

AGENDA

INTERNATIONAL AEROBATIC CLUB

BOARD OF DIRECTORS MEETING

OSHKOSH, WISCONSIN

WEDNESDAY, NOVEMBER 13 – THURSDAY, NOVEMBER 14, 2013

WEDNESDAY, NOVEMBER 13, 2013

OPEN FULL SESSION

EAA AIR ACADEMY LODGE BASEMENT

8:00 a.m. – 5:00 p.m.

Dress will be business casual

Continental Breakfast and noon Lunch will be catered in

6:00 p.m. IAC Board Dinner at The Vintage, 3105 S Washburn St Oshkosh

THURSDAY, NOVEMBER 14, 2013

OPEN FULL SESSION

EAA AIR ACADEMY LODGE BASEMENT

8:00 a.m. – 5:00 p.m.

Dress will be dark suit or sport coat and tie for men. Dark suit or dress for women.

11:45 a.m. - Board photo in front of Lodge fireplace

Continental Breakfast and noon Lunch will be catered in

All Boards Dinner/Hall of Fame Celebration 5:30 p.m. Reception – 7:00pm Dinner

AGENDA

INTERNATIONAL AEROBATIC CLUB BOARD OF DIRECTORS MEETING OSHKOSH, WISCONSIN WEDNESDAY, NOVEMBER 13 – THURSDAY, NOVEMBER 14, 2013

Wednesday, November 13 - 8:00 am

#	ITEM	AUTHOR	PAGE	TIME
I. CALL TO ORDER -				
A. PRESIDENT				
	1. Call to Order/Opening Comments	Sowder		
	2. Special Membership Meeting (Adopt Articles of Incorporation)			
	3. Sign Conflict of Interest & Return to Trish		Page 5	
	4. Spring Board Meeting Dates/Places			
	5. Discussion of SnF 2014 (April 1-6) (Easter April 20, 2014)			
II. OFFICER REPORTS				
SECRETARY				
	Secretary's Report	Ward		
	Meeting Minutes Approval (Spring/Oshkosh)		Page 10/ Page 16	
	Governance/ Electronic Voting		Page 17	
TREASURER -				
	Treasurer's Report	Hart		
	Balance Sheet		Page 18	
	Statement of Activities			
III. PROGRAM UPDATES -				
	Safety Committee Report	Johnson	Page 26	
	Membership Chair Report	McConnell	Verbal	
	Membership Marketing Presentation	Chase	Page 27	
	Collegiate Program Update	Bowes	Page 34	
DIRECTOR'S REPORTS -				
	Regional Director Update			
	Northeast – Steveson			
	Southeast – Adams			
	Mid-American – Ballew		Page 38	
	South Central – Bowes		Page 40	
	Northwest –Sowder		Verbal	
	Southwest – Benzing		Page 54	
	International – Rihn-Harvey			
	Non-Regional Director Reports			

III. PROGRAM UPDATES -

Judges School Program	Dungan	Page 60
Technical Committee Report	Myers	Page 62
Discuss/vote on server cost	Sowder	Verbal
IAC Open Contest Selection	Sowder/Adams	Page 63
Glider Chairman Report	Gilhousen	None
Rules Proposals 2012	Howard	Page 65
Proposed Rules Changes		
Known Sequence Selection		
Primary RV/No Spin Sequences discussion		
Rules Deadline Proposal	Ward	Page 82
Elections Committee Report/Election Report	Stoltenberg	Page 83/ Page 84
Govt Relations Update (Morris, IL/Legal Pleadings)	Ballew	Page 85/ Page 88
P&P Discussion		
Safekeeping of IAC Docs/Rulebook Usability	Ward	Page 266/ Page 268
	Benzing	Page 269
	Sowder	Verbal

Meeting Adjourns 5:00 pm

Board Dinner at The Vintage 6:00 pm

AGENDA

INTERNATIONAL AEROBATIC CLUB
BOARD OF DIRECTORS MEETING
OSHKOSH, WISCONSIN
WEDNESDAY, NOVEMBER 13 – THURSDAY, NOVEMBER 14, 2013

Thursday, November 14 - 8:00 am

#	ITEM	AUTHOR	PAGE	TIME
III. PROGRAM UPDATES - (continued)				
	Annual Awards Chair Update	Penner	Page 281	
	Achievement Awards Chair Update	Penner	Page 282	
	Discuss Ach Award Committee Additions			
	Editor Report	Paulk	Page 284	
	Mag Discussion/Contest Articles in SA	Ward	Page 286	
	CIVA Report and Proposals	Heuer	Verbal	
	Rules and Judging			
	Sequence Proposals			
	WAC Report	Penner	Page 287	
IV. COMPETITION -				
	US Nationals Report	Smutny	Page 379	
	US Nationals Chief Judge Reports	Harrison	Page 412	
	US Nationals Jury Report	Lovell	Page 414	
	Approve Matt Tanner for Nats 2014	Sowder	Verbal	

V. Directors New Business -

*11:45 p.m. Board of Directors group picture taken by Lodge Fireplace
Lunch 12:00 noon*

*All Boards Dinner/Hall of Fame Celebration (Founders Wing, Museum) 5:30 Reception
New board members, please go to the photo area and have your photo taken.*

International Aerobic Club

Board and Principal Officers Conflict of Interest Policy

Article I: Purpose

This Policy has been adopted by the board of directors (the "Board") of the International Aerobic Club to protect the Club's interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the Club or might result in a possible excess benefit transaction, and in other situations where an officer or director might have divided loyalties. This Policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

Article II: Definitions

1. **Fiduciary.** Any director or principal officer (President, Vice President, Treasurer, Secretary, and Controller) of the Club, and any member of any committee with Board delegated powers, who owes a fiduciary duty to the Club is a Fiduciary.
2. **Interested Person.** A Fiduciary who has a Financial Interest or Divided Loyalties, as each term is defined below, is an Interested Person.
3. **Committee.** A committee established by the Board to make conflict of interest determinations is the Committee. The Committee may, in the discretion of the Board, be any Board Standing Committee. In the absence of delegation of authority to such Committee by the Board, the Board shall act on all matters requiring action under this Policy and, in such case, the term Committee as used herein shall refer to the full Board.
4. **Financial Interest.** A person has a Financial Interest if the person has, directly or indirectly, through business, investment, or family:
 - a. An ownership or investment interest in any entity with which the Club has a transaction or arrangement,
 - b. A compensation arrangement with the Club or with any entity or individual with which the Club has a transaction or arrangement, or
 - c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Club is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

5. **Divided Loyalties.** A person has Divided Loyalties if the duties or obligations that he or she has to the Club conflict with, are adverse to, or diverge from his or her own personal interests or his or her other professional or fiduciary duties, obligations, or responsibilities to another person or entity, including without limitation, to an employer, an organization on whose board of directors the person sits, or a family member. Divided Loyalties do not necessarily relate to Financial interest or other financial benefit.

Financial Interest(s) or Divided Loyalties do not necessarily constitute conflicts of interest. Under Article III, Section 2, a person who has a Financial Interest will have a conflict of interest only if the Committee decides that a conflict of interest exists.

Article III: Procedures

1. **Duty to Disclose.** In connection with any actual or possible conflict of interest, a Fiduciary must promptly disclose the existence of a Financial Interest or Divided Loyalties and be given the opportunity to disclose all material facts regarding it to the members of the Committee. The Committee shall adopt a method for soliciting all Fiduciaries for such disclosures not less often than annually. If a Financial Interest or Divided Loyalties occur, or come to the attention of a Fiduciary, before such periodic solicitation, such Fiduciary shall nevertheless promptly make such disclosure to the Committee.

2. **Determining Whether a Conflict of Interest Exists.** After disclosure of the Financial Interest or Divided Loyalties and all material facts related thereto, and after any discussion with the Interested Person, such Interested Person shall leave the Committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining Committee members shall decide if a conflict of interest exists.

3. **Procedures for Addressing Conflicts of Interest**

- a. An Interested Person may make a presentation at the Committee meeting, but after the presentation, he or she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
- b. The chairperson of the Committee shall, if appropriate, appoint a disinterested person or persons to investigate alternatives to the proposed transaction or arrangement.
- c. After exercising due diligence, the Committee shall determine whether the Club can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
- d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the Committee shall determine by a majority vote of the disinterested Committee members whether the transaction or arrangement is in the Club's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.
- e. In a case of Divided Loyalties in which a transaction or arrangement is not at issue, the chairperson of the Committee shall determine whether the Divided Loyalties are sufficient to impair the performance of the affected person's duties to the Club, either generally or in a specific situation, and if the Committee determines that the performance would likely be materially impaired or give the appearance that it may be materially impaired, the Committee shall determine an appropriate remedy or solution and report such remedy or solution to the Board.

4. **Violations of the Conflicts of Interest Policy**

- a. If the Committee has reasonable cause to believe a Fiduciary has failed to disclose a Financial Interest or Divided Loyalties, it shall inform him or her of the basis for such belief and provide him or her an opportunity to explain the alleged failure to disclose.
- b. If, after hearing the Fiduciary's response and after making further investigation as warranted by the circumstances, the Committee determines that the Fiduciary has failed to disclose a Financial Interest or Divided Loyalties, it shall recommend appropriate disciplinary and corrective action to the Board and the Board shall take appropriate disciplinary and corrective action after due consideration of the Committee's recommendation.

Article IV: Records of Proceedings

The minutes of the Committee shall contain:

- a. The names of the Interested Persons who disclosed or otherwise were found to have a Financial Interest or Divided Loyalties in connection with an actual or possible conflict of interest, the nature of the Financial Interest or Divided Loyalties, any action taken to determine whether a conflict of interest was present, and the Committee's decision as to whether a conflict of interest in fact existed and what, if any, remedies were adopted.
- b. The names of the persons who were present for discussions, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

Article V: Compensation

- a. A voting member of the Board who receives compensation, directly or indirectly, from the Club for services is precluded from voting on matters pertaining to that member's compensation.
- b. A voting member of any committee of the Board whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Club for services is precluded from voting on matters pertaining to that member's compensation.
- c. Any member of the Board (or of any committee of the Board) may provide information regarding compensation to the Board or to any committee, regardless of whether such Board or committee member receives compensation, directly or indirectly, from the Club.

Article VI: Annual Statements

Each Fiduciary shall annually sign a statement, substantially similar to that attached to this Policy as Attachment A, which affirms such person:

- a. Has received a copy of the Policy,
- b. Has read the Policy,
- c. Understands the Policy,

- d. Has agreed to comply with the Policy, and
- e. Understands the Club is charitable and in order to maintain its federal tax exemption it must engage primarily in activities that accomplish one or more of its tax-exempt purposes.
- f. Has no Financial Interest or Divided Loyalties that are required to be disclosed by this Policy, or discloses any such Financial Interest or Divided Loyalties.

Article VII: Periodic Reviews

To ensure the Club operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

- a. Whether compensation arrangements and benefits are reasonable, based on competent survey information and the result of arm's length bargaining.
- b. Whether partnerships, joint ventures, and arrangements with management organizations conform to the Club's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit or in an excess benefit transaction.

Article VIII: Use of Outside Experts

When conducting the periodic reviews as provided for in Article VII, the Club may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the Board of its responsibility for ensuring periodic reviews are conducted.

ATTACHMENT A

**International Aerobatic Club
Annual Conflict of Interest Policy Statement**

I acknowledge and agree that:

- a. I have received a copy of the Club’s Conflict of Interest Policy.
- b. I have read the Policy.
- c. I understand the Policy.
- d. I agree to comply with the Policy.
- e. I understand that (i) the Club is a charitable and/or educational Club under the provisions of the Internal Revenue Code and that, in order to maintain that status, the Club must engage primarily in activities that accomplish its tax exempt purpose, and (ii) if the Club engages in transactions or arrangements that provide a financial benefit to me or my family, those transactions or arrangements must be arms length in nature, and must be no more beneficial to me than if I were not an officer or director of the Club.
- f. (Initial one statement below)

_____ I have no Financial Interest or Divided Loyalties that are required to be disclosed by this Policy.

or

_____ I have the following Financial Interest(s) or Divided Loyalties that is (are) required to be disclosed by this Policy: _____

Dated this _____ day of _____, 20__.

Signature of Officer or Director

Print Name

IAC Board of Directors

Spring 2013 Meeting Minutes



Saturday, April 6, 8:00 AM, Hiller Aviation Museum, San Carlos, CA

President Doug Sowder called the meeting to order. Secretary Jim Ward called roll.

Present were Mr. Sowder, Treasurer Bob Hart, Mr. Ward, Directors Tom Adams, Bruce Ballew, Vicky Benzing, Norm DeWitt, Klein Gilhousen (by telephone), Doug Lovell, Debby Rihn-Harvey, Jonathan Gaffney, Lynn Bowes and IAC Manager Trish Deimer-Steineke. Absent were Directors Louie Andrew and Darren Pleasance. Also, present were Mike Heuer, IAC's delegate to CIVA and a current candidate for Vice President. IAC member Lionel Figueroa and Technical Committee chair Tom Myers later joined the meeting.

A quorum of twelve directors was present in order to conduct business.

Mr. Sowder noted that the last page of the Fall 2012 meeting minutes were missing from the agenda packet and asked Mr. Ward to read the page for directors' consideration in approving the consent minutes. He did so.

Mr. Sowder offered some introductory remarks. He reported on his attendance at the ICAS-organized meeting in Washington, D.C. among sport aviation organizations and the FAA; his involvement with the Southwest Region Presidents' Meeting organized by Ms. Benzing; IAC's new membership marketing effort; and the ongoing relationship issues between the Club and EAA.

Mr. Sowder, after consultation with Ms. Deimer-Steineke, removed from the consent agenda the issue of signatories on the U.S. Nationals checking account.

Moved by Ms. Rihn-Harvey to accept the consent agenda. Seconded by Mr. Ballew. Not voting: Mr. Sowder. Voting in favor: all others present. Motion passed.

Moved by Mr. Ward to remove Aaron McCartan, Doug Bartlett and Vicky Benzing from the signatory card for the U.S. Nationals checking account and add Douglas Sowder, John Smutny, Matthew Tanner and Ellyn Robinson. Seconded by Mr. DeWitt. Not voting: Mr. Sowder. Voting in favor: all others present. Motion passed. Action: Ms. Deimer-Steineke to carry out this change.

Moved by Ms. Rihn-Harvey to accept the Secretary's Report as included in the agenda packet. Seconded by Ms. Bowes.

Moved by Mr. Lovell to amend the motion to list the Known Sequence Selection Committee in the IAC Yellow Pages. Seconded by Mr. Ward. As to the amendment: Not voting: Mr. Sowder and Mr. Gilhousen. Voting in favor: all others present. Amendment adopted.

As to the main motion: Not voting: Mr. Sowder. Voting in favor: all others present. Motion passed. Action: Ms. Deimer-Steineke to update the Yellow Pages to include the Known Sequence Selection Committee.

Mr. Hart presented the Treasurer's report, found in the agenda packet. He anticipates a higher fee, probably \$55, per contest entry payable to IAC in FY'15. Ms. Rihn-Harvey proposed changing this fee to \$55 in FY'14. A general discussion about the budget followed.

Mr. Hart agreed to a request by Mr. DeWitt and Mr. Sowder for the Finance Committee to investigate a higher yield investment instrument than that yielding 1.25% presently held by the Club.

Mr. Hart encouraged the board to approve the FY'14 budget, with which IAC would operate at a \$7,700 deficit. **Mr. DeWitt moved to accept the FY'14 budget as proposed. Seconded by Mr. Ballew. Voting in favor: all present. Motion passed.**

The board agreed without motion that the 2014 U.S. National Aerobic Championships would take place on September 21-26 with a rain date of September 27.

Mr. Lovell moved to accept the set of changes to P&P 503 found in the agenda packet. Seconded by Mr. Ward. Not voting: Messrs. Sowder and Gaffney. Voting in favor: all others present. Motion passed.

Mr. Ward moved to accept the additional changes to P&P 503 proposed in his letter to the Board dated April 3. Seconded by Ms. Benzing.

Mr. Sowder moved to amend item 7 of the proposal to change "Contest Jury" to "Contest Director". Seconded by Mr. Adams. As to the amendment: Not voting: Messrs. Sowder and Gaffney. Voting in favor: all others present. Amendment adopted.

As to the main motion: Not voting: Messrs. Sowder and Gaffney. Voting in favor: all others present. Motion passed. Action: Mr. Ward to update P&P 503 per these approvals and deliver the updates to Ms. Deimer-Steineke for inclusion in the P&P portfolio.

The board discussed Mr. Sowder's proposed changes to P&P 504, found in the agenda packet. Mr. DeWitt suggested that paragraph 2(c)(1)(c) be changed to indicate, "intent must be conveyed to the IAC president. Mr. Sowder agreed; none present dissented. **Action: Mr. Sowder to make this change.**

The board agreed without vote to published this revised, proposed P&P 504 on the IAC website for a 2 month period to solicit member comment, as required by that P&P. **Action: Mr. Sowder to pursue publication.**

Moved by Mr. Lovell to adopt his proposal for IAC Open Championships as included in the agenda packet. Seconded by Ms. Benzing.

Moved by Mr. Hart to amend the proposal to remove sections 2(b), 3(b)(2) and 3(b)(3). Seconded by Mr. DeWitt. [N.B. This change removes the concept of "double eligibility."] As to the amendment: Not voting: Mr. Sowder. Voting in favor: all others present. Amendment adopted.

As to the main motion: Not voting: Mr. Sowder. Voting in favor: all others present. Motion passed.

Mr. Lovell moved that the east coast IAC Open Championship for 2013 be the currently-scheduled contest at Wildwood, NJ, sponsored by IAC Chapter 58. Seconded by Mr. Ballew. Not voting: Mr. Sowder. Voting in favor: all others present. Motion passed.

Ms. Benzing mentioned that no recommendation is yet available for a west coast IAC Championship contest. She will pursue this with other western region directors.

Moved by Mr. Adams to adopt a proposal by Steve Johnson, IAC Safety Committee chair, to require that each contest jury at all IAC contests be mandated to include a safety representative. [N.B. This proposal, found in the agenda packet, would change P&P 223 to require safety representatives on regional contest juries and P&P 506 to reword the requirement for placing a safety representative on the U.S. Nationals jury.]

Mr. Ward stated that the portion of the proposal to change P&P 223 would, in fact, create new contest rules, which could only be done through the standard rules change process. Following some discussion about this, **Mr. Ballew moved to amend the proposal to strike the portion related to P&P 223 and accept only that portion related to P&P 506. Amendment seconded by Ms. Benzing. As to the amendment: Voting in favor: Mr. Adams, Ms. Benzing, Mr. Lovell, Mr. Ballew, Mr. Hart, Ms. Bowes, Mr. Gilhousen, Ms. Rihn-Harvey, Mr. Ward. Voting against: Mr. DeWitt. Not voting: Messrs. Sowder and Gaffney. Amendment passed.** Mr. Sowder recommended to Mr. Adams that he advise Mr. Johnson to pursue his rule change proposal through the standard means.

As to the main motion: Voting in favor: Mr. Adams, Ms. Benzing, Mr. Ballew, Mr. Gilhousen, Mr. Hart, Ms. Bowes, Ms. Rihn-Harvey. Voting against: Mr. DeWitt, Mr. Lovell, and Mr. Ward. Not voting: Messrs. Sowder and Gaffney. Motion passed.

Mr. Gaffney presented a brief overview of NAA's history, membership, activities, financials and general status. No board action was required.

Mr. Lovell presented a brief report on the status of the Northeast Region; Mr. Adams did the same for the Southeast Region. No board action was required for either.

Mr. Ballew reported on the status of the Mid-America Region. His report included a comprehensive update on the status of the situation in Morris, IL involving a municipal government attempting to regulate airspace and, of keen interest to the Club and local chapter, aerobatic activity nearby the local airport. Mr. Ballew's memo to the board in the agenda packet contains details.

Moved by Mr. Ballew that the board allocate \$5,000 to support the Morris, IL legal effort being waged by IAC Chapter 1 and an affected pilot who has been cited by the city for flying aerobatics in a sanctioned box. Seconded by Mr. DeWitt.

Ms. Benzing proposed that the legal trust fund model employed by the U.S. Parachute Association to protect drop zones could be appropriate for IAC's use. Mr. DeWitt asked that Mr. Andrew offer to the board his legal point of view. Mr. Sowder proposed that IAC consult with EAA before acting on this matter. No amendments were offered, however **Mr. Ballew withdrew his motion.**

Mr. Ballew then moved that the board act within ten calendar days to review the FY'14 budget and establish a means to support the legal efforts of IAC Chapter 1 as they relate to the situation in Morris, IL. Seconded by Mr. Adams.

Not voting: Mr. Sowder. Voting in favor: Mr. Adams, Mr. Ballew, Ms. Benzing, Mr. DeWitt, Mr. Gaffney, Mr. Lovell and Mr. Ward. Voting against: Mr. Hart, Ms. Rihn-Harvey, Ms. Bowes, and Mr. Gilhousen. Motion passed.

Ms. Benzing reviewed her report on how IAC can become a FAST signatory, which is found in the agenda packet. **Moved by Mr. Adams that IAC form a committee to establish the Club as a**

FAST signatory. Seconded by Ms. Benzing. Not voting: Mr. Sowder. Voting in favor: all others present. Motion passed.

Next, Ms. Bowes presented a report on the status of the South Central Region. No board action was required.

Moved by Mr. Gilhousen to adjourn for the day. Seconded by Mr. DeWitt. Not voting: Mr. Sowder. Voting in favor: all others present. Meeting adjourned.

Sunday, April 7, 8:00 AM, Hiller Aviation Museum, San Carlos, CA

Mr. Sowder called the meeting to order. Mr. Ward called roll.

Present were Mr. Sowder, Mr. Hart, Mr. Ward, Mr. Adams, Mr. Ballew, Ms. Benzing, Mr. DeWitt, Mr. Gilhousen (by telephone), Mr. Lovell, Ms. Rihn-Harvey, Ms. Bowes and Ms. Deimer-Steineke. Absent were Mr. Andrew, Mr. Gaffney and Mr. Pleasance. Also present were Mr. Heuer and Mr. Myers. IAC member Eric Lentz-Gauthier later joined the meeting.

A quorum of eleven directors was present in order to conduct business.

Mr. DeWitt moved that IAC eliminate the \$2,500 expense incurred annually to produce hard-bound volumes of *Sport Aerobatics* magazines that are gifted to key IAC volunteers. Ms. Benzing seconded. A discussion followed in which a director proposed charging recipients for these volumes. (No amendment was offered.) Several participants expressed concern that eliminating this tribute would break with tradition and upset recipients. **Not voting: Ms. Benzing and Mr. Sowder. Voting in favor: Mr. Ward. Voting against: all others present. Motion failed.**

Mr. Sowder moved to allow Glider pilots to opt out of video recording at U.S. Nationals. Mr. Gilhousen seconded. Not voting: Mr. Sowder. Voting against: Mr. Adams. Voting in favor: all others present. Motion passed. Action: Mr. Ward to update the appropriate P&P.

Mr. Ward presented the status of the work of the ad hoc committee to improve IAC's Articles and By-Laws. Details are in the agenda packet. Mr. Ward indicated that it may be possible to complete this work in time for a member vote at the annual meeting at Oshkosh. He reported that a board action would be required to approve the final By-Laws changes before the question went to the membership. **Action: Mr. Ward to pursue.**

Mr. Gilhousen reported that he received no feedback from Northwest Region chapter presidents from his solicitation for chapter status. Mr. Sowder then spoke briefly about the "meet and greet" events held near Portland, OR and Seattle, WA.

Ms. Benzing reported on the activities in the Southwest Region and particularly, some feedback received at the Southwest Region Presidents' Meeting. She asked if IAC would resurrect the first-time competitor hats that were distributed several years ago. **Action: Ms. Deimer-Steineke to pursue this at Mr. Sowder's request.** Ms. Benzing also expressed a concern that *Sport Aerobatics* contained too many recycled articles and that content quality was sometimes poor.

At this point, the conversation detoured to IAC publications. Mr. Heuer recommended that the editor submit a report to the board at each board meeting. He also proposed that the editor prepare and share with the board an editorial calendar for *Sport Aerobatics* and *In the Loop*. Mr.

Myers mentioned that it sometimes takes a long time – over six months – between article submission and publication in the magazine. Ms. Deimer-Steineke reported that *In the Loop* is sent to over 8,000 subscribers. Ms. Benzing shared a concern that *In the Loop* is published irregularly. Some discussion ensued about inappropriate content in *In the Loop*.

Ms. Benzing concluded her report by asking that IAC hand out achievement awards in real time – at contests and patch days where and when they are earned. Discussion ensued; other directors supported this idea, however no formal board action was taken.

Ms. Rihn-Harvey endorsed the idea of regional presidents' meetings and proposed that other regions adopt it.

At this time, Messrs. Hart and Adams left the meeting. A quorum of nine directors remained.

Mr. DeWitt reported on the status of UAUSA; his report is included in the agenda packet. No board action was required.

Mr. Myers brought to the board's attention a set of rules changes that he planned to propose for CY'14. Among them were: publication of Unknown Programs in advance of each contest, operation of contests without boundary judges, and replacing Free Programs with a second Known or Unknown flight.

Mr. Myers also presented his Technical Committee report, which is found in the agenda packet.

Mr. Gilhousen presented his Glider Committee report. He advised the board that longtime Unlimited Glider competitor Paul Jennings is leaving the sport and selling his Swift glider. Mr. Gilhousen also reported that he plans to introduce a rule change proposal for CY'14 to eliminate the prohibition of intentional thermaling.

Mr. Heuer offered a brief update about CIVA; find his full report in the agenda packet. He emphasized that work is underway to create an OLAN replacement by Ringo Massa of the Netherlands. A director observed that OpenAero is presently using the IAC logo without permission. **Mr. Sowder took the action item to ask Mr. Massa to stop using the IAC logo for the present time.**

Mr. Sowder moved to declare that it is the interpretation of the Board that OpenAero Forms "B" and "C" are acceptable for use at IAC contests, and that Form "A" is not acceptable. Seconded by Mr. Ballew. Not voting: Mr. Sowder. Voting in favor: all others present. Motion passed.

Mr. Lovell expressed his disappointment that the Online Judge Education Program had borne no fruit to provide an alternative means to weekend-long, in-classroom judging schools. Some discussion followed. Mr. Lovell proposed without motion that the Executive Committee of the Board be empowered to work with him to explore alternatives to today's IAC judge training. Directors present indicated consent.

Ms. Bowes reported on the IAC Collegiate Program per the contents of the agenda packet. No board action was required.

Mr. Lentz-Gauthier presented the board with his proposal to create a web presence for competition pilots, oriented toward acquiring and promoting sponsorships. A question-and-answer session

with him ensued. Mr. Sowder proposed that Mr. Lentz-Gauthier contact D.J. Molny, IAC Webmaster, to further develop his proposal.

Mr. Ballew and Mr. Lovell left the meeting at this time. Seven directors remained; the meeting officially ended for lack of a quorum.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jim Ward".

Jim Ward, Secretary

DRAFT

IAC Board of Directors

August 2013 Special Meeting Minutes



Thursday, August 1, 1:00 PM, AirVenture IAC Pavilion, Oshkosh, WI

President Doug Sowder called the meeting to order. Secretary Jim Ward called roll.

Present were Mr. Sowder, Treasurer Bob Hart, Mr. Ward, Directors Louie Andrew, Bruce Ballew, Vicky Benzing, Norm DeWitt, Klein Gilhousen, Lynn Bowes and Darren Pleasance. Also present was IAC Manager Trish Deimer-Steineke.

Absent were Directors Tom Adams, Doug Lovell, Debby Rihn-Harvey and Jonathan Gaffney.

A quorum of directors was present in order to conduct business.

Mr. Sowder explained that he called the meeting to take action in response to the loss of a box containing an unknown number of ballots and proxies during transit between IAC headquarters and IAC's Nominations and Ballot Certification Chair, Lynne Stoltenberg. He asked the board to decide whether to accept the partial results of the current election and proxy solicitation.

Mr. Sowder went on to say that he, Mr. Andrew and Mr. Ward learned of this problem on Friday, July 26 and had met previously to discuss actions available to the board along with a recommendation. He reported the numbers of returned ballots and proxy cards counted to date, but did not disclose any nominees' names to the board. He recommended that the membership would be best served by declaring the election and proxy solicitation invalid and redoing it at the earliest possible opportunity.

Moved by Mr. DeWitt to declare the just-completed election and proxy solicitation invalid and to redo it as soon as possible. Seconded by Ms. Benzing. Not voting: Mr. Sowder. Voting in favor: all others present. Motion carried. Implied action: Messrs. Sowder and Ward to work with Ms. Deimer-Steineke to carry this out.

A short conversation about logistics followed.

Moved by Ms. Benzing to adjourn. Seconded by Mr. Pleasance. Voting in favor: all present.
Meeting adjourned.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Jim Ward', is written over a large, faint watermark of the letters 'IAC'.

Jim Ward, Secretary

To: IAC Board Members
From: Jim Ward
Re: Electronic Balloting in 2014
Date: October 17, 2013



Adoption of the changes to IAC's Articles and By-Laws, proposed earlier this year, will be decided on Wednesday morning, November 13, at the beginning of our fall board meeting.

To date, IAC has received 450 member proxies in favor of that adoption and 22 opposing it. (Another 72 proxy cards were improperly marked.) It's reasonable to assume the vote to adopt will succeed and the changes will become effective immediately.

A cornerstone of those proposed changes allows the club to conduct future elections and proxy solicitations via the Internet. Electronic balloting can offer IAC a net cost saving, a quicker election cycle, and reduced risk of loss of materials when compared with traditional paper balloting.

I'd like this Board to resolve to conduct the 2014 election for directors and, if required, proxy solicitation via the Internet, providing:

- That IAC's Secretary and Webmaster – that is, myself and DJ Molny – jointly report to the Board at its spring 2014 meeting that we have evaluated and selected technology appropriate and necessary for IAC to conduct electronic voting
- That the total cost to IAC to conduct the election is no greater than \$1,000, which is approximately half that we typically spend on a paper ballot election

Thank you for your consideration.

Regards,

A handwritten signature in blue ink, appearing to read "Jim Ward".



IAC Treasurer's Report 11/13/13



Bob Hart

IAC Treasurer



FY2014, 7 Months Ending Observations

- Revenue performance **-\$16K below budget**
- Expense performance **-\$13K below budget**
- Bottom line numbers are within **\$3K of budget**
- Critical as we are already operating under a deficit budget



Analysis Note

Data provided on the following slides are highlighted excerpts from the most current IAC Financial Statements. The Net and Total figures include data from various additional subsections of the statements as appropriate. They are not summations of previous data presented on each slide.



Revenue and Cost Review

Income (\$1,000's)

<u>Total Income</u>	<u>Budget</u>	<u>Actual</u>	<u>Net</u>
Dues and Subscriptions	\$98.2	\$93.1	-\$5.1*
Nationals	\$31.0	\$38.8	\$7.8*
Merchandise	\$27.8	\$23.9	-\$3.9
Sponsorship	\$27.8	\$15.2	-\$12.6*
Total Income	\$256.2	\$240.4	-\$15.8



Revenue and Cost Review

Expenses (\$1,000's)

<u>Total Operating Expenses</u>	<u>Budget</u>	<u>Actual</u>	<u>Net</u>
Total Personnel	\$41.4	\$33.2	-\$8.2*
Cost of Merchandise	\$15.9	\$13.6	-\$2.3
Professional Services	\$22.9	\$27.5	+\$4.6
Total Office and Administrative	\$84.7	\$79.8	-\$4.9
Total Operating Expenses	\$239.9	\$227.2	-\$12.7



IAC Treasurer's Report 11/13/13



Investment Review

FIRST BUSINESS BANK-NORTHEAST
401 Charmany Drive
Madison WI 53719

Statement of Account

Last statement: August 31, 2012
This statement: September 28, 2012
Total days in statement period: 28
Page 1 of 1
7013-92010

Direct inquiries to:
Client Services
608 238-8008

INTERNATIONAL AEROBATIC CLUB, INC.
C/O EAA AVIATION CENTER
PO BOX 3096
OSHKOSH WI 54903-3086

First Business Bank-Northeast
401 Charmany Drive
Madison WI 53719

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Summary of Account Balance

Account	Number	Ending Balance
Non-Profit Premier Money Mkt	7013-92010	\$268,657.66

Non-Profit Premier Money Mkt

Account number
7013-92010

Average balance: \$268,402.35
Interest paid year to date: \$1,872.66

Date	Description	Additions	Subtractions	Balance
08-31	Beginning balance			\$268,402.35
09-28	Interest	255.31		268,657.66
09-28	Ending totals	255.31	.00	\$268,657.66

Money Market Account Balance \$271,051



Recommendations

- **Continue Membership attraction/retention efforts**
- **Address problematic merchandise issues where possible. As we consider FY2014 experience, remember we have again taken no write downs this year**
- **Maintain vigilance for a significant market pullback/suitable entry point for investment opportunities**
- **Work with EAA to develop a more transparent accounting of our airspace defense fund**



IAC Treasurer's Report 11/13/13



Questions/Comments

As the safety committee chair, I would like to provide the IAC board with the current status of projects from the IAC Safety Committee.

1. The volunteer IAC Regional Safety Coach system is in place and functional. The safety coach system was tested at the US Nationals when the IAC Safety Chair was recused from jury deliberations for the Advanced category. As the IAC Safety Chair is an Advanced competitor, it would have been inappropriate for him to sit in those deliberations. One of the other regional safety coaches was selected for these jury deliberations.
2. The IAC Regional Safety Coaches had several conference calls early in the spring and summer of 2013 to outline the program and solicit ideas from the whole group. The initial calls went well with several good ideas noted, which will be followed up during later meetings.
3. At the fall 2012 and spring 2013 IAC Board of Directors meetings, there were discussions of changes made to the Policy & Procedure Manual about identified IAC safety representatives being required to be a member of any contest jury. This change was made to the P&P manual. From the board meetings, it was suggested that the IAC rule book be updated to match the P&P. The rule change request was forwarded to Brian Howard and posted at the IAC Unusual Attitudes forum in the spring of 2013.

Thanks,

Steve Johnson

Safety Committee Chair

IAC 20081



MARKETING REPORT FALL BOARD MEETING 2013

REVIEW OF 2013

In 2013 the IAC launched a marketing campaign for the first time in history. In conjunction with the launch of the new IAC website, marketing efforts were launched utilizing the new web site, online advertising and direct mail. Called "Roll With US" the campaign consisted of programs aimed at increasing membership and engagement.

2013 GOALS

- Increase membership by 10%
- Get chapters (current members) engaged
- Increase awareness among non-members
- Build the IAC brand

NEW INITIATIVES - ROLL WITH US

6-MONTH FREE MEMBERSHIP PROGRAM

The "Roll With Us" campaign included two programs, a 6-month free program aimed at non-members and the "IAC Takes Flight" program aimed at current members. The 6-month free program's primary goal is to increase membership and raise the level of awareness of the IAC among non-members. It offers a membership discount consisting of a 6-month free offer to first-time members of the IAC and to anyone re-joining after more than a two-year lapse. The discount does not apply to EAA fees.

IAC TAKES FLIGHT (MEMBER-GET-A-MEMBER) PROGRAM

The "IAC Takes Flight" program's primary goal is to increase membership by rewarding current members for advocacy. It offers a membership discount consisting of a 6-month free offer to any current member who brings in a new first-time member. Both the current and new member receive the membership discount.

IAC COLLEGIATE PROGRAM

The IAC Collegiate program managed by Lynn Bowes is designed to engage college-enrolled pilots and increase their awareness of benefits provided by the IAC. The program provides access to competition and supports safety training and networking. Roll With Us materials are being used to support Lynn's program.

IAC LIFETIME MEMBERSHIP PROGRAM

An IAC Lifetime Member becomes part of an exclusive group of people who have chosen to act as stewards of the sport of aerobatics. Lifetime Members lead by example through their demonstrated commitment to promoting and enhancing the safety, education, competition, and enjoyment of aerobatics.

WHAT WAS ACHIEVED IN 2013

2013 was a big year. We introduced many new programs that are just beginning to have an impact. Those new initiatives include:

- Launch of www.IAC.org on our own server
- Launch of Roll With Us membership campaign
- Launch of IAC Takes Flight program
- Launch of the IAC Collegiate program
- Launch of the IAC Lifetime membership program
- Formation of IAC Marketing Committee

CHALLENGES

The original launch for the "Roll With Us" campaign was scheduled for February of 2013 to coordinate with the launch of the new IAC website. The website launch was delayed until March so the digital advertising didn't begin until then. Due to issues with implementation of the online membership forms and delays with printing the direct mail portion of the campaign did not begin until June. As a result, the full impact of the campaign has only been in place for the past 3 months.

MEMBERSHIP DATA

Membership reporting numbers are only reliable for 3 months prior to the report date so we can only be certain of numbers through July or August of 2013. I chose August to August for comparison. Given the late start for our campaign and the limited time span for data, the following numbers seem very optimistic.

MEMBERSHIP STATS	8/11-8/12	8/12-8/13
MEMBERS START	3893	3758
RETAINED	3307	3224
MEMBERS LOST	-586	-534
NEW JOINS	+451	+560
MEMBERS END	3758	3784
NET GAIN/LOSS	-135	+26
% RENEWAL	85%	86%
% NEW	12%	15%

AIRVENTURE OSHKOSH

A baby step was taken this year to enhance our presence at AirVenture. Big graphic banners were placed on the outside of our building to draw attention to the IAC presence and promote the Roll With Us membership campaign.

ASSESSMENT

- Membership numbers are trending up SLOWLY
- We missed our goal of 10% increase but hope to see continued improvement over the next year
- Renewals are where we are losing. We need a new plan focussed on member retention.
- There is no way to track results of campaigns, advertising or mailings. We need a better way to track.
- Our presence at AirVenture is under-whelming but we have a big opportunity to improve it.
- Our new website is a huge improvement but could be better activated and utilized



2013 IAC MEMBERSHIP CAMPAIGN PLAN AND IMPLEMENTATION

MEMBERSHIP CAMPAIGN PLAN B	PLAN	ACTUAL
MEMBERSHIP RENEWAL INSERT 4-color printed insert explaining "IAC TAKES FLIGHT" program. Inserted into existing EAA membership renewal envelopes. 3x/yr insert (qty based on current 3800 members). TOTAL QTY: 12,000	PRINT 12,000 MAIL 11.400 START 2/1/12	PRINTED 10K MAILED 1677 START 6/15/12
NEW MEMBERSHIP BROCHURE 4-color printed flyer explaining 6-month free new membership program. Mailed in packets of 10 to 126 flight schools. QTY: 1300 ADDING: 200 to mail as part of Lynn Bowes' Collegiate program. TOTAL QTY: 1500	PRINT 1500 MAIL 1260 4X YEAR	PRINTED 10K MAILED 2000 1X YEAR
NEW MEMBERSHIP POSTER 4-color printed poster explaining 6-month free new membership program. Mailed to flight schools. QTY: 130 ADDING: 170 for Collegiate program. TOTAL QTY: 300	PRINT 300 MAIL 126 1X YEAR	PRINTED 300 MAILED 200 1X YEAR
ONLINE/WEB ADVERTISING		
www.iac.org - free	12 MONTHS	9 MONTHS
www.eaa.org - free	12 MONTHS	DECLINED
www.airventure.org (EAA) - free	1 EVENT AD	DECLINED
email blasts - free	12 MONTHS	1 MONTH
eNewsletter "In the Loop" - free	12 MONTHS	9 MONTHS
Chapter websites - free	ALL SITES	3 SITES
Trade-a-Plane.com classified listing	12 MONTHS	12 MONTHS
Mini-IAC.org - free (trade for online ad on www.iac.org)	12 MONTHS	9 MONTHS
AOPA Flight Training.org -\$1000/mo x 6 months	6 MONTHS	6 MONTHS
PRINT/PUBLICATION		
Sport Aerobatics (EAA)	12 MONTHS	12 MONTHS
Sport Aviation (EAA)	12 MONTHS	DECLINED
Warbirds (EAA)	QUARTERLY	DECLINED
Vintage Airplane (EAA)	QUARTERLY	DECLINED
EAA AirVenture Today (EAA)	4 MONTHS	DECLINED
EAA Airventure OshKosh Official Program (EAA)	1 EVENT	DECLINED
TOTAL BUDGET 10K		TOTAL COST \$9054.62



2014 IAC MARKETING PLAN

PLAN FOR 2014

2013 was a big year and we need to make 2014 even better.

2014 GOALS

- Continue all membership programs
- Create a new campaign to increase member retention (renewals)
- Track results to better define success
- Begin Phase 2 of www.IAC.org
- Launch "100 Years of Aerobatics" exhibition at AirVenture 2014

CONTINUE CURRENT MEMBERSHIP CAMPAIGNS

We need to continue our membership efforts for at least a full year (until June 2014) in order to see valid results. We should extend the membership renewal direct mail to encompass the full original plan and reach our entire membership.

We need to continue to mail posters and flyers to the full non-member list including colleges, flight schools and aviation businesses.

We need to encourage EAA to support our membership efforts with online and print advertising in their publications (they refused our requests this year.)

NEW PROGRAM FOR MEMBER RETENTION (RENEWALS)

The biggest loss in membership numbers seems to be current members who do not renew. The reasons could be numerous but it will be the task of the new marketing committee to research the whys and recommend a new approach or approaches to engage current members and increase our renewal rates.

BETTER RESULTS TRACKING

EAA has no way to use a campaign response code due to the way they process the memberships. We can tell when someone arrives at our website by clicking on an ad but tracking whether they arrived due to direct mail is impossible without using codes.

A goal for 2014 is to review our options for tracking and make some recommendations for improvement.

PHASE 2 OF IAC.ORG

I was not part of the plan for the launch of our site but DJ has shared a few of his goals for the site. I would love to see our site continue to improve to become a more engaging advertisement for our sport. The marketing committee will work with DJ to implement as many of the critical phase 2 options as is feasible.

Phase 2 could include:

Updated information on the IAC's programs and benefits

Features on Nationals, our Unlimited team and the IAC Open Championships

Photo Galleries

Video Galleries

Discussion forums (moderated or unmoderated?)

Chapter pages (so that chapters don't have to manage their own web infrastructure)

Election of officers & directors (requires P&P changes)

Submit and discuss rule change proposals

Integration of various apps that are currently hosted on separate servers:

- Contest sanction application
- Contest registration for pilots ("ACRS")
- Contest results
- Judges School application
- Judges Exams
- Calendars (judges school, contests, webinars)

ADVERTISING AND IAC.ORG

2013 is the first year that we have our own website presence but our current site has only limited space for small side-bar ads. In 2014 we would like to explore the opportunity of adding space for ad placements to our site. This could generate revenue and help us to gain exposure by allowing ad exchanges with other sites.

The Mini IAC is the first to take advantage of ad exchanges. They have placed our advertising on their site in exchange for space on our site.

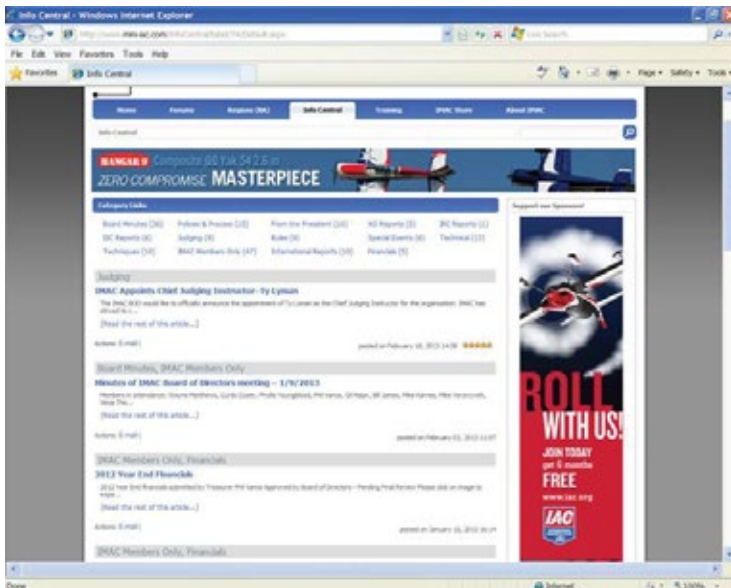
100 YEARS OF AEROBATICS EXHIBITION AT AIRVENTURE 2014

Our presence at AirVenture is underwhelming. We have a great opportunity to celebrate the centennial of aerobatics (1913-2013) at this year's AirVenture and use it to create buzz and increase traffic to our building. Mike Heuer has agreed to help develop the content for an Exhibition.

The marketing committee will present a plan and budget before the end of 2013. The exhibition will include a plan for a physical installation with mounted prints, photos and flat screens to present video. The exhibition could be promoted on the AirVenture website and in the program as well as via online ads and a feature in Sport Aerobatics.

MINI IAC (IMAC)

The IMAC has been a great advocate for the IAC. We have created a cooperative plan to feature their ads on our site and in exchange they have place our ads on their site. Click through performance data is not available.



AOPA FLIGHT TRAINING

Banner ad and performance report



AOPA Digital Performance Report

Report Inputs:

Start Date: March 1, 2013
 End Date: August 31, 2013
 Advertiser: Int'l Aerobatic Club (IAC)
 Property: Flight Training Online

Report Data:

Advertiser Name	Ad Type	Date	Impressions Delivered	Clicks Generated	CTR
International Aerobatic Club (IAC)	300 x 250	2013-03	12,632	35	0.28%
International Aerobatic Club (IAC)	728 x 90	2013-03	13,001	28	0.22%
International Aerobatic Club (IAC)	300 x 250	2013-04	12,610	57	0.45%
International Aerobatic Club (IAC)	728 x 90	2013-04	13,679	39	0.29%
International Aerobatic Club (IAC)	300 x 250	2013-05	12,986	51	0.39%
International Aerobatic Club (IAC)	728 x 90	2013-05	14,586	26	0.18%
International Aerobatic Club (IAC)	300 x 250	2013-06	13,021	59	0.45%
International Aerobatic Club (IAC)	728 x 90	2013-06	13,884	45	0.32%
International Aerobatic Club (IAC)	300 x 250	2013-07	12,499	31	0.25%
International Aerobatic Club (IAC)	728 x 90	2013-07	13,079	21	0.16%
International Aerobatic Club (IAC)	300 x 250	2013-08	12,504	30	0.24%
International Aerobatic Club (IAC)	728 x 90	2013-08	29,906	48	0.16%
Totals:			174,387	470	0.27%

COLLEGIATE PROGRAM FALL BOARD MEETING 2013

REVIEW

The Collegiate Program is a program specifically for college student/competitors.

The basics of the Collegiate Program are :

- it is designed for pilots currently enrolled but not necessarily in course aviation studies
- University approval is desirable but not required in order to be considered a team. A collegiate team is three or more students. To be considered for the Team Trophy, one student must be competing as Sportsman or higher.
- Individuals may compete on their own as an Independent simply by declaring his/her college affiliation at Registration.
- Individual and team scores are tallied at the end of the contest season on a national level to determine the individual and team champions. The majority of these collegiate pilots compete in the Primary or Sportsman categories although they may fly in any category for which they are qualified.

The colleges that have thus far dominated the IAC Collegiate Series:

- Embry-Riddle + Power
- University of North Dakota + Power
- Southern Illinois University + Power
- United States Air Force Academy + Glider

New Collegiate Team

- Kansas State University + Power

Accomplished 2013

Funded the Collegiate Program trophies with donation monies so the burden was not on the IAC in added expense.

1. May 2013 direct mailing consisting of Roll With Us campaign materials, cover letters of introduction, basic rules of the Collegiate Program and the UND dvd "You're Next" to Collegiate Program
 - a. 200+ packages to
 - i. Colleges identified as having aviation programs
 1. National Intercollegiate Flying Association and
 2. University Aviation Association
 - ii. IAC maintained list of Aerobatic Schools and flight instructors
2. Also in my cover for the Collegiate Program I included a link to our list of IAC Chapters.
 - a. emphasized both the career and hobby aspects of IAC and
 - b. increased safety of precision aerobatic training for all pilots

In my cover letter to flight school owners, operators and instructors, I emphasized that we were happy to include their aerobatic school in our IAC website listing and asked that they use the enclosed promotional Roll With Us campaign materials to promote basic precision aerobatics to their students.

It is not easy to gauge how many new members we may have gained from this limited mailing but think we have at least planted the seeds in these schools and programs for some future involvement in IAC.

Also in 2013, I set up a Collegiate Program Facebook page. It has been a challenge to maintain in recent months but will be regularly updated from this point forward.

The students we are targeting are the students enrolled in university aviation programs that have the support of their schools and administration. These are the ones that will have aircraft available, instructors familiar with basic aerobatics and for that reason we are working to identify the schools that can and will support their aviation students.

Schools showing interest:

- Cirrus Aviation in McMinnville, Oregon
- Central Missouri State University in Warrensburg, Missouri
- Middle Tennessee State University (individual students)
- Iowa Lakes Community College
- Hesston College in Hesston, Kansas
- Oklahoma State University
- University of Nebraska - Omaha

The Collegiate Program and collegiate competition is student driven. If the students are excited about the prospect of adding this new dimension, then instructors have made an effort to work within their program to accommodate. They know that the more they have to offer their students, the better their programs will be. To the faculty, we emphasize the advantage of student membership through fellowship and mentorship with our IAC members in chapters throughout the United States.

Oshkosh AirVenture 2013

I contacted EAA's Jordan Ashley to have the University of North Dakota Super D on display in front of the IAC Pavilion for AirVenture week along with a competitor/student Andrew Davidsmeyer and the program leader, Michael Lents. This was a last minute addition and with more promotion, I think we can use this tool to attract college age young people as new IAC participants.

New this year, AirVenture added a display area for colleges and universities to set up convention-type displays and tents in order to attract students to their aviation programs. There were approximately 25 colleges represented in 2013. As we continue to grow the Collegiate Program, this area at AirVenture will be a target-rich environment for us to seek out and generate student interest in the IAC. The dedicated area is somewhat off the beaten path but is an acre+ that is populated entirely of aviation schools and with our marketing materials, it will be a great way to spend an AirVenture stay talking to students and administrators about the benefits of precision aerobatics.

* * * * *

Goals for Spring 2014

With the Roll With Us campaign literature in the hands of these 200+ colleges and universities, it is time to link IAC Chapters with these universities and flight schools.

In the remainder of 2013 and over the winter months before competition season, I will send emails to each IAC Chapter President and other officers, matching each Chapter with local colleges and universities and flight schools, points of contact and any information I have on that school.

I would also encourage the flight schools that IAC lists on our website as a free service to make contact with the colleges and universities in their areas. The annual email asking for updated information on each flight school listing will include a specific request to reach out to the colleges in their areas and urge them to stress the importance of introducing precision aerobatics to their curricula. Chapters will be urged to do the same so we begin to rely on each other for developing those relationships among Chapters, flight schools, universities and students.

The challenge will be getting the word to all IAC Chapters and members about the Collegiate Program and urging them to make contact with potential student competitors. Regular short articles for *Sport Aerobatics* will be a goal for 2014. We are holding our own but still simply lacking in numbers.

I will be contacting all Chapters in these winter months to encourage them to add a collegiate-focused Sportsman Only contest to their event calendars. I will outline and print materials to send to them to show them how to encourage students to participate and will be following up with articles for *Sport Aerobatics* and for our IAC *In The Loop* email blasts.

I will work with Margo Chase to see how we can better track our new members; specifically, to see how and if my efforts with the Collegiate Program are bearing any fruit. If we can identify that what we are doing in the Collegiate Program is working, we will know better where to concentrate effort.

* * * * *

Date: October 31, 2013

To: Mr. Doug Sowder, President
Officers and Board of Directors
International Aerobatic Club (IAC)
Oshkosh, WI

Subject: Mid-America Region Report

Gentleman and Ladies,

The international Aerobatic Club's (IAC) Mid-America Region is comprised of ten (10) adjoining Midwest states bordered on the north by Canada and including the states of Indiana, Illinois, Iowa, Kentucky, Michigan, Minnesota, North Dakota, Ohio, South Dakota and Wisconsin.

Of these ten (10) states, five (5) states are home to the Mid-America Region's six (6) IAC chapters. These IAC chapters include:

IAC Chapter 1	IL	President	Doug Partl
IAC Chapter 34	OH	President	Jeff Granger
IAC Chapter 61	IL	President	Bruce Ballew
IAC Chapter 78	MN	President	Justin Hickson
IAC Chapter 88	MI	President	Sandy Langworthy
IAC Chapter 124	IN	President	Mike Wild

Chapter 1 continues to deal with the City of Morris, IL and issues associated with the APA at the Morris airport (C09). The FAA issued a new waiver for an APA located on the northwest corner of the airport area. A new APA waiver application was submitted and a new waiver was issued for an area immediately east of the airport that is adjacent to runway 18/36. Upon issuance of the new APA waiver, the northwest APA waiver was surrendered. The activity was the result of a negotiated effort between the City of Morris and IAC chapter 1. This new APA location is a better and safer location.

Chapter 1 and Nick Scholtes, an IAC member, are continuing their legal complaints against the City of Morris for violating Mr. Scholtes civil rights by causing him distress related to their charges against Mr. Scholtes for allegedly violating federal aviation regulations (FAR's) for which the FAA clearly has preemptive authority and had been informed as much by the FAA Great Lakes Chief Legal Counsel. Additionally, the City has instituted and chosen to enforce city ordinances that are not consistent with their obligations under their Airport Improvement Program (AIP) commitments. This will be discussed in more detail in my report relating to the IAC Airspace Defense Fund status. The City of Morris has dropped its charges against Nick Scholtes.

Chapter 1 has had several practices days and sponsored one contest held at Oshkosh, WI (KOSH) on August 23 and 24, 2013 that was attended by 27 pilots.

Chapter 34 had one contest at Marysville, OH (KMRT) on June 14 and 15, 2013 that was attended by 16 pilots. They, like many, are having challenges keeping membership up and members actively involved.

Chapter 61 sponsored one contest located at Salem, IL (KSLO) on July 13 and 14, 2013 that was attended by 18 pilots. Chapter members reached out to several aviation organizations in the St. Louis area and gave presentations on aerobatics and stall/spin awareness and recovery. The goal is to raise the visibility of aerobatics and its benefits to all pilots. This has resulted in several local pilots taking introductory rides and spin and unusual attitude training. Hopefully, this will evolve into gaining some new members. Chapter 61 has enjoyed several new members.

Chapter 78 has seen its membership go up and down this year. They sponsored one contest at Spencer, IA (KSPW) on August 17 and 18, 2013 that was attended by 19 pilots.

Chapter 78 suffered the loss of a long-time member and great friend of the IAC, Mike Niccum.

Chapter 88 sponsored a contest in Jackson, MI (KJXN) on July 6 and 7, 2013 that was attended by 11 pilots.

Chapter 124 sponsored a contest in Kokomo, IN (KOKK) on August 10 and 11, 2013 that was attended by 20 pilots.

IAC Mid-America Region 2013 Contest Summary	Ohio Aerobatic Open June 14-15, 2013		Michigan Aerobatic Open July 6-7, 2013		Salem Regional Aerobatic Contest July 13-14, 2013		Hoosier Hoedown August 10-11, 2013		Doug Yost Challenge August 17-18, 2013		Oshkosh Air Manuevers August 23-24, 2013		Upper Canada Open August 23-24, 2013		Mid-America Region Totals by Category	
Airport ID	KMRT		KJXN		KSLO		KOKK		KSPW		KOSH				Summary	
Categories	Pilots	%	Pilots	%	Pilots	%	Pilots	%	Pilots	%	Pilots	%	Pilots	%	Total	%
Primary	2	13%	2	18%	2	11%	5	25%	6	32%	2	7%	3	25%	22	18%
Sportsman	5	31%	4	36%	4	22%	5	25%	4	21%	12	44%	2	17%	36	29%
Intermediate	3	19%	3	27%	4	22%	3	15%	3	16%	4	15%	4	33%	24	20%
Advanced	6	38%	2	18%	5	28%	4	20%	2	11%	5	19%	3	25%	27	22%
Unlimited	0	0%	0	0%	3	17%	3	15%	2	11%	4	15%	0	0%	12	10%
4 min Free									2	11%					2	2%
Total Pilots	16	100%	11	100%	18	100%	20	100%	19	100%	27	100%	12	100%	123	100%
Judges Working	5		4		14		7		6		11		6			
Summary Percentage	13%		9%		15%		16%		15%		22%		10%		100%	

2013 Fall Report
Lynn Bowes : Director
South Central Region Chapters

Chapter 5	Pike's Peak Aerobatic Club Colorado Springs, Colorado	Jamie Treat
Chapter 12	Rocky Mountain Aerobatic Club Broomfield, Colorado	DJ Molny
Chapter 15	Kansas City Aerobatic Club Kansas City, Missouri	Grant Wittenborn
Chapter 24	Lone Star Aerobatic Club Dallas, Texas	Jim Doyle
Chapter 25	Houston Aerobatic Club Houston, Texas	Randy Reed
Chapter 59	Oklahoma City Aerobatic Club Weatherford, Oklahoma	Jerry Ross
Chapter 80	Midwest Aerobatic Club Lincoln, Nebraska	David Moll
Chapter 107	Austin Aerobatic Club Austin, Texas	Jeffery Poehlmann
Chapter 119	Wichita Aerobatic Club Wichita, Kansas	Ross Schoneboom
Chapter 122	West Texas Aerobatic Club El Paso, Texas	Scott Poehlmann
Chapter 127	San Antonio Aerobatic Club San Antonio, Texas	Nick Ohmann

* * * * *

Fall 2013 Report South Central Region 2013 Contest Summaries

Chapter 5	Pike's Peak Aerobatic Club Contest: Canceled - WX	
Chapter 12	Rocky Mountain Aerobatic Club Contest: Ben Lowell Aerial Confrontation - Air Force Academy 20 Power Primary thru Advanced 15 Glider Sportsman thru Advanced	
	Contest: High Plains HotPoxia Fest 5 Primary thru Advanced	Sterling, Colorado
Chapter 15	Kansas City Aerobatic Contest Contest: Harold Neumann Barnstormer Canceled - Date and staffing issues	Olathe, Kansas
Chapter 24	Lone Star Aerobatic Club Contest: LoneStar 36 Primary thru Advanced	Grayson County, Texas
Chapter 25	Houston Aerobatic Club Contest: Early Bird 21 Primary thru Advanced	Brenham, Texas
Chapter 59	Oklahoma City Aerobatic Club Contest: No	
Chapter 80	Midwest Aerobatic Club Contest: Great Plains Aero Challenge 17 Primary thru Sportsman	McPherson, Kansas
	Contest: Midwest Aerobatic Champ 31 Primary thru Advanced	Seward, Nebraska
Chapter 107	Austin Aerobatic Club Contest: Hill Country Hammerfest 41 Primary thru Advanced	Austin, Texas
Chapter 119	Wichita Aerobatic Club Contest: ACE's High 19 Sportsman thru Advanced	Newton, Kansas
Chapter 122	West Texas Aerobatic Club Contest: No	
Chapter 127	San Antonio Aerobatic Club Contest: No	

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Fall 2013 Report South Central Region Issues, Topics and Concerns

Ongoing concern is stimulating our non-flying members and keeping the non-competing volunteers is a continuing challenge. Chapters remain challenged to keep members interested and attending meetings.

Chapters are getting stretched thin trying to organized contests. The same people doing the same jobs year after year have taken a toll in Kansas City Chapter 15 which also saw issues with airport and box waiver. Kansas City did not host a contest in 2013 and in 2014, their plans are to join with Wichita IAC119 and host a joint contest in Newton, Kansas.

MAC80 revived their former Sportsman Only contest renaming it the Great Plains Collegiate Challenge in McPherson, Kansas - specifically designed for the Collegiate Program competitor. This is a Primary, Sportsman I and II category where the higher category pilots are strongly encouraged to attend and only will compete against each other in the Sportsman category. MAC80 wants to encourage the Collegiate, Primary and Sportsman competitors to get involved in competition aerobatics and use the more experienced pilots as 'buddies' and mentors.

Chapter 24 in the Dallas area was involved as the key liaison for WAC2013 at the North Texas Regional Airport this past October. They set up and hosted a Hospitality Tent for the two week period and were of significant help with on site contacts for sponsors and donations. Their involvement with WAC and their hospitality in Texas are appreciated beyond words.

Chapter 119 in Wichita also stepped up to the plate and secured the site of their own Ace's High Contest at the Newton, Kansas, airport for Team France when the French made a request to move their practice site away from one that was being used by another team. Ross Schoneboom and AJ Hefel made a few phone calls and got the approval of the airport for Team France who could not say enough about the great practice site and the tremendous help they received from Chapter 119.

A number of Texas IAC members from several chapters were instrumental in securing practice sites for WAC competitors and their courtesies and generousities were huge.

New Chapter 127 in San Antonio that I hope gains members and thrives, of course.

Chapters that are healthy remain healthy and the ones like Chapter 59 in Oklahoma who hosted the Okie Twistoff in Stillwater and Weatherford remain inactive. I continue asking and hoping that someone in Oklahoma will take up those reins once again and revive it but so far, no luck.

There is still plenty of activity in Chapters, much flying and much social. No huge issues to report from anyone.

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**Fall 2013
Chapter 5 Report
Pike's Peak Aerobatic Club**

Contact: Jamie Treat - President
jamietreat@g.com
302.648.0130

Bwana Bob Buckley - Treasurer
BwanaBawb@comcast.net

Randy Owens - Webmaster
webmaster@iac36.org

Website: <http://IAC5.org>

Location: Colorado Springs, Colorado

Aerobatic Boxes: **Calhan Box:** Box is current as of October 2013
Kelly Airpark Box: Box is current until 31 May 2013.
Lamar Box: Box is current until 26 April 2013.

Active Members: a handful

Meetings: Sporadic with most meetings during contest season for box work

Social events: Combined with Chapter 12

Areas of concern: No specific areas of concern

2013 Contest: Rocky Mountain Oyster Invitational
14 Sept 13
Cancelled : WX

2014 Contest:

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**Fall 2013
Chapter 12 Report
Rocky Mountain Aerobatic Club**

Contact: DJ Molny - President
djmolny@gmail.com
303.619.4814

Tom Larkin - Vice President
tlarkinfamily@gmail.com
303.246.6589

Website: <http://IAC12.org>

Location: Denver and Boulder, Colorado

Aerobatic Boxes: Ft. Morgan, Colorado (KFMM) and Sterling, Colorado (KSTK)
Anyone using either must contact DJ Molny for briefing prior to use.

Active Members: 30+/- members as of March 2012

Meetings: Second Saturday of every month
except for months in which contests are held
(<http://www.iac12.org/calendar>)

Social events: We consider our chapter meetings to be social events with lunch
and critiquing. We also hold a 'post-holiday party in January.

Areas of concern: No specific areas of concern

2013 Contest(s): Ben Lowell Aerial Confrontation USAF Academy, Colorado Springs
19-21 April 13

5 Category - Power 20 Competitors - P thru A
5 Category - Glider 15 Competitors - S thru A

High Plains HotPoxia Fest Sterling, Colorado
13 July 13
5 Category - Power 5 Competitors - S + A

2014 Contest(s):

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Fall 2013
Chapter 15 Report
Kansas City Aerobatic Club

Contact: Grant Wittenborn - President
grant.wittenborn@gmail.com
913.780.4873
913.369.5569

John Ostmeyer - Membership Chair
johnostmeyer@hotmail.com

Website: <http://IAC15.org>

Location: Kansas City, Missouri / Olathe, Kansas

Aerobatic Boxes: Over New Century Air Center, Olathe, Kansas (KXID)
Tower-controlled

Active Members: 30+/- dues-paying members as of March 2012

Meetings: Third Monday of every month
Hangar 10, Executive Beechcraft Downtown Airport (KMKC)

Social events: Play days, practice days, pancake/omelet breakfasts.
Occasionally meet in restaurant in lieu of a regular meeting.

Areas of concern: May lose waiver at New Century Air Center
Box is active at the discretion of the control tower

2013 Contest: Cancelled due to date issues and available members to staff.

2014 Contest: Joining forces with Wichita IAC119 for combined contest.

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**Fall 2013
Chapter 24 Report
Dallas Chapter**

Contact: Jim Doyle- President

Website: <http://cromerphoto.com/iac24>

Location: Dallas, Texas

Aerobatic Boxes: Grayson County, Texas
Akroville Airport, northwest of Denton, Texas

Active Members: 30+ dues-paying members as of March 2012

Meetings: Each month at a different airport
A fly-out to generate interest and new members

Social events: Christmas Party and practice days at Akroville

Comments: IAC24 played a huge role in WAC2013, setting up and staffing a Hospitality Tent for the duration of the event, contributing with labor, targeting sponsors and being our 'on site' contacts in Sherman and Denison. They were valuable to WAC2013 above and beyond the call.

2013 Contest: 21 June 13 Grayson County
Lone Star Regional
5 category 36 Competitors - P thru U

2014 Contest:

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**Fall 2013
Chapter 25 Report
Greater Houston Aerobatic Club**

Contact: Randy Reed - President

Gary Walker - Vice President
Jeff Stoltenberg - Secretary
Janet Fitzke - Treasurer

Website: facebook.com/pages/IAC-Chapter-25

Location: Houston, Texas / Brenham, Texas

Aerobatic Boxes: Four boxes with three inactive
Three inactive are located at LaGrange, Giddings and Brenham
Two are in limbo waiting on the FAA decisions

Active box at Jeff Stoltenberg's

Active Members: 25 dues-paying members as of March 2012

Meetings: Three to four a year

Social events:

Areas of concern:

2013 Contest:	Early Bird Contest	Brenham, Texas
	26 April 13	
	5 category - Power	21 Competitors - P thru A

2014 Contest:

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**Fall 2013
Chapter 59 Report
Oklahoma City/Weatherford Aerobatic Club**

Contact: Bryan Wood
580.772.4679

Website: http://g-loc.com/IAC_59 : inactive

Location: Weatherford, Oklahoma

Aerobatic Boxes:

Active Members:

Meetings:

Social events:

Areas of concern: Inactive

Comments: Inactive

2013 Contest:

2014 Contest:

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**Fall 2013
Chapter 80 Report
Midwest Aerobatic Club**

Contact: David Moll - President
davidmoll66@gmail.com
402.613.5422

Jessy Panzer - Vice President
freebirdjes@yahoo.com
719.210.4397

Website: <http://IAC80.org>

Location: Lincoln, Nebraska / Seward, Nebraska

Aerobatic Boxes: Seward, Nebraska (SWT)

Active Members: 50 dues-paying members as of March 2012

Meetings: Informally once a week, Saturdays and Sunday for lunch

Social events: Play days, practice days and picnics Spring and Summer months.
January Holiday Party
Hangar Party every other month in Harry's Hangar.

Areas of concern: Attracting new members

2013 Contest: Great Plains Collegiate Challenge McPherson, Kansas
27 April 13
Primary/Sportsman I and II Contest 17 Competitors - P thru S

MAC80 Midwest Aerobatic Championship
June 2013 Seward, Nebraska
5 category - Power 31 Competitors - P thru A

2014 Contest: Great Plains Collegiate Challenge Seward, Nebraska
(former Sportsman Only Contest)
May 2014

MAC80 Midwest Aerobatic Championship Seward, Nebraska
June 2014
5 category - Power

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**Fall 2013
Chapter 107 Report
Texas Capital Area Aerobatic Club**

Contact: Jeffery Poehlmann - President
jeffery@texas.net
512.474.7284

Website: <http://iac107.org>

Location: Austin, Texas

Aerobatic Boxes: One informal box 6 miles southwest of Georgetown, Texas (GTU)
One expired waived box 3 miles east of GTU (inside Class D)
Working on getting a waived box back

Active Members: 10+ dues-paying members

Meetings: Fourth Tuesday of each month

Social events: Christmas party in December
Various fly-ins and events throughout the year

Areas of concern:

2013 Contest: 31 August 13 Llano, Texas
Hill Country Hammerfest 41 Competitors - P thru U

2014 Contest:

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**Fall 2013
Chapter 119 Report
Wichita Aerobatic Club**

Contact: Ross Schoneboom - President
schoneboomr@prodigy.net
316.648.5057

AJ Hefel - Vice President
ahefel@cox.net
316.788.3417

Website: <http://iac119.webs.com/>

Location: Wichita, Kansas / Newton, Kansas

Aerobatic Boxes: Newton, Kansas (KEWK)

Active Members: 12 dues-paying members as of March 2012

Meetings: Third Saturday of the month
Stearman Field (1K) Newton, Kansas

Social events: Lunch/more frequent meetings in Spring

Areas of concern: No specific areas of concern

2013 Contest: 7 Sept 13 Newton, Kansas
ACEs High Aerobatic Contest
5 category - Power 19 Competitors - S thru U

2014 Contest: Plan to combine with Kansas City IAC15 for 5 category Regional contest

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**Fall 2013
Chapter 122 Report
West Texas Aerobatic Club**

Contact: Scott Poehlmann

Website: <http://iac122.org>

Location: El Paso, Texas
Las Cruces, New Mexico

Aerobatic Boxes:

Active Members:

Meetings:

Social events:

Areas of concern:

2013 Contest:

2014 Contest:

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**Fall 2013
Chapter 127 Report
San Antonio Area Aerobatic Club**

Contact: Nick Ohmann - President
nohmann1@yahoo.com
512.897.6057

Website: <http://iac107.eaachapter.org>

Location: San Antonio, Texas

Aerobatic Boxes:

Active Members:

Meetings:

Social events:

Areas of concern:

2013 Contest:

2014 Contest:

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To: The IAC Board of Directors
From: Vicky Benzing
Date: 11/4/2013
Re: Southwest Region Director's Report

Summary

The short summary of everyone's message is things are going along fairly well. Everyone got the box waivers reissued, though some had to wait a long time for the environmental impact report to be completed. The region continues to have a substantial membership and well attended contests, though numbers overall are many fewer than those of the heyday when California contests could boast greater than 60 competitors. I have summarized the region's contests for the year to date in the Table below:

	Contest Name	Location	Dates	Primary	Sportsman	Intermediate	Advanced	Unlimited	Total contestants
1	Borrego Hammerhead Roundup	Borrego Springs CA	April 12-13, 2013	2	7	3	9	2	23
2	Duel in the Desert	Apple Valley CA	May 3-4, 2013	3	9	4	12	2	30
3	Northern California Aerobatic Contest	Coalinga CA	June 7-8, 2013	3	11	12	10	2	38
4	Happiness is Delano	Delano CA	Aug 31-Sept 1, 2013	4	12	7	6	4	33
5	Borrego Akrofest	Borrego Springs CA	Oct 11-12, 2013	6	8	4	8	3	29

Everyone is enthusiastic to get together for another Southwest Region Chapter Leadership meeting next spring. We are planning to meet on the Sunday morning following the April Borrego contest (4/13/2014).

Individual Chapter Reports

Chapter 26 - Delano, CA

Tim Just reports that Chapter 26 is going strong. He is blessed with a core group of enthusiasts, John & Kathy Howell, Margo Chase, and Steve de la Cruz, who keep everything running smoothly. He adds that Bob Meyer is also becoming involved with the Chapter again. The Delano contest was a success with 33 competitors showing up.

Next year will be the 40th annual contest held at Delano- the longest running contest on the West Coast. In celebration, Tim would like to host the West Coast IAC Open Championships at Delano in 2014. Chapter 26 also is planning a judge's school for next year. In conjunction, they are planning a practical portion (a "lab") that includes flying and live judging. He is getting some pushback on this from "the powers that be" because "it will take too long." The Chapter also plans to have a rigger present from Lake Elsinore to repack safety parachutes during the judge's school.

As an aside, Tim would like IAC to lobby ICAS to count the 4-minute free as a performance toward a lower level SAC card.

Chapter 36 - San Diego, CA

Gray Brandt reports that Chapter 36 is healthy. They hosted two contests again this year, one in April and one in October during the WAC. The relationship between the aerobatic club and the town continues to grow closer. During their October contest they had 250 people from town show up for the Friday night party and they utilized high school students to do the scoring (the students get high school credit for it). The chapter has received lots of positive press in the form of newspaper articles. Some of their outreach activities include Young Eagles days and flyovers for community events. A solar company is installing a \$20M solar project in one corner of their box, but because of the positive relationship between the club and the community, the solar company is building around one of the box markers and leaving it in place. Gray sees no issues in the future for his box, in fact he believes that it will be possible to expand the waiver times in the future. Gray's comment to the Board is that contest fees are very high- probably as high as can be reasonably supported.

Gray would like Chapter 36 to be considered to host the West Coast IAC Open Championships in 2014. Borrego is a resort town surrounded by beautiful state parks. The town has just had two brand new resorts open up which will give discounted rates to IAC members.

Chapter 38 - Livermore, CA

Martin Price reports that the highlight for Chapter 38 this year was successfully moving their contest venue from Paso Robles to Coalinga. Despite temperatures above 110 degrees F during the contest weekend, 38 competitors turned up to fly in the new box. The town of Coalinga opened their arms to the Chapter and is anxious to have the Chapter return again for other events. Martin is considering holding a critique weekend or training camp in Coalinga next season. Chapter 38 has also begun an outreach program at the Tracy Airport modeled after what Chapter 36 did at Borrego. There has been a small group of local residents who have been consistently opposed to the presence of the aerobatic box there. Club members have made presentations to various pilot and community groups and the Chapter participates in the airport open house to try to ease community relations. The box waiver comes up for renewal next February. Martin does not believe that getting the renewal will be an issue. The Chapter also has a waiver for a practice box over the New Jerusalem airport. They have let the waiver for the Calaveras airport box expire with no plans to renew it since it is so far away.

Chapter membership has been holding constant, with most members being part of the Chapter in order to use the practice boxes. There are few active regular members. Martin feels that this is due to a lack of affordable training aircraft that could be used in contests, despite the fact that there are several flight schools that instruct aerobatics within the region.

Chapter 49 - Los Angeles, CA

Chris Olmsted reports that Chapter 49 is running smoothly. They held a contest in May of this year and had 30 pilots attend, including several of Chris' new students. Membership has been fairly stable within the Chapter with normal attrition being compensated for by five to six new students from Chris' flight school. Their practice box waiver was renewed after a lengthy time to receive a new environmental impact report. There were some noise complaints early in the year but the Chapter hosted a meeting with all of the pilots that use the box and the local FSDO to create a plan to minimize noise issues. Because of this pro-active approach they have had no further noise complaints.

Chapter 62 - Tucson, AZ

The only remaining Chapter in Arizona is Chapter 62 out of Tucson. Chapter 69, once the Phoenix Chapter, no longer exists. Aerobatics in Arizona mainly takes the form of training camps and an annual Tequila Cup contest put on by Seattle-based Jim and Ann-Marie Ward. The Tequila Cup contest, perennially held in November at the end of the flying season is usually well attended, primarily by Southern California based pilots. Though this region has a rich history of former and current aerobatic champions and though the weather is superb for off-season training and training camps, the aerobatic club in Arizona has not rebounded with the rebound in the economy, likely because of a lack of flight schools generating new faces in the sport.

Chapter 115 - Reno, NV

Per Tim Brill not much has changed for Chapter 115 since my last report. Tim runs a flight school out of the Reno-Stead Airport, where he offers an Emergency Maneuver Training course. He has been working with his students to join IAC and earn achievement awards. He has no issues with his box- his box waiver was renewed after a lengthy period of waiting for the environmental impact report. Tim would like to hold a training camp in the spring of next year and a contest in July. As always for Chapter 115, manpower to hold a contest is an issue. Tim is working on writing a couple of articles for Sport Aerobatics. He would like to see an IAC presence at the Reno National Championship Air Races (a staffed booth). Tim believes that IAC has value beyond just being an aerobatic club. He believes that the FAA and NTSB data from recent loss of control accidents (like Air France) highlight the need for pilots to better understand the flight window of their aircraft.

Chapter 120 - Santa Ana, CA

Chapter 120 is mainly comprised of Michael Church's flight school. Michael is seeing his business slowly showing signs of resurgence with the improving economy, though there are no new students engaging in aerobatics. Cost is the main issue. Chapter 120 still has 4 very active competitors however.

To: The IAC Board of Directors
From: Vicky Benzing
Date: 11/4/2013
Re: FAST Program Status report

At the last Board of Directors meeting, I took an action item to begin working on making the International Aerobatic Club a FAST signatory, pending approval by EAA. To date we have not received approval from EAA to move forward because of EAA's concern potential liability issues.

At Oshkosh this year I attended the annual FAST Board of Directors Meeting. The FAST Board still has our club on their radar screen to become a FAST signatory. At the meeting, Jim Tobul, the President of the FAST organization told me that the Warbirds Division is presently working with the EAA to get approval to be active in issuing FAST cards (they were previously a signatory but did not issue cards under their name). Jim asked that we allow the Warbirds Division to take the lead on this effort and then follow in their footsteps.

Bruce Ballew and Tom Adams have both volunteered to help with the effort of putting together materials for the IAC FAST manuals and with identifying appropriate people to become check airmen. Bruce has already developed a complete program for Pitts (biplane type) aircraft. During the off-season this winter we can prepare the remainder of the materials so that should we receive a blessing from the EAA prior to Oshkosh of next year, we will be in a position to take our proposal to the FAST Board Meeting for their approval to make us a signatory.

To: The IAC Board of Directors
From: Vicky Benzing
Date: 11/4/2013
Re: Proposal to establish a Trust Fund to support our Teams

As everyone knows, competition aerobatics is an expensive sport. It is even more expensive to compete at the world level with fuel prices, fees, and aircraft shipping or rental. UAUSA was formed as an organization to both manage and raise monies for the Unlimited Power Team. Any donations that UAUSA has received have always been spent in support of that year's world contest, leaving the organization to start the fundraising effort all over again for the next world contest. It is very difficult to compete with other IAC fundraising needs for monies and with the future of UAUSA uncertain, I believe that this Board needs to establish a different model to support the teams.

On behalf of all of the US Aerobatic Teams, I propose that we, the Board of Directors of IAC, establish an irrevocable charitable trust fund that is operated as an endowment to support the teams with interest monies earned by the endowment. With such a trust fund established we can advertise monthly in Sport Aerobatics for donations and appeal to current and former members of the US Aerobatic Teams to support the teams of the future. Additionally, we can appeal to our members to remember the Trust Fund with a percentage of their estates in their wills.

Though the Team Trust Fund may grow slowly over time, it will nonetheless grow. The US Parachute Association faces similar issues with respect to supporting their teams in world competition. They established a Team Trust Fund in 1986, and with a modest \$20,000 donated annually by their members, their fund has grown to over \$600,000. I have spoken with Jim Hayhurst, the USPA Director of Competition, and he has sent me the supporting documents which they used to establish their fund. In addition to the trust fund, they also have an active program to go after sponsorships to support the teams since the interest on the endowment does not entirely cover the team's expenses.

I estimate that it would take about \$5,000,000 in the endowment to completely cover the expenses of an 8 person team every other year. Rather than arguing over whether the fund will be used to support just the Unlimited Team or all of the teams (or even setting up a tiered structure so that as financial goals are met, subsequent teams get funded), I propose that we set up the fund with a board of trustees (perhaps a subset of this Board), whose job it is to manage and report out on the growth of the fund as well as to make a proposal to the Board how proceeds from the fund get paid out each year at the Spring Board Meeting. The Board can then vote to either ratify or modify the proposed pay-outs that year.

To: The IAC Board of Directors
From: Vicky Benzing
Date: 11/4/2013
Re: By-Law Change Proposal to Create Regionally and Nationally Elected Directors

I believe that each region should be represented by a director from that region. With the current by-laws, we elect Directors by a vote of the entire membership and then do our best to assign them to a region. If we're lucky, a Director will represent a region that they either live in or are a Chapter member of. If not, then a region is represented by a Director from an entirely different part of the country.

I am proposing a change to the by-laws to create new categories of Directors, some of which are elected by a vote of the entire membership and some of which are elected by the region from which they hail. Specifically, I am proposing that we eliminate "Category I-IV" Directors, and replace them with Regional Directors elected by the membership from each region, Executive Officers, an International Director and National Directors, elected by the entire membership, and an At Large Director elected by the Board. The NAA and EAA Representative Directors appointed by their respective organizations make up the other seats on the board.

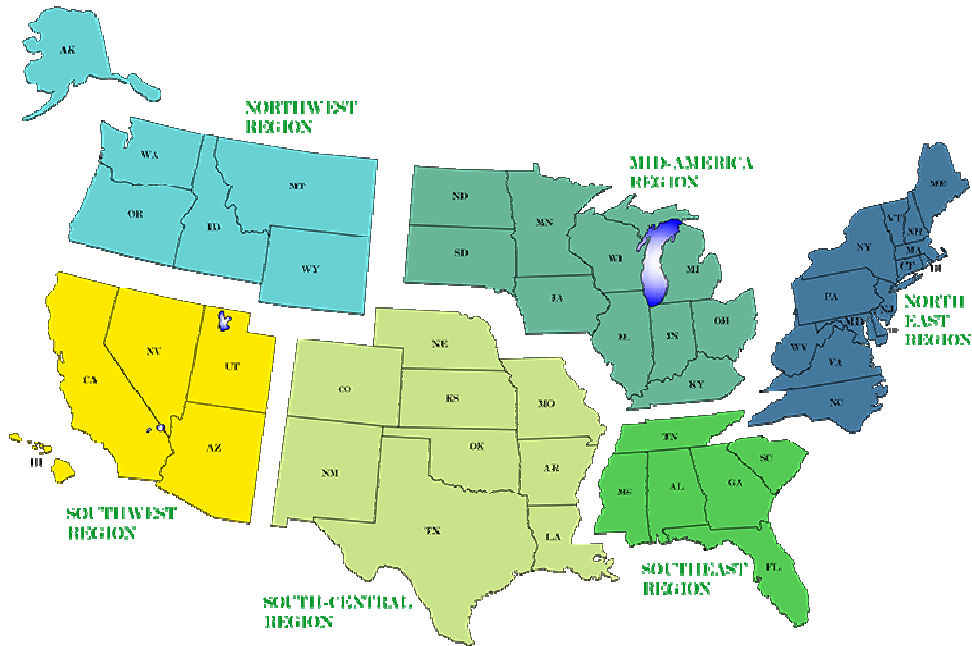
I have tried to make this change as seamless as possible so that no current Board seat is in jeopardy. If the changes can be approved by the Board and membership before the next election, then the election will take place for the seats that were coming due next July anyway. Below is a summary of my proposed changes. Additionally, I have attached a marked up set of by-laws to accomplish these changes. I am not wedded to any of the proposed changes except for the creation of Regional Directors, elected by the Regions.

Current Board of Directors				Proposed Board of Directors			
Class I Director	President	elected by membership- even years	Doug Sowder	President	elected by membership- even years	Doug Sowder	
Class II Director	Vice President	elected by membership- odd years	Mike Heuer	Vice President	elected by membership- odd years	Mike Heuer	
Class II Director	Treasurer	elected by membership- odd years	Bob Hart	Treasurer	elected by membership- odd years	Bob Hart	
Class I Director	Secretary	elected by membership- even years	Jim Ward	Secretary	elected by membership- even years	Jim Ward	
Class I Director	assigned to region	elected by membership- odd years	Klein Gilhousen	NW Region Director	elected by region- odd years	Klein Gilhousen	
Class I Director	assigned to region	elected by membership- odd years	Mike Stevesen	NE Region Director	elected by region- odd years		
Class I Director	assigned to region	elected by membership- odd years	Tom Adams	SE Region Director	elected by region- odd years	Tom Adams	
Class II Director	assigned to region	elected by membership- even years	Vicky Benzing	SW Region Director	elected by region- even years	Vicky Benzing	
Class II Director	assigned to region	elected by membership- even years	Lynn Bowes	SC Region Director	elected by region- even years	Lynn Bowes	
Class II Director	assigned to region	elected by membership- even years	Bruce Ballew	MA Region Director	elected by region- even years	Bruce Ballew	
Class II Director	assigned to region	elected by membership- even years	Debbie Rihn-Harvey	International Director	elected by membership- even years	Debbie Rihn-Harvey	
Class III Director	NAA representative	appointed - each year	Jonathan Gaffney	NAA representative	appointed - each year	Jonathan Gaffney	
Class III Director	EAA representative	appointed - each year	Louis Andrew Jr.	EAA representative	appointed - each year	Louis Andrew Jr.	
				National Director	elected by membership- odd years	Mike Stevesen	
Class IV Director		appointed - each 1 or 2 years	Darren Pleasance	National Director	elected by membership- even years	Darren Pleasance	
Class IV Director		appointed - each 1 or 2 years	Norm DeWitt	At Large Director	appointed- each 1 or 2 years	Norm DeWitt	
15 total Directors	11 elected by entire membership			16 total Directors	6 elected by the regions		
	4 appointed				7 elected by entire membership		
					3 appointed		



Current Board of Directors			
Class I Director	President	elected by membership- even years	Doug Sowder
Class II Director	Vice President	elected by membership- odd years	Mike Heuer
Class II Director	Treasurer	elected by membership- odd years	Bob Hart
Class I Director	Secretary	elected by membership- even years	JimWard
Class I Director	assigned to region	elected by membership- odd years	Klein Gilhousen
Class I Director	assigned to region	elected by membership- odd years	Mike Stevesen
Class I Director	assigned to region	elected by membership- odd years	Tom Adams
Class II Director	assigned to region	elected by membership- even years	Vicky Benzing
Class II Director	assigned to region	elected by membership- even years	Lynn Bowes
Class II Director	assigned to region	elected by membership- even years	Bruce Ballew
Class II Director	assigned to region	elected by membership- even years	Debbie Rihn-Harvey
Class III Director	NAA representative	appointed - each year	Jonathan Gaffney
Class III Director	EAA representative	appointed - each year	Louis Andrew Jr.
Class IV Director		appointed - each 1 or 2 years	Darren Pleasance
Class IV Director		appointed - each 1 or 2 years	Norm DeWitt
15 total Directors 11 elected by entire membership			
4 appointed			

Proposed Board of Directors		
President	elected by membership- even years	Doug Sowder
Vice President	elected by membership- odd years	Mike Heuer
Treasurer	elected by membership- odd years	Bob Hart
Secretary	elected by membership- even years	Jim Ward
NW Region Director	elected by region- odd years	Klein Gilhousen
NE Region Director	elected by region- odd years	
SE Region Director	elected by region- odd years	Tom Adams
SW Region Director	elected by region- even years	Vicky Benzing
SC Region Director	elected by region- even years	Lynn Bowes
MA Region Director	elected by region- even years	Bruce Ballew
International Director	elected by membership- even years	Debbie Rihn-Harvey
NAA representative	appointed - each year	Jonathan Gaffney
EAA representative	appointed - each year	Louis Andrew Jr.
National Director	elected by membership- odd years	Mike Stevesen
National Director	elected by membership- even years	Darren Pleasance
At Large Director	appointed- each 1 or 2 years	Norm DeWitt
16 total Directors	6 elected by the regions	
	7 elected by entire membership	
	3 appointed	





Gregory D. Dungan, Chairman
IAC Judge Education and Certification
46152 Levitan Way
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Gregory.Dungan@Navy.mil

12 November, 2013

To: Board of Directors, International Aerobatic Club

Subject: IAC JUDGE EDUCATION AND CERTIFICATION COMMITTEE REPORT

Members of the Board:

I have prepared this report to provide you with a summary of the current state of the IAC Judge Program.

