

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

September 27, 2010

Mr. Marshall D. Dias
(Address withheld)
(Address withheld)

Re: Amateur Radio License W0OTM
EB-10-GB-1018
Warning Notice

Dear Mr. Dias:

The trustee of W0IW has requested, via a verbal request issued on September 3, 2010, that you refrain from use of the repeater. The request was issued as a result of your failure to follow operational rules set forth by the licensee/control operators of the repeater system for its users. You were previously issued several requests to refrain from using the systems, but failed to comply with them necessitating the request for Commission intervention.¹ You have failed to comply with the formal written request as well as you were heard and recorded operating on the system more than a dozen times by the control operator and the club president since the January 14, 2009, letter was sent.

The Commission requires that repeaters be under the supervision of a control operator and not only expects, but requires, that such control operators be responsible for the proper operation of the repeater system. Control operators may take whatever steps they deem appropriate to ensure compliance with the repeater rules, including limiting the repeater use to certain users, converting the repeater to a closed repeater or taking it off the air entirely.

Please be advised that the Commission expects you to abide by the request of the control operator that you stay off of W0IW – and any other similar requests to cease operations on any other repeaters by any other repeater licensees, control operators or trustees.

¹ In an email dated September 17, 2010, Mr. Joe Leto (the trustee) advised the Commission that he has requested that you refrain from using his repeater over a dozen times and that your response has been to taunt Mr. Leto and to state that there is nothing that he can do to stop you from using the repeater.

Use of WOIW again after receipt of this letter could subject you to severe penalties, including license revocation, monetary forfeiture (fine)² or a modification proceeding to restrict the frequencies upon which you may operate.

Sincerely,

Laura L. Smith
Special Counsel

Cc: Kansas City Field Office
South Central Regional Director

² Fines normally range from \$7,500 to \$10,000.