

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C.

DEPT. OF TRANSPORTATION
DOCKETS

2008 FEB 26 A 10: 08

**M. Daniel Carey and Cliff
Davenport,**
COMPLAINANTS

v.

**Afton-Lincoln County Municipal
Airport Joint Powers Board,**
RESPONDENT

Docket No. 16-06-06

ORDER DISMISSING APPEAL

This matter is before the Federal Aviation Administration (FAA) based on Respondent Afton Lincoln County Municipal Airport Joint Powers Board's motion to dismiss its appeal pursuant to 14 Code of Federal Regulations (CFR) § 16.19(a).

On January 19, 2007, the Director of the Office of Airport Safety and Standards issued a Director's Determination finding the Respondent in violation of four grant assurances. Respondent was ordered to submit a corrective action plan within 30 days explaining how it would eliminate the grant violations. If Respondent did not submit a corrective action plan acceptable to the FAA, the agency would withhold approval of any grant applications submitted by Respondent. The Director's Determination provided either party with the right to appeal the decision to the Associate Administrator of Airports.

Thereafter, the FAA granted Respondent's request to extend the time for it to file a notice of appeal or corrective action plan to April 22, 2007. On April 19, 2007, Respondent filed an appeal and a corrective action plan. On May 2, 2007, the FAA requested from Respondent clarification and additional information pertaining to the Respondent's corrective action plan. The FAA granted Complainants' request to extend the time for them to file a reply to the notice of appeal to May 14, 2007. On May 14th, Complainants filed a Reply to the Appeal. On June 5th and 28th, and July 3rd, Respondent submitted the additional information requested by the FAA on Respondent's corrective action plan. On July 11th, the parties agreed to hold the appeal of this matter in abeyance pending the processing of the Corrective Action Plan. On July 12, 2007, Complainants replied to the additional submissions by Respondent to its corrective action plan.

On August 27, 2007, the Director found that the Respondent's corrective action plan, as supplemented, satisfied the intent of the Director's Determination and that the Respondent was not currently in violation of its federal obligations.

Respondent served its Motion to Dismiss Appeal on October 2, 2007. The 10-day period for responding to the motion under section 16.19(c) has since elapsed. FAA's acceptance of the Respondent's corrective action and finding that it is in current compliance with its federal obligations effectively mooted Respondent's appeal.

Accordingly, it is Ordered that Respondent's Appeal is DISMISSED.


D. Kirk Shaffer,
Associate Administrator
for Airports

11-14-07
Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 15, 2007 I caused to be placed in the United States mail (first class mail, postage paid) a true copy of the foregoing document addressed to:

Mr. John D. Bowers,
Mr. Joshua T. Smith
BOWERS & ASSOCIATES LAW OFFICES, PC
P.O. Box 1550
Afton, WY 83110

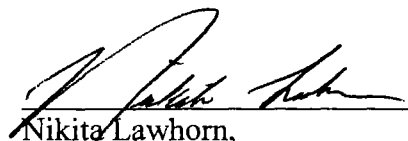
for Respondent;

Mr. Ronald J. Cozad,
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Mr. Terence L. Moore
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for Complainants.

FAA Part 16 Airport Proceedings Docket
FAA Northwest Mountain Region, ANM-626



Nikita Lawhorn,
Office of Airport Safety and Standards