

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Carl C. Curatola
d.b.a. 1 Stop Electronics
1879 N Neltnor Blvd.
West Chicago, IL 60185

File No.: EB-04-DL-263
Citation: C20053250005
Sent via Certified
Return Receipt Requested
and First Class U.S. Mail

CITATION

Released: December 6, 2004

By the Enforcement Bureau, Dallas Office:

1. This is an Official Citation issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (“Act”),¹ to Carl C. Curatola d.b.a. 1 Stop Electronics for violation of Section 302(b) of the Act,² and Sections 2.803(a)(1) and 2.815(b)&(c) of the Commission’s Rules.³

2. An investigation by the FCC’s Dallas Office revealed that the Internet domain name 1stopelectronics.com is registered to 1 Stop, Carl C., 1879 N. Neltnor, West Chicago, IL 60185 with an e-mail address listed as xforce151@aol.com. On July 1, 2004, the State of Illinois dissolved the corporation 1 Stop Electronics, Inc. where Carl Curatola was listed as the corporation’s prior president. Furthermore, on November 11, 2004, Carl C. Curatola d.b.a. 1 Stop Electronics, through the use of Internet site www.1stopelectronics.com (with the name and telephone numbers currently listed on the site as “1 Stop Electronics, 877-894-1STOP, 630-393-3366, 847-550-1500, and 888-588-1505”), offered for sale the following thirty-five (35) non-certified Citizens Band transceivers:

<u>NAME</u>	<u>MODEL</u>	<u>PRICE</u>	<u>DESCRIPTION</u>
Connex	3300	\$179.99	“6 Bands of 40 Channels”
Connex	3300 HP	\$199.99	“6 Bands of 40 Channels”
Connex	3300 Limited Ed HP	\$229.99	“6 Bands of 40 Channels”
Connex	4400 HP	\$229.99	“8 Bands of 40 Channels”
Connex	4800 DXL	\$299.99	“12 Bands of 40 Channels”
Connex	Deer Hunter	\$149.99	“3 Bands (120 Ch Export Version)”
Galaxy	DX 33 HML	\$189.99	“FOR EXPORT USE ONLY”
Galaxy	DX 44V	\$209.99	“FOR EXPORT USE ONLY”
Galaxy	DX 48T	\$399.99	“FOR EXPORT USE ONLY”
Galaxy	DX55V	\$199.99	“FOR EXPORT USE ONLY”
Galaxy	DX66V	\$269.99	“FOR EXPORT USE ONLY”
Galaxy	DX 77HML	\$249.99	“FOR EXPORT USE ONLY”
Galaxy	DX 88HL	\$319.99	“FOR EXPORT USE ONLY”
Galaxy	DX 93T	\$429.99	“FOR EXPORT USE ONLY”

¹ 47 U.S.C. § 503(b)(5)

² 47 U.S.C. § 302a(b)

³ 47 C.F.R. § 2.803(a)(1)

<u>NAME</u>	<u>MODEL</u>	<u>PRICE</u>	<u>DESCRIPTION</u>
Galaxy	95T	\$429.99	"Echo"
Galaxy	DX99V	\$349.99	"FOR EXPORT USE ONLY"
General	A.P. Hill	\$179.99	"6 Bands of 40 Channels"
General	Lee	\$199.99	"6 Bands"
Magnum	257	\$219.99	
Magnum	DeltaForce	\$239.99	"TURBO Echo"
Magnum	Maverick	\$229.99	"TURBO Digital Echo"
Magnum	OmegaForce	\$289.99	"TURBO Digital Echo"
Magnum	S-3	\$219.99	"6 Bands"
Magnum	S-9	\$359.99	"TURBO™ Digital Echo with Dual Controls"
President	Lincoln	\$329.99	
Ranger	RCI 2950DX	\$289.99	"FOR EXPORT USE ONLY"
Ranger	RCI 2970DX	\$399.99	"FOR EXPORT USE ONLY"
Ranger	RCI-2995 DX	\$539.99	
Ranger	RCI-6300 F25	\$279.99	"12 Bands of 40CH. (540 CH Export)"
Ranger	RCI-6300F Turbo	\$399.99	"12 Bands of 40CH. (540 CH Export Version)"
Ranger	RCI-6900F25	\$299.99	"12 Bands of 40CH. (540 CH Export Version)"
Ranger	RCI-6900F 150	\$429.99	"12 Bands of 40CH. (540 CH Export Version)"
SuperStar	121	\$139.99	"Full Channel 27 MHz"
SuperStar	3900 American Spirit	\$189.99	
Superstar	3900 Plus	\$189.99	

According to the Commission's records, these devices have not received an FCC equipment authorization which is required for Citizens Band transmitters marketed in the United States.

3. Section 302(b) of the Act² provides "[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." Section 2.803(a)(1) of the Rules³ 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". Carl C. Curatola d.b.a. 1 Stop Electronics offered these devices for sale in violation of both sections.

