KATZ, MARSHALL & BANKS, LLP

By Electronic and First-Class Mail
September 25, 2009

Jennifer Pennington
Attorney, Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, NW
Suite 300
Washington, DC 20036

Re: OSC File No. DI-08-1708

Dear Ms. Pennington:

On August 21, 2009, you forwarded to Christopher Monteleon a copy of the report of investigation that the Office of Special Counsel ("OSC") received from the Honorable Ray LaHood, Secretary of Transportation, in response to Mr. Monteleon's allegation of a violation of law, rule, or regulation, gross mismanagement, an abuse of authority, and a substantial and specific danger to public safety by employees at the Department of Transportation and Federal Aviation Administration. On September 2, 2009, the OSC granted Mr. Monteleon an extension until September 25, 2009, to submit comments to the report. Enclosed you will find Mr. Monteleon's comments, through counsel, to the Honorable LaHood regarding the Department of Transportation's report of investigation.

Mr. Monteleon has also consented to the public release of these comments. Accordingly, enclosed you will find a signed Consent to Public Release of Written Comments on Agency Report form.

Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,

Debra S. Katz
Attorney for Christopher Monteleon

Enclosures

cc: Mr. Christopher Monteleon

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KATZ, MARSHALL & BANKS, LLP

By Electronic and First-Class Mail
September 25, 2009

The Honorable Ray LaHood
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, D.C. 20590

Re: OSC File No. DI-08-1708

Dear Honorable LaHood:

As you are aware, Christopher Monteleon has served as an Aviation Safety Inspector ("ASI") at the Federal Aviation Administration ("FAA" or "the Agency") for over twelve years. Beginning in 2004 when he became the Principal Operations Inspector ("POI") for Colgan Air, he began to observe a highly troubling and cozy relationship between Colgan Air and his FAA superiors—a relationship in which the air carrier's bottom line was consistently placed ahead of public safety. After four years of attempting to change this dynamic within the FAA and enduring repeated retaliation for his efforts, on April 16, 2008, ASI Monteleon disclosed to the Office of Special Counsel ("OSC") the many violations of law, rules, and regulations he had observed while an ASI, the instances he witnessed in which FAA officials abused their authority, and the substantial and specific danger to public safety created by Colgan Air's operation and the FAA's failure to adequately regulate the air carrier. On June 18, 2008, the Special Counsel found that there was a substantial likelihood that his disclosures involved a violation of law, rule, or regulation; gross mismanagement; an abuse of authority; and/or a substantial and specific danger to public safety, and the Special Counsel referred the disclosures to the-then Secretary of Transportation. On August 21, 2009, ASI Monteleon received a copy of the required Report that detailed the findings of the Department of Transportation ("DOT") Inspector General's investigation. ASI Monteleon takes strong exception to many of the core findings by the DOT Inspector General. Accordingly, pursuant to 5 U.S.C. § 1213(3)(1), he submits to you the following comments to the Inspector General's Report.

I. The Department of Transportation Inspector General's Report Fails to Address in Any Way Mr. Monteleon's Allegations Abut the FAA's Complicity in the Colgan Air Tragedy

The U.S. aviation industry is currently in a safety crisis. As the FAA Administrator J. Randolph "Randy" Babbitt has acknowledged, the national trend for both fatal and non-fatal aviation accidents is no longer decreasing—to the contrary, it is likely increasing. See J. Randolph Babbitt, "Don't Wait for the Call to Action," Keynote Address, International Safety Forum (Sept. 10, 2009). The Colgan Air crash of February 12, 2009, which resulted in 50

fatalities, is a tragic embodiment of that trend and has awoken many in the industry, in Congress, and in the flying public to the need for critical reforms within the aviation industry and within the FAA.

If the FAA is truly to reform itself, it must recognize its role in failing to prevent the unnecessary deaths of the passengers on that Colgan Air flight. For over a year before the Colgan tragedy, ASI Monteleon had repeatedly informed FAA officials, ranging from his direct supervisor to the Associate Administrator for Aviation Safety, of the slipshod safety and training operations of Colgan Air and of the inappropriately cozy relationship between Colgan Air management and its regulators in the FAA field office that was charged with monitoring its compliance with federal aviation regulations ("FARs"). The FAA's refusal to investigate properly ASI Monteleon's warnings and disclosures allowed Colgan Air's culture of lax safety to thrive. While the National Transportation Safety Board ("NTSB") has yet to issue its report on the probable causes of the Colgan Air crash, this much is clear: that had Colgan Air had a culture that prioritized safety over profit, its pilots would have been given the training and experience necessary to prevent the accident. The FAA's culpability in allowing Colgan Air to foster a corporate culture that disregarded safety cannot be ignored.

The Inspector General's Report, however, does just that. The Inspector General strips the significance from ASI Monteleon's disclosures by only considering each in isolation and never addressing the fact that, when viewed as a whole, the disclosures revealed an air carrier that was cutting corners at every turn and regulators who were willing not only to turn a blind eye to this behavior, but to assist. In fact, only once—in a footnote—does the Report acknowledge that ASI Monteleon's disclosures were related at all to the Colgan Air tragedy, and then only by referencing that a Colgan Air aircraft crashed subsequent to his disclosures. See Calvin L. Scovel III, Office of Inspector General, U.S. Dep't of Transportation, Memorandum, fn. 1 (Aug. 5, 2009), hereafter "DOT Report." This, of course, is most disingenuous as ASI Monteleon's disclosure directly related to the likely causes of the crash—pilot training, excessive fatigue levels, and Colgan Air's disregard for safety regulations. The Report trivialized the disclosures that ASI Monteleon made, refused to acknowledge that the FAA was on notice of the grave safety concerns regarding Colgan Air operations and training, and demonstrated its failure to conduct thorough and independent investigation and analysis.

Despite the Inspector General's attempt to minimize the importance of ASI Monteleon's disclosures, the Report does make several important findings upholding the validity of ASI Monteleon's concerns. First, the Report affirms ASI Monteleon's complaint that the most highly qualified Colgan Air pilot for its DHC-8-402 ("Dash 8") aircraft twice exceeded the aircraft's operational limits during a flight in which he was to demonstrate his ability to pilot the aircraft. Id. at 4, 7. The Report also verified that the pilot then violated the federal aviation regulations by

not documenting those exceedences. Id. The Report continues by detailing the pilot's aversion to complying with regulatory requirements, such as documenting an additional airspeed exceedence and the non-operation of a communication system. Id. at 5, 9. Tellingly, the pilot in question was the pilot responsible for certifying that new Colgan Air pilots could safely fly the new Colgan Air Dash 8 aircrafts—the same type of aircraft that crashed in Buffalo on February 12, 2009. Despite the importance of ensuring that this pilot was fully trained on the aircraft because he would be testing and certifying new pilots, neither the Company nor the FAA required him to retrain. Instead, they allowed him to continue qualifying pilots on the Dash 8 despite his own demonstrated inability to fly in compliance with the aircraft limits and his willingness to violate federal aviation regulations. The pilot's behavior and the Company's failure to retrain or discipline him for his violations demonstrate the Company's culture of disregard for safety procedures and federal regulations. This, of course, is the same culture that led Colgan to send two overly fatigued pilots, who had been inadequately trained in icing conditions, to fly 44 passengers to Buffalo, New York, in the middle of winter. The FAA had the opportunity to require Colgan Air to clean up its operations back in 2008; it chose to ignore the problems, and 50 people died as a result.

Second, the Report acknowledges that there were multiple deficiencies in Colgan's Aircrew Designated Examiner ("ADE") program, an important Colgan Air operations program. Id. at 11. This program allows Colgan Air employees, instead of FAA Aviation Safety Inspectors, to give practical tests—known as check rides—to pilots to qualify those pilots to fly. The failure of a company to properly verify that its pilots are capable of flying is the exact type of problem that leads to serious safety issues, such as inadequately trained pilots. Colgan Air is not alone in the blame, however. According to the Report, the Washington Flight Standards District Office ("Washington FSDO"), the FAA body tasked with the regulatory oversight of Colgan Air, failed to conduct the required assessment of ADE program *for eight years*, though it was supposed to conduct a review of the program every three years. Id. The FAA only addressed this failure because of ASI Monteleon's report. When the FAA finally performed the required review, it found multiple deficiencies that it has yet to fully correct. Id. at 12. This failure on the part of the Eastern Region Flight Standards Division and Washington FSDO demonstrates that the FAA failed to discharge its oversight responsibilities when it came to Colgan Air, and indeed, appears to have abandoned its duty to regulate Colgan Air in favor of facilitating, at whatever cost, the approval and continued operation of this carrier. Without the necessary strong government oversight, Colgan Air's culture of prioritizing schedule and profits over safety resulted in cut corners and unsafe operations.

Finally, the Report describes clear instances of the cozy relationship between FAA officials and Colgan Air management, which hindered the proper regulation of Colgan Air. In one particular instance that ASI Monteleon disclosed, the Principle Operations Inspector ("POI") for the Colgan Air Certificate Management Team "cut and pasted" an emergency procedure that

was not analyzed, tested or approved into the Dash 8 operations manual in response to ASI Monteleon's discovery that the manual's emergency procedures checklist for landing with a single engine was incomplete. Id. at 15. By attempting to substitute the emergency procedure, the POI not only could have placed the lives of any passengers onboard an aircraft with that manual in jeopardy, but also exceeded the role of an Aviation Safety Inspector. The job of an Aviation Safety Inspector is to provide regulatory oversight over the air carrier, not to do the work required to be in compliance with federal aviation regulations. For the POI to take this action demonstrates that he was so in league with Colgan Air that he was comfortable with helping Colgan Air cut corners in the completion of its duties, an arrangement that exacerbated an already dangerous situation. The Report confirms that the POI overstepped the regulatory boundaries of an Aviation Inspector, stating that "the POI was too willing to do Colgan's work for them, rather than requiring the carrier to do the work, with his oversight." Id. at 16.

