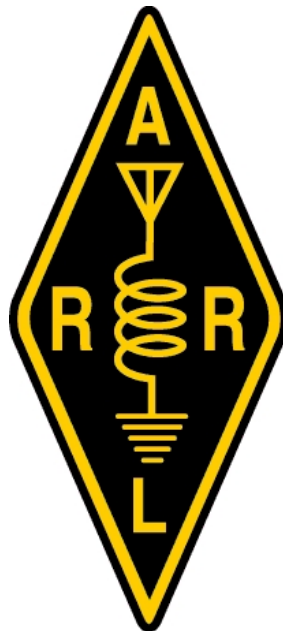


# ARRL Official Observer Program Study Committee Final Report and Recommendations to the Executive Committee

**July 9, 2018**

Submitted by:

- Riley Hollingsworth K4ZDH (Atlantic Division Vice Director; FCC Special Counsel for Amateur Radio Enforcement, Retired) Committee Chair
- Brian Milesosky N5ZGT (Former ARRL Vice President, Former Committee Chair)
- Dan Henderson N1ND (ARRL Regulatory Information Manager)
- Steve Ewald WV1X (ARRL Field Organization Supervisor)
- Chris Imlay W3KD (ARRL General Counsel)



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## Task and Objectives

The recent closing of numerous FCC Field Offices; the reduction in the number of field staff overall; and the closing of many field offices under the auspices of the Spectrum Enforcement Division of FCC’s Enforcement Bureau had and continue to have a profound, adverse impact on enforcement and rule compliance in the Amateur Radio Service. ARRL’s view is that success in promoting and maintaining a high level of rule compliance in the Amateur Service necessitates an atmosphere of deterrence of errant behavior by licensees. Creating that atmosphere, in turn, is dependent on the perception in the Amateur Radio community of an effective, efficient enforcement mechanism on the part of the FCC. That perception requires a very few, but timely and visible enforcement actions against the most visible and egregious offenders. In light of the FCC’s actions, which are overall contrary to the enforcement philosophy of ARRL, the ARRL Board of Directors adopted the following resolution at its July 2015 meeting:

*“...Resolved, that substantial, timely improvement in enforcement is an issue of the highest urgency. The Chief Executive Officer, staff and General Counsel are directed to develop and, under the supervision of the Executive Committee, execute a plan to improve timely and visible enforcement in the Amateur Radio Service. This plan will include (but not be limited to) identification of the most urgent enforcement cases; summarizing evidentiary input to FCC to date in each case; presenting these summaries to FCC Enforcement Bureau staff and FCC Commissioners; other Federal agencies with jurisdiction over rule violation instances; and as necessary, Congressional oversight authorities; and urging the fast, timely resolution of the cases. The plan will also include*

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*plans for improved publicity of enforcement actions which are not being effectively publicized by FCC itself; options for providing ARRL resources in the direct resolution of individual cases; and plans to cause FCC to make effective and direct use of evidentiary materials gathered by volunteers in the Amateur Service.” (Minute 39, July 2015 Board of Directors meeting)*

Stemming from this resolution and subsequent related discussion by the Executive Committee, the Official Observer Program study was commissioned through the following decision made at the ARRL Executive Committee’s March 2016 meeting:

*“...The committee discussed how the ARRL’s Official Observer program might be better positioned to provide assistance to the FCC.*

*On motion of Mr. Roderick, staff was directed to review and evaluate the Official Observer program, solicit input from the field organization, and explore areas of possible improvement including in the area of training for OOs. Vice President Milesosky is to oversee the study on behalf of the Board.” (Minute 4.1.1 of the March 2016 Executive Committee meeting)*

In implementing this instruction, and pursuant to the Board’s Minute 39 resolution, the Study Committee formed by the EC’s Minute 4.1.1. order took advantage of an unusual opportunity. We had several meetings with members of the FCC’s professional staff, initiated by them, at which we received input directly from, and provided direct input to FCC Enforcement Bureau staff about constructive ways to address FCC field staff shortages. Based initially on these meetings with FCC, the Committee has developed a plan for a modernized, restructured and revitalized Volunteer Monitoring (VM) program. This new VM program will replace and substitute for the former Official Observer program. Its purpose is to encourage compliance by cooperative, intra-Service communications, and to supplant the reduced FCC enforcement resources available for Amateur Radio enforcement by using anonymous ARRL Volunteer Monitors (VMs) to develop, via on-air monitoring and established direction-finding techniques, patterned records of repeated, serious, actionable rule violations and identification information that will allow FCC enforcement resources to be used on a targeted basis and to save time.

## Committee members

The following individuals made up the core Official Observer Program Study committee:

- Dan Henderson N1ND (ARRL Regulatory Information Manager)
- Steve Ewald WV1X (ARRL Field Organization Supervisor)
- Dave Patton NN1N (then ARRL Field Services Manager)
- Chris Imlay W3KD (ARRL General Counsel)
- Riley Hollingsworth K4ZDH (Atlantic Division Vice Director; FCC Special Counsel for Amateur Radio Enforcement, Retired)

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- Brian Mileschosky N5ZGT (ARRL Second Vice President, Committee Chairman)

Additionally the following individuals served as liaison to two ARRL's standing committees with shared jurisdiction on the topic:

- Tom Abernethy W3TOM (Atlantic Division Director, Programs and Services Committee)
- Kermit Carlson W9XA (Central Division Director, Administration and Finance Committee)

Finally, most recently, Vice President Bob Vallio, W6RGG was added as a Board liaison to the Committee.

Upon the retirement of Vice President Mileschosky from the Board of Directors of ARRL in January 2018, Brian resigned as a member of the Committee. The Committee is grateful to Brian for his dedication and for his vision, and the diligence and energy that he brought to this project.

## Topics Studied

The following topics were researched and discussed throughout the course of the study. These are not listed in order of importance.

- Determination of the proper number of VM appointments nationwide, ensuring proper geographic distribution of VMs, with an emphasis on those areas where FCC field offices have closed or where there has never been one.
- Process, methodologies and a template for ARRL headquarters to collect, catalog, review, qualify, and archive VM patterned monitoring reports, direction-finding information and supporting data (recordings, video, etc.)
  - Mechanisms to prevent and to de-conflict instances (principally HF incidents) whereby multiple observers monitor and collect data on a single violator.
  - Mechanisms to alert and task observers in a given geographic area to monitor collect and report patterns of serious violator behavior
  - An application and screening process for prospective VMs in the new program and the termination of the Official Observer program.
  - Mechanisms to ensure anonymity of VMs and to preclude any contact between VMs and suspected rule violators.
  - Managing expectations of VMs in order to ensure a consistent, sustainably motivated VM corps.
- Interacting with the FCC
  - Process to forward qualifying observer reports and supporting data
  - Level of interaction between observer population and FCC
  - Expectations of FCC in response to properly prepared, HQ-vetted, patterned reports of objective, repeated, substantive rule violations.

