



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

SUBJ: Questions & Answers (Q&As): Individual Designee Obligation to Self-Report Arrests, Indictments, and Convictions policy contained in FAA Notice N 8000.385 to FAA Order 8000.95C, *Designee Management Policy*

The primary audiences for these Q&As are for FAA individual designees and FAA offices that manage their performance of authorized functions. This document relates to FAA Notice N 8000.385 which supplements FAA Order 8000.95C, Designee Management Policy, (herein referred to as "FAA Order 8000.95C") to implement Section 408(a)(3) of the FAA Reauthorization Act of 2024, Pub. L. No. 118-63 (May 16, 2024) (herein referred to as "the Act").

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1. What does section 408(a)(3) of the FAA Reauthorization Act of 2024 require?

Section 408(a)(3) of the Act requires the Administrator to revise current policy in FAA Order 8000.95C to clarify certain designees are obligated to report any arrest, indictment, or conviction for violation of local, State, or Federal law. Figure 1 of this document specifies the language in the Act.

Figure 1 – Section 408(a)(3) of the FAA Reauthorization Act of 2024

SEC. 408. IMPROVED DESIGNEE MISCONDUCT REPORTING PROCESS.
(a) IMPROVED DESIGNEE MISCONDUCT REPORTING PROCESS.—
(3) OBLIGATION TO REPORT CRIMINAL CHARGES.—Not later than 90 days after the date of enactment of this Act, the Administrator shall revise the orders and policies governing the Designee Management System to clarify that designees are obligated to report any arrest, indictment, or conviction for violation of a local, State, or Federal law within a period of time specified by the Administrator.
(b) DESIGNEE DEFINED.—In this section, the term “designee” means an individual who has been designated to act as a representative of the Administrator as—
(1) an Aviation Medical Examiner (as described in section 183.21 of title 14, Code of Federal Regulations);
(2) a pilot examiner (as described in section 183.23 of such title); or
(3) a technical personnel examiner (as described in section 183.25 of such title).

2. Why is the FAA imposing this requirement on all individual designees?

The Act focuses on three categories of designees:

- Aviation medical examiners: AME
- Pilot examiners: Admin PE, APD, DPE, SAE, TCE
- Technical personnel examiners: DADE, DCTO-E, DME, DPRE

Note: The designee acronyms are defined in Table 1 of this document.

The Act does not include DAR-F, DAR-T, DMIR, DER-Y, or DER-T, however, as specified in FAA Notice N 8000.385, issued on July 31, 2024, the FAA is imposing this requirement on all FAA individual designees to self-report.

The foundation of the Act is to improve the designee misconduct reporting process. The substance of this requirement focuses on designee integrity to self-report specific misconduct (i.e., arrest, indictment, or conviction for violation of law), which applies to all individual designees.

As required by FAA Order 8000.95C, the FAA currently holds all individual designees to the same standard with respect to remaining in good standing, addressing potential criminal activity, being disqualified from appointment for having certain criminal convictions, and establishing that participation in illegal activity is a form of misconduct, which can lead to termination of a designation for cause. Further, FAA Order 8000.95C states that designee conduct that casts doubt on the designee’s judgment, integrity, or character can lead to an investigation and be grounds for termination.

A fundamental tenant of FAA Order 8000.95C is to establish a core set of common processes for all designee types. Focusing on only a subset of designee types would decrease the essential character and integrity of qualifications currently held for all designees.

3. Is there existing policy related to designees with arrest, indictment, or conviction?

Yes. In FAA Order 8000.95, issued on April 14, 2014, any person having certain convictions or felonies within the past seven years is disqualified from being a designee. It also requires termination of AMEs for cause due to arrest, indictment, or conviction for violation of a law. Subsequent revisions to FAA Order 8000.95 further requires an annual request for extension of a designee's designation, which necessitates that a designee must "have no arrests or convictions" to be extended.

4. Does FAA Notice N 8000.385 apply to Organization Designation Authorization (ODA) Holders or Unit Members?

No. This policy only applies to individual designees.

5. How is the FAA implementing changes required by the Act?

The FAA issued Notice N 8000.385 on July 31, 2024, to implement the requirements in the Act. The next issuance of FAA Order 8000.95C, Volume 1, will incorporate this change.

6. What are the benefits of this new policy?

The benefit of this notice is that it enhances the integrity and safety of the aviation system by ensuring that FAA designees, who play critical roles in aviation certifications and inspections, maintain high ethical standards. This measure strengthens trust in the FAA's oversight processes and aligns with broader regulatory and safety goals. By requiring these individuals to report any arrests, indictments, or convictions, the notice helps prevent those with potentially compromising legal issues from performing duties on behalf of the FAA Administrator that could impact aviation safety.

This policy increases the accountability and transparency of those individual designees and establishes a consistent FAA response to such criminal activity. It reinforces the FAA's commitment to maintaining high oversight standards and aligns with the broader goals of the FAA reauthorization act of 2024.

7. When is this policy effective?

This policy became effective on July 31, 2024, upon issuance of FAA Notice N 8000.385.

