

312812



U.S. Department  
of Transportation

Federal Aviation  
Administration

Western-Pacific Region  
Office of Regional Counsel

DEPT. OF TRANSPORTATION  
DOCKETS  
P.O. Box 92007  
Los Angeles, CA 90009-2007  
2005 JAN 25 P 2:23  
(310) 725-7112  
(310) 725-6816 facsimile

DEC 21 2004

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Hearing Docket, Room 924A  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, D.C. 20591

RECEIVED

DEC 27 2004

HEARING DOCKET

Re: In the Matter of Peter L. Bradley; Case No. 2000WP750229 / CP04WP0030 / FAA 2004-19764-8

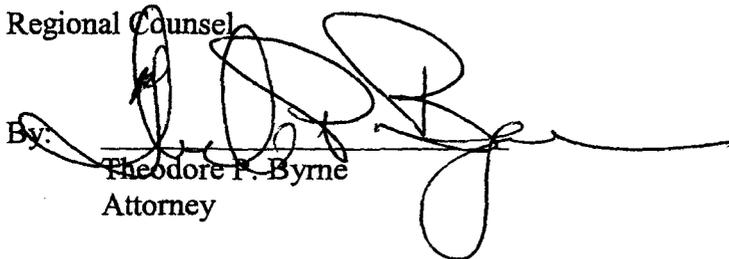
Enclosed herewith please find a copy of a request for hearing dated December 8, 2004, and the original and one copy of the Complaint in the above-referenced proceeding.

I request that the hearing in this matter be held in the San Francisco, California area, and expect that the hearing will last one (1) day.

Please address all communications for the Regional Counsel of the Western-Pacific Region, to the undersigned, at: Office of the Regional Counsel, AWP-7.5, Federal Aviation Administration, Western-Pacific Region, P. O. Box 92007, Los Angeles, CA 90009-2007, Telephone: (310) 725-7112, FAX: (310) 725-6816.

Sincerely,

Monroe P. Balton  
Regional Counsel

By:   
Theodore P. Byrne  
Attorney

Enclosures: Request for Hearing; Complaint; Certificate of Service

**NOTE TO RESPONDENT:** SECTION 13.209 OF THE CP RULES OF PRACTICE REQUIRE THAT A WRITTEN ANSWER TO THE COMPLAINT BE FILED NOT LATER THAN 30 DAYS AFTER SERVICE OF THE COMPLAINT. AS AN ALTERNATIVE TO FILING AN ANSWER, A MOTION MAY BE FILED PURSUANT TO SECTION 13.208(D) OR SECTION 13.218(F)(1-4) OF THE RULES OF PRACTICE.

1 JOYCE B. LADAR Esq. SBN 71572  
2 LAW OFFICES OF LADAR AND LADAR  
3 1916 Vallejo Street  
4 San Francisco, CA 94123  
5 Telephone: (415) 771-4321

6 Attorneys for  
7 PETER L. BRADLEY

8 UNITED STATES ADMINISTRATIVE LAW COURT

9  
10 UNITED STATES DEPARTMENT  
11 OF TRANSPORTATION, FEDERAL  
12 AVIATION ADMINISTRATION

2000 WP 750229

13 REQUEST FOR HEARING FROM  
14 HEARING DOCKET CLERK, FEDERAL  
15 AVIATION ADMINISTRATION  
16 14 CFR Ch. I FAA, DOT §13.16

Agency,

14 v.

15 PETER L. BRADLEY

Date:  
Time:  
Courtroom:

16 Requestor,

17  
18 ATTENTION: HEARING DOCKET CLERK, Hearing Docket, Federal Aviation  
19 Administration, 800 Independence Avenue, SW, Room 924A, Washington, DC 20591;  
20 MONROE P. BALTON, Regional Counsel for the Western Pacific Region, and  
21 THEODORE P. BYRNE, Attorney, Federal Aviation Administration, P. O. Box 92007, Los  
22 Angeles, CA 9009-2007.

23 COMES NOW PETER L. BRADLEY, through his attorney JOYCE B. LADAR,  
24 requesting a hearing following receipt of a "FINAL NOTICE OF PROPOSED CIVIL  
25 PENALTY" dated December 1, 2004 and received December 4, 2004. The location requested  
26

1 for the hearing is San Francisco, California.

2 **POINTS AND AUTHORITIES**

3 The parties participated in informal procedures under §13.16(d)(2) and the agency has  
4 not agreed to withdraw the notice of proposed civil penalty and the parties have not agreed to  
5 compromise the action. Accordingly, a timely request for hearing is now being made pursuant  
6 to §13.16(f).  
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8 Dated: December 8, 2004

Respectfully Submitted,

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PETER L. BRADLEY

Requestor



JOYCE B. LADAR

Attorney for PETER L. BRADLEY

PROOF OF SERVICE

The undersigned hereby certifies that his/her business address is 1005 SE Kingslros'  
Blue Springs, MO and he/she is a person of such age and discretion to be  
competent to serve papers. The undersigned further certifies that on this date he/she  
caused copies of

REQUEST FOR HEARING FROM HEARING DOCKET CLERK,  
FEDERAL AVIATION ADMINISTRATION

To be deposited in the U.S. Mail to the following:

HEARING DOCKET CLERK  
HEARING DOCKET  
FEDERAL AVIATION ADMINISTRATION  
800 Independence Avenue, SW, Room 924A  
Washington, DC 20591

MONROE P. BALTON, Regional Counsel  
FEDERAL AVIATION ADMINISTRATION  
U.S. Department of Transportation, Western Pacific Region  
THODORE P. BYRNE, Attorney  
P.O. Box 92007  
Los Angeles, CA 90009-2007

I declare under penalty of perjury that the foregoing is true and correct, executed  
this 9<sup>th</sup> day of December, 2004, in Jackson, MO (city/county, state).

