

WHISTLEBLOWER COMMENTS

(PART 1)



Catherine McMullen
Karen Gorman
Disclosure Unit
U.S. Office of Special Counsel
1730 M Street NW
Washington, D.C. 20036

Dear Ms. McMullen and Ms. Gorman:

Please find below my comments to the Department of Transportation (DOT) / Federal Aviation Administration (FAA) report in response to my disclosure (OSC case no. DI-07-2350).

I consent to the release of these comments, and my authorization for disclosure by OSC is attached. Thank you for considering these comments.

Gabe Bruno

Summary

I have reviewed the September 15, 2008 DOT/FAA response to my safety disclosure (DI-07-2350) and find it to be dismissive and lacking in any substantive information on a number of key points raised in my disclosure. These omissions are all the more glaring because the FAA was granted four separate extensions of time by the Office of Special Counsel. Unfortunately, this FAA self-investigation does not include depositions or interviews of the principals responsible for creating the indefensible, demonstrated danger to public safety that has already resulted in the horrendous loss of lives.

My summary of the most relevant information in the FAA report follows. I have highlighted in bold text the most serious omissions in the FAA report:

- The FAA found that a holder of a STG certificate did in fact work on the Chalk's Airways aircraft that crashed in Miami on Dec. 19, 2005, killing all 20 on board. **(There is little doubt that this employee would have been processed, re-tested, and had his certificate revoked prior to this tragedy if Mr. Sabatini had not canceled the re-exam program in 2001.)**
- The NTSB determined that the cause of the crash was faulty maintenance and lack of FAA oversight. Tragically, ironically, or coincidentally, this employee did not receive a re-examination from the FAA until 3 days after the accident, on Dec. 22, 2005. He failed. He was given an opportunity to test again, and failed again, even under the relaxed standards instituted under the FAA re-testing program (including no requirement to demonstrate practical "hands on" competence).

- At some point after the NTSB affirmed the revocation of this employee's certificate (he appealed following his second failure), the FAA alleges that it "followed up" with an investigation of the airline's personnel and maintenance records. According to the FAA, that review "revealed that *there is no documentation* that the St. George Aviation mechanic was involved in maintenance on areas of the aircraft related to the cause of the accident." (emphasis added). However, the FAA does not provide any further basis for this assertion, nor does it indicate:
 - whether there was *any documentation that indicated he did not work* on the relevant parts of the aircraft, or was otherwise uninvolved in the maintenance problems that led to the accident,
 - or whether there would have been any scrutiny of the airline had I not re-raised these issues in 2007. Conspicuously, the FAA does not say when it "followed up" on the Chalks accident, whether this occurred immediately after the accident or only because of this investigation that I initiated through OSC. My strong assumption is the latter, which indicates gross negligence on the FAA's part. In other words, had I not blown the whistle, the FAA might have never bothered to find out that a mechanic who received his certification fraudulently was working on a plane that crashed, killing 20 people. In addition, this raises questions about whether the scope of FAA's corrective action extended to scenarios beyond where the NTSB was already investigating a tragedy.
- **Equally troubling, there is still no indication that the FAA procedures for implementing this program required it to contact employing airlines after a mechanic failed his or her re-examination. There is no answer to this basic question: Did the airlines have any way of knowing if a mechanic failed his re-test?**
- I understand from another source¹ that a St. George certified mechanic who twice failed the exam continued to work for AirTran for several months after his failure; it took a self-disclosure from AirTran (after word got out through the grapevine about this employee) before this employee was removed from his maintenance duties. Additionally, after twice failing the FAA's watered-down re-test, he traveled to the Clearwater, FL area, and managed to pass the full initial A&P examination from a different Designated Mechanic Examiner there. This raises equally troubling questions about the FAA's confident assertions about steps it has taken to avoid another St. George-like scenario.
- According to the report, at least 20% of the mechanics failed their re-exam, and a much higher percentage either voluntarily returned their certificate or had it revoked for failing to submit to the re-examination. This means many hundreds

¹ This information came from a current FAA inspector who will corroborate this only if under the protective power of a subpoena.

of mechanics certified by St. George were not qualified to be working on airplanes. **But, because the FAA did not contact the individuals' employers upon revoking or suspending their certificates, the FAA apparently felt it was adequate to leave it to an "honor system" for these mechanics to tell their employers that they no longer legally could work. There needs to be certainty that the employers have been put on notice. The FAA needs to respond specifically to this issue, and has not.**

- Lastly, in Secretary Peters' cover note, she asserts without any hint of dissatisfaction, that 4% of the mechanics tested by St. George remain unprocessed by the reexamination program. This means, after 8 years, a time span that includes the 9/11 tragedy, there are still at least 50 mechanics somewhere in the aviation system that have not been properly vetted or tested by the FAA. As we tragically learned after the Chalks accident, a matter of days can mean the difference between life and death.
 - Moreover, although Sec. Peters' omits this information, the overwhelming majority of these untested mechanics appear to be foreign nationals. Additional documentation provided by the FAA indicates that there was apparently no or very little effort to process these foreign nationals until after I re-raised these concerns in 2007. Documents indicate that these individuals were placed in "legal proceedings" in many cases in June 2008, a decade after this investigation was started.
 - The DOT IG recently completed a review of the national security concerns raised by the untested foreign national St. George mechanics, including many from Saudi Arabia and other Middle East countries who provided only a P.O. box to the FAA (St. George). DOT IG submitted this review to OSC (OSC file # DI-08-0338), but I have not been authorized to review it. I would encourage public disclosure of the review by DOT IG, to comply with our transparency in government policy. (See Attachment A)

This investigation of my whistleblower disclosures has been an extremely long, drawn out, unproductive activity. I made the original formal disclosure of the St. George fraudulently issued FAA mechanic certificates on 6/25/02. The FAA's evasions of responsibility and false assurances have now placed the agency as partly responsible for the crash of Chalk's Ocean Airways flight 101, on 12/19/05. All 20 on board were killed and the aircraft was destroyed. As stated, the NTSB investigation cited Chalk's faulty maintenance and FAA's lack of oversight as the reasons for the fatal crash.

Chalk's employed at least one unqualified individual that held a fraudulently obtained mechanic certificate from STG who worked on the accident aircraft. The FAA's lethargic, forced re-examination of this individual came too late. He was finally subjected to examination for his competency, three days AFTER the fatal crash, and he failed. He subsequently made a second attempt to demonstrate his qualification to hold his FAA

certificate, and failed again. The FAA reports they FINALLY took action and revoked his certificate. This individual worked in the aviation system with his fraudulent certificate for several years, while my safety disclosures languished against FAA cover-ups and malfeasance.

In the NTSB report of investigation of the Chalks crash, an investigating NTSB member determined the crash was an "AVOIDABLE ACCIDENT". Further, the NTSB concluded, "The FAA's failure to identify the inadequacy of the Chalk's Ocean Airways maintenance program was causal to the accident." (See Attachment B)

The NTSB also asked the following questions that remain unanswered by the FAA;

- Why didn't anyone with oversight responsibility connect all these facts?
- Why didn't anyone look more carefully at this operation?
- Why didn't anyone act before this accident?
- What can be done to assure that another accident clearly waiting to happen is prevented?
- Who is providing safety oversight?
- Who is held accountable? (See Attachment B)

The reason that these NTSB questions have gone unanswered can be found in the FAA Associate Administrator for Aviation Safety, Nicholas Sabatini's Customer Service Initiative (CSI) program. This program came under intense Congressional scrutiny during the April 3, 2008 hearing on Southwest Airlines. Congress found that the purpose of the CSI, to consider the airlines as the FAA's customers and not the traveling public, was unacceptable. Sabatini was ordered to change this program to make it clear that the traveling public, who depend on the FAA to ensure their safe transport, is the FAA's customers, not the air carriers' profit/loss statements. Sabatini never made the changes as directed by Congress and the FAA's non-accountability to the traveling public continues. Sabatini's patterns of silence in the face of the NTSB questions remains the FAA's primary communication. (See Attachment C)

A Freedom of Information Act (FOIA) request for a copy of the FAA's response to these NTSB questions drew this response from the FAA: "A records search was conducted in the Office of Accident Investigation. We were not able to locate any records or files responsive to your request, and we are unaware of any other offices likely to possess any additional responsive records." Incredibly, the FAA has satisfied its own needs by not responding to the NTSB questions about a preventable fatal air carrier accident, and it does not appear to have any intention of ever doing so. (See Attachment D)

This deficient FAA self-investigation in response to my disclosures provides none of the answers. This entire exercise is a documented demonstration of FAA gross mismanagement, abuses of authority, and creating a danger to the public that has resulted in fatalities. **The ensuing FAA cover-up to draw attention away from its malfeasance and multiple violations of the public trust should be referred to the Department of Justice and reviewed by a grand jury.**

FAA "DISCRETION" AMOUNTS TO FRAUD

The FAA claims that it has the "discretion" to NOT re-examine the STG certificate holders, to the original certification standards, for the certificates they obtained from the STG criminal enterprise. This complacent position needs to be understood by all parties with responsibility for the public trust. The FAA is satisfied with leaving hundreds of individuals that NEVER met the initial required certification standards working on the nation's air carrier fleet. The FAA has sold out the public trust to service its own expediency and cover up its negligence.

The FAA's discretion in this area should have been used to ensure the public safety, not to find short cuts to lessen FAA embarrassment in front of the public it supposedly serves. The proper use of that discretion would have been to ensure that the individuals that were re-tested did in fact meet the full certification requirements for the professional certificates they obtained from STG.

To be certified in accordance with FAA regulatory requirements, for Airframe and Powerplant (A&P) certificate privileges; an applicant must pass three phases of examinations. Original A&P certification standards require the applicant to pass a three part **written exam** consisting of 260 questions, an **oral exam** composed of three parts with a minimum of 176 questions, and a hands-on **practical demonstration** of competency with a minimum total of 68 separate projects.

The STG specific re-exam requirements contained in the FAA Flight Standards Information Bulletins, 04-10A and 04-10B are shocking in their deficiencies. The FAA STG re-exam of individuals that never met the comprehensive original certification standard requires only two phases of testing, one written and one oral. For STG holders of Airframe and Powerplant certificates the written test requires only 60 questions, and the oral test requires only 15 questions.

The STG re-exam written test requires that the applicant answer only 23% of the amount of questions required on an original certification. The STG re-exam oral test requires that the applicant answer only 9% of the amount of questions required on an original certification. Shockingly, the hands-on practical demonstration of competency required for original certification as an A&P mechanic has been completely eliminated from the STG re-testing requirements. The total elimination of the hands-on practical demonstration makes it impossible to determine if the applicant can perform even the most basic functions of an A&P mechanic.

By using their "discretion" to create these grossly deficient testing standards, the FAA has violated its own certification standards and its own testing policy contained in FAA Order 8610.4, which states, "This order stresses the Federal Aviation Administration's (FAA's) policy of placing greater emphasis on the aviation mechanic oral and practical tests." In section 1-6, titled, FAA MECHANIC CERTIFICATION POLICY, the Order

goes on to state, "Greater emphasis shall be placed on the aviation mechanic oral and practical tests to determine if an applicant's performance is acceptable or unacceptable. The primary discriminator in the aviation mechanic certification process is the oral and practical test." (See Attachment E)

By drastically violating their own standards, and conducting even more limited skills assessment, the FAA has not exercised reasonable discretion, but rather has perpetrated a fraud on the tax-payer, and effectively decriminalized the actions of their Designated Mechanic Examiner (DME) Mr. Anthony St. George. Mr. St. George was sentenced to 30 months in federal prison for also conducting testing under his FAA authority, which fell short of the established standards. But, each individual who was retested in accordance with the FAA's deficient bulletins, 04-10A and 04-10B, and given a "pass", was approved to continue working in air transportation without so much as turning a wrench!

Whose discretion was it to accept grossly deficient testing that did not meet the original licensure standard? It starts by looking to decisions by FAA Associate Administrator for Safety, Nicholas Sabatini, who ordered the original STG re-testing program shut down in 2001. After three years, Sabatini's hand picked Director of Flight Standards, James Ballough, was responsible for the conduct of the re-exam effort when DOT ordered it restarted in 2004, solely as a result of my safety disclosures to the Office of Special Counsel. (See Attachment F)

Another Sabatini placement, Dave Cann, was put in charge of the Aircraft Maintenance Division in Headquarters, and was given the responsibility of developing and issuing the FAA's deficient re-testing bulletin and guidance for the field inspectors. (See Attachment G)

Also, Sabatini's personal placement of Dawn Veatch as Division Manager in the FAA Southern Region had direct oversight responsibility for the progress of the STG re-exam effort, and the FAA responsibilities in the fatal Chalk's crash investigation. All four of these individuals have knowingly abandoned their responsibilities to the public trust.²

In fact, when the FAA legal counsel responded to challenges to FAA authority to conduct the STG re-exams, they never presented any plan to proceed with "sample" testing. The FAA prevailed over the challenges, with the NTSB judge never knowing that the FAA's testing would not be conducted to the established standard. (See Attachment H)

² This is the same type of abuse of discretion under the direction of Sabatini and Ballough that led to the Southwest Airlines congressional hearings in April 08, and the massive grounding of thousands of American Airlines flights. Sabatini and Ballough were both caught giving "misleading testimony" to Congress. (See Attachment C)

“PHASES” OF THE STG RE-EXAMINATION PROGRAM

One of Sabatini's first actions when he was appointed Associate Administrator in 2001 was to cancel the STG re-examination program. The program had been established with the full support of Sabatini's predecessor, and was fully operational under an approved FAA Headquarters plan, as detailed in additional documents provided by the FAA. The program of complete certification testing was successfully purging individuals from the system that were not qualified to hold the certificates they had obtained from STG. (See Attachment I)

Sabatini ordered cancellation of the STG retesting in 2001 and left the program for dead. Under his direction the FAA turned STG into a “cold case.” There was no further effort to deal with the almost 2,000 illegally obtained certificates until my whistleblower disclosures worked their way through the labyrinth of administrative hurdles. Finally, in 2004, the DOT and OSC determined that the program should have never been cancelled, and the FAA was forced to resume the re-testing. Three years of re-testing progress had been lost, all the while the public remained at risk.

Apparently, the FAA has forgotten that in a June 17, 2005 article by Government Executive titled, “Mechanical Re-Examination”, FAA stated, “A program established to re-certify mechanics given certifications by St. George was canceled after 130 mechanics were re-examined because, according to FAA, its regional counsel believed it was ‘merely speculation’ that the 1,200-plus mechanics were not properly tested.” This position undermines their current claim on page 8 of their report that, “FAA has remained committed throughout the current re-examination program to fairly and aggressively administer the program to ensure that only St. George Aviation examinees who can demonstrate their qualifications remain certificate holders.” (See Attachment J)

In its hasty efforts to cover the Sabatini-induced malfeasance, the FAA spin masters coined the term “Phases” when referring to the STG program. The FAA refused to admit that the program had been cancelled, and was not restarted until ordered by DOT. To mitigate their embarrassment, they began referring to the cancelled program as “Phase one” and the unwelcome DOT ordered restart as “Phase two.”

As stated above, “phase two” started too late. Just six months after the OSC accepted the FAA's assurances that they would finally deal with the public safety issue they tried so hard to ignore, Chalk's # 101 crashed, killing all 20 on board. NTSB causal findings were faulty maintenance and lack of FAA oversight. Unknown to the NTSB at the time of their investigative findings was the fact that at least one unexamined STG certificate holder was employed by Chalk's, and had in fact, worked on the accident aircraft, as indicated in the FAA report. Again, in an orchestrated avoidance of culpability, the FAA did not share the STG information with the NTSB during the investigation. As a result, the NTSB still had unresolved questions when they closed the accident investigation. The FAA continued to suppress this information until I filed another whistleblower disclosure with OSC, directed specifically at investigating any connection between the STG certificate holders and the Chalk's crash. (See Attachment K)

What the FAA created was not an organized program of “phases” to insure competency testing of STG certificate holders, but rather a ramshackle effort to disguise gross malfeasance, that has approved untold hundreds of STG certificate holders to work on the nation’s air carrier fleet, that have never met the established certification standards for their FAA certificates.