The overly friendly relationship between the Washington FSDO and Colgan Air did not end with the POI. The Report documents that the Supervisor of the Colgan Air Certificate failed to investigate ASI Monteleon's report of the Colgan pilot flying outside of the aircraft's limitations and of violating federal aviation regulations. Id. at 7. The report also acknowledged that when Washington FSDO staff finally did inquire into the incident, it disregarded ASI Monteleon's report of the exceedences and violations because the pilot alleged that "he did not believe he committed any FAR violation, and thus would not have been required to log the alleged airspeed exceedences." Id. at 10. Such an explanation for disregarding the report of an experienced ASI demonstrated an overt bias in favor of the air carrier. A pilot violates federal aviation regulations if he fails to record exceeding the aircraft's limitations, regardless of whether he thinks he did. 14 C.F.R. § 121.563. The Washington FSDO staff had several means of confirming whether the pilot exceeded the limitations, such as retrieving a reading of the aircraft's airspeed from the digital flight data recorder; they did not have to rely on the pilot's memory. By not using these more reliable and objective tools for determining the speed of the aircraft, the staff not only failed to fulfill the FAA's regulatory duty but also helped foster the culture that accepted the sloppy and unsafe operation of aircraft.

The Report also confirms that the Washington FSDO Office Manager terminated ASI Monteleon's detail to the Colgan Air Certificate because of complaints by Colgan Air pilots regarding the rigor of ASI Monteleon's standards. Specifically, Colgan pilots complained that they feared for their pilot certificates if they flew with ASI Monteleon. Id. at 13. Such a basis for removing an Aviation Safety Inspector is truly unconscionable. An ASI may not recommend the revocation of a pilot's certificate if the pilot is flying safely and in compliance with regulations. A pilot's fear that he cannot meet the necessary level for safely operating an aircraft in compliance with regulations is not justification for preventing an Aviation Safety Inspector from applying the legal standard to that pilot. If anything, such fear indicates that the pilot is not secure in his or her skills and therefore *should* be monitored closely. Had the Washington FSDO Office Manager not had an overly solicitous and cozy relationship with Colgan Air management,

ASI Monteleon's rigorous enforcement of the federal aviation regulations would have been correctly viewed as a positive trait in an Aviation Safety Inspector. Given the documented incompetence of the pilots on the Colgan Air flight to Buffalo, the Colgan Air pilots were likely justified in their fear of failure, as they likely lacked the necessary training and skill to fly the new aircraft in the first place. If the FAA had stood behind the inspector who demanded that Colgan Air meet federal safety standards, Colgan Air would have had to improve its pilot training programs, and the pilots of the February 12, 2009, Colgan Air flight to Buffalo would more likely have had the proper training and experience necessary to have flown the airplane safely.

Crashes like the February 12, 2009, Colgan Air Buffalo flight are avoidable. If the system is working correctly, air carriers have the incentive to operate safely because the FAA vigilantly oversees their operations and will take the necessary administrative and legal enforcement action to ensure that the air carrier adheres to safety standards. With its "Customer Service" Initiative[1] and an unwillingness to in any way impede the operations of air carriers, the FAA lost sight of its role in this relationship. You and the FAA administrator, however, have told the American public and Congress that it is a "new day" at the FAA. Unfortunately, the Inspector General's Report does nothing to demonstrate a new approach, but rather continues to justify the status quo by disregarding evidence presented by internal whistleblowers, blindly accepting the self-serving excuses of FAA management and air carriers, and minimizing undeniable safety problems.

II. Instead of Addressing the Deep Systematic Problems within the FAA, the Report Minimizes or Summarily Dismisses ASI Monteleon's Disclosures.

The remainder of these comments will respond to the skewed presentation of facts and analysis contained in the Inspector General's Report. The purpose of this recital is twofold: first, to correct a document that purports to be an official record of the events; second, to show that the DOT and the FAA, as of yet, are unwilling to acknowledge their role in the Colgan Air tragedy, a reluctance that prevents them from truly learning from past mistakes.

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[1] The FAA's Customer Service Initiative began in 2003, allegedly to address the problems that airlines continually had with inconsistent FAA regulators. The program led many FAA inspectors to focus more on maintaining good relationship with the airlines because the airlines now were encouraged to challenge the inspector's findings, which could lead to career problems for the inspectors. See Alan Levin, "Skepticism Surrounds FAA 'Customer' Initiative for Airlines," USA TODAY, May 29, 2008, *available at*: www.usatoday.com/travel/flights/2008-05-29-faa-customers_N.htm.

1. Colgan Air Pilot-In-Command Exceeded Aircraft Limitations Multiple Times and Violated Federal Aviation Regulations[2]

The Inspector General's Report begins by affirming ASI Monteleon's disclosure that the Colgan Air pilot, William Honan, violated federal aviation regulations by exceeding the Dash 8 airframe airspeed limitation three times and by failing to record two of these exceedences in the aircraft maintenance logbook. However, the Report immediately attempts to diminish the significance of ASI Monteleon's disclosures and completely ignores that these violations were symptomatic of the deeper problems of Colgan Air's unsafe operations and the FAA's failure to regulate this regional airline.

In its attempt to diminish the import of ASI Monteleon's disclosures regarding Captain Honan's violations, the Report first states that the violations were only two to three knots each instance. Id. at 7. This assertion is baseless, however, as shown by the Report's failure to cite to any evidence supporting it. The most contemporaneous documentation of the aircraft speed comes from ASI Monteleon's report to Principal Maintenance Inspector ("PMI") and Principal Avionics Inspector ("PAI") and to his supervisors of Captain Honan's airspeed exceedences and his failure to enter those exceedences into the Colgan Air maintenance log. See C. Monteleon, Email re: DHC-8 Limitation Exceedences (Jan. 20, 2008), attached as Exhibit 1. In this email ASI Monteleon states that the first exceedence was approximately four to six knots and the second exceedence was approximately six to ten knots. In that email, he also requested the PMI and PAI to determine the actual airspeeds. These exceedences were significant given that, according to the Bombardier Manual for the Dash 8, any exceedence, depending on the conditions, requires inspection to ensure that there has been no damage to the aircraft. See D. Lundgren, Email re: Bombardier Overspeed Reference Document (Feb. 11, 2008), attached as Exhibit 2 ("If the aircraft for any reason exceeds Vmo [airspeed limitations], refer to the following conditions and do the applicable inspection procedure").

Had ASI Monteleon's supervisors at the Washington FSDO allowed ASI Monteleon to investigate properly the incident, he could have retrieved the airspeed data from the digital flight data recorder. His supervisors, however, refused to allow him to conduct a proper investigation and never bothered to retrieve the airspeed data. Instead, his supervisors and the POI simply asked Captain Honan if he believed he committed any violation of the federal aviation regulation and blindly accepted his self-serving response that he did not. DOT Report, at 10. The only other documentation of the airspeed exceedences, and the one that the Report most likely relied upon, was entered into the aircraft maintenance log for the aircraft on April 25, 2008, at least *96*

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[2] These sections are numbered in concordance with the allegation numbers they respond to in DOT Report.

days after the event. The entry stated that the aircraft did not exceed two to three knots and that during each of the exceedences in question the aircraft was below an altitude of 10,000 feet. See Colgan Air Maintenance Log for Aircraft N189WQ, attached as Exhibit 3 (entry date is at top right hand corner of log entry). The employee who entered this maintenance discrepancy into the log, Dean Bandavanis, was not in the cockpit during the flight and could not have retrieved this information from the digital flight data recorder because he never had access to the device. The Report's reliance on this statement is inexcusable, since Mr. Bandavanis's statement was not based on either personal observation or the flight recorder and was recorded almost thirteen weeks after the event. ASI Monteleon, by contrast, observed the exceedences firsthand and concurrently recorded his observations. The Report's reliance upon Mr. Bandavanis's suspect maintenance log entry demonstrates the biased approach the DOT used when conducting its investigation and drafting its report to the OSC.

The Report then excuses the FAA's failure to pursue an enforcement action against Captain Honan based on his violations by blaming ASI Monteleon for not following required reporting or notification procedures for reporting Captain Honan's violations. Id. at 7. First reporting a possible violation observed while conducting surveillance, either verbally or in writing via email, is sufficient under FAA procedure. FAA Order 2150.3d, Ch. 2, 3(d). The ASI's surveillance observations are later recorded in a subsequent enforcement investigation report ("EIR") that serves as primary evidence in the EIR. FAA Order 2150.B, Ch. 4, 10. Months often pass between the initial recording of a possible violation and the initiation of the EIR because the Aviation Safety Inspector will often attempt to remediate the situation without legal enforcement action and will only initiate the EIR once it is clear that the remedial training has failed. FAA Order 8900.1, Vol. 14, Ch. 1, § 1, 14-5(D)(2).

Contrary to what is stated in the Report, ASI Monteleon immediately reported Captain Honan's violations to all the FAA principal inspectors on the Colgan Air Certificate Management Team, as well as to all of his supervisors. He first did so orally to Washington FSDO Assistant Manager Rolando Lazaris within *30 minutes of completing his debrief of the pilots after the January 19, 2008, proving runs.* ASI Monteleon then further reported the observed violations in a January 20, 2008, email that was copied to all the FAA principal inspectors on the Colgan Air Certificate Management Team, as well as to all of his supervisors. See Exhibit 1. The Washington FSDO staff's knowledge of ASI Monteleon's report is confirmed by a January 22, 2008, email from the POI for the Colgan Air Certificate Management Team, Douglas Lundgren, that stated that he had received ASI Monteleon's report on Captain Honan's performance on the January 19, 2008, proving runs and that he had discussed the issues with Colgan Air and FAA Flight Standards. See D. Lundgren, Email re: Bill Honan APD Status (Jan. 22, 2008), attached as Exhibit 4. The Report also acknowledges that ASI Monteleon notified Washington FSDO staff of Captain Honan's violations multiple times. DOT Report, at 10. Having fully documented the possible violations and received assurances from POI Lundgren and Colgan Air management that Captain Honan would be retrained, ASI Monteleon did not immediately initiate an EIR, but instead monitored Colgan Air's remedial action to

determine the requirement for subsequent legal enforcement action. See D. Lundgren, Handwritten Note to C. Monteleon (Jan. 20, 2008), attached as Exhibit 5 ("Please draft up for my signature the letter suspending the initial cadre check airman and APD designation for Bill Honan. Also's let [sic] make an attachment submitting your requirements for Bill's retraining[.]"). On February 28, 2008, upon learning that Colgan Air had failed to undertake the remedial action, ASI Monteleon proceeded with filing an EIR and initiating a formal enforcement action. Each step of his investigation and enforcement action adhered to FAA procedures.

Even if ASI Monteleon had not followed proper FAA procedures, the failure on the part of the Washington FSDO managers and inspectors, who ASI Monteleon had put on notice of the possible violations, to investigate violated FAA procedure, is an inexcusable failure to fulfill their duties, since all FAA enforcement personnel must investigate and appropriately address every apparent or alleged violation. FAA Order 2150.3B, Ch. 2(3)(d) (Oct. 1, 2007). Every Washington FSDO staff member who was copied on that email was on notice of the violations, failed to investigate them, and, therefore, violated FAA procedure.

