

SERVED: November 18, 1998

NTSB Order No. EA-4726

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

Issued under delegated authority (49 C.F.R. 800.24)
on the 18th day of November, 1998

| | | |
|----------------------------------|---|-----------------|
| JANE F. GARVEY, |) | |
| Administrator, |) | |
| Federal Aviation Administration, |) | |
| |) | |
| Complainant, |) | |
| |) | Docket SE-15130 |
| v. |) | |
| |) | |
| ALFRED J. MARCUSSEN, |) | |
| |) | |
| Respondent. |) | |
| |) | |

ORDER DENYING STAY

Respondent has requested a stay of NTSB Order EA-4711, served October 21, 1998, pending disposition of a petition for review of that order to be filed in the U.S. Court of Appeals. 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 was "dismayed by respondent's general lack of understanding of regulatory requirements." EA-4711 at 2.¹ When combined with respondent's gear-up landing, and

¹ In this case, the Board affirmed a 180-day suspension of respondent's airman certificate for passenger-carrying operation without the required rating or flight review, and a gear-down landing. Respondent had been flying the aircraft for approximately 4 years without a multiengine rating or a biennial flight review, and was under the impression his student pilot certificate was all he needed.

despite respondent's subsequent ability to qualify for a particular type rating, we regretfully must conclude that respondent's safety and the safety of others require that our order take effect as scheduled. We would urge respondent, during this period of suspension, to take whatever time is necessary to ensure that he is familiar with all regulations regarding particular aircraft and his operation of them.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's petition for stay is denied.

Daniel D. Campbell
General Counsel