

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Thomas J. Warren	)	File No.: EB-FIELDSCR-15-00019724
	)	Acct. No.: 201532480002
Licensee of Amateur Station K3TW	)	FRN: 0008862393
Lecanto, Florida	)	

**ORDER**

**Adopted: December 9, 2015**

**Released: December 9, 2015**

By the Regional Director, South Central Region, Enforcement Bureau:

1. The Enforcement Bureau (Bureau) of the Federal Communications Commission has entered into a Consent Decree to resolve its investigation into whether Thomas J. Warren (Mr. Warren) violated the Commission's rules by transmitting one-way communications and failing to transmit his assigned call sign in the Amateur Radio Service. Prohibiting one-way communications helps to ensure the efficient use of shared amateur frequencies and preserve the noncommercial nature of the Amateur Radio Service. Requiring station identification supports the orderly administration of the Amateur Radio Service by making the source of the transmissions known to those receiving them. In response to complaints that an unidentified station was transmitting on an amateur radio frequency at 14 MHz, FCC agents determined that the transmissions were coming from Mr. Warren's residence. To settle this matter, Mr. Warren admits that his failure to transmit his assigned call sign violated the Commission's rules, will report any noncompliance with rules governing the Amateur Radio Service, and will pay a \$3,500 civil penalty.

2. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the investigation into Mr. Warren regarding his compliance with his amateur station operation obligations under Sections 97.113(b) and 97.119(a) of the Commission's rules (Rules).<sup>1</sup>

3. In the absence of material new evidence relating to this matter, we do not set for hearing the question of Mr. Warren's basic qualifications to hold or obtain any Commission license or authorization.<sup>2</sup>

4. Accordingly, **IT IS ORDERED** that, pursuant to Sections 4(i) of the Communications Act of 1934, as amended,<sup>3</sup> and the authority delegated by Sections 0.111 and 0.311 of the Rules,<sup>4</sup> the attached Consent Decree **IS ADOPTED** and its terms incorporated by reference.

5. **IT IS FURTHER ORDERED** that the above-captioned matter **IS TERMINATED**.

<sup>1</sup> 47 C.F.R. §§ 97.113(b), 97.119(a).

<sup>2</sup> 47 C.F.R. § 1.93(b).

<sup>3</sup> 47 U.S.C. § 154(i).

<sup>4</sup> 47 C.F.R. §§ 0.111, 0.311.

6. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by first class mail and certified mail, return receipt requested, to Thomas J. Warren at his address of record, and to David R. Siddall, Esq., Counsel for Thomas J. Warren, at DS Law, PLLC, 1629 K Street, NW, Suite 300, Washington, DC 20006.

FEDERAL COMMUNICATIONS COMMISSION

Dennis P. Carlton  
Regional Director  
South Central Region  
Enforcement Bureau

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**CONSENT DECREE**

1. The Enforcement Bureau of the Federal Communications Commission, by its authorized representative, and Thomas J. Warren hereby enter into this Consent Decree for the purpose of terminating the Enforcement Bureau's investigation into whether Mr. Warren violated Sections 97.113(b) and 97.119(a) of the Commission's rules by transmitting one-way communications and failing to transmit his assigned call sign in the Amateur Radio Service.

**I. DEFINITIONS**

2. For the purposes of this Consent Decree, the following definitions shall apply:
- (a) "Act" means the Communications Act of 1934, as amended.<sup>1</sup>
  - (b) "Adopting Order" means an order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
  - (c) "Amateur Radio Service Rules" means Sections 97.113(b) and 97.119(a) of the Rules, and other provisions of the Act, the Rules, and Commission orders related to operation of a station in the Amateur Radio Service.
  - (d) "Bureau" means the Enforcement Bureau of the Federal Communications Commission.
  - (e) "Commission" and "FCC" mean the Federal Communications Commission and all of its bureaus and offices.
  - (f) "Effective Date" means the date by which both the Bureau and Mr. Warren have signed the Consent Decree.
  - (g) "Investigation" means the investigation commenced by the Bureau in EB-FIELDSCR-15-00019724 regarding whether Mr. Warren violated the Amateur Radio Service Rules.
  - (h) "Parties" means Mr. Warren and the Bureau, each of which is a "Party."
  - (i) "Rules" means the Commission's regulations found in Title 47 of the Code of Federal Regulations.

**II. BACKGROUND**

3. The Amateur Radio Service affords qualified people of any age the opportunity to transmit communications solely for personal uses and without pecuniary interest. Section 97.113(b) of the Rules states that "[a]n amateur station shall not engage in any form of broadcasting, nor may an amateur station

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<sup>1</sup> 47 U.S.C. § 151 *et seq.*

transmit one-way communications except as specifically provided in these rules.”<sup>2</sup> This requirement helps to ensure the efficient use of shared amateur frequencies and preserve the noncommercial nature of the Amateur Radio Service. Section 97.119(a) of the Rules states that “[e]ach amateur station . . . must transmit its assigned call sign on its transmitting channel at the end of each communication, and at least every 10 minutes during a communication.”<sup>3</sup> This requirement supports the orderly administration of the Amateur Radio Service by “clearly making the source of the transmissions . . . known to those receiving the transmissions.”<sup>4</sup>

