



U.S. Department
of Transportation

**Federal Aviation
Administration**

Western-Pacific Region
Office of the Regional Counsel

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September 7, 2011

Case No. 2011WP090014

CERTIFIED MAIL - RETURN RECEIPT REQUESTED AND REGULAR MAIL

Mr. Brandon James Hahaj

ORDER OF SUSPENSION

Through a Notice of Proposed Certificate Action dated June 10, 2011, you were advised of our proposal to suspend your airline transport pilot certificate for a period of 150 days. At your request, an informal conference was held on August 8, 2011, at the FAA Office of the Regional Counsel, Lawndale, California. A settlement has been reached between the parties.

Taking into consideration all matters presented on your behalf during that conference, as well as all other presently available information, it has been determined by the Administrator, acting by and through his Regional Counsel that:

1. You are now, and at all times mentioned herein were, the holder of Airline Transport Pilot Certificate No. 003043579.
2. On or about February 12, 2011, at approximately 10:45 a.m. local time, you operated an AS-350 Eurocopter, civil registration number N127DE, as pilot in command, on a flight in the vicinity of Jacumba Airport (L78), Jacumba, California.
3. You operated N127DE on the above identified flight when you knew or should have known that N127DE was in an unairworthy condition because of tail rotor damage resulting from a tail strike.
4. Your deliberate operation of N127DE, in the manner and circumstances described above, was careless or reckless so as to endanger the life or property of another.

5. In case number 2006WP070105, an Order of Suspension was issued to you on April 25, 2007, finding violations of Federal Aviation Regulations §§ 91.9(a), 91.103, and 91.13(a).

By reason of the facts and circumstances described above, you violated the following sections of the Federal Aviation Regulations:

- (a) 14 C.F.R. Section 91.7, which states that no person may operate a civil aircraft unless it is in an airworthy condition; and
- (b) 14 C.F.R. Section 91.13(a), which states that no person may operate an aircraft in a careless or reckless manner so as to endanger the life or property of another.

By reason of your actions as hereinbefore described, you failed to exercise the degree of care, judgment and responsibility required of the holder of an airline transport pilot certificate.

The Administrator has determined that, by reason of the foregoing circumstances, safety in air commerce and the public interest require the suspension of your Airline Transport Pilot Certificate No. 003043579 and any other airman pilot certificate held by you.

NOW, THEREFORE, IT IS ORDERED, pursuant to the authority vested in the Administrator by 49 U.S.C. Section 44709, that:

- (1) Airline Transport Pilot Certificate No. 003043579 now held by you be and it hereby is suspended;
- (2) Said suspension shall become effective on November 20, 2011, and shall continue in effect until said certificate has been suspended for a period of 100 days;
- (3) Said certificate be surrendered on or before the effective date in this Order by mail or delivery to the Regional Counsel of the Federal Aviation Administration, Post Office Box 92007, Los Angeles, California 90009-2007, or at the Office of the Regional Counsel, Room 6007, 15000 Aviation Boulevard, Lawndale, California 90261;
- (4) If you fail to surrender your certificate on or before November 20, 2011, the effective date of this Order, said suspension shall continue in effect until 100 days subsequent to the actual date of surrender thereof to the Federal Aviation Administration; and

- (5) No application for a new airman pilot certificate shall be accepted from you, nor shall any airman pilot certificate be issued to you, during the period of suspension imposed by this Order.

Naomi Tsuda
Regional Counsel

By: _____
Theodore P. Byrne
Attorney

cc: Stuart W. Smith, Esq.

bcc: AFS-760, AWP-230, FSDO