

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
OFFICE OF ADJUDICATION
WASHINGTON, D.C.**

In the matter of:)
)
ELVIN ORTIZ)
_____)

Case No. 2019AGC10072
Docket No. D13-19-01

The Federal Aviation Administration (“FAA”) Acting Administrator ordered an emergency revocation of Arlet Aviation, LLC’s (“Arlet”) Air Agency Certificate. After an investigation, the Administrator found that Arlet did not conduct adequate maintenance on Hartzell and McCauley propellers as required by the manufacturers’ manuals and the Federal Aviation Regulations (“FAR”) and further falsified corresponding records. The Administrator concluded that “[t]hese false statements mean that Arlet cannot be trusted to be truthful to customers and the FAA and mean a lack of qualifications to hold [a Part 145] Air Agency Certificate.”¹

²

The FAA also issued a Notice of Finding of Material Contribution (“Notice”) against Arlet’s Accountable Manager and Chief Inspector, Elvin Ortiz, for his role in the events leading to the emergency revocation. The FAA asserted that Ortiz’s actions “materially contributed to the circumstances causing the revocation” of Arlet’s certificate.³ After an exhaustive review of the administrative record and a hearing, the Hearing Officer finds that Elvin Ortiz materially contributed to the emergency revocation of Arlet’s certificate.

¹ The parties jointly stipulated to authenticity of the exhibits. Hr. Tr. Vol. 1 at 8: 1-2.

² Exhibit K at 7.

³ 14 C.F.R. §145.51(e)(1)-(2) (2021).

I. Factual Background

Arlet held an Air Agency Certificate to operate a repair station.⁴ From 2017 to 2018, Arlet performed 13 non-compliant overhauls of Hartzell propellers with aluminum blades.⁵ Hartzell aluminum blades require a mandatory eddy current inspection of the blade balance holes.⁶ The FAA inspector discovered that Arlet did not possess the capability to perform this test.⁷ Notwithstanding the lack of tools and equipment, Elvin Ortiz, who served in the dual role of accountable manager and chief inspector for Arlet, approved the propellers for return to service, and further certified that the overhauls were conducted in accordance with the Maintenance Manuals 202A, 133C, 117D, and 113B and 14 CFR Part 43.⁸

The FAA inspection also found that Arlet improperly overhauled C200 and C500 McCauley propellers.⁹ The inspection revealed that Arlet did not possess the tools and equipment to perform a mandatory magnetic non-particle destruction inspection on the propellers.¹⁰ Despite the lack of capability, Elvin Ortiz again approved the return to service of the propellers further certifying in the records that Arlet completed the overhauls in compliance with the Maintenance Manuals and Part 43 of the FAR.¹¹

Based on the findings of the investigation, the Administrator found that Arlet intentionally falsified the records for the Hartzell and McCauley propeller overhauls.¹² The Administrator also concluded that Arlet violated the following provisions of the FAR:

⁴ Exhibit A.

⁵ Exhibit K at 2.

⁶ *Id.*

⁷ *Id.*

⁸ Exhibits C, E at 8, H, and K at 2.

⁹ Exhibit K at 3-4.

¹⁰ *Id.* at 3.

¹¹ *Id.* at 3-4.

¹² *Id.* at 2, 4-5.

- 14 C.F.R. § 43.2(a)(1)-(2) (“No person may describe in any required maintenance entry or form [a] . . . propeller . . . as being overhauled unless . . . [i]t has been tested in accordance with approved standards and technical data.”);
- 14 C.F.R. § 43.13(a) (“Each person performing maintenance . . . on . . . [a] propeller . . . shall use the methods, techniques, and practices prescribed in the current manufacturer's maintenance manual . . . shall use the tools, equipment, and test apparatus necessary to assure completion of the work in accordance with accepted industry practices.”);
- 14 C.F.R. § 145.109(a) (“[A] certificated repair station must have the equipment, tools, and materials necessary to perform [] maintenance . . . under its repair station certificate and operations specifications.”);
- 14 C.F.R. § 145.201(b) (“A certificated repair station may not maintain or alter any article for which it is not rated.”); and
- 14 C.F.R. § 145.12(a) (“No person may make or cause to be made [a]ny fraudulent or intentionally false entry in . . . [a]ny record or report that is made, kept, or used to show compliance with any requirement under this part.”).¹³

Consequently, on March 12, 2019, the Administrator issued an emergency order revoking Arlet’s Air Agency Certificate.¹⁴

On March 14, 2019, Arlet filed an emergency appeal of the Administrator’s Order to the National Transportation Safety Board (“NTSB”).¹⁵ On April 22, 2019, Arlet withdrew its appeal and the NTSB subsequently dismissed the case with prejudice on June 19, 2019.^{16, 17}

¹³ *Id.* at 5-6.

