

SERVED: July 18, 1997

NTSB Order No. EA-4573

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Issued under delegated authority (49 C.F.R. 800.24)
on the 18th day of July, 1997

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| BARRY L. VALENTINE, | |) | |
| Acting Administrator, | |) | |
| Federal Aviation Administration, | |) | |
| | |) | |
| Complainant, | |) | |
| | |) | Docket SE-14379 |
| v. | |) | |
| | |) | |
| STEPHEN G. CIMMARUSTI, | |) | |
| | |) | |
| Respondent. | |) | |
| | |) | |
| <hr/> | |) | |

ORDER

The respondent, by request filed July 8, 1997, seeks a stay of the effectiveness of Board Order EA-4521 (served February 12, 1997), reconsideration denied, Board Order EA-4555 (served May 30, 1997), pending the disposition of a petition for review he has filed in the United States Court of Appeals for the Ninth Circuit. The request must be denied.

Board Order EA-4521 became effective on June 29, 1997, 30 days after the Board denied the respondent's request for reconsideration of that order. As a result, a stay of the effectiveness of the Board's orders is no longer available. See Section 821.64(b) of the Board's Rules of Practice, 49 C.F.R. Part 821.¹

¹Section 821.64(b) provides, in relevant part, as follows:

§ 821 Judicial review.

* * * * *

ACCORDINGLY, IT IS ORDERED THAT:

The respondent's "Request for Stay of Execution of Board Order" is denied.

Daniel D. Campbell
General Counsel

(..continued)

(b) *Stay pending judicial review.* No petition for stay pending judicial review will be entertained if it is received by the Board after the effective date of the Board's order....