

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C.

DEPT. OF TRANSPORTATION
DOCTERS

DEC 19 2008

RECEIVED
DEC 19 2008
HEARING DOCKET

IN THE MATTER OF
VENTURA AIR SERVICES, INC.

FAA Docket No. CP08EA0008
(Civil Penalty Action)

DMS NO. FAA-2008-0505

COMPLAINANT'S RESPONSE TO RESPONDENT'S MOTION FOR DECISION
AND
CROSS-MOTION FOR DECISION

COMES NOW the Complainant, the Federal Aviation Administration, by and through its designated and authorized representative, the Regional Counsel for the Eastern Region, and her designated and authorized representatives, pursuant to the Rules of Practice in FAA Civil Penalty Actions (herein the "Rules"), 14 C.F.R. Section 13.201 *et seq.*, to respond to Respondents' motion for decision, and cross-move for decision in favor of Complainant.

I Issues

1. Whether there is a genuine issue of material fact disputed by the parties?
2. Whether Complainant FAA is entitled to a decision as a matter of law?

II Statement of the Case

In the Complaint, as amended ¹, it is alleged that:

1. Ventura Air Services, Inc. is the holder of Air Carrier Certificate No. APMA212C.
2. On or about April 1, 2006, Ventura Air Services, Inc. operated aircraft identification number N125PT as Flight 387 under Part 135 between Washington, DC and Atlantic City, New Jersey.
3. On or about April 2, 2006, Ventura Air Services, Inc. operated aircraft identification number N125PT as Flight 387 under Part 135 between Atlantic City, New Jersey and Washington, DC.
4. On or about April 13, 2006, Ventura Air Services, Inc. operated aircraft identification number N855PT as Flight 396 under Part 135 between Fort Lauderdale, Florida and Farmingdale, New York.
5. On each of the flights described above, Ventura Air Services, Inc. used a pilot, Nicholas Tarascio, under Part 135, although, since the beginning of the 12th calendar month before that service, that pilot had not passed a written or oral test, given by the Administrator or an authorized check pilot, on the pilot's knowledge of specified areas.
6. In using a pilot whose qualifications or competency could not be ascertained, on flights under Part 135, Ventura Air Services, Inc. operated the aircraft described above in a careless manner, endangering the lives or property of others.

By reason of the foregoing, it is further alleged that Respondent violated the following sections of the Federal Aviation Regulations:

- a. Section 135.293(a), which states that no certificate holder may use a pilot, nor may any person serve as a pilot under Part 135, unless, since the beginning of the 12th calendar month before that service, that pilot has passed a written or oral test, given by the Administrator or an authorized check pilot, on the pilot's knowledge of the specified areas.
- b. Section 91.13(a), which states that no person may operate an aircraft in a careless or reckless manner so as to endanger the life or property of another.

In Respondent's Answer to the Complaint, it:

- Admits paragraphs 1 through 4;

¹ In a filing made concurrently with the instant response, Complainant has withdrawn the FAR 135.293(b) charge.

- Admits in paragraph 5 that it used a pilot, Nicholas Tarascio, under Part 135, but denies the remainder;
- Denies paragraph 6;
- Denies violating the Federal Aviation Regulations.

III Applicable Law

The Administrative Law Judge shall grant a party's motion for decision if the pleadings, depositions, answers to interrogatories, admissions, matters that the administrative law judge has officially noticed, or evidence introduced during the hearing show that there is no genuine issue of material fact and that the party making the motion is entitled to a decision as a matter of law. The party making the motion for decision has the burden of showing that there is no genuine issue of material fact disputed by the parties [14 C.F.R. §§13.218, 13.224]². A party's representations must be substantiated, and when not, warrant a hearing. In the Matter of Lifeflite Medical Air Transport, FAA Order No. 2000-28 (2000).

² 14 C.F.R. §13.218 - Motions.

(f) *Specific motions*. A party may file the following motions with the administrative law judge:

(5) *Motion for decision*. A party may make a motion for decision, regarding all or any part of the proceedings, at any time before the administrative law judge has issued an initial decision in the proceedings. The administrative law judge shall grant a party's motion for decision if the pleadings, depositions, answers to interrogatories, admissions, matters that the administrative law judge has officially noticed, or evidence introduced during the hearing show that there is no genuine issue of material fact and that the party making the motion is entitled to a decision as a matter of law. The party making the motion for decision has the burden of showing that there is no genuine issue of material fact disputed by the parties.