4. Carl C. Curatola d.b.a. 1 Stop Electronics marketed these devices as amateur and/or Citizens Band transceivers. The Commission has evaluated radio frequency devices similar to those listed in paragraph 2 and concluded that the devices at issue are not only amateur radios but can easily be altered for use as Citizens Band devices as well. A CB transmitter is a transmitter that operates or is intended to operate at a station authorized for the CB service, and it must be certificated by the FCC prior to marketing or importation.⁴ The Commission has further concluded that these devices fall within the definition of a CB transmitter and therefore cannot legally be imported or marketed in the United States. *See* Response from the Commission's General Counsel to U.S. Customs Service dated May 17, 1999, 14 FCC Rcd 7797 (1999).

5. Additionally, dual use CB and amateur radios of the kind at issue here may not be certificated under the Commission's rules. Section 95.655(a) of the Rules⁵ states: "... ([CB] Transmitters with frequency

⁴ See 47 C.F.R. §§ 95.603(c) & 2.803

⁵ 47 C.F.R. § 95.655(a)

capability for the Amateur Radio Services will not be certificated.)” *See also* FCC 88-256, 1988 WL 488084 (August 17, 1988). This clarification was added to explicitly foreclose the possibility of certification of dual use CB and amateur radios, *see id.*, and thereby deter use by CB operators of frequencies allocated for amateur radio use.

6. Furthermore, the Commission has revised Section 2.1204(a)(5) of its Rules⁶ to prohibit all marketing and/or offering for sale in the United States of such devices even when the purchaser(s) had provided assurances that the transceivers are being bought solely for export. ALL DOMESTIC MARKETING OF SUCH DEVICES VIOLATES THE COMMUNICATIONS ACT OF 1934, AS AMENDED, AND THE COMMISSION'S RULES.

7. In addition to the marketing of the non-certified transceivers addressed above, Carl C. Curatola d.b.a. 1 Stop Electronics is warned that Section 302(b) of the Act², and Section 2.815(c) of the Commission’s Rules⁷ requires FCC Type Acceptance (or Certification) of External Radio Frequency Power Amplifiers (or amplifier kits) capable of operation on any frequency or frequencies below 144 MHz. Furthermore, Section 2.815(b) of the Commission’s Rules⁸ prohibits the marketing of External Radio Frequency Power Amplifiers (or amplifier kits) capable of operation on any frequency or frequencies between 24 and 35 MHz. Non-certified External RF Power Amplifiers requiring certification include, but are not limited to, the X Force and Texas Star brands.

8. Subsequent violations of the Communications Act and/or of the Commission’s Rules may subject the violator to substantial monetary forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation,⁹ seizure of equipment through *in rem* forfeiture action, and criminal sanctions including imprisonment.¹⁰

9. Carl C. Curatola d.b.a. 1 Stop Electronics may request a personal interview at the closest FCC location to its place of business,¹¹ namely:

Federal Communications Commission
Park Ridge Office Center, Suite 306
1550 Northwest Highway
Park Ridge, Illinois 60068-1460

which can be contacted by telephone at XXX XXX-XXXX. He must schedule this interview to take place within 14 days of the date of this citation. Carl C. Curatola d.b.a. 1 Stop Electronics may submit a written statement within 14 days of the date of this citation to the following address:

Federal Communications Commission
9330 LBJ Freeway, Suite 1170
Dallas, Texas 75243-3470

which can be contacted by telephone at XXX XXX-XXXX. Any written statement should specify what actions have been taken to correct the violation outlined above. When corresponding with the Commission,

⁶ 47 C.F.R. § 2.1204(a)(5) revised effective February 28, 2000

⁷ 47 C.F.R. § 2.815(c)

⁸ 47 C.F.R. § 2.815(b)

⁹ *See* 47 C.F.R. § 1.80(b)(3)

¹⁰ *See* 47 U.S.C. §§ 401, 501, 503, 510

¹¹ *See* 47 U.S.C. § 503(b)(5)

case number EB-04-DL-263 and citation number C20053250005 should be referenced.

10. Any statement or information provided may be used by the Commission to determine if further enforcement action is required.¹² Any knowingly or willfully false statement made in reply to this notice is punishable by fine or imprisonment.¹³

FEDERAL COMMUNICATIONS COMMISSION

James D. Wells
District Director
Dallas Office
FCC Enforcement Bureau

LRB

Cc: Mr. Carl C. Curatola
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27 W054 Roosevelt Rd.
Winfield, IL 60190-1603

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Park Ridge Office Center, Suite 306
1550 Northwest Highway
Park Ridge, IL 60068-1460

¹² See Privacy Act of 1974, 5 U.S.C. §552a(e)(3)

¹³ See 18 U.S.C. §1001