

NTSB Order No. EA-5995

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 18th day of February, 2025

CHRIS ROCHELEAU,¹
Acting Administrator,
Federal Aviation Administration,

Complainant,

v.

GLEN A. HARDWICK,

Respondent.

Respondent appeals the oral initial decision of Administrative Law Judge Stephen R. Woody, issued on October 20, 2022.² By that decision, the law judge determined that the

² A copy of the law judge's Oral Initial Decision is attached.

Administrator proved respondent violated 14 C.F.R. §§ 45.21(a),³ 45.23(a),⁴ 91.7(a),⁵ and 91.203(a)(1).⁶ The law judge ordered a 150-day suspension of respondent's airline transport pilot (ATP) certificate and any other pilot certificate held by respondent. For the reasons set forth below, the Board denies respondent's appeal.

A. Facts

Respondent is a holder of an ATP certificate.⁷ On October 15, 2019, respondent served as pilot-in-command (PIC) of a Cessna Citation 550 ("Cessna 550" or "aircraft") that he flew from Pearland, Texas (KLVJ) to Wichita, Kansas (KICT) and back.⁸ When respondent arrived to KICT, two FAA Aviation Safety Inspectors, Keith Allen and Samuel Ragin, conducted a ramp check of the aircraft.⁹ During the ramp check, the inspectors observed that letter "K" on the aircraft tail number had been modified with the use of tape to letter "E," thus displaying N550ME instead of N550MK.¹⁰ Additionally, respondent presented the inspectors with two registration certificates (one for N550ME and one for N550MK) and an airworthiness certificate

³ Section 45.21(a) provides, in pertinent part, that "no person may operate a U.S.-registered aircraft unless that aircraft displays...registration marks in accordance with the requirements of this section and §§ 45.23 through 45.33."

⁴ Section 45.23(a) provides, in pertinent part, that "[e]ach operator of an aircraft must display on that aircraft marks consisting of the Roman capital letter 'N'...followed by the registration number of the aircraft."

⁵ Section 91.7(a) prohibits the operation of "a civil aircraft unless it is in an airworthy condition."

⁶ Section 91.203(a)(1) provides, in pertinent part, that "no person may operate a civil aircraft unless it has within it an appropriate and current airworthiness certificate.... [T]he airworthiness certificate need not have on it an assigned special identification number before 10 days after that number is first affixed to the aircraft. A revised airworthiness certificate having on it an assigned special identification number, that has been affixed to an aircraft, may only be obtained upon application to the responsible Flight Standards Office."

⁷ Complaint (Compl.) ¶ 1; Respondent's Entry of Appearance and Answer (Answer) ¶ 1.

⁸ Compl. ¶ 2; Answer ¶ 2.

⁹ Exhs. R-8, R-9.

¹⁰ Exhs. A-3, R-8, R-9.

for N550ME.¹¹ The FAA records showed that at the time of respondent's flight from KICT, Cessna 550 has the registration number N550MK, which had been issued by the FAA on July 3, 2019.¹² However, as of the date of that flight, the FAA had not issued an airworthiness certificate for N550MK.¹³ As of the date of that flight, Cessna 550 had the airworthiness certificate for N550ME, which had been issued in April 2014.¹⁴

Upon completion of the ramp check, the inspectors issued respondent a Condition Notice (FAA Form 8620-1).¹⁵ The Condition Notice indicated that N550MK was the correct registration number for Cessna 550, and that N550ME – the registration number displayed on the aircraft – was incorrect in violation of 14 C.F.R. § 45.21.¹⁶ While the Condition Notice did not consider the violation an “imminent hazard to safety,” it warned respondent against operating the aircraft prior to correction of the violation and indicated that a “Special Flight Permit” would be necessary if corrective action was not taken.¹⁷

On September 11, 2019, over a month prior to respondent's flight from KICT, FAA denied the request by the aircraft owner Michael King to change the airworthiness certificate from N550ME to N550MK for the following reasons: import of Cessna 550 without a conformity inspection record, absence of finalized FAA Forms 8100-2 and 8130-6 when the airworthiness certificate for N550ME was issued in April 2014, the installed engine was different from the aircraft registry engine, and the aircraft registry showed aircraft as “Class:

¹¹ Exhs. R-8, R-9.

¹² See Exh. A-2 at 5, 9; Exh. A-3; Exh. R-1; Tr. at 27, 32-33, 201-203.

¹³ Compl. ¶ 5; Answer ¶ 5; Exhs. A-5, A-6; Tr. at 37.

¹⁴ Exh. A-1 at 5; Tr. at 36.

¹⁵ Exh. A-4; Tr. at 25-26, 86.

¹⁶ Exh. A-4.

¹⁷ *Id.*

Experimental, Category: Compliance with CFR.”¹⁸ The FAA recommended that the aircraft undergo a conformity inspection and advised Mr. King of his responsibility to ensure that the aircraft met all regulatory requirements.¹⁹ On October 30, 2019 – 15 days after respondent’s flight from KICT – FAA reiterated the same reasons in its denial of Mr. King’s repeated request to change the airworthiness certificate number from N550ME to N550MK.²⁰

On October 17, 2019, Mr. King requested assignment of special registration number N550ME, which was issued by the FAA on November 1, 2019.²¹ As of November 1, 2019, Mr. King had the authority to change the registration number displayed on his aircraft tail from N550MK to N550ME.²² On February 19, 2020, Mr. King submitted an application for an airworthiness certificate for N550ME.²³ On February 21, 2020, the FAA issued an airworthiness certificate for N550ME.²⁴

B. Procedural Background

On April 27, 2020, the Administrator issued an order suspending respondent’s ATP certificate and any other pilot certificates for 150 days. The Administrator alleged that respondent violated 14 C.F.R. §§ 45.21(a), 45.23(a), 91.7(a), and 91.203(a)(1) by flying an aircraft that at the time displayed a modified registration number and that did not have a current and valid airworthiness certificate. On May 14, 2020, respondent appealed the order of suspension, which became the complaint in this case. The law judge conducted a hearing on October 18-19, 2022. At the hearing, the Administrator called as witnesses FAA Inspectors

¹⁸ Exh. A-5.

¹⁹ *Id.*

²⁰ Exh. A-6.

²¹ Exh. A-2 at 1, 3.

²² *Id.*

²³ Exh. A-1 at 1.

²⁴ *Id.* at 3.

Allen, Ragin, and Reyes. Respondent testified on his own behalf and called as witnesses Mr. King, Mr. Montieth, and Don McClain.

1. Testimony of Inspector Keith Allen

Inspector Allen is an FAA aviation safety inspector for the FSDO in Wichita, Kansas,²⁵ and serves as a fleet training program manager for the Flight Safety Certificate Management Unit.²⁶ Inspector Allen testified that on October 15, 2019, he and Inspector Ragin conducted a ramp check of Cessna 550 at KICT.²⁷ He reported photographing of the registration number painted on the tail of the aircraft, which had been partially altered.²⁸ Specifically, Inspector Allen noticed that the last character of the registration number had been covered by tape.²⁹ He observed “white tape covering up the arms of a ‘K,’ and...black tape creating the rest of the arms for the letter ‘E.’”³⁰ He indicated that it was unusual because “[t]ypically, an aircraft has fully painted registration markings...instead of taped markings.”³¹ Upon further inspection of the aircraft, Inspector Allen saw through the windshield an airworthiness certificate reflecting the aircraft’s altered registration marking, or N550ME.³² Because the aircraft’s registration marking did not match the aircraft’s assigned serial number (N550MK), Inspector Allen issued respondent the Condition Notice.³³

²⁵ Tr. at 22.

²⁶ *Id.*

²⁷ *Id.* at 25-26.

²⁸ *Id.* at 24; Exh. A-3.

²⁹ Tr. at 24.

³⁰ *Id.*

³¹ *Id.*

³² *Id.* at 26.

³³ *Id.* at 28; Exh. A-4.

Inspector Allen testified that per FAA Order 8900.1 (Flight Standards Information Management System (FSIMS)),³⁴ inspectors may affix the Condition Notice to the aircraft door.³⁵ He indicated that he and Inspector Ragin did not do that because they “were able to give it to [respondent] directly...”³⁶ He explained that FAA Order 8900.1 allows an inspector to affix the notice to the aircraft or to hand-deliver the notice to the pilot.³⁷ Inspector Allen further explained that he handed the Condition Notice to respondent.³⁸

Inspector Allen testified that a PIC was responsible for ensuring that “all documentation on the aircraft is correct,” explaining that during pre-flight checks, respondent would have seen the AC Form 8050-64 (Assignment of Special Registration Numbers) displaying the letters “MK.”³⁹ As for the owner’s responsibility, Inspector Allen testified that to receive a revised certificate, Mr. King was obligated to send the completed AC Form 8050-64 “to the Civil Aviation Registry Aircraft Registration Branch within five days after the special registration number is placed on the aircraft.”⁴⁰ He further testified that Mr. King was required to obtain a new airworthiness certificate within 10 days of displaying the special registration number on the aircraft,⁴¹ otherwise, the aircraft was grounded.⁴² Inspector Allen confirmed that on October 17,

³⁴ FSIMS is a repository of FAA’s Flight Standards policy and guidance for aviation safety inspectors. FAA Order 8900.1 at 1 (Sep. 13, 2007). FAA Order 8900.1 was cancelled by FAA Order 8900.1A on October 27, 2022. However, at the time of the flights in question, FAA Order 8900.1 had been effect.

³⁵ Tr. at 29, 49.

³⁶ *Id.* at 29.

³⁷ *Id.* at 49.

³⁸ *Id.*

³⁹ *Id.* at 40.

⁴⁰ *Id.* at 33; Exh. A-2 at 5.

⁴¹ Tr. at 33.

⁴² *Id.* at 34.

2019, after the ramp check, Mr. King requested a change of the assigned registration number from N550MK to N550ME.⁴³

2. Testimony of Inspector Samuel J. Ragin

Inspector Ragin is an aviation safety inspector at the Wichita, Kansas FSDO,⁴⁴ who conducted the ramp check of Cessna 550 with Inspector Allen on October 15, 2019.⁴⁵ He testified that the registration number displayed on Cessna 550's tail was either painted or taped.⁴⁶ When he and Inspector Allen peered inside the cockpit window, they saw the airworthiness certificate for N550ME, but not for N550MK, and two registrations—one for N550ME and the other for N550MK.⁴⁷

Inspector Ragin testified that respondent presented to him and Inspector Allen the completed AC Form 8050-64, which indicated that the registration number on the aircraft was supposed to reflect “N550MK” instead of “N550ME.”⁴⁸ Inspector Ragin indicated that AC Form 8050-64 was a “special assignment form that is a temporary document that gives [pilots] the right to operate with the new registration information until [they] get the permanent registration card.”⁴⁹

Inspector Ragin further testified that he and Inspector Allen informed respondent that the aircraft was not airworthy because the airworthiness certificate did not match the aircraft's registration.⁵⁰ Inspector Ragin clarified that he prepared the Condition Notice not because of an

⁴³ *Id.* at 35.

⁴⁴ *Id.* at 85.

⁴⁵ *Id.* at 86.

⁴⁶ *Id.* at 87.

⁴⁷ *Id.* at 87, 93.

⁴⁸ *Id.* at 87-88.

⁴⁹ *Id.* at 113.

⁵⁰ *Id.* at 88.

imminent hazard, but rather an “administrative item making the aircraft unairworthy.”⁵¹

Inspector Ragin testified to handing the Condition Notice to respondent and verbally explaining the discrepancies.⁵² He indicated that while it was standard practice to deliver, hand deliver, or mail the Condition Notice, he personally handed the Condition Notice to respondent; he denied leaving the notice with a receptionist at the Wichita, Kansas Fixed Based Operator (FBO).⁵³

3. Testimony of Inspector Ramon Reyes

Inspector Reyes is an aviation safety inspector at the Houston FSDO,⁵⁴ who corresponded with Mr. King prior to and after respondent’s October 15, 2019, flights. Inspector Reyes testified that Mr. King had requested a change of the aircraft’s tail number on the airworthiness certificate from N550ME to N550MK.⁵⁵ Inspector Reyes indicated that he denied Mr. King’s request due to incomplete paperwork on September 11, 2019.⁵⁶

At the time he processed Mr. King’s request, Inspector Reyes testified that the aircraft could be operated under the old registration number for 10 days after the issuance of a new registration certificate and the revision of the painted tail number.⁵⁷ While Inspector Reyes did not recall telling Mr. King to operate the aircraft under the old tail number when FAA was processing Mr. King’s request, Inspector Reyes did recall writing in his second letter to

⁵¹ *Id.* at 92.

