

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DA 92-508

In the Matter of)
)
Revocation of License of)
)
SANDRA V. CRANE)
Amateur Radio Station)
N6TFO)
)
and)
)
Suspension of License of)
)
SANDRA V. CRANE)
Amateur Extra Class)
Radio Operator License)
)
and)
)
Revocation of License of)
)
CHARLES P. PASCAL)
Amateur Radio Station)
WB6CIY)
)
and)
)
Suspension of License of)
)
CHARLES P. PASCAL)
Amateur Extra Class)
Radio Operator License)

PR 92-119

ORDER TO SHOW CAUSE AND SUSPENSION ORDER

Adopted: April 23, 1992

Released: April 24, 1992

By the Chief, Special Services Division, Private Radio Bureau:

1. It appears that the respondents, Sandra V. Crane and Charles P. Pascal, were the operators of the California Amateur Radio School in Los Angeles, California, at all times pertinent to this proceeding. Further, it appears that Pascal, Crane, or both gave instruction to students of the school prior to the administration on August 4, August 24, and September 14, 1991, of amateur service license examinations. Last, it appears that the

respondents, prior to the administration of the examinations, had information that they used to tailor the content of their instruction at the school to include answers to all or most of the questions that would later be part of the examinations, while excluding from instruction the answers to most questions that would not be part of the examinations. This last-described action by respondents constitutes an apparent willful and repeated violation of Section 97.17(e) of the Commission's Rules, 47 C.F.R. § 97.17(e).¹

2. Additionally, it appears that Crane willfully and repeatedly violated Section 97.17(e), as well as Sections 97.515(d) and 97.517 of the Commission's Rules, 47 C.F.R. §§ 97.515(d)² and 97.517,³ by administering amateur service license examinations to her daughter, Tracey L. Gullotti, on November 12, 1990, January 6, 1991, and April 12, 1991. It also appears that Pascal, by coadministering the November 12, 1990, examination, also willfully violated Sections 97.17(e) and 97.517.⁴

3. In light of Crane's and Pascal's apparent violations of the Commission's Rules, we propose to revoke their amateur service station licenses and are suspending their operator licenses, effective as of the dates described below in paragraphs 4 and 5. Section 312(a)(2) of the Communications Act of 1934, as amended (Communications Act), 47 U.S.C. § 312(a)(2), authorizes the Commission to revoke a given station license on the basis of matters coming to the Commission's attention which would have prevented granting the original application for the license. Section 312(a)(4) of the Communications Act, 47 U.S.C. § 312(a)(4), authorizes the Commission to revoke a station license for willful or repeated violation of the Commission's Rules. Section 303(m)(1)(A) of the Communications Act, 47 U.S.C. § 303(m)(1)(A), authorizes the Commission to suspend a radio operator license for violation of the Commission's Rules.

¹ Section 97.17(e) provides: "No person shall obtain or attempt to obtain, or assist another person to obtain or attempt to obtain, an operator license or reciprocal permit for alien amateur licensee by fraudulent means."

² Section 97.515(d) provides: "No VE may administer an examination to that VE's spouse, children, grandchildren, stepchildren, parents, grandparents, stepparents, brothers, sisters, stepbrothers, stepsisters, aunts, uncles, nieces, nephews [or] in-laws."

³ Section 97.517 provides: "No VE may administer or certify any examination by fraudulent means or for monetary or other consideration including reimbursement in any amount in excess of that permitted. Violation of this provision may result in the revocation of the VE's amateur station license and the suspension of the VE's amateur operator license."

⁴ See notes 1 and 3, *supra*.

4. Crane and Pascal ARE ORDERED, under Sections 312(a) (2) and (4) and 312(c) of the Communications Act, 47 U.S.C. §§ 312(a) (2), (4) and 312(c), TO SHOW CAUSE why the captioned amateur service radio station licenses should not be revoked. If Crane, Pascal, or both wish to present evidence at an evidentiary hearing before an Administrative Law Judge, they must individually request a hearing within 30 days after receiving this order. If a hearing is requested, a time, place, and presiding Administrative Law Judge will be designated in a subsequent order. If Crane, Pascal, or both do not request a hearing, the Commission will consider any written statement from each respondent not requesting a hearing and will determine, without a hearing, whether revocation is warranted.

5. Additionally, Crane's and Pascal's captioned operator licenses ARE SUSPENDED under Section 303(m) (1) (A) of the Communications Act, 47 U.S.C. § 303(m) (1) (A), for the remainder of the license terms, effective as indicated in this paragraph. If either respondent requests a hearing or submits a written statement concerning the suspension, that respondent's suspension will be held in abeyance until the matter is decided. If either respondent does not request a hearing or submit a written statement, that respondent's suspension will take effect 30 days after his or her receipt of this order.

6. The captioned proceedings appear to be based on related facts and on substantially the same issues. It therefore appears that consolidation of these proceedings will best serve the proper dispatch of business and the ends of justice.⁵ The captioned proceedings ARE THEREFORE CONSOLIDATED. This matter will be decided upon the following issues:

- (a) To determine whether the respondents willfully or repeatedly violated Section 97.17(e) of the Commission's Rules in connection with examinations administered on August 4, August 24, or September 14, 1991, or on any combination of these dates.
- (b) To determine whether respondent Sandra V. Crane willfully or repeatedly violated Section 97.17(e), 97.515(d), or 97.517, or any combination of these sections, of the Commission's Rules in connection with examinations administered on November 12, 1990, January 6, 1991, or April 12, 1991, or on any combination of these dates.
- (c) To determine whether respondent Charles P. Pascal willfully violated Section 97.17(e) or 97.517, or both, of the Commission's Rules in connection with an examination administered on November 12, 1990.

⁵ See Section 1.227(a) (1) of the Commission Rules, 47 C.F.R. § 1.227(a) (1); see also Sections 4(i) and (j) of the Communications Act, 47 U.S.C §§ 154(i), (j).

- (d) To determine whether each respondent is qualified to remain a Commission licensee.
- (e) To determine whether one or both of the captioned radio station licenses should be revoked.
- (f) To determine whether the suspension of each of the captioned operator licenses should be affirmed, modified, or dismissed.

A form and a return envelope, intended to be of aid in replying to this order, are being supplied to each of the respondents simultaneous to the delivery of this order.

FEDERAL COMMUNICATIONS COMMISSION

Robert H. McNamara

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Chief, Special Services Division
Private Radio Bureau