

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

In the Matter of
Ravi's Import Warehouse Inc.,
Dallas, Texas
File No.: EB-FIELDSCR-17-00024142
NAL/Acct No.: 201732500001
FRN: 0026514281

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: July 25, 2017

Released: July 26, 2017

By the Regional Director, Region Two:

I. INTRODUCTION

1. We propose a penalty of \$22,000 against Ravi's Import Warehouse (Ravi's), for operating a cellular phone jammer (jammer or signal jammer) in its commercial establishment in Dallas, Texas, in apparent willful violation of Sections 301, 302(b), and 333 of the Communications Act of 1934, as amended (Act), and Sections 2.805(a) and 15.1(c) of the Commission's rules. Signal jamming devices typically operate by transmitting powerful radio signals that overpower, jam, or interfere with authorized communications. With limited exception for certain Federal government purposes, these devices have no lawful use in the United States.

2. Commission action against the use of signal jammers is important, as the operation of a jammer is unauthorized and can create potential public safety and other risks by causing harmful interference to mobile communications. For example, jammers can endanger life and property by preventing individuals from making 911 or other emergency calls or disrupting the basic communications essential to aviation and marine safety. Jammers also prevent consumers and business from engaging in numerous, daily forms of communications, ranging from simple one-on-one phone conversations to the use of Global Positioning System (GPS)-based map applications to social media use. The Commission has issued several enforcement advisories and consumer alerts emphasizing the importance of strict compliance in this area. We expect individuals and businesses, like Ravi's, to take immediate steps to ensure compliance and to avoid any recurrence of this type of misconduct, including ceasing operation of any signal jamming devices that may be in their possession, custody, or control.

1 47 U.S.C. §§ 301, 302a(b), 333.

2 47 CFR §§ 2.805(a), 15.1(c).

3 In very limited circumstances and consistent with applicable procurement requirements, jamming devices may be marketed to and used by the U.S. Federal government for authorized, official use. See 47 U.S.C. § 302a(c); 47 CFR § 2.807(d).

4 See Warning: Jammer Use by the Public and Local Law Enforcement Is Illegal, FCC Enforcement Advisory, 29 FCC Rcd 14737 (EB 2014); Cell Jammers, GPS Jammers and Other Jamming Devices, FCC Enforcement Advisory, 27 FCC Rcd 2309 (EB 2012); Cell Jammers, GPS Jammers and Other Jamming Devices, FCC Enforcement Advisory, 26 FCC Rcd 1327 (2011). These advisories, along with frequently asked questions related to the jamming prohibition, are available at http://www.fcc.gov/jammers. On October 15, 2012, the Enforcement Bureau also launched a dedicated jammer tip line - 1-855-55-NOJAM (or 1-855-556-6526) - to make it easier for the public to report the use or sale of illegal cell phone, GPS or other signal jammers.

II. BACKGROUND

3. On April 10, 2017, an agent from the Commission's Dallas Field Office (Dallas Office) received a complaint from an AT&T representative, claiming that an AT&T base station was receiving interference. The AT&T representative advised the agent that the characteristics of the interference were typical of a signal jammer. While the agent was on route to the general location of the possible signal jammer, the AT&T representative determined that the jammer was likely located within Ravi's commercial establishment at 11029 Harry Hines Blvd., Dallas, Texas, a business which the AT&T representative stated he had previously visited to request that it cease operating a signal jammer. When the Dallas Office agent arrived on scene at Ravi's commercial establishment, the AT&T representative stated that Ravi's security personnel noticed the AT&T representative's presence and, shortly thereafter, the jammer ceased operating. In the presence of the AT&T representative, the agent spoke with Anita Bhatia, who stated that she was the owner of Ravi's. Ms. Bhatia admitted to deploying a signal jammer as a means of preventing her employees from using mobile phones while at work. The agent informed Ms. Bhatia of the public safety issues that could be caused by Ravi's use of a cell jammer. Ms. Bhatia acknowledged that, in February 2017, the AT&T representative had warned her adult son against the operation of a signal jammer. Ms. Bhatia further stated that she disposed of the jammer shortly before the agent's arrival. Ms. Bhatia refused to voluntarily surrender the device to the agent and refused to state where within her commercial establishment she disposed of it. Instead, Ms. Bhatia offered to sell the signal jammer to the agent. The agent declined the offer and issued a Notice of Unlicensed Radio Operation informing Ravi's that the operation of a signal jammer was illegal.⁵ The following day, the agent contacted the AT&T representative, who confirmed that AT&T was no longer receiving interference from equipment operated at Ravi's commercial establishment.

