



MEMORANDUM FOR RECORD

Douglass Brazy
Air Safety Investigator
Eastern Region Aviation

August 20, 2019

Subject: NTSB investigation ERA19FA249, N303TL, Cessna T303, Lagrangeville, New York, August 17, 2019. Interviews with passenger on board N303TL, FAA FSDO Inspector, and Airport Manager

Passenger Eduardo Tio

On August 20, 2019, Mr. Eduardo Tio, a passenger on board N303TL who was seated in the copilot's seat, provided the following information during an interview:

On the evening before the accident, Mr. Tio and family members were planning a vacation for the following day. When the pilot arrived home from work, he informed them that he would need to instead travel to Montgomery, NY. Mr. Tio and another passenger, Mr. Diaz, would travel with the pilot to Montgomery. Mr. Tio recalled that before departing Republic airport (FRG), in Farmingdale, NY (where the airplane was based), the pilot performed an engine run-up. Mr. Tio did not recall if the pilot performed an engine run-up before departing from Orange County airport (MGJ), Montgomery, NY, or before departing Sky Acres airport (44N), Millbrook, NY.

The flight from FRG to MGJ was uneventful. The pilot filed a flight plan using his iPad, as he always did. Mr. Tio was seated in the copilot's seat. Mr. Tio had previously taken some flying lessons, and he made radio transmissions during the flight with some assistance from the pilot on what to say. After landing at MGJ, Mr. Tio and Mr. Diaz waited at the fixed-base-operator while the pilot went to meet a client. After the pilot returned, they boarded the airplane and flew to 44N to purchase fuel. They weren't able to fly directly to 44N due to airspace restrictions and had to deviate around the Poughkeepsie area. The flight was uneventful. After landing at 44N they taxied to the fuel pump, where the pilot and Mr. Diaz exited the airplane to fuel it. Mr. Tio attempted to close/seal a small window on the pilot's side of the airplane which had been noisy during the previous flights. They noticed someone mowing the grass at the airport while there. After fueling, they taxied the airplane to runway 17 for takeoff. During takeoff, the pilot began to "pull back", and as the airplane climbed to about 50-100 ft above ground level (AGL), both engines "started to fail". They did not fail completely but sounded as if they "were not getting full RPM". The engines were "stuttering" and continued to do so until impact. Mr. Tio thought they would land straight ahead, but the airplane started to pull to the left. Mr. Tio described the leftward motion as "sliding/translating laterally to the left". The pilot stabilized the airplane and prevented further drifting to the left, and the airplane flew over the grass on the left side of the runway. They flew straight ahead toward some obstacles off the end of the runway (a house or trees or both) and cleared those obstacles by flying over them and not deviating left or right. The airplane was at about 100 ft AGL and would not climb any higher. After clearing the obstacles, the airplane veered to the left (Mr. Tio motioned with his hand a left banking turn). Mr. Tio saw

gress behind the house prior to impact and believed that the pilot veered to the left to avoid hitting the house head on. The impact was at a “very slow speed” with one wing striking the ground and the other striking the trees and the house. There was very little forward motion after the wing struck the ground. During the flight, Mr. Tio did not hear any bells or alarms at any time. The pilot did not say anything to Mr. Tio or Mr. Diaz during the accident sequence and he did not make any radio transmissions.

After impact, Mr. Tio removed his seatbelt and heard a “woosh” of fuel and saw flames. He recalled after the accident that there was an emergency exit on the right side of the airplane, but he forgot all about it at the time, and made his way to the main cabin door, yelling for everyone to get out. He moved the latch on the cabin door, but the door did not open. He kicked the door several times until it did open. He then jumped down onto some wood and other obstacles below the door. The pilot and Mr. Diaz were initially not reacting. The pilot was alive but was unconscious. Mr. Tio was yelling that they had to get out. He then heard Mr. Diaz yelling for help. Mr. Diaz made his way to the door and then down to the ground below. Mr. Tio dragged Mr. Diaz away from the airplane, and then returned to try and assist the pilot. However, the fire was too intense, and the door opening was too high above his head to re-enter the airplane.

