

**Federal Communications Commission**

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

In the Matter of	)	
	)	
David Dean	)	File No.: EB-FIELDWR-22-00033634
Licensee of Station K0PWO	)	FRN: 0002147031
	)	
Centennial, CO	)	
	)	
	)	
	)	

**NOTICE OF VIOLATION**

**Released: June 2, 2022**

By the Regional Director, Region Three, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to section 1.89 of the Commission’s rules<sup>1</sup> to David Dean, licensee of radio station K0PWO in Centennial, Colorado. Pursuant to section 1.89(a) of the Commission’s rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.<sup>2</sup>

2. On April 7, 2022, the Enforcement Bureau’s Denver Office received a complaint of interference on 7.033 MHz. A Denver Office agent, using radio direction finding techniques, located a continuous carrier signal on 7.033 MHz emanating from a residence in Fairplay, Park County, Colorado. No one was present at the time. The agent determined that an amateur radio operator, K0PWO, was transmitting at this address. The agent monitored the signal broadcasting from the residence in Fairplay, Colorado, and observed the following violations:

- a. 47 CFR § 97.101(b): “Each station licensee and each control operator must cooperate in selecting transmitting channels and in making the most effective use of the amateur service frequencies. No frequency will be assigned for the exclusive use of any station.” K0PWO was observed transmitting a non-stop continuous tone on 7.033 MHz, blocking use of that frequency for other communications and licensees.
- b. 47 CFR § 97.109(b): “When a station is being locally controlled, the control operator must be at the control point. Any station may be locally controlled.” The control operator of K0PWO lost connection to the station’s equipment via remote control, and no local control operator was present at the time of observation.
- c. 47 CFR § 97.119(a): “Each amateur station, except a space station or telecommand station, must transmit its assigned call sign on its transmitting channel at the end of each communication, and at least every 10 minutes during a communication, for the purpose of clearly making the source of the transmissions from the station known to those receiving the transmissions. No station may transmit unidentified communications or

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<sup>1</sup> 47 CFR § 1.89.  
<sup>2</sup> 47 CFR § 1.89(a).

**Federal Communications Commission**

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signals, or transmit as the station call sign, any call sign not authorized to the station.” During KOPWO’s continuous transmission, the station did not transmit its assigned call sign.

3. Pursuant to section 308(b) of the Communications Act of 1934, as amended (Act), and section 1.89 of the Commission’s rules, we seek additional information concerning the violations and any remedial actions taken.<sup>3</sup> Therefore, David Dean must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a timeline for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

4. In accordance with section 1.16 of the Commission’s rules, we direct Mr. Dean to support his response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by him, verifying the truth and accuracy of the information therein, and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or knowledge has been produced.<sup>5</sup> To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under title 18 of the U.S. Code.<sup>6</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File Number, specified above, and mailed to the following address:

Federal Communications Commission  
Los Angeles Regional Office  
11331 183<sup>rd</sup> Street, PMB #365  
Cerritos, CA 90703

6. This Notice shall be sent to David Dean at his address of record.

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<sup>3</sup> 47 U.S.C. § 308(b); 47 CFR § 1.89.

<sup>4</sup> 47 CFR § 1.89(c).

<sup>5</sup> Section 1.16 of the Commission’s rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 CFR § 1.16.

<sup>6</sup> 18 U.S.C. §§ 1001, *et seq.*; *see also* 47 CFR § 1.17.

**Federal Communications Commission**

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7. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Lark Hadley  
Regional Director, Region Three  
Enforcement Bureau

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<sup>7</sup> 5 U.S.C. § 552a(e)(3).