III. DISCUSSION

A. Applicable Law

4. Federal law prohibits the operation of jamming devices in the United States and its territories. Section 301 of the 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.⁶ Section 333 of the 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 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

5. The applicable implementing regulations for Section 302(b) of the Act are set forth in Sections 2.805, 15.1(c), and 15.201 of the Commission's rules.⁹ Section 2.805(a) of the Commission's rules provides, in relevant part (except in a few narrow circumstances not pertinent here), that "[a] radio frequency device may not be operated prior to equipment authorization."¹⁰ In addition, pursuant to

⁵ *Ravi's Import Warehouse*, Notice of Unlicensed Radio Operation (Dallas Field Office, EB, Apr. 10, 2017) (NOUO).

⁶ 47 U.S.C. § 301.

⁷ *Id.* § 333.

⁸ *Id.* § 302a(b) (emphasis added).

⁹ 47 CFR §§ 2.805, 15.1(c), 15.201.

¹⁰ *Id.* § 2.805(a); *see also id.* § 2.803(a) (also prohibiting the marketing of jammer devices through 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").

Sections 15.1(c) and 15.201(b) of the Commission's rules,¹¹ intentional radiators¹² cannot be operated in the United States or its territories unless they have first been authorized in accordance with the Commission's certification procedures.¹³ Jamming devices cannot be certified or authorized because their primary purpose is to block or interfere with authorized radio communications and their use would compromise the integrity of the nation's communications infrastructure. Thus, jamming devices such as the one used by Ravi's cannot comply with the Commission's technical standards and, therefore, cannot be operated lawfully by consumers in the United States or its territories.¹⁴

B. Illegal Operation of a Signal Jammer

6. As discussed above, on April 10, 2017, an AT&T representative detected a signal jammer in use near Ravi's commercial establishment and alerted an agent from the Dallas Office. Although the jammer was no longer in operation when the agent arrived at Ravi's, the company's owner, Ms. Bhatia, admitted to the agent (in the presence of the AT&T representative) that she had been operating a signal jammer to prevent her employees from using mobile phones while at work. Thus, Ravi's operated a signal jammer on April 10, 2017, with the intended (and actual) effect of blocking and otherwise interfering with radio communications authorized by the Commission. Operation of the signal jammer could have had dire consequences by precluding the use of mobile telephones to reach life-saving 9-1-1 services provided by police departments, fire departments, and emergency medical technicians. It could also have disrupted critical communications of first responders who might have visited Ravi's facility or nearby locations in a life-and-death situation. Based on the preponderance of the evidence, we find that, by admittedly operating a signal jammer, Ravi's apparently willfully violated Sections 301, 302(b), and 333 of the Act, and Sections 2.805(a) and 15.1(c) of the Commission's rules.¹⁵

C. Proposed Forfeiture

7. Section 503(b) of the Act authorizes the Commission to impose a forfeiture against any entity that "willfully or repeatedly fail[s] to comply with any of the provisions of [the Act] or of any rule, regulation, or order issued by the Commission."¹⁶ Here, Section 503(b)(2)(D) of the Act authorizes us to assess a forfeiture against Ravi's of up to \$19,246 for each day of a continuing violation, up to a statutory maximum of \$144,344 for a single act or failure to act.¹⁷ In exercising our forfeiture authority, we must consider the "nature, circumstances, extent, and gravity of the violation and, with respect to the violator,

¹¹ *Id.* §§ 15.1(c), 15.201(b).

¹² An "intentional radiator" is a "device that intentionally generates and emits radio frequency energy by radiation or induction." *Id.* § 15.3(o). Under this definition, signal jamming devices are intentional radiators.