4. On June 25, 2015, in response to complaints that a station on amateur radio frequency 14 MHz made unidentified transmissions, agents from the Bureau’s Tampa Office used mobile direction-finding techniques to locate the transmissions to Mr. Warren’s residence in Lecanto, Florida. In response to questions from the agents, Mr. Warren stated that he had transmitted that morning on 14 MHz and that at least for some of his transmissions he believed that he had not provided the required station identification. The agents issued an on-scene written warning to Mr. Warren regarding the violations.<sup>5</sup> In his written response to the warning, Mr. Warren acknowledged that he may have failed to transmit his station identification as required on June 25, 2015, and stated that his transmissions related to an ongoing dispute with another amateur radio operator whose intentional interference had allegedly disrupted communications on the American Foreign Service Net that operates weekly on 14.316 MHz.<sup>6</sup>

### III. TERMS OF AGREEMENT

5. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

6. **Jurisdiction.** Mr. Warren agrees that the Bureau has jurisdiction over him and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

7. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

8. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In consideration for the termination of the Investigation, Mr. Warren agrees to the terms, conditions, and procedures contained herein. The Bureau further agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute, on its own motion, any new proceeding, formal or informal, or take any action on its own motion against Mr. Warren concerning the matters that were the subject of the Investigation. The Bureau also agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or to set for hearing the question of Mr. Warren’s basic qualifications to be a Commission licensee or hold Commission

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<sup>2</sup> 47 C.F.R. § 97.113(b).

<sup>3</sup> 47 C.F.R. § 97.119(a).

<sup>4</sup> *Id.* See also *James J. Grinton*, Forfeiture Order, 23 FCC Rcd 917 (Enf. Bur. 2008) (imposing \$7,000 forfeiture for engaging in transmissions of one-way communications and failing to transmit station identification).

<sup>5</sup> *Thomas J. Warren*, Warning of Unauthorized radio Operation & Interference to Authorized Radio Stations (June 25, 2015) (on file in EB-FIELDNER-15-00019474).

<sup>6</sup> Letter from Thomas J. Warren to Enforcement Bureau, South Central Region, Tampa Office (received July 7, 2015) (on file in EB-FIELDNER-15-00019474).

licenses or authorizations.<sup>7</sup>

9. **Admission of Liability.** Mr. Warren admits for the purpose of this Consent Decree and for Commission civil enforcement purposes, and in express reliance on the provisions of paragraph 8 herein, that his failure to transmit his assigned call sign as describe in paragraph 4 herein violated Section 97.119(a) of the Rules.

10. **Reporting Noncompliance.** Mr. Warren shall report any noncompliance with the Amateur Service Rules and with the terms and conditions of this Consent Decree within fifteen (15) calendar days after discovery of such noncompliance. Such reports shall include a detailed explanation of: (i) each instance of noncompliance; (ii) the steps that he has taken or will take to remedy such noncompliance; (iii) the schedule on which such remedial actions will be taken; and (iv) the steps that he has taken or will take to prevent the recurrence of any such noncompliance. All reports of noncompliance shall be submitted to Federal Communications Commission, Enforcement Bureau, South Central Region, Tampa Office, 4010 W Boy Scout Blvd., Suite 425, Tampa, FL 33607, with a copy submitted electronically to SCR-Response@fcc.gov.

11. **Termination Date.** Unless stated otherwise, the requirements set forth in paragraph 10 of this Consent Decree shall expire thirty-six (36) months after the Effective Date.

12. **Civil Penalty.** Mr. Warren will pay a civil penalty to the United States Treasury in the amount of three thousand five hundred dollars (\$3,500) (Civil Penalty) within thirty (30) calendar days of the Effective Date. Mr. Warren shall send electronic notification of payment to SCR-Response@fcc.gov on the date payment is made. The payment must be made by check or similar instrument, wire transfer, or credit card, and must include the Account Number and FRN referenced above. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.<sup>8</sup> When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Below are additional instructions that should be followed based on the form of payment selected:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

Questions regarding payment procedures should be addressed to the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

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<sup>7</sup> See 47 C.F.R. 1.93(b).

<sup>8</sup> An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

13. **Waivers.** As of the Effective Date, Mr. Warren waives any and all rights he may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. Mr. Warren shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Consent Decree or the Adopting Order, neither Mr. Warren nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and Mr. Warren shall waive any statutory right to a trial *de novo*. Mr. Warren hereby agrees to waive any claims he may otherwise have under the Equal Access to Justice Act<sup>9</sup> relating to the matters addressed in this Consent Decree.

14. **Severability.** The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

15. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

16. **Subsequent Rule or Order.** The Parties agree that if any provision of the Consent Decree conflicts with any subsequent Rule or order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which Mr. Warren does not expressly consent) that provision will be superseded by such Rule or order.

17. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

18. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

19. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

20. **Authorized Representative.** Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

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<sup>9</sup> See 5 U.S.C. § 504; 47 C.F.R. §§ 1.1501–1.1530.

21. **Counterparts.** This Consent Decree may be signed in counterpart (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

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Dennis P. Carlton  
Regional Director  
South Central Region  
Enforcement Bureau

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Date

\_\_\_\_\_  
Thomas J. Warren

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Date