The Report also excuses the FAA's failure to pursue a legal enforcement action against Captain Honan or Colgan Air by asserting that the Washington FSDO Office Manager, Nick Scarpinato, determined that there were "sufficient mitigating facts" to warrant erasing the enforcement action, rather than closing the open investigation with "no action," as required under FAA procedure. See FAA Order 2150.3B, Ch. 4, 2(a)(1). This justification for the FAA's actions does not withstand scrutiny, however. As the Report admits, the FAA did not investigate Captain Honan's January 19, 2009, violations. DOT Report at 7. This failure to investigate is a violation of FAA procedure in and of itself. See FAA Order 2150.3B Ch. 2, 3(d). It is a further breach of FAA procedure to mitigate an enforcement action without first investigating the violation because mitigating factors can only be considered once an investigation has been conducted and in tandem with aggravating factors. See FAA Order 2150.3B, Ch. 7, 4, Mitigating or Aggravating Factors and Elements.

The Report cites several mitigating factors that Mr. Scarpinato considered when choosing to abandon the enforcement action, all of which are invalid. The first factor was Captain Honan's "unblemished pilot record." DOT Report, at 8. Under FAA Order 2150.3B, "[a] violation-free history is the expected norm, not the exception, and as such is not a mitigating factor." Ch. 7(h). Office Manager Scarpinato's consideration of this factor, therefore, violated FAA policy. The second factor was the "minor nature of the exceedence events." DOT Report, at 8. Even if the exceedences were minor, which was not the case, Captain Honan's failure to log the exceedences was in direct violation of 14 C.F.R. § 121.563, which requires the pilot in command to "ensure that all mechanical irregularities occurring during flight time are entered in the maintenance log of the airplane at the end of that flight time." This regulation does not differentiate between "minor mechanical irregularities" and major ones. The third factor Office

Manager Scarpinato cited is that the Captain had only two hours of experience flying in the actual aircraft, with the rest of his experience in a simulator. DOT Report, at 8. However, Captain Honan was one of the most experienced pilots at Colgan Air with years of experience—certainly sufficient experience to know that not recording a mechanical irregularity, such as three airspeed exceedences, violated federal aviation regulations and potentially compromised the structural integrity of the aircraft. The final factor cited by Office Manager Scarpinato was that the aircraft manufacturer's maintenance manual allegedly required no inspection given the airspeed, the length of the exceedence, and the alleged fact that the aircraft was below 10,000 feet. Id. Had the aircraft been under 10,000 feet, Office Manager Scarpinato would have been correct that no inspection was necessary. However, a qualified Colgan Air maintenance technician had to make that decision, which required Captain Honan to report the exceedences into the maintenance log. Also, ASI Monteleon observed and reported that at least one of the exceedences took place at an altitude higher than 10,000 feet, which meant that an inspection was required. See C. Monteleon, FAA Memoranda 7530-00-222-0728 (Jan. 19, 2008), attached as Exhibit 6 (stating aircraft entered an altitude of 11,000 feet and continued flying to an altitude of 16,000).

By seeking to portray ASI Monteleon's disclosures regarding Captain Honan's violations and Colgan Air's failure to properly retrain him as inconsequential, the Report has failed to critically examine how the FAA ignored or missed the different warning signs that Colgan Air was not running a safe operation. Instead of explaining away the importance of ASI Monteleon's disclosures, the Report should have explored how and why the Washington FSDO came under the sway of Colgan Air and what changes are necessary to ensure that the Agency's mission of prioritizing public safety is not compromised by an air carrier again.

2. Failure to Report the Aircraft Communications Addressing and Reporting System

The Report summarily disregards ASI Monteleon's disclosure that Captain Honan initially failed to log the malfunction of the Aircraft Communications Addressing and Reporting System ("ACARS") into the aircraft maintenance logbook. ACARS is a communication system in the aircraft that receives and transmits messages between aircraft and ground stations. Through this system, the aircraft receives vital air traffic control reports and critical safety information about impending weather conditions. On January 19, 2008, while flying the second proving run, the ACARS failed to provide the required information in its display window. After the conclusion of the second proving run, ASI Monteleon observed that Captain Honan had not logged the ACARS inoperative condition into the aircraft maintenance logbook. Pursuant to FAA procedure, ASI Monteleon counseled Captain Honan that his failure to log the discrepancy could result in a violation. See FAA Order 2150.3B, Ch. 2(d) ("In any situation where FAA enforcement personnel identify a potential violation, they take appropriate steps immediately to notify a responsible person who can take appropriate action to prevent it.")

Captain Honan responded to ASI Monteleon's attempts to mitigate the potential violation in a hostile manner. The Report states that Captain Honan believed that the problem was external to the aircraft, specifically that the "airspace in which the aircraft was operating was not transmitting an electronic signal for ACARS to receive." Id. at 9. It is possible that the non-operation of the ACARS during the flight was caused by the aircraft entering a zone in which signals were either not transmitted from the ground or not received by the aircraft ACARS. However, since Captain Honan lacked the equipment, the maintenance qualification, or the authorization to determine the cause of the ACARS inoperative condition, the appropriate action for Captain Honan to take was to log the maintenance discrepancy as required by 14 C.F.R. § 121.563. Captain Honan's initial refusal to take the steps necessary to ensure the safe operation of the aircraft is reflective of Colgan Air's general culture of cutting corners on safety issues in order to increase revenue.

3. Pilot-In-Command Continued to Fly Despite his Unsafe Level of Fatigue

ASI Monteleon reported to the FAA that Captain Honan displayed clear physical signs of extreme fatigue and that Captain Honan himself even admitted that he displayed poor judgment when he chose to fly despite this unsafe level of fatigue. One of the primary potential causes for the Colgan Air Crash of February 12, 2009, was the unsafe fatigue levels of the pilots. It has become well recognized that regional air carrier pilots, especially those at Colgan Air, suffered from extraordinary levels of fatigue because of the scheduling demands placed on them by the air carrier, which negatively affected their piloting skills and jeopardized the safety of passengers.[3] For this reason, pilot fatigue is one of the problems that Congress has focused on addressing since the Colgan Air Crash.[4] Despite the importance of this issue, the Report simply accepts Captain Honan's self-serving repudiation of his admission of fatigue and POI Lundgren's convenient lapse of memory without critically evaluating whether Colgan Air had placed undue pressure on Captain Honan to complete those proving runs regardless of what the safest course of action might be.

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[3] Jerry Zremski, "Colgan pilots say many felt pressure to work while ill," BUFFALO NEWS, Sept. 6, 2009, *available at*: http://www.buffalonews.com/home/story/786380.html; Andy Pasztor, "Pilots, Airlines Urge New Fatigue Rules," WALL ST. JOURNAL, Sept. 11, 2009, at A28.

[4] See, H.R. 3371, Airline Safety and Pilot Training Improvement Act of 2009, 111th Cong. §16 (2009).

The Report disregards ASI Monteleon's report of Captain Honan's unsafe fatigue level because it asserts that he did not report Captain Honan's fatigue until "weeks later." DOT Report, at 10. This statement is false. ASI Monteleon reported Captain Honan's fatigue on January 19, 2008, at about 8:45 pm to Assistant Manager Lazaris. ASI Monteleon also reported to Assistant Manager Lazaris that Colgan Air Director of Operations LaDonn Nunn was present telephonically during the debriefing and heard Captain Honan admit to being fatigued and using poor judgment in continuing the flight to Charleston, West Virginia. On January 21, 2008, he also reported Captain Honan's fatigue in writing to POI Lundgren and Supervisor Roberts. See C. Monteleon, Email to D. Lundgren (Jan. 21, 2009), p. 2, attached as Exhibit 7. He also counseled Colgan Air management regarding Captain Honan's observed fatigue in a meeting on January 28, 2008 at Colgan Air, which was also attended by POI Lundgren. The fact that the Report ignores these reports demonstrates either that the DOT investigator failed to adequately investigate the issue or that he overlooked key evidence that supported the validity of ASI Monteleon's disclosure regarding this matter. Either way, the Report's conclusion on this point is clearly questionable at best.

The Report also explains its dismissal of ASI Monteleon's report of fatigue by citing Captain Honan's assertion that he now denies ever expressing to ASI Monteleon that he was fatigued. DOT Report, at 10. Captain Honan has strong incentives to lie about his fatigue level and about what he admitted to ASI Monteleon the night of January 19, 2008, because flying when fatigued is a safety-of-flight issue and could result in an enforcement action against him. See 14 C.F.R. § 91.13. The Report blindly accepts Captain Honan's self-serving assertions even though his other assertions that he did not exceed airspeed limitations were debunked. In contrast, ASI Monteleon's observations of the Captain's other violations that day, such as the airspeed exceedence violations and the violations related to entering those discrepancies into the aircraft maintenance log book, have been verified. The Report's refusal to give ASI Monteleon's observations credence shows an indefensible bias in favor of Colgan Air and FAA management over that of the FAA employee who was on the front line observing the matters at issue.

The Report also appears to suggest that there is no federal aviation regulation that prohibited Captain Honan from flying when he was too fatigued to safely execute his duties. DOT Report, at 10. This suggestion is groundless. The proving run was subject to 14 C.F.R. 91.1(a) and (c). Section 91.13 proscribes operating an aircraft in a careless or reckless manner so as to endanger the life or property of another. 14 C.F.R. § 91.13. Captain Honan's operation of the aircraft while too fatigued to safely fly violated this regulation. The Report's implied assertion otherwise either demonstrates a shocking lack of knowledge regarding federal aviation regulations on the part of the DOT Inspector General or is an attempt to purposely obfuscate a very serious violation that reflected a corporate culture at Colgan Air that encouraged their pilots to disregard their physical limits and engage in unsafe flying.

