

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

N 8900.274

National Policy

Effective Date: 9/11/14

Cancellation Date: 9/11/15

SUBJ: Reexamination of Airmen Tested by Designated Pilot Examiner Bruce Kalashian

1. Purpose of this Notice. This notice provides guidance to Federal Aviation Administration (FAA) aviation safety inspectors (ASI) on program policies and procedures for reexamining individuals holding pilot certificates with various ratings who were tested by Designated Pilot Examiner (DPE) Bruce Kalashian of Fresno, CA. The reexamination will ensure that these individuals meet the standards of Title 14 of the Code of Federal Regulations (14 CFR) part 61 to hold their certificates and/or ratings.

Note: This guidance is considered to be supplemental to FAA orders and Federal regulations.

2. Audience. The primary audience for this notice is Flight Standards District Office (FSDO) ASIs. The secondary audience includes Flight Standards branches and divisions in the regions and in headquarters (HQ).

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee Web site at https://employees.faa.gov/tools_resources/orders_notices. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at http://fsims.avs.faa.gov. Operators can find this notice on the FAA Web site at http://fsims.faa.gov. This notice is available to the public at http://www.faa.gov/regulations_policies/orders_notices.

4. Authority. Title 49 of the United States Code (49 U.S.C.) § 44709 is the authority for the reexamination of a certificated pilot. The law in part states, "The Administrator of the Federal Aviation Administration may... reexamine an airman holding a certificate issued under section 44703 of this title."

5. Purpose of the Reexamination. As a result of a Special Emphasis Evaluation of a Designee (SEED) of DPE Kalashian, and subsequent investigation by the FAA of the certification activities of DPE Kalashian, the Administrator has determined that there is reason to believe that the competency of the airmen examined by DPE Kalashian from the period of January 2012 through January 2014 is in doubt. As a result of the evidence obtained during the investigation, the FAA has determined that these airmen will require reexamination of their competency pursuant with 49 U.S.C. § 44709 to ensure safety in air commerce.

6. Airmen to be Reexamined.

a. Tested by Bruce Kalashian. All airmen that were tested by DPE Kalashian during the respective time period will be reexamined unless they have subsequently been reexamined or tested by another DPE or FAA inspector for a higher grade of certificate in the same category of aircraft with satisfactory results on the first attempt; in those cases, no reexamination letter will be sent. An added rating to the same grade of certificate or a certificate issued in a different category of aircraft does not satisfy the requirement of this notice. The test for the higher grade of certificate must have taken place prior to the airman receiving the letter of reexamination. Any practical test after the airman has received the letter of reexamination does not negate the requirement to be retested. The Fresno FSDO will send a § 44709 notification letter to all airmen tested by DPE Kalashian during the cited time period.

b. Assigned Outside the United States and its Trust Territories. Relief for U.S. military and civilian personnel who are assigned outside the United States and its trust territories in support of U.S. Armed Forces operations will be applied to airmen requiring reexamination. The criteria for this relief will be the same as is offered in Special Federal Aviation Regulation (SFAR) 100-2; relief includes the opportunity to complete reexamination within 6 calendar-months after returning to the United States.

c. Foreign Airmen. Foreign airmen issued certificates or ratings by DPE Kalashian during the cited time period are to be reexamined in the same manner as airmen in the United States. In many instances, the foreign airmen will have been issued foreign licenses based on their U.S. certificates. This notice does not authorize reexamination activity outside the United States. In order to be reexamined, foreign airmen will have to appear in the United States at their own expense. A current verification letter will be required for either of the following actions:

(1) Downgrade to remove the certificate or rating issued by DPE Kalashian, if that certificate or rating states "U.S. Test Passed." (The original certificate was foreign based.)

(2) The airman to be reexamined is in need of a replacement FAA certificate based on a foreign license (part 61, § 61.75).

