

 <p>د ملي هوايي چلند اداره هوانوردۍ ملي CIVIL AVIATION AUTHORITY</p>	General Concepts of Personnel Licensing (Hand Book)	Chapter	12
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Chapter 12 Conduct Suspension or Revocation of a License

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CHAPTER 12
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Chapter 12 Conduct Suspension or Revocation of a License

Section 12.1 Background

12.1.1 Objective:

The objective of this task is to determine if a license should be suspended or revoked and using the sanction guide to make that determination.

12.1.2 General:

- (a) Suspension or revocation of a license or certificate for violation of the regulations.

The holder of any license or certificate issued under these regulations who violates any provision of the Civil Aviation Act, as amended, or any regulation or order issued there under, is subject to suspension or revocation of the license or certificate, in accordance with the provisions of Section 610 of the Civil Aviation Act.

Any license or certificate issued under these regulations ceases to be effective, if it is surrendered, suspended, or revoked.

The holder of any license or certificate issued under these regulations that has been suspended or revoked shall return that license to the Authority when requested to do so by the Authority.

- (b) Notice and opportunity to be heard

Unless safety in air transport requires immediate action, prior to a final determination under ACAR section 1.3.3.3 (c), the Authority shall provide the person with an opportunity to be heard as to why such certificate or licence should not be amended, modified, suspended, or revoked, in accordance with Part 610 of the Civil Aviation Act.

Section 12.2 Procedures

12.2.1 Procedures:

(a) Pre-requisite requirements

Familiarization with the Model Sanction Guide and ACAR Part 2.

(b) References ACAR Part 2

Model Sanction Guide

(c) Procedures

The inspector determines what regulation(s) were violated based on the act committed. The inspector then refers to the sanction guide to determine the appropriate sanction.

(d) Task outcomes

An appropriate sanction is determined providing uniform sanctions for similar violations.

☒ In some cases an inadvertent enforcement action. An administrative **Warning Notice** or **Letter of Correction** may be appropriate. The Warning Notice or Letter of Correction will be made a matter of record for a period of two years, after which the record will be expunged if there are no further infractions.

- The Warning Notice is used for individual infractions.
- The Letter of Correction is used for aircraft or organization infractions.

☒ See Appendix B for a Sample Warning Notice

☒ See Appendix C for a Sample Letter of Correction

☒ If during an investigation the investigating inspector believes Remedial Training is appropriate, the CAA may allow the airman to participate in the corrective action through remedial training program. The procedures for remedial training are outlined in Appendix D.

(e) Future activities

Detailed procedures for enforcement action will be provided in the Fundamentals of Compliance and Enforcement Course.

Appendix A to Chapter 12

This table provides a recommended approach to assessment of sanctions for violations of the Model Civil Aviation Regulations.

SAMPLE SANCTION GUIDANCE TABLES

Introduction. The Sanction Guidance Table describes civil penalties as minimum, moderate, or maximum for a single violation of a particular regulation, in accordance with Section 701 of the Civil Aviation Safety Act. These terms are defined as follows:

Table I. Range of Civil Penalties:

Party committing violation	Amount of Civil Penalty
Air Operators	Maximum: [fill in range] Moderate: [fill in range] Minimum: [fill in range]
Airport Operators	Maximum: [fill in range] Moderate: [fill in range] Minimum: [fill in range]
Air Operation Personnel	Maximum: [fill in range] Moderate: [fill in range] Minimum: [fill in range]
General Aviation Owners, Operators, Mechanics, Agencies, and non-licensed persons	Maximum: [fill in range] Moderate: [fill in range] Minimum: [fill in range]
Aircraft Maintenance Organizations	Maximum: [fill in range] Moderate: [fill in range] Minimum: [fill in range]
Aviation Training Organizations	Maximum: [fill in range] Moderate: [fill in range] Minimum: [fill in range]

Table II. Recommended Sanctions:

Violation	Recommended Sanction per Violation
I. Air Operators and airport operators	
1. Maintenance Manual	
Failure to maintain a current manual	Suspend until manuals are current to 7 day suspension and thereafter until manuals are made current
Failure to provide adequate instructions & procedures in manual	b,: Moderate to maximum civil penalty
Failure to distribute manual to appropriate personnel	c. Moderate civil penalty