Mr. Tio then ran to the front of the house where helpers were moving Mr. Diaz to the yard of the neighboring house. He saw an injured/burned woman yelling for help from a small swimming pool in front yard of the house, unable to move. He yelled to nearby helpers to assist him and he pulled the woman away from the house to the neighboring yard.

Mr. Tio then saw another woman inside the house yelling from a second story window on the side of the house furthest away from the fire. An air conditioning unit had been kicked out of the window frame and lay on the ground below. Mr. Tio moved the unit out of the way and encouraged the woman to jump from the window. Helpers then approached with ladders, and Mr. Tio put a ladder up to the window and assisted the woman down the ladder.

Mr. Tio then sat with Mr. Diaz and waited for the ambulances to arrive.

Mr. Tio added that both the pilot and copilot seats were equipped with lap belts and shoulder harnesses, which they both wore. The shoulder harnesses for both seats were “loose”. Mr. Diaz had been seated in the rear right seat, which Mr. Tio believed was equipped with a lap belt only. Mr. Tio believed that all would have survived if there were no fire.

Mr. Tio added that the airplane had flown to Charlotte, North Carolina for an annual inspection, upholstery work, and refilling of the oxygen tank in July 2019. It remained at the maintenance facility for about 3-4 weeks. He said that the pilot had about 1,500 hours of flight experience. The pilot had owned a Beech Baron about 3-4 years ago, and a single engine airplane prior to that.

FAA Inspector - Wayne VanSteenburg

On August 18, 2019, FAA Inspector Wayne VanSteenburg, from the Teterboro, New Jersey Flight Standards District Office provided the following information via telephone:

Mr. VanSteenburg took a sample from the 100LL (the only fuel available) self-service fuel tank at Sky Acres airport (44N), Millbrook, New York. He reported that the fuel was blue in color and did not contain any water.

Airport Manager – Steven Styles

On August 19, 2019, Mr. Steven Styles, airport manager at the Sky Acres Airport (44N), Millbrook, New York, provided the following information during an interview:

Mr. Styles was mowing the grass at the airport on the day of the accident. He was wearing protective earmuffs and listening to music at the time. He observed N303TL as it arrived at the airport from the southwest and flew directly over the airport. The landing gear and flaps were down. The airplane seemed to be lower than the 1,500 ft pattern altitude. It entered a left crosswind traffic pattern leg for runway 17. Mr. Styles did not view the airplane any further during its landing.

Mr. Styles next observed the airplane as it was taking off. He was unable to hear the airplane's engines or propellers, as he was wearing protective earmuffs and listening to music. He first noticed the airplane when it was about 800-1000 ft down the runway, just as it began to rotate. Mr. Styles described the rotation as "abrupt", and that the takeoff was not as "gradual and shallow" as the other light twin airplanes that he had previously and often observed during takeoff from the airport. After rotation the airplane deviated to the left of the runway, and as it did so, the roll attitude was very shallow, and it appeared to be yawing to the left. The airplane's "nose was very high" and appeared to be "attempting to climb". The airplane then made a correction toward the right, which appeared as a right yawing motion. Mr. Styles' view of the airplane was then briefly obstructed by the airport's fuel tank. As it came back into his view, the airplane's nose was lower, it had a slight right roll attitude, and then the nose pitched upward "as if to climb". However, the airplane "seemed to sink" until he lost sight of it as it flew behind some trees. About a minute later, after he had removed his ear protection, he heard a "thud" and saw smoke rising in the distance.

<end>

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK
-VS-

DEFENDANT(S)

LOCATION OF INCIDENT:
 STATE OF NEW YORK _____ COURT
 COUNTY OF Dutchess
 Town Union Vale OF Union Vale

LOCATION OF DEPOSITION:
 STATE OF NEW YORK
 COUNTY OF Dutchess
 City Poughkeepsie OF Poughkeepsie

On 08/17/2019 at 5:45 P.M. FULL NAME: Eduardo Tio

state the following: On August 17, 2019 at approximately 4:00 P.M., Teofilo Diaz and I were passengers on a plane with Francisco Knipping who was the pilot. We had made a stop at Sky Acres Airport to refuel, on our way to Republic Airport in Farmingdale, New York. We were stopping at Sky Acres Airport after taking off from Orange County airport. Shortly after taking off from Sky Acres Airport, both engines in the plane began to malfunction. I presume water in the fuel. We departed on a southern departure from runway 17. AS soon as the plane began to stall, the plane veered left. I believe the pilot, Francisco Knipping veered the plane to avoid hitting the house head-on.