¹³ *See, e.g.*, 47 CFR §§ 22.377, 24.51, 27.51, 90.203 (requiring certification of transmitters that operate in the public mobile service, personal communications service, miscellaneous wireless communications service, and private land mobile radio services).

¹⁴ 47 U.S.C. § 302a(b); *see, e.g., R&N Manufacturing, Ltd.*, Notice of Apparent Liability for Forfeiture, 29 FCC Red 3332, 3335, para. 8 (2014) (*R&N NAL*), *cancelled by* Order, 31 FCC Red 1897 (EB 2016) (adopting a Consent Decree terminating and resolving the investigation).

¹⁵ 47 U.S.C. §§ 301, 302a(b), 333; 47 CFR §§ 2.805(a), 15.1(c); *see The Supply Room, Inc.*, Notice of Apparent Liability for Forfeiture, 28 FCC Red 4981, 82, para. 4 (2013) (proposing a forfeiture for operating a signal jammer in violation of Sections 301, 302(b), and 333 of the Act, as well as certain Commission rules, where the jammer operation was used "to prevent [the company's] employees from using their cellular phones while working"), *cancelled by* Order, 31 FCC Red 2082 (EB 2016) (adopting a Consent Decree terminating and resolving the investigation).

¹⁶ 47 U.S.C. § 503(b).

¹⁷ *See* 47 U.S.C. § 503(b)(2)(D); 47 CFR §§ 1.80(b)(7), (9); *see also Jay Peralta, Corona, New York*, Notice of Apparent Liability for Forfeiture, FCC 17-35, n.30 (rel. Apr. 14, 2017) (discussing inflation adjustments to the forfeitures specified in Section 503(b)(2)(D)).

the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.”¹⁸ In addition, the Commission has established forfeiture guidelines; they establish base penalties for certain violations and identify criteria that we consider when determining the appropriate penalty in any given case.¹⁹ Under these guidelines, we may adjust a forfeiture upward for violations that are egregious, intentional, or repeated, or that cause substantial harm or generate substantial economic gain for the violator.²⁰ Pursuant to the Commission’s *Forfeiture Policy Statement* and Section 1.80 of the Commission’s rules, the applicable base forfeiture amount for violation of Section 301 of the Act (operating without an instrument of authorization) is \$10,000, and the applicable base forfeiture for violation of Section 333 of the Act (interference to authorized communications) is \$7,000, for an aggregate base forfeiture of \$17,000.²¹

8. We have discretion, however, to depart from these guidelines, taking into account the particular facts of each individual case.²² In assessing the appropriate monetary penalty for the misconduct at issue, we must take into account the statutory factors set forth in Section 503(b)(2)(E) of the Act, which include the nature, circumstances, extent, and gravity of the violations, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.²³ As explained above, Ravi’s operated a radio frequency device that is inherently illegal and prohibited for consumer use in the United States. These illegal jammer operations posed a tangible public safety hazard by potentially blocking authorized communications (including essential 911 calls and law enforcement communications). We note that Ravi’s proprietor did not opt to voluntarily surrender the jamming equipment to the agent from the Dallas Field Office.²⁴ Instead, she offered to *sell* the device to the agent (presumably after retrieving it from the trash).²⁵ We find that this attempt to generate revenue from the Commission’s efforts to resolve an interference complaint (with potential public safety ramifications) constitutes egregious conduct warranting an upward adjustment of \$5,000 above the proposed base forfeiture associated with Ravi’s apparent violation of Section 301 of the Act. Therefore, after applying the *Forfeiture Policy Statement*, Section 1.80 of the Commission’s rules, and the statutory factors, we propose a total forfeiture of \$22,000, for which Ravi’s is apparently liable.

¹⁸ 47 U.S.C. § 503(b)(2)(E).

¹⁹ 47 CFR § 1.80(b)(8), Note to paragraph (b)(8).

