



Transportation
Security
Administration

December 4, 2012

SENT BY FEDEX & FIRST CLASS MAIL

(b)(6)

(b)(6)

RE: TSA Case No

(b)(6)

**FINAL NOTICE OF PROPOSED CIVIL PENALTY
AND CIVIL PENALTY ASSESSMENT ORDER**

By Notice of Proposed Civil Penalty dated November 15, 2012, you were advised that the Transportation Security Administration (TSA) proposed to assess a civil penalty against you for a violation of the Transportation Security Regulations (TSR) as alleged in the Notice. After consideration of all of the information available in this matter, TSA has determined that:

At all times relevant herein the following provisions were in effect:

1. Pursuant to Title 49 Code of Federal Regulations §1540.109, "[n]o person may interfere with, threaten, or intimidate screening personnel in the performance of their screening duties under this subchapter."

Based upon our report of investigation, it appears that:

1. On July 19, 2012, at approximately 1138 hours at the Tri-Cities Regional Airport (TRI), you interfered with screening personnel when you failed to follow TSO instructions and entered the TRI sterile area without first completing the screening process.

2. Specifically, your carry-on bag alarmed. While a TSO was trying to resolve the alarm, you announced that you were going to the gate without your bag. You were instructed not to leave the checkpoint until screening was completed.
3. You then left the checkpoint and entered the sterile area.
4. Because of your actions, screening operations were halted and law enforcement officers responded to the checkpoint.
5. The incident caused a disruption of the screening process for several minutes.

By reason of the foregoing facts and circumstances, it appears that you violated: Title 49 C.F.R. §1540.109. Pursuant to 49 U.S.C. § 46301(a), you are subject to a civil penalty not to exceed \$11,000 for each violation of the regulations. Subsequent to several informal conferences with your attorney, we agreed to accept a fine of **\$250.00 (due within 30 calendar days of your receipt of this Notice)**. Pursuant to the agreement for the reduced fine, you waive your right to a hearing.

Should you elect to submit the civil penalty, you should mail a certified check or money order payable to the "Transportation Security Administration" to:

**United States Department of Homeland Security
Transportation Security Administration P.O. Box 530262 Atlanta, GA
30353-0262**

Or you may deliver the certified check or money order to:

**Bank of America
United States DHS/TSA
Lockbox Number 530262
1075 Loop Road
Atlanta, GA 30337-6002**

The TSA Case Number MUST be written on the face of the certified check or money order.

If you prefer to pay by credit card or by direct debit from a checking or savings account, you may make the payment electronically via www.Pay.gov, a website administered by the U.S. Department of the Treasury.

If you pay the civil penalty proposed in this Final Notice within 30 days of receipt, the Final Notice will automatically convert to an Order Assessing a Civil Penalty in the amount paid, concluding the matter, with no further action necessary on your part.

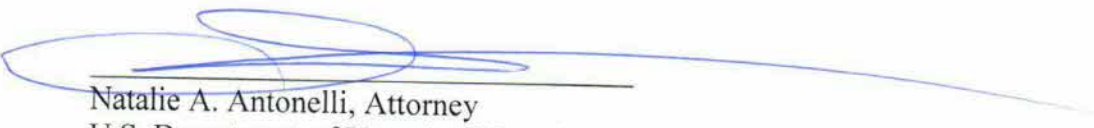
If you and the undersigned attorney agree upon a civil penalty different from the amount proposed in this Final Notice, an Order Assessing Civil Penalty will be issued for that amount.

If the civil penalty assessed has not been paid in full within 46 days of your receipt of this Final Notice, the unpaid civil penalty will constitute a delinquent debt owed to the United States, for

which federal law requires TSA to charge interest at a fixed annual rate,¹ along with an administrative charge of \$12.00 per month. If the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of the Treasury for further collection action, including offset of any federal payments and tax refunds, or to the U.S. Department of Justice for litigation.

In the event this Final Notice automatically converts to an Order Assessing Civil Penalty as specified above, this Order constitutes a finding by the TSA of the facts and regulatory violation contained herein.

Please direct all future correspondence regarding this matter to the undersigned attorney.



Natalie A. Antonelli, Attorney
U.S. Department of Homeland Security
Transportation Security Administration
One Copley Parkway, Suite 600
Morrisville, NC 27560

Tel: (919) 337-(b)(6)

(b)(6)

¹ The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>.

**UNITED STATES OF AMERICA
DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION**

In the Matter of:

(b)(6)

Respondent

Docket Number:

12-TSA-0050

INITIAL DECISION

Issued:

January 8, 2013

Issued By:

**Hon. Walter J. Brudzinski
Presiding**

APPEARANCES

FOR THE TRANSPORTATION SECURITY ADMINISTRATION:

Martin J. Ward, Esq.
U.S. Department of Homeland Security
Transportation Security Administration
2 Service Road, Room 370
East Boston, MA 02128

FOR RESPONDENT:

(b)(6)

SUMMARY

The Transportation Security Administration (TSA or Agency) alleges Respondent (b)(6) interfered with TSA "screening personnel in the performance of their screening duties" when he pressed the "e-stop" button while waiting for a pat down. Respondent admits to pressing the "e-stop" button which halted the screening process. The undersigned found TSA's charge against Respondent **PROVED** by a preponderance of the evidence. The undersigned also found TSA's proposed one thousand dollar (\$1,000) civil penalty appropriate.

STATEMENT OF THE CASE

On June 21, 2012, TSA filed a Complaint against (b)(6) alleging he violated 49 C.F.R. § 1540.109 of the Transportation Security Regulations (TSR). That regulation prescribes "[n]o person may interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties under this subchapter." Pursuant to 49 U.S.C. § 46301(a) and 49 C.F.R. §1503.401(d), Table 2, Respondent is subject to a civil penalty not to exceed \$11,000 per violation. TSA sought a civil penalty in the amount of \$1,000.

Following Respondent's request for hearing, the Chief Administrative Law Judge assigned this matter to the undersigned on June 26, 2012. On July 18th, Respondent moved to dismiss based on his disagreement with the allegations in the Complaint, among other things. On August 24th, the undersigned denied Respondent's motion because none of his stated reasons met the criteria for dismissal and further ordered Respondent to file his Answer by September 24th. Less than one month later, Respondent filed a second motion to dismiss stating TSA did not timely file its

Complaint. The undersigned denied Respondent's second motion to dismiss as unsubstantiated and reaffirmed the previous order for him to file his Answer by September 24th. Respondent filed his Answer on that date.

TSA filed a Motion for Decision on October 2nd claiming Respondent admitted to pressing the "e-stop" button; therefore, there were no genuine issues of material fact. Upon finding genuine issues of material fact existed regarding interference with screening personnel and the amount of civil penalty, the undersigned denied the motion on October 5th and set the hearing for December 13th in Boston, Massachusetts because all of TSA's witnesses reside or work in the Boston metropolitan area.

Subsequently, Respondent filed several motions, including: 1) an October 12th motion to issue a subpoena for the airport security video; 2) an October 31st motion in limine to exclude TSA witnesses and for summary judgment; 3) a November 26th motion to change the hearing date; and, 4) a December 4th request for documents from TSA. The undersigned denied each of these motions in Orders issued October 18th, November 9th, November 29th, and December 6th.

The undersigned conducted a one-day hearing in Boston, Massachusetts on December 13, 2012. Martin J. Ward, Esq. represented the Agency. Respondent, (b) (6) was self-represented. Mr. Ward introduced four (4) exhibits and the testimony of four (4) witnesses. Respondent introduced two (2) exhibits and testified on his own behalf.

At the conclusion of the hearing, the undersigned advised the parties of their right to make final argument and present oral findings of fact and conclusions of law pursuant to 49 C.F.R. § 1503.653(b). TSA declined the opportunity to make oral findings

of fact and Respondent proposed one finding of fact which was not accepted or incorporated.¹ The undersigned determined that written post hearing briefs were not necessary because the facts and arguments had been fully and fairly presented.

In accordance with 49 C.F.R. § 1503.655(a), the undersigned issued an initial decision orally from the bench. Upon stating the findings of fact and conclusions of law, the undersigned found the Agency proved the allegations in the Complaint that Respondent violated 49 C.F.R. § 1540.109 by a preponderance of the reliable, probative, and credible evidence. The undersigned also assessed a civil penalty in the amount of \$1,000 against Respondent.

On December 31, 2012, the undersigned received the recorded transcript. In accordance with 49 C.F.R. § 1503.655(b), this written Decision is issued to memorialize the oral bench decision.

I. FINDINGS OF FACT

1. On October 13, 2011, Respondent (b)(6) was a ticketed passenger aboard United Airlines Flight #593 departing from Boston Logan International Airport (BOS) to Denver International Airport and ultimately to Portland, Oregon. See Tr. at 85; Resp. Ex. A.
2. On October 13, 2011, at approximately 1640, Respondent presented himself and his accessible property to the TSA passenger screening checkpoint located at lane 7-8, Terminal C (BOS) for inspection. See Tr. at 53 and 78.
3. On October 13, 2011, at approximately 1640, Transportation Security Officer (TSO) (b)(6) was manning the “walk through metal detector” at the TSA passenger screening checkpoint, lane 7-8, Terminal C (BOS). See Tr. at 52-3.
4. While processing through the passenger screening checkpoint, Respondent elected to “opt out” of Advanced Imagery Testing (AIT) and instead requested a TSO to perform a “pat down.” See Tr. at 56-7.
5. TSO (b)(6) instructed Respondent to wait near the x-ray machine for his “pat down.” See Tr. at 57-8.

¹ Respondent’s proposed finding of fact is transcribed and ruled upon in **Attachment B**.

6. As a result of Respondent's request, TSO (b)(6) called out to his colleagues for a "pat down" at least twice during a five minute time span. See Tr. at 56-7, 58, and 65.

7. While waiting for a security "pat down," Respondent pressed the "e-stop" button at TSA passenger screening checkpoint, lane 7-8, Terminal C, BOS. See Tr. at 55-6, 59, 80, 84-5,

8. The "e-stop" button is a red button located on top side of the airport security x-ray conveyor belt system, metal caged enclosure. See TSA Exs. 1, 2; Tr. at 19-22, 37, and 53-5.

9. The "e-stop" button has plastic sides to prevent inadvertent pressing. See Tr. at 22-3, and 40-41; TSA Exs. 3 and 4.

10. TSO (b)(6) contacted Senior Transportation Security Officer (STSO) (b)(6) who responded to the scene and contacted Massachusetts State Police. See Tr. at 59-60, 71, 73 and 76.

11. Massachusetts State Trooper (MST) (b)(6); (b)(7)(C) responded, escorted Respondent to the end of the security line, and remained with Respondent until he cleared passenger screening. See Tr. at 42-3, 68, 75, 81-2.

12. As a result of Respondent pressing the "e-stop" button, the x-ray conveyor belt system and x-ray machine stopped operating for several minutes. See Tr. at 37-40, 44-8, 55, 61-2, and 69.

13. As a result of Respondent pressing the "e-stop" button, the x-ray machine needed to be rebooted and recalibrated before it could be considered operational. See Tr. at 38-40; 44-8, 55, and 61.

II. DISCUSSION

a. Principles of Law

Initial Decisions must be supported by a preponderance of the evidence contained in the record. 49 C.F.R. § 1503.637. In order to prevail, the party with the burden of proof must prove the party's case or defense by a preponderance of the evidence. Id. The burden of proof, except in the case of a respondent's affirmative defense, is on the Agency. 49 C.F.R. § 1503.639(a).

In this case, TSA alleged Respondent interfered with screening personnel in

the course of their screening duties when he pressed the “e-stop” button on the x-ray conveyor belt system at a passenger screening checkpoint in Terminal C, BOS. Title 49 C.F.R. § 1540.109 states “[n]o person may interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties under this subchapter.”

b. Agency Case-in-Chief

TSA presented evidence that Respondent presented himself for inspection at TSA Security Checkpoint, lane 7-8, Terminal C (BOS). See Tr. at 53. Respondent opted out of Advanced Imagery Testing and requested a “pat down.” See Tr. at 56-7. TSO (b)(6) called out for a “pat down” and instructed Respondent to wait near the x-ray machine. See Tr. at 56-8, 65. While waiting for the “pat down” Respondent pressed the “e-stop” button thereby shutting down the conveyor belt and the x-ray machine. See Tr. at 37-40, 44-8, 55, and 61-2. TSA personnel had to reboot and recalibrate the x-ray for it to be operational again, a process that took several minutes. See Tr. at 38-40, 44-8, 55 and 61. During that time, the security screening process was halted.

c. Respondent’s Rebuttal

Respondent does not dispute pressing the “e-stop” button while waiting for a “pat down” at the TSA security checkpoint. Rather, Respondent states he did not intentionally interfere with the TSA screening personnel and that he pressed the “e-stop” button to call for a supervisor. See Tr. at 80. He claims that TSO (b)(6) “did not officially initiate the pat-down procedure.” Tr. at 78. Further, Respondent argues that pressing the “e-stop” button only shuts down the conveyor belt and not the x-ray machine.

d. Credibility Findings

The undersigned finds all TSA's witnesses fully credible and Respondent less credible. For example, Respondent testified at hearing that he pressed the "e-stop" button in order to get the attention of a TSA supervisor. See Tr. at 80. However, in a letter dated April 10, 2012 from Respondent to TSA counsel, Mr. (b)(6) states that he "involuntarily and unknowingly pressed the button..." See Respondent's Letter dated April 10, 2012, Attached to his Motion to Dismiss dated July 12, 2012. Similarly, in that same letter he stated TSO (b)(6) called for a "pat down" at least twice. Id. However, at hearing Respondent testified that TSO (b)(6) "did not officially initiate the pat-down procedure ever." Tr. at 78. These inconsistent statements make Respondent's testimony at hearing less credible.

Finally, Respondent testified at hearing that "[t]here was no 15 minute wait...the button only stops the conveyor belt and does not stop the x-ray machine...immediately after they reset the button, it wasn't 15 minutes, probably two minutes tops..." Tr. at 85-6. The Agency's witnesses, however, testified that after Respondent pressed the "e-stop" button, TSO (b)(6) called STSO (b)(6) to respond. STSO (b)(6) called MST (b)(6); (b)(7)(C) to respond. The x-ray machine had to be rebooted similar to a computer; and, the x-ray machine needed to be recalibrated. Respondent has no specific knowledge regarding the x-ray machine whereas TSA's witnesses do. Further, at the time TSA was restoring the machine to operational status, MST (b)(6); (b)(7)(C); (b)(7)(F) confronted Respondent and escorted him to the back of the screening line. These underlying facts make Respondent's testimony that the screening process was only interrupted for "two minutes tops" less credible. The preponderance of the evidence

shows the x-ray machine and conveyor system was shut down, halting the screening process, for several minutes.

ULTIMATE FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. TSA and the undersigned Administrative Law Judge have jurisdiction over the subject matter and parties pursuant to 49 C.F.R. Parts 1503 and 1540 and the Interagency Agreement between the U.S. Coast Guard and TSA.
2. As a result of pressing the “e-stop” button, the x-ray conveyor belt shut down and the x-ray machine stopped working for several minutes.
3. During this time, the screening process halted until the x-ray conveyor belt system and x-ray machine were rebooted, recalibrated, and otherwise restored to normal operations.
4. As a result of Respondent pressing the “e-stop” button, TSO (b)(6) had to cease screening passengers through the checkpoint.
5. In response to Mr. (b)(6) pressing the “e-stop” button, other TSA personnel and the Massachusetts State Police reported to the scene to attend to Respondent.
6. As a result of pressing the “e-stop” button causing the system to be down and the screening to halt, Respondent interfered with TSA screening personnel in the performance of their screening duties.
7. Respondent violated 49 C.F.R. § 1504.109.
8. Respondent is subject to a civil penalty not to exceed \$11,000 pursuant to 49 U.S.C. § 46301(a).

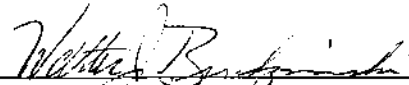
III. SANCTION

TSA proposes that a one-thousand dollar (\$1,000) civil penalty for violating 49 C.F.R. § 1540.109 under these circumstances. TSA's proposed civil penalty is within the amount allowed by statute. Having found Respondent interfered with screening personnel in the performance of their screening duties, the undersigned finds that a civil penalty in the amount of \$1,000 is appropriate under the circumstances.

In accordance with 49 C.F.R. § 1503.655(c) this Initial Decision "will be considered an order assessing civil penalty" unless appealed.

PLEASE TAKE NOTICE that service of this Initial Decision serves as notice of administrative appeal rights as outlined in 49 C.F.R. § 1540.657 (Attachments C, D, and E).

Done and dated January 8, 2013
New York, New York


HON. WALTER J. BRUDZINSKI
Administrative Law Judge
United States Coast Guard

ATTACHMENT A – LIST OF WITNESSES AND EXHIBITS

Agency Witnesses

1. William Robicheau, Transportation Security Investigator located at BOS.
2. Karen Hagner, Deputy Assistant Federal Security Director at BOS.
3. (b)(6), Transportation Security Officer stationed at BOS.
4. (b)(6), Senior Transportation Security Officer stationed at BOS.

Respondent Witnesses

1. (b)(6), Respondent.

ALJ Exhibit

1. Civil Aviation Security Rules, 67 Fed. Reg. 8340 (February 22, 2002) (Final rule).

Agency Exhibit

1. Photograph of x-ray conveyor belt system
2. Photograph of x-ray conveyor belt system
3. Photograph of e-stop button
4. Photograph of e-stop button

Respondent Exhibits

- A. E-mail indicating Respondent was ticketed passenger and date of flight
- B. Portion of William Robicheau's Investigation Report identifying date of offense as Saturday instead of Thursday.

**ATTACHMENT B – RULINGS ON PROPOSED FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

At hearing, the Agency did not make any proposed findings of fact or conclusions of law.

Respondent's Proposed Finding of Fact

1. Respondent never had the intention to interfere with the TSA screening process.

NOT ACCEPTED AND NOT INCORPORATED. As stated in the initial decision, specific intent is not an element of the violation. Respondent's intent, therefore, is irrelevant.

ATTACHMENT "C"

49 C.F.R. § 1503.657 Appeal from initial decision.

(a) *Notice of appeal.* Either party may appeal the initial decision, and any decision not previously appealed pursuant to §1503.631, by filing a notice of appeal with the Enforcement Docket Clerk. A party must file the notice of appeal with USCG ALJ Docketing Center, ATTN: Enforcement Docket Clerk, 40 S. Gay Street, Room 412, Baltimore, Maryland 21202-4022. A party must file the notice of appeal not later than 10 days after entry of the oral initial decision on the record or service of the written initial decision on the parties and must serve a copy of the notice of appeal on each party. Upon filing of a notice of appeal, the effectiveness of the initial decision is stayed until a final decision and order of the TSA decision maker have been entered on the record.

(b) *Issues on appeal.* A party may appeal only the following issues:

- (1) Whether each finding of fact is supported by a preponderance of the evidence.
- (2) Whether each conclusion of law is made in accordance with applicable law, precedent, and public policy.
- (3) Whether the ALJ committed any prejudicial errors during the hearing that support the appeal.

(c) *Perfecting an appeal.* Unless otherwise agreed by the parties, a party must perfect an appeal, not later than 50 days after entry of the oral initial decision on the record or service of the written initial decision on the party, by filing an appeal brief with the Enforcement Docket Clerk.

(1) *Extension of time by agreement of the parties.* The parties may agree to extend the time for perfecting the appeal with the consent of the TSA decision maker. If the TSA decision maker grants an extension of time to perfect the appeal, the Enforcement Docket Clerk will serve a letter confirming the extension of time on each party.

(2) *Written motion for extension.* If the parties do not agree to an extension of time for perfecting an appeal, a party desiring an extension of time may file a written motion for an extension with the Enforcement Docket Clerk and must serve a copy of the motion on each party. The TSA decision maker may grant an extension if good cause for the extension is shown in the motion.

(d) *Appeal briefs.* A party must file the appeal brief with the Enforcement Docket Clerk and must serve a copy of the appeal brief on each party.

(1) In the appeal brief, a party must set forth, in detail, the party's specific objections to the initial decision or rulings, the basis for the appeal, the reasons supporting the appeal,

and the relief requested in the appeal. If, for the appeal, the party relies on evidence contained in the record for the appeal, the party must specifically refer in the appeal brief to the pertinent evidence contained in the transcript.

(2) The TSA decision maker may dismiss an appeal, on the TSA decision maker's own initiative or upon motion of any other party, where a party has filed a notice of appeal but fails to perfect the appeal by timely filing an appeal brief.

(e) *Reply brief.* Unless otherwise agreed by the parties, any party may file a reply brief not later than 35 days after the appeal brief has been served on that party. The party filing the reply brief must serve a copy of the reply brief on each party. If the party relies on evidence contained in the record for the reply, the party must specifically refer to the pertinent evidence contained in the transcript in the reply brief.

(1) *Extension of time by agreement of the parties.* The parties may agree to extend the time for filing a reply brief with the consent of the TSA decision maker. If the TSA decision maker grants an extension of time to file the reply brief, the Enforcement Docket Clerk will serve a letter confirming the extension of time on each party.

(2) *Written motion for extension.* If the parties do not agree to an extension of time for filing a reply brief, a party desiring an extension of time may file a written motion for an extension and will serve a copy of the motion on each party. The TSA decision maker may grant an extension if good cause for the extension is shown in the motion.

(f) *Other briefs.* The TSA decision maker may allow any person to submit an amicus curiae brief in an appeal of an initial decision. A party may not file more than one appeal brief or reply brief. A party may petition the TSA decision maker, in writing, for leave to file an additional brief and must serve a copy of the petition on each party. The party may not file the additional brief with the petition. The TSA decision maker may grant leave to file an additional brief if the party demonstrates good cause for allowing additional argument on the appeal. The TSA decision maker will allow a reasonable time for the party to file the additional brief.

(g) *Number of copies.* A party must file the original appeal brief or the original reply brief, and two copies of the brief, with the Enforcement Docket Clerk.

(h) *Oral argument.* The TSA decision maker has sole discretion to permit oral argument on the appeal. On the TSA decision maker's own initiative or upon written motion by any party, the TSA decision maker may find that oral argument will contribute substantially to the development of the issues on appeal and may grant the parties an opportunity for oral argument.

(i) *Waiver of objections on appeal.* If a party fails to object to any alleged error regarding the proceedings in an appeal or a reply brief, the party waives any objection to the alleged error. The TSA decision maker is not required to consider any objection in an appeal brief or any argument in the reply brief if a party's objection is based on evidence

contained in the record and the party does not specifically refer to the pertinent evidence from the record in the brief.

(j) *The TSA decision maker's decision on appeal.* The TSA decision maker will review the briefs on appeal and the oral argument, if any, to determine if the ALJ committed prejudicial error in the proceedings or that the initial decision should be affirmed, modified, or reversed. The TSA decision maker may affirm, modify, or reverse the initial decision, make any necessary findings, or may remand the case for any proceedings that the TSA decision maker determines may be necessary.

(1) The TSA decision maker may raise any issue, on the TSA decision maker's own initiative, that is required for proper disposition of the proceedings. The TSA decision maker will give the parties a reasonable opportunity to submit arguments on the new issues before making a decision on appeal. If an issue raised by the TSA decision maker requires the consideration of additional testimony or evidence, the TSA decision maker will remand the case to the ALJ for further proceedings and an initial decision related to that issue. If the TSA decision maker raises an issue that is solely an issue of law, or the issue was addressed at the hearing but was not raised by a party in the briefs on appeal, the TSA decision maker need not remand the case to the ALJ for further proceedings but has the discretion to do so.

(2) The TSA decision maker will issue the final decision and order of the Administrator on appeal in writing and will serve a copy of the decision and order on each party. Unless a petition for review is filed pursuant to §1503.659, a final decision and order of the Administrator will be considered an order assessing civil penalty if the TSA decision maker finds that an alleged violation occurred and a civil penalty is warranted.

(3) A final decision and order of the Administrator after appeal is binding precedent in any other civil penalty action unless appealed and reversed by a court of competent jurisdiction.

(4) The TSA decision maker will determine whether the decision and order of the TSA decision maker, with the ALJ's initial decision or order attached, may be released to the public, either in whole or in redacted form. In making this determination, the TSA decision maker will consider whether disclosure of any of the information in the decision and order would be detrimental to transportation security, would not be in the public interest, or should not otherwise be required to be made available to the public.

ATTACHMENT "D"

49 C.F.R. § 1503.659 Petition to reconsider or modify a final decision and order of the TSA decision maker on appeal.

(a) *General.* Any party may petition the TSA decision maker to reconsider or modify a final decision and order issued by the TSA decision maker on appeal from an initial decision. A party must file a petition to reconsider or modify not later than 30 days after service of the TSA decision maker's final decision and order on appeal and must serve a copy of the petition on each party. The TSA decision maker will not reconsider or modify an initial decision and order issued by an ALJ that has not been appealed by any party to the TSA decision maker and filed with the Enforcement Docket Clerk.

(b) *Form and number of copies.* A party must file in writing a petition to reconsider or modify. The party must file the original petition with the Enforcement Docket Clerk and must serve a copy of the petition on each party.

(c) *Contents.* A party must state briefly and specifically the alleged errors in the final decision and order on appeal, the relief sought by the party, and the grounds that support the petition to reconsider or modify.

(1) If the petition is based, in whole or in part, on allegations regarding the consequences of the TSA decision maker's decision, the party must describe and support those allegations.

(2) If the petition is based, in whole or in part, on new material not previously raised in the proceedings, the party must set forth the new material and include affidavits of prospective witnesses and authenticated documents that would be introduced in support of the new material. The party must explain, in detail, why the new material was not discovered through due diligence prior to the hearing.

(d) *Repetitious and frivolous petitions.* The TSA decision maker will not consider repetitious or frivolous petitions. The TSA decision maker may summarily dismiss repetitious or frivolous petitions to reconsider or modify.

(e) *Reply petitions.* Any other party may reply to a petition to reconsider or modify, not later than 30 days after service of the petition on that party, by filing a reply with the Enforcement Docket Clerk. A party must serve a copy of the reply on each party.

(f) *Effect of filing petition.* Unless otherwise ordered by the TSA decision maker, filing a petition pursuant to this section will stay the effective date of the TSA decision maker's final decision and order on appeal.

(g) *The TSA decision maker's decision on petition.* The TSA decision maker has sole discretion to grant or deny a petition to reconsider or modify. The TSA decision maker

will grant or deny a petition to reconsider or modify within a reasonable time after receipt of the petition or receipt of the reply petition, if any. The TSA decision maker may affirm, modify, or reverse the final decision and order on appeal, or may remand the case for any proceedings that the TSA decision maker determines may be necessary.

ATTACHMENT "E"

49 C.F.R. § 1503.661 Judicial review of a final order.

For violations of a TSA requirement, a party may petition for review of a final order of the Administrator only to the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia pursuant to 49 U.S.C. 46110. A party seeking judicial review of a final order must file a petition for review not later than 60 days after the final order has been served on the party.

CERTIFICATE OF SERVICE

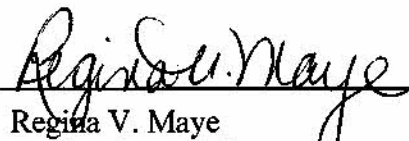
I hereby certify that I have served the foregoing Initial Decision by electronic mail (e-mail) and express courier service (FedEx) upon the following parties in this proceeding at the addresses indicated below:

Enforcement Docket Clerk
USCG, ALJ Docketing Center
40 South Gay Street, Room 412
Baltimore, MD 21202
Telephone: (410) 962- (b)(6)
Facsimile: (410) 962-1746
E-mail: (b)(6)

Martin J. Ward, Senior Counsel
Department of Homeland Security
Transportation Security Administration
2 Service Road, Room 370
East Boston, MA 02128
Telephone: (617) 561- (b)(6)
Facsimile: (617) 561-5750
E-mail: (b)(6)

(b)(6)

Done and dated January 8, 2013
New York, New York



Regina V. Maye
Paralegal Specialist to the
Administrative Law Judge

Telephone: (212) 668- (b)(6)
Facsimile: (212) 825-1230

Transportation
Security
Administration

February 28, 2013

SENT BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED

(b)(6)

RE: TSA Case No. (b)(6)

ORDER ASSESSING CIVIL PENALTY

To Ms. (b)(6)

By Notice of Proposed Civil Penalty dated October 23, 2012, you were advised that the Transportation Security Administration (hereinafter "TSA") proposed to assess a civil penalty in the amount of \$1,500 for violation of the Transportation Security Regulations (hereinafter "TSR") alleged therein. After considering all of the information presently a part of this enforcement action, the TSA has determined that:

1. At all times relevant herein, you were a airline passenger subject to the requirements of 49 C.F.R. part 1540 of the Transportation Security Regulations (hereinafter "TSR").
2. At all times mentioned herein, you were subject to the provisions of 49 C.F.R. 1540.105(a)(1), which provides that no person may tamper or interfere with, compromise, modify, attempt to circumvent, or cause a person to tamper or interfere with, compromise, modify, or attempt to circumvent any security system, measure or procedure implemented under this subchapter.
3. The TSR, specifically 49 C.F.R. 1540.107(a) requires individuals to submit to screening and inspection prior to entering a sterile area or boarding an aircraft.
4. In addition, 49 C.F.R. 1540.109 of the TSR provides that no person may interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties.

SENSITIVE SECURITY INFORMATION

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY~~
5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.

5. On September 4, 2011, at approximately 8:35 am, you were waiting in line to go through screening at the Passenger Screening Checkpoint (No. 4, Lane 5) at the Luis Munoz Marin International Airport (SJU) in Puerto Rico.
6. While waiting in line, you became involved in an altercation with another passenger, (b)(6) (b)(6) stated that you pushed her and you stated that (b)(6) pushed you.
7. Due to this altercation, a Code Red was called by Supervisory Transportation Security Office (STSO) (b)(6) and the Passenger Screening Checkpoint (No. 4, Lane 5) had to be closed for approximately five minutes. During this five minutes, all passenger screening at this checkpoint was stopped.
8. In addition, due to this altercation, a few Transportation Security Officers (TSOs) stopped performing their screening duties and attempted to intervene in order to separate you from the other passenger, (b)(6)
9. Your actions in getting into an altercation with another passenger interfered with screening operations and violated the TSR.

By reason of the foregoing facts and circumstances, you violated 49 C.F.R. § 1540.105(a)(1) and 1540.109 of the TSR, in that you interfered with screening procedures and interfered with screening personnel.

NOW, THEREFORE, IT IS ORDERED, pursuant to 49 U.S.C. § 46301(a) and (d) and 49 C.F.R. § 1503.419, that you are assessed a civil penalty in the total amount of \$750 for the above referenced violation. You are hereby ordered to pay the assessed amount by mailing or delivering a check or money order in the amount of \$750, **payable to the Transportation Security Administration**, to:

**United States Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262**

Please write the case number on the face of the check or money order. A copy of the payment instrument should also be sent to the undersigned TSA attorney. You may also submit this payment electronically at **www.pay.gov**, a secure website administered by the U.S. Department of the Treasury.

This Order Assessing Civil Penalty constitutes a debt owed to the United States. You have now exhausted your right to seek review within the Transportation Security Administration of the validity and/or amount of this debt. If this debt is not paid in full within 30 days of your receipt of this Order, the debt is considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest. The interest will be charged at a fixed annual rate along with an administrative

SENSITIVE SECURITY INFORMATION

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY

5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.

charge of \$12.00 per month, representing the TSA's costs of administrative collection. The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>. Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation.

This Order constitutes a finding by the TSA of the facts and regulatory violation contained herein.

Kiersten Ols
 Kiersten Ols
 U.S. Department of Homeland Security
 Transportation Security Administration
 601 S. 12th St.
 Arlington, VA 20598
 (571) 227-(b)(6) (tel.) (571) 227-1380 (fax)
 (b)(6)

CERTIFICATE OF SERVICE

I hereby certify that an original copy of the foregoing Order Assessing Civil Penalty, in TSA Case No. (b)(6) has been sent on this date, by certified mail, to:

(b)(6)

Dated: _____

Signed: _____

SENSITIVE SECURITY INFORMATION

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.~~

charge of \$12.00 per month, representing the TSA's costs of administrative collection. The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>. Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation.

This Order constitutes a finding by the TSA of the facts and regulatory violation contained herein.

Kiersten Ols
 Kiersten Ols
 U.S. Department of Homeland Security
 Transportation Security Administration
 601 S. 12th St.
 Arlington, VA 20598
 (571) 227-(b)(6) (tel.) (571) 227-1380 (fax)

(b)(6)

CERTIFICATE OF SERVICE

I hereby certify that an original copy of the foregoing Order Assessing Civil Penalty, in TSA Case No. (b)(6), has been sent on this date, by ~~certified mail~~ to:

1st class mail

(b)(6)

Dated: 4/23/2014

Signed: K. W. Ols

SENSITIVE SECURITY INFORMATION

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY~~
 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.

SENSITIVE SECURITY INFORMATION

U.S. Department of Homeland Security
230-59 Rockaway Blvd.-Suite 210
Jamaica, New York 11413



Transportation
Security
Administration

March 11, 2013

(b)(6)

Re: TSA Case No. (b)(6)

ORDER ASSESSING CIVIL PENALTY

On February 8, 2013, a Notice of Proposed Civil Penalty was issued advising you (b)(6) that the Transportation Security Administration ("TSA") proposed to assess you a civil penalty in the amount of \$500 for an alleged violation of 49 U.S.C. §46302(a).

In response to the Notice of Proposed Civil Penalty, you agreed to pay the proposed civil penalty amount.

