



U.S. Department
of Transportation

Federal Aviation
Administration

JUL 22 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Federal Aviation Administration

800 Independence Avenue, S.W.

Washington, D.C. 20591

Attn: Hearing Docket Clerk, AGC-430

Wilbur Wright Building - Room 2014

Eastern Region
Regional Counsel
Telephone: 718 553-3268
Facsimile: (718) 995-5699

1 Aviation Plaza
Room 561
Jamaica, NY 11434

RECEIVED
JUL 22 2005 2:09

RECEIVED

JUL 27 2005

HEARING DOCKET

ATTN: HEARING DOCKET CLERK

CP05EA0026 Re: In the Matter of DOMINION AIR CHARTER INC^{FAA} 2005-21944-1
Docket No. 2003EA700258

Enclosed herein please find a copy of a request for hearing and the original and one copy of the FAA's Complaint in the above-entitled action for filing, together with proof of service upon the Respondent.

The FAA requests that the hearing in this matter be held in the New York, NY area, and expects that the hearing will last one day.

Please address all communications for the Federal Aviation Administration to the attention of Stephen W. Brice, Office of the Regional Counsel, 1 Aviation Plaza Room 561 Jamaica, NY 11434.

Sincerely,

Loretta E. Alkalay
Regional Counsel

By: Stephen W. Brice
Stephen W. Brice
Attorney

Enclosures

cc: AEA-700/

Regional Counsel for the Eastern Region
Federal Aviation Administration
1 Aviation Plaza
Room 561
Jamaica, NY 11434

Date

7/11/05 *Donna Lubick*

DOMINION AIR CHARTER INC - 2003EA700258
Subject: Final Notice of Proposed Civil Penalty
Response Attachment

In reply to your Final Notice of Proposed Civil Penalty DOMINION AIR CHARTER INC elects to proceed as indicated by its check mark beside the numbered paragraph below:

1. DOMINION AIR CHARTER INC hereby submits the amount of the proposed civil penalty with the understanding that an Order Assessing Civil Penalty will be issued in that amount.
2. DOMINION AIR CHARTER INC hereby requests a formal hearing in accordance with Section 13.16 of the Federal Aviation Regulations.

By sending this form to the Federal Aviation Administration, Eastern Region, DOMINION AIR CHARTER INC also hereby certifies that a copy of this form has been filed with the Hearing Docket Clerk (Hearing Docket, Federal Aviation Administration, 800 Independence Avenue, S.W., Room 924A, Washington, DC 20591, Attention: Hearing Docket Clerk).

**** Please note that DOMINION AIR CHARTER INC will not be entitled to a hearing if it files this form with the Federal Aviation Administration, Eastern Region, WITHOUT having filed this form or a written request for a hearing with the HEARING DOCKET CLERK.**

ATTORNEY/REPRESENTATIVE

Name: _____
Firm: _____
Address: _____
Phone No. _____

JUL 14 2005

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
OFFICE OF HEARINGS
WASHINGTON, D.C.

RECEIVED

JUL 27 2005

HEARING DOCKET

In the Matter of DOMINION AIR CHARTER INC

2003EA700258
Judge Not Assigned

COMPLAINT

The Federal Aviation Administration (FAA), by counsel, hereby files its Complaint, pursuant to Rule 208 of the Rules of Practice (14 C.F.R. 13.208), and states as follows:

I

Respondent, DOMINION AIR CHARTER INC, was advised through a Final Notice of Proposed Civil Penalty that the FAA proposed to assess a civil penalty in the amount of \$1,750. On July 12, 2005, Respondent submitted a written demand for a hearing.

II

1. On or about May 10, 2003, DOMINION AIR CHARTER INC offered a shipment of dangerous goods to Federal Express for transport by air from Richmond, VA, to Atlanta, GA.
2. The shipment described above consisted of a two-piece shipment of fire extinguishers.
3. The shipment described above was prepared for shipment by Gary Armstrong, the shipping manager for DOMINION AIR CHARTER INC.
4. At all times pertinent to the preparation and offering of the shipment described above, Mr. Armstrong had received no training in accordance with the requirements for shipping hazardous materials.

III

By reason of the foregoing facts and circumstances, Respondent violated the following section(s) of the Department of Transportation Hazardous Materials Regulations:

1. Section 171.2(a), which states that no person may offer or accept a hazardous material for transportation in commerce unless that person complies with subpart G of part 107 of this chapter, and the hazardous material is properly classed, described, packaged, marked, labeled, and in condition for shipment as required or authorized by this subchapter (including Sections 171.11, 171.12, and 176.11).

