

DCA21FA174

**OPERATIONAL FACTORS/HUMAN PERFORMANCE**

Attachment 4

FAA Personnel Interview Transcripts and Summary

May 4, 2022

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UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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TRANSAIR FLIGHT 810 CRASH \*  
NEAR HONOLULU, HAWAII, \*  
ON JULY 2, 2021 \*

Accident No.: DCA21FA174

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Interview of: MARK BUTIN, Principal Operations Inspector

Federal Aviation Administration

Honolulu, Hawaii

Thursday,  
July 8, 2021

APPEARANCES:

SHAWN ETCHER, Operational Factors Investigator  
National Transportation Safety Board

WILLIAM BRAMBLE, Human Performance Investigator  
National Transportation Safety Board

CLARENCE KANAE, Safety Inspector of Operations  
Federal Aviation Administration

RICH LEE, Safety Pilot  
Boeing

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I N T E R V I E W

(9:25 a.m.)

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MR. ETCHER: And the time is 9:25 Honolulu time.

Good morning, again. I'm Shawn Etcher. I'm an operational factors group chairman here with the NTSB. Mr. Bramble and myself, we are leading the ops human performance part of the investigation into the Rhoades Flight 810, which for reference is NTSB number DCA21FA174.

You probably know, but as the NTSB, we are an independent agency, and we're charged with determining probable cause of transportation accidents and promoting safety. And as you know, we're not associated with you guys --

MR. BUTIN: Correct.

MR. ETCHER: -- so you don't have to worry about anything from us.

I'm going to go around and have everybody introduce themselves so you have names and kind of what they do, but it also helps with the transcription so they can recognize voices as well. Start with Mr. Bramble.

DR. BRAMBLE: I'm Bill Bramble. I'm a human performance investigator with NTSB.

MR. KANAE: Hi Mark. Clarence Kanae with the Combined Safety Assurance Office here in Honolulu. My specialty is operations.

MR. BUTIN: Very good.

MR. LEE: Rich Lee, Boeing safety pilot.

MR. ETCHER: Is there anybody here that you object to having in here?

MR. BUTIN: Not at all.

MR. ETCHER: All right.

MR. BUTIN: And I've got Matt here who's --

MR. ETCHER: And we'll get Matt on the recording here in just a moment.

So today we'll be using a digital recording, and after the interview we're going to send that

1 recording out for transcription. The party members will have an opportunity to review that  
2 transcript and we're just going to correct any typographical errors. We're not going to change any  
3 of the content, just to make sure words are spelled correctly.

4 MR. BUTIN: Sure.

5 MR. ETCHER: Once again, the purpose of this investigation is just to determine the  
6 probable cause and we want to prevent it from reoccurring ever again if we can help that. We're  
7 not going to assign fault, and we're here simply for you to share your insight into the operation.  
8 That is what we need, your eyes and ears.

9 MR. BUTIN: Sure.

10 MR. ETCHER: We cannot offer any guarantee of confidentiality or immunity, as you  
11 probably are well aware of, and this transcript will become part of the public docket. It'll be made  
12 publicly available as this case opens up to the public.

13 Each of the group members will have a chance to ask questions. We'll ask questions one at  
14 a time and everyone has been instructed not to interrupt while the other person is asking questions.  
15 There's going to be an opportunity for all of us to talk with you and please feel free to be as candid  
16 and honest about all your answers as you possibly can because that helps us.

17 MR. BUTIN: Okay.

18 MR. ETCHER: We ask that you do answer all the questions to the best of your  
19 recollection --

20 MR. BUTIN: Absolutely.

21 MR. ETCHER: -- but always remember "I don't know" is a good answer if you don't  
22 know. We don't want you to make anything up or speculate. If for some reason that you're  
23 speculating, please let us know.

24 MR. BUTIN: Yes, sir.

25 MR. ETCHER: Because everything we're going to take as fact.

1 MR. BUTIN: Yes.

2 MR. ETCHER: You're entitled to one representative of your choosing. Is there someone  
3 you'd like to have as your representative?

4 MR. BUTIN: Matt Picciotti is here. He will be my representative.

5 MR. ETCHER: Matt, for the recording, would you please --

6 MR. PICCIOTTI: Yes. Matt Picciotti with the Federal Aviation Administration, Office of  
7 the Chief Counsel.

8 MR. ETCHER: All righty. Does anyone have any questions?

9 Do you have any questions?

10 MR. BUTIN: No questions. Thank you.

11 MR. ETCHER: All right.

12 UNIDENTIFIED SPEAKER: No, no questions.

13 MR. ETCHER: Well, if you guys are all ready, then let's begin.

14 INTERVIEW OF MARK BUTIN

15 BY MR. ETCHER:

16 Q. I'm going to start, and I always ask the hardest questions first.

17 A. Okay.

18 Q. Can you say -- state and spell your whole name.

19 A. Yes. It's Mark Christopher Butin. It's M-a-r-k, Christopher, C-h-r-i-s-t-o-p-h-e-r, and  
20 Butin, B-u-t-i-n.

21 Q. All righty. And how old are you?

22 A. I'm 49.

23 Q. All right. What is your job title?

24 A. My job title is aviation safety inspector, more specifically the principal operations inspector  
25 overseeing Rhoades Aviation.



1 Q. And is that for the Federal Aviation Administration?

2 A. That is correct.

3 Q. All righty. How long have you been doing that?

4 A. I have been the principal operations inspector for Rhoades Aviation since April 14th of  
5 2020.

6 Q. Okay.

7 A. But I've been an aviation safety inspector since October 13th of 2009.

8 Q. All right. So tell me what your -- being a safety inspector for Rhoades Aviation, tell me  
9 what that entails.

10 A. Be a little more specific. In terms of oversight? In terms of --

11 Q. You know, that was a really bad question. My apologies. Yes, oversight I mean.

12 A. Okay, oversight. As a principal operations inspector we are tasked with managing a  
13 comprehensive assessment plan which is generated through our safety assurance system. In that  
14 comprehensive assessment plan there are inspections that are codified by the FAA in criticality  
15 from high, medium to low, and they are populated on essentially a digital calendar that we  
16 manage. So we plan those assessments, and when the assessments are completed, we do an  
17 analysis, an assessment action component in our -- it's a module 5, where we assess the risks that  
18 we have gathered information on, make a determination about what actions are necessary to either  
19 do further inspections to get more information or take corrective action to address anything that we  
20 might have found that needs attention.

21 Q. Okay. That sounds like quite a bit, and I'm sure we're going to get into that here in just a  
22 little bit.

23 A. Yes, sir.

24 Q. So just help me understand kind of the office dynamic of where you work. Who is in your  
25 chain of command? Who is above you and who do you work with?

1 A. Sure. Okay. My frontline manager is Marcia Travelstead, and she reports to Tiffany  
2 Chitwood, who's the CMO manager, and then her manager is Andrew Ayers of the Combined  
3 Safety Assurance Office, which is brand new, I might add. So there's a new initiative to combine  
4 our Flight Standards District Office with our Certificate Management Office. We're collocated, if  
5 you want to call it that, during Covid, but -- but we are collocated here in Honolulu in the same  
6 facility but we have been separated as two offices, and there's an initiative to combine those  
7 offices, both to assist with resourcing and also consistency and standardization.

8 Q. Okay. And do you have an assistant?

9 A. I do not have an assistant on the operations side. I do work with two fantastic inspectors,  
10 Reza Lesane, who's our principal maintenance inspector on the Rhoades certificate, and Angel  
11 Acevedo, who is the principal avionics inspector.

12 Q. So there's -- and I just want to make sure, is that the whole team, the three of you?

13 A. The three of us are the team for the Rhoades certificate. That's correct.

14 Q. Okay. All righty. So how long have you actually worked for the FAA?

15 A. Since 2009, October 13, 2009.

16 Q. So you came on as an inspector?

17 A. I came on as an inspector, yes, in the Flight Standards District Office. That's where I  
18 initially started. And I was in the district office, gosh, I think it's about 4 years. I kind of moved  
19 through within the same location various jobs within the organization. But I was a general  
20 aviation POI for a number of years, about 3 or 4 years; I was a geographic inspector for about 15  
21 months maybe; and then I was also an assistant POI and an aircrew program manager prior to  
22 becoming a 121, principal operations inspector.

23 Q. Have you always been here in Honolulu?

24 A. That is correct. Yes, sir.

25 Q. All right. Are you a certificated pilot?

1 A. I am a certificated -- yeah.

2 Q. What are your certificates?

3 A. Airline transport pilot, multiengine land. I hold type ratings in the Citation, Cessna 500  
4 series jet, the DC-9, the Airbus 320, and I have commercial certificates for glider and single engine  
5 airplane, as well as commercial single engine sea. I'm also a flight instructor for multiengine  
6 instrument and single engine, and for glider as well.

7 Q. I apologize if you mentioned this. Are you typed in the 7-3?

8 A. I am not typed in the -- thank you for asking. No, I am not -- I'm not qualified in the 7-3,  
9 although I am scheduled to attend 7-3 training in 2022. I think the -- I did consult with our  
10 management regarding that qualification. It's just an extra layer of connection to the airplane that I  
11 oversee. The initiative on training wasn't because they didn't agree to it and not because they  
12 didn't want to do it, but Covid has kind of pushed the training objectives a little bit to the right.  
13 But I ironically was contacted about 10 days ago just confirming enrollment in that class and to  
14 make sure we're still doing it in Fiscal '22.

15 Q. Well, congratulations on potential new type rating.

16 A. Thanks. Well, I think it would be great.

17 Q. So not having official training and a type rating in the 7-3, does that make your job more  
18 challenging?

19 A. Define more challenging.

20 Q. Do you feel like you have all the awareness and all of the knowledge to oversee this  
21 operator that operates a 7-3, with your experience and, you know, mindset and everything?

22 A. I certainly do believe I have the knowledge, yes.

23 Q. Okay.

24 A. Specific to the Boeing, if you have any specific question regarding my qualification for that  
25 aircraft, I'm certainly willing to entertain any of those questions. But based on the training that I've

1 had, the FAA has given me, the documentation and resources available to me, I'm able to do more  
2 than an adequate job of assessing training programs and policy and procedure for this aircraft.

3 Q. No, that helps. I just want to make sure that it wasn't --

4 A. Absolutely. That's a great question.

5 Q. -- giving you challenges.

6 A. Yes, sir.

7 Q. All righty. I know you're on the Rhoades certificate.

8 A. That's correct.

9 Q. Are there any other certificates you have that you have to manage?

10 A. I do not manage any other certificates other than the Rhoades certificate. That's my  
11 primary job.

12 Q. Okay. Do you have to assist on other certificates?

13 A. I don't assist specifically other certificates. I am an OJT instructor, so that -- meaning for  
14 new inspectors who need training, I accomplish OJT when asked to. I also volunteer to do it. I  
15 think it's a benefit to share knowledge, especially experience, when trying to qualify our new  
16 inspectors to, you know, be able to tap into the right resources and also experience of people who  
17 have been doing it for several years, and I think it's a really rewarding thing to do. And I also  
18 think the more you teach it the better you know it, so it's a great opportunity. So I happily serve in  
19 that capacity, but it doesn't take me away from my primary responsibility.

20 Q. Okay. Thank you for that.

21 So let's start getting into Rhoades Aviation.

22 A. Okay.

23 Q. Who do you interact with there?

24 A. I primarily interact with the 119 team personnel. And just to be clear what 119 is, as a part  
25 of the regulation they're required to have people in certain positions, that are also reflected on their

1 op specs, who are responsible for managing the company. So I interact with them on a, I'd say, a  
2 very regular basis, sometimes multiple times a week. I would say at least one time a week,  
3 depending on what's happening.

4 But the other individuals who work there that I -- they know who I am when I'm there.  
5 And in the capacity of doing the inspection, whether it be surveillance for a performance or a  
6 design, I interact with the people necessary to give me the information. But I always try to  
7 coordinate through the management so the communication is more effective and that individuals  
8 don't feel like they're unnecessarily -- I don't want to say -- targeted is a word, but just -- it can be,  
9 if they're not sure what your objectives are, I just want to make sure they feel comfortable and that  
10 they -- when they're informed of the objectives and it's through the appropriate management  
11 structure, that they're able to do their job and give us what we need in terms of information.

12 Q. And you communicate through Rhoades management or FAA management?

13 A. Well, depending. Be more specific.

14 Q. Just a minute ago you said you communicate your objectives through management so  
15 people know what it is, and I just want to make sure is that Rhoades management or is that --

16 A. Both. My FAA management certainly understands what my job is. And I will just say the  
17 way our safety assurance system works is that when I put in the assessments to be done, they have  
18 to be resourced by my frontline manager, so they're always knowledgeable about what oversight  
19 I'm doing and then their concurrence is through the approval of that inspection, and then of course  
20 through Rhoades management, to actually get the information to then put into the surveillance and  
21 complete those inspections.

