

# NOTICE

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION

N 8900.319

National Policy

Effective Date:  
8/17/15

Cancellation Date:  
8/17/16

**SUBJ:** Reexamination of Airmen Tested by Designated Mechanic Examiner  
Randal B. McKinley

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**1. Purpose of This Notice.** This notice guides Federal Aviation Administration (FAA) aviation safety inspectors (ASI) in reexamining persons holding mechanic certificates with airframe and/or powerplant ratings who were tested by Designated Mechanic Examiner (DME) Randal B. McKinley of the Los Angeles Flight Standards District Office (FSDO) area. The reexaminations will ensure that these individuals meet the standards to hold the certificates and/or ratings that were issued under Title 14 of the Code of Federal Regulations (14 CFR) part 65.

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

**2. Audience.** The primary audience for this notice is FSDO ASIs. The secondary audience includes Flight Standards (AFS) branches and divisions in the regions and at 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](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 Federal Aviation Administration's (FAA) Web site at <http://fsims.faa.gov>. This notice is available to the public at [http://www.faa.gov/regulations\\_policies/orders\\_notices](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 an Airframe and Powerplant (A&P) mechanic. The law states in part, "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 Reexaminations.** The Administrator believes that the competency of the airmen examined by DME McKinley is in question, based on an FAA investigation of DME McKinley's certification activities. The FAA obtained compelling evidence during the investigation, which gave the FAA sufficient reason to doubt the adequacy of tests administered by DME McKinley. To ensure safety in air commerce, these airmen will undergo reexamination of their competency to hold the certificate.

## 6. Airmen to be Reexamined.

**a. Tested by Randall McKinley.** The FAA will reexamine all airmen tested by DME McKinley. Airmen who subsequently tested with another DME for the same rating (airframe or powerplant) after the test administered by DME McKinley are not affected. The Los Angeles FSDO will send a § 44709 reexamination letter to all affected airmen tested by DME McKinley.

**b. Assigned Outside the United States.** Relief will be applied to those airmen requiring reexamination who are U.S. military and civilian personnel assigned outside the United States and its territories in support of U.S. armed forces operations. Relief will be offered per Special Federal Aviation Regulation (SFAR) 100-2, and includes the opportunity to complete the reexamination within six calendar-months after returning to the United States.

**c. Airmen with Foreign Addresses.** Airmen with domestic as well as airmen with foreign addresses will share the same reexamination procedures. This notice does not authorize reexamination activity outside the United States. Airmen who reside outside of the U.S. will have to appear in the U.S. at their own expense, and may be reevaluated per the current edition of Advisory Circular (AC) 60-28, English Language Skill Standards Required by 14 CFR Parts 61, 63, and 65, if he/she demonstrates language difficulties.

**7. Section 44709 Notification Letter.** The Los Angeles FSDO will notify airmen about reexamination by mail, sent to the airman's address of record in the FAA's Civil Aviation Registry. The Los Angeles FSDO point of contact (POC) will issue each notification letter. The letter will indicate the decision to reexamine, and will instruct the airman to contact the Los Angeles FSDO POC—referenced in the letter—within 10 business days of receipt of the letter and schedule a reexamination. The letter will list each certificate and/or rating(s) subject to reexamination. The Los Angeles FSDO will maintain records of the notifications sent to airmen and the records of the reexaminations.

**a. Domestic Airmen.** The Los Angeles FSDO will mail two copies of the notification letter to each airman via the U.S. Postal Service, one copy by certified mail/return receipt requested and one copy by regular mail. Lack of a return of the regular mail letter suggests the airman received the letter. In such cases, the Los Angeles FSDO will document that the regular mail letter was not returned.

**b. Foreign Airmen.** The Los Angeles FSDO will mail two copies of the notification letter to each airman; one copy will be sent either via the U.S. Postal Service International Registered Mail (return receipt) or DHL (proof of service), depending on the recipient's country of residence. The other copy will be sent by International First Class mail.

