

SERVED: October 19, 2007

NTSB Order No. EA-5329

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

Issued under delegated authority (49 C.F.R. § 800.24)
on the 19th day of October, 2007

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ROBERT A. STURGELL,)	
Acting Administrator,)	
Federal Aviation Administration,)	
)	
	Complainant,)	
)	Docket SE-17459
	v.)	
)	
ALVARO EDUARDO CORREDOR,)	
)	
	Respondent.)	
)	
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ORDER GRANTING STAY

Respondent has requested a stay of NTSB Order No. EA-5322, served October 5, 2007, pending disposition of a petition for review of that order to be filed in the United States Court of Appeals pursuant to Section 1006 of the Federal Aviation Act (49 U.S.C. § 14110) and the Board's Rules of Practice (49 C.F.R. § 821.64).¹ The Administrator opposes respondent's request for a stay of the order. The Board grants respondent's request.

The Board ordinarily grants stays in aviation enforcement cases in which the Board affirms a suspension of less than 180 days. That policy reflects a judgment that aviation safety will not be unduly jeopardized by the temporary postponement of sanction in less serious cases while a court reviews the validity of the Board's decision. The Administrator argues that, although this case resulted in a suspension of less than 180 days, it

¹ NTSB Order No. EA-5322 concluded that respondent violated certain provisions of the Federal Aviation Regulations and ordered suspension of any and all certificates held by respondent, including his airline transport pilot certificate, for a 90-day period.

involves more than a violation based on respondent's past conduct. The Administrator argues that it involves respondent's "defiance of authority and his continued and emphatic denial of his actions."

The Administrator states that testimony at the hearing revealed that respondent "lied to FBI agents, military police and the FAA" regarding the circumstances of his violations. The Administrator also states that respondent continues to claim that a witness signed an affidavit even though evidence reveals the affidavit was "a forgery." The Administrator argues that respondent's failure to acknowledge the findings of the law judge and the Board and his "litigious attitude in making challenges beyond those allowed by the rules of practice" and "demeanor exhibiting a lack of compliance with any rules" show that "interests in air safety would best be served by denying a stay of the Board's Order."

The Administrator cites Administrator v. Logan,² arguing that, "the Board found that the airman's attitude toward compliance warranted the denial of the stay," and that Logan involved "a violation based on more than ... past conduct." We find that comparison to be unavailing. Mr. Logan, at the time of the request for stay, continued to defy the Administrator's authority to inspect certain records. The Board found that a stay in those circumstances would "allow him to continue to thwart the Administrator's necessary and appropriate efforts to satisfy herself that respondent's qualifications and competence were not negatively implicated by the ... incident which gave rise to the inspection request." The Board found that a stay would not be consistent with the public interest in air safety. Such a narrow fact pattern is not present here, nor are we compelled by any undisputed facts in this case to deny the request for stay.

ACCORDINGLY, IT IS ORDERED THAT:

The effective date of NTSB Order No. EA-5322 is stayed until the expiration of the 60-day period within which a petition for review may be filed with the Court of Appeals; however, if such a petition is filed, the stay will continue in effect until the court enters judgment on the petition.

Gary L. Halbert
General Counsel

² NTSB Order No. EA-4950 (2002).