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- Duration of observer accreditation
- Reporting tools (rubric, watch sheet, etc.)
- Application and reaccreditation processes for participants in the Official Observer program who wish to reapply
- Continuation versus elimination of the role of Official Observer Coordinators in the VM program
- Periodic briefings and webinars to VMs for educational, motivational, and reaccreditation purposes and FCC roles in those educational forums
- Rebranding of the Official Observer program (i.e. different name to signify a markedly different program and renaming the volunteer participants to more accurately describe their role and their specifically delineated authority)
- Ensuring the preservation of the Official Observer program's history conceptually but modernizing and making the program useful to FCC as the served agency for the benefit of improved compliance and deterrence in the Amateur Service
- Developing and implementing a process for pre-vetting, vetting, determination of competency and character, and approving VMs within a new program.
- Addressing the optics of termination of the old OO program and the simultaneous commencement of the new program, which is an FCC priority, but encouraging enrollment by serious participants
- Developing and implementing emerging technologies to assist VMs and ARRL staff supporting the program
- Considering potential roles of VMs situated outside of the United States

## Outreach / Publicity

Throughout the course of its study, Committee members reached out to the Official Observers, OOCs, and the larger amateur radio community to provide general information and solicit feedback.

- **June 2016:** Initial meeting with FCC's Laura Smith at ARRL headquarters to gain initial thoughts on a modernized program
- **October 2016:** Follow-up meeting with Laura Smith and FCC Region 1 Director Dave Dombrowski at FCC in Gettysburg to further discuss modernized program and gain further insights into FCC's needs and requirements for deploying our volunteer resources. We obtained a commitment from the FCC representatives to cooperate in redeveloping the OO program, and a path toward gaining FCC's buy-in to sustain the modernized program
- **January 2017:** Initial ARRL web news article containing general study information following kickoff
- **April 2017:** QST news article containing general information following kickoff

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- **June 2017:** Email sent to all OOCs and SMs containing general information, status of study, and encouragement to continue 'doing business as usual' while the study progresses
- **June 2017:** Brief news note published in QST remarking on committee's update to the Executive Committee
- **September 2017:** Tom Gallagher's "Second Century" editorial dedicated to detailing the background, motivation, and path forward for the Official Observer Program study; invitation to all readers to provide thoughtful ideas and feedback via [oo@arrl.org](mailto:oo@arrl.org) email address
- **October 2017:** Tom Gallagher, Chris Imlay, Dan Henderson, and Brian Milesosky meeting in Washington DC with Rosemary Harold (FCC Enforcement Bureau Chief), Laura Smith, and other FCC staff members to provide overview of the new OO program framework and solicit feedback
- **January 2018:** Phone interviews with nine appointed OOCs (~20% of total OOC population) to gather Section-specific information, and solicit feedback and reaction to a subset of recommendations generated through the course of the study; these OOCs were identified by Steve Ewald as being amongst the most active and effective OOCs in the United States
  - These OOCs were encouraged to relay survey questions and information to their OOs so the study group would benefit from their input as well
- **January 2018:** Email survey distributed to the remainder of the OOC population to gather Section-specific information, and solicit feedback and reaction to a subset of recommendations generated through the course of the study; 18 OOCs responded, bringing total percentage of OOCs in the nation who were engaged to 53%
  - These OOCs were encouraged to relay survey questions and information to their OOs so the study group would benefit from their input as well
- **January 2018:** Email survey conducted with 20 Section Managers (28% of total SM population) who, at the time of outreach, did not have appointed OOCs within their sections to understand underlying reasons why they did not have appointed OOCs; 9 SMs responded
- **May 2018:** Meeting of ARRL CEO Shelley, Vice Director Hollingsworth and General Counsel Imlay with the Chief, Enforcement Bureau, FCC to discuss new MOU with FCC and revised training manual draft
- **June 2018:** Receipt of FCC proposed edits to ARRL/FCC MOU and preparation of final proposal for ARRL EC consideration.

## Summary of Recommendations

The committee makes the following recommendations:

- **Rebrand the "Official Observer" program as the "Volunteer Monitoring" program.** The recommendations that follow represent the framework to a markedly different

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and modernized program than what currently exists. There should be a clean and deliberate break between the current Official Observer program and the future Volunteer Monitoring program, and the FCC has built such a provision into the draft MOU in its edits. This provides both a challenge in terms of presenting the absolute termination of the old program to the 700-plus current OOs and OOCs whose appointments will all be terminated at once (which may create some pushback from the OOs, OOCs and SMs who appointed them); and an opportunity. We anticipate that, properly presented, the announcement of the details and plans for the new VM program will generate enthusiasm within the amateur radio community. It can signal a shift in FCC's reactive approach to Amateur enforcement to a more dynamic partnership between ARRL and FCC and a path toward use of the volunteer work of the smaller cadre (approximately 200-250 at the most) of VMs. We can enlist FCC in the League's commitment to enabling enforcement and encouraging voluntary compliance. We will also have an energized group of newly recruited, actively and continuously trained volunteers who are 100% willing and able to participate in the new program. FCC has urged us to manage the expectations of our revitalized volunteers and to help them focus on achieving compliance rather than on the punitive aspects of enforcement per se. We can do that by increased transparency with our volunteers in the new VM program.

- **Hire and/or assign a dedicated staff member part time, or retain an independent contractor at ARRL HQ, to administer the new program and interface with its participants.** Feedback voiced by the majority of OOCs interviewed by the committee during the study centered on the absence of a dedicated OO program manager at ARRL headquarters. The level of communication, coordination, and feedback to OOs in the field dropped significantly or, in some cases, entirely following the departure of Mr. Chuck Skolaut K0BOG from ARRL's professional staff. Mr. Steve Ewald WV1X was subsequently assigned much of Chuck's responsibilities, and was put into the difficult position of having to keep the static OO program afloat while engaged in other duties, managing the remainder of ARRL's Field Organization. Steve did this with a good deal of competence but it is not a sustainable model going forward with the new VM Program. Reliable and constant communication with the Volunteer Monitors as well as the information flow to and from FCC will be crucial to the success of a modernized program. This is especially needed at the commencement of the new program since we do not envision any carryover or overlap from the old program to the new one. Between 200 and 250 volunteers will have to be recruited, pre-vetted and vetted completely and trained, all under the supervision of the one staff person who will be responsible for launching the program effectively. A modernized program should have a dedicated program manager at headquarters, rather than have the urgent initial tasks being left to compete among a staff person's other competing obligations and priorities. We had previously discussed with former CEO Gallagher the need for between ½ and one full

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time employee equivalent in order to make the revitalized program sustainable. We still believe that there will be no need for a full time employee equivalent after the initial task of recruiting, enrolling, training and vetting VMs. When the new program is stable after implementation, the staffing requirements are forecast to rapidly decrease to, perhaps, one half of an employee equivalent. However, during the initial rollout period, which could take five or six months, there may be a need for additional manpower, and the Committee has some suggestions for Barry Shelley to consider to address this.

