

3. On all dates relevant herein, Respondent operated civil aircraft N132NK, a Douglas Model DC-9-31, in air transportation.
4. On June 7, 1999, the FAA conducted a ramp inspection on N132NK, upon its arrival into Detroit Metropolitan Wayne County Airport, from Tampa, Florida, as Spirit Flight #698.
5. During the course of that inspection, the FAA discovered that N132NK had four of its forward galley bins missing required weight limit placards, and containing cargo.
6. On June 8, 1999, the FAA requested Respondent to produce maintenance and/or aircraft logbook documents for N132NK showing that proper maintenance procedures had been performed on the unplacarded compartments in the form of a deferral and deactivation of the bins or installation of the proper weight placards.
7. On June 7, 1999, Respondent failed to make the required maintenance entries, concerning the galley weight limitation placards, in the aircraft maintenance and/or logbook documents.

8. On June 7, 1999 and June 8, 1999, Respondent operated N132NK on at least four flights, in air transportation, while that aircraft was in an unairworthy condition.

II.

By reason of the foregoing facts and circumstances, Respondent violated the following Federal Aviation Regulations:

- a. **Section 121.285(a)** which prohibits any certificate holder from carrying cargo in the passenger compartment of an airplane.
- b. **Section 121.285(b) (2)** which permits a certificate holder to carry cargo in the passenger compartment of an airplane if it is carried in an approved cargo bin where the maximum weight of cargo that the bin is approved to carry and any instructions necessary to insure proper weight distribution within the bin must be conspicuously marked on that bin.
- c. **Section 43.9(a)** which requires each person who maintains, performs preventive maintenance, rebuilds, or alters an aircraft, airframe, aircraft engine, engine propeller, appliance, or component part to make an entry in the maintenance record of that equipment containing the following information:
 - (1) A description (or reference to data acceptable to the Administrator) of work performed.

(2) The date of the completion of the work performed.

(3) The name of the person performing the work if other than the person specified in paragraph (a) (4) of this section.

(4) If the work performed on the aircraft, airframe, aircraft engine, propeller, appliance, or component part has been performed satisfactorily, the signature, certificate number, and kind of certificate held by the person approving the work. The signature constitutes the approval for return to service only for the work performed.

In addition to the entry required by this paragraph, major alterations shall be entered on a form, and the form disposed of, in the manner prescribed in Appendix B, by the person performing the work.


- d. **Section 119.5(1)** which prohibits any person from operating an aircraft under this part, part 121 of this chapter, or part 135 of this chapter in violation of an air carrier operating certificate, operating certificate, or appropriate operations specifications issued under this part.
- e. **Section 121.153(a) (2)** which prohibits a certificate holder from operating an aircraft unless that aircraft is in an airworthy condition and meets the applicable airworthiness requirements of this chapter, including those relating to identification and equipment.

III.

1. Pursuant to Title 49 of the United States Code, Section 46301 (49 U.S.C. §46301), Respondent is subject to a civil penalty not to exceed \$11,000 for each violation alleged.
2. Under the facts and circumstances of this case, a civil penalty of \$49,500 is appropriate.

WHEREFORE, the Agency, by counsel, respectfully requests that the Administrative Law Judge enter an Order that Respondent be assessed a civil penalty in the amount of \$49,500.

Respectfully submitted this 9th day of May, 2000.



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I hereby certify that the foregoing Complaint has been mailed this date by Certified Mail, Return Receipt Requested, to:

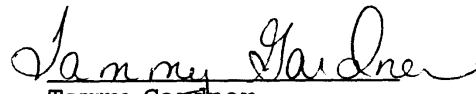
Original and One Copy:

Hearing Docket
Federal Aviation Administration
800 Independence Avenue, S. W.
Room 924A
Washington, DC 20591
(Attn: Hearing Docket Clerk)

One Copy:

Mr. Mark S. Kahan
Vice Chairman
Mr. John M. Willis
Corporate Counsel
Spirit Airlines, Inc.
2800 Executive Way
Miramar, FL 33025

Dated this 8th day of May, 2000.


Tammy Gardner
Legal Technician
FAA Great Lakes

CERTIFICATE OF SERVICE

I hereby certify that I have, this date, served the foregoing
Complaint by mailing the following copies, Certified Mail (Return
Receipt Requested):

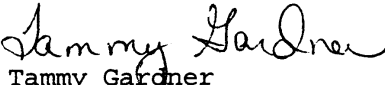
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Miramar, FL 33025

Dated this 8th day of May, 2000.


Tammy Gardner
Legal Technician
FAA, Great Lakes Region