
Federal Communications Commission

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

In the Matter of)	
)	
)	File No. EB-08-NF-016
Licensees of a Citizen Band Radio Station)	
Harmony, NC)	NOV No. V201032640002
)	
Attention: Jerry & Becky Lipscombe)	

NOTICE OF VIOLATION

Released: January 13, 2010

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

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Jerry & Becky Lipscombe, licensees and operators of a Citizen Band radio station.
2. On February 12, 2008, after receiving complaints about interference to the Ten Meter Amateur band, the Federal Communications Commission ("FCC"), Enforcement Bureau, Spectrum Enforcement Division issued a warning to Jerry & Becky Lipscombe. The warning advised against operating a transmitter without a license²
3. On March 6, 2008, after receiving complaints including complaints of interference to other Citizen Band stations, the FCC, Norfolk Office released a warning to Jerry & Becky Lipscombe. The warning advised against using a CB station in connection with any activity which is against federal, state or local law; to transmit obscene, indecent or profane words, language or meaning; to interfere intentionally with the communications of another CB station; to transmit one-way communications; to transmit music, whistling, sound effects or any material to amuse or entertain; or to transmit any sound effect.
4. On March 10, 2008, Jerry and Becky Lipscombe wrote to the FCC, "We operate our radio legally..." After the FCC continued to receive complaints about the operation of Jerry & Becky Lipscombe's station, an agent from the Norfolk Office spoke with Jerry Lipscombe on September 9, 2008. Jerry Lipscombe assured the FCC agent that he and his wife operated their station in compliance with FCC Rules.
5. When complaints about Jerry & Becky Lipscombe's station continued, an agent of the Commission's Norfolk Office observed violations pertaining to the operation of a Citizen Band radio station located in Harmony, North Carolina on March 2, 2009 and inspected Jerry & Becky Lipscombe's station on March 3, 2009. The agent noted the following violation:

47 C.F.R. § 95.413(a)(3): "... (a) You must not use a CB station...(3) To interfere intentionally

¹47 C.F.R. § 1.89.

² 47 U.S.C. § 301.

Federal Communications Commission

with the communications of another CB station; On March 2, 2009 from 10:24PM through March 3, 2009 at 12:09AM, siren-like noise transmitted on 27.225MHz emanated from Lipscombe's station at their residence and at interfered with communications on 27.225MHz.

6. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Commission's Rules, Jerry & Becky Lipscombe must submit a written statement concerning this matter within twenty (20) 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 both Jerry & Becky Lipscombe. 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
Norfolk Office
1457 Mt Pleasant Rd Ste 113
Chesapeake VA 23322

7. This Notice shall be sent to Jerry & Becky Lipscombe at the address of record.
8. The Privacy Act of 1974⁴ 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.⁵

FEDERAL COMMUNICATIONS COMMISSION

Joseph P. Husnay
Resident Agent
Norfolk District Office
South Central Region
Enforcement Bureau

³47 U.S.C. § 308(b).

⁴P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁵18 U.S.C. § 1001 *et seq.*