Three days after the Chalk’s crash, the STG mechanic who worked on the accident aircraft, failed his re-exam. He subsequently failed a second attempt and the FAA reports that they finally revoked his certificate authority. The FAA, however, does not report when they originally notified the mechanic of the need to re-test him, or if he was allowed to continue working on aircraft after he was given this notification. I believe the NTSB would have wanted these answers also, if they had been aware of the STG implications.

Surprisingly, the attorney who represented many of the STG certificate holders in their battle to not submit to FAA re-testing, and who filed an injunction on their behalf, admitted to me that, “Many FAA inspectors agree that the re-testing was a sham.” (See Attachment L)

PILOTS’ MAINTENANCE COMPLAINTS FELL ON DEAF FAA EARS

The NTSB investigation uncovered numerous pilot complaints about the poor maintenance of the Chalk’s fleet, and also the fact that pilots had resigned because of the poor maintenance, and safety fears generated by continuing maintenance incidents. The FAA person responsible for addressing pilot complaints and concerns is the “Principal Operations Inspector” (POI), who is assigned safety oversight of the air carriers operating certificate authority. Although the NTSB listed “lack of FAA oversight” as a contributing factor to the crash, their investigation did not disclose the fact that the POI was relieved of his POI duties on another carrier, several years earlier, because of his disregard for adherence to established FAA procedures.³ During the course of this FAA self-investigation, I determined independently that the FAA POI at the time was Mr. Ladd Lewis. The FAA does not reveal this information in their report, and do not include any statement or deposition from Mr. Lewis, to attempt to respond to the NTSB’s unanswered questions.

The FAA suppression of the STG information also hampered the NTSB investigation from fully exploring the extent of the effect that an unqualified STG certificate holder had on the airworthiness of the Chalk’s fleet, or even determining how many STG mechanics were employed by Chalk’s. At the very least, the POI should have presented the STG concerns as a factor for investigation, however the NTSB report is totally void of any reference to the STG unqualified mechanic.

³ As the manager of the Orlando FSDO, I reassigned Inspector Ladd Lewis because of his failure to provide proper oversight for an air carrier for which he was assigned POI responsibilities, and in another action, issued to him a letter of reprimand for his failure to respond to assigned accident stand-by duties.

Both Jim Ballough and Dave Cann, high-level Sabatini placements in Headquarters, had full knowledge of the STG safety issues, and a high level of responsibility to protect the public. They both chose to remain silent and not alert the NTSB investigators to the STG issues, or even attempt to address the NTSB's unanswered questions.

Sabatini's placement as FAA Southern Region Division Manager, Dawn Veatch, also had direct knowledge of the STG issues, however she also chose not to share that information with the NTSB during the investigation. Her reaction to the finding of "lack of FAA oversight" was to authorize the FAA oversight of Chalk's to be moved 200 miles further away from the actual operation, to the FAA Orlando, FL office.

None of this information is disclosed in the FAA self-serving response to my whistleblower disclosure, and is relevant to the NTSB unanswered questions that have been ignored by the FAA in the exercise of its "discretion".

FAA AIR CARRIER OVERSIGHT

In the FAA response, on page 12, paragraph H, the FAA states, "The Board broached FAA's oversight of the maintenance of the aircraft only in the broadest terms and there is absolutely no suggestion that links the cause of the crash to FAA's oversight of DMEs or to St. George Aviation-examined mechanics." This deliberately misleading statement could not be further from the truth. The unanswered questions from Board Members are very specific, not at all broad. These questions get to the heart of the FAA's failures. The questions are so incisive that the FAA refused to respond to them. As noted before, the FAA's Office of Accident Investigation has no response. (See Attachment D)

The FAA's cowardly defense that "there is absolutely no suggestion . . ." is because the FAA suppressed the St. George information from the NTSB during the accident investigation. The NTSB had no reason to investigate whether unqualified STG mechanics could be a factor in this crash, and therefore the NTSB accident report is silent on this issue. This suppressed information would have certainly had a bearing on the investigation and the Board's unanswered questions.

In their response, the FAA went on to say, "The FAA maintains oversight of the air carrier's compliance with those safety regulations through its compliance and enforcement program; *however, the carrier, and not FAA, remains responsible for that compliance.*" ***This is exactly the problem!*** The NTSB cited the FAA for its "lack of oversight" in the Chalk's accident investigation. The FAA has been repeatedly cited for its "lack of oversight" by the NTSB and the DOT IG, in too many investigation reports. They are arrogantly using the wording of what they are charged to do in their mandate as a defense for their failure.

In a stark example of failed FAA oversight, NTSB Board Member Deborah Hersman observed that on 4/14/04, the DOT sent a letter to Chalk's "raising concerns about their

financial position” and their aircraft unavailability due to “maintenance.” A copy of this letter from DOT was also sent to the FAA’s POI assigned to Chalk’s. The FAA has provided clear and comprehensive guidance to its inspectors for dealing with this type of DOT alert. Ms. Hersman went on to write, “If this guidance had been utilized in the case of Chalk’s once the FAA received DOT’s correspondence outlining its concerns, perhaps the poor maintenance practices uncovered by this accident investigation could have been documented before the accident occurred. Unfortunately, and for no reason our investigators could discern, the guidance was not applied to Chalk’s and the operator did not receive heightened safety scrutiny, despite significant concerns stated by DOT about the operator’s financial condition.” (See Attachment B)

In the FAA’s arrogant defense against concerns about the unqualified STG mechanics, on page 6, paragraph B,2, they state, “The certificate holder’s position with an employer is at the discretion of the employer and not the FAA. FAA-certificated mechanics who are employed by certificate holders (e.g., air carriers, repair stations) receive the additional oversight that FAA provides to all of those certificate holders.” Again, this is an example of FAA use of the wording of their mandate to defend against the facts that demonstrate their failure. Importantly, there is no indication in any of the FAA’s responses that airlines would be notified if a mechanic failed to re-certify and had their certificate revoked or suspended. This was undoubtedly the FAA’s, and not the individual mechanic’s responsibility. The FAA’s failure to notify airlines is shockingly negligent. The FAA’s defense of its failed oversight would be laughable if it were not so tragic. (See Attachment K)

FAA DIVERSIONARY FILLER

In a diversionary attempt to bolster their credibility, on page 10, paragraph c, the FAA states, “The Flight Standards Service is currently certified under ISO-9001.” They go on to say, “These metrics are reported three times per year at the highest levels of the Flight Standards Service, assuring open communication of issues with upper management.”

Most FAA employees could not define what the acronym “ISO” stands for, and most FAA managers would not be able to explain its origins or the basic principles of its supposed relevance to their responsibilities.

ISO (International Organization of Standardization) certification does not guarantee any quality of end products or services. Many companies use ISO certification as a marketing tool. A realistic evaluation of FAA products and services is better detailed in numerous GAO and DOT/IG audits, and investigations of FAA management failures and cover-ups. Whatever value ISO may have, the numerous FAA management failures evidence that to the FAA, it is just a certificate on the wall; a “Sabatini brand” marketing tool. Its real application is as a vehicle to increase the use of numerous consulting services.

The reference to, “highest levels of the Flight Standards Service” is laughable. These are the levels, and same individuals (Sabatini, Ballough, and Stuckey), that were found to be giving “misleading testimony” to Congress during the April '08, Southwest Airlines (SWA) hearings. Here’s the problem! Where was the ISO standard during the SWA debacle, and the Chalk’s crash with tragic “lack of FAA oversight”? It is all FAA diversionary rubbish. (See Attachment C)

FACTS

- No interviews, statements or depositions were taken from the principles in this case, Nicholas Sabatini, Jim Ballough, Dave Cann and Dawn Veatch.
- The STG re-exam program was the result of a criminal case prosecution.
- Sabatini ordered the STG re-testing project to be canceled in 2001.
- The FAA left the STG project dead for three years rendering it a cold case.
- As a result of my whistleblower disclosures, the FAA re-started the STG testing.
- A STG certified mechanic worked on the Chalk’s accident aircraft.
- The NTSB determined “faulty maintenance” and “lack of FAA oversight” as the causes of the 12/19/05 Chalk’s crash that took 20 lives.
- The STG mechanic, who worked on the 12/19/05 Chalk’s accident aircraft, subsequently failed the FAA fraudulent re-exam twice, on 12/22/05 and 1/30/06.
- The FAA did not report when the STG mechanic was first notified that he would be required to take a re-exam or if he was allowed to keep working after he was notified.
- The FAA never answered the specific questions posed by NTSB members Hersman and Higgins, about the FAA responsibilities in this tragedy.
- The FAA never required the mechanics they “re-tested” to meet the original certification standards for their license (as a result, even the mechanics they sent back to work in the industry, were never properly certified to established FAA standards).
- The FAA used their “discretion” to deviate 100% from FAA policy about the importance of demonstrating practical, hands on mechanical competency during testing, by eliminating this certification requirement.
- The accuracy of the FAA’s reported numbers are questionable.
- The FAA did not coordinate information on the STG fraudulently obtained certificates with air carriers or repair stations.
- The FAA is not sharing specific STG information with NTSB during accident/incident investigations. There is no FAA/NTSB cross reference of information.
- The FAA was not monitored for its compliance with properly completing the STG project as directed by DOT.
- The FAA officials responsible for the mismanagement of the STG re-testing project have not been held accountable.

CONCLUSIONS

- If the FAA had conducted this re-testing in a timely manner, and to regulatory standards, the Chalk's accident may not have happened. This observation responds to the NTSB question, "Why didn't anyone act before this accident?"
- The discovery that at least one STG mechanic worked on the Chalk's accident aircraft is **new information** revealed as a result of my whistleblower disclosures.
- The FAA either suppressed the information, or did not discover the STG implications with the Chalk's crash, until I persisted with my safety disclosures, after the FAA canceled the re-testing program.
- **New information** discovered independent of the FAA self-investigation that the Chalk's POI was an individual that had been removed from a previous POI position because of his lack of adherence to FAA procedures.
- There is a clear demonstration of cause and effect between Sabatini's orders, FAA actions, and the deaths of 20 individuals in air transportation.
- The Chalk's tragedy is unfortunately a demonstration of my original disclosures in 2002 warning of the FAA's creation of a danger to the public.

RECOMMENDATIONS

1. GAO audit of the original St. George list to determine with some accuracy how many STG holders have been administered the FAA's deficient retest, how many remain, and how many are still working in air transportation.
2. NTSB should be called upon to review their database to identify how many accidents/incidents were determined to have causal factors of "faulty maintenance" and/or "lack of FAA oversight", as cited in the Chalk's crash. FAA should then be required to determine STG implications in the NTSB identified accidents/incidents, at least since 2001, when Sabatini cancelled the STG program.
3. In light of **newly discovered information** that at least one STG mechanic worked on the Chalk's accident aircraft, this disclosure should be referred to the Department of Justice (DOJ) for investigation of Nicholas Sabatini, Jim Ballough, Dave Cann, and Dawn Veatch to hold them accountable for malfeasance, and fraudulent testing that contributed to the deaths of 20 individual in air transportation.
4. In light of **newly discovered information** that the Chalk's POI, Ladd Lewis, had been removed from a previous POI position, he should be referred to DOJ for investigation of any causal contributions on his part.

5. This case should also be referred to DOJ to finally determine the answers to the NTSB accident investigation questions, now more critical because of the new information about the STG mechanic and the FAA POI that the FAA blatantly and continuously has ignored. Its long-term and over-arching refusal to do the job it is mandated to do to ensure public safety and the causal factors for that attitude must be determined and those responsible held accountable.



Gabriel D. Bruno
1/15/2009

A





U.S. OFFICE OF SPECIAL COUNSEL
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202-254-3600

A1

November 8, 2007

Mr. Gabriel D. Bruno
c/o Thomas Devine, Esquire
Government Accountability Project
1612 K Street, N.W.
Suite 1100
Washington, D.C. 20006

Re: OSC File No. DI-08-0338

Dear Mr. Bruno:

The Office of Special Counsel (OSC) has completed its review of the information you referred to the Disclosure Unit. You alleged a substantial and specific danger to public safety by officials at the United States Department of Transportation (DOT), Federal Aviation Administration (FAA), Flight Standards Division, Washington, D.C.

OSC is authorized by law to refer protected disclosures to the involved agency for an investigation and report. Disclosures OSC may refer for investigation must include information that establishes a substantial likelihood of violation of law, rule, or regulation, or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. OSC does not have the authority to investigate disclosures and, therefore, does not conduct its own investigations.

You disclosed serious concerns about the continued employment in the commercial aviation industry of Airframe and Powerplant (A&P) mechanics who received their certifications through the now defunct St. George Aviation. You are concerned that FAA lacks any formal system to track the St. George certified mechanics, or where they are employed, and that FAA has not shared the list of St. George A&P mechanics with the intelligence community for a national security examination.

In order to assist us in determining whether the substantial likelihood requirement has been met in this case, we have forwarded your allegations to the Office of the Inspector General (OIG) of DOT for a report. After receiving the report, we will then be in a better position to assess the necessity of formally transmitting these matters to the agency head. With your consent, we identified you to the OIG as the source of the information. We have provided the OIG 60 days to respond to our request.

A2



Date: Thursday, December 20, 2007 12:31 AM
From: gbruno3@cfl.rr.com
To: David.P.Hooper@OIG.DOT.gov
Subject: Fwd: initial questions

Mr. Hooper:

For your additional information, this is a list of questions I sent to Karen Gorman at the Office of Special Counsel.

Gabe Bruno

--- Forwarded Message ---

Date: Sunday, November 4, 2007 11:20 AM
From: gbruno3@cfl.rr.com
To: kgorman@osc.gov
Cc: adamm@whistleblower.org
Subject: initial questions

Dear Karen,

The following are some initial questions that have come to me regarding the lists I sent to you. I know you have more.

- Does the FAA still have possession of the original list compiled by the Dept. of Transportation, Office of the Inspector General (DOT OIG) that was used for the St. George criminal conviction?
- How long has the FAA been in possession of this list? (8 years, since 1999)
- During the investigation of the September 11, 2001 attacks, we learned that many of the hijackers traveled to Central Florida for flying lessons. Since the St. George operation was located in Central Florida, did the FAA conduct any type of review to determine if St. George certificates were issued to any suspected terrorists? (If so, what was the outcome of this review? If not, why not?)
- Did the FAA contact the Justice Department, any national security agency, or any law enforcement agency for assistance in reviewing the list for suspected terrorists' names? (If so, what was the outcome of this review? If not, why not?)
- Considering the number of foreign nationals included on this list, did the FAA reveal this list to the 9/11 Commission in response to their requests for information during the investigation of the 9/11 attacks? (If so, what was the outcome of this review? If not, why not?)
- Did the FAA put any priority on locating and contacting the foreign nationals included on the list? (If so, what was the outcome of this effort? If not, why not?)
- Since possession of an FAA mechanic's certificate can qualify an individual for employment and give them access to U.S. aircraft and airport security areas, did the FAA enact any airline notification/ advisory procedures to U.S. air carriers and others? (If so, what was the outcome of this notification? How was it conducted? What was the feedback from this notification? If not, why not?)
- Since many of the FAA accepted addresses on the list are foreign Post Office boxes, does the FAA know who these people are and where they are now?
- What procedures and requirements are in place now to prevent the certification of known or suspected terrorists with U.S. aviation licensure? In what way is the designated examiner system (DME, DPE, etc.) monitored now by FAA inspectors that is more likely to catch potential terrorist than it was before 9/11/01?

- Why has FAA's Associate Administrator for Aviation Safety, Mr. Nicholas Sabatini, who has had numerous opportunities before Congress, and has had an active hand in keeping this information suppressed with the full knowledge of the seriousness of the issues, not been held accountable?

Gabe

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A3

Date: Thursday, December 20, 2007 12:16 AM
From: gbruno3@cfl.rr.com
To: David.P.Hooper@OIG.DOT.gov
Subject: St. Geo. List

Mr. Hooper:


Per our discussion I am forwarding to you the portion of the St. George List that includes the name of Saeed Hamid AlGhamdi.

Also, the name Hani Saleh Hanjour appears in March 27, 2003 Congressional Testimony on FAA Reauthorization by Michael D. Fanfalone, President of FAA Employees' Union. As you will see, Mr. Fanfalone testified that this individual received three FAA certificates from FAA designees such as St. George; however, he did not identify who the designees were. He went on to state that those designees are still on the job, working in that capacity.

