

Director's Determination

**Index of Administrative Record  
Boston Executive Helicopters, LLC.**

v.

**Town of Norwood, Massachusetts and Norwood Airport Commission  
Docket No. 16-15-05**

**FAA Exhibit 1**

**Item 1** Part 16 Complaint, dated **March 11, 2015**, alleges that the Respondents violated 49 U.S.C. §47107 (a) (1) and Grant Assurances 5, 22, and 23. Includes exhibits 1-5, 7-8, 10-17, 21-28, 30, 33-34, 37-38, 52-69, 70-72, 76-86, 89, 91, 94, 96, 100-102, 104-107, 109-118, 135, and 157.<sup>1</sup>

Exhibit 1: Letter from Donovan to the NAC dated September 1, 2010 in which Donovan asks if there is any town owned land available at Norwood Airport. Donovan makes clear his intentions of developing any available space at Norwood Airport.

Exhibit 2: Email exchange from Donovan to Maguire in which Donovan again asks for space (the DC-3 ramp). 9-27-2010.

Exhibit 3: Email exchange between Donovan and Maguire dated October 13, 2010. Donovan once again asks for any public space available and states his desire to become a full service FBO at Norwood Airport, 10-13-2010.

Exhibit 4: This is a letter from the FAA to the Attorneys for Boston Air Charter outlining the determinations from FAA part 16-07003 in which the FAA found the Sponsor, the Norwood Airport and Town of Norwood in violation of General written assurances regarding Federal Law, Title 49, United States Code 40103(e) and 47107 (a) (1).

Exhibit 5: This chart shows the current lease plan at Norwood Airport to the best knowledge of BEH.

(Exhibit 6 not included by party).

Exhibit 7: This is a representation of BEH's understanding of the AIP status, current leases and rates for Norwood Airport parcels.

Exhibit 8: NAC meeting minutes of February 13, 2013 in which the NAC acknowledges the Fuel license granted by the Norwood Board of Selectmen. As of 3-4-2015, although BEH has complied with all requirements, the NAC has not granted approval for a commercial permit for BEH to operate as an FBO and sell fuel.

(Exhibit 9 not included by party).

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<sup>1</sup> The gaps in the sequencing of exhibits reflect the Complainants efforts to narrow the myriad factual allegations and their proofs for the benefit of the Agency. (This note was included in the complainant identified above as Item 1)

Exhibit 10: Page 2 of the part 13 response from the NAC. NAC claims BEH has appeared in front of them at least 28 times.

Exhibit 11: BEH Business plan #3. This is the 3<sup>rd</sup> business plan submitted by BEH since 2010 and the second submitted in 2014 for the operations. This business plan contains copies of certificates and Letters of reference which according to NAC members they do not have time contact. In addition to the business plans BEH submitted Insurance binders, Fuel permits from the Commonwealth of Massachusetts, snap shots of available cash reserves and detailed plans concerning the FBO operations, fueling and equipment purchased.

Exhibit 12: Lease for the DC-3 ramp given to Papa Whiskey Aviation, a company owned in Part by Peter Eichley, who also owns FlightLevel Aviation. This lease by its language prohibits any commercial operations in the area.

Exhibit 13: Series of emails from Maguire to Donovan concerning questions concerning the lease of Lots A,B,C to FlightLevel Aviation. Beginning on May 3, 2014 Donovan asks for the status of the expiring lease of Lots A, B, C. Maguire claims initially that the lease has not been again given to FlightLevel and then changes his mind and states that the lease has been given to FlightLevel for another 5 years. This email exchange shows that Maguire and the NAC, although aware of the pending FBO application and request for ramp space, had not even considered BEH for available space on lots A, B, C.

Exhibit 14: NAC lease offer of February 12, 2015, for 11,786 square feet of available space on the West ramp, which has approximately 75,000 square feet available for operations. The 11,786 square foot area is still well below the 15,295 SF of space on the DC-3 ramp that the NAC claimed was insufficient for a full service FBO.

Exhibit 15: Email from Maguire to Donovan. Maguire is discussing the assumption of a lease by BEH from Swift Aviation. The Town of Norwood is not party to the lease. However, Maguire claims that the lease and assumption would have to be approved by the FAA and Massachusetts Department of Transportation in writing.

Exhibit 16: Letter from Maguire to Norwood Board of Selectmen regarding approval of the BEH hangar and fueling system by the NAC.

Exhibit 17: Email from Donovan to Maguire to put the Lease assumption on the next NAC agenda for December 15, 2011. It would be approximately 14 months before the NAC approved this lease assumption.

(Exhibits 18-20 not included by party).

Exhibit 21: NAC meeting minutes from May 14, 2014. The minutes reflect the fact that BEH had accepted the lease of the West ramp for 6,889 square feet. NAC later claimed that BEH had not accepted the lease, and then withdrew the lease offer. The tape recording of the April 9, 2014, NAC meeting was then destroyed.



