

## CHAPTER 10. PROCESSING OF ENFORCEMENT INVESTIGATIVE REPORTS

1000. PURPOSE. This chapter provides guidance and general information concerning the processing of all Enforcement Investigative Reports (EIR's) prepared pursuant to this order. Procedures for distribution of EIR's and other documents are contained in Chapter 14.

1001. PROCESSING OF EIR'S FOR ADMINISTRATIVE ACTION.

a. Field office. The field office is authorized to issue warning notices and letters of correction. The letters are developed as prescribed in Chapter 11. The EIR number (case code number) originally assigned at the time the investigation was initiated shall be used to identify the EIR. An investigation file, including copies of FAA Form 2150-5 and the warning letter or letter of correction, shall be retained by the field office for no less than 6 months. The Form 2150-5 (or complete EIR, if required) shall be distributed in accordance with Chapter 14 instructions.

b. Regional office. The appropriate regional division shall review the administrative enforcement action for internal purposes. If the investigating field office entered an incorrect regulation in Item 18 on the Form 2150-5, the correct regulation should be cited in the regional division review section. No other changes should be made.

1002. PROCESSING OF EIR'S FOR LEGAL ENFORCEMENT ACTION.a. Field office.

(1) The EIR number (case code number) assigned at the time the investigation was initiated shall be used to identify the EIR.

(2) The field office shall forward the EIR to the regional division.

(3) After enforcement action has been completed, the investigating office should assure that the following persons and offices are advised of the final disposition:

A. Each person or organization to whom a letter of investigation was sent.

B. Each supporting FAA office.

C. Any agency, person, or organization which provided the complaint or information that was the basis for initiating the investigation.

(4) The field office shall retain a complete investigation file, including a copy of the EIR, until final action has been completed on the case.

b. Regional division.

(1) Upon receipt of the EIR, the regional division shall review the file to determine --

- A. The adequacy of the investigation;
- B. That the correct regulations are cited; and
- C. That the type of enforcement action and sanction recommended by the field office are appropriate.

(2) If the regional division concurs with the field office, it may forward the EIR to the Assistant Chief Counsel without comment.

(3) If the regional division determines that the investigation was not adequately completed, it should return the file to the field office with specific instructions for further investigation.

(4) If the regional division questions the sufficiency of the evidence for legal enforcement action, it should contact legal counsel to discuss the issue before closing the case.

(5) If the regional division determines that legal enforcement action is not appropriate, it shall return the file to the field office with specific reasons for taking administrative enforcement action or, when no action is required, for closing the case without action.

(6) If the regional division determines that legal enforcement action is appropriate, but disagrees with the field office as to the regulations violated or the sanction, it shall prepare a technical analysis and evaluation, including --

- A. An independent technical analysis of the facts, safety impacts, and violations;
- B. A recommendation for the type of legal enforcement action required for aviation safety and the public interest; and
- C. A recommendation for a specific sanction.

(7) The EIR, along with the regional division's technical analysis and recommendations, is transmitted to the Assistant Chief Counsel. See paragraph 1003 for reports requiring special processing.

(8) The determination of the type of legal enforcement action and sanction is a joint responsibility of the appropriate regional division (Flight Standards, Airports, or Civil Aviation Security) and legal counsel.

(9) After completion of the enforcement action the regional division promptly shall inform the investigating field office of the final disposition.

c. Assistant Chief Counsel.

(1) Upon receipt of the EIR, the Assistant Chief Counsel reviews the file for the sufficiency of the evidence to support the type of action recommended by the regional division. If the evidence is insufficient, the additional information needed should be coordinated through the appropriate division.

(2) The Assistant Chief Counsel shall make an independent determination of the appropriate sanction type and amount, giving due consideration to the sanction recommended by the regional division. If the Assistant Chief Counsel's assessment of the appropriate sanction differs from that of the division, counsel and the division shall confer in an effort to reach an agreement. If no agreement can be reached, the issue shall be elevated to the appropriate headquarters offices.

(3) When the Assistant Chief Counsel determines that sufficient evidence exists to support the recommended legal enforcement action, and a sanction has been determined, legal enforcement action shall be initiated as provided in Chapter 12. Once legal enforcement action has been initiated, counsel has the final authority to change the type of action or sanction, or enter into a settlement agreement. When feasible, however, significant changes should be coordinated with the appropriate division and the reporting inspector.

(4) The Assistant Chief Counsel shall inform the appropriate regional division of the final disposition in all cases.

(5) The legal enforcement file held by the Assistant Chief Counsel is the official FAA record copy, and shall be retained, transferred, and disposed of in accordance with Order 1350.15B.

d. Office of the Chief Counsel. The following cases shall be referred through the Assistant Chief Counsel for a Region or Center to the Assistant Chief Counsel, Regulations and Enforcement Division, AGC-200, for legal handling:

(1) Cases which the Administrator expressly designates.

(2) Cases involving violations of prohibited areas established over Presidential residences.

(3) Cases involving violations of U.S. regulations by foreign persons and companies within U.S. air commerce; except that those cases against persons living in the U.S., holding U.S. airmen certificates, may be handled by counsel in the region when the violation is not connected with that person's service with a foreign company or air carrier.

(4) Cases under the Hazardous Materials Transportation Act within FAA jurisdiction.

(5) All other cases designated by the Office of the Chief Counsel.

1003. REPORTS REQUIRING SPECIAL PROCESSING.a. Violations involving members of the U.S. Armed Forces.

(1) The regional division, upon receipt of the EIR from a field office (see paragraph 501), shall review the file in accordance with paragraph 1002b(1) and forward it to the Assistant Chief Counsel for further processing.

(2) Any EIR prepared pursuant to paragraph 501e, relating to violations when the person was not acting in the performance of official military duties, or where there is a question of qualifications, shall be reviewed and processed by the regional division in accordance with subparagraph 1002b.

(3) In all cases other than those under paragraph 501e, the Assistant Chief Counsel shall refer a complaint to the appropriate military department when counsel determines that the EIR contains sufficient information to support such referral pursuant to Section 1002(a) of the FA Act. The complaint should include a letter of referral and a copy of the EIR. See Figure 10-1. It shall be transmitted to the appropriate official listed below:

Air Force (include  
National Guard)

The Inspector General  
Department of the Air Force  
Washington, D.C. 20030

Navy/Marine Corps

Deputy Chief of Naval Operations  
(Air)  
Navy Department  
Washington, D.C. 20360

Coast Guard

Commandant  
United States Coast Guard  
Washington, D.C. 20591

Army (include  
National Guard)

Director  
USAATCA-ASO  
Cameron Station  
Alexandria, Virginia 22314

(4) If the military department, within 90 days after the date of referral, has not informed FAA of the disposition of the complaint (including any corrective or disciplinary action taken), as required by Section 1002a of the FA Act, the Assistant Chief Counsel should send a follow-up letter to the military department.

