



U.S. Department
of Transportation

Eastern Region
Regional Counsel

1 Aviation Plaza
Jamaica, NY 11434
Telephone: 718 553-3273
Facsimile: 718 995-5699
E-Mail: christian.lewerenz@faa.gov

**Federal Aviation
Administration**

MAR 20 2014

FEDERAL EXPRESS – OVERNIGHT, CERTIFIED MAIL - RETURN RECEIPT
REQUESTED & FIRST CLASS MAIL

David Zablidowsky
1662 66th Street
Apartment 2F
Brooklyn, NY 11204

Docket No. 2013EA110072

NOTICE OF PROPOSED ASSESSMENT

TAKE NOTICE, that this office has received an investigative report from which it appears that you violated the Federal Aviation Regulations by reason of the following:

- 1) On or about September 30, 2013, you operated an aircraft, a DJI Phantom (hereinafter "the aircraft").
- 2) The aircraft described above is an unmanned aircraft system.
- 3) You operated the aircraft described above on a flight over Midtown Manhattan, New York City, New York (hereinafter "the flight").
- 4) Specifically, the aircraft took off in the vicinity of East 38th Street between Third Avenue and Lexington Avenue.
- 5) During the flight described above, while you were operating the aircraft, the aircraft was not flown within visual line of sight of you.
- 6) During the flight described above, you operated the aircraft within a Class B airspace area without having received an ATC clearance from the ATC facility having jurisdiction for that area before operating an aircraft in that area.
- 7) During the flight described above, your operation of the aircraft endangered the safety of the national airspace system.

- 8) During the flight described above, you operated the aircraft in a careless or reckless manner so as to endanger the life or property of another in that the aircraft:
- (a) Collided more than once with a building located in the vicinity of East 40th Street between Third Avenue and Lexington Avenue;
 - (b) Collided with another building in the vicinity of East 41st Street and Park Avenue;
 - (c) Crashed to the ground on or near a public sidewalk in the vicinity of East 41st Street between Madison Avenue and Park Avenue;
 - (d) Crash landed approximately 20 feet from a person on the ground.

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

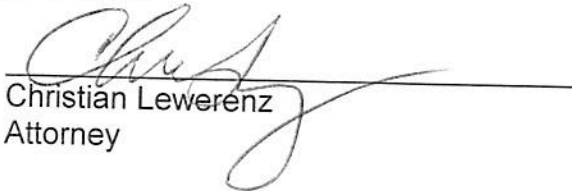
- 1) Section 91.13(a), which states that no person may operate an aircraft in a careless or reckless manner so as to endanger the life or property of another.
- 2) Section 91.131(a)(1), which states that no person may operate an aircraft within a Class B airspace area except in compliance with §91.129 and the following rules: The operator must receive an ATC clearance from the ATC facility having jurisdiction for that area before operating an aircraft in that area.

In accordance with 49 U.S.C. §§46301(a)(1) and (d)(2), you are subject to a civil penalty not to exceed \$1,100 for each violation of the regulations. By reason of the foregoing facts and circumstances, we propose to assess a civil penalty in the amount of \$2,200.

Enclosed is information concerning your options in responding to this Notice. The options include participation in an informal conference with an FAA attorney and submission of information to the FAA for consideration. You must submit in writing your choice of the alternatives explained on the enclosed information form, on or before 15 days after you receive this Notice. If you fail to submit your choice within that time, you will have no further right to participate in the two informal procedures listed above and an Order of Assessment will be issued as proposed.

Alfred R. Johnson, Jr.
Regional Counsel

By:


Christian Lewerenz
Attorney

Enclosure

Pilot's Bill of Rights Notification
Information Sheet
Option Selection Form
Informal Conference Location List

cc: AFS-760/AEA-230(a)/11-FSDO