Numbers of Judges

1. The number of judges at this point in the year is 198, slightly higher than the 190 judges at this point in the 2011 contest year. Below is a summary of the judges available for the years 2004 to 2012:

2004:	221			
2005:	212			
2006:	216	<u>2004-2012 Statistics:</u>	<u>2004-2013 Statistics:</u>	<u>Change:</u>
2007:	219	Mean: 207	Mean: 204	-3
2008:	197	Median: 206	Median: 203	-3
2009:	206	Std Dev: 11	Std Dev: 14	+3
2010:	200			
2011:	190			
2012:	198			
2013:	178			

2. The annual trend was increasing last year but decreased again in 2013 to the lowest levels recorded over the last decade, which is discouraging and alarming. However, these data seem to somewhat follow similar trends in the U.S. economy and it is important to point out that I do not have the data for total number of competitors at contests spanning the same timeframe with which to investigate if this is an overall competition trend or not. What I can offer is anecdotal information in that my personal observations at the four Northeast Region contests I attended this year showed a slight downturn in numbers of contestants as well as judges. In two of the four contests, the numbers of volunteers available to field all the volunteer positions only allowed for a 3-judge panel.

Judge Schools

3. There were 11 judge schools held in 2013. All but one of them were the two-day *Introduction to Aerobatic Judging* courses and only one *Advanced Aerobatic Judging*

course. This also shows a slight downturn from the 13 judge schools held last year; 11 *Introduction to Aerobic Judging* courses and two *Advanced Aerobic Judging* courses but again, it is unclear why fewer chapters were able to host a school in 2013 and more study is required. Again, data on the total number of competitors at contests annually over the last decade might shed some light on the issue.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Greg Dungan", with a long, sweeping horizontal line extending to the right.

Greg Dungan, Chairman
IAC Judges Education and Certification

Fall 2012 IAC BOD Meeting: Tech / Scoring Software Committee Report

Tom R. Myers, Chair (Algorithms & Statistics)
Bob Buckley, Member (Jasper Coding)
Randy Owens, Member (Scoring Database)
Doug Lovell, Member (Algorithms & Statistics)
DJ Molney, Member (Jasper User Manual)

Databases (**Board Action Required**):

Randy Owens continues to host and manage the databases for contest scoring, judges, judging credits, judge exams, contest sanctioning, contest billing, and contest scheduling. The hosting has cost Randy \$200 per month. Randy has been charging IAC \$75 per month. Randy has been able to do so because the computer server was also used for the database hosting of Randy's other clients.

Randy has taken a new job, and is now no longer hosting other database clients. Thus, for the past few months, Randy has been personally picking up the difference between the cost to IAC and the full hosting cost. Randy can no longer afford to do this.

Thus, Randy needs IAC to either start paying for the full \$200 per month database hosting cost, or to find a new host computer server for the databases. The server needs to run IIS and SQL, and needs to have open ports (to allow the Manny and Dexter software systems to talk to the outside world).

Randy is happy to continue managing the databases as a volunteer.

These databases are critical to IAC contest operation, and I highly recommend that at the very least, the board vote to pick up the full monthly cost until a long term hosting solution is found.

Jasper:

Bob Buckley continues to provide regular upgrades and improvements based on user feedback and rule changes. There are no outstanding issues.

Tom Myers, Chair

**IAC 3 PROPOSAL
EAST COAST OPEN CHAMPIONSHIP
LOCATION AT KRMG (ROME, GEORGIA)
FIRST WEEK OF JUNE, 2014**

CENTRAL AREA

Salem, IL (KSLO) to RMG- 316 Nautical
Kokomo, IN (KOKK) to RMG- 373 Nautical
Oshkosh, WI (KOSH) to RMG- 599 Nautical
Sebring, FL (KSEF) to RMG- 457 Nautical
Grenada, MS (KGNF) to RMG- 232 Nautical
Wilson, NC (KRWI) to RMG- 367 Nautical
Warrenton, Midland VA (KHWY) to RMG- 440 Nautical
Springfield, VT (KVSF) to RMG-798 Nautical
Lumberton, NJ (KVAY) to RMG-596 Nautical

AIRPORT FACILITIES (Identifier KRMG)

Runway (1-19) 6000 X 150 feet,
Runway (7-25) 4495 X 100 feet,

Aerobatic waiver has been in effect for 5+ years. The local waiver will need renewal during the first quarter, we do not expect any problems.

The Rome aerobatic box currently has accurate markers in 6 locations. These markers are very visible and aligned with Runway 1-19.

Rome FBO is open 7 days per week. The FBO is a very clean and newer facility with a conference room, pilot lounge, and commons area.

In past contests, 30 airplanes have been placed inside with no problems. There are options for 20+ more spaces which we have never utilized. Ramp space is ample to accommodate more than 100 airplanes if needed.

An aviation technical school is on site and active during the weekdays. An aviation maintenance business is located on site and has been very helpful in the past with tires, fuel injector problems, starters and etc.

A certified composite repair station is located very close in Cartersville, GA and has proven their expertise in glider repair.

Redmond EMS has a rescue center located on site.

RESTAURANTS + NIGHTLIFE

The Rome airport is located approximately 6 miles north of the city. Numerous small restaurants are located within a 5 minute drive south of the airport on Hwy 27.

In Downtown Rome there are many restaurants serving all levels. The city of Rome has revitalized this area for easy access, safety, and to be family oriented.

HOTELS

Many good hotels are located within a 15 minute drive of the airport. The Tourism bureau will arrange blocks of rooms and rates once we have a reasonable forecast of the people attending.

PUBLIC RELATIONS

Politically we enjoy very good support from the airport commission, airport manager, tourism bureau and the local technical school. IAC 3 has worked very hard to maintain this special position.

Extra efforts have been made to include the affected groups during the active days of our competition. These include the local flight school and instructors, Tiger Flight museum, local residents, CAP and other airport users who may be impacted.

Of special mention is the Rome Tourism Bureau. The people working at the bureau are very supportive and do the hard work of arranging hotels/rates, rental of special banquet halls, and on-site food vendors. They are our go to source for special needs.

Airport neighbors are aware of our activities. To my knowledge only 1 noise complaint from our operations/practice has been recorded in 5 years.



IAC RULES COMMITTEE STATUS REPORT

November 2013

This report makes recommendations in regard to pending proposed rule and Known sequence submissions for the 2014 contest year.

PROPOSED RULE CHANGES

The twenty proposed rule changes accepted for 2014 are attached to this report for Board consideration. Ancillary comments are provided in the following paragraphs for five of the proposals.

14-6: The time has come to eliminate the illogical treatment of zero marks given by a judge because of poor execution of a figure. There is simply no justification for allowing a mark of 0.5 to stand, but subjecting a mark of 0.0 to the majority rule. This proposal to institute hard and soft zeros should not be confused with the system used in CIVA, which is much more complex to allow for judge performance evaluations. This proposal would simply replace the mark the judge uses for a Zero based on how that Zero was earned, and how, in turn, the scoring software treats the two types of zeros. No additional workload is imposed on the judge, Chief Judge, or Scoring Director by adopting this proposal.

14-7: The “never-never land” of judge currency between 1 January and the time the annual R&C exam is available for judges to regain currency, has always been an issue. The results have either been a complete shutdown of Free program certification and Smooth Patch awards during that time period, or an implicit violation of the rules by judges who sign-off on either activity when technically not current. Adoption of this rule change will solve that long standing conundrum.

14-14: Allowing gliders to go off tow and hold, thermaling as necessary to maintain altitude, prior to being cleared into the box may seem trivial to those who have never flown gliders, but flying close formation behind the tow plane, especially in turbulent conditions, for even 10 minutes is a very fatiguing activity which can affect not only the glider pilot’s competition performance, but may also affect safety of flight. Additionally, having the glider hold near the box, rather than waiting for the tow plane to make a potentially time consuming turn back to the box once cleared, will greatly facilitate the flow of contest flights.

14-17: While providing all the same services to IAC members regardless of where they live is an excellent goal, this proposal to allow Smooth Patch awards to IAC members living outside the U.S. is fraught with operational issues and increased workload for the Judge Certification Chairman who is charged with validating the credentials of the officiating parties. Method B (using an instructor in the airplane during the awards flight) will be especially hard/impossible to certify. It is recommended that this **proposal be passed, conditionally, with the caveat that only Method A be allowed** for Smooth Patch awards to IAC members not living in the U.S.

14-20: Without specifying where the wind speed is measured (surface or box altitudes) or taking into account runway alignment, the current IAC rule on maximum allowable wind (4.19.3) is totally



IAC RULES COMMITTEE STATUS REPORT

November 2013

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without merit as written and is essentially useless. This proposal addresses those shortcomings and recognizes that the true issue with maximum wind speeds in IAC contests is takeoff and landing safety. If those safety margins are exceeded, then it is a black and white issue on whether the contest should be continued or not and should not be a subjective decision for the Jury.

PROPOSED POWER KNOWNS

The membership submitted two (2) Primary, seven (7) Sportsman, and eleven (11) Intermediate Known sequences which were then evaluated by the *Known Review Subcommittee* (KRS). None of the 20 proposed sequences could be recommended by the KRS as submitted. Reasons were many and varied, including: excessive altitude loss, likely overspeeds for Decathlon-class aircraft, Sportsman sequences with extended inverted lines impossible to fly with noninverted systems, sequences impossible to contain within the aerobatic box with any X-axis wind, and maneuvers in the Intermediate sequences (primary vertical rolls) impossible to execute in the benchmark aircraft.

By designing one new sequence and modifying two others, the KRS is now able to unequivocally recommend three power Known sequences to the Board. These sequences are safe, have the appropriate complexity for the category, are flyable in IAC-legal wind conditions, and will be fun to fly.

Primary

The existing Primary Known has been recognized for some time as a poorly designed sequence. The KRS did address this issue internally in 2012, but no replacement sequence was found suitable and as a result, no change was proposed last year. Two proposed Primary sequences were submitted this year, but both were found to be unacceptable as entry level sequences. The KRS then designed, debated, and approved a third Primary proposal.

The essence of the proposed Primary sequence is that neither the loop nor the 5/8ths loop in the ½ Cuban are of the “downwind” variety. When dealing with traditional Primary aircraft, we have to assume that many will be of the lower powered Citabria or LSA types. These aircraft simply cannot produce the ground speed on the top of the loop, or looping portion of a ½ Cuban, to wind adjust those figures if they are facing any significant wind during the low-speed portion of the figure. Those aircraft typically go ‘over the top’ of loops at such a slow airspeed, that the resulting ground speed, when there is X-axis wind, is simply not enough to adjust the radius so as to make the loop round for the judge. Additionally, attempts to extend the float on top of the looping line with a non inverted fuel system can lead to engine stoppage and resulting inverted stalls/spins.

The Board is reminded that when the Basic (later renamed “Primary”) category first appeared, it consisted of only three figures, all of which were into the wind. The purpose of the Primary category is to encourage potential competitors to try our sport. If we create sequences that cannot be flown



IAC RULES COMMITTEE STATUS REPORT

November 2013

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due to lower powered aircraft limitations, we create frustration and discouragement. A sequence that puts these aircraft at a substantial disadvantage should not be a hurdle added to the already possibly daunting prospects of entering their first contest. Four figures is not many, to be sure, but if these first-time competitors can achieve some success and feeling of accomplishment in doing the possible with a low risk flight program, it will pay off.

Sportsman

The recommended Sportsman Known, Proposal 'H', is a modification by the KRS of a submitted proposal and is now an excellent sequence which meets all the design goals for a Known flown by Sportsman-category aircraft. This sequence was test flown in a Great Lakes with no altitude or energy issues found .

Intermediate

The recommended Intermediate Known, Proposal 'Bv2', is a submitted proposal modified to remove unacceptable vertical rolls on two of the figures. This sequence was also test flown in a Great Lakes and was shown to be perfectly flyable in aircraft of that caliber.

The Known Review Subcommittee recommends the IAC Board of Directors approve the Primary 'C', Sportsman 'H' and Intermediate 'Bv2' proposals for use as the IAC power Knowns in 2014. Those three sequences are attached for your examination.

Advanced and Unlimited

There were two Advanced and one Unlimited power Known sequences submitted by IAC members as CIVA Known proposals. Those proposals, along with all CIVA Known proposals, were circulated by Mike Heuer to the U.S. Teams and IAC CIVA Relations Committee for comment, are available on the CIVA Web site for anyone to review, and will be voted on during the November CIVA plenary. Following the selection of the CIVA Known programs, the IAC Board will have the opportunity to accept or reject those proposals for use as the Advanced and Unlimited Knowns in IAC competition for 2014.

PROPOSED GLIDER KNOWNs

The glider community submitted one Sportsman and one Intermediate proposal for the 2014 Knowns. There were no Advanced or Unlimited glider proposals submitted for consideration by CIVA. The proposals were provided to the glider experts on the KRS, and a selection of top glider pilots in the IAC, including, the Glider Chairman, Klein Gilhousen. The personnel in this review group also represent all of the major glider stakeholders, including the USAF Academy and the Nordic countries operating under IAC rules and with IAC sequences.



IAC RULES COMMITTEE STATUS REPORT

November 2013

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The Glider Chairman along with the principal stakeholders in IAC glider competition recommends the IAC Board of Directors approve the Sportsman 'A' and Intermediate 'A' proposals for use as the glider Knowns in 2014. Those two sequences are attached for your examination.

UNKNOWNNS

Beginning in 2012 and continuing in 2013, the Rules Chairman, while continuing to accept Unknown sequence proposals from members, has designed almost all and drawn all Unknown sequences used in IAC competition, including Intermediate power and glider Unknowns for Nationals.

For contest year 2013, the following numbers of Unknown sequences were produced and distributed through IAC HQ to the appropriate contest officials:

- 18 Intermediate power
- 18 Advanced power
- 17 Unlimited power
- 3 Intermediate glider
- 2 Advanced glider
- 2 Unlimited glider

That is a total of 60 Unknown sequences designed, drawn, and distributed to the contests. That number is down 17 Unknowns from 2012. That reduction comes from fewer contests and contests that did not use an Unknown because of weather, allowing that particular Unknown to be "recycled" to a different contest.

Respectfully submitted,

A handwritten signature in black ink that reads 'B. Howard'.

Brian Howard
Chairman, IAC Rules Committee

IAC Year 2014 Recommended Rule Proposals

No.	Synopsis	Effected Rule	Proposed Rule Change	Rationale																																										
14-1	Increases Presentation K when all box boundaries cannot be guarded.	5.8	<p>Add text under 5.8 to read:</p> <p>Presentation coefficients are dependent on whether Boundary Judges are used, or not. If all Box boundaries cannot be guarded for reasons outside the control of the contest officials, the higher Presentation Coefficients will be used as defined in Tables 5.8.1 (Power) and 5.8.2 (Glider), respectively.</p> <p>Add Tables 5.8.1 and 5.8.2 below:</p> <table border="1" data-bbox="768 553 1493 813"> <thead> <tr> <th>Table 5.8.1 Power Categories</th> <th>Boundary Judges</th> <th>No Boundary Judges</th> </tr> </thead> <tbody> <tr> <td>Primary</td> <td>3K</td> <td>3K</td> </tr> <tr> <td>Sportsman</td> <td>6K</td> <td>15K</td> </tr> <tr> <td>Intermediate</td> <td>8K</td> <td>20K</td> </tr> <tr> <td>Advanced</td> <td>12K</td> <td>30K</td> </tr> <tr> <td>Unlimited Known or Unknown</td> <td>20K</td> <td>50K</td> </tr> <tr> <td>Unlimited Free</td> <td>26K</td> <td>56K</td> </tr> </tbody> </table> <table border="1" data-bbox="768 841 1493 1125"> <thead> <tr> <th>Table 5.8.2 Glider Categories</th> <th>Boundary Judges</th> <th>No Boundary Judges</th> </tr> </thead> <tbody> <tr> <td>Sportsman</td> <td>15K</td> <td>30K</td> </tr> <tr> <td>Intermediate</td> <td>15K</td> <td>30K</td> </tr> <tr> <td>Advanced Known and Unknown</td> <td>25K</td> <td>40K</td> </tr> <tr> <td>Advanced Free</td> <td>35K</td> <td>45K</td> </tr> <tr> <td>Unlimited Known and Unknown</td> <td>25K</td> <td>40K</td> </tr> <tr> <td>Unlimited Free</td> <td>35K</td> <td>45K</td> </tr> </tbody> </table>	Table 5.8.1 Power Categories	Boundary Judges	No Boundary Judges	Primary	3K	3K	Sportsman	6K	15K	Intermediate	8K	20K	Advanced	12K	30K	Unlimited Known or Unknown	20K	50K	Unlimited Free	26K	56K	Table 5.8.2 Glider Categories	Boundary Judges	No Boundary Judges	Sportsman	15K	30K	Intermediate	15K	30K	Advanced Known and Unknown	25K	40K	Advanced Free	35K	45K	Unlimited Known and Unknown	25K	40K	Unlimited Free	35K	45K	<p>When Boundary Judges are not used, the incentive factor for pilots to remain in the aerobatic box must be increased. Those who put in the effort to provide a good Presentation to the judges even without the presence of Boundary Judges should be rewarded appropriately, while those who see the lack of Boundary Judges as a license to ignore Presentation, should be penalized.</p>
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14-2	Allows smaller contests to waive the use of Boundary Judges.	1.16	<p>Add new paragraph:</p> <p>Contests with fewer than 25 competitors may take an automatic waiver to the requirement for Boundary Judges. If a Deadline exists, it must be guarded by a Deadline Judge regardless of the number of competitors. The assumption of this automatic waiver shall be reported to IAC Headquarters with the Official Contest Records (see 3.17).</p>	<p>It is getting more and more difficult to find volunteers, especially for smaller contests with few pilots.</p>																																										

No.	Synopsis	Effectuated Rule	Proposed Rule Change	Rationale
14-3	Improve the Rule Regarding Late Arrivals.	3.6.2 3.6.3	<p>Change 3.6.2 to read:</p> <p>A late-arriving competitor shall be allowed entry without penalty if he/she completes registration and technical inspection, receives a briefing and is on the line and ready to fly before all other previously-registered competitors competing in his category have completed the Known Program.</p> <p>Change 3.6.3 to read:</p> <p>A late-arriving competitor who does not meet the conditions of 3.6.2 shall be allowed entry without penalty if the Contest Jury determines that the late arrival was due to conditions outside his control.</p> <p>Should the Contest Jury determine instead that the competitor's tardiness was within his/her control, the competitor shall be awarded a zero for all completed Flight Programs and be allowed to fly the remaining, uncompleted Flight Programs. At its discretion, the Contest Jury may require the competitor to fly the Known Program as a qualification flight before flying any other Flight Program.</p>	<p>The language of 3.6.2 (refusing entry for late arrivals) contradicts that of 3.6.3 (permitting entry). This warrants repair.</p> <p>Moreover, no option exists for the Contest Jury to require a competitor whose tardiness was not excused to fly the Known program before flying other flight programs.</p>
14-4	Raise Protest Fees.	3.16.1(b)	Raise the protest fee to \$50.	The protest fee is intended to deter frivolous protests. As the buying power of the dollar has diminished since the current \$25 fee was established over 20 years ago, the current fee no longer acts as a deterrent to these frivolous protests.
14-5	Assess multiple Boundary Penalties when a figure is repeated and goes "Out" after a Break.	4.17.3	Change the language in 4.17.3 to allow one boundary penalty per figure, except if a figure is re-flown following an interruption. In such case, a boundary penalty may be charged each time the figure is re-flown.	A competitor can go "out" during a figure, and then take an explicit interruption. Upon resuming the sequence, it is possible the repeated figure flown before the interruption to go "out" again, possibly giving the pilot an unfair advantage in positioning. Currently, the rules forbid assigning more than one boundary penalty per figure. In a case like this, multiple boundary penalties should apply.

No.	Synopsis	Effected Rule	Proposed Rule Change	Rationale
14-6	Distinguish "Cumulative (Soft) Zeros" from "Hard Zeros" in judge marking and score calculations.	7.3.1	<p>Distinguish a cumulative zero, awarded per 7.3.1(f), from a "hard" zero awarded per any other paragraph of 7.3.1. Retain the "majority/minority zero adjustment rule" for hard zeros; cumulative zeros always stand as any non-zero mark does now.</p> <p>Retitle 7.3.1 "Hard Zeros" and include all subparagraphs except (f)</p> <p>Add new 7.3.2 "Soft Zeros" to include the current 7.3.1(f)</p> <p>Changes throughout the rule book to reflect the existence of hard and soft zeros, including how judges will mark zeros and the effect of the two types of zeros on judges' conferences.</p>	<p>Ten and zero are the endpoints for the range of scores that a judge can give for a figure. Due to the existing minority zero rules, a forcing function is imposed on the zero end of the scoring scale that is not imposed on the ten end of the scoring scale. This results in a biasing or skewing effect on the overall scores. The statistically undesired results of this skewing effect have been published in Sport Aerobatics. The purpose of this rule change proposal is to eliminate a large portion of the skewing effect by removing the forcing function from the error accumulation (soft) type of zeros and leaving the forcing function in place for automatic (hard) type of zeros.</p> <p>IAC's mechanism to adjust all zero grades is overly coarse and ultimately unfair to competitors. Judges are often unwilling to award a zero grade reached through the accumulation of downgrades because they know that such a zero may be raised per the rules to some higher, unwarranted value based on the assessment of other judges.</p>
14-7	Allows judges to sign Smooth Patch awards and certify Free Programs from the beginning of the calendar year until the time the R&C Exam is published, assuming they were current the previous year.	2.6.3	<p>New subparagraph (e):</p> <p>(e) For the purpose of certifying Free Programs and grading figures for Smooth Patch applicants, a judge is considered qualified (retains currency) if that judge's name was on the list of qualified judges as of December 31 of the previous year and it is prior to 31 March, or the date when the current year's R&C Exam becomes available, whichever occurs first.</p>	<p>Contest years begin on January 1st. Technically there are no qualified judges to grade figures for Smooth Patch awards or certify Free Programs between January 1 and the publishing of the current year's rules and availability of the current year's IAC R&C exam. This is generally a period of approximately 2 - 3 months. Besides preventing any Smooth Patch awards at the beginning of each year, Frees that are signed within this period are technically illegal Frees.</p>

No.	Synopsis	Effected Rule	Proposed Rule Change	Rationale
14-8	Limits the number of figures in a Sportsman Free program.	6.2 Table 6.2.1	The maximum number of figures in a Sportsman Free Sequence, should a competitor choose to fly a Sportsman Free Sequence, will be the number of figures in the current year's Sportsman Known Sequence.	A competitor may currently fly a "Sportsman" Free sequence with 15 figures or more. Such a sequence becomes a long Primary Sequence. Limiting the number of figures to those in the current year's Sportsman Known assures the average K per figure will be at a minimum that of the Known and maintains the "Sportsman" integrity of the Sportsman Free sequence.
14-9	Changes maximum number of figures in Intermediate Power Free.	Table 6.2.1	Change Maximum # of Figures for Intermediate Power Frees to 12	The current rule essentially allows the Intermediate Free to be a Sportsman sequence with a snap. A 12 figure maximum would encourage more interesting and challenging figures without approaching the performance limits of today's Intermediate aircraft.
14-10	Adds penalties to a Free Program in which the Total K and/or the Presentation K factor(s) is/are missing.	6.16(g) 6.16(f)	Append the following to 6.16(g): <u>Penalty:</u> If the Presentation K-Factor is absent or incorrect, the presentation grade shall be zeroed. Append the following to the "Penalty" paragraph of 6.16(f): Should the Total K-Factor be absent or otherwise incorrect, the K-Factor shall be corrected on Form A and a penalty shall be applied per the schedule in 4.6.1(a)(2).	There is currently no explicit penalty defined for paperwork in which the Presentation K-Factor and/or Total K-Factor values are missing.
14-11	Allows the Jury to suspend a contest in light of perceived health hazards.	1.4	Add new paragraph (f): (f) Determining whether to continue a contest in the face of perceived health hazards. The jury may suspend the contest at any time in regard to any perceived health hazard (e.g., heat, wind, etc.) found to be of significant concern by the Jury. The contest may subsequently proceed with the permission of the Jury should the nature of the health hazard change or be addressed by contest officials.	

No.	Synopsis	Effected Rule	Proposed Rule Change	Rationale
14-12	Ensures an IAC Safety representative is a member of every Contest Jury.	1.4	<p>At the end of 1.4, add:</p> <p>1.4(a) An IAC safety representative shall be a member of any contest jury. The IAC Safety Chair should be the first selection as the jury member. Should the IAC Safety Chair not be available, another IAC safety representative shall be selected for the jury, in the order listed below:</p> <ol style="list-style-type: none"> 1. The IAC Safety Chair 2. An IAC Regional Safety Coach 3. The contest Safety Director, as appointed by the Contest Director <p>1.4 (b) The safety representative shall be a required member of any contest jury. In case of a conflict, the selected jury safety representative may be replaced, for the length of the single specific safety conference, by another safety representative, which must be one of the members noted in 1, 2 or 3 above, in the order listed above.</p> <p>1.4 (c) The IAC Regional Safety Coaches will be identified by the IAC Safety Chair, and will be updated at the beginning of each calendar year.</p> <p>1.4 (d) The list of current IAC Regional Safety Coaches can be requested from the IAC Safety Chair.</p>	<p>This rule change ensures that an IAC Safety Representative is a member of all contest juries. The IAC Safety Representative hierarchy (IAC Safety Chair, IAC Regional Safety Coach, Contest Safety Director) requires the IAC Safety Chair to be the first safety representative selected, if possible. Further, in the case of a conflict during a jury conference or deliberation, there is a mechanism in place to substitute a safety representative with another, for the duration of the specific jury conference.</p>
14-13	Adds a restriction to Intermediate Unknown figures 7.8.11.3 and 7.8.15.3.	Appendix 3, Intermediate	<p>Add note to page A3-8:</p> <p>Note: Snap rolls prohibited on figures in Column 3 of this page.</p>	<p>Removes a possible safety issue if a snap roll is poorly flown.</p>

No.	Synopsis	Effected Rule	Proposed Rule Change	Rationale
14-14	Eliminates the “Zero the flight” penalty for gliders thermaling after release or during an interruption.	4.16.2 (f) Table 4.17.2 4.22(b)	<p>A glider pilot will receive an additional interruption penalty if he or she gains altitude through intentional thermaling during an interruption unless the interruption was initiated by the Chief Judge, or traffic in the box. Attempted thermaling is determined by the pilot turning more than a total of 540 degrees (in either direction) during the interruption.</p> <p>Change row label "Boundary Infringement" to "Boundary & High Altitude Infringement"</p> <p>(b) The pilot may reposition the glider after release and prior to beginning the flight program. If conditions warrant, the glider may release tow prior to being cleared into the aerobatic box by the Chief Judge. In that case, the glider pilot shall advise the Chief Judge of his/her intention to release early and may use thermals to maintain altitude prior to being cleared into the box. In no case will the glider cross the lateral boundaries (at any altitude) of the aerobatic box prior to clearance into the box from the Chief Judge. Failure to remain clear will result in a DQ (see 4.2.2(s)). If sufficient altitude cannot be maintained prior to being cleared into the box, the glider will return to the airport and land. In that case a reflight will be granted without penalty.</p>	<p>In 4.16.2, the penalty of zero score for the entire flight is excessive. This change allows thermaling if conditions make it prudent to release tow early. In this case the glider will remain well clear of the box including not flying over the top of the box.</p> <p>Early tow releases are caused by rough air conditions on tow, avoiding traffic, inability to maintain safe separation between tow and glider, or inadvertent release of tow or rope break.</p> <p>Note that in hot afternoon conditions it is very difficult to maintain position behind the tow plane once the desired altitude has been reached. Sometimes a long wait for clearance into the box occurs. Under such conditions it is most prudent for the pilot go off tow and maintain altitude by thermaling until the box is ready. On being cleared into the box, the pilot will proceed expeditiously to the box and begin the program.</p>
14-15	Adds Intermediate power category to the mandatory dual seatbelt requirement.	2.3(k)	(k) Dual seat belts with separate attach points and a shoulder harness are mandatory for Intermediate and above power categories. The same equipment is strongly recommended for Primary and Sportsman power categories, but is not mandatory except when IAC Technical Monitors deem them necessary for the sequence being flown in these categories.	With the addition of rolling turns and pushes to the Intermediate category (both Unknowns and Knowns), dual seatbelts are a safety necessity.
14-16	Changes Unknown K limits for Intermediate Power	5.5.8	Change maximum Unknown K =180	With a Free program maximum K of 190 for Intermediate, it makes sense to have 180 as maximum K for the Unknown. The extra 5 K would also be very helpful in defining Unknown sequences.

No.	Synopsis	Effected Rule	Proposed Rule Change	Rationale
14-17	Allows Smooth Patch awards to IAC members living outside the USA.	Appendix 5, Section 4, Method A	<p>Change 4.(e) to: (e) Aerobatic maneuvers may only be performed in compliance with the civil aviation rules and regulations of the country in which the flight takes place. Waivered airspace may be required.</p> <p>Under Method A, add new subparagraph (e): (e) IAC members in good standing flying in locations outside of the United States may earn an Achievement Award by flying figures before a CIVA judge or other aerobatic organizations recognized by IAC. These judges will be qualified by the IAC Judge certification Chair, provided: 1) their judging credentials can be verified by the IAC Judge Certification Chair; and 2) that judge has passed the IAC Revalidation and Currency (R&C) Exam for the current year in which the applicant is flying.</p> <p>Under Method B, change (a)(1) to: (1) Be a current FAA Certificated Flight Instructor. For countries outside the United States the instructor must have an aerobatic rating and must have competed at a minimum of the Advanced level of competition.</p>	Provides an opportunity for all IAC members, regardless of where they live, to earn Smooth Patch Awards.
14-18	Removes confusion and contradiction regarding dropping figures from a flight program.	5.3	<p>Delete 2nd paragraph: Competitors may elect to drop any figure or group of figures from the Known compulsory as long as they fly at least 75% of those programmed. However, sequence and direction must be maintained.</p> <p>—(a) Competitors must indicate figures planned to be omitted on their Form A.</p> <p>—(b) Competitors will be graded zero on these omitted figures.</p>	<p>When rule 5.2 was changed to eliminate the “75%” rule, the unintended consequence was that pilots who declared they were dropping figures are handled differently than pilots who drop figures without declaring prior to flight. Furthermore, this 2nd paragraph of 5.3 address only Known programs. If a pilot has a reason to drop a particular figure, it is likely they would drop it from an Unknown as well as a Known.</p> <p>By eliminating that paragraph from 5.3, all flight programs are handled the same: that is, if a judge doesn't see a figure that's supposed to be there, they give a zero mark whether it was declared ahead of time or not.</p>

No.	Synopsis	Effected Rule	Proposed Rule Change	Rationale
14-19	Changes the lower altitude limits for Sportsman and Intermediate.	4.11.3	Change Sportsman Power Lower Limit to: 1,300' AGL Change Intermediate Power Lower Limit to: 1,000' AGL	<p>Five competition categories should foresee increased skill when moving up from one category to another. For this reason, the box lower limit for Primary and Sportsman should not be the same. More vertical space would also remove the penalty many lower performance Sportsman aircraft encounter with the current box floor.</p> <p>The current delta in lower limit between Sportsman and Intermediate is 300 ft, between Intermediate and Advanced is 546 ft. The redefinition of the lower limit to 1000 ft would give better transition delta between categories. A larger box, in the vertical direction, would help aircraft with less power.</p>
14-20	Clarifies the maximum wind speed rule	4.19.3	Contest flight will not be conducted if the cross wind component for the active runway exceeds 20 knots or the total wind velocity at the surface exceeds 25 knots from any direction.	The current rule is open to many interpretations due to its lack of defined specifics. This change addresses the safety aspect of takeoff and landing operations in high winds and sets the maximum total surface wind at well-proven limits. Further, it takes the Jury out of the equation. It is not unusual to have several jury members who are not pilots and thus not equipped to appreciate the safety aspects of high wind operations.

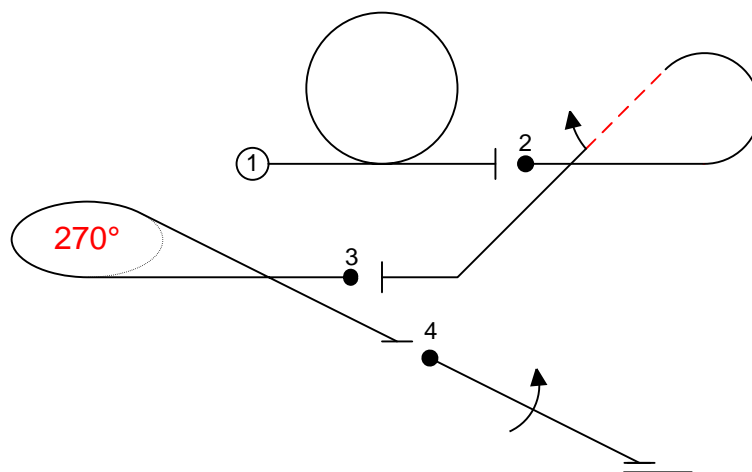


B	Contest: Proposal 'C'	Category: Primary	
	Date: 2014	Program: Known	Pilot's No. <input type="text"/>

wind direction

Pilot:

Fig 1	7.4.1.1	10	10
Fig 2	8.5.6.1	10	14
	9.1.4.2	4	
Fig 3	2.3.1.1	5	5
Fig 4	1.1.1.1	2	10
	9.1.3.4	8	
Total K = 39			



A/C:

(signature/date)

FREE PROGRAM CHECK BY:



B	Contest: Proposal 'H'	Category: Sportsman
	Date: 2014	Program: Known

wind direction

Pilot:

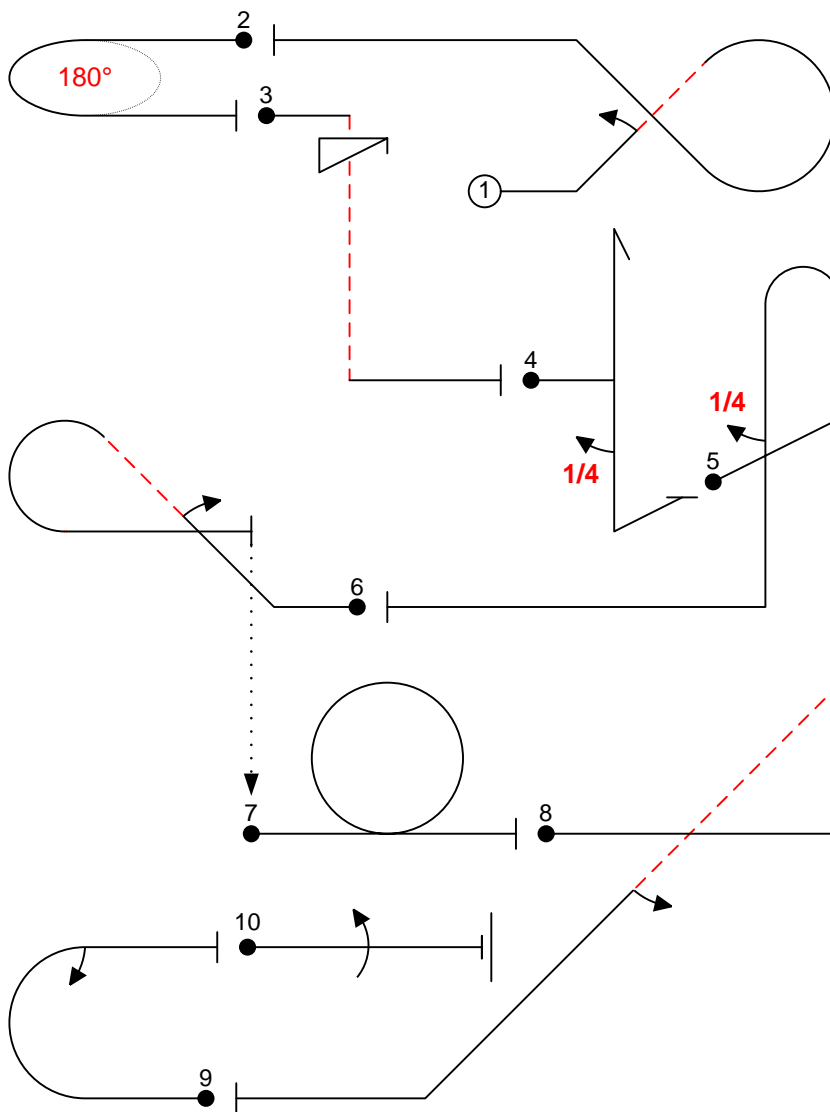


Fig 1	7.3.2.1 9.1.2.2	14 6	20
Fig 2	2.2.1.1	4	4
Fig 3	1.1.6.3 9.1.1.1.4	10 5	15
Fig 4	5.2.1.1 9.1.5.1	17 2	19
Fig 5	8.4.1.1 9.1.5.1	13 2	15
Fig 6	8.5.2.1 9.1.2.2	10 6	16
Fig 7	7.4.1.1	10	10
Fig 8	1.2.7.1 9.1.4.2	13 4	17
Fig 9	7.2.2.1 9.1.3.2	6 4	10
Fig 10	1.1.1.1 9.1.3.4	2 8	10

Total K = 136

A/C:

(signature/date)

FREE PROGRAM CHECK BY:



B	Contest: Proposal 'Bv2'	Category: Intermediate
	Date: 2014	Program: Known

wind direction

Pilot:

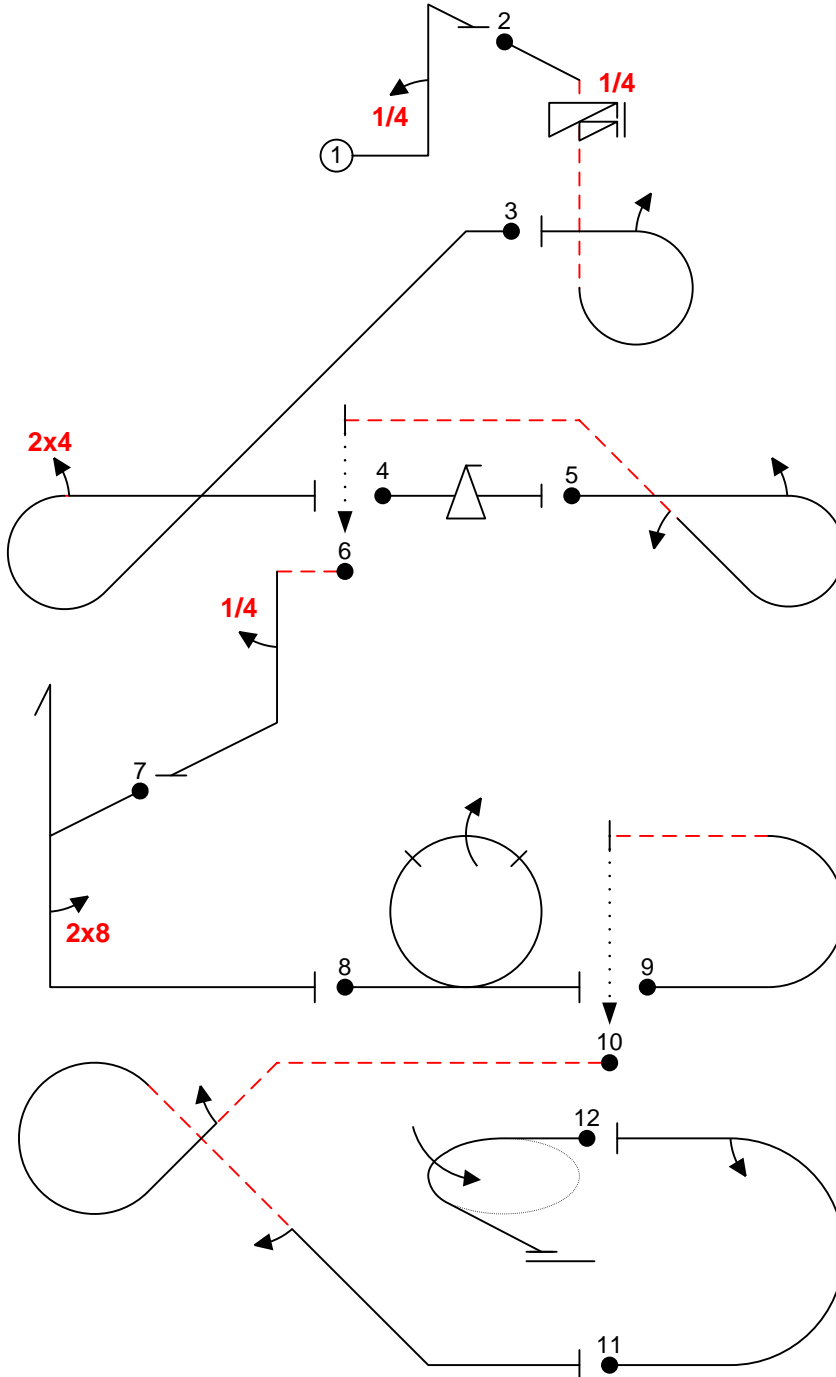


Fig 1	1.1.6.1 9.1.1.1	10 6	16
Fig 2	8.6.4.3 9.11.1.5 9.1.3.2	13 4 4	21
Fig 3	8.5.3.3 9.4.3.2	10 5	15
Fig 4	1.1.1.1 9.9.3.4	2 11	13
Fig 5	8.5.8.3 9.1.3.2 9.1.2.2	11 4 6	21
Fig 6	1.1.7.4 9.1.5.1	9 2	11
Fig 7	5.2.1.1 9.8.5.1	17 3	20
Fig 8	7.4.1.1 9.1.3.4	10 8	18
Fig 9	7.2.1.1	6	6
Fig 10	7.3.4.4 9.1.4.2 9.1.4.2	15 4 4	23
Fig 11	7.2.2.1 9.1.3.2	6 4	10
Fig 12	2.1.3.1	14	14

Total K = 188

A/C:

(signature/date)

FREE PROGRAM CHECK BY:



B	Contest: Proposal 'A'	Category: Sportsman Glider	
	Date: 2014	Program: Known	Pilot's No. <input type="text"/>

wind direction

Pilot:

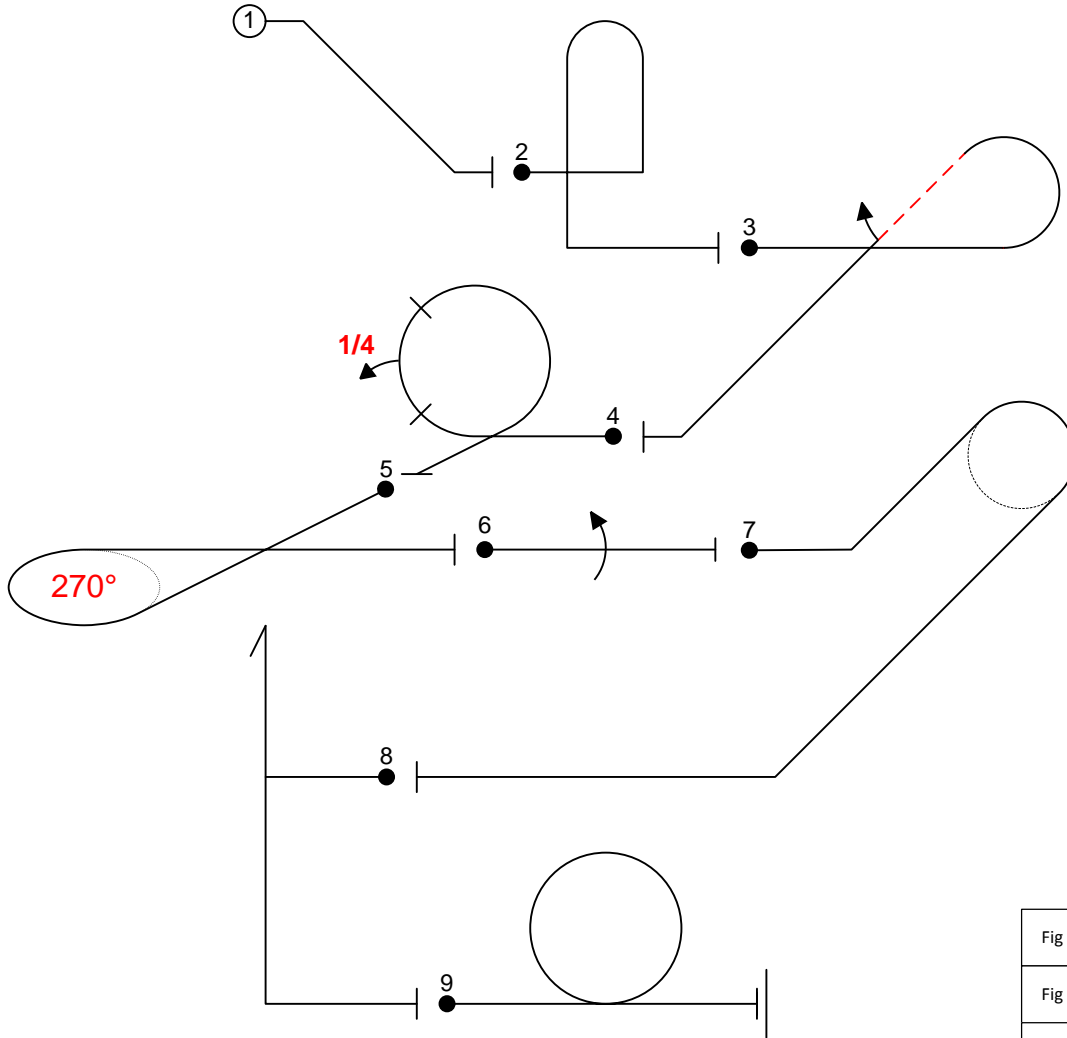


Fig 1	1.1.2.3	7	7
Fig 2	8.4.1.1	13	13
Fig 3	8.5.6.1 9.1.4.2	10 6	16
Fig 4	0.1	16	16
Fig 5	2.3.1.1	5	5
Fig 6	1.1.1.1 9.1.3.4	2 12	14
Fig 7	0.0	8	8
Fig 8	5.2.1.1	17	17
Fig 9	7.4.1.1	10	10
Total K = 106			

A/C:

GLIDER FREE PROGRAM CHECK BY: (signature/date)



B	Contest: Proposal 'A'	Category: Intermediate Glider	
	Date: 2014	Program: Known	Pilot's No. <input type="text"/>

wind direction

Pilot:

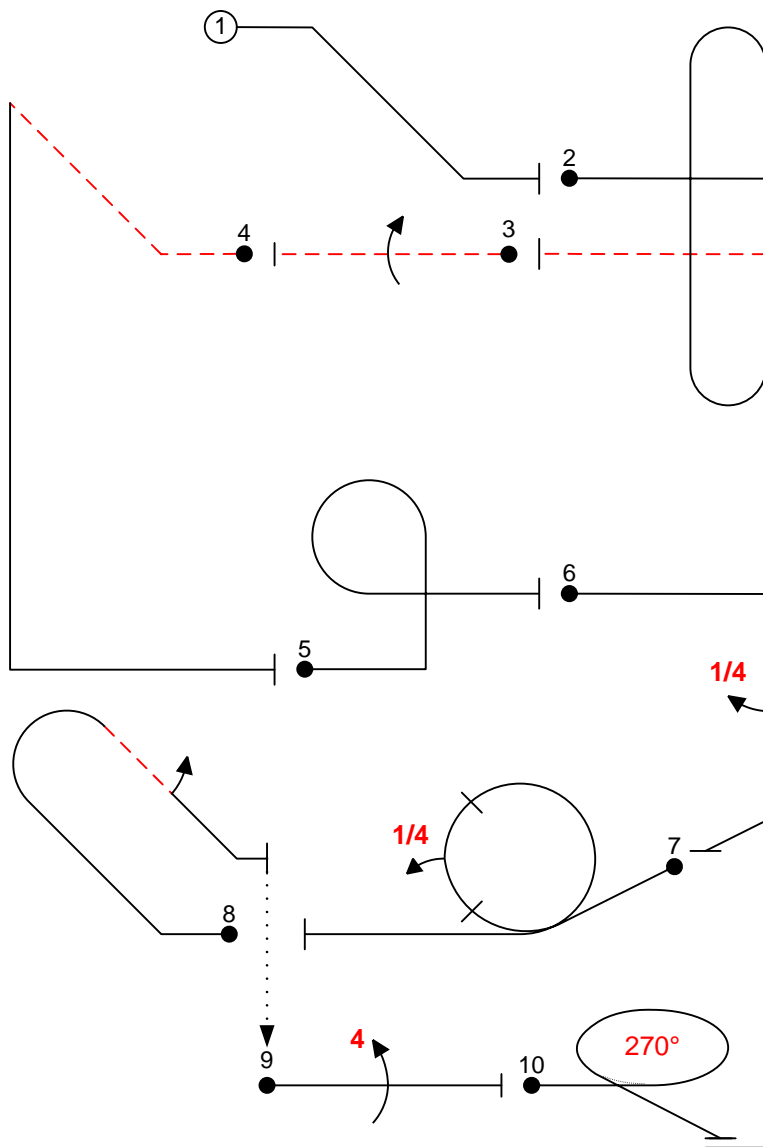


Fig 1	1.1.2.3	7	7
Fig 2	8.8.1.1	18	18
Fig 3	1.1.1.2 9.1.3.4	3 12	15
Fig 4	1.2.2.2	13	13
Fig 5	8.6.1.1	11	11
Fig 6	5.2.1.1 9.1.5.1	17 3	20
Fig 7	0.1	16	16
Fig 8	8.4.14.1 9.1.4.2	12 6	18
Fig 9	1.1.1.1 9.4.3.4	2 17	19
Fig 10	2.3.1.1	5	5

Total K = 142

A/C:

(signature/date)

GLIDER FREE PROGRAM CHECK BY:

To: IAC Board Members
From: Jim Ward
Re: Extending the Deadline for Rules Change Proposals
Date: November 1, 2013



IAC's current July 1 deadline for rules change proposals is relatively early in the contest season. Two-thirds or more of IAC contests have yet to occur by that date; the northern tier of the U.S. is especially lacking contests in the spring and first week of summer.

Regional and National contests are incubators for ideas to improve IAC's rules. Observations by judges and pilots, decisions by juries, and even administrative issues handled by contest officials regularly contribute to the pool of proposals submitted to the Rules Committee. It stands to reason that IAC benefits by keeping the window for accepting rules proposals open for as long as possible into the contest season; doing so provides the greatest opportunity to improve our rules from each year to the next.

(Today, any proposal submitted after July 1 must wait until the year following the next before it's considered by the Rules Committee.)

I've discussed this topic at some length with people "in the know," including an email exchange with Brian Howard, our Rules Committee chair. Though Brian opposes it, based on the sum total of those discussions, I'm convinced that IAC could move the proposal deadline to September 1 of each year with no ill effect.

Moreover, I believe that we could also evaluate rules change proposals stemming from IAC's (mid-September) National Championships contest and fast-track those the Rules Committee believes deserve implementation in the coming year.

I propose that the Board act to revise the rules change proposal deadline to September 1 and direct the Rules Committee to evaluate rules change proposals submitted within one week of the conclusion of Nationals for implementation in the following year.

Thank you for your consideration.

Regards,

A handwritten signature in blue ink, appearing to read 'J. Ward', is written below the typed name.

CHAIRPERSONS ELECTION REPORT FALL 2013

1. The IAC Board needs to vote on the Re-Election of the 2 positions of

Class VI
 1. Norm DeWitt
 2. Darren Pleasance

2. The IAC Board needs to acknowledge the NAA and EAA have re-appointed their representative as Class III Directors.
 1. Louis Andrew
 2. Jonathon Gaffney

3. The IAC Board needs to place the following directors on the Nomination Committee and appoint one director as the Chairperson.
 1. Mike Heuer
 2. Bob Hart
 3. Klein Gilhousen
 4. Tom Adams
 5. Mike Steveson

4. The IAC Board positions that will come up for re-election for 2014 are:

Class V
 1. President- Doug Sowder
 2. Secretary- Jim Ward
Class II
 - 1 Vicky Benzing
 2. Bruce Ballew
 3. Debby Rihn-Harvey
 4. Lynn Bowes

Thanks Lynne Stoltenberg
IAC Nominations Chairperson

IAC ELECTION REPORT 2013

Vice President	Mike Heuer	327 votes
	Doug Lovell	255 votes
Treasurer	Bob Hart	549 votes
Directors	Tom Adams	437 votes
	Klein Gilhousen	393 votes
	Mike Steveson	391 votes
	Gray Brandt	255 votes

PROXY CARDS

544 returned

450 in favor

22 against

72 improperly marked

Thanks Lynne Stoltenberg
IAC Nominations Chairperson

Morris, Illinois Litigation and IAC Airspace Protection Fund Update

The legal battle with the City of Morris is in full swing. The legal sequence of events to date is:

- IAC Chapter 1 and Nick Scholtes, an IAC member, filed a complaint with the U.S. District for the Northern District of Illinois on June 7, 2013.
- The City of Morris dismisses their charges against Mr. Scholtes.
- The City of Morris filed a Motion to Dismiss on August 16, 2013.
- IAC Chapter 1 and Nick Scholtes filed an amended complaint on September 12, 2013 with the same court.
- The City of Morris filed a Motion to Dismiss the amended complaint on October 3, 2013.
- The City of Morris then submitted a Plaintiff's Response in Opposition to the Motion to Dismiss on October 24, 2013.

The named defendants are The City of Morris, Jeffrey Vogen (the airport manager) and Sid Nelson (the City's airport consultant). After the initial complaint was served, the City's legal efforts are being led by the City's insurance company.

The City's argument is that there was an "agreement" that the City would drop the charges against Mr. Scholtes once a new APA waiver was issued and the "old" APA waiver was surrendered. This "agreement" was reportedly reached at a December 20, 2012 meeting between the City of Morris (eight representatives), the FAA (five representatives) and representatives from the IAC (myself and Wayne Roberts). The reality is that there was no such agreement. The outcome of the December 20 meeting was that a new APA waiver application would be prepared and submitted to the FAA for an APA located in a more favorable location with agreed upon conditions. Upon receipt of the new APA waiver, the old APA waiver would be surrendered to the FAA. The City, in a separate discussion, agreed to dismiss all charges against Mr. Scholtes at their earliest convenience. The City indicated that this would be accomplished in January 2013. IAC Chapter 1 submitted an APA waiver in January 2013 for the new APA. After several discussions with the City regarding Mr. Scholtes case, in March 2013, the City indicated that they had decided to wait to drop Mr. Scholtes charges until IAC Chapter 1 had surrendered the "old" APA waiver. In our view, the City had acted in bad faith regarding the actions they had committed to in the presence of the FAA and the IAC. Additionally, they were using Mr. Scholtes to leverage and intimidate local pilots and IAC Chapter 1. It was this event that precipitated the legal activities that we are involved in now.

The FAA issued the new APA waiver on July 12, 2013. Chapter 1 surrendered the "old" APA waiver to the FAA shortly thereafter. The City dropped their charges against Mr. Scholtes on August 14, 2013, two days before the City's first appearance in court.

The City argued to the Federal Court that "we are done". Citing that IAC Chapter 1 had surrendered the "old" waiver and they had dismissed the charges against Mr. Scholtes, consistent with the "agreement". We are not done.

The filed complaint 1) challenges the City's airport ordinances that are, in short, illegal, preempted by the FAA and inconsistent with the obligations under the AIP and 2) that Mr. Scholtes' civil rights have been violated by the City in an effort to intimidate local pilots and IAC Chapter 1 by pursuing legal

sanctions against Mr. Scholtes for violating FAR's for which the FAA has preemptive authority to regulate and enforce especially considering the FAA had investigated the allegations put forward by the City and found that there was no evidence to support the City's claims. Yet, the City chose to proceed with their prosecution of Mr. Scholtes despite specific guidance from the FAA Great Lakes Chief Legal Counsel that they do not have the authority to regulate the national airspace system and enforce the FAR's.

The legal challenge before us now is to get this message to the federal court. The City has continued to argue to the court that they complied with the "agreement" yet they cannot produce any evidence of such an agreement and the court has not asked to see it, yet. It appears that we must let the process of complaints, motions to dismiss, amended complaint, motion to dismiss amended complaint, etc to proceed. The pace is slow and each motion takes time.

The legal effort has incurred more than \$36,000 in legal expenses, to date. We have nearly exhausted the funds available to cover the legal expenses.

Funding

The IAC BOD appropriated \$5,000 at the April 2013 BOD meeting to support this effort. Further direction included establishing a separate fund to support this and like efforts into the future. Currently, there is a separate account within the IAC to accept donations for this effort. As of this writing, the IAC has disbursed \$5,000 to IAC Chapter 1 for the sole purpose of paying a portion of the legal bill that has been incurred. The remainder of the legal expense has been paid by Mr. Scholtes, IAC Chapter 1 and private donations. I have written two articles that have been published in *Sport Aerobatics* and *In the Loop* that describe the situation and make an appeal for donations. There have been few takers thus far. Frankly, soliciting funds is not my strong point. I am in the process of contacting a few selected individuals that expressed interest in supporting this effort but have nothing to report thus far.

I am still working establishing the IAC Airspace Defense Fund as a separate entity. The complaint is seeking damages to recover the costs associated with the legal effort. It is intended that most, if not, all of any damages awarded will be donated to the Fund for future efforts.

I need help in securing more funding.

Outside Support

The Experimental Aircraft Association, the Aircraft Owners and Pilots Association and Congressman Adam Kinzinger (R-IL) have each written letters to the City acknowledging their awareness of the issue and requesting that the City revise their ordinances. The International Council of Air Shows and the United States Parachute Association have also expressed a willingness to support this effort.

I think the BOD should discuss the possibility of removing the "IAC" from the fund name. In speaking with non-aerobatic aviation friends about this issue, it became apparent that we might get more support if we changed the name. The perception is that this is an aerobatic-only issue. In fact, it is a general aviation issue. The issue of a city usurping the FAA's preemptive regulatory and enforcement authority by trying to regulate airspace and aircraft is not limited to aerobatic activities. Additionally, by partnering with other aviation organization, perhaps we could be more effective in raising awareness

and funds. I do not have any ideas on how to accomplish this but I did want to share the idea with the Board.

I welcome any questions, comments or ideas that the Officers and BOD on this activity.

Respectfully submitted,

Bruce Ballew

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT

GRUNDY COUNTY, ILLINOIS

NO.
CITY of MORRIS

This is a True Copy of An Original
Filed Herein On AUG 14 2013
KAREN E. SLATTERY, Circuit Clerk

vs.
NICHOLAS SCHOLTES

120V41

**AGREED
ORDER**

This matter having come before
the Court on the motion of the City
of Morris to dismiss all charges
against the Defendant and the Court
having been advised;

IT IS HEREBY ORDERED;

The motion of the City of Morris
is granted. The complaint filed
against the Defendant, Nicholas Scholtes,
including all counts set forth therein;
are hereby dismissed with prejudice.

DATE

08/14/13

Sam A. Peterson

JUDGE

EXHIBIT 1

ORDINANCE NO. 3161

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE MORRIS MUNICIPAL AIRPORT

Whereas, the legislature of the State of Illinois has granted Municipalities the authority to make all reasonable rules and regulations with respect to municipal airports under their jurisdiction 65 ILCS 5/11-103-5;

Whereas, the City Council of the City of Morris has determined that the public health, safety and welfare would be better served by the adoption of Rules and Regulations for the Morris Municipal Airport.

Be it ordained by the City Council of the City of Morris that Chapter 8.75 be added to the Morris Municipal code by adding the following:

8.75.010 Adopted by Reference: In the interest of public health, safety and welfare, the rules and regulations as set forth in the Morris Municipal Airport Rules and Regulations as now existing or hereafter amended are adopted by reference and said Rules and Regulations shall be part of this chapter as though set out herein with the same full force and effect as if fully set out in this section.

8.75.020 Copies on file: The office of the City Clerk shall keep three copies of the aforementioned code on file and accessible to the public during regular business hours.

8.75.030 Enforcement: The airport manager, fire chief, building and zoning officer, and members of the police department are authorized and empowered to enforce this chapter.

That all ordinances and resolutions or parts thereof in conflict with the provisions of this ordinance are to the extent of such conflict expressly repealed.

This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED this 9th day of August, A.D., 1999.

5 Ayes
0 Nays
0 Pass

Approved:

Robert T. Feeney
ROBERT FEENEY,
Mayor

Attest:

John D. Engler
JOHN ENGER,
City Clerk

**RULES
AND
REGULATIONS**

Airport

100 - TABLE OF CONTENTS

Part 200	General Provisions
Part 300	Motor Vehicles
Part 400	Aircraft, Skydiving, and Airport Operations
Part 500	Storage, Waste Disposal and Fueling Operations
Part 600	Public and Tenant Usage
Part 700	Schedule of Charges
Part 800	Penalties
Part 900	Title VI of the Civil Rights Act of 1964

200 - GENERAL PROVISIONS

200.1 SCOPE:

All persons shall be governed by the Rules and Regulations set forth in this Chapter while on or occupying any area comprising the Morris Municipal Airport. Such person(s) shall comply with the orders and instructions of the Airport Manager, as they are promulgated from time to time, relative to the use and occupancy of Airport property and Airport facilities. These regulations have been adopted by the City Council as ordinances of the City of Morris.

200.2 VIOLATION OF RULES - AUTHORITY OF AIRPORT MANAGER

The Airport Manager or the City of Morris may remove or evict from the Airport premises any person who knowingly or willfully violate (or who causes the City to be in noncompliance with) any rule or regulation as set forth in this Chapter; any rule, regulation, directive, or order then in effect by the Federal Aviation Administration ("FAA"), or by the Illinois Department of Transportation, Division of Aeronautics; or any orders or instructions of the Airport Manager or the City of Morris.

200.3 LIABILITY:

The City of Morris and the Airport Manager assume no liability for aircraft using the facilities of the Morris Municipal Airport; nor do they assume any liability for injury to persons while on the Airport or while using the facilities of same.

300 - MOTOR VEHICLES

300.1 GENERAL RULES:

- A. Except for vehicles operated as part of their official duties by employees, agents, or officials of IDOT, the City, or the FAA and for FBO-operated vehicles, no vehicle shall be operated by any person in or upon an Operational Area, Fuel Storage Area, Public Apron Area, or Public Aircraft Parking Area unless:
 - 1. The person has obtained prior permission from Airport Manager and
 - 2. The driver thereof is duly licensed to operate a motor vehicle on the highways of the State of Illinois; and
 - 3. All licenses and registrations required for such vehicle under Federal, State, and Local laws are maintained; and
 - 4. Liability insurance is in force regarding the operation of such vehicle.
- B. No person shall park any motor vehicle in any area where parking is prohibited (See Section 300.3) Permission may be obtained from the Airport Manager for parking in such areas for the loading and unloading of luggage, equipment, or cargo, etc. but no such permission is hereby given or implied.

300.2 RULES OF OPERATION:

- A. No person shall operate a motor vehicle at a speed in excess of 20 miles per hour within the ramp, apron, hangar, aircraft parking or motor vehicle parking areas of the Airport. Persons authorized by the Airport Manager to operate vehicles for Airport inspection and persons operating emergency vehicles are exempt from this speed limit during such inspection or emergency situations.
- B. All persons operating vehicles shall obey the speed limits and directions posted on traffic signs or signals on Airport property.
- C. All persons operating vehicles on Airport property shall yield the right of way to pedestrians and aircraft at all times.
- D. All persons operating vehicles shall pass to the rear of aircraft on which the engine(s) is running.

300.3 PARKING:

- A. No person shall park a motor vehicle in any area other than those areas specifically provided and established for parking.
- B. Except at the direction of a responsible police/fire/security officer or the Airport Manager, no person shall park a motor vehicle at any time in any of the following areas:
 - 1. All areas on the Airport designated as controlled access areas for vehicles. Controlled access areas are used for the operation and parking of aircraft, including runways, taxiways, ramps and all areas fenced in for use by aircraft.
 - 2. All Airport roadways.
 - 3. On a temporary basis, the Airport Manager may designate additional areas where parking is prohibited because of hazard and/or to allow snow removal.

300.4 EMERGENCY AND FIRE ACCESS LANES AND AREAS:

The following areas are designated as emergency and fire access lanes and shall be kept open at all times to ensure unimpeded movement of fire fighting and/or emergency and/or airport maintenance equipment etc. for the safety of persons and property on the Airport. Except at the direction of a responsible police/fire/security officer or the Airport Manager, no person shall park a motor vehicle or aircraft in any of the following Airport areas:

- 1. All entrances or driveways to the airport or access gates or driveways to airport operation areas.
- 2. All ramp areas between or adjacent to hangars designated for aircraft storage and all aisles between rows of aircraft tie-down parking spaces.
- 3. The areas adjacent to hangars and other buildings designated for a Fixed Base Operation (FBO).

EXHIBIT B

300.5

CITY TO IMPOUND AND REMOVE VEHICLES:

- A. City of Morris or the Airport Manager is hereby authorized to remove, or cause to be removed, any vehicle from any location on the Airport premises to the nearest storage area or other place of safety, designated by the Airport Manager, under the following circumstances:
1. When any vehicle is left unattended in a restricted parking area or emergency or fire access lanes or areas on the Airport;
 2. When any vehicle parked on the Airport premises is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are unable or unwilling to provide for its custody or removal;
 3. When any vehicle is left illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic;
 4. When any vehicle is parked in the same location in the Airport parking lot or any other location on the Airport premises for more than 15 days without being moved without permission from the Airport Manager, it may be presumed abandoned and may be removed at the discretion of the Airport Manager.
 5. If any vehicle is parked in a location on the Airport where its presence impairs the performance of required snow removal or necessary repairs or maintenance.
- B. The owner of any vehicle removed under this Section shall be required to pay the charges incurred in removal, towing, and storage of the vehicle prior to being entitled to recover such vehicle.

400 - AIRCRAFT, SKYDIVING, AND AIRPORT OPERATIONS

400.1 AERONAUTICAL ACTIVITIES:

All aeronautical activities at this Airport (including Skydiving), and all flying of aircraft departing from or arriving in the air space above this Airport shall be conducted in conformance with the statutes, laws, rules or regulations of the FAA and these Rules and Regulations, as now enacted or as may be hereafter amended or modified or enacted or adopted.

400.2 AIRPORT SERVICE OPERATOR REGISTRATION:

Each owner of aircraft which is based on the Airport shall register such aircraft with the Airport Manager. This shall be accomplished by the completion of the "HANGAR/TIE-DOWN LEASE." Any change in ownership shall require a new registration. Anyone authorized to do

business on the Airport and owners of hangar facilities shall register all aircraft based on or in their facilities and all their own aircraft when such aircraft arrives on the Airport.

400.3 REGISTRATION AND LICENSING:

No person shall operate any aircraft from the Morris Municipal Airport that is not fully registered and certified by the State of Illinois and the FAA in accordance with all applicable Federal, State and local laws, rules and ordinances.

400.4 PAYMENT:

Failure to make payment for use of Airport facilities, or other charges levied by the Morris Municipal Airport or by the City of Morris or by the Airport Manager or operators permitted to collect such fees shall be deemed violations of these Rules and Regulations.

400.5 REFUSAL OF CLEARANCE:

On any occasion where the Airport Manager has reasonable grounds for such action, the Airport Manager may delay, restrict, cancel or ground any flight, skydive, aeronautical activity, or other operation at the Airport.

400.6 CLOSING OF FIELD:

In the event the Airport Manager believes the conditions of the Airport or any part of the Airport to be unsafe for landing, take-off, skydiving, or any aeronautical activity it shall be within the Airport Manager's authority to issue a NOTAM closing the entire Airport or any part thereof, in accordance with Federal and State statutes, laws, rules and regulations.

400.7 IMPOUNDMENT AND REMOVAL OF AIRCRAFT:

The Airport Manager is hereby granted authority to remove immediately without notice to the owner or operator, any disabled or damaged aircraft or parts thereof, at the owner's or operator's expense, without liability for damage which may result in the course of removal or subsequent to such removal if such disabled or damaged aircraft constitutes a hazard to persons or property.

If such disabled or damaged aircraft constitutes a nuisance only, the Airport Manager shall put notice of intention to remove such aircraft or parts thereof in plain view on such aircraft or parts thereof and may remove such aircraft or parts thereof to a location determined by the Airport Manager if such owner or operator fails within 48 hours after such posting to remove such aircraft or parts thereof to a suitable location as may be determined by the Airport Manager.

400.8 REPAIRING OF AIRCRAFT:

No person shall repair any aircraft, or any part(s) thereof, in any area of the Airport other than those specifically designated for such purpose by contract or agreement or by written permission of the Airport Manager. However, "preventive maintenance" as described in FAA Regulation Part 43, Appendix A, is allowed, if being accomplished by the owner or pilot of such aircraft. Cleaning of aircraft must be done in the designated area of the airport.

400.9 PARKING OF AIRCRAFT:

No person shall park an unattended aircraft in any emergency or fire access lane or any area that restricts access to buildings, hangars, roads and driveways.

400.10 DEMONSTRATION:

No experimental or test flights, by non-FAA certified aircraft, or ground demonstration shall be conducted on the Airport by any person without the approval of the Airport Manager.

400.11 TAXING RULES:

- A. No person shall operate any aircraft in a careless or reckless manner. No person shall taxi any aircraft at a speed that is not reasonable and safe.
- B. No person shall start or run any engine in an aircraft unless a licensed pilot or qualified A & P mechanic is in the aircraft attending the engine controls. No person shall start the engine(s) of any aircraft until and unless such aircraft is equipped with adequate brakes or chocks have been placed in front of the wheels of such aircraft.
- C. No person shall run the engine or engines of any aircraft at any location on the Airport in such manner as to cause damage to other aircraft or property or in such manner as to constitute a hazard to persons or property.

400.12 LANDINGS AND TAKEOFFS:

- A. All aircraft (ultra-lights, motorized parachutes, hang-gliders, gliders, motorized gliders, helicopters, fixed wing aircraft, etc.) shall land and takeoff on runways 18-36 only.
- B. Takeoffs and landings over populated areas by pilots shall be kept at a minimum in the interest of public safety and convenience.
- C. Pilots shall utilize procedures that will result in minimum noise to surrounding residential areas. This includes, but is not limited to, avoiding low altitude maneuvers. Optimum power settings and maximum altitudes shall be maintained by

pilots when consistent with safety. Flights over populated areas shall be avoided by a pilot to the extent consistent with safety.

- D. Pilots of helicopters shall use extreme caution when operating near any area where light aircraft are parked or operating.

400.13 SKYDIVING ACTIVITIES:

- A. Skydiving activities shall comply with all FAA, State, City, Airport and any other regulations governing skydiving activities.
- B. Airport rules regarding skydiving.
1. There will be no skydiving when wind speeds exceed the maneuvering capabilities and the forward speed of the parachute, or the skill level of the parachutist to allow for a safe landing in the designated landing zone.
 2. Sky divers will avoid all designated traffic patterns.
 3. No skydiver will cross runway 18-36 below 1,000 feet AGL.
 4. No skydiver will land on or near runway 18-36 thresholds.
 5. All skydivers must land at least 500 feet from runway 18-36 and 200 feet from all taxiways, aprons, airport buildings and airplanes.
 6. No skydiving activity will be allowed before sunrise or after sunset.
 7. All people and vehicles shall be confined to their designated area.
 8. Only authorized individuals will be allowed access to airport hangars or airport buildings.
 9. No vehicles will be allowed to drive on airport aprons, taxiways and runways,
 10. An authorized person will monitor unicorn during periods of skydiving activity, giving traffic advisories pertaining to the number and location of skydivers.
 11. All NOTAMS and ADVISORIES pertaining to skydiving activities at Morris Municipal Airport will be issued per FAA, State, City, Airport and any other regulations governing skydiving.

12. No skydiving activities will be allowed unless the following minimums are met:
3 mile visibility
3,000 feet AGL Cloud Base
Minimum distance from clouds-500 feet below 1,000 feet above and 2,000 feet horizontal.
12. No hook turns shall be allowed below 200 feet AGL.
13. No dangerous or abrupt maneuvers will be permitted that are not required for normal flight or landing.

C. Lessee shall procure and maintain at all times, at such person's sole expense, an insurance policy or policies appropriate for their operation and in amounts which are approved by the City of Morris. Such person shall provide to the City of Morris, a certificate of Insurance naming the City of Morris and its elected and appointed City officials, officers, employees and agents and the airport manager as additional named insureds. The type and amount of this coverage shall be as established in the commercial operating permit, contract, lease or other written agreement with the City of Morris from an insurer acceptable to the City of Morris - showing proof of aircraft liability insurance covering bodily injury including passengers and property damage in amounts approved by the City of Morris. Further, such person(s) shall have the City of Morris and its elected appointed officials, officers, employees and agents and the Airport Manager named as additional insured on their certificate of Insurance. Such Certificate shall provide that the insurance cannot be cancelled or materially altered without thirty (30) days prior written notification to all named insured. Lessee shall also provide a signed hold harmless and indemnity agreement in favor of the City of Morris and its elected and appointed officials and officers, employees and agents and the Airport Manager.

400.14 PILOT SCHOOL/STUDENT TRAINING:

No person(s) shall engage in flight instruction at the Morris Municipal Airport unless such person(s) has received prior permission from the Airport Manager.

400.15 OPERATION OF AIRCRAFT AND UNAIRWORTHY AIRCRAFT:

- A. No person shall park or store any un-airworthy aircraft on any portion of the Morris Municipal Airport at any time whatsoever unless same is parked or stored within a hangar at Morris Municipal Airport, nor allow or permit any of such person's guests, invitees, licensees, agents or employees to do so.
- B. No person shall operate, maintain, park, store, take-off or land any aircraft on or from the Morris Municipal Airport if such aircraft weighs in excess of 24,000 pounds for Single Axle Aircraft and 30,000 pounds for Dual Axle Aircraft - which is the

weight design strength of the City's runway, taxiway, and ramp areas - nor allow or permit any of such person's guests, invitees, licensees, agents or employees to do so.

400.16 CONDUCT OF BUSINESS OR COMMERCIAL ACTIVITY:

- A. It is the intent and duty of the City of Morris to encourage and promote free enterprise and the development of the airport to support the needs of the aviation community. It is the responsibility of the City of Morris to protect its tenants from unreasonable or unfair competition. To this end, when one or more businesses are currently providing essentially the same services, any new petitioners shall be required to provide a suitable market analysis, or other evidence, showing the justification for locating their business on airport property.
- B. Pursuant to FAA and State of Illinois requirements, the City of Morris reserves the right to refuse to issue a lease to any firm or individual if either of the following conditions are present:
 - 1. It would be unreasonably costly, burdensome or impractical for more than one business or individual to provide such service; or
 - 2. If allowing more businesses and individuals to provide such services would require the reduction of space leased pursuant to an existing agreement between other tenants and the airport.
- C. No person shall engage in any business or commercial activity of any nature whatsoever on Airport property except with the written approval of the City of Morris.
- D. No person shall solicit fares, for any purpose, on the Airport without written consent of the City of Morris.
- E. The type and scope of business allowed to be conducted and the limitations and conditions of said business shall be as specified in the written consent granted to such applicant. Said consent may be included in a contract, lease or other writing which shall specify the fees and charges to be paid to the City of Morris by such applicant.
- F. All applications for written consent to do business at the Morris Municipal Airport shall be submitted in writing to the Airport Manager who shall submit them to the City Council for review and approval of such applications. All such applications shall be reviewed in light of the Morris Airport Rules and Regulations, City of Morris Ordinances, and any applicable federal and state laws, rules or regulations.
- G. All buildings and structures are subject to the approval of the City of Morris prior to construction. The City of Morris has the right and authority to dictate the height (including door opening height), type of construction, location and appearance of any structure. No structure may be occupied by a tenant or lessee, nor may any business

activity commence in a structure, until all items of construction are completed. No building or structure may be leased or subleased or occupied without written approval from the City of Morris.

- H. The consent of the City of Morris to any person doing business at the Morris Municipal Airport may be revoked by the City of Morris if that person has:
1. Violated any one or more of the Rules and Regulations of the Morris Municipal Airport or any other FAA, State, City ordinance regulation or directive.
 2. Failed or ceased to meet the requirements of the Minimum Requirements for Airport Aeronautic Services as currently in effect; or
 3. Failed or ceased to comply with any requirement or condition stated in the written agreement by the City of Morris to do business at the Airport; or
 4. Failed to make timely payment of any charge or fee due to the City of Morris.

400.17 INSURANCE:

Any person engaging in any business, commercial activity, including, but not limited to, flight instruction, skydiving, etc., or storing or hanging aircraft on the Airport shall obtain and maintain, at such person's sole expense, an insurance policy or policies appropriate for their operation and in amounts which are approved by the City of Morris. Further, such person shall provide to the City of Morris, a certificate of Insurance naming the City of Morris and its elected and appointed City officials, officers, employees and agents and the Airport Manager as additional named insureds. The type and amount of this coverage shall be as established in the commercial operating permit, contract, lease or other written agreement with the City of Morris from an insurer acceptable to the City of Morris. Such Certificate shall provide that the insurance cannot be canceled or materially altered without thirty (30) days prior written notification.

400.18 HOLD HARMLESS:

Any person engaging in commercial activity on the Airport shall be solely responsible for all the operational and financial responsibilities of its commercial activity and shall defend, indemnify and hold harmless the City of Morris and its elected and appointed officials, officers, agents and employees and Airport Manager from any and all costs, including reasonable attorney fees, and damages, losses, claims, demands, suits at law and/or in equity of any kind, nature or extent whatsoever to such person and/or to any third party relating directly or indirectly to such operations.

500 - STORAGE, WASTE DISPOSAL AND FUELING OPERATIONS:

500.1 STORAGE:

- A. No person shall keep or store any flammable liquids, gases, signal flares or other similar material in the hangars or in any building on the Airport; provided, however, such materials may be kept in an aircraft in the proper receptacles installed in the aircraft for such purpose, or in rooms or areas that meet all applicable codes and is specifically approved for such storage by the Morris Fire Protection District and Airport Manager.
- B. No person shall keep or store containers of lubricating or waste oils in or about the hangars, unless such material is kept in containers specifically designated for oil storage in accordance with all applicable codes, statutes, laws ordinances, rules and regulations.

500.2 WASTE DISPOSAL:

No fuels, oils, dopes, paints, solvents, acids or other waste shall be disposed of or dumped by any person in drains, basins, or ditches or elsewhere on Airport property and must be disposed of in accordance with all applicable Federal, State and local environmental statutes, laws, ordinances, rules and regulations.

500.3 FUELING OPERATIONS:

- A. The City of Morris will permit no more than one (1) lease for the operating privilege of either storing or dispensing for their own use, or dispensing at retail, aviation fuels at the Morris Municipal Airport, until a total of 200,000 gallons of retail fuel is utilized annually. One additional lease may be granted for each additional 200,000 gallons of fuel utilized annually thereafter.
- B. No person shall conduct fueling and defueling operations unless authorized by The City of Morris, and is in full compliance with all applicable Federal, State and local statutes, laws, ordinances, rules and regulations and directives. All fueling operations, except as expressly authorized, are hereby prohibited. The following general rules shall further govern the fueling and defueling of aircraft and all persons engaging in such fueling and defueling operations:
 - 1. No person shall fuel or defuel an aircraft while the engine is being warmed by applications of exterior heat, or while such aircraft is in hangar or enclosed space.
 - 2. No person shall smoke within 100 feet of an aircraft being fueled or defueled.
 - 3. No person shall operate any radio transmitter or receiver, or switch electrical appliances on or off in an aircraft during fueling or defueling.

600.2 PRESERVATION OF PROPERTY:

No person shall destroy, injure, deface, or disturb in any way any building, sign, equipment, marker, or other structure, tree, flower, lawn, or other property on the Airport; nor alter, make additions to, or erect any building or sign or make any excavations on the Airport without written permission from the City of Morris. All exterior signs shall conform to any sign ordinance as may be adopted by the City, County and/or State.

600.3 USE OF ROADS AND WALKS:

- A. No person shall travel on the Airport other than on the roads, walks, or places provided for the particular class of traffic.
- B. No person shall occupy the roads or walks in such a manner as to hinder or obstruct their proper use.
- C. Pedestrians shall yield the right of way to all aircraft on Airport property.

600.4 SOLICITATION OF FUNDS:

Organizations desirous of soliciting funds on the Airport properly may not do so until the organization has registered to solicit alms or funds with the City of Morris. Such solicitations may be conducted only in those areas of the Airport specifically authorized by the Airport Manager.

600.5 SMOKING:

No person shall smoke in any area, place or building on the Airport where smoking is specifically prohibited, including but not limited to, any hangar or shop, service station area, gasoline storage area, or within 100 feet of any refueling or defueling operation.

600.6 TRASH CONTAINERS AND TRASH HAULING:

No person shall keep uncovered trash in any area. Only areas specifically designated in writing by the Airport Manager shall be used for trash or garbage containers. Such areas shall be kept clean and sanitary at all times. All lessees are responsible for keeping their areas clean and neat at all times. Trash or garbage containers shall only be used for waste generated on Airport property. No vehicle used for hauling any waste or recyclables shall be operated by any person on the Airport unless such vehicle is constructed to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom.

600.7 EQUIPMENT AND MISCELLANEOUS IN APRON AREA:

Each tenant's or lessee's ramp equipment shall be parked and kept in a neat and orderly manner. No receptacles, chests, cases or housings shall remain on the apron or ramp area that do

not fit in with the general architectural and cleanliness standards of the rest of the installation. Approval on these items rests with the Airport Manager.

600.8 MAINTENANCE:

Each tenant or lessee shall maintain his/her/its leased property in a neat and presentable condition as to repair, cleanliness, and general maintenance and in accordance with his/her/its individual lease agreements and shall not permit or allow the leased premises to be or become a nuisance. Each tenant or lessee on the Airport shall keep the hangars, hangar floors, terminal aprons and ramp areas leased by them, or used in their operations, clean and clear of oil, grease and other materials and in good repair.

600.9 FIRE EQUIPMENT:

Each tenant or lessee shall utilize fire extinguishers which shall be adequate and readily accessible in accordance with rules approved by the National Board of Fire Underwriters for the particular hazard involved. Such devices shall conform to all applicable Federal, State and local fire codes.

600.10 STRUCTURAL AND DECORATIVE CHANGES:

Tenants, lessees, or grantees may not effect structural or decorative changes or additions of any type without prior written permission of the City of Morris. Any changes shall conform to all applicable codes.

600.11 DAMAGES:

Tenants, lessees, and grantees shall be fully responsible for and promptly pay for or repair all damages to buildings, equipment, real property, and appurtenances owned or in the custody of the Morris Municipal Airport caused by such tenant, lessee or grantee or their respective employees, agents, invitees, licensees, customers, visitors, suppliers, or persons with whom they may do business.

600.12 USE OF DESIGNATED TIE-DOWN AREAS AND HANGARS:

Designated tie-down areas and hangars shall be used only for the storage of aircraft and aircraft related materials and equipment which are directly related to the specific stored therein and which is owned or leased by tenant or lessee; provided, however, no fuel shall be stored in such designated tie-down area and hangars unless such fuel is in such aircraft's regular fuel system; and provided, further, a tenant or lessee may allow one or two motor vehicles to be temporarily parked in such hangars during the time period such stored aircraft left the airport in flight and until such aircraft returns to the Airport. Nothing contained in any lease shall authorize the lessee or tenant to conduct any commercial activity from the aforesaid leased areas or the Airport without a written agreement from the City of Morris

600.16 SURRENDER OF SPACE BY LESSEE:

Upon the expiration or other termination of any such Hangar/Tie-Down Lease, lessee shall quit and surrender the space to the City of Morris in good order and condition, ordinary wear excepted, and Lessee shall remove all of its property. Lessee's obligations to observe or perform this covenant shall survive the expiration or other termination of the lease. Lessee shall be liable for all expenditures incurred by the City of Morris for breach of this covenant, or any other covenant of the lease, including but not limited to attorneys' fees and other costs.

600.17 RIGHT OF ENTRY RESERVED:

The City of Morris reserves the right to enter such leased space for the purpose of making ordinary inspections and undertakings including non-emergency activities at reasonable times. Nothing in this Section shall be construed to limit or diminish the City of Morris' right of entry at anytime in any emergency. The lessee shall furnish to the Airport office a key to any locking device to the leased space. No abatement of any payments by the lessee shall be claimed by or allowed to the lessee by reason of the exercise by the City of Morris of any of the rights set forth in this section or in any provisions of such Hangar/Tie-Down Lease. Nothing herein is intended nor shall be construed to obligate the City of Morris to construct, maintain, repair or improve the leased space or any portion thereof, or to impose upon the City of Morris any liability for any failure to do so.

600.18 FLYING CLUBS:

Each Flying Club desiring to base their aircraft and operate on the Airport shall comply with the applicable provisions of these Rules and Regulations.

- A. Such Flying Club shall be a nonprofit entity (corporation, association or partnership) organized for the express purpose of providing its members with an airplane, or aircraft, for its members personal use and enjoyment only. The ownership of such airplane, or aircraft, must be vested in the name of the Flying Club (or owned ratable by all of its members). The property rights of the members of the Flying Club shall be equal and no part of the net earnings of the Flying Club shall inure to the benefit of any member in any form (salaries, bonuses, etc.). The Flying Club may not derive greater revenue from the use of its aircraft than the amount necessary for the operations, maintenance and replacement of its aircraft.
- B. A Flying Club shall not offer or conduct charter, air taxi or rental of aircraft operations; and shall not conduct aircraft flight instruction except for its own regular members; and only members of the Flying Club may operate its aircraft.
- C. The Flying Club, with its lease request, shall furnish the Airport Manager with a copy of its charter, by-laws, articles of association, partnership agreement and other documentation supporting its existence; and a roster, or list of members, including names of officers and directors, which shall be

revised by the Flying Club and resubmitted to the Airport Manager on a semi-annual basis. The Flying Club shall procure and maintain at all times, aircraft liability insurance covering bodily injury including passengers and property damage in amounts determined by the nature of operation of the Flying Club and as may be approved by the City of Morris. Further, the Flying Club shall provide a Certificate of Insurance naming the City of Morris and its elected officials, officers, employees and agents and the Airport Manager, as additional named insureds. Notification should be made to the City of Morris and the Airport Manager whenever there is a termination of insurance.

- D. A Flying Club shall abide by and comply with all Federal, State and local statutes, laws, ordinances, rules and regulations and with rules and regulations and directives set forth in this Chapter.

700 - SCHEDULE OF CHARGES

700.1 PRIVATE AND COMMERCIAL AIRCRAFT:

No individual or organization shall engage in any private or business or commercial activities of any type at the Morris Municipal Airport unless prior written permission is obtained from the Airport Manager and City of Morris and the proper fees have been paid to the City of Morris. The City of Morris reserves the right at any time to increase or decrease said fees in its sole discretion.

800 - PENALTIES

800.1 PENALTIES:

The violation of, or failure to comply with any provision of any Rule or Regulation of the Morris Municipal Airport shall constitute an offense against the City of Morris. Any person who violates, or aids, or abets in a violation of any Rule or Regulation of the Morris Municipal Airport shall, upon conviction, be subject to a fine, of not less than \$50.00 nor more than \$500.00 for each such offense. Each calendar day upon which any such violation occurs or continues shall constitute a separate offense.

