

Before the  
Federal Communications Commission  
Washington, D.C. 20554

ACCEPTED/FILED

MAR 27 2014

Federal Communications Commission  
Office of the Secretary

In the Matter of )  
 )  
GLENN A. BAXTER ) WT Docket No. 11-7  
 )  
Application to Renew License for Amateur ) FCC File No. 0002250244  
Radio Service Station K1MAN )

To: Marlene H. Dortch, Secretary  
Federal Communications Commission

Attention: The Honorable Richard L. Sippel  
Chief Administrative Law Judge

**ENFORCEMENT BUREAU'S**  
**REQUEST FOR DISMISSAL OF APPLICATION**  
**AND**  
**TERMINATION OF PROCEEDING**

1. The Enforcement Bureau (Bureau) hereby respectfully requests the Presiding Judge to (a) dismiss the pending application of Glenn A. Baxter for renewal of license for Amateur Radio Station K1MAN pursuant to the Commission's so-called *Red Light Rule*; and (b) terminate this hearing proceeding. In support whereof, the following is shown.

2. Section 1.1910(b)(2) of the Commission's rules, 47 C.F.R. § 1.1910(b)(2), commonly known as the *Red Light Rule*, states in pertinent part that, upon proper notice from the Commission, action will be withheld on applications or requests for authorization that are filed by any entity found to be delinquent in its debt to the Commission.

Furthermore, according to Section 1.1910(b)(3), "[i]f a delinquency has not been paid or the debtor has not made other satisfactory arrangements [to pay its debt] within 30 days of

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the date of the notice provided pursuant to [Section 1.1910(b)(2)], the application or request for authorization *will* be dismissed.”<sup>1</sup> According to Section 1.1901(e), the term “debt” refers to an amount of money that has been determined by an agency official to be due to the United States, and includes forfeitures issued after a notice of apparent liability for which a court of competent jurisdiction has ordered payment, and such order is final.

3. In the instant case, the Presiding Judge has pending before him the application of Mr. Baxter for renewal of his amateur radio license for Station K1MAN. Mr. Baxter was the subject of a Commission forfeiture proceeding that commenced in 2005, prior to the date on which the subject application was designated for hearing in the instant proceeding.<sup>2</sup> After Mr. Baxter failed to pay his forfeiture, the United States Department of Justice brought a collection action against him.<sup>3</sup> In 2012, the collection action ultimately resulted in a Judgment by the United States Court of Appeals for the First Circuit against Mr. Baxter in the amount of \$10,000.<sup>4</sup> The amount of the Judgment constituted a debt to the United States that Mr. Baxter was required to pay.

4. After the Judgment of the Court of Appeals became final, the Commission’s Office of the Managing Director (“OMD”), on November 7, 2013, mailed a Notice of

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<sup>1</sup> Emphasis added.

<sup>2</sup> *Glenn A. Baxter*, Notice of Apparent Liability for Forfeiture, File No. EB-04-BS-111 (EB, Boston Office June 7, 2005) (finding Mr. Baxter apparently liable for multiple violations of the Commission’s Amateur Radio rules) (NAL); *Glenn A. Baxter*, Forfeiture Order, File No. EB-04-BS-111, 21 FCC Rcd 3071 (EB, Northeast Region 2006) (imposing a forfeiture in the amount of \$21,000 against Mr. Baxter for multiple violations of the Commission’s Amateur Radio rules) (Forfeiture Order).

<sup>3</sup> See Complaint, *United States v. Glenn A. Baxter*, 841 F. Supp.2d 378 (D.Me. 2010) (No. 1:10-cv-00435-JAW) (initiating collection action against Mr. Baxter in the U.S. District Court, District of Maine).

<sup>4</sup> See Order on Motion For Summary Judgment, *United States v. Glenn A. Baxter*, Order on Motion For Summary Judgment, 841 F.Supp.2d 378 (1<sup>st</sup> Cir. 2012) (affirming grant of Summary Judgment and entering \$10,000 forfeiture amount against Mr. Baxter by the U.S. District Court of Maine) (Debt).

