



Federal Aviation Administration Southern Region

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
ATLANTA, GEORGIA

INFORMATION REGARDING CIVIL PENALTIES
UNDER TITLE 49 U.S.C. SECTION 5123
(ATTACHMENT TO NOTICE OF PROPOSED CIVIL PENALTY
REGARDING HAZARDOUS MATERIALS)

Under 49 U.S.C. §5123, any person who violates pertinent provisions of Chapter 51 of the statute, entitled "Transportation of Hazardous Material," or any rule, regulation, or order issued thereunder, is subject to a civil penalty for each violation. The maximum assessment for each violation is prescribed by law, as specified in the notice to which this information sheet is attached. The notice also states the amount of the proposed civil penalty for the alleged violation(s).

This proceeding is governed by the Federal Aviation Regulations (FAR) set forth in 14 C.F.R. §13.16 and 14 C.F.R. Part 13, Subpart G. Copies of these regulations are attached. WITHIN THIRTY (30) DAYS AFTER YOU RECEIVE THE NOTICE OF PROPOSED CIVIL PENALTY, you may elect to proceed in one or more of the following ways by marking the appropriate box(es) on the attached election sheet and returning it by mail or personal-delivery to the address provided below. An explanation of each option is set forth below.

1. Submit the amount of the civil penalty specified in the notice by certified check or money order payable to the "Federal Aviation Administration." SUBMITTING THE AMOUNT OF THE CIVIL PENALTY CONSTITUTES YOUR AGREEMENT THAT AN ORDER ASSESSING CIVIL PENALTY IN THAT AMOUNT MAY BE ISSUED WITHOUT FURTHER NOTICE. SUBMITTING THE AMOUNT OF CIVIL PENALTY ALSO CONSTITUTES YOUR AGREEMENT THAT YOU HAVE WAIVED YOUR RIGHT TO A HEARING IN THIS MATTER.

2. Submit, in writing, information and evidence demonstrating that a violation of the regulations was not committed or that, if it were, the facts and circumstances do not warrant a civil penalty or the amount of the civil penalty proposed. Information provided will be considered in determining whether a civil penalty should be imposed and the amount of any such civil penalty. This information may be submitted in conjunction with a request for informal conference under paragraph 5. Choosing this option will not affect your right to a hearing.

3. Submit, in writing, information and records indicating that you are financially unable to pay the proposed civil penalty, or showing that payment of the proposed penalty would prevent you from continuing in business. Choosing this option will not affect your right to a hearing.

4. You may request that a civil penalty be assessed in a specific amount other than that proposed in the notice. If you choose this option, you should also explain why a reduction is appropriate and provide any supporting documentation. Information you provide will be considered in determining whether the amount you specified should be assessed. If the FAA accepts your offer, your request constitutes your agreement that an Order Assessing Civil Penalty in that amount may be issued without further notice, and that you waive your right to a hearing. If the FAA does not accept your offer, your right to a hearing will not be affected.

5. Request to discuss the matter informally with an FAA attorney either telephonically or in person at any regional office of the FAA (see attachment for addresses of Regional Offices). If you request a telephone informal conference, an FAA attorney will call you at the telephone designation of your choice at any place within the United States.

IMPORTANT - The informal conference is intended to provide you with an opportunity to present your reasons why the FAA should not proceed with the action as proposed. It also is intended to provide you with an opportunity to present any supporting documentation or information you wish the FAA to consider before the agency decides whether to proceed with the proposed action. This will not affect your right to appeal to the Department of Transportation.

6. You may request a hearing in accordance with Section 13.16 of the FAR. Your request must be dated and signed. If you request a hearing, a Complaint will be filed and an administrative law judge will be appointed to decide the case. At a hearing, held under Subpart G of 14 C.F.R. Part 13, the agency will present witnesses and other evidence. You also will have the opportunity to present witnesses and other evidence. The FAA will have the burden of proof. At the conclusion of the hearing, all issues of fact and law will be decided and a decision will be rendered whether, and in what amount, a civil penalty will be assessed. If either party, the agency or you, is dissatisfied with the judge's decision, that party can appeal the judge's decision to the FAA decisionmaker.

Your request for a hearing must be made to the Hearing Docket, Federal Aviation Administration, 800 Independence Avenue, SW., Room 924A, Washington, DC, 20591, Attention: Hearing Docket Clerk. You must mail a copy to the FAA attorney handling this case at the address indicated below.

Please address all correspondence in this matter to the FAA attorney who signed the Notice at the following address:

[Attorney's Name]
Office of the Regional Counsel
Federal Aviation Administration
Southern Region
P. O. Box 20636
Atlanta, GA 30320

Your response may be delivered personally to the Office of the Regional Counsel for the Southern Region at 1701 Columbia Avenue,

College Park, Georgia, during normal business hours.

Telephone: (404) 305-5200 (Collect calls cannot be accepted).

If you are an individual:

PRIVACY ACT NOTICE

This notice is provided in accordance with Section (e)(3) of the Privacy Act, 5 U.S.C. §552a(e)(3), and concerns the information requested in the letter or form to which this notice is attached.