Violation	Recommended Sanction per Violation
Release of aircraft without required equipment	d. Maximum civil penalty to 7-day suspension
2. Failure to comply with Airworthiness Directives	Moderate to maximum civil penalty
3. Operations Specifications Failure to comply with inspection and overhaul time limitations Operations contrary to operations specifications	Maximum civil penalty to 7-day suspension Maximum civil penalty
4. Failure to provide adequately for proper servicing, maintenance, repair, and inspection of facilities and equipment	Maximum civil penalty to suspension until proper servicing maintenance, repair, and inspection of facilities and equipment is provided.
5. Failure to provide or maintain a maintenance & inspection organization	Maximum civil penalty to suspension until appropriate maintenance and inspection organization is provided.
6. Training Programme Failure to have or maintain an effective training program Failure to train specific personnel adequately	Maximum civil penalty to suspension until compliance is demonstrated Moderate to maximum civil penalty
7. Failure to ensure that maintenance release is completed and signed	Moderate to maximum civil penalty
8. Failure to insure that maintenance release is completed and signed	Moderate to maximum civil penalty
9. Performance of maintenance by unauthorized persons	Maximum civil penalty
10. Failure to perform or improper performance of maintenance	Maximum civil penalty
11. Failure to revise aircraft data after repair	Moderate to maximum civil penalty

Violation	Recommended Sanction per Violation
12. Records and Reports	
a. Failure to make accurate mechanical interruption summary report	Moderate to maximum civil penalty
b. Failure to make available reports of major alterations or repairs	Moderate to maximum civil penalty
c. Failure to make accurate mechanical reliability reports	Moderate to maximum civil penalty
d. Failure to keep maintenance records	Maximum civil penalty to 7-day suspension and thereafter until aircraft is in airworthy conditions
e. Failure to make required entry in aircraft log	Moderate to maximum civil penalty
f. Failure to make available pilot records	Moderate to maximum civil penalty
g. Failure to make available load manifests	Moderate to maximum civil penalty
13. Operation of an un-airworthy aircraft	
a. Technical non-conformity to type certificate, but no likely effect (potential or actual) on safe operation	Minimum civil penalty
b. Non-conformity which may have an adverse effect on safety of operation	Moderate civil penalty
c. Non-conformity which has an adverse effect (actual or potential) on safe operation	Maximum civil penalty
14. Serving alcoholic beverages to or boarding a person who appears to be intoxicated	Maximum civil penalty
15. Using an unqualified crewmember	Maximum civil penalty
16. Improperly returning an aircraft to service	Maximum civil penalty
17. Illegal carriage of controlled substance with knowledge of operator, i.e., knowledge of management personnel	Revocation
18. Security Violations	
a. Failure to properly screen baggage or each passenger	Maximum civil penalty
b. Unauthorised access to airport operations area`	Maximum civil penalty
c. Failure to comply with air operator security program, including failure to detect weapons, incendiary and other dangerous devices	Maximum civil penalty
d. Management personnel coerce, condone, or encourage falsification of records/reports	Revocation

Violation	Recommended Sanction per Violation
e. Deliberate failure to maintain employee records	Maximum civil penalty
f. Failure to challenge	Moderate civil penalty
g. Failure to test screeners or test equipment	Moderate civil penalty
h. Failure to properly train	Moderate civil penalty
i. Unintentional failure to maintain screener test records	Minimum to moderate civil penalty
j. Failure to display identification	Minimum to moderate civil penalty
k. Failure to manage/control identification system	Maximum civil penalty
l. Failure to conduct background check	Minimum to moderate civil penalty
m. Failure to detect test objects	Maximum civil penalty
n. Failure to comply with approved or current security program	Maximum civil penalty

II. Personnel of Air Operators	
1. Maintenance performed by unauthorised personnel:	
a. Without licence	Maximum civil penalty
b. Exceeding limitations	30 to 45 day suspension
2. Failure to properly perform maintenance	30 to 120 day suspension
3. Inspection personnel	
a. Failure to make required inspection	30 to 60 day suspension
b. Making improper inspection	30 to 120 day suspension
c. Improperly releasing an aircraft to service	30 to 60 day suspension
4. Records and Reports	
a. Failure to make entries in aircraft log	15 to 60 day suspension
b. Failure to make entries in worksheets	15 to 30 day suspension
c. Failure to sign off work or inspection performed	15 to 30 day suspension
d. Failure to complete and sign maintenance release	15 to 30 day suspension
e. Falsification of records or reports	Revocation
5. Releasing aircraft for service without required equipment	30 to 60 day suspension
6. Pre-flight	
a. Failure to use pre-flight cockpit checklist	15 to 30 day suspension
b. Failure to check aircraft logs, flight manifests, weather, etc.	30 to 90 day suspension
7. Taxiing	
a. Failure to adhere to taxi clearance or instruction	30 to 60 day suspension
b. Collision while taxiing	30 to 120 day suspension
c. Jet blast	30 to 180 day suspension
d. Taxiing with passenger standing	30 to 60 day suspension

