

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
James Christopher Garcia)	File No.: EB-SED-12-00004450
)	
Craigslist PostingID 3025710417)	
Washington, DC Craigslist)	

CITATION AND ORDER

ILLEGAL MARKETING AND OPERATION OF SIGNAL JAMMING DEVICE

Adopted: October 5, 2012

Released: October 5, 2012

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. This is an official **CITATION AND ORDER** (Citation) issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (Communications Act),¹ to James Christopher Garcia (Mr. Garcia or “you”) for marketing an illegal signal jamming device (jamming device or jammer) by posting a classified advertisement for the device on Craigslist.org² and selling such device to an undercover Enforcement Bureau (Bureau) agent in violation of Section 302(b) of the Communications Act³ and Sections 2.803 and 15.201(b) of the Federal Communications Commission (Commission or FCC) rules (Rules).⁴ The Citation also finds that Mr. Garcia operated an illegal jamming device in violation of Sections 301, 302, and 333 of the Communications Act.⁵

2. Jamming devices, such as cell phone jammers and GPS blockers, pose serious risks to critical public safety communications and can prevent individuals from making 9-1-1 and other emergency calls. Jammers can also interfere with law enforcement communications. You should take immediate steps to come into compliance and to avoid any recurrence of this misconduct. For example, any operation of a signal jammer must cease immediately, and you are strongly encouraged to voluntarily relinquish any jamming device(s) remaining in your possession. You also may *not* advertise jamming devices for sale to any consumer in the United States through Craigslist or through any other means.

¹ 47 U.S.C. § 503(b)(5).

² See <http://washingtondc.craigslist.org/nva/mob/3025710417.html> dated May 19, 2012 (last visited May 21, 2012). Craigslist.org (Craigslist) is a website with classified ads and forums devoted to jobs, housing, personals, goods, services, and local activities. See <http://www.craigslist.org/about/factsheet> (last visited Oct. 4, 2012).

³ 47 U.S.C. § 302a(b).

⁴ 47 C.F.R. §§ 2.803, 15.201(b).

⁵ 47 U.S.C. §§ 301, 302, 333; *see also* 47 C.F.R. § 15.1(c).

3. We emphasize that the mere posting of a jamming device for sale on Craigslist or any other online site or bulletin board targeting U.S. consumers contravenes federal law. Consistent with this federal prohibition, Craigslist expressly bars the sale and advertisement of signal jamming devices on its site.⁶ Therefore, you have not only violated federal law, but also contravened the contractual agreement that governs your use of Craigslist. We will forward a copy of this Citation to Craigslist for any action it may find appropriate under the Craigslist Terms of Use.

4. As explained below and as provided in the Communications Act, future violations of the Rules in this regard may subject you to substantial monetary penalties, seizure of equipment, and criminal sanctions. Pursuant to Sections 4(i), 4(j), and 403 of the Communications Act,⁷ we also direct you to:

- confirm within fifteen (15) calendar days after the release date of this Citation that you have ceased marketing (e.g., advertising, selling) and operating any jamming device;
- provide information concerning the source(s) from which you purchased or received the jamming device you advertised and sold on Craigslist as well as any other jamming devices you may have, or previously may have had, in your possession; and
- provide information concerning any jammer sales that you may have made.

II. BACKGROUND

5. On May 21, 2012, the Spectrum Enforcement Division of the Bureau, through its market surveillance efforts, observed an advertisement for a jamming device on Craigslist.⁸ The advertisement was titled “Handheld Signal Jammer - \$249 (Shirlington)” and read:

“New Handheld Signal Jammer for all Nationwide Networks. Can be used anyplace where mobile cellular phones and GPS are prohibited. Please email me if you wish to purchase it. Payment via money order or cash.”⁹

6. On the same day, Bureau staff responded to the Craigslist posting via email and inquired about the jamming device.¹⁰ Mr. Garcia replied to this email inquiry, confirmed that he was offering the signal jammer for sale,¹¹ and explained that the jammer effectively jams wireless communications within a radius of 25-30 feet. On May 24, 2012, an undercover Bureau agent, with the support of local law enforcement, made contact with Mr. Garcia at a predetermined location. Mr. Garcia presented the signal jamming device to the undercover Bureau agent after assembling the antennas and powering on the device. Mr. Garcia urged the agent to verify that it was in good condition and then accepted payment. The undercover Bureau agent then revealed his identity and notified Mr. Garcia that it is illegal to advertise, sell, or operate a signal jamming device in the United States. Mr. Garcia was further questioned by the law enforcement officers and voluntarily surrendered the signal jamming device to the undercover Bureau agent.

