

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

PR Docket No. 88-214

In the Matters of

Application of

NOMAR VIZCARRONDO

PR 87-39

For Renewal of  
Amateur Radio Station License NP4H and  
Amateur Extra Class Operator License

and

Revocation and Suspension of  
Amateur Station and Operator  
Licenses of

NOMAR VIZCARRONDO  
Station NP4H  
Amateur Extra Class Operator License

CARLOS M. COLON PR 87-40  
Station WP4U  
Amateur Extra Class Operator License

RAMON R. SANTOS VAZQUEZ PR 87-41  
Station KP4FW  
Amateur Extra Class Operator License

ELLIE J. RIVERA DE JESUS PR 87-42  
Station KP4KB  
Amateur Extra Class Operator License

BELINDA RIVERA PR 87-43  
Station WP4FOG  
Technician Class Operator License

IRIS Y. RIVERA PR 87-44  
Station WP4FOF  
Technician Class Operator License

RAMON VIZCARRONDO PR 87-45  
Station NP4ZN  
Advanced Class Operator License

MARGIE VIZCARRONDO PR 87-46  
Station WP4GAW  
Novice Class Operator License

IRIS C. LOPEZ PR 87-47  
Station NP4ZM  
General Class Operator License

RICHARD ZAMBRANA PR 87-48  
Station KP4IN  
Amateur Extra Class Operator License

JOAQUIN HERNANDEZ PR 87-49  
Station NP4E  
Amateur Extra Class Operator License

#### ORDER OF REVOCATION AND AFFIRMATION

Adopted: January 24, 1989; Released: February 3, 1989

By the Chief, Special Services Division:

#### I. INTRODUCTION

1. An *Order to Show Cause, Suspension Order and Designation Order (Order)*, 3 FCC Rcd 2719 (Spec. Serv. Div. 1988), released on May 3, 1988, directed the eleven captioned licensees to show cause why their amateur station licenses should not be revoked and suspended their amateur operator licenses for the remainder of their terms.<sup>1</sup> The *Order* also designated for hearing the captioned renewal application of licensee Nomar Vizcarrondo.

2. The *Order* specified the following issues:

(a) To determine whether Ramon Vizcarrondo, Iris C. Lopez, Iris Y. Rivera, Belinda Rivera and/or Margie Vizcarrondo obtained amateur licenses by fraudulent means, in willful and/or repeated violation of Section 97.129 of the Commission's Rules, 47 C.F.R. § 97.129.<sup>2</sup>

(b) To determine whether Nomar Vizcarrondo, Ellie J. Rivera De Jesus, Ramon R. Santos Vazquez, Richard Zambrana, Carlos M. Colon and/or Joaquin Hernandez assisted others in obtaining amateur licenses by fraudulent means, in willful and/or repeated violation of Sections 97.33<sup>3</sup> and/or 97.129 of the Commission's Rules, 47 C.F.R. §§ 97.33 and 97.129.

(c) To determine whether Nomar Vizcarrondo, Ellie J. Rivera De Jesus, Ramon R. Santos Vazquez, Richard Zambrana, Carlos M. Colon and/or Joaquin Hernandez misrepresented material facts to the Commission.

(d) To determine whether Nomar Vizcarrondo, Ramon Vizcarrondo, Margie Vizcarrondo, Ellie J. Rivera De Jesus, Iris C. Lopez, Iris Y. Rivera, Belinda Rivera, Ramon R. Santos Vazquez, Richard Zambrana, Carlos M. Colon and Joaquin Hernandez are qualified to remain amateur radio station licensees.

(e) To determine whether any or all of the captioned amateur station licenses should be revoked.

(f) To determine whether the operator license suspensions imposed by the *Order* should be affirmed, modified or dismissed.

(g) To determine, in light of the foregoing issues, whether granting Nomar Vizcarrondo's application would serve the public interest, convenience and necessity.

3. Two respondents, Ramon Vizcarrondo and Margie Vizcarrondo, responded by surrendering their amateur licenses for cancellation. This rendered the proceeding moot as to them.

4. The remaining nine respondents, Nomar Vizcarrondo, Carlos M. Colon, Ramon R. Santos Vazquez, Ellie J. Rivera De Jesus, Belinda Rivera, Iris Y. Rivera, Iris C. Lopez, Richard Zambrana and Joaquin Hernandez, waived their hearing rights. The Chief Administrative Law Judge, on August 25, 1988, certified the revocation and suspension phases of this proceeding for administrative disposition under Section 1.92(c) of the Commission's Rules, 47 C.F.R. § 1.92(c) along with Nomar Vizcarrondo's renewal application. *Memorandum Opinion and Order*, 88M-2278 (released August 25, 1988).

