



# ATTACHMENT 1

U.S. Department  
of Transportation

**Federal Aviation  
Administration**

Eastern Region  
Regional Counsel  
Telephone: 718 553-3269  
Facsimile: (718) 995-5899

1 Aviation Plaza  
Jamaica, NY 11434

JUN 27 2013

FEDERAL EXPRESS, REGISTERED MAIL - RETURN RECEIPT REQUESTED, AND  
ELECTRONIC MAIL

Raphael Pirker  
Melchutistrasse 47  
8304 Zurich  
Switzerland

Docket No. 2012EA210009

ORDER OF ASSESSMENT

On April 13, 2012, you were advised through a Notice of Proposed Assessment that the FAA proposed to assess a civil penalty in the amount of \$10,000.

After consideration of all the available information, it appears that:

1. On or about October 17, 2011, you were the pilot in command of a Ritewing Zephyr powered glider aircraft in the vicinity of the University of Virginia (UVA), Charlottesville, Virginia.
2. The aircraft referenced above is an Unmanned Aircraft System (UAS).
3. At all times relevant herein you did not possess a Federal Aviation Administration pilot certificate.
4. The aircraft referenced above contained a camera mounted on the aircraft which sent real time video to you on the ground.
5. You operated the flight referenced above for compensation.
6. Specifically, you were being paid by Lewis Communications to supply aerial photographs and video of the UVA campus and medical center.
7. You deliberately operated the above-described aircraft at extremely low altitudes over vehicles, buildings, people, streets, and structures.

8. Specifically, you operated the above-described aircraft at altitudes of approximately 10 feet to approximately 400 feet over the University of Virginia in a careless or reckless manner so as to endanger the life or property of another.
9. For example, you deliberately operated the above-described aircraft in the following manner:
  - a. You operated the aircraft directly towards an individual standing on a UVA sidewalk causing the individual to take immediate evasive maneuvers so as to avoid being struck by your aircraft.
  - b. You operated the aircraft through a UVA tunnel containing moving vehicles.
  - c. You operated the aircraft under a crane.
  - d. You operated the aircraft below tree top level over a tree lined walkway.
  - e. You operated the aircraft within approximately 15 feet of a UVA statue.
  - f. You operated the aircraft within approximately 50 feet of railway tracks.
  - g. You operated the aircraft within approximately 50 feet of numerous individuals.
  - h. You operated the aircraft within approximately 20 feet of a UVA active street containing numerous pedestrians and cars.
  - i. You operated the aircraft within approximately 25 feet of numerous UVA buildings.
  - j. You operated the aircraft on at least three occasions under an elevated pedestrian walkway and above an active street.
  - k. You operated the aircraft directly towards a two story UVA building below rooftop level and made an abrupt climb in order to avoid hitting the building.
  - l. You operated the aircraft within approximately 100 feet of an active heliport at UVA.
10. Additionally, in a careless or reckless manner so as to endanger the life or property of another, you operated the above-described aircraft at altitudes between 10 and 1500 feet AGL when you failed to take precautions to prevent collision hazards with other aircraft that may have been flying within the vicinity of your aircraft.
11. By reason of the above, you operated an aircraft in a careless or reckless manner so as to endanger the life or property of another.

By reason of the foregoing, you violated the following section(s) of the Federal Aviation Regulations:

- a. Section 91.13(a), which states that no person may operate an aircraft in a careless or reckless manner so as to endanger the life or property of another.

NOW THEREFORE, IT IS ORDERED, pursuant to 49 U.S.C. §§46301(a)(1) and (d)(2) and 46301(a)(5), that you be and hereby are assessed a civil penalty in the amount of \$10,000.

You may pay the penalty amount by submitting a certified check or money order payable to the "Federal Aviation Administration" to the Office of Accounting, 1 Aviation Plaza, Jamaica, NY 11434. **In the alternative, you may pay your civil penalty with a credit card over the Internet. To pay electronically, visit the web site at <http://div.dot.gov/fea.htm> and click on "Civil Fines and Penalty Payments" which will bring you to the "FAA Civil Penalty Payments Eastern Region" page. You must then complete the requested information and click "submit" to pay by credit card.**

Served: March 10, 2014

UNITED STATES OF AMERICA  
NATIONAL TRANSPORTATION SAFETY BOARD  
OFFICE OF ADMINISTRATIVE LAW JUDGES

\*\*\*\*\*

MICHAEL P. HUERTA, \*  
ADMINISTRATOR, \*  
FEDERAL AVIATION ADMINISTRATION, \*

Complainant, \*

Docket CP-217

v. \*

RAPHAEL PIRKER, \*

Respondent. \*

\*\*\*\*\*

**SERVICE:**

Brendan M. Schulman, Esq.  
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New York, NY 10036  
(Priority Mail and FAX)

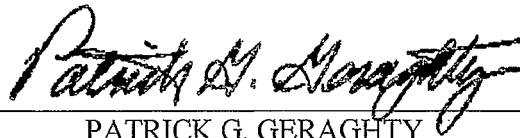
Brendan A. Kelly, Esq.  
Office of the Regional Counsel  
FAA Eastern Region  
1 Aviation Plaza  
Jamaica, NY 11434  
(FAX)

**ERRATA**

The following corrections are to be made to the Decisional Order entered March 6, 2014:

1. Page 7, Paragraph No. 1:  
Reads: 1. Neither...Section 1.1, or the...  
Should read: 1. Neither ...Section 1.1, nor the...
2. Page 7, Note 24:  
Reads: ...would result reduction ad obsurdum...  
Should read: ...would result reduction ad absurdum...

ENTERED this 10<sup>th</sup> day of March, 2014, at Denver, Colorado.



PATRICK G. GERAGHTY  
JUDGE