

Federal Communications Commission

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

In the Matter of)	
)	
Philip J. Beaudet)	File No.: EB-FIELDWR-15-00019830
Licensee of Amateur Radio Station N6PJB)	
)	
Burney, California)	NOV No. V201632920001

NOTICE OF VIOLATION

Released: July 13, 2016

By the Resident Agent, Portland Office, Region 3, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Philip J. Beaudet, licensee of Station N6PJB in Burney, 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(s) noted herein.²

2. On August 25, 2015, August 27, 2015, October 20, 2015, and October 22, 2015, agents of the Enforcement Bureau's San Francisco Office and Portland Office monitored amateur radio Station N6PJB located in Burney, California, and observed the following violation(s):

- a. 47 C.F.R. § 97.101(d): "No amateur operator shall willfully or maliciously interfere with or cause interference to any radio communication or signal." In response to an interference complaint, during the time of monitoring stated above, the FCC Agents, using radio direction finding techniques, located the source of the interfering signal on frequency 3908 kHz to Beaudet's residence in Burney, California.
- b. 47 C.F.R. § 97.113(d)(4): "No amateur station shall transmit music." During the referenced time of monitoring stated above, the FCC Agents observed and recorded that Beaudet's amateur radio station was transmitting music on frequency 3908 kHz.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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- c. 47 C.F.R. § 97.119(a): “Each amateur station, except a space station or telecommand station, must transmit its assigned call sign on its transmitting channel at the end of each communication, and at least every 10 minutes during a communication, for the purpose of clearly making the source of the transmissions from station known to those receiving the transmissions. No station may transmit unidentified communications or signals, or transmit as the station call sign, any call sign not authorized to the station.” During the time of monitoring stated above, the FCC Agents monitored and recorded that Beaudet’s amateur radio station did not transmit the assigned call sign, N6PJB, at the end at each communication.

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, Beaudet, 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 Beaudet to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by Beaudet with personal knowledge of the representations provided in Beaudet’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:

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.

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

6. This Notice shall be sent to Philip J. Beaudet at his address of record.

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 Resident Agent Office
Region 3
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).