**8. Scheduling a Reexamination.** When the airman contacts the Los Angeles FSDO, the airman may choose from available dates and times to schedule the reexamination. The reexamination should normally take place within 15 days of receiving the letter of notification, except if delayed per FAA Order 8900.1, Volume 5, Chapter 7, Section 3, Conduct a Reexamination Test of a Mechanic or an Inspection Authorization Under Title 49 of the United States Code, subparagraph 5-1470B. The inspector should accommodate the airman as necessary and appropriate to the situation, but the airman may not postpone the reexamination indefinitely. If

the airman makes arrangements for reexamination at another FSDO, that FSDO must apply the same standards.

## 9. Reexamination Process.

**a. Test Procedure.** The reexamination will cover the certificate and/or rating(s) the airman received based on tests given by DME McKinley. Certificates based on tests not administered by DME McKinley are not subject to this reexamination. Airmen holding both A&P ratings will be reexamined for competency of both ratings at the same time. The reexaminations will consist of oral tests. An airman may voluntarily surrender one rating for cancellation and show competence for another.

**b. Oral Test.** The airman will receive an oral test on the subject area not graded properly for each rating based on tests administered by DME McKinley. Inspectors will ask the airman at least four questions in each subject area. The applicant must successfully answer 70 percent of the oral questions asked in each subject area. The airman must pass each subject area to pass a section. The inspector will use no more than 10 questions to evaluate a subject area.

(1) An airman will pass a subject area if he or she correctly answers:

- At least 3 of 4 questions,
- At least 5 of 7 questions, or
- At least 7 of 10 questions.

(2) The inspector will record the oral test results on a test planning sheet as described in the current edition of FAA Order 8900.2, General Aviation Airman Designee Handbook, Chapter 6.

(3) Inspectors giving oral tests must contact the Designee Standardization Branch (AFS-640) to request access to the Web-based Technical Personnel Examiner (TPE) Oral Question Generator as follows:

- Select “Create a User Profile” from the menu. Record the user ID and password and keep it safe.
- Send an email directly to AFS-640, Norman.L.Johnson@faa.gov, requesting access to the TPE Oral Question Generator.

(4) Once verified, inspectors will receive an email indicating access to the system and additional instructions for gaining access. Inspectors may get more information about oral test administration from AFS-640 at (405) 954-6495.

**c. Scoring the Test.** A score of 70 percent or greater of correct answers is satisfactory. A score of less than 70 percent is unsatisfactory. Any unsatisfactory test results indicate the airman does not possess the part 65 standards for the certificate and/or rating(s) held. The current edition of FAA Order 2150.3, FAA Compliance and Enforcement Program, Chapter 5, describes procedures inspectors must follow if the airman demonstrates unsatisfactory test performance.

(1) The airman may schedule a retest 45 days from the first test date if the airman deposits his or her certificate at the FSDO. Inspectors should give the airman (1) a minimum of 30 days to prepare if desired, and (2) scheduling priority to ensure the airman retests in 45 days.

(2) The FAA will allow a second retest when the airman voluntarily places the airman's certificate on deposit with the FAA. If the airman has retested and failed twice, the FAA will revoke the airman's certificate or rating.

**d. Reexamination Documentation.** Inspectors must use FAA Form 8610-2, Airman Certificate and/or Rating Application, to document a reexamination and/or downgrade. FAA Order 8900.2, Chapter 6, describes how to complete FAA Form 8610-2. FAA Order 8900.1, Volume 5, Chapter 7, Section 3, details how to document a reexamination on FAA Form 8610-2.

(1) Inspectors must print, in the upper margin of FAA Form 8610-2, "DME McKinley, Reexamination Under 49 U.S.C.," and in the lower margin print "Reexamination Under 49 U.S.C."