¹⁴ *Id.* at 1.

¹⁵ Exhibit L at 1.

¹⁶ Exhibit N.

¹⁷ Counsel for Ortiz argues that he made a “business decision” unrelated to the merits of the case when withdrawing Arlet’s appeal of the emergency revocation at the NTSB. *Answer* at 4. Arlet is a small company owned by Ortiz. *Respondent’s Brief on Material Contribution* at 4. Counsel asserts that “the fact that Arlet Aviation, LLC made a decision not to contest the FAA’s Emergency Order of Revocation should not weigh in as a factor against [] Ortiz.” *Id.* The sole issue in this matter, however, is Ortiz’s appeal from the Notice. The Notice concerns whether Ortiz himself materially contributed to the circumstances leading to the emergency revocation, not the merits of the underlying enforcement action against the repair station. *See* 14 C.F.R. §145.51(e)(1)-(2) (2021).

On June 13, 2019, the FAA Enforcement Division Southern Team issued a Notice of Finding of Material Contribution individually to Elvin Ortiz.¹⁸ On October 3, 2019, the FAA affirmed to Ortiz that it would not be withdrawing the Notice.¹⁹ Ortiz then filed the instant appeal to the Notice with the FAA pursuant to 14 C.F.R. §§ 13.20(d) and 13.35 (2021).²⁰

II. Standard of Review

The FAA, as the proponent of the rule or order, bears the burden of proof by a preponderance of the evidence “[e]xcept with respect to affirmative defenses and orders of denial.”²¹ In those instances, the burden shifts to the respondent.²² The Hearing Officer’s decision must consider the record in its entirety and be supported by “reliable, probative, and substantial evidence.”²³

III. Discussion

A. The Regulation Requires Causation for a Finding of Material Contribution

The requirements for an application for a repair station Air Agency Certificate are established in 14 C.F.R. §145.51(a)-(c) (2021). When reviewing a certificate application, the FAA scrutinizes the applicant’s involvement in prior enforcement actions. Specifically, the “FAA may deny an application” if it finds that

Thus, the reason for Arlet’s withdrawal of its appeal from the emergency revocation order to the NTSB is immaterial to Elvin Ortiz’s appeal from the Notice before the FAA Hearing Officer.

¹⁸ *Answer to Notice of Finding of Material Contribution* at 1.

¹⁹ *Id.*

²⁰ *Id.*

²¹ 14 C.F.R. § 13.59(b) (2021); 5 U.S.C. § 556(d); *Steadman v. SEC*, 450 U.S. 91 (1981).

²² *Id.*

²³ 5 USC § 556(d).

“[t]he applicant holds a repair station certificate in the process of being revoked, or previously held a repair station certificate that was revoked.”²⁴

The FAA’s scrutiny of prior revocations extends to individuals proposed for management positions or who will have a substantial or controlling interest in the repair station. The FAA focuses on those proposed individuals who “materially contributed to the circumstances” causing the revocation or an ongoing revocation process.^{25, 26} A finding by the FAA of material contribution to a previous revocation action is not an absolute bar to approval for a subsequent Air Agency Certificate.²⁷ Indeed, the “FAA may still issue a new certificate, but the applicant will no longer be *entitled* to a certificate.”²⁸

The issue before the Hearing Officer of what type of conduct constitutes material contribution to a certificate revocation is one of first impression. Notwithstanding that identical language is used in the evaluation of applications by air carriers for an Air Carrier or Operating Certificate under 14 CFR 119.65(b), the FAR does not define the term material contribution.²⁹ The clear intent and plain

²⁴ 14 C.F.R. §145.51(e)(1) (2021).

²⁵ 14 C.F.R. §145.51(e)(2)-(3) (2021).

²⁶ The regulation states in relevant part that:

(2) The applicant intends to fill or fills a management position with an individual who exercised control over or who held the same or a similar position with a certificate holder whose repair station certificate was revoked, or is in the process of being revoked, and that individual *materially contributed* to the circumstances causing the revocation or causing the revocation process; or

(3) An individual who will have control over or substantial ownership interest in the applicant had the same or similar control or interest in a certificate holder whose repair station certificate was revoked, or is in the process of being revoked, and that individual *materially contributed* to the circumstances causing the revocation or causing the revocation process.