Violation	Recommended Sanction per Violation
8. Takeoff	
a. Takeoff against instruction or clearance	60 to 120 day suspension
b. Takeoff below weather minima	60 to 120 day suspension
c. Takeoff in overloaded aircraft	60 to 120 day suspension
9. Enroute	
a. Deviation from clearance or instruction	30 to 90 day suspension
b. Operating VFR within clouds	90 day suspension to revocation
c. Operation of un-airworthy aircraft	30 to 180 day suspension
d. Unauthorised departure from flight deck	15 to 30 day suspension
e. Operating within restricted or prohibited area, or within positive control area with clearance	30 to 90 day suspension
f. Operating without required equipment	15 to 120 day suspension
Violation	Recommended Sanction per Violation
g. Fuel mismanagement/exhaustion	30 to 150 day suspension
10. Approach to landing	
a. Deviation from clearance or instruction in terminal area	30 to 90 day suspension
b. Approach below weather minimums	45 to 90 day suspension
c. Exceeding speed limitation in airport traffic areas	30 to 60 day suspension
11. Landing	
a. Landing at wrong airport	90 to 180 day suspension
b. Deviation from instrument approach procedure	30 to 90 day suspension
c. Overweight landing	30 to 90 day suspension
d. Hard landing	15 to 60 day suspension
e. Short or long landing	30 to 180 day suspension
f. Wheels up landing	30 to 180 day suspension
g. Failure to comply with preferential runway system	Maximum civil penalty to 15 day suspension
12. Unauthorised admission to flight deck	30 to 90 day suspension
13. Failure to close and lock cockpit door	Maximum civil penalty to 30 day suspension
14. Acting as flight crewmember while under the influence of liquor or drugs, or alcoholic beverage consumption within 8 hours	Emergency revocation`
15. Denial of authorised entry to flight deck	30 to 60 day suspension
16. Flight and duty time limitations	15 to 90 day suspension
17. Operation without required certificate or rating	
a. Medical certificate	15 to 60 day suspension
b. Lack of type rating	180 day suspension to revocation
c. Missed proficiency check	30 to 90 day suspension
d. Lack of current experience	30 to 90 day suspension
e. Failure to have current certificate or licence in possession	Moderate civil penalty to 7 day suspension

Violation	Recommended Sanction per Violation
18. Operation with known physical disability	Revocation

III. Individuals and General Aviation – Owners, Pilots, Aviation Maintenance Organisations, Maintenance Personnel	
1. Owners and operators other than required crewmembers	
a. Failure to comply with airworthiness directives	Moderate to maximum civil penalty
b. Failure to perform or improper performance of maintenance, including required maintenance	Moderate to maximum civil penalty
c. Failure to make proper entries in aircraft logs	Minimum to moderate civil penalties
d. Operation of aircraft beyond annual, 100-hour, or progressive inspection	Minimum to moderate civil penalty
e. Operation of un-airworthy aircraft	Moderate to maximum civil penalty
f. Falsification of any record	Revocation
2. Aviation Maintenance Organizations	
a. Failure to provide adequately for proper servicing, maintenance repairs, and inspection	Moderate to maximum civil penalty
b. Failure to provide adequate personnel who can perform, supervise, and inspect work for which the station is rated	Maximum civil penalty to 7-day suspension and thereafter until adequate personnel are provided
c. Failure to have enough qualified personnel to keep up with the volume of work	Maximum civil penalty to 7-day suspension and thereafter until certificate holder has enough qualified personnel
d. Failure to maintain records of supervisory and inspection personnel	Moderate to maximum civil penalty
e. Failure to maintain performance records and reports	Moderate to maximum civil penalty
f. Failure to ensure correct calibration of all inspection and test equipment is accomplished at prescribed intervals	Minimum to maximum civil penalty
g. Failure to set forth adequate description of work performed	Minimum to maximum civil penalty
h. Failure of mechanic to make log entries, records, or reports	Moderate to maximum civil penalty
i. Failure to sign or complete maintenance release	Minimum to moderate civil penalty
j. Inspection of work performed and approval for return to service by other than a qualified inspector	Maximum civil penalty to 30 day suspension