## II. BACKGROUND

5. This proceeding resulted from an investigation carried out by William C. Berry, the Engineer in Charge of the Commission's San Juan, Puerto Rico, field office. Mr. Berry had received numerous complaints about irregularities in the administration of amateur operator examinations by volunteer examiners (VEs)<sup>4</sup> in Puerto Rico. His investigation focused on the activities of Messrs. Vazquez, Zambrana, Colon, Rivera De Jesus, Nomar Vizcarrondo and Hernandez, VEs authorized to administer amateur license examinations at examination sessions coordinated by the W5YI Volunteer Examiner Coordinator (VEC). These six were involved in the three W5YI VEC examination sessions in Guaynabo, Puerto Rico, at issue in this proceeding: August 16, 1986 (Santos Vazquez, Zambrana, Colon, and Nomar Vizcarrondo); August 30, 1986 (Santos Vazquez, Colon, Rivera De Jesus, and Nomar Vizcarrondo); and October 4, 1986 (Santos Vazquez, Rivera De Jesus and Hernandez). The following four respondents were alleged to have fraudulently obtained operator license upgrades as a result of those sessions: Lopez (August 16, 1986); Belinda Rivera and Iris Y. Rivera (August 30, 1986); and Ramon Vizcarrondo (August 16, 1986, and October 4, 1986). One respondent, Margie Vizcarrondo, was alleged to have fraudulently obtained a Novice Class operator license as the result of Santos Vazquez's certification that she had passed the examination required for a Novice license.

6. During his investigation, Berry interviewed all six VEs involved in this proceeding. Our findings are primarily based on information provided by Santos Vazquez, Zambrana and Colon.

7. Ramon and Margie Vizcarrondo are husband and wife; Nomar Vizcarrondo is their son. Ellie J. Rivera De Jesus and Iris C. Lopez are husband and wife; Belinda and Iris Y. Rivera are their daughters.

## III. DISCUSSION

### A. Ramon Vizcarrondo's Upgrades

8. The *Order* alleged that Ramon Vizcarrondo fraudulently upgraded to a General Class operator license with the assistance of Santos Vazquez, Zambrana and Colon, who certified that he had passed the required examination on August 16, 1986, when in fact he had not been examined. The *Order* alleged that he fraudulently upgraded further to Advanced Class with the assistance of Santos Vazquez, Rivera De Jesus and Hernandez, who certified that he had passed the required examination on October 6, 1986, when he had not been examined. It also alleged that Nomar Vizcarrondo assisted Ramon Vizcarrondo by procuring false certifications by the VEs. The *Order* alleged this was a willful and repeated violation of Section 97.129 by all involved and of Section 97.33 by the five VEs and Nomar Vizcarrondo, and that the five VEs misrepresented material facts to the Commission by their false certifications on the two applications.

9. We have examined Ramon Vizcarrondo's two upgrade applications. Santos Vazquez, Zambrana and Colon signed the VE certification on the General application that Ramon Vizcarrondo had passed the required examination. Santos Vazquez, Rivera De Jesus and Hernandez signed the VE certification on the Advanced application that Ramon Vizcarrondo passed the required examination.

10. In his response to the allegations, Ramon Vizcarrondo contended that he was examined on both dates and passed the required examinations. He also stated that he no longer wished to continue his hobby and surrendered his amateur license for cancellation. In his response to the allegations, Nomar Vizcarrondo generally denied wrongdoing by stating that he did not knowingly violate "any FCC rule or law." He qualified this by stating that if he did violate "any law or rule" he didn't "mean it or [plan] it." In his response Joaquin Hernandez acknowledged that he acted as a VE at the October 4, 1986, examination session but contended there were no irregularities. According to Hernandez, all the candidates were present at the examination, and all of them completed their examinations; the examination papers were then corrected and the VEs signed each application, certifying that the candidates had passed the required examinations. Rivera De Jesus did not directly address these allegations in his response to the *Order*; he generally denied wrongdoing, stating that he had been falsely accused.

