UNITED STATES DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON, D.C.

In the matter of:	)	FAA DOCKET NO. CP-2020-0962
	)	
CHARLESTON FLIGHT SERVICES, LLC.	)	CASE NUMBER: 2020SO950014
	)	
	)	

RESPONDENT'S ANSWERS TO COMPLAINANT'S INTERROGATORIES

To: Complainant, and its attorney Kimberly Villers.

The Respondent, Charleston Flight Services, LLC, answering the interrogatories of the Complainant, herein, pursuant to Rule 33 of the Federal Rules of Civil Procedure would state and allege as follows:

1. Identify each and every person you intend to call as a witness in this proceeding, by providing the person's name, occupation, address, and phone number.

ANSWER:

a. Don Bennett, Owner, DonB Aircraft, Lowcountry Regional Airport, Walterboro, SC, 843-441-1187.
b. Robin Bowers, Respondent, 1246 Oakcrest Drive, Charleston, SC 29412, 843-709-1293.
c. Eboni Poole, FAA Drug and Alcohol Compliance Inspector, 2895 SW 145th Ave, Ste. 148, Miramar, FL, 33027, 954-641-6285.
d. Chet Stevenson, FAA Aviation Safety Manager, Central Region Drug Abatement Division, 202-420-1047.

2. For each witness identified in response to Interrogatory No. 1, identify the nature of the testimony to be provided (i.e. factual witness or expert witness) and summarize the substance of the testimony to be provided.

ANSWER:

a. Respondent, Charleston Flight Services, is the subject of this matter, it's owner, Robin Bowers, participated in the random audit at issue, and is in possession of the

original records related to records on the matter and email correspondence between FAA agents. Fact witness.

b. Don Bennett provided the negative drug test results, is the owner of DonB Aircraft, and provided maintenance for Respondent. Fact witness.
c. Eboni Poole participated in the random audit and witnessed incident of inappropriate conduct by FAA agents during the random audit at issue in this matter. Additionally, Ms. Poole sent email/letter exchanges with Respondent on the matter. Fact witness.
d. Chet Stevenson spoke to and emailed with Respondent about unprofessional behavior of FAA agents during random audit at issue in the Complaint. Fact witness.

3. For each person identified as an *expert* in Interrogatory No. 2, provide a statement of the substance of the facts and opinions to which the witness is expected to testify; a narrative summary of the grounds for each opinion to which the witness will testify; and detail the expertise possessed by each expert witness in the subject matter area on which the expert witness will opine.

ANSWER:

a. N/A

4. List all exhibits you intend to use at the hearing in this case.

ANSWER:

a. Concerns of Treatment, February 12, 2020, Email from Charleston Flight to Eboni Poole
b. Charleston Flight Services ROI plus attachment, February 19, 2020, Email from Eboni Poole to Charleston Flight Services
c. Re: Charleston Flight Services LLC ROI, February 20, 2020, Email from Charleston Flight Services to Eboni Poole
d. Negative Drug Test Results plus accompanying documents for Don Bennett (DonB Aircraft)
e. Charleston Flight Services letter to Eboni Poole, March 25, 2020
f. Charleston Flight Services Email to Chet Stevenson with attached letter March 26, 2020
g. Feedback to FAA: SF-20-543 Grievance with attachment of letter, February 29, 2020, Charleston Flight Services wrote to Chet Stevenson re: inappropriate conduct by agents during random audit & Email attachment Eboni Poole sent to Charleston Flight about her inappropriate conduct she experienced with other FAA agents.
h. US Post Mailing Bowers' proofs, March 27, 2020, Email from Charleston Flight Services to Eboni Poole and Chet Stevenson.
i. Reply to Voicemail/Request for written clarity, May 12, 2020, Email from Charleston Flight Services to Eboni Poole and Chet Stevenson.

5. Identify by title, date, author, present custodian, and content, any and all documents or electronically stored information including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations in your

possession or that you can readily obtain that concern, refer to, or involve the circumstances set forth in the Complaint.

ANSWER:

a. Refer to answers per question number 4a above.
b. Refer to answers per question number 4b above.
c. Refer to answers per question number 4c above.
d. Refer to answers per question number 4d above.
e. Refer to answers per question number 4e above.
f. Refer to answers per question number 4f above.
g. Refer to answers per question number 4g above.
h. Refer to answers per question number 4h above.
i. Refer to answers per question number 4i above.

6. Identify any affirmative defenses which you anticipate raising in this matter, if any, not previously identified in you Answer to the Complaint.

ANSWER:

Charleston Flight Services was selected to participate in a random Drug and Alcohol Program audit on February 11, 2020. The audit itself was botched beyond belief due to the bizarre and erratic behavior displayed by FAA's Rumaldo Pineda. Pineda's intolerable behavior caused fellow agents to remove Pineda and other inspectors out of Charleston Flight Services' office to continue the agents' infighting on how to proceed with the audit. During the course of the confusion and chaos surrounding Pineda's outburst, the drug testing verification of the business Charleston Flight Services used for maintenance came to issue. Charleston Flight Services explained both Charleston Flight Services and the business at issue it used for maintenance (DonB) believed DonB was enrolled in the approved drug testing list at the airport Don B currently conducts DonB's own business. DonB is an FAA award winning mechanic of over forty years.

Moreover, Charleston Flight Services thought DonB had its own drug and alcohol testing program because owner and mechanic of DonB was previously on a drug and alcohol testing list while working for another company located at the same airport before creating DonB's own company. The company DonB worked at before creating his own company is located at the same airport with a hanger right next to where DonB currently has a hanger.

Further, during the auditing, Agents determined Charleston Flight Services was only partially in noncompliance during the time period at issue. Meaning the avionics mechanic Charleston Flight Services used was fine because he was on an approved drug and alcohol testing program list. The issue was engine mechanic (DonB) who used to work for the same company as the avionic mechanic before creating DonB. Thus, Charleston Flight Services was somewhat in

compliance because during the audit the auditing agents located the avionics mechanic on an approved drug and alcohol testing list.

