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MICHAEL G. JONES | mgjones@martinpringle.com

Via Electronic Mail

Rodney Joel, Director
Angela Muder, Compliance Specialist
Federal Aviation Administration
Office of Airports
901 Locust, Room 364
Kansas City, MO 64106

Rodney.Joel@faa.gov
Angela.Muder@faa.gov

Re: Informal Complaint Against UCM received by the FAA October 14, 2024

Mr. Joel and Ms. Muder,

This letter is in response to the FAA's April 15, 2025 letter to Sarah Craig, UCM's Director of Sponsored Programs and Research Integrity, regarding the above-referenced informal complaint. In the letter, the informal complaint was found to amount to no violations. UCM is pleased no violations were found, and we can provide you with the following information to alleviate the remaining concerns you identify in your letter regarding future potential violations. The FAA outlined three primary concerns regarding Skyhaven Airport's (the "Airport") application of its Rules and Regulations, which may lead to a potential violation of the grant assurances. These concerns were: (1) a purported lack of clear expectations for the commercial operations vendor application; (2) a general concern that UCM is giving preference to the Flight School and Aircraft Maintenance; and (3) a concern that the Airport is being used by students and university staff for after-hours maintenance. Although the FAA did not find any violations of the grant assurances, the FAA asked for follow-up. UCM sends this letter to further confirm that UCM is in compliance with the grant assurances and to address these concerns.

1. The Airport Manager has worked with Airport staff to ensure that staff are familiar with the Rules and Regulations and when a commercial operations vendor application is required.

UCM Skyhaven Airport manager, Chris Holland, has worked to educate all Airport staff regarding the Rules and Regulations to ensure that all Airport staff are familiar with the Rules and Regulations. On February 20, 2025, Mr. Holland met with the following individuals to review the revised and updated Rules and Regulations, and has followed up as needed:

Toru Suda, Chief Flight Instructor

Scotti Holbert, Student Services Coordinator

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Jon Luna, Assistant Chief Flight Instructor

Dalton DeWeese, Assistant Chief Flight Instructor

Phillip Burns, Assistant Airport Manager / A&P

Joel Korman, Interim Director of Maintenance

Since that time, as noted in the FAA's April 15th letter, Mr. [REDACTED] submitted an application on March 22, 2025, for "pilot, instructor, evaluator." In his application, which is attached hereto as Exhibit A, Mr. [REDACTED] indicated that he did not require a "specific or designated spot" for his self-identified commercial operations. Because Mr. [REDACTED] did not require a specific location or designated spot for his commercial activity, Mr. Holland informed Mr. [REDACTED] that he did not need to complete the commercial operations vendor application. On March 26, 2025, Mr. [REDACTED] submitted a second application indicating that he uses his licensed hangar for commercial operations and is given "as needed" office space in the terminal building. This application is attached as Exhibit B.

Per Mr. [REDACTED] email, Mr. [REDACTED] appears to have submitted this application out of caution because he believes he is using designated space at the airport; however, per UCM Rules and Regulations, Mr. [REDACTED] conduct would not rise to the level of requiring a commercial operations vendor application and approval. Under section 3-1 of the Rules and Regulations it states in part that the Minimum Standards for Commercial Activities, "are only applicable to those commercial operations that have a **dedicated physical presence** and are not applicable to commercial operations which may use the Skyhaven Airport facilities to conduct business related activities such as using runways or pilot space in the terminals to meet clients, etc." It is true that Mr. [REDACTED] likely meets his clients at the licensed hangar before he begins piloting, instructing or evaluating, but such use is not the same as setting up a permanent presence which might include office space in the hangar, signage, work performed inside the hangar, etc. Because Mr. [REDACTED] has no plans to conduct the actual commercial business activities inside the hangar, the application was again returned to him as not necessary. UCM's approach to the commercial operations vendor application and the need for a "dedicated physical presence" to require such, is a practical one. UCM would not require every pilot, evaluator, or instructor who does not have a permanent physical presence to complete the application because it would be impossible to track when their use of space is temporary. Per Mr. [REDACTED] own applications, he acknowledges that his use of space changes and could be any of the several locations he lists and his proposed operational hours are "as required" not designated, not permanent, not consistent use. Mr. [REDACTED] appears to be insistent on an application and approval where one is not necessary out of caution; however, his commercial activity does not require it.

