U. S. DEPARTMENT OF COMMERCE
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CIVIL AIR REGULATIONS

# 92.—HEARINGS UPON CERTIFICATES (ISSUED, RENEWED, DENIED, SUSPENDED OR REVOKED)




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# CIVIL AIR REGULATIONS

## 92.—HEARINGS UPON CERTIFICATES (ISSUED, RENEWED, DENIED, SUSPENDED OR REVOKED)

**92.0—PROVISION FOR ISSUANCE.**—Pursuant to the provisions of the Air Commerce Act authorizing or requiring the Secretary of Commerce to hold hearings in connection with action in issuing, denying, renewing, suspending or revoking any certificates pertaining to his functions under the said Act, the following regulations are hereby prescribed.

### 92.1—HEARING BEFORE ISSUANCE OF CERTIFICATE.

**92.10—Provision for Advance Hearing.**—After application duly made and filed for the issuance of any certificate required or authorized to be issued by the Secretary, and before issuance or denial of the certificate, the Secretary, if he deems further inquiry to be necessary in order to assist in making a proper decision upon the application, may direct that an advance hearing take place for such purpose, and may designate an officer or employee of the Department of Commerce to conduct the hearing and to report the evidence taken with recommendations.

**92.11—Time and Place.**—The time and place of any hearing will be such as the Secretary may direct, having due regard to the reasonable convenience of the applicant and the nature of the certificate applied for.

**92.12—Public Nature.**—Any hearing so directed may be open to the public, in the Secretary's discretion.

**92.13—Notice.**

**92.130**—(*a*) The Secretary will give to the applicant at least 10 days' notice of the time and place designated for the hearing, unless the applicant consents to an earlier time.

**92.131**—(*b*) The notice will specify, as the Secretary may deem necessary, the particular points in the application on which information is sought.

**92.132**—(*c*) Notice will also be sent to any other person deemed likely by the Secretary to be able to give information as to the subject of the application or to have an interest therein.

**92.133**—(*d*) Notice will be served personally or sent by registered mail. In the latter case deposit in the United States mails will be deemed proof of service.

**92.14—Record.**—All evidence taken at the hearing will be recorded and promptly forwarded to the Secretary.

### 92.2—HEARING BEFORE SUSPENSION OR REVOCATION OF CERTIFICATE.

**92.20—Notice.**—On receipt of information from a duly authorized inspector of the Bureau of Air Commerce, or from other source deemed satisfactory by the Secretary, a notice will be sent by the Secretary or his duly authorized representative by registered mail to the person concerned, setting forth the matters furnishing ground for the suspension or the revocation, ordering that, unless satisfactory showing is made, the certificate will be thereby suspended or revoked (as the case may be), and notifying him of his statutory right to a hearing as provided for in CAR 92.3.

**92.21—Airmen.**—In the case of a person holding any airman rating or certificate (such as pilot, mechanic, instructor, dispatcher, traffic control tower operator, etc.), the order may postpone the taking effect of a revocation of the certificate or any rating thereon until a date named. If before that date a written request is received by the Bureau from the airman for an advance hearing on the question of revocation, the Director of the Bureau may by order make further postponement of the effective date and arrange for a hearing in such manner as he may deem suitable, but with due regard for the provisions of CAR 92.3201.

**92.22—Airlines.**—In the case of an airline, the procedure of CAR 92.21 regarding an advance hearing prior to revocation shall also be applicable to an airline competency certificate and letters, but in such case the request must be made by an authorized representative of the airline.

**92.23—Waiver.**—If such an advance hearing is requested, the request must include a statement consenting to waive any right to a further hearing as provided for in CAR 92.3.

**92.24—Record.**—At the conclusion of such advance hearing, and after the evidence taken and the recommendations thereon have been forwarded to the Secretary, a decision will be made as provided in CAR 92.326.

**92.25—Decision.**—If no written request is made for an advance hearing as provided in CAR 92.21 or 92.22, the provisions of CAR 92.3 will then be applicable.

## 92.3—PUBLIC HEARING UPON DENIAL, SUSPENSION OR REVOCATION.

**92.30—Certificate Order.**—Any action taken by the Secretary with respect to the denial of an application for a certificate or of an application for its renewal, or the suspension or the revocation of any certificate issued, will be recorded in writing in the office of the Bureau and a copy thereof (by way of notice) will be promptly mailed by the Director of the Bureau to the applicant for or holder of the certificate.

**92.31—Request for Public Hearing.**—Within 20 days after receiving a copy of the order provided for in CAR 92.30, any person who desires a public hearing on the matter involved may file a written request therefor with the Secretary.

**92.32—Proceedings.**

92.320—TIME AND PLACE.—

**92.3200**—(*a*) The Secretary, after receiving written request for a public hearing as provided in CAR 92.31, will forthwith designate a date for such hearing, such date to be within 20 days after receipt by the Secretary of such request.

**92.3201**—(*b*) The Secretary will designate for such public hearing a place deemed by him to be most practicable and convenient in consideration of the place of residence of the applicant or holder and the place where evidence bearing upon the action taken is most readily obtainable.

92.321—NOTICE.—

**92.3210**—(*a*) The Secretary will give to the applicant or holder at least 10 days' notice of the time and place designated for the hearing, unless the applicant or holder consents to an earlier time.

**92.3211**—(*b*) Notice of the hearing will be served personally or sent by registered mail. In the latter case deposit in the United States mails will be deemed proof of service.

**92.322**—PUBLIC NATURE.—Any hearing conducted upon a certificate issued by the Secretary will be open to the public.

**92.323**—CONDUCT OF HEARING.—The Secretary, or some officer or employee of the Department of Commerce designated by him in writing for the purpose, will conduct the hearing.

**92.324**—WITNESSES, SUBPENAS, ETC.—The provisions of CAR 93 will be applicable.

**92.325**—RECORD.—All evidence taken at any hearing conducted upon a certificate will be recorded and promptly forwarded to the Secretary.

**92.326**—DECISION FOLLOWING HEARING.—

**92.3260**—(*a*) A decision upon the subject matter of the certificate involved in the hearing will be rendered by the Secretary.

**92.3261**—(*b*) The decision of the Secretary will be rendered not later than 10 days after the completion of the hearing.

**92.3262**—(*c*) The decision of the Secretary, if in accordance with law, will be final.

**92.33—Validity of Order or Action Taken Thereon.**—The denial, suspension or revocation of any certificate will be invalid unless opportunity for hearing is afforded, notice served or sent and decision rendered within the respective times prescribed in CAR 92.3.

**92.34—Surrender of Certificate.**—Upon receipt of any final order of suspension or of revocation of a certificate, the person holding the certificate shall immediately surrender it by forwarding it to the Secretary as directed by him.

**92.35—Costs in Hearings.**—Where the decision in such hearing is adverse to the applicant for hearing, such applicant shall pay to the Secretary, to be covered into the Treasury as miscellaneous receipts, an amount equal to such portion of the costs of the hearing as the Secretary may designate; and in any case, the applicant may be required by the Secretary to furnish bond, on a form and with such surety as he may approve, to cover all such costs before the matter is heard.

*Any and all rules or regulations made, established, and issued by the Secretary of Commerce pursuant to law as are inconsistent with the provisions of the above specified civil air regulations are hereby repealed.*

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