

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

In the Matter of)	
)	
Marc Blackburn and Kristin Kumamoto)	File No.: EB-FIELDWR-17-00024778
)	
Los Angeles, California)	
)	

CITATION AND ORDER

Surveillance Device Causing Harmful Interference to LTE Communications

Adopted: October 24, 2018

Released: October 24, 2018

By the Regional Director, Region Three, Enforcement Bureau:

I. NOTICE OF CITATION

1. This **CITATION AND ORDER** (Citation), notifies Marc Blackburn and Kristin Kumamoto (Operators) that they are operating a device that is causing harmful interference to licensed radio operations. We therefore direct the Operators to take immediate steps to comply with federal rules and regulations related to radio frequency devices. This includes low-power Part 15 devices, such as surveillance cameras, that utilize radio frequencies in their operation. If the Operators fail to comply with these laws, they may be liable for significant penalties, including fines of up to \$19,639 per day.

2. **Notice of Duty to Comply with the Law:** We issue this Citation pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (Act), which states that the Federal Communications Commission (Commission or FCC) may not impose monetary forfeitures against non-regulatees who violate Commission rules or the Act unless and until: (a) the Commission issues a citation to the violator; (b) the Commission provides the violator a reasonable opportunity to respond; and (c) the violator subsequently engages in conduct described in the citation.¹ Accordingly, the Operators are hereby on notice that they must comply with Sections 15.5(b) and 15.5(c) of the Rules.² If the Operators subsequently engage in any conduct of the type this Citation describes — and specifically any violation of Sections 15.5(b) or 15.5(c) of the Rules — the Operators may be subject to civil penalties, including but not limited to, substantial monetary forfeitures. Such forfeitures may be based on both the conduct that led to this Citation and the conduct following it.³

3. **Notice of Duty to Provide Information:** Pursuant to Sections 4(i), 4(j), and 403 of the Act,⁴ we direct the Operators to respond in writing, within 30 calendar days after the release date of this Citation, to the information and document requests set forth in paragraph twelve below.

¹ See 47 U.S.C § 503(b)(5).

² 47 CFR §§ 15.5(b)-(c).

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).

⁴ 47 U.S.C. §§ 154(i)-(j), 403.

II. BACKGROUND

4. On July 11, 2017, AT&T Inc. (AT&T) filed a complaint with the Commission stating that radio emissions from a residential address in Los Angeles, California (Operators' Residence) were causing interference to AT&T's LTE cell site on San Rafael Avenue, Los Angeles, California. AT&T stated that the sources of the interference were multiple security cameras at the Operators' Residence. Additionally, AT&T made an attempt to contact the Operators and left an information letter regarding the interference at the Operators' Residence, but received no response.

5. On August 31, 2017, in response to AT&T's complaint, an agent from the Commission's Los Angeles Field Office (Los Angeles Office) conducted an on-scene investigation at the Operators' Residence. The agent's on-scene investigation confirmed that a spurious emission was coming from a security camera mounted on the wall above the garage of the Operators' Residence. The agent observed a noisy signal centering on 709 MHz and 20 MHz wide from that security camera.

6. On October 24, 2017, the Los Angeles Office issued a Warning of Harmful Interference⁵ (Warning) and sent it to the Operators via Certified Mail, return receipt requested, First-Class Mail and UPS signature required informing them that their security camera mounted above their garage was causing harmful interference to AT&T's cellular communications. Furthermore, the Warning provided citations to applicable FCC rules and regulations, with which the Operators were advised they must comply. The Warning also instructed the Operators not to resume operation of the surveillance camera until the conditions causing the harmful interference had been corrected. In response to the Warning, Mr. Blackburn called the Los Angeles Office on November 9, 2017, and inquired about the interference at the Operators' Residence. An FCC agent explained the interference findings and relevant Commission rules. Mr. Blackburn told the agent that he would contact the agent to make an appointment for an on-scene help request but failed to do so.