UCM appreciates Mr. [REDACTED] concern and desire to be in compliance with the Airport's Rules and Regulations, but to the extent that Mr. [REDACTED] has concerns about the application process, these concerns were addressed by Mr. Holland's responses to Mr. [REDACTED] when Mr. Holland indicated that an application was not required. At this time, all hangar licensees have been provided with (1) the updated and revised Rules and Regulations; (2) information on how to find the Rules and Regulations online should the licensees need to consult them; and (3)

Airport staff who have been trained and are available to answer questions about the Rules and Regulations. It thus appears that much of the confusion regarding the commercial operations vendor application stems from the licensees rather than UCM. UCM remains available to discuss the Rules and Regulations, including the commercial operations vendor application to the extent that there are outstanding concerns from the licensees. Mr. Holland as well as the aforementioned Airport staff are available to discuss and explain any questions or concerns with the Rules and Regulations or the commercial operations vendor application. UCM welcomes these questions directly from Airport users, including the informal complainants, to further streamline communications between the Airport and its users.

Regarding Mr. [REDACTED] application, as noted in UCM's letter dated April 4, 2025, UCM has its own separate processes to review and approve commercial business that requires more than approval by the Airport Manager. Because these processes are unique to each applicant's submission and approvals may involve multiple UCM personnel and offices, UCM is not able to give commercial applicants a definitive timeline of when they can expect to have their applications processed. However, applicants can reasonably estimate that a determination will be provided within 90 days of application submittal. Again, UCM and Airport staff are available to answer any questions that applicants may have regarding their pending applications or the processes as outlined in the Rules and Regulations. It is important to note that Mr. Holland has been in communication with Mr. [REDACTED] as part of this process, including a walk-through with Mr. [REDACTED] of the proposed space Mr. [REDACTED] intends to use. Mr. [REDACTED] has not been ignored nor discouraged from contacting Mr. Holland or any other Airport staff.

2. Additional information is provided here to alleviate concerns suggesting preference to the Flight School and Aircraft Maintenance.

UCM would like to clarify its statement that the Airport is "unique" from other airports. UCM in no way believes that the Airport should be treated differently as to the grant assurances than other airports that receive federal funds. Rather, the Airport is unique in that, for example, regarding Mr. Ralston's application, approval of the application is contingent on processes that rise above the Airport Manager's control and are subject to approval by his supervisory chain as well as other UCM offices if applicable, for example UCM's Office of Environmental Health and Safety regarding hazardous materials as regulated by DNR. These processes were outlined in UCM's April 4, 2025 letter. UCM agrees that the Flight School and Aircraft Maintenance are not exempt from UCM's Rules and Regulations. The Flight School is charged the same rates for hangars, tie downs, and fuel as any external licensees for the use of these services. UCM does not give itself any form of discount for its use of these resources. However, UCM and its departments, including the Flight School and Aircraft Maintenance, do not contract with one another because they are legally one and the same. UCM cannot enter into an agreement with itself. Rather, UCM departments and employees abide by the Rules and Regulations because they are required to through their employment and departmental expectations. UCM's departments are subject to all airport user fees, including fueling, tie down use, and hangars, because such accounting practices are standard for universities. These types of accounting practices where universities collect fees from intradepartmental use do not require a contract to exist.

3. The Airport Manager has informed Airport staff that the maintenance hangar cannot be used for after-hours commercial activity.

UCM requires—absent a waiver—that the maintenance hangar be used for third party maintenance. The maintenance hangar allows Airport staff to monitor the maintenance work being completed, ensure qualified individuals are performing the work, and ensures that waste disposal is being done properly. Individuals who use the maintenance hangar must agree to responsible waste disposal, which helps ensure compliance with federal and state regulations. Additionally, the maintenance hangar is equipped with two fire extinguishers in case of emergency and can be locked, which aids security measures.

