

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

In the Matter of)	
)	File No. EB-01-MA-014
CTI of Miami, Inc.)	
Miami, Florida)	NAL/Acct. No. 200232700005
)	
)	FRN Number: 0006-2332-82
)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Released: January 25, 2002

By the Enforcement Bureau, Miami Office:

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture, we find that CTI of Miami, Inc. (“CTI”) apparently violated Sections 301 and 302(b) of the Communications Act of 1934, as amended (“Act”),¹ and Section 2.803(a)(1) of the Commission’s Rules,² by operating an unauthorized high-power cordless telephone without FCC authorization and by marketing an unauthorized high-power cordless telephone (“Senao, SN258-Plus”). We conclude that CTI is apparently liable for a forfeiture in the amount of seventeen thousand dollars (\$17,000).

II BACKGROUND

2. On February 26, 2001 the FCC, Miami Office received a complaint from the Federal Aviation Administration (“FAA”) about sporadic interference affecting the frequency 133.85 MHz in the vicinity of the Miami, Florida international airport. This frequency is authorized and used in the Miami area for air traffic control purposes.

3. On March 7, 2001, the Miami Office resident agents, using direction finding techniques positively located the source of the sporadic interference to the FAA on 133.85 MHz. The interfering signal emanated from an antenna located on the roof of a two-story building at 4855 NW 72nd Ave., in Miami, FL 33166. Further investigation revealed that the source of the

¹ 47 U.S.C. §§ 301 and 302a(b)

² 47 C.F.R. § 2.803(a)(1)

transmissions on 133.85 MHz was a Senao, Mod-SN258-Plus cordless telephone, operated by CTI at that address. The FCC agents hand delivered a written warning of unlicensed radio operation to Mr. Hillel Bronstein of CTI. The interfering transmissions ceased shortly thereafter.

4. On March 26, 2001, the Miami Office issued, via regular and certified mail, a Citation letter to CTI for violation of Sections 301 and 302(b) of the Act, and Section 2.803(a)(1) of the Commission's Rules. The Citation letter notified CTI of the specific violations, warned CTI of the potential penalties resulting from any further violations, and offered the opportunity for a personal interview with the FCC. The FCC Miami Office received a Postal Service Return Receipt signed on March 28, 2001, evidencing delivery of the Citation to CTI.

5. On April 5, 2001, Mr. Hillel Bronstein responded to the Citation letter by telephone call to the FCC Miami Office and requested an appointment to meet with the FCC agents. Subsequently, on a letter received at the Miami Office on April 11, 2001, Mr. Hillel Bronstein requested a 30 day extension to schedule a new appointment to meet with the FCC agents. The request for the extension of time to respond was granted.

6. On April 18, 2001, agents from the FCC Miami Office visited CTI and observed that the store still had five unauthorized long-range cordless telephones on display.

7. On May 15, 2001 the Miami Office received a letter of response from CTI dated May 7, 2001. That letter indicates that CTI regrets the interference caused to FAA and assures that they "[n]o longer have telephones that operate on US FAA frequency."

8. On July 26, 2001, an agent from the FCC Tampa Office visited CTI and observed that the store still had on display several unauthorized long-range cordless telephones.

9. On November 28, 2001, the Miami Office received a copy of an invoice dated June 1, 2001, sent to New Image Electronics from CTI Miami. The invoice indicated that New Image Electronics purchased from CTI Miami three CT-600 CID long-range cordless telephones for a total of \$ 735.00, and three OP-8810 CID-Optima long-range cordless telephones for a total of \$795.00.

III DISCUSSION

10. Section 301 of the Act states that "[n]o person shall use or operate any apparatus for the transmission of energy or communications or signals by radio... except under and in accordance with this Act and with a license in that behalf granted under the provisions of this Act."³ Section 302 of the Act authorizes the Commission to regulate equipment capable of emitting radio frequency energy that may cause interference to radio communications. Section 302(b) of the Act further states that "[n]o 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."⁴ Section 2.803(a)(1) of the Rules provides that "[n]o person shall sell or lease, or offer for sale or lease, any radio frequency device unless: (1) In 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..."⁵ CTI, as a

