

TRANSCRIPT OF PROCEEDINGS

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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In the Matter of:

David L. Titus

EB Docket No. 07-13

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I-N-D-E-X

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
John Schurman	404	456	481 494 501	488
David L. Titus	504	672	688	692
Robert Schilling	699	737		

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1 P-R-O-C-E-E-D-I-N-G-S

2 9:35 a.m.

3 JUDGE SIPPEL: We're on the
4 record. This is our second day. The first
5 day of testimony in this proceeding and all
6 counsel who were here yesterday are present.

7 The video conferencing facilities
8 are set up and would the witness please
9 identify himself?

10 THE WITNESS: My name is John
11 Schurman.

12 JUDGE SIPPEL: All right, and will
13 somebody state for the record what the purpose
14 of Mr. Schurman's testimony is?

15 MS. LANCASTER: Your Honor, Mr.
16 Schurman is a member of a group that teaches
17 children to get HAM licenses and he has
18 pertinent testimony about children's
19 activities in the Seattle area and he is a
20 member of the club that wrote the complaint
21 letter to Senator Cantwell and is familiar
22 with that letter and the contents of it.

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1 JUDGE SIPPEL: That's EB Exhibit
2 number 8?

3 MS. LANCASTER: Yes sir. He's
4 President of the Lake Washington HAM Club.

5 JUDGE SIPPEL: Lake Washington HAM
6 Club?

7 MS. LANCASTER: Western Wash --
8 yes.

9 JUDGE SIPPEL: Is that correct?

10 MS. LANCASTER: Lake Washington
11 HAM Club.

12 JUDGE SIPPEL: Is that correct Mr.
13 Schurman?

14 THE WITNESS: That's correct.
15 Lake Washington HAM Club.

16 JUDGE SIPPEL: All right.

17 MS. LANCASTER: His written
18 testimony is Exhibit 6, Your Honor.

19 JUDGE SIPPEL: Okay, that's EB
20 Exhibit 6?

21 MS. LANCASTER: Yes sir.

22 JUDGE SIPPEL: Okay, I was sort of

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1 expecting Mr. Titus at this point. But that's
2 my fault not yours. All right, I'm going to
3 have to administer the oath to you to swear
4 you in. You can sit where you are but please
5 raise your right hand.

6 WHEREUPON,

7 JOHN SCHURMAN

8 was called for examination by Counsel for the
9 Enforcement Bureau, having been first duly
10 sworn, assumed the witness stand, was examined
11 and testified as follows:

12 JUDGE SIPPEL: Go ahead.

13 MR. LYON: Your Honor, preliminary
14 I move for a rule on witnesses.

15 JUDGE SIPPEL: Which would be you
16 want the other witnesses that are in that room
17 excluded?

18 MR. LYON: Well not Mr. Titus but
19 is Detective Shilling here. Are you Detective
20 Shilling --

21 THE WITNESS: There are only two
22 of us in the room. Mr. Titus and myself.

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1 JUDGE SIPPEL: He's an intern with
2 our office.

3 MR. LYON: Okay, well then we
4 don't have to worry about it. Mr. Titus has
5 a right to be there.

6 JUDGE SIPPEL: I understand that.

7 MR. LYON: Just making sure that -
8 -

9 JUDGE SIPPEL: There is nobody
10 else with you Mr. Schurman except Mr. Titus?

11 THE WITNESS: That's correct.
12 Just the two of us.

13 JUDGE SIPPEL: Thank you sir.

14 MR. LYON: I will reserve such a
15 motion until it becomes necessary.

16 JUDGE SIPPEL: Well let me make
17 the ruling now that there will be no witnesses
18 that are going to testify for the same side in
19 the courtroom at the same time either here or
20 in Seattle. But of course with the exception
21 Mr. Titus who is by right permitted to be
22 there.

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1 Okay, Ms. Lancaster?

2 MS. LANCASTER: Yes sir.

3 DIRECT EXAMINATION

4 BY MS. LANCASTER:

5 Q Good morning Mr. Schurman. Would
6 you please just for the record give a brief
7 summary of your experience in amateur radio?

8 A Yes, I've been involved in amateur
9 radio since 1968. So I started as a youth
10 myself. More recently here in the Seattle
11 area for the last seven years I've been
12 involved with the WWARA, which is the Western
13 Washington Amateur Relay Association.