⁶ See <http://www.craigslist.org/about/prohibited.items> (last visited July 30, 2012).

⁷ 47 U.S.C. §§ 154(i), 154(j), 403.

⁸ See <http://washingtondc.craigslist.org/nva/mob/3025710417.html> dated May 19, 2012 (last visited May 21, 2012). A copy of the illegal advertisement is attached hereto as Appendix A.

⁹ *Id.*

¹⁰ Email to James Garcia (May 21, 2012, 18:02:00 EST) (on file in EB-SED-12-00004450).

¹¹ Email from James Garcia (May 21, 2012, 18:03:00 EST) (on file in EB-SED-12-00004450) (Garcia Email Reply).

III. APPLICABLE LAW AND VIOLATIONS

A. Marketing and operation of jammers prohibited by federal law

7. Federal law prohibits the advertising, sale, and operation of jamming devices in the United States and its territories. Section 301 of the Communications Act prohibits the use or operation of “any apparatus for the transmission of energy or communications or signals by radio” within the United States unless such use is licensed or authorized.¹² Section 333 of the Communications Act states that “[n]o person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this Act or operated by the United States Government.”¹³ In addition, Section 302(b) of the Communications 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.”¹⁴

8. The applicable implementing regulations for Section 302(b) are set forth in Sections 2.803, 15.201, and 15.3(o) of the Rules.¹⁵ Section 2.803(a)(1) of the Rules 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 as required by § 2.925 and other relevant sections in this chapter.¹⁶

Additionally, Section 2.803(g) of the Rules provides in relevant part that:

[R]adio 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.¹⁷

9. Pursuant to Section 15.201(b) of the Rules,¹⁸ intentional radiators¹⁹ like jamming devices cannot be marketed in the United States or its territories unless they have first been authorized in accordance with the Commission’s certification procedures. Section 2.803(e)(4) of the 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.”²⁰

¹² 47 U.S.C. § 301.

¹³ *Id.* § 333.

¹⁴ *Id.* § 302a(b).

¹⁵ 47 C.F.R. §§ 2.803, 15.201, 15.3(o).

¹⁶ *Id.* § 2.803(a)(1) (emphasis added).

¹⁷ *Id.* § 2.803(g) (emphasis added).

¹⁸ *Id.* § 15.201(b).

¹⁹ An “intentional radiator” is a “device that intentionally generates and emits radio frequency energy by radiation or induction.” *Id.* § 15.3(o).

²⁰ *Id.* § 2.803(e)(4).

10. Jamming devices, however, cannot be certified or authorized because their primary purpose is to block or interfere with authorized radio communications. Thus, jamming devices such as the one offered on Craigslist by Mr. Garcia cannot comply with the FCC's technical standards and therefore cannot be marketed lawfully in the United States or its territories.²¹

B. Illegal signal jammer advertisement and sale on Craigslist

11. The evidence indicates that Mr. Garcia was illegally marketing a jamming device to consumers in the United States. As noted above, beginning on May 21, 2012, Mr. Garcia advertised a jamming device on Craigslist.²² Craigslist is a classified advertisements website, generally involving an online listing for a product or service followed by an email or telephone exchange and an in-person meeting between the buyer and seller.²³ Craigslist users are prohibited from posting advertisements to multiple geographic areas.²⁴ Consistent with this policy, Mr. Garcia posted his jammer advertisement on one of more than 300 local sites on Craigslist—the Washington, DC site, available at <http://washingtondc.craigslist.org>. This illegal online offer for sale was repeated in email correspondence with Bureau staff, where Mr. Garcia confirmed that he was still marketing the jammer.²⁵ Mr. Garcia also completed a sale of the illegal jammer to an undercover agent, negotiating terms of sale and subsequently requesting and accepting payment for the device.

12. We note that both the Craigslist Terms of Use and the Craigslist Prohibited Items List prohibit the sale and advertisement of cell phone jammers, GPS blockers, and other signal jamming devices. The Craigslist Terms of Use states: “Content prohibited from Craigslist includes but is not limited to: . . . content in facilitation of the creation, advertising, distribution, provision or receipt of illegal goods or services.”²⁶ The Craigslist Prohibited Items List then applies this policy directly to signal jamming devices, noting that “[i]llegal telecommunications equipment, including . . . *signal jamming devices*,” is “not permitted on craigslist.”²⁷

²¹ In very limited circumstances and consistent with applicable procurement requirements, individuals and/or entities may market jamming devices to the U.S. federal government for authorized, official use. *See* 47 U.S.C. § 302a(c); 47 C.F.R. § 2.807(d).

