

Federal Communications Commission

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

In the Matter of)	
)	
Monte Opterman)	File No. EB-08-HL-0264
Licensee of Maritime Radio Station)	
Vessel PUHI, Documentation Number 963451)	
Honolulu, Hawaii)	NOV No. V200932860004
)	

NOTICE OF VIOLATION

Released: February 3, 2009

By the Resident Agent, Honolulu 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 Monte Opterman, licensee of maritime radio station onboard vessel PUHI, documentation number 963451.

2. On December 12, 2008, in response to a complaint from the United States Coast Guard, an agent of the Enforcement Bureau's Honolulu Office inspected the ship radio station onboard vessel PUHI, documentation number 963451, at slip #460 at the Hawaii Yacht Club in Honolulu, Hawaii, and observed the following violation:

47 C.F.R. § 80.89(a): "Stations must not engage in superfluous radiocommunication." Transmissions by emergency position indicating radio beacons ("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. At the time of the inspection, the agent found the Mini B EPIRB on board the vessel was activated in the absence of any actual emergency situation.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Monte Opterman 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 Monte Opterman. 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:

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 403.

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Federal Communications Commission
Honolulu Office
P.O. Box 971030
Waipahu, Hawaii 96797-1030

4. This Notice shall be sent by certified mail, return receipt requested, to Monte Opterman, at the 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

Ryan Hagihara
Resident Agent
Honolulu Office
Western Region
Enforcement Bureau

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*