

ERA22FA279

OPERATIONAL FACTORS

Group Chair's Factual Report - Attachment 3

FAA Interview Summaries

November 2, 2022

1.0 Jerry Morgan, FAA Principal Maintenance Inspector

Interviewee: Jerry Morgan, FAA PMI

Representative: Mark Tomicich, FAA Legal Counsel

Date/Time: July 29, 2022 / 0900 EDT

Location: Charleston, West Virginia Flight Standards District Office (FSDO)

Present: Todd Gentry, FAA AVP100

Investigator: David Lawrence, NTSB

During the interview Jerry Morgan, FAA PMI stated the following:

His name was Jerry L. Morgan, and he was 58 years old. His current title was principal maintenance inspector (PMI). He had been in the Charleston, West Virginia Flight Standards District Office (FSDO) since 2004. The FSDO office was designated EA09. He had been with the FAA since September 2003 and had been in his current position since 2004.

His background included 8 years of active service in the U.S. Air Force and said he had been in aviation since 1984. On the civilian side, he spent 11 years at a large repair station for an air carrier working as a chief inspector. He then worked at a helicopter repair station for a short period of 2 months. The balance of his work experience was at the West Virginia FSDO.

He had held no other positions at the FAA. He said he was a FSDO "Jack of all trades" and was responsible for certifications, surveillance, investigations and education. He held an A&P mechanics certification with the FAA.

When asked to describe his workload, he said it varied greatly. On a daily basis it involved certificate management, continuous operational oversight (COS), interacting with the public and providing information, investigations, accident and incident occurrences, and handling complaints from the public.

When asked to describe the challenges associated with surveillance of Part 91 operations, he said the FSDO dealt not only with Part 91 operations but also operations, Part 135 operators, repair stations for Part 121 operators, Part 145, Part 133, Part 141 pilot schools, 147 maintenance schools, designee oversight, and Part 65 IA's certifications.

When asked to discuss his knowledge of Marpat Aviation, he said his first introduction to Marpat was in about 2004 when they had an external lift Part 133 application with the FAA. They held that certification until it was revoked in 2014. That revocation was handled by the principal operations inspector (POI) at the time. That revocation was

dated April 15, 2014. It involved the requirement to have a rotorcraft load combination flight manual at Marpat. Also there was an issue with the new chief pilot to complete a knowledge and skills test before becoming a chief pilot. The previous chief pilot had to resigned. Mr. Morgan quoted the PTRS entry for the revocation, which summarized that Marpat did not have a chief pilot for more 17 months. Marpat also did not establish a chief pilot within 30 days, and Marpat had refused to make corrections to these deficiencies. He said this was the basis for the revocation.

When asked how often he had conducted surveillance on Marpat, he said "every time it was required." Around 2015 Safety Assurance System (SAS) became operational at the FAA, which dictated the frequency of surveillance activities. Those activities were conducted by himself (Mr. Morgan), an assistant PMI or a principal avionics inspector (PAI).

When asked when he last had a personal surveillance activity at Marpat, he said it was May of 2019. He said he was on and off as PMI for a while, but all required surveillance activities were completed. The last surveillance activity on Marpat by the FSDO was on May 3, 2022 by Jeffrey Burtch. When asked if N98F was involved in any of the required surveillance activities by the PMI's, he said that it would only be involved if Marpat's Part 145 repair station had conducted repairs on the aircraft. At that point, they would only look at the maintenance performed the records of repair. They would not look at the aircraft logbooks.

When asked how often he spoke with Mike Holbrook at Marpat Aviation, he said prior to the accident he had no reason to speak to him. He was reassigned in November 2021 as the PMI, and there had been no request for changes.

He said Jeffrey Burtch had conducted the PMI surveillance activities while he had been reassigned.

When asked if he ever notice pictures of flight paths around Logan airport posted on the wall at Marpat offices for the Logan veteran events, or photos and flyers of the summer veteran events using N98F giving rides in that helicopter, he said no.

When asked if Marpat ever held a Part 135 certificate, he said "not to my knowledge."