Exhibit 22: March 17, 2014, lease offer from the NAC for approximately 6,889 SF of the West ramp to conduct a full service FBO

Exhibit 23: Affidavit from BEH Attorney Joshua Fox regarding the April 9, 2014, meeting and the lease of Lots A, B, C to FlightLevel. The affidavit also discusses statements by commissioners at the April 2014 meeting that FlightLevel would be given preference for ramp space, and the destruction of the audio recording of this meeting in violation of the Commonwealth of Massachusetts open meeting law.

Exhibit 24: Page 32 of the Norwood Airport Minimum standards in part regarding the required information for an "initial application" for a Commercial permit. BEH was not an initial applicant after 2010 when BEH was first granted a Commercial permit to operate at Norwood Airport.

Exhibit 25: Copies of BEH Commercial permit to operate Airport issued by the NAC for 2010, 2011, 2013, and 2014.

Exhibit 26: BEH Business plan #2. This business plan contained detailed information on BEH and our proposed operations. Additionally, the plan listed credit references that have never been contacted to the best of knowledge of BEH.

Exhibit 27: BEH Business plan #1, submitted in May of 2010 to the NAC.

Exhibit 28: NAC meeting minutes from May 14, 2014. NAC requested: Balance sheet, Income statement and Cash flow analysis, Market analysis, 12 months of bank statements, profit/loss statements, feasibility study, 36 month projection, Micro/Macro, competitors analysis, as well as a personal financial statement from Principals (2 years of Tax returns).

(Exhibit 29 not included by party).

Exhibit 30: Addendum #1 to the DC-3 Apron request for proposals, responding to questions posed regarding the availability of the ramp for commercial operations. NAC makes clear that the DC-3 ramp was restricted so that no Commercial activity could take place on this AIP-improved apron.

Exhibit 33: February 22, 2013, email from Donovan to the NAC with detailed factual questions regarding the DC-3 ramp RFP.

Exhibit 34: February 6, 2013, email from Donovan to the Town of Norwood Purchasing Manager with questions on the DC-3 RFP.

**(Exhibits 35-36 not included by party).**

Exhibit 37: July 28, 2014, letter from BEH Attorney James Hilliard to the Board of Selectmen at their suggestion asking to meet with a member of the BOS and NAC to try and resolve the ongoing denials and issues between BEH and the NAC. August 6, 2014, letter from the Board of

Selectmen approving the request. Proposed terms sheet submitted by Mr. Hilliard based upon two meetings with the Town Manager for the Town of Norwood, Mr. John Carroll, and the Chairman of the Norwood Board of Selectmen, Mr. Michael Lyons. Town officials terminated further discussions with Mr. Hilliard after this email.

Exhibit 38: March 14, 2013, letter from NAC Chairman Wynne to Donovan, with BEH notes and highlighting made at the time it was received. Wynne is responding to the earlier questions regarding the DC-3 ramp lease. Wynne states that Lot F is sufficient to compete with FlightLevel, and states that the DC-3 ramp is too small for FBO operations at 15,295 square feet.

(Exhibits 39-51 not included by party).

Exhibit 52: January 22, 2014, letter from Maguire to Donovan. At the bottom of page 2, foot note 1 states that BEH is restricted from fueling until it can demonstrate to NAC that BEH has rights to the area.

Exhibit 53: Copy of the lease between the NAC and Annex Realty trust dated July 1, 2007, for the Airport property to be used to store automobiles only. There is no recapture clause to make this land subordinate to aviation uses or the AIP grant assurances.

Exhibit 54: Copy of the notice of consent to sublease between the NAC and Spiegel (Annex realty), allowing sublease and structures as well as pavement and light poles which extend into the runway 10/290 RPZ.

Exhibit 55: Letter from Russ Maguire to Laverne Reid, FAA dated March 15, 2010, expressing intent to request a release of the Annex Realty/Spiegel lease property from Federal obligations for aeronautical use.

Exhibit 56: Copy of a letter from Russ Maguire to Barry Hammer, FAA dated March 8, 2012, Norwood Memorial Airport, requesting a release of airport property for non-aeronautical land use. This was years after the land had been leased for 20 years for non-aviation use.

Exhibit 57: Tab G, from FAA FOIA request, "Description of how the sponsor acquired the property" from Russ Maguire, showing the subject property was on the Exhibit A for Norwood Airport and came under the AP-4 agreement.

Exhibit 58: Multiple photos of the Airport land lease property that house Verizon bucket trucks and facilities in the runway 10/28 RPZ.

Exhibit 59: NAC meeting minutes from March 14, 2012, which show the NAC collecting vehicle excise tax from the Verizon vehicles that are housed "on the Airport".

