

Federal Communications Commission

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

In the Matter of)	
)	
Sandra Bauer)	File No. EB-10-HL-0030
M/V SHIBUI)	
Licensee of Maritime Radio Station)	NOV No. V201032860008
Honolulu, Hawaii)	
)	

NOTICE OF VIOLATION

Released: February 23, 2010

By the Resident Agent, Honolulu Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Sandra Bauer, licensee of maritime radio station SHIBUI.
2. On February 19, 2010, an agent of the Enforcement Bureau's Honolulu Office inspected ship radio station SHIBUI, documentation number 534693, moored at Keehi Harbor, pier 1000 in Honolulu, Hawaii, and observed the following violations:

47 C.F.R. § 80.89(a): "Stations must not engage in superfluous radiocommunication." Transmissions by EPIRBs are intended to be actuated manually or automatically and operated automatically as part of a ship or a survival craft station as a locating aid for survival purposes. At the time of the inspection, the agent found that the ACR MagnumB EPIRB, serial number 7673, had been inadvertently activated, with the switch in the "ON" position.

47 C.F.R. § 80.1053: "Operation of Class A EPIRB stations shall be prohibited after December 31, 2006." The ACR EPIRB that was falsely activated may not be used on commercial or recreational watercraft, as it is a Class A device.

¹ 47 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, 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 itself and signed by Sandra Bauer, or his authorized representative. 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
Honolulu Office
P.O. Box 971030
Waipahu, Hawaii 96797-1030

4. This Notice shall be sent to Sandra Bauer at her 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

Ryan Hagihara
Resident Agent
Honolulu Office
Western Region
Enforcement Bureau

² 47 U.S.C. § 308(b).

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*