14 C.F.R. §145.51(e)(2)-(3) (2021) (emphasis added).

²⁷ 14 C.F.R. §145.51(e) (2021).

²⁸ 79 Fed. Reg. 46,971, 46973 (Aug. 22, 2014) (emphasis added).

²⁹ As with repair stations, the FAA may deny an Air Carrier Certificate if it finds:

language of the regulation, however, do provide a broad basis for the FAA to determine, where causation is established, that an individual “materially contributed to the circumstances causing the revocation.”³⁰

i. The intent of the regulation is to track bad actors in certificate applications.

The clear intent of the regulation, like its counterpart for air carriers, is to prevent an individual involved in the revocation of a repair station certificate from, unbeknownst to the FAA, moving to a new position or establishing another facility.³¹ Thus, potentially continuing the same conduct as in the earlier action.³²

The FAA expanded the conduct covered by the FAR in response to an NTSB crash investigation.³³ The investigation led the NTSB to raise concern with a lack of regulatory requirements to track employees and managers involved in the revocation of a repair station certificate.³⁴

(3) The applicant intends to or fills a key management position listed in § 119.65(a) or § 119.69(a), as applicable, with an individual who exercised control over or who held the same or a similar position with a certificate holder whose certificate was revoked, or is in the process of being revoked, and that individual materially contributed to the circumstances causing revocation or causing the revocation process;

(4) An individual who will have control over or have a substantial ownership interest in the applicant had the same or similar control or interest in a certificate holder whose certificate was revoked, or is in the process of being revoked, and that individual materially contributed to the circumstances causing revocation or causing the revocation process.

14 C.F.R. § 119.65(b)(2) (2021).

³⁰ *Wards Cove Packing Corp. v. Nat'l Marine Fisheries Serv.*, 307 F.3d 1214, 1219 (9th Cir. 2002); *Cf. Lal v. INS*, 2001 U.S. App. LEXIS 22693 at 9) (Must interpret a regulation consistent with the plain meaning and clear intent).

³¹ *See* 79 Fed. Reg. at 46,973.

³² *Id.*

³³ *Id.* at 46,972-46,973.

³⁴ NAT'L TRANSP. SAFETY BD., A-04-01 AND -02, SAFETY RECOMMENDATION (Feb. 9, 2004), <https://www.nts.gov/safety/safety-recs/recletters/A04_01_02.pdf> at 2.

The investigation involved a Beech 95 aircraft that crashed when a section of its propeller blade separated from the right engine.³⁵ The crash damaged a home, destroyed the aircraft, and killed the pilot.³⁶ The NTSB investigation revealed that the chief inspector of the repair station responsible for the overhaul of the aircraft held the same position at another station whose certificate the FAA revoked.³⁷ The FAA concurred that prior involvement with an enforcement action “is an important consideration in assessing an applicant’s overall fitness to hold a certificate,” and promulgated the current version of 14 C.F.R. § 145.51(e).³⁸

ii. The plain language of 14 C.F.R. § 145.51(e) establishes causation among multiple bad actors.

When interpreting a regulation, generally “the plain meaning . . . governs.”³⁹ By its own terms, 14 C.F.R. § 145.51(e) requires the FAA to establish a causal link between the actor’s conduct and the certificate revocation.⁴⁰ The phrase “material contribution” in torts refers to the issue of proximate causation when multiple parties’ negligence or actions inflict injury, also referred to as the “substantial factor” test.⁴¹

By using this language, the regulation does not require sole causation on the part of the individual, only that the individual “materially contributed” to the cause of the revocation.⁴² As one commentator observed, “these regulations recognize that

³⁵ *Id.* at 1.

³⁶ *Id.*

³⁷ *Id.* at 2.

³⁸ 79 Fed. Reg. at 46973.

³⁹ *Wards Cove Packing Corp.*, 307 F.3d at 1219; *see also Roberto v. Dep’t of the Navy*, 440 F.3d 1341, 1350 (Fed. Cir. 2006) (“If the regulatory language is clear and unambiguous, the inquiry ends with the plain meaning.”).

⁴⁰ 14 C.F.R. §145.51(e)(2)-(3) (2021).