(5) In cases where a military referral is made, but there is reason to question the qualifications of the alleged violator to exercise the privileges of an FAA certificate held, the Assistant Chief Counsel shall also initiate appropriate legal enforcement action pursuant to Chapter 12.

b. Violations of foreign aviation regulations.

(1) Enforcement cases against FAA certificate holders, U.S. citizens, or U.S. companies involved in violations of foreign aviation regulations are processed as outlined in paragraph 1001 or 1002.

(2) Upon completion of FAA enforcement action the regional office having geographical responsibility for the country filing the complaint shall advise the Office of the Chief Counsel, AGC-200, of the final action taken. AGC-200 will, in turn, advise the foreign aviation authority through, if appropriate, the U.S. Foreign Service Post. In the case of Canada, AGC-200 should provide such advise directly to Transport Canada.

c. Violations of U.S. regulations by foreign persons and companies.

(1) After field office completion of the investigation, the EIR shall be forwarded to the appropriate regional division (see paragraph 503).

(2) The region reviews and processes the EIR as outlined in paragraph 1002 and, if required by paragraph 1002d(3), forwards the EIR to the Assistant Chief Counsel. Cases against foreign individuals living in the U.S., holding U.S. airmen certificates, may be handled by counsel in the region when the violation is not connected with that person's service with a foreign company, or air carrier. Otherwise, the region forwards the EIR to the Office of the Chief Counsel, AGC-200.

(3) AGC-200 determines, in consultation with the appropriate Office under the Associate Administrator for Aviation Standards and the Office of International Affairs, whether legal enforcement action directly against the alleged violator or referral of a complaint to the foreign government is appropriate.

A. When a complaint is to be made to a foreign government, AGC-200 prepares a letter to the Department of State requesting that the violation be brought to the attention of the foreign government. A copy of the letter shall be sent to the Office of International Aviation Affairs. The letter to the Department of State should include a brief summary of the facts, the regulations violated, and a request that FAA be advised of any action taken by the foreign government. A copy of the EIR shall accompany the referral letter.

B. When direct legal enforcement action is appropriate, procedures outlined in Chapter 12 shall be used.

1004.-1099. RESERVED.

## FIGURE 10-1. SAMPLE MILITARY REFERRAL

October 27, 1988

Deputy Chief of Naval Operations (Air)  
Navy Department  
Washington, D.C. 20360

Dear Sir:

Pursuant to Section 1002(a) of the Federal Aviation Act of 1958, as amended, we are referring to you a complaint and our Enforcement Investigative Report relating to the alleged violation of the Federal Aviation Regulations by Commander John Doe, United States Navy, Whidbey Island Naval Air Station, Washington.

Available evidence indicates that on October 13, 1988, Commander Doe, while in command of a Navy A3D aircraft identified as Homebrew 22, operated this aircraft into the Hanford Restricted Area R-6715 without prior permission from appropriate authority, contrary to and in violation of Section 91.95(a) of the Federal Aviation Regulations.

This complaint and our report are referred to you for further investigation and such corrective or disciplinary action as you may deem appropriate. We would appreciate being informed within 90 days, as required by Section 1002(a) of the Act, of any action taken in this matter.

Sincerely,

Assistant Chief Counsel

2 Enclosures

## CHAPTER 11. ADMINISTRATIVE ENFORCEMENT ACTION

1100. PURPOSE. The purpose for administrative enforcement action is to provide the field inspector with administrative means for disposing of minor types of violations which do not require the use of legal enforcement sanctions.

1101. GENERAL. While administrative enforcement action may be taken only in cases where there is conclusive evidence of a violation, the action does not charge the person involved with a violation. It is intended to bring the incident to the attention of the person involved, document corrective action, encourage future compliance with the regulations, and provide a source of information for agency use.

1102. TYPES OF ADMINISTRATIVE ACTION. For statistical purposes, Section A of the Enforcement Investigative Report (EIR), FAA Form 2150-5, should be used as the means for reporting the issuance of administrative enforcement action. Two types of administrative action are authorized: warning notices and letters of correction.

1103. WARNING NOTICE.

a. The warning is a letter or form addressed to the alleged violator which --

(1) Brings to the attention of the alleged violator the facts and circumstances of the incident;

(2) Advises that, on the basis of available information, such operations or practices are contrary to the regulations;

(3) States that the matter has been corrected and/or does not warrant legal enforcement action; and

(4) Requests future compliance with the regulations.

See Figure 11-1.

b. When a letter of investigation has not previously been issued, the following language should be included in all warning notices:

If you wish to add any information in explanation or mitigation please write to me at the above address.

This language need not be included in letters of correction because letters of correction must be accepted by the alleged violator. If the alleged violator provides any information, it should be evaluated to determine whether the warning notice continues to be appropriate. If not, the warning notice shall be withdrawn. If this language is inserted and the violator is an individual, a Privacy Act Notice shall be included with the warning notice. See Figure 11-2.

1104. LETTER OF CORRECTION. The letter of correction serves the same purposes as the warning notice, but is intended for use when there is agreement with the company, organization, or airmen that corrective action acceptable to the FAA has been taken, or will be taken, within a reasonable time. See Figures 11-3 to 11-6.

a. The letter of correction usually confirms a discussion with the person involved in which a violation(s) is/are acknowledged and appropriate corrective action initiated. It may also cover discrepancies and/or areas of needed improvement.

b. Consideration should be given whether corrective action must be immediate or may be taken within a reasonable period of time.

c. A letter of correction should not be used to forward suggestions and recommendations by themselves; its sole purpose is to correct conditions which are in violation of the FAR. Reference may be made to an attachment containing recommendations and suggestions, provided each item is appropriately segregated and identified to prevent a recommendation or suggestion from being misinterpreted as requiring corrective action under the Federal Aviation Regulations.

d. For Airport Certification Program purposes, either the sample or the form letter of correction (Figure 11-5 or 11-6) should be selected. If the sample letter is used, the language should contain the pertinent elements in Figure 11-5. The form letter is recommended when the single page provides adequate space. The form letter should not be used when a continuation form or sheet would be needed.