Accordingly, it did not cross Charleston Flight Services' nor DonB's mind the FAA would use language in its drug abatement statutes to suggest a business entity could be an employee of another business entity, as the logic of a business entity being an employee of a separate business entity is greatly flawed. Flawed meaning, two business entities having no control over each other's actions, work, finances, or rules are not employees of each other.

7. Describe which particularity each and every fact on which you rely to support your denial of paragraph 12 of Section II of the Complaint.

ANSWER:

a. Charleston Flight Services did not knowingly hire DonB Aircraft as an employee subject to a pre-employment test because DonB is a separate business entity which Charleston Flight Services believed could operate under a separate approved drug testing list other than its own under 14 C.F.R. §120.7(i). Charleston Flight Services believed it was following 14 C.F.R. §120.7(1) and 14 C.F.R. §120.7(i), which allows a contractor to be on their own FAA approved drug list and not on the "employer's." Here the employer being Charleston Flight Service and the contractor being DonB Aircraft.

8. Describe which particularity each and every fact on which you rely to support your denial of paragraph 13 of Section II of the Complaint.

ANSWER:

Under 49 C.F.R. §120.105, "each employee, including any assistant, helper, or individual in a training status, who performs a safety-sensitive function listed in this section for an employer must be subject to drug testing under a drug testing program implemented in accordance with 49 C.F.R. §120, subpart E [...except as provided in paragraph (c) of this section, no certificate holder or operator may use any contractor to perform a function list in 14 C.F.R. part 120, subpart E unless that contractor tests each employee performing such a function for the certificate holder or operator in accordance with that subpart... "].49 C.F.R. §120.35(b).

Here, Charleston Flight Services believed that DonB Aircraft and its' employee were operating under their own business entity's approved drug testing program, thus, did not fall under Charleston Flight Service's personal list due to DonB Aircraft and its' employee not being an employee of Charleston Flight Services.

Therefore, Charleston Flight Services believed it was in compliance with 49 C.F.R. §120.35(b) which allows a contractor (DonB Aircraft) to test its own employee on its own approved drug testing list independent of Charleston Flight Services.

9. Describe which particularity each and every fact on which you rely to support your denial of paragraph 15 of Section II of the Complaint.

ANSWER:

Under 49 C.F.R. §120.109(a)(1), "no employer may hire any individual for a safety-sensitive function listed in §120.105 unless the employer first conducts a pre-employment test and receives a verified negative drug test for that individual…"

Here, Charleston Flight Services used DonB Aircraft International, ("DonB Aircraft), to perform maintenance on its aircraft. Charleston Flight Services did not interpret DonB Aircraft as an employee because it is a separate business entity whose process and performance are not under the control of Charleston Flight Services.

The terms set forth in the definitions section of 49 C.F.R. §120 can be open to interpretation as they are vague in regard to the definitions of employee, employer, and contract employee.

In order to distinguish between an employee and an independent contractor the Internal Revenue Service ("IRS") uses a common law control test to determine a worker's status which focuses on the employer's control over the worker. This test is narrowly used to determine whether the employer controls the result and also the process of the worker's performance.

Moreover, the Department of Labor ("DOL") uses a broader test to differentiate between employee and independent contractor. DOL uses the Fair Labor Standards Act which determines whether the worker is economically dependent on the employer, if so then the worker is an employee.

Here, Charleston Flight Services does not control the process or results of DonB Aircraft's work nor is DonB Aircraft economically dependent on Charleston Flight Services. DonB Aircraft performs maintenance upon request and is completely separate from Charleston Flight Services.

Therefore, Charleston Flight Services and DonB Aircraft did not interpret they were under the status of an employee-employer relationship because they are two separate business entities. Thus, did not fall under the assumption and belief a pre-employment test was required to perform maintenance.

Thus, Charleston Flight Services did not interpret the need for a new employee drug test because Charleston Flight Services was under the impression and belief DonB Aircraft was an independent contractor operating under its own approved drug testing list.

10. Describe which particularity each and every fact on which you rely to support your denial of paragraph 16 of Section II of the Complaint.

ANSWER:

Charleston Flight Services did not knowingly hire DonB Aircraft as an employee subject to a pre-employment test because DonB is a separate business entity which Charleston Flight Services believed could operate under a separate approved drug testing list other than its own under 14 C.F.R. §120.7(i). Charleston Flight Services believed it was following 14 C.F.R. §120.7(1) and14 C.F.R. §120.7(i), which allows a contractor to be on their own FAA approved drug list and not on the "employer's." Here the employer being Charleston Flight Service and the contractor being DonB Aircraft.

11. Describe which particularity each and every fact on which you rely to support your denial of paragraph 17 of Section II of the Complaint.

ANSWER:

Under 49 C.F.R. §120.105, "each employee, including any assistant, helper, or individual in a training status, who performs a safety-sensitive function listed in this section for an employer must be subject to drug testing under a drug testing program implemented in accordance with 49 C.F.R. §120, subpart E [...except as provided in paragraph (c) of this section, no certificate holder or operator may use any contractor to perform a function list in 14 C.F.R. part 120, subpart E unless that contractor tests each employee performing such a function for the certificate holder or operator in accordance with that subpart... "].49 C.F.R. §120.35(b).

Here, Charleston Flight Services believed that DonB Aircraft and its' employee were operating under their own business entity's approved drug testing program, thus, did not fall under Charleston Flight Service's personal list due to DonB Aircraft and its' employee not being an employee of Charleston Flight Services.

Therefore, Charleston Flight Services believed it was in compliance with 49 C.F.R. §120.35(b) which allows a contractor (DonB Aircraft) to test its own employee on its own approved drug testing list independent of Charleston Flight Services.

