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3 APPEARANCES:

4 Appearing on behalf of the National Transportation

5 Safety Board:

6 ROBERT BENZON, Investigator-in-Charge

7 RON SCHLEEDE, Deputy Director

8 FRANK MCGILL, Maintenance Air Safety Investigator

9 DAVID J. IVEY, Air Safety Investigator

10 National Transportation Safety Board

11 490 L'Enfant Plaza S.W.

12 Washington, D.C. :0554-2000

13 Appearing on behalf of Fine Airlines:

14 JOHN ZAPPPIA, Director of Operations

15 4600 N.W. 36th Street

16 Miami, Florida

17 Appearing on behalf of the Federal Aviation Administration:

18 JOSEPH F. MANNO, Air Safety Investigator

19 FAA Headquarters

20 800 Independence Avenue, S.W.

21 Washington, D.C. 20591

22 Appearing on behalf of Aeromar, Inc.

23 MR. RAYMUNDO POLANCO, Vice President

24 2460 N.W. 66th Avenue

1 Building 701
2 Miami, Florida

3

4

5

I N D E X

6

7 WITNESS PAGE

8 LUIS CARMONA

9 By Mr. McGill 4

10 By Capt. Ivey 40

11 By Mr. Schleede 53, 65

12 By Mr. Zappia 62

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16

E X H I B I T S

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18 NUMBER FOR IDENTIFICATION IN EVIDENCE

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P R O C E E D I N G S

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(Time Noted: 10:22 a.m.)

8 Whereupon,

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LUIS CARMONA,

10 was called as a witness and, having been first duly sworn,

11 was examined and testified on his oath, as follows:

12

MR. BENZON: Thank you. Have a seat.

13

The questioning will be opened up by Mr. Frank

14 McGill.

15

EXAMINATION

16

BY MR. MCGILL:

17

Q. Mr. Carmona, would you please provide, for the

18

record, your full name, place of employment, business

19

address and position with the FAA?

20

A. My name is Luis Carmona. I am an aviation safety

21

inspector, assigned as PMI for three repair stations, one

22

121 air carrier, and one 125.

23

And my address is the Miami FSDO, at physical

24

location, 5600 N.W. 36th Street, 3rd Floor.

1 Q. Okay. Mr. Carmona, please provide a brief
2 history of your background in aviation.

3 A. Okay. I started in aviation right after the
4 Korean War. I am a Korean vet. The government paid for my
5 career since 1954 until 1975.

6 I work in industry in many positions, director of
7 operations, chief inspector, director of maintenance, chief
8 pilot, dispatcher, ground school instructor, flight
9 instructor, pilot examiner, check airman, AI.

10 I also have -- at that time I had a certificate
11 to teach. I have -- it's expired now -- a Florida State
12 Teacher's Certificate, and I worked for about four or five
13 airlines in all those capacities for twenty-one years.

14 Q. Currently what is your present duties and
15 responsibilities?

16 A. My present duties and responsibilities is
17 Principal Maintenance Inspector for Miami Jet, an engine
18 repair station, Fine Air Repair Center, the airframe and
19 engine repair station, and also -- and the third one, I
20 forgot the name -- Prestige Repair Station. Also Fun Air,
21 which is a 125 operator.

22 Q. What kind of certificates do you hold, FAA type
23 certificates?

24 A. I hold an ATP with four ratings, 15,000 -- no,

1 10,000 hours logged, like he said. I have a flight engineer
2 ratings, ground instruction ratings, flight instructor
3 ratings, flight dispatcher, and that's it. A&P mechanic,
4 six certificates on those ratings.

5 Q. Have you been trained on the DC8 in the FAA?

6 A. No.

7 Q. Have you had any maintenance training on the JT3D
8 engine that is used on the DC8?

9 A. Are you talking by the FAA, or prior to the FAA?

10 Q. No, with the FAA?

11 A. No.

12 Q. Well, let's talk about in the industry the.
13 You were trained in the industry on both of those?

14 A. In the late '60s, I received a pilot course
15 through National Airlines on the DC8, which was ground
16 school and simulator, and I got type rated.

17 And then in 1992, I attended a maintenance
18 DC8-71 course as -- to control the weight, the program with
19 Southern Air.

20 Q. Have you ever requested to be trained on the 8
21 with the FAA?

22 A. Yes, sir, numerous times.

23 Q. What about engine training?

24 A. Also.

1 Q. But you've never received any training?

2 A. No, I haven't, no.

3 Q. Have you received any training on any engines,
4 JT8s or --

5 A. No, sir.

6 Q. -- or any?

7 A. No, sir. No, sir, because basically when I began
8 my disposition with Fine Air, was the budget restraints
9 applied, and I am sure my supervisor would like to send me,
10 but we couldn't do it.

11 Q. Do you ever feel that you need an assistant to
12 help you?

13 A. Yes, sir, very much.

14 Q. Have you ever requested for an assistant?

15 A. Yes, sir.

16 Q. How is the selection for an inspector to be
17 chosen for an airline?

18 For instance, did you request to be a MPI for
19 Fine Air, or how is that process done on that?

20 A. I was a geographic supervisor when the
21 down-sizing of the FAA came about, and I was removed from
22 that position because of downgrading -- not downgrading, but
23 down-sizing the FAA.

24 Like the POI, I became, what do you call it,

1 quality insurance inspector for a few months, and then I was
2 assigned as PMI for Fine Airlines.

3 Q. When you do your inspections you have certain
4 required items that you do, and then are you able to address
5 certain key items that you might find significant with the
6 airlines?

7 Are you able to take time --

8 A. Are you talking about an aircraft, or the airline
9 as a whole?

10 Q. The airline as a whole?

11 A. Oh, the airline as a whole, we need to look at
12 their maintenance program, maintenance training. We need to
13 look at their manuals. That alone takes a long time to
14 review all the manuals and have them revised.

15 We need to look at the performance of the work,
16 the certification of the mechanics, the certification and
17 approval of all the providers of services, including special
18 maintenance.

19 Q. Okay, now those are a type --

20 A. It's quite complex.

21 Q. Now those are a type of required items, is that
22 correct?

23 A. Yes.

24 Q. What about -- would you have flexibility if you

1 found some other area that may not be required, would you
2 have time to address some other key area?

3 A. Yes, sir, and I do.

4 Q. And what type of percentage do you normally have,
5 do you address directly that you have to do?

6 A. Well, that I have to do, or that I do extra
7 besides my job?

8 Q. No, that you would have to do?

9 A. What I have to do, I have to do spot inspections
10 of aircraft and maintenance.

11 Q. Yeah, but percentage-wise?

12 A. The percentage-wise, it's just about equal.

13 Q. Okay.

14 A. Equal, yeah. This year I did 150 percent of all
15 my -- at least 120 to 150 percent of all my PI items, plus
16 all their items were completed.

17 Q. Again, what year were you assigned to Fine Air as
18 a POI?

19 A. I was assigned together with the POI sometime in
20 January of 1996.

21 Q. I see. When you went in there initially, looking
22 at the status of the airline, were you happy with
23 everything?

24 Did you find everything the way that you would

1 like it? Was there --

2 A. No, but that is normal. Whenever you get
3 assigned to a new job, you're not familiar with it. I had
4 to look at the manual system and their procedures and fly
5 the aircraft, and this is quite a bit of work in the
6 beginning. Now it's a lot easier.

7 Q. Okay. Then you were able to make changes?
8 You accomplished those changes?

9 A. Quite a few.

10 Q. Okay. Prior to the accident, were you aware of
11 any loading problems at Fine Air?

12 A. During my enroutes, which prior to the accident,
13 I made only about only eight to ten enroutes, because once
14 again, budget restraints, and the requirements for approval
15 for travelling, and getting of visas and so forth, makes it
16 difficult.

17 I found two places where I had found problems.
18 One of them was Ecuador, and I advised my supervisor about
19 it, and the airline hasn't flown there no more.

20 And the other one was, the week before the
21 accident, when I went to the Dominican Republic, I found
22 that they were improperly loading the aircraft.

23 Q. When you find like on that particular enroute
24 inspection, you found that there were problems, what do you

1 do about that, who do you tell this to, what --

2 A. First of all, I tell the Aeromar in that case,
3 right there, there was three pallets with nets that were not
4 acceptable, and they had to replace them.