⁵² *Id.* at 88.

⁵³ *Id.* at 89.

⁵⁴ *Id.* at 59.

⁵⁵ *Id.* at 60.

⁵⁶ *Id.*; Exh. A-5.

⁵⁷ Tr. at 62.

Mr. King, dated on October 30, 2019: “It is recommended that all the findings are corrected prior to any operations. It is your responsibility to ensure that the aircraft meets all CFR [Code of Federal Regulations] requirements.”⁵⁸

4. Testimony of Michael King

Mr. King testified to discussing with respondent the ramp check when respondent was in KICT.⁵⁹ Mr. King indicated that respondent informed him of being issued the Condition Notice by the Wichita FBO, which Mr. King found unusual.⁶⁰ Mr. King further testified to telling respondent to return the aircraft to KLVJ because there were no problems with the aircraft or the paperwork.⁶¹ However, Mr. King added, “[T]here should have been no issues with the aircraft. And we were already in contact with Houston FSDO, trying to resolve any issues [with the registration, airworthiness, and tail number].”⁶² Mr. King further stated that on October 17, 2019, he requested assignment of special registration number N550ME because there had been confusion as to whether the aircraft was “okay” to fly.⁶³

5. Testimony of respondent

Respondent testified that he conducted a preflight check the day before the flights in question. Specifically, on October 14, 2019, he met with Mr. King and checked the documents in the aircraft.⁶⁴ Respondent stated that he checked the registration and inquired with Mr. King

⁵⁸ *Id.* at 63; Exh. A-6.

⁵⁹ Tr. at 209, 217.

⁶⁰ *Id.* at 209.

⁶¹ *Id.*

⁶² *Id.* at 209, 217.

⁶³ *Id.* at 213-215.

⁶⁴ *Id.* at 136.

about the taped registration number on the aircraft but was satisfied with flying the next day, on October 15, 2019.⁶⁵

Respondent testified that Inspectors Allen and Ragin introduced themselves upon his arrival at KICT and informed him that they were conducting a routine inspection of his aircraft.⁶⁶ Respondent testified that Inspector Ragin then informed him that the registration was “all wrong” and that respondent was supposed to fly the aircraft as N550MK.⁶⁷ Respondent testified that during the ramp check, respondent had a telephonic conversation with Mr. King, after which respondent was satisfied that he “was properly flying the airplane as [N]550ME.”⁶⁸ Respondent then searched the FAA’s online registry and found no registration for that aircraft to be N550MK.⁶⁹ Respondent initially testified that upon return to the ramp check, the inspectors handed respondent the Condition Notice.⁷⁰ However, respondent later indicated that he “touched” the Condition Notice but rejected it.⁷¹ Respondent stated that he then received the Condition Notice from a customer service representative with the Wichita FBO, but indicated that he did not read it prior to his departure from KICT because the notice was “not red,” and therefore, not urgent.⁷²

6. Testimony of Jack Montieth

Mr. Montieth piloted the aircraft in question on September 25, 2019.⁷³ Mr. Montieth testified that when he conducted a pre-flight check of the paperwork, he noticed that the

⁶⁵ *Id.* at 137-138.

⁶⁶ *Id.* at 140.

⁶⁷ *Id.* at 142.

⁶⁸ *Id.* at 146-147.

⁶⁹ *Id.* at 192.

⁷⁰ *Id.* at 150.

⁷¹ *Id.* at 168-169, 173, 191.

⁷² *Id.* at 187, 193.

⁷³ *Id.* at 121.

airworthiness certificate and registration numbers did not match because the aircraft was painted “MK” but the paperwork showed “ME.”⁷⁴ Mr. Montieth testified that he then found black vinyl tape and “corrected the error” by changing the tail number from N550MK to N550ME.⁷⁵

7. Testimony of Don McClain

Mr. McClain testified as respondent’s expert witness, who opined on the requirements of a PIC based on his professional experience as a pilot and mechanic.⁷⁶ The judge allowed Mr. McClain to testify only to “his experience related to any condition notices as a pilot of an aircraft, not as an owner, not as anything other than pilot in command of an aircraft...”⁷⁷ Mr. McClain testified that prior to a flight, a PIC first must ensure an aircraft is in an airworthy condition, including checking registration and airworthiness certificates.⁷⁸ He indicated that if there is an issue with the certificates, a PIC must report it to the owner/operator for correction.⁷⁹ He stated that a PIC “has no authorization or responsibility to try changing [the airworthy registration]...because he’s not the owner or operator.”⁸⁰

C. Law Judge’s Oral Initial Decision

In his decision, the law judge determined that the Administrator proved by a preponderance of reliable, probative, and credible evidence that respondent violated 14 C.F.R. §§ 45.21(a), 45.23(a), 91.7(a), and 91.203(a)(1). In making this determination, the law judge summarized the regulatory violations in the complaint, noted respondent’s admissions and

⁷⁴ *Id.*

⁷⁵ *Id.* at 122, 124.

⁷⁶ *Id.* at 225, 230, 233, 235, 239, 241.

⁷⁷ *Id.* at 245.

⁷⁸ *Id.* at 241.

⁷⁹ *Id.* at 242.

⁸⁰ *Id.*

denials in his testimony, noted the admitted exhibits, summarized witness testimony, and assessed the credibility of the witnesses and respondent.

1. Registration Number and Condition Notice

The law judge found that the registration number for Cessna 550, when operated by respondent as PIC on October 15, 2019, was N550MK.⁸¹ The law judge based his determination on the evidence and the credibility of witnesses.⁸² The law judge explained that “very credible testimony of Inspectors Allen and Ragin confirms that a registration certificate for N550MK was on board the aircraft on October 15, 2019.”⁸³ The law judge indicated that the inspectors’ testimonies corroborated “that there is no requirement that a revised airworthiness certificate must be obtained before a new registration certificate can be issued.”⁸⁴ The law judge further rejected respondent’s argument that the tail registration number reverts to the previous number if a new airworthiness certificate is not obtained within 10 days of the special registration being certified.⁸⁵ The law judge explained that if this were true, then Mr. King’s October 17, 2019, request to change the number to N550ME would have been unnecessary.⁸⁶

The law judge further found that substantial evidence supported the finding that the inspectors handed the Condition Notice to respondent on October 15, 2019, prior to his flight from KICT to KLVJ: the inspectors were unequivocal in their testimony that they directly handed the notice to respondent, and the customer service representative with the Wichita FBO did not mention in her written statement anything about the notice.⁸⁷ The law judge also noted

⁸¹ Oral Initial Decision at 307.

⁸² *Id.* at 307-308.

⁸³ *Id.* at 306.

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.* at 307.

⁸⁷ *Id.* at 309-310; Exh. R-14.

respondent never called her as a witness to corroborate his assertion about receiving the Condition Notice from her.⁸⁸ The law judge found respondent's testimony to be "inconsistent and less credible," noting respondent's contradictory statements on this topic.⁸⁹

2. Respondent's Defenses

The law judge rejected respondent's affirmative defense of reasonable reliance, noting "the results of the aircraft registry search as well as [Mr.] King's guidance to him that the aircraft was okay to fly back to [KLVJ] that day [were] unsupported by credible evidence."⁹⁰ The law judge explained that any reliance by respondent on Mr. King's guidance was unreasonable given that respondent was issued the Condition Notice, "which plainly stated the aircraft could not be flown..."⁹¹ The law judge further rejected respondent's assertion about not reading the notice before his flight from KICT, in light of respondent's "length and breadth of aviation experience" as an ATP certificate holder.⁹² The law judge concluded that if respondent's assertion is true, then respondent's actions "amount to willful disregard of the information provided to him and certainly do not provide a basis for now claiming ignorance or reasonable reliance on contrary information provided from Mr. King."⁹³

The law judge rejected as irrelevant respondent's assertion that the aircraft was airworthy.⁹⁴ The law judge explained that consistent with Mr. McClain's testimony, respondent as the PIC was obligated to refrain from flying the aircraft after being informed of the discrepancy in the registration numbers, and that respondent's decision to the contrary was

⁸⁸ *Id.* at 310.

⁸⁹ *Id.* at 309.

⁹⁰ *Id.* at 311.

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.* at 311-312.

⁹⁴ *Id.* at 313.

“intentional and reckless.”⁹⁵ In finding so, the law judge found respondent to be “brusque and argumentative,” and “difficult and evasive, frequently refusing to answer the questions directly and offering extraneous information despite Counsel’s efforts and ignoring [the law judge’s] repeated direction...to listen...and answer...”⁹⁶ The law judge concluded that respondent’s demeanor undermined “his credibility overall, but in particular, pertaining to his interaction with the inspectors.”⁹⁷

3. *Sanction*

The law judge found the sanction of a 150-day suspension to be reasonable, appropriate, and warranted in the public interest in air commerce and safety.⁹⁸ The law judge found that further reduction in the sanction due to the absence of a hazard as related to respondent’s operation of the aircraft was unwarranted because the Administrator had already taken into account this factor when selecting respondent’s sanction, which “falls below the midpoint of the range...for such violations.”⁹⁹ The law judge further found that “the critical issue” was not whether respondent’s operation “presented an imminent hazard,” but “[r]espondent’s willingness, as an ATP certificate holder with over 16,000 flight hours, to disregard the Condition Notice and the guidance from the inspectors that the aircraft was not airworthy and could not be flown.”¹⁰⁰ The law judge added that respondent’s operation of the aircraft with a passenger onboard was deliberate and reckless.¹⁰¹

⁹⁵ *Id.*

⁹⁶ *Id.* at 313-314.

⁹⁷ *Id.* at 314.

⁹⁸ *Id.* at 318.

⁹⁹ *Id.*

¹⁰⁰ *Id.* at 317-318.

¹⁰¹ *Id.* at 318.

Respondent timely appealed the law judge’s decision on October 28, 2022, and filed a supporting brief on December 8, 2022. The Administrator filed a reply brief on January 17, 2023.¹⁰²

D. Issues on Appeal

On appeal, respondent argues that (1) the preponderance of reliable, probative, and substantial evidence does not support the finding that he violated 14 C.F.R. §§ 45.21(a), 45.23(a), 91.7(a), and 91.203(a)(1); (2) the FAA inspectors failed to follow FAA protocol by handing him—and not affixing to the aircraft—the Condition Notice; and (3) the 150-day suspension is unfair and unreasonable.¹⁰³

2. Decision

While the Board gives deference to the law judge’s rulings on certain issues, such as credibility determinations,¹⁰⁴ the Board reviews cases as a whole *de novo*.¹⁰⁵

A. The evidence supports the charged violations.

1. Respondent operated an aircraft that did not display the registration number in effect at the time of the flight in violation of §§ 45.21(a) and 45.23(a).

Section 45.21(a) provides, in pertinent part, that “no person may operate a U.S.-registered aircraft unless that aircraft displays nationality and registration marks in accordance with the requirements of this section and §§ 45.23 through 45.33.” Section 45.23(a) provides that “each

¹⁰² On December 28, 2022, the NTSB’s General Counsel approved the Administrator’s unopposed motion for an extension of time to file his reply brief.

¹⁰³ See Respondent’s Appeal Brief.

¹⁰⁴ *Administrator v. Porco*, NTSB Order No. EA-5591 at 13 (2011), *aff’d sub nom., Porco v. Huerta*, 472 F. App’x 2 (D.C. Cir. 2012) (per curiam).

¹⁰⁵ *Administrator v. Smith*, NTSB Order No. EA-5646 at 8 (2013); *Administrator v. Frohmuth and Dworak*, NTSB Order No. EA-3816 at 2 n.5 (1993); *Administrator v. Wolf*, NTSB Order No. EA-3450 (1991); *Administrator v. Schneider*, 1 N.T.S.B. 1550 (1972) (in making factual findings, the Board is not bound by the law judge’s findings).

operator of an aircraft must display on that aircraft marks consisting of the Roman capital letter ‘N’ . . . followed by the registration number of the aircraft.”