When asked to his knowledge if Marpat ever applied for or held a letter of authorization (LOA) under 91.147 for air tours and sightseeing operations, he said that they did at one point, not the helicopter, and may have been a small fixed-wing airplane, but it had been surrendered for some time. He said N98F was "definitely" not part of that LOA or the aircraft on the LOA.

When asked if Marpat ever applied for an LHFE exemption, he said "not to my knowledge."

When asked if owner of Marpat ever had a suspension or revocation of an FAA certificate, he said that the owner of Marpat had a suspension of his pilot license. It involved flying a helicopter without a helicopter category rating (N98F). It was based upon an anonymous complaint to the FAA. Someone provided him with a YouTube video that showed the owner of Marpat flying the helicopter (98F). He said he brought the owner of Marpat into the FSDO office and showed him the video. He said the owner of Marpat did not deny it, and the FAA proceeded with the suspension of pilot certificate, which was for 280 days. He said he believed the violation also involved an expired medical certificate by the Marpat owner.

When asked what was meant by "crew training" on the experimental exhibition application, he said he would have to check the FAA order to see if that would have been appropriate to check that box on the application in the first place. He said any special certificate (other than a standard certificate) would have operating limitations associated with it. When asked if the box was not checked on the application, was flight training allowed in the helicopter, and if so under what conditions, he said he would have to check the order. When asked if flight training was allowed in an experimental aircraft, he said yes.

When asked what was the purpose of and experimental exhibition operating limitations for N98F, he said it was necessary since it was not a standard airworthiness certificate and was a special airworthiness certificate.

When asked if the intention of the limitations was for "static" displays or did the permit allow carrying passengers at these events, he said the requirement was for it to be placard experimental. He said it should be "readily visible" The aircraft can be flown, and the most common use of the experimental certified aircraft was for motion pictures and foreign aircraft operating in experimental category. He also stated that the pilot in command (PIC) was responsible for letting passengers know that this aircraft was "experimental".

When asked who within this FSDO was responsible for ensuring compliance with this experimental exhibit operating limitation, he said there is no requirement in the work program for experimental aircraft scheduled oversight. Random surveillance was based on observation and no different than any other Part 91 operation.

When asked if he was aware of this or any previous exhibit events involving N98F, he said "no."

When asked if Marpat ever provided notification to the FSDO of this event or any previous events, he said not that event specifically. He said Marpat was required to provide a program letter of the events they intended to participate in. When asked if

Marpat provided the FSDO with a program letter for events for 2022, he said the last program letter they could find from Marpat was dated August 25, 2021. It did not include any 2022 events.

When asked if Marpat was required to provide notification to the FSDO for events similar to the one when the accident occurred if the operation was conducted at their base of operation, he said that was currently under investigation. When asked if the FAA should have been notified of the event per the limitations, he responded that was under investigation.

He said that according to the limitations, the aircraft must be placard with "experimental," but also the PIC was still required to notify the passengers that the aircraft was an experimental registration and not a standard registration.

He said the operating limitations made reference to air shows, etc., but the question was if this event was an event that should have been submitted to the FSDO per the program letter.

When asked if it was the owner/operator's responsibility to notify the FSDO per the limitations, he said yes, the owner/operator was responsible for notifying the FSDO of the required events.

When asked if Mike Holbrook or any one from Marpat contacted the FSDO to inquire about what they needed to do to comply with regulations regarding this event, he said he couldn't speak for the whole FSDO, but he personally was not called.

When asked if he ever heard of an event that solicited "required" donations to ride or fly in the helicopter, he said "nope." When asked if, in his experience, if this type of operation was permitted per the experimental exhibition limitation, he said that was under investigation.

When asked if in the operating limitations, did it mention anything about application only being for operations outside of a nautical mile radius, he responded by reading the limits, and there was no reference to a mileage range from outside the home base.

When asked about the staffing at FSDO, he was the only PMI in the office, they had an assistant PMI, a PAI, one POI and an ops inspector in training. They had one maintenance safety team program manager.

When asked how many certificates he managed, he said some of the certificates were managed in SAS and some certificates have yet to be incorporated into SAS. The certificates in SAS, he was the PMI for 19 certificates that were in the SAS. The breakdown on Parts was: 3 Part 135, 2 Part 147, 2 Part 141. The ones not managed in SAS were 2 Part 133, and the remainder were Part 133 certificates and Part 145 certs.

