

EXHIBIT A

s 1029. Fraud and related activity in connection with access devices

(a) Whoever--

- (1) knowingly and with intent to defraud produces, uses, or traffics in one or more Counterfeit access devices;
- (2) knowingly and with intent to defraud traffics in or uses one or more unauthorized access devices during any one-year period, and by such conduct obtains anything of value aggregating \$1,000 or more during that period;
- (3) knowingly and with intent to defraud possesses fifteen or more devices which are counterfeit or unauthorized access devices;
- (4) knowingly, and with intent to defraud, produces, traffics in, has control or custody of, or possesses device-making equipment;
- (5) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses a telecommunications instrument that has been modified or altered to obtain unauthorized use of telecommunications services; or
- (6) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses--
 - (A) a scanning receiver; or
 - (B) hardware or software used for altering or modifying telecommunications instruments to obtain unauthorized access to telecommunications services,
- (5) [FN1] knowingly and with intent to defraud effects transactions, with 1 or more access devices issued to another person or persons, to receive payment or any other thing of value during any 1-year period the aggregate value of which is equal to or greater than \$1,000;
- (6) [FN2] without the authorization of the issuer of the access device, knowingly and with intent to defraud solicits a person for the purpose of--
 - (A) offering an access device; or
 - (B) selling information regarding or an application to obtain an access device; or
- (7) without the authorization of the credit card system member or its agent, knowingly and with intent to defraud causes or arranges for another person to present to the member or its agent, for payment, 1 or more evidences or records of transactions made by an access device;

shall, if the offense affects interstate or foreign commerce, be punished as provided in subsection (c) of this section.

(b)(1) Whoever attempts to commit an offense under subsection (a) of this section shall be punished as provided in subsection (c) of this section.

(2) Whoever is a party to a conspiracy of two or more persons to commit an offense under subsection (a) of this section, if any of the parties engages in any conduct in furtherance of such offense, shall be fined an amount not greater than the amount provided as the maximum fine for such offense under subsection (c) of this section or imprisoned not longer than one-half the period provided as the maximum imprisonment for such offense under subsection (c) of this section, or both.

(c) The punishment for an offense under subsection (a) or (b)(1) of this section is--

(1) a fine under this title or twice the value obtained by the offense, whichever is greater, or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(2), (3), (5), (6), or (7) of this section which does not occur after a conviction for another offense under either such subsection, or an attempt to commit an offense punishable under this paragraph;

(2) a fine under this title or twice the value obtained by the offense, whichever is greater, or imprisonment for not more than fifteen years, or both, in the case of an offense under subsection (a) (1), (4), (5), or (6) of this section which does not occur after a conviction for another offense under either such subsection, or an attempt to commit an offense punishable under this paragraph; and

(3) a fine under this title or twice the value obtained by the offense, whichever is greater, or imprisonment for not more than twenty years, or both, in the case of an offense under subsection (a) of this section which occurs after a conviction for another offense under such subsection, or an attempt to commit an offense punishable under this paragraph.

(d) The United States Secret Service shall, in addition to any other agency having such authority, have the authority to investigate offenses under this section. Such authority of the United States Secret Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.

(e) As used in this section--

(1) the term "access device" means any card, plate, code, account number, electronic serial number, mobile identification number, personal identification number, or other telecommunications service, equipment, or instrument identifier, or other means of account access that can be used, alone or in conjunction with another access device, to obtain money, goods, services, or any other thing of value, or that can be used to initiate a transfer of funds (other than a transfer originated solely by paper instrument);

(2) the term "Counterfeit access device" means any access device that is counterfeit, fictitious, altered, or forged, or an identifiable component of

an access device or a Counterfeit access device;

(3) the term "unauthorized access device" means any access device that is lost, stolen, expired, revoked, canceled, or obtained with intent to defraud;

(4) the term "produce" includes design, alter, authenticate, duplicate, or assemble;

(5) the term "traffic" means transfer, or otherwise dispose of, to another, or obtain control of with intent to transfer or dispose of;

(6) the term "device-making equipment" means any equipment, mechanism, or impression designed or primarily used for making an access device or a Counterfeit access device; and

(7) The term "credit card system member" means a financial institution or other entity that is a member of a credit card system, including an entity, whether affiliated with or identical to the credit card issuer, that is the sole member of a credit card system.

