



NATIONAL TRANSPORTATION SAFETY BOARD

Office of Aviation Safety
Washington, D.C. 20594

June 1, 2020

Group Chairmen's Factual Report – Attachment 3

FAA Interviews

OPERATIONAL FACTORS/HUMAN PERFORMANCE

DCA20MA002

This attachment contains transcripts of interviews of the following personnel from the FAA's Denali Certificate Management Office:

- Patrick Sullivan (Principal Operations Inspector for Penair)
- Charles Fitzpatrick (Former Principal Operations Inspector for Penair)
- John Posey (Aircrew Program Manager)
- Ty Bartausky (Front Line Manager)
- John Sims (Office Manager)

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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PENAIR FLIGHT 3296 CRASH AT UNALASKA- *

DUTCH HARBOR AIRPORT, ALASKA * Accident No.: DCA20MA002

OCTOBER 17, 2019 *

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Interview of: PATRICK SULLIVAN
Principal Operations Inspector
FAA

NTSB Offices
222 W. 7th Avenue, #11
Anchorage, Alaska

Friday,
December 6, 2019

APPEARANCES:

MARVIN FRANTZ, Operational Factors Investigator
National Transportation Safety Board

SATHYA SILVA, Ph.D., Human Performance Investigator
National Transportation Safety Board

DUJUAN SEVILLIAN, Ph.D., Human Performance Investigator
National Transportation Safety Board

DAVID KEENAN, Air Safety Investigator
Federal Aviation Administration

BRANDON WILSON, Line Pilot/Check Airman
PenAir

MATTHEW SMITH, Attorney
Federal Aviation Administration
(On behalf of Mr. Sullivan)

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I N T E R V I E W

(8:35 a.m.)

1
2
3 MR. FRANTZ: Good morning, Pat. Thanks for coming and
4 talking with us today. You know why we're here, to talk to you
5 about FAA oversight and FAA role in, or dealings with PenAir in
6 relation to the accident at Dutch Harbor. Have you been involved,
7 part of your -- any involvement with NTSB investigations before?

8 MR. SULLIVAN: Yes.

9 MR. FRANTZ: Okay. Are you familiar with our system, how we
10 do it? You'll get a briefing. When the NTSB investigates major
11 accidents, in this case it's a major because it's an air carrier
12 and there was a fatality, so it ranks it the highest -- our
13 highest level. We form groups to investigate different components
14 or different areas of possible involvement in the accident.

15 Powerplants is an example, airframe systems, we might have a
16 group for them, if necessary. This is a combined group called
17 human factors and operational -- human performance and operational
18 factors. Often those groups, because we have similar interests
19 and look at similar things, we'll make one group, so that's what
20 we've done here. So there are three people here from the NTSB
21 that make up the core of the operational factors/human performance
22 group. But because we don't have the expertise -- we need to
23 investigate everything, we bring in outside parties for our
24 investigation to be part of the groups.

25 So for this group, we've invited -- we have a representative

1 from the operator, PenAir, and that's Brandon. He's a check
2 airman. He knows the operation. He knows the airframe. And he
3 knows the PenAir manuals and such, so he's our operator expert.

4 And then we always have a representative from the FAA.
5 They're always a party to the group, and this morning it's Dave
6 Keenan, who you know. So he's representing the FAA.

7 This is an informal interview, but we ask that, you know,
8 that you answer all the questions to the best of your ability. If
9 you don't know, that's your answer, or I don't recall, that's
10 fine. If there's something you recall or you want to add later on
11 at the end of the interview, you'll have a chance to do that as
12 well.

13 We will make a written transcript of this recording
14 eventually and that transcript will be put in -- eventually it'll
15 be released to the public in, you know, what we call the docket
16 for the accident, which includes all of the forms and interviews
17 and reports that have been written for this accident will be in
18 the docket, and that will be released to the public at the end of
19 the process. And that's typically, as you know, six months at
20 least, often a year or longer, before an accident is wrapped up
21 and everything is done. But just so you know, we can't -- because
22 of that, we can't say anything you say here will be private or
23 confidential or held in any kind of confidential manner because it
24 will become part of the public docket eventually, the transcript
25 will.

1 Let's go around the room before we start and have everybody
2 introduce themselves and then we'll, I'll see if you have any
3 questions and then we'll start. So, I'm Marvin Frantz. I'm an
4 operational factors investigator with the NTSB. I'm out of the
5 Washington office. I don't work here but we just come from there
6 to work this investigation.

7 DR. SILVA: Sathya Silva, human performance investigator with
8 the NTSB.

9 MR. WILSON: Brandon Wilson, check airman with PenAir.

10 MR. KEENAN: Dave Keenan. I'm an air safety investigator
11 with the FAA at headquarters.

12 DR. SEVILLIAN: Dujuan Sevillian, human performance
13 investigator, NTSB.

14 MR. FRANTZ: And Betty didn't introduce herself, but she's
15 the court reporter who's handling all the technicalities of our
16 recording this morning.

17 MR. SULLIVAN: Thank you.

18 MR. FRANTZ: What we'll do is we'll go around the table and
19 everybody, individual will have a chance to ask any questions they
20 like and then typically we'll do a second round because some times
21 we'll have follow up questions, heard by, something they heard
22 somebody else asked in the first round of questions.

23 So, we'll, we usually go around twice to see what questions
24 people have. Before we get started, do you have any questions of
25 us --

1 MR. SULLIVAN: I don't.

2 MR. FRANTZ: -- or the process? No? Okay.

3 INTERVIEW OF PATRICK SULLIVAN

4 BY MR. FRANTZ:

5 Q. We start out by just having you state your name and spelling
6 for the record, please?

7 A. Patrick Sullivan, S-U-L-L-I-V-A-N, P-A-T-R-I-C-K. Thanks.

8 Q. And what is your current position, Patrick?

9 A. I'm the principal operations inspector for Corvus Airlines
10 and Peninsula Airways.

11 Q. Do you go by Patrick or do you prefer Pat?

12 A. Pat.

13 Q. Pat. Okay. So, how long have you been the POI for Peninsula
14 -- sorry, what was the title of the company?

15 A. Peninsula Airways.

16 Q. Peninsula Airways? Okay. How long have you been the POI for
17 that operation?

18 A. I believe it was June or July. I'm not sure of the exact
19 day. July maybe.

20 Q. Of this year?

21 A. Yeah.

22 Q. Who, do you know who the POI was before that?

23 A. Yeah.

24 Q. Who was the POI before that?

25 A. Chuck Fitzpatrick.

1 MR. FRANTZ: Oh, yeah. Thanks. Sathya just reminded me. I
2 always, I always miss something.

3 You are entitled to have a representative with you for the
4 interview. Someone of your choosing. And could you just name
5 them for the record, if you want to have a representative.

6 MR. SULLIVAN: Matthew.

7 MR. FRANTZ: Okay.

8 COURT REPORTER: Last name?

9 MR. SMITH: Smith.

10 MR. SULLIVAN: I have to look up the card here.

11 MR. FRANTZ: Okay. Thank you.

12 BY MR. FRANTZ:

13 Q. Before July, June or July 2019, what was your position at the
14 FAA?

15 A. Prior to that I was the principal operations inspector for
16 Corvus Airlines, and in addition, I was the aircrew program
17 manager for Corvus Airlines.

18 Q. And I understand that you are, you are currently the POI for
19 Corvus Airlines?

20 A. Yes.

21 Q. Are you also the aircrew program manager for Corvus?

22 A. Not anymore, no.

23 Q. Did you, did you drop that title when you took the Peninsula
24 POI position?

25 A. Actually, it was, it was taken by another inspector prior to

1 getting the Peninsula position. It wasn't do this and get this.

2 And it was, it just happened.

3 Q. Oh, a POI for Corvus and how long, when did you start that
4 position as POI for Corvus?

5 A. Three years ago.

6 Q. 2016?

7 A. Guessing three years ago.

8 Q. Okay. What'd you do before that?

9 A. Before that I was the POI for Tatonduk, Everts Air Cargo.

10 Q. And how -- Everts Air Cargo? Is that what, that's a
11 business? Is that the --

12 A. Everts Air Cargo. Tatonduk is the name of the certificate.

13 Q. Okay. And how long did you have that position?

14 A. I had it for a little over two years.

15 Q. Are you at the, is it the Denali --

16 A. Denali Certificate Management office.

17 Q. How long have you been there total at that office?

18 A. Seven years.

19 Q. And before that, were you somewhere else in Alaska, or were
20 you somewhere else?

21 A. Before that I was in the same building, five years in the
22 FSDO.

23 Q. Okay. Can you give us a quick sketch of your flying or
24 aviation background? Let's start with what certificates to you
25 have, pilot certificates do you hold?

1 A. Oh, airline transport pilot certificate, typed in the Dash
2 8s, 1900 and CASA 212, commercial privileges, single engine, land
3 and sea.

4 Q. Okay. About how many hours do you have?

5 A. 13,000.

6 Q. Okay.

7 A. Maybe not that much, somewhere in there.

8 Q. Are you, are you, you're not typed in the Saab 2000? Is that
9 correct?

10 A. No.

11 Q. Are there any plans --

12 A. No.

13 Q. -- for you to be typed in the Saab 2000? Okay. Okay. Can
14 you give me a run down of your duties and responsibilities as POI?

15 A. Yeah. As a principal operations inspector, I evaluate the
16 certificate holder's risk and set up the surveillance plan for,
17 from quarter to quarter as to what, on the operation side, as to
18 what we'd like to look at based on the risk that we've seen in the
19 previous quarters.

20 I also oversee the work from the aircrew program managers,
21 currently certificated as one. And set up the plan for our cabin
22 safety inspectors. I have two of those and the dispatch
23 inspector.

24 Q. So, how many people do you have working for you on the
25 certificate underneath you? Do have the, can you just give me the

1 list again real quick? Cabin, do you have the cabin safety
2 inspector?

3 A. I have a, I have a cabin safety inspector for each
4 certificate. The dispatch inspector is working both certificates.
5 And I have an aircrew program manager on each certificate.

6 Q. And who is the aircrew program manager for PenAir?

7 A. His name is John Posey.

8 Q. Okay.

9 A. Spelled like it sounds, I believe.

10 Q. Is it common at the Denali CMO for a POI to have more than
11 one certificate holder, more than one, is Corvus a 121?

12 A. Yes.

13 Q. It's a 121 holder?

14 A. Yes.

15 Q. It is common to have more than one 121 certificate under a
16 single POI?

17 A. No.

18 Q. It's not common? Okay.

19 A. I believe I'm the first. Well, my team, my team is the
20 first.

21 Q. Okay. Before Peninsula was added to your, or your
22 responsibility, you only had Corvus?

23 A. Yes.

24 Q. Okay. So, has your workload changed since you've had
25 Peninsula added to your portfolio?

1 A. Well, like I said, prior I was also the APM. That's a pretty
2 good workload.

3 Q. For Corvus?

4 A. That was dropped and for a few weeks I wasn't that busy and
5 then I got PenAir and the same.

6 Q. Okay. How do you, how do you determine the, did you call it
7 surveillance plan?

8 A. Yeah.

9 Q. How do you determine the surveillance plan for a particular
10 certificate you're responsible for?

11 A. Every quarter we go in, as a team, the principals and the
12 manager, and then any parts of the teams that want to be there.
13 They're not all, they aren't required to be there but a lot of
14 times they'll show up.

15 And we'll reevaluate the CHAT, the certificate holders risk
16 index and go through and just take a look at anything that, any
17 issues that were present at the previous quarter, any increase in
18 voluntary disclosures, any lack of voluntary disclosures, anything
19 that we might see, evaluate the CHAT.

20 And then use that to schedule what it is we're going to do
21 for our DCTs. If we have enough, if we have enough DCTs or data
22 collection tools, if we have enough of them on the, to go as is,
23 or if we need to create more. And then from the previous quarter,
24 any findings, any negative findings, we'll create custom DCTs,
25 when they're triple A'd and evaluated for the next quarter.

1 Q. Are you using the term CHAD?

2 A. CHAT.

3 Q. And what is that?

4 A. Certificate holders, don't know, the last two. It's spelled
5 out in SAS, but I never do read it. You just click on it.

6 Q. And what is it?

7 A. It's the risk index.

8 Q. Risk index. Okay. And data collection tool, what's an
9 example of a data collection tool?

10 A. A data collection tool would be, let's see, I have a data
11 collection tool on deicing. So, this data collection tool would
12 have number of questions.

13 Would it be the, was the certificate holder adequately
14 prepared for the deicing? Did they know the procedures? Did
15 they, was the, was the fluid tested prior to use? Was the log
16 adequately monitored? Stuff like that. It will go through and
17 answer those questions as they go. Ninety percent of the
18 questions aren't regulatory, so a lot of times, the findings
19 aren't regulatory, so they turn into a back and forth with the
20 operator on how we're going to fix these things.

21 Q. Okay. So, how many times since you've had responsibility for
22 PenAir have you developed the surveillance plan you're talking
23 about? You said you do that quarterly. So --

24 A. Done it once.

25 Q. Once. Do you recall what --

1 A. Well, I'm doing it the second time this quarter, so --

2 Q. Okay. What were some items on the plan or that you wanted to
3 make sure you included it under your surveillance the first time
4 you did it? Do you remember what a top -- I don't want to give a
5 number? What are some key items that you listed initially?

6 A. There were, there were no high-risk indicators for Peninsula
7 Airways when I took over. It was a normal routine surveillance,
8 the typical SV DCTs, which are standard for every quarter they're
9 evaluated, regardless of risk.

10 And custom DCTs they were all related to the upcoming rule
11 changes and training, extended envelop training. Nothing, no,
12 there was no high-risk indicators.

13 Q. And high-risk indicators come from the CHAT?

14 A. They come from the CHAT and they come from previous DCTs.

15 Q. Okay. And so, is it, is it every quarter then a new high-
16 risk indicator can come up or it could not but that's why it would
17 pop up if it in CHAT or something?

18 A. Reviewing a CHAT, the risks aren't necessarily high risks.
19 They're just, these things happen, and we'll look at them. Lack
20 of voluntary reporting may not be risk, but it's odd. We think
21 there should be more so we're going to look at that and see if
22 there really is nothing happening, if they're not reporting.

23 You see where I'm going with that? I mean just because we've
24 identified it as a risk, doesn't make it a high risk.

25 Q. Okay. So, PenAir has gone through some changes in the last

1 couple years through bankruptcy and acquisition and what seems
2 like a high turnover among the pilot group in acquisition by
3 another corporation.

4 Do any of those items, just on their face, indicate, would
5 pop up and cause something to be a high risk, cause something at
6 PenAir to require enhanced or additional surveillance?

7 A. Yeah. High turnover in crews is, has been something we've
8 been dealing with more than five years now. The high turnover in
9 management is something that we would, that we would check, and we
10 would do that through routine surveillance.

11 But that would have been identified as a risk. There had
12 been prior to me taking over, there had been a change in 119
13 management. And since taking over there's been a change in 119
14 management.

15 Q. And none of those items have led to enhanced surveillance?

16 A. Nothing enhanced, no.

17 Q. Is that a correct term to use, describing FAA surveillance of
18 carrier enhanced surveillance or additional or increased? Is
19 there some terminology that I'm missing?

20 A. Increased, I guess would be the word used. Enhanced, I mean
21 everything's enhanced.

22 Q. So, is it, there has, during your term has, as POI there's
23 been no increased surveillance? Is that correct?

24 A. Not prior.

25 Q. Let's say up to before the accident?

1 A. Before the accident there was, I'm not, if there was increase
2 it wouldn't have been a lot. I normally do more than others, so I
3 probably did increase it a little bit, but it wouldn't have been
4 on anything that I had seen.

5 Q. And what about since the accident?

6 A. It's been a big increase. Yes.

7 Q. What actions have you taken? Has the FAA and through you I
8 assume taken towards PenAir since the accident?

9 A. Immediately there's, PenAir and Corvus are going through a
10 merger. And we, they call it the SOCs, single operation
11 certificate. We postponed that. It's recently been reevaluated.
12 We'll do it on an as need base.

13 We postponed it to develop everyone's time, focused on the
14 continual operational safety of Peninsula Airways. Reevaluated
15 the CHAT, obviously, you know, put in some high-risk indicators,
16 opened up their RMP, which is a more focused look at the
17 certificate. Put in some mandatory en routes for the, for, I put
18 both of the APMs on PenAir for a couple of weeks to take a look at
19 them. And we've sent out a lot of letters. So --

20 Q. What letters have you sent out?

21 A. Investigation letters, you know, doing our own investigation
22 from a continual operational state from the safety standpoint.

23 Q. Anything for pilots specifically?

24 A. The en routes are what's specifically for the pilots.

25 Q. I mean the accident pilots. Within anything, any letters

1 going to the accident pilots?

2 A. Yes.

3 Q. What were they?

4 A. They're being investigation for possible enforcement
5 violations and they're getting their certificates evaluated in
6 accordance with the 44709 reexaminations.

7 Q. And so, what are the possible enforcement actions or
8 violations you're looking at?

9 A. Possible enforcement violations on the crews would be 91.9,
10 exceeding the limitations of the aircraft, and 91.13(a), reckless
11 operations of an aircraft.

12 Q. And what about for the airline itself? What's, what are they
13 investigated for?

14 A. They're in, they are right now in full cooperation with the
15 compliance action, and they're being looked into the compliance
16 action as it relates to company procedures, following company
17 procedures.

18 The training hadn't been, the procedures spelled out in the
19 training manual hadn't been, hadn't been followed. And they
20 related directly toward the accident. So, when the continued
21 operational safety standpoint for preventing this in the future,
22 we open up a compliance action and they are cooperating with it.

23 So, there'll be no enforcement at this time, as long as they
24 are cooperating.

25 Q. What are those procedures that weren't being followed?

1 A. For special airports, they had a procedure in there that I
2 honestly was not familiar with, but my APM was. But they needed,
3 you need to have 300 hours of PIC in the aircraft to fly to
4 special airports.

5 They had a provision in there where you could have as little
6 as 100 hours of PIC in the aircraft, if you had a recommendation
7 from a check airman and an approval letter, both letters or emails
8 from the chief pilot.

9 The GOM procedure specified that you could be training for
10 a special airport and get the approval from a check airman once
11 you are qualified, meaning, had the 300 or the 100. The accident
12 pilot did not have 100 hours when he was qualified, did not have a
13 letter of recommendation and did not have a letter of approval
14 from a chief pilot.

15 There were very good, it was, it's a good procedure, good
16 interfaces, so good controls. He was being flagged and it
17 happened anyway. So --

18 Q. So, he did not have 100 hours with the required --

19 A. At the time of the accident, he had 100 hours. When he was
20 qualified, he did not.

21 Q. And by was qualified, what do you mean by that? When --

22 A. When he went through the Dutch Harbor qualification training.

23 Q. So, did he go through the Dutch Harbor qualification
24 training?

25 A. He did.

1 Q. Before he had 100 hours --

2 A. Before he had 100 hours.

3 Q. -- in the air? Okay. And so, is that the issue that the,
4 you're, the FAA's look into?

5 A. There were three points to that procedure. None of them were
6 followed. And --

7 Q. Okay.

8 A. And that's, you know, that, several violations related to
9 that. But our main concern is to, is to get it fixed. They've,
10 they've fixed it. But what they haven't really fixed what we
11 consider a problem for not following the procedures.

12 And they're working through that. I mean we'll get through
13 this. They're fully compliant. They don't, they don't want this
14 to happen again either.

15 Q. So, what do you understand about the higher level, ownership,
16 management structure of, is it called Peninsula Aviation Services
17 now? Is that their, the parent company of PenAir?

18 A. I know them as Peninsula Airways, PNSA.

19 Q. Well, what, how do you understand their structure versus
20 Ravn's structure who's in the acquisition process?

21 A. Ravn is a corporation in name. And they own Ravn, the Ravn
22 Air Group owns a lot of certificates. I deal with Corvus Airlines
23 and Peninsula Airways. And I do deal with some Ravn Air Group
24 management, but I don't deal with the Ravn Air Group.

25 They have, they have a lot of certificates that I am not

1 party to and we steer clear of that.

2 Q. So, for Peninsula how, do you deal with Ravn, any Ravn
3 personnel when you deal with Peninsula?

4 A. Um-hum.

5 Q. Are they on --

6 A. Yeah. I'm sorry, yes.

7 Q. Are they on the certificate? Are there Ravn personnel that
8 are on the, listed on the Peninsula Aviation Services certificate?

9 A. No.

10 Q. No. So --

11 A. No. They would, the, that's not, that's not allowed.

12 Regulation requires that any 119 managers be full-time in that
13 position. We had dealt with that in years past. They put up a
14 good argument, but the regulation is, is what it is.

15 You can't be, you can't be a manager in the Ravn Air Group
16 and a chief pilot for Peninsula Airways or Corvus Airlines. You
17 have to be full-time in that position.

18 Q. You said, they put up a good argument.

19 A. They tried that in the past.

20 Q. Was there some attempt to have people hold positions in both
21 Ravn or other Ravn certificates and at the Peninsula --

22 A. No. Not --

23 Q. -- Aviation certificate?

24 A. -- PenAir. This was in years past. The PenAir, Corvus thing
25 happened six months ago, where they were trying to merge. I've

1 had Corvus for a long time.

2 And in the past, they had, and they made a good argument
3 where they, the Ravn Air Group had a, had a, had an individual
4 that was responsible for the Ravn Air Group's safety. And they
5 wanted to make him the director of safety for Corvus Airlines.

6 But he was, he was the director of safety for five
7 certificates. That is not regulatory complaint. You have to be
8 full-time, 119 on a 121 certificate. And they, there was never an
9 issue. It didn't happen.

10 They did what they were supposed to do.

11 Q. So, currently you, I thought you said you had some dealings
12 with Ravn personnel as you, in your involvement --

13 A. Not on, not on --

14 Q. -- with Peninsula?

15 A. Not on the 119s, but yes. The Ravn Air Group owns Peninsula,
16 owns Corvus. The DOs for both of them, they have bosses at Ravn.
17 So, I've dealt with their, with their bosses. Deke Abbott is one
18 of their bosses that I deal with on a regular basis.

19 Q. Okay. But it's against the rules, I guess FAA regulations to
20 have somebody fill a 119 position at two different carriers. Is
21 that, is that correct?

22 A. Yes.

23 Q. Okay. And that doesn't, hasn't, not happening now? And it
24 hasn't, they haven't attempted to do that during this merger
25 between Corvus and PenAir?

1 A. No.

2 Q. As far as you know?

3 A. The subject came up on the director of safety because as the
4 merger finishes, they're going to have one set. And the set is
5 the Corvus Airline set. There was a director of safety what was
6 going to leave that. He didn't.

7 But he was going to and they wanted to use one director of
8 safety. And he said, well, you know, he put in a good argument
9 and we'll send the memo to 200 and see if it flies. There was
10 some possible, they were thinking about it at 200.

11 It won't happen now, but it was, you know, when companies are
12 merging, they're more open to that.

13 Q. When was that happening, or that potentially, when did that
14 question come up? How long ago, if you know?

15 A. I'll need a second. Let's say, in August. August maybe?
16 September.

17 Q. Of this year?

18 A. Yeah.

19 Q. Okay. So, how is this merger, what problems or challenges
20 has it presented to your team, the certificate management team, or
21 PenAir.

22 A. Or PenAir?

23 MR. SMITH: And preface that, if there are challenges.

24 BY MR. FRANTZ:

25 Q. Are there any challenges presented to this certificate

1 management team, to you specifically since you have POI
2 responsibilities for the two airlines and, or two certificates,
3 and they are attempting to merge, are you, is there --

4 A. No abnormal challenges. I've never done a merger before.
5 So, we're kind of, we've got guidance from our, from AFS200 that's
6 pushing us through this. But there's no challenges. You know,
7 our focus is, was, had always remained on continued operational
8 safety and working through the merger.

9 Q. And just so I understand, the, when the merger was announced
10 or when it began, there was no heightened surveillance imposed on
11 either carrier --

12 A. No.

13 Q. -- because of the merger?

14 A. No. My feelings on that were that I had worked with Corvus.
15 Well, I had been their principal for three-plus years. Prior to
16 that I had worked with them as an APM, prior to being a principal.
17 I felt that Peninsula Airways would be, would be in a better
18 position with Corvus looking over their shoulder. So, I wasn't, I
19 didn't think it was a bad idea.

20 Q. So, prior to the acquisition of PenAir by, we'll call it
21 Ravn, I'm not sure that's correct, but --

22 A. Sure. That --

23 Q. -- prior to that acquisition was PenAir just a standalone
24 certificate that was managed by a single POI?

25 A. Yes.

1 Q. No connection or interaction or interface with anything to do
2 with Ravn --

3 A. No.

4 Q. -- prior to the, okay. How often do you do, you get out
5 yourself to do inspections at PenAir, en routes or just
6 inspections of the offices or ramp, facilities, manuals?

7 A. I usually get out six to ten times a quarter.

8 Q. How many, since you've been POI, how many en route
9 inspections have you done at PenAir?

10 A. I've done two.

11 Q. Have you been to Dutch Harbor with PenAir?

12 A. No.

13 Q. All right. Tell me --

14 A. Well, ten years ago I was at Dutch Harbor with PenAir doing a
15 check airman observation from the FSDO, so, I wouldn't count that.

16 Q. Okay. Have you done any check airman observations with
17 PenAir since you've been POI?

18 A. I have not. I have not. I'm not typed in 2000. I have an
19 air crew program manager that would be more qualified.

20 Q. So, do you know when Deke Abbott left the FAA?

21 A. I would be guessing, so no.

22 Q. Did you ever work with Deke Abbott at the FAA?

23 A. Marginally yes. Very marginally. As the principal for the
24 Tatonduk, Evert Air Cargo, they were reporting on a 727 to do
25 parabolic operations. Deke was somewhere in regional management

1 and headed off complaints from the operator that things weren't
2 moving fast enough, so minimally, you know, I couldn't say I
3 didn't work with Deke, because we talked. But very minimal.

4 Q. Was he ever your boss?

5 A. No.

6 Q. When's the last time you talked to him?

7 A. A week, two weeks ago.

8 Q. How regularly since you become POI, how regularly do you have
9 conversations or interfaces with Deke Abbott?

10 A. A couple times a month.

11 Q. Are those initiated by him or you primarily or --

12 A. Usually me.

13 Q. Usually you? What's his role as you understand it and why
14 would, why do you feel the need to talk to him for PenAir or
15 issues if he's not PenAir?

16 A. It's more Corvus. He comes to the Corvus 119 meetings. He's
17 more in line with Corvus right now and as, and as PenAir becomes
18 in line with it, he'll be more in line with them. But I don't
19 talk with Deke as it relates too often with Peninsula Airways.

20 We had a, we had an issue with some engine problems in the,
21 in the Saab 2000 and, or it was a lot of, Deke was kind of the
22 center point for PenAir on that issue. So, we communicated with
23 him a lot on that.

24 When I'm over talking Aaron, Deke's always around and I talk
25 to him, too.

1 MR. FRANTZ: Okay. Okay. Thanks, Pat. I'm going to take a
2 break and pass it to some other folks. Sathya?

3 DR. SILVA: Okay.

4 BY DR. SILVA:

5 Q. So, continuing along those lines, you mentioned a couple of
6 examples where you would interact with Deke. If, are there, are
7 there any other examples where you would interface with Deke
8 Abbott?

9 A. No. No. He's part of their corporate team over there, and
10 he is Aaron's boss, the director of operations. So, I end up
11 talking, you know, he's in, he's in the conversation. He's not,
12 he doesn't sign letters because the procedures are clear, and
13 letters come from 119 managers.

14 But he's telling the person that's writing them what to say,
15 so I mean it's behooves me to be in communication with him.

16 Q. In your experience is that normal to have that level of
17 interaction --

18 A. Yeah.

19 Q. -- with the DO's supervisor?

20 A. Yeah. Yeah, I haven't -- you know, Evert's Air Cargo, Rob
21 Evert owns the place and he's in the same building, and you
22 have -- they own, you know, the owner of the company has a say.

23 Q. Um-hum. So, you mentioned management at Ravn that you
24 interface with. Who else outside of Deke at Ravn do you interface
25 with?

1 A. Over the years there's been a number of them. I can't
2 remember their names, you know, these, the Ravn Air Group managers
3 come and go. And they're never on ops specs so, there's been a
4 few.

5 Deke's the one that's there now, so he's the one I know. If
6 I could go back in the notes, I could probably remember two or
7 three others, but --

8 Q. So, currently it's really just Deke that you're engaging
9 with?

10 A. It is just Deke. He is the, his position at the Ravn Air
11 Group makes him the super, makes him the over the director of
12 operations and chief pilot at Corvus and as the merger continues,
13 PenAir.

14 Q. Okay.

15 A. And well, probably PenAir now, but I don't, you know, I don't
16 get into that.

17 Q. Um-hum. So, in terms of holding the 119 position for a
18 certificate and being in management at Ravn, what positions at
19 Ravn would preclude someone from being 119 for a, for a
20 certificate?

21 A. Any position that we decided was working for another
22 certificate. You know, it would be impossible to say that Aaron
23 and Sarah don't work for Ravn. It's on their checks. But if we
24 decide that they are, well to be frank, if we decided they have
25 too much interaction with Hageland, then there's a problem.

1 Q. Okay.

2 A. Because Hageland is the all consuming one that we don't want
3 them part of.

4 Q. So, that's chief pilot --

5 A. Director of operations, director of safety and director of
6 maintenance.

7 Q. You mentioned that you get, you got guidance from AFS200 on
8 the merger. What kind of guidance was that?

9 A. Helping us with along with how it's done. You know, mergers
10 are pretty rare, so it's not, you know, you know, no CMTs are
11 ready for it. AFS200 goes through them, you know, wherever
12 there's a merger, so they'll have more experience at it.

13 As you go through the merger, a lot of things that the
14 operators are wanting, requesting with the tip letters, with their
15 requests have to get 200 approval. So, we're constantly working
16 with 200.

17 You know, I'm going to, I need to get a hold Chuck now at 200
18 to talk to, discuss an issue.

19 Q. That was actually my next question, is who you're working
20 with at 200?

21 A. Chuck, I forget his last name.

22 Q. Okay.

23 A. It's in my phone as Chuck.

24 Q. Okay. Anyone else or is he the point guy?

25 A. He's the ops guy.

1 Q. Okay. Is any of this guidance written guidance or is it kind
2 of, like a mentorship situation or what does that look like?

3 A. For mergers?

4 Q. Yeah.

5 A. Some of it's, it's mostly, it's a lot written. It's written
6 but, you know, every merger's different, but yeah, the guidance is
7 written. You know, there are steps that they have to take in the
8 guidance for developing a plan and how it's all going to go down.

9 There's been some changes in their plans, so we'll have to
10 resubmit a new one. And there's an ops spec that allows them to
11 do a merger, and they've, 200 approves that ops, well, concurs
12 with our approval of that ops spec.