Exhibit 60: NAC meeting minutes from September 8, 2010, which show that the NAC was attempting to use AIP funding to improve the Airport land for non-aviation use and acknowledging that Verizon put up light poles without FAA approval via FAA form 7460.



Exhibit 61: Page 4-24 of the Airport Master plan to support the need for additional parking on the North end of the Norwood Airport.

Exhibit 62: FAA Form 7460 issued 12/5/2011. According to the NAC meeting minutes the light poles for the FAA approval were installed PRIOR to filing and FAA approval. The 7460 shows the structure (light pole) "does exceed obstruction standards."

Exhibit 63: Airport Master plan page 3-11 showing a recommendation to purchase land in the Runway 10 RPZ, in contrast to the actions of the NAC in leasing this property long term to Verizon to park bucket trucks and build a structure in the RPZ.

Exhibit 64: Airport Master Plan page 3-14 and 3-20, which again recommends the purchase upland to include the runway 10 RPZ that is the area that NAC leased to Verizon.

Exhibit 65: Airport Master Plan page 3-19 and 3-20, which discusses acquiring land in the Runway 10 RPZ.

Exhibit 66: Airport Master Plan page 3-21, showing land acquisition is both a short-term, mid-term and long term planning need. This property could have been used for the airport vehicle parking needs or aircraft storage. The overhead of this property clearly shows the old dirt taxi way and the elevation of the taxiway around the surrounding low area outside the wet lands and flood plain.

Exhibit 67: Airport Master Plan pages 4-18, 19, and 20 showing the long-term lease area of land to Verizon and the old taxiway to this area. Note the high ground that allows airside access to the land and the proposed Heliport and hanger facilities recommended in the Master Plan. This also shows the runway protection zone overlay and the access available from the Airport to this property, counter to the claim by Maguire that this property was not accessible from the Airport.

Exhibit 68: Airport Master Plan pages 4-28, 29, and 30. This area discusses the need to acquire additional land in the area of the Verizon leased parcel. The Master plan specifically recommends acquiring more land in the runway 10 RPZ and Verizon lease area for the airport and aviation use as well as future needs. The Master plan also recommends a parking lot on the North end of the Airport for aviation needs and growth.

Exhibit 69: Airport Master plan page 5-2. This discusses the Verizon lease property as it could be used for both additional parking aprons and hangers as well as a helipad.

Exhibit 70: Copies of emails from Maguire to Donovan and Barry Hammer from the FAA in March and April 2014. Maguire claimed that Hammer had approved the conversion of land to non-aviation use. Hammer was emailed several times requesting if this was true and never responded.

Exhibit 71: Pictures showing the Verizon lease property and the access from the north end of the Norwood Airport, including a retaining wall to improve the property.

Exhibit 72: April 18, 2013, email from Maguire to Donovan showing that Maguire was claiming the conversion of property for non-aviation use was “all set” according to Barry Hammer at the FAA, via Maguire.

**(Exhibits 73-75 not included by party).**

Exhibit 76: January 27, 2014, letter from Donovan to Maguire in which BEH again requests some space on the West apron from the available space.

Exhibit 77: March 4, 2015, affidavit from BMA in support of FlightLevel’s attempt to deny use of Lot G.

Exhibit 78: Letter from Mary T. Walsh to Maguire regarding the part 13 complaint by BEH.

Exhibit 79: Copy of page 13 from the NAC part 13 response to the FAA. The NAC states that due to the part 13 complaint the NAC voted to table any further discussion indefinitely on the BEH FBO/Lease interests. This was done solely in light of the part 13 request for assistance BEH had made to the FAA and as retaliation for asking the FAA for assistance.

Exhibit 80: May 13, 2014 letter from BEH Attorney Joshua Fox to NAC Attorney Moss stating BEH would accept the 6,889 square feet of West ramp but it was not sufficient to conduct FBO operations. Attorney Fox asks for more of the available space and also ask the NAC to preserve any evidence regarding the April 9, 2014 NAC meeting where members of the NAC stated they would give preference to FlightLevel on all leases, etc.

Exhibit 81: Copy of the NAC meeting minutes from June 11, 2014, in which the NAC vote to table any further requests and discussion regarding the FBO request as well as the lease for space to operate at Norwood Airport based solely as retaliation for BEH having filed a part 13 complaint and asked the FAA for assistance.

Exhibit 82: Copy of the specifications section for the DC-3 ramp lease. Section 8 lists the requirements for the DC-3 lease.

Exhibit 83: January 12, 2015, memo from Mark Ryan to Donovan concerning multiple questions from the BEH submitted Business plan #3 in July of 2014. NAC had refused to discuss the business plan since July of 2014 due to the BEH filing of part 13 complaint.

Exhibit 84: Listing of the AIP grants at Norwood Airport from the FAA with a map of the Airport.

