

**ORIGINAL
FILE**

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

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 Docket No. 92-119

RECEIVED

SEP 30 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Administrative Law Judge Joseph Chackin

**JOINT MOTION FOR APPROVAL OF CONSENT
AGREEMENT**

The Chief, Private Radio Bureau and the respondents, by their respective attorneys, jointly move that the attached Consent Agreement be approved, that the attached Consent Order be issued, and that this proceeding be terminated. In support thereof, the movants represent:

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1. By Order to Show Cause and Suspension Order released April 24, 1992, the Chief, Private Radio Bureau, ordered the respondents to show cause why their radio station licenses shown in the caption should not be revoked and suspended their Amateur Extra Class operator licenses for the remainder of their terms.¹

2. A hearing was requested by respondents and was scheduled for September 29, 1992, in Washington, D.C. Hearing conferences were held in Washington, D.C. on September 18, 23 and 24, 1992. On September 24, 1992, the movants reached accord on a Consent Agreement.

3. The respondents have agreed to three-month suspensions of their Amateur Extra Class radio operator licenses retroactive to August 1, 1992. They also have agreed to the establishment of a "wall" separating their teaching functions from the selection of volunteer examiners who test their students. The Bureau has agreed to the dismissal of the revocation aspect of this proceeding and the modification of the Suspension Order to provide a 3-month suspension retroactive to August 1, 1992.

4. The Bureau and respondents submit that approval of the attached Consent Agreement and issuance of the attached Consent Order would be in the public interest, convenience and necessity. The attached documents satisfactorily resolve the issues set forth in the Order to Show Cause and Suspension Order

¹ The suspension has been held in abeyance, pending the outcome of this proceeding.

and eliminate the need for a hearing in this proceeding. There is no further enforcement or public benefit to be gained from this proceeding. For the reasons set forth above, the Bureau and respondents respectfully request that the attached Consent Agreement be approved, the attached Consent Order be issued, and that the Order to Show Cause and Suspension Order be dismissed and this proceeding terminated.

Respectfully submitted,

Ralph A. Haller
Chief, Private Radio Bureau

Charles P. Pascal and Sandra V. Crane

By:

By:


Thomas D. Fitz-Gibbon
Eric Malinen
Attorneys


(Thomas D. Fitz-Gibbon by permission)
George L. Lyon, Jr.
Martin J. Barab
Attorneys

Dated: September 30, 1992

Attachments: Consent Agreement; proposed Consent Order

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CONSENT AGREEMENT

The Chief, Private Radio Bureau and the respondents, by their respective attorneys, join in this Consent Agreement to fully and completely resolve the above-captioned action. The terms and conditions of this Consent Agreement are as follows:

1. All parties admit to the jurisdiction of the presiding judge, the Honorable Joseph Chachkin, over the proceedings in PR Docket No. 92-119, and agree that the terms and conditions of this entire Consent Agreement are conditioned upon and subject to the approval of the presiding judge.

2. The Chief, Private Radio Bureau, and the respondents waive the usual procedures for the preparation and review of an initial decision in PR Docket 92-119.

3. The Chief, Private Radio Bureau, and the respondents waive the right of judicial review over and waive the right to otherwise challenge or contest the validity of the final order terminating the above-captioned proceeding in accordance with the terms and conditions of the Consent Agreement.

4. The Order to Show Cause and Suspension Order may be used in construing any Consent Order issued as a result of this Consent Agreement.

5. The respondents agree to a 3-month suspension of their Amateur Extra Class Operator licenses, retroactive to August 1, 1992. Because the suspension is retroactive, the respondents agree to cease amateur radio operation immediately and that any amateur radio operation between the date of this Consent Agreement and November 1, 1992, would be contrary to this Consent Agreement. The respondents also agree to immediately send their amateur radio operator licenses to the office of the Commission in Washington, D.C., where they will be held for the duration of the suspension. The Commission will return the licenses to respondents, so that they arrive no later than

November 1, 1992.

6. In addition, the respondents agree to the establishment of a "wall" between their teaching functions and the selection of volunteer examiners (VEs) to test their students. The VEs who administer examinations in conjunction with classes taught by or with the assistance of either respondent or in conjunction with classes at any radio school that either respondent is affiliated with must be selected by a "contact" VE designated by American Radio Relay League (ARRL) or another Volunteer Examiner Coordinator having no affiliation with the respondents and approved by the Commission. Neither the respondents nor anyone connected with any school that the respondents are affiliated with shall have any role in selecting the "contact" VE or the administering VEs.

7. The Bureau agrees to the dismissal of the revocation aspect of the proceeding and to the modification of the suspension order to provide a 3-month period of suspension, retroactive to August 1, 1992.

8. The Chief, Private Radio Bureau, and the respondents agree that this document serves to resolve all issues specified in the Order to show Cause and Suspension Order in this matter. The Chief, Private Radio Bureau, agrees that no further action will be taken or initiated against the respondents on the basis of the facts and allegations underlying the issuance of the Order to Show Cause and Suspension Order in this matter.

9. This Consent Agreement shall become a part of the record in PR Docket No. 92-119 only if a Consent Order terminating that proceeding in

accordance with the terms and conditions of this Consent Agreement is signed by the Presiding Judge and becomes final. For purposes of this Consent Agreement, such a Consent Order will be deemed "final" when the time for review has passed without rejection or modification of the Consent Order by the Commission.

10. This agreement is for purposes of settlement only and its signing does not constitute an admission by any party of any violation of law, rules or policy (see 18 U.S.C. § 6002).

