

Federal Communications Commission

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

In the Matter of)	
)	
Teodoro Rodriguez)	File No. EB-FIELDSCR-12-00003218
Call Sign KF4KXA)	
)	
Lehigh Acres, FL 33319)	NOV No. V201232700013
)	

NOTICE OF VIOLATION

Released: August 9, 2012

By the Tampa District 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 Teodoro Rodriguez, licensee of amateur radio station, call sign KF4KXA, in Lehigh Acres, Florida..

2. On July 11, 2012, agents of the Enforcement Bureau’s Tampa Office inspected Station KF4KXA located in Lehigh Acres, Florida and observed the following violations:
 - a. 47 C.F.R. § 97.23: “Each license grant must show the grantee’s correct name and mailing address. The mailing address must be in an area where the amateur service is regulated by the FCC and where the grantee can receive mail delivery by the United States Postal Service...”. At the time of inspection, Mr. Rodriguez’s license grant contained an outdated mailing address.

 - b. 47 C.F.R. § 97.301: “The following transmitting frequency bands are available to an amateur station located within 50 km of the Earth's surface, within the specified ITU Region, and outside any area where the amateur service is regulated by any authority other than the FCC”.
 - (a) “For a station having a control operator who has been granted a Technician, Technician Plus, General, Advanced, or Amateur Extra Class operator license, who holds a CEPT radio amateur license, or who holds any class of IARP.” Moments prior to the inspection, Mr. Rodriguez, who has an amateur technician license, was observed operating on 26.7 MHz, a frequency not listed in the authorized frequency bands.

¹ 47 C.F.R. § 1.89.

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3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's rules, Mr. Rodriguez must submit a written statement concerning this matter within 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 Mr. Rodriguez. 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
Tampa Office
4010 W. Boy Scout Blvd., Suite 425
Tampa, FL 33607

4. This Notice shall be sent to by Certified Mail, Return Receipt Requested, and regular mail to Mr. Teodoro Rodriguez at his address of record.

5. The Privacy Act of 1974³ 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.⁴

FEDERAL COMMUNICATIONS COMMISSION

Ralph Barlow
District Director
Tampa Office
South Central Region
Enforcement Bureau

² 47 U.S.C. § 403.

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*