4. Recommendation of the Cancellation of Colgan Air "Dash 8" Aircrew Designated Examiner Program

ASI Monteleon became so concerned by his observations of Captain Honan's unsafe flying and willingness to violate federal aviation regulations during the January 19, 2008, proving runs that he recommended that the FAA cancel the Dash 8 Aircrew Designated Examiner ("ADE") program and Captain Honan's qualification as an Aircrew Program Designee ("APD"). As described above, the ADE program allows Colgan Air employees as designees of the Administrator, to give practical tests to pilots in the place of FAA Aviation Safety Inspectors. These tests, known as check rides, qualify those pilots to fly a specific type of aircraft. A successful ADE program depends on APDs maintaining the same standards of professionalism, integrity, pilot skills, and safety as an FAA inspector. If an APD compromises his standards for the sake of airline scheduling commitments or profit, the ADE program is out of safety compliance and, therefore, cannot successfully fill its role of certifying pilots. ASI Monteleon cited specific reasons that Captain Honan's APD status should be stripped, including his unprofessional attitude towards an FAA Aviation Safety Inspector, unwillingness and failure to report maintenance discrepancies, his failure to recognize that the engine-failure checklist was not current, three times exceeding the airspeed limitations of the aircraft, and his failure to recognize his unsafe fatigue level. See Exhibit 5. On February 4, 2008, ASI Monteleon submitted a memorandum to the Washington FSDO management in which he reported his concerns with the Colgan Air Dash 8 ADE program and Captain Honan's APD status. On February 28, 2008, he filed a legal enforcement action against Captain Honan in accordance with federal regulatory requirements based on previously reported violations he had observed.

The Report disregards ASI Monteleon's recommendation and supports the Washington FSDO Office Manager's rejection of his recommended course of corrective action. DOT Report, at 10. The sole grounds for its determination appears to be that POI Lundgren and the Colgan Air Certificate Management Team Supervisor Edward Roberts found no merit in ASI Monteleon's concerns except that the regional assessment of Colgan Air's ADE program was five years overdue. Id. at 11. In coming to its conclusion, the Report neither examined the procedure used by POI Lundgren and Supervisor Roberts nor evaluated the evidence on which they based their assessment. The Report's blind faith in the Washington FSDO management's evaluation is remarkable given the ample evidence cited in the Report itself of the incompetence and/or complicity of the POI and the Supervisor. Specifically, the Report acknowledges that these same FSDO managers had incorrectly found that Captain Honan had not exceeded the airspeed limitations of his aircraft. Id. at 10-11. The Report also states that Supervisor Roberts improperly failed to conduct an investigation of the exceedences, id. at 7, and that POI Lundgren was cozy with Colgan Air management. Id. at 16. With ample evidence that Washington FSDO staff were partial towards Colgan Air, the Report's willingness to simply accept their determination shows that the DOT failed to examine objectively ASI Monteleon's disclosures or to acknowledge that the Washington FSDO management knowingly allowed

Colgan Air to operate its Dash 8 program in an unsafe manner that was not in compliance with federal aviation regulations.[5]

Equally as important, the Report also overlooks the ongoing problems with the Colgan Air ADE program. According to the Report, the March 2008 Washington FSDO assessment identified a number of deficiencies in the Colgan Air ADE program on the part of both Colgan Air and the Washington FSDO. Id. at 11. The Report states that all these deficiencies were corrected by April 30, 2008. Id. at 12. However, in the next paragraph, the Report states that in May 2009, another FAA assessment of the Colgan Air ADE program again identified multiple deficiencies on the part of Colgan Air and the Washington FSDO. Id. The Report does not state whether these deficiencies were the same as those identified in the prior assessment. If they were the same, the Report contains false findings that the corrective action was complete by April 30, 2008. If they were not the same, it means that the Colgan Air program continued to develop additional deficiencies despite the FAA's having already found its program deficient. Either option is a serious safety problem, both of which the Report completely ignores.

Additionally, the Report attempts to minimize the problems found in the May 2009 ADE Assessment Report by stating, "[n]one of its findings implicated regulatory non-compliance warranting enforcement action." Id. This is a gross misstatement of what the May 2009 ADE Assessment Report found. Specifically, the ADE Assessment Report stated, "Major findings: Operator deficiencies which could adversely affect safety and which have gone undetected, unreported, or uncorrected. And, Management deficiencies, which in the opinion of the assessment team, have major impact on the effectiveness of the [Dash 8 ADE and Colgan operations] program." The Report's wanton mischaracterization of the May 2009 ADE Assessment Report's findings demonstrates that the DOT is still seeking to cover up the FAA's misconduct instead of addressing it and seeking a long term solution.

When listening to the recordings of the pilots' cockpit conversation on the Colgan Air flight to Buffalo, one of the striking topics is the pilots' lack of training on how to fly in even normal icing conditions. Someone, likely a Colgan Air APD like Captain Honan, certified those pilots as safe to fly passengers. Had the FAA not summarily disregarded ASI Monteleon's recommendation to suspend Colgan Air's Dash 8 ADE program until the Agency could establish that the APDs were properly trained, tested, and dedicated to upholding the same standards as an FAA Aviation Safety Inspector, perhaps Colgan Air would have been forced to adequately train and test those pilots and tragedy might have been averted.

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[5] While we cannot state with certitude why the DOT has chosen to water down its criticisms of the Washington FSDO, the fact that there is active litigation concerning the Colgan Air crash may explain this tact.

5. FAA Management Directed ASI Monteleon to Terminate an Enforcement Action Against Colgan Air Because of Colgan Air Complaints and, to Further Appease Colgan Air, Removed Monteleon from his Position as APM

   A. Colgan Air's Complaint led to the FAA's subsequent investigations of ASI Monteleon and his Removal as APM for the Colgan Air Dash 8 Program

The Report disregards ASI Monteleon's assertion that his investigation into Captain Honan's violations was impeding Colgan Air's schedule to bring the Dash 8 into revenue service. ASI Monteleon, however, provided the DOT IG investigator with documentary proof connecting his report of those violations and the FAA's concern about Colgan Air meeting its contractual deadline. In a March 17, 2008, Memorandum, Office Manager Scarpinato explained that his decision to strip ASI Monteleon of his in-flight duties as APM was "required" because management needed to "***immediately respond to the Operator's scheduling needs, which was an issue at the time.***" See N. Scarpinato, Memorandum Re: Step 2 Response (Mar. 17, 2008), attached as Exhibit 8 (emphasis added). The "scheduling needs" referenced in this memorandum was the February 4, 2008, scheduled date for Colgan Air's first revenue flights on behalf of Continental Airlines. ASI Monteleon's persistence in reporting Captain Honan's violations jeopardized Colgan Air's ability to receive its certification in time to meet this contractual deadline. Office Manager Scarpinato's statement can only be seen for what it is—a damning admission that the Washington FSDO management sidelined ASI Monteleon because he properly fulfilled his duties as a regulator instead of stepping into line with the Washington FSDO management's practice of ensuring that the Company met its business deadlines regardless of the cost to aviation safety.

Ignoring this evidence, the Report, instead, asserts that Office Manager Scarpinato removed him as APM because of the results of an investigation into his conduct. According to the Report, Office Manager Scarpinato investigated ASI Monteleon because the President of Colgan Air wrote a letter on January 24, 2008, to Office Manager Scarpinato complaining about ASI Monteleon's alleged behavior on January 19, 2008, and during subsequent discussions occurring January 21-23, 2008. DOT Report, at 12. The Report also stated that the investigation was caused by Washington FSDO employees on Colgan Air Certificate Management Team complaining that they could not accomplish their work because of his conduct. Id. The Report fails to acknowledge the clear implications of these two asserted bases for investigation—both Colgan Air and the Washington FSDO staff wanted ASI Monteleon removed from the Colgan Air Certificate because he refused to allow Colgan Air to cut corners when it came to safety and, thus, was making certification within Colgan Air's contractual timeline increasingly difficult. The President of Colgan Air couched his complaint in language asserting that ASI Monteleon was endangering the "collaborative working environment" between the FAA and Colgan Air—language indicating to Office Manager Scarpinato that ASI Monteleon's continued vigilance

regarding safety matters would negatively impact the cozy relationship between the FAA and Colgan Air. Such language is classic criticism against whistleblowers who invariably are charged with not being team players or sufficiently collaborative and are further criticized for being difficult, uncooperative or disruptive.

As for the complaints by several other Washington FSDO employees on the Certificate Management Team, these Aviation Safety Inspectors had already shown a frightening willingness to do what it took to ensure that Colgan Air met its deadline, such as failing to investigate violations and doing Colgan Air's work for it. Id. at 7, 16. It is a reasonable deduction that they were also willing to complain to the Office Manager that ASI Monteleon was preventing them from accomplishing their work because they shared Colgan's preoccupation with schedule to the detriment of air safety. These grounds for the investigation were clearly concocted to rid Colgan Air of the nuisance of ASI Monteleon, not to address valid safety or personnel concerns.

According to the Report, Office Manager Scarpinato eventually terminated ASI Monteleon's detail as the APM for Colgan Air because of the results of the bogus investigation that was initiated to reach a preordained conclusion. Id. at 13. Specifically, the investigation allegedly resulted in ten Colgan Air pilots complaining that they feared ASI Monteleon would suspend their pilot certificates if they were forced to fly with him. Given that ASI Monteleon had already reported that the most qualified Colgan Air pilot was not skilled enough to pilot the Dash 8, it is not surprising that the other less experienced and less qualified pilots feared they too could not pass a check ride flying the new aircraft. The fact that these pilots feared that they could not pass a check ride with ASI Monteleon evaluating them should not have resulted in an investigation of ASI Monteleon—it should have resulted in the investigation of the sufficiency of Colgan Air's operations training program. Perhaps if Office Manager Scarpinato heeded ASI Monteleon's observations and reports more than Colgan Air's prioritization of schedule over safety, Colgan Air would have been forced to adequately train its Dash 8 pilots and the February 12, 2009, tragedy might have been avoided.

Finally, the Report inaccurately details the circumstances under which ASI Monteleon transferred back to FAA Headquarters and then obfuscates the issue by asserting that these facts support its finding that Office Manager Scarpinato terminated ASI Monteleon's detail on independent grounds. ASI Monteleon asserted in his disclosures that Office Manager Scarpinato removed him from the Colgan Air Certificate Management Team to appease Colgan Air. He did not assert that Office Manager Scarpinato terminated his detail to appease Colgan Air. Therefore, the Report's dismissal of ASI Monteleon's disclosure based on the Internal Assistance Capability team's recommendation that ASI Monetleon's detail to the Washington FSDO end immediately is completely misplaced.