As you can see on this list there are a number of middle eastern names where the FAA accepted nothing more than foreign PO boxes as addresses. One big question is what has the FAA done to track these people who are in possession of U. S. certificate obtained from a criminal enterprise (St. George)?

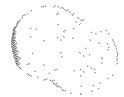
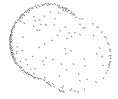
I am attempting to get the FAA FOIA that we discussed emailed to you in which the FAA admits that they have not done any coordination of information with airlines or the Department of Transportation.

Sincerely,
Gabe Bruno

 LIST 1 AEA.xls

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B



B2

Member Kathryn O'Leary Higgins, Concurring in part:

I concur with nearly all of this report documenting the tragic consequences of the failure to fully detect and repair fatigue cracks that led to the inflight failure and separation of the right wing of the aircraft, killing 18 passengers and 2 flightcrew members. The staff has done a fine job determining what happened in this avoidable accident. I wish we had gone further in our investigation to understand why this accident happened.

Chalk's Ocean Airways was a small Part 121 operation, without the safety programs and systems, safety culture, and safety oversight that are part of larger Part 121 operations. The lack of these important elements enabled an environment where the mystique of the "oldest operating airline in the country" may have overshadowed the reality of an inadequate maintenance program to protect the structural integrity of its aircraft fleet. Even a Chalk's captain, who wrote a 7-page resignation letter documenting the continued and repetitive maintenance discrepancies, was enamored of his opportunity to be a part of this iconic airline and its iconic aircraft.

There were any number of warning signs that should have been seen as cause for concern both by Chalk's management and by the FAA - fuel leaks and other recurring problems with the aircraft; cutbacks in maintenance staff; maintenance concerns raised by pilots with management; resignation of pilots because of their concerns about inadequate maintenance; financial information indicating that Chalk's was losing sufficient money to adversely affect their continued economic viability. Why didn't anyone with oversight responsibility connect all these facts? Why didn't anyone look more carefully at this operation? Why didn't anyone act before this accident? What can be done to assure that another accident clearly waiting to happen is prevented?

I am particularly troubled that the pilots - who identified a number of serious problems with the Chalk's operation - did not share their concerns with the FAA after Chalk's management failed to fully address those concerns. It is clear that there are avenues available to the public and airline personnel to raise concerns about safety - the FAA's safety hotline, the FAA's whistleblower program, the DOT Inspector General hotline. Why weren't they used? Why didn't we ask that question as part of our investigation?

As our investigators have said in this investigation, the "airplane was talking" and it was talking not only to the airline's management, airline's maintenance personnel and the FAA inspectors, but it also was talking to the pilots. While the pilots may not have been maintenance experts, they were certainly familiar with the machines that they flew day in and day out, and they knew there were problems. We will never know why

the numerous avenues available to them to report their serious concerns were not used. And nothing we can do or say will change the outcome of this accident. But we can learn from this accident, and take action to try to prevent something similar from happening again.

Our reports are widely read. Because of that, I believe we have an obligation to help those interested readers understand how to avoid a similar accident in the future. With the privilege of holding certificates from DOT to transport passengers in our national airspace system comes a responsibility to help ensure the highest levels of safety. Reminding employees that they can and should report problems that threaten safe operations and that are not otherwise resolved would seem to be a small but important step in maintaining the excellent aviation safety record we enjoy.

As I have noted in other accident investigations, I am very concerned that Chalk's not only continues to operate through other air carriers but also is offering "new" air services through other air carriers. Chalk's has been criticized by DOT for "sub-servicing" passenger operations. Yet, it seems as if Chalk's now continues to do the same thing on its website - booking paying passengers on other not well-disclosed airlines.

It is ironic that Chalk's part 121 certificate has been suspended but they still seem to represent themselves as an airline - they are booking passengers, accepting money, and continuing to hold themselves out as the oldest operating airline in the country. There is nothing on their website to suggest to the traveling public that the passengers are flying on anything other than Chalk's Ocean Airways. Is this advertising false and misleading? How is the public to make an informed decision about the airline? Who is providing safety oversight? And, finally, who is held accountable? My concern here is that nothing has really changed. The relationship between the regulators and the regulated seems even more attenuated. If that's true, this important report has not greatly changed the safety equation.


KATHRYN O'LEARY HIGGINS

6/6/07
Date

Board Member Statements

Member Hersman, Concurring:

While this accident was primarily the structural failure of a very old airplane, the facts surrounding the accident and the operation of Chalk's shine a light on an important underlying consideration for any accident involving a financially strapped operator, that of economic fitness. In the past several years, we have watched several major airlines slide into bankruptcy protection, while others closed their hangar doors permanently. It has been clear that those airlines which continue to operate under bankruptcy protection are carefully scrutinized by FAA to ensure that their financial straits do not lead to a dangerous reduction of operational and maintenance safety measures. My concern about Chalk's and other small, financially challenged small operators is two-fold: 1) that their operational and maintenance practices receive a heightened degree of scrutiny by FAA just like the large carriers, and 2) that the added scrutiny begins during that delicate time *before* a company declares bankruptcy, when its managers may begin taking dangerous risks in a last-ditch effort to stay out of bankruptcy.

In the case of Chalk's, the signs of serious financial difficulties were noted by the U.S. Department of Transportation (DOT) more than 18 months before the accident. In 2004, DOT initiated a fitness review of Chalk's for the first time since the airline was reorganized under new management in 1999. DOT contacted Chalk's in a letter dated April 14, 2004,¹ to acquire additional information about the financial state of the company. The letter raised concerns about Chalk's financial position as well as the significant sub-servicing arrangements with various carriers when Chalk's airplanes were unavailable due to scheduled or unscheduled maintenance. DOT sent a courtesy copy of the letter to FAA's POI assigned to Chalk's.

In 1988, the Safety Board recommended that FAA issue guidance to POIs to assist them in recognizing when a carrier was experiencing financial distress, meriting increased surveillance.² In a positive response to the Safety Board's recommendation, FAA issued guidance to its inspectors about reviewing the state of an airline that is in financial distress.³ The guidance is clear and comprehensive. It specifies many indicators that a principle inspector should look for, for example:

- *Changes in support staff positions such as quality control, analysis, training or middle management* – The accident captain was made Director of Safety in August 2005; the Chief Pilot was named July, 2005; the general manager assumed that role in February, 2005 and was also Director of Operations;

¹ In addition to the April 14, 2004 letter from the Chief of DOT's Air Carrier Fitness Division to Chalk's General Manager (cc'd to the FAA POI for Chalk's), there was also a follow-up letter to the same parties on January 5, 2005 stating similar concerns. DOT was also in communication with FAA's POI via telephone and e-mail.

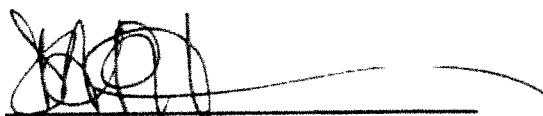
² A-88-155, AvAir Inc., Flight 3378, Cary, North Carolina, February 19, 1988.

³ Order 8300.10 CHG 23, *Airworthiness Inspector's Handbook*, Federal Aviation Administration.

- *Shifts in contractors or contractual arrangements* – Chalk's entered into multiple sub-service agreements during 2002, 2003, and 2004, and 284 flights were sub-serviced in an 18-month period;
- *Noticeable turnover of personnel; labor unrest* – Three of six captains resigned approximately one year prior to the accident;
- *Non-payment of debts* – There were records of unpaid debts, including payments to the U.S. Department of Agriculture for international user fees;
- *A showing by CASS that there is a rising trend in performance, inspection and maintenance deficiencies* – Maintenance issues relevant to the accident aircraft (including repeated reports of leaking fuel in the wings) were the topic of CASS meetings.

If this guidance had been utilized in the case of Chalk's once the FAA received DOT's correspondence outlining its concerns, perhaps the poor maintenance practices uncovered by this accident investigation could have been documented before the accident occurred. Unfortunately, and for no reason our investigators could discern, the guidance was not applied to Chalk's and the operator did not receive heightened safety scrutiny, despite significant concerns stated by DOT about the operator's financial condition.

It is not clear from this investigation whether this lack of action was the lapse of only one or two people in FAA, or whether the letter from DOT was not considered by FAA to be sufficient warning to trigger heightened safety scrutiny of the carrier. Our discussion at the May 30 board meeting pointed out that there is a general lack of understanding about how and when FAA invokes the use of its thorough and helpful guidance. My concern is that there may be other small, financially challenged carriers that continue to fly under FAA's radar possibly to the detriment of flying public's safety. For this reason, I am very pleased that the Safety Board staff agreed to conduct a study about the economic fitness component of airline safety to learn when it becomes a significant factor for FAA in its effort to ensure the safety integrity of financially struggling airlines. I look forward to reviewing that report next January.



Deborah A. P. Hersman
June 6, 2007

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NTSB Identification: **DCA06MA010**

The docket is stored in the Docket Management System (DMS). Please contact Records Management
Division

Scheduled 14 CFR operation of FLYING BOAT INC (D.B.A. Chalks Ocean Airways)

Accident occurred Monday, December 19, 2005 in Miami, FL

Probable Cause Approval Date: 8/30/2007

Aircraft: Grumman G-73T, registration: N2969

Injuries: 20 Fatal.

The Safety Board's full report is available at <http://www.nts.gov/publicctn/publicctn.htm>. The Aircraft Accident Report number is NTSB/AAR-07/04.

On December 19, 2005, about 1439 eastern standard time, a Grumman Turbo Mallard (G-73T) amphibious airplane, N2969, operated by Flying Boat, Inc., doing business as Chalk's Ocean Airways flight 101, crashed into a shipping channel adjacent to the Port of Miami, Florida, shortly after takeoff from the Miami Seaplane Base. Flight 101 was a regularly scheduled passenger flight to Bimini, Bahamas, with 2 flight crewmembers and 18 passengers on board. The airplane's right wing separated during flight. All 20 people aboard the airplane were killed, and the airplane was destroyed. Flight 101 was operating under the provisions of 14 Code of Federal Regulations Part 121 on a visual flight rules flight plan. Visual meteorological conditions prevailed at the time of the accident.

The National Transportation Safety Board determines the probable cause(s) of this accident as follows:

The in-flight failure and separation of the right wing during normal flight, which resulted from (1) the failure of the Chalk's Ocean Airways maintenance program to identify and properly repair fatigue cracks in the right wing and (2) the failure of the Federal Aviation Administration to detect and correct deficiencies in the company's maintenance program.

Full narrative available

[Index for Dec2005](#) | [Index of months](#)

C

C1

 **MSNBC.com**

Lawmakers say FAA testimony 'misleading'

Inconsistencies questioned on maintenance, customer service initiative plan

The Associated Press

updated 2:27 p.m. ET, Tues., April 8, 2008

WASHINGTON - Three House members on Tuesday charged Federal Aviation Administration officials with presenting "misleading" testimony about airline maintenance.

"Your testimony conveyed inaccurate and misleading information about whether aviation safety inspectors and managers ... were ordered to conduct special meetings with all airlines, repair stations and other regulated entities to deliver and discuss" the FAA's Customer Service Initiative, according to a letter sent by Democrat Reps. James Oberstar, Jerry Costello and Peter DeFazio.

The lawmakers questioned inconsistencies about the FAA officials' testimony last week about how regulators would implement a 2004 customer service initiative.

The new rules were to be delivered, discussed and documented with airlines and other regulated entities within 60 days of a February memorandum, but the FAA officials testified that the process could occur "during routine visits over the next year," the letter states.

The letter is addressed to: Nicholas Sabatini, the FAA's associate administrator for aviation safety; James J. Ballough, director of FAA's Flight Standards Service; and Thomas Stuckey, then manager of the Flight Standards Division for the Southwest region, who has been reassigned since the Thursday hearing.

A spokesman for the House Transportation and Infrastructure Committee said no decision has been made on what further steps the committee will take. Spokesmen for the FAA and the Transportation Department were not immediately available to comment Tuesday afternoon.

The two FAA inspectors who exposed maintenance and inspection problems at Southwest Airlines were at the center of last week's hearing. They told lawmakers their jobs were threatened and their reports of noncompliance were ignored for years by superiors.

Committee Chairman Oberstar said then that as long as the FAA viewed the airlines as customers "that culture of safety will not take hold and is not going to permeate the organization." Sabatini assured the committee he would immediately work to correct that internal problem of perception.

Last month, the FAA took the rare step of ordering the audit of maintenance records at all domestic carriers following reports of missed safety inspections at Dallas-based Southwest. The airline was hit with a record \$10.2 million fine for continuing to fly dozens of Boeing 737s, which carried an estimated 145,000 passengers, that hadn't been inspected for cracks in their fuselages. Southwest has said it will appeal the penalty.

Southwest Chief Executive Gary Kelly said the airline increased the number, scope and frequency of audits and implemented more stringent requirements of maintenance plan changes after the problems were discovered. The airline will take further action after independent investigators, the FAA and Southwest staff finish their reviews, he said.

Costello, who represents Illinois, chairs the aviation subcommittee, and Oregon's DeFazio leads the highways and transit subcommittee.

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U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

April 7, 2008

Mr. Nicholas A. Sabatini
Associate Administrator for Aviation Safety
Federal Aviation Administration

Mr. James J. Ballough
Director, Flight Standards Service
Federal Aviation Administration

Mr. Thomas Stuckey
Federal Aviation Administration

Dear Mr. Sabatini, Mr. Ballough, and Mr. Stuckey:

We are deeply disturbed about statements that you made, under oath, to the Committee at our recent hearing on April 3, 2008, on "Critical Lapses in FAA Safety Oversight" on issues involving the so called Customer Service Initiative (CSI). We believe that your testimony conveyed inaccurate and misleading information about whether Aviation Safety Inspectors and Managers in the Flight Standards Service (which Mr. Ballough directs) were ordered to conduct special meetings with all airlines, repair stations and other regulated entities to deliver and discuss the CSI.

According to documents provided to the Committee¹, the CSI was announced by then Administrator Blakely in December 2002, affirmed by Mr. Sabatini in February 2003, and formally unveiled by Flight Standards in February 2004. The documents spelled out a series of new procedures for appeals by airlines and other regulated entities who were dissatisfied with the actions of FAA safety inspectors. At the hearing, a number of Members of the Committee and witnesses criticized the CSI on the grounds that treating regulated entities as "customers" undercuts the ability of FAA inspectors to enforce safety regulations, and conveys to the regulated entities that their satisfaction is a higher goal than enforcement. The Members and witnesses believe that the only "customer" of the FAA's safety offices are the persons who travel on aircraft.

In the panel which preceded yours at our hearing, Mr. Mills, who is the Assistant Manager of the Dallas Fort Worth Flight Standards District Office, testified that in 2004 he had been "mandated" to promptly visit "every single operator" to deliver a copy of the new procedures.

¹ CSI: Flight Standards, FAA/Industry Customer Service Meetings, Powerpoint Presentation for delivery to Certificate Holders, prepared by AFS-140, February 2004.

Mr. Nicholas A. Sabatini
Mr. James J. Ballough
Mr. Thomas Stuckey
Page 2

Following Mr. Mills testimony, you three officials, the officials to whom Mr. Mills reported² testified in the second panel. Congressman DeFazio asked you whether Mr. Mills was accurate in believing that he had been directed to hand-deliver the CSI. Mr. Sabatini replied, "I was surprised to hear Mr. Mills say he had been instructed to hand deliver that. That certainly is not in the guidelines." Mr. Ballough responded, "Mr. DeFazio, from what I know it was supposed to have been delivered by routine carrier visits and repair station visits." Mr. Ballough added that these visits would take place "at least once a year."

Mr. Sabatini added in response to further questions that he would not agree "that it was widespread" that people were sent to hand-deliver the CSI and Mr. Stuckey said that it would not have been "his expectation" that one individual would spend three months delivering the CSI.

In sum, these answers convey that managers and inspectors had up to one year to deliver the customer service initiative and that it could be done during routine visits.

