



Federal Aviation Administration

Southern Region

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
ATLANTA, GEORGIA

INFORMATION WITH RESPECT TO
NOTICE OF PROPOSED CERTIFICATE ACTION

Under 49 U.S.C. §§44701 et seq., any certificate holder who violates pertinent provisions of Chapter 447 of the statute, or any rule, regulation, or order issued thereunder, is subject to a certificate action to amend, modify, suspend, or revoke all or any part of a certificate issued under Chapter 447. The notice of proposed certificate action to which this information sheet is attached specifies the facts and regulatory and/or statutory provisions alleged to have been violated. The notice also states the specific certificate action the Administrator proposes to take.

This proceeding is governed by the Federal Aviation Regulations (FAR) set forth in 14 C.F.R. §13.19. WITHIN FIFTEEN (15) DAYS AFTER YOU RECEIVE THIS NOTICE OF PROPOSED CERTIFICATE ACTION, you may elect to proceed in one of the five ways set forth below 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. Surrender your certificate on or before the date indicated in the Notice of Proposed Certificate Action. In this event, the order proposed in the notice will be issued at once, effective the date your certificate is surrendered or mailed to the office listed below. By surrendering your certificate, you will waive your right to appeal to the National Transportation Safety Board (NTSB), as described in 2 below.

2. Request that an Order be issued as proposed in the Notice of Proposed Certificate Action so that you may appeal to the NTSB, as provided in 49 U.S.C. §44709 and the NTSB's Rules of Practice (49 C.F.R. Part 821). The appeal stays the effectiveness of the Order. You may proceed in accordance with 3, 4, or 5, below, without waiving your right to appeal to the NTSB.

If you appeal to the NTSB, a complaint will be filed and an administrative law judge will be appointed to decide the case. At the hearing, held under 49 C.F.R. Part 821, the FAA 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. An appeal from the judge's decision is available to the full board and from there to the U.S. Court of Appeals.

3. Answer the charges in writing. With such answer, you

may furnish such additional information, including statements by you or your representative or others, or other documentary evidence as you may wish to have considered. This information may be submitted in conjunction with a request for an informal conference. This will not affect your right to appeal to the NTSB later.

4. 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 the Regional Offices), or the Flight Standards Office in Atlanta, Georgia. 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 NTSB.

5. If you have filed an Aviation Safety Report with the National Aeronautics and Space Administration (NASA) concerning the incident set forth in the attached Notice of Proposed Certificate Action, you may be entitled to a waiver of any penalty.

You will be entitled to a waiver only if all of the following are found:

- a. That this violation was inadvertent and not deliberate;
- b. That this violation did not involve a criminal offense, or accident, or disclose a lack of competency or qualification to be the holder of a certificate;
- c. You have not paid a civil penalty pursuant to 49 U.S.C. §46301, et seq., or been found in any prior FAA enforcement action to have committed a violation of the Federal Aviation Act, or any regulations under the Federal Aviation Act, for a period of five (5) years prior to the date of the occurrences; and,
- d. You prove that within ten (10) days after the violation, you completed and delivered or mailed a written report of the incident or occurrence to NASA under the Aviation Safety Reporting Program.

In the event that you establish your entitlement to this waiver of penalty, an Order will be issued finding you in violation but imposing no certificate suspension. Your claim of entitlement to waiver of penalty shall constitute your agreement that an Order may be issued without further informal proceedings before the FAA. The Order will be a matter of record. As to the findings of fact and violations, you may either waive your right to a hearing or you may appeal the Administrator's Order to the NTSB.

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 Drive, College Park, Georgia, during normal business hours.

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

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If the certificate holder is an individual:

PRIVACY ACT NOTICE

This notice is provided in accordance with Section (e)(3) of the Privacy Act, 5 U.S.C. Section 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. Submission of the 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 as 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 15 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 Certificate Action, Case No.

In reply to your Notice of Proposed Certificate Action and the accompanying information sheet, I elect to proceed as indicated below:

1. I hereby transmit my certificate with the understanding that an order will be issued as proposed, effective the date of mailing of this reply, and with the understanding that I waive my right to appeal the order to the National Transportation Safety Board.

2. I request that the order be issued so that I may appeal directly to the National Transportation Safety Board.

3. I hereby submit my answer to your notice and request that my answer and any information attached thereto be considered in connection with the allegations set forth in your notice.

4. 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.

Check one:

 Office of the Regional Counsel in Atlanta,
Georgia

 Flight Standards District Office in Atlanta,
Georgia

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

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

5. I hereby claim entitlement to waiver of penalty under the Aviation Safety Reporting Program and enclose evidence that a timely report was filed with NASA. As to the allegations of fact and violations --

 I request that an Order With Waiver of Sanction be issued.
I also hereby waive my right to appeal.

 I request that an Order With Waiver of Sanction be issued.
I do not waive my right to appeal.

Certificate holder:

Signature:

Name:

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Address:

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Telephone:

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Attorney/representative:

Name:

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Address:

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Telephone:

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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