13 Q. How often are you, are you interfacing with 200?

14 A. Probably weekly. Well, it hasn't been much. It's been less
15 than that lately because the merger's been on hold.

16 Q. Okay. But when it was active?

17 A. Weekly.

18 Q. You mentioned that you had done two observations for
19 Peninsula.

20 A. I'm sorry, what's that?

21 Q. Was it, have you done, you mentioned you had done two
22 observations for --

23 A. Two en routes.

24 Q. Two en route observations for PenAir. Do you recall those
25 flights?

1 A. Yes.

2 Q. Can you describe them?

3 A. Departed Anchorage for Cold Bay. And then off of Cold Bay
4 they went over to Sand Point. Then off of Sand Point they went
5 back to Anchorage. Pretty uneventful. Pretty uneventful. I had
6 an issue with some stabilized approach procedures.

7 Getting to know the operator, I questioned him on it. They
8 responded. I wrote it down. I went back and reviewed the
9 procedures. They weren't wrong, but I didn't really like it. So,
10 it was something I was working.

11 So, there was, there were no, you know, when new people come
12 in, you have new, you know, everybody sees things a little
13 different. So, it was an item of interest for me.

14 Q. Can you describe what the concerns were with the stabilizer
15 approach procedures?

16 A. They weren't stable below 500. And they didn't go missed.
17 And as I reviewed their GOM procedures, they didn't have to. And
18 that was, I thought that was an issue.

19 Q. Was there a specific part about this?

20 A. They were a little high. Corvus is real finicky on their,
21 our stabilizer approach procedures. It's something that they've
22 worked hard on for that last two years. I put in a focal program
23 to enforce it.

24 And I had, I had, I had been working with an extremely
25 stingy, this is the way we're going to do every single thing

1 operator. And coming into PenAir, which wasn't quite that way,
2 but the crew wasn't doing anything that they weren't allowed to do
3 in their manual.

4 So, they just weren't doing it the way that I had been seeing
5 it done for three years. So, something that we were going to look
6 at. I would stop short of saying that was a high risk, but it
7 was, it wasn't, it wasn't what I was used to seeing, and I, we
8 were going to take a look at it.

9 Q. Did you take a look at it?

10 A. Um-hum.

11 Q. What was the result on it?

12 A. The results were that they did have, they had some spelled-
13 out procedures in the flight manual. The interfaces weren't very
14 good. The crew's knowledge of the, of it wasn't that good because
15 they weren't aware of the interfaces.

16 And the results of it was that I wanted it changed and it was
17 going to get changed. I think it's changed now in the manuals
18 that they're trying to get me approved, that we're not looking at
19 it right now.

20 And the single operation certificate, that process is a, is a
21 four-step process of submitting all their manuals, many of them
22 multiple times for approval and acceptance. And they were going
23 to get more, it was more of an interface issue, as we, as we
24 researched it and the interfaces were going to get further into
25 the FOTM and the GOM.

1 Q. Can you explain what you mean by interface?

2 A. Interfaces was where a, a 121 operator has a large manual
3 set. And they may have a good procedure in one manual. In
4 another manual, it doesn't say the same thing. Maybe it doesn't
5 contradict it, but it doesn't say the same thing, and where
6 another manual might somewhat contradict it.

7 And that is lack of interfaces. They don't have a way to set
8 up to where the manuals are talking to each other. And it's, it's
9 a big problem. In the days of all paper, it was a huge problem.
10 But with computers and the way we're doing things now, and the way
11 that we look at it now, because we look for that in each manual.
12 It's becoming less and less of a problem.

13 Q. So, it sounds like they made some changes. Why did you say
14 that you're not looking at the manuals anymore, or right now?

15 A. Well, your, postponed the merger until we get a firm, until
16 we decide where they're at in their continual operational safety.

17 Q. So, those are manuals that would support the, those are
18 manual changes that support the merger --

19 A. Yes.

20 Q. -- as opposed to the individual certificate?

21 A. Every new manual now supports the merger.

22 Q. Okay. So, they changed in their new manual. They're not
23 updating their --

24 A. As they're merging, the manuals are looking more and more
25 like each other.

1 Q. Yeah.

2 A. And that, and they're doing the multiple steps to get it
3 closer each time. That's part of the merger process.

4 Q. So, are you looking at any policy or manual changes for
5 Peninsula?

6 A. Um-hum. Yeah. They're doing what they call, Peninsula calls
7 them, Corvus called them bulletins. Peninsula calls them off
8 cycle revisions. The same difference. They're doing off cycle
9 revisions for changes that we'd like to see, you know, you know,
10 that we need to get done right away, even though we're not looking
11 at the SOC.

12 Q. Okay. So, you're looking at the ones that you, you've
13 essentially tagged for them. Am I understanding it right?

14 A. Some. Some. Portable electronic devices that used to be a
15 requirement to have them turned off prior to take off and landing,
16 and during SOC it disappeared, and our cabin safety inspector
17 didn't like it.

18 She didn't know why they needed to do it, but she knew they
19 needed to do it. We did some research, found out why they needed
20 to do it. I sent that, I sent them over the research that we had
21 done and said, you know, this is a problem.

22 They put out immediate off cycle revision to reinstitute a
23 procedure that was there and had disappeared. That's something
24 you've got to watch in these, in the merger, procedures that were
25 put in because of an issue, as it mergers with another manual,

1 might disappear. And you've got to watch for that.

2 Q. Okay. So, what makes that kind of revision different from
3 updates to the stabilized approach criteria?

4 A. That's more of an interface issue. And it's more of a
5 multiple manual thing. It, personal electronic devices is
6 regulatory, kind of a MON, especially if they haven't done the
7 adequate testing.

8 Now if you've done all the testing and stuff, then there's a
9 rule where you can have them on, in airplane mode or something,
10 but if you haven't done those tests, then it's a regulatory
11 problem.

12 And we can't let that slide at any point in time. The
13 stabilized approach issue is more of an interface between the
14 manuals and it'll get done.

15 Q. So, what are pilots flying at PenAir now in terms of
16 stabilized approach?

17 A. They're flying the same as Corvus. We just want to tighten
18 up what you do when it doesn't, when it's not, becomes unstable.

19 Q. Okay. So, the procedures for --

20 A. Basically at 500 feet it has to be stable.

21 Q. Okay. So, they've changed it operationally but not in the
22 manuals? Or they've tried to change the manuals. They haven't
23 gotten it through yet?

24 A. There was no change. They were always, they always had, I
25 would, I would call it more of a policy. This is what we want.

1 So, okay, well how you going to get there? Well, they have, in my
2 opinion, they didn't have real good description of how they're
3 going to get there.

4 And if you don't know how you're going to get there, what are
5 you going to do if you don't get there? And that was the
6 interfaces that I wanted to see in the GOM and the training
7 program.

8 Q. Can you give me an example?

9 A. Example is, example is if you work for PenAir, you're going
10 to do this. Awesome. How are you going to do it? Well, I don't
11 know. Just do it. Well, if you don't know how you're going to do
12 it, how are you going to do it? I want a procedure. Okay.

13 If you're going to get PenAir, you're going to, you're going
14 to, at 500 feet, you're going to be at a steady 500 foot per
15 minute descent, at a power setting between this range with an
16 airspeed in this range.

17 And if you exceed these limits, you're going to do this.
18 That's a procedure. And they actually had that in the flight
19 manual, but they didn't have the good interfaces. And as I
20 questioned the crews, they didn't, you know, without the
21 interfaces you'll find that not everybody knows it, because they
22 don't, you know, they didn't read that piece.

23 The more interfaces, the more manuals, the more, the more
24 knowledge.

25 Q. Okay. So, in that case, would you have expected a missed

1 approach or a go around that you observed?

2 A. It wasn't, it wasn't crazy, but I, it was out of limits and I
3 would have thought that they would have done a go around, and they
4 didn't. And after questioning them, and reading, they didn't
5 really need to.

6 Q. What do you mean they didn't need to?

7 A. Well, the GOM, even the flight manual, you know, it talks
8 about doing a missed, but it doesn't really say, this is where
9 you're going to do it. It didn't have it nailed down to exact
10 parameters that I would like to see.

11 Q. But you said they, those were stated elsewhere?

12 A. Yeah, and the flight manual had more of a, it had a more of,
13 you know, if approach becomes unstable, you'll go missed. Okay.
14 Well, but again, I'd like to see a little more detailed, when
15 would you decide that?

16 When is it unstable? One knots, two knots, three knots, ten
17 knots, 20, when?

18 Q. So, they were missing the criteria? Defining it?

19 A. Missing procedures that I like.

20 Q. Okay. So, that, was that the description for Cold Bay, Sand
21 Point and back to Anchorage, is that one en route, or was that,
22 would you count that as two en route?

23 A. That's two. Two flights. Probably three. I think the
24 middle one was another one, too. But I only used two dash-13s to
25 en route forms. My APMS do most of that, especially on the Saab

1 2000. I'm very new in that airplane and I don't know much about
2 it.

3 Q. So, you mentioned Posey was one of your APMs. Do you have
4 others?

5 A. Corvus has an aircrew program manager now.

6 Q. Who is that?

7 A. I'm no longer that, so his name is Ted Cruz.

8 Q. Does Ted have a 2000 --

9 A. No.

10 Q. -- experience? Okay. So, he doesn't?

11 A. He is the aircrew program manager for Corvus, and they're
12 dash 8s.

13 Q. So, is John Posey the only who would be qualified to do Saab
14 2000 surveillance in that sense?

15 A. He's the only one type, he's the only, he's our best resource
16 for the Saab 2000.

17 Q. Okay. How often does he get up here?

18 A. He gets up here every couple of weeks.

19 Q. Where is he based?

20 A. He lives in Florida. And PenAir does their SIM training down
21 there, so he's, it's not unreasonable.

22 Q. Going back to the accident captain, when you were describing
23 his qualifications, airport qualifications, you mentioned that he
24 was flagged but the procedures weren't completed. What did you
25 mean by that?

1 A. I wish I had my cabin safety person who's been on PenAir for
2 a long time. But they have a system of dispatch, and I forget
3 what it's called. But because he didn't have 300 hours, he was
4 flagged.

5 And since there is a procedure for being, doing there without
6 300 hours, the procedure would be for the, for the dispatcher to
7 contact someone. I'm not sure who she would contact now. We've
8 been having trouble getting interviews with everybody.

9 But I understand that is happening today. So, the dispatcher
10 would have a procedure where she would contact somebody and say,
11 this person's flagged. I would think it's the chief pilot. But I
12 don't know.

13 I'll find out. I think I'll find it out today. I was going
14 to interview them today. So, at that point, that person would
15 have to clear them. And allow them to continue. So, that's a
16 control to ensure that something happens.

17 Q. Okay. And you mentioned that you issued letters of
18 investigation for the crew for exceeding limits of aircraft and
19 careless and reckless. What are the concerns that led you to
20 issue those letters?

21 A. The aircraft limitations in the aircraft flight manuals limit
22 the aircraft to a 50-knot tailwind. And the airport analysis
23 chart for that runway in Dutch Harbor limited it to a five-knot
24 tailwind. And they landed with a 24-knot tailwind. And they were
25 --

1 MR. SMITH: I'm sorry to interrupt. Your question you asked
2 what the concerns were that prompted it? But I just want to make
3 sure that it's clarified that if it was concerns that prompted it
4 or if it was any sort of a deviation from guidelines or
5 regulations, if that makes a difference.

6 MR. SULLIVAN: Concerns, so what was your question? Concerns
7 with setting the level of investigation. Our job at the FAA is to
8 enforce regulatory compliance and when there are regulator
9 deviation, our policy immediately goes to compliance action.

10 And if compliance action is not an option, then we go to
11 enforcement action. We followed our, you know, guidance and for
12 the crews it led to enforcement action. We have regulatory
13 noncompliance.

14 BY DR. SILVA:

15 Q. So, when you said compliance action, kind of there in the
16 middle, why? Can you walk me through that process? What, why
17 would, was this not applicable for a compliance action?

18 A. Well, they wouldn't talk to us.

19 Q. Okay.

20 A. And we believed it was intentional, but they wouldn't talk to
21 us, so I'm going to, we're writing a case that it was intentional.
22 But they wouldn't talk to us. You can't, you can't voluntarily
23 work together on, and solve a problem if you won't talk to us.

24 I'm not sure that they could have anyway, because if it was
25 intentional, then they're best bet is to not talk to us.

1 Q. What circumstances make you think that this is intentional?

2 A. They, we got a statement from the, from the weather lady
3 there in Dutch Harbor that she gave them a wind check on final and
4 they acknowledge it and landed.

5 Q. You mentioned airport analysis having a limit for five knots.
6 What is the, what is this airport analysis?

7 A. Every airport, well every 121 operator, when they operate off
8 of an, off of an airport, they have to have runway analysis for
9 every airport. And I say, there are exceptions to that, because
10 we've allowed them to operate at airports that don't have a runway
11 analysis, but they have to have a procedure.

12 How are you going to deal? You know, what are your departure
13 procedures? What are your landing procedures? Much more detailed
14 and those are rare charters to, you know, a mine somewhere and
15 it's, you know, you've got to really put a lot of detail into it.

16 So, not talking about that because it's very rare. A runway,
17 every airport has to have a runway analysis chart. So, when a
18 crew from, if a crew is taking off out of Anchorage and they want
19 to depart 16 at taxiway Echo, they need to have performance data
20 to verify that they can do that.

21 So, they'll look up runway 7, departing at Echo or whatever,
22 and what do they need, and if they can do it, what are the, you
23 know, what are their second stage climb requirements, all that
24 stuff is in the runway analysis chart.

25 And if they, if their weight doesn't allow them to do it,

1 then they can't. The runway analysis will, chart will say, you
2 know, you can't do it.

3 Q. And you mentioned that Dutch Harbor had a that for five knot
4 tail wind.

5 A. On that runway.

6 Q. Is that something that's, that's written out as a, as a limit
7 or --

8 A. The runway analysis chart would be part of the aircraft
9 limitations.

10 Q. So, the chart itself, how is that depicted on the chart? How
11 is that limitation depicted on the chart?

12 A. It's a numbers thing. You look on there. You want to depart
13 this and if it's not an option, it'll be blank. And for the,
14 anything above five knots, it was blank.

15 It wasn't an option. And if you had a weight limit, which
16 it's pretty hard for us to prove what they're landing weight was.
17 It's possible that it was zero knots tail wind, but, you know, how
18 much fuel did you burn?

19 It'd be impossible for us to prove how much it weighed when
20 they touched down. But the maximum that they could have had
21 allowable is five knots.

22 Q. Okay. In order to have a solution.

23 A. Um-hum.

24 Q. You mentioned that there were higher risk indicators since
25 the accident. What were those?

1 A. Management, procedures weren't followed. We have a letter
2 from the chief pilot, and I believe she was clearing that person
3 to fly. That was a problem. We need to look into that. We
4 wanted to look into the whole, the check airmen staff.

5 How did this person get trained? Did they, did they not know
6 the procedure either? I had a lot of questions that I didn't, you
7 know, when I jump into an operator, you know, everything's been
8 fine. The surveillance looks fine.

9 I have everything to believe things are fine. When you have
10 a fatal accident, I no longer have any reason to believe that
11 everything's fine. So, we're evaluating everything. We're taking
12 another look at everything. Not taking anything for granted.

13 You know, I want to know, you know, what you're, you know,
14 your name is on this form, why did you train this person who
15 shouldn't have been trained yet? Well, this is, this is how
16 things work here in this company. Okay.

17 Well, we need to fix that. Yeah, a fatal accident on 121, we
18 look at everything.

19 Q. So, would you say you're focusing on the airport
20 qualification and training?

21 A. It's a big part of it.

22 Q. What other aspects are you looking at?

23 A. We're looking at the management works procedures. How much
24 control an individual has at that company? Where are the
25 stopgaps? why, there were good procedures, good interfaces, good

1 controls, how did this happen?

2 And that's, you know, we're seeing more now. They're,
3 they're really addressing it. You know, this has caught them,
4 too. They didn't want this to happen. So, they are working with
5 us to address all of our concerns, to make them more, put in some
6 stopgaps here.

7 Some people that aren't so focused on. You know, manager can
8 get real focused, anyone one person can get focused on their task
9 and lose site of some peripheral things that are important. And
10 that's why you need the stopgaps. You need, you need more
11 interfaces, more actions.

12 Q. To your knowledge, was there any discussion to change the
13 airport qualifications before the accident?

14 A. No. No. No.

15 Q. What's your understanding of Ravn management's input into the
16 Peninsula operation?

17 A. I don't believe they have that much. Yeah.

18 Q. Do you know what the airport qualification for Dutch Harbor
19 is for the Corvus certificate?

20 A. Yes.

21 Q. Can you explain that?

22 A. It's similar to PenAir. There are no hour requirements.
23 You've got to have, it's a huge list and no I don't have it
24 memorized. But there are, for me to start reading it out, I mean
25 we just, I just approved it for them not too long ago.

1 Prior to that, they didn't do scheduled operations into Dutch
2 Harbor. So, we, they did charter operations. So, they've always
3 had the approaches and they've always had the required training
4 that comes with those special approaches.

5 But they're new procedures, fairly detailed and in depth and
6 I couldn't just give it to you offhand. If you, if you'd like, I
7 could email it to you if you want to see it.

8 Q. Okay. I'll see it later.

9 A. But I don't --

10 Q. That's not a big deal. So, Corvus just got approved for
11 flight into Dutch Harbor. What about their other special airport
12 qualifications, if any?

13 A. They vary from airport to airport. And it will depend on
14 like, let me give you an idea of what a special airport is. Any
15 airport that is not published is a special airport. Whether that
16 special airport requires special training is another issue.

17 Valdez requires special training and there's a whole set of
18 training requirements for Valdez. And there's a procedure for how
19 you're going to handle Valdez. The approaches up on the north
20 slope that belong to oil companies, they're all special
21 approaches, but they're not special and they don't require special
22 training.

23 Q. From your understanding, does Corvus have any airports that
24 do require an hourly minimum in seat?

25 A. Dutch I believe is, again, I'm trying, you know, going off

1 memory of this. Dutch is 500. Valdez, I believe is 100, but
2 don't --

3 Q. It's okay.

4 A. -- you know, I don't, I don't do, you know, we write it down
5 because we don't do memory.

6 Q. Best of your recollection is fine. So, from your
7 understanding that number, is that the point where you can get
8 qualified, like start that training to get qualified or is that
9 the number that you have to, you can get qualified before that but
10 you have to meet those hourly requirements?

11 A. That's the number you have to do before you get qualified.
12 Corvus has, it's different for Corvus because they're, you know,
13 you have to have time in the aircraft before you can even go to
14 the, to the left seat.

15 You would never been in the left seat with 100 hours in the
16 plane. That's an issue they don't have to deal with because it
17 can't happen.

18 Q. Okay. So, those hourly minimums, are they seat specific,
19 aircraft specific or are they only aircraft specific?

20 A. They'll be seat and aircraft.

21 Q. Okay. What manual is, are the air, is the airport
22 requirement, special airport qualification form, what manual is
23 that in?

24 A. That will be in the GOM. And it would also be in the flight
25 standards manual.

1 Q. Okay. Are those approved manuals or accepted manuals?

2 A. The GOM is an accepted manual. The flight standards manual
3 is an approved manual.

4 Q. So, for an airport qualification, you would expect to review
5 that and approve it?

6 A. Yeah. And it's going to be in the training program. Most
7 of, any of the training involved in the airport qualifications
8 will be in the training manual, which is an approved manual.

9 Q. Okay.

10 A. The flight standards manual is the, is the Corvus equivalent
11 of a company flight manual.

12 Q. Okay. And you mentioned, Marvin was asking about levels of
13 surveillance changing with the merger. And you mentioned that
14 you, personally increased your surveillance for no, not because it
15 was required, just, you said it was an individual --

16 A. I do a lot of custom stuff.

17 Q. And you said that, but none of that increased surveillance
18 was, it was not on anything that you had seen. I'm curious what
19 that meant. What did it mean?

20 A. Well, I had seen, as I review SAS finding, as I said, will be
21 brought out into a triple A and they will be tracked in the AITT.
22 There were no AITT issues, open issues. The AITTs that were open,
23 I spoke with Chuck about.

24 And he closed them or he, you know, we talked about it to get
25 them closed. There were no, there were no hot topics being

1 worked.

2 Q. Okay. Had, how long was that transition from when Chuck lost
3 the certificate for you assuming a certificate, in terms of, did
4 you do a handoff? Was there any kind of overlap?

5 A. I received a letter of assignment. He was off. I was on.

6 Q. And did you, did you do any type of transition in terms of --

7 A. We have to, yeah.

8 Q. What does that sound like?

9 A. I sat and visited with Chuck for a long time about what his
10 thoughts were for the company. And they were very good. He had
11 no issues, thought things were going pretty good. And then
12 reviewing, once I get, you know, it was assigned to SAS, anything
13 that was on his plate is now on mine.

14 So, it shows up and I, hey, we've got open items here. What
15 is this? What is this? And he would describe it to me and catch
16 up in that way.

17 Q. So, before the actual switch, or actually I forgot, it
18 doesn't need, doesn't matter. The, when you said you sat and
19 talked with him for a long long time, is like a day process? Is
20 that a week? What's the order of that mean to you?

21 A. Take as long as you want. I just spent three or four hours
22 one evening. When I got the assignment, we were actually both at
23 a POI conference in Dallas and we were at the same hotel, and we
24 visited for every night for about three nights about it.

25 Q. Okay. Do you feel that, that was an effective transition?

1 Did you feel prepared?

2 A. Yeah.

3 Q. So, you got a change, you got Peninsula added. Was there any
4 other CMT changes around the same time for Peninsula?

5 A. Yeah, my whole team. The Corvus CMT, well, the director of
6 maintenance and the principal operations inspector got both Corvus
7 and PenAir at the same time. And then later on, our avionics
8 person also received both certificates.

9 Q. Okay. Do you know when that happened?

10 A. Which one?

11 Q. The, you said, avionics was later.

12 A. Yeah. It was probably a month or two later.

13 Q. Okay. Do you have insight into the safety culture at PenAir?

14 A. Insight like?

15 Q. Can you get a sense of what the safety culture is like within
16 the operations?

17 A. Well, in the meetings, you know, people's attitudes towards
18 the FAA or whatnot, I mean that would be the indicators I get.
19 Indicators that we do actual risk-based surveillance on, will come
20 through DCTs.

21 You know, if an, if an inspector felt that they're were, that
22 someone had, you know, a lack of whatever, it would be identified.
23 I don't, we don't do, I don't, I don't do surveillance off rumors
24 and innuendos.

25 We document our findings. We document our surveillance. And

1 if an issue is discovered in a DCT that would lead to safety
2 culture, it will be worked and tracked accordingly.

3 Q. But when you say you don't work with rumors or innuendos,
4 what --

5 A. If somebody says, hey, this person was mean to me. Okay.
6 Well, let's put that in DCT. That stuff can be silly sometimes.

7 Q. When you say, put that into a DCT, what does that mean?

8 A. It means log it. You know, log it into our surveillance
9 system. At DCT is a data collection tool. What were you doing
10 when they were being mean to you? I mean if this was at the bar
11 last night, I don't want to hear about it.

12 What were you doing? Where you doing an en route inspection?
13 What were you doing? Let's this log in and let's log in the
14 interaction into the DCT, put it in as a finding and I'll send a
15 letter.

16 Q. So, it's interface of FAA personnel with the company?

17 A. That would be how we would track a safety culture, yes.

18 Q. Okay.

19 A. Or safety culture can also be tracked with voluntary
20 disclosures. A lot of voluntary disclosures indicates a good
21 attitude. We know things are happening. They do. And if a
22 company's very open with their disclosure process, that means that
23 there is a good attitude with the FAA.

24 There's a good working relationship. The company that never
25 has any issues is lying to us.

1 Q. Um-hum. Was your sense in terms of all their disclosures
2 with PenAir?

3 A. I think it's adequate. It's adequate.

4 Q. What about for Corvus?

5 A. It's very good.

6 Q. So, given your interaction with both of those two companies,
7 what's your impression of the safety culture?

8 A. I haven't got a good grip on it. I don't know PenAir. I've
9 never, my history in flying and in aviation, I know Hageland
10 really well. I know Corvus very well. I've worked with Corvus
11 for seven years as an APM.

12 And then I was gone for a while with Tatonduk, but I've been
13 with Corvus a lot. I don't know PenAir at all. And so, I know
14 Corvus very well. I don't know PenAir very much at all.

15 Q. So, your impression of Corvus' safety culture?

16 A. It's very good. Very good. And they, they want to have a
17 good safety culture. And they put the tools in place to have a
18 good safety culture.

19 Q. Have you noticed any changes in the safety culture in Corvus
20 from when you started at POI to now?

21 A. When I started as an APM, it wasn't very good. But that was
22 seven years ago. When I came back as the POI and APM, it had, it
23 was pretty good. It was pretty good. They had meetings. They
24 had meetings where the FAA is invited.

25 The FAA is never not invited to any meetings that they have.

1 It's pretty good.

2 DR. SILVA: Okay. I'm going to stop here.

3 MR. FRANTZ: Okay. Thanks, Sathya. Dajuan?

4 DR. SEVILLIAN: Thanks.

5 BY DR. SEVILLIAN:

6 Q. So, we've been using some terms, controls process,
7 procedures, interfaces, and the first thing I think about is the
8 FAA's air transportation oversight system, where we look into
9 safety attributes, inspections and element performance
10 inspections. Were you -- when you were doing work for PenAir, did
11 you, were you involved with the development of the, you know,
12 PenAir's SAIs or EPIs, by any chance?

13 A. ATOS.

14 Q. Yeah, there you go.

15 A. So we do SAS now. Same difference.

16 Q. Okay.

17 A. But yes, I developed those. We call those data collection
18 tools. Some of them are designed data collection tools. And some
19 of them are performance data collection tools. Same kind of
20 thing. Same difference.

21 Q. So, did you work with members of management at PenAir on how
22 that should be developed?

23 A. No.

24 Q. Okay.

25 A. No. The operator doesn't dictate our surveillance.

1 Q. Okay. So, is there, when you were going through the process
2 of, you know, at the, development of the tools and DCTs, was there
3 anything that stuck, you know, that stuck out as far as flight
4 operation issues at that time?

5 A. Prior, no. There was not. We had no, had no indicators.
6 No. There was not.

7 Q. What about Corvus? Is Corvus going through something similar
8 with you're working with them, with their DCTs?

9 A. Yeah. Yeah. It's the same thing. The old, you know, we
10 spoke, you spoke of ATOS. It's, it's a similar thing. You have
11 mandatory inspections, the SP DCTs. And they are mandatory
12 inspections and they are not many of those.

13 And of those SP DCTs are more of a high-level look, and if
14 you see something, that's when you drill down on it with the, with
15 the custom DCTs. And there's always a lot more customs than there
16 are the mandatory SPs.

17 And just because you saw something, doesn't mean that there's
18 a high risk. You just saw something, and you want to take a
19 better look at it. Or maybe, in Corvus', you know, Corvus right
20 now has mandatory inspections for the electronic flight bags.

21 The flight attendants, that's something that they're
22 implementing now. And so that is mandatory on every quarter. We
23 look at that at least twice. There are no issues. If there were
24 issues, I would take that away. And you can't do it.

25 There aren't any issues. But we're going to look at it

1 because it's a, we want to make sure there are no issues. So,
2 that's how we set up our surveillance plan on risks that were
3 identified, or possible risk based on current certification
4 requests or requirements.

5 DR. SEVILLIAN: Okay. All right. That's all I had. Thanks.

6 MR. SULLIVAN: Okay.

7 MR. FRANTZ: Okay. Next one. Brandon?

8 MR. WILSON: I don't have any questions for Pat.

9 MR. FRANTZ: No? Okay. Dave?

10 MR. KEENAN: I don't have any questions either.

11 MR. FRANTZ: Okay.

12 MR. SMITH: How are you doing? We've been going for about an
13 hour. Do you need a break?

14 MR. SULLIVAN: No.

15 DR. SILVA: Do you need a break?

16 MR. SMITH: No. I just --

17 MR. FRANTZ: Does anybody need a break? No. Okay.

18 MR. SMITH: If they need a break, it's good to not let them
19 go, because they'll just go faster.

20 MR. FRANTZ: We're going to do another quick, second round,
21 Pat, hopefully quick.

22 BY MR. FRANTZ:

23 Q. Who's your boss now?

24 A. Who's my boss? I work for the government. I've got a lot of
25 bosses.

1 Q. Who's your direct boss?

2 A. Ty Bartauskyy. My dispatch inspector thinks she's the boss,
3 too, so.

4 Q. You used the term, flag, and I'm not sure I understood that.
5 You said that the accident pilot --

6 A. Every time you went to a special airport, and maybe Brandon
7 can tell you what this system is, but there's a system to
8 dispatch.

9 Q. Right.

10 A. And every time you go to a special airport, you pop up red.
11 And I saw it. After the fact I saw it. And I asked my dispatch
12 inspector and my cabin safety inspector, both who had been on the
13 certificate for quite some time, what it was, and they explained
14 it to me that, you know, you hoover over it, you didn't have 300
15 hours.

16 Q. Right.

17 A. So -- go ahead.

18 Q. You saw that for this pilot?

19 A. Afterwards, I saw it, yeah.

20 Q. But you don't --

21 A. Because, you know, when you start dragging everything in --

22 Q. And so, do you know what made, what input in the system
23 would, in that dispatch scheduling system, would cause it to turn
24 red or not turn red? How that --

25 A. He didn't have 300 hours.

1 Q. Okay. So, that can be changed by somebody just inputting
2 into the system that he had 300 hours, then it wouldn't turn red?

3 A. If they wanted to do that.

4 Q. Yeah. And so --

5 A. That would be, that would be something pretty big.

6 Q. Okay. And he didn't have to have 300 if he had executed the
7 waiver process. Is that correct?

8 A. I'm --

9 Q. Which --

10 A. I would assume that, that's what they did, is they called up.
11 Say, does this guy got a waiver? And was told they did.

12 Q. Okay. They, was your determination that the waiver process
13 was not correctly followed?

14 A. Um-hum.

15 Q. Okay. Okay.

16 A. That's not something the dispatcher would know.

17 Q. So, PenAir has these airports they've designated a special
18 airport and it's different from the FAA, all of it and they could
19 be the same airports. But the FAA has designations of special
20 airports.

21 So, how common, I think Sathya might have touched on this and
22 I may have been looking at something else. How common is it for
23 Alaska operators to designate special airports on their own, apart
24 from what the FAA calls a special airport?

25 For them to designate an airport and put down a requirement

1 for their pilots to fly there, is that typical up here?

2 A. Um-hum. Again, it depends on what kind of special airport it
3 is. You know, some special airports aren't that special. Any
4 airport that is not published, any approach that is not published
5 is a special approach.

6 And that's what qualifies it and that's what, you know,
7 requires it to be added to the ops spec. And so, a lot of the
8 special airports or special approaches aren't really that special.
9 So, and the, and we have a whole team at the FAA that designates,
10 you know, when there's special approaches, i.e., special
11 approaches, special airports, they're not exactly the same thing,
12 but in this case, they do intertwine.

13 What is required for that approach and what is required for
14 that airport? Some of them don't require any special training.
15 Some of them do. The ones that do require special training, it'll
16 be more of a guideline and the operator's got to figure out what
17 they want to do.

18 Because everyone flies different airplanes, so they're going
19 to need different special approach training, different special
20 criteria that can even do this. So, the operator will submit
21 their training and their procedures.

22 And we'll decide, you know, if it's adequate.

23 Q. So, do you know what the procedures or training that PenAir
24 had in place for special airports that were?

25 A. I don't have them memorized. It would be, you know, a

1 training flight or multiple training flights.

