

**Federal Communications Commission**

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

In the Matter of	)	
	)	
David M. Baughn	)	File No. EB-11-AT-0191
	)	
	)	NOV No. V201232480005
Licensee of Amateur Radio Station KX4I	)	
Tuscaloosa, AL 35404	)	
	)	

**NOTICE OF VIOLATION**

**Released: January 5, 2012**

By the District Director, Atlanta Office, South Central Region, 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 David M. Baughn, licensee of amateur radio station KX4I.
2. On December 22, 2011, in connection with a complaint of interference to aviation communications, agents of the Commission’s Atlanta Office inspected your radio station located at Tuscaloosa, AL and observed the following violation.  
  
47 C.F.R. § 97.307(c): “All spurious emissions from a station transmitter must be reduced to the greatest extent practicable. If any spurious emission...causes harmful interference to the reception of another radio station, the licensee of the interfering amateur station is required to take steps to eliminate the interference.” During the inspection, agents detected spurious emissions from your repeater station on 145.35 MHz, caused by a transmitter malfunction, which were interfering with aviation communications on 132.25 MHz. You ceased operations of your repeater station when informed of the interference.
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, David M. Baughn must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by David M. Baughn. 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:

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<sup>1</sup>47 C.F.R. § 1.89.

<sup>2</sup>47 U.S.C. § 308(b).

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Federal Communications Commission  
Atlanta Office  
3575 Koger Blvd; Ste 320  
Duluth, GA 30096

4. This Notice shall be sent to David M. Baughn at its address of record.
5. The Privacy Act of 1974<sup>3</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. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

Douglas Miller  
District Director  
Atlanta Office  
South Central Region  
Enforcement Bureau

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<sup>3</sup>P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>4</sup>18 U.S.C. § 1001 *et seq.*