NOTICE

(Penal Law § 210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 17 day of August, 2019
- OR -

* Subscribed and Sworn to before me

this _____ day of _____

* This form need be sworn to only when specifically required by the court

[Redacted Signature]

TPR. A. Batista
(WITNESS)

1538

TPR. J.I. Miner JIM
(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED: 5:53 P.M.

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK
- VS -

DEFENDANT(S)

LOCATION OF INCIDENT:
 STATE OF NEW YORK LOCAL CRIMINAL COURT
 COUNTY OF DUTCHESS
 TOWN OF UNIONVALE

LOCATION OF DEPOSITION:
 STATE OF NEW YORK
 COUNTY OF Dutchess
 Town OF Unionvale

On 8/17/19 at 5:18 P.M. I, Steven T. Styles

state the following: On today's date shortly after 4 P.M. I was mowing the grass of the upper ramp at Sky Acres airport which I own. I observed a white, blue and yellow airplane landing in a southerly direction on the runway before pulling up to the fuel pumps. I observed 3 males exit the plane, one of which was the owner of the airplane. The males fueled up the airplane using my fuel pumps. Shortly there after the 3 males re-entered the airplane before proceeding back to Runway 17, the same one they landed on. The plane was facing a southern direction when it took off. At the rotation speed, which is the point a plane takes off, the plane lifted off and immediately pulled left. I then observed the airplanes nose dipped down before pulling up and pulling left. I observed the airplane nose dip a second time. At this point the airplane crossed the tree line very low and I lost sight of it. Several seconds later I heard a loud boom and approximately one minute later I saw a large plume of smoke from the same area.

[Redacted signature area]

NOTICE

(Penal Law § 210.45)

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Affirmed under penalty of perjury

this 17 day of August, 2019

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

* This form need be sworn to only when specifically required by the court

[Redacted signature]
 (SIGNATURE OF DEPONENT)

(WITNESS)
TPR S.R. HARDY 5571
 (NAME OF PERSON TAKING DEPOSITION)

TIME ENDED:
5:40 P.M.

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK
- VS.

DEFENDANT(S)

LOCATION OF INCIDENT:

STATE OF NEW YORK Local Criminal COURT

COUNTY OF Dutchess

Town Union Vale OF Union Vale

LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF Dutchess

Town Union Vale OF Union Vale

On DATE: 08/17/19

at TIME STARTED: 4:15 PM

I, FULL NAME: Bryan G Zittel

state the following: on today's date, around 4:25 PM, a dispatch for Union Vale was sent out for a plane into a house located at 229 South Smith Rd in the town of Union Vale. I'm currently a ^{Fire Fighter} ~~Captain~~ for Union Vale Fire Department and responded for same. Upon arriving on scene, I observed a large plume of black smoke, 2 male subjects (possibly victims) on the ground adjacent to the driveway. Along side of the driveway of [redacted] S. Smith Rd, a female was supine and heavily burnt but observed to be alive and breathing. EMS was on scene assisting the female victim. A female sitting with the female victim was screaming, stating people were still in the house. I proceeded to evaluate the residence, I observed heavy fire on the "A/D" corner of the residence and heavy fire rear "A/D" corner. A small plane was observed fully involved on the "C" side of the house seated within the house. I attempted to open rear garage door with negative results. Initial main body of fire was knocked down with a blitzfire and entry was made through front door. A search was completed of all 3 bedrooms and bathroom. Fire was observed in Attic and Rear bedroom. After knock down of heavy fire, I observed a skull and ribs of a human in the plane [redacted]

NOTICE

(Penal Law § 210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 17th day of August, 2019

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

* This form need be sworn to only when specifically required by the court

[redacted signature]
(SIGNATURE OF DEPOSITOR)

(WITNESS) [redacted]
(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED: 6:27 PM

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK
- VS.