(7) [FNS] the term "scanning receiver" means a device or apparatus that can be used to intercept a wire or electronic communication in violation of chapter 119.

(f) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under chapter 224 of this title. For purposes of this subsection, the term "State" includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

EXHIBIT B

B

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August 10, 1995

VIA FACSIMILE/FIRST CLASS MAIL

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Ref: Herbert L. Schoenbohm; WT Docket 95-11

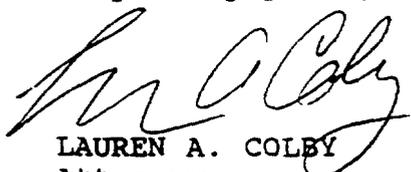
Dear Tom:

As you know, the exhibits introduced in evidence at the hearing in the above proceeding by Herbert L. Schoenbohm included three declarations: Exhibit 1, Exhibit 2 and Exhibit 7. The copies of these exhibits which were brought to the hearing room were unsigned, so I asked Mr. Schoenbohm to sign and date them, which he did, dating all of the exhibits August 8, 1995.

Mr. Schoenbohm has contacted me and expressed concern that the date on Exhibit 1 is misleading, because that exhibit was prepared on or about the date of the initial exhibit exchange, i.e., May 23, 1995, and reflected the facts as they existed at that time. Exhibits 2 and 7 reflect facts which occurred subsequent to that time.

You and I have agreed that no motion to reopen or correct the record is required. That it is understood and agreed that Schoenbohm Exhibit 1 should be considered as relating to the situation as it existed as of May 23, 1995.

Very truly yours,



LAUREN A. COLBY
Attorney

LAC/tdm
Enclosure
cc: ALJ Edward Luton
Mr. Herbert Schoenbohm

EXHIBIT C

C

1 [Other station inaudible on LeBlanc's tape - 38 seconds w/noise]

2
3 Schoenbohm: Well I'm not allowed, I'm not allowed under Ex-Parte
4 Rules to ask for assistance of, with people in political positions
5 but other people if they feel that government is overbearing or I'm
6 being treated unfairly, have every right to point this out to their
7 elected representatives. Congressional inquiries may indicate that
8 these things will be conducted under the scrutiny of greater
9 illumination but I am not permitted under ex-parte rules to engage
10 in asking for assistance. We don't have Republican here but the
11 person elected to Congress presently is from here. He is an
12 independent. He is a wonderful person and I was very, very
13 instrumental in getting him elected to Congress. If you [covered
14 up by LeBlanc's remark]

15
16 LeBlanc: That's a bunch of bull.

17
18 Schoenbohm: ... presently though, he is a non-voting delegate. We
19 don't have a vote except in committee and I just don't know what he
20 could do in a situation like this but I am not permitted, I'm not
21 permitted at this time because of ex-parte rules to make any
22 requests of political intervention. Other people could do it if
23 they are so disposed but I can't do it. Go Ahead.

24
25 LeBlanc: That's a lot of crap! [Covering up a portion of
26 Schoenbohm]

27
28 Schoenbohm: It's in the Longworth building in Washington, D.C.

29
30 AB4PW: [Not heard on LeBlanc's tape]

31
32 Schoenbohm: Victor Frazer, F R A Z E R , Victor Frazer. His
33 phone number is area code 202-225-1700.