14 This is the Repeater Coordination
15 Counsel established by a language in part 97
16 to facilitate the coordination of amateur
17 relay stations and repeater stations and work
18 through them to avoid interference between the
19 different repeater systems.

20 I'm also involved as the President
21 and founding President of the Lake Washington
22 HAM Club. This was an outgrowth of the school

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1 program at the Ben Franklin Elementary School
2 where Dave Condon was the teacher.

3 Upon his retirement from teaching
4 we incorporated the club into a non-profit
5 organization and have expanded it's membership
6 and roles to include other schools in the area
7 and we are providing scholarships as well as
8 other enrichment activities for children to
9 get involved in the amateur radio hobby.

10 We've -- at the current have well
11 over 100 members. At any one time we have
12 about 50 kids that appear at our regular
13 meetings. We have specific activities at
14 these meetings. It might building a cone
15 oscillator. It might be learning morse code.
16 It might be learning operating skills.
17 Learning how to program their new radios.
18 This kind of thing.

19 We just completed having our
20 annual field day event which is an annual
21 contest of all amateur radio operators across
22 the nation. The 24 hr overnight activity and

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1 we had four stations set up operating the kids
2 through the night.

3 JUDGE SIPPEL: Can I ask something
4 for just a minute?

5 MS. LANCASTER: Certainly.

6 JUDGE SIPPEL: Can you hear me.
7 This is the Judge speaking.

8 THE WITNESS: Yes sir.

9 JUDGE SIPPEL: How old -- well how
10 old are you. You said you were young when you
11 went in in '68. Well how old are you now?

12 THE WITNESS: I'm -- let's see,
13 I'm 56 right now.

14 JUDGE SIPPEL: All right, well
15 we'll do the math. And what would the age
16 group of the kids, the children, the young
17 people be that you testified to about, you
18 know who were participating in this club?

19 THE WITNESS: Okay, I would say
20 the average is about 11. The youngest that we
21 had through our class this year was 7. There
22 were three 7 year olds that got their license.

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1 We specifically target 5th and 6th
2 grade children 10 to 12 years old as the
3 easiest age to kind of get them focused on
4 amateur radio and not necessarily the other
5 kids or themselves.

6 JUDGE SIPPEL: All right, now are
7 these kids that come to you or are these kids
8 that are solicited through other members?

9 I mean how -- in other words, how
10 do you go about -- you know if you wanted to
11 form a baseball team there are several ways
12 you do it that I would be more familiar with.
13 Maybe put flyers out, you might run an ad,
14 obviously you're going to use parents
15 organizations, PTAs and that stuff, what's
16 your methodology for attracting 10 to 12 year
17 olds to get them to participate in this?

18 THE WITNESS: Well in the past
19 Dave Condon by virtue of being a teacher at
20 the elementary school had access that all of
21 the kids would routinely at the beginning of
22 the school year give a presentation on the

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1 joys and benefits of getting into the program.

2 We are now using the PTSA
3 organizations at various elementary schools
4 within the city here. Going out in the Fall,
5 giving a pitch to each of those organizations
6 to involve both the children and their parents
7 in the hobby and in our program.

8 JUDGE SIPPEL: And you might have
9 testified to this but what on average of this
10 10 to 12 year, you know we use it in a loose
11 fashion. But in the 10 to 12-year-old group
12 that's in your club what would be the number
13 that you usually have at any given time.

14 You know is it a 100, is it 50 or
15 what?

16 THE WITNESS: 30 to 50.

17 JUDGE SIPPEL: All right, I'm
18 sorry Ms. Lancaster.

19 MS. LANCASTER: That's okay.

20 BY MS. LANCASTER:

21 Q Do you have an estimate of how
22 many kids your club has helped get their radio

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1 license?

2 A We know it's well over 1,000. We
3 kind of lost count through the years. Now all
4 of that occurred after we became an
5 incorporated club. But while we were still
6 just a school club affiliated with the
7 elementary school for a number years, 20 or 30
8 a year. He spent 20 something years doing it,
9 Mr. Condon that is and then since I've been
10 involved our last class we had 132 that took
11 the exam in March.

12 Q And what's your success ratio when
13 they take the exam?

14 A This year was 100 percent. Last
15 year about 98 percent.

16 Q Do you also have any type of
17 mentoring program for the kids?

18 A Yes absolutely. You know HAM
19 radio has many different facets and each
20 individual that gets involved in the hobby
21 has, you know different interests and
22 fascinations with it.