7. Section 44709 Notification Letter. Airmen requiring reexamination will be notified by mail sent to the airman's address of record (obtained from the FAA's Civil Aviation Registry (AFS-700)). The Fresno FSDO point of contact (POC) will issue each notification letter. The letter will notify the airman of the decision to reexamine and require the airman to contact the Fresno FSDO POC (referenced in the letter) within 10 business days of receipt of the letter to schedule a reexamination. The letter will enumerate each certificate and/or rating that is subject to reexamination. The Fresno FSDO will maintain the records of the notifications to the airmen and the records of the administration of the reexaminations.

a. Domestic Addresses. The Fresno FSDO will mail two copies of the notification letter to each airman via the U.S. Postal Service; one copy will be sent certified mail/return receipt requested (proof of service), and the other by regular mail. Lack of a return of the regular mail letter raises a presumption that the airman received the letter; in such cases, the Fresno FSDO will document that the regular mail letter was not returned.

b. Foreign Addresses. The Fresno FSDO will mail two copies of the notification letter to each airman; one copy will be sent via the U.S. Postal Service, International Registered Mail, or DHL (proof of service), depending on the recipient's country; and the other copy will be sent by International First-Class Mail.

8. Scheduling a Reexamination. When the Fresno FSDO is contacted by the airman, they will allow the airman to choose from available dates and times to schedule the reexamination. The reexamination should normally take place within 15 days of receipt of the letter of notification; however, there may be exceptions that delay the reexamination in accordance with FAA Order 8900.1, Volume 5, Chapter 7, Section 1, subparagraph 5-1419C. The inspector should accommodate the airman as deemed necessary and appropriate to the situation, but may not allow the airman to postpone the reexamination indefinitely. If the airman does not intend to operate aircraft for a short period of time, or needs time to practice and cannot meet the 15-day deadline, the airman may temporarily deposit their airman certificate at the FSDO for a maximum of 30 days in accordance with the temporary deposit and reissue policy (refer to FAA Order 8900.1 Volume 5, Chapter 2, Section 5, Miscellaneous Part 61 Certification Information). If the airman has made arrangements to have the reexamination administered at another FSDO, the same standards should be applied.

9. Test Procedure. The inspector conducting the § 44709 reexamination of the airman will request and review the airman's § 44709 letter. This letter will determine the applicable practical test standard (PTS) to be used for the reexamination. The reexamination will consists of all Areas of Operation and Tasks for the applicable PTS. If more than one reexamination is required of a single airman, each reexamination will require a separate FAA Form 8710-1, Airman Certification and/or Rating Application.

10. Test Standard. The reexamination will cover the highest grade of certificate that the airman received from DPE Kalashian. In the event that DPE Kalashian conducted more than one test for that grade of certificate, the reexamination will cover all ratings conducted by DPE Kalashian at that certificate level (e.g., Commercial Airplane Single-Engine Land (ASEL) and Commercial Airplane Multiengine Land (AMEL) or Private Pilot Certificate with an Instrument Rating). The reexamination will consist of a complete practical test as set forth in the appropriate PTS for the applicable certificate(s) and/or rating(s).

11. Test Outcomes.

a. Successful Reexamination. The airman successfully completes the reexamination with an ASI.

(1) Review the front of FAA Form 8710-1 for accuracy, completeness, and signatures. Complete the back side of FAA Form 8710-1, indicating the successful outcome.

(2) Issue a letter of satisfactory results to the airman.

(3) Photocopy both the letter and FAA Form 8710-1 (front and back).

(4) Mail the original application and a copy of the letter of results to Mary Snyder in the Airmen Certification Branch (AFS-760), as outlined in paragraph 12. (Please note the additional documentation requirements outlined in that paragraph.)

(5) A copy of the entire package (letter and FAA Form 8710-1) will also be forwarded to the Fresno FSDO.

(6) The ASI completes a PTRS entry using activity code 1534.

(a) Enter "P" in the P/F field.

