



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

FLIGHT STANDARDS DISTRICT OFFICE
10015 N. Executive Hills Blvd.
Kansas City, Missouri 64153
(816) 891-2100 FAX 891-2155

March 24, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

File Number CE059907234

Mr. Joseph E. Brinell

Branson, MO 65616

Dear Mr. Brinell:

On March 10, 1999, an inspector from this office reviewed the maintenance records of several aircraft under your control. The results of this review gives reason to believe that a re-examination of your airman competency is necessary under Title 49 USC Section 44709(a).

Therefore, we request that you visit or telephone this office no later than 10 days from receipt of this letter to arrange for that re-examination. The re-examination will consist of appropriate airline transport pilot practical test areas with emphasis on determining the maintenance requirements, tests, and appropriate records applicable to the proposed flight operation.

If you do not accept this opportunity for re-examination by the date indicated above, it will be necessary for us to start proceedings to suspend your certificate unless other arrangements are made. A reasonably later date may be arranged when required by circumstances beyond your control.

We also must advise you not to exercise the privileges of your pilot examiner designation until you have successfully completed this re-examination.

Sincerely,

Walter J. Hutchings
Supervisor, General Aviation Section

January 10, 2000

David Bowling, NTSB IIC
National Transportation Safety Board
North Central Regional Office
Dupage Airport
31W775 North Avenue
West Chicago, Illinois 60185

Dear Mr. Bowling,

On December 9, 1999, my husband, Joe Brinell, the Director of Aviation at the College of the Ozarks, was killed in an aircraft accident, along with five other individuals. Joe was the pilot of the Cessna Citation aircraft which crashed short of the runway while attempting an approach into the College's airport.

The reason I am sending you this letter is because I believe that the Federal Aviation Administration contributed in part to this accident. I have written a letter to Ms. Jane Garvey, the Administrator of the Federal Aviation Administration, outlining why I believe her agency was an integral part of this accident. My husband and I felt the FSDO abused their position and authority when it came to dealing with him. I would ask that you read the letter I drafted to Ms. Garvey for further explanation.

I feel it is imperative that Ms. Garvey investigate my concerns to ensure that future accidents do not occur in the Kansas City FSDO district, accidents which the FSDO might have a hand in causing. I would ask that you also investigate these concerns to ensure that the Federal Aviation Administration is acting within its scope of authority.

Thank you in advance for your time and concern.

Respectfully,



Grace Brinell

cc: The Honorable Pat Danner (w/enc.)
Senator John Ashcroft (w/enc.)
Senator Kit Bond (w/enc.)
Mr. John Duncan, Chairman of House Aviation Subcommittee (w/enc.)
Senator John D. Rockefeller, Chairman of Senate Aviation Subcommittee (w/enc.)
Mr. Jim Hall, Chairman NSTB (w/enc.)
Senator Doyle Childers (w/enc.)
The Honorable Roy Blunt (w/enc.)

Enclosures: Letter from FSDO dated March 24, 1999, requesting re-examination of Joe Brinell's
Air Transport Pilot Certificate
Response letter from Joe to FSDO concerning re-examination, dated March 29, 1999
Letter from FSDO dated April 15, 1999, rescinding re-examination request
Letter from FSDO dated November 24, 1999, requesting Joe's pilot logbooks
Letter from Jack Reynolds, corporate pilot, dated December 8, 1999
Letter from Jack Reynolds, corporate pilot, dated January 9, 2000

March 29, 1999

Flight Standards Division Manager
ACE-200 Gregory Michael
FAA Central Regional Headquarters
601 E. 12th Street
Federal Building
Kansas City, MO 64106

Dear Mr. Michael:

My name is Joe Brinell and I am the Director of Aviation for the College of the Ozarks, Point Lookout, Missouri. I have also been designated as a pilot examiner for this area from the Kansas City FSDO. I have held this designation since 1973 without any problems of which I am aware. In the past I have enjoyed a good working relationship with the local FSDO.