8. What is the difference between an arrest, indictment, and conviction?

For purposes of this policy:

"Arrest" means being taken into custody by any law enforcement or military authority for any reason. Receiving a written citation (e.g., traffic ticket) or being detained and not ultimately taken into custody by law enforcement (e.g., for questioning or while executing a search warrant at a residence) is **not** reportable under this requirement.

"Conviction" means any judgment of guilt based on a jury, court, or military verdict, a plea of guilty, or a plea of nolo contendere/no contest. Examples include, but are not limited to, assault, battery, disorderly conduct, domestic violence, driving under the influence, driving while intoxicated, murder, possession of drugs, public intoxication, reckless driving, etc.

"Indictment" means a formal accusation, such as one issued by a grand jury, that a person has committed a crime.

9. Do I need to report prior arrests, indictments, or convictions?

No, not prior to July 31, 2024, the effective date of FAA Notice N 8000.385, and beyond what is required to report during application to become a designee and during the annual request for extension (refer to FAA Order 8000.95C, Volume 1, Chapters 2 and 8, respectively).

10. If I reported an arrest, do I need to also report the related conviction?

Yes. You must report each arrest, indictment, and conviction within 30 calendar days. If your arrest subsequently results in an indictment or conviction, then you must submit a separate report. That report should reference the prior related report.

11. Do I need to report civil verdicts or judgments?

No. Civil issues do not need to be reported, such as contract breaches, landlord/tenant issues, and defamation (including libel and slander). For specific situations, seek legal advice.

12. Do I need to report *any* arrest, indictment, or conviction for violation of law?

Yes, for arrests and indictments.

Maybe for convictions:

Yes, if it is for misdemeanor and felony convictions regardless of the classification (E.g., Class A, Class B, and Class C misdemeanors) and regardless of whether it is pending on appeal to another court, and regardless of geographic location (foreign or domestic).

No, if the “conviction” is for a petty offense or infraction (e.g., traffic infraction). There is a fine distinction depending on whether state law counts certain offenses (e.g., traffic violations) as a “conviction” or something different.

13. Do I need to report traffic violations?

Possibly. Traffic violations that result in arrest or conviction for a misdemeanor or felony must be reported (e.g., Driving While Intoxicated). Traffic infractions that are basic omissions or driving errors, which are illegal but are not a misdemeanor or felony, do not have to be reported. Examples may include parking meter violations, failure to signal, and seatbelt violations. For specific situations, seek legal advice.

14. Do I need to report a criminal charge, violation, citation, or ticket if I have not been arrested, indicted, or convicted?

No. For example, if you receive a citation for a Class B Misdemeanor offense and are not arrested, then you do not have to report it. If you are subsequently convicted of that misdemeanor (or a felony), then you must report it.

15. What happens if a designee does not report within 30 calendar days?

Upon notification, the managing specialist will suspend the designee and initiate an investigation to determine appropriate action. Non-compliance could lead to disciplinary actions, including termination of the designation.

16. Can someone else submit an individual designee arrest, conviction, or indictment report through the FAA Hotline?

Yes. A person may submit an FAA Hotline report of a known FAA individual designee arrest, conviction, or indictment. Hotline reports are referred to the FAA organization with oversight or responsibility of the matter reported. The designee will not self-report through the FAA Hotline.

17. Where do designees make reports? In what format? What information should be included?

The designee must provide a written report to their managing specialist(s). The report should be submitted via email to include the following information:

Name:	Last, First, Middle
Designee Type(s):	AME, APD, DADE, TCE, DME, DPRE, Admin PE, DPE, SAE, DAR-T, DAR-F, DMIR, DER-Y, DER-T, DCTO-E
Designee Number(s):	Designee Management System (DMS) Designee number
Managing Office(s):	Name(s) of FAA Managing Office(s)
Managing Specialist(s):	Name(s) of FAA Managing Specialist(s)
Type of Event:	Arrest, Conviction, or Indictment
Date of Event:	Date event occurred (arrest, indictment, conviction)
Location of Event:	City, County, State, Country (if not USA)
Court Docket No.:	Court docket number, if applicable
Offense:	Reference to legal statute. For examples: HS 11350, PC 496.1, 625 ILCS 5/11-501, 18 USC 1341
Offense Type:	Category of offense, such as Class A Felony, Class B Misdemeanor, Probation Violation, Class X/A Felony
Offense Description:	Brief description of offense, such as Disorderly Conduct, Driving While Intoxicated, Driving Without a Valid License, Assault with a Deadly Weapon, Trespassing, etc.
Current Disposition:	Status of disposition or outcome at the time of report, such as Pled not guilty, Pled No Contest, Prosecution diverted, 90 days in jail, Community Service, Dismissed, etc.

For designees with multiple designations, submit a single report to all Managing Specialists. For example, send a single email with each managing specialist in the To: line.

For multiple events on the same day, submit a single report with each event/offense listed separately.

For multiple events on different days, submit separate reports.

18. What changes when FAA Notice N 8000.385 is published?

Each individual designee must report, in writing (e.g., email), any arrest, indictment, or conviction for violation of local, State or Federal law to their managing specialist (MS) within 30 calendar days.