(b) In the National Use field, enter "KALASHIAN" (without quotation marks or spaces).

(c) Enter the airman name and certificate number.

(d) Enter the LOC (location of reexamination).

b. Unsuccessful Reexamination. The airman is unsuccessful at completing the reexamination.

(1) The airman must be informed in detail of each deficiency. The individual should be offered the opportunity to surrender for cancellation or downgrade in lieu of a second reexamination. See the procedures in subparagraph 11e. The airman should not be offered a second reexamination if the inspector finds and documents that the airman's performance on the first reexamination was so substandard that the airman is unsafe for flight, even with additional practice or training.

(2) If the airman accepts the offer to take a second reexamination, he or she must temporarily deposit his or her certificate at the FSDO.

(3) Review the front of FAA Form 8710-1 for accuracy, completeness, and signatures. Complete the back side of FAA Form 8710-1, indicating the unsuccessful outcome.

(4) Photocopy the front and back of FAA Form 8710-1.

(5) Prepare a Temporary Airman Certificate for student pilot privileges only. (See the guidance in Order 8900.1, Volume 5, Chapter 7, Section 1, subparagraph 5-1424B.)

(6) Collect the airman's certificate for a period not to exceed 30 days.

(7) Have the applicant complete and sign the surrender for temporary deposit form. See Appendix B, Letter of Temporary Deposit.

(8) Mail the original application, a copy of the surrender letter, and a copy of the temporary airman certificate to Mary Snyder in AFS-760, as outlined in paragraph 12. (Please note the additional documentation requirements outlined in that paragraph.)

(9) A copy of the entire package will also be forwarded to the Fresno FSDO.

(10) The ASI completes a PTRS entry using activity code 1534.

(a) Enter "F" in the P/F field.

(b) In the "National Use" field, enter "KALASHIAN" (without quotation marks or spaces).

(c) Enter the airman name and certificate number.

(d) Enter the LOC (location of reexamination).

c. Certificate Nearing Expiration. If the temporary deposit certificate term is nearing expiration, a decision must be made to either suspend the certificate in accordance with the current edition of FAA Order 2150.3, FAA Compliance and Enforcement Program, or extend the temporary deposit certificate for another 30 days.

d. Second Reexamination. The airman attempts the reexamination for a second time.

(1) If the airman fails the second reexamination, he or she should be offered the opportunity to surrender for cancellation or downgrade (follow the procedures outlined in subparagraph 11e). If the airman chooses not to surrender or exchange the certificate, forward all documentation to the Fresno FSDO, which will proceed with enforcement action to revoke the certificate based on lack of qualifications to hold that certificate.

(2) If the airman successfully completes the second reexamination, the airman's certificate will be returned and the airman will be provided with an official letter of successful completion of reexamination, closing the matter. (Follow the procedures outlined in subparagraph 11a.)

e. Voluntary Surrender or Exchange. If an airman elects to not complete the reexamination (or fails a reexamination and chooses not to attempt the reexamination for the second time) he or she may elect to voluntarily surrender or exchange their certificate for cancellation or downgrade pursuant with § 61.27. The airman may surrender a certificate for downgrade only if the practical test for the lower grade of certificate was not administered by DPE Kalashian. For this reason, it is imperative that before processing a downgrade or surrender, the inspector contacts Mary Snyder or the Fresno FSDO. If the reexamination is for the purpose of demonstrating qualification for a rating (e.g., Instrument Airplane), the airman may surrender his or her certificate for the purpose of having it reissued without the rating. An airman who offers to voluntarily surrender their airman certificate for cancellation or exchange will be provided a statement to sign that records voluntary surrender. (See Appendix C, Voluntary Surrender for Cancellation, or Appendix D, Voluntary Downgrade, as applicable.)

(1) Contact the Fresno FSDO POC or Mary Snyder in AFS-760 to verify that the applicant is eligible to downgrade the certificate.

