



U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel
800 Independence Avenue, S.W.
Washington, D.C. 20591

**FEDERAL EXPRESS,
CERTIFIED - RETURN RECEIPT REQUESTED**

August 15, 2013

N132SL
c/o Amanda Applegate, Esq.
Representative of owners of N132SL
Aerlex Law Group
2800 28th St. Suite 200
Santa Monica, CA 90405

RE: N132SL, s/n 1098 – Case No. 2013FS000164

EMERGENCY ORDER OF SUSPENSION

Under 49 U.S.C. § 46105(c), the Administrator has determined that an emergency exists related to safety in air commerce and that immediate action to suspend the standard airworthiness certificate of civil aircraft N132SL, a Piaggio P-180, is required. The reasons for this determination are set forth in the paragraph below entitled “Determination of Emergency.” Under the authority of 49 U.S.C. § 44709, the Administrator has determined that there are reasonable bases for questioning the airworthiness of the aircraft mentioned above.

Based on an investigation and all evidence presently before the Administrator, the Administrator finds that:

1. At all times herein, you were the owner of civil aircraft N132SL, serial number 1098, a Piaggio P-180, with a standard airworthiness certificate.
2. Civil aircraft N132SL was listed on the Operations Specifications for Avantair’s part 135 operations at a time or times between between May 2012 and the present.
3. Civil aircraft N132SL was listed in the 14 CFR part 91, subpart K, Management Specifications for Avantair at a time or times between May of 2012 and the present.

I. – Admissions from Avantair officials regarding unairworthy or unknown condition of aircraft

4. Since at least May 2012, Avantair has had problems tracking life-limited parts on the Piaggio P-180 aircraft used in its part 135 operations and its part 91, subpart K operations.
5. In October and November 2012, Avantair stopped its operations of Piaggio P-180 aircraft in part 135 operations and part 91 subpart K operations, at least in part because of problems accurately tracking the time in service of life limited parts and because of the questionable reliability of its maintenance recordkeeping system.
6. In June 2013, Avantair again stopped its operations of Piaggio P-180 aircraft in its part 135 operations and part 91, subpart K operations, at least in part because of Avantair's problems in accurately and reliably tracking the time in service of life-limited parts, and problems in transferring accurate time in service records for parts "cannibalized" from some Piaggio P-180 aircraft to other Piaggio P-180 aircraft in Avantair's fleet.
7. On or about July 9, 2013, David Haslett, the then President of Avantair, wrote to several people, including the fractional owners of the Piaggio P-180 aircraft that had been and were on Avantair's part 135 operations specifications and/or Avantair's part 91, subpart K management specifications. Mr. Haslett sought a specified amount of money from each fractional owner in order to "assist all owners to return the entire fleet [of Piaggio P-180 aircraft] to a fully airworthy condition."
8. By email correspondence, dated on or about August 2, 2013, Avantair's Associate General Counsel wrote to Steve Santo, David Haslett, and others, with instructions to ensure "that every [fractional] owner is put on notice and that any release documents and/or correspondence related to the release of any aircraft . . . includes the necessary information, which I've provided below . . .":

Dear Owner: Please be advised, Avantair cannot at this time determine the status of your aircraft's life limited components or articles requiring overhaul as required by FAR 91.417(a)(2)(ii & iii) and FAR 135.439 para (a)(2) (ii & iii). As a result your aircraft cannot be operated under any circumstances, even Part 91, until this situation is rectified.

II. – FAA's Sampling of Avantair's Fleet

Results of FAA re-inspections

9. On or about June 21, 2013, four Piaggio P-180 aircraft that Avantair previously operated were removed from Avantair's operations specifications: Aircraft 1, Aircraft 2, Aircraft 3, and Aircraft 4.

10. During July and August 2013, the FAA conducted a re-inspection pursuant to Title 49 U.S.C. § 44709(a) of the four aircraft specified in paragraph 9, above.
11. For each of the four aircraft specified in paragraph 9, above, the FAA discovered numerous discrepancies, including discrepancies related to performance and documentation of maintenance regarding life-limited parts. For example:

a. Aircraft 1 (18 total discrepancies)

Example of discrepancy	Finding
Nose Landing Gear Steering Actuator Overhaul	No data plate on actuator. Cannot confirm serial number. Component is subject of an Airworthiness Directive (“AD”). Avtrak data has two different serial number steering actuators installed: one for the required resistance inspection and one for steering actuator overhaul.
Main Landing Gear Shock Absorber Piston Life Limit, left gear and right gear.	Landing gear PMLC (primary member log cards) missing for many landing gear parts. PMLC card describe the subassembly parts of the landing gear. These records are used to track the individual subcomponents many of which are life-limited.

b. Aircraft 2 (22 total discrepancies)

