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Date: July 27, 2023
Subject: NTSB# ERA23FA188
Contact: Jimmy Foecking (Right Seat Pilot)

The individual noted above provided the following information via telephone conversation to FAA Inspector Patricia Chriscoe and Inspector Bradley McCauley. The below contents are a summary of what was reported to the FAA Inspectors:

Inspector Summary of Mr. Foecking Statements:

I [Mr. Foecking] had flown 2 hours before the accident and couldn't get the numbers for the airplane and so Williams [Mr. Kurtis Williams, left seat pilot, fatally injured] said he would fly, and I would get the numbers [aerodynamic stall maneuver testing].

On departure after 400 feet we turned left and then another left over the highway and the engine RPMs had varying fluctuations between 56 and 47 RPMs.

Williams was flying and I was fiddling with the throttle and mixtures. Both fuel pumps were on. I knew we couldn't get over the power lines and there was a semi under the bridge. The only option was to go in between the bridge and the power lines. We must have clipped the bridge. There was not enough room to go over or under the bridge.

[Prior to flight] the engine never ran rough and there was never an aborted takeoff, although it may have seemed like one [as indicated via surveillance video].

I had 6 hours in the make and model. I helped to build and finish it and I have done a lot with the airplane. I was aware that it was in Phase A and have spent 3 years trouble shooting.

The owner is 83 years old and I don't trust him 100 percent. The DAR [Designated Airworthiness Representative] was north of Raleigh and signed off on the conditional [inspection] in August. There were loose bolts and fuel leaks. The maintenance that was done prior to this flight was an oil change and that was done 2-3 hours prior to the flight.

There was no gas up prior to the flight. It used mo-gas [automotive gasoline] from a Gulf station and 93 octane ethanol free. A preflight was done before takeoff. Nothing was found in the fuel sample. I did a good preflight beforehand. I took a panel off behind the seat to look at the cables and did a cable tension check. There weren't any problems on the aircraft start up.

The takeoff was beautiful and turned left at 400 feet and then lost altitude over the highway. We were sinking below the trees and didn't want to turn back and do the death turn. This was not a fuel issue. Both pumps were on and it was fluctuating badly.

There were 14 hours on the aircraft; I had 6 hours and [Mr. Williams] had 8 hours. I don't remember who was on the controls. I flew up to 6,000 feet a few days before and it flew fine. I did stalls and slow flight maneuvers and put the flaps out and in above the airport at 3,000 feet and a lot of pattern work.

The owner lost his medical and I was helping him sell the aircraft and to burn off the 40 hours. I felt comfortable [in the airplane]. The fuel was topped off. It uses 3-4 gal per hour and 8-9 gallons were in the tanks.

Inspector Summary of Mr. Foecking Statements (Question and Answers):

Were you aware of Phase "A" of certification flight?

Yes, all 3 men involved had their hand in building the aircraft for 3 years. Mr. Foecking stated having to go over the owner's work due to poor maintenance practices possibly from age related reasons and finding loose hardware throughout the aircraft.

Was there any recent maintenance performed on the aircraft?

An oil change an hour or two prior and removed the panel from behind the passenger seats to check cable tension, there was no system onboard to draw out slack (no cable tension unless feet are on rudder).

Did you get gas at the beginning of the day?

No, Mr. Foecking topped off a few days prior to the accident, 12 gallons on board.

Where did you get the gas?

Gulf Trading Post down the street from the airport.

What octane was it?

Put 93 octane of Ethanol free gas¹.

Was a Preflight Inspection performed? (any findings/fuel sample)

Yes, nothing found in the fuel sample.

Where there any problems starting the aircraft?

None at all

Any electrical issues during starting/flight?

None.

How many hours were on the aircraft before the flight?

14 hours (6 hours were Mr. Foecking's and 8 hours were Mr. Williams)

Who was the Pilot in Coammand?

Unsure, cannot remember.

Were controls transferred?

¹ The FAA Inspector reported upon visual inspection of the gas pumps at this particular gas station, the pumps were labeled with the highest Octane as 90 Octane rather than 93 Octane.

Unknown, can't remember.

What was typical altitude for pattern work?

Mr. Foecking said 3000/4000/6000 ft. for flight maneuver practice and stall practicing. The second pilot Mr. Williams joined the flight to help with the stall training. They never made that altitude during the flight.

What do you remember from the flight?

At 400 feet they were losing altitude and couldn't make power, RPM's were varying between 56RPM (normal) to 47 RPM and back up to 56 RPM.

Why the decision to go over the overpass?

A semi-truck had stopped under the overpass causing them to attempt going over the overpass instead. Mr. Foecking thinks the truck driver may have seen them in the rear view mirror.

How many hours in Make & Model for both occupants?

6 for Mr. Foecking and 8 for Mr. Williams.

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