... When corrective action has not been completed at the time the letter of correction is issued, the inspector shall assure that timely follow-up inspection is completed. When the action is completed, the inspector shall send a letter acknowledging that fact and closing the case (see Sample Letter Acknowledging Completion of Corrective Action, Figure 11-7).

f. Any continued noncompliance following receipt of the letter of correction shall be followed by more severe enforcement action.

1105. RECORDS OF ADMINISTRATIVE ACTION AGAINST INDIVIDUALS. Administrative actions are made a matter of record. To avoid undue burden to individual airmen, administrative actions arising against persons acting in their capacities as individual certificated airmen will be expunged after a period of two years following the issuance of the administrative action. The following statement shall be included in all such actions against certificated airmen:

...we are issuing this letter which will be a matter of official record for a period of two years, after which, the record of this matter will be expunged.

1106.-1199. RESERVED.

FIGURE 11-1. SAMPLE WARNING NOTICE  
FLIGHT OPERATIONS

November 20, 1988

Case No. 88WM010000

Mr. Fred Smith  
1075 Victory Boulevard  
Los Angeles, California 90009

Dear Mr. Smith:

On October 20, 1988, you were the pilot in command of a Beech Baron N13697 that landed at the City Airport. At the time of your flight, you did not have in your personal possession a pilot certificate, although you do hold a valid commercial pilot certificate. This is contrary to the Federal Aviation Regulations.

After a discussion with you concerning this flight and your inadvertent failure to have your pilot certificate with you, we have concluded that the matter does not warrant legal enforcement action. In lieu of such action, we are issuing this letter which will be made a matter of record for a period of two years, after which, the record of this matter will be expunged.

If you wish to add any information in explanation or mitigation please write me at the above address. We will expect your future compliance with the regulations.

Sincerely,

JOHN J. FRANK  
Chief, Van Nuys GADO

Attached: Privacy Act Notice

## FIGURE 11-2. PRIVACY ACT NOTICE FOR WARNING NOTICE

This Notice is provided in accordance with Section (e)(3) of the Privacy Act, 5 U.S.C. Section 552a(e)(3), and concerns the information requested in the warning notice to which this Notice is enclosed.

A. Authority: This information is solicited pursuant to the Federal Aviation Act of 1958, 49 U.S.C. Section 1301, et seq., and regulations issued thereunder codified in Part 13 of Title 14 of the Code of Federal Regulations. Submission of information is voluntary. The request for information is intended to provide you with an opportunity to provide information which may relate to this matter.

B. Principal purpose: The information is requested to give you the opportunity to add any information in explanation or mitigation to the violations set forth in the warning notice.

C. Routine uses: Records from this system of records may be disclosed in accordance with the routine uses as they appear in System of Records No. DOT/FAA 847 as published from time to time in the Federal Register.

D. Effect of failure to respond: The FAA cannot impose any penalties upon you in the event that you fail to respond to this enforcement investigation letter.

FIGURE 11-3. SAMPLE LETTER OF CORRECTION  
MAINTENANCE

April 30, 1988

The Aerospace Company  
Attention: Mr. J. A. Jones, President  
1200 International Way  
Newark, New Jersey 22180

Dear Sir:

Your repair station's organization, systems, facilities, and procedures were examined for compliance with applicable Federal Aviation Regulations (FAR) during the period April 1-10, 1988. At the end of that examination, you were advised of our findings as follows:

The summary of employment of each person whose name appears on the roster of supervisory and inspection personnel was not available for three of the employees, as required by Section 145.43(b) of the FAR.

This is to confirm our discussion with you on April 8, 1988, at which time immediate corrective action was begun. You submitted the required summary of employment for FAA inspection on April 10, 1988.

As a result of our discussion of this incident, you have revised your procedures for maintaining the required summaries of employment.

In closing this case, we have given consideration to all available facts and concluded that the matter does not warrant legal enforcement action. In lieu of such action, we are issuing this letter which will be made a matter of record.

Sincerely,

JOHN L. DOE  
District Office Chief

FIGURE 11-4. SAMPLE LETTER OF CORRECTION  
SECURITY

May 27, 1988

Mr. J. A. Smith  
Director of Security  
XYZ Airlines  
1605 Fifth Avenue  
New York, NY 12023

Dear Mr. Smith:

On May 1, 1988, during a routine inspection of the XYZ Airlines station at Chatsworth International Airport, it was noted that none of the employees at the XYZ Airlines checkpoint were wearing dosimeters. You were notified by letter dated May 4, 1988, that an investigation into this apparent violation of Section IV E. 6. of the XYZ Standard Security Program had been initiated and was being conducted by this office.

Investigation of the matter revealed that the room containing the employees' dosimeters is locked during nonoperational hours and on May 1, 1988, the only individual with the key to the room, Burnmart Supervisor John Apelan, was not at work. As a result of this incident, XYZ Airlines Station Manager David Lynch has instituted a policy whereby additional keys to the equipment room are available from three locations.

In closing this case, we have given consideration to all available facts and concluded that the matter does not warrant legal enforcement action. In lieu of such action, we are issuing this letter which will be made a matter of record.

Sincerely,

PAT ROSS  
Chief, DIW CASFO

cc: David Lynch  
Station Manager, XYZ Airlines

FIGURE 11-5. SAMPLE LETTER OF CORRECTION  
AIRPORTS

(date)

(name)

Manager, (airport)

(address)

Dear (name):

On (date), (inspector) conducted a certification inspection of the (airport) to determine compliance with Part 139 of the Federal Aviation Regulations, the Airport Certification Manual, and the Airport Operating Certificate which became effective (date). The inspection revealed that the airport was not in compliance with all of the requirements.

During the investigation it was found that the certification manual (or certification specifications) is approximately 3 months out of date and does not reflect current conditions at the airport. It is recognized that you are now revising the entire manual. You should give first priority to the emergency plan section. You mentioned that the county is currently developing a disaster plan. The airport should participate in that process.

You agreed at the exit interview to revise the manual according to the following schedule:

Correction Date for Emergency Plan: (date)

Correction Date, Entire Manual Draft: (date)

Correction Date for Completed Manual: (date)

We have given consideration to all available facts and concluded that this matter does not warrant legal enforcement action. In lieu of such action we are issuing this letter which will be made a matter of record. We will expect your future compliance with the regulations. Please advise in writing when the manual has been revised.

