

ERA25MA171

OPERATIONS

Group Chair's Factual Report - ATTACHMENT 4

FAA ORDER

April 13, 2025



U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

**FEDEX STANDARD OVERNIGHT,
USPS FIRST-CLASS MAIL WITH CERTIFIED MAIL AND RETURN RECEIPT,
USPS FIRST-CLASS MAIL, and
ELECTRONIC MAIL**

April 14, 2025

Mr. Michael Roth
Chief Executive Officer
New York Helicopter Charter Inc.
[REDACTED]
[REDACTED]

RE: New York Helicopter Charter Inc., Case No. 2025EA110016

EMERGENCY ORDER OF SUSPENSION

Under 49 U.S.C. § 46105(c), the Acting Administrator of the Federal Aviation Administration (FAA) has determined that an emergency exists related to safety in air commerce and that immediate action to suspend the air-carrier certificate of New York Helicopter Charter Inc. is required. The reasons for this determination are set forth in the paragraph below entitled “Determination of Emergency.”

Based on an investigation and all evidence presently before the Acting Administrator, the Acting Administrator finds the following:

1. New York Helicopter Charter Inc. (NY Helicopter) holds and at all relevant times held Air Carrier Certificate No. NY9A9001 and operational specifications authorizing operations in accordance with 14 C.F.R. part 135.
2. As a part 135 operator, NY Helicopter is required by 14 C.F.R. § 119.69(a) to have sufficient qualified management and technical personnel to ensure the safety of its operations, including a Director of Operations.
3. At all relevant times, civil aircraft N216MH (N216MH) was a Bell 206L-4 LongRanger.
4. On April 10, 2025, NY Helicopter operated N216MH on a sightseeing flight with five passengers.
5. During the above-referenced operation, N216MH crashed into the Hudson River.

6. As a result of the above-referenced crash, the pilot in command and all five passengers on the above-referenced flight died.
7. On April 13, 2025, the FAA requested via telephone to Mr. Jason Costello, the Director of Operations of NY Helicopter, that NY Helicopter cease operations due to safety concerns until the FAA and NTSB investigations in the above-referenced crash were complete.
8. During the above-referenced telephone call, Mr. Costello agreed that NY Helicopter would cease operations as requested.
9. Approximately thirty minutes after the above-referenced telephone call, Mr. Costello confirmed via email to the FAA that NY Helicopter would cease operations until the above-referenced investigations were complete.
10. Sixteen minutes after the above-referenced email, Mr. Michael Roth, the Chief Executive Officer of NY Helicopter, communicated via email to the FAA the following:
 - a. Mr. Roth did not authorize a cessation of operations by NY Helicopter, and
 - b. Mr. Costello, who sent the above-referenced communication, was no longer an employee of NY Helicopter.
11. The immediate firing of the Director of Operations raises serious safety concerns because it appears Mr. Roth retaliated against Mr. Costello for making the safety decision to cease operations during the investigations.
12. NY Helicopter does not have a qualified person serving in the position of Director of Operations.

As a result, NY Helicopter violated 14 C.F.R. § 119.69(a)(1), which states the following: “Each certificate holder must have sufficient qualified management and technical personnel to ensure the safety of its operations. Except for a certificate holder using only one pilot in its operations, the certificate holder must have qualified personnel serving in the following or equivalent positions: . . . Director of Operations.”

In addition, 49 U.S.C. § 44709(b)(1)(A) states that the Acting Administrator may issue an order amending, modifying, suspending, or revoking any part of a certificate issued under 49 U.S.C. chapter 447 if the Acting Administrator decides after conducting a reinspection, reexamination, or other examination that safety in air commerce or air transportation and the public interest require that action.

As a result of the foregoing, the Acting Administrator has determined that there is a reasonable basis to question whether NY Helicopter possesses the qualifications necessary to hold its air-carrier certificate and that safety in air commerce or air transportation and the public interest require the suspension of the above-referenced air-carrier certificate until the qualifications of NY Helicopter can be established. The Acting Administrator further finds that an emergency requiring immediate action exists with respect to safety in air commerce or air transportation. Accordingly, this Order is effective immediately.

IT IS THEREFORE ORDERED, pursuant to the authority vested in the Administrator by 49 U.S.C. §§ 44709 and 46105(c), that,

- 1) Effective immediately, Air Carrier Certificate No. NY9A9001 is suspended;
- 2) The period of suspension imposed by this Order shall continue in effect until the qualifications of NY Helicopter are established; and
- 3) NY Helicopter must immediately surrender Air Carrier Certificate No. NY9A9001 by mail or delivery to Robert J. Miller at the address below.

If NY Helicopter fails to surrender its air-carrier certificate immediately, NY Helicopter will be subject to further legal enforcement action, including a civil penalty of up to \$17,062 a day for each day it fails to surrender the certificate.

DETERMINATION OF EMERGENCY

Under 49 U.S.C. § 46105(c) the Acting Administrator has determined that an emergency exists related to safety in air commerce. This determination is based on the allegations in this order that raise a reasonable basis for the Acting Administrator to question the qualifications of NY Helicopter to hold its air-carrier certificate.

NY Helicopter operated N216MH on April 10, 2025, when it crashed into the Hudson River, causing the death of all six people aboard. Following the crash, the Director of Operations notified the FAA that NY Helicopters would cease operations until the investigations were complete, but the Director of Operations was intentionally fired 16 minutes after making this safety decision. NY Helicopter currently does not have a qualified person serving in the position of Director of Operations. Due to proximity of the above crash and the intentional firing of the Director of Operations resulting in the lack of sufficient qualified management and technical personnel to ensure the safety of its operations, the continued operations of NY Helicopter pose an unacceptable risk to safety in air commerce.

