



INTERVIEW SUMMARY

Elliott Simpson
Aviation Accident Investigator
Western Pacific Region

Initial Interview Date: October 25, 2017
Person Contacted: Richard Coe (President – Sky Combat Ace)
NTSB Accident Number: WPR18FA013

Narrative:

- The accident pilot, Peter Gillcrist had flown from San Diego to the Henderson location of Sky Combat Ace (SCA) via commercial aircraft on Friday the 20th of October.
- Mr. Coe was at the Henderson location that day, and saw Mr. Gillcrist, who was in good spirits with nothing unusual observed.
- Mr. Gillcrist then flew a mission with a customer in a company Extra 300 series airplane at the Henderson location the morning of the accident (October 21). Mr. Gillcrist then flew back with Tiffany Wolf in N414MT, to Gillespie Field, to meet a customer for what was to be the accident flight.
- Mr. Gillcrist typically works from the Gillespie location, but flew to Henderson the day prior because many of the other pilots were completing flights for a private event in Florida.
- He was considered the most dependable, reliable, and conservative pilot, and provided good supervision for some of the younger pilots. He was perfect to work unsupervised in the smaller San Diego location.
- Mr. Gillcrist was an employee (W-2), rather than an independent contractor. He was paid on a daily basis each time he flew. His title was that of Chief Flight Instructor for SCA San Diego.
- During the interview, Mr. Coe provided a copy of the training grade sheet for Mr. Gillcrist.
- The grade sheet outlined the training syllabus scores for new hires. All pilots must have at least a CFI license, a tailwheel endorsement with 50 hours of tailwheel experience, and 500 hours of flight experience include experience with aerobatic maneuvers.
- There is no internal recurrency training, unless a pilot does not fly for SCA for a period of 30 days, in which case training is to be provided by Mr. Coe or his designated representative.
- Mr. Coe stated that he does not review every flight video, but instead instructs the videographer to bring to his attention any flight maneuvers or operations that could be considered to be a violation of company policy.

- Mr. Coe stated that each pilot is responsible for doing their own weight and balance. Passengers over 265 pounds and under 80 pounds are prohibited. Pilots adjust smoke oil and fuel load as needed to meet weight and balance requirements particular to each aircraft.
- A typical “Top Gun” mission lasts between 22-25 minutes, and the flight profile is contained within the “Standards and Syllabus” document.

-
- With regard to prior SCA incidents and accidents:
 - In September 2016, the majority of the plexiglass section of the canopy departed from an Extra 300 series, N466MD, during a loop maneuver with a customer onboard. This event was not reported to the FAA nor NTSB. Review of video footage revealed that the pilot possibly exceeded Vne (220 KIAS) during the loop just before to the canopy loss. As a result, company policy was changed to restrict airspeed to 180 KIAS, and loads to a maximum of 6g with customers onboard.
 - The rudder cable failed during a spin recovery maneuver while a passenger was on board in October 2014.
 - A fatal accident occurred in April 2016, involving a CFI and passenger, and is still under investigation by the NTSB.

-
- The FAA have had limited input regarding flight operations, with the most recent interaction occurring in June 2017, when N414MT underwent a ramp inspection in Lake Tahoe. Based on the inspection, the FSDO inspector examined all of the company’s fleet of airplanes. The result of the inspection was that the cameras were removed from all airplane’s wings, and a series of missing placards in the Extra aircraft were installed.
 - A SCA pilot, Denis R Boissonneault (“Smokey”,) left the company just before SCA was planning to relieve him of his duties due after he was suspended by the FAA for performing aileron rolls with a customer, while underneath the lateral boundaries of the Las Vegas Class B airspace. Mr. Coe was not aware of this pilot or any other SCA pilots performing such maneuvers, in that location.

In a follow up interview on December 15, 2017, Mr. Coe stated the following:

- With regard to drug testing, he had submitted a pilot for routine drug testing when he owned a 135 certificate under the Monarch company. He had inadvertently had the pilot take more tests than were required, so he stated that he was subsequently fined over \$10,000 by an agency (the name of which he could not recall). For that reason, he was hesitant to send any of his employees for drug testing, and he has not ever done so with anyone at SCA.
- He had considered other options besides operating SCA as a Part 61 flight school. He stated that when he started the business he openly approached all of the FSDO’s in the various operational regions, and discussed options for how SCA could operate. He ruled out Part 135 because the

passenger was not allowed to take the aircraft controls; he considered Part 91.147 but felt it was similar to Part 135, specifically that he felt it was a “mini 135” operation. He finally concluded that Part 61 with CFI pilots would allow him to legally operate SCA as the operation he intended.

- With regard to competitors, he stated that he was not aware of many other operators still in business that used a similar model as SCA. The competitors included Air Combat USA based out of Fullerton, CA; Flight Combat International based out of Florida, and APS in Arizona. He thinks that APS may have changed its business model towards flight training only, and that the other two operators are no longer in business.
- With regard to the mechanic, Zach, who had recently left, he stated that Zach had just had a baby and had been contemplating leaving even before the accident. And after the accident he had decide to re-prioritize and leave the company. He reported that Zach left on good terms.
- Since Zach’s departure, SCA has employed a full time mechanic who was previously employed by APS. The mechanic has considerable Extra experience, and is based in Phoenix.