22 Q. Okay. So you interact with the 119. Is there anybody specifically that you interact the  
23 most with or --

24 A. Probably interact with the director of operations, David Seest, the most, as he is the director  
25 of the operation and on the operations side. I consistently interact with Orlando Debrum, who's

1 the director of safety, as well, and he has two safety auditors, which we're happy that they're  
2 bringing on. There's Miguel and Valeri; Valeri is the ops auditor. And then of course the chief  
3 pilot, Wallace Horibata, as well. Those are the primary 119s that I interact with.

4 Mike Kimble, who's the director of maintenance, I do interact with him when necessary,  
5 during CASS meetings, for example, or anytime that he's around, and the chief inspector when  
6 necessary as well. Those are more of my airworthiness colleagues, you know, 119 connections,  
7 but they certainly know who I am and we do have, you know, conversations as necessary.

8 Q. Let's talk about your relationship with the director of operations.

9 A. Okay.

10 Q. How is that relationship on a daily basis? Are you guys open with each other? Just kind of  
11 help me how you guys interact and how that appears to you.

12 A. I will say David is -- he's very open. We have a very good relationship. I think he has --  
13 lack of a better word, he's comfortable sharing with me his perspective, and that's not always the  
14 glossy side. He's comfortable telling me where he feels they need improvement or also where  
15 initiatives are being in place, which for me is excellent because collaboration in safety is really our  
16 mutual -- in our mutual best interest. So David and I, we talk regularly. If I miss his call or he  
17 misses my call, we call each other back, and I don't think the line of communication is interrupted  
18 at all between me and David.

19 I will also say if Wallace and I need to get ahold of each other, we generally text, but I'm  
20 lightning fast getting back to him and he is with me. So we have very good communication and  
21 it's not delayed in any way should we need information from each other.

22 Q. Okay. Now you said the director of operations is very open with you --

23 A. Yes, sir.

24 Q. -- and he'll tell you things that he feels needs changed. Give me an example of something  
25 recently that he's told you that needs changed.

1 A. I think David recognizes that their company is a small company and he ideally would  
2 prefer and desire to have more resources available to him. I think the identification of having  
3 enough tech writers that understand the material and be able to generate quality manuals and  
4 procedures that can be adopted have been a challenge for Rhoades Aviation. It's a skill to have  
5 that ability, and it's important to have somebody who knows your operation to write adequate  
6 procedures. There are many options available, I suppose, where you can reach out to another  
7 organization to help write procedures, but that's -- if it's grown somewhere else, it's not quite in the  
8 DNA. So I think David really recognizes resources available to him would improve his ability to  
9 do his job and to get better product.

10 Q. Now you mentioned that the operator, you think he feels it's a small operation. So, to you,  
11 from your opinion only, do you feel like they're adequately staffed to do what they're trying to do?

12 A. It's a hard determination to make, and the only reason -- I'll clarify that by saying certain  
13 individuals have more ability than others. That's not their capacity or even the potential. It may  
14 be what tools that they have. I think some businesses may be able to run with very few people and  
15 run very safely; some other businesses may need additional personnel. So that's a very hard  
16 determination to make because it's not only number of people but the qualifications of those people  
17 that will essentially make the organization adequately staffed.

18 Q. Okay. And that's a great way to say it, so thank you.

19 You say you interact with the interact with the director of safety.

20 A. Yes.

21 Q. How is that interaction and communication?

22 A. Orlando is a -- I'll just start with saying he's a wonderful person, and what I mean by that is  
23 you can have some really bright people or a lot of people you work with that are not as agreeable  
24 personality wise, but he is always open to input, he's always willing to discuss improvement. I'll  
25 also discuss the way things are going and things that are going well. I think we have a very open

1 relationship with that. I think he really seeks out collaborative safety initiatives with the FAA and  
2 I very much appreciate that. He's also willing to take recommendations.

3 I make it very clear to Rhoades Aviation I do not run their business, I do not want to be in  
4 charge of their business. I am in -- I'm tasked with overseeing and assuring safety. So in terms of  
5 collaboration with safety, I'm willing to give recommendations that are recommendations only. It  
6 is their primary responsibility to adequately staff, have the quality people in safety, especially as a  
7 121 carrier required to adhere to and follow 14 CFR Part 5, which is safety management system.

8 Q. Okay. You say he has some -- the director of safety has initiatives that he likes to push up  
9 the chain, if you will, there?

10 A. I think he has -- I don't attend their meetings. I know his heart and I know his desire and I  
11 certainly know he has identified things that he would like to address. It's impossible for me to say  
12 without attending their meetings, which they have biweekly -- twice a week, not every other week.  
13 It's impossible for me to say how much he's able -- what he communicates specifically and how  
14 effective it is.

15 Q. You don't attend their meetings. Are you invited or --

16 A. I'm not invited. If I was invited, I would attend them.

17 Q. Okay.

18 A. I think this is -- they have a SIE manual, it's a safety evaluation internal -- safety internal  
19 evaluation manual. I believe that in that they have a safety committee, which for all intents and  
20 purposes I think it's the 119 personnel that get together and discuss with the accountable executive,  
21 which is a -- more of a part 5 requirement, that they have cohesive and adequate policy and  
22 management for safety. So they meet twice a week, Tuesdays and Fridays. And I believe the  
23 members of that committee -- I don't know if it's 100 percent specified in the SIE, but I think it's --  
24 I know that those people attend.

25 Q. All right. Now you said the director of safety has some auditors.



1 A. He does.

2 Q. Is that a new thing or have there always been auditors?

3 A. It is a new thing. And when I say it's new, when I came on certificate as the principal  
4 inspector in April, there was a finding from the former CMT of resources available to adequately  
5 do safety assurance. And so the mitigation, I believe was proposed by Rhoades, was getting  
6 additional safety auditors, which I firmly supported and -- enthusiastically supported and said, yes,  
7 with resources, adequate resources, you identifying your risk is part of your responsibility and I  
8 certainly support any and all initiatives to achieve that.

9 The operations auditor was hired first, Valeri. If I recall, he's been probably on certificate  
10 since September or October of 2020. And then Miguel was the airworthiness auditor that they  
11 brought on. I think he's been with them probably between 4 and 5 months. Those dates may be  
12 fluid. I don't have specific information.

13 But I will say they moved the safety department from -- they have two hangars which are  
14 not collocated. They're collocated on the airport, but they're separated by the golf cart guys. And  
15 the safety department was moved from the maintenance hangar to the operations -- for lack of a  
16 better word, operations hangar where the aircraft are dispatched or released, supplemental released  
17 from every day. So they're there more dynamically on the operations side, which is not for me to  
18 decide where best for them to be. But they do have a dedicated room now that's theirs and staffed  
19 with their safety employees.

20 Q. Okay. Now their auditors that they've hired on, were they hired from the outside and come  
21 in or was it somebody internally?

22 A. To my knowledge, they were hired from the outside coming in.

23 Q. Okay. How's your interaction with the chief pilot?

24 A. I honestly don't see much of Wallace. And what I mean by that is they're a night operation  
25 and I'm not there every night. I have interacted with Wallace in training scenarios in Miami on

1 two separate occasions where I've gone down to observed training. And I've interacted with him at  
2 the main facility when we did any records inspections or any check airman observations. So it was  
3 a positive thing. He's always open to input and discussion, so -- but I see him less not because -- I  
4 don't think he's trying to be unavailable, but simply because of his schedule and his responsibility.

5 Q. Okay. Do you ever sit on their jump seats and go flying with them?

6 A. Yes. I have conducted en route inspections, yes.

7 Q. Do you do that in -- I mean, they do have some daytime flying too and nighttime.

8 A. That's correct.

9 Q. Which ones do you normally --

10 A. I've done both.

11 Q. When was the last time you did an en route with them?

12 A. About 10 days ago.

13 Q. And was it at night?

14 A. No, it -- well, it was early morning. I was asked to be there at 5 o'clock. I was there at 4  
15 o'clock. And we just dispatched a little bit late, probably around 5:45, which is not unusual for  
16 whatever reason. I don't know all the circumstances to it other than the planes getting back. They  
17 have multiple aircraft running at different times, so it was not a -- I don't know the circumstances  
18 of the slight delay, but it didn't really impede the en route that I was doing.

19 Q. And just curiosity, did you do the -- do you remember the aircraft that you did the en route  
20 on?

21 A. Yes. I was on 809.

22 Q. And how was that one?

23 A. Fine. I did -- I looked at the requisite documentation that's necessary when I do the en  
24 route inspection, maintenance log, aircraft documents, and of course crew documents. I didn't see  
25 any discrepancies that would have prevented the release of the aircraft for that flight.

1 Q. Okay. How did the airplane perform in flight?

2 A. The aircraft in flight was within the parameters of its operating parameters from what I  
3 could ascertain. Any discrepancies were identified or pointed out to the flight crew and then they  
4 were -- they took care of it from that point.

5 Q. Okay. And did you point out discrepancies?

6 A. There was a discrepancy on the return flight from Hilo. I heard kind of a pulsing in my  
7 headset and I scanned the instruments. It appears the pressurization valve -- I don't know the -- I  
8 don't want to speculate as to what was going on. Pressurization was pulsing a little bit. I brought  
9 it to the chief pilot's attention, who was in the right seat at that time. They noticed it. The pulsing  
10 went away on the descent, and the chief pilot noted the discrepancy at the end of the flight into the  
11 flight log.

12 Q. So it was the chief pilot in the right seat?

13 A. That's correct.

14 Q. Who was in the left seat?

15 A. The left seat was the other line check airman who was getting a line check from the chief  
16 pilot at that time.

17 Q. Okay. All right. Did they do everything by the procedures? On that flight, did they follow  
18 their procedures properly that you could be aware of?

19 A. The procedures in the manual were followed. Any discrepancies on those procedures were,  
20 you know, identified to them. We debriefed afterwards. No flight is perfect, but the debrief is  
21 meant to empower them with any observations. Somehow you get smarter when your applied  
22 feedback. It's more just to coordinate with them and ask questions if I didn't know what the  
23 procedure would be or just to ensure that we were all assessing the same criteria.

24 Q. I'm nosey. What was the debriefing item, if you can recall?

25 A. Debriefing item was specific to a deicing panel or anti-icing panel specific to indicating

1 systems. There was an AD that came out, I guess, on pitot and static icing. There was an on/off  
2 switch. On that one that was an auto or on switch. And the aircraft are being -- as they go to  
3 heavy check, that panel is being replaced. So the old procedure was to turn it on obviously after  
4 start, and that was in auto so it's automatically on after you start the engine. One pilot left it in the  
5 auto, the other one turned it on out of habit. So I just asked which is the procedure. We discussed  
6 it and they said that safety is not compromised in the fact that it's on whether it's in auto or in on,  
7 but I just asked them to clarify what switch position it should be and in the future if there was any -  
8 - whatever they decide to do, they make it clear so that it is standardized for everybody in the fleet.

9 Q. Okay. I know that was an en route with a line check airman getting a line check.

10 A. Yes, sir.

11 Q. Have you ever done an en route with just a normal crew, just a regular --

12 A. Yes.

13 Q. -- line captain, line FO?

14 A. Yes.

15 Q. When was the last time you did that?

16 A. That was September of 2020.

17 Q. Okay. I don't suppose you remember was it any of the -- either of the accident crew or  
18 anything about that flight?

19 A. The FO was on one of those flights.

20 Q. Okay. Anything -- I know that was a while back, so does anything stand out in your mind?

21 A. Nothing stands out in particular. The crew had good coordination. It has been a while, but  
22 I don't recall anything. I know they were -- anything that was identified was discussed with the  
23 crew and they were very receptive. It was a good crew and -- it was good.

24 Q. When you do an en route with a crew, do you ask them any like limitations or procedure  
25 questions, or are you just there just to observe?

1 A. I'm there to observe. The crew members are not being evaluated in a testing situation. I  
2 want to make sure they do their duties as per their regular duties. It's -- evaluation and testing is in  
3 a different phase, so that is not what my intent or my task is at that time. It's simply to observe  
4 adherence to their policy and procedure and to ensure that they -- that that policy and procedure is  
5 adequate.

6 Q. Okay. Do you -- I know you said you go to Miami sometimes --

7 A. Yes, sir.

8 Q. -- to their simulator there.

9 A. Yes, sir.

10 Q. Why do you go there?

11 A. The aircrew training is conducted in a simulator. For obvious reasons, it minimizes risk  
12 and wear and tear on the aircraft. The simulator is in Miami. The reason we have to use that  
13 simulator, it is the only 737-200 simulator still qualified in the US. So that's where we go.  
14 Training with that simulator because the -- we, as FAA, and I think safety initiative of trying to  
15 train in aircraft using the simulator most appropriate to your aircraft is the best training that you  
16 can get. And so that's the training we -- or that's the simulator device that we use and that's where  
17 it is. Unfortunately, it's long way away.