Example of discrepancy	Finding
Horizontal Trim Tab Actuator	Actuator was installed on Aircraft 2 on or about January 22, 2013. Avtrak indicates 322.4 hours accumulated on the component. Unable to verify previous time-in-service on component due to lack of certification documentation and historical records.
LH Main Wheel	Wheel removed from another Avantair aircraft at 552 cycles (as represented in

	Avtrak) and installed on Aircraft 2 on or about March 18, 2013. Unable to verify previous time-in-service on component due to lack of certification documentation and historical records.
LH Engine compressor bleed valve assembly	Component is not the original and there is no record of original component having been replaced.
Airworthiness Directive (“AD”)	Overflight of AD 2010-21-08 when operator signed-off AD by replacement of parts when parts were not actually replaced.

c. Aircraft 3 (83 total discrepancies)

Example of discrepancy	Finding
Engine Driven Fuel Pump for left and right engines	No certifications or supporting documents found. Unable to verify previous time-in-service due to lack of certification documentation and historical records.
Anti-Ice Protection Valves for left and right wings	No certifications or supporting documents found. Unable to verify previous time-in-service due to lack of certification documentation and historical records.
Landing gear	The landing gear, including both main and nose gear, and wheel brakes appear to have recently been painted. No log entries for landing gear painting. The presence of paint on movable gear surfaces raises concern with the operation of the landing gear and possible fire hazard with the brakes.

d. Aircraft 4 (55 total discrepancies)

Example of discrepancy	Finding
Left Propeller	Hartzell propeller has no removal entries from another Avantair aircraft. This propeller is now installed on Aircraft 4. Times and cycles cannot be established due to lack of removal time and cycle.
Starter/Generator – left engine	Component was installed on Aircraft 4 on 4/18/13. Avtrak and AA-SERV tag show previous time (511.7 hours when removed from another Avantair aircraft) accumulated on the component. No verification of previous time on component before install on Aircraft 4. No other certifications found.
Engine fuel control for both engines	Serial numbers observed on components differed from the serial numbers recorded in the aircraft logs, which also differed from those recorded in Avtrak. No certifications found.

12. Each discrepancy identified on the aircraft listed in paragraph 11, above, rendered the associated aircraft either in a known unairworthy condition or in an unknown condition with respect to its airworthiness.

Aircraft listed on Avantair's operations specifications that lack key components

13. On or about July 12, 2013, five Piaggio P-180 aircraft, among others, were listed on Avantair's operations specifications.
14. An FAA investigation conducted in July and August of 2013 revealed that each of the five aircraft, stated in paragraph 13, above, lacked key components. Specifically:

Aircraft	Condition
Aircraft 5	No left engine or left propeller
Aircraft 6	No engines or propellers
Aircraft 7	No engines or propellers
Aircraft 8	No right engine
Aircraft 9	Loose interior and exterior panels

15. Based on the condition of the aircraft, as specified in paragraph 14, above, those aircraft are unairworthy.

Aircraft removed from Avantair's operations specifications

16. Five Piaggio P-180 aircraft, among others, that Avantair previously operated were removed from Avantair's operations specifications on or about the following dates: Aircraft 10 – September 6, 2008; Aircraft 11, Aircraft 12, Aircraft 13, and Aircraft 14 – November 6, 2012.
17. An FAA investigation conducted in July and August of 2013 revealed that each aircraft, stated in paragraph 16, above, was not in a condition for safe flight. Specifically, each aircraft was stripped of many key components and had not flown for several years.
18. Based on the condition of the five aircraft specified in paragraph 17, above, those aircraft are unairworthy.
19. Four Piaggio P-180 aircraft, among others, that Avantair previously operated were removed from Avantair's operations specifications on or about the following dates: Aircraft 15, Aircraft 16, Aircraft 17 – November 6, 2012; Aircraft 18 – June 27, 2013.
20. An FAA investigation conducted in July and August of 2013 revealed that each aircraft, specified in paragraph 19, above, lacked key components. Specifically:

Aircraft	Condition
Aircraft 15	No engines or propellers
Aircraft 16	No engines or propellers
Aircraft 17	No engines or propellers
Aircraft 18	No engines or propellers

21. Based on the condition of the aircraft, as specified in paragraph 20, above, those aircraft are unairworthy.

III. - Failure to Properly Preserve Aircraft and Parts

22. By correspondence dated July 10, 2013, Sean Anthony of Avantair advised at least one repair station that had possession of Avantair aircraft (some of which were the subject of maintenance liens) that proper aircraft maintenance preservation techniques and procedures had to be followed by the possessors of the aircraft in order to prevent the deterioration of aircraft parts, even parts that do not have time-in-service limits.
23. It is unknown whether any repair station or Avantair itself will spend additional sums of money to preserve aircraft that are in its facilities. Thus, the airworthiness of both life-limited parts and parts that are not otherwise labeled as life-limited may be compromised to the potential detriment to safety.