11. The claims of Ramon Vizcarrondo, Nomar Vizcarrondo, Hernandez and Rivera De Jesus are contradicted by Santos Vazquez, Zambrana and Colon. As noted above, Santos Vazquez, Zambrana and Colon certified as VEs that Ramon Vizcarrondo passed the examination elements required for an upgrade of his operator license from Technician Class to General Class at the August 16, 1986, examination session. In their responses to the *Order* all three VEs stated that Nomar Vizcarrondo brought them Ramon Vizcarrondo's application and examination papers (which were already filled out and corrected); and that, as a favor to Nomar Vizcarrondo, they signed the VE certification that Ramon Vizcarrondo had passed the examination required for an upgrade to General Class. As for the October 4, 1986, examination session, Santos Vazquez, in a written September 4, 1987, statement to Berry, said that Ramon Vizcarrondo did not take and pass the Advanced Class examination. In his response to the

*Order* Santos Vazquez stated that he signed the VE certification on Ramon Vizcarrondo's Advanced Class application because a signature was missing from the document.

#### B. Iris C. Lopez's Upgrade

12. The *Order* alleged that Iris C. Lopez fraudulently upgraded to a General Class operator license, in willful violation of Section 97.129. The *Order* alleged she was assisted by VEs Santos Vazquez, Zambrana and Nomar Vizcarrondo, who certified that she passed the required examination on August 16, 1986, when she had not in fact been examined, and by Rivera De Jesus, who procured the false certifications, all in violation of Sections 97.129 and 97.33. It also alleged that the three VEs misrepresented material facts to the Commission by their false certifications on her application.

13. We have examined Lopez's application. Santos Vazquez, Zambrana and Nomar Vizcarrondo signed the VE certification that Lopez had passed the examination required for a General Class operator license.

14. Lopez's response to the *Order* did not include a written statement. Lopez's husband, Rivera De Jesus, did submit a written statement on behalf of himself, his wife and daughters Iris Y. and Belinda Rivera. He did not directly address the allegations concerning Lopez, but did make a general denial, stating that he had been falsely accused. As stated above, Nomar Vizcarrondo responded by generally denying wrongdoing without providing any specific details.

15. The claims of Nomar Vizcarrondo and Rivera De Jesus are contradicted by Santos Vazquez and Zambrana. In their responses to the *Order*, both Santos Vazquez and Zambrana stated that Rivera De Jesus brought Lopez's examination to them already filled out and corrected, and that they signed the certification section of Lopez's application as a favor to Rivera De Jesus.

#### C. Iris Y. Rivera's and Belinda Rivera's Upgrades

16. The *Order* alleged that Iris Y. Rivera and Belinda Rivera upgraded fraudulently to General Class<sup>5</sup> with the assistance of VEs Nomar Vizcarrondo, Santos Vazquez and Colon, whose false certifications that they had passed the required examinations on August 30, 1986, were procured by Rivera De Jesus. It alleged that all had willfully violated Section 97.129, that the three VEs and Rivera De Jesus had willfully violated Section 97.33, and that the three VEs had misrepresented material facts to the Commission by their false certifications on the application forms.

17. We have examined the applications of Iris Y. Rivera and Belinda Rivera. Santos Vazquez, Colon and Nomar Vizcarrondo signed the VE certifications that Iris Y. Rivera and Belinda Rivera passed the examination required for General Class operator licenses.

18. Iris Y. Rivera and Belinda Rivera did not submit statements on their own behalf. Their father, Rivera De Jesus, did submit a written statement, which was also on their behalf. He claimed that he did not arrange to upgrade his daughters' operator licenses and that all he did was to drive them to the examination site in Guaynabo, Puerto Rico. As stated above, Nomar Vizcarrondo, in his response to the *Order*, made a general denial of wrongdoing. He had been more specific in a written statement of July 23, 1987, to Berry. In that statement, he claimed

that he (and other VEs) administered amateur license examinations to the two girls on August 30, 1986, that he graded their examinations, and that they passed.

19. The claims of Rivera De Jesus and Nomar Vizcarrondo are contradicted by Santos Vazquez and Colon. In their responses to the *Order*, both Santos Vazquez and Colon stated that Rivera De Jesus brought his daughters' examination papers to them already filled out and corrected; and that they signed the certification section of their applications as favor to Rivera De Jesus. In his written statement made to Berry on July 27, 1987, Colon stated that he was not even present at the August 30, 1986, examination session. In his written statement made to Berry on July 27, 1987, Santos Vazquez stated that Iris Y. Rivera and Belinda Rivera did not come to any examination session.