Withholding of Action (“Notice) to Mr. Baxter at his address of record.<sup>5</sup> A copy of the Notice is appended hereto as Exhibit A. OMD’s November 7, 2013, Notice constituted the notice to which Mr. Baxter was due under Section 1.1910(b)(2). Thus, as required by Section 1.1910(b)(2), the Notice properly informed Mr. Baxter that “if you do not pay the delinquency or make other arrangements satisfactory to the Commission *within 30 days of the date of this notice, the Commission will dismiss your application.*”<sup>6</sup>

5. It has been more than four months since OMD served its Notice on Mr. Baxter informing him that the Commission would dismiss his pending application under the *Red Light Rule* if he failed to pay his debt to the United States or make satisfactory arrangements to do so. Attached are notifications from the office of the U.S. Attorney for the District of Maine *and* from OMD. See Exhibits B and C, respectively. These notifications collectively state that, to date, Mr. Baxter has neither paid nor made satisfactory arrangements to pay the amount due, and, as a consequence, his debt to the Commission remains delinquent.<sup>7</sup>

6. Because the *Red Light Rule* provides that a pending application will be dismissed upon proper notice for failure to timely pay a delinquent debt to the United States, and the record demonstrates Mr. Baxter, the named applicant in the instant hearing

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<sup>5</sup> See Notice of Withholding of Action from Cheryl Collins, Chief, Revenue & Receivables Group, Financial Operations, Office of the Managing Director, Federal Communications Commission to Glenn A. Baxter (Nov. 7, 2013). The Notice was also mailed to Mr. Baxter at all other known addresses. A prior Notice of Withholding of Action, mailed to Mr. Baxter on February 2, 2012, was determined by the Presiding Judge to have been prematurely served. See Memorandum Opinion and Order, FCC 13M-20 (rel. Oct. 28, 2013) (MO&O). See also Section 1.47(f) of the Commission’s rules, 47 C.F.R. § 1.47 (“Service by mail is complete upon mailing.”).

<sup>6</sup> See *id.*; Notice at 1. Emphasis in original.

<sup>7</sup> See E-mail from Maria C. Bida, Paralegal Specialist, Financial Litigation Unit, U.S. Department of Justice, Office of the U.S. Attorney, District of Maine, to Judy Lancaster, Attorney, Investigations and Hearings Division, Enforcement Bureau (Mar. 26, 2014) (Exhibit B); E-mail from Cheryl Collins, Chief, Revenue & Receivables Group, Financial Operations, Office of the Managing Director, Federal Communications Commission (Mar. 26, 2014) (Exhibit C).

proceeding, remains delinquent on a debt owed to the Commission despite having been afforded appropriate notice, it necessarily follows that Mr. Baxter's captioned application should be dismissed under the *Red Light Rule*. Accordingly, the Bureau respectfully requests the Presiding Judge to invoke the *Red Light Rule* and expeditiously dismiss Mr. Baxter's pending application for renewal of license for Station K1MAN with prejudice.

7. The Bureau maintains that dismissal of Mr. Baxter's captioned application is appropriate in this instance, indeed required by Section 1.1910 of the Commission's rules, and within the scope of the Presiding Judge's authority. In this regard, Section 1.243(f) of the Commission's rules affords the Presiding Judge broad authority to regulate the course of a hearing. Additionally, given that the subject application unquestionably is pending before the Presiding Judge, and Section 1.1910 does not limit who, within the Commission, may act on an application pursuant to the *Red Light Rule*, it is clear that the Presiding Judge has the authority to dismiss Mr. Baxter's application as warranted and/or required.

8. The instant hearing proceeding was commenced to determine ultimately "whether the above-captioned application filed by Glenn A. Baxter for renewal of his license for Amateur Radio Station K1MAN should be granted."<sup>8</sup> Termination of this hearing proceeding would be in the public interest if Mr. Baxter's application is dismissed because there would no longer be any basis for further prosecution of the ultimate designated issue. Accordingly, if the Presiding Judge grants the Bureau's request to dismiss Mr. Baxter's captioned application with prejudice pursuant to the *Red Light Rule*,

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<sup>8</sup> *Glenn A. Baxter*, Hearing Designation Order, 26 FCC Rcd 231, 232 (2011).

then the Bureau also respectfully requests that the Presiding Judge simultaneously terminate this proceeding.

9. For the foregoing reasons, the Bureau requests that the Presiding Judge dismiss Mr. Baxter's captioned application with prejudice pursuant to the Commission's *Red Light Rule* and simultaneously terminate this proceeding.

Respectfully submitted,  
Travis LeBlanc, Acting Chief  
Enforcement Bureau

A handwritten signature in cursive script that reads "Judy Lancaster".

