

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

In the Matter of)		
))	
JAMES C. THOMPSON))	
))	
Suspension of license))	
Amateur Radio Operator License))	
Call Sign KA2YYBP))	

ORDER

Adopted: May 17, 2000 Released: May 19, 2000

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau:

1. The Chief, Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau, has before her for consideration, pursuant to Section 1.85 of the Commission’s Rules, 47 C.F.R. § 1.85, a settlement agreement entered into between the Licensing and Technical Analysis Branch of the Public Safety and Private Wireless Division (“Branch”) and James C. Thompson. Mr. Thompson holds a General Class Amateur Radio Operator License, Call Sign KA2YBP.
2. The Commission has received numerous complaints from the amateur radio community about interference to amateur radio frequencies. In response to the complaints, field agents assigned to the former Compliance and Information Bureau of the Federal Communications Commission conducted a field investigation to locate and identify interference in the amateur radio band. On October 18, 1998, using direction finding techniques, the field agents located and traced the source of transmissions that were interfering with or “jamming” frequency 7.240 MHz to the Waretown, New Jersey residence of James C. Thompson. The field agents then inspected the station and found evidence indicating that Mr. Thompson was responsible for the interference. Mr. Thompson later admitted to performing the acts that constituted the interference.
3. The Branch has reached a Settlement Agreement with Mr. Thompson that will resolve this proceeding. The terms and conditions of the settlement agreement are set forth in Attachment A hereto.
4. We have reviewed the Settlement Agreement and evaluated the circumstances of this proceeding. On balance, we believe that the public interest would be served by approving the attached Settlement Agreement and terminating this proceeding.
5. **ACCORDINGLY, IT IS HERBY ORDERED**, pursuant to Sections 4(i) and 303(m) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 303(m) and Section 1.85 of the Commission’s Rules, 47 C.F.R. § 1.85, that the Settlement Agreement IS APPROVED and ADOPTED. It Is Further Ordered that the terms of the Settlement Agreement are incorporated into this *Order* by reference and shall become effective as indicated in the Settlement Agreement.
6. **IT IS FURTHER ORDERED**, that the above-captioned proceeding **IS TERMINATED**.
7. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission’s Rules. 47 C.F.R. §§ 0.131, 0.331.

D'wana R. Terry
Chief, Public Safety and Private Wireless Division
Wireless Telecommunications Bureau

Settlement Agreement

I. Introduction

1. This is a Settlement Agreement between the Licensing and Technical Analysis Branch of the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau of the Federal Communications Commission (“Branch”) and James C. Thompson (“Thompson”).

1. Under the terms of this Settlement Agreement, Thompson agrees, as discussed more fully below, to surrender his General Class Amateur Radio Operator License, Call Sign KA2YBP for a three year suspension period and hereby affirms that he was sold and will not acquire, reacquire or otherwise possess, either directly or indirectly, radio transmission equipment during the period of his suspension. Mr. Thompson further agrees to refrain from participating as a third party in any amateur radio communications. Under the terms of this Settlement Agreement, the Legal Services Group of the Compliance Division of the Compliance and Information Bureau agrees to terminate its investigation and prosecution of Thompson for the offenses described in Notice of Apparent Liability, Account No. 915PA0002, (released November 9, 1998.)

II. Background

1. At all relevant times referenced herein, Thompson has held a General Class Amateur Radio Operator License, (Call Sign KA2YBP). The Compliance and Information Bureau’s Philadelphia Field Office investigated interference to amateur radio frequency 7.240 MHz. The investigation was conducted as a result of complaints that had been received from the amateur radio community, including the Association of North American Radio Clubs (ANARC). The ANARC reported that someone had been interfering or “jamming” frequency 7.240 by playing music, along with other broadcast programs and audio sound effects. According to the ANARC, the interference has had a consistently adverse impact on its communications and operations. On October 18, 1998, the FCC’s Columbia Operations Facility, which monitors high frequency transmissions, working in tandem with the Philadelphia Field Office, used direction finding techniques to locate and trace the source of transmissions interfering or “jamming” transmissions on frequency 7.240 MHz. Using close in direction finding techniques, field agents located the source of the transmissions on frequency 7.240 MHz to a station being operated by Thompson from his residence, 5 Spinnaker Way, Waretown, New Jersey, as the source of the interference or “jamming” to frequency 7.240 MHz. The field agents inspected the station and found a radio receiver positioned next to the station’s microphone. Thompson subsequently admitted to the retransmission of a broadcast station and failing to provide station identification. The known facts are as follows:

- (a) Mr. Thompson’s transmissions on October 18, 1998, constituted willful or malicious interference to the transmissions of other amateur radio stations, in apparent violation of Section 333 of the Communications Act of 1934, as amended (Act), 47 U.S.C. § 333, and Section 97.101(d), Section 97.113(e) and Section 97.119(a) of the Commission’s Rules, 47 C.F.R. §§ 97.101(d), 97.113(e) and 97.119(a);

- (a) Mr. Thompson's transmissions on October 18, 1998, were unidentified, in apparent violation of Section 97.119(a) of the Commission's Rules, 47 C.F.R. § 97.119(a);
- (a) Mr. Thompson's transmission on October 18, 1998, included music, in apparent violation of Section 97.113(a)(4) of the Commission's Rules, 47 C.F.R. § 97.113(a)(4); and

