

Federal Communications Commission

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

In the Matter of)	
)	
Oniel Ortiz)	File No.: EB-FIELDWR-14-00016393
)	
Motor Vessel Bernie)	
)	
Oregon State Registration Number OR171AAZ)	NOV No.: V201432920050
)	
Portland, Oregon)	

NOTICE OF VIOLATION

Released: July 17, 2014

By the Resident Agent, Portland Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules)¹ to Oniel Ortiz (Mr. Ortiz), owner of motor vessel Bernie, Oregon State Registration Number OR171AAZ, Portland, Oregon. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On July 6, 2014, in response to a complaint from the United States Coast Guard in Portland, Oregon, concerning continuous automated “SOS” signals were transmitting in Morse Code on Marine Channel 16, an agent of the Enforcement Bureau’s Portland Office, using radio direction finding equipment, located the interfering signals to a faulty marine VHF radio installed in motor vessel Bernie, Oregon State Registration Number OR171AAZ, in Portland, Oregon. The agent observed the following violation:

- a. 47 C.F.R. § 80.89(a): “Stations must not engage in superfluous radio communications.” Marine Channel 16 (156.800 MHz) is the international voice distress, urgency, safety, call and reply channel for ship, public, and private coast stations. At the time of the investigation, the Portland agent determined that there was a faulty marine VHF radio on board motor vessel Bernie continuously

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

Federal Communications Commission

transmitting “SOS” distress signals with no authorized purpose for the transmissions.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Mr. Ortiz, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Mr. Ortiz to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by Mr. Ortiz with personal knowledge of the representations provided in Mr. Ortiz’s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. 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
Portland Resident Agent Office
P.O. Box 61469
Vancouver, Washington 98666-1469

6. This Notice shall be sent to Oniel Ortiz at his address of record.

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

Federal Communications Commission

7. The Privacy Act of 1974⁷ 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.

FEDERAL COMMUNICATIONS COMMISSION

Binh Nguyen
Resident Agent
Portland Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).