In addition to said penalties, the City of Morris may revoke, cancel or suspend any existing privilege or franchise as a penalty for a violation of any rule or regulation pertaining to the use, enjoyment or exercise of such privilege or franchise.

The penalties provided in this paragraph shall be deemed to be cumulative and not in substitution of any other specific penalties as may be otherwise provided for in this Chapter or in any other Ordinance Rule or Regulation of the Morris Municipal Airport, City of Morris as now or as may be hereafter enacted or adopted, or amended or modified.

900 - TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

The City of Morris (hereinafter referred to as the "sponsor") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252.42 U.S.C. 2000d, 42 U.S.C. 2000d-4 (hereinafter referred to as the "Act") and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in , be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the sponsor receives Federal financial assistance from the Department of Transportation including the Federal Aviation Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation, subsection 21.7 (a) (1).

City of Morris does hereby declare that no person on the grounds of race, color or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishings of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the City of Morris shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted program of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

EXHIBIT 2

Under penalties, as provided by law for false certification pursuant to Section 1-109 of the Code of Civil Procedure and perjury pursuant to Section 32-2 of the Criminal Code of 1961, the undersigned certifies that the statements set forth via this instrument are true and correct.

DATED THIS 28TH DAY OF MARCH, 2012.

CITY OF MORRIS,
an Illinois Municipal Corporation, Plaintiff

By:



JEFFREY WOGEN, Airport Manager,
Morris Municipal Airport

Bradley Nolden
SCOTT M. BELT & ASSOCIATES, P.C.
105 E. Main Street, Suite 206
Morris, IL 60450
(815) 941-4675
ARDC #: 6306646

EXHIBIT 3



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

DuPage Flight Standards District Office

31W775 North Avenue
DuPage Airport
West Chicago, IL 60185-1056
(630) 443-3100
(630) 443-3155 (FAX)

MAY 4 2011

Mr. Doug Partl
International Aerobatic Club, Chapter 1
6808 West Johnson Court
Monee, IL 60449

Dear Mr. Partl:

Enclosed is your Certificate of Waiver/Authorization for the Morris Airport Aerobatic Practice Area, effective from sunrise to sunset, May 1, 2011 to March 31, 2012.

Please note that Special Provisions 5 and 6 require a NOTAM to be filed with Lockheed Martin Flight Service Station, and Special Provision 7 requires telephone notification to Chicago TRACON at (847) 608-5654 and Chicago Center at (630) 906-8341 prior to commencing activities.

This office requests you provide a sufficient amount of time for completion of an Environmental Assessment upon application for renewal of this Aerobatic Practice Area (60-90 days).

If you have any questions, please contact this office at (630) 443-3100.

Sincerely,

A handwritten signature in cursive script, appearing to read "CAROLYN B. REMOL".

Carolyn B. Remol
Principal Operations Inspector

Enclosures

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

CERTIFICATE OF WAIVER OR AUTHORIZATION

ISSUED TO
International Aerobatic Club, Chapter 1
Doug Partl, President

ADDRESS
6808 W. Johnson Court
Monee, IL 60449

This certificate is issued for the operations specifically described hereinafter. No person shall conduct any operation pursuant to the authority of this certificate except in accordance with the standard and special provisions contained in this certificate, and such other requirements of the Federal Aviation Regulations not specifically waived by this certificate.

OPERATIONS AUTHORIZED
Aerobatic Practice Area within 2.5 nm from the Center of C09, Morris Airport in the depicted IAC Practice Box, located NW of the airport from the surface up to and including 5000 feet MSL.

LIST OF WAIVED REGULATIONS BY SECTION AND TITLE
14 CFR 91.117(a); 14 CFR 91.303(c) (d) (e)

STANDARD PROVISIONS

1. A copy of the application made for this certificate shall be attached to and become a part hereof.
2. This certificate shall be presented for inspection upon the request of any authorized representative of the Administrator of the Federal Aviation Administration, or of any State or municipal official charged with the duty of enforcing local laws or regulations.
3. The holder of this certificate shall be responsible for the strict observance of the terms and provisions contained herein.
4. This certificate is nontransferable.

NOTE--This certificate constitutes a waiver of those Federal rules or regulations specifically referred to above. It does not constitute a waiver of any State law or local ordinance.

SPECIAL PROVISIONS

Special Provisions Nos. 1 to 15 inclusive, are set forth on the reverse side hereof. "See Attached"

This certificate is effective from Sunrise to Sunset to May 1, 2011 to March 31, 2012, inclusive, and is subject to cancellation at any time upon notice by the Administrator or his authorized representative.

BY DIRECTION OF THE ADMINISTRATOR



Luanne Wills-Marrell

(Signature)

Great Lakes

(Region)

5/3/11

(Date)

Manager, DuPage FSDO

(Title)

No certificate may be issued unless a completed application form has been received (14 C.F.R. 91. 101. and 105).



US Department of Transportation
Federal Aviation Administration

**APPLICATION FOR
CERTIFICATE OF WAIVER
OR AUTHORIZATION**

Form Approved: O.M.B. No. 2120-0027

APPLICANTS - DO NOT USE THESE SPACES

Region <i>Great Lakes</i>	Date <i>4/26/2011</i>
------------------------------	--------------------------

Action
 Approved Disapproved - Explain under "Remarks"

Signature of authorized FAA representative

[Signature]

INSTRUCTIONS

Submit this application in triplicate (3) to any FAA Flight Standards district office.

Applicants requesting a Certificate of Waiver or Authorization for an aviation event must complete all applicable items on this form and attach a properly marked 7.5 series Topographic Quadrangle Map(s), published by the U.S. Geological Survey (scale 1:24,000), of the proposed operating area. The map(s) must include scale depictions of the flightlines, showlines, race courses, and the location of the air event control point, Police dispatch, ambulance, and fire

fighting equipment. The applicant may also wish to submit photographs and scale diagrams as supplemental material to assist in the FAA's evaluation of a particular site.

Application for a Certificate of Waiver or Authorization must be submitted 45 days prior to the requested date of the event.

Applicants requesting a Certificate of Waiver or Authorization for activities other than an aviation event will complete items 1 through 8 only and the certification, item 15, on the reverse.

1. Name of Organization

Int Aerobic Club CH 1

2. Name of responsible person

Douglas E. Parli

3. Permanent mailing address

House number and street or route number
6808 W. Johnson Court

City
Monee

State and ZIP code
IL 60449

Telephone No.
708-912-9966

4. FAR section and number to be waived

14 CFR 91.117(a) 14 CFR 91.303(c)(d)(e)

5. Detailed description of proposed operation (Attach supplement if needed)

Aerobic Practice Area in the vicinity of Morris IL Airport (C09), during the hours of Sunrise to Sunset, Surface to 5000' MSL. Flight in the depicted IAC Practice Box, located NW of the airport, shall be conducted in accordance with the guidelines called out in the most recent revision of the Official Rule Book of the International Aerobic Club

6. Area of Operation (Location, altitudes, etc.)

Within 2.5 miles of the geographical center of the Morris IL Airport (C09)

7a. Beginning (Date and hour)

4/1/2011 0000UTC

b. Ending (Date and hour)

3/31/2012 2359UTC

8. Aircraft make and model (a)

Pilot's Name (b)

Certificate number and rating (c)

Home address (Street, City, State) (d)

**SPECIAL PROVISIONS
AEROBATIC PRACTICE AREA
INTERNATIONAL AEROBATIC CLUB
MORRIS, ILLINOIS**

This Certificate of Waiver constitutes a waiver of only those regulations stated, to the degree and for the period of time specified in the certificate. The Certificate of Waiver does not constitute a waiver of any state law or local ordinance. Should the proposed operation conflict with any state law, local ordinance, or required permission of local authorities or property owners, it shall be the applicant's responsibility to resolve the difficulty. The provisions of the waiver shall apply, regardless of the statements contained in the application for Certificate of Waiver. The waiver shall be considered void upon completion of the authorized schedule of events or at the latest time shown on the face of the Certificate of Waiver, whichever occurs earlier. The air show will consist of only those maneuvers or events specified in Item 14 of the application, or in an attachment to the Application for Certificate of Waiver.

- 1) Aerobatic flight shall be confined to the area designated on the pictorial chart (satellite photographs may be substituted for topographic charts and are available on Web sites, e.g., Google Earth, maps.google.com, Map Quest) attached to the Certificate of Waiver and defined in Special Provision 2. A definitive pictorial chart or photograph of the underlying area should be attached to the application and the approved waiver.
- 2) The aerobatic practice area is further defined as follows: Within 2.5 nm from the center of C09, Morris Airport in the depicted IAC Practice Box, located NW of the airport from the surface up to and including 5000 feet MSL.
- 3) No aerobatic maneuvers may be performed over or within 500 feet laterally from any open air assembly of persons or congested area of any city, town, or settlement.
- 4) No person may operate an aircraft in aerobatic flight when the visibility is less than 3 miles or a ceiling less than 1500 feet.
- 5) Before commencing aerobatic flight operations, the person(s) authorized to activate and deactivate the aerobatic practice area shall be responsible for advising the Lockheed Martin Flight Service Station at (877) 487-6867 or (703) 724-4288 of the activity and requesting that a NOTAM that includes the following information be issued:
 - a. The location, dates, and times the aerobatic activity will be in effect.
 - b. If appropriate, the runway(s) that will be closed during the aerobatic activities.
- 6) All certificates of waiver granting relief from appropriate sections of part 91 must also contain guidance stipulating that the person(s) responsible for activation of the aerobatic practice area provide the controlling FSS with a copy of the Certificate of Waiver at least

48 hours before activation of the NOTAM. For certificates of waiver that are issued on a long term basis, additional wording should be included advising the holder to ensure that the FSS keeps the waiver on file for future NOTAM activation.

- 7) Notification shall be made to Chicago TRACON at (847) 608-5654 at least 30 minutes before the beginning of aerobatic activity in the practice area, or, if a letter of agreement exists, notification shall be made as specified in that document. Chicago TRACON shall also be notified at the termination of aerobatic activities.
- 8) The person(s) authorized to activate and deactivate the aerobatic practice area described in special provision 2 is Doug Partl or his delegate.
- 9) The person named in special provision 8 shall also be responsible for the following:
 - a. Ensuring that all pilots and aircraft operating within the confines of the waived aerobatic practice area are properly certificated;
 - b. Briefing each pilot to ensure that all users of the practice area comply with the limitations imposed by the Certificate of Waiver and its attendant special provisions; and
 - c. Maintaining a log containing the pilot's name, airman certificate number, aircraft registration number, date, and time the aerobatic practice was in use and providing this information to the FAA upon request.
- 10) When required by ATC, all pilots must monitor Chicago TRACON on 127.075 on a continuous basis while operating within the aerobatic practice area.
- 11) All pilots operating within the waived aerobatic practice area shall maintain VFR at all times and shall be responsible for seeing and avoiding all conflicting traffic.
- 12) Aerobatic flight shall be conducted only between the hours of sunrise and sunset.
- 13) The holder of this Certificate of Waiver or delegated representative is responsible for halting or canceling activity in the aerobatic practice area if, at any time, the safety of persons or property on the ground or in the air is in jeopardy, or if there is a failure to comply with the terms or conditions of this waiver.
- 14) The FAA has the authority to cancel the Certificate of Waiver or delay any activities if the safety of persons or property on the ground or in the air is in jeopardy, or if there is a violation of the terms of the waiver or authorization.
- 15) Airport staff, when available, shall be advised of planned aerobatic activity 30 minutes prior to activation of the aerobatic practice area.

Attachment A
Approved Certificate of Waiver
International Aerobatic Club, Chapter 1
Doug Partl, President

LIST OF WAIVED REGULATIONS

14 CFR 91.117 AIRCRAFT SPEED

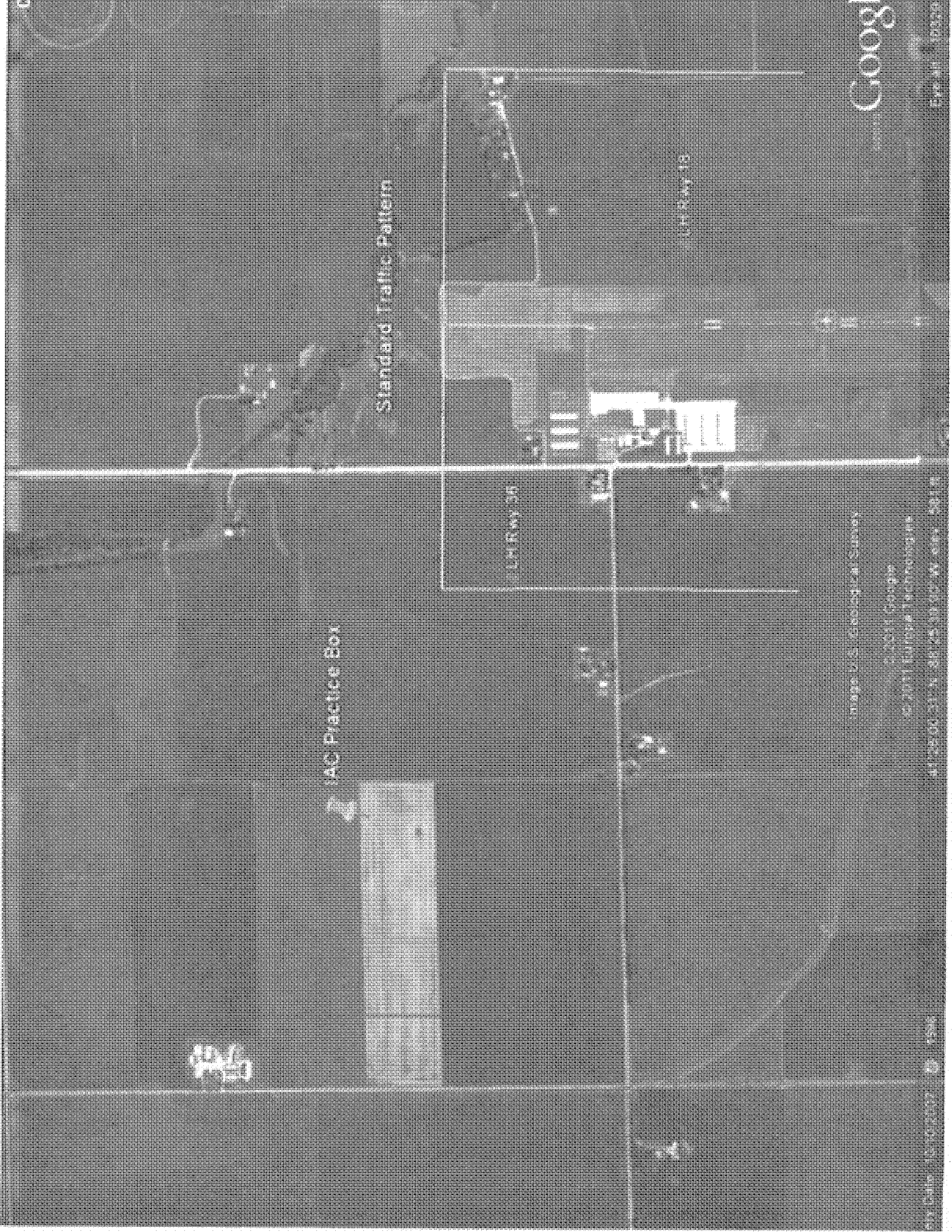
- (a) Unless otherwise authorized by the Administrator, no person may operate an aircraft below 10,000 feet MSL at an indicated airspeed of more than 250 knots (288 mph).

14 CFR 91.303 AEROBATIC FLIGHT

No person may operate an aircraft in aerobatic flight –

- (c) Within the lateral boundaries of the surface areas of Class C and Class D airspace designated for an airport.
- (d) Within four (4) nautical miles of the centerline of any Federal airway.
- (e) Below an altitude of 1,500 feet about the surface.

For the purposes of this section, aerobatic flight means an intentional maneuver involving an abrupt change in an aircraft's attitude, an abnormal attitude, or abnormal acceleration not necessary for normal flight.



AC Practice Box

Standard Traffic Pattern

LARRY ST

LARRY BL

maps © 2013 Google

© 2013 Europa Technologies

415500, 31 N 3874 39 00 W May 2013

Google

City Center © 2013 Google

415500, 31 N 3874 39 00 W May 2013

ITEMS 9 THROUGH 14 TO BE FILLED OUT FOR AIR SHOW/AIR RACE WAIVER REQUESTS ONLY.

9. The air event will be sponsored by:

10. Permanent mailing address	House number and street or route number	City	State and ZIP code	Telephone No.
-------------------------------	---	------	--------------------	---------------

11. Policing (Describe provisions to be made for policing the event.)

12. Emergency Facilities (Mark all that will be available at the time and place of the air event.)


Physician Fire Truck Other - Specify _____
 Ambulance Crash Wagon

13. Air Traffic Control (describe method of controlling traffic, including provision for arrival and departure of scheduled aircraft.)


14. Schedule of Events (includes arrival and departure of scheduled aircraft and other periods the airport may be open.)

Hour (a)	Date (b)	Event (c)

If sufficient space is not available, the entire schedule of events may be submitted on separate sheets, in the order and manner indicated above.

Please Read  The undersigned applicant accepts full responsibility for the strict observance of the terms of the certificate of waiver or Authorization, and understands that the authorization contained in such certificate will be strictly limited to the above described operation.

15. Certification - I CERTIFY that the foregoing statements are true.

Date 2/15/2011	Signature of Applicant 
-------------------	---

Remarks

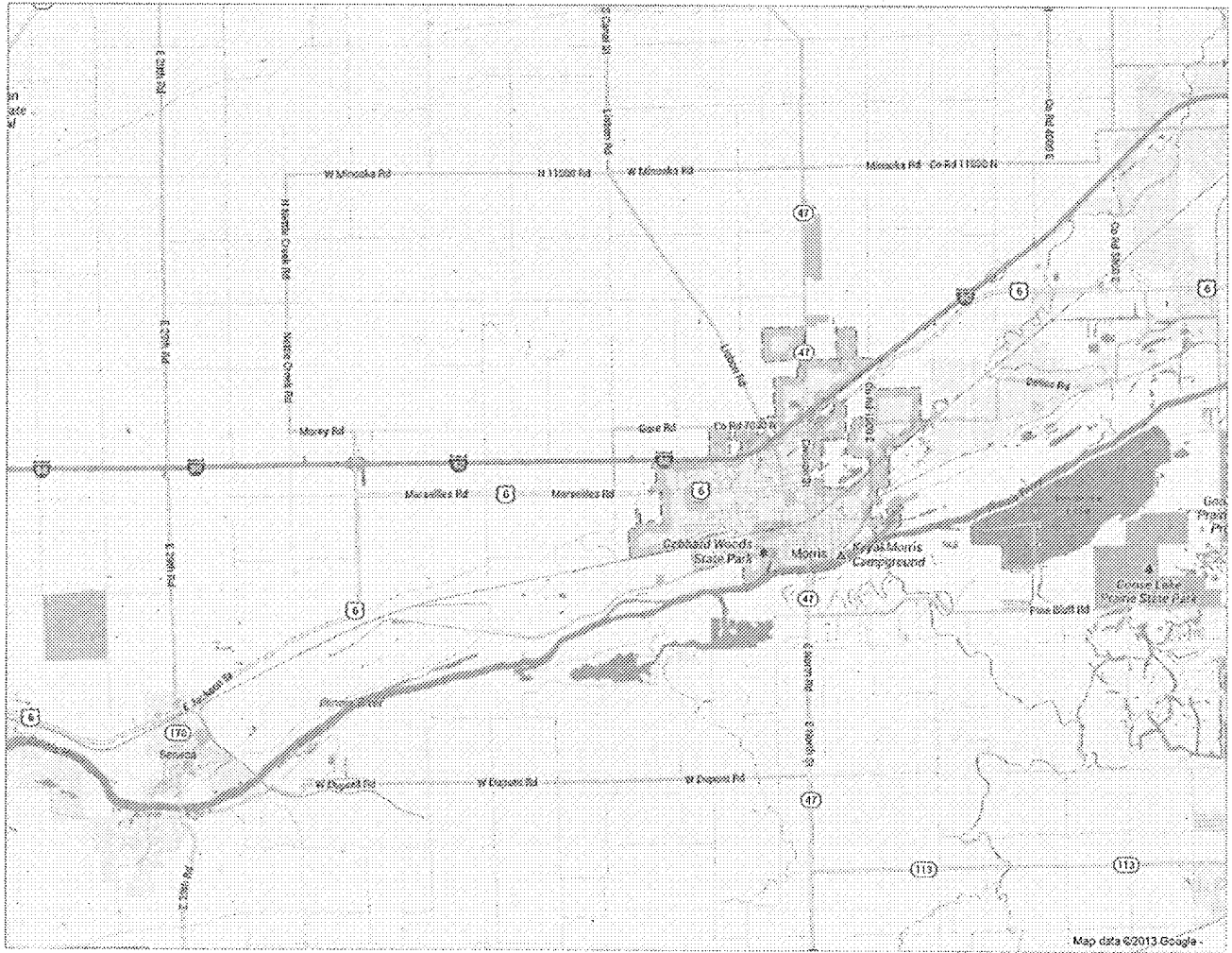
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To see all the details that are visible on the screen, use the "Print" link next to the map.



Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

INTERNATIONAL AEROBATICS CLUB
CHAPTER 1 and NICHOLAS SCHOLTES,

Plaintiffs,

v.

CITY OF MORRIS, ILLINOIS, JEFFREY
VOGEN, and SID NELSON,

Defendants.

Case No.

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF
AND A CIVIL RIGHTS ACTION (42 U.S.C. § 1983)**

The International Aerobatics Club Chapter 1 (“IAC Chapter 1”) and Nicholas Scholtes (“Scholtes” and collectively the “Plaintiffs”), by their counsel, complain as follows:

Nature of the Action

1. This action seeks declaratory and injunctive relief under federal law against enforcement of the Morris, Illinois, City Code Chapter 8.75.010 (the “Morris Ordinance”) and Chapter 400.1 of the Rules and Regulations of the Morris Municipal Airport (the “Morris Regulations”) (attached as Exhibit One).
2. The Morris Ordinance incorporates and adopts by reference all the Morris Regulations, including Chapter 400.1.
3. Chapter 400.1 “Aeronautical Activities” states as follows:

All aeronautical activities at the Airport (including Skydiving), and all flying of aircraft departing from or arriving in the airspace above this airport shall be conducted in conformance with the statutes, laws, rules of regulations of the FAA and these Rules and Regulations, as now enacted or as may be hereafter amended or modified or enacted or adopted.

4. In addition, the Morris Regulations require that flying clubs like IAC Chapter 1 comply with every airport regulation. Chapter 600.18 “Flying Clubs” states as follows:

Each Flying Club desiring to base their aircraft and operate on the Airport shall comply with the applicable provisions of these Rules and Regulations.

5. The City of Morris and its agents have charged Scholtes, a member of IAC Chapter 1, with violating the Morris Ordinance and Regulations. Scholtes now is subject to a fine of up to

\$1,000 dollars. See *City of Morris v. Scholtes*, No. 12 ov 41 (Cir. Ct. Grundy Cnty filed Mar. 28, 2012) (attached as Exhibit Two).

6. The City of Morris and its agents have also threatened to enforce the Ordinance and Regulations against other pilots associated with IAC Chapter 1.

7. Federal law and regulations govern the national airspace. The Federal Aviation Act of 1958 (“FAAct”) and the Airline Deregulation Act of 1978 expressly and implicitly preempt Defendants’ enforcement of its Ordinance and Regulations against pilots flying in federal airways.

8. The Morris Ordinance and Regulations impermissibly regulate the national airspace, and as such violate the United States Constitution and are unenforceable.

9. Plaintiffs seek to protect and vindicate their right to fly in the national airspace without being subjected to an unconstitutional and preempted barrier established and enforced by a local municipality.

10. Plaintiffs seek a declaratory judgment that the challenged Ordinance and Regulations are invalid, unenforceable, and void. Plaintiffs also seek a permanent injunction prohibiting the enforcement of the challenged Ordinance and Regulations by Defendants and prohibiting the implementation of any similar ordinances. Plaintiffs also seek attorneys’ fees pursuant to 42 U.S.C. § 1988.

11. Defendants have also selectively enforced and threaten to enforce the Morris Ordinance and Regulations against the Plaintiffs out of animus for aerobatic flying, Scholtes, and IAC Chapter 1. Acting under color of state law in depriving Plaintiffs’ of their constitutional rights, defendants have violated 42 U.S.C. § 1983.

Jurisdiction and Venue

12. This Court has jurisdiction of this action under 28 U.S.C. § 1331 and under 28 U.S.C. § 1343, authorizing original jurisdiction of claims brought pursuant to 28 U.S.C. § 1983 to enforce violations of rights guaranteed by the United States Constitution. This action also seeks declaratory judgment pursuant to 28 U.S.C. § 2201 and § 2202.

13. Venue is proper in the United States District Court for the Northern District of Illinois under 28 U.S.C. § 1391(b) because Plaintiffs and Defendants reside or are located in the District and because a substantial portion of the events giving rise to the Plaintiffs’ claims occurred in this judicial district.

The Parties

14. Plaintiff IAC Chapter 1 is a non-profit membership organization incorporated under the laws of Illinois with its principal place of business in Morris, Illinois.

15. IAC Chapter 1’s purpose includes preserving pilots’ right to fly, to perform aerobatic maneuvers, and to provide opportunities to practice and perform in aerobatic competitions.

16. IAC Chapter 1 members fly through the national airspace, depart from and arrive at Morris Airport, and also rent hangar space at the airport to store some of their planes.
17. IAC Chapter 1 hosts several events and an aerobatic contest every year at which it is represented by its members. Members of IAC Chapter 1 are in the top skill level for all pilots.
18. Defendant City of Morris is a municipal entity organized under the Constitution and laws of the State of Illinois.
19. The City of Morris owns and operates the Morris Municipal Airport (“Morris Airport”).
20. Defendant Jeff Vogen (“Vogen”) is the Morris Airport manager and an employee of the City of Morris. He is sued in both his official and personal capacity.
21. Defendant Sid Nelson (“Nelson”) is a Morris Airport consultant and agent of the City of Morris. He is sued in both his official and personal capacity.
22. Plaintiff Nicholas Scholtes is a citizen of the United States and resides in Shorewood, Illinois.
23. Scholtes is a pilot and member of IAC Chapter 1.

The Facts

A. Federal Law is Extensive and Preempts Any Local Regulation of the National Airspace

24. The United States Government has exclusive sovereignty of the airspace of the United States.
25. Congress intended the Federal Aviation Administration’s (“FAA”) powers to be broad because FAA Act grants to each “citizen of the United States...a public right of transit through the navigable airspace.”
26. Moreover, the FAA has the sole authority to promulgate rules governing the regulation of aircraft flight, including flight patterns, routes, and travel within the navigable airspace.
27. Federal law provides that “[t]he Administrator [of the FAA] is authorized and directed to develop plans for and formulate policy with respect to the use of the navigable airspace.”
28. Federal law governs every aspect of flight, beginning with a pilot’s obtaining a certificate to fly to determining how high and where that pilot can fly while airborne.
29. No state has the power to issue pilot certificates or regulate a pilot while in flight.
30. The FAA has also created a regulatory scheme for enforcement of FAA violations.
31. For any violation of the Federal Aviation Act, “the Administrator [of the FAA] may conduct investigations, hold hearings, issue subpoenas, [and] require the production of relevant documents.”

32. Aerobatic flight is a legally recognized form of aircraft operation. Federal law defines aerobatic flight “as an intentional maneuver involving an abrupt change in an aircraft's attitude, an abnormal attitude, or abnormal acceleration, not necessary for normal flight.”

33. The FAA promulgated rules and regulations specifically governing aerobatic flight, including 94 C.F.R. 91.303 which dictates the areas in which aerobatic flight may occur.

34. Federal regulations create a presumption in favor of aerobatic flight.

35. Pilots may perform aerobatic flight in any area not specifically excluded by FAA regulations.

36. Federal law prohibits aerobatic flight only in the following areas:

- a. Over any congested area of a city, town, or settlement;
- b. Over an open air assembly of persons;
- c. Within the lateral boundaries of the surface areas of Class B, Class C, Class D, or Class E airspace designated for an airport;
- d. Within 4 nautical miles of the center line of any Federal airway;
- e. Below an altitude of 1,500 feet above the surface; or
- f. When flight visibility is less than 3 statute miles.

37. Even in restricted areas, however, the FAA has created a process that permits a pilot to perform aerobatic flight when granted a “Waiver.” A Waiver grants pilots an exemption from FAA regulations listed in the Waiver.

38. The FAA commonly waives, and in this case did waive, FAA regulation 14 C.F.R. 91.117(a) related to aircraft speed and 14 C.F.R. 91.303 (c), (d), and (e) (noted above in paragraph 36) related to aerobatic flight when a pilot is flying within an area designated and approved by the FAA.

39. An “Aerobatic Practice Area” is one such area designated and approved by the FAA for aerobatic flight.

40. To prevent interference with interstate airline routes and to ensure the safety of all pilots and passengers, the FAA specifically authorized IAC Chapter 1 to perform aerobatic maneuvers within the designated Aerobatic Practice Area.

41. The pervasive nature and extent of federal regulation of the national airspace evidences Congress’s intent to completely preempt any state or local regulation of the navigable airways.

42. Congress has also expressly preempted state regulation of navigable airspace through the Airline Deregulation Act of 1978.

43. The Airline Deregulation Act of 1978 preempts the ability of a state or local authority to “enact or enforce a law, regulation or other provision having the force and effect of law related to a price, route, or service of an air carrier that may provide air transportation under this subpart.”

B. IAC Chapter 1 Obtains an Aerobatic Practice Area Over the City of Morris’s Objection

44. Interstate air carriers typically travel at an altitude significantly higher than the altitude at which pilots perform aerobatics.

45. Directly over Morris Airport, however, there is an arrival and departure corridor for Midway Airport.

46. Interstate air carriers arriving or departing from Midway Airport in this corridor fly at lower altitudes and often fly at the same altitude as pilots performing aerobatics.

47. Regardless of the size of the plane, every aircraft has an equal right to fly in the airspace.

48. An interstate air carrier that flies into Midway Airport notified IAC Chapter 1 of its concerns related to air traffic on the route into Midway Airport.

49. IAC Chapter 1 voiced safety concerns to the City of Morris and Vogen many times in 2010 and 2011, before developing the Aerobatic Practice Area, regarding air traffic and the flight path of interstate air carriers flying over the Morris Airport.

50. Defendants refused to engage in discussions of these safety concerns with IAC Chapter 1.

51. IAC Chapter 1, therefore, contacted the FAA to obtain an Aerobatic Practice Area.

52. An Aerobatic Practice Area is intended to give pilots a safe area in which to practice their aerobatic maneuvers, and the FAA has established procedures to ensure the safety of all pilots flying near an activated Aerobatic Practice Area.

53. The FAA advised IAC Chapter 1 to apply for an Aerobatic Practice Area.

54. The FAA routinely issues Waivers for an Aerobatic Practice Area to resolve safety concerns and flight traffic issues near airports around the country.

55. There is nothing unique about the location of the Morris Airport or the air and ground traffic that would preclude the customary solution to these issues, which is the FAA issuing an Aerobatic Practice Area Waiver.

56. After IAC Chapter 1 filed its application for an Aerobatic Practice Area, the City of Morris began obstructing IAC Chapter 1’s efforts to obtain an Aerobatic Practice Area.

57. Acting on behalf of the city as its agent, Nelson made false and misleading statements about IAC Chapter 1 and opposed IAC Chapter 1 receiving an Aerobatic Practice Area in local meetings held by the FAA.

58. Defendants also threatened IAC Chapter 1 and warned that there would be consequences to obtaining an Aerobatic Practice Area to intimidate IAC Chapter 1 into withdrawing its request for an Aerobatic Practice Area.

59. After hearing of the safety concerns and flight traffic issues, the FAA granted IAC Chapter 1 an Aerobatic Practice Area. In doing so, the FAA specifically located the Aerobatic Practice Area on and extending below a federal airway near the Morris Airport. *See* Aerobatic Practice Area Waiver or Authorization (attached as Exhibit Three).

C. The City of Morris Punishes Plaintiffs for Obtaining an Aerobatic Practice Area

60. After IAC Chapter 1 obtained the Aerobatic Practice Area, Vogen reported to the FAA Regional Office that an IAC Chapter 1 pilot caused a traffic conflict with an interstate air carrier.

61. The IAC Chapter 1 pilot was operating in legally navigable airspace, not the Aerobatic Practice Area, and the FAA investigating inspector found there was no issue with the IAC Chapter 1 member's flight and the FAA closed its investigation.

62. Then, on December 26, 2011, Vogen witnessed Scholtes flying his airplane and allegedly performing aerobatic maneuvers while flying in the navigable airspace.

63. The City of Morris and Vogen know that the City lacks the power to regulate flight or issue a non-traffic complaint based on a pilot's performing aerobatic maneuvers while flying.

64. Because the City has no authority over aerobatic flight, Vogen called the FAA to file a report.

65. Vogen stated on the report to the FAA that he witnessed an "N84PS Pitts S2-B (an IAC member)" violate an FAA regulation related to aerobatic flight, even though he knew that Scholtes—not IAC Chapter 1—was the owner of the plane and that Scholtes was not in violation of any FAA regulation.

66. The FAA investigated the incident, contacted IAC Chapter 1, and found IAC Chapter 1 had not violated any FAA regulation.

67. Vogen then contacted the FAA a second time regarding the same incident.

68. In the second report to the FAA, Vogen stated that it was Scholtes who had violated an FAA regulation.

69. The FAA duly investigated Vogen's allegation of misconduct on the part of Scholtes, found nothing to support the charge, and properly closed their investigation.

70. Displeased with the FAA's response and wanting to make an example of Scholtes to IAC Chapter 1 and other pilots that support IAC Chapter 1, Vogen caused the City of Morris to issue Scholtes a Non-Traffic Complaint for violations of the local Morris Airport Rules and Regulations.

71. At the time Scholtes was allegedly performing aerobatic maneuvers, Scholtes was flying west of the airport, over land neither owned nor regulated by the City of Morris.

72. The City of Morris and Vogen know that the City lacks the power to regulate activity that occurred outside its jurisdictional limits.

73. The City of Morris and Vogen have instigated legal proceedings in Illinois State Court, Circuit Court of Grundy County, against Scholtes to enforce this Non-Traffic Complaint.

74. Scholtes now is subject to a fine up to \$500 for each offense.

75. Defendants issued the Non-Traffic Complaint against Scholtes as a pretext to removing the Aerobatic Practice Area.

D. IAC Chapter 1 Renews its Aerobatic Practice Area and Defendants' Harassment Escalates

76. The City of Morris, the Airport Manager Vogen, and Airport Consultant Nelson have displayed animosity to IAC Chapter 1 and its members for no reason other than out of sheer malice for IAC Chapter 1.

77. Since IAC Chapter 1 received and renewed its Aerobatic Practice Area privileges, Defendants have increased their harassment of IAC Chapter 1, its members, and Scholtes.

78. Without cause, Defendants have yelled at, distracted, and directly interfered with IAC Chapter 1 members on the ground who were actively coaching pilots practicing maneuvers in the Aerobatic Practice Area.

79. Defendants' actions jeopardize the safety of IAC Chapter 1 members in the air and on the ground.

80. Morris Airport agent, Sid Nelson, has driven his vehicle at an IAC Chapter 1 member and slammed on the brakes causing an IAC Chapter 1 member to lose visual contact with a pilot flying in the Aerobatic Practice Area.

81. Sid Nelson has also physically intimidated and threatened IAC Chapter 1 members.

82. Vogen has also intimidated IAC Chapter 1 members, members of other flight organizations such as the Experimental Aircraft Association ("EAA"), and other pilots saying that any pilot who supports IAC Chapter 1 or its Aerobatic Practice Area could lose their ability to fly at Morris Airport or rent hangar space.

83. Vogen has also informed IAC Chapter 1 members that he will throw them out of the Morris Airport and ground their planes if he feels, in his opinion, that they have done any unsafe maneuvers while flying.

84. In contrast, Vogen allows other pilots who are not members of IAC Chapter 1 to perform similar maneuvers in the airport area such as loops, rolls, and non-standard operations while

flying without threats of repercussion and without filing reports or complaints against those pilots.

85. Vogen also allows other pilots who do not support IAC Chapter 1 to fly at low altitudes near the runway without threats of repercussion and without filing reports or complaints against those pilots.

86. As a result of his relationship with the City of Morris as its airport consultant, Nelson acts with impunity and his actions against IAC Chapter 1 and its members go unreprimanded, despite IAC Chapter 1's efforts to stop such behavior.

87. For example, Nelson has violated several FAA regulations, including landing counter to the flow of other airplanes on an active runway and operating at lower than normal altitudes while landing, without Vogen complaining to the FAA or giving Nelson a citation.

88. Similarly, Nelson has discriminated against, physically threatened, and attacked IAC Chapter 1 and its members because they are members of IAC Chapter 1 and conduct aerobatic maneuvers while flying in the local area.

89. Scholtes and IAC Chapter 1 members now fear expensive fines, prosecution, and arrest if they continue to fly.

90. IAC Chapter 1 members, EAA members, and other pilots would fly at IAC Chapter 1 sponsored events but are afraid to do so or to perform aerobatic flight maneuvers near the Morris Airport, even in the Aerobatic Practice Area designated for that very purpose, out of fear of harassment and receiving Non-Traffic Complaints by Defendants for violating the Morris Ordinance and Regulations.

91. As a result of Defendants' actions, IAC Chapter 1 has lost members and participation at its events.

92. As a result of Defendants' actions, Scholtes and IAC Chapter 1 have spent considerable time and money addressing these concerns and attempting to end these capricious actions by the Defendants.

Count I

Injunctive Relief: The Morris Ordinance and Regulation Are Unconstitutional and Preempted by Federal Law (Federal Aviation Act and Airline Deregulation Act)

93. Plaintiffs incorporate by reference Paragraphs 1-92.

94. Federal law implicitly and expressly preempts the Morris Ordinance and Regulation.

95. By enacting the Federal Aviation Act of 1958, Congress implicitly expressed its intent that federal law alone should govern federal airways.

96. As further evidence of its intent, Congress granted broad administrative powers to the FAA, and the FAA exercises those administrative powers extensively.

97. The FAA creates and enforces regulations related to air travel that are so pervasive, including 14 C.F.R. 91.303 for aerobatic flight, that there is no room for state or local municipalities to supplement the FAA's enforcement power.

98. The Morris Ordinance and Regulations interfere with this federal scheme and impermissibly attempt to regulate flight and routes in the national airspace.

99. By enacting the Airline Deregulation Act of 1978, 49 U.S.C. § 41713, Congress expressly preempted the ability of a state or local authority to "enact or enforce a law, regulation or other provision having the force and effect of law related to a price, route, or service of an air carrier."

100. Defendants' enforcement and continued threatened enforcement of the Morris Ordinance and Regulations against Scholtes and IAC Chapter 1 have deprived Plaintiffs of their right to due process and equal protection protected by the Fourteenth Amendment, placed an undue burden on interstate commerce, and violated the Supremacy Clause of the United States Constitution.

101. As a direct and proximate result of Defendants' actions, Plaintiffs have suffered irreparable harm without an adequate remedy at law and will continue to suffer harm.

102. Scholtes and IAC Chapter 1 seek an injunction to end Defendants' unlawful behavior. An injunction is necessary and appropriate to end the current and threatened enforcement of the Morris Ordinance and Regulations.

103. If not enjoined by this court, Defendants and their agent, representatives, and employees will continue to implement the practices of the challenged Ordinance and Regulations that deny Plaintiffs their constitutional rights without due process and violate their right to equal protection under the law. Plaintiffs have suffered and will continue to suffer irreparable injury for which they have no adequate remedy at law.

Count II
Violation of 42 U.S.C. § 1983

104. Plaintiffs incorporate by reference Paragraphs 1-103.

105. At all relevant times, Defendants were acting "under color of law" within the meaning of 42 U.S.C. § 1983.

106. The City of Morris has given Nelson an office at the Airport and cloaked him with authority to act on its behalf.

107. Defendants' harassment, threats, enforcement and threatened enforcement of the Morris Ordinance and Regulations against Scholtes, IAC Chapter 1, and IAC Chapter 1's members have placed an undue burden on interstate commerce by creating air traffic congestion on a federal airway used by interstate air carriers and by reducing or precluding the ability of Scholtes, IAC Chapter 1 members, and other pilots to fly.

108. Defendants' harassment, threats, enforcement and threatened enforcement of the Morris Ordinance and Regulations against Scholtes, IAC Chapter 1, and IAC Chapter 1's members have

deprived Plaintiffs of their right to due process under the Fourteenth Amendment because the Ordinance and Regulations unduly restricted Plaintiffs' freedom of movement, are arbitrary and have no basis in the law, and do not promote the safety of the residents of Morris or pilots flying at or near the Morris Airport.

109. Defendants' harassment, threats, enforcement and threatened enforcement of the Morris Ordinance and Regulations against Scholtes, IAC Chapter 1, and IAC Chapter 1's members have deprived Plaintiffs of their right to equal protection under the Fourteenth Amendment.

110. Defendants have selectively enforced the Ordinance and Regulations against Scholtes and threatened enforcement against other IAC Chapter 1 members but not against other similarly situated pilots.

111. Defendants' discrimination against Scholtes and other IAC Chapter 1 pilots was intentional and animated out of sheer malice for Scholtes and IAC Chapter 1.

112. As a direct and proximate result of Defendants' actions, Plaintiffs have suffered irreparable harm and damages, and will continue to suffer and will continue to suffer harm.

113. Defendants actions violate the Plaintiffs' rights under 42 U.S.C. § 1983.

Prayer for Relief

WHEREFORE, Plaintiffs request judgment be entered in their favor and against Defendants as follows:

- (1) A declaratory judgment declaring that the Morris Ordinance and Regulations related to aerobatic flight are preempted by federal law and are therefore unconstitutional.
- (2) An order permanently enjoining Defendants, their officers, agents, servants, employees, and all other persons in active concert or participation with them, from enforcing Morris City Code Chapter 8.75.010 and Chapter 400.1 of the Rules and Regulations of the Morris Municipal Airport.
- (3) An order enjoining the current action pending against Nicholas Scholtes in the Thirteenth Judicial Circuit, Grundy County, Case No. 12 ov 41, which seeks to enforce the Morris Ordinance and Regulations and fine Scholtes up to \$500 for each offense.
- (4) Any other declaratory relief consistent with the injunction, including a declaration that the Morris Ordinance and Regulations relating to any flight in the national airspace are preempted by federal law;
- (5) Damages;
- (6) Attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and
- (7) Any other relief the Court deems just and appropriate.

Plaintiffs demand a jury trial.

Respectfully submitted,

Dated: JUNE 7, 2013

By: /s/ Thomas I. Matyas
Attorney for Plaintiffs

Thomas I. Matyas
Cal R. Burnton
Colin Patrick O'Donovan
Edwards Wildman Palmer LLP
225 West Wacker Dr., Ste. 2800
Chicago, Illinois 60606
312-201-2646

4659/MS042

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

INTERNATIONAL AEROBATICS)	
CLUB CHAPTER 1 and)	
NICHOLAS SCHOLTES)	
)	
Plaintiff,)	
)	
v.)	Case No. 13 cv 4272
)	
CITY OF MORRIS, ILLINOIS,)	
JEFFREY VOGEN and SID NELSON)	Honorable John J. Tharp, Jr.
)	
Defendants.)	JURY DEMANDED

**DEFENDANTS’ MEMORANDUM OF LAW IN SUPPORT OF THEIR
MOTION TO DISMISS PLAINTIFFS’ AMENDED COMPLAINT PURSUANT
TO FEDERAL RULES OF CIVIL PROCEDURE 12(B)(1) AND 12(B)(6)**

NOW COME the Defendants, CITY OF MORRIS, JEFFREY VOGEN, and SID NELSON, by and through their attorney, Mark J. Mickiewicz, of PURCELL & WARDROPE, CHTD., and hereby move this Court to Dismiss the Plaintiffs’ Amended Complaint with prejudice pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). In support thereof, Defendants state the following:

BACKGROUND

On June 7, 2013, the Plaintiffs filed their Original Complaint seeking invalidation of the Rules and Regulations of the Morris Municipal Airport (the “Regulations”) following two events: the alleged refusal of the City of Morris (“Morris”) and its alleged agents to honor the “Aerobic Practice Area” established above the Morris Municipal Airport by a waiver executed by the Federal Aviation Administration (the “FAA”) and the subsequent charges brought against Plaintiff, Nicholas Scholtes, a member of Plaintiff

organization, International Aerobatics Club Chapter 1 (“IAC”), for operating an aircraft “in aerobatic flight” above “the Morris Municipal Airport Airspace.” (See Plaintiffs’ Original Complaint attached hereto as Exhibit 1 and Exhibit 2 thereto). Plaintiffs sought a declaration that the Regulations are unconstitutional in their entirety based solely on the argument that they are preempted by federal statutes. They also sought damages under Section 1983 for the Defendants’ “threatened” enforcement of those regulations against IAC members who would otherwise fly freely in the Aerobatic Practice Area and for Morris’ decision to bring charges against Scholtes.

On August 14, 2013, after the filing of the lawsuit, and pursuant to an agreement reached between IAC and Morris before the filing of the lawsuit, the Aerobatic Practice Area referenced in the Complaint was removed by the FAA (when it revoked its waiver), and the charges against Scholtes were voluntarily dismissed with prejudice by Morris. (See Affidavit of Scott Belt attached hereto as Exhibit 2). A new Aerobatic Practice Area was created further away from the Airport’s runway in a location agreeable to the IAC and Morris. (Exhibit 2). On September 12, 2013, the Plaintiffs filed the instant Amended Complaint. (Exhibit 3). While the Amended Complaint acknowledges that the charges against Scholtes were dismissed (pointing out, for reasons that are unclear, that Scholtes did not “agree” to the dismissal of all charges against him) and that a new Aerobatic Practice Area was created after the filing of the Original Complaint, the remaining allegations of the Amended Complaint are essentially identical to those of the Original Complaint.

Where the two conditions which gave rise to the lawsuit, namely, the alleged refusal of Morris to respect the now defunct Aerobatic Practice Area and the related charges

against Scholtes, no longer exist, there is no active case or controversy and this Court thus lacks jurisdiction to hear the instant lawsuit. Accordingly, this case must be dismissed with prejudice pursuant to Rule 12(b)(1). Further, where applicable statutory and case law establishes that the Rules and Regulations of the Morris Municipal Airport are not preempted by Federal Law; the Plaintiffs have failed to allege the deprivation of any Constitutionally protected rights; the Plaintiffs have failed to establish that they are members of a Constitutionally protected class; and the individual named Defendants are entitled to qualified immunity, the Plaintiffs' Amended Complaint should be dismissed pursuant to Rule 12(b)(6).

STANDARD FOR DISMISSAL

In ruling on motions based on Rules 12(b)(1) or 12(b)(6), a court must accept as true all well-pled factual allegations and draw all reasonable inferences in favor of the plaintiff. *Jacobs v. City of Chicago*, 215 F.3d 758, 765 (7th Cir. 2000). Courts need not accept as true mere "legal conclusions or unsupported conclusions of fact." *Hickey v. O'Bannon*, 287 F.3d 656, 658 (7th Cir. 2002); *see also Northern Trust Co. v. Peters*, 69 F.3d 123, 129 (7th Cir. 1995). A claim for relief must contain sufficient facts to make the claim "plausible on its face." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 127 S. Ct. 1955, 1974 (2007). Threadbare recitals of elements of a cause of action supported by conclusions do not make a claim plausible. *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1940 (2009). Moreover, "[l]itigants may plead themselves out of court by alleging facts that establish defendants' entitlement to prevail." *Bennet v. Schmidt*, 153 F.3d 516, 519 (7th Cir. 1998).

ARGUMENT

I. The Entire Complaint Should be Dismissed Pursuant to Rule 12(b)(1) where, with the Removal of the Aerobic Practice Area and the Dismissal of the Charges Against Scholtes, there is no Active Case or Controversy.

In order to establish a case or controversy under Article III of the Constitution, the party invoking federal jurisdiction must demonstrate a personal injury fairly traceable to the defendant's allegedly unlawful conduct and likely to be redressed by the requested relief. *G & S Holdings LLC v. Continental Cas. Co.*, 697 F.3d 534, 540 (7th Cir. 2012). Even if constitutional standing is established, there are also prudential limitations on a federal court's exercise of jurisdiction, and a complaint may meet the standards for constitutional standing, yet fail to overcome the prudential standing hurdles. *Id.* Among the prudential limitations on the exercise of federal jurisdiction, are: (1) when the harm alleged in the complaint is a generalized one shared in substantially equal part by a large class of citizens, that harm alone normally will not warrant the exercise of federal jurisdiction; and (2) in general, the plaintiffs must assert their own legal rights and interests, and cannot rest their claims to relief on the legal rights or interests of third parties. *Id.*

The Amended Complaint details actions allegedly taken by agents of Morris related to Morris' alleged objection to the original Aerobic Practice Area. Specifically, the Plaintiffs maintain that Morris' agents "yelled at," "physically intimidated," and "displayed animosity toward" members of the IAC while they attempted to fly in the original Aerobic Practice Area. (Exhibit 3 at ¶¶ 87, 93, 96). Ultimately, Morris pressed charges against Scholtes. (Exhibit 3 at ¶ 6). Notably, all of these incidents are referenced in the Original Complaint which was filed before the FAA approved the new Aerobic Practice Area and before the charges against Scholtes were dismissed. According to the

Plaintiffs, Morris never charged any individual other than Scholtes under the ordinances in question. (Exhibit 3 at ¶ 91). As they did in the Original Complaint, the Plaintiffs maintain that the actions and demeanor of the Morris agents caused IAC members to fear “fines,” “prosecution,” “arrests,” future insurance implications, loss of membership in the IAC, and flying in general. (Exhibit 3 at ¶¶ 10, 102, 103, 104, 105).

As described in detail in the attached affidavit of Scott Belt and evidenced by the exhibits thereto, the Aerobatic Practice Area referenced in the Complaint no longer exists. By the Plaintiffs’ own reasoning, now that the FAA waiver has been rescinded, they are prohibited from flying in the subject area by FAA regulations. (See Exhibit 1 at p.4). Any “injuries” they claim to have suffered by Morris’ alleged refusal to honor the FAA’s prior waiver and the legitimacy of the Aerobatic Practice Area could not possibly be redressed by this Court’s invalidation of the Morris Regulations. Furthermore, a new FAA waiver has created a new Aerobatic Practice Area in a location further away from the Airport’s runway and agreeable to the IAC and Morris. The IAC’s pilots have obtained exactly that which they sought at the outset: the right to perform aerobatic flight maneuvers above the Morris Airport.

With respect to the “fear” referenced in the Original Complaint and the Amended Complaint, such generalized and speculative fear does not satisfy the case or controversy requirement. Fear is not sufficient. Rather, “a genuine threat” of arrest must be demonstrated if a case or controversy may be said to exist. *Ellis v. Dyson*, 421 U.S. 426, 434, 95 S.Ct. 1691 (1975) and cases cited therein. Further, “the credible threat must be shown to be alive at each stage of the litigation.” *Id* at 435. The allegations in the Amended Complaint do not amount to a genuine, credible threat of an arrest.

Furthermore, even if any of the allegations, all of which were contained in the Original Complaint and therefore involve activity which took place before the original Aerobic Practice Area was terminated and the new one was established, relate to actions which could be characterized as “threats,” said threats related to the original practice area and were therefore extinguished when the practice area was moved. As stated, the Plaintiffs’ allegations amount to nothing more than a general desire to strike down the Regulations for “fear” of the manner in which they might be applied in the future. In this position, the Plaintiffs are in the same posture as the general citizenry of the City of Morris. On their face, the Regulations apply equally to every citizen. Accordingly, the Plaintiffs lack prudential standing to bring these claims.

Likewise, Scholtes can no longer establish any personal injuries. All charges against him have been dismissed with prejudice, and he is no longer subject to any punishment related to those charges. Scholtes no longer has standing to bring the instant lawsuit. It should be noted that the Plaintiffs very briefly reference “malicious prosecution” in their prayer for relief (only) but do not appear to be pursuing a state law claim based on that doctrine. If they were, they would have to “allege facts showing . . . commencement or continuance of original criminal or civil judicial proceeding by defendant; termination of the proceeding in favor of plaintiff; absence of probable cause for such proceeding; presence of malice; and damages resulting to plaintiff.” *Swick v. Liautaud*, 169 Ill.2d 504, 512, 662 N.E.2d 1238 (1996). The Plaintiffs have not pled any such facts. Indeed, voluntary dismissal of charges is not a “favorable result” for purposes of a malicious prosecution action unless the plaintiff proves that authorities decided to dismiss the charges because the Plaintiff was actually innocent. *Id.* at 512-515.

Moreover, an “interest in attorney's fees is, of course, insufficient to create an Article III case or controversy where none exists on the merits of the underlying claim. *Lewis v. Continental Bank Corp.*, 494 U.S. 472, 480, 110 S.Ct. 1249 (1990).

For the foregoing reasons, the Defendants request that this entire case be dismissed with prejudice.

II. The Entire Complaint Should be Dismissed Pursuant to Rule 12(b)(6) where the Regulations are not Preempted by Federal Law.

Division 101 of the Illinois Municipal Code contains the general powers granted to a municipality regarding establishment and maintenance of a municipal airport. See 65 ILCS 5/11 101 *et seq.* Additional powers are enumerated in Division 103, which applies to airports located in municipalities with less than 500,000 residents. 65 ILCS 5/11-103-5. One of these powers is the authority to make reasonable rules and regulations regarding municipal airports. *Id.* This Statute reads in its entirety (emphasis added):

The corporate authorities of a specified municipality **may make all reasonable rules and regulations for air traffic and airport or landing field conduct**, and for the management and control of the municipality's airport or landing field and other air navigation facilities and property under their control. These rules and regulations shall not be in conflict with the laws of the state, or the ordinances of the municipality, or the laws or regulations of the United States, or the regulations of the Illinois Commerce Commission, or the rules, rulings, regulations, orders or decisions of the Department of Transportation.

The Plaintiffs contend that Morris has no such powers, even when its Regulations do not conflict with federal law because the federal government has exclusive control over all airspace in the country.

The United States Supreme Court has previously stated, “Our prior cases on preemption are not precise guidelines in the present controversy, for each case turns on the peculiarities and special features of the Federal Regulatory Scheme in question.” *City*

v. Burbank v. Lockheed Air Terminal, 411 U.S. 624, 638 (1973). This Court must begin with the presumption that the City Ordinance is not superseded, as a presumption exists favoring local regulation of police power matters. See *City of Chicago*, 691 F.Supp.1148 (N.D. Ill. 1988). Courts have recognized three distinct types of preemption: (1) express preemption, shown by a clear expression of congressional intent to preempt specific State Laws; (2) preemption by implication in the “structure and purpose” of federal law showing a Congressional intent to preempt state law (so-called “implied preemption”); and (3) conflict preemption, shown by a conflict between State and Federal Law. *Fifth Third Bank ex rel. Trust Officer v. CSX Corp.*, 415 F.3d 741, 746 (7th Cir. 2005).

The Plaintiffs appear to address only the first two types of preemption. With respect to explicit preemption, the Plaintiffs rely on the Federal Aviation Act of 1958 and the Airline Deregulation Act of 1978. The preemption clause, which is only partially cited in the Amended Complaint provides in full that a State “may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of an air carrier that may provide air transportation under this subpart.” 49 U.S.C.A. § 41713(b).¹ This clause will only work to preempt a state regulation where the regulation at issue has “a *significant* impact on carrier rates, routes, or services.” *Nationwide Freight Systems, Inc. v. Baudino*, 2013 WL 5346450 at 7 (N.D.IL. September 23, 2013) (emphasis in original). The Plaintiffs, none of whom are even involved with

¹ Reviewing courts have held that the preemption clauses in each Act are essentially identical and can be treated as interchangeable. See e.g. *Rowe v. N.H. Motor Transp. Ass'n*, 552 U.S. 364, 370, 128 S.Ct. 989, 169 L.Ed.2d 933 (2008).

commercial air carriers, have not pled any facts establishing such a significant impact by the Morris Regulations.

With regard to implied preemption, the Plaintiffs maintain that the above-referenced Acts and certain portions of the Code of Federal Regulations indicate an intent of the federal government to control all airspace regulation and that, accordingly, any attempt by any state or municipality to pass legislation affecting airspace travel is preempted. The 7th Circuit has not addressed this issue directly. However, when faced with the opportunity to do so, the Northern District of Illinois has repeatedly declined to find such implied preemption. *See, e.g., Hamilton v. United Airlines, Inc.*, 2012 WL 6642489 (N.D.I.L. 2012); *Meyer v. United Airlines, Inc.*, 624 F.Supp.2d 923 (N.D.I.L. 2008); and *Vivas v. Boeing Co.*, 486 F.Supp.2d 726 (N.D.I.L. 2007).

Moreover, when Congress has considered the issue of pre-emption and has included in the enacted legislation a provision explicitly addressing that issue, and when that provision provides a reliable indicium of congressional intent with respect to state authority, there is no need to infer congressional intent to pre-empt state laws from the substantive provisions of the legislation. *Malone v. White Motor Corp.*, 435 U.S. 497, 505, 98 S.Ct. 1185 (1978) and *California Federal Savings & Loan Assn. v. Guerra*, 479 U.S. 272, 282, 107 S.Ct. 683 (1987) (opinion of Marshall, J.). Here, Congress spelled out a very specific area of preemption in both Acts cited by the Plaintiff. Accordingly, implied preemption should not be assumed. Although not controlling here, it should be noted that, in *Public Health Trust of Dade County, Fla. v. Lake Aircraft, Inc.*, 992 F.2d 291, 294-295 (11th Cir. 1993), the 11th Circuit applied this same logic in finding that Congress has not implicitly preempted regulation of air safety.

By enacting its Regulations, Morris is merely exercising power to regulate a municipal airport and the airspace above it. This very specific issue has not been previously decided by the Courts and is outside of the area of regulation that Congress intended to occupy. As such, the local ordinance is not subject to preemption and the Complaint must be dismissed pursuant to Rule 12(b)(6).

Lastly, in the alternative, should this Court decline to dispose of this case pursuant to the other arguments raised here, the Defendants advise the Court that the United States Supreme Court has recently granted certiorari in *Northwest Airlines, Inc. v. Ginsberg*, No. 12-462, and will address in its decision whether a claim for breach of the implied covenant of good faith and fair dealing is preempted under the ADA. As the Supreme Court will likely discuss implicit preemption of airspace regulation in that decision, a stay pending that decision may be warranted.

III. The Plaintiffs have not Pled the Deprivation of any Protected Rights, and have Failed to Plead that they are Members of a Protected Class.

Next, the Plaintiffs maintain that they have been deprived of Constitutionally protected rights and have been denied Equal Protection. As explained above, the Aerobatic Practice Area at issue no longer exists. Even if the right of the Plaintiffs to fly in that area was considered a protected right, that right is now prohibited by federal regulations. The Plaintiffs have not alleged that they are being stopped from flying in the new Aerobatic Practice Area, which is in a location agreed to by the IAC and Morris. Furthermore, the Plaintiffs have cited no authority for their proposition that pilots are a Constitutionally protected class. Accordingly, the Complaint must be dismissed pursuant to Rule 12(b)(6).

IV. The Individual Defendants are Entitled to Qualified Immunity from Plaintiffs' §1983 Claims.

Public officials performing discretionary duties are immune from liability and suit for actions that do not violate clearly established statutory or constitutional rights of which a reasonable person would have known. *Wilson v. Formigoni*, 42 F.3d 1060, 1063 (7th Cir. 1994); citing *Harlow v. Fitzgerald*, 456 U.S. 800, 818 (1982). To determine whether a public official is entitled to qualified immunity, a court must determine (1) if the public official has violated a constitutional right; and (2) if so, whether that right was clearly established at the time of its alleged deprivation. *Saucier v. Katz*, 552 U.S. 194, 201 (2001); *Akende v. Grounds*, 555 F.3d 586, 589–90 (7th Cir. 2009). The order in which a court considers these two questions is left to its discretion, but it must resolve both questions in the plaintiff's favor in order to grant him the requested relief. *Pearson v. Callahan*, 129 S. Ct. 808 (2009). Here, as explained above, the individual defendants were not violating any clearly established constitutional rights. Accordingly, the Complaint must be dismissed pursuant to Rule 12(b)(6).

WHEREFORE, Defendants, CITY OF MORRIS, JEFFREY VOGEN, and SID NELSON, respectfully request that this Court dismiss the Plaintiffs' Complaint with prejudice.

Respectfully submitted,

PURCELL & WARDROPE, CHTD.

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

INTERNATIONAL AEROBATICS CLUB
CHAPTER 1 and NICHOLAS SCHOLTES,

Plaintiffs,

v.

CITY OF MORRIS, ILLINOIS, JEFFREY
VOGEN, and SID NELSON,

Defendants.

Case No.

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF
AND A CIVIL RIGHTS ACTION (42 U.S.C. § 1983)**

The International Aerobatics Club Chapter 1 ("IAC Chapter 1") and Nicholas Scholtes ("Scholtes" and collectively the "Plaintiffs"), by their counsel, complain as follows:

Nature of the Action

1. This action seeks declaratory and injunctive relief under federal law against enforcement of the Morris, Illinois, City Code Chapter 8.75.010 (the "Morris Ordinance") and Chapter 400.1 of the Rules and Regulations of the Morris Municipal Airport (the "Morris Regulations") (attached as Exhibit One).

2. The Morris Ordinance incorporates and adopts by reference all the Morris Regulations, including Chapter 400.1.

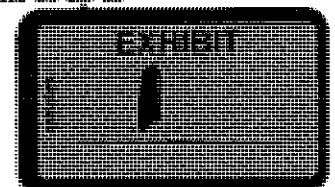
3. Chapter 400.1 "Aeronautical Activities" states as follows:

All aeronautical activities at the Airport (including Skydiving), and all flying of aircraft departing from or arriving in the airspace above this airport shall be conducted in conformance with the statutes, laws, rules of regulations of the FAA and these Rules and Regulations, as now enacted or as may be hereafter amended or modified or enacted or adopted.

4. In addition, the Morris Regulations require that flying clubs like IAC Chapter 1 comply with every airport regulation. Chapter 600.18 "Flying Clubs" states as follows:

Each Flying Club desiring to base their aircraft and operate on the Airport shall comply with the applicable provisions of these Rules and Regulations.

5. The City of Morris and its agents have charged Scholtes, a member of IAC Chapter 1, with violating the Morris Ordinance and Regulations. Scholtes now is subject to a fine of up to



\$1,000 dollars. *See City of Morris v. Scholtes*, No. 12 cv 41 (Cir. Ct. Grundy Cnty filed Mar. 28, 2012) (attached as Exhibit Two).

6. The City of Morris and its agents have also threatened to enforce the Ordinance and Regulations against other pilots associated with IAC Chapter 1.

7. Federal law and regulations govern the national airspace. The Federal Aviation Act of 1958 ("FAAct") and the Airline Deregulation Act of 1978 expressly and implicitly preempt Defendants' enforcement of its Ordinance and Regulations against pilots flying in federal airways.

8. The Morris Ordinance and Regulations impermissibly regulate the national airspace, and as such violate the United States Constitution and are unenforceable.

9. Plaintiffs seek to protect and vindicate their right to fly in the national airspace without being subjected to an unconstitutional and preempted barrier established and enforced by a local municipality.

10. Plaintiffs seek a declaratory judgment that the challenged Ordinance and Regulations are invalid, unenforceable, and void. Plaintiffs also seek a permanent injunction prohibiting the enforcement of the challenged Ordinance and Regulations by Defendants and prohibiting the implementation of any similar ordinances. Plaintiffs also seek attorneys' fees pursuant to 42 U.S.C. § 1988.

11. Defendants have also selectively enforced and threaten to enforce the Morris Ordinance and Regulations against the Plaintiffs out of animus for aerobatic flying, Scholtes, and IAC Chapter 1. Acting under color of state law in depriving Plaintiffs' of their constitutional rights, defendants have violated 42 U.S.C. § 1983.

Jurisdiction and Venue

12. This Court has jurisdiction of this action under 28 U.S.C. § 1331 and under 28 U.S.C. § 1343, authorizing original jurisdiction of claims brought pursuant to 28 U.S.C. § 1983 to enforce violations of rights guaranteed by the United States Constitution. This action also seeks declaratory judgment pursuant to 28 U.S.C. § 2201 and § 2202.

13. Venue is proper in the United States District Court for the Northern District of Illinois under 28 U.S.C. § 1391(b) because Plaintiffs and Defendants reside or are located in the District and because a substantial portion of the events giving rise to the Plaintiffs' claims occurred in this judicial district.

The Parties

14. Plaintiff IAC Chapter 1 is a non-profit membership organization incorporated under the laws of Illinois with its principal place of business in Morris, Illinois.

15. IAC Chapter 1's purpose includes preserving pilots' right to fly, to perform aerobatic maneuvers, and to provide opportunities to practice and perform in aerobatic competitions.

16. IAC Chapter 1 members fly through the national airspace, depart from and arrive at Morris Airport, and also rent hangar space at the airport to store some of their planes.
17. IAC Chapter 1 hosts several events and an aerobatic contest every year at which it is represented by its members. Members of IAC Chapter 1 are in the top skill level for all pilots.
18. Defendant City of Morris is a municipal entity organized under the Constitution and laws of the State of Illinois.
19. The City of Morris owns and operates the Morris Municipal Airport ("Morris Airport").
20. Defendant Jeff Vogen ("Vogen") is the Morris Airport manager and an employee of the City of Morris. He is sued in both his official and personal capacity.
21. Defendant Sid Nelson ("Nelson") is a Morris Airport consultant and agent of the City of Morris. He is sued in both his official and personal capacity.
22. Plaintiff Nicholas Scholtes is a citizen of the United States and resides in Shorewood, Illinois.
23. Scholtes is a pilot and member of IAC Chapter 1.

The Facts

A. Federal Law is Extensive and Preempts Any Local Regulation of the National Airspace

24. The United States Government has exclusive sovereignty of the airspace of the United States.
25. Congress intended the Federal Aviation Administration's ("FAA") powers to be broad because FAA Act grants to each "citizen of the United States...a public right of transit through the navigable airspace."
26. Moreover, the FAA has the sole authority to promulgate rules governing the regulation of aircraft flight, including flight patterns, routes, and travel within the navigable airspace.
27. Federal law provides that "[t]he Administrator [of the FAA] is authorized and directed to develop plans for and formulate policy with respect to the use of the navigable airspace."
28. Federal law governs every aspect of flight, beginning with a pilot's obtaining a certificate to fly to determining how high and where that pilot can fly while airborne.
29. No state has the power to issue pilot certificates or regulate a pilot while in flight.
30. The FAA has also created a regulatory scheme for enforcement of FAA violations.
31. For any violation of the Federal Aviation Act, "the Administrator [of the FAA] may conduct investigations, hold hearings, issue subpoenas, [and] require the production of relevant documents."

32. Aerobatic flight is a legally recognized form of aircraft operation. Federal law defines aerobatic flight “as an intentional maneuver involving an abrupt change in an aircraft’s attitude, an abnormal attitude, or abnormal acceleration, not necessary for normal flight.”

33. The FAA promulgated rules and regulations specifically governing aerobatic flight, including 94 C.F.R. 91.303 which dictates the areas in which aerobatic flight may occur.

34. Federal regulations create a presumption in favor of aerobatic flight.

35. Pilots may perform aerobatic flight in any area not specifically excluded by FAA regulations.

36. Federal law prohibits aerobatic flight only in the following areas:

- a. Over any congested area of a city, town, or settlement;
- b. Over an open air assembly of persons;
- c. Within the lateral boundaries of the surface areas of Class B, Class C, Class D, or Class E airspace designated for an airport;
- d. Within 4 nautical miles of the center line of any Federal airway;
- e. Below an altitude of 1,500 feet above the surface; or
- f. When flight visibility is less than 3 statute miles.

37. Even in restricted areas, however, the FAA has created a process that permits a pilot to perform aerobatic flight when granted a “Waiver.” A Waiver grants pilots an exemption from FAA regulations listed in the Waiver.

38. The FAA commonly waives, and in this case did waive, FAA regulation 14 C.F.R. 91.117(a) related to aircraft speed and 14 C.F.R. 91.303 (c), (d), and (e) (noted above in paragraph 36) related to aerobatic flight when a pilot is flying within an area designated and approved by the FAA.

39. An “Aerobatic Practice Area” is one such area designated and approved by the FAA for aerobatic flight.

40. To prevent interference with interstate airline routes and to ensure the safety of all pilots and passengers, the FAA specifically authorized IAC Chapter 1 to perform aerobatic maneuvers within the designated Aerobatic Practice Area.

41. The pervasive nature and extent of federal regulation of the national airspace evidences Congress’s intent to completely preempt any state or local regulation of the navigable airways.

42. Congress has also expressly preempted state regulation of navigable airspace through the Airline Deregulation Act of 1978.

43. The Airline Deregulation Act of 1978 preempts the ability of a state or local authority to “enact or enforce a law, regulation or other provision having the force and effect of law related to a price, route, or service of an air carrier that may provide air transportation under this subpart.”

B. IAC Chapter 1 Obtains an Aerobatic Practice Area Over the City of Morris’s Objection

44. Interstate air carriers typically travel at an altitude significantly higher than the altitude at which pilots perform aerobatics.

45. Directly over Morris Airport, however, there is an arrival and departure corridor for Midway Airport.

46. Interstate air carriers arriving or departing from Midway Airport in this corridor fly at lower altitudes and often fly at the same altitude as pilots performing aerobatics.

47. Regardless of the size of the plane, every aircraft has an equal right to fly in the airspace.

48. An interstate air carrier that flies into Midway Airport notified IAC Chapter 1 of its concerns related to air traffic on the route into Midway Airport.

49. IAC Chapter 1 voiced safety concerns to the City of Morris and Vogen many times in 2010 and 2011, before developing the Aerobatic Practice Area, regarding air traffic and the flight path of interstate air carriers flying over the Morris Airport.

50. Defendants refused to engage in discussions of these safety concerns with IAC Chapter 1.

51. IAC Chapter 1, therefore, contacted the FAA to obtain an Aerobatic Practice Area.

52. An Aerobatic Practice Area is intended to give pilots a safe area in which to practice their aerobatic maneuvers, and the FAA has established procedures to ensure the safety of all pilots flying near an activated Aerobatic Practice Area.

53. The FAA advised IAC Chapter 1 to apply for an Aerobatic Practice Area.

54. The FAA routinely issues Waivers for an Aerobatic Practice Area to resolve safety concerns and flight traffic issues near airports around the country.

55. There is nothing unique about the location of the Morris Airport or the air and ground traffic that would preclude the customary solution to these issues, which is the FAA issuing an Aerobatic Practice Area Waiver.

56. After IAC Chapter 1 filed its application for an Aerobatic Practice Area, the City of Morris began obstructing IAC Chapter 1’s efforts to obtain an Aerobatic Practice Area.

57. Acting on behalf of the city as its agent, Nelson made false and misleading statements about IAC Chapter 1 and opposed IAC Chapter 1 receiving an Aerobatic Practice Area in local meetings held by the FAA.

58. Defendants also threatened IAC Chapter 1 and warned that there would be consequences to obtaining an Aerobatic Practice Area to intimidate IAC Chapter 1 into withdrawing its request for an Aerobatic Practice Area.

59. After hearing of the safety concerns and flight traffic issues, the FAA granted IAC Chapter 1 an Aerobatic Practice Area. In doing so, the FAA specifically located the Aerobatic Practice Area on and extending below a federal airway near the Morris Airport. *See* Aerobatic Practice Area Waiver or Authorization (attached as Exhibit Three).

C. The City of Morris Punishes Plaintiffs for Obtaining an Aerobatic Practice Area

60. After IAC Chapter 1 obtained the Aerobatic Practice Area, Vogen reported to the FAA Regional Office that an IAC Chapter 1 pilot caused a traffic conflict with an interstate air carrier.

61. The IAC Chapter 1 pilot was operating in legally navigable airspace, not the Aerobatic Practice Area, and the FAA investigating inspector found there was no issue with the IAC Chapter 1 member's flight and the FAA closed its investigation.

62. Then, on December 26, 2011, Vogen witnessed Scholtes flying his airplane and allegedly performing aerobatic maneuvers while flying in the navigable airspace.

63. The City of Morris and Vogen know that the City lacks the power to regulate flight or issue a non-traffic complaint based on a pilot's performing aerobatic maneuvers while flying.

64. Because the City has no authority over aerobatic flight, Vogen called the FAA to file a report.

65. Vogen stated on the report to the FAA that he witnessed an "N84PS Pitts S2-B (an IAC member)" violate an FAA regulation related to aerobatic flight, even though he knew that Scholtes—not IAC Chapter 1—was the owner of the plane and that Scholtes was not in violation of any FAA regulation.

66. The FAA investigated the incident, contacted IAC Chapter 1, and found IAC Chapter 1 had not violated any FAA regulation.

67. Vogen then contacted the FAA a second time regarding the same incident.

68. In the second report to the FAA, Vogen stated that it was Scholtes who had violated an FAA regulation.

69. The FAA duly investigated Vogen's allegation of misconduct on the part of Scholtes, found nothing to support the charge, and properly closed their investigation.

70. Displeased with the FAA's response and wanting to make an example of Scholtes to IAC Chapter 1 and other pilots that support IAC Chapter 1, Vogen caused the City of Morris to issue Scholtes a Non-Traffic Complaint for violations of the local Morris Airport Rules and Regulations.

71. At the time Scholtes was allegedly performing aerobatic maneuvers, Scholtes was flying west of the airport, over land neither owned nor regulated by the City of Morris.
72. The City of Morris and Vogen know that the City lacks the power to regulate activity that occurred outside its jurisdictional limits.
73. The City of Morris and Vogen have instigated legal proceedings in Illinois State Court, Circuit Court of Grundy County, against Scholtes to enforce this Non-Traffic Complaint.
74. Scholtes now is subject to a fine up to \$500 for each offense.
75. Defendants issued the Non-Traffic Complaint against Scholtes as a pretext to removing the Aerobatic Practice Area.

D. IAC Chapter 1 Renews its Aerobatic Practice Area and Defendants' Harassment Escalates

76. The City of Morris, the Airport Manager Vogen, and Airport Consultant Nelson have displayed animosity to IAC Chapter 1 and its members for no reason other than out of sheer malice for IAC Chapter 1.
77. Since IAC Chapter 1 received and renewed its Aerobatic Practice Area privileges, Defendants have increased their harassment of IAC Chapter 1, its members, and Scholtes.
78. Without cause, Defendants have yelled at, distracted, and directly interfered with IAC Chapter 1 members on the ground who were actively coaching pilots practicing maneuvers in the Aerobatic Practice Area.
79. Defendants' actions jeopardize the safety of IAC Chapter 1 members in the air and on the ground.
80. Morris Airport agent, Sid Nelson, has driven his vehicle at an IAC Chapter 1 member and slammed on the brakes causing an IAC Chapter 1 member to lose visual contact with a pilot flying in the Aerobatic Practice Area.
81. Sid Nelson has also physically intimidated and threatened IAC Chapter 1 members.
82. Vogen has also intimidated IAC Chapter 1 members, members of other flight organizations such as the Experimental Aircraft Association ("EAA"), and other pilots saying that any pilot who supports IAC Chapter 1 or its Aerobatic Practice Area could lose their ability to fly at Morris Airport or rent hangar space.
83. Vogen has also informed IAC Chapter 1 members that he will throw them out of the Morris Airport and ground their planes if he feels, in his opinion, that they have done any unsafe maneuvers while flying.
84. In contrast, Vogen allows other pilots who are not members of IAC Chapter 1 to perform similar maneuvers in the airport area such as loops, rolls, and non-standard operations while

flying without threats of repercussion and without filing reports or complaints against those pilots.

85. Vogen also allows other pilots who do not support IAC Chapter 1 to fly at low altitudes near the runway without threats of repercussion and without filing reports or complaints against those pilots.

86. As a result of his relationship with the City of Morris as its airport consultant, Nelson acts with impunity and his actions against IAC Chapter 1 and its members go unreprimanded, despite IAC Chapter 1's efforts to stop such behavior.

87. For example, Nelson has violated several FAA regulations, including landing counter to the flow of other airplanes on an active runway and operating at lower than normal altitudes while landing, without Vogen complaining to the FAA or giving Nelson a citation.

88. Similarly, Nelson has discriminated against, physically threatened, and attacked IAC Chapter 1 and its members because they are members of IAC Chapter 1 and conduct aerobatic maneuvers while flying in the local area.

89. Scholtes and IAC Chapter 1 members now fear expensive fines, prosecution, and arrest if they continue to fly.

90. IAC Chapter 1 members, EAA members, and other pilots would fly at IAC Chapter 1 sponsored events but are afraid to do so or to perform aerobatic flight maneuvers near the Morris Airport, even in the Aerobatic Practice Area designated for that very purpose, out of fear of harassment and receiving Non-Traffic Complaints by Defendants for violating the Morris Ordinance and Regulations.

91. As a result of Defendants' actions, IAC Chapter 1 has lost members and participation at its events.

92. As a result of Defendants' actions, Scholtes and IAC Chapter 1 have spent considerable time and money addressing these concerns and attempting to end these capricious actions by the Defendants.

Count I

Injunctive Relief: The Morris Ordinance and Regulation Are Unconstitutional and Preempted by Federal Law (Federal Aviation Act and Airline Deregulation Act)

93. Plaintiffs incorporate by reference Paragraphs 1-92.

94. Federal law implicitly and expressly preempts the Morris Ordinance and Regulation.

95. By enacting the Federal Aviation Act of 1958, Congress implicitly expressed its intent that federal law alone should govern federal airways.

96. As further evidence of its intent, Congress granted broad administrative powers to the FAA, and the FAA exercises those administrative powers extensively.

97. The FAA creates and enforces regulations related to air travel that are so pervasive, including 14 C.F.R. 91.303 for aerobatic flight, that there is no room for state or local municipalities to supplement the FAA's enforcement power.

98. The Morris Ordinance and Regulations interfere with this federal scheme and impermissibly attempt to regulate flight and routes in the national airspace.

99. By enacting the Airline Deregulation Act of 1978, 49 U.S.C. § 41713, Congress expressly preempted the ability of a state or local authority to "enact or enforce a law, regulation or other provision having the force and effect of law related to a price, route, or service of an air carrier."

100. Defendants' enforcement and continued threatened enforcement of the Morris Ordinance and Regulations against Scholtes and IAC Chapter 1 have deprived Plaintiffs of their right to due process and equal protection protected by the Fourteenth Amendment, placed an undue burden on interstate commerce, and violated the Supremacy Clause of the United States Constitution.

101. As a direct and proximate result of Defendants' actions, Plaintiffs have suffered irreparable harm without an adequate remedy at law and will continue to suffer harm.

102. Scholtes and IAC Chapter 1 seek an injunction to end Defendants' unlawful behavior. An injunction is necessary and appropriate to end the current and threatened enforcement of the Morris Ordinance and Regulations.

103. If not enjoined by this court, Defendants and their agent, representatives, and employees will continue to implement the practices of the challenged Ordinance and Regulations that deny Plaintiffs their constitutional rights without due process and violate their right to equal protection under the law. Plaintiffs have suffered and will continue to suffer irreparable injury for which they have no adequate remedy at law.

Count II
Violation of 42 U.S.C. § 1983

104. Plaintiffs incorporate by reference Paragraphs 1-103.

105. At all relevant times, Defendants were acting "under color of law" within the meaning of 42 U.S.C. § 1983.

106. The City of Morris has given Nelson an office at the Airport and cloaked him with authority to act on its behalf.

107. Defendants' harassment, threats, enforcement and threatened enforcement of the Morris Ordinance and Regulations against Scholtes, IAC Chapter 1, and IAC Chapter 1's members have placed an undue burden on interstate commerce by creating air traffic congestion on a federal airway used by interstate air carriers and by reducing or precluding the ability of Scholtes, IAC Chapter 1 members, and other pilots to fly.

108. Defendants' harassment, threats, enforcement and threatened enforcement of the Morris Ordinance and Regulations against Scholtes, IAC Chapter 1, and IAC Chapter 1's members have

deprived Plaintiffs of their right to due process under the Fourteenth Amendment because the Ordinance and Regulations unduly restricted Plaintiffs' freedom of movement, are arbitrary and have no basis in the law, and do not promote the safety of the residents of Morris or pilots flying at or near the Morris Airport.

109. Defendants' harassment, threats, enforcement and threatened enforcement of the Morris Ordinance and Regulations against Scholtes, IAC Chapter 1, and IAC Chapter 1's members have deprived Plaintiffs of their right to equal protection under the Fourteenth Amendment.

110. Defendants have selectively enforced the Ordinance and Regulations against Scholtes and threatened enforcement against other IAC Chapter 1 members but not against other similarly situated pilots.

111. Defendants' discrimination against Scholtes and other IAC Chapter 1 pilots was intentional and animated out of sheer malice for Scholtes and IAC Chapter 1.

112. As a direct and proximate result of Defendants' actions, Plaintiffs have suffered irreparable harm and damages, and will continue to suffer and will continue to suffer harm.

113. Defendants actions violate the Plaintiffs' rights under 42 U.S.C. § 1983.

Prayer for Relief

WHEREFORE, Plaintiffs request judgment be entered in their favor and against Defendants as follows:

- (1) A declaratory judgment declaring that the Morris Ordinance and Regulations related to aerobatic flight are preempted by federal law and are therefore unconstitutional.
- (2) An order permanently enjoining Defendants, their officers, agents, servants, employees, and all other persons in active concert or participation with them, from enforcing Morris City Code Chapter 8.75.010 and Chapter 400.1 of the Rules and Regulations of the Morris Municipal Airport.
- (3) An order enjoining the current action pending against Nicholas Scholtes in the Thirteenth Judicial Circuit, Grundy County, Case No. 12 ov 41, which seeks to enforce the Morris Ordinance and Regulations and fine Scholtes up to \$500 for each offense.
- (4) Any other declaratory relief consistent with the injunction, including a declaration that the Morris Ordinance and Regulations relating to any flight in the national airspace are preempted by federal law;
- (5) Damages;
- (6) Attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and
- (7) Any other relief the Court deems just and appropriate.

Plaintiffs demand a jury trial.

Respectfully submitted,

Dated: JUNE 7, 2013

By: /s/ Thomas L. Matyas
Attorney for Plaintiffs

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Cal R. Burnton
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EXHIBIT 1

ORDINANCE NO. 3161
AN ORDINANCE ESTABLISHING RULES AND REGULATIONS
FOR THE MORRIS MUNICIPAL AIRPORT

Whereas, the legislature of the State of Illinois has granted Municipalities the authority to make all reasonable rules and regulations with respect to municipal airports under their jurisdiction 65 ILCS 5/11-103-5;

Whereas, the City Council of the City of Morris has determined that the public health, safety and welfare would be better served by the adoption of Rules and Regulations for the Morris Municipal Airport.

Be it ordained by the City Council of the City of Morris that Chapter 8.75 be added to the Morris Municipal code by adding the following:

8.75.010 Adopted by Reference: In the interest of public health, safety and welfare, the rules and regulations as set forth in the Morris Municipal Airport Rules and Regulations as now existing or hereafter amended are adopted by reference and said Rules and Regulations shall be part of this chapter as though set out herein with the same full force and effect as if fully set out in this section.

8.75.020 Copies on file: The office of the City Clerk shall keep three copies of the aforementioned code on file and accessible to the public during regular business hours.

8.75.030 Enforcement: The airport manager, fire chief, building and zoning officer, and members of the police department are authorized and empowered to enforce this chapter.

That all ordinances and resolutions or parts thereof in conflict with the provisions of this ordinance are to the extent of such conflict expressly repealed.

This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED this 9th day of August, A.D., 1999.

5 Ayes
0 Nays
0 Pass

Approved:

Robert T. Feeney
ROBERT FEENEY,
Mayor

Attest:

John D. Enger
JOHN ENGER,
City Clerk

**RULES
AND
REGULATIONS**

Airport

100 - TABLE OF CONTENTS

Part 200	General Provisions
Part 300	Motor Vehicles
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Part 500	Storage, Waste Disposal and Fueling Operations
Part 600	Public and Tenant Usage
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Part 800	Penalties
Part 900	Title VI of the Civil Rights Act of 1964

200 - GENERAL PROVISIONS

200.1 SCOPE:

All persons shall be governed by the Rules and Regulations set forth in this Chapter while on or occupying any area comprising the Morris Municipal Airport. Such person(s) shall comply with the orders and instructions of the Airport Manager, as they are promulgated from time to time, relative to the use and occupancy of Airport property and Airport facilities. These regulations have been adopted by the City Council as ordinances of the City of Morris.

200.2 VIOLATION OF RULES - AUTHORITY OF AIRPORT MANAGER

The Airport Manager or the City of Morris may remove or evict from the Airport premises any person who knowingly or willfully violate (or who causes the City to be in noncompliance with) any rule or regulation as set forth in this Chapter; any rule, regulation, directive, or order then in effect by the Federal Aviation Administration ("FAA"), or by the Illinois Department of Transportation, Division of Aeronautics; or any orders or instructions of the Airport Manager or the City of Morris.

200.3 LIABILITY:

The City of Morris and the Airport Manager assume no liability for aircraft using the facilities of the Morris Municipal Airport; nor do they assume any liability for injury to persons while on the Airport or while using the facilities of same.

300 - MOTOR VEHICLES

300.1 GENERAL RULES:

- A. Except for vehicles operated as part of their official duties by employees, agents, or officials of IDOT, the City, or the FAA and for FBO-operated vehicles, no vehicle shall be operated by any person in or upon an Operational Area, Fuel Storage Area, Public Apron Area, or Public Aircraft Parking Area unless:
 - 1. The person has obtained prior permission from Airport Manager and
 - 2. The driver thereof is duly licensed to operate a motor vehicle on the highways of the State of Illinois; and
 - 3. All licenses and registrations required for such vehicle under Federal, State, and Local laws are maintained; and
 - 4. Liability insurance is in force regarding the operation of such vehicle.
- B. No person shall park any motor vehicle in any area where parking is prohibited (See Section 300.3) Permission may be obtained from the Airport Manager for parking in such areas for the loading and unloading of luggage, equipment, or cargo, etc. but no such permission is hereby given or implied.

300.2 RULES OF OPERATION:

- A. No person shall operate a motor vehicle at a speed in excess of 20 miles per hour within the ramp, apron, hangar, aircraft parking or motor vehicle parking areas of the Airport. Persons authorized by the Airport Manager to operate vehicles for Airport inspection and persons operating emergency vehicles are exempt from this speed limit during such inspection or emergency situations.
- B. All persons operating vehicles shall obey the speed limits and directions posted on traffic signs or signals on Airport property.
- C. All persons operating vehicles on Airport property shall yield the right of way to pedestrians and aircraft at all times.
- D. All persons operating vehicles shall pass to the rear of aircraft on which the engine(s) is running.

300.3 PARKING:

- A. No person shall park a motor vehicle in any area other than those areas specifically provided and established for parking.
- B. Except at the direction of a responsible police/fire/security officer or the Airport Manager, no person shall park a motor vehicle at any time in any of the following areas:
 - 1. All areas on the Airport designated as controlled access areas for vehicles. Controlled access areas are used for the operation and parking of aircraft, including runways, taxiways, ramps and all areas fenced in for use by aircraft.
 - 2. All Airport roadways.
 - 3. On a temporary basis, the Airport Manager may designate additional areas where parking is prohibited because of hazard and/or to allow snow removal.

