

2026 Winter LPBA Conference
The Historic Lakeside Inn, Mount Dora, Florida
February 18 – 22, 2026 – Day 1

Presentation 3 – Ian Arendt and Erica Ramos

Biography and Slide Presentation

Ian Arendt

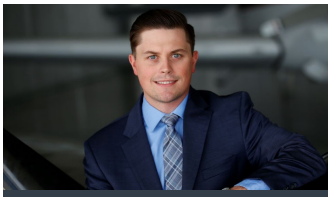
Ian Arendt is the Senior Attorney with AOPA's Legal Services Plan. He has been with AOPA since 2019. In his role at AOPA, Ian has provided legal advice and consultations to thousands of participants in the AOPA Legal Services Plan facing myriad aviation related legal issues. Ian oversees the Legal Servies Plan team of in-house attorneys and the network of over 500 plan attorneys. Ian is admitted to practice law in North Dakota and Maryland. He is a private pilot and aircraft owner.

Erica Ramos

Erica K. Ramos is an in-house attorney with AOPA's Legal Services Plan and previously worked with an AOPA Panel Attorney. She advises members on a broad range of aviation-related legal matters. Erica holds a Part 107 certificate and is currently in ground school. She also earned a Diploma in International Air Law from IATA. She is admitted to practice in the State of Florida, the U.S. District Court for the Southern District of Florida, the U.S. Bankruptcy Court for the Southern District of Florida, and the District of Columbia.

FAA Compliance and Enforcement Update

Featured Presenters



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Overview

- FAA Reauthorization Act of 2024
- New Falsification Rule
- New Rule Limits Flight Instruction
- NTSB Statistics
- ALJ Highlights
- Full Board Highlights
- Compliance Actions
- NASA Report
- Trending Issue

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FAA Reauthorization Act of 2024

- Updates to Pilot's Bill of Rights (PBR)
  - Reexaminations (Sec. 801)
    - Nature of reexamination and specific activity on which necessitated
    - Must occur w/in 1 year
    - May restrict passenger carrying privileges after 30 days

    FAA has not incorporated law into guidance
  - FAA must allow 30 days to respond to Letter of Investigation (LOI) (Sec. 807)
  - Letters of Investigation required by PBR (Sec. 805)
    - Must be concluded w/in 2 years (only administrator or FAA "leadership" can extend)
- FAA may not apply 14 C.F.R. 91.119 (flight below min. safe altitude) in a manner that requires a pilot to make unsafe landing (Sec. 809)
- Prohibits FAA on initiating investigation based exclusively on ADS-B (Sec. 829)
  - May still use ADS-B data in investigation if initiated on other information (including complaints)

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New Falsification Rule - 90 FR 42517

- Effective Date: November 3, 2025
- Consolidates all falsification regulations – 14 C.F.R. part 3, subpart D
- Filled gaps in falsification scheme – 14 C.F.R. 3.401(a)
  - Applicable to 34 additional parts of Title 14
  - "Any document in any format" includes electronic and physical documents, and other tangible items (data plates or marked parts, etc.) – 14 C.F.R. 3.401(b)
- Prohibited conduct:
  - Fraudulent or intentionally false statement – 14 C.F.R. 3.403(a)
  - Production, reproduction, or alteration of any document in any format for fraudulent purpose – 14 C.F.R. 3.403(b)
  - Knowing omissions of material fact – 14 C.F.R. 3.403(c)
  - Material incorrect statements and omissions – 14 C.F.R. 3.405
- Range of available punishments
  - Violations of 14 C.F.R. 3.403
    - "Denying, suspending, modifying, [or] revoking … any … application, … authorization, certificate, [or] rating … , issued … by the Administrator and held by that person" – 14 C.F.R. 3.403(d)(1)
  - Violations of 14 C.F.R. 3.405
    - "[S]uspending, modifying, [or] revoking … an … authorization, certificate, [or] rating …, or denying an application … issued or granted by the Administrator" if incorrect statement or omission was material to that thing.