14 C.F.R. 13.224 - Burden of proof.

(a) Except in the case of an affirmative defense, the burden of proof is on the agency.

(b) Except as otherwise provided by statute or rule, the proponent of a motion, request, or order has the burden of proof.

(c) A party who has asserted an affirmative defense has the burden of proving the affirmative defense.

IV Argument

There is no genuine issue of material fact disputed by the parties. There is a violation of FAR 135.293(a) [14 C.F.R. §135.293(a)]³.

Even accepting those facts brought forth by Respondent as true, Respondent has nonetheless ignored in its motion the additional undisputed material fact that Nicholas Tarascio's FAR 135.293(a)(1) and (4) through (8) check was not timely accomplished in March 2005. Respondent's motion exhibit 4, p. 2, is evidence that, as described in the remarks section of that

³ **§ 135.293 Initial and recurrent pilot testing requirements.**

(a) No certificate holder may use a pilot, nor may any person serve as a pilot, unless, since the beginning of the 12th calendar month before that service, that pilot has passed a written or oral test, given by the Administrator or an authorized check pilot, on that pilot's knowledge in the following areas—

- (1) The appropriate provisions of parts 61, 91, and 135 of this chapter and the operations specifications and the manual of the certificate holder;
- (2) For each type of aircraft to be flown by the pilot, the aircraft powerplant, major components and systems, major appliances, performance and operating limitations, standard and emergency operating procedures, and the contents of the approved Aircraft Flight Manual or equivalent, as applicable;
- (3) For each type of aircraft to be flown by the pilot, the method of determining compliance with weight and balance limitations for takeoff, landing and en route operations;
- (4) Navigation and use of air navigation aids appropriate to the operation or pilot authorization, including, when applicable, instrument approach facilities and procedures;
- (5) Air traffic control procedures, including IFR procedures when applicable;
- (6) Meteorology in general, including the principles of frontal systems, icing, fog, thunderstorms, and windshear, and, if appropriate for the operation of the certificate holder, high altitude weather;
- (7) Procedures for—
 - (i) Recognizing and avoiding severe weather situations;
 - (ii) Escaping from severe weather situations, in case of inadvertent encounters, including low-altitude windshear (except that rotorcraft pilots are not required to be tested on escaping from low-altitude windshear); and (iii) Operating in or near thunderstorms (including best penetrating altitudes), turbulent air (including clear air turbulence), icing, hail, and other potentially hazardous meteorological conditions; and
- (8) New equipment, procedures, or techniques, as appropriate.

form, merely a FAR 135.293(a)(2) and (3) check was completed at SIMCOM on March 15, 2005.

In addition, Respondent's motion exhibit 6 is evidence that that the FAR 135.293(a)(1) and (4) through (8) check was not accomplished from February 3, 2005 until May 8, 2006, or about a month *after* the flights in question. It is also evidence that no new base month could be created in March 2005 without that check being completed, as Respondent conveniently ignores or obfuscates in its argument (See also Complainant's exhibit A, attached, Affidavit of Aviation Safety Inspector Roy Michael Sees; and Complainant's exhibit B, attached, as described in the remarks section of that form, on May 8, 2006, a FAR 135.293(a)(1) and (4) through (8) check was completed).

Further, while it is undisputed that Nicholas Tarascio underwent training at SIMCOM in March 2005 (Respondent's motion exhibit 4, p. 1), Respondent has ignored in its motion the additional undisputed material fact that SIMCOM was not authorized to conduct training and checking under FAR 135.293(a)(1) and (4) through (8). See Complainant's exhibit C, attached, which is a letter from the FAA to Gould Ryder (Respondent's Director of Operations) dated April 13, 2005, that is evidence that at least as of that date Respondent was made aware that SIMCOM was not authorized to conduct training and checking under FAR 135.293(a)(1) and (4) through (8) and, as a result, Nicholas Tarascio's FAR 135.293(a)(1) and (4) through (8) check could not have been accomplished in March 2005. (See also Exhibit A).

By virtue of its using an unqualified pilot in three air carrier operations, Respondent was careless in operating an aircraft so as to endanger the lives and property of others, and as a result, there is also a violation of FAR 91.13[14 C.F.R. §91.13]. (See also Exhibit A).