5 There was a scale that was in a location that
6 they couldn't weigh pallets, and they had to move it.

7 And then when I came back I discussed my findings,
8 first of all, with the chief inspector, and then with my
9 supervisor, and then eventually on the -- after the
10 accident, the accident just came after that, I wrote him a
11 letter in that regard.

12 I talked to them on the 6th and on the 11th, the
13 day before the accident, on the 11th.

14 Q. Now, that was like a week before the accident.

15 A. Yes.

16 Q. What about other enroute -- how many enroutes do
17 you normally do a year?

18 A. Well, I should do at least six -- twelve, you
19 know, each route is one way, so you'd be going over and
20 coming back, that's two.

21 Q. Two.

22 A. To six destinations. Remember, they are not
23 scheduled carriers. They are supplemental, and all I do,
24 all I try to do is go to where they do frequent charter

1 flights.

2 Like I make sure that I'm there. They can call
3 emergency maintenance. They have facilities, tools, weight
4 facilities, mechanics, certificated and trained and so
5 forth, so I have gone to Quiet Nacelle, Quito twice, Manta
6 once, and now maybe I have gone to Guatemala, to San
7 Salvador and Santa Domingo.

8 The first time I went to Santa Domingo was the
9 week before the accident.

10 Q. Sir, you not only kind of do an enroute, you do
11 an audit of the line station, too?

12 A. Yes, sir, I do.

13 Q. Is that -- that's recorded somewhere on some sort
14 of paper?

15 A. Oh, yes. We do a few forms. We do light station
16 -- light station, which is not a light station. It's really
17 a destination station, and check if the mechanic's working,
18 and people who service the aircraft, and check the scales
19 calibration.

20 The scales calibration, they have to be all
21 calibrated, because I checked that on every one. Long
22 before the accident, I checked that.

23 Q. Okay. Is Fine Air a member of the CASS program?

24 A. No, they're not, to the best of my knowledge.

1 Q. Once you said fuel farms and that kind of
2 triggered that obviously that there has to be an annual --
3 at least an annual inspection.

4 A. Yeah. There is a provision, okay, for the
5 airlines, they can have two provisions. If they are a
6 member of CASS, and they comply with the CASS, they can take
7 a CASS program audit, but they're not.

8 Now, what they can do is do interchange with other
9 airlines, but they're not allowed to do that either. They
10 do their own audits.

11 So whenever I go enroute, I go and visit the fuel
12 farm and look at their maintenance, look at their cargo
13 facilities, and look at the nets, look at the cargo, and
14 whatever I find wrong, I report it.

15 Q. Okay. And so when you report it, you normally
16 report it to who at Fine Air?

17 A. Normally my communication is with the chief
18 inspector, or Mr. John Zappia.

19 Q. Okay.

20 A. Who's the vice president of --

21 Q. Okay. And then when you get back to your office,
22 who do you communicate that with?

23 A. My supervisor.

24 Q. Do you all discuss whatever concerns, maybe fix

1 this for these concerns?

2 A. Yes, sir. And they, like I said before, there
3 are times that the air cargo think that I am pushing them,
4 by making them spend a lot of money, but nevertheless,
5 they have always given me one hundred percent full
6 cooperation.

7 If we come to an agreement that is needed, and I
8 can show them that they need it, it's done. That's all.

9 Q. Okay, you've got one airline, and a couple of 145
10 facilities, and three --

11 A. Three, and another 125 operator.

12 Q. Okay. That looks like that's kind of a full load
13 right there.

14 Do you do anything else?

15 A. Yes, I do that, plus I -- well, I came -- well,
16 accident investigation per se. The ValuJet, I spent twenty-
17 eight days in the swamps. I haven't gotten paid for 130
18 hours of that.

19 I had to put that in there, excuse me.

20 (Laughter.)

21 A. And I also have participated in the Brothers-To-
22 The-Resuce, in one of their accidents. I also put -- pull
23 like anyone else, the accident standby and telephone duty.

24 I need an assistant. There's nquestion about

1 it.

2 Q. Were you able to complete your FAA National P&R
3 items for 1996 fiscal year?

4 A. '96 or '97? We're in '98 now.

5 Q. Let's say '96?

6 A. '96? Yes, sir.

7 Q. How about '97 then?

8 A. '97, 150 -- between 120 and 150 percent of it.

9 Q. Okay.

10 A. I have been provided assistance as available.

11 Q. Mr. Schleede had hit upon a couple of items here
12 earlier. We're talking about qualification right now.

13 Have you ever been reprimanded, or given some sort of
14 less than satisfactory rating for your qualification or
15 performance in an --

16 A. On the advice of FAA Legal counsel, I'd like to
17 decline any questions related to my Privacy Act.

18 Q. Okay.

19 A. Because I believe between your counsel and our
20 counsel we can best decipher that.

21 Q. Okay. Have you received any complaints, maybe
22 even anonymous complaints, regarding the accident?

23 A. Yes, yes. Not exactly related to the accident,
24 but I received at least three or four complaints anonymous,

1 always anonymous. No one wants to give you the face.

2 Q. Okay. About the airline, or --

3 A. The airline. And they have been investigated,
4 and two of them was proven to me to be false, and the other
5 two I decline to talk about it.

6 Q. Okay, so there could be some validity to the --

7 A. The others are under investigation by someone
8 else.

9 Q. With Mr. Drayer, we talked about the FAA
10 responsibility for loading and off loading aircraft.

11 Would you please tell me who in the FAA is
12 responsible for this?

13 A. That has two answers -- yes and no. We all are
14 because we're aviation safety inspectors. The FAA, all
15 we've had the standards up there. We've never had any
16 guidance on how to do it.

17 And when I look at an aircraft, I'm looking at
18 that aircraft with maintenance eyes. When he looks at that
19 aircraft, he looks at it with an operations eyes. And to us
20 cargo is cargo.

21 Now, when I do an enroute, and I see a pallet that
22 doesn't appear to be -- I know that the pallet is to be PSO
23 90 and the nets, and the identification and so forth, but
24 there was no guidance until right now, the Bulletin 97.12

1 and 97.21. There was no guidance, okay, on how to accept
2 this, or not accept that.

3 Air worthiness conditions, like SATCO, for
4 example. It tells you that if it is unairworthy, return it,
5 and then they tell you how to repair it.

6 But as far as I know, on the FAR 25.1529, you are
7 required to have a maintenance program for every component
8 with that aircraft for the entire duration of the life of
9 the airplane.

10 Well, these PSO people have not been doing that.
11 Now, I believe SATCO came with one, so we started getting
12 the guidance after the accident.

13 Q. So you got guidance.

14 Now, have you specifically received any training,
15 per se?

16 A. No, sir.

17 Q. Just the same guidance that I have by reading
18 these two?

19 A. Yes, sir. It's sufficient, though. I know what
20 to look for.

21 Q. Well, you do. Someone else may not.

22 A. Oh, I'm sorry.

23 Q. Was anything in the Fine Air maintenance manuals
24 addressing the hardware of the loading --

1 A. Restraint system?

2 Q. - restraint system, nets, so forth?

3 A. Well, no, not on the nets. On the restraint
4 system, yes. Remember that when that aircraft goes to
5 maintenance, it doesn't have a pallet or a net, so in the
6 beginning they did not address that.

7 Now, they had at least two or three different
8 systems, and they had addressed only one system in the
9 manual, so he corresponded between me and the chief
10 inspector, and he addressed all the systems in place.

11 And now after the accident, of course we have
12 Chapter 14, and the GMM also refers to nets, and they have
13 zero tolerance on the nets and the pallets now, on the
14 restraint system.

15 Q. Sir, it wasn't something unique to Fine Air?

16 Another carrier, as far as you understand, may not
17 have also in place in the maintenance manual, any
18 description to determine limits on nets?

19 This wasn't something other than say the bear
20 traps, or something like that that came with the STC? You
21 wouldn't have any guidance for that.

22 A. I have grounded at least two airplanes after the
23 accident, a Marrietta, in Santa Domingo, and Connie Kaletta
24 in Guatemala, and the one in Santa Domingo was grounded for

1 a day, and Connie Kaletta was grounded for a week.

2 I'd like to say that probably today Fine Air is
3 about one of the few that are complying with that Bulletin
4 97.12 and 97.12, from my experience, from my ramps
5 inspection.