Sincerely,

(name and title)

FIGURE 11-6. FORM LETTER OF CORRECTION  
AIRPORT CERTIFICATION



U.S. Department  
of Transportation  
Federal Aviation  
Administration

LETTER OF CORRECTION

1. Airport Manager (Name)		4. FAA Airport Certification Inspector (Name)	
2. Airport Name	Step Number	5. FAA Office	Region
3. Address (Street or P.O. No., City, State, Zip Code)		6. Address (Street or P.O. No., City, State, Zip Code)	
7. Type of Operating Certificate <input type="checkbox"/> Airport Operating Certificate <input type="checkbox"/> Limited Airport Operating Certificate			8. Certificate Date
9. Type of Airport Certification Safety Inspection <input type="checkbox"/> Annual <input type="checkbox"/> Surveillance			10. Inspection Date
11. FAA Contact			12. EIR Number

Inspection of the above named airport has revealed that it is not in compliance with all of the requirements of FAR Part 139, the Airport Operations Manual, and the Airport Operating Certificate.  
We have given consideration to all available facts and concluded that this matter does not warrant legal enforcement action. In lieu of such action we are issuing this letter which will be made a matter of record. We will expect your future compliance with the regulations. Please advise, by return of this form, when the discrepancies are corrected.  
The individual identified in item 11 must be notified if corrections are not completed by the agreed upon date.

13. FAR Part 139 Violations Noted			14. Discrepancies Corrected (To Be Completed by Airport Personnel)	
4. FAR 139 Reference	A. Discrepancy	C. Correction Date	a. Date	b. By (Initials)

Check if Comments/Recommendations attached - comments and recommendations concerning aviation safety which are not required by FAR Part 139 are noted on attached sheet.  
By signature below, assurance is given that violations noted above will be corrected by the dates in item 13c and a copy of this letter returned within 15 calendar days following completion of all discrepancy corrections.

Date	Signature of Authorized Airport Official	Signature of FAA Airport Certification Safety Inspector
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FIGURE 11-7. SAMPLE LETTER ACKNOWLEDGING  
COMPLETION OF CORRECTIVE ACTION  
MANUFACTURING: QASAR

CERTIFIED MAIL

June 9, 1988

File Number 88NW000000

Future Aircraft, Inc.  
AttN: Mr. M. Smith, Division Manager, Q.A.  
1234 South Candy Dr.  
Santa Monica, CA 90460

Dear Mr. Smith:

This is in response to your letters of May 17, 1988, and June 3, 1988, concerning the Federal Aviation Administration (FAA) Quality Assurance System Analysis Review (QASAR) conducted at Future Aircraft, Inc., on May 1, 1988, and the findings provided in our letter of May 5, 1988.

The corrective action discussed in your letters has been evaluated, on-site, by the FAA principal inspector and has been found to be satisfactory.

In closing this case, we have given consideration to all available facts and concluded that the matter does not warrant legal enforcement action. In lieu of such action, we are issuing this letter which will be made a matter of record.

Sincerely,

T.J. Grath  
Manager

## CHAPTER 12. LEGAL ENFORCEMENT ACTION

1200. PURPOSE. This chapter prescribes procedures for the handling of legal actions to be used by all FAA legal counsel.

\* 1201. CONSULTATION WITH HEADQUARTERS. The determination of the type of legal enforcement action and sanction is the joint responsibility of the appropriate regional division or directorate office and legal counsel. Chapter 2 describes in some detail how the appropriate enforcement action is to be determined. An important objective in conducting the enforcement program is to achieve uniformity of action throughout the FAA. Further, it sometimes is important for headquarters to be aware of actions taken by the regions quickly. For these reasons, in some cases coordination with headquarters is required before initiating an enforcement action, and in other cases information must be sent to headquarters at the same time the action is taken. The policies, procedures, and guidelines set forth in this order shall be adhered to by all personnel.

a. Adherence to Sanction Guidance Table and other written guidance. The sanctions specified in the Enforcement Sanction Guidance Table (appendix 4 to this order), together with other written guidance such as that appearing in chapter 2 and Compliance/Enforcement Bulletins, generally shall be followed. Whenever a proposed sanction is outside the normal range of penalties indicated in the guidance, it need not be coordinated with headquarters except as described in this paragraph. However, prior to the issuance of the initial enforcement action document, the reasons for the decision to deviate from the Table must be documented and the Assistant Chief Counsel for the Region, or his or her designee, must concur in the issuance in writing. The justification and concurrence in each case shall be retained in the file. A decision to take administrative action need not be coordinated above the field office level.

b. Coordination with headquarters. Coordination with headquarters (Attn: AGC-260) is required for the cases identified below. The coordination is either before the initial action is issued or contemporaneous with the action. The coordination of enforcement actions required herein is strictly an internal FAA process for promoting consistency in actions and consistency with national policy. It does not alter the full authority and primary responsibility of each Assistant Chief Counsel for action in regional cases. \*

- \* When coordination and clearance prior to issuance of the action is required under this guidance, a full Enforcement Alert prepared in accordance with current guidance shall be sent to AGC-260 and to the program office in headquarters.

(1) Special circumstances. Notwithstanding any other provision in this paragraph, coordination and clearance prior to issuance is required for all legal enforcement actions involving major aviation safety issues or other unusual or special circumstances which are likely to draw broad public attention or congressional interest, such as those involving public figures, unusual or broadly publicized events, and flying under the influence of drugs or alcohol.

(2) Certificate actions. This subparagraph applies to all emergency and initial certificate actions against holders of certificates issued under FAR Parts 121, 125, 135, 139, and 145, or against manufacturers and to any certificate action against an airman or other certificate holder where the action involves special circumstances as described in paragraph 1201b(4).

A. All certificate actions. Coordination and clearance prior to issuance is required for all emergency and initial certificate actions, except "housekeeping" actions against certificate holders which have effectively ceased doing business. If safety requires in emergency actions, immediate action may be taken prior to coordination. The Chief Counsel, the program office, and AGC-260 shall be advised as soon as practicable.

B. 48-hour alerts in emergency cases. Within 48 hours after the Assistant Chief Counsel receives an EIR from a program office in which the program office recommends emergency certificate action, or in which the Assistant Chief Counsel considers that emergency certificate action may be appropriate, notification should be sent to the Chief Counsel and the program office, with a copy to AGC-260. The notification should include the identity of the respondent, EIR number(s), the general nature of the violations, the recommended sanction, the approximate dates the violations were discovered, and an estimate of when the full enforcement alert may be forwarded. A separate 48-hour alert need not be sent if the full alert is sent within the 48-hour time frame.

