

Federal Communications Commission

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

In the Matter of)	
)	File No. EB-10-MA-0177
)	
Daniel E. Londono)	
West Palm Beach, FL)	NOV No. V201132600001
)	

NOTICE OF VIOLATION

Released: October 5, 2010

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 Daniel E. Londono.

2. On September 26, 2010, in response to a report of an activated emergency beacon by the United States Air Force Rescue Coordination Center (AFRCC), agents of the Commission’s Miami Office observed the following violations:
 - a. 47 C.F.R. § 80.89(a): “Stations must not engage in superfluous radiocommunication.” 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 that your ACR Satellite 406 EPIRB located in your vessel in West Palm Beach, FL, was activated in the absence of any actual emergency situation.

 - b. 47 C.F.R. § 80.1061(f): “To enhance protection of life and property it is mandatory that each 406.0 – 406.1 MHz EPIRB be registered with NOAA before installation and that information be kept up-to-date... Vessel owners shall advise NOAA in writing upon change of vessel or EPIRB ownership, transfer of EPIRB to another vessel, or any other change in registration information.” Alternatively, EPIRBs can be registered, or registration information can be updated, at NOAA’s online registration database at: www.beaconregistration.noaa.gov. This information is used by rescue authorities to contact you in the event of an EPIRB activation. You could not be contacted regarding the activated EPIRB since you

¹47 C.F.R. § 1.89.

Federal Communications Commission

failed to update the EPIRB's registration information when you acquired it, and the EPIRB was transmitting its unique identification code which was still assigned to a previous owner.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Daniel E. Londono 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 Daniel E. Londono. 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 Daniel E. Londono 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

²47 U.S.C. § 403.

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*