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OFFICE OF GENERAL  
COUNSEL

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December 1, 2010

Federal Election Commission  
General Counsel's Office  
Washington, D.C. 20463

RE: MUR 6426

Dear Mr. Jordan:

In response to your November 12, 2010, letter, Joe Miller asked me in early June to fly him to Palmer for part of his U.S. Senate campaign. I did so on June 12, 2010, with an agreement that he pay for fuel; I would donate the rest. After this flight, I told him I was willing to fly him to other towns for campaign purposes, on the same terms, subject to my schedule and weather.

On June 22, 2010, I flew him from Fairbanks to Bethel, then Anchorage, and then returned to Fairbanks. On July 20, 2010, I flew him to Cordova, Gulkana, Tok, Delta Junction then returned to Fairbanks, all on the same payment terms that he pay for the fuel. He did so and I was satisfied with donating the other costs and my time.

Sometime in late July or early August (have no record of the exact date) someone from Joe Miller's campaign called to tell me of a complaint they had received that I was not charging enough for these flights and, according to the complaint, I was required to charge charter rates. This surprised me as that has always been illegal for those without a Part 135 Certificate (I don't have one), who are limited to charging part of the operating costs. I said I would check with the FAA and, if allowed, get their approval before I would accept such fees.

I called the Fairbanks FAA-FSDO office starting in late July. I left several messages before I got to talk to a person and explain the issue. I asked if there was an exception to the usual prohibition of charging charter rates for pilots who do not have a current Pilot 135 (Air Taxi/Charter) Certificate. The FAA officer (don't recall name) told me he would need to research it and respond back.

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About a week later, I received the answer, that I could charge charter rates then later received that in the August 16, 2010, letter from the FAA, copy attached.

Shortly thereafter, I notified someone at the Joe Miller Campaign headquarters in Anchorage, that I had received this response and told that person I could and would accept whatever additional payment they were required to make. A charter rate of \$260.00 per hour was mentioned by the Miller campaign person. I did not do any checking on rates to see what they were.

I did not invoice the campaign for this but provided them the total flight hours and left the calculation to them.

To date I have not received payment for any amount more than fuel costs.

*Thomas R. Wickwire*  
Thomas R. Wickwire

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

Fairbanks Flight Standards District Office  
Alaskan Region

4419 Airport Way  
Fairbanks, Alaska 99709

Telephone: (907) 474-0276  
Facsimile: (907) 479-9650

August 16, 2010

Thomas Wickwire  
2775 Hanson Road  
Fairbanks, Alaska 99709

Dear Mr. Wickwire:

On August 12, 2010, you contacted this office with a question concerning the legality of receiving payment for carrying a candidate for political office in your personal aircraft while operating under Title 14 of the Code of Federal Regulations (14 CFR) Part 91.

In researching your question, our office has concluded it is permissible to receive compensation for such flight under the provisions of 14 CFR Part 91.321 so long as:

1. Your primary business is not as an air carrier or commercial operator;
2. You carry the candidate, agent, or person traveling on behalf of a candidate, under the rules of part 91; and
3. By Federal, state or local law, you are required to receive payment for carrying the candidate, agent, or person traveling on behalf of a candidate. For Federal elections, the payment may not exceed the amount required by the Federal Election Commission. For a state or local election, the payment may not exceed the amount required under the applicable state or local law.

If you have questions regarding this matter, or if I can be of further assistance, please contact me at the above address or telephone number.

Sincerely,

Clint F. Wease  
Manager

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Please submit your comments and suggestions about our services at:

<http://www.faa.gov/go/afsfeedback>

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