



## Elizabeth A. Vasseur-Brown vs. the FAA: Perspective from the Defense Counsel

In early January, defense counsel Elizabeth A. Vasseur-Browne succeeded once again against the FAA in a hearing before the NTSB. The firm's client, an ATP with more than 14,000 flying hours was facing an emergency revocation of all his FAA certificates for allegedly operating five flights not authorized by his employer's Part 135 certificate ops specs.

Our client never denied that he was the pilot-in-command of those flights, but when he flew those flights, on behalf of his employer, they were to be operated as Part 91 training flights. The relevant difference is that under Part 91 there can be no compensation for the flights, whereas under Part 135, the certificate holder is permitted to charge for their flights, so long as they are operated pursuant to the Part 135 ops specs. The law judge did find that three of those flights were Part 135 flights.

This is a cautionary tale for many in that the FAA deems compensation very broadly; logging flight hours can be considered compensation. Elizabeth was successful in getting the sanction reduced to a 90-day suspension and will be seeking to have the FAA pay all or part of the client's attorney fees under the Equal Access to Justice Act.



Ms. Elizabeth A. Vasseur-Browne is a private pilot with an extensive background in Air Force command. She concentrates her law practice on defending aircraft manufacturers, airports, GA operators, business and corporate jet operators, FBOs pilots and more in state and federal courts. To read more please visit [www.coolinglaw.com](http://www.coolinglaw.com)

