

Federal Communications Commission

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

In the Matter of)	
)	
Eric Weber)	File No. EB-11-HL-0050
HA4086F)	
Licensee of Maritime Radio Station)	NOV No. V201132860006
Honolulu, Hawaii)	
)	

NOTICE OF VIOLATION

Released: April 8, 2011

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 Eric Weber, licensee of maritime radio station HA4086F.
2. On April 6, 2011, an agent of the Enforcement Bureau's Honolulu Office located an active EPIRB at the residence of 214 Kuliouou Road in Honolulu, and observed the following violations:
 - a. 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. The agent located a falsely activated Class B Guest 630A EPIRB inside the back seat of a vehicle parked at the residence next to a Hawaii state registered boat, HA4086F.
 - b. 47 C.F.R. § 80.1055: "Operation of Class B EPIRB stations shall be prohibited after December 31, 2006." The EPIRB that was falsely activated may not be used on commercial or recreational watercraft, as it is a Class B 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, Eric Weber 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 Eric Weber, 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 Eric Weber 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

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.*