On March 18, 1999, a facility inspection was conducted on our FAR 145 repair station, School of the Ozarks, Inc. (AMVR), by Mr. Thomas Bartels from the Kansas City FSDO. As a result of this inspection, Mr. Bartels pointed out that several of our school's aircraft had overflowed their 100 hour inspection, and in turn, some AD's. As soon as Mr. Bartels pointed out our error, we immediately implemented procedures to ensure that this type of error would not occur again. We additionally submitted a letter to our FSDO stating how we were going to correct this problem. Throughout our school's history, it has been our policy to ensure aviation safety and, in doing so, we have a good reputation throughout our community, as well as with our local FSDO.

On March 24, 1999, Mr. Walter Hutchings, Supervisor, General Aviation Section, sent a letter to me stating that his office had reason to believe a re-examination of my airman competency, relative to my Airline Transport Pilot Certificate, was necessary as a result of the repair station inspection. Although I manage the aviation department for the College of the Ozarks, I at no time had knowledge that we had overflowed any AD's or 100 hour inspections. In addition, at no time did I fly any of the aircraft that were suspected of being outside their inspection requirements. I am also fully aware of the maintenance and inspection requirements that must be completed on an aircraft in accordance with FAR Part 91 prior to flight.

College of the Ozarks is not an FAA Certificated Flight School under Part 141. We are in fact a FAA Certificated Repair Station with ratings appropriate to the aircraft we maintain. Our repair station has an organizational structure with qualified maintenance personnel responsible for the maintenance of the aircraft for our operation. The College fully accepts the responsibility for allowing the aircraft to be operated outside inspection requirements. Consequently, we have immediately put the procedures in place to ensure that this will not ever happen again.

Given my explanation above, I fail to see how my Airline Transport Pilot Certificate should be placed in jeopardy as a result of an error caused by our repair station. I am quite confused as to how Mr. Hutchings could infer that my competency as an airman could be in question as the result of a repair station inspection. At no time during the repair station inspection was I asked to demonstrate my knowledge of aircraft maintenance records, nor was I ever queried with regard to maintenance requirements, tests, and/or records applicable to any proposed flight operation. Therefore, I feel that due process has not been afforded to me by Mr. Hutchings in regard to this case.

Mr. Hutchings' letter also states that I cannot exercise the privileges of my pilot examiner designation until I have successfully completed this re-examination. I fail to see the correlation between my pilot examiner designation and an inspection of our repair station regardless of the findings. As a comparison, does the FAA re-examine Herb Keleher when there are maintenance finds on Southwest Airlines aircraft? I understand and accept that as a designated pilot examiner I represent the FAA on an extended basis. In fact, I fully appreciate that privilege and responsibility and guard it carefully. My record as a pilot examiner demonstrates that, and I am quite proud of that record.

I understand that the letter I received from Mr. Hutchings is not the standard form letter sent for a re-examination. Specifically, his letter states, "If you elect to take the re-examination at another Flight Standards District Office, please advise us by completing and returning the enclosed notification

form in the self-addressed envelope which is enclosed for your convenience." I understand this statement may be omitted at the discretion of the issuing office; however, it is very interesting to me that I am not afforded this courtesy or opportunity. One would conclude that I am being positioned for a particular reason.

It is apparent to me that I am being singled out for selective treatment. I should point out that the Director of Maintenance for our repair station is not being re-examined for his mechanic certificates as a result of the repair station inspection. Please understand that I am anxious about this situation and do not want to make a bad situation worse, but I am compelled to seek an impartial review of this circumstance.

Let me share with you an incident that I believe has a bearing on my re-examination. Some time back I had a courtroom encounter with the office manager of the Kansas City FSDO, which was quite embarrassing for him. Sparing you the details of that encounter, I can only feel that this is retribution for that circumstance.

I am aware how complaints are handled within the FAA. That is to say that I know that the complaint is forwarded to the District Office named in the complaint, and they develop the response to the complainant. Therefore, I must ask that an independent investigation specifically address the issues I have raised.

