

Federal Communications Commission

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

In the Matter of)	
)	
Scott Sheppard)	File No. EB-10-PA-0136
Vessel Cookie Monster)	
USCG Doc. No. 610800)	NOV No. V201032400048
Port Norris, New Jersey)	
)	

NOTICE OF VIOLATION

Released: August 9, 2010

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 Scott Sheppard, owner of the vessel Cookie Monster in Port Norris, New Jersey.
2. On May 17, 2010, in response to an interference complaint from the United States Mission Control Center, agents of the Commission’s Philadelphia Office used direction finding techniques to locate the source of interference on the frequency 406.025 MHz to the vessel Cookie Monster, docked on the Maurice River in Port Norris, New Jersey. The agents inspected the EPIRB aboard the vessel and observed the following violation:

47 C.F.R. § 80.89(a): “Stations must not engage in superfluous radio-communication.” Transmissions by emergency position indicating radio beacons (“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. The agents found the Satellite 406 EPIRB activated aboard the Cookie Monster in the absence of any actual emergency situation and the device was transmitting a beacon signal on the frequency 406.025 MHz.

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, Scott Sheppard 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 Scott Sheppard. 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:

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. §§ 308(b), 403.

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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 Scott Sheppard 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.*