Mr. Holland has instructed Airport staff that they are not permitted to work on licensees' or personal aircraft unless they follow UCM's protocol for aircraft maintenance at the Airport. On January 21, 2025, the FAA alerted UCM to possible concerns in this regard and the university addressed it. Prior inconsistencies in this regard have been addressed. UCM is unaware at this time of any further concerns regarding this issue and monitors this issue through Airport Staff. UCM remains committed to making sure that all licensees are treated fairly and that UCM employees are held to the same standard and rules. Anyone who follows UCM protocol, including UCM employees, may conduct maintenance at the Airport. For example, Joel Korman, Interim Director of Maintenance, performs maintenance work for some licensees outside of his UCM employment. Mr. Korman conducts this maintenance following UCM's process where the licensee requests use of the designated maintenance hangar and Mr. Korman agrees to the terms of use for the maintenance hangar. This protocol does not allow for any UCM employees to perform maintenance on any aircraft after hours in the UCM Maintenance shop.

UCM is pleased the FAA has not found UCM in violation of the grant assurances. As you may recall, [REDACTED], three of the four complainants, declined to sign the license agreements in October 2024 and have not paid a fee for their use of the Airport hangars since. Due to the pending informal complaint, UCM confirmed in writing to Ms. Muder that UCM would take no action to remove the complainants or prevent their use of the hangars. Since Mr. Joel's April 15th, 2025 letter confirmed the investigation found no violation regarding the items raised by complainants in their informal complaint, UCM will reissue the license agreement for their signature and invoice fees to date.

UCM takes the FAA's concerns that its application of Rules and Regulations may lead to potential grant violations seriously. As such, UCM is committed to discussing these concerns with Airport staff, investigating these concerns, and taking additional action as outlined in the steps above and in UCM's March 21, 2025 letter. In addition, UCM will develop a Frequently Asked Questions page to address common questions or concerns raised by Airport users, including licensees. The FAQ will also link the Rules and Regulations, contact information, and the commercial operations vendor application. The FAQ will be monitored and updated by the Airport Manager as needed based on the questions he may receive. Additionally, the Airport

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Manager continues to discuss concerns with the Airport users and review the Rules and Regulations for as-needed revisions to provide clarity and address any concerns.

Very truly yours,

MARTIN, PRINGLE, OLIVER,
WALLACE & BAUER, L.L.P.

A handwritten signature in black ink, appearing to read "Michael G. Jones", written over the printed name.

By: Michael G. Jones

MGJ/sc

c: Holly Weiss
Lindsay Chapman
Elisabeth Wilder

Enclosures

COMMERCIAL OPERATIONS VENDOR APPLICATION

Applicants should refer to the Minimum Standards for Commercial Aeronautical Activities in the Skyhaven Airport Rules and Regulations and review pre-application requirements. Applications should be submitted to the University of Central Missouri through the office of the Airport Manager. All applications received by the Airport Manager will be signed and forwarded to the UCM Office of General Counsel for review and consultation with the authorized UCM decision maker. If the application is approved by the legal department as to form and content a written agreement will be drafted and become binding once signed by all interested parties.

Proposed Business Name: N/A. OBA an individual

Owners/Principals/Agents: [REDACTED]

Type of Activity or Services Provided. Part 91 Pilot Commercial operations
FLIGHT INSTRUCTION, GROUND INSTRUCTION, Designated
PILOT EXAMINER, and other pilot, instructor, or evaluator
responsibilities.

Building Space: Please note if a building space will be constructed, leased, or if applicants intend to use a Licensed Hangar. If using a hangar, please specify which hangar.

No specific or designated spot

Equipment and special tooling used in Commercial Operation.

Pilot equipment

Number of persons to be employed. Myself (1)

Periods (days and hours) of proposed operation. As Required

Methods to be used to attract business (advertising and incentives). None other
than OPE service listing through FAA

EXHIBIT

A

[REDACTED]
[REDACTED]
[REDACTED]
Amenities to be provide to attract business. N/A

[REDACTED]
[REDACTED]
Type and quantity of insurance coverage with coverage limits. UCM may determine additional insurance coverage requirements. Additional insurance coverage will be addressed in the Commercial Vendor Agreement. NONE

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Responsibility and capability of applicant and staff capable of conducting, performing, maintaining, providing and servicing the needs of the general public plans for physical expansion, if business should warrant such expansion.