²² *See* Garcia Email Reply (on file in EB-SED-12-00004450).

²³ *See* Craigslist Terms of Use, Section 4a, Postings, <http://www.craigslist.org/about/terms.of.use> (last visited July 31, 2012) (noting that “craigslist is intended and designed as a local service.”). Craigslist permits an individual to post free classified advertisements for goods and services, and through its anonymize email feature, facilitates communications between the seller and the potential buyer. *See* <http://www.craigslist.org/about/anonymize> (last visited August 9, 2012) (stating that if a seller selects the anonymize feature, the posting will display a Craigslist email address and that Craigslist will relay any messages sent to that address to the seller's email address).

²⁴ *See* Craigslist Terms of Use, Section 4a, Postings, <http://www.craigslist.org/about/terms.of.use> (last visited July 31, 2012) (noting also that “a user may post content only to the single specific geographic area offered on craigslist (see <http://www.craigslist.org/about/sites>) for which that content is most relevant” and that “[t]he same or substantially similar content (for example, an ad for a particular item or service, a particular offer, a particular message or a particular comment) may not be posted to or communicated via more than one such geographic area. Content that is equally relevant to multiple (i.e., more than one) geographic areas should not be posted on craigslist.”).

²⁵ *See* Garcia Email Reply (on file in EB-SED-12-00004450).

²⁶ *See* Craigslist Terms of Use, Section 3a, Content, available at <http://www.craigslist.org/about/terms.of.use> (last visited September 13, 2012).

²⁷ *See* <http://washingtondc.craigslist.org/about/prohibited.items> (emphasis added) (last visited September 13, 2012), attached hereto as Appendix B.

13. Accordingly, we find that Mr. Garcia has repeatedly violated Section 302(b) of the Communications Act and Sections 2.803 and 15.201(b) of the Rules by marketing in the United States a radio frequency device that is not eligible for certification. We therefore issue this Citation to Mr. Garcia for violating the Communications Act and the Rules as discussed above. Jamming devices pose significant risks to public safety and potentially compromise other radio communications services. Mr. Garcia should take immediate steps to ensure that he does not continue to market jamming devices in the United States or its territories, including on Craigslist.

C. Unlicensed Operation of Jamming Device

14. Mr. Garcia also operated the jamming device at issue in the Craigslist posting in the presence of the undercover field agent. As detailed above, the operation of a jammer by an individual consumer, even on private property, is per se unlawful. This means that it is illegal to use a jammer on mass transit (e.g., train, bus) or in a residence, vehicle, school, theater, restaurant or in any other public or private place. We therefore find that Mr. Garcia has illegally operated a jamming device in violation of Sections 301, 302(b), and 333 of the Communications Act.

15. We are increasingly concerned that individual consumers who operate jamming devices do not appear to understand the potentially grave consequences of using a jammer. Instead, these operators incorrectly assume that their illegal operation is justified by personal convenience or should otherwise be excused. While we previously have issued warnings to such operators in the first instance—primarily because non-monetary penalties historically have proven effective in deterring unlawful operation by individuals—we are not required to do so. We are mindful of the serious risks posed by jamming devices and the apparent need to provide greater incentives for individual operators to cease the operation, importation, and sale of jamming devices altogether. Therefore, we caution you and other potential violators that going forward, and as circumstances warrant, we intend to impose substantial monetary penalties, rather than (or in addition to) warnings, on individuals who operate a jammer.²⁸ Furthermore, the issuance of the instant Citation does not preclude the Commission from taking additional enforcement action in this case.

16. We again emphasize that if any jamming device remains within your possession or control, you are strongly urged to contact the Bureau to arrange to voluntarily relinquish the jammer. Except for the very limited context of authorized, official use by the federal government, jamming devices have no legal use in the United States. The Bureau's contact information is provided in paragraph 20 below.

IV. FUTURE COMPLIANCE

17. If after receipt of this Citation, Mr. Garcia violates the Communications Act or the Rules by marketing or operating an unauthorized radio frequency device within the United States or its territories, or otherwise engaging in conduct of the type described herein, the Commission may impose monetary forfeitures of up to \$16,000 for *each* such violation or, in the case of a continuing violation, the Commission may impose monetary forfeitures of up to \$16,000 for *each day* of such continuing violation up to a maximum forfeiture of \$112,500 for any single act or failure to act.²⁹ For instance, the

²⁸ The illegal use of a signal jamming device within the United States may be reported to the FCC at <http://www.fcc.gov/complaints>. For Frequently Asked Questions and other information regarding the illegal marketing or use of cell phone jammers, GPS blockers, and other signal jamming devices, please consult the FCC's jammer enforcement webpage at <http://www.fcc.gov/jammers>.