12. Describe which particularity each and every fact on which you rely to support your denial, in whole or in part, of the Requests for Admission above.

ANSWER:

Under 49 C.F.R. §120.105, "each employee, including any assistant, helper, or individual in a training status, who performs a safety-sensitive function listed in this section for an employer must be subject to drug testing under a drug testing program implemented in accordance with 49 C.F.R. §120, subpart E [...except as provided in paragraph (c) of this

section, no certificate holder or operator may use any contractor to perform a function list in 14 C.F.R. part 120, subpart E *unless* that contractor tests each employee performing such a function for the certificate holder or operator in accordance with that subpart... "].49 C.F.R. §120.35(b).

Here, Charleston Flight Services believed that DonB Aircraft and its' employee were operating under their own business entity's approved drug testing program thus did not fall under Charleston Flight Service's personal list due to DonB Aircraft and its' employee not being an employee of Charleston Flight Services.

Therefore, Charleston Flight Services believed it was in compliance with 49 C.F.R. §120.35(b) which allows a contractor (DonB Aircraft) to test its own employee on its own approved drug testing list independent of Charleston Flight Services.

13. Describe which particularity each and every fact on which you rely to support every affirmative defense, if any, contained in your Answer to the Complaint in this case.

ANSWER:

a. FAA failed to follow up with the grievance filed by Charleston Flight Services against FAA auditors who conducted the random audit in which FAA agent's Supervisor apologetically referred to as a "training session" which resulted in the alleged civil penalty owed and now is the basis of the Complainant's complaint.

b. Respondent was fully compliant and timely followed corrective action procedures instructed by FAA agents during and immediately thereafter the random audit at issue. FAA failed to investigate the nature of the grieve of inappropriate conduct by Agents during the audit at issue in this matter, thus, an investigation of the random audit should have occurred before the matter rose to the level of the Complaint filed with this Court.

REQUESTS FOR ADMISSIONS

Under Rule 36 of Federal Rules of Civil Procedure, Respondent answers the Complainant's Request for Admissions.

1. Respondent Admits on or prior to February 4, 2019, Respondent hired Don Bennett, through his company, DonB Aircraft International, Inc., to perform aircraft and/or preventative maintenance duties.
2. Respondent Admits on or about August 2, 2019, Don Bennett performed aircraft and/or preventative maintenance duties on Respondent's aircraft N1915V.
3. Respondent Admits on or prior to February 4, 2019, Christopher Minatelli, an employee of Don B Aircraft International Inc., performed aircraft and/or preventative maintenance duties on Respondent's aircraft N1915V.
4. Respondent Admits in part during the period referenced in paragraphs 9,11, and 14 of Section II of the Complaint, Respondent did not obtain any documentation from DonB Aircraft International Inc., indicating that DonB Aircraft International Inc., had a FAA-mandated drug and alcohol testing program and denies knowingly doing so due to being under the impression and believe that DonB is a separate business entity, thus, not an employee of the Respondent, and therefore not an employee subject to a pre-employment drug and alcohol test.
5. Respondent Admits under Respondent's FAA Letter of Authorization, No. U1BJJ8YF, Respondent was required to comply with 14 C.F.R. part 120 and 49 C.F.R. part 40.

EXHIBIT A

From: **Charleston Flight Services, LLC** CharlestonFlightServices@gmail.com
Subject: **Concerns of treatment**
Date: **Feb 12, 2020 at 3:59:40 AM**
To: **Poole, Eboni M (FAA)** Eboni.M.Poole@faa.gov

Ms Poole,

Whom best to receive my grievance of how I was treated by Rumaldo Pineda in our meeting of 2/11/20 that caused even you to request a brief recess to bring under control?

I was cordial and compliant throughout the meeting but have since reflected upon how I was treated by Rumaldo, how he treated everyone at the meeting including yourself, and now I grow concerned that he may in fact treat all meeting participants this way - my fellow flightschool operators and other taxpayers - and passing along these inappropriate and aggressive traits to other inspectors, too.

I indeed found many of his comments, tactics and demeanor to be inappropriate, over-the- line and hostile; and you and your associate appeared embarrassed by his behavior, too. How best to cause my voice to be heard on this matter?

Sincerely,

Robin

Sent from my iPhone

> On Feb 3, 2020, at 11:25 AM, Poole, Eboni M (FAA) <Eboni.M.Poole@faa.gov> wrote:
>
> Good Morning,
>
> Attached is the letter of notification for your upcoming inspection. In it, you will find pertinent information regarding your inspection and the contact information for the inspector. If you have any questions about the inspection or the Points of Contact form, you may call or email the inspector noted in the attached letter. The inspectors have also been copied on this email.
>
> Please REPLY ALL to this email message indicating you have received it.
>
> Respectfully,

Eboni M. Poole, MPH
Drug and Alcohol Compliance and Enforcement Inspector
Eastern Compliance and Enforcement Center
FAA, Drug Abatement Division AAM-860
Office of Aerospace Medicine
Phone: 954-641-6285
Eboni.M.Poole@faa.gov

"It does not matter how slowly you go as long as you do not stop." – Confucius

<LON Charleston Flight Services LLC.pdf>

EXHIBIT B

Charleston Flight Services LLC ROI

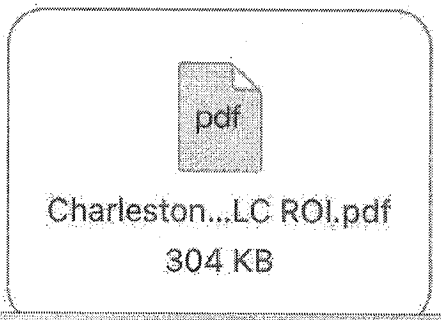
Good Evening Robin,

Please find the Report of Inspection attached. An original letter will be sent via ground mail. Please read the Report of Inspection and respond to each item therein. If you wish, you may also send a copy of the response in e-mail, in addition to sending it via ground mail.

