

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

In the Matter of
RGS Group Inc.
dba International Electronics Superstore
Boca Raton, FL
File No.: EB-FIELDSCR-14-00016427
Citation No.: C201532600001

CITATION AND ORDER

ILLEGAL MARKETING OF WIFI AND SIGNAL JAMMING DEVICES

Adopted: January 28, 2015

Released: January 28, 2015

By the Resident Agent, Miami Office, South Central Region, Enforcement Bureau:

I. INTRODUCTION

1. The sale of electronic devices that jam or block WiFi, cellular, GPS, and other wireless signals is illegal under federal law. Such devices are per se illegal because they compromise the integrity of the nation's communications infrastructure. This CITATION AND ORDER (Citation) notifies RGS Group Inc. dba International Electronics Superstore (International Electronics Superstore) that it must cease the unlawful sale of all wireless signal jamming devices, including devices that jam WiFi and cell phone signals, in its retail stores. If International Electronics Superstore fails to take these actions, it will be subject to severe monetary fines and/or seizure of any contraband equipment.

2. This is an official Citation issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (Communications Act or Act), to International Electronics Superstore for violation of Section 302(b) of the Act, and Sections 2.803(b)(1) and 15.201(b) of the Commission's rules (Rules).

3. Notice of Duty to Comply With Laws: International Electronics Superstore must take immediate steps to come into compliance and to avoid any recurrence of this misconduct, including actions such as no longer displaying illegal WiFi and/or cellular signal jamming devices, collectively "signal jamming devices," and declining to sell signal jamming devices anywhere within the United States. International Electronics Superstore is hereby on notice that if it subsequently engages in any conduct of the type described in this Citation, it is subject to civil penalties, including but not limited to

1 In very limited circumstances and consistent with applicable procurement requirements, retailers may market these devices to the U.S. federal government for authorized, official use. See 47 U.S.C. § 302a(c); see also 47 C.F.R. § 2.807(d).

2 47 U.S.C. § 503(b)(5).

3 47 U.S.C. § 302a(b).

4 47 C.F.R. §§ 2.803(a)(1), 15.201(b).

substantial monetary forfeitures and seizure of contraband equipment. Such forfeitures may be based on both the conduct that led to this Citation and the conduct following it.⁵

4. **Your Response Required:** Pursuant to Sections 4(i), 4(j), and 403 of the Communications Act,⁶ we also direct International Electronics Superstore to respond in writing, within thirty (30) calendar days after the release date of this Citation, and signed under penalty of perjury, with descriptions of the specific action(s) taken or planned to correct the violations and preclude recurrence of the violations, and also a timeline for completion of any pending corrective action(s).

II. BACKGROUND

5. On July 9, 2014, in response to a complaint, an agent from the Enforcement Bureau's Miami Office observed that International Electronics Superstore was offering for sale WiFi signal jamming and cellular signal jamming devices at its location in the Sawgrass Mills Mall at 12801 W. Sunrise Blvd., Sunrise, FL 33323. These items were exhibited in the display case at the International Electronics Superstore. The International Electronics Superstore salesperson explained to the agent that the cell phone signal jamming device, which was on sale for \$299, can jam all cell phone signals within a close proximity and that the combined cell phone and WiFi signal jamming device, which was on sale for \$599, can jam both cell phone and local area wireless internet signals within a close proximity.

6. On July 10, 2014, an agent from the Miami Office observed that International Electronics Superstore was offering for sale a combined WiFi and cell phone signal jamming device at its location in the Dolphin Mall at 11401 NW 12th St., Miami, FL 33172. The International Electronics Superstore salesperson explained to the agent that the combined WiFi and cell phone jamming device, which was on sale for \$599, can jam both cell phone and local area wireless internet signals within a close proximity.

III. APPLICABLE LAW AND VIOLATIONS

7. Federal law prohibits the marketing and operation of signal jamming devices in the United States and its territories. 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.”⁷ 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.”⁸

8. The applicable implementing regulations regarding the marketing and use of radio frequency devices are set forth in Sections 2.803, 2.805, 2.807, 15.1(c), 15.3(o), and 15.201 of the Rules.⁹ Section 2.803(b)(1) of the Rules provides in relevant part that:

⁵ 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).

⁶ 47 U.S.C. §§ 154(i), 154(j), 403.

⁷ 47 U.S.C. § 333.

⁸ 47 U.S.C. § 302a(b).

⁹ 47 C.F.R. §§ 2.803, 2.805, 2.807, 15.1(c), 15.3(o), and 15.201.

No person may market a radio frequency device unless . . . [f]or devices subject to authorization under certification, the device has been authorized in accordance with the rules in subpart J of this chapter and is properly identified and labeled as required by § 2.925 and other relevant sections in this chapter.¹⁰

9. Moreover, pursuant to Section 15.201(b) of the Rules, intentional radiators¹¹ like signal jammers cannot be marketed in the United States or its territories unless they have first been authorized in accordance with the Commission’s certification procedures.¹² Section 2.803(a) 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.”¹³

10. Signal jammers, however, cannot be certified or authorized because their primary purpose is to jam or interfere with authorized radio communications. Indeed, Section 333 of the Act clearly prohibits the use of devices designed and built for such a purpose.¹⁴ Thus, signal jammers such as those marketed by International Electronics Superstore, which can jam WiFi and/or cell phone signals, cannot comply with the FCC’s technical standards and therefore cannot be marketed lawfully to consumers in the United States or its territories. Under Section 302(b) of the Act, radio frequency devices like signal jamming devices are per se illegal because they compromise the integrity of the nation’s communications infrastructure.¹⁵ As such, signal jammers may only be marketed pursuant to the narrow statutory exceptions in Section 302(c) of the Act.¹⁶

11. International Electronics Superstore has illegally marketed signal jammers to consumers in the United States. As detailed above, on July 9, 2014 and July 10, 2014, International Electronics Superstore salespeople offered for sale WiFi signal jamming and cellular signal jamming devices to a federal agent from the Miami Office at its two locations in Sunrise, Florida and Miami, Florida. Accordingly, we find that International Electronics Superstore has violated Section 302(b) of the Communications Act and Sections 2.803(b)(1) and 15.201(b) of the Rules by marketing in the United States radio frequency devices that are not eligible for certification.¹⁷

¹⁰ *Id.* § 2.803(b)(1).