AC Form 8050-64 (Assignment of Special Registration Numbers), dated May 8, 2019, provided Mr. King with authority to change Cessna 550’s registration number from N550ME to N550MK.¹⁰⁶ On that form, Mr. King certified by signature that on July 13, 2019, special registration number N550MK had been placed on Cessna 550.”¹⁰⁷ However, as seen in the photograph taken on October 15, 2019, Cessna 550 displayed registration number N550ME; in particular, the letter “E” was affixed to the aircraft with black vinyl tape over the letter “K.”¹⁰⁸ Thus, the aircraft flown by respondent on October 15, 2019, from KLVJ to KICT and back did not display the special registration number provided on AC Form 8050-64.

Respondent asserts that at the time of the ramp check, FAA’s online registry records did not show number N550MK.¹⁰⁹ Respondent posited that because the FAA did not accept Mr. King’s September 2019 application to change the tail number, the application was “null and void and the tail number revert[ed] back to N550ME.”¹¹⁰ The Board disagrees as respondent cites no legal authority in support of the “null and void” or “reversal” theories. It is evident that respondent operated the aircraft that did not display the assigned registration number at the time of the flights in question. Thus, the Board affirms the law judge’s determination that the Administrator proved by a preponderance of reliable, probative, and credible evidence that respondent violated 14 C.F.R. §§ 45.21(a) and 45.23(a).

2. Cessna 550 was unairworthy when respondent flew the aircraft on October 15, 2019, in violation of §§ 91.7(a) and 91.203(a)(1).

¹⁰⁶ Exh. A-2 at 5.

¹⁰⁷ *Id.*

¹⁰⁸ Exh. A-3; Tr. 122, 124.

¹⁰⁹ *See* Respondent’s Appeal Brief at 13.

¹¹⁰ *Id.*

Section 91.7(a) provides that “no person may operate a civil aircraft unless it is in an airworthy condition.” Section 91.203(a)(1) provides in pertinent part that “[e]xcept as provided in § 97.715, no person may operate a civil aircraft unless it has within it...[a]n appropriate and current airworthiness certificate...A revised airworthiness certificate having on it an assigned special identification number, that has been affixed to an aircraft, may only be obtained upon application to the responsible Flight Standards Office.”

Respondent argues that the aircraft was airworthy despite the difference of one letter in the registration numbers, and that the tail number displayed on the airplane at the time of the flight (N550ME) was the same number that was reflected in the Standard Airworthiness Certificate issued by the FAA in April 2014.¹¹¹ The Board disagrees with respondent’s arguments.

According to the November 1, 2019, AC Form 8050-64 (Assignment of Special Registration Numbers), the latest FAA Form 8130-6 (Application for Airworthiness) on file was March 21, 2007.¹¹² At that time, the owner of Cessna 550 was advised to “[o]btain a revised certificate of airworthiness from [his] nearest” FSDO.¹¹³ Additionally, the September 11, 2019, and October 30, 2019, letters from the FAA show that Mr. King’s request to change the Airworthiness Certificate number from N550ME to N550MK was denied.¹¹⁴ Thus, during the flights in question, the FAA had yet to issue a valid airworthiness certificate for N550MK.¹¹⁵

¹¹¹ Respondent’s Appeal Brief at 17.

¹¹² Exh. A-2 at 1.

¹¹³ *Id.*

¹¹³ Exh. A-3.

¹¹⁴ Exhs. A-5, A-6.

¹¹⁵ Exhs. A-5, A-6.

When issuing the Condition Notice, the FAA indicated that the aircraft was unairworthy due to an administrative issue, and not because it posed an imminent hazard. The Board agrees with the Administrator that “[t]here is a distinction between an ineffective airworthiness certificate and an aircraft that is unairworthy due to its physical condition.”¹¹⁶ The Administrator referenced the FAA’s *Interpretation to Duncan Aviation*:¹¹⁷

If the airworthiness certificate is rendered ineffective during a lapse in U.S. registration, it would not be considered to be “appropriate and current.” Therefore, if a person operated the aircraft with the ineffective airworthiness certificate, the person would be in violation of § 91.203(a)(1). That is a different issue than whether an aircraft that meets all the airworthiness standards and is in condition for safe operation should not be considered airworthy after an annual or other required inspection.¹¹⁸

Respondent’s argument that the aircraft was airworthy because it displayed the same registration number (N550ME) as on the April 2014 airworthiness certificate is unconvincing. This is because at the time of the flights at issue, Cessna 550 had a valid registration number of N550MK, yet it had no valid airworthiness certificate for N550MK.¹¹⁹ The fact that Cessna 550 received an airworthiness certificate for N550ME in February 2020 is immaterial, and the Board is unaware of any laws or regulations that would excuse flying an unairworthy aircraft by obtaining an airworthiness certificate after the fact. The issue before the Board is whether the aircraft was airworthy at the time of flight. Here, the FAA inspectors determined it was not and as a result, issued the Condition Notice indicating the lack of airworthiness. Whether an airworthiness certificate was eventually obtained is not material to respondent’s claim.

3. Defense of Reasonable Reliance is not successful under the circumstances.

¹¹⁶ Administrator’s Reply Brief at 14.

¹¹⁷ 2012 WL 2368333, at *2 (2012).

¹¹⁸ *Id.*

¹¹⁹ See Exhs. A-1 at 1-3, A-2 at 5.

Respondent avers that he reasonably relied upon the Aircraft Registration Certificate for N550ME, the Standard Airworthiness Certificate for N550ME, and the tail number of the aircraft when he flew on October 15, 2019.¹²⁰ Respondent asserted reasonable reliance given Mr. King's credentials as a former airline captain, owner of a flight school and multiple aircraft, and "an FAA certified mechanic with extensive knowledge of Aircraft registration and Airworthiness certificates."¹²¹

In *Administrator v. Haddock*,¹²² the Board evaluated a pilot's arguments in light of the Board's doctrine of reasonable reliance by looking to precedent. The Board notes that in *Administrator v. Fay & Takacs*,¹²³ the Board held:

If . . . a particular task is the responsibility of another, if the pilot-in-command [PIC] has no independent obligation (e.g., based on the operating procedures or manuals) or ability to ascertain the information, and if the captain has no reason to question the other's performance, then and only then will no violation be found.

As PIC, respondent has an independent obligation to ensure safe operation of an aircraft. Respondent was not absolved of his responsibility for the safe operation of the aircraft by following the instructions of the owner to fly on October 15, 2019.¹²⁴ Instead, respondent had an independent obligation to verify that the tail number was consistent with the registration number and the aircraft was airworthy. Respondent was handed the Condition Notice and was verbally advised by two FAA investigators not to fly. Not only was there written advisement, but there were also verbal warnings, which respondent willfully disregarded. Respondent was obligated to abide by the regulator's instructions as to airworthiness and not the instructions of the owner.

¹²⁰ Respondent's Appeal Brief at 11. *See* Exhs. R-1, R-2, R-11.

¹²¹ Respondent's Appeal Brief at 11.

¹²² NTSB Order No. EA-5596 at 10 (2011).

¹²³ NTSB Order No. EA-3501 (1992).

¹²⁴ *See Administrator v. Fay & Takacs*, NTSB Order No. EA-3501 (1992).

For these reasons, the Board rejects respondent's contention that he should not be held responsible for having flown an unairworthy aircraft. His reliance on Mr. King's statements and credentials does not excuse respondent's decision to operate the aircraft. Without the current airworthiness certificate, respondent operated an aircraft in an unairworthy condition. Thus, the Board upholds the judge's determination that the Administrator proved by a preponderance of reliable, probative, and credible evidence that respondent violated 14 C.F.R. §§ 91.7(a) and 91.203(a)(1).

B. FAA followed protocol by personally handing the Condition Notice to respondent prior to his return flight to KLVJ.

Respondent avers that the FAA inspectors "violated their own protocol by not affixing the [C]ondition [N]otice to the aircraft."¹²⁵ Respondent stated that had the Condition Notice been affixed to the aircraft, he would have stopped all operations.¹²⁶ Respondent relies on FAA Order 8900.1, Flight Standards Information Management System (FSIMS), which states:

C. Issuance. The inspector will usually issue an Aircraft Condition Notice during one of the following activities:

- Performing a scheduled aircraft inspection;
- Responding to a complaint; or
- Investigating an aircraft noticed while performing other duties.

1) When a possible unsafe condition is noted, the Aircraft Condition Notice will be completed, and the hard copy attached to the aircraft as near as possible to the aircraft entrance.

2) If the inspector finds a general discrepancy that should be brought to the attention of the operator, the inspector has the option of using this form as a means of notification.¹²⁷

¹²⁵ Respondent's Appeal Brief at 15.

¹²⁶ See Tr. at 151-152.

¹²⁷ Respondent's Appeal Brief at 16; FAA Order 8900.1, Volume 8, Ch. 5, Sec. 5, *Issue Aircraft Condition Notice*, U.S. Dep't of Transportation (Jul. 12, 2021).

Here, the FAA inspectors did not find an unsafe condition but issued the Condition Notice to indicate a discrepancy in the registration numbers.¹²⁸ The FAA inspectors followed protocol by notifying respondent not only by discussion of the discrepancy, but also by issuance of the Condition Notice, which respondent willfully disregarded. While respondent's testimony as to how he received the Condition Notice was contradictory, the FAA inspectors consistently testified to handing the Condition Notice to respondent. The inspectors' testimonies are also consistent with the contemporaneous written statements by Inspector Ragin and the Wichita FBO's customer service representative and Mr. King's testimony that receiving a Condition Notice from an FBO would be unusual.¹²⁹ Thus, the Board finds no errors in the law judge's credibility determinations and the finding that respondent did, in fact, receive the Condition Notice from the FAA inspectors prior to his flight from KICT to KLVJ.

C. The Sanction Was Justified in Fact and in Law.

Respondent argues that the suspension was not fair or properly based on the totality of the evidence because he reasonably relied upon Mr. King's representations, and because flying the aircraft did not endanger the public and was not an imminent hazard.¹³⁰ He asserted that there was no evidence that the aircraft condition was not airworthy other than the incorrect registration number.¹³¹

The Administrator states that according to the FAA's sanction guidance, a 60 to 120-day suspension is appropriate for a moderate range violation; and a 90 to 150-day suspension is appropriate for a high range violation.¹³² The Administrator states that he used the low end of

¹²⁸ See Exh. A-4.

¹²⁹ See Exh. R-8 at 2 ¶ 7; Exh. R-14 at 1; Tr. at 209.

¹³⁰ Respondent's Appeal Brief at 18-19.

¹³¹ *Id.* at 19-20.

¹³² Administrator's Reply Brief at 21; FAA Order 2150.3C, at Fig. 9-2: Sanction Ranges Table.

each of these ranges to assess a combined 150-day sanction for respondent's two flights.¹³³

Given respondent's intentional conduct and his level of experience as an ATP with more than 15,000 hours of flight time, the Administrator stated that this sanction was reasonable and on the low end of what the FAA could have assessed.¹³⁴

In *Administrator v. Pham*, the D.C. Circuit Court of Appeals determined that, given "the Board essentially acts as a court in the split-enforcement regime with the FAA," the Board should only overturn the Administrator's sanction if it is "unwarranted in law or without justification in fact."¹³⁵ Here, the sanction of 150-day suspension is warranted in fact. As discussed in detail above, there is no error in the law judge's finding that the Administrator proved violations of 14 C.F.R. §§ 45.21(a), 45.23(a), 91.7(a), and 91.203(a)(1). Additionally, it is undisputed that as an ATP certificate holder, respondent is held to a higher standard of care.

The sanction of 150-day suspension is also warranted in law. First, FAA Order 2150.3C establishes suspension as the appropriate sanction for an individual certificate holder.¹³⁶ The maximum number of days allowed for a suspension ranges from 150 to 270 days, and the Administrator chose the least amount of time within that range. Second, the 150-day suspension is consistent with Board's precedent. For example, in *Administrator v. Kowal*, the Board upheld the Administrator's 120-day suspension of a private pilot certificate when its holder flew an aircraft without the appropriate registration displayed.¹³⁷ The Board explained that an FAA inspector and airport manager had notified the pilot that the aircraft was in violation of the

¹³³ Administrator's Reply Brief at 21.

