

**CERTIFIED MAIL RETURN RECEIPT REQUESTED**

July 17, 2009

Mr. Michael S. Lovold  
3860 Birchwood Road  
Duluth, MN 55803

Re: **WARNING NOTICE**  
Amateur Radio Call Sign KC0PDG  
EB-09-GB-0094

Dear Mr. Lovold:

By letter dated April 29, 2009, the Commission notified you that it had received a complaint regarding the operation of your amateur station. Specifically, the complaint was filed by the St. Louis County Sheriff's Department and notes that the deputies responded to a call about a possible suicidal individual. According to the responding deputies, during the encounter you spoke to them on public safety frequencies using a handheld radio. These communications were without authority and were not the result of an emergency necessitating use of public safety frequencies as other means of communication were readily available.<sup>1</sup>

You responded to the Commission's letter on July 6, 2009.<sup>2</sup> In that letter, you acknowledged that the police were called to your residence on that evening; you further indicated that your recollection of that evening was unclear as you had been drinking alcohol and using narcotics. You do admit to owning a handheld radio, you acknowledge that it is the same type of handheld radio as identified in the police report and you concede that you may have used your handheld during the altercation with the police. In your letter, you note that you are sorry for what happened and indicate that you have voluntarily entered a chemical treatment facility seeking help.

Your operation as described above is contrary to the basis and purpose of the amateur radio service as set out in Section 97.1 of the Commission's rules.<sup>3</sup> Please be

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<sup>1</sup> 47 C.F.R. § 97.403

<sup>2</sup> You were originally provided twenty (20) days within which to respond. You failed to do so. The Commission notified you by letter dated June 17, 2009, that if you failed to respond to the Commission's letter, you could be subject to enforcement actions. You responded on July 6, 2009.

<sup>3</sup> See 47 C.F.R. § 97.1.

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>4</sup> or a modification proceeding to restrict the frequencies upon which you may operate.

Sincerely,

Laura L. Smith  
Special Counsel

Cc: Chicago Field Office  
Northeast Regional Director

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<sup>4</sup> Fines normally range from \$7,500 to \$10,000.