34
35 AB4PW: [Not heard on LeBlanc's tape - 33 seconds]

36
37 Schoenbohm: Well, what it is is that Ruth Hoffman of the
38 Intercontinental net has been lobbying with a gentleman by the name
39 of William T. Cross, who is in the Wireless Bureau. It's the same
40 bureau that's bringing the action and she's been pushing and
41 pushing and pushing for this and has encouraged people to write
42 letters to their, their congressmen and their senators to force
43 some kind of action and there is a long paper trail of people in
44 the Intercontinental net that have been involved with this. She is
45 like Salome doing the Dance of the Seven Veils for the head of John
46 the Baptist. They want in the worst way, the worst way for KV4FZ
47 to be punished again, apparently, for being unlawfully convicted in
48 the first place, which was a conspiracy by hams that testified and
49 perjured themselves. At least the Third Circuit Court of Appeals
50 realized on what the convictions were based on false testimony and
51 the government's expert witness, KP2A, uh had a personal grudge
52 against me. And he is the one who manufactured these phoney lists

1 of phone calls that he claimed and he swore under oath that his
2 expert testimony, revealed to him that I made when, in fact, that
3 the government knew all along that those telephone calls had no
4 connection to me in any way at all. But the problem is that once
5 you get, once you get a federal conviction, there are people that
6 will attach some other kind of action to it, and keep doing that,
7 and keep using that as a way to, uh ... You've heard the people on
8 the air for the last two years "A convicted felon" "A convicted
9 felon shouldn't be on ham radio." Well that's not true. There
10 are hundreds of convicted felons that are ham radio operators that
11 are on the air [covered up on tape by LeBlanc talking to himself]
12

13 LeBlanc: Bull!

14
15 Schoenbohm: ... well it's just a matter of, well we [referring to
16 his detractors] have an issue here that we can utilize because
17 we've tried everything else, we've made representations to the FCC
18 over the past five years or ten years that KV4FZ does just terrible
19 things on ham radio but the Commission can't find anything so
20 terrible that they can stop his operation. And to the monitoring
21 stations that listen and make the thousands of hours of tape they
22 can't find a single incident in ... [covered up on tape by LeBlanc
23 talking to himself]
24

25 LeBlanc: That's a lot of crap, lot of crap. The FCC if they did
26 monitor they could get dozens of violations.
27

28 Schoenbohm: You have revoked someone's license.. [covered over on
29 tape by LeBlanc talking to himself]
30

31 LeBlanc: I have tapes here with violations galore.
32

33 Schoenbohm: ... have the burden of proving whatever it wants to
34 prove why [the action] it should be justified. When you renew
35 somebody's license or refuse to renew it, then the burden has
36 shifted to the applicant. And they have no burdens whatsoever
37 [garbled word] just to point fingers. That's the only burden they
38 have, and then I asked them what are the standards, what are these
39 standards of qualifications that must be met? They refused to tell
40 me.
41

42 AB4PW: [Remarks not heard on LeBlanc's tape with 54 seconds
43 of receiver noise.]
44

45 Digital Female Voice generated by LeBlanc's receiver: Twelve
46 twenty nine.
47

48 Schoenbohm: [pickup of communication already in progress] All I
49 needed was Banaba and that was supposedly on too but... ..
50

51 [54 seconds of receiver noise]
52

1 Schoenbohm: That was the same thing. The reason I went to Navassa
2 because Don Miller's operation was, was destroyed, uh, previous to
3 that because he had not obtained permission from the Coast Guard
4 but I did get the coast guard permission when I went to Navassa in
5 1969 and that's kinda weird when they do that but they're afraid
6 that they [ARRL] had permitted Gus Browning's sneak operations to
7 a bunch of sneak operations across borders with places like China,
8 and where else did he go, to Tibet or some nonsense and I'm not
9 going to get involved in that [garbled words]. That was ancient
10 history and there was a question about whether he was actually
11 there. There were so many of Dick McChirchner's operations from
12 all these African countries that those people admit took place from
13 one country while he was there on assignment. They [referring to
14 the American Radio Relay League who administers the DXCC program]
15 have a different, uh different set of regulations [garbled words]
16 for different people who have come to be disfavored with the DXCC.
17 In the old days [garbled words] give you a rough time. You know
18 when they ask me to certify my operation in West Africa last year
19 in April, I was there and had a license and had permission to be
20 there, but I am sure somebody will raise the issue and I will have
21 to prove by my passport pictures and stamps that I was there during
22 the time of the operation. [six seconds of receiver noise]

23
24 LeBlanc: Who gives a damn if he was in Africa at that time?

