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# Thread: Lawsuit: Kenneth L Bryant, K1DMR v NCPRN, et al

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May 08, 2016, 09:07 AM

#1

sswcmw  
CS Forums \$upporter

Join Date: Jan 09, 2014  
Location: NC  
Posts: 6  
Thanks: 7  
Thanked 20 Times in 4 Posts  
Country: 

## Lawsuit: Kenneth L Bryant, K1DMR v NCPRN, et al

I am just going to leave this here. Admins, please feel free to delete it if you don't think it is appropriate.

<http://ncprn.net/?p=379>

Thanks Send PM

May 08, 2016, 10:49 AM

#2



Mars  
CS Forums \$upporter

Join Date: Dec 21, 2011  
Posts: 4,366  
Thanks: 3,517  
Thanked 6,066 Times in 1,742 Posts  
Country: 



I just have some questions, I'm hoping some of you may be able to answer. I truly don't understand, or I wouldn't be asking.

From Ken Bryant's [bio page](#), he lists the following attributes about himself: (credentials)

- Anti-Money Laundering / Combating the Financing of Terrorism
- Independent Review
- Risk Assessment
- Compliance Program Development
- Enhanced Due Diligence
- Project Implementation
- Training
- Remediation
- Product Development
- Consulting

"Compliance is not an option"

Aren't these just confusing/complicated buzz-words for everyday life skills?

By no means am I attempting to discredit Mr. Bryant or the recognition he's received from U.S. Secretary of Defense, Donald Rumsfeld (last paragraph of bio), I'm just wondering if perhaps, well maybe, sort of, possibly, in a roundabout-kind-of-way if some of what's in the bio is a little, shall we say, overstated?

Also, according to [Ken's QRZ profile](#), AES-256 is illegal in most applications.

🗨 Originally Posted by K1DMR

I am currently using Motorola MOTOTRBO as best in breed for my public safety activities, all of the same features as P25 for a fraction of the cost (not sure who needs 256 bit encryption, and in most cases is illegal to use).

Might want to grab a clue, while they're still free, Ken.

<http://www.retardreference.com>  
<http://stolen.software>

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### The Following 8 Users Say Thank You to Mars For This Useful Post:

[Bill\\_G](#) (May 08, 2016), [bsdiam](#) (May 10, 2016), [com501](#) (May 09, 2016), [KE4ZNR](#) (May 08, 2016), [mobios](#) (May 08, 2016), [no7rf](#) (Jun 05, 2016), [Viper1-6](#) (May 11, 2016)

May 08, 2016, 12:21 PM

#3



**KE4ZNR** Member

Join Date:	Jun 16, 2013
Location:	Central NC
Posts:	34
Thanks:	40
Thanked 65 Times in 27 Posts	
Country:	.US



I have not had anything to do with the NCPN network but I know Danny K4ITL and Danny has only wanted the best for the hobby over the years. I have no idea of who this Kenneth guy is but it concerns me to see Danny wrapped up in this as his character is beyond reproach. Since this whole deal is being based here in Central NC let me see what I can find out what the local scuttlebutt about this whole shindig is.  
Marshall KE4ZNR

Thanks

Send PM

The Following User Says Thank You to KE4ZNR For This Useful Post:

Bill\_G (May 08, 2016)

May 08, 2016, 12:22 PM

#4



Bill\_G ◉  
Senior Member

Join Date: Jan 31, 2015  
 Location: Portland OR  
 Posts: 626  
 Thanks: 855  
 Thanked 823 Times in 406 Posts  
 Country: 



Ken Bryant sounds like another guy with a deep view into the industry.

Bow wow wow yippie yo yippie yay

Thanks

Send PM

The Following 9 Users Say Thank You to Bill\_G For This Useful Post:

Avery Johannssenn (May 08, 2016), bstafford (May 08, 2016), C.Cheesman (May 10, 2016), com501 (May 09, 2016), DC5AJ (May 12, 2016), Mars (May 08, 2016), mobios (May 08, 2016), triptolemus (May 08, 2016), Viper1-6 (May 11, 2016)

May 08, 2016, 12:31 PM

#5



KE4ZNR ◉  
Member

Join Date: Jun 16, 2013  
 Location: Central NC  
 Posts: 34  
 Thanks: 40  
 Thanked 65 Times in 27 Posts  
 Country: 



Originally Posted by Mars →

By no means am I attempting to discredit Mr. Bryant or the recognition he's received from U.S. Secretary of Defense, Donald Rumsfeld (last paragraph of bio),

I missed this the first time but I don't know if being recognized by Rummy is something you wanna brag about Ken.....Oy vey.