Thank you,

Eboni M. Poole, MPH
Drug and Alcohol Compliance and Enforcement Inspector
Eastern Compliance and Enforcement Center
FAA, Drug Abatement Division AAM-860
Office of Aerospace Medicine
Phone: 954-641-6285
Eboni.M.Poole@faa.gov

"It does not matter how slowly you go as long as you do not stop." – Confucius



1:51

Done Charleston Flight Services LL...

U.S. Department of Transportation
Federal Aviation Administration

Aviation Safety

Office of Aerospace Medicine
Drug Abatement Division
2895 SW 145th Avenue, Suite 148
Miramar, FL 33027

February 19, 2020

Certified Mail – Return Receipt Requested

Mr. Robin Bower, President
Charleston Flight Services, LLC
2742 Fort Trenholm Road
Johns Island, SC 29455

Dear Mr. Bower:

On February 11, 2020, the Federal Aviation Administration (FAA) inspected Charleston Flight Services, LLC's DOT/FAA-mandated drug and alcohol testing program to determine compliance with 49 CFR part 40 and 14 CFR part 120. As a result of our inspection, we discovered the following issues:

- Charleston Flight Services, LLC did not determine that Donb Aircraft International Inc. was covered under a FAA-mandated drug testing program and alcohol misuse prevention program prior to using its services.

In accordance with the FAA's Compliance Program Order 8000.373A, it is important that you provide a written statement to explain how you will correct the above issue in a way that ensures compliance in the future. Your statement and supporting documents (if applicable) should include pertinent facts, mitigating circumstances, and corrective action(s) that you want us to consider. Please provide your statement within 10 days of receipt of this letter to the following address:

Federal Aviation Administration
Office of Aerospace Medicine
Drug Abatement Division
Attention: Eboni M. Poole, AAM-860
2895 SW 145th Avenue, Suite 148
Miramar, FL 33027

If we do not hear from you within the 10 days, we will process our final report without the benefit of your input.

Please do not hesitate to contact me at (954) 641-6285 with any questions.

Sincerely,

Rumaldo Pineda, Team Coordinator
FOR Eboni M. Poole
Aviation Safety Inspector

cc: Emily Bower, Designated Employer Representative

EXHIBIT C

From: **Charleston Flight Services, LLC** CharlestonFlightServices@gmail.com
Subject: **Re: Charleston Flight Services LLC ROI**
Date: **Feb 20, 2020 at 10:13:57 AM**
To: **Poole, Eboni M (FAA)** Eboni.M.Poole@faa.gov

Good morning Eboni,

I did not want even the morning to go by without replying back to you about steps taken to bring mechanic Don Bennett into compliance per your email sent to me last night.

Right away after your team left, 2/11/20, I phoned Western Consortium to secure a testing center for Bennett. The next day, I delivered the custody form to Don, paid him for his forthcoming time, and on Valentine's Day Mr. Bennett gave a sample to Urgent Care, Walterboro, SC.

I have called and emailed Western Consortium each day, but I am still waiting for negative- sample, actionable results; they tell me Presidents' Day slowed things down.

As final steps in compliance materialize I will be able to send a more formal response that includes supportive proofs and associated documents.

For now, even before noon the next day you heard from me. And see that Don Bennett will soon be in compliance.

Sincerely,

Robin Bowers

Sent from my iPhone

> On Feb 19, 2020, at 5:27 PM, Poole, Eboni M (FAA) <Eboni.M.Poole@faa.gov> wrote:
>
> Good Evening Robin,
>
> Please find the Report of Inspection attached. An original letter will be sent via ground mail. Please read the Report of Inspection and respond to each item therein. If you wish, you may also send a copy of the response in e-mail, in addition to sending it via ground mail.

EXHIBIT D

Bio-Test Review Services
316 South Crescent Ave Suite A & B
Lodi, CA 95240
(800) 437-3683

ATTENTION:
Robin Bowers / Emily Bowers
Charleston Flight Services, LLC (CHF)
1246 Oakcrest Drive
Charleston, SC 29412

Participant: Donald Bennett
Participant ID: 3
SSN: –

Results of DOT Controlled Substance Test

Record Status: Negative
Test Type: Pre-Employment
Collection Date/Time: 02/14/2020 10:20 AM
Batch ID: 20200224
Specimen ID: 3011787
Date COC Received: 02/17/2020
Sample Type: Urine
Test Panel: 5-Substances

Laboratory: Quest
3175 Presidential Dr.
Atlanta, GA 30340
Collection Site: Low Country Urgent Care
1515 Bells Hwy
Walterboro, SC 29488
Specimen Collector: Kimberely A. Burden
DOT Admin(s): FAA

Test Performed	Result	Test Performed	Result
Amphetamines	Negative	Cocaine	Negative
Marijuana	Negative	Phencyclidine	Negative
Opioids	Negative		

This test was performed, recorded, and reported in accordance with CFR 49 Part 40.

Corey B. Colla, MD

2/24/2020
Verification Date

FEDERAL DRUG TESTING CUSTODY AND CONTROL FORM

Quest Diagnostics
800-877-7484

SPECIMEN ID NO. 30137 LAB ACCESSION NO.

OMB No. 0930-0158

STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A. Employer Name, Address, I.D. No.

