

**UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC**

In the Matter of: WINE COUNTRY HELICOPTERS, INC.

FAA Order No. 2008-13

Docket No. CP06WP0013
FDMS No. FAA-2006-26022¹

Served: December 19, 2008

**ORDER DISMISSING APPEAL AND
TERMINATING PROCEEDINGS²**

On June 10, 2008, Administrative Law Judge Richard C. Goodwin (ALJ) served a written initial decision, assessing a \$55,000 civil penalty against Respondent Wine Country Helicopters, Inc. (“Wine Country”) for violations of the Federal Aviation Regulations (FAR). Subsequently, Wine Country filed a motion for relief, claiming that it did not receive the initial decision until after the period for filing an appeal had passed. The Administrator construed Wine Country’s motion for relief as a notice of appeal, held that good cause had been shown for Wine Country’s failure to file its notice of appeal on time, and granted Wine Country additional time in which to file an appeal brief. In the Matter of Wine Country, FAA Order No. 2008-12 (December 15, 2008). On December 16, 2008, the agency attorney withdrew the complaint.

¹ Materials filed in the FAA Hearing Docket (except for materials filed in security cases) are also available for viewing at the following Internet address: www.regulations.gov. For additional information, see <http://dms.dot.gov>.

² The Administrator’s civil penalty decisions, along with indexes of the decisions, the rules of practice, and other information, are available on the Internet at the following address: http://www.faa.gov/about/office_org/headquarters_offices/agc/pol_adjudication/AGC400/Civil_Penalty. In addition, Thompson/West publishes Federal Aviation Decisions. Finally, the decisions are available through LEXIS (TRANS library) and WestLaw (FTRAN-FAA database). For additional information, see the Web site.

In light of the withdrawal of the complaint, the initial decision now lacks the force and effect of law.³ Wine Country's appeal is now moot and is dismissed.⁴ Finally, the proceedings in this matter are dismissed with prejudice.⁵

ROBERT A. STURGELL
ACTING ADMINISTRATOR
Federal Aviation Administration

[Original signed by Vicki S. Leemon]

VICKI S. LEEMON⁶
Manager, Adjudication Branch, AGC-430

³ In the Matter of Sonico, FAA Order No. 2000-24 (December 21, 2000).

⁴ In the Matter of Panalpina, FAA Order No. 2007-2 (March 12, 2007) (holding that the respondent's appeal of an initial decision was moot after the agency attorney withdrew the complaint).

⁵ In the Matter of Lewis, FAA Order No. 2005-11 (April 27, 2005) (dismissing the proceedings with prejudice after the withdrawal of the complaint.)

⁶ Issued under authority delegated to the Chief Counsel and the Assistant Chief Counsel for Litigation by Memorandum dated October 27, 1992, under 49 U.S.C. § 322(b) and 14 C.F.R. § 13.202 (*see* 57 Fed. Reg. 58,280 (1992)) and redelegated by the Assistant Chief Counsel for Litigation to the Manager, Adjudication Branch, by Memorandum dated August 6, 1993.