Marshall KE4ZNR

Send PM

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The Following 4 Users Say Thank You to KE4ZNR For This Useful Post:


[com501](#) (May 09, 2016), [Mars](#) (May 08, 2016), [no7rf](#) (Jun 05, 2016), [RFI-EMI-GUY](#) (May 08, 2016)

May 08, 2016, 12:58 PM

#6



[slapshot0017](#) Senior Member

Join Date: Mar 25, 2015  
Posts: 241  
Thanks: 238  
Thanked 116 Times in 63 Posts  
Country: 



Hmm. This is an interesting case to say the least... Going to be a huge debate on the whole "Private Repeater" rules. Whether or not it's "Private" doesn't it fall under the FCC rules of an amateur station that is supposed to be accessible by everyone who is licensed? That has always confused me, because MARS, you like to promote AES for your repeaters, but you also make the Algorithm available, to an extent, and you are also in Canada and I am not really sure how you are governed. I just can't see this going well for either side...

I'm here to learn! 😊

Thanks


Send PM


May 08, 2016, 01:05 PM

#7



[Number 6](#) T1 AES Ø - Administrator

Join Date: Feb 28, 2012  
Posts: 1,235  
Thanks: 113  
Thanked 1,305 Times in 409 Posts  
Country: 

 **Lawsuit: Kenneth L Bryant, K1DMR v NCPN, et al**

Where is it written that I have a right to access any amateur repeater that has been licensed by the FCC just because I happen to hold an operator's license issued by the FCC?

Sent from my iPhone using Tapatalk

"Government big enough to supply everything you need is big enough to take everything you have. The course of history shows that as a government grows, liberty decreases." Thomas Jefferson

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**The Following 3 Users Say Thank You to Number 6 For This Useful Post:**

**MTS2000DES** (May 08, 2016), **no7rf** (Jun 05, 2016)

May 08, 2016, 01:11 PM

#8



**slapshot0017**   
Senior Member

Join Date: Mar 25, 2015  
Posts: 241  
Thanks: 238  
Thanked 116 Times in 63 Posts  
Country: 



“ Originally Posted by **Number 6** →

Where is it written that I have a right to access any amateur repeater that has been licensed by the FCC just because I happen to hold an operator's license issued by the FCC?

Sent from my iPhone using Tapatalk

I thought that was one of the rules. I must be mistaken.

I'm here to learn! 🙄

Thanks

Send PM

May 08, 2016, 01:20 PM

#9

Join Date: Dec 21, 2011  
Posts: 4,366  
Thanks: 3,517  
Thanked 6,066 Times in 1,742 Posts



Mars ◦  
CS Forums \$upporter



“ Originally Posted by [slapshot0017](#) →

Hmm. This is an interesting case to say the least... Going to be a huge debate on the whole "Private Repeater" rules. Whether or not it's "Private" doesn't it fall under the FCC rules of an amateur station that is supposed to be accessible by everyone who is licensed? That has always confused me, because MARS, you like to promote AES for your repeaters, but you also make the Algorithm available, to an extent, and you are also in Canada and I am not really sure how you are governed. I just can't see this going well for either side...

The way Mr. Bryant has worded his "legal opinion" on AES-256, seems to imply he feels it's unlawful to use pretty much anywhere -- ham bands or not.

I also want to know why that \*\*\*\* didn't go and buy his own DMR repeater and connect it to DMR-MARC so he could continue to access his "friends" (\*cough cough customers cough cough\*). What an entitled piece of excrement he is!