As a result of the foregoing, including Avantair's systemic failure to properly track maintenance and time-in-service of life-limited parts, and the resulting unairworthiness of a sizeable sample of its fleet, the Administrator has determined that there is a reasonable basis to question whether your aircraft is airworthy, and that safety in air commerce or air transportation and the public interest require the suspension of the airworthiness certificate of your aircraft until such time that you demonstrate that the aircraft is airworthy. The Administrator further finds that an emergency requiring immediate action exists with respect to safety in air commerce or air transportation. Accordingly, this Order is effective immediately.

You are required to immediately surrender the standard airworthiness certificate of your aircraft to:

Dale Donegan
Manager, Special Emphasis Investigations Team
FAA Flight Standards
2221 Alliance Blvd.
Fort Worth, TX 76177

If you decide not to appeal and want information regarding recertification of the aircraft, please call Dale Donegan at (817) 490-7060. If you decide to appeal, please follow the instructions listed below.

DETERMINATION OF EMERGENCY

Under 49 U.S.C. § 46105(c) the Administrator has determined that an emergency exists related to safety in air commerce or air transportation. This determination is based on the existence of a reasonable basis that your aircraft is not in an airworthy condition.

Your aircraft was on the Operations Specifications for Avantair's part 135 operations during a period of time when Avantair had problems tracking its life-limited parts and, in general, maintaining a reliable maintenance recordkeeping system. Avantair officials have themselves admitted that aircraft on Avantair's Operations Specifications were not "fully airworthy" and that

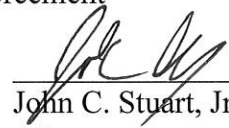
the company was unable to determine the status of life-limited parts or articles requiring overhaul. Moreover, re-inspection of four aircraft by the FAA revealed numerous discrepancies on all four aircraft. Each discrepancy rendered the aircraft unairworthy or at best in an unknown condition with respect to airworthiness. Another nine aircraft were missing major components, e.g., engines or propellers, rendering them unairworthy. In addition, there is concern that Avantair aircraft may not have been properly preserved, thereby giving rise to additional questions relating to airworthiness of the aircraft.

Operation of your aircraft when there is reason to believe it is not in an airworthy condition would be contrary to safety. The public interest requires suspending the aircraft's airworthiness certificate on an immediately effective basis to prevent such potential operation.

You may appeal from this Order in accordance with the appeal procedures set forth below.

Peter J. Lynch
Assistant Chief Counsel for
Enforcement

BY:



John C. Stuart, Jr.

Attorney
Enforcement Division, AGC-300
Office of the Chief Counsel
Telephone: (202) 267-9958
Fax: (202) 267-5106

APPEAL

You may appeal from this Emergency Order within ten (10) days from the date of its service, which is August 26, 2013, by filing a Notice of Appeal with the Office of Administrative Law Judges; National Transportation Safety Board; 490 L'Enfant Plaza East, SW; Washington, D.C. 20594 (telephone (202) 314-6150). The National Transportation Safety Board's ("NTSB") Rules of Practice in Air Safety Proceedings, 49 C.F.R. part 821, subpart I apply to appeals of Emergency and Other Immediately Effective Orders. An executed original and three (3) copies of your Notice of Appeal must be filed with the NTSB. If you appeal, a copy of your Notice of Appeal also must be served on the FAA's attorney at the address listed in this Emergency Order. If you file an appeal to the NTSB, a copy of this Emergency Order will be filed with the NTSB as the Administrator's Complaint in that proceeding.

You may also seek review of the FAA's determination that an emergency exists in this case, which makes this order immediately effective. You may request such review in a written petition filed within two (2) days after your receipt of this order. Petitions for review of FAA emergency determinations must be served, with a copy of the FAA's emergency order attached to the petition, by facsimile or by an expedited means that ensures next-day delivery: (1) on the Office of Administrative Law Judges; National Transportation Safety Board; 490 L'Enfant Plaza East, S.W., Washington, D.C. 20594 (facsimile (202) 314-6158); and (2) simultaneously and by the same means, on the FAA's attorney, John Stuart, at the address provided in this order (fax (202) 267-5106). The NTSB rules of practice that apply to its review of the FAA's emergency determinations are available at 49 C.F.R. § 821.54 or through the NTSB's website at <http://www.nts.gov/legal/alj.html>.

Whether or not you elect to appeal from this Emergency Order, you must immediately surrender the standard airworthiness certificate of N132SL to Dale Donegan at the address listed above.

CERTIFICATE OF SERVICE

I hereby certify that the original emergency order of suspension in N132SL, s/n 1098 has been sent this day by FedEx overnight delivery service, and a copy by the U.S. mail, certified mail return receipt requested, addressed to:

N132SL
c/o Amanda Applegate, Esq.
Representative of owners of N132SL
Aerlex Law Group
2800 28th St. Suite 200
Santa Monica, CA 90405

Brian Booth

Date: August 15, 2013