Finally, Complainant has withdrawn the FAR 135.293(b) charge that was included in the Complaint in error, and that had already been withdrawn in the Final Notice of Proposed Civil Penalty, which also included a reduction in the proposed civil penalty. (See attached Exhibit D, affidavit from counsel).

The Administrative Law Judge should deny Respondent's motion and grant Complainant's motion for decision. The pleadings, depositions, answers to interrogatories, and admissions, show that there is no genuine issue of material fact and that Complainant is entitled to a decision as a matter of law.

Alternatively, where the Administrative Law Judge determines there are one or more issues of material fact disputed by the parties, then a hearing as was requested by Respondent is still necessary for the administrative law judge to make findings of fact and conclusions of law.

WHEREFORE, the Administrator respectfully requests that Respondent's motion be denied in its entirety.

Respectfully submitted,

LORETTA E. ALKALAY
Regional Counsel

By: 

Christian Lewerenz
Attorney
Tel: 718.553.3273
Fax: 718.995.5699

CERTIFICATE OF SERVICE

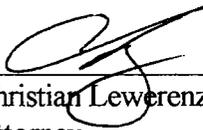
I hereby certify that on this date copies of the response to the motion and cross-motion were sent by *Federal Express Overnight* to the following:

The Honorable Isaac D. Benkin
Administrative Law Judge
Office of Hearings, M-20
U.S. Department of Transportation
400 Seventh Street, S.W., Room 5411
Washington, DC 20590
Tel: 202.366.2132
Fax: 202.366.7536

Gregory Winton, Esq.
Aviation Law Experts, LLC
One Research Court, Suite 450
Rockville, MD 20850
Tel: 301.294.8550
Fax: 301.294.2525

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

Dated: December 18, 2008

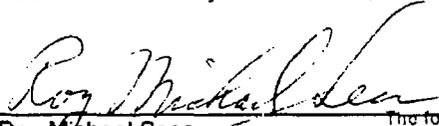


Christian Lewerenz
Attorney

AFFIDAVIT OF ROY MICHAEL SEES

1. I am an Aviation Safety Inspector in Oklahoma City, Oklahoma, currently assigned in AMA-260 to the position of Contracting Officer's Technical Representative (COTR). My primary duty in that position is to manage flight training contracts with organizations outside of the FAA to train operations inspectors. I have held this position for one year.
2. I have been an Aviation Safety Inspector for ten years with previous assignments of three years at the Honolulu Flight Standards District Office (FSDO) as an operations inspector, three years at the FAA Academy as an instructor and course manager of 14 CFR Part 135 air carrier certification initial and recurrent training courses, one year as a principal operations inspector at the Scottsdale FSDO, and two years as a frontline manager at the Scottsdale FSDO.
3. As part of my duties as an instructor and course manager at the FAA Academy from 2001 through 2004, I was responsible for and regularly instructed classes on air carrier training programs and pilot and crewmember testing. I continue to teach those subjects as a substitute instructor while in my current position as a COTR.
4. As part of my duties as an operations inspector in Honolulu and Scottsdale I conducted inspections and surveillance of air carrier training programs to determine compliance with the Code of Federal Regulations.
5. I have reviewed the FAA enforcement file regarding the matter of Ventura Air Services, Inc. and the Respondent's Motion for Decision. Having reviewed these documents, it is my belief that the respondent is confusing training and testing. The regulations for training and testing appear in two separate subparts of 14 CFR Part 135. Training is required by Subpart H while testing is required by Subpart G. The regulations make no connection between the two requirements. There is evidence (FAA form 8410-3 dated 2/3/05) that Nicholas Taracio completed initial training and testing in February of 2005, and he completed recurrent training eleven months early in March of 2005 (SIMCOM Pilot Proficiency Certificate dated 3/17/05). However, there is no evidence that he completed testing during the recurrent training in March of 2005. To the contrary, Ventura Air Services' own training record summary indicates that no 135.293(a) (1) (4-8) check was accomplished between 2/3/05 and 5/9/06 (training summary entitled "FAA Checks Nick Taracio).
6. If the training center (SIMCOM) did conduct testing in March of 2005, they could not have conducted a 135.293(a)(1) & (4-8) test because they were not authorized to do so. Moreover, responsible personnel at Ventura Air Services, Inc. knew that SIMCOM could not conduct that test as evidenced by the fact that they sent Nicholas Tarascio to ASI Mark Rogers for a 135.293(a)(1) & (4-8) test in May of 2006 (FAA form 8410-3 dated 5/8/06). FAA Order 8400.10, paragraph 603(A)(2) as cited by the respondent's counsel specifically cautions, "When training is accomplished before it due, **operators must ensure that all requirements are accomplished within the 12 calendar months allowed by the regulations.**"
7. Based on the above, I believe Ventura Air Services, Inc. failed in their obligation to conduct a complete 14 CFR 135.293(a) test within the 12 calendar months allowed by the regulations. As such, Nicholas Tarascio became unqualified to act as a pilot for the certificate holder on April 1, 2006, and all flights conducted on or after that date were in violation of 135.293(a).
8. Pursuant to 28 USC 1746, I hereby certify under the penalty of perjury that the foregoing is true and correct.

