

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

In the Matter of)
SECURITY-CAMERAS-CCTV.COM) File No.: EB-FIELDNER-13-00006091
Levittown, New York) Citation No.: C201332380001

CITATION AND ORDER

ILLEGAL MARKETING OF UNAUTHORIZED RADIO FREQUENCY DEVICES

Adopted: January 17, 2013

Released: January 17, 2013

By the Acting District Director, New York Office, Northeast Region, 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 (Act),1 to SECURITY-CAMERAS-CCTV.COM (CCTV) for selling unauthorized wireless camera surveillance systems in the United States in violation of Section 302(b) of the Act,2 and Sections 2.803(a)(1) and 15.201(b) of the Commission’s rules (Rules).3

2. CCTV should take immediate steps to come into compliance and to avoid any recurrence of this misconduct, including such actions as removing unauthorized wireless camera surveillance systems from CCTV’s on-line store and declining to sell unauthorized wireless camera surveillance systems in the United States. As explained below and as provided in the Act, future violations of the Act and the Rules in this regard may subject CCTV to substantial monetary penalties, seizure of equipment, and criminal sanctions. Pursuant to Sections 4(i), 4(j), and 403 of the Act,4 we also direct CCTV to confirm within thirty (30) calendar days after the release date of this Citation that it has ceased to market unauthorized wireless camera surveillance systems and to provide information concerning its suppliers, distribution channels, and sales.

II. BACKGROUND

3. On November 29, 2011, agents from the Enforcement Bureau’s Los Angeles Office investigated a complaint from the Federal Aviation Administration (FAA) concerning interference to the FAA’s Terminal Doppler Weather Radar (TDWR) system in Las Vegas, Nevada. The agents traced the

1 47 U.S.C. § 503(b)(5).
2 47 U.S.C. § 302a(b).
3 47 C.F.R. § 2.803(a)(1) and 15.201(b).
4 47 U.S.C. §§ 154(i) - (j), 403.

interference to a wireless camera surveillance system installed at ExtraSpace Storage in Henderson, Nevada.⁵ The agents inspected the 5.8 GHz wireless video transmitter and observed that it contained neither an FCC identification number nor the name of a manufacturer. The contractor who installed the system reported to the agents that he purchased the device from CCTV's on-line store on May 23, 2011 and provided the agents a copy of the invoice confirming purchase of the device from CCTV on May 23, 2011.⁶

III. APPLICABLE LAW AND VIOLATIONS

4. 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."⁷ 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..."⁸ Section 2.803(g) of the 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."⁹ 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."¹⁰

5. Intentional radiators,¹¹ such as the transmitter component of the wireless camera system sold by CCTV, are generally required by Section 15.201 of the Rules¹² to be approved through the equipment certification¹³ procedures described in Sections 2.1031 – 2.1060 of the Rules¹⁴ prior to marketing within the United States. There is no evidence that the device sold by CCTV has received an equipment certification.

6. Accordingly, CCTV violated Section 302(b) of the Act and Sections 2.803(a)(1) and 15.201(b) of the Rules by selling the 5.8 GHz wireless video transmitter in the United States without prior Commission authorization. CCTV should take immediate steps to come into compliance and to avoid any

⁵ See *ExtraSpace Storage*, Notice of Unlicensed Operation, Document Number W201232900003 (Enf. Bur., Los Angeles Field Office, Dec. 20, 2011).

⁶ Invoice on file in EB-FIELDNER-12-00002960 (identifying device with SKU number 58T2).

⁷ 47 U.S.C. § 302a(b).

⁸ 47 C.F.R. § 2.803(a)(1).

⁹ 47 C.F.R. § 2.803(g).

¹⁰ 47 C.F.R. § 2.803(e)(4).

¹¹ 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).

¹² See 47 C.F.R. § 15.201.

¹³ 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).

¹⁴ 47 C.F.R. §§ 2.1031 – 2.1060.

recurrence of this misconduct, including such actions as removing unauthorized wireless camera surveillance systems from CCTV's on-line store and declining to sell unauthorized wireless camera surveillance systems in the United States.