18 Q. Do you go there when they're doing like new type rides or new hire introduction or check  
19 rides?

20 A. It'll be different depending on who's going to be there. If I feel I need to go there to  
21 observe for a specific safety identification, I will make the effort to go there at that time. I have  
22 gone to the simulator more often than my comprehensive assessment plan has scheduled me to go,  
23 mostly just because I'm trying to be familiar with their training program because I'm a new  
24 principal and because they have had some revisions to their training program, recurrent training,  
25 and I issued the initial approval to that. It gives me a 24-month window to observe that training to

1 make sure it's adequate before giving a final approval. So I'm making an effort to make sure I see  
2 all those metrics to ensure that their designed and performance are copacetic and adequate for an  
3 appropriate level of safety and training.

4 Q. So how is their matrix going so far?

5 A. Going down to Miami, it's been good. In some cases they train more than required,  
6 meaning that the regulatory basis is the minimum level, they choose occasionally to do more,  
7 which is great. I don't have any problem with doing more. Some discrepancies, if they were  
8 observed, were pointed out to the instructors, and any discrepancies in my last visit were corrected  
9 on the spot, meaning if we needed to do an event again or something was not specific in the  
10 program that I felt either I missed it or they didn't do it, we just repeated it. I don't want to say that  
11 they're minor in that they were missed, but they were easily corrected.

12 Q. Okay. All right. That helps. Thank you.

13 Have you ever sat in on one of their ground schools?

14 A. I did sit on a ground school, a recurrent ground school. I've not sat on an initial ground  
15 school. Part of having a smaller pilot group, the initials are not regular. They don't have many  
16 crew members coming in for initial. That is something I plan on doing when it comes up, getting  
17 the -- managing the comprehensive assessment plan, like I said, that is an objective which is a  
18 priority and I'd very much like to do.

19 Q. Okay. So I understand that Rhoades Aviation has had -- you guys have communicated  
20 quite a bit with some areas that they need to address.

21 A. Yes, sir.

22 Q. And there's also been a CHEP inspection that has come in. Kind of help me understand  
23 what you have learned from those letters, how they're well -- are they well received? Are they  
24 responsive to them? Kind of help me understand what you were finding and then how that's  
25 received.

1 A. Do you have a particular area you'd like me to -- because we -- there are multiple areas of  
2 assessment, so --

3 Q. I'm more interested in the flight op side.

4 A. Okay.

5 Q. So whether it's manuals or training --

6 A. Sure.

7 Q. -- or what you feel.

8 A. Okay. Of the higher level risks that I've identified, it was primarily safety management and  
9 effectiveness of management and cargo loading. It's cargo loading in combination with weight and  
10 balance, manifest preparation and accountability. Those are the MELs. They fall within two  
11 subparts of two inspections of which there are multiple parts to it. That's why I'm trying to make  
12 sure I (indiscernible) it correctly.

13 Those have been identified. Letters have been provided. I might say very detailed letters.  
14 The detail is to, one, inform, but also assist in clarity so that even if they were resource  
15 constrained, the FAA is providing them with enough clarity to where they don't say, what do you  
16 mean? I spend a lot of time in my correspondence to ensure that it's adequate, it's clear, and it's  
17 comprehensive. So many of those letters have gone out as a means of providing the information,  
18 giving them the opportunity to absorb that information and manage it through their company  
19 structure. I've got very positive feedback on the content of the letter, not a very quick response on  
20 the letters.

21 Q. What do you mean by not a quick response?

22 A. Generally speaking, this goes to the safety management. We have template letters which  
23 are meant to standardize our oversight process, which is in our mutual best interest, I believe, so  
24 they don't feel like different inspectors are managing different ways. And they are requested,  
25 when hazards are identified, to respond within 10 days with a hazard identification or a mitigation

1 plan or safety analysis essentially. And that is often not provided within 10 days and maybe not  
2 provided within quite a few days generally.

3 Q. When they do finally respond, you know, with whether it's a change needed done or a  
4 suggestion that you said, does it come back -- the response, is it fixed like you would expect or is it  
5 a lot more back and forth with, well, you got to do this different or you didn't really do what I  
6 asked?

7 A. Right. I want to be clear that it's not what I asked.

8 Q. I'm sorry. That was bad speaking on my part.

9 A. No, I just want to make sure that is clear. My primary job is to ensure compliance with the  
10 regulatory content and I try to take any individual bias out of that. It's not beneficial to them or for  
11 me, so I do my very best to ensure regulatory compliance and communicate deviations from that,  
12 whether it be in design or performance. Discussions are excellent, but change in either policy and  
13 procedure or design is really what we're getting after to ensure repeatability and accountability.  
14 And that's essentially what the letters are intended to do. This is the observation or this is the  
15 design, please address it satisfactorily and bring it back. The assessment is then for compliance  
16 with the requirement, not making me happy. So to that end, I have received some things back that  
17 have been adequately changed and some that needed to go back again for some additional changes.

18 Q. Can you give me an idea, just an understanding of what some of those additional changes  
19 that you have sent back?

20 A. Like accountability, specific responsibility and authority for processes has been an ongoing  
21 challenge. We have spent a lot of resources and time identifying a responsible person so that  
22 person, one, knows that they're responsible, and two, there can't be ambiguity in how it's going to  
23 be resolved. It's been a huge thrust of mine from the very beginning, is identifying process  
24 owners, making sure that process owner is aware of their responsibility, and then holding that  
25 process owner accountable for taking the corrective action, whether it's engaging other divisions,



1 whether it's engaging other personnel, whether it's ensuring safety risk management is documented  
2 and accomplished. All that is a requirement, but it needs to be clearly identified, I want to say like  
3 a contract, but it's a place of which -- manual design and accountability is the beginning of  
4 assurance, simply safety assurance and compliance.

5 Q. Okay. All right. Do you know if there's a way that employees of Rhoades have a way of  
6 communicating safety concerns to the 119s?

7 A. That is required under 5.71(a)(7), I believe. Not only a reporting program but confidential  
8 reporting program. I do know that they have a website they can go and do that. They also have  
9 forms from the safety manual where they can either report anonymously, they can input their  
10 information. And we've discussed that at length to ensure that process is there and is available  
11 because it's required. So there is a method and there's -- there is a process and there are multiple  
12 methods.

13 Q. Okay. Are you made aware of any of those safety reports?

14 A. Not specifically, and what I mean by that is they're the company safety reports. How they  
15 manage that is under the processes in their safety procedures manual or safety manual. If in fact  
16 there are safety reports that are open, there is a safety meeting generally following the CASS  
17 meeting, which we attend monthly, and some of those will come up, whether they're open or  
18 closed and the status of those. Now I don't read the individual reports. If I asked for them, I think  
19 they would provide them. But then again, it's also their safety management and their program, and  
20 I let them manage that unless I see something where I feel like I need to get involved. But  
21 generally speaking, they're required to have adequate policy and procedure and they are expected  
22 to follow it.

23 Q. All right. To your knowledge -- I know they have their own policy on those safety reports  
24 and everything. To your knowledge, though, do they communicate any concerns out to the pilot  
25 group or to the respective employee of something that's a safety concern?

1 A. They are required to do that as well under part 5. Safety promotion is the fourth pillar, and  
2 they're required to do that. They have a safety newsletter, which they're -- through their policy and  
3 their procedure is supposed to be out quarterly. I do believe that they send additional emails out to  
4 pilot groups. It may not be governed by a process. I think they do that just as a natural process of  
5 explaining information, but there is a codified system to do that. Accountability for that has been  
6 necessary occasionally just to ensure, you know, when did the safety newsletter come out, what  
7 was in it, what -- the content therein is derived from what, that type of thing. Those are mostly  
8 follow-ups also from a -- the former POI had indicated there was a follow-up on that. So I took  
9 that and ensured that it was adequate and it was actually occurring as well. I do know that it has  
10 improved. But that is a requirement and I'm holding them accountable for that.

11 Q. Okay. You mentioned the former POI and he gave you some things to, you know, keep an  
12 eye on, if you will. I didn't mean to paraphrase there. But is there anything else? Was there  
13 anything that he told you when you took over that was of great concern to him?

14 A. I didn't speak with him at length about that. The information that I'm saying that I acted on  
15 was in in the safety assurance system, which I reviewed as a new POI. I went back and looked at  
16 the history so I could frame my oversight, try to identify risk so I could more effectively manage  
17 that CAP that I was talking about. And it's just a preparation on my part and just to see really  
18 where I needed to take the ball and identify those corrective actions were done first, as they were  
19 open or in process when I took over.

20 Q. Okay. Just a few more questions and then I'm going to pass it on --

21 A. Sure.

22 Q. -- to my colleagues as well. I know you monitor their training and everything. Do you  
23 know what their pass-fail rate is?

24 A. I do get a report annually of the check airmen pass-fail rates. It was a positive report. I  
25 didn't see any failures on the sheet. And on that sheet they specify the airmen and the examiner,

1 that's basically -- and then the result. There's not a whole lot of clarity in that. What I mean as  
2 comprehensive, it meets the report requirement, but beyond that -- I have used that report just if  
3 the pilot's there when I go down to do observations, just note, okay, who's this pilot and who's the  
4 examiner, just for context. But it's just a tool of context, it's not a -- I'm not looking for anything  
5 specific other than just connecting the dots, because I don't -- I haven't met every pilot at Rhoades.  
6 So --

7 Q. And I just want to make sure for my clarity. Do they not have any failures in their --

8 A. I can't recall on that sheet if there was. I don't believe there were, but I don't want to speak  
9 out of turn. It's been a while since I saw the last report.

10 Q. And that's appreciated. I understand that.

11 Do you ever get notified if they terminate a pilot?

12 A. I have not been notified if they terminated a pilot.

13 Q. Okay.

14 A. I will say this in clarification. There was a pilot that dropped out of training. I don't know  
15 the circumstances of why he did, but I was notified that he was not in training.

16 Incidentally, to your former question of did you see initial training, this was going to be an  
17 initial type ride which I was intending to go observe and that pilot just decided -- and I have no  
18 information. I don't know any of the circumstances. But I was interested because this was going  
19 to be initial type rating and I was trying to make sure that, if it was appropriate and I could travel  
20 to observe that, that I was around for that.

21 Q. Okay. Do they notify you when all their type rides and check rides are going to be  
22 occurring or --

23 A. Generally they don't notify me, but if I asked, they would be very quick to give me the  
24 information.

25 Q. Okay. And the last question I have before I pass it off is do you know how many pilots

1 they have at Rhoades?

2 A. My understanding is, give or take 1 or 2, about 24 line pilots, about equally split between  
3 captains and first officers. I think we have maybe one or two more first officers than captains.

4 MR. ETCHER: Okay. You've really helped a lot for me so far, so I appreciate it. I may  
5 have some more after a bit.

6 MR. BUTIN: Shawn, no problem. Thank you.

7 MR. ETCHER: Do you need a break or anything?

8 MR. BUTIN: No, I'm great.

9 MR. ETCHER: You sure?

10 MR. BUTIN: Yes, sir.

11 MR. ETCHER: Okay.

12 Bill.

13 BY DR. BRAMBLE:

14 Q. Okay. Yeah, thanks, Mark.

15 Do you know why the CMT members for Rhoades were changed in 2020?

16 A. Not specifically. I believe they moved on to other certificates, but I have no information on  
17 why or for what reason they did that. I will say it's not unusual for other ASIs to bid other jobs,  
18 whether it's their interest or opportunity. So it's not unusual to change out CMT members.

19 Q. But as far as you know, there wasn't any particular reason related to anything specific to the  
20 interaction of (indiscernible)?

21 A. Yeah, I have no -- I can't speak on that. I really have no information so anything I would  
22 say would be speculative. But I really don't, I don't have any information.

23 Q. And I might have missed it, but what's your total flight experience?

24 A. I have around 5,500 hours total time, like I said, of my three jet type ratings, the Citation  
25 and the Airbus 320 and the DC9.

1 Q. Okay. And do they respect your experience?

2 A. They do respect my experience. I would say, in particular, David Seest, the director of  
3 operations, has said on multiple occasions he appreciates the experience and that we can have good  
4 dialogue, as the chief pilot has also said.

5 Q. All right. Since you came on the certificate, have you been -- have you gotten, you know,  
6 hotline complaints from pilots or former pilots coming to you and saying this is a problem with the  
7 operator, or have safety concerns, things like that?

8 A. Former pilots coming to me? I can't recall. Safety hotline complaints, I have not been  
9 notified if there have been any. Now I will also say that's since last week, I mean, or now. I  
10 haven't received any as of today.

11 The pilots are very open to discuss information. I don't think they're trying to hide  
12 anything. Just if you could be a little more specific on maybe what kind of information you think  
13 you want me to kind of share? I don't know specifically.

14 Q. I think that answer's okay. I was curious to know whether basically people were coming  
15 out of the woodwork telling you they -- you know, that either do currently work for the company  
16 or previously did, telling you scary stories basically.