This relaxed approach is radically different from that directed by the attached memorandum, dated February 12, 2004, which was sent to "All Flight Standards Managers, Supervisors and Employees," under the signature of Mr. Ballough. This memorandum states that after the CSI had been developed to carry out policies announced by Mr. Sabatini in 2003, all field offices had been directed to contact their operators, to provide them CSI literature and discuss CSI with them. Mr. Ballough's memorandum stated that "few of these meetings have occurred and the purpose of this memorandum is to rectify that." The memorandum directed that "within 60 days of the receipt of this memorandum FSDOs (Flight Standards District Offices) and CMOs (Certificate Management Offices) should conduct meetings with "at a minimum their Title 14 Code of Regulations (14 CFR) parts 121, 135, 141, 142, and 145 operators to discuss CSI."³ The meetings were to be conducted with a representative of the operators' management, the FSDO or CMO management and the principal inspectors assigned to that operator. Further, it was a requirement that the record of these meetings was to be entered into the FAA's Performance Tracking Reporting System (PTRS), which underscored the mandatory nature of this requirement placed upon FAA Flight Standards Managers.

This is a very different picture from that created by your testimony. It was inaccurate for you to state that the CSI packages could be delivered during routine visits over the next year. Rather, they were required to be delivered and discussed within 60 days of the memorandum. Certainly, this program, which required meetings with almost 8,000 regulated entities would require a "widespread effort" by inspectors and managers.

Following your testimony, we received testimony supporting Mr. Mills, from Mr. McNease a retired Inspector in the Southern Region:

² Mr. Stuckey headed Flight Standards for FAA's Southwest Region, Mr. Ballough directed Flight Standards for the entire country, and Flight Standards reported to Mr. Sabatini, the Associate Administrator for the Southern Region.

³ Part 121 regulates certificated commercial airlines (97 certificates nationwide); part 135 regulates commuter and demand operators (2264 operators certified nationwide); part 141 regulates pilot schools (564 certificates nationwide); part 142 regulates training centers (162 certificates nationwide); and part 145 regulates repair stations (4884 certificates nationwide).

Mr. Nicholas A. Sabatini
Mr. James J. Ballough
Mr. Thomas Stuckey
Page 3


"One other thing to Mr. DeFazio -- I waited to hold this -- you questioned a number of times about Mr. Mills' hand-delivering everything. The answers you got from Mr. Sabatini, Mr. Ballough, and Mr. Stuckey seemed to think that -- they seemed to tell you that that wasn't the way things happened. That's incorrect. It was the way things happened."


"I was in the Southern Region, not the Southwest Region. In the Southern Region, my manager had to go out and deliver every one of those to everybody. It took him really probably -- probably a month and a half or at least that long. He had other duties. But it happened throughout the FAA, and it's not localized."

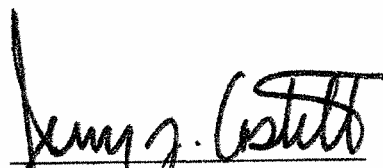
"I hope you see that the testimony from all of us is that this is, I believe, a systemic problem with the FAA. It's happening in other parts of the country, not just in the Southwest Region."

In conclusion, you should understand that these are very serious issues to our Committee. We cannot condone misleading testimony in our hearings, and in last week's hearing you were sworn under oath to tell the truth. The hearings are the basis for carrying out our legislative and oversight responsibilities. We cannot decide whether reforms or different policies are needed unless we have an accurate picture of all relevant agency actions.

Sincerely,


James L. Oberstar, M.C.
Chairman


Peter A. DeFazio, M.C.
Chairman
Subcommittee on Highways
and Transit


Jerry F. Costello, M.C.
Chairman
Subcommittee on Aviation

Attachment: Memorandum from Director, Flight Standards Service, February 12, 2004

cc: The Honorable Mary Peters, Secretary of Transportation
The Honorable Robert Sturgell, Acting Administrator, Federal Aviation Administration



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

Memorandum

Subject: **ACTION:** Customer Service Initiative Meetings
with Industry

Date: FEB 12 2004

From: Director, Flight Standards Service, AFS-1

Reply to
Attn. of:

To: All Flight Standards Managers, Supervisors, and
Employees

In 2003, Mr. Nicholas Sabatini, Associate Administrator for Regulation and Certification, AVR-1, announced AVR's commitment to the Administrator's call for improved customer service in the Federal Aviation Administration (FAA). AVR developed and issued a set of customer service principles, along with the promise that AVR employees would respond to customers' needs with "service, integrity, competence, accountability, and partnership." You may obtain more information on AVR's Customer Service Initiative (CSI) at this Intranet site: <http://intranet.faa.gov/avr/index.cfm?nav=CS>.

The AVR CSI emphasizes the use of specific marketing tools—posters, stickers, wallet cards, and pocket cards—which identify for our customers points of contact within the offices they may deal with. Instructions for ordering these materials are included on the Web site at the URL above.

AVR-1 required all organizations within AVR to develop their own, unique process for their customers to address issues that could arise during interaction. We in Flight Standards have developed *CSI: Flight Standards*, a process for our customers to raise issues through our "chain of command" with the goal of resolving those issues at the lowest possible level. As of February 13, 2004, our customers can find *CSI: Flight Standards* through AVR's Customer Service Internet site, <http://www.faa.gov/avr/afs/csi/opguide.doc>, and Flight Standards personnel will find it either on the AVR CSI Intranet site, <http://intranet.faa.gov/avr/afs/csi/opguide.doc>, or on Flight Standards Communications Central: <http://intranet.faa.gov/avr/afs/>.

When AVR-1 announced CSI last year, I indicated at that time that field offices should contact their operators, provide them with the marketing tools, and discuss CSI with them. I have since learned that few of these meetings have occurred, and the purpose of this memorandum is to rectify that.

First, all Flight Standards District Offices (FSDO) and Certificate Management Offices (CMO) shall order a sufficient amount of the AVR CSI marketing tools by contacting the TASC Publications Helpline during the hours of 7:30 a.m. to 5:00 p.m., Monday through Friday, except for Federal holidays, at 301-322-4961. You may also fax an order to TASC at 301-386-5394. Use the following descriptions for the CSI marketing tools when ordering:

- AVR Customer Service Principles Round Stickers
- AVR Customer Service Principles Wallet Cards (2 x 3 1/2 inches folded)
- AVR Customer Service Principles Pocket Brochures (3 1/2 x 6 inches folded)
- AVR Customer Service Principles Small Posters (8 1/2 x 11 inches)

Next, within 60 days of the receipt of this memorandum, FSDOs and CMOs shall conduct meetings with, at a minimum, their Title 14 Code of Federal Regulations (14 CFR) parts 121, 135, 141, 142, and 145 operators to discuss CSI. The attendees at these meetings shall be an appropriate representative of the operator's management, the FSDO or CMO management, and the principal inspectors assigned to that operator. The objectives of this meeting will be to:

1. Decide how the office and the operator will work in an interdependent manner to resolve issues.
2. Provide the operator with a copy of *CSI: Flight Standards*, either a printed copy or URL information.
3. Provide the operator with copies of the AVR CSI marketing tools, filled out with the appropriate contact information.
4. Commit to following the process outlined in *CSI: Flight Standards* and make every attempt to resolve issues at the lowest possible level.

After offices have conducted these meetings, they shall record in the Program Tracking and Reporting Subsystem (PTRS) the following information for each meeting held with each operator:

- Date of the meeting
- Who attended from the operator
- FAA participants

In the National Use block, enter the letters CSI and use the following PTRS codes:

- Operations : 1380 Tech/Admin/Special Emph Prog
- Airworthiness: 3390 Tech/Admin/Special Emph Prog
- Avionics: 5390 Tech/Admin/Special Emph Prog

Document these meetings in Labor Distribution Reporting, using the following codes:

12XXFACORPSV
CP1000

Offices should also make every effort to extend CSI to all its customers. For example, other general aviation operators (14 CFR parts 61, 91, 133, 137, etc.) and individual airmen could receive their CSI materials and briefings at Aviation Safety Program seminars within the 60 days prescribed in this memorandum.

If you have any questions on the AVR CSI or *CSI: Flight Standards*, please contact Ms. Phyllis A. Duncan, of my staff, at (202) 267-8017.



James J. Ballough

D





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

Office of Accident Investigation

Office of Accident Investigation
800 Independence Avenue, SW
Washington, DC 20591

MAR 19 2008

Mr. Adam Miles
Legislative Representative
Government Accountability Project
National Office
1612 K Street NW, Suite 1100
Washington, DC 20006

Freedom of Information Act (FOIA) Request 2008-3368

Dear Mr. Miles:

This is in response to your March 4, 2008 FOIA request seeking any FAA records, communications, or responses relating to statements issued by NTSB Board Members Deborah Hersman and Kathryn O'Leary Higgins in the National Transportation Safety Board Accident Report, NTSB/AAR-07-04, In-flight Separation of Right Wing Flying Boat, Inc.

A records search was conducted in the Office of Accident Investigation. We were not able to locate any records or files responsive to your request, and we are unaware of any other offices likely to possess any additional responsive records.

The undersigned is responsible for the determination that the Office of Accident Investigation has no records responsive to your request. Should you consider this no records response a denial of your request, you may request reconsideration of this determination by writing to the Assistant Administrator for Regions and Center Operations, Federal Aviation Administration, 800 Independence Avenue, SW, Washington DC, 20591. Your request must be made in writing within 30 days from the date of receipt of this letter and must include all information and arguments relied upon. Your letter must also state that it is an appeal from the above-described denial of a request made under the FOIA. The envelope containing the appeal should be marked "FOIA."

There are no fees associated with this request.

Sincerely,

Steven B. Wallace
Director, Office of Accident Investigation

E



ORDER

(E)
8610.4K

**AVIATION MECHANIC EXAMINER
HANDBOOK**



April 21, 2006

**DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

Distribution: A-W(FS)-2;A-X(FS)-2;A-FFS-5,7(MAX);
ZAC-341

Initiated By: AFS-640

FOREWORD

This order is to be used as policy for administering all aviation mechanic oral and practical tests. This order provides standardized procedures, which shall be used by persons responsible for administering aviation mechanic oral and practical tests. Compliance with these standardized procedures will assure that applicants meet a satisfactory level of competence and workmanship required for certification. This order stresses the Federal Aviation Administration's (FAA's) policy of placing greater emphasis on the aviation mechanic oral and practical tests. This order does not relieve FAA personnel from the responsibility of instructing and guiding Designated Mechanic Examiners (DMEs).

The standardized procedures contained in this order apply to DMEs and FAA Aviation Safety Inspectors (Airworthiness) (hereafter referred to as inspectors) authorized to conduct aviation mechanic oral and practical tests. This order supersedes all prior orders concerning the administration of aviation mechanic oral and practical tests. This order also applies to all inspectors who review and approve airmen other than flightcrew member's applications.

Changes to this order and additional instructions will be issued as necessary to meet changing conditions and new regulations or procedures. All persons issued this order will be expected to insert changes as they are received.

Original signed by:

Carol E. Giles

for Director, Flight Standards Service

bbb. Appendix 4, item V T. Changed to item V S.

ccc. Appendix 5. The new title of appendix 5 is: Information About the Initial Technical Personnel Examiner Standardization Seminar and the Recurrent Technical Personnel Examiner Standardization Seminar. (Previously it was appendix 6.)

ddd. Appendix 5, paragraph 1. Replaced paragraph with the following statement, "Information, such as a schedule of Initial and Recurrent TPE Seminars, registration fees, and online registration, is available at the following Internet address: http://www.faa.gov/about/office_org/headquarters_office/s/avs/offices/afs/afs600/afs640/. If you have questions and/ or need additional information regarding the TPE Seminars, please call (405) 954-6495."

eee. Appendix 5, paragraph 2.a. Added information regarding the PTS booklets.

fff. Appendix 5, paragraph 2.b.(2). Added the following sentences, "The registration fee must be paid prior to attending the Initial TPE Seminar. All registrations for the Initial TPE Seminar are arranged by the examiner, **after concurrence with the supervising FAA district office.** Arrangements for registration are made via the Internet at: <http://av-info.faa.gov/dsgreg/AvailableCourses.aspx>. This site also provides a method for payment of the registration fee and general seminar information. **There will be no arrangements for paying at the door.** Class size is limited, and attendees will be assigned on a "first-come" basis. If you have questions and/ or need additional information regarding the TPE Seminars, please call (405) 954-6495."

ggg. Appendix 5, paragraph 3.b.(2). Add the following sentences, "The registration fee must be paid prior to attending the Recurrent TPE Seminar. All registrations for the Recurrent TPE Seminar are arranged by the examiner. Arrangements for registration are via the Internet at: <http://av-info.faa.gov/dsgreg/AvailableCourses.aspx>. This site also provides a method for payment of the registration fee and general seminar information. There will be no arrangements for paying at the door. Class size is limited, and attendees will be assigned on a "first-come" basis. If you have questions and/ or need additional information regarding the TPE Seminars, please call (405) 954-6495."

hhh. Appendix 6. The new title of appendix 6 is: Example of Airframe and Powerplant Mechanic Oral and Practical Test Planning Sheet. (Previously it was appendix 5.)

iii. Appendix 6. Revised the Airframe and Powerplant Mechanic Oral and Practical Test Planning Sheet.

1-5. GENERAL. The procedures contained in this order apply to DMEs and to inspectors authorized to conduct aviation mechanic oral and practical tests. Tests are to be conducted in accordance with the Practical Test Standards (PTS) as applicable.

a. The tests, in three separate booklets, consist of knowledge/oral question elements and skill/practical project elements in each of the five sections:

- (1) I—GENERAL.
- (2) II—AIRFRAME STRUCTURES.
- (3) II—AIRFRAME SYSTEMS AND COMPONENTS.
- (4) IV—POWERPLANT THEORY AND MAINTENANCE.
- (5) V—POWERPLANT SYSTEMS AND COMPONENTS.

b. **Each section has from 3 to 12 Subject Areas.** Section I, General, is required for either the airframe or powerplant rating and applies to both. Sections I, II, and III are required for the airframe rating. Sections I, IV, and V are required for the powerplant rating. See chapter 5, paragraph 5-1.1. for information concerning previously passed Section I, General.

1-6. FAA MECHANIC CERTIFICATION POLICY. Greater emphasis shall be placed on the aviation mechanic oral and practical tests to determine if an applicant's performance is acceptable or unacceptable. The primary discriminator in the aviation mechanic certification process is the oral and practical test. The level of basic aviation mechanic skills desired by the FAA will be assured if a standard grading criterion is used to evaluate applicants and if the tests are conducted with objectivity. Each applicant who passes the oral and practical tests will have shown the ability to demonstrate basic mechanic skills in all Subject Areas and sections required for the rating sought.

1-7. DESIGNATIONS ISSUED. The following mechanic examiner designations are issued:

a. **Airframe (A).** Conducts aviation mechanic airframe rating oral and practical tests as well as the General oral and practical test, when required.

b. **Powerplant (P).** Conducts aviation mechanic powerplant rating oral and practical tests as well as General, when required.

F





U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

U.S. OFFICE OF SPECIAL COUNSEL TRANSMITS REPORT THAT FAA IMPROPERLY HALTED RE-EXAMINATIONS OF AVIATION MECHANICS WITH SUSPECT CERTIFICATES

FOR IMMEDIATE RELEASE - 6/14/05
CONTACT: Cathy Deeds, 202-254-3607, cdeeds@osc.gov

WASHINGTON—The U.S. Office of Special Counsel (OSC) today transmitted a letter to the President detailing findings and recommendations regarding allegations of a substantial and specific danger to public safety made by employees of the Department of Transportation (DOT), Federal Aviation Administration (FAA).

The whistleblowers, Gabriel D. Bruno, former Manager of the Orlando Flight Standards District Office (FSDO) and Dorvin Hagen, a former Supervisory Safety Inspector of the Orlando FSDO, alleged that (1) in the Spring of 2001, management officials abruptly cancelled a program re-examining approximately 2,000 mechanics who received airframe and power plant (A&P) mechanic certificates under fraudulent conditions and (2) management of the Southern Region FSDO failed to adequately staff the AirTran Certificate Management Unit (CMU), which provides certification and monitors air carriers to ensure compliance with aviation safety regulations and procedures. DOT's Office of Inspector General (OIG) investigated the allegations and substantiated them in part.

