

Federal Aviation Administration
Office of International Aviation
800 Independence Ave. S.W.
Washington, D.C. 20591

660

Facsimile Cover Sheet

To: Laura Lochman/Janice
Jacobs

Company: Office of Cuban Affairs

Phone:

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From: Cecilia D. Capestany

Company: Federal Aviation Administration,
Office of International Aviation, AIA-
120

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Date: 02/14/96

Pages including this cover page: 6

Subject: BTR/Basulto

Please find attached sworn statement provided by GOC in support of our case against Basulto for the 13 July 1995 alleged transgression of Cuban airspace. Our lawyers have asked that we request from the GOC additional, specific information related to Mr. Amador Nieto Iglesias' testimony as follows: 1) at what specific altitude did the aircraft penetrated the Havana FIR? 2) what are the "dangerous zones" located within the Havana FIR? 3) at what altitude were the aircraft when they penetrated the Havana Air Traffic Control zone? We need as much complete information as possible before convening meeting with Basulto and his legal counsel.

On the subject of the evidence that the GOC was sending to us, via USINT, regarding the alleged 13 January 1996 penetration of Cuban airspace, I have not/not received anything yet, and that concerns me. My understanding was that Bob Witajewski was going to send a package to my offices--nothing has surfaced

yet. If I don't get it, the lawyers will not be able to get it either. Would you kindly check with USINT to determine what happened to it?

On the other hand, if it's voluminous and all in Spanish, could we take you up on your offer to have State translators help us with the translation?

Thank you for your assistance. Let me know how we can join forces to resolve the above referenced issues. Cheers,

Cecilia

U.S. Department

Office of the Assistant Chief Counsel

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Southern Region at Orlando, Florida
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Federal Aviation

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Administration

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CERTIFIED - RETURN RECEIPT REQUESTED 95SO190142

Mr. Jose Basulto
5790 SW 84th Street
Miami, Florida 33143-8218

NOTICE OF PROPOSED CERTIFICATE ACTION

We have considered a report of investigation, which indicates that:

1. At all times material herein you were and are now the holder of Commercial Pilot Certificate No. 002122405.

2. On or about July 13, 1995, you operated as pilot in command civil aircraft N2506, a Cessna 337, the property of another, on a passenger carrying flight departing from Opa Locka Airport, Miami, Florida.

3. During the course of said flight you operated N2506 into the Cuba Flight Information Region.

4. During the course of said flight you operated N2506 into and through the Cuba Air Defense Identification Zone (ADIZ).

5. During the course of said flight you operated N2506 into the Havana, Cuba, Terminal Control Zone.

6. At the time of your operation of N2506 into the Cuba Flight Information Region, Cuba ADIZ, and Havana, Cuba, Terminal Control Zone, you did not have a clearance from the Cuban government air traffic control authority for entry into, and operation within, that airspace.

7. As a result, you violated the following sections of the Federal Aviation Regulations:

a. Section 91.703(a)(2) in that you operated a civil aircraft of U.S. registry within a foreign country and you did not comply with the regulations relating to the flight and maneuver of aircraft there in force;

b. Section 91.703(a)(3), and Section 91.13(a), in that you operated a civil aircraft of U.S. registry within a foreign country in a careless or reckless manner so as to endanger the life or property of another.

Taking into consideration all of the circumstances of this case, we propose, pursuant to the authority vested in the Administrator by 49 U.S.C. Section 44709, to issue an Order suspending any and all Commercial Pilot certificates you hold for a period of one hundred and twenty (120) days.

An Order for such suspension will be issued unless, on or prior to fifteen (15) days after

8-31-95

your receipt of this letter, you elect to proceed in accordance with the enclosed information with respect to certificate action.

EDDIE L. THOMAS
ASSISTANT CHIEF COUNSEL

BY:
KEITH S. MAY
Managing Attorney
Office of the Assistant Chief Counsel
Southern Region at Orlando, Florida

Enclosure

cc: ASO-7, AVN-460, FSDO-19 (Dibbley)
ASO-7 ORL:ksm:8/31/95
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