(2) Have the applicant surrender the certificate to an ASI.

(3) Have the applicant complete and sign the surrender for cancellation or surrender for downgrade form, as appropriate. (See Appendix C or D, as appropriate.)

(4) Have the applicant complete and sign FAA Form 8710-1, indicating "Downgrade to _____level of certificate" or "Remove____ rating" in the "Other" box of section 1.

(5) Issue the applicant a Temporary Airman Certificate (if applicable) at the downgraded level (or omitting the rating, as appropriate).

(6) Photocopy the entire package (surrender letter, FAA Form 8710-1, and the Temporary Airman Certificate).

(7) Mail the original package (FAA Form 8710-1, downgrade/surrender letter, copy of Temporary Airman Certificate issued (if applicable), and the original pilot certificate to Mary Snyder, AFS-760, as outlined in paragraph 12.

(8) Provide the Fresno FSDO POC a copy of the entire package.

(9) The ASI completes a PTRS entry using activity code 1570.

(a) Enter into the "National Use" field "KALASHIAN" (without quotation marks or spaces).

(b) Enter the airman's name and certificate number.

12. Additional Documentation Requirements. FAA Form 8710-1 will be used to document the reexamination, surrender, downgrade, etc. Order 8900.1, Volume 5, Chapter 1, Section 3 provides appropriate instructions to document the reexamination. Additionally, in the upper margin print "DPE KALASHIAN, Re-Examination Under 49 USC" and in the lower margin print "Re-Examination Under 49 USC" (see Appendix A). It is important that the FSDOs and Regional Counsel offices mail the original documents to AFS-760 in two sealed envelopes. Both the inner sealed envelope, as well as the outer mailing envelope should be addressed as follows:

For your eyes only:

Mary Snyder (405-954-3794) FAA Airmen Certification Branch Mike Monroney Aeronautical Center Civil Aviation Registry PO Box 25082 Oklahoma City, OK 73125

Note: For project tracking purposes, the Fresno FSDO POC (Bjorn Beijens) must be provided with copies of the packages sent to AFS-760. Please send to Bjorn Beijens by either of the following:

Fax: 559-454-8808 Email: Bjorn.R.Beijens@faa.gov Or mail the packages to: Bjorn Beijens Fresno Flight Standards District Office 4955 E Anderson Avenue Suite 110 Fresno, CA 93727

13. Legal Enforcement Action. If the airman does not respond, or does not successfully complete reexamination and does not voluntarily surrender their certificate(s) and/or rating(s) for cancellation or downgrade, legal enforcement action must be taken in accordance with Order 2150.3. In accordance with that order, the Enforcement Investigation Report (EIR) must reflect whether the legal enforcement action should be on an emergency basis; thus, evidence of the airman's current ability to operate is necessary, including current status of FAA medical certification.

Note: All supporting documentation will be forwarded to the Fresno FSDO, who will be responsible for processing all enforcement cases.

a. No Response. If the airman does not respond to the § 44709 letter within 30 days of the date of receipt of the letter, the Fresno FSDO will compile an EIR, including the § 44709 letter, proof of service, certificate(s) and rating(s) held, which certificate(s) and/or rating(s) DPE Kalashian issued, and other evidence. The Fresno FSDO will forward the EIR to the Western-Pacific Region Flight Standards Division (AWP-200). After review, AWP-200 will forward the EIR to the Western Pacific Office of the Regional Counsel (AWP-7) for legal enforcement action to suspend the certificate(s) and/or rating(s) issued by DPE Kalashian.

b. After Issuance of an Order of Suspension. If the airman presents himself or herself to an FSDO after the issuance of an order suspending his or her certificate, and the airman successfully completes the reexamination, that FSDO will forward documentation of the success of the reexamination to AWP-7. If the airman fails the reexamination, the ASI will submit all required documentation to the Fresno FSDO, who will compile an EIR with a new EIR number for revocation of the certificate(s) and/or rating(s) and forward the EIR to the AWP-200. If the airman surrenders her or his certificate for cancellation or downgrade, the FSDO accepts the certificate, and forwards the certificate to AWP-7. A copy of the package will also be sent to Mary Snyder , AFS-760, and to the Fresno FSDO, for tracking purposes. (See paragraph 12.)

