

Federal Communications Commission

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

In the Matter of)	
)	File No.: EB-09-NY-0204
Albert Lucero)	
)	Citation No.: C200932380002
Astoria, New York)	

CITATION

Released: July 7, 2009

By the District Director, New York Office, Northeast Region, Enforcement Bureau:

1. This is an Official Citation issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (“Act”),¹ to Albert Lucero for violation of Section 15.5(b) of the Commission’s Rules (“Rules”).²

2. On June 2, 2009, the FCC’s New York Office received a complaint from a licensed communications service concerning interference to its wireless telecommunications network on 900 MHz SMR band in Astoria, New York. On June 3, 2009, an agent from the New York Office investigated the allegation and located the interfering signal emanating from the BQE Auto Body shop at 2419 45th Street, Astoria, New York, 11103. Further investigation revealed that the source of the interfering signal was a surveillance camera system, a Part 15 device, located in the BQE Auto Body shop. The manager of the auto body shop, Albert Lucero, reported to the agent that he purchased the surveillance camera system in order to monitor workers at the shop.

3. Section 15.5(b) of the Rules states that “[o]peration of an intentional, unintentional, or incidental radiator is subject to the conditions that no harmful interference is caused”³ Section 15.5(c) provides that the “operator of a radio frequency device shall be required to cease operating the device upon notification by a Commission representative that the device is causing harmful interference.”⁴ During the inspection on June 3, 2009, the agent warned Mr. Lucero that he must cease operating the camera because it was continuing to cause interference to the licensed wireless telecommunications network. The agent again warned Mr. Lucero during a follow-up inspection on June 11, 2009 and during a telephone c(XXX) XXXX-XXXX June 17, 2009, that he must cease operating the surveillance cameras.

4. Violations of the Act or the Commission’s Rules may subject the violator to substantial monetary forfeitures,⁵ seizure of equipment through *in rem* forfeiture action, and criminal sanctions including imprisonment.⁶

¹ 47 U.S.C. § 503(b)(5).

² 47 C.F.R. § 15.5(b).

³ 47 C.F.R. § 15.5(b).

⁴ 47 C.F.R. § 15.5(c).

⁵ 47 C.F.R. § 1.80(b)(3).

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5. Mr. Lucero may request an interview at the closest FCC Office, which is Federal Communications Commission, 201 Varick Street, Suite 1151, New York, New York, 10014.⁷ You may contact this office by telephone, (212) 337-1865, to schedule this interview, which must take place within 14 days of this Citation. Mr. Lucero may also submit a written statement to the above address within 14 days of the date of this Citation. Any written statements should specify what actions have been taken to correct the violations outlined above. Please reference file number EB-09-NY-0204 when corresponding with the Commission.

6. Any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.⁸ Any knowingly or willfully false statement made in reply to this Citation is punishable by fine or imprisonment.⁹

7. **IT IS ORDERED** that copies of this Citation shall be sent by First Class U.S. Mail and Certified Mail, Return Receipt Requested to Mr. Albert Lucero at his address of record.

FEDERAL COMMUNICATIONS COMMISSION

Daniel W. Noel
District Director, New York Office
Northeast Region
Enforcement Bureau

⁶ 47 U.S.C. §§ 401, 501, 503, 510.

⁷ 47 U.S.C. § 503(b)(5).

⁸ See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

⁹ See 18 U.S.C. § 1001 *et seq.*