³ 47 U.S.C. § 301

⁴ 47 U.S.C. § 302a(b)

⁵ 47 C.F.R. § 2.803(a)(1)

marketer of the Senao, SN258-Plus cordless telephone, is responsible for ensuring that it is compliant with Commission rules. CTI was notified in writing of these violations and warned about the penalties for unlicensed operation and marketing unauthorized devices, yet continued to market the unauthorized devices in violation of the Act and the Rules.⁶

11. Based on the evidence before us, we find that CTI willfully⁷ violated Section 301 of the Act,⁸ and willfully and repeatedly⁹ violated Section 302(b) of the Act¹⁰ and Section 2.803(a)(1) of the Commission's Rules.¹¹ Pursuant to Section 1.80(b)(4) of the Commission's Rules, the base forfeiture amount for unlicensed operation is \$10,000 and the base forfeiture amount for marketing unauthorized equipment is \$7,000.¹² Section 503(b)(2)(D) of the Act requires us to take into account "...the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require."¹³ Considering the entire record and applying the statutory factors listed above, this case warrants a \$17,000 forfeiture.

IV ORDERING CLAUSES

12. Accordingly, **IT IS ORDERED THAT**, pursuant to Section 503(b) of the Act,¹⁴ and Sections 0.111, 0.311 and 1.80 of the Commission's Rules,¹⁵ CTI, is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR A FORFEITURE** in the amount of seventeen thousand dollars (\$17,000) for violating Sections 301 and 302 of the Act¹⁶ and Section 2.803(a)(1) of the Rules.¹⁷

13. **IT IS FURTHER ORDERED THAT**, pursuant to Section 1.80 of the Commission's Rules,¹⁸ within thirty days of the release date of this **NOTICE OF APPARENT LIABILITY**, CTI, **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

14. Payment of the forfeiture may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment **MUST INCLUDE** the FCC Registration Number (FRN) referenced above, and also should note the NAL/Acct. No. referenced above.

15. The response, if any, must be mailed to Federal Communications Commission, Office of the Secretary, 445 12th Street, S.W. Washington, D.C. 20554, ATTN: Enforcement

⁶ Citation issued to CTI of Miami, Inc., on March 26, 2001

⁷ Section 312(f)(1) of the Act, 47 U.S.C. § 312(f)(1), which applies to Section 503(b) of the Act, provides that "(t)he term 'willful', when used with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act..." See *Southern California Broadcasting Co.*, 6 FCC Rcd 4387 (1991).

⁸ 47 U.S.C. § 301

⁹ Section 312(f)(2) of the Act, 47 U.S.C. § 312(f)(2) which applies equally to Section 503(b) of the Act, provides that "[t]he term 'repeated,' when used with reference to the commission or omission of any act, means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day."

¹⁰ 47 U.S.C. § 302a(b)

¹¹ 47 C.F.R. § 2.803(a)(1)

¹² 47 C.F.R. § 1.80(b)(4)

¹³ 47 U.S.C. § 503(b)(2)(D)

¹⁴ 47 U.S.C. § 503(b).

¹⁵ 47 C.F.R. §§ 0.111, 0.311, 1.80.

¹⁶ 47 U.S.C. § 301 and 302a

¹⁷ 47 C.F.R. § 2.803(a)(1)

¹⁸ 47 C.F.R. § 1.80.

Bureau – Technical & Public Safety Division, and **MUST INCLUDE** the FRN and the NAL/Acct. No. referenced in the letterhead above.

16. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices (“GAAP”); or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

17. Requests for payment of the full amount of this Notice of Apparent Liability under an installment plan should be sent to: Federal Communications Commission, Chief, Revenue and Receivables Operation Group, 445 12th Street, S.W., Washington, D.C. 20554.¹⁹

18. **IT IS FURTHER ORDERED THAT** a copy of this **NOTICE OF APPARENT LIABILITY** shall be sent by Certified Mail Return Receipt Requested to CTI of Miami, Inc., at 4855 NW 72nd Avenue, Miami, Florida 33166.

FEDERAL COMMUNICATIONS COMMISSION

Ralph M. Barlow
District Director
Tampa Office

¹⁹ See 47 C.F.R. § 1.1914.