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Limits on Flight Instruction – 89 FR 80310

- Effective December 2, 2024
- FAA rescinded a host of Legal Interpretations that concluded a flight instructor and trainee are not considered passengers to one another
  - Amended 14 C.F.R. 61.57 – no person may act as PIC of "aircraft carrying persons" unless current
    - Exception for flight training if for purpose of regaining currency, the trainee meets all other requirements to act as PIC, and no other occupants – 14 C.F.R. 61.57(e)(5)
  - New definition of "passenger" in 61.1(b) – Any person on board an aircraft other than crewmember except…
    - "FAA personnel, manufacturer personnel required for type certification, person receiving or person providing flight training, checking, or testing as authorized by this part."
- FAA Amended 14 C.F.R. 61.193
  - Expanded flight instructor privileges to specifically providing flight training to maintain or improve skills of a certificate pilot – 14 C.F.R. 61.193(a)(7)
  - FAA explained this does not extend to student pilots or non-pilots
  - Clarified introductory flights cannot be provided to persons with no intention of becoming pilots (illegal air tour and violation of new 61.193(c))

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NTSB Docket Statistics:

	2017	2018	2019	2020	2021	2022	2023	2024
Total Cases Received:	235	220	257	236	272	247	229	470
Total Cases Closed:	222	227	225	155	237	303	350	293
Emergency Cases Received:	122	123	137	128	112	118	107	111
Emergency Cases Closed:	121	123	137	79	101	25	105	84
Challenges to Emergency Determinations:	21	25	16	14	24	13	**	**
Hearings Scheduled	**	**	**	**	**	**	58	94
Hearings Held:	33	31	29	11	18	19	11	21
Board Opinions and Orders (O&O):	17	3	11	22	9	22	**	**
Affirmed:	12	1	10	**	**	**	**	**
Reversed:	0	0	1	**	**	**	**	**
Modified:	2	0	0	**	**	**	**	**
Remanded	3	2	0	**	**	**	**	**
Board O&O appealed to U.S. Federal Courts:	2	**	**	**	**	**	**	**

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Source: NTSB Annual Report to Congress

NTSB – ALJ Decisions and Board Opinions/Orders

- 2025
  - 12 ALJ Decisions/Orders (**Available on Westlaw**)
    - 2 Petitions for Review of Emergency Determination
    - 2 EAJA decisions
  - 29 Board Opinions/Orders
    - 13 Opinions
    - 11 GC Orders Dismissing Appeal
    - 2 GC Substitution Orders (New Administrator)
    - 1 GC Order granting FAA motion to file corrected brief
    - 1 GC Order Granting Stay of Appeal pending ALJ reconsideration
    - 1 GC Order Denying Stay of Immediately Effective Order of Revocation
- 2026 (to date)
  - 4 Board Opinions/Orders
    - 3 Opinions
    - 1 GC Order Dismissing Appeal

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NTSB – ALJ Highlights

- Pilot's Bill of Rights (PBR) violation results in dismissal – *Administrator v. Trebbe*, Docket SE-31332 (Jan. 24, 2025)
  - Alleged to have flown CE-525 too low & too fast
  - ASI investigating a complaint, had reasonable basis to believe Respondent was PIC. Phone interview with Respondent without informing him of PBR
  - ALJ found "clearly investigation," FAA initiated contact, and had obligation to inform Respondent of PBR prior to questioning.
  - Also excluded some FAA evidence based on FRE 901 (authentication) & 902 (self-authentication)
- Successful Petition for Review of Emergency Determination – *Administrator v. Wong*, Docket SE-31462 (Mar. 17, 2025)
  - EOR for alleged violation of 14 C.F.R. 61.53 (flew after suffering injuries from electric scooter)
    - Injuries occurred August 3, 2022
    - LOI issued January 24, 2023
    - EOR issued March 7, 2025
    - Airman issued new medical 4 times in between & 162 commercial flight legs
  - Emergency determination not justified due to remoteness of alleged violations, no further allegations or transgressions, and 4 subsequent issue of medical certificates
  - Later dismissed for laches and stale complaint – SE-3146 (Apr. 3, 2025).

