

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

In the Matter of)	
)	File No.: EB-FIELDNER-14-00013770
CAM Electronics Distributing, Inc.)	
)	Citation No.: C201432380001
Elmsford, New York)	

CITATION

ILLEGAL PROGRAMMING OF UNAUTHORIZED FREQUENCIES

Adopted: April 10, 2014

Released: April 10, 2014

By the District Director, New York Office, Northeast 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 (Communications Act or Act),¹ to CAM Electronics Distributing, Inc. (CAM). Specifically, CAM is being cited for programming into a transmitter frequencies for which the operator of the transmitter was not authorized, in violation of Section 90.427(b) of the Commission's rules (Rules).²

2. Notice of Duty to Comply With Laws. CAM should take immediate steps to avoid any recurrence of the misconduct described herein. CAM is hereby on notice that if it subsequently engages in any conduct of the type described in this Citation, including any violation of Section 90.427(b) of the Rules, it may be subject to civil penalties, including but not limited to substantial monetary fines (forfeitures) and seizure of equipment. Such forfeitures may be based on both the conduct that led to this Citation and the conduct following it.³

II. BACKGROUND

3. On January 28, 2014, agents from the Enforcement Bureau's New York Office (New York Office) conducted an investigation and observed Private Land Mobile Station WPZV506 transmitting on 455.500 MHz from the 30th Street Men's Shelter at 400 E 30th Street, New York, New York. The license for Station WPZV506 does not authorize operation on 455.500 MHz. A representative from FJC Security Corporation, the licensee of Station WPZV506, informed the agents that its radio vendor, CAM, had programmed the frequency into its radio transmitters. In a telephone conversation on January 29, 2014, and in an e-mail on February 20, 2014, a CAM representative acknowledged that CAM

¹ 47 U.S.C. § 503(b)(5).

² 47 C.F.R. § 76.1804.

³ See 47 U.S.C § 503(b)(5). See also S. Rep. No. 95-580, 95th Cong., 1st Sess. at 9 (1977) (If a person or entity that has been issued a citation by the Commission thereafter engages in the conduct for which the citation of violation was sent, the subsequent notice of apparent liability "*would attach not only for the conduct occurring subsequently but also for the conduct for which the citation was originally sent.*") (emphasis added).

had programmed the radio transmitting equipment that FJC Security Corporation was using at the 30th Street Men's Shelter on January 28, 2014.

III. APPLICABLE LAW AND VIOLATIONS

4. Section 90.427(b) of the Rules states that “[e]xcept for frequencies used in accordance with § 90.417, no person shall program into a transmitter frequencies for which the licensee using the transmitter is not authorized.” On January 28, 2014, agents in the New York Office determined that FJC Security Corporation was operating Private Land Mobile Station WPZV506 on an unauthorized frequency, which was programmed into radio transmitters by CAM. By programming FJC Security Corporation's radio transmitters with an unauthorized frequency, CAM violated Section 90.427(b) of the Rules.

IV. RESPONDING TO THIS CITATION

5. CAM may, if it so chooses, respond to this Citation—challenging the factual and legal findings herein—within thirty (30) calendar days from the release date of this Citation either through (1) a written statement, (2) a teleconference interview, or (3) a personal interview at the Commission Field Office nearest to your place of business.

6. If you would like to arrange a teleconference or personal interview, please contact Stephen Maguire at (212) 337-0622. The nearest Commission Field Office is located in New York, New York. Such teleconference or interview must take place within thirty calendar (30) days of the date of this Citation. If you would like to submit a written response, including any supporting documentation, you must send the response within thirty (30) calendar days of the date of this Citation to the contact and address provided in paragraph 7, below.

7. All written communications should be provided to the address below.

Stephen Maguire
Federal Communications Commission
New York Office
201 Varick Street, Suite 1151
New York, New York 10014
Re: EB-FIELDNER-14-00013770

8. Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, and include 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) business 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 FCC'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).

9. Please be advised that it is a violation of Section 1.17 of the Rules (47 C.F.R. § 1.17) for any person or a staff member of that person to make any false or misleading written or oral statement of fact. Specifically, no person 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.⁴

10. Further, 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.

11. If you violate Section 1.17 of the Rules or the criminal statute referenced above, you may be subject to further legal action, including monetary fines pursuant to Section 503 of the Communications Act.⁵

12. Under the Privacy Act of 1974, 5 U.S.C. § 552a(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 Rules.

V. FUTURE VIOLATIONS

13. If, after receipt of this Citation, CAM again violates Section 90.427(b) of the Rules by engaging in conduct of the type described herein, the Commission may impose monetary forfeitures not to exceed \$16,000 for each such violation or each day of a continuing violation, and up to \$122,500 for any single act or failure to act.⁶ Further, as discussed above, such forfeitures may be based on both the conduct that led to the Citation and the conduct following it.⁷ In addition, violations of the Communications Act or the Rules also can result in seizure of equipment through *in rem* forfeiture actions,⁸ as well as criminal sanctions, including imprisonment.⁹

⁴ 47 C.F.R. § 1.17.

⁵ 47 U.S.C. § 503.

⁶ See 47 U.S.C. §§ 401, 501, 503; 47 C.F.R. § 1.80(b)(7). This amount is subject to further adjustment for inflation (see 47 C.F.R. § 1.80(b)(9)), and the forfeiture amount applicable to any violation will be determined based on the statutory amount designated at the time of the violation.

⁷ See *supra* para. 2.

⁸ See 47 U.S.C. § 510.

⁹ See 47 U.S.C. §§ 401, 501.

VI. ORDERING CLAUSES

14. **IT IS FURTHER ORDERED** that a copy of this Citation shall be sent both by First Class U.S. Mail and Certified Mail to CAM at 250 Clearbrook Road, Elmsford, New York 10523.

FEDERAL COMMUNICATIONS COMMISSION

Stephen Maguire
District Director
New York Office
Northeast Region
Enforcement Bureau