17 A. The only thing I will add to that, and without giving specifics because I don't want to  
18 speculate, I really don't, safety culture is generally a concern. And what I mean by that is pilots  
19 know what they need to do, they're trained to do that, but also feeling comfortable with  
20 communicating that information, depending on which level, I can say they -- from my perspective  
21 and my point of view, they have concerns regarding communicating that. Now that's very  
22 nonspecific, but I can't speak of specifics that I don't have.

23 Q. Okay. So there was one set of meeting minutes from a monthly safety meeting after the  
24 CASS meeting in May --

25 A. Okay.

1 Q. -- that included a report on a captain not reporting a maintenance issue out of fear of losing  
2 of their job. Were you present at that meeting?

3 A. That's the only CASS meeting that I have not attended.

4 Q. Okay.

5 A. Which I'm saying normally I'm always at the CASS meetings. I had had a meeting 2 days  
6 prior with the 119s and the accountable executive on something else, and in terms of time  
7 constraints and trying to get that documentation completed, I just kind of -- because I knew it was  
8 attended by both airworthiness inspectors. It wasn't because I didn't want to be there, but I also  
9 had to try to manage the workload. So that's the only, sadly, the only CASS meeting that I did not  
10 attend. That being said, my airworthiness inspectors, both Ace and Ray, did communicate with me  
11 about this event, indicated that a copy of the letter was provided to them.

12 So thank you for bringing it up, Bill, but that's -- I was notified of it but I wasn't  
13 specifically in attendance at that meeting.

14 Q. Okay. And what happened as a result of that information?

15 A. This is also -- I won't say speculative because I know a letter -- the accountable executive  
16 wrote a letter saying, oh no, this isn't true. I did not -- to be honest, I have not read the letter. I  
17 don't know all the content of the letter. He discussed the letter with me, the accountable executive  
18 did. I haven't read it so I can't speak of the content. I know that the accountable executive  
19 fervently implied that that is not the case, that pilots should feel no fear of reprisal to report safety  
20 issues, and I think a letter was generated in support of his assertion.

21 In terms of follow-up, that's the only follow-up I know. Internal communication may have  
22 come from the DO or the chief pilot. I have no information on that. Whether or not it emboldened  
23 other pilots in the organization to do anything different, I have no information on that.

24 Q. Okay. Is that what gives you concerns about whether maybe all their staff feels  
25 comfortable communicating safety information or is there other things?

1 A. Refine it a little bit more, Bill. I think I understand, but I want to make sure I'm clear.

2 Q. Sure. In terms of safety culture, you mentioned that safety culture at Rhoades is generally  
3 a concern, pilots know what they need to do but they need to feel comfortable communicating  
4 information.

5 A. I think culture is formed over a long period of time and I think the culture is changing for  
6 the positive as a result of the initiatives we have taken to, one, identify shortcomings maybe in the  
7 safety management system, identify the responsibility and authority for safety management.  
8 Looking back to what we talked about with Shawn, safety promotion initiatives that are clear  
9 under part 5 have to be the reason an action was taken and what was taken. All those need to be  
10 together holistically so it's not a -- it's more meaningful rather than just meeting the requirement.  
11 So I've encouraged them in that regard and I think it's important that the pilot group see evidence  
12 of that.

13 Also looking back to what we talked about, Shawn, that the methods that are afforded to  
14 them to report are actually used and that they feel like they're -- that in doing so, that that  
15 information will be given to the right people and managed appropriately.

16 Q. So if I understand correctly, your impression is that the safety culture may not be ideally  
17 where it should be but that they are making progress in that direction?

18 A. Yes, absolutely. That's a good statement. I think they were held accountable for metrics of  
19 safety and they're making corrective actions, but because culture is so -- it takes a long time to  
20 build a culture and it takes a long time to change the culture -- I will say they've been proactive in  
21 making an improvement, which on our side is what we certainly hope to happen, that the  
22 communication and the initiatives are effective. But the timing of that is -- that's an impossible  
23 metric to gauge of the time frame for that to be -- or, you know, the success over a long period of  
24 time.

25 Q. And do you feel the accountable executive has been supporting that organizational change

1 or has he been maybe impeding it any ways that you're aware of?

2 A. In conversations with the accountable executive he communicates support.

3 Q. Is there any concern that perhaps there are -- that his actions are not necessary aligned with  
4 his communications?

5 A. Any answer would be speculative and I want to be careful I don't misinterpret or interpret  
6 inappropriately without all the facts. I don't attend those biweekly meetings, in which case I'd  
7 have probably more information. But also I think he is -- all of us are aware of the audience we  
8 talk to and what information should be shared within that audience.

9 Q. And what's your sense when you speak with the 119 managers and pilots about their  
10 comfort level with sharing information, safety concerns, within the company?

11 A. I'm sorry, Bill. One more time. Just --

12 Q. Do you have a sense from your conversations with the 119 managers and maybe any line  
13 pilots that you've interacted with, do you have a sense that they feel comfortable reporting safety  
14 concerns on average or do you feel like -- do you feel like the majority of them would feel  
15 comfortable reporting safety concerns?

16 A. I appreciate that. It's impossible to say what an individual would do and I think each  
17 individual is different. In interactions -- and because I haven't met all the pilots, interactions with  
18 some of the pilots, I would say they feel comfortable and say some may be less comfortable. I  
19 can't even put it in a majority versus a minority because I know only a small group. Of the pilot  
20 group I've interacted, I wouldn't say I know them really. I don't spend time with them, you know,  
21 during the course of my official duties. But I can't speak authoritatively on the culture for  
22 everybody if I only know a small group and it would be -- I'd be remiss in trying to make a  
23 generalization which I can't back up.

24 Q. Do you feel the director of safety is qualified for his role?

25 UNIDENTIFIED SPEAKER: Is there any way you can get a little more factual based? I



1 don't want him to like speculate with opinions. Is there a way to drill down a little bit more based  
2 on interactions or something so it's not a guess?

3 BY DR. BRAMBLE:

4 Q. Do you feel that he is capable of fulfilling the duties that he is required to accomplish?

5 A. That's a challenging question. I'd have to qualify it through just my experience, and I  
6 would say no at this time.

7 Q. Okay. Can you tell me why you say that?

8 A. In the course of completing safety management inspections, our questions talk about  
9 resourcing, and their safety management system, since it's evaluating manual procedures, one of  
10 the metrics in the manual said the director of safety will attend two seminars, education seminars  
11 annually as a part of development. I asked the director of safety if he had attended any and he said  
12 no. So I asked, why not? He didn't have the information, essentially, from what I gathered by  
13 would be human resources and financial, which would be then the accountable executive under  
14 part 5 that would essentially control and direct actions. So I asked about that.

15 He had no department initially, so our addition of the auditors I think with -- his job  
16 description is pretty extensive and I think the auditors are assisting with that and helping a little bit  
17 more. Looking back to what we talked about before, the individual, are they capable or not, may  
18 be a combination of what you assign them and resources available to them. I will clarify this in  
19 my original statement. With the auditing help that he has been assigned, he's been more  
20 successful in his duties.

21 And that's significant in that in our previous discussion regarding the individual's  
22 capability, you can't be expected to perform at a level if you're not given the tools to succeed. So  
23 when I say I want to clarify my answer in that I don't believe the tools that have been provided to  
24 him, not that he is not capable or desiring to do a good job. And that's really important that I say  
25 that because it's not a character assassination on the individual. It's more providing the adequate

1 training and tools are a necessary component to anybody's success in anything that we do. And I --  
2 although it's impossible to say, it would be speculation to say what kind of training would he need,  
3 and that's not at my direction. It would be the company to identify that based on the duties and  
4 responsibilities reflected in his job title. It's their responsibility to provide him with those tools and  
5 to train him. That being said, though, it's not my responsibility to provide that training, he has  
6 been extremely receptive to collaborating on safety initiatives and that I very much have  
7 appreciated because it shows that his willingness is there and that he is committed to doing the  
8 right thing. Some of that might be his tool system, that might be his education and -- not his  
9 personal education, but how they send him to training is what I mean.

10 Q. Do you have any indication if the company intends to provide him more training and  
11 resources?

12 A. I don't have any information. I provided them the metric in my surveillance, in my finding  
13 as a potential problem, that -- you know, I provided them with the opportunity to do something  
14 about it and our follow-up surveillance will determine whether or not that's been adequately  
15 accomplished.

16 Q. Okay. Do you have a sense that the CEO understands sort of what safety management is  
17 about or do you feel like that's kind of an evolving process?

18 A. Still would be my opinion, not -- I just want to be real clear. Some of these questions that  
19 are a little more theoretical, I can speak -- I can speculate what may be going on, but factual  
20 information is hard because it's not something I can say I know what he's doing when I'm not  
21 there. I know what his objectives are -- I really can't speak authoritatively to that. I will -- you  
22 know, I just want to make sure that's clear because that could be obviously outside my purview to  
23 say you must do this or you must do that. They need to meet the requirement. I do think it's new -  
24 - I'll say this much, Bill. I think it's new for him in this accountable executive role. And I'll say  
25 that he's not unique in that, in that part 5 was made mandatory or regulatory in 2018 so it's a

1 relatively new subpart. And although those duties are very clearly identified in part 5 with regard  
2 to responsibilities of an accountable executive, I think -- my opinion is there may be a learning  
3 curve for many individuals in exactly how to do all that.

4 In his defense, I'll only add this. In conversations with the director of operations, he has  
5 said, wow, he talks a lot more about SMS than he ever did in the past. And that is good. That  
6 means the initiatives that we have taken has generated the right type of discussions, the  
7 expectations, and the conformance to what is required. So that's a positive. And as I said before in  
8 terms of changing culture, it takes a while. But if they're starting to speak the right language and  
9 connect it with the right requirement, we're moving in the right direction.

10 Q. Okay. You seem very familiar and fluent with safety management concept.

11 A. Yes, sir.

12 Q. How did you -- what training did you receive to learn about these things?

13 A. There are some classes the FAA provided. I did attend a class at Oklahoma City for part 5  
14 when it was coming out, implementation. I just -- my natural ability with regulations is -- I'm kind  
15 of attuned to being able to pull out the information and do it. It's a -- it sticks in my head really  
16 well. I've had the opportunity on the previous certificate of which worked to manage the  
17 implementation and -- you know, essentially the approval of the implementation plan as required  
18 by part 5, and then the acceptance of the program for a much larger carrier SMS. So I was very  
19 familiar with the requirements, the challenges to it, it's flexibility and how to meet the  
20 requirements, and with the available resources. So I'm very comfortable with it. I think it's a  
21 fantastic initiative and I just want to support that as much as possible.

22 Q. What was the other airline that you worked on this with?

23 A. Hawaiian Airlines.

24 Q. What years?

25 A. That would have been 2016 through 2020.

1 Q. Do they have a fully functional SMS up and running?

2 A. I can't speak to what it is now, I haven't been on the certificate, but they're a 121 carrier,  
3 they better.

4 Q. When you left, did they seem like they had a system in place that -- well, obviously it must  
5 meet the requirements. But can you tell me anything about the evolution of their implementation?

6 A. All I can tell you is the areas of which I had oversight they were very clear about their  
7 safety management expectations.

8 Q. Okay. And have you -- do you observe more difficulty in implementing SMS with  
9 Rhoades than you did with Hawaiian?

10 A. Well, I guess I can't make a comparison. They're completely different. I mean completely  
11 different. One's a -- in terms of size and scope, in terms of their business plan and everything, it's  
12 kind of an unfair comparison.

13 Q. All right. One thing that we noted in interviews with the director of safety and the CEO  
14 was, when we asked them, you know, what were their sort of top hazards that they were concerned  
15 about for their unique type of operation, they had difficulty identifying those things. And so I was  
16 just wondering do you have a similar impression?

17 A. I do. My feeling is similar. I have -- I'll clarify that by, when I've followed up with them  
18 regarding that or kind of their identification of hazards, which should be an ongoing process, they  
19 do have safety objectives which are supposed to be signed by the accountable executive. So I've  
20 encouraged him to look at those and consider what they mean and make modifications as  
21 necessary. And I made him aware that those safety objectives that are signed by him are -- they're  
22 his.

23 Q. So do they currently have a list of --

24 A. They are required to. Yes, they have it.

25 Q. Okay.

1 A. When you say a list, not of hazards but of objectives.

2 Q. Of safety objectives.

3 A. Yes, they're required to have that. Yes.

4 Q. Are those process based or are they tied to specific hazards? I haven't looked at it yet.

5 A. Yeah, they're general enough that they -- let's just put it this way. They're published and  
6 they're signed by the accountable executive because they're required to be by part 5.

7 Q. We'll review.

8 A. Yeah, they're in the manual. And in terms -- I will say this. Recently they have been more  
9 readily available, and what I mean by that, they've published them throughout -- in various places  
10 throughout the company in view, which is good, just so they're more readily available in the day-  
11 to-day operation.