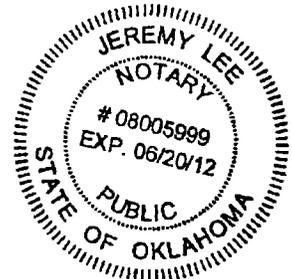
Declared this 9th day of December, 2008.



Roy Michael Sees

The following signature(s)
Was notarized on: 12/29/08
Notary: [Signature]
My commission expires: 6/22/2014

Roy Michael Sees



EXH. A

AIRMAN COMPETENCY/PROFICIENCY CHECK FAR 135				LOCATION KRG		DATE OF CHECK 5/17/06	
NAME OF AIRMAN (last, first, middle initial) T. J. S. ...				TYPE OF CHECK FAR 135.293 <input checked="" type="checkbox"/> FAR 135.297 <input type="checkbox"/> FAR 135.299 <input type="checkbox"/>			
PILOT CERTIFICATION INFORMATION:		Grade ...		MEDICAL INFORMATION: Date of Exam. 2/10/06			
		Number ...		Date of Birth ...		Class ...	
EMPLOYED BY ...		BASED AT (City, State) ...		TYPE AIRPLANE (Make/Model) ...			
				Simulator/Training Device (Make/Model)			
NAME OF CHECK AIRMAN		SIG. OF CHECK AIRMAN		FLIGHT TIME			
FLIGHT MANEUVERS GRADE (S - Satisfactory U - Unsatisfactory)							
PILOT						Air-craft	
				Air-craft		Simu-lator	
				Trng. Dev.		Trng. Dev.	
PREFLIGHT				HELICOPTER			
1. Equipment Examination (Oral or written)				1. Ground and/or Air Taxi			
2. Preflight Inspection				2. Hovering Maneuvers			
3. Taxiing				3. Normal & Crosswind T.O. & Landings			
4. Powerplant Checks				4. High Altitude Takeoffs & Landings			
TAKEOFFS				5. Sim. Engine Failure			
5. Normal				6. Confined Areas, Slopes, & Pinnacles			
6. Instrument				7. Rapid Deceleration (Quick Stops)			
7. Crosswind				8. Autorotations (Single Engine)			
8. With Simulated Powerplant Failure				9. Hovering Autorotations (Single Engine)			
9. Rejected Takeoff				10. Tail Rotor Failures (Oral)			
INFLIGHT MANEUVERS				11. Settling With Power (Oral or Flight)			
10. Steep Turns				SEAPLANE OPERATIONS			
11. Approaches to Stalls				1. Taxiing, Sailing, Docking			
12. Specific Flight Characteristics				2. Step Taxi & Turns			
13. Powerplant Failure				3. Glassy/Rough Water T.O./Landings			
LANDINGS				4. Normal Takeoff & Landings			
14. Normal				5. Crosswind T.O. & Landings			
15. From an ILS				OTHER			
16. Crosswind				6. Ski Plane Ops. (when applicable)			
17. With Simulated Powerplant(s) Failure				GENERAL			
18. Rejected Landing				7. Judgment			
19. From Circling Approach				8. Crew Coordination			
EMERGENCIES				AIRMAN COMPETENCY INFORMATION:			
20. Normal and Abnormal Procedures				Demonstrated Current Knowledge FAR 135.293(a) (1)(4-8)			
21. Emergency Procedures				Make/Model Expires (12 months) (5-07)			
INSTRUMENT PROCEDURES				Demonstrated Competency FAR 135.293(b)			
22. Area Departure				Make/Model Expires (12 months) ()			
23. Holding				Satisfactorily Demonstrated Line Checks			
24. Area Arrival				FAR 135.299 Expires (12 months) ()			
25. ILS Approaches				Satisfactorily Demonstrated IFR Proficiency			
26. Other Instrument Approaches				FAR 135.297 Expires (6 months) ()			
Approaches: NDB/ADF				Use of Autopilot (is) (is not) Authorized.			
VOR				Expires (12 months) ()			
ILS				REMARKS			
Other (Specify)				Now use FAR 135.293(a) (1-8) only.			
27. Circling Approaches							
28. Missed Approaches							
29. Comm./Nav. Procedures							
30. Use of Auto. Pilot							
RESULT OF CHECK <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved				CHECK AIRMAN'S PERFORMANCE (FAA Only) <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory			
REGION Eastern		DISTRICT OFFICE DALL		FAA INSPECTOR'S SIGNATURE			



