



RECORD OF CONVERSATION

Student Pilot Statement

Lynn Spencer
Air Safety Investigator
Eastern Region Aviation

Date: February 18, 2022
Person Contacted: Cooper Williams, Student pilot
Contact # [REDACTED]
NTSB Accident Number: ERA22LA129

Narrative:

The following is a summary of a conversation that occurred with the individual named above:

Mr. Cooper Williams was contacted by phone on February 18, 2022, at 0929 EST. He was called at [REDACTED]. He provided an e-mail address of [REDACTED].

At the beginning of the interview, he was advised that the NTSB is a federal agency mandated by Congress to investigate aircraft accidents, and NTSB has no authority to take any action against any individual. He was also informed that the purpose of an NTSB investigation is for safety only.

Mr. Cooper stated that they departed from a park (starts with a 'V') and flew into Louisville for his checkride. They were flying a Racer 60 balloon which he had not flown before. He was trying to maintain 1000 ft AGL and they descended over a suburb within Louisville and his DPE, Matt Torgerson, asked him to contour fly. He did so and vented; however, he was not prepared for the quick descent rate. The descent was faster than he had expected (and the ascent did not start as quickly as he would have expected). They came down over Papa John's. The balloon descended to about 15 ft above the ground (there was no ground contact); Mr. Torgerson grabbed onto burner and double burned, and the balloon impacted the top of a light pole as it began to ascend. After they landed, Mr. Torgerson made a phone call to someone at the FAA or FSDO ("whoever he needed to talk to") and asked that Cooper call Papa John's the following day to let them know that they had hit the light pole and that everyone was okay, just in case there was a security report. There was damage to the light pole, which was knocked over and landed in the street. They packed the balloon up and Mr. Torgerson said that he would get it to the repair station for repair. Cooper informed him that he did not want to continue his exam at that time; that he wanted to regroup. Mr. Torgerson called and let him know that FAA was filing an investigation and he would update him; then later informed him that it was closed out. There was another missed call from Mr. Torgerson last week, but no voicemail.

Mr. Cooper stated that it is his goal to be a third-generation balloon pilot. He was very young on his first flight, and he feels that this is what he is supposed to do as his career. He stated that there was no malfunction or anomaly that would have prevented normal operation of the balloon.

The digest was e-mailed to him for review on February 18, 2022. He replied on February 20, 2022, at 9:54 PM EST with comments that were incorporated into the narrative. The corrected digest was e-mailed to him on February 21, 2022.

I arrived in Louisville on Monday night, January 10th, at about 8:00pm and met with Matt McClinton for dinner, who shared a "Hot Air" map of local spots that were good for take offs and landings in the area. As well as landowners that did not want balloons landing or taking off near their property. Once I had finished dinner, I went to stay at Mr. Torgerson's house for the night, but he was still on a return work flight from Asia.

The next morning, after Mr. Torgerson had returned, he informed me that he had tested Covid positive and that he wasn't feeling well. At about noon, we discussed that we would still take the oral portion of the exam and following that we would do the checkride. Mr. Torgerson said that we would use his racer 60 balloon even though I had never received training or hours in one. He didn't want to dirty the Lindstrand 90 that we were originally going to take the check ride in because the ground was still somewhat wet from the rain a few days prior and he didn't want to get the Lindstrand balloon dirty.

I had reached out to a crew guy, Christian Stenson, from Sky Cab balloons to ask if he would crew for me and if we could use his vehicle for the chase. When he met up with us, we then headed to Mr. Torgerson's hangar to load up his balloon. On the way to the hangar I called the National Weather Briefing Service and they gave me a wind reading that I would normally be comfortable flying in. After leaving the hangar, Mr. Torgerson and I drove separately from Christian to the Walmart to get balloons for a pibal. There, we set off a pibal to see what the wind speed and direction looked like where we were. Based on the wind speed and direction I suggested going to a more rural area and letting off another pibal to see what the direction and conditions were like from that spot. Mr. Torgerson suggested Vettiner park and me not being familiar with the area, I took Mr. Torgerson's suggestion.