<http://www.retardreference.com>  
<http://stolen.software>

[Remove Your Thanks](#)

The Following 4 Users Say Thank You to Mars For This Useful Post:

[no7rf](#) (Jun 05, 2016), [RyanRox099](#) (May 09, 2016), [slapshot0017](#) (May 08, 2016), [TAC-10](#) (May 10, 2016)

May 08, 2016, 01:22 PM

#10



radio ◦  
Member

Join Date: Nov 05, 2012  
Location: Atlanta, Ga  
Posts: 48  
Thanks: 266  
Thanked 33 Times in 22 Posts  
Country: 



“ Originally Posted by [Mars](#) →

I also want to know why that \*\*\*\* didn't go and buy his own DMR repeater and connect it to DMR-MARC so he could continue to access his "friends" (\*cough cough customers cough cough\*). What an entitled piece of excrement he is!

He has 2 dmr repeaters here in Atlanta on the dmr marc system

i have not failed i have found 10,000 ways that do not work

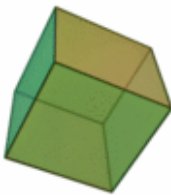
Thanks | Send PM

The Following User Says Thank You to radio For This Useful Post:


Mars (May 08, 2016)

May 08, 2016, 01:24 PM

#11



Number 6   
 T1 ÆS Ø - Administrator

Join Date: Feb 28, 2012  
Posts: 1,235  
Thanks: 113  
Thanked 1,305 Times in 409 Posts  
Country: 



Originally Posted by [slapshot0017](#) →

I thought that was one of the rules. I must be mistaken.

I believe that the last sentence of 97.205(e) would apply: "Limiting the use of a repeater to only certain user stations is permissible."

Thanks | Send PM

The Following 2 Users Say Thank You to Number 6 For This Useful Post:

BMWTech (May 22, 2016),slapshot0017 (May 08, 2016)

May 08, 2016, 01:31 PM

#12

Join Date: Mar 25, 2015  
Posts: 241  
Thanks: 238  
Thanked 116 Times in 63 Posts



slapshot0017 ◉  
Senior Member

Country: 



“ Originally Posted by [Number 6](#) →

I believe that the last sentence of 97.205(e) would apply: "Limiting the use of a repeater to only certain user stations is permissible."

And no notice must be given? Looks open and shut from here on out then. Thank you for the cite. I don't know where I was getting that mixed up from. Now it seems the guy is looking for a payday if he does have those repeaters in Atlanta, why not just put your own up? Why drag the rest of the system in if he has a beef with the "The PRN team" as it states in the documentation.

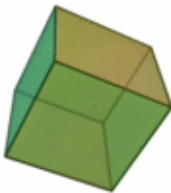
I'm here to learn! 😊

Thanks


Send PM

May 08, 2016, 01:44 PM

#13



**Number 6** ◉  
T1 ÆS Ø - Administrator

Join Date: Feb 28, 2012  
Posts: 1,235  
Thanks: 113  
Thanked 1,305 Times in 409 Posts  
Country: 



“ Originally Posted by [slapshot0017](#) →

And no notice must be given?

I am not aware of any notice requirement. And, look at this way... I let you borrow my car. Then I say "no" the next time that you ask. You really think that you are entitled to notice and due process? No.

BTW, if you look at his "credentials", under "Education" he lists the following:

"U.S. Federal Communications Commission, Technician Class License Holder (**police communications and technology specialist**)" (bold added).

Huh, what?

Send PM



[Remove Your Thanks](#)**The Following 8 Users Say Thank You to Number 6 For This Useful Post:**

[Avery Johannsenn](#) (May 08, 2016), [bsdarn](#) (May 10, 2016), [bstafford](#) (May 08, 2016), [com501](#) (May 09, 2016), [Mars](#) (May 08, 2016), [MTS2000DES](#) (May 08, 2016), [no7rf](#) (Jun 05, 2016), [RyanRox099](#) (May 09, 2016)

May 08, 2016, 01:47 PM

#14



**triptolemus** ◉  
T1 AES Ø - Moderator  
CS Forums \$upporter

Join Date: Dec 15, 2012  
Location: Shitballs  
Posts: 1,074  
Thanks: 799  
Thanked 1,863 Times in 636 Posts  
Country: 



“ Originally Posted by [slapshot0017](#) →

And no notice must be given?

To whom would the notice be given? What if my intention is to limit the use of the repeater to only myself? Who would I be obligated to notify?

The answer is exactly nobody.

Are you thinking that stations previously granted access to the repeater should be notified that their access is no longer permitted? How could anyone reasonably be expected to know the callsign of every operator who had previously accessed the repeater?

