

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Tim Drake	)	
Owner of Vessel "The Girls"	)	File No. EB-11-BS-0074
Augusta, ME 04332	)	
	)	NOV No. V201232260002
	)	

**NOTICE OF VIOLATION**

**Released:** October 27, 2011

By the District Director, Boston 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 Tim Drake, owner of the vessel "The Girls," located in Boothbay Harbor, Maine.
2. On October 20, 2011, in response to an interference complaint, an agent of the Commission's Boston Office used direction finding techniques and identified the source of the interference as the vessel "The Girls," docked at the Carousel Marina in Boothbay Harbor, Maine, and observed the following violation:

47 C.F.R. § 80.89 (d): "Stations must not: When using telephony, transmit signals or communications not addressed to a particular station or stations. This provision does not apply to the transmission of distress, alarm, urgency, or safety signals or messages, or to test transmissions." The agent determined that a VHF transmitter installed on "The Girls" was transmitting a continuous unmodulated carrier on VHF Marine Channel 16 (156.8 MHz), the International and Distress Calling Frequency. The transmission was not conducted as a test or for distress or emergency purposes.

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, Tim Drake, 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 Tim Drake. 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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Boston Office  
1 Batterymarch Park, Suite 102  
Quincy, MA 02169

4. This Notice shall be sent to Tim Drake 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

Dennis Loria  
District Director  
Boston 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.*