

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Alakai Aviation Services LLC	)	File No.: EB-FIELDWR-22-00033292
Aircraft N40370	)	
	)	
Kapaa, Hawaii	)	
	)	

**NOTICE OF VIOLATION**

**Released: June 15, 2022**

By the Regional Director, Region Three, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to section 1.89 of the Commission’s rules<sup>1</sup> to Alakai Aviation Services LLC (Alakai Aviation), registered owner of the aircraft bearing FAA registration N40370. 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.<sup>2</sup>

2. On February 2, 2022, in response to a complaint from the State of Hawaii Department of Transportation, Airport Division in Honolulu, an Agent of the Enforcement Bureau’s Honolulu Office inspected aircraft N40370, located on the side of Taxi Lane 5, outside of Washin Air Flight School’s hangar at the Honolulu International Airport, and observed the following violation:

- a. 47 CFR § 87.193: “Transmissions by emergency locator transmitters (ELTs) are intended to be actuated manually or automatically and operated automatically as part of an aircraft or a survival craft station as a locating aid for survival purposes.” The ELT on board the aircraft N40370 was activated in the absence of any actual emergency situation.

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.<sup>3</sup> Therefore, Alakai Aviation 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.<sup>4</sup>

4. In accordance with section 1.16 of the Commission’s rules, we direct Alakai Aviation to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Alakai Aviation with personal knowledge of the representations

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

<sup>3</sup> 47 U.S.C. § 308(b); 47 CFR § 1.89.

<sup>4</sup> 47 CFR § 1.89(c).

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provided in Alakai Aviation’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 Alakai Aviation’s possession, custody, control, or knowledge has been produced.<sup>5</sup> 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.<sup>6</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File Number, specified above, and mailed to the following address:

Federal Communications Commission  
Los Angeles Regional Office  
11331 183rd Street, PMB #365  
Cerritos, CA 90703  
(562) 860 - 7474  
FIELD@FCC.GOV

6. This Notice shall be sent to Alakai Aviation Services LLC at its address of record.

7. The Privacy Act of 1974<sup>7</sup> 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

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<sup>5</sup> 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.

<sup>6</sup> 18 U.S.C. §§ 1001, *et seq.*; *see also* 47 CFR § 1.17.

<sup>7</sup> 5 U.S.C. § 552a(e)(3).