C. Housekeeping actions. Information copies of housekeeping actions against certificate holders which have effectively ceased doing business should be sent to AGC-260 as soon as practicable. \*

\*

(3) Civil penalty actions.

A. Coordination and clearance prior to issuance is required for all proposed civil penalties of \$100,000 or more.

B. If the proposed civil penalty is under \$100,000, it should be coordinated with headquarters prior to issuance if, in the opinion of the Assistant Chief Counsel, it is significantly less than the minimum penalty which could be computed under the policies in this order. Note that if the proposed penalty is \$50,000 or less, it will be under the civil penalty assessment authority and, therefore, is subject to the separation of functions provisions of that program; i.e., it is "bubbled." Accordingly, the alert may not be communicated to the Administrator, the Chief Counsel, or AGC-400.

C. If the proposed civil penalty is over \$50,000 but under \$100,000, a copy of the civil penalty letter shall be faxed to the Chief Counsel, the program office, and AGC-260 on the same day it is issued, TO ARRIVE BEFORE THE RESPONDENT RECEIVES THE LETTER (unless it has been coordinated under B, above).

D. For every civil penalty the case file shall contain a written description as to how the sanction was chosen, considering the sanction guidance in this Order and all relevant facts and circumstances of the case.

(4) Referrals to U.S. Attorneys.

A. Civil penalty compromise cases. When a civil penalty compromise case for \$100,000 or more is referred to the U.S. Attorney for prosecution, notification shall be sent to AGC-260. The notification shall include a copy of the civil penalty letter, an indication of the respondent's response, and the amount which the Assistant Chief Counsel recommends the U.S. Attorney seek in the District Court. Unless advised otherwise by AGC-260, the case may be sent to the U.S. Attorney 48 hours after AGC-260 receives the notification (receipt must be confirmed by the Assistant Chief Counsel).

B. Surrender of suspended or revoked certificates. When a case is referred to the U.S. Attorney to obtain surrender of a certificate, which has been suspended or revoked, and associated relief such as a civil penalty or injunctive relief, contemporaneous notification shall be sent to AGC-260. The notification shall include a copy of the Order \*

\* of Suspension or Revocation, an indication of the violator's response and the outcome of any appeal to the NTSB, and a description of the efforts made to obtain surrender before referring the case to the U.S. Attorney. This notification to AGC-260 may be in the form of copies of the letters and other documents sent to the U.S. Attorney if they contain the required information.

(5) Extraordinary actions. Coordination and clearance prior to initiation is required for all extraordinary actions, such as consent orders, cease and desist orders, aircraft seizures, injunctive relief, and criminal referrals.

(6) Final actions. Coordination and clearance prior to final disposition is required for legal enforcement actions which initially required coordination with headquarters under the above guidance, if the final action substantially differs from the initial proposed action. The justification for any reduction in the initially proposed sanction shall be reflected in the case file and provided to AGC-260. This includes, but is not limited to, the following:

A. Changing a proposed certificate revocation to a suspension.

B. Reducing a proposed period of suspension by more than one third.

C. Changing a proposed suspension to a civil penalty.

D. Reducing a proposed civil penalty of \$10,000 or more by more than one third. AGC-260 should be advised, after settlement, of reductions between 15 and 33 percent.

1202. CERTIFICATE ACTION UNDER THE FEDERAL AVIATION ACT (SECTION 609). When it is determined that certificate suspension or revocation is the appropriate enforcement action, considering the policy set out in Chapter 2 and Appendix 4, the following guidance should be used by legal counsel in processing the case. \*

Chap 12  
Par 1201

a. Initial certificate action.

(1) Notice of Proposed Certificate Action. Under Section 609 of the Federal Aviation Act (FA Act), the Administrator, before ordering the suspension or revocation of a certificate, must give the certificate holder notice of such intention and provide such person with an opportunity to answer and be heard, except when an emergency order is issued. See paragraph 1202h. When it is determined that action under Section 609 is necessary, the initiating legal office prepares a Notice of Proposed Certificate Action. See Figure 12-1. The Notice shall be issued by an official authorized in FAR 13.19, or by an attorney who has appropriate delegation and is signing with a by-line under the name and title of such official. If the Notice is to be signed by an attorney other than an official designated in FAR 13.19, a written delegation authorizing the attorney to sign Notices should be sent to AGC-200.

A. The Notice should set forth the facts alleged, the regulation(s) violated, and the action proposed. The Notice should contain a statement showing how the facts constituted a violation of the cited regulation(s).

B. The facts should be set forth in sufficient detail so that the certificate holder can know and understand the charges.

C. The sanction proposed must be stated specifically. It may not be stated in the alternative. Where it is proposed that only a rating be suspended, the Notice should inform the airman that during the suspension period a temporary certificate will be issued in order to permit the exercise of those privileges not under suspension.

(2) Attachments to the Notice. An information sheet and a certificate holder reply form should be sent with the Notice. In the information sheet, which may be a printed form, the alleged violator is advised of the alternatives to be taken in response to the notice. See Figure 12-2. The alleged violator is given the opportunity to elect one of the alternatives listed. On the "Certificate Holder Reply" form the alleged violator may indicate that election. See Figure 12-3. Alternative 1 is to surrender certificate. Alternative 2 is to request issuance of the order to permit immediate appeal to the NTSB. Alternative 3 is the submission of the alleged violator's answer in writing. Alternative 4 is an informal conference with an FAA attorney. Alternative 5 is to prove entitlement to waiver of penalty under the Aviation Safety Reporting Program.

(3) Notice of Proposed Certificate Action in deferred suspension cases.

A. When the appropriate regional division and legal counsel decide that a deferred suspension is the appropriate type of enforcement action in a particular case, legal counsel should issue a Notice of Proposed Certificate Action which --

(i) Specifies the factual circumstances and regulations involved in the alleged violation;

(ii) States the period of suspension that is being proposed;

(iii) Advises the certificate holder of the corrective action that may be taken within a specified period, to avoid the proposed sanction;

(iv) Requires that the certificate holder inform the FAA, within 10 days after receipt of the Notice, if the holder elects to take the suggested corrective action to avoid the proposed suspension; and

(v) Advises the certificate holder of the right to proceed in accordance with the enclosed information with respect to the Notice

of Proposed Certificate Action (enclose the standard information sheet) if no timely election is made to take the suggested corrective action.

