

Federal Communications Commission

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

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| In the Matter of |) | |
| |) | |
| Joseph Loiacono |) | File No. EB-FIELDWR-13-00006714 |
| |) | |
| Lakewood, CA |) | NOV No. V201332900011 |
| |) | |

NOTICE OF VIOLATION

Released: March 12, 2013

By the Acting District Director, Los Angeles Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules),¹ to Joseph Loiacono (Mr.Loiacono), operator of a CB radio station located in Lakewood, California. 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 violations noted herein.²

2. On January 29, 2013, in response to a complaint, agents from the Enforcement Bureau’s Los Angeles Office monitored CB radio transmissions on 27.165 MHz in Lakewood, California. Using direction finding techniques, the agents located the source of the transmissions and determined that the signal was emanating from an antenna at a residence owned by Mr. Loiacono in Lakewood, California, and observed the following violations:

- a. 47 C.F.R. § 95.413(a): “You must not use a CB station . . . (3) [t]o interfere intentionally with the communications of another CB station; (4) [t]o transmit one-way communications, except for emergency communications , traveler assistance, brief tests (radio checks), or voice paging;” At the time of the investigation, the agents observed Mr. Loiacono engaging in extended one-way transmissions which resulted in intentional interference to other CB stations.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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- b. 47 C.F.R. § 95.416: “(a) You must limit your CB communications to the minimum practical time. (b) If you are communicating with another CB station or stations, you, and the stations communicating with you, must limit each of your conversations to no more than five continuous minutes. (c) At the end of your conversation, you, and the stations communicating with you, must not transmit again for at least one minute.” At the time of the investigation, the agents observed Mr. Loiacono engaging in extended one-way transmissions, including transmissions lasting up to twenty minutes in length.

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, Mr. Loiacono, 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. In accordance with Section 1.16 of the Rules, we direct Mr Loiacono to support his response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by Mr. Loiacono verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in Mr Loiacono’s possession, custody, control, or knowledge has been produced. 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:

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the 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 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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18000 Studebaker Rd., Rm. 660
Cerritos, California 90703

6. This Notice shall be sent to Joseph Loiacono 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

Margaret M. Egler
Acting District Director
Los Angeles Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).