

U.S. Department
Transportation

Federal Aviation
Administration

Office of the Assistant Chief Counsel
Southern Region at Orlando, Florida
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CERTIFIED - RETURN RECEIPT REQUESTED 95SO190142

Mr. Jose Basulto
5790 SW 84th Street
Miami, Florida 33143-8218

NOTICE OF PROPOSED CERTIFICATE ACTION

We have considered a report of investigation, which indicates that:

1. At all times material herein you were and are now the holder of Commercial Pilot Certificate No. 002122405.
2. On or about July 13, 1995, you operated as pilot in command civil aircraft N2506, a Cessna 337, the property of another, on a passenger carrying flight departing from Opa Locka Airport, Miami, Florida.
3. During the course of said flight you operated N2506 into the Cuba Flight Information Region.
4. During the course of said flight you operated N2506 into and through the Cuba Air Defense Identification Zone (ADIZ).
5. During the course of said flight you operated N2506 into the Havana, Cuba, Terminal Control Zone.
6. At the time of your operation of N2506 into the Cuba Flight Information Region, Cuba ADIZ, and Havana, Cuba, Terminal Control Zone, you did not have a clearance from the Cuban government air traffic control authority for entry into, and operation within, that airspace.
7. As a result, you violated the following sections of the Federal Aviation Regulations:
 - a. Section 91.703(a)(2) in that you operated a civil aircraft of U.S. registry within a foreign country and you did not comply with the regulations relating to the flight and maneuver of aircraft there in force;
 - b. Section 91.703(a)(3), and Section 91.13(a), in that you operated a civil aircraft of U.S. registry within a foreign country in a careless or reckless manner so as to endanger the life or property of another.

Taking into consideration all of the circumstances of this case, we propose, pursuant to the authority vested in the Administrator by 49 U.S.C. Section 44709, to issue an Order suspending any and all Commercial Pilot certificates you hold for a period of one hundred and twenty (120) days.

An Order for such suspension will be issued unless, on or prior to fifteen (15) days after

8-31-95

your receipt of this letter, you elect to proceed in accordance with the enclosed information with respect to certificate action.

EDDIE L. THOMAS
ASSISTANT CHIEF COUNSEL

BY:
KEITH S. MAY
Managing Attorney
Office of the Assistant Chief Counsel
Southern Region at Orlando, Florida

Enclosure

cc: ASO-7, AVN-460, FSDO-19 (Dibbley)
ASO-7 ORL:ksm:8/31/95
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