

Federal Communications Commission

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

In the Matter of)	
)	
Theodore H. Wallace)	File No. EB-FIELDNER-12-00001898
Licensee of Radio Station N3XJT)	
Oxford, Pennsylvania)	NOV No. V201232340006
)	
)	
)	

NOTICE OF VIOLATION

Released: 4/30/2012

By the District Director, Columbia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules¹ to Theodore H. Wallace, the licensee of Amateur Radio Service Station N3XJT in Oxford, Pennsylvania.
2. On April 17, 2012, agents of the Enforcement Bureau's Columbia Office investigated transmission on 147.705 MHz from Water Tower located at 160 Greenwood St. in Elkton, Maryland, and observed the following violations:
 - a. 47 C.F.R. § 97.119(a): "Each amateur station, except a space station or telecommand station, must transmit its assigned call sign on its transmitting channel at the end of each communication, and at least every 10 minutes during communication, for the purpose of clearly marking the source of transmissions from station known to those receiving the transmissions. No station may transmit unidentified communications or signals, or transmit as the station call sign, any call sign not authorized to that station." Agents observed numerous unidentified transmissions from radio station N3XJT operated by Theodore Wallace.
 - b. 47 C.F.R. § 97.105(a): "The control operator must ensure the immediate proper operation of the station, regardless of the type of control." On April 18, 2012, Mr. Wallace admitted to a FCC Columbia Office agent that due to equipment failure he was unable to remotely control transmitter and does not have direct access to the site.
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's rules, Theodore H. Wallace, must submit a written

¹47 C.F.R. § 1.89.

²47 U.S.C. § 308(b).

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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 a principal or officer of the licensee. 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 Office
9200 Farm House Lane
Columbia, Maryland 21046

4. This Notice shall be sent to Theodore H. Wallace at his address of record.
5. The Privacy Act of 1974³ 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.⁴

FEDERAL COMMUNICATIONS COMMISSION

Salomon Sathe
District Director
Columbia District Office
Northeast Region
Enforcement Bureau

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*