

involves violation of Federal regulations. The parties are also different, as the FAA was not a party in the criminal proceeding. See Administrator v. Yarborough, 3 NTSB 1498 (1978). Even were respondent's recitation of the Ho and Ho matter correct (and we see no need to review that decision), his recitation demonstrates the accuracy of this conclusion. None of the tests respondent describes from that opinion are met here. For example, the evidence to prove the criminal conviction was quite different from the evidence required in this proceeding. It is not enough, as respondent would appear to believe, that the two proceedings stem from the same event. In any case, *res judicata* would afford respondent no relief. It would not preclude a second action; it would merely require the findings of the first action to apply in the second and not be relitigated. We fail to see what benefit that would do respondent.

ACCORDINGLY, IT IS ORDERED THAT:

1. Respondent's appeal is denied; and
2. The revocation of respondent's certificate shall begin 30 days from service of this order.¹

HALL, Chairman, FRANCIS, Vice Chairman, HAMMERSCHMIDT, GOGLIA, and BLACK, Members of the Board, concurred in the above order.

¹ For the purpose of this order, respondent must physically surrender his certificate to a representative of the Federal Aviation Administration pursuant to 14 C.F.R. 61.19(f).