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UNITED STATES
NATIONAL TRANSPORTATION SAFETY BOARD

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In the matter of: :
FINE AIRLINES FLIGHT 101 :
MIAMI, FLORIDA :
-----x

Deposition of ROY SHELTON, taken pursuant to
Notice at The Miami Hilton Airport & Towers, 5600 Blue
Lagoon Drive, Miami, Florida in the Conch Key and Summerland
Key Rooms, on Wednesday, November 19, 1997 at 3:00p.

oOo

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2

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 ROY SHELTON

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11 By Mr. Benzon 31

12 By Mr. Shleede 32, 37

13 By Mr. Manno 35, 38

14 By Mr. Zappia 36

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17

18 E X H I B I T S

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20 NUMBER FOR IDENTIFICATION IN EVIDENCE

21

22 (None)

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P R O C E E D I N G S

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(Time Noted: 3:00 p.m.)

9 Whereupon,

10

ROY SHELTON,

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

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

13

MR. BENZON: Okay, have a seat.

14

Mr. McGill. Oh, Captain Ivey.

15

CAPTAIN IVEY: I'll take a shot at this.

16

EXAMINATION

17

BY CAPTAIN IVEY:

18

Q. Good afternoon, Mr. Shelton.

19

A. Good afternoon.

20

Q. Would you please give us your full name, your

21

occupation, your place of work?

22

A. My name is Roy Shelton. I work at 5600 N.W. 36th

23

Street, that's FSDO 19 at Southern Region. I'm a team

24

supervisor of a mixed group of avionics, operations and

1 airworthiness inspectors.

2 Q. And your duties as unit supervisor, could you
3 explain that for me?

4 A. They entail a number of things from budgetary
5 issues to ensuring the inspector has the tools to perform
6 his function to do the job.

7 I provide the oversight for the inspectors,
8 assist them in decision making when necessary.

9 Q. And your current qualifications, to include any
10 aeronautical ratings that you might have?

11 A. I was in the Air Force for four years as an
12 aircraft mechanic. From there, I worked at a place called
13 Dynaire Tech, here in Miami, Florida, as an aircraft
14 mechanic and part-time lead.

15 From there, Air Florida for a number of years
16 until they went out of business. Maintenance rep for
17 Evergreen. An air reserve technician with the reserve unit
18 here in Florida on C130 aircraft and also H3 helicopters.

19 And from there, I got a job with the FAA.

20 Q. So you're not an A&P?

21 A. I am an A&P.

22 Q. You are?

23 A. I do hold an A&P certificate.

24 Q. Just A&P?

1 A. Yes.

2 Q. Any pilot ratings?

3 A. No pilot ratings.

4 Q. And you've been with the FAA how long?

5 A. A little over ten years now.

6 Q. What was your previous job prior to becoming the
7 unit supervisor?

8 A. I worked in the office's safety analysis section
9 as an inspector, and I also held, for over a year there, a
10 collateral duty of the Regional suspected under approved
11 parts coordinator.

12 Q. And as a unit supervisor, how many people do you
13 have under your control?

14 A. Currently, eleven.

15 Q. Eleven? Are they all in one team?

16 A. Yes, they are all in one team.

17 Q. And could you explain the team concept for me?

18 A. The team concept is we have currently, right now,
19 we're fortunate enough to have a clerical person assigned to
20 us to do our administrative work. And then we have sub-
21 teams, if you will, of inspectors that are assigned to
22 service certificates.

23 We have the three principals for each
24 certificate. Right now I have a team of inspectors for Fine

1 Air, a team of inspectors for PanAm.

2 Q. So of those eleven, there's two certificates that
3 are under your purview?

4 A. That's the two air carrier certificates. Some of
5 those inspectors also have assigned to them various repair
6 stations or 125 operators.

7 Q. So PanAm and Fine Air are the only 121s that --

8 A. That's correct.

9 Q. -- you have oversight of your principals for
10 those certificates. Thank you.

11 And your team is one of how many within the FSDO?

12 A. I believe the FSDO has eight teams.

13 Q. Eight teams?

14 A. Eight.

15 Q. Are they comprised of about the same size of
16 personnel doing the same kinds of jobs, or is it more
17 specialized, or compartmentalized and, if so, for what
18 reason?

19 A. There's some teams that are responsible for our
20 geographic surveillance. I think you're familiar with that
21 concept. We have the safety analysis section, and then we
22 have other teams like mine, that have certificate management
23 responsibilities.