⁴¹ *See, e.g., Johnson v. Prasad*, 224 Cal. App. 4th 74, 84, 168 Cal. Rptr. 3d 196, 203 (2014); Restatement (Second) of Torts § 433, comment a; 4 Premises Liability--Law and Practice § 15.02.

⁴² 14 C.F.R. §145.51(e)(2)-(3) (2021).

there can be more than one person culpable for the entity's certificate revocation."⁴³ The regulation does, however, limit the actions of the individual to only those found "material."⁴⁴ Materiality constitutes "having some logical connection with the consequential facts; of such a nature that knowledge of the item would affect a person's decision-making; significant; essential."⁴⁵

iii. 14 C.F.R. §145.51(e) does not require intent for a finding of material contribution.

Ortiz argues that the regulation contains a scienter requirement. He states that "in order to find that Mr. Ortiz materially contributed to the revocation of Arlet's repair station certificate, the FAA had to prove that Mr. Ortiz's conduct was intentional."⁴⁶ In the alternative, Ortiz argues that the FAA must prove intent because the "underlying allegations upon which the Complaint in this matter was brought specifically allege that Mr. Ortiz incurred in intentional conduct."⁴⁷ The Hearing Officer disagrees.

It is clear that the FAA did not intend a scienter requirement under 14 C.F.R. §145.51(e). The plain language of the regulation does not require intent on the part an individual, only that they materially contributed to the ultimate revocation.⁴⁸ Unlike other provisions of the FAR, section 145.51 does not contain language such as "knowingly" or "intentionally" to establish a violation.⁴⁹

⁴³ Andrew Lambert, *Contributing to Crashes: Applying Tort Principles to Certain FAA Proceedings*, 72 ADMIN. L. REV. 1, 20 (2020).

⁴⁴ 14 C.F.R. §145.51(e)(2)-(3) (2021).

⁴⁵ Black's Law Dictionary, MATERIAL, (11th ed. 2019).

⁴⁶ *Ortiz Post Hearing Brief* at 2 (emphasis in original).

⁴⁷ *Id.*

⁴⁸ 14 C.F.R. §145.51(e)(2)-(3) (2021).

⁴⁹ Compare 14 C.F.R. §145.51(e)(2)-(3) (2021) with 14 C.F.R. § 145.12 (2021).

Indeed, the FAR prohibits the intentional falsification of repair station records in an altogether different section of the regulation.⁵⁰ Importantly, the FAA linked both changes to the FAR in the same Notice of Public Rulemaking.⁵¹ Thus, it would be inconsistent with the regulatory scheme for the FAA to require intent in both provisions without identical language. Accordingly, the Hearing Officer declines to read language requiring intent into 14 C.F.R. §145.51(e)(2)-(3).

Finally, the Hearing Officer does not need to reach Ortiz's second argument that a finding of intent is required because the Administrator's underlying order partly cited Arlet's intentional falsification of records. The administrative record is clear that there were multiple grounds for the revocation of Arlet's repair station certificate.⁵² The Hearing Officer does not need to try every finding from the Administrator's emergency revocation of Arlet's certificate, only whether Ortiz's overall conduct materially contributed to that revocation.

B. Elvin Ortiz materially contributed to the circumstances causing the emergency revocation of Arlet's certificate.

Elvin Ortiz through his actions as the accountable manager and chief inspector materially contributed to the revocation of Arlet's Part 145 Air Agency Certificate. A Part 145 Air Agency Certificate authorizes a repair station to conduct maintenance on specific aviation parts and components.⁵³ The Part 145 certificate at issue here authorized Arlet to work on propellers including but not limited to nondestructive inspections, testing, and processing.⁵⁴

⁵⁰ 14 C.F.R. § 145.12 (2021).

⁵¹ 79 Fed. Reg. at 46,973.

⁵² Exhibit K at 5-6.

⁵³ Hr. Tr. Vol. 1 at 27: 22-25.

⁵⁴ Exhibit B at 1-2; Hr. Tr. Vol. 1 at 29: 2-6.