12 Q. On the CRM training, how is that incorporated into their pilot training nowadays?

13 A. That's a good question. It's in their training manual as a metric. You know, it -- that  
14 individual curriculum is content curriculum based on regulation lesson plans that are developed  
15 through the curriculum. The CRM training that I observed in ground training is good. The content  
16 of AC 120-51E is excellent verbiage. And I will say that coming from an advanced qualification  
17 program into an entity with no program is just different. I mean this is like a voluntary program,  
18 which is everything CRM into this program. So because of my experience in that, I'm encouraging  
19 them, saying it's your program, but there are a lot of opportunities available here to you to  
20 maximize that, what's available to you. There's a lot of good guidance.

21 Q. So you observed CRM training as part of their recurrent pilot training?

22 A. In a ground -- in the ground training, yes.

23 Q. Ground. Okay.

24 A. And I will say though it's been a while since I did that, so I'm -- it's probably one of the  
25 earlier things that I did, sitting in on a ground. And I can't recall the specifics of it, but it is in the

1 manual.

2 Q. Okay. Yeah, we haven't had a chance to review training stuff yet, but -- we weren't even  
3 sure if they were AQP or not, but --

4 A. Sure.

5 Q. -- we suspected they were probably not at the time.

6 A. I can understand. Absolutely.

7 DR. BRAMBLE: All right. I think that's going to be it for me for this round.

8 MR. BUTIN: Okay. Thank you, Bill.

9 DR. BRAMBLE: Thank you.

10 MR. BUTIN: Yes, sir.

11 MR. ETCHER: You sure you don't need a break? You doing all right?

12 MR. BUTIN: Yeah. No, Shawn, I'm great.

13 MR. ETCHER: Clarence, you got anything?

14 MR. KANAE: Could we take a break, Shawn? It's been over an hour.

15 MR. ETCHER: Sure. Absolutely.

16 And we're taking a break at 37 past.

17 (Off the record at 10:37 a.m.)

18 (On the record at 10:41 a.m.)

19 MR. ETCHER: All right. We're back on the record at 10:41 a.m.

20 And Clarence, do you have any questions?

21 MR. KANAE: Yes, I do.

22 BY MR. KANAE:

23 Q. I just have a few questions, Mark.

24 A. Yes, sir.

25 Q. Thank you for coming in this morning --

1 A. Good to be here.

2 Q. -- taking your time on it.

3 A. No, no problem.

4 Q. My questions relate to operations of the airline. First of all, do you have any assistance or  
5 resource assistance for the 737, being that you're not type rated?

6 A. I've been offered resources if I need them.

7 Q. Are they internally in the office or is it from the national resource --

8 A. It could be either. We do have in our office an inspector who's typed in the airplane that  
9 has been willing, if necessary, to accomplish events. So that's never been a cause for concern. If I  
10 needed extra assistance, this inspector also is available for questions if I have any concerns.

11 Q. Okay. Great. As far as the simulator training down at Miami, does the simulator, can it  
12 simulate or replicate Hawaii environment?

13 A. Yes. We do training out of Honolulu. We're able to do virtually all the approaches that  
14 Rhoades would accomplish in a regular course of a flight.

15 Is there anything particular, Clarence, that you --

16 Q. Yes, that would be my next question.

17 A. Okay.

18 Q. In our previous interviews with the flight crews, they mentioned that after takeoff out of  
19 Honolulu, the emergency procedures included a heading, not so much altitude and where to hold.  
20 Could you be -- share that with us, any information you may know on the departure out of  
21 Honolulu in a case of an emergency, engine failure emergency, for example?

22 A. Okay. I can speak to the aircraft operations manual. We have two volumes. The  
23 procedures are contained in 1 and systems are in Volume 2. The procedure in the AOM talks  
24 about maintaining control. We do have an engine failure departure procedure out of Honolulu  
25 because of the cranes here, so going to heading 140 to 155, I think is approximately what that

1 heading is. It's in the runway analysis manual specific to following that procedure. And I believe  
2 if we just follow their checklist, it's identifying climbing to an altitude. I believe it's items for -- I  
3 think it's 2.8 and 2.9 are the sections of the QRH identifying the engine failure and then  
4 completing the procedure. And it then directs the memory items, which are pretty standard for  
5 engine failure from any transport aircraft. And then following that procedure down to wherever  
6 the engine's secure to making a decision.

7       Regarding where to go, I will say the pilot in command does have authority to do what he  
8 feels is appropriate in the case of an emergency, as 121.59 and 91.3 both say pilot in command has  
9 the final authority in any emergency. So, you know, he -- in terms of setting a certain procedure,  
10 circumstances may be where that procedure may not work for that time. Now I'm not -- I don't  
11 want to get into any speculation because I don't know the circumstances of this particular event,  
12 but the -- if you want to say kind of where they're going to hold or whatever, that could be changed  
13 because of weather. It could change for multiple factors which, you know, in this particular case I  
14 don't have any information on to be able to share with you in the case of the accident airplane. But  
15 with regard to training, the procedures in the AOM and then the Boeing procedures are adopted in  
16 the QRH that Rhoades uses or even the AFM are consistent.

17       MR. KANAE: Okay. That's all I have for now. Thank you, Mark.

18       MR. BUTIN: Um-hum.

19       MR. ETCHER: Okay. Rich.

20       BY MR. LEE:

21 Q.    Hi. How's it going?

22 A.    Yes, sir.

23 Q.    Just a few things.

24 A.    Yes, sir.

25 Q.    I guess you were working with Hawaiian before, so are you familiar with the Boeing



1 manuals, pure Boeing manuals?

2 A. I've become very familiar with them actually.

3 Q. So I think you mentioned about some of the concerns that you have with the company and  
4 they have some manuals that they need to update.

5 A. Yes, sir.

6 Q. What manuals are they, and are there any -- the Vol. 1 and Vol. 2, are those any of the ones  
7 that need to be updated?

8 A. That's a great questions, Rich. Okay. Volume 1 and Volume 2 of the AOM are not  
9 currently under review for noncompliance or nonconformance to identify design or performance  
10 related issues, with the exception of the runway analysis manual. And I'll say that the runway  
11 analysis itself was not in question, but the formatting, ensuring it was accurate, up to date, I guess  
12 appropriate accountability for the process and procedures, which are good that they use, but may  
13 not be codified in the manual system for repeatability and consistency. So that's actually being  
14 addressed and I'm very positive where that direction's going. Like I said, the content of the charts  
15 is not in question in terms of the performance, but the -- making sure it's a usable document for  
16 everybody and it's repeatable is what -- is really essentially what that revision is hoping to attain.

17 Q. So back to specifically the Vol. 1.

18 A. Yes, sir.

19 Q. When you do a review, I'm assuming you review that. Do you compare that to the  
20 manufacturer's Vol. 1?

21 A. Yes. I take the AFM and -- well, it's basically from the AFM, yeah.

22 Q. Okay. From the AFM, but not the FCOM or QRH that Boeing has for a 737-200?

23 A. I did look at the QRHs and the FCOM from Boeing. I'm not -- I didn't -- I won't say that I  
24 went word for word down it, but in doing a comparative analysis and looking what I kind of  
25 inherited and then ensuring that it was -- I want to say in agreement, but equivalent or in

1 agreement with the Boeing product. I did do my due diligence with that because obviously I was  
2 learning the Boeing manuals and I wanted to make sure I knew how it was codified and how it was  
3 put together. So that's a good question.

4 Q. Okay. All right. When you jump-seated, did you remember any time where there was the  
5 engines getting close to the EGT limit on a reduced thrust takeoff or anything like that?

6 A. No, sir. I never noticed that during any of the en routes that I did.

7 Q. All right. Kind of Clarence was mentioning the simulator and the comparison to the  
8 aircraft here. Is there -- do you know what the engine rating on -- in the Pan Am sim is?

9 A. I think they're the JT8D-15s, I think, in the sim.

10 Q. Okay.

11 A. The 810 is the -9, so -- but they do have two that are -15s, two that are -17s and two that --  
12 and one that was -9. So it's kind of right there in the middle, but they -- in terms of performance in  
13 actual engines, they are equivalent to what they have.

14 Q. All right. I think in their SMS, you said, you know, part 5 was -- began in 2018. Is there a  
15 time frame when they have to be compliant? And you know what phase they're on.

16 A. That's a great question. They should have been compliant by -- I think it's March 12, 2018,  
17 for SMS. If you look at the way the rule's written, they had 3 years, from 2015 to 2018, to develop  
18 and get their implementation plan approved and then the fateful day was I think March 12, 2018.  
19 It was March -- somewhere in the middle, 2018, where that was supposed to be approved.

20 So that's presumably when their SMS -- I wasn't on certificate at that time, so I really have  
21 no information regarding the build-up for the 5 years prior, but I can always speculate. At that  
22 point I really couldn't help you with that. My primary goal was, coming on April 14th of 2020, is  
23 following up on those metrics and making sure they were successful and adequate and compliant.

24 Q. Sure. And I know I gave you two questions. So do you know what phase they're at now  
25 and have you been involved in any of the briefings that they've been giving you to implement SMS

1 fully?

2 A. Okay. Well, I -- that's actually another good question. So I have multiple letters and risk  
3 management plans to kind of fix this. So they have opted to move to a totally different safety  
4 management system. And what I mean by totally different is they submitted a manual rewrite 2  
5 weeks ago or a week ago. So they're sunseting their current manual and they're going to another  
6 manual. This manual's also supporting a more kind of electronic web-based system. And that's  
7 good in the sense that you can be anywhere to look at it. I think that's a benefit to some of their  
8 personnel if they're moving around, too, whether they're in the sim or whether, you know, they're  
9 traveling. Having that web-based tool will be also nice because they can access it. So we're in  
10 support of that. I told them I was encouraging them to find whatever means necessary to make  
11 their management system effective. So they are moving to that.

12 I started a recertification of that whole process. In doing that, I have asked them to  
13 complete design ECTs to ensure their new manual meets the regulatory requirements. We're in  
14 Phase 3 in certification right now, which is that document compliance factor, and I'm planning on  
15 doing a demonstration inspection, Phase 4 assessments, tabletops, I'd say probably the end of July,  
16 if not into August when that design is complete. So in a sense, in terms of phases, they should  
17 have been Phase 5, done, but we're recertifying that as a result of initiatives.

18 I will say this initiative was begun prior to last Friday, too. And that's important to note  
19 that the initiative of the FAA is taken to ensure that this is a robust system and compliance was  
20 begun and has been ongoing for a while now. So I'm encouraged that that's moving in the right  
21 direction and they're finding something that's a little bit more manageable. And when I say by that  
22 is, is it -- I have said many times, is it scoped and appropriate for your organization? That's a  
23 successful program. And so they presumably made those assessments and are making the changes  
24 necessary to fix it.

25 Q. Is there any discussion with them about an ASAP program or anything like that?

1 A. That's -- you know, their voluntary disclosure program mandated by safety assurance in  
2 part 5 should be like an ASAP program. Now I don't know if they have ERT to do it. They're  
3 always encouraged to do voluntary programs that work for them. They do have an VDRP. But I  
4 think, you know, with an ASAP with 24 pilots, I don't know whether they think it's too small a  
5 group or not, similar to some other programs with a smaller group. I'm -- if they want to do  
6 anything like that to increase their safety, I'm 100 percent on board.

7 Q. So the safety meetings, it seems like you're able to attend the monthly CASS meeting.

8 A. Yes, sir.

9 Q. Is there anything that's flight ops focused meetings safety related, a SAG or something  
10 that's, you know, flight ops focused?

11 A. Anything that might have come up in flight ops in the safety -- I mean, in the safety  
12 meeting, kind of in that sphere of influence or whatever, will be discussed, but there is no -- not  
13 like a CASS meeting. There's no specific safety meeting for pilots that I'm aware of that's specific  
14 to pilots.

15 MR. LEE: All right. That's all I have. Thanks.

16 MR. BUTIN: Thank you.

17 MR. ETCHER: Thanks.

18 I just have a few questions. We'll go around again --

19 MR. BUTIN: Sure.

20 MR. ETCHER: -- if you're good with that?

21 MR. BUTIN: Yes, sir.

22 BY MR. ETCHER:

23 Q. I know you said you didn't have any high temps or anything on the time you jump-seated  
24 with them.

25 A. Yes, sir.

1 Q. But have you ever heard any -- not complaints, but any write-ups, any safety things about  
2 engine failures, high temps?

3 A. There have been engine failures that I'm aware of. There's been also precautionary in-flight  
4 shutdowns that I've been aware of. I will say that I'm not notified when those happen, but I find  
5 out about them. Obviously we have our ATC counterparts put them in a report and then it's sent  
6 out, and those reports have been processed in our office. Generally the engine related ones go to  
7 airworthiness inspectors. They could come to me. I don't have any problem doing them if they do  
8 come to me. But yes, we have had engine issues before.