The Acting Administrator, therefore, finds that until the qualifications of NY Helicopter can be established, as described above, the continued operations of NY Helicopter pose an ongoing and unacceptable risk to aviation safety. Based on that risk, the Acting Administrator finds, in accordance with 49 U.S.C. § 46105(c) and the guidance found in FAA Order 2150.3C (paras. 7.4.a, 8.13.a, and 9.8.a), that the continued use by NY Helicopter of its air-carrier certificate while any proceedings related to the issuance of this order are pending is contrary to the interest of safety in air commerce. FAA Order 2150.3C is available at www.faa.gov and can be accessed using the search term “2150.3C.”

You may appeal from this Order in accordance with the Appeal paragraph below. Please direct all communications to Robert J. Miller, whose contact information is below.

[REDACTED]

Liam McKenna
Chief Counsel
Federal Aviation Administration

[REDACTED]

Robert J. Miller
Southern Team
Aviation Litigation Division
Office of the Chief Counsel
Federal Aviation Administration

[REDACTED]

College Park, GA 30337-2714

telephone: [REDACTED] (direct)

fax: [REDACTED]

email: [REDACTED]

Enclosure: Releasable portions of enforcement investigative report (FedEx Standard Overnight and Email only)

APPEAL

You may appeal from this Emergency Order within ten (10) days from the date of its service, which is April 14, 2025, by filing a notice of appeal with the National Transportation Safety Board (NTSB) Office of Administrative Law Judges by email ([REDACTED]) FAX [REDACTED] or overnight delivery (Office of Administrative Law Judges, National Transportation Safety Board, [REDACTED] Washington, DC 20594). The NTSB Rules of Practice in Air Safety Proceedings ("NTSB rules of practice"), 49 C.F.R. part 821, subpart I, apply to appeals of emergency and other immediately effective orders. An executed original and three (3) copies of your notice of appeal must be filed with the NTSB. All documents submitted to the NTSB in a proceeding governed by 49 C.F.R. part 821, subpart I, must be filed with the NTSB by electronic mail, facsimile, or overnight delivery and simultaneously served on all other parties by the same means. Electronic mail filings with the NTSB must comply with 49 C.F.R. § 821.7(a)(3). Therefore, if you appeal, a copy of your notice of appeal must also be served on the FAA's attorney by email [REDACTED], facsimile [REDACTED] or overnight delivery at the address listed in this Emergency Order. If you file an appeal to the NTSB, a copy of this Emergency Order will be filed with the NTSB as the Acting Administrator's complaint in that proceeding.

You may also seek review of the FAA's determination that an emergency exists in this case, which makes this order immediately effective. You may request such review in a written petition filed within (2) two days after your receipt of this order. Petitions for review of FAA emergency determinations must be filed with the NTSB, with a copy of the FAA's emergency order attached to the petition, by electronic mail ([REDACTED]) or overnight delivery (Office of Administrative Law Judges, National Transportation Safety Board, [REDACTED] Washington, D.C. 20594). Petitions for review of FAA emergency determinations must simultaneously, and by the same means used for the NTSB filing, be served on the FAA's attorney at the email, facsimile, or address provided in this order. Electronic mail filing of a petition for review of the FAA emergency determination with the NTSB must comply with 49 C.F.R. § 821.7(a)(3). The NTSB rules of practice that apply to its review of the FAA's emergency determinations are available at 49 C.F.R. § 821.54.

The NTSB's rules of practice and other information and announcements from the NTSB are available through the NTSB's website at <http://www.nts.gov/legal/alj>. The NTSB strongly prefers that documents be filed via email.

Whether or not you elect to appeal from this Emergency Order, you must immediately surrender your air-carrier certificate to Robert J. Miller at the address listed in this Emergency Order. In the event that you have lost or destroyed your certificate, you will be required to execute a sworn declaration setting forth the circumstances that make you unable to surrender your certificate.

CERTIFICATE OF SERVICE

I certify that the foregoing Emergency Order of Suspension in New York Helicopter Charter Inc., Case No. 2025EA110016, has been sent this date by FedEx Standard Overnight, USPS First-Class Mail with Certified Mail and Return Receipt, USPS First-Class Mail, and electronic mail to the following:

Mr. Michael Roth
Chief Executive Officer
New York Helicopter Charter Inc.

[REDACTED]
Neponsit, NY 11694-1032
[REDACTED]

[REDACTED]
Jeff Kamberg
Management Assistant, AGC-10

Dated: April 14, 2025



U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

Aviation Litigation Division
Southern Team
[REDACTED]
College Park, GA 30337-2714

FEDEX STANDARD OVERNIGHT

April 14, 2025

Mr. Michael Roth
Chief Executive Officer
New York Helicopter Charter Inc.
[REDACTED]

Neponsit, NY 11694-1032

RE: New York Helicopter Charter Inc., Case No. 2025EA110016

Mr. Roth:

The documents attached to this letter are a copy of the releasable portions of the Federal Aviation Administration's (FAA's) enforcement investigative report (EIR), upon which the FAA relied in preparing and initiating the above-referenced enforcement action.

Portions of the EIR that have not been released are withheld as privileged because they contain the investigator's analysis, recommendations, and opinions. They are privileged because they are deliberative, pre-decisional materials, rendered by agency staff members in the course of reaching a final determination or position on a particular matter under agency consideration. *See, e.g., Jordan v. U.S. Dep't of Just.*, 591 F.2d 753, 774 (D.C. Cir. 1978).

Sincerely,

[REDACTED]

Robert J. Miller
Southern Team
Aviation Litigation Division
Office of the Chief Counsel
Federal Aviation Administration
[REDACTED]

College Park, GA 30337-2714

telephone: [REDACTED] (direct)

fax: [REDACTED]

email: [REDACTED]

Attachment: Releasable Portions of EIR