- **Organize periodic (i.e., quarterly or bi-annual) webinars highlight technologies, techniques, and other ‘continuing education’ topics that would assist, motivate, and better enable Official Observers.** Laura Smith agreed to participate in these webinars, and FCC has built into the program a commitment of at least one FCC participant annually. ARRL envisions several webinars for training VMs per year, perhaps on specific topics but mostly with respect to rule enforceability as a means of managing expectations of VMs.
- **Recruit and leverage a limited number of US licensed volunteers who reside in foreign countries.** A geographic distribution of program volunteers around the World, especially in ITU Regions 1 and 2 would enable or enhance program activities including monitoring and DFing United States-based signals of interest.
- **Develop (over time, but not immediately) a centralized, web-based IT system capable of being accessed by Volunteer Monitors, ARRL staff, and FCC to maximize the efficiency of administering the modernized program.** This IT system would significantly reduce manual administrative work at ARRL HQ and increase both program efficiency as well as effectiveness. Such an IT system would facilitate a number of significant functions, including:
  - Reporting and data entry by Volunteer Monitors
  - Cataloging of reports and data
  - Searches of reports and data
  - Automatic flagging of operators who show patterns of misbehavior, based on reporting
  - Enabling good/bad operator reports to be mailed centrally from ARRL HQ
  - Anonymizing the actions of Volunteer Monitors
  - Serving as a repository for training material (training manual, training videos, archived webinars, etc)
  - Deconflicting and facilitating the tasking of a Volunteer Monitor to respond to a specific on-air situation requiring monitoring and data capture
  - Providing different levels of access, depending on a person’s role
    - A Volunteer Monitor could log in and have basic access to other posted reports and supporting data (details would be limited, and



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there would be no indication of which Volunteer Monitors submitted a given report)

- A Volunteer Monitor Coordinator could log in and have basic access to other posted reports and supporting data (details of reports submitted by the Volunteer Monitors under the Coordinator's span of responsibility would be visible, however reports submitted by Volunteer Monitors outside of his/her span of responsibility will be limited)
  - HQ staff could log in to review reports and supporting data in full detail and generate a subset of reports that meet specific criteria for reporting upward to FCC
  - FCC could log in to review reports in full detail and retrieve the subset of reports and supporting data that have met their reporting criteria
- **Develop a procedure and mechanism to allow observations of Part 97 violations to be reported to ARRL HQ by the amateur community, reviewed by designated ARRL staff and, if needed, assigned for follow up by a VM.** The previously mentioned IT system could facilitate the acceptance, routing, and assignment of such reports. Under no circumstances will we have any individual amateur or VM contact FCC directly. All observations and reports will be delivered to ARRL HQ. FCC will not have any direct contact with individual radio Amateurs concerning enforcement issues. We have been given commitments by FCC about this procedure.
  - **Continue to utilize good operator notices.** Something that should not be forgotten is the helpful and encouraging role of notices sent to operators who model exemplary behavior on the air. These notices express gratitude to these operators and promote compliance in a positive manner.
  - **Mail good/bad operator notices from ARRL Headquarters, not from individual Volunteer Monitors.** Feedback voiced by the majority of OOCs who the committee interviewed during the study centered on the desire or need for OOs to do their jobs anonymously, to reduce the potential of retaliation by hams who may be offended by receiving such notices. Mailing notices from Headquarters will ensure Volunteer Monitor anonymity. A notice sent from ARRL HQ may, in some cases, be taken more seriously than a notice mailed from an individual. The centralized, web-based IT system recommended elsewhere in this report would greatly facilitate the mailing of notices from ARRL Headquarters in the future.
  - **All Volunteer Monitors will be anonymous.** Many existing OOs, given the nature of their responsibilities to monitor and collect data on rule breakers, were concerned that certain offenders might harass or retaliate against the OO and this has happened periodically in the past. A key provision of the new VM program suggested

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by FCC staff is the complete anonymity of VMs and the assignment to VMs of identification numbers known to FCC and ARRL HQ but not otherwise.

- **Limit the VM's accreditation to a maximum of three (3) years, renewable by satisfying requirements including:**
  - Demonstrated and documented activity
  - Participation in a minimum number of organized training/continuing education activities (e.g. if six education activities are offered over the span of three years, then the volunteer should be required to participate in at least four of them)
  - A statement of willingness to continue in the program
- **Revise and publish a new training manual.** A new training manual has been drafted and suggested edits are expected from FCC soon, but we are prepared to finalize the manual upon acceptance of the VM plan by the Board.
- **Replace standing *Amended Agreement Between the Field Operations Bureau of The Federal Communications Commission and the American Radio Relay League, Inc., Regarding the Use of Amateur Volunteers* (last amended in 1994) with modernized *Memorandum of Understanding Between The Enforcement Bureau Of The Federal Communications Commission And ARRL, The National Association For Amateur Radio Regarding The Use Of Amateur Volunteers*.** The revised MOU has been completed, edited by FCC, re-edited by the Committee and re-sent to the FCC for final consideration before presenting it to the ARRL EC and the Board of Directors.
- **Develop a rubric or other aid for program participants to highlight offenses and other criteria that the FCC considers a priority.** A key component of the new VM program is to train VMs with respect to what Part 97 rule violations are actionable under current FCC policy and which are not. Our discussions with FCC staff about the new program have provided some insight in the training of the VMs.
- **Limit the number of geographically distributed Volunteer Monitors to a maximum of 5 per ARRL Section.** The total number of VMs should be manageable. It is not manageable now. In some areas there is no need for more than one VM to address localized issues. VMs will no longer be appointed by SMs under the new VM program. They will be appointed by ARRL HQ staff after vetting and an interview. The goal of FCC is to have active VMs in areas where there were, but no longer are, FCC Field Offices. FCC staff had recommended on the order of 200-250 VMs total, and that number should be a target with a ceiling of 250 VMs. It is necessary in this context to make sure that multiple VMs are not preparing patterned monitoring

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reports on the same suspected rule violator. Limiting tasking is an urgent function of the HQ VM program manager.

- **Reassign the authority to accredit, appoint, and dismiss Volunteer Monitors and Volunteer Monitor Coordinators to ARRL HQ staff.** Section Managers should play an important role of recommending amateurs within their sections to become VMs. However, final decisions should be made solely by ARRL HQ staff in order to ensure that the program is composed of the highest quality and performing volunteers.
- **Create a vetting and accreditation process for prospective Volunteer Monitors which includes the following required elements:**
  - Nomination by the prospective person's Section Manager or by an expression of interest from OOs under the old program with the approval of the SM.
  - Brief telephone or in person interview with designated ARRL staff based on a questionnaire that assesses the volunteer's motivation for being a VM, commitment to the role, etc.
  - Completion of exam based on content found within the revised training manual
- **Upon the commissioning of the new Volunteer Monitoring program, all existing Official Observers would be notified of the new program but none would be automatically enrolled.** Each would be informed of the new program's expectations and would need to participate in the vetting and accreditation process. They will also be informed, as they are now, that if they wish to become accredited in the new program, such accreditation may be withdrawn for any reason or no reason at any time, and one reason may be that the geographic distribution of the VMs creates a need to reduce the number of VMs in a particular geographic location. The decision of the ARRL staff relative to accreditation decisions is final.

