

**VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

January 6, 2010

Mr. Scott Walter  
(Address withheld)  
(City/State withheld)

Re: **Amateur Radio License N9SBJ**  
**Warning Notice**  
**EB-09-GB-305**

Dear Mr. Walter:

The trustee of W9AXD has requested, by certified letter, that you refrain from use of his repeater. The written request was issued as a result of your failure to follow operational rules set forth by the licensee/control operator of the repeater for his users. You were previously issued several verbal requests to refrain from using the repeater, but failed to comply with those requests necessitating the formal written request.<sup>1</sup> You acknowledged on air that you understood that you were not to be using the W9AXD repeater but indicated that you were going to continue using it despite the requests of the trustee that you cease doing so.

The Commission requires that repeaters be under the supervision of a control operator and not only expects, but requires, that such control operators be responsible for the proper operation of the repeater system. Control operators may take whatever steps they deem appropriate to ensure compliance with the repeater rules, including limiting the repeater use to certain users, converting the repeater to a closed repeater or taking it off the air entirely.

Please be advised that the Commission expects you to abide by the request of the trustee that you stay off of W9AXD – and any other similar requests to cease operations on any other repeaters by any other repeater licensees, control operators or trustees. Use of W9AXD again after receipt of this letter could subject you to severe penalties,

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<sup>1</sup> On December 14, 2009, Mr. Ronald Callahan, Jr., one of the control operators, advised you on air that you were restricted from operating on the repeater. Later that day, Mr. Donald Russell (the trustee) contacted you via telephone and again advised that you were prohibited from using the repeater.

including license revocation, monetary forfeiture (fine)<sup>2</sup> or a modification proceeding to restrict the frequencies upon which you may operate.

Sincerely,

Laura L. Smith  
Special Counsel

Cc: Chicago Field Office  
Northeast Regional Director

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<sup>2</sup> Fines normally range from \$7,500 to \$10,000.