



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

Western-Pacific Region  
Office of Airports  
Safety and Standards Branch

777 S. Aviation Blvd., Suite 150  
El Segundo, CA 90245

February 3, 2022

Mr. Walter Gyger  
Owner, Tradewinds Aviation  
2505 Cunningham Ave  
San Jose, CA 95148

See Additional Addressees/Complainants listed below.

Subject: Opportunity for Rebuttal to County's Response to Your Initial Complaints

Dear Complainants;

This letter is in reference to Federal Aviation Administration (FAA) Western-Pacific Region's ongoing informal investigation of alleged violations by the County of Santa Clara (County) of the federal grant agreement obligations associated with the Reid-Hillview (RHV) and the San Martin (E16) Airports. You, or your organization, are one of several parties who submitted complaints in this case, all of which are being handled as Reports of Violation or "informal" complaints in accordance with 14, Code of Federal Regulations, Part 13.

The FAA has not yet made any finding regarding the validity of the complaints nor have we made any finding on whether a violation of the County's federal grant agreement obligations has or has not occurred. As you are aware, the FAA forwarded the complaints to the County on December 22, 2021 together with FAA's informal notice of investigation letter. The purpose of our December 22 transmittal was to provide the County an opportunity to respond directly to those complaints. The County provided a response to the FAA's letter and accompanying complaints in a letter dated January 11, 2022. The County provided a supplement to its response on January 27, 2022. Copies of the County's response letters are enclosed. **The purpose of this letter, is to invite you or your organization to provide a rebuttal to the County's responses and/or to provide any additional information that you believe should be considered in this case.** A rebuttal from you is not required, but is an option available to you.

Two of the four exhibits attached to the County's original response are too large to transmit electronically and it is not economical to make hard copies for all complainants. We are working on developing a website by which we can make the entire administrative record for this case available to you. We will notify you as soon as this action is completed and when the documents can be made available to you from the FAA. In the meantime, we understand that the County has posted its responses, along with all of the attachments, on its website located at: <https://countyairports.sccgov.org/faa-complaint>.

We request that you provide your rebuttal within 30-days. If a rebuttal or additional information cannot or is not provided in a timely manner, the FAA may have to move forward with its informal determination in the absence of that information.

If you have any questions, please contact my office at (424)405-7303 or by email at Brian.Armstrong@faa.gov.

Sincerely,

Brian Q. Armstrong  
Manager, Airport Safety and Standards Branch

Enclosure:

County of Santa Clara letters dated January 11, 2022 & January 27, 2022

**Additional Complainants/Addressees:**

Mr. Josh Watson  
Owner/CEO AeroDynamics Aviation  
2650 Robert Fowler Way  
San Jose, CA 95148

Mr. Michael McDonald  
Pilot  
1103 Timberpine Ct.  
Sunnyvale, CA 94086

Mr. Paul Marshall  
South County Airport Pilots Association  
PO Box 1440  
San Martin, CA 95046

Mr. Mark Baker  
Aircraft Owners and Pilots Association  
421 Aviation Way  
Frederick, Maryland 21701

Mr. Jack J. Pelton  
Experimental Aircraft Association  
3000 Poberezny Rd  
Oshkosh, WI 54903

Mr. Peter J. Bunce  
General Aviation Manufacturers Association  
1400 K Street NW, Suite 801  
Washington, DC 20005-2485

Mr. James Viola  
President, Helicopter Association International  
1920 Ballenger Ave. 4<sup>th</sup> Floor  
Alexandria, VA 22314-2898

Mr. Timothy Obitts  
National Air Transportation Association

818 Connecticut Avenue, NW Suite 900  
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Mr. Ed Bolen  
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Squadron 2 Flying Club  
2655 Robert Fowler Way  
San Jose, CA 95148

Mr. Michael McClellan  
Aperture Aviation  
2500C Robert Fowler Way  
San Jose, CA 95148

Mr. Jeffrey M. Marconet  
JMM Aviation, LLC  
2655 Robert Fowler Way  
San Jose, CA 95148

Mr. Stephen McHenry, President  
San Martin Neighborhood Alliance  
PO Box 886  
San Martin, CA 95046

Mr. Michael S. Luvara  
812 Asbury Street  
San Jose, CA 95126-1803

Mr. Christopher Luvara  
1365 Buchanan Drive  
Santa Clara, CA 95051

Cc:

Mr. Jeffrey V. Smith, County Executive, County of Santa Clara, 70 West Hedding St., East Wing, 11<sup>th</sup> Floor, San Jose, CA 95110-1770

Mr. James R. Williams, County Counsel, 70 West Hedding St., East Wing, 11<sup>th</sup> Floor, San Jose, CA 95110-1770

Mr. John Carr, SCC Airport Commission, 6055 Vilmar Ave. San Jose, CA 95120  
FAA San Francisco Airports District Office,