IV. FUTURE COMPLIANCE

7. If, after receipt of this Citation, CCTV 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, 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.¹⁵ For instance, the Commission could impose separate forfeitures for each wireless camera surveillance system sold and/or for each day on which a wireless camera surveillance system is advertised, or otherwise offered for sale. Violations of the Communications Act or the Rules can also result in seizure of equipment through *in rem* forfeiture actions,¹⁶ as well as criminal sanctions, including imprisonment.¹⁷

8. In addition to providing the required information described in paragraph 12, CCTV may respond to this Citation within thirty (30) calendar 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 CCTV 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, New York Office, 201 Varick Street, New York, NY, 10014. Please reference file number EB-FIELDNER-12-00002960 when corresponding with the Commission.

9. 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.¹⁸ Any knowingly or willfully false statement, or concealment of any material fact, made in reply to this Citation is punishable by fine or imprisonment.¹⁹ Please also note that Section 1.17 of the Rules requires that you provide truthful and accurate statements to the Commission.²⁰

V. CONTACT INFORMATION

10. The closest FCC Office is the New York Office in New York, New York. You may contact the New York Office by telephone, (212) 337-1865, to schedule a personal interview, which must take place within thirty (30) calendar days after the release date of this Citation.

¹⁵ 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.

¹⁶ 47 U.S.C. § 510.

¹⁷ 47 U.S.C. §§ 401, 501.

¹⁸ See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

¹⁹ See 18 U.S.C. § 1001 *et seq.*

²⁰ 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 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.”)

11. 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 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. REQUEST FOR INFORMATION

12. Pursuant to Sections 4(i), 4(j), and 403 of the Act,²¹ CCTV is directed to provide the following information requested in non-public Appendix A attached hereto within thirty (30) calendar days after the release date of this Citation. The request for information concerns CCTV's sale of unauthorized wireless camera surveillance systems as well as the disposition of its inventory of unauthorized wireless camera surveillance systems. A failure to respond, or an inadequate, incomplete, or misleading response, may subject CCTV to additional sanctions.²²

VII. ORDERING CLAUSES

13. **IT IS ORDERED** that pursuant to Sections 4(i), 4(j), and 403 of the Communications Act, SECURITY-CAMERAS-CCTV.COM must provide the information requested in paragraph 12 and non-public Appendix A 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 thirty (30) calendar days after the release date of this Citation and Order.

²¹ 47 U.S.C. §§ 154(i), 154(j), 403.

²² See, e.g., *SBC Communications, Inc., Apparent Liability for Forfeiture*, Forfeiture Order, 17 FCC Rcd 7589, 7599-7600, paras. 23-28 (2002) (\$100,000 forfeiture for egregious and intentional misconduct, i.e., refusing to attest to truthfulness and accuracy of responses to a Letter Inquiry (LOI)); *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 an LOI); *BigZoo.Com Corporation*, Order of Forfeiture, 20 FCC Rcd 3954 (Enf. Bur. 2005) (\$20,000 forfeiture for failure to respond to a USF LOI); *Donald W. Kaminski, Jr.*, Forfeiture Order, 18 FCC Rcd 26065 (Enf. Bur. 2003) (\$4,000 forfeiture for failure to respond to an LOI); *World Communications Satellite Systems, Inc.*, Notice of Apparent Liability for Forfeiture, 18 FCC Rcd 18545 (Enf. Bur. 2003) (\$10,000 forfeiture for a non-responsive reply to an LOI); *Digital Antenna, Inc., Sunrise, Florida*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 7600 (Spectrum Enf. Div., Enf. Bur. 2007) (\$11,000 forfeiture for failure to provide complete responses to an LOI).

14. **IT IS ORDERED** that a copy of this Citation and Order shall be sent both by First Class U.S. Mail and Certified Mail, Return Receipt Requested to SECURITY-CAMERAS-CCTV.COM, 94 Gardiners Avenue, # 164, Levittown, New York 11756.

FEDERAL COMMUNICATIONS COMMISSION

Gary Barker
Acting District Director
New York Office
Northeast Region
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