

Federal Communications Commission

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

In the Matter of)	
)	
James E. Howard)	File No. EB-09-ST-0008
Licensee of Radio Station N3476D)	
Renton, Washington)	NOV No. V200932980004
)	
)	

NOTICE OF VIOLATION

Released: March 31, 2009

By the District Director, Seattle 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 James E. Howard, Licensee of aircraft radio station N3476D in Renton, Washington.
2. On January 25, 2009, an agent of the Enforcement Bureau's Seattle Office monitored aircraft radio station N3476D located at the north end of the Renton Municipal Airport in Renton, Washington, and observed the following violation:
 - a. 47 C.F.R. § 87.193: "Transmissions by emergency locator transmitters (ELTs) are intended to be actuated manually or automatically and operated automatically as part of an aircraft or a survival craft station as a locating aid for survival purposes." The ELT on board the aircraft N3476D was activated in the absence of any actual emergency.
3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, James E. Howard, 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 James E. Howard. 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
Seattle Office
11410 NE 122nd Way, Suite #312
Kirkland, WA 98034-6927

4. This Notice shall be sent by Certified Mail/Return Receipt Requested and regular mail to James E. Howard 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

Kristine A. McGowan
District Director
Seattle District 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.*