

SERVED: May 8, 1995

NTSB Order No. EA-4357

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

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD  
at its office in Washington, D.C.  
on the 1st day of May, 1995

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DAVID R. HINSON,	)	
Administrator,	)	
Federal Aviation Administration,	)	
	)	
Complainant,	)	
	)	Docket SE-13329
v.	)	
	)	
STEVEN R. EGGER,	)	
	)	
Respondent.	)	
	)	

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**ORDER DENYING RECONSIDERATION AND GRANTING STAY**

Respondent has filed a petition for reconsideration of our decision in NTSB Order No. EA-4319 (served February 8, 1995), wherein we affirmed the law judge's initial decision finding that respondent violated 14 C.F.R. 91.119(a) and 91.13(a) when he landed a helicopter in the parking lot of a supermarket. We upheld the 60-day suspension of respondent's pilot certificate imposed by the law judge.

In his petition, respondent reiterates his argument that he received inadequate notice of his statutory right to be heard before the FAA issued the order of suspension. However, we rejected this argument in Order No. EA-4319 at 8-10, and concluded that respondent was not deprived of an opportunity to be heard. Respondent has shown no reason why we should alter our decision on this point.

Respondent also attacks what he believes to be flaws and improprieties in the Board's decision-making process, asserting

that the process is biased towards the Administrator. These arguments, however, are based on numerous incorrect assumptions about the Board's process, and provide no basis for overturning our decision in this case.

Respondent has also requested a stay of Order No. EA-4319 pending disposition of a petition for review of that order which respondent states that he intends to file in the U.S. Court of Appeals, should we deny this petition for reconsideration. The Administrator does not oppose the request. It appears that good cause exists for granting the stay.

**ACCORDINGLY, IT IS ORDERED THAT:**

1. The petition for reconsideration is denied; and
2. In the event that respondent files a timely petition for review of Order No. EA-4319 in the U.S. Court of Appeals, the effective date of that order is stayed until such time as the Court of Appeals enters judgment on respondent's petition.

HALL, Chairman, FRANCIS, Vice Chairman, and HAMMERSCHMIDT, Member of the Board, concurred in the above order.