



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

Office of the Chief Counsel

Enforcement Division
Western Team
2200 South 216th Street
Des Moines, WA 98198

**FEDEX – OVERNIGHT DELIVERY,
U.S. CERTIFIED MAIL, RETURN-RECEIPT REQUESTED,
and FIRST-CLASS MAIL**

MAY 16 2022

Andrew J. Farrington
[REDACTED]

RE: Andrew J. Farrington, Case No. 2022WP070007

EMERGENCY ORDER OF REVOCATION

Under 49 U.S.C. § 46105(c), the Acting Administrator has determined that an emergency exists related to safety in air commerce and that immediate action to revoke your commercial pilot certificate, master parachute rigger certificate, and any other airman certificates issued to you, excluding airman medical certificates, is required. The reasons for this determination are set forth in the paragraph below entitled “Determination of Emergency.”

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

1. You hold Commercial Pilot Certificate No. [REDACTED], Master Parachute Rigger Certificate No. [REDACTED], and an airman medical certificate issued on or about July 1, 2021.
2. On or about April 24, 2022, you acted as the pilot in command of a Cessna model 182K aircraft, civil registration number N3185Q, on a flight in the vicinity of Eloy, Arizona.
3. On or about April 24, 2022, Luke Aikins acted as the pilot in command of a Cessna model 182G aircraft, civil registration number N3694U, on a flight in the vicinity of Eloy, Arizona.
4. During the initial stage of the flight referenced in paragraph 2, you were the sole occupant of N3185Q.

5. During the flight referenced in paragraph 2, while at the crewmember station, you unfastened your safety belt and departed the crewmember station of N3185Q by leaving the aircraft.
6. Your absence from the crewmember station was not necessary to perform duties in connection with the operation of the aircraft or in connection with physiological needs.
7. During the flight referenced in paragraph 2, you failed to maintain vigilance when operating N3185Q so as to see and avoid other aircraft.
8. Your actions, as described in paragraphs 4, 5, 6, and 7, were careless or reckless so as to endanger the life or property of another.
9. During the flight referenced in paragraph 2, you exited N3185Q and attempted to perform an in-flight aircraft swap with Luke Aikins by skydiving from one aircraft to another as both aircraft were in a vertical dive.
10. After you left aircraft N3185Q, you could not enter aircraft N3694U, and aircraft N3694U remained unoccupied and crashed in the vicinity of Eloy, Arizona.
11. Your flight and the subsequent crash of N3694U were broadcast live on Hulu.
12. Your actions, as described in paragraph 9, were careless or reckless so as to endanger the life or property of another.

As a result, you violated the following Federal Aviation Regulations:

- (a) 14 C.F.R. § 91.105(a), which states that during takeoff and landing, and while en route, each required flight crewmember shall - (1) Be at the crewmember station unless the absence is necessary to perform duties in connection with the operation of the aircraft or in connection with physiological needs; and (2) Keep the safety belt fastened while at the crewmember station.
- (b) 14 C.F.R. § 91.113(b), which states when weather conditions permit, regardless of whether an operation is conducted under instrument flight rules or visual flight rules, vigilance shall be maintained by each person operating an aircraft so as to see and avoid other aircraft. When a rule of this section gives another aircraft the right-of-way, the pilot shall give way to that aircraft and may not pass over, under, or ahead of it unless well clear.
- (c) 14 C.F.R. § 91.13(a), which states that no person may operate an aircraft in a careless or reckless manner so as to endanger the life or property of another.

As a result of the foregoing, the Acting Administrator finds that you lack the qualifications necessary to hold your commercial pilot certificate, master parachute rigger certificate, and any other certificates issued to you, excluding airman medical certificates. Therefore, the Acting

Administrator has determined that safety in air commerce or air transportation and the public interest require the revocation of the above-mentioned certificates. The Acting Administrator further finds that an emergency requiring immediate action exists with respect to safety in air commerce or air transportation. Accordingly, this Order is effective immediately.