CHARLESTON FLIGHT SVCS.
C/O - OWF / ROBIN BARNES
1265 ENDEAVOR DR
CHARLESTON, SC 29412
PH: 843-789-6051 FAX: 843-529-7371

B. MRO Name, Address, Phone No. and Fax No.:

[illegible]

C. Donor SSN or Employee I.D. No. _____

D. Specify Testing Authority: ☐ HHS ☐ NRC Specify DOT Agency: ☐ FMCSA ☑ FAA ☐ FRA ☐ FTA ☐ PHMSA ☐ USCG

E. Reason for Test: ☑ Pre-employment ☐ Random ☐ Reasonable Suspicion/Cause ☐ Post Accident ☐ Return to Duty ☐ Follow-up ☐ Other (specify) _____

F. Drug Tests to be Performed: ☐ THC, COC, PCP, OPI, AMP ☐ THC & COC Only ☐ Other (specify) _____

☑ 6 PANEL DOT DRUG TEST W/C

G. Collection Site Name: Lowcountry Urgent Care Collection Site Code: _____

Address: 1515 Bells Hwy Collector Phone No.: 843 538-6240

City, State and Zip: Walterboro, SC 29488 Collector Fax No.: 843-538-10249

STEP 2: COMPLETED BY COLLECTOR (make remarks when appropriate) Collector reads specimen temperature within 4 minutes.

Temperature between 90° and 100° F? ☐ Yes ☐ No, Enter Remark: Collection: ☐ Split ☐ Single ☐ None Provided, Enter Remark ☐ Observed, (Enter Remark)

REMARKS:

STEP 3: Collector affixes bottle seal(s) to bottle(s). Collector dates seal(s). Donor initials seal(s). Donor completes STEP 5 on Copy 2 (MRO Copy)

STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY TEST FACILITY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed, and released to the Delivery Service noted in accordance with applicable Federal requirements.

X Kimberly A. Burden
Signature of Collector

Kimberly A. Burden | 2/14/20 | 10:80 AM PM
(Print) Collector's Name (First, MI, Last) | Date (Mo./Day/Yr.) | Time of Collection

SPECIMEN BOTTLE(S) RELEASED TO:

☑ Quest Diagnostics Courier
☐ FedEx
☐ Other

Name of Delivery Service

STEP 5: COMPLETED BY DONOR

I certify that I provided my urine specimen to the collector; that I have not adulterated it in any manner; each specimen bottle used was sealed with a tamper-evident seal in my presence; and that the information provided on this form and on the label affixed to each specimen bottle is correct.

X Donald B Bennett
Signature of Donor

Donald Bennett
(PRINT) Donor's Name (First, MI, Last)

2/14/2020
Date (Mo./Day/Yr.)

Daytime Phone No. (843) 441-1187 Evening Phone No. ( ) SAME Date of Birth 10 / 9 / 1963
Mo. Day Yr.

After the Medical Review Officer receives the test results for the specimen identified by this form, he/she may contact you to ask about prescriptions and over-the-counter medications you may have taken. Therefore, you may want to make a list of those medications for your own records. THIS LIST IS NOT NECESSARY. If you choose to make a list, do so either on a separate piece of paper or on the back of your copy (Copy 5). – DO NOT PROVIDE THIS INFORMATION ON THE BACK OF ANY OTHER COPY OF THE FORM. TAKE COPY 5 WITH YOU.

STEP 6: COMPLETED BY MEDICAL REVIEW OFFICER – PRIMARY SPECIMEN

In accordance with applicable Federal requirements, my verification is:

☑ **NEGATIVE** ☐ **POSITIVE** for: _____
☐ DILUTE

☐ **REFUSAL TO TEST** because – check reason(s) below: ☐ **TEST CANCELLED**
☐ ADULTERATED (adulterant/reason): _____
☐ SUBSTITUTED
☐ OTHER _____

REMARKS: _____

X Corey B Colle MD.
Signature of Medical Review Officer

Dr. Corey B. Colle
(PRINT) Medical Review Officer's Name (First, MI, Last)

2/24/2020
Date (Mo./Day/Yr.)

STEP 7: COMPLETED BY MEDICAL REVIEW OFFICER – SPLIT SPECIMEN

In accordance with applicable Federal requirements, my verification for split specimen (if tested) is:

☐ **RECONFIRMED** for: ☐ **TEST CANCELLED**
☐ **FAILED TO RECONFIRM** for: _____

REMARKS: _____

X _____ / /
Signature of Medical Review Officer | (PRINT) Medical Review Officer's Name (First, MI, Last) | Date (Mo./Day/Yr.)

COPY 2 - MEDICAL REVIEW OFFICER COPY

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Western Aeromedical Consortium
P.O. Box 3019
Santa Maria, CA 93457
(800) 365-1326 Ph (800) 519-6677 Fax

Charleston Flight Services, LLC - CHF

Personnel List

Employee Name	Employee ID	Account	Occupation	Location	Inactive
Bell Jr., William E.	[redacted]	CHF	FLT CREW		
Bennett, Donald	BENNETT	CHF	FLT CREW		
Bowers, Robin	[redacted]	CHF	FLT CREW		

*** Total personnel matching criteria: 3

I certify that I have reviewed the above-listed personnel and their status with regard to our company's drug and alcohol program and have made any corrections, if necessary, to this list.

Designated Employer Representative (DER) Signature:_____ Date:_____

EXHIBIT E

CHARLESTON FLIGHT SERVICES, LLC
Charleston Executive Airport
CharlestonFlightServices@gmail.com (843) 709-1293

March 25, 2020

Eboni M. Poole
Aviation Inspector
Federal Aviation Administration
Office of Aerospace Medicine
Drug Abatement Division
Attention: Eboni M. Poole AAM-860
2895 SW 145th Avenue, Suite 148
Miramar, Florida 33027

Dear Ms Poole:

February 19, 2020 you sent a letter that required a within-10 day response to a finding that no determination was made that DonB Aircraft International was covered under FAA-mandated drug testing and alcohol misuse prevention program prior to its services. The very next day, February 20, 2020 I replied-and-responded to your letter via email as your letter did *not state that email correspondence was not acceptable*. Today you informed me via phone conversation that mailed copy of my reply is in fact required, and that time is not permitted for me to secure all related supportive documents. Please note that the last line of my timely letter of February 20, 2020 was,

"As final steps in compliance materialize I will be able to send a more formal response that includes supportive proofs and associated documents."