Judy Lancaster  
Attorney, Investigations and Hearings Division  
FCC Enforcement Bureau

Federal Communications Commission  
445 12th Street, S.W., Room 4-C330  
Washington, D.C. 20554  
(202) 418-1420

March 27, 2014

# **EXHIBIT A**

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554  
NOV 7 2013

OFFICE OF  
MANAGING DIRECTOR

Mr. Glenn A. Baxter  
RR 1 Box 776  
Belgrade Lakes, ME 04918

Re: Call Sign K1MAN  
ULS Transmittal or Application #:  
0002250244

**NOTICE OF WITHHOLDING OF ACTION**

The Federal Communications Commission (FCC) has received the above referenced application through the Universal Licensing System from Glenn A. Baxter, the registrant of FCC Registration Number (FRN) 0013164975.

Under 47 C.F.R. § 1.1910(a)(1), we examine applications (including a petition for reconsideration or any application for review of a fee determination) and requests for authorization to determine if the applicant has paid the appropriate fee or is delinquent in a debt owed the Commission. Our records show you are delinquent on the payment of the following debt(s) owed to the FCC:

<u>Bill Number</u>	<u>Amount</u>	<u>Debtor FRN</u>	<u>Debtor Name</u>
200532260001	\$10,000.00	0013164975	Glenn A. Baxter

Furthermore, we are informed that on February 1, 2013, the United States Department of Justice demanded that you pay the judgment by the Maine District Court in the case, *United States v. Glenn A. Baxter*, 841 F.Supp.2d 378 (D.Me. 2012), the judgment of which the United States Court of Appeals for the First Circuit affirmed on September 10, 2012. All judicial and administrative appeals of the basis for the debt have concluded. The debt is delinquent as a matter of law.

*Accordingly, this notifies you that under 47 C.F.R. § 1.1910(b), the Commission will withhold action on your application filed or pending until you make full payment or arrange to pay the non-tax delinquent debt(s) owed the Commission, and the Commission may dismiss your application filed or pending, if your debt remains delinquent. Furthermore, under 47 C.F.R. §1.1910(b)(3), if you do not pay the delinquency or make other arrangements satisfactory to the Commission within 30 days of the date of this notice, the Commission will dismiss your application. Moreover, any action taken prior to the payment of delinquent non-tax debt is contingent and subject to rescission.*

*If you fail to make payment on the delinquent debt, we may initiate collection action, which under applicable law includes: assessing interest, penalties, and administrative charges for collection (31 U.S.C. § 3717), reporting debt information to commercial credit reporting entities (31 U.S.C. § 3711), transferring the debt to the U.S. Department of Treasury for collection (31 U.S.C. § 3711), and applying administrative offset to collect amounts due (31 U.S.C. § 3716).*

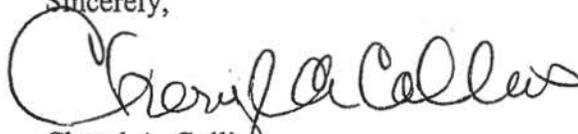
Any additional applications or requests for benefits from the FCC or its reporting components, including but not limited to support from the Universal Service Fund, payments from the Telecommunications Relay Services Fund, or the issuance of telephone numbers from the North American Numbering Plan administrator, will be reviewed to determine if any delinquent debts are outstanding.

If you have any questions regarding this Notice, please contact us in writing by email at [ARINQUIRIES@FCC.GOV](mailto:ARINQUIRIES@FCC.GOV) or at the following address:

Federal Communications Commission  
Attn: Revenue and Receivables Operation Group  
445 – 12<sup>th</sup> Street S.W., Room 1-A821  
Washington, DC 20554

You are required to remit your payment to the address noted on the bill(s) referenced above, or you may submit payment via the FCC's FEE Filer, which is located at [www.fcc.gov/fees/feefiler.html](http://www.fcc.gov/fees/feefiler.html). Copies of bills (Form 159B) can be printed from the FCC's Fee Filer site as well as from the Red Light Display site located at [www.fcc.gov/redlight/](http://www.fcc.gov/redlight/). If you believe that this notice has been mailed to you in error, please contact the CORES Help Desk at 1-877-480-3201 (option 4) or send an e-mail to [ARINQUIRIES@FCC.GOV](mailto:ARINQUIRIES@FCC.GOV) with all information to support your dispute.

Sincerely,



Cheryl A. Collins  
Revenue and Receivables Operations Group

Copies furnished:

Mr. Glenn A. Baxter  
310 Woodland Camp Road  
Belgrade, Maine 04917

Mr. Glenn A. Baxter  
310 Woodland Camp Road – Box 440  
Belgrade Lakes, Maine 04918-0440

Certificate of Service

I certify that I am of legal age and that on the date indicated above, a copy of the foregoing Notice was placed in the United States mail, postage prepaid and addressed as indicated to each of the above addressees. This the 7<sup>th</sup> day of November, 2013.