6 And the FAA in Miami is aware of that, and the
7 geographic supervisor. I have violations on one right now,
8 so we are on top of it in the Miami area.

9 Q. Okay. I was just going to jump over real quickly
10 here, and just cover -- well, before we get to the D85, I
11 was just going to pull up the A28, where the expiration date
12 of Aeromar, on the wet lease agreement was back in 5/18.

13 Why would that still have been in this set of ops
14 specs?

15 A. Okay. When I became the PMI, those were the
16 leases that were approved. As a matter of fact, we have
17 documentation that it was sent to Legal, FAA Legal, and FAA
18 Legal approved them at that time, especially Aeromar.

19 Now, they were in the process of being changed
20 when the accident took place. In May 1st, that's when the
21 acc -- I believe that's when it expired, May 1st.

22 Q. So Fine Air with Aeromar was expired --

23 A. The one that I have seen expired on --

24 Q. -- three months before the accident.

1 A. Yes.

2 Q. I was just curious why it was still in the ops
3 specs.

4 A. They sent -- they sent a new lease to the POI.
5 The POI found problems with the lease, sent it back. I
6 think they returned it back. Then they had an addendum to
7 the lease.

8 And then in between that, we found out that they
9 had leased the one aircraft, November 507 DC, that was not
10 in the ops specs, so we were in the process of doing that
11 when the accident took place.

12 Q. Okay, so it's just probably --

13 A. This is an administrative error.

14 Q. Just a slow time or --

15 A. A slow time, or lack of time.

16 Q. -- or lack of time to do it.

17 Okay, on the A29 section of the ops specs, we --
18 that's the interchange agreements?

19 A. Yes.

20 Q. And we pick up these. Again, I keep going back
21 to this model, --

22 A. Yes.

23 Q. -- the 62s and the 63s, which were not really
24 part of -- and they were able to list eleven aircraft on

1 their D85.

2 What specifically does a D85 mean to you?

3 A. The D85 is the list of aircraft that -- includes
4 the list of aircraft that can be operationed by the air
5 carrier.

6 In this case, through interchange agreement with
7 ABX, which I correlated, and is a valid interchange
8 agreement, approved both by the FSDO that oversees ABX and
9 myself, and our PAI, the lease was correct.

10 Now, how they are allowed to have eleven
11 airplanes in there that I never seen, they're maintained
12 under another program. The pallets that they use are
13 different, and Fine Air is the one to put air in the tires.

14 So now how they or why they are there is approved
15 by Washington or someone else, not me. We have questioned
16 that before. My major problem and I'll elaborate a little
17 more.

18 Q. However, for them to fly it, they would have to
19 have complete operational control of those aircrafts.

20 A. They have -- they have an interchange agreement
21 in the GMM that tells them the procedure of how to change
22 that operation control, yes.

23 Q. Okay. Is there anything in the GMM about those
24 aircraft, the operations -- to be able to operate those

1 aircraft?

2 A. In the GMM there wouldn't be anything in respect
3 to operation, but in the GMM they have -- by request, they
4 put information in there.

5 They said that these aircraft are maintained by
6 ABX, and before I accepted that, I was in communications
7 with the PMI of ABX, and he told me those aircraft are
8 legal, they're certificated, they're airworthy.

9 They are in the D85 and they're acceptable on the
10 interchange agreement, so they met the requirements for
11 interchange agreement.

12 Q. Has Fine Air ever flown one of those airplanes?

13 A. I don't know, I've never seen one.

14 Q. Part 91 sets requirements for an air carrier to
15 meet Stage 3 noise levels.

16 How is Fine Air moving right now? What is the
17 direction of Fine Air of meeting those Part 91?

18 A. Fine Air, to the best of my knowledge, has some
19 business relation with Quiet Nacelle. Quiet Nacelle is in
20 the process of approving the Stage 3 Hush Kits, which I
21 understand they intend to install in more of their aircraft
22 within the next ninety days.

23 Q. You say you also have the 145 responsibility for
24 Fine Air Repair Center?

1 A. Yes, sir.

2 Q. And the Miami Jet repair facility?

3 A. Yes, sir.

4 Q. Can you tell me a little bit about the
5 integration between these three certificates?

6 A. Well, the three certificates are basically -- the
7 three corporations, I guess, are owned by the same person,
8 or the same group, and Miami Jet does all the engine work,
9 and Fine Air repair center does all the heavy maintenance.

10 And Fine Air has a few people that will do the
11 A's and B's. C's and D checks are done by -- are performed
12 by Transair -- I mean by Transair -- by Fine Air repair
13 center.

14 Q. Have you ever noticed any problems of them going
15 back and forth -- especially, we'll get in a little bit
16 later of the surveillance, but of the CASS program, but is
17 there any problems right there of keeping track of what is
18 --

19 A. Yeah, there have been problems, and I have been
20 in constant oral and written communication with the chief
21 inspector, Mr. John Zappia, in trying to correct that, and
22 they have been corrected as I find them.

23 Q. Are there other certificates besides those two
24 that perhaps are owned by the top management of --

1 A. Maybe Quiet Nacelle, but I am not sure of that.

2 Q. Where is Quiet Nacelle? Where is that --

3 A. Quiet Nacelle is --

4 Q. Where is that located at?

5 A. -- at Opa-Locka Airport, Opa-Locka, Florida, and
6 they have -- I think they have two certificates. One is a
7 repair station, and the other one is a certificate to be
8 able to manufacture the Quiet Nacelle Hush Kits, especially.

9 Q. Okay. And the equipment in the storeroom, just
10 the spare parts, do you ever go in and look over the audit
11 of these parts and --

12 A. Yes, sir.

13 Q. Where do they come from?

14 A. The parts they have, and I'm happy to say I have
15 been instrument in helping them with that problem. They
16 have a problem on the DMX Section 4. I believe it is 15,
17 Chapter 4, Section 16 -- 15 to 17, procedures on how to get
18 parts.

19 They -- the parts must come from an airworthy
20 aircraft with paperwork, or if it comes from an airworthy
21 aircraft it has to be given some conformity. If it comes
22 out of the country it must be DAR.

23 If it comes from -- if it has been installed in a
24 foreign aircraft, they have to be DAR, and they have to give

1 certain inspections to the parts, based on what they do.

2 They have a list of normal providers, a complete
3 list, which they audit, and they have a list of providers of
4 special maintenance, all of which are audited daily.

5 Q. Okay. You saw that, I'm sure, our factual report
6 on the ninety day audit, just of the accident aircraft, and
7 I have briefly brought that up about all of those problems
8 on this airplane.

9 How do you address the fact that this occurred?
10 We just checked one airplane, and it just -- there were just
11 many, many --

12 A. Yeah, you didn't check the --

13 Q. -- problems right there on this one airplane, and
14 then have the fact of over a hundred discrepancies, every
15 one of the major discrepancies being written up back in the
16 Miami Airport?

17 A. Okay, I have addressed that with the chief
18 inspector, and I have raised concerns about them having all
19 their problems on file in Miami. Now I cannot prove, unless
20 I am aboard that aircraft, what took place.

21 So all I can do is address it, and tell them hey,
22 it doesn't look right, just like you do. Now the problems
23 they find, regardless of what they found, are addressed in
24 two areas.

1 They go to the Records Department, and they go to
2 the stockroom, the people who are going to send the parts to
3 be repaired, and then it goes to Mr. McCallman, who has the
4 CASS program, and they have, I would like to say a good CASS
5 program that will track repetitive items to the point that
6 right now we're in the process of most probably, changing
7 some part from on condition to hard time, based on his
8 findings.

9 Q. Well, it just seems like if it's such a good
10 tracking system we wouldn't have had -- you know, I wouldn't
11 have been able to come in here and find sixteen write-ups on
12 thrust reversers between May 14th and July 24th.

13 I would not be able to find you know, seven
14 write-ups on ground spoilers, between -- I mean, it would
15 look like that if you had a good CASS program --

16 A. I agree with you, and I have written letters, and
17 I have had oral communications and written correspondence
18 with the carrier in that regard.

19 And every time that I find one, they come back
20 and they show me how they track it, and the first time it
21 was this reason, and they did something, and the next time
22 they went in another area, until finally they do it now.

23 Remember all of these components that you are
24 addressing here are on condition. They could have 1,000

1 hours, 300 hours, or a million hours. I'm talking about all
2 components on an aircraft.