¹³⁴ *Id.* See FAA Order 2150.3C, at 9-7, section (6)(g)(3) ("Certificate holders with a higher level of certificate as well as those with more experience are held to a higher standard of safety.").

¹³⁵ *Administrator v. Pham*, NTSB Order No. EA-5936 (2022) (citing *Administrator v. Pham*, 33 F. 4th 578 (D.C. Cir. 2022)).

¹³⁶ See Fig. 9-2: Sanction Ranges Table.

¹³⁷ NTSB Order No. EA-2177 at 387 (1985).

Federal Aviation Regulations and could not be legally operated unless it displayed the appropriate registration.¹³⁸ Ultimately, the Board found that the pilot did not “bring the aircraft into compliance with the regulation before operating it again.”¹³⁹ The Board upheld the sanction, explaining that the pilot’s compliance “bears on his qualifications because pilots who exercise the privileges of their certificates in disregard of the regulations lack the care, judgment, and responsibility required of certificate holders.”¹⁴⁰ Also, in *Administrator v. Lufker*, the Administrator revoked a commercial pilot certificate for failure to display a registration number.¹⁴¹ On appeal, the Board modified the sanction to a 180-day suspension.¹⁴² Based on the facts and established caselaw, respondent’s 150-day suspension is justified in fact and warranted in law. Thus, the Board affirms the law judge’s finding that a 150-day suspension is the appropriate sanction.

ACCORDINGLY, IT IS ORDERED THAT:

1. Respondent’s appeal is denied;
2. The law judge’s order is affirmed; and
3. The Administrator’s 150-day suspension of respondent’s airline transport pilot certificate and any other airman certificates is affirmed.

HOMENDY, Chairman; BROWN, CHAPMAN, GRAHAM, and INMAN, Members of the Board, concurred in the above opinion and order.

¹³⁸ *Id.* at 387.

¹³⁹ *Id.*

¹⁴⁰ *Id.* at 388.

¹⁴¹ NTSB Order No. EA-2374 (1986).

¹⁴² *Id.*

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
OFFICE OF ADMINISTRATIVE LAW JUDGES

* * * * *

In the matter of:

BILLY NOLEN,
ACTING ADMINISTRATOR,
FEDERAL AVIATION ADMINISTRATION,

Complainant,

v.

GLEN A. HARDWICK,

Respondent.

* * * * *

Docket No.: SE-30824
JUDGE WOODY

National Transportation Safety Board
Office of Administrative Law Judges
490 L'Enfant Plaza East, Southwest
Washington, DC 20594

via Zoom videoconference

Thursday,
October 20, 2022

The above-entitled matter came on for hearing,
pursuant to notice at 2:00 p.m. Central Time.

BEFORE: STEPHEN R. WOODY
Administrative Law Judge

APPEARANCES:

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ORAL INITIAL DECISION AND ORDER

(2:16 p.m.)

JUDGE WOODY: This is a proceeding under the provisions of 49 United States Code Section 44709, and the provisions of the Rules of Practice in Air Safety Proceedings of the National Transportation Safety Board. This matter has been heard before me and is provided by the Board's rules on issuing an oral initial decision.

Pursuant to notice, this matter came of a hearing on October 18th through 20th, 2022 by videoconference. The Administrator was represented by Jonathan Bringewatt of the FAA Enforcement Division Midwest Team. Respondent was present throughout the proceedings and represented by attorneys, Edward Rose and Kent Motamedi. I will note that Mr. Motamedi is having some technical issues and is not able to join us today. He may be joining if he is able to resolve those.

The parties were afforded a full opportunity to offer evidence, to call, examine and cross-examine witnesses, and to make arguments in support of their respective positions. I will not discuss all the evidence in detail. I have, however, considered all the evidence, both oral and documentary. That which I do not specifically mention is viewed by me as being corroborative or is not materially affecting the outcome of the decision.

Respondent Glen A. Hardwick has appealed the Administrator's

1 order of suspension dated April 27, 2020. Pursuant to the Board's
2 rules, the Administrator filed a copy of that order on May 18,
3 2020, which serves as the complaint in this case.

4 The Administrator ordered the suspension of Respondent's
5 Airline Transport Pilot or ATP certificate for a period of 150
6 days based upon Respondent's alleged violations of 14 CFR Sections
7 45.21(a), 45.23(a), 91.203(a)(1), and 91.7(a).

8 More specifically, the Administrator's complaint alleges that
9 on or about October 15th, 2019, Respondent acted as pilot in
10 command of aircraft N550MK. When the aircraft registration
11 numbers on the outside of the aircraft have been modified to read
12 N550ME. The aircraft did not have within it an appropriate and
13 current airworthiness certificate. But the FAA had not issued a
14 valid airworthiness certificate for N550MK. And thus, N550MK was
15 not in an airworthy condition.

16 In his answer to the Acting Administrator's complaint,
17 Respondent admitted paragraph 1. As he has admitted that
18 allegation it is deemed as established for purposes of this
19 decision. Respondent denied in whole or in part, the remaining
20 paragraphs of the complaint, as well as the underlying regulatory
21 violations.

22 The Administrators Exhibits A-1 through A-6 were admitted
23 into evidence. Respondent's Exhibits R-1 through R-16, and R-19
24 were admitted into evidence.

25 The Administrator presented the testimony of Aviation Safety

1 Inspectors or ASI Keith Allen, Samuel Ragin, and Ramon Reyes.

2 Inspector Keith Allen testified that he is an aviation safety
3 inspector and fleet training program manager with the Wichita
4 Flight Standards District Office, or FSDO. He joined the FAA in
5 2017, initially as an ASI for General Aviation. Prior to joining
6 the FAA, he was a flight instructor, corporate pilot, charter
7 pilot, air ambulance pilot, and flight simulator instructor.
8 Inspector Allen holds an ATP certificate, a Certified Flight
9 Instructor or CFI certificate with both instrument and multi-
10 engine ratings and a remote pilot certificate.

11 Inspector Allen said his office received a request from the
12 special office's investigations team or SEIT to conduct a ramp
13 inspection on a Citation jet inbound to Wichita. He indicated he
14 and Inspector Ragin conducted the ramp check on October 15th,
15 2019. He identified Exhibit A-3 as a photograph he took of the
16 registration number on the engine in the cell of the aircraft they
17 ramp checked. He said he noticed during a walk around of the
18 aircraft that the registration number had been modified using tape
19 to cover part of the last letter and modify it from a K to an E.

20 He noted that the registration number is normally fully
21 painted on the aircraft and not created or modified using tape.
22 He described how he introduced himself to Respondent who was
23 piloting the aircraft and asked for his pilot and airman medical
24 certificates. Since the Citation 550 normally requires two crew
25 members, he also asked Respondent if he could produce a copy of

1 the pilot waiver allowing him to operate the aircraft with only
2 one pilot. Respondent did not have the waiver document on him but
3 later produced it after leaving to go to Flight Safety to obtain a
4 copy.

5 Respondent denied the inspectors access to the interior of
6 the aircraft. So while he was gone the first time, the inspectors
7 did a walk around of the aircraft, which is when he noticed the
8 tape modifying the registration number. He was also able to see
9 through the window of the aircraft a standard airworthiness
10 certificate for N550ME. However, he could not see other documents
11 through the window. When Respondent returned, Inspector Allen
12 asked him for the aircraft registration documents and he produced
13 two registration documents. One for N550ME and one for 550MK.

14 Inspector Allen also described the Assignment of Special
15 Registration Numbers form for N550MK signed by a Mr. Mike King and
16 placed on the aircraft July 3rd, 2019. The inspector noted that
17 the registration documents for N550MK was the more current
18 registration document and also noted that it was unusual to have
19 two registration documents on board in an aircraft.

20 Inspector Allen stated that the documents onboard the
21 aircraft included an airworthiness certificate for N550ME, but no
22 airworthiness certificate for 550MK. Inspector Allen indicated a
23 Condition Notice was prepared for the aircraft, documenting that
24 the registration markings did not match the serial number of the
25 aircraft which was presented to Respondent. He stated that

1 Respondent became very upset, accusing the inspectors of harassing
2 him. Inspector said he tried to explain a Condition Notice to
3 Respondent, but he kept interrupting.

4 He described the general purpose of a Condition Notice as
5 necessary to keep unairworthy aircraft on the ground. He
6 explained that the Condition Notice can be handed to the owner
7 operator of the aircraft as it was here, or it can be affixed to
8 the door of the aircraft. He identified Exhibit A-4 as the
9 Condition Notice handed to Respondent on October 15th, 2019, which
10 noted that a special flight permit would need to be -- was needed
11 to operate the aircraft unless the condition was corrected.

12 He testified that Inspector Ragin handed the Condition Notice
13 directly to Respondent and denied leaving a copy of the Condition
14 Notice with the receptionist at the FBO, stating he would never do
15 that. Inspector Allen observed that when they gave the Condition
16 Notice to Respondent, conversation deteriorated to a point where
17 he was concerned for his safety and that of Inspector Ragin. He
18 noted that when Respondent left again, the inspectors then left
19 and returned to the FSDO.

20 Inspector Allen identified Exhibit A-2 as the aircraft
21 registration documents for Cessna 550, serial number 550-0097. He
22 identified page 9 of that exhibit as an April 5th, 2019, letter
23 from an aircraft title service company on behalf of Ascent
24 Aviation, which is owned by Mike King, requesting a change of
25 registration number for Cessna model 550, serial number 550-0097,

1 from N550ME to N550MK. He identified page 5 of that exhibit as
2 the assignment special registration numbers for Cessna model 550,
3 serial number 550-9 -- or 0097, excuse me, from N550ME to N550MK.

4 The inspector noted that the instructions on the form
5 directed the original of the form be signed and returned to the
6 aircraft registration branch in Oklahoma City within five days of
7 the special registration number being placed on the aircraft,
8 after which a revised registration certificate will be issued. He
9 observed that the form was e-signed by Mike King and documented as
10 being placed on the aircraft on July 3rd, 2019. Inspector Allen
11 stated that the aircraft could be operated with the old
12 airworthiness certificate and temporary registration certificate
13 for 10 days.

14 He testified that if the new airworthiness certificate was
15 not issued within 10 days, the aircraft is essentially grounded
16 and cannot be operated. Inspector Allen identified page 3 of
17 Exhibit A-2 as an October 17th, 2019, request on behalf of Ascent
18 Aviation to reassign registration number N550ME to aircraft Cessna
19 model 550, serial number 550-0097 from registration number of
20 N550MK. He noted page 1 of the Exhibit is the form, assigned and
21 special registration number N550ME to Cessna model 550, serial
22 number 550-0097, from N550MK, which is signed by a representative
23 of Ascent Aviation on November 1st, 2019.

24 He noted this form was the most recent document in the
25 aircraft registration file. When he reviewed it, Inspector Allen

1 recognized Exhibit A-1 as the airworthiness records for Cessna
2 model 550, serial number 550-0097. He identified the document on
3 page 5 of the exhibit as the standard airworthiness certificate
4 for N550ME, dated April 28, 2014, and confirmed that was the only
5 airworthiness certificate found on board the aircraft on October
6 15th, 2019, at the time, minus the voluntary surrender markings.

7 The inspector identified Exhibit A-1, page 3, as the standard
8 airworthiness certificate for N550ME dated February 21, 2020,
9 which he said was the next airworthiness certificate issued for
10 Cessna model 550, serial number 550-0097. He noted that he was
11 unable to find any airworthiness certificate issued to N550MK.
12 From cross-examination, Inspector Allen testified that he had
13 approximately 5,300 total hours as a pilot. He confirmed that the
14 ramp inspection conducted on October 15, 2019, was at the request
15 of the SEIT team.

16 The inspector stated that Respondent was very explicit that
17 the inspectors were not permitted on board the aircraft and he
18 agreed that they had no right to enter without permission.
19 Inspector Allen stated that Respondent produced an airworthiness
20 certificate and a registration card for N550ME. He also produced
21 the Assignment of Special Registration Numbers for N550MK, e-
22 signed by Mike King, but did not produce an airworthiness
23 certificate for N550MK.

24 The inspector reviewed a PTRS entry at Exhibit R-16, page 6,
25 and agreed that it discusses the aircraft registration is

1 currently pending because Mr. King submitted a registration
2 request without an original ink signature. He confirmed that a
3 later Assignment of Special Registration Numbers form returning
4 the registration number to N550ME from N550MK was wet signed by
5 Mr. King. Inspector Allen stated that there was a copy of a
6 registration certificate for N550MK on board the aircraft during
7 the ramp inspection, which he described as a registration mail
8 from Oklahoma City after the registration number has been changed.