300.4 EMERGENCY AND FIRE ACCESS LANES AND AREAS:

The following areas are designated as emergency and fire access lanes and shall be kept open at all times to ensure unimpeded movement of fire fighting and/or emergency and/or airport maintenance equipment etc. for the safety of persons and property on the Airport. Except at the direction of a responsible police/fire/security officer or the Airport Manager, no person shall park a motor vehicle or aircraft in any of the following Airport areas:

- 1. All entrances or driveways to the airport or access gates or driveways to airport operation areas.
- 2. All ramp areas between or adjacent to hangars designated for aircraft storage and all aisles between rows of aircraft tie-down parking spaces.
- 3. The areas adjacent to hangars and other buildings designated for a Fixed Base Operation (FBO).

EXHIBIT B

300.5 CITY TO IMPOUND AND REMOVE VEHICLES:

- A. City of Morris or the Airport Manager is hereby authorized to remove, or cause to be removed, any vehicle from any location on the Airport premises to the nearest storage area or other place of safety, designated by the Airport Manager, under the following circumstances:
1. When any vehicle is left unattended in a restricted parking area or emergency or fire access lanes or areas on the Airport;
 2. When any vehicle parked on the Airport premises is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are unable or unwilling to provide for its custody or removal;
 3. When any vehicle is left illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic;
 4. When any vehicle is parked in the same location in the Airport parking lot or any other location on the Airport premises for more than 15 days without being moved without permission from the Airport Manager, it may be presumed abandoned and may be removed at the discretion of the Airport Manager.
 5. If any vehicle is parked in a location on the Airport where its presence impairs the performance of required snow removal or necessary repairs or maintenance.
- B. The owner of any vehicle removed under this Section shall be required to pay the charges incurred in removal, towing, and storage of the vehicle prior to being entitled to recover such vehicle.

400 - AIRCRAFT, SKYDIVING, AND AIRPORT OPERATIONS

400.1 AERONAUTICAL ACTIVITIES:

All aeronautical activities at this Airport (including Skydiving), and all flying of aircraft departing from or arriving in the air space above this Airport shall be conducted in conformance with the statutes, laws, rules or regulations of the FAA and these Rules and Regulations, as now enacted or as may be hereafter amended or modified or enacted or adopted.

400.2 AIRPORT SERVICE OPERATOR REGISTRATION:

Each owner of aircraft which is based on the Airport shall register such aircraft with the Airport Manager. This shall be accomplished by the completion of the "HANGAR/TIE-DOWN LEASE." Any change in ownership shall require a new registration. Anyone authorized to do

business on the Airport and owners of hangar facilities shall register all aircraft based on or in their facilities and all their own aircraft when such aircraft arrives on the Airport.

400.3 REGISTRATION AND LICENSING:

No person shall operate any aircraft from the Morris Municipal Airport that is not fully registered and certified by the State of Illinois and the FAA in accordance with all applicable Federal, State and local laws, rules and ordinances.

400.4 PAYMENT:

Failure to make payment for use of Airport facilities, or other charges levied by the Morris Municipal Airport or by the City of Morris or by the Airport Manager or operators permitted to collect such fees shall be deemed violations of these Rules and Regulations.

400.5 REFUSAL OF CLEARANCE:

On any occasion where the Airport Manager has reasonable grounds for such action, the Airport Manager may delay, restrict, cancel or ground any flight, skydive, aeronautical activity, or other operation at the Airport.

400.6 CLOSING OF FIELD:

In the event the Airport Manager believes the conditions of the Airport or any part of the Airport to be unsafe for landing, take-off, skydiving, or any aeronautical activity it shall be within the Airport Manager's authority to issue a NOTAM closing the entire Airport or any part thereof, in accordance with Federal and State statutes, laws, rules and regulations.

400.7 IMPOUNDMENT AND REMOVAL OF AIRCRAFT:

The Airport Manager is hereby granted authority to remove immediately without notice to the owner or operator, any disabled or damaged aircraft or parts thereof, at the owner's or operator's expense, without liability for damage which may result in the course of removal or subsequent to such removal if such disabled or damaged aircraft constitutes a hazard to persons or property.

If such disabled or damaged aircraft constitutes a nuisance only, the Airport Manager shall put notice of intention to remove such aircraft or parts thereof in plain view on such aircraft or parts thereof and may remove such aircraft or parts thereof to a location determined by the Airport Manager if such owner or operator fails within 48 hours after such posting to remove such aircraft or parts thereof to a suitable location as may be determined by the Airport Manager.

400.8 REPAIRING OF AIRCRAFT:

No person shall repair any aircraft, or any part(s) thereof, in any area of the Airport other than those specifically designated for such purpose by contract or agreement or by written permission of the Airport Manager. However, "preventive maintenance" as described in FAA Regulation Part 43, Appendix A, is allowed, if being accomplished by the owner or pilot of such aircraft. Cleaning of aircraft must be done in the designated area of the airport.

400.9 PARKING OF AIRCRAFT:

No person shall park an unattended aircraft in any emergency or fire access lane or any area that restricts access to buildings, hangars, roads and driveways.

400.10 DEMONSTRATION:

No experimental or test flights, by non-FAA certified aircraft, or ground demonstration shall be conducted on the Airport by any person without the approval of the Airport Manager.

400.11 TAXING RULES:

- A. No person shall operate any aircraft in a careless or reckless manner. No person shall taxi any aircraft at a speed that is not reasonable and safe.
- B. No person shall start or run any engine in an aircraft unless a licensed pilot or qualified A & P mechanic is in the aircraft attending the engine controls. No person shall start the engine(s) of any aircraft until and unless such aircraft is equipped with adequate brakes or chocks have been placed in front of the wheels of such aircraft.
- C. No person shall run the engine or engines of any aircraft at any location on the Airport in such manner as to cause damage to other aircraft or property or in such manner as to constitute a hazard to persons or property.

400.12 LANDINGS AND TAKEOFFS:

- A. All aircraft (ultra-lights, motorized parachutes, hang-gliders, gliders, motorized gliders, helicopters, fixed wing aircraft, etc.) shall land and takeoff on runways 18-36 only.
- B. Takeoffs and landings over populated areas by pilots shall be kept at a minimum in the interest of public safety and convenience.
- C. Pilots shall utilize procedures that will result in minimum noise to surrounding residential areas. This includes, but is not limited to, avoiding low altitude maneuvers. Optimum power settings and maximum altitudes shall be maintained by

pilots when consistent with safety. Flights over populated areas shall be avoided by a pilot to the extent consistent with safety.

- D. Pilots of helicopters shall use extreme caution when operating near any area where light aircraft are parked or operating.

400.13 SKYDIVING ACTIVITIES:

- A. Skydiving activities shall comply with all FAA, State, City, Airport and any other regulations governing skydiving activities.

- B. Airport rules regarding skydiving.

1. There will be no skydiving when wind speeds exceed the maneuvering capabilities and the forward speed of the parachute, or the skill level of the parachutist to allow for a safe landing in the designated landing zone.
2. Sky divers will avoid all designated traffic patterns.
3. No skydiver will cross runway 18-36 below 1,000 feet AGL.
4. No skydiver will land on or near runway 18-36 thresholds.
5. All skydivers must land at least 500 feet from runway 18-36 and 200 feet from all taxiways, aprons, airport buildings and airplanes.
6. No skydiving activity will be allowed before sunrise or after sunset.
7. All people and vehicles shall be confined to their designated area.
8. Only authorized individuals will be allowed access to airport hangars or airport buildings.
9. No vehicles will be allowed to drive on airport aprons, taxiways and runways.
10. An authorized person will monitor unicorn during periods of skydiving activity, giving traffic advisories pertaining to the number and location of skydivers.
11. All NOTAMS and ADVISORIES pertaining to skydiving activities at Morris Municipal Airport will be issued per FAA, State, City, Airport and any other regulations governing skydiving.

12. No skydiving activities will be allowed unless the following minimums are met:
3 mile visibility
3,000 feet AGL Cloud Base
Minimum distance from clouds-500 feet below 1,000 feet above and 2,000 feet horizontal.
12. No hook turns shall be allowed below 200 feet AGL.
13. No dangerous or abrupt maneuvers will be permitted that are not required for normal flight or landing.

C. Lessee shall procure and maintain at all times, at such person's sole expense, an insurance policy or policies appropriate for their operation and in amounts which are approved by the City of Morris. Such person shall provide to the City of Morris, a certificate of Insurance naming the City of Morris and its elected and appointed City officials, officers, employees and agents and the airport manager as additional named insureds. The type and amount of this coverage shall be as established in the commercial operating permit, contract, lease or other written agreement with the City of Morris from an insurer acceptable to the City of Morris - showing proof of aircraft liability insurance covering bodily injury including passengers and property damage in amounts approved by the City of Morris. Further, such person(s) shall have the City of Morris and its elected appointed officials, officers, employees and agents and the Airport Manager named as additional insured on their certificate of Insurance. Such Certificate shall provide that the insurance cannot be cancelled or materially altered without thirty (30) days prior written notification to all named insured. Lessee shall also provide a signed hold harmless and indemnity agreement in favor of the City of Morris and its elected and appointed officials and officers, employees and agents and the Airport Manager.

400.14 PILOT SCHOOL/STUDENT TRAINING:

No person(s) shall engage in flight instruction at the Morris Municipal Airport unless such person(s) has received prior permission from the Airport Manager.

400.15 OPERATION OF AIRCRAFT AND UNAIRWORTHY AIRCRAFT:

- A. No person shall park or store any un-airworthy aircraft on any portion of the Morris Municipal Airport at any time whatsoever unless same is parked or stored within a hangar at Morris Municipal Airport, nor allow or permit any of such person's guests, invitees, licensees, agents or employees to do so.
- B. No person shall operate, maintain, park, store, take-off or land any aircraft on or from the Morris Municipal Airport if such aircraft weighs in excess of 24,000 pounds for Single Axle Aircraft and 30,000 pounds for Dual Axle Aircraft - which is the

weight design strength of the City's runway, taxiway, and ramp areas - nor allow or permit any of such person's guests, invitees, licensees, agents or employees to do so.

400.16 CONDUCT OF BUSINESS OR COMMERCIAL ACTIVITY:

- A. It is the intent and duty of the City of Morris to encourage and promote free enterprise and the development of the airport to support the needs of the aviation community. It is the responsibility of the City of Morris to protect its tenants from unreasonable or unfair competition. To this end, when one or more businesses are currently providing essentially the same services, any new petitioners shall be required to provide a suitable market analysis, or other evidence, showing the justification for locating their business on airport property.
- B. Pursuant to FAA and State of Illinois requirements, the City of Morris reserves the right to refuse to issue a lease to any firm or individual if either of the following conditions are present:
 - 1. It would be unreasonably costly, burdensome or impractical for more than one business or individual to provide such service; or
 - 2. If allowing more businesses and individuals to provide such services would require the reduction of space leased pursuant to an existing agreement between other tenants and the airport.
- C. No person shall engage in any business or commercial activity of any nature whatsoever on Airport property except with the written approval of the City of Morris.
- D. No person shall solicit fares, for any purpose, on the Airport without written consent of the City of Morris.
- E. The type and scope of business allowed to be conducted and the limitations and conditions of said business shall be as specified in the written consent granted to such applicant. Said consent may be included in a contract, lease or other writing which shall specify the fees and charges to be paid to the City of Morris by such applicant.
- F. All applications for written consent to do business at the Morris Municipal Airport shall be submitted in writing to the Airport Manager who shall submit them to the City Council for review and approval of such applications. All such applications shall be reviewed in light of the Morris Airport Rules and Regulations, City of Morris Ordinances, and any applicable federal and state laws, rules or regulations.
- G. All buildings and structures are subject to the approval of the City of Morris prior to construction. The City of Morris has the right and authority to dictate the height (including door opening height), type of construction, location and appearance of any structure. No structure may be occupied by a tenant or lessee, nor may any business

activity commence in a structure, until all items of construction are completed. No building or structure may be leased or subleased or occupied without written approval from the City of Morris.

- H. The consent of the City of Morris to any person doing business at the Morris Municipal Airport may be revoked by the City of Morris if that person has:
1. Violated any one or more of the Rules and Regulations of the Morris Municipal Airport or any other FAA, State, City ordinance regulation or directive.
 2. Failed or ceased to meet the requirements of the Minimum Requirements for Airport Aeronautic Services as currently in effect; or
 3. Failed or ceased to comply with any requirement or condition stated in the written agreement by the City of Morris to do business at the Airport; or
 4. Failed to make timely payment of any charge or fee due to the City of Morris.

400.17 INSURANCE:

Any person engaging in any business, commercial activity, including, but not limited to, flight instruction, skydiving, etc., or storing or hangaring aircraft on the Airport shall obtain and maintain, at such person's sole expense, an insurance policy or policies appropriate for their operation and in amounts which are approved by the City of Morris. Further, such person shall provide to the City of Morris, a certificate of Insurance naming the City of Morris and its elected and appointed City officials, officers, employees and agents and the Airport Manager as additional named insureds. The type and amount of this coverage shall be as established in the commercial operating permit, contract, lease or other written agreement with the City of Morris from an insurer acceptable to the City of Morris. Such Certificate shall provide that the insurance cannot be canceled or materially altered without thirty (30) days prior written notification.

400.18 HOLD HARMLESS:

Any person engaging in commercial activity on the Airport shall be solely responsible for all the operational and financial responsibilities of its commercial activity and shall defend, indemnify and hold harmless the City of Morris and its elected and appointed officials, officers, agents and employees and Airport Manager from any and all costs, including reasonable attorney fees, and damages, losses, claims, demands, suits at law and/or in equity of any kind, nature or extent whatsoever to such person and/or to any third party relating directly or indirectly to such operations.

500 - STORAGE, WASTE DISPOSAL AND FUELING OPERATIONS:

500.1 STORAGE:

- A. No person shall keep or store any flammable liquids, gases, signal flares or other similar material in the hangars or in any building on the Airport; provided, however, such materials may be kept in an aircraft in the proper receptacles installed in the aircraft for such purpose, or in rooms or areas that meet all applicable codes and is specifically approved for such storage by the Morris Fire Protection District and Airport Manager.
- B. No person shall keep or store containers of lubricating or waste oils in or about the hangars, unless such material is kept in containers specifically designated for oil storage in accordance with all applicable codes, statutes, laws ordinances, rules and regulations.

500.2 WASTE DISPOSAL:

No fuels, oils, dopes, paints, solvents, acids or other waste shall be disposed of or dumped by any person in drains, basins, or ditches or elsewhere on Airport property and must be disposed of in accordance with all applicable Federal, State and local environmental statutes, laws, ordinances, rules and regulations.

500.3 FUELING OPERATIONS:

- A. The City of Morris will permit no more than one (1) lease for the operating privilege of either storing or dispensing for their own use, or dispensing at retail, aviation fuels at the Morris Municipal Airport, until a total of 200,000 gallons of retail fuel is utilized annually. One additional lease may be granted for each additional 200,000 gallons of fuel utilized annually thereafter.
- B. No person shall conduct fueling and defueling operations unless authorized by The City of Morris, and is in full compliance with all applicable Federal, State and local statutes, laws, ordinances, rules and regulations and directives. All fueling operations, except as expressly authorized, are hereby prohibited. The following general rules shall further govern the fueling and defueling of aircraft and all persons engaging in such fueling and defueling operations:
 - 1. No person shall fuel or defuel an aircraft while the engine is being warmed by applications of exterior heat, or while such aircraft is in hangar or enclosed space.
 - 2. No person shall smoke within 100 feet of an aircraft being fueled or defueled.
 - 3. No person shall operate any radio transmitter or receiver, or switch electrical appliances on or off in an aircraft during fueling or defueling.

600.2 PRESERVATION OF PROPERTY:

No person shall destroy, injure, deface, or disturb in any way any building, sign, equipment, marker, or other structure, tree, flower, lawn, or other property on the Airport; nor alter, make additions to, or erect any building or sign or make any excavations on the Airport without written permission from the City of Morris. All exterior signs shall conform to any sign ordinance as may be adopted by the City, County and/or State.

600.3 USE OF ROADS AND WALKS:

- A. No person shall travel on the Airport other than on the roads, walks, or places provided for the particular class of traffic.
- B. No person shall occupy the roads or walks in such a manner as to hinder or obstruct their proper use.
- C. Pedestrians shall yield the right of way to all aircraft on Airport property.

600.4 SOLICITATION OF FUNDS:

Organizations desirous of soliciting funds on the Airport properly may not do so until the organization has registered to solicit arms or funds with the City of Morris. Such solicitations may be conducted only in those areas of the Airport specifically authorized by the Airport Manager.

600.5 SMOKING:

No person shall smoke in any area, place or building on the Airport where smoking is specifically prohibited, including but not limited to, any hangar or shop, service station area, gasoline storage area, or within 100 feet of any refueling or defueling operation.

600.6 TRASH CONTAINERS AND TRASH HAULING:

No person shall keep uncovered trash in any area. Only areas specifically designated in writing by the Airport Manager shall be used for trash or garbage containers. Such areas shall be kept clean and sanitary at all times. All lessees are responsible for keeping their areas clean and neat at all times. Trash or garbage containers shall only be used for waste generated on Airport property. No vehicle used for hauling any waste or recyclables shall be operated by any person on the Airport unless such vehicle is constructed to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom.

600.7 EQUIPMENT AND MISCELLANEOUS IN APRON AREA:

Each tenant's or lessee's ramp equipment shall be parked and kept in a neat and orderly manner. No receptacles, chests, cases or housings shall remain on the apron or ramp area that do

not fit in with the general architectural and cleanliness standards of the rest of the installation. Approval on these items rests with the Airport Manager.

600.8 MAINTENANCE:

Each tenant or lessee shall maintain his/her/its leased property in a neat and presentable condition as to repair, cleanliness, and general maintenance and in accordance with his/her/its individual lease agreements and shall not permit or allow the leased premises to be or become a nuisance. Each tenant or lessee on the Airport shall keep the hangars, hangar floors, terminal aprons and ramp areas leased by them, or used in their operations, clean and clear of oil, grease and other materials and in good repair.

600.9 FIRE EQUIPMENT:

Each tenant or lessee shall utilize fire extinguishers which shall be adequate and readily accessible in accordance with rules approved by the National Board of Fire Underwriters for the particular hazard involved. Such devices shall conform to all applicable Federal, State and local fire codes.

600.10 STRUCTURAL AND DECORATIVE CHANGES:

Tenants, lessees, or grantees may not effect structural or decorative changes or additions of any type without prior written permission of the City of Morris. Any changes shall conform to all applicable codes.

600.11 DAMAGES:

Tenants, lessees, and grantees shall be fully responsible for and promptly pay for or repair all damages to buildings, equipment, real property, and appurtenances owned or in the custody of the Morris Municipal Airport caused by such tenant, lessee or grantee or their respective employees, agents, invitees, licensees, customers, visitors, suppliers, or persons with whom they may do business.

600.12 USE OF DESIGNATED TIE-DOWN AREAS AND HANGARS:

Designated tie-down areas and hangars shall be used only for the storage of aircraft and aircraft related materials and equipment which are directly related to the specific stored therein and which is owned or leased by tenant or lessee; provided, however, no fuel shall be stored in such designated tie-down area and hangars unless such fuel is in such aircraft's regular fuel system; and provided, further, a tenant or lessee may allow one or two motor vehicles to be temporarily parked in such hangars during the time period such stored aircraft left the airport in flight and until such aircraft returns to the Airport. Nothing contained in any lease shall authorize the lessee or tenant to conduct any commercial activity from the aforesaid leased areas or the Airport without a written agreement from the City of Morris

600.16 SURRENDER OF SPACE BY LESSEE:

Upon the expiration or other termination of any such Hangar/Tie-Down Lease, lessee shall quit and surrender the space to the City of Morris in good order and condition, ordinary wear excepted, and Lessee shall remove all of its property. Lessee's obligations to observe or perform this covenant shall survive the expiration or other termination of the lease. Lessee shall be liable for all expenditures incurred by the City of Morris for breach of this covenant, or any other covenant of the lease, including but not limited to attorneys' fees and other costs.

600.17 RIGHT OF ENTRY RESERVED:

The City of Morris reserves the right to enter such leased space for the purpose of making ordinary inspections and undertakings including non-emergency activities at reasonable times. Nothing in this Section shall be construed to limit or diminish the City of Morris' right of entry at anytime in any emergency. The lessee shall furnish to the Airport office a key to any locking device to the leased space. No abatement of any payments by the lessee shall be claimed by or allowed to the lessee by reason of the exercise by the City of Morris of any of the rights set forth in this section or in any provisions of such Hangar/Tie-Down Lease. Nothing herein is intended nor shall be construed to obligate the City of Morris to construct, maintain, repair or improve the leased space or any portion thereof, or to impose upon the City of Morris any liability for any failure to do so.

600.18 FLYING CLUBS:

Each Flying Club desiring to base their aircraft and operate on the Airport shall comply with the applicable provisions of these Rules and Regulations.

- A. Such Flying Club shall be a nonprofit entity (corporation, association or partnership) organized for the express purpose of providing its members with an airplane, or aircraft, for its members personal use and enjoyment only. The ownership of such airplane, or aircraft, must be vested in the name of the Flying Club (or owned ratable by all of its members). The property rights of the members of the Flying Club shall be equal and no part of the net earnings of the Flying Club shall inure to the benefit of any member in any form (salaries, bonuses, etc.). The Flying Club may not derive greater revenue from the use of its aircraft than the amount necessary for the operations, maintenance and replacement of its aircraft.
- B. A Flying Club shall not offer or conduct charter, air taxi or rental of aircraft operations; and shall not conduct aircraft flight instruction except for its own regular members; and only members of the Flying Club may operate its aircraft.
- C. The Flying Club, with its lease request, shall furnish the Airport Manager with a copy of its charter, by-laws, articles of association, partnership agreement and other documentation supporting its existence; and a roster, or list of members, including names of officers and directors, which shall be

revised by the Flying Club and resubmitted to the Airport Manager on a semi-annual basis. The Flying Club shall procure and maintain at all times, aircraft liability insurance covering bodily injury including passengers and property damage in amounts determined by the nature of operation of the Flying Club and as may be approved by the City of Morris. Further, the Flying Club shall provide a Certificate of Insurance naming the City of Morris and its elected officials, officers, employees and agents and the Airport Manager, as additional named insureds. Notification should be made to the City of Morris and the Airport Manager whenever there is a termination of insurance.

D. A Flying Club shall abide by and comply with all Federal, State and local statutes, laws, ordinances, rules and regulations and with rules and regulations and directives set forth in this Chapter.

700 - SCHEDULE OF CHARGES

700.1 PRIVATE AND COMMERCIAL AIRCRAFT:

No individual or organization shall engage in any private or business or commercial activities of any type at the Morris Municipal Airport unless prior written permission is obtained from the Airport Manager and City of Morris and the proper fees have been paid to the City of Morris. The City of Morris reserves the right at any time to increase or decrease said fees in its sole discretion.

800 - PENALTIES

800.1 PENALTIES:

The violation of, or failure to comply with any provision of any Rule or Regulation of the Morris Municipal Airport shall constitute an offense against the City of Morris. Any person who violates, or aids, or abets in a violation of any Rule or Regulation of the Morris Municipal Airport shall, upon conviction, be subject to a fine, of not less than \$50.00 nor more than \$500.00 for each such offense. Each calendar day upon which any such violation occurs or continues shall constitute a separate offense.

In addition to said penalties, the City of Morris may revoke, cancel or suspend any existing privilege or franchise as a penalty for a violation of any rule or regulation pertaining to the use, enjoyment or exercise of such privilege or franchise.

The penalties provided in this paragraph shall be deemed to be cumulative and not in substitution of any other specific penalties as may be otherwise provided for in this Chapter or in any other Ordinance Rule or Regulation of the Morris Municipal Airport, City of Morris as now or as may be hereafter enacted or adopted, or amended or modified.

900 - TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

The City of Morris (hereinafter referred to as the "sponsor") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252.42 U.S.C. 2000d, 42 U.S.C. 2000d-4 (hereinafter referred to as the "Act") and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in , be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the sponsor receives Federal financial assistance from the Department of Transportation including the Federal Aviation Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation, subsection 21.7 (a) (1).

City of Morris does hereby declare that no person on the grounds of race, color or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishings of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the City of Morris shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted program of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

EXHIBIT 2

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
GRUNDY COUNTY, ILLINOIS

CITY OF MORRIS,
an Illinois Municipal Corporation,

Plaintiff,

v.

NICHOLAS SCHOLTES,

Defendant,

)
)
)
)
)
)
)
)
)
)
)

Case No. 12 0V41

This is A True Copy Of An Original
Filed Herein On 3-28-12
KAREN E. SLATTERY

NON-TRAFFIC COMPLAINT

Count I

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief.

That on or about December 26, 2011, above the Morris Municipal Airport Airspace, Defendant, NICHOLAS SCHOLTES did:

operate an aircraft in aerobatic flight within the lateral boundaries of the surface areas of Class B, Class C, Class D or Class E airspace designated for an airport

in violation of Chapter 8.75.010 of the Morris City Code and Chapter 400.1 of the Rules and Regulations of the Morris Municipal Airport.

Count II

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief.

That on or about December 26, 2011, above the Morris Municipal Airport Airspace, Defendant, NICHOLAS SCHOLTES did:

operate an aircraft in aerobatic flight within four (4) nautical miles of the center line of any Federal Airway;

Under penalties, as provided by law for false certification pursuant to Section 1-109 of the Code of Civil Procedure and perjury pursuant to Section 32-2 of the Criminal Code of 1961, the undersigned certifies that the statements set forth via this instrument are true and correct.

DATED THIS 28TH DAY OF MARCH, 2012.

CITY OF MORRIS,
an Illinois Municipal Corporation, Plaintiff

By:



JEFFREY WOGEN, Airport Manager,
Morris Municipal Airport

Bradley Nolden
SCOTT M. BELT & ASSOCIATES, P.C.
105 E. Main Street, Suite 206
Morris, IL 60450
(815) 941-4675
ARDC #: 6306646

EXHIBIT 3



U.S. Department
of Transportation
Federal Aviation
Administration

DuPage Flight Standards District Office

31W77S North Avenue
DuPage Airport
West Chicago, IL 60185-1056
(630) 443-3100
(630) 443-3155 (FAX)

MAY 4 2011

Mr. Doug Partl
International Aerobatic Club, Chapter 1
6808 West Johnson Court
Monee, IL 60449

Dear Mr. Partl:

Enclosed is your Certificate of Waiver/Authorization for the Morris Airport Aerobatic Practice Area, effective from sunrise to sunset, May 1, 2011 to March 31, 2012.

Please note that Special Provisions 5 and 6 require a NOTAM to be filed with Lockheed Martin Flight Service Station, and Special Provision 7 requires telephone notification to Chicago TRACON at (847) 608-5654 and Chicago Center at (630) 906-8341 prior to commencing activities.

This office requests you provide a sufficient amount of time for completion of an Environmental Assessment upon application for renewal of this Aerobatic Practice Area (60-90 days).

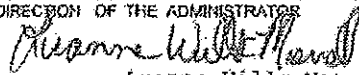
If you have any questions, please contact this office at (630) 443-3100.

Sincerely,



A handwritten signature in black ink, appearing to read "Carolyn B. Remol".

Carolyn B. Remol
Principal Operations Inspector

Enclosures

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION CERTIFICATE OF WAIVER OR AUTHORIZATION	
ISSUED TO:	International Aerobatic Club, Chapter 1 Doug Partl, President
ADDRESS	6808 W. Johnson Court Monee, IL 60449
This certificate is issued for the operations specifically described hereinafter. No person shall conduct any operation pursuant to the authority of this certificate except in accordance with the standard and special provisions contained in this certificate, and such other requirements of the Federal Aviation Regulations not specifically waived by this certificate.	
OPERATIONS AUTHORIZED	Aerobatic Practice Area within 2.5 nm from the Center of C09, Morris Airport in the depicted IAC Practice Box, located NW of the airport from the surface up to and including 5000 feet MSL.
LIST OF WAIVED REGULATIONS BY SECTION AND TITLE 14 CFR 91.117(a); 14 CFR 91.303(c) (d) (e)	
STANDARD PROVISIONS	
1. A copy of the application made for this certificate shall be attached to and become a part hereof. 2. This certificate shall be presented for inspection upon the request of any authorized representative of the Administrator of the Federal Aviation Administration, or of any State or municipal official charged with the duty of enforcing local laws or regulations. 3. The holder of this certificate shall be responsible for the strict observance of the terms and provisions contained herein. 4. This certificate is nontransferable.	
NOTE--This certificate constitutes a waiver of those Federal rules or regulations specifically referred to above. It does not constitute a waiver of any State law or local ordinance.	
SPECIAL PROVISIONS	
Special Provisions Nos. <u>1</u> to <u>15</u> inclusive, are set forth on the reverse side hereof. *See Attached* <input checked="" type="checkbox"/>	
This certificate is effective from <u>Sunrise to Sunset</u> to <u>May 1, 2011 to March 31, 2012</u> , inclusive, and is subject to cancellation at any time upon notice by the Administrator or his authorized representative.	
_____ Great Lakes (Region)	BY DIRECTOR OF THE ADMINISTRATOR  Luanne Wills-Merrell (Signature)
_____ 5/3/11 (Date)	_____ Manager, DuPage FSDO (Title)

No certificate may be issued unless a completed application form has been received (14 C.F.R. 91. 101. and 105).

 <p>US Department of Transportation Federal Aviation Administration</p> <p>APPLICATION FOR CERTIFICATE OF WAIVER OR AUTHORIZATION</p>	<p>Form Approved: O.M.B. No. 2120-0027</p> <p>APPLICANTS - DO NOT USE THESE SPACES</p>			
	Region Great Lakes		Date 4/26/2011	
	Action... <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved - Explain under "Remarks"			
	Signature of authorized FAA representative 			
INSTRUCTIONS				
Submit this application in triplicate (3) to any FAA Flight Standards district office.				
Applicants requesting a Certificate of Waiver or Authorization for an aviation event must complete all applicable items on this form and attach a properly marked 7.5 series Topographic Quadrangle Map(s), published by the U.S. Geological Survey (scale 1:24,000), of the proposed operating area. The map(s) must include scale depictions of the flightlines, showlines, race courses, and the location of the air event control point, Police dispatch, ambulance, and fire fighting equipment. The applicant may also wish to submit photographs and scale diagrams as supplemental material to assist in the FAA's evaluation of a particular site. Application for a Certificate of Waiver or Authorization must be submitted 45 days prior to the requested date of the event.				
Applicants requesting a Certificate of Waiver or Authorization for activities other than an aviation event will complete items 1 through 8 only and the certification, item 15, on the reverse.				
1. Name of organization Int Aerobatic Club CH-1		2. Name of responsible person Douglas E. Partl		
3. Permanent mailing address 6808 W. Johnson Court	House number and street or route number	City Monroe	State and ZIP code IL 60449	Telephone No. 708-912-9966
4. FAR section and number to be waived 14 CFR 91.117(a) 14 CFR 91.303(c)(d)(e)				
5. Detailed description of proposed operation (Attach supplement if needed) Aerobatic Practice Area in the vicinity of Morris IL Airport (C09), during the hours of Sunrise to Sunset, Surface to 5000' MSL. Flight in the depicted IAC Practice Box, located NW of the airport, shall be conducted in accordance with the guidelines called out in the most recent revision of the Official Rule Book of the International Aerobatic Club				
6. Area of Operation (Location, altitudes, etc.) Within 2.5 miles of the geographical center of the Morris IL Airport (C09)				
7a. Beginning (Date and hour) 4/1/2011 0000UTC		b. Ending (Date and hour) 3/31/2012 2356UTC		
8. Aircraft make and model (a)	Pilot's Name (b)	Certificate number and rating (c)	Home address (Street, City, State) (d)	

SPECIAL PROVISIONS
AEROBATIC PRACTICE AREA
INTERNATIONAL AEROBATIC CLUB
MORRIS, ILLINOIS

This Certificate of Waiver constitutes a waiver of only those regulations stated, to the degree and for the period of time specified in the certificate. The Certificate of Waiver does not constitute a waiver of any state law or local ordinance. Should the proposed operation conflict with any state law, local ordinance, or required permission of local authorities or property owners, it shall be the applicant's responsibility to resolve the difficulty. The provisions of the waiver shall apply, regardless of the statements contained in the application for Certificate of Waiver. The waiver shall be considered void upon completion of the authorized schedule of events or at the latest time shown on the face of the Certificate of Waiver, whichever occurs earlier. The air show will consist of only those maneuvers or events specified in Item 14 of the application, or in an attachment to the Application for Certificate of Waiver.

- 1) Aerobatic flight shall be confined to the area designated on the pictorial chart (satellite photographs may be substituted for topographic charts and are available on Web sites, e.g., Google Earth, maps.google.com, Map Quest) attached to the Certificate of Waiver and defined in Special Provision 2. A definitive pictorial chart or photograph of the underlying area should be attached to the application and the approved waiver.
- 2) The aerobatic practice area is further defined as follows: Within 2.5 nm from the center of C09, Morris Airport in the depicted IAC Practice Box, located NW of the airport from the surface up to and including 5000 feet MSL.
- 3) No aerobatic maneuvers may be performed over or within 500 feet laterally from any open air assembly of persons or congested area of any city, town, or settlement.
- 4) No person may operate an aircraft in aerobatic flight when the visibility is less than 3 miles or a ceiling less than 1500 feet.
- 5) Before commencing aerobatic flight operations, the person(s) authorized to activate and deactivate the aerobatic practice area shall be responsible for advising the Lockheed Martin Flight Service Station at (877) 487-6867 or (703) 724-4288 of the activity and requesting that a NOTAM that includes the following information be issued:
 - a. The location, dates, and times the aerobatic activity will be in effect.
 - b. If appropriate, the runway(s) that will be closed during the aerobatic activities.
- 6) All certificates of waiver granting relief from appropriate sections of part 91 must also contain guidance stipulating that the person(s) responsible for activation of the aerobatic practice area provide the controlling FSS with a copy of the Certificate of Waiver at least

48 hours before activation of the NOTAM. For certificates of waiver that are issued on a long term basis, additional wording should be included advising the holder to ensure that the FSS keeps the waiver on file for future NOTAM activation.

- 7) Notification shall be made to Chicago TRACON at (847) 608-5654 at least 30 minutes before the beginning of aerobatic activity in the practice area, or, if a letter of agreement exists, notification shall be made as specified in that document. Chicago TRACON shall also be notified at the termination of aerobatic activities.
- 8) The person(s) authorized to activate and deactivate the aerobatic practice area described in special provision 2 is Doug Partl or his delegate.
- 9) The person named in special provision 8 shall also be responsible for the following:
 - a. Ensuring that all pilots and aircraft operating within the confines of the waived aerobatic practice area are properly certificated;
 - b. Briefing each pilot to ensure that all users of the practice area comply with the limitations imposed by the Certificate of Waiver and its attendant special provisions; and
 - c. Maintaining a log containing the pilot's name, airman certificate number, aircraft registration number, date, and time the aerobatic practice was in use and providing this information to the FAA upon request.
- 10) When required by ATC, all pilots must monitor Chicago TRACON on 127.075 on a continuous basis while operating within the aerobatic practice area.
- 11) All pilots operating within the waived aerobatic practice area shall maintain VFR at all times and shall be responsible for seeing and avoiding all conflicting traffic.
- 12) Aerobatic flight shall be conducted only between the hours of sunrise and sunset.
- 13) The holder of this Certificate of Waiver or delegated representative is responsible for halting or canceling activity in the aerobatic practice area if, at any time, the safety of persons or property on the ground or in the air is in jeopardy, or if there is a failure to comply with the terms or conditions of this waiver.
- 14) The FAA has the authority to cancel the Certificate of Waiver or delay any activities if the safety of persons or property on the ground or in the air is in jeopardy, or if there is a violation of the terms of the waiver or authorization.
- 15) Airport staff, when available, shall be advised of planned aerobatic activity 30 minutes prior to activation of the aerobatic practice area.

Attachment A
Approved Certificate of Waiver
International Aerobatic Club, Chapter 1
Doug Partl, President

LIST OF WAIVED REGULATIONS

14 CFR 91.117 AIRCRAFT SPEED

- (a) Unless otherwise authorized by the Administrator, no person may operate an aircraft below 10,000 feet MSL at an indicated airspeed of more than 250 knots (288 mph).

14 CFR 91.303 AEROBATIC FLIGHT

No person may operate an aircraft in aerobatic flight –

- (c) Within the lateral boundaries of the surface areas of Class C and Class D airspace designated for an airport.
- (d) Within four (4) nautical miles of the centerline of any Federal airway.
- (e) Below an altitude of 1,500 feet about the surface.

For the purposes of this section, aerobatic flight means an intentional maneuver involving an abrupt change in an aircraft's attitude, an abnormal attitude, or abnormal acceleration not necessary for normal flight.

Case 1:13-cv-04272 Document #: 30 Filed: 10/03/13 Page 53 of 87 PageID #:260

10/03/13

10/03/13

10/03/13

ITEMS 9 THROUGH 14 TO BE FILLED OUT FOR AIR SHOW/AIR RACE WAIVER REQUESTS ONLY.

9. The air event will be sponsored by:

10. Permanent mailing address	House number and street or route number	City	State and ZIP code	Telephone No.
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11. Policing (Describe provisions to be made for policing the event.)

12. Emergency Facilities (Mark all that will be available at the time and place of the air event.)

Physician Fire Truck Other - Specify _____

Ambulance Crash Wagon _____

13. Air Traffic Control (Describe method of controlling traffic, including provision for arrival and departure of scheduled aircraft.)

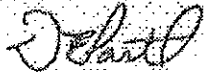
14. Schedule of Events (Include arrival and departure of scheduled aircraft and other periods the airport may be open.)

Hour (a)	Date (b)	Event (c)

If sufficient space is not available, the entire schedule of events may be submitted on separate sheets, in the order and manner indicated above.

Please Read > The undersigned applicant accepts full responsibility for the strict observance of the terms of the certificate of waiver or Authorization, and understands that the authorization contained in such certificate will be strictly limited to the above described operation.

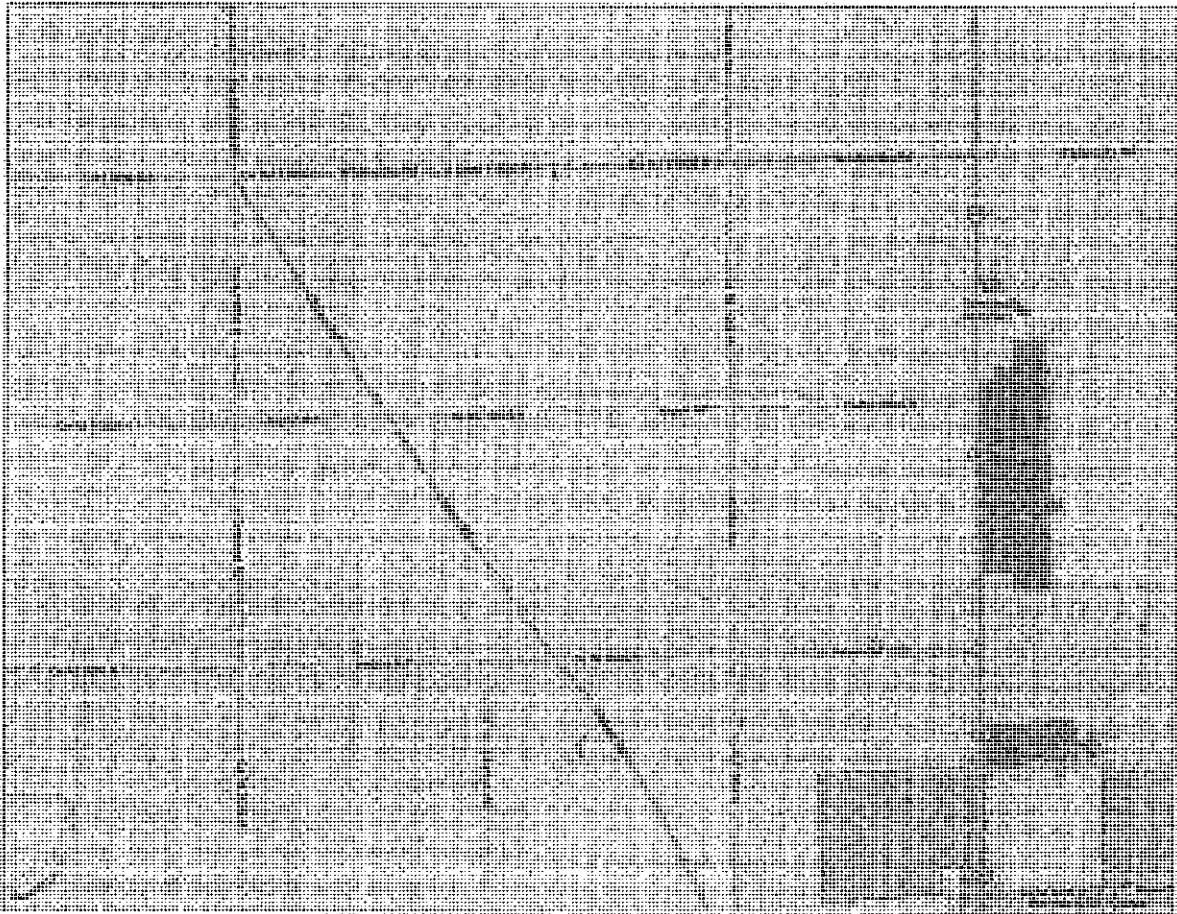
15. Certification - I CERTIFY that the foregoing statements are true:

Date 2/15/2011	Signature of Applicant 
-------------------	---

Remarks

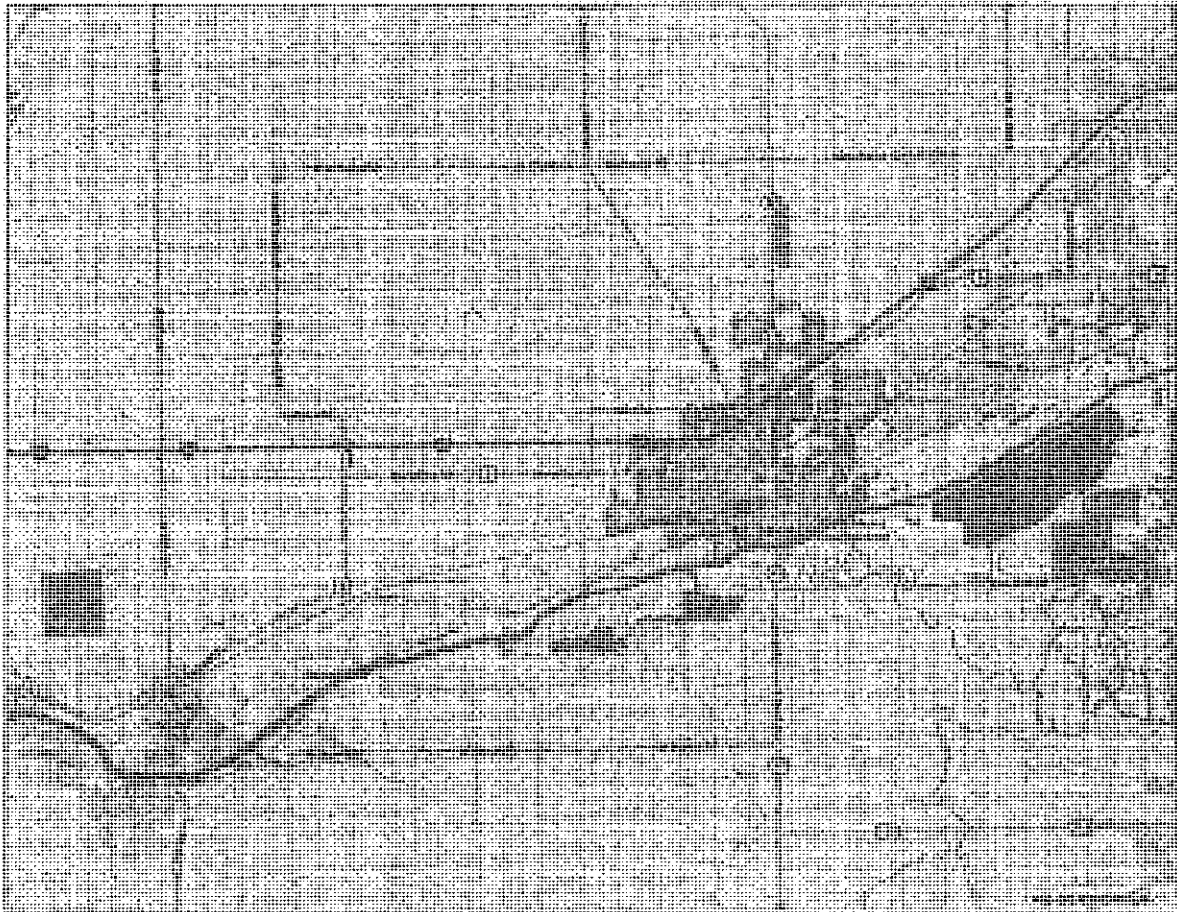
Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



Google

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4659/MS042

JES/BSP

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

INTERNATIONAL AEROBATICS)
CLUB CHAPTER 1 and)
NICHOLAS SCHOLTES)

Plaintiff,)

v.)

CITY OF MORRIS, ILLINOIS,)
JEFFREY VOGEN and SID NELSON)

Defendants.)

Case No. 13 cv 4272

Honorable John J. Tharp, Jr.

JURY DEMANDED

AFFIDAVIT OF SCOTT BELT

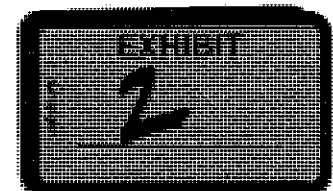
Scott Belt, being first duly sworn upon his oath, respectfully states as follows:

1. I was, at all times relevant, and am now, Corporate Counsel for the City of Morris.

2. Over the past two years, the International Aerobatics Club Chapter 1, the City of Morris, and the Federal Aviation Administration have participated in numerous discussions regarding the facts which gave rise to the instant lawsuit. I was personally involved in those discussions.

3. In May, 2012, Doug Partl, the President of Plaintiff, International Aerobatics Club Chapter 1, informed me that Bruce Ballew, Midwest Director of the IAC, would be handling those discussions on behalf of the International Aerobatics Club Chapter 1.

4. In December, 2012, I attended and participated in a meeting with Bruce Ballew and representatives of the Federal Aviation Administration, among others.



5. As a result of that meeting, the City of Morris and the International Aerobatics Club Chapter 1 reached certain agreements. For example, the International Aerobatics Club Chapter 1 agreed to relocation of the Aerobic Practice Area referenced in the Complaint, and, in return, the City of Morris agreed to dismiss the charges against Plaintiff, Nicholas Scholtes, which are also referenced in the Complaint. The agreements are summarized in the electronic correspondence which I sent Bruce Ballew on February 1, 2013 in the regular course of business. A true and correct copy of that correspondence is attached hereto as Exhibit A.

6. On February 12, 2013, Bruce Ballew sent me an electronic correspondence which I received in the regular course of business and which indicated his agreement to and understanding of the agreements summarized in my February 1, 2013 correspondence to him. A true and correct copy of Bruce Ballew's February 12, 2013 electronic correspondence is attached hereto as Exhibit B.

7. After this lawsuit was filed, on or about August 8, 2013, I received, in the regular course of business, notification from Cindy Limbach, a member of the Plaintiff organization, International Aerobatics Club Chapter 1, indicating that it had obtained a waiver for the new Aerobic Practice Area, which is in a location agreeable to the City of Morris, the Federal Aviation Administration, and International Aerobatics Club Chapter 1. A true and correct copy of the letter from Cindy Limbach with the certificate of waiver attached thereto is attached hereto as Exhibit C.


8. On August 14, 2013, I received, in the regular course of business, electronic correspondence from Chet Cybulski of the Federal Aviation Administration confirming that the waiver for the Aerobic Practice Area referenced in the Complaint

had been cancelled and, accordingly, that Aerobic Practice Area no longer exists. A true and correct copy of that electronic correspondence is attached hereto as Exhibit D.

9. On August 14, 2013, I obtained the attached order from the Circuit Court of the 13th Judicial Circuit, Grundy County, IL, dismissing the charges referenced in the Complaint against Plaintiff, Nicholas Scholtes, with prejudice. Exhibit E.

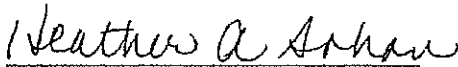
10. The foregoing statements are based on my personal knowledge, and I can competently testify to the same.

Further affiant sayeth not.

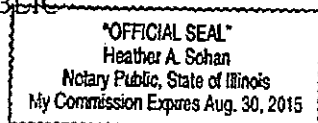


Scott M. Belt,
City of Morris Corporate Counsel

Subscribed and Sworn to before
me this 16th day of August, 2013



NOTARY PUBLIC



----- Original Message -----

From: Scott Belt

To: Bruce Ballew

Cc: Julian Houston ; Randy Larson - Work ; Barry Aldrich ; Luanne.Wills-Merrell@faa.gov ; JD Martin ; George.Wadsworth@faa.gov ; james.e.gardner@faa.gov ; JEFF VOGEN ; Sid Nelson ; Dale Wills ; Cathy.Elwardt@faa.gov ; Dick Kopczick ; Bradley Nolden ; Cindy Limbach ; Guy Christensen

Sent: Friday, February 01, 2013 12:20 AM

Subject: 1/31/13 Morris Airport Committee Meeting

Bruce,

As we recently discussed, the Morris airport committee met this evening to receive a status update associated with the ongoing IAC matter. This was the first meeting of the Morris airport committee since the holidays.

Following a lengthy meeting, a part of which was conducted in closed session, the airport committee unanimously approved the proposed resolution of the IAC waiver matter consistent with J.D. Martin's e-mail of January 10, 2013, specifically paragraphs 13-15.

I have copied and pasted Mr. Martin's e-mail below.

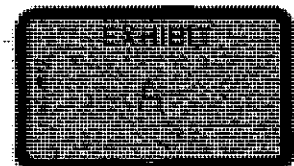
Having received a copy of the new waiver application this evening (after the meeting), can you please advise how the DuPage FSDO has been made aware of the "Agreements" contained in paragraph 13 of Mr. Martin's memo? I didn't see any reference in the application, so I assume this information was transmitted to the FSDO separately. Mr. Martin noted in his "Conclusion" that "The City of Morris advised that given the agreements in item 13 they would not seek elevation of the CSI." Please advise.

The committee has instructed me to dismiss the Nick Scholtes charges immediately upon receipt of the new waiver and written confirmation of the termination of the existing waiver.

I was also asked to comment on my e-mail which was directed to LuAnne Wills-Merrel on January 25, 2013. This information was communicated based on 3 factors; First, each of the 4 items contained in the e-mail were discussed at the Regional meeting. Second, J.D. Martin concluded his January 10, 2013 e-mail with the request to "Please add your comments, if any, and they will be recorded."

Lastly, The comments were submitted for consideration following a telephone conference between J.D. Martin and Sid Nelson shortly following the meeting at the Region in which Mr. Martin suggested that additional suggested safety concerns be submitted. These were not new discussion topics or new conditions, but rather a good-faith attempt on the City's part to clarify and define the scope of safety items that had already been discussed and agreed to. For obvious reasons, we have consistently agreed throughout our discussions that safety is paramount.

The first item requested notification to airport personnel. IAC practice day guidelines place the responsibility on the practice day manager to "coordinate the practice day with the appropriate airport management personnel." (IAC Practice Guidelines; Page 2; J.D. Martin memo - paragraph 13 (C)). The City's clarification simply requested a



one hour courtesy notice prior to contacting flight services, and a 5 day notice for a practice day that the IAC may scheduled in advance.

The second item suggested 2 spotters - one to monitor air traffic and one to critique the aerobatic performance. This, too, was a safety suggestion to allow for "an organized and safe structure to practice aerobatic skills while being observed and critiqued by other qualified IAC ground observers." (see IAC Practice Guidelines; page 1 & 2; J.D Martin memo - para 13 (A) & (B)). The second suggestion also requested that the spotters be located independently of any bystanders to avoid distractions.

The third and fourth items related to communications between the spotters and the performing aircraft. The IAC Guidelines require that the practice day manager confirm "radio procedures and frequencies." (IAC Guidelines; Page 3). The City would be remiss to not request adequate and redundant communications between the spotters and the performing aircraft considering the incident in Morris at the play date this past fall. Again, simply a good-faith effort to enhance and protect the safety of the IAC pilots and the general aviation pilots flying in the nearby area.

It is my understanding that the CSI will remain open until February 20, 2013. Hopefully, these matters can be resolved and finalized prior to that date.

I have copied the suggested conditions below that were transmitted to Ms. Wills-Merrell on January 25, 2013 for the benefit of all parties:

- 1. Notification to the airport mandatory by phone or in person Per IAC guidelines " 3. Coordinating the practice day with the appropriate airport management personnel." Prior to contacting flight service to notam the aerobatic box. Minimum of hour prior.
For a scheduled practice day notify the airport directly minimum of 5 days in advance.**
- 2. Two spotters located east of the mid point of the box. One to be in contact and watching the aerobatic box, and one to check the surrounding area for incoming traffic. No more bystanders in the spotter area so that the safety spotters are not distracted.**
- 3. Communications between spotter and aircraft to be fully operational and checked before flight.**
- 4. Alternate means of communication established during the briefing in case of emergency.**

Please confirm the willingness of IAC Chapter 1 to agree to proceed forward based on the above terms.

Thank you for your kind and professional cooperation.

**Scott Belt,
Morris City Attorney**

----- Original Message -----

From: Bruce Ballew

To: 'Scott Bell'

Sent: Tuesday, February 12, 2013 1:06 PM

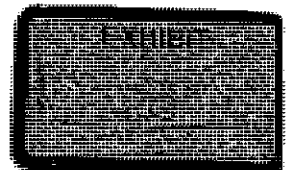
Subject: RE:

Scott,

We are sticking by what we agreed to at the meeting with the City of Morris,
the FAA Great Lakes Region and the IAC.

Regards,

Bruce



Date: August 8, 2013

From: Cindy Limbach, IAC Chapter I IAC

To: Jeff Vogen, Manager; Morris Municipal Airport
CC: Mayor Richard Kopczick
Carolyn Remol, Principal Operations Inspector, DuPage FSDO

RE: Certificate of Waiver
Aerobatic Practice Area Activation

Effective immediately the Attached Waiver is in effect.

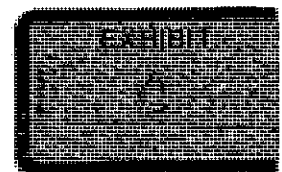
Please adhere to provision #16:


"The airport manager will add the following notice to the AWOS on a continual basis:
"Check NOTAMS for possible acrobatic activity east of the airport".

Warmest Regards,


Cindy Limbach

815-252-1031

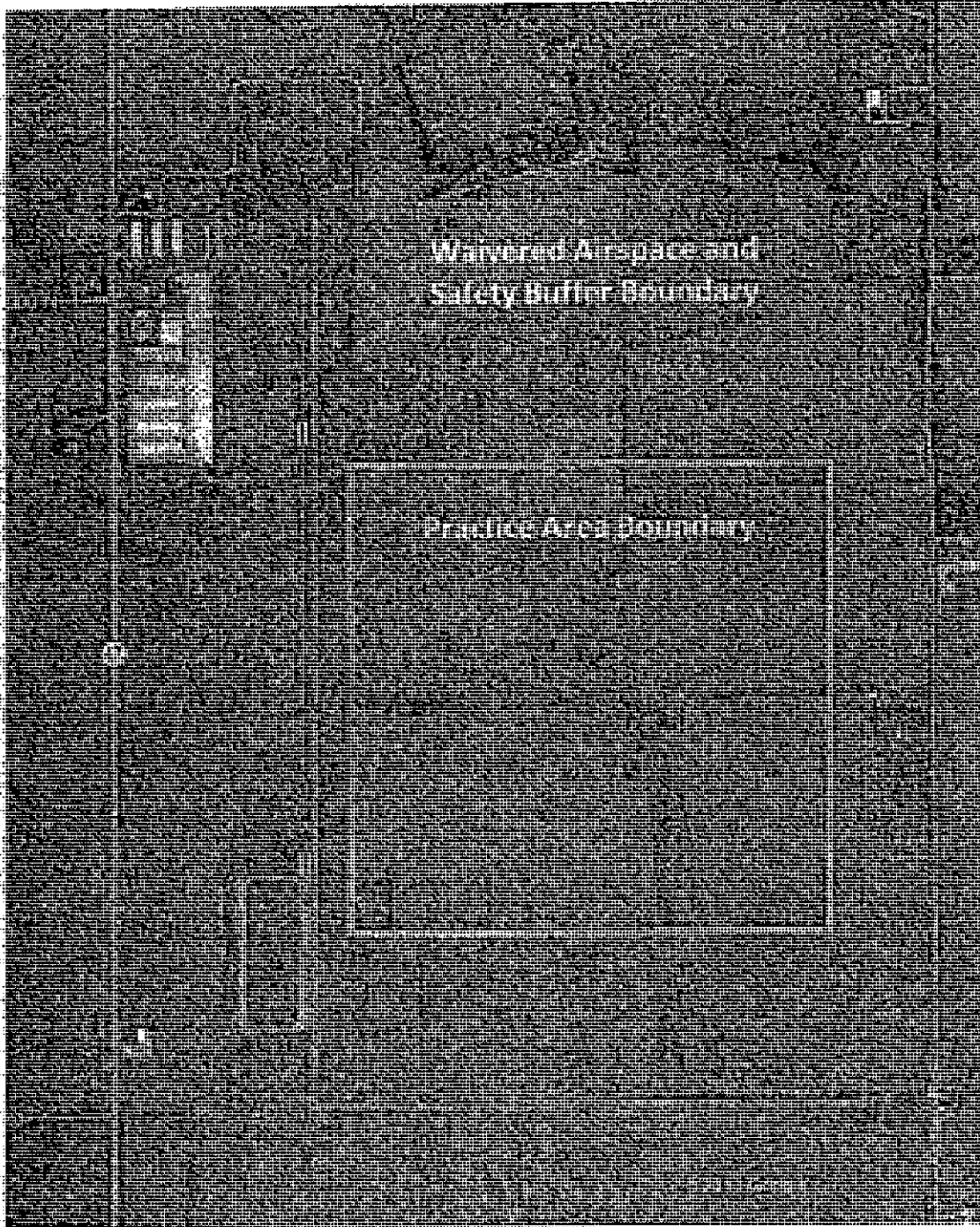


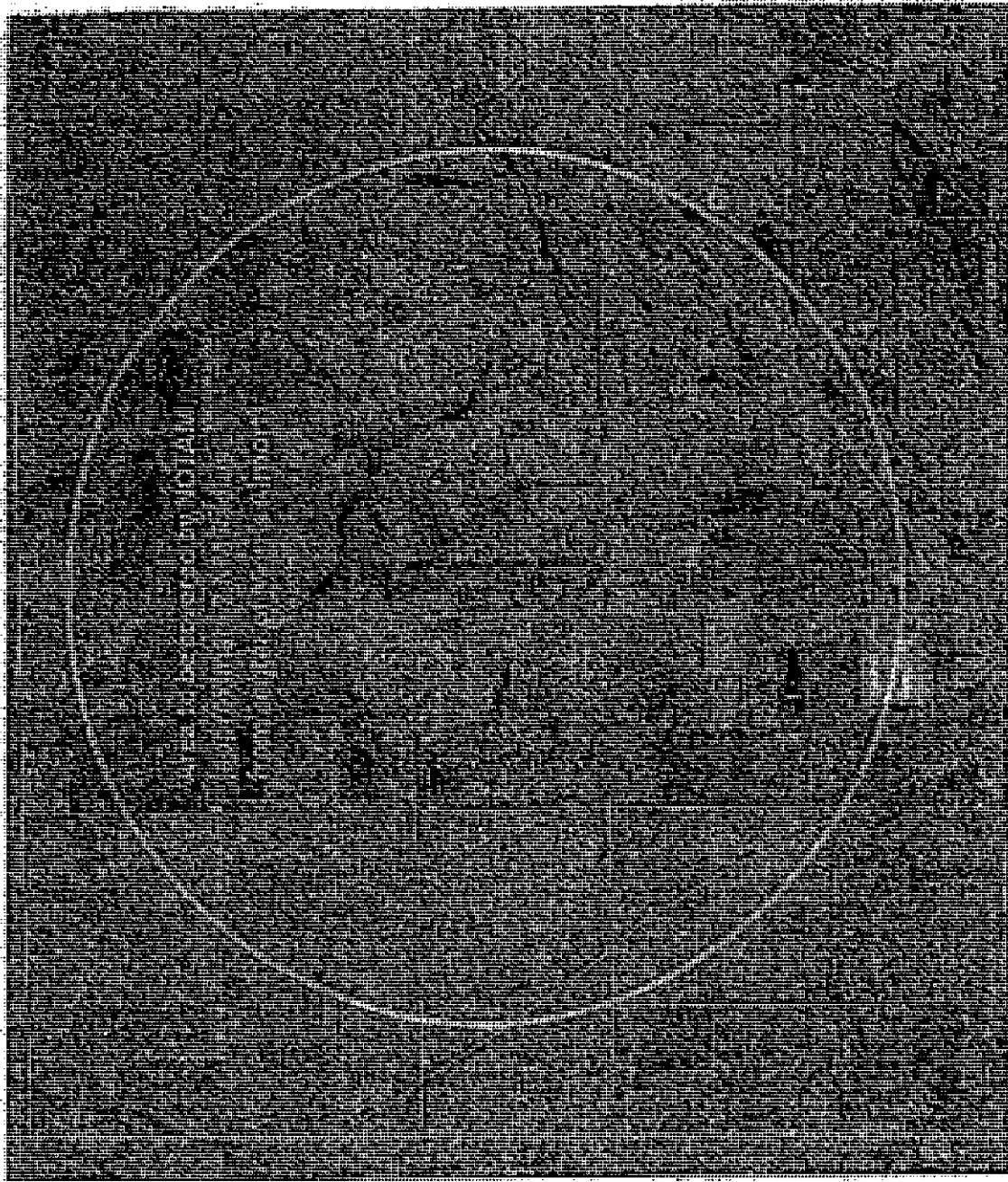
U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION	
CERTIFICATE OF WAIVER OR AUTHORIZATION	
ISSUED TO	INTERNATIONAL AEROBATIC CLUB, CHAPTER 1 CINDY LINBACH
ADDRESS	3220 WEST WAUPECAN ROAD VERONA, IL 60479
This certificate is issued for the operations specifically described hereinafter. No person shall conduct any operation pursuant to the authority of this certificate except in accordance with the standard and special provisions contained in this certificate, and such other requirements of the Federal Aviation Regulations not specifically waived by this certificate.	
OPERATIONS AUTHORIZED	Aerobic Practice Area (APA) within a 2 nm radius of the geographic center of the Morris, Illinois Airport (CO9). The APA will be used for aerobic practice and training and will be operated between the hours of sunrise and sunset from the surface up to and including 5000 feet MSL.
LIST OF WAIVED REGULATIONS BY SECTION AND TITLE	91.117(a), 91.119(c), 91.121(a), 91.126(b), 91.127(a)(b) and 91.303(d)(e)
STANDARD PROVISIONS	
<ol style="list-style-type: none"> 1. A copy of the application made for this certificate shall be attached to and become a part hereof. 2. This certificate shall be presented for inspection upon the request of any authorized representative of the Administrator of the Federal Aviation Administration, or of any State or municipal official charged with the duty of enforcing local laws or regulations. 3. The holder of this certificate shall be responsible for the strict observance of the terms and provisions contained herein. 4. This certificate is nontransferable. 	
NOTE—This certificate constitutes a waiver of those Federal rules or regulations specifically referred to above. It does not constitute a waiver of any State law or local ordinance.	
SPECIAL PROVISIONS	
Special Provisions Nos. <u>1</u> to <u>16</u> inclusive, are set forth on the reverse side hereof. "See Attached" <input checked="" type="checkbox"/>	
This certificate is effective from <u>Sunrise to Sunset</u> to <u>July 1, 2013 to June 30, 2015</u> inclusive, and is subject to cancellation at any time upon notice by the Administrator or his authorized representative.	
Great Lakes (Region)	BY DIRECTION OF THE ADMINISTRATOR  Luanne Wills-Merrell (Signature)
07/01/2013 (Date)	Manager, DuPage FSDO (Title)

**SPECIAL PROVISIONS
AEROBATIC PRACTICE AREA
INTERNATIONAL AEROBATIC CLUB
MORRIS, ILLINOIS**

- 1) Aerobatic flight shall be confined to the area designated on the pictorial chart (satellite photographs may be substituted for topographic charts and are available on Web sites, e.g., Google Earth, maps.google.com, Map Quest) attached to the Certificate of Waiver and defined in Special Provision 2. A definitive pictorial chart or photograph of the underlying area should be attached to the application and the approved waiver.
- 2) The aerobatic practice area is further defined as follows: Within 2.0 nm radius from the geographic center of Morris Airport (C09) in the depicted IAC Practice Box, located east of the airport from the surface up to and including 5000 feet MSL.
- 3) No aerobatic maneuvers may be performed over or within 500 feet laterally from any open air assembly of persons or congested area of any city, town, or settlement.
- 4) No person may operate an aircraft in aerobatic flight when the visibility is less than 3 miles or a ceiling less than 1500 feet.
- 5) Before commencing aerobatic flight operations, the person(s) authorized to activate and deactivate the aerobatic practice area shall be responsible for advising Lockheed Martin Flight Service at (877) 487-6867 two (2) hours prior to the activity and requesting that a NOTAM that includes the following information be issued:
 - a. The location, dates, and times the aerobatic activity will be in effect.
 - b. The intended floor (ex. 500 feet AGL, 1000 feet AGL, or 1500 feet AGL) of the aerobatic practice area that will be in effect.
 - c. If appropriate, the runway(s) that will be closed during the aerobatic activities.
- 6) All certificates of waiver granting relief from appropriate sections of part 91 must also contain guidance stipulating that the person(s) responsible for activation of the aerobatic practice area provide the controlling FSS with a copy of the Certificate of Waiver at least 48 hours before activation of the NOTAM. For certificates of waiver that are issued on a long term basis, additional wording should be included advising the holder to ensure that the FSS keeps the waiver on file for future NOTAM activation.
- 7) Notification shall be made to Chicago TRACON at (847) 608-5654 and Chicago Center Watch Desk at (630) 906-8341 at least 30 minutes before the beginning of aerobatic activity in the practice area, or, if a letter of agreement exists, notification shall be made as specified in that document. Chicago TRACON shall also be notified at the termination of aerobatic activities.

- 8) The person authorized to activate and deactivate the aerobatic practice area described in special provision 2 is Cindy Limbach or her delegate, including but not limited to, Bruce Limbach, Randy Michael, Nick Scholtes and Doug Partl.
- 9) The person named in special provision 8 shall also be responsible for the following:
 - a. Ensuring that all pilots and aircraft operating within the confines of the waived aerobatic practice area are properly certificated;
 - b. Briefing each pilot to ensure that all users of the practice area comply with the limitations imposed by the Certificate of Waiver and its attendant special provisions; and
 - c. Maintaining a log containing the pilot's name, airman certificate number, aircraft registration number, date, and time the aerobatic practice was in use and providing this information to the FAA upon request.
- 10) When required by ATC, all pilots must monitor Chicago TRACON on 127.075 on a continuous basis while operating within the aerobatic practice area.
- 11) All pilots operating within the waived aerobatic practice area shall maintain VFR at all times and shall be responsible for seeing and avoiding all conflicting traffic.
- 12) Aerobatic flight shall be conducted only between the hours of sunrise and sunset.
- 13) The holder of this Certificate of Waiver or delegated representative is responsible for halting or canceling activity in the aerobatic practice area if, at any time, the safety of persons or property on the ground or in the air is in jeopardy, or if there is a failure to comply with the terms or conditions of this waiver.
- 14) The FAA has the authority to cancel the Certificate of Waiver or delay any activities if the safety of persons or property on the ground or in the air is in jeopardy, or if there is a violation of the terms of the waiver or authorization.
- 15) The Airport Manager shall be advised of planned aerobatic activity 30 minutes prior to activation of the aerobatic practice area at 815-942-1600. If the airport manager does not answer, a voice mail message will be sufficient.
- 16) The airport manager will add the following notice to the AWOS on a continual basis:
"Check NOTAMS for possible aerobatic activity east of the airport."





----- Original Message -----

From: **JEFF VOGEN**

To: **Mayor Dick Kopczick ; Scott ; bradleygolden@gmail.com ; julian**

Sent: Wednesday, August 14, 2013 10:18 AM

Subject: FW: Aerobatic Box

To: **jvaztec@msn.com**

CC: **Carolyn.B.Remol@faa.gov**

Subject: RE: Aerobatic Box

From: **Chet.Cybulski@faa.gov**

Date: Wed, 14 Aug 2013 10:06:34 -0500

Jeff:

Carolyn is currently out of the office, so I am informing you that we received the waiver back from IAC Chapter 1 for the aerobatic box on the north west side of the runway. This waiver has been cancelled

The only aerobatic box located at Morris now is the one located on the east side of the runway.

Chet Cybulski
Operations Front Line Manager
DuPage FSDO
630-443-3107

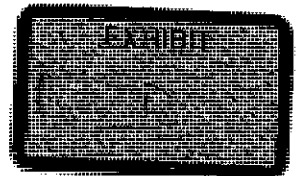
Any comments you may have on services provided are appreciated. To leave Stakeholder Feedback, please visit the following website:
http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afs/qms

From: JEFF VOGEN <jvaztec@msn.com>
AGL-DPA-FSDO-03, Chicago, IL
To: Carolyn B Remol/AGL/FAA@FAA,
Cc: Chet Cybulski/AGL/FAA@FAA
Date: 08/13/2013 06:01 AM
Subject: RE: Aerobatic Box

Carolyn,

Thanks

I would appreciate the notification when the old waiver is no longer in effect and returned.



Thanks again

Jeff

> Subject: Re: Aerobatic Box
> From: Carolyn.B.Remol@faa.gov
> To: jvaztec@msn.com
> CC: Chet.Cybulski@faa.gov
> Date: Mon, 12 Aug 2013 19:56:18 -0500

>
> Jeff,

> As I understand it, the former waiver for the Aerobatic Practice Area on the west side has been mailed back to the FSDO. I am out of town until the 21st. I can confirm receipt of the superseded waiver at that time if you would like.

>
> Carolyn B. Remol
> Principal Operations Inspector
> DuPage FSDO
> (630) 443-3118

>
> -----JEFF VOGEN <jvaztec@msn.com> wrote: -----

> =====
> To: Carolyn B Remol/AGL/FAA@FAA
> From: JEFF VOGEN <jvaztec@msn.com>
> Date: 08/12/2013 06:48AM
> Subject: Aerobatic Box

> =====
> Carolyn

>
> I received word on Friday from Cindy Limbach that the new box on the east side of runway 18-36 has been approved. Has the old box on the N.E. corner of the airport been rescinded

> as per our agreement with Bruce Ballew?

>
> Thanks

>
> Jeff

>

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
GRUNDY COUNTY, ILLINOIS

NO.
CITY of MORRIS

This is a True Copy of an Original
Filed Herein On AUG 14 2013
KAREN E. SLATTERY, Circuit Clerk

vs.
NICHOLAS SCHOLTES

120V41

AGREED
ORDER

This matter having come before
the Court on the motion of the City
of Morris to dismiss all charges
against the Defendant and the Court
having been advised;

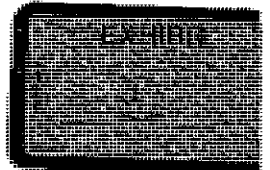
IT IS HEREBY ORDERED;

The motion of the City of Morris
is granted. The complaint filed
against the Defendant, Nicholas Scholtes,
including all counts set forth therein,
are hereby dismissed with prejudice.

DATE 08/14/13

[Signature]

JUDGE



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

INTERNATIONAL AEROBATIC CLUB
CHAPTER 1 and NICHOLAS SCHOLTES,

Plaintiffs,

v.

CITY OF MORRIS, ILLINOIS, JEFFREY
VOGEN, and SID NELSON,

Defendants.

Case No. 13-CV-4272

Judge John J. Tharp Jr.

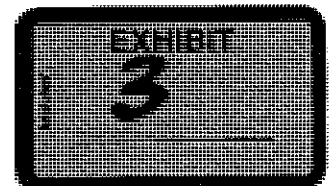
Jury Demanded

**FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF,
DAMAGES, AND A CIVIL RIGHTS ACTION (42 U.S.C. § 1983)**

The International Aerobatic Club Chapter 1 (“IAC Chapter 1”) and Nicholas Scholtes (“Scholtes” and collectively the “Plaintiffs”), by their counsel, complain as follows:

Nature of the Action

1. At all times relevant and material, a local municipality had no power, and continues to lack the power, to promulgate or to enforce any state, municipal, local, or federal laws and regulations governing aircraft movement once the aircraft is even slightly off the ground and in flight as well during flight.
2. At all times relevant and material, federal law and the Federal Aviation Authority’s (“FAA”) regulations exclusively governed and continue to govern all airspace, including aircraft movement once the aircraft is even slightly off the ground and in flight as well during flight. Federal law on aviation completely preempts any other related laws or regulations related to aircrafts once the aircraft is in flight.
3. The Illinois Enabling Statute which addresses the authority of a municipality to control aircraft movement limits that authority to movement on the surface of the airport site.
4. The City of Morris enacted a municipal Ordinance, City Code Chapter 8.75.010 (the “Morris Ordinance”) and Rules and Regulations of the Morris Municipal Airport (the “Morris Regulations”) that regulate aircrafts in flight. *See* Morris Ordinance and Regulations (attached as Exhibit One).
5. Using the Morris Ordinance and Regulations, the City of Morris and its agents have prosecuted and threatened to prosecute members of IAC Chapter 1.
6. The City of Morris and its agents charged Plaintiff Scholtes, a member of IAC Chapter 1, with an ordinance violation for violating FAA regulations related to the operation of his aircraft



while he was flying miles away from the Morris Airport and beyond the city limits of Morris. See *City of Morris v. Scholtes*, No. 12 O.V. 41 (Cir. Ct. Grundy Cnty, Ordinance Violation, filed Mar. 28, 2012) (attached as Exhibit Two).

7. Before commencing the ordinance violation enforcement proceeding, the City of Morris and its agents knew or should have known that they had no authority to bring any enforcement proceedings against Scholtes based on violations of state, municipal, local, or federal law for actions that occurred while he was in flight, and they continued to prosecute the ordinance violation enforcement proceeding even after the FAA told them that Morris had no jurisdiction over aircrafts in flight.

8. The City of Morris and its agents have continued to threaten enforcement of the Morris Ordinance and Regulations against other pilots associated with IAC Chapter 1.

9. The City of Morris and its agents harassed and continue to intimidate IAC Chapter 1 members through the invalid Morris Ordinance and Regulations.

10. IAC Chapter 1 members now fear expensive fines, prosecution, and arrest if they continue to fly. Because of the enforcement action instigated by the City of Morris, IAC Chapter 1 members are refraining from an activity they are free and at liberty to do, flying in our nation's airspace.

11. The Morris Ordinance remains in effect and the City of Morris refuses to withdraw or amend the Morris Ordinance and Regulations despite repeated requests to do so.

12. Through this action, Plaintiffs seek to protect and vindicate their right to fly without being subjected to an unconstitutional and preempted barrier established and enforced by a local municipality.

13. Plaintiffs seek a declaratory judgment that the challenged Ordinance and Regulations are invalid, unenforceable, and void. Plaintiffs also seek a permanent injunction prohibiting the enforcement of the challenged Ordinance and Regulations by Defendants and prohibiting the implementation of any similar ordinances.

14. Defendants have also selectively enforced and threaten to enforce the Morris Ordinance and Regulations against the Plaintiffs out of animus for aerobatic flying, Scholtes, and IAC Chapter 1. Defendants harassed and continue to intimidate the Plaintiffs and IAC Chapter 1 members using the Morris Ordinance and Regulations. Defendants also maliciously initiated and continued to prosecute an ordinance violation enforcement proceeding against Scholtes despite having no authority to do so. Acting under color of state law in depriving Plaintiffs' of their constitutional rights, defendants have violated 42 U.S.C. § 1983 and Plaintiffs seek damages and attorneys' fees for these violations.

Jurisdiction and Venue

15. This Court has jurisdiction of this action under 28 U.S.C. § 1331 and under 28 U.S.C. § 1343, authorizing original jurisdiction of claims brought pursuant to 28 U.S.C. § 1983 to enforce violations of rights guaranteed by the United States Constitution. This action also seeks a declaratory judgment pursuant to 28 U.S.C. § 2201 and § 2202. This Court has supplemental

jurisdiction pursuant to 28 U.S.C. § 1367 to adjudicate the state law claim for malicious prosecution.

16. Venue is proper in the United States District Court for the Northern District of Illinois under 28 U.S.C. § 1391(b) because Plaintiffs and Defendants reside or are located in the District and because a substantial portion of the events giving rise to the Plaintiffs' claims occurred in this judicial district.

The Parties

17. Plaintiff IAC Chapter 1 is a non-profit membership organization incorporated under the laws of Illinois and operating in Morris, Illinois.

18. IAC Chapter 1's purpose includes preserving pilots' right to fly, to perform aerobatic maneuvers, and to provide opportunities to practice and perform in aerobatic competitions.

19. IAC Chapter 1 members fly through airspace, depart from and arrive at Morris Airport, and also rent hangar space at the airport to store some of their planes.

20. IAC Chapter 1 hosts several events and an aerobatic contest every year at which it is represented by its members. Members of IAC Chapter 1 are in the top skill level for all pilots.

21. Defendant City of Morris is a municipal entity organized under the Constitution and laws of the State of Illinois.

22. The City of Morris owns and operates the Morris Municipal Airport ("Morris Airport").

23. Defendant Sid Nelson ("Nelson") is a Morris Airport consultant and agent of the City of Morris. He is a former member of IAC and the former Morris Airport manager. He is sued in both his official and personal capacity.

24. Defendant Jeff Vogen ("Vogen") succeeded Sid Nelson and is the current Morris Airport manager. He is an employee of the City of Morris. He is sued in both his official and personal capacity.

25. Plaintiff Nicholas Scholtes is a citizen of the United States and resides in Shorewood, Illinois. Scholtes is a pilot and member of IAC Chapter 1.

The Facts

A. The FAA has the sole authority to make and enforce laws and regulations related to aircrafts in flight and local municipalities are preempted from enforcing FAA regulations.

26. The United States Government has exclusive sovereignty of the airspace of the United States. Congress has granted the FAA "plenary authority to: (A) allocate airspace and control its use by both civil and military aircraft; (B) make and enforce air traffic rules for both civil and military aircraft."

27. The FAA has the sole authority to promulgate and enforce rules governing the regulation of aircraft flight, including flight patterns, routes, and travel within the navigable airspace.

28. Federal law governs every aspect of flight, beginning with a pilot's obtaining a certificate to fly to determining how high and where that pilot can fly while airborne.

29. The FAA has also created a regulatory scheme for enforcement of FAA violations.

30. For any violation of the Federal Aviation Act, "the Administrator [of the FAA] may conduct investigations, hold hearings, issue subpoenas, [and] require the production of relevant documents."

31. The pervasive nature and extent of federal regulation of airspace evidences Congress's intent to completely preempt any state or local regulation of the navigable airways.

32. Congress has also expressly preempted state regulation of navigable airspace through the Airline Deregulation Act of 1978.

33. The Airline Deregulation Act of 1978 preempts the ability of a state or local authority to "enact or enforce a law, regulation or other provision having the force and effect of law related to a price, route, or service of an air carrier."

34. No state or local municipality has any authority to promulgate or enforce rules regulating any aircraft's movement in flight.

B. FAA regulations alone govern aerobatic flight.

35. Aerobatic flight is a legally recognized form of aircraft operation regulated by the FAA.

36. Federal regulations define aerobatic flight "as an intentional maneuver involving an abrupt change in an aircraft's attitude, an abnormal attitude, or abnormal acceleration, not necessary for normal flight." *See* 14 C.F.R. 91.303.

37. The FAA promulgated rules and regulations specifically governing aerobatic flight.

38. Pilots may perform aerobatic flight in any area not specifically excluded by FAA regulations. FAA Regulation 14 C.F.R. 91.303 prohibits aerobatic flight only in the following areas:

- a. Over any congested area of a city, town, or settlement;
- b. Over an open air assembly of persons;
- c. Within the lateral boundaries of the surface areas of Class B, Class C, Class D, or Class E airspace designated for an airport;
- d. Within 4 nautical miles of the center line of any Federal airway;
- e. Below an altitude of 1,500 feet above the surface; or

f. When flight visibility is less than 3 statute miles.

39. Neither Congress nor the FAA has delegated authority to local municipalities to regulate airspace.

40. Moreover, the Illinois Enabling Statute which addresses the authority of a municipality to control aircraft movement limits that authority to movement on the surface of the airport:

Any agency, municipal corporation...which owns or operates a public airport is authorized to control the movement of aircraft upon the ground or surface of such public airport. 620 ILCS 15/2 (West 2012) "Agencies authorized to control aircraft movement; delegation of authority."

41. The Morris Regulations also expressly state in the first substantive paragraph entitled, SCOPE, that the Morris Regulations only govern persons while "on or occupying any area comprising the Morris Municipal Airport."

42. The City of Morris and its agents have no authority to interpret or to enforce the FAA regulations related to aircraft flight generally and aerobatic flight specifically that form the basis of the ordinance violation enforcement proceeding brought against Scholtes.

C. Against the objection of the City of Morris, the FAA approved an Aerobatic Practice Area to promote the safety of all pilots and passengers.

43. Interstate air carriers typically travel at an altitude significantly higher than the altitude at which pilots perform aerobatics. Near the Morris Airport, however, there is an arrival and departure corridor for Midway Airport. Interstate air carriers arriving at or departing from Midway Airport in this corridor fly at lower altitudes and often fly at the same altitude as pilots performing aerobatics.

44. An interstate air carrier that flies into Midway Airport notified IAC Chapter 1 of its concerns related to air traffic on the route into Midway Airport.

45. In response to discussions concerning air traffic, IAC Chapter 1 voiced safety concerns to the City of Morris and Vogen many times in 2010 and 2011, before developing the Aerobatic Practice Area, regarding air traffic and the flight path of interstate air carriers flying over the Morris Airport.

46. Defendants refused to engage in discussions of these safety concerns with IAC Chapter 1.

47. To prevent interference with interstate airline routes and to ensure the safety of all pilots and passengers, IAC Chapter 1 sought from the FAA an Aerobatic Practice Area.

48. An Aerobatic Practice Area is intended to give pilots a safe area in which to practice their aerobatic maneuvers, and the FAA has established procedures to ensure the safety of all pilots flying near an activated Aerobatic Practice Area, including sending a NOTAM alert, or notice to all airmen.

49. A NOTAM warns other pilots, including the commercial pilots flying into and out of Midway, of activities occurring in the Aerobatic Practice Area so that those pilots may redirect their route to prevent a collision with those pilots flying in the FAA designated Aerobatic Practice Area.

50. While pilots may perform aerobatic flight anywhere except the six restricted areas prohibited under 14 C.F.R. 91.303, even in those restricted areas, the FAA has created a process that permits a pilot to perform aerobatic flight when granted a "Waiver."

51. A Waiver grants pilots an exemption from, or waives, the FAA regulations listed in the Waiver for a specific location, here the Aerobatic Practice Area located northwest of the Morris Airport. The FAA will issue a Waiver for use in an Aerobatic Practice Area to resolve safety concerns and flight traffic issues near airports around the country.

52. IAC Chapter 1, therefore, contacted the FAA, and the FAA authorized IAC Chapter 1's use of an Aerobatic Practice Area northwest of the Morris Airport.

53. After IAC Chapter 1 filed its application for an Aerobatic Practice Area, the City of Morris began obstructing IAC Chapter 1's efforts to obtain an Aerobatic Practice Area.

54. At one time Nelson was a prominent aerobatic pilot in Morris and for years held the only aerobatic waiver near the City of Morris.

55. Nelson was previously a member of IAC Chapter 1, had a falling out with IAC Chapter 1, and is no longer a member of IAC Chapter 1.

56. Acting on behalf of the city as its agent, Nelson made false and misleading statements about IAC Chapter 1 and opposed IAC Chapter 1 receiving an Aerobatic Practice Area in local meetings held by the FAA.

57. Defendants also threatened IAC Chapter 1 and warned that there would be consequences to obtaining an Aerobatic Practice Area to intimidate IAC Chapter 1 into withdrawing its request for an Aerobatic Practice Area.

58. After hearing of the safety concerns and flight traffic issues, the FAA granted IAC Chapter 1 an Aerobatic Practice Area. In doing so, the FAA specifically located the Aerobatic Practice Area on and extending below a federal airway near the Morris Airport. *See* Aerobatic Practice Area Waiver or Authorization (attached as Exhibit Three).

D. The City of Morris harasses and threatens plaintiffs for obtaining an Aerobatic Practice Area and brings charges against one of IAC Chapter 1's members.

59. After IAC Chapter 1 obtained the Aerobatic Practice Area, Vogen reported to the FAA Regional Office that an IAC Chapter 1 pilot caused a traffic conflict with an interstate air carrier.

60. The IAC Chapter 1 pilot was operating in legally navigable airspace, not the Aerobatic Practice Area, and the FAA investigating inspector found there was no issue with the IAC Chapter 1 member's flight and the FAA closed its investigation.

61. Then, on December 26, 2011, Vogen witnessed Scholtes flying his airplane and allegedly performing aerobatic maneuvers while flying.

62. Scholtes was not flying in one of the six areas restricted by 14 C.F.R. 91.303 and was not in the Aerobatic Practice Area. He was flying over an empty field miles away from the Morris Airport.

63. The City of Morris and Vogen knew or should have known that the City lacks the power to regulate flight or initiate an ordinance violation proceeding based on a pilot's performing aerobatic maneuvers while flying. Because the City has no authority over aircraft in flight, Vogen called the FAA to file a report.

64. Vogen stated on the report to the FAA that he witnessed an "N84PS Pitts S2-B (an IAC member)" violate an FAA regulation related to aerobatic flight, even though he knew or should have known that Scholtes—not IAC Chapter 1—was the owner of the plane and that Scholtes was not in violation of any FAA regulation.

65. The FAA investigated the incident, contacted IAC Chapter 1, and found IAC Chapter 1 had not violated any FAA regulation.

66. Vogen then contacted the FAA a second time regarding the same incident. In the second report to the FAA, Vogen stated that it was Scholtes who had violated an FAA regulation.

67. The FAA duly investigated Vogen's allegation of misconduct on the part of Scholtes, found nothing to support the charge, and properly closed their investigation.

68. It was only after the FAA found nothing to support a violation of its regulation 14 C.F.R. 91.303 that the City of Morris and Vogen initiated its own ordinance violation enforcement proceeding against Scholtes for violations based on the same regulation 14 C.F.R. 91.303 as incorporated by the Morris Ordinance and regulations.