A Part 145 certificate also requires the repair station to have an accountable manager with overall responsibility for operations.⁵⁵ Repair station manuals establish the duties of the accountable manager and the chief inspector. Arlet had a quality control system including a Quality Control Manual (“QCM”), Repair Station Manual (“RSM”), and a Training Manual, which provided a detailed overview of the operations of the repair station.⁵⁶ Arlet combined the QCM and RSM into one document, hereinafter referred to as the QCM.⁵⁷ The QCM shows that the accountable manager oversaw the entire operation including supervising the chief inspector, inspectors, and technicians.⁵⁸ According to Arlet’s QCM, the accountable manager was “responsible for the complete overall operations of the repair station.”⁵⁹ The manager also provided training, equipment, and competent personnel to comply with the requirements of the FAR and the manufacturer specifications for repairs.⁶⁰ Arlet designated the accountable manager to authorize the return to service of aircraft parts.⁶¹

Under the QCM, the chief inspector was also responsible for the overall operation of the repair station, and had final authority to release an article back into service.⁶² The chief inspector was responsible for the inspection standards, methods, and procedures to ensure the repair station’s conformance with the requirements of the FAR and manufacturer specifications.⁶³ Finally, the chief inspector certified the performance of all work, and the proper execution of all records, reports, and forms before return to service.⁶⁴ During all relevant times, Elvin Ortiz held both positions with Arlet.⁶⁵

⁵⁵ Hr. Tr. Vol. 1 at 31: 17-19.

⁵⁶ Hr. Tr. Vol. 1 at 30: 20-23 and 40: 4-7.

⁵⁷ Exhibit G at 1.

⁵⁸ *Id.* at 13, Hr. Tr. Vol. 1 at 33: 1-5.

⁵⁹ *Id.* at 14.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ Hr. Tr. Vol. 1 at 52: 13-16 and 53: 11-19.

Mark Hemmerle, manager at the FAA Flight Standards District Office in Miramar, Florida conducted a three-day inspection of Arlet that ultimately led to the emergency revocation.⁶⁶ He credibly testified that Elvin Ortiz was away from the facility until the third day.⁶⁷ On his return, Ortiz provided the FAA inspectors with the repair station's work orders.⁶⁸

The work order list showed every item Arlet performed maintenance on.⁶⁹ The work order package comprised the documents establishing Arlet's procedures for overhauls and their maintenance manuals.⁷⁰ Based on the work order package, the FAA inspector requested more details on the overhaul of the propeller blades.⁷¹

Hemmerle credibly testified that to perform a propeller overhaul the repair station must follow, along with the QCM, specific steps established in the manufacturer's maintenance manual.⁷² Hemmerle compared the documents from Arlet with the manufacturers' requirements for overhaul and repair.⁷³ He found a discrepancy between the repair station's capabilities based on its tools and equipment and the overhaul of the propellers.⁷⁴

Before returning propellers to service, the repair station must certify that it conducted the overhauls according to the requirements of the FAR and the manufacturer's specifications by signing FAA Form 8130-3.⁷⁵ The signatory must hold a Part 65 certificate and be qualified by the QCM to approve return to

⁶⁶ Hr. Tr. Vol 1 at 26: 12 and Vol. 2 at 19: 25.

⁶⁷ Hr. Tr. Vol. 2 at 20: 3-4.

⁶⁸ Hr. Tr. Vol. 2 at 22: 16-25 to 23: 1-21.

⁶⁹ Hr. Tr. Vol. 2 at 24: 4-7.

⁷⁰ Hr. Tr. Vol. 1 at 11-15.

⁷¹ Hr. Tr. Vol. 1 at 49: 17-25.

⁷² Hr. Tr. Vol. 1 at 42: 7-19 and 43: 6-8.

⁷³ Hr. Tr. Vol. 1 at 47: 15-20.

⁷⁴ Hr. Tr. Vol. 1 at 48: 2-5 and 49: 2-8.

⁷⁵ Hr. Tr. Vol. 1 at 43: 20-25 to 44: 1-12.

service.⁷⁶ Arlet authorized its accountable manager, Elvin Ortiz, to sign the 8130-3 forms.⁷⁷ Elvin Ortiz does not dispute that he signed the forms returning all of the Hartzell and McCauley propellers to service.

Arlet's records state that it returned propellers to service in accordance with the maintenance manuals and FAR Part 43.⁷⁸ The FAA inspection, however, revealed that Arlet did not possess the necessary tools and equipment for this work.⁷⁹ Hemmerle credibly testified, and the hearing officer gives weight to the hearsay evidence, that Ortiz admitted to the inadequate overhauls. Hemmerle "asked Mr. Ortiz how he was able to accomplish this particular inspection that had to do with the eddy current of the blade balance holes [for Hartzell propellers]. . . . Ortiz's quick response was that he didn't feel that [it] was required."⁸⁰ Thus, the Hearing Officer finds a causal link between Ortiz's authorizing the return to service of the Hartzell and McCauley propellers and the Administrator's emergency revocation. Moreover, the significant role of Elvin Ortiz as accountable manager certifying the work performed by Arlet was material to the Administrator's findings against Arlet for improper maintenance and falsification of records.