FAA records show that Charleston Flight Services was in full (LOA) compliance when audited 2012, by supervisor Chet Stevenson. Recently, mitigating circumstances impacted us as our flight school mechanic became ill requiring us to find quickly a new one. Don Bennett (aka DonB Aircraft) rescued our school in the hour of need inspecting both planes. Ninety percent of our flight school activity is flight training, 10% related to LOA-tours: the changing situation *and* lion's share of our activity set the stage for us not pausing to complete the *new hire checklist* requiring that DonB be added to our Drug List. Don, after all, was recently on a Drug List from his recent-and-prior employer located at the same airport, and just hangars away from is present, sole-proprietor location. So, although the responsibility rests with me, timely and proper Drug List adaptation did not enter his mind, too, given his similar and continued activity.

Accordingly however, as my letter of February 20, 2020 stated, I took corrective action immediately: the very day the inspection team visited, February 11, 2020, I begun completing all necessary steps to add DonB to our Drug List.

February 11, a testing center *and* date for testing was secured for DonB.
February 14, 2020 DonB was tested using all appropriate Western Consortium documents and tracking forms. February 28 negative test results were received for DonB. March 18, 2020 DonB completed and signed Drug program tutorials. And Charleston Flight Services is awaiting a (first-of-three tries) background report from DonB prior employer.

Charleston Flight Services has no prior history of non-compliance in Drug List procedures. The flight school has not been reckless with records or shown any sign of not learning how to add new employees to its existing drugs lists or guiding employees to tests. The mitigating reasons described above are valid and unique in the school's history; immediate corrective action was taken and future "new hire checklist" priority will limit its recurrence.

Sincerely,

Robin L. Bowers

EXHIBIT F

Dear Chet,

I phoned you back twice this morning in reply to your voicemail this morning and will call you within the hour again today. Thank you.

Sincerely,

Robin Bowers

Sent from my iPhone

> On Feb 26, 2020, at 12:55 PM, Stevenson, Chet (FAA) <Chet.Stevenson@faa.gov> wrote:
>
> Good afternoon Robin,
>
> Please give me a call concerning the email you sent inspector Eboni Poole on Feb 12, 2020, as it relates to inspector Rumaldo Pineda. My gov cell number is 202-420-1047.
>
> Thanks
>
> Chet J. Stevenson
> Aviation Safety
> Manager, Central Region
> Federal Aviation Administration
> Drug Abatement Division
> Tel: 817-222-5340

1:49

Done CharlestonLetter.pdf

Charleston Flight Services/Robin Bowers
1246 Oakcrest Drive
Charleston, 29412
(843) 709-1293

26 September 2020

Chet Stevenson
Aviation Safety, Manager, Central Region
Federal Aviation Administration
Drug Abatement Division

Dear Mr. Stevenson:

In our phone conversation today, you asked that I send a letter covering the points raised, and herein too will revisit basic issues referenced, email of 2/12/20.

Not too long after the inspection team began, Ms Poole excused the group to a nearby conference room--inter-member banter with Mr. Pineda had reached crescendo. Thereafter, Mr. Pineda continued to interrupt tasks, and many of his own document-requests with opinions and views that often ran contrary to his stated purpose(s). At one point he voiced that it was a teaching moment- but then proceeded to suggest that I abandon my current IA mechanic for ones already found on Drug Lists, because no paperwork was/would be involved. Was I experiencing an inspection? Or was I being taught? Was I being taught that I shouldn't bother learning how to add personnel into List compliance? Or was I seeing that the inspection overlooked that I had been in compliance since 2012.

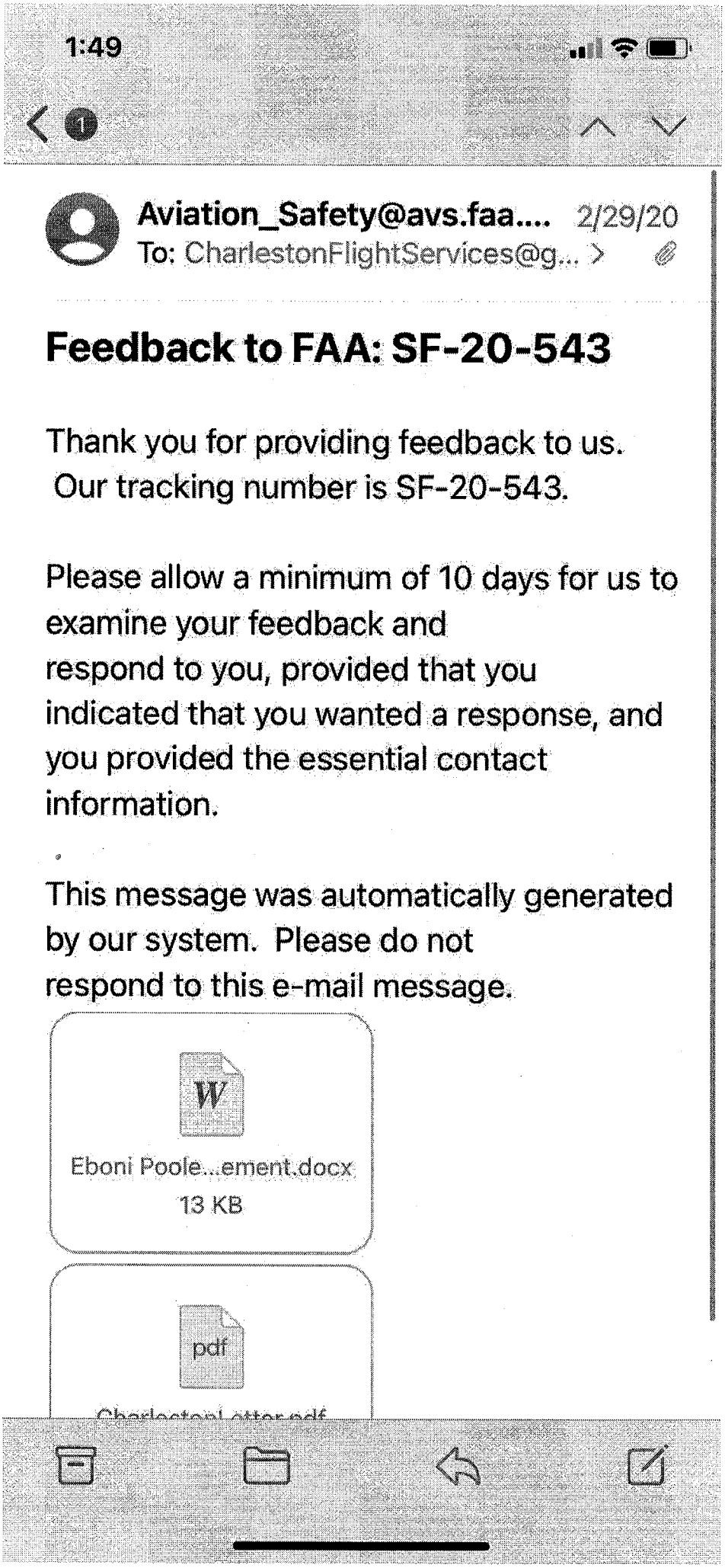
I will comply with inspection requests, and I will learn, but years ago we learned how to bring mechanics INTO drug list compliance (not simply finding those on other Lists), and we were IN compliance upon our last FAA inspection, 2012. We had indeed followed Drug List procedures successfully; it was only until recently when we changed mechanics that the oversight occurred for the LOA portion of our business only, not flightschool, and even then with only those inspections excluding avionics.