In summary, is it FAA policy to re-examine an airman when that certificate is unrelated to the subject of the re-exam? How can my ATP be related "to the maintenance records of several aircraft under your control"? I have worked equally hard to build a good reputation in the aviation industry. I will not accept selective treatment from anyone as a result of past encounters. I must also ask that the ten day interval to respond to the Kansas City FSDO be extended, and I request that my designated examiner privileged be uninterrupted, pending your investigation. I am only asking for fair and equitable treatment.

Respectfully yours,

J.E. Brinell
Director of Aviation
College of the Ozarks



U.S. Department
of Transportation
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Administration**

FLIGHT STANDARDS DISTRICT OFFICE
10015 N. Executive Hills Blvd.
Kansas City, Missouri 64153
(816) 891-2100 FAX 891-2155

November 24, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Joseph E. Brinell
[REDACTED]

Branson, Missouri 65616

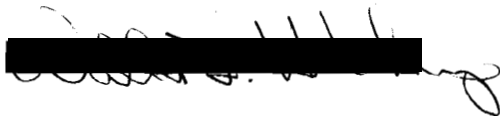
Dear Mr. Brinell,

It has come to our attention that you have recently administered two practical tests in multi-engine airplanes without the appropriate class rating on your Certificate of Authority and without a Letter of Authorization for the specific make and model of multi-engine airplane.

During our recent conversations, you informed me that you had issued a temporary Airline Transport Pilot (ATP) Certificate, number [REDACTED], to Mr. William C. Bird, and issued a temporary Flight Instructor Certificate, number [REDACTED], with a multi-engine rating, to Mr. Ian Johnson after administering these practical tests in a Cessna 310.

This letter is to inform you that we are investigating these occurrences and wish to offer you the opportunity to provide a written statement regarding this matter. This letter also constitutes a reasonable request, in accordance with 14 CFR, Section 61.51(i), that you provide this office with your pilot logbook(s). After our review, the logbook(s) will be promptly returned to you.

Sincerely,

[REDACTED]


Walter J. Hutchings
General Aviation Supervisor

December 8, 1999

Mr. Jane Garvey
FAA Administrator
800 Independence Ave/
Washington, D.C.

Dear Ms. Garvey

I am respectfully requesting your help in an effort to stop the vindictive harassment against Mr. Joe Brinell, designated examiner, my applicants, Mr. Ian Johnson and Mr. Will Bird and myself by the central region Flight Standards District Office.

I met with Mr. Walt Hutchings last week in Kansas City in an effort to resolve the financial hardship placed on my applicants. Since this current dispute involves the integrity and honesty of Mr. Brinell or Mr. Davis, Mr. Brinell has suggested that all parties involved take a "lie detector" test. Mr. Hutchings thought that was funny. I can assure you that Mr. Brinell, my applicants, nor myself find any humor at wasting hundreds of dollars playing Mr. Hutchings' bureaucratic game.

During the past twelve months, I have witnessed Central Region facilities covering up ATC "system errors", not providing services in accordance with FAA Handbook 7110.65 (leading to the death of an airman) and engaging in behavior which places financial hardship on certificate holders.

It seems clear that these individuals feel they have the "power" to do whatever they want, without regard to justice or truth. We are requesting an impartial investigation with individuals from "outside" of the Central Region, who will deal with facts and truth.

I am enclosing copies of letters that have been written, regarding this dispute, prior to our formal request from headquarters.

Thank you for your time!

Sincerely yours,


Jack Reynolds

Ms. Jane Garvey, Administrator
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591

January 9, 2000

Dear Ms. Garvey,

The objective of this letter is to request help in getting to the truth regarding the treatment of Mr. Joe Brinell, by the Kansas City Flight Standards District Office.

As you know, Mr. Brinell was the Pilot-In-Command of Citation N525KL which crashed on December 9, 1999, killing all six on-board. Joe was a personal and professional friend of mine and as fate would have it we both ended up in St. Louis, Mo. (Lambert airport) on this tragic day. Joe relayed his concern to me regarding Mr. Hutchings new request for Joe to submit all of his logbooks for examination. Joe's intense concern and stress over being treated like a student pilot was obvious. He could not believe that a public servant would take such vindictive measures over a previous "maintenance" dispute.

