statement and*

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<sup>7</sup> Citation to Orvac Electronics, released January 23, 2007 ("*Citation*").

<sup>8</sup> See 47 C.F.R. § 1.80(b)(3).

<sup>9</sup> See 47 U.S.C. §§ 501, 503(b), 510.

<sup>10</sup> *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200832900004 (Enf. Bur., Western Region, Los Angeles Office, released May 30, 2008).

<sup>11</sup> 47 U.S.C. § 302a(b).

<sup>12</sup> 47 C.F.R. § 2.803(a)(1).

<sup>13</sup> 47 U.S.C. § 503(b).

*Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines.*<sup>15</sup> In examining the *Response*, Section 503(b) of the Act requires that the Commission take into account the nature, circumstances, extent and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.<sup>16</sup>

10. 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.”<sup>17</sup> Section 2.803(a)(1) of the Rules provides that “[e]xcept 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, or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless in the case of a device subject to certification such device has been authorized by the Commission and is properly identified and labeled as required by § 2.925 and other relevant sections in this chapter . . . .”<sup>18</sup>

11. In its *Response*, Orvac includes the Shenzhen Grant, and the referenced reports, regarding a 2.4 GHz wireless camera for FCC ID TW4-906T which covers Shenzhen Models Number ZT-906T and ZT-903T. Orvac does not explain why or how the Shenzhen Grant for FCC ID TW4-906T covers any of the Speco Technology, Cop Security or WIV devices listed in the *NAL*. Orvac also includes an email message from a COP-USA Regional Sales Director which states that “[t]he FCC number pertains to all of the 3 items since they share the same module 10mW unit. FCC authorization is NK2-2400.” The email then lists the following three model numbers of what appear to be COP-USA devices: 15-2400CTSL, 2400CTSL, 2400CTJ. Review of the Commission’s Office of Engineering and Technology website reveals that the NK2-2400 authorization was granted to “CIC Components Ind Co Ltd” (“CIC” Grant). Orvac provides no specific information regarding the WIV wireless video transmitter specified in the *NAL*.

12. Although Orvac does not detail in its *Response* why it believes that the Shenzhen Grant or the CIC Grant cover any of the devices cited by the Los Angeles Office, we have reviewed the Shenzhen Grant and the CIC Grant as well as their underlying documentation. To the extent Orvac is arguing that the wireless cameras covered by the Shenzhen Grant or the CIC Grant have been authorized as modular transmitters,<sup>19</sup> we see no documentation or remarks on the Shenzhen Grant or the CIC Grant to support such an argument.<sup>20</sup> If, on the other hand, Orvac is arguing that the Shenzhen Grant covers the Speco WC-2503 camera, and the CIC Grant covers the COP-USA wireless cameras, models 2400 CTSL and 2400 CTJ, we note that none of the devices cited by the Los Angeles Office bore the labeling required

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<sup>14</sup> 47 C.F.R. § 1.80.

<sup>15</sup> 12 FCC Rcd 17087 (1997), *recon. denied*, 15 FCC Rcd 303 (1999).

<sup>16</sup> 47 U.S.C. § 503(b)(2)(E).

<sup>17</sup> 47 U.S.C. § 302a(b).

<sup>18</sup> 47 C.F.R. § 2.803(a)(1).

<sup>19</sup> See *Public Notice: Part 15 Unlicensed Modular Transmitter Approval*, 15 FCC Rcd 25415 (OET 2000) (“*OET Public Notice*”) (describing the requirements and policies for the authorization of unlicensed, low power “transmitter modules” for operation under Part 15 of the Commission’s Rules). See also, *Modification of Parts 2 and 15 of the Commission’s Rules for Unlicensed Devices and Equipment Approval*, 22 FCC Rcd 8028 (2007) (Codifying most of the *OET Public Notice*, in Section 15.212 of the Rules (47 C.F.R. § 15.212)).