9 Q. Okay. Can you -- I mean have you had several in the past -- like this year, how many  
10 would you -- could you quantify this year, 2021?

11 A. Can I put December 2020 in there, because --

12 Q. Absolutely.

13 A. December 2020, if I go back, we had an aircraft lose an engine on takeoff and it closed the  
14 runway. This is another tail number. And this engine -- I mean it came apart, so, you know -- and  
15 I'm not going to -- in terms of speculation, I don't know all what caused it, but I know they took the  
16 engine off, they got another one. So that was surprising to me that that happened. There have  
17 been some precautionary in-flight shutdowns, I know. I don't know if they were a result of  
18 temperature or what the issue was. The reports that are done are available so, you know, we could  
19 review those.

20 And in terms of scope of -- deriving root cause for those, I'm trying to make sure the pilots  
21 can handle it less on what exactly is going wrong with the engine, not that they're not related to a  
22 certain point, but, you know, up until this point, the pilots have successfully secured engines and  
23 landed the airplanes. And that's good. It's not good that we're having engine failures, but it's good  
24 that the current training has equipped them with the tools necessary to successfully land and  
25 manage the aircraft.

1 Q. Okay. But did the company disclose that to you or did you have to find it through your  
2 counterparts at the ATC?

3 A. I was not told that those things happened. And I said before, Shawn, I think if I asked, they  
4 would tell me. I don't think they're -- I just think they're -- I don't think there's a process in place  
5 for them to call me if they have an engine failure. That being said, there are regulatory  
6 requirements that they need to follow.

7 Q. Do you like the process you have now or would you rather have them notify you even if it's  
8 an engine failure or something? I'm just trying to get an understanding of what you would like,  
9 would seem appropriate.

10 A. Well, ultimately it would be nice to know, because then it would help maybe tailor  
11 surveillance and help me ensure those -- just give me better metrics. Because we're doing our  
12 surveillance and that's great, but safety management system was designed because their -- it's right  
13 there. They know their organization so they're in the best place to find the root cause and like a  
14 comprehensive fix. So yes, I'd like to be notified, not because I'm seeking any punitive or  
15 inappropriate measure, but information is good and it just helps us do better analysis and risk  
16 mitigation.

17 Q. Okay. You bring up punitive. Have you guys ever had to give them any kind of punitive  
18 fines or certificate suspensions or anything?

19 A. I wouldn't call that punitive. It's not sought to take an action outside the course of  
20 oversight. It's simply a follow-up necessary with our guidance to follow along in the process. We  
21 make evaluations and we go to the next tier if we're not getting corrective action. It's all FAA  
22 process. It's not individual inspector's opinions and it's certainly not my opinion. It's just the  
23 adequate level of accountability that we're asked to follow.

24 Q. So, I mean -- maybe I'll rephrase my question. Has the FAA ever fined Rhoades Air for  
25 anything that you're aware of?

1 A. Prior to me being on the certificate, I don't know of any civil penalties that were instigated  
2 for anything or what they were. There are some enforcements right now that are being processed  
3 that seek civil penalty and they're being passed up. They're in the process of being reviewed. But  
4 there are some that are currently open.

5 Q. Can you give me a broad scope of what those are?

6 A. I can. The one that I prepared was specific to MEL processes and specifically the deferring  
7 of items that are not deferrable. They did not have to do with engines. They had to do with radios,  
8 incidentally. So that process is in play right now. The package is completed and it's being sent up.

9 Q. So help me understand what they -- I just want to make sure I have it clear.

10 A. Yes, sir.

11 Q. There's a write-up, a maintenance issue?

12 A. There was a deferral of a radio, communication VHF radio, that was done inappropriately.

13 Q. And so I want -- what was inappropriate about it? Was it just they didn't fill out the  
14 paperwork correctly or is that something that cannot be deferred, it's not on their MEL?

15 A. They're required to have two and they flew with one.

16 Q. Okay. Thank you. That --

17 A. Yeah. Sorry. I just wanted to make --

18 Q. No, I just wanted to make sure I understood the --

19 A. Absolutely, Shawn. Yeah.

20 Q. -- the rationale. So thank you.

21 Have you -- have they ever had a voluntary or you guys suspend their certificate for  
22 anything they've done? That you're aware of during your time, of course.

23 A. No. The CMT has discussed options available to us should we determine the risk being  
24 necessary to do that. I think that's conditional. We run our decisions or our recommendations  
25 through our management so that it is not a unilateral decision, and we want to get concurrence and

1 -- what's the right word -- consistency in what we're doing. So we made the appropriate -- if we  
2 had sought certain actions that we felt might be appropriate, we run it through our management  
3 and we've made consultations as necessary.

4 Q. Okay. Just so my question is maybe answered in my head, you have not under your time  
5 ever suspended any of their certificates or they voluntary turned them back to you?

6 A. That is correct, sir. Sorry. Yeah.

7 Q. No. It's all right.

8 A. Yeah.

9 Q. No need to apologize. I just -- you probably said it and --

10 A. No, I might have --

11 Q. -- I didn't hear it clearly.

12 A. -- might have not.

13 Q. I'd rather ask again to make sure I understand.

14 A. No, I understand. That's clear.

15 Q. I think Clarence was talking about their single engine departure out of here, that we're  
16 hearing was a 220 heading out to a hold. And is that actually written somewhere that that is their  
17 procedure or is it just --

18 A. No. And as I said before, I think some clarity is necessary so it's repeatable and it's  
19 appropriate. Some may be unnecessarily limiting and giving a pilot not the flexibility necessary to  
20 meet the circumstances of their situation. So what is provided to them is a heading and to avoid  
21 obstacles necessary, which is critical in a single engine, climb performance limited. A 22 heading  
22 likely is it's a downwind for runway 4-Right, which essentially if they came back at night, is the  
23 closest runway available to them. That's speculation of why the 22 heading was encouraged, but  
24 to me, knowing this area very well and knowing kind of what is probably the closest runway that  
25 might be available, the 22 heading -- 220 heading is logical.



1 Q. Okay. And whether it's logical or not, my concern is do you know if that is a -- kind of a  
2 policy, best procedure, whatever you want to call it that they have, have they communicated that  
3 with air traffic control?

4 A. I don't know if that policy is in their manual. It's codified -- I'm not aware if it is. I'm very  
5 familiar with it, but I've never -- I haven't seen this codified. If they do depart on the engine failure  
6 departure procedure, generally speaking, they declare the emergency, if that's the case, and they're  
7 given the latitude to do what they need to do. I will say, generally speaking, that departure  
8 procedure again is repeated to ATC if they're doing an approach so they know they're not going to  
9 follow the published missed approach procedure. That's kind of the -- if they actually did a single  
10 engine go-around. Beyond that, that's available to the crew and, in the event of the emergency,  
11 they do what's necessary to meet the emergency.

12 Q. Oh, and absolutely I agree with that. I just -- I'm not real sure if they've communicated  
13 their intent with ATC.

14 A. Right.

15 Q. You know, if that's what all the pilots are being told.

16 A. Right.

17 Q. I just want to make sure ATC's in the same page.

18 A. Absolutely. I don't know of anything in the manual that specifies a heading.

19 Q. Okay.

20 A. Or a specific altitude. I do know that aircraft performance and what I've seen in the Boeing  
21 manual and -- is consistent with what they have in their AOM with regard to meeting the intent of  
22 the emergency or the malfunction.

23 Q. Okay. How did you hear about the accident?

24 A. About approximately 2:20 in the morning on July 2nd, David Seest called me. And his  
25 initial notification was we had an airplane go into the water, ditch in the water off of Honolulu, and

1 I'm just notifying you. And that was the call I got.

2 Q. Okay. And what did you do once you found out?

3 A. I thanked David for his call and asked him to, you know, follow his process. My first call  
4 was to my frontline manager, and I didn't get a response there. I didn't have my computer on at the  
5 time to get my -- I didn't have the cell phone for my office manager, so I called the principal  
6 maintenance inspector to get him on the same page. He answered, and then I just told him what  
7 was going on. He went to contact -- my understanding is he had the office manager's number to  
8 try to contact her. And then I reached out to Andrew Ayers, our combined safety assurance office  
9 manager, to inform him what was going on.

10 Q. Okay. Excellent.

11 I know you talked earlier or we asked earlier, you are going to attend a simulator training  
12 for a new hire here.

13 A. Yes, sir.

14 Q. Do they hire a lot here or is it very rare? Just --

15 A. I really don't know. I think they hire if they need pilots. It's a small group. In terms of  
16 turnover, I don't have any specific information. Anything that I would say might be speculating,  
17 but -- I don't know. I can't answer really with any definitive knowledge about how much they hire  
18 or don't hire. I don't think it's a lot of pilots that they hire.

19 Q. Since you've been on their certificate, how many pilots have they added that you're aware  
20 of?

21 A. I think maybe two.

22 Q. Okay.

23 A. Approximately.

24 Q. When they hire new pilots, do you have to look over the -- do you have to do a PRIA  
25 records check?

1 A. They do.

2 Q. They do, but do you have to look over that, too, or is it just --

3 A. They need to be available if I look at them. But, yeah, by all means do they need to do  
4 that.

5 Q. Okay. Have you -- are you made aware of if there's a violation, a crew violation with ATC  
6 or anything? Are you made aware through them, through ATC, or are you even made aware of it?

7 A. It would be through ATC if I heard it. I'm not saying -- like I said before, I don't believe  
8 they would not tell me if I asked, but I don't know that they would volunteer the information.

9 Q. Okay. So just generally speaking -- you may have answered this earlier on, but overall,  
10 how satisfied are you with the management at Rhoades?

11 A. That's a hard question. Just to be a little more specific, what metric am I using for  
12 satisfaction?

13 Q. Well, I mean are you content that they're trying to make a change or does it feel like it's --  
14 do you have to guide them step by step to make change, they don't take it and run?

15 A. I'll answer that by saying they -- I believe they want to make the change, but I'm not always  
16 sure they know what to do. So they're willing and I think are seeking some internal evaluation  
17 about how best to achieve the changes that they need. They are always open for recommendations.  
18 I hesitate to say do this -- well, actually I don't say do this or do that. I do make recommendations  
19 on some things they should consider, certainly scoping and clarity of responsibility and authority  
20 in their manual system, adequate communication, effective communication.

21 The first quarter I was on, I sent them a letter with a management effectiveness concern  
22 and I sent them our 8900 order guidance, which is actually excellent about what effective  
23 management looks like. So I provided that as an attachment to letter saying, this is some  
24 recommended policy and/or metrics that can help you identify whether it's effective or not. I think  
25 it's actually an excellent policy on the FAA's side and I think it's succinct enough to be able to give

1 them kind of the framework to build on. So I did provide them that the very first quarter I was  
2 assigned as a principal inspector.

3 Q. Did they take that information and run with it or did they not do anything with it?

4 A. I don't know -- I can't speak for individuals. I do know that I asked about it with the  
5 accountable executive. He said he didn't recall reading that, even though I had sent it. I did know  
6 other 119 managers, from what they told me -- now I can't verify this -- they read through it. The  
7 only addition I would add to that is shortly after -- shortly meaning 6 months after, the FAA had an  
8 initiative to identify SMS effectiveness. It's a special custom assessment, which I did, in which I  
9 reiterated the same management effectiveness guidance as another tool available to them to assess  
10 the situation.

11 MR. ETCHER: I think you have answered all of my questions so far, so I'm just going to  
12 let the other guys have a chance.

13 MR. BUTIN: Yes, sir.

14 MR. ETCHER: Bill.

15 BY DR. BRAMBLE:

16 Q. Yeah, I just had one thing. We had one crew relay an instance to us about an airplane  
17 having a pressurization problem and it hurt their ear and they didn't want to take the plane and that  
18 the company had a different crew take the plane instead. I'm just wondering if you heard anything  
19 about that?

20 A. The only information I have on pressurization is that there were -- we had been notified of  
21 consistent pressurization issues. We as the FAA, the CMT. The principal maintenance inspector  
22 and I did some investigation and we determined, back to the MEL again, consistent deferrals of  
23 automatic pressurization to the point of which we had a concern. It was on multiple aircraft. The  
24 corrective action for that was to restrict them from doing single extensions internally.

25 Under the Ops Spec D95-Echo -- the ops spec paragraph subpart, it has subparagraph Echo,

1 allows them to extend one time deferrals on B and C items, which would be 3- or 10-day deferrals.  
2 And our assessment was that this was excessive extensions and we were concerned that it was  
3 being used as a tool for them to -- I don't think it was inaccurately deferred; I think it was  
4 excessive deference. And so we sought to restrict that so that there would be better -- more  
5 effective communication and also corrective action placed on this so it wasn't, as the op spec says,  
6 abused. And that has been effective, that mitigation, in collaboration with the PMI. He and I  
7 worked on that together. That has been effective in ensuring a little more attention to  
8 pressurization issues.