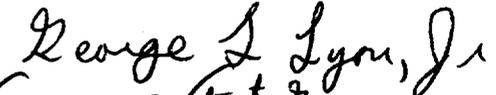
Chief, Private Radio Bureau

Sandra V. Crane and Charles P. Pascal

By:


Thomas D. Fitz-Gibbon
Eric Malinen
Attorneys

By:


(Thomas D. Fitz-Gibbon by permission)
George L. Lyon, Jr.
Martin J. Barab
Attorneys

Dated: September 30, 1992

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CONSENT ORDER

Issued:

Released:

1. By Order to Show Cause and Suspension Order released April 24, 1992, the Chief, Private Radio Bureau ordered the respondents to show cause why the radio station licenses shown in the caption should not be revoked and suspended their Amateur Extra Class Operator licenses for the remainder of their terms.¹ The

¹ The suspension was held in abeyance, pending the outcome of this proceeding.

Order to Show Cause and Suspension Order designated 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 respondents 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.
- (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.

2. The respondents requested a hearing, which was set for Washington, D.C., on September 29, 1992. Hearing conferences were held in Washington, D.C. on September 18, 23 and 24, 1992. At the hearing conference on September 24, 1992, the parties' counsel announced on the record that they had reached a settlement agreement. On September 30, 1992, the parties to this proceeding signed a joint motion for approval of consent agreement pursuant to Section 1.93 of the Commission's Rules, 47 C.F.R. § 1.93, which was filed on September 30, 1992.

3. The Chief, Private Radio Bureau, and the respondents have entered into the following consent agreement:

- (a) All parties admit to the jurisdiction of the Honorable Joseph Chachkin over the proceedings in PR Docket No. 92-119, and agree that the terms and conditions of this entire Consent Agreement are conditioned upon and subject to the approval of the Presiding Judge.
 - (b) The Chief, Private Radio Bureau, and the respondents waive the
-

usual procedures for preparation and review of an initial decision in PR Docket No. 92-119.

- (c) The Chief, Private Radio Bureau, and the respondents waive the right of judicial review over and waive the right to otherwise challenge or contest the validity of the final order terminating the above-captioned proceeding in accordance with the terms and conditions of the Consent Agreement.
- (d) The Order to Show Cause and Suspension Order may be used in construing any Consent Order issued as a result of this Consent Agreement.
- (e) The respondents agree to a 3-month suspension of their Amateur Extra Class Operator licenses, retroactive to August 1, 1992. Because the suspension is retroactive, the respondents agree to cease amateur radio operation immediately and that any amateur radio operation between the date of this Consent Agreement and November 1, 1992, would be contrary to this Consent Agreement. The respondents also agree to immediately send their amateur radio operator licenses to the office of the Commission in Washington, D.C., where they will be held for the duration of the suspension. The Commission will return the licenses to the respondents, so that the licenses arrive no later than November 1, 1992.
- (f) In addition, the respondents agree to the establishment of a "wall" between their teaching functions and the selection of volunteer examiners (VEs) to test their students. The VEs who administer examinations in conjunction with classes taught by or with the assistance of either respondent or in conjunction with classes at any radio school that either respondent is affiliated with must be selected by a "contact" VE designated by the American Radio Relay League (ARRL) or another Volunteer Examiner Coordinator having no affiliation with the respondents and approved by the Commission. Neither the respondents nor anyone connected with any school that the respondents are affiliated with shall have any role in selecting the "contact" VE or the administering VEs.
- (g) The Bureau agrees to the dismissal of the revocation aspect of the proceeding and to the modification of the suspension order to provide a 3-month period of suspension, retroactive to August 1, 1992.
- (h) The Chief, Private Radio Bureau, and the respondents agree that this document serves to resolve all issues specified in the Order to show Cause and Suspension Order in this matter. The Chief, Private Radio Bureau, and the agrees that no further action will be taken or initiated against the respondents on the basis of the facts and allegations underlying the issuance of the Order to Show Cause and Suspension Order in this matter.

- (i) This Consent Agreement shall become a part of the record in PR Docket No. 92-119 only if a Consent Order terminating that proceeding in accordance with the terms and conditions of this Consent Agreement is signed by the Presiding Judge and becomes final. For purposes of this Consent Agreement, such a Consent Order will be deemed "final" when the time for review has passed without rejection or modification of the Consent Order by the Commission.
- (j) This agreement is for purposes of settlement only and its signing does not constitute an admission by any party of any violation of law, rules or policy (see 18 U.S.C. § 6002).

4. The Bureau and the respondents, in the joint motion for approval of the consent agreement, have demonstrated that it would be in the public interest to approve this consent agreement. All issues have been resolved by the parties.

5. Accordingly, IT IS ORDERED that the joint motion for approval of the consent agreement filed by the Chief, Private Radio Bureau, and the respondents, IS GRANTED, and pursuant to the provisions of Sections 1.93 and 1.94 of the Commission's Rules, 47 C.F.R. §§ 1.93 and 1.94, the consent agreement IS APPROVED.

6. IT IS FURTHER ORDERED that the revocation aspect of this proceeding IS DISMISSED; the suspension order IS MODIFIED to provide that the respondents' Amateur Extra Class Operator licenses ARE SUSPENDED for a period of three months, retroactive to August 1, 1992; and this proceeding IS TERMINATED.

Joseph Chachkin
Administrative Law Judge
Federal Communications Commission

Certificate of Service

Bureau Counsel certify that on September 30, 1992, a copy of the foregoing
JOINT MOTION FOR APPROVAL OF CONSENT AGREEMENT, filed on behalf of the Chief,
Private Radio Bureau, and the respondents in PR Docket No. 92-119 was sent by
First Class mail to:

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Thomas A. King-Gibbs