#### D. Margie Vizcarrondo's Novice License

20. The *Order* alleged that Margie Vizcarrondo obtained a Novice Class license fraudulently, in willful violation of Section 97.129, with the assistance of Santos Vazquez<sup>6</sup> who certified that she had passed the required examination when in fact she had not been examined. It alleged that Santos Vazquez willfully violated Sections 97.129 and 97.33 and misrepresented material facts to the Commission by his false certification on her application.

21. We have examined Margie Vizcarrondo's application. Santos Vazquez signed the VE certification that she had passed the examination required for a Novice Class operator license.

22. In her response of June 1, 1988, Margie Vizcarrondo contended that she took the examination required for a Novice Class operator license. She also stated that she had lost interest in amateur radio and surrendered her license for cancellation.

23. Margie Vizcarrondo's claim is contradicted by Santos Vazquez, who stated in his response to the *Order* that Margie Vizcarrondo's examination papers were brought to him already filled out and corrected and that he signed the VE certification on her application as a favor to Rivera De Jesus.

#### E. Credibility

24. The question of credibility is crucial to the outcome of this proceeding. Three of the respondents, Santos Vazquez, Zambrana and Colon, have admitted wrongdoing and have implicated the eight other respondents. Five of those eight have denied any wrongdoing. The remaining three respondents did not submit any written statements. This conflict must be resolved in favor of Santos Vazquez, Zambrana and Colon. They had nothing to gain by admitting wrongdoing and their admissions were against their interest. On the other hand, the denials of Nomar Vizcarrondo, Ramon Vizcarrondo, Margie Vizcarrondo, Rivera De Jesus and Hernandez are clearly self-serving. Self interest is a well established factor in the evaluation of credibility. See 3A J. Wigmore, *Wigmore on Evidence* § 966 (J. Chadbourne rev. ed. 1970).

25. Furthermore, the credibility of the admissions made by Santos Vazquez, Zambrana and Colon is enhanced by the consistency of those admissions with the numerous complaints the Commission has received about examination irregularities in Puerto Rico. In his response to the *Order*, Rivera De Jesus claims that many of the complaints about examination irregularities were motivated by

the complainants' desire to enhance their chances of election to positions in the Puerto Rico Amateur Radio Club by making accusations against the incumbents. This claim is mere speculation -- totally unsupported -- and even, if true, would not disprove the admissions of Santos Vazquez, Zambrana and Colon.

#### IV. DECISION

##### A. Violations

26. The evidence set forth above amply supports all of the violations alleged by the *Order*. Accordingly, it is concluded that, as alleged by the *Order*:

(a) Iris C. Lopez, Iris Y. Rivera, Belinda Rivera and Margie Vizcarrondo obtained amateur licenses by fraudulent means, in willful violation of Section 97.129 of the Commission's Rules, 47 C.F.R. § 97.129.

(b) Ramon Vizcarrondo obtained an amateur license by fraudulent means, in willful and repeated violation of Section 97.129 of the Commission's Rules, 47 C.F.R. § 97.129.

(c) Carlos M. Colon and Joaquin Hernandez assisted others in obtaining amateur licenses by fraudulent means, in willful violation of Sections 97.33 and 97.129 of the Commission's Rules, 47 C.F.R. §§ 97.33 and 97.129.

(d) Nomar Vizcarrondo, Ellie J. Rivera De Jesus, Ramon R. Santos Vazquez, Richard Zambrana, assisted others in obtaining amateur licenses by fraudulent means, in willful and repeated violation of Sections 97.33 and 97.129 of the Commission's Rules, 47 C.F.R. §§ 97.33 and 97.129.

(e) Nomar Vizcarrondo, Ellie J. Rivera De Jesus, Ramon R. Santos Vazquez, Richard Zambrana, Carlos M. Colon and Joaquin Hernandez misrepresented material facts to the Commission.

27. All of the respondents participated in a scheme in which certain of them assisted the others in obtaining amateur service licenses by fraudulent means. In the absence of any mitigating factors (considered below), the violations of the respondents (except for Ramon and Margie Vizcarrondo, who have surrendered their licenses) call for the revocation of each respondent's station license, suspension of each respondent's operator license for the remainder of its term and the denial of Nomar Vizcarrondo's pending application to renew his amateur radio station and operator licenses. See *U. S. v. WOKO, Inc.*, 329 U.S. 223 (1946); *Vincent J. Beard*, 99 FCC 2d 943 (Rev. Bd. 1984).