Violation	Recommended Sanction per Violation
k. Failure to have an adequate inspection system that produces satisfactory quality control	Moderate civil penalty to 30 day suspension and thereafter until an adequate inspection system is attained.
l. Maintaining or altering an article for which it is rated, without using required technical data, equipment, or facilities	Maximum civil penalty to 30day suspension
m. Failure to perform or properly perform maintenance, repairs, alterations, and required inspections	Moderate civil penalty to 30 day suspension
n. Maintaining or altering an airframe, power plant, propeller, instrument, radio, or accessory for which it is not rated.	Maximum civil penalty to revocation
o. Failure to report defects or un-airworthy conditions to the Authority in a timely manner.	Moderate to maximum civil penalty
p. Failure to satisfy housing and facility requirements	Moderate civil penalty to suspension until housing and facility requirements are satisfied
q. Change of location, housing, or facilities without advance written approval	Moderate civil penalty to suspension until approval is given
r. Operating as a certificated repair station without a repair station certificate	Maximum civil penalty
s. Failure to permit Authority to inspect	Maximum civil penalty to suspension until Authority is permitted to inspect.
3. General Aviation Maintenance Personnel	
a. Failure to revise aircraft data after major repairs or alterations	30 to 60 day suspension
b. Failure to perform or improper performance of maintenance	30 to 120 day suspension
c. Failure of mechanic to properly accomplish inspection	30 to 60 day suspension
d. Failure of mechanic to record inspection	Minimum civil penalty to 30 day suspension
e. Failure of Inspection Authorisation holder to properly accomplish inspection	60 to 180 day suspension of Inspection Authorisation
f. Failure of Inspection Authorisation holder to record inspection	Moderate civil penalty to 30 day suspension of Inspection Authorisation
g. Maintenance performed by person without a certificate	Moderate to maximum civil penalty
h. Maintenance performed by person who exceeded certificate limitations	15 to 60 day suspension
i. Improper approval for return to service	Moderate civil penalty to 60 day suspension

Violation	Recommended Sanction per Violation
j. Failure to make maintenance record entries	Moderate civil penalty to 60 day suspension
k. Failure to set forth adequate description of work performed	Minimum civil penalty to 30 day suspension
l. Falsification of maintenance records	Revocation
4. Student Operations	
a. Carrying passengers	Revocation
b. Solo flight without endorsement	45 to 90 day suspension
c. Operation on international flight	60 to 90 day suspension
d. Use of aircraft in business	90 to 120 day suspension
e. Operation for compensation or hire	Revocation
5. Flight instructors	
a. False endorsement of student pilot certificate	Revocation
b. Exceeding flight time limitations	30 to 90 day suspension
c. Instruction in aircraft for which he/she is not rated	30 to 90 day suspension
6. Operational violations	
a. Operation without valid airworthiness or registration certificate	30 to 90 day suspension
b. Failure to close flight plan or file arrival notice	Administrative action to minimum civil penalty
c. Operation without valid pilot licence (no licences)	Maximum civil penalty
d. Operation while pilot licence is suspended	Emergency revocation
e. Operation without pilot or medical certificate in personal possession	Administrative action to 15 day suspension
f. Operation without valid medical certificate	30 to 180 day suspension
g. Operation for compensation or hire without commercial pilot licence	180 day suspension to revocation
h. Operation without type or class rating	60 to 120 day suspension
i. Failure to comply with special conditions of medical certificate	90 day suspension to revocation
j. Operation with known physical deficiency	90 day suspension to revocation
k. Failure to obtain preflight information	30 to 90 day suspension
l. Deviation from ATC instruction or clearance	30 to 90 day suspension
m. Taxiing, takeoff, or landing without a clearance where ATC tower is in operation	30 to 90 day suspension
n. Failure to maintain radio communications in airport traffic area	30 to 60 day suspension