2 Q. And I keep getting this sequence, well, my understanding of
3 the sequence is not clear. Did, PenAir has a requirement to have
4 a check out with a check airman for a special airport. We can
5 call it a training flight. We can call it a qualification flight.

6 I don't know if it's specified. But you have to fly there
7 with a check airman at least once. And then they also say, have
8 the 100, waiver over 100, 300-hour requirement. Is it, is it your
9 understanding that to do, that, let's call those two different
10 items.

11 You know, you have 300. You have the time in the airport,
12 300 or 100, whatever it was. And you have the flight with the
13 check airman. Is the sequence that those are achieved, important,
14 or specified, or to be qualified as a special airport pilot for
15 PenAir?

16 A. They were specified, yes.

17 Q. Okay. And then that sequence was what?

18 A. The sequence was that a person had to be qualified. And
19 qualified meaning, fit one of the qualification criteria. If they
20 wanted to do it early, the person needed to have 100 hours. And
21 then at it for 100 hours, then that person would fly with a check
22 airman and get a recommendation.

23 I would have been fine if they had done the Dutch Harbor
24 qualification and the recommendation at the same time, you know.
25 Okay. How you, how you going to get a check airman

1 recommendation? Well, you go down to Dutch Harbor and fly.

2 So, you could probably do those two at the same time. But
3 you couldn't start them until you were qualified. And then once
4 it's completed and the chief pilot reviewed it all and made sure
5 that a procedure was followed and everything was fine, she would
6 give a letter of approval.

7 Or the individual could just have 300 hours and go get Dutch
8 Harbor qualified.

9 Q. Okay. So, let me give you a hypothetical, sir, and tell me
10 what you would do with it. I've got 250 hours. I'm not going for
11 any waiver, you know. I'm going to wait until, I want to wait
12 until I get 300. The company says that's fine.

13 So, I've got 250 hours in the airplane, but tomorrow, I'm
14 scheduled, just because the schedules came out that way, I'm
15 scheduled to fly to Dutch Harbor with a check airman. And so,
16 during that flight, the check airman, you know, talks me through
17 the specialties of Dutch Harbor.

18 Watches me perform at Dutch Harbor and he thinks I did a fine
19 job. Can he, but I've only got 250 hours, so I can't be PIC
20 there, right now, but the check airman who just flew with me
21 there, says, yeah, you did a good job at Dutch Harbor.

22 Can he check the boxes that says, this guy has received the
23 qualification flight to Dutch Harbor, and I'm satisfied with it?

24 MR. SMITH: Before you, before you answer that, I just want
25 it to go on the record that they're could be several other factors

1 that would go into the decision, and I would caution you about
2 answering without knowing all the factors that could be put in to
3 making that decision.

4 Answer if you're comfortable answering to the best of your
5 ability.

6 MR. SULLIVAN: Yeah. Yeah, I would say, no. The GOM
7 procedures are very specific, that you can't begin your Dutch
8 Harbor qualification until you're qualified.

9 BY MR. FRANTZ:

10 Q. But that's two qualifications. So, you can't, when you say,
11 you can't begin the Dutch Harbor qualification, what do you mean
12 by that? What is the Dutch Harbor qualification? You can't begin
13 the qualification until you're qualified. I'm mixing those up.
14 What does it mean?

15 A. You need to have the hour requirements, one way or the other.
16 You need to be doing the early process or you need to be
17 qualified. You know, you need to have one or the other. You need
18 to be doing one or the other.

19 You couldn't just wing it.

20 Q. One or the other?

21 A. Well, if you wanted to do the early one, you'd need a
22 recommendation from the check airman.

23 Q. So, one or the other --

24 A. If you wanted to do --

25 Q. The 100 hours or 300 hours?

1 A. Um-hum.

2 Q. Okay. Okay. And that was the issue that came up with this
3 accident? Is that correct? He was not correctly qualified for
4 that process, for Dutch Harbor? Is that your understanding?

5 A. Yes.

6 MR. FRANTZ: Okay. So, you've dealt with other carriers and
7 other special airport requirements. What is your opinion of the
8 PenAir requirement for special airport qual, that you have to have
9 300 hours and the flight with the check airman?

10 Is that adequate?

11 MR. SMITH: Again, I'd caution you about offering too much of
12 an opinion.

13 MR. SULLIVAN: Yeah.

14 MR. SMITH: Opposed to what the guidance and regulations
15 require.

16 BY MR. FRANTZ:

17 Q. Is that approved? You said the GOM. That's, if that was in
18 their GOM, and their FOTM, are those approved or accepted manuals?

19 A. FOTM is an approved manual and the GOM is an accepted.

20 Q. So, if that requirement is in the FOTM, then that was
21 approved by the FAA. Is that correct?

22 A. Half of it was. The Dutch Harbor qualification is in the
23 FOTM. The training is in the FOTM. The 100 and the 300 is in the
24 FOTM. The procedure for how you're going to do it was in the GOM.
25 And it wasn't interfaced to the FOTM.

1 Q. Okay. Have you ever been down to the training facility in
2 Florida that PenAir --

3 A. No, I have not.

4 Q. -- uses it for the 2000? Has was your, you said, your APM
5 lives down there. And so, he, does he work or been there to that
6 facility?

7 A. Yes.

8 Q. Has he conducted check rides there?

9 A. Yes.

10 Q. Okay. Have you ever gotten any feedback from him on the
11 quality of the operation of the training at SIM COM?

12 A. He says it's, he says it's very top quality.

13 Q. Have you ever gotten any feedback from any PenAir pilots
14 about the training, the simulator training at SIM COM?

15 A. I have not.

16 Q. You talked about landing performance and when we were talking
17 about the potential violation, or the issue that you're putting
18 forth towards PenAir, or maybe it was the pilots about how they,
19 they landed with, when the chart said they could, they were
20 limited to a five knot tailwind.

21 Was that, that was the airport analysis chart you were
22 talking about that --

23 A. Yes.

24 Q. -- said that below, above a five-knot tailwind, they didn't
25 have data. So, at time of arrival, what restriction is there on

1 landing for a crew as far as calculating runway performance or
2 landing performance?

3 A. I'm not sure I understand. What restriction? On the runway
4 analysis, they were restricted to five knots with that weight.
5 There would be --

6 Q. And is that regulatory --

7 A. -- you know, unlimited restrictions.

8 Q. -- at time of arrival, they have to comply with that airport
9 analysis, the data on that chart? And when they look at the
10 airport analysis chart, and they see that the wind is more than
11 five knots tailwind, and that was as high as they could go, that,
12 that chart would say, no, we can't land here?

13 A. Yes.

14 Q. Is that your understanding?

15 A. And that chart is part of the aircraft performance.

16 Q. Okay. Is there a, is there a procedure in place now or from
17 your point of view as the POI to catch an error like this one that
18 we're talking about, with these special airport qualifications not
19 being met when the pilot was assigned to fly there?

20 How would that, if it's in place now or before the accident,
21 how would that have been caught from an FAA surveillance point of
22 view?

23 A. Oh, being caught from my records inspection, but it would be,
24 I mean there's, there's a lot of records. And we do sampling
25 checks. But that's the, you know, if we were going to, that's how

1 it would have been caught.

2 Q. Okay.

3 A. And, you know, the aircrew program manager, he interacts with
4 them a lot. He would get an indication if that's happening,
5 especially on a routine basis, if it was happening, he would get
6 a, he would find out.

7 On a one-off, you know, it's hard to catch, but that's how we
8 would do it.

9 Q. Okay. If a, if someone at PenAir noticed that, like, this
10 captain had made a trip to Dutch Harbor and they recognized he
11 wasn't qualified, and is that something that you would expect, or
12 should expect PenAir to come to the FAA and voluntarily disclose?

13 A. Yes.

14 Q. Is there a procedure, format, a form to do that, or would
15 they have just picked up the phone.

16 A. That would be --

17 Q. How would they do that?

18 A. Well, how it would work is they would do a, they would want
19 to do a VDRP immediately, and then pick up the phone and say, hey
20 we just did a VDRP and this is what we did. And, you know, we
21 messed up. That's what happened.

22 Q. Is that a form, VDRP? Is that an online --

23 A. It's a --

24 Q. -- form to fill out?

25 A. That is an online system for voluntary disclosure process for

1 a company.

2 Q. Do you get many of those since you've been POI at PenAir?

3 A. Um-hum. Yeah. Well, I don't have any for PenAir. I have
4 two on the books for Corvus. The air worthiness side has, I
5 think, a couple going for PenAir right now. They happen and it's,
6 it's, you know, voluntary disclosure. It's an indication of a
7 good culture.

8 MR. FRANTZ: Okay. Okay. I think that's all I have for now.
9 Thanks, Pat. We'll go around one more time and see if anybody has
10 any follow ups. Sathya?

11 BY DR. SILVA:

12 Q. How is it working with PenAir?

13 A. How is it? It seems, it's fine. Again, I never, I had, I
14 didn't know them at all. I've spent my whole career, my whole
15 aviation career in Alaska. And due to this and that and the other
16 thing, I was never in a position to ever get to know PenAir.

17 So, I don't know them that well. But I have had, there were
18 no issues prior. And since, with the, with us coming down on, you
19 know, really focusing in and getting into their business, they're
20 cooperating.

21 Q. Do you interact with the chief pilot typically?

22 A. Since not being, you know, as an APM, I interacted a lot. As
23 the, as the POI, I interact with him plenty but nothing like an
24 APM does.

25 Q. And this is the current chief pilot?

1 A. Dennis, yeah.

2 Q. Dennis. Okay. What was your interaction like with Crystal?

3 A. You know, she, I understand she came from Corvus, but I never
4 knew her over there. We had never crossed paths. I didn't know
5 her. I didn't know her at all. And so, my interaction with her
6 was, again, I don't know. It was, it was, it was, it moved along.

7 Q. How would you compare your working relationship between
8 Crystal and Dennis?

9 A. I haven't had enough time to really evaluate Dennis'
10 performance.

11 Q. How would you describe the working relationship with Crystal?

12 A. I would describe it as normal for a new principal and new
13 people, you know. When you first come on to a certificate,
14 there's, you have to establish trust. It doesn't come, there's
15 not an automatic trust with the FAA.

16 So, you have to establish this trust. You have to establish
17 a relationship. And we were building on that. And Dennis and I
18 are building on that but it, it doesn't, it's not, you don't just
19 walk through the door and everybody's besties.

20 You know, it takes a while.

21 Q. Has there been any point where you would describe it as an
22 adversarial relationship?

23 A. No. No. I don't, I don't take things personal.

24 Q. No? So, you said you were looking into management in terms
25 of how this pilot got qualified in the, qualified to fly to that

1 airport. What have you found so far?

2 A. We found that the chief pilot didn't follow the procedure.
3 You know, she pushed for this person to get checked out in Dutch
4 Harbor and they didn't meet any of the criteria and none of it
5 happened.

6 Q. When you say, she pushed to get this person, what do you
7 mean?

8 A. Pushed -- she's a chief pilot. She can say whoever she
9 wants, and she said, this person's getting checked out.

10 Q. Okay. You mentioned that she came from Corvus. Are there
11 any plans for, and you're, and you're looking at management in
12 terms of oversight, are there any plans to continue that
13 surveillance as the merger continues?

14 A. Yes. Yes.

15 Q. Is there going to be like a heightened from what, from what
16 your plans are now, is it going to be more of a heightened look?

17 A. It is. Dennis is a long-time pilot and check airman. I have
18 confidence that he knows the program. But I have lost all
19 confidence that, if they're really, you know, really getting
20 involved. And maybe that's not accurate with Dennis.

21 And the merger will be completely probably before I'm
22 confident, you know. But if it was to continue and things went
23 well, then it would, it would back off but the, as the merger
24 continues, Dennis won't be the chief pilot anymore.

25 Q. Right. So once he leaves --

1 A. So, for now we're going to just keep a heightened
2 surveillance and keep an eye on, you know, look over shoulders,
3 annoying as it might be, we have to do this now.

4 Q. So would you expect to continue that surveillance after,
5 let's say, the merger is complete and Dennis leaves as chief
6 pilot?

7 A. We would. As Sarah takes over, and through the process, I'm
8 hoping she's getting to know the PenAir check airmen, and the
9 PenAir people and, but as, I can't enforce that. We just
10 encourage that.

11 But after this SOC is complete, then we have to do a
12 heightened surveillance to make sure that she has a hand on what's
13 going on at PenAir. And I don't, you know, I think she will.

14 Q. You keep mentioning the term, SOC. Can you define that for
15 me, please?

16 A. It's single operating certificate. I have to write it down,
17 so I keep it.

18 Q. You mentioned that this flagging conversation on Sched Flex.

19 A. Sched Flex, yes. Thank you.

20 Q. You said that you had seen that after the accident. Can you
21 walk me through what you saw and what you were looking for?

22 A. Actually, my cabin safety inspector who had access to Sched
23 Flex. I didn't, being new on a certificate and, you know, working
24 through everything, I had, didn't have, didn't have access to it,
25 which was not a big deal because I sign those DCTs for the people

1 who were doing it anyway.

2 And she sent, hey, here's the Sched Flex for that day, and he
3 was flagged. And she actually, you know, showed me where you
4 could Hoover over it with the mouse, and it would say, what he was
5 flagged for.

6 He was flagged for three, you know, he didn't have 300 hours,
7 which in itself just meant that he needed to be evaluated by
8 dispatch.

9 Q. When you say it was flagged, what did that look like on the
10 screen?

11 A. It was red.

12 Q. The whole block was red or just his name?

13 A. Just that little piece where PIC qualifications, there's a
14 bunch of lines and that little piece was red.

15 Q. On the schedule? Okay. Do you know if Posey has done
16 surveillance into Dutch Harbor?

17 A. I do not.

18 Q. Would you expect that?

19 A. Not necessarily. PenAir's been going into Dutch Harbor for
20 50 years. I'd like to see it but I, it's not, you know, they go
21 to a lot of places. It wouldn't, I wouldn't, I wouldn't consider
22 it a huge deal if he hadn't but tried to.

23 Q. So, when you're evaluating an airport, a special airport
24 qualification requirement, what are you looking for in that
25 requirement to determine whether it's accurate, adequate enough?

1 A. Adequate. Special airports are usually, coincide with
2 special approaches. And so, when they make a request for a
3 special approach, we forward the request on to our NextGen branch.
4 They return what's called an 80, it's a, it's a dash 7B.

5 Don't make me remember the first four letters. I call them
6 dash 7s. So, they send it to me, and they'll have the
7 requirements of which, yeah, they are training requirements
8 associated with this. And the training requirements have to do
9 with this and this and this.

10 And so, I forward that back to the operator. And I wait for
11 their response. And then they would send me their training
12 requirements and their procedures for, you know, these are the
13 training, and this is the procedures. How are we going to make
14 this all go down, the requirements of this dash 7?

15 Once I get all that, I would forward it back to NextGen, and
16 they would want to know what I thought and we'd work together, you
17 know, to see if this is adequate for this approach at this
18 airport.

19 And if it wasn't, then we would send it back to the operator
20 that we need, you know, we got, we've got some questions on, you
21 know, your emergency turn here for this. How are you going to,
22 you know, you didn't really spell out how you're going to do it?

23 If we don't know how you do it, then we don't trust that your
24 pilots are going to know how you're going to do it. You know, so
25 they would respond, okay, well, you know, this is how we're going

1 to do it.

2 And once we're good with it, then NextGen would, they used to
3 be called 240. We call them NextGen now. I don't know if that's
4 an accurate name. But they would, you know, say, okay, well we're
5 good with it. So, you know, go ahead and put it on the ops spec.
6 And I'd put it on C081, the ops spec, and authorize it. And it
7 would become special training, special requirements, special
8 procedures.

9 Q. And this Dash 7, are there suggestions for total experience?

10 A. There are not.

11 Q. Is it really just --

12 A. It's just a numbers thing.

13 Q. It's numbers in what way?

14 A. Well, numbers like, you know, this is the, you know, from
15 here to here, this is what your second stage climb has to be, you
16 know, to get out of this particular area. And it's, you know,
17 something more that once you get approval and once you get the
18 training, you know, and where everybody's happy, you send it to
19 Jeppesen, and then they would plug it all in and make approach
20 plates for you.

21 Q. Okay. So, in terms of pilot experience is there any guidance
22 for that requirement?

23 A. There's a regulatory requirement but it's very low. It's
24 175, you know, 100 hours for one, 75 for the other. And then if,
25 you know, if they don't have it, the PIC does all the landings,

1 takeoffs.

2 And I'm not exactly sure about the regulatory requirements.
3 But they're pretty low. So, company requirements are always going
4 to be higher than the regulatory requirements. And how does a
5 company come up with those?

6 I don't know how PenAir came up with theirs. You know,
7 they've been flying in there forever. Corvus comes up with
8 theirs. You know, they'll have it, they'll have, this is what we
9 need.

10 But then they have, we have FOQA, they take when running our
11 planes, and if they start having problems with FOQA, that they
12 need someone to track it to see if it's a, is it a pilot issue?
13 Is it the people with, or more hours have this problem less often?

14 And they might change the requirements. So, it's, you know,
15 part of the safety management system is to continue to evaluate
16 your process and procedures. And so, the qualifications may
17 change according to the data you're seeing from your FOQA and the
18 data that they're seeing from our DCTs.

19 Q. Okay. In your experience is it common for operators to have
20 a minimum hour requirement before conducting special airports
21 training?

22 A. Yeah.

23 Q. In your opinion, is that a good idea? Is it necessary?

24 A. Yeah, it's a good idea. Yeah. I think it's a good idea. I
25 would be open to the operator, you know, explaining how they're

1 going to have an equivalent level of safety or another aspect of
2 it.

3 You know, how would you do it differently? The problem that
4 you run into, if you don't, if you don't set minimum times, is you
5 could run into a perfect storm situation where nobody at the
6 flight deck had any experience here and nobody has any time.

7 Because, you know, crew scheduling maybe, you know, it's
8 just, that's a very complicated mess. And the more complicated it
9 is, the easier it is to miss. So, you try to set hour
10 requirements so that you can accommodate, you know, the worst-case
11 scenario of nobody knowing that they're doing.

12 Q Have you --

13 A. Not no one knowing. Nobody having any experiencing.

14 Q. Have you flown into Dutch Harbor?

15 A. Yes.

16 Q. When was that?

17 A. Last week.

18 Q. In what capacity?

19 A. In the capacity, I was an inspector.

20 DR. SILVA: What would you say are the challenges coming into
21 that airport?

22 MR. SMITH: Again, you know, the question presumes that there
23 are challenges. So, answer if that's applicable.

24 MR. SULLIVAN: It's, it's definitely a special airport. I
25 mean there are challenges. You know, at the missed approach

1 point, or, you can't see the airport on a good day. So, you know,
2 there are challenges. Requires special training.

3 DR. SILVA: Have you flown in there as a crew member?

4 MR. SULLIVAN: No.

5 DR. SILVA: All right. Those are the questions that I have.
6 Thank you.

7 MR. FRANTZ: Okay. Thanks. Dujuan, do you have any follow
8 ups?

9 BY DR. SEVILLIAN:

10 Q. Yeah, just one question. You used the term, trust earlier
11 with respect to the chief pilot and it's not automatic, that you
12 have to build that trust. What sorts of qualities are you looking
13 in for the chief pilot, let's say, Dennis Fisher, you know, that
14 helps you trust him?

15 A. Communication, you know, are they, are they always tell me if
16 the, you know, call me up. I might get a call from Corvus, you
17 know, hey, Pat. This just happened. You know, we got a, you
18 know, a pilot's doing ASAP. We're going to VDRP it, but this just
19 happened. And that's the kind of trust. And I appreciate it
20 because then when our boss calls me, it's like, yeah, this is what
21 happened. You know, okay, yeah, I'm competent. I know what
22 happened. Whereas if there's -- you know, if there's not
23 communication, if there's not trust, you know, sometimes I get to
24 read about stuff on the newspaper and that doesn't help, work for
25 me. It doesn't help, you know, safety.

1 So, once they're, you know, once we're trusting each other,
2 once they know that I'm not going to send them an LOI every time
3 they call me, they'll call me. And once they're confident that
4 I'm not, that I'm interested in promoting safety and not, you
5 know, writing cases, you know, and I only do that if I think it's,
6 if it's going to promote safety.

7 Q. And I think I might have missed this earlier. But did you
8 get that same feeling with Crystal when she was chief pilot that,
9 if you have a VDRP that comes up? You know, the same type of
10 situation, that she would contact you?

11 A. Well, she didn't. So, no. I talked to Aaron on the
12 accident, you know, so. She didn't know me so it's not, it
13 wouldn't, you know, I mean it doesn't put her in a, in a bad light
14 because she didn't know me.

15 You know, we've got to get to know each other.

16 DR. SEVILLIAN: Okay. That's all, I think.

17 MR. SULLIVAN: You know, I'd be making assumptions. I have
18 no data to support we didn't have a good relationship. We didn't
19 know each other.

20 DR. SEVILLIAN: Okay. All right. That's all the questions I
21 have. Thanks, Marvin.

22 MR. FRANTZ: Thank you. Brandon?

23 MR. WILSON: No, no questions.

24 MR. FRANTZ: Dave?

25 MR. KEENAN: No, I don't have any.

1 MR. FRANTZ: I've got just one or two more.

2 BY MR. FRANTZ:

3 Q. You talked about, you didn't see the demonstration of
4 hoovering and the red flag, but your dispatch inspector or cabin
5 safety inspector?

6 A. Cabin safety inspector did, yeah.

7 Q. And so, did the, did it, a question occur to you when he was
8 being dispatch for this airport previously and that should have
9 popped up red, why did that not mean anything? Did you think to
10 ask?

11 Or did anyone think to ask PenAir, did that mean anything to
12 the dispatcher or the scheduler when it popped up red, and was
13 there some action they should have taken? I mean --

14 A. We all thought to do that but because of the investigation
15 and everybody panicked that they didn't want to, you know, we
16 haven't had any luck contacting the crew. And the operator has
17 been reluctant to talk to us.

18 They are just now starting to talk to us and we're just now
19 getting a better idea and we'll be interviewing the dispatcher I
20 think today. And we'll get a real good idea of why, what, why and
21 how.

22 Q. So, it was, was it your understanding it would have been a
23 dispatch person that would have seen that thing and seen him pop
24 red, his name popped up red?

25 A. It would have been a dispatch person that seen that.

1 Q. Okay. Yeah. Okay. Have you ever observed any PenAir ground
2 schools?

3 A. I have not.

4 Q. Okay. And you mentioned, and I might be misremembering it,
5 but what was this, Sathya asked about special airport requirements
6 from the FAA, and you mentioned a 100/75 hour. Is, is --

7 A. You know, I'm trying to recall what the regulation said. I
8 believe the regulation --

9 MR. SMITH: You know, before you answer it, you know, it
10 should be noted that you don't have copy, he does not have any
11 copies of the regulations in front of him, so again, I'm
12 cautioning you on trying to recite from memory --

13 MR. SULLIVAN: Yes.

14 MR. SMITH: -- the regulations that, you know, you've
15 expressed --

16 BY MR. FRANTZ:

17 Q. Is it your recollection that it is a, an FAA, it's published
18 somewhere, those numbers are published?

19 A. There's a regulatory requirement for a special airport and
20 that's pretty low.

21 Q. For, and that special, by special airport you mean FAA
22 defined special airports in the ops specs, in the company's ops
23 spec, that's recognized?

24 A. And named. Yeah. They're named in the regulations.

25 Q. Okay. And that requirement is what, what was the

1 requirement, 100 --

2 A. I want to --

3 Q. For a crew, it was a crew pairing requirement? One person --

4 A. Yeah. One person had to have --

5 Q. Okay.

6 A. -- an hour requirement. I don't want to say what it was.

7 Q. Okay.

8 A. You know, it's written down. It was pretty low.

9 Q. Okay. And it's in part 121. Is that your understanding?

10 A. Yes.

11 MR. FRANTZ: Somewhere in part 121. Okay. Okay. I think
12 that's all I have. Sathya, any --

13 DR. SILVA: Yeah.

14 MR. FRANTZ: Is it one more I think you have?

15 DR. SILVA: Two now.

16 MR. FRANTZ: Two now.

17 DR. SILVA: How did you find out about the accident?

18 MR. FRANTZ: Did someone come in?

19 MR. SULLIVAN: The office manager, John Sims, called me.

20 BY DR. SILVA:

21 Q. Okay. And do you know how he was notified?

22 A. I believe he was notified by text through his accident phone.

23 Q. Okay. So, it came through FAA channels?

24 A. I believe so.

25 Q. Did you get notification from the operator?

1 A. I did not.

2 Q. Okay.

3 A. Well, you know, one accident is a, at that point, we didn't
4 know it was an accident. But it was a big deal so immediately
5 when he called me, I called, I called Aaron. And he, and I don't
6 remember the sequence of events, if I tried to call Dick and
7 Crystal first. I don't remember. I got ahold of Aaron and Aaron
8 told me everything he knew. And Aaron became my primary contact
9 and he's the one I was talking to when we realized that this was
10 definitely an accident.

11 DR. SILVA: Okay. Okay. The other question is regarding the
12 airport analysis chart and --

13 MR. FRANTZ: It's okay.

14 DR. SILVA: -- sorry.

15 BY DR. SILVA:

16 Q. The airport analysis instruction of five knot tailwind
17 restriction that you mentioned earlier, can you walk me through --

18 A. I cannot. The aircrew program manager is trained on that,
19 the airport analysis chart. I am not.

20 Q. Okay.

21 A. He's the one who guided me to the five knot --

22 Q. Okay.

23 A. -- requirement. So, I can't. If you wanted me to walk you
24 through that, I'd look pretty silly.

25 DR. SILVA: Okay. That's fine. That's all I had now.

1 MR. FRANTZ: Okay. Thanks. All right. Any, I think we're,
2 we're done Pat. Is there anything we didn't ask you about that
3 you think we should have?

4 MR. SULLIVAN: It's good.

5 MR. FRANTZ: Anything else you need, wanted to add or
6 anything --

7 MR. SULLIVAN: No.

8 MR. FRANTZ: -- for anything we talked about here? Okay.
9 Well, good. Okay. We can go off the record, 10:27.

10 (Whereupon, at 10:27 a.m., the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

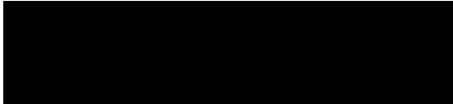
IN THE MATTER OF: PENAIR FLIGHT 3296 CRASH AT UNALASKA-
DUTCH HARBOR AIRPORT, ALASKA
OCTOBER 17, 2019
Interview of Patrick Sullivan


ACCIDENT NO.: DCA20MA002

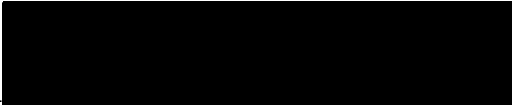
PLACE: Anchorage, Alaska

DATE: December 6, 2019

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.


Betty Caudle
Official Reporter


Romona Phillips
Transcriber


Autumn Weslow
Corrections made 3/24/2020

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

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PENAIR FLIGHT 3296 CRASH AT UNALASKA- *

DUTCH HARBOR AIRPORT, ALASKA * Accident No.: DCA20MA002

OCTOBER 17, 2019 *

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Interview of: CHARLES "CHUCK" FITZPATRICK
Principal Operations Inspector
FAA

NTSB Offices
222 West 7th Avenue, #11
Anchorage, Alaska

Friday,
December 6, 2019

APPEARANCES:

MARVIN FRANTZ, Operational Factors Investigator
National Transportation Safety Board

SATHYA SILVA, Ph.D., Human Performance Investigator
National Transportation Safety Board

DUJUAN SEVILLIAN, Ph.D., Human Performance Investigator
National Transportation Safety Board

DAVID KEENAN, Air Safety Investigator
Federal Aviation Administration

BRANDON WILSON, Line Pilot/Check Airman
PenAir

MATT SMITH, Attorney
Federal Aviation Administration
(On behalf of Mr. Fitzpatrick)

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I N T E R V I E W

(10:45 a.m.)

1
2
3 DR. SILVA: So Chuck, thank you for agreeing to talk to us
4 today. We appreciate your insight. I'm Sathya Silva. I'm a
5 human performance investigator with the NTSB. You're seeing a few
6 people around the table here, and that's a result of our party
7 system. Have you worked with us before on any cases?

8 MR. FITZPATRICK: No.

9 DR. SILVA: Okay. So while we as the NTSB have expertise in
10 investigating, we rely on the rest of the industry for subject
11 matter expertise for a given accident. So we have party members,
12 crewmembers from the operator, the FAA, sometimes manufacturer.
13 It all depends on what we're looking at. So they bring us subject
14 matter expertise for a given case. So that's why you see so many
15 of us here today. Everyone is here in a safety capacity role.
16 Sorry, a safety role, not enforcement. Not that you're concerned
17 about that.

18 So let's go around the room and have everyone introduce
19 themselves so you know who you're talking to, and then I'll run
20 through the rest of my little pre-brief and see if you have any
21 questions.

22 MR. FITZPATRICK: No questions at this time.

23 DR. SILVA: Okay. Marvin.

24 MR. FRANTZ: Hi, good morning. I'm Marvin Frantz. I'm an
25 operational factors investigator with the NTSB.

1 DR. SILVA: Dajuan?

2 DR. SEVILLIAN: Dajuan Sevillian, human performance
3 investigator, NTSB.

4 MR. KEENAN: Dave Keenan, FAA air safety investigator.

5 DR. SILVA: And Brandon.

6 MR. WILSON: Good morning, Chuck. Brandon Wilson, check
7 airman for PenAir.

8 DR. SILVA: Perfect. So we're here for safety. We're not
9 here to assign blame, liability, any of those sort. What will
10 happen is this recording will go for transcription, and a copy of
11 that transcript will become part of our public docket whenever the
12 factual information gets released. Usually 6 months to a year
13 from now.

14 You're the expert. We want to learn from you. So answer to
15 the best of your ability. If you don't know the answer, that's a
16 perfectly fine response. There are no right or wrong answers
17 here. If you need a break, just let us know. We'll accommodate.
18 You are entitled to have a representative with you today. Would
19 you like to have a representative?

20 MR. FITZPATRICK: Yes.

21 DR. SILVA: Okay. Can you state your name for the record,
22 please?

23 MR. SMITH: Matt Smith with the FAA.

24 DR. SILVA: Great. So in terms of format, I'll start with a
25 handful of questions, and then we'll go around our room, usually

1 twice to make sure that everyone got their questions answered.
2 And then I'll turn it over to you to see if you have anything else
3 you want to add. Sound good?

