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FILE

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

In the Matter of)
Application of)
RICHARD A. BURTON)
Harbor City, California)
For Amateur Station)
and Operator Licenses)

PR Docket No. 92-144

RECEIVED

JUL 29 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Administrative Law Judge Edward J. Kuhlmann

OUTLINE OF EVIDENCE

The Chief, Private Radio Bureau, by his attorneys, pursuant to the Administrative Law Judge's Order, FCC 92M-791 (July 16, 1992), provides the following outline of evidence:

1. Application of Mr. Richard A. Burton for Amateur Radio Station and Operator Licenses (December 17, 1989). This application is before the Bureau following the completion of Burton's probationary period, which ended on October 1, 1991.

2. Order of Revocation and Affirmation, PR Docket No. 81-444 (September 11, 1981). By this action, the Commission revoked Burton's license for amateur station WB6JAC and affirmed the suspension of his General Class amateur operator license. These actions were based on Burton's willful and repeated violations of the Commission's Rules.

3. United states of America v. Richard A. Burton, No. CR 82-378-R (C.D.

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Cal. June 28, 1982) (Burton I). In this case, Burton was convicted in U.S. District Court for the Central District of California (District Court) on four counts of transmitting without a license, in violation of Section 318 of the Communications Act of 1934, as amended (Communications Act), 47 U.S.C. § 318, and on two counts of transmitting obscene, indecent or profane words, language or meaning, in violation of 18 U.S.C. § 1464. The District Court sentenced Burton to eight years of imprisonment, of which six months were to be served in a jail-type institution and the remainder suspended. Burton was also placed on probation for five years and required to devote 1,500 hours of work to a charitable organization approved by his probation officer.

4. United States of America v. Richard A. Burton, No. 82-1391 (9th Cir. October 25, 1983) (Burton II). In this appeal of Burton I, the U.S. Court of Appeals for the Ninth Circuit affirmed Burton's conviction of having violated 47 U.S.C. § 318, and reversed his conviction concerning 18 U.S.C. § 1864.

5. United States of America v. Richard A. Burton, No. CR 82-378-R (C.D. Cal. December 17, 1984) (Burton III). On December 17, 1984, the District Court resentenced Burton for the conviction upheld in Burton II. Burton was sentenced to four concurrent one-year terms of imprisonment, of which six months was to be served in a jail-type institution and the remainder suspended. Burton was also placed on probation for five years.

6. United States of America v. Richard A. Burton, No. 82-00378 (C.D. Cal. May 1, 1984) (Burton IV). The District Court found that on December 31, 1984, Burton violated the terms of his probation by operating radio apparatus without a license. As a result, his sentence was modified to include therapy during

the period of his probation.

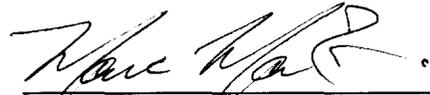
7. United States of America v. Richard A. Burton, No. CR-90-357-RMT (C.D. Cal. October 1, 1990) (Burton V). In this case, Burton was again convicted of having violated 18 U.S.C. § 318 on March 17, 1990, for transmitting without a license. Burton was sentenced to one year of probation and a fine of \$2,000.

In the event that the Bureau discovers additional evidence or witnesses, a supplementary list of evidence and outline of evidence will be filed.

Respectively Submitted,

Ralph A. Haller
Chief, Private Radio Bureau

By



Eric Maliner
Marc Martin
Attorneys

Dated: July 29, 1992

Certificate of Service

I, Kimberly Thomas, certify that on July 29, 1992, a copy of the foregoing
OUTLINE OF EVIDENCE, filed on behalf of the Chief, Private Radio Bureau, was
sent by First Class Mail, to:

Mr. Richard A. Burton
1653 West Anaheim Street, #7
Harbor City, California 90710

and

Administrative Law Judge
Edward J. Kuhlmann
(hand-carried)


Kimberly Thomas