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1 It might be in general they start
2 out in using the VHF frequencies which is
3 predominantly local communication with each
4 other and with other HAM's in the area.

5 Many of them aspire to get
6 involved under the HF frequency spectrum.
7 This is where we bounce signals off of the
8 ionosphere and talk all the way around the
9 world.

10 It requires a great deal of
11 mentoring to understand how to operate in
12 those modes. Typically we find one of the
13 adults that is proficient in that particular
14 facet of the hobby. We match that up with a
15 child that has that interest and they become
16 what we call a "elmer", or a mentor to
17 facilitate educating that child into those
18 particular facets of the hobby.

19 Q Is mentoring unusual or uncommon
20 in the amateur radio community in Seattle?

21 A It's a very common practice to
22 match people up and mentor in different

1 aspects of the hobby.

2 Q Is that true for adults also?

3 A Yes, very much so.

4 Q Okay, are you familiar with any of
5 the other type of activities that are offered
6 in the Seattle area or nationwide that might
7 be, you know you can go, kids can attend
8 nationwide even that kids commonly participate
9 in?

10 A Yes probably the nationwide, base
11 event other than the field day event that I
12 talked about earlier would be the HAMventions
13 and swap meet type activities.

14 For the last two consecutive years
15 our HAM club has had up to five members
16 invited all expenses paid back to the Dayton
17 HAMvention which is perhaps the largest such
18 convention in the United States every year.

19 There are forums on various
20 topics. There's a swap meet. There's new
21 vendor displays at these type events. We were
22 specifically invited back due to our

1 participation in developing a comic strip with
2 HAM radio being the back drop for the comic
3 book. We've done six such comic books for a
4 vendor, ICOM America and it's been totally
5 written by the kids of our club so therefore
6 they felt it wise to bring those kids back,
7 recognize their achievements at the Dayton
8 HAMvention and give them a little award.

9 Q Are these HAMvention's sponsored
10 by any particular group?

11 A Typically like the Dayton
12 HAMvention started out at a local HAM club in
13 the Dayton area and it has now grown to be the
14 largest in the country.

15 We have a similar event here on a
16 much smaller scale that's put on by one of the
17 other local HAM clubs here in town called the
18 Mic and Key Club. They have an annual event
19 here locally in the Puget Sound area.

20 Typically these are sponsored and
21 developed by a local HAM radio club and just
22 by typically word of mouth and advertising

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1 they grow to be sometimes rather large events.

2 Q Are they attended by children and
3 adults or are they primarily one or the other?

4 A It's certainly a mix. This is a
5 hobby that without a doubt goes from -- I
6 think the youngest we've ever licensed is 7
7 years old. I think much younger than that is
8 hard to grasp the material. But we've also
9 had some 85 year olds that got their license
10 at this last session.

11 So it's -- and that's one of the
12 things that we pitch to the parents when we're
13 soliciting them to join the club is here is a
14 hobby that spans the generations and it's a
15 chance to actually help eliminate some of that
16 generation gap by having a common activity
17 that's enjoyed by all the generations.

18 Q Mr. Schurman, are you familiar
19 with the American Radio Relay League, ARRL?

20 A Yes, it's the largest lobby group
21 and organized association of amateur radio
22 operators in the country.

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1 Q Do they have a website to your
2 knowledge?

3 A Yes they do, it's got a lot of
4 information and we post a lot of information
5 there ourselves.

6 Q And is there any particular part
7 of their website or their organization that is
8 specifically designed for children?

9 A Yes, I believe they do have a
10 couple of specific pages. I'm not sure, four
11 or five pages that are devoted to trying to
12 explain how this hobby is appropriate for kids
13 and how it's an opportunity for them to learn
14 the facilities of the hobby. And I know
15 they've got a page there that is specifically
16 targeted at children.

17 Q Are you familiar with an ARRL
18 kids' day?

19 A I'm not particularly. I'm aware
20 that it's there. It's not one that we have
21 specifically involved our club in but I am
22 aware that there is a kids' day.

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1 Q Okay, how about the Boy Scouts and
2 Girl Scouts, does your club have any
3 affiliation with them or do anything with any
4 of the scouting groups?

5 A Yes, we have a loose association
6 with one of the local Girl Scout troops. They
7 have a program to enrich their program by
8 teaching amateur radio.

9 They have used our club and our
10 licensing program as the mechanism for their
11 local scout troop to acquire the knowledge and
12 gain their licenses. They also co-
13 participated with us at this years field day
14 event. So we had a lot of Girl Scouts camping
15 out overnight with the rest of our HAMS.