3 Maybe we should consider to put some of those
4 components on hard time to be able to control it.

5 Q. Well, let's talk about that just a little bit.

6 I also noticed, and I think I noted in my report, that
7 there was hardly anything on hard time. Virtually
8 everything in that entire program is on condition. And I
9 wanted to just try to understand that a little better.

10 To make a component on condition -- let's see
11 where I have that written down. I put it in this report
12 because I thought it was kind of a -- and I did, I wrote it
13 in here that of course, on condition is continued use of a
14 component with no fixed life.

15 And it is expected at specified times to confirm
16 its physical condition. Okay. Now, to do that, in the past
17 when I looked at say heavy checked packages that come up to
18 an area that was going to be checked, there would be a very
19 elaborate procedure on that particular card, defining how
20 one would go about to verify that it's inspected properly.

21 I don't see that with the -- with many of the Fine
22 Air on condition components. It's like -- how does that
23 process work?

24 A. I didn't approve the program in the beginning.

1 If I approve a program, it needs to comply with the OAMPD,
2 or I will not approve it. These components are on
3 condition. They're all on Fine Air aircraft, on most air
4 carriers.

5 To me, go on condition it must meet the definition
6 of on condition. If the MPD concept, hard time, and try for
7 that component to on condition, you must justify how it got
8 there.

9 Q. Yes.

10 A. Okay? We're in the process right now in
11 corresponding with the air carrier -- we have been for the
12 last six months -- and never went in this, to see how they
13 either come up with some -- either they beef up the cars,
14 like you say, to show that this component has been -- will
15 be able to be airworthy between given inspections, or they
16 are going to have shorten the periods of time, or they're
17 going to have to go to hard time.

18 This is something that is being evaluated right
19 now. I have an assistant working on that right now.

20 Q. Okay.

21 A. He's been working on it for the last two months.

22 Q. So that at some future point, if an item is on
23 condition, that will explain the justification for this on
24 condition, it's within these tolerances, it's been MPD

1 tested, it's been whatever -- whatever -- something would be
2 stated on each one of these components?

3 A. First of all, it must be justified when the
4 manufacturer bases the MPD on the sampling of the worldwide
5 fleet, and they use the physical analysis to make the -- you
6 know, to define something as hard time, on condition or
7 condition monitoring.

8 To me, if the manufacture calls it hard time,
9 and you want to call it on condition, you need to do two
10 things. You need to show the definition, show me how you're
11 going to do it, and then you have to say on the interval
12 inspections, how you're going to inspect it, show proof that
13 you can make it between inspections.

14 Q. Okay. Now, obviously, you have recognized this
15 problem for quite a while?

16 A. Yes, sir.

17 Q. Did you address this with people at Fine Air?

18 A. Yes, sir. They're aware of it.

19 Q. Did you address this with your supervisor?

20 A. Yes.

21 Q. But nothing has really been done?

22 A. No, no, it's been done, it's been done. They
23 have --

24 Q. It's been done since when?

1 A. Well, no -- before the accident. They have --
2 the last time that I reviewed. Remember, you're talking
3 about aircraft records and company records that would fill
4 this room.

5 So as I go along, and I go into the program,
6 together with Errol Cuffe, my part time assistant, we find
7 out that they had about thirty-eight items on condition that
8 the MPD calls hard time. Well, I have addressed those to
9 them, and they have been getting the justification for
10 those.

11 Also, I have addressed to them that it's not only
12 to justify them to be on condition, but also they're going
13 to have be included in their interval inspections, A, B's
14 and C's and D's, with enough inspection to be able that it
15 still performs in accordance with manufacturers
16 specifications.

17 That's an ongoing process right now. It started
18 before the accident.

19 Q. We've had all of these inspections, NASIPs,
20 RASIPs, OSIPs, and so forth. Are you informed each time of
21 the results of these inspections, and --

22 A. The DOD, I spoke to the DOD people, and from what
23 I understood, especially that they did after I became the
24 PMI, the only problem they had was more related to DOD

1 requirements rather than -- and it was administrative.

2 The NASIP inspection, all the items were closed,
3 and they -- once again, they weren't so significant. The
4 RASIP, the ones that I was aware of while the RASIP team was
5 in there, I have it as there, and they have been corrected
6 then.

7 But like he might receive the final reports a
8 week, last Thursday, so --

9 MR. BENZON: Frank, can we go off the record for
10 a second?

11 MR. MCGILL: Yes.

12 (Whereupon, at 11:00 a.m., a
13 luncheon recess was taken, to
14 reconvene at 12:30 p.m.)

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A F T E R N O O N S E S S I O N

24

(Time noted: 12:30 p.m.)

1 MR. BENZON: On the record.

2 Mr. Carmona, I would just like to remind you
3 that you're still under oath, and Mr. McGill begin.

4 THE WITNESS: Yes, sir.

5 EXAMINATION (Continued)

6 BY MR. MCGILL:

7 Q. Mr. Carmona, let's go back to the inspection that
8 you did about a week prior to the accident investigation,
9 and you noted several discrepancies and so forth.

10 One of the statements you had earlier made, that
11 these discrepancies and problems were addressed with Mr.
12 Raoul Batista?

13 A. Yes, sir.

14 Q. And with the Fine Air Chief Inspector, Richard
15 McCallman?

16 A. That is true.

17 Q. I'm still a little confused about the
18 responsibility -- Mr. Batista is an employee of Fine Air,
19 right?

20 A. Yes.

21 Q. And he was loading cargo on to Fine Air
22 airplane that -- Aeromar's cargo?

23 A. No, no. I addressed the same issue -- remember
24 we have a problem here that is hard to explain. Aeromar is

1 a foreign airline, and I cannot tell a foreign airline how
2 to conduct business.

3 All I know is that they have pallets ready to be
4 put on my aircraft. Okay? So I told them, unless the
5 pallet is legal, I cannot take it. Beautiful, we'll change
6 the three nets.

7 They changed the three nets, and I told -- they
8 moved the scale. They did everything that I asked them to
9 do to make it legal. But now I tell Batista, because in
10 Miami, he is the man in charge of cargo.

11 I told Richard McCallman, because he may be
12 responsible also for Aeromar. But the problem was out
13 there, not here. That's the only place I have found that
14 problem.

15 Q. Did you not know that Aeromar no longer was a 129
16 carrier?

17 A. No, sir, FSDO 23 never told me that.

18 Q. What about Turks Airline and several of the
19 others that were later identified in the RASIP, did you know
20 that they were no longer 129s --

21 A. I didn't.

22 Q. -- where the --

23 A. I didn't even know that. Remember, that's an
24 operational issue. And I did an enroute on any of those wet

1 leases, so I don't know. I didn't know that.

2 Q. Okay. When Fine Air -- just looking at the
3 company brochure that was passed out, they called themselves
4 a supplemental carrier that does ACMI work for someone else.

5 A. Yes.

6 Q. ACMI air crew, airplane, you know maintenance and
7 insurance.

8 A. Yes, yes.

9 Q. Nowhere in there is the word loading brought
10 about.

11 A. You're correct.

12 Q. So was it previously addressed how and whose
13 responsibility it was to do this loading?

14 A. No. And that is easy to explain. Fine Airline
15 is a supplemental air carrier. They can go to 300
16 destinations around the world, mostly South America, Central
17 America.

18 They cannot have -- it's not like a scheduled
19 carrier that they have a line station, and a load supervisor
20 and maintenance and everything else. They cannot be
21 expected to have loaders and people out there when they may
22 come there one time.

23 Now, they do that at the places that they have
24 gone every time. I went to Guayqiall and they showed me

1 that they have the personnel from Fine Air. They went to
2 Quito, they showed me the same thing. I went to Guatemala,
3 same thing. San Salvador, the same thing.

4 When I went to Manta, there was nothing, but that
5 was a one shot trip and they didn't go back. When I went to
6 Santo Domingo, that was the first trip I did to Santo
7 Domingo.

8 So in that trip when I went over, I made the
9 company to paint the name on the front of 1199 operated by
10 Aeromar.

11 Q. Because let's say a flight crew, that even if you
12 give a manifest so many pallets of so much weight, unless
13 one were calibrating the skills, we wouldn't even know if
14 that was correct or not.

