

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

November 29, 2010

Mrs. Sarah B. Helco
(Address withheld)
(Address withheld)

**Re: WARNING FOR UNLICENSED RADIO OPERATION
EB-10-GB-0140**

Dear Mrs. Helco:

Information before the Commission indicates that on Friday, November 5, 2010, you and your son were operating under the amateur radio call sign of KE7YWD. This call sign is licensed to Robert Helco of Pleasant Grove, Utah. According to the complaint, at first you identified with the call sign KE7YWD and attempted to portray yourself as the licensee. When advised that the call sign belonged to Robert Helco, you stated that Robert Helco was your husband, and admitted that he was not present when you and your son were operating the radio. When informed of the fact that Commission rules do not permit you to operate your husband's amateur radio equipment when he is not present and operating as a control operator for the communication,¹ you became belligerent wanted to know why you and your son could not just use your husband's call sign. The complainants again explained the Commission's rules to you. At that point, the complainants indicated that they were not going to continue communicating with you because you did not hold a valid Commission license.² You continued to try to speak with them, but they did not respond.

Operation of radio transmitting equipment without a valid FCC authorization is a violation of Section 301 of the Communications Act of 1934, as amended,³ and may subject the responsible parties to substantial monetary forfeitures,⁴ *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment.⁵ Because unlicensed operation creates a danger of interference to important radio

¹ See 47 C.F.R. § 97.115(b) which states in pertinent part: "The third party may participate in stating the message where: (1) the control operator is present at the control point and is continuously monitoring and supervising the third party's participation . . ."

² Commission records confirm that you do not have an amateur license.

³ 47 U.S.C. § 301.

⁴ Fines normally range from \$7,500 to \$10,000.

⁵ See §§ 401, 501, 503, 510.

communications services and may subject the operator to severe penalties, this warning emphasizes the importance of complying strictly with these legal requirements.

ANY UNAUTHORIZED OPERATION OF THIS RADIO STATION MUST CEASE IMMEDIATELY.

You have ten (10) days from the date of receipt of this warning to respond to this office. The response must contain a statement of the specific action(s) taken to come into compliance with the Commission's rules. **You are directed to support your response with a signed and dated affidavit or declaration under penalty of perjury, verifying the truth and accuracy of the information submitted in your response.** Your response should be sent to: 1270 Fairfield Road, Gettysburg, PA 17325 and reference the listed case number.

In an inquiry of this type we are required to notify you that under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), the Commission's staff will use all relevant information before it, including information you disclose in your reply, to determine what, if any, enforcement action is warranted in this matter.

You may contact me at 717-338-2577 should you wish to discuss this matter.

Sincerely,

Laura L. Smith
Special Counsel

Cc: Denver Field Office
Western Regional Director