Exhibit 85: NAC lease to FlightLevel Aviation for Lots A, B, C from October 2009 to October 2014. This lease had no extension or renewal term.

Exhibit 86: New lease to FlightLevel for the Lots A, B, C.

**(Exhibits 87-88 not included by party).**



Exhibit 89: Aerial picture of Gate 2 and the area in front of the hanger on gate 2. This exact same situation exists in front of Gate #3 but the NAC has marked a taxilane only on the Gate #3 lane.

(Exhibit 90 not included by party)

Exhibit 91: This is a letter from the prior owner of Lot F (Swift Aviation services) to Maguire in which he discusses the “ramp” area in front of his hanger. Maguire claims that Swift was treated the same way as BEH when this is not true.

**(Exhibits 92-93 not included by party).**

Exhibit 94: 20 photos taken around Norwood Airport, showing various locations used by FlightLevel where restrictions placed on BEH are simply ignored regarding FlightLevel.

(Exhibit 95 not included by party).

Exhibit 96: Figure 2-3 from the Airport Master Plan, showing aprons that abut the old Taxiway B. Aircraft are parked in front of the Lot F (the BEH lease) in numerous pictures.

(Exhibits 97-99 not included by party).

Exhibit 100: This exhibit is a copy of the NAC meeting minutes of February 8, 2-12 in which they discuss removing the striping on Taxiway B to simply make the area a ramp without any TOFA/OFA.

**(Exhibit 101 not included by party).**

Exhibit 102: December 27, 2013, letter from Donovan to the NAC, requesting the elimination of the taxilane in front of the BEH hangar.

(Exhibit 103 not included by party).

Exhibit 104: September 19, 2014, email from Airport Assistant Manager Mark Raymond to Robert Silva, the Manager of operations at BEH.

Exhibit 105: Master Plan page 4-27, 26 recommending a pedestrian gate at the North end of the Apron (Gate 3).

Exhibit 106: Letter from Maguire dated August 23, 2013, denying the BEH pedestrian gate request.

Exhibit 107: Letter from Donovan to the NAC requesting Gate #3 pedestrian access.

(Exhibit 108 not included by party)

Exhibit 109: Letter from the Commonwealth of Massachusetts, Secretary of State's office regarding the destruction of the audio recording from the April 9, 2014, meeting.

Exhibit 110: March 11, 2014, email from Maguire to Donovan regarding several questions posed by Donovan.

Exhibit 111: Page 5 of 55 of the Part 16 Docket 16-07-03 Director's Determination prior showing land lease and AIP grants, etc. BEH edits added to show the Eastern Air Center leases that have been assumed by FlightLevel, and recent AIP grants for improvement of the leased aprons.

Exhibit 112: Norwood Airport lease plan, as of December 2007.

Exhibit 113: Part II, Section C excerpts from two different AIP applications in which the NAC did not disclose the existence of long term leases or any lease or encumbrance on property which was encumbered under lease

Exhibit 114: Page 13 of the NAC letter responding to the BEH Part 13 complaint, stating that: "At the June 11, 2014, meeting, the NAC voted to table further discussion of the BEH lease/FBO interest in light of BEH's Part 13 Complaint filing".

Exhibit 115: NAC June 11, 2014, meeting minutes in which the NAC voted to table all requests from BEH regarding our FBO application or Lease request.

Exhibit 116: November 4, 2014, letter from Timothy I. McCulloch to Thomas Vick in a further attempt to obtain a permit to operate at Norwood Airport, BEH notified the FAA of BEH's intent to withdraw its part 13 complaint.

Exhibit 117: NAC November 25, 2014 meeting agenda.

Exhibit 118: December 1, 2014, email from Donovan to Maguire regarding November 25, 2014 NAC meeting in which the NAC did not allow BEH to speak or make any requests.

(Exhibits 119-134 not included by party).

Exhibit 135: October 6, 2008, letter from D. Kirk Shaffer and a January 27, 2010, letter from Randall Fiertz regarding the corrective action plan directed in docket 16-07-03.

(Exhibits 136-156 not included by party).

Exhibit 157: Court's Order of March 6, 2015.

**Item 2** Copy of Email, dated September 27, 2010, to be included as Exhibit 12 in Respondents' Answer to part 16 Complaint filed by the Complainant, dated May 8, 2015.

**Item 3**— Letter from Brandon Moss including a DVD to replace Exhibit 12 associated with May 8, 2015 Complaint. Letter is dated May 19, 2015.



**FAA Exhibit 2**

**Item 1** Notice of Docketing, dated March 31, 2015.

**FAA Exhibit 3**

**Item 1**— Respondents Motion to Extend the Time to Respond to the part 16 Complaint filed by the Complainant, dated April 13, 2015.

**FAA Exhibit 4**

**Item 1**—Respondents Answer to part 16 Complaint filed by the Complainant, dated May 8, 2015. Includes exhibits 1-105.

Exhibit 1: Norwood Police Report by Patrol Officer Daniel J. Kehoe dated November 21, 2007.