¹¹ An “intentional radiator” is a “device that intentionally generates and emits radio frequency energy by radiation or induction.” *Id.* § 15.3(o).

¹² *See id.* § 15.201(b). Section 15.1(c) of the Rules also states that “the operation or marketing of an intentional . . . radiator that is not in compliance with the administrative and technical provisions in this part, including prior Commission authorization or verification, as appropriate, is prohibited under section 302 of the Communications Act of 1934, as amended, and [the Rules].” *Id.* § 15.1(c).

¹³ *Id.* § 2.803(a).

¹⁴ *See* 47 U.S.C. § 333. We note that numerous other countries also restrict civilian use or operation of signal jammers, including Canada, the United Kingdom, Germany, Switzerland, and Australia.

¹⁵ *See The Supply Room, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 28 FCC Rcd 4981, 4983–84, para. 7 (2013) (*Supply Room NAL*); *Taylor Oilfield Mfg., Inc.*, Notice of Apparent Liability for Forfeiture and Order, 28 FCC Rcd 4972, 4975, para. 7 (2013) (*Taylor Oilfield NAL*).

¹⁶ *See supra* note 1.

¹⁷ 47 U.S.C. § 302; 47 C.F.R. §§ 2.805(b)(1), 15.201(b).

IV. REQUEST FOR INFORMATION

12. Pursuant to sections 4(i), 4(j), and 403 of the Communications Act,¹⁸ International Electronics Superstore is directed to provide the information requested in confidential Appendix A hereto within thirty (30) calendar days after the release date of this Citation. The request for information concerns International Electronics Superstore's signal jamming suppliers and sales as well as the disposition of its signal jamming device inventory. A failure to respond, or an inadequate, incomplete, or misleading response, subjects International Electronics Superstore to additional sanctions.¹⁹

V. RESPONDING TO THIS CITATION

13. In addition to the required written information described in paragraphs 4 and 12, above, International Electronics Superstore 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.

14. If you would like to arrange a teleconference or personal interview, please contact Michael Mattern at (305) 994-1642. The nearest Commission Field Office is located in Tampa, Florida. 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 15, below.

15. All written communications, including the information requested in paragraphs 4 and 12, above, should be provided to the address below.

Michael Mattern
Federal Communications Commission
Miami Office
P.O. Box 520617
Miami, FL 33152-06179
Re: EB-FIELDSCR-14-00016427

16. 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

¹⁸ 47 U.S.C. §§ 154(i), 154(j), 403.

¹⁹ See, e.g., *SBC Communications, Inc., Apparent Liability for Forfeiture*, Forfeiture Order, 17 FCC Rcd 7589, 7599-7600, ¶¶ 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).

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).

17. 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.²⁰

18. 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.

19. 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.²¹

20. 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 Commission's rules.

VI. FUTURE VIOLATIONS

21. If, after receipt of this Citation, International Electronics Superstore again violates the Communications Act or the Rules by marketing unauthorized radio frequency devices 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 such continuing violation, up to a maximum forfeiture of \$112,500 for any single act or failure to act.²² For instance, the Commission could impose separate forfeitures for each signal jamming device sold and/or

²⁰ 47 C.F.R. § 1.17.

²¹ 47 U.S.C. § 503.

²² See 47 U.S.C. §§ 401, 501, 503; 47 C.F.R. § 1.80(b)(4). These amounts are subject to further adjustment for inflation (see 47 C.F.R. § 1.80(b)(6)), and the forfeiture amount applicable to any violation will be determined based on the statutory amount designated at the time of the violation.

for each day on which a signal jamming device is advertised or otherwise offered for sale. Further, as discussed above, such forfeitures may be based on both the conduct that led to the Citation and the conduct following it.²³ In addition, violations of the Communications Act or the Rules also can result in seizure of equipment through *in rem* forfeiture actions,²⁴ as well as criminal sanctions, including imprisonment.²⁵

VII. ORDERING CLAUSES

22. **IT IS ORDERED** that, pursuant to Sections 4(i), 4(j), and 403 of the Communications Act, RGS Group Inc. dba International Electronics Superstore must provide the written information requested in paragraphs 4 and 12, above. The response to the request for information must be provided in writing, signed under penalty of perjury by an authorized official at RGS Group Inc. with personal knowledge of the information and representations provided in the written response, and must be received by the FCC within thirty (30) calendar days after the release date of this Citation and Order.

23. **IT IS FURTHER 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 RGS Group Inc. dba International Electronics Superstore, at 961 SW 4th Ave., Boca Raton, FL 33432.

FEDERAL COMMUNICATIONS COMMISSION

Michael Mattern
Resident Agent
Miami Office
South Central Region
Enforcement Bureau

²³ See paragraph 3, *supra*.

²⁴ See 47 U.S.C. § 510.

²⁵ See *id.* §§ 401, 501.