



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

November 18, 2009

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED
AND FACSIMILE TO COUNSEL AT 760-730-3863

Jason Hsia
Team Research, Inc.
1911 Hartog Dr.
San Jose, CA 95131

Re: File No. EB-09-SE-136

Dear Mr. Hsia:

This is an official **CITATION**, issued to Team Research, Inc. ("Team Research") pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended ("Act"),¹ for marketing a non-compliant radio frequency device, specifically, the Astak CM-918T2 wireless security camera ("Astak CM-918T2"), in the United States in violation of Section 302(b) of the Act,² and Sections 2.803, 15.209 and 15.249(d) of the Commission's Rules ("Rules").³ As explained below, future violations of the Commission's Rules in this regard may subject your company to monetary forfeitures.

In March 2009, the Enforcement Bureau received a complaint alleging that the Astak CM-918T2 is causing harmful interference to Sprint Nextel's licensed operation of its iDEN network in the 800 MHz and 900 MHz bands. On August 17, 2009, staff from the Enforcement Bureau's Spectrum Enforcement Division ("Division") visited the Team Research web site at www.teamresearchinc.com. The staff observed that Team Research was marketing⁴ the Astak CM-918T2 model of wireless camera. Subsequently, the Enforcement Bureau provided samples of the Astak CM-918T2 to the FCC's Office of Engineering and Technology ("OET") Laboratory for testing. The OET Laboratory's tests demonstrated that the Astak CM-918T2 does not comply with the radiated emission limits specified in Sections 15.249(d) and 15.209 of the Rules. As part of the investigation, the Division sent a letter of inquiry ("LOI") to Team Research on September 2, 2009.⁵

¹ 47 U.S.C. § 503(b)(5).

² 47 U.S.C. § 302a(b).

³ 47 C.F.R. §§2.803, 15.209 and 15.249(d).

⁴ 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).

⁵ Letter from Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, to Team Research, Inc. (September 2, 2009).

In your September 25, 2009 response to the LOI,⁶ you admit that Team Research imports and markets the Astak CM-918T2 in the United States. You indicated, however, that Team Research does not manufacture the Astak CM-918T2 and has “no role in the development and design” of the camera.⁷ You also stated that Team Research “ceased marketing and selling” of the Astak CM-918T2 and recalled all unsold units on August 18, 2009 after it learned of citations issued to Costco Wholesale Corporation and Wal-Mart Stores, Inc.⁸

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 Rules provides in pertinent part that:

[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 ... [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.

Intentional radiators,⁹ such as the transmitter component of the Astak CM-918T2 wireless security camera, are generally required by Section 15.201 of the Rules,¹⁰ to be approved through the equipment certification¹¹ procedures described in Sections 2.1031 – 2.1060 of the Rules¹² prior to marketing within the United States. As an intentional radiator operating at 905 MHz and 924 MHz,¹³ the Astak CM-918T2 is also subject to the radiated emission limits specified in Section 15.249(a) of the Rules for operations within the 902-928 MHz band.¹⁴ In addition, pursuant to Section 15.249(d) of the Rules,¹⁵ except for harmonics, emissions from the Astak CM-918T2 radiated outside the 902-928 MHz band must be attenuated by at least 50 dB below the level of the fundamental frequency or to the general radiated emission limits specified in Section 15.209 of the Rules,¹⁶ whichever is the lesser attenuation. The OET Laboratory’s tests demonstrate that radiated emissions from the Astak CM-918T2 outside the 902-928 MHz band substantially exceed the limits specified in Section 15.209 of the Rules. Therefore, the Astak CM-918T2 does not comply with the radiated emission limits specified in Sections 15.249(d) and 15.209 of the Rules.

⁶ Letter from Michael H. Ritter, Esq., Counsel for Team Research, Inc., to Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission (September 25, 2009).

⁷ *Id.* at 1.

⁸ *Id.* at 3. *See also Costco Warehouse Corporation*, Citation, 24 FCC Rcd 10836 (Enf. Bur., Spectrum Enf. Div., 2009); *see also Wal-Mart Stores, Inc.*, Citation, 24 FCC Rcd 10839 (Enf. Bur., Spectrum Enf. Div., 2009).

⁹ An intentional radiator is “[a] device that intentionally generates and emits radio frequency energy by radiation or induction.” 47 C.F.R. § 15.3(o).

¹⁰ *See* 47 C.F.R. § 15.201.

¹¹ A certification is an equipment authorization issued by the Commission, based on representations and test data submitted by the applicant. *See* 47 C.F.R. § 2.907(a).

¹² 47 C.F.R. §§ 2.1031 – 2.1060.

¹³ The Astak CM-918T2 is certified under FCC ID WQZCM-918T2 to operate at 905 MHz and 924 MHz.

¹⁴ *See* 47 C.F.R. § 15.249(a).

¹⁵ *See* 47 C.F.R. § 15.249(d).

¹⁶ *See* 47 C.F.R. § 15.209.

Accordingly, it appears that Team Research violated Section 302(b) of the Act and Sections 2.803, 15.209, and 15.249(d) of the Rules by marketing in the United States the Astak CM-918T2 wireless security camera.

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 \$16,000 for each such violation or each day of a continuing violation.¹⁷

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 and importing of radio frequency equipment in the future.

The nearest Commission field office is the San Francisco Office, in Pleasanton, California. Please call Linda Nagel at 202-418-2145 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 S. Berthot
Chief, Spectrum Enforcement Division
Enforcement Bureau
Federal Communications Commission

Copy to: Michael H. Ritter, Esq.
Law Office of Michael H. Ritter
3805 Shale Court
Carlsbad, CA 92010

¹⁷ See 47 C.F.R. § 1.80(b)(3).