Exhibit 2: Decision and Order Dismissing Complaint, Shachtman v. Helicopters, Inc.

Exhibit 3: Letter from Christopher Donovan to Russ Maguire dated April 8, 2010.

Exhibit 4: Letter from Christopher Donovan to Norwood Municipal Airport Commission dated May 12, 2010.

Exhibit 5: BEH Commercial Permit Application and Permit, FY 2010.

Exhibit 6: BEH Commercial Permit Application and Permit, FY 2011.

Exhibit 7: BEH Commercial Permit Application and Permit, FY 2012.

Exhibit 8: BEH Commercial Permit Application and Permit, FY 2013.

Exhibit 9: BEH Commercial Permit Application and Permit, FY 2014.

Exhibit 10: Email exchange between Christopher Donovan and Russ Maguire dated May 12-13, 2010.

Exhibit 11: Email from Russ Maguire to Peter Eichleay dated May 11, 2010

Exhibit 12: Email exchange between Christopher Donovan and Russ Maguire dated September 24 and 27, 2010.

Exhibit 13: Email exchange between Christopher Donovan and Russ Maguire dated September 27, 2010.

Exhibit 14: Email from Christopher Donovan to Russ Maguire dated September 27, 2010.

Exhibit 15: Email from Christopher Donovan to Russ Maguire dated October 14, 2010.

Exhibit 16: Email from Donna Witte to Russ Maguire dated December 21, 2010

Exhibit 17: Letter from Randall Fiertz to Russ Maguire dated January 27, 2010.

Exhibit 17a: Letter from Russ Maguire to Peter Eichleay dated November 29, 2010.

Exhibit 18: Email from Russ Maguire to Barry Hammer dated March 2, 2011, with forwarded message from Russ Maguire to Donna Witte dated January 7, 2011.

Exhibit 19: Letter from Joshua Fox to Russ Maguire dated June 13, 2011.

Exhibit 20: Letter from Michael Lehané and Brandon Moss to Joshua Fox dated July 2, 2011.

Exhibit 21: Letter from Russ Maguire to Christopher Donovan dated March 21, 2014.

Exhibit 21a: Minutes of Norwood Airport Commission Meeting dated August 13, 2014

Exhibit 21b: Email from Russ Maguire to K. Putnam, Mike DeLaria, Peter Eichleay, and Mark Raymond dated April 25, 2015.

Exhibit 21c: Letter from Russ Maguire to William Haney dated November 4, 2010

Exhibit 22: Email exchange between Christopher Donovan and Russ Maguire dated September 24 and 27, 2010.

Exhibit 23: Lease between Town of Norwood and Boston Metropolitan Airport, Inc. dated December 1967.

Exhibit 24: Email from Russ Maguire to Barry Hammer dated November 28, 2012.

Exhibit 25: BEH Loan Amortization Schedule, 2013 through 2043.

Exhibit 26: Email from Christopher Donovan to Russ Maguire dated August 21, 2012, with forwarded email exchange from Barry Hammer to Christopher Donovan dated August 20, 2012.

Exhibit 27: Memo to file by Russ Maguire re 1-8-2013 phone conversation with Mary Walsh dated January 8, 2013.

Exhibit 28: Letter from Russ Maguire to Barry Hammer dated February 12, 2013.

Exhibit 29: Email from Barry Hammer to Russ Maguire dated February 20, 2013

Exhibit 30: Letter from Russ Maguire to Christopher Donovan dated February 22, 2013.



Exhibit 31: Assignment, Assumption, and Amendment of Lease dated October 19, 2012 for Lot F.

Exhibit 32: Minutes of Norwood Airport Commission Meeting dated December 12, 2012.

Exhibit 33: Letter from Russ Maguire to Norwood Board of Selectmen dated December 14, 2012.

Exhibit 34: Email from Jeffrey Adler to Russ Maguire dated December 20, 2012.

Exhibit 35: Memo from Russ Maguire to Christopher Donovan dated January 28, 2013.

Exhibit 36: Norwood Airport Minimum Standards.

Exhibit 37: Minutes of Norwood Airport Commission Meeting dated May 14, 2014

Exhibit 38: Minutes of Norwood Airport Commission Meeting dated June 11, 2014.

Exhibit 39: Minutes of Norwood Airport Commission Meeting dated July 30, 2014.

Exhibit 40: FAA Airport Design Document dated January 3, 2008 (AC 150/5300-13 CHG 12).

Exhibit 42: Airport/Facility Director, Northeast U.S., effective May 29, 2014 to July 24, 2014.

Exhibit 43: Norwood Memorial Airport Master Plan Update, Final — Phase II, dated March 2007.

