

SERVED: July 28, 1998

NTSB Order No. EA-4683

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

Issued under delegated authority (49 C.F.R. 800.24)
on the 28th day of July, 1998

JANE F. GARVEY,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-14102
v.)	
)	
DAVID WINDWALKER,)	
)	
Respondent.)	

ORDER DENYING STAY

Respondent has requested a stay of NTSB orders EA-4638 and 4671, served February 20, 1998, and June 17, 1998, pending disposition of a petition for review of those orders to be filed in the U.S. Court of Appeals.¹ The Administrator opposes the request. A stay is not warranted in this case.

The Board's policy on stays in the case of suspensions of 180 days or more is to review the seriousness of the violations case-by-case. Here, the Board specifically found that "respondent acted with willful disregard of legitimate safety concerns." EA-4638 at 6. Respondent had reason to believe that the balloon was not safe, but chose to operate the balloon, with passengers, regardless. Respondent offers no reason why we should authorize his continued piloting in the circumstances.

¹ In EA-4638, the Board affirmed a 180-day suspension of respondent's airman certificate for operating an unairworthy hot air balloon. In EA-4671, the Board denied respondent's petition for reconsideration.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's petition for stay is denied.

Daniel D. Campbell
General Counsel