(2) The FSDOs must mail the original documents to the Airman Certification Office in two sealed envelopes. Both the inner sealed envelope and the outer mailing envelope should be addressed as follows:

For your eyes only: Mary Snyder (405) 954-3794  
 FAA Airmen Certification Branch, AFS-760  
 Mike Monroney Aeronautical Center  
 Civil Aviation Registry  
 PO Box 25082  
 Oklahoma City, OK 73125

(3) Inspectors must send Jeffrey Peterson, the Los Angeles FSDO POC, copies of packages sent to the AFS-760 address above. Please send copies to him by either:

Email: Jeffrey.Peterson@faa.gov

Mail: Jeffrey Peterson  
 Los Angeles Flight Standards District Office  
 15000 Aviation Blvd, Ste. 2000  
 Lawndale, CA 90261

**10. Information for the Public.** Interested parties may access <http://www.faa.gov/mechanics/retesting/> for information about the reexamination process.

**11. Randal McKinley Reexamination Program Team.** The Los Angeles FSDO will (1) send reexamination letters to airmen subject to reexamination, and (2) track progress of reexaminations to conclusion. The Western Pacific Region Technical Standards Branch (AWP-230) is responsible for overseeing program activities.

**a. Los Angeles FSDO POC.** The POCs are Front Line Manager (FLM) Jeffrey Peterson and ASI Steve Sonneson. These POCs will manage a team to oversee this reexamination program, and will track retest administration and process tracking records.

**b. AWP-230 POC.** The POC is R.J. Loomis, ASW-230 Regional Airworthiness Specialist. The POC will help track the program, process Enforcement Investigative Reports (EIR), and forward EIR files to the Western National Enforcement Program Team (routing symbol AWP-7) for legal enforcement action.

**12. Legal Enforcement Action.** If the airman does not respond to a letter of notification, or does not satisfactorily retest nor voluntarily surrender the airman's certificate and/or rating(s) for cancellation or downgrade, inspectors must begin legal enforcement action described in FAA Order 2150.3.

**a. No Response.** If the airman does not respond to the § 44709 notification letter within 15 days of the date of receipt of the letter, the Los Angeles FSDO will compile an EIR, including the § 44709 notification letter, proof of service, certificate and/or rating(s) held, which certificate and/or rating(s) DME McKinley issued, and any relevant information. The Los Angeles FSDO will forward the EIR to the AWP-230 POC. After review, the AWP-230 POC will forward the EIR to AWP-7 for legal enforcement action to suspend—pending compliance—the certificate and/or rating(s) issued by DME McKinley.

**b. Administered by Another FSDO.** If a retest given by a FSDO other than the Los Angeles FSDO is unsatisfactory and an airman also fails a second retest, the inspector who administered the retest(s) will contact the Los Angeles FSDO POC and forward a copy of all documentation to him. The Los Angeles FSDO will begin legal enforcement action to revoke the airman certificate and/or rating(s).

**c. After Issuance of an Order of Suspension.** If the airman successfully completes a reexamination at a FSDO after the airman's certificate was suspended, that FSDO will forward a copy of the documentation of the successful retest to the Los Angeles FSDO POC, who will then forward a copy of that documentation to AWP-7. If the airman fails the second reexamination, inspectors will submit all required documentation to the Los Angeles FSDO POC. The FSDO POC will compile a new EIR to revoke the certificate and/or rating(s), and forward it to the AWP-230 POC.

**d. Certificate Surrender.** If the airman surrenders the airman's certificate and/or rating(s) for cancellation, inspectors should accept the certificate, complete the Voluntary Surrender for Cancellation form (see Appendix B), and forward a copy of both to the Los Angeles FSDO POC, who will forward the certificate and documentation to AWP-7. Inspectors should forward all original documents to Mary Snyder of Airman Records for processing.

**e. Certificate Downgraded.** If the airman surrenders the airman's certificate and/or rating(s) for a downgrade, inspectors should accept the certificate, complete the Voluntary Downgrade letter (see Appendix C), and complete FAA Form 8610-2 with a temporary certificate, and forward a copy to the Los Angeles FSDO POC, who will forward them to AWP-7. Inspectors should forward all original documents to Mary Snyder for processing.