After consideration of the information available to us, it has been determined that:

1. At all times relevant herein, 49 U.S.C. §46302(a) provided that a person that, knowing the information to be false, gives, or causes to be given, under circumstances in which the information reasonably may be believed, false information about an alleged attempt being made or to be made to do an act that would violate section 46502(a), 46504, 46505, or 46506 of this title, is liable to the United States Government for a civil penalty of not more than \$10,000 for each violation.
2. On November 6, 2012, at approximately 11:12 AM, you (b)(6) at the Delta Airlines Terminal, John F. Kennedy International Airport ("JFK"), Jamaica, New York, telephoned 9-1-1 and falsely reported that there was a bomb at the airport.
3. As a result of your telephone call and statement, the Port Authority of NY/NJ Police ("PAPD") responded to the threat.
4. As a result of your statement, you were arrested by the PAPD.

By reason of the foregoing circumstances, TSA finds that you (b)(6) violated 49 U.S.C. §46302(a) in that , on November 6, 2012, you interfered with the security responsibilities of JFK personnel by making a false statement regarding a bomb at the airport and which necessitated diversion of security and law enforcement personnel from their duties.

NOW, THEREFORE, IT IS ORDERED, pursuant to 49 U.S.C. §46301 (a) and (d) that you are assessed a civil penalty in the total amount of \$500 for the above-referenced violation. You are hereby ordered to pay the assessed amount by mailing or delivering a check or money order in the amount of \$500, **payable to the Transportation Security Administration**, to:

**United States Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262**

Please write the case number (b)(6) on the face of the check or money order.

This Order Assessing Civil Penalty constitutes a debt owed to the United States. You have now exhausted your right to seek review within the Transportation Security Administration of the validity and/or amount of this debt. If this debt is not paid in full within 30 days of receipt of this Order, the debt is considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest. The interest will be charged at a fixed annual rate of 5%, along with an administrative charge of \$12.00 per month, representing the TSA's costs of administrative collection. The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>.

Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation.

This Order constitutes a finding by the TSA of the facts and regulatory violation contained herein.

Anthony J. Molligo
TSA Field Counsel-JFK
230-59 Rockaway Blvd.-Suite 210
Jamaica, NY 11413
Tel: (718) 917-(b)(6)



**Transportation
Security
Administration**

April 10, 2013

SENT BY FIRST CLASS MAIL

(b)(6)

RE: TSA Case No.

(b)(6)

FINAL NOTICE OF PROPOSED CIVIL PENALTY AND ORDER

By Notice of Proposed Civil Penalty dated January 10, 2013, you were advised that the Transportation Security Administration (hereinafter "TSA") proposed to assess a civil penalty against you in the amount of \$900.00 for a violation of the Transportation Security Regulations (hereinafter "TSR") alleged therein. As of this date, we have not received a response to the Notice.

After consideration of all the available information presently a part of this enforcement action, it appears that:

1. At all times relevant herein, Section 1540.109 of the Transportation Security Regulations (TSRs) provided that no person may interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties under this subchapter. 49 C.F.R. Section 1540.109.
2. At all times relevant herein, the Transportation Security Administration (TSA) contracted with Covenant Aviation Security (CAS) to perform security screening duties at the San Francisco International Airport (SFO), Burlingame, CA.
3. On March 10, 2012, you were a ticketed passenger for a flight departing from Terminal 3, at SFO.
4. On that date at approximately 0718 hours, you presented yourself and your accessible property for screening at the Terminal 3, Checkpoint E Passenger Screening Checkpoint at SFO.

SENSITIVE SECURITY INFORMATION

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520. www.tsa.gov

5. On that date, prior to submitting to the screening process, you notified a CAS Transportation Security Officer (TSO) that you wanted to opt out of the Advanced Imaging Technology (AIT) screening process. The CAS TSO informed you that you would receive a pat-down since you elected to opt out of the AIT screening process. The CAS TSO further informed you that the pat-down could be conducted in a private screening room.
6. You agreed to the pat-down and requested that the pat down be conducted in a private screening room. A CAS TSO and a CAS Lead TSO (LTSO) escorted you into the private screening room.
7. Immediately upon entering the private screening room you removed your pants, your shirt and your undergarments, exposing your genitalia. The CAS TSO and CAS LTSO advised you that your behavior was inappropriate and that screening could not continue until you got dressed.
8. You ignored the instructions of the CAS TSO and CAS LTSO. You then turned your back to the CAS TSO and CAS LTSO. You leaned forward, spread your buttocks and stated "there is nothing there."
9. The CAS TSO and CAS LTSO again advised you that your behavior was inappropriate and asked you to put your clothes back on.
10. The CAS LTSO notified a CAS Supervisory TSO (STSO) of your inappropriate conduct. As a result of your inappropriate conduct, the CAS STSO requested the assistance of the San Francisco Police Department-Airport Bureau (SFPD-AB).
11. After the CAS STSO requested the assistance of the SFPD-AB, you put your clothes back on but refused to allow the CAS TSO or CAS LTSO to perform a pat-down.
12. At approximately 0730 hours an SFPD-AB officer arrived at the private screening room. The SFPD-AB officer advised you that if you did not complete the screening process, you would not be able to continue with your flight. You agreed

to the pat down.

13. At approximately 0730 hours a TSA Transportation Security Manager (TSM) arrived at the private screening room.
14. At approximately 0750 hours, the CAS TSO and CAS LTSO conducted a pat down screening on you.
15. At approximately 0755 hours, you departed the screening checkpoint and you continued with your flight.
16. At approximately 0810 hours, the TSA TSM and a TSA Transportation Security Inspector obtained statements from the CAS TSO, LTSO and STSO regarding the incident.
17. At approximately 0810 hours, the CAS TSO, LTSO and STSO resumed their normal screening duties.
18. Three CAS TSA employees and one TSA employee were required to assist you during the screening process. Two CAS employees were called away from other duties at the checkpoint to respond to your conduct. In addition a TSA Transportation Security Manager was called away from other duties to respond to your conduct.
19. In addition to the three CAS TSA employees and the one TSA employee, an SFPD-AB officer was called to assist during the screening process.
20. The CAS screening personnel were taken away from other screening duties for approximately 92 minutes to attend to you.

By reason of the foregoing circumstances, it appears that you violated the following section(s) of the Transportation Security Regulations:

- a. 49 C.F.R., §1540.109 of the Transportation Security Regulations (TSRs), which states that no person may interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties under this subchapter.

Pursuant to 49 U.S.C. § 46301(a) and (d), you are subject to a civil penalty not to exceed \$11,000.00 for the violation noted. After reviewing all of the relevant facts and evidence

contained in the investigative file, the TSA proposes to assess a civil penalty in the amount of \$900.00 for this violation.

Within 15 days of your receipt of this Final Notice, you must either: (1) submit the full civil penalty amount proposed in this Final Notice; (2) submit a civil penalty amount that is otherwise agreed upon by the undersigned TSA attorney; or (3) request, in writing, a Formal Hearing in this matter. IF YOU DO NOT RESPOND TO THIS FINAL NOTICE OR FAIL TO REQUEST A FORMAL HEARING IN WRITING WITHIN 15 DAYS OF YOUR RECEIPT OF THIS FINAL NOTICE, THIS FINAL NOTICE WILL AUTOMATICALLY BECOME AN ORDER ASSESSING CIVIL PENALTY (hereinafter "Order") IN THE AMOUNT PROPOSED, AND YOU WILL HAVE WAIVED YOUR RIGHT TO REQUEST A HEARING IN THIS MATTER.

Should you elect to submit the civil penalty, a certified check or money order, payable to the "Transportation Security Administration," should be mailed to:

US Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262

The case number of this matter should be written on the face of the certified check or money order, and a copy of the payment instrument forwarded to the undersigned attorney.

You also have the option of paying the civil penalty by credit card or direct debit. If you elect to pay electronically you should log on to www.Pay.gov, which is a secure website administered by the U.S. Department of the Treasury (instructions enclosed).

You may not change the civil penalty amount proposed in this Final Notice absent the agreement of the undersigned attorney and the TSA Office of Chief Counsel.

Should you elect to request a Formal Hearing, you must file a typewritten or legibly handwritten "Request for Hearing" with the ALJ Docketing Center:


USCG ALJ Docketing Center	
Attention: Enforcement Docket Clerk	Email: ALJdocket@ALJBalt.USCG.MIL
40 S. Gay Street, Room 412	Fax: (410) 962-1746
Baltimore, Maryland 21202-4022	

Additionally, you must mail a copy of your "Request for Hearing" to the undersigned attorney. The Request must be dated and signed by you, in accordance with 49 C.F.R. § 1503.16 of the TSR, and should include your current mailing address. You may view the **Transportation Security Regulations at: <http://www.gpoaccess.gov/ecfr/index.html>**

Also, please note that this process is separate and distinct from any criminal proceeding.

If you do not respond to this Final Notice within 15 days of receipt, this Final Notice becomes an Order, and the Order will constitute a debt owed to the United States. If this debt is not paid in full within 30 days of the time this Final Notice becomes an Order, the debt will be considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest. The interest will be charged at a fixed annual rate along with an administrative charge of \$12.00 per month, representing the TSA's costs of administrative collection. The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>. Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation. An Order Assessing Civil Penalty constitutes a finding by the TSA of the facts and regulatory violation contained therein.

Please direct all communications in this matter to the undersigned attorney.

By: 
Stephanie M. Jackson
Supervisory Counsel Attorney
U.S. Department of Homeland Security
Transportation Security Administration
700 Airport Blvd, Suite 200
Burlingame, CA 94010
(650) 581-(b)(6)

CERTIFICATE OF SERVICE

I hereby certify that an original copy of the foregoing Final Notice of Proposed Civil Penalty and Order, TSA Case No. (b)(6) has been sent on this date, by First Class Mail to:



Dated: April 10, 2013


Patrick Shaw



**Transportation
Security
Administration**

U.S. Department of Homeland Security
Pittsburgh, Pennsylvania

SENT BY CERTIFIED AND FIRST CLASS MAIL

June 7, 2013

(b)(6)

Care of:

(b)(6)

(b)(6)

RE: **Case No.** (b)(6)

NOTICE OF PROPOSED CIVIL PENALTY

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

1. On December 19, 2012, at approximately 1430 hours, at Pittsburgh International Airport (PIT), you attempted to process through the main security screening checkpoint. At the security screening checkpoint, both you and your accessible property are required to be screened.
2. During the screening process you became uncooperative and argumentative. You grabbed your bag and refused to allow officers to complete screening of your accessible property. Law enforcement officers were called to assist with the situation.
3. You also resisted attempts to clear your accessible property at the direction of the law enforcement officers.
4. At all times relevant herein, Section 1540.107 states that, no individual may enter the sterile area without submitting to the screening and inspection of his person and accessible property.


SENSITIVE SECURITY INFORMATION

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.~~

5. On January 4, 2013, TSA sent you a Letter of Investigation (LOI). The LOI offered you the opportunity to explain what happened and provide any mitigating or extenuating circumstances you believe should be considered in this matter.
6. On January 10, 2013, TSA received your response through your representative, Attorney (b)(6) indicated that you were sorry for this incident, explaining that you felt your constitutional rights were being violated. (b)(6) indicated that you have had no prior violations involving TSA or any other law enforcement entity.

By reason of the foregoing facts and circumstances, you have violated 49 C.F.R. § 1540.107, when you failed to allow security officers to complete the screening of your accessible property so that you could be cleared into the sterile area of the airport. Pursuant to 49 U.S.C. §§ 46301(a) and (d), you are subject to a civil penalty not to exceed \$11,000 for each violation of the regulations. After reviewing all the information contained in the investigative file, including the letter of mitigation submitted on your behalf from Attorney (b)(6) the TSA proposes to assess a civil penalty in the total amount of **\$250.00** for this violation.

Enclosed is information on your options in responding to this Notice. The options include participating in an Informal Conference with a TSA attorney and submitting information to the TSA for consideration. You may submit, in writing, your choice of the alternatives explained in the enclosed information form on or before 30 days after you receive this Notice. If you fail to submit your choice within that time, you will have no further right to participate in the TSA's informal procedures.



Richard J. DiGiacomo
Attorney Advisor
Pittsburgh International Airport
200 Airside Drive, Suite 220
Coraopolis, Pa 15108
O: (412) 375-(b)(6)

SENSITIVE SECURITY INFORMATION

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.~~

CASE # (b) (6)

~ ~ ~ ~ ~

TSACIVILPENALTYFY13

TSACIVILPENALTYFY13

7/3/2013 0:00 213249

250 701040000D 2013

RE0FCV

532065CV

ACC

JUL-13

***** IF PAYING BY MAIL, PLEASE RETURN THIS COMPLETED
PAYMENT COUPON WITH YOUR PAYMENT*****

NAME:

(b)(6)

ADDRESS:

TSA CASE NO.:

(b)(6)

Make your certified check/money order payable to: **TRANSPORTATION SECURITY ADMINISTRATION**

Amount Paid: **\$ 250.00**

Send your payment to: **U.S. Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, Georgia 30353-0262**

For DHL or FedEx: **Bank of America
United States DHS/TSA
Lockbox Number 530262
1075 Loop Road
Atlanta, Georgia 30337-6002**

Payment Instructions for Pay.Gov Electronic Payment

Should you require assistance with this process, please call 1-800-624-1373 (toll free).

1. Go to <http://www.pay.gov>.
2. In the Column on the Left Side, find the section labeled "Find Public Forms"
3. Click on the link for "by Agency Name" and select "D". When the screen refreshes with the names of the agencies that begin with "D", select "Department of Homeland Security"
4. Select "Department of Homeland Security" again and then chose "Transportation Security Administration Civil Penalties Payments" from the list to bring up TSA Form 601
5. Select "Notice of Proposed Civil Penalty (NPCP)" as the "Notice Type" and enter the NPCP number, your name (as it appears on the Notice), e-mail address, telephone number (should you need to be contacted by a TSA representative), and payment amount.
6. You may pay by either ACH (direct debit from a valid savings account drawn on a U.S. bank or valid checking account (personal or business) drawn on a U.S. bank*) or via credit card (American Express, Discover, Visa, Mastercard or Diners Club). **Please note that there is a limit of \$10,000 maximum allowable for the use of credit cards in a single transaction.**
7. Click "**Continue**" button at the bottom of the page.
8. Enter Routing Transit and Account information and click "**Continue with ACH Payment or Credit Card Payment.**"
9. Review Payment Summary and Authorization, **check** the box for the authorization and disclosure statement, and then click on "**Submit Data**" button.
10. Click "**Print a Copy**" for your records.

* If paying by ACH, you will need the Routing Transit Number for your bank/financial institution, and the Savings or Checking Account Number for your account.

The sample check below indicates where to locate the Routing Transit and Account Numbers on your check.

JOHN Q. CUSTOMER 0123

JOHN DOE

01/23/2010

\$100.00

⑆012345678⑆ 0123456789⑆ 0123

Routing Transit Number	Account Number	Check #
012345678	0123456789	0123



Transportation
Security
Administration

Eastern Pennsylvania Office of Field Legal Counsel

June 18, 2013

SENT BY FIRST CLASS MAIL

(b)(6)

Re: TSA Case Number (b)(6)

ORDER ASSESSING CIVIL PENALTY

By Notice of Proposed Civil Penalty dated April 25, 2013, you were advised that the Transportation Security Administration (hereinafter "TSA") proposed to assess a civil penalty in the amount of \$500.00 for violation of the Transportation Security Regulations (hereinafter "TSR") alleged therein. After considering all of the information presently a part of this enforcement action, the TSA has determined that:

1. The Transportation Security Regulations state that an individual may not interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties. 49 CFR §1540.109.

2. On August 18, 2012, you were employed as a passenger escort for Prime Flight.

3. On that date, at approximately 4:18 pm, you were escorting a female passenger with a disability through began the Terminal A-East Checkpoint, to enter the sterile area of the Philadelphia International Airport (Airport).

4. While escorting the female passenger through the walkthrough metal detector, Transportation Security Officer (TSO) TSO (b)(6) advised you that you would have to remove the passenger's shoes. You began yelling and cursing at TSO (b)(6).

5. At this time, during private screening of the female passenger, you were again advised by a Transportation Security Officer (TSO) that the passenger's shoes needed to be removed. You continued to curse and call TSO (b)(6) names while in the private screening area also stating that she needed to "mind her own business".

6. You left the private screening area and walked up through the metal detector and began to loudly argue with the TSO threatening, "Just because you're pregnant doesn't mean I can't pop you".

7. You also yelled pointing your fingers in TSO (b)(6) face, "Lct's keep it real, I will pop you".

8. As a result, a supervisor was called to the checkpoint and you continued to yell and shout at TSO (b)(6).

9. The Philadelphia Airport Police were called to the scene and also took down your information.

10. By reason of the foregoing facts and circumstances, TSA finds that you violated 49 C.F.R. § 1540.109 of the TSR, when you threatened to assault a TSO.

11. On or about June 11, 2013, an Informal Conference was held via telephone. During the Informal Conference you agreed to pay and TSA agreed to accept \$100.00 (One Hundred Dollars) for settlement of this matter.

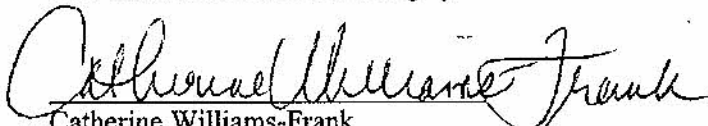
NOW, THEREFORE, IT IS ORDERED, pursuant to 49 U.S.C. § 46301(a) and (d) and 49 C.F.R. § 1503.419, that you are assessed a civil penalty in the total amount of \$100.00 (One Hundred Dollars) the above referenced violation. You are hereby ordered to pay the assessed amount by mailing or delivering a check or money order in the amount of \$100.00 (One Hundred Dollars), payable to the Transportation Security Administration, to:

United States Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262

Please write the case number (TSA Case No. (b)(6)) on the face of the certified check or money order. A copy of the payment instrument should also be sent to the undersigned TSA attorney. You may also submit this payment electronically at www.pay.gov, a secure website administered by the U.S. Department of the Treasury.

This Order Assessing Civil Penalty constitutes a debt owed to the United States. You have now exhausted its right to seek review within the Transportation Security Administration of the validity and/or amount of this debt. If this debt is not paid in full within 30 days of receipt of this Order, the debt is considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest. The interest will be charged at a fixed annual rate along with an administrative charge of \$12.00 per month, representing the TSA's costs of administrative collection. The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>. Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation.

This Order constitutes a finding by the TSA of the facts and regulatory violation contained herein.


Catherine Williams-Frank
Asst. Field Counsel

CERTIFICATE OF SERVICE

I hereby certify that an original copy of the foregoing Order Assessing Civil Penalty, in TSA Case No. (b)(6) has been sent on this date, by first class mail, to:

(b)(6)

Dated:

June 18, 2013

Signed:

Catherine Williams Frank

*****PLEASE RETURN THIS FORM WITH YOUR PAYMENT*****

NAME:

(b)(6)

ADDRESS:

TSA CASE NO.:

TSA Case No.

(b)(6)

Make your CERTIFIED check/money order payable to: TRANSPORTATION SECURITY ADMINISTRATION

Amount Paid: \$ 100.00

Send your payment to:

**United States Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262**



Transportation
Security
Administration

Eastern Pennsylvania Office of Field Legal Counsel

June 21, 2013

SENT BY US CERTIFIED MAIL AND FIRST CLASS MAIL

(b)(6)

Re: TSA Case No

(b)(6)

ORDER ASSESSING CIVIL PENALTY

By Final Notice of Violation previously issued by the Transportation Security Administration (hereafter called "TSA"), you were advised that TSA proposed to assess a civil penalty against you in the amount of \$500.00 for violating 49 C.F.R. §1540.109(a) of the Transportation Security Regulations when you interfered with and/or assaulted a TSA Behavioral Detection Officer on or about February 20, 2012, at the Philadelphia International Airport.

As discussed and agreed to during an informal telephone conference, you hereby admit and stipulate to the facts and violation outlined above, and waive your right to further contest this matter as well as all rights to judicial review of this matter. Your agreement to pay a civil penalty, as described below, will have no effect on your TSA Pre-Check status or No Fly List eligibility. Upon receipt of payment of the settlement amount, TSA will consider this matter closed and no further actions will be taken as a result of this matter.

Pursuant to 49 U.S.C. § 46301 and 49 C.F.R § 1503.29(d) you are assessed a civil penalty in the amount of \$150.00 for the violation and are ordered to pay the assessed amount by:

1. Mailing or delivering a certified check or money order in the above amount, **payable to the Transportation Security Administration**, to:

Transportation Security Administration
P.O. Box 530262
Atlanta, Georgia 30353-0262

(Please write the case number on the face of the certified check or money order **and send a copy of the check to Catherine Williams-Frank at the address below.**)

OR

2. Making payment by credit card (American Express, Discover, Visa, MasterCard or Diners Club) or direct debit from a checking or savings account electronically at www.Pay.gov, which is a secure website administered by the U.S. Department of the Treasury. (Should you require assistance, contact the Pay.gov Customer Support at 1-800-624-1373.)

This Order Assessing Civil Penalty constitutes a debt owed to the United States. You have now exhausted your right to seek review within the Transportation Security Administration of the

validity and/or amount of this debt. If this debt is not paid in full within 30 days of your receipt of this Order, the debt will be considered delinquent, and interest, penalties and administrative charges will be assessed.

a) Interest is charged at the Treasury's Current Value of Funds Rate which may be found at the following website: <http://www.fms.treas.gov/cvfr>. Please note the date of this letter is used as the start date for interest accrual. Interest will be waived on amounts received within 30 calendar days of the date of this letter.

b) Administrative fee is a monthly charge of \$12.00 assessed for each month that the debt is not paid in full following the 30 calendar day timeframe for payment of the debt.

c) Penalties are an additional six percent (6%) per annum on any unpaid principal amount that remains delinquent for greater than 90 calendar days. After the debt is 90 days delinquent, penalties are assessed retroactively to the date of delinquency.

Delinquent debts may be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation.

This Order constitutes a finding by the TSA of the facts and regulatory violation contained herein.

Sincerely,

Catherine Williams-Frank

Assistant Field Counsel
Transportation Security Administration
2 International Plaza, Suite 640
Philadelphia, PA 19113
Tel: (610) 537-(b)(6) Fax: (610) 521-7208

(b)(6)

Payment Instructions for Pay.Gov Electronic Payment

1. Go to <http://www.pay.gov>. "Find Public Forms"
2. Select Form by Agency Name, select D for Department of Homeland Security, then select Department of Homeland Security again.
3. Select the Transportation Security Administration Civil Penalties Payment Form, TSA Form 601
4. Enter Notice of Violation Number (**DO NOT INCLUDE THE LETTER "N" WITH YOUR CASE #**), name as cited on violation notice, e-mail address, telephone number (should you need to be contacted by a TSA representative) and enter the payment amount.
5. You may pay by either ACH (direct debit from a valid savings account drawn on a U.S. bank or valid checking account (personal or business) drawn on a U.S. bank) or via credit card (American Express, Discover, Visa, Mastercard or Diners Club).
6. Click "*Continue*" button at the bottom of the page.
7. Enter account information and click "*Continue with ACH Payment or Credit Card Payment.*"
8. Review Payment Summary and Authorization, *check* the box for the authorization and disclosure statement, and then click on "*Submit Data*" button.
9. Click "*Print a Copy*" for your records.



U.S. Department of Homeland Security

Transportation
Security
Administration

U.S. Coast Guard Finance Center
TSA Collections/Receivables
1430-A Kristina Way
Chesapeake, Virginia 23326

SUBJECT: Transmittal, TSA Civil Penalty collection referrals

To Whom It May Concern:

The enclosed supporting documentation is being provided to USCG/FINCEN to establish the creation of a receivable and initiate the debt collection process for the account listed in the attached table, in the amount designated. This individual has failed to pay the amounts due for the civil penalty that has been duly assessed for violations of the Transportation Security Regulations. Accordingly, please establish receivables for these accounts, and initiate dunning activities to collect the balance due:

RESPONDENT	CASE #:	INVOICE DATE	\$ BALANCE DUE
(b)(6)	TSA Case No. (b)(6)	October 28, 2013	\$1,000

Thank you for your assistance. If FINCEN has any questions, please contact the undersigned.

Sincerely,

Stephanie M. Jackson • Supervisory Counsel
Office of Chief Counsel

U.S. Department of Homeland Security • Transportation Security Administration
700 Airport Blvd, Suite #200 Burlingame, CA 94010

phone: (650) 581-(b)(6) • fax: (650) 558-1783 • email: (b)(6)

Enclosures



U.S. Department of Homeland Security

**Transportation
Security
Administration**

October 28, 2013

BY FIRST CLASS MAIL

(b)(6)

Re: Motion Granting Complainant's Motion for Decision / Order Assessing Civil Penalty
ALJ Case No. (b)(6)
TSA Case No. (b)(6)

Dear (b)(6)

As you know, on September 30, 2013, Administrative Law Judge McKenna issued an Order Granting Complainant's Motion for Decision in the above-mentioned case. The Order assessed a penalty of \$1,000 against you. The Order Granting Complainant's Motion for Decision was served via overnight mail on September 30, 2013.

Pursuant to 49 C.F.R. sections 1503.409(g) and 1503.657(a), you had ten days from the date of the Order Granting Complainant's Motion for Decision. To date, no appeal has been filed.

Because no appeal has been filed, under sections 1503.655(c) and 1503.657, the Initial Decision is now considered an Order Assessing Civil Penalty.

Accordingly, you must now pay the assessed amount of \$1,000. This amount may be paid by a certified check or money order payable to the "Transportation Security Administration." Please include the original TSA case number (b)(6) on the face of the certified check or money order and send it to:

**United States Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262**

An Order Assessing Civil Penalty constitutes a debt owed to the United States. If this debt is not paid in full within 30 days, the debt is considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest. The interest will be charged at a fixed annual rate along with an administrative charge of \$12.00 per month, representing the TSA's costs of administrative collection. The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>. Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation.

If you have any questions, please do not hesitate to call the undersigned at (650) 581-(b)(6)

Sincerely,



Stephanie M. Jackson

Assistant Chief Counsel, Field Transportation Security San Francisco

(SFO/SJC/OAK/SMF)

Office of Chief Counsel

U.S. Department of Homeland Security • Transportation Security Administration

700 Airport Blvd, Suite #200

Burlingame, CA 94010

phone: (650) 581-(b)(6) • fax: (650) 558-1783 • email: (b)(6)

**UNITED STATES OF AMERICA
DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION**

IN THE MATTER OF:

(b)(6)

Respondent.

**Docket Number:
12-TSA-0101**

**Hon. Parlen L. McKenna
Administrative Law Judge**

ORDER GRANTING COMPLAINANT'S MOTION FOR DECISION

On February 1, 2013, counsel for the Transportation Security Administration (TSA or Complainant) filed a Motion for Decision pursuant to 49 C.F.R. § 1503.629(f)(5). TSA counsel argued that a decision should be rendered against Respondent for his alleged violation of 49 C.F.R. 1540.109 in connection with his actions during a screening incident at San Jose International Airport (SJC) on December 24, 2011.

Specifically, 49 C.F.R. § 1540.109 provides that “[n]o person may interfere with, assault, threaten or intimidate screening personnel in the performance of their screening duties.” The complaint asserts that on December 24, 2011, Respondent was a ticketed passenger on a flight departing SJC; that he presented himself and his accessible property for screening at the security checkpoint; that Respondent, among other things, assaulted a Transportation Security Officer by physically pushing her hand away while she was conducting a pat-down of Respondent; and he interfered with and intimidated screening personnel in the performance of their duties.

After being granted two extensions of time to respond, Respondent filed an Opposition on or about July 8, 2013. On July 22, 2013, TSA counsel filed a Motion for Leave to File a Response and attached the proposed Response along with 14 exhibits. Respondent did not file

an opposition to TSA counsel's Motion for Leave.¹ The Motion for Leave to File a Response is therefore **GRANTED** and the Response and its attachments have been considered in rendering this Order.

After thoroughly reviewing the entire record and the parties' submissions, Complainant's Motion for Decision is **GRANTED** as no genuine issue of material fact exists regarding Respondent's violation of 49 C.F.R. § 1540.109. For the reasons given in this Order, Respondent is assessed a total civil penalty of **ONE THOUSAND DOLLARS (\$1,000.00)** for this violation.

Procedural Background

This case has had extensive activity, including discovery (document production and depositions of TSA employees) and motion practice. Therefore, the following procedural background is provided to give context to the parties' current submissions.

1) On or about December 30, 2011, Complainant issued a Letter of Investigation to Respondent concerning an alleged violation of the Transportation Security Regulations (TSR) under 49 C.F.R. § 1540.109. TSA Motion Exh. 1.²

2) On February 1, 2012, Respondent submitted a letter in response, which substantively addressed TSA's allegations (Letter Response). TSA Motion Exh. 2.

3) On October 1, 2012, Complainant issued a Final Notice of Proposed Civil Penalty.

4) On October 18, 2012, Respondent requested a formal hearing.

5) On November 14, 2012, Complainant filed a Complaint, which requested a civil penalty of \$1,500 for Respondent's alleged violation.

6) On November 21, 2012, this matter was assigned to me for review and disposition.

¹ Under 49 C.F.R. § 1503.629(d), Respondent had 30 days from service of this motion to oppose TSA counsel's request. At the judge's discretion, the moving party (here TSA) may file a response to an opposition/reply to a motion. Id.

² These references are to the parties' exhibits submitted in connection with the Motion for Decision. These exhibits are listed in Attachment A of this Order.

7) On December 14, 2012, Respondent filed a Motion for a More Definitive Statement and a Motion to Strike instead of filing an Answer. See 49 C.F.R. § 1503.611(a).

8) On February 7, 2013, I issued an Order Denying Respondent's Motion to Strike and Motion for a More Definitive Statement.

9) On February 21, 2013, Complainant filed an Amended Complaint. The Amended Complaint made some minor changes to the Complaint's allegations.

10) On February 27, 2013, Respondent filed a Motion to Transfer Jurisdiction to the District Court for the Northern District of California because he asserted that the District Court had original jurisdiction and that this action was necessary to preserve his right to a jury trial.

11) On March 4, 2013, I issued an Order Denying Respondent's Motion to Transfer.

12) On March 13, 2013, Respondent filed an Answer to the Amended Complaint in which he asserted the following two affirmative defenses: 1) the Complaint failed to state a claim upon which relief could be granted and 2) the Complaint failed to state the screening duties under the regulation cited in which TSA personnel were engaged at the time of the alleged violation. Respondent also addressed each paragraph of the Complaint as required under 49 C.F.R. § 1503.611(c) with a combination of admissions, denials, and statements that he lacked knowledge to address the truth of the allegations.

13) On April 1, 2013, TSA counsel filed a Motion for Decision.

14) Following a telephonic prehearing conference on April 12, 2013, I ordered that Respondent be provided certain documentary evidence from TSA counsel and also be allowed to conduct depositions of relevant TSA witnesses.

15) On April 18, 2013, TSA counsel filed copies of materials provided to Respondent pursuant to those instructions with the Court. These materials included a list of TSA employees involved in the security incident named in the Amended Complaint; a declaration from a TSA employee describing the procedures for requesting videotapes from the CCTV at SJC; a redacted copy of TSA's Enforcement Investigation Report (EIR); and the documents received from the San Jose Police Department not included in the EIR. The EIR contained, among other items, a DVD copy of the incident from the CCTV camera.

16) Respondent requested and received two extensions of time to respond to the Motion for Decision.

17) On July 8, 2013, Respondent filed an Opposition to the Motion for Decision.

18) On July 12, 2013, Respondent filed a Verified Complaint and Application for a Temporary Restraining Order (TRO) in the District Court for the Northern District of California, which requested that the District Court issue a TRO enjoining this Court from conducting any further proceedings or ruling on the Motion for Decision. As part of this pleading, Respondent filed a Declaration outlining his version of the relevant facts of the incident at SJC.

19) On July 16, 2013, the District Court rejected Respondent's legal arguments, denied the TRO request, and dismissed the case.

20) On July 22, 2013, TSA counsel filed a Motion for Leave to File a Response to Respondent's Opposition and a proposed Response.

Principles of Law

A. TSA Procedural Regulations and Motions for Decision

Procedurally, this case is governed by TSA's regulations for civil penalty actions found at 49 C.F.R. Part 1503, Subpart G. Important provisions of these regulations include the fact that the judge is precluded from addressing the validity of the regulations themselves or any constitutional or legal challenges to the validity of the underlying statutes and regulations. 49 C.F.R. § 1503.607(b)(1)(v). The applicable standard of proof is by a preponderance of the evidence and TSA bears the burden of proof with respect to the alleged violation. 49 C.F.R. §§ 1503.637-639. The burden of proof does not shift, except in the case of a respondent's claimed affirmative defenses or where a party is a proponent of a motion request or order. 49 C.F.R. § 1503.639.

These regulations also provide for a party to move for a decision if there are no issues of material fact and that party is entitled to a decision as a matter of law. Specifically, 49 C.F.R. § 1503.629(f)(5) provides the following:

A party may move for decision, regarding all or any part of the proceedings, at any time before the ALJ has issued an initial decision in the proceedings. A party may include with a motion for decision affidavits as well as any other evidence in support of the motion. The ALJ must grant a party's motion for decision if the pleadings, depositions, answers to interrogatories, admissions, affidavits, matters that the ALJ has officially noticed, or evidence introduced during the hearing show that there is no genuine issue of material fact and that the party making the motion is entitled to a decision as a matter of law. The party moving for decision has the burden of showing that there is no genuine issue of material fact.

A respondent thus is not guaranteed an in-person hearing when a party files a motion for decision, and the judge grants such a motion. See In re Stewart, 2010 WL 5018663 (November

3, 2010). Indeed, the language of Section 1503.629(f)(5) mandates that the judge must grant a party's motion for decision if the record establishes that there is no genuine issue of material fact, thus obviating the need for a hearing if the motion is granted in full.