9 However, he did not have a copy or a picture of the
10 registration card for N550MK from that date, indicating that the
11 camera that the inspectors were using was malfunctioning.
12 Inspector Allen insisted that he witnessed the Condition Notice
13 being handed to Respondent and that regulatory guidance permits
14 the notice to be hand delivered to the pilot or attached to the
15 aircraft. He said the notice was handed to Respondent because
16 they were engaged in a conversation with him about the notice at
17 the time. The inspector testified that he did not review any
18 maintenance documents for the aircraft and did not discuss the
19 aircraft registration or airworthiness files with Inspector Reyes.

20 Inspector stated that he did review the registration
21 documents in the FAA registry on October 15, 2019. He indicated
22 he first searched for registration number N550ME and no records
23 were found. He said he then did a search for the serial number of
24 the aircraft serial number 550-0097, which came back with a
25 registration number N550MK. On redirect, the inspector explained

1 that the Program Tracking and Reporting System, or PTRS, is an FAA
2 system used to document any interaction related to an aircraft or
3 airmen. He stated that he did not create the PTRS entries at
4 Exhibit R-16, page 6, so he can't testify about the contents of
5 any of those entries.

6 He indicated that there was nothing in the aircraft
7 registration file at Exhibit A-2 saying that the request to change
8 the registration number N550MK from N550ME was denied. He also
9 pointed out that according to the Assignment of Special
10 Registration Numbers form at Exhibit A-2, page 1, the current
11 registration number for the aircraft was N550MK until November 1,
12 2019, when the new form was signed by Mike King.

13 Inspector Samuel Ragin was called and testified that he is an
14 aviation safety inspector with the Wichita, Kansas FSDO. He has
15 been employed by the FAA for 21 years, also holding positions as a
16 Principal Maintenance Inspector or a PMI, a geographic inspector,
17 and an assistant PMI for Air Carrier Operations. Before that, he
18 was with the United States Air Force for 13 years as well as with
19 Cessna and Raytheon. He said he holds a mechanic certificate with
20 Airframe and Power Plant or AMP ratings and an Inspection
21 Authorization or IA.

22 Inspector Ragin stated that on October 15, 2019, he assisted
23 Inspector Allen performing a ramp check on a Cessna Citation
24 arriving at the Wichita Airport. He confirmed the ramp check was
25 at the request of the SEIT team. Inspector described how they

1 approached the pilot, Mr. Hardwick, after the aircraft landed and
2 asked to see his pilot and medical certificates, at which point
3 the pilot advised them they could not enter the aircraft.

4 The pilot informed the inspectors he was in for some training
5 at Flight Safety. Inspector Ragin noted that during a walk around
6 of the aircraft, he saw that the registration number was displayed
7 -- excuse me, the registration number displayed on the aircraft
8 was altered using tape to identify the aircraft as N550ME where it
9 had been N550MK. He also noted that the inspectors saw an
10 airworthiness certificate for N550ME through the window of the
11 aircraft.

12 He stated the documents produced by Respondent included a
13 form 8050-64, which is an Assignment of Special Registration
14 Numbers date of July 3rd, 2019, changing the registration for the
15 aircraft from N550ME to N550MK. However, he said the registration
16 change had expired since the owner or operator had only 10 days to
17 operate with the old airworthiness certificate. He observed that
18 Respondent was very unhappy when they informed him that the
19 aircraft was unairworthy. Inspector Ragin said the inspectors
20 called SEIT to discuss the matter and were told to issue a
21 Condition Notice and present it to Respondent.

22 Inspector Ragin identified Exhibit 4 -- A-4, excuse me, as
23 the Condition Notice prepared by him, which he stated he handed
24 directly to Respondent. He denied leaving it with the FBO
25 receptionist. He testified that the Condition Notice can be hand

1 delivered to the owner or operator of the aircraft and could also
2 be mailed to the owner. He did not recall if Respondent tried to
3 contact him after receiving the Condition Notice. However, he
4 noted that he spoke with an employee of Signature FBO and asked
5 them to inform him if the pilot returned or operated the aircraft.

6 He said he received a call informing him that Respondent
7 returned that afternoon and operated the aircraft with a passenger
8 on board. In cross-examination, Inspector Ragin agreed that the
9 Condition Notice was marked to indicate that the items identified
10 were not considered an imminent threat to flight safety. However,
11 it did indicate that operating the aircraft prior to correction
12 would be a violation of the Federal Aviation Regulations and would
13 require a special flight permit. Inspector Ragin confirmed that
14 he saw the airworthiness certificate for N550ME through the
15 aircraft window but did not recall seeing anything else through
16 the window.

17 He was presented the form 8050-64, Assignment of Special
18 Registration Numbers dated July 3rd, 2019. He said he also saw
19 two registration cards or certificates. One for N550ME, and one
20 for N550MK. He also confirmed that the airworthiness certificate
21 for N550ME, dated April 28th, 2014, was on board the aircraft
22 during the ramp check, but there was no airworthiness certificate
23 for N550MK.

24 Inspector Ragin explained that in order to change the
25 airworthiness certificate for the aircraft, the owner first had to

1 request a registration change from N550ME to N550MK and complete
2 the Assignment of Special Registration Numbers form. He then has
3 10 days to get a new airworthiness certificate reflecting the new
4 registration numbers. Reviewing the Assignment of Special
5 Registration Numbers for at Exhibit R-3, the inspector said,
6 "Assigned form must be presented to the aircraft registration
7 branch within five days of changing the registration numbers and
8 then a new registration certificate will be issued."

9 He identified Exhibit R-2 as the standard airworthiness
10 certificate that was on board the aircraft during the ramp check
11 on October 15, 2019. He confirmed the date of the airworthiness
12 certificate is April 28, 2014, and that it was the only
13 airworthiness certificate on board the aircraft that date. The
14 inspector identified Exhibit R-1 as a registration certificate for
15 N550ME, dated May 7, 2019. He confirmed that an Assignment of
16 Special Registration Numbers form allows an individual to
17 temporarily operate on it, but once he submits the signed form, he
18 will get a permanent registration certificate, which is a form
19 8050-3.

20 The inspector offered that normally the registration process
21 is completed first and then the airworthiness certificate is
22 issued. He confirmed that Respondent presented two registration
23 certificates, one each for N550ME and N550MK -- one, airworthiness
24 certificate for N550ME and one, Assignment of Special Registration
25 Numbers form for N550MK -- during the ramp check on October 15,

1 2019. He reiterated that he handed the Condition Notice directly
2 to Respondent and although he could have attached it to the door
3 of the aircraft, he didn't do that in this case. He confirmed
4 that he has no copies of the registration certificates that were
5 on the plane.

6 Inspector Ragin stated that he later checked the FAA aircraft
7 registry for N550ME and found that the aircraft did not have a
8 standard airworthiness certificate because it required a
9 conformity inspection. He confirmed that he did not personally
10 check the aircraft registration numbers on date of the ramp check.
11 On redirect examination, Inspector Ragin stated he did not assist
12 in preparing the investigation report in this case and was not
13 involved in the investigation beyond the ramp inspection on
14 October 15, 2019.

15 Next, Inspector Ramon Reyes testified that he is an Aviation
16 Safety Inspector with Houston FSDO. He has been employed by the
17 FAA since 2015. First in San Antonio and then moving to Houston
18 in 2018. He is the Principal Maintenance Inspector or PMI for 25
19 operators in the Houston area. He has been a mechanic with AMP
20 ratings since 1997 and has been involved with aviation maintenance
21 since that time.

22 Inspector Reyes identified Exhibit A-5 as a September 11,
23 2019, letter he sent to Mike King in response to his request for a
24 new standard airworthiness certificate following his completion of
25 the Assignment of Special Registration Numbers to N550MK from

1 November 550ME, which was dated July 3rd, 2019. The letter denies
2 the request for new airworthiness certificate because no
3 conformity inspection was completed upon the aircraft's return
4 from Canada and the aircraft registry shows its class as
5 experimental.

6 He noted that the aircraft can operate for 10 days only on
7 the old certificate after a request for new registration has been
8 submitted. He stated that he informed Mr. King that he couldn't
9 operate the aircraft because it needed a conformity inspection and
10 that he informed Mr. King that he had sent him a letter advising
11 that he had to complete the conformity inspection before the
12 registration number could be changed. The inspector said the
13 letter mailed to Mr. King was returned as not accepted by the
14 addressee.

15 He did not recall telling Mr. King that he can continue to
16 operate the aircraft under the old certificate and noted that the
17 letter says it is recommended that all findings be corrected prior
18 to any aircraft operations. On cross-examination, the inspector
19 stated that the September 11, 2019, letter was sent certified mail
20 returned receipt requested, which was returned as not accepted.
21 He stated he also sent a second letter by both regular mail and
22 certified mail return receipt requested. He indicated the regular
23 mail letter was not returned, but the letter sent by certified
24 mail was returned as not accepted.

25 He agreed that the last sentence of this letter does say

1 recommended rather than must, correct all findings prior to
2 operations. Inspector Reyes pointed out that the aircraft needed
3 to be conformed to US Standards when they returned from Canada,
4 but no conformity inspection was done. The inspector reviewed
5 Exhibit R-13, page 27, which he indicated documents that
6 conformity inspection completed April 3rd, 2009, on its way from
7 the United States to Canada. However, he stated there was no such
8 record of the conformity inspection upon its return to the United
9 States, which is required.

10 Inspector Reyes observed that the inspector who signed the
11 standard airworthiness certificate for the aircraft dated April
12 28, 2014, should not have. That's why he notified Mr. King of the
13 discrepancies that had to be corrected. With respect to the
14 Assignment of Special Registration Numbers form at Exhibit R-3,
15 the inspector confirmed that the aircraft could be operated for 10
16 days on the old certificate. He agreed the instructions directed
17 the signed form be returned within five days for issuance of a
18 revised registration certificate and to obtain a revised
19 airworthiness certificate from the nearest FSDO.

20 However, he noted that no standard airworthiness certificate
21 could be issued because the last airworthiness certificate was
22 listed as experimental and the aircraft had to be conformed first.
23 He reviewed the standard airworthiness certificate issued in April
24 2014 at Exhibit R-2 and noted that that was part of the problem.
25 The certificate was issued without all necessary supporting

1 documents and shouldn't have been. He again noted that that's why
2 he sent the letters to Mr. King.

3 On redirect examination, Inspector Reyes stated that his
4 office, FSDO, only issues airworthiness certificates and does not
5 get involved with issuance of registration certificates. Only
6 Oklahoma City issues registration certificates. Next, Respondent
7 Glen Hardwick presented the testimony of Mr. Jack Montieth,
8 Mr. Donald McClain, Mr. Michael King, and he testified in his own
9 behalf.

10 Mr. Jack Montieth testified that he has been a pilot for over
11 50 years, has flown hundreds of different aircraft, has been the
12 Director of Operations for Part 135 Company, as well as a
13 designated pilot examiner. He indicated that he flew aircraft
14 N550ME on September 25th, 2019. When doing his preflight check,
15 he noted that the paperwork and the registration numbers did not
16 match because the aircraft cell was painted with N550MK, but the
17 airworthiness certificate and registration certificate were for
18 N550ME. He said he found some black and white vinyl tape and
19 modified the registration number on the aircraft to N550ME.

20 On questions from me, he clarified that both the
21 airworthiness certificate and registration certificate on board
22 the aircraft were for N550ME. He stated there was no other
23 paperwork on board and nothing referencing N550MK. He said he
24 received permission from Karen King to change registration number
25 on the aircraft to N550ME. Mr. Michael King testified that he has

1 been involved in aviation for 40 years, beginning in the early
2 '80s, becoming a professional pilot in 1988.

3 He noted that he flew as a pilot for Continental, for United,
4 and flying with World Airways for about 20 years. He indicated he
5 remains in the aircraft rental business and also holds a mechanic
6 certificate with AMP ratings and an inspection authorization. He
7 indicated he was familiar with the timeline at Exhibit R-13, which
8 he said shows the progression of paperwork for Cessna model 550,
9 serial number 550-0097, which he said he purchased in February
10 2019. He stated that the aircraft was experimental until 2009 and
11 was the first Cessna model 550 aircraft to be fitted with the
12 Williams FJ44-3 engines and was used to do research and
13 development on the use of those engines onboard aircraft.

