CERTIFIED MAIL RETURN RECEIPT REQUESTED

April 30, 2009

Mr. Timothy C. Hilgeman
Fairborn, OH

Re: WARNING FOR UNLICENSED RADIO OPERATION
EB-09-GB-0099

Dear Mr. Hilgeman:

It has come to the attention of the Federal Communications Commission that at multiple times in the last several months you have operated overpowered transmitting equipment on 11 meters that has interfered with communications in the 10 meter band, for which a license is required.

The Commission's rules require that you operate your CB station with an FCC certified CB transmitter.[1] The rules also prohibit the use of external radiofrequency power amplifiers (sometimes called linears or linear amplifiers).[2] The rules further provide that use of a non-certified CB transmitter and/or power amplifiers voids your authority to operate the station.[3]

Operation of radio transmitting equipment without a valid FCC authorization is a violation of Section 301 of the Communications Act of 1934, as amended,[4] and may subject the responsible parties to substantial monetary forfeitures,[5] *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment.[6] Because unlicensed operation creates a danger of interference to important radio communications services and may subject the operator to severe penalties, this warning emphasizes the importance of complying strictly with these legal requirements.

UNAUTHORIZED OPERATION OF THIS RADIO STATION MUST <u>CEASE IMMEDIATELY</u>.

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1 47 C.F.R. § 95.409(a).
2 47 C.F.R. § 95.411(a) (1).
3 *See* 47 C.F.R. §§ 95.409(a); 95.411(b).
4 47 U.S.C. § 301.
5 Fines normally range from $7,500 to $10,000.
6 *See* §§ 401, 501, 503, 510.

You have ten (10) days from the date of receipt of this warning to respond to this office. The response must contain a statement of the specific action(s) taken to bring your CB station into compliance with the Commission's rules and should include a time line for completion of pending corrective action(s). **You are directed to support your response with a signed and dated affidavit or declaration under penalty of perjury, verifying the truth and accuracy of the information submitted in your response.** Your response should be sent to the address in the letterhead and reference the listed case number.

In an inquiry of this type we are required to notify you that under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), the Commission's staff will use all relevant information before it, including information you disclose in your reply, to determine what, if any, enforcement action is warranted in this matter.

You may contact me at 717-338-2577 should you wish to discuss this matter.

Sincerely,

Laura L. Smith
Special Counsel

Cc: Detroit Field Office
Northeast Regional Director