B. If the certificate holder does not timely elect to take the deferred suspension option, legal counsel should process the case for a certificate suspension pursuant to regular procedures.

C. If the certificate holder timely elects to proceed with the deferred suspension option, legal counsel should --

(i) Upon receipt of satisfactory evidence that the certificate holder has completed the corrective action described in the Notice, within the specified period, issue an Order of Suspension that makes findings of the appropriate violation(s) but waives the imposition of any certificate suspension; and

(ii) If such satisfactory evidence is not timely received, an Order of Suspension which suspends the certificate for the period stated in the Notice should be issued immediately.

b. Voluntary surrender and waiver of right to appeal to the NTSB. One of the alternatives available to an alleged violator is to surrender the certificate in response to the Notice of Proposed Certificate Action or following an agreement reached at an informal conference. In either case, surrender constitutes a waiver of the certificate holder's right to appeal. See Figure 12-2, paragraph 1. If the certificate is surrendered at an informal conference, a waiver such as Figure 12-4 may be used.

c. Informal conference. In certificate action cases, the informal conference provides the certificate holder an opportunity to be heard as required by Section 609(a) of the FA Act. The provisions in paragraph 1208 apply.

d. Coordination of change of sanction. If the case is a significant case requiring coordination with AGC-200 under paragraph 1201b, any proposed change in sanction shall be coordinated with AGC-200 (Attn: AGC-260), to the extent provided in that paragraph.

e. Reevaluating the case. When the certificate holder submits evidence or other considerations in writing, or in person at an informal conference, new matters submitted must be considered and evidence on which the Notice was based must be reexamined. A new determination regarding the alleged violations must be made by legal counsel, and the program office should be consulted. Allegations which are disproved must be withdrawn. If the sanction proposed is determined to be excessive, it must be reduced. Legal counsel may not increase the sanction proposed in the Notice as a result of the informal conference. Unless matters not taken into consideration in issuing the Notice are brought to legal counsel's attention, the order normally should impose the sanction proposed in the Notice.

f. Orders of Suspension or Revocation.

(1) Issuance of Order. The Order representing the final FAA certificate action is issued by an official authorized in FAR 13.19 or by an attorney, with appropriate delegation, who is signing with a by-line under the name and title of an authorized official. If the Order is issued over the signature of an attorney other than an official authorized in FAR 13.19, a written delegation authorizing the attorney to sign orders should be sent to AGC-200. See Figure 12-5.

A. When the certificate holder surrenders the certificate pursuant to the Notice of Proposed Certificate Action, the order should be issued immediately. The effective date of the surrender will be that date on which the certificate is surrendered to an FAA employee, such as the postmark date of mailing or the date of hand delivery. The appeal provisions shall be included, unless the certificate holder has waived his appeal rights. Surrendering the certificate in response to the Notice constitutes a waiver of the airman's appeal rights, when the certificate holder has been so informed of his rights in the Information Sheet (See Figure 12-2, paragraph 1 and 12-4).

B. Orders should allege the violations which constitute the basis for the action, state accurately the action taken, state the reasons that "safety in air commerce or air transportation and the public interest" require certificate action, state the effective date, and inform the certificate holder of appeal rights and procedures. If matters asserted by the certificate holder in the informal conference or by correspondence make it advisable that the FAA explain, in detail, its reasons for not accepting the position presented, this may be done in a transmittal letter, to accompany the Order, but not in the order itself. The appeal section of each Order shall state that in the event of an appeal to the NTSB (see paragraph 1202g), a copy of the Order will be filed with the NTSB and will serve as the Administrator's Complaint. (See, Sample Order of Suspension, Figure 12-5). If an ASRP report has been accepted, the Order shall indicate that the penalty is waived (see Figure 12-6).

(2) Preparation of Airman Stop Order. Upon issuance of an order suspending or revoking an airman certificate, legal counsel shall prepare and transmit to the Airman Certification Branch, AAC-260, an Airman Stop Order, FAA Form 8060-8. It is important that a stop order be transmitted at the time an order of suspension or order of revocation is issued to preclude the issuance of a duplicate certificate or the processing of a new application involving the airman. Legal counsel shall include, on the stop order form, specific data as to the termination or release of the stop order.

g. Appeals to the National Transportation Safety Board.

(1) General. Section 609 of the FA Act provides that any person whose certificate is affected by an order issued under that section may appeal to the National Transportation Safety Board (NTSB) which, after notice and hearing, may amend, modify, or reverse the FAA order if it finds that safety

in air commerce or air transportation and the public interest do not require affirmation of the order. Procedures for processing appeals before the NTSB are contained in the NTSB Rules of Practice in Air Safety Proceedings (49 C.F.R. Part 821). Except in a case involving an emergency order, the filing of an appeal will stay the effectiveness of the FAA order until the final disposition of the appeal by the NTSB.

(2) Hearings before NTSB administrative law judges. When an order issued under Section 609 of the FA Act is appealed to the NTSB, the legal office (Chief Counsel or Assistant Chief Counsel) that issued the order generally will be responsible for representing the FAA at the evidentiary hearing before an NTSB administrative law judge. Normally, legal counsel who prepared the case will represent the FAA at the hearing in order to avoid duplicative preparation by other counsel. In certain cases, where the order was issued in one region but the NTSB hearing is scheduled to be held in another region, legal counsel may, by mutual agreement, transfer the case to the region where the hearing is to be held, when such transfer would be in the best interest of the Government. Where cases are transferred to another area for a formal hearing, testimony of witnesses located in the originating area or at other locations outside the location of the hearing may be obtained through depositions. When appropriate, split hearings may be requested.