9 Q. Just one other thing. I'm just going to pull something up here I want to show you.

10 A. Okay. Pictures are good.

11 Q. Yeah. So the first officer on the accident flight noted this in his preflight inspection on the  
12 main landing gear tire.

13 A. (Indiscernible)

14 Q. And he said he thought it might be hydraulic fluid and he reported it to the captain and the  
15 captain said that it didn't appear to be an active leak. He checked the gear actuator hydraulic  
16 reservoir and noted it was in acceptable limits. I was just -- and then decided that it didn't need to  
17 be written up until later. I'm just wondering, you know, in your experience as a pilot and knowing  
18 what you know about their operation, if you had witnessed this, would this have been -- I'm not  
19 asking you to say --

20 A. Sure.

21 Q. -- they shouldn't have taken the flight or not, but would this have been an item of concern if  
22 you had witnessed it either during an inspection or --

23 A. It would be --

24 Q. -- as a pilot?

25 A. It would certainly -- when I say item of concern, I would definitely have addressed it with

1 the crew, asked them to assess it, asked what corrective action and/or mitigation they were  
2 planning to take or identify. I got to be careful not to tell them what to do, but assess the adequacy  
3 of their policies and procedures and their training to mitigate that.

4 Q. Okay. Thank you.

5 DR. BRAMBLE: Okay. I think I'm fine.

6 MR. KANAE: I do have a couple more, Mark.

7 MR. BUTIN: Yes, sir.

8 BY MR. KANAE:

9 Q. Getting back to the 737. Since your assignment as the principal operations inspector, have  
10 there been any type-wide checks done or certifications done?

11 A. To my knowledge there was one immediately, actually right before I came on board that  
12 was done, and I tried to help them find somebody to do the qualification because the Covid was  
13 really big right then and they were stressed that they weren't going to be able to get anybody. So I  
14 worked an inner-FAA collaboration to find someone to do that check ride for them. That was in  
15 March of 2020.

16 Q. Okay. Thank you. Early on during this investigation or your statement, early on in your  
17 statement, you had mentioned one of the concerns was weight and balance.

18 A. Um-hum.

19 Q. Could you maybe share with us your concerns on the weight and balance situation?

20 A. Sure. Primarily with the weight and balance is they -- as I said before, the manual design  
21 to match the output, accountability for some of the process and consistency were a concern. They  
22 hadn't adequately -- is what we came back to, Shawn -- was adequately define that responsible  
23 person or the authority to make changes to the process. That's a concern of ours because training  
24 and actually the right user for the right information for compliance with other regulatory  
25 requirements, like 121.665, preparation and accuracy of the manifest, were a concern. So we

1 asked them to clarify and make sure that weight and balance was correct, that the policy manual  
2 procedures were commensurate with their outputs. And so that was something we worked on.

3 We are fortunate to have a CHEP inspection, which is another FAA inspection that  
4 happens on approximately a 5-year basis, to come in and do design assessments for us. They were  
5 also concerned about accountability for weight and balance, loading of the aircraft policies and  
6 procedures to ensure compliance with 91.9, aircraft limitations, and having adequate manual  
7 procedures commensurate with 121.135 and what was required to be in the manual. So  
8 discrepancies in that, to ensure compliance with those things were what were identified with the  
9 CHEP and through the CMT, and that's what we're working on right now to correct. I will say  
10 virtually all of the manuals -- I say virtually all because it's not all -- are in some form of revision  
11 right now to correct discrepancies.

12 Q. Okay. Thank you, Mark.

13 And also, too, in the weight and balance process it talks about basically cargo --

14 A. Yes, sir.

15 Q. -- cargo operations. Where is the cargo built at? Where is it palletized and where -- so, if it  
16 is palletized?

17 A. Okay. Well, I -- there are two sets to that. I just want to say most of the cargo, from my  
18 experience -- I have not -- I don't observe them loading their cargo every day, so I want to make  
19 sure that's clear. During my assessments most of the cargo is coming from, you know, load  
20 devices from either FedEx or UPS or USPS. So they're not being built up on site. The ones that  
21 are built up on site are built up at the hangar 1 facility at their main base address.

22 Q. Okay. Have you had a chance to even go out and maybe look at the scales which they use  
23 to weigh their cargo?

24 A. Yes. There is a scale they can drive over at their facility at their main base. The  
25 assessments or the audit of that scale, I have reviewed the results of that. They have been

1 encouraged to be clear in their manual procedures about test weights and clarity and all that other  
2 stuff. Some of it wasn't inaccurate but it was incomplete, and so we're in the process of ensuring  
3 their policies and procedures are robust enough to be able to ensure consistency and compliance.

4 Q. Are you comfortable with their weight and balance computation, calculations process?

5 A. We've done multiple checks on the program that they use and we have no -- we have not  
6 identified any discrepancies from what has been loaded and the program being adequately  
7 calibrated to the aircraft limitations. That being said, those audits were done -- the audits done to  
8 assess that have identified the need for greater clarity in the manual system so the design can be  
9 repeated in the performance. But we have done some audits both on the -- last time the aircraft  
10 was weighed to make sure that has been programmed. Those have all be confirmed as accurate, as  
11 well as CGs and limitations within the various zones of the loading for all aircraft. We have done  
12 assessments for that, and so far we have not identified any discrepancies on that.

13 MR. KANAE: Okay. That's all I have, Mark. Thank you very much.

14 MR. BUTIN: Yes, sir.

15 MR. KANAE: We appreciate it.

16 MR. ETCHER: Okay. Rich.

17 BY MR. LEE:

18 Q. A couple things, and maybe clarify what Shawn was asking you about the engine-out  
19 procedures. Do you know what vendor they use for their approach plates and --

20 A. That's good. So because they're state of Hawaii only, they're using the NOS charts, and so  
21 NOAA basically puts out a Pacific chart supplement. It's the dream if you're operating here  
22 because it's airport facility directory, all local area notices, and approach procedures all in one  
23 book.

24 Q. Okay.

25 A. So that's great. Now I will say they -- I just clarified that in their (indiscernible) op spec,



1 updated that and, of course, with some other manual procedures, to ensure that the revision control  
2 that updating every 56 days, so when that is published, and also their accountability of who's  
3 responsibility for the accuracy and also checking it is clear. So that has made -- that's been  
4 improved in their manual system so far. But that is the charts that they use.

5 Q. Right. We were told that they had a vendor, APG or something, that --

6 A. That is the runway analysis.

7 Q. Okay, the runway analysis.

8 A. Yes, sir.

9 Q. Do you know, within that, is there an engine-out procedure in there?

10 A. Yes. The engine-out -- the special engine-out procedures for departure are in the runway  
11 analysis manual that APG provides. That's correct.

12 Q. Okay. All right. They use tab data for their performance, do you know? Is that any part of  
13 your concern with the weight and balance or performance? Is there anything around that that --

14 A. Okay. Great question. Early on in surveillance they had performance calculated in their  
15 weight and balance manifest. It was like a one-stop shopping. I wasn't too crazy about that  
16 because I couldn't find any authorization to use that. So I asked them to audit the material and  
17 show me that the material was based on AFM data. That didn't come for a while, and I said, well,  
18 in such time I see an approval stamp here on your speed card for performance that is FAA-  
19 approved, if you can't find an approval for this method, you use the FAA-approved method. And  
20 so they were using the speed cards because that was derived from the AFM and it had FAA  
21 approval.

22 Q. Did you see the speed cards? Have you looked at it and did you see anything missing from  
23 the speed cards as far as runway condition?

24 A. Runway conditions? With a RAM, the runway analysis manuals are in the speed cards.  
25 They're -- I can't recall. I don't want to speculate on it. We have had discussions regarding

1 runway conditions for landing that were precipitated by the info in 2018 specific to heavy rain and  
2 light rain. We've discussed that.

3 Q. Okay. What about as far as takeoff speeds with wet runways? I mean what's the -- how  
4 does the tab data account for that?

5 A. The tab data is supplemented through a process in the AOM, I believe, where they have to  
6 account for the wet runway. And there's procedures in there for accounting for runway  
7 performance.

8 MR. LEE: Okay. All right. That's all I have. Thank you.

9 MR. ETCHER: All right. You have, I think, answered all our questions. Anybody else  
10 have --

11 BY MR. ETCHER:

12 Q. I always like to end on two questions.

13 A. Yes, sir.

14 Q. Is there anything or anybody that -- anything we didn't ask or somebody we haven't  
15 interviewed that you think we should that might help us with this?

16 A. I don't know who all you've interviewed, but I'm glad you got chance to talk to the crew.  
17 I'm glad you talked to 119s. Those are critical people to talk to. Without knowing the list of  
18 everybody that you have talked to -- I hope you're getting good information and I do -- I couldn't  
19 make a recommendation because I just don't have your list, but --

20 Q. Okay. Is there anybody you can think of that you're like, oh, I hope they talk to this  
21 person?

22 A. If you talk to the 119s, that's important. Individuals, I couldn't say just because I'm not 100  
23 percent sure. I think it's a valid question, I just don't -- I can't make a recommendation.

24 Q. Okay. That's all right. The last question is, if you were the king for the day -- the famous  
25 king for the day question --

1 A. Right.

2 Q. -- what would you -- is there any changes you would want to see done within the FAA or  
3 the Transair or the Rhoades ticket?

4 A. Wow. I'm never king for the day so it's a hard one to answer.

5 Q. But you can be for a moment.

6 A. Yeah, I can be for a moment. There's a process in everything that we do and I think some  
7 of our processes are really effective and some of our processes may need to be developed, but  
8 that's with every organization, both at Rhoades and both in the FAA. I mean there's -- as we work  
9 through those, me as the end user, of course I have my processes that I wish were better. I think  
10 the initiatives that are currently in place are trying to make it better. I work at a very high pace and  
11 for me being able to generate that -- sometimes slowing down is good, but also just effectively  
12 ensuring good communication is there, having tools available to you to take actions when  
13 necessary, that don't -- that a full due process, which is a very important thing, but also can ensure  
14 that -- with a requisite amount of experience and responsibility, that we can do things more  
15 strategically if in fact there is risk identified that we have graver concerns on.

16 I think the administrative process is good. I think we need to go through that. I think we  
17 need due diligence. It's just hard to manage that. Because as I -- going all the way back to the  
18 beginning, you know, there's different -- different people have different skill sets and people have  
19 different levels of experience and knowledge. And I got to admit, I mean my CMT -- I'll just say  
20 for what it's worth, the CMT I work with right now has been the best, and the CMO that I work  
21 with, my colleagues on the avionics and airworthiness side are fantastic, very knowledgeable,  
22 wonderful guys, and I value them a lot and we have good interdependence. It's not like that with  
23 every CMT I've worked on, but this team is exceptional.

24 My greatest disappointment is -- I used every tool available to me, every tool I thought  
25 available to me in my system to prevent something like this from happening, and I'm just

1 disappointed that it happened. So that's -- you know, if you said king for the day or what tools do I  
2 need that I didn't have available, it's impossible to really know what that is.

3 But I stand by our oversight model with regard to our enthusiasm. We've done a lot of  
4 surveillance even despite challenging circumstances. We've been consistent in our follow-up with  
5 the carrier and empowering them, not telling them what to do but encouraging them to do the right  
6 thing and hold them accountable for what their requirements are. So that's all I have to say in  
7 terms of finality.

8 I mean, king for the day, it's hard to say because there's just so many characters. But I do  
9 want to get that on record that my CMT is really good and we've worked really hard to assist this  
10 carrier achieving their business goals, which is safety so they can do that. We're not partners with  
11 them in business, as I've told the accountable executive many times, but we are partners with you  
12 in safety in that we have a mutual -- a collaborative and important goal to ensure that's a high  
13 priority.

14 Q. Okay. Perfect.

15 MR. ETCHER: Well, if there's nothing else, I guess we are done at 11:27. I appreciate it.

16 MR. BUTIN: Thank you, gentlemen, for your time.

17 (Whereupon, at 11:27 a.m., the interview was concluded.)

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:                   TRANSAIR FLIGHT 810 CRASH  
NEAR HONOLULU, HAWAII  
ON JULY 2, 2021  
Interview of Mark Butin

ACCIDENT NO.:                   DCA21FA174

PLACE:                               Honolulu, Hawaii

DATE:                               July 8, 2021

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.

A large black rectangular redaction box covering the signature of Kay Maurer.

Kay Maurer  
Transcriber

UNITED STATES OF AMERICA  
NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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TRANSAIR FLIGHT 810 CRASH \*  
NEAR HONOLULU, HAWAII, \*  
ON JULY 2, 2021 \*

Accident No.: DCA21FA174

\*

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Interview of: MARCIA TRAVELSTEAD

Supervisory Aviation Safety Inspector/  
Frontline Manager  
Federal Aviation Administration

Honolulu, Hawaii

Thursday,  
July 8, 2021

## APPEARANCES:

WILLIAM BRAMBLE, Human Performance Investigator  
National Transportation Safety Board

SHAWN ETCHER, Operational Factors Investigator  
National Transportation Safety Board

CLARENCE KANAE, Safety Inspector of Operations  
Federal Aviation Administration

RICH LEE, Safety Pilot  
Boeing

MATTHEW PICCIOTTI, Esq.  
Office of the Chief Counsel

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I N T E R V I E W

(7:54 a.m.)