16 Q Okay, your field day events are
17 they for adults and children or just children?

18 A It's anybody with a license. We
19 do restrict field day pretty much to members
20 of our club. Other than people dropping by to
21 learn what's going on because we do hold it at
22 a very public location.

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1 But we rope off the area where we
2 are actually sleeping and serving food and
3 whatnot to kind of restrict that to the
4 membership of the club. But it's very much
5 open to members of all ages of our club and we
6 try to outreach to the community to explain
7 amateur radio to those that might be curious.

8 Q Can you tell Mister -- can you
9 please tell the Judge what your relationship
10 is with Mr. Condon?

11 A Mr. Condon is the Secretary
12 Treasurer of the Lake Washington HAM Club. I
13 am the Chairman and President. We have known
14 each other for many years. It was through the
15 fact that I owed a repeater here in the local
16 area and he was doing the school club and they
17 needed a repeater system that they could use
18 to demonstrate and learn the use of repeaters.

19 He asked if it would be okay if
20 the kids used my repeater. I so embraced that
21 that I eventually got involved with Mr. Condon
22 in forming the Lake Washington HAM Club. We

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1 have now transferred ownership of this
2 repeater to the HAM Club and we are actively
3 working together to recruit new children into
4 the program and to mentor the children we have
5 in the program.

6 Q Explain please what a repeater is?

7 A A repeater is a automated relay
8 station. It receives a radio signal from an
9 operator typically using either a hand held
10 radio or a portable radio or a mobile mounted
11 radio. It receives those weak signals. It's
12 typically located at a very high prominent
13 location and has more power so it can repeat
14 the signal that it receives at a higher power
15 and over a much wider area of coverage.

16 So these tend to be kind of the
17 hangouts where people monitor their radio in
18 order to facilitate a communication with
19 someone that they do not know whether or not
20 they are on the air.

21 They do it by simply announcing
22 the call sign of the station they wish to

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1 communicate with and their own call sign and
2 therefore serves as a calling channel as it
3 were for different HAMS to connect up. And it
4 provides coverage over a very wide area.

5 Q Does the owner of a repeater have
6 any specific duties or obligations?

7 A Yes, they are required by Part 97
8 Rules to actually monitor the performance of
9 that station to make sure it's in compliance
10 with the rules and regulations for power and
11 frequency deviation and other such technical
12 aspects. As well as that the communications
13 that are going on a repeater are appropriate
14 and within the guidelines of Part 97 as well.

15 So they have the requirement and
16 obligation to turn the repeater off or at
17 least to request that operators that are
18 operating inappropriately would cease and
19 desist.

20 Q Do you have --

21 JUDGE SIPPEL: Can you give me an
22 illustration of that?

1 THE WITNESS: Pardon me?

2 JUDGE SIPPEL: Do you have a
3 specific example to give as to when you as an
4 owner or controller of a repeater would tell
5 somebody to cease and desist something?

6 THE WITNESS: Yes, it might be
7 that one operator is intentionally and
8 maliciously causing interference to another
9 operator.

10 It might be although the debate
11 always continues in the terms of inappropriate
12 language being used on our repeater we
13 definitely monitor for inappropriate cursing
14 or other inappropriate language that might be
15 used on the repeater that would be offensive
16 to some of the operators and we have what's
17 called a back door or another frequency which
18 we can control the repeater station and turn
19 it off so that such transmissions do not get
20 repeated.

21 JUDGE SIPPEL: So you actually --
22 is somebody monitoring all of this traffic?

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1 THE WITNESS: In theory yes,
2 there's somebody monitoring at all times.
3 Although I think that there's probably not a
4 repeater system in the country that actually
5 has 24/7 monitoring. It's not practical to
6 do.

7 But certainly during the peak
8 communication hours which tend to be the
9 morning and afternoon commute and then on into
10 the evening in our cases when our repeater
11 gets the most traffic. We always have a
12 control operator monitoring.

13 JUDGE SIPPEL: You always do. Is
14 that by virtue of law or is that by virtue of
15 this is just how the practice works?

16 THE WITNESS: I'd say it's -- well
17 there's a requirement in law to be responsible
18 for the station. It doesn't necessarily say
19 that you must monitor 24/7. Although we must
20 act if there is something inappropriate going
21 to prevent it. So in practice we do it every
22 day. In law I would say no.

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