7. On January 12, 2018, agents from the Los Angeles Office investigated on-scene and confirmed again that a spurious emission was coming from the same security camera mounted on the garage of the Operators' Residence. The agents again observed a noisy signal centering 709 MHz from that camera. An agent also left an on-scene Warning of Interference⁶ at the front door of the Operators' Residence.

8. On April 9, 2018, the Los Angeles Office issued another Warning of Harmful Interference (Third Warning),⁷ in which the Operators were again informed that their security camera was causing harmful interference to AT&T's cellular communications. The Third Warning again provided citations to applicable FCC rules and regulations, advised the Operators that they must comply with those rules, and instructed them not to resume operation of the surveillance camera until the conditions causing the harmful interference had been corrected.

9. On June 6 and September 12, 2018, AT&T informed the Commission that it was still suffering interference from the security camera at the Operators' residence. AT&T also provided an interference report (including their own on-scene investigations) to the FCC regarding this interference.

III. APPLICABLE LAW AND VIOLATIONS

10. Section 15.5(c) of the Commission's rules requires that "operation of an intentional, unintentional, or incidental radiator is subject to the conditions that no harmful interference is caused . . .

⁵ See *Marc Blackburn and Kristin Kumamoto*, Warning of Harmful Interference (Oct. 24, 2017) (on file in EB-FIELDWR-17-00024778).

⁶ See *Marc Blackburn and Kristin Kumamoto*, Warning of Interference (Jan. 12, 2018) (on file in EB-FIELDWR-17-00024778).

⁷ See *Marc Blackburn and Kristin Kumamoto*, Warning of Harmful Interference (Apr. 9, 2018) (on file in EB-FIELDWR-17-00024778).

.”⁸ Similarly, Section 15.5(c) of the Commission’s rules states that the “operator of a radio frequency device shall be required to cease operating the device upon notification by a Commission representative that the device is causing harmful interference. Operation shall not resume until the condition causing the harmful interference has been corrected.”⁹ Section 15.3(m)’s definition of harmful interference includes any emission, radiation or induction that “. . . obstructs or repeatedly interrupts a radiocommunications service operating in accordance with this chapter.”¹⁰

11. Based on the foregoing evidence, we find that the Operators violated Sections 15.5(b) and (c) of the Commission’s rules by operating a device causing harmful interference to a wireless provider’s licensed operations and failing to promptly eliminate the interference upon notification by a Commission representative.¹¹

IV. REQUEST FOR INFORMATION

12. Pursuant to Sections 4(i), 4(j), and 403 of the Act,¹² we direct the Operators to confirm in writing, within 30 days of the release of this Citation, that they have taken the corrective measures to eliminate the harmful interference, as well as provide a timeline for any pending corrective actions. Failure to respond in writing, or the provision of an inadequate, incomplete, or misleading response, may subject the Operators to additional sanctions.

V. OPPORTUNITY TO RESPOND TO THIS CITATION

13. The Operators may respond to this Citation within 30 calendar days from the release date of this Citation by any of the following methods: (1) a written statement, (2) a teleconference interview, or (3) a personal interview at the Commission Field Office nearest to the Operators’ Residence. The Commission Field Office nearest the Operators is located in Cerritos, California.

14. If the Operators request a teleconference or personal interview, contact Lark Hadley at (562) 860-7474. We note that such teleconference or interview must take place within 30 calendar days of the release date of this Citation. If the Operators prefer to submit a written response with supporting documentation, they must send the response within 30 calendar days of the release date of this Citation to the contact and address provided in paragraph below.

15. All written communications should be sent to the address below.

Lark Hadley, Regional Director, Region Three
Federal Communications Commission
Los Angeles Regional Office
11331 183rd Street, PMB #365
Cerritos, CA 90703
Field@FCC.gov
RE: Case No.: EB-FIELDWR-17-00024778

16. Upon request, the Commission will make reasonable accommodations for persons with disabilities. If applicable, the Operators should provide a description of the accommodation required, and include as much detail as possible, and also provide a telephone number and other contact information. The Operators should allow at least five business days advance notice; last minute requests will be

⁸ 47 CFR § 15.5(b).

