January 23, 2003

Nicholas M. Romer, Esq.
2020 Fieldstone Pkwy, Suite 900
Franklin, TN 37069

Re: Request for interpretation – FAR 107.209(d)(26)(v) and

108.229(d)(26)(v)

Dear Mr. Romer:

We are in receipt of your letter of January 22, 2003, wherein you request an interpretation of 14 C.F.R. §§ 107.209(d)(26)(v) and 108.229(d)(26)(v). Specifically, you ask if a felony conviction arising out of a falsely-filed state income tax return is a "disqualifying criminal offense" precluding the convicted individual from having unescorted access privileges to airport areas and aircraft. You also ask if a deferred adjudication constitutes a conviction under the regulations. We understand that you represent an airline pilot based in the Dallas/Fort Worth (D/FW) area who has been charged with the crime stated. His livelihood depends on having unescorted access to airport areas and aircraft.

Effective February 17, 2002, the FAA's rules governing civil aviation security were transferred to the Transportation Security Administration (TSA). See 67 FR 8340 (Feb. 22, 2002). The regulations you cite are now codified at 49 C.F.R. §§ 1542.209(d)(26)(v) and 1544.229(d)(26)(v). Inasmuch as enforcement of these regulations is the responsibility of the TSA, we refer you to that agency.

Sincerely,

LYNETTE WORD Regional
Counsel Southwest
Region