14 He stated that in 2009, Mr. Xavier Ybarra, an FAA designated
15 airworthiness representative, submitted necessary paperwork for a
16 standard airworthiness certificate and that the aircraft was then
17 exported to Canada. He noted that the aircraft was imported to
18 Portland, Maine in 2013, received a standard airworthiness
19 certificate in 2014, and flew there for several years. Mr. King
20 bought the aircraft in February 2019. He said Exhibit R-3 is the
21 Assignment of Special Registration Members form he completed in
22 July 2019, trying to change the registration to N550MK to match
23 his initials. He said the form was e-signed by him.

24 He stated that he took the paperwork necessary for a new
25 airworthiness certificate to Houston FSDO and gave it to Inspector

1 Reyes. He also submitted for a new registration certificate to
2 Oklahoma City close to the date that he signed the form on July
3 3rd, 2019. He said he did not receive anything from Oklahoma City
4 until late November 2019 and that he never received a registration
5 certificate for N550MK. He identified Exhibit R-6 as a letter he
6 received from the Houston FSDO, he believed in October 2019
7 denying his request for a new airworthiness certificate.

8 He thought the letter was full of mistakes. Mr. King said he
9 received a copy of the Condition Notice from Glen Hardwick, who
10 left the copy on his desk. He confirmed that he received a call
11 from Mr. Hardwick when he was in Wichita and that he told
12 Mr. Hardwick there shouldn't be any problems with the paperwork
13 and that he should bring the aircraft back to Portland. He
14 subsequently worked with Mr. Ybarra to complete a conforming
15 inspection on the aircraft, which took about three days to
16 complete, after which Mr. Ybarra issued a standard airworthiness
17 certificate on February 21st, 2020.

18 Mr. King said he surrendered the 2014 airworthiness
19 certificate to Mr. Ybarra when he issued the new airworthiness
20 certificate. On cross-examination, Mr. King confirmed that he
21 authorized a title service company to request on his behalf a
22 registration change from N550MK to N550ME on October 17th, 2019,
23 as documented at Exhibit A-2, page 3. He agreed that at the time,
24 he believed the aircraft was registered as N550MK and he requested
25 that it be changed back to N550ME.

1 On questions from me, Mr. King said that during his call with
2 Mr. Hardwick from Wichita he was told that the aircraft craft was
3 ramp checked and that the FAA was looking at the airworthiness
4 certificate and registration.

5 He said Respondent first talked to his wife and then him. He
6 initially indicated he could not recall if he learned of the
7 Condition Notice by phone, but then said he learned of the notice
8 when he found it on his desk. He clarified that he was aware from
9 his phone conversation with Mr. Hardwick only that the FAA had
10 indicated there was a problem with the airworthiness certificate
11 and registration documents, but there was no discussion then of a
12 Conditional Notice.

13 Respondent, Mr. Glen Hardwick testified that he went through
14 ROTC at Texas State University where he completed pilot training
15 his senior year, after which he was assigned to Laughlin Air Force
16 Base, Texas for initial Air Force pilot training. From there, he
17 was stationed in Taiwan and the Philippines at the end of the
18 Vietnam War, flying C-130 aircraft. His final assignment with the
19 Air Force was to Alaska, after which he moved back to Houston
20 where he earned his ATP and flight engineer certificates.

21 He flew for oil companies and for many years for Dow
22 Chemicals. He discussed also flying charter flights, primarily in
23 Learjets and Citations, and becoming what he called a hired gun,
24 flying a variety of aircrafts. He said he now focuses on flying
25 Citations and he's single pilot qualified in all Citation

1 aircraft. He indicated he has about 16,000 total flight hours,
2 although he pointed out that he no longer tracks his hours, but
3 only tracks flight activity for proficiency and currency purposes.

4 He noted that in his extensive flying career he has never had
5 any accidents or violations. He said he has known Mike King for
6 quite a while, having talked with him regarding flying jobs by
7 phone, but only meeting him in person more recently. He said he
8 was contacted by Mr. King in October 2019 about wanting him to do
9 a flight on October 15th to Wichita, Kansas and back using a
10 Citation 550 aircraft that Mr. King had bought from Canada earlier
11 in the year. He said he met with Mr. King the day prior to go
12 over all the procedures and to check lease and aircraft
13 documentation.

14 Mr. Hardwick said he saw the airworthiness certificate
15 identifying the aircraft as N550ME and also saw a registration
16 that had a matching registration number. Mr. Hardwick noted that
17 there were other documents on the aircraft as well, but he didn't
18 review those because he had seen all he needed to. Respondent
19 noted that the registration numbers on the engine in the cell were
20 taped over and modified to read N550ME. So he asked what that was
21 about and was told by Mr. King that there was a problem with the
22 registration and he was talking with the FAA about it.

23 Mr. Hardwick identified Exhibit R-2 as the airworthiness
24 certificate he saw on the aircraft on October 14th, 2019, and
25 Exhibit R-1 as the registration certificate he saw that date, so

1 he felt comfortable flying the aircraft. Mr. Hardwick said he did
2 another preflight of the aircraft on October 15 and followed a
3 flight plan for the trip. When he landed at Wichita, he stated
4 that he looked out the window and saw two gentlemen on the ground
5 and from there demeanor he assumed they were FAA inspectors.

6 He indicated Inspector Allen met him at the door, asked for
7 his certificates and asked to do a routine inspection of the
8 aircraft. Mr. Hardwick said he told the inspectors they could not
9 inspect the aircraft because he was not the owner, he was just a
10 pilot. He said Inspector Allen had also asked for Respondent's
11 single pilot waiver to operate the aircraft, but he could not find
12 it and received permission to go to Flight Safety to get a copy of
13 the waiver.

14 He said he contacted Flight Safety in San Antonio and had
15 them send a copy of the waiver to the FBO, which he presented to
16 Inspector Allen. Respondent said he was rightfully admonished by
17 the inspector for not having a copy of the waiver with him. He
18 stated that Inspector Ragin then informed him that the
19 registration for the aircraft was wrong, and Respondent said the
20 inspector did not know what he was talking about. Mr. Hardwick
21 said he tried to call Mike King but got his wife instead.

22 He asked her to have Mr. King call him and eventually spoke
23 with him but not until later after the inspectors had already
24 departed. He said the inspector told him he was flying with wrong
25 documents which he retrieved from the aircraft and took inside the

1 FBO to review. Mr. Hardwick said the documents they reviewed were
2 a registration certificate for N550ME and airworthiness
3 certificate for N550ME and a form 85-68050-64 Assignment of
4 Special Registration Numbers for N550MK.

5 He emphasized that there was no registration certificate for
6 N550MK and no airworthiness certificate for N550MK. Respondent
7 conceded that he was irritated and animated with the inspectors
8 but denied that he was hostile toward them. Respondent said he
9 took the documents from the inspectors and put them back on the
10 aircraft. He said he left again, went to Flight Safety, and
11 called Mike King to discuss the matter.

12 After his discussion with Mike King, he said he was satisfied
13 that it was proper to fly the aircraft as N550ME. He said he also
14 checked the FAA's online flight registry, which indicated that
15 Cessna model 550, serial number 550-0097 was associated with
16 registration number N550ME. He said he then checked N550MK, and
17 the registry showed that registration number was assigned to a
18 deregistered Cessna 185. Respondent identified Exhibit R-4 as an
19 FAA registry search that he completed on March 21st, 2020, which
20 shows that registration number N550ME is assigned to a Cessna
21 model 550, serial number 550-0097.

22 He identified Exhibit R-5 as a registry search he completed
23 on March 21st, 2020, which shows registration number N550MK is
24 assigned to a deregistered Cessna 185. He stated he did those
25 searches on March 21st right after receiving the enforcement order

1 from Mr. Bringewatt. Respondent said Exhibits R-4 and R-5 were
2 fair representations of what he saw when he did the registry
3 searches on October 15th, 2019. He also noted that the registry
4 searches solidified in his mind that the FAA inspectors were
5 mistaken.

6 Mr. Hardwick testified that he was not handed the Condition
7 Noticed by inspectors. He said when he returned the first time,
8 he was shown a form by Inspector Ragin but was not given the
9 notice. He said when he returned from Flight Safety the second
10 time and returned the crew car keys to Jennifer McKnett at
11 Signature FBO, she handed him a white card and told Respondent
12 that the FAA inspectors asked her to give this to him. He said he
13 quickly glanced at the form, but it was not a red tag, and he did
14 not take time to look at the form or read it. He said he did not
15 know it was a Condition Notice.

16 At about the time that he was being handed the form, he said
17 he was tapped on the shoulder by Brad Stephen, his passenger, who
18 said he was in a hurry to go. So Mr. Hardwick said he grabbed
19 Mr. Stephen's bag, escorted him to the aircraft and departed. He
20 offered that if he had seen a tag on the door of the aircraft that
21 he would have stopped and contacted the FAA to clarify any
22 discrepancy.

23 On cross-examination, Mr. Hardwick confirmed that he had
24 never met Inspector Allen or Inspector Ragin prior to October
25 15th, 2019. He was asked about the aircraft documents that he

1 reviewed with the inspectors that day. He confirmed that they
2 reviewed both an airworthiness certificate and registration
3 certificate for N550ME. He also agreed that they reviewed the
4 Assignment of Special Registration Numbers form at Exhibit A-2,
5 page 5, dated July 3rd, 2019, and changing the registration
6 numbers of the aircraft from N550ME to N550MK.

7 He was adamant that there was no registration certificate for
8 N550MK on the aircraft and insisted it was impossible for there to
9 be a new registration certificate for N550MK at that time because
10 there was no new airworthiness certificate. However, when pressed
11 to identify where on the form it said a registration certificate
12 could not be issued without a new airworthiness certificate,
13 Mr. Hardwick was unable to identify such language.

14 He pointed to language on the form directing that a revised
15 airworthiness certificate must be obtained from the nearest FSDO,
16 but eventually had to concede that the language cited does not say
17 that the revised airworthiness certificate has to be obtained
18 prior to obtaining a revised registration certificate from
19 Oklahoma City. He then insisted that the prohibition was codified
20 in 14 CFR Part 47, but again was unable to identify a specific
21 provision for such limiting language.

22 Mr. Hardwick continued to insist that there was only one
23 registration certificate on the aircraft on October 15, 2019, and
24 stated that the two inspectors were lying when they both testified
25 that there were two certificates on board. One for N550ME and one

1 for N550MK. Mr. Hardwick testified that he could not recall
2 clearly whether he was ever handed a copy of the Condition Notice
3 at Exhibit A-4 by the inspector. He could not definitively say
4 that the inspector did not hand him a copy of the Condition
5 Notice, and he handed it back. He said it was possible that
6 happened.

7 He could definitively say that he received his copy of the
8 Condition Notice from Jennifer McKnett at Signature FBO.

9 Mr. Hardwick offered that he had never seen a Condition Notice
10 before in his lengthy aviation history, and he did not recall
11 reading this notice when it was handed to him. He confirmed that
12 he took possession of the Condition Notice from the receptionist
13 at Signature FBO, agreed that he sees and understands the writing
14 and the check boxes on the notice now, but insisted that he did
15 not see or read it on October 15, 2019.

16 Mr. Hardwick said that he heard Inspector Allen testify that
17 he had done an FAA aircraft registry search on October 15, 2019,
18 and found a registration N550MK was assigned to Cessna model 550,
19 serial number 550-0097, and there was no current aircraft assigned
20 to registration N550ME. Essentially, the exact opposite of what
21 Mr. Hardwick said his registry search uncovered. He said that he
22 has no idea why the inspector would testify that way or would lie
23 about seeing the registration certificate for N550MK in the
24 aircraft.

25 He could only offer that he thinks he may have been

1 collateral damage in the SEIT team's efforts to get Mr. King. On
2 redirect, Mr. Hardwick described how he left and returned to the
3 aircraft three different times on October 15th, interacting with
4 the inspectors for a total of approximately 15 minutes. He
5 reiterated that he did not read the Condition Notice until he
6 returned to Pearland, Texas, at which point he called Mike King to
7 discuss it and left a notice on Mr. King's desk to handle, since
8 he is the owner of the aircraft.