4 MR. FITZPATRICK: Yes.

5 DR. SILVA: All right. Any questions before we start?

6 MR. FITZPATRICK: No.

7 DR. SILVA: All right.

8 INTERVIEW OF CHARLES "CHUCK" FITZPATRICK

9 BY DR. SILVA:

10 Q. Can you state and spell your full name for the record,
11 please?

12 A. Charles Emmett Fitzpatrick III. That's F-I-T-Z-P-A-T-R-I-C-
13 K.

14 Q. Okay, perfect. What is your current title?

15 A. I'm the principal operations inspector for Northern Air
16 Cargo, LLC.

17 Q. Are they your only certificate at the time?

18 A. Yes, they are.

19 Q. This time? And what has your experience been with Peninsula
20 Airways or PenAir certificate?

21 A. I was the prior POI with Peninsula Airways.

22 Q. Do you know when you were a POI? Do you recall when you were
23 POI for that certificate?

24 A. Started January of 2014 and was assigned to Northern Air
25 Cargo on July '19. This year. 2019.

1 Q. All right. Can you run through a quick CliffsNotes version
2 of your aviation history and when you started flying to when you
3 started -- or start with the position now?

4 A. I went through pilot training in 1976 down in Del Rio, Texas.
5 And then went and flew in the military for 20-plus years.
6 Retired, then went to commercial aviation for 15 years, and then
7 joined the FAA in 2010.

8 Q. What were you doing in commercial aviation?

9 A. I flew the DC-9 and the Boeing 717 with Northern -- with
10 Midwest Airlines in Milwaukee.

11 Q. Did you ever fly commercially in Alaska?

12 A. Military, not commercial.

13 Q. Just military.

14 A. Military only.

15 Q. Okay. When you got hired with the FAA, can you run through
16 what positions you had since you started to, again, where you are
17 now?

18 A. Well, just the standard ASI when I first came in, and I was
19 the assistant POI for Northern Air Cargo. And then I was a short-
20 time POI for Northern Air Cargo. And then I got assigned the POI
21 for Peninsula Airways. And now I'm assigned the POI for Northern
22 Air Cargo.

23 Q. From your understanding, what brought about the change in
24 your assignment this year?

25 A. Was the retirements and reorganization in our CMO.

1 Q. To your knowledge, did the merger between Ravn and PenAir
2 have any influence on that reassignment?

3 A. No.

4 Q. How many hours do you have? Flight hours.

5 A. That'd be a guess. Probably 15,000. Military and
6 commercial.

7 Q. Do you have any time in the Saab 2000?

8 A. No.

9 Q. Are you responsible for any other certificates here?

10 A. No, I'm not.

11 Q. Had you -- when you were POI for PenAir, were you solely
12 responsible for that certificate also?

13 A. Just PenAir solely.

14 Q. Did you hold any other positions or roles while you were
15 working for PenAir?

16 A. No.

17 Q. Working with PenAir.

18 A. No.

19 Q. Only POI.

20 A. Just POI.

21 Q. Okay. So you worked with them from January of 2014.

22 A. That is correct.

23 Q. So how was your relationship with PenAir as an operator?

24 A. When I was the POI, it was very, very good. It was very
25 transparent, open. Good communication.

1 Q. At the time that you were POI, had they gone through any 119
2 changes?

3 A. Yes, they had.

4 Q. Do you recall what they were?

5 A. There was the director of operations and also the chief
6 pilot.

7 Q. And what's that?

8 A. Yeah, and then they had some reorganization, so the director
9 of safety was also involved.

10 Q. Okay. Do you recall when those changes occurred?

11 A. No, they were in the past. Depends on -- there were some a
12 couple years ago when they reorganized, and then when the merger
13 started to come in place, there was a change of the director of
14 operations and the chief pilot.

15 Q. Okay. In terms of the transition, the latest transition as a
16 result of the merger, did anything change in terms of your
17 interaction with the company after that change in management?

18 A. No.

19 Q. Who do you typically interface with at PenAir?

20 A. Their operational control people. Part 119 people.

21 Q. Once the merger started, had you had any interface with any
22 Ravn personnel?

23 A. Yes.

24 Q. Who were they?

25 A. It was, I believe, the CEO for Ravn. Because we had to have

1 meetings. So everybody was involved with those meetings for their
2 transition plan.

3 Q. You said the CEO was involved?

4 A. Yes.

5 Q. Do you recall if there were any other Ravn management?

6 A. No, I'd have to look at the list of people that signed the
7 rosters when we were there for the meetings.

8 Q. Okay. So aside from these merger meetings, did you have any
9 interface with Ravn management?

10 A. No.

11 Q. What kind of interface do you have with the chief pilot at an
12 operator? What are you working on?

13 A. For PenAir or for Northern Air Cargo?

14 Q. Let's go with PenAir.

15 A. PenAir? It was just a short time, because she was the new
16 chief pilot.

17 Q. Was there anything specific that you would work with her on?

18 A. Just the normal day-to-day chief pilot operations. Mostly
19 I'd work through the director of operations, but if that person
20 wasn't there, we'd interface with the chief pilot.

21 Q. Okay. So what kinds of activities were those when you would
22 interface with her?

23 A. Just our normal operations.

24 Q. Can you describe what the normal operations are?

25 A. Pretty much their flights and what surveillance I had, too,

1 depending on what surveillance I had to do with the company.

2 Q. Did you conduct en route inspections as POI back with PenAir?

3 A. Yes, I did. En route inspections, yes.

4 Q. Do you recall if any of those went into Dutch Harbor?

5 A. Did I have any what?

6 Q. Do you recall if any of those inspections were on -- went
7 into Dutch Harbor?

8 A. Yes, we had some inspections at Dutch Harbor.

9 Q. Do you recall any of those?

10 A. I'd have to refer back to my surveillance, but we'd look at
11 the cargo operations there and the field itself, the ramp, for
12 safety.

13 Q. Was there surveillance of the crew also for those flights?

14 A. Yes, there were.

15 Q. Anything of note that you can recall that occurred on those
16 flights?

17 A. No, no occurrence.

18 Q. Do you remember when, about when those flights would happen?
19 Just in the last year or --

20 A. It was in the last year.

21 Q. Okay.

22 MR. SMITH: And Sathya, I'm sorry to interrupt. I just
23 wanted to make sure there's not any confusion as to the en route
24 inspections. Were you understanding that he performed the en
25 route inspections or that someone under his -- on his team did?

1 DR. SILVA: No. That you personally.

2 MR. SMITH: Okay. I just, I wasn't sure, so I didn't know if

3 --

4 MR. FITZPATRICK: Yes, I personally did operations for the
5 air crew.

6 MR. SMITH: Okay. Sorry for the interruption.

7 DR. SILVA: No, that's fine.

8 BY DR. SILVA:

9 Q. So were your answers consistent with that expectation?

10 A. Yes, they are consistent.

11 Q. Are you familiar with PenAir's airport qualification
12 requirements?

13 A. At this point, no, because the merger, I don't know what they
14 have changed since I've been out as a POI.

15 Q. So when you were a POI, what was your understanding of those
16 requirements?

17 A. Well, I'd have to refer to what they had in their manuals at
18 that time before I -- but I'd refer to those for PenAir.

19 Q. Do you have any recollection, to your best recollection, what
20 those requirements would look like?

21 A. No, I'd rather refer to the -- their manuals and what was
22 printed at that time.

23 Q. In terms of airport qualification, how is that evaluated by
24 you?

25 A. Well, it's part of the -- it's one of the operation

1 specifications to discuss it that say they have to have that type
2 training.

3 Q. Is there a strategy that you use in order to determine
4 whether their qualifications or requirements are adequate?

5 A. It was part of our surveillance.

6 Q. Is there any guidance that you're provided for -- to help you
7 with that, the merging?

8 A. Yes, there's the regulations and also the manuals that PenAir
9 have.

10 Q. Okay. So when you were looking at -- or when you would look
11 at airport qualifications, what's the process to determining
12 how -- excuse me -- whether the requirements were adequate or not?
13 How would that approval look?

14 A. They had a training program. PenAir had a training program,
15 so I'd review the -- their training program. They had -- at the
16 time when I was at POI, they had slides, and they also had a test
17 that they had to take to get qualified. And then they had to be
18 tracked in their training department.

19 Q. Did you provide the approval for that requirement into Dutch
20 Harbor?

21 A. Yes, I did.

22 Q. Okay. So given the policy that they have and the
23 requirements that they have established and approved through you,
24 how do you determine if those are being complied with?

25 A. Well, when I do the surveillance, I look at their training

1 records.

2 Q. Do you recall specifically surveilling airport qualification?

3 A. Yes.

4 Q. How often would that surveillance occur?

5 A. I'd have to look at the schedule, but it's normally at least
6 once a year.

7 Q. Specifically for training records?

8 A. Yes.

9 Q. Okay. Were there any challenges working with PenAir that you
10 encountered?

11 A. I think working with the FAA is a challenge, but no, nothing
12 in particular.

13 DR. SILVA: Okay. I'm going to pause here and we'll go
14 around the room. Marvin.

15 MR. FRANTZ: Okay, thank you.

16 BY MR. FRANTZ:

17 Q. Who was the chief pilot when you left the certificate?

18 A. That was Crystal Branchaud.

19 Q. Okay. And do you know how long she was in place as chief
20 pilot?

21 A. Just several months.

22 Q. And I might have missed a question that Sathya -- did you
23 have -- how often did you have occasion to interact with her? Or
24 did you ever have occasion to interact with her or the chief pilot
25 while she was there?

1 A. It was at least a couple times a week, as I remember.

2 Q. Okay. And what was the nature of that contact, typically?

3 A. Just pretty much the operational issues.

4 Q. And any problems or concerns on your part in interfacing with
5 her as a representative or as the chief pilot for PenAir?

6 A. No. No issues at all.

7 Q. And then who was the chief pilot before her?

8 A. I can't remember.

9 Q. Was he in place for a long period, do you know? The one
10 before Crystal?

11 A. Well, they had kind of an interim. They didn't have -- there
12 was -- he was there for a short time. Yeah.

13 Q. The one just before Crystal?

14 A. Right.

15 Q. Okay. And then before him, do you remember who it was before
16 that?

17 A. I want to say Nate, but I'm not sure if --

18 Q. Okay. Do you know why Crystal replaced whoever the previous
19 one was when she was brought in? Do you know what was behind that
20 change?

21 A. Well, there was an opening. The chief pilot left, so there
22 was an opening.

23 Q. Do you know why he left?

24 A. I think he got hired with Alaska Airlines.

25 Q. Okay. Who's your boss at the FAA?

1 A. Well, Mr. Sims is --

2 Q. The next -- your next level.

3 A. Oh, my immediate?

4 Q. Yeah.

5 A. It's Mr. Dean Deama (ph.). He's a frontline manager, they're
6 called.

7 Q. Okay. Do you know Deke Abbott?

8 A. When he was with the -- he was on the FSDO side. I didn't do
9 much interfacing with him.

10 Q. Okay. Did you ever actually work with him at the -- when he
11 was at the FAA?

12 A. No, not directly.

13 Q. Did you ever work for him?

14 A. No.

15 Q. Have you had any contact with him since he left the FAA?

16 A. Yes, he was part of the merger committee, and he was at the
17 meetings.

18 Q. Okay. And were those regularly scheduled meetings the ones
19 that the -- meetings that had to do with the merger process? Is
20 that what you're talking about, the meetings?

21 A. Yes. Yes.

22 Q. How often were those meetings typically scheduled?

23 A. I know I went to the first couple, and after that, I was at
24 Northern Air Cargo, so I don't know when -- I think they had a
25 weekly meeting, but I don't know what they have now.

1 Q. Okay, so you would see Deke. You saw Deke at one or more of
2 these meetings?

3 A. Yes.

4 Q. Did you have any interaction with him? Did he have any role
5 that you had to be part of in the, in the merger, or that you had
6 -- that you needed awareness of and Deke was handling it, or you
7 needed to work with him? Was there any sense of that?

8 A. Well, the CMT were there. And when they were presenting
9 their -- what they call their transition plan, he would expound on
10 what that would be, and then it would be in writing. And the CMT
11 would have to review that.

12 Q. And so that was you? You were the head of the CMT?

13 A. No, we're just one of three members of the CMT. There's a
14 principal, a maintenance and an avionics. And no one's in charge.
15 I'm not in charge of the CMT. I'm just one of the members.

16 Q. Okay, so who was the head of the CMT?

17 A. That would be the frontline manager, Dean Deama.

18 Q. Okay. So when you were the POI, were you -- I think Sathya
19 asked you this. You don't have a recollection right now of what
20 the PenAir requirements were for special airport qualification for
21 their pilots.

22 A. No, I have to refer back to what the manuals were when I was
23 there.

24 Q. Do you have any recollection of ever having any issues or
25 concerns or problems with pilots being qualified or failing to be

1 qualified properly for special airports?

2 A. No. No problems at all.

3 Q. Okay. Did you ever observe any sim training while you were
4 there in the -- for the Saab 2000?

5 A. No, I did not.

6 Q. Who was, who was the -- would it have been your APM that
7 would have done that for you --

8 A. Yes.

9 Q. -- if there had been sim -- okay. And who was that?

10 A. That was John Posey.

11 Q. Okay. Did he observe sim training while you were the POI?

12 A. Yes.

13 Q. Okay. Do you have any recollection of his -- any reports or
14 impressions or opinions he had of the sim training in the 2000?

15 A. Nothing outstanding.

16 Q. Okay. No issues or concerns that arose to your level of
17 attention about sim training that you're aware of, that you
18 recall?

19 A. No.

20 Q. Did you ever observe ground training for the Saab -- at
21 PenAir for the Saab 2000?

22 A. Yes, I stopped in for a couple sessions.

23 Q. Do you remember if the sessions you observed had anything to
24 do with performance calculations?

25 A. I can't recall off the top of my head.

1 Q. Okay. Were there any specific issues that you recall that
2 you felt like were going to require special attention on your part
3 to have brought up by the merger of the two certificates?

4 A. No.

5 Q. Was there any special process or attention or anything set up
6 by your office to handle any required oversight or assistance that
7 they might need as the two certificates merged?

8 A. No, we were doing our normal surveillance separately until
9 they got their transition plan. And then when they started that,
10 I was pretty much backing out and going to Northern Air Cargo. So
11 I don't know how they did -- I think everything got merged over to
12 -- Pat as the POI then was responsible for the surveillance for
13 the carriers.

14 Q. Is a -- are there specific items, occurrences at a
15 certificate holder that would prompt the FAA to start enhanced
16 surveillance on that carrier?

17 A. There could be. That'd be feedback from either ASIs that are
18 out in the field that saw something or any of the CMT members that
19 saw something.

20 Q. Okay. Without something specifically being seen and reported
21 back to you, are there other occurrences at a carrier that would
22 prompt you to say we should have increased -- step up our
23 surveillance of this carrier, if you hadn't -- didn't receive
24 specific instances or reports from ASIs or other inspectors?

25 A. No.

1 Q. Okay, so a company going through bankruptcy or any kind of
2 reorganization, would that prompt any kind of increased awareness
3 or surveillance on your part?

4 A. Well, it would initiate awareness, and then according to the
5 guidance, you run through this matrix to see the health of the
6 company. And then based on that, you make a decision, risk-based
7 management, of maybe what do we need to step up.

8 Q. And did you -- did that process occur when you were POI, of
9 taking that factor -- for example, the merger -- and then looking
10 into the matrix you just talked about to see if that would require
11 and did not require stepped up or enhanced oversight?

12 A. Yes, we did. We did that.

13 Q. You did. Because of the bankruptcy specifically? Or do you
14 recall what?

15 A. Well, because of the selling -- yeah, the bankruptcy, and
16 also with the merger.

17 Q. Do you know about when that started, that enhanced oversight
18 or surveillance?

19 A. I think we looked -- I'd have to look. The best of my
20 recollection, I think it was like 2016 when we started hearing
21 about the merger or the selling of the company. Wasn't a merger
22 set up at that time. It was just a bankruptcy. And that's when
23 we started looking at it to see what the impact would be.

24 Q. Okay, did that -- looking at that, trying to determine what
25 the impact would be, did that prompt any enhanced surveillance

1 activities or oversight activities at that time on your part?

2 A. I do recall we stepped up some ramps. We'd go down, take a
3 look at the ramps, what was going on with the dispatch, look at
4 the paperwork. So we're doing a few more ramp inspections.

5 Q. Was there some point when you became aware that there was a
6 high turnover among the pilot group at PenAir? Higher than you
7 had been used to or that you thought -- or that you, you know,
8 were expecting or thought would be normal? Was there, was there
9 some point that that rose to your attention?

10 A. Well, I -- we anticipated it with the airlines hiring as much
11 as they were. They were feeding off the regionals a lot more than
12 they had in the past. So I think that was a concern for all the
13 regional airlines, that people were leaving and looking for
14 pilots.

15 Q. Okay. Did that, did that factor prompt any increased
16 surveillance or oversight activities at PenAir, that turnover,
17 increased turnover factor?

18 A. Yes, when I was a POI, I did a little more looking into their
19 -- who they were hiring and their scheduling and the pairing of
20 the pilots.

21 Q. While you were POI, were there any -- when you were the POI
22 at PenAir from 2014, were there any enforcement actions initiated
23 against pilots or PenAir? Do you recall?

24 A. Against the pilots? I don't recall any against the pilots.

25 Q. How about just the company?

1 A. There were against the company.

2 Q. Do you recall the nature of those actions?

3 A. No, I'd have to refer to the specifics for what we --

4 Q. Was there more than one against the company?

5 A. Again, I'd have to refer to the records.

6 Q. Okay. When you, when you transitioned away from or out of
7 that POI position and -- with Mr. Sullivan, who we just talked to,
8 was there a, for lack of a better word, out brief, exchange of
9 controls briefing between the two of you where he would -- he sat
10 down with you or had some method of communicating to you any
11 concerns or what he thought about, you know, the health and how
12 the company was doing and what you should look out for? Was there
13 a briefing like that? Discussion, informal, formal --

14 A. We had some informals where we would discuss what's going on
15 with PenAir, their manual system and their pilots, their
16 scheduling, so he could get a little more familiar what's going on
17 with PenAir.

18 Q. Okay. Were there any -- did you highlight any concerns that
19 you had that you wanted to make sure he was aware of and he would
20 keep an eye out, keep an eye on as he transitioned into -- or as
21 he became POI? Were there specific fields that you said this
22 might need extra attention, or watch out, watch this or watch
23 that? Anything like that?

24 A. No, sir.

25 Q. No? Okay.

1 MR. FRANTZ: Okay, thanks. I'm going to take a break and
2 we'll see if anyone else has any questions.

3 DR. SILVA: How are you doing? Do you need a break?

4 MR. FITZPATRICK: Just checking. No, I'm good on the meter.

5 DR. SILVA: Yeah. Great. Dujuan?

6 DR. SEVILLIAN: Yeah, thanks, Sathya.

7 BY DR. SEVILLIAN:

8 Q. When you were POI of PenAir -- I think Marvin touched on this
9 a bit, but did you issue any letters of investigation as far as --
10 with PenAir?

11 A. Yes, I recall one when I first came in.

12 Q. And what was that one about?

13 A. I'm trying to remember. It'll probably come back to me, but
14 I don't -- right now I can't recall.

15 Q. Okay. And you were talking about that the enhanced oversight
16 that you did for understanding the impacts to the ramp, dispatch,
17 you know, paperwork, what exactly were you looking at as far as
18 dispatch is concerned?

19 A. To make sure that they haven't changed any of their
20 procedures that they were supposed to do by the manual. That
21 their paperwork is the same as it was before. I didn't see any
22 change or degradation in their operations or safety during this
23 transition.

24 Q. Did you see any changes when you reviewed it?

25 A. No. It was -- no changes. It was satisfactory.

1 Q. And as far as the transition from POI to POI, when you
2 departed PenAir for POI, did you provide any information to the
3 next POI as far as highlights, things that they need to focus on
4 heavily with PenAir, before you left?

5 A. There was nothing heavily to focus on. It was just a normal
6 transition when we looked at the surveillance that was being done,
7 what had to be done for the next quarter.

8 Q. And you talked earlier about aviation safety inspectors in
9 the field. How is that communication to the -- back to the POI?
10 Do they provide information to you when you were at PenAir?

11 A. Yes, on their -- when they're doing their -- they call their
12 SAS for their collecting data. If there's something, then they
13 can put a PI alert, and then I get a notification through the
14 system that there's a PI alert and I can look into it. I can get
15 back to him if I have any specific questions. Or if it's
16 understandable, then I can work with what he said or she said.

17 Q. You said data collection. Is it through a data collection
18 tool?

19 A. Yes, data collection tools. Yes.

20 Q. And when you -- did you ever receive those from any ASIs when
21 you were at PenAir?

22 A. I recall one. And it was with -- I'd have to look at the
23 records, but I do recall one.

24 DR. SEVILLIAN: Okay. All right, that's all the questions I
25 have for now. Thanks, Sathya.

1 DR. SILVA: Dave?

2 MR. KEENAN: No, I don't.

3 MR. WILSON: Nothing for Chuck.

4 DR. SILVA: All right. I have some follow-ups here.

5 BY DR. SILVA:

6 Q. What was your impression of the safety culture at PenAir when
7 you were POI?

8 A. It was excellent.

9 Q. Were there any changes between when you started and when you
10 left in terms of your impression of the safety culture?

11 A. No, I didn't see any change in the safety culture.

12 Q. How would evaluate safety culture with an operator?

13 A. With PenAir specifically?

14 Q. Yeah, let's go there.

15 A. All right. It was a very healthy safety culture there.

16 Q. And how do you -- why did you get that impression? How did
17 you get that impression?

18 A. With my operations with the carrier. And also when we go out
19 and do surveillance, one of the questions we do is interface with
20 the people we're working with about the safety culture. They're
21 interfacing how they report safety issues, is the company very
22 responsive to that. And it was very healthy.

23 Q. Were there any concerns brought up by flight crewmembers when
24 you were doing surveillance?

25 A. No.

1 Q. Any changes to the safety culture that you observed when the
2 transition occurred for the merger?

3 A. No changes.

4 Q. Who was the rest of your CMT when you were with -- when you
5 were POI at PenAir?

6 A. Let's see. It would have been -- by names? The individual
7 by name?

8 A. Yeah.

9 Q. Oh, Mike Zarr was the principal maintenance inspector. And
10 John Harvath was the principal avionics inspector.

11 Q. Do you know if they were also reassigned about the same time
12 that you were from PenAir?

13 A. Yes.

14 Q. Is it common to get a reassignment of an, of an entire CMT
15 when any changes are being made?

16 A. Common, I don't know. You'd have to run through that with
17 Mr. Sims. He's in charge of the CMO, and it's up to him how often
18 he wants to move inspectors around.

19 Q. So in your experience, when you were switched, were those
20 typically POI changes only, or do you recall if other members of
21 the CMT were also transitioned?

22 A. Normally it's done if retirements -- so there's an opening
23 position, and then based on seniority, you have to -- you can bid
24 those opening positions. So normally, usually, there are several
25 changes because everybody has different seniority positions.

1 Q. Okay. So is that more of a rolling situation compared to
2 everyone's changing, an entire CMT is changing at once?

3 A. In my experience since I've been there, it seems like
4 everybody ended up changing all at the same time.

5 Q. Okay. Do you know who was involved with the decision to
6 switch the CMT for PenAir in July?

7 A. Mr. Sims. The manager of the CMO.

8 Q. When you switched the certificate over to Pat, were there any
9 high-risk concerns for PenAir?

10 A. No highlights, concerns. No.

11 Q. Had you ever been involved with a merger before in your
12 experience with the FAA?

13 A. No.

14 Q. Was there any guidance available to help you with that
15 merger?

16 A. Yes, the 8900 has it outlined.

17 Q. What does the 8900 provide you with?

18 A. It's the guidance on how we do just about all our operations.

19 Q. So specifically for the merger, what -- can you kind of give
20 me some examples of what might be in there to help you?

21 A. There's several pages, but primarily it's what they refer to
22 as a transition plan. And it outlines the meetings, the letters
23 that have to be done, the people that should be, the transition
24 plan that should be composed. And then you review that, and then
25 there's an operations specification that's involved with that

1 also. But it gives a whole list of what needs to be done.

2 Q. In addition to the 8900, was there any guidance that you
3 received from anywhere else in the FAA about merging?

4 A. The 8900 specifies other guidances to look at that could be
5 involved.

6 Q. Is that paperwork or people or --

7 A. Both.

8 Q. Okay. And you mentioned that, once you started hearing that
9 there could be a potential merger, you increased your
10 surveillance. And you gave an example of increasing ramp checks.
11 Was there any other kinds of increased surveillance at that point?

12 A. As I recall, we did some more jump seat flights.

13 Q. What were you looking for in those cases?

14 A. Any degradation in safety or lack of, I guess, focusing on
15 the mission at hand versus being -- any distractions that would
16 have been caused to the air crews or the ground crews.

17 Q. Have you ever been POI when an operator has had an accident?

18 A. No.

19 Q. And when you get -- when you have a concern with an operator,
20 can you walk me through the process of interfacing with them,
21 including when you would issue -- in what cases would you issue a
22 letter of investigation versus talking to them? Can you kind of
23 walk me through what that would normally look like for you?

24 A. Theoretically, if there was a violation, then we have to
25 follow a process where the CMT members would meet. We'd look at

1 it. We'd have our frontline manager. And then we'd follow the
2 process for if it was going to be an EIR or what they call now a
3 compliance action.

4 Q. When would you pursue a compliance action versus an
5 enforcement action?

6 A. Well, the criteria is listed in the 8900, so I'd have to
7 refer to that. If you have it, then it gives a list of, do they
8 qualify to be considered for a compliance action versus an EIR?
9 And it specified what those actions are.

10 Q. Have you ever flown as a crewmember into Dutch Harbor?

11 A. No.

12 DR. SILVA: Wait, Marvin. Okay. Are you ready to --

13 MR. FRANTZ: Are you done?

14 DR. SILVA: Yes. Just going to jump ship. Yeah. I am done
15 with my questioning, so Marvin?

16 MR. FRANTZ: Thanks.

17 BY MR. FRANTZ:

18 Q. Was the merger -- was the PenAir/Ravn merger/acquisition, was
19 that announced during your time period, timeframe as POI?

20 A. Yes.

21 Q. Do you recall when that was?

22 A. I would say probably -- I'd be guessing. 2017, maybe --
23 probably 2018.

24 Q. Did you go to PenAir/Ravn, or did they come to you initially
25 to announce and discuss the procedure that they intended to follow

1 for the merger? Who made the first contact to talk about the
2 merger, the acquisition?

3 A. Well, according to the 8900, it was the carrier that forwards
4 a letter that says they're interested in a merger. The best I can
5 recall from the listing of what has to occur in sequence with the
6 8900. It gives a sequence of what has to occur.

7 Q. So do you remember who contacted you, far as to start the
8 process?

9 A. It was probably my frontline manager when they received a
10 letter.

11 Q. At some point, was there a meeting between the CMT and
12 representatives from PenAir and/or Ravn to discuss or to set up
13 the process?

14 A. Yes. In accordance with the guidance, there was.

15 Q. Were you at that meeting?

16 A. Yes, I was.

17 Q. Do you remember who was there representing PenAir or Ravn?

18 A. I know my CMT members were there, and my frontline manager
19 was there.

20 Q. Okay. Was any -- do you know who -- remember who was there
21 from PenAir?

22 A. That was PenAir. My CMT -- oh, from the PenAir company? No,
23 I don't know. I'd have to look at the --

24 Q. Was Deke Abbott there? Do you remember?

25 A. I'm sure he was. I'd be surprised if he wasn't.

1 Q. Did you say you had -- did you have regular interactions with
2 him during the merger process when you were -- the meetings you
3 were talking about, you had regularly?

4 A. He was just at the meetings for the ones that I was with that
5 were scheduled. And I don't know if he was with every meeting
6 that I was with.

7 Q. What did you understand his role to be in the merger process?

8 A. As far as I remember, he was involved with the -- pretty much
9 the flight operations and the flight crews and the, and the
10 flights and --

11 Q. Did you have any direct interaction with him regarding flight
12 operations --

13 A. No.

14 Q. -- changes or anything during the merger?

15 A. No.

16 Q. No? Do you know Chris Hart?

17 A. No, doesn't really ring a name.

18 Q. Okay.

19 MR. FRANTZ: Okay, I think that's all I have for now. Thank
20 you.

21 DR. SILVA: Dujuan?

22 DR. SEVILLIAN: I don't have any further questions, thanks.

23 DR. SILVA: Dave?

24 MR. KEENAN: I do not.

25 DR. SILVA: Brandon?

1 MR. WILSON: Nothing for me.

2 BY DR. SILVA:

3 Q. I just wanted to follow up on one thing that Marvin said.
4 You mentioned that you would have been surprised if Deke was not
5 at that initial meeting.

6 A. If what?

7 Q. If Deke was not at the initial meeting.

8 A. I don't know who was all at the initial meeting. He was --
9 you would have to look at the roster we all signed. Don't know.

10 Q. You mentioned that you would be surprised if Deke was not
11 there.

12 A. Right.

13 Q. Why is that?

14 A. Well, he was a major player with Corvus.

15 DR. SILVA: Okay. If anyone has anything else? Do you have
16 anything else that you want to add that we did not ask you about
17 specifically?

18 MR. FITZPATRICK: No. Very nice.

19 DR. SILVA: All right, thank you so much. We can go off the
20 record.

21 COURT REPORTER: Okay, off record 11:33.

22 (Whereupon, at 11:33 a.m., the interview was concluded.)
23
24
25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF: PENAIR FLIGHT 3296 CRASH AT UNALASKA-
 DUTCH HARBOR AIRPORT, ALASKA
 OCTOBER 17, 2019
 Interview of Chuck Fitzpatrick

ACCIDENT NO.: DCA20MA002

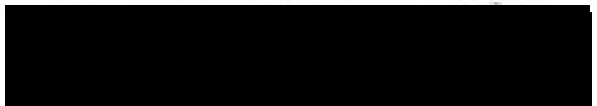
PLACE: Anchorage, Alaska

DATE: December 6, 2019

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Betty Caudle
Official Reporter



Eileen Gonzalez
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

*

PENAIR FLIGHT 3296 CRASH AT UNALASKA- *

DUTCH HARBOR AIRPORT, ALASKA *

Accident No.: DCA20MA002

OCTOBER 17, 2019 *

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Interview of: JOHN G. POSEY
Aircrew Program Manager
Federal Aviation Administration

Via Telephone

Friday,
January 24, 2020

APPEARANCES:

MARTIN FRANTZ, Operational Factors Investigator
National Transportation Safety Board

SATHYA SILVA, Ph.D., Human Performance Investigator
National Transportation Safety Board

DUJUAN SEVILLIAN, Ph.D., Human Performance Investigator
National Transportation Safety Board

DAVID KEENAN, Air Safety Investigator
Federal Aviation Administration

BRANDON WILSON, Line Pilot and Check Airman
PenAir

MATTHEW T. SMITH, Attorney
Federal Aviation Administration
(On behalf of Mr. Posey)

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I N T E R V I E W

(11:01 a.m.)

1
2
3 MR. FRANTZ: So we're on the record at 11:02 -- 11:01 Eastern
4 Time, on January 24, 2020.

5 So, John, thanks for joining us this morning. As you know,
6 we've done a series of interviews for this case of several FAA
7 people in Anchorage and a whole bunch of PenAir people as well.
8 And, you are the last person on our list to interview.

9 So what we're going to do is just -- it's the -- who you're
10 talking to is the NTSB Operational Factors/Human Performance
11 Group. It's a combined group, and there are three NTSB employees
12 in the group, and then we have a representative from the FAA,
13 which is Dave Keegan [sic], and then we have a representative from
14 PenAir, Brandon Wilson. I'll let everybody introduce themselves
15 in a moment.