69. Displeased with the FAA's response, the City of Morris and Vogen initiated the ordinance violation enforcement proceeding more than three months after the incident to make an example of Scholtes to other pilots and to prevent aerobatic pilots from flying near Morris out of sheer malice for aerobatic flying, Scholtes, and IAC Chapter 1.

E. The City of Morris and other Defendants knew or should have known that they had no authority to prosecute Scholtes because the Morris Ordinance and Rules are preempted and in conflict with federal regulations.

70. The City of Morris had no authority or factual basis for the violations it claims Scholtes committed in Counts I and II of the ordinance violation enforcement proceeding.

71. First, there is no surface area of Class B, Class C, Class D, or Class E airspace where Scholtes was performing aerobatics.
72. Second, there is not a Federal Airway within four nautical miles of where Scholtes was performing aerobatics.
73. There is also no legal basis for the City of Morris to regulate and to enforce aircraft movement in flight.
74. Neither the federal government, the Illinois Constitution, nor the Morris Regulation grant any power to a local municipality to enforce aircraft operations in flight.
75. Defendants also know or should know that the following Morris Regulations are in conflict with and preempted by federal regulations:
 - a. Morris Regulation 200.2 grants power to the Airport Manager, Vogen, to remove or evict from the Airport premises any person who has violated any of the Morris Regulations, regardless of whether they are preempted by and in conflict with federal regulations. Pursuant to Morris Regulation 200.2, Vogen may remove or evict any person he believes has violated an FAA regulation, such as Scholtes, despite his having no authority to interpret FAA regulations.
 - b. Morris Regulation 400.1 impermissibly attempts to regulate the “flying of aircraft” and incorporates all FAA Regulations, including those related to the operation of aircraft in flight.
 - c. Morris Regulation 400.3 prohibits any person from operating an aircraft that is not “certified by the State of Illinois” even though the State of Illinois cannot certify aircraft, only the FAA can conduct the certification process.
 - d. Morris Regulation 400.8 impairs the right of a pilot to repair his own aircraft.
 - e. Morris Regulation 400.10 restricts test flights without the approval of the Airport Manager, even though the Airport Manager has no authority to control the flight of aircraft.
 - f. Morris Regulation 400.13 regulates other airborne activities including skydiving and incorporates FAA guidance as grounds for a substantive violation.
 - g. Morris Regulation 400.15 allows the Airport Manager to determine what in his opinion is an un-airworthy aircraft and fine the owner.
 - h. Morris Regulation 500.3 restricts pilots’ ability to refuel their own planes unless authorized by the City of Morris.
 - i. Morris Regulation 800.1 grants the City of Morris and its agents the power to fine any individual \$500 for each violation of a Morris Regulation including those based on its interpretation of FAA regulations. The City of Morris may also

revoke, cancel or suspend any existing privilege or franchise for a violation of any of the regulations.

76. These rules apply not only to the person whom the City of Morris determines violated a regulation but also anyone the City of Morris considers to have "aided and abetted" a violation.

77. The City of Morris' agents that are permitted to enforce the Morris Ordinance, which incorporates the Morris Regulations, include people who have no aeronautical experience. Pursuant to the Morris Ordinance, not only the airport manager, but also the fire chief, a building and zoning officer, and any member of the police department is empowered to interpret and to enforce regulations related to aircraft flight, including FAA regulations which are incorporated by reference.

78. Based on the Defendants' actions and the Morris Ordinance and Regulations, the City of Morris and its Airport Manager, Vogen, assert they have the authority to issue citations to any aircraft in flight or to anyone that aids and abets another violating an FAA regulation.

79. Defendants have used these unconstitutionally asserted powers to threaten IAC Chapter 1 members into not flying at or near the Morris Airport.

80. For seventeen months, the City of Morris refused to dismiss the lawsuit against Scholtes.

81. At a meeting on December 20, 2012 between IAC Chapter 1, the FAA, and the City of Morris and its agents, the FAA told the City of Morris it had no authority to prosecute Scholtes for in-flight activities. Defendants agreed to immediately dismiss the charges against Scholtes. The charges were not dropped until August 14, 2013.

82. Defendants agreed not to make any objections regarding a newly applied for Aerobatic Practice Area that is in a location even closer to the Morris Airport than the previous Aerobatic Practice Area. Despite this, they proceeded to make many objections to the new Aerobatic Practice Area, which delayed the process.

83. To the extent the defendants are claiming any kind of a settlement agreement, no settlement agreement has ever been made.

84. On June 7, 2013, Scholtes and IAC Chapter 1 brought a suit in federal court to enjoin the state court proceeding.

85. It was not until two days before a response was due by the City of Morris in federal court that Defendants finally dismissed the charges against Scholtes.

86. The City of Morris failed to provide notice to Scholtes of any dismissal. Despite not conferring with or providing notice to Scholtes or his counsel, the City of Morris presented the order for dismissal to the Court as "Agreed."

F. Defendants' harassment and malicious activities involving the use of the Morris Regulations continues to harm Scholtes, IAC Chapter 1, and its members.

87. The City of Morris, the Airport Manager Vogen, and Airport Consultant Nelson have displayed animosity to IAC Chapter 1 and its members for no reason other than out of sheer malice for IAC Chapter 1.

88. In the last ten years, the City of Morris has not charged any pilot with a citation for violating the Morris Ordinance and Regulations other than Scholtes.

89. On information and belief, the City of Morris has never charged any other pilot with a citation for violating the Morris Ordinance and Regulations other than Scholtes.

90. Vogen has reported two members of IAC Chapter 1 to the FAA for aircraft operations occurring while in flight.

91. On information and belief, Vogen has never reported anyone other than an IAC Chapter 1 member to the FAA for aircraft operations occurring while in flight.

92. Since IAC Chapter 1 received and renewed its Aerobatic Practice Area privileges, Defendants increased their harassment of IAC Chapter 1, its members, and Scholtes.

93. Without cause, Defendants have yelled at, distracted, and directly interfered with IAC Chapter 1 members on the ground who were actively coaching pilots practicing maneuvers in the Aerobatic Practice Area.

94. Defendants' actions jeopardize the safety of IAC Chapter 1 members in the air and on the ground as well as other aircraft flying in the vicinity.

95. Morris Airport agent, Sid Nelson, has driven his vehicle at an IAC Chapter 1 member and slammed on the brakes causing an IAC Chapter 1 member to lose visual contact with a pilot flying in the Aerobatic Practice Area.

96. Sid Nelson has also physically intimidated and threatened IAC Chapter 1 members.

97. Vogen has also intimidated IAC Chapter 1 members, members of other flight organizations such as the Experimental Aircraft Association, and other pilots saying that any pilot who supports IAC Chapter 1 or its Aerobatic Practice Area could lose their ability to fly at the Morris Airport or rent hangar space there.

98. Vogen has also informed IAC Chapter 1 members that he will throw them out of the Morris Airport and ground their planes if he feels, in his opinion, that they have done any unsafe maneuvers while flying.

99. Vogen also allows other pilots who do not support IAC Chapter 1 to fly at low altitudes near the runway without threats of repercussion and without filing reports or complaints against those pilots.

100. As a result of his relationship with the City of Morris as its airport consultant, Nelson acts with impunity and his actions against IAC Chapter 1 and its members go unreprimed, despite IAC Chapter 1's efforts to stop such behavior.

101. Similarly, Nelson has discriminated against, physically threatened, and attacked IAC Chapter 1 and its members because they are members of IAC Chapter 1 and conduct aerobatic maneuvers while flying in the local area.

102. Scholtes and IAC Chapter 1 members now fear expensive fines, prosecution, and arrest if they continue to fly.

103. IAC Chapter 1 members and other pilots would fly at IAC Chapter 1 sponsored events but are afraid to do so or to perform aerobatic flight maneuvers near Morris, even in the Aerobatic Practice Area designated for that very purpose, out of fear of harassment and being the subject of an ordinance violation proceeding initiated by Defendants for violating the Morris Ordinance and Regulations.

104. Scholtes is a pilot and flight instructor. IAC Chapter 1 members depend on their ability to fly as part of their profession and for their livelihood. The Defendants' knew or should have known that the ordinance violation enforcement proceeding related to aircraft operation in flight would cause special damages and risks to pilots and would act as a strong deterrent in preventing them from flying near Morris. As a result of Defendants' actions, Scholtes may be required to disclose on job applications that he has been cited for an in-flight violation even though he was not convicted.

105. Scholtes may be required to disclose this in-flight citation on certain insurance applications, which affects his premium payments. Scholtes may be required to disclose this in-flight citation on certain applications for aeronautical ratings, which negatively affects his ratings.

106. As a result of Defendants' actions, IAC Chapter 1 has and fears it will lose members, membership dues, and participation at its events.

107. As a result of Defendants' actions, Scholtes and IAC Chapter 1 have spent considerable time and money addressing these concerns and attempting to end these capricious actions by the Defendants.

Count I

Injunctive Relief: The Morris Ordinance and Regulation Are Unconstitutional and Preempted by Federal Law (Federal Aviation Act and Airline Deregulation Act)

108. Plaintiffs incorporate by reference Paragraphs 1-107.

109. Federal law implicitly and expressly preempts the Morris Ordinance and Regulation.

110. By enacting the Federal Aviation Act of 1958, Congress implicitly expressed its intent that federal law alone should govern federal airways.

111. As further evidence of its intent, Congress granted broad administrative powers to the FAA, and the FAA exercises those administrative powers extensively.

112. The FAA creates and enforces regulations related to air travel that are so pervasive, including 14 C.F.R. 91.303 for aerobatic flight, that there is no room for state or local municipalities to supplement the FAA's enforcement power.

113. The Morris Ordinance and Regulations interfere with this federal scheme and impermissibly attempt to regulate flight and routes in the national airspace.

114. By enacting the Airline Deregulation Act of 1978, 49 U.S.C. § 41713, Congress expressly preempted the ability of a state or local authority to "enact or enforce a law, regulation or other provision having the force and effect of law related to a price, route, or service of an air carrier."

115. The Illinois Enabling Act related to aircraft movement also does not provide Defendants with any authority to regulate aircraft operations in flight.

116. Defendants' enforcement and continued threatened enforcement of the Morris Ordinance and Regulations against Scholtes and IAC Chapter 1 have deprived Plaintiffs of their right to due process and equal protection protected by the Fourteenth Amendment, placed an undue burden on interstate commerce, and violated the Supremacy Clause of the United States Constitution.

117. As a direct and proximate result of Defendants' actions, Plaintiffs have suffered irreparable harm without an adequate remedy at law and will continue to suffer harm.

118. Scholtes and IAC Chapter 1 seek an injunction to end Defendants' unlawful behavior. An injunction is necessary and appropriate to end the current and threatened enforcement of the Morris Ordinance and Regulations.

119. If not enjoined by this court, Defendants and their agent, representatives, and employees will continue to implement the practices of the challenged Ordinance and Regulations that deny Plaintiffs their constitutional rights without due process and violate their right to equal protection under the law. Plaintiffs have suffered and will continue to suffer irreparable injury for which they have no adequate remedy at law.

Count II
Violation of 42 U.S.C. § 1983

120. Plaintiffs incorporate by reference Paragraphs 1-119.

121. At all times relevant and material, Defendants were acting "under color of law" within the meaning of 42 U.S.C. § 1983.

122. The City of Morris has given Nelson status at the Airport and cloaked him with authority to act on its behalf.

123. As the Airport Manager, Vogen is the final policymaker regarding the Morris Regulations and enforcing those regulations.

124. Defendants' harassment, threats, enforcement and threatened enforcement of the Morris Ordinance and Regulations against Scholtes, IAC Chapter 1, and IAC Chapter 1's members have placed an undue burden on interstate commerce by creating air traffic congestion on a federal airway used by interstate air carriers and by reducing or precluding the ability of Scholtes, IAC Chapter 1 members, and other pilots to fly.

125. Defendants' harassment, threats, enforcement and threatened enforcement of the Morris Ordinance and Regulations against Scholtes, IAC Chapter 1, and IAC Chapter 1's members have deprived Plaintiffs of their right to due process under the Fourteenth Amendment because the Ordinance and Regulations unduly restricted the Plaintiffs' liberty and freedom of movement, are arbitrary and have no basis in the law, are unconstitutionally vague, and do not promote the safety of the residents of Morris or pilots flying at or near the Morris Airport.

126. Defendants' harassment, threats, enforcement and threatened enforcement of the Morris Ordinance and Regulations against Scholtes, IAC Chapter 1, and IAC Chapter 1's members have deprived Plaintiffs of their right to equal protection under the Fourteenth Amendment.

127. Defendants have selectively enforced the Ordinance and Regulations against Scholtes and threatened enforcement against other IAC Chapter 1 members but not against other similarly situated pilots.

128. Defendants' discrimination against Scholtes and other IAC Chapter 1 pilots was intentional and animated out of sheer malice for Scholtes and IAC Chapter 1.

129. As a direct and proximate result of Defendants' actions, Plaintiffs have suffered irreparable harm and damages, and will continue to suffer and will continue to suffer harm.

130. Defendants actions violate the Plaintiffs' rights under 42 U.S.C. § 1983.

Count III **Malicious Prosecution**

131. Plaintiffs incorporate by reference Paragraphs 1-130.

132. On March 28, 2013, the City of Morris initiated an ordinance violation enforcement proceeding verified by Vogen against Scholtes.

133. The City of Morris and Vogen knew or should have known they had no basis or probable cause to bring the ordinance violation enforcement proceeding based on its own interpretation of an FAA regulation after the FAA had already closed its investigation of the same incident.

134. The City of Morris and Vogen knew or should have known after the FAA told them they had no authority to enforce FAA regulations and they agreed to immediately dismiss the charges that they had no basis or probable cause to continue the ordinance violation enforcement proceeding against Scholtes.

135. The City of Morris and Vogen prosecuted and continued to prosecute the claim out of sheer malice against IAC Chapter 1.

136. The termination of the proceeding was in favor of Scholtes.

137. After Scholtes brought suit in federal court and two days before its response to the Plaintiffs' original complaint was due in federal court, the City of Morris voluntarily dismissed the action against Scholtes with prejudice.

138. Despite not conferring with or providing notice to Scholtes or his counsel, the City of Morris presented the order for dismissal to the judge as an "Agreed Order," when it was not.

139. Scholtes suffered damages and will continue to suffer damages beyond the mere expense of having to litigate an ordinance violation enforcement proceeding.

Prayer for Relief

WHEREFORE, Plaintiffs request judgment be entered in their favor and against Defendants as follows:

(1) A declaratory judgment declaring that the Morris Ordinance and Regulations related to aircraft operations in flight are preempted by federal law and are therefore unconstitutional.

(2) An order permanently enjoining Defendants, their officers, agents, servants, employees, and all other persons in active concert or participation with them, from enforcing the Morris Ordinance and the preempted Morris Regulations, including sections 200.2, 400.1, 400.3, 400.8, 400.10, 400.13, 400.15, 500.3, and 800.1.

(3) Any other declaratory relief consistent with the injunction;

(4) Damages;

(5) Punitive Damages for the City of Morris' and Vogen's malicious prosecution;

(6) Attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and

(7) Any other relief the Court deems just and appropriate.

Plaintiffs demand a jury trial.

Respectfully submitted,

Dated: September 12, 2013

By: /s/ Tom Matyas
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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

INTERNATIONAL AEROBATIC CLUB
CHAPTER 1 and NICHOLAS SCHOLTES,

Plaintiffs,

v.

CITY OF MORRIS, ILLINOIS, JEFFREY
VOGEN, and SID NELSON,

Defendants.

Case No. 13-CV-4272

Judge John J. Tharp Jr.

Jury Demanded

**FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF,
DAMAGES, AND A CIVIL RIGHTS ACTION (42 U.S.C. § 1983)**

The International Aerobatic Club Chapter 1 (“IAC Chapter 1”) and Nicholas Scholtes (“Scholtes” and collectively the “Plaintiffs”), by their counsel, complain as follows:

Nature of the Action

1. At all times relevant and material, a local municipality had no power, and continues to lack the power, to promulgate or to enforce any state, municipal, local, or federal laws and regulations governing aircraft movement once the aircraft is even slightly off the ground and in flight as well during flight.
2. At all times relevant and material, federal law and the Federal Aviation Authority’s (“FAA”) regulations exclusively governed and continue to govern all airspace, including aircraft movement once the aircraft is even slightly off the ground and in flight as well during flight. Federal law on aviation completely preempts any other related laws or regulations related to aircrafts once the aircraft is in flight.
3. The Illinois Enabling Statute which addresses the authority of a municipality to control aircraft movement limits that authority to movement on the surface of the airport site.
4. The City of Morris enacted a municipal Ordinance, City Code Chapter 8.75.010 (the “Morris Ordinance”) and Rules and Regulations of the Morris Municipal Airport (the “Morris Regulations”) that regulate aircrafts in flight. *See* Morris Ordinance and Regulations (attached as Exhibit One).
5. Using the Morris Ordinance and Regulations, the City of Morris and its agents have prosecuted and threatened to prosecute members of IAC Chapter 1.
6. The City of Morris and its agents charged Plaintiff Scholtes, a member of IAC Chapter 1, with an ordinance violation for violating FAA regulations related to the operation of his aircraft

while he was flying miles away from the Morris Airport and beyond the city limits of Morris. *See City of Morris v. Scholtes*, No. 12 O.V. 41 (Cir. Ct. Grundy Cnty, Ordinance Violation, filed Mar. 28, 2012) (attached as Exhibit Two).

7. Before commencing the ordinance violation enforcement proceeding, the City of Morris and its agents knew or should have known that they had no authority to bring any enforcement proceedings against Scholtes based on violations of state, municipal, local, or federal law for actions that occurred while he was in flight, and they continued to prosecute the ordinance violation enforcement proceeding even after the FAA told them that Morris had no jurisdiction over aircrafts in flight.

8. The City of Morris and its agents have continued to threaten enforcement of the Morris Ordinance and Regulations against other pilots associated with IAC Chapter 1.

9. The City of Morris and its agents harassed and continue to intimidate IAC Chapter 1 members through the invalid Morris Ordinance and Regulations.

10. IAC Chapter 1 members now fear expensive fines, prosecution, and arrest if they continue to fly. Because of the enforcement action instigated by the City of Morris, IAC Chapter 1 members are refraining from an activity they are free and at liberty to do, flying in our nation's airspace.

11. The Morris Ordinance remains in effect and the City of Morris refuses to withdraw or amend the Morris Ordinance and Regulations despite repeated requests to do so.

12. Through this action, Plaintiffs seek to protect and vindicate their right to fly without being subjected to an unconstitutional and preempted barrier established and enforced by a local municipality.

13. Plaintiffs seek a declaratory judgment that the challenged Ordinance and Regulations are invalid, unenforceable, and void. Plaintiffs also seek a permanent injunction prohibiting the enforcement of the challenged Ordinance and Regulations by Defendants and prohibiting the implementation of any similar ordinances.

14. Defendants have also selectively enforced and threaten to enforce the Morris Ordinance and Regulations against the Plaintiffs out of animus for aerobatic flying, Scholtes, and IAC Chapter 1. Defendants harassed and continue to intimidate the Plaintiffs and IAC Chapter 1 members using the Morris Ordinance and Regulations. Defendants also maliciously initiated and continued to prosecute an ordinance violation enforcement proceeding against Scholtes despite having no authority to do so. Acting under color of state law in depriving Plaintiffs' of their constitutional rights, defendants have violated 42 U.S.C. § 1983 and Plaintiffs seek damages and attorneys' fees for these violations.

Jurisdiction and Venue

15. This Court has jurisdiction of this action under 28 U.S.C. § 1331 and under 28 U.S.C. § 1343, authorizing original jurisdiction of claims brought pursuant to 28 U.S.C. § 1983 to enforce violations of rights guaranteed by the United States Constitution. This action also seeks a declaratory judgment pursuant to 28 U.S.C. § 2201 and § 2202. This Court has supplemental

jurisdiction pursuant to 28 U.S.C. § 1367 to adjudicate the state law claim for malicious prosecution.

16. Venue is proper in the United States District Court for the Northern District of Illinois under 28 U.S.C. § 1391(b) because Plaintiffs and Defendants reside or are located in the District and because a substantial portion of the events giving rise to the Plaintiffs' claims occurred in this judicial district.

The Parties

17. Plaintiff IAC Chapter 1 is a non-profit membership organization incorporated under the laws of Illinois and operating in Morris, Illinois.

18. IAC Chapter 1's purpose includes preserving pilots' right to fly, to perform aerobatic maneuvers, and to provide opportunities to practice and perform in aerobatic competitions.

19. IAC Chapter 1 members fly through airspace, depart from and arrive at Morris Airport, and also rent hangar space at the airport to store some of their planes.

20. IAC Chapter 1 hosts several events and an aerobatic contest every year at which it is represented by its members. Members of IAC Chapter 1 are in the top skill level for all pilots.

21. Defendant City of Morris is a municipal entity organized under the Constitution and laws of the State of Illinois.

22. The City of Morris owns and operates the Morris Municipal Airport ("Morris Airport").

23. Defendant Sid Nelson ("Nelson") is a Morris Airport consultant and agent of the City of Morris. He is a former member of IAC and the former Morris Airport manager. He is sued in both his official and personal capacity.

24. Defendant Jeff Vogen ("Vogen") succeeded Sid Nelson and is the current Morris Airport manager. He is an employee of the City of Morris. He is sued in both his official and personal capacity.

25. Plaintiff Nicholas Scholtes is a citizen of the United States and resides in Shorewood, Illinois. Scholtes is a pilot and member of IAC Chapter 1.

The Facts

A. The FAA has the sole authority to make and enforce laws and regulations related to aircrafts in flight and local municipalities are preempted from enforcing FAA regulations.

26. The United States Government has exclusive sovereignty of the airspace of the United States. Congress has granted the FAA "plenary authority to: (A) allocate airspace and control its use by both civil and military aircraft; (B) make and enforce air traffic rules for both civil and military aircraft."

27. The FAA has the sole authority to promulgate and enforce rules governing the regulation of aircraft flight, including flight patterns, routes, and travel within the navigable airspace.
28. Federal law governs every aspect of flight, beginning with a pilot's obtaining a certificate to fly to determining how high and where that pilot can fly while airborne.
29. The FAA has also created a regulatory scheme for enforcement of FAA violations.
30. For any violation of the Federal Aviation Act, "the Administrator [of the FAA] may conduct investigations, hold hearings, issue subpoenas, [and] require the production of relevant documents."
31. The pervasive nature and extent of federal regulation of airspace evidences Congress's intent to completely preempt any state or local regulation of the navigable airways.
32. Congress has also expressly preempted state regulation of navigable airspace through the Airline Deregulation Act of 1978.
33. The Airline Deregulation Act of 1978 preempts the ability of a state or local authority to "enact or enforce a law, regulation or other provision having the force and effect of law related to a price, route, or service of an air carrier."
34. No state or local municipality has any authority to promulgate or enforce rules regulating any aircraft's movement in flight.

B. FAA regulations alone govern aerobatic flight.

35. Aerobatic flight is a legally recognized form of aircraft operation regulated by the FAA.
36. Federal regulations define aerobatic flight "as an intentional maneuver involving an abrupt change in an aircraft's attitude, an abnormal attitude, or abnormal acceleration, not necessary for normal flight." *See* 14 C.F.R. 91.303.
37. The FAA promulgated rules and regulations specifically governing aerobatic flight.
38. Pilots may perform aerobatic flight in any area not specifically excluded by FAA regulations. FAA Regulation 14 C.F.R. 91.303 prohibits aerobatic flight only in the following areas:
 - a. Over any congested area of a city, town, or settlement;
 - b. Over an open air assembly of persons;
 - c. Within the lateral boundaries of the surface areas of Class B, Class C, Class D, or Class E airspace designated for an airport;
 - d. Within 4 nautical miles of the center line of any Federal airway;
 - e. Below an altitude of 1,500 feet above the surface; or

f. When flight visibility is less than 3 statute miles.

39. Neither Congress nor the FAA has delegated authority to local municipalities to regulate airspace.

40. Moreover, the Illinois Enabling Statute which addresses the authority of a municipality to control aircraft movement limits that authority to movement on the surface of the airport:

Any agency, municipal corporation...which owns or operates a public airport is authorized to control the movement of aircraft **upon the ground or surface of such public airport**. 620 ILCS 15/2 (West 2012) “Agencies authorized to control aircraft movement; delegation of authority.”

41. The Morris Regulations also expressly state in the first substantive paragraph entitled, SCOPE, that the Morris Regulations only govern persons while “on or occupying any area comprising the Morris Municipal Airport.”

42. The City of Morris and its agents have no authority to interpret or to enforce the FAA regulations related to aircraft flight generally and aerobatic flight specifically that form the basis of the ordinance violation enforcement proceeding brought against Scholtes.

C. Against the objection of the City of Morris, the FAA approved an Aerobatic Practice Area to promote the safety of all pilots and passengers.

43. Interstate air carriers typically travel at an altitude significantly higher than the altitude at which pilots perform aerobatics. Near the Morris Airport, however, there is an arrival and departure corridor for Midway Airport. Interstate air carriers arriving at or departing from Midway Airport in this corridor fly at lower altitudes and often fly at the same altitude as pilots performing aerobatics.

44. An interstate air carrier that flies into Midway Airport notified IAC Chapter 1 of its concerns related to air traffic on the route into Midway Airport.

45. In response to discussions concerning air traffic, IAC Chapter 1 voiced safety concerns to the City of Morris and Vogen many times in 2010 and 2011, before developing the Aerobatic Practice Area, regarding air traffic and the flight path of interstate air carriers flying over the Morris Airport.

46. Defendants refused to engage in discussions of these safety concerns with IAC Chapter 1.

47. To prevent interference with interstate airline routes and to ensure the safety of all pilots and passengers, IAC Chapter 1 sought from the FAA an Aerobatic Practice Area.

48. An Aerobatic Practice Area is intended to give pilots a safe area in which to practice their aerobatic maneuvers, and the FAA has established procedures to ensure the safety of all pilots flying near an activated Aerobatic Practice Area, including sending a NOTAM alert, or notice to all airmen.

49. A NOTAM warns other pilots, including the commercial pilots flying into and out of Midway, of activities occurring in the Aerobatic Practice Area so that those pilots may redirect their route to prevent a collision with those pilots flying in the FAA designated Aerobatic Practice Area.

50. While pilots may perform aerobatic flight anywhere except the six restricted areas prohibited under 14 C.F.R. 91.303, even in those restricted areas, the FAA has created a process that permits a pilot to perform aerobatic flight when granted a "Waiver."

51. A Waiver grants pilots an exemption from, or waives, the FAA regulations listed in the Waiver for a specific location, here the Aerobatic Practice Area located northwest of the Morris Airport. The FAA will issue a Waiver for use in an Aerobatic Practice Area to resolve safety concerns and flight traffic issues near airports around the country.

52. IAC Chapter 1, therefore, contacted the FAA, and the FAA authorized IAC Chapter 1's use of an Aerobatic Practice Area northwest of the Morris Airport.

53. After IAC Chapter 1 filed its application for an Aerobatic Practice Area, the City of Morris began obstructing IAC Chapter 1's efforts to obtain an Aerobatic Practice Area.

54. At one time Nelson was a prominent aerobatic pilot in Morris and for years held the only aerobatic waiver near the City of Morris.

55. Nelson was previously a member of IAC Chapter 1, had a falling out with IAC Chapter 1, and is no longer a member of IAC Chapter 1.

56. Acting on behalf of the city as its agent, Nelson made false and misleading statements about IAC Chapter 1 and opposed IAC Chapter 1 receiving an Aerobatic Practice Area in local meetings held by the FAA.

57. Defendants also threatened IAC Chapter 1 and warned that there would be consequences to obtaining an Aerobatic Practice Area to intimidate IAC Chapter 1 into withdrawing its request for an Aerobatic Practice Area.

58. After hearing of the safety concerns and flight traffic issues, the FAA granted IAC Chapter 1 an Aerobatic Practice Area. In doing so, the FAA specifically located the Aerobatic Practice Area on and extending below a federal airway near the Morris Airport. *See* Aerobatic Practice Area Waiver or Authorization (attached as Exhibit Three).

D. The City of Morris harasses and threatens plaintiffs for obtaining an Aerobatic Practice Area and brings charges against one of IAC Chapter 1's members.

59. After IAC Chapter 1 obtained the Aerobatic Practice Area, Vogen reported to the FAA Regional Office that an IAC Chapter 1 pilot caused a traffic conflict with an interstate air carrier.

60. The IAC Chapter 1 pilot was operating in legally navigable airspace, not the Aerobatic Practice Area, and the FAA investigating inspector found there was no issue with the IAC Chapter 1 member's flight and the FAA closed its investigation.

61. Then, on December 26, 2011, Vogen witnessed Scholtes flying his airplane and allegedly performing aerobatic maneuvers while flying.

62. Scholtes was not flying in one of the six areas restricted by 14 C.F.R. 91.303 and was not in the Aerobatic Practice Area. He was flying over an empty field miles away from the Morris Airport.

63. The City of Morris and Vogen knew or should have known that the City lacks the power to regulate flight or initiate an ordinance violation proceeding based on a pilot's performing aerobatic maneuvers while flying. Because the City has no authority over aircraft in flight, Vogen called the FAA to file a report.

64. Vogen stated on the report to the FAA that he witnessed an "N84PS Pitts S2-B (an IAC member)" violate an FAA regulation related to aerobatic flight, even though he knew or should have known that Scholtes—not IAC Chapter 1—was the owner of the plane and that Scholtes was not in violation of any FAA regulation.

65. The FAA investigated the incident, contacted IAC Chapter 1, and found IAC Chapter 1 had not violated any FAA regulation.

66. Vogen then contacted the FAA a second time regarding the same incident. In the second report to the FAA, Vogen stated that it was Scholtes who had violated an FAA regulation.

67. The FAA duly investigated Vogen's allegation of misconduct on the part of Scholtes, found nothing to support the charge, and properly closed their investigation.

68. It was only after the FAA found nothing to support a violation of its regulation 14 C.F.R. 91.303 that the City of Morris and Vogen initiated its own ordinance violation enforcement proceeding against Scholtes for violations based on the same regulation 14 C.F.R. 91.303 as incorporated by the Morris Ordinance and regulations.

69. Displeased with the FAA's response, the City of Morris and Vogen initiated the ordinance violation enforcement proceeding more than three months after the incident to make an example of Scholtes to other pilots and to prevent aerobatic pilots from flying near Morris out of sheer malice for aerobatic flying, Scholtes, and IAC Chapter 1.

E. The City of Morris and other Defendants knew or should have known that they had no authority to prosecute Scholtes because the Morris Ordinance and Rules are preempted and in conflict with federal regulations.

70. The City of Morris had no authority or factual basis for the violations it claims Scholtes committed in Counts I and II of the ordinance violation enforcement proceeding.

71. First, there is no surface area of Class B, Class C, Class D, or Class E airspace where Scholtes was performing aerobatics.
72. Second, there is not a Federal Airway within four nautical miles of where Scholtes was performing aerobatics.
73. There is also no legal basis for the City of Morris to regulate and to enforce aircraft movement in flight.
74. Neither the federal government, the Illinois Constitution, nor the Morris Regulation grant any power to a local municipality to enforce aircraft operations in flight.
75. Defendants also know or should know that the following Morris Regulations are in conflict with and preempted by federal regulations:
 - a. Morris Regulation 200.2 grants power to the Airport Manager, Vogen, to remove or evict from the Airport premises any person who has violated any of the Morris Regulations, regardless of whether they are preempted by and in conflict with federal regulations. Pursuant to Morris Regulation 200.2, Vogen may remove or evict any person he believes has violated an FAA regulation, such as Scholtes, despite his having no authority to interpret FAA regulations.
 - b. Morris Regulation 400.1 impermissibly attempts to regulate the “flying of aircraft” and incorporates all FAA Regulations, including those related to the operation of aircraft in flight.
 - c. Morris Regulation 400.3 prohibits any person from operating an aircraft that is not “certified by the State of Illinois” even though the State of Illinois cannot certify aircraft, only the FAA can conduct the certification process.
 - d. Morris Regulation 400.8 impairs the right of a pilot to repair his own aircraft.
 - e. Morris Regulation 400.10 restricts test flights without the approval of the Airport Manager, even though the Airport Manager has no authority to control the flight of aircraft.
 - f. Morris Regulation 400.13 regulates other airborne activities including skydiving and incorporates FAA guidance as grounds for a substantive violation.
 - g. Morris Regulation 400.15 allows the Airport Manager to determine what in his opinion is an un-airworthy aircraft and fine the owner.
 - h. Morris Regulation 500.3 restricts pilots’ ability to refuel their own planes unless authorized by the City of Morris.
 - i. Morris Regulation 800.1 grants the City of Morris and its agents the power to fine any individual \$500 for each violation of a Morris Regulation including those based on its interpretation of FAA regulations. The City of Morris may also

revoke, cancel or suspend any existing privilege or franchise for a violation of any of the regulations.

76. These rules apply not only to the person whom the City of Morris determines violated a regulation but also anyone the City of Morris considers to have “aided and abetted” a violation.

77. The City of Morris’ agents that are permitted to enforce the Morris Ordinance, which incorporates the Morris Regulations, include people who have no aeronautical experience. Pursuant to the Morris Ordinance, not only the airport manager, but also the fire chief, a building and zoning officer, and any member of the police department is empowered to interpret and to enforce regulations related to aircraft flight, including FAA regulations which are incorporated by reference.

78. Based on the Defendants’ actions and the Morris Ordinance and Regulations, the City of Morris and its Airport Manager, Vogen, assert they have the authority to issue citations to any aircraft in flight or to anyone that aids and abets another violating an FAA regulation.

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82. Defendants agreed not to make any objections regarding a newly applied for Aerobic Practice Area that is in a location even closer to the Morris Airport than the previous Aerobic Practice Area. Despite this, they proceeded to make many objections to the new Aerobic Practice Area, which delayed the process.

83. To the extent the defendants are claiming any kind of a settlement agreement, no settlement agreement has ever been made.

84. On June 7, 2013, Scholtes and IAC Chapter 1 brought a suit in federal court to enjoin the state court proceeding.

85. It was not until two days before a response was due by the City of Morris in federal court that Defendants finally dismissed the charges against Scholtes.

86. The City of Morris failed to provide notice to Scholtes of any dismissal. Despite not conferring with or providing notice to Scholtes or his counsel, the City of Morris presented the order for dismissal to the Court as “Agreed.”

F. Defendants' harassment and malicious activities involving the use of the Morris Regulations continues to harm Scholtes, IAC Chapter 1, and its members.

87. The City of Morris, the Airport Manager Vogen, and Airport Consultant Nelson have displayed animosity to IAC Chapter 1 and its members for no reason other than out of sheer malice for IAC Chapter 1.

88. In the last ten years, the City of Morris has not charged any pilot with a citation for violating the Morris Ordinance and Regulations other than Scholtes.

89. On information and belief, the City of Morris has never charged any other pilot with a citation for violating the Morris Ordinance and Regulations other than Scholtes.

90. Vogen has reported two members of IAC Chapter 1 to the FAA for aircraft operations occurring while in flight.

91. On information and belief, Vogen has never reported anyone other than an IAC Chapter 1 member to the FAA for aircraft operations occurring while in flight.

92. Since IAC Chapter 1 received and renewed its Aerobatic Practice Area privileges, Defendants increased their harassment of IAC Chapter 1, its members, and Scholtes.

93. Without cause, Defendants have yelled at, distracted, and directly interfered with IAC Chapter 1 members on the ground who were actively coaching pilots practicing maneuvers in the Aerobatic Practice Area.

94. Defendants' actions jeopardize the safety of IAC Chapter 1 members in the air and on the ground as well as other aircraft flying in the vicinity.

95. Morris Airport agent, Sid Nelson, has driven his vehicle at an IAC Chapter 1 member and slammed on the brakes causing an IAC Chapter 1 member to lose visual contact with a pilot flying in the Aerobatic Practice Area.

96. Sid Nelson has also physically intimidated and threatened IAC Chapter 1 members.

97. Vogen has also intimidated IAC Chapter 1 members, members of other flight organizations such as the Experimental Aircraft Association, and other pilots saying that any pilot who supports IAC Chapter 1 or its Aerobatic Practice Area could lose their ability to fly at the Morris Airport or rent hangar space there.

98. Vogen has also informed IAC Chapter 1 members that he will throw them out of the Morris Airport and ground their planes if he feels, in his opinion, that they have done any unsafe maneuvers while flying.

99. Vogen also allows other pilots who do not support IAC Chapter 1 to fly at low altitudes near the runway without threats of repercussion and without filing reports or complaints against those pilots.

100. As a result of his relationship with the City of Morris as its airport consultant, Nelson acts with impunity and his actions against IAC Chapter 1 and its members go unreprimanded, despite IAC Chapter 1's efforts to stop such behavior.

101. Similarly, Nelson has discriminated against, physically threatened, and attacked IAC Chapter 1 and its members because they are members of IAC Chapter 1 and conduct aerobatic maneuvers while flying in the local area.

102. Scholtes and IAC Chapter 1 members now fear expensive fines, prosecution, and arrest if they continue to fly.

103. IAC Chapter 1 members and other pilots would fly at IAC Chapter 1 sponsored events but are afraid to do so or to perform aerobatic flight maneuvers near Morris, even in the Aerobatic Practice Area designated for that very purpose, out of fear of harassment and being the subject of an ordinance violation proceeding initiated by Defendants for violating the Morris Ordinance and Regulations.

104. Scholtes is a pilot and flight instructor. IAC Chapter 1 members depend on their ability to fly as part of their profession and for their livelihood. The Defendants' knew or should have known that the ordinance violation enforcement proceeding related to aircraft operation in flight would cause special damages and risks to pilots and would act as a strong deterrent in preventing them from flying near Morris. As a result of Defendants' actions, Scholtes may be required to disclose on job applications that he has been cited for an in-flight violation even though he was not convicted.

105. Scholtes may be required to disclose this in-flight citation on certain insurance applications, which affects his premium payments. Scholtes may be required to disclose this in-flight citation on certain applications for aeronautical ratings, which negatively affects his ratings.

106. As a result of Defendants' actions, IAC Chapter 1 has and fears it will lose members, membership dues, and participation at its events.

107. As a result of Defendants' actions, Scholtes and IAC Chapter 1 have spent considerable time and money addressing these concerns and attempting to end these capricious actions by the Defendants.

Count I

Injunctive Relief: The Morris Ordinance and Regulation Are Unconstitutional and Preempted by Federal Law (Federal Aviation Act and Airline Deregulation Act)

108. Plaintiffs incorporate by reference Paragraphs 1-107.

109. Federal law implicitly and expressly preempts the Morris Ordinance and Regulation.

110. By enacting the Federal Aviation Act of 1958, Congress implicitly expressed its intent that federal law alone should govern federal airways.

111. As further evidence of its intent, Congress granted broad administrative powers to the FAA, and the FAA exercises those administrative powers extensively.

112. The FAA creates and enforces regulations related to air travel that are so pervasive, including 14 C.F.R. 91.303 for aerobatic flight, that there is no room for state or local municipalities to supplement the FAA's enforcement power.

113. The Morris Ordinance and Regulations interfere with this federal scheme and impermissibly attempt to regulate flight and routes in the national airspace.

114. By enacting the Airline Deregulation Act of 1978, 49 U.S.C. § 41713, Congress expressly preempted the ability of a state or local authority to "enact or enforce a law, regulation or other provision having the force and effect of law related to a price, route, or service of an air carrier."

115. The Illinois Enabling Act related to aircraft movement also does not provide Defendants with any authority to regulate aircraft operations in flight.

116. Defendants' enforcement and continued threatened enforcement of the Morris Ordinance and Regulations against Scholtes and IAC Chapter 1 have deprived Plaintiffs of their right to due process and equal protection protected by the Fourteenth Amendment, placed an undue burden on interstate commerce, and violated the Supremacy Clause of the United States Constitution.

117. As a direct and proximate result of Defendants' actions, Plaintiffs have suffered irreparable harm without an adequate remedy at law and will continue to suffer harm.

118. Scholtes and IAC Chapter 1 seek an injunction to end Defendants' unlawful behavior. An injunction is necessary and appropriate to end the current and threatened enforcement of the Morris Ordinance and Regulations.

119. If not enjoined by this court, Defendants and their agent, representatives, and employees will continue to implement the practices of the challenged Ordinance and Regulations that deny Plaintiffs their constitutional rights without due process and violate their right to equal protection under the law. Plaintiffs have suffered and will continue to suffer irreparable injury for which they have no adequate remedy at law.

Count II
Violation of 42 U.S.C. § 1983

120. Plaintiffs incorporate by reference Paragraphs 1-119.

121. At all times relevant and material, Defendants were acting "under color of law" within the meaning of 42 U.S.C. § 1983.

122. The City of Morris has given Nelson status at the Airport and cloaked him with authority to act on its behalf.

123. As the Airport Manager, Vogen is the final policymaker regarding the Morris Regulations and enforcing those regulations.

124. Defendants' harassment, threats, enforcement and threatened enforcement of the Morris Ordinance and Regulations against Scholtes, IAC Chapter 1, and IAC Chapter 1's members have placed an undue burden on interstate commerce by creating air traffic congestion on a federal airway used by interstate air carriers and by reducing or precluding the ability of Scholtes, IAC Chapter 1 members, and other pilots to fly.

125. Defendants' harassment, threats, enforcement and threatened enforcement of the Morris Ordinance and Regulations against Scholtes, IAC Chapter 1, and IAC Chapter 1's members have deprived Plaintiffs of their right to due process under the Fourteenth Amendment because the Ordinance and Regulations unduly restricted the Plaintiffs' liberty and freedom of movement, are arbitrary and have no basis in the law, are unconstitutionally vague, and do not promote the safety of the residents of Morris or pilots flying at or near the Morris Airport.

126. Defendants' harassment, threats, enforcement and threatened enforcement of the Morris Ordinance and Regulations against Scholtes, IAC Chapter 1, and IAC Chapter 1's members have deprived Plaintiffs of their right to equal protection under the Fourteenth Amendment.

127. Defendants have selectively enforced the Ordinance and Regulations against Scholtes and threatened enforcement against other IAC Chapter 1 members but not against other similarly situated pilots.

128. Defendants' discrimination against Scholtes and other IAC Chapter 1 pilots was intentional and animated out of sheer malice for Scholtes and IAC Chapter 1.

129. As a direct and proximate result of Defendants' actions, Plaintiffs have suffered irreparable harm and damages, and will continue to suffer and will continue to suffer harm.

130. Defendants actions violate the Plaintiffs' rights under 42 U.S.C. § 1983.

Count III
Malicious Prosecution

131. Plaintiffs incorporate by reference Paragraphs 1-130.

132. On March 28, 2013, the City of Morris initiated an ordinance violation enforcement proceeding verified by Vogen against Scholtes.

133. The City of Morris and Vogen knew or should have known they had no basis or probable cause to bring the ordinance violation enforcement proceeding based on its own interpretation of an FAA regulation after the FAA had already closed its investigation of the same incident.

134. The City of Morris and Vogen knew or should have known after the FAA told them they had no authority to enforce FAA regulations and they agreed to immediately dismiss the charges that they had no basis or probable cause to continue the ordinance violation enforcement proceeding against Scholtes.

135. The City of Morris and Vogen prosecuted and continued to prosecute the claim out of sheer malice against IAC Chapter 1.

136. The termination of the proceeding was in favor of Scholtes.

137. After Scholtes brought suit in federal court and two days before its response to the Plaintiffs' original complaint was due in federal court, the City of Morris voluntarily dismissed the action against Scholtes with prejudice.

138. Despite not conferring with or providing notice to Scholtes or his counsel, the City of Morris presented the order for dismissal to the judge as an "Agreed Order," when it was not.

139. Scholtes suffered damages and will continue to suffer damages beyond the mere expense of having to litigate an ordinance violation enforcement proceeding.

Prayer for Relief

WHEREFORE, Plaintiffs request judgment be entered in their favor and against Defendants as follows:

- (1) A declaratory judgment declaring that the Morris Ordinance and Regulations related to aircraft operations in flight are preempted by federal law and are therefore unconstitutional.
- (2) An order permanently enjoining Defendants, their officers, agents, servants, employees, and all other persons in active concert or participation with them, from enforcing the Morris Ordinance and the preempted Morris Regulations, including sections 200.2, 400.1, 400.3, 400.8, 400.10, 400.13, 400.15, 500.3, and 800.1.
- (3) Any other declaratory relief consistent with the injunction;
- (4) Damages;
- (5) Punitive Damages for the City of Morris' and Vogen's malicious prosecution;
- (6) Attorneys' fees and costs pursuant to 42 U.S.C. § 1988; and
- (7) Any other relief the Court deems just and appropriate.

Plaintiffs demand a jury trial.

Respectfully submitted,

Dated: September 12, 2013

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4659/MS042

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

INTERNATIONAL AEROBATICS)
CLUB CHAPTER 1 and)
NICHOLAS SCHOLTES)

Plaintiff,)

v.)

CITY OF MORRIS, ILLINOIS,)
JEFFREY VOGEN and SID NELSON)

Defendants.)

Case No. 13 cv 4272

Honorable John J. Tharp, Jr.

JURY DEMANDED

**DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF THEIR
MOTION TO DISMISS PURSUANT TO FEDERAL RULES OF CIVIL
PROCEDURE 12(B)(1) AND 12(B)(6)**

NOW COME the Defendants, CITY OF MORRIS, JEFFREY VOGEN, and SID NELSON, by and through their attorney, Mark J. Mickiewicz, of PURCELL & WARDROPE, CHTD., and hereby move this Court to Dismiss the Plaintiffs' Complaint with prejudice pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). In support thereof, Defendants state the following:

INTRODUCTION

The Plaintiffs filed their Complaint seeking invalidation of the Rules and Regulations of the Morris Municipal Airport (the "Regulations") following two events: the alleged refusal of the City of Morris ("Morris") and its alleged agents to honor the "Aerobatic Practice Area" established above the Morris Municipal Airport by a waiver executed by the Federal Aviation Administration (the "FAA") and the subsequent charges brought against Plaintiff, Nicholas Scholtes, a member of Plaintiff organization,

International Aerobatics Club Chapter 1 (“IAC”), for operating an aircraft “in aerobatic flight” above “the Morris Municipal Airport Airspace.” (See Plaintiffs’ Complaint attached hereto as Exhibit 1 and Exhibit 2 thereto). Plaintiffs seek a declaration that the Regulations are unconstitutional in their entirety based solely on the argument that they are preempted by federal statutes. They also seek damages under Section 1983 for the Defendants’ “threatened” enforcement of those regulations against IAC members who would otherwise fly freely in the Aerobatic Practice Area and for Morris’ decision to bring charges against Scholtes. After the filing of the lawsuit, and pursuant to an agreement reached between IAC and Morris before the filing of the lawsuit, the Aerobatic Practice Area referenced in the Complaint was removed by the FAA (when it revoked its waiver), and the charges against Scholtes were voluntarily dismissed with prejudice by Morris. (See Affidavit of Scott Belt attached hereto as Exhibit 2). A new Aerobatic Practice Area was created further away from the Airport’s runway in a location agreeable to the IAC and Morris. (Exhibit 2).

Where the two conditions which gave rise to the lawsuit, namely, the alleged refusal of Morris to respect the now defunct Aerobatic Practice Area and the related charges against Scholtes, no longer exist, there is no active case or controversy and this Court thus lacks jurisdiction to hear the instant lawsuit. Accordingly, this case must be dismissed with prejudice pursuant to Rule 12(b)(1). Further, where applicable statutory and case law establishes that the Rules and Regulations of the Morris Municipal Airport are not preempted by Federal Law; the Plaintiffs have failed to allege the deprivation of any Constitutionally protected rights; the Plaintiffs have failed to establish that they are members of a Constitutionally protected class; and the individual named Defendants are

entitled to qualified immunity, the Plaintiffs' Complaint should be dismissed pursuant to Rule 12(b)(6).

STANDARD FOR DISMISSAL

In ruling on motions based on Rules 12(b)(1) or 12(b)(6), a court must accept as true all well-pled factual allegations and draw all reasonable inferences in favor of the plaintiff. *Jacobs v. City of Chicago*, 215 F.3d 758, 765 (7th Cir. 2000). Courts need not accept as true mere "legal conclusions or unsupported conclusions of fact." *Hickey v. O'Bannon*, 287 F.3d 656, 658 (7th Cir. 2002); *see also Northern Trust Co. v. Peters*, 69 F.3d 123, 129 (7th Cir. 1995). A claim for relief must contain sufficient facts to make the claim "plausible on its face." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 127 S. Ct. 1955, 1974 (2007). Threadbare recitals of elements of a cause of action supported by conclusions do not make a claim plausible. *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1940 (2009). Moreover, "[l]itigants may plead themselves out of court by alleging facts that establish defendants' entitlement to prevail." *Bennet v. Schmidt*, 153 F.3d 516, 519 (7th Cir. 1998).

ARGUMENT

I. The Entire Complaint Should be Dismissed Pursuant to Rule 12(b)(1) where, with the Removal of the Aerobic Practice Area and the Dismissal of the Charges Against Scholtes, there is no Active Case or Controversy.

In order to establish a case or controversy under Article III of the Constitution, the party invoking federal jurisdiction must demonstrate a personal injury fairly traceable to the defendant's allegedly unlawful conduct and likely to be redressed by the requested relief. *G & S Holdings LLC v. Continental Cas. Co.*, 697 F.3d 534, 540 (7th Cir. 2012). Even if constitutional standing is established, there are also prudential limitations on a

federal court's exercise of jurisdiction, and a complaint may meet the standards for constitutional standing, yet fail to overcome the prudential standing hurdles. *Id.* Among the prudential limitations on the exercise of federal jurisdiction, are: (1) when the harm alleged in the complaint is a generalized one shared in substantially equal part by a large class of citizens, that harm alone normally will not warrant the exercise of federal jurisdiction; and (2) in general, the plaintiffs must assert their own legal rights and interests, and cannot rest their claims to relief on the legal rights or interests of third parties. *Id.*

While the Plaintiffs' Complaint contains almost 70 numbered, "fact" allegations, all of those allegations involve either the Plaintiffs' perceived right to fly aircrafts in the Aerobatic Practice Area (and Morris' alleged refusal to recognize that right) or the charges brought against Plaintiff Scholtes. As described in detail in the attached affidavit of Scott Belt and evidenced by the exhibits thereto, the Aerobatic Practice Area referenced in the Complaint no longer exists. By the Plaintiffs' own reasoning, now that the FAA waiver has been rescinded, they are prohibited from flying in the subject area by FAA regulations. (See Exhibit 1 at p.4). Any "injuries" they claim to have suffered by Morris' alleged refusal to honor the FAA's prior waiver and the legitimacy of the Aerobatic Practice Area could not possibly be redressed by this Court's invalidation of the Morris Regulations. Furthermore, a new FAA waiver has created a new Aerobatic Practice Area in a location further away from the Airport's runway and agreeable to the IAC and Morris. The IAC's pilots have obtained exactly that which they sought at the outset: the right to perform aerobatic flight maneuvers above the Morris Airport.

Likewise, Scholtes can no longer establish any personal injuries. All charges against him have been dismissed with prejudice, and he is no longer “subject to fines up to \$1,000” as alleged in the Complaint. Scholtes no longer has standing to bring the instant lawsuit.

To the extent the Complaint can be read as raising allegations which do not relate to Scholtes’ charges or the now defunct Aerobatic Practice Area, those allegations do not establish any personal injuries and are further barred by principles of prudential standing. These allegations would amount to nothing more than a general desire to strike down the Regulations for “fear” of the manner in which they might be applied in the future. In this position, the Plaintiffs are in the same posture as the general citizenry of the City of Morris. On their face, the Regulations apply equally to every citizen. Accordingly, the Plaintiffs would lack prudential standing to bring these claims. For these reasons, the Plaintiffs’ Complaint must be dismissed in its entirety pursuant to Rule 12(b)(1).

II. The Entire Complaint Should be Dismissed Pursuant to Rule 12(b)(6) where the Regulations are not Preempted by Federal Law.

Division 101 of the Illinois Municipal Code contains the general powers granted to a municipality regarding establishment and maintenance of a municipal airport. See 65 ILCS 5/11 101 *et seq.* Additional powers are enumerated in Division 103, which applies to airports located in municipalities with less than 500,000 residents. 65 ILCS 5/11-103-5. One of these powers is the authority to make reasonable rules and regulations regarding municipal airports. *Id.* This Statute reads in its entirety (emphasis added):

The corporate authorities of a specified municipality **may make all reasonable rules and regulations for air traffic and airport or landing field conduct**, and for the management and control of the municipality’s airport or landing field and other air navigation facilities and property under their control. These rules and regulations shall not be in conflict

with the laws of the state, or the ordinances of the municipality, or the laws or regulations of the United States, or the regulations of the Illinois Commerce Commission, or the rules, rulings, regulations, orders or decisions of the Department of Transportation.

The Plaintiffs contend that Morris has no such powers, even when its Regulations do not conflict with federal law because the federal government has exclusive control over all airspace in the country.

The United States Supreme Court has previously stated, "Our prior cases on preemption are not precise guidelines in the present controversy, for each case turns on the peculiarities and special features of the Federal Regulatory Scheme in question." *City v. Burbank v. Lockheed Air Terminal*, 411 U.S. 624, 638 (1973). This Court must begin with the presumption that the City Ordinance is not superseded, as a presumption exists favoring local regulation of police power matters. See *City of Chicago*, 691 F.Supp.1148 (N.D. Ill. 1988). Courts have found that, "...three distinct types of preemption are recognized: (1) express preemption, shown by a clear expression of congressional intent to preempt State Law; (2) field preemption, shown by comprehensive legislation demonstrating a clear congressional intent to occupy the entire regulatory field; and (3) conflict preemption, shown by a conflict between State and Federal Law." *City of Chicago v. Comcast Cable Holdings, L.L.C.*, 231 Ill.2d 3699 404 (2008).

The Plaintiffs contend that the first two types of preemption are present here. With respect to explicit preemption, the Plaintiffs rely on the Federal Aviation Act of 1958 and the Airline Deregulation Act of 1978. However, a review of both the former Act reveals no explicit prohibition against state regulations or directives that the states are expressly preempted from enacting certain laws or Ordinances. Furthermore, the Airline Deregulation Act of 1978, and specifically, the clause cited by the Plaintiffs in Paragraph

43 of their Complaint, address commercial air carriers, not private stunt pilots such as the Plaintiffs.

In advancing an argument under the second prong of preemption, Defendant attempts to use case law to show that Congress intended to occupy the entire regulatory field. The Seventh Circuit has already recognized the ability of the State of Illinois to provide some regulation of activity at airports:

Whether Illinois should allow its courts some role in setting noise levels at O'Hare is the state's business. The federal role is limited to defining the powers of the state as an entity. Given the recognition in *Burbank* that the state may govern the operations of airports it owns, the conclusion in *Luedtke* that every conceivable role for the state courts has been preempted is untenable.

Bieneman v. City of Chicago, 864 F.2d 463, 472 (7th Cir. 1988).

By enacting its Regulations, Morris is merely exercising power to regulate a municipal airport and the airspace above it. This very specific issue has not been previously decided by the Courts and is outside of the area of regulation that Congress intended to occupy. As such, the local ordinance is not subject to preemption and the Complaint must be dismissed pursuant to Rule 12(b)(6).

III. The Plaintiffs have not Pled the Deprivation of any Protected Rights, and have Failed to Plead that they are Members of a Protected Class.

Next, the Plaintiffs maintain that they have been deprived of Constitutionally protected rights and have been denied Equal Protection. As explained above, the Aerobatic Practice Area at issue no longer exists. Even if the right of the Plaintiffs to fly in that area was considered a protected right, that right is now prohibited by federal regulations. The Plaintiffs have not alleged that they are being stopped from flying in the new Aerobatic Practice Area, which is in a location agreed to by the IAC and Morris.

Furthermore, the Plaintiffs have cited no authority for their proposition that pilots are a Constitutionally protected class. Accordingly, the Complaint must be dismissed pursuant to Rule 12(b)(6).

IV. The Individual Defendants are Entitled to Qualified Immunity from Plaintiffs' §1983 Claims.

Public officials performing discretionary duties are immune from liability and suit for actions that do not violate clearly established statutory or constitutional rights of which a reasonable person would have known. *Wilson v. Formigoni*, 42 F.3d 1060, 1063 (7th Cir. 1994); citing *Harlow v. Fitzgerald*, 456 U.S. 800, 818 (1982). To determine whether a public official is entitled to qualified immunity, a court must determine (1) if the public official has violated a constitutional right; and (2) if so, whether that right was clearly established at the time of its alleged deprivation. *Saucier v. Katz*, 552 U.S. 194, 201 (2001); *Akende v. Grounds*, 555 F.3d 586, 589–90 (7th Cir. 2009). The order in which a court considers these two questions is left to its discretion, but it must resolve both questions in the plaintiff's favor in order to grant him the requested relief. *Pearson v. Callahan*, 129 S. Ct. 808 (2009). Here, as explained above, the individual defendants were not violating any clearly established constitutional rights. Accordingly, the Complaint must be dismissed pursuant to Rule 12(b)(6).

WHEREFORE, Defendants, CITY OF MORRIS, JEFFREY VOGEN, and SID NELSON, respectfully request that this Court dismiss the Plaintiffs' Complaint with prejudice.

Respectfully submitted,

PURCELL & WARDROPE, CHTD.

By: /s/ Mark J Mickiewicz
Mark J Mickiewicz
Attorney for Defendants

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4659/MS042

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

INTERNATIONAL AEROBATICS)
CLUB CHAPTER 1 and)
NICHOLAS SCHOLTES)

Plaintiff,)

v.)

CITY OF MORRIS, ILLINOIS,)
JEFFREY VOGEN and SID NELSON)

Defendants.)

Case No. 13 cv 4272

Honorable John J. Tharp, Jr.

JURY DEMANDED

**MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT PURSUANT TO
FEDERAL RULES OF CIVIL PROCEDURE 12(B)(1) AND 12(B)(6)**

NOW COME the Defendants, CITY OF MORRIS, JEFFREY VOGEN, and SID NELSON, by and through their attorney, Mark J. Mickiewicz, of PURCELL & WARDROPE, CHTD., and hereby move this Court to Dismiss the Plaintiffs' Amended Complaint with prejudice pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). In support of this Motion, Defendants rely on the Memorandum in Support of their Motion to Dismiss the Plaintiffs' Amended Complaint, which accompanies this Motion and is hereby incorporated herein.

1. The Plaintiffs filed their Original Complaint seeking invalidation of the Rules and Regulations of the Morris Municipal Airport essentially because of two events: the alleged refusal of the City of Morris and its alleged agents to honor the "Aerobatic Practice Area" established above the Morris Municipal Airport by a waiver executed by the Federal Aviation Administration and the subsequent charges brought against Plaintiff, Nicholas Scholtes, a

member of Plaintiff organization, International Aerobatics Club Chapter 1, for operating an aircraft “in aerobatic flight” above “the Morris Municipal Airport Airspace.”

2. Following an agreement between International Aerobatics Club Chapter 1 and the City of Morris reached before this lawsuit was filed and carried out after the lawsuit was filed, the Aerobatic Practice Area was moved to a location agreeable to the International Aerobatics Club Chapter 1 and the City of Morris, and the City of Morris dismissed all charges against Scholtes with prejudice.

3. The Defendants filed a Motion to Dismiss the Original Complaint in part because the two events which gave rise to the Original Complaint had been resolved and, accordingly, no active case or controversy existed.

4. In response, the Plaintiffs filed an Amended Complaint. The Amended Complaint is essentially identical to the Original Complaint aside from its acknowledgement that the charges against Scholtes were dismissed and that a new Aerobatic Practice Area had been established. The Amended Complaint does point out that Scholtes did not “agree” to having his charges dropped and that members of the International Aerobatics Club Chapter 1 still “fear” animosity, fines, prosecution, insurance issues, and loss of membership in the future.

5. Despite the “new” allegations contained in the Amended Complaint, the only alleged actual injuries stem from the City’s prior refusal to allow members of the International Aerobatics Club Chapter 1 to fly in the now defunct Aerobatic Practice Area and the charges against Scholtes. Because neither the original Aerobatic Practice Area nor the charges against Scholtes currently exist, there is no active case or controversy, and this lawsuit must be dismissed in its entirety pursuant to Federal Rule of Civil Procedure 12(b)(1). Plaintiffs’ speculative complaints of “fear” of injury sometime in the future do not give them standing to

bring the instant lawsuit and challenge the constitutionality of the Rules and Regulations of the Morris Municipal Airport.

6. Furthermore, the lawsuit must be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6) where applicable statutory and case law establishes that the Rules and Regulations of the Morris Municipal Airport are not preempted by Federal Law; the Plaintiffs have failed to allege the deprivation of any Constitutionally protected rights; the Plaintiffs have failed to establish that they are members of a Constitutionally protected class; and the individual named Defendants are entitled to qualified immunity.

WHEREFORE, Defendants, CITY OF MORRIS, JEFFREY VOGEN, and SID NELSON, respectfully request that this Court dismiss the Plaintiffs' Complaint with prejudice.

Respectfully submitted,

PURCELL & WARDROPE, CHTD.

By: /s/ Mark J Mickiewicz
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4659/MS042

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

INTERNATIONAL AEROBATICS)
CLUB CHAPTER 1 and)
NICHOLAS SCHOLTES)

Plaintiff,)

v.)

CITY OF MORRIS, ILLINOIS,)
JEFFREY VOGEN and SID NELSON)

Defendants.)

Case No. 13 cv 4272

Honorable John J. Tharp, Jr.

JURY DEMANDED

**MOTION TO DISMISS PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE
12(B)(1) AND 12(B)(6)**

NOW COME the Defendants, CITY OF MORRIS, JEFFREY VOGEN, and SID NELSON, by and through their attorney, Mark J. Mickiewicz, of PURCELL & WARDROPE, CHTD., and hereby move this Court to Dismiss the Plaintiffs' Complaint with prejudice pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). In support of this Motion, Defendants rely on the Memorandum in Support of Motion to Dismiss, which accompanies this Motion and is hereby incorporated herein.

1. The Plaintiffs filed their Complaint seeking invalidation of the Rules and Regulations of the Morris Municipal Airport following two events: the alleged refusal of the City of Morris and its alleged agents to honor the "Aerobic Practice Area" established above the Morris Municipal Airport by a waiver executed by the Federal Aviation Administration and the subsequent charges brought against Plaintiff, Nicholas Scholtes, a member of Plaintiff organization, International Aerobatics Club Chapter 1, for operating an aircraft "in aerobic flight" above "the Morris Municipal Airport Airspace."

2. Following an agreement between International Aerobatics Club Chapter 1 and the City of Morris reached before this lawsuit was filed and carried out after the lawsuit was filed, the Aerobic Practice Area was moved to a location agreeable to the International Aerobatics Club Chapter 1 and the City of Morris, and the City of Morris dismissed all charges against Scholtes with prejudice.

3. Where all of the allegations in the Plaintiff's Complaint stem from the City's reaction to the location of the now defunct Aerobic Practice Area and the charges against Scholtes, and neither the original Aerobic Practice Area nor the charges against Scholtes currently exist, there is no active case or controversy, and this lawsuit must be dismissed in its entirety pursuant to Federal Rule of Civil Procedure 12(b)(1).

4. Furthermore, the lawsuit must be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6) where applicable statutory and case law establishes that the Rules and Regulations of the Morris Municipal Airport are not preempted by Federal Law; the Plaintiffs have failed to allege the deprivation of any Constitutionally protected rights; the Plaintiffs have failed to establish that they are members of a Constitutionally protected class; and the individual named Defendants are entitled to qualified immunity.

WHEREFORE, Defendants, CITY OF MORRIS, JEFFREY VOGEN, and SID NELSON, respectfully request that this Court dismiss the Plaintiffs' Complaint with prejudice.

Respectfully submitted,

PURCELL & WARDROPE, CHTD.

By: /s/ Mark J Mickiewicz
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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

INTERNATIONAL AEROBATIC CLUB
CHAPTER 1 and NICHOLAS SCHOLTES,

Plaintiffs,

v.

CITY OF MORRIS, ILLINOIS, JEFFREY
VOGEN, and SID NELSON,

Defendants.

Case No. 13-CV-4272

Judge John J. Tharp Jr.

Jury Demanded

PLAINTIFFS' RESPONSE IN OPPOSITION TO THE MOTION TO DISMISS

The plaintiffs, International Aerobatic Club Chapter 1 (“IAC Chapter 1”) and Nicholas Scholtes (“Scholtes” and collectively the “Plaintiffs”), by the undersigned attorneys, respond to the defendants’ motion to dismiss and request the Court deny the motion in its entirety.

I. Introduction

This action seeks to end the arbitrary harassment that the City of Morris and its agents have inflicted and continue to inflict on the plaintiffs through the defendants’ actual and threatened enforcement of the unconstitutional and preempted Morris Ordinance and Regulations. This is no one-event situation; rather, the defendants continue to harass, intimidate, and threaten enforcement of the Morris Ordinance and Regulations against the plaintiffs and other pilots associated with IAC Chapter 1 for aerobatic flying. In doing so, the defendants deprive the plaintiffs of their constitutional rights and violate 42 U.S.C. § 1983 for which the plaintiffs seek damages.

The plaintiffs seek to protect and vindicate their licensed right to fly without being subjected to unconstitutional and preempted barriers established and enforced by a local municipality. As licensed pilots, the members of IAC Chapter 1 while in the air are subject to

and governed only by the dictates, rules, and regulations of the Federal Aviation Administration (“FAA”). Illinois law gives Morris no authority to regulate aerobatic flights. The City of Morris and its agents have no authority to promulgate or enforce any law or regulation governing aircraft movement once off the ground even a little and while in flight because such actions are preempted by federal law. The Supreme Court, Seventh Circuit, and Northern District have made clear that airborne (wheels off the ground) aircraft cannot be regulated except by the administration agency Congress granted such authority to—the FAA. The plaintiffs seek a declaratory judgment that the challenged ordinance and regulations are invalid and a permanent injunction prohibiting the defendants’ enforcement or implementation of any similar ordinance as well as monetary damages.

II. Background

In their motion the defendants ignore the allegations in the First Amended Complaint (“FAC”) and recast them to misconstrue what this dispute is about. At the time of the original complaint, the City had charges pending against plaintiff Nick Scholtes, which were dropped only after a motion to dismiss was fully briefed in state court and this case was filed. But the Scholtes prosecution is the tip of the iceberg of this dispute, which concerns the wrongful belief by Morris that it has authority to regulate aerobatic flight in national airspace. Because of this dispute, the defendants have threatened, brought charges, and continue to threaten enforcement, all without authority.

The defendants also point to a new Aerobatic Practice Area obtained from the FAA over the defendants’ objections as somehow eliminating this dispute. Far from it. First, the change in the location of the Aerobatic Practice Area has no effect on the plaintiffs’ claims, especially given that the new Aerobatic Practice Area was again obtained over the City of Morris’ objection and the new location is even closer to Morris Airport than the previous one (despite the

defendants' incorrect assertion to the contrary). In fact, as alleged, the entire issue of the Aerobatic Practice Area is a red herring, as this suit is about Morris' ability to regulate flight at all. In any event, the actions giving rise to the complaint did not occur while the plaintiff Nicholas Scholtes was flying in the Aerobatic Practice Area or even over land owned by the City of Morris. (Compl. ¶ 71; First Am. Compl. ¶ 62).¹ The defendants' recasting the plaintiffs' complaint as related to their "honoring" the previous Aerobatic Practice Area (whatever that means) and "exercising power to regulate a municipal airport and the airspace **above** it" distort the issues and are contrary to the allegations in the complaint.

The First Amended Complaint asserts that the City of Morris and its agents have a long history of arbitrarily harassing IAC Chapter 1 and its members. (¶¶ 46, 55-57, 68, 78-80, 90, 92-93, 95-98, 101, 116). The defendants' mistreatment derives, in part, because IAC Chapter 1's former pilot Sid Nelson had a falling out with the organization years ago and has since used his influence as the prior Morris Airport Manager to have the City of Morris and its agents arbitrarily abuse IAC Chapter 1 and its member pilots who fly near Morris. (¶ 54).

The defendants achieved what they wanted through harassing IAC Chapter 1 members and bringing the enforcement proceeding against Scholtes: aerobatic pilots are afraid to fly near the Morris Airport and continue to refrain from doing so today. (¶ 103). As licensed pilots, operating lawfully under FAA guidelines and regulations, and in cooperation with Federal authorities, plaintiffs should not be answerable to the City of Morris or other municipalities.

A local municipality has no authority to issue a citation against a pilot while flying pursuant to and in compliance with federal law. And a local municipality has no authority to threaten aerobatic pilots such that those pilots now refrain from flying, including in the area specifically designated by the federal government for aerobatic flight.

¹ All other references in this brief are to the plaintiffs' First Amended Complaint.

III. Standard for dismissal

A court must accept as true all well pleaded facts and draw all reasonable inferences in favor of the non-moving party. *Aschcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The federal rules require only notice pleading with the plaintiff required only to allege sufficient facts to inform the defendant of the nature of the claims. *Id.* “A 1983 complaint need not meet a higher pleading standard to survive a motion to dismiss.” *O’Donnell v. City of Country Club Hills*, No. 12 C 3523, 2013 WL 5289522 at *5 (N.D. Ill. Sept. 18, 2013).

IV. There is an active case and controversy.

A. The plaintiffs having standing because IAC Chapter 1 has and fears losing members and money, and IAC Chapter 1 members fear and refrain from flying but for the defendants’ threats as exemplified by Scholtes’ prosecution.

Article III standing requires that a plaintiff show (1) it has suffered a concrete, particularized injury that is actual or imminent; (2) the injury is fairly traceable to the defendant; and (3) it is likely that the injury will be redressed by a favorable decision. *Friends of the Earth, Inc. v. Laidlaw Envir. Servs. (TOC), Inc.*, 528 U.S. 167, 181 (2000) (holding association had standing because one of its plaintiffs who had previously fished a now polluted river and intended to do so again but for the defendant’s polluting); *Scherr v. Marriott Int’l, Inc.*, 703 F.3d 1069, 1074 (7th Cir. 2013); *see also Illinois Migrant Council v. Pilliod*, 540 F.2d 1062, 1067 (7th Cir. 1976) (“Because plaintiffs have shown a specific pattern of conduct, akin to an explicit policy, they have demonstrated a reasonable likelihood of future harm.”); *Swanson v. City of Chetek*, 719 F.3d 780, 783 (7th Cir. 2013) (reversing grant of summary judgment where local official instituted a single baseless legal proceeding against the plaintiff). An association has standing to bring suit if its members would otherwise have standing, their claims do not require their individual participation, and the interests at stake are germane to the organization’s purpose. *Hunt v. Washington State Apple Advert. Comm’n*, 432 U.S. 333, 343 (1977).

The defendants have repeatedly harassed and physically threatened many of IAC Chapter 1's members. For example, the defendants have done the following:

- made false and misleading statements to the FAA about IAC Chapter 1 (§ 56);
- endangered the safety of IAC Chapter 1 pilots by yelling at, distracting, and directly interfering with their visual-aid spotters on the ground (§ 93);
- driven a car at IAC Chapter 1 members (§ 95);
- physically intimidated and threatened IAC Chapter 1 members (§ 96-97);
- threatened to take away flight privileges for supporting IAC Chapter 1 (§ 98); and
- continue to threaten enforcement of the Morris Ordinance and Regulations against IAC Chapter 1 members (§ 116).

As a result of the above conduct, IAC Chapter 1 has and fears it will lose members, money, and participation at its competitions. (§ 106).

The defendants also initiated a baseless enforcement action against Scholtes for performing aerobatic maneuvers while in flight alleging a violation of the Morris Ordinance and Regulations. (§ 68). The enforcement action was brought and prolonged as yet another act of coercion to all IAC Chapter 1 members to prevent them from flying near Morris. The plaintiffs are still subject to enforcement and fines. Moreover, the Morris Ordinance and Regulations have been enforced only against aerobatic pilots, specifically IAC Chapter 1 pilots, therefore prudential limits on standing do not apply. Given the pattern of threats, members of IAC Chapter 1 fear a similar prosecution and refrain from flying near Morris, but would do so if the challenged ordinance and regulations were struck down.

The defendants' claim that the change in the location of the Aerobatic Practice Area affects the controversy is misplaced. Scholtes was charged with violations that occurred miles away from the airport beyond the jurisdiction of the City of Morris. (§ 62). Like the previous Aerobatic Practice Area, the current one was obtained from the FAA over the defendants' objection, is even closer to the Morris Airport. (§ 82). Given the new location there is an even more credible threat of enforcement and a ruling from this Court will resolve the controversy.

B. The case is not moot because the challenged ordinance and regulations are still enforceable and the defendants assert the authority to enforce them.

A defendant's voluntary cessation of challenged conduct will not render a case moot where the challenged ordinance has not been repealed, the defendant remains "free to return to his old ways," and there is a public interest in having the legality of the dispute settled. *United States v. W.T. Grant Co.*, 345 U.S. 629, 632–33 (1953); *City of Mesquite v. Aladdin's Castle, Inc.*, 455 U.S. 283, 289 (1982) ("It is well settled that a defendant's voluntary cessation of a challenged practice does not deprive a federal court of its power to determine the legality of the practice."); *Pleasureland Museum, Inc. v. Beutter*, 288 F.3d 988, 999 (7th Cir. 2002) (holding temporary moratorium ceasing enforcement of challenged ordinance does not moot the action). Cessation of illegal conduct by public officials is not given any deference when it is disingenuous or an attempt to evade review. *See Northeastern Florida v. City of Jacksonville, Fl.*, 508 U.S. 656, 662 (1993). The defendant's burden of proving mootness "is a heavy one." *W.T. Grant Co.*, 345 U.S. at 633.

The defendants have not repealed, revised, or even repudiated the challenged ordinance and regulations. To the contrary, the defendants fully briefed a response to a motion to dismiss filed by Scholtes in the state court proceeding and then on the eve of the judge's ruling on the validity of the defendants' actions dismissed the case. (¶¶ 84-86). The nature and timing of that dismissal show that the defendants are attempting to evade judicial review of their actions and strengthen the plaintiffs' already credible concerns of enforcement.²

The defendants' motion to dismiss provides even more evidence of a live controversy as they continue to maintain that their actions are authorized under Illinois law and not preempted.

² The defendants also attach an affidavit of Scott Belt, many of whose statements are contrary to the express allegations in the First Amended Complaint. The plaintiffs dispute the contents of Mr. Belt's affidavit and the Court should not consider it on a motion to dismiss. (¶¶ 80-86, 132-39).

The authority of a local municipality to initiate quasi-criminal proceedings against law abiding citizens is an important matter of public interest.

V. Federal law preempts the City of Morris' Ordinance and Regulation on airborne activity.

A. Congress created a comprehensive system of laws and regulations related to aircraft in flight that leaves no room for state or other interference.

The United States government has exclusive control of the national airspace and Congress granted the FAA sole authority to regulate that airspace. 42 U.S.C § 40103(a)(1) and (b)(2); *Kohr v. Allegheny Airlines, Inc.*, 504 F.2d 400, 404 (7th Cir. 1974) (“Congress has recognized the national responsibility for regulating air commerce. Federal control is intensive and exclusive.”). Congress expressed its intent clearly when enacting the Federal Aviation Act of 1958, stating that the FAA had “plenary authority to ... make and enforce air traffic rules for both civil and military aircraft.” Federal Aviation Act of 1958, Senate Report No. 85-1811, Conf. Rep. 85-2556, 1958 WL 3975.

The United States Supreme Court has already rejected the defendants’ “police powers” argument when it struck down as preempted a nighttime take-off and landing regulation. *Burbank v. Lockheed Air Terminal, Inc.*, 411 U.S. 624 (1973); *see also Command Helicopters v. Chicago*, 691 F. Supp. 1148, (N.D. Ill. 1988) (“The Court in *City of Burbank* rejected Burbank’s argument that the Act did not pre-empt its inherent police powers in the area of health and safety regulations.”). The Supreme Court reasoned that the pervasive nature of the scheme of federal regulation mandated preemption because if other cities enacted similar laws there would be fractionalized control of the airspace leading to a decrease in safety and an increase in air traffic congestion. *Id.* at 639. Significantly, the Solicitor General readily conceded that the ordinance was preempted as it relates to “airspace management” and even Justice Rehnquist in his dissent drew a distinction between regulations that relate to zoning issues on the ground, such as airport

expansion, and a regulation that “involves controlling the flight of aircraft.” *Id.* at 651.

The Seventh Circuit has also clearly indicated that local municipalities are preempted from regulating the activity of airplanes in flight. *Hoagland v. Town of Clear Lake*, 415 F.3d 693, 697 (7th Cir. 2005). The court held that a zoning regulation related to the siting of an airfield is an issue of local control “so long as it does not interfere with existing traffic patterns.” *Id.* The court emphasized that the ordinance was “a land use, or zoning ordinance, *not a flight pattern regulation.*” *Id.* (emphasis added). In summarizing the “kinds of regulations which are preempted” the Seventh Circuit cited favorably the 11th Circuit’s opinion in *Pirola* which held that local ordinances “proscribing air traffic patterns were preempted.” *Id.* The Seventh Circuit echoed the Supreme Court’s concern of “fractionalized control” in *Burbank*, noting that “[i]t would be unmanageable—say nothing of terrifying—to have local control of flight routes.” *Id.*

A Northern District Court has held that a local municipal ordinance regulating in-flight operations of aircraft was implicitly preempted. *Command Helicopters*, 691 F. Supp. at 1151. The Court rejected the local municipality’s argument that the ordinance was constitutional and not preempted because it “complemented” the existing federal legislation. *Id.*

The FAA has also consistently maintained that Congress vested it with sole authority to regulate aircraft in flight and that any action by a state or local authority is preempted and told the defendants that in this case. (¶ 81); see also FAA Legal Opinion, attached as Exhibit 1 (“The regulation of aircraft in flight is preempted by Federal law, and limitations on aircraft flight may only be imposed by the FAA.”).

The FAA has promulgated extensive rules and regulations related to airspace management and aircraft actions while airborne, including § 91.303 governing aerobatic flight, and the FAA is the sole authority to enforce its regulations. The facts of this case are egregious

because the Morris Airport manager, Vogen, knew the FAA was the proper authority to regulate in flight aircraft conduct and reported the Scholtes incident not once but twice to the FAA. It was only after the FAA closed its investigation with no finding of liability against Scholtes that the defendants initiated a local proceeding to prosecute Scholtes for the exact same conduct but allegedly based on a local ordinance that incorporates the FAA rules and regulations. This Court should follow the clear instruction from the Supreme Court and the Seventh Circuit and deny this motion because the Morris Ordinance and Regulations are preempted.

B. The ADA expressly preempts the defendants' Ordinance and Regulation.

The Airline Deregulation Act of 1978 ("ADA") contains an express preemption clause that mandates a state or local authorities "may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of an air carrier." 49 U.S.C. § 41713(b). The ordinary meaning of the phrase "relating to" is broad and expresses a broad preemptive purpose. *Morales v. Trans World Airlines, Inc.*, 504 U.S. 374, 383 (1992); *Travel All Over the World Inc. v. Kingdom of Saudi Arabia*, 73 F.3d 1423, 1430 (7th Cir. 1996) (noting that the ordinary meaning of "relating to" is broad and means "to have bearing or concern; pertain to...or connection with"). Given this broad preemptive language, even claims not addressing the airline industry are preempted. *Meyer v. United Airlines, Inc.*, 624 F. Supp. 2d 923, 928 (N.D. Ill. 2008) (denying motion to dismiss).

The plaintiffs' claims relate to the routes of air carriers. Before opening the Aerobatic Practice Area, IAC Chapter 1 must notify the local airport, Flight Service Station, Chicago TRACON, and the Chicago Center of the location, altitude, date and time of use so that those stations can inform *all* pilots, including those flying for major air carriers, to divert their course away from the Aerobatic Practice Area. See First Am. Compl. Ex. 3 "Certificate of Waiver." Moreover, a representative from a major airline, Southwest, specifically contacted IAC Chapter

1 in an attempt to reduce air traffic congestion on its route to Midway Airport and to prevent the possibility of a mid-collision. (¶ 44). Because the ADA's preemption provision is broad and the plaintiffs' claims relate to routes, the Court should deny the defendants' claim.³

C. The Illinois Municipal Code does not authorize an airport to regulate in-flight activities and the defendants' interpretation conflicts with federal law.

The Illinois Municipal Code section cited by the defendants only authorizes a local municipality to regulate activities on the ground as evidenced by the express language throughout the statute limiting local control to airfields and facilities.⁴ The defendants fail to cite case law interpreting this statute, presumably because every decision deals with property related issues. *See Amman v. Wabash R. Co.*, 391 Ill. 200 (1945) (tax levy for airport property); *City of Crystal Lake v. LaSalle Nat. Bank*, 121 Ill. App. 3d 346, 348 (2d Dist. 1984) (condemnation). They fail to address 620 ILCS § 15/2, which specifically limits the airport's authority to control movement of aircraft to "upon the ground or surface of such public airport."

The manner in which the Morris Ordinances and Regulations impermissibly impede and conflict with federal law are detailed in paragraphs 70-77 of the FAC. Moreover, under the Morris Ordinances, violations can be determined by individuals with no aeronautical experience whatsoever, including the Fire Chief, building and zoning officers, members of the police department, as well as the airport manager. The Ordinances are written to apply not just to FAA licensed pilots, but to anyone who the City of Morris or its agents deems to have aided and abetted what they perceive to be a violation. (¶ 77). The Morris Ordinance and Regulations clearly can result in conflicting and inconsistent interpretations and determinations of federal

³ There is no reason to delay ruling on this issue based on the defendants' citation to *Northwest, Inc. v. Ginsburg*, as that case addresses airline pricing, not routes, and is therefore unlikely to impact this Court's ruling.

⁴ *See, e.g.*, 5/11-103-4 this section limits the statute's purpose to land related issues, stating "All land and appurtenances...are acquired...for a public purpose;" *see also* 5/11-103-9 discussing authority to "vacate roads, highways, streets." The defendants' claim that they have the right to regulate in-flight activity is untenable.

aviation law; laws which are within the exclusive jurisdiction of the FAA as authorized by Congress. The potential improper use of these Ordinances and Regulations to harass is painfully apparent as witnessed in the facts alleged in this case.

Local laws such as the Morris Ordinances and Regulations that impede the objective of a federal policy are in conflict with federal law and impliedly preempted. *See Gade v. Nat. Solid Wastes Mgmt. Assoc.*, 505 U.S. 88, 98-99 (1992) (holding state law not approved by the federal regulating agency was preempted). Here, the FAA closed its investigation without a finding of liability to Scholtes. (¶ 68). In spite of (and in fact because of) the FAA's determination, the defendants prosecuted Scholtes for the same activity, based on the same FAA regulations incorporated into the Morris Ordinance and Regulations. An uncoordinated, dual enforcement system would impede the FAA's established enforcement structure, create conflict, and preempts the challenged ordinance and regulations.

VI. The defendants' Ordinance and Regulation as well as their arbitrary and malicious actions deprived the plaintiffs of their right to equal protection and due process under the Fourteenth Amendment.

A. Equal Protection

The equal protection clause prohibits state action that intentionally and irrationally discriminates among similarly situated people. *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000) (affirming Seventh Circuit's reversal of trial court's dismissal of class-of-one claim); *see also Oxford Bank & Trust & Fifth Ave. Prop. Mgmt v. Village of La Grange*, 879 F. Supp. 2d 954, 967 (N.D. Ill. 2012). "The equal protection clause [] does not require proof of a deprivation of life, liberty, or property, [only] that the action taken by the state, whether in the form of prosecution or otherwise, was a spiteful effort to 'get' him for reasons wholly unrelated to any legitimate state objective." *Esmail v. Macrane*, 53 F.3d 176, (7th Cir. 1995) (reversing dismissal where local mayor waged vindictive campaign against 1983 plaintiff); *Del Marcelle v. Brown*

Cty Corp., 680 F.3d 887, 889 (7th Cir. 2012) (en banc). “A clear showing of animus, absent a robust comparison to a similarly situated individual, [however] may sustain a class-of-one equal protection.” *Swanson*, 719 F.3d at 783.

The defendants have consistently harassed and physically threatened IAC Chapter 1 members but not other pilots (§ 99) and, like the local mayor in *Swanson*, they instituted a meritless citation proceeding against Scholtes to instill fear among IAC Chapter 1 members. (§125). The plaintiffs here alleged that the defendants acted arbitrarily and out of malice. (§§ 125, 128). There is no need to plead or prove that the plaintiffs are members of a protected class as the defendants’ actions fail even the rational basis test. The defendants certainly knew they had no legitimate right to physically threaten citizens and the reports to the FAA show that the defendants also knew they had no authority to prosecute Scholtes based on the FAA regulations incorporated into the Morris Ordinance and Regulations. The fact that Scholtes was eventually vindicated is irrelevant as the plaintiff in *Swanson* also ultimately prevailed in a baseless prosecution. The Court therefore should deny the motion to dismiss as the defendants’ actions are arbitrary, preempted, and prohibited under the Fourteenth Amendment.

B. Substantive Due Process

The due process clause “was intended to prevent government from abusing [its] power, or employing it as an instrument of oppression.” *DeShaney v. Winnebago Cnty Dep’t of Social Servs.*, 489 U.S. 189, 196 (1989). The elements of a substantive due process claim are: (1) the existence of a constitutional right and (2) state action arbitrarily interfering with that right. *Collins v. City of Harker Heights*, 503 U.S. 115, 125 (1992); *see also Armstrong v. Squadrito*, 152 F.3d 564, 570 (7th Cir. 1998).

The plaintiffs also have a liberty interest in their freedom of movement and right to

intrastate travel free from arbitrary harassment which prevents them from moving through their locality and associating with others interested in practicing and performing in aerobic competitions. *City of Chicago v. Morales*, 527 U.S. 41, 53 (1999) (“We have expressly identified this ‘right to remove from one place to another according to inclination’ as ‘an attribute of personal liberty.’”). The Supreme Court and the Seventh Circuit have not addressed this issue,⁵ but many other circuits have recognized this right, reasoning that “it is deeply rooted in this Nation’s history and tradition, and implicit in the concept of ordered liberty.” *See, e.g., Johnson v. City of Cincinnati*, 310 F.3d 484, 495 (6th Cir. 2002) (holding ordinance violated substantive due process of plaintiff’s right to freedom of movement); *see also Ramos v. Town of Vernon*, 353 F.3d 171, 176 (2d Cir. 2003); *Lutz v. City of York*, 899 F.2d 255, 261 (3d Cir. 1990). The defendants violated the plaintiffs’ rights by using their position of authority to harass the plaintiffs and institute an enforcement proceeding to preclude the plaintiffs’ flying near Morris.

VII. The defendants’ unlawful Ordinance, Regulations and actions burden interstate commerce.

Interstate travel and transportation by airplane is pervasive but even local activities displace the movement of goods and people and affect interstate commerce. *Wickard v. Filburn*, 317 U.S. 111 (1942). Under the Commerce Clause, a law that is not discriminatory against out-of-staters violates the Commerce Clause when the law’s burdens on commerce are greater than its benefit. *Pike v. Bruce Church, Inc.*, 397 U.S. 137, 142 (1970); *Baude v. Heath*, 538 F.3d 608, 612 (7th Cir. 2008); *see also Bibb v. Navajo Freight Lines*, 359 U.S. 520, 529-30 (1959). Other courts in this district have recognized the significant detrimental effect there would be on commerce if each local municipality were able to set its own rules regarding in-flight activity.