I have reviewed FAA Handbook 8700.1 (General Aviation Operations Inspector's Handbook) and can find no justification for Mr. Hutchings' request except (as Joe stated) a personal campaign to discredit an individual who had served as a FAA designated pilot examiner since 1973.

Witnesses have stated that subsequent to the accident, Mr. Walt Hutchings dispatched one of his inspectors to the accident site (Mr. Roman Buettner) where questions and answers were quietly and illegally recorded by Mr. Buettner while hiding a cassette recorder under his coat. Mr. Mike McClure discovered this recording, in progress, and demanded a copy of the tape.

Please consider this letter a formal request through the Freedom of Information Act (FOIA) for a certified re-recording of Mr. Buettner's illegal tape and all ATC recordings regarding the Departure, Enroute and Arrival phase of N525KL on its flight from St. Louis Lambert airport to Point Lookout airport on December 9, 1999. Departure time from STL was approximately 2020Z. Reasonable costs for search and copying will be paid.

In an effort to understand that Mr. Hutchings' actions were not bias and simply routine, we are requesting a certified statement from Mr. Hutchings regarding the number of pilot examiners that he requested logbooks from in 1999.

We are also requesting (FOIA) the number of practical flight tests given by both Mr. Steve Davis and Mr. Walt Hutchings, in Cessna 310/320/340 aircraft in 1999. In addition, we need total flight time (single and multi-engine aircraft) and PIC time for the last quarter of 1999 for each individual.

In conclusion, we believe that we have some civil servants who are not being honest in the conduct of their duties. We are committed to finding the truth. We solicit and appreciate your help.

Professionally yours,


Jack Reynolds

Mr. William Mackey, Supervisor
Kansas City FSDO
10015 N. Executive Hills Blvd.
Kansas City, Missouri 64153

Dear Mr. Mackey,

The objective of this letter is to request help in resolving a dispute between Mr. Joe Brinell, a designated pilot examiner, and Messieurs Steve Davis and Walter Hutchings of the Kansas City FSDO.

My name is Jack Reynolds. I am the flight instructor for both Mr. Ian Johnson and Mr. William Bird as applicants for the Multi-engine instructor rating and an Air Transport Pilot Certificate respectively.

When I contacted Mr. Brinell to schedule the appointments, He stated he would have to contact the Kansas City FSDO for approval.

Mr. Brinell contacted the FSDO (Mr. Steve Davis), explained the request, received verbal approval, returned my call and scheduled the applicants. Please note that both of these applicants hold "Certified Flight Instructor and Commercial Pilot Certificates". The requested checkrides were not for Multi-engine ratings or initial anything.

Mr. Bird, who flies a Cessna 310 daily as a Commercial Pilot, took his checkride on Sunday, November 7, 1999 receiving his ATP certificate that day. Mr. Johnson took the Multi-engine instructor checkride on Wednesday, November 17, 1999, receiving his rating that day.

On November 26, 1999, Mr. Bird received a certified letter from the FAA voiding his certificate. That same day, Mr. Brinell called me to advise that the FAA had contacted him, denied the previous approval, and negated Mr. Johnson's certificate.

We have suffered enough harassment! These young men have spent a great deal to time and money earning their certificates and ratings. Since these checkrides, they have made applications based on these credentials. What do you expect them to do?

It is my understanding that Mr. Davis is denying that he gave Mr. Brinell approval to give these checkrides. I can assure you that this is a "can of worms" you do not want to open to the public.

We will seek relief from FAA headquarters. A copy of this letter along with a copy of Mr. Hutchings' letter will be sent to headquarters requesting an investigation of Mr. Davis and his unethical behavior.

We are also requesting a congressional investigation through Senator Kit Bond's office.

If you should wish to discuss this matter with me, my number is [REDACTED]

Professionally yours,

[REDACTED]
Jack Reynolds