

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
AHMAAD D. BRUNSON)	File No. EB-08-IH-0056
)	
Holder of Second Class Radiotelegraph Operator's)	FRN No. 0009917204
Certificate T200000042)	

ORDER OF SUSPENSION

Adopted: March 17, 2009

Released: March 23, 2009

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. By this *Order of Suspension*, the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau ("Bureau"), acting pursuant to Section 303(m) of the Communications Act of 1934, as amended ("the Act"),¹ and Section 1.85 of the Commission's Rules,² hereby suspends the above-captioned Second Class Radiotelegraph Operator's Certificate held by Ahmaad D. Brunson ("Brunson"). This action is taken on the basis of proof sufficient to satisfy the Commission that Brunson obtained this Second Class Radiotelegraph Operator's Certificate by fraudulent means.

II. BACKGROUND

2. Brunson filed an application for a Second Class Radiotelegraph Operator's Certificate on February 24, 2004.³ The application was returned, however,⁴ in part because it was not accompanied by a Proof of Passing Certificate ("PPC").⁵ Brunson amended the application, attaching what appeared to be a PPC documenting his successful completion of Written Elements 5 and 6 and Telegraphy Elements 1 and 2.⁶ The PPC specified that the examinations had been administered to Brunson on March 27,

¹ 47 U.S.C. § 303(m).

² 47 C.F.R. § 1.85.

³ FCC File No. 0001645321 (filed Feb. 24, 2004, amended Apr. 8 and Apr. 23, 2004).

⁴ The application was returned twice. See Return Letter Ref. No. 2605370 (Mar. 9, 2004); Return Letter Ref. No. 2691159 (Apr. 14, 2004).

⁵ Applicants for commercial radio operator licenses and permits are required to pass examinations demonstrating their qualifications to hold the license or permit for which they have applied. See 47 C.F.R. § 13.201. The examinations are conducted by or under the supervision of commercial operator license examination managers ("COLEMs"), private sector entities that have been authorized by the Commission for that purpose. See 47 C.F.R. §§ 13.211-13.213. Applicants for commercial radio operator licenses and permits must include with the application an original PPC from a COLEM showing that the applicant has passed the requisite examination element(s) within the previous 365 days, unless the COLEM files the application electronically on behalf of the applicant (in which case the COLEM must keep the PPC on file for a period of one year). See 47 C.F.R. § 13.9(c).

⁶ In order to be eligible for a Second Class Radiotelegraph Operator's Certificate, the applicant must complete Telegraphy Elements 1 and 2 and Written Elements 1, 5 and 6. See 47 C.F.R. § 13.201(a)(2). Because Brunson already held a GMDSS Radio Operator's License (call sign DO00003568), for which passing Written Element 1

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2004, in Chicago, by three examiners associated with National Radio Examiners (“NRE”), an authorized COLEM.⁷ The Commission granted Brunson’s amended application on April 29, 2004.

3. Based on subsequent developments, the Bureau came to have reason to question the authenticity of the PPC accompanying Brunson’s application for the Second Class Radiotelegraph Operator’s Certificate. The Bureau accordingly contacted NRE, the COLEM that was purportedly responsible for issuing the PPC. After investigating the matter, NRE informed the Bureau that no examinations had been administered in Chicago by NRE examiners on March 27, 2004. Furthermore, NRE confirmed that the signatures of the three examiners appearing in the PPC were inconsistent with the actual signatures on file. In addition, NRE indicated that the PPC lacked watermarks used in legitimate PPCs issued by NRE, and the typeface used in the PPC’s serial number differed from the typeface routinely employed by NRE in the course of printing official PPCs.

4. On July 11, 2007, the Bureau directed a letter of inquiry (“LOI”) to Brunson at his address of record⁸ regarding the authenticity of the PPC filed by him in support of his application for the Second Class Radiotelegraph Operator’s Certificate, and his qualifications to hold a Second Class Radiotelegraph Operator’s Certificate.⁹ The LOI was returned by the Postal Service as undeliverable.¹⁰

III. DISCUSSION

5. Section 303(m)(1)(F) of the Communications Act of 1934, as amended, provides that the Commission may “suspend the license of any operator upon proof sufficient to satisfy the Commission that the licensee . . . has obtained or attempted to obtain, or has assisted another to obtain or attempt to obtain, an operator’s license by fraudulent means.”¹¹ Section 1.85 of the Commission’s Rules specifies,

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was a prerequisite, he was not required to re-take Written Element 1 to qualify for a Second Class Radiotelegraph Operator’s Certificate. *See* 47 C.F.R. § 13.13(e)(1).

⁷ The three examiners identified in the PPC as having administered the written and telegraphy examinations are Maynard Nelson, Philip Bradford, and Carl Sims, Jr.

⁸ Brunson’s address of record for Second Class Radiotelegraph Operator’s Certificate T200000042 is 6412 S. Woodlawn Ave, #3N, Chicago, Illinois 60637, and the LOI was mailed to that address. We note, however, that Brunson gave his address as 9704 S. King Drive, Chicago, Illinois 60628 in his most recent application to the Commission, a still-pending application for a GMDSS Radio Operator/Maintainer license, FCC File No. 0001969523, filed Dec. 13, 2004. We will mail this *Order of Suspension* to the latter address, pursuant to Section 1.5(a) of the Commission’s Rules, 47 C.F.R. § 1.5(a).

