

Federal Communications Commission

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

In the Matter of)	
)	
James Ryan)	File No. EB-08-PA-0432
)	
Owner of Vessel # NJ6592GE)	NOV No. V200932400002
)	
Manahawkin, New Jersey)	

NOTICE OF VIOLATION

Released: October 10, 2008

By the District Director, Northeast Region, Philadelphia Office, Enforcement Bureau:

1. This is a Notice of Violation (“Notice”) issued pursuant to Section 1.89 of the Commission’s Rules¹ to James Ryan, owner of vessel #NJ6592GE in Manahawkin, New Jersey.

2. On September 29, 2008, in response to an interference complaint from the United States Coast Guard, agents of the Commission’s Philadelphia Office used direction finding techniques to locate the source of interference to West Creek Marina in West Creek, New Jersey. The agents inspected the radio equipment aboard vessel #NJ6592GE and observed the following violation:

47 C.F.R. § 80.89(d): “When using telephony, [stations must not] transmit signals or communications not addressed to a particular station or stations. This provision does not apply to the transmission of distress, alarm, urgency, or safety signals or messages, or to test transmissions.”

The agents determined that a VHF transmitter aboard your vessel was transmitting a continuous unmodulated carrier on VHF Marine channel 16 (156.8 MHz), the International and Distress Calling Frequency. The transmission was not conducted as a test or for distress or emergency purposes.

3. Pursuant to Sections 308(b) and 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, James Ryan 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 James Ryan. All replies and documentation sent in response to this Notice

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. §§ 308(b), 403.

Federal Communications Commission

should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Philadelphia Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047

4. This Notice shall be sent to James Ryan at his 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

Gene J. Stanbro
District Director
Philadelphia Office
Northeast Region
Enforcement Bureau

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*