Laura O Bradley  
(name)

**U.S. DEPARTMENT OF TRANSPORTATION  
OFFICE OF HEARINGS  
WASHINGTON, DC**

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**In the Matter of:**

**Peter L. Bradley**

**Respondent**

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**FAA DOCKET**

**FAA CASE NO. 2000WP750229**

JUDGE NOT ASSIGNED

COMPLAINT

The Regional Counsel for the Western-Pacific Region, Federal Aviation Administration (FAA), hereby files his Complaint, pursuant to Rule 208 of the Rules of Practice (14 C.F.R. 13.208), and states as follows:

I.

1. On or about March 16, 2000, Respondent was a passenger aboard Alaska Airlines Flight Number 259 which departed Puerto Vallarta, Mexico and was headed for San Francisco International Airport, San Francisco, California.
2. During the subject flight, Respondent was observed by crewmembers and passengers running up and down the aisles and removing his shirt, shoes and socks.
3. At all times mentioned herein, Respondent had a Gerber three inch blade knife on his person and/or accessible to him during the subject flight

4. During the subject flight, a flight attendant instructed Respondent to return to his assigned seat and fasten his seat belt. Respondent responded with a curse word and refused to sit down and fasten his seat belt.
5. As a result of Respondent's aforementioned conduct, the Captain exited the cockpit to speak to Respondent.
6. During the subject flight, Respondent first attempted to open the cockpit door, but it was locked. Respondent then attempted to open the exit doors of the aircraft. Another flight attendant again instructed Respondent to sit down and fasten his seat belt. Respondent refused to comply and responded by shoving the flight attendant and cursing at her.
7. Respondent subsequently attempted to open the cockpit door. A flight attendant instructed Respondent to sit down. Respondent replied with a curse word and then pushed the flight attendant to the ground.
8. Respondent then burst into the cockpit stating: "I'm going to kill you." Respondent was attempting to reach the flight controls of the aircraft.

9. As a result, the second-in-command used the emergency axe to defend the cockpit and pilots. Respondent assaulted and battered the Captain and second-in-command.
10. The Captain asked the passengers for help. The passengers along with the flight crew managed to subdue and restrain Respondent.
11. As a result of Respondent's aforesaid actions, flight attendants and flight crewmembers were injured.
12. Upon arrival to the San Francisco International Airport, Respondent was arrested by local police.

## II.

By reason of the foregoing facts and circumstances, Respondent violated the following:

- a. 14 CFR Section 91.11, in that Respondent assaulted/threatened/intimidated and/or interfered with the crewmembers in the performance of the crewmembers' duties aboard the aircraft being operated.
- b. 14 CFR Section 121.317, in that Respondent was required by 121.311(b) to occupy a seat or berth and failed to fasten his safety seat belt about him and keep it fastened while the "Fasten Seat Belt" sign is lighted.

- c. 14 CFR Section 121.317(k), in that Respondent failed to comply with instructions given to him by crewmembers regarding compliance with paragraphs (f), (g), (h) and (l) of this section.
  
- d. 49 U.S.C. Section 46303(a), in that Respondent, when on, or attempting to board, an aircraft in, or intended for operation in, air transportation or intrastate air transportation, had on or about himself or the property of himself, a concealed dangerous weapon that is or would be accessible to the individual in flight is liable to the United States Government for a civil penalty of not more than \$10,000 for each violation.

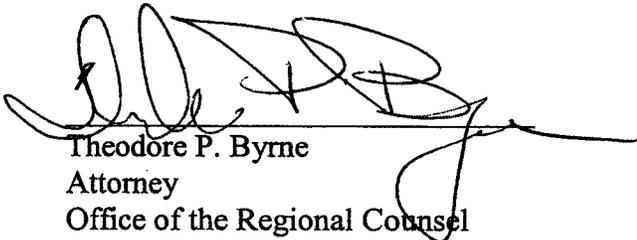
### III.

1. Pursuant to Title 49 U.S.C. Section 46301(a)(1), as amended by 14 C.F.R. Part 13, Subpart H, Respondent is subject to a civil penalty not to exceed \$1,100.00 for each of the violations alleged in paragraphs a, b, and c. Under 49 U.S.C. Section 46303(a), Respondent is subject to a civil penalty not to exceed \$10,000.

2. Under the facts and circumstances of this case, a civil penalty of \$11,300.00 is appropriate.

WHEREFORE, the Regional Counsel, FAA, Western-Pacific Region, respectfully requests that the Administrative Law Judge enter an order that Respondent be assessed a civil penalty in the amount of \$11,300.00.

Respectfully submitted,



Theodore P. Byrne  
Attorney  
Office of the Regional Counsel  
Federal Aviation Administration  
Western-Pacific Region

DATED: DEC 21 2004

CERTIFICATE OF SERVICE

I hereby certify that on this date I have placed in the United States mail, postage prepaid, certified mail, the executed original and one copy of the Complaint, addressed as follows:

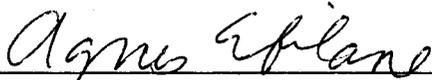
Hearing Docket Clerk, Room 924A  
Federal Aviation Administration  
800 Independence Avenue, S.W.  
Washington, DC 20591

I further certify that on this date I have placed in the United States mail, postage prepaid, certified mail, a true copy of the Complaint, addressed as follows:

Joyce B. Ladar, Esq.  
1916 Vallejo Street  
San Francisco, CA 94123

Peter L. Bradley  
1005 SE Kingscross  
Blue Springs, MO 64014

Dated: DEC 21 2004



Agnes Ebilane  
Legal Technician  
Office of the Regional Counsel  
Federal Aviation Administration  
Western-Pacific Region  
Hawthorne, California