DEFENDANT(S)

LOCATION OF INCIDENT:
 STATE OF NEW YORK LOCAL CROWNED COURT
 COUNTY OF DUTCHESS
TOWN OF UNION VAGE

LOCATION OF DEPOSITION:
 STATE OF NEW YORK
 COUNTY OF DUTCHESS
TOWN OF UNION VAGE

On DATE: 08-17-19 at TIME STARTED: 7:15 PM I, FULL NAME: MARC B SPIEGEL

state the following: I RESPONDED TO SOUTH SMITH RD AFTER TOWNS WENT OFF THROUGH UNION VAGE FIREHOUSE. WHEN I ARRIVED ON SCENE, I OBSERVED THREE POSSIBLE VICTIMS / PATIENTS LAYING ON THE GROUND. ONE PATIENT WAS RECEIVING CARE SO I WENT OVER TO THE OTHER TWO PATIENTS NOT BEING TREATED ALL THREE WERE OUTSIDE OF THE DRIVEWAY OF THE RESIDENCE. ONE PATIENT NAMED EDUARDO TIO () WAS SITTING UP AND THEN HE STOOD UP. I PLACED HIS COUSIN IN A NECK BRACE AND WE CARED FOR BOTH UNTIL MORE SUPPORT RESPONDED WE LOADED THE COUSIN WHO DID NOT SPEAK ENGLISH INTO AN AMBULANCE. WE REALIZED THAT EDUARDO NEEDED MORE ATTENTION SO THE COUSIN WAS UNLOADED AND PLACED INTO AN NDR AMBULANCE AND WE KEPT EDUARDO IN OUR AMBULANCE 67-71. WE DECIDED TO TRANSPORT TO MED HUDSON REGIONAL HOSPITAL AND WE LEFT THE SCENE. MID WAY THROUGH TRANSPORT EDUARDO BEGAN SPEAKING TO US ABOUT THE CRASH. EDUARDO HAD BURNS ON BOTH ARMS AND MANDIBULAR CUTS TO THE CHEST AND FACE AND MAJOR BLEEDING TO THE STOMACH AND HAD COMPLAINTS OF CHEST PAIN. EDUARDO SAID HE KNEW HIS COUSIN WAS DEAD. EDUARDO SAID HE HELPED ONE OF HIS COUSINS OUT THROUGH THE SIDE DOOR AND THEN SAID HE WAS JUST SITTING ON SCENE. EDUARDO

NOTICE

(Penal Law § 210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 17th day of August, 2019

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

* This form need be sworn to only when specifically required by the court

[Signature]
 (SIGNATURE OF DEPONENT)

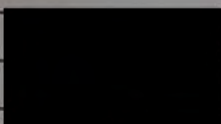
(WITNESS) [Signature]
 (NAME OF PERSON TAKING DEPOSITION) 2295
 TIME ENDED: 7:41 PM

SUPPORTING DEPOSITION CONTINUATION SHEET (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK VS.

DEFENDANT(S)

SAID WE SHOULD NOTIFY THE FAA ABOUT THE INVESTIGATION BECAUSE THE GAS MUST HAVE BEEN BAD AT SKY AXES. EDUARDO SAID THAT THE GAS MUST HAVE BEEN BEING BAD BECAUSE WHEN THEY WERE GETTING BOTH ENGINES FIGHTING AND THEN "WENT". EDUARDO ASKED ME TO PROMISE HIM TO TELL THE FAA ABOUT THE GAS FOR THE INVESTIGATION. WE TRANSFERRED CARE TO THE NURSES AND LET THE HOISTING.