A detailing of the events regarding ASI Monteleon's removal from the Colgan Air Certificate Management Team and the eventual end to his detail at the Washington FSDO are necessary due to the Report's description of them. On March 13, 2008, Office Manager Scarpinato removed ASI Monteleon from the Colgan Air Certificate Management Team and assigned him as Assistant POI for Compass Airlines, a position that was still within the Washington FSDO. This position was a demotion for ASI Monteleon because, had Mr. Monteleon remained in his position as Compass Air Assistant POI through July 21, 2009, his pay grade would have been reduced from FG-14 to FG-13. Thus, beginning on March 13, 2008, ASI Monteleon was no longer a member of the Colgan Air Certificate Management Team. It was the removal of ASI Monteleon from the Colgan Air Certificate Management Team and his demotion to Assistant POI that Office Manager Scarpinato did to appease Colgan Air, not the termination of ASI Monteleon's detail to the Washington FSDO.

In an effort to ensure that the violations he observed were actually investigated and addressed and to vindicate his rights, in April 2008, Mr. Monteleon disclosed Colgan Air's safety violations and Office Manager Scarpinato's retaliation to the FAA Eastern Region Flight Standards Division Manager through an internal FAA reporting system. Immediately after he made this report, two FAA managers began investigating ASI Monteleon instead of investigating the Washington FSDO management and Colgan Airlines. The FAA, however, terminated the retaliatory investigation after ASI Monteleon reported the abuse of the internal reporting system to the Associate Administrator for Aviation Safety on April 16, 2008.

By April 2008, ASI Monteleon had become a high-profile whistleblower in the FAA in part because he had reported the abuses of the FAA's internal investigation system. Because ASI Monteleon was a recognized and credible whistleblower, the Director of Flight Standards Service requested that he serve a 120-day detail in AFS-010, the Flight Standards Executive Office, which ran the FAA's internal reporting system. Office Manager Scarpinato and Michael McCafferty, a manager in AFS-010, informed ASI Monteleon that he had no other choice but to either remain the Compass Air Assistant POI or to serve the detail at AFS-010. Continuing as the Assistant POI would have required ASI Monteleon to remain in the Washington FSDO working under the same managers who had just retaliated against him. It would also have resulted in a pay grade decrease for ASI Monteleon from FG-14 to FG-13. To avoid this demotion, ASI Monteleon chose the AFS-010 detail. Thus, Office Manager Scarpinato did not terminate ASI Monteleon's detail. Rather, he deliberately placed him in such a disadvantaged position that ASI Monteleon's only real choice was to leave the Washington FSDO.

B. Washington FSDO management forced ASI Monteleon to erase his enforcement action without conducting a full investigation

The Report completely exonerates Washington FSDO management's demand that ASI Monteleon erase his enforcement action against Colgan Air, even though management breached FAA procedure by making him erase the enforcement action instead of simply closing the enforcement action. FAA procedure allows for an Office Manager to close an enforcement action if there is insufficient evidence that a violation occurred. See FAA Order 2150.3B, Ch. 4, 2(a)(1). It does not, however, provide that a Supervisor, or even an Office Manager, can entirely erase an enforcement action, as the manager's decision would then never be subject to review or audit.

In response to ASI Monteleon's continued investigation into Captain Honan's violations, Colgan Air Certificate Management Team Supervisor Roberts forced him to strike out the EIR number assigned to the enforcement action so that the number would be reused and there would be no documentary trace of his violation. See Washington FSDO EIR Log – FY2008, attached as Exhibit 9 (EIR Number 2008EA270017). Supervisor Roberts also advised him that the Washington FSDO's position was that "those violations never happened." The Washington FSDO management made this determination without conducting an investigation into the potential violation, in clear violation of their legal duty to do so. See FAA Order 2150.3B, Ch. 2, 3(d).

At no point during ASI Monteleon's tenure at the Washington FSDO did any of the management state that the reason for erasing the enforcement action was because ASI Monteleon had not followed required reporting or notification procedure, as the Report now asserts.ex post facto. DOT Report, at 13. This is for good reason; contrary to the assertions of the Report, ASI Monteleon did follow the proper reporting and other applicable procedures. As discussed above, ASI Monteleon documented Captain Honan's violations while in flight and then reported those violations to the principal inspectors of the Colgan Management Team the next day. This reporting was sufficient under FAA procedure because POI Lundgren and Colgan Air management subsequently informed him that Captain Honan would be suspended from APD status until retrained, which eliminated the need to initiate a legal enforcement action. See Exhibits 4 and 5. On February 28, 2008, ASI Monteleon learned that Colgan Air had not complied with the proscribed remedial measure because Captain Honan had not been retrained and was again serving in an APD capacity. As soon as he learned this fact, he immediately initiated a legal enforcement action against Captain Honan by entering the information into the Program Tracking and Reporting System ("PTRS") and the Air Transportation Oversight System

("ATOS").[6] These reports were timely according to FAA Procedure. See FAA Order 2150.3B, Ch. 2, 3(h), Ch. 3, 4(e). The Report was incorrect in stating that there is a requirement that the report be entered into these databases within three days, since the time limit for investigating violations is six months. See 2150.3B, Ch 2, Fig 4.1.

The Report also incorrectly and misleadingly asserts that ASI Monteleon failed to obtain the necessary documentary evidence for an enforcement action. DOT Report, at 14. ASI Monteleon had already obtained a substantial body of evidence[7] before the Washington FSDO management forced him to erase the enforcement action. More importantly, however, Office Manager Scarpinato's assertion that he closed the case because ASI Monteleon's case was too weak is misleading. ASI Monteleon's managers never allowed him to conduct a complete investigation. Accordingly, even if he had insufficient evidence to initiate an enforcement action—a contention with which we strongly disagree—it is the fault of the Washington FSDO managers—not ASI Monteleon. The Report's handling of this disclosure again shows that the DOT refused to acknowledge the cozy relationship between the Washington FSDO staff and Colgan Air management that helped foster the Company's culture of disregarding safety at the price of air safety.

6. Colgan Air's ADE Program Operated Without a Trained APM, Resulting in Less Qualified Aviation Safety Inspectors Overseeing the Dash 8 Pilot Training

The Report states that there is no evidence supporting ASI Monteleon's assertion that Office Manager Scarpinato's removal of ASI Monteleon from his position as APM resulted in Colgan Air's ADE program operating without an APM trained in compliance with the Colgan

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[6] FAA procedures did not require ASI Monteleon to document his observations into the PTRS system because surveillance of Part 121 carriers need only be recorded in Air Transportation Oversight System ("ATOS"). See FAA Order 1800.56J, ¶ 5. ASI Monteleon, however, recorded his observations in both PTRS and the ATOS systems.

[7] ASI Monteleon had gathered the following evidence: copies of all correspondence exchanged related to the violations; copies of aircraft maintenance log including maintenance corrective action taken from January 19-24, 2008, on the Dash 8 aircraft, tail number N187WQ; copies of official FAA records of meetings and teleconferences; copies of the Bombardier aircraft flight manual, the Flight Safety operating manual, the Colgan Air company flight manual, and the pilot training manual; copies of Captain Honan's APD Certificate of Designation and Check Airman Letter of Authorization; copies of Captain Honan's pilot and medical certificates; photographs of the flight deck, including the airspeed indicator and exceedence indicators; and photographs of the ACARS system.

Air-FAA Memorandum of Understanding ("MOU"), resulting in three unqualified Aviation Safety Inspectors overseeing the Colgan Air Dash 8 ADE program. DOT Report, at 15. However, it then immediately admits that there was a two-month period in which POI Lundgren carried out the APM duties. Id. While type-rated in the Dash 8, POI Lundgren had not been trained in Colgan Air's pilot training program and was, therefore, unqualified to serve as APM under the Colgan Air-FAA MOU. ASI Monteleon, on the other hand was the only FAA Aviation Inspector who had completed Colgan Air's pilot training program, making him the only qualified Aviation Safety Inspector under the MOU to serve as APM. The Report ignores this fact completely.

7. POI Lundgren Improperly Received, Edited, Reviewed, and Approved the Aircraft Flight Manual for the Dash 8

In November 2008, ASI Monteleon discovered that an emergency checklist procedure in the Bombardier Dash 8 aircraft flight manual ("AFM") was incomplete. Such a discrepancy was a violation of multiple federal aviation regulations[8] and a serious safety concern because a pilot using the incomplete procedure while in flight would have no way of knowing how to safely complete the emergency checklist procedure for landing with one engine inoperative.

If proper procedures had been followed, this error in the Bombardier AFM would have delayed approval of Colgan Air's company flight manual ("CFM") until the Bombardier AFM was revised and approved. See FAA Order, Vol. 10, Ch. 6, § 2, 3.9.2. Since both the FAA Flight Manual Review Board and the FAA Aircraft Certification Office must review and approve changes to the manufacturer's AFM, there would have been a significant delay in the approval of Colgan Air's CFM, resulting in a likely month delay of the Dash 8 program's certification. FAA Order 8900.1, 3-3232. Both Colgan Air and Washington FSDO management were concerned by this development because it revealed that they made serious errors during the certification process of the Dash 8 for revenue service. It would also result in Colgan Air not meeting its contractual deadline of February 4, 2008, to begin revenue service.

In an attempt to prevent this delay, POI Lundgren "cut and pasted" the emergency procedure for landing with one engine inoperative from a non-FAA approved copy of the Colgan Air CFM into the Bombardier AFM. This action violated FAA rules in several ways. First, altering the manufacturer's AFM invalidated the manual's FAA approval, since that text had not been reviewed and approved by the Flight Manual Review Board or the Aircraft Certification

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[8] Having an incomplete emergency checklist procedure in an AFM violates 14 C.F.R. 121.133, 135, 137, and 141. It also violates FAA policy as described in FAA ATOS 2.1.1 and 2.1.2.

Office. FAA Order 8900.1, 3-3232. Second, even if POI Lundgren had the authority to approve the revision, the revision did not meet the standard necessary for approval because it was inconsistent with the manufacturer's manual. FAA Order 8900.1 3-3154A. Specifically, it contained a different emergency checklist procedure for landing with one engine than did the incomplete procedure in the Bombardier manual. Further, POI Lundgren failed to follow FAA procedure for approving a revision. Before accepting the change to the Colgan Air CFM, POI Lundgren was required to perform a detailed analysis of the submission. FAA Order 8900.1, 3-3154A. POI Lundgren "cut and pasted" the new checklist into Bombardier's AFM and then approved it within one day. This one-day period was insufficient for him to perform a detailed analysis of the submission. Additionally, revisions to aircraft operating procedures and checklists should be tested in realistic real-time scenarios and with a full crew complement before the change is approved by the POI. FAA Order 8900.1, 3-3155A. No such validation tests were conducted within the one-day time period between when POI Lundgren "cut and pasted" the Colgan Air CFM checklist into the Bombardier checklist and when he approved it.