24 Q. In terms of the principals that are here now, Mr.

1 Mazor's been here for some time. I don't know if he was on
2 the certificate before you took over the unit supervisor job
3 or not, was he?

4 A. Yes, he was.

5 Q. He was. So you've been the unit supervisor for
6 how long?

7 A. Since May of this year.

8 Q. May of this year.

9 So all three principals had already -- they were
10 here when you took over the unit supervisor position.

11 A. Yes, they were in place.

12 Q. The previous unit supervisor, could you tell me
13 where he went and why?

14 A. He retired.

15 Q. There's a lot of that going on over there.

16 (Laughter.)

17 Q. Under a normal retirement program?

18 A. He had enough years, he said.

19 Q. And are there any special requirements to be a
20 unit supervisor?

21 A. The job that I have was bid and, naturally, with
22 the bid criteria, if you meet that, then you're called in
23 for an interview and if selected through the entire process,
24 you're awarded the position.

1 The special requirements of it and what's in the
2 bid, I wouldn't know.

3 Q. So it's not a requirement to have been a
4 principal before you move up to being a unit supervisor of
5 principals?

6 A. If it's not a requirement of the bid.

7 Q. And it was not in this particular case?

8 A. Not to my recollection, no.

9 Q. Is that true all the way A through H teams?

10 In other words, the unit supervisor within the
11 FSDO has the same criteria for each of these teams, is that
12 correct?

13 A. Well, I don't know how their jobs were bid when
14 they were selected for them, so I can't answer that.

15 Q. All right. Could you describe for me your
16 relationship with the POI?

17 A. We have a good working relationship. We discuss
18 issues that he brings forward or if I have an issue I can
19 take to him.

20 Q. Of the eleven people and two certificates, which
21 of these two certificates demands more of your attention
22 from the supervisory standpoint?

23 A. Currently, both of them. Since about the time I
24 became the unit supervisor, they both demanded my attention.

1 Q. Has, in your estimation, the POI brought to your
2 attention deficiencies or positive aspects of Fine Air?

3 In other words, are there lots of ongoing
4 discussions with you and him, as it relates to Fine Air
5 activities?

6 A. No, there isn't. The only discussions we have
7 really are if it's a significant item that needs to be
8 brought to my attention.

9 Q. Has there been many of those discussions?

10 A. Since the accident we've had more conversation
11 than previous to the accident.

12 Q. Could you characterize for me, and this is an
13 opinion, his attitude and working relationship with Fine
14 Air?

15 Does he seem to relate frustration to you, does
16 he relate pleasure in working with the people? Fill in the
17 blank.

18 A. In my opinion from speaking with him, he has a
19 good working relationship with Fine. I've never heard him
20 say anything negative about the people he has to interface
21 with at Fine.

22 Q. Do you, yourself, become involved in the
23 certificate management activities of Fine Air?

24 A. I do have a requirement to witness or watch the

1 inspectors perform a surveillance activity.

2 Q. Each inspector, one activity per year or --

3 A. It usually ends up being more than one a year,
4 but the requirement is one a year.

5 Q. And since your inheritance of the position, have
6 you done that?

7 A. I've done that.

8 Q. On all three of the principals?

9 A. Yes.

10 Q. As unit supervisors, do you all meet on a
11 frequent basis to discuss activities as it relates to your
12 particular units to share with one another?

13 A. Yes, we do.

14 Q. How often are those meetings held?

15 A. Weekly.

16 Q. Weekly? What kind of subjects are normally
17 discussed in those types of meetings?

18 A. We discuss anything from budget problem or
19 concern to office furniture, to office supplies, particular
20 problems that we may have going on in our unit, in sharing
21 that information in hopes that maybe someone will have a way
22 of addressing the issue. Personnel issues.

23 Q. So would it be fair to say that most unit
24 supervisory meetings that are held on a weekly basis are

1 more administrative and personnel oriented than to specific
2 air carrier operations?

3 A. If fifty-one percent would be more, okay.

4 Q. I'm not sure I understand.

5 A. Well, you asked me if it would be more
6 administrative than technical in nature, so if more being
7 fifty-one percent of that meeting, yes.

8 Q. All right. So would it be fair to say then, that
9 there are technical issues that are brought up by the unit
10 supervisors as it has related to their air carrier
11 activities?

12 A. Yes.

13 Q. Could you give me some ideas of the types of
14 subjects that you talk about?

15 A. Well, most recently with the handbook bulletin on
16 the surveillance for the cargo loading, that type of issue
17 has been brought up quite a few times in the past.

