

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

In the Matter of)	
)	
Dan Blanco)	File No.: EB-FIELDNER-17-00025162
Owner of an Emergency Position)	
Indicating Radio Beacon)	
Norfolk, Virginia)	
)	

NOTICE OF VIOLATION

Released: October 12, 2017

By the Regional Director, Region One, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules)¹ to Dan Blanco, owner of an Emergency Position Indicating Radio Beacon (“EPIRB”) in Norfolk, Virginia. 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. The Federal Communications Commission’s (FCC’s) Columbia Field Office received a telephone call from the U.S. Coast Guard Sector Hampton Roads, Virginia, requesting assistance in locating interference to safety and distress frequency 406 MHz. On September 7, 2017, an agent of the Enforcement Bureau’s Columbia Office used direction finding techniques to locate an active EPIRB operating on both 121.5 MHz and 406.025 MHz in Chesapeake, Virginia, and observed violations of the following rules:

- a. 47 CFR § 80.1061(f): “To enhance protection of life and property it is mandatory that each 406.0 - 406.1 MHz EPIRB be registered with NOAA before installation and that information be kept up-to-date... Vessel owners shall advise NOAA in writing upon change of vessel or EPIRB ownership, transfer of EPIRB to another vessel, or any other change in registration information.” On September 7, 2017, the 406 MHz EPIRB with NOAA Registration ID Code: 2DD42D80BF81FE0 was not registered to Mr. Dan Blanco or his vessel.

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

- b. 47 CFR § 80.1161: “EPIRB transmissions must be used **only** under emergency conditions...” (emphasis added). Also on September 7, 2017, the agent found the EPIRB was activated in the absence of any actual emergency situation and located on your submerged vessel, “Salty Reels” (VA Registration 5157 BZ) while docked at the Atlantic Yacht Basin in Chesapeake, Virginia.

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, Dan Blanco 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. 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
Columbia Regional Office
9200 Farm House Lane
Columbia, Maryland 21046

5. This Notice shall be sent to Dan Blanco at his address of record.

6. The Privacy Act of 1974⁵ 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

David C. Dombrowski
Regional Director
Region One
Enforcement Bureau

³ 47 U.S.C. § 308(b).

⁴ 47 CFR § 1.89(c).

⁵ 5 U.S.C. § 552a(e)(3).