

Federal Communications Commission

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

In the Matter of)	
)	
Ed Bahniuk)	
Licensee of Maritime Radio Station)	File No. EB-00-CF-0081
Owner of Vessel "Mustard Seed")	
Solomon's, MD)	NOV No. V200932340009
)	

NOTICE OF VIOLATION

Released: June 4, 2009

By the Acting District Director, Columbia 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 Ed Bahniuk, licensee of a maritime radio station and owner of the vessel "Mustard Seed" located in Solomon's, Maryland.
2. On May 27, 2009, in response to an interference complaint, an agent of the Commission's Columbia Office used direction finding techniques to locate the source of the interference to Calvert Marina in Solomon's, Maryland. The agent inspected the radio station aboard the vessel "Mustard Seed" and observed the following violation:

47 C.F.R. § 80.89 (d): "Unauthorized transmissions - Stations must not: When using telephony, 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 installed on the Mustard Seed 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 Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Ed Bahniuk, 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 Ed Bahniuk. All replies and documentation sent in response to this Notice

¹47 C.F.R. § 1.89.

² 47 U.S.C. § 308(b).

Federal Communications Commission

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

Federal Communications Commission
Columbia Office
9200 Farm House Lane
Columbia, Maryland 21046

4. This Notice shall be sent to Ed Bahniuk 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

Richard M. Caine
Acting District Director
Columbia Office
Northeast Region
Enforcement Bureau

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*