Federal Communications Commission

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

In the Matter of	)	
	)	File No.: EB-09-MA-0120
Data Flow Systems, Inc.	)	
Melbourne, FL	)	Citation No.: C200932600001
	)	

CITATION

Released: July 30, 2009

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

1.   This is an Official Citation issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended ("Act"),[1] to Data Flow Systems, Inc. ("Data Flow"), for violation of Section 90.427(b) of the Commission's Rules ("Rules").[2]

2.   On July 23, 2009, an agent from the Commission's Miami Office of the Enforcement Bureau inspected a telemetry system owned by the Broward County Office of Environmental Services ("BCOES") at a Broward County transmitter site located at 4301 SW 142nd Avenue, Davie, FL. A representative from Data Flow stated that it was the contractor hired by BCOES to install and maintain the telemetry system. The agents observed that the telemetry system was operating on the frequencies 217.175 MHz, 217.825 MHz, 218.325 MHz, and 219.850 MHz. At the time of inspection, BCOES was not authorized under any license to operate on these frequencies at the Davie transmitter site, nor was BCOES authorized under any license to operate on the frequency 219.850 MHz at any location. The representative also stated that Data Flow programmed the operational fixed station transmitters used in the telemetry system at the Davie transmitter site with the four above-mentioned frequencies.

3.   Section 90.427(b) of the Rules states "[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." By programming radios with frequencies for which BCOES was not authorized, Data Flow violated this section.

4.   Violations of the Act or the Rules may subject the violator to substantial monetary forfeitures,[3] seizure of equipment through *in rem* forfeiture action, and criminal sanctions, including imprisonment.[4]

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[1] 47 U.S.C. § 503(b)(5).
[2] 47 C.F.R. § 90.427(b).
[3] 47 C.F.R. § 1.80(b)(3).
[4] 47 U.S.C. §§ 401, 501, 503, 510.

5.   Pursuant to Sections 4(i), 4(j), 308(b) and 403 of the Act, Data Flow is directed to provide to the Commission's Miami Office the documents and information specified herein, within 14 days from the date of this Citation.

   a.   A list of all BCOES-owned or leased radio transmitting equipment that Data Flow has installed and/or programmed frequencies into, which, for each transmitter, must include: the exact location (address and coordinates), operating frequencies, date the transmitter began operation, FCC license call sign (if any), and license grant date (if any).

6.   Data Flow may request an interview at the closest FCC Office, which is Federal Communications Commission, Tampa Office, 2203 N. Lois Ave., Room 1215, Tampa, Florida 33607.[5]   You may contact the Tampa office by telephone, (XXX) XXXX-XXXXto schedule this interview, which must take place within 14 days of this Citation. Data Flow may also submit a written statement to Federal Communications Commission, Miami Office, PO Box 520617, Miami, Florida 33152, within 14 days of the date of this Citation. Any written statements should specify what actions have been taken to correct the violation outlined above. Please reference file number EB-09-MA-0120 when corresponding with the Commission.

7.   Any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.[6] Any knowingly or willfully false statement made in reply to this Citation is punishable by fine or imprisonment.[7]

8.   **IT IS ORDERED** that copies of this Citation shall be sent by First Class U.S. Mail and Certified Mail, Return Receipt Requested to Data Flow Systems, Inc., at its address of record.

FEDERAL COMMUNICATIONS COMMISSION

Steven DeSena
Resident Agent
Miami Office
South Central Region
Enforcement Bureau

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[5] 47 U.S.C. § 503(b)(5).
[6] *See* Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).
[7] *See* 18 U.S.C. § 1001 *et seq*.