

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

In the Matter of: REGENT AEROSPACE CORPORATION

FAA Order No. 2015-5

FDMS No. FAA-2013-0851¹

Served: October 16, 2015

ORDER TO DISMISS²

On July 27, 2015, Administrative Law Judge Richard C. Goodwin served a written initial decision finding that Respondent Regent Aerospace Corporation violated 14 C.F.R. §§ 145.207(a) and 145.217(b)(iii) and assessing a \$3,000 civil penalty for these violations.

Under the Rules of Practice in Civil Penalty Actions, 14 C.F.R. §§ 13.233(a) and 13.211(e),³ any notice of appeal must be filed within 15 days of the issuance of a written initial decision. The ALJ explained the requirements for filing a notice of appeal in footnote 21 of his initial decision. A late-filed notice of appeal is subject to dismissal unless good cause is shown to excuse the late filing.⁴

Respondent's notice of cross-appeal should have been filed no later than August 11, 2015, 15 days after the service of the ALJ's written initial decision. Respondent, however, did not file its notice of cross-appeal until August 14, 2015, 3 days late.

Respondent wrote in its appeal brief that it filed a "timely" notice of cross-appeal on August 14, 2015, after Complainant filed its notice of appeal on August 11, 2015. The Rules of

¹ Materials filed in the FAA Hearing Docket (except for materials in security cases or materials under seal) are also available for viewing at the following Internet address: www.regulations.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: www.faa.gov/about/office_org/headquarters_offices/agc/pol_adjudication/AGC400/Civil_Penalty/. See 14 C.F.R. § 13.210(e)(2). In addition, Thomson Reuters/West Publishing 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.

³ Section 13.233(a) provides that "[a] party shall file the notice of appeal not later than 10 days after entry of an oral initial decision on the record or service of the written initial decision on the parties" Section 13.211(e), the "mailing rule," provides that [w]henever a party has a right or a duty to act or to make any response within a prescribed period after service by mail, 5 days shall be added to the prescribed period."

⁴ A late-filed notice of appeal will only be excused upon a showing of good cause. *E.g., D&M Custom Injection Molding Corporation*, FAA Order No. 2013-3 (July 18, 2013).

Practice do not provide a party with additional time in which to file a cross-appeal after the filing of a notice of appeal by another party.

Respondent has shown no good cause to excuse its late-filing. Accordingly, Respondent's notice of cross-appeal in this matter is dismissed.

MICHAEL P. HUERTA, ADMINISTRATOR
Federal Aviation Administration

Original signed by Vicki S. Leemon

VICKI SHERMAN LEEMON⁵
Manager, Adjudication Branch

⁵ 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.