The A&P certificates in question were issued by St. George Aviation. In May 1999, the owner and an employee of St. George were convicted in federal court of fraud and conspiracy for their mismanagement of the A&P certificate program from 1995 to 1999. During that time frame, St. George issued approximately 2,000 certificates under fraudulent conditions including issuing certificates without any examination at all.

The OIG investigation revealed that FAA cancelled the re-examination program after only 130 mechanics were re-examined based on (1) an opinion from the Regional Counsel's Office that it was "merely speculation that the balance of the approximately 1,228 certificate holders identified for re-examination had not received a valid test;" and (2) advice from the Regional Air Safety Regulation Branch that because two years had passed since St. George's closure and there was a pass-rate of 79 percent for the mechanics who were re-examined, there was "no conclusive measurable impact on aviation safety and the flying public."

The OIG disagreed and recommended that FAA take steps to re-examine the remaining 1,228 mechanics who received certificates from St. George under suspect conditions. Initially, FAA did not identify what steps had been taken in response to the recommendation. In a supplemental report, the OIG provided information reflecting that FAA was taking steps to re-examine all mechanics who received certificates from St. George dating back to May 1995.

Subsequently, some of the suspect certificate holders challenged the legality of the re-examination program. In response, the U.S. District Court for the Middle District of Florida issued a preliminary injunction stopping the re-examinations. The program has been suspended pending reconsideration of the injunction by the Eleventh Circuit Court of Appeals.

The OIG also found that "there were considerable staffing issues in the Orlando FSDO" from 1998 to 2001. However, the OIG did not find evidence that the staffing shortage in the AirTran CMU could be

attributed to any deliberate act or omission by the Southern Region FSD managers, nor did it find that the shortage created a substantial and specific danger to public safety. Information provided by the whistleblowers and the OIG establishes that the shortage that existed from 1998 to 2001 has since been rectified, and the AirTran CMU, now classified as a Certificate Management Office, is currently adequately staffed.

The Special Counsel determined that the agency's reports contain all the information required by statute and the agency's findings appear reasonable. However, OSC remains concerned that the re-examination process has not yet been completed. In view of the serious concerns that remain regarding the re-examination program, the Special Counsel recommends follow-up with the agency to determine the status of the litigation and the steps the agency is taking to complete the reexaminations.

Special Counsel Scott J. Bloch said, "Nothing could be more central to the nation's overall security and the well-being of our citizenry than aviation safety of which the aviation mechanics and inspectors form a critical link. Thanks to the efforts of the whistleblowers, a problem was identified and is being corrected. OSC takes these and all disclosures very seriously."

OSC Analysis of DOT's IG Report

OSC Transmittal Letter to the President

The U.S. Office of Special Counsel (OSC) is an independent investigative and prosecutorial agency and operates as a secure channel for disclosures of whistleblower complaints. Its primary mission is to safeguard the merit system in federal employment by protecting federal employees and applicants from prohibited personnel practices, especially retaliation for whistleblowing. OSC also has jurisdiction over the Hatch Act and the Uniformed Services Employment and Reemployment Rights Act. For more information please visit our web site at www.osc.gov or call 1-800-872-9855.

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ORDER: 8300.10

APPENDIX: 4

BULLETIN TYPE: Flight Standards Information Bulletin for Airworthiness (FSAW)

BULLETIN NUMBER: FSAW 04-10B

BULLETIN TITLE: Reexamination of Airframe and Powerplant Certificate Holders Who Took Oral and Practical Exams at the St. George Aviation Testing Center in Sanford, Florida

EFFECTIVE DATE: 09-21-04

AMENDED DATE: 09-1-05

TRACKING NUMBER: NA

APPLICABILITY:

M/M	ATA Code	14 CFR	PTRS
NA	NA	65.17	3532

NOTE: THIS BULLETIN REQUIRES PTRS INPUT. SEE ITEM # 19.

1. **What is the purpose of this bulletin?** This bulletin provides guidance to Federal Aviation Administration (FAA) aviation safety inspectors (ASI) on program policies and procedures for reexamining individuals holding mechanic certificates with airframe and/or powerplant ratings, who tested at the St. George Aviation (SGA) testing facility in Sanford, Florida between October 10, 1995, and December 31, 1998. The reexamination will ensure that these individuals meet the standards of Title 14 of the Code of Federal Regulations (14 CFR) part 65, subpart D, to hold their certificates and/or ratings.

2. **Who does this bulletin apply to?** This bulletin applies to all FAA personnel and other appropriately designated individuals who will be involved in the reexamination program.

3. **Under what authority may the FAA reexamine an airframe and powerplant (A&P) mechanic?** Title 49 of the United States Code (49 U.S.C.) section 44709 is the authority for the reexamination of a mechanic. The law in part states, "The Administrator of the Federal Aviation Administration may . . . reexamine an

airman holding a certificate issued under section 44703 of this title."

4. Why are the reexaminations necessary? A criminal investigation conducted by the Office of Inspector General (OIG) disclosed that between October 10, 1995, and December 31, 1998, employees of SGA issued numerous fraudulent Airframe and Powerplant (A&P) mechanic certificates. The FAA has a reasonable basis to question whether certificate holders tested by SGA, which was criminally prosecuted for conducting fraudulent examinations, possess the qualifications to hold their certificates. The FAA believes reexamination of airman competency of these persons is necessary to ensure safety.

5. Which airmen will be reexamined?

a. Airmen who tested at SGA during this period will be reexamined unless they have previously demonstrated they possess the required qualifications. Airmen who have been successfully reexamined, or have obtained a subsequent Inspection Authorization, have demonstrated the required qualifications and do not need further reexamination. An airman must possess an Inspection Authorization prior to the date of the notification letter (see paragraph 12) to be exempt of reexamination.

b. Relief for U.S. military and civilian personnel who are assigned outside the United States in support of U.S. Armed Forces operations will be applied to airman requiring reexamination. The criteria for this relief will be the same as is offered in Special Federal Aviation Regulation (SFAR) 100 and includes the opportunity to complete reexamination within 6 calendar-months after returning to the United States.

6. What will the reexamination consist of?

a. The reexamination will cover the rating(s) that the airman received at SGA. Certificates received outside SGA are not subject to this reexamination. Airmen holding both airframe and powerplant ratings will be reexamined for competency of both ratings at the same time. The reexamination will consist of two tests; one written test, and one oral test. The written test will be computer-based and administered using the FAA Airman Knowledge Testing Program. The oral test will be given after successful completion of the written test. An airman may voluntarily surrender one rating for cancellation and show competence for another; however, an airman may not request reexamination of both ratings at different times.

b. The written knowledge test will consist of questions randomly selected from a pool of questions taken from the question banks used for the evaluation of applicants for a mechanic certificate. The content of a written knowledge test will vary depending on the rating(s) being reexamined. The written test for a mechanic holding an A&P rating will contain 60 written questions selected from the General, Airframe, and Powerplant banks and will be conducted within a time limit of 2 hours. The written test for a mechanic holding only an airframe or powerplant rating will consist of 50 written questions selected from the General and the Airframe and/or Powerplant bank, as appropriate, and will be conducted within a time limit of 1 hour and 45 minutes. The test will be conducted in accordance with chapter 6 of FAA Order 8080.6D, Conduct of Airman Knowledge Tests.

c. The oral test will consist of 5 questions selected from the Oral and Practical Test Guides (General, Airframe, and Powerplant), as appropriate for the rating(s) being tested (i.e., 10 questions for a single airframe or powerplant rating, 15 questions for both ratings). This guide also provides the examiner with criteria of acceptable responses and applicable references. The oral test is not limited to a specific area and does not have to address all areas of required knowledge. Typically, the oral test will take between 45 minutes to 1 hour. The results of the oral test will be recorded on a test planning sheet in accordance with appendix 5 of FAA Order 8610.4J, Aviation Mechanic Examiner Handbook.

d. Each test is scored independently. A score of 70 percent correct answers or greater will be considered satisfactory. A score of less than 70 percent will be considered unsatisfactory. Unsatisfactory performance on either test will result in the preliminary determination that the airman does not possess the standards required of 14 CFR part 65, subpart D for the certificate/rating held. Chapter 8 of FAA Order 2150.3A, Compliance and Enforcement Program, contains guidance concerning procedures that must be followed if the airman fails to establish qualifications to hold his or her certificate. The airman has the right to schedule a retest within a reasonable timeframe. The FAA has determined that 45 days from the date that the first test was taken is a reasonable timeframe. Airmen should be provided a minimum of 30 days to prepare, if desired, and be given scheduling priority to ensure the retest is accomplished within 45 days.

e. FAA Form 8610-2, Airman Certificate and/or Rating Application, will be used to document the reexamination. Order 8610.4 provides instructions on completion of the form. FAA Order 8300.10, Airworthiness Inspector's Handbook, Volume 3, Chapter 18, Conduct a Reexamination Test of a Mechanic or an Inspection Authorization Under Title 49 of the United States Code, provides instructions to document a reexamination.

7. What information is available to the public about the reexaminations? Interested parties may access the following Web site for information regarding the reexamination process:
<http://www.faa.gov/mechanics/retesting/>.

8. Where will the reexaminations be performed? Reexaminations will be performed at the Flight Standards District Office (FSDO), International Field Office (IFO), or other acceptable location.

9. Who will conduct the reexamination? The written knowledge test, as well as administrative processing, will be performed by an FAA employee or person designated by the Administrator. A single proctor may administer written knowledge tests to more than one airman at a time. The oral test proctor must hold a mechanic certificate with A&P ratings. An airworthiness ASI or aviation safety technician will administer the oral test on an individual basis.

10. What is the composition of the SGA reexamination program team?

a. The Program Management and Information Branch, AFS-310, is the headquarters focal point for this program.

b. AFS-310 will notify airmen who are subject to the reexamination of the reexamination process. The FSDO/IFO will have an identified point of contact to oversee the reexamination program, perform reexaminations, and process records associated with the reexaminations. A single reexamination focal point (typically the designated mechanic examiner focal point) for each office will coordinate with the office program manager and the AFS-310 headquarters focal point. Additionally, the FSDO/IFO will furnish qualified and assigned proctors to conduct testing and a technical contact to facilitate computer testing.

11. What procedures must the FSDO/IFO follow to accommodate computer testing?

a. Each participating FSDO/IFO must contact the Airman Testing Standards Branch, AFS-630, via e-mail at 9-AMC-AFS630-709@faa.gov. The sender will need to provide the following information:

- Proctor point of contact*: Name, date of birth (DOB), last four digits of social security number (SSN), office and designator (i.e., ASO-15), phone, e-mail
- Technical point of contact**: Name, DOB, last four digits of SSN, complete mailing address, phone, e-mail
- Number of testing stations***
- Internet protocol (IP) addresses of computer(s) to be used for mechanic reexaminations****

NOTE:

- * Recommendation is one per FSDO/IFO, with the exception of the offices anticipating high test volume. In any case, there should be no more than three designated proctors.
- ** Recommendation is one per office, preferably a computer specialist.
- *** Recommendation is one testing station per office, except for offices anticipating high test volume.
- **** To obtain this information, access the Web site <http://www.whatismyip.com> from each computer to be used for the mechanic reexaminations.

b. The written portion of the reexamination tests will be made available via a modified version of a currently used test delivery application. This customized system uses a bootable CD or floppy diskette, which prepares the computer for the testing process—no software is actually installed on the computer. Therefore, the technical point of contact will be express-mailed detailed instructions and a number of bootable CDs and floppy diskette(s) based on the number of testing stations available at his or her office. Upon receipt of the testing materials, the technical point of contact must e-mail AFS-630 at 9-AMC-AFS630-709@faa.gov. The message should include a phone number where he or she may be contacted to arrange for a connectivity test.

c. Three tests will be available for administration: Random Test General (RTG); Random Test Airframe (RTA); and Random Test

Powerplant (RTP). Test information and exam structure information may be accessed via the "709 support" link at <http://afs600.faa.gov>.

d. A copy of FAA-CT-8080-4D, Computer Testing Supplement for Aviation Mechanic General, Powerplant, and Airframe; and Parachute Rigger, must be available at each testing station. The supplement is available (in PDF format) through the 709 support link, and may be downloaded for printing.

e. Detailed instructions, troubleshooting information, and frequently asked questions may also be found on AFS-600's 709 support link.

12. How will airmen be notified? Airmen requiring reexamination will be notified via mail by the AFS-310 headquarters focal point. AFS-310 will print and mail two copies of the notification letter via U.S. Postal Service to each airman. One copy will be sent certified/return receipt requested (proof of service), and the other by regular mail to the airman's address of record obtained from the FAA's Civil Aviation Registry. The FSDO/IFO will receive a copy of all letters applicable to the FSDO/IFO. The letter will advise the airman of the decision to reexamine and require the airman to contact the FSDO/IFO within 15 days of receipt of the letter to schedule a reexamination.

13. What actions must the FAA take for each airman notification? Upon receipt of the notification letter from AFS-310, the FSDO/IFO must initiate an entry into the Program Tracking and Recording Subsystem (PTRS) (see paragraph 19) for each airman.

14. What happens if an airman fails to contact the FSDO/IFO and schedule reexamination?

a. If the airman does not contact the FSDO/IFO within 30 days of the date of the reexamination letter, the FSDO/IFO should contact the AFS-310 headquarters focal point to determine whether there is "proof of service" on the airmen. Once confirmation of "proof of service" has been established and that the airman has failed to schedule a reexamination as required in the letter, the FSDO/IFO will refer the airman's files to the regional counsel office to initiate legal enforcement action, in accordance with Order 2150.3A, chapter 8, and Order 8300.10, Volume 2, Chapter 213, Conduct Violation Investigation. Because letters of notification sent by regular mail are forwarded if an address change is on file with the U.S. Postal Service, lack of

return of the general delivery letter provides a presumption that the letter was received.

b. For airmen that AFS-310 is unable to contact (i.e., both letters are returned undeliverable), the AFS-310 headquarters focal point will notify FAA Internal Security of incorrect information in the FAA Civil Aviation Registry and request assistance.

15. How will reexaminations be scheduled? The FSDO/IFO, when contacted by the airman, will allow the airman to choose from available dates and times to schedule the reexamination. Reexaminations will begin on August 15, 2005 and must be completed by December 31, 2005. Reexaminations should be scheduled at least thirty (30) days from the date the airmen contact the FSDO/IFO to provide adequate time for the airmen to prepare. Earlier testing is acceptable if the airman requests it.

16. What action will be taken if an airman fails to complete the test by December 31, 2005?

a. Initial testing must be completed prior to December 31, 2005. An airman that has requested retesting using the procedures described in paragraph 18 must complete retesting within 45 days of initial failure. An airman failing initial testing on December 31, 2005, could retest as late as February 15, 2006.

b. The FSDO/IFO will refer the files of airmen who have not completed initial testing by December 31, 2005 to the regional counsel office to initiate emergency legal enforcement action, in accordance with the current editions of FAA Order 2150.3, Compliance and Enforcement Action, chapter 8, and FAA Order 8300.10, Airworthiness Inspector's Handbook, volume 3, chapter 18. Airmen may be exempted from the December 31, 2005 deadline as per paragraph 5b, or approved specific consideration of circumstance (sickness/hardship) by AFS-310.

17. What action will be taken when an airman successfully completes reexamination? After successfully completing the reexamination, the airman's certificate will be returned, if in the possession of the FAA, and the airman will be provided with a statement of successful completion of the reexamination. Subsequently, an official letter of successful completion of reexamination will be sent to the airman by the FSDO/IFO point of contact, to close this matter. The FAA Inspector's Report on

the back of Form 8610-2 will be used to document the reexamination.

18. What action will be taken if an airman fails the reexamination?

a. If the airman's performance was unsatisfactory, there are two alternatives. The airman may voluntarily surrender his or her certificate for cancellation; alternatively, the airman may surrender the certificate for deposit and request a retest as detailed in Order 2150.3A, chapter 8. If the airman declines both alternatives, an FAA inspector will inform the airman that legal enforcement action will be initiated to revoke the certificate.

b. An airman who offers to surrender his or her certificate for cancellation will be provided a statement to sign for recording voluntary surrender for cancellation. An airman who does not surrender his or her certificate for cancellation or does not place the certificate on deposit will be provided with a statement of unsatisfactory performance and a statement that legal enforcement action will be initiated. See Order 2150.3A and Order 8300.10 volume 2, chapter 213 for details concerning legal enforcement action. Letters will be sent to the airman's address on record.