15 A. That's correct.

16 Q. I mean we may physically do the weight and
17 balance form that Mr. Abbe had, but we are not, unless
18 you're certified on the weight as loaded, you wouldn't be
19 able to address that.

20 A. Let me explain that.

21 First of all, all the scales actually required
22 them to have calibrated scales for the two frequent flights
23 long before the accident, as much as a year before the
24 accident.

1 And people train in those areas where they go all
2 the time. I never been to Santo Domingo, but when I went to
3 Santo Domingo, the scale was calibrated in accordance to the
4 rules of that country. That's the only way that you can do
5 it.

6 That's what my handbook calls it, okay, but the
7 scale was in a location out of the sided, that they couldn't
8 do it.

9 So they told me we're weighing box by box. I
10 said no way, you cannot get the correct weight that way. I
11 need the exact weights.

12 So what they did, is they took all the cargo, put
13 it on a pallet. They moved the scale outside, they
14 calibrate it. I went and weighed it myself.

15 I weight 190 pounds exactly on the dot, so now I
16 know that there is a calibration, and then they put the
17 pallet on the scale. So now that pallet was weighed. Okay.

18 Now, the nets, that's another story. The nets,
19 remember this, there is no real guidance before. I know
20 that the pallet is supposed to be DSOC90, I know the net had
21 to be DSOC90, but how many strands can be broken on the
22 net, how many hooks can be off the pallet?

23 There was no guidance on that, and that's what
24 the problem is.

1 Q. My mind is kind of remembering on the RASIP,
2 which you may have probably just glanced at, but I notice
3 that there were some scales right here in Miami where Fine
4 Air had -- there was some question about the number of
5 scales, two to three, and the first thing you know, we found
6 eight of them or some other -- how did that --

7 A. Okay. That's not correct.

8 They do have two scales. In the beginning they
9 had one at Building 700. It was calibrated. I checked that
10 long before the accident.

11 Then they installed one in the hanger, also
12 calibrated, but remember, they received cargo from Aeromar,
13 they received cargo from ABC and many other places.

14 So the person who calibrated that scale, I
15 assume, will give them the calibration sticker for eight --
16 eight places.

17 They have cargo from different places, not only
18 theirs. When it is a wet lease to someone else, the cargo
19 is coming from that place.

20 And I personally, if I go or fly, they know that
21 I am going to go down there and check the calibration of the
22 scale. So the scale's calibration was never in question.

23 Q. So by placng these various scales in various
24 locations, it's not really indicative of a true ACMI type

1 charter then. It's saying that they're also involved in the
2 loading process.

3 A. No. The scales, they need to see that it's
4 calibrated. The cargo that comes on that aircraft needs to
5 come properly staggered, arranged in the pallet.

6 The pallet to meet DSOC90, so is the net, and the
7 restraint system must be operational. And that's as far as
8 they went before.

9 Now, keep this in mind. You have a cargo now,
10 you can live in China. And you send a pallet from China
11 that goes to, let's say, Japan. Japan Airlines takes it to
12 New York, American takes it back to Miami. Are we're going
13 to go to that place to check it?

14 Now, when it comes here, when it comes here, they
15 need to weigh that pallet, and that pallet is to meet their
16 standards and the weight be correct.

17 So it's very difficult, like we're trying to say
18 now, hey, we're going to be checking the freight forwarders.
19

20 There's 3,000 of them out there. They may be in
21 China. So it is very difficult to do that now.

22 Q. But you can check on each individual flight where
23 you have operational control of that leg of that flight?

24 A. That's right, except when the pallet comes to

1 you, they have to make sure that the pallet meets the
2 DSOC90, that it's not damaged, that the nets meets DSOC90,
3 that it has five hooks in the front, five on the back, four
4 on each side, and it has a tag that says DSO.

5 I don't believe there was a finding on the RASIP.
6 I couldn't understand that. I got that on Thursday, and I
7 was reading, and I couldn't understand it because the
8 calibration of the scale had never been in question, as far
9 as I know.

10 Q. Well, --

11 A. Even though that's not in my area.

12 Q. It was the number of them that I was referring
13 to.

14 A. Yes.

15 Q. It seemed like they had said that there were two
16 or something or three, and then later it talked about eight
17 or something, and I was curious about that, if you knew
18 anything about it.

19 They talked about also an overrun of an AD. What
20 is the process that Fine Air has to protect the control of
21 overrun in an AD?

22 A. Okay. When the RASIP team went out there, they
23 based their findings on the documentation available to them.
24 There was a C check going on, I guess, and they looked at

1 the C check card, I believe it was 5323, I forgot the number
2 of the card, and they saw that this AD note was addressed
3 there. Okay?

4 This is an opportunity inspection. ~~W~~o if he
5 had gone to maintenance control or the aircraft records, he
6 would have seen that that AD note is kept by Cardex, and
7 that's the way by way of concept.

8 Once I got that, I investigated it. I went to
9 Fine Air. They showed me the proof. I had to go to my
10 supervisor and as far as I know, that was not a case.

11 Q. Okay. So maintenance control then, with a card
12 index, they keep track --

13 A. That's right. That's the way they keep it, yeah.

14 Q. They keep track --

15 A. Now, in between, if he goes to a C check, and
16 they can do it, they take advantage of the situation because
17 they have to remove the landing gear.

18 Q. And then it is updated?

19 A. Yeah.

20 Q. Okay.

21 A. And that has been revised, when the card had been
22 revised.

23 Q. Just a quick question.

24 Do you ever deal with the Director of Safety at

1 Fine Air?

2 A. Yes. At times, I have dealt with Horace, is his
3 name. He is also the chief engineer. Because on some of
4 the log sheets that I have reviewed, they have shown a
5 discrepancy.

6 For example, fuel flow low or heat high and they
7 didn't give me all the parameters. And the only way that
8 the person doing the maintenance can go ahead and really,
9 truly troubleshoot that component -- you know, if it is an
10 indication, an indicator, or the sensor or the engine, if I
11 haven't known the parameters then compared to the other four
12 engines.

13 So he agreed with me, and a bulletin going out --
14 this is a year ago -- telling the flight crews from now on
15 please give enough information to maintenance.

16 MR. MCGILL: Mr. Schleede, I no longer have any
17 more questions.

18 MR. SCHLEEDE: Do you have any, Dave?

19 CAPTAIN IVEY: Yes, I've got some.

20 EXAMINATION

21 BY CAPTAIN IVEY:

22 Q. Mr. Carmona, I'm a little confused with what you
23 said regarding the control of pallets.

24 For example, in the China, Japan, New York, Miami

1 case.

2 A. Yes.

3 Q. Is it my understanding that your oversight would
4 be limited to, on an inbound pallet, taking it off the
5 airplane and weighing it right there and inspecting it and
6 verifying that it is what it says it is?

7 Is that correct?

8 A. Not one hundred percent.

9 They have control of the pallets when they go on
10 board and when they come off board. They should not come on
11 board to be taken off at the destination when they know its
12 exact weight.

13 But the ops specs said that they would use exact
14 weights, so it is the crew responsibility to go to a not
15 common destination, or if they have a person at that
16 destination, to have a calibrated scale to make sure that
17 when that cargo goes on board, it is an exact weight.

18 The pallet is correct, the net is correct and it
19 has the right weight.

20 Q. I understand that. However, as you've mentioned,
21 there could be 3,000 freight forwarders, and there's no way
22 possible for them to all be inspected as it relates to Fine
23 Air if, in fact, they've used 3,000 or whether they've used
24 300.

1 But is part of my understanding that you have at
2 least the opportunity to take a pallet off an airplane on
3 arrival --

4 A. Yes.

5 Q. -- and weigh it, as part of the surveillance?

6 A. Oh, yes.

7 Q. And that is an indirect way of seeing what was
8 really shipped in China.

9 A. Yes, sir.

10 Q. Am I correct on that?

11 A. You're correct. And we do that all the time. I
12 do.

13 Q. On the other hand, if there's loads that are
14 being shipped from here in Miami, you have much better
15 control, obviously, because the freight forwarders are in
16 the area here.

17 As the freight shows up, you can take it off the
18 truck or off the ramp, or weigh it, as you please, or as you
19 determine necessary.

20 A. We also do that. And also, unannounced.

21 Q. So the way that you can have control over a long
22 distance freight forwarder would be to randomly take and
23 weigh pallets as they came off an airplane.