## Revised Program Training Manual

Dan Henderson, at the direction of the OO Study Committee, drafted a revised training manual which reflects the fundamentals of the modernized program. The draft training manual, provided as a separate attachment to this report, was provided to Laura Smith at FCC in October 2017 for review and comment. We renewed our request for edits with Rosemary Harold at our meeting in May of 2018.

## Miscellaneous Notes and Data

Per ARRL staff, as of January 2017:

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- Only ~25% of OO population met their monthly reporting obligation over the three previous months
- 63% of Sections met their monthly reporting obligation over the three previous months
- There has existed a rather inactive, demoralized population within the ARRL field organization due to FCC's inability to take follow-up actions

Per ARRL staff, as of March 2017:

- There were 744 appointed Official Observers within ARRL's Field Organization
- 4 were appointed during or before 1975
- 31 were appointed during the 1980s
- 120 were appointed during the 1990s
- 330 were appointed from 2000 to 2009
- 259 were appointed from 2010 to 2016

## Appendix A: Memorandum of Notes from FCC meetings in 2016 Concerning Revitalization of Volunteer Monitoring Program

### MEMORANDUM

**To:** Brian Mileschosky, N5ZGT  
**From:** Chris Imlay, W3KD  
**Copy:** ARRL Executive Committee  
**Re:** Revitalizing the OO/Amateur Auxiliary Program  
**Date:** October 13, 2016

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**CONFIDENTIAL, ATTORNEY-CLIENT PRIVILEGED COMMUNICATION AND WORK-PRODUCT, NOT FOR DISCLOSURE.**

**Greetings.** The following are my notes from two meetings with FCC Special Counsel for Amateur Radio Enforcement Laura Smith. Both meetings were arranged by Dan Henderson for the purpose of discussing changes to the Official Observer/Amateur Auxiliary program. The meetings stemmed from discussions at the Spring EC meeting at which Vice President Mileschosky was tasked with overseeing the reconfiguration of the OO program in order to make it more responsive to and useful to the FCC's Amateur Radio enforcement program, especially in

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light of the draconian FCC Field Office closings and reduction of field staff. My interest in this project was due to the fact that the EC decided that as a precondition of this revitalization effort, we had to have a buy-in from FCC; a commitment to use the volunteer services. We could not proceed with any representations to our now largely moribund group of OO volunteers that their work will be valuable and used by FCC if there was not a firm agreement by FCC to use their on-air monitoring information before we do it.

### **June 2016 Laura Smith Meeting**

The first meeting took place on June 17, 2016 at Headquarters. Present for the whole meeting were Dan, Mike Lisenco and myself. Present for portions were Chuck Skolaut, Ed Hare, Bob Allison and Mike Gruber. Following are my notes from that meeting:

Bruce Jacobs is the new Division Chief of the Spectrum Enforcement Division at the Enforcement Bureau at FCC. Laura said that the OO program is viewed by Bruce as important. Soon, Travis LeBlanc will be out of FCC as Bureau Chief of EB.

There are 13 senior staff in the Field who have retired from FCC in 2016 to date. All are senior engineers. Laura recommends a new MOU (not an agreement, an MOU) between ARRL and FCC for a revamped OO program. It should cover only Amateur-to-Amateur interference cases. With the reduction in Field Offices and field office staff, there is increased need for the OO program.

There should be a separate MOU drafted and presented to Bruce by ARRL dealing with Part 15 interference cases that will involve the work of the ARRL laboratory staff (heretofore informal, unwritten SOP and unwritten policy about coordination with FCC EB. About this, Laura suggested a meeting with Julius Knapp at OET since OET handles Part 15 rule administration and policy issues in conjunction with EB. For example, the Woodinville RF lighting case, which was ready for a large NAL written by the Portland field office, was killed by Knapp. The OET argument is that even one Part 15 NAL would create the expectation that thousands of complaints should be adjudicated individually by FCC. They have no resources to do that.

Laura suggested that ARRL should file comments in response to the TAC Noise Study public notice, to establish the need for deterrence-level Part 15 enforcement.

Gruber complained to Laura that complaints e-filed through the FCC's online complaint system fell into a black hole. Laura said that OOs, and Gruber and Hare, will bypass the online complaint filing system and that OO reports will flow to Laura after being filtered by HQ staff.

It was suggested that there should be an ARRL webinar on power line interference. Laura urged that we pair with UTC on such a webinar regarding Power Line Interference resolution, due to identity of interest; educating utilities on how to do this will help getting them to do it.

Laura said that the image of Amateur Radio at the FCC is not positive; it is formed by some overtly bad experiences from a small number of individual hams who are "fringe crazies" who have made threats against Laura, LeBlanc and even FCC Chairman Wheeler. We should act to

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frame the image of hams better at the agency. Upper level management at FCC has this negative view, and perhaps meeting with Tom Gallagher directly would be helpful. Meeting directly with Bureau Chiefs and Commissioners to talk about good achievements of hams.

In terms of a revitalized OO program, Laura had the following suggestions:

1. OOs should all be re-examined and given not only a written application and a copy of a revised OO training manual, but also a verbal interview. The question should be asked “Why are you here?” Why does one wish to become an OO? This process will give better insights into whether the candidate has the proper discretion and demeanor to be a dispassionate OO.
2. Enforcement is about compliance, not about sanctions or penalties, and that should be taught to OOs. What does it take to achieve compliance in a given case? That is the question to be asked in each monitoring case.
3. There should be as even distribution of OOs throughout the U.S. and territories as possible to fill in for the few remaining FCC Field offices and staff.
4. OO appointments should be time-limited, and applications to re-up should be required periodically.
5. There should be accountability and a sense that the OOs are fulfilling an important function by providing information on which scarce FCC field staff will be relying.
6. There should be periodic webinars and briefings for educating and re-educating OOs and keeping them motivated. Laura will participate in these. OOs should be required to participate in some minimum percentage of these. There might be a two-hour block twice per year. These will be private to OOs only.
7. Critical to the new OO program is anonymity. OOs should be assigned numbers rather than using names.
8. Enforcement is not personal to FCC and it should not be personal to OOs. They should, if in any way personally involved in a monitoring situation, they should hand off the matter (via HQ) to another OO.
9. If a chronic rule violator is “patterned” correctly, there will upon referral of the case from the OO through HQ to Laura, she will immediately issue a warning letter. Beyond that, the decision whether or not to issue a Notice of Apparent Liability is from SED and if an NAL goes out there will be a Foreiture Order.
10. OOs should be educated on rules (simplified for teaching purposes); especially on primary rules that are for compliance. We should ask what rules are enforceable. What is interference and what is not should be discussed. Rules on network operations and repeaters are not typically enforceable, for example. There are no universal interpretations of the Part 97 rules. There is no interference-free operation entitlement.

