

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

July 22, 2009

Mr. Warren Whitney  
215 Cumberland Road  
North Yarmouth, ME 04097

Re: **WARNING NOTICE**  
Amateur Radio License KD1ZY  
EB-09-GB-0194

Dear Mr. Whitney:

By letter dated June 26, 2009, the Commission notified you that it had received numerous complaints regarding the operation of your amateur station. The complaints allege that you transmitted obscene or indecent words or language in violation of Section 97.113(a) (4) of the Commission's rules. The letter further noted that in addition to complaints from other licensees, the staff at the Commission's monitoring station heard and recorded you engaging in the above-referenced behavior. A copy of all of the recordings made by the Commission's staff was sent to you for your review.

You responded to the Commission's letter on July 15, 2009. In that letter, you indicate that you have no memory of the evenings in question as you have been on heavy pain medication for leg problems, but you did acknowledge that it was indeed your voice that was recorded by the Commission's staff on the dates in question. In addition, you conceded that listening to the recordings made you "sick" and that given the extreme language used during the various conversations, you should not operate your radio while under the influence of narcotics. In your letter, you state that you are sorry for what happened and note that you will refrain from operating your station air while you are taking your medications.

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>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

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<sup>1</sup> See 47 C.F.R. § 97.1.

subject to severe penalties, including license revocation, monetary forfeiture (fines),<sup>2</sup> or a modification proceeding to restrict the frequencies upon which you may operate.

Sincerely,

Laura L. Smith  
Special Counsel

Cc: Boston Field Office  
Northeast Regional Director

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