

Federal Communications Commission

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

In the Matter of)	
)	
FLECO Corporation)	File No. EB-04-PO-003
)	
Chino, California)	Citation No. C20043292003

CITATION

Released: June 24, 2004

By the Resident Agent, Portland Office, Western 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”)¹, to FLECO Corporation (“FLECO”) for violation of Section 302(b) of the Act and Sections 2.803(a) and 15.209 of the Commission’s Rules (“Rules”).²

2. Investigation by the FCC’s Portland Office revealed that on August 5, 2003, FLECO Corporation sold two handheld wireless microphones, model WR-422-U, to the Club Works Sound and Lighting, 3385 Hawthorne Avenue, NE, Salem, Oregon (Invoice Number 425379). These wireless microphones subsequently were sold to and used by The Oasis restaurant and caused interference to amateur radio station WA7ABU on the frequency 439.55 MHz in Salem, Oregon.

3. On December 5, 2003, an agent of the Commission’s Portland Office inspected the microphones and determined that the units were operating on amateur radio frequencies 439.55 and 432.55 MHz. The agent measured the field strength at 1500 microvolts/meter at a distance of 3 meters from the referenced wireless microphones and determined that the microphones were in non-compliance with Section 15.209 of the Commission’s Rules, which apply to intentional radiators.

4. Further investigation revealed that the devices bore no FCC equipment authorization or any other unique identification label as required by Section 2.925³ of the Rules for radiofrequency devices marketed in the United States. FLECO Corporation applied for and received a Grantee Code “NX7” from the FCC but failed to submit the referenced wireless microphones for certification.

¹47 U.S.C. § 503(b)(5).

²47 U.S.C. § 302a(b), 47 C.F.R. §§ 2.803(a), 15.209.

³47 C.F.R. § 2.925.

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5. Section 302(b) of the Act, provides “[N]o person shall manufacture, import, sell, offer for sale, or ship devices or homes 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 as required by §2.925....” FLECO’s sale of these devices violates both sections.

6. Violations of the Communications Act or of the Commission’s Rules may subject the violator to monetary fines not to exceed \$11,000 for each violation or each day of a continuing violation,⁴ seizure of equipment through *in rem* forfeiture action and criminal sanctions including imprisonment.⁵

7. Section 503(b)(5) of the Act provides that FLECO Corporation may request an interview at the closest FCC Office. You may contact this office by telephone, (360) 696-6707, to obtain the location of the nearest FCC Office and schedule the interview. The interview must be scheduled to take place within 14 days of the date of this Citation. FLECO 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 violation outlined above. Please reference file number EB-04-PO-003 when corresponding with the Commission.

8. Pursuant to Sections 4(i), 4(j), 308(b) and 403 of the Act, FLECO is directed to provide the documents and information specified herein, within 30 calendar days from the date of this Citation.

a.) A list of all customers that purchased the identified uncertified wireless microphones from FLECO Corporation. Include the name, address and telephone number of each purchaser. This information is needed so that we may inform the buyers that operation of these uncertified devices violates the FCC Rules.

b.) The names, addresses (both physical and electronic), and telephone numbers of all persons or corporations from whom FLECO Corporation has obtained, purchased or imported the uncertified wireless microphones. Provide copies of all invoices, manifests, packing lists, bills of lading, U.S. Customs Service Harmonized Tariff Schedule classification numbers, marketing materials, bills, and records, including the make, model, and serial number, related to the purchase, acquisition and importation of the uncertified wireless microphones.

9. This Citation shall be sent by First Class U.S. Mail and Certified Mail, Return Receipt Requested, to FLECO Corporation, 13825 Magnolia Avenue, Chino, California 91710.

⁴47 C.F.R. §1.80(b)(3).

⁵47 C.F.R. §§ 401, 501, 503 and 510.

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10. The Privacy Act of 1974⁶ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁷

FEDERAL COMMUNICATIONS COMMISSION

Binh Nguyen
Resident Agent
Portland Office
Western Region
Enforcement Bureau

⁶P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁷18 U.S.C. § 1001 *et seq.*