

ENFORCEMENT INVESTIGATIVE REPORT (Read Order 2150.3 for instructions)		Report Number 2012EA210019	Related Number
ALLEGED VIOLATOR IDENTIFICATION			
1. Name PIRKER, RAPHAEL			
DBA Name			
Designator		2. Address (Include zip code)	
		[REDACTED]	
		8304 ZURICH	
		SZ	
TELEPHONE NUMBER () -		3. DATE OF BIRTH / /	4. SEX M
5. FAA Cert. #	6. FAA Certificate Type	INDIVIDUAL	
	NONE		
7. Aviation Employer			
AIRCRAFT, ENGINE, PROPELLER, COMPONENT OR APPLIANCE INVOLVED			
8. MAKE	9. MODEL	10. IDENT. NUMBER	
		ACFT SN	
11. Owner Name		12. Address (Include zip code)	
ALLEGED VIOLATION			
13. Date Occurred	14. Time	15. Date Known to FAA	16. Region of Discov
2011/10/17	:	2011/12/20	EA
17. Location		CHARLOTTESVILLE VA	Sec Cat
UNIVERSITY OF VIRGINIA			
Airport ID			

SECTION B – STATEMENT OF CASE

EIR#2012EA210019

On October 17, 2011, Mr. Raphael Pirker conducted a number of commercial, Unmanned Aircraft System (UAS) flights around the University of Virginia (UVA) campus for the purpose of making a video of the campus and the new hospital wing (IOP#1,2) contrary to the following 14 Code of Federal Regulations (CFR):

As a result of a complaint, (IOP#3) an investigation of the flights was conducted. The flights were commercial photo flights under 14 CFR Part 91. Lewis Communications was hired by [REDACTED], marketing department for the University of Virginia (UVA) Health System, to supply aerial photographs and video of the new medical center and campus (IOP#4). Lewis Communications is a media group that specializes in product development and organizational video and films (IOP#5). Team BlackSheep was hired to perform the commercial photo flight and Mr. Raphael Pirker was paid for the flight by Lewis Communications (IOP#6,7).

The investigation revealed that several flights were made with the UAS, a Ritewing Zephyr powered glider, with a 54-inch wingspan with a camera mounted on board which sends real-time video to the pilot. The pilot wears goggles with small video displays mounted to give the pilot a "First Person Video" (FPV) of the flight as if flying on the UAS. The UAS has a range of up to 30 miles from the pilot (IOP#6). There is no record that the UAS was operated with the required aircraft registration or airworthiness certificates.

On January 24, 2012, Mr. Pirker was sent a Letter of Investigation (LOI) by email and U.S. First Class International mail (IOP#8). Mr. Pirker, who resides in Switzerland, replied that he was the pilot in command (IOP#9).

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Mr. Raphael Pirker does not hold a U.S. airman Commercial Pilot certificate to fly for hire (IOP#10). Mr. Pirker operated the UAS in a reckless manner when he flew his UAS at extremely low altitudes, down streets, under personnel bridges, directly over automobiles, and within feet of pedestrians (IOP#1). Mr. Pirker also flew directly at his assistant and nearly hitting him (IOP#I).

The FAA Policy Statement requires that no person may operate a UAS in the National Airspace System without specific authority. For UAS operating as civil aircraft the authority is special airworthiness certificates (IOP#II).

Mr. Pirker replied to the email containing the LOI on January 24, 2012. His response stated that he is under his impression that any R/C (radio controlled) aircraft with a spotter flown for recreational purpose does not fall under the UAS category. He refers to page 5 of the Federal Aviation Administration Notice of Policy for Unmanned Aircraft Operations in the National Airspace System, published in the Federal Register Docket No. FAA-2006-25714, dated February 6, 2007, to substantiate his opinion. However, Mr. Pirker opinion is incorrect and ignores the Policy Statement on page 5 and 6 which clearly excludes Mr. Pirker's civil commercial operations from the authority of Advisory Circular (AC) 91-57. The Notice of Policy was issued to clarify the FAA's current policy concerning operations of unmanned aircraft in the National Airspace System. The FAA Policy Statement requires that no person may operate a UAS in the National Airspace System without specific authority, which for public aircraft is a Certificate of Authorization (COA), for UAS operating as civil aircraft the authority is a special airworthiness certificate, and for model aircraft the authority is Advisory Circular (AC) 91-57. The FAA recognizes that people and companies other than modelers might be flying UAS with the mistaken understanding that they are legally operating under the authority of AC 91-57. AC 91-57 only applies to modelers, and thus specifically excludes its use by persons of companies for business purposes. For UAS operating as civil aircraft the authority is special airworthiness certificates (IOP#9,11,12).