19. What PTRS entries will be required of inspectors and the AFS-310 headquarters focal point?

a. It is imperative that the PTRS be updated in a timely manner. The AFS-310 headquarters focal point and other key program personnel will be using the information recorded in the PTRS to monitor and administer the reexamination program. All entries will include activity code 3532 and the National Use Code "SGA" (without the quotes).

NOTE: PTRS records should be returned to the server after entries are made and must not be retained in a "checked out status" since this would prevent access by program personnel.

b. Entries to the PTRS record comment field must be made for certain actions and may also be made to record additional information. Entries are required for the following actions. The AFS-310 headquarters focal point will make the entries described in paragraph 19b(2). Inspectors will make the entries described in paragraph 19b(1) and 19b(3) through (7).

- (1) Date notification letter is mailed from AFS-310.
 - Comment = "Airman notification letter mailed xx/xx/xx"

- (2) Return of notification letter receipt or letter (undeliverable).
 - Comment = "Certified letter receipt dated xx/xx/xx, signed xxxxx"
 - Comment = "Certified letter receipt returned xx/xx/xx undeliverable"
 - Comment = "Regular mail letter returned xx/xx/xx undeliverable"

- (3) Response from airman upon receipt of letter and scheduling of reexamination.
 - Comment = "Reexamination scheduled xx/xx/xx"
 - Comment = "Airman inquiry did not schedule exam"

- (4) Voluntary surrender of certificate for cancellation or deposit (if applicable).
 - Comment = "Voluntary surrender of certificate for cancellation xx/xx/xx"
 - Comment = "Voluntary surrender of certificate for deposit xx/xx/xx"

- (5) Result of reexamination.
 - Comment = "Reexamination satisfactory" score: written xx/oral xx
 - Comment = "Reexamination unsatisfactory" score: written xx/oral xx

- (6) Airman retest (if applicable; requested after receiving unsatisfactory score on initial reexamination).
 - Comment = "Airman scheduled retest xx/xx/xx"
 - Comment = "Airman retest result satisfactory/unsatisfactory"

- (7) General comment.
 - Comment = as applicable

20. What Labor Distribution Reporting (LDR) code applies to this project? Use LDR code "12XXFA AIRMEN PT3532" when reporting time working on this project.

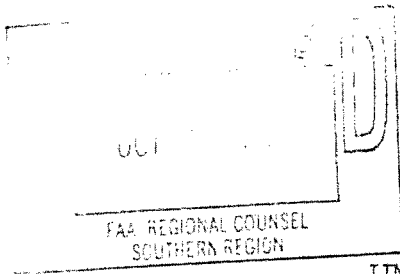
21. **Where may I find additional information?** Marci LaShells is the AFS-310 headquarters focal point for this program. She may be reached at (202) 267-7434 or by e-mail at marci.d.lashells@faa.gov.

22. **When does this bulletin expire?** This bulletin will remain in effect until further notice.

/s/
David E. Cann, Manager
Aircraft Maintenance Division

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(H)



SERVED: October 15, 2007

NTSB Order No. EA-5324

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 9th day of October, 2007

_____)	
ROBERT A. STURGELL,)	
Acting Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
	)	Dockets:
v.)	
)	
PATRICK SCOTT MAJOR,	)	SE-17878
MARK STEPHEN PEEPLES,	)	SE-17879
FREDDY ALBERTO MESA,	)	SE-17881
DANIEL GABRIEL WILLIAMS,	)	SE-17882
ALEJANDRO FARIAS, ¹	)	SE-17884

¹ Originally, ten cases were consolidated and included Respondent Alejandro Farias, SE-17884. While the law judge's order granting summary judgment pertained to all ten respondents, Alejandro Farias subsequently submitted to reexamination of his qualifications to hold a mechanic certificate. The results of the second reexamination were, as the first reexamination results, unsatisfactory. As a result, the Administrator sought to withdraw his November 20, 2006 complaint seeking suspension of Respondent Farias's certificate, and on May 4, 2007, served an emergency order of revocation on Mr. Farias. Accordingly, the complaint as to Respondent Farias, SE-17884, is dismissed as moot, without prejudice to any complaint that the Administrator may, in the future, file with regard to Respondent Farias's appeal of the May 2007 revocation. The order granting summary judgment as to Respondent Farias is vacated and the proceeding as to his case herein, SE-17884, is terminated.

Both the Administrator and respondents have, to varying degrees

THOMAS VICTOR HAHTO,	)	SE-17885
JOSEPH MICHAEL MOLNAR,	)	SE-17888
DAVID ALAN DONOVAN,	)	SE-17889
ROBERT JOHN SPARKS, and	)	SE-17890
CHRISTIAN MARCUS SMITH,	)	and SE-17891
)	
Respondents.)	
)	

OPINION AND ORDER

Respondents appeal the order of Administrative Law Judge William A. Pope, II, issued on March 8, 2007.² By that order, the law judge granted the Administrator's motion for summary judgment on his emergency orders of suspension of respondents' mechanic certificates with airframe and powerplant (A&P) ratings, as applicable, until such time as they successfully complete the required reexaminations.³ As discussed below, we deny the appeal.

(..continued)

and on their own initiative, undertaken in the briefs to informally group all the respondents involved in three virtually identical cases. These cases, however, were never formally consolidated and, thus, the Board cannot *ad hoc* group them together. Instead, we will issue three separate decisions, keeping the cases captioned as they were before the law judge, below.

² A copy of the law judge's decisional order is attached.

³ Title 49 U.S.C. § 44709(a) grants the Administrator authority to reexamine, "at any time," those who hold airman certificates.

Respondents waived the expedited procedures normally applicable to emergency revocation proceedings under the Board's rules.

The complaints are thoroughly summarized in the law judge's order, attached, and thus a repeat is unnecessary.

The facts common to all nine respondents are as follows: Respondents were tested at St. George Aviation (SGA) and issued mechanic certificates by FAA Designated Mechanic Examiner (DME) Anthony St. George during the period from October 10, 1995, to December 31, 1998. The Department of Transportation, Office of Inspector General, conducted an investigation of SGA in 1998, and a subsequent criminal trial established that numerous fraudulent mechanic certificates were issued through SGA and Anthony St. George.⁴ The allegations of fraud related to the testing practices dating back to 1995, of SGA and Anthony St. George, such as signing off on incomplete oral and practical examinations and providing answers for written examinations. DME St. George and another SGA employee were convicted in 1999 of making fraudulent statements and conspiracy to commit fraud.⁵

The FAA then conducted its own investigation and determined that SGA had engaged in a pattern and practice of giving

(..continued)

Respondent Smith holds a mechanic certificate with an airframe rating. Respondents Major, Peeples, Mesa, Williams, Hahto, Molnar, Donovan, and Sparks hold mechanic certificates with both A&P ratings.

⁴ The Administrator incorporated by reference the exhibits submitted in the related consolidated cases of Administrator v. Mellichamp (SE-17710); Sanchez (SE-17721); Loza (SE-17722); Ellison (SE-17723); Santos (SE-17724); Raymondi (SE-17727); Young (SE-17734); and Tibbetts (SE-17855).

⁵ Administrator's (Adm.) Exhibit (Exh.) 3; Exh. 14, Report of Investigation, DOT Office of Inspector General, 11/13/00.

incomplete and insufficient examinations. The records indicated that there were not enough hours in the day for DME St. George to have performed the testing functions as the records indicated.⁶

The law judge thoroughly reviewed the record and determined that a reasonable basis existed for: 1) questioning the adequacy of the SGA testing; 2) questioning the qualifications of respondents; and 3) requiring that respondents submit to a reexamination. Further, the law judge determined that respondents raised no issues of material fact regarding whether they were properly tested and concluded that summary judgment is appropriate in this case.

On appeal, respondents fail to identify any error in the law judge's decision, including his determination that the evidence established a reasonable basis for the Administrator to require the respondents to submit to reexamination.

It is well-settled that the Board's inquiry into the reasonableness of a reexamination request is a narrow one, namely, that a "basis for questioning competence has been implicated, not that a lack of competence has been

⁶ Adm. Exhs. 10 and 14. Also, according to the declaration of Robert Cunningham, the principal maintenance inspector involved in these cases, he interviewed approximately 100 SGA applicants and found without exception that their descriptions of the examinations conducted raised suspicions as to the validity of those examinations.

demonstrated." See Administrator v. Santos and Rodriguez, NTSB Order No. EA-4266 at 4 (1994). See also Administrator v. Hutchins, NTSB Order No. EA-4899 (2001) ("the Administrator need only show that a reasonable basis for the reexamination request exists").

The facts in Santos and Rodriguez were similar to those in the instant case, in that the respondents did not act to call their competence into question. Rather, a serious concern was raised "that they should not have been certificated at all because they may have not been required in initial testing to demonstrate their qualifications in a manner sufficient to merit certification." Santos and Rodriguez, supra at 4. Of significance, the Board emphasized that, "reexamination requests made in this context must be sustained if the evidence creates even a reasonable doubt as to whether the respondents were tested properly." Id. The Board further stated:

✦ [I]n the face of circumstances strongly suggesting that many individuals may have obtained certificates without demonstrating the knowledge and skill necessary either to obtain or hold them, [the Administrator] was fully justified in seeking, if not obligated in the public interest to seek, re-examination of any or all of the licensees he fairly suspected had not been required to establish their qualification. His suspicions ... were ... validated by the evidence of deficient testing the [] inspectors uncovered in their investigation of the examiner.

Id.

Clearly, the Administrator had a reasonable basis to request the reexaminations at issue in this proceeding. The DME, to whom the Administrator had delegated the authority to verify that applicants for FAA maintenance certification possess the skills and knowledge necessary to safely exercise the privileges of an A&P certificate, was convicted of fraud in connection with those duties. Respondents graduated from the same training facility and were examined by the DME during or near to the period in which he was known to have been acting fraudulently, and, therefore, it is reasonable, indeed, necessary, for the Administrator to take steps to verify that respondents have previously demonstrated, and do now possess, the required competence to hold their certificates. In short, the pleadings and other supporting documentation offered by the Administrator provide overwhelming evidence to support the reasonableness of the Administrator's reexamination request.

Summary judgment is appropriate where, as here, there are no genuine issues of material fact. Respondents have identified no valid reason to disturb the law judge's decision.⁷

⁷ Respondents argue on appeal in general terms, not specifics, regarding the law judge's decision to grant the Administrator's motion for summary judgment. Respondents argue that the Administrator did not allege they were involved in any wrongdoing; the FAA was as much to blame as SGA for issuing mechanic certificates inappropriately; they are innocent victims of DME St. George's criminal behavior; they were not interviewed to determine whether they received abbreviated tests; there are

ACCORDINGLY, IT IS ORDERED THAT:

1. Respondents' appeal is denied; and
2. The law judge's decision, affirming the emergency orders of suspension of respondents' mechanic certificates with airframe and powerplant ratings, as applicable, is affirmed.

ROSENKER, Chairman, SUMWALT, Vice Chairman, and HERSMAN, HIGGINS, and CHEALANDER, Members of the Board, concurred in the above opinion and order.

(..continued)

no accidents or incidents involving respondents; the reexamination requests must be dismissed under the stale complaint rule.

The law judge thoroughly addressed all these arguments in his decision and respondents have identified no error. We find none of the arguments to be persuasive, and note that the stale complaint rule is not applicable, as an issue of lack of qualification has been raised.

I





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

Route Slip

(Handwritten marks: a circled 'S' and a circled 'I')

To: Associate Administrator for Regulation and Certification, AVR-1 Date:

Subject: Testing and Certification of Aviation Mechanics

Action:

<input type="checkbox"/> Per Your Request	<input type="checkbox"/> Discuss With Me	<input type="checkbox"/> Take Appropriate Action
<input type="checkbox"/> For Your Information	<input type="checkbox"/> For Your Approval	<input type="checkbox"/> Please Answer
<input type="checkbox"/> Per Our Conversation	<input checked="" type="checkbox"/> For Your Signature	<input type="checkbox"/> Prepare Reply For:
<input type="checkbox"/> Note and Return	<input type="checkbox"/> Comment	

Remarks:

Attached is a memorandum describing the FAA's plan to reexamine the mechanics certificated at St. George Aviation, Inc., as a result of the conspiracy that occurred there. The FAA had committed to advising the Office of Inspector General (OIG) of our plan in your memorandum of July 26, 1999, subject as above.

In the attached memorandum we also describe ongoing efforts to improve our current procedures and strengthen management controls in the testing environment, as well as revising policy guidance as needed. In addition, we inform the OIG of our intent to conduct a national review of the Designated Mechanic Examiner program to determine its effectiveness and identify and correct any other program weaknesses that may exist. We plan to forward our plan to conduct this review within 30 days.

L. Nicholas Lacey
Director, Flight Standards Service, AFS-1

08/31/1999 13:39

2022575115

AFS 300

Subject: **INFORMATION:** Testing and Certification of Aviation Mechanics

Date:

From: Associate Administrator for Regulation and Certification, AVR-1

Reply to Attn. of:

Mickey Hostetler:
202-267-3089
FAX:202-267-7636

To: Assistant Inspector General for Auditing, JA-1

As a followup to my memorandum of July 26, 1999, subject as above, I would like to provide you with our plan to reexamine those aviation mechanics who were certificated by St. George Aviation (SGA), Inc., located in Sanford, Florida.

Background

Evidence shows that the certification practices at St. George Aviation, Inc., provide reason to believe that a group of airmen was not tested in accordance with Title 14, Code of Federal Regulations, Part 65.79. Therefore, the competence of approximately 2,000 mechanics certificated at that site is in question. Reexamination of their qualifications to be holders of mechanic certificates with airframe and powerplant ratings is necessary in the interest of safety. Pursuant to the authority contained in Title 49, United States Code, Subtitle VII, Section 44709, as amended, the FAA will request that these mechanics be reexamined.

Action Plan

The reexamination will consist of the Oral and Practical tests to assure that the mechanics meet a satisfactory level of competence to retain their mechanic certificates. In accordance with regulations, an airman who satisfactorily completes the reexamination will be issued a Letter of Satisfactory Results. In the event of an unsatisfactory test, the FAA Inspector will issue a letter indicating those results and will inform the airman of each deficiency and pending enforcement action. Legal enforcement action must be taken to revoke the airman's certificate, or rating, and to have the airman surrender the certificate or rating. If the airman refuses to comply, the FAA Inspector will advise the airman that emergency legal action will be taken. Any certificate recovered as a result of the legal action will be handled in accordance with current FAA guidance.

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PAGE 04

To accomplish the reexamination, we are taking the following steps:

- Making final arrangements to secure the site for reexamination. Currently, a facility vacated by the inactivation of an Army Reserve Aviation Unit and located on the Orlando International Airport property, is a primary selection. We are working with representatives of the Department of Defense (DoD) on this effort. A temporary agreement is in place that allows us to have current access to the building and the facilities. Funding will be required to secure the facility for the time that may be required to conduct reexaminations of all the mechanics affected.
- Acquiring the necessary tools, equipment, and consumable supplies required for the reexamination process.
- Finalizing the procedures manual that will be used to conduct an in-briefing and other administrative actions required to ensure that each reexamination applicant has a complete standardized test. The estimated date for completing the manual is September 1999. The actual procedures for the oral and practical reexamination will be completed in accordance with current FAA policy and guidance.
- Initiating the training of the FAA aviation safety inspectors from the Orlando Flight Standards District Office (FSDO) who will administer the reexaminations. This training will meet or exceed all current FAA requirements for administering airframe and powerplant testing.
- Ensuring that the reexamination procedure is carried out in accordance with FAA Order 8610.4G, Aviation Mechanic Examiner Handbook, July 13, 1999.
- Notifying 25 individuals at a time through letters requesting that they contact the FAA to be reexamined. The letter states that a nonresponse by the mechanic will result in a suspension of the airman's certificate until such time as he or she demonstrates competence to exercise its privileges. Recipients of these letters also are informed that they may voluntarily surrender their certificates should they refuse to be reexamined. (The initial set of 25 letters was mailed on June 30, 1999.) There is a standard 15-day response time.
- Conducting analyses on each group of 25 airmen to determine when or if reexamination of subsequent groups may not be necessary. For example, if analysis of a given group reveals that 16 out of 25 individuals voluntarily surrendered their certificates or have had revocation action initiated, indicating inappropriate testing, there would be a high probability that the next group of 25 airmen would have been subjected to the same inappropriate testing.