25
26 Schoenbohm: No I wasn't [garbled word] mounting a major DX
27 effort. I was in a luxury hotel on the beach while doing a project
28 over there and I just had the ham rig and a sloping dipole. Talked
29 to a, talked to a few friends on 313 [14.313 mhz] and I did work
30 some nice pileups from over there. And this was fun but it wasn't
31 a major DX effort. In fact, I'd say "hold on for just a minute
32 I'll be back in a hour and a half cause I've got to go down to the
33 ...I've been called to supper" and it was really a very nice place.
34 A fancy place, on the beach, 5 star resort with just absolutely
35 superb appointments, with everything taken care of on the expense
36 account and I was [garbled words] to entertain the people while I
37 was there, played the piano and did some singing with the band and
38 the European girls thought I was out of sight. They [garbled
39 words] actually thought I was Andy Williams, whatever. So I didn't
40 have a lot of time for ham radio because I was working during the
41 day and doing a lot of socializing at night. [covered up by LeBlanc
42 on tape]

43
44 LeBlanc: Good deal. Good deal.

45
46 Schoenbohm: The elections were taking place in South Africa and
47 there was a lot of political concern for that. Getting back to the
48 other thing. I think there is one thing that can be established.
49 If you have observed KV4FZ operating his station in a manner that
50 you think is beneficial to communications, emergency communications
51 or during Hugo [Hurricane] or hurricane Andrew, Hurricane Frederick
52 or Bob, I don't go back to [hurricane] David and hurricane Gilbert,

1 the one in Jamaica. If you have any indication or observation that
2 is something you could raise in a letter to someone else, if you
3 have observed it, it may have an impact. I don't know if the other
4 things will or will not, but you may ask. I think what you should
5 do, if it were me I would ask the question of the gentleman that
6 you plan to write whether or not he feels, he feels the
7 cancellation or the refusal to renew the license of KV4FZ would
8 have a negative impact on the communications readiness and
9 preparedness. [covered up on tape by LeBlanc taking to himself]
10
11 LeBlanc: It will have absolutely no effect whatsoever. He
12 violated all the rules in the distress cases and everything else.
13
14 Schoenbohm: Whether or not to renew the license or the failure to
15 renew the license would have a negative impact on the people of his
16 constituency, that might make a difference, but I, it would depend
17 on how things are crafted. AB4PW, KV4FZ
18
19 LeBlanc: Bull Crap. Writing letters in his favor. He accuses
20 other people of writing letters like [garbled word] and they can't
21 do nothing to him.
22
23 [followed by noise for 70 seconds then LeBlanc changes
24 frequency again to listen to 14.300]
25
26 LeBlanc: There is a QSO on top of Mel on fourteen three
27 hundred.
28
29 Unidentified Spanish transmission on 14.300:
30
31 LeBlanc: [transmits on 14.300] Frecuencia est ocupado por favor
32 Intercontinental Net Spanish communication:
33
34 LeBlanc: [interrupts again] Senor esta frecuencia est ocupado de
35 red intercontinental por favor uso en outro frecuencia. K9AE W4BOZ
36 you've got a Spanish station on top of you, Mel.
37
38 [Spanish stations continue their communication]
39
40 LeBlanc: They didn't hear it, Mel. W4BOZ
41
42 [Spanish stations continue and LeBlanc turns down receiver for a
43 few seconds]
44
45 LeBlanc: [transmitting on top of Spanish stations] N1QIB MM2
46 do you copy me? W4BOZ
47
48 N1QIB: Roger [garbled words]
49
50 LeBlanc: Ya OK. Spanish station came on top of the net control,
51 the net control is Mel in the Bahamas is K9 Alpha Echo. Go ahead.
52

CERTIFICATE OF SERVICE

I, Traci Maust, a secretary in the law office of Lauren A. Colby, do hereby certify that copies of the foregoing have been sent via first class, U.S. mail, postage prepaid, this 23rd day of February, 1996:

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