2. Section 172.702(a), which states that a hazmat employer shall ensure that each of its hazmat employees is trained in accordance with the requirements prescribed in this subpart.

3. Section 172.704(a)(1), which states that hazmat employee training shall include the following: Each hazmat employee shall be provided general awareness/familiarization training designed to provide familiarity with the requirements of this subchapter, and to enable the employee to recognize and

identify hazardous materials consistent with the hazard communication standards of this subchapter.

IV

1. Pursuant to 49 U.S.C. §5123, Respondent is subject to a civil penalty of at least \$250 but not more than \$30,000 for each of the violations alleged.
2. Under the facts and circumstances of this case, a civil penalty of \$1,750 is appropriate.

WHEREFORE, the FAA, by counsel, respectfully requests that the Administrative Law Judge enter an order that Respondent be assessed a civil penalty in the amount of \$1,750.

Respectfully submitted,

Loretta E. Alkalay
Regional Counsel

By: 
Stephen W. Brice
Attorney

Federal Aviation Administration
1 Aviation Plaza
Room 561
Jamaica, NY 11434
718 553-3268
(718) 995-5699

NOTE:

The Rules of Practice for this proceeding are set forth in Part 13, Subpart G, of the Federal Aviation Regulations (14 C.F.R. Part 13).

The Rules of Practice provide that Respondent must file a written answer to this Complaint, or a written Motion to Dismiss if appropriate, not later than 30 days after the date shown on the Certificate of Service. A general denial is deemed a failure to file an answer (Section 13.209(e)).

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Complaint has been placed this date in the United States mail, postage prepaid, by Certified Mail - Return Receipt Requested addressed as follows:

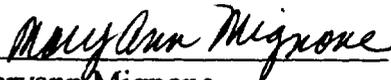
DOMINION AIR CHARTER INC
335 INDUSTRIAL DRIVE
LOUISA, VA 23093

Federal Aviation Administration (Original and one copy)
800 Independence Avenue, S.W.
Washington, D.C. 20591
Attn: Hearing Docket Clerk, AGC-430
Wilbur Wright Building – Room 2014

~IF FILING BY FEDERAL EXPRESS

Federal Aviation Administration (Original and one copy)
600 Independence Avenue, SW
Wilbur Wright Building – Room 2014
Washington, DC 20591
Attn: Hearing Docket Clerk, AGC-430

Date: JUL 22 2005


Maryann Mignone
Legal Technician
Federal Aviation Administration
Office of Regional Counsel
1 Aviation Plaza - Room 561
Jamaica, NY 11434

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
OFFICE OF HEARINGS
WASHINGTON, D.C.

RECEIVED

JUL 27 2005

In the Matter of DOMINION AIR CHARTER INC HEARING DOCKET

2003EA700258
Judge Not Assigned

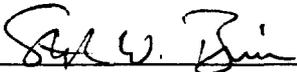
NOTICE OF APPEARANCE

Complainant, Federal Aviation Administration, hereby notifies the United States Department of Transportation, Office of Hearings, and the Respondent, pursuant to 14 C.F.R. §13.204(b), that it shall be represented in the above-stated action by the attorney listed below. All communications, notices, pleadings or documents are respectfully requested to be forwarded as follows:

Stephen W. Brice
Federal Aviation Administration
Office of Regional Counsel
1 Aviation Plaza
Room 561
Jamaica, NY 11434
Telephone: 718 553-3268
Facsimile: (718) 995-5699

Respectfully submitted,

Loretta E. Alkalay
Regional Counsel

By: 
Stephen W. Brice
Attorney

Dated: JUL 22 2005

CERTIFICATE OF SERVICE

I hereby certify that on this day copies of the foregoing Notice of Appearance were placed in the United States mail, postage prepaid, Certified Mail - Return Receipt Requested addressed as follows:

DOMINION AIR CHARTER INC
335 INDUSTRIAL DRIVE
LOUISA, VA 23093

Federal Aviation Administration (Original and one copy)
800 Independence Avenue, S.W.
Washington, D.C. 20591
Attn: Hearing Docket Clerk, AGC-430
Wilbur Wright Building – Room 2014

~IF FILING BY FEDERAL EXPRESS

Federal Aviation Administration (Original and one copy)
600 Independence Avenue, SW
Wilbur Wright Building – Room 2014
Washington, DC 20591
Attn: Hearing Docket Clerk, AGC-430

Date: JUL 22 2005


Maryann Mignone
Legal Technician
Federal Aviation Administration
Office of Regional Counsel
1 Aviation Plaza – Room 561
Jamaica, NY 11434