⁹ 47 CFR § 15.5(c).

¹⁰ 47 CFR § 15.3(m).

¹¹ 47 CFR § 15.5(b)-(c).

¹² 47 U.S.C. §§ 154(i)-(j), 403.

accepted, but may be impossible to fill. The Operators should 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. We advise the Operators that it is a violation of Section 1.17 of the Rules¹³ for any person to make any false or misleading written or oral statement of fact to the Commission. 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.

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.¹⁴

19. Violations of Section 1.17 of the Rules or the criminal statute referenced above may result in further legal action, including monetary forfeitures pursuant to Section 503 of the Act.

20. Finally, we warn the Operators that, under the Privacy Act of 1974,¹⁵ Commission staff will use all relevant material information before it, including information disclosed in interviews or written statements, to determine what, if any, enforcement action is required to ensure the Operators' compliance with the Act and Rules.

VI. FUTURE VIOLATIONS

21. If, after receipt of this Citation, the Operators again violate Section 15.5(b) or 15(c) of the Commission's rules¹⁶ by engaging in the type of conduct described herein, the Commission may impose sanctions for each such violation, including monetary forfeitures. The Commission may impose forfeitures not to exceed \$19,639 for each such violation, or each day of a continuing violation, and up to \$147,290 for any single act or failure to act.¹⁷ Further, as discussed above, the Commission may assess forfeitures on both the conduct that led to this Citation and the conduct following it.¹⁸ In addition, future

¹³ 47 CFR § 1.17.

¹⁴ 18 U.S.C. § 1001.

¹⁵ 5 U.S.C. § 552a(e)(3).

¹⁶ 47 CFR § 15.5(b)-(c).

¹⁷ See 47 U.S.C. § 503; 47 CFR § 1.80(b). This amount is subject to further adjustment for inflation. See 47 CFR § 1.80(b)(9).

¹⁸ See *supra* para. 2.

violations may subject the Operators to seizure of equipment through *in rem* forfeiture actions,¹⁹ as well as criminal sanctions, including imprisonment.²⁰

VII. ORDERING CLAUSES

22. Accordingly, **IT IS ORDERED** that, pursuant to Sections 4(i) and 4(j) of the Act,²¹ Marc Blackburn and Kristin Kumamoto must cease and desist from causing harmful interference, in violation of Sections 15(b) and 15(c) of the Commission's rules.²²

23. **IT IS FURTHER ORDERED** that, pursuant to Sections 4(i), 4(j), and 403 of the Act,²³ Marc Blackburn and Kristin Kumamoto must provide the written information requested in paragraph twelve, above. Marc Blackburn and Kristin Kumamoto must each support their responses with a separate affidavit or declaration made under penalty of perjury, signed and dated by Marc Blackburn and Kristin Kumamoto respectively, attesting personal knowledge of the representations provided in the response, and verifying the truth and accuracy of the information therein and that all of the information requested has been produced. All such declarations provided must comply with Section 1.16 of the Commission's rules and be substantially in the form set forth therein.²⁴ The Commission must receive the response within 30 calendar days of the release date of this Citation and Order.

24. **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 Marc Blackburn and Kristin Kumamoto at their residence in Los Angeles, California.

FEDERAL COMMUNICATIONS COMMISSION

Lark Hadley
Regional Director
Region Three
Enforcement Bureau

¹⁹ See 47 U.S.C. § 510.

²⁰ See 47 U.S.C. §§ 401, 501.

²¹ 47 U.S.C. §§ 154(i), 154(j).

²² See 47 CFR § 15.5(b)-(c).

²³ 47 U.S.C. §§ 154(i), 154(j), 403.

²⁴ 47 C.F.R. § 1.16.