

FAA Legal and Administrative Actions



Gregory S. Lander, Esq.

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FAA STATUTORY AUTHORITIES

The FAA's central mission is to promote safety in civil aeronautics. To achieve this, the agency establishes regulatory standards and requirements found in 14 C.F.R. parts 1-199 under the statutory authority in 49 U.S.C. subtitle VII.

FAA
Enforcement
Actions &
Processes
Including the
Pilots Bill of
Rights

The FAA provides internal guidance to its inspectors and attorneys regarding administrative and legal enforcement actions in FAA Order 2150.3C, *Compliance and Enforcement Program*.

ADMINISTRATIVE ACTIONS

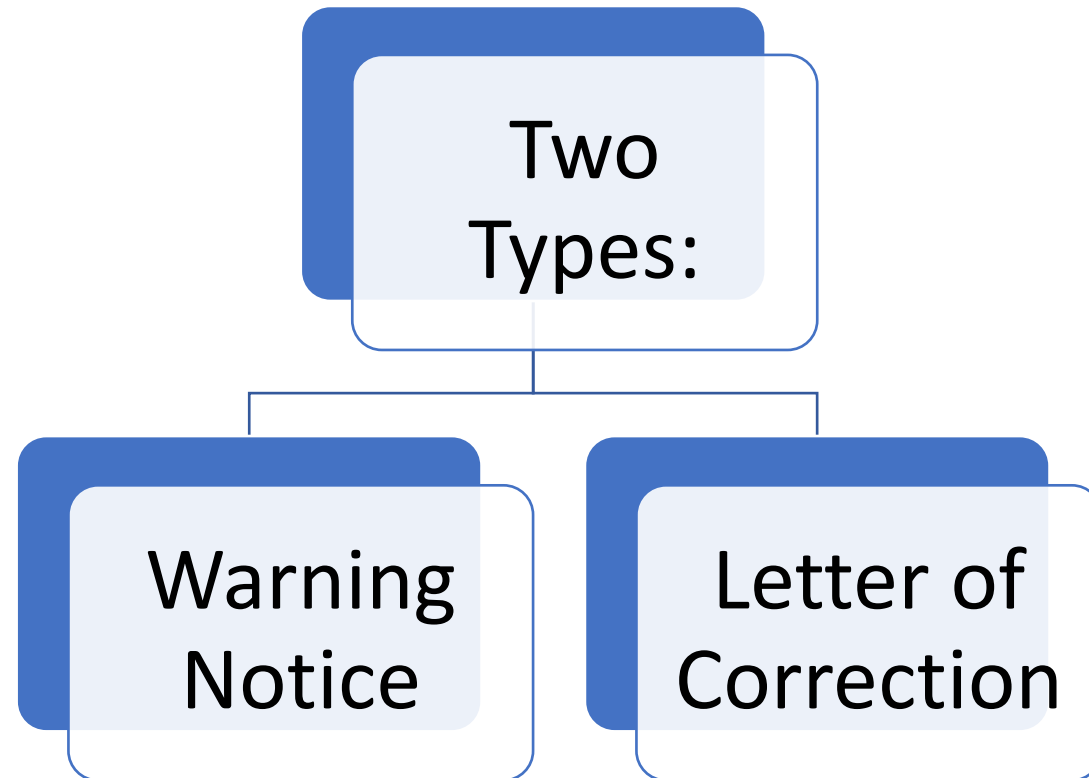
Used to bring an issue to the attention of the certificate holder.

May be used when legal enforcement action is not required.

These are not adjudications and do not constitute a finding of a violation.

These may be considered in deciding the course of action to take in future events.

ADMINISTRATIVE ACTIONS









Warning Notice

A warning notice advises the noncompliant person of the facts and circumstances constituting noncompliance and requests future compliance.

Letter of Correction



While a letter of correction serves the same purpose as a warning notice (i.e., advises of noncompliance and requests compliance), it also memorializes a specific agreement between FAA personnel and the regulated person as to the particular corrective action taken or to be taken within a specified time to effectuate compliance.

Two Types:

- Certificate Actions
- Civil Penalty Actions

**LEGAL
ENFORCEMENT
ACTIONS**

Certificate Actions

A type of legal enforcement action that includes the following actions:

- Suspensions;
- Revocations;
- Denials;
- Modifications; and
- In certain instances, civil penalties (*airmen acting as airmen*).