18 We discuss particular problems that a supervisor
19 may bring forward about one of the certificates, one of
20 their inspectors has an issue with, be it a relocation issue
21 or an application to change a rating.

22 Q. Is there ever any discussion about the
23 relationships of carriers or the reluctance to change or to
24 adapt to suggestions of POIs?

1 In other words, the unit supervisors are trying
2 to pass along to other unit supervisors either their own
3 principal's frustrations or their principal's
4 accomplishments, in order to share this information and to
5 get a feel of what's going on at the unit supervisor level
6 with other principals.

7 That's a long sentence. I'm not sure I followed
8 it, but I guess what I'm trying to say is, is that at the
9 unit supervisor level, the technical aspects that may be
10 brought up at these meetings, is there ever anything that
11 you're able to take out of these meetings that you can use
12 for your people on a technical basis?

13 A. Sometimes there's an idea or a concept in a way
14 of getting something done or in the way of doing something.

15 Q. Could you give me an example?

16 A. Nothing really right offhand.

17 Q. Is your unit fully staffed at present?

18 A. Yes, it is.

19 Q. Is there room for additional openings for people
20 in your group, that is assistants? Assistant POI, PMI, PAI?

21 A. Currently there's some bids that will be
22 forthcoming in regards to assistants, full-time assistants
23 for the Fine Air principals.

24 Q. But that's not in place now?

1 A. A permanent assistant?

2 Q. Yes.

3 A. What I have is a few highly experienced
4 individuals that assist the principals now.

5 Q. Do you get a lot of requests or any requests from
6 the POI and the PMI and the PAI for assistance in
7 surveillance?

8 A. I do get some requests, yes.

9 Q. Is that a recurring thing that happens with all
10 your team members?

11 A. I think yes, it does, with the team members with
12 the two assignments, yes.

13 Q. Why?

14 A. Because of the requirements that are put upon
15 them in regards to what the airline is doing or the operator
16 is doing or what emphasis items we may have to address.

17 Q. What would you say the biggest complaint of the
18 principals for Fine Air is on your review?

19 A. Well, like other principals that I've been
20 associated with is the time it takes an operator to make a
21 change.

22 Q. Do you ever get involved in the day-to-day, week-
23 to-week, month-to-month operations of Fine Air?

24 A. No.

1 Q. Not at all?

2 A. Not on a day-to-day, week-to-week, month-to-
3 month.

4 Q. Have you had to deal with Fine Air in any
5 particular aspect in the last year, or since you've taken
6 over would be a fair --

7 A. Yeah. There's been occasions where I've had to
8 have meetings with Mr. Zappia to discuss issues that the
9 principals have brought to my attention.

10 Q. And was that elevated to your position because
11 they were unable to achieve what they thought was a proper
12 action, or is this just your normal course of --

13 A. It was to the normal course of business.

14 Q. Were you aware of the impending RASIP?

15 A. I was informed of the RASIP at the same time the
16 principals were informed of the RASIP.

17 Q. And that was howlong before it started?

18 A. A day or two or the same day.

19 Q. Did you have any participation in the resolution
20 -- or I should say of the findings of the RASIP?

21 A. The findings right now are still ongoing, as far
22 as closure.

23 Q. And do you participate in the closure of those
24 findings?

1 A. What I will do is query the principals and find
2 out if, in fact, closure has come to the findings.

3 Q. But again, it's up to the principals to do all of
4 this?

5 A. Yes.

6 Q. Were you ever involved in the wet lease
7 arrangements?

8 A. As far as what?

9 Q. Fine Air and the documents themselves.
10 Were they submitted to you?

11 A. I got involved with that initially with the PMI.
12 He advised me of some concerns he had with it, and we took
13 the appropriate steps to send the leases to our counsel for
14 review.

15 Q. And counsel's at Region as opposed to the local
16 FSDO?

17 A. Right. It's Region or in our case, we send it to
18 Orlando.

19 Q. Regarding the POI, is your relationship with him
20 a good one, a working relationship?

21 A. Yes.

22 Q. Would you consider him a good POI, you being his
23 supervisor?

24 A. Yes.

1 Q. Have you had any problems with him as it relates
2 to the Fine Air certificate?

3 A. No.

4 Q. How about the PMI?

5 A. None with him.

6 Q. And the PAI?

7 A. None with him.

8 Q. Everything's good.

9 A. We're in good shape.

10 Q. Have you ever had any discussions or dealings
11 with Aeromar or any freight forwarder, as it relates to Fine
12 Air?