Policy and Procedural Changes

In view of the conspiracy that took place at St. George Aviation, we are taking steps to immediately improve our procedures and institute stricter management controls as follows:

- We are enhancing the current Airman Tests and School database (ATS) automated surveillance capabilities. Specifically, the ATS will collect the start and end time of all tests and flag an applicant's record if the system is powered off, then powered back on, before the test is completed. Additional ATS data edits are being prepared to isolate and flag knowledge testing records that meet a set criteria. An applicant's test results will not load into the ATS data base when the results showing significant time spent on any question or when there are either very few or no applicant answers recorded.
- We are developing an aircraft mechanic Airman Performance Report (APR) which will replace the current examiner Airframe and Powerplant Oral and Practical Planning Sheet. This new report can be scanned and will be used to electronically compile the details of all Oral and Practical tests. The data also will be used to conduct statistical analyses of designated testing processes and results.
- We have begun a national beta test involving the sampling of Oral and Practical test results. From this data, we are developing a national norm for the results of these tests. Applying statistical analysis techniques will enable FAA to identify potential irregularities in individualized examiner testing processes and results.
- We have initiated several new requirements to facilitate the coordination between the FAA and Designated Mechanic Examiners (DMEs). Upon completion of the Oral and Practical test, the DME will forward the completed APR to the FSDO/International Field Office as part of the certification package. An Airworthiness Aviation Safety Inspector will perform a final review, initial, and enter the four-digit FAA credential identification number on the back of the APR, indicating acceptance. The APR then will be forwarded to the Flight Standards Airmen Testing Standards Branch for data processing. These changes in our procedures will ensure applicants are eligible to be tested, establish FSDO coordination concerning the entry of skill test data, and enable the FAA to track the testing patterns of examiners and applicants.
- We are revising FAA Order 8610.4G to (1) restrict applicants from being tested by a DME located outside that applicant's district, unless authorization to be tested outside the applicant's district has been authorized, and (2) prohibit the DME from taking part in the computer knowledge test process. In the past, a DME was authorized to serve as a knowledge test supervisor as well as administering the

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Oral and Practical tests. Because of this lack of separation of duties, the knowledge test and the Oral and Practical tests were compromised by one person at St. George Aviation. This new limitation, which has been communicated to the computer testing organizations, will provide better management controls in this area.

- We also are revising FAA Order 8300.10, Airworthiness Inspector's Handbook, to require that an applicant demonstrate adequate knowledge and background experience in 50 percent of the subject areas listed in Title 14, Code of Federal Regulations, part 147, prior to receiving authorization to take the test. This change will promote a more standardized approach to how we determine an applicant's eligibility.
- In addition, we are in the process of working with our Training Division, AFS-500, to include designee standardization on the list of Operational Training Needs Assessment (OTNA) courses, thus providing a central funding source for this training. Currently, this training is provided to the designee community. However, in order for the inspector to attend the training, the local FSDO must provide funding. This change also will mean that an inspector will be required to complete this OTNA training before being considered eligible to attain journeyman status.

In addition to the above actions, FAA is planning to conduct a review of the DME program to determine its effectiveness from a national perspective and to identify and correct any other program weaknesses that may exist. We will forward to you our plan to conduct this internal review within 30 days.

Thomas E. McSweeney

cc: AFS-130/AFS-100/AFS-3/AFS-2

File: st george

WP: A:\geo

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Mechanical Re-examination

By Daniel Pulliam dpulliam@govexec.com June 17, 2005

An investigation into the controversial cancellation of a Federal Aviation Administration certification program intended to retest aircraft mechanics who received certificates under fraudulent conditions, was declared satisfactory, but the Office of Special Counsel said questions remain.

OSC detailed whistleblower complaints made by longtime employees that officials in FAA's Southern Region Flight Standards Division canceled a program intended to re-certify mechanics lacking proper credentials and failed to adequately staff the unit assigned to managing the certifications in Orlando, Fla.

A Transportation Department Office of Inspector General investigation partially substantiated whistleblower allegations, but OSC said in its report that concerns remain that the re-examination project has not been completed.

The questionable mechanic certifications were issued by St. George Aviation, a company contracted to certify airline mechanics for airframe and power plant work. About 2,000 mechanics were certified under fraudulent conditions, which included issuing certifications to people who did not sit for examinations. The president and an employee of St. George were convicted in 1999 of fraud and conspiracy for the mismanagement of the program.

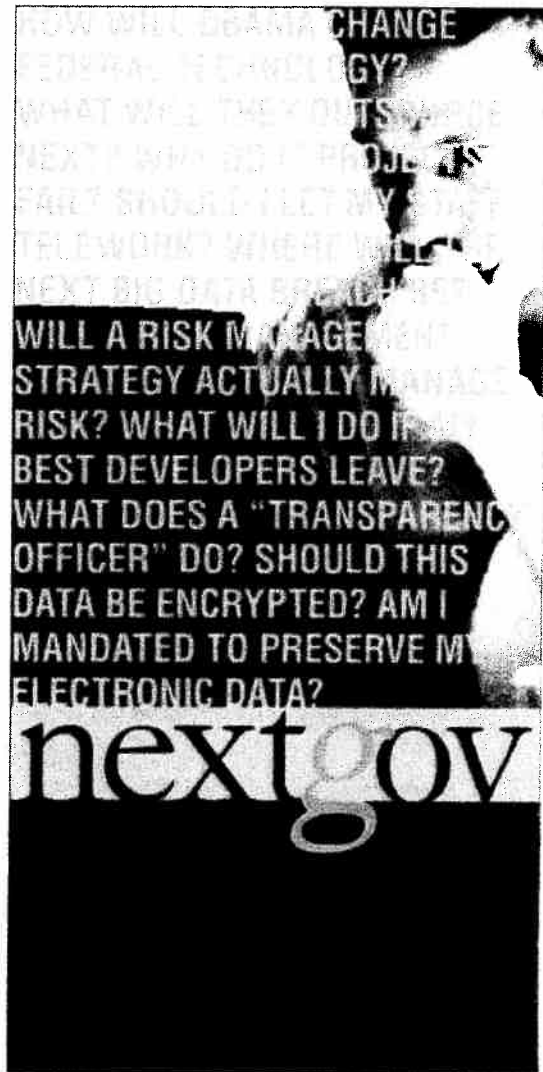
A program established to re-certify mechanics given certifications by St. George was canceled after 130 mechanics were re-examined because, according to FAA, its regional counsel believed it was "merely speculation" that the 1,200-plus mechanics were not properly tested. According to FAA's regional air safety office, the pass rate for the re-examined mechanics was 79 percent and there was no evidence that the public was at risk.

The whistleblowers -- Gabriel D. Bruno, former manager of the Orlando Flight Standards District Office, and Dorvin Hagen, former supervisory safety inspector in the Orlando Flight Standards District Office -- maintain that the program's cancellation and the agency's failure to fully staff their office was "gross mismanagement" and created a considerable danger to the public.

Bruno and Hagen have since been dismissed by FAA from the Orlando Flight Standards District Office and both told *Government Executive* they were not entirely pleased with the OSC report.

"I want to respectfully disagree with them on part of the report," said Bruno, who worked with FAA for 24 years. "I think it was a deliberate act on [the agency's] part" to keep the Orlando office understaffed.

Hagen, who spent 29 years with FAA, said the experience has left him physically exhausted and emotionally scarred.



"It's cost me my health and it's cost me my career," Hagen said. "However, as a responsible FAA employee, I had to."

After the Transportation Department inspector general found that the re-certification program was shut down improperly, FAA had begun to take steps to re-examine all mechanics who were certified by St. George, going back to May 1995. A legal challenge by certificate holders was filed in the U.S. District Court of the Middle District of Florida, which issued an injunction stopping the re-examination.

Bruno said hundreds of mechanics certified under the fraudulent St. George's program are now working for dozens of airline companies and for FAA.

The OSC report on the Transportation IG's investigation ends OSC's involvement in the issue. In a letter to President Bush, Special Counsel Scott Bloch said while the agency's reports were adequate by legal standards, he is concerned that the re-examination process has been interrupted by the district court.

Bribing for Work

An immigration officer in the Homeland Security Department's Citizenship and Immigration Services bureau was sentenced to 15 months in federal prison earlier this month after pleading guilty to accepting more than \$4,000 in bribes, according to the Justice Department.

Nancy Stephenson, 56, pleaded guilty to bribery and fraudulently issuing work permits and was sentenced June 1 by U.S. District Judge Gary L. Taylor in Santa Ana, Calif.

A San Juan Capistrano, Calif., resident, Stephenson was authorized to adjudicate employment-based immigration petitions, but was not authorized to approve work permit applications, according to the Justice Department.

Starting in March 2002, Stephenson began approving work permits despite lacking the authority. A coded stamp issued to Stephenson allowed CIS officials to trace the unauthorized permits back to her.

In many of the cases, the agency, the former Immigration and Naturalization Service, would request more evidence on immigrants seeking work permits and Stephenson would note on agency computers that the evidence was received, when in fact it was not.

Stephenson then would indicate in INS records that the application had been approved and the work permit would be sent to the immigrant. She admitted to doing this as many as 99 times for members of the Samoan and Filipino communities in Southern California.

Stephenson and others working with her received up to \$4,000 in this scheme. Her co-defendants, Loreta Mose, 49, of Long Beach, Calif., and Orlando Cariaga, 51, of Cerritos, Calif., also pled guilty to helping Stephenson by recruiting applicants.

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

NOV 17 2006

Mr. Adam Miles
Government Accountability Project
National Office
1612 K Street, NW., Suite 1100
Washington DC 20006

800 Independence Ave., S.W.
Washington, DC 20591

Freedom of Information Act # 2007-0697

Dear Mr. Miles:

This is in response to your Freedom of Information Act (FOIA) dated October 24. We are enclosing a copy of "Flight Standards Information Bulletin for Airworthiness (FSAW 04-10B) Reexamination of Airframe and Powerplant Certificate Holders Who Took Oral and Practical Exams at the St. George Aviation Testing Center in Sanford, Florida." This document is responsive to your request for a comprehensive description of the retesting program as it was implemented, including, but not limited to, whether mechanics were retested for hands-on competency, in addition to oral and written examinations.

In a telephone conversation on October 31 with Ms. LaShells, Aircraft Maintenance Division, you indicated that you are looking primarily for a current status of the St. George Aviation project rather than specific records. Therefore, we are submitting the following information in response to your revised request.

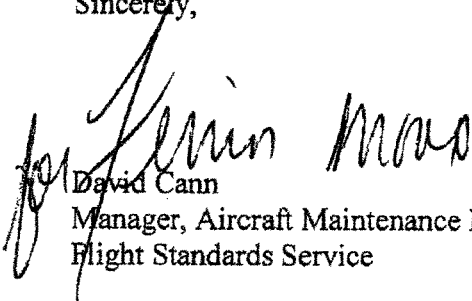
- Number of recertification that have been completed – As of November 1, a total of 1,274 out of 1,455 airmen have been processed (either passed examination, surrendered certificate, or suspended certificate). The remaining 181 airmen either meet the Special Federal Aviation Regulation No. 100-1, cannot be located, are in the queue to be tested, or are in the legal process. All airmen will be successfully tested, or their certificate will be surrendered or suspended before the project is officially completed.
- Number of St. George certified mechanics* that were retested – There were 647.
- Number of St. George certified mechanics* working for commercial airlines prior to retesting – The FAA does not have statistics on this issue.
- Number of St. George certified mechanics* that continue to work for commercial airlines – The FAA does not have statistics on this issue.
- Number of St. George certified mechanics* working for the FAA – There were three. All airmen/FAA employees were treated equally according to FSAW 04-10B.

- Communication from FAA to Department of Transportation – No communication/documentation has been exchanged between the FAA and the Department of Transportation on this issue.

(*Individuals holding mechanic certificates with airframe and/or powerplant ratings who tested at the St. George Aviation testing facility in Sanford, Florida, between October 10, 1995, and December 31, 1998.)

There is no fee to process your request as the cost to process was less than \$10.00.

Sincerely,



David Cann
Manager, Aircraft Maintenance Division
Flight Standards Service

Enclosure

KR

Government Accountability Project

National Office

1612 K Street, N.W. • Suite 1100

Washington, D.C. 20006

(202)408-0034 • Fax: (202)408-9855

Email: info@whistleblower.org • Website: www.whistleblower.org

July 23, 2007

Federal Aviation Administration
National Freedom of Information Act Staff, ARC-40
800 Independence Avenue, SW
Washington, DC 20591

Re: FOIA Request

Dear Freedom of Information Officer:

This Freedom of Information Act request is in response to a November 17, 2006, letter (attached) from the FAA responding to my FOIA request dated October 24, 2006. The Nov. 17 letter accurately notes that I am "looking primarily for a current status [update] of the St. George Aviation project rather than specific records." Along these lines, I appreciate the information that was sent in the Nov. 17 letter from Mr. David Cann. However, after reviewing the information provided, I am seeking additional information in connection with the FAA's response to the aviation safety concerns created by the criminal activity of Anthony St. George.

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, I am requesting responses to the following:

1. Has the St. George Reexamination activity adhered to the "St. George Aviation Action Plan" that was approved by FAA headquarters in August 1999? If not, why not? If not, who authorized the decision to change the testing program and/or the methodology for reexaminations from the initial plan approved as the "St. George Aviation Action Plan" in August 1999? Please provide any communications by FAA officials relevant to this decision.
2. Retesting statistics:
 - a. How many St. George issued certificate holders have been reexamined as of July 23, 2007?
 - b. How many St. George certified certificate holders did the FAA identify for the retesting program?
 - c. How many of the St. George certified certificate holders identified for retesting took the re-examination and met the satisfactory requirement

identified in FSAW 04-10B?

- d. How many of the St. George certified certificate holders identified for retesting chose to voluntarily surrender their certificates after being advised they were going to be retested, but before taking the reexamination?
- e. How many St. George certified certificate holders attempted the reexamination and received an unsatisfactory score or otherwise failed the reexamination?

Of these, how many failed the reexamination program that was initially authorized as the "St. George Action Plan" in August 1999? What was the percentage of certificate holders that failed to pass the reexamination under this action plan?

Of those that failed, how many did not meet the satisfactory requirement as specified in Bulletin FSAW 04-10B, which became effective on September 21, 2004? Of those that failed to meet the satisfactory requirement specified in FSAW 04-10B, how many voluntarily returned their certificates to the FAA? How many chose to be retested a second time? In how many of these cases did the individual receive a second unsatisfactory rating? In how many cases did the FAA initiate "legal enforcement action," as specified in item 18, in Bulletin FSAW 04-10B? What was the percentage of certificate holders that failed to pass the reexamination detailed in Bulletin FSAW 04-10B?

- f. How many of the St. George certified certificate holders identified for retesting failed to comply with the FAA's order for retesting and have subsequently had their certificates suspended by the FAA? How many of these certificate holders has the FAA been unable to locate? In how many of these cases did the FAA initiate legal enforcement action?
- 3. Did the FAA take any steps to determine whether any St. George certified mechanics that failed the reexamination or had their certificate suspended because of the reexamination program were performing or continue to perform any work for commercial airlines that is contingent on holding an Airframe and Powerplant certification?
 - 4. How many of the St. George re-certifications/retests have been conducted by FAA inspectors? How many of the St. George re-certifications/retests have been conducted by designated contract examiners?

5. What coordination, if any, has taken place between the FAA and any air carrier that employed a St. George certified mechanic that had their certificate revoked, removed, suspended, or rescinded?
6. Did the three St. George certified mechanics the FAA identified as working for the FAA pass the reexamination program as specified in FSAW-04B? Were they reexamined before or after being hired by the FAA? At what offices and in what capacity are the FAA employees who obtained their A&P credentials through St. George currently working? If they have left the FAA since your Nov. 17, 2006 response, where in the FAA did they work at that time?
7. Has the list of St. George issued certificate holders been cross-referenced with FAA/NTSB accident investigations? If not, why not?
8. Has the FAA provided the Department of Transportation Office of Inspector General with any information on this issue? If so, please provide these communications.
9. Please provide the current requirements that new applicants for airframe and powerplant certificates must meet. Specifically, are new applicants required to take a practical test or other demonstration of "hands-on" competency? Also, is a score of 70 percent satisfactory to meet the guidelines for competency in oral or written tests given by the FAA or designated examiners for A&P certificates?