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11. “Patterned” behavior reports are useful and the only kind that a warning letter can be predicated on. One-off events are absolutely not actionable. Neither are interference reports during contest weekends.
12. Spectral purity complaints are a waste of time also.
13. OOs should all be tenured licensees. They should be articulate in English and should be literate and be able to prepare and submit to HQ readable, well-stated complaints.
14. The OOs should issue more good-guy notices, using OO assigned numbers and not names.
15. OOs should not normally monitor profanity, indecency, and obscenity at the present time because those rules are in a state of flux at the moment.
16. FCC does not intend to act on repeater-to-repeater interference cases. The coordinators need to sort that out. ARRL’s ADR program is a fine candidate for these types of cases and should be better publicized.
17. FCC publicity can only be given with respect to final actions of the Commission.
18. Most of all, ARRL should manage the expectation of the cadre of new OOs. Do not allow them to think that FCC will act and immediately the case that they have “patterned” will not be resolved immediately.

### **October 7, 2016 Meeting, Laura Smith and David Dombrowski.**

The second meeting occurred October 7 in the conference room at FCC Gettysburg. Attending for ARRL were Mike Lisenco (at both meetings relative to the New York malicious interference matter in Queens, Long Island and northern New Jersey), Dan Henderson and myself. Laura called this meeting and invited both Bruce Jacobs and David Dombrowski who has been extremely helpful as a field agent with Amateur high-profile cases such as the Delise matter in New York.

Laura began with the news that in January of 2017, there will be an additional 11 Field Offices closing. There will be 33 current field staff lost, 14 of which are in the New England region alone. It is unclear how many additional staff will retire of their own volition. Laura will be the only Amateur Radio Service enforcement person. With public safety a priority among the surviving Field offices, there will be very little time available for Amateur Radio enforcement in the field offices.

Bruce Jacobs announced that he is leaving the Commission shortly. Ricardo Duran of the Spectrum Enforcement Division will be the acting Division chief and will handle any MOUs that we generate.

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FCC asks for a new program, to be rolled out as close to January 1, 2017 as possible. Laura will announce the concept at Pacificon. The program should be structured to have as close a relationship to Laura as possible.

Going forward, Laura committed to issuing warning letters immediately to violators based solely on OO reports sent to her through ARRL, provided that they are **“patterned”**: that means that the violator has been monitored over a period of a month or more to establish consistency. One-off violations are not actionable at FCC; only repeated behavior, which establishes predictability, is actionable. Laura can issue warning letters on her own, without any prior approval from higher-ups. She cannot issue other than warning letters without prior approval.

Laura’s plan for the new OO program is for OOs to have no contact with her or other FCC EB offices until the “patterning” is done and the report is delivered to HQ. Nor does Laura want our new OOs to have any contact with the field offices at all. ARRL HQ would determine in every case whether the patterning has been done correctly and the reports are legible and presented properly. The patterning may reveal that a case is not actionable, such as cases in which the perpetrator is not under FCC jurisdiction. But she wants those reported anyway.

The patterning should be formulaic. There should be a watch sheet with data in tabular form. Start time of a violation, stop time. Recordings (such as video of an OO’s receiver showing a clock and the receiver’s frequency readout) are fine. DF’ing is OK, to the residence of the violator, but there should be no contact with the violator. More information is better. It is OK to use non-OO DFers for purposes of patterning. But under no circumstances should any contact with the perpetrator be allowed by anyone, ever. All patterning reports are to go directly to ARRL HQ.

There is no perceived need for OOC functions any longer, other than perhaps to prevent multiple OOs patterning the same perpetrator. If ARRL HQ has sufficient staff resources to administer the program, no need for OOCs. If one OO is patterning a rule violation, even at HF, others should be discouraged from doing so.

Laura is of the view that when the patterning plan is rolled out there will not be a large number of complaints filed through HQ at any one time. OO data could result in a large number of warning notices going out each month, however.

The new FCC online complaint database does not typically provide Laura with any useful information.

Interviews with new potential OOs should include the following questions: “Why are you involved with the OO program?” “Why are you involved in Amateur Radio?” Let them talk so that their intention can be discerned. The interviewer should ask only broad questions and then shut up.

Rule sections that OOs should be educated about include Part 97 and Part 1 relative to general licensee obligations: current address requirements, requirement to be truthful with FCC, etc. Also highlights of the Communications Act.



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If OOs don't understand certain rules, they should be encouraged to ask HQ for info. Also, some Amateur Rules are cumulative and work interactively.

We discussed whether or not OOs could be used in enforcement relative to other radio services such as pirate broadcast DFing and certain broadcast violations. David D. said yes. Need to check statutory authority.

The two MOUs that ARRL should draft should be flexible and non-rigid, statements of understanding only.

As to the number of OOs, not even 500 would be required, said Laura. Most of those that we have now are inactive.

As a To-Do list for ARRL, we should prepare two draft MOUs, training plans for OOs going forward, create a new OO training manual, and prepare exam/OO info forms and a script for oral interviews. The MOUs should be for Ricardo Duran's and Charles Cooper's signatures.

For pursuit of our RF lighting complaints, send those to Neil MacNeill at SED and Solomon, who was at Columbia Office but is now at SED.

There are now three field counsels in D.C., none in the regions. Laura is not getting poached for any non-Amateur enforcement efforts except for CB equipment cases.

Equipment enforcement issues should go to Laura through Ed Hare and Mike Gruber. No truck stop investigations of freeband equipment. FCC wants to hit the manufacturers and importers.

For statistics, there are 8 new Power Line Interference cases since June, all submitted through Ed and Mike.

The Woodinville RF lighting case is still dead. OET says no Part 15 interference enforcement cases at all.

End of notes.

## Appendix B: Summary of October 12, 2017 Meeting Between ARRL and FCC

**BRIEFING MEMO**  
**ARRL, the national association for Amateur Radio**  
**Meeting with Rosemary Harold, Esq.**  
**October 12, 2017**

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ARRL would like to bring to Ms. Harold's attention the following points and issues during our meeting at 11:00 AM on Thursday, October 12, 2017. Present on behalf of ARRL will be Tom Gallagher, ARRL Chief Executive Officer; Brian Milesosky, ARRL Vice President; Dan Henderson, ARRL Regulatory Information Manager; and Christopher D. Imlay, General Counsel, ARRL. Attached to this memo are two documents: (1) a copy of the outstanding "Amended Agreement Between the Field Operations Bureau of the Federal Communications Commission and the American Radio Relay League, Inc. regarding the Use of Amateur Volunteers" dated February 25, 1994; and (2) a draft "Memorandum Of Understanding Between the Enforcement Bureau of the Federal Communications Commission and ARRL, The national association for Amateur Radio Regarding The Use Of Amateur Volunteers." The purpose of this meeting from ARRL's perspective is to discuss with (and to request some guidance and input from) the Bureau ARRL's plans for a revitalized ARRL program for the use of volunteer resources in promoting rule compliance in the Amateur Radio Service. This effort is timely in view of the severe reductions in Field Office staff over the past two years. In a larger sense, ARRL would like to create a maintenance level compliance environment in the Amateur Service premised on effective deterrence and the perception of a visible Commission enforcement presence. Toward that end, we wish to most effectively *deploy ARRL's substantial volunteer resources and training capabilities to supplant the largely unavailable Commission field office resources with the Bureau in the role of ARRL's served agency.* An outline of our presentation follows.