13 A. No, I haven't.

14 Q. Have you since the accident?

15 A. No.

16 Q. What direction have you ~~been~~ given regarding the
17 bulletins 97.12 and 97.21?

18 Have you been given any special instructions as
19 to how your principals should use those documents?

20 A. No. The only instruction I received was to
21 ensure that they got complied with, that they got
22 accomplished.

23 Q. When you have overview of your three principals,
24 what is your major yardstick of success in evaluating these

1 three people?

2 Is it through the PTRS, is it through some other
3 forum?

4 I guess what I'm trying to get at is if you
5 really don't relate to the certificate, how do you know
6 what's going on?

7 A. Through conversation with him, through PTRS as
8 you've indicated, through their correspondence that goes
9 through me. A review of the findings that they have when
10 they do their various inspections.

11 Through their use of our available funds to
12 travel to different locations to perform their surveillance
13 activities. That's what I would use.

14 Q. I've been in the Miami FSDO several times, and
15 I've gotten a pretty good feel for FSDO 23 and FSDO 19.

16 Is it fair to say that the International
17 surveillance is done exclusively by FSDO 23?

18 A. In country or out of country?

19 Q. Out of country.

20 A. I would say that there are some of our FSDO 19
21 inspectors, when the opportunity avails them and they're out
22 of country, they will do surveillance on other carriers.

23 Q. Is it fair to say that most of your enroutes that
24 go to foreign destinations would be accomplished more by PMI

1 type people, as opposed to POI?

2 And you have to speak, of course, for your unit
3 and I realize it, but because when they get there, then they
4 have the opportunity for an additional surveillance that a
5 POI would not normally have, and that is to be able to check
6 a ramp facility down there and scales and things that are
7 more along the PMI or PAI side of the house.

8 So is it fair to say that most of your
9 international enroutes are done by PMIs as opposed to the
10 POI?

11 A. Yes.

12 Q. And is it, for the same reason that I just
13 stated?

14 A. That is part of the reason, I'm sure, because of
15 the cost involved to have a POI go down and just basically
16 turn around.

17 I guess, may not be the most efficient use of
18 funds, but the POI has that responsibility too, to surveil
19 his area of concern or his area of responsibility.

20 Q. Do you work at all with FSDO 23, the
21 International Flight Office?

22 A. We've had some dealings, yes.

23 Q. In what relationship?

24 A. Most recently, questions asked about Aeromar, if

1 they were a 129 operator.

2 Q. And what did you find out?

3 A. Found out they said they weren't.

4 Q. Did you know that before they said that?

5 A. I didn't know that before.

6 Q. Have you gotten involved in any enforcement
7 action that may be taken against the company?

8 A. How do you mean involved?

9 Q. Well, do you evaluate your inspectors' findings
10 to determine if enforcement action should be taken?

11 Is that passed through you or is this handed
12 directly up to the Region?

13 A. No. The enforcement report will go through me
14 before it goes forward out of the office, yes.

15 Q. Does that include RASIPs and NASIPs and OSIPs and
16 any other type of inspection that might come down the pike?

17 A. The inspections, when they do come into the
18 office after they've gone through the proper channels, I do
19 receive them.

20 Q. Do you have input as to their validity or to
21 their credibility or do you forward them on?

22 A. No, I have to deliver it to the team leader.

23 Q. Has there been an office -- and I use the term
24 because I don't know what else to use -- an office

1 inspection of your unit by other FAA people, to come in and
2 to look at your unit as to being satisfactory or above
3 average or outstanding?

4 A. No.

5 Q. Does that happen?

6 A. Not to my knowledge.

7 Q. In other words, there's not, to use an Air Force
8 term, an ORI that shows up on your doorstep to see how well
9 your unit is doing business?

10 Does it happen anywhere down through the other
11 teams?

12 A. Not that I'm aware of.

13 Q. So there's no such mechanism there, that's
14 dropping on your doorstep like they drop in on Fine's
15 doorstep. It must be a company feeling.

16 Did you have any input to the consent agreement
17 that was generated?

18 A. Yes.

19 Q. In what capacity?

20 A. Being the unit supervisor or team supervisor for
21 the principals that were responsible for the airline.

22 Q. Could you give me a statement as to what kind of
23 input you gave, what you were looking for?

24 A. I had items from the principals or concerns from

1 the principals that I also took with me to Atlanta where the
2 consent agreement was negotiated.