The answer is they can't.

Thanks

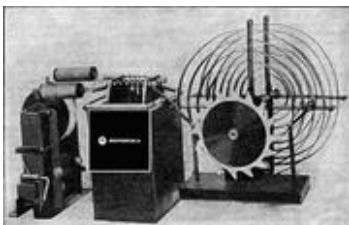
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**The Following User Says Thank You to triptolemus For This Useful Post:**


[MTS2000DES](#) (May 08, 2016)

May 08, 2016, 01:48 PM

#15



**bellyacher** ◉  
CS Forums \$upporter

Join Date: Nov 18, 2013  
Posts: 42  
Thanks: 110  
Thanked 82 Times in 38 Posts  
Country: 



Defending a lawsuit is not cheap. Hopefully this gets dismissed before the defendants are out a lot of money. I don't see any good coming out of this.


[Thanks](#)
[Send PM](#)


### The Following 2 Users Say Thank You to bellyacher For This Useful Post:

[motorola\\_otaku](#) (May 09, 2016), [MTS2000DES](#) (May 08, 2016)

May 08, 2016, 01:50 PM

#16

[sswcmw](#)   
**CS Forums \$upporter**

Join Date: Jan 09, 2014  
 Location: NC  
 Posts: 6  
 Thanks: 7  
 Thanked 20 Times in 4 Posts  
 Country: 



I will try to give clarification on what we feel when we say private. Each and every repeater that is connected to one of the PRN bridges is privately owned, and if you ask to connect, you do so knowing that you retain full ownership over your repeater. PRN (we eventually dropped the NC when repeaters connected outside of North Carolina) is not an official organization, we have no bylaws, there is no way to join or be a member. We will not try to claim your repeater as our own.

We did file a motion to dismiss, but it was denied by the judge because she agreed with Ken's lawyer's argument; the FCC has no jurisdiction over Amateur Radio. They argued that the FCC has relinquished control over the Amateur Radio service (in the U.S., obviously) and given it to the State because the FCC will not overturn Homeowner's Associations' rules in regards to Amateur Radio operators. Of course, his lawyer failed to mention the only reason this is the case is because the FCC has said "you moved there, you signed the written contract, deal with it", and not because they are giving up authority.

So we will see. While I realize a lot of the people reading this are not in the U.S., so this will not affect them, it is just scary to ponder what would happen if we were to walk away from this and shut the network down and let him win, what will this do to personal property rights? For example, since he is using case law regarding an association (with real dues and real legitimate members) to sue individuals, who is to say someone will not use this case to sue you for no longer letting them use your car because they parked it someplace, got it impounded, and you had to pay to get it out? As a curious side bit, the judge told Ken's lawyer that the case he quoted got overturned on appeal and would actually hurt his case, and he just stood there and said "uh, uh, uh" a few times. This is when he went with the CC&R tactic.

Anyway, the purpose of this thread was to seek help. We are already in over \$5000 in lawyer fees, and expect it to go to \$15,000 to \$20,000 before it is all over. Hams (repeater users with their Chinese radios) are notoriously cheap, we all know that, but I want to get this out to all of the repeater owners because this case affects them if they live in the US. Some may help, some may spread the word, some may sit back and watch the fireworks. Either way, hopefully some good will come if it by reaching a larger audience.

-- Scott  
 KF4DBW

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The Following 15 Users Say Thank You to sswcmw For This Useful Post:


**BMWTech** (May 22, 2016), **box** (May 10, 2016), **bsdam** (May 10, 2016), **bstafford** (May 08, 2016), **C.Cheesman** (May 10, 2016), **com501** (May 09, 2016), **foxtrotdelta** (May 09, 2016), **Jay** (May 09, 2016), **Mars** (May 08, 2016), **moetorola** (May 09, 2016), **MTS2000DES** (May 08, 2016), **no7rf** (Jun 05, 2016), **TAC-10** (May 10, 2016), **triptolemus** (May 08, 2016)

May 08, 2016, 01:53 PM

#17



**slapshot0017**   
 Senior Member

Join Date: Mar 25, 2015  
Posts: 241  
Thanks: 238  
Thanked 116 Times in 63 Posts  
Country: 

 Lawsuit: Kenneth L Bryant, K1DMR v NCPRN, et al

Lol I see that as being different but I do agree.

