



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
WESTERN REGION**

Denver District Office
215 S. Wadsworth Blvd., Suite 303
Lakewood, CO 80226
(303) 231-5212

May 31, 2012

Frank Pinkley
Cheyenne, Wyoming

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDWR-12-00002014
Document Number: W201232800007

On April 19, 2012, in response to a complaint of interference, an agent from this office investigated your operation of a Citizens Band (CB) station at your residence in Cheyenne, Wyoming. The agent determined that your operation voided your authorization to operate by violating several of the Commission's rules (Rules) regulating the operation of CB radios (CB Rules).¹

Section 95.409 of the Rules (CB Rule 9)² states that you must use an FCC certificated CB transmitter at your CB station. Use of a CB transmitter that is not FCC certificated voids your authority to operate your CB station. Section 95.410 of the Rules (CB Rule 10)³ states that you must not use more power than authorized (four watts/AM or 12 watts/SSB). Such use voids your authority to operate your CB station. Section 95.411 of the Rules (CB Rule 11)⁴ states that you may not attach an external radio frequency power amplifiers (sometimes called linears or linear amplifiers) or any other devices which, when used with a radio transmitter as a signal source, are capable of amplifying the signal. Use of a power amplifier voids your authority to operate your CB station. At the time of the investigation, you acknowledged to the agent that you transmitted on the CB band with equipment that was not certificated for the CB band and that you used power amplifiers on your CB transmitters. You then voluntarily relinquished the equipment to the Denver agent.

You are hereby warned that operation of radio transmitting equipment without a valid radio station authorization constitutes a violation of 47 U.S.C. § 301 and could subject you to severe

¹ 47 C.F.R. Part 95, Subpart D.

² 47 C.F.R. § 95.409.

³ 47 C.F.R. § 95.410.

⁴ 47 C.F.R. § 95.411.

penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (*see* 47 U.S.C. §§ 401, 501, 503 and 510).

UNLICENSED OPERATION OF THIS RADIO STATION MUST BE DISCONTINUED IMMEDIATELY AND SHALL NOT RESUME.

Pursuant to Section 308(b) of the Act, you have 15 days from the date of this letter to respond advising what corrective actions you have taken to eliminate the observed violations of Commission Rules. 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, 5 U.S.C. § 552a(e)(3), 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.

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

Attachments:

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