

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Ted Baum	)	File No. EB-09-ST-0046
Licensee of Ship Radio Station	)	
Vessel WAIOLI	)	NOV No. V200932980009
State Registration No.: WN1098MG	)	
Tacoma, Washington	)	
	)	

**NOTICE OF VIOLATION**

**Released:** September 15, 2009

By the District Director, Seattle District Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,<sup>1</sup> to Ted Baum, licensee of ship radio station onboard vessel WAIOLI, state registration number WN1098MG.
2. On September 2, 2009, an agent of the Enforcement Bureau's Seattle District Office monitored a ship radio station on the vessel WAIOLI moored at the Foss Harbor Marina on P Dock, Slip No. 13 located in Tacoma, Washington, and observed the following violations:
  - a. 47 C.F.R. § 80.89(a): "Stations must not engage in superfluous radio communications." Interference to 156.800 MHz, the maritime VHF distress and safety frequency, is a violation of the most critical nature, with potential impact upon safety of life and property. Not only is harmful interference caused to a vital safety frequency, but a continuous carrier could possibly obscure genuine distress transmissions. The VHF marine radio on board the vessel WAIOLI was apparently activated by improper stowing of the radio's microphone.
3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, Ted Baum, must submit a written statement concerning this matter within 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

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 U.S.C. § 403.

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itself and signed by Ted Baum. 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  
Seattle District Office  
11410 NE 122<sup>nd</sup> Way, Suite No. 312  
Kirkland, Washington 98034-6927

4. This Notice shall be sent to by Certified Mail/Return Receipt Requested and regular mail to Ted Baum at his address of record.

5. The Privacy Act of 1974<sup>3</sup> 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.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

Kristine A. McGowan  
District Director  
Seattle District Office  
Western Region  
Enforcement Bureau

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<sup>3</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>4</sup> 18 U.S.C. § 1001 *et seq.*