We have shown, over the years, the ability to both learn the Drug List procedure and comply with its protocols. Throughout the often aggressive, side-swiping-banter of Mr. Pineda those aspects seemed to have been overlooked.

Sincerely,

Robin L Bowers

EXHIBIT G



1:49

Aviation_Safety@avs.faa.... 2/29/20
To: CharlestonFlightServices@g... >

Feedback to FAA: SF-20-543

Thank you for providing feedback to us.
Our tracking number is SF-20-543.

Please allow a minimum of 10 days for us to examine your feedback and respond to you, provided that you indicated that you wanted a response, and you provided the essential contact information.

This message was automatically generated by our system. Please do not respond to this e-mail message.

Eboni Poole...ement.docx
13 KB

pdf

Eboni Poole
12.13.2019

To Whom It May Concern,
On Tuesday, December 10, 2019 myself, Alan Price, Zachary Padron, and Yamileth Gonzalez were on our way from training and made a stop at CVS. While everyone else went in the store, I decided to stay behind because I was on the phone with my mother. When they came back to the vehicle, as they were getting in Alan was using profanity. Once in the vehicle he continued to use profanity. So, I asked him "do you mind not using profane language because I am on the phone with my mother." It seemed he felt my request was unfair because he began saying "shit" multiple times. So, I told my mother, "Mom, I will call you back when I make it to my room." When I got off the phone, I advised Alan, "the only reason I asked you to sustain from profane language was because I was on the phone with my mother." Then Alan said, "What does that have to do with the price of tea in China." I then stated, "You are disrespectful as hell." He then said, "You're disrespectful as hell." Then I said, "If it was your mother on the phone and you asked me that I would never disrespect you like that." Alan then proceeded to say, "How was I supposed to know it was your mom." Alan and I began screaming profane things at each other. I felt extremely disrespected because what I asked was not unreasonable. So, I opened the door and told Zachary Padron to "Stop the car so I can get out." I proceed to go to my room. Once in my room, I called my center manager, Chet Stevenson, at 4:39 pm pacific standard time. He advised he was on his way back to the hotel and to meet him in the lobby. Chet Stevenson, Margie Rustin, Lacey Jones and I met and I advised them of what occurred. Chet advised after our conversation, that he would have a meeting with the four of us the following day. The following day, Wednesday December 11, 2019, Alan came to me and asked, "Do you want to talk" and I said, "sure." We proceeded outside and we discussed the situation and he apologized. So upon entering re-entering the building, I pulled Lacey Rustin aside and advised her that Alan apologized and we cleared the air. When Chet returned to the class room and called us to meet, I pulled him aside and advised that Alan and I already discussed the situation and we are okay. He advised, "I need to speak with both of you to verify." So, Alan came out in the hall and advised Chet, "We have discussed the situation and we are okay."
I apologize for my actions in this situation and realize I should not have said anything and went straight to speak with my center manager to allow him to handle it.
If any further information is needed, please let me know.
Thank you,
Eboni M. Poole
Eboni M. Poole
954-641-6285

1:49

Done ChalestonLetter.pdf

Charleston Flight Services/Robin Bowers
1246 Oakcrest Drive
Charleston, 29412
(843) 709-1293

26 September 2020

Chet Stevenson
Aviation Safety, Manager, Central Region
Federal Aviation Administration
Drug Abatement Division

Dear Mr. Stevenson:

In our phone conversation today, you asked that I send a letter covering the points raised, and herein too will revisit basic issues referenced, email of 2/12/20.

Not too long after the inspection team began, Ms Poole excused the group to a nearby conference room--inter-member banter with Mr. Pineda had reached crescendo. Thereafter, Mr. Pineda continued to interrupt tasks, and many of his own document-requests with opinions and views that often ran contrary to his stated purpose(s). At one point he voiced that it was a teaching moment- but then proceeded to suggest that I abandon my current IA mechanic for ones already found on Drug Lists, because no paperwork was/would be involved. Was I experiencing an inspection? Or was I being taught? Was I being taught that I shouldn't bother learning how to add personnel into List compliance? Or was I seeing that the inspection overlooked that I had been in compliance since 2012.

