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Timothy I. McCulloch
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March 18, 2008

VIA FEDERAL EXPRESS

Federal Aviation Administration
Attn: Hearing Docket Clerk, AGC-430
600 Independence Avenue S.W.
Wilbur Wright Building, Ste. 2W1000
Washington, D.C. 20591

Re: 2007WP070063 / CP08WP0007
ACE-7

Gentleperson:

This law firm represents New Mexico Flying Eagle, Inc., d/b/a Arizona Aero-Tech. We ask that all correspondence be sent to this office. This letter shall serve as the request for hearing in the matter of 2007WP070063 as required by 14 C.F.R. §13.6(h). The final notice of proposed civil penalty was received on March 17, 2008, and a copy is enclosed herein.

Very truly yours,

Timothy McCulloch

TIM:ji

Enclosure

cc: John W. Escott, Regional Counsel
La Trice Flucas, Office of Regional Counsel
Mark G. Camacho, Attorney

DEPT. OF TRANSPORTATION
DOCKETS
2008 SEP 16 P 3:25



U.S. Department
of Transportation

Federal Aviation
Administration

In Reply Refer To: ACE-7
2007WP070063

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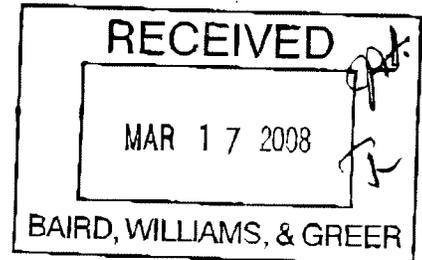
Regional Counsel
901 Locust, Room 506
Kansas City, MO 64106-2641

Area Code: 816-329-3765

REGULAR & CERTIFIED MAIL - RETURN RECEIPT REQUESTED
Cert. Nos. 70052570000146800245 & 70052570000146800252

March 14, 2008

Mr. Timothy M. ~~Amalongo~~, President
New Mexico Flying Eagle, Inc.
d/b/a Arizona Aero-Tech
6971 S. Apron Drive
Tucson, AZ 85706



FINAL NOTICE OF PROPOSED CIVIL PENALTY

On November 15, 2007, New Mexico Flying Eagle, Inc., d/b/a Arizona Aero-Tech was advised through a Notice of Proposed Civil Penalty that the FAA proposed to assess a civil penalty in the amount of \$33,000.

1. New Mexico Flying Eagle, Inc., d/b/a Arizona Aero-Tech is, and at all times mentioned herein was the holder of Pilot School Certificate No. X26S789K, with private pilot course, commercial pilot course, instrument rating course, flight instructor course and flight instructor instrument course ratings.
2. At all times relevant herein, civil registration No. N80817, a Cessna model 172M aircraft and civil registration No. N404SW, a Cessna model 172I aircraft were operated by New Mexico Flying Eagle, Inc., d/b/a Arizona Aero Tech.
3. Between May 21, 2007, and May 31, 2007, N80817 and N404SW were operated on eleven (11) flights by New Mexico Flying Eagle, Inc.
4. On May 21, 2007, N80817 was unairworthy in that the barrier between the cargo compartment and inside the tail section of aircraft was not in place.
5. On May 21, 2007, N404SW was also unairworthy in that the cargo compartment aft barrier between the cargo compartment and inside the tail section of the aircraft was not secure to the aircraft.

6. Subsequent to May 21, 2007, maintenance was performed on N80817 and N404SW in that speed tape was used to repair the damage listed above in paragraphs 4 and 5.
7. Using speed tape in the performance of maintenance is not an approved method, technique, and practice prescribed in the current manufacturer's maintenance manual or Instructions for Continued Airworthiness prepared by its manufacturer, or other method, technique, and practice acceptable to the Administrator.
8. Therefore, the damage referenced in paragraphs 4 and 5 above, and subsequent speed tape repairs performed on N80817 and N404SW rendered both aircraft unairworthy.
9. For the reasons stated above, New Mexico Flying Eagle Inc. violated Section 91.7(a) of the Federal Aviation Regulation (Title 14, Code of Federal Regulations), which states no person may operate a civil aircraft unless it is in an airworthy condition.

Under Title 49 U.S.C. 46301(a)(5)(A), you are subject to a civil penalty not to exceed \$11,000 for each of the violations noted. By reason of the foregoing facts and circumstances, we propose to assess a civil penalty in the amount of \$33,000.

Unless you mail or personally deliver, in writing, your request for a hearing in this matter, within 15 days after you receive this Final Notice, we will issue an Order Assessing Civil Penalty and you will have no further right to a hearing. If you do not submit a written request for a hearing, you must pay the proposed civil penalty.

Your request for a hearing must be sent to the Hearing Docket Clerk at one of the following addresses:

For service by U.S. Postal Service:

Federal Aviation Administration
800 Independence Avenue, SW.
Washington, DC 20591
Attention: Hearing Docket Clerk, AGC-430
Wilbur Wright Building, Suite 2W1000

For service by personal delivery or expedited courier such as Federal Express

Federal Aviation Administration
Attention: Hearing Docket Clerk, AGC-430
600 Independence Avenue SW.
Wilbur Wright Building, Suite 2W1000
Washington, DC 20591

A copy also must be sent to the undersigned FAA attorney. Your request must be dated and signed, in accordance with Section 13.16 of the Federal Aviation Regulations, sent to you with the Notice of Proposed Civil Penalty (14 C.F.R. 13.16).

You must pay the proposed penalty by submitting a certified check or money order payable to the "Federal Aviation Administration," to the undersigned. In the alternative, you may pay your civil penalty with a credit card over the Internet. To pay electronically, visit the website at <https://www.pay.gov>. Under the Search Public Forms option, type in "FCE-FINE1." Click on "FAA Civil Penalty Payments - Central Region." You must then complete the requested information and click "Continue." You will then be directed to enter your credit card or bank account debit information. To use the bank account debit you will need your bank routing number, account number, and check number. **THE FAA WILL NOT ACCEPT INTERNET PAYMENTS FOR AN AMOUNT LESS THAN THE AMOUNT SHOWN IN THE FINAL NOTICE.**

John W. Escott
Regional Counsel
By:

ORIGINAL SIGNED BY
MARK G. CAMACHO
Mark G. Camacho
Attorney

cc: Timothy I. McCulloch, Esq. ✓

New Mexico Flying Eagle, Inc., d/b/a Arizona Aero-Tech, FAA Case No. 2007WP070063

CERTIFICATE OF SERVICE

I hereby certify that I have this date placed in the United States mail, both certified mail, return receipt requested, and regular mail, an original Final Notice of Proposed Civil Penalty, addressed to:

Mr. Timothy M. Amalong, President
New Mexico Flying Eagle, Inc.
d/b/a Arizona Aero-Tech
6971 S. Apron Drive
Tucson, AZ 85706

Timothy I. McCullouch, Esq.
Baird Williams & Greer LLP
6225 N. 24th Street, Suite 125
Phoenix, AZ 85016


Alisa Gause
Paralegal Specialist

Dated this 14th day of March, 2008.