### **13. Failure to Test by September 1, 2016.**

**a. Retesting.** Initial testing must be completed prior to September 1, 2016. An airman that has requested retesting using the procedures described in this notice must complete retesting within 45 days of initial failure.

**b. Emergency Legal Enforcement Action.** If an airman has not completed initial testing by September 1, 2016, the Los Angeles FSDO will send that airman's files to AWP-7 to initiate emergency legal enforcement action as described in FAA Order 2150.3 and FAA Order 8900.1, Volume 7, Chapter 7, Section 1, General. Airmen may be exempt from the September 1, 2016 deadline (1) as described in subparagraph 6b, or (2) as approved by the AWP-230 POC after considering circumstances for good cause shown, such as sickness or hardship.

### **14. Successful Completion of the Reexamination.**

**a. Airman's Certificate.** After successfully completing the reexamination, the FAA will return the airman's certificate, if in the possession of the FAA, and will give the airman an official letter of successful completion of reexamination. The FAA will also close the matter per FAA Order 8900.1, Volume 5, Chapter 7, Section 3.

**b. FAA Form 8610-2.** Inspectors must use (1) the FAA Inspector's Report on the back of FAA Form 8610-2, and (2) a test planning sheet to document reexaminations. Inspectors can find specific instructions for completion of FAA Form 8610-2 and the test planning sheet in FAA Order 8900.1, Volume 5, Chapter 7, Section 3 and FAA Order 8900.2, Chapter 6, Section 2.

### **15. Reexamination Failure Actions.**

**a. Alternatives.** If the airman's test performance was unsatisfactory, the airman may (1) voluntarily surrender the certificate for cancellation (see Appendix B), or (2) put the certificate on deposit and request a retest as detailed in FAA Order 2150.3. An airman surrendering the certificate for cancellation will need to sign a statement recording voluntary surrender for cancellation (see Appendix B). If the airman declines both alternatives, inspectors must inform the airman that they will begin legal enforcement action to revoke the airman's certificate and/or ratings.

**b. Refusal to Surrender Certificate.** If an airman does not surrender the certificate for cancellation and does not place the certificate on deposit, inspectors must give the airman a statement of unsatisfactory performance and a statement that the inspector will start legal enforcement action. Refer to FAA Order 2150.3 and FAA Order 8900.1, Volume 7, Chapter 7, Section 1 for details concerning legal enforcement action. The Los Angeles FSDO will send letters to the airman's address of record.

### **16. Test Outcomes.**

**a. The Airman Successfully Completes the Reexamination with an Inspector.**

(1) Review the front of FAA Form 8610-2 for accuracy, completeness, and signatures. Complete the test planning sheet and the back of FAA Form 8610-2, indicating the successful reexamination outcome.

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

(3) Photocopy the letter, test planning sheet, and the front and back of FAA Form 8610-2.

(4) Mail the original application, original test planning sheet, and a copy of the letter of results to Mary Snyder in Airman Records, as outlined in subparagraph 9d. Inspectors should note the additional documentation requirements outlined.

(5) Inspectors must forward a copy of the entire package (letter, FAA Form 8610-2, and test planning sheet) to the Los Angeles FSDO POC.

(6) Complete a 3532/5532 Program Tracking and Reporting Subsystem (PTRS).

(a) Enter "P" in the Pass/Fail field.

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

(c) Enter the airman name and certificate number (or pre-cert number).

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

(e) Enter any other pertinent comments.

**b. The Airman Is Unsuccessful at Completing the Reexamination.**

(1) Inspectors must inform the airman in detail of each deficiency, and should give the airman an opportunity to surrender the airman's certificate for cancellation or downgrade in lieu of a second reexamination.

(2) If the airman accepts the offer to take a second reexamination, the airman must temporarily deposit the airman's certificate at the FSDO (see Appendix A).