Finally, POI Lundgren's actions violated FAA rules and procedures because FAA rules expressly state that inspectors are not to develop the product for the operator. FAA Order 8900.1, 2-399 and 3-2C. Even the Report could not completely ignore the inappropriateness of POI Lundgren's action of "cut and pasting" the Bombardier checklist and the indication that his first priority was servicing Colgan Air, not protecting the safety of the flying public. The Report explicitly states, "the POI was too willing to do Colgan's work for them, rather than requiring the carrier to do the work, with his oversight." DOT Report, at 16. The Report, however, then attempts to excuse the action by stating that the "cut and pasted" checklist was only used for classroom training purposes and was never placed aboard an aircraft. Id. at 16. The Report's defense of POI Lundgren, however, is contrary to FAA rules and regulations. All aircraft manuals, whether issued by the manufacturer or the company, must be consistent with one another. See 8900.1, Vol 3, Ch 32, Sec 6, 3-3265, Review of Manuals; FAA ATOS 2.1.2.

The Report's attempt to excuse POI Lundgren's blatantly unauthorized actions demonstrates the DOT's continued unwillingness to acknowledge the bigger picture issue—the very inspectors that were tasked with monitoring Colgan Air and ensuring that it met the necessary regulatory and safety standards were too preoccupied with Colgan Air's business needs to execute faithfully their role as regulators. The Washington FSDO managers and inspectors viewed Colgan Air as their "customer," not the American public.

8. The FAA Removed ASI Monteleon as Colgan Air POI Because he Reported Safety Violations By Colgan Air

The Report dismisses ASI Monteleon's assertion that Office Manager Scarpinato removed him from his position as POI for Colgan Air in 2005 because he reported multiple

safety concerns, citing a lack of evidence. DOT Report, at 17. Throughout the Report's discussion of this disclosure, a clear bias against ASI Monteleon is evident. The Report states that ASI Monteleon "was unable to provide specific information, clarify the allegations, or provide documents pertaining to these issues," but then states that he provided copies of two separate enforcement actions he initiated against Colgan Air. Id. Clearly, ASI Monteleon could not have failed to provide documentation while at the same time providing the investigator with copies of enforcement actions. The Report also fails to acknowledge that part of the reason ASI Monteleon could not provide addition specific information was that, in retaliation for his whistleblowing activities, the FAA prohibited him from entering DOT or FAA property between March 25, 2009 and July 12, 2009, which prevented him from accessing his paper or computer files.

The Report again fails to acknowledge the larger ramifications of ASI Monteleon's disclosures related to his service as Colgan Air POI from 2003 through 2005. Starting from the beginning of his tenure as POI in 2003, ASI Monteleon observed that the corporate culture at Colgan Air was one in which the management and the pilots disregarded safety regulations. He also observed that the Washington FSDO management complacently ignored this reckless manner of operation and indeed facilitated it by not pursuing enforcement actions and by minimizing sanctions for those which some action was unavoidable. By ignoring this pattern, the Report misses the opportunity to examine how the FAA contributed to the development and fostering of Colgan Air's culture of recklessness that resulted in two hull-loss, fatal airplane crashes in the last six years.

9. Intentional Skewing of Runway Incursion Severity Classification Data by the Office of Runway Safety

As the Report admits, in 2007, ASI Monteleon reported concerns that the FAA's Runway Incursion Assessment Team was misclassifying runway incursions that led to the FAA's Office of Air Traffic Safety Oversight ("AOV") conducting an audit of runway incursion classification. AOV confirmed ASI Monteleon's concerns finding that there were misclassifications and that the definitions contained in FAA Order 7050.1 were too subjective and partially incomplete to provide clear criteria for classification. DOT Report, at 19.

While some of these misclassifications stemmed from the insufficient guidance contained in FAA Order 7050.1, the more significant cause was the conduct of FAA's Vice President of the ATO-Safety, William Davis, and the Acting Director of ATO-Safety's Office of Operational Services, LaGretta Bowser. As ASI Monteleon reported, they pressured the members of the Runway Incursion Assessment Team to assign less severe classifications to runway incursions in order to artificially improve their office's safety record. Both Vice President Davis' and Acting

Director Bowser's performance was based on decreasing the instances of Category A and B runway incursions. See FAA Air Traffic Organization Newsletter (Apr. 25, 2007) (Performance vs. Goals chart demonstrates that the FAA required fewer safety incursions for division to meet performance goals), attached as Exhibit 10. Thus, they had a strong motivation to ensure that runway collisions were classified as less severe Category C or D incidents.

The Report, however, dismisses ASI Monteleon's disclosure for several reasons, none of which are well-founded. First, it cites the self-serving denials of Vice President Davis, Acting Director Bowser, and the team members who succumbed to the pressure and lowered the classifications.[9] DOT Report at 19. Given each person's complicity, their denials are neither surprising nor particularly probative, since the actors were unlikely to admit to purposely manipulating safety statistics.

Second, the Report cites the AOV audits finding that the misclassifications that were overrated were nearly equal in number to those that were underrated as an indication that the misclassifications found were not a result of intentional pressure. Id. at 19-20. The Report's reliance on the AOV audit's classifications, however, is erroneous. The Audit found that the whole classification framework under FAA Order 7050.1 was invalid and needed to be reformed. Since the framework was invalid, all classifications derived from that framework lack validity, including those that the AOV auditors made regarding the misclassifications. Therefore, the Report's reliance on the AOV audit findings as a basis to undercut ASI Monteleon's disclosure regarding Vice President Davis and Acting Director Bowser intentionally pressuring the Runway Incursion Assessment Team to lower classifications is misplaced.

The Report's willingness to disregard ASI Monteleon's disclosures regarding the pressure under which he and his teammates were placed is further demonstration that the DOT is only interested in addressing surface-level problems, such as unclear guidance. The Department remains fundamentally unwilling to acknowledge the depth of the problem and to root out long-term corruption amongst executive-level staff, which makes self-serving decisions that eventually result in larger safety issues that affect the American public.

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[9] The Report states its finding was based on interviews with all past and present members of the Runway Incursion Assessment Team. DOT Report, at 19. The DOT IG inspector did not interview all past and present members of the Runway Incursion Assessment Team, however. Specifically, he failed to interview Ed Jarvis, Michael Lenz, and Will Swank.

10. The FAA Used an "Unreliable" Runway Incursion Severity Classification Calculator to Assess Runway Incursions and Distributed that Calculator Internationally

ASI Monteleon disclosed to the OSC that the FAA's Runway Incursion Severity Classification ("RISC") calculator was inaccurate and provided misleading statistics, which were relied upon by the Runway Incursion Assessment Team. In response, the DOT summarily dismissed this disclosure, making several incorrect statements that demonstrate its unwillingness to seriously investigate this issue to determine the extent of the safety problem. First, the Report incorrectly states that the RISC calculator was never used to evaluate severity classifications, except on a test basis. DOT Report, at 21. As the memorandum from Vice President Davis demonstrates, the FAA required the Runway Incursion Assessment Team to use the RISC calculator as part of the deliberation process. See W. Davis, Memorandum re: Use of Runway Incursion Severity Classification (RISC) Calculator (August 31, 2006), attached as Exhibit 11. Since, as the Report states, the RISC calculator was unreliable, DOT Report, at 21, if the DOT was truly interested in evaluating the extent of the safety problem, it would have thoroughly investigated the role of the RISC calculator in the decision making process. Further, it would have investigated how an unreliable program was permitted to be used in the evaluation of a serious safety issue like runway incursions.

Second, the Report attempts to minimize the ongoing effect that the RISC calculator has by stating that the FAA does not intend to use the program for runway incursion classification. Id. What this statement ignores, however, is that the FAA provided this program to the International Civil Aviation Organization ("ICAO"), which has made the program available—the program that the DOT and FAA admit is unreliable—to its 190 member states. The FAA did so with the assurance that its subject matter experts had tested the program and that the United States would be using it for the evaluation of runway incursions. See Manual on the Prevention of Runway Incursions, International Civil Aviation Organization App. H-3 (2007), www.icao.int/fsix/_Library%5CRunway%20Incursion%20Manual-final_full_fsix.pdf. To this day, the RISC calculator continues to be available to ICAO, and to the general public through the ICAO website, without mention of its "inherent inconsistencies" or "unreliability." See RISC Calculator, International Civil Aviation Organization, www.icao.int/fsix/Risc.cfm (last visited Sept. 24, 2009).

III. Conclusion

ASI Monteleon's disclosures exposed deep-rooted systemic problems within the FAA. FAA managers and inspectors had become too cozy with the entities they regulated which hindered their ability to provide oversight of Colgan Air. As a result, Colgan Air was permitted to continue operating in an unsafe and noncompliant manner. The Department of Transportation was given the opportunity to critically evaluate the FAA in light of these disclosures and provide criticism and recommendations that would help advance aviation safety. Instead of conducting

an independent and critical investigation, the DOT Inspector General accepted as true the unsupported claims of FAA and Colgan Air management, even in the face of compelling evidence provided by ASI Monteleon. Those disclosures that DOT Inspector General did not completely ignore, such as Captain Honan's violations and the deficiencies of Colgan Air's ADE program, he minimized, so that the violations appeared to be of a minor nature that had already been addressed by the FAA. Thus, contrary to the Report's portrayal, the FAA still has yet to fully address the systemic problems that resulted in ASI Monteleon's disclosures and later in the Colgan Air tragedy.

Sincerely,

Debra S. Katz

Alexis Rickher
Attorneys for Christopher Monteleon

Enclosures

cc: Ms. Jennifer Pennington, Esquire
Mr. Christopher Monteleon

Exhibit 1

Chris Monteleon /AWA/FAA
AFS-230, Voluntary Safety Programs Branch

01/21/2008 12:58 PM

To flydoug2006@
cc
bcc
Subject Fw: DHC-8 Limitation Exceedences

. . .