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NTSB – ALJ Highlights

- ALJ dismisses case based on affirmative defense of reasonable reliance – *Administrator v. Carrillo*, NTSB Docket SE-31275 (Feb. 21, 2025).
- ALJ finds FAA medical demand for HIMS Psychiatric evaluation and 12 months of HIMS AME monitoring unreasonable – *Petition of Steven L. Roberts*, NTSB Docket SM-30873 (Mar. 7, 2025)
- ALJ overturns EOR of mechanic certificate alleging violation of 14 C.F.R. 120.33(b) (flying with prohibited drug) after visual comparison of initials on specimen and prior training records questioned authenticity of specimen – *Administrator v. Gonzalez-Quinones*, NTSB Docket SE-31415 (May 29, 2025)
- ALJ overturns EOR of Part 145 certificate alleging falsification of overhaul paperwork – *Administrator v. Santa Monica Propeller Service, Inc.*, NTSB Docket SE-31505 (Nov. 20. 2025).

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NTSB – Board Highlights

- *Administrator v. Hawkins*, NTSB Order No. EA-6010 (July 9, 2025)
  - Reversed respondent's motion to dismiss EOR based on unreasonable delay in issuing ALJ order
    - EOR issued March 22, 2016
    - Respondent appealed timely and waived emergency timeframes
    - ALJ hearing concluded March 31, 2017
    - ALJ did not issue decision despite repeated requests from both parties
    - Respondent files motion to dismiss April 12, 2023
    - ALJ grants motion September 25, 2023
      - "unreasonable delay in issuing an initial decision … constitutes a violation under section 555(b) of the [APA]"
  - Board found…
    - ALJ erred in ignoring NTSB's statutory duty. "[U]nwarranted and impermissible abdication of [ALJ's] obligation."
    - ALJ erred by failing to adjudicate the FAA's emergency order. Obligated to do so under 49 U.S.C. 44709(d)
    - Dismissal not required in part due to respondent's waiver of emergency time frame.
    - Section 555(b) of APA is inapplicable to NTSB proceedings since other APA provisions control (554 and 556)

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NTSB – Board Highlights

- Board affirms dismissal of alleged illegal charter – *Administrator v. Grant*, NTSB Order No. EA-6001 (Apr. 10, 2025).
  - ALJ order issued Feb. 28, 2017 – Board Member Graham's Concurrence – "we took too long here."
- Board affirms denial of petition for review of medical certificate denial – *Petition of Troy M. Dahl*, NTSB Order No. EA-6000 (Apr. 10, 2025).
  - ALJ order issued July 28, 2018 – Board Member Graham's Concurrence (joined by Inman) – "we took too long here."
- Board grants FAA appeal, reversing ALJ's award of EAJA fees after finding FAA was substantially justified in brining the enforcement action – *Application of James K. Knight*, NTSB Order No. EA-6007 (June 25, 2025).
- Board affirms revocation of respondents' pilot certificates and civil penalty for plane swap event – *Administrator v. Aikins and Farrington*, NTSB Order No. EA-6008 (June 30, 2025).
- Board affirms dismissal of petition for review of denied medical certificate as untimely (petition filed 6 days after expiration of time) – *Petition of Lauren Lilly*, NTSB Order No. EA-6013 (Sept. 23, 2025).
- Board affirms dismissal of petition for review of denied medical certificate as untimely (petition filed 4 days after expiration of time) – *Petition of Dustin R. Schenck*, NTSB Order No. EA-6014 (Oct. 9, 2025).
- Board affirms order not accepting appeal for lack of jurisdiction involving TSA security threat determination – *Administrator v. Alexander*, NTSB Order No. EA-6019 (Jan. 12, 2026).