14. Bruce Kalashian Reexamination Program Team. The Fresno FSDO will be responsible for sending the reexamination letters to the airmen who are subject to the reexamination process and for tracking the progress of each to its conclusion. However, the AWP Technical Branch—General Aviation (AWP-230) has overall responsibility for coordination of all the activities being conducted as part of this program.

a. Fresno FSDO POC. The Fresno FSDO has identified the POC to be Bjorn Bjerns, principal operations inspector (POI), as well as a team to oversee the reexamination program. This team will track the administration of the reexaminations and process the tracking records created for this program to record its progression toward completion of the requirements for the airman.

b. AWP-230 POC. AWP-200 has identified the POC to be Michelle Prine, regional specialist. The AWP-230 POC will help facilitate the tracking of the program, receive enforcement reports, and forward them to AWP-7 for processing.

15. Disposition. We will not incorporate the information in this notice into Order 8900.1. Direct questions or comments concerning the information in this notice to Michelle Prine, AWP-230 POC for this program, at 480-419-0330 ext. 248 or Michelle.R.Prine@faa.gov.

Leslie H. Smith Acting Deputy Director, Flight Standards Service

Appendix A. DPE Kalashian Reexamination Under 49 U.S.C.

DPE KALASHIAN RE-EXAMINATION UNDER 49	JER 49 U.S.C.
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RE-EXAMINATION UNDER 49 U.S.C.

Page 1 of 2

Instructor Action																		
Date										CFI Certificate Expires								
Air Agency's Recommendation The applicant has successfully completed our																		
Date		Official Signature																
Designated Examiner or Airman Certification Representative Report																		
Student Pilot Certificate Issued (Copy attached) I have personally reviewed this applicant's pilot logbook and/or training record, and I certify that the individual meets the applicable requirements of 14 CFR Part 61 for the certificate or rating sought. Thave personally reviewed this applicant's graduation certificate, and found it to be appropriate and in order, and have returned the certificate erriting to be appropriate and in order, and have returned the certificate or rating sought. Thave personally tested and/or verified this applicant is applicant is applicant in accordance with periment procedures and standards with the result indicated below. Thave personally delivered the Written Notification under the Pilot's Bill of Rights to the applicant. Approved – Temporary Certificate Issued (Original Attached) Disapproved – Disapproved Notice Issued (Original Attached)																		
Location of Test (Name of Facility or Airport, City, State) Duration of Test Ground / Oral FFS / FTD Flight													Flight					
Certificate or Rating Be	f Aircraft Used	_		Registra	ation Number(s)													
Date	Examiner's Signa	dure (Print Name & S	ign)			L	Certificate Number	tificate Number			tion Number		Designation Expires					
Evaluator's Record (Use for All ATP Certificate(s) and/or Type Rating(s)) Inspector Examiner Signature and Certificate Number Date																		
Ground / Oral	Ground / Oral																	
Approved FFS/FTD Ch																		
Aircraft Flight Check		-																
Advanced Qualification	Advanced Qualification Program																	
Aviation Safety Inspector or Technician Report I have personally lested this applicant in accordance with of have otherwise verified that this applicant complices with, pertinent procedures, standards, policies, and or necessary requirements with the result indicated below. (The approved box need only checked if the Inspector is the one that issued the temporary aimman certificate) I have personally delivered the Writtern Notification under the Plict's Bill of Rights to the applicant. Approved – Temporary Certificate Issued (Onginal Attached) Disapproved – Disapproved Notice Issued (Onginal Attached)																		
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Student Pilot Cerl	5.000.00000			Name														
ATP CTP Gradua		ID Number (If issued by State, include State)							Date of Birth									
Knowledge Test I		Expiration Date (must be valid)							Certificate Number									
Temporary Airma	an Certificate	Telephone Number							E-Mail Address									
Notice of Disapproval REMARKS from Inspector or Examiner :																		
Superseded Airman Certificate																		
FAA Form 8710-1 (0	05-14) Supersed	es Previous Editi	on															

