

K1MAN ESSAY by Glenn A. Baxter, P.E. Copyright 22 September 2015

FCC SYSTEMATIC VIOLATIONS OF CONSTITUTIONAL DUE PROCESS

When you walk into the FCC in Washington, D.C., as I did to attend a scheduled K1MAN administrative hearing that never happened, there is an open window to the left where one brings paper pleadings to be filed. They stamp the cover of the document being submitted "Accepted by the FCC" or something to that effect. Otherwise, (I always send the original and 11 copies) by Certified mail, the pleadings must be addressed and mailed to Marlene H. Dortch, Secretary of the FCC, etc. In this case the FCC often denies due process of law and simply ignores such pleadings that might not suit their legal purposes. This has happened to me many, many times over the last 26 years or so.

Now when the Wireless Telecommunications Bureau (WTB) designates a hearing before an Administrative Judge, he (or she) is really not a judge. They refer to him (or her) as the "Presiding Judge." Well that person (the Federal Trade Commission calls him or her a "Trial Examiner," see my dad's case at www.k1man.com/fhb), does preside over the hearings, pleadings, etc. to maintain order, but that "judge" can make no decisions, and certainly nothing that the FCC administrative "judge" does can be appealed to the D.C. Court of Appeals. Thus, there is no full due process of law in this charade.

The administrative "judge" (or hearing examiner in the case of the Federal Trade Commission) can make recommendations to the commissions they work for and get paid by, and said recommendations are usually followed.

In my case of the application for renewal of K1MAN, timely filed, the matter was designated for hearing before an FCC administrative law "judge." I personally appeared in Washington, D.C. on time for the scheduled hearing, and the "judge" did not show up. The FCC attorney of record, Judy Lancaster, was at home cooling her (high) heels. What a f' ing joke!

I did enjoy a visit to the Smithsonian that day, however, and even had someone snap a picture of me standing in front of John Glenn's Mercury space capsule.

The statute states that I can legally operate K1MAN until the FCC has taken FINAL action on my license renewal application. Any FINAL FCC action is appealable to the D.C. Court of Appeals. The FCC has not taken any such FINAL action which is appealable to the D.C. Court of Appeals.

What they have done instead is illegally apply the Red Light Rule and illegally dismiss my renewal application (followed by illegal license cancellation). The statute states that the Red

Light Rule cannot be used while there is a legal challenge to the subject matter in question, in this case the \$10,000 fine. See www.k1man.com/x This is not a FINAL action and is not appealable to the D.C. Court of appeals. Thus, due process has been systematically denied.

Following the cancellation of the K1MAN license, the administrative “judge” terminated the K1MAN administrative proceedings. With that, the FCC has painted themselves into a corner.

And so, I legally operate daily on 20 meters and give the FCC a well-deserved black eye with each contact that I make. Payback is a bitch!

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