UNITED STATES OF AMERICA XI
DEPARTMENT OF TRANSPORTATION • FEDERAL AVIATION ADMINISTRATION



DOE
IN ST
, US 12345

QUALITY USA
3 JUN 2000

SEX HEIGHT WEIGHT HAIR EYE
M 68 115 BROWN BRO

FOUND TO BE PROPERLY QUALIFIED TO EXERCISE THE PRIVILEGES OF

AIRLINE TRANSPORT PILOT

CERTIFICATE NUMBER 1234567

DATE OF ISSUE 29 FEB 2022

XIV

A handwritten signature in black ink, appearing to be 'JD'.

VII

ACTING ADMINISTRATOR



Statutory Basis for Most Certificate Actions

49 U.S.C. §§ 44703 (d) & 44709 (b)

- Statutorily Required Certificate Actions
- Required Legal Enforcement Actions

EMERGENCY & NON-EMERGENCY

Pilots Bill of Rights

Public Law 112-153
(Aug. 3, 2012), as
amended by Public
Law 115-254
(Oct. 5, 2018)

UNITED STATES OF AMERICA XI
DEPARTMENT OF TRANSPORTATION • FEDERAL AVIATION ADMINISTRATION



OFFICE OF THE
ADMINISTRATOR
WASHINGTON, DC 20515

CITIZENSHIP USA
ISSUED 3 JUN 2000

SEX HEIGHT WEIGHT HAIR EYE
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NOT FOUND TO BE PROPERLY QUALIFIED TO EXERCISE THE PRIVILEGES OF

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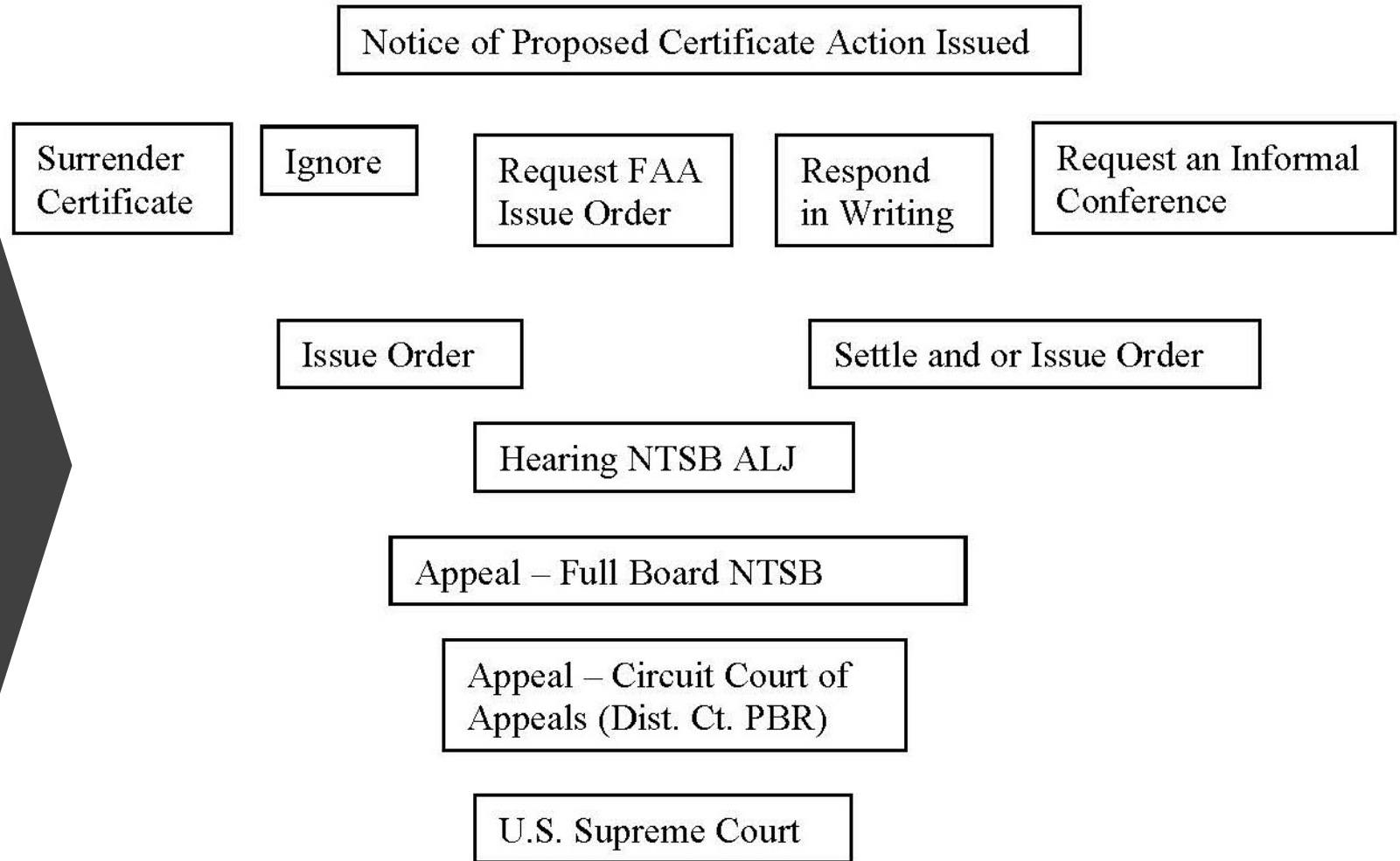
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ACTING ADMINISTRATOR