Oh boy... I'm sorry, but once you start sounding off credentials like that you lose a little credibility. Unless he is talking about a GROL, but isn't that just mandated for marine or aviation? I have really let my knowledge of radio rules and regs lapse learning all the construction codes in school....

I'm here to learn! 😊

Thanks | Send PM

May 08, 2016, 02:13 PM

#18



**Mars**   
 CS Forums \$upporter

Join Date: Dec 21, 2011  
Posts: 4,366  
Thanks: 3,517  
Thanked 6,066 Times in 1,742 Posts  
Country: 



“ Originally Posted by **Number 6** →

BTW, if you look at his "credentials", under "Education" he lists the following:

**WHACKER**

Fixed that for you.

<http://www.retardreference.com>  
<http://stolen.software>

Thanks

### The Following 11 Users Say Thank You to Mars For This Useful Post:


[Avery Johannssenn](#) (May 08, 2016), [bsdarn](#) (May 10, 2016), [C.Cheesman](#) (May 10, 2016), [com501](#) (May 09, 2016), [dcpd](#) (May 08, 2016), [K5FPP](#) (May 15, 2016), [mss-dave](#) (May 09, 2016), [Number 6](#) (May 08, 2016), [slapshot0017](#) (May 08, 2016), [TAC-10](#) (May 10, 2016)

May 08, 2016, 03:18 PM

#19



**MTS2000DES** ◦  
 CS Forums \$upporter

Join Date: Mar 14, 2012  
 Location: Atlanta, GA USA  
 Posts: 331  
 Thanks: 1,276  
 Thanked 1,063 Times in 329 Posts  
 Country:  .Us



I have dealt with Ken for years, bought several radios from him, sold him a couple. I was pretty shocked when I saw this. Shocked because I would not believe this would originate from him, but the facts are per the filing, it did.

There are two sides to every story, and apparently both parties will have the day in court. But I can't help but say the idea that one would sue because they were essentially kicked out of what they acknowledge is a **PRIVATE** system of which they did not financially support nor are in any written agreement with, is very disturbing.

The complaint with riddled with contradictions. One point states that the FCC doesn't have jurisdiction over amateur radio, yet a few paragraphs down the plaintiff states they refrained or exited conversations which he acknowledged might be a violation of the very rules they claimed exemption from.

At the end of the day, the fact that this is even going this far does not bode well for any involved. It will costs the defendants to defend themselves. It will also certainly stain Mr. Bryant's business in the amateur community. I know he reads these forums, Ken, have you ever heard of the Streisand Effect?

I co-founded an NPO that is amateur radio related. We operate an analog repeater. We have had to in two cases ban users who did not follow our house rules. I cannot fathom why someone doesn't get that repeaters are private property. This case can be very bad if it's allowed to proceed further. Dangerous precedent can be set.

Your streaming makes me AES-256. Keep it up and you'll soon have nothing to listen to.

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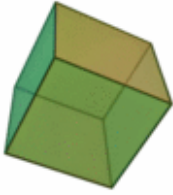
[Remove Your Thanks](#)

### The Following 10 Users Say Thank You to MTS2000DES For This Useful Post:


[Avery Johannssenn](#) (May 08, 2016), [bellyacher](#) (May 09, 2016), [com501](#) (May 09, 2016), [Jay](#) (May 09, 2016), [Mars](#) (May 08, 2016), [mss-dave](#) (May 09, 2016), [no7rf](#) (Jun 05, 2016), [triptolemus](#) (May 08, 2016), [VA2PE](#) (Nov 20, 2016)

May 08, 2016, 04:36 PM

#20



**Number 6** ◉  
T1 ÆS Ø - Administrator

Join Date: Feb 28, 2012  
Posts: 1,235  
Thanks: 113  
Thanked 1,305 Times in 409 Posts  
Country: 



“ Originally Posted by [sswcmw](#) →

We did file a motion to dismiss, but it was denied by the judge because she agreed with Ken's lawyer's argument; the FCC has no jurisdiction over Amateur Radio. They argued that the FCC has relinquished control over the Amateur Radio service (in the U.S., obviously) and given it to the State because the FCC will not overturn Homeowner's Associations' rules in regards to Amateur Radio operators.

