

Federal Communications Commission

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

In the Matter of)	
)	
Lyle E. Hilden)	File No. EB-FIELDWR-17-00023820
Licensee of Amateur Radio Station KD6LUL)	
)	
Vista, CA)	

NOTICE OF VIOLATION

Released: May 26, 2017

By the Director, Region Three, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules,¹ to Lyle E. Hilden (Hilden), licensee of Amateur radio station KD6LUL in Vista, California. Pursuant to Section 1.89(a) of the Commission’s 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. In March of 2017, the Los Angeles Office of the Federal Communications Commission’s (FCC’s) Enforcement Bureau received a complaint of an unlicensed Broadcast (pirate radio) station operating on 93.7 MHz in Vista, CA. On April 25, 2017, Agents of the Los Angeles Office monitored the 93.7 MHz station and used direction finding techniques to positively locate the station to your residence. Field strength measurements revealed that the signal transmitted by the station greatly exceeded 250 microvolts per meter at 3 meters, which is the maximum permitted on 93.7 MHz without a Broadcast license. A subsequent inspection of the station revealed a violation of the following rule:

47 CFR § 1.903(a): “Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission...” The license for amateur radio station KD6LUL does not authorize operation on the broadcast frequency 93.7 MHz.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Commission’s rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Hilden 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)

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

³ 47 U.S.C. § 308(b).

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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 Commission's rules, we direct Hilden to support his response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by Hilden, 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. specified above, and mailed to the following address:

Federal Communications Commission
Los Angeles Office
18000 Studebaker Rd., #660
Cerritos, CA 90703

6. This Notice shall be sent to Lyle E. Hilden, 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

Lark Hadley
Regional Director
Region Three
Enforcement Bureau
Federal Communications Commission

⁴ 47 CFR § 1.89(c).

⁵ Section 1.16 of the Commission's 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, 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 CFR § 1.16.

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

⁷ 5 U.S.C. § 552a(e)(3).