9 On recross-examination, Mr. Hardwick agreed that he said
10 earlier he was unclear whether the inspector ever handed the form
11 to him. However, he clarified that the inspector may have
12 attempted to hand a Condition Notice to him, but he never took
13 possession of it and only retained possession of the form when
14 Jennifer McKnett handed it to him in the FBO.

15 Mr. Don McClain testified that he was retained by
16 Mr. Hardwick to provide expert review and testimony in this case.
17 He said he holds an ATP certificate with single engine and multi-
18 engine endorsements as well as various type ratings. He said he
19 is also commercial rated in seaplanes and holds a rotary engine
20 endorsement. We discussed his prior operation of a Part 145
21 repair station but noted that he gave that business up and is now
22 semi-retired although he still does lots of engine work.

23 He identified Exhibit R-19 as containing his expert report
24 prepared in anticipation of this hearing. He stated that he
25 reviewed all airworthiness certificate and registration documents

1 pertaining to N550ME prior to preparing his report. He said he
2 was less concerned with the pleadings filed in this case but said
3 that he did review those as well. He also noted that he
4 interviewed Respondent, Mr. Mike King, Mr. Jack Monteith, and his
5 local contact at the Houston FSDO.

6 He said he tries to stay very current in regulations
7 pertaining to airworthiness certificates and aircraft registration
8 and that he considers himself an expert in the paperwork required
9 for a mechanic related to airworthiness and registration. He
10 noted that he has over 16,000 total hours as a pilot, including
11 flying as a captain in passenger carrying operations. He
12 described generally the responsibilities of a pilot in command to
13 complete a preflight check to familiarize himself with the
14 aircraft and required documentation prior to each flight.

15 Mr. McClain was recognized as an expert as to the
16 responsibilities of a pilot in command, including how that may
17 pertain to review of airworthiness and registration documents
18 before operating an aircraft. Mr. McClain testified that a pilot
19 in command has to ensure that an aircraft is released to him in an
20 airworthy condition and must also do a preflight check of the
21 aircraft to confirm that it is airworthy. That preflight check
22 must be completed consistent with the aircraft flight manual.

23 With respect to documentation, he stated the piloting command
24 must check the registration certificate and the airworthiness
25 certificate to confirm that those documents match each other and

1 that the tail number of the aircraft also matches the
2 airworthiness certificate and registration certificate. If those
3 items do not match, then it is the responsibility of the pilot in
4 command to notify the owner and to not fly until any discrepancies
5 are corrected. He stated that it is not the pilot in command's
6 responsibility to correct any discrepancies, that the owner has
7 that responsibility.

8 Mr. McClain could not testify as to what registration number
9 the flight plan for Respondent's flight from Wichita to Pearland
10 was flown under, only what he was told by Respondent. In all
11 these years of flying as a pilot in command, he said he had never
12 received a Condition Notice.

13 All right. That concludes my summary of the evidence and
14 testimony. Having summarized the testimony and evidence
15 submitted, I'll now discuss the evidence as it relates to the
16 allegations in this case. The critical issue that must be
17 determined initial is what was the correct registration number for
18 Cessna model 550, serial number 550-0097 when it was operated by
19 Respondent as pilot in command on two flights between Pearland,
20 Texas and Wichita, Kansas on October 15, 2019.

21 Here, I agree with the Acting Administrator that the
22 documentation contained within the aircraft registration file
23 Exhibit A-2, largely guides that determination. First, on page 9
24 of that exhibit is a letter dated April 5th, 2019, submitted by an
25 aircraft title service on behalf of Mr. King's company, Ascent

1 Aviation, requesting that aircraft Cessna model 550, serial number
2 550-0097 be assigned registration number N550MK, changing from
3 N550ME.

4 At page 5 of that exhibit is the Assignment of Special
5 Registration Numbers form dated and signed by Mr. King on July
6 3rd, 2019, assigning registration number N550MK to the aircraft,
7 replacing registration number N550ME. The instructions on the
8 form direct that the original form be submitted to the Aircraft
9 Registration branch within five days of the registration numbers
10 being placed on the aircraft, so the revised certificate can be
11 issued for -- the new revised registration certificate can be
12 issued for the new registration numbers.

13 We know that that was in fact done based upon Mr. King's
14 testimony that he submitted the completed paperwork to Oklahoma
15 City and the fact that N550MK was painted on the engine and cell
16 of the aircraft as testified to by several witnesses. The form
17 also directs that a revised airworthiness certificate must be
18 obtained from the nearest FSDO office. And we know, based upon
19 his own testimony and that of Inspector Reyes that Mr. King took a
20 copy of the form to the Houston FSDO to try to obtain a revised
21 airworthiness certificate.

22 Documentary evidence and testimony also confirms that
23 Inspector Reyes initially denied the request for a new
24 airworthiness certificate because he determined that there was no
25 documentation that the required conformity inspection was

1 completed for the aircraft when it was imported back from Canada.
2 He sent two letters to Mr. King, Exhibits A-5 and A-6, notifying
3 him of what steps needed to be taken to conform the aircraft and
4 obtain a revised air within a certificate.

5 Although Respondent argued that language on the form itself
6 or alternatively, regulatory guidance in 14 CFR Part 47 requires
7 the new airworthiness certificate be obtained before a new
8 registration certificate can be issued, he was unable to point to
9 any such language on the form or any provision in Part 47 that
10 documents such a requirement. On the other hand, a very credible
11 testimony of Inspectors Allen and Ragin confirms that a
12 registration certificate for N550MK was on board the aircraft on
13 October 15, 2019.

14 Thereby corroborating that there's no requirement that a
15 revised airworthiness certificate must be obtained before a new
16 registration certificate can be issued. Respondent also argued
17 that if a new airworthiness certificate was not obtained within 10
18 days of the temporary registration being signed, then the
19 registration number reverts to the previous registration
20 certificate and airworthiness certificate.

21 However, that argument is contradicted by substantial
22 credible evidence. First, on October 17th, 2019, Mr. King had the
23 same aircraft title company request a registration number for
24 Cessna model 550, serial number 550-0097 be changed back to N550ME
25 from N550MK, and that is at Exhibit A-2, page 3. The action on

1 that request is documented on the Assignment of Special
2 Registration Numbers form at Exhibit A-2, page 1 signed by
3 Mr. King on November 1st, 2019.

4 That October 17th, 2019, request and the November 1st, 2019,
5 Assignment of Special Registration Numbers would have been
6 unnecessary if in fact, the registration number simply reverted
7 back to N550ME automatically. Mr. King admitted in his testimony
8 that he had a title service company make the request to change the
9 registration numbers back to N550ME from N550MK and that at the
10 time, he believed the correct aircraft registration number was in
11 fact, N550MK.

12 Inspectors Reyes and Ragin further verified that the aircraft
13 could only be operated on the temporary registration document for
14 10 days without a new airworthiness certificate. After which, the
15 aircraft was essentially grounded until the new airworthiness
16 certificate was obtained, and that the aircraft could not be
17 operated under the prior registration numbers. Respondent offered
18 no guidance or authority supporting his bold assertion that the
19 registration numbers would revert to the previous numbers, and I
20 find no credible evidence supporting that assertion.

21 In sum, based upon a substantial credible evidence record, I
22 find that the correct registration number for aircraft Cessna
23 model 550, serial number 550-0097, when it was operated by
24 Respondent as pilot in command on two flights between Pearland,
25 Texas and Wichita, Kansas, on October 15th, 2019, was N550MK. In

1 making this determination, I took into account the credibility of
2 witnesses and the information provided regarding this and a number
3 of other important issues.

4 As noted above, both, Respondent and Mr. King, testified
5 there was no registration certificate for N550MK onboarded the
6 aircraft on October 15, 2019. On the other hand, both Inspector
7 Allen and Inspector Ragin testified that they saw a registration
8 certificate for N550MK on board the aircraft during a ramp
9 inspection. On the one hand, Mr. King is under investigation by
10 the SEIT team and had been issued a Condition Notice related to
11 the registration number and documentation not matching. He had a
12 significant personal interest in this matter and motivation to be
13 untruthful.

14 Respondent who ignored the Condition Notice and guidance from
15 the inspectors likewise had every reason to be untruthful about
16 what documents were on board the aircraft. On the other hand, the
17 inspectors had never met Respondent before October 15, 2019, had
18 no personal interest in the accuracy of the documentation on board
19 the aircraft, and no reason to fabricate information about the
20 registration certificate for N550MK being on board the aircraft.
21 I also find Mr. Hardwick's position that he was simply collateral
22 damage in the SEIT team's efforts to get Mike King to be less than
23 compelling.

24 In all, I found the inspector's testimony regarding the
25 registration certificate from N550MK being on board the aircraft

1 to be more credible and believable on this issue. Beyond the
2 relative motivation or lack thereof for a witness to fabricate his
3 testimony, I also considered the consistency and believability of
4 testimony and demeanor of each witness. For instance, I found
5 Respondent's testimony regarding the Condition Notice to be
6 inconsistent and less than fully credible. He initially indicated
7 that he was shown the form but not given notice by Inspector
8 Ragin.

9 He later said he may have been handed the form but gave it
10 back to the inspectors, emphasizing that he did not take
11 possession of the form from the inspectors. He testified that he
12 only took possession of the form when it was handed to him by the
13 receptionist at the FBO, Ms. Jennifer McKnett. While Mr. Hardwick
14 equivocated about how and when he received the Condition Notice,
15 the inspectors were consistent and unwavering in their testimony
16 that the Condition Notice was handed directly to Respondent by
17 Inspector Ragin, and he was verbally informed that the aircraft
18 was unairworthy.

19 They were equally unwavering about the fact that they did not
20 give the Condition Notice to a receptionist at the FBO to deliver
21 to Respondent. Ms. McKnett provided a written statement which was
22 entered into evidence as Exhibit R-14. I find it very telling
23 that in that statement, Ms. McKnett makes no mention of being
24 asked by the FAA inspector to provide a Condition Notice or any
25 document to Respondent.

1 I find it unbelievable that she would provide a statement
2 about her interaction with Inspector Ragin and Respondent that day
3 yet failed to include such a crucial detail about the Condition
4 Notice, nor was Ms. McKnett called to testify to corroborate
5 Respondent's testimony that she handed him the Condition Notice.
6 I find the inspector's testimony regarding delivery of Condition
7 Notice directly to Respondent and their advisement to him at the
8 time to be much more credible on this issue.

9 With respect to the FAA aircraft registry searches and
10 Inspector Allen and Respondent indicated they did on October 15,
11 2019, neither the inspector nor Respondent provided a screenshot
12 or a copy of their search conducted that date. Documents
13 presented by Respondent at Exhibits R-4 and R-5, are from a
14 registry search conducted March 21st, 2020, which is well after
15 the November 1st, 2019, date, the aircraft registration was
16 changed back to N550ME. Those results show registration number
17 N550ME assigned to Cessna model 550, serial number 550-0097 and
18 N550MK, assigned to a deregistered aircraft.

19 Respondent asserted that the results from March 2020 were the
20 same as those he got on October 15th, 2019. Inspector Allen
21 likewise presented no contemporaneous record of his search.
22 However, he explained in detail that he first conducted a registry
23 search for registration number N550ME which returned no records.
24 He then did a search of aircraft serial number 550-0097, and it
25 came back as registration number N550MK.

1 Based upon the relative motivation of the witnesses to
2 fabricate information, the consistency of their testimony overall
3 and the demeanor of the witnesses on the stand, I likewise
4 assigned greater credibility to Inspector Allen's testimony
5 regarding the results of his FAA aircraft registry search on the
6 date of the ramp inspection. I found Respondent's testimony in
7 this regard to be unreliable.

8 Consistent with my findings, I likewise find Respondent's
9 asserted affirmative defense that he reasonably relied upon the
10 results of the aircraft registry search as well as Mike King's
11 guidance to him that the aircraft was okay to fly back to Pearland
12 that day to be unsupported by credible evidence.

13 As noted, I found Mr. Hardwick's testimony regarding the
14 results of the registry search to be unreliable and any reliance
15 that Respondent made on Mr. King's guidance was certainly not
16 reasonable in light of the fact that he was handed a Condition
17 Notice, which plainly stated the aircraft could not be flown and
18 he was verbally advised of that fact by the inspectors. I also
19 find it less believable that Respondent was not aware that the
20 form he was handed was a Condition Notice and that he did not read
21 it until he returned to Pearland.