Regards,
Chris
Washington FSDO
703-230-7664 x244

----- Forwarded by Chris Monteleon/AWA/FAA on 01/21/2008 12:57 PM -----

Chris Monteleon /AWA/FAA
AFS-230, Voluntary Safety Programs Branch

01/20/2008 12:35 PM

To Barry Barbini/AEA/FAA, Norm Schwanke, Norm Schwanke/AEA/FAA
cc Douglas Lundgren/AEA/FAA@FAA, Edward J Roberts/AEA/FAA@FAA, Rolandos Lazaris/AEA/FAA@FAA, Nick Scarpinato/AEA/FAA@FAA
Subject DHC-8 Limitation Exceedences

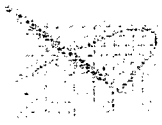
On Saturday, January 19, 2007, N 187WQ, DHC-8, may have exceeded a limitation, Vmo, twice in cruise as Flight 3490, once by approximately 4k to 6k; the second by 6k to 10k, each for less than approximately 8 seconds. On the same date, the aircraft, as Flight 3492, may have exceed Vfe-15 degrees by approximately 6k to 10k for approximately 6 seconds. The flap overspeed was entered into the corresponding flight log (number may be 470540), and the aircraft inspected and RTS, as I understand it. Neither Vmo exceedence was entered into the log.

As the aircraft was scheduled for flight the following morning, I contacted the subject-flight PIC Saturday night, (19th) to confirm he had reported the overspeeds. He stated he had not, but would immediately do so. I am unaware of the inspection-status regarding the possible Vmo exceedences.

May we determine the actual airspeeds, above?

Regards,
Chris
Washington FSDO
703-230-7664 x244

Exhibit 2



Douglas Lundgren/AEA/FAA
AEA-DCA-FSDO-27,
Washington, DC

02/11/2008 12:54 PM

To Norm Schwanke/AEA/FAA@FAA, Barry Barbini/AEA/FAA@FAA
cc , donnienunn@colganair.com
bcc deanbandavanis@colganair.com; jebbarrett@colganair.com
Subject Bombardier Overspeed Reference Document

Dear All:

Here is the Bombardier reference document on Overspeeds. Donnie is working on a draft Ops Bulletin to the DHC-8 Company Flight Manual (CFM) that will give guidacne to the pilot force about this. I'll share the draft Bulletin with you for your input when Donnie sends it to me.

Rgds,

Douglas J. Lundgren
Principal Operations Inspector
FAA–FSDO EA27 IAD

w: 703-661-8160 Ex. 274
f : 703-661-0693
----- Forwarded by Douglas Lundgren/AEA/FAA on 02/11/2008 12:40 PM -----

"Barrett, Jeb"
<JebBarrett@colganair.com
>

02/09/2008 03:22 PM

To Douglas Lundgren/AEA/FAA@FAA
cc
Subject FW:

Doug,
This is may help explain some of the events of recent. Donnie asked me to send it your way.
Jeb

From: Lindenfelser, Sean
Sent: Saturday, February 09, 2008 2:08 PM
To: Barrett, Jeb
Subject:

**ON A/C ALL
OPERATION AT MORE THAN THE MAXIMUM OPERATING SPEED – INSPECTION/CHECK
TASK 05-50-28-210-801
Inspection After Operation at More Than the Maximum Operating Speed
1. General
A. The maintenance procedure that follow is for the inspection of the aircraft after exceeding the maximum operating speed.
B. For Maximum Operating Speed (Vmo), refer to the Airplane Flight Manual (PSM 1-84-1A), Airspeed Limitations.
NOTE: At Vmo +6 KIAS, a warning horn should sound.
C. If the aircraft for any reason exceeds Vmo, refer to the following conditions and do the applicable inspection procedure.

(1) Condition #1. Below 10,000 feet with any turbulence and/or maneuvering (with bank angle 30° and above), and with airspeed up to Vmo +10 KIAS or Max 285 KIAS.
(2) Condition #2. Below 10,000 feet with any turbulence and/or maneuvering (with bank angle 30° and above), and with airspeed exceeding Vmo +10 KIAS or above Max 285 KIAS.
(3) Condition #3. At 10,000 feet and above, with any turbulence and/or maneuvering (with bank angle 30° and above), and with airspeed up to Vmo +6 KIAS.
(4) Condition #4. At 10,000 feet and above, with airspeed exceeding Vmo +6 KIAS.
(5) Condition #5. Below 10,000 feet with no turbulence and maneuvering (with bank angle less than 30°), and with airspeed up to Vmo +10 KIAS or Max 285 KIAS, "No inspection is required."
(6) Condition #6. At 10,000 feet and above, with no turbulence and flight is in a straight line with airspeed up to Vmo +4 KIAS.
2. Job Set-Up Information
Subtask 05-50-28-200-001
A. Reference Information
REFERENCE DESIGNATION
TASK 05-50-11-210-801 Inspection After Extreme Turbulence or Buffeting
TASK 27-10-00-710-801 Operational Test of the Aileron Control System
TASK 27-20-00-710-802 Operational Test of the Rudder Control System
TASK 27-30-00-710-801 Operational Test of the Elevator Control System
TASK 27-50-00-710-801 Operational Test of the Wing Flaps Control System
AIRCRAFT MAINTENANCE MANUAL
MASTER

This e-mail has been scanned by Pinnacle Airlines, using Skeptic(tm) technology. For more information, contact the IT Help Desk.

Exhibit 3

COLGAN AIR

DATE 7-23-2008

T	FLT #	CITY PAIR FROM	TO	FLIGHT TIMES OUT	OFF	ON	IN	TOTALS FLT	BLK	LND	STARTS LT	RT	CAP ID	FO ID	FA ID	CAPTAIN'S SIGNATURE
										TOTAL ENGINE STARTS						

A/C NUMBER	N189WQ
PREV HOURS	
THIS LOG	
TOTAL	
HOBBS IN	
HOBBS OUT	
TOTAL	
PREV LANDINGS	
THIS LOG	
TOTAL LANDINGS	

ENGINE DATA (CRUISE CONFIG)	LEFT	RIGHT
FLT.#		
ITT		
TORQUE		
NP		
NG		
FUEL FLOW		
OIL PRESSURE		
OIL TEMP		
OAT		
PRESS. ALT.		
IAS		

DISCREPANCY	SIGNATURE	CORRECTIVE ACTION TAKEN	MECH
(1) On 1/19/08 had an airspeed Exceedance of no more than 2-3 Knots. The Airspeed indicator numbers momentarily turned red. There was NO Turbulence. IT was a cold, calm morning. The 1st exceedance happened @ 2000' MSL after initial level off from Takeoff from HEF. The second one happened at a Subsequent level off @ 6000' MSL.	99400 [illegible signature]	(M) As per the Bombardier Q400 Maintenance manual Task 05-50-28-210-801 [illegible] there is no inspection required. [illegible signature]	[illegible]

AIRWORTHINESS RELEASE	
CERTIFICATE NUMBER	DATE

VOR LOC. - ERROR -

SIG. - DATE -

OIL
LEFT ___ QTS. RIGHT ___ QTS.
TIME ______
REMARKS:

FLIGHT TYPE 1-SCHEDULE 2-REPOSITION 3-TRAINING 4-CHARTER 5-COMPANY BUSINESS 6-SPECIAL FLIGHT PERMIT

NO. 160331

CA-1

Exhibit 4

Douglas Lundgren /AEA/FAA
AEA-DCA-FSDO-27,
Washington, DC

01/22/2008 08:08 PM

To Chris Monteleon/AWA/FAA@FAA
cc Edward J Roberts/AEA/FAA@FAA
bcc
Subject Bill Honan APD Status

Dear Chris:

I received your bullet points on Bill's Honan's performance. I discussed the highlights today with company Flight Ops, Flight Standards, and Pilot Training Management. I passed along to the group the evaluation you had shared with Donnie that Bill should be suspended from APD privileges.

I did not get into specifics of re-training for APD as you were still formulating that plan. I also did not mention the subject of a 709 at this time.

Bill H. is now only an initial cadre check airman (not a full check airman); he has an FAA initial cadre letter and an APD letter. As to the check airman status, that could be suspended temporarily or worst case we could simply choose not to make him a full check airman.

I did not specifically determine if Bill H. wrote up the VMO exceedances, though it was discussed in general terms with the group. I will make that request tomorrow to the company.

Since I may not be in the office tomorrow, chris, I would like to ask you to draft up a letter of APD and initial cadre check airman suspension, pending retraining.
You should decide if you want to add in that letter the element of you meeting with him after the retraining.

Thank you,

Douglas J. Lundgren
Principal Operations Inspector
FAA--FSDO EA27 IAD

Exhibit 5

Priority APM - Q400 Assignments

1. We need to generate 10 initial cadre check airmen letters - As soon As possible

2. We need to arrange a Sim Proficiency Check (to Colgan Standards) at FSC - Toronto - either with you, Chris or Gene Conway - TCPM Roc FSDO for FSC ~~Che~~ contract check airman Terry Sahai

Also we need to draft up an FAA contract check airman designation letter

3. Please draft up for my Signature the letter suspending the initial cadre check airman and APD designation ~~letters~~ for Bill Horan

Also's Let make an attachment outlining your requirements for Bill's retraining

4. In order to satisfy ATOS EPI and our NAPD process, please do surveillance on all Q400 pilots to verify their Completion status of:
   - Additional Company - Specific Ground Training Module (more recent graduates have this as an integral part of their training)
   - Refresher Sim Training (for those who were trained early)

PRIORITY APM-Q400 ASSIGNMENTS (continued)

5. Please arrange to complete your APM training:

*- Additional Company-specific ground training module

- Company instructor and check airman training

(* I would like to sit in on this to increase my Colgan SOP knowledge)

6. Please arrange to attend the next Colgan Q400 check airman meeting. I would like to go as I have never been to one.

7. FOR PROVING FLIGHT PREPARATION:

- Please prepare Operations-scenarios for Days 3, 4, 5 (I will do Days 1 and 2) Please see John Leshok for the scenario schedule

→ FOR QUESTIONS ON MANUAL CURRENCY (Q400)
- PO Weston
- Colgan Air crew. com

→ FOR QUESTIONS ON CREW TRAINING CURRICULUM
- Darrell Mitchell

-

- FOR QUESTIONS ON CREW TRAINING RECORDS
- Darrell Mitchell
- Val Conley

Exhibit 6

01-19-08

FINAL "LITRE FAST"
"AIRCRAFT" v "CONTROLS"
roll out CMH
FO chk; no response
No announcement "AFT
LDG COMPLETE"
"TAXI LT @ TERMINAL?
SHUT-DOWN PROCEDURE

CMH BUF
#2 Leg Bill & Gil
Pre start brief: "You are to act as PIC unless there is an issue"?
Ar can: "GoAmCoAm Q4W acceptance flt guidelines L3 May 6 2007" - why or can?
What about those pilots trained by Bill or "the can't call about"

* DAVE - VNAV?