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Appendix B. Letter of Temporary Deposit

Letter of Temporary Deposit

UNITED STATES OF AMERICA FEDERAL AVIATION ADMINISTRATION _____[Insert Name of FAA Office]_____ ____[Insert Address]_____

Due to [ENTER EITHER "the unsatisfactory results of a reexamination on" OR "my inability to complete the requested reexamination by"] [Insert Date], I hereby voluntarily surrender my pilot certificate [*number*] for temporary deposit in the [Name of *FSDO*] Flight Standards District Office of the FAA until [*date+up to 30 days*]. If, by that date, I have not demonstrated the airman competence to hold that/those rating(s) to the FAA or received an extension of time within which to take the reexamination, I understand that legal enforcement action will be taken to suspend the privileges of my [*grade of*] certificate until I demonstrate the competence prescribed in the Federal aviation regulations for its original issuance.

Signed, [printed and signed name]

on this [date].

[address]

[witness A, date] [witness B, date]

Attach Certificate

Appendix C. Voluntary Surrender for Cancellation

Voluntary Surrender for Cancellation

TO:

XXX Flight Standards District Office FSDO Street Address FSDO City, State and ZIP Code

FROM: Airman's Name Airman's Street Address Airman's City, State and ZIP Code

I hereby voluntarily surrender my _____ Certificate, number XXXXXXX for cancellation. I understand that this constitutes unequivocal abandonment of the ______ (Certificate or Rating) and that a Federal Aviation Administration (FAA) airman certificate or rating may not be reissued to me again, unless I pass all the tests prescribed for its issue. My rights to be heard as to why my certificate should not be amended, suspended or revoked have been fully explained to me and by affixing my signature hereto are hereby waived.

SIGNATURE

DATE

ACKNOWLEDGMENT OF ACCEPTANCE AND COORDINATION

I, ______, an Aviation Safety Inspector, accept the specified certificate and acknowledge that Mr./Ms. ______ freely and voluntarily surrendered the specified FAA certificate to the FAA on ______(Date). I further acknowledge that this certificate holder's request for this voluntary surrender has been coordinated and concurred with, by other FAA offices, as appropriate.

ASI NAME

DATE

Appendix D. Voluntary Downgrade

Voluntary Downgrade

TO:

XXX Flight Standards District Office FSDO Street Address FSDO City, State and ZIP Code

FROM: Airman's Name Airman's Street Address Airman's City, State and ZIP Code

I, [pilot's name], holder of [grade/rating] certificate No. [number], freely and voluntarily surrender my specified Federal Aviation Administration (FAA) certificate to the FAA on [date of surrender], for downgrade to a [grade/rating] certificate. I understand that this constitutes unequivocal abandonment of the ______ (Certificate or Rating) and that a Federal Aviation Administration (FAA) airman certificate or rating may not be reissued to me again unless I pass all the tests prescribed for its issue.

My rights to be heard as to why my certificate should not be amended, suspended or revoked have been fully explained to me and by affixing my signature hereto are hereby waived.

SIGNATURE

DATE

ACKNOWLEDGMENT OF ACCEPTANCE AND COORDINATION

I, ______, an Aviation Safety Inspector, accept the specified certificate and acknowledge that Mr./Ms. ______ freely and voluntarily surrendered the specified FAA certificate to the FAA on ______(Date). I further acknowledge that this certificate holder's request for this voluntary surrender has been coordinated and concurred with, by other FAA offices, as appropriate.

ASI Name

Date