A motion for decision under 49 C.F.R. § 1503.629(f)(5) is comparable to a motion for summary judgment under Rule 56(c) of the Federal Rules of Civil Procedure (FRCP). Indeed, other cases have looked to the FRCP to interpret similar rules. See, e.g., In re William A. Luker, Jr., 2010 WL 1989430 (May 13, 2010) (using FRCP Rule 56(c) to evaluate the standard for a motion for decision under the FAA's rules, which mirror and provided the basis for TSA's rules).

Under FRCP 56, the initial burden resides with the moving party to identify the evidence, which, if not contradicted, would compel the fact finder to rule in that party's favor on each element of the claim or assertion. See Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986). In deciding a motion for summary judgment, the court reads the facts in the light most favorable to non-moving party. Fernbach v. Dominick's Finer Foods, 936 F.Supp. 467 (N.D.Ill. 1996).

Only after this initial burden has been met does the burden shift to the non-moving party to identify evidence that precludes the fact finder from ruling in the moving party's favor. See FRCP 56(e). Under that section, "the party opposing a properly supported motion for summary judgment may not rest upon mere allegation or denials of his pleading, but must set forth specific facts showing there is a genuine issue for trial." Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 256 (1986). The apparent existence of a factual dispute based on a denial in an answer cannot automatically defeat a Rule 56 motion; otherwise the rule "could be rendered nugatory by clever pleading." Provident Life and Acc. Ins. Co. v. Goel, 274 F.3d 984, 994 (5th Cir. 2001) (internal quotes omitted).

Immaterial or minor factual disputes will not prevent granting a summary decision for the moving party, as only facts central to a claim or defense and over which there is a real dispute can prevent summary judgment. See Radobenko v. Automated Equipment Corp., 520 F.2d 540, 544 (9th Cir. 1975). In other words, resolution of the motion centers on the material facts at issue, i.e., only those facts necessary to resolve an issue as determined by applicable law. Anderson, 477 U.S. at 248.

B. The ATSA, TSA's Implementation of Screening Requirements, and Conduct Prohibited by 49 C.F.R. § 1540.109

The September 11, 2001 terrorist attacks upon the United States led Congress to enact the Aviation and Transportation Security Act (ATSA), Public Law 107-71 (Nov. 19, 2001). In part, the ATSA created a new agency – the TSA – which was required to oversee the screening of all air travelers and their property before such travelers and property are allowed onboard any flights. See 49 U.S.C. § 114(e).

Title 49 U.S.C. § 49901(a) requires that the Under Secretary of Transportation for Security shall “provide for the screening of all passengers and property . . . that will be carried about a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation.” The mandated screening shall take place before boarding. Id. Any passenger that refuses to undergo mandated screening will not be permitted to fly. 49 U.S.C. § 49902(a)(1).

As noted by the First Circuit, the agency complies with its screening mandate in part by issuing non-public³ Standard Operating Procedures (SOPs), which are approved by the TSA

³ Under 49 U.S.C. § 114(r), the TSA Administrator must “prescribe regulations prohibiting the disclosure of information obtained or developed in carrying out security . . . under chapter 449 of [Title 49].” TSA’s regulations consider the following to be sensitive security information (SSI) that may not be publicly released: TSA security directives or orders; the identities of individuals on no-fly and selectee lists; and “[s]ecurity screening information,” including “[a]ny procedures, . . . instructions, and implementing guidance pertaining thereto, for screening of

Administrator and which set forth the uniform practices to be followed by TSA personnel. See Redfern v. Napolitano, --- F.3d ---, 2013 WL 3470495 (1st Cir., July 11, 2013). TSA's Screening Checkpoint SOP, specifies the procedures that govern the screening of passengers and property at all passenger screening checkpoints. Id. at *1. On September 17, 2010, TSA issued a revised Screening Checkpoint SOP, which provided for the use of Advance Imaging Technology (AIT) scanners for primary screening of airline passengers and also mandated the use of enhanced pat-downs for those passengers refusing to go through the AIT screening. Id.; see also Blitz v. Napolitano, 700 F.3d 733, 736 (4th Cir. 2012); TSA Response Exh. 2 (Traveler Information - Pat-Downs) (noting that pat-downs are given when a passenger cannot or chooses not to be screened by AIT or walk-through metal detectors; are conducted by same gender TSA officers; and that a passenger should inform the officer "of any areas that are painful when touched"); TSA Response Exh. 3 (Traveler Information – Transgender Travelers) (noting that those individuals who opt out of the AIT screening "are required to undergo a thorough pat-down by an officer of the same gender as the traveler presents.").

TSA counsel alleged that Respondent refused to go through the AIT and then violated 49 C.F.R. § 1540.109 in connection with the enhanced pat-down process. As noted above, Section 1540.109 provides that "[n]o person may interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties under this subchapter." The commentary accompanying the final rule establishing Section 1540.109 makes it clear that:

[t]he rule prohibits interference that might distract or inhibit a screener from effectively performing his or her duties [and] is necessary to emphasize the importance to safety and security of protecting screeners from undue distractions or attempts to intimidate.

persons ... that is conducted by the Federal government or any other authorized person." See 49 C.F.R. §§ 15.5(b), 15.9, 1520.5(b), 1520.9.

See 67 FR 8340-01, 2002 WL 245839 (February 22, 2002). The comments continue by noting that:

[t]his rule does not prevent good-faith questions from individuals seeking to understand the screening of their persons or their property [b]ut abusive, distracting behavior, and attempts to prevent screeners from performing required screening, are subject to civil penalties under this rule.

Id.

The Sixth Circuit affirmed the constitutionality of this regulation. See Rendon v. Transportation Security Administration, 424 F.3d 475 (6th Cir. 2005) (finding that 49 C.F.R. § 1540.109 did not violate petitioner's First Amendment right to freedom of speech nor is it constitutionally overbroad). The Sixth Circuit found that 49 C.F.R. § 1540.109 "prohibits only that conduct which poses 'an actual hindrance to the accomplishment of a specified task.'" Id. at 480, quoting Fair v. Galveston, 915 F.Supp. 873, 879 (S.D.Tex.) (distinguishing the use of the term "interrupt" from the narrower term "interferes"). In Rendon, the petitioner was found to have interfered with the screening process with his "escalating loud and belligerent nature . . . directed at the screener" and that such conduct caused the screener to shut down his line and call over a supervisor. Id. at 479.

Recently, the Fourth Circuit also discussed Section 1540.109's prohibitions related to an airline passenger's Bivens action following his arrest at an airport when he was subjected to enhanced screening. See Tobey v. Jones, 706 F.3d 379 (4th Cir. 2013).⁴ When the passenger was directed to go through the AIT scan, the passenger "calmly placed his sweatpants and t-shirt on the conveyor belt, leaving him in running shorts and socks, revealing the text of the Fourth

⁴ The Fourth Circuit was addressing the government defendants' motion to dismiss under FRCP 12(b)(6) and therefore read the facts in the light most favorable to the non-moving party.

Amendment written on his chest.” Id. at 384. The Fourth Circuit refused to dismiss the passenger’s claims and noted that the passenger’s complaint:

specifically alleges that he did not circumvent security measures nor did he disrupt the screening process. [The passenger] attempted to submit to the enhanced screening procedures. He never violated an express instruction of the Appellants. In a sense, [the passenger] aided in Appellants’ search for contraband by removing his t-shirt and sweatpants—at this point there were very few places he could have been hiding anything. [The passenger] was simply showing Appellants what they sought to see by using the AIT scanning machine. There is nothing before the Court at the 12(b)(6) phase that indicates [the passenger] removing his sweatpants and t-shirt caused any interference, disruption, or delay, in violation of any TSA regulation.

Id. at 389. Notably, the Fourth Circuit specifically distinguished Rendon both factually (i.e., the passenger in Tobey was “peaceful, cooperative and polite”) and because the passenger had not been charged with violating Section 1540.109 or any other TSA regulation. Id. at 392-93.

TSA precedent clearly stands for the proposition that a respondent who engages in belligerent and disruptive behavior (including striking screening personnel) during the screening process can be held liable for a violation of Section 1540.109. See In re Patrick Hallahan, 2010 WL 5018667 (Nov. 3, 2010) (violation found where respondent behavior caused significant disruption of the screening process and respondent assaulted and grabbed a TSO’s shirt and name tag, and when passing by another TSO, struck that TSO on the shoulder with such force that the TSO was pushed back into a table); In re James C. Durkin, 2009 WL 5910422 (October 30, 2009) (violation found where respondent’s behavior created a distraction which caused TSA personnel to suspend screening at the checkpoint); In re Paul Dunn, 2009 WL 1638648 (06-TSA-0068, June 3, 2009) (use of profanity, belligerence, and noncompliant attitude was threatening and intimidating to the security officers and prevented them from performing their screening duties); In re Ivan Whidden, 2008 WL 5626951 (05-TSA-0024, November 28, 2009) (violation where respondent threatened TSA screener with words to the effect of “Take my hands; I could

kill you with my hands” – causing the screening of passengers and baggage to stop); In re Christopher Hoern, 2008 WL 5626949 (07-TSA-0011) (violation of Section 1540.109 where passenger engaged in escalating and loud belligerent conduct toward screening officer concerning passenger’s attempt to bring a nasal inhaler through screening); In re Thomas A. Zoline, 2004 WL 2555930 (2002WP710255, September 9, 2004) (violation where respondent engaged in belligerent and disruptive behavior, threatened a screening officer, and grabbed the officer’s badge). Nevertheless, it is also clear that the mere use of profanities or passenger grumbling about the screening process will not necessarily rise to the level sufficient to impose a penalty for violating Section 1540.109. See Rendon, 424 F.3d at 479 (noting that more than such grumbling and use of profanities is generally needed).

Therefore, under the rulemaking, the plain language of the regulation, the interpretation of both Rendon and Tobey, and relevant TSA precedent, only that conduct which interferes with a TSA agent’s screening function/duties and/or conduct involving the assault, threatening, or intimidation of TSA agents in the performance of such duties constitutes a violation of 1540.109. Something more than mere questioning the screening procedure, grumbling about the nature of the process or the methods TSA has elected to implement its statutory duty to screen passengers is thus required for a violation to be found proven.

Despite Respondent’s protestations to the contrary in his Affirmative Defenses, the TSA agents’ “screening duties” are clear and once an air passenger has submitted himself and his accessible baggage to screening, he may not engage in the conduct Section 1540.109 clearly prohibits. The duty of TSA agents is to carry out the “screening functions” called for by the statute and the regulations. To the extent Respondent is challenging the overall legality of the methods and procedures TSA has elected to pursue in screening passengers either as a violation

of the underlying statute or as Constitutional violations, these challenges are not cognizable in this venue. 49 C.F.R. § 1503.607(b)(1)(v). The only issue to be determined in these proceedings is whether Respondent did, in fact, violate the TSR at 49 C.F.R. § 1540.109.

Analysis

As indicated above, the parties have filed numerous motions and pleadings on the issue of Respondent's alleged violation. Respondent has received the EIR and other documents from TSA counsel and deposed each of the TSA employees named in the Amended Complaint. Respondent has also filed an Answer and provided his version of events in his initial Response Letter. Respondent also attached excerpts from the depositions he took of the TSA employees. As part of the Response, TSA counsel attached the complete deposition transcripts, along with other materials from TSA's official website detailing information provided to the public concerning the pat-down process and the issues presented by transgender flyers.

TSA's Motion for Decision

TSA counsel argues that no genuine issues of material fact exist concerning Respondent's alleged violation because Respondent's Answer and his initial Letter Response admitted all the essential elements to find a violation. See Motion for Decision at 10-12. Specifically, TSA counsel asserts that in all, Respondent required the attention of 4 separate TSA personnel during his screening, which required these four individuals to turn away from other screening duties to attend Respondent. Id. at 10-11. TSA counsel also states that Respondent admitted that he assaulted TSO (b)(6) by physically pushing her hand away while she was conducting a pat-down on Respondent. Id. at 11. Finally, TSA counsel argues that Respondent admitted that it took approximately 15 minutes for the screening process and it required two TSA officers to

conduct a pat-down, as STSO (b)(6) completed the pat-down after Respondent assaulted TSO (b)(6). Id. at 12.

Respondent's Opposition

Respondent argues that his Answer and Letter Response “generally denied outright, nearly every allegation in the complaint”. Opposition at 2. Respondent asserts that there is no record evidence that he asked for or insisted that any supervisor intervene in his screening or for any TSO to abandon any of their duties. Id. at 3. Respondent also insists that he was not belligerent nor threatened anyone during this process; nor was he told by any TSA personnel that requesting a female officer to conduct the pat-down was interfering with the TSO’s screening duties. Id. at 3-4. Respondent reiterates claims that instead of assaulting TSO (b)(6), he “reflexively, and in self-defense, pushed her hand away.” Id. at 4. Furthermore, Respondent questions whether TSO (b)(6) was performing any official screening duties at that time and asserts that TSO (b)(6) “maliciously and purposely deviated from her screening duties to inflict harm upon him.” Id.

Respondent then specifically addresses the evidence he claims demonstrates that he did not intimidate, threaten, or assault any of the TSA personnel during their duties, “with the possible exception of TSO (b)(6).” Opposition at 4. Specifically, Respondent cites to excerpts from the deposition testimonies of LTSO (b)(6), TSO (b)(6), TSO (b)(6), TSM Duong, and STSO (b)(6) for support in this statement. Id. at 4-5.

Respondent insists that a genuine issue of material facts exists with respect to his encounter with TSO (b)(6). Id. at 5-7. Respondent argues that discovery has not clarified what the proper screening duties at issue are but that the actual screening procedures TSA uses relative to the gender of passengers is “subject to confusion and inconsistency among TSA employees.”

Id. at 6. Respondent states that TSA policy is for same gender pat-downs and yet he, a male, was pat-down by a female TSO, whom Respondent argues was unfamiliar with how to pat-down males and felt “uncomfortable” discussing male genitalia. Id. at 6-7.⁵ Respondent thus questions whether TSO (b)(6) was engaged in any kind of proper “screening duty” at all. Id. at 7. Finally, Respondent argues that TSM Duong’s deposition testimony supports his version of events (i.e., TSO (b)(6) inflicted pain upon Respondent and he “reflexively and self-defensively pushed her hand away and did not hit her). Id.⁶

TSA’s Response

TSA counsel submitted a Response to Respondent’s Opposition that reiterated TSA’s position concerning Respondent’s alleged violation. The Response attached the full deposition transcripts of the TSA personnel whom Respondent deposed. TSA counsel asserted that the record revealed no genuine issues of material fact and pointed to a combination of the deposition transcripts, the TSA agents’ statements, and Respondent’s Response Letter and Answer in support.

Findings of Fact

The following Findings of Fact are based on a review of the entire record. I have refrained from making credibility determinations herein and have read the record in the light most favorable to Respondent (i.e., the non-moving party).

- 1) On December 24, 2011, Respondent was a ticketed passenger on a flight departing from Terminal A at Norman Y. Minetta International Airport (SJC) in San Jose, California. Declaration filed with United States District Court, Northern District (Declaration) at 2, ¶ 6; Answer at 2; Letter Response.

⁵ This is akin to Respondent objecting to errors he invited/insisted upon. It is far more likely than not that TSA personnel on the scene followed TSA’s SOP as reflected in the notifications to the public concerning Pat-Downs and Transgender Travelers (see TSA Response Exhs. 2-3) than TSO (b)(6) acted outside the scope of her screening duties as a female TSA officer performing a pat-down on a male passenger.

⁶ TSM Duong’s deposition testimony did not confirm Respondent’s version of events. As TSM Duong observed, the video was not clear as to what happened. TSM Duong certainly never indicated during his deposition that he agreed TSO (b)(6) did anything inappropriate in screening Respondent.

- 2) Respondent presented himself and his accessible property for screening at the Terminal A security checkpoint. Answer at 2.
- 3) During the screening process, Respondent approached Transportation Security Officer (TSO) (b)(6) and requested to opt out of the AIT screening. Answer at 2-3; TSA Response Exh. 4; Declaration at 2, ¶ 7; Letter Response.
- 4) When Respondent stated that he wanted to opt out of the AIT screening, TSO (b)(6) told Respondent that he would have to undergo a pat-down. Answer at ¶ 4; TSA Response Exh. 10 at 24:16-22; Declaration at 2, ¶ 7.
- 5) Respondent told TSO (b)(6) that he was uncomfortable with a male conducting the pat-down and stated to TSO (b)(6) that he wanted a female to perform the pat-down. TSA Response Exh. 4, TSA Response Exh. 5; TSA Response Exh. 10 at 77:22-23, 82:21-83:1; Letter Response; Declaration at 2, ¶ 8; Answer at 3.
- 6) TSO (b)(6) explained to Respondent that passengers are screened by TSOs of the same gender. Answer at 3.
- 7) TSO (b)(6) did not perform the pat-down on Respondent because she perceived Respondent to be a male and TSA's policy is to do same gender screening; and so TSO (b)(6) called for a supervisor to assist. TSA Response Exh. 10 at 38:14-24; 77:22-78:10; TSA Response Exhs. 2-3.
- 8) Supervisory Transportation Security Officer (STSO) (b)(6) came over to assist and Respondent told STSO (b)(6) that he wanted a female TSO to conduct the pat-down. TSA Response Exh. 5; Answer at 3.
- 9) STSO (b)(6) then took Respondent into the checkpoint screening area for the pat-down and called over a female officer, TSO (b)(6), to assist and asked LTSO (b)(6) to accompany that TSO through the screening process. TSA Response Exh. 5.
- 10) TSO (b)(6) did not want to perform the pat-down on Respondent because she believed Respondent was clearly a male and she did not want to do a pat-down on a male and so she asked that another TSO complete Respondent's screening. TSA Response Exh. 6; see also TSA Response Exh. 7.
- 11) LTSO (b)(6) stated that at the time of the incident, Respondent appeared to be a male. Response Exh. 12 at 18:20-21.
- 12) LTSO (b)(6) claimed that dealing with Respondent's request to be pat-down took him away from his other duties for approximately 10 minutes. TSA Response Exh. 12 at 64:1-67:12.
- 13) TSO (b)(6) was then asked to, and eventually did, conduct Respondent's screening. Id.; Declaration at 2, ¶ 7; Letter Response.
- 14) TSO (b)(6) was not trained on how to pat-down a male and had not performed a pat-down on a male prior to Respondent. TSA Response Exh. 14 at 20:13-21:6.

- 15) TSO (b)(6) explained the pat-down procedure to Respondent as involving her using the front of her hands from head to toe, except using the back of her hands in the breast, groin and buttocks area and on the leg, and explained that she would put her hand on the outside and on the inside of Respondent's leg and proceed all the way up until Respondent's leg met his torso. Response Exh. 14 at 41:25-42:25; Answer at 4.
- 16) TSO (b)(6) also advised Respondent that the screening could be conducted in private, the option for which Respondent declined. Answer at 4.
- 17) STSO (b)(6) remained with TSO (b)(6) during the screening. TSA Response Exh. 5.
- 18) On at least one occasion, Respondent directed TSO (b)(6) not to touch his "nuts". *Id.*; TSA Response Exh. 14 at 67:5-10; 68:5-9; 68:14-16; TSA Response Exh. 8; Declaration at 2, ¶ 8; Answer at 4-5; Letter Response.
- 19) At some point during the pat-down, when TSO (b)(6) slid her hands up Respondent's right leg, Respondent either hit TSO (b)(6) on the right shoulder (statements and testimony from TSO (b)(6) and STSO (b)(6)) or pushed her hands away (statement from Respondent). TSA Response Exh. 5; TSA Response Exh. 14 at 81:2-13; TSA Response Exhs. 8, 9; Letter Response; Declaration at 2, ¶ 10.
- 20) TSO (b)(6) stood up and stated that Respondent hit her. Letter Response; TSA Response Exh. 5.
- 21) Respondent told STSO (b)(6) that TSO (b)(6) had "touched [his] nuts". Letter Response.
- 22) STSO (b)(6) then stopped the screening and called the San Jose Police Department – Airport Division (SJPAD-AD) to assist. TSA Response Exh. 5.
- 23) SJPAD-AD Officer (b)(6); (b)(7)(C) responded and took a report from both Respondent and TSO (b)(6). Letter Response; TSA Response Exh. 9.
- 24) STSO (b)(6) completed the pat-down of Respondent. Declaration at 2, ¶ 11; Answer at 6; TSA Response Exh. 5.
- 25) Respondent was then accompanied by a SJPAD-AD officer to his flight. Letter Response; Answer at 6.
- 26) At some point during his encounter at SJC, Respondent stated that he was not a Muslim, he did not look like a Muslim, and the screening process violated his Constitutional rights. Answer at 5.
- 27) As a result of Respondent's actions, STSO (b)(6) notified TSM Calvin Duong. TSM Duong arrived at the checkpoint after Respondent had been escorted to the Gate by SJPAD-AD (b)(6); (b)(7)(C). TSA Response Exh. 5.
- 28) TSO (b)(6) stated that she was afraid of Respondent as a result of this incident. TSA Response Exh. 14 at 68:20-24.

- 29) TSO (b)(6) stated that she felt intimidated by Respondent's demeanor because at the time Respondent did not appear to be the same as all the female passengers she had pat down and she was uncomfortable with Respondent's demeanor. Id. at 69:16-70:3.
- 30) TSO (b)(6) stated that she felt threatened and afraid after Respondent hit her and that Respondent was very aggressive. Response Exh. 14 at 81:14-82:1.
- 31) TSO (b)(6) filed criminal charges against Respondent.
- 32) The video evidence of the incident is inconclusive as to whether Respondent struck TSO (b)(6) as alleged or whether Respondent pushed TSO (b)(6) hand away.

Respondent's Actions Constituted a Violation of 49 C.F.R. § 1540.109

Given these facts, the record evidence supports a finding that Respondent committed the alleged violation based solely on the undisputed facts given above.⁷ Respondent opted out of AIT screening and then engaged TSA personnel in discussions of his options. The exact nature of these discussions is open to some dispute, but it is undisputed that Respondent asked for, and eventually received, a pat-down from a female TSO.

Respondent's degree of "good faith" during his initial encounter with TSO (b)(6) is questionable, but nothing he did rises to the level of a violation based on the undisputed facts. Furthermore, his initial exchanges with STSO (b)(6) and limited encounter with LTSO (b)(6) do not rise to the level of prohibited conduct.

The most significant problem with Respondent's conduct concerns when TSO (b)(6) began the pat-down process of Respondent. Respondent insisted at least once that TSO (b)(6) "not touch his nuts." Respondent's conduct here clearly began to interfere with the screening process at a level beyond mere questioning or even grumbling about that process. Respondent in essence was attempting to assert a degree of control over the pat-down process and directing

⁷ I must note that even though this is not the time to determine disputed versions of facts, the record supports TSA counsel's assertions on Respondent's behavior. The percipient witnesses provided written statements consistent with their sworn deposition testimony, all of which indicate a number of problems with Respondent's denials of such facts in his Answer.

TSO (b)(6) how to conduct the screening. Such attempts at directing the lawful screening process cannot be tolerated.

Air passengers may not elect the means and methods by which TSA conducts its statutory duty to screen passengers. TSA provides limited choices in terms of proceeding through AIT screening or opting-out of such screening and being subject to enhanced screening, including a pat-down. If Respondent has issues with TSA's screening procedures generally, this is not the proper forum for such challenges. The record reveals no undisputed facts that this procedure, as applied to Respondent, failed to accord with such stated policies and practices as in TSA Response Exhs. 2-3. Respondent very well could have avoided a pat-down that he found uncomfortable by electing to proceed through the AIT. Once he elected to proceed with the enhanced pat-down, he could not then attempt to control the way in which TSO (b)(6) conducted the pat-down.

TSO (b)(6) stated that she felt intimidated by Respondent's demeanor and Respondent's choice of directives to TSO (b)(6) ("don't touch my nuts") certainly makes such feelings reasonable. Once TSO (b)(6) began the pat-down of Respondent's right leg, Respondent admitted that he pushed TSO (b)(6) hands away. Respondent maintains that he only acted reflexively after being inappropriately "groped" by TSO (b)(6), as some form of punishment for electing to opt-out of the AIT screening. See Letter Response.

Viewed in the light most favorable to Respondent, given the overall context of Respondent's request that a female conduct the pat-down and his preemptive admonitions to her not to "touch [his] nuts", he created a situation that led to his reactionary assault on TSO (b)(6). Nothing in the record supports a finding that Respondent did not assault TSO (b)(6) during the TSA screening procedures. In contrast, TSA counsel's position that Respondent violated 49

C.F.R. § 1540.109 by assaulting TSO (b)(6) is fully supported by multiple witnesses and Respondent's own admissions and other consistent record evidence as presented in the findings of fact above. I thus find that based on substantial record evidence, Respondent violated 49 C.F.R. § 1540.109 and Complainant is entitled to a decision in its favor on its Motion for Decision.

Civil Penalty Issues

The amount of the civil penalty for a charge proved resides within the discretion of the finder of fact. See 49 C.F.R. § 1503.655. TSA's Complaint sets forth a proposed civil penalty amount, and the undersigned must issue a decision that contains the amount of any civil penalty found appropriate. Id.; 49 C.F.R. § 1503.609. The regulations do not require the undersigned to adopt the amount proposed in TSA's Complaint. Indeed, the judge is allowed to exceed the amount TSA proposes given the particular facts and circumstances of the case. See In re Hallahan, 2010 WL 5018667 (Nov. 3, 2010) (judge may increase a penalty for violations even in excess of the Sanction Guidance Policy depending on particular aggravating factors articulated in the decision).

Here, the Agency requests \$1,500 for Respondent's violation. This amount represents a civil penalty at the low end of the range suggested by the Enforcement Sanction Guidance Policy (discussed below in Section A). As discussed above, the Agency has proven Respondent violated 49 C.F.R. § 1540.109. The question of the proper civil penalty must now be analyzed.

A. TSA's Enforcement Sanction Guidance Policy

TSA has published an Enforcement Sanction Guidance Policy (Sanction Guidance), which is publically available on TSA's website. See

http://www.tsa.gov/sites/default/files/assets/pdf/enforcement_sanction_guidance_policy.pdf.

The Sanction Guidance “provides agency enforcement personnel with guidance on selecting appropriate sanctions for civil penalty enforcement actions and to promote consistency in enforcement of TSA regulations”. *Id.* at 1. “[I]t does not restrict TSA from proposing higher penalties or penalties for violations not listed in the Sanction Guidance Table.” *Id.* The Sanction Guidance is meant “to assist, not replace, the exercise of judgment in determining the appropriate civil penalty in a particular case.” *Id.*

The Sanction Guidance was designed with a philosophy of progressive enforcement, i.e., “the sanction generally increases with each repeated violation or based upon other aggravating factors.” *Id.* “A sanction amount at the higher end of a range is appropriate where there are aggravating factors surrounding the violations, while a sanction at the lower end of the range is appropriate for first time violations and where mitigating factors exist.” *Id.* Indeed, based on “extreme aggravating factors”, TSA may seek a sanction outside of the suggested ranges. *Id.*

The Sanction Guidance provides the following factors that generally should be considered in assessing the aggravating/mitigating factors in a particular case:

- 1) Significance/degree of the security risk created by the alleged violation.
- 2) Nature of the violation – whether the violation was inadvertent, deliberate, or the result of gross negligence.
- 3) Past violation history (compliance should be the norm, this factor is considered only to assess the need for an increased sanction).
- 4) Violator's level of experience.
- 5) Attitude of violator, including the nature of any corrective action taken by the alleged violator.
- 6) Economic impact of the civil penalty on the violator.
- 7) Criminal sanctions already paid for the same incident.
- 8) Disciplinary action taken by the violator's employer for the same incident.
- 9) Artful concealment.
- 10) Fraud and intentional falsification.

Sanction Guidance at 1. Clearly, not all of these factors are applicable to every case.

Furthermore, while the Sanction Guidance is not binding on the judge, it does provide a useful

framework for considering some of the factors involved in assessing an appropriate sanction for Respondent's violation.

B. Aggravating Factors

1. Significance/degree of the security risk created by the violation

The Sanction Guidance provides a range of \$1,500.00 to \$5,000.00 for a violation of Section 1540.109 where there was physical contact with screening personnel. *Id.* at 8. Here, Respondent's actions involved the actual striking of a TSO in the performance of her security duties. A violation, like Respondent's, is thus a serious matter, requiring a significant sanction. The orderly processing and screening of passengers is fundamental to the security mechanisms developed and put in place following the terrorist attacks of 9/11 and it is unacceptable for airline passengers to assault or intimidate screening personnel conducting screening operations.

2. Nature of the violation – Respondent's violation was not inadvertent or the result of gross negligence, but rather was deliberate

Respondent's violation was not inadvertent, nor the result of gross negligence. Rather, Respondent hit TSO (b)(6) during a pat down that was being conducted according to existing TSA policies and procedures. Respondent also inappropriately attempted to control the situation prior to the pat-down's beginning by directing TSA (b)(6) not to touch him in a certain area. Contrary to Respondent's contentions, his actions were not merely reactive to alleged inappropriate actions by TSO (b)(6) and intentionally interfered with, threatened and assaulted screening personnel in the performance of their screening duties.

3. Respondent's attitude and behavior

Respondent has not accepted responsibility for the incident with TSO (b)(6) and instead attempts to portray himself as the aggrieved party. *See, e.g.,* Respondent Reply Brief. Furthermore, Respondent continues to insist TSO (b)(6) hurt him by grasping or hitting his

testicles despite overwhelming record evidence to the contrary. Respondent's attitude is thus not one of general compliance but rather of continuing to make excuses for his conduct, which included demanding that he be pat-down by a woman when told of TSA's policy and assaulting TSO (b)(6) by (at the very least) pushing away her hand while she was performing her screening duties.

4. Artful concealment

This factor is not relevant for Respondent's violation.

5. Intentional falsification and fraud

There is no allegation that Respondent intentionally engaged in falsification or fraud with respect to the incident. Respondent has pursued his case vigorously. It might very well be that he has convinced himself that he did not assault TSO (b)(6), but the record evidence counters any rational maintenance of such belief.

C. Mitigating Factors

1. Respondent's past violation history

The record does not indicate Respondent has ever violated the TSRs prior to this incident. However, as indicated in the Sanction Guidance, this factor of no prior violation is, at best, a modest mitigating factor, as compliance is the norm. A respondent's repeated violations would be considered generally in assessing an increased penalty.

2. Respondent's flying experience

The record does not contain any evidence concerning the extent of Respondent's flying experience.

3. Economic impact of the civil penalty on Respondent

No record evidence indicates the impact the suggested civil penalty would have on Respondent and Respondent has not asserted an inability to pay.

4. Criminal sanctions already paid for the incident

The record does not reveal any criminal monetary sanctions already paid by Respondent for the violation – the payment of which could, under appropriate circumstances, constitute a mitigating factor in assessing a proper civil penalty. Charges were not pressed against Respondent for his assault on TSO (b)(6).⁸

5. Disciplinary actions taken by Respondent's employer

The record reveals no disciplinary actions taken by Respondent's employer for the violation.

D. Conclusion

A monetary penalty of \$1,000 is appropriate in this case. A penalty in the range TSA requested (i.e., \$1,500) would be too harsh given some reasonable allowance for the particular character of this incident. Respondent's actions can be viewed in the best light as subjectively defensive – i.e., even though Respondent instigated the altercation, physical contact did occur between himself and TSO (b)(6) during which he might have felt extremely uncomfortable by being subjected to such contact. Furthermore, the amount ordered here is in line with existing TSA precedent and policy.⁹ Respondent's conduct was considerably greater than mere

⁸ Notably, TSO (b)(6) indicated that she would have pressed charges against Respondent for his assault on her but did not receive the 14-day notice to file the complaint from the SJPD.

⁹ See *In re Durkin*, 2009 WL 5910422 (October 30, 2009) (upholding civil penalty of \$1,500.00 for violation of 49 C.F.R. § 1540.109 where respondent opened a stanchion rope and failed to clear his employee badge with the travel document checker; ignored repeated directions from TSA personnel; was argumentative, insulting, and used profanity; ignored TSA requests to leave the checkpoint, eventually causing the suspension of operations at the checkpoint); *In re Dunn*, 2009 WL 1638648 (June 3, 2009) (upholding civil penalty of \$5,000.00 for violations of 49 C.F.R. §§ 1540.105(a)(2) and 1540.109 which exceeded amount proposed by TSA counsel, based, in part, on multiple aggravating factors); *In re Whidden*, 2008 WL 5626951 (November 28, 2008) (\$1,000.00 penalty upheld for violation of 49 C.F.R. § 1540.109 where respondent threatened TSA officer when scissors were found in respondent's carryon bag); *In re Edward Amet*, 2007 WL 2112667 (June 28, 2007) (\$1,000.00 penalty upheld for violation of 49 C.F.R. § 1540.109 where respondent threatened to kill TSA officer when corkscrew with fold-out knife found in respondent's carryon baggage); *In re Zoline*, 2004 WL 254930 (September 7, 2004) (\$1,100.00 penalty upheld for violation of 49 C.F.R. § 1540.109 where respondent grabbed screening officer's badge and threatened officer's job) c.f., *In re Hallahan*, 2010 WL 5018667 (Nov. 3, 2010) (increase of TSA proposed penalty upheld for violation of Section 1540.109 where respondent engaged in multiple, egregious acts and physically assaulted a TSO).

belligerence and disruption and involved a physical assault on a TSO who was performing necessary screening duties. A significant monetary penalty is thus warranted.

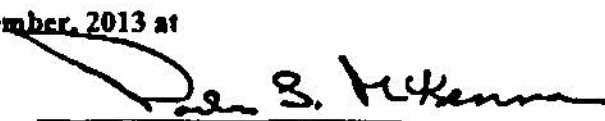
ORDER

IT IS HEREBY ORDERED THAT Complainant's Motion for Decision is **GRANTED**.

