



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
REGION TWO**

Atlanta Regional Office
3600 Hiram Lithia Springs Rd SW
Powder Springs, GA 30127

October 13, 2017

Dwayne M. Banks
Marilyn F. Banks
Marilyn's Gift Gallery
Waco, Texas

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDSCR-17-00024879

On September 18 and 22, 2017, Agents from the Dallas Office (Dallas Office) of the Federal Communications Commission's (FCC's or Commission's) Enforcement Bureau (Bureau) investigated an unlicensed FM station operating on frequency 107.3 MHz in Waco, Texas. The Agents confirmed by direction finding techniques that radio signals on frequency 107.3 MHz were emanating from a commercial suite located at 818 Elm Ave., Waco, Texas 76704. Through investigation, the Agents determined that you were the operators of the station and the owners of the business from which the signal emanated. The Commission's records show that no license was issued for operation of a broadcast station at this location on 107.3 MHz in Waco, Texas.

Radio stations operating on a range of frequencies,¹ including 107.3 MHz, must be licensed by the FCC pursuant to Section 301 of the Communications Act of 1934, as amended (Act).² 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.³ On September 18 and 22, 2017, the field strength of the signal on frequency 107.3 MHz exceeded the maximum permitted level of 250 microvolts per meter ($\mu\text{V}/\text{m}$) at 3 meters for non-licensed devices. Thus, this station is operating in violation of Section 301 of the Act.⁴

You are hereby warned that operation of radio transmitting equipment without a valid radio station authorization constitutes a violation of the Federal laws cited above and could subject the operator to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment.⁵

¹ 47 CFR § 73.201.

² 47 U.S.C. § 301.

³ 47 CFR §§ 15.1 *et seq.*

⁴ 47 U.S.C. § 301.

⁵ See 47 U.S.C. §§ 401, 501, 503 and 510.

UNLICENSED OPERATION OF THIS RADIO STATION MUST BE DISCONTINUED IMMEDIATELY.

You have ten (10) days from the date of this notice to respond with any evidence that you have authority to operate granted by the FCC. Your response should be sent to the address in the letterhead and reference the listed case and document number. Under the Privacy Act of 1974,⁶ 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. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

Ronald D. Ramage
Regional Director
Region Two
Enforcement Bureau
Federal Communications Commission

Attachments:

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

⁶ 5 U.S.C. § 552a(e)(3).