



**U.S. Department of  
Transportation**

Office of the Secretary  
of Transportation

**GENERAL COUNSEL**

May 27, 2010

1200 New Jersey Ave. S.E.  
Washington, D.C. 20590

Karen P. Gorman, Esq.  
Deputy Chief, Unit Disclosure  
U.S. Office of Special Counsel  
1730 M Street, NW, Suite 300  
Washington, DC 20036-4505

Re: OSC File No. DI-09-0683

Dear Ms. Gorman:

This is in response to the April 5, 2010, e-mail request from the Office of Special Counsel (OSC), for further information on the above referenced whistleblower complaint filed by Connie Ingram. Specifically, you ask about the status of the Federal Aviation Administration (FAA) civil penalty action against the mechanic who tested positive for drug use as noted in the report of investigation (ROI) conducted by the Department of Transportation's Office of Drug and Alcohol Policy and Compliance.

FAA revoked the mechanic's A&P certificate because of his drug use but the mechanic has refused to surrender the certificate. As a result, on September 9, 2009, FAA issued a Notice of Assessment to the mechanic in the amount of \$5,000 and, after the mechanic did not contest the Notice, FAA followed with an Order of Assessment on January 5, 2010, for the same amount. FAA advises that its Office of Chief Counsel has had numerous telephone conversations and emails with the mechanic and that he knows about the Notice and civil penalty. However, to date, the mechanic has not surrendered his certificate nor paid the penalty despite the many attempts by FAA to obtain the certificate and payment. The matter is currently with FAA's accounting office which intends to refer the matter to the Treasury Department for collection.

To address this type of situation, the ROI recommended that FAA require prospective employers to check with FAA on the status of a mechanic's certification status. The FAA Administrator concurred with this recommendation, stating that FAA intends to address this matter during its comprehensive updating of its drug and alcohol testing regulations. In the meantime, FAA has a mechanism for prospective employers to check the status of a mechanic's certification at the following:

[http://www.faa.gov/licenses\\_certificates/airmen/certification/interactive\\_airmen\\_inquiry/](http://www.faa.gov/licenses_certificates/airmen/certification/interactive_airmen_inquiry/).

Sincerely,

Judith S. Kaleta  
Assistant General Counsel for General Law