

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Tyler Maertens	)	File No. EB-11-NY-0098
Coast Guard Document Number 938176	)	
New York, New York	)	NOV No. V201132380012

**NOTICE OF VIOLATION**

**May 4, 2011**

By the District Director, New York Office, Northeast 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 Tyler Maertens, owner of a vessel with Coast Guard Document Number 938176.

2. On April 21, 2011, the Commission's New York office received a complaint from the U.S. Coast Guard, Sector Long Island Sound, New Haven, CT, regarding a continuous signal on VHF Marine Channel 16, the international and distress calling frequency. In response to the complaint, an agent of the Commission's New York Office conducted an investigation and determined that the unauthorized transmissions on Channel 16 were coming from a vessel with Coast Guard Document Number 938176, located at the dock of Beacon Point Marina, 49 River Road, Greenwich, CT, and observed the following violation:

47 C.F.R. § 80.89(a): "Stations must not engage in superfluous radio communications." At the time of the investigation, agents determined that a continuous carrier was inadvertently being transmitted on VHF Channel 16 from a malfunctioning marine radio station located on Mr. Maertens' vessel.

3. Pursuant to section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, Tyler Maertens 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 Tyler Maertens. 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:

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 U.S.C. § 308(b).

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Federal Communications Commission  
New York Office  
201 Varick Street, Suite 1151  
New York, NY 10014

4. This Notice shall be sent to Tyler Maertens 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

Daniel W. Noel  
District Director  
New York District Office  
Northeast 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.*