24 A. That is correct.

1 Q. Upon arrival in Miami.

2 A. That is correct. I understand your question now.

3 Yes. When they arrive in Miami, now it is the air
4 carrier's responsibility to see that it was correct at the
5 other end.

6 If it was correct at the other end, when it
7 arrives here, it should be correct. If it's not correct
8 here, that means the airline didn't do their job. Then
9 they're subject to a violation.

10 Q. I see. You mentioned you had three 145
11 facilities in which you provide oversight, I think.

12 A. Yes, sir.

13 Q. Are those in this country or are they out of the
14 country?

15 A. No, inside the country, all within the Miami
16 area.

17 Q. And you mentioned that you also fly and have
18 done, I think you said eight or nine enroutes --

19 A. Yes.

20 Q. -- which would take you to a distant station and,
21 while you're there, have the opportunity to inspect the
22 facilities on the ramp, as well as operations concerning
23 Fine Airlines, perhaps, while they are there, is that true?

24 A. That is true. Remember, I cannot enter a PTRS

1 for operation. That's a 1,000. Mine is a 3,000. But
2 nevertheless, I go down there, I look at my airworthiness
3 requirements, I look at the avionics requirements, and most
4 of the operations.

5 And when I come back, I convey to my peers their
6 responsibilities, so they know what I found, and I tell the
7 company what I found.

8 Q. Have you, in any of the cases where you were
9 outside the country, had opportunity to observe the
10 interiors of airplanes that are operated by Fine Air?

11 A. Yes, sir.

12 Q. Are you aware that Ecuador did a ramp inspection
13 back in February of this year on November 27 UA?

14 A. Yes, sir.

15 Q. Do you remember some of the -- if you don't mind,
16 would you tell me how you had to inter-react, as a result of
17 that Ecuadorian inspection?

18 A. The Ecuadorian inspection was done by one of my
19 principals. I trained them in the FAA. And because of
20 that, he sent me a letter telling me -- and he's single
21 aviation -- that they made a ramp and I think that it was a
22 DOR or an ADF radio -- no a DME, I think it was, that they
23 remove and someone else remove it in the wrong place, and
24 there was an investigation. And they showed me that that

1 was not the case.

2 There was a letter from them to me, me to my
3 supervisor or the manager, back to the Ecuadorians, and that
4 was -- and I have a copy of the letter and the response.

5 Q. Do you recall at all during the Ecuadorian ramp
6 inspection that they also cited that numerous rollers on the
7 inside of the aircraft, the cargo door was damaged inside?

8 There were several maintenance items that were
9 addressed as it related to the inside of the airplane,
10 outside of avionics?

11 A. I don't remember. Remember, they were talking
12 about two or three airplanes.

13 Q. I guess what I'm really driving at is the fact
14 that if the Ecuadorians, on a ramp inspection, can look at
15 an airplane and for whatever reason determine numerous
16 things to be wrong and via communication to the company and
17 to the FAA and perhaps --

18 A. Yes.

19 Q. -- to you as the PMI, these issues had to be
20 resolved, my question is, why would not the same sorts of
21 things be observed right here in Miami on the interior of
22 aircraft before it departs?

23 A. With all due respect, I do.

24 I do check them and if I find them, anyone can

1 tell you, FAA or company, that they have to be repaired, no
2 questions about it.

3 If I find something wrong, that plane goes
4 nowhere. They can go, I won't stop them, but I'll be
5 waiting back.

6 Q. Yes. And I think, in the company's case, they
7 did address each of the maintenance items as brought up by
8 the Ecuadorians, and did correct those items.

9 A. Yes, sir. And a reply went back to the
10 Ecuadorians.

11 Q. Yes. You mentioned the straps, the pallets, and
12 there has been no direction on the airworthiness, in terms
13 of guidance, as to what's acceptable and what's unacceptable
14 in pallets and in straps --

15 A. That's correct.

16 Q. -- prior to the accident.

17 A. That is correct.

18 Q. Is there detailed information as to what is
19 airworthy and what is unairworthy since the accident?

20 A. Yes.

21 Q. Is it only through those two bulletins, 97.12 and
22 97.21, or is there more information that's been provided to
23 you as the PMI?

24 A. Yes. That's the guidance.

1 But if you look at our Handbook 8300-10, Chapter
2 3, Section 1, 2 and 3, it tells me how to do a ramp
3 inspection, and I have to look at the rollers, at the ball
4 mats, and everything else.

5 When you look at them, okay, if you look at them
6 and what is airworthy? How many can be missing?
7 They do not contribute to the airworthiness. You can take
8 them all off. I would not alter the airworthiness of the
9 aircraft. How many can be missing?

10 So up to Bulletin 97.12 and 97.21, there was no
11 guidance. Now, I can go back and tell you, you have to fix
12 it.

13 Q. So now there's been an 8300-10 change?

14 A. Not yet, but it will be.

15 Q. I see.

16 A. I'm sure, it will be. With the bulletin thing,
17 we started changes in the 8300-10 or 8400-10 with the
18 bulletin, so that's why they say sixty days, that's maybe
19 what they feel is what they're going to need to be able to
20 put it -- incorporate it in the manual.

21 Q. So that sixty days, in your opinion, is probably
22 to enable the manual incorporation to make good
23 determinations as to what is airworthy, what is acceptable,
24 what's required, in terms of the interior of an airplane,

1 pallets, straps, rollers, bear traps?

2 A. That is correct, sir.

3 Q. Okay. Mr. McGill mentioned the ABX interchange,
4 and you said you had never seen any of these airplanes.

5 Do you know if any of the pilots of Fine Air have
6 ever flown any of the ABX airplanes?

7 A. No, I don't. That would be out of our
8 jurisdiction.

9 Q. All right. Do you know how many airplanes Fine
10 Air has that are in compliance with Stage 3 noise
11 certification?

12 A. None.

13 Q. None. How many do they have to have when they
14 operate, to be in compliance with Stage 3?

15 A. Right now, fifty percent.

16 Q. Fifty percent. Well, let's see, from zero and
17 fifty percent, there's a problem from my point of view.

18 Can you explain to me how they meet the fifty
19 percent criteria?

20 A. Well, by using the ABX airplane, which are all
21 Stage 3, they have another eleven airplanes and that makes
22 them fifty percent.

23 Now, I don't approve that. ~~Me~~ Mr. Mazor can
24 give you more information on that, but that order come from

1 Washington, not from me. We don't like it. We have to
2 accept it.

3 Q. I see. So in other words, they have airplanes on
4 their ops specs in which they do not fly, they do not train
5 to fly, the pilots do not fly, and you may not know those
6 answers, but you have never seen an ABX airplane on the Fine
7 Air ramp out here?

8 A. No, sir.

9 Now, I don't if the pilots are trained or not.
10 This I don't know.

11 Q. Yes.

12 A. But I've never seen an aircraft.

13 Q. Do you have an opportunity to consult with other
14 PMIs, as it relates to cargo operations here in Miami, or in
15 the country for that matter?

16 A. To cargo? Yes, I conferred with the PMI of
17 American International, Connie Kaletta, and I sent him a
18 copy of my findings in Guatemala.

19 That's what my supervisor advised me to do,
20 telling him what I found in there. And I would say out of
21 the things those pilots are going to look at, none of them
22 was able to.

23 And because of that, they grounded that airplane
24 and they correct all the items before the plane left.

1 November 809 CK, is the number of the plane.

2 Q. Is there any mechanism in the FAA which allows
3 you to take a nice vacation at a lucrative spot where you
4 can get with PMIs and discuss common problems that you have?

5 A. No, but we'll take that recommendation.

6 Q. All right.

7 (Laughter.)

8 BY CAPTAIN IVEY:

9 Q. Is there any forum by which people within your
10 own FSDO get together to share common problems as it relates
11 to PMI activities?

12 A. I don't know others, but every time that I have a
13 problem, I -- like right now, I find a problem with the heat
14 compartments, qualification to call it the heat compartment,
15 and once I do that, I make a copy and I give it to each one
16 of our PMIs. Anything that I have, they have.