N/A

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Proposed Business Plan: Please include a short resume for each of the owner and financial backers. If applicable, also include a short resume of the manager of the business (if different from above). Include experience and background in managing a business of this nature.

[REDACTED]
Applicant's Signature

3/22/2025
Date

[REDACTED]
Airport Manager Signature

Date



Holly Weiss <hweiss@ucmo.edu>

Fwd: Commercial Operations Vendor Application

2 messages

Christopher Holland <cholland@ucmo.edu>
To: Holly Weiss <hweiss@ucmo.edu>

Tue, Apr 29, 2025 at 7:28 AM

This was the first application and response.

----- Forwarded message -----

From: Christopher Holland <cholland@ucmo.edu>

Date: Tue, Mar 25, 2025 at 2:25 PM

Subject: Re: Commercial Operations Vendor Application

Cc: Phillip Burns <pburns@ucmo.edu>, Douglas Davenport <ddavenport@ucmo.edu>

the operations you have described do not require a commercial agreement per Section 3-1 of the Airport Rules and Regulations. I appreciate that you reached out to clarify this and I hope I have answered your question.

I have attached a copy of the page from the Airport Rules and Regulations for your reference and you can also find this document on the UCM Airport website.

Thank You


Chris

On Sat, Mar 22, 2025 at 7:42 PM wrote:

Chris

I have been operating as a commercial vendor (pilot, instructor, evaluator) without this agreement prior to finding out this was a requirement recently. Could you let me know how long this will take as I would like to continue providing these services?

See below. Please let me know if you have any questions. Or if you have an example from others that perform similar functions that you would like me to fill out similar to, let me know as I'm new to this.

 Page from UCM Airport Rules and Regulations.pdf
14K

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Holly Weiss <hweiss@ucmo.edu>

Fwd: Commercial Operation Vendor Application
1 message

Christopher Holland <cholland@ucmo.edu>
To Holly Weiss hweiss@ucmo.edu

This was the second application sent by Mr Suhr and my response

Thanks

Chris

Forwarded message
From: Christopher Holland <cholland@ucmo.edu>
Date: Mon, Mar 31, 2025 at 11:21 AM
Subject: Re: Commercial Operations Vendor Application
To: [REDACTED]
Cc: Philip Burns <pburns@ucmo.edu>, Douglas Davenport <ddavenport@ucmo.edu>

[REDACTED] we have looked at the information you provided and the operations you have listed do not require a Commercial Operations Vendor Application per section 3 of the Airport Rules and Regulations. If you have any other questions please let me know.

Thank You

Chris

On Wed, Mar 26, 2025 at 5:03 PM Jeff Suhr <jeff.suhr@yahoo.com> wrote:
Well I had a few free minutes and based off knowing how long things take when administration, boards, attorneys, etc all have to review and approve, I figured I would just help and cut out a step or any unnecessary delay. So here you go. Let me know if some other kind of info is required in the agreement. Hope that helps.
Thank!

COMMERCIAL OPERATIONS VENDOR APPLICATION

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Proposed Business Name: N/A. DBA an individual

Owners/Principals/Agents: [REDACTED]

Type of Activity or Services Provided. Part 91 Pilot Commercial operations, FLIGHT INSTRUCTION, GROUND INSTRUCTION, PILOT EXAMINER, and other pilot, instructor, or evaluation responsibilities.

Building Space: Please note if a building space will be constructed, leased, or if applicants intend to use a Licensed Hangar. If using a hangar, please specify which hangar.

No specific or designated spot

Equipment and special tooling used in Commercial Operation.

