

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

March 13, 2013

Mr. Edward A. Evitt  
(Address withheld)  
(Address withheld)

Re: EB-FIELDNER-13-00007099  
**WARNING NOTICE**  
Amateur Radio License N9AWP

Dear Mr. Evitt:

In early January 2013, you were sent an Official Observer (OO) notice concerning your activity on the 146.700 repeater in Indianapolis. As a result of your on air behavior on the 146.700 repeater, you were banned from further use of that repeater via a letter dated January 13, 2013. You then moved to the 147.435 repeater located in Anderson, Indiana, where you continued to engage in unacceptable on air behavior resulting in the OO generating and sending yet another OO notice. On January 19, 2013, upon receipt of the second OO notice, you were heard and recorded while on air making very serious threats against the OO who had sent you the two notices. Indeed, your on air behavior was so outrageous that a harassment complaint was filed with the Indianapolis Metro Police regarding the incident.

Several Official Observers (OOs) recorded the offending transmissions, and provided undersigned counsel with recordings of the incidents in question. Should you desire a copy of the recordings, they will be made available to you.

Your operation as described above is contrary to the basis and purpose of the amateur radio service as set out in Section 97.1 and is a violation of Section 97.113(a)(4) of the Commission's rules, which states in pertinent part "no amateur station shall transmit: obscene or indecent words or language."<sup>1</sup> Please be advised that the Commission expects you to abide by its rules. This letter serves as notice that, if operation of this type reoccurs after receipt of this letter, you could be subject to severe penalties, including license revocation, monetary forfeiture (fines),<sup>2</sup> or a modification

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<sup>1</sup> See 47 C.F.R. § 97.1 and 97.113(a)(4).

<sup>2</sup> Fines normally range from \$7,500 to \$10,000.

proceeding to restrict the frequencies upon which you may operate.

Sincerely,

Laura L. Smith, Esq.  
Special Counsel  
Enforcement Bureau

Cc: Chicago Field Office  
Northeast Regional Director