16 But anyway, we're looking at human performance and
17 operational factors elements of this accident, and so we've been
18 talking to a lot of people, and like I said, you're one of the
19 final people we wanted to chat with.

20 What we'll do is we'll each have a couple of questions for
21 you, one at a time. We'll just go around the room, the virtual
22 room, and ask questions and then we might have a second round if
23 anybody has any follow-ups, and at the end, we'll give you a
24 chance -- if you have anything to add or say, you'll have a chance
25 to add that at the end of the interview.

1 We're recording this, as I told you. Ultimately, not the
2 recording, but a transcript of the recording will become part of
3 the public docket of this accident. So it will be ultimately
4 released, so I can't tell you everything you say here is going to
5 be confidential or private or anything like that. Ultimately the
6 transcript will be part of the public record for this accident.

7 MR. POSEY: I understand.

8 MR. FRANTZ: Okay. We do let you know, and as you already
9 know, you're allowed to have a representative with you, and just
10 for the purposes of the record, could you just state who your
11 representative is that you've chosen to be with you?

12 MR. POSEY: I have Matthew T. Smith as a representative.

13 MR. FRANTZ: Okay. Thank you. It's not a formal deposition.
14 It's an informal interview. So, you know, if you want to go back
15 later and correct something or if you remember something after the
16 fact that you wanted to add, that's fine. You just need to get in
17 touch with us. We also -- okay.

18 Before I finish this, let me just go around and I'll ask each
19 person to state -- the members of the group that are going to be
20 asking questions, I'll ask them to state their name and their
21 affiliation.

22 We'll start with myself, Marvin Frantz. I'm an operational
23 factors investigator with the NTSB. And also, we have Sathya.

24 Go ahead, Sathya.

25 DR. SILVA: Hi, John. I'm Sathya Silva, a human performance

1 investigator with the NTSB.

2 MR. FRANTZ: Okay. And then we have Dajuan Sevillian.

3 DR. SEVILLIAN:: Yes. John, this is Dajuan Sevillian, human
4 performance investigator with NTSB.

5 MR. FRANTZ: Thanks, Dajuan.

6 Brandon.

7 MR. WILSON: Good morning, John. I'm Brandon Wilson, a check
8 airman with PenAir.

9 MR. FRANTZ: Okay. And Dave.

10 MR. KEENAN: Hi, John. I'm Dave Keenan. I'm an air safety
11 investigator with the FAA out of headquarters.

12 MR. POSEY: Did I speak with you, Dave, before?

13 MR. KEENAN: I don't know if we have. Probably Tony from
14 Anchorage.

15 MR. POSEY: Yes, that was it. Brandon, what was your last
16 name?

17 MR. WILSON: Brandon Wilson.

18 MR. POSEY: Wilson, okay.

19 MR. FRANTZ: Okay. I think that's everybody. Let me just
20 check with Sathya.

21 Sathya, is there anything in the briefing that I didn't
22 cover?

23 DR. SILVA: Nope, I think you're good.

24 MR. FRANTZ: Okay. All right. So before we get started,
25 John, do you have any questions about us or the process that we're

1 going to go through here?

2 MR. POSEY: Not at the moment.

3 MR. FRANTZ: Okay. Well, any time, speak up. Okay, let's --
4 I'll start off. Let me get my notebook, the right page here.

5 INTERVIEW OF JOHN G. POSEY

6 BY MR. FRANTZ:

7 Q. I'll start with just a little background. John, could you
8 just state your name and spelling for us please?

9 A. I'm John G. Posey. First name is John, middle initial is G
10 as in golf, last name, Posey, P-o-s-e-y.

11 Q. Okay. And what's your current position with the FAA, John?

12 A. I'm the aircrew program manager for Peninsula Airways based
13 out of Anchorage, Alaska.

14 Q. Okay. How long have you held that title?

15 A. That title, approximately 3 years with PenAir. Don't hold me
16 to the dates. I'm not real great when I started and when I ended,
17 I'm having so much fun. I was the APM for Silver Airways for
18 approximately 2 years prior to that. So as a APM, probably 5
19 years experience with the FAA.

20 Q. Okay. And the Silver was -- when you were APM for Silver,
21 was that in Florida as well at SIMCOM?

22 A. Well, it was at Miramar.

23 Q. Okay.

24 A. Silver used the PanAm Academy out of Miami --

25 Q. Okay.

1 A. -- as their training facility, based out of Fort Lauderdale.

2 Q. Okay. So is the APM, your position now, is that basically a
3 full-time position and you're based out of Florida for that. Is
4 that correct?

5 A. Well, I'm remote-sited. I'm based out of Anchorage, Alaska
6 with the Denali CMO, remote-sited to South Florida.

7 Q. Okay. So before you were APM for PenAir and Silver, what
8 other positions have you held in the FAA?

9 A. Assistant POI. I started -- I've been with the FAA
10 approximately 6 years. So those are the primary jobs that I've
11 had. The first year was in training. From that point, as the
12 APM. So that -- probably 4 years ago, 4 to 5 years as an APM.

13 Q. Okay.

14 A. But no other major positions at that point.

15 Q. Okay. Have you ever worked on the Southwest Airlines
16 certificate?

17 A. No, that's my other brother, John Posey.

18 Q. Yeah. Okay. Is that really your -- it's not your brother, I
19 guess, but somebody with your name, right?

20 A. Yes. I called him my other brother but --

21 Q. Yeah. Okay, okay. All right. Good. Can you give us a --
22 so you've been with the FAA for about 6 years?

23 A. Yes.

24 Q. Can you give us a quick sketch of your flying background and
25 experience and any certificates or type ratings you hold?

1 A. Sure. You want the short version or the long version?

2 Q. Just the short one please.

3 A. All right. Well, I'll give you a little short one. I'm one
4 of these guys that couldn't hold a job. I started out with the
5 Louisiana Air National Guard who sent me to U.S. Air Force pilot
6 training. From there, at the Louisiana Guard, I flew the F-100
7 Super Sabre and the F-4 Phantom.

8 I went to work as a (indiscernible) company as a test pilot
9 at the time with the Kansas Air National Guard as a F-4 instructor
10 also. Back to Louisiana where I flew the F-15 and the C-130. I
11 worked a little bit in Washington, D.C. as a program manager for
12 the Air National Guard. U.S. Airways for 20 years, I flew DC-9,
13 Boeing 737, CL-65, Fokker 100, Airbus 320. Went to work for
14 Airbus North America as an instructor in an A-320 in Miami, helped
15 (indiscernible) America get airborne. I ran their training
16 department in Miami in the simulators and as a check airman with
17 them.

18 From there, I went to National Cargo out of Michigan, where
19 we brought on 757 and 747. I was up front as a chief pilot there,
20 went to the line as a line pilot, flew Dubai to Bagram Air Force
21 Base in Afghanistan as a contract, bringing contractors in, for 4
22 years. Then went to work for the FAA.

23 Type ratings are ATP. Commercial privileges is single
24 engine. Type ratings in the Learjet CL-65, Boeing 737, Boeing
25 757, Boeing 767. Also at the Louisiana Air Guard, I ended up as

1 director of operations, and my last aircraft after the F-15 was
2 the C-130. And then here with the FAA as the program manager, APM
3 for the Saab 340, and then the SA-2000.

4 Q. Wow, that's quite an extensive background. How many total
5 flight hours do you have?

6 A. I quit counting, but over 13,000. Yeah. Somewhere around
7 3,000 in single-seat fighters, probably 1,000 each in the aircraft
8 I flew, and for 20 something years -- it took a while to get that
9 time, but over 13,000 hours, probably 14-.

10 Q. Okay. And when you talk about type ratings, you have a 340
11 and a Saab 2000 type rating as well?

12 A. Oh, I'm sorry. Yes, I took that as a given.

13 Q. Right, because you're the APM, yeah. I did, too, but I just
14 wanted to make sure I was thinking right. Okay.

15 So as the aircrew program manager of PenAir, can you just
16 give a quick rundown of your duties and responsibilities?

17 A. Well, the primary responsibility is to oversee the aircrew
18 program designees, the APDs. I review the training program. I
19 oversee the check airmen also. So that's kind of a secondary
20 function, but the primary function as APM is the APD oversight.

21 Q. Okay. And on the PenAir certificate, how many APDs do you
22 have working for you?

23 A. Zero.

24 Q. Who fulfills that function for PenAir, issuing the type
25 ratings?

1 A. Well, we have TCEs, training center evaluators. When I say
2 zero, I had three at one time, but they were in the 340, and so
3 now we phased out the 340 and we're in the process of certifying
4 APDs on the Saab 2000. But PenAir has been using training center
5 evaluators here in Orlando for the initial Saab 2000 training.

6 Q. Okay. So just so I -- I think I understand it, but let me
7 make sure I understand the distinction. An APD, is he an employee
8 of a carrier that's designated to do type ratings?

9 A. Correct.

10 Q. Okay. So PenAir is in the process of attempting to get one
11 or more people designated as APDs, but currently they have none.
12 Is that right?

13 A. That's correct. The last APD was on the 340. When they
14 phased out the 340, we removed them as an APD. And the process is
15 you have to be a proficiency check airman prior to becoming an
16 APD.

17 Q. Right.

18 A. So my APDs -- so we're in the process of certifying, I won't
19 say an initial cadre, but it is an initial cadre on the SA-2000.
20 And they will supplement the TCEs in Orlando at the SIMCOM.

21 Q. Okay. Do you have any proficiency check airmen designated
22 for PenAir at this time?

23 A. Yes. We have -- I just certified one -- well, two. One I'm
24 still waiting for the training paperwork to complete his. So we
25 have two proficiency check airmen that are certified at PenAir.

1 One has his letter and one is I'm waiting for the training
2 records.

3 Q. And what are their names?

4 A. Kirk Watson and Iain Thompson.

5 Q. Okay. And so when they become qualified, I mean, are those
6 the two that probably on the track to become APDs down the line.
7 Is that, in effect, correct?

8 A. Yeah. Correct.

9 Q. All right. So you oversee -- right now do you have oversight
10 responsibilities for the TREs then at SIMCOM?

11 A. I'm not sure what your term TRE is. It's a TCE is --

12 Q. TCE, yeah. Sorry.

13 A. Training center evaluator. I don't have direct oversight.
14 That is with the FSDO that has the certificate. Mr. Steven Moore
15 is the TCPM, which is the training center program manager. I over
16 -- I do, do the observations of the TCEs. I did last year. They
17 have to have an annual observation, and so I did those
18 observations while they were conducting their certification
19 events.

20 Q. Okay. How many TCEs do they have there?

21 A. They have three TCEs.

22 Q. Okay. Can you tell me their names?

23 A. Gary Gunderson -- I've got Gary Gunderson, Andy Reeves, and
24 one more. I'll give you his name. Just a moment. It's Steven --
25 let's see here. Who have I got? I'll come back to that when I

1 get to it.

2 Q. Is Steven Moore?

3 A. Steve Moore is the TCPM. He's in (indiscernible).

4 Q. Oh, yeah, yeah. Okay.

5 Okay, so those individuals, the TCEs, you do a yearly
6 observation of their performance; is that correct?

7 A. Well, I do more than a yearly. The minimum requirement is a
8 1-year observation prior to their recertification. I do more than
9 that. I can't give you a number. I have to go back in and look
10 at the PTRSs, which I document those observations. But the
11 minimum is one observation, and hopefully it is a full
12 certification. They do have -- if you can't do the full
13 certification, they do have other ways of doing the observation.

14 Q. Okay. So besides when you're observing a TCE, do you have
15 any other time you spend in this Saab 2000 simulator with PenAir?

16 A. Yes.

17 Q. And does that -- what's the purpose of that time outside of
18 when you're observing TCEs?

19 A. Either my training or training for -- lately I've checked out
20 in the 2000, back in late summer, or maybe early summer. So I've
21 only been on the airplane here for 6, 8 months. So it's my
22 training, and I also do the observations of PenAir. The most
23 recent observations were certifying their extended envelope
24 training, and we did that in November. Prior to that, it was
25 observations for the proficiency check airman, Iain Thompson, and

1 I've been pretty involved here late with the extended envelope
2 training and the certification of the proficiency check airmen.
3 So I use that in conjunction with the cert to observe the TCEs.

4 Q. Okay. Am I right in thinking that when a TCE does a type
5 rating ride and signs it off, ultimately that paperwork comes to
6 you for validation or approval, or you have to sign it as well.
7 Is that correct?

8 A. Yes and no. The TCPM is the oversight for the TCEs. The
9 paperwork -- if it's a paper, 8710 application, it goes to the
10 TCPM. Now, occasionally I do get those if there is a mistake that
11 has to be corrected. If you do it through IACRA, there either is
12 no requirement for a FAA inspector to certify the paperwork.

13 Q. Okay. Do you know -- are you acquainted or do you have any
14 knowledge of either of the accident pilots, Paul Wells or Justin
15 Lunn?

16 A. No. I did talk to Steve Moore. He said he was in, I think
17 it was Mr. Wells' type rating, and he said it was a non-event, so
18 he saw no problems with it during that time. But that's the only
19 information I have on those two pilots prior to the accident.

20 Q. Okay. Do you have any sense of what the failure rate is at
21 -- for attempting for the type rating, the 2000 type rating?

22 A. No.

23 Q. Are you aware of any failures since you've been the APM
24 there?

25 A. Not -- no is the short answer.

1 Q. Is there a longer answer?

2 A. Yeah. We have had failures with a proficiency check, but
3 there's few, and I can expand on that just a little bit.

4 Q. Sure. Go ahead.

5 A. PenAir is -- that's one of the bright spots to me for their
6 training department. I initially started their training. I was
7 in a class with four. I was the only one that made it through the
8 initial portion of that. So PenAir has been very selective from
9 the pilots that they get through, and I'm talking about the
10 initial ground school. I think that's why we have such a low
11 failure rate. During the orals and the performance in the ground
12 school, they are able to eliminate the people that they don't
13 think are going to have -- that they're going to have problems
14 with.

15 Q. Okay. Aircraft performance, the training that the PenAir
16 pilots get on performance, weight and balance and calculating
17 performance numbers, specifically takeoff and landing numbers,
18 does that training come from SIMCOM or does it come from PenAir
19 ground school in Anchorage?

20 A. Well, it comes from both. You do the ground school in
21 Anchorage. You'll get the majority of the processes and the
22 weight and balance calculations there, but you also do it during
23 training in Orlando with SIMCOM.

24 Q. Okay. Do you -- in your role, do you ever actually conduct
25 the type rides or the oral exams for PenAir? Have you ever done

1 that for any PenAir pilots?

2 A. Not in the 2000. We haven't had the occasion to do that, but
3 I have in the Saab 340.

4 Q. Okay.

5 A. I just got checked out on the 2000, and we haven't, to my
6 knowledge, had any certification events since that point. There
7 may have been one or two but I don't recall right off the top of
8 my head right now.

9 Q. Okay. What's your impression of the level of confidence,
10 expertise, training ability of the SIMCOM instructors and
11 evaluators?

12 A. It's outstanding. As I mentioned earlier, that's a bright
13 spot with PenAir. I'm very confident of their training
14 department. The TCEs are very experienced and very knowledgeable
15 of the aircraft. They're very, I want to say dedicated, but they
16 are some of the best instructors that I've seen.

17 Q. And you were the APM when PenAir had the 340s as well. Is
18 that right?

19 A. Correct.

20 Q. Okay. Do you see -- have you seen in your role and what
21 you've been able to see, have you seen any -- do you have any
22 issues or concerns about any of the training that the PenAir
23 pilots receive at PenAir from their systems and other ground
24 school that they have for PenAir? Do you ever -- are you aware of
25 any deficiencies that they sometimes show up with when they come

1 down to the simulator?

2 A. No, not at all. In fact, the 340, my comment was that
3 they're covering too much, but you can't fault them for doing more
4 than what they should do. But they were very in depth and the
5 training is very good.

6 Q. Okay. When a PenAir pilot comes to Orlando then, is there
7 any ground school, per se, that they go to Orlando or is it just
8 the SIM training for the type rating?

9 A. They get systems integrated training that comes in. So
10 you'll have a fixed-based simulator.

11 Q. Right. Okay.

12 A. You go through that. That's not the flight portion of it.
13 So that will be considered ground school.

14 Q. Right. And so they do have a fixed-base simulator, fixed
15 based simulator for the 2000 there at SIMCOM?

16 A. I say fixed base. It's the same simulator; they use a full
17 motion sim without motion.

18 Q. Okay. Do you know how many sessions they get in that before
19 they go on motion?

20 A. I think it's four sessions we do the integration training
21 with.

22 Q. Okay.

23 A. And it goes to flows and procedures and starts and all, you
24 know. So it's integrating the systems with a ground school to
25 kind of get them comfortable with it.

1 MR. FRANTZ: Right. Okay. Good. Thank you, John.

2 I'm going to pass it to Sathya next and see if she has any
3 questions.

4 DR. SILVA: Thanks, Marvin.

5 BY DR. SILVA:

6 Q. John, I just wanted to expand on your experience a little
7 bit. Can you quantify the flight experience that you have out of
8 Alaska?

9 A. Say the question again.

10 Q. Can you describe the flight experience that you have, if any,
11 in Alaska operations?

12 A. My personal experience as to flying in Alaska?

13 Q. Right, yeah.

14 A. The only time I've ever flown into Alaska is I picked up a
15 757 in China and flew it into Anchorage, where Customs confiscated
16 the airplane and I went to the hotel.

17 Q. Okay.

18 A. They didn't have an import license for the aircraft. But as
19 far as the experience, I fly en routes with PenAir. So I've been
20 doing that each quarter of the year.

21 Q. Okay. I'm going to come back to that one in a second, but do
22 you have an idea of how many hours you have in the Saab 2000?

23 A. How many hours?

24 Q. Yeah.

25 A. I have in the 2000?

1 Q. Right.

2 A. I'm qualified and current through the simulator program. So
3 I don't count those as hours. So it would be none.

4 Q. Okay. So you've gone through the training and then the
5 observations; is that right?

6 A. I stay current. I'm type rated in the Saab 2000 through
7 PenAir's program, and I maintain landing currency in the
8 simulator.

9 Q. Okay. I understand. What led you to the FAA?

10 A. What brought me to the FAA?

11 Q. Yeah.

12 A. I enjoy what I do, and this is why I'm an APM, because I've
13 been a check airman for 20-something years. I was an instructor,
14 evaluator in the F-4, F-15, CL-65, A-320, 757. So I understand
15 the job and I understand -- I was the director of training and ran
16 the simulator programs. So I enjoy it. I wasn't ready to retire
17 totally. So I was fortunate enough to get hired by the FAA. I
18 saw their wisdom.

19 Q. So were you hired directly into Anchorage? Did you have any
20 other experience before that?

21 A. No, I was hired into the Miramar Office in South Florida.

22 Q. Right. So then what moved you over to Anchorage?

23 A. Quality of life. It was the same job I was doing in Miramar
24 but they allowed me to be remote-sited to South Florida.

25 Q. When did you make that switch again? You mentioned that

1 already.

2 A. I'm saying approximately 3 years ago.

3 Q. Okay.

4 A. It may be plus or minus.

5 Q. All right. So going back to the en route surveillance you've
6 done with PenAir, have you ever flown into Dutch Harbor on these
7 en routes?

8 A. Not to my knowledge.

9 Q. Okay.

10 A. I can't remember if I have or not.

11 Q. How often do you do these en routes?

12 A. Once a quarter. One requirement is I have to do one a
13 quarter, one en route, but it's document -- we document it in SAS,
14 and I can't tell you an exact number. But normally I do, as I'm
15 estimating, 6 to 10 en routes per quarter.

16 Q. Okay. Do you have a strategy for choosing which flights you
17 observe?

18 A. I don't really have a strategy. It depends on my schedule,
19 which flights are operating when, and I look at the weather also.
20 That could be a factor, because I've sat there at the airport for
21 4 hours waiting for weather to clear. So I try to pick a flight
22 that I checked the weather, that the weather's going to be decent
23 to be able to get there in the first place. So not necessarily to
24 be a fair weather flyer, but just logistics.

25 Q. I see.

1 A. It's not many places to stay in a hotel in some of these
2 airports in Alaska.

3 Q. I understand that. Okay. So what is your -- what would you
4 say your overall impression is of the PenAir operation based on
5 your experience?

6 A. Overall outstanding.

7 Q. Okay. Have you had any negative findings on these en routes?

8 A. None.

9 Q. Okay. And that's over the last 3 years?

10 A. Yes. I have had comments, but it's not negative findings.
11 It's just debrief items and mostly questions.

12 Q. Okay. In terms of those comments, can you describe the
13 nature of those?

14 A. Let me see. Mainly the comments, and I didn't mean that
15 negatively. I'm asking about their procedures. So if I have a
16 question, so -- and I can't give you a direct answer or an example
17 of what I'm asking. But I discuss, you know, their processes just
18 to make sure that they're doing what their manual says they're
19 doing. I may have a question and have them verify something for
20 me.

21 Q. But in your experience, there hasn't been any discrepancies
22 or anything?

23 A. Nothing major.

24 Q. Okay.

25 A. There are very highly qualified pilots flying for PenAir.

1 I've been very impressed with the pilots. Just about every
2 airport they go into, it's a special airport.

3 Q. Speaking of special airports, what's your understanding of
4 their qualification requirements?

5 A. Just what's in their manual. Looking at that, they do more
6 than what the FAA requires. The FAA requires if you're flown into
7 a special airport within, I think, the last year, you do a
8 pictorial, which is very minimum. PenAir has a lot more robust
9 requirements for special airports.

10 Q. Do you recall what those are?

11 A. Well, the number of hours. I don't have the manual in front
12 of me. I'd have to refer to it --

13 Q. Okay.

14 A. -- to give you the exact numbers of that.

15 Q. So in the last -- you've been working with them for about 3
16 years. Have you noticed any changes in the operation in the last
17 year with the merger?

18 A. Well, yes, there's been changes.

19 Q. Can you describe what those were from your perspective?

20 A. Well, some of -- as far as my area of concern, is the number
21 of check airmen. We're losing check airmen. Our highly qualified
22 check airmen are going off to other carriers, and this is not any
23 different than I think any small airline is facing in the U.S.
24 now. The experienced people are moving upwards, going to other
25 carriers, the majors. So that is one of the biggest changes that

1 I've seen at PenAir, is the loss of experienced check airmen.

2 Q. Do you recall when that started to happen?

3 A. Probably about 2 years ago.

4 Q. Okay.

5 A. We were very stable. I had check airmen that had been there
6 for 15, 20 years, and gradually they're starting to get offers
7 from other airlines to go to work.

8 Q. Were you aware of any discussion regarding changes to special
9 airport qualifications that PenAir was having?

10 A. No.

11 Q. And you mentioned earlier that the only information you had
12 on either of the accident pilots was from before the accident, was
13 regarding Paul Wells' performance and training. Did you hear
14 anything necessarily afterwards?

15 A. Just to clarify, I had not heard anything prior to the
16 accident.

17 Q. Okay. What information --

18 A. And what was the second --

19 Q. -- were you provided after the accident regarding the pilots?

20 A. I'm not sure what -- the question's kind of vague. So I'm
21 not sure exactly, you know, what the question is, I guess I should
22 say.

23 Q. Were you -- so after the accident occurred, was there any
24 information passed on to you regarding pilot performance or
25 qualifications?

1 A. No.

2 Q. Okay. Who do you work with directly at PenAir?

3 A. I work directly with Patrick Sullivan and Ty Bartauskay.

4 Q. Okay.

5 A. And prior to that, it was Charles Fitzpatrick, who was the
6 POI at the time.

7 Q. Okay. So when you do these en routes, do you speak directly
8 with any kind PenAir management directly?

9 A. The chief pilot, yes.

10 Q. Okay. Is that the only person really aside from people you
11 might fly with?

12 A. Well, as far as the 119, yeah, the chief pilot, director of
13 training. I drop by the OCC, operational control center. As far
14 as direct management people, it's mainly the chief pilot and the
15 director of training.

16 Q. Okay. And I just wanted to clarify something you mentioned
17 earlier. So you mentioned that you went through the PenAir
18 training program for the Saab 2000. Is that correct?

19 A. Correct.

20 Q. Is that normal procedure?

21 A. Yes.

22 DR. SILVA: Okay. Those are all the questions that I had.
23 Thank you.

24 MR. FRANTZ: Okay. Thanks, Sathya. We'll go to Dujuan next.
25 Do you have any questions, Dujuan?

1 DR. SEVILLIAN: Yes. Thanks, Marvin. I appreciate it.

2 BY DR. SEVILLIAN:

3 Q. John, this is Dujan. You discussed earlier that you were
4 part of the process for certifying extended envelope training for
5 PenAir?

6 A. Correct.

7 Q. Can you discuss just a bit what that entails? What was,
8 like, an overview of that?

9 A. Well, the overview, we attended the extended envelope
10 training in Oak City. So they had the course there for us, and we
11 brought several of PenAir's pilots to go through the industry
12 portion of that training. And the simulator had to be certified,
13 so that was a hold up on us certifying the extended envelope is
14 that the simulator had to be programmed with the extended envelope
15 data. So that was the big issue there, certifying the simulator.

16 Once we had the simulator certified, we worked with PenAir or
17 I should say we gave them information and worked with them in
18 developing their program. And that's just an oversight and
19 overview of it, unless you want more in depth what the extended
20 envelope training is.

21 Q. Yes. Can you tell us about that?

22 A. Yes, I can. I can't quote you from the manual. I don't have
23 it in front of me. But the extended envelope training entails
24 bounced landings, full stalls, stick pusher, high altitude stalls,
25 slow speed flight, loss of airspeed indications, and there may be

1 a few more items in there. I don't have the list in front of me
2 right now to give you a complete list of that, but that's the
3 overview.

4 Q. All right. And then you mentioned earlier, when Sathya asked
5 you about discussions with the chief pilot, what sorts of
6 conversations did you have with the chief pilot?

7 A. Well, I talk about the training program and how they can
8 improve it. Initially they didn't want to have an APD for the SA-
9 2000, and I thought that would be beneficial for them to have
10 their own proficiency check airman where they could do a lot
11 better quality control. So that was probably the main one that
12 I've had here in the last few months.

13 DR. SEVILLIAN: Okay. That's the questions I have for now.
14 Thanks, Marvin.

15 MR. FRANTZ: Okay. Thank you, Dajuan.
16 Brandon, do you have any questions?

17 MR. WILSON: No, I don't have any questions at this time.

18 MR. FRANTZ: Okay. Thanks, Brandon.
19 Dave Keegan, any questions?

20 MR. KEENAN: No -- Keenan. No, I don't have any questions.

21 MR. FRANTZ: Yeah. Sorry, Dave. I knew that.
22 Okay. Well, I think we've been around the room, John.

23 BY MR. FRANTZ:

24 Q. I do have one quick follow-up. The TCEs at SIMCOM, do you
25 know who gave them their 2000 type ratings?

1 A. No.

2 Q. Did you -- were you involved in their certification or
3 designation as TCEs?

4 A. Not the initial certification, just the renewal of their TCE
5 authorization.

6 Q. Is that authorization specific to an airplane?

7 A. Yes, correct.

8 Q. Okay. And so they were doing -- were they doing Saab 2000
9 work before you became the APM at PenAir?

10 A. Yes.

11 Q. Who was the previous APM?

12 A. Tom Lane was the previous PenAir APM for the Denali CMO.

13 MR. FRANTZ: Okay. I don't think I have any other questions,
14 John. I'll go around the room one more time and see if anybody
15 has any follow-ups.

16 MR. FRANTZ: Sathya?

17 BY DR. SILVA:

18 Q. The only question I had is, given your experience with
19 multiple different aircraft, I was curious what your impression
20 was of the Saab 2000?

21 A. I think it's a very capable airplane. To me, it's a much
22 easier airplane to fly than the Saab 340. I guess the short
23 answer to me would be it's a prop aircraft with -- or a jet
24 airplane with props on it. It's very simple. The FADEC manages
25 most of the systems, which makes it a very forgiving airplane,

1 I'll say, and the workload is off the pilot in a SA-2000.

2 DR. SILVA: Okay. Great. That's all I have. Thank you.

3 MR. FRANTZ: Thanks, Sathya. Any follow-ups, Dajuan?

4 DR. SEVILLIAN: No further questions. Thanks, Marvin.

5 MR. FRANTZ: Okay. Anybody else? Any final questions for
6 John?

7 MR. WILSON: Nothing from Brandon.

8 MR. KEENAN: Nothing from Dave.

9 MR. FRANTZ: Thanks.

10 BY MR. FRANTZ:

11 Q. Okay, John. Before we finish up, I'll just ask you, is there
12 anything regarding your role or the Saab or PenAir, anything we
13 didn't ask you about that you think we should ask?

14 A. I don't think you should ask, but I do have a question for
15 the Board.

16 Q. Shoot.

17 A. All right. I'm kind of I want to say amazed, but a little
18 disappointed that I wasn't invited on the initial investigation of
19 this incident. I'm one of probably two guys in the FAA that are
20 qualified on the Saab 2000 and current. I think we missed an
21 opportunity to have me in there with that initial interviews.

22 We've not been able to interview the pilot because now
23 they've lawyered up after they talked to you guys, and so we've
24 had to go through our attorneys to try to subpoena these pilots to
25 come in. So it's been very difficult, and I think we could have

1 gathered a lot of information, because I still have a lot of
2 questions that are in my mind that weren't answered with the
3 Board's initial findings. So I'm kind of chastising a little bit,
4 but my recommendation is to bring somebody qualified on the
5 airplane that has a knowledge of the procedures, which we missed
6 that opportunity.

7 Q. That is typically our process and our desire. We want to
8 have FAA group members that, if possible, are qualified on the
9 airplane. So I'm not sure what happened in this case that you
10 didn't get included in that.

11 You mentioned initial findings. We haven't put out any
12 initial findings. As you know, our investigation is a long
13 process. We've issued a preliminary or I'm not even sure of the
14 title, a report which just stated a couple of facts, you know, a
15 collection of facts that we've gathered so far, but all the rest
16 of the facts and any findings are way down the road, as you know.
17 So we've still got a ways to go.

18 A. Yeah, I was referring to the report of 15 November. I guess
19 you call that preliminary facts or --

20 Q. Yes. Those reports don't have any conclusions in them or any
21 findings. Those are just facts that we have gathered up to that
22 point, which is typically what goes in those reports.

23 MR. FRANTZ: Sathya, did you have something?

24 DR. SILVA: Yeah, I was just going to say those are not all
25 inclusive. It really just is to get whatever we can actually say

1 up until that point, but most of the time the interview details
2 won't make it into that because we conduct so many different
3 interviews and you have to kind of compile interviews from
4 multiple people in order to really figure out what the truth is.
5 So you wouldn't expect to see that on there. All the interviews
6 that we did do with them will go public once our factual
7 information is released, so probably in the next couple of months.

8 BY MR. FRANTZ:

9 Q. With all that said, John, what are the questions? Is there
10 anything you want to put in the interview now that's questions you
11 would have asked or things that you still would like to know?
12 Because we'll be happy to hear anything along those lines from
13 somebody that's type rated and has some experience in the
14 operations. So if you have anything that you feel like should
15 have been covered that we might have missed, now's your chance to
16 bring it up if you want to.