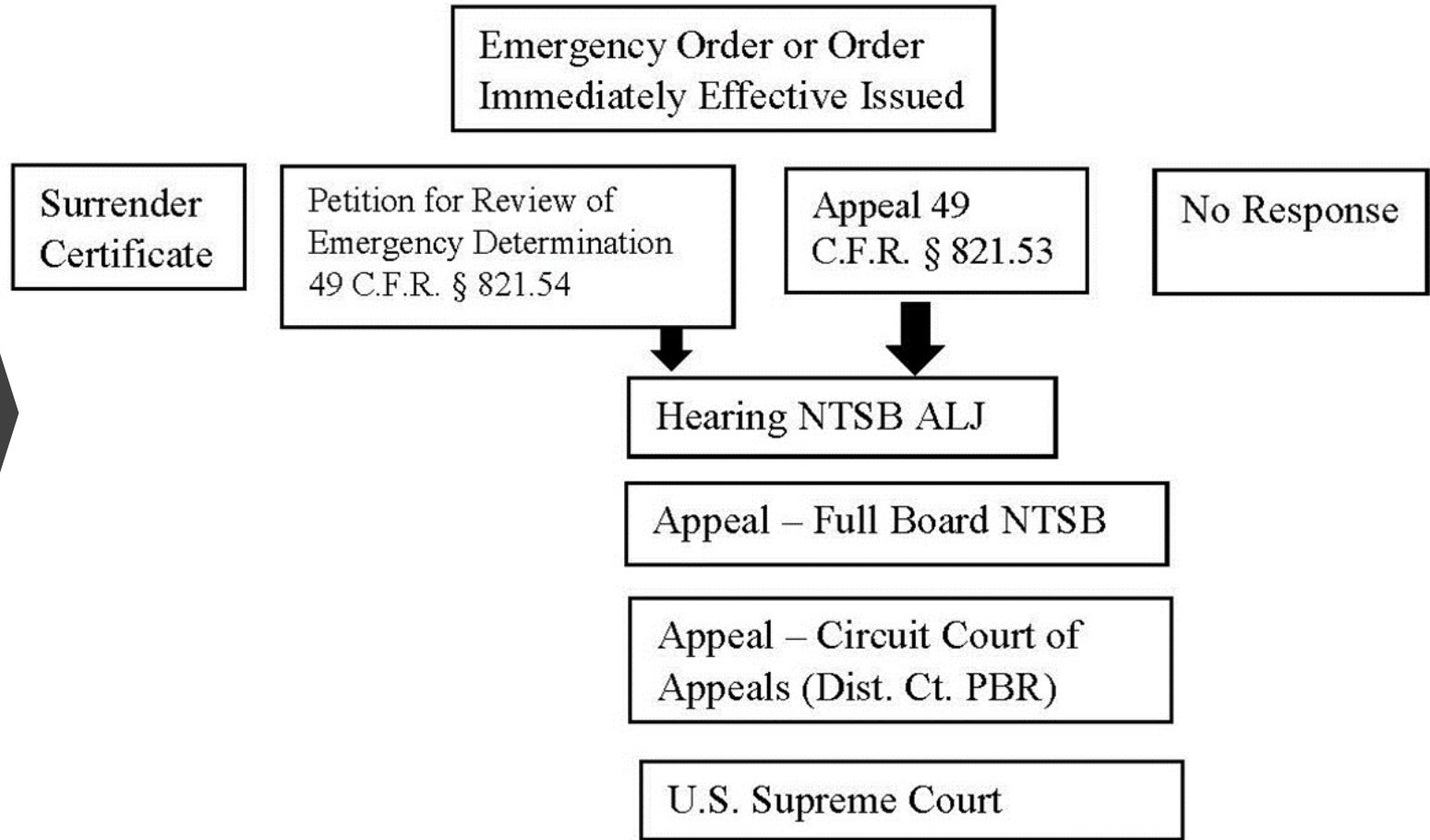


Appeals Process – Non-Emergency



EMERGENCY CERTIFICATE ACTION PROCESS (NTSB)

Appeals
Process -
Emergency

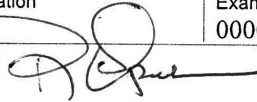
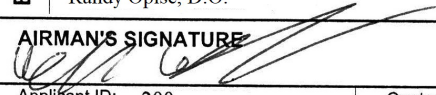


Appeals Process – NTSB Authority

- 49 U.S. Code § 1133 - Review of other agency action.
- 14 C.F.R. § 13.19
- Conducted I/A/W the Rules of Practice in Air Safety Proceedings: 49 C.F.R. part 821

Appeals Process

- Non-Emergency Appeals:
49 C.F.R. part 821, Subpart D
- Emergency Action Appeals:
49 C.F.R. part 821, Subpart I
- Timely file the appeal or petition with the NTSB's Office of Administrative Law Judges

UNITED STATES OF AMERICA Department of Transportation Federal Aviation Administration					
MEDICAL CERTIFICATE THIRD CLASS					
This certifies that <i>(Full name and address)</i> : John Doe 1234 Main St. Anytown, US 12345					
Date of Birth	Height	Weight	Hair	Eyes	Sex
June 3, 2000	74	233	BLOND	BROWN	M
has met the medical standards prescribed in part 67, Federal Aviation Regulations, for this class of Medical Certificate.					
Limitations	Must wear corrective lenses.				
Date of Examination 09/08/2020			Examiner's Designation No. 000020		
Examiner	Signature 				
	Typed Name Randy Opise, D.O.				
AIRMAN'S SIGNATURE 					
Applicant ID: 200			Control No.: 200		



Appeals Process – Initial Appeal

- Non-Emergency appeals must be filed within 20 days of the date on which the FAA serves its order.
- Appeals of an **emergency** order of revocation or suspension must be filed within 10 days of service
- Petition For Review of a Certificate Denial must be filed within 60-days of its issuance.
- Petition for **Review of emergency** must be filed within 2-days of receipt of the emergency order.

Appeals Process – Initial Appeal

- Upon receipt of a timely appeal, the FAA will file a copy of its original order as the Complaint.
- Respondent must file an Answer, admitting or denying each allegation within 5-days of the service of the Complaint in an **emergency** action; or within 20-days in non-emergency actions.





Appeals Process – Initial Appeal

- Upon timely filing of Answer, pre-hearing procedures continue.
- A pre-hearing order will be issued.
- Witness Lists, Discovery, Evidentiary Issues, location, date, and time for the hearing will be finalized.

ALJ CONDUCTS HEARING

The assigned ALJ will conduct the hearing and issue an initial decision orally or in writing, affirming, reversing, or modifying the FAA's action.