3 And that was my input, to make sure that their
4 concerns were addressed in that consent order.

5 Q. So you were part of the negotiation of the
6 consent order?

7 A. Yes.

8 Q. How many were involved in that?

9 A. There was quite a few. I think ten or twelve
10 people total.

11 Q. And were you the lowest person on the totem pole
12 or were the principals also there?

13 A. No, the principals weren't there.

14 Q. So there was you and perhaps the FSDO manager

15 A. No, the FSDO manager wasn't there.

16 Q. Were you the only representative from the Miami
17 FSDO?

18 A. Yes.

19 Q. How about FSDO 23, were they there?

20 A. There was one inspector from FSDO 23 there.

21 Q. Why? Do you have any idea?

22 A. He was there.

23 Q. And the remainder, it would be fair to say, were
24 from the Region perhaps or Headquarters?

1 A. Yes.

2 Q. Have you ever gotten involved in the weight and
3 balance procedures or had knowledge, prior to the accident,
4 of weight and balance procedures or the way Fine Air
5 conducted their loading operations?

6 Had that ever been a subject of discussion?

7 A. No, it hadn't.

8 Q. Since the accident, what major changes have you
9 seen or have you instructed your principals to do regarding
10 Fine Air since the accident?

11 Any changes in their surveillance?

12 A. Just the enhanced surveillance of their cargo
13 loading.

14 Q. And was that handed down to you from someone or
15 was that your decision?

16 A. It's probably, just knowing the situation, it was
17 probably my decision. I'm sure I received some input from
18 someplace.

19 Q. Have you received any guidance from the manager
20 of the FSDO unit here, or from FSDO 23, perhaps a manager
21 there, or from Region, giving you guidance as to any special
22 areas to look at regarding Fine Air since the accident?

23 A. No.

24 Q. So it's still being left up to you and your

1 principals to decide what areas really need to be
2 surveilled?

3 A. Yes.

4 Q. Do you ever get involved in hotline complaints or
5 Congressional complaints?

6 A. Only to review them before they are processed out
7 of the office.

8 Q. Had there ever been any hotline or Congressional
9 complaints before the accident?

10 A. Not that I'm aware of.

11 Q. And after the accident?

12 A. None.

13 Q. Has there been any national program guideline
14 changes since the accident as it relates to the surveillance
15 of carriers, cargo carriers?

16 A. The only guidelines that I've seen are the
17 handbook bulletins.

18 Q. And this sixty day inspection, or at sixty days
19 there was going to be a notification. This was a press
20 release from the FAA Office of Public Affairs, and it says
21 that the FAA also continues to evaluate its overall
22 inspection program for air cargo carriers, as directed by
23 the FAA Administrator Jane F. Garvey on September the 4th.

24 Inspectors assigned to air cargo carriers

1 continue to place special emphasis on cargo loading
2 programs, including everything from the training for cargo
3 handlers to the weighing of cargo, and the loading and
4 securing of cargo loads. The results of this sixty day
5 review are expected in November.

6 Have you ever heard of this review and
7 evaluation?

8 A. If it's references to the handbook bulletin,
9 which also has some language in there about a sixty day
10 window, I guess, to look at these certain areas, if that's
11 what it's addressing, yes.

12 Q. Okay. It doesn't say so --

13 A. Yeah.

14 Q. -- I'm just as much in the dark as you.

15 So it would be fair to say that those two
16 handbook bulletins that we've discussed during the day here,
17 97.12 and 97.21, are really the only new guidance that
18 you've had, and there is a sixty day mention in one of these
19 or perhaps both of them.

20 A. Yes.

21 Q. Thank you.

22 Has there been any changes in prescribed
23 operations for your unit or for principals in general since
24 the accident from a FSDO manager, any way you have to change

1 your way of doing business?

2 A. No, none that I can think of.

3 Q. Mr. Carrona, I think, had mentioned that he had
4 requested various schools in the past, and it may not really
5 be a very fair question because you've only been there as
6 the unit supervisor for a short period of time, but how are
7 training requests normally handled?

8 Is that budgetary or is it by bid? How do people
9 get into training slots when they ask for them?

10 A. The normal course is that they approach me
11 requesting some training. I would go ahead and fill out the
12 appropriate paperwork and submit that to our training
13 officer, who would then go out and try to acquire the class
14 for them.