##### B. Mitigation

28. The violative conduct of Santos Vazquez, Zambrana and Colon is mitigated by their exemplary cooperation both before and during this proceeding. Their cooperation greatly assisted the Commission in the preparation of its case. As indicated above, the Bureau's case is based primarily upon the information furnished by Santos Vazquez, Zambrana and Colon. In view of the mitigating effect of their cooperation, the sanction of license revocation will not be imposed against Santos Vazquez,

Zambrana and Colon. Nevertheless their substantial violations still call for a substantial penalty. Accordingly, their amateur operator licenses will be suspended for a period of six months.

29. In his response to the *Order*, Nomar Vizcarrondo provided information about his background as an amateur and about his community service and civic activities. It is, however, well established that an amateur's public service contributions, even if extensive, do not justify the Commission's forbearance from imposing sanctions when there are violations warranting it. In *Donald E. Gilbeau*, 91 FCC 2d 98 (Rev. Bd. 1982), *recon. denied*, 91 FCC 2d 1191 (Rev. Bd. 1983), the licensee helped people prepare for amateur examinations and also alerted the Commission about jammers. These activities had no impact on the decision of that case, and Gilbeau's license was revoked. In *Robert P. Milbert*, 71 FCC 2d 1291 (1979), the licensee claimed to have engaged in extensive public service activities, but this had no impact on the Commission's decision to revoke his license.

30. In his response to the *Order*, Rivera De Jesus provided similar information concerning himself, his wife, Iris C. Lopez, and his daughters, Iris Y. Rivera and Belinda Rivera. Likewise, this does not mitigate their violations. *Donald E. Gilbeau, supra*; *Robert P. Milbert, supra*.

31. Rivera De Jesus also argued that Santos Vazquez, as VE "in charge of the session," had sole responsibility for the integrity of an examination session. This view is incorrect. The Commission does not recognize such a distinction between VEs. All administering VEs are equally responsible for the integrity of each examination session. See Section 97.33.

32. Rivera De Jesus also argued he is the victim of "double jeopardy" because he has already suffered from adverse publicity from stories in amateur publications about this proceeding. This argument has no merit. Double jeopardy is a concept which applies only in criminal proceedings. It is a second prosecution after a first trial for the same offense. See *Black's Law Dictionary* 578-79 (rev. 4th ed. 1968). A revocation proceeding is not a criminal prosecution. *F. C. C. v. WOKO, Inc.*, 329 U.S. 223, 228 (1946). Nor is publicity. As a practical matter amateur publications have regularly carried stories about enforcement proceedings, and this does not mitigate the underlying violations.

33. Finally, Rivera De Jesus claimed that he should receive lenient treatment because of the cooperation he claims to have given the Commission. On the contrary, he has not cooperated with the Commission; he was not truthful in his denials of wrongdoing, particularly his claim that he did not arrange for the upgrading of his daughters' licenses. Thus he is not entitled to any leniency on the basis of cooperation.

34. Belinda Rivera and Iris Y. Rivera were 9 and 12 years old, respectively, at the time of their violation of Section 97.129. Their youth does not mitigate their violations sufficiently to prevent revocation and suspension of their licenses because their violations, obtaining licenses fraudulently without passing the required examinations, go to the heart of their qualifications. In view of their youth, however, we do not intend the outcome of this proceeding to prevent them from obtaining amateur service licenses in the future if they pass the required examinations. We would view favorably requests for waiver of Section 1.916 of the Rules, which requires a twelve

month waiting period following license revocation before a new application will be considered. Nor would we consider this proceeding a bar to waiver of Section 97.31(e), which provides that the Commission will not accept the services of "any person seeking to be a volunteer examiner if that person's amateur radio station license or amateur radio station operator's license has ever been revoked or suspended."

35. In summary, the respondents' violations are not overcome by mitigating factors, except to the extent indicated above for Colon, Santos Vazquez and Zambrana. We conclude that Nomar Vizcarrondo, Ellie J. Rivera De Jesus, Belinda Rivera, Iris Y. Rivera, Iris C. Lopez and Joaquin Hernandez are not qualified to remain amateur service licensees; their amateur radio station licenses will be revoked and the suspensions for term of their amateur radio operator licenses will be affirmed. We also conclude that the grant of Nomar Vizcarrondo's pending application for renewal of his amateur radio station and operator licenses would not serve the public interest, convenience and necessity; that application will be denied.