⁵ *See Memorial Hosp. v. Maricopa Cnty.*, 415 U.S. 250, 255-56 (1974); *Doe v. City of Lafayette, Ind.*, 377 F.3d 757, 770 (2004) (“[O]ur inquiry can be forwarded most easily by first describing what rights are *not* at issue....[T]he right to travel intrastate, i.e., the right to ‘travel locally through public spaces and roadways.’”).

See Command Helicopters, 691 F. Supp. at 1151 (“[If] each locality in the nation was allowed to set its own different requirements for aircraft operating within its limits, there would be a substantial negative effect on commerce.”)

VIII. No defendant is entitled to qualified immunity because their actions were unlawful, arbitrary, and do not involve discretion.

Individual defendants are not entitled to qualified immunity unless their actions are a legitimate exercise of discretionary authority. *Harlow v. Fitzgerald*, 457 U.S. 800, 819 (1982) (“By defining the limits of qualified immunity essentially in objective terms, we provide no license to lawless conduct.”); *see also Levin v. Madigan*, 692 F.3d 607, 622 (7th Cir. 2013). Qualified immunity is usually an issue to be decided on summary judgment after the facts have been established. *See id.* Here, it is alleged the defendants acted arbitrarily and out of spite in physically threatening and harassing IAC Chapter 1 members and it is well known that such actions are not legally permissible. (¶¶ 125-28). The case law discussed above in Section V also shows that the law is clear and well established that local authorities are preempted from regulating and enforcing aircraft in flight. Significantly for immunity purposes, the defendants knew that they were prohibited from prosecuting Scholtes as evidenced by the multiple reports issued to the FAA and subsequent timing of their own prosecution. The defendants have no discretion to act in a preempted area and never exercised such “discretion” previously.

IX. Malicious Prosecution

To establish a malicious prosecution claim under Illinois law, the plaintiff must allege facts showing: “(1) the commencement or continuance of an original criminal or civil judicial proceeding by the defendant; (2) the termination of the proceeding in favor of the plaintiff; (3) the absence of probable cause for such proceeding; (4) the presence of malice; and (5) damages resulting to the plaintiff.” *Swick v. Liataud*, 169 Ill. 2d 504, 512 (1996). An abandonment of

proceedings that infers the plaintiff's innocence or that a lack of reasonable grounds existed to bring suit is sufficient to be considered a favorable termination. *Id.* at 513.

The plaintiffs sufficiently alleged a cause of action for malicious prosecution under Illinois law. The plaintiffs alleged that the defendants prosecuted Scholtes with an improper motive. (¶¶ 6-7). The defendants knew they had no basis or authority to prosecute the claim. (¶ 81). In a misguided attempt to preclude suit for malicious prosecution, the defendants' attorney in the state court proceeding (and less than credible affiant in this proceeding) purposefully did not provide notice to Scholtes or his counsel and then entered an "Agreed" order of dismissal, even though there was no settlement agreement. (¶ 86). As a result, Scholtes may be required to disclose this in-flight citation on certain insurance applications, which affects his premium payments, and disclose on certain applications for aeronautical ratings, which negatively affects his ratings. The Court should exercise supplemental jurisdiction and deny the defendants' motion as to this count.

X. Conclusion

WHEREFORE, the plaintiffs, IAC Chapter 1 and Scholtes, respectfully request that this Court deny the defendants' motion to dismiss in its entirety, order the defendants to answer the complaint, and grant any other relief it deems just.

Dated: October 24, 2013

Respectfully submitted,

By: /s/ Cal R. Burnton
One of the Attorneys for the
Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that on this the 24th day of October, 2013, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send an electronic notice to all counsel of record in this matter.

/s/ Cal R. Burton

One of the Attorneys for the Plaintiffs

To: IAC Board Members
From: Jim Ward
Re: Safekeeping of IAC Documents: A Proposal
Date: October 29, 2013



As you know, IAC relies on a large set of computer-based documents to operate contests and member programs. These include forms, guidebooks (for CDs, registrars, etc.) templates (like the Incident Response Plan), along with the IAC rulebook and list of current judges.

What you may not know is that IAC does not possess originals of many of these essential documents. Instead, we have just the PDF files. Only originals – in formats such as Word, Excel, and Visio – can be edited.

Those originals we don't possess are scattered among our volunteer community, stored for the most part on personal computers and personal web sites. Should these computers, files or volunteers become unavailable for any reason, IAC is faced with the prospect of recreating documents from scratch. Doing so would not be trivial; recreating certain of these documents may require specialized knowledge and a great deal of time.

No professional organization would consciously accept the risk of losing assets critical to its operation. IAC should not, either. So, I urge that this Board establish a project to collect and store the originals and PDFs for every current IAC document on a backed-up server at IAC headquarters.

Details would be worked out as the first step of the project. I anticipate that this effort will take one to two man-months to complete, representing a mix of the IAC Manager's time and that of one or two volunteers. Associated costs are limited to acquiring licenses for document-authoring software not already licensed by IAC or EAA.

Following this initial work, the IAC Manager would be tasked with updating documents when revisions are submitted by the membership.

Here's the formal resolution I propose the Board adopt:

WHEREAS,

most member-facing IAC functions are dependent on a broad set of computer-based documents;

the safekeeping of up-to-date, editable copies of all club documents is essential to the ongoing operation of the club;

many source files used to create club documents are presently in the sole possession of club member-volunteers;

this informality creates an unacceptable risk of loss of, and loss of access to, essential club assets;

managing such risks is a core function of this Board;

BE IT RESOLVED

- that IAC will create a central repository for the storage of all club documents;
- that all source files needed to create each club document will be placed in this repository, free of passwords, encryption and all other forms of protection;
- that future document updates will include all affected source files, which will be added to the repository;
- that managing this repository will be responsibility of the IAC Manager, with guidance and oversight provided by this Board;
- that this repository will be subject to data protection procedures, the characteristics of which will be periodically reviewed and approved by this Board or its designees;
- that this policy will be implemented immediately, uniformly and without exception for the entire set of documents in use by the club;
- that these actions will be carried out by club employees, directors and volunteers.

(end of resolution)

A point of information: IAC Webmaster DJ Molny is investigating document management solutions that can be implemented at little or no cost to the club. The goal is to allow shared access to club documents via the web by approved stakeholders (Trish, the Board, and key volunteers), along with automated revision tracking.

Thank you for your consideration.

Regards,

A handwritten signature in blue ink, appearing to be 'J. W.', is written below the text 'Regards,'.

To: IAC Board Members
From: Jim Ward
Re: Improving Usability of the IAC Rulebook: A Proposal
Date: October 12, 2013



IAC's 2013 rulebook was published in a format that denies or limits access by club members who use certain software and devices. Some versions of Amazon's Kindle and Apple's PDF viewer, "Preview", are examples of products don't allow easy or complete access to the rulebook.

As IAC's success depends partly on our ability to share documents with our whole community of members and prospective members, this issue deserves a few minutes of this Board's attention.

These limitations stem from the creation of the rulebook using a modern version of the PDF standard, along with the incorporation of passwords and/or other protection devices. Such protection satisfies no mandate imposed by club P&Ps or this Board.

IAC's Rules Committee chair has claimed that using most recent versions of the PDF standard and PDF reader software reduce the likelihood of spreading viruses and similarly harmful software. I agree. However, the club's responsibility is limited solely to ensuring that such "malware" does not spread via club documents downloaded from our website. It is beyond our purview to influence the malware protection our members apply to their own computers.

Over time, dozens of IACers affected by this problem have contacted the Rules Committee chair, Webmaster and Secretary to seek a resolution or work-around.¹ However, no corrective action has yet been taken.

The fix is simple: publish IAC rulebooks in an earlier, broadly deployed version of the PDF standard, without passwords, encryption and other forms of protection.²

I propose that this board act to direct the Rules Committee to do this, and to establish this as the standard for all other club documents.

Thank you for your consideration.

Regards,

A handwritten signature in blue ink, appearing to read 'J. Ward'.

¹ Samples of such emails from members are available in case you'd like to see them.

² PDF version 1.6 is ideal; the baseline version 1.7, published in 2006, may be acceptable.



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BY-LAWS
OF THE
INTERNATIONAL AEROBATIC CLUB, INC.

A Division of the
Experimental Aircraft Association
and the
National Aeronautic Association

P O Box 3086
Oshkosh, Wisconsin 54903
U.S.A.

Adopted: November 13, 2013

ARTICLE I

SCOPE

These are the By-laws of the INTERNATIONAL AEROBATIC CLUB, INC., a Division of the Experimental Aircraft Association ("EAA") and of the National Aeronautic Association ("NAA"), hereinafter referred to as the Division.

ARTICLE II

EXECUTIVE OFFICERS

SECTION I. Definition and Election

Executive Officers shall be those specified in the Articles of Incorporation and elected pursuant to ARTICLE VI herein.

SECTION II. The President

The President shall be the Chief Executive Officer of the Division and Chairman of the Board of Directors, and shall:

1. Call such special meetings of the Board of Directors as deemed appropriate;
2. Have charge of the general business of the Division, subject to the advice and control of the Board of Directors;
3. Be authorized to execute with the Secretary all contracts and other corporate instruments necessary to carry on the business of the Division, provided said execution has been approved by the Board of Directors; and
4. Be authorized to execute with the Treasurer all checks for Division expenditures authorized the Board of Directors.

SECTION III. The Vice President

The Vice President:

1. Shall be vested with all the powers and shall perform the duties of the President in case of the absence, disability or inability for any reason, of the President to perform said duties;
2. Shall perform such duties connected with the operation of the Division as may be undertaken at the suggestion of the President or the Directors;
3. Shall be authorized to approve for disbursement all checks for Division expenditures authorized by the Board of Directors; and
4. May, at the request of the President, attend any meeting of the Board of Directors of any corporation which formally or informally has a designated seat for the Division on its own Board of Directors, at any meeting of such other corporation which the President is unable to attend, provided that the Board of Directors of the other corporation approves such attendance, and provided further that the Vice President's role at such a meeting shall only be to observe and participate (to the extent approved by such other Board), and he or she shall not be authorized to cast any votes.

SECTION IV. The Secretary

The Secretary shall:

1. Keep the minutes of all meetings of the members, the Executive Committee and of the Board of Directors in books provided for that purpose. The Secretary may utilize electronic recording devices or professional personnel to accomplish these duties;
2. Attend to the giving and serving of notices of all meetings of the members and of the Board of Directors;
3. Execute with the President, in the name of the Division, all contracts and other corporate instruments necessary to carry out the business of the Division provided said execution has been approved by the Board of Directors;
4. Have the responsibility to publish minutes of all meeting of the members and the Board of Directors; and
5. Perform all other duties incident to said office subject to the control of the President and the Board of Directors as directed by them.

SECTION V. The Treasurer

The Treasurer shall:

1. Execute with the President or Vice President, in the name of the Division, all checks for the expenditures authorized by the Board of Directors;
2. Receive and deposit all funds of the Division in a bank selected by the Board of Directors which funds shall be paid out only by check as hereinbefore provided, except that incidental expenses may be charged to a credit card held by the Division as authorized by the Board;
3. Account for all receipts, disbursements and balance of funds on hand; and
4. Perform all other duties incident to said office subject to the control of the President and the Board of Directors as directed by them.
5. Be bonded or subject to fiduciary insurance coverage in the amount determined by the Board of Directors. The bond or coverage premium shall be paid by the Division or by the EAA.

SECTION VI. Designation

1. Any Executive Officer may designate another individual or individuals to act as an assistant to and in that Officer's behalf as to any portion of the duties set forth herein (except voting), provided said designation has the prior approval of the Board of Directors. This includes, but is not limited to, authorization of the EAA to perform certain fiduciary responsibilities designated by the Board of Directors.
2. In the temporary absence or incapacity of any Executive Officer, the Board of Directors may delegate the duties of that Officer to such individual or individuals for such period of time and in such degree as they deem appropriate.

SECTION VII. Board Membership

The Executive Officers of the Division shall be deemed to have been elected as Directors of the Division, and shall serve in that capacity during their term of office.

ARTICLE III

BOARD OF DIRECTORS

SECTION I. Number

The powers, business, and property of the Division shall be exercised, conducted and controlled by a Board of Directors of ~~fifteen-sixteen~~ (+516) members.

Those ~~fifteen-sixteen~~ (+516) members shall consist of:

~~(a) Five (5) Class I Directors to include the President, Secretary and three (3) Directors elected by the membership in odd-numbered years; Four (4) Executive Officers to include the President, Vice-President, Secretary, and Treasurer. The President and Secretary shall be elected by the membership in even-numbered years and the Vice-President and Treasurer shall be elected by the membership in odd-numbered years;~~

~~(b) Six (6) Class II Directors to include the Vice President, Treasurer and four (4) Directors elected by the membership in even-numbered years; Regional Directors elected by members of their respective regions, as determined by member mailing address. Three (3) Regional Directors, the Northwest, Southeast, and Northeast Regional Directors shall be elected in odd-numbered years, and three (3) Regional Directors, the Southwest, Mid-America, and South-central Directors shall be elected in even-numbered years;~~

~~(c) One (1) International Director elected by the membership in even-numbered years;~~

~~(ed) Two (2) Class III Directors to include one (1) appointed EAA representative and one (1) appointed NAA representative; and~~

~~(d) Two (2) Class IV- National Directors elected by the Board-membership. One (1) shall be elected in odd-numbered years and one (1) shall be elected in even-numbered years; and~~

~~(e) One (1) At Large Director elected by the Board.~~

All ~~fifteen-sixteen~~ (+516) members shall have full voting power on the Board.

SECTION II. Presidents Emeritus

Each past President of the Division shall be considered a President Emeritus. Each President Emeritus shall have speaking privileges at any Directors' Meeting but shall not be entitled to vote.

SECTION III. Authority

The Board of Directors shall have the power and authority to promulgate and enforce all rules and regulations pertaining to the use and operation of Division property and to do and perform, or cause to be done and performed any and every act which the Division may lawfully do and perform.

SECTION IV. Executive Committee

1. There shall be an executive committee of the Board of Directors, consisting of five (5) directors, being the President, Vice President, and Treasurer, and two (2) additional members of the executive committee to be appointed by the Board of Directors. The President shall be Chairman of the executive committee, and in the President's absence, the Vice President shall be the Chairman. The executive committee shall have such power and authority as shall be delegated to it by the Board of Directors from time to time and may be empowered to act on behalf of the Board of Directors.
2. All members of the Board of Directors shall be entitled to attend meetings of the Executive Committee and when so doing, shall be entitled to vote. Board members will be given a minimum of 120 hours notice of

such meetings. Three members of the Executive Committee present at such meetings shall constitute a quorum.

SECTION V. Eligibility

Any member in good standing may hold office in the Division. To be a Regional Director, a member must be a member of a Chapter within that Region.

To remain eligible to serve on the Board of Directors, each member thereof must attend at least fifty percent (50%) of the meetings of the Directors during each calendar year that they are eligible to attend. This requirement may be waived by affirmation vote of the Board.

SECTION VI. Terms of Office

1. The term of office as Directors for the four (4) Executive Officers shall be for two (2) years. concurrent with their term of office as Executive Officers.
2. The term of office of each Class I and Class II Regional Director shall be two (2) years.
3. The term of office of each Class III NAA or EAA Representative Director shall be one (1) year.
4. The term of office of each Class IV National Director shall be set by the Board, but shall not exceed two (2) years.
- 4-5. The term of office of the At Large Director shall be set by the board, but shall not exceed two (2) years.
- 5-6. All Directors shall hold office from the date they are installed until their successors are elected and qualified.
- 6-7. A Director who becomes an Officer during the term of office as a Director shall thereafter serve as a member of the Board solely by virtue of their status as an Officer. The formerly held seat as an elected Director shall be deemed vacant unless and until that seat is filled in accordance with the provision of Article V, Section I (vacancies).

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SECTION VII. Meetings

1. The President shall preside over the meetings of the Board of Directors.
2. Regular meetings of the Board shall be called upon order of the President twice each calendar year. Notice of each regular meeting of the Board shall be delivered to each Director at least thirty (30) days prior to the time of such meeting.
3. Special meetings of the Board shall be called upon order of the President or upon order of a majority of the Directors. Notice of each special meeting of the Board stating the time and, in general terms, the purpose of the meeting shall be delivered to each Director at least one hundred twenty (120) hours prior to the time of such meeting.
4. If all Directors shall be present at a meeting, business may be transacted without previous notice.
5. Notice of each meeting of the Board of Directors shall include an agenda of said meeting.
6. A majority of all of the Directors present in person shall constitute a quorum of the Board for all meetings.
7. The affirmative vote of a majority present at that meeting in person shall be necessary to pass any resolution or authorize any act of the Division unless a greater number of affirmative votes is expressly required for such act by these By-laws, the Articles of Incorporation or by law.

SECTION VIII. Action in Lieu of Meeting

Any action required or permitted to be taken at a Board meeting may be taken instead by written action signed by two-thirds (2/3) of the Directors then in office.

SECTION IX. Compensation

Each member of the Board of Directors shall serve as a Director without compensation, except for such expense reimbursement as may be authorized by the Board from time to time.

SECTION X. Records

The Board of Directors shall cause to be kept a complete record of all the proceedings of its meetings, and such record shall be available to the membership.

SECTION XI. Advisors and Committee Chairman

The Board of Directors may appoint such Advisors and Committee Chairman as it deems appropriate from time to time. Such Advisors and Chairman shall not possess a Board vote. Chairmen and Advisors do not have speaking privileges unless so granted by a majority vote of the Board by a motion which has precedence over any motion on the floor and which provides the time limits of such privilege.

ARTICLE IV

MEMBERSHIP

SECTION I. Classification

The following classifications of membership shall exist: Life, Family, Honorary, Regular, Student, and Introductory.

SECTION II. Eligibility for Membership

1. Membership in the Division is open to any EAA member in good standing.
2. Life Membership is open to any EAA Life Member.
3. Family Membership is open to any EAA Family Member.
4. Introductory Membership is open to any individual who has not been a member of the Division in the preceding twelve (12) months. Should an Introductory Member not be an EAA member upon joining the Division, the Division shall enroll such member in the EAA for a term coincident with such member's term as an Introductory Member of the Division.
5. Honorary Membership is open to any individual appointed by the Board of Directors as it deems appropriate.
6. Student Membership is open to any individual enrolled in a four-year college.

SECTION III. Procedure

1. Any eligible person desiring to become a member shall submit an application form and such dues as may be prescribed from time to time by the Board of Directors.
2. The Board of Directors may reject any application for membership for good cause, provided any fees submitted are returned to the applicant upon rejection.

SECTION IV. Duration of Membership

1. Life Memberships shall last for the life of the holder.
2. Honorary Memberships shall last for the life of the holder and shall remain in effect coincident with the holder's membership in the EAA.
3. Introductory Memberships shall last for six (6) months.
4. All other memberships shall last for twelve (12) months.

SECTION V. Expulsion of Members

Notwithstanding the durations of membership provisions set forth in SECTION IV hereinabove, any member committing acts or deeds which are deemed undesirable can be expelled from membership at the annual meeting by a seventy-five percent (75%) popular vote of the members at such meeting, provided the Board of Directors has concurred with the necessity for said vote.

SECTION VI. Dues

Rates and methods of assessment of dues shall be as prescribed by the Board of Directors from time to time. Special, reduced or eliminated dues for specific classifications of memberships shall be permitted.

No dues shall be charged by the Division for Honorary Memberships.

SECTION VII. Voting

1. A member may not vote unless said member's dues are current.
2. Each Regular, Introductory, Student, Honorary and Life Member shall possess one vote.
3. Members of each family sharing a Family Membership shall be entitled to not more than two (2) votes. Nothing herein shall be construed to prevent members of a family from attaining a different classification of membership and thus each being entitled to voting rights associated with that classification.
4. The Board shall decide whether each issue put before the membership shall be voted on at a membership meeting or by written ballot.
5. Proxy voting shall be permitted at each membership meeting.
 - a. Each member in good standing shall be entitled to one vote at each membership meeting (the meeting), such vote to be cast in person or by proxy.
 - b. Family Members shall designate one voting member to cast its two votes.
 - c. The Board shall make proxy forms available with the notice of the meeting.

- d. Each proxy must state the specific issue for which the proxy is granted, and clearly designate how the member wishes his/her proxy to be voted on the issue.
 - e. The Board shall designate the person (election official) who shall vote each proxy (which shall be the secretary unless otherwise provided by the Board), and each shall be voted by that person in the manner specified by the member.
 - f. All proxies must be in writing on the form provided or in the official format approved by the Board, signed by the member, received and registered by the designated election official prior to the day of the meeting.
 - g. All votes cast, including those by the designated election official who is authorized to cast proxy votes, shall be made orally or visually unless a majority of members present and eligible to vote determines that the vote shall be in writing.
 - h. A proxy received by facsimile, e-mail or other written communication may be accepted if the election official is satisfied that it is genuine.
 - i. Proxies shall be limited to one meeting only, and shall automatically expire at the end of the meeting.
6. Should the Board decide that an issue is to be put before the membership by written ballot, it shall designate a period of not less than three (3) weeks during which ballots received from the membership will be accepted.
 7. To be counted, written ballots must be properly marked and received by the final day of the voting period by a Ballot Certification Committee of not less than three (3) members appointed by the President.
 8. All Ballots properly delivered to the Ballot Certification Committee shall be tabulated by such committee and retained for a period of thirty (30) days after which, if no contest is filed, they may be destroyed.
 9. Multiple issues put before the membership may be placed on a single ballot but shall be voted on separately.
 10. The presence of a quorum and a majority vote of the members voting is necessary for the adoption of any resolution, except if a greater number is required by these By-laws, the Articles of Incorporation, or by law.

SECTION VIII. Meetings

1. All meetings of the members, except as herein otherwise provided shall be held at a place to be determined by the Board of Directors.
2. Notice of the annual meeting, which shall be held during the July--August time period (or in the absence thereof, at a time to be chosen by the Board of Directors) shall be given by notice published in an official publication of the Division at least thirty (30) days before such meeting, and such notice shall include an agenda of said meeting.
3. Special meetings of the members may be held at such time and place as the President or a majority of the Board of Directors may determine. Notice of special meetings of members, stating the time and purpose thereof, shall be given in a like manner as the notice required for the regular annual meetings of the members as provided hereinabove.
4. At any meeting of the members, a quorum shall consist of all members present in person or by proxy.
5. Meetings of members shall be conducted in accordance with Roberts Rules of Order according to the most recent edition published prior to the meeting.

ARTICLE V

VACANCIES

SECTION I. Executive Officers

If the office of the President, Vice President, Secretary or Treasurer becomes vacant for any reason, the Board of Directors shall elect a successor who shall hold office for the unexpired term.

SECTION II. Board of Directors

In the event that any ~~of the seven (7) elective Class I and Class II Directors resign, die or otherwise become ineligible or unable to serve on the Board of Directors Regional, National, or International Director position becomes vacant for any reason,~~ the vacancy ~~thereby created~~ shall be filled by appointment of any Interim Director as selected by the remaining Directors. The Interim Director so elected shall serve a term that expires at the annual membership meeting at which the term of the vacating Director would regularly have expired.

Replacement of ~~a Class III an NAA or EAA Representative~~ Director shall be made by the Board authorized to appoint that Director per Article III of these By-laws.

If, at any time, the number of vacancies on the Board is such that there are fewer than ten (10) Directors, the Board shall nevertheless be deemed to be legally constituted, notwithstanding any provisions herein to the contrary.

ARTICLE VI

ELECTIONS

Because of the wide geographical distribution of members, to insure qualified candidates for Directors and Officers to enable all members to have the opportunity to cast their vote, the following election procedure is adopted:

1. The Board of Directors shall appoint a Nominating Committee of not less than six (6) members in good standing, no later than six (6) months prior to the annual meeting each year, and shall designate one of their number to act as Chairman.
2. The Board of Directors shall designate whether each election is to be conducted using paper or electronic ballots.
 - a. If paper ballots are to be used, the Board shall designate a voting period that begins at least sixty (60) days prior to the annual membership meeting.
 - b. If electronic ballots are to be used, the Board shall designate a voting period that begins at least thirty (30) days prior to the annual membership meeting.
 - c. The Board shall designate the closing date of the voting period, which shall be no later than three (3) days prior to the annual membership meeting.
3. Nominations for any elective office shall only be made as follows:
 - a. Nomination petitions shall be made only on official nomination forms which may be obtained from Division Headquarters or any other authorized agent, and shall contain a minimum of ten (10) signatures of members in good standing together with their membership number and expiration date. The nominating petition shall contain a brief resume of the nominee's experience and background and shall be accompanied by a recent photo. To be eligible for nomination a candidate must be a member in good standing.

- b. Nomination petitions must be submitted to the chairman of the nominating committee, c/o Division Headquarters, or other authorized agency, seventy-five (75) days prior to the first day of the voting period. Acknowledgment of the filing of such petition shall be made by the chairman of the nominating committee to the member filing such petition.
 - c. The nominating committee shall meet no later than seventy (70) days prior to the first day of the voting period and shall certify all qualified candidates for each office or as members of the Board of Directors to be elected. In the event insufficient or no nominating petitions are received for a given director and/or officer position, it shall be the duty of the committee itself to select the candidates for those positions.
4. Nominees, as selected above, will be presented to the members in the official publication of the Division or at the time that ballots are sent to the membership, or in such other suitable way as shall be found by the nominating committee from time to time, to adequately inform the membership of the qualifications of candidates running for office.
 5. If paper ballots are to be used, official ballots will be mailed to each member in good standing no later than the first day of the voting period. If electronic ballots are to be used, one ballot will be made available to each member in good standing no later than the first day of the voting period.
 6. The election results will be announced by the Ballot Certification Committee at the annual meeting and the newly elected Directors and Officers installed at the close of such meeting.

ARTICLE VII

AMENDMENT OF BY-LAWS

These By-laws may be amended only in accordance with the following procedures:

1. A By-law Amendment may be proposed at any time by (a) an act of the Board of Directors or (b) a petition submitted to the President by any member which petition has been signed by no less than one hundred (100) members in good standing.
2. Upon receipt of a Proposed Amendment from the Board of Directors or from a member as herein above provided, the President shall refer the same to legal counsel for the Division, who shall determine whether the Proposed Amendment is legal. If the Proposed Amendment is determined to be legal, it shall be sent to all members in accordance with Paragraph 3 below. If the proposed amendment is determined to be illegal, it shall be returned to the Board of Directors or, as the case may be, to the member submitting the petition, together with counsel's opinion as to the reason for such determination.
3. For each legal proposal received, the Board shall determine whether the Proposed Amendment shall be put before the membership for approval at a meeting of the members or by written ballot in lieu of a meeting.
 - a. If the Proposed Amendment is to be approved at a meeting of the members: No later than sixty (60) days prior to the next scheduled annual or special meeting of the members, the President shall mail (or cause to be mailed) to every member of the Division, or cause to be published in any publication of the Division which is regularly sent to all Division members, a copy or summary of each Proposed Amendment determined to be legal, together with such explanatory information as the President shall deem appropriate. The President may also include with such information a form of proxy, pursuant to which the member can give to the President (or other person(s) designated by the President) his or her proxy with respect to each Proposed Amendment. Notwithstanding the preceding sentence, if a Proposed Amendment is received by the President from the Board of Directors or from a member later than one hundred and twenty (120) days prior to the next scheduled annual or special meeting of the members, the vote thereon shall be held at the annual or special meeting next following such meeting and the mailing required hereunder shall be made no later than ninety (90) days prior to that later meeting.

- b. If the proposed amendment is to be approved by written ballot in lieu of a meeting: Within one hundred twenty (120) days of its receipt, the President shall provide (or cause to be provided) to each member of the Division eligible to vote a written ballot soliciting approval of the Proposed Amendment and a copy or summary of the Proposed Amendment together with such explanatory material as the President shall deem appropriate.
4. Each Proposed Amendment shall be adopted only if the quorum requirement has been met and the Proposed Amendment has been approved by a two-thirds (2/3) of the members voting.

ARTICLE VIII

CHAPTERS

SECTION I. Formation

1. A minimum of five (5) members in good standing is required to form a Chapter. Applications shall be made on such forms and in such manner as prescribed by the Division from time to time.
2. Each Chapter shall have a President, Vice President, Secretary-Treasurer or Secretary and Treasurer and a Chapter Reporter.
3. Each Chapter shall have a name (e.g.: Chapter No. 1, Chicago, Illinois). Division Headquarters will assign numbers to Chapters.
4. Each Chapter will follow the Constitution and By-laws issued by the Division, and as amended from time to time.
5. Each Chapter shall incorporate itself (and continuously maintain that incorporated status) in its own state under a category "Education – Not for Profit." After incorporation, the Chapter Charter will be issued. The tax status and liability of any Chapter shall be based solely on its individual operations. No Chapter may rely on any tax exempt or other preferential status enjoyed by the Division or the EAA.
6. Each Chapter shall annually furnish to the Division Chapter Executive Secretary, a Certificate from the Secretary of State evidencing that all franchise or other corporate taxes and fees have been paid and that said Chapter is a Corporation in good standing.

SECTION II. Liability

1. The Division, its members, Officers and Directors shall not be liable for any acts or omissions of an individual Chapter (or its members, officers, directors, agents or employees), and any such activities shall be conducted solely at the risk of each Chapter.
2. All Chapter activities shall be insured as may be prescribed from time to time by the Division, or in absence of such prescription, sufficient to insure against reasonable and probable liability which may result from said activities and no Chapter (or its members, officers, directors, agents or employees), may rely in any manner on any insurance which may be in effect in favor of the Division or the EAA.
3. As a condition of application for a Chapter, and in consideration of the granting thereof, the members, officers, directors, agents and employees (or their administrators, executors, heirs and assigns) of any Chapter agree to forever hold harmless and defend the Division and/or the EAA, (its officers, directors, administrators, executors, heirs and assigns), from any and all liability of any nature, whether due to negligence or intention, act or omission.
4. No Chapter (or its members, officers, directors, agents or employees) shall at any time indicate that said party has any authority to bind or represent the Division and/or the EAA in any manner and, in fact, no such power shall exist.

ARTICLE IX
INDEMNIFICATION OF
OFFICERS, DIRECTORS AND STAFF

Every director, officer, or employee of the Division shall be indemnified by the Division against all expenses and liabilities, including counsel fees, reasonably incurred or imposed upon such director, officer, or employee in connection with any proceeding to which such director, officer, or employee may be made a party, or in which such director, officer, or employee may become involved, by reason of such director, officer, or employee being or having been a director, officer, or employee of the Division, or any settlement thereof, whether or not such director, officer, or employee is a director, officer, or employee at the time such expenses are incurred, except in such cases wherein the director, officer, or employee is adjudged guilty of willful misfeasance or malfeasance in the performance of the duties of the office. In the event of a settlement, however, the indemnification herein shall apply only when the Board of Directors approves such settlement and reimbursement as being for the best interests of the Division. Any indemnification made under this Article shall be subject to the provisions of Section 181 of the Wisconsin Statutes or successor provisions thereto.

IAC Annual Awards

– Report to the Fall Board of Directors meeting November 2013

Lorrie Penner, IAC Awards Chair

2014 Timeline for Annual Awards for Flying Season 2013:

- Note – we have already received a nomination.
- **Hardcopy** nomination form is online at: <https://www.iac.org/legacy/iac-award-nomination-petition>
- **Fillable** online nomination form: <https://www.iac.org/award-nomination-form>
- **Website** – I am on the IAC website content team and will post announcements beginning in January.
- **Sports Aerobatics** magazine – Reggie will be publishing the article on the 2012 winners in the January 2014 issue.

Further solicitation for Nominees direct email to Chapter leaders and Acroexploder to send out: March 31, May 1, May 30, and final June 20.

Collect all nominees submitted and format to send to Board: By June 30.

Send Nominees to Board to vote on: By July 6

Collect Votes from the Board and forward to Trish: By July 16

AirVenture Annual IAC meeting: July 28 – Aug 43 2014 - winners announced

Nationals: September 23 – 28, 2014

ACHIEVEMENT AWARD COMMITTEE REPORT

November 1, 2013

Submitted by Lorrie Penner, IAC Achievement Award Chair

One of the initiatives the Achievement Award Chair has taken on is to report the awards recipients on a quarterly basis to the Presidents of each local chapter of the IAC and to the editor of Sports Aerobatics magazine for publishing in the magazine. Because of involvement with WAC2013 this initiative was relaxed and not communicated as in the past. Posting the recipients to the IAC website on the Achievement Award web pages has also fallen to the Chair and can be found at:

Power: <https://www.iac.org/legacy/power-achievement-awards-home>

Glider: <https://www.iac.org/legacy/glider-achievement-awards-home>

Observations

The participation in the Achievement Awards program has been somewhat stable since 2007. A typical year will see anywhere from 50-70 awards presented with Smooth and Stars awards being awarded about equally. 2013 proved to be an exception with **only 25 awards awarded in 2013**. I attribute part of this to the chair's lack of marketing to the program via announcement of awards and other media attention as well as the downward trend that is being experienced across the board for aerobic participation in general.

There were no GLIDER award applications received in 2012. This was a trend that started in 2011. In 2013 only one glider award application was processed for the newly added Advanced category to the competition categories. Some promotion of the Achievement Award program to the aerobic glider community needs to be planned.

Patches

As you will remember, a few years ago, the IAC board determined that the patches would be slowly phased out of the Achievement Award program and replaced by pins and decals. On May 28, 2011, I issued the last Primary Smooth patch. A notice was sent to all of the chapter presidents, posted on Oshkosh 365 and posted on the IAC Facebook page. We continued to receive applications for the Primary Smooth patch however, even though the application form was changed and the option to order the Primary smooth patch has been removed from the application.

This year the decision was reversed and there is now a supply of Primary smooth patches.

Recommended Initiatives for the Achievement Award Program

1. Recruit Volunteers to serve on an Achievement Award Committee, made up of 3-5 individuals depending on interest. Purpose of Committee;
 - a. Develop a direct promotional strategy for the award program to the IAC Chapters, Collegiate group and Glider community.
 - b. Update achievement award materials, including applications
 - c. Develop and implement media strategy; including items to post to IAC website, FB posting and Tweets as well as emails to chapters.

Power Award Recipients - 4th Quarter 2013

493 Matthew Dunfee Intermediate Smooth
703 Amelia Gagnon Primary Stars

Power Award Recipients - 3rd Quarter 2013

1181 Micah Reynolds Primary Smooth
1182 Carl Constantine Primary Smooth **with CFI*
697 Bryan Hayden Primary Stars
698 Douglas Evenson Primary Stars
699 Micah Reynolds Primary Stars
700 Rochelle Oslick Primary Stars
701 Michael Lents Primary Stars
702 Jonathan Sepulveda Primary Stars
1492 Steven Bennett Sportsman Stars
1493 Jessy Panzer Sportsman Stars
1494 Jonathan Sepulveda Sportsman Stars
719 Weston Liu Intermediate Stars
279 Anthony J Hefel Advanced Smooth
331 Kathleen Howell Advanced Smooth

Power Award Recipients – 2nd Quarter 2013

696 Daniel J. Peters Primary Stars
1490 Francesco Pallozzi Sportsman Stars
1491 AJ Wilder Sportsman Stars
330 John Housely Advanced Stars
192 Timothy Brill Unlimited Smooth
193 Matthew Brill Unlimited Smooth
164 Timothy Brill ALL FIVE
165 Matthew Brill ALL FIVE

Power Award Recipients - 1st Quarter 2013

N/A

Power Award Recipients - 4rd Quarter 2012 (revised)

1180 Mark Dinsdale Primary Smooth **with CFI*

694 Carey Gabrielle Primary Stars
695 Steven Bennett Primary Stars

896 Duane Tolladay Sportsman Smooth
897 AJ Wilder Sportsman Smooth
898 Mark Dinsdale Sportsman Smooth **with CFI*

491 AJ Wilder Intermediate Smooth
492 Dan Radke Intermediate Smooth

Fall 2013 IAC Board Publications Report
November 1, 2013
Reggie Paulk

This report has been assembled in order to facilitate board decisions regarding publications of the IAC, including Sport Aerobatics Magazine and In The Loop e-newsletter.

As a way to highlight our current state, a SWOT analysis seems most appropriate to the occasion. The word SWOT is an acronym derived from the analysis of *Internal Strengths; Internal Weaknesses; External Opportunities; and External Threats* as they relate to the organization in general and our publications in particular.

INTERNAL STRENGTHS

- *Expertise*—The IAC's leadership and many of its members possess a valuable repository of aerobatic knowledge. From judging to flying to regulations, our publications are the go-to source of information regarding competition aerobatics.
- *Outreach*—Over 3000 members of the IAC receive Sport Aerobatics, and nearly 10,000 people receive our newsletter on a monthly basis. For many members of the aerobatic and flying communities, these two publications are their only interaction with the organization.
- *Independence*—As an independent organization, the IAC is nimble. The recent establishment of the airspace protection fund is a case in point. The board established the fund, and we moved quickly to inform membership through the magazine and newsletter.

INTERNAL WEAKNESSES

- *Resources*—As an organization focusing on the niche of aerobatics, the IAC lacks the financial and manpower resources of larger organizations. This is evident in publications as we rely almost solely on non-compensated writers and photographers for content. This puts us at a disadvantage against those publications paying for content.
- *Vision*—The IAC could benefit from a cohesive vision for the organization. For publications, it would be helpful to know where the organization is headed so we can steer our content to help reach those goals.
- *Communication*—Silos are great places to store grain, but terrible places to work within. Sport Aerobatics and In The Loop are the IAC's primary communications vehicles for interacting with the membership. As with defining a vision, improving communication between leadership and publications will better help us reach organizational objectives.

EXTERNAL OPPORTUNITIES

- *Air Shows vs. Competition*—Most people are first exposed to aerobatics long before they are able to fly through the world of air shows. Many of the IAC's Hall of Fame inductees, competitors and leadership have been or are air show pilots. Yet there remains a huge unwritten stigma against intermingling the two disciplines. It is undeniable that the air show audience is much larger than the competition audience. My recent experience at the World Aerobatic Competition in Texas taught me we could benefit by embracing the air show crowd with the discipline of our sport.
- *Advertising*—Nearly 15,000 people interact with the IAC every month. We piggy-back off of the EAA's sales people for our advertising. This may seem like a good idea, but to our knowledge, these people work on commission. Where's the incentive to sell an IAC ad when an ad slated for Sport Aviation will fetch a higher payout?
- *Include Spins*—Lobby the FAA to make spin training mandatory for primary flight students. It's a long shot, but would definitely revive the need for spin-capable airplanes and instructors. The end result would be more people interested in the other aerobatic maneuvers.

EXTERNAL THREATS

- *Economy*—The continued poor performance of the economy is eroding the discretionary dollars of our members. This translates into fewer memberships and fewer organizational dollars. As fewer people pursue aviation in general, a niche like aerobatics suffers.
- *EAA*—From a publications standpoint, integrating our publications with those of the EAA's would erode our independence and our targeted message.
- *New Aerobatic Clubs*—There's always a chance that people will try to form a new aerobatic club to compete for our small membership base.

EDITOR'S OVERVIEW

By no means are the above bullet points comprehensive. They are meant to stir conversation and debate from the perspective of publications. If they do so, then I've accomplished what I set out to do by laying them out.

Over the last year, I've received almost no negative feedback about the publications. Most people I've spoken to or received correspondence from are quite happy with the material and layout of both the magazine and the newsletter. Many people (including Patty Wagstaff) have mentioned the Tech Tips pieces I've been republishing in a very positive manner. Those have received the most positive feedback so far.

I've mentioned that I am in a silo. I generally only receive feedback from various members in person or via e-mail—with little feedback from IAC leadership. My door is always open, and I'm always willing to accept constructive criticism.

I appreciate your time and thank you for taking the above into consideration during your meeting.

To: IAC Board Members
From: Jim Ward
Re: Contest Articles in *Sport Aerobatics*: A Proposal
Date: October 30, 2013



It's become a rarity in recent years that *Sport Aerobatics* contains articles about regional contests. As contests are a core function of our club, I propose that this Board act to encourage regular contest-related coverage in the magazine.

Here are two ideas to do so:

Let's incentivize each contest director to produce an "after-action report" – a short essay of 300-500 words about the contest, along with a handful of printable photos. (The CD could readily delegate this task to one or more volunteers.) With a little copyediting by Reggie, we could publish dozens of contest pieces in *SA* each year that pertain directly to what our chapters and members are doing.

We have several means to make this work. Money being a natural motivator, I'd suggest IAC charge a modest deposit (around \$200) to issue each sponsoring chapter a contest sanction, which would be returned to the sponsor if IAC receives a contest article and photos within 30 days of the contest. Should we receive no article, we could earmark these funds for purchasing new, professionally-authored *SA* content.

Other incentives – monetary and not – may also be effective. We can discuss this at the meeting.

Also, let's return to publishing contest results in *Sport Aerobatics*. Contest participants – competitors, judges and other volunteers – love to see their names in print. (Category winners love it even more!)

Printing each CD-provided contest article with a few photos and contest results would go a long way toward reestablishing *Sport Aerobatics* as a contemporaneous, relevant publication.

Thank you for your consideration.

Regards,

A handwritten signature in blue ink, appearing to read "J. Ward".



World Aerobatic Championship 2013
North Texas Regional Airport (NTRA)
Post championship Report

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Bringing the World Aerobatic Championship 2013 to the USA was an honor and privilege for all those involved in its formation and presentation. The championship accomplished many goals, the most important being the crowning of a new world champion.

The championship successfully flew the Known (Programme 1), Free Program (Programme 2) and enough of the Free Unknown #1 (Programme 3) to conclude with a new world champion. The 4 minute freestyle (Programme 5) was also flown successfully to completion and all operations were executed with safety in mind.

Unlike IAC sanctioned contests, the location was bid and accepted by CIVA. When the original location in Nevada fell through, the IAC board was called upon to select another location. By this time at least two of the key personnel had been identified; Chris Rudd as Contest Director and Lorrie Penner as Assistant Contest Director. Both were willing to help plan the event in its new location at North Texas Regional Airport (NTRA), which was confirmed by the IAC Board of Directors in May 2012.

All successes experienced at WAC2013 can be attributed to the diligent efforts and dedication of the Key Volunteers and their support volunteers who attended the event.

Corporation and Infrastructure

The all-volunteer contest staff spanned across the United States and Canada with a mixture of experienced IAC contest regulars and some new faces. The Key Volunteer group was called upon to set up a corporation completely separate from IAC and attempt to gain the IRS 501(c)(3) designation. Unlike the US Nationals, the selection of the Jury members and Judges along with their assistants, was conducted by CIVA and presented to the organizing body already chosen.

The Key Volunteer group met on a monthly basis via teleconference beginning in August of 2012. Corporation paperwork; including EIN number, Bylaws and statement of purpose and the filing with the State of Texas were underway by September 2012. The Organizer's Agreement between the World Aerobatic Championship 2013, Inc. (WAC2013, Inc.) and the FAI took shape in October 2012. The IRS application for the non-profit status was ready for submission in November and the IRS acknowledged receipt by the end of December 2012. Appendix H & I.

Awards

All awards that were distributed at WAC2013 are presented in Appendix A. The Championship hosted 58 competitors from 17 countries.

Financial Results

A portion of the financial information was available at the time of this writing. See Appendix B for information as of 10/31/2013. At time of reconciliation, not all expenses and finalization of invoices had been completed.

Unexpected expenses were incurred for meals when an assumption was made that breakfast was included with the hotel stay at the Tanglewood Resort. Another non-budgeted item was added when a more experienced videographer was brought in to replace the scheduled videographer for the judge's line video.

The original budget did not take into consideration taxes since the assumption was made that the corporation would receive the 501(c)(3) designation, which is still pending due to the sequester and the IRS heavy workload with its reduced operating hours.

Sponsorships

Because the championship was only 10 days after the U.S. National Championship which was held in the same location, gathering sponsorship was challenging. The main sponsorship coordinator was Patty Anderson, who had a tough go of it and heard many more "no's" than "yes's". The Key Volunteer group based most of their prospective sponsorship list on approaching different businesses than would normally be interested in sponsoring Nationals in an attempt to spread the requests away from money which would normally flow into Nationals. It was unavoidable in some cases, since Nationals sponsors approached the group without us soliciting them.

The organizers would like to say a special thanks to all of the IAC chapters who supported us with donations and those who purchased WAC2013 merchandise to sell at their own contests. A very big thank you should be directed to IAC24 and the Lonestar Aerobatic Club for their support through use of their contest equipment and the added luxury for the participants of a beer tent in International Village.

Hotels

In the original accepted WAC2013 bid to CIVA, the pricing was set to include lodging. Therefore, feeling that changing pricing structure once it had been approved would be inappropriate since the location was changing as well, the contest organizing elected to handle booking the hotels, since it was part of the registration fee.

Tanglewood Resort was chosen specifically for the competitors, their team members and observers.

Bids were accepted from the local motels for the Key Volunteer group and the Judge/Jury group. Hampton Inn Denison was chosen for the Key Volunteers and Comfort Inn, Sherman for the Judge/Jury Group.

Key Volunteer, MaryBeth Rudd as Hotel Coordinator, gathered information about travel arrangements directly from the Jury/Judge group and the Key Volunteer Group. She coordinated the pilots and their teams/observers through the Registration process in coordination with Lynn Bowes, Registrar.

The organizers elected to handle the hotel arrangements this way after witnessing the U.S. Nationals difficulty in getting participants to book directly into the contest hotels themselves. In the case of WAC2013, we needed more control because ultimately we needed these groups to

stay in the hotels we were contracted with and not go outside on their own or book their room and not use the discounted rate.

Contest Officials

The Listing of Contest Officials can be found in Appendix C. We cannot thank these individuals enough for their diligent efforts.

Chris Rudd and Lorrie Penner worked as a team to organize the championship and all its many parts. Countless tasks leading up to the championship were addressed throughout the year leading up to the event. Both individuals gave tirelessly of their time.

Lynn Bowes acted as Registrar I and continually proved her organizational worth through many challenging times eliciting information and registration fees from pilots and their team managers from 17 different countries. During the championship she spearheaded the office operations, keeping everything professional, organized and efficient with a smile and warm greeting for all.

Kathleen Moore's task as Registrar II was one of the most difficult at WAC2013 in terms of focus, on site organization and preparation. Those who are familiar with what she accomplishes at Nationals every year as Registrar know that she is an irreplaceable asset to the aerobatic community. She proves that with her sense of humor, her calm and unflappable demeanor and tireless efforts pulling together the paperwork for judges, boundaries and others. Kathleen is without a doubt the reason there were never complaints from the judges' line and having her on the Registration Team was a true pleasure.

Bruce Ballew acted as the Treasurer for the corporation before, during and after the championship. He helped guide the Key personnel into considering budget changes, verifying purchases and invoices and continues through today to help finish close up the last bit of business. During the contest he worked with the Lake Texoma Jet Center to insure the competitors were only charging the correct amount of fuel covered by their registration fee.

Carol Brinker was the sole Scoring Director. After a fast and furious 106 competitors in all five categories at US Nationals, she was faced with a comparatively easy time of it at WAC2013 with only 58 competitors in Unlimited. She was efficient and scores were rapidly posted much to everyone's satisfaction.

Doug Sowder acted as the weather official (Balloon Boy). Because of the winds limitations set in the rules for the championship and the location of the championship he was called upon frequently to verify the wind conditions.

The Starters and Tech inspectors are a group of experienced contest regulars headed up by Tom Adams as Flight Director (CIVA version of Starter). He was supported by Steve Johnson, Gary Debaun, Bob Harris and Pat Rebbetoy. Gary's additional duties included working with Richard Hamilton as tech inspector. Bob Harris also worked as a Tower Liaison and Pat Rebbetoy did side duties in clean up and volunteer support as required.

Gary Debaun and Richard Hamilton's abilities as A&P's came in handy numerous times putting pilots back in the air on occasion. This whole group were an integral part in maintaining the flow of the contest and our excellent safety record during the championship.

In the Volunteer Coordinator position, Joy McKinney of Canada was a real asset. Although not a veteran of international events, she applied her experience from regional contests and adapted very well to changes and special requests. Patty Anderson worked with Joy and headed up taking very good care of the boundary judges.

Crucial to the event and pre-event airport operations was our Waiver and Government Relations Coordinator, Wayne Roberts. Wayne adroitly handled multiple waiver applications and his interaction with the FAA on pilot license requirements was very diplomatic. Last minute decisions from the FAA in regards to non-U.S. Civil Aircraft Special Flight Authorization less than 3 weeks prior to the start of the contest caused some concern for the organizers. Wayne verified the details and relayed them in an understandable manner so that the organizers could reach out to the non-U.S. participants who were arriving or who had already arrived in the United States with the information so they could comply with the regulations regarding their non-U.S. registered aircraft. Appendix G.

With the WAC2013's limited knowledge on running a World Championship, we engaged Mike Heuer as our CIVA advisor. Mike was very gracious and on call to answer our questions at a moments notice. There was a lot of protocol with the Opening and Closing Ceremonies and Mike was instrumental in insuring that both events came off very well. Mike was especially helpful to the registration office and in arranging the daily schedule.

Airport Operations were coordinated with help from NTRA airport manager, Mike Shahan. Mike was helpful in assisting the organizers work with the tower and the flight school. He was instrumental with supplying a lot of odds and ends around the airport, including space to store supplies and set up items for the Opening Ceremonies.

Chamber and Community Liaison, Helen Johnson was one reason that the organizers had an easier time of laying the groundwork for all the internal operations. Helen had many connections throughout all three Chambers; Denison, Pottsboro and Sherman. She was instrumental in setting up special events associated with the event. Without her connections the organizers would have been hard pressed to set up many local vendors.

Ellyn Robinson was the coordinator for the Opening and Closing Ceremonies. She very enthusiastically took on the assignment by making more than one trip to Denison/Sherman to make arrangements in person. She worked closely with Anna McKinney on the Opening Ceremonies dinner and arranged the caterer and decorations for the Closing Ceremonies.

Doing double duty as Hotel and Food Coordinator, MaryBeth Rudd had another difficult job. She worked with the Volunteer and jury/judge hotels. Many emails and phones calls were exchanged to verify all the travel dates for both of these groups. As the food coordinator she found multiple vendors to serve the lunches throughout the championship.

The overall schedule for the 10 days was developed over time based on the confirmation of individual event details coming together. Appendix D

With guidance from Mike Heuer, Lorrie Penner set out the daily flying schedule in accordance with the FAI Sporting Code Section 6, 4.3 Programmes of World and Continental Championships. The daily flying schedule was adjusted for weather delays and resulted in the Free Unknown #2 remaining un-flown. Appendix E.

Waivers

KGYI Practice Waiver and KGYI contest Waiver. Appendix F.

The practice waiver was already in place and only needed an adjustment in August to add waiving of §91.121(a) to allow participating pilots to set their altimeters to zero on the ground and adding the phrase, "or his/her delegate" to Special Provision #8 (who may activate the box).

The contest waiver rough draft was presented to the CD and Airport Manager by Wayne Roberts in June 2013 at which time Mike Shahan provided an overhead picture with the new box location to add to the waiver. Waiver approved August 2013.

Outlying practice area Waivers:

KRQO: El Reno Regional Airport, El Reno OK. Application submitted in June 2013. Reapplied Oklahoma City FSDO in August and approved September.

KONY: Olney Municipal Airport, Olney, TX. Long term waiver was already in place and IAC member, J.J. Humphreys, confirmed he agreed we should use the location for a WAC2013 practice location.

KLNC: Lancaster Regional Airport, Lancaster, TX. Applied Dallas FSDO

September 2013. Approved in September after some discussion of possible conflict a waiver at Midway (KJWY) airport that we were considering. We elected to only pursue the KLNC waiver.

KADM: Ardmore Municipal Airport, Ardmore, OK . Applied Oklahoma City FSDO July 2013. Approved September 2013.

KRCE: Page, OK. Applied applied Oklahoma City FSDO July 2013. August waiver denied due to conflict with another practice waiver and an acro camp already set up at the same site.

Issues

Location: While NTRA was a very desirable location for the US team due to their familiarity with the airport from many years of attendance at US Nationals, it had many drawbacks for the organizers.

Chief among the drawbacks was the close proximity to the US Nationals. Since the contests were only 10 days apart, the organizers had to make some consideration in developing new potential **sponsors** as was mentioned previously in this report.

The WAC2013 fundraising plan was to work outside of the normal businesses that were constant mainstays of Nationals. While the organizers had many helpful suggestions of companies to approach, the suggestions did not also come with any connections to people within those companies that may have been sympathetic to aviation and aerobatics in particular. We were forced into making many “cold” calls.

Rumors and insinuations that there was a ‘lot of money in Texas’ and we were going to see it coming our way, provided to be only that - rumors. We did not see a lot of monetary support from Texas with the exception of Anna McKinney at the Denison Chamber of Commerce, who sponsored the cost of the whole Opening Ceremonies banquet.

The Breitling deal – any future organizers should be aware that in May 2012 Breitling entered into a sponsorship agreement with FAI to have a “presence” at ALL FAI championship events. This was not communicated to us prior to the signing of the Organizers Agreement. Because of this deal, in which no other watch or jewelry company is allowed to sponsor the event, we had to turn away \$10,000 from Hamilton. In the end we received \$4000 from the FAI/Breitling money, but their presence was much larger than the donation warranted. We understand that FAI's media division “FAME” may no longer be operating soon. In our opinion this is no great loss as they did not communicate to us very well and showed up at the contest be somewhat demanding about how Breitling banners should be displayed, etc.

Because, like Nationals, the WAC2013 event was supported entirely through **volunteer help**, there was an attempt to go outside of the IAC volunteer base of folks who would normally be involved in Nationals. The volunteer pool was spread pretty thin between the two events. There was some duplication of volunteers at each of these events, but overall the WAC2013 organizers were able to attract a fair amount of volunteers who were not Nationals regulars. The next larger concern and one that ended up costing the organizers over \$4000 was that a request to the airport by the FAA resulted in a shift in location of aerobatic box. The shift resulted in having to move the judge line on the west side, which in turn resulted in removal of trees and grading of the ground in the area to allow setup of judge line equipment.

Finally, because of the tight **limitations on wind** per CIVA rules, this area of Texas is rampant with opportunity for delays because the wind was often out of limits. This caused needless delays and much drama when the Jury and Team Managers would convene to discuss and vote on relaxing the wind limits. In November 2012, the organizers tried to preempt this sort of drama by applying to CIVA for a waiver on wind limits. That request was denied. Although not normally a problem in the month of October, Texas after having experienced quite a season of drought, decided to unleash its long held moisture and granted us the privilege of having to sit through three days of rain. This disrupted the contest and prevented the

competitors from flying the Free Unknown #2 (Programme 4) and resulted in an agreement of only the top half of the competitors flying the Free Unknown #1 (Programme 3).

Airport Operations

-Tower Operations

As Aaron McCartan experience at the 2012 Nationals, the tower requested that all practice days prior to the championship restrict the pilots to fly below 1000 AGL due to activities by the flight school. This restriction was not well received by the pilots and there were a couple of instances in which pilots disregarded this request.

When the contest began, tower would hand off operation of the airspace to the chief judge for and between flights the Tower would reclaim the airport for inbound or departing traffic. There were some long holds for competitors while the tower was working through these operations.

-Transient Traffic

Although the organizers knew about some level of delay to the contest schedule due to transient traffic, this issue was more severe than we thought and obviously beyond our control. We provided a tower liaison to work with the tower to assist with their busy management of traffic, which seemed to help somewhat, but because of the volume of commercial operations there was not much that could be done in this area.

- Flight School

A big source of traffic is from a flight school that now resides on the NTRA. At the time of US Nationals (2012) there were 65 students in various stages of flight training. By the time the championship came to the airport we were informed that there were over 90 students and the airport expected to continue with 42 operations per day even during the contest. Airport manager, Mike Shahan, made some arrangement with the flight school to decrease their operations during the last two days of the championship.

Communications

Previously mentioned in the 2012 US Nationals report, was the difficulty with the boundary radios when the Judges station is located on the West side of the field communication is lost to the Northeast Boundary. We had hoped to use the loaned radios from IAC67 to solve this, however they were not sufficient for the job. We ended up renting 7 radios plus 2 repeaters that allowed us to support at least 2 frequencies spanning a 3,500' square open-field. This rental equipment from Bearcom did the trick and no problems were reported.

FAA

Early in the process the difficulties that Wayne faced with the waivers varied from submitting applications which went unanswered and had to be resubmitted to getting a last minute requirement from the FAA regarding non- U.S. aircraft requirements (ICAO Annex 8 non-

compliant aircraft).

Wayne started working on the license requirement guidelines April 2013 and continued getting changes and updates through September. The WAC2013 Pilot and Aircraft Requirements document was developed and posted to the WAC2013 website as guidance for the championship competitors. Appendix G.

Free Unknown #1

As stated in previous sections of this document, the Free Unknown #1 was flown, however due to weather delays a decision had to be made about flying enough of the pilots to enable the final determination of a world champion. The jury and the team managers were able to come to an agreement in which the top 50% of the competitors would fly this program and the remainder be worked in until time would not allow any further of the flying to start and complete the four minute freestyle. This decision is what eventually led to flying the four minute freestyle late on the last day.

Registration

Under the hands of anyone less experience and organized than Lynn, the Registration process would have been a nightmare. Unfortunately there is not a finished guide to the operations of a World Championship. Guidelines of what to collect and what needs to be kept on record by the organizers for the competitors is not clearly outlined.

Lynn developed her own process and checklist for all of the items that she needed to collect. Thanks again here to Mike Heuer as advisor for assisting in many details of the contest. While not all comprehensive, some thanks must go out to Nick Buckenham who supplied us with the rough draft copy of the CIVA guide to Championship Organization.

Scoring

The only issue we had with scoring was in receiving the scores from the four minute freestyle at a very late hour prior to the Closing ceremonies. Because the weather put the contest behind schedule, the four minute freestyle was not completed until 5:30pm on Saturday. The scores continued to arrive in the office through the start of the Closing. This caused a member of the Jury to have to review the scores to without inserting the flight times because those sheets came in late. The awards were presented prior to the final scores appearing on the website.

Conclusion

To quote Mike Heuer, "IAC's strength has always been based on the hard work of its members. Though WAC is not an IAC-organized competition, it is IAC's members who are doing the work." By the end of the championship there were many of thousands of man hours expended to contribute to the success of the championship. The organizers will remain eternally grateful to everyone who helped at the event.

Traffic congestion will continue to be an issue at this airport. Although all of the local airport authorities openly welcome us to over-run the airport with aerobatic aircraft, future contests

could become a burden given the transient traffic and flight training being held at the airport.

Recommendations for Future World Championship Events held in the USA

Most of the recommendations to the IAC Board relate to considerations that should be given when choosing the site that will be proposed to CIVA for future championships.

Weather - a careful evaluation of the weather conditions should be given when approving the site. As stated previously in this report, the wind restrictions are very tight. Knowingly proposing a location in which winds will be out of limits for most of the competition severely restricts the amount of flying that can be accomplished and endangers a completed championship.

IAC Support - traditionally the IAC is not involved with direct support of a World Championship, this occasion was not measurably different. We are thankful for the few IAC board members who supported us as individuals, but we would like to recommend that a stronger show of support be included in the next championship in the United States. Whether the IAC board does or doesn't let their name be affiliated with a championship, it is automatically associated with it because that is what other countries are used to seeing. Everyone, even IACer's, assume that the IAC leadership is somehow associated with the championship. A portion of the recommended support should be monetary, however, more importantly it should also be advisory in nature. If the organizers of WAC2013 had not had Mike Heuer as an advisor there were have been many mis-steps.

The expectations of FAI were not clearly communicated. They offer an "Organizer's Agreement", which has outlined in much legalese as to expectation of what the organizer is expected to provide for a world championship, but not directions on the actual running of the event.

Sponsorship - here are recommendations we would like to propose;

1. Consider the date very carefully in which the championship will be held. Holding a world championship too close to a large event such as the US Nationals makes finding sponsorship for both events very burdensome.
2. The IAC and/or members of the Board should provide names and contact information to the organizers. Meaningful connections would have helped immensely in the fundraising efforts.
3. For the organizers - develop a fundraising committee. One or two people will not have the time or energy to raise the \$80-100k in donations that is required to run an event of this magnitude.

Report respectfully submitted by Lorrie Penner, Assistant Contest Director Infrastructure

WAC2013 Awards

Presenting awards for the Men's and Women's **Programme 1** : Mayor Pro Tem of Denison, David Spindle.

Men:

3rd Place – Bronze: Michael Racy, United States
2nd Place – Silver: Francois Le Vot, France
1st Place – GOLD : Mikhail Mamistov, Russia

Women:

3rd Place – Bronze: Debby Rihn-Harvey, United States
2nd Place – Silver: Svetlana Kapanina, Russia
1st Place – GOLD: Aude Lemordant, France

Awards for Men's and Women's **Programme 2** presented by Mike Shahan, North Texas Regional Airport Manager.

Men:

3rd Place – Bronze: Francois Le Vot , France
2nd Place – Silver: Rob Holland, United States
1st Place – GOLD : Mikhail Mamistov, Russia

Women:

3rd Place – Bronze: Kathel Boulanger, France
2nd Place – Silver: Aude Lemordant, France
1st Place – GOLD : Svetlana Kapanina, Russia

The awards for Men's and Women's winners in **Programme 3** presented by Chief Judge, John Gaillard.

Men:

3rd Place – Bronze: Gerald Cooper – Great Britian
2nd Place – Silver: Francois Le Vot – France
1st Place – GOLD : Francois Rallet - France

Women:

3rd Place – Bronze: Svetlana Capanina, Russia
2nd Place – Silver: Kathel Boulanger, France
1st Place – GOLD : Aude Lemordant, France

The awards for the **Final Programme 5** (4 minute Freestyle) presented by United States CIVA Delegate, Mike Heuer.

Men:

3rd Place – Bronze: Martin Sonka, Czech Republic
2nd Place – Silver: Gerald Cooper, Great Britain
1st Place – GOLD : Robert Holland, USA

Women:

3rd Place – Bronze: Debby Rihn-Harvey, USA
2nd Place – Silver: Melissa Pemberton, USA
1st Place – GOLD : Aude Lemordant, France

Presented the remaining awards the President of the Jury, LG Arvidsson.

Women's Team Champions - awarded the FAI Challenge Cup donated by the USSR.

3rd Place Women's Team: Dagmar Kress and Heike Sauls, Germany
Team Manager – Hein Sauls
2nd Place Women's Team: Debby Rihn-Harvey and Melissa Pemberton, USA
Team Manager – Michael Steveson
1st Place Women's Team: Aude Lemordant and Kathel Boulanger, France
Team Mgr – Jerome Houdier

Men's Team Champions - awarded the Petr N. Nesterov Cup donated by the USSR.

3rd Place Men's Team: Mikhail Mamistov, Oleg Shpolyanskiy, Anton Berkutov, Russia
Team Manager – Victor Smolin
2nd Place Men's Team: Robert Holland, Michael Racy, Nikolay Timofeev, USA
Team Manager – Michael Steveson
1st Place Men's Team: Francois La Vot, Olivier Masurel, Francois Rallet, France
Team Mgr – Jerome Houdier

Women's Aerobic Champion - awarded the Royal Aero Club Trophy donated by the United Kingdom.

3rd Place – Bronze: Kathel Boulanger, France
2nd Place – Silver: Svetlana Capanina, Russia
1st Place – GOLD : Aude Lemordant, France

Overall World Aerobatic Champion - awarded the Jose L. Aresti Cup replica.

Presentation of diplomas

10th – Alexandre Leboulanger - France

9th Nicolas Ivanoff - France

8th Francois Rallet - France

7th Nikolay Timofeev – USA

6th Michael Racy – USA

5th Robert Holladn – USA

4th Olivier Masurel - France

Medal winners presentation:

3rd Place – Bronze: Gerald Cooper, Great Britian

2nd Place – Silver: Mihkail Mamistov, Russia

1st Place – World Champion! : Francois La Fot

Expenses	Vendors	Amount	Amount Due	Comments
Lodging				
	Hampton Inn (Volunteers)	\$26,148.00	\$-	
	Comfort Inn (Judges)	\$25,709.76	\$-	
	Holiday Inn Express (BB on 10/9)	\$111.87	\$-	
	Tom Adams RV rental (in lieu of hotel)	\$575.00	\$-	
	Tanglewood Resort (pilots, observers, spouses)	\$114,819.00	\$21,722.00	\$1,563.98 in dispute)
		\$167,363.63	\$21,722.00	
Fuel, Oil & Smoke Oil	Texoma Jet Center	\$18,755.37	\$-	
Daily Lunches	multiple vendors	\$10,033.54	\$-	
Closing Ceremony Dinner	Chef Robert	\$7,551.00	\$-	
Insurance	Northwest Insurance Group	\$10,750.00	\$-	
Sanction Fee	FAI	\$12,316.59	\$-	8700 euros
Wireless	Texoma Communications	\$4,827.92	\$-	
Registration Expenses	Lynn Bowes	\$3,021.47	\$-	
Porta Johns	A-1 Little John	\$1,136.00	\$-	
West Judges Site prep	Weaver Construction	\$4,547.00	\$-	
Golf Carts		\$2,071.88	\$-	
Opening Ceremony	C47	\$2,500.00	\$-	
	Parachute Jump Team	\$1,200.00	\$-	
	Patty Wagstaff	\$2,500.00	\$-	did not fly, credit?
	PA system	\$216.50	\$-	
Corporation Setup	U.S. Treasury and CPA	\$1,206.84	\$-	
Website Development	Doug Lovell	\$4,000.00	\$-	
Video	Laurie Zaleski	\$4,000.00	\$-	
	Bill Marcellis	\$8,000.00	\$-	
Tents	AAA Tent Rentals	\$7,794.13	\$-	
Flags	The Flag Store	\$819.00	\$-	
Merchandise	multiple vendors		\$-	
VHF Radios	Bearcom	\$967.00		
Cell phones	Bearcom	\$2,783.11	\$-	being disputed
Misc. Uncharacterized Expenses		\$50,906.98		
		\$329,267.96	\$21,722.00	

Total Income \$335,927.77

Total Expenses \$350,989.96

Profit/(Loss)* \$(15,062.19)

* some expenses are still under review and/or negotiation and this value represents the information as of 11/2/13

WAC2013 Daily Event Schedule

Date	On the Ground	In the Air
10/10/13	Jury/Judge Dinner – The Library	
10/11/13		Daily
10/12/13		
10/13/13	19:00- 2300 Rodeo / Choctaw Casino Trip	<ul style="list-style-type: none"> • 07:00 Brief • 08:00 warm up • 08:30 Flying • 13:00 Lunch • 14:00 Flying • 19:00 End of Flying
10/14/13	USA Team Wine & Cheese Party	
10/15/13	19:00-21:00 Sherman Reception / Sherman Museum	
10/16/13		
10/17/13	19:00-20:30 Denison, Pottsboro, Sherman Chamber Mixer / Loose Wheels	
10/18/13	19:00 — 22:00 Wine Tasting / Viticulture Center	
	18:00 Cocktail Hour 19:00 dinner	08:30 - 14:00
10/19/13	<ul style="list-style-type: none"> • Closing Ceremonies • Location: The Palazzo Event Center • Entertainment • Banquet & Awards 	Finish of Unknown I 14:30 – 16:30 Freestyle Program Music & Smoke
10/20/13	Clean up and Travel Day	

Contest Flight Schedule

Thu	10 Oct	0700 – 0800 0830 – 0900 0900 - 1300 1400 – 1900 2000-2200	Programme 1 – Known Briefing Warm-up Flights Contest Flights Contest Flights Judge/Jury dinner at The Library	
Fri	11 Oct	0700 – 0800 0830 – 0900 0900 - 1300 1400 – 1830 1900	Programme 1 – Known Briefing Warm-up Flights Contest Flights Contest Flights At end of Knowns - Selection of Unknown Figures (Free Unknown I)	
Sat	12 Oct	0700 – 0800 0830 – 0900 0900 - 1300 1400 1400 – 1830 1800 1900	Programme 2 - Free Programme Briefing Warm-up Flights Contest Flights Teams submit proposed Free Unknowns I Contest Flights Jury to Publish Free Unknowns I Eisenhower Birthday – Parachute jump	Form B/C provide copy to each team and to each judge.
Sun	13 Oct	0700 – 0800 0830 – 0900 0900 - 1300	Programme 2 - Free Programme Briefing Warm-up Flights Contest Flights	Provide each team with a list of the Free

Sheet1

1400 **Pilots Declare Free Unknown I sequence choice** Unknowns chosen by each competing pilot.
 Contest Flights
 At Least 1 hour prior to the flight

1400 – 1800 **End of Free Programme – selection of Unknown Figures (Free Unknown II)**

1800 Rodeo & Choctaw Casino

Mon 14 Oct 1700-2300 Programme 3 - 1st Unknown

0700 – 0800 Briefing

0830 – 0900 Warm-up Flights

0900 - 1300 Contest Flights

1400 **Teams submit proposed Free Unknowns II**

1400 – 1900 Contest Flights

1800 **Jury to Publish Free Unknowns II**

Tue 15 Oct Programme 3 1st Unknown

0700 – 0800 Briefing

0830 – 0900 Warm-up Flights

0900 - 1300 Contest Flights

1400 **Pilots Declare Free Unknown II sequence choice**

1400 – 1900 Contest Flights

1900 – 2100 Sherman Reception at the Museum

Wed 16 Oct Programme 4 - 2nd Unknown

0800 - 0815 Briefing

0900 - 0930 Warm-up Flights

0930 - 1300 Contest Flights

1400 – 1900 Contest Flights

Thu 17 Oct Programme 4 - 2nd Unknown

0700 – 0800 Briefing

0830 – 0900 Warm-up Flights

0900 - 1300 Contest Flights

1400 – 1900 Contest Flights

1900 – 2030 Loose Wheels – Chamber mixer

A cut is mandatory according to rules
 May fly all if time and weather permits
 CD should brief the "cut"

Sheet1

Fri 18 Oct		Programme 4 - 2 nd Unknown
0700 – 0800	Briefing	
0830 – 0900	Warm-up Flights	
0900 - 1300	Contest Flights	
1400 – 1900	Contest Flights	
1900 – 1930	Briefing and Draw for 4 Minute Free Programme	
19:30 – 2100	Viticulture Center	
Sat 19 Oct		Programme 5 - 4 Minute Free
0900 - 0930	WAC Briefing	
0930 – 1000	Warm-up Flight for 4 Minute Free	
1000 – 1130	4 Minute Free Competition Flights - Block 1	
1200 – 1330	4 Minute Free Contest Flights - Block 2	
1800 – 1900	The Palazzo – cocktail hour	
1900 - 2000	Dinner	
2000 – 2200	Awards Ceremony	

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
CERTIFICATE OF WAIVER

ISSUED TO

**World Aerobatic Competition
Wayne Roberts
(662) 417-5698**

ADDRESS

**547 Northwoods Drive
Grenada, MS 38901**

This certificate is issued for the operations specifically described hereinafter. No person shall conduct any operation pursuant to the authority of this certificate except in accordance with the standard and special provisions contained in this certificate, and such other requirements of the Federal Aviation Regulations not specifically waived by this certificate.

OPERATIONS AUTHORIZED

AEROBATIC PRACTICE AND COMPETITION WILL BE CONDUCTED FROM THE SURFACE UP TO AND INCLUDING 5000 FT. AGL WITHIN A 2NM RADIUS OF THE NORTH TEXAS REGIONAL AIRPORT (KGYT), SHERMAN, TEXAS, WITHIN THE AREA DEFINED IN ATTACHMENT MARKED "APPENDIX A", FROM 06:00 TO 20:00 BEGINNING 10/09/2013, AND ENDING 10/20/2013.

THE DEMONSTRATIONS ARE SUBJECT TO THE LIMITATIONS AND PROVISIONS OF ANY ATTACHMENTS TO THIS CERTIFICATE OF WAIVER.

LIST OF WAIVED REGULATIONS BY SECTION AND TITLE

14 CFR SECTIONS 91.117(b), 91.119(b)(c), 91.121(a), 91.209(b), 91.303(c)(e).

STANDARD PROVISIONS

1. A copy of the application made for this certificate shall be attached to and become a part hereof.
2. This certificate shall be presented for inspection upon the request of any authorized representative of the Administrator of the Federal Aviation Administration, or of any State or municipal official charged with the duty of enforcing local laws or regulations.
3. The holder of this certificate shall be responsible for the strict observance of the terms and provisions contained herein.
4. This certificate is nontransferable.

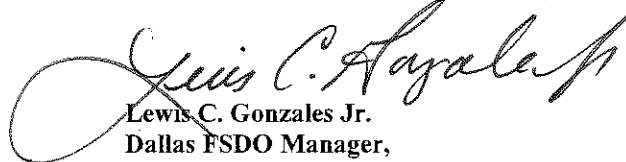
NOTE—This certificate constitutes a waiver of those Federal rules or regulations specifically referred to above. It does not constitute a waiver of any State law or local ordinance.

SPECIAL PROVISIONS

Special Provisions Nos. 1 to 21, inclusive, are set forth on the attached pages.

This certificate is effective from 10/09/2013 through 10/20/2013, from 06:00 until 20:00, inclusive, and is subject to cancellation at any time upon notice by the Administrator or his authorized representative.

BY DIRECTION OF THE ADMINISTRATOR



**Lewis C. Gonzales Jr.
Dallas FSDO Manager,**

**Southwest Region
August 8, 2013**

Special Provisions

1. All flights conducted under the provisions of this waiver shall be confined to the areas/routes indicated in the approved Certificate of Waiver, FAA Form 7711-1, and any pertinent attachments. Operation under the terms of this certificate shall be confined to the limits of the area stated below:

SHERMAN/DENISON, GRAYSON COUNTY AIRPORT (KGYI) SURFACE TO 5000 Feet AGL,

AND:

Bordered on the East by Taxiway "A".

Bordered on the West by Hardenburg Road.

Bordered on the North by a line beginning at Taxiway "A" extending along Taxiway "B" to Hardenburg Road.

Bordered on the South by a line beginning at Taxiway "A", 200' south of Taxiway "E", extending west and ending at the intersection of Hardenburg Road.

FAR 91.117(b) Aircraft Speed

2. Unless otherwise authorized or required by ATC, no person may operate an aircraft at or below 2,500 feet above the surface within 4 nautical miles of the primary airport of a Class C or Class D airspace area at an indicated airspeed of more than 200 knots (230 mph). this paragraph does not apply to any operations within a Class B airspace area.

FAR 91.119(b)(c) Minimum Safe Altitudes Other than Congested Areas

3. Is waived to allow flight within the boundaries of the waiver area below 500 feet above the surface and less than 500 feet from persons or property. The waiver **does not** include flight closer than 500 feet to persons on the surface who are **not** a part of an aerobatic event.

FAR 91.121(a) Altimeter Settings

4. Is waived to allow contest participants to set their altimeters as appropriate within the boundaries of the waiver area.

FAR 91.209(b) Aircraft Lights

5. Is waived to allow contest participants to operate without anticollision lights within the boundaries of the waiver area.

FAR 91.303(c)

6. Within the lateral boundaries of the surface areas of Class D airspace designated for this airport.

FAR 91.303(e) is waived to allow aerobatic flight below 1500 feet AGL.

7. No person may be carried within the aircraft unless necessary to the accomplishment of the work activity.
8. The responsible person will ensure that notification is made to the **Ft. Worth Flight Service Station (AFSS)** at 877-487-6867 or 800-992-7433 of the date, time, place, areas, altitudes, nature of the activity, duration of the operation, runway closures for the aerobatic practice/competition, and request that a Notice to Airmen (NOTAM) be issued. Such notice shall be accomplished by providing the controlling flight service station (AFSS) with a copy of the Certificate of Waiver or Authorization, if requested, at least 48 hours before the event and no more than 72 hours before the event.
9. The holder of this certificate of authorization or designated representative of the holder shall notify the Flight Service Station serving the area of operations of the date, time, place, areas, altitudes, nature and duration of the operations, and request that a notice to airmen be accomplished at least 1 hour prior to beginning the operation, and notify within 30 minutes of completion.

ISSUED TO: World Aerobatic Competition
DATE ISSUED: August 8, 2013
VALID: 10/09/2013 through 10/20/2013, from 06:00 until 20:00 inclusive
ISSUED BY: ASW05

10. The person(s) authorized to activate or deactivate the aerobatic practice/competition area described in Special Provision 1 is Wayne Roberts, telephone number 662-417-5698.
11. The person named in special provision 10 above, shall also be responsible for the following:
 - a. Ensuring that all pilots and aircraft are operating within the confines of the waived aerobatic practice/competition area and are properly certificated.
 - b. Briefing each pilot to ensure that all users of the practice/competition area comply with the limitations imposed by the Certificate of Waiver and its attendant special provisions.
 - c. Maintain a log containing the pilot names, certificate numbers, aircraft registration numbers, dates and times the aerobatic practice area was in use, and upon request, provide the documentation to the FAA.
12. Aerobatics are limited to those aircraft and pilots who are approved by the holder of the Certificate of Waiver or a designated representative. The contest director is responsible for ensuring that:
 - a. Each aircraft competing in the aerobatic competition has the appropriate documents necessary to show current registration and airworthiness.
 - b. Each pilot participating in the aerobatic competition is properly certificated and possesses the currency and/or endorsements appropriate to the flight operation being conducted.
 - c. Before any waived aerobatic operation, each pilot participating in the aerobatic competition receives a briefing from the waiver holder, or designated representative. This briefing must include the terms of the waiver, the confines of the waived airspace, and any special limitations or procedural considerations contained therein.
13. Airports with a Control Tower. When required by ATC, all Pilots must monitor Grayson County ATC Facility on frequency 120.575 on a continuous basis while operating within the aerobatic practice/competition area.
14. The Certificate of Waiver holder or a delegated representative is responsible for halting or canceling activity in the aerobatic practice/competition area if, at any time, the safety of persons or property on the ground or in the air is in jeopardy, or if there is a failure to comply with the terms or conditions of this waiver.
15. Grayson County Airport (KGYI) will be closed to all traffic when the competitive activity of Advanced and Unlimited Category pilots may create a conflict with continuing nonparticipant flight operations. Also, this information shall be included in the NOTAM and traffic advisory, as required.
16. Each aircraft operating in the aerobatic practice/competition area must be appropriately equipped to maintain continuous radio reception with the Chief Judge.
17. The holder of the waiver must obtain the permission of the SHERMAN/DENISON, GRAYSON COUNTY airport Manager to conduct aerobatic activities and, in addition, ensure that the airport management fully understand, and will abide by, the terms and conditions of the Certificate of Waiver.
18. A crowd line consisting of a physical barrier and/or adequate policing shall be established at least 500 feet from the aerobatic box to confine all spectators within a designated area.
19. When operating within waived airspace, § 91.119(c) is waived only if unoccupied structures are involved or to allow participating waived aircraft to operate closer than 500 feet to participating personnel, vehicles, or vessels on the ground. All participating aircraft must maintain at least 500 feet from persons not participating in the aviation event.
20. Before performing any aerobatic sequence, the area must be scanned thoroughly by both the competitor and the Chief Judge. The competitor must not enter and/or initiate any aerobatic maneuvers unless the Chief

ISSUED TO: World Aerobatic Competition
DATE ISSUED: August 8, 2013
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ISSUED BY: ASW05

Judge has ensured that the area is free of any conflicting traffic, and has advised the pilot that the aerobatic contest box is clear.

21. The FAA has the authority to cancel the Certificate of Waiver or delay any events if the safety of persons or property on the ground or in the air is in jeopardy, or if there is a violation of the terms of the waiver or authorization.

ISSUED TO: World Aerobatic Competition
DATE ISSUED: August 8, 2013
VALID: 10/09/2013 through 10/20/2013, from 06:00 until 20:00 inclusive
ISSUED BY: ASW05

Statement of Understanding

I have read and understand the provisions and conditions of this Waiver.

Signature	Date

ISSUED TO: World Aerobic Competition
DATE ISSUED: August 8, 2013
VALID: 10/09/2013 through 10/20/2013, from 06:00 until 20:00 inclusive
ISSUED BY: ASW05

WAC 2013 Pilot and Aircraft Requirements

Pilots and aircraft participating in WAC 2013 flights must be properly certificated. All certificated pilots operating aircraft in United States of America (US) airspace are, collectively and uniformly, subject to US Federal Aviation Administration (FAA) requirements (FARs) regarding the proper and safe operation of their aircraft. Certain FARs are subject to waiver, upon request and at the discretion of the FAA.

All WAC 2013 official contest and practice flights will be conducted under the terms of an official FAA letter of waiver, clearly delineating the Federal Aviation Regulations (FARs) to be waived. All pilots participating in WAC 2013 sanctioned aerobatic contest and/or practice flights must comply, in all respects, with applicable FARs, and the terms and Special Provisions of the issued waiver(s).

Regarding Federal Aviation Regulations, please note that pilot and aircraft flight authorization requirements do, in fact, vary somewhat dependent primarily upon the particular pilot group in which a prospective pilot may find themselves.

WAC 2013 anticipates only three (3) distinct competitor pilot groups.

1. US pilots flying aircraft registered in the United States (US Pilots/ US Aircraft).
2. Non-US pilots flying aircraft registered in other countries (Foreign Pilots/Foreign Aircraft).
3. Non-US pilots flying aircraft registered in the United States (Foreign Pilots/US Aircraft).

US Pilots/US Aircraft

WAC 2013 United States (US) pilots, all of whom are expected to be flying US registered aircraft in the WAC, need no further FAA flight authorization and all should be very well informed regarding existing US Federal Aviation Regulations (FARs). There is, thus, no need that FARs and rules of flight requirements be further addressed here in this section.

Foreign Pilots/Foreign Aircraft

Non-Us (foreign) pilots are permitted to operate foreign registered aircraft in US airspace on the authority of, and within the limitations of, that pilot's existing, foreign pilots certificate. Aircraft must be properly certificated in the country of registration, must clear US Customs inspection upon entry into the US, must be maintained in an airworthy condition, and must be operated in conformance with current US aviation regulations and the aircraft's design and operating limitations.

Pilots in this group may if they so choose, but are not required to, obtain a US Pilot's License. No specific flight authorization or additional permissions are required of foreign pilots operating foreign registered aircraft. When exercising, in US airspace, the privileges of a foreign pilot's certificate, pilots must have, in their possession:

- Photo ID (Passport is acceptable and recommended)
- Foreign Pilot's License
- Foreign Medical Certificate
 - *Note: Foreign Pilot and Medical Certificates must be either issued in English, or must be transcribed into English. Transcribed copies must bear the certified signature of issuing office representative.*

Foreign Pilots/US Aircraft

Foreign pilots intending to operate US registered aircraft in US airspace are required to obtain a US Pilot's License, either earned outright through training and examination, or having been issued on the basis of that pilot's existing foreign pilot's license per FAR §61.75.

Regulations and guidance for the issuance of a US pilot's license on the basis of a foreign pilot's license is posted on the WAC 2013 website. It is recommended that applicants become operationally familiar with those regulations. In brief, the order of the steps required for obtaining a US Pilot's License on the basis of a foreign pilot's license include:

1. Applicant downloads and completes Verification of Authenticity of Foreign License, Rating, and Medical Certification. (Form Approved OMB No: 2120-0724) available here:
<http://www.faa.gov/documentLibrary/media/Form/ac8060-71.pdf>
2. Applicant submits completed Verification of Authenticity of Foreign License, Rating, and Medical Certification, along with required supporting documentation including:
 - a. Pilot's Credentials
 - i. Foreign Pilot's Certificate (license)
 - ii. Foreign Medical Certificate
 - iii. Copies of certificates transcribed to English (if not issued in English)
 - b. **Please NOTE: Block 11. Applicant should indicate preference for Dallas, TX Flight Standards District Office (DAL FSDO).**
 1. DAL FSDO Physical Address
FAA Dallas FSDO
1431 Greenway Drive
Suite 1000
Irving, Texas 75038
 2. DAL FSDO Contact:
Cameron Baker.
Telephone (972) 582-1842
FAX (972) 582-1872
(International callers should include the prefix "00-1"
Email cameron.baker@faa.gov
 - c. Verification request and supporting documents are to be submitted to :
 1. **By Mail:**
*Federal Aviation Administration
Airmen Certification Branch, AFS-760
P.O. Box 25082
Oklahoma City, OK 73125-0082*
 2. **By Fax:**
*(405) 954-9922 - from within the US
00-1-405-954-9922 - internationally*
3. Upon receipt of a properly completed verification form, together with required supporting documentation, FAA Airmen Certification Branch, AFS-760, contacts foreign airman's issuing (home nation) Civil Aviation Authority (CAA) for verification of airman's certificates.
 - a. **Note: Please allow 30 days minimum (60 days recommended) for processing.**
4. Upon receipt of issuing nation's verification of pilot's credentials, FAA Airmen Certification Branch, AFS-760, will send a confirming letter to applicant, with a faxed copy to the Dallas FSDO, notifying applicant whether or not their credentials have been verified by the issuing CAA

- and, if verified, advising applicant that they may then proceed to schedule a visit, in person to the Dallas FSDO for issuance of their US pilot's certificate.
5. Applicant contacts Mr. Cameron Baker at the Dallas FSDO, requesting an appointment for issuance of their US pilot's certificate. Mr. Baker will verify applicant's confirmation, and will, as appropriate, schedule an appointment for the applicant to visit the Dallas FSDO.
 - a. **Note: Due to existing security requirements, visitors to FAA offices must be first vetted by FAA Security. This security vetting process requires little of the applicant, but typically consumes 1 to 2 weeks. So be sure to call early to ensure access upon your arrival.**
 6. Applicant arrives at Dallas FSDO at appointed time.
 - a. **Note: Applicant must appear with all required documentation including:**
 - i. Photo ID (Passport is acceptable and recommended)
 - ii. Foreign Pilot's License
 - iii. Foreign Medical Certificate
 - b. **Note: Foreign Pilot and Medical Certificates must be either issued in English, or must be transcribed into English. Transcribed copies must bear the certified signature of issuing office representative.**
 7. During appointment with Mr. Baker at DAL FSDO, applicant completes, signs, and submits application for a US pilot's license, FAA Form 8710-1 (available online at the link below):
<http://www.faa.gov/documentLibrary/media/form/faa8710-1.pdf>
 - a. **Note: Though not required, applicant may choose to download, print, and complete this form prior to their arrival at the DAL FSDO.**
 8. Pursuant to US law, and FAA Policy Notice N 8900.195, and as airman licensure constitutes an, "investigation" under FAA guidelines, applicant will also be presented a signatory form acknowledging having been advised relative to the US, "Pilot's Bill of Rights" (PBR). Nothing to be alarmed about. This is just acknowledgement you've been briefed. The "investigation" is only to verify your qualifications. Policy Notice N 8900.195 may be viewed here:
<http://www.faa.gov/documentLibrary/media/Notice/N8900.195.pdf>
A Specimen PBR Acknowledgement Form is appended at the end of this document.
 9. Upon acceptance of your PBR acknowledgement and your completed and properly signed application 8710-1, Mr. Baker will prepare and issue to you your US Temporary FAA Airman Certificate, issued on the basis of your foreign pilot's license. Your US license will be subject to the same terms and conditions of your existing foreign pilot's license, and will be valid as long as the foreign pilot's license remains valid, unless specified otherwise thereon. Your permanent US license will be mailed to the home address you provided on your applications.
 10. Holders of US Pilots Licenses issued on the basis of a foreign pilot's license are not required to obtain a US Medical Certificate. They are, however, required to have in their possession when exercising the privileges of that US pilot's certificate:
 - a. Photo ID (Passport is acceptable and recommended)
 - b. US Pilot's license (temporary certificate is sufficient)
 - c. Foreign Pilot's License
 - d. Foreign Medical Certificate
 - i. **Note: Foreign Pilot and Medical Certificates must be either issued in English, or must be transcribed into English. Transcribed copies must bear the certified signature of issuing office representative.**
 11. Prior to exercising the privileges of their US Pilot's License, as Pilot In Command (PIC), holders of US Pilot's Licenses issued on the basis of a foreign pilot's license must also complete a Flight Review as required by FAR §61.56. FAR §61.56 may be viewed at the following link:
<http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&rgn=div5&view=text&node=14:2.0.1.1.2&idno=14#14:2.0.1.1.2.1.1.35>
- (Continued on next page)

Pursuant to FAR Part §61.56, the required Flight Review includes, as a minimum, one (1) hour of ground review, and one (1) hour of flight review. The Flight Review may be administered by any authorized FAA Certificated Flight Instructor (CFI). (The Flight Review is not an examination, cannot be “failed”, and (except in extreme cases of incompetence) will **not** result in loss of your pilot’s license.) Upon request, WAC Contest Officials will help to facilitate your required Flight Review. Your Flight Review endorsement may be inserted in your Log Book when you return home.