- ▶ ARRL, the national association for Amateur Radio, formally known as the American Radio Relay League, Incorporated, is the sole national representative of and advocate for the Amateur Radio Service in the United States. ARRL is a Connecticut non-profit association.
- ▶ The Amateur Service is stronger and contributes more to the science and art of radio than ever before. There are more than 730,000 licensees of the Commission in the Amateur Service. ARRL membership is approximately 170,000.
- ▶ There is a long history of scrupulous rule compliance in the Amateur Radio Service. This widespread attitude is critical in a Service in which virtually all frequencies in all bands are shared; where there is no exclusivity in channel use; and where there is long distance, often worldwide propagation at any given time.
- ▶ Few Commission resources are needed in order to ensure a high level of rule compliance in the Amateur Service. However, due to shared spectrum, long-distance propagation and the public nature of Amateur communications, a very few rule violators are nevertheless very visible. These individuals are not subject to any control by ARRL or any reasonable approaches by their fellow licensees. The longer an interferer is allowed to perpetrate (for example) malicious interference without visible sanctions, the more the violator is encouraged to continue the behavior and the more likely that others may emulate the violator. Conversely, the faster and more visible the enforcement, the greater the level of deterrence for violators and to other potential violators. The underpinning of compliance in the Amateur Service is the *perception* of an active enforcement presence that creates

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deterrence and promotes compliance. So, although little FCC enforcement in the Amateur Service is necessary, it must in order to be effective, be both (1) timely, and (2) visible.

► The current philosophy of the Amateur Radio enforcement program at FCC began in 1998 with then-Compliance Bureau Chief Richard Lee, at a time when there was virtually no Amateur Radio enforcement and instances of malicious interference grew exponentially. The deterrence-based program was successful because of (1) the visibility in the Amateur Radio community of a single member of the Commission's Enforcement Bureau staff ; and (2) the policy of making available to the Amateur Radio media everything that was done by that office and the publicizing of those actions, except where privacy rights would be violated or confidentiality had been requested. There was a perception in the Amateur community that there is effective, ongoing enforcement in the Service.

► ARRL participates in and sponsors (in partnership with the Commission) the "Official Observer" or "Amateur Auxiliary" program: a legislatively authorized program that the Commission has implemented pursuant to a written agreement with ARRL. The program provides for a large number of ARRL-appointed and trained volunteers to monitor Amateur frequencies for compliance issues and to provide that evidence to the Commission. In the case of minor infractions, informal notices (in the nature of helpful reminders) are sent by trained Official Observer stations ("OOs") [under the supervision of trained Official Observer Coordinators (OOCs) appointed by ARRL] to persons who have been heard to have unintentionally violated a minor rule. Good on-air conduct is rewarded with "good guy" notices sent to the observed operator by the OO. In serious or repeated rule violation cases, recordings of on-air communications of the perpetrator are made by OOs and sent to ARRL and to EB staff, along with notations of times, frequencies and, if known, the likely location of a rule violator, determined by direction-finding techniques. The information gathered by OOs is not now and has not for many years been used directly as evidence by the Commission, but it does allow prediction of times and days a particular rule violator might be operating and patterns of rule violations, so that Commission staff can without wasting time focus their evidence-gathering effort for maximum efficiency. The program, and the information provided by these volunteers in the program, is and has for years been underutilized.

► ARRL has during the past year been engaged in plans for the reconfiguration of the OO program in order to make it more responsive to and useful to the Bureau's Amateur Radio enforcement program, in light of the Field Office closings and reduction of field staff. ARRL's leadership decided that a precondition of this revitalization effort is the Bureau's ability and a commitment to use the volunteer services. Therefore, the program, as reconfigured, has to be useful and sustainable. The large and currently underutilized group of OO volunteers, in order to be motivated to participate in a revitalized program must be convinced that their work will be valuable and useful to the Commission's spectrum enforcement efforts.

► The major components of the revitalized plan are that OOs should all be re-examined, given a written application, a copy of a revised OO training manual, and a verbal interview,

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to ensure that the candidate has the proper discretion and demeanor to be a dispassionate OO. The emphasis is on compliance, not about sanctions or penalties. There will be an even distribution of OOs throughout the U.S. and territories as possible to fill in for the few remaining FCC Field offices and staff. Appointments will be time-limited. There will be accountability and a sense that the OOs are fulfilling an important function by providing information on which scarce FCC field staff will be relying. There will be periodic webinars and briefings for educating and re-educating OOs and keeping them motivated. We are hoping to have EB staff participating in these as resources permit. OOs will be required to participate in some minimum percentage of these. ARRL will sponsor them at no cost to any participant.

► Critical to the revitalized OO program is anonymity. OOs should be assigned numbers rather than using names. Chronic rule violators will be “patterned” by OOs and that information sent to ARRL for review and confirmation and then and only then sent to Laura Smith. “Patterned” behavior reports will be prepared by OOs in repeated rule violation situations. That means that the violator has been monitored over a period of a month or more to establish consistency of operating patterns, rule violation patterns will be passively monitored on-air and identification by radio direction-finding will be done if possible. It is understood that one-off violations are not actionable, but only repeated behavior (which establishes predictability).

OOs should all be tenured licensees. They should be articulate and literate and be able to prepare and submit to HQ readable, well-stated complaints. ARRL will manage the expectations of the cadre of new OOs. They will not be allowed to expect that the Commission will act and immediately the case that they have “patterned” will not be resolved immediately. Revised training materials prepared by ARRL will educate OOs about Rule Parts 97 and 1 relative to general licensee obligations and requirements, and aspects of Communications Act.

► What is hoped for in response to a properly prepared, “patterned” report submitted to Laura Smith via ARRL headquarters is a warning letter to identified violators. In this way, the perception of ongoing FCC presence is created. The plan for the new OO program is for OOs to have no contact with Laura Smith or other EB offices or field offices, before or after the “patterning” is done and the report is delivered to her by ARRL. ARRL HQ would determine in every case whether the patterning has been done correctly; and that the reports are legible and presented properly, before they are sent to EB. It is anticipated that there will not be a large number of complaints on file at any one time.

