

SERVED: March 13, 2002

NTSB Order No. EA-4960

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

Issued under delegated authority (49 C.F.R. 800.24)
on the 13th day of March, 2002

JANE F. GARVEY,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-15878
v.)	
)	
VADIM KOLODIAJNYI,)	
)	
Respondent.)	
)	

ORDER DENYING STAY

Respondent has requested a stay of NTSB Order No. EA-4937, served January 24, 2002, pending disposition of a petition for review of that order to be filed in the U.S. Court of Appeals.¹ The Administrator opposes the request. The request is denied.

Regarding stay requests of suspensions of 180 days or more, the Board's longstanding policy is to review the seriousness of the violations case-by-case. See, e.g., Administrator v. Potanko, NTSB Order No. EA-3990 (1993). Here, the evidence showed that respondent operated his aircraft over farmland, trees, and houses on several occasions in aerobatic maneuvers that were "extreme and low enough to place [the witnesses] in fear for their safety and the safety of their families." EA-4937 at 3. Respondent offers neither a reason why the Board should grant a stay in this case, nor an explanation of how a stay would

¹In EA-4937, the Board affirmed a 180-day suspension of respondent's private pilot certificate for his repeated operation of his aircraft within 500 feet AGL of persons or structures on the ground, and performance of aerobatic maneuvers below 1500 feet AGL.

be consistent with the public interest in air safety.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's request for stay is denied.

Ronald S. Battocchi
General Counsel