Exhibit 44: Office Agreement between Eastern Air Center, Inc., and HB Holdings Inc. dated June 15, 1996.

Exhibit 45: Notes to personal calendar re BAC TOFA issues dated September 25 through October 2, 2008.

Exhibit 46: Email from Russ Maguire to Airport Businesses, Pilots, ATC re TOFA dated April 11, 2014.

Exhibit 47: Memo from Mike DeLaria to Line Department Personnel dated April 24, 2014

Exhibit 48: Note from Jason Tibbetts to all authorities concerned regarding incident occurring September 4, 2014.

Exhibit 49: Email from Peter Eichleay to Christopher Donovan dated September 9, 2014

Exhibit 50: Letter from Nick Burlingham to Joshua Fox dated December 5, 2013

Exhibit 51: Memo from Russ Maguire to Norwood Airport Commission dated June 17, 2013.

Exhibit 51a: NFPA 407 Standard for Aircraft Fuel Servicing, 2007 Edition.

Exhibit 52: Letter from Russ Maguire to Christopher Donovan dated June 24, 2013.

Exhibit 53: Memo from Russ Maguire to Christopher Donovan dated July 12, 2013.

Exhibit 54: Email from Lisa Lesperance to Russ Maguire dated July 17, 2013.

Exhibit 54a: BEH Proposed Hangar Reconstruction and Fuel Facility at Norwood Municipal Airport, dated June 27, 2013.

Exhibit 55: Letter from Russ Maguire to Christopher Donovan dated July 19, 2013.

Exhibit 56: Letter from Joshua Fox to Michael DeLaria dated November 19, 2013

Exhibit 57: Minutes of Norwood Airport Commission Meeting dated February 12, 2014.

Exhibit 58: Minutes of Norwood Airport Commission Meeting dated March 12, 2014.

Exhibit 59: Letter from Russ Maguire to Christopher Donovan dated March 17, 2014.

Exhibit 60: Minutes of Norwood Airport Commission Meeting dated April 9, 2014.

Exhibit 61: Email from Christopher Donovan to Russ Maguire dated April 8, 2014.

Exhibit 62: Email from Russ Maguire to Christopher Donovan dated April 30, 2014.

Exhibit 63: Letter from Matthew Watsky to Norwood Airport Commission dated April 9, 2014.

Exhibit 64: Minutes of Norwood Airport Commission Meeting dated May 14, 2014.

Exhibit 65: Letter from Mary Walsh to Russ Maguire dated June 5, 2014.

Exhibit 66: Letter from Timothy McCulloch to Thomas Vick dated November 4, 2014

Exhibit 67: Minutes from Norwood Board of Selectmen Meeting dated December 18, 2014

Exhibit 68: Letter from Brandon Moss to Timothy McCulloch dated February 12, 2015.

Exhibit 69: Letter from Allen Bishop to Howard Pendergast dated March 15, 1988.

Exhibit 70: Letter from Allen Bishop to Lawrence Egan dated July 12, 1994.

Exhibit 71: Letter from John Updegraph to Lawrence Egan dated July 28, 1994.

Exhibit 72: Kertzman Inc.'s FBO Proposal dated March 11, 1988.



Exhibit 73: Letter from Donald E. Church to Paul Pazniokas dated May 26, 1999.

Exhibit 74: Lessees of Norwood Airport Land Lease Lots, 1988 through 2013.

Exhibit 75: Letter from Peter Eichleay to Norwood Airport Commission and Russ Maguire dated January 22, 2014.

Exhibit 76: Advertisement for Proposals, Town of Norwood dated December through January 2013.

Exhibit 77: Addendum to Request for Proposal of DC-3 Apron dated January 28, 2013.

Exhibit 78: Letter from Thomas Wynne to Christopher Donovan dated March 14, 2013.

Exhibit 79: Letter from Peter Eichleay to Michael Lyons dated January 20, 2015.

Exhibit 80: Letter from Peter Eichleay to Russ Maguire dated January 29, 2015.

Exhibit 81: Letter from Nick Burlingham to Joshua Fox dated July 29, 2014.

Exhibit 82: Letter from Nick Burlingham to Christopher Donovan dated February 14, 2015.

Exhibit 83: Letter from Peter Eichleay to Norwood Airport Commission dated March 6, 2015.

Exhibit 84: Letter from Nick Burlingham to Joshua Fox dated July 29, 2014.

Exhibit 85: Norwood Police Report by Patrol Officer James Payne dated February 16, 2015.

Exhibit 86: Affidavit of Michael Pendergast dated March 4, 2015.

Exhibit 87: Superior Court Order in BEH v. FlightLevel dated March 6, 2015.

Exhibit 88: Letter from Russ Maguire to Barry Hammer dated March 8, 2012.

Exhibit 89: Email from Barry Hammer to Russ Maguire dated July 26, 2012.