Violation	Recommended Sanction per Violation
o. Failure to comply with airport traffic pattern	30 to 60 day suspension
p. Operation in terminal control area without or contrary to a clearance	60 to 90 day suspension
q. Failure to maintain altitude in airport traffic area	30 to 60 day suspension
r. Exceeding speed limitations in traffic area	30 to 60 day suspension
s. Operation of un-airworthy aircraft	30 to 180 day suspension
t. Failure to comply with Airworthiness directives	30 to 180 day suspension
u. Operation without required instruments and/or equipment	30 to 90 day suspension
v. Exceeding operating limitations	30 to 90 day suspension
w. Operation within prohibited or restricted area, or within positive control area	30 to 90 day suspension
x. Failure to adhere to right of way rules	30 to 90 day suspension
y. Failure to comply with VFR cruising altitudes	30 to 90 day suspension
z. Failure to maintain required minimum altitudes over structures, persons, or vehicles over: Congested area Sparsely populated area	60 to 180 day suspension 30 to 120 day suspension
aa. Failure to maintain radio watch while under IFR	30 to 60 day suspension
bb. Failure to report compulsory reporting points	30 to 60 day suspension
cc. Failure to display position lights	30 to 60 day suspension
dd. Failure to maintain proper altimeter settings	30 to 60 day suspension

Violation	Recommended Sanction per Violation
Weather operations: Failure to comply with visibility minimums in controlled airspace; Failure to comply with visibility minimums outside controlled airspace; Failure to comply with distance from clouds requirements in controlled airspace Failure to comply with distance from clouds requirements outside of controlled airspace	60 to 180 day suspension 30 to 120 day suspension 60 to 180 day suspension iv. 30 to 120 day suspension
ff. Failure to comply with IFR landing minimums	45 to 180 day suspension
gg. Failure to comply with instrument approach procedures	45 to 180 day suspension
hh. Careless or reckless operations (i) Fuel mismanagement/exhaustion Wheels up landing Short or long landing Landing on or taking off from closed runway Landing or taking off from ramps or other improper areas Taxiing collision Leaving aircraft unattended with motor running Propping aircraft without a qualified person at controls	30 to 150 day suspension 30 to 60 day suspension 30 to 90 day suspension 30 to 60 day suspension 30 to 120 day suspension 30 to 90 day suspension 30 to 90 day suspension 30 to 90 day suspension

Violation	Recommended Sanction per Violation
ii Passenger operations	
Operation without approved seat belts	30 to 60 day suspension
Carrying passengers who are under the influence of drugs or alcohol	
Performing acrobatics when all passengers are not equipped with approved parachutes	60 to 120 day suspension
	60 to 90 day suspension

APPENDIX B - SAMPLE WARNING NOTICE FLIGHT OPERATIONS

On 20 October 1988, you were the pilot in command of a Beech Baron MV13697 that landed at the Herat 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 ACARs.

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.

APPENDIX C - SAMPLE LETTER OF CORRECTION MAINTENANCE

Dear Sir:

Your repair station's organization, systems, facilities, and procedures were examined for compliance with applicable Model Civil Aviation Regulations (ACARs) during the period 1-10 April 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 the ACARs.

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

APPENDIX D – REMEDIAL TRAINING

- a). **General.** Using ACAA procedures, a Flight Standards inspector determines whether remedial training is the appropriate action to take for a violation by an airman. If so, the inspector offers the airman an opportunity for training. The inspector documents the corrective action.
- b). **Applicability.** This program applies to individual airman certificate holders not using their certificate in air transportation at the time of the apparent violation.
- c). **Procedures.** When an apparent statutory or regulatory violation becomes known to the ACAA, appropriate Flight Safety PEL Office management assigns an investigating inspector who initiates a full investigation in accordance with current ACAA orders and policy. If, during the investigation, the investigating inspector believes that ACAA remedial training is appropriate, the inspector follows the approved ACAA procedures.
- d). **Factors for Participation in Remedial Training.** The inspector considers the following factors in determining whether remedial training is appropriate.
 - (1) Whether future compliance can reasonably be ensured through remedial training alone.
 - (2) Whether the airman displays a constructive attitude that would lead the inspector to believe the airman has a willingness to comply, so noncompliance is less likely in the future.
 - (3) Whether the conduct discloses a lack of, or reasonable basis to question, the airman's qualifications. Remedial training is not an appropriate response in these circumstances. If these circumstances are present, the inspector follows the ACAA guidance for re-examination for certificate revocation.
 - (4) Whether the airman has a record of enforcement actions. Remedial training will generally be appropriate for airmen with no record of violations, but a record of violation does not automatically make remedial training inappropriate. For this program, administrative actions and legal enforcement actions, including a civil penalty compromise or a compromise order, or a waiver of imposition of a certificate or civil penalty action in accordance with the aviation safety reporting system, may be considered.
 - (5) Whether the conduct is deliberate, grossly negligent, or constitutes a criminal offense.
- e). **Letter of Investigation.** The inspector sends the airman a letter of investigation (LOI) that advises the airman that he or she may be allowed to participate in the corrective action through remedial training program. The LOI also advises that failure to respond to the LOI in the time specified in the LOI will preclude participation in the program, and that the airman in the response must express an interest in pursuing a prescribed course of remedial education and must cooperate with the investigation.
- f). **Completion of Investigation.** In all cases, the inspector completes the investigation and the EIR.