I will comply with inspection requests, and I will learn, but years ago we learned how to bring mechanics INTO drug list compliance (not simply finding those on other Lists), and we were IN compliance upon our last FAA inspection, 2012. We had indeed followed Drug List procedures successfully; it was only until recently when we changed mechanics that the oversight occurred for the LOA portion of our business only, not flightschool, and even then with only those inspections excluding avionics.

We have shown, over the years, the ability to both learn the Drug List procedure and comply with its protocols. Throughout the often aggressive, side-swiping-banter of Mr. Pineda those aspects seemed to have been overlooked.

Sincerely,

Robin L Bowers

EXHIBIT H

LF **LLC Charleston Flight Ser...** 3/27/20
To: Chet, Eboni, Bowers >

US post mailing Bowers' proofs

Dear Ms Poole:

Mailed today to you through US postal were four documents related to proofs of DonB: testing, negative test results, enrollment, background RQ. These documents in addition to the PDF that you received prior stating that I had indeed corresponded with you in a timely manner, within the 10 days - given that no qualification of correspondence method was indicated round out the items needed per your written phone messages.

I have included Chet Stevenson in my correspondence because I have not heard from you related to the receipt of my prior and recent PDF related proofs, etc.

Sincerely,

Robin Bowers

EXHIBIT I

From: Charleston Flight Services, LLC
charlestonflightservices@gmail.com
Subject: Reply to Voicemail/request written clarity
Date: May 12, 2020 at 11:56:30 AM
To: Poole, Eboni M (FAA) Eboni.M.Poole@faa.gov, Chet Stevenson Chet.Stevenson@faa.gov

Ms Poole,

I received your voice mail yesterday, 5/11/20, stating that you needed additional compliance documents, if available, for new employee Don Bennett.

I have not heard from you for over a month, and in our prior correspondence I sent to you email PDFs, AND US postal documents related to actions taken to bring Don Bennett into compliance.

These documents included among others things: all available test MRO documents, negative results, Don Bennett added to program, and background check mailing.

You begun receiving those documents but then indicated, by text/ phone, that you no longer were getting my transmittals. You said that you would let me know when you received them, over a month ago, but you never did.

I still do not know what you have related to my efforts to complete Don Bennett's compliance.

(Western Consortium has guided me through what needs to be done, and I have done so; and rather than simply hoping that you received the documents, even through postal mail, I sent duplicates to Chet Stevenson.

Related to your voicemail: I have not received Background Check-reply forms, or any reply, from Don Bennett-past employer after 3 mailing attempts:

Do you wish now the absence of information related to Background checks?

In your voicemail you also mentioned documents related to "question J." and how Don Bennett answered to past quiery; and said too that there are other documents but you did not name them.

Rather than guessIng what documents they are, or have Western consortium guess and guide me beyond the exact path they have completed thus far with me- I kindly request that you list exactly what documents that remain to be secured, in writing, so that I have paper evidence of what is needed - especially in light of the significant communication problems that I have experienced.

More specifically, what exact form are you referring to in question J?

And what other documents are needed? Please provide a full and complete written list- so that I can stop this someone endless hunting of information- and get back to work- and I say this respectfully and factually because the list grows and grows beyond what was explicitly stated at one point, and beyond what Western educated me upon- and

beyond data available. e.g., the absence of response from Don Bennett past employer.

Again, I request that all correspondence is done in writing so that I have proof of what I have been expected to do, and what I have done at each point.

Sincerely,

Robin Bowers

Sent from my iPhone

> On Feb 19, 2020, at 5:27 PM, Poole, Eboni M (FAA) <Eboni.M.Poole@faa.gov> wrote:
>
> Good Evening Robin,
>
> Please find the Report of Inspection attached. An original letter will be sent via ground mail. Please read the Report of Inspection and respond to each item therein. If you wish, you may also send a copy of the response in e-mail, in addition to sending it via ground mail.
>
> Thank you,
>
> Eboni M. Poole, MPH

REQUESTS FOR PRODUCTION OF DOCUMENTS

Under Rule 34 of Federal Rules of Civil Procedure, Respondent answers the Complainant's Request for Admissions.

See Exhibits A through I under number 4 of Interrogatories.

Respectfully submitted,

Robin L. Bowers
Charleston Flight Services, LLC
1246 Oakcrest Drive
Charleston, SC 29412
(843) 709-1293
CharlestonFlightServices@gmail.com

Charleston, South Carolina

September 22, 2021

CERTIFICATE OF SERVICE

I hereby certify that on this date, I have sent by electronic mail, a copy of the foregoing Answer to Complainant's Request for Discovery in the matter of Charleston Flight Services, LLC, FAA Docket No. CP-2020-0962, Case No. 2020SO950014, to:

(Counsel for Complainant)

Kimberly R. Villiers, Esq.
Enforcement Division, Southwest Team
Office of Chief Counsel, Room 914C
Federal Aviation Administration
800 Independence Ave., SW
Washington, DC 20591
Email: Kimberly.Villers@faa.gov

Additionally, I hereby certify that on this date, I have sent by electronic mail, the foregoing documents to:

The Honorable Douglas M. Rawald, Administrative Law Judge
Office of Hearings, M-20
U.S. Department of Transportation
1200 New Jersey Ave., S.E. (E 11-310)
Washington, DC 20590
Email: Jacklyn.booker@dot.gov (Attorney-Advisor)
Email: Kelly.Ort@dot.gov (Staff Assistant)

and

Hearing Docket
Federal Aviation Administration
800 Independence Ave., SW
Washington, DC 20591
Attn: Hearing Docket Clerk, AGC-430
Wilbur Wright Building- Suite 2W1000
Email: 9-agc-faa-hearingdocket@faa.gov

Robin L. Bowers
Charleston Flight Services, LLC

Date: September 22, 2021