SB Foster

# **EXHIBIT B**



U.S. Department of Justice

United States Attorney  
District of Maine

Margaret Chase Smith Federal Building  
202 Harlow Street, Room 111  
Bangor, ME 04401

(207) 945-0373  
TTY (207) 945-0307  
Fax (207) 945-0319  
[www.usdoj.gov/usao/me](http://www.usdoj.gov/usao/me)

March 26, 2014

Judy Lancaster, Attorney  
Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 4-C330  
Washington, D.C. 20554

RE: United States of America v. Glenn Baxter  
U.S. District Court  
Civil Docket No.: 1:10-CV-435

Dear Attorney Lancaster:

I am a Paralegal Specialist in the Financial Litigation Unit (FLU) of the United States Attorney's Office for the District of Maine. In that capacity, I am involved in monitoring, collecting, and enforcing the obligations of defendants who have been ordered to pay a debt pursuant to a civil judgment.

On September 10, 2012, the United States Court of Appeals for the First Circuit upheld the Order on Motion for Summary Judgment entered by the United States District Court for the District of Maine and entered Judgment in favor of the United States, and against Glenn Baxter, for \$10,000, in Case 12-1196.

A demand for payment was sent by U.S. First Class Mail to Mr. Baxter at 310 Woodland Camp Road, Belgrade, Maine 04917 on January 16, 2013. Mr. Baxter has not responded to that demand. He has not contacted this office to make arrangements for payments, nor has he paid the judgment. As of March 26, 2014, the outstanding judgment debt balance remains \$10,000.00.

Sincerely,

RICHARD W. MURPHY  
Attorney for the United States  
Acting Under Authority  
Conferred by 28 U.S.C. §515

MARIA C. BIDA  
Paralegal Specialist  
Financial Litigation Unit

# **EXHIBIT C**

**From:** Cheryl Collins  
**Sent:** Wednesday, March 26, 2014 7:11 AM  
**To:** Judy Lancaster  
**Subject:** Mr. Glenn Baxter

**Importance:** High

Ms. Lancaster,

I am the Chief, Revenue and Receivables Operations Group, Financial Operations, Office of the Managing Director, Federal Communications Commission. I am familiar with the circumstances of the debt Mr. Glenn A. Baxter, RR 1, Box 776, Belgrade Lakes, ME 04918, FCC registration Number 0013164975, owes to the United States, which is reported on the books of the Commission as Bill Number 200532260001, for \$10,000.00. On two separate occasions, the circumstances of which are discussed in detail below, I signed Notices of Withholding of Action and caused them to be mailed to three addresses that we have pertaining to Mr. Baxter.

First, on February 21, 2012, I signed a Notice of Withholding of Action notifying Mr. Baxter that under 47 C.F.R. § 1.1910(b), the Commission will withhold action on Mr. Baxter's application, filed or pending, until he makes full payment or arranges to pay the non-tax delinquent debt(s) owed the Commission, and that the Commission may dismiss his application, filed or pending, if Mr. Baxter's debt remains delinquent. Furthermore, under 47 C.F.R. §1.1910(b)(3), the Notice informed Mr. Baxter that if he did not pay the delinquency or make other arrangements satisfactory to the Commission within 30 days of the date of that notice, the Commission would dismiss his application. Moreover, any action taken prior to the payment of delinquent non-tax debt is contingent and subject to rescision.

Additionally, the Notice informed Mr. Baxter that if he failed to make payment on the delinquent debt, we may initiate collection action, which under applicable law includes: assessing interest, penalties, and administrative charges for collection (31 U.S.C. § 3717), reporting debt information to commercial credit reporting entities (31 U.S.C. § 3711), transferring the debt to the U.S. Department of Treasury for collection (31 U.S.C. § 3711), and applying administrative offset to collect amounts due (31 U.S.C. § 3716).

That Notice was placed in the United States mail, postage prepaid and addressed to Mr. Baxter at the above known address, plus 310 Woodland Camp Road, Belgrade, Maine 04917, and 310 Woodland Camp Road – Box 440, Belgrade Lakes, Maine 04918-0440. None of these three Notices were returned to the Commission.

In an email message dated February 26, 2012, Mr. Baxter acknowledged receipt of the Notice, but he did not make any payment, and he did not arrange to pay the debt.

