

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

November 21, 2016

Mr. Dale A. Abbott  
PO Box 431  
712 Highland Avenue  
Lexington, MO 64067

Re: **WARNING NOTICE**  
Amateur Radio License KC0KGS  
EB-FIELDNER-16-00022931

Dear Mr. Abbott:

On November 8, 2016, the Commission received a complaint regarding the operation of your amateur station. The complaint alleges that you transmitted on frequencies designated for the Lexington Fire Department. The Lexington Fire Department has contacted the Commission and asked us to remind you that your continued operation outside the scope of your station class constitutes a violation of our rules.

Operation of radio transmitting equipment outside of authorized frequencies is a violation of Section 301 of the Communications Act of 1934, as amended,<sup>1</sup> and may subject the responsible parties to substantial monetary forfeitures,<sup>2</sup> *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment.<sup>3</sup> Because unlicensed operation creates a danger of interference to important radio communications services and may subject the operator to severe penalties, this warning emphasizes the importance of complying strictly with these legal requirements. **This unauthorized operation of your amateur radio station must cease immediately.**

Your operation as described by the Lexington Fire Department is contrary to the basis and purpose of the amateur radio service as set out in Section 97.1 of the Commission's rules.<sup>4</sup> Please be advised that the Commission expects you to abide by its rules. This letter serves as notice that, if operation of this type reoccurs after receipt of this letter, you could be subject to severe penalties, including license revocation, monetary forfeiture (fines), or a modification proceeding to restrict the frequencies upon which you may operate.

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<sup>1</sup> 47 U.S.C. § 301.

<sup>2</sup> Fines normally range from \$7,500 to \$10,000.

<sup>3</sup> See §§ 401, 501, 503, 510.

<sup>4</sup> See 47 C.F.R. § 97.1.

You have ten (10) days from the date of receipt of this warning to respond to this office. The response must contain a statement of the specific action(s) taken to come into compliance with the Commission's rules and should include a time line for completion of pending corrective action(s). **You are directed to support your response with a signed and dated affidavit or declaration under penalty of perjury, verifying the truth and accuracy of the information submitted in your response.** Your response should be sent to the following address: 1270 Fairfield Road, Gettysburg, Pennsylvania 17325 and reference the listed case number.

Sincerely,

Laura L. Smith, Esq.  
Special Counsel  
Spectrum Enforcement Division  
Enforcement Bureau