IT IS HEREBY FURTHER ORDERED that a total civil penalty of **ONE THOUSAND DOLLARS (\$1000.00)** is assessed against **RESPONDENT** (b)(6) for his proven violation of 49 C.F.R. § 1540.109.

THE PARTIES ARE HEREBY ADVISED of the applicable appeal rights and procedures outlined in 49 C.F.R. § 1503.657, which are attached as **Attachment B**.

Done and dated on this 30th day of September, 2013 at
Alameda, California.



Hon. Parlen L. McKenna
Administrative Law Judge
United States Coast Guard

Attachment A – List of Exhibits Submitted in Connection with the Motion for Decision

Complainant's Exhibits to Motion for Decision

1. Letter of Investigation, December 30, 2012
2. Letter of Response, January 27, 2012
3. Federal Register, Preamble Language to 49 C.F.R. § 1540.109
4. Copy of In re (b)(6)
5. Copy of In re (b)(6)
6. Copy of Final Decision in Appeal of (b)(6)
7. Copy of Final Decision in Appeal of (b)(6)
8. Copy of In re (b)(6)
9. TSA Enforcement Sanction Guidance Policy

Respondent's Exhibits to Opposition

1. Smith Letter of January 27, 2012
2. Discovery material excerpts
3. LTSO (b)(6) deposition excerpts
4. TSM Duong deposition excerpts
5. TSO (b)(6) deposition excerpts
6. STSO (b)(6) deposition excerpts
7. TSO (b)(6) deposition excerpts

Complainant's Exhibits to Response

1. Letter Response, January 27, 2012
2. Copy of "Pat Downs" – <http://www.tsa.gov/traveler-information/pat-downs>
3. Copy of "Transgender Travelers, The Screening Process, AIT" - <http://www.tsa.gov/traveler-information/transgender-travelers>
4. Statement of TSO (b)(6)
5. Statement of STSO (b)(6)
6. Statement of TSO (b)(6)
7. Statement of LTSO (b)(6)
8. Statement of TSO (b)(6)
9. San Jose Police Department Police Report
10. Deposition Transcript of TSO (b)(6)
11. Deposition Transcript of STSO (b)(6)
12. Deposition Transcript of LTSO (b)(6)
13. Deposition Transcript of TSM Duong
14. Deposition Transcript of TSO (b)(6)

Attachment B – Appeal Rights under 49 C.F.R. § 1503.657

§ 1503.657 Appeal from initial decision.

(a) *Notice of appeal.* Either party may appeal the initial decision, and any decision not previously appealed pursuant to § 1503.631, by filing a notice of appeal with the Enforcement Docket Clerk. A party must file the notice of appeal with USCG ALJ Docketing Center, ATTN: Enforcement Docket Clerk, 40 S. Gay Street, Room 412, Baltimore, Maryland 21202-4022. A party must file the notice of appeal not later than 10 days after entry of the oral initial decision on the record or service of the written initial decision on the parties and must serve a copy of the notice of appeal on each party. Upon filing of a notice of appeal, the effectiveness of the initial decision is stayed until a final decision and order of the TSA decision maker have been entered on the record.

(b) *Issues on appeal.* A party may appeal only the following issues:

- (1) Whether each finding of fact is supported by a preponderance of the evidence.
- (2) Whether each conclusion of law is made in accordance with applicable law, precedent, and public policy.
- (3) Whether the ALJ committed any prejudicial errors during the hearing that support the appeal.

(c) *Perfecting an appeal.* Unless otherwise agreed by the parties, a party must perfect an appeal, not later than 50 days after entry of the oral initial decision on the record or service of the written initial decision on the party, by filing an appeal brief with the Enforcement Docket Clerk.

(1) *Extension of time by agreement of the parties.* The parties may agree to extend the time for perfecting the appeal with the consent of the TSA decision maker. If the TSA decision maker grants an extension of time to perfect the appeal, the Enforcement Docket Clerk will serve a letter confirming the extension of time on each party.

(2) *Written motion for extension.* If the parties do not agree to an extension of time for perfecting an appeal, a party desiring an extension of time may file a written motion for an extension with the Enforcement Docket Clerk and must serve a copy of the motion on each party. The TSA decision maker may grant an extension if good cause for the extension is shown in the motion.

(d) *Appeal briefs.* A party must file the appeal brief with the Enforcement Docket Clerk and must serve a copy of the appeal brief on each party.

(1) In the appeal brief, a party must set forth, in detail, the party's specific objections to the initial decision or rulings, the basis for the appeal, the reasons supporting the appeal, and the relief requested in the appeal. If, for the appeal, the party relies on evidence contained in the record for the appeal, the party must specifically refer in the appeal brief to the pertinent evidence contained in the transcript.

(2) The TSA decision maker may dismiss an appeal, on the TSA decision maker's own initiative or upon motion of any other party, where a party has filed a notice of appeal but fails to perfect the appeal by timely filing an appeal brief.

(e) *Reply brief.* Unless otherwise agreed by the parties, any party may file a reply brief not later than 35 days after the appeal brief has been served on that party. The party filing the reply brief must serve a copy of the reply brief on each party. If the party relies on evidence contained in the record for the reply, the party must specifically refer to the pertinent evidence contained in the transcript in the reply brief.

(1) *Extension of time by agreement of the parties.* The parties may agree to extend the time for filing a reply brief with the consent of the TSA decision maker. If the TSA decision maker grants an extension of time to file the reply brief, the Enforcement Docket Clerk will serve a letter confirming the extension of time on each party.

(2) *Written motion for extension.* If the parties do not agree to an extension of time for filing a reply brief, a party desiring an extension of time may file a written motion for an extension and will serve a copy of the motion on each party. The TSA decision maker may grant an extension if good cause for the extension is shown in the motion.

(f) *Other briefs.* The TSA decision maker may allow any person to submit an amicus curiae brief in an appeal of an initial decision. A party may not file more than one appeal brief or reply brief. A party may petition the TSA decision maker, in writing, for leave to file an additional brief and must serve a copy of the petition on each party. The party may not file the additional brief with the petition. The TSA decision maker may grant leave to file an additional brief if the party demonstrates good cause for allowing additional argument on the appeal. The TSA decision maker will allow a reasonable time for the party to file the additional brief.

(g) *Number of copies.* A party must file the original appeal brief or the original reply brief, and two copies of the brief, with the Enforcement Docket Clerk.

(h) *Oral argument.* The TSA decision maker has sole discretion to permit oral argument on the appeal. On the TSA decision maker's own initiative or upon written motion by any party, the TSA decision maker may find that oral argument will contribute substantially to the development of the issues on appeal and may grant the parties an opportunity for oral argument.

(i) *Waiver of objections on appeal.* If a party fails to object to any alleged error regarding the proceedings in an appeal or a reply brief, the party waives any objection to the alleged error. The TSA decision maker is not required to consider any objection in an appeal brief or any argument in the reply brief if a party's objection is based on evidence contained in the record and the party does not specifically refer to the pertinent evidence from the record in the brief.

(j) *The TSA decision maker's decision on appeal.* The TSA decision maker will review the briefs on appeal and the oral argument, if any, to determine if the ALJ committed prejudicial error in the proceedings or that the initial decision should be affirmed, modified, or reversed. The TSA decision maker may affirm, modify, or reverse the initial decision, make any necessary findings, or may remand the case for any proceedings that the TSA decision maker determines may be necessary.

- (1) The TSA decision maker may raise any issue, on the TSA decision maker's own initiative, that is required for proper disposition of the proceedings. The TSA decision maker will give the parties a reasonable opportunity to submit arguments on the new issues before making a decision on appeal. If an issue raised by the TSA decision maker requires the consideration of additional testimony or evidence, the TSA decision maker will remand the case to the ALJ for further proceedings and an initial decision related to that issue. If the TSA decision maker raises an issue that is solely an issue of law, or the issue was addressed at the hearing but was not raised by a party in the briefs on appeal, the TSA decision maker need not remand the case to the ALJ for further proceedings but has the discretion to do so.
- (2) The TSA decision maker will issue the final decision and order of the Administrator on appeal in writing and will serve a copy of the decision and order on each party. Unless a petition for review is filed pursuant to § 1503.659, a final decision and order of the Administrator will be considered an order assessing civil penalty if the TSA decision maker finds that an alleged violation occurred and a civil penalty is warranted.
- (3) A final decision and order of the Administrator after appeal is binding precedent in any other civil penalty action unless appealed and reversed by a court of competent jurisdiction.
- (4) The TSA decision maker will determine whether the decision and order of the TSA decision maker, with the ALJ's initial decision or order attached, may be released to the public, either in whole or in redacted form. In making this determination, the TSA decision maker will consider whether disclosure of any of the information in the decision and order would be detrimental to transportation security, would not be in the public interest, or should not otherwise be required to be made available to the public.

Certificate of Service

I hereby certify that I served the foregoing **ORDER GRANTING COMPLAINANT'S MOTION FOR DECISION (12-TSA-0101)** upon the following parties (or their designated representatives) and entities in this proceeding via the method indicated below:

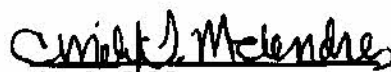
ALJ Docketing Center
United States Coast Guard
40 South Gay Street
Baltimore, MD 21202-4022
Fax No. (410) 962-1746
(VIA Facsimile)

(b)(6)

(VIA FedEx Overnight Delivery)

Stephanie M. Jackson, Supervisory Counsel
Office of Chief Counsel
U.S. Department of Homeland Security
Transportation Security Administration
700 Airport Blvd, Suite #200
Burlingame, CA 94010
Ph: 650-581 (b)(6)
Fax: 650-558-1783
Email: (b)(6)
(VIA facsimile and email)

Done and dated on this 30th day of September, 2013 at
Alameda, California.


Cindy J. Melendres
Paralegal Specialist to the
Hon. Parlen L. McKenna



Transportation
Security
Administration

U.S. Department of Homeland Security
Office of Chief Counsel
3838 N Sam Houston Pkwy E, Suite 510
Houston, Texas 77032

Sent by Electronic Mail to (b)(6)

September 24, 2013

(b)(6)

Re: Case No. (b)(6)

ORDER ASSESSING CIVIL PENALTY

Dear Mr. (b)(6)

On September 4, 2013, the Transportation Security Administration (TSA) issued to you a Notice of Proposed Civil Penalty (NPCP), proposing to assess a civil penalty in the amount of \$1,500 for a violation of the Transportation Security Regulations (TSR) alleged therein. After considering all of the information presently a part of this enforcement action, the TSA has determined that:

1. On June 18, 2013, you were a ticketed passenger on US Airways flight 1824, departing from the George Bush Intercontinental Airport (IAH), Houston, Texas.
2. On that date, at approximately 11:18 a.m., you submitted your person and accessible property for security screening and inspection prior to entering the sterile area of IAH to board flight 1824.
3. You opted out of screening through the Automated Target Recognition (ATR) machine.
4. As a result, a Transportation Security Officer (TSO) advised you that you would have to undergo a pat-down.
5. You became upset; as a result, the TSO called for assistance from a Supervisory TSO.
6. The Supervisory TSO explained your options to you, and you elected to undergo the pat-down.
7. When a Lead TSO attempted to conduct the pat-down, you removed your shirt.
8. The Lead TSO advised you that you did not have to remove your shirt.
9. You stated, "I know," and then removed your shorts and underwear.

SENSITIVE SECURITY INFORMATION

WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.

10. The Supervisory TSO asked you to put your clothes back on.
11. You refused to put your clothes back on.
12. As a result, the Lead TSO stopped screening you, and the Supervisory TSO stopped all screening in that lane and called for assistance from a Houston Police Department (HPD) officer.
13. The HPD officer ultimately arrested you and escorted you from the security checkpoint.

Based on the foregoing facts and circumstances, the TSA has determined that you violated the following TSR: 49 C.F.R. § 1540.109, in that you interfered with screening personnel in the performance of their screening duties.

In accordance with 49 U.S.C. § 46301 of the Aviation and Transportation Security Act, you are subject to a civil penalty not to exceed \$11,000 for each violation of the TSR. In the NPCP, TSA proposed to assess a civil penalty in the amount of \$1,500. However, based on information you provided in informal discussions, we agreed to settle this case for \$500.

NOW, THEREFORE, IT IS ORDERED, pursuant to 49 U.S.C. § 46301(a) and (d) and 49 C.F.R. § 1503.419, that you are assessed a civil penalty in the amount of \$500 for the above referenced violations. You are hereby ordered to pay the assessed amount by mailing or delivering checks or money orders in the total amount of \$500, **payable to the Transportation Security Administration**, to:

U.S. Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262

OR

Bank of America
United States DHS/TSA
Lockbox Number 530262
1075 Loop Road
Atlanta, GA 30337-6002

You are ordered to pay the assessed amount in accordance with the following payment schedule: \$250 no later than October 30, 2013, and \$250 no later than November 30, 2013.

Please write the case number on the face of each check or money order. A copy of each payment instrument should also be sent to me at the address above. In lieu of a check or money order, you

SENSITIVE SECURITY INFORMATION

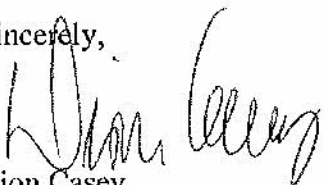
WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.

may submit payment electronically at www.pay.gov, a secure website administered by the U.S. Department of the Treasury. For assistance with pay.gov, you may contact pay.gov's Customer Support at 1-800-624-1373.

This Order Assessing Civil Penalty constitutes a debt owed to the United States. You have now exhausted your right to seek review within the TSA of the validity and/or amount of this debt. If this debt is not paid in full within 30 days of your receipt of this Order, the debt is considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest at a fixed annual rate,¹ along with an administrative charge of \$12 per month, representing the TSA's costs of administrative collection. Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation.

Please contact me at 281-848-(b)(6) if you have any questions.

Sincerely,


Dion Casey
Attorney-Advisor

¹ The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>.

SENSITIVE SECURITY INFORMATION

WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.



Transportation
Security
Administration

September 24, 2013

SENT BY UPS FIRST DAY AIR

(b)(6)

RE: Case No. (b)(6)

ORDER ASSESSING FINAL CIVIL PENALTY

On August 6, 2013, the Transportation Security Administration ("TSA") issued a Notice of Proposed Civil Penalty that proposed to assess a civil penalty against you in the amount of one hundred dollars (\$100) for violation of the Transportation Security Regulations ("TSR").

You elected to pay the full amount of the proposed civil and did so on September 17, 2013.

After considering all of the information presently a part of this enforcement action, the TSA has determined that:

1. At all times relevant herein, (b)(6) ("Respondent") was an individual or person subject to the provisions of the TSR, 49 CFR Part 1540, entitled "Responsibilities of Passengers and Other Individuals and Persons."
2. At all times relevant herein, 49 C.F.R. § 1540.107(a) of the TSR, provided that no person may enter a sterile area or board an aircraft without submitting to the screening and inspection of his or her person and accessible property in accordance with the procedures being applied to control access to that area or aircraft under subchapter C of the TSR, Civil Aviation Security.
3. At all times relevant herein, 49 C.F.R. § 1540.109 of the TSR, provided that no person may interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties under subchapter C of the TSR, Civil Aviation Security.
4. On or about March 25, 2013, Respondent was present at Sarasota Bradenton International Airport (SRQ) as an outbound JetBlue Airways passenger.
5. Respondent was required to undergo a pat down by a Transportation Security Officer ("TSO"). During the pat down, Respondent stated that the TSO was violating his rights. TSO stopped and called for a supervisor, prior to completing the pat down. Respondent then walked away from the additional screening area and out of the sterile area through the walk-through metal detector.

6. Upon the arrival of a Transportation Security Manager ("TSM"), Respondent stepped into the Advanced Imaging Technology ("AIT") and loudly stated "fucking TSA doesn't know what they are doing" and that his rights had been violated. Respondent then stepped towards the TSM, and stuck his finger in close proximity to the TSM's face, and continued to use profanity.
7. Respondent then walked through the AIT, without having completed the screening process, towards the exit-roller belt of the x-ray machine, took his property, and walked into the sterile area.
8. Due to Respondent's disruptive conduct and having gone into the sterile area without having completed the screening process, screening personnel on the entire checkpoint had to halt all screening duties for approximately 3 minutes.

By reason of the foregoing facts and circumstances it appears that Respondent violated Section 1540.107 of the TSR in that Respondent's entered the sterile area without submitting to screening.

By reason of the foregoing facts and circumstances it appears that Respondent violated Section 1540.109 of the TSR in that Respondent's interfered with screening personnel in their duties by refusing to complete screening, walking away from the screening process, and cursing at screening personnel.

Under 49 U.S.C. Section 46301 you are subject to a civil penalty not to exceed \$11,000 for each violation of the regulations.

NOW, THEREFORE, IT IS ORDERED, pursuant to 49 U.S.C. § 46301 and 49 C.F.R. § 1503.419, that Respondent is assessed a civil penalty in the amount of \$100.00. As stated above, you have already paid the full amount of the civil penalty. You need not take any other actions.

This Order constitutes a finding by the TSA of the facts and regulatory violation contained herein.

Please direct all correspondence to the undersigned attorney.




Rose Briceno, Attorney-Advisor
U.S. Department of Homeland Security
Transportation Security Administration
4200 George J Bean Pkwy, Suite 2544
Tampa, Florida 33607
Office: 813-227-(b)
(6)
Fax: 813-348-1565

CERTIFICATE OF SERVICE

I certify that this Order Assessing Civil Penalty, TSA Case Number (b)(6) has been sent this date by UPS First Day Air to:

(b)(6)



Daniel Allendes
Program Assistant

Dated: 9/25/2013

U.S. Department of Homeland Security
510 Airline Drive, Suite 110
Coppell, TX 75019



Transportation
Security
Administration

October 21, 2013

Sent by Certified Mail – Return Receipt Requested and First-Class Mail

(b)(6)

Re: Case No.

(b)(6)

FINAL NOTICE OF PROPOSED CIVIL PENALTY AND ORDER

By Notice of Proposed Civil Penalty (hereinafter "NPCP"), dated September 4, 2013, you were advised that the Transportation Security Administration (hereinafter "TSA") proposed to assess a civil penalty against you in the amount of \$500 for a violation of the Transportation Security Regulations (hereinafter "TSR") alleged therein. However, as of the date of this Final Notice, the TSA has not received any response from you to the NPCP. Accordingly, after considering all of the available information presently a part of this enforcement action, it appears that:

1. At all times relevant herein, Section 1540.109 of the Transportation Security Regulations provided that no person may interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties.
2. On or about June 3, 2013, you presented yourself and your accessible property at a security checkpoint for inspection and entry into the sterile area of Dallas/Fort Worth International Airport, Texas.
3. On that date, you yelled profanities at TSA personnel at the security checkpoint in the presence of other passengers, requiring the response of TSA supervisory personnel and the DFW Airport Police.

SENSITIVE SECURITY INFORMATION

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.~~

www.tsa.gov

4. On that date, the DFW Airport Police removed you from the security checkpoint and arrested you for Disorderly Conduct for using abusive, indecent, profane, or vulgar language in a public place.

By reason of the foregoing facts and circumstances, it appears that you violated section 1540.109 of the Transportation Security Regulations, (49 C.F.R. Part 1540.109), in that you did interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties.

In accordance with 49 U.S.C. § 46301, you are subject to a civil penalty not to exceed \$11,000 for each violation of the Transportation Security Regulations. After reviewing all of the information contained in our investigative file, the TSA proposes to assess a civil penalty in the amount of \$500.

Within 15 days of your receipt of this Final Notice, you must either: (1) submit the full civil penalty amount proposed in this Final Notice; (2) submit a civil penalty amount that is otherwise agreed upon by the undersigned TSA attorney; or (3) request, in writing, a Formal Hearing in this matter. **IF YOU DO NOT RESPONSE TO THIS FINAL NOTICE OR FAIL TO REQUEST A FORMAL HEARING IN WRITING WITHIN 15 DAYS OF YOUR RECEIPT OF THIS FINAL NOTICE, THIS FINAL NOTICE WILL AUTOMATICALLY BECOME AN ORDER ASSESSING CIVIL PENALTY IN THE AMOUNT PROPOSED, AND YOU WILL HAVE WAIVED YOUR RIGHT TO REQUEST A HEARING IN THIS MATTER.**

Should you elect to submit the civil penalty, a certified check or money order, payable to the "Transportation Security Administration," should be mailed to:

United States Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262

The case number of this matter (i.e. *TSA Case No.* (b)(6)) should be written on the face of the certified check or money order, and a copy of the payment instrument forwarded to the undersigned attorney. You may also submit the civil penalty electronically at www.pay.gov, a secure website administered by the U.S. Dept. of the Treasury.

You may not change the civil penalty amount proposed in this Final Notice absent the agreement of the undersigned attorney and the TSA Office of Chief Counsel.

SENSITIVE SECURITY INFORMATION

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.

www.tsa.gov

Should you elect to request a Formal Hearing, you must file a typewritten or legibly handwritten "Request for Hearing" with the ALJ Docketing Center at:

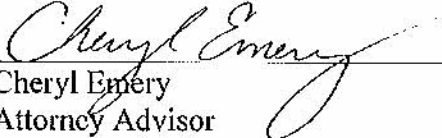
Office of the Chief Administrative Law Judge
ALJ Docketing Center
U.S. Coast Guard
40 South Gay Street, Room 412
Baltimore, Maryland 21202-4022

Additionally, you must mail a copy of your "Request for Hearing" to the undersigned attorney.

The Request must be dated and signed by you, in accordance with 49 C.F.R. § 1503.16 of the TSR, and should include your current mailing address.

You may view the TSR at <http://www.gpoaccess.gov/ecfr/index.html>, and select Title 49, Section 1503. If you do not have internet access, you may call the undersigned attorney and a copy of the regulations will be provided to you.

If you do not respond to this Final Notice within 15 days of receipt and this Final Notice becomes an Order, the Order will constitute a debt owed to the United States. If this debt is not paid in full within 30 days of the time this Final Notice becomes an Order, the debt is considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest. The interest will be charged at the applicable Treasury Current Value of Funds Rate (available at <http://fms.treas.gov/cvfr/index.html>), along with an administrative charge of \$12.00 per month, representing the TSA's costs of administrative collection. Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation. An Order Assessing Civil Penalty constitutes a finding by the TSA of the facts and regulatory violation contained herein.


Cheryl Emery
Attorney Advisor
Transportation Security Administration
U.S. Department of Homeland Security
510 Airline Drive, Suite 110
Coppell, TX 75019

SENSITIVE SECURITY INFORMATION

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.

www.tsa.gov

CERTIFICATE OF SERVICE

I certify that this Final Notice of Proposed Civil Penalty and Order has been sent this date by certified mail, return receipt requested, and first-class mail to:

(b)(6)



Colleen Sciano

Dated: 10/21/2013



**Transportation
Security
Administration**

October 24, 2013

SENT BY FAX TO (b)(6)

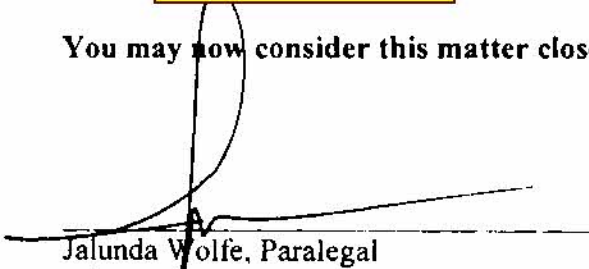
(b)(6)

Re: (b)(6)
TSA Case No. (b)(6)

Dear Mr. (b)(6)

The Transportation Security Administration (TSA) hereby acknowledges receipt of your cashier's check in the amount of \$250.00, which represents full payment of the civil penalty against (b)(6)

You may now consider this matter closed.


Jalunda Wolfe, Paralegal
Office of the Chief Counsel
Transportation Security Administration
U.S. Department of Homeland Security
Los Angeles, CA

U.S. Department of Homeland Security • Transportation Security Administration
5767 West Century Blvd., Suite 3000
Los Angeles, CA 90045
Tele: (310) 242-(b)(6) Fax: (310) 410-3326



**Transportation
Security
Administration**

September 25, 2013

SENT BY FIRST CLASS MAIL & ELECTRONIC MAIL

TO: (b)(6)

(b)(6)

Re: TSA Case No. (b)(6)

COMPROMISE ORDER

By Notice of Proposed Civil Penalty dated May 20, 2013, you were advised that the Transportation Security Administration (hereinafter "TSA") proposed to assess a civil penalty against you in the amount of \$2,500 for an alleged violation of the Transportation Security Regulations.

Based on our conversation, (b)(6) has agreed to pay a civil penalty in the amount of \$250 in settlement of this matter. The TSA makes no finding of violation against you regarding this matter and this Compromise Order does not constitute or imply an admission by you as to any fact or violation alleged herein. Accordingly, this Compromise Order will not be used as evidence of a prior violation in any subsequent civil penalty proceeding.

NOW, THEREFORE, IT IS ORDERED, pursuant to 49 U.S.C. §§ 46301(a) and (d) and 49 C.F.R. § 1503.29, that you are assessed a civil penalty in the total amount of 250.00. You are hereby ordered to pay the assessed amount by mailing or delivering a certified check or money order in the amount of \$250.00, **payable to the Transportation Security Administration**, to:

**US Department of Homeland Security
Transportation Security Administration
PO Box 5030262
Atlanta, GA 30353-0262**

U.S. Department of Homeland Security • Transportation Security Administration
5767 W. Century Blvd. Suite 3000
Los Angeles, CA 90045
Tele: (310) 242-(b)(6) Fax: (310) 410-3326
Email: (b)(6)

Please write the case number on the face of the certified check or money order.

This Compromise Order constitutes a debt owed to the United States. You have now exhausted your right to seek review within the TSA of the validity and/or amount of this debt. If this debt is not paid in full within 30 days of your receipt of this Compromise Order, the debt is considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest. The interest will be charged at a fixed annual rate of 4%, along with an administrative charge of \$12.00 per month, representing the TSA's costs of administrative collection. Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation.

/s/

Derrick M. Ford, Supervisory Attorney-Advisor
U.S. Department of Homeland Security
Transportation Security Administration
Los Angeles, CA

cc:

(b)(6)

Transportation Security Administration

UNITED STATES OF AMERICA
DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION

In the Matter of:

(b)(6)

Respondent

Docket Number:

(b)(6)

**ORDER GRANTING MOTION TO DISMISS REQUEST
FOR FORMAL HEARING**

On October 22, 2013, the Transportation Security Administration's, (TSA) filed a Motion to Dismiss Respondent's Request for a Formal hearing, (Motion) as TSA and the respondent agreed to settle the case with the issuance by TSA of an Order Assessing Civil Penalty. Pursuant to 49 C.F.R. Section 1503.629(f)(2)(iii), a party may file a motion to dismiss a request for hearing based on mutual settlement of the parties.

THEREFORE,

ORDER

IT IS HEREBY ORDERED that the Motion is **GRANTED** and the matter is **DISMISSED**.



Walter J. Brudzinski
Chief Administrative Law Judge
U.S. Coast Guard

Done and dated this 29th day of October, 2013 at
Baltimore, Maryland

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing **ORDER GRANTING MOTION TO DISMISS REQUEST FOR A FORMAL HEARING** on the following parties in this proceeding as indicated below:

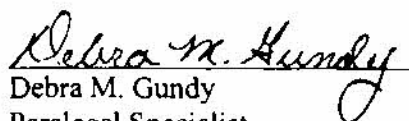
(b)(6)

(One copy by first class mail)

Derrick M. Ford, Supervisory Attorney
U.S. Department of Homeland Security
Transportation Security Administration
5767 W. Century Blvd., Suite 3000
Los Angeles, CA 90045

(b)(6)

ALJ Docketing Center
40 S. Gay Street, Room 412
Baltimore, MD 21202
(Original by personal service)


Debra M. Gundy
Paralegal Specialist
U.S. Coast Guard

Done and dated this 29th day of October, 2013 at
Baltimore, Maryland



**Transportation
Security
Administration**

August 21, 2013

SENT BY UPS MAIL

(b)(6)

RE: TSA Case No.

(b)(6)

FINAL NOTICE OF PROPOSED CIVIL PENALTY AND ORDER

By Notice of Proposed Civil Penalty dated May 20, 2013, you were advised that the Transportation Security Administration (hereinafter "TSA") proposed to assess a civil penalty in the amount of \$2,500.00 for a violation(s) of the Transportation Security Regulations (hereinafter "TSR") alleged therein. As of the date of this Final Notice, you have not responded to the settlement offer.

After consideration of all the available information presently a part of this enforcement action, it appears that:

1. On or about January 4, 2013, at approximately 0815 hours, you were a ticketed passenger on Delta Airlines Flight #933, departing Los Angeles International Airport (LAX), Los Angeles, CA.
2. On that date, you submitted yourself and your accessible property for screening at the Terminal 5 screening checkpoint.
3. On that date, during the screening of your accessible property, a Transportation Security Officer (TSO) discovered two (2) tubes of toothpaste in excess of the amount allowed by Transportation Security Administrations Regulations.
4. Upon discovery, the TSO tried to explain to you that the tubes of toothpaste were prohibited items.

**U.S. Department of Homeland Security • Transportation Security Administration
5767 W. Century Blvd. Suite 3000
Los Angeles, CA 90045
Tele: (310) 242-(b)(6) - Fax: (310) 410-3326**

5. On that date, as the TSO began to remove the prohibited items from you carry-on bag, you physically grabbed the TSO's left wrist with both of your hands and twisted it.
6. As a result of your actions, a Supervisory Transportation Security Officer (STSO) and Los Angeles World Airport Police Officer were summonsed to the location and you were arrested for battery.

By reason of the foregoing circumstances, it appears that you violated the following sections of the Transportation Security Regulations:

- a. 49 U.S.C. Section 1540.109, which states that no person may interfere with, assault, threaten, or intimidate screening personnel in the performance of their duties.

Pursuant to 49 U.S.C. § 46301(a), you are subject to a civil penalty not to exceed \$10,000 for each violation of the TSR. After reviewing all of the relevant facts and evidence contained in the investigative file, the TSA proposes to assess a civil penalty in the amount of \$2,500 for this violation.

Within 15 days of your receipt of this Final Notice, you must either: (1) submit the full civil penalty amount proposed in this Final Notice; (2) submit a civil penalty amount that is otherwise agreed upon by the undersigned TSA attorney; or (3) request, in writing, a Formal Hearing in this matter. IF YOU DO NOT RESPOND TO THIS FINAL NOTICE OR FAIL TO REQUEST A FORMAL HEARING IN WRITING WITHIN 15 DAYS OF YOUR RECEIPT OF THIS FINAL NOTICE, THIS FINAL NOTICE WILL AUTOMATICALLY BECOME AN ORDER ASSESSING CIVIL PENALTY (hereinafter "Order") IN THE AMOUNT PROPOSED, AND YOU WILL HAVE WAIVED YOUR RIGHT TO REQUEST A HEARING IN THIS MATTER.

Should you elect to submit the civil penalty, please send a check or money order, payable to the "Transportation Security Administration," to:

US Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262

You may not change the civil penalty amount proposed in this Final Notice absent the agreement of the undersigned attorney and the TSA Office of Chief Counsel.

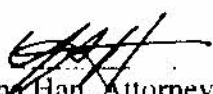
Should you elect to request a Formal Hearing, you must file a typewritten or legibly handwritten "Request for Hearing" with the Enforcement Docket Clerk. You must send two copies of your "Request for Hearing" to the Enforcement Docket Clerk by mail, email, or fax at:

USCG ALJ Docketing Center
Attention: Enforcement Docket Clerk
40 S. Gay Street, Room 412
Baltimore, Maryland 21202-4022

Email: ALJdocket@ALJBalt.USCG.MIL
Fax: (410) 962-1746

Additionally, you must send a copy of your "Request for Hearing" to the undersigned attorney at: U.S. Department of Homeland Security, Transportation Security Administration, 5767 West Century Blvd., Los Angeles, CA 90045. The Request must be dated and signed by you, in accordance with 49 C.F.R. §§ 1503.427 and 1503.429 of the TSR, and should include your current mailing address. You may view the Transportation Security Regulations at <http://www.gpoaccess.gov/cfr/index.html>, and select Title 49, Section 1503. If you do not have internet access, you may call the undersigned attorney and a copy of the regulations will be provided to you.

If you do not respond to this Final Notice within 15 days of receipt and this Final Notice becomes an Order, the Order will constitute a debt owed to the United States. If this debt is not paid in full within 30 days of the time this Final Notice becomes an Order, the debt will be considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest. The interest will be charged at a fixed annual rate along with an administrative charge of \$12.00 per month, representing the TSA's costs of administrative collection. The current annual rate can be found at <http://fms.treas.gov/cyfr/index.html>. Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation. An Order Assessing Civil Penalty constitutes a finding by the TSA of the facts and regulatory violation contained therein.