III. Definitions

1. For the purposes of this Settlement Agreement, the following definitions shall apply:
 - (a) "Commission" means the Federal Communications Commission.
 - (a) "Bureau" means the Commission's Wireless Telecommunications Bureau.
 - (a) Branch means the Licensing and Technical Analysis Branch of the Public Safety and Private Wireless Division of the Bureau.
 - (a) "Legal Services Group" means the Legal Services Group of the Compliance Division of the Compliance and Information Bureau.
 - (a) "Thompson" means James C. Thompson or any other name by which James C. Thompson may subsequently identify himself.
 - (a) "Order" means an Order of the Public Safety and Private Wireless Division of the Bureau adopting the Settlement Agreement.
 - (a) "Final Order" means an Order of the Bureau that is no longer subject to administrative or judicial reconsideration, review, appeal, or stay.
 - (a) "Authorization" means any license, construction permit, or other entitlement of any kind whatsoever, over which the Commission has or may have jurisdiction.

IV. Agreement

1. Thompson acknowledges that he fully understands each and every provision contained in this Settlement Agreement, and that he has entered into and executed this Settlement Agreement voluntarily.

1. Thompson waives any rights he may have to request a hearing and present evidence or otherwise contest any aspect of the Bureau's proceeding, including the investigation.

1. Thompson admits to having willfully and repeatedly violated § 333 of the Communications Act of 1934, as amended, and §§ 97.101(d), 97.113(a)(4), and 97.119(a) of the Commission's Rules.

1. Thompson admits to the jurisdiction of the Commission over him and the subject matter of this action for purposes of this Settlement Agreement and the Order adopting this Settlement Agreement.

1. Thompson waives any and all right he may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge or contest the validity of any Order adopting this Settlement Agreement. Thompson agrees that upon the signing of this Settlement Agreement by Thompson and the Public Safety and Private Wireless Division, the provisions of this Settlement Agreement shall be incorporated by reference into the Order adopting this Settlement Agreement.

1. In consideration of the representations contained in this Settlement Agreement, Thompson agrees unconditionally to the following terms:

- (a) Thompson shall surrender to the Commission for three year suspension his General Class Amateur Radio Operator License, Call Sign KA2YBP) within 10 calendar days after the Order becomes a Final Order.
- (a) Thompson shall, within 10 calendar days after the Order becomes a Final Order, provide any evidence which he has to substantiate his claim that he has divested himself of all electronic equipment in his possession, custody, or control which is designed or intended for, or capable of, transmitting on frequencies in the Amateur Radio Service, and, within the same time period, forward to the Branch evidence of such divestiture (e.g., sales or donation receipt(s), etc.).
- (d) Thompson shall for the remainder of the three year period refrain from applying for, either directly or indirectly, any Commission construction permit, reinstatement of license, or other authorization, regardless of the service involved.
- (d) Thompson shall refrain for a period of three years from participating as a third party in any communications in the Amateur Radio Service.
- (d) Thompson shall for a period of three years refrain from engaging in any transmission in the Citizens Band Radio Service.
- (d) Thompson shall cooperate fully and completely, including, but not limited to, providing testimony under oath concerning matters of which he has knowledge and information, with all government officials in connection with any ongoing or future administrative or law enforcement investigations or administrative or judicial proceedings involving operations by other individuals in the Amateur Radio Service.

4. In consideration of the representations contained in the Settlement Agreement and in express reliance thereon, the Legal Services Group agrees, upon the Order becoming a Final Order, to terminate its investigation of the offenses which it believes Thompson has committed in this matter.

4. Thompson agrees that any violation of the Order or of this Settlement Agreement shall constitute a separate violation of a Commission order, entitling the Commission to exercise any rights and remedies available for enforcement of a Commission order.

4. Thompson and the Wireless Telecommunications Bureau recognize that if this Settlement Agreement is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

4. Thompson agrees that if the Commission, or the United States on behalf of the Commission, brings a judicial action to enforce the terms of the Order, he shall not contest the validity of the Order, will waive any statutory rights to a trial *de novo*, and

will consent to a judgement incorporating the terms of the Settlement Agreement.

4. Thompson agrees to waive any claims he may otherwise have under the Equal Access to Justice Act, Title 5 U.S.C. § 504 and 47 C.F.R. § 1.1501 *et seq.*

17. Thompson acknowledges, understands, and unconditionally accepts that any transmission by him during the period of his suspension, however brief, in the Amateur Radio Service or Citizens Band Radio Service, or any other activity whatsoever which violates the Commission's Rules or the Communications Act of 1934, as amended, after the Order adopting this Settlement Agreement has become a Final Order may subject him to severe administrative sanctions (including, but not limited to, the suspension of privileges specified in ¶ 16 above and the imposition of substantial monetary forfeitures) and/ or criminal prosecution by the United States Department of Justice.

JAMES C. THOMPSON

By: /s/
James C. Thompson

Date: 6-2-99

WIRELESS TELECOMMUNICATIONS BUREAU

By: /s/
Licensing and Technical Analysis Branch,
Of the Public Safety and Private Wireless Division,
Wireless Telecommunications Bureau
Federal Communications Commission

Date: 6/17/99

NOTED:

/s/
Compliance Division,
Compliance and Information Bureau