- g). **Communication with Airman.** The inspector schedules a meeting with the airman in person (or by teleconference if the inspector determines a meeting is impractical and not necessary). During the meeting or teleconference, the inspector confirms whether remedial training is appropriate, proposes a course of study, and then develops a remedial training program.
- h). **Development of Training Program.** Before the meeting or teleconference, the inspector develops a suitable course of remedial study that clearly states a training objective. The inspector coordinates development of each training program with other inspectors and the office's ACAA Safety Team program manager (CPM), as appropriate, if more expertise is needed.
- (1) In determining whether the airman has a constructive attitude toward compliance, the inspector considers the timeliness and nature of the response to the LOI, including the airman's participation in a meeting with the inspector and the manner in which the airman has met all regulatory responsibilities.
 - (2) The inspector describes a proposed course of study, including training objectives and expected completion date, to the airman. In developing the training regimen, the inspector considers the nature of the apparent violation and, if relevant, the airman's enforcement record, if any. The inspector considers the specific needs of the candidate, and the availability of qualified instructors, simulators, or other training equipment or materials in the airman's views on the proposed course before developing a final remedial training program.
 - (3) **Explanation to Airman.** The meeting or teleconference between the inspector and the airman is limited to a discussion of an appropriate remedial training program to help the airman to comply with safety regulations in the future and the time it should take to accomplish it. The merits of the underlying incident or investigation are not otherwise discussed. The inspector advises that because participation in a remedial training program is a substitute for legal enforcement action, the airman may not both legally challenge the apparent violation and participate in the program. If at any time the airman elects to contest the matter in litigation, the inspector advises that the remedial training agreement becomes null and void, the remedial training process terminates, and appropriate legal enforcement action is taken. Under these circumstances, no further efforts to undertake remedial training are pursued.
- j). **Letter of Agreement.** When an agreement on training has been reached, the inspector and the airman sign and date a letter of agreement specifying the terms and conditions of the remedial training program. One condition of participating in the program is the airman's express agreement to waive voluntarily the applicability of the time limitations period in the ACARs to any legal enforcement action arising from the conduct for which the remedial training is imposed. The waiver is documented in a letter of agreement. The remedial training agreement clearly states the objective of the prescribed remedial training course, includes a completion date and the method by which the airman documents satisfactory completion of the training.
- k). **Verification of Completion of Training.** The inspector verifies that the training objectives have been met. Within the time specified in the training agreement, the airman provides the required evidence that training has been completed, including an original record of training, signed by each instructor or authorized official of the training establishment, certifying the areas of training and that the training program has been

satisfactorily completed. For internet online courses, a computer-generated completion certificate is acceptable. This certification and other documentary evidence, such as logbook entries and aircraft rental invoices, are placed in the investigation report. As required by the remedial training agreement. A discussion with the instructor who provided the training may also be appropriate, in which case a record of that discussion is included in the investigation report.

- l). **Issuance of Letter of Correction.** When the inspector is satisfied that the terms and conditions of the remedial training course and objective have been met, he or she closes the enforcement action with a letter of correction. Issuance of the letter of correction, which contains a statement that the required remedial training has been satisfactorily accomplished, closes the case.
- m). **Failure to Complete Training.** If the airman fails to meet any term or condition of the program or the agreement, the inspector notifies the airman by letter, sent by regular mail and either certified mail, return- receipt requested, or registered mail, that participation in the training program has been terminated, and that appropriate legal enforcement action will be taken.