(3) Appeals from initial decisions to the full Board. Under the NTSB Rules of Practice in Air Safety Proceedings, either party may appeal from the initial decision of the NTSB's Administrative Law Judge to the full Board. The Board's review in all such appeals expressly is limited to a consideration of whether a finding of material fact is erroneous; a necessary legal conclusion is without governing precedent or is a departure from or contrary to law, NTSB rules, or precedent; a substantial and important question of law, policy, or discretion is involved; or a prejudicial procedural error has occurred. Appeals, therefore, should be carefully considered and only filed where one of the issues specified in the NTSB's rules clearly is present. Special consideration should be given to appealing every case in which the administrative law judge, after having found all of the violations alleged in the FAA complaint, reduces the sanction without adequate justification. In paragraph 217(b) of Order 1100.5B, FAA Organization - Regions and Centers, and paragraph 1613 of Order 1100.2B, FAA Organization - FAA Headquarters, the Administrator has reserved to the FAA Office of Chief Counsel the authority to handle enforcement cases appealed to the full Board or to the U.S. court of appeals. To implement this reservation of authority, the following procedures shall be followed in such cases:

A. When an Assistant Chief Counsel wishes to obtain full Board review of an initial decision, except in emergency cases, legal counsel shall, **WITHIN 5 DAYS AFTER SERVICE OF THE INITIAL DECISION**, recommend to the Manager, Enforcement Proceedings Branch, AGC-250, or, in Equal Access to Justice Act cases, to the Manager, Enforcement Policy Branch, AGC-260, that an appeal be filed with the full Board. If it is determined that an appeal should be filed, the Assistant Chief Counsel will then file a notice of appeal. Normally, the handling of the appeal will be the responsibility of the Regulations and Enforcement Division. After filing the notice of appeal,

the Assistant Chief Counsel shall immediately forward the case file to the Manager, Enforcement Proceedings Branch, AGC-250, or, in Equal Access to Justice Act cases, to the Manager, Enforcement Policy Branch, AGC-260. The Assistant Chief Counsel may also submit a draft or an outline of the issues believed to constitute the grounds for appealing the decision. When agreed to, the Assistant Chief Counsel recommending appeal may be authorized to handle the case on appeal.

B. If the respondent files an appeal, the FAA's reply brief normally will be prepared and filed by the Regulations and Enforcement Division, unless good cause exists for the preparation of the brief by the Assistant Chief Counsel. If the pertinent files, documents, records, etc., are in the possession of the Assistant Chief Counsel when the respondent files a notice of appeal, they shall be immediately transmitted to AGC-250 or AGC-260, as appropriate, for use in the filing of a reply brief or other required pleading, unless the Assistant Chief Counsel for a region or center received authorization to handle the appeal. Upon completion of the case, the files will be returned to the originating region.

h. Emergency orders of suspension or revocation.

(1) Basis for issuance.

\* A. Emergency suspension or revocation of a certificate should be used only as an emergency safety measure and to provide immediate protection to the public. Therefore, emergency actions should be taken as soon as possible after the need for such action becomes apparent. However, if there is a delay, that fact does not render that emergency action inappropriate. See, paragraph 206.c.(5). \*

B. An emergency suspension or revocation should never be used for punitive reasons. When receiving a recommendation for emergency action, legal counsel should ensure that there is sufficient evidence of an emergency requiring immediate effectiveness of an order of suspension or revocation, as described in paragraph 206c of this Order.

C. In those circumstances in which it is determined that an emergency suspension or revocation is appropriate and that a punitive suspension is also warranted, the emergency order shall address only the former certificate action. A separate notice proposing the punitive suspension shall be issued. For example, the holder of a commercial pilot certificate and flight instructor certificate violates several FAR. It is determined that circumstances of the incident raise questions as to the person's

qualifications to hold the flight instructor certificate, and therefore the certificate holder should be reexamined as to his qualifications to hold the flight instructor certificate, but he refuses to be reexamined. It is also determined that a 90-day suspension of both certificates is warranted for the violations of the FAR. The emergency order should only suspend the flight instructor certificate until reexamination is accomplished and qualifications are established. A separate Notice proposing the 90-day suspension should also be issued.

(2) Procedure. An emergency order should contain all of the allegations and findings necessary to any other order and, in addition, contain a statement that "the Administrator finds that an emergency exists and safety in air transportation or air commerce require the immediate effectiveness of this order." An emergency order shall, therefore, be immediately effective, and the certificate holder shall be informed that an appeal to the NTSB will not stay the effectiveness of the order. Both Sections 609 and 1005(a) of the FA Act should be cited. See Figure 12-7.

(3) Appeal hearings before NTSB. If the certificate holder appeals to the NTSB, the accelerated appeal provisions of Section 609 of the FA Act and of the NTSB's Rules of Practice in Air Safety Proceedings are applicable. Section 609 provides: "The filing of an appeal with the Board shall stay the effectiveness of the Administrator's order unless the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the immediate effectiveness of his order, in which event the order shall remain effective and the Board shall finally dispose of the appeal within 60 days after being so advised by the Administrator." Note that the 60-day period begins to run ON THE DATE THE NTSB IS ADVISED BY THE ADMINISTRATOR of the emergency nature of the order.

A. In order to follow the statutory procedure, when a certificate holder appeals from an emergency order, legal counsel should forward the complaint to the NTSB, together with a cover letter advising the NTSB that an emergency exists, using the exact language of the statute. Language in the complaint should not be relied upon as notice to the NTSB that an emergency exists; in every instance, a cover letter should be sent.

B. Because of the accelerated handling of emergency cases provided in the NTSB's rules, it must always be borne in mind that a prompt hearing in such cases will be held and a reduced time period provided for every step in the proceeding. Legal counsel should plan to have the case prepared for hearing within several days after the issuance of the emergency order.

(4) Appeal of emergency nature of the order. It has been held that a certificate holder may seek direct review of the Administrator's emergency determination by United States courts of appeals pursuant to Section 1006 of the FA Act. Nevada Airlines v. Bond, 622 F.2d 1017 (9th Cir. 1980). Regional attorneys shall advise AGC-250 immediately if a certificate holder petitions a court for review of the emergency order or seeks a stay of the order. AGC-250 will coordinate the handling of the case with the Justice Department. If the Justice Department assigns the case to the FAA, AGC-250 will handle the case unless AGC-200 and the Assistant Chief Counsel decide that the case should be handled by the region.

(5) Appeals to full Board. In cases involving emergency orders, where accelerated processing is required by the NTSB's Rules of Practice in Air Safety Proceedings, the handling of the appeal to the full Board will be the responsibility of legal counsel who presented the case before the NTSB's administrative law judge. Time will not normally permit a transfer of such

case for handling by the Regulations and Enforcement Division. In the rare case where cause exists for a transfer of the responsibility, the case will be handled by the AGC-250, after consultation with the region involved.

i. Judicial review of NTSB decisions. Within 60 days after the Board issues its final decision and order in an FAA certificate action case, the certificate holder may petition the appropriate U.S. court of appeals for judicial review of the order as provided in Section 1006 of the FA Act. The Department of Justice, in coordination with NTSB and FAA, or the FAA when so delegated, handles Section 609 enforcement cases before the U.S. court of appeals. FAA participation in the handling of such cases is the responsibility of AGC-250 or AGC-260, unless AGC-200 and the Assistant Chief Counsel determine that the case should be handled by the region.