17 A. I don't think you guys have missed anything. I would have
18 just wanted some things clarified, so -- but I don't have my list
19 with me right now, so I can't answer that and give you an answer
20 to that question.

21 Q. Sure. Well --

22 MR. KEENAN: Marvin?

23 MR. FRANTZ: Yeah, go ahead.

24 MR. KEENAN: This is Dave Keenan, John, out of the FAA's
25 accident investigation office. I just want to go on the record in

1 saying I absolutely and our office would absolutely have loved to
2 have your expertise on there. One of the reasons that we run into
3 exclusions is because of the NTSB's self-imposed prohibition on
4 having anyone tied to a certificate as being part of the
5 investigation. I would have absolutely loved to have you there
6 and I wish you could have been.

7 MR. POSEY: Well, thanks for that.

8 MR. FRANTZ: Thanks for clarifying that, Dave. I knew there
9 was a reason but I'm glad you remembered it. Yeah, there is that
10 issue.

11 So anyway, John, if you have any concerns or questions that
12 you would have asked and you don't know if we asked or not because
13 you weren't there, by all means feel free to send them off to us.
14 I'll give you -- you probably have Dave's contact, but I'll give
15 you my email address, and if you want to send anything to me, I'll
16 share it with the group and, you know, we welcome information. So
17 let me know if you want to write this down. I'll give you my
18 email.

19 MR. POSEY: I think I have it in that invite, I believe it
20 was; wasn't it?

21 MR. FRANTZ: Yes. You may, yeah.

22 MR. POSEY: If not, I can get it from Matt.

23 MR. FRANTZ: Okay. Yeah. So, yeah, we would be happy to
24 hear from you. So feel free to share anything you like.

25 So before we wrap it up, anything else you want to add?

1 MR. POSEY: No, I appreciate the opportunity to speak with
2 you, and I hope I helped your investigation.

3 MR. FRANTZ: No doubt. No doubt. Okay. Well, that'll
4 finish this up. So thanks for talking with us today, John.
5 Thanks to everybody else for calling in, and any further comments
6 before we say goodbye from anybody?

7 (No response.)

8 MR. FRANTZ: Okay. Very good. Brandon and Dave, we'll get
9 you copies of the transcript when we get it back. It's going to
10 take a couple of weeks to get the recording transcribed and back,
11 but we'll get it out to all the group members once we receive it.

12 Okay. Thanks, everybody.

13 DR. SILVA: Off the record at 11:52.

14 (Whereupon, at 11:52 a.m., the interview was concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: PENAIR FLIGHT 3296 CRASH AT UNALASKA-
DUTCH HARBOR AIRPORT, ALASKA
OCTOBER 17, 2019
Interview of John G. Posey

ACCIDENT NO.: DCA20MA002

PLACE: Teleconference

DATE: January 24, 2020

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Kathryn A. Mirfin
Transcriber



Autumn Weslow
Corrections made 3/24/2020

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

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PENAIR FLIGHT 3296 CRASH AT UNALASKA- *

DUTCH HARBOR AIRPORT, ALASKA * Accident No.: DCA20MA002

OCTOBER 17, 2019 *

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Interview of: TY BARTAUSKY
Frontline Manager, PenAir

NTSB Offices
222 West 7th Avenue, #11
Anchorage, Alaska

Friday,
December 6, 2019

APPEARANCES:

MARVIN FRANTZ, Operational Factors Investigator
National Transportation Safety Board

SATHYA SILVA, Ph.D., Human Performance Investigator
National Transportation Safety Board

DUJUAN SEVILLIAN, Ph.D., Human Performance Investigator
National Transportation Safety Board

BRANDON WILSON, Check Airman
PenAir

DAVE KEENAN, Air Safety Investigator
Federal Aviation Administration

MATTHEW SMITH, Representative
(On behalf of Mr. Bartausky)

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I N T E R V I E W

(12:39 p.m.)

1
2
3 DR. SEVILLIAN: Hi, Ty. My name is Dajuan Sevillian. I am a
4 human performance investigator with the NTSB. We appreciate you
5 coming in talking with us today. Have you been on an NTSB
6 investigation interview before?

7 MR. BARTAUSKY: Yes.

8 DR. SEVILLIAN: Oh, okay. When was the last one you had?

9 MR. BARTAUSKY: I think it was in 2015.

10 DR. SEVILLIAN: Okay. All right. So what we do at the NTSB
11 is we work on the party system, and so there's NTSB investigators
12 around the table, and we also have party members. Our party
13 members provide us with information to help us throughout the
14 investigation process.

15 FAA is here, as well, but they're not here for enforcement,
16 only safety. So they'll be participating in the interview as
17 well. At any time throughout the interview, if there's something
18 that you might not understand, please just tell us, you know, to
19 go over the question again from that purpose.

20 So what we'll do, you're allowed one representative. For the
21 record, who would you like to represent you today?

22 MR. BARTAUSKY: Matthew Smith.

23 DR. SEVILLIAN: Okay. All right. This interview is part of
24 a public -- that will be a part of a public docket in the future.
25 So just to let you know, that's why all this is being recorded

1 here.

2 We'll go around the room, and introduce ourselves so you get
3 to know who you're talking with. So we will start with Marvin.

4 MR. FRANTZ: Hi, Ty. I'm Marvin Frantz. I'm an operational
5 factors investigator with the NTSB.

6 DR. SILVA: I'm Sathya Silva. I'm a human performance
7 investigator with the NTSB.

8 MR. WILSON: Brandon Wilson, check airman with PenAir.

9 MR. KEENAN: Dave Keenan, air safety investigator, FAA.

10 DR. SEVILLIAN: Okay. Thank you. Is there any other
11 questions that you may have before we get started?

12 MR. BARTAUSKY: No.

13 DR. SEVILLIAN: Okay.

14 INTERVIEW OF TY BARTAUSKY

15 BY DR. SEVILLIAN:

16 Q. Could you state your name, with spelling for the record?

17 A. Sure. Ty Bartauskyy. First name is spelled T-y. Last name,
18 B-a-r-t-a-u-s-k-y, as in Yankee.

19 Q. Okay. And what's your title?

20 A. I'm a frontline manager.

21 Q. Okay. And as frontline manager, what's your role?

22 A. I oversee a unit of folks that work at the FAA. My unit is
23 responsible for the oversight of Corvus Airlines and PenAir,
24 Peninsula Aviation Services, Inc. And within my unit, there are
25 three principal inspectors. There are two other inspectors. One

1 is a cabin safety inspector and a dispatch inspector. And there's
2 two other ops inspectors. They're both air program managers. And
3 then there's one aviation safety assistant.

4 Q. Okay. Can you give us a brief biographical sketch of your
5 aviation background?

6 A. Yeah. So I got my private pilot license in 1997.
7 Approximately 2 years later, having moved up through the ranks, I
8 started flight instructing. Flight instructed my way through
9 college.

10 2002 timeframe, I went to work for a Part 135 on-demand
11 company flying Cessna 402s. I was there for about 5 months.
12 After that, I went and flew for Empire Airlines, flew Fokker F-27s
13 and transitioned to the ATR. And we did FedEx contract work,
14 upgraded to captain and check airman on the ATR.

15 And from there -- I think I was at Empire approximately 4
16 years. And I joined the Agency in 2007. After finishing my first
17 year, I became a principal operations inspector. So that would
18 have been 2008 to January of 2015 in which I became a frontline
19 manager at the Portland Oregon Flight Standards District Office.
20 In May of 2016, I transferred up to the Denali Certificate
21 Management Office here in Anchorage as a frontline manager.

22 Q. Okay. You have an experience flying the Saab 340 or Saab
23 2000?

24 A. No.

25 Q. Okay. Approximately how many hours do you have flying?

1 A. Just over 5,000.

2 Q. Okay. All right. You mentioned that you were a principal
3 operations inspector in the past. What certificate was that?

4 A. It was at the FSDO, so it was principal operations inspector
5 of multiple certificates --

6 Q. Multiple --

7 A. -- including Part 135, Part 137, and Part 141 operators, as
8 well.

9 Q. Okay.

10 A. Or I should say air agencies.

11 Q. Okay. And you mentioned you had several folks working for
12 you there, both ASIs and POIs, and --

13 A. So everyone in my unit is an ASI except for our aviation
14 safety assistant.

15 Q. Okay. And what's their roles usually for a particular
16 airline?

17 A. So for the principal inspectors, my three principal
18 inspectors -- so we have a principal operations inspector, a
19 principal avionics inspector, and a principal maintenance
20 inspector. And they're responsible for the oversight of the
21 carrier within their area of expertise. So my team is assigned to
22 Corvus and PenAir, so I'll say PenAir for Peninsula Aviation
23 Services. So their sole responsibility is assignment -- is the
24 oversight of those carriers with regard to compliance with the
25 Federal Aviation Regulations.

1 The other inspectors, the dispatch inspector, she works not
2 only with the carriers within my unit, but also supports other
3 carriers that are under the oversight of the Denali CMO.

4 Cabin safety inspector in my unit is responsible for
5 oversight of the cabin safety aspects, the flight attendants, the
6 regulator compliance in those areas. And her focus is primarily
7 on Corvus and PenAir, as well.

8 The two APMs -- when I say APM, that stands for air crew
9 program manager. One air crew program manager is responsible for
10 Corvus and the Dash-8 fleet, and so he's the expert on that
11 operations side. And his responsibility is oversight of the
12 training programs and the check airmen, and the designees.
13 There's what called air crew program designees that are designees
14 for the Administrator when it comes to airman certification.
15 They're also employees of the carrier.

16 So that's what an air crew program manager does. So I have
17 an air crew program manager that's responsible for Corvus and the
18 Dash-8 fleet at Corvus, and then I have another air crew program
19 manager that's responsible for PenAir and the Saab operations at
20 PenAir.

21 Q. Okay. And so as far as the principal operations inspectors,
22 do they use data collection tools when they provide surveillance
23 to airlines?

24 A. Um-hum.

25 Q. And when they go out and use those data collection tools, are

1 you ever involved with the oversight of, you know, what the
2 operations inspectors are looking at? Do you sign any
3 documentation from that standpoint?

4 A. Yes. I am heavily involved in that process, and I'm in
5 charge of assigning the data collection tools. So all the work
6 that gets done has to be assigned by the frontline manager. And I
7 also review the data that is input in the data collection tools.
8 Not all of them. We also have data evaluation program managers in
9 the office that focus, and that's their realm, but there's lots of
10 other areas in SAS that I review as a frontline manager.

11 Q. And when you're reviewing it, what are you looking for
12 typically?

13 A. Well, data quality is defined in our guidance. And there's
14 certain things we look for. For example, if there's a negative
15 finding, we look at, okay, what was the requirement that they
16 should have met, how was that requirement not met, and then what
17 did you do about it, what kind of corrective action was taken, who
18 did you talk to at the carrier, you know? So we look for data
19 quality, make sure that the data entries are complete and their
20 accurate, that the required fields have been completed.

21 Q. So as far as corrective action, if there was a carrier that,
22 you know, has a corrective action needed, how would you -- would
23 you change your surveillance plan on going back into the carrier
24 based on corrective action? Or how would you assess the
25 corrective action with the airline?

1 A. Well, every data collection tool is part of an assessment
2 within the safety assurance system. And every assessment,
3 typically they become due at the end of the quarter.

4 Q. Okay.

5 A. And the principal inspector that created that assessment will
6 run it through what's called the triple-A process: Analysis,
7 assessment, and action. And they're going to evaluate that
8 assessment and the finding associated with it and determine what
9 the follow-up needs to be.

10 It could be, you know, a letter to the carrier, you know?
11 And it could be a meeting with the carrier. Could be, you know,
12 opening a compliance action. It could be conducting an
13 enforcement. And through that triple-A process, the principal
14 inspector will select the appropriate follow-up, and then it goes
15 onto the -- what's called the action, item, and tracking tool
16 within SAS, and the follow-up is going to be documented within
17 that tool, with regard to that particular finding.

18 In certain cases, depending on the severity of the finding,
19 if it is severe, or maybe it's not severe, but if it's severe
20 enough, the principal inspector may elect to go in and update the
21 certificate holder assessment tool, also called the CHAT, within
22 SAS and modify our surveillance plans based on that data.

23 So there's a lot of different options that the POI can take,
24 considering the exact facts and circumstances of the findings that
25 they're dealing with.

1 Q. You mentioned CHAT. What does that stand for again?

2 A. the certificate holder assessment tool.

3 Q. Assessment tool. Okay. So as far as the surveillance aspect
4 at an airline, have you been involved with letters of
5 investigation at any time?

6 A. Yes.

7 Q. And what's your role in the LOI?

8 A. So the inspector writes the LOI. And from there, it goes to
9 our administrative assistant that makes sure that the letter is in
10 the appropriate format, checks for spelling, grammar, and then it
11 uploads to the workflow process. And the way the workflow process
12 works is that it goes -- it essentially documents their review
13 process of a letter before it leaves the office.

14 Q. Okay.

15 A. So the first step is, is, well, the author reviews the
16 letter, makes sure that the changes that were made are correct and
17 accurate. And then it goes to the next person on the list, which
18 may be the certificate management team, consisting of the co-
19 principals, you know?

20 So, for example, if the letter was going to go to an
21 operator, the other two inspectors that are the principals would
22 probably be on that workflow. So they would review the letter
23 before it goes out. If it's a letter to an airman, it might
24 simply be the inspector that's writing the letter.

25 And then before any letter leaves the office, I as the

1 frontline manager will review the letter on the workflow process.
2 And in certain cases, the office manager may review it, but as a
3 frontline manager, you know, I make the decision on, okay, is this
4 a letter that can be sent out with just my review or does the
5 office manager need to review it, as well.

6 Once we've completed the workflow process, the letter is
7 generated, and the inspector signs it, and it's then sent out.

8 Q. Okay. Have you ever reviewed any LOIs for PenAir?

9 A. Let me clarify something. You know, there is -- you know,
10 there's a letter of investigation, but then there's also a
11 compliance action letter, which is similar to a letter of
12 investigation, but with the FAA's compliance program. We tend to
13 start at -- we're required to consider a compliance -- what's
14 called a compliance action first, which is not an enforcement. So
15 in many cases, we will send a compliance action letter and not a
16 letter of investigation. So, yes, I have reviewed a compliance
17 letter to PenAir.

18 Q. And what was that about? What was that letter about for
19 PenAir?

20 A. It was with regard to the assignment of the captain to the
21 flight and the following of the training program, and the
22 requirements -- the recommendation requirements associated with
23 assigning a pilot with his experience level to the flight.

24 Q. Okay. What experience level are you referring to? Are you
25 talking about -- as far as qualifications. Are you talking about

1 an airport qualification? Or what is it that you're referring to?

2 A. Hours in the aircraft.

3 Q. Hours in the aircraft. Was there an issue with the hours in
4 the aircraft?

5 A. Well, without having the letter in front of me, you know, and
6 the manual in front of me, I don't recall the specifics of it, but
7 yes, we are, we are investigating that aspect of things.

8 Q. So in that process, who's involved? Is it the principal
9 operations inspector? Who else is involved with that process for
10 the compliance action portion?

11 A. It's primarily the principal operations inspector. When we
12 go and meet with the carrier, more often than not, we have the
13 other two principals, as well.

14 Q. Okay.

15 A. For example, we had a meeting with the carrier to talk about
16 this compliance action. And even though the principal operations
17 inspector is primarily responsible for this compliance action that
18 we're working, the other two principals are part of the team.
19 They're there as experts as need be to -- you know, if there's
20 ever any crossover into their specialty.

21 Q. Okay.

22 A. So they're involved at that level even though the principal
23 operations inspector is responsible for this type of compliance
24 action.

25 Q. Right. So as far as members of management on the airline

1 side, who are you working with to discuss the compliance action
2 report? Is it the chief pilot, director of operations, director
3 of safety? Who are you working with?

4 A. All of the above, yeah.

5 Q. All of the above. Okay.

6 A. We've been working with the chief pilot, the director of
7 operations, the accountable executive, and the director of safety
8 in this compliance action.

9 DR. SEVILLIAN: Okay. That's all the questions I have for
10 now. Sathya?

11 BY DR. SILVA:

12 Q. Sure. How long have you been FLM over PenAir's certificate?

13 A. That's, let's see, approximately since June.

14 Q. Okay.

15 A. And it was kind of a shared responsibility because for a
16 time, you know, we did some staffing changes within the office.
17 You know, there's a transition period there, where there was
18 initially two sets of principals. But as they were going through
19 the merger process, that gets combined into one set of principals.
20 And so it was kind of a transition period, but I believe it
21 happened in June or thereabouts.

22 Q. Okay. Was there a transition period for you on the FLM
23 level?

24 A. Yes.

25 Q. What did that look like?

1 A. Well, with the merger process, the merger process started
2 back in April. And we had frequent meetings with the carrier,
3 biweekly meetings. So every 2 weeks, we'd meet and talk about the
4 merger process. And at those meetings, there would be members
5 from both CMTs present. So there'd be the CMT for the PenAir
6 team, and there'd be the CMT for the Corvus team. When I say CMT,
7 you know, well, I'll -- that can mean a lot of different things,
8 or a couple different things, but that means the set of principals
9 from both sides.

10 Q. Did that include the FLMS from both sides, then?

11 A. Primarily, I was the FLM there. But I did have -- I worked
12 in the same office as the other FLM, and so we communicated on a
13 regular basis about any issues that were going on.

14 Q. Is there any documented process for that transfer of
15 knowledge, essentially, between certificates for FLMS?

16 A. Well, not so much specifically for FLMS, but we do have a
17 documented process for how we transfer knowledge, and that's all
18 within SAS. All risk associated with a carrier needs to be
19 documented within SAS and within that certificate holder
20 assessment tool.

21 Q. Okay.

22 A. And so the reasoning behind that is, is if principal
23 operations inspector A won the lottery and said, hey, I'm leaving
24 the FAA, you know, good luck, all of the risk associated with that
25 carrier should be documented within the system so that the next

1 inspector can have a seamless takeover.

2 Q. Okay. So in addition to what's incorporated in SAS, is there
3 any other part of that process in terms of needing or discussing
4 risks, or anything along those lines, or is it primarily just with
5 what's in SAS in terms of transitioning that certificate over?

6 A. Primarily just in terms of SAS, as far as I know.

7 Q. How is your workload?

8 A. Manageable. Busy but manageable.

9 Q. How many people did you say you oversee?

10 A. Okay. Well, so --

11 Q. Counting --

12 A. Three PIs, cabin safety inspector, dispatch inspector, two
13 APMS, and an aviation safety assistant. So at present, that's
14 eight.

15 Q. Okay. So have you ever been overseeing a certificate,
16 whether it has an FLM or a POI, that's merging?

17 A. No.

18 Q. This is your first one?

19 A. Yes.

20 Q. Okay.

21 A. Part 121 mergers happen quite infrequently. I mean, they
22 happen, you know, within the Agency, but they're not a common
23 occurrence.

24 Q. What was the previous accident? Was it just one accident
25 that you were interviewed for, I guess?

1 A. Yes.

2 Q. Do you recall that accident?

3 A. Um-hum.

4 Q. Can you describe which accident that was?

5 A. It was the Wings of Alaska accident. I think it happened in
6 the summer of 2015. I was the FLM of the POI at that time, and I
7 was also the former POI on that certificate.

8 Q. Okay. So after the accident -- after a accident, what
9 happens from the FAA perspective?

10 A. Well, the first thing we do is we go in and we update --
11 well, we sit down as a CMT, and we talk about, you know, the
12 current risk, and we talk about, you know, the surveillance that
13 we've done, and we talk about, well, what do we need to do as far
14 as surveillance goes moving forward after the accident to ensure
15 that the carrier continues to have safe operations.

16 And so part of that is, is getting into SAS as a CMT and
17 evaluating that certificate holder assessment tool to document any
18 concerns we have. And an accident is a concern. That's one of
19 the risk indicators that we document. And there's a lot of
20 different actions that an inspector can take. And so in this
21 case, what we did is we documented that they had an accident, and
22 we added some surveillance, some additional surveillance items to
23 be accomplished.

24 Q. Do you recall in the prior accident whether enforcement
25 action was investigated or pursued?

1 A. Oh, the Wings accident?

2 Q. The Wings accident, yeah.

3 A. I believe it was considered, but I don't recall. I don't
4 recall ever moving a case forward.

5 Q. Can you walk me through that process, given you what you may
6 learn from an accident? How do you determine whether enforcement
7 action is needed or compliance action, or -- well, I'll just leave
8 those two.

9 A. Well, first of all, there has to be an indicator of
10 regulatory noncompliance.

11 Q. Okay.

12 A. Okay. So whenever there's an indicator of regulatory
13 noncompliance, we go to our guidance, and it walks us through a
14 decision-making process. And we go through that process and
15 decide, okay, in this case is compliance action or enforcement
16 appropriate. And typically, we start with, you know, looking to
17 see if this event is eligible for compliance action. And if it's
18 not, according to our guidance, that will lead us to doing an
19 enforcement.

20 Q. So in this case with PenAir, do you recall going through that
21 decision-making with enforcement on the pilots?

22 A. Yes.

23 Q. Can you walk me through that in terms of what that looked
24 like from the decision-making side of things?

25 A. Yeah. So we sat down. We reviewed the guidance. We go

1 through the decision-making process. We look at the factors to
2 see if the event appears to be eligible for compliance action. In
3 this case, it did not, so we chose to pursue enforcement.

4 Q. Well, are the -- or what would make something eligible for
5 compliance action?

6 A. Intentional conduct, reckless conduct. There's others, but
7 those are two that come to mind that I know of.

8 Q. So for this one in particular, what information led you down
9 the path of intentional conduct?

10 A. I didn't say intentional conduct.

11 Q. Okay.

12 A. That's a consideration. And that's only one of several.

13 Q. Okay. So in this case, what part of that criteria made it
14 ineligible for compliance action?

15 A. And you're talking about the pilots?

16 Q. Yes, for the pilot side.

17 A. In order for somebody to be eligible for compliance action,
18 they need to be willing and able to work with the FAA in
19 developing a correction and a corrective action and a fix to what
20 has happened. And part of that includes an open dialogue and a
21 discussion. But there's other factors, as well, that are in play
22 in this case, and I couldn't correctly state those without
23 actually reviewing the file.

24 Q. Okay. So what is your interface with the operator as FLM?

25 A. Frequently meeting with them with the CMT. At a minimum,

1 once every 2 weeks, I have a meeting at the operator with the CMT.
2 Sometimes more frequently, but typically never less frequently
3 than that.

4 Q. Um-hum. How would you say the relationship is between the
5 FAA and PenAir?

6 A. Well, let me just say this is speaking from my standpoint,
7 not from the Agency's standpoint.

8 Q. Sure.

9 A. I believe we have a professional relationship. I haven't
10 been working with the PenAir team for very long, but it is a
11 professional relationship.

12 Q. Have there been any challenges working with them that you
13 know of?

14 A. No.

15 Q. Do you have anything else to add?

16 A. No.

17 DR. SILVA: Okay. I'll pause here. Thanks.

18 DR. SEVILLIAN: Thanks, Sathya. Marvin?

19 MR. FRANTZ: Yeah, thanks.

20 BY MR. FRANTZ:

21 Q. You mentioned risk indicators and CHAT. What are some risk
22 indicators -- if I understand this right, risk indicators are
23 things that go into CHAT and then CHAT produces a result that
24 tells you if more surveillance or enhanced surveillance is
25 required? Is that inaccurate, my understanding?

1 A. Well, a little bit, but CHAT is really a tool used by the
2 inspector to document the risk and then to document what type of
3 follow-up action is being taken in response to that.

4 Q. Okay. So what are some examples of risk indicators that
5 would go in to CHAT?

6 A. One example is the merger, right? So the merger is one of
7 the risk indicators in the CHAT, and that's a risk indicator that
8 can be selected by the principal inspector.

9 Q. Is company financial problems, such as bankruptcy, would that
10 be a risk indicator that would go into CHAT?

11 A. Yes.

12 Q. Do you know if either of those risk indicators went into CHAT
13 for PenAir when they were going through those respective events,
14 bankruptcy/merger?

15 A. Yes.

16 Q. Did CHAT come up with a recommendation for any changes in
17 oversight or surveillance based on that -- those two risk
18 indicators going in?

19 A. They were documented within the CHAT. The PI documented the
20 follow-up. And in many cases, what's documented is, is we're
21 aware of these risk factors, and we're going to be monitoring
22 during normal surveillance.

23 Q. In many cases, was that the result with the PenAir case and
24 these events at PenAir?

25 A. I'd have to look at the CHAT to be sure.

1 Q. Are you aware of any enhanced surveillance that was begun on
2 PenAir since you've been the frontline manager or been associated
3 with the certificate?

4 A. Yeah. Since the accident, they've been on enhanced or
5 heightened surveillance.

6 Q. Okay. Prior to?

7 A. No, they weren't.

8 Q. Okay. And is that because the indications from CHAT did not
9 indicate -- the output of the CHAT process -- I don't know if it's
10 a spreadsheet or program, whatever it is -- did not indicate that
11 that should be enhanced surveillance prior to the accident? Is
12 that why there was no enhanced surveillance prior to that
13 accident? Because of those events we've talked about, bankruptcy,
14 merger?

15 A. That was a long question. If I could maybe just clarify --

16 Q. Yes, it was. Sorry.

17 A. The reason there was not enhanced surveillance prior to the
18 accident is that there was -- while there were risk indicators in
19 the CHAT, they were being adequately monitored through normal
20 surveillance, and the certificate management team did not see
21 those as being elevated to the point to where additional
22 surveillance was necessary.

23 Q. So it's a decision of the certificate management team whether
24 or not additional surveillance is necessary?

25 A. Correct.

1 Q. It's not a recommendation per se that comes out of the CHAT
2 process? There's nothing that pops up on the screen after you put
3 in all the risks that says recommend enhanced surveillance for the
4 CHAT process?

5 A. That's correct. The CHAT is a tool that's used by the
6 inspector to document risk.

7 Q. As a tool -- okay. Just so I -- is it a spreadsheet? Is it
8 a program, a computer program? Is it a piece of paper?

9 A. It is a computer program, but it doesn't, it doesn't provide
10 you with a recommendation.

11 Q. Okay.

12 A. It's basically a -- it's a documentation tool is the best way
13 I can describe it.

14 Q. So how long have you -- I'm sorry. You became the frontline
15 manager when?

16 A. For --

17 Q. For the PenAir/Ravn certificates.

18 A. I've been the frontline for Corvus for quite some time. I'd
19 probably say about a year and a half.

20 Q. Okay.

21 A. But for PenAir, only since about June of this year.

22 Q. Who was the frontline manager for PenAir prior to you
23 assuming that?

24 A. Dean Deama (ph.).

25 Q. Okay. You know why he left that position and why you assumed

1 it?

2 A. Yeah, because of the merger. So he's still within the
3 office, and he's still a frontline manager, but because of the
4 companies merging together and Corvus being the surviving carrier,
5 since I was managing the Corvus unit, that was why the decision
6 was made.

7 Q. Okay. And prior to you becoming frontline manager for the
8 Corvus operation, had you had other associations with Corvus or
9 Raven in other positions that you had had at the FAA?

10 A. No.

11 Q. No? Okay. Is part of your duties or responsibilities to do
12 what the POIs to as far as observing actual operations like, you
13 know, doing en route inspections or evaluating classroom
14 instruction, anything like that? Is that anything you've ever
15 done as a frontline manager?

16 A. Not as a frontline manager.

17 Q. Okay.

18 A. At the Denali CMO -- I'm trying to remember -- I can only
19 speak of the timelines at the Denali CMO. Prior to that, I may
20 have done en routes as a frontline, but not recently. My
21 interaction with surveillance is from time to time I'll go with my
22 inspectors into the field and observe them do surveillance. But I
23 don't do surveillance.

24 Q. Have you gone with any inspectors to observe anything at
25 PenAir since you've been frontline manager?

1 A. Not specifically inspections. But I'm there frequently. I
2 do travel frequently to them, to the certificate holder for
3 meetings.

4 Q. Okay. So the POI from PenAir wrote a letter to PenAir
5 talking about some possible concerns after the accident relating
6 to crew qualifications and aircraft exceedances. Are you familiar
7 with that letter?

8 A. Yes.

9 Q. So what is your understanding of the issue of the crew
10 qualifications that's addressed in that letter?

11 A. The issue is a concern that PenAir didn't follow their
12 procedures with regard to a letter from the chief pilot, and also
13 a recommendation from a check pilot since the pilot in command had
14 less than 300 hours.

15 Q. Okay. And what is your -- what about the aircraft violating
16 or, yeah, exceeding aircraft limitations part of that letter?
17 What was that about?

18 A. My understanding is the concern was the aircraft landing with
19 a tailwind that exceeded the limitation in the flight manual.

20 Q. Okay. Do you know what that number is off the top of your
21 head, that tailwind limitation number?

22 A. I have a pretty good idea, but I don't want to guess without
23 seeing it.

24 Q. Okay. So do you know Deke Abbott?

25 A. Yes.

1 Q. How long have you known him?

2 A. Quite some time. When I first came to the Denali CMO in
3 2016, I believe he was the manager at the Polaris CMO. So I've
4 known him since then.

5 Q. Okay. Have you ever worked with him on any particular
6 projects or tasks?

7 A. No. The Polaris CMO is a different office although were
8 within the same building.

9 Q. Right. Have you ever worked for him?

10 A. No.

11 Q. Okay. Did you know him before you came to Alaska or before
12 you came to Denali --

13 A. No. I knew the name. I knew the name, but didn't know him.

14 Q. So what's the nature of your interactions with him now? Or
15 do you have any regular interactions or even infrequent
16 interactions with him currently?

17 A. Yeah. I interact with him from time to time. Our primary
18 focal points for communication are the 119 managers. But from
19 time to time, we do have communications with Mr. Abbott, and
20 they're cordial/professional exchanges.

21 Q. When is the last time you talked to him?

22 A. Shortly after the accident, I believe, or maybe thereafter at
23 one of the biweekly meetings that we have.

24 Q. Is he involved on the Ravn/Corvus side in the merger?

25 A. He supervises the 119 managers at Corvus. So in that extent,

1 he's involved. But his employees are more heavily involved in the
2 merger process.

3 Q. So do you understand that he has any role -- or what do you
4 understand his role to be in the merger process? Is it defined or
5 do you have a clear understanding of what he's doing?

6 A. Well, his role is to, you know, like I said earlier, we
7 interact primarily with the director of operations and the chief
8 pilot. Those are -- and the director of maintenance, and you
9 know, the 119 managers for the certificate. And they're the ones
10 that are involved in making the merger process happen. However,
11 as their boss, you know, he has that, I should say, indirect
12 involvement as far as our office goes.

13 Q. So how would you characterize your interaction with him
14 currently regarding the merger? Infrequent? Occasional? Weekly?
15 Biweekly? What would you say?

16 A. Occasional. Less than biweekly. Maybe monthly.

17 Q. Okay.

18 A. I'd say it's been a couple of months since I talked to him
19 specifically about the merger.

20 Q. How would you describe your working relationship with him for
21 the things that you have to interact with him about?

