

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

In the Matter of)	
)	
TODD C. ROBINSON)	File No. EB-07-IH-9548
)	
Holder of Second Class Radiotelegraph Operator's)	FRN No. 0009917196
Certificate T200000043)	

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 Todd C. Robinson ("Robinson"). This action is taken on the basis of proof sufficient to satisfy the Commission that Robinson obtained this Second Class Radiotelegraph Operator's Certificate by fraudulent means.

II. BACKGROUND

2. Robinson 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 Robinson amended the application, attaching what appeared to be a PPC documenting Robinson's 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 Robinson on

¹ 47 U.S.C. § 303(m).

² 47 C.F.R. § 1.85.

³ FCC File No. 0001645334 (filed Feb. 24, 2004, amended Apr. 8 and Apr. 23, 2004).

⁴ The application was returned twice. See Return Letter Ref. No. 2605372 (Mar. 9, 2004); Return Letter Ref. No. 2691162 (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 Robinson already held a GMDSS Radio Operator's License (call sign DO00003567) for which passing Written Element 1 was

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March 27, 2004, in Chicago, by three examiners associated with National Radio Examiners (“NRE”), an authorized COLEM.⁷ The Commission granted Robinson’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 Robinson’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 that 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 to Robinson 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.⁸ In his written response, Robinson stated, “I am surprised to receive this letter as I never taken [sic] any radiotelegraphy exams proctored by the NRE nor submitted an application to the FCC.”⁹

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.”¹⁰ Section 1.85 of the Commission’s Rules specifies, in turn, that whenever grounds exist for suspension of a commercial operator license, as provided in

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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 Letter, dated July 11, 2007, from Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, to Todd C. Robinson (“LOI”). 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 Robinson passed the requisite Telegraphy and Written Elements; (b) the person(s) and organization(s) that conducted the testing and determined that Robinson had passed; (c) the person(s) who signed, filed and amended Robinson’s application for the Second Class Radiotelegraph Operator’s Certificate; (d) the circumstances under which Robinson obtained and submitted the document purporting to be a PPC issued by NRE; and (e) any vessel(s) on which Robinson worked subsequent to April 29, 2004. LOI at 1-2.

⁹ Letter, dated Aug. 9, 2007, from Todd C. Robinson to Jeffrey Tobias, Mobility Division, Wireless Telecommunications Bureau. Robinson also represented that he had not worked on any maritime vessel since April 29, 2004, and had no intention to do so. *Id.* Earlier, by letter to the Commission dated October 4, 2004, Robinson had requested that his Second Class Radiotelegraph Operator’s Certificate be “voided/revoked.” Robinson represented that his request “is being made en lieu [sic] of recent communications [from NRE], which revealed to me that false applications had been filed with your agency on my behalf. With this potential blemish on my record, I would rather forfeit this license, which is of no use.” See Letter dated Oct. 4, 2004, from Todd Robinson to FCC (filed Oct. 12, 2004). Robinson did not file this request using FCC Form 605, however, and the request therefore could not be processed. See FCC File No. 0001901202; Dismissal Letter Ref. No. 3083890. Accordingly, Robinson’s Second Class Radiotelegraph Operator’s Certificate remains in active status.

¹⁰ 47 U.S.C. § 303(m)(1)(F).

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 Robinson attempted to obtain, and in fact obtained, a Second Class Radiotelegraph Operator's Certificate by fraudulent means. Specifically, the information before us indicates that Robinson 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 Robinson did not in fact complete those examination elements. As a result, Robinson obtained a Second Class Radiotelegraph Operator Certificate's for which he was not qualified, and to which he was not entitled. We therefore suspend Robinson's Second Class Radiotelegraph Operator's Certificate T200000043 for the remainder of its term.¹¹ Pursuant to Section 1.85 of the Rules, this suspension will take effect after fifteen days have passed from the date Robinson receives actual notice of this *Order of Suspension*, unless Robinson 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 Sections 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 Todd C. Robinson 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 Todd C. Robinson'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 to which Todd C. Robinson may avail himself.

9. 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 Todd C. Robinson at his address of record: 7330 S. Indiana Avenue, Chicago, Illinois 60619.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

¹¹ By virtue of this suspension, Robinson 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 Robinson for a commercial radio operator license that are currently pending or that may be filed during the period of the suspension. We note, moreover, that Robinson's acquisition of a Commission license through fraudulent means bears on Robinson's 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 Robinson, including the revocation of other licenses and authorizations held by him, based on this misconduct.