

Federal Communications Commission

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

In the Matter of)	
)	
Flamingo First Class Messenger Services)	File No. EB-07-NY-463
Licensee of Radio Station WPEA619)	
Brooklyn, New York)	NOV No. V20083238010

NOTICE OF VIOLATION

Released: December 18, 2007

By the District Director, New York Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (“Notice”) issued pursuant to Section 1.89 of the Commission’s Rules¹ to Flamingo First Class Messenger Services (“Flamingo”), licensee of private land mobile radio station WPEA619, Brooklyn, New York.
2. On December 13, 2007, in response to a complaint, agents of the Commission’s New York Office inspected radio station WPEA619, and observed the following violations:
 - a. 47 C.F.R. § 1.903(a): “Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section.” Flamingo is operating a fixed base station on 452.875 MHz at an unauthorized location. Flamingo is only authorized to operate a fixed base station on 452.875 MHz at 1077 Rutland Road, Brooklyn, NY
 - b. C.F.R. § 90.425(a): “Except as provided for in paragraphs (d) and (e) of this section, each station or system shall be identified by the transmission of the assigned call sign during each transmission or exchange of transmissions, or once each 15 minutes (30 minutes in the Public Safety Pool) during periods of continuous operation. The call sign shall be transmitted by voice in the English language or by International Morse Code in accordance with paragraph (b) of this section....” On December 13, 2007, between 12:00 p.m. and 2:00 p.m., Flamingo did not transmit its call sign identification for station WPEA619 on the frequency 452.875 MHz.

¹47 C.F.R. § 1.89.

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Flamingo, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of Flamingo. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
New York Office
201 Varick Street, Suite 1151
New York, NY 10014

4. This Notice shall be sent to Flamingo First Class Messenger Services at its address of record.
5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Daniel W. Noel
District Director
New York District Office
Northeast Region
Enforcement Bureau

²47 U.S.C. § 308(b).

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*