

Federal Communications Commission

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

In the Matter of)	
)	File No.: EB-06-PO-169
Michael T. Kersnowski)	
d/b/a RadioActive Radio)	Citation No.: C20073292003
)	
Salem, Oregon 97302)	
)	

CITATION

Released: February 23, 2007

By the Resident Agent, Portland Resident Agent Office, Western 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 Michael T. Kersnowski d/b/a RadioActive Radio for violation of Section 302(b) of the Act,² and Sections 2.803(a)(1), 2.815(b) and 2.815(c) of the Commission’s Rules (“Rules”).³

2. Investigation by the Commission’s Portland Resident Agent Office of the Enforcement Bureau revealed that on November 28, 2006, RadioActive Radio, through the use of internet website www.RadioActiveRadios.com, offered for sale forty-four non-certified Citizens Band (“CB”) transceivers as follows:

Brand	Model
Connex	3300 HP
Connex	4600 Turbo
Connex	4300 HP 300
Connex	4300 HP
Connex	General Washington
Connex	General Lee
Connex	4800HPE
Connex	Deer Hunter
Galaxy	2517
Galaxy	2547
Galaxy	99V
Galaxy	88HL

¹ 47 U.S.C. § 503(b)(5).

² 47 U.S.C. § 302a(b).

³ 47 C.F.R. §§ 2.803(a)(1), 2.815(b), 2.815(c).

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Galaxy	77
Galaxy	66V
Galaxy	55
Galaxy	33HML
Galaxy	45MP
Galaxy	48T
Galaxy	93T
Galaxy	95T
General	General Jackson
Magnum	S6
Magnum	S9
Magnum	S3RF
Magnum	Delta Force
Magnum	Omega Force
Magnum	Mini
Mirage	6600
Mirage	88H/L
Mirage	9900
RCI	2980WX
RCI	2985DX
RCI	2995DX
RCI	2985DX
RCI	2950
RCI	2970
RCI	6300F25
RCI	6300F150
RCI	Voyage VR-9000
Super Star	36
Super Star	3900
Super Star	3900GHPM
Super Star	3900GHPA
Stryker	440

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

3. RadioActive Radio, through the use of internet website www.RadioActiveRadios.com, also offered for sale ten non-certified External Radio Frequency Power Amplifiers as follows:

Brand	Model
Palomar	225
Palomar	250
Palomar	Delux Modulator
Palomar	450
Palomar	600
Palomar	900V
Davemade	M80
Davemade	M200
Davemade	M400
Davemade	Straight 8

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4. Section 302(b) of the Act provides: “No 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 Rules 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...” RadioActive Radio’s offering for sale of the transceivers listed in paragraph 2 violates both sections.

5. Additionally, dual use CB and amateur radios of the kind at issue here may not be certificated under the Rules.⁴

6. Section 2.815(c) of the Rules prohibits the manufacture, sale, or offering for sale of any External Radio Frequency Power Amplifier (or amplifier kits) capable of operation on any frequency below 144 MHz unless the amplifier has received a grant of type acceptance.⁵ Furthermore, Section 2.815(b) of the Rules prohibits the sale or marketing of External Radio Frequency Power Amplifiers (or amplifier kits) capable of operating on any frequency between 24 and 35 MHz.⁶ RadioActive Radio’s offering for sale of the non-certified External Radio Frequency Power Amplifiers listed in paragraph 3 violates both sections of the Rules and Section 302(b) of the Act.

7. Violations of the Act or the Rules may subject the violator to substantial monetary forfeitures,⁷ seizure of equipment through *in rem* forfeiture action, and criminal sanctions, including imprisonment.⁸

8. Michael T. Kersnowski d/b/a RadioActive Radio may request an interview at the closest FCC Office, which is Federal Communications Commission, 11410 N.E. 122nd Way, Suite 312, Kirkland, Washington 98034.⁹ You may contact this office by telephone, XXX XXX-XXXX, to schedule this interview, which must take place within 14 days of this Citation. Michael T. Kersnowski d/b/a RadioActive Radio 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-06-PO-169 when corresponding with the Commission.

⁴ Section 95.655(a) of the rules states: “[CB] Transmitters with frequency capability for the Amateur Radio Services...will not be certificated.” *See also Amendment of the Part 95, Subpart E, Technical Regulations in the Personal Radio Services Rules*, 3 FCC Rcd 5032 (1988).

⁵ 47 C.F.R. § 2.815(c).

⁶ 47 C.F.R. § 2.815(b).

⁷ 47 C.F.R. § 1.80(b)(3).

⁸ 47 U.S.C. §§ 401, 501, 503, 510.

⁹ 47 U.S.C. § 503(b)(5).

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9. Any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.¹⁰ Any knowingly or willfully false statement made in reply to this Citation is punishable by fine or imprisonment.¹¹

10. **IT IS ORDERED** that copies of this Citation shall be sent by First Class U.S. Mail and Certified Mail, Return Receipt Requested to Michael T. Kersnowski at his address of record and the address of record for RadioActive Radio.

FEDERAL COMMUNICATIONS COMMISSION

Binh Nguyen
Resident Agent
Portland Resident Agent Office
Western Region
Enforcement Bureau

¹⁰ See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

¹¹ See 18 U.S.C. § 1001 *et seq.*