Thank you very much for your assistance.

If any of the material covered by this request has been destroyed or removed, please provide all surrounding documentation including, but not limited to, a description of the action taken regarding the materials and justification for those actions taken. For any documents or portions you deny due to a specific FOIA exemption, please provide a detailed justification of your grounds for claiming such exemption, explaining why the exemption is relevant to the document or portion of the document withheld.

The Government Accountability Project requests that all fees incurred in connection with the attached request to the Federal Aviation Administration be waived, because "disclosure of the information is in the public interest and is not primarily in the commercial interest of the requester." 5 U.S.C. §552 (a)(4)(A)(iii).

The Government Accountability Project consents to the deletion of any material that would violate an individual's rights under the Privacy Act. We will work with your office to prioritize responsive data for this request, further refine the request if you find any terms too imprecise, conduct searches for unclassified responsive records, or engage in any other

reasonable activities that would lessen the agency's burden and costs.

The Requesters' Public Interest Status and History

GAP is a non-profit, non-partisan, public interest organization chartered under IRS Code §501 (C)(3) as a non-profit, educational and charitable organization. We seek to serve the public through achieving governmental accountability by protecting and encouraging federal and corporate employees who observe or are victimized by wrongdoing, gross waste of public funds, threats to public health and safety, environmental contamination, corruption, abuse of the public trust and other abuses of power.

GAP accomplishes these goals primarily by conducting advocacy campaigns before Congress, through the media, and for the general public and by providing legal representation to whistleblowers to combat the retaliation they have suffered in exercising their right of occupational free speech. Our twin aims are to promote corporate and government accountability and to expose, investigate, and correct substantive problems that formed the basis of protected whistleblowing disclosures. GAP's role is well-recognized by the courts and, as an organization, has informational standing under the First Amendment protecting its receipt of disclosed information. *Taylor v. RTC*, 56 F.3d 1437 (D.C. 1995); *United States v. Garde*, 573 F. Supp. 604 (D.D.C. 1987); ~ *Generally Virginia Pharmacy Bd. v. Virginia Consumer Council*, 425 U.S. 748, 756-57 (1976).

GAP has a 20-year history of working in the public interest. GAP does not take individual cases based on the client's ability to pay, how much money GAP believes it can recover in legal fees through litigation or any other commercial interest. Rather, GAP takes cases of legitimately harassed whistleblowers, often pro-bono (without charge), that further public policy or legislative changes that make the law stronger for workers who witness and choose to tell the truth about corporate and taxpayer-financed wrongdoing and to pursue exposure and resolution of the wrongdoing. It is through this work and with the help of whistleblowers that GAP has, among other things, pushed for enactment of several whistleblower protection statutes, exposed unhealthy food at supermarket chains, pushed for independent reviews of the safety of the Alaska pipeline, exposed the threat of explosion in waste tanks at the Hanford nuclear site, and pushed for policy reform within numerous executive agencies. All this activity is done primarily with the interest of the public in mind.

Dissemination of the Requested Information

In our efforts to promote government accountability, GAP works closely with Members of Congress, the media, and the public to alert them to irregularities. The information requested will be used in connection with a campaign aimed at key decision-makers at the federal level, the general public, and self-selected subscribers.

The combined circulation and viewer-base of our national, regional, and self-subscribed outlets ensure that the information will, indeed, be widely distributed to diverse segments of the public who will benefit from knowing the results of this program, and the efforts the FAA has taken to ensure the highest quality training and certification for all mechanics working in the aviation industry. As a consequence, public understanding and trust of government operations will certainly be enhanced.

Non-commercial use of the Requested Information

Disclosure of this information by GAP is in no way connected with any commercial interest since GAP is a non-profit, tax-exempt organization under § 501 (c)(3) of the IRS Code. The information we are seeking is crucial to advance public knowledge and will not be put to any commercial use.

Please be reminded that under the Freedom of Information Act, we are entitled to a response to this request within twenty working days. Should this request be denied for any reason, we ask that a detailed explanation be provided along with the name of the person to whom administrative appeals should be addressed.

Thank you in advance for your assistance and cooperation.

Sincerely,

Adam Miles, Legislative Representative
Government Accountability Project
(202) 408-0034, ext 132

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> same. Further inquires on this issue can be sent to the following:

- >
- > Federal Aviation Administration
- > Aircraft Maintenance Division, AFS-310
- > 800 Independence Ave, SW
- > Washington DC 20591

> Sincerely,

> Marci

> Marci LaShells, AFS-310
> Aviation Safety Analyst
> 202-267-7434

> *****

> Mr. Adam Miles
> Government Accountability Project
> National Office
> 1612 K Street, NW Suite 1100
> Washington DC 20006

> Dear Mr. Miles:

> In regards to your July 23, 2007 letter pertaining to the St. George
> Aviation project.

> Responses to your request:

> 1. The St. George Aviation Action Plan you referred to was cancelled
> in
> 2000/2001. The project was brought back to the attention of the FAA
> in
> 2004, in which a new action plan was initiated via the Flight
> Standards
> Information Bulletin for Airworthiness (FSAW 04-10B) - Reexamination
> of
> Airframe and Powerplant Certificate Holders Who Took Oral and
> Practical
> Exams at the St. George Aviation Testing Center in Sanford, Florida.
> This FSAW has been supplied to you, and is also on the FAA website.

> 2. Retesting Statistics: Effective August 1, 2007

- > a. Number of certificate holders reexamined - 712
- > b. Number of St. George certificate holders identified for
> retesting - 1455
- > c. Number of St. George certificate holders who have
> satisfactory
> met the requirement - 573
- > d. Number of St. George certificate holders who have
> voluntarily

- > surrendered certificate - 232
- > e. Number of St. George certificate holders who have failed to
- > satisfactorily pass the exam - 226 failed the initial examination,
- > out
- > of the 226, 177 retested - 50 % passed on the 2nd attempt.
- > Approximately 375 have been turned over to legal for enforcement
- > actions.
- >
- > 3. The current St. George Aviation plan is not monitoring the airmen
- > who
- > have had their certificates suspended or revoked. There are numerous
- > ways that an airman can remain at their current position without
- > having
- > a mechanics certificate. If they are performing job tasks which
- > require
- > a certificate and do not have one, appropriate legal enforcement
- > actions
- > will be initiated. It does not fall under the St. George Aviation
- > program.
- >
- > 4. All reexaminations have been done according to the FSAW 04-10B
- > which
- > requires an FAA inspector to administer the written and oral exam.
- > One
- > airman chose to be examined by a Designated Maintenance Examiner. He
- > was given all three written exams, oral exam and practical exam - not
- > the SGA exam.
- >
- > 5. There is no formal coordination between the FAA and air carriers
- > regarding the St George Aviation airmen who have had their
- > certificate
- > revoked, removed, suspended or rescinded. Again, if an airman,
- > without
- > a certificate, is performing a job task which requires a mechanics
- > certificate, appropriate legal enforcement action will be initiated.
- >
- > 6. The three St. George certified mechanics working for the FAA have
- > been handled according to FSAW 04-10B. Retesting was required if
- > they
- > desired to maintain certificate privileges.
- >
- > 7. No formal cross-references between FAA/NTSB accident
- > investigations
- > have been done.
- >
- > 8. Per the FAA November 17, 2006 letter, No
- > communication/documentation
- > has been exchanged between the FAA and the Department of
- > Transportation
- > on this issue. Status updates have been provided to the OIG as
- > requested.
- >
- > 9. Current requirements for new applicants can be located at:
- > <http://www.faa.gov/mechanics/>

Adam, the FAA has already fallen into an admission that they haven't done a thorough examination of this list. The fact that they are not doing practical exams in effect decriminalizes what Anthony St. George was convicted of and went to prison for. The FAA is just trying to clean up the mess they created when they cancelled the original re-examination program and left it for dead, until OSC decided to act on that part of my disclosures. Your analogy of giving a person a driver's license without a driving test is dead on.

An analysis of the FAA's own numbers is interesting because it's been seven years (1999-2007) and they've only addressed half of the people who need to be re-tested. They've done an incomplete job at that.

In their response to #3, while it is true that there are numerous non-skilled jobs that function under the direct supervision of a certified individual, the FAA is not monitoring them to know if indeed these individuals who had their certificates suspended or revoked, are functioning on the job as an FAA certified mechanic.

In #5 they say the same thing, but again they have done nothing to find out if any of these people have stayed in positions requiring the skills of an FAA certified mechanic.

Their response to #7 is just a "killer" (no pun intended) admission. Not cross-referencing this safety risk with NTSB accident findings (especially fatal accidents) is the exact issue I'm currently pushing OSC to look into based on the 41 fatalities in the two air carrier accidents with an NTSB finding of "faulty maintenance - lack of FAA oversight". That leaves us with a lot of unknown, unmonitored risk factors functioning in the aviation industry of this country.

In # 8 they engage in classic doublespeak when they admit that there's been no communication between the FAA and DOT on the St. Geo. Retesting. However, they say they have given the OIG updates when asked; but isn't the OIG part of the DOT? What was the content of the updates and when where they dated? Specifically what updates? What was in those updates? Who requested the updates? The FAA's admission of no communication/ documentation with DOT implies that this issue has not been examined by anyone else.

Therefore, I guess we need to ask point blank if this St. George List was shared with any national security or law enforcement agency, especially in light of the number of foreign names that traveled to central Florida to obtain these certificates, just like the known terrorists traveled to Florida to obtain flight training. In light of the fact that the FAA upper level management did not share with the Flight Standards District Offices (or at least not with me) the information they had on the terrorist threat before Sept. 11, 2001 so that we could be watching for suspicious activity, the fact that they have buried the St. George List is nothing less than malfeasance which may have left a national security risk unaddressed.

Anyone in possession of a U.S. FAA-issued mechanic certificate can obtain employment around the world, which could give them direct access to U.S. and other aircraft and security areas at major airports. Seems like knowing what these people, that are on the same list as a known terrorist's name, are doing in the aviation industry, and where they are located, is relevant to our nation's security. These people traveled a great distance to obtain a U.S. certificate from a criminal enterprise and then took off. Has the FAA specifically located and retested any of these individuals?

Adam, these are the obvious national security questions from my point of view. Let me know if you think of anything else. I'm looking over the sanitized list as Marti punches this out.

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Date: Sunday, January 11, 2009 11:55 AM

From: michael moulis <[REDACTED]>

To: [REDACTED]

Subject: Re: Courthouse

Gabe:

I heard that rumor about Chalks from an FAA employee. I think you know him. Many FAA inspectors agree that the re-testing was a sham. In fact many of my clients were informed that if they informed the examiner how to open the cowling of the aircraft they were going to successfully complete the practical part of the 709 exam.

Moulis

On Thu, Jan 8, 2009 at 10:43 AM, <[REDACTED]> wrote:

Hi Mike,

It was nice seeing you yesterday. Courthouses seem to be good places to run into people. I wish we would have had more time to talk.

I'll send you a couple of articles seperately that will give you some idea of what I've been involved in.

How did you find out a St.G mechanic worked on the Chalk's accident aircraft? Did you know he also failed the FAA mickey mouse re-test 2x after the crash?

Hope you like the articles.

Best,
Gabe

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Issue 2- Mass Re-testing

MxBriefs October 19, 2004, Issue 2

Mass Re-testing of Mechanics Underway

By: **Brian Finnegan, A&P, PAMA President**

A letter from the Federal Aviation Administration (FAA) to nearly 2,000 certified Airframe and/or Powerplant Mechanics notified them that improper written, oral and practical testing procedures have raised questions about those mechanics' competency to perform aircraft maintenance. The certificates in question are those obtained through the St. George Aviation (SGA) testing facility in Sanford, FL, between October 10, 1995 and December 31, 1998. The letters, mailed October 4, 2004, give the mechanics 15 days to contact their local FAA Flight Standards District Office to set up a time within 60 days to retest. If necessary, a second re-test may be scheduled within a subsequent 45-day period.

Mr. Rick Domingo, FAA AFS-301, emphasized in a telephone conversation with me the FAA's accountability to the Department of Transportation Inspector General and the United States Congress in assuring the competency of the aviation maintenance workforce. He acknowledged that while retesting is a right granted by the federal regulations, it is usually accomplished following commission of an unsafe act and this retesting program is proactively retesting without specific knowledge of such an act. Given the unusual testing circumstances, the conviction and jailing of the principal examiners at SGA, and FAA's safety mandate, Mr. Domingo stressed the importance of the testing and the urgency of the timeline.

The specific instructions regarding this program are contained in Order: 8300.10, Appendix 4, Flight Standards Information Bulletin for Airworthiness, FSAW 04-10, "Reexamination of Airframe and Powerplant Certificate holders who took Oral and Practical Exams at the St. George Aviation Testing Center in Sanford, Florida," dated 09-21-04. Exemptions from retesting are provided for those that have already retested subsequent to receiving their A and/or P from SGA or those that have received their Inspection Authorization (IA) in the intervening years. However, examination for the IA now, in response to being notified of the retesting requirement, is not an option. To obtain a copy of FSAW 04-10, [click here](#).

In response to this FAA retesting initiative, a number of mechanics have raised questions about the legitimacy of the FAA questioning their competency and have begun to form a class action lawsuit against the FAA. That class action suit is being organized by Mike Moulis, an attorney in Ft. Lauderdale, FL. He is a former FAA attorney and is

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talking to about 20 mechanics. He has already signed five mechanics to the lawsuit. Those interested in contacting Mr. Moulis may do so by calling 954/359-3172. He is charging \$1,000 per mechanic to participate and he is willing to accept payment in several installments.

Currently, PAMA's position is one of keeping our members informed about their options with a keen interest in assuring adequate time and opportunity to retest. Aviation maintenance professionals must maintain the public's respect for the integrity of A&P mechanics and their certifications. PAMA is working with its attorneys to assure consideration is given to individual circumstances and advises any mechanics involved to contact an attorney before refusing to retake their Written and Oral exams. A refusal to test will result in certificate revocation. However, airmen are permitted to fully understand their rights and responsibilities through legal consultation.

While the initial improper tests occurred before PAMA implemented its Legal Service Plan, anyone currently enrolled in PAMA's plan will be covered for unlimited legal advice regarding this matter. We are interested in our members' views on this issue and what future positions you think PAMA should take as we proceed on this matter. Please write me with your comments at mybrnfs@pama.org.

Stay Strong!

Member Comments

Dear Senator Jim Bunning

I am contacting my members of Congress regarding an issue of concern to me. My name is Steve Zahn and I am an Aviation Maintenance Technician

for Delta Airlines. Recently I received a letter from the FAA that requires me and approximately 300 other Delta AMT's to retake our Airframe and powerplant oral and written tests. The reason they are doing this is because we all received our license from a place called St. George Aviation. In January 1999, Mr. Anthony St. George was arrested and eventually convicted for the amount of time he spent administering the FAA A&P oral and practical Examinations. He did this

supposedly from October 10, 1995 thru December 31, 1998. If you would

like a little more information on this you can go to Aviation Today website and do a search for St. George Aviation. I have called people at the FAA about this matter and they think that this is unnecessary. They tell me that the DOT OIG is the one pushing the retest. When you

call the OIG, they say it is the FAA pushing the retest. Here is my problem with the situation. I am only speaking about me personally but I

would have to say that all the other Delta AMT's are equally qualified.

I took my A&P tests on Feb. 27, 1997. That is almost 8 years ago. My aircraft experience is 20+ years. I spent 4 years in the Navy working on F-14's. I was discharged as an AE2. Then I spent 2+ years at Pittsburgh Institute of Aeronautics in the Avionics program. I hired on at Delta in Jan. 1989. Before taking my A&P test, I had 13 weeks of

classroom training on several different aircraft types. Since receiving my A&P I have had 17 weeks of classroom training and 37