Voluntary Surrender of Certificate

- (1) **Purpose.** This section provides guidelines for handling a certificate holder's voluntary surrender of a certificate.
- (2) **Surrender of CAA Certificate for Cancellation.** The ACAA's regulations provide for the voluntary surrender of ACAA-issued certificates for cancellation. ACAA investigative personnel, however, refuse the voluntary surrender of a certificate if it appears the surrender is being attempted to avoid certificate action. ACAA investigative personnel should be alert for indications that a certificate holder is attempted to avoid a certificate action through the voluntary surrender of a certificate, including whether the certificate holder is the subject of an enforcement investigation or enforcement action. Consequently, before determining whether to accept a certificate holder's voluntary surrender of a certificate, ACAA investigative personnel review showing investigative or enforcement activity. If the EIS or any other database reveals that the certificate holder is the subject of an enforcement investigation or enforcement action. ACAA investigative personnel refuse the certificate holder's attempt to voluntarily surrender a certificate and continue with an investigation and recommend enforcement action, if appropriate.

Legal Enforcement Actions

- a). **General.** This section describes enforcement actions that ACAA investigative personnel may determine are necessary or appropriate for violations once they determine that legal enforcement action is appropriate based on the guidance in the PEL Handbook Chapter 12, and the guidance in this procedure.

Figure 1. Sample Letter of Investigation – Remedial Training

5 January 2007

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

File No. [Investigation Number]

[NAME]

[ADDRESS]

[CITY, STATE ZIPCODE]

Dear [TITLE & LAST NAME]:

We are investigating [describe accident/incident/occurrence] that occurred on [date and time] at [location]. The [accident/incident/occurrence] involved operation of a [make/model] aircraft. These types of operations are contrary to ACAA's regulations.

Please send us any evidence or statements you might care to make about this matter within 10 days of receiving this letter. We will consider any information you provide in our investigation. If we do not hear from you within this time, we will complete our report without the benefit of your statement.

Also, we may allow you to take part in ACAA's *corrective action through remedial training program*, rather than taking enforcement action against you. Remedial training may be appropriate if we find that:

- a) The apparent violation was not deliberate or grossly careless;
- b) The apparent violation did not involve apparent criminal conduct or disclose a lack of qualifications to hold an airman certificate;
- c) You fully disclosed the facts and circumstances of this incident during our investigation; and
- d) Our review shows you have a good record of compliance with our regulations.

For us to allow you to participate in the *corrective action through remedial training program*, you must respond to this letter within 10 days of receiving it and express your interest in pursuing a course of remedial education. However, the decision to use remedial training is within our discretion, and your interest in the program does not guarantee that we will allow you to take remedial training instead of being subject to legal enforcement action.

If you want to receive remedial training, and the ACAA inspector believes it may be appropriate, you will meet with the inspector, who will confirm whether we will allow you to take part in the training program. The inspector will propose a training course for you, at your expense. If you agree to the proposed program, you and the ACAA will sign an agreement describing its terms and conditions. When you complete the training satisfactorily, within the time specified, we will issue you a Letter of Correction and will close the matter. If you fail to carry out any of the terms of the agreement, we will terminate your participation in the program and may take legal enforcement action against you. We may use the information you give the ACAA, including the response to this letter, in determining whether remedial training is appropriate. We may use our response to this letter, in determining whether remedial training is appropriate. We may use our decision to not offer you remedial training, or your failure to complete the program satisfactorily, in any legal enforcement action we take.

You can get information on our *corrective action through remedial training program* by calling [ACAA staff name and number].

Figure 2. Sample Remedial Training Agreement

[Date]

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

23 September 2005

FILE NO. XXXXXX

Dear Mr. /Mrs. ():

On 12 September 2005, you were advised that the ACAA was investigating an incident an incident that occurred on 5 September 2005 and involved your operation of a Cirrus SR-22, N57785.

You have been advised that such an operation is contrary to ACARs. Therefore, you have agreed to enter into this training agreement.

