

**Federal Communications Commission**

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

In the Matter of	)	
	)	File No. EB-09-DT-0043
Charles Leach	)	
d.b.a. Radio Connection L.L.C	)	
	)	Citation No. C200932360001
Jackson, MI	)	

**CITATION**

**Released: April 9, 2009**

By the District Director, Detroit Office, Northeast Region, Enforcement Bureau:

1. This is an official Citation issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (“Act”),<sup>1</sup> to Charles Leach d.b.a. Radio Connection L.L.C. (“Radio Connection”) for violation of Section 302(b) of the Act,<sup>2</sup> and Section 2.803(a)(1), of the Commission’s Rules (“Rules”).<sup>3</sup>

2. Investigation by the Enforcement Bureau’s Detroit Office revealed that, on March 6, 2009, Radio Connection offered for sale the following non-certified Citizens Band (“CB”) transceiver at its store in Jackson, Michigan: General Lee Deluxe AM/FM amateur Transceiver. According to the Commission’s records, this device has not received an FCC equipment authorization, which is required for Citizens Band transmitters marketed in the United States.

3. Section 302(b) of the Act provides that “No person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section.” Section 2.803(a)(1) of the Rules provides that “... no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless: (1) In the case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled....” Radio Connection’s offering for sale the transceiver listed in paragraph 2 violates both sections.

4. Although Radio Connection L.L.C. marketed the device listed in paragraph 2 as an amateur 10 meter radio, the Commission has evaluated devices similar to the General Lee Deluxe AM/FM Amateur Transceiver and has concluded they fall within the definition of a CB transmitter because they can easily be configured to operate on CB frequencies.<sup>4</sup> Additionally, we note that dual use CB and amateur radios of the kind at issue here may not be certificated under the Rules.<sup>5</sup>

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<sup>1</sup> 47 U.S.C. § 503(b)(5)

<sup>2</sup> 47 U.S.C. § 302a(b)

<sup>3</sup> 47 C.F.R. § 2.803(a)(1)

<sup>4</sup> See Letter from Christopher Wright, General Counsel, FCC to John Atwood, Chief Intellectual Property Rights, US Customs Service, 14 FCC Rcd 7797 (OGC, 1999). See also definition of CB transmitter, 47 C.F.R. § 95.603(b) (“transmitter that operates

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5. Violations of the Act or the Rules may subject the violator to substantial monetary forfeitures,<sup>6</sup> seizure of equipment through *in rem* forfeiture action, and criminal sanctions including imprisonment.<sup>7</sup>

6. Radio Connection may request a personal interview at the closest FCC Office, which is Federal Communications Commission, 24897 Hathaway Street, Farmington Hills, Michigan 48335-1552.<sup>8</sup> You may contact this office by telephone, (XXX) XXXX-XXXX to schedule this interview, which must take place within 14 days of the Citation. Radio Connection may also submit a written statement to the above address within 14 days of the date of this Citation. Any written statement should specify what actions have been taken to correct the violations outlined above. Please reference case number EB-09-DT-0043 when corresponding with the Commission.

7. Any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.<sup>9</sup> Any knowingly or willfully false statement made in reply to this Citation is punishable by fine or imprisonment.<sup>10</sup>

8. **IT IS ORDERED** that copies of this Citation shall be sent by First Class U.S. Mail and Certified Mail, Return Receipt Requested to Charles Leach at his address of record, and Radio Connection L.L.C. at its address of record.

FEDERAL COMMUNICATIONS COMMISSION

James A. Bridgewater  
District Director  
Detroit Office  
Northeast Region  
Enforcement Bureau

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or is intended to operate at a station authorized for the CB service”).

<sup>5</sup> 47 C.F.R. 95.655(a); *see also* Amendment of Part 95, Subpart E, Technical Regulations in the Personal Radio Service Rules, Order, 3 FCC Rcd 5032 (1988). This clarification was added to explicitly foreclose the possibility of certification of dual use CB and amateur radios, *see id.*, and thereby deter use by CB operators of frequencies allocated for amateur radio use.

<sup>6</sup> *See* 47 C.F.R. § 1.80(b)(3).

<sup>7</sup> *See* 47 U.S.C. §§ 401, 501, 503, 510.

<sup>8</sup> 47 U.S.C. § 503(b)(5).

<sup>9</sup> *See* Privacy Act of 1974, 5 U.S.C. § 552(e)(3).

<sup>10</sup> *See* 18 U.S.C. § 1001 *et seq.*