²⁹ See 47 U.S.C. § 503; 47 C.F.R. § 1.80(b)(3). These amounts are subject to further adjustment for inflation and the forfeiture amount applicable to any violation will be determined based on the statutory amount designated at the time of the violation. See 47 C.F.R. § 1.80(b)(5).

Commission could impose separate forfeitures for each signal jammer sold and/or for each day on which a signal jammer is advertised or otherwise offered for sale. Violations of the Communications Act or the Rules can result in seizure of equipment through *in rem* forfeiture actions,³⁰ as well as criminal sanctions, including imprisonment.³¹

18. In addition to providing the required information described in paragraph 22 below, you may respond to this Citation either through (1) a personal interview at the closest FCC office, which must take place within thirty (30) calendar days of the release date of this Citation, or (2) submission of a written statement, within fifteen (15) calendar days after the release date of this Citation. Any written statement should specify the actions you have taken to ensure that you do not violate the Communications Act or the Rules governing the marketing or operation of jamming devices in the future. Please reference file number EB-SED-12-00004450 when corresponding with the Commission.

19. Under the Privacy Act of 1974, any statement or information you provide may be used by the Commission to determine if further enforcement action is required.³² Section 1.17 of the Rules also requires that you provide truthful and accurate statements to the Commission.³³ Any knowingly or willfully false statement, or concealment of any material fact, made in reply to this Citation is punishable by fine or imprisonment.³⁴

V. CONTACT INFORMATION

20. The closest FCC office is the Washington, DC office. You may contact the Spectrum Enforcement Division by telephone, 202-418-1160, to schedule an interview, which must take place within thirty (30) calendar days after the release date of this Citation. You should send any written statement within fifteen (15) calendar days after the release date of this Citation to:

John D. Poutasse
Chief, Spectrum Enforcement Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, SW, Rm. 3-C366
Washington, DC 20554
Re: EB File No.: EB-SED-12-00004450

21. Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation needed, including as much detail as possible. Also include a way we can contact you if we need more information. Please allow at least five (5) calendar days advance notice; last minute requests will be accepted, but may be impossible to fill. Requests may be

³⁰ See 47 U.S.C. § 510.

³¹ See *id.* §§ 401, 501.

³² See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

³³ See 47 C.F.R. § 1.17 (“[N]o 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 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.”).

³⁴ See 18 U.S.C. § 1001 *et seq.*

submitted by email to fcc504@fcc.gov or by phone to the Commission's 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. REQUEST FOR INFORMATION

22. Pursuant to Sections 4(i), 4(j), and 403 of the Communications Act,³⁵ you are directed to provide the information requested in non-public Appendix C hereto within fifteen (15) calendar days after the release date of this Citation. The Request for Information concerns your jamming device supplier(s) and sale(s) as well as the disposition of any jamming devices in your possession. Failure to respond to the Request for Information, or an inadequate, incomplete, or misleading response, may subject you to additional sanctions.³⁶

VII. ORDERING CLAUSES

23. **IT IS ORDERED** that pursuant to Sections 4(i), 4(j), and 403 of the Communications Act, James Christopher Garcia must provide the information requested in paragraphs 4 and 22, as well as the non-public Appendix C to this Citation and Order. The response to the Request for Information must be provided in the manner indicated herein and must be received by the FCC within fifteen (15) calendar days after the release date of this Citation and Order.

24. **IT IS FURTHER ORDERED** that a copy of this Citation and Order shall be sent by email and by First Class U.S. Mail and Certified Mail, return receipt requested, to James Christopher Garcia at his addresses of record.

FEDERAL COMMUNICATIONS COMMISSION

P. Michele Ellison
Chief
Enforcement Bureau

³⁵ 47 U.S.C. §§ 154(i), 154(j), 403.

³⁶ See, e.g., *SBC Communications, Inc., Apparent Liability for Forfeiture*, Forfeiture Order, 17 FCC Rcd 7589 (2002) (\$100,000 forfeiture for refusing to attest to truthfulness and accuracy of responses to a Bureau letter of inquiry); *Connect Paging, Inc. d/b/a Get A Phone*, Forfeiture Order, 22 FCC Rcd 15146 (Enf. Bur. 2007) (\$4,000 forfeiture for failure to respond to a Bureau letter of inquiry); *BigZoo.Com Corporation*, Order of Forfeiture, 20 FCC Rcd 3954 (Enf. Bur. 2005) (\$20,000 forfeiture for failure to respond to an LOI); *Donald W. Kaminski, Jr.*, Forfeiture Order, 18 FCC Rcd 26065 (Enf. Bur. 2003) (\$4,000 forfeiture for failure to respond to a Bureau letter of inquiry).