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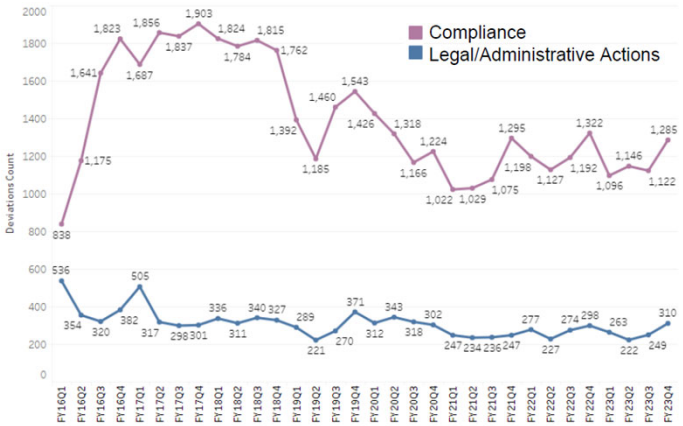
Compliance Actions

- Still appear to be most common
- Compliance supports continuous safety improvements
- Airmen/ operator contacted ≈ 2 weeks or more out from deviation
- Questionnaire, Compliance Program Brochure (w/ rights), & Privacy Act Notice (follow-up)
- Commonly requested items:
  - Copy of medical certificate & pilot certificate
  - Logbook entries (Flight Review, passenger/instrument currency)
  - Aircraft logbooks (Annual inspection & other required inspections)
- Communication with inspectors assist in identifying systemic risk and individual deviations
- Factors considered for compliance:
  - Display of constructive attitude
  - Conduct does not display reasons to question qualifications
  - Conduct not deliberate, grossly negligent or criminal
- Question and answer style interview with counseling to correct the deviation
- Depending the type of matter (remedial training, counseling or procedural changes)

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Compliance Actions - Statistics

- Latest statistics from Jan 2024
  - Since FY 2016 over 44,000 compliance actions (80% of all known deviations)
  - Average processing time
    - 23 days to complete Compliance Action
    - 145 days to process Enforcement Action
  - Recidivism: less than 1%



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Source: FAA Safety & Compliance Team

Compliance Actions - Statistics

- Most commonly citied regulations in EIRs based on certificate held

PRIVATE PILOT
91.13A
91.119B
91.119C
91.7A
USC.44709

COML PILOT
91.13A
91.7A
91.119B
91.119A
91.119C

ATP
91.13A
91.123B
91.123A
91.7A
91.119B

FLT INSTR
91.13A
91.7
USC.44709
61.189A
61.193A3

STUDENT PILOT
91.13A
61.23A3I
61.87N
61.89A1
61.2B1

REMOTE PILOT
107.19D
107.23A
107.19C
107.39
107.39A

A & P MECHANIC
43.13A
43.13B
43.12A1
43.5B
43.15A1

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Source: FAA Safety & Compliance Team

Don't forget NASA report!

The FAA's Compliance process and NASA reporting work together to promote transparency, learning, and proactive risk reduction, making NASA reports a valuable tool during compliance actions.

- FAA will waive the sanction if certain conditions are met:
  - Inadvertent and not deliberate
  - Not involving a criminal offense, accident (49 C.F.R. § 830.2), or lack of qualification/competency (49 U.S.C. § 44709)
  - No finding of violation in the past five years
  - Filed within 10 days of event (or when/should be aware): Advisory Circular 00-46F
- FAR 91.25, specifically prohibits use of reports, or information derived therefrom, in any FAA enforcement action, except information concerning accidents or criminal offenses.
- NASA ASRS is an affirmative defense and airman has the burden of establishing that waiver criteria were met. *See Moeslein*, NTSB Order No. EA-5354 at 15-16 (2008).

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Trending Issues

- Incomplete Medical Applications
  - Once Application accessed by AME, must render decision in 14 days
  - Missing Flight Physicals
- Intentional Falsification & Requests for Correction
  - Mostly medical related
- Anonymous Complaints
  - Mostly medical related
- Flight Below Minimum Safe Altitude
  - Use of ADS-B
- Illegal Charter Investigations
  - Less frequent but still ongoing
- Reexaminations – 49 U.S.C. 44709
  - Generally following incident/accident
- NTSB – What is accident or serious incident?
  - NTSB has internal document explaining "substantial damage"

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Contact Us!



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