²⁰ *Id.*

²¹ *Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997) (*Forfeiture Policy Statement*), *recons. denied*, 15 FCC Rcd 303 (1999); 47 CFR § 1.80. Because the same underlying facts here result in both operation without an instrument of authorization (\$10,000 base forfeiture) and use of unauthorized or illegal equipment (\$5,000 base forfeiture), we use only one of these two base forfeiture amounts.

²² *The Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087, 17098-99, para. 22 (1997) (noting that “[a]lthough we have adopted the base forfeiture amounts as guidelines to provide a measure of predictability to the forfeiture process, we retain our discretion to depart from the guidelines and issue forfeitures on a case-by-case basis, under our general forfeiture authority contained in Section 503 of the Act”) (*Forfeiture Policy Statement*), *recons. denied*, Memorandum Opinion and Order, 15 FCC Rcd 303 (1999).

²³ 47 U.S.C. § 503(b)(2)(E).

²⁴ *See* para. 3, *supra*.

²⁵ *Id.* We note that the Commission has afforded a downward adjustment of the proposed forfeiture in cases where the operator of a signal jammer voluntarily surrendered the device to the Commission. *See, e.g., R&N NAL*, 29 FCC Rcd at 3337, para. 13 (proposing a downward adjustment of 25 percent based on a voluntary surrender of the signal jammers at issue).

IV. CONCLUSION

9. We have determined that Ravi's apparently willfully violated Sections 301, 302(b), and 333 of the Act and Sections 2.805 and 15.1(c) of the Commission's rules.²⁶ As such, Ravi's is apparently liable for a forfeiture of \$22,000.

V. ORDERING CLAUSES

10. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Act²⁷ and Sections 1.80 of the Commission's rules,²⁸ Ravi's Import Warehouse is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of Twenty-Two Thousand Dollars (\$22,000) for willful violations of Sections 301, 302(b), and 333 of the Act²⁹ and Sections 2.805 and 15.1(c) of the Commission's rules.³⁰

11. **IT IS FURTHER ORDERED** that, pursuant to Section 1.80 of the Commission's rules,³¹ within thirty (30) calendar days of the release date of this Notice of Apparent Liability for Forfeiture, Ravi's Import Warehouse **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture consistent with paragraph 14 below.

12. Payment of the forfeiture must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account Number and FRN referenced above. Ravi's Import Warehouse shall send electronic notification of payment to Matthew L. Gibson at matthew.gibson@fcc.gov, with copy to SCR-Response@fcc.gov, on the date said payment is made. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.³² When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Below are additional instructions that should be followed based on the form of payment selected:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank –

²⁶ 47 U.S.C. §§ 301, 302a(b), 333; 47 CFR §§ 2.805, 15.1(c).

²⁷ 47 U.S.C. § 503(b).

²⁸ 47 CFR § 1.80.

²⁹ 47 U.S.C. §§ 301, 302a(b), 333.

³⁰ 47 CFR §§ 2.805, 15.1(c).

³¹ 47 CFR § 1.80.

³² An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

13. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 445 12th Street, SW, Room 1-A625, Washington, DC 20554.³³ Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

14. The written statement seeking reduction or cancellation of the proposed forfeiture, if any, must include a detailed factual statement supported by appropriate documentation and affidavits pursuant to Sections 1.16 and 1.80(f)(3) of the Commission's rules.³⁴ The written statement must be mailed to the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554, ATTN: Enforcement Bureau – Office of the Field Director, and must include the NAL/Account Number referenced in the caption. The statement must also be e-mailed to Matthew L. Gibson at matthew.gibson@fcc.gov, with copy to SCR-Response@fcc.gov.

15. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner's current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation.

16. **IT IS FURTHER ORDERED** that a copy of this Notice of Apparent Liability for Forfeiture shall be sent by first class mail and certified mail, return receipt requested, to Ravi's Import Warehouse, Attn: Anita Bhatia, 11029 Harry Hines Boulevard, Dallas, Texas 75229.

FEDERAL COMMUNICATIONS COMMISSION

Ronald Ramage
Regional Director
Region Two
Enforcement Bureau

³³ See 47 CFR § 1.1914.

³⁴ 47 CFR §§ 1.16, 1.80(f)(3).