

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

In the Matter of	)	
	)	File No.: EB-10-LA-0097
SecurityMan Inc.	)	
	)	Citation No.: C201132900004
Ontario, California	)	
	)	
	)	

CITATION

ILLEGAL MARKETING OF NON-COMPLIANT RADIO FREQUENCY DEVICES

Adopted: March 1, 2011

Released: March 3, 2011

By the District Director, Los Angeles Office, Western Region, Enforcement Bureau:

I. INTRODUCTION

1. This is an official CITATION issued pursuant to section 503(b)(5) of the Communications Act of 1934, as amended (“Act”),<sup>1</sup> to SecurityMan, Inc. (“SecurityMan”) for marketing non-compliant radio frequency devices in the United States in violation of section 302(b) of the Act,<sup>2</sup> and section 2.803(a)(1) of the Commission’s rules.<sup>3</sup>

2. SecurityMan should take immediate steps to come into compliance and to avoid any recurrence of this misconduct. As explained below and as provided in the Communications Act, future violations of the Commission’s rules in this regard may subject your company to substantial monetary penalties, seizure of equipment, and criminal sanctions.

II. BACKGROUND

3. In December 2009, the Enforcement Bureau received a complaint alleging that the SecurityMan SM-302T was causing harmful interference to U.S. Cellular’s licensed operation of its PCS network in the 1850-1865 MHz band. Enforcement Bureau staff visited the SecurityMan web site at www.securitymaninc.com. The staff observed that SecurityMan was marketing the SecurityMan SM-302T wireless camera. Subsequently, Enforcement Bureau staff purchased a SecurityMan SM-302T wireless camera, and forwarded it to the FCC’s Office of Engineering and Technology (“OET”) Laboratory for testing. The OET Laboratory’s tests demonstrated that the SecurityMan SM-302T does not comply with the radiated emission limits specified in sections 15.249(d) and 15.209 of the rules.<sup>4</sup> As

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<sup>1</sup> 47 U.S.C. § 503(b)(5).  
<sup>2</sup> 47 U.S.C. § 302a(b).  
<sup>3</sup> 47 C.F.R. § 2.803(a)(1).  
<sup>4</sup> 47 C.F.R. §§ 15.249(d), 15.209.

part of the investigation, the Enforcement Bureau sent a letter of inquiry (“LOI”) to SecurityMan on March 18, 2010.<sup>5</sup>

4. In your April 14, 2010 response to the LOI,<sup>6</sup> you admit that SecurityMan imports and distributes the SecurityMan SM-302T (factory model AT202-900) in the United States. You indicated, however, that SecurityMan “does not engineer and design inside circuit boards of the products” and stated it was the responsibility of the factory “to obtain FCC testing certification from a laboratory and must provide us FCC testing report and certification...”

### III. APPLICABLE LAW AND VIOLATIONS

5. Federal law requires that radio frequency devices be certified in accordance with the FCC’s technical standards before they can be marketed in the United States. 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>7</sup> Section 2.803(a)(1) of the Commission’s implementing regulations provides that “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: [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...”<sup>8</sup> Section 2.803(g) of the Commission’s rules provides in pertinent part that “radio frequency devices that could not be authorized or legally operated under the current rules...shall not be operated, advertised, displayed, offered for sale or lease, sold or leased, or otherwise marketed absent a license issued under part 5 of this chapter or a special temporary authorization issued by the Commission.”<sup>9</sup> Section 2.803(e)(4) of the Commission’s rules defines “marketing” as the “sale or lease, or offering for 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.”<sup>10</sup>

6. Intentional radiators,<sup>11</sup> such as the transmitter component of the SecurityMan SM-302T wireless camera, are generally required by section 15.201 of the Commission’s rules,<sup>12</sup> to be approved through the equipment certification<sup>13</sup> procedures described in sections 2.1031 – 2.1060 of the Commission’s rules<sup>14</sup> prior to marketing within the United States. As an intentional radiator operating between 906 - 924 MHz,<sup>15</sup> the SecurityMan SM-302T is also subject to the radiated emission limits

<sup>5</sup> Letter from Robert McKinney, District Director, Kansas City Office, Enforcement Bureau, Federal Communications Commission, to Ken Chen, President, SecurityMan Inc. (March 18, 2010).

<sup>6</sup> Letter from Fred Mu, P.M. of SecurityMan Inc., to Robert McKinney, District Director, Kansas City Office, Enforcement Bureau, Federal Communications Commission (April, 14, 2010).

<sup>7</sup> 47 U.S.C. § 302a(b).

<sup>8</sup> 47 C.F.R. § 2.803(a)(1).

<sup>9</sup> 47 C.F.R. § 2.803(g).

<sup>10</sup> 47 C.F.R. § 2.803(e)(4).