17 Oh, on the team meetings also, excuse me, on the
18 team meetings also, we discuss that.

19 Q. Could you tell me what a team meeting is?

20 A. Every Tuesday, we meet. We all meet with our
21 supervisor and there we exchange ideas.

22 And like right now, I made a check list, prepare
23 it -- I don't want to call it a check list, take that off.

24 A memory jogger. I don't want people to accuse me. A

1 memory jogger of how to certify an aircraft under 121.

2 If they like it, it's passing the regulations,
3 and my supervisor tells me give a copy to everyone, so I
4 give a copy to everyone.

5 I had this heat compartment check list and I give
6 it to everyone.

7 Q. You mentioned, in your background, which seems
8 very extensive in terms of ratings and qualifications --
9 you've been around the aviation business a long time.

10 You stated that as the PMI, you feel as though
11 you could use an assistant, full-time, although you do get
12 help from time-to-time when you requested it.

13 Is that true?

14 A. That is correct, sir. I can use at least one.

15 Q. When you get the assistance that you ask for, is
16 that assistant generally a resource inspector, that is to
17 say someone who is familiar with cargo operations, number
18 one; DC8 operations, number two; Miami freight loading
19 operations; any one of those three categories?

20 A. I get what's available, but I have been lucky and
21 I have gotten at least two of the four or five that assisted
22 me who knew DC8s and knew cargo loading and they're great.

23 Q. And the others?

24 A. The others, they were trainees.

1 Q. Is that the kind of assistants you need?

2 A. No.

3 Q. Have you been aware of any hotline complaints?

4 A. No. I had four anonymous calls.

5 Q. And I believe you mentioned that one of the
6 investigations was being conducted by another inspector.

7 A. By another agency.

8 Q. Another agency.

9 A. Yes. And I would like to talk to my attorney
10 before I say the agency, because this could disclose
11 something that is under investigation.

12 I'll tell you in private, if you want to.

13 MR. BENZON: No, move around that one, okay?

14 BY CAPTAIN IVEY:

15 Q. Are you aware of other cargo operators here in
16 the Miami area and the way they do business?

17 A. Yes. Florida West and Arrow Air based in Miami,
18 and Amerijet based in Miami. And then we have Challenge -
19 - several of them.

20 Q. Do any of these airlines use a load master
21 concept?

22 A. I understand, I am not familiar with it, but I
23 understand that the last PMI for Arrow Air forced them to
24 put in the ops specs that they will carry load master

1 aboard. Yes, they do.

2 Q. Why would they have to have a load master when
3 Fine Air does not?

4 A. Because the law doesn't require it of a
5 supplemental.

6 Q. And Challenge Air -- Arrow Air, you said it was?

7 A. Arrow. But Challenge Air, no, they don't carry a
8 load master as far as I know.

9 Q. Arrow Air, however, is a 121 supplemental.

10 A. It is supplemental too, yes.

11 Q. But you would not know why there would be a
12 difference?

13 A. No. I don't know why. I never worked with them
14 before.

15 CAPTAIN IVEY: That's all the questions I have.

16 Thank you, sir.

17 MR. BENZON: Okay.

18 I don't have any questions, but the NTSB owes me
19 for 101 hours for TWA800.

20 (Laughter.)

21 MR. BENZON: I just want to get that on the
22 record.

23 Does anybody else have anything they want to
24 declare?

1 (Laughter.)

2 MR. BENZON: Mr. Schleede.

3 MR. SCHLEEDE: Yes. A couple of areas here.

4 EXAMINATION

5 BY MR. SCHLEEDE:

6 Q. Mr. Carmona, when you were giving your
7 background, you left out one of the employments that you
8 had.

9 Did you work for --

10 A. I feel that I shouldn't have said that, but yes,
11 I worked for nine and a half years for the APSB. I was an
12 investigator in charge and I was either the group chairman
13 or the ISE for about seven ticket or traffic accidents,
14 accident investigations.

15 Q. Thank you.

16 In the Executive Summary of the RASIP inspection
17 from last August, there's a statement in the Executive
18 Summary that says that the findings of the team -- it says
19 the inspection was conducted on a sample basis with the
20 inspection of a select population from individual areas.

21 And it goes on to say, the findings of the team
22 are an indication of a systemic problem at Fine Air, Fine
23 Airlines. And it points out, in particular, with ground
24 handling, weighing of cargo, security of cargo, accuracy of

1 pallet weights and condition of pallets.

2 Are you aware of this statement?

3 A. That was the RASIP?

4 Q. Yes, this is the RASIP.

5 A. As they were doing that inspection, I was still
6 the PMI and doing work. And during that period of time, I
7 recommended to my manager to suspend the air carrier E ops
8 specs until these problems were corrected, because I found
9 the problems myself at that time under my eyes.

10 Q. And this was during this inspection --

11 A. That's right.

12 Q. -- after the accident?

13 A. After the accident.

14 Q. So do you agree with this statement in the
15 Executive Summary that there was a systemic problem at Fine
16 Airlines regarding --

17 A. There was -- there was a systemic problem, yes.

18 Q. Can you help us understand how that could have
19 evolved or how it got to that point?

20 A. Because we didn't have enough guidance.

21 Remember, like I said before, we only had the standards. The
22 FARs are always there, the specifications are always there,
23 the standards are always there.

24 But we were not geared, and we don't get that

1 kind of training, and when we go to school even at the NTSB,
2 to look for pallets and nets. I never thought of it. Now
3 if I go aboard that aircraft and I see a pallet, I'm going
4 to look at it.

5 And if the bear trap is off, I'm going to look at
6 it. And if I see a net that doesn't have the tag, I'm going
7 to look at it, but I am not focused in that area. Now, I
8 am, one hundred percent.

9 Q. You mentioned that the week before the accident
10 you were in the Dominican Republic, and you found improper
11 cargo.

12 A. Yes. I found -- they made a mistake. They -- I
13 went up on November 29 UA, and that airplane was supposed to
14 come back the next morning. They forgot me. That
15 was a mistake, because now I had about ten hours to work at
16 the station.

17 (Laughter.)

18 A. That's when I found out that they were loading
19 boxes from the truck into the pallet, and that's when I
20 found out that the scale they were using to load the cargo
21 was a small scale on the side, so I made them reweigh all
22 the cargo.

23 The scale was moved outside, and then I removed
24 three nets. Then I went back on November 30 UA and I found

1 seven lights that were no good on 30 UA on the way back.

2 They were all reported in PTRS to my supervisor
3 and to Mr. McCallman and probably John Zappia.

4 Q. And was this particular -- these findings, were
5 they going to lead to any enforcement action or were they
6 just --

7 A. Remember, we're talking about Aeromar, not Fine
8 Air. Now, I have a better definition of what it is, okay,
9 but before I didn't.

10 No, they have not led to a violation action.

11 Q. So at the time, I think you testified before, you
12 did not know that Aeromar was not --

13 A. No, I did not know.

14 Q. -- a 129 operator?

15 A. Believe it or not, even though I have twenty some
16 years of experience in International with the government,
17 the NTSB and FAA, I was qualified as an International
18 inspector two weeks ago.

19 So I had the opportunity to go to FSDO 23, sit in
20 one of the classes, and they gave me a piece of paper, ah,
21 Santo Domingo, Class 3. That's when I first found out.

22

23 Q. Okay.

24 A. Now I have a list. I never had it before.

1 Q. Well, excuse me if I get a little confusing here.
2 I'm trying to understand your testimony.

3 You said the RASIP findings ~~at~~ resulted in the
4 airline suspending operations, you agreed with these
5 findings.

6 You, yourself, found these problems. And your
7 explanation for how they could be existing was the lack of
8 guidance, lack of standards.

9 A. No, no, we had standards always.

10 Q. Okay.

11 A. We had specifications, we would have like data
12 sheets and TSOs and PMA and all that, but what we didn't
13 have, and this is something that maybe you can go a little
14 bit higher than us here, FAA Act 25.1529, which applies to
15 old and new airplanes, says that any FAR component of an air
16 freight, needs to come back with a maintenance program for
17 that installation, pay for the life of the airframe.

18 These pallets and these bear traps and all these
19 are integral part of aircraft construction, but they don't
20 have that.

21 If you go to SATCO, American Net, American and
22 Sling Net, American Cargo Sling Net -- I forgot the whole
23 name -- okay, they say for repairs send it back to us.