(a) Complete the back of FAA Form 8610-2 and the test planning sheet, indicating the unsuccessful outcome of the reexamination.

(b) Photocopy the letter, test planning sheet, and the front and back of FAA Form 8610-2.

(c) Collect the airman's certificate (retention of the certificate will last for 45 days or less).

(d) Issue a temporary Mechanics Certificate to the airman for the ratings surrendered, with an expiration date of no longer than 45 days.

(3) Mail the original application, the surrender letter, and the Temporary Airman Certificate to Mary Snyder in Airman Records.

(4) A copy of the entire package will also be forwarded to the Los Angeles FSDO POC.

(5) Complete a 3532/5532 PTRS.

(a) Enter "F" in the Pass/Fail field.

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

(c) Enter the airman name and certificate number (or pre-cert number).

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

(e) Enter any other pertinent comments.

**c. Certificate Temporary Deposit Term Is Nearing Expiration.** If the temporary certificate which was issued after placing their original certificate on temporary deposit is nearing expiration, inspectors must either (1) take legal enforcement action to suspend the certificate per FAA Order 2150.3, pending compliance of the reexamination, or (2) contact the AWP-230 POC for additional options.

**d. The Airman Attempts the Reexamination for a Second Time.**

(1) If the airman fails the second reexamination, inspectors should offer the airman the opportunity to surrender the airman's certificate for cancellation or downgrade. If the airman chooses not to surrender or exchange the certificate, inspectors should proceed with enforcement action to revoke the certificate and/or rating(s) based on lack of qualification to hold the certificate.

(2) If the airman successfully completes the second reexamination, the FAA will return the airman's certificate, and give the airman an official letter of successful completion of reexamination, closing the matter.

**e. Voluntary Surrender or Exchange.**

(1) If an airman elects to not complete the reexamination, or fails a retest and does not retest a second time, the airman may voluntarily surrender or exchange the airman's certificate for cancellation or downgrade (see Appendices B and C).

(2) The airman may surrender the airman's certificate for downgrade only if the oral and/or practical test for the remaining grade of certificate was not administered by DME McKinley. Inspectors must contact Mary Snyder or the Los Angeles FSDO POC before processing a downgrade or surrender (see Appendices B and C).

## 17. Updating Required PTRS Entries.

**a. PTRS Entry Status Updates.** Inspectors must update the PTRS in a timely manner. Key program personnel will be using the information recorded in PTRS to monitor and administer the reexamination program. All entries will include activity code 3532 or 5532, National Use Code "MCKINLEY" (without quotes, no spaces), airman certificate number (or precertificate), airman name, and location of reexamination.

**b. PTRS Entries.** Inspectors conducting the reexamination will make the PTRS entries described below.

(1) Document response from airman concerning scheduling of reexamination:

- Status = "P."
- Call up date = Scheduled reexam date.

(2) Document result of satisfactory reexamination:

- Pass/Fail = "P."
- Tracking = date of test without punctuation or spacing (mmddy).

(3) Document result of unsatisfactory reexamination:

- Pass/Fail = "F."
- Miscellaneous = "SURRENDER", "DEPOSIT", or "ENFORCEMENT."
- Tracking = date of failure without punctuation or spacing (mmddy).
- If certificate is put on deposit, call up date = scheduled retest date.

**18. Disposition.** We will not incorporate the information in this notice into FAA Order 8900.1 before this notice expires. Direct questions or comments concerning the information in this notice to R.J. Loomis, ASW-230, at (817) 222-5257 or [John.Loomis@faa.gov](mailto:John.Loomis@faa.gov). General information is also available at <http://www.faa.gov/mechanics/retesting/>.



John S. Duncan

Director, Flight Standards Service

**Appendix A. 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 mechanic 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 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 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, [applicant's name], holder of [rating(s)] 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 [rating] certificate. I understand that this constitutes unequivocal abandonment of the \_\_\_\_\_ (rating) and that a Federal Aviation Administration (FAA) mechanic 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