In an email data May 22, 2019, Mr. Coe stated the following:

Hello Mr. Simpson, it is good to hear from you. In reference to the “mini-135” comment, I was quoting an FAA inspector from the Las Vegas FSDO nearly 10 years ago when we initially sat down to discuss how we planned to conduct future SCA flights. If memory serves, I don’t think I’ve ever had a 91.147 LOA issued to Sky Combat Ace. I did have an LOA issued to another company I owned called Monarch Sky LLC. The only aircraft affiliated with SCA that we tried to do sightseeing tours with was our Waco open cockpit biplane, N97YM. If you removed the front stick in the Waco, you could sit two in the front seat. Over the years, we experimented with different products and services and at the time, we wanted to try an aerial sightseeing tour around Las Vegas in the open cockpit biplane. With no controls in the front seat and no intent for the customers to fly, this was clearly under the auspices of 91.147, hence we applied for and received the LOA around the 2012-2014 time frame. We surrendered the LOA after I sold Monarch Sky and got rid of the Waco.

At each location I have opened (Las Vegas, San Diego & Lake Tahoe), I have had this discussion with the local FSDO to answer any questions they had and to also get their feedback. Below, I have copied and pasted my most recent correspondence with a gentleman from the Reno FSDO on this exact subject. This letter summarizes my position on why I consider our flights to be instructional verses “passenger for hire” as stated in 91.147. As I have mentioned each time I have discussed this topic, I am open to other viewpoints, but have yet to hear a compelling argument as to how our customers can be considered “passengers for hire” when so much of our experience on the ground and in the air is based on teaching them how to fly the airplane. Anyways, please read the letter below and let me know if you have any questions. ~Tex

Letter to FAA:

"Hello Mr. Cheek,

I am the owner of Sky Combat Ace and I wanted to thank you for taking the time to make some recommendations for our operation up in South Lake Tahoe. Djavaad has filled me in on some of your conversations and I would like to take the opportunity to provide a little background and context to our discussion. I have been involved in aviation for the past 25 years, first as a young private pilot when I was 17 years old, then as an Air Force fighter pilot until 2008. After I left the Air Force, I started an aircraft maintenance company called Mojave Aviation and a flight school called Monarch Sky, that eventually went on to become a Part 141 school and a couple of years after that, we secured Part 91.147 approval. Concurrently, we started the Part 135 process, first as a single pilot, then Basic, then full 135 certification. We built it up to about 20 aircraft, including several Cessna Caravans, a variety of flight school aircraft and some Robinson helicopters. In 2011, I started Sky Combat Ace and over the past 6 years, we gradually sold or shut down the other businesses and this has become my primary focus.

Before we opened Sky Combat Ace in Las Vegas, we sat down with the Las Vegas FSDO to discuss under what auspices Sky Combat Ace flights would be conducted. We collectively considered the merits of using the authority granted under Part 91.147, Part 135, and Part 61. We were already conducting operations under the authority granted by all 3 with Monarch Sky, so we had plenty of options to choose from. We eliminated Part 135, because all of our customers would be flying and manipulating the flight controls, which of course would violate Part 135.115. We discussed Part 91.147, but our POI and the FSDO manager had the opinion that the flight control prohibition in Part 135.115 should apply under 91.147 as they considered this to be a "mini-135" in their words. It was determined by everyone involved that these flights most resembled "discovery flights", hence we finally settled on classifying them as instructional flights under Part 61. Once that decision was made, I required all of my commercial pilots that were flying under Part 135 and Part 91.147 (including myself) to get their CFI as all flights at Sky Combat Ace would be instructional. The Las Vegas FSDO was happy with this decision, because it required an additional level of certification over commercial pilots and we collectively agreed that this type of flying required a higher level of expertise and experience.

When we expanded our business in 2015 and opened up in Gillespie Field, we had the same discussion with the San Diego FSDO and ended up with the same decision. If you look at our website, you will notice that there is no mention of air tours or sightseeing. This is not an accident. We don't want anyone to come to Sky Combat Ace thinking that this is a passive experience. After consulting the San Diego FSDO, they ask that we be more explicit on our website, so we added the following disclaimer on the bottom of every webpage on the site:

"All SCA flights are instructional in nature conducted by certified flight instructors under 14 CFR Part 61 of the United States Code. Instruction will be provided during ground and flight portions for all flights."

This same disclaimer is included in our waiver in bold print that every customer has to sign before they fly. I believe you made the observation to Djavad that one of the proposed business uses on our lease was "Air Tours". The specific language states:

"...Lessee's right to use the Premises shall be for Sky combat Ace operations which provides air tours, aerobatic flight experiences, and air taxi."

It is standard procedure in any lease I sign that I include any current business use or potential business use. I want to know if there will be any limitations on future growth, so I always include a variety of activities even if I have no immediate plan to utilize them. This is obviously a business arrangement between two entities, not an FAA document or statement of intent. For South Lake Tahoe, I do see the potential for a Part 91.147 operation, but not this season and certainly not with an Extra. If these plans look like they will come to fruition in the future, I will look forward to working with your FSDO on the application.

As you can imagine, I have worked extensively with the FAA on a variety of issues over the years and I am more than happy to reopen this discussion if you feel that these flights are classified incorrectly. If that is your intent, I believe we need to bring in Regional and other stakeholders so that we can apply a consistent standard across the board.

I hope this all provides some useful insight into how some of these decisions were made many years ago. If you would like to discuss further, feel free to call me at the number below. Djavad is my point of contact for all compliance matters, but please don't hesitate to contact me if I can be of assistance."