APPENDIX A

Illegal Jammer Advertisement on Craigslist

Handheld Signal Jammer

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[washington, DC craigslist](#) > [northern virginia](#) > [for sale / wanted](#) > [cell phones - by owner](#) [email this posting to a friend](#)

Avoid scams and fraud by dealing locally! Beware any deal involving Western Union, Money gram, wire transfer, cashier check, money order, shipping, escrow, or any promise of transaction protection/certification/guarantee. [More info](#)

please flag with care: [?]

[misclassified](#)

[prohibited](#)

[spam/overpost](#)

[best of craigslist](#)

Handheld Signal Jammer - \$249 (Shirlington)

Date: 2012-05-19, 4:17PM EDT

Reply to: drvpg-3025710417@sale.craigslist.org (Business has nothing to do!)

New Handheld Signal Jammer for all Nationwide Networks. Can be used anyplace where mobile cellular phones and GPS are prohibited.

Please email me if you wish to purchase it. Payment via money order or cash.



- Location: Shirlington
- it's NOT ok to contact this poster with services or other commercial interests

PostingID: 3025710417

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APPENDIX B

Craigslist Prohibited Items List

[craigslist](#) > [about](#) > prohibited items

Many laws, regulations and policies, in a variety of jurisdictions, regulate the goods and services that may be bought and sold. For your convenience, we have prepared a list of some of the types of prohibited and restricted items the advertisement for sale, offer, or exchange of which is not permitted on craigslist.

craigslist users remain responsible for complying with all applicable laws, regulations or restrictions on items, services, or manner of sale, payment or exchange, that may apply to transactions in which they participate -- including but not limited to those imposed by the state of California, where craigslist physically resides. We encourage you to research the applicable laws and regulations that may apply to your usage of and activities on and relating to craigslist.

Partial list of items for sale and services the advertisement of which is not permitted on craigslist:

- Child pornography, obscene materials, offers or solicitation of illegal prostitution.
- Weapons and related items, including firearms, ammunition, silencers, pellet/BB guns, tear gas or stun guns.
- Items issued to United States Armed Forces that have not been disposed of in accordance with Department of Defense demilitarization policies.
- Food stamps, WIC vouchers, SNAP EBT cards, SNAP or WIC foods, infant formula, etc and other items received from governmental agencies or programs.
- Fireworks, including "safe and sane" fireworks or any destructive devices or explosives.
- Alcohol or tobacco products. Controlled substances or illegal drugs, substances and items used to manufacture controlled substances and drug paraphernalia.
- Prescription drugs and medical devices, including prescription or contact lenses, defibrillators, hypodermic needles or hearing aids. Nonprescription drugs that make false or misleading treatment claims or treatment claims that require FDA approval.
- Blood, bodily fluids or body parts.
- Household pets of any kind including dogs, cats, primates, cage birds, rodents, reptiles, amphibians, fish. Re-homing with small adoption fee OK. Pet animal parts, blood, or fluids are also not permitted, including stud/breeding service.
- Restricted or regulated plants and insects, including noxious weeds, endangered plant species, or live insects or pests.
- Pesticides or hazardous substances, or items containing hazardous substances including contaminated toys, or art or craft material containing toxic substances without a warning label.
- **Illegal telecommunications equipment, including access cards, signal jamming devices, password sniffers, unloopers, or cable descramblers**
- Stolen property, or property with serial number removed or altered. Burglary tools, including lock-picks or motor vehicle master keys
- False identification cards, items with police insignia, citizenship documents, or birth certificates.
- Counterfeit currency, coins and stamps, tickets, as well as equipment designed to make them. Counterfeit, replica, or knock-off brand name goods. Material that infringes copyright, including software or other digital goods you are not authorized to sell, warez, bootlegs.
- Tickets you are not allowed to sell, including airline tickets that restrict transfer. Coupons or gift cards that restrict transfer or which you are not authorized to sell. Lottery tickets, sports trading card 'grab bags', raffle tickets, sweepstakes entries, slot machines, other gambling items.
- Used or rebuilt batteries, or batteries containing mercury.
- Used bedding and clothing, unless sanitized in accordance with law.
- Non-packaged food items or adulterated food.
- Bulk email or mailing lists that contain names, addresses, phone numbers, or other personal identifying information