The process described herein should lead to the receipt a US Private Pilot’s Certificate (PPL) issued on the basis of a foreign pilot’s license. Please note that the issuance and the exercise of Instrument, Commercial, ATP or other advanced ratings may require additional steps, testing, etc. A US PPL is considered sufficient to meet the needs of WAC 2013 competitors.

The steps outlined above are relatively straight-forward, and should not be found difficult, on the part of the applicant, to manage and complete. However, due to the required interaction among multiple governmental agencies of independent sovereign nations separated by thousands of miles, by diverse internal regulation and policies unique to each, and perhaps embodying language and communication challenges as well, it is anticipated that the outlined process for issuance of a US Pilot’s License on the basis of a pilot’s foreign license will require approximately 90 to 120 days, perhaps longer, for its completion.

It is strongly recommended, for WAC 2013 foreign competitor pilots intending to operate US registered aircraft, that the verification and licensure process be initiated without undue delay.

Affected competitors having unanswered questions, or who may require further assistance, please feel free to call upon us.

Best wishes as you pursue your US Pilot’s License. We look forward to seeing each of you, “in the box”, in Texas, USA.

C. Wayne Roberts
WAC 2013 Government Liaison
wroberts@lakecityaero.com
00-1-662-417-5698

(PBR Acknowledgement Form on next page)

PILOT’S BILL OF RIGHTS WRITTEN NOTIFICATION OF INVESTIGATION

The information you submit on the attached FAA Form [insert form number and the title of the airman certificate application] will be used by the Administrator of the Federal Aviation Administration as part of the basis for issuing an airman certificate, rating, or inspection authorization to you under Title 49, United States Code (USC) section 44703(a), if the Administrator finds, after investigation, that you are qualified for, and physically able to perform the duties related to the certificate, rating, or inspection authorization for which you are applying. Therefore, in accordance with the Pilot’s Bill of Rights, the Administrator is providing you with this written notification of investigation of your qualifications for an airman certificate, rating, or inspection authorization:

The nature of the Administrator’s investigation, which is precipitated by your submission of this application, is to determine whether you meet the qualifications for the airman certificate, rating, or inspection authorization you are applying for under Title 14, Code of Federal Regulations (CFR) parts 61, 63, or 65.

Any response to an inquiry by a representative of the Administrator by you in connection with this investigation of your qualifications for an airman certificate, rating, or inspection authorization may be used as evidence against you.

A copy of your complete airman file is available to you upon your written request addressed to:

*Federal Aviation Administration
Airmen Certification Branch, AFS-760
P.O. Box 25082
Oklahoma City, OK 73125-0082*

[The following acknowledgment would be on a separate sheet that the FAA would retain with the application]

**ACKNOWLEDGMENT OF RECEIPT OF
PILOT’S BILL OF RIGHTS WRITTEN NOTIFICATION**

I acknowledge that I received the Pilot’s Bill of Rights Written Notification of Investigation at the time of this application.

Signature of Applicant MM/DD/YYYY

DATE: _____



**Fédération
Aéronautique
Internationale**

Organiser Agreement

27th FAI World Aerobatic Championships

**North Texas Regional Airport, USA
9th to 20th October 2013**

*Maison du Sport International
Av. de Rhodanie 54
CH – 1007 Lausanne
(Switzerland)
Tél. +41 (0)21 345 10 70
Fax +41 (0)21 345 10 77
E-mail sec@fai.org
Web: www.fai.org*

ORGANISER AGREEMENT

THIS AGREEMENT is made the 22nd day of September 2012

BETWEEN : **FEDERATION AERONAUTIQUE INTERNATIONALE** of Maison du Sport International, Avenue de Rhodanie 54, CH-1007 Lausanne, Switzerland ("FAI")

and : **NATIONAL AERONAUTIC ASSOCIATION OF THE USA** of 1 Reagan National Airport, Hangar 7, Suite 202, Washington, DC 20001-6015, USA ("The National Member")

and : **WAC2013 Inc** of C/o Harvey & Rihn Aviation, 101 Airport Boulevard, La Porte, Texas 77571, USA ("The Organiser")

WHEREAS :

(A) The FAI is the sole internationally recognised governing body for air sports worldwide and controls and owns all rights relating to the

27th FAI World Aerobatic championships.

North Texas Regional Airport - USA

(B) The FAI Aerobatics Commission ("The Commission") is the body within FAI responsible for the award and supervision of Aerobatics events held under the auspices of the FAI.

(C) The Organiser has made an approach to the FAI via the Commission and has requested the right to organise and stage the **27th FAI World Aerobatic championships** in **2013**, commencing on **9 October 2013** and ending on **20 October 2013** ("the Sporting Event") and the Commission has agreed to appoint the Organiser to organise and stage the Sporting Event.

NOW IT IS HEREBY AGREED as follows :

1. **APPOINTMENT**

FAI hereby grants to the Organiser the sole and exclusive right and sanction to stage, organise, promote and to retain a share of the profits (as laid out in Schedule 1) generated from the exploitation of the Rights (as defined in Schedule 4) relating to the Sporting Event upon the terms and conditions set out in this Agreement and its Schedules. This Agreement shall terminate on **30 April 2014**.

2. **CONSIDERATION**

In consideration of FAI granting to the Organiser the right to exploit the Rights the Organiser shall pay to FAI the consideration set out in clause 3.2 of Schedule 1, give the undertakings, perform the obligations and comply with the terms and conditions set out in the attached Schedules.

3. **STAGING**

3.1 The Organiser shall observe and enforce all provisions (including any future amendments thereof or additions thereto with effect from the time they come into force) contained in the FAI Statutes, By-Laws, Sporting Code (General Section and Section 6), FAI Anti-Doping Rules and Procedures, FAI Code of Conduct – Air Sports and the Environment, FAI Naming of Competitions policy, FAI Rules for Advertising for FAI Air Sport Events, FAI Online Styleguide and such other rules, regulations or guidelines as FAI or the Commission may from time to time produce.

- 3.2 The Commission may, should it elect to do so, appoint an individual or body to advise the Organiser on behalf of the Commission, ("the Technical Delegate") on all technical and administrative aspects of the Sporting Event on behalf of the Commission at any stage in the organisation of the Event. The Organiser agrees to accept the reasonable recommendations of the Technical Delegate.
- 3.3 The Organiser shall fulfil its obligations under Schedules 3, 4 and 5 as well as under Schedules 1 and 2.

4. INDEMNITY AND LIABILITY

- 4.1 The Organiser agrees to indemnify FAI and the Commission and their members, servants and/or agents against all costs (including legal costs), claims, damages and expenses made against, incurred or paid by FAI, the Commission and/or their members, servants or agents in respect of any claims whatsoever as a result of or arising out of any breach or default by the Organiser with respect to its obligations under this Agreement.
- 4.2 To the fullest extent permitted by applicable laws, none of FAI or the Commission or any of their respective directors, employees, affiliates, agents or other representatives will be liable for any loss or damages (whether direct or indirect and whether caused by negligence or otherwise) arising out of or in connection with this Agreement including, but not limited to, indirect, special or consequential loss or damages, loss of data, income, profit or opportunity, loss of or damage to property and claims of third parties. If this clause is unenforceable in whole or in part in any jurisdiction due to relevant laws, then in no event shall the total liability of FAI or the Commission or any of their respective directors, employees, affiliates, agents or other representatives for all damages, losses, and claims (whether in contract, tort (including, but not limited to, negligence), or otherwise) exceed the aggregate amount paid by the Organiser under Schedule 1 to this agreement. Nothing in this clause shall limit or exclude any liability for death or personal injury resulting from negligence.
- 4.3 In the event that the Organiser enters into a composition or arrangement with its creditors, has a receiver or administrator or administrative receiver appointed or becomes insolvent or unable to pay its debts when they fall due or an application is made for its winding up or dissolution, the National Member accepts all duties, liabilities and responsibilities of the Organiser hereunder (including without limitation those of a financial and organisational nature) and references herein to "Organiser" shall be interpreted as references to the "National Member".

5. INSURANCE

The Organiser shall secure such comprehensive insurance as is reasonably acceptable to FAI in respect of the Sporting Event and shall ensure that FAI is named as an additional insured party on such insurance. The Organiser shall, if so requested, provide to FAI details of such insurance including certified copies of policies and evidence of payment, as soon as reasonably practicable but in any event not less than one (1) month before the start of the Sporting Event, time being of the essence in this respect.

6. TERMINATION

FAI may terminate this agreement forthwith upon notice in the event that the Organiser:

- 6.1 commits a material breach of any obligation under this Agreement which breach is incapable of remedy or cannot be remedied in time;
- 6.2 commits a material breach of any obligation under this Agreement, and if such breach is capable of remedy fails to so remedy such breach within 28 days of receiving notice from FAI requiring remedy ;
- 6.3 enters into a composition or arrangement with its creditors, has a receiver or administrator or administrative receiver appointed or becomes insolvent or unable to pay its debts when they fall due.

7. INTELLECTUAL PROPERTY

The Organiser agrees and undertakes as follows :

- 7.1 to conform at all times with the FAI Online Style Guide and any other reasonable directions of the FAI in relation to its intellectual property ;
- 7.2 to ensure that all intellectual property rights that may be created by, or accrue to the benefit of, the Organiser or any appointee of the Organiser that has any connection and/or association with the Sporting Event, shall be the property of FAI and the Organiser shall take all such steps as may be necessary in order to achieve such ownership.

8. ENTIRE AGREEMENT

This Agreement, including the attached Schedules, the FAI Statutes, By-Laws, and Sporting Code (General Section and Section 6) contains the entire agreement of the parties and supersedes all other agreements between them and no variation of any of the terms or conditions of this Agreement may be made unless such variation is agreed in writing and signed by all parties to this Agreement. In the event of a conflict arising between this document and the FAI Statutes, By-Laws and Sporting Code (General Section and Section 6) the terms of this Agreement will take precedence.

9. NO ASSIGNMENT

The Organiser shall not have the right to assign, charge, pledge or otherwise encumber or transfer the whole or any part of its rights under this Agreement without the prior written consent of both FAI and the Commission.

10. DISCLOSURE OF AGREEMENT TERMS

The Organiser shall not divulge to any third party, except to its professional advisers, any information regarding this Agreement or the matters contemplated by the Agreement or make any announcement as to these matters without the prior written agreement (not to be unreasonably withheld or delayed) of FAI or as required by law. Any such announcement shall, in any event, be made or issued only in such form as may have been approved by FAI.

11. NO PARTNERSHIP, AGENCY OR JOINT VENTURE

Nothing in this Agreement may be deemed to create a partnership, joint venture or agency between the parties.

12. DISPUTE RESOLUTION

- 12.1 If a dispute arises between the parties concerning this Agreement the parties shall each appoint a senior representative (each empowered to make binding decisions on behalf of his or her appointer) and such representatives shall meet with a view to resolving the dispute.
- 12.2 In the event that such dispute is not resolved by the process in clause 12.1, either party may refer it to the Court of Arbitration for Sport, whose decision both parties agree to accept as final.
- 12.3 Nothing contained in this clause 12 shall preclude either party from applying to a court for urgent and/or injunctive relief.

13. COUNTERPARTS

This Agreement may be signed and accepted in counterparts each of which together shall constitute one and the same instrument.

14. IRREVOCABLE OFFER

This Agreement once signed by the Organiser, shall represent an irrevocable offer by the Organiser to enter into this Agreement. This offer may be made by communication of the signature (e.g. by fax) to the FAI and faxed communication to the FAI of the signature page duly signed by the Organiser shall represent such an offer from the FAI to enter into the Agreement in the form and on the terms and conditions set out herein.

15. GOVERNING LAW

This Agreement shall be construed in accordance with and governed by Swiss law and shall be subject to the non-exclusive jurisdiction of the Swiss Courts.

EXECUTED AS A DEED by

.....
For and on behalf of
**FEDERATION AERONAUTIQUE
INTERNATIONALE**
FAI Secretary General
A duly authorised signatory

.....
For and on behalf of
**FEDERATION AERONAUTIQUE
INTERNATIONALE**
President, FAI Aerobatics Commission
A duly authorised signatory

EXECUTED AS A DEED by

.....
For and on behalf of
WAC2013 Inc
A duly authorised signatory

.....
For and on behalf of
WAC2013 Inc
A duly authorised signatory

EXECUTED AS A DEED by

.....
For and on behalf of
**NATIONAL AERONAUTIC
ASSOCIATION OF THE USA**
A duly authorised signatory

.....
For and on behalf of
**NATIONAL AERONAUTIC
ASSOCIATION OF THE USA**
A duly authorised signatory

SCHEDULE 1

FINANCE

1. PRE-SPORTING EVENT DEPOSIT

The Organiser warrants and undertakes as follows :

- 1.1 to pay to FAI, in a manner acceptable to FAI :
 - (i) no later than - prior to the Sporting Event, the sum of **EUR 0.00** by way of deposit ("the Deposit") ; and
 - (ii) no later than 30 days after the commencement date of the Championships the sum of **EUR 150.00 per Competitor** by way of sanction fee ("the Sanction Fee").
- 1.2 In the case of non-payment of the Sanction Fee in whole or in part, FAI shall be entitled to retain such amounts of the Deposit that are sufficient to meet the deficit.
- 1.3 All or part of the Deposit may be retained by FAI in the event of the Sporting Event being declared invalid or in the event of any unremedied breach of agreement under clause 6 of this Agreement as a non-refundable advance against the income expected under clause 3 of this Schedule 1.

2. ORGANISATIONAL COSTS

The Organiser warrants and undertakes to be responsible for and to bear all costs (including any taxes thereon) of organising the Sporting Event, including but not limited to :

- (i) provision and operation of appropriate venue and equipment (as described in Schedule 3) ;
- (ii) media facilities ;
- (iii) local travel costs for all participants between accommodation and contest site ;
- (iv) security and emergency medical costs and such on-site insurance cover as the FAI shall reasonably require;
- (v) protocol ;
- (vi) opening, awards and closing ceremonies;
- (vii) compliance with the organisational requirements of FAI Sporting Code, Section 6

3. DISTRIBUTION OF FINANCIAL SURPLUS

- 3.1 "Financial Surplus" shall mean any and all revenues receivable from the exploitation of the Rights set out in Schedule 4 or otherwise generated by the Sporting Event (including for the avoidance of doubt but without limitation revenues arising from broadcasting, ticketing, sponsorship, advertising, merchandising, licensing etc.), less the costs reasonably incurred by the Organiser for the purpose of exploiting the Rights or any commissions, royalties or other costs reasonably payable by the Organiser to third parties in connection with the Rights.
- 3.2 The Organiser shall pay to the FAI within 30 days of such Rights fees becoming receivable by the Organiser :
 - (i) % of the financial surplus receivable by the Organiser in relation to the recording transmission or other broadcast of sound or visual images relating to the Sporting Event ; and
 - (ii) % of the financial surplus receivable by the Organiser in relation to the exploitation of all other Rights including without limitation ticketing, sponsorship, advertising, merchandising, licensing etc.

SCHEDULE 2

ORGANISATION

The Organiser warrants and undertakes as follows :

- (i) to be solely responsible and to assume full liability for the entire organisation of the Sporting Event unless otherwise agreed in writing ;
- (ii) to be responsible for and make all the necessary arrangements in relation to the Sporting Event subject always to the approval of the Commission ;
- (iii) to be responsible for complying with and discharging all sums payable pursuant to the appointment and/or employment and/or contracting of persons engaged by the Organiser pursuant to this Agreement or otherwise ;
- (iv) to ensure that each and every one of its appointees will have the competencies, qualifications and experience necessary to perform the role and function of the appointee ;
- (v) to use its best endeavours to ensure that all are able to obtain visas, work permits or equivalent clearance so as to enter the territory of the Organiser ;
- (vi) to officially confirm if it is the intention to use the Sporting Event for any purpose other than the interest of air sports ;
- (vii) to ensure that the Sporting Event is of a world class standard and in particular to co-operate with the Technical Delegate (if appointed) and recognise at all times his authority in all technical and organisational matters; The Organiser may be required to bear the reasonable travel costs for at least two visits by the Technical Delegate. In the event that the Commission elects to appoint a Technical Delegate the Commission will use its reasonable endeavours to select a Technical Delegate who is located within reasonable travelling distance of the Sporting Event;
- (viii) to ensure that the Sporting Event itself and the Venue are safe and will be in compliance with any and all applicable laws, rules or regulations in the territory of the Sporting Event and the Venue at all times and that all necessary and desirable health and safety precautions, statutory, legal, regulatory and legal requirements are satisfied;
- (ix) to comply with any and all laws governing the appointees including, without limitation, occupational health and safety legislation and workers compensation legislation ;
- (x) subject to reasonable ticketing and health and safety restrictions, to allow members of the public access to the Sporting Event and encourage them to attend ;
- (xi) to comply with all of the reasonable directions and requests of the FAI, the Committee and the Technical Delegate and promptly to provide to them such information as they may request ;
- (xii) to procure the following media facilities:
 - ;
- (xiii) to abide by and satisfy the requirements of the FAI in respect of merchandising, which are set out in Schedule 5;
- (xiv) to send to FAI, as soon as is practicable after the end of the Sporting Event, a list of the official results, a press pack, at least ten (10) different high quality photos of the Sporting Event and the participants for use in FAI's archives, and profiles of all participants or (where this is not practicable) profiles of each of the winners.

SCHEDULE 3

VENUE

For the purposes of this section "Venue" shall mean that the venue used for the Sporting Event, and the immediately surrounding areas from which any material for broadcasting rights could be obtained or which could be used for advertising which would be visible to television cameras within the venue including the air space above the car parks, walkways, passageways, areas used for official functions, press centres, ticket offices, media areas; information centres, and/or other areas controlled by or on behalf of the FAO or Organiser.

The Organiser warrants and undertakes as follows :

- (i) to submit a Venue plan to the Commission, if required, no later than 3 months prior to the start of the Sporting Event ;
- (ii) to ensure that the Venue shall include :
 - sufficient space and other suitable facilities for officials, staff and all others involved in preparing, organising and staging the event ;
 - facilities for competitors that will be suitable for training, practising and competing during the Sporting Event ;
 - facilities that will be suitable for spectators, the media and also administrators. These facilities are to be provided for a period to be agreed with the Commission ;
 - the provision of all necessary equipment meeting FAI specifications and any other applicable safety specifications and kept in operational order throughout the Sporting Event;
- (iii) to give unrestricted access to all FAI officials and FAI-approved camera crews free of charge to the Venue and to provide those individuals with all reasonable assistance.

SCHEDULE 4

RIGHTS

1. The Organiser agrees and acknowledges that FAI owns all rights to the Sporting Event. FAI has agreed to license some of these rights to the Organiser in accordance with the following structure :
2. For the duration of this Agreement only, the Organiser shall have the following rights in relation to the Sporting Event ("the Rights") :
 - (i) use of the Sporting Event name for advertising as set out in the FAI Rules for Advertising for FAI Air Sport Events; and for merchandising purposes, such use to be subject to FAI's prior written approval;
 - (ii) use of the FAI logo (as notified to it from time to time) for advertising and merchandising solely in connection with the Sporting Event, such use to be subject to FAI's prior written approval and to be in accordance at all times with the FAI Online Styleguide;
 - (iii) creation of a proprietary logo for the Event (which must be approved in writing by FAI before use) ;
 - (iv) recording or real time transmission of sound and visual images of the Sporting Event to be used for archival and promotional purposes only including images produced by the judging or evaluation system of the event. If the Organiser wishes to exploit such images commercially, application for the right to do so shall be made to FAI and shall be the object of a separate agreement. The application shall make clear whether the Organiser wishes to benefit from FAI's world-wide TV distribution facilities. Any and all relevant intellectual property rights in such recordings, transmissions and coverage including without limitation copyright shall be the sole and exclusive property of FAI. The Organiser shall ensure that FAI shall have free of charge, full access to all sound or visual images of the Sporting Event for its own archival and promotional purposes, and shall have the right to make its own recordings of the Sporting Event free of charge. Unless a separate rights transfer agreement is signed by FAI and the Organiser, the right to commercial exploitation of sound and visual images of the sporting event shall be retained by FAI.
3. The Organiser must make substantial use of the FAI logo and the FAI flag (in such manner as must first be approved in writing by the FAI) for the purposes of promoting the Sporting Event. The Organiser shall comply with all reasonable directions of the FAI in this respect.
4. Following expiry or termination of this Agreement, all Rights will immediately revert to the FAI. If, for any reason, any rights of whatever nature relating directly or indirectly to the Sporting Event are held by the Organiser or any other third party as a consequence of any agreement entered into by the Organiser, all such rights will be held by the Organiser or such third party concerned in a fiduciary capacity for FAI and, at the request of FAI shall be assigned to FAI in a form and substance satisfactory to FAI, by the Organiser or such third parties, at their cost.
5. The Organiser shall not conclude agreements with third parties whereby rights are granted which conflict with or are detrimental to the exploitation of any rights retained by FAI. The Organiser shall inform FAI of any proposed agreement with advertisers or other commercial counterparts and all such agreements shall be subject to the approval of FAI, such approval not to be unreasonably withheld.
6. The Organiser warrants and undertakes to ensure that any emblem and/or motto created with respect to the Sporting Event by the Organiser (whether or not it is applied for as a registered trade mark or design) is submitted to FAI for approval and that this shall be available to FAI to use and licence on a royalty-free basis.

WAC2013 Inc
Signature

National Aeronautic Association of the USA
Signature

SCHEDULE 5

MERCHANDISING REQUIREMENTS

TO BE FILLED OUT

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The CIVA Guide to Aerobatic Championship Organisation

*Fédération
Aéronautique
Internationale*

Power and Glider Events

*Maison du Sport International
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Version 2013 – Initial draft v01
Effective March 2013

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FEDERATION AERONAUTIQUE INTERNATIONALE

Maison du Sport International, Av de Rhodanie 54 – CH-1007 LAUSANNE Switzerland

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RIGHTS TO FAI INTERNATIONAL SPORTING EVENTS

All international sporting events organised wholly or partly under the rules of the Fédération Aéronautique Internationale (FAI) Sporting Code¹ are termed *FAI International Sporting Events*². Under the FAI Statutes³, **FAI owns and controls all rights relating to FAI International Sporting Events**. FAI Members⁴ shall, within their national territories⁵, enforce FAI ownership of FAI International Sporting Events and require them to be registered in the FAI Sporting Calendar⁶.

An event organiser who wishes to exploit rights to any commercial activity at such events shall seek prior agreement with FAI. The rights owned by FAI which may, by agreement, be transferred to event organisers include, but are not limited to advertising at or for FAI events, use of the event name or logo for merchandising purposes and use of any sound, image, program and/or data, whether recorded electronically or otherwise or transmitted in real time. This includes specifically all rights to the use of any material, electronic or other, including software, that forms part of any method or system for judging, scoring, performance evaluation or information utilised in any FAI International Sporting Event⁷.

Each FAI Air Sport Commission⁸ may negotiate agreements, with FAI Members or other entities authorised by the appropriate FAI Member, for the transfer of all or parts of the rights to any FAI International Sporting Event (except World Air Games events⁹) in the discipline¹⁰, for which it is responsible¹¹ or waive the rights. **Any such agreement or waiver, after approval by the appropriate Air Sport Commission President, shall be signed by FAI Officers¹².**

Any person or legal entity that accepts responsibility for organising an FAI Sporting Event, whether or not by written agreement, in doing so also accepts the proprietary rights of FAI as stated above. Where no transfer of rights has been agreed in writing, FAI shall retain all rights to the event. **Regardless of any agreement or transfer of rights, FAI shall have, free of charge for its own archival and/or promotional use, full access to any sound and/or visual images of any FAI Sporting Event.** The FAI also reserves the right to arrange at its own expense for any and all parts of any event to be recorded, filmed and /or photographed for such use, without payment to the organiser.

-
- | | | |
|----|----------------------------------|--|
| 1 | FAI Statutes, | Chapter 1, para. 1.6 |
| 2 | FAI Sporting Code, Gen. Section, | Chapter 3, para 3.1.3. |
| 3 | FAI Statutes, | Chapter 1, para 1.8.1 |
| 4 | FAI Statutes, | Chapter 2, para 2.1.1; 2.4.2; 2.5.2 and 2.7.2 |
| 5 | FAI By-Laws, | Chapter 1, para 1.2.1 |
| 6 | FAI Statutes, | Chapter 2, para 2.4.2.2.5 |
| 7 | FAI By-Laws, | Chapter 1, paras 1.2.2 to 1.2.5 |
| 8 | FAI Statutes, | Chapter 5, paras 5.1.1, 5.2, 5.2.3 and 5.2.3.3 |
| 9 | FAI Sporting Code, Gen. Section, | Chapter 3, para 3.1.7 |
| 10 | FAI Sporting Code, Gen. Section, | Chapter 1, paras 1.2. and 1.4 |
| 11 | FAI Statutes, | Chapter 5, para 5.2.3.3.7 |
| 12 | FAI Statutes, | Chapter 6, para 6.1.2.1.3 |



Preface to 'The CIVA Guide to Championship Organisation' (the GCO) Initial draft v01 - March 2013

FAI / CIVA Championship Regulations

The FAI/CIVA statutory documents "Section-6" parts 1-4 and other relevant FAI policy and technical descriptive documentation, obtainable from the FAI/CIVA website, must take precedence in all operational matters of policy and procedure regarding CIVA championship organisation and management.

What the GCO is for

This guide has been compiled to assist CIVA Championship Organisers to plan their events by showing how other organisers have conducted their own championships to good effect by in the past. The aim is to provide a comprehensive set of 'best-practice' solutions and initiatives drawn from many sources, to encourage the adoption of operational procedures built on the cumulated hard-won experience of others and where possible to avoid the re-invention of old ideas where this is not necessary.

The GCO is *not* a 'Must Do' document. It simply provides a compendium of 'Good Advice' that may be reviewed and adopted wherever it is considered appropriate. The guide will inevitably develop and change as improvements, corrections and additional subjects are considered.

Championship Liaison

We know that the task of an aerobatic championship organiser is considerable. When planning your event, if an alternative course of action to that specified by the definitive Section-6 / FAI documentation comes under consideration then prompt contact should be made with CIVA to discuss the circumstances of the intended solution in order to ensure that the most appropriate and acceptable practices are adopted.

It is normal CIVA practice to designate a primary contact person to act as the CIVA liaison officer with event organisers, who should thus be the initial point of reference in all queries regarding the concept and planning of your championship. This will normally be the Head of International Jury appointed to the event. If further or alternative advice is required then the championship Chief Judge or the CIVA President will be the natural person to contact.

GCO maintenance and development

CIVA is keenly aware that the triggers for continuous development of this guide and the maintenance of its content will come in the main from those individuals who take on the responsibility for organising World and European championships. Each organiser will naturally build a detailed working knowledge of the key national and international matters that relate to the operation of their own event. The CIVA GCO Working Group will always be keen to receive and discuss improvements and revisions to the material presented in this document, with a view to maintaining the highest possible standard of advice and guidance therein.

Nick Buckenham

CIVA GCO Working Group Chairman, 2013

Tel: +44 01487 833022

Mob: +44 7773 768386

Email: nick@nickandjenb.co.uk

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1. Bidding for Championships

CIVA Bidding Documents and Agreements

All the documents necessary to make an official submission to FAI / CIVA for a World or European Championship will be found on the FAI website at <http://www.fai.org/civa-documents> in the Event Organisers sub-section.

FAI Organiser Agreement

The FAI will require each organiser to submit an Organiser Agreement to define the duties and responsibilities of each party in law. This Agreement must be negotiated, approved and signed by both parties before the Organiser may proceed with the event.

[LG / Rob Hughes to provide further material here?]



2. FAI / CIVA Services and Documents

FAI Sporting Code

The FAI / CIVA Sporting Code Section-6 for Power (part-1) and Glider (part-2) events, and for World Air Games (part-3) and FAI Elite Aerobatic Contests (part-4) may be downloaded from the FAI / CIVA website at <http://www.fai.org/civa-documents> in the Sporting Code sub-section.

International Jury Handbook

This is available from the FAI online portal at <http://www.fai.org/fai-documents> in the Officials section.

FAI Services and Contacts

See the FAI online information at <http://www.fai.org/structure/head-office> to obtain details of the current management structure and section responsibilities at FAI headquarters.

FAI Medals and Diplomas

Organisers can expect to hear from the FAI Head Office in Lausanne shortly after the approval of the bid. Christine Rousson (email christine@fai.org) is currently the contact for all organisers and is responsible for shipping the FAI and CIVA Medals, FAI Diplomas, FAI flag, and other material.

See CIVA Section-6 para 1.3.1.5/6 for further details.



3. Opening and Closing Ceremonies and Awards

Refer also to “Protocol for Award-Giving and Closing Ceremonies at FAI Championships” from the FAI online portal at <http://www.fai.org/fai-documents>

Introduction

The ceremonies mark the official beginning and end of the competition, and are significant because:

- They bring together competitors, officials, dignitaries, and guests in one place to officially mark the opening and closing points of the event. Their “Olympic” style presentation attracts attention from the media, public and sponsors, with traditions dating back to the beginning of FAI and CIVA.
- They provide the formal arena for recognition of the championship winners and their presentation to the air sports world, the aviation community, and the public.

Therefore the dignity and quality of these events must be maintained and protocols observed in order to respect the importance of FAI Aerobatic Championships and the level of skills, talents, and dedication displayed by the winners in the rigorous atmosphere of international competition.

Venue

The selection of venues for the opening and closing ceremonies will depend on the location of the championship, the facilities at the airfield or nearby, and the number of participants. If an outdoor ceremony is planned then an indoor alternative should be available in case of inclement weather. There must be a stage or a central area where the speakers may be located, with operational public address facilities. Seating is not essential for the opening ceremony, but it is required for closing as the awards presentations are complex and can take considerable time.

Opening Ceremony

The primary aim is to gather everyone together and to have the event officially declared “open”. The ceremony should comprise at least the following elements:

- A “Parade of Nations” to begin the ceremony. An assembly point should be designated for the Teams, Judges and the Jury to assemble in alphabetical order – local language can be used for country names.
- A sign that indicates the country and their national flag should lead each Team, normally carried by local youth in traditional costume.
- The Parade can be accompanied by music – military and other bands are suitable
- The Teams should finally assemble along a line that encircles or faces the podium area.
- The announcer, normally a senior member of the organising team, will call for the FAI anthem to be played and the FAI flag will be raised.
- The Contest Director will welcome everyone and extend his best wishes to everyone for a safe and successful event.
- The assembled local dignitaries, government officials etc. at the stage or podium area should be introduced as they come to the microphone to add their welcomes.
- Finally, the highest-ranking FAI official will officially declare the event “open”.

For the purposes of protocol, FAI officials are ranked as follows:

- FAI President
- CIVA President



- FAI Secretary General
- CIVA Vice President
- International Jury President

Some additional points:

- Team members, CIVA officials, and contest officials must be properly dressed. Most Teams have a uniform suitable for this purpose; blazers, shirts and ties should be the norm.
- CIVA officials will not wear any national colours as they are considered “FAI International Officials” and must avoid any appearance of favouritism or bias.
- The Master of Ceremonies (MC) should speak English as this is the official language of FAI Aerobatic Championships. If the MC conducts the ceremony in the local non-English language then a simultaneous translation is necessary.
- A translator should be available for anyone who does not give their speech in English, to translate the speech into the local language.
- An official photographer should be present for all ceremonies in order to document the event and to provide digital images to the organizers, the FAI, and CIVA.

Closing Ceremony

These combine speeches and the awards presentations. Many closing ceremonies are held in conjunction with a dinner, in which case the following points should be considered:

- Reception – a time to gather, share drinks, and to socialize.
- Dinner – set an exact time for beginning.
- The award presentations can precede or follow the dinner.

There is additional complexity because of the awards, national anthems and flags that are to be presented or utilised. This will require particular attention to the following:

- The awards podium (three-level if possible) and the three flag displays should be of different heights, with the highest in the centre for the Gold medal winner; the left podium position / flag pole, as seen from the spectators, will be for the Silver winner and the right for the Bronze winner.
- If an indoor setting is employed then the flags may be displayed on a screen, helpfully with the winners names also displayed.
- Instrumental versions of all national anthems are available on the internet in .mp3 format. Prior to the ceremony these must all be scrupulously checked for accuracy and quality.
- Flags representing each officially present nation must be checked for accuracy and size, and hung in an appropriate manner. All flags should be of the same size.
- A large table should be set up on or nearby the stage/podium for the medals and trophies to be displayed for viewing prior to the event, and for easy access to the assistants to the presenters. It is most helpful to lay them out in the chronological order of their presentation, with a clear list detailing the recipient, a description of the trophy and where appropriate its history and origin.
- FAI Sporting Code, Section 6, requires the International Jury to conduct a review and check of all medals and diplomas. This should occur prior to or at the beginning of the Championships in order to resolve any problems with the FAI Head Office in Lausanne, Switzerland. The Medals and Diplomas are normally sent to the organizers many weeks prior to the event.

The awards-giving will be conducted as follows:

- The MC should announce who will present the various FAI medals, CIVA medals, FAI diplomas, and trophies along with their titles.
- CIVA medals and FAI diplomas for individual flight programmes can be awarded by a contest official, member of the International Jury, local dignitary, or sponsor representative.



- The FAI medals (larger in size) and diplomas for the overall champion, the women's champion (unlimited power only), and team champions should be presented by the highest ranking FAI official in accordance with the list above. FAI medals will be delivered pre-engraved for the event.
- Trophies for the overall champions and team champions will be presented by the highest ranking FAI official.
- Other officials, such as those of the contest, or local dignitaries may assist the primary presenter in this process such as helping with the handling of the medals or presentation of diplomas.
- FAI Sporting Code, General Section 3.16.3.2, requires that FAI diplomas be awarded to 1st through 10th places overall. The FAI diplomas for 4th through 10th places should be presented before the top three diplomas; the winners are called to the podium as the MC announces the recipient's name and country, to receive their diplomas immediately.
- Medal winners will then be called forward separately by name and country, in the order of bronze, silver and finally gold to have the medals hung around their neck, the diplomas presented, and the trophies handed over as appropriate. Team medals are presented in the same order.
- Immediately after all medals and diplomas have been given, the national anthem of the gold medal winning individual or team will be played and the three flags will be raised simultaneously. If an individual is not representing a country, the FAI anthem will be played. Note that "hors concours" (H/C) pilots are not eligible for any awards.
- Team medals, diplomas, and trophies will be the last presented.

Time should be allowed for spectators and media to take photographs of the winners prior to them stepping off the stage. However, in no case should photographers be allowed to interfere with the viewing of the ceremonies by spectators.

The final stage of the closing ceremony is as follows:

- After the last awards presentations have been made and the competitors have left the stage or podium area, the MC will then direct the FAI flag to be lowered and at the same time, the FAI anthem will be played.
- The FAI flag will be neatly folded by the organiser's staff and given to the Contest Director. The Contest Director will, in turn, present the FAI flag to the highest-ranking FAI official on site. That official will then present the FAI flag to the organizer of the next Championships (appropriate to category) if they are present.
- The highest-ranking FAI official will then formally declare the event closed.

After the Closing Ceremony

Organisers should carefully check that all medals, diplomas, and trophies have been presented and taken away by the recipients. If any items are left at the podium they should be given to the winner(s) in case they were left behind, or taken to storage for later shipment. Trophies are valuable and must always be carefully protected.

All Trophies presented at FAI Championships are "traveling trophies". They are brought to the event by the previous winners and taken away by the current winners. The organiser is responsible for them from their arrival at the event and until their presentation to the winners.

Winners and/or Team Managers must sign a CIVA agreement that requires them to provide proper care to the trophies. All Trophies have carrying cases which must be brought to the closing ceremonies.



4. Bulletins and Local Regulations

Sporting Code Requirements

General

The Organiser of a World or European Championship should publish at least two major bulletins on the championship website, to describe the key elements of the forthcoming event for the guidance of pilots, officials, and all other interested parties.

Bulletin #1

This document, preferably in PDF format, must be published as soon as possible after formal acceptance by FAI / CIVA of the organisers bid for the event, and certainly not later than 6 months prior to the event. The aim of this initial bulletin is to provide a complete briefing on the structure of the event, including the overall schedule and entry costs, how interested pilots and teams can check their eligibility and make an initial entry, and contact details for key officials in the organisation.

The following list provides a series of suggested section headings and indications of appropriate content for inclusion in this bulletin. This guide does not however comprise an exclusive series of subjects or sub-items; Organisers should take care to include all items of information that officials, competitors and visitors might require relating to the safe and timely operation of the event.

Organisers

Name of the official organiser
Name of the officiating body (if different)
Primary areas of responsibility

Rules

The FAI and CIVA regulations for the event:

- FAI Sporting Code – general Section
- FAI Sporting Code Section-6 Regulations
- National Aviation Authority regulations
- Local regulations applicable to this competition
- The official language of the event
- The protest fee currency and amount

Officials

Names and areas of responsibility:

- The International Jury
- The Chief Judge and board of Judges (if known)
- The technical commission
- Local officials – the CD, deputy CD, airfield manager etc.
- Responsible members of the organising body

Location

The ICAO code and postal address for the event

Runways in use, radio frequencies

The contest site geographic location with respect to other significant aviation centres



Details for the local Aero Club etc.
Details of the expected accommodation site(s)
Transport arrangements

Schedule

A table of dates and times for opening and closing ceremonies, briefings, flying periods, final airshow etc.
A schedule for training days prior to the event
Details of access to the competition site for box flights, if possible and/or appropriate
Notice of the first allowed arrival date and time for teams and pilots
Expected arrival times for CIVA officials and members of the judging panel
Plan for operation of Programme-5 – (4-minute Freestyle, unlimited power)

Facilities

Hangarage availability and space allocations
Fuel and oils to be available
On-site maintenance and engineering services

Entry Eligibility

Entry criteria for NAC teams and pilots
Size of Teams
Possible reductions to team sizes
Possible restrictions on male/female team pilot numbers
Hors Concours (H/C) entries, i.e. not from NAC's
Team officials' restrictions, observers etc.

Entry Requirements

Aircraft and pilots documentation requirements
Competing aircraft requirements
Local Aviation Authority regulations and documentation required
Aeroplane Insurance requirements
Submission of Free Sequences
Relevant customs and border visa requirements and entry controls

Entry Process

Sources of and access to registration of preliminary entries
NAC approvals required

Entry Fees

Table of dates and entry fees payable for pilots and non-competing team members
Explanatory statement regarding entries for Programme-5 only (4-minute Freestyle, unlimited power)
Description of accommodation options and sharing discounts together with the relevant fee structure
The required currency for fee payments
Organisers bank account details, IBAN, SWIFT codes etc. for making international payments
Statement regarding payment of local bank fees
What is and what is not included in the entry fee
Refund policy
Media and publicity requirements and funding, sponsors logos, flight televisual recordings

Training Sites

Options and opportunities for securing local training sites



Priorities and expectations in the allocation of training sites
Restrictions to direct contact between teams and potential training sites

Airshow (if there is one)

Planning and expectations for a final airshow
Regulations, Display Authorisations and local CAA requirements
Opportunities for competitors to take part in the airshow
Airshow entry fees and/or payments

Departures

Clearances for departure at the end of the event
Exit documentation, transit planning etc.

Weather

Local and en-route weather information resources
Weather expectations for the duration of the event

Doping Control Measures

Statement regarding the organisers and competitors obligations
Submissions of Therapeutic Use Exemption (TUE) documents
Co-operation with FAI / CIVA doping control measures
Competitors use of prescribed and other medications

Publication of Bulletins

When and how further bulletins will be promulgated etc.

Contact Details

Comprehensive details should be provided of all relevant officials and their areas of responsibility
Volunteer opportunities and requirements should be explained
Details of any other useful information centres should be added, for example relating to Passport and VISA controls, border and currency restrictions etc.

Appendices

The Preliminary Entry Form
Airfield Information
The aerobatic performance zone and the judging positions
Anti-Doping Policy Statement
Statement of Substances and Methods prohibited at all times
Therapeutic Use Exemption (TUE) form
Anti-Doping Acknowledgement and Agreement form for entrants to complete
All other critical documentation, forms, requirements etc.

Bulletin #2

At a later stage it may be necessary to update items given in the initial bulletin, and/or to add further information regarding key developments in the championship plan, and/or to provide additional information as a result of entries received, comments made and questions asked, national and local flight regulations, customs procedures etc. Bulletin #2 – and any further bulletins or official publications the organisers may feel necessary – should follow the format of the above guidelines, and be made available in the usual way on the Organisers website.

5. Airport Layout

General

This section describes the responsibilities of the organiser in setting-up and managing the practical aspects of the airfield for officials and pilots. Note that other sections in this manual also contribute to the same subjects, from the viewpoint of the officials concerned.

The Aerobatic Performance Zone

Refer to CIVA Section-6 4.2.5 and 4.6 for details of the layout for the performance zone and the necessary ground markings.

Contact should be established between the Contest Director and the Chief Judge at the earliest opportunity, to discuss and agree all matters of importance prior to the arrival of the CJ and commencement of the event.

The basic ground-marking requirements for the aerobatic performance zone (the “box”) are set out in CIVA Section-6 para-4.6. The marker strips must be robust and durable items of the correct size, fixed to the ground in such a way that they cannot be blown loose by high winds etc. The colour of the strips should preferably be bright white, or some alternative that provides a clear and contrasting indication of each axis or boundary; in this context care must be taken to avoid specifying a colour that might be inappropriate to anyone subject to unusual imbalance in their colour interpretation.

Human presence

The area within the box and its immediate surroundings should be clear of any public or private road, walkway or occupied premises. It should be kept ‘sterile’ and free of any human presence during all competition flights.

Marker placement and visibility

The area below the box plus the 50m buffer zone must be essentially flat so that the markers can normally be laid at ground level without any possibility of slant-view interruption to their visibility. If raised marker supports are necessary they must not exceed 3m in height.

Obstacles

The box must not contain any obstacle higher than 5m that might provide a safety issue in the event of a forced landing.

In the event of an obstacle higher than 5m within the box area the Chief Judge must be consulted to determine its acceptability; this may lead to the minimum flight altitude being raised to provide safe clearance during all competition flights.

There should be no obstacles local to the box perimeter that might compromise any of the above conditions. In this context local trees and/or buildings must be measured and assessed for their acceptability in relation to the safe operation of the box for competition flights, and if in any doubt the Chief Judge should be consulted to provide the official CIVA position.

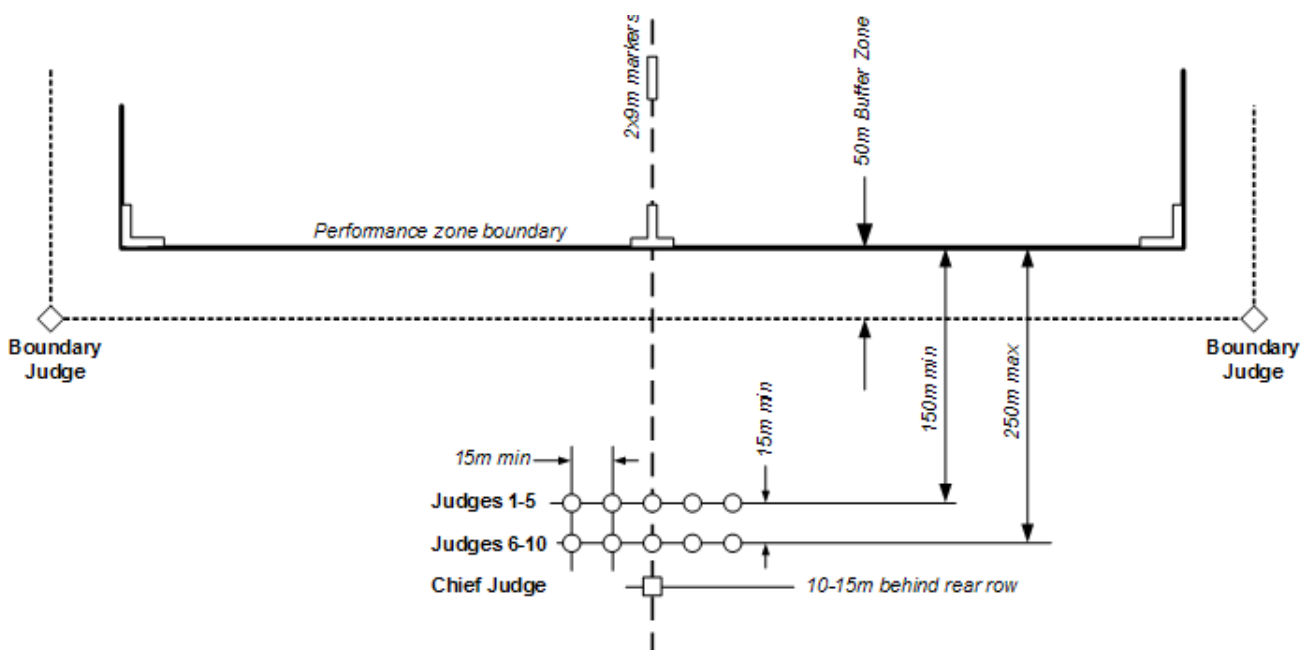
Emergency landings

The area below the box must contain or be adjacent to a usable runway so that an emergency landing can be safely made from any location within the box at minimum altitude. Non-compliance with this requirement would almost certainly render such an area unacceptable for competition purposes.

Judging Position Locations and Facilities

Hardware and facility requirements relating to the judging positions and facilities are dealt with in the Judging Line section of this manual. The positions and spacing of individual judging stations is detailed in CIVA Section-6 para 2.1.7.

The judging stations must be located at least 150m but no more than 250m from the adjacent box edge, and separated by at least 15m. The Chief Judges station should be located on the box secondary axis and 10-15m behind the judges. The sketch below provides an example layout, but local conditions may lead the organiser to alternative solutions – the Chief Judge and the Jury must finally approve whatever is proposed.



Note also that any obstructions (buildings, tree etc.) within or adjacent to the performance zone greater than approximately 10m in height that might obstruct the judges view of a competing aeroplane at disqualification height at the far side of the box, or which might create a safety problem to the pilot, would require Jury approval. Although it is possible to officially raise the 100/200m minimum flight altitude to accommodate obstructions this is highly undesirable, thus the siting of the performance zone and the judging locations should receive the utmost care and preparation.

Facilities and provisioning: The judging panel and associated ground staff may comprise as many as 35 people of both sexes who will work with high concentration for up to ten days at an open location. Good equipment, facilities and the regular provisioning of their snacks and refreshments is of high importance and essential if a high rate of flight completions is expected.

Separation from outside influences: Closeness of the judging locations to public roads, pathways and/or construction, farming or equipment operations may significantly impair a judges' concentration and lead to poor performance. The organisers should ensure that none of the above can influence the effective operation of the judging panel, and take immediate steps to mitigate such problems if they occur.

Communications equipment: The Judging Line section of this manual details the communications hardware and servicing necessary to ensure the high standard of intercommunications essential at a major

championship. The ability to handle potential emergencies by the CJ, the Flight Director and the Contest Director are highly dependent upon the reliability and effective use of this equipment. Note that line-of-sight problems with vhf transmissions can severely compromise the performance of communications systems, and great care must be exercised to avoid the use of inappropriate locations. The intended communications equipment should be thoroughly tested well in advance of the event so that alternative arrangements can be put in hand should any aspect of these systems prove inadequate – it's too late at the event itself.

Paperwork runners

A small number of dedicated staff and transport facilities will be required to ensure the timely return of completed judging paperwork to the scoring office. Delays to paperwork returns can severely compromise progress at any event, especially toward the completion of a sequence.

Boundary Judging

When boundary judges are used, the organiser should include the locations and facilities when surveying to locate the performance zone to ensure that –

- the boundary judging locations themselves are easily accessed when required, and
- that reliable radio communications can be maintained between the boundary judge and the Boundary Judge Manager (most likely situated at the Chief Judges desk), and
- that a competing aeroplane in the vicinity of the boundary lines controlled by the relevant judge will be clearly visible for the purpose of determining if/when it transgresses the zone boundary in both outwards and/or inwards directions.

Each designated boundary judging location must be furnished with appropriate seating and the equipment necessary to accurately assess the said boundary transgressions, and these items will be checked by the Jury prior to the start of the contest.

Flight Line and Airfield Facilities

Provision of flight line facilities falls generally under the following major headings:

Fuel and oils

The organisers must provide within the entry fee for each competitor a sufficient quantity of aviation fuel and lubricating oils for all competition flights, serviced through approved equipment suitable for in-field operations. Avgas 100LL is the normal fuel requirement; synthetic and straight oils in the commonly used viscosities in 1-Litre disposable bottles will fulfil the lubrication requirement. Fuel and oil for official practice periods and return transits must be paid for by the competitors. The total quantity required is easily determined, and sufficient provisioned plus a suitable margin.

Hangarage

The organisers should aim to provide sufficient secure hangarage for all competing aeroplanes. Visiting a/c accepted into the contest environment may if necessary be stationed outside, and advice to this effect placed on the organisers' website. An appropriate level of insurance should be in place to cover incidental damage if not caused by teams or competitors; in this context it is in the organisers' interest to affect all a/c movement into and out of the hangars by responsible members of staff.

Briefing room

There will be many briefings during the event, and an easily accessed room large enough to accommodate all parties, with a raised front area and a good standard of audio-visual equipment, is necessary. The briefing room should preferably not be consigned for any other purposes for the duration of the event.



Distributed toilet facilities

A good number of temporary toilets should be placed throughout the site so that competitors can easily access them at short notice, bearing in mind the need for disabled person access and usability.

Registration and central administrative area

Handling the registration of pilots and other team members and logging the receipt of Free sequences will make this a busy area for 2-3 days, thereafter relatively unused. Competence and speed are the key early requirements for staff operating these desks.

Food and beverage provisioning

This is a major task, best consigned to a proven team experienced in this type of event catering. It will also be a significant cost to the organisation, thus careful management and control will be required throughout.

Pilots, team members and Officials photos

While tiny passport-style photos may be acceptable for security passes, these are rarely adequate for subsequent PR purposes and for entering into the scoring system data-file for web uploads etc.. Contact local amateur photographic clubs and offer free access to one or two photographers in return for a complete set of pilots and officials photos, and the whole job may be done without significant cost or effort from the organisation.

Engineering and maintenance facilities

Access to an on-site accredited aviation maintenance service is essential, although often the duty will be intermittent and light. Engineers on duty should have direct experience of working with aerobatic a/c and pressured timescales.

Transport to/from the hotels

Depending on the distance between the hotels and the contest site, the presence of sufficient public transport vehicles and drivers to undertake the prompt carriage of contest personnel to and from the event throughout the day is essential to enable morning briefings to start on-time and the return of people to the hotel area whenever required.

Fire and Medical Emergency facilities

Set up meetings with your local Fire and Ambulance Services to determine the level of cover that they deem appropriate for such an event, bearing in mind the likely nature of any aviation incident. Query also the legal minima required in your country, and establish firm arrangements to meet the appropriate criteria.

Police awareness

Contact the local Police Station and discuss the traffic handling and security arrangements that they feel appropriate. Establish firm arrangements with them to meet the appropriate criteria.

NOTAMs/TRA's and local aviation regulations

It will be essential to make the national aviation authority responsible for airspace control aware of the timing and nature of the event, and to put in hand a TRA (temporary restricted area) or at the least a NOTAM arrangement to advise other airborne traffic regarding the expected flight operations around the area of your box. It may be necessary to obtain a waiver or similar clearance to entitle the organisation to operate competitors a/c down to the minimum altitudes expected, and other local conditions may apply. You will also need a dedicated safety frequency for the event, which may require long-term planning and official acceptance with implications for other traffic.



Provision of WiFi

All competitors and team members will require access to WiFi services around the competition area. This is a specialist task for which an outside contract is normally the only suitable solution. WiFi at the hotel(s) should also be assured so that contest personnel have free access to the CIVA Results system.

Public loudspeaker equipment and Commentators

Though not essential it is good practice to provision for an appropriate standard of open-space fixed loudspeaking equipment and at least one good commentator experienced in aerobatic matters.

The Scoring Office, the Judges Briefing Room and the Jury Office

These three offices should be on the airfield, separate and lockable. Scoring Office and Judges Briefing Room requirements are detailed in the dedicated sections of this manual; the Jury Office may be quite small and will normally be used by only three people.

Meteorological Services and office space

Reliable information from professional weather resources is an essential service need throughout the event. This may be provided at briefings by the CD or a meteorological officer; the latter would usefully operate from adjoining space to the balloon / wind measurement crew.

ATC equipment and facilities

The ATC requirement is relatively light for competition aeroplane traffic, and may optionally be handled by established local ATC staff at the event airfield. Reliance on handheld airband communications devices as the sole means of communication is not advisable, as these may not provide adequate wattage under all circumstances.

Snacks and Refreshments for competitors

Between official meal times and perhaps after the day's flying has finished it will be necessary to provide some availability of light refreshment (coffee, tea, canned drinks, snacks etc.) to all personnel present at the event. Aligning this service with the principal meals provider may be appropriate, but a separate resource will provide an alternate channel in the event that the primary service becomes disrupted.

The Cloud-Base checking pilot and aeroplane

The Jury may require the immediate services of a light a/c and pilot to check the cloud-base. This must be provided and the cost covered by the organiser.

Team tenting

The organisers should provide a minimum of one tent / sun-shade area of suitable size for each team, taking into account the number of team members, together with leisure seating to accommodate all team personnel in relaxing conditions when not flying.

Aeroplane preparation area

There should be a space allocated for competitors to locate their aeroplane while preparing for their flight, adjacent to or easily reached from the hangars area and the Team tents. This should be a clear distance away from the re-fuelling area and the designated sterile area.

Safety and Security

Lateral separation between the performance zone and any areas where the public or contest personnel are allowed should be sufficient to ensure safe clearance from overhead flight by competing aeroplanes.



Unauthorised persons, e.g. non-team members and the general public should be prevented from access into all areas where aeroplanes are stored and/or propellers may rotate.

Sufficient trained medical staff and First Aid facilities, and fire-fighting equipment and personnel, should be available at all times to meet national regulations, especially with regard to aviation and public display related circumstances – see CIVA Section-6 4.1.3.

From a short while before on-site training is allowed and throughout the event itself it will be necessary to maintain a high standard of security to prevent outsiders from being able to access and/or cause damage to stored aeroplanes and associated equipment.

Traffic flow and policing into and out of the event site may also require planning in conjunction with local Traffic Officers and/or Police.

The local police should be asked to provide details of all relevant national public safety and security regulations to ensure that organisational planning enables them to be met or exceeded.

The “Sterile” Area

Refer to CIVA Section-6 1.4.4 (Technical Commission) and 4.2.7 (Mechanical Defects).

The organiser must prepare a secure or “sterile” area that is protected from spectators and team members, such that a pilot declaring an in-flight mechanical defect may land and taxi to this area for inspection by the technical commission.

Wind Measurement Service Requirement

See CIVA Section-6 4.2.2

The organiser should secure the services of a qualified weather station crew to provide such wind measurements as are required every half hour, or as otherwise stated. Note that approved wind measuring techniques differ between power and glider contest regulations. This information must be quickly made available to the Contest Director, for circulation among the designated recipients.

Meal and refreshment provision during the event

See CIVA Section-6 4.1.3

If the event is to take place in potentially hot conditions it will be important to ensure that sufficient food and refreshments are available at all times, both for competitors and others, to meet all likely hydration requirements.

Note that it may also be necessary to accommodate requirements for special dietary needs such as vegetarian or kosher food.

6. Scoring

General

The scoring office and its staff play a critical role in the smooth running of all major CIVA Championships, providing essential support to all other officials. Early nomination of the Scoring Director and associated staff will greatly encourage the smooth take-up and management of contest information and the creation of key paperwork that is essential to all parties during the event.

Scoring Director and Assistant

- The Scoring Director (SD) is a vital post in the championship organisation team. Current experience in practical data-collection and computer based information distribution systems is essential. Accuracy and speed under pressure are required to deliver reliable services to other parts of the event management effort.
- The SD must be supported throughout by at least one experienced Assistant dedicated to managing the flow of paperwork and information between the judging line, the Jury, the organising team and the scoring office.

Office and facilities

- A lockable room separate from all other event activities is essential, to provide a quiet and uninterrupted zone for the Scoring Team to concentrate on their tasks.
- At least 5 electrical wall-sockets will be needed for electrical equipment connections.
- Air conditioning will be advantageous if the local environment becomes hot.

Computer software

Two scoring systems are currently authorised for use at CIVA Championships:

1. **ACRO** – download from www.exploit-design.com
Contact: Nick Buckenham, CIVA Scoring Director (CSD)
Email: nick@nickandjenb.co.uk and tel: +44 (0)7773 768386
2. **ACSM** – available from Michel Dupont
Contact email: michelg.dupont@laposte.net

Note that ACSM may not provide the full Judge Performance Analysis sheets that will be requested by the Chief Judge for distribution between each completed sequence. CIVA confirmation will be required before this software may be used.

Whichever system is used the SD *must* be thoroughly familiar with all practical aspects of the software. Apart from the basic data handling aspects:

- The availability and incorporation of Pilot and CIVA Official's photos
- The creation of successive Flying Orders to meet CIVA regulations
- The regular uploading of event results and other championship information to the CIVA Results website

are a wide range of key items to which the SD must pay particular attention. Note also that for access to the CIVA Results web, logon/password details must be obtained from the CSD well in advance of the event.



Hardware and equipment

The following list should be taken as a basic requirement. Confirmation should also be sought from the nominated SD regarding other items that may also be required:

- Desk for scores entry – at least 800mm x 1600mm (approx. 32" x 64")
- Two good-quality adjustable office / secretarial type chairs.
- A desktop computer with up-to-date Windows operating system, although the SD may prefer to use a personal laptop instead.
- Colour Printer-Copier-Scanner capable of min. 45 sheets/min.
- Separate Photocopier or Copier-Scanner for mono output, min 45 sheets/min.
- A quantity of spare printer toner and/or inkjet cartridges for the units present.
- A broad selection of office supplies including A4 boxes, plastic sleeves, filing trays, folders, staplers, adhesive tape, post-it notes, waste bins etc.
- Binder system for creating 10-12 sets of Free sequence paperwork.
- A quantity of USB memory sticks, mains and data leads, task lighting etc.

Paper for printing

The number of A4 (or Letter in the US) paper sheets printed during the event may be surprisingly large.

Ready reckoner for sheets required:

Sequences (there can be up to 6)	Form A	Forms B+C
Known	"P"	1xB and 1xC
Free	"P"	1xB and 1xC per pilot
Free Unk-1	"P"	1xB and 1xC per unique sequence
Free Unk-2	"P"	(assume 5)
Free sequences booklets		1xB per pilot
F/O lists, Results, Judges analysis, Other documents		Assume 1,000 sheets min.

No of Pilots "P"	Approximate total No of sheets required:	
	For 7 Judges	For 10 Judges
25	2,400	3,000
50	3,600	4,700
75	5,400	6,500
100	6,000	8,500

Internet access

The scoring office must be within range of a reliable Wi-Fi system or have cabled broadband internet access installed to service the CIVA Results website.

Preparation of judging paperwork

Timely preparation and availability of the judging paperwork – whether carried out by the Registration Office, the Scoring Office or a separate group of dedicated personnel – is a major task. Great care is necessary to avoid mistakes or errors within the paperwork or delays to its distribution, which can have a deep impact on the successful outcome of the whole championship. It is strongly recommended that this service is operated with intimate linkage to the data held within the scoring software, which should always

be used as the primary source for pilot / judge / sequence data. The use of separate spreadsheets and/or handwritten lists should be avoided unless there is no available alternative, in which case extremely thorough cross-checking must be instituted to ensure that reliable and correct output is achieved.

- It is critical that judges sets of paperwork are sorted in the expected order of flight, that they are properly identified to associate the correct sequence diagrams and Form-A's for the judges, so that the correct Form-A's are subsequently collated with the Flight Summary Sheet and the associated Boundary Judging data by the Chief Judge for despatch to the scoring office by the runners.
- For power programmes-2 onwards and glider programmes 2 and 4 (the Free and Free Unknown sequences) all pilots fly unique sequences, and thus any incorrect ordering of paperwork by the scoring office – which could lead to incorrect use of it by judges – would cause serious problems on the judging line and the entry of incorrect data into the scoring computer. The ACRO scoring software provides an anonymous identification 'key' for each pilot to allow subsequent unambiguous identification of Form-A's without contravening CIVA rules of anonymity.
- The Chief Judge will also require a set of judging paperwork for each pilot, together with a copy of the official order of flight and sufficient Flight Summary Sheets and Boundary Judging forms to record all necessary instructions and comments, so that the scoring office can accurately enter the data without further reference to the judging line.
- In the event of any doubt regarding any of the data returned by the Chief Judge, the SD must without delay, either personally or by messenger, determine from the CJ the correct solution to the query. Any changes must carry the signed approval of the CJ or a member of the Jury.

Distribution of Free sequence copies

The Chief Judge will require the scoring office to provide a complete bound set of all Free sequence Form-B's for each judge well before the completion of the preceding sequence. These must be anonymous, with no mention of pilots' names, team references, logos other than FAI/CIVA, computer filenames etc. The use of temporary "masks" in the photocopier can greatly simplify this process.

Complete sets of pilots Free sequence Form-B's – but this time including their identifying / origination information – must also be provided for the Jury and each Team Manager – see Section-6 para 4.3.3.9.

Data entry

Much of the basic data entry must be completed well ahead of the contest first briefing so that the Contest Director, Chief Judge, Jury, Flight Director and other officials have the necessary official documentation to manage their jobs. Accurate details of all Sequences, K-factors and Penalties, Pilots / Teams / Aeroplanes, Judges and Assistants etc. must therefore be made available to the Scoring Director in good time.

At the close of the Registration Period a copy of each Pilots Free sequence is required by the SD to allow entry of all Free sequence K-factors and SuperFamily data so that creation of Free programme judging paperwork and the creation of Form-B booklets for the Team Managers and Judges can commence.

The marks entry workload is normally high throughout all championships. It is best handled by two people to key-in and constantly check the entered data for accuracy.

Flying Orders

For all sequences after Programme-1 (power) and Programme-3 (glider) the scoring software must be used in the presence of a member of the Jury to provide Flying Order lists that meet the relevant CIVA Section-6 regulations. This can be a complex and pressured task for which the SD must be well prepared. It is especially

urgent when a Free Unknown sequence follows, due to the high workload imposed on the SD team to subsequently produce sufficient judging paperwork sets to allow flying to commence without delay.

Photographs

In conjunction with the organising team, good quality photo JPG's for Pilots and Contest Officials should be available to be entered into the scoring system for inclusion on all relevant items of paperwork and web-based results pages/pop-ups etc.

- Note that passport style images may provide inadequate quality. Original JPG's of at least 1,600x1,200 size or similar should be the minimum acceptable standard.
- The organisers should encourage local amateur photographic club members to become involved, this option normally providing a good standard of photography at little or no cost. The photographers can also use the scoring software with a copy of the contest file (to provide accurate names) to prepare photo files away from the scoring office, to be imported at suitable times.

Results preparation and approvals

At the end of each sequence:

- Clearly marked "Provisional Results" must immediately be printed for circulation to the organisers, the CIVA Jury, PR channels and other interested parties, and the same data updated on the CIVA Results website. At this stage the latter should continue to display Raw Marks Check-Sheets for all pilots' marks and scores.
- After the protest period has concluded the Jury and Chief Judge must sign an official set of "Final Results" for each sequence and the overall ranking, after which the web results check sheet pop-ups should be replaced by 'Final' standard FPS pop-ups. Note that the ACRO software will automatically switch the titling between such "Provisional" and "Final" versions if correctly set.
- At the end of the event the organisers will require a range of authorised results sheets detailing all official trophy winners and medal recipients. This is especially important to drive the set-up for the medals and awards ceremony at the conclusion of the championship.

7. Communications and Public Relations

Internal Communications

Before the competitions

- Comprehensive contact details should be provided of all relevant officials and their areas of responsibility (e-mail address, phone/fax number, Skype etc) in the first bulletin.
- Prospective participants should be able to get all necessary assistance with visa and Customs formalities and training arrangements in English.
- Throughout the lead period into the event it is vital that organisers respond quickly and thoroughly to incoming communications or questions – even if only to say the request is received and a response will be generated soon. Not replying to questions is very unhelpful, and is to be avoided at all times.
- Any information concerning further development of the competition should be published on the official competition website and preferably sent to the team contacts according to the preliminary entry forms.
- The use of other communications regimes such as Facebook, Twitter, Flickr etc. may also provide organisers with good broadcasting opportunities in conjunction with the similar features associated with the FAI website.

At the competition

The organiser must establish an efficient radio communication system between the contest officials (Contest Director, Chief Judge, Flight Director, Chairman of the Technical Commission, and the International Jury) -

- A separate radio channel should be assigned for the contest staff (starter, volunteers, office, etc.)
- Efficient communications with safety services (fire and rescue, ambulance) are essential.
- Reliability of radio communication between the contest officials is a safety-critical requirement and the organizer must ensure effective contact between all possible contest official locations.

Recommended technical characteristics for radio equipment are:

[Vladimir Machula will provide the relevant data]

When boundary judging is carried out the organiser should ensure that reliable radio communications can be maintained between the boundary judges and the Boundary Judge Manager, who will most likely be situated at the Chief Judges desk. Where four such boundary judges are used it may be necessary to provide communications on two separate frequencies, whereas a single frequency would otherwise be the norm.

Communications equipment

The Judging Line section of this manual details the communications hardware and services necessary to ensure the high standard of intercommunications essential at all championships. The ability to handle potential emergencies by the CJ, the Flight Director and the Contest Director are highly dependent upon the reliability and effective use of this equipment. Note that line-of-sight problems with vhf transmissions can severely compromise the performance of such systems, and great care must be exercised to avoid the use of inappropriate locations.

Radio equipment battery charging

The organizer must ensure that all radios are fully charged for use at the beginning of each day, and that sufficient replacement batteries/radios are available to cover all plausible emergency requirements.

ATC equipment and facilities

The ATC requirement is relatively light for competition aeroplane traffic, and may be usually handled by established local ATC staff at the event airfield. Reliance on handheld airband communications devices as the sole means of communication is not advisable, as these may not provide adequate wattage under all circumstances.

Communications with Teams

It is necessary to ensure that all Teams receive essential information during the event, viz: the time-schedule for the day, flights and briefings delays or rescheduling, the order of flights and the results of flown programs, proposed unknown figures and sequences, the time to submit proposals and for Free Unknowns the choice of the sequence version to be flown by each pilot, and so on. For that purpose several parallel means should be used:

- Post boxes at the airfield (contest office) assigned to each team.
- Text and e-mail messages to Chiefs of delegations or people appointed by them.

It is current practice to provide a mobile telephone to each Team, the Contest Director, all Jury members and the Chief Judge, and to make a list of their numbers available to all competitors and officials. To facilitate the circulation of contest related text messages, organisers should establish a central information distribution system operated by a nominated IT operator, preferably driven by a simple computer-based texting facility (e.g. Skype, T-Mobile etc.) with receipt groups established to enable targeted messaging.

Notice / information boards

For pilots and team members to follow the progress of flights and be ready to fly it is necessary to clearly display either the number of the pilot in the air or the number of the next pilot to fly at a location visible from the competitors parking/flight line.

Information boards should be sited at the contest office, the flight line and the holding point with the most recent meteorological information on wind speed and direction. The weather bulletin must include the time of any change in wind speed and direction as well as the time of the bulletin's publication.

The times of lunch breaks/end of flying, the number of the pilot last to fly before the lunch break or end of the flying day etc. should be displayed on the information boards and announced by all relevant/available means of communication.

Team managers and pilots should also be notified about any planned breaks in flying by the starter or the responsible person working on the flight line.

The provisional/final result of each competition programme must be made available to the competitors, in the agreed working language(s), prior to the start of the subsequent programme. Final results, ie. after checking and approval by the International Jury, must be announced not later than the following day.

Public Communications

PR, television/video services and news dissemination

If possible the organiser should link with selected local / national services to promote news and results from the event. To this end it will greatly enhance the availability of newsworthy material if the organisers strike agreements with competitors and their teams to make themselves available at prescribed times for

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interviews and tv discussions, and if possible their in-cockpit video material should be freely available for use by the media services. Note however that the FAI will retain overall control of media rights for the event, thus all local arrangements must be conducted in accordance with FAI strictures.

The organizer should appoint a key responsible person to take charge of media relations to follow publications on the event and have links to them available to competitors, officials and FAI during the competitions and as one report after the competitions.

Press releases and booklets with information on competitors, team members, contest officials, Jury and Judges and progress of the competitions should be issued daily either on the competitions website or as a competitions newspaper for public as well as for competition participants.

Public loudspeaker equipment and Commentators

Though not essential it is good practice to provision for an appropriate standard of open-space fixed loudspeaking equipment and at least one good commentator experienced in aerobatic matters. The PR system must be set in such a way so it cannot disturb the Judges in their work.

Prior to the take-off for and during the performance of a programme, details concerning the competitor concerned may be published by any means (radio commentary, etc.).

The organizer should formally invite the media to opening and award/closing ceremonies.

8. Internet and Website

FAI and CIVA Websites

General

The FAI website

The FAI maintains an extensive website at www.fai.org to service all FAI headquarters and sporting commission needs. In the CIVA section there will be a diary link to the organisers' championship domain so that interested enquirers can navigate quickly to that website for up-to-date championship specific information.

The CIVA News website

CIVA operates a 'news' website at www.civa-news.com that offers a convenient additional source for documents that the organiser may seek in the operation of the event. Official documentation however should be in all cases be obtained from the FAI / CIVA website, this being the sole source for all officially approved documentation and instructional materials that the organiser should seek to employ.

The organisers championship website

The primary communication channel for providing up-to-date information on all aspects of the contest will be the organisers' website. The organiser is responsible for all aspects of creating and maintaining this web, including securing an appropriate domain name at the earliest opportunity preferably in the format www.championship-name-and-year.com and instructing the FAI to publish this link on its own championship diary page.

The CIVA championship results website

During the championship itself the Scoring Office will continuously upload all relevant contest and results information using the approved CIVA Scoring Software to the appropriate prepared area on the official www.civa-results.com web.

When using the ACRO scoring system the login and password for the civa-results.com results system must be obtained before the event from the CIVA Scoring Director Nick Buckenham at info@exploit-design.com or tel: +44 (0)7773 768386

In addition to data posted by the Scoring Office on the CIVA Results website, the organiser remains free to post unofficial results and other contest related data on his own website.

The Organisers Website

The organiser should create a website designed to meet all aspects of championship information availability. The site should at all times make it clear that the event is primarily an FAI-CIVA World or European Championship, whilst freely promoting the full range of organiser-driven identities and corporate linkages that may be necessary.

In order to maintain a similar look-and-feel between different organiser's websites, the following key requirements should be provided for the benefit of teams, pilots and other interested parties:



- A ‘welcome’ index page describing the event and introducing links to the principal sponsors and corporate identities associated with the championship.
- A series of menu driven links leading to some or all of the following:

Scheduling

Contest timescale and proposed schedule
Airfield Information
Accommodation information

Teams and Pilots

Bulletin-1 (initial information)
Bulletin-2 (later / final information)
Preliminary entry list
Interim and Final entry lists of Pilots and all other Team personnel
Box layout, contest areas etc.
How to enter the event
Aeroplane rentals and swaps

Anti-Doping Policy and Practice

Responsibility of competitors
Explanation and list of prohibited Substances
The Competitors Declaration
Supporting documentation

Useful documents

Flight Crew Licensing requirements
How to obtain a Visa to the host country
Practice sessions – via online bookings if possible
Programme-5 entry information (4-minute Freestyle, for power unlimited only)
En-route weather resources
Arrival briefing for Pilots
National and local flight regulations and rules
Customs formalities / requirements
FAI Casualty Guidelines
Major Incident Guidelines
Non-competing aircraft arrivals

Contact details for

Contest management
Accommodation (and alternatives etc.)
Volunteer Application form

Website details

Map of the site, recent changes / log of revisions
A disclaimer, if necessary

External links

Link to the CIVA Results web page for the event
Link to FAI / CIVA and CIVA News websites



Media information

Photo gallery

Constantly updated info as a media resource etc.

Final airshow info – schedule, invited pilots etc.

Important

The most critical requirement is to nominate competent IT people to build and publish a practical and easy-to-navigate site, and then make sure that you **KEEP IT UP TO DATE!**

9. The Judging Line

Chief Judge Guidelines and Duties

General

The Chief Judge (CJ) is responsible for the ordered and accurate assessment of all flights. He bears special responsibility for the control and comfort of the judging teams and the video support unit as well as his own team of assistants.

The Performance Zone and Judging Positions

The organisers must liaise with the CJ during the months before the event to ensure that the performance zone is sited in the most appropriate position. This should include finalising the location of the proposed judging positions, and an assessment of any structures or trees within the box area that might affect -

- a. Line-of-sight obstruction of the complete flight envelope
- b. The published CIVA minimum height criteria

Organisers should review the separately published CIVA Aerobatic Performance Zone specification and refer also to “The Aerobatic Performance Zone” section in this document to ensure that they are familiar with and have met the above requirements.

Before the contest starts

The Chief Judge should plan to meet the Contest Director at the contest site at least 24 hours prior to the first championship briefing to carry out the following duties:

Trial Run of the CJ station, judging positions.

Prior to the contest first briefing there must be an on-site examination of the Chief Judge’s station and each judging position overseen by the CJ, at which the equipment to be supplied for the CJ’s station and the individual judging stations should be discussed and agreed.

- Judging positions should be clear of visual obstruction without rising ground in the direction of the box, and away from noise.
- Each judge location should be separated from any potential interruption or discussion with members of the public by non-judging personnel, if necessary by barriers placed at least 15m distant.
- Judging Stations should be comfortable, easily accessible and well protected from the sun.
- The judging positions should be at least 15m apart and similarly distant from the CJ’s position, set back between 150m and 250m from the edge of the performance zone.

CJ’s station equipment list

- One sturdy table sized for three people sitting side by side.
- Chairs for 5 people (CJ, Assistant, Secretary, Video operator and Runner), with at least two ‘recliners’.
- A comprehensive box of ‘Office Supplies’ - stapler, paperclips, rubber bands adhesive tape, Tippex, Post It Notes, sufficient clip boards, box files and ballpoint pens for the appointed number of judges.
- Thought must be given to handling the paperwork, its storage, collection (runner) and distribution, bearing in mind the possibility of windy conditions.
- Refrigeration equipment for cold drinks etc.



- A smoothed electrical supply for the refrigerator and video equipment via a portable generator, with sufficient fuel available to cover the whole event. If a portable generator is used it must be located in a position where the noise and exhaust does not impact the judging line.
- A video monitor must be available and mounted at a height (1.6-1.8m) suitable to allow all participants to clearly view the video reviews.
- All of the above must be accommodated in a tent of high stability and with the capability of opening on the longest side. For reviewing videos during judging line conferences it may be necessary to darken one area within this tent so that the monitor is easily readable when there is bright sunlight, or provide a separate darkened tent. In either case, the viewing area must be large enough to accommodate the Chief Judge, his assistant, the video operator, and all grading judges.

Judging station equipment list

- Two reclining sun lounge type chairs and one semi upright adjustable chair on the basis of three persons in each judging team
- At least three spare loungers and three upright chairs should be available in reserve.
- A minimum of two umbrellas with a suitable stands or a variable orientation overall sun shade must be provided for each judging a station. Umbrella stands should be sufficiently robust to keep them stable in windy conditions, alternatively means of guying the umbrellas must be provided.
- Other methods of keeping the judging positions in the shade are acceptable (e.g. well supported awnings) but must be capable of surviving two weeks out on a windy airfield. However, adequate guy lines at least three suitable hammers and ample pegs must be provided for the judging stations.

Evaluation of boundary Judging positions and equipment

- Where boundary judges are to be used the Jury and/or the CJ or his Boundary Judge Manager should inspect and approve the locations and sighting / communications equipment for each position. At each location there should be a reliable installation that the boundary judge can use to clearly determine when a competing aeroplane crosses the box buffer-zone boundary going out of and into the box. This construction should allow the boundary judge to remain comfortable and alert for extended periods in the operation of this key duty.
- Where electronic aircraft location equipment is to be employed then the system must be thoroughly tested and approved prior to commencement of the first session, and a further brief test carried out at the start of each subsequent session to prove that the system is functioning and calibrated correctly.
- The organiser should consider a roster to rotate the line judges around the various positions, in order to provide a certain amount of variety and interest.

Evaluation of the video position.

- The video operator should be present to confirm that the position and electrical feed provided are suitable at least 12 hours before the competition starts.
- If changes are required the organiser must take steps to provide solutions that are agreed by the CJ and the video operator.
- A practice flight should be videoed and the equipment provided to view the flight in detail must be checked and approved by the CJ.
- See also the separate CIVA Video Operators specification for equipment and operator ability.

Proving of the communications equipment

The CJ must be provided with suitable radio equipment that is recharged on a daily basis to enable:

- Secure communications between the CJ, competing pilots, and the starter. At least two air-band units and spare batteries will be required. Note that failure of this equipment would lead instantly to interruption of the contest.

- Reliable communications with the Contest Director, the Scoring Office, the Line Judges and on-duty members of the International Jury. To cope with the need for separate channels for the different duties, up to 4 radios may be required plus one spare. Suitable equipment in this context might be Motorola or Icom Personal Mobile Radios (PMR's), but would not include walkie-talkies of a domestic type whose performance and reliability would be inadequate.
- All equipment must be positively tested and approved prior to commencement of the first series of competition flights.

Judging line facilities.

The organiser must provide suitable toilet and hand-washing facilities in relation to the number of male and female personnel on the judging panel. These should preferably be permanently located at each judging position, although the organiser may agree to move them to alternate judging positions prior to their use for each session. Any shortcomings in the above must be dealt with before any competition flying takes place.

Judges briefings

Before the first contest briefing there must be a discussion forum between the CJ and his panel at either the main hotel or in the judges briefing room, at which:

- Team managers should be invited to attend in order to ensure that pilots and team members understand judging issues and updates.
- The CJ will review with judges the results of the Judges Currency Examination.

At the beginning of each day there should be short briefing to cover any points which may have come up the previous day and allow the chief judge to raise any points he feels necessary. The organisers shall provide a lecture style room with computer-projection facilities for this purpose. The room must be separate from the Jury room and the Scoring Office, and be available at all times to enable confidential discussion to take place between the CJ and any members of his panel.

Transport to and from the judging line

The judging panel and associated staff must be transported to be at the judging position at least 15 minutes before the commencement of each session, and brought back to the contest central area when the sessions conclude. Sufficient transport must be available on a permanent basis throughout the event so that flying is never delayed because the judges are not in position.

Other staff required on the Judging line

The organiser must provide –

- Sufficient staff to swiftly collect the judging sheets from each judge after every flight and sort them into judge-number order, and convey them immediately to the Chief Judge for assessment.
- A 'runner' to swiftly convey sets of judging paperwork from the judging line to the scoring office after they have been assessed and signed-off by the Chief Judge. There should at no time be more than 3 sets of completed paperwork thus pending; more frequent transfers than this are preferable.
- At least two competent staff to handle all other ad-hoc judging line requirements, including refreshment handling and the break-down, movement and re-establishment of all judging equipment at alternative locations as and when required.

During the contest:

Judging line management:

- The Chief Judge will be responsible for the smooth running of all aspects of the judging line.
- The line will be run in accordance with current CIVA Section-6 rules at the level relevant to the competition (Unlimited, Advanced, Intermediate, Yak-52 or Glider).

- When necessary the CJ will withhold judging papers until he is able to call for a judging break, and then by conferencing will determine the appropriate solution and release the paperwork to the runner.
- In the event that a temporary stoppage of flying becomes necessary for any reason the CJ will liaise with the CD and the Flight Line Director to ensure that notice is provided to the competitors at the earliest possible time.
- Should an incident occur that demands a cessation to flying, the CJ will advise the CD that the judging panel, video operator, line judges etc. will require transport to withdraw the judging team to the briefing room and there await further instruction.
- The Chief Judge will liaise with the Scoring Office and the Jury to ensure that appropriate Judge Analysis printouts are generated and received at the conclusion of each sequence.

Judges refreshments

The organiser shall maintain a ready supply of refreshments to the judging line appropriate to the contest weather. This should include a range of cold drinks and bottled water if the temperature is high, and/or coffee and tea if it becomes colder, plus a range of light snacks.

Video Recording Operations

These recommendations describe a minimum standard of operator capability and video equipment at CIVA championship class-1 and -2 events. A capability less than given below is unlikely to meet the standard of output required to resolve judging questions regarding matters of fact when demanded by the Chief Judge.

The video operator

Videoing a long series of competition aerobatic flights to the standard necessary to reliably resolve matters of fact when required by the Chief Judge is a complex and demanding task. Dependence on amateur capabilities and domestic equipment can easily lead to inability to meet this requirement, with a direct and potentially damaging impact on the accuracy of championship results.

Key operational aspects

- It is vital that the video operator records every flight from initial to final wing-rocks with a stabilised, well exposed and correctly focussed image. The CJ will advise the video operator whether recording of Warm-Up flights is required in addition to all of the competition flights.
- Some sequences prior to the official start of the event should also be recorded, particularly when these constitute judge training exercises for subsequent review by the panel.
- The working requirement may span up to 10 days at 8 hours per day. The equipment set-up must address these conditions; for instance, stooping to use the camera eyepiece because the tripod is too low would quickly render the operator unfit for further work.
- The operator should have a competent understanding of the names of figures and figure elements in an Aresti aerobatic program to be able to follow the instructions given by the Chief Judge or his assistant. This is especially important in Free and Free Unknown sequences where the flow of figures changes from flight to flight.
- The CJ should meet and discuss the demands of the job with the camera operator before the event to confirm that the operator is competent to manage the task, and has available to him the necessary standard of technically suitable equipment.

The video camera

- The ideal camera is one used frequently by the operator and technically capable of doing the job. If it is hired for the event the operator must be trained and proficient with the temporary unit.



- A high-end domestic camcorder may be acceptable provided full manual control is enabled.
- A 1080P HD video recording system is preferred, although a good 720P system should have sufficient definition – but the operator must seek approval first from the Chief Judge.
- It is essential to navigate quickly forward or back through recordings when seeking to locate a specific item in a given sequence. Direct-to-SD recording equipment is far superior to cassette based systems, which can easily lead to the loss of many recorded flights if the operator inadvertently forgets to return exactly to the original ‘current position’ once the review is completed.
- The camera should be powered by replaceable battery packs, unless the power at the Judges location is provided by a reliable stabilized AC/DC petrol or diesel generator.
- A stock of fully charged batteries is essential, together with a clear understanding that batteries must be replaced before they run down!

Tripod

- The tripod is a critically important item. It is not possible to closely follow an aerobatic sequence without a sturdy and robust tripod fitted with a fluid head. Note that standing astride a tripod leg during videoing is not recommended, as this may lead to stumbling over the leg when significant lateral movement of the aeroplane is tracked.

Screen for reviewing and checking flights

- A high contrast monitor of at least 24 inches diagonal size will normally be good enough.
- The monitor should be mounted at a height of 1,5m to 1,8m to enable viewing by a group of standing people.
- The location for the monitor must be darkened by use of a light-stopping enclosure, for instance a dark material tent or small solid walled hut.

International Jury Office

The Jury (3 people) will require a small lockable office with three keys available, and two or more power supply sockets. If likely to get hot then air conditioning should be provided.

Judges Briefing Room

The Chief Judge and his judging team (perhaps up to 35 people in all) will require a quiet room on the airfield for study and relaxation during the event, and for their initial briefing which the Team Managers will also be invited to attend. The provision of a computer projector system may be requested by the Chief Judge to display important information to all attendees.

Press and Media Centre

Organisers should provide a room with power, air-conditioning etc. located close to the other offices and information areas where media staff may base their operations and make their reports.

Meteorological Services office space

If a meteorological officer is operating at the event he/she will provide an essential service throughout the event, and may usefully operate from adjoining space to the balloon / wind measurement crew. Such a state operated or private service must be contracted from a reliable and experienced resource. The meteorological crew will require WiFi and electrical services, and their advice should be sought regarding all other associated matters.

Contestants Raw Score-Sheet review and acceptance area

A secure area away from the Scoring Office equipped with a table and some chairs for competitors and Team Managers to review pilots score sheets and sign for them should be established, and a person assigned to supervise the process. No more than 2 or 3 pilots should check the score sheets at the same time.

11. Transportation and Hotels

Accommodation

Teams and Officials

Section-6 para 4.1.2 requires that for World and Continental Championships the organisers should offer accommodation and food for the duration of the event, though they may choose to exclude the costs of the accommodation and food from the entry fees as long as they offer an appropriate alternative such as a list of appropriate hotels and/or camping facilities etc..

Optional exclusion of accommodation and food costs

The organisers may also choose to exclude the costs for accommodation and food from the entry fees. In any event, they will give assistance with room reservation and will ensure that adequate food supply will be available at or near the airfield.

Judges

Up to seven selected judges are considered to be CIVA Judges, and the contest organiser should provide accommodation, food and local transport to them and their assistants, with no entry fees. Additional judges and assistants, making the total number of judges up to a maximum of 10, may be selected for the event, but costs associated with these officials need not be covered by the organiser unless previously agreed.

Jury

The contest organiser shall provide accommodation, food and local transport for 3 Jury members.

Medical services

The organisers will be responsible for adequate medical services being available to all official participants.

Hotel locations

Available hotels/camping sites/other accommodation either to be booked by the organizer or by participants shall be listed by the organizer in the contest bid and first bulletin. The accommodation location(s) should be no more than 45 minutes by the coach/minibus services provided by the organizer, preferably closer.