Accordingly, the Hearing Officer finds by a preponderance of the evidence based on reliable, probative, and substantial evidence that Elvin Ortiz materially contributed to the circumstances causing the revocation of Arlet's Air Agency Certificate.

⁷⁶ Hr. Tr. Vol. 1 at 44: 20-25 to 45: 1.

⁷⁷ Exhibit H at 1; Hr. Tr. 45: 14-20 and 46: 9-19.

⁷⁸ Exhibit K at 2.

⁷⁹ See Exhibit K at 1, 6-7.

⁸⁰ Hr. Tr. Vol. 1 at 50: 1-4.

C. The regulation does not provide for mitigating factors against a finding of material contribution.

Ortiz argues that mitigating factors should deter the Hearing Officer from making a finding of material contribution. First, broadly referencing Chapter 49 of the United States code, “specifically, under section 44709,” Ortiz asserts that because the FAA failed to “provide ‘timely, written notification’” that he was “the subject of an FAA investigation relating to the approval, denial, suspension, modification or revocation of [his] airmen certificate,” the FAA violated the Pilot’s Bill of Rights.⁸¹ The statute cited by Ortiz, however, provides for a right of appeal to the NTSB for adverse actions against specific classes of certificate holders.⁸² Ortiz concedes that his “personal mechanic’s certificates are not at issue in this particular proceeding.”⁸³ Accordingly, the Hearing Officer declines to reach the merits of a matter under the jurisdiction of another forum.

Ortiz next attempts to obfuscate the regulatory standard for a finding of material contribution by raising additional “[m]itigating factors that stand against a determination of material contribution.”⁸⁴ He argues that the FAA did not follow its “compliance philosophy” under FAA Order 8000.373.⁸⁵ Ortiz also states that the FAA failed to demonstrate any harm to third parties from Arlet’s propeller overhauls.⁸⁶ The Hearing Officer finds both arguments meritless. The sole issue in this appeal from the Notice is whether Elvin Ortiz’s actions materially contributed to the circumstances leading to the emergency revocation of Arlet’s certificate.⁸⁷ The regulation does not establish any mitigating factors to consider when making a finding of material contribution.⁸⁸

⁸¹ *Ortiz Post Hearing Brief* at 6-7.

⁸² 49 U.S.C. § 44709(a)-(d).

⁸³ *Id.* at 6.

⁸⁴ *Id.* at 9.

⁸⁵ *Id.* at 9-11.

⁸⁶ *Id.* at 12-13.

⁸⁷ See 14 C.F.R. §145.51(e)(1)-(2) (2021).

⁸⁸ *Id.*

Mitigation is further inappropriate to consider at this stage. A finding that an individual materially contributed to a certificate revocation is merely one factor among many in a repair station certificate application.⁸⁹ It does not alone preclude an applicant from receiving an Air Agency Certificate to operate a repair station.⁹⁰ Thus, Elvin Ortiz or a future employer of his will have an opportunity to raise any mitigating circumstances with the FAA in a future certificate application process.

IV. Conclusion

In consideration of the whole administrative record, the Hearing Officer finds that the FAA has met its burden based on reliable, probative, and substantial evidence that Elvin Ortiz materially contributed to the circumstances causing the emergency revocation of Arlet's Air Agency Certificate.

V. Statement of Appeal Rights

A party may appeal this decision by filing a notice of appeal with the FAA Administrator through the FAA Hearing Docket "within 20 days after the date of issuance of the order" and shall serve a copy of the notice of appeal on each party.⁹¹

⁸⁹ 14 C.F.R. §145.51(a)-(e) (2021).

⁹⁰ 14 C.F.R. §145.51(e) (2021) ("The FAA may deny an application for a repair station certificate . . .").

⁹¹ 14 C.F.R. § 13.20(g).

The mailing address for the Hearing Docket is:

Federal Aviation Administration
800 Independence Avenue, SW.
Attention: Hearing Docket Clerk, AGC-430
Wilbur Wright Building - Suite 2W1000
Washington, DC 20591



C. Scott Maravilla
Hearing Officer
FAA Office of Adjudication
June 23, 2021