



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

June 30, 2009

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED
AND FACSIMILE AT 410-716-2933

Bruce W. Brooks
President
Vector Products, Inc.
701 E. Joppa Road
Towson, Maryland 21286

Re: File No. EB-08-SE-532

Dear Mr. Brooks,

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 Vector Products, Inc. dba Vector Manufacturing, Ltd. ("Vector"), a wholly owned subsidiary of Black & Decker (U.S.A.) Inc. ("Black & Decker"),¹ for marketing in the United States an unauthorized radio frequency device, the Vector iMobile VEC 429 FM transmitter ("Vector Transmitter" or "device"), in violation of Section 302(b) of the Communications Act of 1934, as amended ("Act"), 47 U.S.C. § 302a(b), and Sections 2.803(a)(1), 2.926(e), and 15.239(a) of the Commission's Rules ("Rules"), 47 C.F.R. §§ 2.803(a)(1), 2.926(e), and 15.239(a). As explained below, future violations of the Commission's rules in this regard may subject your company to monetary forfeitures.

On March 7, 2008, the Enforcement Bureau ("Bureau") received a complaint regarding the manufacture and marketing of the Vector Transmitter, a Part 15 intentional radiator operating in the 88-108 MHz band. Although a sample of the device included labeling that indicated that the device is certificated under FCC Identification Number NDZVEC429, this identifier could not be located within the Commission's Equipment Authorization Database. Accordingly, the Bureau requested that the FCC's Office of Engineering Technology Laboratory test the Vector Transmitter for compliance with our technical rules governing RF emission levels. The results of the tests revealed that emissions from the transmitter were not limited to a 200 kHz band range centered on the operating frequency, as required by Section 15.239(a) of the Rules. Because it appeared that Vector was marketing² the device without

¹ Vector was acquired on March 1, 2006 by Black & Decker Corporation.

² Marketing" includes the sale or lease, offer for sale or lease (including advertising for sale or lease), importing, shipping, and/or distribution for the purpose of selling or leasing or offering for sale or lease. 47 C.F.R. § 2.803(e)(4).

proper authorization and in violation of our technical rules, the Bureau's Spectrum Enforcement Division ("Division") sent Vector a letter of inquiry ("LOI") on June 18, 2008.³

In your September 2, 2008 Response to the LOI, you essentially admit to marketing the device by providing a copy of the Users Manual and Warranty Information.⁴ However, information before the Division indicates that Vector is not the manufacturer of the device.

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." 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....⁵

In addition, Section 15.201(b) of the Rules, 47 C.F.R. § 15.201(b), provides that, "intentional radiators operating under the provisions of ... [Part 15] shall be certificated by the Commission...." As an intentional radiator,⁶ devices such as the Vector Transmitter, must be certified by the Commission prior to marketing in accordance with the procedures specified in Part 2, Subpart J of the Rules.⁷

Moreover, Section 2.925(a)(2) of the Rules, 47 C.F.R. § 2.295(a)(2), requires labeling of the device upon certification with a unique FCC Identifier. Section 2.926(e) of the Rules prohibits the use of any FCC Identifier on equipment to be marketed in the United States unless the Identifier is validated by a grant of equipment authorization issued by the Commission.

The Vector Transmitter is an intentional radiator and pursuant to Section 15.201(b) of the Rules must be authorized in accordance with the Commission's certification procedures prior to the initiation of marketing⁸ in the United States. In addition, based on our review of the sample of the device provided for testing by the FCC's Office of Engineering and Technology Laboratory the device is uncertified and is labeled with an FCC Identification Number not validated by a Commission-issued authorization. Moreover, tests conducted by the FCC's Office of Engineering and Technology Laboratory on the Vector

³ See Letter from Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, to Michael Krieger, Vector Products Inc. (June 18, 2008). Vector was acquired on March 1, 2006 by Black & Decker.

⁴ We note that Vector seeks confidential treatment of its LOI Response in its entirety with the exception of Exhibit D (copy of the User's Manual & Warranty Information for the Vector iMobile Digital Wireless FM Audio Transmitter – VEC 429). See Letter from Timothy L. Mullin, Jr., Counsel for Vector Products, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission (September 3, 2008) ("Response"). We do not rule on Vector's request for confidentiality at this time.

⁵ 47 C.F.R. § 2.803(a)(1).

⁶ An "intentional radiator" is "any device that intentionally generates radio frequency energy by radiation or induction." See 47 C.F.R. § 15.3(o).

⁷ 47 C.F.R. Part 2, Subpart J.

⁸ 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).

Transmitter in April 2008 indicate that the device fails to conform to the emission limits set forth in Section 15.239(a) of the Rules. Accordingly, it appears that Vector has violated Section 302(b) of the Act and Sections 2.803(a)(1), 2.926(e) and 15.239(a) of the Rules by marketing a non-compliant radio device in the United States.

If, after receipt of this citation, Vector violates the Communications Act or the Commission's Rules in any manner described herein, the Commission may impose monetary forfeitures not to exceed \$16,000 for each such violation or each day of a continuing violation, up to a total forfeiture amount of \$112,500 for any single act or failure to act.⁹

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

The nearest Commission field office is the Columbia Office in Columbia, Maryland. Please call Nissa Laughner at 202-418-1358 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

cc: Timothy L. Mullin, Jr.

⁹ See 47 C.F.R. § 1.80(b)(3).