24 If they are unairworthy, send it back to us. If

1 I need it, how do I know that it is unairworthy? You did
2 the testing? You can tell me how much it's going to hold?

3

4 If I have one cut strap or one hook off, what
5 does that mean to me? We didn't have that before.

6 Now, SATCO is coming up with a program saying,
7 hey, you can have this and this deviation from the one
8 hundred percent operational and airworthy.

9 Q. Okay. Now, back to another subject about the
10 questions about the numbers of write-ups that seem to appear
11 on the inbound flights to Miami, significant number of
12 write-ups.

13 And you testified to this already, but I want to
14 ask you, what have you done if you think it's a problem?

15 Have you written letters, have you attempted to
16 correct this situation?

17 A. Yes, sir. Remember one thing. If you're not on
18 board that aircraft, I don't even know if the company could
19 have done that. All I know, the aircraft comes, and it has
20 the items.

21 Now, if they have many items also written
22 outside, because I have seen it, I review the records, and
23 they had items written like the Civil Aviation Authority,
24 they did that in Quito.

1 And they do maintenance in Venezuela, and they do
2 maintenance in -- I have seen the mechanics doing
3 maintenance that day in Santo Domingo.

4 But now, if that aircraft comes back with items,
5 I cannot call the pilot a liar. He said that it happened on
6 Filo, it happened on Filo. How can I know?

7 So now what I do is I address it, and I address
8 my concerns to Richard McCallman and to John Zappia, and we
9 have been working on that.

10 Q. Okay.

11 A. They have been cooperating with me.

12 Like we said before, anything we find and we tell
13 them, they correct.

14 Q. Okay. Do you -- oh, I guess maybe you answered
15 this, but I'll just ask it directly.

16 A. Do it again.

17 Q. Do you do ramp inspections on 129 operators
18 at Miami?

19 A. No. I would be able to do it now after last week
20 when I was finally qualified as a foreign airworthiness
21 inspector. Before that, my twenty-one years didn't count.

22 Q. Okay. And I think a couple of more here.

23 On those -- I know you -- wait a minute. Hold on
24 a second, I'm sorry.

1 I know that we've dodged around this issue of the
2 anonymous reports, but who was it that advised you not to
3 testify to this, was it an FAA attorney?

4 A. No, no, no, not the FAA attorney. This is my own
5 counsel, because we have an agency investigating something
6 else. Okay?

7 I would hate to put them in the open, okay, and
8 they may have an investigation. I may jeopardize that
9 investigation, that's all.

10 Q. Okay. I just wanted to know who was giving you
11 advice.

12 A. No. This is -- I don't want to have any self
13 inflicted wound.

14 Q. Yeah, okay. Well, you just mentioned that you've
15 just been certified as a foreign inspector for foreign
16 aircraft.

17 Are you changing positions or --

18 A. No.

19 Q. -- is that just something new that you're adding
20 to --

21 A. No, that's a school that was offered, and I
22 applied ten times. It was always denied. Then eleven
23 times, they gave it to me, so I went over. I'm happy to be
24 one.

1 Q. Okay.

2 A. I love to take training any day.

3 Q. And we also did talk about this other issue of
4 how an inspector's performance is evaluated and his
5 effectiveness.

6 And I know there's some sensitive areas here
7 because of personnel files, but in a general sense, I'd like
8 to talk a little bit about the generalities.

9 Following a NASIP inspection or a RASIP
10 inspection where there's a lot of negative findings that
11 perhaps could suggest that there should have been detected
12 during routine surveillance by the principal, how are you
13 critiqued?

14 In a general sense, how are you critiqued or
15 given guidance or counseling?

16 A. Well, if I did something wrong, I would have been
17 counseled. Okay? I haven't done anything wrong, and I can
18 prove it.

19 Q. Well, I just was in a general -- say two year
20 ago --

21 A. Now, I would like to reserve, you know, because
22 we may change this later on. I would like to reserve that
23 question to come back to you later on. Okay? I may want to
24 readdress that. It depends on many factors, not only one.

1 Q. Well, last item is, do you have anything else to
2 add that might help us with this investigation at this
3 point, that we haven't asked?

4 A. No, other than I am glad you remember me.

5 MR. SCHLEEDE: I do. Thank you.

6 MR. BENZON: Okay. I'll go around to the parties
7 and start with the FAA.

8 Joe?

9 MR. MANNO: No questions.

10 MR. BENZON: Mr. Zappia?

11 MR. ZAPPIA: Yeah, I just have one question.

12 EXAMINATION

13 BY MR. ZAPPIA:

14 Q. Based on your experience, if you were to apply
15 the guidelines used for the RASIP inspection on other
16 carriers at that point in time, what would the findings be
17 like?

18 A. Half of the fleet would be grounded.

19 Q. On other carriers?

20 A. On other carriers, yes.

21 MR. ZAPPIA: Thank you.

22 THE WITNESS: I'll say that under oath.

23 MR. BENZON: A bit of a clarification.

24 We're just talking cargo operations down there?

1 THE WITNESS: Yes.

2 MR. ZAPPIA: I'm just talking about the area that
3 you alluded to in your questions.

4 MR. SCHLEEDE: Okay, very good.

5 BY MR. ZAPPIA:

6 Q. The other question I'd like to ask you is -- and
7 it's mainly to try to help clarify the ACMI process.

8 When you talk about the oversight of the ACMI
9 cargo, --

10 A. Yes.

11 Q. -- I was a little confused about when you talk
12 about a pallet coming from China or somewhere else, or
13 Tokyo.

14 A. Yes.

15 Q. In cargo that is coming into Fine Air's operation
16 from a freight forwarder --

17 A. Yes.

18 Q. -- would not this cargo go through the same
19 inspection process and weighing process prior to
20 installation on the airplane as cargo being built by Fine
21 Air?

22 A. It should be.

23 Q. Do you know what the actual new procedures state,
24 and how that operates?

1 A. That you will have to examine the pallet and the
2 net, and then if they're approved, then they can go on that
3 aircraft and weigh it.

4 Q. So in your opinion, based on that, your oversight
5 of the cargo going on Fine Air's aircraft, whether it be
6 from an ACMI customer or from cargo they personally built up
7 themselves, still meets certain criteria that's defined in
8 the manual, prior to going on the airplane?

9 A. It needs to meet that criteria.

10 Q. Okay. But I mean you could -- your oversight of
11 the air carrier watching this cargo happen or doing ramp
12 inspections or whatever, would actually provide some
13 oversight over the ACMI cargo as well?

14 A. Well, I have seen a couple of pallets that should
15 not have gone, and they didn't go.

16 Q. But that demonstrates that you have provided
17 oversight in some of this cargo --

18 A. Oh, yes.

19 Q. -- provided by freight forwarders?

20 A. We have more people doing it.

21 MR. ZAPPPIA: Okay, thank you.

22 MR. BENZON: Raymundo?

23 MR. POLANCO: No questions.

24 MR. BENZON: We have one brief follow up.

1 MR. SCHLEEDE: Yeah. I'm sorry.

2 i asked a similar question of the principal
3 operations inspector.

4 EXAMINATION

5 BY MR. SCHLEEDE:

6 Q. Mr. Carmona, have there been any occasions while
7 you're the PMI for Fine Air, in which you've tried to get
8 some type of change done at the airline, and the airline was
9 reluctant, and you were overruled by your superiors?

10 A. No.

11 Q. Okay.

12 A. No. The airline will always be reluctant to
13 spend money if they don't have to. But once I prove to them
14 that they need it, they do it, and my supervisor will
15 support me.

16 MR. SCHLEEDE: Thank you.

17 MR. BENZON: Okay.

18 Any other questions from anybody?

19 (No response.)

20 MR. BENZON: Thank you very much, sir.

21 THE WITNESS: Thank you.

22 (Whereupon, at 1:10 p.m., the deposition
23 was concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
 SS.:
COUNTY OF PALM BEACH)

I, EDNA HOLLANDER, Court Reporter/Notary Public in and for the State of Florida at Large, do hereby certify that I was authorized to and did report the foregoing deposition of

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LUIS CARMONA, a witness herein; that the foregoing pages numbered 1 through 66 inclusive, constitute a true and accurate record thereof.

I further certify that I am not of counsel; I am not related to nor employed by an attorney to this action; I am not financially interested in the outcome thereof.

Witness my hand and seal this 29th day of November, 1997, in the City of Boca Raton, County of Palm Beach, State of Florida.

Edna Hollander