

SERVED: August 25, 1994

NTSB Order No. EA-4239

UNITED STATES OF AMERICA  
**NATIONAL TRANSPORTATION SAFETY BOARD**  
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD  
at its office in Washington, D.C.  
on the 18th day of August, 1994

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DAVID R. HINSON,	)	
Administrator,	)	
Federal Aviation Administration,	)	
	)	
Complainant,	)	
	)	Docket SE-12652
v.	)	
	)	
DAVE CRAIG McDANIEL,	)	
	)	
Respondent.	)	

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**ORDER DENYING STAY**

Respondent, pro se, has requested a stay of NTSB Order EA-4189, served June 13, 1994, pending review of that order by the United States Court of Appeals for the Eleventh Circuit pursuant to Section 1006 of the Federal Aviation Act (49 U.S.C. 1486) and the NTSB Rules (49 C.F.R. 821.64).<sup>1</sup> The Administrator has replied in opposition to the request.

We generally grant stays of our orders pending judicial review when the suspension affirmed is for less than 6 months. We consistently deny stays in cases involving certificate revocation because revocation is based on a conclusion that the airman lacks the qualifications required of a certificate holder. See Administrator v. Reinhold, NTSB Order EA-4224 (1994).

We are presented here with no reason to depart from our precedent. Respondent operated an aircraft carrying cocaine and thereafter was convicted of trafficking in cocaine. Earlier, he had been convicted of conspiracy to import, with intent to

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<sup>1</sup>Board Order EA-4189 affirmed the revocation of respondent's commercial pilot certificate.

distribute, marijuana. In our decision, we also found that respondent failed properly to report these convictions on various medical applications. In affirming revocation of respondent's certificate, we found that he lacked the qualifications required of certificate holders. His lack of the expected level of care, judgment, and responsibility requires that he be denied the right to exercise the privileges of his certificate pending judicial review. Administrator v. Schoppaul, NTSB Order EA-3486 (1992).

**ACCORDINGLY, IT IS ORDERED THAT:**

Respondent's motion for stay of NTSB Order EA-4189 pending judicial review is denied.

HALL, Acting Chairman, LAUBER, HAMMERSCHMIDT and VOGT, Members of the Board, concurred in the above order.