The organizer must establish an official list of official contest participants with their accommodation / transport arrangements to set a route and regular schedule for official contest transport services.

Local transportation

Airport transfers

The organizer should establish a list of transport requirements for contest officials, Jury members and Judges arrival/departures and arrange transfer between airports and contest site/hotels.

Transport to/from the hotels

Depending on the distance between the hotels and the contest site, the presence of sufficient public transport vehicles and drivers to undertake the prompt carriage of contest personnel to and from the event throughout the day is essential to enable morning briefings to start on-time and the return of people to the hotel area when required.

12. FAI and the International Jury

Duties of the International Jury

[LG to provide]

Jury Liaison with the Organisers

[LG again]

Contest Site Inspection

[LG again]



14. Glider Events – Special Requirements

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15. Emergency Procedures

The organiser should obtain a copy of the key document “FAI Casualty and Accident Guidelines” from FAI headquarters, as this may not be available on the FAI website.

Airfield Major Incident Plan

All operational airfields should be able to provide on request their official plan for dealing with major incidents. This should be used as the basis for setting in place additional equipment and/or facilities that may be deemed necessary together with local arrangements designating members of the organisers’ own staff to deal with specific responsibilities agreed between the airfield operator and the organiser.

Overview of Procedures

In the event of a serious accident or casualty the airfield Major Incident Plan should be activated, supported by specialists from the organisers who will provide aviation expertise and a direct interface between the airfield staff and the contest organisation. The procedures invoked to deal with such aviation related incidents will be based on the FAI Guidelines document “In the event of a casualty or a serious accident at FAI Air Sports” (2000 edition), but modified appropriately to interface effectively with the local plan.

Incident Response Team

A response to a serious accident or casualty will be co-ordinated by the following team of contest officials:

- The Contest Director
- The designated Safety Officer, and if appropriate his deputy
- The designated Public Relations officer

These officials should liaise with the airfield major incident response team to deal with the situation.

Immediate response to an incident

Participants should report the occurrence of any incident to a contest official or a member of the Jury, whichever is quicker. The official or Jury member must immediately contact the airfield manager and/or local ATC to inform them of the incident, who should alert the relevant fire, ambulance or police emergency services.

Role of Participants

Once the alarm has been raised, if a victim involved in the incident needs help and the rescue team has not arrived on scene, participants must consider the danger they and other participants may be exposed to if a rescue is attempted. The professional incident response teams will have the training and equipment needed to respond to the incident appropriately and in most cases it is best to let the professional team handle the situation. A participant must not attempt to move a victim unless asked to do so by the rescue team, under their supervision, except if the victim is in imminent mortal danger and the rescue team has not arrived on scene. However, participants must be aware that any intervention in these circumstances could place both the victim and the participant in grave danger.

Follow-up actions will include notification of victims family once the medical condition of each victim is confirmed, notification of aviation authorities (accident investigation bureau etc.), collection of documents,



recording witness statements and giving updated official information statements to the relatives, participants, public and media.

When the contest participants next meet (morning briefing, or a special briefing), the Contest Director should inform them of the basic facts of the incident, the action taken and any decisions made regarding the future continuation of the contest.

Media Contact

There will inevitably be rapid and highly intrusive media and public enquiries or presence at the event site and/or the site of any major accident (which may be off the event site). Opinions, assumptions, and names of individuals involved should not be passed to the media. A properly constructed announcement should be released to the public and media by the Public Relations Officer when agreed by the Contest Director.

Event participants should not speak to the press and media about the incident, but should always refer questions to the event Public Relations Officer.

Participants must not release any names of dead or injured people to anyone outside the event emergency organisation. Similarly, participants must not make any statements that particular individuals are fit and well unless they are absolutely sure that is factually correct.

Copies of all official statements issued should be posted on a notice board in the Briefing Tent so that competitors have the opportunity to see them before they appear in the media.

Next of Kin data

All official participants (team members, officials, observers, contest workers) should provide the Contest Office with contact details (telephone and postal address) for their designated Next of Kin or "person or persons to be notified in the event of sickness or injury". Team Managers should ensure that this information is completed on a "Persons to be Notified" Form and a copy given to the Contest Registrar no later than the first briefing.



16. Post Championship Follow-Up

[Contact after the event, reports to be obtained, materials and data to be retained for X years, historic data and materials to be collated and forwarded to the CIVA historian (?) etc.]

17. Appendix 1

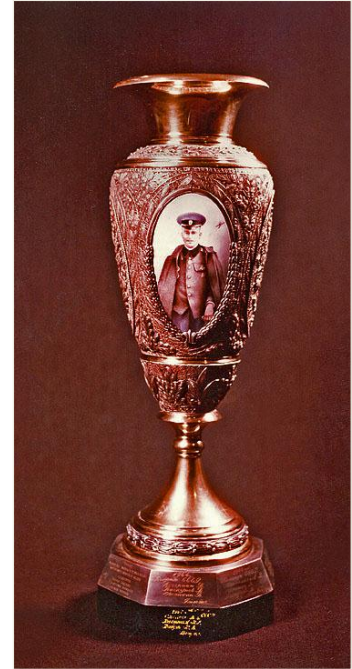
Aerobatic Championship Trophies and FAI Medals



Aresti Cup
Overall World Champion



Eric Müller Trophy
Winner of Unknown Programmes



Nesterov Trophy
Winning Mens Team



FAI Challenge Cup
Winning Womens Team (WAC)



Darius and Girénas Trophy
Winning Mens Team (EAC)



Peter Celliers Trophy
Overall Advanced World Champion

Note that there is an informative document on the FAI/CIVA web summarising all the trophies and their past winners – see the Documents > Organisers section.



Yak-52 Trophy
World Champion (Yak-52)



Royal Aero Club Trophy
Womens World Champion



Manfred Strössenreuther Trophy
European Champion (EAC)



FAI Medals.

See Section-6 for distribution, also visit the FAI/CIVA web to get a copy of "FAI & CIVA medals - (your event).pdf"

Note that there has in the past been another Manfred Strössenreuther Trophy that was presented to the Unlimited World Champion, but this is missing, believed lost.



Typical National Flag array outside the main briefing area

Judging line equipment



Judge stations; sun protection by large parasols (left) and tubular plastic framework (AWAC 2008)



Boundary judging station / sighting equipment



Suitable video camera and tripod



Typical judging panel – with 10 judges may comprise up to 35 people

2013 US National Aerobatic Championships Contest Director's Report

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Introduction

The 2013 US National Aerobatic Championship was safely completed and all required tasks of crowning power and glider category Champions and selecting the power and glider 2014 US Advanced Aerobatic Teams were accomplished.

With the good weather, and despite schedule slides, all flights other than the Unknown II for Advanced Glider were flown. The glider pilots elected to not fly due to increased winds and lower clouds that moved in on Friday.

2013 brought 106 pilots to North Texas Regional airport to compete in the US Nationals, one of the largest, if not the largest, contest in recent years.

As usual, the multitude of non-flying volunteers that came to the event on their own dime was the only reason why we are successful in completing the contest. The key leadership players were instrumental in keeping the contest moving forward successful.

Thank you to them all!

Financial Results

Once the announcement was made that WAC would be a mere 10 days after the US Nationals at the same site, it became a concern that getting sponsorship dollars would be an issue. That unfortunately did become the reality, as we brought in less than 50% as compared to 2012.

To help offset those anticipated losses, the entry fee was raised \$50 and we looked for ways to cut expenditures.

In the end, while we didn't raise much money for the IAC, the US Nationals did cover the costs associated with putting on the event. A balance sheet is available in Appendix A.

Contest Officials

CD	John Smutny
Co-CD	Matt Tanner
IAC Mgr	Trish Deimer-Steineke
VC	Ellyn Robinson
Scoring	Carol Brinker
Registration	Kathleen Moore
Safety	Steve Johnson
Technical	Gary DeBaun
Photographer	Laurie Zaleski
Video	Jim Connors
Jury Chair	Doug Lovell

Jury Bob Buckley
 Bill Denton
 Mike Forney
 Mike Heuer
 Mark Matticola
 Doug Sowder
 Jason Stephens
 Mike Steveson
 Steve Johnson (Safety Director)

Chief Judges Lynne Stoltenberg
 Kevin Campbell
 Charlie Harris

Waiver

The 7711-2 was submitted to the Dallas FSDO on August 1, 2013 and the approved waiver was issued on August 13, 2013. The waiver was accepted as issued as the FSDO granted all requested waivers to the FAR's.

One suggestion is to have the contest director as opposed to Mike Gallaway as the responsible party for opening and closing the aerobatic box. It seems that they copied that straight from the practice waiver. While it is not a show stopper, it does clean up the responsibility for the event operations.

One item that was overlooked was the last on provision on the waiver:

19. A copy of this waiver and special provisions shall be carried in each aircraft.

Should this appear in future waivers for the US Nationals, I suggest contacting the FSDO and requesting it be stricken. There is no sensible reason once the pilots sign the waiver to keep a copy on board their aircraft.

A copy of the waiver and 7711-2 are included as Appendix C.

Issues

Tow Plane – In the weeks leading up to the event, Texas Soaring Association (TSA) who had committed to supporting the event, pulled out due to a bird strike on one of their aircraft. Matt Tanner had the frustrating job of trying to secure a tow plane for the civilian glider pilots. Confusing and disjointed communications from TSA staff and members complicated selection of a tow plane. In the end, one of their pilots did finally show up on Monday. For 2014 there are other options should TSA become an uncertain vendor once again. Both Matt and Jim Doyle have contacts that we could investigate for future support.

As a result of the tow plane not arriving until Monday, the Unlimited Gliders did not get a practice flight on the weekend. The three pilots and I sat down and decided that they would fly their practice flight on Monday during the Unlimited Known cycle.

This ended up working alright even though it put the Unlimited Glider pilots on a different schedule than the Power pilots and they ended up being judged during the Advanced cycle for their last flight.

Scoring – Carol Brinker did a fantastic job keeping up with the scores of all 106 pilots. The only hiccup was the process of uploading the scores online. It would be great if scorekeepers could have a place to practice this prior to the event. Without the onsite assistance of Doug Lovell and the remote assistance of Nick Buckingham, the scores would never have been able to be uploaded.

We were lucky to have WiFi installed in preparation for WAC. However, in 2014, that is not the case. A plan will need to be made for updating scores online using a different method.

Tower operations & Flight School – The increase at the flight school from 30 students last year to 90 students this year had a significant impact on the flow of our event. The control tower staff did their best to accommodate our needs, but they are hamstrung by FAA regulations and their own management guidelines.

Leading up to the event, a few emails were exchanged between myself and the airport manager, tower chief and flight school representative. In those emails I had said I would be on site Saturday, September 21st and available for face to face discussions. There were no responses stating that wouldn't work. However, upon my arrival and contacting the above, it turns out none were on the field and so none of the meetings happened until later dates, if at all.

Both the tower and the flight school were invited to our briefings, which the tower chief did attend the initial one. On the phone, the flight school contact expressed great concern with us operating at KGYI, yet they did not take part in the briefing or planning processes.

Looking to the future, there is a chance that this school will continue to expand and impact our event. The separation requirements that the tower is required to adhere to and the flight school itself present a significant hurdle to us maintaining the aggressive schedule we traditionally map out. The IAC should not rule out the possibility of requesting a TFR and controlling the airspace during the event.

Judge Line Changes – One very time consuming portion of our event is the time it takes to change judging lines when we are moving from one side of the airport to the other. The IAC really needs to invest in a second full set of equipment to supply two judges lines. This could greatly increase the speed at which we move from one side to the other.

Once we have all the volunteers on the line, there is one other process that significantly slows the contest down, the “order of flight” check. When you have such large categories, and especially during the Frees and Free Unknowns, the time it takes for all the judges to check the clipboards in the wind is immense. It would be advantageous if there as a Red Book rule change, or P&P exemption for Nationals, to perform these order of flight checks prior to the clipboards being delivered to the judges line.

One last comment on judges lines. Since this is our crowning annual event, I feel that more attention should be given to setting up a proper, square to the box, judging environment. The “shotgun” approach of allowing judges to set up as they see fit does not lend itself to the high standards we should be striving for. Clear markings on the ground that have been determined to be square to the box, should be made.

Communications – Comments about bad radio communications between the judges line and the corners persisted throughout and after the contest. However, having spent some time on the corner myself, and after going out to corners when problems persisted, I can confidently conclude that the problems were user error as opposed to equipment except for one instance.

Every time I went to a corner due to comms failure, the person on the corner had the radio lying on the ground or on a cooler. Proper use of these radios is to hold them with the antenna vertical. Any other angle and they will not pick up transmissions.

The one actual failure was the radio used by the Glider Starter, the speaker failed. He was transmitting fine but could not hear any responses.

Proper training on the use of radio equipment must be part of the Chief Judge Corner briefing. Despite being asked to do that repeatedly, since it hasn’t been part of the briefing in the past, it was consistently overlooked. The “press – breath – speak” mantra for transmitting as well as holding the radios upright will solve 95% of all communication failures.

Corner Sighting Devices – Much discussion was had at the beginning of the contest about the adequacy of the corner sighting devices. Some felt that the three poles did not provide enough information if an aircraft was out near the corner itself.

I chose to move forward with the devices as constructed as I felt they did provide adequate indication if a competitor was indeed out of the box or not. I do not feel that the addition of strings to a vertically straight pole add anything to the position.

If one wants to use strings, I suggest constructing a sighting device like we use in Ephrata, Washington. We have the pole cemented at a 45 degree angle into a tire. The chair sits directly underneath the end of that pole, and strings are stretched very tight to rebar that is dug deep into the dirt so it won’t move. In that scenario, the seating position lends itself to accurately tell when a competitor is out directly overhead, should that happen.

In the end, consistency of calling outs is more important than the actual structure of the sighting device itself. To my knowledge, there was not one protest due to the sighting devices used. Having spent some time on the corner to relieve an overheated volunteer, I found no issue in determining if aircraft were out of the box.

Free Unknown Process – The 2013 Policies & Procedures change to incorporate the Free Unknown Process for all Unknowns in the Advanced and Unlimited categories was not well communicated. As CD, my first indication to the ramifications of the change came when my initial schedule was questioned by Mike Steveson after being reviewed and published. Mike and Doug Lovell did a fantastic job in reshuffling the schedule to accommodate the change.

The competitors themselves were quite unfamiliar with the process and many questioned “my” decision to make all Advanced Unknowns the Free Unknowns. The understanding of those participants was not that this was an IAC Board Policy change, but rather a Nationals CD decision. Articles via *Sport Aerobatics* and *In The Loop* would help future CD’s in communicating this process to our membership.

The Free Unknown process is very involved and does not lend itself to schedule changes. Counting backwards from category start time, about 22 hours is required for the full process. Since there are three of these flights in both power and glider, and that the team selection categories second Unknown hinges upon completion of the first Unknown, the category start times must really be set and not subject to schedule changes.

One change to the P&P that must be done is the elimination of paper submissions of proposed sequences. There are computers available in the hotels and on the field to allow competitors to create sequences in OpenAero. During the first Free Unknown, Mike Steveson spent countless hours into the night transcribing paper submissions into Aresti, no one person should be saddled with that time consuming task. We owe Mike a lot of gratitude for taking that on.

A second change is that the CD must designate a committee ahead of time to check figures as submitted and sequences as submitted. Then accept the electronic submissions and perform changes as required. This process is not well described in IAC documentation and once again Mike Steveson and Doug Lovell, along with Mike Forney, stepped up to ensure the process moved forward.

Schedule – The largest issue experienced in 2013 was the schedule itself. It left absolutely zero accommodation for interruptions to the event. With the tower requirement to give priority to IFR traffic and the with the large and growing flight school on the airport, it is impossible to stay on schedule. Our only real luck we had was the fact that weather was wonderful all week. We tend to schedule 3 hours per category, but the actual average time was closer to 4 ½ hours to complete a rotation.

Running three full categories a day becomes very difficult with the above interruptions and I believe we are creating a safety hazard in regards to fatigue with five days of 0700 briefings and then pilots and judges working up to 12 hours thereafter followed by social engagements.

I strongly suggest the IAC Board put together a committee to look at what would be the best and safest changes to the schedule in order to accommodate flying all the categories and absorbing tower, flight school and weather interruptions. Without a doubt, there will be impacts that will affect some attendees; it would not be in the future CD's best interest if the fallout from these changes falls squarely upon their shoulders.

Survey

I have found as an organizer you often miss some of the issues that happen during the event. Not every attendee feels comfortable approaching the leadership team with their grievances. Often I send out a simple survey to attendees so I can get some unfiltered comments that help me assess the success of the event.

For the US Nationals, I mailed to all 114 that had pre-registered, my emails to the Acro Exploder never made out despite sending it twice. I received 33 responses as of this writing, a 29% response rate.

Some round numbers are:

- 87% of the respondents were flying competitors.
- 51.5% felt it was a well organized event, while 48.5% saw much room for improvement in the planning process.
- 40% indicated the clarity of the briefings were lacking.
- While 94% felt comfortable asking questions in the briefings, 3% felt otherwise.
- 27% feel that the US Nationals are long enough and any increased time would hinder them from coming.

In short, we need to work on communicating our overall plan better and bring some more structure to the briefings. No matter how well we think we are communicating with the participants (this year using Facebook, Twitter, Nationals App and posting paper) there always seems to be room for improvement.

Of the things people liked; camaraderie, weather, social functions and the flying topped the list.

Of the things people disliked; schedule slides, slow category starts after briefings and communications of schedule changes were leaders.

Revising the schedule to more realistic times was one of the most mentioned items in suggestions to improve the Nationals. Ways to speed up judges changes was another oft mentioned topic.

I will share the raw results of the survey with next year's CD, Matt Tanner, as there are some suggestions in there as he plans the event.

Conclusion

As with any other year, the 2013 US National Aerobatic Championships had its challenges. All in all though, the leadership team successfully handled all the issues presented to them and, blessed by the good weather, we completed all the tasks required of us.

I cannot say thank you enough to all the volunteers that gave up so much of their free time to allow the pilots to have their shot at the title. This organization survives simply due to their generosity of time and money to support us.

Airspace and airport land use will continue to be growing challenges to the IAC and the US Nationals at North Texas Regional Airport. It has been an excellent location for many years. Let's hope we have many more years of contests there!

V/r



John Smutny
Contest Director
2013 US National Aerobatic Championship

Appendix A

2013 Financials

Income	Budget	Actual	
Full Registration	31,500.00	38,779.10	All registration rolled into one number
Student Registration	2,625.00		
Team Fees	3,000.00		
Four Minute Free	500.00		
Sponsorships	25,000.00	12,700.00	
Banquet Tickets	4,675.00	6,985.00	
IAC Merchandise	2,500.00	2,749.77	
2013 Nationals Shirt Sales	1,000.00	1,010.65	
Tow Plane Fees	2,500.00	3,100.00	Actual includes hangar fees
Total Income	73,300.00	65,324.52	

Expense	Est. Expense		
Shipping & Postage	\$400.00	224.41	
Hotel not comp'd	\$6,000.00	3,584.35	
Tables and Chairs	\$1,000.00	8,484.49	Combined section
Portalet	\$800.00		
Golf Carts	\$1,000.00		
Banners	\$300.00		
Storage Unit	\$1,200.00		
Bank & PayPal Fees	\$700.00	713.61	
Office Supplies	\$200.00	772.35	
Ice	\$550.00	412.00	
Water & Snacks	\$800.00	750.00	
Lunches	\$600.00	0.00	
Trophies and Medals	\$12,000.00	15,256.51	Combined section
Kathy Jaffe Award	\$60.00		
National Award Plaques	\$1,500.00		
Decals	\$200.00		
MT Propeller Award	\$500.00		
Smoke Oil	\$650.00	0.00	
Team Video Service	\$3,500.00	0.00	
Polo Shirts	\$3,800.00	882.61	
Banquet Tickets	\$7,000.00	7,977.30	
Sponsored Tues BBQ	\$2,500.00	2,898.00	
Public Relations	\$6,000.00	7,102.57	
Program	\$1,000.00	732.50	
Tow Plane	\$2,500.00	3,100.00	
Total Expense	\$54,760.00	\$52,890.70	

Estimated Net Profit/(Loss) \$18,540.00 \$12,433.82



**U.S. NATIONALS
AWARDS**

2013 Finalized

Appendix B

SPECIAL NON-FLYING AWARDS

ROBERT L. HEUER JUDGES AWARD

John Morrissey

THE FRANK PRICE CUP

Wayne Roberts

THE HAROLD E. NEUMANN AWARD

Lynne Stoltenberg

THE KATHY JAFFE TROPHY

Gary DeBaun

THE CURTIS PITTS MEMORIAL TROPHY
FOR INNOVATIVE AEROBATIC DESIGN

Jim Rust

SPECIAL FLYING AWARDS

L. PAUL SOUCY AEROBATIC AWARD

Francesco Pallozzi with 87.19%

U.S. NATIONALS FLYING AWARDS

PRIMARY POWER

3RD PLACE: Greg Howell

2ND PLACE: Pete Setian

1ST PLACE: William Sullivan

SPORTSMAN POWER

3RD PLACE: Cameron Jaxheimer

2ND PLACE: Jim Doyle

1ST PLACE: Paul Thompson

SPORTSMAN GLIDER

3RD PLACE: Dustin Rivich

2ND PLACE: Matt Villanueva

1ST PLACE: Andy Leeuwenburg

HIGHEST PLACING FIRST-TIME SPORTSMAN

Not Awarded

INTERMEDIATE POWER

3RD PLACE: Thomas Braymer

2ND PLACE: Foster Bachschmidt

1ST PLACE: Aaron McCartan

INTERMEDIATE GLIDER

2ND PLACE: Aaron Dripps

1ST PLACE: Edwin Kingman

Appendix B

THE FRED LEIDIG TROPHY

Aaron McCartan

ADVANCED POWER

3RD PLACE: Julia Wood

2ND PLACE: Steve Johnson

1ST PLACE: Mark Nowosielski

ADVANCED GILDER

3RD PLACE: James Nicklas

2ND PLACE: James Gregory

1ST PLACE: Eric Stubblefield

** CASH PRIZE ** THE MT-PROPELLER TROPHY **CASH PRIZE**

Mark Nowosielski

THE LYCOMING 180 HORSEPOWER TROPHY

Not Awarded

GRASS ROOTS AWARD

William Sullivan

CHUCK ALLEY "OLD BUZZARD" TROPHY

Mike Plyer

Appendix B

THE GOODRICH TROPHY

Robert Noonan

THE CHAPTER TEAM TROPHY

Chapter 24

THE SAFETY AWARD

Gary DeBaun

UNLIMITED GLIDER

3RD PLACE: Lukas von Atzigen

2ND PLACE: Eric Lentz-Gauthier

1ST PLACE: Jason Stephens

THE JOHN SERAFIN TROPHY

Jason Stephens

THE LES HORVATH TROPHY

Jason Stephens

UNLIMITED POWER

3RD PLACE: Nick Timofeev

2ND PLACE: Jeff Boerboon

1ST PLACE: Rob Holland

THE BOB SCHNUERLE TROPHY

3RD PLACE: Brett Hunter

Appendix B

2ND PLACE: Debbie Rihn-Harvey

1ST PLACE: Rob Holland

THE BETTY SKELTON TROPHY

Debbie Rihn-Harvey

THE MIKE MURPHY CUP

Rob Holland

Originally Published 2013 US Nationals Schedule

Friday, September 20

1:00 PM - Sign-up for unreserved Saturday morning practice slots

Saturday, September 21

8:00 AM to 7:00 PM - Practice

11:00 AM - Sign-up for all remaining unreserved Saturday practice slots

Noon - On site registration, Volunteer Sign-Up, and Technical Inspections

Noon - FAA inspectors on site

5:00 PM - Sign-up for unreserved Sunday practice slots

7:00 PM - Welcome Reception at the Hampton Inn and Suites, Sherman, TX

Sunday, September 22

8:00 AM to Noon - Registration, Volunteer Sign-Up, Technical Inspections and Practice

11:00 AM to 11:30 AM - Chief judges' & starters review with control tower chief

11:30 AM to 12:30 PM - Judging review, mandatory for all judges

1:00 PM - Official welcome, volunteer briefing, official pilot briefing (all pilots), Advanced Known official pilot briefing & order of flight posting

2:30 PM - Advanced Known Program

6:30 PM - Advanced Unknown I Figure Submission & order of flight posting

7:30 PM - Texas Barbecue sponsored by Chamber of Commerce

7:30 PM - Distribution of Advanced Unknown Figures

Monday, September 23

7:00 AM - Unlimited and Intermediate volunteer and official pilot briefings

8:00 AM - Unlimited Known Program

9:30 AM - Advanced Unknown I Sequence Submission Deadline

10:00 AM - Intermediate Known Program

11:30 AM - Advanced Unknown I Sequence Distribution

1:00 PM - Advanced Free program volunteer and official pilot briefing

2:00 PM - Advanced Free Program

6:00 PM - Unlimited order-of-flight posting & Unknown Figure Submission

6:00 PM - Sportsman & Primary order-of-flight posting

7:00 PM - Distribution of Unlimited Unknown Figures

Tuesday, September 24

7:00 AM - Sportsman, Primary & Intermediate volunteer and official pilot briefings

8:00 AM - Sportsman Known and Primary Flight I Program

10:00 AM - Unlimited Unknown Sequence Submission Deadline

10:00 AM - Intermediate Free Program

Noon - Unlimited Unknown Sequence Distribution

Noon - Intermediate Unknown Sequence Distribution

Appendix C

- 1:00 PM - Advanced Unknown I volunteer and official pilot briefings
- 2:00 PM - Advanced Unknown I Program
- 6:30 PM - Advanced order-of-flight posting & Unknown II Figure Submission
- 6:30 PM - Unlimited & Sportsman/Primary order-of-flight posting
- 7:30 PM - Texas Barbecue sponsored by ASL Camguard/Bearfeat Aerobatics
- 7:30 PM - Distribution of Advanced Unknown II Figures

Wednesday, September 25

- 7:00 AM - Unlimited & Sportsman/Primary volunteer and official pilot briefings
- 8:00 AM - Unlimited Free Program
- 10:00 AM - Sportsman Free and Primary Flight II Programs
- Noon - Advanced Unknown II Sequence Submission Deadline
- 1:00 PM - Intermediate volunteer and official pilot briefings
- 2:00 PM - Intermediate Unknown Program
- 3:00 PM - Advanced Unknown II sequences approved by Jury
- 6:00 PM - Sportsman and Advanced order-of-flight posting
- 6:00 PM - Advanced Unknown II deadline for corrected sequences to be approved
- 6:30 PM - Advanced Unknown II sequences published by Jury
- 8:00 PM - Advanced Unknown II deadline by which pilots must notify Contest Director of Selection

Thursday, September 26

- 7:00 AM - Sportsman/Primary & Unlimited volunteer and official pilot briefings
- 7:00 AM - Advanced Unknown II CD Posts Sequences by each Pilot
- 8:00 AM - Advanced Unknown II Program
- 10:00 AM - Sportsman and Primary Flight III Program
- 1:00 PM - Unlimited volunteer and official pilot briefings
- 2:00 PM - Unlimited Unknown Program
- 6:00 PM - 4 Minute Freestyle order-of-flight posting
- 7:00 PM - Dinner at the Library sponsored by Lake Texoma Jet Center

Friday, September 27

- 9:00 AM - 4 Minute Freestyle Briefing
- 10:00 AM - 4 Minute Freestyle Program
- 12:00 Noon - All pilots and volunteers clean-up party
- 2:00 PM - Introduction of 2012 United States Advanced Team and photo shoot
- 7:00 PM - Awards Banquet

Saturday, September 28

- TBA - Rain Date for Advanced Team selection only

Revised and Published 2013 US Nationals Schedule

Friday, September 20

1:00 - Sign up for unreserved Saturday morning practice slots

Saturday, September 21

8:00 AM to 7:00 PM - Practice

11:00 - Sign up for remaining unreserved Saturday practice slots

12:00 - On site registration, Volunteer Sign up, and Technical Inspections

12:00 - FAA Inspectors on site

5:00 - Sign up for unreserved Sunday practice slots

7:00 - Welcome Reception at the Hampton Inn and Suites, Sherman TX

Sunday, September 22

8:00 to 12:00 - Registration, Volunteer Sign up, Technical Inspections and Practice

9:30 - Jury Brief

11:00 to 11:30 - Chief Judges and Starters review with control tower chief

11:30 to 12:00 - Judging review, mandatory for all judges

1:00 - Official welcome, volunteer briefing, official pilot briefing (all pilots)

1:00 - Advanced Known official pilot briefing and order of flight posting

3:00 - **Advanced Known Flights**

6:00 - Advanced Figure Selection Unknown I

7:00 - Advanced Figure Posting Unknown I

7:30 - Texas Barbecue sponsored by Chamber of Commerce

Monday, September 23

7:00 - Unlimited and Intermediate volunteer and official pilot briefings

8:00 - **Unlimited Known Flights**

11:00 - **Intermediate Known Flights**

12:00 - Advanced Sequence Submission Deadline Unknown I

1:00 - Advanced Free program volunteer and official pilot briefing

2:00 - Advanced Unknown I Sequence Posting

2:00 - **Advanced Free Flights**

Appendix C

5:30 to 9:30 - Reception - Hosted by the Hampton in Dennison

6:00 - Unlimited Unknown Figure Selection, Sportsman and Primary order of flight posting

7:00 - Advanced Pilot Sequence Selection Deadline

7:00 - Unlimited Unknown Figure Distribution

Tuesday, September 24

7:00 - Sportsman, Primary, and Unlimited volunteer and official pilot briefings

8:00 - Advanced Pilot Sequence Selection Posting

8:00 - **Unlimited Free Flights**

11:00 - **Sportsman Primary Known Flights**

12:00 - Unlimited Sequence Submission Deadline

1:00 - Advanced Unknown I volunteer and official pilot briefings

2:00 - Unlimited Sequence Posting

2:00 - **Advanced Unknown I Flights**

6:00 - Advanced Figure Selection Unknown II

7:00 - Unlimited Pilot Sequence Selection Deadline

7:00 - Advanced Figure Posting Unknown II

7:30 - Texas Barbecue sponsored by ASL Camguard/Bearfeat Aerobatics

Wednesday, September 25

7:00 - Sportsman, Primary, and Intermediate volunteer and official pilot briefings

8:00 - Unlimited Pilot Sequence Selection Posting

8:00 - **Sportsman Primary Free Flights**

11:00 - **Intermediate Free Flights**

12:00 - Advanced Sequence Submission Deadline Unknown II

1:00 - Unlimited Unknown volunteer and official pilot briefings

2:00 - Advanced Unknown II Sequence Posting

2:00 - **Unlimited Unknown Flights**

7:00 - Advanced Pilot Sequence Selection Deadline

Appendix C

Thursday, September 26

7:00 - Sportsman, Primary, and Intermediate volunteer and official pilot briefings

8:00 - Advanced Pilot Sequence Selection Posting

8:00 - **Intermediate Unknown Flights**

11:00 - **Sportsman Primary Third Flights**

1:00 - Advanced volunteer and official pilot briefings

2:00 - **Advanced Unknown II Flights**

6:00 - 4 Minute Freestyle order of flight posting

7:00 - Dinner at the Library sponsored by Lake Texoma Jet Center

Friday, September 27

9:00 - 4 Minute Freestyle Briefing

10:00 - **4 Minute Freestyle Flights**

12:00 - All pilots and volunteers clean up party

2:00 - Introduction of 2013 United States Advanced Team and Photo Shoot

7:00 - Awards Banquet

Saturday, September 28

TBA - Rain Date for Advanced Team Selection Only

Appendix C

2013 US Nationals Schedule As Flown

Sunday, September 22

8:00 to 12:00 - Registration, Volunteer Sign up, Technical Inspections and Practice
9:30 - Jury Brief
11:00 to 11:30 - Chief Judges and Starters review with control tower chief
11:30 to 12:00 - Judging review, mandatory for all judges
1:00 - Official welcome, volunteer briefing, official pilot briefing (all pilots)
1:00 - Advanced Known official pilot briefing and order of flight posting
3:00 - Advanced Known Flights
6:00 - Advanced Figure Selection Unknown I
7:00 - Advanced Figure Posting Unknown I
7:30 - Texas Barbecue sponsored by Chamber of Commerce

Monday, September 23

7:00 - Unlimited and Intermediate volunteer and official pilot briefings
8:00 - Unlimited Known Flights
11:00 - Intermediate Known Flights
12:00 - Advanced Sequence Submission Deadline Unknown I
1:00 - Advanced Free program volunteer and official pilot briefing
2:00 - Advanced Unknown I Sequence Posting
3:00 - Advanced Free Flights
5:30 to 9:30 - Reception - Hosted by the Hampton in Dennison
6:00 - Sportsman and Primary order of flight posting
7:00 - Unlimited Unknown Figure Selection
7:00 - Advanced Pilot Sequence Selection Deadline
8:00 - Unlimited Unknown Figure Distribution

Tuesday, September 24

7:00 - Sportsman, Primary, and Unlimited volunteer and official pilot briefings
8:00 - Advanced Pilot Sequence Selection Posting
8:00 - Unlimited Free Flights
11:00 - Sportsman Primary Known Flights
12:00 - Unlimited Sequence Submission Deadline
1:00 - Advanced Unknown I volunteer and official pilot briefings
2:00 - Unlimited Sequence Posting
4:00 - Advanced Unknown I Flights
7:00 - Advanced Figure Selection Unknown II
7:00 - Unlimited Pilot Sequence Selection Deadline
8:00 - Advanced Figure Posting Unknown II
7:30 - Texas Barbecue sponsored by ASL Camguard/Bearfeat Aerobatics

Appendix C

Wednesday, September 25

0700 - Advanced, Sportsman & Primary Briefing
0700 - Advanced Pilot Selection Posting
0800 - Unlimited Pilot Sequence Selection Posting
0900 - Advanced Unknown I Flight
1300 - Sportsman & Primary Flight II
1130 - Advanced Unknown II Figure Selection
1230 - Advanced Unknown II Figure Posting
1300 - Unlimited Unknown Briefing
1700 - Unlimited Unknown Flight
1630 - Advanced Unknown II Sequence Submission Deadline
1830 - Advanced Unknown II Sequence Submission Posting
2100 - Advanced Pilot Sequence Selection Deadline

Thursday, September 26

0700 – Unlimited, Intermediate Free, Sportsman & Primary Briefing
0800 - Advanced Pilot Selection Posting
0800 – Unlimited Unknown Continued
1100 - Intermediate Free Flight
1500 - Sportsman & Primary Flight II
1800 - 4 Minute Freestyle order of flight posting
1900 - Dinner at the Library Sponsored by Lake Texoma Jet Center

Friday, September 27

0700 - Intermediate Unknown Briefing
0800 - Intermediate Unknown Flight
1100 - 4 Minute Freestyle Briefing
1200 - 4 Minute Freestyle Fights
1130 - Advanced Unknown II Briefing
1300 - Advanced Unknown II Flight
1600 - All pilots and volunteers cleanup party
1800 - Introduction of the 2013 US Advanced Team Members
1900 - Banquet @ Willowood Ranch



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

Dallas Flight Standards District Office
1431 Greenway Drive, St. 1000
Irving, TX 75038
(972) 582-1800, Fax: (972) 582-1862

August 13, 2013

John Smutny
International Aerobatic Club
2201 SW 152nd St.
Burien, WA 98166

Dear Mr. Smutny:

This letter is to inform you that your application for a Certificate of Waiver for Aerobatic Practice/Competition Box, dated August 01, 2013, is approved.

Please pay particular attention to each special provision attached to the Certificate of Waiver and Authorization as you are responsible for briefing all participants.

Additionally, you are required to contact this office and arrange for a time and location participating aircraft are to be made available for inspection as required in the special provisions.

Should you have any questions regarding this waiver, please feel free to contact the Dallas Flight Standards District Office at (972)582-1800.

Sincerely,

A handwritten signature in black ink, appearing to read 'C S Baker'.

Cameron S. Baker
Aviation Safety Inspector

Enclosures
Certificate of Waiver (7711-1)
Application for Waiver (7711-2)
Statement of CATEX

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
CERTIFICATE OF WAIVER

ISSUED TO

**International Aerobatic Club
John Smutny
(206) 399-7097**

ADDRESS

**2201 SW 152nd St.
Burien, WA 98166**

This certificate is issued for the operations specifically described hereinafter. No person shall conduct any operation pursuant to the authority of this certificate except in accordance with the standard and special provisions contained in this certificate, and such other requirements of the Federal Aviation Regulations not specifically waived by this certificate.

OPERATIONS AUTHORIZED

AEROBATIC PRACTICE AND COMPETITION WILL BE CONDUCTED FROM THE SURFACE UP TO AND INCLUDING 5000 FT. AGL OVER NORTH TEXAS REGIONAL AIRPORT (KGYI), SHERMAN, TEXAS, WITHIN THE AREA DEFINED IN ATTACHMENT MARKED "APPENDIX A", FROM SUNRISE TO SUNSET BEGINNING 09/21/2013, AND ENDING 09/28/2013.

THE DEMONSTRATIONS ARE SUBJECT TO THE LIMITATIONS AND PROVISIONS OF ANY ATTACHMENTS TO THIS CERTIFICATE OF WAIVER.

LIST OF WAIVED REGULATIONS BY SECTION AND TITLE

14 CFR SECTIONS 91.117(b), 91.119(c), 91.121(a), 91.303(c)(e).

STANDARD PROVISIONS

1. A copy of the application made for this certificate shall be attached to and become a part hereof.
2. This certificate shall be presented for inspection upon the request of any authorized representative of the Administrator of the Federal Aviation Administration, or of any State or municipal official charged with the duty of enforcing local laws or regulations.
3. The holder of this certificate shall be responsible for the strict observance of the terms and provisions contained herein.
4. This certificate is nontransferable.

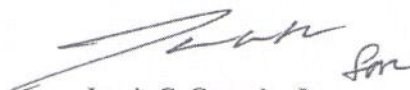
NOTE—This certificate constitutes a waiver of those Federal rules or regulations specifically referred to above. It does not constitute a waiver of any State law or local ordinance.

SPECIAL PROVISIONS

Special Provisions Nos. 1 to 19, inclusive, are set forth on the attached pages.

This certificate is effective from 09/21/2013 through 09/28/2013, from Sunrise until Sunset, inclusive, and is subject to cancellation at any time upon notice by the Administrator or his authorized representative.

BY DIRECTION OF THE ADMINISTRATOR



Lewis C. Gonzales Jr.
Dallas FSDO Manager,

Southwest Region
August 13, 2013

FAA Form 7711-1 (7-74) DISTRIBUTION: Electronically to Applicant, DAL FSDO, ASW200, FTW AFSS, FTW ARTCC
COORDINATION: Electronically to Applicant, DAL FSDO, FTW AFSS, FTW ARTCC

Special Provisions

1. All flights conducted under the provisions of this waiver shall be confined to the areas/routes indicated in the approved Certificate of Waiver, FAA Form 7711-1, and any pertinent attachments. Operation under the terms of this certificate shall be confined to the limits of the area stated below:

*SHERMAN/ DENISON, GRAYSON COUNTY AIRPORT (KGYI) SURFACE TO 5000 Feet AGL,
AND:*

Bordered on the East by a line 500 feet east of the Eastern Taxiway.

Bordered on the West by Hardenburg Road.

Bordered on the North by a line extending west along the North Taxiway and ending at the intersection of Hardenburg Road.

Bordered on the South by a line extending west along the South Taxiway and ending at the intersection of Hardenburg Road.

FAR 91.117(b) Aircraft Speed

2. Unless otherwise authorized or required by ATC, no person may operate an aircraft at or below 2,500 feet above the surface within 4 nautical miles of the primary airport of a Class C or Class D airspace area at an indicated airspeed of more than 200 knots (230 mph). This paragraph does not apply to any operations within a Class B airspace area.

FAR 91.119(c) Minimum Altitude Other than Congested Areas

3. Is waived to allow flight within the boundaries of the waiver area below 500 feet above the surface and less than 500 feet from persons or property. The waiver **does not** include flight closer than 500 feet to persons on the surface who are **not** a part of an aerobatic event.

FAR 91.303(c) Within the lateral boundaries of the surface areas of Class D airspace designated for this airport.

FAR 91.303(e) is waived to allow aerobatic flight below 1500 feet AGL.

4. No person may be carried within the aircraft unless necessary to the accomplishment of the work activity.
5. The responsible person will ensure that notification is made to the Ft. Worth Flight Service Station (AFSS) at 877-487-6867 or 800-992-7433 of the date, time, place, areas, altitudes, nature of the activity, duration of the operation, runway closures for the aerobatic practice/competition, and request that a Notice to Airmen (NOTAM) be issued. Such notice shall be accomplished by providing the controlling flight service station (AFSS) with a copy of the Certificate of Waiver or Authorization, if requested, at least 48 hours before the event and no more than 72 hours before the event.
6. The holder of this certificate of authorization shall notify the Flight Service Station serving the area of operations of the date, time, place, areas, altitudes, nature and duration of the operations, and request that a notice to airmen be accomplished at least 1 hour prior to beginning the operation, and notify within 30 minutes of completion.
7. The person(s) authorized to activate or deactivate the aerobatic practice/competition area described in Special Provision 1 is Mike Gallaway, telephone number 214-673-9935.
8. The person named in special provision 7 above, shall also be responsible for the following:
 - a. Ensuring that all pilots and aircraft are operating within the confines of the waived aerobatic practice/competition area and are properly certificated.
 - b. Briefing each pilot to ensure that all users of the practice/competition area comply with the limitations imposed by the Certificate of Waiver and its attendant special provisions.

ISSUED TO: International Aerobatic Club
DATE ISSUED: August 13, 2013
VALID: 09/21/2013 through 09/28/2013, from Sunrise until Sunset inclusive
ISSUED BY: ASW05

- c. Maintain a log containing the pilot names, certificate numbers, aircraft registration numbers, dates and times the aerobatic practice area was in use, and upon request, provide the documentation to the FAA.
9. Aerobatics are limited to those aircraft and pilots who are approved by the holder of the Certificate of Waiver or a designated representative. The contest director is responsible for ensuring that:
 - a. Each aircraft competing in the aerobatic competition has the appropriate documents necessary to show current registration and airworthiness.
 - b. Each pilot participating in the aerobatic competition is properly certificated and possesses the currency and/or endorsements appropriate to the flight operation being conducted.
 - c. Before any waived aerobatic operation, each pilot participating in the aerobatic competition receives a briefing from the waiver holder, or designated representative. This briefing must include the terms of the waiver, the confines of the waived airspace, and any special limitations or procedural considerations contained therein.
10. Airports with a Control Tower. When required by ATC, all Pilots must monitor Grayson County ATC Facility on frequency 120.575 on a continuous basis while operating within the aerobatic practice/competition area.
11. The Certificate of Waiver holder or a delegated representative is responsible for halting or canceling activity in the aerobatic practice/competition area if, at any time, the safety of persons or property on the ground or in the air is in jeopardy, or if there is a failure to comply with the terms or conditions of this waiver.
12. Grayson County Airport (KGYI) will be closed to all traffic when the competitive activity of Advanced and Unlimited Category pilots may create a conflict with continuing nonparticipant flight operations. Also, this information shall be included in the NOTAM and traffic advisory, as required.
13. Each aircraft operating in the aerobatic practice/competition area must be appropriately equipped to maintain continuous radio reception with the Tower and Contest Director or Chief Judge.
14. The holder of the waiver must obtain the permission of the SHERMAN/DENISON, GRAYSON COUNTY airport Manager to conduct aerobatic activities and, in addition, ensure that the airport management fully understand, and will abide by, the terms and conditions of the Certificate of Waiver.
15. A crowd line consisting of a physical barrier and/or adequate policing shall be established at least 500 feet from the aerobatic box to confine all spectators within a designated area.
16. When operating within waived airspace, § 91.119(c) is waived only if unoccupied structures are involved or to allow participating waived aircraft to operate closer than 500 feet to participating personnel, vehicles, or vessels on the ground. All participating aircraft must maintain at least 500 feet from persons not participating in the aviation event.
17. Before performing any aerobatic sequence, the area must be scanned thoroughly by both the competitor and the Chief Judge. The competitor must not enter and/or initiate any aerobatic maneuvers unless the Chief Judge has ensured that the area is free of any conflicting traffic, and has advised the pilot that the aerobatic contest box is clear.
18. The FAA has the authority to cancel the Certificate of Waiver or delay any events if the safety of persons or property on the ground or in the air is in jeopardy, or if there is a violation of the terms of the waiver or authorization.
19. A copy of this waiver and special provisions shall be carried in each aircraft.

ISSUED TO: International Aerobatic Club
DATE ISSUED: August 13, 2013
VALID: 09/21/2013 through 09/28/2013, from Sunrise until Sunset inclusive
ISSUED BY: ASW05

Statement of Understanding

I have read and understand the provisions and conditions of this Waiver.

Signature	Date

ISSUED TO: International Aerobatic Club
DATE ISSUED: August 13, 2013
VALID: 09/21/2013 through 09/28/2013, from Sunrise until Sunset inclusive
ISSUED BY: ASW05

No certificate may be issued unless a completed application form has been received (14 C.F.R. 91.101. and 105).



US Department of Transportation
Federal Aviation Administration

**APPLICATION FOR
CERTIFICATE OF WAIVER
OR AUTHORIZATION**

From Approved: O.M.B. No.2120-0027 08/31/2008

APPLICANTS - DO NOT USE THESE SPACES

Region SOUTHWEST	Date 08/13/2013
----------------------------	---------------------------

Action
 Approved Disapproved – "Explain under "Remarks"

Signature of authorized FAA representative

INSTRUCTIONS

Submit this application in triplicate (3) to any FAA Flight Standards district office.

Applicants requesting a Certificate of Waiver or Authorization for an aviation event must complete all the applicable items on this form and attach a properly marked 7.5 series Topographic Quadrangle Map(s), published by the U.S. Geological Survey (scale 1:24,000), of the proposed operating area. The map(s) must include scale depictions of the flightlines, showlines, race courses, and the location of the air event control point, Police dispatch, ambulance, and fire

fighting equipment. The applicant may also wish to submit photographs and scale diagrams as supplemental material to assist in the FAA's evaluation of a particular site. Application for a Certificate of Waiver or Authorization must be submitted 45 days prior to the requested date of the event.

Applicants requesting a Certificate of Waiver or Authorization for activities other than an aviation event will complete items 1 through 10 only and the certification, item 17, on the reverse.

1. Name of organization International Aerobatic Club	2. Name of responsible person John Smutny
--	---

3. Permanent mailing address 2201 SW 152nd St	House number and street or route number	City Burien	State and ZIP code WA 98166	Telephone No. 206.399.7097
---	---	-----------------------	---------------------------------------	--------------------------------------

4. State whether the applicant or any of its principal officers/owners has an application for waiver pending at any other office of the FAA.
No.

5. State whether the applicant or any of its principal officers owners has ever had its application for waiver denied, or whether the FAA has ever withdrawn a waiver from the applicant or any of its principal officers/owners.
No.

6. FAR section and number to be waived
14 CFR Sections 91.117(b), 91.119(c), 91.121(a), 91.303(c)(e)

7. Detailed description of proposed operation (Attach supplement if needed)
Practice and Competition Flights over the North Texas Regional Airport (KGYI) in Sherman, TX. Aerobatic Operations from surface up to and including 5000ft AGL. This is the United States National Aerobatic Championship.

8. Area of operation (Location, altitudes, etc.)
1 Mile centering on 33°42'47"N, 96°40'34"W from 300 AGL to 5000 AGL.

9a. Beginning (Date and hour) ATTACHMENT A	b. Ending (Date and hour)
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10. Aircraft make and model (a)	Pilot's Name (b)	Certificate number and rating (c)	Home address (Street, City, State) (d)
A detailed list of participating pilots is kept on file.			

ITEMS 11 THROUGH 16 TO BE FILLED OUT FOR AIR SHOW/AIR RACE WAIVER REQUESTS ONLY.

11. The air event will be sponsored by:
International Aerobatic Club

12. Permanent mailing address	House number and street or route number P.O. Box 3086	City Oshkosh	State and ZIP code WI 54903-3086	Telephone No. 920-426-6574
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13. Policing (Describe provisions to be made for policing the event.)
 The event is within the fenced perimeter of Grayson County Airport. In addition, boundary judges and chief judging staff monitor perimeter for incursions.

14. Emergency facilities (Mark all that will be available at time and place of air event.)

Physician Fire truck Other - Specify _____
 Ambulance Crash wagon _____

15. Air Traffic control (Describe method of controlling traffic, including provision for arrival and departure of scheduled aircraft.)
 Grayson County Tower remains the primary controlling agency of the airport and airspace surrounding KGYI during the event.

16. Schedule of Events (include arrival and departure of scheduled aircraft and other periods the airport maybe open.)

Hour (a)	Date (b)	Event (c)
		Attachment A

If sufficient space is not available, the entire schedule of events may be submitted on separate sheets, in the order and manner indicated above.

Please Read  The undersigned applicant accepts full responsibility for the strict observance of the terms of the Certificate of Waiver or Authorization, and understands that the authorization contained in such certificate will be strictly limited to the above described operation.

17. Certification - I CERTIFY that the foregoing statements are true.

Date 08/01/2013	Signature of Applicant 
--------------------	---

Remarks
 Attachments
 A - Schedule of events
 B - Site Layout

Attachment A

This attachment consists of the published schedule of events for the US National Aerobatic Championships.

We would like have our waiver times be active from 0745 to 1915 daily starting on September 21st and ending on September 28th.

Saturday, September 21

8:00 AM to 7:00 PM	Practice
11:00 AM	Sign-up for all remaining unreserved Saturday practice slots
Noon	On site registration, Volunteer Sign-Up, and Technical Inspections
Noon	FAA inspectors on site
5:00 PM	Sign-up for unreserved Sunday practice slots
7:00 PM	Welcome Reception at the Hampton Inn and Suites, Sherman, TX

Sunday, September 22

8:00 AM to Noon	Registration, Volunteer Sign-Up, Technical Inspections and Practice
11:00 AM to 11:30 AM	Chief judges' & starters review with control tower chief
11:30 AM to 12:30 PM	<i>Judging review, mandatory for all judges</i>
1:00 PM	Official welcome, volunteer briefing, official pilot briefing (all pilots), Advanced Known official pilot briefing & order of flight posting
2:30 PM	Advanced Known Program
6:30 PM	<i>Advanced Unknown I Figure Submission</i> & order of flight posting
7:30 PM	Texas Barbecue sponsored by Chamber of Commerce
7:30 PM	Distribution of Advanced Unknown Figures

Monday, September 23

7:00 AM	<i>Unlimited and Intermediate volunteer and official pilot briefings</i>
8:00 AM	Unlimited Known Program
9:30 AM	<i>Advanced Unknown I Sequence Submission Deadline</i>
10:00 AM	Intermediate Known Program
11:30 AM	Advanced Unknown I Sequence Distribution
1:00 PM	<i>Advanced Free program volunteer and official pilot briefing</i>
2:00 PM	Advanced Free Program
6:00 PM	Unlimited order-of-flight posting & <i>Unknown Figure Submission</i>
6:00 PM	Sportsman & Primary order-of-flight posting
7:00 PM	Distribution of Unlimited Unknown Figures

Tuesday, September 24

7:00 AM	<i>Sportsman, Primary & Intermediate volunteer and official pilot briefings</i>
8:00 AM	Sportsman Known and Primary Flight I Program
10:00 AM	<i>Unlimited Unknown Sequence Submission Deadline</i>
10:00 AM	Intermediate Free Program
Noon	Unlimited Unknown Sequence Distribution
Noon	Intermediate Unknown Sequence Distribution

Attachment A

1:00 PM	<i>Advanced Unknown I volunteer and official pilot briefings</i>
2:00 PM	Advanced Unknown I Program
6:30 PM	Advanced order-of-flight posting & <i>Unknown II Figure Submission</i>
6:30 PM	Unlimited & Sportsman/Primary order-of-flight posting
7:30 PM	Texas Barbecue sponsored by ASL Camguard/Bearfeat Aerobatics
7:30 PM	Distribution of Advanced Unknown II Figures

Wednesday, September 25

7:00 AM	<i>Unlimited & Sportsman/Primary volunteer and official pilot briefings</i>
8:00 AM	Unlimited Free Program
10:00 AM	Sportsman Free and Primary Flight II Programs
Noon	<i>Advanced Unknown II Sequence Submission Deadline</i>
1:00 PM	<i>Intermediate volunteer and official pilot briefings</i>
2:00 PM	Intermediate Unknown Program
3:00 PM	Advanced Unknown II sequences approved by Jury
6:00 PM	Sportsman and Advanced order-of-flight posting
6:00 PM	Advanced Unknown II deadline for corrected sequences to be approved
6:30 PM	Advanced Unknown II sequences published by Jury
8:00 PM	Advanced Unknown II deadline by which pilots must notify Contest Director of Selection

Thursday, September 26

7:00 AM	<i>Sportsman/Primary & Unlimited volunteer and official pilot briefings</i>
7:00 AM	Advanced Unknown II CD Posts Sequences by each Pilot
8:00 AM	Advanced Unknown II Program
10:00 AM	Sportsman and Primary Flight III Program
1:00 PM	<i>Unlimited volunteer and official pilot briefings</i>
2:00 PM	Unlimited Unknown Program
6:00 PM	4 Minute Freestyle order-of-flight posting
7:00 PM	Dinner at the Library sponsored by Lake Texoma Jet Center

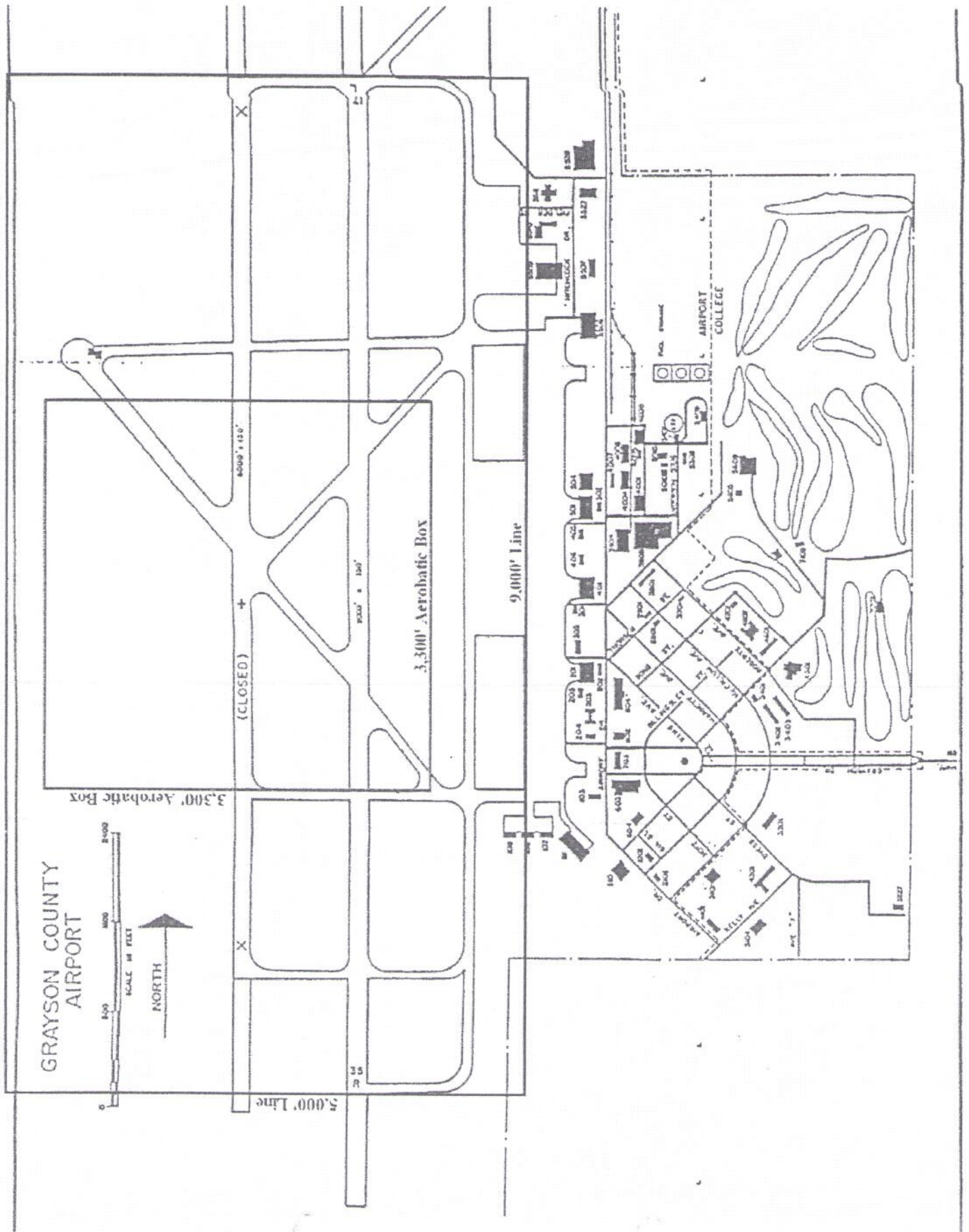
Friday, September 27

9:00 AM	<i>4 Minute Freestyle Briefing</i>
10:00 AM	4 Minute Freestyle Program
12:00 Noon	All pilots and volunteers clean-up party
2:00 PM	Introduction of 2012 United States Advanced Team and photo shoot
7:00 PM	Awards Banquet

Saturday, September 28

TBA	Rain Date for Advanced Team selection only
-----	--

Attachment B



The issuance of waivers pertaining to the US National Aerobatic Championships at North Texas Regional Airport (KGYI), TX is Categorically Excluded (CATEX) from the need for an Environmental Assessment, in accordance with paragraph 312b of Order 1050.1E. Furthermore, there are no Extraordinary Circumstances contained in paragraph 304 of Order 1050.1E that would prevent issuance of a CATEX.

Critique – 2013 U.S .National Aerobatic Contest

Charles Harrison – Chief Judge Unlimited Power and Glider
Sportsman Power and Glider
Primary Power

Overall, the contest went well despite a nearly record 110 pilot entries.

Commercial quality radios improved the communications between N.E. boundary and the judging station on the west side, although it was often necessary to carefully orient the handhelds with the antennas vertical and for the receiving end to hold the radio high. One short delay was experienced when the S.W. boundary judge placed the radio on the ground while he used his cell phone. He did not respond to repeated calls. Communications were re-established only after the V.C. sent a messenger with a replacement radio, which of course was not needed.

There was a recurring problem, all three flights, with a pilot experiencing a hot start failure during the unlimited category. He was the second pilot to use the aircraft in the category. He actually used a substitute aircraft, obtained just before the end of the category during the un-known flight.

The main problem we experienced was with the paperwork and associated starting line delays. The Sportsman/Primary category was complicated by the problems caused by multiple pilots in the same aircraft. On the third flight, the paperwork arrived on the line with several changes in order of flight indicated by arrows drawn **on the chief judge's copy**. The intent was not conclusive. Attempts to re-order the paperwork were hampered by inexperienced recorders and the simple volume of paper because nearly half the Sportsman pilots flew individual free programs rather than the more simple re-flight of the known. The wind made handling of paper difficult. Additional problems were caused during the flight by the starter changing the order of flight, attempting to minimize delays caused by refueling of aircraft used by more than one participant. Because of the confusion, score sheets were used for pilots with other pilot's names on them, crossed out and corrected by the recorders on the line. It is not certain that the frequent changes in the order of flight for the sportsman/primary category actually saved time. I suspect that, judged by the lengthy gaps between the last few pilots, it may have cost additional time.

I recommend that the registrar staple the 15 or so copies of the free program flimsies plus score sheet, **placing the staple adjacent to the pilot's name in the lower right hand corner of the "A" form**. This will make the 15-pack handle as one

piece of paper, instead of 15 sheets, during order of flight checks on the judging line. A couple of inexpensive staple extractors would be useful at the CJ station.

I recommend that problems anticipated by accommodating multiple pilots in a given aircraft, be accommodated **prior to the pilot's briefing, or at least** before the scorer prints the final order of flight from the computer.

I recommend that changes in the order of flight, after the order of flight is called at the pilot briefing, be limited to genuine mechanical difficulties or pilot unavailability, **and that these be handled according to the procedures in the "redbook"**.

I recommend that one or two spare blank A flimsy forms, routinely be included with the chief judge paperwork, for the known and unknown categories.

2013 IAC U.S. National Aerobatic Championships

Jury Report

Douglas Lovell

General

Members of the jury were Douglas Lovell, Chair; and Bob Buckley, Bill Denton, Mike Forney, Mike Heuer, Steve Johnson (as Safety Director), Doug Sowder, Jason Stephens, and Mike Steveson. Mike Steveson headed the Free Unknown production process.

Jury members had a schedule for coverage of all flights. During any given flight, at least two jury members were available and observing conduct of flights-- one at the Chief Judge table and one nearby the starting line. If one of these was not the Chair, then the Chair was also available. Duties of the jury outlined in the P&P and rule book were divided among the jury members on duty. Twice daily, a member of the jury checked boundaries to ensure sighting devices were in condition for use.

Boundaries

Early in the contest, three jurors independently questioned the effectiveness of the sighting devices at the boundaries. Juror Mike Heuer declared that they were inadequate for use at the World Aerobatic Championship (WAC) that would follow a few weeks after the Nationals. The chair discussed the boundaries after each occasion with the Contest Director. Each time, we concluded that, while other designs might be superior, those designs were not the installed design nor were they reasonably likely to be installed for the Nationals. Further, we concluded that the installed design was adequate for boundary judges to call outs consistently from one competitor to the next. The design installed for Nationals had the advantage of being simple, sturdy, and robust. There were no parts that would move, go slack, get bumped out of alignment, or otherwise need careful tending. The CD believed that this design had been used for the AWAC in Pendleton, OR.

The CD provided Motorola RDV2020 radios for boundary and staff communication. We tested these before the contest between both boundaries and all three judge line locations, found them to work well. We did not test whether they would receive transmissions while lying on the ground. Boundary judges who set the radios on the ground were unreachable. At the same time, the boundary judges need to view the sequence, hold a clipboard and mark the boundary worksheet with outs. Basically, they need three hands. Not all managed well. Each needed briefing to hold up the radio and to keep holding the radio during the flight.

Boundaries were briefed to key before talking. Still, the Chief table would hear "...orth" when the boundary transmitted "Out North." Better to brief boundaries to say "Northeast out North." This way the "out North" part gets through regardless of how simultaneously or late they key the radio.

Regardless, boundaries were mostly functional this year, mostly in contact with the Chief table. Chief Judges had assistants take care to verify outs with boundaries. Chief judges checked boundary paperwork against penalty forms. Discrepancies were few.

Find appended further comments from jury members about the boundaries.

Judge refresher

When the contest schedule was published there was communication regarding the half hour schedule for the judge review being too short, but no follow-through. At the contest, we extended the time by moving the start time half an hour earlier. That was a mistake because not all judges got the message. It would have been better to leave the review at the scheduled time and let it go over if necessary. Two judges received a private refresher later, together. One of them was a team selected judge for the team category, Advanced. Both missed the refresher for reasons other than missing the reschedule notice. Charlie Harrison was generous to do the refresher twice.

Formal actions of the jury

Unlimited Glider Schedule

A tow plane was not available to the three Unlimited Glider competitors during the practice times on Saturday and Sunday. CD offered competitors a practice flight in lieu of their first contest flight, with a fourth flight, their Free Unknown flight, to fly together with the Advanced team unknown flight. Jury met to approve the practice flight after official start of the contest.

Free Program Paperwork

An H/C Unlimited competitor submitted their free on the CIVA forms. We asked him to provide the Form A with the IAC format.

Several competitors submitted frees without super family numbers. These went back to the competitor to get super-families. We asked competitors to use one of the sequence design programs to get the super-family numbers, and approved hand-written super-families without requiring the frees to be re-certified by a judge. We did not examine every free to verify that super-families were correct.

Somehow word got out that Sportsman frees would not require super-families. That was incorrect, and discovered when setting-up score entry for the Sportsman second flight. We determined the super-families for those frees in the scoring room. We also determined super-families for the Sportsman known at that time. Determining super-families for Sportsman is not difficult.

Technical, Advanced Known

An Advanced competitor had discovered a missing wing attach bolt during practice. The airplane was under repair Sunday with the Advanced Known flight in progress. The competitor wanted a test flight to check the repair. Understandably, no non-competitor could be found or authorized to make the test flight. The jury did not authorize a test flight, but determined with the Technical Director that checking the repair would be a valid technical reason to land. The competitor flew the safety check and warm-up maneuvers, landed for the technical, then returned to fly the sequence.

Scoring Errors, Advanced Known Provisional

After Advanced known provisional results were posted and free-unknown figure selection was complete, within the protest period, a competitor notified the jury that their check sheet averages were incorrect. Upon investigation, we found several problems with the scoring setup and procedure:

- The scoring method selected was raw score average (not Fair Play).
- Minority zeros were entered as soft zeros. (That tipped-off the competitor.)

- Minority grades had been entered as hard zeros.

It takes a number of settings on different forms to get the software properly configured. The Nationals uses a hybrid of CIVA Fair Play scoring with IAC zero handling that is not directly accommodated by the software. To compensate, we enter hard zeros (HZ) for all zeros. We use the Chief Hard Zero (CHZ) to force minority grades to zero. Minority grades should not be altered to HZ as that will perturb the Fair Play computations.

The scoring software also assumes one Chief Judge. It is possible, but not easy, to set individual flight Chief judges. It requires a special combination and sequence of settings that is not obvious. We ought to document this as we have documented the zero handling procedure.

Further, more or less first thing the next morning, Jury Chair got around to checking that penalties had been properly entered in the scoring system. (This is not automatic.) The timing was still within the protest period. We found that imported penalty amounts were incorrect, and manually corrected them.

This number of corrections naturally changed the results. One competitor was very unhappy that their standing dropped two places from the results posted as provisional.

Protest Monday 9/23/2013 8:35am

An Advanced contestant found questionable out calls. Jury upheld the protest and removed one out shown on chief judge penalty form not found on boundary judge worksheet.

Unlimited Free Paperwork Anomalies

The Chief Judge questioned paperwork from two competitors during the Unlimited Free on Tuesday.

The first had Forms A through C showing inverted entry to an upright spin. The competitor naturally flew an inverted spin. The majority of judges graded the figure. Chief Judge, or one of the line judges, caught the error. Jury instructed the Scoring Director to zero the figure with CHZ by rule regarding free program errors found after the flight brief [6.15, 6.16(e)].

The Chief Judge questioned paperwork from another competitor for valid signature. The signature appeared to be cut and paste. Jury found the competitor and met to review. Competitor demonstrated that the signature was made electronically from an iPad and PDF mailed to him. We accepted this explanation and allowed the forms.

Scoring errors, Advanced

Two Advanced Power competitors found errors in score entry of their Free program when checking their score sheets during the protest period. We had the Scoring Director correct them.

Reschedule Advanced Team Unknown

Advanced Power could not start or complete their first Unknown on schedule Tuesday. CD asked us to hold the Team Unknown selection meeting on schedule Tuesday evening so the Team Unknown could be flown on or near schedule. We initially agreed, thinking that results accumulated for Known and Free flights were sufficient to begin selection. A juror read further up in P&P 504 to find that it requires the Unknown flown before selection of figures for the Team Unknown. This slid the Team Unknown process back until immediately following the Unknown flight and limited flexibility for the CD. Nevertheless, we stuck to the process as specified in P&P.

Protest Tuesday 9/24/2013 2:15pm

A Sportsman competitor claimed wing wag while the Chief Judge penalty form showed improper restart after an interruption. Competitor and safety pilot testified they had done the wing wag. Chief judge said he did not assign the penalty. Juror working at the Chief judge table remembered that the Chief judge assistant working the table had assigned the penalty. Jury upheld the protest and removed the penalty.

Missed Video, Advanced Team

A judge on the line for the Advanced Free Unknown requested video review for a competitor figure. Video was not available for that figure because the videographer was changing a battery. The judges were unable to video conference. The Chief Judge notified the jury. We determined that the competitor was not registered as a team candidate, but that, in any case, there was no remedy other than throwing-away the entire flight or re-assembling the line and having the competitor fly the sequence again to have the one figure scored. The competitor was in fact registered as a team candidate. No protest was filed.

Glider Free Unknowns

Normally Unlimited Glider competitors design an unknown program among themselves. This year one of the competitors wanted to design a sequence on his own. This caused the jury to enforce the Free Unknown sequence construction process for Unlimited Glider. Advanced Glider designed and submitted a sequence on their own.

Schedule Changes

Jury continued to provide input to CD regarding schedule adjustments as it became clear that the Advanced Unknown would not fly on Wednesday. We consulted P&P 501 to advise the priorities written there. The Advanced Team Unknown would not fly prior to a third flight for Sportsman.

Protest Thursday 9/26/2013 10:40am

A Sportsman competitor found another competitor's free program to have a repeated 9.1.3.2 roll. This was clear; however, the protest came after the two hour protest period. The protest rule allows extension if the protestor was tied up volunteering on the line [3.16.1(c)].

The protesting competitor was assigned as an Unlimited judge. The Unlimited category formed quickly after the end of Sportsman flights, went to end of contest hours, then continued at the resumption of contest hours the next day. The protestor had no reasonable opportunity to go to the registrar and locate the invalid free program any earlier than he had.

It is true (and not at all well formally complied with) that all competitor's free programs are available to all competitors for review from the start of the contest; however, the reason for the competitor to view them came from observation during the flight. The jury upheld the protest and applied the rules to zero the figure with the repeated roll [6.15, 6.16(c)].

Sportsman had already briefed for their third flight before the protest was filed. This prevented the competitor with the illegal free from submitting a new, valid free program [6.15]. Tight scheduling and the practice of briefing all morning flights together at the Nationals contributed to the timing of the protest after the briefing.

The competitor who had submitted and flown the flawed free program left the contest before flying the

Sportsman third flight.

As a side note, our rules specify that the sequence flown for the second flight also be flown for the third flight [5.1.4(c)]. The intent of this rule might be to prevent a competitor from switching back to the known, or from submitting two separate free programs. If so, it is over-specified and needs rewording. It is not likely the intent of the rule to prevent a competitor from submitting a valid free for the third flight after finding a flawed free on the second flight.

Sportsman Known Paperwork Mixup

On Friday, a Sportsman competitor brought to our attention that two of the scoresheets attached to his scoring check sheet for the first, Known flight belonged to another competitor. The grades entered matched the other competitor's scoresheets. We contacted the other competitor and got her scoresheets. She had two scoresheets from the first competitor, also scored to her. It was apparent the sheets had been mixed-up at the chief judge table and that the mixup had not been caught in scoring.

Due to the fact that the Sportsman Known had been flown Tuesday and results finalized, no action was taken. Further, because of the properties of the Fair Play system, where scores of one competitor affect the adjusted scores of all other competitors, changing these scores could possibly affect results of other competitors. It was not simply a matter of repairing results for the two affected competitors.

Unlimited Glider Unknown

An Unlimited Glider competitor on the Friday Unknown flight wagged to start their sequence, flew through the box, then proceeded to fly the first three figures out of the box. The Chief Judge wondered whether to apply the rule to zero figures flown outside the box before initial entry [7.3.1(g)]. Rule [4.16.1(a)] allows a competitor to signal start, fly through the box, reposition, and signal a new start with no penalty. We advised the Chief Judge not to penalize the competitor; however, that it was up to him to decide. The Chief Judge did not zero the figures. No protest was filed.

Weather for the Advanced Team Unknown

A broken layer of clouds developed Friday afternoon before the Four Minute Free program. A returning competitor from the four minute reported bases 2,700 AGL. ATIS reported 3,200 broken. It was uncertain whether the clouds would thicken and lower or thin and raise. Winds on the ATIS were 15 knots gusting 20. Jury met to approve an optional break for the Advanced Power Team Unknown and waive the 20 knot wind limit should it be exceeded.

Advanced Team Unknown Sequence H

Sequence H posted for Team Unknown competitor selection had all figures shown as submitted. One competitor selected Sequence H. The paperwork submitted by the Jury to the Registrar for clipboard preparation showed one figure with opposite rolls where the submitted figure had same direction rolls (snap followed by slow roll). The competitor flew the figure as submitted and drawn on their selected sequence H. Five judges graded the figure. Having seen the figure on previous flights, they knew it was flown correctly. Two gave zeros. One requested video review.

On video review the judges looked at the Jury supplied paperwork and concluded that the rolls had been flown same direction when the paperwork required opposite direction. They conference zeroed the figure on video review.

Jury met and elected to reverse the action of the judges' conference. The competitor flew the correct

figure. The incorrect paperwork was entirely the fault of the jury. The competitor had no way to know that the figure on the judge clipboards showed opposite rolls. Many thanks to the five judges who scored the figure.

Unlimited Unknown Scoring Error

On the morning of Saturday after the contest I found an email, dated two days before, that a contestant had a Chief Hard Zero (CHZ) mark on a figure that had received scores from all judges. This would have been corrected immediately had it been brought to any juror's attention at the contest before scores were finalized. As with the Sportsman mixed paperwork, with official results posted, we will leave it as is uncorrected.

Free Unknowns

The free unknown process requires approximately nineteen hours minimum prior to the flight brief. This means in practical terms that it must commence twenty-four to twenty-seven hours before the flight. The jury must post sequences twelve hours before the flight. Sequence submission deadline for checking is two hours before that. Three to four hours are needed for competitors to design and submit sequences during which they cannot be doing anything else. At least an hour is needed for figure submission.

It is not explicitly stated, but posting the sequences at 7pm and flying them at 7am would not be satisfactory. Twelve of the contest hours might be a better stated minimum.

For the Unlimited Glider Free Unknown on Wednesday night we carried out an accelerated process by choosing figures, designing a pair of sequences on the spot with all three competitors contributing, drawing them, and then posting. The meeting began at about six in the evening and ended a little after ten at night. Competitors gave us their selections before mid-morning the following day. This was to enable the flight to fly the next afternoon if flown as scheduled.

For the Advanced Power Free Unknown we received nine sequences. Mike waited for sequence selection to create clipboard-ready forms in hopes that competitors would select only a few. In fact, they selected most of them and Mike worked until four in the morning to prepare clipboard-ready copies for the registrar. He asked Doug to check them carefully before giving them to the registrar, which he did.

We followed the same process for the Unlimited Power Free Unknown. Mike prepared the sequences and provided them to Doug for checking. Doug found and corrected one error-- a hammerhead figure found to have too many rolls still had the removed roll on one form of one sequence.

In order to shorten the time needed for Mike to prepare clipboard-ready forms, for the Advanced Power Team Unknown, we asked those using software to email files to the CD in addition to bringing hard copy to the Jury. Some competitors thought that the email submission satisfied the submission requirement. They felt surprised and betrayed when told to submit printed copy as well. Wireless internet was available on-site, but not printers. Some competitors rushed to make hand sketches of their electronically submitted sequences.

One of the Australian proposals for Unlimited power had a figure that was illegal. Mike made a limited search for the competitor, but due to time the search on the ramp was not exhaustive. The figure was not contained in the appendix, and without a replacement figure or contact with him, the sequence was

not accepted. The situation was explained to him later and he understood why it was not accepted. The fact that the figures must be contained in and be a legal figure for the category flying should have some additional clarification in the P&P and to the pilots.

On the same evening as we did the Unlimited Glider Unknown we had the Advanced Power Team Unknown selections to prepare. There were four different sequences selected. Two of these were prepared with Aresti and two with Open Aero, all sent as soft copy to the CD. Some competitors had sent several versions to the CD with changes and corrections. The CD forwarded most or all to Mike and Mike forwarded the two Open Aero sequences to Doug. Mike prepared the Aresti versions, Doug the Open Aero versions using the soft copy file submissions forwarded to them. Both needed until shortly after midnight to prepare the paperwork. No-one checked them as we had done previously before giving them to the registrar. One prepared by Doug from a submitted Open Aero sequence string contained an error found on the judging line. The error caused video review, and subsequently a jury meeting.

Some Advanced competitors thought they would be given the clipboard ready copy quickly according to the twelve hour rule. Actually, the sequences posted for selection, as submitted, are the only sequences they need to begin preparation. We endeavored to make available the clipboard-ready copy to all competitors when we provided it to the registrar. We brought these to competitors available on the line and left the remaining for pickup from the registrar. We thought of it as a useful final check. Unlimited competitors did not care for it or expect it. We omitted doing this for the Advanced Power Team Unknown.

We were careful to keep the written record of sequence selection. The registrar was careful to put the correct sequence on the clipboard for each competitor. The Advanced Chief Judge verified the selected sequence with each competitor before clearing them into the box. This last was a critical final check.

Prior to the contest we were supportive of allowing competitors to submit sequences in any legible format, even drawing on a napkin. Experience has shown that this leads to a time consuming and error prone process of preparing clipboard ready forms for the judging line. We now recommend that competitors must submit clipboard-ready A, B, and C forms. We recommend that computers and printers be made available to competitors for this process on site, especially if the timing of the process prevents them from preparing sequences overnight at their hotels.

A wonderful outcome of this process was that we had no protest or bickering over a sequence invented by the jury. We believe it is worthwhile to build time and resources for this process into the contest, to continue using the free unknown format.

Scoring

The Jury Chair was called upon by the Scoring Director for guidance with a number of setup problems, including:

- Non-scoring chief judge setting on flights
- Zero and majority zero handling
- Uploading scores to the web
- Free Unknown K value setup

- Sportsman Free Super Families
- Configuring pilots for the Four Minute Free program

The Chair regrets not delegating this to a very capable board member who was on-hand, so that he could see how difficult this program is to work with, how many functions require interacting settings from multiple setup screens, and how much configuration is required to get what is needed out of the program.

To be fair, the ACRO program is written to support multiple rules from different organizations and multiple styles of contests. There are many things the IAC JaSPer program can do by convention that ACRO must do by configuration; however both the Scoring Director and Jury Chair are capable and experienced people who find using the ACRO scoring program to be a trial, especially compared to the IAC JaSPer program.

The Scoring Director twice went to the author of the scoring program for assistance, sending the contest data file for examination. The author responded quickly and helpfully in both circumstances. The CHZ work-around to compensate lack of support of the IAC majority zero rule is error prone.

Schedule

There is a great deal of time pressure at this contest to “get planes quickly in the air.” This leads to a number of missed opportunities and errors. We get

- missed boundary briefings
- boundary judges who do not know how to use the radios or properly communicate outs
- chief judge table assistants who do not know how to assemble and check paperwork
- flights flown when boundary communication is lost
- paperwork and clipboards order of flight errors and delays

The pace need not be leisurely. It can be efficient, brief, and done with dispatch. However, at Nationals it becomes frenetic, especially when setting-up the line. In addition to errors this also creates an atmosphere of tension and short tempers as volunteers respond to the pressure. This frantic atmosphere makes the recreational experience of competing and volunteering at Nationals needlessly unpleasant at times.

Conclusion

We had a really great Nationals this year with nearly perfect weather (wind, naturally) and super turnout. Every flight was flown. We heard from competitors who thought the contest had been very fair. There were very few cries of foul. The Chair thanks all members of the jury for their service on the jury. It was a pleasure working with all.

October 1, 2013 3:13 PM

Mike Forney <mforney1@msn.com>

To: "Douglas Lovell" <doug@wbreeze.com>, "Bill Denton" <loop4fun@gmail.com>, "Mark Matticola" <Mark.Matticola@usafa.af.mil>, "Doug Sowder" <dougsowder@gmail.com>, "Bwana Bob Buckley" <BwanaBawb@Comcast.net>, "Jason Stephens" <stormbird@cox.net>, "Mike Heuer" <mikeheuer@comcast.net>, "Michael Steveson" <msteveson@gmail.com>

Re: Jury Report

To the Jury,

Doug and I were at the judges line for the Advanced Power Free Unknown flight on Friday afternoon. There were radio problems with the north east corner. Doug asked me to go there and help out.

When I got there the corner judge (CJ) was head low like when judging, facing south west (into the wind), talking in a raised voice into the radio. I suggested to the CJ to stand up to get better radio contact. The CJ said that there is too much to do to judge with head low and communicate standing up. I agreed that this is a big conflict. I offered to do the radio communication and the CJ agreed.

The CJ had difficulty with the difference of Form B and Sequence B. I explained. The CJ said this is confusing. I agreed.

The CJ said that there needs to be a porta pottie at the corner judge station. I agreed. (It is OK with guys - unless they are arrested - but women need it)

The CJ was looking down at the sequence, keeping the head low to see the markers, looking up to try to understand what figure was flown, noting the out, then flipping to the out log form and writing the figure number in the correct box, flipping back to the sequence and looking back up to try to figure out what figure was being flown. Since some of the competitors skipped figures, took breaks and restarting, it helps to keep an eye on the plane at all times. I suggested putting the log form on the glider clipboard since the gliders were not flying. The CJ agreed. I suggested that I call the figures as well as do the radio. The CJ agreed.

From that point, I think the outs were close to accurate except for when the plane was more than 45 degrees above the viewing point (when the 2 corner boundary markers do not overlap).

The CJ and I agreed that this is a 2 person job.

At the end of the flight I gave Doug some of my views and offered to testify over the phone if there were protests. It was 6 P.M., the results were not complete and not posted, the dinner was scheduled. I now look at the results and see outs that are questionable but see no protest. I hope we can do better in the future.

Mike Forney

-----Original Message----- From: Douglas Lovell

Sent: Sunday, September 29, 2013 9:27 PM

To: Bill Denton ; Mike Forney ; Mark Matticola ; Doug Sowder ; Bwana Bob Buckley ; Jason Stephens ; Mike Heuer ; Michael Steveson

Cc: Douglas Lovell

Subject: Jury Report

Please review the attached Jury Chair report for accuracy and completeness. If there are areas that could benefit from greater brevity, please indicate those. Please do not circulate this draft. Send any comments.

Thank you all for helping with the Jury at the Nationals. You were all a pleasure to work with, a great Jury for the Nationals.

Best,
Doug

Douglas Lovell
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Mike Heuer <mikeheuer@comcast.net>

September 30, 2013 2:39 PM

To: "Douglas Lovell" <doug@wbreeze.com>, "Bill Denton" <loop4fun@gmail.com>, "Mike Forney" <mlforney1@msn.com>, "Mark Matticola" <Mark.Matticola@usafa.af.mil>, "Doug Sowder" <dougsowder@gmail.com>, "Bwana Bob Buckley" <BwanaBawb@Comcast.net>, "Jason Stephens" <storbird@cox.net>, "Michael Steveson" <msteveson@gmail.com>
Cc: "John Smutny" <johnsmutny@gmail.com>
RE: Jury Report

3 Attachments, 1.5 MB

Dear Doug and all,

Thank you very much for this report. I was impressed with several things -- first, that such a detailed and accurate report was produced in such a short time, how helpful this will be to future Nationals Contest Directors, and important this sort of information is to the IAC Board of Directors. I was also very thankful to work with such a skilled and experienced Jury at Nationals. There was such a wide variety of background of all involved and it was very noteworthy.

I did want to add a couple of observations.

Boundaries

My name was mentioned on page 1 of the report in the section on "Boundaries". It is true that I made my opinion known to the Jury Chairman that the boundary sighting devices were inadequate for use at the WAC but I also expressed the view that they were insufficient for the Nationals as well. I do not believe that Nationals should have a lesser standard than a World Championships -- in fact, our contests should set the standard for others around the world and the USA has brought much to the international table in the past regarding rules and procedures. Much of what is in the CIVA rules today is a result of American proposals.

It is true I was disappointed in the sighting devices. But in the end, they proved adequate to the task and I have to take it on faith that they were sufficient for the Boundary Judges to call "outs" throughout the week. Doug Lovell is entirely correct -- by the time I saw the sighting devices, it would have been impossible to change them. In future, it might be best for a Jury person to arrive early for a site inspection when there have been major changes in equipment in use or issues like the box markings. Site inspections are standard procedure at WAC -- sometimes weeks or months ahead or in the days prior to the event.

You might be interested to know that at WAC 1996 in Oklahoma City, the sighting devices were deemed unsatisfactory and the Jury would not permit the contest to continue until they were fixed. Thanks to some very energetic IAC members, like Howie Stock, trips were made to the local hardware stores and the devices fixed and "up and running" in a matter of hours.

For everyone's information, I thought you might be interested in two excellent examples of sighting devices that have been used in years past.

The first was the sighting devices used at the World Air Games/European Aerobatic Championships in Antalya, Turkey in 1997:





As you can see, the Boundary Judge could sight nearly vertically for aircraft flying in the corner of the box. As a matter of interest, the Boundary Judges used in Turkey were mostly young university men and women with no aerobatic experience. They learned quickly and were very responsible and energetic. They stayed in the sun for hours at a time.

The following picture shows the sighting devices in use in Hungary in 2012 at the World Advanced Aerobatic Championships:



An excellent device as well. The man with the cap is Alan Cassidy -- who will be on the International Jury at WAC in Texas and will most certainly be scrutinizing the devices we will have in place there.

Finally, there was some mention of the devices used at AWAC in Pendleton in 2008. They were not exactly the same design as what we had at KGYI but similar in that it would have been difficult to sight on aircraft approaching the corner of the box, as you can see in the photo below, but probably possible if the Boundary Judge got down low on the device.





In the end, we have to assume the devices did their job and the Boundary Judges who were stationed at the corners were successful in calling outs when the aircraft was indeed out of the box. Fortunately, 99.9% of the time, the aircraft goes out closer to one of the main axes and it is easily observable by these devices.

ACRO

At some point, I think it would be good to get Nick Buckenham's input on the help and assistance he offered Carol Brinker at the Championships. His name is not mentioned in the report other than as the "author" of ACRO, but for those of you who do not know him, he is Great Britain's Delegate to CIVIA and will be at WAC in Texas as a Judge. He will also be on hand to assist Carol Brinker when needed.

As Doug does state, Nick was very responsive and always has been. While he resides in the United Kingdom, he has always been very quick to respond to e-mails at most any time of day.

There were a couple of points that Nick made to me on my return from Texas yesterday that might be mentioned with more thorough comments later, once the Jury Report is finalized and public and Nick can have an opportunity to respond. We need to hear from him as well.

He was concerned about the results being "locked" and re-run after they became official and the protest period expired and then uploaded to the website in an expeditious manner. This then displays the FPS results which are very important to pilots. That said, Carol had an incredible job to do and we all owe her a debt of gratitude. Incidentally, I believe the WiFi was rather poor at first but then the company installed a WiFi antenna in the scoring office and it improved. This WiFi system will be in place at WAC -- the Nationals got the benefit of it at WAC 2013 expense -- I am told it is about \$4,500.

Carol did tell Nick over the weekend she was getting the locked results uploaded -- she had a slow connection apparently -- and taking a look today, it appears the FPS results are now on line. Good news.

I am aware of a couple of other small points that Nick may wish to comment on but it is now important for those of us involved in WAC, including Nick and Carol, to concentrate on that contest. I can assure you of this -- Nick is constantly improving and tweaking ACRO and is sensitive to problems and providing solutions. I am convinced he wants it to work for us at Nationals -- and fully appreciates the complexity of the multi-category, multi-Chief Judge, multi-Panel of Judges scenario we face every year.

In summary, it was an outstanding contest, staffed by very dedicated people who are a joy to work with.

My thanks to all of you for your contributions.

Best regards,

Mike Heuer