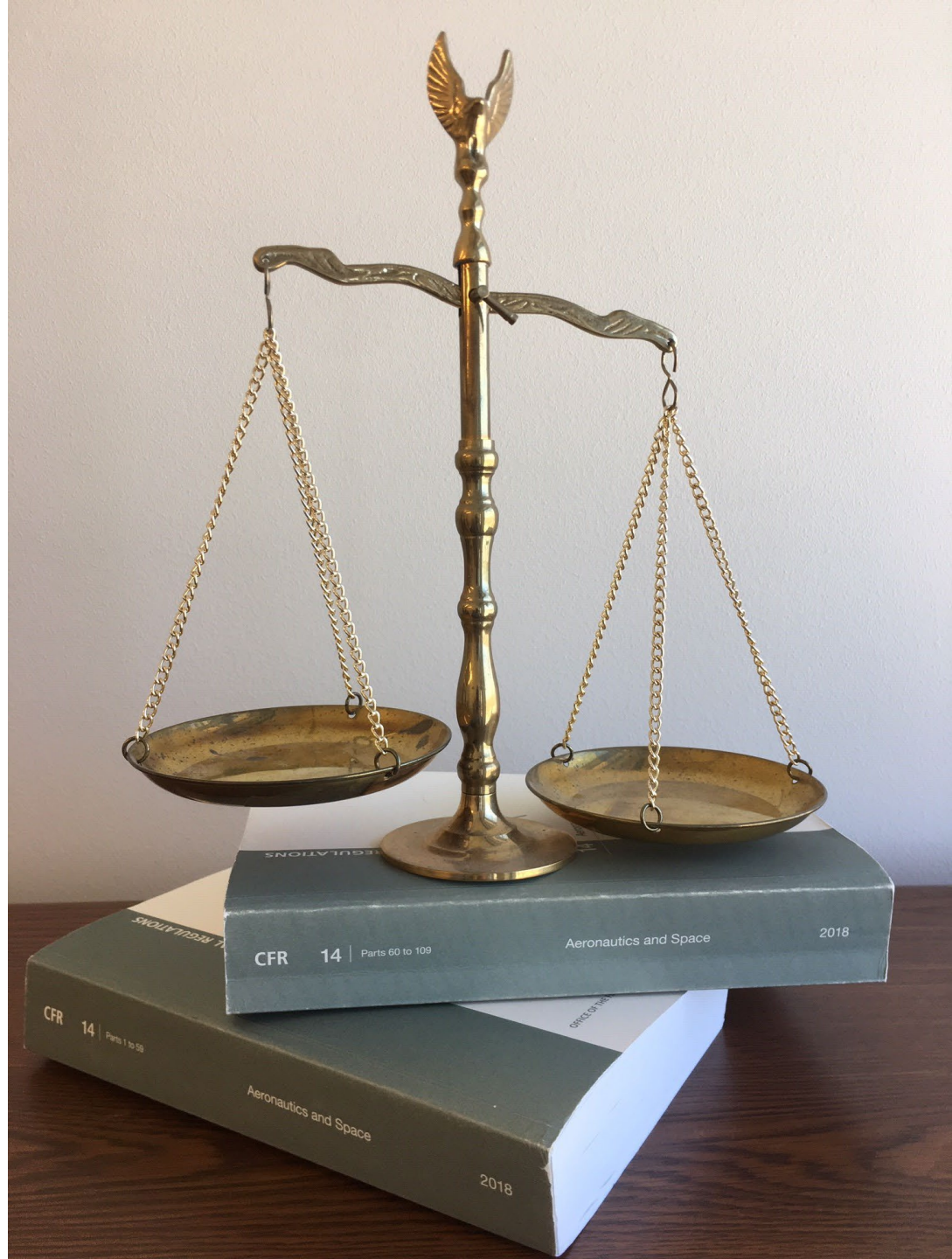
Appeals from the ALJ initial Decision

- Appeal is to the full NTSB Board
- 2-days in emergencies;
10 days otherwise
- Bound by the ALJ's factual findings if they are supported by “substantial evidence.”
- Each party files briefs and the Board issues an order affirming, modifying, or reversing the ALJ’s decision, or remanding the case to the ALJ for further proceedings.



Appeals Process from NTSB Board Decisions

Judicial review of a final order of the Board may be sought as provided in 49 U.S.C. §§ 1153 and 46110 by filing a petition for review with the appropriate US Court of Appeals or US District Court, pursuant to 49 U.S.C. § 44703 (PBR only). Such petition is due within 60-days of the date of the entry of the Board's Order.



Standard of Review by Circuit Court of Appeals

- Review of decisions by the NTSB is governed by the Administrative Procedure Act (APA) and the Federal Aviation Act.
- Bound by the Board's factual findings if they are supported by “substantial evidence.”
- Was not arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.
- De novo review of purely legal issues only.



