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U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
FEDERAL AVIATION ADMINISTRATION

OFFICE OF CHIEF COUNSEL
HEARING DOCKET

2000 MAY 15 P 4:40

FEDERAL AVIATION ADMINISTRATION,
Complainant,

vs.

Millon Air, Inc.

Respondent.

FAA-00-7374-2

(P00500009)

FAA Docket No.

Judge

JUDGE NOT YET ASSIGNED

COMPLAINT

The Federal Aviation Administration (FAA), by counsel, hereby files its Complaint, pursuant to Rule 208 of the Rules of Practice (14 C.F.R. 13.208), and states as follows:

I.

On April 6, 1998, Respondent, Millon Air, Inc. was advised through a Final Notice of Proposed Civil Penalty that the FAA proposed to assess a civil penalty in the amount of \$10,000. On March 30, 2000, Respondent, Millon Air, Inc. was issued an Order Assessing Civil Penalty in the amount of \$10,000. On April 25, 2000, the Agency Attorney received a written request for a hearing from the Respondent.

II.

1. At all times material herein Millon Air, Inc. (Millon Air) was and is the holder of Air Carrier Certificate No. MIRA291A, with the FAA three letter identifier "OXO."

2. On or about August 4, 1995, Millon Air submitted an application to the U.S. Department of Transportation requesting authorization to conduct a wet lease operation with Carga Aerea Venezolana Caraven, S.A. of Venezuela (Caraven Airlines), a foreign air carrier with the FAA three letter identifier "CCR."

3. On or about February 22, 1996, Caravan Airlines operated civil aircraft N751MA, a Boeing 707, listed on Millon Air's Operations Specifications, on a passenger carrying flight designated as "CCR 402" from Manaus, Brazil to Miami, Florida.

4. During the above flight, the Millon Air flight crew utilized the CCR radio call sign during radio transmissions to Air Traffic Control.

5. Caravan Airlines does not have FAA authorization to operate its aircraft within the U.S.

6. At the time of the above flight, Millon Air had failed to submit a copy of the above wet lease operation to the Administrator and Millon Air's Operations Specifications were not amended to authorize the above operation.

III.

1. By reason of the foregoing facts and circumstances, Millon Air violated Section 121.6(a) of the Federal Aviation Regulations, in that prior to conducting operations, each certificate holder must provide the Administrator a copy or a written memorandum of the terms of any leasing arrangement whereby that certificate holder agrees to provide a large aircraft and at least a pilot flight crewmember to another person certificated under this Part 121, and Part 123, or Part 135 of the Federal Aviation Regulations or engaged in the operation of a foreign air carrier or other foreign airline.

2 Pursuant to 49 U.S.C. Sections 46301(a)-(d), Respondent is subject to a civil penalty not to exceed \$10,000 for each of the violations alleged.

3. Under the facts and circumstances of this case, a civil penalty of \$10,000 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 \$10,000.

Respectfully submitted this 10th day of May, 2000.

ORIGINAL SIGNED BY

KEITH S. MAY
Managing Attorney
Office of the Regional Counsel

PLEASE NOTE:

Pursuant to Title 14 CFR Section 13.209(a), you are required to file a written answer to this Complaint, or a written Motion to Dismiss if appropriate, not later than 30 days after the date shown on the Certificate of Service which follows.

CERTIFICATE OF SERVICE

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

Hearing Docket (Original + 1 copy)
FAA, AGC-10, Room 924A
800 Independence Avenue, SW
Washington, DC 20591

Johnny Million
Millon Air, Inc.
P. O. Box 542057
Miami, FL 33152


MAY 10 2000

Dated

cc: FSDO-19 (Daspit)
ASO-7:KM:05/09/00
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