



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
SOUTH CENTRAL REGION**

Miami Office
P.O. Box 520617
Miami, FL 33152

June 29, 2009

Scott Hidnert
Miami, FL

**NOTICE OF UNAUTHORIZED OPERATION AND
INTERFERENCE TO LICENSED RADIO STATIONS**

Case Number: EB-09-MA-0101
Document Number: W200932600058

On June 15, 2009, the Miami Office received a complaint from the Miami-Dade County Police Department (“MDPD”) regarding interference to a frequency used by MDPD police officers. Agents from the Miami Office confirmed by direction finding techniques that radio signals on 867.0625 MHz were emanating from 720 NW 103rd St. Miami, FL. The agents from this office confirmed that these radio signals emanating from a cell phone jamming device were interfering with MDPD communications. During the inspection of the equipment, you admitted to owning and operating the cell phone jamming device. Upon completion of the inspection, you voluntarily relinquished the equipment to the MDPD officers.

Persons operating or using radio transmitters must be licensed or authorized by the FCC, pursuant to Section 301 of the Communications Act of 1934, as amended.¹ In addition, radio transmitting equipment must comply with FCC rules.² Section 333 of the Act prohibits willful or malicious interference with any radio communications of any station licensed or authorized by or under the Act or operated by the United States Government.³ In addition, Section 302(b) of the Act, and Section 2.803(a) of the Commission’s rules, prohibit the manufacture, importation, marketing, sale or operation of devices deliberately designed to jam or disrupt wireless communications.⁴ The Commission has issued two Public Notices specifically stating that the sale and use of transmitters designed to prevent, jam or interfere with the operation of cellular

¹ 47 U.S.C. § 301. The only exception to this licensing requirement is for certain transmitters using or operating at a power level that complies with the standards established in Part 15 of the Commission's rules. 47 C.F.R. §§ 15.1 *et seq.*

² 47 C.F.R. Part 2, Subpart J.

³ 47 U.S.C. § 333.

⁴ 47 U.S.C. § 302a(b); 47 C.F.R. § 2.803(a).

and personal communications service (“PCS”) telephones is unlawful.⁵ Section 303(n) of the Act also authorizes agents of the Commission to inspect all radio installations to determine compliance with Commission rules.⁶

The operation of the device utilized by you constitutes a violation of Sections 333, 302(b), and 301 of the Act, as described above.⁷ Such operation may subject you to substantial monetary forfeitures, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment.⁸ Because unauthorized operation creates a danger of interference to important radio communications services, and may subject the operator to severe penalties, this notice emphasizes the importance of complying strictly with these legal requirements.

UNAUTHORIZED OPERATION OF THIS RADIO STATION MUST NOT RESUME.

You may respond with any information you believe relevant to this warning within (10) days from the date of this warning. Your response should be sent to the address in the letterhead and reference the listed case number. Under the Privacy Act of 1974, we are informing you that the Commission’s staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules.⁹ This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

Michael Mattern
Resident Agent
Miami Office

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", March 2005

⁵ See *Office of Engineering and Technology and Compliance and Information Bureau Warn Against the Manufacture, Importation, Marketing or Operation of Transmitters Designed to Prevent or Otherwise Interfere with Cellular Radio Communications*. DA 99-2150, released October 12, 1999; *Sale or Use of Transmitters Designed to Prevent, Jam or Interfere with Cell Phone Communications is Prohibited in the United States*. DA 05-1776, released June 27, 2005.

⁶ 47 U.S.C. § 303(n).

⁷ 47 U.S.C. §§ 301, 302a(b), 333.

⁸ See 47 U.S.C. §§ 401, 501, 503, 510.

⁹ 5 U.S.C. § 552a(e)(3).