END OF STATEMENT

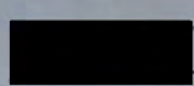
NOTICE

(Penal Law § 210.45)

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Affirmed under penalty of perjury

this 17th day of August, 2019



(SIGNATURE OF DEPONENT)

SUPPORTING DEPOSITION (CPL § 100.20)

PAGE ___ OF ___

THE PEOPLE OF THE STATE OF NEW YORK
-VS-

DEFENDANT(S)

LOCATION OF INCIDENT:

STATE OF NEW YORK _____ COURT

COUNTY OF Dutchess

Town OF Union vale

LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF Dutchess

City OF Poughkeepsie

On 08/17/2019 at 5:55 pm I, Teoflio Antonio Diaz Pratt

state the following: On 08/17/19, at approximately 4:00 pm, I was in a plane with Eduardo Tio and the Pilot Francisco Knipping. I was sitting in the rear passenger compartment. We had landed at Sky Acres Airport to refuel the plane. After refueling, we departed from Sky Acres to go back to Long Island. Shortly after taking off both plane engines began to fail. I believe there was water in the gas. Something must of been wrong with the fuel

NOTICE

(Penal Law § 210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

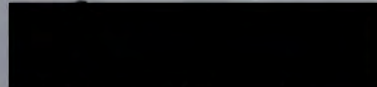
this 17th day of August, 2019

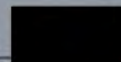
- OR -

* Subscribed and Sworn to before me

this _____ day of _____,

* This form need be sworn to only when specifically required by the court


 (SIGNATURE OF DEPONENT)

(WITNESS)
Mr. C. A. Bahick 
 (NAME OF PERSON TAKING DEPOSITION)

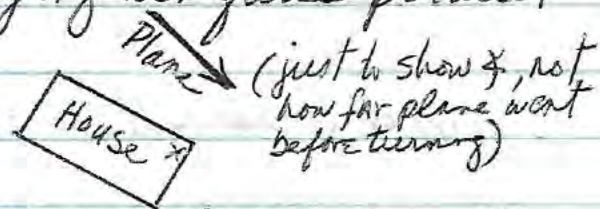
TIME ENDED:
6:03 pm

Event date: 08/17/19

Lagrangeville NY

1ST SAW plane coming from North West from the back bedroom on the ^(NE) right side of the house

1ST thought was that it was flying not quite parallel to the back of the house.



2nd - the plane is not following the usual flight path. Usually the planes take off from the airport and fly in front of the house and follow Meadow Ridge down. This was flying behind the house

3rd - the plane was flying low. If I were to guess, I'd say maybe 100' or so high. Was ~ 3x the height of the pine tree in the neighbors backyard.

4th - At the time I didn't consciously think about the noise from the plane. After the fact, I surmised the plane couldn't have been very loud or it would have definitely startled me - the loud ones always grab my attention. The engine wasn't sputtering or making funny noises - I would have also definitely noticed that. I can't say for sure whether the plane was running on one engine or gliding. The best I can do is say that it was no louder than the noise I have been hearing for 19 years, when small-medium planes land. Of course, normally the planes are much further away.

The plane went in a straight line for a short distance and then quickly turned left about 40-45 degrees. At the time I remember thinking it was deliberate and controlled. I was surprised the left wing didn't dip down as the plane turned. The wings looked like they were steady and pretty parallel to the ground during and after the turn.

After it turned, it started on a very shallow descent. All the while, it stayed on a straight path (no more turns) and the wings remained level.

It passed over a clump of bushes in the ^{side} back yard and over 2 tall trees in the yard. It passed directly to the left (N) of the 2 tallest trees on the property line. It just cleared the 3 tallest trees immediately to the left (N) of the tallest trees and disappeared behind the tree line.

3 or 4 seconds later there was a crash and a plume of dark brown smoke coming from over the tree line.

