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Subject: More Criminalization of FAR Violations  
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## Aerospace Alert from Hardy Law

FAR Criminalization

September 20, 2012

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In a number of countries, "criminalizing" aviation regulations, or punishing with criminal penalties (including prison time), is not unusual. Not so in the United States. Until recently.

As always, please contact me if I can be of service.

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### More Criminalization of FAR Violations

On August 14, the U.S. Attorney's Office in Philadelphia, PA announced the unsealing of an indictment against Flying Tigers, Inc., its President Jay Stout and his son Joel Stout. Charges include conspiracy, fraud involving aircraft parts, wire fraud and obstruction of justice.



The indictment alleges that Flying tigers and the Stouts conducted multiple aircraft inspections and repairs without having proper FAA certifications.

In my September 2011 Alert, I reported on the federal court conviction of several principals and pilots with Platinum Jet, for illegally operating a charter service without

FAA certification. Though I had heard of many instances before then of such illegal charter operators being fined millions of dollars by the FAA, and/or having their insurance providers deny coverage after an accident, that was the first time I had heard of criminal penalties for FAR violations in the United States. In April of this year I heard of another indictment similar to the Flying Tigers case.

I do not know if this demonstrates a trend in criminalizing FAR violations (as if FAA fines and insurance denial were not enough). But clearly this is another stark reminder of the importance of FAR compliance. Especially with the FARs based on safety policies instead of liability or economic policies like many of our other laws, the FARs are often counter-intuitive. Structuring aircraft ownership and operation following common corporate liability protection and economic models often results in inadvertent FAR violations. These differences can usually be harmonized, but only with a clear understanding of what the FARs allow.

## About Joe Hardy

I believe in people working together for aerospace safety- combining talents and efforts to help business aerospace run smoothly and safely. I am a pilot and attorney specializing in aerospace transactions and mediation- especially buying and selling, financing, and setting up ownership and operational structures to comply with the Federal Aviation Regulations.

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