

**VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

May 3, 2010

Mr. Gary G. Gardner  
(Address withheld)  
(City/State withheld)

Re: Amateur Radio License KB5RKI  
Warning Notice  
EB-10-GB-0042

Dear Mr. Gardner:

The trustees of W5FC have requested that you refrain from use of their repeaters. The trustees of W5FC attempted to contact you via certified letter to request that you refrain from use of their repeaters, but you refused service.<sup>1</sup> You were previously issued several requests to refrain from using the system, some of the requests occurred as far back as 2007. You have consistently failed to comply with those requests necessitating the formal written request for Commission action on this matter.

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 trustees that you stay off of W5FC – and any other similar requests to cease operations on any other repeaters by any other repeater licensees, control operators or trustees.

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<sup>1</sup> The letter was sent via Certified Mail with a Return Receipt Requested on November 5, 2009. On Friday, November 13, 2009, while on air, you were asked by Tom General, KE5ICX if you were aware of the letter from the Dallas Amateur Radio Club Repeater System requesting that you refrain from use of their repeater system. You acknowledged to Mr. General that you were aware of the letter, but indicated that you were refusing to pick it up from the post office.

Use of W5FC again after receipt of this letter could subject you to severe penalties, 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: Dallas Field Office  
South Central Regional Director

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