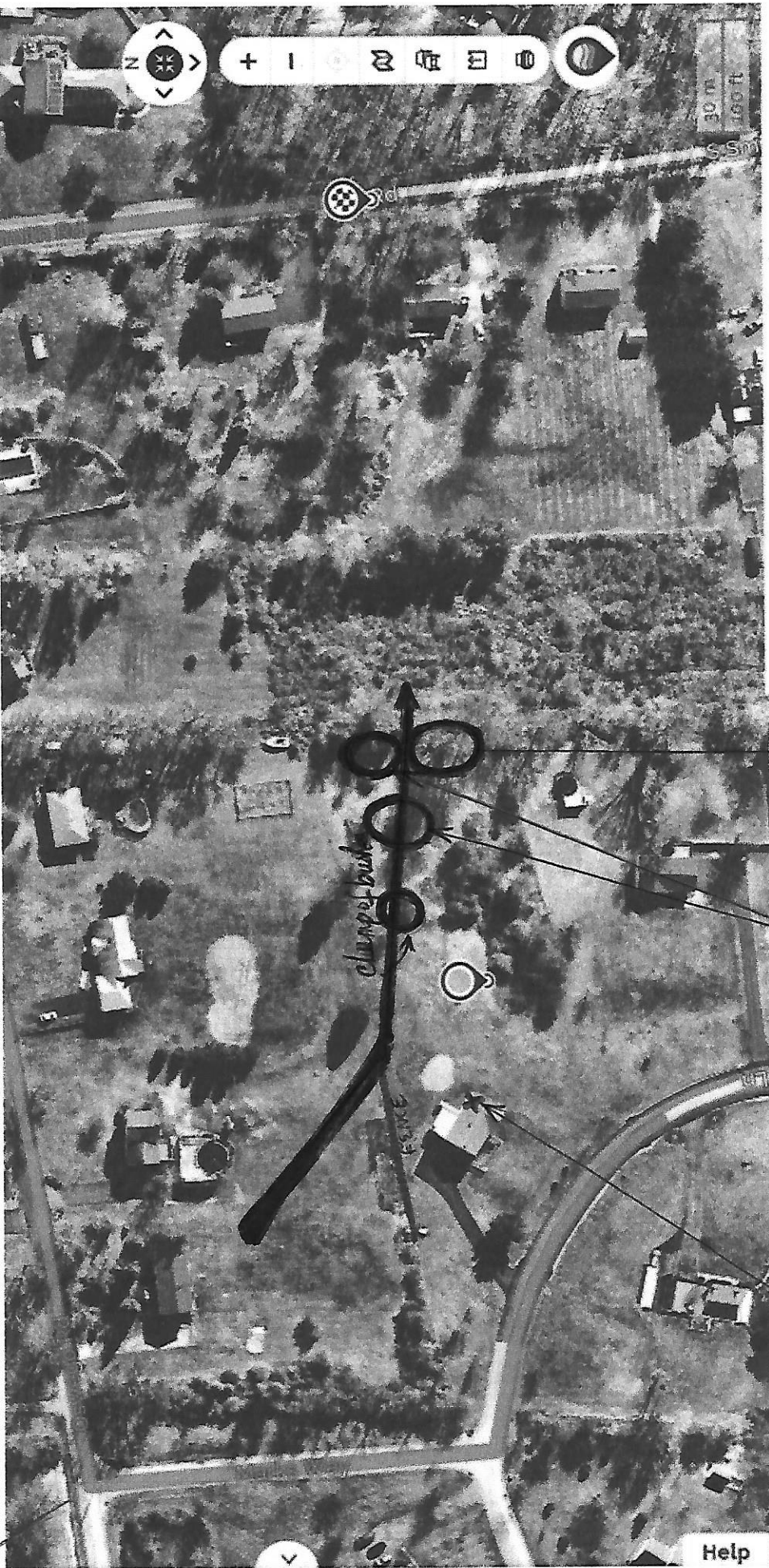
written 8/20/19

8/23/19

It's been rearing through my mind over and over again why sound wasn't a part of this whole scene. It didn't make sense that there was noise from the plane since my 1st recollection was catching sight of the plane out of the corner of my eye - Not 1st hearing it.

I think if there were no noise at all, that would have triggered an alarm in my head (it didn't) that something wasn't right.

I keep thinking I heard a humming noise which I couldn't place. A few days later my fiancée mentioned the air conditioner was on in the kitchen. I believe this is the only noise I heard.



Plane flew just north of 2 tallest trees on back property line. It was below the height of those trees.

Plane just cleared 2 tall trees and the one on property line just north of 2 tallest trees

Standing in Rear bedroom window