

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

In the Matter of)	
)	
Leslie Wayne White, Jr.)	File No. EB-09-DV-0051
Licensee of Citizens Band Radio Service Station)	
Rapid City, South Dakota)	NOV No. V200932800008
)	
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)	

NOTICE OF VIOLATION

Released: August 31, 2009

By the District Director, Denver Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules¹ to Leslie Wayne White, Jr. ("White"), licensee of a Citizens Band ("CB") Radio Service station in Rapid City, South Dakota.

2. On June 11, 2009, an agent of the Enforcement Bureau's Denver Office monitored communications from and inspected White's CB radio station located within a vehicle at the Motel 6 parking lot near Exit 59 of Interstate 90, in Rapid City, South Dakota, and found the following violations:

- a. 47 C.F.R. § 95.409(a) (CB Rule 9): "What equipment may I use at my CB station? (a) You must use an FCC certificated CB transmitter at your CB station. You can identify an FCC certificated transmitter by the certification label placed on it by the manufacturer. You may examine a list of certificated equipment at any FCC Field Office or at FCC Headquarters. Use of a transmitter which is not FCC certificated voids your authority to operate the station." At the time of the inspection, an agent from this office determined that White was using a modified amateur 10 meter transmitter, specifically a Model Connex 4300HP export radio, on CB channel 19.
- b. 47 C.F.R. § 95.413 (CB Rule 13): "What communications are prohibited? (a) You must not use a CB station... (5) To advertise or solicit the sale of any goods or services..." At the time of the inspection, an agent from this office determined that White was using a CB station to advertise services and merchandise for sale on CB channel 19.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, White must submit a written statement concerning this matter within 20

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 403.

days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by Leslie Wayne White, Jr. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Denver District Office
215 S. Wadsworth Blvd, Suite 303
Lakewood, CO 80226

4. This Notice shall be sent by Certified Mail/Return Receipt Requested and regular mail to Leslie Wayne White, Jr., at his address of record.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Nikki P. Shears
District Director
Denver District Office
Western Region
Enforcement Bureau

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*