

("FAR"),² but reduced the 30-day suspension sought by the Administrator of any airman certificate held by respondent, including his flight instructor certificate, to a 10-day suspension.³ We deny the appeal.

Respondent argues that he "made every log entry required by the language of the regulations." Respondent's Brief at 5. We disagree. The plain language of section 61.87(m) indicates that

² Section 61.87(m), 14 C.F.R. Part 61, is set forth as Appendix A to this opinion.

³ The Administrator's complaint also alleged that respondent violated FAR sections 61.195(c) and (d), 14 C.F.R. Part 61, which provide, in relevant part, as follows:

§ 61.195 Flight instructor limitations.

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(c) *Endorsement of student pilot certificate.* He may not endorse a student pilot certificate for initial solo or solo cross-country flight privileges, unless he has given that student pilot flight instruction required by this part for the endorsement, and considers that the student is prepared to conduct the flight safely with the aircraft involved.

(d) *Logbook endorsement.* He may not endorse a student pilot's logbook --

(1) For solo flight unless he has given that student flight instruction and found that student pilot prepared for solo flight in the type of aircraft involved;

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Notwithstanding some conflicting statements in the initial decision, we think it is clear that the law judge found that respondent did not violate sections 61.195(c) or (d). The Administrator agrees, and concedes that the law judge found that respondent's student "receive[d] the required training . . . and was[,] in fact, prepared to conduct the flight safely." Administrator's Brief at 2. The Administrator has not appealed this finding.

the required logbook endorsement "must certify" that the flight instructor has given the student instruction in the make and model aircraft to be used for solo flight, that he has found the student meets the flight training requirements of Part 61, and that he has found the student competent to conduct a solo flight. The record indicates that respondent endorsed his student's logbook by merely stating that the student was "OK to solo." Respondent's endorsement did not contain the certifications that the regulation clearly and expressly requires and, as such, he violated the regulation.⁴

⁴ Although respondent's failure to properly certify that the pre-solo requirements were met is certainly less significant than a failure to meet those requirements, we cannot ignore the violation of section 61.87(m). It is clear from the dismissal of the alleged violations of sections 61.195(c) and (d) that respondent ensured that the pre-solo instruction requirements were met, but to therefore ignore respondent's failure to certify that fact, as section 61.87(m) requires, would render 61.87(m) meaningless. The Board has no jurisdiction to do so. Similarly, although respondent seeks to have us construe various entries throughout the student's logbooks to comply, in the aggregate, with the certification requirements of section 61.87(m), we think that doing so would significantly distort the plain meaning of the regulation. More importantly, we do not construe the entries respondent made in his student's logbook to even meet the certification requirements. Respondent, himself, testified that there wasn't enough room in the logbook to record all the training required by section 61.87, and that he therefore kept separate, more detailed, records of each student's training.

ACCORDINGLY, IT IS ORDERED THAT:

1. Respondent's appeal is denied;
2. The initial decision, and the order of suspension as modified by the law judge, are affirmed; and
3. The 10-day suspension of respondent's airman certificates shall commence 30 days after service of this order.⁵

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

⁵ For purposes of this order, respondent must physically surrender his certificates to a representative of the Federal Aviation Administration pursuant to FAR § 61.19(f).

Appendix A

§ 61.87 Solo flight requirements for student pilots.

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(m) Flight instructor endorsements. No student pilot may operate an aircraft in solo flight unless that student's pilot certificate and logbook have been endorsed for the specific make and model aircraft to be flown by an authorized flight instructor certificated under this part, and the student's logbook has been endorsed, within the 90 days prior to the student operating in solo flight, by an authorized flight instructor certificated under this part who has flown with the student. No flight instructor may authorize solo flight without endorsing the student's logbook. The instructor's endorsement must certify that the instructor-

(1) Has given the student instruction in the make and model aircraft in which the solo flight is to be made:

(2) Finds that the student has met the flight training requirements of this section; and

(3) Finds that the student is competent to make a safe solo flight in that aircraft.

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Source: 14 C.F.R. § 61.87 (1996)