<sup>20</sup> Applicants are required to submit a cover letter requesting modular approval and address the eight requirements detail in the Public Notice. “If approved, the grant of equipment authorization for a transmitter module will have either the word “module” or “modular” added to the Remarks section on the grant.” *OET Public Notice*, 15 FCC Rcd at 25418.

by Section 2.803(a)(1) of the Commission's Rules.<sup>21</sup> This rule requires, among other things, that the device be properly identified and labeled with its "FCC Identifier consisting of the two elements [including grantee code and the equipment product code] preceded by the term *FCC ID* in capital letters on a single line."<sup>22</sup> At the time of the inspections by the Los Angeles agent, such FCC ID numbers were not visible to the agent for any of the COP-USA, Speco or WIV devices inspected. Based on the evidence provided by Orvac, we are unable to determine if the devices cited by the Los Angeles Office are certified. Even assuming that the Shenzhen Grant or CIC Grant ultimately are revealed to cover the models at issue, Orvac has provided no evidence that the WIV model that it marketed was certified by the Commission.

13. We have examined the *Response* to the *NAL* pursuant to the statutory factors above, and in conjunction with the *Forfeiture Policy Statement*. As a result of our review, we conclude that Orvac willfully and repeatedly violated Section 302(b) of the Act, and Section 2.803(a)(1) of the Rules. Considering the entire record and the factors listed above, we find that neither reduction nor cancellation of the proposed \$7,000 forfeiture is warranted.

14. In the *NAL*, the Los Angeles Office also required Orvac to report to the Los Angeles Office, no more than thirty (30) days following the release of the *NAL*, how it achieved compliance with Section 302(b) of the Act and Section 2.803(a)(1) of the Rules. The report was required to include the names, addresses and contact information of the wholesaler, importer, and manufacturer of each of the devices listed in the *NAL*, along with the invoice for each device. Orvac's report was also required to be submitted in the form of a sworn affidavit or declaration under penalty of perjury, signed by a principal, officer or director of Orvac, attesting to the truth and accuracy of the response.<sup>23</sup> As of the date of this *Order*, no such report has been received. We direct Orvac to file the required report within 30 days of the date of this *Order* with the District Director, Los Angeles Office. Failure to comply with this directive may result in additional sanctions against Orvac.

#### IV. ORDERING CLAUSES

15. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended ("Act"), and Sections 0.111, 0.311 and 1.80(f)(4) of the Commission's Rules, Orvac Electronics, Inc., **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$7,000 for willfully and repeatedly violating Section 302(b) of the Act, and Section 2.803(a)(1) of the Rules.<sup>24</sup>

16. **IT IS FURTHER ORDERED**, pursuant to Section 403 of the Act, that Orvac Electronics, Inc., must submit the report described in paragraph 14, above, within no more than thirty (30) days following the release of this *NAL*, to the Federal Communications Commission, Enforcement Bureau, Western Region, Los Angeles Office, 18000 Studebaker Rd., Suite 660, Cerritos, California 90703, and must include the *NAL/Acct. No.* referenced in the caption.<sup>25</sup>

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<sup>21</sup> We note that the *NAL* did not specify the part of Section 2.803(a)(1) concerning labeling because, at the time of the Los Angeles agent's investigation, the only labels apparent to the agent on the devices concerned COP-USA, Speco and WIV. The devices did not contain any certification information or other information from the Shenzhen Grant or CIC Grant.

<sup>22</sup> 47 C.F.R. § 2.925, 47 C.F.R. § 2.803(a)(1).

<sup>23</sup> Any false statement made knowingly and willfully in reply to this inquiry is punishable by fine or imprisonment under Title 18 of the U.S. Code. 18 U.S.C. §§ 1001 *et seq.*; see also 47 C.F.R. § 1.17.

<sup>24</sup> 47 U.S.C. §§ 302a(b), 503(b), 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4), 2.803(a)(1).

<sup>25</sup> 47 U.S.C. § 403.

17. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within 30 days of the release of this *Order*. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.<sup>26</sup> Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Account Number and FRN Number referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters “FORF” in block number 24A (payment type code). Requests for full payment under an installment plan should be sent to: Chief Financial Officer -- Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554. Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or Email: ARINQUIRIES@fcc.gov with any questions regarding payment procedures.

18. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by First Class Mail and Certified Mail Return Receipt Requested to Orvac Electronics, Inc., at its address of record.

**FEDERAL COMMUNICATIONS COMMISSION**

Rebecca L. Dorch  
Regional Director, Western Region  
Enforcement Bureau

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<sup>26</sup> 47 U.S.C. § 504(a).