Joanna Han, Attorney-Advisor
U.S. Department of Homeland Security
Transportation Security Administration
Los Angeles International Airport
Los Angeles, CA

cc: (b)(6)



Transportation
Security
Administration

November 18, 2013

SENT VIA Federal Express

(b)(6)

RE: Transportation Security Administration Case No.: (b)(6)

FINAL NOTICE OF PROPOSED CIVIL PENALTY AND ORDER

By Notice of Proposed Civil Penalty dated August 9, 2013, (b)(6) was advised that the Transportation Security Administration (hereinafter "TSA") proposed to assess a civil penalty in the amount of \$500 for a violation of the Transportation Security Regulations (hereinafter "TSR") alleged therein. As of the date of this Final Notice, the TSA has received no response to the August 9, 2013 Notice of Proposed Civil Penalty. After consideration of the all of the available information presently a part of this enforcement action, it appears that:

1. At all times mentioned herein, (b)(6) was an individual or person subject to the provisions of the Transportation Security Regulations (TSRs) at 49 CFR § 1540.109, entitled "Prohibition against interference with screening personnel."
2. At all times mentioned herein, 49 CFR § 1540.109 of the TSRs states that, no person may interfere with, assault, threaten or intimidate screening personnel in the performance of their screening duties under this subchapter.
3. On April 17, 2013, (b)(6) was a scheduled passenger on a Southwest Airlines (SWAA) flight departing from Cleveland Hopkins International Airport (CLE).
4. On April 17, 2013 at approximately 0525 hours, at CLE Central Checkpoint, (b)(6) presented his boarding pass to the Ticket Document Checker (TDC) Transportation Security Officer (TSO) (b)(6)
5. TSO (b)(6) requested (b)(6) to show his identification. (b)(6) showed the identification while still in his wallet.
6. TSO (b)(6) requested (b)(6) to remove his license from his wallet to confirm his identity. (b)(6) refused to comply with TSO (b)(6)

SENSITIVE SECURITY INFORMATION

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.~~

www.tsa.gov

7. TSO (b)(6) continued to repeat her request for the identification to be removed from (b)(6) wallet on three more occasions. (b)(6) responded to this direction by making diverting statements such as, "Thank you. Thank you for seeing my name."
8. (b)(6) forcefully grabbed his boarding pass from TSO (b)(6) before the identification validation procedure was completed.
9. TSO (b)(6) felt nervous because she did not know what (b)(6) was going to do due to his change in behavior. She felt threatened because she thought (b)(6) was going to hit her.
10. TSO (b)(6) took the boarding pass back and stopped the screening process and requested a Supervisory Transportation Security Officer (STSO).
11. STSO (b)(6) and Cleveland Police Department Officer's (CPD) (b)(6);(b)(7)(C) arrived at the Central Checkpoint and escorted (b)(6) out of the checkpoint.

By reason of the foregoing facts and circumstances, (b)(6) 49 C.F.R. § 1540.109 of the TSR in that, that no person may interfere with, assault, threaten or intimidate screening personnel in the performance of their screening duties under this subchapter.

Pursuant to 49 U.S.C. § 46301, (b)(6) is subject to a civil penalty not to exceed \$11,000 for each violation of the TSR. After reviewing all of the information contained in the investigative file, TSA proposes to assess a civil penalty in the amount of \$500 for this violation.

Within 15 days of your receipt of this Final Notice, you must either: (1) submit the full civil penalty amount proposed in this Final Notice; (2) submit a civil penalty amount that is otherwise agreed upon by the undersigned TSA attorney; or (3) request, in writing, a Formal Hearing in this matter. IF YOU DO NOT RESPOND TO THIS FINAL NOTICE OR FAIL TO REQUEST A FORMAL HEARING IN WRITING WITHIN 15 DAYS OF YOUR RECEIPT OF THIS FINAL NOTICE, THIS FINAL NOTICE WILL AUTOMATICALLY BECOME AN ORDER ASSESSING CIVIL PENALTY (hereinafter "Order") IN THE AMOUNT PROPOSED, AND YOU WILL HAVE WAIVED YOUR RIGHT TO REQUEST A HEARING IN THIS MATTER.

Should you elect to submit the civil penalty, please send a check or money order, payable to the "Transportation Security Administration," to:

**United States Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262**

The case number of this matter (i.e. *TSA Case No.* (b)(6)) should be written on the face of the check or money order, and a copy of the payment instrument forwarded to the undersigned attorney. You may also submit this payment electronically at www.pay.gov, a secure website administered by the U.S. Department of the Treasury.

SENSITIVE SECURITY INFORMATION

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.

You may not change the civil penalty amount proposed in this Final Notice absent the agreement of the undersigned attorney and the TSA Office of Chief Counsel.

Should you elect to request a Formal Hearing, you must file a typewritten or legibly handwritten "Request for Hearing" with the Enforcement Docket Clerk. You must send two copies of your "Request for Hearing" to the Enforcement Docket Clerk by mail, email, or fax at:

USCG ALJ Docketing Center
Attention: Enforcement Docket Clerk
40 S. Gay Street, Room 412
Baltimore, Maryland 21202-4022

Email: ALJdocket@ALJBalt.USCG.MIL
Fax: (410) 962-1746

Additionally, you must send a copy of your "Request for Hearing" to the undersigned attorney at: U.S. Department of Homeland Security, Transportation Security Administration, 20445 Emerald Parkway Dr., Suite 300, Cleveland, OH 44135. The Request must be dated and signed by you, in accordance with 49 C.F.R. §§ 1503.427 and 1503.429 of the TSR, and should include your current mailing address. You may view the Transportation Security Regulations at <http://www.gpoaccess.gov/ecfr/index.html>, and select Title 49, Section 1503. If you do not have internet access, you may call the undersigned attorney and a copy of the regulations will be provided to you.

If you do not respond to this Final Notice within 15 days of receipt and this Final Notice becomes an Order, the Order will constitute a debt owed to the United States. If this debt is not paid in full within 30 days of the time this Final Notice becomes an Order, the debt will be considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest. The interest will be charged at a fixed annual rate along with an administrative charge of \$12.00 per month, representing the TSA's costs of administrative collection. The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>. Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation. An Order Assessing Civil Penalty constitutes a finding by the TSA of the facts and regulatory violation contained therein.



Kristin Milano
U.S. Department of Homeland Security
Transportation Security Administration
20445 Emerald Parkway Dr., Suite 300
Cleveland, OH 44135

SENSITIVE SECURITY INFORMATION

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW" AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.~~

CERTIFICATE OF SERVICE

I hereby certify that an original copy of the foregoing FNPCP, in TSA Case No. (b)(6) has been sent on this date, by Federal Express, to:

(b)(6)

Dated: November 18, 2013

Signed: *Wj Day*

SENSITIVE SECURITY INFORMATION

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW" AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.~~



Transportation
Security
Administration

U.S. Department of Homeland Security
TSA Office of the Chief Counsel – Orlando Field Office
5850 T. G. Lee Boulevard, Suite 610
Orlando, Florida 32822 Phone (407) 563 (b)(6)

December 12, 2013

(b)(6)

Re: TSA Civil Enforcement Case No. (b)(6)

NOTICE OF PROPOSED CIVIL PENALTY

Based upon a Transportation Security Administration (TSA) Enforcement Investigative Report (EIR) in the above case and other TSA records in this matter, it appears that:

1. At all applicable times, relevant portions of the following transportation security requirements provided in pertinent part:

49 CFR Part 1540 §1540.105 ... Security responsibilities of ... persons. (a) No person may: (1) ... **compromise ... [or] attempt to circumvent ...** any security system, measure, or procedure (2) **Enter, or be present within,** a secured area, AOA, SIDA or **sterile area without complying** with the systems, **measures,** or procedures being applied **to control access** to, or prevent movement in such areas.

§1540.109 Prohibition against interference with screening personnel...No person may **interfere with, assault, threaten,** or intimidate **screening personnel** in the performance of their screening duties

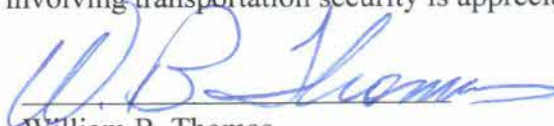
2. On Wednesday, June 19, 2013 you, (b)(6) **were a ticketed passenger and scheduled to fly on Delta, Flight 1019 departing from** Daytona Beach International Airport (DAB), in Daytona Beach, Florida.
 - a. On that date at approximately **1305 hours, you** appeared **at the Security Screening Checkpoint** which separates the public area of the DAB terminal from the controlled **sterile area** of that airport; where passengers who have completed applicable security screening measures are allowed access to board aircraft.
 - b. You presented yourself and your accessible property for inspection before entering a sterile area at DAB. Upon x-ray screening of your accessible property you presented for inspection two bottles (one half-filled with Coke and the other filled with water) that contained liquids were discovered.
 - c. At this point, Transportation Security Officer (TSO) (b)(6) informed that you could not take the bottles past the security checkpoint. In reaction to this information you became very angry and **pulled the bin** containing the bottles **out of the TSA Officer's hand.** TSO (b)(6) then turned and called for a supervisor, at which point you picked up the 20 oz. **bottle** of Coke and **threw** it in the direction of TSA personnel. The bottle passed by the head of TSA Officer (b)(6) and smashed against the wall behind her.
 - d. At that point, TSA Supervisor (STSO) (b)(6) informed you that you could not throw things at the security officers and that she was calling for law enforcement. (b)(6); (b)(6);(b)(7)(C);(and (b)(6);(b)(7)(C);(b)(7)(F) of the Volusia County Sheriff's Office, arrived shortly thereafter and stopped you near the exit doors of the checkpoint. The (b)(6);(b)(7)

discussed the incident with TSA personnel and viewed the incident on the DAB airport security video system. The Deputies report that during this process you kept **yelling** at the TSA Supervisor, calling her "You're a Fucking Liar" and "You Bitch", and that you presented your middle finger extended upward towards her.

- e. Your irresponsible actions at an operating TSA security checkpoint not only **interfered with TSA security operations** as outlined above, but also necessitated the diversion of TSA Supervisory and Law Enforcement response resources from their other duties or rest periods; which negatively impacted their capability to address other potential transportation security threats in areas for which they were responsible. The Deputies reported that your continuing disruptive activities with them ultimately necessitated your being handcuffed and escorted to from the checkpoint to "restore peace." Further, that you have been "trespassed" from DAB Airport.
3. On July 15, 2013, TSA sent you a **Letter of Investigation** putting you on notice that TSA was investigating the incident at DAB on June 19, 2013 and offering you an opportunity to furnish information including any mitigating or extenuating circumstances. On August 2, 2013 you sent a response which included the following:
- a. You explained that after initially passing through security without incident you went back out into the public area to look for a missing cell phone. Further, that when you returned to the TSA checkpoint, a screener noticed a bottle of soda that you had purchased at the terminal. You report that you were advised by a vendor that you would be allowed through the TSA checkpoint with items you had just purchased from their establishment.
 - b. You indicate that "After going back and forth with him about whether I could bring the soda back into the terminal, I told the screener that he could remove the soda from the my bin so I could remove my remaining possessions and proceed to the terminal. There must've been a misunderstanding, because as I tried to take the bin, he held on to it, so I told him he could remove the bottle of soda. Unfortunately, **I then grabbed the soda bottle and threw it against the wall, but I specifically threw it in to avoid hitting anyone.** This was totally uncalled for on my part."
 - c. "Because of the misunderstanding, the TSA supervisor immediately called the police. I did used some inappropriate language toward the TSA supervisor in the discussion afterward. **Please offer my apologies to the TSA supervisor for the harsh language I directed towards her.**"
4. By reason of the facts and circumstances summarized above, it appears that **at Daytona Beach, Florida on June 19, 2013**, you, (b)(6) violated 49 C.F.R. §1540.109 by **interfering with screening personnel** performance of their security screening duties, specifically including:
- a. Interfering with, by verbal and physically attempting to intimidate and disrupt the lawful actions of TSO (b)(6) and STSO (b)(6) at the TSA security checkpoint;
 - b. Interfering with TSA screening operations by, not only the disruptive behavior directed at the individual noted above, but also by **interference with and compromise of the overall security measures at the checkpoint** by willful disruptive behavior necessitating a significant **diversion of other security resources** (particularly law enforcement first response personnel who provide critical backup for TSA security operations at DAB) which **negatively impacts the capability to respond to other potential transportation security threats.**

5. In accordance with 49 U.S.C. §46301 of the Aviation and Transportation Security Act as amended, you (b)(6) are subject to a civil penalty not to exceed \$10,000.00 for each violation of the Transportation Security Regulations or United States Code. After considering the investigative file, **TSA proposes to assess a civil penalty in the total amount of \$1,000.00** for all of the violations in this case.
6. Enclosed is information concerning your **options** in responding to this Notice. The options include participating in an informal conference with a TSA attorney and submission of additional information to the TSA for consideration. You must submit to TSA, in writing, your choice of the alternatives explained on the enclosed option sheet, on or before 30 days after you receive this Notice. If you fail to submit your choice within that time, you will have no further right to participate in the informal procedures listed above.

If you have any questions regarding this matter please contact me using the contact formation below. Your cooperation in this matter involving transportation security is appreciated.



William B. Thomas

TSA Supervisory Counsel

5850 T.G. Lee Blvd. Suite 610, Orlando, FL 32822

Office - (407) 563-(b)(6)

(b)(6)

Enclosure:

- (1) Option Sheet/Privacy Act Notice/Payment Form
- (2) Key items of proof relied on from investigative file 2013DAB0014

CERTIFICATE OF SERVICE

I certify that this Notice of Proposed Civil Penalty and Option Sheet have been sent by ~~UPS~~ ^{certified mail} and 1st Class Mail to the addressee.

Dated: December 12, 2013



Perumae F. Guscott, Program Assistant

Per telephone agreement, in lieu of Certified Mail, a copy is being sent via email to (b)(6)

(b)(6)



Notice of Proposed Civil Penalty Options Sheet

YOU MUST READ this sheet carefully when making your selection. Complete this sheet and return it within 30 days to:

William B. Thomas, TSA Supervisory Counsel, 5850 T.G. Lee Blvd, Suite 610, Orlando, FL 32822

Office: (407) 563-(b)(6) FAX: (407) 852-9435 - E-mail: (b)(6)

Part A Contact Information: you must fill in all spaces in Part A

1. Name:	2. TSA Case Number (b)(6)	
3. Address:		
4. City:	5. State:	6. Zip Code:
7. Email:		8. Telephone:
<input type="checkbox"/> Check this box if you will accept service by email.		

Part B Attorney Information (if applicable)

1. Attorney's Name:	2. Telephone:	3. Email:
4. Address:	5. City:	6. State & Zip Code:

Part C In reply to the Notice of Proposed Civil Penalty, I elect to proceed as follows (choose one):

- ☐ **I Will Pay the Proposed Civil Penalty**
- ☐ I am submitting payment by check, money order, or credit card (credit card payments may be made at www.pay.gov, see payment form for details) to TSA in the amount proposed in the Notice of Proposed Civil Penalty. I understand that I waive my right to a Formal Hearing and an Order Assessing Civil Penalty will be issued against me without further notice.
- Or--
- ☐ I request that an Order Assessing Civil Penalty be issued in the amount stated in the Notice of Proposed Civil Penalty without further notice. I understand that I waive my right to a Formal Hearing and that payment is due within 30 days of receipt of Order.
- ☐ **I Am Submitting Evidence for Consideration** (choosing this option will not affect your right to later request a Formal Hearing).
- I am submitting evidence and information demonstrating that a violation of the Transportation Security Regulations did not occur as alleged or that the proposed penalty amount is not warranted by the circumstances.
- ☐ **I Request a Reduction of Penalty by** _____ % (choosing this option will not affect your right to later request a Formal Hearing).
- I am submitting financial documents to show that I cannot pay the proposed civil penalty. Individuals should submit copies of: (1) Tax return; (2) Pay stubs; (3) Bank statements; (4) Criminal penalties paid for charges arising out of this incident; and (5) any other relevant information. Businesses should submit copies of: (1) Cash flow statements for past 12 months and next 12 months; (2) Corporate banking statements; (3) Current Balance Sheet and Profit & Loss Account; and (4) Company's annual report (if publicly-traded) or most recent tax return.
- ☐ **I Request an Informal Conference with a TSA Attorney** (choosing this option will not affect your right to later request a Formal Hearing). I understand that I will be provided at least 2 weeks' notice of the date and time of the Conference. If I choose to discuss this matter by phone, I will provide the TSA attorney with any supporting evidence before the Informal Conference.
- ☐ I would like to discuss this matter informally by telephone at this number _____; **OR**
- ☐ I would like to discuss this matter in person at the TSA address listed above.
- The Informal Conference gives you an opportunity to present your reasons why the TSA should not proceed with the action as proposed. You may present any concerns or evidence for consideration. Any information you submit will be reviewed carefully.
- ☐ **I Request a Formal Hearing.** You **MUST** send one copy of this request to the TSA attorney listed above **AND** two copies to: USCG ALJ Docketing Center, 40 South Gay Street, Room 412, Baltimore, Maryland 21202-4022.
- If the judge schedules a Formal Hearing, you will have the opportunity to present witnesses and other evidence. TSA will have the burden of proof. The judge will decide all issues of fact and law. The judge will also decide if, and in what amount, a civil penalty will be assessed against you. If you are dissatisfied with the judge's decision, you may appeal to the TSA Decision Maker. If you are dissatisfied with the TSA Decision Maker's decision, you may seek review in an appropriate U.S. Court of Appeals.

Part D You Must Sign and Date Here

I have read and understood the instructions above. I understand that failure to follow instructions may result in a delay of process or forfeiture of options or both. I also understand that a civil penalty is **wholly separate** from any criminal penalties incurred. Withdrawal of criminal charges will not affect civil penalty charges, and vice versa. Unsigned or incomplete Options Sheets will not be accepted.

Signature: _____

Date: _____

ENCLOSURE (1)

Privacy Act Notice for Individuals

This notice is provided in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

- A. **Authority and Purpose.** Collection of your personal information is authorized by 49 U.S.C. § 114, 49 U.S.C. § 40113, 49 U.S.C. 46104 and 49 CFR §§ 1503.401 for the purpose of paying civil penalties and to record your selected option. With regards to electronic payments, submission of your personal information via this form or on **www.pay.gov** enables TSA to process your payment for civil penalties. Collection of this information is also maintained for the purpose of facilitating the collection and reporting of receipts from the public to the Federal government. Unless stated otherwise, providing this information is voluntary, not mandatory; however, if you choose not to provide this information, TSA may be unable to process your payment. With regards to your Options Sheet, submission of your personal information via this form enables TSA to record which option you have selected so that TSA may process your case accordingly. Submission of your personally identifiable information on this form is voluntary; however, failure to provide this information might result in delays in contacting you or in closing this matter.
- B. **Routine Uses.** The personal information you submit may be released in accordance with the routine uses identified in TSA's system of records notice DHS/TSA 001 Transportation Security Enforcement Record System (TSERS), published in the Federal Register at 69 Fed. Reg. 71828 (December 10, 2004).

Transportation Security Regulations

You may view the Transportation Security Regulations at <http://www.gpoaccess.gov/ecfr/index.html>. Select Title 49, Section 1503. You may also call or write the TSA attorney handling your case, and a copy of the regulations will be provided to you.

-----Detach Payment Form Here-----

U.S. DEPARTMENT OF HOMELAND SECURITY TRANSPORTATION SECURITY ADMINISTRATION

Civil Penalty Payment Form

Please complete and return this form with your payment. You may also submit this payment electronically at **www.pay.gov**, a secure website administered by the U.S. Department of the Treasury. For assistance with **www.pay.gov**, please contact Pay.gov's toll free Customer Support at 1-800-624-1373.

Part A Contact Information: You Must Fill in All Contact Information Below

1. Name:		2. TSA Case Number: (b)(6)	
3. Address:			
4. City:		5. State:	6. Zip Code:
7. Email:		8. Telephone:	

Part B Please Choose Your Method of Payment (check one):

- ☐ Check or Money Order payable to: **TSA**. Please write the TSA case number on your check or money order.
- ☐ Credit Card (please specify):
- ☐ Visa ☐ Discover ☐ Master Card ☐ Diner's Club ☐ American Express

Credit Card Number:	Security Code:
Cardholder Name (Please Print):	Expiration Date:

As the cardholder identified above, and by signing below, I agree to pay and specifically authorize the Transportation Security Administration to charge my credit card via **www.Pay.gov** in the amount specified below.

Signature of Cardholder: _____ Date: _____

Amount Paid: \$ _____

*Send this form and your payment to:

**United States Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262**

*For overnight courier service, please mail your payment to the following address:

Bank of America, United States DHS/TSA, Lockbox Number 530262, 1075 Loop Road, Atlanta, GA 30337-6002

Enclosure 1

July 27, 2013

LETTER OF INVESTIGATION

Re: Case No.: (b)(6)

Mr. James Maiiwauki

Transportation Security Inspector – Aviation

On June 19, 2013, I was scheduled to fly from Daytona Beach, FL to Dulles, VA. Returning from a business trip, I proceeded through the TSA check point without incident. Once in the terminal, I discovered that my cell phone was missing. In the process of retracing my steps, I was told by an airport employee that I would be allowed through the TSA checkpoint with items I had just purchased from their establishment. Before going to the front desk of the airline I was using, I returned to the TSA security checkpoint where I asked the supervisor to check with screeners on duty to see if they had found my cell phone.

After checking at the airline front desk for my missing phone, I returned to the TSA checkpoint, and as I was gathering my belongings before returning to the terminal, a screener noticed a bottle of soda that I had purchased at the terminal. After going back and forth with him about whether I could bring the soda back into the terminal, I told the screener that he could remove the soda from the my bin so I could remove my remaining possessions and proceed to the terminal. There must've been a misunderstanding, because as I tried to take the bin, he held on to it, so I told him he could remove the bottle of soda. Unfortunately, I then grabbed the soda bottle and threw it against the wall, but I specifically threw it in to avoid hitting anyone. This was totally uncalled for on my part. I took a few steps and was told to stop by the same supervisor I had spoken to earlier about my lost phone. I complied and waited for the cops to arrive.

Because of the misunderstanding, the TSA supervisor immediately called the police. Once the police arrived, I waited with them while she went to view the videotape. Later, one of the officers went to view the tape. I vehemently denied that I intended to hit anyone. I did use some inappropriate language toward the TSA supervisor in the discussion afterward. This prompted the police to handcuff me. At no point after the initial incident did I pose any threat to anyone. I was detained in handcuffs for about 45 minutes in a holding cell. Later, I was allowed to read the write-up of the police version of what happened.

Later, the officers seemed to determine that I posed no threat and, they allowed me to go back through the same checkpoint.

Please offer my apologies to the TSA supervisor for the harsh language I directed towards her. If you have any questions, please feel free to contact me at (b)(6)

(b)(6)



MELISSA DIAZ
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
Expires March 31, 2017
ID #: 7548914

Melissa Diaz
This 27 day of July, 2013
Commission Expires March 31, 2017
(b)(6)

Encl (2) of NPCP in (b)(6)

Page 2 of 4 PagesADMINISTRATIVE

VOLUSIA COUNTY SHERIFF'S OFFICE

NARRATIVE / SUPPLEMENT

Page 3 of 4 Page

Report Date	Report Time	Orig. Reported Date	Nature of Call (for Incident)	Agency Report Number	1. Original	2. Supplement
06-19-2013	1318	06-19-2013	22	(b)(6)		1

11 quiet during the investigation he was subsequently handcuffed and escorted from the checkpoint to restore peace. A wanted persons check was
 12 done on (b)(6) with negative results for any wants or warrants. After (b)(6) calmed down and acted in a more civil manner he was issued a
 13 Notice to Appear for Disorderly Conduct by (b)(6);(b)(7)(C). (b)(6) was then escorted to the Delta Airline counter to rebook his flight. Deputies
 14 monitored (b)(6) while he was in the terminal and later in the checkpoint until he left on a later flight. (b)(6) was advised by (b)(6);(b)(7)(C) after
 15 leaving Daytona Beach International Airport that he was trespassed and could not return. It was explained to (b)(6) that if he did return to the
 16 property he would be arrested for Trespass. (b)(6) advised he understood and was compliant and left on a departing Delta flight. (b)(6)
 17 (b)(6) (O-3) recovered the 20 oz. CocaCola bottle that (b)(6) threw in the checkpoint. (b)(6) turned the bottle over to (b)(6);(b)(7)(C)
 18 (b)(6);(b)(7)(C) later took a photo of the bottle for evidence. (b)(6);(b)(7)(C) received written statements from (b)(6) and (b)(6)
 19
 20 Case status: Exceptional Adult
 21 Evidence: photo of bottle
 22 Witness statements (2)
 23

NARRATIVE / CONTINUATION

Final Case Status: 3	Final Case Status Codes: 1.Arrest/Adult 2.Arrest/Juv. 3.Exceptional/Adult 4.Exceptional/Juv. 5.Closed 6.Unfounded	<input type="checkbox"/> Victim Advocate <input type="checkbox"/> Tired <input type="checkbox"/> SA Referral
<input type="checkbox"/> DCF Hotline <input type="checkbox"/> CAC	Date: Time: <input type="checkbox"/> FCIC / NCIC Entry <input type="checkbox"/> T.T. BOLO <input type="checkbox"/> FCIC / NCIC Cancel	Date: By:
Connecting Report Number: Agency:	Additional Forms: <input checked="" type="checkbox"/> Mute/Info <input checked="" type="checkbox"/> SA 702 <input type="checkbox"/> Persons <input checked="" type="checkbox"/> Property <input type="checkbox"/> Veh/Tow/Seal <input checked="" type="checkbox"/> Other Describe: witness statements(2)	
Officer Reporting - Printed: (b)(6);(b)(7)(C)	ID. Number: (b)(6);(b)(7)(C) Unit: Date: 06-19-2013	
Officer Reviewing - Printed (if Applicable):	ID. Number: Unit: Date:	

VOLUSIA COUNTY SHERIFF'S OFFICE
STATEMENT



13 0016883
INCIDENT NUMBER
Page 1 of 1 Pages

INCIDENT TYPE <u>DISORDERLY CONDUCT</u>		NAME OF PERSON SIGNING <u>(b)(6)</u>	
ADDRESS <u>700 Catalina Dr. Daytona Beach, FL 32714</u>			
AGE	BIRTH DATE	HOME PHONE	EMPLOYED AT/SCHOOL ATTENDS <u>TSA</u>
STATEMENT TAKEN AT <u>700 Catalina</u>		DATE <u>6/19/13</u>	TIME <u>140</u>
<u>TSA Checkpoint</u>		READ RIGHTS () YES (✓) NO X (INITIALS)	

I, (b)(6), do hereby, freely and voluntarily, make the following statement:

I was called to conduct a bag check at 1:05pm on a black male. I grabbed the bin, and immediately noticed that there were two bottles with fluids. One bottle was filled with water, the other was half-filled with Coke. I advised the passenger that he cannot take bottles pass the security checkpoint. The passenger became very angry, pulled the bin out of my hands, and I immediately called for a supervisor. The passenger then threw the bottle of Coke, with great force, across the checkpoint, narrowly missing my supervisor's head with the bottle. Shortly after, Deputies were on scene and took him into custody.

I SWEAR AND AFFIRM THE ABOVE STATEMENTS
ARE TRUE AND CORRECT.

(b)(6)

SIGNATURE

PS-N000-0707

SWORN TO AND SUBSCRIBED BEFORE ME THIS
19th DAY OF June, 2013

D/S [Signature] #1634
NOTARY PUBLIC/LAW ENFORCEMENT OFFICER

VOLUSIA COUNTY SHERIFF'S OFFICE
STATEMENT



13 00/6883
INCIDENT NUMBER
Page 1 of 1 Pages

INCIDENT TYPE <u>Disorderly Conduct</u>		NAME OF PERSON SIGNING <u>(b)(6)</u>	
ADDRESS <u>700 Catalina Dr. Daytona Beach, FL 32114</u>			
AGE	BIRTH DATE	HOME PHONE <u>(b)(6)</u>	EMPLOYED AT/SCHOOL ATTENDS <u>TSA DBIA</u>
STATEMENT TAKEN AT <u>700 Catalina</u>		DATE <u>6/19/13</u>	TIME <u>140PM</u>
<u>TSA Checkpoint</u>		READ RIGHTS () YES (X) NO X (INITIALS)	

I, (b)(6), do hereby, freely and voluntarily, make the following statement:

I observed a black male passenger arguing with TSO (b)(6) regarding a lost cellphone and liquids he purchased in the sterile area. The passenger argued that he bought the liquids and went out to find his cellphone. The passenger then jerked the bin out of TSO (b)(6) hand very forcefully causing a bottle of water to hit TSO (b)(6) foot. When I turned around, a coke bottle whizzed by my head and ricocheted off of the wall behind me. I then turned around to see the passenger throw a bag at TSO (b)(6) on the floor. TSO (b)(6) went to get the bag and the passenger picked up his belongings and exited the checkpoint.

I SWEAR AND AFFIRM THE ABOVE STATEMENTS
ARE TRUE AND CORRECT.

(b)(6)

SIGNATURE

DE.NNAN.M207

SWORN TO AND SUBSCRIBED BEFORE ME THIS
DAY OF JUNE, 2013

Notary Public
NOTARY PUBLIC/LAW ENFORCEMENT OFFICER



**Transportation
Security
Administration**

U.S. Department of Homeland Security
TSA Office of the Chief Counsel – Orlando Field Office
5850 T. G. Lee Boulevard, Suite 610
Orlando, Florida 32822 Phone (407) 563-4048

December 18, 2013

(b)(6)

Re: TSA Civil Enforcement Case No. (b)(6)

NOTICE OF PROPOSED CIVIL PENALTY

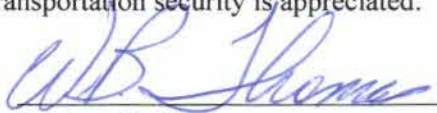
Based upon a Transportation Security Administration (TSA) Enforcement Investigative Report (EIR) in the above case and other TSA records in this matter, it appears that:

1. At all applicable times, relevant portions of the following transportation security requirements provided in pertinent part:
49 CFR §1540.105 ... Security responsibilities of ... persons. (a) No person may: (1) ... **compromise** ... [or] **attempt to circumvent** ... any security system, measure, or procedure (2) **Enter, or be present within,** a secured area, AOA, SIDA or **sterile area without complying** with the systems, **measures,** or procedures being applied to **control access** to...such areas.
§1540.109 Prohibition against interference with screening personnel...No person may **interfere with, ... or intimidate screening personnel** in the performance of their screening duties
2. On **March 26, 2013**, at approximately 1545hours, at the Orlando International Airport (MCO), in Orlando, Florida:
 - a. You, (b)(6) appeared at the **TSA East Security Screening Checkpoint (ECP)**, which separates the public area of the MCO terminal from the controlled **sterile area** of that airport; where passengers who have completed applicable security screening measures are allowed access to board aircraft.
 - (1) At that time you were an employee of Greater Orlando Aviation Administration (GOAA) as a K-9 Supervisor and attempting to enter the sterile area thru the Employee Lane.
 - (2) You approached the ECP Lane 7 of the security checkpoint, where the primary means of screening was the walk-thru metal detector (WTMD). TSA uniformed Transportation Security Officer (TSO) (b)(6) was on duty in the walk-thru position, and observed you enter the WTMD and trigger alarm as you passed through. You **declined to divest**. After you made several more attempts to pass through the WTMD, which continued to alarm, you opened your jacket quickly showing your SIDA identification and **yelled at TSO (b)(6)** asking [words to the effect] if “she did not know who you were” and saying “I’m not just anybody.” You then advised that you were with the GOAA K-9 Unit and “didn’t have to divest.” You subsequently [May 9, 2013] advised TSA that you “did have knives on me and didn’t want to cause more of a problem.”
 - (3) During this time you were at Lane 7 you **continued to yell** at TSO (b)(6) still refusing to divest the items that were causing you to alarm, and you **attempted** to circumvent the screening process by **going around TSO (b)(6) without resolving the WTMD alarm**. Your continued disruptive actions hindered the performance of screening procedures, restricted the movement of other individuals through the screening lane, and effectively disrupted routine operations at that lane for several minutes. Your actions required the diversion of Supervisory TSA officials from other screening duties and when STSOs

tried to explain new procedures to you, you were belligerent, with them; causing a "scene"[description of the Duty Transportation Security Manager (TSM), Mary Jo GAVIN].

3. On April 1, 2013, **TSA** sent you a **Letter of Investigation** putting you on notice that TSA was investigating the incident at MCO on March 26, 2013 and offering you an opportunity to furnish information including any mitigating or extenuating circumstances. On May 9, 2013 you sent a response and noted the following:
 - a. "I am assigned as the airport's EDCT Supervisor and have worked very closely with the TSA on numerous occasions regarding incident responses."
 - b. "I was aware that routine checkpoint access for canine teams were in the process of being reviewed and updated."
 - c. "This incident occurred on the very first day of the newly implemented procedure and I would have not entered the checkpoint if I had clarification and confidence with my ability to process with my required equipment to perform my duties."
 - d. "I never intended to disregard your procedures or undermine your authority. I was not trying to be "argumentative" nor disrespectful to your officers."
 - e. "I fully appreciate your efforts and acknowledge that any questions I may have had regarding the screening process would have best been served after the completed screening process. This type of incident will not be repeated by myself or any of my team."
4. By reason of the facts and circumstances summarized above, it appears that **at Orlando, Florida on March 26, 2013**, you, (b)(6), violated
 - a. 49 C.F.R. §1540.105 by
 - (1) Attempt to **circumvent the security measure** / procedure of WTMD alarm resolution
 - (2) Attempt to enter a sterile area without complying with the procedures being applied to control access to such area.
 - b. 49 C.F.R. §1540.109 by **interfering with screening personnel** performance of their security screening duties, specifically including:
 - (1) Interfering with, by verbal and physically attempting to **intimidate** and disrupt the lawful actions of TSO (b)(6) at the TSA security checkpoint;
 - (2) Interfering with TSA screening operations by, not only the disruptive behavior directed at the individual noted above, but also by **interference with and compromise of the overall security measures at the checkpoint** by willful disruptive behavior necessitating a significant **diversion of other security resources** which **negatively impacts the capability to respond to other** potential transportation security threats.
 - c. **For purposes of determining an appropriate penalty** in this case all of the forgoing violations are **considered** to be a **single violation**; any one of which would individually justify the penalty proposed.
5. In accordance with 49 U.S.C. §46301 of the Aviation and Transportation Security Act as amended, you (b)(6) are subject to a civil penalty not to exceed \$10,000.00 for each violation of the Transportation Security Regulations or United States Code. After considering the investigative file, **TSA proposes to assess a civil penalty in the total amount of \$500.00** for the violations in this case.
6. Enclosed is information concerning your **options** in responding to this Notice. The options include participating in an informal conference with a TSA attorney and submission of additional information to the TSA for consideration. You must submit to TSA, in writing, your choice of the alternatives explained on the enclosed option sheet, on or before 30 days after you receive this Notice. If you fail to submit your choice within that time, you will have no further right to participate in the informal procedures listed above.