Second, on November 7, 2013, I signed a Notice of Withholding of Action notifying Mr. Baxter that under 47 C.F.R. § 1.1910(b), the Commission will withhold action on Mr. Baxter's application, filed or pending, until he makes full payment or arranges to pay the non-tax delinquent debt(s) owed the Commission, and that the Commission may dismiss his application, filed or pending, if Mr. Baxter's debt remains delinquent. Furthermore, under 47 C.F.R. §1.1910(b)(3), the Notice informed Mr. Baxter that if he did not pay the delinquency or make other arrangements satisfactory to the Commission within 30 days of the date of that notice, the Commission would dismiss his application. Moreover, any action taken prior to the payment of delinquent non-tax debt is contingent and subject to rescision.

EXHIBIT C

Additionally, the Notice informed Mr. Baxter that if he failed to make payment on the delinquent debt, we may initiate collection action, which under applicable law includes: assessing interest, penalties, and administrative charges for collection (31 U.S.C. § 3717), reporting debt information to commercial credit reporting entities (31 U.S.C. § 3711), transferring the debt to the U.S. Department of Treasury for collection (31 U.S.C. § 3711), and applying administrative offset to collect amounts due (31 U.S.C. § 3716).

That Notice was placed in the United States mail, postage prepaid and addressed to Mr. Baxter at the above known address, RR 1 Box 776, Belgrade Lakes, ME 04918, plus 310 Woodland Camp Road, Belgrade, Maine 04917, and 310 Woodland Camp Road – Box 440, Belgrade Lakes, Maine 04918-0440.

Because Mr. Baxter responded to the Notice of Withholding of Action dated February 21, 2012, and none of the three February 21, 2012, Notices had been returned, I had every reason to believe that Mr. Baxter would receive all three Notices mailed on November 7, 2012. Moreover, I am aware that Mr. Baxter used and has not changed in the Commission's records the address at RR1 Box 776, Belgrade Lakes, ME 04918, which is used on the Commission's amateur radio station license for call sign K1MAN granted to Mr. Baxter effective October 17, 1995, and the electronic reference copy of the FCC Form 605, Quick Form Application for Authorization in the Ship, Aircraft, Amateur, restricted and Commercial Operator, and General Mobile Radio Services, File # 0002250244, submitted by Mr. Baxter on July 22, 2005, to renew the license for call sign K1MAN.

Even so, on December 9, 2013, the Commission Mail Room received an original Notice that was addressed to Mr. Glenn A. Baxter, RR 1 Box 776, Belgrade Lakes, ME 04918. The attached RETURN TO SENDER label included the notation, UNABLE TO FORWARD. Neither of the other two copies of the Notice of Withholding of Action was returned to the Commission, and they are presumed to have been delivered to Mr. Baxter.

Mr. Baxter has not contacted me in any form, e.g., by email, telephone, or U.S. Postal Service mail to make payment or to request arrangements to pay the debt. If Mr. Baxter had submitted a response to the Notice of Withholding of Action that had been addressed to the Commission, but without my name, the document nonetheless would have been delivered to me. Moreover, I am familiar with the Commission's financial records that reflect payments from delinquent debtors. I have initiated a review of the Commission's payment records, and as of the close of business on March 25, 2014, there is no record that the Commission received any payment from Mr. Baxter or on by any other person or entity on his behalf. Our records show that Mr. Baxter remains delinquent in paying a debt owed the United States. Thus, the Commission's procedures set forth at 47 C.F.R. § 1.1910 may be executed.

Contact me if you have questions.

Cheryl Collins  
Chief, Revenue and Receivables Operations Group  
Financial Operations

*Cheryl Collins*  
*Chief, Revenue & Receivables Group*  
*Financial Operations*  
*[cheryl.collins@fcc.gov](mailto:cheryl.collins@fcc.gov)*  
*202-418-1978*

EXHIBIT C

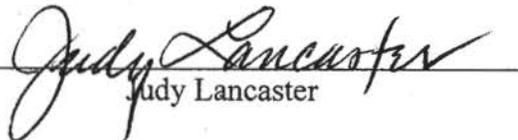
**CERTIFICATE OF SERVICE**

Judy Lancaster, an Attorney Advisor, in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 27<sup>th</sup> day of March, 2014, served copies of the foregoing Enforcement Bureau Request For Dismissal of Application and Termination of Proceeding by forwarding a copy of the document by first class United States mail and e-mail, to

Glenn A. Baxter  
K1MAN  
RR 1, Box 776  
Belgrade Lakes, ME 04918  
Email to: [k1man14275@aol.com](mailto:k1man14275@aol.com) and [Institute@K1MAN.com](mailto:Institute@K1MAN.com)

and by hand-delivery to

Chief Administrative Law Judge Richard L. Sippel  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Suite 1-C768  
Washington, D.C. 20054

  
\_\_\_\_\_  
Judy Lancaster