15 Q. Is it up to the principals themselves to identify
16 the kinds of training they would like or need?

17 A. There is also a yearly requirement. The
18 supervisor and the inspector will sit down and go over what
19 their profile training is, and that's based on a national
20 program.

21 And if there is something that that inspector
22 would need, then he would be scheduled for that class or
23 that training.

24 He also has the opportunity to ask for training

1 that would enhance his career.

2 Q. So would it be fair to say that if someone wanted
3 DC8 training, yet there was a training program that was
4 coming down the pike to teach you how to grow Government
5 grass or something like that, where everybody is going to go
6 through this in the units, that that might take priority in
7 terms of either budget constraints or assignment of training
8 before a guy could get DC8 training, if he really felt like
9 he needed it?

10 A. Then we'd have to look at the operational
11 environment that that person was in. Would DC8 be -- in
12 this case, would DC8 training be more of a priority than the
13 national program profile that that inspector would have to
14 fulfill his job requirement, would have to be addressed.

15 And that request at that point in time in the
16 year, you're not limited to just one class. We can request,
17 I believe, up to three.

18 So let's just say that he can go ahead and make
19 the request of the DC8 training, and also have the
20 requirement filled for his profile class also.

21 Q. These may not be fair. I just pulled them out at
22 random. I've got your sheet out. One thing you attended,
23 and granted, you're not a principal, but grammar and
24 punctuation refresher, annual training on standards of

1 ethical conduct, blood borne pathogens.

2 FSAS for managers/supervisors would certainly be
3 applicable to you. Leadership development, leadership
4 linkages, a course to be identified and remark -- well --
5 strategic planning and developing.

6 Mr. Carmona had grammar and punctuation,
7 standards of ethical conduct annual training, understanding
8 and evaluating diversity, FSAS for managers/supervisors and
9 staff, new technical and generic air carrier aircraft
10 systems.

11 Looking down through the list of some of these, I
12 don't see any airplane specific. Same way with the POI. I
13 feel like the requests that I've been hearing may have
14 either just not been -- they've been falling on deaf ears or
15 maybe they just don't have the opportunity to get these
16 kinds of training.

17 Do you care to comment?

18 A. No, I wouldn't know the variables that would go
19 into their requests as far as why they didn't receive the
20 training that they had requested.

21 Q. And my last question is, in your unit meetings on
22 a weekly basis, does the subject of training ever come up
23 with your unit managers as to where their people go and what
24 they're participating in, either at present or in the

1 future?

2 A. Yes. There's some announcement from some of the
3 supervisors that would indicate that they have a person in
4 Oklahoma City for a certain type of training.

5 CAPTAIN IVEY: Thank you, Mr. Shelton.

6 That's all the questions I have.

7 MR. BENZON: Frank.

8 EXAMINATION

9 BY MR. MCGILL:

10 Q. Just a few questions here, Mr. Shelton.

11 Back up one just a little bit. Have you had any
12 heavy maintenance or airframe engine training anywhere with
13 the FAA?

14 A. No, I haven't.

15 Q. Have you ever had that in the industry?

16 A. Yes.

17 Q. Have you requested any of that type of training
18 with the FAA?

19 A. No, I haven't.

20 Q. Did you hold a supervisory position in the
21 industry?

22 A. If you want to consider lead mechanic or
23 maintenance rep supervisory, then yes.

24 Q. I think this is kind of the same line of

1 questioning here that Mr. Ivey --

2 With all the technical portions of airline,
3 airframes, engines and so forth, flight operations, without
4 having done that, is it difficult to be a supervisor in that
5 type of capacity?

6 A. I've learned the people and I call on their
7 expertise.

8 Q. Do you feel comfortable working as a supervisor?

9 A. Yes, I do.

10 Q. When you're advised by your group members of any
11 concerns, do you have someone to go higher to maybe also ask
12 questions if you're not able to answer their concerns?

13 A. Yes.

14 Q. Can you ask someone?

15 A. We have internal resources within the FAA. I can
16 elevate to the next level, which would be our reasonable
17 specialist, and they can go out from there to either
18 Washington level, if need be, or we can go to the
19 manufacturer of a particular item itself, if we have a
20 question or concern.

21 Q. When, for instance, it's been reported the
22 enroute inspection that Mr. Carmona did one week prior to
23 the accident, and he addressed several areas of concern and
24 discrepancies, did he come to you to tell you about this?

1 A. Yes, he did.

2 Q. What is the typical type of response?

3 A. I usually ask them for the supporting documents,
4 so that if need be, I can review it. And ask them to take
5 the next step, which would be to inform the operator of
6 their findings, and to get some closure of their particular
7 findings.

8 Q. So there hasn't really been -- there wasn't that
9 great a concern about the loading procedures of Fine Air,
10 prior to the accident?

11 A. There's always concern how the aircraft is
12 loaded. This one particular incident did not in itself
13 create a sense of urgency to run out and do surveillance on
14 every flight.

15 Q. These complaints that we keep hearing about, do
16 you get involved if some of them are anonymous or whatever?
17

18 Do you get to hear those complaints on whatever
19 is sent in?

20 A. The complaints that you're speaking about are the
21 ones that Bill Scott and his team addressed?

22 Q. Yes. And I believe that Mr. Carmona also said he
23 received one or two. I don't know how they pass them
24 around, but --

1 A. If he receives an anonymous complaint, he'll
2 probably inform me about it. And it depends on the
3 information he has.

4 The person may have identified themselves or not,
5 but he is to investigate those.

6 Q. Okay. So he'd not necessarily get involved in
7 it, other than notify you in your supervisory position, and
8 you're just aware of it?

9 A. That's correct.

10 Q. Until it gets worse or whatever.

11 What's the role -- I've asked this question
12 several times of different people. 119.65 brings in the
13 Director of Safety as one of the five required positions on
14 a certificate, but no one ever seems to talk to the Director
15 of Safety or know much about the Director of Safety.

16 Do you ever have dealings with the Director of
17 Safety?

18 A. I've never spoken with the Director of Safety.

19 Q. Do you believe the FAA is doing a good job of
20 improving aviation safety in the Miami FSDO?

21 A. Yes, I do.

22 MR. MCGILL: I don't have any more questions.

23 MR. BENZON: Okay. I just have one.

24 EXAMINATION

1 BY MR. BENZON:

2 Q. Roy, you mentioned the national training profile,
3 and my question is, for POIs is DC8 flight training part of
4 that profile or is that outside of that realm?

5 A. DC8 for every POI, no. We can't have all the
6 POIs rated on every aircraft. It would depend on what
7 particular responsibility they have.

8 MR. BENZON: Okay.

9 Ron.

10 EXAMINATION

11 BY MR. SCHLEEDE:

12 Q. During this round of questioning here with Mr.
13 McGill, are you aware about the mandatory management
14 positions required of an air carrier?

15 A. Just the ones that are listed in the regulation,
16 and I'd have to review them to tell you what they were.

17 Q. Well, I just was curious whether you were aware
18 of the Director of Safety position.

19 A. Yes.

20 Q. You were aware of that?

21 A. Yes.

22 Q. Okay. And I'm sorry to go back to this other
23 thing, but with Mr. Carmona -- and Mr. McGill also asked you
24 some questions about his inspection the week before the

1 accident in the Dominican Republic, and you had a
2 conversation about it.

3 It wasn't clear to me, what did Mr. Carmona
4 report to you regarding that finding?

5 A. He told me about the problems with the scale and
6 how, because of its location, it had to be relocated to
7 weigh a pallet.

8 He told me about the concerns he had with the
9 nets and the pallets, a general overview of his findings
10 there.

11 Q. And what was his plans, as far as you know, with
12 that, any further action?

13 A. As far as I know, his plan was to get some
14 resolution on the situation that he had uncovered there, to
15 find out what caused it and what correction actions were
16 taken.

17 Q. And can you relate what happened then?

18 A. No, I can't.

19 Q. Did you give him any guidance as to whether he
20 should write a letter or --

21 A. It's required that we inform the operator of
22 discrepancies we find.

23 Q. And should that be in writing?

24 A. Yes.

1 Q. Did you review the August RASIP report?

2 A. Yes, I have.

3 Q. Can you give us your general impressions of how -
4 - what it means to you, in your position at the FAA?

5 Do you have any comments on what it means?

6 A. For me, it looks like there's an operator that
7 has some problems of a nature that there's a sense of
8 urgency to get them corrected.

9 There are some glaring things there that have to
10 be addressed, addressed immediately.

11 Q. Well, can you help us understand or do you have
12 any views as to how this situation was allowed to occur?

13 A. That I have no idea how it was allowed to occur.

14 Q. Do you have any views as how it reflects on the
15 adequacy or the effectiveness of the previous routine
16 surveillance by your principals?

17 A. It looks as if they may have been focusing a lot
18 of attention in other areas that they felt needed that
19 attention, because nothing of this nature had been brought
20 to their attention.

21 Q. And lastly, just how do you evaluate the
22 effectiveness and correct, if necessary, the performance of
23 the principals?

24 A. Again, by reviewing their PTRS entries,

1 conversations with them, reviewing their correspondence to
2 the operator, and their follow up to the findings that they
3 have.

4 MR. SCHLEEDE: Thank you very much, Mr. Shelton.

5 MR. BENZON: Let's see. Let's start with Mr.
6 Manno.

7 MR. MANNO: I just have two questions.

8 EXAMINATION

9 BY MR. MANNO:

10 Q. Mr. Shelton, you stated that you were not aware
11 of any unit evaluations from an outside team?

12 A. Unit evaluation as far as just looking at my
13 particular team.

14 Q. While you were in Miami, has there ever been an
15 office evaluation?

16 A. Yes, there has.

17 Q. You stated that you were not familiar with any
18 hotline complaints after the accident.

19 I think that's what you said, or you did not
20 handle any hotline complaints.

21 A. That's correct.

22 Q. Were you aware of any hotline complaints after
23 the accident?

24 A. I was aware of some, but I did not handle them.

1 MR. MANNO: Okay. That's it.

2 MR. BENZON: Mr. Zappia.

3 MR. ZAPPIA: I just have a couple of questions
4 real quick.

5 EXAMINATION

6 BY MR. ZAPPIA:

7 Q. You stated you were involved in the consent
8 agreement in Atlanta, the Region.

9 A. Yes.

10 Q. And when did you receive the RASIP report that
11 was put out to the office?

12 A. This RASIP report I received, I would say,
13 anywhere from a week and a half to two weeks after the
14 termination of the inspection.

15 Q. But it was prior to the consent agreement?

16 A. Yes, it was.

17 Q. And when the consent agreement was negotiated in
18 Atlanta, were the findings in the RASIP report that were
19 considered to be valid, built into the consent agreement?

20 A. Some issues that were in the RASIP report were
21 also included in the consent agreement.

22 MR. ZAPPIA: Okay.

23 Thank you.

24 MR. BENZON: Mr. Polanco?

1 MR. POLANCO: No, I don't have any questions.

2 MR. BENZON: Okay. Mr. Schleede has one more
3 quick one.

4 MR. SCHLEEDE: Yes, sir.

5 EXAMINATION

6 BY MR. SCHLEEDE:

7 Q. I believe you just testified that you received a
8 copy of the RASIP report a week or two after it was
9 completed, or after the --

10 A. Yeah, roughly around that time period.

11 Q. That would have been in September sometime?

12 Do you recall?

13 A. It was not too soon before we went up to Atlanta
14 to negotiate the consent agreement.

15 Q. Okay. Well, I can't recall whether you were here
16 or not, but the POI and PMI, I believe, testified they
17 didn't see it until last Thursday.

18 A. They did not receive a copy from me personally
19 until that period of time.

20 Q. Well, they apparently didn't get it from anyone.

21 Can you explain why they weren't provided a copy?

22 A. I have -- once the findings were input into our
23 computer system, I was issued those -- the inputs and the
24 report itself, and the report was available for them to

1 review at any time.

2 Q. In what timeframe was this?

3 A. The same day I received it. The same day I
4 received the report after it had been input into our office
5 system.

6 Q. Okay. I'm still not understanding.

7 Are you saying that it was available and they
8 didn't seek it out, or how would they know it was available?

9 A. I'm sure I must have briefed them that I had the
10 findings from the report, and there would be no reason for
11 me to withhold that information from them.

12 MR. SCHLEEDE: Okay. Thank you.

13 MR. MANNO: Can I have a follow up?

14 MR. BENZON: Sure, why not.

15 MR. MANNO: Just to clarify this about the
16 availability of it.

17 EXAMINATION

18 BY MR. MANNO:

19 Q. Didn't Mr. Drayer say he was on annual leave at
20 one time?

21 A. Yes, he was on extensive leave.

22 Q. This was after the report was issued, or was it

23 --

24 A. I wouldn't know the exact timeframe.

1 MR. MANNO: Okay. That's it.

2 MR. BENZON: Okay. Thank you.

3 (Whereupon, at 3:50 p.m., the deposition
4 was concluded.)

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 ROY SHELTON, a witness herein; that the foregoing pages numbered 1 through 38, 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