He said they spent a lot of time on the road covering the whole state. Additional staffing would be a benefit to the FSDO, but then again any office could say that. He said the FAA conducted oversight on risk based principles. That was the whole point of oversight and managing workload.

Interview concluded at 0955 local.

2.0 Earon R. Knolles, FAA Front Line Manager

Interviewee: Earon R. Knolles, FAA Front Line Manager

Representative: Mark Tomicich, FAA Legal Counsel

Date/Time: July 29, 2022 / 1000 EDT

Location: Charleston, West Virginia Flight Standards District Office (FSDO)

Present: Todd Gentry, FAA AVP100

Investigator: David Lawrence, NTSB

During the interview Earon R. Knolles, FAA Front Line Manager stated the following:

His name was Earon Ray Knolles, and he was 48 years old. His title was Front Line Manager for the Charleston, West Virginia FSDO. He had worked for the FAA for roughly 12 years. Had been an FLM for just over 3 years and was a FLM in Seattle for about a year.

He started out as a PMI for 3 years and was an assistant PMI on the Boeing certificate. He then did an FLM position, then a geographic position, and then ended up in Charleston, West Virginia.

His duties and responsibilities as an FSDO manager including managing resources, stake holders, SAS, shared resources between offices security and OSHA requirements.

He held an FAA A&P certificate and did not hold a pilot license.

When asked in general, how he would characterize his workload, said it was busy. When asked how he would characterize the workload of the inspectors at the FSDO, he also said busy. He said they had to wear a lot of hats, covering surveillance and training. He said as a manager he was assessable always to his inspectors but may work 3-4 hours outside his normal shift. That would change when they dealt with accidents and incidents, which would change their workload requirements, but it would all depend on the needs.

When asked what his responsibility for the individual work plans was, he said he set the quarterly annual work plans, and they were they are mandated. His role was also working with the inspectors for travel needs or "push things out." He did approvals to move stuff out of a quarter based on risk. Covid was a good example, and they had to jockey a lot of things around. Inspectors would make decisions on certain items to push to the next quarter and he would approve those items in SAS. When asked how many surveillance items were either pushed to the next quarter or non-resourced, he said it did not happen that often. He could think of two times they had a non-resourced surveillance items that involved a parachute operations that they could never do surveillance on due to Covid cancellations.

When asked how many certificates the FSDO managed, he said they had no 121s, 12 145s, 3 135s, 2 133s, 2 141s, 2 147s, 3 OA air tours, and 2 designees. They had about 50 Part 91 LOAs, mostly RVSM LOAs and things of that nature.

When asked about the FSDO's staffing levels, he said they currently had 2 airworthiness inspectors, 1 avionics inspector, 1 ops inspector, 1 ops inspector in training, and 1 admin. They recently made a selection for another PAI hired off the street.

When asked about challenges with their staffing, he said they covered 15 counties in West Virginia up to the two fingers area up to the north. They were able to complete all their required work. The demand could be heavy, which included contact with public. The big challenges of oversight in their geographic area included the travel time to get to places in the state.

When asked about the challenges of oversight for the entire state of West Virginia, he said the geographic area is the toughest part, and it takes time to travel. That was the biggest item.

When asked if he was familiar with Marpat, he said just that they had the repair station. He had never talked to the owner or been to Marpat. He was not aware that Marpat was conducting the volunteer events with N98F, and said he was not aware of anyone at the FSDO being notified by Marpat. He was also not aware of any previous events hosted by Marpat using N98F.

When asked about the challenges of surveillance of Part 91 operators, he said that you have to know the risk ahead of time. For most LOAs they have regular contact with the operator. Marpat was a private aircraft with an experimental certificate. Unless they reached out to the FSDO, they do not have a specific work program for that type of operator. The FSDO's surveillance package was in the 1800.56 order. Most of the Part 91 surveillance activities involve air tours.

When asked if he had any final thoughts, he said when it gets to the nuts and bolt, he had to refer those to those who performed the oversight.

Interview concluded at 1030 local.