



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Office of the Chief Counsel

Enforcement Division  
Western Team  
2200 South 216th Street  
Des Moines, WA 98198

**FEDEX – OVERNIGHT DELIVERY,  
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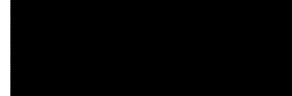
**MAY 10 2022**

Luke T. Aikins



AND

Luke T. Aikins



RE: Luke T. Aikins, Case No. 2022WP070009

**NOTICE OF PROPOSED ASSESSMENT**

Based on the following facts and circumstances, it appears that you violated the regulations of the Federal Aviation Administration:

1. You hold Commercial Pilot Certificate No. 3200763, Remote Pilot Certificate No. 4335387, and an airman medical certificate issued on or about October 7, 2021.
2. On or about February 28, 2022, you petitioned the Federal Aviation Administration (FAA) for an exemption from the requirements of 14 C.F.R. § 91.105(a)(1).
3. The petition referenced in paragraph 2 requested authorization from the FAA for you and Andy Farrington to conduct flights on April 24, 2022, in which each pilot would depart his aircraft and attempt to swap aircraft in flight.
4. The petition referenced in paragraph 2 stated that both aircraft would be unoccupied during the in-flight swap.
5. On or about April 22, 2022, the FAA denied your petition for an exemption from the requirements of 14 C.F.R. § 91.105(a)(1).
6. On or about April 22, 2022, you received the FAA's denial of your petition for an exemption from the requirements of 14 C.F.R. § 91.105(a)(1).

7. On or about April 24, 2022, you acted as the pilot in command of a Cessna model 182G aircraft, civil registration number N3694U, on a flight that terminated in the vicinity of Eloy, Arizona.
8. During the flight referenced in paragraph 7, you were the sole occupant of N3694U.
9. During the flight referenced in paragraph 7, while at the crewmember station, you unfastened your safety belt and departed the crewmember station of N3694U by leaving the aircraft.
10. Your absence from the crewmember station was not necessary to perform duties in connection with the operation of the aircraft or in connection with physiological needs.
11. During the flight referenced in paragraph 7, you failed to maintain vigilance when operating N3694U so as to see and avoid other aircraft.
12. Your actions, as described in paragraphs 8, 9, 10, and 11, were careless or reckless so as to endanger the life or property of another.
13. During the flight referenced in paragraph 7, you exited the aircraft and attempted to perform an in-flight aircraft swap with Andy Farrington by skydiving from one aircraft to another as N3694U was in a vertical dive.
14. After you exited N3694U, the aircraft remained unoccupied and crashed in the vicinity of Eloy, Arizona.
15. Your flight and subsequent crash were broadcast live on Hulu.
16. Your actions, as described in paragraphs 13 and 14, were careless or reckless so as to endanger the life or property of another.

As a result, it appears that you violated the following Federal Aviation Regulations:

- (a) 14 C.F.R. § 91.105(a), which states that during takeoff and landing, and while en route, each required flight crewmember shall - (1) Be at the crewmember station unless the absence is necessary to perform duties in connection with the operation of the aircraft or in connection with physiological needs; and (2) Keep the safety belt fastened while at the crewmember station.
- (b) 14 C.F.R. § 91.113(b), which states when weather conditions permit, regardless of whether an operation is conducted under instrument flight rules or visual flight rules, vigilance shall be maintained by each person operating an aircraft so as to see and avoid other aircraft. When a rule of this section gives another aircraft the right-of-way, the pilot shall give way to that aircraft and may not pass over, under, or ahead of it unless well clear.

(c) 14 C.F.R. § 91.13(a), which states that no person may operate an aircraft in a careless or reckless manner so as to endanger the life or property of another.


Under 49 U.S.C. § 46301(a)(1), you are liable to the United States Government for a civil penalty of not more than \$1,644.00 for each violation of the Federal Aviation Regulations. After reviewing the facts and circumstances in our file, the FAA proposes to assess a civil penalty in the amount of **\$4,932.00**.

Enclosed is information on your options in responding to this Notice. The options include participating in an informal conference with an FAA attorney and submitting information to the FAA for consideration. You must submit, in writing, your choice of the alternatives explained on the enclosed information form on or before 15 days after you receive this notice. This may be accomplished by completing and returning the enclosed reply form within 15 days after you receive this notice. If you fail to submit your choice within 15 days after you received this notice, you will have no further right to participate in the informal procedures.

Please direct all communications to Alexi Fong, FAA, Office of the Chief Counsel, Enforcement Division, Western Team, 2200 South 216th Street, Des Moines, WA 98198, (206) 231-2168.

Cynthia A. Dominik  
Assistant Chief Counsel for Enforcement

By:

  
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Alexi Fong, Attorney  
Enforcement Division, Western Team  
2200 South 216th Street  
Des Moines, WA 98198  
Email: [alexifong@faa.gov](mailto:alexifong@faa.gov)  
Telephone: (206) 231-2200 (main)  
(206) 231-2168 (direct)  
(206) 231-2176 (fax)

Enclosures: Information Sheet and Reply Form

**CERTIFICATE OF SERVICE**

I hereby certify that I have sent the foregoing Notice of Proposed Assessment in Case No. 2022WP070009 by FedEx – overnight delivery ([REDACTED] only), U.S. Express Mail (P.O. Box only), U.S. Certified Mail, return-receipt requested, and First-Class Mail to:

Luke T. Aikins  
[REDACTED]


AND

Luke T. Aikins  
[REDACTED]

I have also sent a copy of the Notice of Proposed Assessment for Case No. 2022WP070009 by email and FedEx Overnight Delivery to:

Kenneth Ross  
KRG Consultants Inc.  
666 Dundee Road Suite 1703  
Northbrook, Illinois 60062  
Email: [REDACTED]

Date: **MAY 10 2022**

  
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Jefferey Kamberg  
Management & Program Analyst  
Enforcement Division-Western Team  
National Enforcement Program  
Federal Aviation Administration  
Des Moines, Washington