
Federal Communications Commission

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

In the Matter of)	
)	
Jack Dally)	File No. EB-09-MA-0114
)	
Owner of Vessel "Dolphin")	
New Jersey State Registration # NJ65522FW)	NOV No. V200932600004
)	
Brielle, New Jersey)	

NOTICE OF VIOLATION

Released: July 20, 2009

By the Resident Agent, Miami Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules¹ to Jack Dally, owner of vessel # NJ65522FW which is currently docked in Miami, Florida.
2. On July 12, 2009, in response to an interference complaint from the United States Coast Guard, agents of the Commission's Miami Office located the source of interference to the vessel "Dolphin," vessel # NJ65522FW. The agent inspected the radio equipment aboard vessel # NJ65522FW and observed the following violation:

47 C.F.R. § 80.89(a): "Stations must not engage in superfluous radio communications." The agent determined that a VHF transmitter aboard your vessel was transmitting a continuous unmodulated carrier on VHF Marine channel 16 (156.800 MHz), the International and Distress Calling Frequency. Interference to marine channel 16 is a violation with potential impact upon safety of life and property. A false activation could possibly obscure genuine distress transmissions, and places a strain on valuable safety and rescue agencies. Agents observed that the VHF marine radio on board the vessel "Dolphin" was left on and tuned to channel 16. The handset was tightly wedged between the console and the inner side wall of the vessel, so that the transmit key was continuously depressed.

3. Pursuant to Sections 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Jack Dally 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

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 403.

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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 Jack Dally. 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
Miami Office
PO Box 520617
Miami, FL 33152-0617

4. This Notice shall be sent to Jack Dally 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

Steven DeSena
Resident Agent
Miami Office
South Central Region
Enforcement Bureau

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*