IT IS THEREFORE ORDERED, pursuant to the Acting Administrator's authority under 49 U.S.C. §§ 44709 and 46105(c), that:

- 1) Effectively immediately, your Commercial Pilot Certificate No. [REDACTED], Master Parachute Rigger Certificate No. [REDACTED], and any other airman certificates issued to you, excluding airman medical certificates, are revoked;
- 2) You must immediately surrender the above-referenced certificates by mail or delivery to: Alexi Fong, Attorney, FAA, AGC-300, Enforcement Division-Western Team, 2200 South 216th Street, Des Moines, WA 98198; and
- 3) No application for a new airman certificate issued under 14 C.F.R. part 61 or part 65 shall be accepted from you, nor shall any such certificate be issued to you for a period of one year from the date of service of this Order.

If you fail to surrender your certificates immediately, you will be subject to further legal enforcement action, including a civil penalty of up to \$1,644.00, for each day you fail to surrender it.

DETERMINATION OF EMERGENCY

Under 49 U.S.C. § 46105(c), the Acting Administrator has determined that an emergency exists related to safety in air commerce. This determination is based on your lack of qualifications to hold your commercial pilot certificate, master parachute rigger certificate, and any other airman certificates issued to you, excluding airman medical certificates, because of the nature and seriousness of the violations set forth in this order.

On April 24, 2022, you operated N3185Q as pilot-in-command and the aircraft's sole occupant during the first stages of the flight. During this flight, you unfastened your safety belt, departed the crewmember station of N3185Q, exited the aircraft, and attempted to perform an in-flight aircraft swap with Luke Aikins by skydiving from one aircraft to the other as the aircraft were in a vertical dive. You were unsuccessful in entering N3694U, and the aircraft remained unoccupied, crashing in the vicinity of Eloy, Arizona. The in-flight aircraft swap attempt and subsequent crash were broadcast live on Hulu. Your actions, as described above, were careless and reckless so as to endanger the life and property of another.

FAA Order 2150.3C, Chapter 9, paragraph 8.a.(1) states, in pertinent part:

The FAA may revoke any certificate when the certificate holder lacks the qualifications to hold the certificate. A certificate holder may lack the qualifications to hold the certificate because of a lack of technical proficiency or a lack of the care, judgment, or responsibility required of the certificate holder. The certificate holder's continued

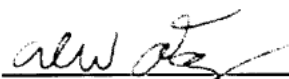
exercise of the privileges of the certificate in such circumstances would be contrary to safety in air commerce or air transportation and the public interest.

Even when Chapter 9 of FAA Order 2150.3C recommends a suspension for a particular violation, per paragraph 8.a.(3), an airman's deliberate conduct during one event (*e.g.*, a single act, multiple acts during a single flight, or multiple flights in succession), may be so egregious that it demonstrates the airman's lack of care, judgment, or responsibility. During the in-flight aircraft swap, you left your crewmember station when it was not necessary for the operation of the aircraft or for physiological needs. You then exited the aircraft leaving it unoccupied, and were unable to see or avoid other aircraft. You failed to complete the aircraft swap, ultimately resulting in a crash of N3694U in the vicinity of Eloy, Arizona. Your egregious and intentional actions indicate that you presently lack the degree of care, judgment, and responsibility required of a certificate holder. Thus, your actions as described above clearly reflect a lack of qualifications necessary for airman certification.

In conclusion, the Acting Administrator has determined that under the criteria set forth at FAA Order 2150.3C, Chapter 7, page 3, Chapter 8, pages 11-12, and Chapter 9, page 15, emergency action is warranted based on your conduct as alleged in this order that demonstrates you presently lack the degree of care, judgment, and responsibility required of a certificate holder. The Acting Administrator, therefore, finds in accordance with 49 U.S.C. § 46105(c) and the aforementioned FAA Order 2150.3C guidance that the exercise of the privileges of your certificates while any proceedings related to the issuance of this order are pending is contrary to the interest of safety in air commerce. FAA Order 2150.3C is available at www.faa.gov and can be accessed using the search term "2150.3C."