1203. CERTIFICATE ACTION IN AIRMAN MEDICAL CASES UNDER THE FEDERAL AVIATION ACT (SECTION 609).

a. Responsibility. The Assistant Chief Counsel, or the Office of the Chief Counsel, as appropriate, is responsible for taking certificate action under Section 609 of the FA Act when a request is received from the Regional Flight Surgeon, the Aeromedical Certification Branch (AAC-130), or the Federal Air Surgeon to suspend or revoke an airman's medical certificate. When further investigation is needed, such as obtaining medical records and other documents that are not in the FAA's medical file, the regional Civil Aviation Security Division may be requested to obtain the necessary information.

b. Refusal to submit to reexamination. Under Section 609 of the FA Act, an airman may be requested to submit to medical reexamination if there is a reasonable basis to believe that the airman may not be qualified under the airman medical regulations. Reexamination should be requested by letter from the Regional Flight Surgeon. If the airman refuses or fails, within a reasonable time, to submit to the reexamination, emergency action, using procedures set out in paragraph 1202h, should be taken to suspend the airman medical certificate pending reexamination and a determination that the airman is medically qualified.

c. Failure to release medical information. Section 67.31 of the FAR provides that any person who applies for or holds an airman medical certificate may be requested to furnish additional medical information or history or to authorize clinics, hospitals, doctors, or other persons to release any available information or records concerning a medical history. Refusal or failure to provide the requested information or to authorize its release may be a basis for denying, suspending, or revoking the airman medical certificate by emergency action.

d. Medical disqualification. When FAA has evidence which shows that an airman has become medically incapacitated or otherwise disqualified, legal counsel shall issue an order revoking the medical certificate of the person involved. Emergency orders should be used in the usual case. However, if conditions permit normal procedures, the proceeding may be initiated by notice.

e. Falsification of application or certificate.

(1) Section 67.20 of the FAR provides for the suspension or revocation of any airman certificate, ground instructor certificate, or medical certificate held by any person who --

A. Makes a fraudulent or intentionally false statement on an application for an airman medical certificate;

B. Reproduces a medical certificate for fraudulent purposes;

C. Alters a medical certificate; or

D. Makes a fraudulent or intentionally false entry in any document required to be kept in connection with a medical certificate.

(2) In reviewing cases involving medical certification, legal counsel should be alert to the possibility of falsification and, if falsification is discovered, should initiate legal enforcement action, as appropriate.

(3) Even though action is taken under Section 67.20 of the FAR, any person who willfully commits any of the above acts may also be subject to criminal prosecution under 18 USC 1001, or Section 902(a) of the FA Act. Therefore, the investigation of such cases should be carefully conducted to assure that no action is taken which could prejudice any possible criminal prosecution. The civil aviation security division and legal counsel should be contacted for guidance.

1204. CIVIL PENALTY ACTION UNDER THE FEDERAL AVIATION ACT INVOLVING AN AMOUNT IN CONTROVERSY IN EXCESS OF \$50,000.

a. General. In cases in which the amount in controversy is in excess of \$50,000, the case is processed in accordance with Section 901 of the FA Act and section 13.15 of the FAR regardless of whether the case may ultimately be compromised for less than \$50,000. In these cases the FAA has no authority to assess a civil penalty. Under this procedure, the FAA proposes to the alleged violator an amount which the FAA would accept to settle the case. If no settlement agreement is reached, the FAA refers the matter to the U.S. Attorney for prosecution in U.S. district court. The alleged violator has a right to a jury trial.

b. Initial civil penalty action.

(1) Civil penalty letter. Except when referred directly to a U.S. Attorney, a civil penalty is initiated by issuance of a letter advising the alleged violator of the facts and regulations involved in the incident. The letter contains a statement of the charges. The FAR sections alleged to be violated should be cited in the letter, as well as a statement showing how the facts constitute a violation of the cited regulations. Civil penalty letters shall be issued over the name of the Chief Counsel or the Assistant Chief

Counsel, and signed by that person, or in that name with a "by-line" for the attorney signing the letter (see FAR 13.15). If the letter is to be signed by any attorney other than one of the officials specified herein, a written delegation should be made authorizing that attorney to sign civil penalty letters as specified above, and a copy of the delegation should be sent to AGC-200. See Figure 12-8.

(2) Language. Because the Administrator has no authority to assess a civil penalty in excess of \$50,000, but only to either accept settlement or refer the matter to a U.S. Attorney (except in hazardous materials cases), all civil penalty letters and other correspondence or documents referring to the FAA's action in such cases should be phrased to indicate that the FAA "would accept (a specified amount) in settlement" rather than "impose" or "assess" a civil penalty.

(3) Attachments to the Notice. An information sheet and a certificate holder reply form should be sent with the civil penalty letter. In the information sheet, which may be a printed form, the alleged violator is advised of the alternatives to be taken in response to the letter. See Figure 12-9. The alleged violator is given the opportunity to elect one of the alternatives listed. On the reply form the alleged violator may indicate that election. See Figure 12-10. Alternative 1 is to pay the civil penalty. Alternative 2 is to submit information or material in answer to the charges. Alternative 3 is to request an informal conference with legal counsel. Alternative 4 is to request that the matter be decided by the U.S. district court. Alternative 5 is to prove entitlement to waiver of penalty under the Aviation Safety Report Program.

c. Informal conference. The FA Act does not obligate the FAA to provide an alleged violator the opportunity to be heard in civil penalty cases in excess of \$50,000. As a matter of policy, informal conferences are encouraged. At the conference the parties may discuss the case prior to settlement or referral to the U.S. Attorney. The provisions in paragraph 1208 apply.

d. Settlement.

(1) When the amount suggested in the civil penalty letter, or a lesser amount deemed acceptable upon consideration of additional facts, is submitted, the alleged violator shall be informed in writing that the offer is accepted in full settlement. See Figure 12-11.

(2) The letter of receipt should acknowledge the fact that the settlement does not constitute an admission of any violation.

(3) If the alleged violator desires to submit the suggested offer, arrangements may be made, if necessary, to pay the amount in reasonable installments, but a close followup should be maintained to assure prompt submission of payment. The period of payment should be kept to a minimum. The alleged violator shall be asked to sign an agreement to pay the amount of the settlement.