<sup>11</sup> 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).

<sup>12</sup> See 47 C.F.R. § 15.201.

<sup>13</sup> 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).

<sup>14</sup> 47 C.F.R. §§ 2.1031 – 2.1060.

<sup>15</sup> The SecurityMan SM-302T is certified under FCC ID TW4-AT202-900M to operate between 906 - 924 MHz.

specified in section 15.249(a) of the rules for operations within the 902-928 MHz band.<sup>16</sup> In addition, pursuant to section 15.249(d) of the rules,<sup>17</sup> except for harmonics, emissions from the SecurityMan SM-302T 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,<sup>18</sup> whichever is the lesser attenuation. The OET Laboratory's tests demonstrate that radiated emissions from the SecurityMan SM-302T outside the 902-928 MHz band substantially exceed the limits specified in section 15.209 of the Rules. Therefore, the SecurityMan SM-302T does not comply with the radiated emission limits specified in sections 15.249(d) and 15.209 of the rules.

7. We do not dispute SecurityMan's claim that the factory obtains FCC testing of the product. However, as an importer and distributor, SecurityMan is still liable for marketing violations of the Communications Act or the Commission's rules. Accordingly, SecurityMan violated section 302(b) of the Act and section 2.803(a)(1) of the rules by marketing in the United States the SecurityMan SM-302T wireless camera.

#### IV. FUTURE COMPLIANCE

8. If, after receipt of this Citation, SecurityMan violates the Communications Act or the Commission's rules by engaging in conduct of the type described herein, the Commission may impose monetary forfeitures of up to \$16,000 for each such violation or each day of a continuing violation and up to \$112,500 for any single act or failure to act.<sup>19</sup> In addition, violations of the Act or the rules can result in seizure of equipment through *in rem* forfeiture actions, as well as criminal sanctions, including imprisonment.<sup>20</sup>

9. SecurityMan may respond to this Citation within thirty (30) days after the release date of this Citation either through (1) a personal interview at the closest FCC office, or (2) a written statement. Any written statements should specify what actions have been taken by SecurityMan to ensure that it does not violate the Commission's rules governing the marketing of radio frequency devices in the future. All responses should be addressed to Federal Communications Commission, Los Angeles Office, 18000 Studebaker Road, Suite 660, Cerritos, CA, 90703. Please reference file number EB-10-LA-0097 when corresponding with the Commission.

10. Under the Privacy Act of 1974, any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.<sup>21</sup> Any knowingly or willfully false statement, or concealment of any material fact, made in reply to this Citation is punishable by fine or imprisonment.<sup>22</sup> Please also note that section 1.17 of the rules requires that you provide truthful and accurate statements to the Commission.<sup>23</sup>

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<sup>16</sup> See 47 C.F.R. § 15.249(a).

<sup>17</sup> See 47 C.F.R. § 15.249(d).

<sup>18</sup> See 47 C.F.R. § 15.209.

<sup>19</sup> See 47 U.S.C. § 401, 501, 503; 47 C.F.R. § 1.80(b)(3). This amount is subject to further adjustment for inflation (*see id.* § 1.80(b)(5)), and the forfeiture amount applicable to any violation will be determined based on the statutory amount designated at the time of the violation.

<sup>20</sup> See 47 U.S.C. § 510.

<sup>21</sup> See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

<sup>22</sup> See 18 U.S.C. § 1001 *et seq.*

<sup>23</sup> 47 C.F.R. § 1.17 ("... no person subject to this rule shall; (1) In any written or oral statement of fact, intentionally provide material factual information that is incorrect or intentionally omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading; and (2) In any written  
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**V. CONTACT INFORMATION**

11. The closest FCC Office is the Los Angeles Office in Cerritos, California. You may contact the Los Angeles Office by telephone, (562) 860-7474, to schedule a personal interview, which must take place within thirty (30) days after the release date of this Citation.

12. Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Please allow at least five (5) days advance notice; last minute requests will be accepted, but may be impossible to fill. Send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau:

For sign language interpreters, CART, and other reasonable accommodations:  
202-418-0530 (voice), 202-418-0432 (tty);

For accessible format materials (braille, large print, electronic files, and audio format):  
202-418-0531 (voice), 202-418-7365 (tty).

**VI. ORDERING CLAUSES**

13. **IT IS ORDERED** that a copy of this Citation shall be sent both by First Class U.S. Mail and Certified Mail, Return Receipt Requested to SecurityMan, Inc., 4601 E. Airport Drive, Ontario, CA, 91761.

**FEDERAL COMMUNICATIONS COMMISSION**

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District Director  
Los Angeles Office  
Western Region  
Enforcement Bureau

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statement of fact, provide material factual information that is incorrect or omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading without a reasonable basis for believing that any such material factual statement is correct and not misleading.”)