U.S. Department of Transportation
Federal Aviation Administration

Flight Standards District Office
7150 Republic Airport-Suite 235
Farmingdale, New York 11735-1583
Telephone: (631) 755-1300 Ext. 262

APR 13 2005

Mr. Gould A. Ryder
General Manager
Ventura Air Services, Inc.
3100 Republic Airport
Farmingdale, NY 11735

Dear Mr. Ryder:

The selection of Simcom International, Inc., as a Ventura Air Services, Inc., Title 14 CFR Part 142 training facility, and the request to be trained at that facility and in accordance with the Ventura Air Services, Inc. approved 135 training program is authorized to conduct all training and checking in LR-35 series approved simulator with differences training for the LR-25 and LR-55, except for Title 14 CFR Part 135, Section 135.293(a)(1) and (a)(4) through (8).

Sincerely,

Original Signed By

Eva C. Mauro
Principal Operations Inspector

File: 8400
N:\Letters\Ventura Simcom Training Letter2.doc
AEA-FSDO-11/Emauro/dh/04/13/2005

CONCURRENCES
ROUTING SYMBOL
OPS-7
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DATE
4-13-05
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DHF
DATE
4/13/05

EXH. C

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C.

IN THE MATTER OF
VENTURA AIR SERVICES, INC.

FAA Docket No. CP08EA0008
(Civil Penalty Action)

DMS NO. FAA-2008-0505

DECLARATION OF CHRISTIAN LEWERENZ

I, Christian L. Lewerenz, affirm under penalty of perjury the following facts:

I have been employed by the Federal Aviation Administration as an Attorney with the Regional Counsel's office in the Eastern Region since 1990.

I am assigned as Complainant's representative in the matter captioned above. In the course of representation, on April 17, 2008 Complainant sent Respondent a Final Notice of Proposed Civil Penalty.

In that Final Notice of Proposed Civil Penalty, the Complainant had withdrawn a proposed charge of a violation of 14 C.F.R. §135.293(b), as it appeared that Respondent was in compliance based on Respondent's representations made during an informal conference on December 12, 2006 and further investigation conducted thereafter. Further, Complainant determined that Respondent appeared to comply with 14 C.F.R. §135.293(a)(2) and (3), but that Respondent did not comply with 14 C.F.R. §135.293(a)(1) and (4) through (8). I provided this information to Respondent's counsel.

As a result of its determinations, in that Final Notice of Proposed Civil Penalty, Complainant reduced the proposed civil penalty from \$33,000 to \$15,000, to reflect that over three flights Respondent used a pilot while not complying with 14 C.F.R. §135.293(a)(1) and (4) through (8).

The Complaint contains a charge of 14 C.F.R. §135.293(b) due to a clerical error. An Amendment of the Complaint is filed this same date withdrawing the charge.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 18, 2008.



Christian Lewerenz
Attorney

EXH - 0



U.S. Department
of Transportation

**Federal Aviation
Administration**

Eastern Region
Regional Counsel
Telephone: 718 553-3273
Facsimile: (718) 995-5699

1 Aviation Plaza
Jamaica, NY 11434

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APR 17 2008
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

President
Ventura Air Services, Inc.
8100 Republic Airport
Farmingdale, NY 11735

Docket No. 2006EA110022

FINAL NOTICE OF PROPOSED CIVIL PENALTY

TAKE NOTICE, that we have reviewed the information submitted by Ventura Air Services, Inc. during the Informal Conference held on December 12, 2006. We find that the information Ventura Air Services, Inc. submitted provides grounds to reduce the proposed penalty. Based on the investigative report received by this office, it appears that Ventura Air Services, Inc. violated the Federal Aviation Regulation(s) by reason of the following:

