

Federal Communications Commission

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

In the Matter of)	
)	
Richard L. Van Zandt)	File No.: EB-FIELDSCR-19-00029463
Licensee of Station W272DH)	Facility ID: 147388
)	
New Smyrna Beach, Florida)	
)	
)	
)	

NOTICE OF VIOLATION

Released: August 19, 2019

By the Regional Director, Region Two, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to section 1.89 of the Commission’s rules¹ to Richard L. Van Zandt, licensee of radio station W272DH in New Smyrna Beach, Florida. 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(s) noted herein.²

2. On July 10th, 2019, an Agent of the Enforcement Bureau’s Miami Office inspected radio station W272DH located at New Smyrna Beach, Florida, and observed the following violation(s):

- a. 47 C.F.R. § 74.23(a): “The licensee of any station authorized under this part that causes harmful interference, as defined in § 2.1 of the Commission’s rules, to radio communications involving safety of life or protection of property shall promptly eliminate the interference.” At the time of the on-scene investigation, the Agent observed that W272DH was transmitting a spurious emission on the aeronautical frequencies 114.8 MHz and 127.58 MHz causing harmful interference to pilots on approach to Jacksonville International Airport in Jacksonville, Florida.

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

¹ 47 CFR § 1.89.
² 47 CFR § 1.89(a).
³ 47 U.S.C. 308(b); 47 CFR § 1.89.
⁴ 47 CFR § 1.89(c).

Federal Communications Commission

4. In accordance with section 1.16 of the Commission's rules, we direct Richard L. Van Zandt to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Richard L. Van Zandt with personal knowledge of the representations provided in Richard L. Van Zandt's response, verifying the truth and accuracy of the information therein, 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.⁵ 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
Atlanta Regional Office
P.O. Box 1493
Powder Springs, GA 30127

6. This Notice shall be sent to Richard L. Van Zandt 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

Ronald Ramage
Acting Field Director
Enforcement Bureau

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, 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 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).