► The concepts of visible enforcement and deterrence should also be brought to bear in the area of power line interference cases in particular and Part 15 interference to Amateur Radio communications in general. There is apparently a culture (originating with OET) of a hands-off attitude with respect to electric utilities. Interference cases are effectively terminated without actual resolution of the underlying problem. Power line interference is a widespread phenomenon, not only for licensed Amateur Radio operators; it is also a major contributor to the economic woes of AM broadcast radio, because listeners will not suffer AM radio noise

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and have no idea what causes it or how to fix it. They simply utilize other media and are doing so in large numbers.

► There is a burgeoning problem of interference from unlicensed devices, most especially radio-frequency RF lighting ballasts known as “grow-lights,” which cause interference throughout entire communities. These and similar devices preclude Amateur Radio communications in those communities due to the very sensitive receivers used in the Amateur Service. They also create high ambient noise levels in the AM broadcast band over very wide areas, driving AM listeners to other media. The Commission is doing a decreasingly effective job addressing equipment authorization violations and in policing the importation of, and interference from illegal radio frequency devices. ARRL has repeatedly filed complaints with respect to the marketing of RF lighting devices to consumers when the devices were intended for industrial environments. No action has been taken on those complaints over a period of almost four years.

► ARRL looks forward to an active partnership with your office going forward, so as to maximize the value of the good and effective staff work that is being done by the Bureau; to minimize the Bureau resources necessary to sustain our largely self-regulating radio service; to maximize the utility of ARRL trained volunteers as a resource for the Bureau as ARRL’s “served agency” as a means of making up for limited resources for Amateur Radio spectrum enforcement efforts; and to improve the visibility of the Commission’s enforcement efforts to the extent possible and to create an atmosphere of deterrence and improved compliance in the Amateur Service.

## Appendix C: DRAFT Memorandum of Understanding

FINAL DRAFT

### MEMORANDUM OF UNDERSTANDING BETWEEN THE ENFORCEMENT BUREAU OF THE FEDERAL COMMUNICATIONS COMMISSION AND THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED REGARDING THE USE OF AMATEUR RADIO SERVICE OPERATOR VOLUNTEERS

**I. Parties.** The parties to this Memorandum of Understanding ("MOU") are the Enforcement Bureau ("EB") of the Federal Communications Commission ("FCC") and the American Radio Relay League, Incorporated ("ARRL"). EB is a Bureau of the FCC with certain delegated authority as set forth in the Code of Federal Regulations, Title 47, Sections 0.111 and 0.311 and 47 U.S.C. Section 155(c). ARRL is a Connecticut non-profit association which represents the interests of Amateur Radio Service operators nationally.

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**II. Purpose.** The purpose of this MOU is to document the provisions for cooperation in a joint effort (the "Volunteer Monitoring Program" or the "Program") to improve Amateur Radio Service operators' compliance with the FCC's rules governing the Amateur Radio Service set forth in 47 C.F.R. § 97.1, et seq. (the "FCC Amateur Rules") This MOU supersedes and replaces the Amended Agreement dated February 12, 1994, between the FCC's former Field Operations Bureau and ARRL, pursuant to which the predecessor Amateur Auxiliary program previously operated. EB and ARRL agree that the Amended Agreement is hereby terminated in all respects.

**III. Statutory Authority.** Section 104(f)(4)(B) of the Communications Act of 1934, as amended (the "Communications Act") authorizes the FCC to recruit and train Amateur Radio Service operators () and make use of their volunteer efforts for the purpose of monitoring violations of the Communications Act of 1934, as amended, (the "Communications Act") and the FCC Amateur Rules solely as such violations relate to the Amateur Radio Service. Section 104 of the Communications Amendments Act of 1982 (codified at 47 U.S.C. §154(f)(4)(B)) states as follows:

(B)(i) The Commission, for purposes of monitoring violations of any provision of this Act (and of any regulation prescribed by the Commission under this Act) relating to the amateur radio service, may-

(I) recruit and train any individual licensed by the Commission to operate an amateur station; and

(II) accept and employ the voluntary and uncompensated services of such individual.

(ii) The Commission, for purposes of recruiting and training individuals under clause (i) and for purposes of screening, annotating, and summarizing violation reports referred under clause (i), may accept and employ the voluntary and uncompensated services of any amateur station operator organization.

(iii) The functions of individuals recruited and trained under this subparagraph shall be limited to-

(I) the detection of improper amateur radio transmissions;

(II) the conveyance to Commission personnel of information which is essential to the enforcement of this Act (or regulations prescribed by the Commission under this Act) relating to the amateur radio service; and

(III) issuing advisory notices, under the general direction of the Commission, to persons who apparently have violated any provision of this Act (or regulations prescribed by the Commission under this Act) relating to the amateur radio service.

Nothing in this clause shall be construed to grant individuals recruited and trained under this subparagraph any authority to issue sanctions to violators or to take any enforcement action other than any action which the Commission may prescribe by rule.

**IV. Objectives.** The objectives of the Volunteer Monitoring Program are (a) to foster among Amateur Radio Service operators a wider knowledge of and better compliance with laws, rules and regulations governing the Amateur Radio Service; (b) to extend and preserve the tradition of self-regulation and self-administration of the Amateur Radio Service by volunteers; (c) to promote rule compliance in the Amateur Radio Service; to enhance the opportunity for individual Amateur Radio Service operators to contribute to the public welfare as outlined in the FCC Amateur Rules; and (d) to enable EB to more efficiently and effectively utilize its resources in enforcing the Communications Act and Commission regulations. ARRL will provide EB with the voluntary, uncompensated services of volunteers in ARRL's field organization in the fulfillment of these objectives in the manner set forth in this MOU.

**V. Program Structure.** Pursuant to the Amended Agreement, ARRL recruited and organized a group of licensees in the Amateur Radio Service to provide volunteer services under the former Amateur Auxiliary program. Although the Volunteer Monitoring Program may share certain policies, guidelines, and procedures established under the former Amateur Auxiliary program, ARRL and EB hereby agree that (a) the Amateur Auxiliary program established under the Amended Agreement is terminated, (b) any credentials or authorizations issued by ARRL to participants in the former Amateur Auxiliary program are without further force or effect, (c) ARRL will recruit and organize a group of licensees in the Amateur Radio Service to provide volunteer services under the Volunteer Monitoring Program ("Volunteer Monitors"), and (d) any participants in the former Amateur Auxiliary program who desire to participate in the Volunteer Monitoring Program as Volunteer Monitors must submit new applications re-apply to ARRL. The Program, operating pursuant to ARRL guidelines and procedures, involves the obtaining, coordinating, and conveying information from trained Amateur Radio Service operators to ARRL staff who assemble, screen, and organize the presentation of that information and convey it to EB. The Chief of EB, and his or her designees, including but not limited to the Special Counsel who handles amateur radio enforcement, are responsible for the overview and direction of the Program from the FCC's standpoint, in conjunction with ARRL's Chief Executive Officer and his or her designees. From time to time, and as necessary in the view of either party, ARRL and EB will jointly review the policies, practices and procedures of the Program, and will work together toward solutions to any identified problems. The goal of such cooperative reviews will be to achieve and promote consistency and visibility in enforcement matters, so as to improve voluntary compliance and self-regulation by Amateur Radio Service operators.