A. Authority. This information is solicited pursuant to 49 U.S.C. §§ 40101, et seq., and regulations issued thereunder, codified in Part 13 of Title 14 of the Code of Federal Regulations. Submitting your telephone number is voluntary. The request for information is intended to provide you with an opportunity to participate in the investigation.

B. Principal Purpose. The requested information is intended to assist us in contacting you regarding this enforcement case.

C. Routine Uses. Records from this system of records may be disclosed in accordance with the routine uses set forth in System of Records No. DOT/FAA 847, as published from time to time in the Federal Register.

D. Effect of Failure to Respond. If you do not provide the requested information, there may be a delay in contacting you regarding this enforcement case, and you may forfeit your right to a hearing on the merits of this case.

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
ATLANTA, GEORGIA

RETURN WITHIN 30 DAYS TO:

Office of the Regional Counsel DATE _____
Federal Aviation Administration
P. O. Box 20636
Atlanta, GA 30320

Telephone: (404) 305-5200
Facsimile: (404) 305-5223

Subject: Notice of Proposed Civil Penalty (HM), Case No.

In reply to your Notice of Proposed Civil Penalty, I elect to proceed as indicated by my check mark beside the numbered paragraph(s) below:

1. I hereby submit the amount of the proposed civil penalty with the understanding that an order assessing a civil penalty will be issued in that amount without further notice. I UNDERSTAND THAT I HAVE WAIVED MY RIGHT TO A HEARING.

2. I hereby submit evidence and information, demonstrating that a violation of the regulations did not occur as alleged or that the amount of the penalty is not warranted by the circumstances. I UNDERSTAND THAT CHOOSING THIS OPTION WILL NOT AFFECT MY RIGHT TO A HEARING.

3. I hereby submit information and records showing that I am financially unable to pay the proposed civil penalty, or that payment of the penalty would prevent me from continuing in business. I UNDERSTAND THAT CHOOSING THIS OPTION WILL NOT AFFECT MY RIGHT TO A HEARING.

4. I hereby request that the proposed civil penalty be assessed in the amount of \$_____ and I submit the reasons for the reduction of the proposed amount. MY REQUEST CONSTITUTES MY AGREEMENT THAT IF THIS OFFER IS ACCEPTED BY THE FAA, AN ORDER ASSESSING CIVIL PENALTY IN THE AMOUNT I HAVE SPECIFIED MAY BE ISSUED WITHOUT FURTHER NOTICE AND I WAIVE MY RIGHT TO A HEARING. IF MY OFFER IS NOT ACCEPTED, I UNDERSTAND MY RIGHT TO A HEARING WILL NOT BE AFFECTED.

5. a. I hereby request to discuss this matter in person at an informal conference with an attorney from your office at the location checked below. I UNDERSTAND THAT CHOOSING THIS OPTION WILL NOT AFFECT MY RIGHT TO A HEARING.

Check one:

Georgia Office of the Regional Counsel in Atlanta,
 Office of the Regional Counsel in _____ (See Attached List of Regional Offices.)

OR

b. I hereby request a telephonic informal conference. Please call me at the number listed below to make arrangements for the conference.

_____ Telephone number to call for conference

6. I hereby request a hearing in accordance with Subpart G of Part 13 of the Federal Aviation Regulations (14 C.F.R. 13, Subpart G) with the understanding that a Complaint will be filed. I request that the hearing be held in _____. I am sending this request both to the FAA attorney and to the Hearing Docket, Federal Aviation Administration, 800 Independence Avenue, SW., Room 924A, Washington, DC, 20591, Attention: Hearing Docket Clerk.

Respondent:

Signature:

Name:

Address:

Telephone:

Attorney/representative:

Name:

Address:

Telephone:

ADDRESSES OF THE REGIONAL OFFICES

ALASKA	Alaskan Region Headquarters 222 West 7th Avenue, #14 Anchorage, AK 99513
CALIFORNIA	Western-Pacific Region Headquarters 15000 Aviation Boulevard Hawthorne, CA 90261
GEORGIA	Southern Region Headquarters 1701 Columbia Avenue College Park, GA 30337
ILLINOIS	Great Lakes Region Headquarters O'Hare Lake Office Center 2300 East Devon Avenue, Room 419 Des Plaines, IL 60018
MASSACHUSETTS	New England Region Headquarters 12 New England Executive Park Burlington, MA 01803
MISSOURI	Central Region Headquarters 601 East 12th Street, Room 1558 Federal Building Kansas City, MO 64106
NEW YORK	Eastern Region Headquarters JFK International Airport Fitzgerald Federal Building Jamaica, NY 11430
OKLAHOMA	Mike Monroney Aeronautical Center 6500 South MacArthur Oklahoma City, OK 73169
TEXAS	Southwest Region Headquarters 2601 Meacham Boulevard - 6E Fort Worth, TX 76193-0007
WASHINGTON	Northwest Mountain Region Headquarters 1601 Lind Avenue, SW Renton, WA 98055-4056