22 A. I don't have any issues.

23 Q. Do you know David Pflieger?

24 A. Yes.

25 Q. In what capacity?

1 A. He's the CEO and accountable executive -- the CEO of the Ravn
2 Air/accountable executive for Corvus Airlines.

3 Q. Do you have regular interactions or communications with him?

4 A. Not regularly, no, but I'd say infrequent.

5 Q. When do you think the last time it was that you talked with
6 him?

7 A. It was a couple weeks ago, or thereabouts.

8 Q. Was it after the accident?

9 A. Yes.

10 Q. Did he contact you or did you contact him?

11 A. It was at one of the biweekly meetings that we have. He was
12 present at one of the meetings.

13 Q. Does he usually attend those meetings?

14 A. No. But it's not, it's not abnormal for -- it wouldn't be
15 abnormal for him to be there, but he's not normally there.

16 Q. Did he have any input at that meeting? Did he have -- was
17 there anything that he presented or specifically wanted to bring
18 up at that meeting that you recall?

19 A. No. I think his role was mainly just to kind of see how
20 things were going. I don't recall him being heavily involved in
21 that meeting.

22 Q. Do you know Christopher Hart?

23 A. No.

24 Q. No?

25 MR. FRANTZ: Okay. I think that's all I have for now.

1 DR. SEVILLIAN: Thanks, Marvin, appreciate it.

2 Brandon?

3 MR. WILSON: Nothing from me.

4 DR. SEVILLIAN: All right. Dave?

5 MR. KEENAN: No, I don't have anything.

6 DR. SEVILLIAN: All right. So we'll go around one more time.

7 So I'll start off.

8 BY DR. SEVILLIAN:

9 Q. What is, as you know, it, Deke's role, Deke Abbott's role for
10 PenAir?

11 A. So my understanding is he's also just -- like the Corvus
12 side, he's also the boss's boss. So like I mentioned, our focal
13 point for communications are the 119 managers. When I say 119,
14 that's the managers required by Part 119, director of operations,
15 the chief pilot, but my understanding is they report to him. You
16 know, so occasionally we do have interaction with him.

17 Q. And what is that interaction? What type of interaction is he
18 providing to the 119 positions, you know? Is it just having
19 discussions on the phone? What is his role for the 119?

20 A. Well, his role is he's their -- my understanding is he's
21 their -- they report directly to him although I don't want to get
22 too far into the weeds, because without having the, you know,
23 company administrative manual, the corporate administrative manual
24 in front of me that describes more in depth there for structure.

25 Q. Okay. Do you get involved with the voluntary disclosure

1 reporting process for airlines?

2 A. Yes. Um-hum.

3 Q. What's your role in that process?

4 A. So my role is, you know, I'm aware when there's a VDRP that
5 comes in and discussing that VDRP -- that means voluntarily
6 disclosure reporting process. We call it VDRP. My role is
7 discussing those with the team, monitoring their progress,
8 ensuring that things stay on track. And then they're actually
9 signed off by the senior office manager, who's -- our office
10 manager is my boss, John Sims.

11 Q. John Sims?

12 A. Yeah.

13 Q. Okay. Have there been any voluntary disclosures reported by
14 PenAir?

15 A. Yes.

16 Q. How many that you're aware of?

17 A. I'd have to get into the system to see. I know we're working
18 a handful of them right now.

19 DR. SEVILLIAN: Okay. All right. That's all the questions I
20 have for right now.

21 Sathya?

22 BY DR. SILVA:

23 Q. What was the nature of those VDRPs that you've gotten
24 recently from PenAir?

25 A. I don't recall off the top of my head. I'd have to look, log

1 into the system.

2 Q. Okay. Were you a POI for any Alaska operators prior to
3 moving up here?

4 A. Yeah. Wings of Alaska, their accident happened in Juneau.

5 Q. Okay.

6 A. Out of Juneau, Alaska. So even though they're based in
7 Portland, they did have operations -- they flew within Alaska.

8 Q. So you said that you were a former POI for that operator?

9 A. Um-hum.

10 Q. Okay. No, I understand now. How is the FLM job different
11 between the FSDO and the CMO?

12 A. Well, in the FSDO you're dealing with a lot of different
13 operators, smaller operator, limited size and scope operators. At
14 the CMO, you're much more focused on one or two operators. So,
15 yeah, it's 121. There's a lot of stuff going on with 121, but
16 your focus is more on that operator versus at the FSDO.

17 Q. Okay. You mentioned that the change in the FAA team was
18 because of the merger. Is that your understanding for the entire
19 CMT?

20 A. Well, there is also some vacancies within the office that
21 coincided with that. And so those changes were made in accordance
22 with following our collective bargaining agreement, because
23 whenever there's a vacancy, there's a bidding process and a
24 seniority, you know, process that follows. And that also had a
25 part in it.

1 Q. Okay. Is it common for an entire CMT, for an operator to
2 change in a small amount of time?

3 A. I don't know.

4 Q. In your experience, have you ever seen that?

5 A. I can't recall specifically, but it wouldn't surprise me if
6 it did happen.

7 Q. Um-hum. All right. That's all I have. Thank you.

8 A. Um-hum.

9 DR. SEVILLIAN: Thanks, Sathya.

10 Marvin?

11 BY MR. FRANTZ:

12 Q. Just a couple. From your perspective, have there been any
13 difficulties to overcome, bumps in the road happening as a result
14 of the merger between PenAir and Ravn, or Corvus?

15 A. No.

16 Q. Any issues that you have to devote extra time to or require
17 extra attention to move the merger down the road?

18 A. The merger is a lot of work in and of itself, but we've got
19 an excellent team supporting us, excellent group of inspectors.
20 And you know, if I may clarify, you know, a previous statement, I
21 think you might have asked if there was any difficulties or
22 challenges with PenAir. We have a challenging job every day that
23 we come to work, but we've got a lot of tools that we use and a
24 lot of business processes that we use. And you know, it's a
25 challenging job, but when I said there are no challenges, I mean,

1 you know, there's nothing that's going on outside normal business
2 if that makes sense.

3 Q. Okay. You have any social or non-work interactions with
4 David Pflieger or Deke Abbott?

5 A. No.

6 Q. Okay. That's all I have. Thank you.

7 A. All right.

8 DR. SEVILLIAN: Thank you, Marvin.

9 Anything?

10 MR. WILSON: Nothing from me.

11 DR. SEVILLIAN: Dave?

12 MR. KEENAN: No, I don't have anything.

13 DR. SILVA: Okay. So no other questions. That concludes the
14 interview. Is there anything that we should ask you that you --
15 that we didn't?

16 MR. BARTAUSKY: Nothing that I'd like to add.

17 DR. SEVILLIAN: Okay. Thank you, sir. Thanks for coming in.

18 MR. BARTAUSKY: Thank you.

19 DR. SEVILLIAN: Yeah.

20 UNIDENTIFIED SPEAKER: Off record, 1:24.

21 (Whereupon, at 1:24 p.m., the interview was concluded.)
22
23
24
25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

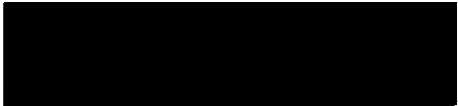
IN THE MATTER OF: PENAIR FLIGHT 3296 CRASH AT UNALASKA-
DUTCH HARBOR AIRPORT, ALASKA
OCTOBER 17, 2019
Interview of Ty Bartauskyy

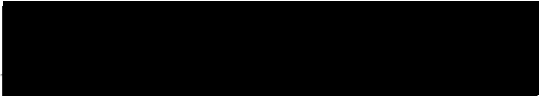
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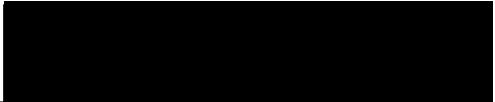
PLACE: Anchorage, Alaska

DATE: December 6, 2019

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.


Betty Caudle
Official Reporter


Danielle S. VanRiper
Transcriber


Autumn Weslow
Corrections made 3/24/2020

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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PENAIR FLIGHT 3296 CRASH AT UNALASKA- *

DUTCH HARBOR AIRPORT, ALASKA * Accident No.: DCA20MA002

OCTOBER 17, 2019 *

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Interview of: JOHN SIMS
Manager, Denali CMO

NTSB Offices
222 W. 7th Avenue, #11
Anchorage, Alaska

Friday,
December 6, 2019

APPEARANCES:

MARVIN FRANTZ, Operational Factors Investigator
National Transportation Safety Board

SATHYA SILVA, Ph.D., Human Performance Investigator
National Transportation Safety Board

DUJUAN SEVILLIAN, Ph.D., Human Performance Investigator
National Transportation Safety Board

DAVE KEENAN, Air Safety Investigator
Federal Aviation Administration

BRANDON WILSON, Line Pilot/Check Airman
PenAir

MATTHEW SMITH, Attorney
Federal Aviation Administration
(On behalf of Mr. Sims)

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I N T E R V I E W

(1:54 p.m.)

1 DR. SEVILLIAN: Good afternoon, John.

2 MR. SIMS: Howdy.

3 DR. SEVILLIAN: My name is Dajuan Sevillian. I'm with the
4 National Transportation Safety Board. Appreciate you coming in
5 and talking with us today. Around the table we have NTSB
6 investigators and members of our party system. Our party system
7 is built to help us provide information for our investigation
8 purposes only. We have the FAA here. FAA here is not for
9 enforcement, but for safety only, for accident. You're allowed
10 one representative for the interview. And so for the purposes of
11 the record, who would you like to be with you for the interview?
12

13 MR. SIMS: I'd like Matt Smith.

14 DR. SEVILLIAN: Okay.

15 MR. SIMS: And he's sitting here now.

16 DR. SEVILLIAN: All right. As I stated previously, the
17 interview is being recorded, which will be part of a public
18 docket, the transcript will, in the future.

19 Okay. Throughout the interview, if you need to take a break,
20 let us know, and we'll pause the recording.

21 So first thing I'd like to do is go around the table so you
22 get to know who you're going to be speaking with today. So we'll
23 start up with Marvin.

24 MR. SIMS: Marvin.

1 MR. FRANTZ: Marvin Frantz, operational factors investigator
2 with the NTSB.

3 MR. SIMS: Okay.

4 DR. SILVA: Sathya Silva. I'm a human performance
5 investigator with the NTSB.

6 MR. WILSON: Brandon Wilson, check airman for PenAir.

7 MR. SIMS: Brandon.

8 MR. KEENAN: Dave Keenan, air safety investigator, FAA.

9 DR. SEVILLIAN: And Dujuan Sevillian, human performance
10 investigator, NTSB.

11 INTERVIEW OF JOHN SIMS

12 BY DR. SEVILLIAN:

13 Q. Can you state for the record your first and last name, with
14 spelling?

15 A. John, J-o-h-n, Sims, S-i-m-s.

16 Q. Okay. And what's your title?

17 A. I am the manager for the Denali CMO.

18 Q. Okay. Could you step us through your roles and
19 responsibilities for the Denali CMO?

20 A. I oversee five 121s, and my job is to ensure that our safety
21 standards are met and the surveillance programs are run
22 appropriately. I have frontline managers, and then we have
23 inspectors also. I have an office staff, and I oversee the entire
24 office.

25 Q. How many frontline managers do you have working for you and

1 inspectors?

2 A. I have 4 frontlines and roughly 30 inspectors.

3 Q. Could you give us a brief aviation background?

4 A. Well, I came to Alaska in 1984. I've been up here since
5 then. I hired in the agency -- I worked 135, large 135 mostly air
6 carrier until '96. I hired in the agency in '96. I've been in
7 management with the agency and air carrier, large and small, since
8 2006. I've been with Denali as a manager since August 2016.
9 Before that, I worked aviation in the Lower 48.

10 Q. Do you have any experience in the Saab 340 or Saab 2000?

11 A. Not hands-on, no.

12 Q. So can you walk me through the process of how you manage the
13 inspectors as far as how they conduct surveillance at the
14 different airlines?

15 A. Well, the surveillance conductors at the airlines is covered
16 under one program, under SAS, safety assurance system. And it's
17 conducted using data collection tools and other means within that
18 program. I do not have direct workings with the program. That's
19 handled with my frontlines.

20 Q. Okay. And if the frontline managers notice something at an
21 airline when they were out conducting inspections, what's the
22 process by which they would communicate that with you?

23 A. They come in immediately, and we talk, and we work through
24 what it would take to work through whatever the problem is as far
25 as what the steps should be, what action plan we would take, how

1 would we look at it through the SAS program. We coordinate daily,
2 and sometimes even by the minute because what they find, we
3 communicate and work through that in order to make things happen.

4 Q. Have there been any current situations where you've had
5 inspectors come to you and you've had to discuss issues at
6 airlines?

7 A. Which day?

8 Q. Oh, recently.

9 A. Other than this, even today we've had issues. I dealt with a
10 number of issues before coming down here today. I mean, it's a
11 daily, ongoing process. The frontlines are coming to me. The
12 inspectors come to me. And we talk. Mostly the frontline, they
13 talk through their frontlines. That's their job.

14 DR. SEVILLIAN: Okay. Those are the questions I have for
15 right now.

16 We'll get Sathya?

17 BY DR. SILVA:

18 Q. Okay. What kind of interaction do you have with the PenAir
19 certificate?

20 A. I deal mostly at the CEO level. I deal with Brian Whilden a
21 lot. I deal with -- through the merger, I deal with other of the
22 higher-ups of the Ravn corporation.

23 Q. Who else on the --

24 A. I don't talk with the -- outside of the CEO level hardly at
25 all. My frontlines deal with that, and they deal very well with

1 that.

2 Q. Who else in the Ravn management would you say you interface
3 with?

4 A. My recent interface is with Dave Pflieger, and I also deal
5 with Dean -- Deke Abbott, as well. Limited, but when there's an
6 issue like this, I knew about this before just about anybody
7 because the management did talk to me.

8 Q. When did you find out about the accident?

9 A. I found out about it -- well, my phone tells me immediately,
10 but the management team spoke to me and said we've had an
11 incident, you're going to hear about it.

12 Q. At Ravn?

13 A. Um-hum.

14 Q. So is that Deke Abbott that you spoke to?

15 A. One of the managers I spoke to, yes.

16 Q. What's your interaction like with Deke?

17 A. I hesitate because I work with Deke -- because he worked in
18 the FAA. I work with him -- with his headquarters involvement and
19 as a manager, and as a assistant division manager here in the
20 Alaska region. I have had no problems with Deke. We had a very
21 good working relationship.

22 Q. Okay. When you first started at the FAA, what were your
23 positions?

24 A. I started as, well, just as a regular inspector. Immediately
25 I went to work -- was assigned a large 135 as a principal

1 inspector, and I did that for a number of years out of the Juneau
2 office.

3 Q. Were you an operations inspector?

4 A. No. I'm airworthiness.

5 Q. Airworthiness? Okay. How's your workload?

6 A. My workload?

7 Q. Um-hum.

8 A. Manageable.

9 Q. Do you feel like your FLMs and your inspectors have enough
10 time to get the job done that they need to?

11 A. I am lucky. I have five airworthy -- or five airworthy --
12 five 121 certificates. I have four FLMs. Workload is at times
13 heavy, inspectors at times heavy, but each one as we move
14 through -- when I say heavy, it's because of the constant
15 attrition and the changing of the positions, and then refilling
16 them. Workload at times gets heavy. However, I have the
17 inspectors to cover the empty spots as a empty and then by -- so
18 that I have time to fill them.

19 Q. Okay. Can you talk to me about the transition of the PenAir
20 certificate this summer? What was that decisionmaking like in
21 terms of transitioning?

22 A. It actually started around February.

23 Q. Okay.

24 A. What was it like? It's sitting down with my team and asking
25 them if we can handle it. If we can't handle it, we look for

1 outside help. We ask and we use a lot of outside help. I use
2 Washington frequently. We have a 200 division, a 300 division in
3 Washington. I use them quite heavily. My teams are handling the
4 process and staying ahead of the process even now, with my
5 instructions that we take care of this and we make sure safety is
6 taken care of before we work with certification.

7 Q. Okay. Was the change in CMT brought about by the merger?
8 What was the catalyst for the change?

9 A. What do you mean by change in CMT?

10 Q. The change --

11 A. Could you define --

12 Q. -- between -- I'll -- in the POI realm from -- gosh, how am I
13 forgetting his name?

14 UNIDENTIFIED SPEAKER: Chuck.

15 BY DR. SILVA:

16 Q. Chuck to --

17 A. To Pat? Oh, well, that's --

18 Q. I keep wanting to say John. Sorry.

19 A. That's very simple. It's really easy.

20 Q. Okay.

21 A. What really happened had nothing to do with the merger.

22 Q. Okay.

23 A. Because I had two principals retire right at the same time as
24 the merger was happening. And that was an office manager. I
25 can't fill a position till it's empty. I wish I could do it

1 sooner, but I can't. So I had a ops inspector retire from another
2 certificate. I had an airworthiness inspector retire from another
3 certificate, PIs.

4 In order for me to fill those positions, I have to run a
5 gamut with my union. I have to run for -- oh, Jesus, I just went
6 blank. Each position, I can't just assign someone to, and I just
7 can't run --

8 UNIDENTIFIED SPEAKER: Collective bargaining?

9 MR. SIMS: Yeah, collective -- through the CBA I have to run,
10 oh, seniority bids.

11 BY DR. SILVA:

12 Q. Okay.

13 A. Okay. I'm sorry. It just wasn't coming to me.

14 Q. No, I understand.

15 A. I have to run the seniority bids. The seniority bids allows
16 each inspector to bid the position that they would like to have.
17 All right. Because of the seniority bids, without the seniority
18 bids, Chuck and -- Chuck was PenAir, and Pat is Corvus. They
19 could have actually remained there. I could have run a bid on the
20 absent airworthy -- or operations certificate and maybe filled it
21 that way. But my first step is I must run a seniority bid.
22 Running the seniority bid, Chuck bid out. Pat decided to stay.
23 So when you run that, then after that, I didn't really have to run
24 a bid because I combined -- combining the two certificates, I did
25 not need to have two PIs, two operations PIs, mostly because I

1 have geographic inspectors to cover those positions.

2 I have the authority to hire assistants for those positions,
3 which haven't got hired yet because I'm still running the process.
4 And I have 12 inspectors, 12 GS-12-level inspectors who are
5 covering that, doing the work, the grunt work for the PIs. The
6 PIs are covering the inspection program and assigning the work out
7 as necessary.

8 But that's essentially -- it's not just a simply answer of
9 why did they move. And the same thing happened with the
10 airworthiness inspectors.

11 Q. Okay.

12 A. I had one retire, and I did the same thing. I ran the
13 seniority process, and then when that all fell out, I had one
14 inspector there.

15 Q. The same for cabin safety?

16 A. Cabin safety, only one inspector for the certificate.

17 Q. One inspector for the -- you only have one per certificate,
18 is that what you mean?

19 A. No, just on that certificate, one cabin safety on that
20 certificate.

21 Q. On the Corvus certificate?

22 A. Corvus certificate and the PenAir certificate. There's only
23 one.

24 Q. Okay.

25 A. Okay. Yes. Only one CSI for both certificates.

1 Q. That was always the case?

2 A. Always.

3 Q. Okay. I see. Okay. I understand.

4 A. And the reassignment of the CSIs probably -- I have two CSIs.
5 They work together on the certificate, so --

6 Q. Okay. Who did you fly with when you were doing 135 out here?

7 A. Who did I fly with?

8 Q. Yeah, who were you working for?

9 A. One of them was Skagway Air Service, who are no longer in
10 business. I did a lot of work on my own as an IA.

11 Q. As -- say that again?

12 A. Inspector.

13 Q. Okay. Have you ever flown as a crewmember into Dutch Harbor?

14 A. Not as a crewmember, no.

15 DR. SILVA: Okay. Those are my questions. Thank you.

16 DR. SEVILLIAN: Thanks, Sathya.

17 Marvin?

18 BY MR. FRANTZ:

19 Q. Yes. John, what pilot certificates do you have?

20 A. None.

21 Q. Okay.

22 A. I'm an airworthiness -- I have -- I know how to fly. I've
23 learned over the years, but I don't have the certificate.

24 Q. When did you take your current position as office manager?

25 A. August of 2016.

1 Q. Okay. And prior to that, you were with Denali in another
2 position --

3 A. Prior to that, I was assistant manager on Denali. Just prior
4 to that, yes.

5 Q. All right. And how long were you in that job?

6 A. Hmm. Roughly a year.

7 Q. And you were assistant manager for the Denali CMO --

8 A. CMO.

9 Q. Okay. So you had association or you had oversight over
10 people who had oversight over PenAir at that time, as well, is
11 that right?

12 A. I did.

13 Q. Okay. Prior to that, did you have any association, or you
14 were you working anything that you had to deal with PenAir prior
15 to that position, any positions prior --

16 A. Not at that time. Many years before as an inspector, but not
17 at that time.

18 Q. How do you characterize the -- have you seen any differences
19 in the PenAir that you knew back in those years versus the PenAir,
20 the certificate and the airline that's emerging now as a result of
21 the merger? Do you see any differences? Or maybe also I should
22 ask any concerns or any hiccups that you see as coming about as a
23 result of the merger?

24 A. The airline I see now is leaps and bounds above the airline
25 that I knew as an inspector a number of years ago.

1 Q. Would you say safety-wise that's the case, as well?

2 A. Yes, I would.

3 Q. What kind of past experiences -- currently, you have
4 responsibility for Ravn or Corvus/Ravn. Previously, have you
5 worked with any Ravn certificates --

6 A. No.

7 Q. -- prior to your current position?

8 A. No.

9 Q. No association --

10 A. The only other certificate, no.

11 Q. Okay. What's your understanding of the issues that your
12 office has with PenAir for this accident? What concerns? What
13 investigations or questions are you trying to resolve with PenAir
14 currently as a result of the accident?

15 A. The main thing that we're looking at, we have two crewmembers
16 who operated on their own in my opinion. So we're looking at the
17 way they decided to handle their landing into Dutch Harbor. They
18 had made more than one attempt. I want to know why. I want to
19 know why they didn't follow procedure.

20 I want to know -- the main question is, is -- well, they
21 didn't follow procedure, and this one pilot is a high-time, plus
22 he's a training -- he holds a training position. My concern is if
23 he's not following procedure out there when he's flying, what has
24 he trained his other pilots? Is he training them to follow
25 procedure? I have a big concern there.

1 Over all of the company, we had a very good open relationship
2 going. The inspectors were very, I'll say, strict on adherence to
3 compliance, both with the guidance and the rule. And if they
4 weren't compliant, I knew about it right away, and we were dealing
5 with it. If you looked at our inspection program, SAS, you can
6 see a lot of that is recorded. They did a very good job of
7 recording their work.

8 Q. Okay. How long have you known Deke Abbott?

9 A. Since he came up here 4 years, 5 years maybe.

10 Q. And during all that time, was that -- you've known him
11 because you've worked with him at --

12 A. At different levels, yes.

13 Q. Here in Alaska?

14 A. Mm-hmm.

15 Q. Okay. Have you ever worked for him?

16 A. I have not.

17 Q. Okay. Has he ever worked for you?

18 A. Excuse me. That is an incorrect statement. He was the
19 assistant division manager while I was a frontline and a manager,
20 and an assistant manager here in the Alaska region. He was the
21 assistant division manager here. So I worked directly, assigned
22 directly to him.

23 Q. And was that the position he held when he left the FAA, that
24 assistant division manager?

25 A. No. He held -- we worked side-by-side as managers then. He

1 was the manager of the Polaris, Polaris CMO, which is the 135 CMO.

2 Q. Okay. And you were the Denali manager?

3 A. I was --

4 Q. Or that you --

5 A. -- a manager of Denali, correct.

6 Q. Denali. And so you had -- and that was for how long? What
7 time period were you dual or co -- not co -- did you both have --

8 A. About a year maybe somewhere in there.

9 Q. And then was that immediately prior to him leaving the FAA?

10 A. That was.

11 Q. Was that his position?

12 A. That was.

13 Q. Okay. Do you remember that year that was that he actually
14 left the FAA?

15 A. Not off the top of my head. I guess late '16, early '17.

16 Q. Okay.

17 A. Somewhere in that timeframe.

18 Q. How long have you know David Pflieger?

19 A. Since he took over the Ravn Corp., which is maybe a year and
20 a half, 2 years maybe.

21 Q. Okay. What kind of interactions have you had with in that
22 time period --

23 A. Very little, but at my level, if I have an issue, I speak to
24 him generally first. He just -- we just spoke about a month ago
25 regarding the interaction between the inspectors and the team at

1 both Ravn and PenAir. He attended a meeting, and he felt that his
2 team wasn't interacting openly with my team. So he asked to have
3 a meeting with me. So we talked about it, and we devised a plan.
4 And then we're working very well right now.

5 Q. He initiated that contact?

6 A. He initiated it.

7 Q. Is that typical of your -- when you communicate? Is it
8 mostly --

9 A. At our level, yes.

10 Q. -- him calling you versus --

11 A. Well, if I have an issue, I do call him.

12 Q. Yeah. How often has that happened?

13 A. Twice, three times.

14 Q. Okay. So you say you've known -- since he -- since Ravn
15 was -- or since he became the president --

16 A. CEO, yeah.

17 Q. COO, CEO of Ravn?

18 A. Um-hum.

19 Q. Okay. Any social interaction outside of work with him?

20 A. Absolutely not.

21 Q. No? Do you know Chris Hart?

22 A. I do not.

23 Q. No?

24 MR. FRANTZ: Okay. I think that's all I have for now.

25 Thanks.

1 DR. SEVILLIAN: Thanks, Marvin.

2 Brandon?

3 MR. WILSON: Nothing from me.

4 DR. SEVILLIAN: Dave?

5 MR. KEENAN: Nothing --

6 DR. SEVILLIAN: All right. We'll do one more round of
7 questions.

8 BY DR. SEVILLIAN:

9 Q. Do you know Deke Abbott's role, if he has a role at PenAir?

10 A. I know he handles the pilots. I don't know what his title
11 is.

12 Q. When you say handles the pilots, what do you --

13 A. He's their manager/supervisor, whatever you want to call it.
14 I don't know the title.

15 Q. Okay. So beyond the title, you're saying supervising the
16 pilots. What is he supervising?

17 A. I have no idea. I don't work for Ravn.

18 Q. Okay. No, no, it's PenAir.

19 A. Or PenAir.

20 DR. SEVILLIAN: Okay. All right. That's all the questions I
21 had.

22 Sathya?

23 BY DR. SILVA

24 Q. You mentioned that Dave approached you about the FAA team
25 working with the -- was it the PenAir team or the Ravn team?

1 A. Both.

2 Q. Okay. When did that conversation happen?

3 A. Three weeks ago.

4 Q. Three weeks ago? So post-accident?

5 A. Post-accident and dealing with the accident.

6 Q. And dealing with the accident? Okay. How did it go as a
7 result of your efforts?

8 A. Well, like I told the gentleman here, it's working very well.

9 Q. Did you figure out what went wrong in terms of why they
10 weren't working very well together before?

11 A. Only thing I can give you is everybody needs to openly
12 communicate. When you don't openly communicate, you can feel it
13 in the room.

14 Q. Um-hum. Was this -- do you know if the issue started -- I
15 know that PenAir had a change in chief pilot after the accident.
16 Do you know when the issues started in terms of communication?

17 A. No idea.

18 Q. You mentioned that the new PenAir is leaps and bounds better
19 than the old PenAir. In what ways?

20 A. Just my opinion.

21 Q. Yeah. And what leads you to that opinion?

22 A. Safety and their handling of the safety matters. I was part
23 of an inspection team years ago. They brought in an old FAA
24 administrator, Nick Sabatini, and I was part of that makeover.
25 And since then, it's been a very improved airline.

1 Q. What's your understanding of why Deke left the FAA?

2 A. I have none. I don't have any idea why.

3 DR. SILVA: All right. Those are my questions.

4 DR. SEVILLIAN: Thanks, Sathya.

5 Marvin?

6 BY MR. FRANTZ:

7 Q. You mentioned Deke, you mentioned he had -- he supervised
8 pilots at PenAir? That was your understanding of his --

9 A. That's my understanding of what he does.

10 Q. Okay. In conjunction with the chief pilot at PenAir? Or
11 does he act as the chief pilot?

12 A. I cannot say. Actually, I don't work over there. I don't
13 know how he --

14 Q. Okay.

15 A. I know what it looks like he does.

16 Q. Do you come to that understanding through conversations with
17 him? Is that the things that he has told you about what he does
18 with PenAir?

19 A. Conversations with my inspectors in the frontline.

20 Q. Okay. And so in communicating concerns that come to your
21 level about PenAir and/or Ravn/Corvus, is it Deke or Dave that you
22 primarily might go to first to try to resolve a concern?

23 A. I would go to Dave.

24 Q. You would go to Dave Pflieger first?

25 A. Um-hum.

1 Q. Okay. And then if they have concerns or questions or
2 what -- something from the FAA, would you more frequently hear
3 from Deke or David Pflieger --

4 A. Pflieger.

5 Q. -- when they want to talk to you guys? Sorry?

6 A. Pflieger.

7 Q. From Dave also? Okay. Do you feel that Dave Pflieger is
8 fully cooperative and 100 percent down with working with the FAA
9 to, you know, not expedite, but to have a good transition of this
10 merger and get PenAir onboard with the other certificates or
11 merging certificates --

12 A. A safe, compliant rule -- staying compliant with the rule and
13 following the guidance, yes, I do.

14 Q. When was the last time you talked to Dave Pflieger?

15 A. About 3 weeks ago.

16 Q. Okay. Is that a phone call or did you have a meeting?

17 A. Phone call.

18 Q. Okay.

19 A. Initially, and I did ask him to come in, and we met, and we
20 discussed it. We went in depth over it to make sure that we
21 covered all of the aspects of what we were looking to accomplish.

22 Q. Okay. In your position before the accident, how many times
23 do you think you've had a person-to-person meeting with Dave
24 Pflieger before the accident?

25 A. Maybe twice.

1 Q. Okay.

2 A. Very limited.

3 Q. How about same thing with Deke? Before the accident, how
4 many times did you meet? Have you met with him?

5 A. I have not met with him at all.

6 Q. You haven't? Okay.

7 A. I have had conversations, but no meeting over the company.

8 Q. Okay. Okay. Thank you.

9 MR. FRANTZ: That's all I have, Dujuan.

10 DR. SEVILLIAN: Thanks, Marvin.

11 Brandon?

12 MR. WILSON: Nothing from me.

13 DR. SEVILLIAN: All right. Dave?

14 MR. KEENAN: I don't have anything.

15 DR. SEVILLIAN: All right. You have one more, Sathya?

16 DR. SILVA: Yes.

17 DR. SEVILLIAN: Go ahead.

18 BY DR. SILVA:

19 Q. Following up on a question that Marvin asked about --
20 actually, what Dujuan asked about the impression you have of Deke
21 being in charge of the pilots, what have you -- what is it that
22 you've heard from your FLMS and your inspectors that gives you
23 that impression?

24 A. Simply that he's -- I don't know what his title is, but the
25 title infers -- I don't know what it is, but from them,

1 discussions with them, the title infers that he is the operations
2 manager and not just of pilots, but of the operations section of
3 the company.