If you have any questions regarding this matter please contact me using the contact formation below.
Your cooperation in this matter involving transportation security is appreciated.



William B. Thomas

TSA Supervisory Counsel

5850 T.G. Lee Blvd. Suite 610, Orlando, FL 32822

Office - (407) 563-

(b)(6)

E-mail - (b)(6)

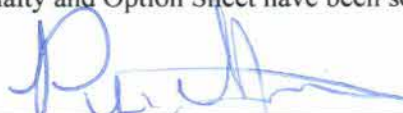
Enclosure:

(1) Option Sheet/Privacy Act Notice/Payment Form

CERTIFICATE OF SERVICE

I certify that this Notice of Proposed Civil Penalty and Option Sheet have been sent by UPS and 1st Class Mail to the addressee.

Dated: December 18, 2013



Pejumae F. Guscott, Program Assistant



Transportation
Security
Administration

U.S. Department of Homeland Security
TSA Office of the Chief Counsel – Orlando Field Office
5850 T. G. Lee Boulevard, Suite 610
Orlando, Florida 32822 Phone (407) 563-4048

January 29, 2014

(b)(6)

Re: TSA Civil Enforcement Case No.

(b)(6)

ORDER ASSESSING CIVIL PENALTY

By Notice of Proposed Civil Penalty (NPCP) dated December 18, 2013, (b)(6) was advised that the Transportation Security Administration (hereinafter "TSA") proposed to assess a civil penalty in the amount of \$500.00 for violations of the Transportation Security requirements alleged therein. After discussions on Jan. 14, 2014 in an Informal Conference between Counsel for TSA and (b)(6) and consideration of the all of the available information presently a part of this enforcement action, TSA has determined that:

1. At all applicable times, relevant portions of the following transportation security requirements provided in pertinent part:
49 CFR §1540.105 ... Security responsibilities of ... persons. (a) No person may: (1) ... **compromise ... [or] attempt to circumvent ...** any security system, measure, or procedure (2) **Enter, or be present within, a secured area, AOA, SIDA or sterile area without complying with the systems, measures, or procedures being applied to control access to...such areas.**
§1540.109 Prohibition against interference with screening personnel...No person may **interfere with, ... or intimidate screening personnel** in the performance of their screening duties
2. On **March 26, 2013**, at approximately 1545hours, at the Orlando International Airport (MCO), in Orlando, Florida:
 - a. You, (b)(6) appeared at the **TSA East Security Screening Checkpoint (ECP)**, which separates the public area of the MCO terminal from the controlled **sterile area** of that airport; where passengers who have completed applicable security screening measures are allowed access to board aircraft.
 - (1) At that time you were an employee of Greater Orlando Aviation Administration (GOAA) as a K-9 Supervisor and attempting to enter the sterile area thru the Employee Lane.
 - (2) You approached the ECP Lane 7 of the security checkpoint, where the primary means of screening was the walk-thru metal detector (WTMD). TSA uniformed Transportation Security Officer (TSO) (b)(6) was on duty in the walk-thru position, and observed you enter the WTMD and trigger alarm as you passed through. You **declined to divest**. After you made several more attempts to pass through the WTMD, which continued to alarm, you opened your jacket quickly showing your SIDA identification and **yelled at TSO (b)(6)** asking [words to the effect] if "she did not know who you were" and saying "I'm not just anybody." You then advised that you were with the

GOAA K-9 Unit and "didn't have to divest." You subsequently [May 9, 2013] advised TSA that you "did have knives on me and didn't want to cause more of a problem."

- (3) During this time you were at Lane 7 you **continued to yell** at TSO (b)(6) still refusing to divest the items that were causing you to alarm, and you **attempted** to circumvent the screening process by **going around TSO (b)(6) without resolving the WTMD alarm**. Your continued disruptive actions hindered the performance of screening procedures, restricted the movement of other individuals through the screening lane, and effectively disrupted routine operations at that lane for several minutes. Your actions required the diversion of Supervisory TSA officials from other screening duties and when STSOs tried to explain new procedures to you, you were belligerent, with them; causing a "scene"[description of the Duty Transportation Security Manager (TSM), Mary Jo GAVIN].
3. On April 1, 2013, TSA sent you a **Letter of Investigation** putting you on notice that TSA was investigating the incident at MCO on March 26, 2013 and offering you an opportunity to furnish information including any mitigating or extenuating circumstances. On May 9, 2013 you sent a response and noted the following:
- "I am assigned as the airport's EDCT Supervisor and have worked very closely with the TSA on numerous occasions regarding incident responses."
 - "I was aware that routine checkpoint access for canine teams were in the process of being reviewed and updated."
 - "This incident occurred on the very first day of the newly implemented procedure and I would have not entered the checkpoint if I had clarification and confidence with my ability to process with my required equipment to perform my duties."
 - "I never intended to disregard your procedures or undermine your authority. I was not trying to be "argumentative" nor disrespectful to your officers."
 - "I fully appreciate your efforts and acknowledge that any questions I may have had regarding the screening process would have best been served after the completed screening process. This type of incident will not be repeated by myself or any of my team."
4. By reason of the facts and circumstances summarized above, it appears that **at Orlando, Florida on March 26, 2013**, you, (b)(6) violated
- 49 C.F.R. §1540.105 by
 - Attempt to **circumvent the security measure** / procedure of WTMD alarm resolution
 - Attempt to enter a sterile area without complying with the procedures being applied to control access to such area.
 - 49 C.F.R. §1540.109 by **interfering with screening personnel** performance of their security screening duties, specifically including:
 - Interfering with, by verbal and physically attempting to **intimidate** and disrupt the lawful actions of TSO (b)(6) at the TSA security checkpoint;
 - Interfering with TSA screening operations by, not only the disruptive behavior directed at the individual noted above, but also by **interference with and compromise of the overall security measures at the checkpoint** by willful disruptive behavior necessitating a significant **diversion of other security resources** which **negatively impacts the capability to respond to other potential transportation security threats**.
 - For purposes of determining an appropriate penalty** in this case all of the forgoing violations are **considered** to be a **single violation**; any one of which would individually justify the penalty proposed.
5. In accordance with 49 U.S.C. §46301 of the Aviation and Transportation Security Act as amended, you (b)(6) are subject to a civil penalty not to exceed \$10,000.00 for each violation of the Transportation Security Regulations or United States Code. After

considering the investigative file, **TSA proposed to assess a civil penalty in the total amount of \$500.00** for the violations in this case. After discussions on January 14, 2014, between Counsel for TSA and (b)(6) it was **agreed to settle this matter for \$250.00.**

NOW, THEREFORE, IT IS ORDERED, pursuant to 49 U.S.C. § 46301(a) and (d) and 49 C.F.R. §1503, that (b)(6) **is assessed a civil penalty in the total amount of \$250.00** for the above referenced violation. (b)(6) is hereby ordered to **pay the assessed amount to the TSA not later than 30 days from the receipt of this order**, in accordance with the procedures set forth in the attached payment instructions.

This Order Assessing Civil Penalty **constitutes a debt owed to the United States** (b)(6) (b)(6) has now exhausted its right to seek review within the Transportation Security Administration of the validity and/or amount of this debt. If this debt is not paid according to the terms of the attached Promissory Note, the debt is considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest. The interest will be charged at a fixed annual rate along with an administrative charge of \$12.00 per month, representing the TSA's costs of administrative collection. The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>. Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation.

If you believe this Order is not an accurate recitation of the facts or security requirements, or if you have any questions please contact me. Your cooperation in this matter involving transportation security is appreciated.



William B. Thomas
TSA Supervisory Counsel
5850 T.G. Lee Blvd. Suite 610, Orlando, FL 32822
Office - (407) 563-(b)(6)
E-mail - (b)(6)

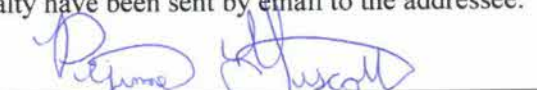
Enclosure:

(1) Privacy Act Notice/Payment Form

CERTIFICATE OF SERVICE

I certify that this Order Assessing Civil Penalty have been sent by email to the addressee.

Dated: January 29, 2014


Pejumae F. Guscott, Program Assistant

Order Assessing Civil Penalty Payment Sheet

(b)(6)

IMPORTANT: Read this Payment Sheet carefully!

If you have any questions please contact:

William B. Thomas, TSA Supervisory Counsel
5850 T.G. Lee Blvd. Suite 610
Orlando, FL 32822
Office: (407) 563-(b)(6) FAX: (407) 852-9435
E-mail: (b)(6)

Privacy Act Notice for Individuals

This notice is provided in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

- A. Authority and Purpose. Collection of your personal information is authorized by 49 U.S.C. § 114, 49 U.S.C. § 40113, 49 U.S.C. 46104 and 49 CFR § 1503.16 for the purpose of paying civil penalties and to record your selected option. With regards to electronic payments, submission of your personal information via this form or on www.Pay.gov enables TSA to process your payment for civil penalties. Collection of this information is also maintained for the purpose of facilitating the collection and reporting of receipts from the public to the Federal government. Unless stated otherwise, providing this information is voluntary, not mandatory; however, if you choose not to provide this information, TSA may be unable to process your payment. With regards to your Options Sheet, submission of your personal information via this form enables TSA to record which option you have selected so that TSA may process your case accordingly. Submission of your personally identifiable information on this form is voluntary; however, failure to provide this information might result in delays in contacting you or in closing this matter.
- B. Routine Uses. The personal information you submit may be released in accordance with the routine uses identified in TSA's system of records notice DHS/TSA 001 Transportation Security Enforcement Record System (TSERS), published in the Federal Register at 69 Fed. Reg. 71828 (December 10, 2004).

-----Payment Options-----

1. You may submit this payment electronically at www.Pay.gov, a secure website administered by the U.S. Dept. of the Treasury. For assistance with Pay.gov, contact Pay.gov's Customer Support at 1-800-624-1373 (toll free).
2. **OTHERWISE** please **COMPLETE** and **RETURN** this form with your **PAYMENT**.

Name: _____

TSA Case No.: _____

(b)(6)

Address: _____

Telephone: _____

Please check your method of payment:

☐

Check or Money Order payable to: **Transportation Security Administration**

Please write the case number on the check or money order.

☐

Credit Card (please specify):

☐ American Express

☐ Discover

☐ Diner's Club

☐ Master Card

☐ Visa

Credit Card Number:			
Cardholder Name:		Expiration Date:	

As the cardholder identified above, and by signing below, I agree to pay and specifically authorize the Transportation Security Administration to charge my credit card via www.Pay.gov in the amount specified below.

Signature of Cardholder: _____

Date: _____

*Send this form and your payment to:

Amount Paid: \$

250.00

Certified or Regular mail:
United States Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262

Overnight:
Bank of America
United States DHS/TSA
Lockbox Number 530262
1075 Loop Road
Atlanta, GA 30337-6002



Transportation Security Administration

New England Field Counsel

February 20, 2014

VIA UNITED PARCEL SERVICE
And ELECTRONIC TRANSMISSION

(b)(6)

RE: TSA Case (b)(6)

ORDER ASSESSING CIVIL PENALTY

By Notice of Proposed Civil Penalty dated January 15, 2014, you were advised that the Transportation Security Administration (hereinafter "TSA") proposed to assess you a civil penalty in the amount of \$1,500.00 for a violation of 49 C.F.R. § 1540.109, alleged therein.

TSA is in receipt of your request for a reduction of the civil penalty. Due to your attitude towards future compliance and in consideration of your current financial situation, TSA is willing to reduce the proposed civil penalty to \$500.00.

After consideration of the all of the available information presently a part of this enforcement action and information provided by you, it appears that:

1. At all times relevant herein, you were subject to the provisions of 49 C.F.R. § 1540.109, which provides that no person may interfere with, assault, threaten or intimidate screening personnel in the performance of their screening duties.
2. On or about August 5, 2013, at approximately 3:10 p.m. you presented yourself and your accessible property for inspection at the TSA Passenger Screening Checkpoint A1-12, at Bradley International Airport, Windsor Locks, CT.
3. On or about the above-mentioned date and time and at the above-mentioned location, the TSA Transportation Security Officer (hereinafter "TSO") asked if you had anything

in your pockets and you responded "a bomb". When the TSO asked you to repeat what you had said, you responded "a bomb" and patted your pants pocket.

4. On or about the above-mentioned date and time and at the above-mentioned location, in response to your statement that you had a bomb, the screening process was stopped and the Connecticut State Police established a perimeter around the screening checkpoint.

Based upon the foregoing facts and circumstances, you violated 49 C.F.R § 1540.109.

NOW, THEREFORE, IT IS ORDERED, pursuant to 49 U.S.C. § 46301(a), you are assessed a civil penalty in the total amount of \$500.00 for the above-referenced violation. You are hereby ordered to pay the assessed amount by mailing or delivering a check or money order in the amount of \$500.00, payable to the **Transportation Security Administration**, to:

US Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262

The case number of this matter, (b)(6) should be written on the face of the check or money order.

This Order Assessing Civil Penalty constitutes a debt owed to the United States. You have now exhausted your right to seek review within the TSA of the validity and/or amount of this debt. If this debt is not paid in full within 30 days of your receipt of this Order, the debt is considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest. The interest will be charged at a fixed annual rate along with an administrative charge of \$12.00 per month, representing the TSA's costs of administrative collection. The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>. Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation.

This Order constitutes a finding by the TSA of the facts and regulatory violation contained herein.

Sincerely,



Nathan B. Coleman, New England Field Counsel

NBC:pmc

CERTIFICATE OF SERVICE

I certify that this Order Assessing Civil Penalty has been sent this date via United Parcel Service to:

(b)(6)

And via electronic transmission to (b)(6)

Dated:

2/20/14

Phyllis Collins

Phyllis M. Collins, Paralegal



Transportation
Security
Administration

U.S. Department of Homeland Security
Office of Chief Counsel
3838 N Sam Houston Pkwy E, Suite 510
Houston, Texas 77032

*Sent by Certified Mail
Return Receipt Requested*

March 18, 2014

(b)(6)

Re: Case No. (b)(6)

ORDER ASSESSING CIVIL PENALTY

Dear (b)(6)

On September 3, 2013, the Transportation Security Administration (TSA) issued to you a Notice of Proposed Civil Penalty (NPCP), proposing to assess a civil penalty in the amount of \$2,000 for a violation of the Transportation Security Regulations (TSR) alleged therein. After considering all of the information presently a part of this enforcement action, the TSA has determined that:

1. On July 23, 2013, you were a ticketed passenger on Delta Airlines flight 176, departing from the George Bush Intercontinental Airport (IAH), Houston, Texas.
2. On that date, at approximately 1:15 p.m., you submitted your person and accessible property for security screening and inspection prior to entering the sterile area of IAH to board flight 176.
3. While screening your accessible property in the x-ray, a Transportation Security Officer (TSO) observed prohibited liquids in your bag.
4. As a result, the TSO called for a bag search.
5. A Lead TSO responded, advised you of the need to search your bag, and then attempted to search your bag.
6. You attempted to reach into your bag.
7. The Lead TSO advised you not to reach into your bag until after she had completed searching it and then attempted to search your bag again.
8. You pushed the Lead TSO's hands away from your bag and again attempted to reach into your bag.

9. The Lead TSO again advised you not to reach into your bag until after she had completed searching it.
10. You continued attempting to reach into your bag.
11. As a result, the Lead TSO stopped the screening process and called for assistance from another Lead TSO.
12. You tried to grab your bag and take it from the Lead TSO.
13. As a result, the Lead TSO called for assistance from additional TSOs.
14. You continued trying to grab your bag.
15. As a result, a Supervisory TSO stopped all screening at the security checkpoint and called for assistance from a Houston Police Department (HPD) officer.
16. The HPD officer ultimately arrested you and escorted you from the security checkpoint.

Based on the foregoing facts and circumstances, the TSA has determined that you violated the following TSR: 49 C.F.R. § 1540.109, in that you interfered with, assaulted, threatened, or intimidated screening personnel in the performance of their screening duties.

In accordance with 49 U.S.C. § 46301 of the Aviation and Transportation Security Act, you are subject to a civil penalty not to exceed \$11,000 for each violation of the TSR. In the NPCP, TSA proposed to assess a civil penalty in the amount of \$2,000. However, based on information you provided in informal discussions, we agreed to settle this case for \$500.

NOW, THEREFORE, IT IS ORDERED, pursuant to 49 U.S.C. § 46301(a) and (d) and 49 C.F.R. § 1503.419, that you are assessed a civil penalty in the amount of \$500 for the above referenced violations. You are hereby ordered to pay the assessed amount by mailing or delivering a check or money order in the amount of \$500, **payable to the Transportation Security Administration**, to:

U.S. Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262

OR

Bank of America
United States DHS/TSA
Lockbox Number 530262
1075 Loop Road
Atlanta, GA 30337-6002

Please write the case number on the face of the check or money order. A copy of the payment instrument should also be sent to me at the address above. In lieu of a check or money order, you may submit payment electronically at www.pay.gov, a secure website administered by the U.S. Department of the Treasury. For assistance with pay.gov, you may contact pay.gov's Customer Support at 1-800-624-1373.

This Order Assessing Civil Penalty constitutes a debt owed to the United States. You have now exhausted your right to seek review within the TSA of the validity and/or amount of this debt. If this debt is not paid in full within 30 days of your receipt of this Order, the debt is considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest at a fixed annual rate,¹ along with an administrative charge of \$12 per month, representing the TSA's costs of administrative collection. Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation.

Please contact me at 281-848-(b)
(6) if you have any questions.

Sincerely,




Dion Casey
Attorney-Advisor

¹ The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>.

CERTIFICATE OF SERVICE

I certify that this Order Assessing Civil Penalty (Case No. (b)(6)) has been sent this date by Certified Mail, Return Receipt Requested, to:

(b)(6)



Elizabeth Condon
Program Assistant

Dated: 03/18/2014



Transportation
Security
Administration

U.S. Department of Homeland Security
Office of Chief Counsel
3838 N Sam Houston Pkwy E, Suite 510
Houston, Texas 77032

Sent by Certified and First Class Mail

April 1, 2014

(b)(6)

Re: Case No.

(b)(6)

ORDER ASSESSING CIVIL PENALTY

Dear

(b)(6)

On January 7, 2014, the Transportation Security Administration (TSA) issued to you a Notice of Proposed Civil Penalty (NPCP), proposing to assess a civil penalty in the amount of \$500 for a violation of the Transportation Security Regulations (TSR) alleged therein. After considering all of the information presently a part of this enforcement action, the TSA has determined that:

1. At all times relevant herein, 49 C.F.R. § 1540.109 prohibited a person from interfering with screening personnel in the performance of their screening duties.
2. At all times relevant herein, 49 C.F.R. § 1540.105(a)(1) prohibited a person from tampering or interfering with, compromising, modifying, or attempting to circumvent a security system, measure, or procedure at a commercial airport.
3. On November 17, 2013, you were employed by Whataburger at the George Bush Intercontinental Airport (IAH), Houston, Texas.
4. The Houston Airport System (HAS), which operates IAH, had issued to you an access medium authorizing you to access the sterile area of IAH.
5. On November 17, 2013, you submitted yourself and your accessible property for security inspection prior to entering the Terminal B sterile area of IAH.
6. During the screening process, you alarmed the walk-through metal detector.
7. As a result, a Transportation Security Officer (TSO) asked you to remove all items from your pockets and enter the walk-through metal detector again.
8. Instead, you left the security checkpoint and placed an item in a trash can in the public area of Terminal B.

9. As a result, a TSO followed you from the checkpoint and then escorted you back to the checkpoint.
10. Another TSO called for assistance from a Supervisory TSO and a Transportation Security Manager (TSM), and the Supervisory TSO called for assistance from a Houston Police Department (HPD) officer.

Based on the foregoing facts and circumstances, the TSA has determined that you violated the following TSR:

1. 49 C.F.R. § 1540.109, in that you interfered with screening personnel in the performance of their screening duties; and
2. 49 C.F.R. § 1540.105(a)(1), in that you tampered or interfered with, compromised, modified, or attempted to circumvent a security system, measure, or procedure at a commercial airport.

In accordance with 49 U.S.C. § 46301 of the Aviation and Transportation Security Act, you are subject to a civil penalty not to exceed \$11,000 for each violation of the TSR. In the NPCP, TSA proposed to assess a civil penalty in the amount of \$500. However, based on information you provided in informal discussions, we agreed to settle this case for \$250.

NOW, THEREFORE, IT IS ORDERED, pursuant to 49 U.S.C. § 46301(a) and (d) and 49 C.F.R. § 1503.419, that you are assessed a civil penalty in the amount of \$250 for the above referenced violations. You are hereby ordered to pay the assessed amount by mailing or delivering a check or money order in the amount of \$250, **payable to the Transportation Security Administration, to:**

U.S. Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262

OR

Bank of America
United States DHS/TSA
Lockbox Number 530262
1075 Loop Road
Atlanta, GA 30337-6002

Please write the case number on the face of the check or money order. A copy of the payment instrument should also be sent to me at the address above. In lieu of a check or money order, you may submit payment electronically at www.pay.gov, a secure website administered by the U.S. Department of the Treasury. For assistance with pay.gov, you may contact pay.gov's Customer Support at 1-800-624-1373.

This Order Assessing Civil Penalty constitutes a debt owed to the United States. You have now exhausted your right to seek review within the TSA of the validity and/or amount of this debt. If this debt is not paid in full within 30 days of your receipt of this Order, the debt is considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest at a fixed annual rate,¹ along with an administrative charge of \$12 per month, representing the TSA's costs of administrative collection. Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation.

Please contact me at 281-848-(b)(6) if you have any questions.

Sincerely,




Dion Casey
Attorney-Advisor

¹ The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>.

CERTIFICATE OF SERVICE

I certify that this Order Assessing Civil Penalty (Case No. (b)(6)) has been sent this date by both First Class Mail and Certified Mail, Return Receipt Requested, to:

(b)(6)



Elizabeth Condon
Program Assistant

Dated: 07/01/2014

SENSITIVE SECURITY INFORMATION

U.S. Department of Homeland Security
Office of Chief Counsel
2305 Historic Decatur Road, Suite 201
San Diego, CA 92106



Transportation
Security
Administration

April 10, 2014

(b)(6)

RE: Transportation Security Administrations (TSA) Case No. (b)(6)

FINAL NOTICE OF PROPOSED CIVIL PENALTY

By Notice of Proposed Civil Penalty dated October 01, 2013, the Transportation Security Administration (hereinafter "TSA") notified you that it proposed to assess a civil penalty in the amount of \$1,00.00 against you for a violation of the transportation security regulations, as alleged therein. On November 1, 2013, we agreed to resolve this case for a reduced penalty amount of \$650.00. To date, you have failed to make the required payment. You made one payment of \$350.00. After consideration of all the available information presently a part of this enforcement action, it appears that:

1. At all times mentioned herein, Mr. (b)(6) was an individual or person subject to the provisions of the Transportation Security Regulations (TSRs) at 49 CFR part 1540, subpart B, entitled "Responsibilities of Passengers and Other Individuals and Persons."
2. At all times mentioned herein, 49 CFR § 1540.109, states in summary, no person may interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties.
3. On May 01, 2013, at approximately 1704 hours, at San Diego International Airport (SAN), it was reported that you allegedly interfered with the screening process by creating a disturbance; using obscene language; and berating TSA Officers attempting to perform duties at Terminal One-East, Screening Checkpoint One.

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER THE PROVISIONS OF 49 CFR PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW", AS DEFINED IN 49 CFR PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 USC 552 AND 49 CFR PARTS 15 AND 1520.

File (b)(6)

www.tsa.gov

4. Your actions led to police response, which resulted in your arrest.

Based on the foregoing facts and circumstances, you violated the following Transportation Security Regulations:

1. Section 49 CFR §1540.109(a)(1), states that no person may interfere with, assault, or intimidate screening personnel in the performance of their screening duties under this subchapter. (b)(6) created a disruptive situation at Checkpoint One at SAN.

In accordance with 49 U.S.C. § 46301 of the Aviation and Transportation Security Act, you are subject to civil penalty not to exceed \$11,000.00 for each violation of the Transportation Security Regulations. After reviewing all of the information contained in our investigative file, the Transportation Security Administration (TSA) proposes to assess you a civil penalty in the amount of: \$1,000.00.

Within 15 days of your receipt of this Final Notice, you must either: (1) submit the full civil penalty amount proposed in this Final Notice; (2) submit a civil penalty amount that is otherwise agreed upon by the undersigned TSA attorney; or (3) request, in writing, a Formal Hearing in this matter. IF YOU DO NOT RESPOND TO THIS FINAL NOTICE OR FAIL TO REQUEST A FORMAL HEARING IN WRITING WITHIN 15 DAYS OF YOUR RECEIPT OF THIS FINAL NOTICE, THIS FINAL NOTICE WILL AUTOMATICALLY BECOME AN ORDER ASSESSING CIVIL PENALTY (hereinafter "Order") IN THE AMOUNT PROPOSED, AND YOU WILL HAVE WAIVED YOUR RIGHT TO REQUEST A HEARING IN THIS MATTER.

Should you elect to submit the civil penalty, please send a check or money order, payable to the "Transportation Security Administration," to:

United States Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262

The case number of this matter (i.e. *TSA Case No.* (b)(6)) should be written on the face of the check or money order, and a copy of the payment instrument forwarded to the undersigned attorney. You may also submit this payment electronically at www.pay.gov, a secure website administered by the U.S. Department of the Treasury.

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER THE PROVISIONS OF 49 CFR PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW", AS DEFINED IN 49 CFR PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 USC 552 AND 49 CFR PARTS 15 AND 1520.~~

File: (b)(6)

www.tsa.gov

You may not change the civil penalty amount proposed in this Final Notice absent the agreement of the undersigned attorney and the TSA Office of Chief Counsel.

Should you elect to request a Formal Hearing, you must file a typewritten or legibly handwritten "Request for Hearing" with the Enforcement Docket Clerk. You must send two copies of your "Request for Hearing" to the Enforcement Docket Clerk by mail, email, or fax at:

USCG ALJ Docketing Center	
Attention: Enforcement Docket Clerk	Email: aljdocketcenter@uscg.mil
40 S. Gay Street, Room 412	Fax: (410) 962-1746
Baltimore, Maryland 21202-4022	

Additionally, you must send a copy of your "Request for Hearing" to the undersigned attorney at: U.S. Department of Homeland Security, Transportation Security Administration, Office of Chief Counsel, 2305 Historic Decatur Road, Suite 201, San Diego, CA 92106. The Request must be dated and signed by you, in accordance with 49 C.F.R. §§ 1503.427 and 1503.429 of the TSR, and should include your current mailing address. You may view the Transportation Security Regulations at <http://www.gpoaccess.gov/ecfr/index.html>, and select Title 49, Section 1503. If you do not have internet access, you may call the undersigned attorney and a copy of the regulations will be provided to you.

If you do not respond to this Final Notice within 15 days of receipt and this Final Notice becomes an Order, the Order will constitute a debt owed to the United States. If this debt is not paid in full within 30 days of the time this Final Notice becomes an Order, the debt will be considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest. The interest will be charged at a fixed annual rate along with an administrative charge of \$12.00 per month, representing the TSA's costs of administrative collection. The current annual rate can be found at <http://fins.treas.gov/cvfr/index.html>. Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation. An Order Assessing Civil Penalty constitutes a finding by the TSA of the facts and regulatory violation contained therein.

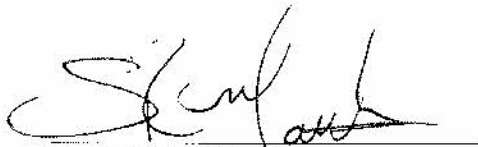
Please direct all communications in this matter to the undersigned attorney.

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER THE PROVISIONS OF 49 CFR PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW", AS DEFINED IN 49 CFR PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 USC 552 AND 49 CFR PARTS 15 AND 1520.

File: (b)(6)

www.tsa.gov



Starla R. Matthews
Supervisory Field Counsel
U.S. Department of Homeland Security
Transportation Security Administration
2305 Historic Decatur Road, Suite 201
San Diego, CA 92106
Tel: (619) 321-(b)(6)
Email: (b)(6)

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER THE PROVISIONS OF 49 CFR PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW", AS DEFINED IN 49 CFR PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 USC 552 AND 49 CFR PARTS 15 AND 1520.

File: (b)(6)

www.tsa.gov

Certificate of Service

I certify that this Final Notice of Proposed Civil Penalty has been sent this date by UPS and First Class Mail to:

(b)(6)

Alvin Ziegen

Dated: 4/10/14

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER THE PROVISIONS OF 49 CFR PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW", AS DEFINED IN 49 CFR PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 USC 552 AND 49 CFR PARTS 15 AND 1520.

File (b)(6)

www.tsa.gov

Payment Instructions for Notice of Proposed Civil Penalty
Pay.Gov Electronic Payment (Rev. 1-2010)

Should you require assistance with this process, please call toll-free at 1-800-624-1373 (option 2).

Go to <http://www.pay.gov> and locate "***Find Public Forms***" on the left-hand side of the screen.

1. Under the **"Find Public Forms"** section, click on the link entitled "by Agency Name" and select "D" for Department of Homeland Security.
2. After the screen refreshes with the list of agencies that begin with the letter "D", select **"Department of Homeland Security"**. You will need to select **"Department of Homeland Security"** again to get to the link for TSA and its payment form.
3. After the screen refreshes with the list of DHS agencies, select **"Transportation Security Administration Civil Penalties Payments"** to bring up TSA Form 601. The next screen should be TSA's payment form and should say "Civil Penalty Payments" at the top of the screen.
4. **To Complete the Form:** Under the heading "Notice Type" in the form, click on the circle next to "Notice of Proposed Civil Penalty (NPCP)".
5. Enter the TSA case number (for example, 2010SAN0001) in the box for "Notice of Proposed Civil Penalty (NPCP) Number". The case number for your case can be found on the letter you received notifying you of TSA's intent to propose a civil penalty against you and/or on the options sheet attached to the notice letter.
6. Complete the remaining fields with your contact information and how you wish to pay (i.e., by either ACH*, which is a direct debit from a checking or savings account with a U.S. bank, credit union, or similar, or by credit card, such as American Express, Discover, Visa, MasterCard or Diners Club). ***Please note that there is a limit of \$10,000 maximum allowable for the use of credit cards in a single transaction. If your civil penalty is more than \$10,000, you will need to make multiple payments up to the full amount of your civil penalty.***
7. Click **"Continue"** button at the bottom of the page and enter the information necessary for completing your payment on the screens that follow.
8. You will be provided an opportunity to print a copy of your payment for your records. Please print a copy and then forward a copy to the TSA attorney who signed your notice letter so that the attorney can close out your civil penalty case as soon as possible.

* If paying by ACH, you will need the Routing Number for your bank/financial institution, the Savings or Checking Account Number for your account, and a Check Number for the payment.

The sample check below indicates where to locate the Routing, Account, and Check Numbers.

JOHN G. CUSTOMER		0123
100 MAIN STREET CAMBRIDGE, MA 02142		
Pay to the order of _____		
\$ 100.00		
100 DOLLARS		
NOV 15 1988		
0123456789 0123456789 0123		
Routing Transit Number	Account Number	Check #
012345678	0123456789	0123

Privacy Act Notice for Individuals

This notice is provided in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

- A. **Authority and Purpose.** Collection of your personal information is authorized by 49 U.S.C. § 114, 49 U.S.C. § 40113, 49 U.S.C. 46104 and 49 CFR § 1503.16 for the purpose of paying civil penalties and to record your selected option. With regards to electronic payments, submission of your personal information via this form or on www.Pay.gov enables TSA to process your payment for civil penalties. Collection of this information is also maintained for the purpose of facilitating the collection and reporting of receipts from the public to the Federal government. Unless stated otherwise, providing this information is voluntary, not mandatory; however, if you choose not to provide this information, TSA may be unable to process your payment. With regards to your Options Sheet, submission of your personal information via this form enables TSA to record which option you have selected so that TSA may process your case accordingly. Submission of your personally identifiable information on this form is voluntary; however, failure to provide this information might result in delays in contacting you or in closing this matter.
- B. **Routine Uses.** The personal information you submit may be released in accordance with the routine uses identified in TSA's system of records notice DHS/TSA 001 Transportation Security Enforcement Record System (TSERS), published in the Federal Register at 69 Fed. Reg. 71828 (December 10, 2004).

Transportation Security Regulations

You may view the Transportation Security Regulations at <http://www.gpoaccess.gov/ecfr/index.html>. Select Title 49, Section 1503. You may also call or write the TSA attorney handling your case, and a copy of the regulations will be provided to you.

Criminal Charges vs. Civil Penalty

Please note that a Civil Penalty is wholly separate from any criminal penalties you may incur. If you have paid criminal penalties for charges arising out of this incident, please forward all documentation regarding your criminal case to the TSA attorney listed above.

-----Detach Payment Form Here-----

PLEASE COMPLETE AND RETURN THIS FORM WITH YOUR PAYMENT

You may also submit this payment electronically at www.Pay.gov, a secure website administered by the U.S. Dept. of the Treasury. For assistance with Pay.gov, contact Pay.gov's Customer Support at 1-800-624-1373 (toll free).

Name: _____ TSA Case No.: _____

Address: _____

Telephone: _____

Please check your method of payment:

- ☐ Check or Money Order payable to: **Transportation Security Administration**
Please write the case number on the check or money order.
- ☐ Credit Card (please specify):
- | | | |
|---|-----------------------------------|---------------------------------------|
| <input type="checkbox"/> American Express | <input type="checkbox"/> Discover | <input type="checkbox"/> Diner's Club |
| <input type="checkbox"/> Master Card | <input type="checkbox"/> Visa | |

Credit Card Number:			
Cardholder Name:		Expiration Date:	

As the cardholder identified above, and by signing below, I agree to pay and specifically authorize the Transportation Security Administration to charge my credit card via www.Pay.gov in the amount specified below.