Pilot equipment

Number of persons to be employed. Myself (1)

Periods (days and hours) of proposed operation. As Required

Methods to be used to attract business (advertising and incentives). None other than OPE service listing through FAA

Amenities to be provide to attract business. N/A

Type and quantity of insurance coverage with coverage limits. UCM may determine additional insurance coverage requirements. Additional insurance coverage will be addressed in the Commercial Vendor Agreement. NONE

Responsibility and capability of applicant and staff capable of conducting, performing, maintaining, providing and servicing the needs of the general public plans for physical expansion, if business should warrant such expansion.

N/A

Proposed Business Plan: Please include a short resume for each of the owner and financial backers. If applicable, also include a short resume of the manager of the business (if different from above). Include experience and background in managing a business of this nature.



3/22/2025

Date

Airport Manager Signature

Date

COMMERCIAL OPERATIONS VENDOR APPLICATION

Applicants should refer to the Minimum Standards for Commercial Aeronautical Activities in the Skyhaven Airport Rules and Regulations and review pre-application requirements. Applications should be submitted to the University of Central Missouri through the office of the Airport Manager. All applications received by the Airport Manager will be signed and forwarded to the UCM Office of General Counsel for review and consultation with the authorized UCM decision maker. If the application is approved by the legal department as to form and content a written agreement will be drafted and become binding once signed by all interested parties.

Proposed Business Name: N/A, DBA an INDIVIDUAL

Owners/Principals/Agents: [REDACTED]

Type of Activity or Services Provided. _____

Building Space: Please note if a building space will be constructed, leased, or if applicants intend to use a Licensed Hangar. If using a hangar, please specify which hangar.

FLIGHT SCHOOL AREAS ALREADY Designated to include offices
29/30 & 128. HANGAR 30 and the leased open T-HANGAR

Equipment and special tooling used in Commercial Operation.

PILOT EQUIPMENT

Number of persons to be employed. MYSELF (1)

Periods (days and hours) of proposed operation. AS Required

Methods to be used to attract business (advertising and incentives). None

other than DPE service listing through FAA

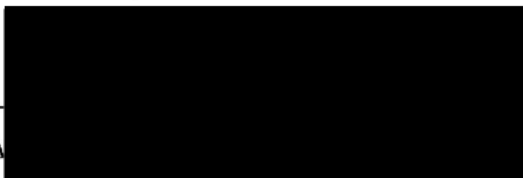
Amenities to be provide to attract business. N/A

Type and quantity of insurance coverage with coverage limits. UCM may determine additional insurance coverage requirements. Additional insurance coverage will be addressed in the Commercial Vendor Agreement. NONE

Responsibility and capability of applicant and staff capable of conducting, performing, maintaining, providing and servicing the needs of the general public plans for physical expansion, if business should warrant such expansion.

N/A

Proposed Business Plan: Please include a short resume for each of the owner and financial backers. If applicable, also include a short resume of the manager of the business (if different from above). Include experience and background in managing a business of this nature.

A 

3/26/2025
Date

Airport Manager Signature

Date

On Mar 26, 2025, at 0:00, [REDACTED] wrote:

Ah. Gotcha. Re read the application and your email in light of it. I guess I will need to change the application to say the leased hangars and the terminal building because I do conduct those things in both locations. I've been given an as needed office space (not pilot space) in the terminal to conduct the airport I believe is my listed location for DPE evaluations through the FAA.

Let me know in light of that what you would like the application to reflect for those purposes and I will refill and send it back to you.

Thanks

On Tuesday, March 25, 2025 at 02:25:48 PM CDT, Christopher Holland <cholland@ucmo.edu> wrote:

The operations you have described do not require a commercial agreement per Section 3-1 of the Airport Rules and Regulations. I appreciate that you reached out to clarify this and I hope I have answered your question. I have attached a copy of the page from the Airport Rules and Regulations for your reference and you can also find this document on the UCM Airport website.

Thank You

Chris

On Sat, Mar 22, 2025 at 7:42, [REDACTED] wrote:

I have been operating as a commercial vendor (pilot, instructor, evaluator) without this agreement prior to finding out this was a requirement recently. Could you let me know how long this will take as I would like to continue providing these services? See below. Please let me know if you have any questions. Or if you have an example from others that perform similar functions that you would like me to fill out similar to, let me know as I'm new to this.