**VI. ARRL's Role.** ARRL's role in this cooperative program will be to provide voluntary and uncompensated services to EB as follows:

- (a) to recruit and train Amateur Radio operators to act as Volunteer Monitors and to monitor Amateur Radio Service frequencies as uncompensated volunteers;
- (b) to periodically educate and re-educate Volunteer Monitors and to inform them of changes in FCC Amateur Rules and procedures related to enforcement;
- (c) to coordinate the efforts of the Volunteer Monitors in detecting repeated, actionable and unlawful transmissions made by Amateur Radio Service operators;

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(d) to train Volunteer Monitors to issue advisory notices, under the general direction of EB, to Amateur Radio Service operators who apparently have violated any provision of the Communications Act or the FCC Amateur Rules; provided, that such advisory notices (1) shall only be issued in a standard format, the form of which has been pre-approved by EB, (2) shall not include any representation that the Volunteer Monitor is acting for, or on behalf of EB or the FCC, and (3) shall identify the issuing Volunteer Monitor solely by a unique, anonymous identifier assigned to the Volunteer Monitor by ARRL;

(e) to arrange for Volunteer Monitors to prepare reports, in a form and format useful to EB, concerning the observed activity over appropriate time intervals and to ascertain and report patterns of such actionable, unlawful transmissions over appropriate periods of time ("Volunteer Monitor Reports");

(f) to arrange for Volunteer Monitors to convey Volunteer Monitor Reports to ARRL for review;

(g) to forward directly to EB personnel any Volunteer Monitor Report that (1) involves repeated actionable, unlawful activity by an Amateur Radio Service operator who has been issued a notice, as contemplated in Section [(d)], above, and has not corrected the violation(s) identified in such notice; and (2) appears, in the determination of ARRL, essential to the enforcement of the provisions of the Communications Act and the FCC Amateur Rules.

(h) to seek to have as even a geographic distribution as possible of Volunteer Monitors and to emphasize locations where there are no FCC field offices; and

(i) to administer the Program, including, without limitation by (1) reviewing the qualifications of each Volunteer Monitor candidate to ensure that he or she has the proper knowledge, discretion and demeanor to serve in Program and is a licensee of the Amateur Radio Service, (2) issuing each Volunteer Monitor a unique, anonymous, numerical designator to identify the Volunteer Monitor to ARRL in any Volunteer Monitor Report or notice contemplated in Section [(d)], above, and (3) using best efforts to train Volunteer Monitors and to manage Volunteer Monitors' expectations with respect to enforcement actions by EB resulting from an Volunteer Monitor Report.

**VII. EB's Role.** Subject, in all events, to the availability of resources and the sole and absolute discretion of the FCC and EB, when acting on its delegated authority, EB's role in this cooperative program will be as follows:

(a) to review and consider Volunteer Monitor Reports submitted directly to EB by ARRL;

(b) to initiate and prosecute enforcement actions, including without limitation issuing Warning Letters, to an Amateur Radio Service operator, as EB deems appropriate in response to an Volunteer Monitor Report;

(c) to advise ARRL, upon ARRL's request, of the actions taken in response to Volunteer Monitor Reports submitted by ARRL;



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(d) to provide to ARRL, to the extent consistent with Federal law, FCC regulations, and policies, as much public information concerning Amateur Radio enforcement actions as possible, recognizing that a major contributor to rule compliance in any radio service is the deterrence value of timely, visible enforcement actions;

(e) to attempt to withhold from public release or disclosure, on the basis of submission of an express written request for confidentiality from ARRL in each specific instance, pursuant to Freedom of Information Act (FOIA), including but not limited to 5 U.S.C. §552(b)(7)(D), the identity of, and/or any identifying information (to the extent such information has been provided to EB by ARRL) regarding Volunteer Monitors or any other individuals associated with the Program that have conducted monitoring activities and prepared Volunteer Monitor Reports submitted to EB by ARRL pursuant to this MOU; and

(f) to assist ARRL in ongoing training of volunteers, including by participating in at least one ARRL-organized continuing education webinar annually; by publicizing the objectives and accomplishments of the Program; and by identifying and implementing improvements to the program, based on accumulated experience.

**VIII. Training and Selection of Volunteer Monitors.** All prospective and incumbent Volunteer Monitors participating in the Program will be required to undergo a training and certification program administered by ARRL and will be vetted by ARRL through at least one oral interview and a preliminary evaluation by ARRL staff, to determine competency and suitability for participation in the program. ARRL may accept or reject volunteers for the Program in its discretion, based on the results of ARRL's examination of the qualifications of each candidate or incumbent Volunteer Monitor, and ARRL's decisions concerning the qualifications of an Volunteer Monitor shall be final. No Volunteer Monitor will have any entitlement to participate or to continue to participate in the Program, and ARRL may terminate the participation of any Volunteer Monitor for any reason or for no reason.

**IX. Points of Contact.** The primary points of contact between ARRL and EB shall be the Chief Executive Officer of ARRL, or his or her designee, and the Chief of EB, or his or her designee (which designee shall initially be the Special Counsel for amateur radio enforcement. As part of the training contemplated under this MOU, ARRL will instruct Volunteer Monitors not to contact the EB Field Offices, Field Agents, or other EB personnel, when acting in their capacity as an Volunteer Monitor. ARRL personnel may submit Volunteer Monitor Reports directly to EB personnel (initially, the Special Counsel for amateur radio enforcement) and will not be required to use any online complaint filing system. ARRL will identify a point of contact at ARRL headquarters to receive and to respond to questions about the Program.

**X. Term, Amendments, Periodic Review and Termination.** This MOU is effective as of the date set forth below and will remain in effect until terminated. The parties may modify or amend this MOU in writing signed by both parties. This MOU may be terminated by either party hereto at any time by either party, by notice to the other in writing. Upon termination of this MOU, ARRL shall notify all Official Observers and Official Observer Coordinators appointed under the former Amateur Auxiliary Program that the MOU has been terminated and that, as a result,

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Official Observers are no longer authorized to issue advisory notices pursuant to Section 104(f)(4)(B)(iii)(III) of the Act. Representatives of EB and ARRL will meet annually, on or around the anniversary date of this MOU, to jointly review the progress of implementing this MOU, and to revise and develop new plans or goals, as appropriate.

**XI. Miscellaneous.** Neither party to this MOU has any authority to act on behalf of the other party or bind the other party to any obligation. This MOU is not intended to be enforceable in any court of law or dispute resolution forum. The only remedy for non-performance under this MOU shall be termination, with no damages or penalty.

**Amateur Radio Relay League, Incorporated**

**Federal Communications Commission,  
Enforcement Bureau**

By: \_\_\_\_\_  
Barry J. Shelley  
Chief Executive Officer

By: \_\_\_\_\_  
Rosemary C. Harold  
Chief, Enforcement Bureau

Effective Date: \_\_\_\_\_