Signature of Cardholder: _____ Date: _____

Amount Paid: \$ _____

<p>*Send this form and your payment to:</p> <p>Transportation Security Administration P.O. Box 530262 Atlanta, GA 30353-0262</p>

*For overnight courier service, please mail your payment to the following address: Bank of America – United States DHS/TSA, Lockbox – #530262, 1075 Loop Road, Atlanta, GA 30337-6002.

Sensitive Security Information
Special Handling and Limited Disclosure Restrictions

This case may involve materials containing **Sensitive Security Information (SSI)** under 49 U.S.C. §114(s), and its implementing regulations at 49 CFR part 1520. SSI is a specific category of information that requires protection against unauthorized disclosure.

Unauthorized disclosure of SSI may be detrimental to the security of transportation, may constitute an unwarranted invasion of personal privacy, or may reveal a trade secret or privileged or confidential commercial or financial information. Unauthorized disclosure may also result in a civil enforcement penalty or other enforcement action by the Transportation Security Administration (TSA), pursuant to 49 CFR part 1520 against the party making the unauthorized disclosure.

Documents that contain SSI generally are clearly marked. These documents may not be further disseminated to persons without a need to know, as defined in 49 CFR part 1520, except with the written permission from TSA. If you have any questions regarding the documents' status, please treat the documents as SSI and consult with TSA.

When SSI is not under your physical control, it should be safeguarded in such a way that it is not physically or visually accessible to persons who do not have a need to know. When unattended, SSI must be secured in a locked container or office, or other restricted access area.

If you have comments or would like more information about SSI, please contact the TSA SSI Office by phone (571-227-3513) or e-mail (SSI@DHS.gov).



Transportation
Security
Administration

SENT BY COURIER

April 21, 2014

(b)(6)

Re: Case Number (b)(6)

ORDER ASSESSING CIVIL PENALTY

By Notice of Proposed Civil Penalty dated August 5, 2013, you were advised that the Transportation Security Administration (hereinafter "TSA") proposed to assess a civil penalty in the amount of \$7,500 for violations of the Transportation Security Regulations (hereinafter "TSR") alleged therein. After considering all of the information presently a part of this enforcement action, and in settlement, the TSA has determined that:

1. At all times relevant herein, 49 C.F.R. § 1540.109 of the Transportation Security Regulations states that no person may interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties under this subchapter.
2. On or about January 6, 2013, at approximately 1325 hours, you approached the Transportation Security Administration (TSA) security screening checkpoint lane 3 at the Boise Airport/Gowen Field (BOI), Boise Idaho.
3. On that date, you were directed by TSA personnel for Advanced Imaging Technology (AIT) screening. You refused the AIT screening stating that you were exempt from AIT screening. You also refused to remove your shoes and belt before going through the Walk Through Metal Detector (WTMD). You then presented a U.S. passport with a commercial pilot's license attached to the passport as proof of your exempt status. As a result of those claims, a supervisor was called.
4. Lead Transportation Security Officer (LTSO) (b)(6) was called to assist with you. LTSO (b)(6) conferred with Supervisory Transportation Security Officer (STSO) (b)(6). STSO (b)(6) allowed you through the checkpoint through the WTMD bypassing the AIT and pat down procedures. On that date you made disparaging remarks regarding screener knowledge of Standard Operating Procedures (SOPs). Your rude behavior was a distraction for TSOs performing their screening duties.



Transportation
Security
Administration

By reason of the foregoing facts and circumstances, it appears that you violated the following Transportation Security Regulation:

- a. 49 C.F.R. § 1540.109, in that you interfered with, threatened, or intimidated screening personnel in the performance of their screening duties under this subchapter.

NOW, THEREFORE, IT IS ORDERED, pursuant to 49 U.S.C. §46301(a) and (d) and 49 C.F.R. §1503.419, that you are assessed a civil penalty in the total amount of \$500 for the above referenced violation. You are hereby ordered to pay the assessed amount by mailing or delivering a certified check or money order in the amount of \$500, payable to the Transportation Security Administration, to:

Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262

Please write the case numbers on the face of the certified check or money order.

This Order Assessing Civil Penalty constitutes a debt owed to the United States. You have now exhausted your right to seek review within the Transportation Security Administration of the validity and/or amount of this debt. If this debt is not paid in full within 60 days of becoming a debt owed, the debt is considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest. The interest will be charged at a fixed rate along with an administrative charge of \$12.00 per month, representing the TSA's costs of administrative collection. The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>. Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation. This Order constitutes a finding by the TSA of the facts and regulatory violation contained herein.

A handwritten signature in cursive script, appearing to read "Susan Conn".

Susan Conn
Field Counsel - Seattle
U.S. Department of Homeland Security
Transportation Security Administration
18000 International Blvd. Suite 200
Seattle, WA 98198
Tel: (206) 834-(b)(6)
Fax: (206) 242-6376

(b)(6)



Transportation
Security
Administration

SENT BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED

May 2, 2014

(b)(6)

Re: TSA Case No. (b)(6)

ORDER ASSESSING CIVIL PENALTY

To: (b)(6)

By Notice of Proposed Civil Penalty dated October 23, 2012, you were advised that the Transportation Security Administration (hereinafter “TSA”) proposed to assess a civil penalty in the amount of \$1,500 for violation of the Transportation Security Regulations (hereinafter “TSR”) alleged therein. After considering all of the information presently a part of this enforcement action, the TSA has determined that:

1. At all times relevant herein, you were a airline passenger subject to the requirements of 49 C.F.R. part 1540 of the Transportation Security Regulations (hereinafter “TSR”).
2. At all times mentioned herein, you were subject to the provisions of 49 C.F.R. 1540.105(a)(1), which provides that no person may tamper or interfere with, compromise, modify, attempt to circumvent, or cause a person to tamper or interfere with, compromise, modify, or attempt to circumvent any security system, measure or procedure implemented under this subchapter.
3. The TSR, specifically 49 C.F.R. 1540.107(a) requires individuals to submit to screening and inspection prior to entering a sterile area or boarding an aircraft.
4. In addition, 49 C.F.R. 1540.109 of the TSR provides that no person may interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties.

SENSITIVE SECURITY INFORMATION

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A “NEED TO KNOW” AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.~~

5. On September 4, 2011, at approximately 8:35 am, you were waiting in line to go through screening at the Passenger Screening Checkpoint (No. 4, Lane 5) at the Luis Munoz Marin International Airport (SJU) in Puerto Rico.
6. While waiting in line, you became involved in an altercation with another passenger, (b)(6). (b)(6) stated that you pushed her and you stated that (b)(6) pushed you.
7. Due to this altercation, a Code Red was called by Supervisory Transportation Security Office (STSO) (b)(6) and the Passenger Screening Checkpoint (No. 4, Lane 5) had to be closed for approximately five minutes. During this five minutes, all passenger screening at this checkpoint was stopped.
8. In addition, due to this altercation, a few Transportation Security Officers (TSOs) stopped performing their screening duties and attempted to intervene in order to separate you from the other passenger, (b)(6).
9. Your actions in getting into an altercation with another passenger interfered with screening operations and violated the TSR.

By reason of the foregoing facts and circumstances, you violated 49 C.F.R. § 1540.105(a)(1) and 1540.109 of the TSR, in that you interfered with screening procedures and interfered with screening personnel.

NOW, THEREFORE, IT IS ORDERED, pursuant to 49 U.S.C. § 46301(a) and (d) and 49 C.F.R. § 1503.419, that you are assessed a civil penalty in the total amount of \$500.00 for the above referenced violation. You are hereby ordered to pay the assessed amount by mailing or delivering a check or money order in the amount of \$500.00, **payable to the Transportation Security Administration**, to:

**United States Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262**

Please write the case number on the face of the check or money order. A copy of the payment instrument should also be sent to the undersigned TSA attorney. You may also submit this payment electronically at **www.pay.gov**, a secure website administered by the U.S. Department of the Treasury.

This Order Assessing Civil Penalty constitutes a debt owed to the United States. You have now exhausted its right to seek review within the Transportation Security Administration of the validity and/or amount of this debt. If this debt is not paid in full within 30 days of your receipt of this Order, the debt is considered delinquent. For delinquent debts, Federal law requires the

SENSITIVE SECURITY INFORMATION

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW" AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.

TSA to charge interest. The interest will be charged at a fixed annual rate along with an administrative charge of \$12.00 per month, representing the TSA's costs of administrative collection. The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>. Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation.

This Order constitutes a finding by the TSA of the facts and regulatory violation contained herein.

Kiersten Ols
 U.S. Department of Homeland Security
 Transportation Security Administration
 601 S. 12th St.
 Arlington, VA 20598
 (571) 227-(b)(6) (tel.) (571) 227-1380 (fax)
 (b)(6)

CERTIFICATE OF SERVICE

I hereby certify that an original copy of the foregoing Order, in TSA Case No. (b)(6) has been sent on this date, by certified mail, to:

(b)(6)

Dated: _____

Signed: _____

SENSITIVE SECURITY INFORMATION

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.~~

**Transportation
Security
Administration**

June 16, 2014

SENT VIA UPS

(b)(6)

RE: TSA Case No.

(b)(6)

ORDER ASSESSING CIVIL PENALTY

By Notice of Proposed Civil Penalty dated May 6, 2014, you were advised that the Transportation Security Administration (hereinafter "TSA") proposed to assess a civil penalty against you in the amount of \$1,500.00 for violation of the Transportation Security Regulations (hereinafter "TSR") alleged therein. After considering all of the information presently a part of this enforcement action, the TSA has determined that:

1. At all times relevant, 49 Code of Federal Regulations (CFR) § 1540.107(a) of the TSR stated that "[n]o individual may enter a sterile area or board an aircraft without submitting to the screening and inspection of his or her person and accessible property in accordance with the procedure being applied to control access to that area or aircraft under this subchapter."
2. At all times relevant, 49 Code of Federal Regulations (CFR) § 1540.105(a)(1), of the TSR stated that "[n]o person may: Tamper or interfere with, compromise, modify, attempt to circumvent, or cause a person to tamper or interfere with, compromise, modify, or attempt to circumvent any security system, measure, or procedure implemented under this subchapter."
3. At all times relevant, 49 Code of Federal Regulations (CFR) § 1540.109, of the TSR stated that "[n]o person may interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties under this subchapter."
4. On May 6, 2013, you were a ticketed passenger at Miami International Airport (MIA) scheduled to depart on American Airlines, Inc. Flight # 1664 with a destination of Atlanta, GA and continuing on American Eagle Airlines, Inc. Flight #4659 to LaGuardia, NY.

SENSITIVE SECURITY INFORMATION

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY~~
5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.

5. You presented yourself and your accessible property to the Travel Document Checker located at MIA's Checkpoint D3 and after your documents were screened you were then directed to proceed further into the checkpoint for further screening.
6. While waiting in queue with other passengers being screened, you deviated from the queue, skipped the other passengers and with your accessible property in hand entered the sterile area of MIA through a Walk Through Metal Detector (WTMD) not being used for screening at that time.
7. When approached by a Transportation Security Officer (TSO) at the other side of WTMD in the sterile area, you pushed and pinned the TSO against the x-ray machine.
8. As a result of your actions, you interfered with TSA's ability to screen other passengers in that particular lane and had no other option but to re-direct passengers to other screening areas. In addition, TSA had to divert other Transportation Security Officers from their regular screening duties to avoid any further interference with our screening procedures and protect the officer that you pushed and pinned against the x-ray machine.
9. On June 9, 2014, an informal conference was held regarding your actions on May 6, 2013. During the informal conference, you stated that you were remorseful of the actions you took on that day and now understand that your actions were inappropriate and impacted TSA's mission. In addition, you requested that TSA take into consideration the costs already incurred addressing the matters brought in Florida State Court.

By reason of the foregoing facts and circumstances, you violated TSR § 1540.105(a)(1), §1540.107 and §1540.109 in that you (a) interfered with the screening process, (b) proceeded to enter the sterile area through the WTMD without submitting yourself and your property to screening and (c) compromised TSA's screening procedures by pushing and pinning a TSO against the X-ray machine in the sterile area

NOW, THEREFORE, IT IS ORDERED, pursuant to 49 U.S.C. § 46301(a) and (d) and 49 C.F.R. § 1503.419, you are hereby assessed a civil penalty in the total amount of \$500.00 (Five Hundred Dollars with no cents) for the above referenced violations. You are hereby ordered to pay the assessed amount by either of the following two methods:

1. By Mail: Please mail or deliver a certified check or money order payable to the "Transportation Security Administration," to:

SENSITIVE SECURITY INFORMATION

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY~~
 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.

United States Department of Homeland Security
 Transportation Security Administration
 P.O. Box 530262
 Atlanta, GA 30353-0262

Express Mail Service:

Bank of America
 United States DHS/TSA
 Lockbox Number 530262
 1075 Loop Road
 Atlanta, GA 30337-6002

Please ensure that Case No. (b)(6) is written on the face of the certified check or money order, and a copy of the payment instrument forwarded to the undersigned attorney.

2. Electronically: Pay the full amount of the proposed civil penalty by either credit card (using American Express, Discover, Visa, Mastercard or Diners Club) or by direct debit from a checking or savings account electronically at www.Pay.gov, which is a secure website administered by the U.S. Department of the Treasury. Should you require assistance, contact the Pay.gov Customer Support at 1-800-624-1373 (toll free). Please ensure that Case No. (b)(6) is included in your remittance.

This Order Assessing Civil Penalty constitutes a debt owed to the United States. You have now exhausted your right to seek review within the Transportation Security Administration of the validity and/or amount of this debt. If this debt is not paid in full within 90 days of receipt of this Order, the debt is considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest. The interest will be charged at a fixed annual rate along with an administrative charge of \$12.00 per month, representing the TSA's costs of administrative collection. The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>. Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation.

SENSITIVE SECURITY INFORMATION

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.~~

This Order constitutes a finding by the TSA of the facts and regulatory violation contained herein.



Felix J. Alvarez, Esq.
Office of Field Counsel
Transportation Security Administration
1336 NW 78 Ave, Miami FL 33126
Tel. 305-913-(b)(6)
Fax. 305- 526-2605
Email: (b)(6)

SENSITIVE SECURITY INFORMATION

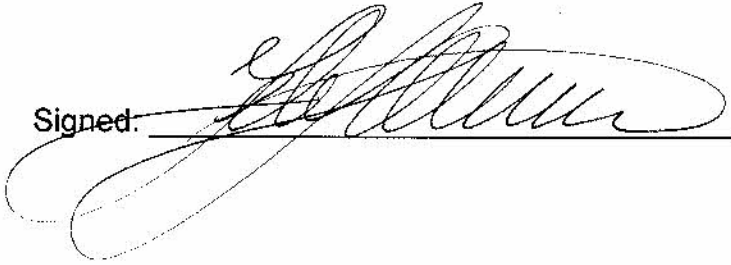
~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY~~
5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.

CERTIFICATE OF SERVICE

I hereby certify that an original copy of the foregoing Order Assessing Civil Penalty, in TSA Case No. (b)(6) has been sent on this date, via UPS, to the counsel of record at:

(b)(6)

Dated: 16 June 2014

Signed: 

SENSITIVE SECURITY INFORMATION

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY~~
5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.



**Transportation
Security
Administration**

June 17, 2014

SENT VIA Federal Express

(b)(6)

RE: Transportation Security Administration Case No.: (b)(6)

ORDER ASSESSING CIVIL PENALTY

By Notice of Proposed Civil Penalty dated April 23, 2014, (b)(6) was advised that the Transportation Security Administration (hereinafter "TSA") proposed to assess a civil penalty in the amount of \$1,000 for violation of the Transportation Security Regulations (hereinafter "TSR") alleged therein. After considering all of the information presently a part of this enforcement action, the TSA has determined that:

At all times relevant herein:

1. (b)(6) was an individual or person subject to the provisions of the Transportation Security Regulations (TSRs) at 49 CFR part 1540, subpart B, entitled "Responsibilities of Passengers and Other Individuals and Persons."
2. 49 CFR § 1540.109 of the TSRs prohibited individuals from interfering with, assaulting, threatening, or intimidating screening personnel in the performance of their screening duties.

Based upon a report of investigation, it appears that:

3. On September 13, 2013, (b)(6) was a scheduled passenger on Delta Air Lines, Inc. flight 1127 departing from Indianapolis International Airport (IND) to Hartsfield-Jackson Atlanta International Airport (ATL).
4. On September 13, 2013, (b)(6) submitted herself and her personal property for screening at the TSA Concourse A Screening Checkpoint Lane 6, in the Main terminal at IND.

SENSITIVE SECURITY INFORMATION

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.

5. During screening through the Advanced Imaging Technology (AIT), an alarm was generated and (b)(6) was notified a pat down of the alarmed area along with an Explosive Trace Detection (ETD) sample of her hands would need to be conducted.
6. (b)(6) stated she was in possession of explosives. TSO (b)(6) informed (b)(6) those comments should not be made and (b)(6) stated again she was in possession of explosives.
7. TSO (b)(6) then notified Lead Transportation Security Officer (LTSO) (b)(6) and LTSO (b)(6) notified Supervisory Transportation Security Officer (STSO) (b)(6).
8. (b)(6) continued to state she was in possession of explosives to other security personnel including Transportation Security Managers (TSM) and a Transportation Security Inspector (TSI).
9. As a result of the comments made by (b)(6) security operations were interfered with as checkpoint lane 6 was shut down on Concourse A.

NOW, THEREFORE, IT IS ORDERED, pursuant to 49 U.S.C. § 46301, (b)(6) is assessed a civil penalty in the total amount of \$750 for the above referenced violation. (b)(6) is hereby ordered to pay the assessed amount by mailing or delivering a check or money order in the amount of \$500, payable to the Transportation Security Administration, to:

**United States Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262**

Please write the case number on the face of the check or money order. A copy of the payment instrument should also be sent to the undersigned TSA attorney. You may also submit this payment electronically at www.pay.gov, a secure website administered by the U.S. Department of the Treasury.

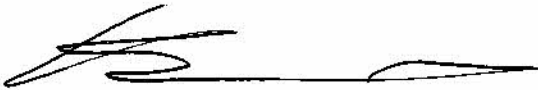
This Order Assessing Civil Penalty constitutes a debt owed to the United States. (b)(6) has now exhausted his right to seek review within the Transportation Security Administration of the validity and/or amount of this debt. If this debt is not paid with 30 days of receiving this Order Assessing Civil Penalty, the debt is considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest. The interest will be charged at a fixed annual rate along with an administrative charge of \$12.00 per month, representing the TSA's costs of administrative collection. The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>. Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to

SENSITIVE SECURITY INFORMATION

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY~~
5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.

the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation.

This Order constitutes a finding by the TSA of the facts and regulatory violation contained herein.



Kristin Milano
Regional Field Counsel
U.S. Department of Homeland Security
Transportation Security Administration
3855 Lewiston Street, Suite 400
Aurora, CO 80011
(202) 527-(b)(6)

(b)(6)

SENSITIVE SECURITY INFORMATION

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY~~
5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.

CERTIFICATE OF SERVICE

I hereby certify that an original copy of the foregoing OACP, in TSA Case No.: (b)(6) has been sent on this date, by Federal Express, to:

(b)(6)

Dated: _____

J. Diaz

Signed: _____

6/17/2014

SENSITIVE SECURITY INFORMATION

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.



Transportation
Security
Administration

June 26, 2014

(b)(6)

Re: TSA Case No.

(b)(6)

ORDER ASSESSING CIVIL PENALTY

By Notice of Proposed Civil Penalty dated June 5, 2014, you (b)(6) were advised that the Transportation Security Administration proposed to assess you a civil penalty in the amount of \$1,500 for alleged violations of 49 U.S.C. §46302(a) and the Transportation Security Regulations alleged therein.

In response to the Notice of Proposed Civil Penalty, you, through your legal counsel, agreed to pay a civil penalty in the amount of \$500.

After consideration of the information available to us, it has been determined that:

1. At all times relevant herein, 49 U.S.C. §46302(a) provided that a person that, knowing the information to be false, gives, or causes to be given, under circumstances in which the information reasonably may be believed, false information about an alleged attempt being made or to be made to do an act that would violate section 46502(a), 46504, 46505, or 46506 of this title, is liable to the United States Government for a civil penalty of not more than \$10,000 for each violation.
2. At all times relevant herein, section 1540.109 of the Transportation Security Regulations ("TSR") provided that no person may interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties. [49 C.F.R. §1540.109]
3. On February 23, 2014, you (b)(6) were a ticketed passenger on Delta Air Lines Flight No. 468, departing from John F. Kennedy International Airport ("JFK"), Jamaica, New York.

4. At all times relevant herein, at approximately 1930 hours, you presented yourself and your accessible property for screening at a security checkpoint located in JFK Terminal 4.
5. At the checkpoint, a Transportation Security Administration Transportation Security Officer ("TSA TSO") discovered a liquid item in one of your accessible bags.
6. You then stated to a TSA TSO: "You guys can just keep it, it's explosives anyway."
7. As a result of your statement, screening was interrupted at the checkpoint, and TSA supervisory personnel and the Port Authority of NY/NJ Police ("PAPD") were called to respond.
8. As a result of your statement, you were arrested by the PAPD.

By reason of the foregoing circumstances, TSA finds that you (b)(6) violated 49 U.S.C. § 46302(a) and section 1540.109 of the Transportation Security Regulations [49 C.F.R. § 1540.109], in that you interfered with the security responsibilities of TSA employees and other persons by making a false statement regarding having explosive in your accessible property and which necessitated diversion of security and law enforcement personnel from their duties.

NOW, THEREFORE, IT IS ORDERED, pursuant to 49 U.S.C. § 46301 (a) and (d), you are assessed a civil penalty in the total amount of \$500 for the above-referenced violations. You are hereby ordered to pay the assessed amount by mailing or delivering a check or money order, payable to the Transportation Security Administration, to:

**United States Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262**

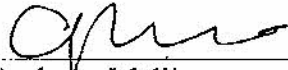
Please write the case number, (b)(6) on the face of each check or money order.

This Order Assessing Civil Penalty constitutes a debt owed to the United States. You have now exhausted your right to seek review within the Transportation Security Administration of the validity and/or amount of this debt. If this debt is not paid in full within 30 days of receipt of this Order, the debt is considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest. The interest will be charged at a fixed annual rate of 5%, along with an administrative charge of \$12.00 per month, representing the TSA's costs of administrative collection. The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>.

Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180

days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation.

This Order constitutes a finding by the TSA of the facts and regulatory violations contained herein.



Anthony Molligo
TSA Field Counsel/JFK
230-59 Rockaway Blvd.-Suite 210
Jamaica, NY 11413
Tel: (718) 917-(b)(6)

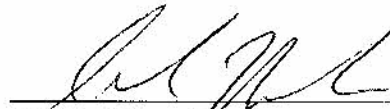
Original and copy of OACP to:

(b)(6)

CERTIFICATE OF SERVICE

I certify that an Order Assessing Civil Penalty with regards to TSA Case No. (b)(6)
(b)(6) has been sent this day by first class U.S. Mail to:

(b)(6)



Angela Mongiello
Executive Assistant
Office of the Federal Security Director
Transportation Security Administration
John F. Kennedy International Airport
230-59 Rockaway Blvd, Suite 210
Jamaica, New York 11413

Dated: June 26, 2014



Transportation
Security
Administration

VIA COURIER

June 30, 2014

(b)(6)

RE: Case No. (b)(6)

FINAL NOTICE OF PROPOSED CIVIL PENALTY AND ORDER

By Notice of Proposed Civil Penalty dated May 12, 2014, you were advised that the Transportation Security Administration (hereinafter "TSA") proposed to assess a civil penalty in the amount of \$500 for a violation of the Transportation Security Regulations (hereinafter "TSR") alleged therein. To date, no response has been received from you. After considering all of the information presently a part of this enforcement action, the TSA has determined that:

1. At all times relevant herein, 49 C.F.R. § 1540.109 states: "No person may interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties under this subchapter".
2. On or about March 4, 2013, you were a ticketed passenger on an Alaska Airlines flight departing from the Seattle-Tacoma International Airport (SEA), Sea-Tac, Washington.
3. On that date at approximately at approximately 6:47 a.m., you presented yourself and your accessible property for screening at the TSA Security Screening Checkpoint #3, Lane #3 at SEA.
4. On that date, you were screening by advanced imaging technology (AIT). During screening, an anomaly was found in your left and right upper legs.
5. Transportation Security Officer (TSAO) (b)(6) asked if you had anything in your pockets. You replied "Yes fuck" and grabbed the items, keys and a wallet, and threw them forcefully in your bin.



Transportation Security Administration

6. TSO (b)(6) went to get the items and you tried to grab them out of TSO (b)(6) hand saying "Hey, that's not your fucking property. What the fuck are you doing?"
7. TSO (b)(6) explained that the wallet and items in your pockets were not cleared and they needed to be cleared. You responded "What the fuck, it's just a wallet."
8. TSO (b)(6) attempted to explain the process to you. You responded "What the fuck for." You then said "You are going to make me miss my fucking flight, fat fuck."
9. TSO (b)(6) then requested a supervisor. Lead Transportation Security Officer (LTSO) (b)(6) responded to assist with you. When LTSO asked what is going on, you responded "Yeah, this fat fuck is going is in my way." You continued to say "Fuck this. Hurry the fuck up and do what the fuck you need to fucking do."
10. LTSO (b)(6) explained that TSO (b)(6) needed to pat you down. You replied "he can't touch me, the fat fuck." LTSO continued to try to reason with you and you said "I don't have any fucking thing on me." LTSO (b)(6) told you stop using such language and that TSO (b)(6) need to do his job and needed to pat you down. You then said this was fucking bullshit" and "that fat fuck can't touch me."
11. LTSO (b)(6) called for a supervisor and Supervisory Transportation Security Officer (STSO) (b)(6) responded. STSO (b)(6) heard you telling LTSO (b)(6) to "shut the fuck up." STSO (b)(6) tried to ask if you were refusing to be screened. You then reached for your items that were in the bin and were told that you could not have them yet.
12. You then reached into the bin and grabbed the wallet and rifled through it to show that you did not have to comply with TSA directions. A Transportation Security Manager attempted to reason with you, but you were verbally abusive to him too. STSO (b)(6) then stopped screening operations because you appeared to be out of control and intent on creating a scene.
13. STSO (b)(6) called for law enforcement officers to assist with you. Port of Seattle Police Department (POSPD) officers asked if you intended to cooperate with screening and you said that you would.

By reason of the foregoing circumstances, it appears that you violated the following sections of the Transportation Security Regulations (49 CFR):



Transportation
Security
Administration

a. 49 C.F.R. § 1540.109, in that you interfered with screening personnel in the performance of their screening duties by using profanity, failing to follow TSO directions and refusing to be patted down.

Within 15 days of your receipt of this Final Notice, you must either: (1) submit the full civil penalty amount proposed in this Final Notice \$500; (2) submit a civil penalty amount that is otherwise agreed upon by the undersigned TSA attorney; or (3) request, in writing, a Formal Hearing in this matter. IF YOU DO NOT RESPOND TO THIS FINAL NOTICE OR FAIL TO REQUEST A FORMAL HEARING IN WRITING WITHIN 15 DAYS OF YOUR RECEIPT OF THIS FINAL NOTICE, THIS FINAL NOTICE WILL AUTOMATICALLY BECOME AN ORDER ASSESSING CIVIL PENALTY (herein after "Order") IN THE AMOUNT PROPOSED, AND YOU WILL HAVE WAIVED YOUR RIGHT TO REQUEST A HEARING IN THIS MATTER.

Should you elect to submit the civil penalty, please send a check or money order, **payable to the "Transportation Security Administration,"** to:

US Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262

The case number of this matter (i.e. *TSA Case No.* (b)(6)) should be written on the face of the check or money order, and a copy of the payment instrument forwarded to the undersigned attorney.

You may not change the civil penalty amount proposed in this Final Notice absent the agreement of the undersigned attorney and the TSA Office of Chief Counsel.

Should you elect to request a Formal Hearing, you must file a typewritten or legibly handwritten "Request for Hearing" with the Enforcement Docket Clerk. You must send two copies of your "Request for Hearing" to the Enforcement Docket Clerk by mail, email, or fax at:

USCG ALJ Docketing Center
Attention: Enforcement Docket Clerk
40 S. Gay Street, Room 412
Baltimore, Maryland 21202-4022

Email: aljdoctetcenter@uscg.mil
Fax: (410) 962-1746

Additionally, you must send a copy of your "Request for Hearing" to the undersigned attorney at:
U.S. Department of Homeland Security, Transportation Security Administration, Susan Conn



Transportation
Security
Administration

18000 International Blvd., Suite 200, Seattle, WA 98188. The Request must be dated and signed by you, in accordance with 49 C.F.R. §§ 1503.427 and 1503.429 of the TSR, and should include your current mailing address. You may view the Transportation Security Regulations at <http://www.gpoaccess.gov/ecfr/index.html>, and select Title 49, Section 1503. If you do not have internet access, you may call the undersigned attorney and a copy of the regulations will be provided to you.

If you do not respond to this Final Notice within 15 days of receipt and this Final Notice becomes an Order, the Order will constitute a debt owed to the United States. If this debt is not paid in full within 30 days of the time this Final Notice becomes an Order, the debt will be considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest. The interest will be charged at a fixed annual rate along with an administrative charge of \$12.00 per month, representing the TSA's costs of administrative collection. The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>. Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation. An Order Assessing Civil Penalty constitutes a finding by the TSA of the facts and regulatory violation contained therein.

A handwritten signature in cursive script that reads "Susan Conn".

Susan Conn
Field Counsel – Seattle
Transportation Security Administration
18000 International Blvd. Suite 200
Seattle, WA 98188
Tel: (206) 834-(b)(6)
Fax: (206) 242-6376
(b)(6)



Transportation
Security
Administration

July 3, 2014

(b)(6)

Re: TSA Case No. (b)(6)

FINAL NOTICE OF PROPOSED CIVIL PENALTY AND ORDER

By Notice of Proposed Civil Penalty dated May 23, 2014, you (b)(6) were advised that the Transportation Security Administration (hereinafter "TSA") proposed to assess you a civil penalty in the amount of \$1,500 for a violation of 49 U.S.C. §46302(a) and the Transportation Security Regulations (hereinafter "TSR") alleged therein. As of the date of this Final Notice, the TSA has received no response to Notice of Proposed Civil Penalty.

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

1. At all times relevant herein, 49 U.S.C. §46302(a) provided that a person that, knowing the information to be false, gives, or causes to be given, under circumstances in which the information reasonably may be believed, false information about an alleged attempt being made or to be made to do an act that would violate section 46502(a), 46504, 46505, or 46506 of this title, is liable to the United States Government for a civil penalty of not more than \$10,000 for each violation.
2. At all times relevant herein, 49 C.F.R. §1540.109 provided that no person may interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties under this subchapter
3. On December 30, 2013, you (b)(6) were a ticketed passenger for American Airlines Flight No. 2243 departing from John F. Kennedy International Airport ("JFK"), Jamaica, New York.
4. At all times relevant herein, at approximately 0550 hours, you presented yourself and your accessible property for screening at a security checkpoint located in JFK Terminal 8.

5. During the screening process being conducted by Transportation Security Administration Transportation Security Officers, you became agitated and disruptive and stated: "You going to play hero? I have a bomb. Did you find it?"
6. As a result of your statement, you were arrested by the Port Authority of NY & NJ police.

By reason of the foregoing circumstances, it appears that you (b)(6) violated 49 U.S.C. §46302(a) and 49 C.F.R. § 1540.109, in that you interfered with the security responsibilities of TSA employees by making a false statement regarding having a "bomb" and which necessitated diversion of security and law enforcement personnel from their duties.

Under 49 U.S.C. Section 46301, you are subject to a civil penalty not to exceed \$10,000 for each violation of the Transportation Security Regulations and the United States Code. After reviewing the investigative file, the TSA proposes to assess a civil penalty in the amount of \$1,500.

Within 15 days of your receipt of this Final Notice, you must either: (1) submit the full civil penalty amount proposed in this Final Notice; (2) submit a civil penalty amount that is otherwise agreed upon by the undersigned TSA attorney; or (3) request, in writing, a Formal Hearing in this matter.

IF YOU DO NOT RESPOND TO THIS FINAL NOTICE OR FAIL TO REQUEST A FORMAL HEARING IN WRITING WITHIN 15 DAYS OF YOUR RECEIPT OF THIS FINAL NOTICE, THIS FINAL NOTICE WILL AUTOMATICALLY BECOME AN ORDER ASSESSING CIVIL PENALTY (hereinafter "Order") IN THE AMOUNT PROPOSED, AND YOU WILL HAVE WAIVED YOUR RIGHT TO REQUEST A HEARING IN THIS MATTER.

PLEASE NOTE THAT THIS CIVIL PENALTY ACTION IS SEPARATE FROM ANY OTHER FEDERAL, STATE OR LOCAL CRIMINAL PROCEEDING THAT MAY HAVE BEEN BROUGHT AGAINST YOU. RESOLUTION OF THIS CIVIL PENALTY ACTION WILL NOT RESOLVE ANY SUCH CRIMINAL PROCEEDING. SIMILARLY, RESOLUTION OF ANY CRIMINAL PROCEEDINGS THAT MAY HAVE BEEN INSTITUTED AGAINST YOU, WILL NOT RESOLVE THIS CIVIL PENALTY ACTION.

Should you elect to submit the civil penalty, please send a check or money order, payable to the "Transportation Security Administration," to:

United States Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262

The case number of this matter (TSA Case No. (b)(6)) should be written on the face of the check or money order, and a copy of the payment instrument forwarded to the

undersigned attorney. You may also submit this payment electronically at www.pay.gov, a secure website administered by the U.S. Department of the Treasury.