4 Q. Of PenAir?

5 A. PenAir and Corvus.

6 Q. And Corvus. Okay.

7 A. That's my impression.

8 Q. Just based on?

9 A. Conversations with the frontlines and the inspectors.

10 Q. And their interaction with Deke?

11 A. No. Their interaction is very limited with Deke. They do
12 not -- they deal with 119 personnel. Deke is not a 119 person.
13 He is, like I said, I don't know what he is, but he is not part of
14 the oversight for the FAA, who we work with.

15 Q. So the impression that you got is based on their
16 understanding of his title? Is that a fair way to restate what
17 you said?

18 A. Yeah, to be fair, yeah.

19 DR. SILVA: Okay. That's all.

20 DR. SEVILLIAN: All right. Anything else, Marvin?

21 MR. FRANTZ: No.

22 DR. SEVILLIAN: Around the room, anything else?

23 (No response.)

24 DR. SEVILLIAN: Okay. So that concludes the interview. Is
25 there anything -- any questions that we should ask you that we've

1 missed, anything we missed?

2 MR. SIMS: No. I'm good. Thank you.

3 DR. SEVILLIAN: Okay. Well, thanks for coming in and
4 interviewing with us. We appreciate it.

5 Off the record.

6 (Whereupon, at 2:26 p.m., the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF: PENAIR FLIGHT 3296 CRASH AT UNALASKA-
DUTCH HARBOR AIRPORT, ALASKA
OCTOBER 17, 2019
Interview of John Sims

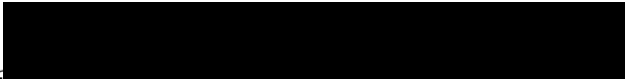
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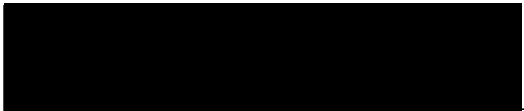
PLACE: Anchorage, Alaska

DATE: December 6, 2019

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.


Betty Caudle
Official Reporter


Danielle S. VanRiper
Transcriber


Autumn Weslow
Corrections made 3/24/2020

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

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PENAIR FLIGHT 3296 CRASH AT UNALASKA- *

DUTCH HARBOR AIRPORT, ALASKA * Accident No.: DCA20MA002

OCTOBER 17, 2019 *

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* * * * *

Interview of: CHARLES FITZPATRICK, Principal Operations Inspector
Federal Aviation Administration

Via telephone

Thursday,
May 28, 2020

APPEARANCES:

MARVIN FRANTZ, Operational Factors Investigator
National Transportation Safety Board

SATHYA SILVA, Ph.D., Human Performance Investigator
National Transportation Safety Board

DUJUAN SEVILLIAN, Ph.D., Human Performance Investigator
National Transportation Safety Board

DAVID KEENAN, Air Safety Investigator
Federal Aviation Administration

BRANDON WILSON, Line Pilot/Check Airman
PenAir

MATT SMITH, Attorney
Federal Aviation Administration
(On behalf of Mr. Fitzpatrick)

I N D E X

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I N T E R V I E W

(1:07 p.m.)

1
2
3 MR. FRANTZ: We'll go on the record then at 1307 Eastern
4 Daylight Time on May 28th. So again, what we'd like to talk about
5 today, primarily, is the decision and the approval process for
6 PenAir to operate the Saab 2000 into Dutch Harbor.

7 I would like to quickly go around the room and have -- around
8 the virtual room and have everybody introduce themselves so you
9 have an idea of who's here. I'll tell you it's the same group
10 that was present when we interviewed you in Anchorage in December,
11 but again, we'll just touch base and make sure everyone's here.

12 So, just to avoid confusion, if you could just wait until I
13 call on you and then just give your name and your affiliation.
14 We'll start with the Ops/HP group co-chair, Sathya.

15 DR. SILVA: Hey, Chuck. It's Sathya Silva. I'm
16 Human Performance at the NTSB.

17 MR. FRANTZ: Okay, and working with Sathya, Dajuan.

18 DR. SEVILLIAN: Yes, this is Dajuan Sevillian, Human
19 Performance, NTSB.

20 MR. FRANTZ: And then we have our group member from PenAir,
21 Brandon.

22 MR. WILSON: Morning, this is Brandon Wilson, former
23 check airman on Saab 2000.

24 MR. FRANTZ: Thanks, Brandon.

25 Dave?

1 MR. KEENAN: Dave Keenan, air safety investigator out of
2 Headquarters with the FAA.

3 MR. FRANTZ: Okay, and Matt?

4 MR. SMITH: Good morning, all. This is Matt Smith with AGC,
5 and I will be representing Mr. Fitzpatrick.

6 MR. FRANTZ: So before we get started, Mr. Fitzpatrick, do
7 you have any questions for us?

8 MR. FITZPATRICK: Not at this time, thank you.

9

10 INTERVIEW OF CHARLES FITZPATRICK

11 BY MR. FRANTZ:

12 Q. Okay. So we've got a lot of information from the previous
13 interview about your background aviation with the FAA and then
14 your time at PenAir. But, just for the purposes of this, could
15 you briefly just give me the timeframe and your duties that you
16 had when you worked with PenAir?

17 A. I came into PenAir I believe in 2014. I was the principal
18 operations inspector for the PenAir carrier.

19 Q. And you were there until sometime in 2019? Is that correct?

20 A. That is affirmative. I think I took over in July of -- or
21 left in July of 2019.

22 Q. Were you the POI at the time that PenAir decided to acquire
23 the Saab 2000 and operate it into Dutch Harbor?

24 A. Yes, I was.

25 Q. Okay. Just generically, can you tell us anything you

1 remember about that decision? The process? How it evolved and
2 what your role was in that process?

3 A. PenAir was looking to -- they had been flying into Dutch
4 Harbor with their Saab 340s, and they were looking for a larger
5 aircraft to accommodate more personnel. And so the Saab 2000 --
6 since they had already dealt with Saab -- seemed like a feasible
7 airplane to -- and based on the size and the weight and the people
8 it could carry.

9 So they decided to go ahead and purchase and plan on using
10 the Saab 2000, and then they sent in their pre-application for
11 that airplane. It was primarily -- Dutch Harbor was the primary
12 target for the Saab 2000 based on the number of personnel that
13 they were routinely flying in and out of Dutch Harbor.

14 Q. Okay. You mentioned -- did you say pre-application? Can you
15 tell me what that is?

16 A. Okay. Well, basically, there's a process that we follow, and
17 it's in the order 8900.1. That process -- it consists of, like,
18 five phases and three gates, and one of the five phase is called
19 the pre-application. And that's in the order of 8900.1.

20 Q. Do those phases and gates -- is the ultimate end-product of
21 passing through them all the addition of that particular airplane
22 to their OpSpecs for a particular airport? Is that the end
23 result?

24 A. Yes, it is.

25 Q. Okay.

1 A. And it's very extensive and very thorough.

2 Q. Can you give me the high points of the process that they go
3 through? Or the evaluation that they go through when they want to
4 do that? I mean, what are the elements of the gates and the
5 phases, just generically, at a high level? Can you describe
6 those? What things are being looked at?

7 A. Well, let's see. The first phase is called pre-application,
8 and it has a huge list of things that has to be sent to be looked
9 at, to include all their manuals, why they chose that airplane,
10 the airport. It's a huge list. I'd have to look up the 8900 to
11 get to all the specifics, but after the pre-application, then
12 becomes what they call the application phase. Also during the
13 pre-application, you've got to get the DOT authority that they've
14 got economic authority to actually do the airplane and go into
15 that operation that they want to go into.

16 And the second phase is called the application process, where
17 they, again, send all their manuals and everything for the people
18 that are doing the review of this airplane.

19 And then we go into a phase called design assessment.
20 There's hundreds of questions that look into the design of their
21 program that they're going to use for this airplane -- for the
22 support, that the manuals are up-to-speed, that it's in concert
23 with their policy and procedures.

24 Then we have a performance assessment. That's when we look
25 at the performance of what they said they can do, and then they

1 look at the performance of what they can accomplish, and if it's
2 acceptable.

3 The next phase is called the administrative functions, and
4 it's all the administrative things that will support that.

5 During these requirements, there's also -- in the new
6 airplane -- what they call, tabletop scenarios. It consists of
7 different scenarios that we ask the carrier, situations to solve,
8 and it looks at their managerial process, looks at the
9 maintenance, looks at the performance, the manuals, how well the
10 crews have been trained in the operation of the Saab 2000, and can
11 solve the problems with interfacing with maintenance and hazmat
12 and everything that goes into the type of scenario that was set
13 up.

14 Once they pass the tabletop scenarios, then they have proving
15 runs scenarios where they actually fly the airplanes to different
16 airports. As I recall, there was at least four proving runs in
17 and out of Dutch Harbor to assess their ability to support and fly
18 the airplane based on their procedures. Over.

19 Q. Okay, that's pretty thorough. So one of these phases, did it
20 involve looking at the airplane and the airport design and,
21 specifically, the design criteria of the runway to make sure or to
22 see how they matched with each other, or if they did match or if
23 they were suitable? If the airplane was suitable and the runway
24 was suitable for the airplane? Is that part of one of the phases
25 you just talked about?

1 A. Yes, sir. That would be in the pre-application phase. There
2 again, they were already familiar with Dutch Harbor, and of
3 course, Dutch Harbor had already been certified for the airport,
4 but then they look -- and we look at also -- the Saab 2000;
5 looking at its performance, the aircraft weight-bearing for that
6 runway, the cross-winds that are typically there for that --
7 Dutch Harbor, the runway lengths, and then everything, et cetera,
8 that goes into looking at that airfield that is already certified.
9 And they were all considered. There were no conditions that
10 prohibited the use of the Saab 2000 into Dutch Harbor. Over.

11 Q. Great. So are you familiar with the concept or the idea of
12 certifications, specifications -- that's not the right word, but
13 the design criteria for the runway -- for any airport runway based
14 on the FAA circular that has to do with airport design and that
15 deals with, you know, runway dimensions and how they should meet
16 up with the type of airplane that the runway's intended for? Are
17 you familiar with that?

18 A. I will say, no, I'm not that well-versed in all the criteria
19 that goes into certifying and under Part 139, but it had
20 already -- had been certified and approved. And we just relook at
21 all that based on the runway there, the course of the lights,
22 everything we did when they were flying into Dutch Harbor.

23 Q. Right.

24 A. The weight-bearing and the security, the approaches, the
25 tower, the weather, everything that goes in there. Again, Dutch

1 Harbor was an airport that they used routinely for the Saab 340,
2 so we were very familiar with Dutch Harbor and everything that
3 went into that airfield and the criteria for it.

4 Q. Do you remember if runway safety areas at the airport -- at
5 Dutch Harbor, was that anything that was considered as part of the
6 process for approving the 2000 into Dutch Harbor?

7 A. That would have been under the Part 139. But when they look
8 at the performance of the 340, they look at that for being able to
9 do the approaches -- the missed approaches, terrain avoidance.
10 Yes, so that aspect was looked at.

11 Q. So is the primary guidance, then, that you follow for
12 approval of an airplane into a particular airport -- that's in
13 8900 that you were just talking about. Is that correct?

14 A. Yes, sir. It's Order 8900.1.

15 Q. Yep, I've got that.

16 A. The volume?

17 Q. Yeah, that's what I was going to ask. Do you have the
18 volume?

19 A. Okay. Volume 2, Chapter 3.

20 Q. Okay.

21 A. And there's sections: Sections 1, 2, 3, 4, and 5.

22 Q. Great. Thank you for that reference.

23 So, specifically, I don't know if Dave talked to you about
24 this or not, but we asked -- we sent a question to the FAA -- not
25 to you, but to the FAA, to our counterpart, and then they

1 forwarded it on. But we were asking about the design criteria --
2 or the design of the runway at Dutch Harbor, and it looked like it
3 was built for what they called a critical aircraft, which I
4 believe the aircraft that -- the largest aircraft that they
5 intended to build, or the runway was designed for, as far as not
6 only runway length, but all the dimensions around the runway,
7 including glide paths and obstruction areas and clearance areas
8 and runway safety areas.

9 And Dutch Harbor Airport looked like it was built for
10 aircraft that were different than the Saab 2000. They
11 specifically design -- or they build airports to requirements that
12 will handle aircraft of different approach categories, like A, B,
13 C, and D. And then also aircraft are different, what the AC
14 calls, design groups -- aircraft design groups, and those are
15 based on wingspan and tail height, basically.

16 So the Saab 2000, it's classification -- it's approach
17 category C, we've learned. That's what the FAA told us. It's
18 approach category C, and that makes sense for its approach speed.
19 And then design category -- because of its wingspan, design
20 category looks like it was a 3.

21 So the Saab 2000 is a C-3 aircraft as far as for airport
22 design criteria. And the Dutch Harbor runway was built for B-2
23 aircraft, which is category B -- aircraft with category B approach
24 speeds. Or, yeah, category B approaches and aircraft design group
25 2. B-2, the 2 meaning it's based on a wingspan. So it was a

1 smaller wingspan than the 2000, so it was -- the dimensions made
2 it into group 2. So it was a B-2 aircraft.

3 So anyway, that was the airport as it existed at
4 Dutch Harbor, built for that. And from our understanding, that's
5 what it was in 2016, and that -- the Saab 340 was a B-2 aircraft,
6 so I believe that was a good match. But the Saab 2000, being a
7 C-3 aircraft, didn't seem to match.

8 So all of that is just to say, did you have any awareness of
9 what I'm talking about here with aircraft approach categories and
10 design groups and matching that information to what the airport
11 was designed for or built for?

12 A. No, I wasn't, at that specific -- because I thought Alaska
13 Air used to take the 737 jet airplane into there, but whatever.

14 Q. I've heard that there have been 737s in there as well, yeah.

15 A. Again, when I came on board, Dutch Harbor was already
16 established. You know, that it satisfied Part 139 and the
17 performance for the Saab 2000 based on the runway length and the
18 weight-bearing -- that was adequate for the Saab 2000.

19 Q. Sure. I'm sorry, go ahead.

20 A. No, that's it.

21 Q. Okay. So to the best of your recollection then, there was --
22 during the approval process during these phases and the gates that
23 PenAir and the FAA, that you guys went through to get the 2000
24 approved for Dutch Harbor, during that process, there was not a
25 discussion about the runway safety areas and their suitability for

1 the type of aircraft -- the C-3 type aircraft that the 2000 was.
2 That was not a concern that ever came up or was discussed or
3 analyzed during the approval process for the OpSpec. Is that
4 correct?

5 A. As far as I know, I don't remember doing a discussion about
6 the C-3 versus the B-2 when I came into the certification for the
7 airplane.

8 Q. Besides yourself as the POI, was there anyone at the FAA
9 or -- well, was anyone else at the FAA that was working with you
10 on this process of adding the 2000 to the OpSpec?

11 A. Yes, there was. Initially, AFS-900 started the process with
12 the pre-application and the application. Then they handed it over
13 to us, the CMO, to continue with the operation. And we vetted
14 what they had seen and shown and (indiscernible) accepted their --
15 the process that they went through with the checklist items that
16 they have to look at. Again, at that time, I do not recall the
17 C-3 versus the B-2 discussion in -- talked about.

18 Q. Sure.

19 A. But again, we did look at the performance of the airplane and
20 validated that the airplane -- the airfield was suitable for the
21 Saab 2000 based on its performance. And being able to use the
22 runway length and all that would be considered.

23 Q. Okay, thanks. I don't have my FAA org chart in front of me,
24 so can you tell me what AFS-900 is?

25 A. They look at the performance of the airplanes and

1 certification processes up at -- in Washington, D.C.

2 Q. Okay, so that may have been an office that may have looked at
3 something like this? What I'm talking about here? I mean, you
4 probably can't say, but is it possible that they could have
5 addressed or would have addressed this issue?

6 A. It is possible, yes.

7 Q. So they do an initial look and they give a stamp of approval,
8 so to speak, and then they forward that to you -- in this case, to
9 the POI -- for a continuation of the process? Have I got that
10 right?

11 A. No, normally they're advised of what's going on with the
12 upgrade for the new airplane's certification. But normally,
13 depending on the workload, the CMO would have started the process
14 initially, if we were able to accept it based on our workload.
15 And if the workload is not acceptable, then they ask if 900 can
16 assist. And apparently that's what happened on this one. 900
17 assisted on getting the project started, and then they turned it
18 over to us.

19 Q. Okay, so that assistance from AFS-900 was per request from
20 the Denali CMO -- or from the PenAir Certificate Management
21 Office. Is that correct?

22 A. That is correct, yes.

23 Q. Do you recall any names of anyone from AFS-900 who may have
24 been involved in that?

25 A. Off the top of my head, I don't. I'd have to look back

1 through the records, sir, but I don't remember anybody's name off
2 the top of my head. Sorry.

3 Q. That's fine. So have you -- before or after PenAir, have you
4 been involved in another process like this where an operator that
5 you had responsibility for wanted to add a particular airplane to
6 a particular airport?

7 A. Yes. When I first came in, I was assisting another POI, and
8 he was working with a carrier that had brought DC-9s onto their
9 OpSpecs. And that POI, he used the same -- that person used the
10 same process that was required in that order 8900.1, you know,
11 Volume 2, Chapter 3. And that person went through the same
12 process to certify the DC-9s, which flew into different airports,
13 not one specific airport.

14 Q. During that process, do you recall -- when you went through
15 it where you helped or you assisted with that process, do you
16 recall any discussions about runway safety areas or other runway
17 construction design guidelines that came into play when you were
18 trying to put that airplane into that airport?

19 A. Well, they mentioned the places they were going to fly the
20 DC-9, so we had to look at, was it compatible to DC-9 acceptance
21 for, like you say, the weight-bearing, the runway length, the
22 spacing on the ramp (indiscernible) with the wingspan and the
23 support there for the DC-9 operations.

24 Q. Do you recall any -- while you were the POI at PenAir, do you
25 recall any construction or runway enhancement or other kind of

1 projects that occurred at Dutch Harbor?

2 A. I believe they had a gate -- at one of the departure ramps,
3 they had a gate that would be lowered for traffic. They went
4 around the end of the airport. So there were procedures on
5 calling in on short final to make sure the gate was down so the
6 traffic would be stopped while aircraft, no matter what airplanes,
7 were flying in and out of Dutch Harbor.

8 Q. Do you remember any kind of airport improvement project where
9 they increased the size of the runway safety areas on either end
10 of the runway at Dutch Harbor?

11 A. No, I am not.

12 Q. Okay, so just to make sure I understand, any consideration of
13 matching an airplane to a particular airport that involved runway
14 safety area or other runway dimensions that went into designing
15 the airport and the runway, other than just aircraft performance
16 or runway length, weight-bearing -- the things that you've already
17 mentioned -- but other criteria or considerations were not
18 something that you or the CMO were a part of during this process
19 of getting the 2000 into Dutch. Is that correct?

20 A. I'm not sure I quite understand it, but Dutch Harbor is what
21 they call a special qualification airport. It does require
22 training and a pilot sign-off to go in there.

23 Q. Right. No, I mean for the approval of the Saab on the
24 OpSpec, you don't recall any consideration of the design criteria
25 or design guidelines of the airport and matching those with the

1 category and design group that the Saab 2000 was? That wasn't
2 anything that you recall or knew of anyone else actually doing.
3 Is that correct? For that process?

4 A. I don't recall that, but again, when they looked at all the
5 parameters for using the 2000, there was no conditions that
6 prohibited its use there based on the terrain or the turn-out or
7 the approaches, the performance required. Any safety issues that
8 you're talking about for the criteria of the airport, none of
9 those came out at all.

10 MR. FRANTZ: Right. All right. I'm going to take a break
11 here and I'm going to see if anyone else has any questions, so
12 I'll just go around the room here quickly. I'll start with
13 Dr. Silva.

14 Sathya, do you have any questions?

15 BY DR. SILVA:

16 Q. Yeah, I just wanted to follow-up on -- and you mentioned this
17 in piecemeal (ph.) when you described the five phases for adding
18 an aircraft. Do you recall anything else specific from this
19 specific instance of adding the 2000 to PenAir's certificate? You
20 kind of walked through the five phases. What do you recall from
21 that process?

22 A. Well, everything was completed per the process with all their
23 application. Criteria was correct, their manuals were reviewed,
24 accepted and approved. They went through the design assessments.
25 They were satisfactory. We can't go into all the design

1 assessments and performance assessment -- every question has to be
2 answered with a yes, a positive, that it was -- that it met the
3 criteria before you could go on to the next step.

4 Q. Is there documentation that's kept for each of these
5 assessments, for each of these phases?

6 A. Yes, there should be a file with all this information into
7 it.

8 Q. Okay. So just so I understand from a process perspective,
9 does this process happen after a company has actually put a
10 purchase order in for the aircraft? Or is this happening
11 beforehand, to see if they can actually operate it -- operate a
12 potential aircraft into an airport?

13 A. Well, I don't recall PenAir's -- how they run it, if they
14 were negotiating with Saab before they put in their
15 pre-application. I don't know how they ran it before they got the
16 information to us that they were interested in the Saab 2000. We
17 just get the information that this is the airplane they're looking
18 at.

19 It runs up to the DOT as part of the pre-application there,
20 when they put in their request to see that they have economic
21 suitability to support that operation, and then we look at the
22 rest of the package that they sent in. But as far as when and if
23 and when -- how they went about going around for the Saab 2000,
24 that was PenAir's privy, and I don't know any of that.

25 Q. Okay. And how long, do you recall, does this process take,

1 going through everything?

2 A. Normally it takes at least a year. Year, year and a half,
3 depending on how good the manuals are, what things we find out,
4 how the proving runs, the tabletops go. So we -- and sometimes
5 you have to do an evacuation if it's a new airplane that's being
6 brought on. They have to demonstrate an evacuation of the
7 airplane. So it just depends on the carrier and what you find,
8 how long it takes.

9 Q. Okay. Have you -- and I know you've mentioned that this is
10 probably your second time going through this, but in your
11 experience, whether personally or through other people at the FAA,
12 do you know of any cases where aircraft have been -- have not
13 passed this process?

14 A. No, I am not familiar with that.

15 Q. Okay. So you mentioned that the airport was already
16 certified and approved. Can you elaborate on what that means,
17 specifically?

18 A. Well, it's a Part 139, and I don't have that in front of me.
19 It goes through all the criteria, but it's kind of based on that
20 same AC-150 with the stuff that has to be looked at for the
21 airplane, the airport to be certified.

22 Q. Okay, so specifically, the 139 requirements. Now, in terms
23 of -- you mentioned that AFS was involved towards the beginning of
24 this for the Saab 2000. But are they available or were you able
25 to use them as a resource throughout the process? Or is that

1 something that's just more on the forward side?

2 A. Oh, no, they're always available for the process if we have
3 questions.

4 Q. Okay. Do you recall if you referenced them at all?

5 A. And what was that again? The last part?

6 Q. Do you recall if you referenced them later in the process for
7 this one?

8 A. No, we didn't. We interfaced very well at the beginning when
9 they turned all the information over to us, and we were talking
10 then back and forth until we got into the design assessment. By
11 then, we had received and reviewed all the manuals that they had
12 looked at, and then we just set up the design assessments and then
13 the performance assessments. I think we also interfaced with
14 them, but I can't remember, for some of the proving run scenarios.
15 But I can't be sure on that.

16 Q. Okay. So when this approval gets completed, where does that
17 approval come from? Is it from you as the POI?

18 A. Yes. It comes from the CMO because then we have to put it
19 into their OpSpecs for that airplane, which is -- it's part of the
20 maintenance side and the OpSpecs. And then you got the other
21 OpSpecs that go into it for putting it on the certificate, which
22 would -- it depends on where they're going, which OpSpecs would
23 apply to that airplane.

24 Q. Okay. So if, let's say, AFS-900 approved something that was
25 non-standard, that would be something you would expect to know

1 about. Is that a fair statement?

2 A. By all means, if it was non-standard, yes, we'd all know
3 about it.

4 DR. SILVA: Okay, understood. Those are the questions I had.
5 Thank you.

6 MR. FRANTZ All right. Thank you, Sathya.

7 Dujuan Sevillian, do you have any questions?

8 DR. SEVILLIAN: Yes, thanks.

9 BY DR. SEVILLIAN:

10 Q. Mr. Fitzpatrick, the first question I have is, you talked
11 about the extensive and very thorough process that you look at --
12 the phases -- earlier, and you discussed the tabletop scenarios
13 that consisted of the, you know, different scenarios that you look
14 at. You mentioned you look into how well crews have been trained.
15 What exactly are you looking for from a training standpoint?

16 A. Well, we look at their manuals there and what they call the
17 flight ops training manual, which is the -- it consists of ground
18 school training, and we look at that. We also look at the
19 simulator training that they go through and the checkout. This
20 would be originally with the initial cadre. This initial cadre
21 has to be able to perform and then be able to teach the rest of
22 the pilot group, and then they set up the check airmen and the
23 instructors for that airplane.

24 The tabletop scenarios are different questions related to
25 possibly performance of the airplane. If you have a minimum

1 equipment list question -- and that's if something is inoperative
2 of the airplane -- you go into this manual and it says, okay,
3 here's what's missing; can you fly the airplane? What are the
4 restrictions if you do fly the airplane? And then that's using
5 the crew resource materials there, interfacing with flight
6 following, maintenance control, operations, for moving --
7 completing the airplane movements safely. Over.

8 Q. Okay. And then the other question I had was, you were
9 talking about -- one example was -- from a scenario standpoint is
10 flying out of Dutch Harbor. Are there any other airports that you
11 were looking at, at the time?

12 A. Oh, yes, there were. There was -- some were airplanes [sic]
13 we used for the proving runs. Off the top of my head, I know they
14 used Cold Bay and Dutch Harbor, but I'd have to go back and look
15 at the scenarios for the other airfields that we used. Brandon
16 might have a better idea of some of the airfields that they used
17 if he was there for the proving runs, but I'd have to look those
18 up.

19 DR. SEVILLIAN: Okay. Those are all the questions I had for
20 now. Thank you.

21 MR. FRANTZ: Okay, thank you Dujuan. Let's go to Brandon
22 from PenAir.

23 Brandon, do you have any questions?

24 MR. WILSON: No, I can't think of any at this time.

25 MR. FRANTZ: Okay, thanks.

1 Dave, any questions?

2 MR. KEENAN: Thanks. No, I don't have anything additional.
3 Thanks.

4 MR. FRANTZ: Okay, thanks.

5 Mr. Fitzpatrick, I forgot something at the beginning, and I
6 need to get it on the record. I need to let you know, as you
7 know, that you're entitled to have a representative with you, and
8 I just would like to have you state, for the record, who your
9 representative would -- who your chosen representative would be
10 for this interview.

11 MR. FITZPATRICK: It's Matt who's there on the telephone with
12 us.

13 MR. FRANTZ: Okay, thanks. So we'll go over one more time.
14 I only have, like, I think one question. We'll see if anybody
15 else has any follow-ups.

16 BY MR. FRANTZ:

17 Q. You mentioned a file -- I don't know if certification file
18 would be the right term, but you thought -- you said there should
19 be a file that would contain all the documents and information
20 about the approval of the 2000 and, you know, adding it to the
21 OpSpecs. Do you know where that file lives?

22 A. I don't know specifically. I know when we started the
23 process, it was all paperwork, and we have binders of all the
24 information. Some of that has been transferred to electronics
25 because we're -- FAA's in the process of trying to transcribe all

1 of the paper products onto electronics.

2 I don't know how much that has been accomplished for the Saab
3 2000, and I don't know where they actually have physically kept
4 the paperwork files for the 2000. We moved our operation from one
5 building to the next, so I have no idea where they actually ended
6 up putting that paperwork.

7 Q. Maybe is it -- do you believe that it would be at the CMO?
8 Or is it possible it's back in Washington?

9 A. That I don't know. I don't know where they kept all the
10 records, but there's a good possibility it could be at the CMO.

11 Q. Okay.

12 A. Of course, right now, we're out of that building due to the
13 COVID-19, so --

14 Q. Right.

15 A. -- I don't know where it's at.

16 Q. Okay, so if I were to make a formal request to the FAA for
17 that file -- or to look at that file, do you have any idea what,
18 specifically, I should ask for? Do you know what I should call it
19 so they know what I'm talking about?

20 A. I'm not familiar with the process, never having been involved
21 with it, but it would be the Saab 2000 certification project, I
22 would guess.

23 Q. Saab 2000 certification project, you said?

24 A. Yes, that's what I would name it. I don't know. I've never
25 done it.

1 Q. Okay. For PenAir, I mean. The project that brought the Saab
2 -- certified the Saab for PenAir. Is that correct?

3 A. Yes, that'd be correct.

4 Q. All right. Let me look at my notes here. I don't think I
5 have anything else, but stand by.

6 Do you remember anyone else -- any other names from PenAir or
7 the FAA that worked specifically with you on this certification
8 process for the 2000? From the CMO there or from the operator,
9 any people that were, you know, specifically tasked with that
10 project besides yourself?

11 A. Let's see. I guess you all can see that you changed DO. I'm
12 not sure who the DO was. I'm thinking Brian -- or Brandon might
13 have a better idea. I don't know if it was Mackrey (ph.) at the
14 time, and I believe Brian Whilden was there. He was, I think at
15 that time, the director of safety as I recall. That's all I can
16 remember right now from the PenAir side.

17 MR. FRANTZ: Okay. All right, thanks. I have nothing else
18 right now. We'll go around the virtual room here one more time,
19 see if anybody else has any follow-ups.

20 Sathya?

21 DR. SILVA: Nope, I'm all set. Thank you.

22 MR. FRANTZ: Okay.

23 Dujuan?

24 DR. SEVILLIAN: No further questions, Marvin. Thank you.

25 MR. FRANTZ: Okay, thanks.

1 Brandon?

2 MR. WILSON: Nope. I don't have any questions for Charles.

3 MR. FRANTZ: Okay, thank you.

4 And Dave Keenan?

5 MR. KEENAN: No, Marvin. I'm good. Thank you.

6 MR. FRANTZ: Okay. Thanks, Mr. Fitzpatrick, for coming in
7 today. Anything else that you think would help us to learn more
8 about this? Any other things you can recall in the area that
9 we've been discussing here that we didn't ask you about?

10 MR. FITZPATRICK: No, I do not. Thank you.

11 MR. FRANTZ: Okay. Again, thanks for your time. Thanks,
12 everyone, for giving us the hour here this afternoon. And with
13 that, we'll go off the record at 1350.

14 (Whereupon, at 1:50 p.m., the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

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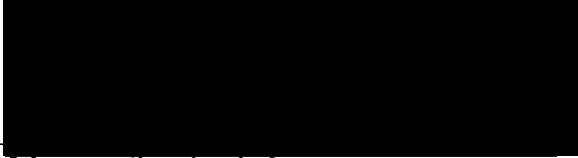
IN THE MATTER OF: PENAIR FLIGHT 3296 CRASH AT UNALASKA-
DUTCH HARBOR AIRPORT, ALASKA
OCTOBER 17, 2019
Interview of Charles Fitzpatrick

ACCIDENT NO.: DCA20MA002

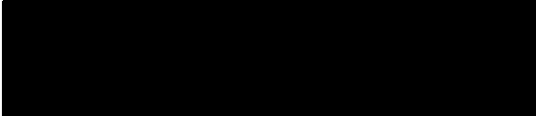
PLACE: Via telephone

DATE: May 28, 2020

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Gayle Gorman
Transcriber



Autumn Weslow
Corrections made 7/9/2020