Once we were at Vettiner park, we let off another pibal to determine our inflation direction. We laid out, inflated and took off. I quickly climbed up to 1000ft and began attempting to maintain level flight. After about 20-25 minutes of flight, Mr. Torgerson instructed me to contour fly, or keep level flight over ground obstacles. We descended in over a condensed area in the JEffersontown area in Louisville for the contour flying. I was burning to maintain level flight, over burned and then vented to slow the ascension. After I vented, we then started on a rapid descent over the Papa Johns parking lot. As I noticed the descent was more rapid than intended, I began to hold the one burner for longer. Mr. Torgerson told me that I needed to burn more so I held the blast valve open, he then reached up and grabbed the other burner and held it open.

The basket struck the top foot and a half to two feet of the light pole, the basket swung and while this was happening, Mr. Torgerson said that he told me to take my hand off the burner, that I didn't and that me holding onto the burner was the reason for the damage to the envelope. With the previous heat added to the balloon in an attempt to not hit the light, we began to ascend back up. Once up, Mr. Torgerson instructed me that I had failed and that he was now the pilot in command. We traveled for another 2-3 miles at a low altitude and landed at the first safe and accessible landing site.

After we had landed, the crew and I began to pack up the balloon. While we packed up, Mr. Torgerson had walked off and called someone on the phone. When he came back he said that he had spoken with "someone at the FSDO". He told me that since no one was hurt, there was no substantial damage to the aircraft and damage would be less than \$10,000 and that I would not have to report the incident. We packed up, got in the truck and drove to the Papa

John's headquarters to speak with someone about the light pole. Since nobody was at Papa Johns, we went back to Mr. Torgerson's for the night. He informed me that we could find another balloon and a pilot to do another instructional flight and sign off flight with me and that we could try it again.

The next day I called Papa Johns and spoke with someone who gave my name and number to the head of security for any reports that they had started and needed to finish. After this I went to the store to get a soda and spoke with a few other pilots, including my father, about what took place and if it sounded like the right thing to do, to call and report. All of them had told me that the best thing for me to do would be to call it in and properly report it, so I did. I spoke on the phone with the Louisville FSDO, who patched me in on a call with the FAA and NTSB. I finished the phone call and when I got back to Mr. Torgerson's, my motivations on continuing my examination had changed. I informed him that I wasn't comfortable continuing the exam at this point and would like to go home and regroup.

Once I had headed back to Galena, Mr. Torgerson told me that I would not have to repeat the oral portion of the exam if I came back and finished with him. He texted the next day and asked if I had made it back. That Thursday, January 13th, he told me that he had gotten a phone call from the FAA and that they were launching an investigation. A few days later he texted me again to tell me that the FAA was closing out the investigation. A few weeks following this, I got a phone call from Papa Johns looking for an email to send the estimate from the light pole damage to. I did not have Mr. Torgerson's email so I gave them his name and number. The day after this, he called me but left no voice message so I did not return his call. This was the last time I had heard from Mr. Torgerson, then a week or two later is when I spoke with the NTSB.

Cooper Williams

March 29, 2022



RECORD OF CONVERSATION

DPE Statement

Lynn Spencer
Air Safety Investigator
Eastern Region Aviation

Date: April 6, 2022
Person Contacted: Matthew Torgerson, DPE
NTSB Accident Number: ERA22LA129

Narrative:

The following is a summary of a conversation that occurred with the individual named above:

Mr. Matthew Torgerson was interviewed via phone on April 6, 2022, at 1530 EDT. He provided a phone number of [REDACTED] and email address of [REDACTED]. Participating on the call was the FAA party coordinator, Inspector Mark McLeroy.