You may not change the civil penalty amount proposed in this Final Notice absent the agreement of the undersigned attorney and the TSA Office of Chief Counsel.

Should you elect to request a Formal Hearing, you must file a typewritten or legibly handwritten "Request for Hearing" with the Enforcement Docket Clerk. You must send two copies of its "Request for Hearing" to the Enforcement Docket Clerk by mail, email, or fax at:

**USCG ALJ Docketing Center
Attn: Enforcement Docket Clerk
40 S. Gay Street, Room 412
Baltimore, Maryland 21202-4022**

**Email: aljdocketcenter@uscg.mil
Fax: (410) 962-1746**

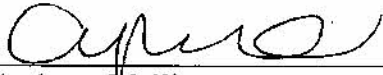
Additionally, you must send a copy of its "Request for Hearing" to the undersigned attorney at: U.S. Department of Homeland Security, Transportation Security Administration, Attn: Anthony Molligo, Esq., 230-59 Rockaway Blvd., Suite 210, Jamaica, NY 11413.

The "Request for Hearing" must be dated and signed by you, in accordance with 49 C.F.R. §§ 1503.427 and 1503.429 of the TSR, and should include your current mailing address. You may view the Transportation Security Regulations at: <http://www.gpoaccess.gov/ecfr/index.html>, and select Title 49, Section 1503. If you do not have internet access, you may call the undersigned attorney and a copy of the regulations will be provided to you.

If you do not respond to this Final Notice within 15 days of receipt and this Final Notice becomes an Order, the Order will constitute a debt owed to the United States. If this debt is not paid in full within 30 days of the time this Final Notice becomes an Order, the debt will be considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest. The interest will be charged at a fixed annual rate along with an administrative charge of \$12.00 per month, representing the TSA's costs of administrative collection. The current annual rate can be found at: <http://fms.treas.gov/cvfr/index.html>.

Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation.

An Order Assessing Civil Penalty constitutes a finding by the TSA of the facts and regulatory violations contained therein.

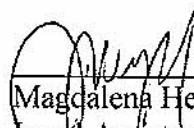


Anthony Molligo
TSA Field Counsel/JFK
230-59 Rockaway Blvd.-Suite 210
Jamaica, NY 11413
Direct Line: (718) 917-(b)(6)

CERTIFICATE OF SERVICE

I certify that a Final Notice of Proposed Civil Penalty and Order with regards to TSA Case No. (b)(6) has been sent this day by first class U.S. Mail to:

(b)(6)



Magdalena Heleniak
Legal Assistant
Office of the Chief Counsel
Transportation Security Administration
John F. Kennedy International Airport
230-59 Rockaway Blvd, Suite 210
Jamaica, New York 11413

Dated: July 3, 2014



Transportation
Security
Administration

U.S. Department of Homeland Security
Office of Chief Counsel
3838 N Sam Houston Pkwy E, Suite 510
Houston, Texas 77032

*Sent by Registered Mail
Return Receipt Requested*

September 3, 2014

(b)(6)

Re: Case No. (b)(6)

FINAL NOTICE OF PROPOSED CIVIL PENALTY
AND CIVIL PENALTY ASSESSMENT ORDER

Dear Ms. (b)(6)

By Notice of Proposed Civil Penalty (NPCP) dated July 22, 2014, you were advised that the Transportation Security Administration (TSA) proposed to assess a civil penalty in the amount of \$1,000 against you for violations of the United States Code (U.S.C.) and Transportation Security Regulations (TSR) alleged therein. Specifically, the TSA alleged that:

1. At all times relevant herein, 49 U.S.C. § 46302(a) prohibited an individual from giving false information about an alleged attempt being made to violate 49 U.S.C. § 46502(a), 46504, or 46505, under circumstances in which the information reasonably may be believed, when the person knows the information to be false.
2. At all times relevant herein, 49 U.S.C. § 46505(b) prohibited an individual from having on or about the individual, or placing, attempting to place, or attempting to have placed on an aircraft intended for operation in air transportation, an explosive or incendiary device.
3. At all times relevant herein, 49 C.F.R. § 1540.109 prohibited a person from interfering with, threatening, or intimidating screening personnel in the performance of their screening duties.
4. On May 14, 2014, you were a ticketed passenger on United Airlines flight 335, departing from the George Bush Intercontinental Airport (IAH), Houston, Texas.
5. On that date, at approximately 6:35 p.m., you presented yourself and your accessible property for security screening and inspection prior to entering the sterile area of IAH to board flight 335.
6. During the screening process, you told a Transportation Security Officer (TSO) "I have a bomb.
7. As a result, the TSO called for assistance from additional Transportation Security Administration (TSA) and Houston Police Department (IIPD) personnel.

8. You subsequently admitted to TSA and HPD personnel that you made the statement because you were frustrated by having to wait.

Based on the foregoing facts and circumstances, it appears that you violated the following:

1. 49 U.S.C. § 46302(a), in that you gave false information about an alleged attempt being made to violate 49 U.S.C. § 46505, under circumstances in which the information reasonably may have been believed, when you knew the information to be false; and
2. 49 C.F.R. § 1540.109, in that you interfered with, threatened, or intimidated screening personnel in the performance of their screening duties.

In accordance with 49 U.S.C. § 46301 of the Aviation and Transportation Security Act, you are subject to a civil penalty not to exceed \$10,000 for each violation of 49 U.S.C. § 46302(a) and \$11,000 for each violation of the TSR. To date, you have not responded to the NPCP. Therefore, after reviewing all of the information contained in our investigative file, the TSA proposes to assess a civil penalty in the amount of \$1,000.

Within 15 days of your receipt of this Final Notice, you must either: (1) submit the full civil penalty amount proposed in this Final Notice; (2) submit a civil penalty amount that is otherwise agreed to by you and the undersigned TSA attorney; or (3) request, in writing, a Formal Hearing in this matter.

If you either do not respond to this Final Notice or fail to request a Formal Hearing, in writing, within 15 days of receipt of this Final Notice, the Final Notice will automatically convert to an Order Assessing Civil Penalty in the amount proposed, and you will have no further right to a hearing.

Should you elect to submit the civil penalty, please mail or deliver a check or money order payable to the "Transportation Security Administration," to:

U.S. Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262

Or you may deliver the check or money order to:

Bank of America
United States DIIS/TSA
Lockbox Number 530262
1075 Loop Road
Atlanta, GA 30337-6002

Be sure to write your case number on the face of the check or money order.

If you prefer to pay by credit card or by direct debit from a checking or savings account, you may make the payment electronically via www.pay.gov, a website administered by the Department of the Treasury.

If you pay the civil penalty proposed in this Final Notice within 15 days of receipt, the Final Notice will automatically convert to an Order Assessing Civil Penalty in the amount paid, concluding the matter, with no further action necessary on your part.

If you and the undersigned attorney agree upon a civil penalty different from the amount proposed in this Final Notice, an Order Assessing Civil Penalty will be issued in that amount.

If you elect to request a Formal Hearing, you must file a typewritten or legibly handwritten Request for Hearing with the Enforcement Docket Clerk at:

ALJ Docketing Center
U.S. Coast Guard
U.S. Custom House, Room 412
40 S. Gay Street
Baltimore, MD 21202-4022

You also must mail a copy of the Request for Hearing to the undersigned attorney at:

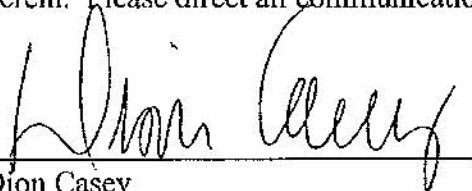
U.S. Department of Homeland Security
Transportation Security Administration
Legal Counsel
3838 N Sam Houston Parkway E, Suite 510
Houston, TX 77032

You must date and sign the request for a formal hearing in accordance with the TSR at 49 C.F.R. § 1503.427. You may view the TSR at <http://www.gpoaccess.gov/ccfr/index.html>, under Title 49. If you do not have Internet access, you may call this office at 281-848-2990 and request that a copy of the regulations be provided to you.

As noted, this Final Notice will automatically convert to an Order Assessing Civil Penalty if you fail to respond within 15 days of your receipt of this Final Notice. If the civil penalty assessed has not been paid in full within 46 days of your receipt of this Final Notice, the unpaid civil penalty will constitute a delinquent debt owed to the United States, for which federal law requires TSA to charge interest at a fixed annual rate,¹ along with an administrative charge of \$12 per month. If the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of the Treasury for further collection action, including offset of any federal payments and tax refunds, or to the U.S. Department of Justice for litigation.

¹ The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>.

In the event this Final Notice automatically converts to an Order Assessing Civil Penalty as specified above, this Order constitutes a finding by the TSA of the facts and regulatory violations contained herein. Please direct all communication in this matter to the undersigned attorney.

A handwritten signature in black ink, appearing to read "Dion Casey", is written over a horizontal line.

Dion Casey

Attorney-Advisor

281-848-(b)(6) (office)

281-986-1542 (fax)

CERTIFICATE OF SERVICE

I certify that this Final Notice of Proposed Civil Penalty and Civil Penalty Assessment Order (Case No. (b)(6)) was sent this date by Registered Mail, Return Receipt Requested, to:

(b)(6)



Elizabeth Condon
Program Assistant

Dated: _____

7/4/14



Transportation
Security
Administration

U.S. Department of Homeland Security
Office of Chief Counsel
3838 N Sam Houston Pkwy E, Suite 510
Houston, Texas 77032

Sent by First Class and Certified Mail

September 3, 2014

(b)(6)

Re: Case No. (b)(6)

FINAL NOTICE OF PROPOSED CIVIL PENALTY
AND CIVIL PENALTY ASSESSMENT ORDER

Dear (b)(6)

By Notice of Proposed Civil Penalty (NPCP) dated July 11, 2014, you were advised that the Transportation Security Administration (TSA) proposed to assess a civil penalty in the amount of \$2,000 against you for a violation of the United States Code (U.S.C.) alleged therein. Specifically, the TSA alleged that:

1. At all times relevant herein, 49 U.S.C. § 46302(a) prohibited an individual from giving false information about an alleged attempt being made to violate 49 U.S.C. § 46502(a), 46504, or 46505, under circumstances in which the information reasonably may be believed, when the person knows the information to be false.
2. At all times relevant herein, 49 U.S.C. § 46505(b) prohibited an individual from having on or about the individual, or placing, attempting to place, or attempting to have placed on an aircraft intended for operation in air transportation, an explosive or incendiary device.
3. On May 18, 2014, you were a ticketed passenger on ExpressJet Airlines flight 4648, departing from the George Bush Intercontinental Airport (IAH), Houston, Texas.
4. On that date, at approximately 12:16 p.m., ExpressJet Airlines personnel asked you to depart the aircraft due to space restrictions.
5. While you were being escorted from the aircraft, you told an ExpressJet Airlines flight crewmember, "If I don't get on this plane, I am going to bomb it," or words to that effect.
6. As a result, ExpressJet Airlines called for assistance from Houston Police Department (HPD) and Transportation Security Administration (TSA) personnel, all of the passengers were removed from the aircraft, and the aircraft was inspected by explosives detection canines and security personnel.

Based on the foregoing facts and circumstances, it appears that you violated the following: 49 U.S.C. § 46302(a), in that you gave false information about an alleged attempt being made to violate 49 U.S.C. § 46505, under circumstances in which the information reasonably may have been believed, when you knew the information to be false.

In accordance with 49 U.S.C. § 46301 of the Aviation and Transportation Security Act, you are subject to a civil penalty not to exceed \$10,000 for each violation of 49 U.S.C. § 46302(a). To date, you have not responded to the NPCP. Therefore, after reviewing all of the information contained in our investigative file, the TSA proposes to assess a civil penalty in the amount of \$2,000.

Within 15 days of your receipt of this Final Notice, you must either: (1) submit the full civil penalty amount proposed in this Final Notice; (2) submit a civil penalty amount that is otherwise agreed to by you and the undersigned TSA attorney; or (3) request, in writing, a Formal Hearing in this matter.

If you either do not respond to this Final Notice or fail to request a Formal Hearing, in writing, within 15 days of receipt of this Final Notice, the Final Notice will automatically convert to an Order Assessing Civil Penalty in the amount proposed, and you will have no further right to a hearing.

Should you elect to submit the civil penalty, please mail or deliver a check or money order payable to the "Transportation Security Administration," to:

U.S. Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262

Or you may deliver the check or money order to:

Bank of America
United States DHS/TSA
Lockbox Number 530262
1075 Loop Road
Atlanta, GA 30337-6002

Be sure to write your case number on the face of the check or money order.

If you prefer to pay by credit card or by direct debit from a checking or savings account, you may make the payment electronically via www.pay.gov, a website administered by the Department of the Treasury.

If you pay the civil penalty proposed in this Final Notice within 15 days of receipt, the Final Notice will automatically convert to an Order Assessing Civil Penalty in the amount paid, concluding the matter, with no further action necessary on your part.

If you and the undersigned attorney agree upon a civil penalty different from the amount proposed in this Final Notice, an Order Assessing Civil Penalty will be issued in that amount.

If you elect to request a Formal Hearing, you must file a typewritten or legibly handwritten Request for Hearing with the Enforcement Docket Clerk at:

ALJ Docketing Center
U.S. Coast Guard
U.S. Custom House, Room 412

40 S. Gay Street
Baltimore, MD 21202-4022

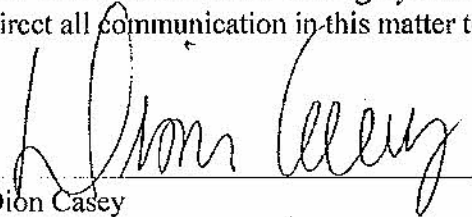
You also must mail a copy of the Request for Hearing to the undersigned attorney at:

U.S. Department of Homeland Security
Transportation Security Administration
Legal Counsel
3838 N Sam Houston Parkway E, Suite 510
Houston, TX 77032

You must date and sign the request for a formal hearing in accordance with the TSR at 49 C.F.R. § 1503.427. You may view the TSR at <http://www.gpoaccess.gov/ecfr/index.html>, under Title 49. If you do not have Internet access, you may call this office at 281-848-2990 and request that a copy of the regulations be provided to you.

As noted, this Final Notice will automatically convert to an Order Assessing Civil Penalty if you fail to respond within 15 days of your receipt of this Final Notice. If the civil penalty assessed has not been paid in full within 46 days of your receipt of this Final Notice, the unpaid civil penalty will constitute a delinquent debt owed to the United States, for which federal law requires TSA to charge interest at a fixed annual rate,¹ along with an administrative charge of \$12 per month. If the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of the Treasury for further collection action, including offset of any federal payments and tax refunds, or to the U.S. Department of Justice for litigation.

In the event this Final Notice automatically converts to an Order Assessing Civil Penalty as specified above, this Order constitutes a finding by the TSA of the facts and regulatory violations contained herein. Please direct all communication in this matter to the undersigned attorney.




Dion Casey
Attorney-Advisor
281-848-(b)(6) (office)
281-986-1542 (fax)

¹ The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>.

CERTIFICATE OF SERVICE

I certify that this Final Notice of Proposed Civil Penalty and Civil Penalty Assessment Order (Case No. (b)(6)) was sent this date by both First Class Mail and Certified Mail, Return Receipt Requested, to:

(b)(6)



Elizabeth Condon
Program Assistant

Dated: _____

9/4/14



Transportation
Security
Administration

U.S. Department of Homeland Security
TSA Office of the Chief Counsel – Orlando Field Office
5850 T. G. Lee Boulevard, Suite 610
Orlando, Florida 32822 Phone (407) 563-4048

September 17, 2014

(b)(6)

Re: TSA Civil Enforcement Case No.

(b)(6)

ORDER ASSESSING CIVIL PENALTY

In reviewing our files I noted that no Order had been issued formally acknowledging receipt of your payment of \$900.00 and assessing the penalty in the amount you paid. By Notice of Proposed Civil Penalty (NPCP) dated December 12, 2013, you, were advised that TSA proposed to assess a civil penalty against you in the amount of \$900.00 for violations of the Transportation Security Regulations (TSR) specified in that Notice, including: On June 19, 2013 at Daytona Beach International Airport (DAB), in Daytona Beach, Florida, when a Transportation Security Officer (TSO) informed you that you could not take bottles, including a partially full 20 oz. **bottle** of Coke, past the security checkpoint you picked up the **bottle** of Coke and **threw** it in the direction of TSA personnel. You violated TSRs, specifically including, the prohibition against interference with screening personnel in 49 CFR §1540.109 which provides: *...No person may interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties*

Based on your payment of \$900.00 received by TSA on Jan. 3, 2014, you admitted the facts outlined above, and waived your right to contest this matter as well as all rights to judicial review of this matter. Pursuant to 49 U.S.C. §46301 and 49 C.F.R. §1503.419, you, (b)(6), are assessed a civil penalty in the total amount of **\$900.00** for the above referenced violation. Because you have previously paid the civil penalty, **you need take no further action on this case.**

This Order constitutes a finding by the TSA of the facts and regulatory violation contained herein. If you have any questions regarding this matter please contact me using the contact formation below. Your cooperation in this matter involving transportation security is appreciated.

William B. Thomas
TSA Supervisory Counsel
5850 T.G. Lee Blvd. Suite 610, Orlando, FL 32822
Office - (407) 563 (b)(6)

(b)(6)

CERTIFICATE OF SERVICE

I certify that this Order Assessing Civil Penalty has been sent by 1st Class Mail to the addressee.

Dated: September 17, 2013

W.B. Thomas



Transportation
Security
Administration

September 22, 2014

Sent Via First Class Mail

(b)(6)

Re: Case No.

(b)(6)

ORDER ASSESSING CIVIL PENALTY – SETTLEMENT

Pursuant to 49 U.S.C. § 46301 and 49 C.F.R. § 1503.29(d), you were assessed a civil penalty in the amount of **\$1500**. The Transportation Security Administration (TSA) acknowledges receipt of your payment of **\$1500**, which is accepted as full payment and settlement of the civil penalty being assessed against you in this matter.

As part of this Order Assessing Civil Penalty, TSA makes the following findings:

1. At all times relevant herein, Section 1540.109 of the Transportation Security Regulations provide that no person may interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties.
2. On or about June 20, 2014, you entered the security checkpoint at Mobile Regional Airport (MOB).
3. On that date, you entered the Advanced Imaging Technology (AIT) machine with a wallet in your hands, and the AIT machine alarmed, indicating a security concern.
4. At the conclusion of AIT screening, the Transportation Security Officer (TSO) (b)(6) asked you to place the property in your hand into a bowl so that he could resolve the security alarm.

SENSITIVE SECURITY INFORMATION

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.~~

5. TSO (b)(6) then asked you to watch while he inspected the items, which included a wallet and some cash.

6. You then told TSO (b)(6) that he had no right to touch your money, you grabbed the bowl with the items in it, and called TSO (b)(6) a, "punk ass."

7. Due to your use of obscene language, aggressive gestures, and intimidating movements toward the TSO, the TSO called Officer (b)(6) for assistance, and screening operations came to a halt.

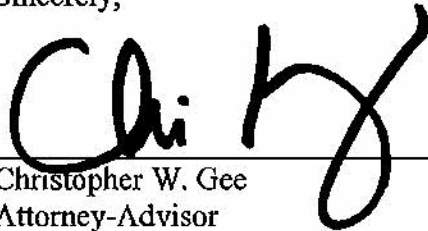
8. Once Officer (b)(6) approached you and tried to calm you down, you continued to be very upset and uncooperative.

9. Officer (b)(6) ultimately arrested you for resisting arrest and disorderly conduct.

By reason of the foregoing facts and circumstances, it appears that you violated section 1540.109 of the Transportation Security Regulations, (49 C.F.R. Part 1540.109), in that you interfered with and intimidated screening personnel in the performance of their screening duties.

You may now consider this matter closed.

Sincerely,



Christopher W. Gee
Attorney-Advisor
Dallas/Fort Worth Field Office
Transportation Security Administration
U.S. Department of Homeland Security
510 Airline Drive, Suite 110
Coppell, TX 75019
Telephone: (469) 948-(b)(6)
Fax: (972) 462-6314

SENSITIVE SECURITY INFORMATION

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520. EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY~~

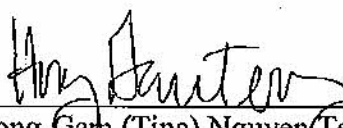
~~5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.~~

~~www.tsa.gov~~

CERTIFICATE OF SERVICE

I certify that this Order Assessing Civil Penalty has been sent this date via first class mail to:

(b)(6)



Hong-Gam (Tina) Nguyen/Terry
Legal Assistant

Date: 9/22/2014

File Copy

U.S. Department of Homeland Security
Arlington, VA 20598-6002



Transportation
Security
Administration

SENT BY FIRST CLASS MAIL

September 22, 2014

(b)(6)

Re: TSA Case No. (b)(6)

AMENDED ORDER ASSESSING CIVIL PENALTY¹

To: Ms. (b)(6)

By Notice of Proposed Civil Penalty dated October 23, 2012, you were advised that the Transportation Security Administration (hereinafter "TSA") proposed to assess a civil penalty in the amount of \$1,500 for violation of the Transportation Security Regulations (hereinafter "TSR") alleged therein. After considering all of the information presently a part of this enforcement action, the TSA has determined that:

1. At all times relevant herein, you were a airline passenger subject to the requirements of 49 C.F.R. part 1540 of the Transportation Security Regulations (hereinafter "TSR").
2. At all times mentioned herein, you were subject to the provisions of 49 C.F.R. 1540.105(a)(1), which provides that no person may tamper or interfere with, compromise, modify, attempt to circumvent, or cause a person to tamper or interfere with, compromise, modify, or attempt to circumvent any security system, measure or procedure implemented under this subchapter.
3. The TSR, specifically 49 C.F.R. 1540.107(a) requires individuals to submit to screening and inspection prior to entering a sterile area or boarding an aircraft.

¹ This Amended Order Assessing Civil Penalty is being issued to correct a typographical error regarding the case number in the previously issued Order Assessing Civil Penalty. The correct case number is (b)(6)

SENSITIVE SECURITY INFORMATION

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW" AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.~~

4. In addition, 49 C.F.R. 1540.109 of the TSR provides that no person may interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties.
5. On September 4, 2011, at approximately 8:35 am, you were waiting in line to go through screening at the Passenger Screening Checkpoint (No. 4, Lane 5) at the Luis Munoz Marin International Airport (SJU) in Puerto Rico.
6. While waiting in line, you became involved in an altercation with another passenger, (b)(6) (b)(6) stated that you pushed her and you stated that (b)(6) pushed you.
7. Due to this altercation, a Code Red was called by Supervisory Transportation Security Office (STSO) (b)(6) and the Passenger Screening Checkpoint (No. 4, Lane 5) had to be closed for approximately five minutes. During this five minutes, all passenger screening at this checkpoint was stopped.
8. In addition, due to this altercation, a few Transportation Security Officers (TSOs) stopped performing their screening duties and attempted to intervene in order to separate you from the other passenger, (b)(6)
9. Your actions in getting into an altercation with another passenger interfered with screening operations and violated the TSR.

By reason of the foregoing facts and circumstances, you violated 49 C.F.R. § 1540.105(a)(1) and 1540.109 of the TSR, in that you interfered with screening procedures and interfered with screening personnel.

NOW, THEREFORE, IT IS ORDERED, pursuant to 49 U.S.C. § 46301(a) and (d) and 49 C.F.R. § 1503.419, that you are assessed a civil penalty in the total amount of \$500.00 for the above referenced violation. You are hereby ordered to pay the assessed amount by mailing or delivering a check or money order in the amount of \$500.00, **payable to the Transportation Security Administration**, to:

**United States Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262**

Please write the case number on the face of the check or money order. A copy of the payment instrument should also be sent to the undersigned TSA attorney. You may also submit this payment electronically at **www.pay.gov**, a secure website administered by the U.S. Department of the Treasury.

SENSITIVE SECURITY INFORMATION

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.

This Order Assessing Civil Penalty constitutes a debt owed to the United States. You have now exhausted its right to seek review within the Transportation Security Administration of the validity and/or amount of this debt. If this debt is not paid in full within 30 days of your receipt of this Order, the debt is considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest. The interest will be charged at a fixed annual rate along with an administrative charge of \$12.00 per month, representing the TSA's costs of administrative collection. The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>. Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation.

This Order constitutes a finding by the TSA of the facts and regulatory violation contained herein.

Kiersten Ols
Kiersten Ols
U.S. Department of Homeland Security
Transportation Security Administration
601 S. 12th St.
Arlington, VA 20598
(571) 227-(b)(6) (tel.) (571) 227-1380 (fax)
(b)(6)

SENSITIVE SECURITY INFORMATION

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.~~

CERTIFICATE OF SERVICE

I hereby certify that an original copy of the foregoing Order, in TSA Case No. _____ has been sent on this date, by first class mail, to:

(b)(6)

(b)(6)

Dated: 9/22/2014Signed: K.W. Oke**SENSITIVE SECURITY INFORMATION**

~~WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.~~



Transportation
Security
Administration

October 30, 2014

(b)(6)

Re: TSA Case No. (b)(6)

ORDER ASSESSING CIVIL PENALTY

By Notice of Proposed Civil Penalty dated October 6, 2014, you (b)(6) were advised that the Transportation Security Administration proposed to assess you a civil penalty in the amount of \$500 for alleged violations of 49 U.S.C. §46302(a) and the Transportation Security Regulations alleged therein.

In response to the Notice of Proposed Civil Penalty, an informal conference, by telephone, was held on October 10, 2014, and you submitted information for TSA's consideration with regards to the alleged violations, including information regarding your inability to pay the proposed civil penalty.

After consideration of the information available to us, including financial documentation received by TSA on October 29, 2014, it has been determined that:

1. At all times relevant herein, 49 U.S.C. §46302(a) provided that a person that, knowing the information to be false, gives, or causes to be given, under circumstances in which the information reasonably may be believed, false information about an alleged attempt being made or to be made to do an act that would violate section 46502(a), 46504, 46505, or 46506 of this title, is liable to the United States Government for a civil penalty of not more than \$10,000 for each violation.
2. At all times relevant herein, section 1540.109 of the Transportation Security Regulations provided that no person may interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties. [49 C.F.R. §1540.109]

3. On August 12, 2014, you (b)(6) were escorting a ticketed passenger for JetBlue Airways Flight No. 223, departing from Terminal 5, John F. Kennedy International Airport, Jamaica, New York.
4. At approximately 0845 hours, at a Terminal 5 security checkpoint, and during the inspection of the aforementioned ticketed passenger's accessible property, you stated to Transportation Security Administration ("TSA") personnel: "Do you check all bombs this closely?"
5. You then proceeded, in an agitated manner, to continue to make references to "bombs" at the checkpoint, including "Do you need to search my bombs?," "Yeah, I have bombs in my bag," and "Bomb, bomb, bomb, bomb."
6. As a result of your statements, TSA supervisory personnel and JetBlue corporate security were called to respond.

By reason of the foregoing circumstances, TSA finds that you (b)(6) violated 49 U.S.C. §46302(a) and section 1540.109 of the Transportation Security Regulations [49 C.F.R. § 1540.109], in that you interfered with the security responsibilities of TSA employees and other persons by making a false statements regarding bombs and which necessitated diversion of security personnel from their duties.

NOW, THEREFORE, IT IS ORDERED, pursuant to 49 U.S.C. § 46301 (a) and (d), you are assessed a civil penalty in the total amount of \$150 for the above-referenced violations. You are hereby ordered to pay the assessed amount (\$150) by mailing or delivering a check or money order, payable to the Transportation Security Administration, to:

**United States Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262**

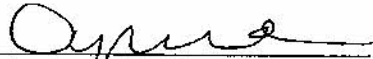
Please write the case number, (b)(6) on the face of your check or money order.

This Order Assessing Civil Penalty constitutes a debt owed to the United States. You have now exhausted your right to seek review within the Transportation Security Administration of the validity and/or amount of this debt. If this debt is not paid in full within 30 days of receipt of this Order, the debt is considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest. The interest will be charged at a fixed annual rate of 5%, along with an administrative charge of \$12.00 per month, representing the TSA's costs of administrative collection. The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>.

Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action,

including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation.

This Order constitutes a finding by the TSA of the facts and regulatory violations contained herein.



Anthony Molligo
TSA Field Counsel/JFK
230-59 Rockaway Blvd.-Suite 210
Jamaica, NY 11413

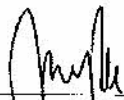
SENSITIVE SECURITY INFORMATION

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.

CERTIFICATE OF SERVICE

I certify that an Order Assessing Civil Penalty with regards to TSA Case No. (b)(6)
(Brenda Kaminski) has been sent this date via U.S. Mail to:

(b)(6)



Magdalena Heleniak
Legal Assistant
Office of the Chief Counsel
Transportation Security Administration
John F. Kennedy International Airport
230-59 Rockaway Blvd, Suite 210
Jamaica, New York 11413

Dated: October 30, 2014



Transportation
Security
Administration

SENT BY FIRST CLASS & CERTIFIED MAIL
RETURN RECEIPT REQUESTED

(b)(6)

Re: (b)(6) TSA Case No. (b)(6)

ORDER ASSESSING CIVIL PENALTY

By Notice of Proposed Civil Penalty dated September 11, 2012, (b)(6) was advised that the Transportation Security Administration (hereinafter "TSA") proposed to assess a civil penalty in the amount of \$500.00 for violation of the Transportation Security Regulations (hereinafter "TSR") alleged therein. After considering all of the information presently a part of this enforcement action, the TSA has determined that:

1. At all times relevant herein, Section 1540.109 of the Transportation Security Regulations (TSRs) provided no person may interfere with, assault, threaten, or intimidate screening personnel in the performance of their screening duties under this subchapter. 49 C.F.R. §1540.109.
2. On December 26, 2011, at approximately 0615 hours PST, you presented yourself for screening at Metropolitan Oakland International Airport (OAK).
3. On December 26, 2011, you refused to cooperate in the screening process by refusing to remove your jacket as requested by a Transportation Security Officer (TSO).
4. On December 26, 2011, you began to yell at the TSOs and were not cooperative at the screening checkpoint.
5. On December 26, 2011, a Supervisory Transportation Security Officer (STSO) responded to the incident and informed you that you would have to be patted down.
6. On December 26, 2011, you refused to be patted down and did not complete the screening process.

SENSITIVE SECURITY INFORMATION

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED" TO KNOW," AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OF THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.

7. On December 26, 2011, a law enforcement officer was called over and escorted you out of the screening area.
8. As a result of your actions, the STSO stopped the screening process and several TSA employees were taken away from their normal screening operations.

By reason of the foregoing facts and circumstances, TSA finds that Mr. (b)(6) violated 49 C.F.R. § 1540.109, of the TSR, in that Mr. (b)(6) interfered with, assault, threaten, or intimidated the TSA screening personnel in the performance of their screening duties.

NOW, THEREFORE, IT IS ORDERED, pursuant to 49 U.S.C. § 46301(a) and (d) and 49 C.F.R. § 1503.419, that Mr. (b)(6) is assessed a civil penalty in the total amount of \$100.00 for the above referenced violation. Mr. (b)(6) is hereby ordered to pay the assessed amount by mailing or delivering a check or money order in the amount of \$100.00, payable to the Transportation Security Administration, to:

United States Department of Homeland Security
Transportation Security Administration
P.O. Box 530262
Atlanta, GA 30353-0262

Please write the case number on the face of the check or money order. A copy of the payment instrument should also be sent to the undersigned TSA attorney. You may also submit this payment electronically at www.pay.gov, a secure website administered by the U.S. Department of the Treasury.

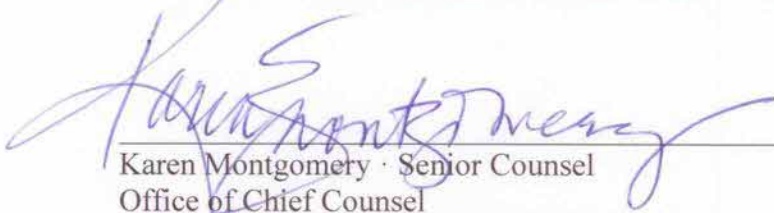
This Order Assessing Civil Penalty constitutes a debt owed to the United States. Mr. (b)(6) has now exhausted its right to seek review within the Transportation Security Administration of the validity and/or amount of this debt. If this debt is not paid in full within 30 days of Mr. (b)(6) receipt of this Order, the debt is considered delinquent. For delinquent debts, Federal law requires the TSA to charge interest. The interest will be charged at a fixed annual rate along with an administrative charge of \$12.00 per month, representing the TSA's costs of administrative collection. The current annual rate can be found at <http://fms.treas.gov/cvfr/index.html>. Furthermore, if the amount assessed is not paid in full within 90 days of the date that the debt becomes delinquent, the TSA is required to assess an additional penalty at an annual rate of 6%, accruing from the date of delinquency. Debts delinquent for more than 180 days will be referred to the U.S. Department of Treasury for further collection action, including offset of Federal payments and tax refunds, or to the United States Department of Justice for litigation.

SENSITIVE SECURITY INFORMATION

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW" AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OF THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.

This Order constitutes a finding by the TSA of the facts and regulatory violation contained herein.

Please direct all communications in this matter to the undersigned attorney.



Karen Montgomery · Senior Counsel
Office of Chief Counsel

U.S. Department of Homeland Security · Transportation Security Administration
7677 Oakport St., Suite 900 Oakland, CA 94621

Telephone: (510) 636-(b)(6) · email: (b)(6)

SENSITIVE SECURITY INFORMATION

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED" TO KNOW, AS DEFINED IN 49 C.F.R. PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OF THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PARTS 15 AND 1520.