It is very unfortunate that your judge does not understand the basic tenets of federal jurisdiction. There is no doubt that the FCC has jurisdiction over Amateur Radio, and that the FCC's jurisdiction is exclusive (i.e., not concurrent with the jurisdiction of a State). The fact that the FCC decided that it did not have jurisdiction over HOA CC&Rs (which it doesn't), does not mean that the FCC has waived its jurisdiction over Amateur Radio. Maybe your NC judge will decide that we don't need licenses, can run 50KW transmitters, and can jam amateur repeaters with impunity. Come on... where did your judge go to law school?

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The Following 5 Users Say Thank You to Number 6 For This Useful Post:

[Avery Johannsenn](#) (May 08, 2016), [Jay](#) (May 09, 2016), [Mars](#) (May 08, 2016), [MTS2000DES](#) (May 08, 2016), [no7rf](#) (Jun 05, 2016)

May 08, 2016, 06:37 PM

#21



**RFI-EMI-GUY** ◉  
CS Forums \$upporter

Join Date: Mar 08, 2014  
Location: Florida  
Posts: 551  
Thanks: 290  
Thanked 450 Times in 256 Posts



In his lawsuit, it appears he is trying to bifurcate the FCC regulated repeater and the linking network which he argues in not FCC regulated. Making his case about the network. I agree, what are his real damages if he did not profit from his activities on the system?

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The Following 2 Users Say Thank You to RFI-EMI-GUY For This Useful Post:

[Mars](#) (May 08, 2016), [no7rf](#) (Jun 05, 2016)

May 08, 2016, 06:39 PM

#22



**RFI-EMI-GUY** ◉  
CS Forums \$upporter

Join Date: Mar 08, 2014  
Location: Florida  
Posts: 551  
Thanks: 290  
Thanked 450 Times in 256 Posts



The legal system is seriously flawed when you have judges that are this stupid.

Thanks

Send PM

The Following 2 Users Say Thank You to RFI-EMI-GUY For This Useful Post:

[Avery Johannssenn](#) (May 08, 2016), [Mars](#) (May 08, 2016)

May 08, 2016, 06:41 PM

#23



**triptolemus** ◉  
T1 ÆS Ø - Moderator  
CS Forums \$upporter

Join Date: Dec 15, 2012  
Location: Shitballs  
Posts: 1,074  
Thanks: 799  
Thanked 1,863 Times in 636 Posts  
Country:



“ Originally Posted by [RFI-EMI-GUY](#) →

The legal system is seriously flawed when you have judges that are this stupid.

Everyone in NC is too worried about where everyone else is taking a dump to pay attention to their jobs, evidently. Perhaps the defendant should ask for a continuance until they get the shitters sorted out down there.

Thanks

Send PM

The Following 2 Users Say Thank You to triptolemus For This Useful Post:

motorola\_otaku (May 09, 2016), MTS2000DES (May 08, 2016)

May 08, 2016, 06:47 PM

#24



RFI-EMI-GUY  
CS Forums \$upporter

Join Date: Mar 08, 2014  
Location: Florida  
Posts: 551  
Thanks: 290  
Thanked 450 Times in 256 Posts



Originally Posted by Number 6 →

I am not aware of any notice requirement. And, look at this way... I let you borrow my car. Then I say "no" the next time that you ask. You really think that you are entitled to notice and due process? No.

Yet, all over the country we have squatters breaking in and moving illegally into private homes and the legitimate owners cannot expel them using the police. They are forced to use an eviction process meant to protect homeowners and renters from unscrupulous banks and landlords. It is coming to a point where yes, maybe if you loan your car, you need the borrower to sign some sort of document protecting you from future harassment.

Thanks

Send PM

The Following 2 Users Say Thank You to RFI-EMI-GUY For This Useful Post:

Avery Johannssenn (May 08, 2016), MTS2000DES (May 08, 2016)

May 08, 2016, 10:28 PM

#25

wiredwrx  
CS Forums \$upporter

Join Date: Mar 20, 2014  
Posts: 462  
Thanks: 49  
Thanked 143 Times in 92 Posts



Why didn't the defendant file/remove the matter to Federal Court. Seems this involves a federal question.

Thanks

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---- Metro Fluid

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