

Federal Communications Commission

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

In the Matter of)	
)	
William Puou IV)	File No. EB-FIELDWR-12-00003557
HA3898F)	
Licensee of Maritime Radio Station)	NOV No. V201232860016
Honaunau, Hawaii)	
)	

NOTICE OF VIOLATION

Released: August 9, 2012

By the Resident Agent, Honolulu Resident Agent Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s Rules,¹ to William Puou IV, licensee of maritime radio station HA3898F.

2. On August 1, 2012 the Enforcement Bureau’s Honolulu Resident Agent Office received a report from the United States Coast Guard (USCG) regarding the false activation of an unregistered 406 MHZ emergency position indicating radio beacon (EPIRB) in Honaunau on July 27, 2012. The report also indicated that the EPIRB was also later deactivated. Hawaii Vessel Registration records list William Puou IV as the owner of the vessel HA3898F. The USCG report revealed the following violations:
 - a. 47 C.F.R. § 80.89(a): “Stations must not engage in superfluous radiocommunication.” Transmissions by EPIRBs are intended to be actuated manually or automatically and operated automatically as part of a ship or a survival craft station as a locating aid for survival purposes. The EPIRB associated with the vessel HA 3898F was activated on July 27, 2012, but there was no emergency.

 - b. 47 C.F.R. § 80.1061(f): “To enhance protection of life and property it is mandatory that each 406.0 – 406.1 MHz EPIRB be registered with NOAA before installation.” The 406 MHz EPIRB associated with the vessel HA3898F was not registered at the time of activation.

¹ 47 C.F.R. § 1.89.

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, William Puou IV must submit a written statement concerning this matter within 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 William Puou IV, or his authorized representative. 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
Honolulu Resident Agent Office
P.O. Box 971030
Waipahu, Hawaii 96797-1030

4. This Notice shall be sent to William Puou IV 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

John R. Raymond
Resident Agent
Honolulu Resident Agent Office
Western Region
Enforcement Bureau

² 47 U.S.C. § 308(b).

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*