

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

May 31, 2017

Mr. Jerry D. Buchanan  
(Address withheld)  
(Address withheld)

Re: **WARNING NOTICE**  
Amateur Radio License W5KAW  
EB-FIELDNER-17-00024013

Dear Mr. Buchanan:

By letter dated April 5, 2017, the Commission notified you that it had received a complaint concerning the operation of your amateur radio station. The complaint alleged that you transmitted obscene or indecent words or language in violation of Section 97.113(a) (4) of the Commission's rules.

You responded to the Commission's letter on April 13, 2017. In that letter, you argue that "ALL language is protected under the Constitution of the United States of America!" You further claim that you have been working with a field agent who asked you to "help the FCC" by being "the birddog on 7.200 MHz to make the unidentified keep talking so the FCC can direction find these people . . ." in order to "build a case against them."

Your argument that your language was protected speech is unpersuasive. Section 97.113(a)(4) of the Commission's rules specifically states that "no amateur station shall transmit . . . obscene or indecent words or language . . ." <sup>1</sup> Additionally, your claim that you have been working with a field agent as part of an investigation into 7.200 MHz is wholly without merit. No agent of the Federal Communications Commission has asked you to assist with any ongoing investigation.

Your operation as described above 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>2</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

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<sup>1</sup> See 47 C.F.R. § 97.113(a)(4).

<sup>2</sup> See 47 C.F.R. § 97.1.

subject to severe penalties, including license revocation, monetary forfeiture (fines),<sup>3</sup> or a modification proceeding to restrict the frequencies upon which you may operate.

Sincerely,

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

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<sup>3</sup> Fines normally range from \$7,500 to \$10,000.