



U.S. Department
of Transportation
Federal Aviation
Administration

Southwest Region
Arkansas, Louisiana,
New Mex.co, Oklahoma
Texas

Office of Regional Counsel
Fort Worth, TX 76193-0007
(817) 222-5099
(817) 222-5045/5082 FAX

July 15, 2008

Certified Mail Return Receipt [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: [REDACTED]

NOTICE OF PROPOSED CIVIL PENALTY

Dear Mr. [REDACTED]:

Based on a report of investigation, it appears that:

1. On or about March 27, 2008, [REDACTED] knowingly offered United Parcel Service (hereinafter "UPS") a package containing hazardous material for transportation by air from [REDACTED] to Ponchatoula, Louisiana.
2. Inside a UPS enclosure was one, 8 ounce can of Ford Motorcraft Interior Spray Paint. Printed on the front side of the can was a flammability sign and language which read "**Extreme Danger, VERY FLAMMABLE.**"
3. The proper shipping name for Ford Motorcraft Interior Spray Paint is Aerosols, Flammable, 2.1, UN1950.
4. Aerosols, Flammable is classified as a hazardous material under the Department of Transportation Hazardous Material Regulations (49 C.F.R. § 172.101).
5. At all times mentioned herein, the above-described package was not marked with the proper shipping name or UN identification number of the hazardous material, was not labeled with the proper hazardous materials labels, was not accompanied by a shipper's declaration of dangerous goods, shipper's certification or other proper shipping documents

In accordance with Section 5123(a) of title 49 of the United States Code (Transportation) (49 U.S.C. § 5123(a)), [REDACTED] is liable for a civil penalty not lower than \$250, nor greater than \$50,000 for each violation of the Department of Transportation Hazardous Materials Regulations. After reviewing our investigative file, we propose to assess a civil penalty against [REDACTED] in the amount of \$20,250.00 for these violations.

Enclosed is information on [REDACTED] options in responding to this Notice. The options include participating in an informal conference with a FAA attorney, and submission of information to the FAA for consideration. [REDACTED] must submit, in writing, its choice of the alternatives explained on the enclosed information form, on or before 30 days after [REDACTED] receives this Notice. If [REDACTED] fails to submit its choice within that time, [REDACTED] will have no further right to participate in the informal procedures.

Please direct all correspondence in this matter to:

James Archier, Agency Attorney
Federal Aviation Administration
Southwest Region
Office of the Regional Counsel
Fort Worth, TX 76193-0007G6

Sincerely,

Lynette Word
Regional Counsel
Southwest Region

By: 

James Archier
Agency Attorney
(817) 222-5074

Enclosures: Information Sheet
Reply Form
FAR 13.16 and Subpart G of Part 13