In consideration of all available facts and circumstances, we have determined that remedial training as a substitute for legal enforcement action is appropriate. Accordingly, your signature on this letter signifies your agreement to complete the prescribed course of remedial training within the assigned period of time. To complete this remedial training program successfully you must do the following:

- a) You must obtain the required training from an approved source. Approval can be obtained verbally from this Flight Safety PEL Office, upon obtaining the services of a certified flight instructor.
- b) Once training begins, you are required to make periodic progress reports to this office.
- c) You are required to complete all elements of the remedial training syllabus and meet acceptable completion standards within 21 days of accepting this training agreement.
- d) You are required to provide this office with written documentation indicating satisfactory completion of the prescribed remedial training. You must provide the original of a written certification signed by the certified flight instructor who conducts the remedial training. The written certification must describe each element of the syllabus for which instruction was given and the level of proficiency you have achieved.
- e) All expenses incurred for the prescribed training must be borne by you.

Figure 3. Remedial Training Syllabus

Syllabus Objective: To improve the student's knowledge and pilot proficiency concerning proper use of the SR-22 flight director, navigation and autopilot avionics systems specific to N57785.

Syllabus Content:

- a) A minimum of two hours of ground instruction on the following subjects:
 - 1) Compliance with ATC clearances
 - 2) Programming and use of the GNS 430 navigation system for IFR operations
 - 3) Use of the autopilot for IFR operations
- b) A minimum of one hour of flight instruction in IFR procedures to include:
 - 1) Compliance with IFR clearances
 - 2) Use of the GNS 430 navigation system and the autopilot for IFR departures and arrivals
 - 3) Timely response to undesired autopilot commands

Completion standards: The training will have been successfully completed when the assigned instructor, by oral testing and practical demonstration, certifies that the student has completed instruction in the above-mentioned subjects in accordance with the remedial training syllabus.

PEL Office

Date

Figure 4. Sample Remedial Training Agreement

I agree to comply with the terms and conditions specified in this letter. I understand that failure to complete any element of this agreement within the prescribed period of time may result in my removal from the *corrective action through remedial training program* and may result in appropriate *legal enforcement action*. If such legal enforcement action is taken, I waive my right to move to dismiss the ACAA's complaint as stale.

Mr. /Mrs. ()

Date

Figure 5. Sample Remedial Training Completion Letter

TO: PEL Office
Flight Safety Department
Afghanistan Civil Aviation Authority
Ansari watt, Beside RTA, 3rd floor.

FROM: _____
Instructor's Name (print)

Address

City State Postal Code

This is to certify that () has satisfactorily completed the entire training program shown below, as required by the prescribed remedial training syllabus and achieved the level of proficiency described below:

Syllabus Objective: To improve the student's knowledge and pilot proficiency concerning proper use of the navigation and autopilot avionics systems .

Syllabus Content:

- a) A minimum of two hours of ground instruction on the following subjects:
 - 1) Compliance with ATC clearances
 - 2) Programming and use of the navigation system for IFR operations
 - 3) Use of the autopilot for IFR operations
- b) A minimum of one hour flight instruction in:
 - 1) Compliance with IFR clearances
 - 2) Use of the navigation system and the autopilot for IFR departures and arrivals.
 - 3) Timely response to undesired autopilot commands

Level of Proficiency Achieved: _____

Signature: _____

CFI Certificate No.: _____

Expires: _____

Date signed: _____

Figure 6. Sample Letter of Correction for Remedial Training.

19 November 2019

File Number: XXXXXX

Mr. /Mrs. ()

This letter is in regard to your operation as pilot in command of a Cirrus aircraft, N57785, on 519 November 2019.

The aircraft was observed and identified as a Cirrus SR-22 aircraft, N57785, operating contrary to an air traffic clearance while under IFR in Class D airspace in the vicinity of the Hamid Karzai International Airport. You have been advised that, in the view of the ACAA, such operation is contrary to ACAR Part 8.

As a result of our discussion with you on 23 September 2019, you agreed to complete a program of remedial training as a substitute for legal enforcement action. You have submitted evidence showing satisfactory completion of two hours of ground instruction in: compliance with ATC clearances, programming and use of the GNS 430 navigation system for IFR operations, and use of the autopilot for IFR operations. In addition, you also completed one hour of flight instruction in compliance with IFR clearances, use of the GNS 430 navigation system and autopilot for IFR departures and arrivals, and timely response to undesired autopilot commands.

In closing this case, we have considered all available facts and concluded that, based on your satisfactory completion of the remedial training program, legal enforcement action will not be pursued. In place of such action, we are issuing this letter will be made a matter of record for a period of two years, after which the record of this matter will be expunged. This letter constitutes neither an admission nor an adjudication of a violation.

We appreciate your cooperation in this matter and expect your full compliance with the regulations in the future.

