



[Print](#) | [Close](#)

FAA outlaws sharing of charter licenses

Thursday, June 16, 2005

By **SHANNON D. HARRINGTON**
STAFF WRITER

Federal aviation officials are cracking down on charter jet operators who lease their certificates to other companies so those companies can operate as air carriers.

The action comes in the aftermath of a Feb. 2 crash at Teterboro Airport in which a chartered Bombardier Challenger 600 failed to take off and barreled across Route 46 before slamming into a clothing warehouse.

The Federal Aviation Administration has said that the flight's operator, Platinum Jet of Fort Lauderdale, Fla., did not have a certificate to run charter flights and, therefore, didn't comply with a lengthy list of FAA training, maintenance and drug-screening requirements.

Instead, Platinum Jet paid a company that was certified for charter flights, Alabama-based Darby Aviation, \$2,000 a month to use that company's certificate.

The FAA said in a memo dated last week that such practices appear to be more widespread than the Darby-Platinum deal. The agency has instructed its flight operations inspectors to make sure charter jet and air taxi companies are following the rules.

"This tells them very specifically - a [charter flight] operator cannot lend out its license for a fee," FAA spokesman Jim Peters said.

An attorney for Platinum Jet, however, said the FAA is simply rewriting rules that for years have allowed charter jet companies to bring non-certified jet owners and other companies under their certificates.

As long as companies like Darby Aviation could show that they ultimately gave the green light on charter flights by other companies, FAA inspectors have given clearance for those companies to operate such flights, said Michael Moulis, Platinum Jet's attorney and a former FAA prosecutor.

FAA inspectors in Birmingham, Ala., have testified that they were aware of the arrangement between Platinum Jet and Darby Aviation, court records show.

"They just changed the law because of this accident," Moulis said.

Shortly after the Feb. 2 crash, the FAA grounded Platinum Jet and revoked Darby Aviation's charter certificate. Platinum Jet has since agreed not to operate charter flights or other on-demand service, Moulis said. The National Transportation Safety Board upheld the FAA's revocation of Darby's charter certificate, overturning an administrative judge's opinion that Darby was not at fault in the Feb. 2 crash and, therefore, did not act unlawfully.

In the memo sent late last week to FAA operations inspectors, the agency said that charter jet companies must have "operational control" over any flights that take off under their certificates.

In the Darby-Platinum case, for example, FAA officials have testified before the safety board that Platinum maintained pilot training records, drug-testing records and aircraft maintenance records. Darby, on the other hand, could produce only scant records, the FAA has said.

The agency also found no evidence that Darby had reviewed training and qualifications of Platinum employees

who were maintaining the aircraft.

It's unclear how many charter companies the FAA's policy clarification will affect. The memo did not address the scope of the problem.

But Moulis said arrangements like the one between Platinum and Darby are common.

"Everybody's doing this," he said. "Just because we had a crash, they get into this frenzy."

The NTSB has not ruled on what caused the Feb. 2 crash at Teterboro, which injured 20 people, including two people in a car struck by the jet.

The safety board, however, has said that the 40,000-pound jet was carrying too much weight in front, possibly limiting its ability to take off.

E-mail: harrington@northjersey.com

Copyright © 2006 North Jersey Media Group Inc.
[Copyright Infringement Notice](#) [User Agreement & Privacy Policy](#)

[Print](#) | [Close](#)