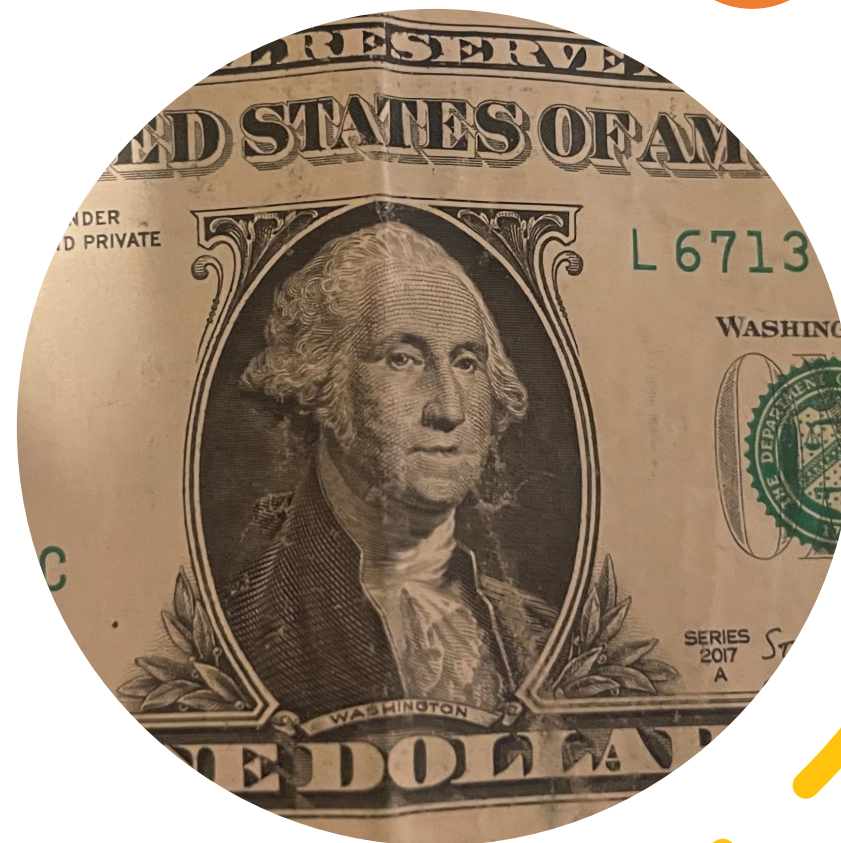
Civil Penalty Actions

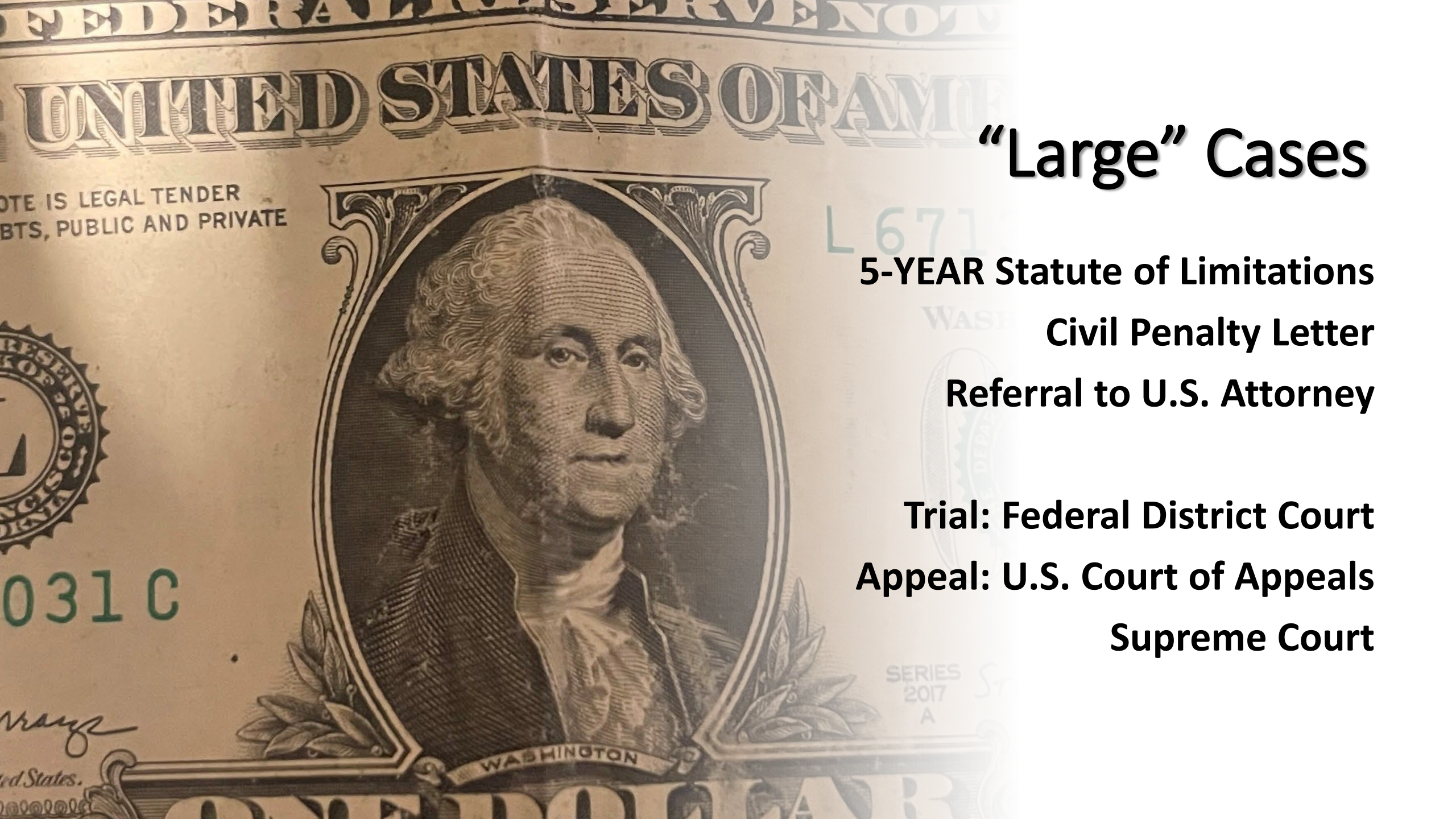
- **SMALL:** Not over \$50k for small business concerns or individuals or not over \$400k for large businesses. Ref: 49 U.S.C. § 46301(d)(7)(A)
- **LARGE:** Over \$50k for small business concerns or individuals or over \$400k for large businesses. Ref: 49 U.S.C. § 46301(d)(8)

“Small” Cases

- **2-YEAR Statute of Limitations**
- **Notice of Proposed Civil Penalty**
- **Final Notice of Proposed Civil Penalty**
- **Order Assessing Civil Penalty**

- **Hearing: DOT ALJ**
- **Appeal: FAA Administrator**
- **U.S. Court of Appeals**
- **Supreme Court**





“Large” Cases

5-YEAR Statute of Limitations

Civil Penalty Letter

Referral to U.S. Attorney

Trial: Federal District Court

Appeal: U.S. Court of Appeals

Supreme Court

Revisions to Civil Penalty Amounts - 2024

- **\$1,828:** General civil penalty for violations of certain aviation economic regulations and statutes involving an individual or small business concern
- **\$16,630:** Civil penalties for individuals or small businesses for violations of most provisions of Chapter 401 of Title 49, including the anti-discrimination provisions of sections 40127 and 41705 and rules and orders issued pursuant to these provisions
- **\$41,577:** General civil penalty for violations of certain aviation economic regulations and statutes

Revisions to Civil Penalty Amounts - 2024

- **\$31,819:** Individual who aims the beam of a laser pointer at an aircraft
- **\$5,339:** Tampering with a smoke alarm device
- **\$43,658:** Physical or sexual assault or threat to physically or sexually assault crewmember or other individual on an aircraft
- **\$25,455:** Operating an unmanned aircraft and in so doing knowingly or recklessly interfering with a wildfire suppression, law enforcement, or emergency response effort

* § 13.301(c)—Minimum and Maximum Civil Monetary Penalty Amounts for Certain Violations (2024)

Other Actions Available

§ 13.16(n)

Compromise Orders (CP)

§ 13.18(i)

Compromise Orders (NTSB)