The FAA managing specialist(s) will:

- Suspend the designee upon receipt of the report. If an individual holds multiple designations, suspension of each designation must occur. The impact of the suspension on other designations is determined by the respective managing specialist.
- Initiate an investigation to determine appropriate action.
- Forward the designee's report to the ODA Office (AVS-60) at 9-AWA-AVS-Designee-Directives@faa.gov. Each report should be forwarded to AVS-60 in a timely manner.

AVS-60 will track the reports. Upon request from an FAA managing office, AVS-60 will facilitate assistance for FAA legal review.

19. What information do the Managing Offices need to forward to the ODA Office?

The complete designee's report will be forwarded to 9-AWA-AVS-Designee-Directives@faa.gov.

Results of the investigation are documented in DMS per FAA Order 8000.95C, Volume 1, Chapter 6, which states that investigation results are recorded in DMS, to include at a minimum:

1. The specific reason(s) for the decision;
2. Any additional designee management actions taken;
3. The designee's response, if any;
4. Any associated documentation.

20. What does *not* change when FAA Notice N 8000.385 is implemented?

The current designee management investigation, termination, and suspension requirements and processes do not change (refer to FAA Order 8000.95C, Volume 1, Chapters 6, 9, and 10, respectively).

21. If a designee is terminated following report of an arrest, indictment, or conviction, could that be considered terminated for cause?

Yes. While designees are not terminated solely due to an arrest, indictment, or conviction, they may be terminated for cause as a result of the investigation initiated as a result of it.

22. How are my duties and responsibilities as an FAA managing specialist affected by FAA Notice N 8000.385?

The managing specialists must receive the designee report and take immediate action to suspend the designee using the process defined in FAA Order 8000.95C, Volume 1, Chapter 10. In accordance with those requirements, the managing specialist must provide sufficient information within the suspension to allow the designee to respond to the investigation but must not release sensitive information or data that is not publicly available.

The managing specialist will conduct an investigation in a timely manner in accordance with FAA Order 8000.95C, Volume 1, Section 4 of Chapter 6. As indicated by the results of the investigation, termination action or removal of suspension will be done. If the investigation determines termination of the designation is warranted, the managing specialist will follow the termination procedures in FAA Order 8000.95C, Volume 1, Chapter 9.

The managing specialist is *not* responsible to investigate the legal matter. The investigation relates to the designee's character, integrity, and continued eligibility to act on behalf of the FAA Administrator. Designee conduct that casts doubt on the designee's judgement, integrity, or character, could be grounds for termination.

The FAA managing specialist must forward the designee's report to the ODA Office (AVS-60) at 9-AWA-AVS-Designee-Directives@faa.gov.

23. What investigation will the FAA conduct and what actions may result?

The managing specialist is *not* responsible to investigate the legal matter. Investigation for these purposes relate the designee's character, integrity, and continued eligibility to act on behalf of the FAA Administrator. Investigations as defined in FAA Order 8000.95C are intended to address issues with designee performance and/or conduct and are not related to investigations as defined in FAA Order 2150.3, FAA Compliance and Enforcement Program, or for criminal matters.

The current designee management investigation, suspension, and termination requirements and processes remain unchanged (refer to FAA Order 8000.95C, Volume 1, Chapters 6, 10 and 9, respectively).

Based on the outcome of the investigation, the managing specialist will recommend to the Appointing Official one of three courses of action:

1. No Action Required. If the investigation reveals no further action is required, the managing specialist will document the outcome in DMS and remove the suspension.
2. Additional Action Required. If the investigation reveals additional action is required such as counseling, corrective action, training, or additional oversight, the managing specialist will document the outcome in DMS and initiate the additional action(s).
3. Termination of a Designation. If the investigation reveals termination of the designation is warranted, the managing specialist will begin the termination process immediately as outlined in FAA Order 8000.95C, Volume 1, Chapter 9.

24. As a designee, can I respond to a termination for cause?

Yes, once a managing specialist initiates the termination for cause process, the designee may respond in DMS prior to termination. To respond to a possible termination for cause action, the designee must respond in DMS within 15 calendar days of the termination for cause action being initiated.

25. Who should I contact to ask questions?

Designees should contact their managing specialists. Managing specialists and offices should contact AVS-60 at 9-AWA-AVS-Designee-Directives@faa.gov.

26. Acronyms

Table 1 – Individual Designee Acronyms

Acronym	Definition
Admin PE	Administrative Pilot Examiner
APD	Aircrew Program Designee
AME	Aviation Medical Examiner
DADE	Designated Aircraft Dispatcher Examiner
DAR-F	Designated Airworthiness Representative – Manufacturing
DAR-T	Designated Airworthiness Representative – Maintenance
DCTO-E	Designated Control Tower Operator Examiner
DER-T	Designated Engineering Representative – Consultant
DER-Y	Designated Engineering Representative – Company
DME	Designated Mechanic Examiner
DMIR	Designated Manufacturing Inspection Representative
DPE	Designated Pilot Examiner
DPRE	Designated Parachute Rigger Examiner
SAE	Specialty Aircraft Examiner
TCE	Training Center Evaluator