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

Cynthia A. Dominik
Assistant Chief Counsel for Enforcement

By: 

Alexi Fong, Attorney
Enforcement Division, Western Team
2200 South 216th Street
Des Moines, WA 98198

This proceeding is governed by 14 C.F.R. § 13.19 the NTSB's Rules of Practice in Air Safety Proceedings (49 C.F.R. part 821), which are available at www.ecfr.gov. FAA compliance and enforcement policy, including sanction guidance, can be found in FAA Order 2150.3, as amended, which is available at www.faa.gov.

ENCLOSURES:

Access to Information under the Pilot's Bill of Rights

Releasable Portions of the Enforcement Investigative Report (FedEx only)

APPEAL

You may appeal from this Emergency Order within ten (10) days from the date of its service, which is MAY 16 2022, by filing a notice of appeal with the National Transportation Safety Board (NTSB) Office of Administrative Law Judges by email (ALJappeals@ntsb.gov); overnight delivery (Office of Administrative Law Judges, National Transportation Safety Board, 490 L'Enfant Plaza East, SW, Washington, DC 20594); or FAX ((202) 314-6158). The NTSB Rules of Practice in Air Safety Proceedings, 49 C.F.R. part 821, subpart I, apply to appeals of emergency and other immediately effective orders. An executed original and three (3) copies of your notice of appeal must be filed with the NTSB. All documents submitted to the NTSB in a proceeding governed by 49 C.F.R. part 821, subpart I, must be filed with the NTSB by electronic mail, overnight delivery, or facsimile, and simultaneously served on all other parties by the same means. Electronic mail filings with the NTSB must comply with 49 C.F.R. § 821.7(a)(3). Therefore, if you appeal, a copy of your notice of appeal must also be served on the FAA's attorney by email (alexi.fong@faa.gov); overnight delivery at the address listed in this Emergency Order; or facsimile (206-231-2176). If you file an appeal to the NTSB, a copy of this Emergency Order will be filed with the NTSB as the Administrator's complaint in that proceeding.

You may also seek review of the FAA's determination that an emergency exists in this case, which makes this order immediately effective. You may request such review in a written petition filed within (2) two days after your receipt of this order. Petitions for review of FAA emergency determinations must be filed with the NTSB, with a copy of the FAA's emergency order attached to the petition, by electronic mail (ALJappeals@ntsb.gov), overnight delivery (Office of Administrative Law Judges, National Transportation Safety Board, 490 L'Enfant Plaza East, S.W.; Washington, D.C. 20594); or facsimile ((202) 314-6158). Petitions for review of FAA emergency determinations must simultaneously, and by the same means used for the NTSB filing, be served on the FAA's attorney at the email, address, or facsimile provided in this order. Electronic mail filing of a petition for review of the FAA emergency determination with the NTSB must comply with 49 C.F.R. § 821.7(a)(3). The NTSB rules of practice that apply to its review of the FAA's emergency determinations are available at 49 C.F.R. § 821.54.

The NTSB's Rules of Practice in Air Safety Proceedings, 49 C.F.R. part 821, and other information and announcements from the NTSB, *including instructions for filing documents during the covid-19 pandemic*, are available through the NTSB's website at <http://www.ntsb.gov/legal/alj>.

Whether or not you elect to appeal from this Emergency Order, you must immediately surrender your commercial pilot certificate, master parachute rigger certificate, and any other airman certificates issued to you, excluding airman medical certificates, to Alexi Fong at the address listed in this Emergency Order. In the event that you have lost or destroyed your certificate(s), you will be required to execute a sworn declaration setting forth the circumstances that make you unable to surrender your certificate(s).

CERTIFICATE OF SERVICE


I hereby certify that the foregoing Case No. 2022WP070007 has been sent this date by FedEx – overnight delivery, U.S. Certified Mail, return-receipt requested, and First-Class Mail to:

Andrew J. Farrington
[REDACTED]

A copy of the Emergency Order of Revocation for Case No. 2022WP070007 has also been sent this date by FedEx overnight delivery and email to:

Kathy A. Yodice, Esq.
12505 Park Potomac Ave., Suite 600
Potomac, MD 20854
Email: [REDACTED]

Date: **MAY 10 2022**



Jefferey Kamberg
Management & Program Analyst
Enforcement Division-Western Team
National Enforcement Program
Federal Aviation Administration
Des Moines, Washington