



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

March 5, 2009

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Kylae Jordan, CEO
A Click Away Remotes LLC
530 Molino Street
Apartment 219
Los Angeles, California 90013

Re: File No. EB-07-SE-380

Dear Mr. Jordan:

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 A Click Away Remotes LLC (“A Click Away”) for marketing in the United States unauthorized radio frequency devices in violation of Section 302(b) of the Act, 47 U.S.C. § 302a(b), and Section 2.803 of the Commission’s Rules (“Rules”), 47 C.F.R. § 2.803. As explained below, future violations of the Commission’s rules in this regard may subject your company to monetary forfeitures.

The Spectrum Enforcement Division of the Commission’s Enforcement Bureau (“Division”) initiated an investigation into whether A Click Away was marketing unauthorized learned mode remote control devices in the United States. On September 10, 2008, Division personnel observed that A Click Away was advertising for sale on its website¹ the Remocon LRT-1, a programmable remote control garage door opener. As part of the investigation, the Division sent a letter of inquiry (“LOI”) to A Click Away on October 6, 2008.²

In your October 31, 2008 response to the LOI,³ you state that you began marketing the Remocon LRT-1 in 2005, having purchased on Ebay 50 devices from an online seller in Arizona. In addition, you indicate that you sell the device in conjunction with the Liftmaster 375lm, a universal remote. You state that you “ran out” of the Remocon LRT-1 in 2007. Further, you state that the Remocon LRT-1 is labeled

¹ www.aclickawayremotes.com.

² Letter from Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, to Kylae Jordan, A Click Away Remotes LLC (October 6, 2008).

³ Letter from Kylae Jordan, CEO, A Click Away Remotes LLC, to Karen Mercer, Spectrum Enforcement Division Enforcement Bureau, Federal Communications Commission (October 31, 2008). We note that the handwritten date of your letter response is “October 31, 2008.” However, the box the letter was mailed in was postmarked November 12, 2008.

with an FCC Identification number (“FCC ID”) and thereby authorizes you to market the device in the United States. You provided a sample device with your response.

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.”⁴ 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, as intentional radiators, learned mode transmitters must be certified by the Commission prior to marketing in accordance with procedures specified in Part 2, subpart J of the Rules.⁶

The Remocon LRT-1 is a learned mode transmitter and must be authorized in accordance with certification procedures prior to marketing in the United States. As stated in our LOI, the FCC equipment certification for the Remocon LRT-1 was revoked by the Enforcement Bureau in 2005, the year you began marketing the device.⁷ Our investigation reveals that you continue to market the Remocon LRT-1 via your website.⁸ Accordingly, it appears that A Click Away has violated Section 302(b) of the Act and Section 2.803 of the Rules.

If, after receipt of this citation, A Click Away Remotes LLC 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.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 A Click Away 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 Los Angeles Office in Cerritos, California. Please call Karen Mercer at 202-418-1160 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

⁴ 47 U.S.C. § 302a(b).

⁵ 47 C.F.R. § 2.803(a)(1).

⁶ 47 C.F.R. Part 2, Subpart J.

⁷ See *Tung Shih Technology Co., Ltd.*, 20 FCC Rcd 7801 (Enf. Bur., 2005).

⁸ Enforcement Bureau staff visited www.aclickawayremotes.com on February 20, 2009.

⁹ See 47 C.F.R. § 1.80(b)(3).

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