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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DOUGLAS GILLISS,</p> <p>Petitioner,</p> <p>v.</p> <p>J. RANDOLPH BABBITT, Administrator, Federal Aviation Administration,</p> <p>Respondent.</p>

No. 10-70185

FAA No. SE-18703

MEMORANDUM*

On Petition for Review of an Order of the
National Transportation Safety Board

Submitted August 2, 2011**

Before: RYMER, IKUTA, and N. R. SMITH, Circuit Judges.

Douglas Gilliss petitions pro se for review of a final order of the National Transportation Safety Board (“NTSB”) revoking his airmen certificates. We have jurisdiction under 49 U.S.C. § 1153(a). We must uphold the NTSB’s decision

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument, and therefore denies Gilliss’s request. *See* Fed. R. App. P. 34(a)(2).

unless it is arbitrary, capricious, an abuse of discretion, or not otherwise in accordance with the law. *Essery v. Dep't of Transp.*, 857 F.2d 1286, 1288 (9th Cir. 1988). The NTSB's factual findings are conclusive when supported by substantial evidence in the record. *Id.* We deny the petition for review.

The NTSB's order concluding that Gilliss intentionally falsified an endorsement sicker, in violation of 14 C.F.R. § 61.59(a)(2), is supported by substantial evidence and free of legal error. *See Hart v. McLucas*, 535 F.2d 516, 519 (9th Cir. 1976) (the elements of intentional false statements are falsity, materiality and knowledge); *see also Andrzejewski v. FAA*, 563 F.3d 796, 799 (9th Cir. 2009) ("The NTSB must leave undisturbed an ALJ's credibility finding 'unless there is a compelling reason or the finding was clearly erroneous.'")

The NTSB did not abuse its discretion by revoking Gilliss's airmen certificates. *See Olsen v. Nat'l Transp. Safety Bd.*, 14 F.3d 471, 476 (9th Cir. 1994) (citing *Adm'r v. Rea*, No. EA-3467, 1991 NTSB LEXIS 274, at *9 (NTSB Dec. 26, 1991) for the proposition that "intentional falsification is a serious offense which in virtually all cases the [FAA] imposes and the [NTSB] affirms revocation" (alteration in original)).

Gilliss's remaining contentions are unpersuasive.

PETITION FOR REVIEW DENIED.