At the beginning of the interview, Mr. Torgerson was advised that the NTSB is a federal agency mandated by Congress to investigate aircraft accidents, and NTSB has no authority to take any action against any individual. He was also informed that the purpose of an NTSB investigation is for safety only, and any person NTSB talks with has the right to representation; he agreed to the interview without representation. He further granted me permission to correspond directly with him on any matters relating to the NTSB investigation of this accident.

Mr. Torgerson explained that he retained legal counsel when it was communicated to him by an FAA Inspector that they considered him to be the Pilot in Command (PIC) on the accident flight, and his understanding from the Federal Regulations is that he was not the PIC. He stated that as a career pilot, this was very concerning to him because if the FAA was to take action on his certificate, it would impact his career, and serving as a balloon DPE is his way of giving back to the balloon community, but not something that he can allow to impact his primary career that he uses to support his wife and children. I explained that in any accident such as this one, it is best to consider the FAA and NTSB investigations as separate investigations, as the FAA has their areas of responsibility that they are required to look at, and NTSB concerns itself with collecting the facts necessary to determine the probable cause and make any safety recommendations or improvements. I explained further that Inspector McLeroy, as a party member to the NTSB investigation, cannot share any information obtained as part of the NTSB investigation for enforcement purposes.

I asked Mr. Torgerson if it was customary for an applicant have his/her check ride in a make and model balloon different from the one in which they trained. He responded that it mattered very little that the applicant was flying this model balloon versus another. When the applicant reached out about the checkride, he was informed as to what balloon was available for the checkride, and had he passed this check-ride, he would have been able to fly this balloon without any separate endorsement. Further, he was free to bring his own balloon to the checkride,

which most applicants prefer. That decision was completely for the applicant to make. The regulations require two flights in the previous 2 calendar months, each at least 1 hour duration. Other than his two preparation flights, the applicant had not flown a balloon in 8 months. He flew both of the flights in preparation for the checkride in ride balloons, at least double the size of the checkride balloon.

He went on to explain generally on checkrides, applicants fly the smaller balloons ranging from 60,000 - 105,000 cubic feet. He stated that he may have done a couple checkrides in balloons larger than 90,000 cubic feet. The one used for this checkride was 60,000 cubic feet, and there were no pre-accident anomalies or malfunctions with the balloon. The applicant personally flies a 77,000 cubic-ft balloon. The applicant flew his two most recent flights in a 120,000 cubic-ft balloon and in a 215,000 cubic-ft balloon, which was 3 times the size of the checkride balloon. He explained that the 60,000 cubic-ft balloon responds quickly, and you must stay on top of it; you dump heat and it's going to start going down while in a larger balloon, it's a lot slower to respond.

This applicant climbed to 1,000 ft agl and flew level with reference to the horizon; however, when he descended, he over-burned and levelled off 200-300 ft. He then vented to start down again. He'd over burned and then over vented. Mr. Torgerson saw the error and called out, "Burn!" They were only 200-300 ft above the ground when the applicant dumped the heat, and they simply did not have the time to recover or altitude to recover. The applicant was on one burner, and he got on the other and he called out "Burn!" again and they both burned. There was nothing he could do to avoid hitting the pole as the balloon climbed away from the ground. Anytime that a balloon is in contact with the ground, I always teach my students to look up before you burn because the envelope may not be above you, and when the balloon contacted the pole, the applicant's hand was still on the burner, and the basket stopped while the balloon kept going. I yelled, "get your hand off the burner!" but he did not, and that is what burned the envelope. . . when the basket stopped, and the balloon continued while he was burning. If any part of the balloon is in contact with the ground, you must remove your hand from the burner, but he didn't. He explained that even in a larger balloon, he vented too long. It was within the 3-second limitation, but it was too long and too close to the ground for that kind of vent. "I couldn't stop it."

The digest was e-mailed to him for review on April 7, 2022. I received his edits on April 13, 2022, at 0925 EDT, and incorporated them into the digest. He called at 0929 EDT to clarify his edits and add one more edit, which I incorporated into the narrative. The final digest was e-mailed to him on April 13, 2022.