22 I find it hard to accept that an ATP certificate holder with
23 Respondent's length and breadth of aviation experience simply
24 ignored the form handed to him by the FAA inspectors. Even if I
25 accepted that he ignored the Condition Notice, his actions in

1 doing so amount to willful disregard of the information provided
2 to him and certainly do not provide a basis for now claiming
3 ignorance or reasonable reliance on contrary information provided
4 from Mr. King.

5 Mr. Hardwick took a similar, although somewhat less
6 deliberate approach to his preflight check of the aircraft before
7 his flight to Wichita.

8 According to his testimony, he noticed and commented upon the
9 registration number modification on the engine and cell and was
10 told that the owner was working with the Houston FSDO on issues
11 related to the aircraft registration. Despite that, once
12 Mr. Hardwick saw the airworthiness certificate and registration
13 certificate for N550ME, which matched the modified tail number, he
14 went no further. He admits that he saw other aircraft
15 documentation on board but said that he had seen all he needed to,
16 but that was good enough for him.

17 If he had examined the other documentation, he would have
18 discovered the temporary registration document, the Assignment of
19 Special Registration Numbers dated July 3rd, 2019, as well as the
20 aircraft registration certificate for N550MK, which were the most
21 recent registration documents. He also would have discovered that
22 the aircraft had no current airworthiness certificate for N550MK.
23 Although I agree that his decision to accept the registration and
24 airworthiness certificates that he reviewed which matched the tail
25 number was not unreasonable under those circumstances, because he

1 did not review the additional paperwork, he flew an unairworthy
2 aircraft over Wichita on October 15, 2019.

3 Mr. Hardwick has asserted that the aircraft was in actuality
4 airworthy and/but for mistakes made by the Houston FSDO, could
5 have been issued a new and valid airworthiness certificate. He
6 also may have sincerely believed Mr. King's argument that issues
7 related to the airworthiness certificate were being worked with in
8 Houston FSDO. Even if true, neither of those facts are relevant
9 to my determination here. As noted by his own expert,
10 Mr. McClain, Respondent's obligation as a pilot in command once he
11 was informed by the FAA inspectors of the discrepancy and that the
12 plane was not airworthy was to not fly the aircraft until the
13 discrepancies were resolved, regardless of whether he agreed with
14 their determination.

15 He chose to do otherwise, making an intentional and reckless
16 decision to fly an unairworthy aircraft back to Pearland despite
17 the inspector's determination and guidance to him, which was also
18 plainly documented on the Condition Notice. Accordingly, I find
19 Respondent's asserted affirmative defense based upon errors or
20 omissions of the FAA regarding the issuance of a new airworthiness
21 certificate for N550MK to be unavailing and unsupported by
22 credible evidence.

23 With respect to Mr. Hardwick's demeanor, I found him to be
24 brusque and argumentative during testimony, interrupting Counsel
25 and attempting to speak over him during questioning, requiring me

1 to admonish him to allow Counsel to complete his questions. He
2 was difficult and evasive, frequently refusing to answer questions
3 directly and offering extraneous information despite Counsel's
4 efforts and ignoring my repeated direction to him to listen
5 carefully to questions posed and answer them directly.

6 In short, Mr. Hardwick demonstrated through his demeanor on
7 the stand and actions during testimony the type of behavior
8 described by the inspectors when they attempted to speak with him
9 concerning the Condition Notice during the ramp check. I found
10 Respondent's demeanor to undermine his credibility overall, but in
11 particular, pertaining to his interaction with the inspectors.

12 Consistent with the above, I find that the Administrator's
13 proven all the factual allegations in the complaints, paragraphs 1
14 through 6 by a preponderance of reliable, probative, and credible
15 evidence. I further find that Respondent operated a US registered
16 aircraft that did not properly display the nationality and
17 registration numbers of the aircraft in violation of 14 CFR
18 Sections 45.21(a) and 45.23(a). More specifically, Respondent
19 operated a Cessna model 550 aircraft on two flights on October 15,
20 2019, with the registration on the outside of the aircraft
21 displaying N550ME, when it should have displayed N550MK.

22 I further find that Respondent operated a civil aircraft
23 without an appropriate and current airworthiness certificate for
24 N550MK in violation of 14 CFR Section 91.203(a)(1) and that
25 Respondent operated civil aircraft N550MK when it was not in an

1 airworthy condition in violation of section 91.7(a). More
2 specifically, the aircraft had not been issued a current
3 airworthiness worthiness certificate for N550MK.

4 In his answer to the complaint, Respondent raised a number of
5 affirmative defenses, consistent with the evidence and testimony
6 presented. In my above findings, I find that Respondent has
7 failed to establish any of those affirmative defenses by a
8 preponderance of evidence. More specifically, Respondent only
9 presented evidence and/or argument regarding his affirmative
10 asserted defense of reasonable reliance. And consistent with my
11 findings above, I conclude that he has failed to establish that
12 defense by preponderance of evidence.

13 Many of the remaining factual assertions listed as
14 affirmative defenses, namely paragraphs 5 through 12 of the list
15 of affirmative defenses, are discussed in detail in my analysis
16 above. Consistent with that discussion and analysis, I find those
17 assertions either unavailing as an affirmative defense or find no
18 credible or substantial evidence to support the contentions.

19 With respect to the first, third, and fourth affirmative
20 defenses, in particular, Respondent's assertion that a complaint
21 should be dismissed as stale or barred by the doctrine of laches,
22 Respondent presented absolutely no evidence or argument regarding
23 those, and I find no merit in those affirmative defenses. Having
24 found that the Administrator has proven all the allegations in the
25 Administrator's complaint by preponderance of reliable, probative,

1 incredible evidence, I now turn to the sanction imposed by the
2 Acting Administrator in this case.

3 On August 3rd, 2012, Public Law 112-153, known as the Pilot
4 Bill of Rights, was signed into law by the President. The law
5 applies to all cases before the National Transportation Safety
6 Board involving reviews of actions of the Administrator of the
7 Federal Aviation Administration to amend, modify, suspend, or
8 revoke airmen certificates under 49 United States Code section
9 4479.

10 Pilots Bill of Rights specifically strike from 49 United
11 States Code Sections 4479 and 44710 language which mandated board
12 deference to FAA policy guidance related to sanction. While no
13 longer bound to give deference to the Federal Aviation
14 Administration by statute, the agency is still entitled to
15 judicial deference due all other federal administrative agencies
16 under the Supreme Court decision in *Martin v. Occupational Safety*
17 *and Health Review Commission*, which is at 499 US 144.

18 In applying the principal judicial deference to the
19 interpretations of laws, regulations, and policies that the
20 Administrator carries out, I must analyze them with the facts and
21 circumstances in each case to determine if the sanctions selected
22 by the Administrator is appropriate. In this case, the
23 Administrator has argued, based upon sanctioned guidance in FAA
24 Order 2150.3(c), Chapter 9, that the 150-day suspension
25 Respondent's ATP certificate is actually below the midlevel range

1 of suspensions, considering the severity and nature of
2 Respondent's violations.

3 The Administrator considered Respondent's flight to Wichita
4 with an invalid registration and no appropriate airworthiness
5 certificate to be inadvertent. However, Counsel argued that the
6 intentional and reckless operation of the aircraft on the flight
7 back from Wichita after being advised by the inspectors of the
8 discrepancy regarding the registration number and the
9 airworthiness certificate merits the length of suspension
10 recommended.

11 He suggested that that was particularly true, given
12 Respondent's status as an ATP certificate holder with over 16,000
13 hours as a pilot. Respondent argued that there was no violation
14 that occurred and thus sanction was appropriate. Alternatively,
15 Respondent argued that should I find a violation, he emphasized
16 the inspector's testimony that consistent with the Condition
17 Notice, the discrepancy was minor and was not considered an
18 imminent hazard to safety.

19 He argued that given the administrative nature of the
20 violation and the fact that there was no hazard related to his
21 operation of the aircraft, any sanctions should be far less than
22 what was suggested by the Administrator. In my estimation, the
23 critical issue with respect to sanction is not whether the
24 discrepancies which resulted in the aircraft being grounded were
25 minor or administrative in nature or presented an imminent hazard.

1 Those are certainly factors to be considered and it appears
2 that the Administrator has done so in selecting a sanction that
3 falls below the midpoint of the range for a period of suspension
4 for such violations in their sanction guidance. Rather, the
5 crucial issue is Respondent's willingness, as an ATP certificate
6 holder with over 16,000 flight hours, to disregard the Condition
7 Notice and the guidance from the inspectors that the aircraft was
8 not airworthy and could not be flown. And to then deliberately
9 and recklessly operate the unairworthy aircraft on a passenger
10 carrying flight from Wichita, Kansas to Pearland, Texas.

11 Under the facts and circumstances established by the
12 evidence, I find the Acting Administrator's choice of sanction to
13 be reasonable. Thus, consistent with the facts and circumstances
14 of this case, with more precedent and appropriate judicial
15 deference afforded the Administrator, I find that the sanctions
16 sought by the Administrator as appropriate and warranted in the
17 public interest in their commerce and their safety.

18 Therefore, I find that the order of suspension, the complaint
19 herein must be and shall be affirmed as issue. I would ask the
20 court reporter to place the following order on a separate page.
21
22
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ORDER

IT IS THEREFORE ORDERED:

1. That the Emergency Order of Revocation, the Complaint herein, be affirmed as issued.

2. Respondent's Airline Transport Pilot certificate and any other pilot certificates he holds are hereby suspended for a period of 150 days.

Entered this 20th day of October, 2022.

STEPHEN R. WOODY

Administrative Law Judge

APPEAL

JUDGE WOODY: That concludes my oral initial decision.

Yesterday, I had a Ms. Szustak send, if all is right, page advisement to Counsel. I trust that you receive those?

MR. ROSE: Yes, Your Honor.

JUDGE WOODY: Okay. Does either counsel have any questions about those or desire that I provide any advisement with respect to appellate rights?

MR. ROSE: The only question is how long would it take to get the transcripts from the court reporter?

JUDGE WOODY: Well, the transcript, I believe, will be ready in about 14 days. And I don't know if Ms. Szustak has any more insight into that. I don't normally deal with the transcripts directly, but if you do, Ms. Szustak, you can certainly offer that insight, but I believe it will be about two weeks. The important thing, obviously, is the deadline for filing your Notice of Appeal, if you want to do that and then the deadline for perfecting that.

And I know that that transcript is important for perfecting your appeal with the appeal brief, but I would suggest or recommend that you pay very close attention to those deadlines for filing those matters. Ms. Szustak, do you have anything to add on the transcript? Apparently not. Ms. Szustak, are you able to hear me?

MS. SZUSTAK: Sorry about that, I was muted. The court

1 reporter has -- the company that we contract with has up to 20
2 days to send us those transcripts. They may typically come in
3 within 14 days, but they do have up to 20.

4 JUDGE WOODY: Okay. That may be what I was thinking of. So
5 thank you for that clarification. Any other questions or anything
6 that you desire to discuss with respect to the appellate rights?

7 MR. ROSE: No, Your Honor.

8 JUDGE WOODY: Okay. Anything from the Administrator?

9 MR. BRINGEWATT: No, Your Honor.

10 JUDGE WOODY: All right. Anything of an administrative
11 nature that we should discuss before we terminate these
12 proceedings? From the Administrator?

13 MR. BRINGEWATT: Nothing from the Administrator, Your Honor.

14 JUDGE WOODY: Mr. Rose?

15 MR. ROSE: Nothing, Your Honor.

16 JUDGE WOODY: All right. Well, gentlemen, I thank you very
17 much for your professionalism the last couple of days.

18 Mr. Hardwick, good luck to you, sir.

19 With that, we'll go ahead and terminate the proceeding and go
20 off the record. Thank you.

21 (Whereupon, at 3:42 p.m. the hearing in the above-entitled
22 matter was concluded.)
23
24
25

CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: Glen A. Hardwick
DOCKET NUMBER: SE-30824
PLACE: via Zoom videoconference
DATE: October 20, 2022

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been compared to
the recording accomplished at the hearing.

Eric Learman

Eric Learman
Official Reporter