§ 13.17

Seizure of Aircraft

§ 13.20

Orders of Compliance

§ 13.20

Cease & Desist

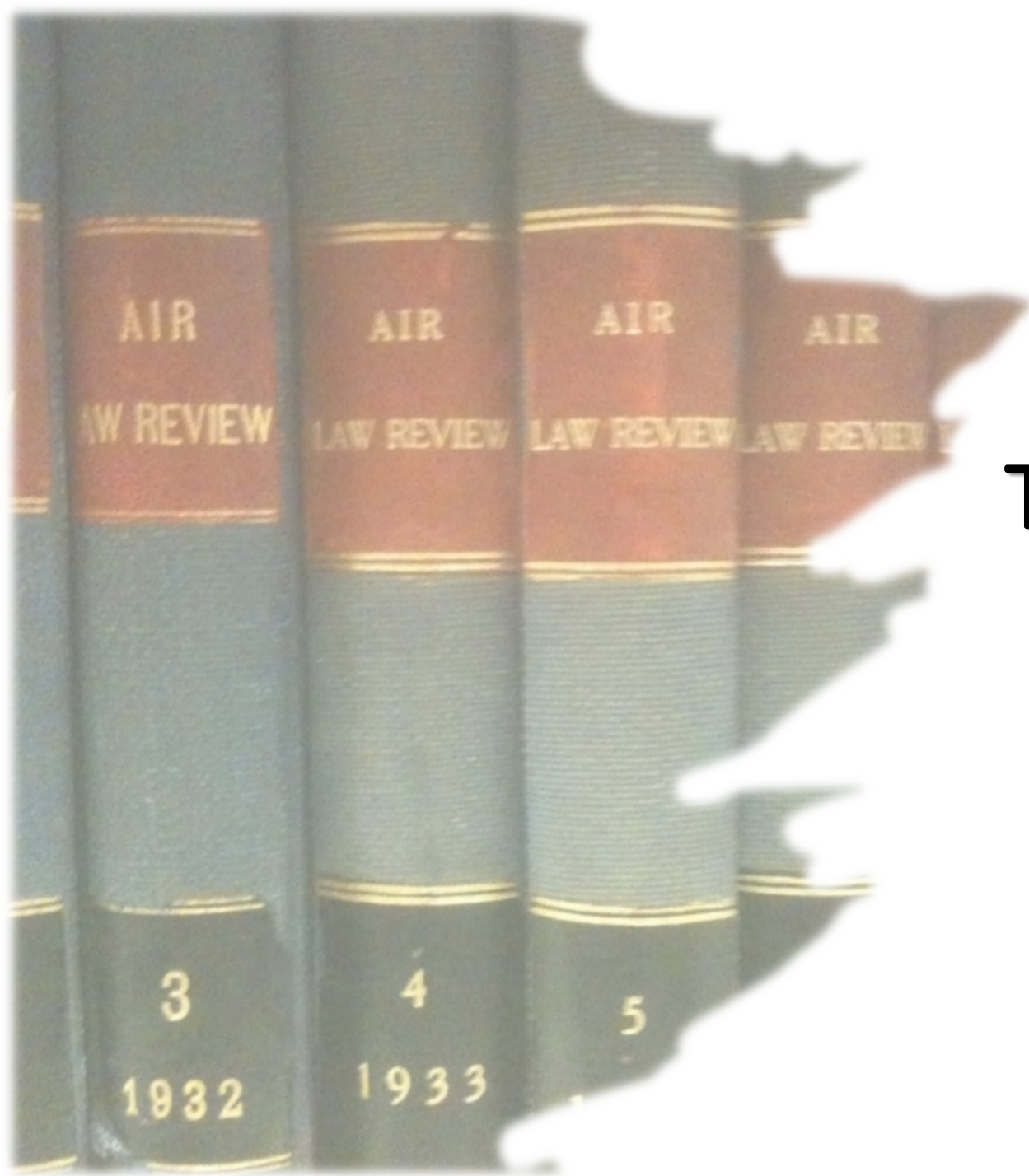
§ 13.23

Criminal Penalties (DOT OIG)

§ 13.25

Injunctions

49 U.S.C. §§ 46110; 40113(a);
46106; 46304, etc.
14 C.F.R. part 13, Subpart C



Thank you



Gregory S. Lander
Gregory S. Lander, P.C.
(817) 454-4611

greg.lander.law@gmail.com