⁹ Letter, dated July 11, 2007, from Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, to Ahmaad D. Brunson. The LOI was issued pursuant to Section 308(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 308(b). The LOI requested information, and supporting documentation, regarding (a) the location(s) and date(s) on which Brunson passed the requisite Telegraphy and Written Elements; (b) the person(s) and organization(s) that conducted the testing and determined that Brunson had passed; (c) the person(s) who signed, filed and amended Brunson’s application for the Second Class Radiotelegraph Operator’s Certificate; (d) the circumstances under which Brunson obtained and submitted the document purporting to be a PPC issued by NRE; and (e) any vessel(s) on which Brunson worked subsequent to April 29, 2004. *See* LOI at 1-2.

¹⁰ Earlier, by letter to the Commission dated October 4, 2004, Brunson had tendered his Second Class Radiotelegraph Operator’s Certificate for cancellation, and requested that all pending applications filed in his name be terminated. He expressed an inability to explain how or by whom an application accompanied by a fraudulently-prepared PPC was filed on his behalf. *See* Letter, dated Oct. 4, 2004, from Ahmaad D. Brunson, to FCC. Nonetheless, Brunson’s Second Class Radiotelegraph Operator’s Certificate currently remains in active status.

¹¹ 47 C.F.R. § 303(m)(1)(F).

in turn, that whenever grounds exist for suspension of a commercial operator license, as provided in Section 303(m) of the Act, the Chief of the Wireless Telecommunications Bureau may issue an order suspending the license.

6. In the instant case, the record provides sufficient information to satisfy us that Brunson attempted to obtain, and in fact obtained, a Second Class Radiotelegraph Operator's Certificate by fraudulent means. Specifically, the information before us indicates that Brunson willfully filed with the Commission a fraudulently prepared PPC, dated March 27, 2004, purportedly showing successful completion of required examination elements, in support of his application for a Second Class Radiotelegraph Operator's Certificate, and that Brunson did not in fact complete those examination elements. As a result, Brunson obtained a Second Class Radiotelegraph Operator's Certificate for which he was not qualified, and to which he was not entitled. We therefore suspend Brunson's Second Class Radiotelegraph Operator's Certificate T200000042 for the remainder of its term.¹² Pursuant to Section 1.85 of the Rules, this suspension will take effect after fifteen days have passed from the date Brunson receives actual notice of this *Order of Suspension*, unless Brunson files a written request for a hearing within that fifteen-day period, in which case the suspension shall be held in abeyance until the conclusion of the hearing.

IV. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED, pursuant to Section 303(m) of the Communications Act of 1934, as amended, 47 U.S.C. § 303(m), and Section 1.85 of the Commission's Rules, 47 C.F.R. § 1.85, that the above-captioned Second Class Radiotelegraph Operator's Certificate held by Ahmaad D. Brunson IS HEREBY SUSPENDED for the remainder of its term.

8. IT IS FURTHER ORDERED that such suspension SHALL TAKE EFFECT after fifteen calendar days following Ahmaad D. Brunson's receipt of this *Order of Suspension*, unless otherwise held in abeyance by operation of procedures set forth in Section 1.85 of the Commission's Rules, 47 C.F.R. § 1.85, to which Ahmaad D. Brunson may avail himself.

9. IT IS FURTHER ORDERED that application FCC File No. 0001969523, filed by Ahmaad D. Brunson on December 13, 2004, SHALL BE DISMISSED.

¹² By virtue of this suspension, Brunson is not eligible to be issued any new commercial radio operator license. See 47 C.F.R. § 13.9(a)(4). We are therefore directing the Bureau's licensing staff to dismiss any applications by Brunson for a commercial radio operator license that are currently pending or that may be filed during the period of the suspension, including but not limited to his pending application for a GMDSS Radio Operator/Maintainer license, FCC File No. 0001969523 (filed Dec. 13, 2004). We note, moreover, that Brunson's apparent acquisition of a Commission license through fraudulent means bears on his basic character qualifications to hold any Commission license or authorization. See Policy Regarding Character Qualifications in Broadcast Licensing, *Report, Order and Policy Statement*, 102 FCC.2d 1179, 1223 (1986), *modified*, 5 FCC Rcd 3252 (1990), *recon. granted in part*, 6 FCC Rcd 3448 (1991), *modified in part*, 7 FCC Rcd 6564 (1992). Accordingly, our action herein is without prejudice to the Commission taking further action against Brunson, including the revocation of other licenses and authorizations held by him, based on this misconduct.

10. IT IS FURTHER ORDERED that a copy of this *Order of Suspension* SHALL BE SENT, by Certified Mail, Return Receipt Requested, and by regular United States mail to Ahmaad D. Brunson at his address of record: 9704 S. King Drive, Chicago, Illinois 60628.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau