NATIONAL TRANSPORTATION SAFETY BOARD

Office of Aviation Safety
Washington, D.C. 20594

May 21, 2013

Group Chairman's Factual Report

MAINTENANCE

DCA12FA051

A. ACCIDENT

Operator:	Fresh Air, Inc.
Location:	San Juan, Puerto Rico
Date:	March 15, 2012
Time:	about 0738 Eastern Standard Time[1]
Airplane:	Convair 340, Registration Number: N153JR (S/N 117)

B. MAINTENANCE GROUP

Group Chairman:	Pocholo Cruz National Transportation Safety Board Washington, DC
Member:	Dave Avery Federal Aviation Administration Miami, FL

C. SUMMARY

On March 15, 2012, at about 0738 eastern daylight time, a Convair 340, U.S. registration N153JR, operated by Fresh Air, Inc. as a 14 Code of Federal Regulations Part 125 cargo flight, crashed into a lake approximately 1 mile east of the departure end of runway 10 at Luis Muñoz Marín International Airport (SJU), San Juan, Puerto Rico. The flight had departed SJU bound for St. Maarten, and declared an emergency due to smoke from the right engine. The flight was cleared to land on runway 28, but during the turn to the airport, the airplane crashed into the lake, Laguna La Torrecilla. The two pilots were fatally injured, and the airplane was substantially damaged by impact forces.

D. DETAILS OF THE INVESTIGATION

1.0 Air Carrier Certificates

On February 24, 1997, Federal Aviation Administration (FAA) Miami Flight Standards District Office (FSDO), South Florida Office issued Fresh Air, Inc., 3150 SW 137th Terrace, Davie, Florida 33330, Certificate Number F6AB780Y. The Air Carrier Certificate was reissued on October 1, 2011 due to a relocation of its Headquarters.

See Attachment 1 for further details.

[1] All times are Eastern Standard Time (EST) based on a 24-hour clock, unless otherwise noted. Actual time of accident is approximate.

2.0 Operations Specifications (OpSpecs)[2]

Fresh Air, Inc. was authorized to conduct operations under 14 CFR Part 125 of the Federal Aviation Regulations, which includes the standards, terms, conditions, and limitations contained in the FAA approved Operations Specifications (Parts D and E).

a) Per section D073 of the OpSpecs, Fresh Air, Inc. was authorized to use the Fresh Air Approved Aircraft Inspection Program, Revision 12 dated 9/28/2010 to maintain the Convair aircraft.

b) Per section D077 of the OpSpecs, Fresh Air, Inc. was authorized to make Contractual Maintenance arrangements with maintenance providers.

c) Per section D085 of the OpSpecs, Fresh Air, Inc. has one Convair CV-440-440[3] (Registration N153JR, S/N 177) and one Douglas DC-4-C54GDC19 (Registration N406WA, S/N 35944).

d) Per section D088 of the OpSpecs, Fresh Air, Inc. was authorized to operate as a 14CFR Part 125 operations provided each aircraft engine was inspected and maintained with the certificate holders approved maintenance program; overhaul CV-440-440 engines every 1,600 hours per Fresh Air, Inc. M/M Chapter 3, Rev 12 dated 9/28/2010.

e) According to Section D095 of the OpSpecs, Fresh Air, Inc. was authorized to use an approved Minimum Equipment List (MEL).

f) Per section E096 of the OpSpecs, Fresh Air, Inc. was authorized for a Weight and Balance Program per Fresh Air, Inc. Approved Aircraft Inspection Program.

3.0 National Transportation Safety Board Subpoena

After numerous attempts to obtain additional Maintenance and Operational records for the accident airplane, on June 2012, the NTSB sent a subpoena to Fresh Air, Inc. On July 24, 2012, both the Ops Group Chairman and the Maintenance Group Chairman along with the FAA, traveled to the main offices of Fresh Air, in Davie, Florida (3150 SW 137th Terrace, Davie, FL 33330) to obtain the missing records. Upon arrival, Mr. Alex Bristol (General Manager for Fresh Air) did not initially present the documents required by the subpoena, and the Investigative team spent time going through boxes and files that Mr. Bristol had on hand trying to locate these documents. Completion of the subpoena was not accomplished due to missing documents. The team then proceeded to the South Florida FSDO office to review documents earlier received from Fresh Air, Inc. and stored at the FSDO in an attempt to locate the missing subpoenaed items.

[2] Operations Specifications contains the authorizations, limitations, and certain procedures under which each kind of operation, if applicable, is to be conducted by the certificate holder.
[3] The OpSpecs, current at the time of the accident, stated that N153JR was Convair CV-440-440.

The itemized list below represents the documents requested by the Maintenance Group Chairman.

Maintenance Records – Per Fresh Air GMM Chapter 2, Page 8-9:

a) Copy of the Air Carrier Certificate – Received from Fresh Air, Inc.
b) Status of Aircraft: Total Flight Hours and Flight Cycles at the time of accident---- Fresh Air Master Log (flight and maintenance log) – Estimated from available records. Fresh Air did not provide the current records.
c) Status/Listing of all ADs and Service Bulletins incorporated in the airplane – Fresh Air did not provide the current AD and Service Bulleting records.
d) All Engine maintenance records and Propeller records including P/N and S/N, times since overhaul, when removed and replace etc. – Fresh Air did not provide the current engine and propeller records.
e) Listing of all Supplemental Type Certificates (STCs) incorporated on aircraft - Fresh Air did not provide the current STC records.
f) Status of the Continuous Airworthiness Maintenance Program (i.e. ALL Times for when A (1-5 etc), B (1-5 etc), C (1-5 etc), D (1-5 etc), Airframe Overhaul, Engine Overhaul, Propeller Overhaul, Engine Change). When they were last accomplished on the airplane and where. As well as the actual paperwork for these checks. - Reviewed from available previous Check paperwork (see Table 2).
g) List of all Major Repairs and Alterations on the aircraft - Received from Fresh Air, Inc.
h) Status of all Time Limited Components on the aircraft. - Fresh Air did not provide the current records.
i) Service Difficulty Reports reported to FAA (if any) – Fresh Air did not provide the current reports.
j) Minimum Equipment Lists (MEL) that was present during the accident flight – if any – No current open MEL per logbook reviewed. Unknown if MEL was generated from March 7, 2012 to the day of the accident.
k) All Mechanic Training Records – Fresh Air did not provide the current training records.

See Operations Report Attachment 27 – Fresh Air Subpoena

4.0 Aircraft Information

The Convair Company manufactured the airplane in August 1953. Through the years, there were several owners/operators of the airplane prior its current owner. Jet One Express, a holding company that owns Fresh Air, Inc. bought the airplane from Four Star Aviation in August 2005. The FAA issued Registration Certificate on December 13, 2005 according to FAA records. According to the last available records reviewed (March 7, 2012), the airplane had approximately 53,926.8 total hours with 8,730 landings. The most current logbook was not recovered at the accident scene.

The airplane was equipped with two Pratt and Whitney R2800 engines and Hamilton Standard Propellers. Engine and Propeller history and times could not be verified due to the lack of maintenance records.

5.0 Approved Aircraft Inspection Program

The FAA Operation Specification authorizes Fresh Air, Inc. to use an Approved Aircraft Inspection Program (AAIP) on its fleet of aircraft per Revision 12, dated 9/28/2010 of the General Maintenance Manual (GMM); however, Fresh Air Inc. uses the term Continuous Airworthiness Maintenance Program (CAMP) as its inspection program.

The Fresh Air, Inc. CAMP (GMM Chapter 3) used the following documents to maintain and inspect its fleet:

a) Fresh Air Maintenance Manual
b) Manufacturer's Repair Manual
c) Service Bulletins
d) Airworthiness Directives
e) General Dynamics Convair 340/440 Maintenance Manual
f) General Dynamics Convair Structural Repair Manual
g) General Dynamics Supplemental Inspection Document Convair 340/440
h) General Dynamics Corrosion Inspection Document ZS 340 2000
i) Pratt and Whitney R2800-CB Double Wasp Overhaul and Maintenance Manual
j) Pratt and Whitney R2800-CB Double Wasp Parts Manual
k) Hamilton Standard 43E60 Propeller Overhaul and Maintenance Manual
l) FAA AC43-13-1A and AC43-13-2

Maintenance Checks were accomplished in accordance with the applicable procedures listed in the Fresh Air Convair General Maintenance Manual. Airworthiness Directives and Manufacturer Service Bulletin compliance were written into the program as applicable.

Table 1 - Maintenance Checks

CHECK	INTERVAL
A (Service Check)	Required after 24 hours of aircraft time in service or 7 days whichever occurs first.
B (Mid Period Check)	Accomplished within each 100 flight hours time in service. All items in a Service Check are included in the Mid Period Check.
C (Maintenance Check)	Accomplished in sequence #1, #2, #3 inclusive at intervals not to exceed 500 hours of aircraft time in service. All items in a Service Check and Mid Period Check are included in the Maintenance Check.
D (Block Overhaul Check)	A numbered Block Overhaul Check is accomplished at intervals not to exceed 500 hours of aircraft time in service. A series of 24 block overhauls comprise the major inspection program. The block inspection will be performed in accordance with applicable procedures in the Fresh Air Maintenance Manual, Volume 2, Chapter 10
AO (Airframe Overhaul)	Accomplished every 12,000 hours

EO (Engine Overhaul)	Accomplished every 1,600 hours
PO (Propeller Overhaul)	Accomplished every 2,400 hours
EC (Engine Change)	As needed

The following is a listing of the previous inspections accomplished on airplane N153JR. This information was retrieved from the available airplane maintenance records:

Table 2 - Maintenance Checks

Check	Last Check Date	Location	Total Time
A Check	3/7/2012	STX	53,926.8
A Check	2/29/2012	STX	53,919.2
A Check	2/23/2012	SJU	53,914.4
A Check	2/16/2012	SJU	53,910.7
A Check	1/9/2012	SJU	53,894.3
A Check	12/30/2011	SJU	53,890.3
A Check	12/23/2011	SJU	53,887.9
A Check	12/16/2011	SJU	53,883.9
A Check	12/7/2011	STX	53,876.3
A Check	11/30/2011	STX	53,868.4
A Check	11/21/2011	SJU	53,860.9
A Check	11/14/2011	STX	53,859.4
A Check	11/2/2011	STX	53,855.7
A Check	10/29/2011	STX	53,853.7
B Check - #2	10/29/2011	STX	53,853.7
B Check - #1	3/27/2011	STX	53,753.7
Corrosion Control Inspection	3/21/2011	Unknown	53,753.8
B Check - #5	8/25/2010	STX	53,656.8
B Check - #4	4/14/2010	STX	53,556.9
Corrosion Control Inspection	3/20/2010	Unknown	53,543.8
C check #2	1/6/2010	STX	53,500.1
D Check - Block #6	12/18/2009	STX	53,487.7
B Check - #3	11/5/2009	STX	53,456.1
B Check - #2	10/21/2009	STX	53,360.3
B Check - #1	1/12/2009	STX	53,260.4
C Check	12/20/2007	STX	52,998.8
B Check - #5	11/4/2007	STX	52,961.4
B Check - #4	5/6/2007	STX	52,861.9
B Check - #3	12/16/2006	OPF	52,751.3

In October 8, 2009, FAA records showed that Fresh Air, Inc. was in the process of being approved to combine the “C” and “D” checks.

See Attachment 2 for further details.

6.0 Supplemental Type Certificates (STC)[4]

Supplemental Type Certificates (STCs) installed on the airplane could not be verified due to the lack of maintenance records. According to records reviewed, one STC (SA4075SW - Installation of BKN 100 PHM-2 Pitot Heat Monitor System) was installed on the airplane on February 17, 1981.

7.0 Airworthiness Directive (AD)[5] and Service Bulletin (SB) Summary

Fresh Air, Inc. did not provide the investigative team with the most current Airworthiness Directive and Service Bulletin listing. Therefore, the investigative team could not verify the compliance of the ADs and/or the SBs on the airplane. The AD list for the most recent status paperwork dated March 6, 2012 was not found in the maintenance records. The latest AD listing the team was able to review was dated October 29, 2011.

See Attachment 3 for further details.

8.0 Service Difficulty Reports (SDR)[6]

According to the FAA SDR Database, one SDR (FAA Report # 2002FA0001126) was reported for N153JR. The report did not identify the operator that reported the incident. On September 3, 2002, the airplane had an oil tank rupture on the left engine on takeoff roll. The oil tank was oveirrfilled. The pressure from the overfill caused the tank to rupture. The oil began to spray onto the exhaust system. The oil then ignited and the subsequent flames damaged the nacelle in the area aft of the oil tank.

See Attachment 4 for further details.

9.0 Minimum Equipment List (MEL)[7]

Fresh Air, Inc. was authorized to use an approved MEL on its Convair aircraft per its OpSpecs. According to Fresh Air, Inc. GMM Volume 2 Chapter 14, Fresh Air, Inc. was to manage all the MEL items for the airplanes. From the log pages reviewed (up to March 7, 2012), there were no open MEL items in the maintenance records. It could not be determined if there were open MEL items from March 7, 2012 to the day of the accident. Additionally, the investigative team could not determine how Fresh Air, Inc. was "managing" the MEL items on the airplane as there were no previous listings of open and closed MELs.

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[4] The FAA issues Supplement Type Certificates, which authorize a major change or alteration to an aircraft, engine or component that has been built under an approved Type Certificate.

[5] Airworthiness Directive (AD) is a regulatory notice sent out by the FAA informing the operator of an action that must be taken for the aircraft to maintain its airworthiness status.

[6] As required under 14 CFR 125.409, each operator is to report the occurrence or detection of each failure, malfunction or defect concerning (a) fires during flight, (b) false fire warning during flight, (c) engine exhaust system that causes damage during flight, (e) an aircraft component that causes accumulation or circulation of smoke, vapor, or toxic or noxious fumes during flight, (f) engine shutdown during flight, (g) a propeller feathering, (h) aircraft structure requiring major repairs, (i) cracks, corrosion, (j) other safety critical issues as stated in the FAR part. These occurrences must be reported within 72 hours of the event.

[7] The FAA approved Minimum Equipment List contains a list of equipment and instruments that may be inoperative on a specific aircraft for continuing flight beyond a terminal point.

10.0 Aircraft Flight Logs

Aircraft Flight Logs were reviewed from August 2011 thru March 7, 2012. Fresh Air, Inc. representatives believe that the Flight Logs from March 8, 2012 to the day of the accident (March 15, 2012) were more than likely in the accident airplane.

For the month of March 2012, there were only 3 write-ups. On March 1st for a write-up for a replacement of the right engine #15 cylinder spark plugs, March 4 for a write-up for a run-up check and March 7 for write-ups for a servicing of the nose strut and adjustment of the right mixture.

See Attachment 5 for further details.

11.0 Weight and Balance Summary

Per the Fresh Air, Inc. OpSpecs, the airplanes were to be weighed every thirty-six (36) calendar months. The last actual weight and balance on the airplane was accomplished on June 25, 2009 in San Juan, Puerto Rico. The figures for last weight and balance are shown below:

Basic Empty Weight:	30,926 pounds
Arm:	352.9 inches
Moment:	10914423 lb-inches

See Operation Report Attachment #3 – Weight and Balance for further details.

12.0 Major Repairs and Alterations

According to the FAA airworthiness maintenance records, there were approximately 14 major repairs and alterations accomplished on the accident airplane; however, N153JR historical records showed 30 Major Repairs and Alterations were accomplished from May 1974 to June 2006.

13.0 Time Limit Components

The Time Limit Component status for the airplane, two installed powerplants and propellers could not be verified due to lack of maintenance records from Fresh Air, Inc.

14.0 Vendors

All essential maintenance vendors (engines and propeller facilities) were listed in the operator's Operations Specifications D077. Fresh Air, Inc. GMM Chapter 13 also listed additional FAA approved repair stations/major vendors for engines, airframe, propellers and appliances.

15.0 Method of Record Keeping

According to the Fresh Air General Maintenance Manual (Volume 1, Chapter 2, Item J), all aircraft maintenance records would be kept in the office of the Director of Maintenance.

Further, per the GMM, Fresh Air Inc. would keep the following records:

a) A master flight and maintenance log for each aircraft, covering airframe, engine, propeller times, next inspection due time and type of inspection due. The master log will be posted by date. A file of the flight log sheets will be maintained in date sequence. All inspections forms and work sheets will be filed for each aircraft on a weekly basis.

b) A visirecord type file will be maintained for each aircraft. The file will contain a card for every component that is under Time Control and any other components the company may wish to set up under this record system for study and survey. The individual cards under this system will list the name of the component, serial number, approved overhaul time, date of installation, aircraft total time at installation, location, aircraft total time that components are due for removal. This same type card will be used to keep a record of repetitive AD Notes pertaining to the particular type of aircraft. It will also contain the aircraft weight check times.

c) All records necessary to show that all the requirement for issuance of an air worthiness release, including the name of the person performing the work, the name of the person approving the work and their certificate numbers.

d) Records of Routine and Non-routine Maintenance

e) Total Time in service of the airframe

f) The current status of life limited parts of each airframe, engine, propeller and appliance.

g) Time in service since last overhaul of all items installed on the aircraft which are required to be overhauled on specified time basis.

h) The identification of the current inspection status of the aircraft, including the time since last inspection required by the inspection program under which the aircraft and its appliances are maintained.

i) The current status of applicable Airworthiness Directives including the method of compliance.

j) A list of current major alterations to each airframe, engine, propeller and appliance.

k) Each certificate holder shall retain the records required by FAR.

l) Records required by FARs shall be retained and transferred with the aircraft at the time the aircraft is sold.

m) All maintenance records shall be made available to the Administrator and any authorized representative of the National Transportation Safety Board.

The investigative team could not determine the airworthiness of the airplane as the majority of the maintenance records were not in the available files or were not provided.

16.0 Convair Service Bulletin

According to the current Type Certificate Holder of the Convair, Kelowna Flightcraft, N153JR (S/N 117) started as a model CV 340-38 in September 21, 1953 and was delivered to Delta Airlines.

A wreckage photograph showed a metal plate on the accident aircraft where it stated that Rhodes Aviation incorporated Convair Service Bulletin 340-144B. The incorporation of the Service Bulletin on a Model 340 Convair will permit the operation of the aircraft in accordance with the performance limitations contained in the Model 440 Approved Flight Manual.

From the historical records reviewed from past operators of the accident airplane, it could not be determined when, where or who incorporated Convair SB 340-144B. Additionally, the FAA Records did not have a record that Convair SB 340-144B was accomplished on the accident airplane.

See Attachment 6 for further details.

17.0 FAA Oversight

The FAA Certificate Management Office (CMO-29) for Fresh Air was located in Miramar, Florida. At the time of the accident, the POI, the PMI, and the principal avionics inspector (PAI) for the Fresh Air certificate were all remotely sited in the Orlando, Florida, offices. A historical account of the surveillance of Part 125 carriers was covered under the Operation Factual Report.

According to inspectors, they used guidance in FAA Inspector Guidance 8900.1 for oversight of Fresh Air. In addition, FAA Order 1800.56L (existing at the time of the accident) outlined Flight Standards Service (AFS) policy for developing and executing annual surveillance work programs. This order identified specific work functions that AFS personnel must accomplish to provide a baseline of information and the appropriate assurances to assess the soundness of the aviation system.

For Airworthiness Surveillance of Part 125 Operators, Inspectors were instructed to accomplish at the very least the following:

a) Ramp (one 3627 or one 5627)
b) Spot (one 3628 or one 5628)
c) Aircraft Records (one 3634 or 5634)

d) Inspection Program (one 3637 or 5637)
e) Airworthiness Directive Compliance Inspection (one 3649 and one 5649)
f) Suspected Unapproved Parts Procedures (one 3622 or one 5622)

Since the Inspector's work program runs from October to October of the next year, three (Aircraft Records – 3/8/2012, Inspection Program – 12/15/2011 and AD Compliance Inspection – 11/7/2011) of the Required surveillance items were accomplished. All the Required surveillance items were accomplished and completed by the PMI and PAI in the previous year's work program.

18.0 Interviews

The following interviews were conducted by the Maintenance Team during the investigation. The Fresh Air Inc. Director of Maintenance was also scheduled for an interview; however, during the course of the investigation the DOM became medically unfit to participate in interviews.

Interview: Alex Bristol, Fresh Air General Manager and Convair Captain
Date: May 17, 2012
Location: FLL Flight Standards District Office
Time: 1330 EDT
Present were: David Lawrence, Dan Bower, Pocholo Cruz - National Transportation Safety Board (NTSB); TR Proven, Dave Avery – Federal Aviation Administration (FAA).

Mr. Bristol's interview was a continuation of the Operation's Interview earlier in the day. During the interview, Mr. Bristol stated the following:

He previously stated that he was President and previously served as the Director of Maintenance (DOM) for Fresh Air, Inc. He also mentioned he was the General Manager for the company. He held an Airframe & Powerplant license. As President, he was in charge of the finances of the company, including the payroll expenses, and purchasing spare parts for his dad to install.

According to Mr. Bristol he was the DOM from the time his father started the company (around 2005) until the Company hired Terry McHugh in 2009 to be the DOM. Terry is the full time DOM even though the GOM listed Mr. Bristol as the DOM. Mr. Bristol stated that he would occasionally work on the airplane on as needed basis; whenever his dad needed help.

According to Mr. Bristol, Terry McHugh reported directly to his dad but would contact him when he needed to get paid. The mechanics would work directly for his father not Terry (contrary to what the GOM states). Terry's role is maintenance coordination (i.e. ensure all the letter checks, inspections, ADs) are up to par. Terry lives in Florida and the airplane is in St. Croix and Puerto Rico, Terry would let his father know what maintenance the airplane needs. His father would then direct the mechanics on what needed to be done. His father coordinated all the non-routine maintenance on the airplane. Once the work is performed and the forms filled out, his father would send it to Terry (usually takes a week or so). Terry updates his maintenance paperwork and sends status sheets (twice a month) to Mr. Bristol.

According to Mr. Bristol, his father was the main mechanic. They had a mechanic helper (non-certificated) in St. Croix (Cesar) and one or two contract certificated mechanics (Richie and another person) in Puerto Rico when the airplane is in Puerto Rico. He further mentioned that his father got a certificated mechanic (doesn't recall his name) in St. Croix to help with maintenance on the Convair. There were only three people on the payroll; himself, his father and Terry. The others were all contract mechanics. His father was the one that hired the mechanics with his approval. Mechanics training on Fresh Air paperwork was conducted by his father. His father oversees all the maintenance. Most of the mechanics come from Four Star Aviation who had the same airplanes and even the accident airplane came from Four Star Aviation so he knew the mechanics for years. All maintenance was being accomplished in San Juan, Puerto Rico and St. Croix. Mr. Bristol did not know if his father documented any of the training for the mechanics. He further stated that he did not know if that was required for a Part 125 operation.

Maintenance Records are kept with Terry and the Operation Records are kept with himself in his office. According to Alex, in reality the maintenance records should be kept in his office and when the FAA advises that they will be visiting, Terry is supposed to bring the maintenance records to his office. But since Terry's been ill for a couple of months, he's been keeping it with him for now. According to Mr. Bristol, the FAA knew that the records were being kept in two different locations but suggested that they be in one location. Further, Mr. Bristol stated that his eventual goal was to have the all the records reside in his office. According to Mr. Bristol, he has in his possession airplane records going back previous, previous, previous operators. The NTSB has requested that he bring those records in as well.

According to Mr. Bristol's recollection, the last time he worked on the accident aircraft was in December 2011/January 2012 where he changed some spark plugs. He noted that he did Heavy Maintenance (changed cylinders, engine run-ups, propeller changes) work on the airplane in 2005.

According to Mr. Bristol, his role as far as Maintenance was concerned involved procuring parts for the airplanes and sending them to the airplane, he was in charge of sending parts, engines, propellers for repairs and/or overhauls and he was in charge of paying the mechanics. To ensure airworthiness of the procured parts, he ensured they had 8130 tags on them. Terry was not involved whatsoever with the parts procurement process.

The company does not outsource any of the line/heavy maintenance work except for Pitot Static Transponder Check, Aircraft Weighing and Non Destructive Testing work. Additionally, Engine and Propeller repairs are sent out to G&R Engines and Miami Propeller. Mr. Bristol stated that he didn't have any issues with any of the companies as regards to the repair of the components.

According to Mr. Bristol, he does not get involved with any of the Maintenance FAA Surveillance. He said that was strictly Terry's department. He however is involved in the Operations FAA Surveillance. According to Mr. Bristol, to his knowledge, the FAA had no major concerns (i.e. mechanics, etc.) regarding the Maintenance Operations of the airline. Mr. Bristol further stated that Terry would let him know if there were maintenance issues with regards to the FAA. According to Mr. Bristol, the PMI and/or POI have been to St. Croix and

San Juan to accomplish their surveillance. He mentioned that he gets a visit from the FAA about once a month.

According to Mr. Bristol, Terry McHugh was in charge of the Fresh Air GMM. He was not aware that the GMM stated that he was the DOM for the airline but the Operations Specifications says that Terry McHugh was the DOM. The last time the GMM was revised was in 2006. Terry was hired to be the DOM of Fresh Air, Inc. around 2009.

At the time of this interview, Terry was about to or just had surgery. At some point, it will be necessary to interview Terry McHugh.

Interview concluded at 2:45 pm EDT.

Interview: Ricardo Gomez, Former Fresh Air Inc., Contract Mechanic
Date: October 10, 2012
Location: MN Aviation Facility, San Juan International Airport
Time: 1330 EDT
Present were: Pocholo Cruz - National Transportation Safety Board (NTSB) and Dave Avery – Federal Aviation Administration (FAA).

During the interview, Mr. Gomez stated the following:

Mr. Gomez is a holder of an Airframe and Powerplant certificate, Certificate number 3413340. Mr. Gomez stated that he has worked on Convair and Douglas DC-3 aircraft for 25 years. He also stated that he had worked on N153JR when it was operated by Four Star Air Cargo. Fresh Air purchased N153JR from Four Star Air Cargo. Mr. Gomez stated that he started to work for Four Star in 1989 and stayed employed by Four Star until 2010.

Mr. Gomez stated that Mr. Bristol, the Owner/Pilot/Mechanic for Fresh Air would contact him sometimes when N153JR needed non routine maintenance, such as brake changes or tire changes. He stated that he did not perform inspections or any scheduled maintenance.

Mr. Gomez stated that he did not receive any maintenance procedures training on Fresh Air General Maintenance Manual or on any other Fresh Air maintenance policies or procedures.

Mr. Gomez stated that he did not witness any FAA personnel while he was performing maintenance for Fresh Air.

Mr. Gomez stated that the maintenance that he performed for Fresh Air was performed IAW manuals carried on board N153JR.

Mr. Gomez stated that the last maintenance that he performed for Fresh Air was in October 2011. He stated that he did not remember what the maintenance task was. Mr. Gomez did state that N153JR was not in the same condition in 2011 as it was when Four Star sold it to Fresh Air. He also stated that many times Mr. Bristol refused to perform maintenance that Mr. Gomez

recommended. Mr. Gomez stated that Mr. Bristol would say that he could not afford to do a task or would not accept Mr. Gomez's recommendation because Mr. Bristol had more experience than Mr. Gomez. Mr. Gomez characterized the maintenance that he had observed as "poor".

Mr. Gomez stated that the Augmenter Tubes on the Convair 340's were highly susceptible to oil saturation from the engine. He stated that if the engine backfired through the augmenter tubes, the oil could ignite, producing a fire that could cripple the aircraft. He stated that Four Star had a maintenance procedure to clean the augmenter tubes of collected oil periodically. He stated that he did not know if Fresh Air had a similar process.

Mr. Gomez stated that he was normally paid in cash by Uriel Bristol and that he did not have dealings with the DOM.

The interview ended at approximately 2:30 pm EDT.

Interview: Charles Bleiberg, Principal Maintenance Inspector
Date: October 12, 2012
Time: Approximately 12:15 EST
Location: FAA CMO 29, Orlando, FL
Present: Pocholo Cruz, Katherine Wilson, David Lawrence – NTSB; David Avery (phone), TR Proven, Katherine Lemos – FAA
Represented by: Richard Rogers

During the interview, Mr. Bleiberg stated the following:

He held an A&P certificate. He was a Principal Maintenance Inspector at the FAA and had been in that position for about 5 years. He had been with the FAA about 14 years and was previously a Systems Principal in Miami for 121 operators. His aviation background started with 4 years in the US Air Force, followed by working for Braniff International in New York in 1967. In 1982, he transferred to the Braniff location in Miami, FL, until Braniff went bankrupt. He then worked for North Eastern for 2.5-3 years which was based out of Fort Lauderdale until they went "belly up." He next worked on a 1 year contract as a consultant for Guinness Peat in Southern Ireland. He worked as a Manager of Line Stations for Southern Air Transport in Miami from 1986-1990. In 1990, he went to Certified Aircraft Parts in Fort Lauderdale as the Director of Quality Assurance until he was hired by the FAA in 1998.

As PMI, he was responsible for the safety and oversight of Part 125 operators. He oversaw 14 Part 125 operators. He did not see a difference in surveillance activities of Part 121 vs. 135 vs. 125 operations. He treated them "all the same." He thought his workload was moderate and he did not think that overseeing 14 operators was too much.

His front line manager was Leonard Beers who was located in Orlando. He saw him often. The office manager of CMO 29 was Bob Talmadge and he was located in Miami. Mr. Bleiberg would report to Mr. Talmadge through Mr. Beers. If he had an issue, he would go to Mr. Beers first.

Mr. Bleiberg's performance was evaluated by Mr. Beers and was based on letters that went out, items that Mr. Beers would sign off on, his knowledge of what inspectors were doing in the office, PTRS data, etc. There were not a certain number of items that Mr. Beers wanted to see in PTRS; he just wanted them to finish their workload. Mr. Bleiberg stated that there were just three Part 125 inspectors in CMO 29.

Mr. Bleiberg stated that generation of work items for the work program came out of the Atlanta office. It included required inspection items that were mandated by Congress and were safety items that they wanted to see completed. They were all safety generated. Inspectors also had their own work program which included manual reviews, ops specs, etc. He generated P items and there were an unlimited number of P items that an inspector could generate.

Mr. Bleiberg was asked how are the Required (R) and Planned (P) items are determined and assigned. He stated that the Regional Automated Modular Planning Software (RAMPS) coordinator from Atlanta develops and assigns the inspectors work program for the fiscal year. He did not know who that person was in Atlanta. He stated that he had sent suggestions into Atlanta to have inspectors involved in developing their yearly work program.

Mr. Bleiberg was asked what is the difference between an R item and a P item. He stated an R is required and mandated. It must be completed. P item is a safety concern, more or less added on to the work program. It can be changed unlike an R item where you can't change activity code or operator. With P item you can change activity code as long as still surveillance item and operator. He stated that it was on him to develop as many P items as was required for surveillance of the operator. He stated he didn't need Atlanta's permission to generate a P item.

Mr. Bleiberg was asked what risk factors are taken into account and how are they taken into account for an operators work program. He stated he would go through log books, look for repetitive discrepancies, how long to complete work, are they completing work, keeping up with anything new that comes out like service bulletins or ADs are issued. Again, he further stated nothing says we can't generate a P item to go back into it if we feel there is a need. To do this we would go back to operator and pull out records again. This is continuous.

Mr. Bleiberg was asked what is the FAA/FSDO rules/requirements/procedures with regards to geographic inspections. He stated he didn't know. He was not a geographic inspector. He stated he would go to Charlie Beers and say we can't terminate an R item and it needs to be completed. The office manager transfers the R item to another office. The receiving manager then assigns the R item to his inspector. He stated he never had a manager reject it. We assign work out and I think it is done by everyone. We do 129 work as a remotely sighted inspector (RSI). I may call up another office and ask if they can take a look at an airplane. This is the informal process. If

they see something, they would enter it into PTRS. If they found something I would also do a PTRS and say so and so did a ramp inspection. Probably .5% of work is done by SJU office, 2-3% of other operators. In most cases, they send us comments, pictures, etc and we get everything back from the operator showing the completed signoffs. They do a PTRS and I do a PTRS and say this is what was sent to me and I put closure on it.

Mr. Bleiberg was asked if it was normal practice in his office to record a surveillance PTRS under his initials that was performed by another inspector. He stated if someone else does the work and I open a PTRS, my name will be on it but I will mark in comments that someone else did it. He further stated that there was no penalty if someone else does the work. It would not affect his performance or appraisals.

According to Mr. Bleiberg he took over the Fresh Air, Inc. Certificate in 2007. He was not sure which month. Mr. Bleiberg's primary contact at Fresh Air, Inc. was Alex Bristol, his father Uriel Bristol and Terry McHugh Director of Maintenance (DOM). He stated that Terry McHugh was the DOM once he became the PMI.

Mr. Bleiberg stated that he would meet with Fresh Air Inc. personnel at least two times a year sometimes more. He previously met with them at their Opa Locka Office but has since been moved to the Davie, FL. He mentioned that the move happened about a year ago when Alex Bristol moved to a new house.

Mr. Bleiberg was asked to describe his relationship with Fresh Air, Inc. He stated that Alex Bristol was not the best communicator. It was hard to get information out of him. Alex didn't always answer the phone. He stated he could get information from Mr. McHugh. If something needed to be done, Mr. Bleiberg would call Uriel Bristol and he would get the information the next day. He stated that Uriel was the FAA's backup, but would go to Alex first since he is a co-owner. He stated his last contact with the DOM was about 7-8 months ago just after the accident. He stated that the DOM was also doing contract work with other operators out of his office in Medley, FL. According to Mr. Bleiberg, the Maintenance records were kept in the Davie, FL Office. He last saw the records (AD Listing, Service Bulletin Listing, Supplemental Type Certificates, Repair Listing, etc.) in December 2011. Mr. Bleiberg had never been to the DOM's Medley, FL office.

To Mr. Bleiberg's understanding the files and maintenance records would go from the islands to Mr. McHugh for review and then Mr. McHugh would sent them to Alex Bristol to be filed. He stated that the last time he was at Fresh Air, Inc. they had some manual updates and nothing else was found during his surveillance visit.

According to Maintenance Records, Uriel Bristol was signing off all the maintenance (Maintenance logs, Discrepancy checks etc.) on the airplane. Mr. Bleiberg stated that the maintenance records were signed off correctly. The one issue he had was Mr. Uriel Bristol's handwriting.

Mr. Bleiberg was asked what types of maintenance documents are used by Fresh Air to maintain the Convair. He stated Maintenance logbook, non-routine discrepancy reports, task cards, Approved Inspection Program, ADs, Service Bulletins, MEL, corrosion manual, Weight and Balance maintenance program and procedures manual and straight Convair maintenance manual. Kelowna is Certificate holder for 340/440 certificate.

Mr. Bleiberg was asked if he had met any of the mechanic helpers that Fresh Air, Inc. uses. He stated that during his one trip to St. Croix in 2007, he met a couple of workers. He stated that the mechanics helpers report directly to Uriel Bristol and not to Terry McHugh. There were in the islands so, Uriel was there. He stated that Part 125 does not have mechanics and vendor out "just about everything". Uriel would sign off work based on his Airframe and Powerplant certificate.

In June 2009, Jose Torres accomplished a spot inspection and found 2 unsupervised mechanics working on the airplane, 2 months later same issue. Mr. Bleiberg was asked about this particular issue. He doesn't remember conversation with Jose Torres. He believed it says no uncertificated person can work on a/c without direct supervision.

Mr. Bleiberg was told that it has been an issue for the NTSB to get information from Fresh Air, Inc. Mr. Bleiberg was asked if had any issues getting information. He stated that every time the FAA asked for the most recent status sheet, it was current. He gets it right then and there. He doesn't know why Mr. McHugh wouldn't have the latest status sheets. Mr. Bleiberg stated that if he needed documents, he would go to Alex first then to Uriel. Occasionally, he would go to Terry and Terry would provide it. He didn't know if Alex kept a copy of the status sheets.

During the investigation, it was noted that a DC4 was put on the Ops Specs for Fresh Air, Inc. However, Mr. McHugh was not aware of this fact. The question, was asked to Mr. Bleiberg why the Director of Maintenance would not have known this fact. Mr. Bleiberg did not know. He assumed copies of the paperwork would get to Mr. McHugh.

Mr. Bleiberg was asked if he was the PMI when Jet One Express purchased Fresh Air, Inc. He responded by saying Fresh Air, Inc. was already in business when he became the PMI.

Investigators asked Mr. Bleiberg if he was the one that put the accident airplane on the certificated. He stated that the N153JR was already on the certificate when he became the Fresh Air, Inc. Principal Maintenance Inspector. He stated that the last time he did a ramp inspection

on N153JR was in 2007 in St. Croix. Mr. Bleiberg was asked if a conformity inspection was accomplished on N153JR. He stated that as far as he knew the conformity inspection was done before he came aboard as the PMI. According to PTRS on May 25, 2006 one was accomplished. The FAA could not find a copy of the conformity inspection records.

According to the PTRS, back in December 2006 there was a question of the Convair's model number. The work program stated that the PMI (Quentin Cruise – answered by D. Avery) was made aware of it. Then again in June 2007 PAI (Joe Maiorana) stated the same issue. A letter to Mr. Bleiberg from Fresh Air in response to the findings from Mr. Maiorana's findings stated that the airplane was a Convair 440 per the accomplishment of SB340-144B. Mr. Bleiberg said he was not aware of the Service Bulletin SB340-144B because the airplane was already conformed. Some else signed the conformity not him.

Mr. Bleiberg was shown a picture of the Rhodes Aviation Data Plate which states "THIS ACFT SN # 117 MODIFIED TO INCLUDE S/B 340-144B MEETS PERFORMANCE LIMITATIONS OF 440 CAA APPROVED FLIGHT MANUAL RHODES AVIATION INC CRS#JRAR338F" and asked what does the data plate mean to him. He stated that he knew it had more than one data plate. He stated it means the airplane has been converted to a 440. AD notes that it's still a 340. He further stated that he didn't do any research on the data plate because the aircraft was already conformed. He was asked if he knew of any Service Bulleting or STC that would allow the use of the 440 performance charts even though the airplane is a 340. He stated NO.

Since the incorporation of the SB involved the use of 440 performance charts, was the POI made aware of this issue? Richard Rogers answered – Yes. When he came on the certificate their performance charts were same from when he started until now. Mr. Rogers stated he spoke to Alex about this several times starting in 2009. Alex said they operated under 440 performance charts. How was this whole issue resolved and what convinced you that the SBs were accomplished. It would appear that in November 2011, Inspector Joe Radosky states the airplane is a 440 not 340? Airplane was previously conformed to 440 and was flying and certificated. Richard – no reason to think it wasn't. Regarding Joe switching, he was probably confused, it is very confusing.

Mr. Bleiberg was asked if there were maintenance requirements for the equipment changed in SB 340-144B and were they incorporated in the Approved Aircraft Maintenance program. Mr. Bleiberg did not know and continued to say that it may be put into the maintenance manual. Mr. Bleiberg was asked if there were physical differences between a 340 and 440. He said physical differences were visible but didn't know what the differences were when he took over. He stated when he looked at the paperwork it looked like a 440.

The interview ended at 1:40 pm EDT.

Submitted by:

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