01-19-08

Bill hit HDG for FO w/ A/C not in A/P
250K @ 4,000 HFF climb
HFF climb FO "6 for 7" CPT no response PROCEDURE
250+ 2D TIME
FO "10,000" CPT "10 for 11"
FO not "10 for 11"
PITCH HOLD for climb?
Bill changed ice prot & did not tell FO who was looking down @ charts
Bill & FO did not both say 16,000
Bill turned on FSB sign & did not tell FO
EMS/ACXS, what not working?

Exhibit 7

01-21-2008Doug,

I have two concerns regarding Bill Honan: his ongoing status as checkairman, and the same as APD. As you and I discussed Sunday, I have given Bill my vote of confidence, pending resolution by you and me, and Jeb and Dean of certain observations of mine. On January 19, 2008, Donnie interjected himself into the ADEprogram, which I permitted to this extent: His statement he would not assign Honan any checkairman or APD duties pending further notice from the FAA.

Observations

January 19, 2007, three DHC-8 training flights; three PICs; Bill in a seat on all flights -

- Unsat: Conduct as APD (and checkairman) i/a/w 8900.1ADE and MOU provisions regarding:
    - attitude
        - during initial part of debrief, argumentative, almost confrontational attitude with APM
    - receiving suggestions from APM
        - insistent pushback on maintenance writeups
        - crosswind correction during rollout in moderate-to-high crosswind on snow
        - knowledge of profile callouts, adherence to the same, and apparent lack of understanding of the need for discipline in that regard
    - representing the Administrator in a professional manner
    - unresolved conflict regarding loyalty to the company v. meeting the standards required of an APD
    - insistance, in front of captain, that if ACARS were found to be a maintenance event, that it not be written up until return to HEF
    - after being briefed on Vmo exceedences by APM, failure to notify maintenance until confirmation call by APM
    - failure to recognize engine-failure checklist was not current
- Unsat: performance to ATP standards

- exceeded airframe limitations
  - two Vmo events in cruise flight
  - flap speed during missed approach
- two successive, failed visual approaches to runway
- failure to recognize exceeding Vmo should be reported to maintenance
- failure to check ship's documents prior to flight

- Unsat and unsafe:
  - Failure to recognize an inop ACARS was a maintenance event
- During debrief, initial reluctance to acknowledge the responsibility for the two failed approaches was his
- Demeaning, overbearing, and impatient demeanor and tone of voice during certain periods of instruction
- Initial inability of determine, as a checkairman, the technical reasons for problems encountered during certain events
- Judgement: Initial failure to recognize personal physical/fatigue limits; then, failure to act upon them, the same having later been recognized. Judgement led to fatigue led to, in part, failed approaches
- Behavioral item: Stated insistance that things have to be black-or-white; requirement that others interact with him i/a/w his needs or expectations; constant self-berating and difficulty in objectively recounting the many, many satisfactory events under his command during a very long and challenging duty day

Note: My perception is Honan's attitude and performance are a direct result, in part, of Donnie Nunn's influence and guidance.

Exhibit 8

Federal Aviation Administration

Washington Flight Standards District Office
13873 Park Center Road #475
Herndon, Virginia 20171

(703) 230-7664 Fax (703) 230-7720

Memorandum

Date: March 17, 2008

To: Jeffrey Denny, PASS Representative

From: Manager, Washington Flight Standards District Office, EA FSDO 27

Subject: Step 2 Response (PF-AEA-08-018-DCA)

In accordance with Article 5, Section 7(b) of the Collective Bargaining Agreement (CBA), this is in response to your Step 2 notification dated February 19, 2008, concerning work assignment.

In review of the relevant facts indicate that on January 28, 2008, management became aware of an incident regarding ASI Monteleon's conduct during a work-related duty. In an effort to appropriately address the issue at hand and gather the necessary facts management exercised its right and assigned work to the grievant. The matter also required management to immediately respond to the Operator's scheduling needs, which was an issue at that time. I have carefully reviewed the facts and the step one response and concur with the step one response dated February 14, 2008.

Based on the foregoing your grievance is denied.

Exhibit 9

WASHINGTON F[illegible] EIR LOG - FY2008

FOOTNOTE 19

EIR NUMBER	DATE KNOWN	DESCRIPTION	FAR VIOLATED	RECOMMENDED ACTION	NAME OF VIOLATOR	A/C NO.	INSP	DEADLINE	DATE COMPLETED	DAYS
2008EA270012	11/07/07	Pilot flew without copilot	121.385	Certificate suspension	J Levya	N9CJ	DJL	12/21/07	12/14/07	
	12/06/07	Class B Aircrew		Remedial training	Callahan	N277NL	KWC		01/14/08	
	12/20/07	P-56A	91.133		Wilson	N324PH	TDR	01/28/07	02/14/08	
	01/04/08	DOD Inspection	119.5(g)	Letter of Correction	Colgan Air	N/A	JAL		02/21/08	
2008EA270016	01/29/08	wrong runway	121.23(a)	State Department	Mephan	CGKEU	CJM	03/15/08		
2008EA270017	~~01/29/08~~ 03-06-08	~~Operating limitations~~ RE-USE EIR NUMBER	~~91.9~~	~~Suspension~~ TBD	~~Honan~~		~~CJM~~	~~03/15/08~~		
2008EA270018	02/20/08	Damaged fairing panels	[redacted]	[redacted]	[redacted]ini	N604	RPN			
2008EA270019	02/26/08	Descent below altitude	[redacted]	[redacted]	[redacted]ei	MEP492	TDR	04/11/08		
2008EA270020	03/02/08	Descent below altitude	[redacted]	[redacted]	[redacted]	COM645	TDR	04/16/08		
2008EA270021	03/03/08	Trg Program violation	119.5(g[redacted]	[redacted]	[redacted]an Air	N/A	JAL			
2008EA270022	02-08 08	ALT	91.			HRPHO	CJM			

Udated:
3/4/2008

POC:Charlene Reyes

Exhibit 10

FAA
Air Traffic Organization

- Home
- FAA Personnel Directory
- From the COO
- ATO Service Areas & Transition
- ATO Info
- From the Field
- ATO Strategy
- ATO Finance
- Performance/Metrics
- On The Hill
- Suggestion Box
- Leadership Summit
- ATO Library
- Contract Highlights
- Aviation Heritage

Setting the Record Straight Series

Setting the Record Straight: Islip

Setting the Record Straight: NY Metro

Setting the Record Straight: Kansas City

Today in Aviation History

Foulois Dies

April 25, 1967: One of the nation's first three military pilots, Maj. Gen. Benjamin D. Foulois, died at Andrews Air Force Base, Md., at the age of 87. Foulois was trained by the Wright brothers and flew the first Army aircraft in 1909.

Source: One Hundred Years of Flight: USAF Chronology of Significant

Top Stories

The U.S. Buys a "Flying Machine"

Aviation Heritage

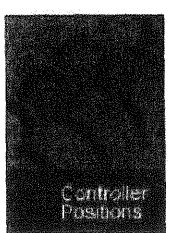
The Wright Brothers. Photo: National Archives

April 24 - Four long years after the first flight - and before they were heroes - the Wright brothers still hadn't made a dime on their invention and many doubted Orville and Wilbur's claims. Few people had seen them fly except for some neighbors and invited observers. In fact, they had not flown at all for more than two years.

read more...

Public Interest High for Controller Positions

ATO Info



Graphic: ATO

April 23 - The FAA received more than 4,000 qualified applications during the initial two rounds of advertising to the general public for air traffic control positions.

read more...

Personal Assistance Program Improves

ATO Info

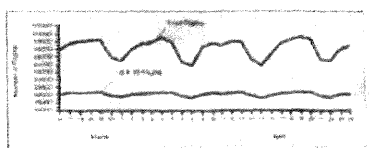
April 20 - ATO employees can take advantage of expanded FAA assistance programs to deal with a host of issues impacting health and family - all in strict confidentiality.

Current Aviation News

Airport authority deputy director to retire
Biz Journals Apr 25 2007 4:46PM GMT

| More news |

Performance vs. Goals



Safety Performance: Oct 1 - Apr 24			
System	Actuals	Performance Limit	Performance
[illegible]	7	19	☑
[illegible]	255	359	☑

** Category A & B

read more...

System Outlook

Thunderstorms may impact Houston, Cincinnati, St Louis and Memphis during the morning and afternoon, causing delays for arrivals and departures. Delays are also possible for Chicago O'Hare due to rain and winds. Reroutes and delays expected in the Southeast and Texas due to thunderstorms.

FAA News & Information

FAA TODAY:
Performance metrics, operational update, news and the system outlook.

TEXT | ARCHIVE [04/25/07]

From the COO:
Recent ATO accomplishments [04/16/07]

Exhibit 11

Federal Aviation Administration

Memorandum

Date:	August 31, 2006
To:	Paul Erway, Acting Director, Runway Safety Field Operations
	Arthur Sullivan, Director, Operational Services
	Jeffrey Loague, Director, Risk Reduction Information
From:	William S. Davis, Vice President, ATO Safety Services
Prepared by:	Eileen Hohman
Subject:	Use of Runway Incursion Severity Classification (RISC) Calculator

The purpose of this memo is to codify the Runway Incursion Severity Classification (RISC) process. We must ensure standardization of ratings of severity of runway incursions, and ensure consistency in the rating process into the future. The RISC calculator has been in use for over 2 years and has proven reliable and should continue in use.

The group of subject matter experts (Assessment Team) that categorize runway incursions will vote to reach consensus on whether they agree or disagree with the RISC calculator rating. If they are not able to reach consensus on the calculator's rating, the majority opinion will prevail as the assigned rating. All ratings that result in a tiebreaker situation will be decided by the Director of Operational Services or a designee as chosen by the Vice President of Service Services.

Exceptions to this process will be those incursions in which the model was not designed to provide a rating (e.g. helicopter events). In those cases, the Assessment Team will provide a rating. The same consensus, majority, authority process noted above will be applied.

Use of the RISC calculator will allow the FAA and the ATO to use and support the same runway incursion classification calculator and process currently being evaluated for global use by the International Civil Aviation Organization (ICAO). Data collected from this process will allow for a standardized approach to runway incursion severity classification and analysis on a worldwide basis.

This process is consistent with and will also minimize any impact on categorizing runway incursions, data collection, and analysis when the FAA shifts to the new ICAO runway incursion definition.