



# Please Call The Tower....

## Part I

*What to do when the FAA wants to talk to you.*

BY ROBERT PERRY SMITH

**A**s pilots we all play a lot of “what if?” games. What if the generator fails? What if the gear won’t go down? It is important to plan for these emergencies in advance but there is another “what if” occurrence that few pilots think about. And when it happens, you likely will be unprepared.

You’re cruising along and the controller asks you to call Air Traffic Control after landing. Or you have just entered the landing pattern, and the tower asks for a telephone call when you are on the ground. Certainly, you should acknowledge the call. “Roger” will do. In case you’ve forgotten, “Roger” simply means you have received all of the last transmission to you. It is not a commitment to make the call. But after you have landed and shut down the engine, stop and think before you rush to the telephone. Why did ATC make the request? Do you think these people have time

to call and complement you on your airmanship? Not on your life! The very fact that they want to talk to you is a clue that somewhere, somehow, sometime during that flight, you have done something that caught the FAA’s attention. And, being the object of FAA interest is very likely going to lead to trouble. Trouble for you in the form of a civil penalty (meaning a money fine) or a suspension or revocation of your pilot certificate.

### *Friends Become Prosecutors*

Even though I will tell you that in the majority of cases, you are better off to not make the call, I know that most of you will anyway. Curiosity is compelling. Maybe your landing was the one hundred thousandth on that runway, and a prize awaits you. Whatever. You make the call, but following my advice, instead of saying, “Hello. This is Robert Smith, pilot of Mooney N231PE, calling as requested,” you identify

yourself as the pilot of N231PE, but do not disclose your name!

Why do I say this? Most pilots are friendly, like to talk about themselves or their aircraft, and are hopelessly naive when it comes to the FAA. Many times, when ATC asks you to call, it’s the first step in an enforcement action against you. Now bear in mind, tower operators and ATC controllers are not the “enforcers.” It has been my experience, that unless you really gave the person a hard time by arguing or deliberately not following instructions, or pulled some really dangerous act, the operators and controllers would prefer to just talk it out with you. But what might be preferred and what their job requires are two different things. As I said, they do not do the enforcing - that task is left to the FSDO Inspectors and the FAA lawyers.

But still, controllers and tower operators have a responsibility to report infractions, real or suspected.

So be aware of this. Use caution. After identifying yourself as the pilot of N231PE, ask, "Why do you want me to call?" If the answer involves a discussion of anything that happened during the flight you just finished, listen, but otherwise keep quiet. From this moment on, understand that the friendly, helpful, FAA folks you have come to know are changing hats and are now involved in the first step of a process that may lead to your taking an involuntary vacation from flying. Realize that whatever you say may later be used as evidence against you. So if you disclose your name, that is one bit of evidence that the enforcer will not have to dig up. Don't make it easy on them.

Does it disturb you that I say that? Are you the typical pilot who has never had a brush with the law, has never been accused of any wrongdoing? You will be shocked that someone would accuse you of having failed to follow ATC instructions or of being careless or reckless while flying. If I'm describing you correctly, you will rush to take full opportunity to explain your view of what happened. You may know you made a mistake and you tell yourself, "I'll make a clean breast of it. No real harm was done. Surely the FAA will understand and probably will just say "Thanks for the explanation - now don't do it again."

If that's your attitude, you are in for a surprise - an unpleasant surprise! The overall prevailing attitude of the FAA regarding the enforcement of the Regs is that punishment is necessary to deter the wrongdoer and others from violating the rules. You deliberately or inadvertently cause a violation and you will be punished. Now the punishment (called "sanction" by the FAA) may be mild or harsh. Mild

such as an "administrative action" like a warning notice. Harsh, meaning suspension or revocation of your pilot certificate. There are factors considered by the FAA in choosing a sanction, and these will be discussed in a future article.

### Self-Help

So, as I said, a violation either actual or suspected, will inevitably lead to trouble. Knowing this, as soon as you have a clue that you are the subject of an investigation, you need to go into a "self-help" mode. "Self-help" by buttoning your lip. The FAA person asking questions is under no obligation to warn you that your answers may later be used as evidence against you. Repeating what I said earlier, the less you say, the better.

This is particularly true if, after the flight, a stranger comes up and starts asking questions. Before you say anything, ask for identification. The FAA inspectors do not wear uniforms, and have no name tags or baseball caps proclaiming "I'm from the FAA!" They do have photo ID cards. They have every right to check both the pilot's and the aircraft required documentation. If you are questioned, give careful consideration to your answers. But

be sensible about it. If the plane just pulled into the tie down spot, the prop just stopped and you are the only occupant, you'll look pretty silly denying you are the pilot.

It is not too soon to contact an aviation attorney. I say "aviation attorney" because the rules of procedure in FAA enforcement cases are not exactly the same as the rules in a regular civil court. It helps to have someone experienced in administrative law actions, and obviously it helps to have an attorney with actual flying time.

Generally it is about two weeks after the event that triggered the investigation before you receive a letter or phone call from an inspector. In the meantime, he or she has been gathering information, perhaps listening to ATC communication recordings, interviewing witnesses.

Ed Note: Besides being a former Navy and UAL pilot, uniquely, he is an Adjunct faculty member of the Aerospace Department at Metro State College, Denver, teaching "Aviation Law and Risk Management."



### MOA Maintenance Memo #0002

Since Mooneys are low wing aircraft the fuel doesn't naturally gravity flow to your engine. In practice, your engine would rather draw air (which is lighter) than fuel through its fuel pump. Fuel leaks in your fuel line and gascolator system will show up as "air leaks" with the engine running and may cause the engine to run rough, run lean, or even not run much at all. A quick check of operating the boost pump usually temporarily "fixes" this problem long enough in the air to troubleshoot the cause of this symptom. Remember that leaks in the fuel delivery system are "fix before next flight" serious and should be remedied immediately.