Exhibit 90: Email from Russ Maguire to Barry Hammer dated July 26, 2012.

Exhibit 91: Email from Russ Maguire to Mary Walsh dated June 14, 2013, with forwarded message from Russ Maguire to Barry Hammer dated May 15, 2013.

Exhibit 92: Email from Russ Maguire to Barry Hammer dated April 3, 2014.

Exhibit 93: Letter from Mary Walsh to Russ Maguire dated January 9, 2015.

Exhibit 94: Letter from Mary Walsh to Russ Maguire dated September 16, 2014.

Exhibit 95: Letter from Russ Maguire to Bryon Rakoff dated April 9, 2015.

Exhibit 96: Letter from Mark Ryan to Mary Walsh dated March 6, 2015.

Exhibit 97: Letter from Mary Walsh to Russ Maguire dated January 15, 2015.

Exhibit 98: Letter from Peter Eichleay to Russ Maguire dated May 23, 2014.

Exhibit 99: Incident report by Kevin Putnam dated November 28, 2014.

Exhibit 100: Letter to the Editor, Norwood Record, dated March 26, 2015.

Exhibit 101: Minutes of Norwood Airport Commission Meeting dated January 14, 2015.

Exhibit 102: Miscellaneous Documents related to February 13, 2015, Spill Incident.

Exhibit 103: Email from Kevin Grasso to Russ Maguire and Mark Raymond dated May 6, 2015.

Exhibit 104: Norwood Memorial Airport General Regulations (Revised: October 2008).

Exhibit 105: May 9, 2014, Photographs of Norwood Airport Gate 3 Taxi-Lane C, Showing Christopher Donovan's Personal Vehicle and BEH Aircraft in the TOFA.

**FAA Exhibit 5**

**Item 1**— Letter from Russ Maguire, Manager, Norwood Memorial Airport, including 3 photographs (?) of the airport, dated May 14, 2015.

**FAA Exhibit 6**

**Item 1** — Complainant's motion to Extend the Time to Respond to the Answer of the Town of Norwood (Town) and the Norwood Airport Commission (NAC), dated May 15, 2015.

**FAA Exhibit 7**

**Item 1** Complainant's Response to the Answer of the Town of Norwood (Town) and the Norwood Airport Commission (NAC), dated June 8, 2015. Includes exhibits 158-176.

Exhibit 158: Norwood Selectmen Agenda May 19, 2015, re fuel restrictions.

Exhibit 159: VJF Fuel Permit

Exhibit 160: Selectmen transcript.

Exhibit 161: March 16, 2015, letter from Moss to McCulloch.

Exhibit 162: May 26, 2015, letter from McCulloch to Moss.



Exhibit 163: Transcript from April 15, 2015 NAC meeting.

Exhibit 164: Email string dated May 6, 2015, email from McCulloch to Moss; and May 11, 2015, email exchange between McCulloch and Moss with draft Confidentiality Agreement.

Exhibit 165: Email string between May 6, 2016, through May 12, 2015, email exchange between McCulloch and Moss.

Exhibit 166: Transcript from May 13, 2015, NAC meeting.

Exhibit 167: Email dated May 21, 2015, from McCulloch to Moss

Exhibit 168: Email dated June 1, 2015, from McCulloch to Moss.

Exhibit 169: Wall Street Journal article dated April 29, 2015.

Exhibit 170: Corporate Records of FlightLevel from Massachusetts Secretary.

Exhibit 171: OWD Gates 2 and 3 2015, (color photos).

Exhibit 172: Email dated August 15, 2012, from Donovan to Donna Witte of the FAA with attachments.

Exhibit 173: Maguire letter dated November 29, 2010, to Eichleay.

Exhibit 174: Norwood Airport Regulations.

Exhibit 175: FAA emails and letters.

Exhibit 176: Reference email dated May 11, 2010, from Eichleay to Maguire.

### **FAA Exhibit 8**

**Item 1**—Respondents' Rebuttal to Complainant's Reply, dated July 9, 2015, Includes exhibits 106-141.

Exhibit 106: Email from Norwood Fire Chief Anthony Greeley to Russ Maguire, dated February 12, 2014

Exhibit 107: May 19, 2015, Norwood Board of Selectmen Meeting Minutes.

Exhibit 108: Letter from Mark Ryan to Christopher Donovan, dated May 26, 2015.

Exhibit 109: Printouts from Boston Executive Helicopters, LLC Website, dated July 2, 2015.

Exhibit 110: Boston Executive Helicopters, LLC Financial Submission, dated April, 2014.

Exhibit 111: Letter from Attorney Timothy I. McCulloch to Attorney Brandon H. Moss, dated March 12, 2015.