1. Ventura Air Services, Inc. is the holder of Air Carrier Certificate No. APMA212C.
2. On or about April 1, 2006, Ventura Air Services, Inc. operated aircraft identification number N125PT as Flight 387 under Part 135 between Washington, DC and Atlantic City, New Jersey.
3. On or about April 2, 2006, Ventura Air Services, Inc. operated aircraft identification number N125PT as Flight 387 under Part 135 between Atlantic City, New Jersey and Washington, DC.
4. On or about April 13, 2006, Ventura Air Services, Inc. operated aircraft identification number N855PT as Flight 396 under Part 135 between Fort Lauderdale, Florida and Farmingdale, New York.
5. On each of the flights described above, Ventura Air Services, Inc. used a pilot, Nicholas Tarascio, under Part 135, although, since the beginning of the 12th calendar month before that service, that pilot

had not passed a written or oral test, given by the Administrator or an authorized check pilot, on the pilot's knowledge of specified areas.

6. In using a pilot whose qualifications or competency could not be ascertained, on flights under Part 135, Ventura Air Services, Inc. operated the aircraft described above in a careless manner, endangering the lives or property of others.

By reason of the foregoing, Ventura Air Services, Inc. violated the following section(s) of the Federal Aviation Regulations:

1. Section 135.293(a), which states that no certificate holder may use a pilot, nor may any person serve as a pilot under Part 135, unless, since the beginning of the 12th calendar month before that service, that pilot has passed a written or oral test, given by the Administrator or an authorized check pilot, on the pilot's knowledge of the specified areas.
2. Section 91.13(a), which states that no person may operate an aircraft in a careless or reckless manner so as to endanger the life or property of another.

Ventura Air Services, Inc. Corporation is liable for a civil penalty not to exceed \$25,000 for each violation of the regulation(s) in accordance with 49 U.S.C. §46301(a)(1), or, for small business concerns, \$10,000 for each violation in accordance with 49 U.S.C. §46301(a)(5). After reviewing our investigative file, we propose to assess a civil penalty in the amount of \$15,000 for these violations.

Unless Ventura Air Services, Inc. mails or personally delivers, in writing, its request for a hearing in this matter, on or before fifteen (15) days after Ventura Air Services, Inc. receives this Final Notice, we will issue an Order Assessing Civil Penalty and Ventura Air Services, Inc. will have no further right to a hearing. If Ventura Air Services, Inc. does not submit a written request for a hearing, it must pay the proposed civil penalty.

Ventura Air Services, Inc.'s request for a hearing must be sent to the Hearing Docket, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Attention: Hearing Docket Clerk, AGC-430, Wilbur Wright Building, Room 2014 and a copy must be sent to the undersigned FAA attorney. Ventura Air Services, Inc.'s request must be dated and signed, in accordance with Section 13.16 of the Federal Aviation Regulations, sent to Ventura Air Services, Inc. with the Notice of Proposed Civil Penalty (14 C.F.R. 13.16).

Ventura Air Services, Inc. may pay the proposed penalty by submitting a certified check or money order payable to the "Federal Aviation Administration," to the undersigned.

In the alternative, Ventura Air Services, Inc. may pay its civil penalty with a credit card over the Internet. To pay electronically, visit the web site at <http://diy.dot.gov/fea.htm> and click on "Civil Fines and Penalty Payments" which will bring Ventura Air Services, Inc. to the "FAA Civil Penalty Payments Eastern Region" page. Ventura Air Services, Inc. must then complete the requested information and click "submit" to pay by credit card.

Loretta E. Alkalay
Regional Counsel

By: SL CL
Christian L. Lewerenz
Attorney

Enclosure (1)

Option Selection Form

cc: ~-230A/230B/~FSDO

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

Date _____

Ventura Air Services, Inc. - 2006EA110022
Subject: Final Notice of Proposed Civil Penalty
Response Attachment

In reply to your Final Notice of Proposed Civil Penalty Ventura Air Services, Inc. elects to proceed as indicated by its check mark beside the numbered paragraph below:

1. Ventura Air Services, 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. Ventura Air Services, 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, Ventura Air Services, 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 Ventura Air Services, 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. _____