#### V. CONCLUSIONS

36. On the basis of the foregoing IT IS ORDERED that the following amateur radio station licenses ARE REVOKED, effective immediately, pursuant to Sections 312(a)(2), (a)(4) and (c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 312(a)(2), (a)(4) and (c) and Section 0.331 of the Commission's Rules, 47 C.F.R. § 0.331:

- (a) Nomar Vizcarrondo's license for NP4H;
- (b) Ellie J. Rivera De Jesus' license for KP4KB;
- (c) Belinda Rivera's license for WP4FOG;
- (d) Iris Y. Rivera's license for WP4FOF;
- (e) Iris C. Lopez's license for NP4ZM; and
- (f) Joaquin Hernandez's license for NP4E.

37. IT IS FURTHER ORDERED that, effective immediately, the suspensions of the following amateur radio operator licenses for the remainder of their terms ARE AFFIRMED, pursuant to Sections 303(m)(1)(A) and (F) and 303(m)(2) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 303(m)(1)(A) and (F) and 303(m)(2), and Section 0.331 of the Commission's Rules, 47 C.F.R. § 0.331:

- (a) Nomar Vizcarrondo's Amateur Extra Class operator license;
- (b) Ellie J. Rivera De Jesus' Amateur Extra Class operator license;
- (c) Belinda Rivera's Technician Class operator license;
- (d) Iris Y. Rivera's Technician Class operator license;
- (e) Iris C. Lopez's General Class operator license; and
- (f) Joaquin Hernandez's Amateur Extra Class operator license.

38. IT IS FURTHER ORDERED that Nomar Vizcarrondo's application for renewal of his amateur radio station and operator licenses IS DENIED, pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(e), and Section 0.331 of the Commission's Rules, 47 C.F.R. § 0.331.

39. IT IS FURTHER ORDERED that, effective immediately, the suspensions of the following amateur operator licenses ARE MODIFIED to a term of six months, pursuant to Sections 303(m)(1)(A) and (F) and 303(m)(2) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 303(m)(1)(A) and (F) and 303(m)(2), and Section 0.331 of the Commission's Rules, 47 C.F.R. § 0.331:

- (a) Carlos M. Colon's Amateur Extra Class operator license;
- (b) Ramon R. Santos Vazquez's Amateur Extra Class operator license; and
- (c) Richard Zambrana's Amateur Extra Class operator license.

Their amateur radio station licenses, WP4U, KP4FW, KP4IN, respectively, ARE NOT REVOKED.

40. IT IS FURTHER ORDERED that the following amateur radio station and operator licenses, which the licensees surrendered for cancellation, ARE CANCELLED, pursuant to Section 0.331 of the Commission's Rules, 47 C.F.R. § 0.331:

- (a) Ramon Vizcarrondo's license for NP4ZN and Advanced Class operator license; and
- (b) Margie Vizcarrondo's license for WP4GAW and Novice Class operator license.

41. IT IS ORDERED that licensees Nomar Vizcarrondo, Colon, Santos Vazquez, Rivera De Jesus, Belinda Rivera, Iris Y. Rivera, Lopez, Zambrana and Hernandez send their license documents to: Federal Communications Commission, Washington, D.C. 20554, Att'n: Special Services Division. The license documents of Messrs. Colon, Santos Vazquez and Zambrana will be returned to them in six months.

#### FEDERAL COMMUNICATIONS COMMISSION

Robert H. McNamara  
Chief, Special Services Division

#### FOOTNOTES

<sup>1</sup> The provisions of the Section 1.85 of the Commission's Rules, 47 C.F.R. § 1.85, were waived to hold suspensions in abeyance for licensees who file written statements.

<sup>2</sup> Section 97.129 provides, "No licensed radio operator or other person shall obtain or attempt to obtain, or assist another to obtain or attempt to obtain, an operator license by fraudulent means."

<sup>3</sup> Section 97.33 provides, "No volunteer examiner shall give or certify any examination by fraudulent means or for monetary or other consideration. Violation of this provision may result in the revocation of the amateur radio station license and the suspension of the amateur radio operator license of the volunteer examiner . . . ."

<sup>4</sup> The Amateur service has five classes of operator privileges, for which it is necessary to pass qualifying examinations. Amateurs administer the examinations, according to procedures prescribed by the Commission. *See* Sections 97.5 and 97.19 - 97.36.

<sup>5</sup> The Commission voided the grants of General Class licenses to them when it learned that one of the VEs certifying their applications was not present at the examination session, contrary to Section 97.28(a). Letters from John B. Johnston to Iris Y. Rivera and Belinda Rivera (October 1, 1987). This left them with the Technician Class licenses they previously held.

<sup>6</sup> At the time Margie Vizcarrondo obtained her license only one VE was required for a Novice examination. Two are now required. *See* Section 97.28(b).