Exhibit 112: Letter from Attorney Timothy I. McCulloch to Attorney Brandon H. Moss, dated March 27, 2015

Exhibit 113: April 15, 2015 Norwood Airport Commission Meeting Minutes

Exhibit 114: Email from Attorney Brandon H. Moss to Attorney Timothy I. McCulloch, dated May 12, 2015.

Exhibit 115: Email from Attorney Brandon H. Moss to Attorney Timothy I. McCulloch, dated May 13, 2015.

Exhibit 116: May 13, 2015 Norwood Airport Commission Meeting Minutes.

Exhibit 117: Letter from Attorney Brandon H. Moss to Attorney Timothy McCulloch, dated June 3, 2015.

Exhibit 118: Email from Attorney Timothy I. McCulloch to Attorney Brandon H. Moss, dated June 4, 2015.

Exhibit 119: Email from Attorney Timothy I. McCulloch to Attorney Brandon H. Moss, dated June 11, 2015.

Exhibit 120: Email from Attorney Brandon H. Moss to Attorney Timothy I. McCulloch, dated June 12, 2015.

Exhibit 121: Email from Attorney Brandon H. Moss to Attorney Timothy I. McCulloch, dated June 15, 2015

Exhibit 122: Email from Attorney Brandon H. Moss to Attorney Timothy I. McCulloch, dated June 18, 2015

Exhibit 123: Email from Attorney Brandon H. Moss to Attorney Timothy I. McCulloch, dated June 22, 2015.

Exhibit 124: Edits to Aviation Management Consulting Group Engagement Letter by Attorney Timothy I. McCulloch.

Exhibit 125: Email from Attorney Brandon H. Moss to Attorney Timothy I. McCulloch, dated June 24, 2015

Exhibit 126: Letter from Attorney Timothy I. McCulloch to Attorney Brandon H. Moss, dated June 25, 2015.

Exhibit 127: Email from Attorney Brandon H. Moss to Attorney Timothy I. McCulloch, dated July 8, 2015.



Exhibit 128: June 10, 2015, Norwood Airport Commission Meeting Minutes.

Exhibit 129: Letter from Attorney Timothy I. McCulloch to Attorney Brandon H. Moss, dated June 17, 2015.

Exhibit 130: Email from Attorney Brandon H. Moss to Attorney Timothy I. McCulloch, dated June 22, 2015.

Exhibit 131: Email from Attorney Timothy I. McCulloch to Attorney Brandon H. Moss, dated June 23, 2015.

Exhibit 132: Letter from FlightLevel Aviation to Norwood Board of Selectmen and Norwood Airport Commission, dated June 8, 2015.

Exhibit 133: Email from Attorney Brandon H. Moss to Attorney Timothy I. McCulloch, dated June 25, 2015.

Exhibit 134: Email from Russ Maguire to Christopher Donovan, dated November 8, 2013.

Exhibit 135: Email from Mark Ryan to Norwood Airport Commission and Christopher Donovan, dated November 8, 2013.

Exhibit 136: Photograph of Gate 3 Taxi-Lane Damage.

Exhibit 137: Email from Christopher Donovan to Norwood Airport Commission, dated November 10, 2013.

Exhibit 138: Email from Russ Maguire to Christopher Donovan, dated September 14, 2014.

Exhibit 139: Taxi-Lane Photographs.

Exhibit 140: Letter from Mark Ryan to Christopher Donovan, dated July 8, 2015.

Exhibit 141: August 13, 2014, Norwood Airport Commission Meeting Minutes.

#### **FAA Exhibit 9**

**Item 1-**Norwood Memorial Airport Form -5010.

**Item 2-**January 9, 2015, Denial letter from FAA to OWD Airport Manager concerning land release request.

**Item 3-**July 28, 2009, AIN article, *FBO Profile: FlightLevel Aviation*.

**Item 4-**July 20, 2016, OWD Grant History Report.

**FAA Exhibit 10**

September 2, 2016, Respondent's Motion for Leave to File a Third Supplemental Rebuttal

Item 1-Exhibit 145, United States District Court Order

**FAA Exhibit 11**

November 10, 2016, Respondent's Motion for Leave to File a Fourth Supplemental Rebuttal

Item 1-Exhibit 146, Letter from the NAC to BEH with permit condition dated November 1, 2016  
Letter from the NAC to BEH with permit conditions dated July 1, 2016

**FAA Exhibit 12**

November 29, 2016, Opposition to the Motion to file a Fourth Supplemental rebuttal

**FAA Exhibit 13**

December 15, 2016, Letter from Complainant with correspondence between the parties

Item 1-Exhibit A, December 12, 2016, letter from Complainant to the NAC regarding permit conditions,

**FAA Exhibit 14**

January 3, 2016, Respondent's Response to Complainant's Pleadings and Motion to Strike  
November 29, 2016, Filing

**FAA Exhibit 15**

February 7, 2017, Correspondence update with copy of February 1, 2017, letter responding  
December 12, 2016 letter.