1  
2  
3 MR. BRAMBLE: This is the interview with Marcia Travelstead, and the time is 7:54 a.m.  
4 Hawaii Standard Time on July 8, 2021.

5 My name is Bill Bramble. I'm a human performance investigator with the NTSB. Mr.  
6 Shawn Etcher and I are leading the operations and human performance working group for  
7 Accident Investigation Number DCA21FA174, involving Rhoades Aviation, Flight 810.

8 The NTSB is an independent federal agency charged with determining the probable cause  
9 of transportation accidents and promoting transportation safety. The NTSB is not part of the  
10 Department of Transportation or the FAA, and it has no regulatory or enforcement powers.

11 I would now like to have Mr. Etcher and each of the group members briefly introduce  
12 themselves. Mr. Etcher.

13 MR. ETCHER: Good morning. I'm Shawn Etcher. I'm an operational factors investigator  
14 with the NTSB.

15 MR. KANAE: Good morning, Marcia. Clarence Kanae with the Honolulu Combined  
16 Safety Assurance Office, Aviation Safety Inspector, assigned to the Geographic Unit.

17 MR. LEE: Rich Lee, Boeing, Safety Pilot.

18 MR. BRAMBLE: Okay. Is there anyone you object to being present for the interview?

19 MS. TRAVELSTEAD: Not at all.

20 MR. BRAMBLE: Okay. Today we'll be using a digital recorder. After the interview, we  
21 will send that recording out for transcription, and the party members will have an opportunity to  
22 review it, to correct any typographical errors.

23 Once again, the purpose of the investigation is to determine probable cause and prevent  
24 reoccurrence. Our role is not to assign fault. We're simply here for you to share your insight with  
25 the goal of preventing accidents. Having said that, however, we can't offer any guarantee of

1 confidentiality or immunity other than what already applies to you folks.

2 And the transcription of this interview will eventually be made a part of the public docket  
3 for the accident investigation.

4 Each of the group members will have a chance to ask questions. We'll ask questions one at  
5 a time. Everyone's been instructed not to interrupt the person who's asking questions at that time.  
6 There will be an opportunity for each group member to ask follow-up questions after each person's  
7 had a turn.

8 Please answer all questions to the best of your recollection. If you don't understand a  
9 question, just say so, and if you realize you misstated something or want to correct something,  
10 please do. You're entitled to have a representative of your choosing in the room. Is there someone  
11 you would like to have as your representative?

12 MS. TRAVELSTEAD: Yes, I would like to have the gentleman next to me.

13 MR. BRAMBLE: And can you introduce yourself?

14 MR. PICCIOTTI: Matt Picciotti --

15 MS. TRAVELSTEAD: Matt Picciotti.

16 MR. PICCIOTTI: -- with the Federal Aviation Administration, Office of the Chief  
17 Counsel.

18 MS. TRAVELSTEAD: I should have written your name down.

19 MR. BRAMBLE: All right. Unless anyone has any questions, we'll go ahead and get  
20 started.

21 INTERVIEW OF MARCIA TRAVELSTEAD

22 BY MR. BRAMBLE:

23 Q. All right. Okay. Can you state and spell your full name please?

24 A. It's Marcia, Marcia, Travelstead, T-R-A-V-E-L-S-T-E-A-D.

25 Q. Thank you. And where do you reside?

1 A. My personal address?

2 Q. You can just give us the city. That's fine.

3 A. Honolulu, Hawaii.

4 Q. Okay. Do you also reside elsewhere?

5 A. No.

6 Q. Or just here? Okay. And how old are you?

7 A. I am 64.

8 Q. Okay. And what is your job title at the FAA?

9 A. I'm the frontline manager, supervisory aviation safety inspector.

10 Q. And what is your hired date?

11 A. I was hired, it will be 12 years tomorrow. July 9, 2009.

12 Q. Okay. And can you give us a brief history of your career with the FAA and what positions  
13 you've held during that time?

14 A. Okay. Yeah, I joined the FAA in 2009 as a cabin safety inspector. I was based in Portland,  
15 Oregon, part of Portland CMO. And I gave oversight to Horizon Airlines. I was there 15 months,  
16 and returned to my original home in St. Louis, Missouri. So I did a request, a transfer request to  
17 St. Louis. I had oversight there of cabin safety also, oversight of Trans States and GoJet Airlines.  
18 I was there for I want to say 5 or 6 years, and then I returned back to Honolulu in 2014 and from  
19 there I was cabin safety. I was assigned to Island Air and Freedom Air. Both went out of  
20 business. I became a data evaluation program manager for the office, did that the last 3 or 4 years.  
21 And then I just was made a permanent frontline manager, I want to say it was March of this year, a  
22 few months ago, February, March.

23 Q. Okay. And what are your roles and responsibilities as a frontline manager?

24 A. Well, I can talk you through my workday. Would that be helpful?

25 A. Um-hum.

1 Q. So none of us are working in the office right now because of COVID, right. So the  
2 national guidelines and so we're looking forward to returning at some point. So we're all working  
3 virtually. I start off the day looking at what my meeting schedule is going to be because we live  
4 by Zoom and Skype and go through that. I read all of my emails, keep up answering emails,  
5 handle those, schedule more meetings with my teams and other people that want to have meetings  
6 with us. I also review attendance and sick leave and all of that. I go to the correspondence section  
7 and look at letters and anything else that might be on there that has to have my approval to move  
8 onto the office manager.

9 And then I usually go to SAS. That's our safety oversight system, and I spend some time in  
10 there looking at my individual reports and what work program is and what they're doing and how  
11 all that is going. And I usually spend several hours a day talking to team members. That's kind of  
12 it in a nutshell, and then the cycle repeats itself.

13 Q. Okay. Are you responsible for supervising both ops and maintenance --

14 A. Yes, sir.

15 Q. -- and avionics?

16 A. Yes, sir.

17 Q. And are there other frontline managers?

18 A. Yes, there's two others.

19 Q. In the Honolulu FSDO?

20 A. Yes

21 Q. Okay. And do you supervise the certificate management team for Rhoades Aviation?

22 A. I do.

23 Q. How long has that been the case?

24 A. Me as a manager for them?

25 Q. Um-hum.

1 A. I became a permanent manager in February or March. So.

2 Q. Yeah, I guess --

3 A. Four months.

4 Q. Okay.

5 A. Five months.

6 Q. Okay. All right. What can you tell me about the operations inspector and the maintenance  
7 inspector assigned to that certificate? How experienced are they? What do you think of them as  
8 inspectors?

9 A. Right. They're all new to the certificate. They're all new PIs. Mark Butin will be the POI.  
10 You'll be interviewing him today. I think his time with the Agency is fairly close to mine. I think  
11 he's probably in the 10 year, 11 year range. Most recently before he became a principal inspector  
12 and I think it's been about a year that he's been on that certificate, he was APM, air program  
13 manager at Hawaiian Airlines CMT. He also was the assistant principal operations inspector for  
14 Hawaiian Airlines CMT. I think prior to that, he was probably a geographic inspector when he  
15 came up from downstairs. Downstairs is the FSDO interoffice. We're the CMO upstairs. So --  
16 and he started with the FAA in the FSDO. That's as best as I can recollect.

17 Q. Okay.

18 A. He was here before me when I came back in 2014.

19 Q. And how would you describe his performance compared to other --

20 A. It's excellent.

21 Q. Okay. And how about the PMI?

22 A. PMI, Ray Lesane. Ray, I think he's about the same experience, years of experience with  
23 the FAA. He may be a little senior to me, maybe a little junior to me. I'm not real sure. Prior to  
24 becoming the PMI, he was on the geographic team if I recall correctly. And then I know at one  
25 point in time, he was already in Honolulu when I came also. I believe he came from Anchorage,

1 the Anchorage CMO or FSDO. And I'm not sure what he did there.

2 Q. And how about his performance?

3 A. His performance is good. I have no complaints with any of them. They're all hard  
4 workers.

5 Q. Okay. And why was the -- we understand the certificate management team was changed  
6 out for this operator about a year and a half ago I think. Do you have any idea why that was? Was  
7 it just a standard rotation or was there a reason?

8 A. It possibly could have been. I wasn't in management at that time. Let's see. Oh, boy.  
9 Yeah, I think they actually did do a rotation. I'm thinking back because I was data evaluation  
10 program manager back then. I did do a small detail time as a FLM, but I know I was keeping up  
11 with what their -- when they rotated because then I was trying to keep up with who was assigned  
12 to who, but I think that what they were doing, the officer manager was rotating teams just for  
13 performance measures or whatever. It's just -- it really is a guess for me, but I think that's what it  
14 was.

15 Q. Okay. And in your time as frontline manager for this team, can you describe for us what  
16 the relationship has been like with Rhoades Aviation?

17 A. Yeah, I think it's been good in terms of communication-wise on our end. I can tell you that  
18 they have done a lot of oversight over there. It is a troubled operator, and they have bent over  
19 backwards with surveillance activities, mentoring, training, and really playing a role as quality  
20 assurance for them. So I know that they have been over there a great deal and there's a ton of  
21 documentation.

22 Q. Okay. What makes you say they're a troubled operator?

23 A. My team will report back and they will say, you know, that they appear to be short staffed.  
24 I know they have a lot of administrative issues. The manuals, they're constantly having to update  
25 their manuals. When they return manuals or anything that they're assigned to us, they will wait

1 until the last hour of -- if you say 7 days, it will be the 11<sup>th</sup> hour that you're going to get it back.  
2 And then oftentimes information that was supposed to be in there was not in there. It's just -- they  
3 just have kept our group running. And so at this point in time, I know that we have probably 20  
4 CAs, compliance actions. We have five or six EIRs that are pending against that operator. And  
5 we have three proposed ops spec amendments, one that has been adopted.

6 And we are in a ticking clock with that, that is the D72, D89 and they're going to -- what  
7 they're going to plan to do is to remove the AIP program and that would ground them if that would  
8 happen. So the ticking clock on that where their 30 days is 7/16. So there's just a lot.

9 Q. Can you tell us what EIR stands for?

10 A. It's enforcement.

11 Q. Okay. It's like an Enforcement Investigation Report or something.

12 A. Um-hum. Um-hum.

13 Q. Okay.

14 A. And that's, you know, we've -- what we've been working on the last 5 or 6 years is the  
15 compliance actions. We haven't done many EIRs but when an operator is not compliant and, you  
16 know, you just can't bring them to compliance. You end up having to do an enforcement action  
17 against them.

18 Q. Okay. And you mentioned one has been adopted. D72, D89, what does that mean? D72,  
19 D89.

20 A. It's just the ops specs.

21 Q. Okay.

22 A. The number of the ops specs. I am not a maintenance person. So.

23 Q. Okay. It's like a standard code for ops specs or is it --

24 A. I don't know. Probably.

25 Q. Okay. And the AIP program. What's that?

1 A. It is their maintenance inspection program. The AIP is their manual.

2 Q. Okay.

3 A. It has all that in there.

4 Q. And the 30 days ticking clock, that leads to 7/16, that is? You were saying they would be  
5 grounded on July 16<sup>th</sup>.

6 A. Well, they can't operate without an AIP. So if that's removed out of their ops specs, then  
7 that's it. They're grounded until they fix it.

8 Q. Okay. So what's happened is the FAA has raised concerns about the AIP, asked them to  
9 change something. They have 30 days to do it, and if they don't, then they're --

10 A. They have 7 days to respond which was part of the 30 days. They responded, but what  
11 they responded with was not acceptable. And so we're still waiting for them to come up with their  
12 plan and what they're going to do to fix it.

13 Q. Okay.

14 A. They have about 12 manuals that are in the works right now that have been back and forth  
15 and back and forth. And the CEO put together a tracker listing all the manuals but the criticality  
16 was for each one of them, when the FAA wanted them back, and when they were going to plan on  
17 submitting them, and they've been behind on everything. And when we do get them back, then  
18 they're missing something or they're not up to par and they get returned. So we've been dealing  
19 with this for several months.

20 Q. But right now, the thing that is closest to making them stop operations is the AIP?

21 A. Yeah, that would be number one. The other two ops specs amendments have to do with  
22 D72 also but it's the GMM, the general maintenance manual. That's an issue, and then the third  
23 one is the weight and balance.

24 Q. Okay. All right. Do you have a sense of the kinds of deficiencies that are in the manuals?  
25 I guess manuals, plural.



1 A. What I can tell you, again I'm not operations. I'm not on cabin safety, but I can tell you that  
2 our letters are lengthy --

3 Q. Okay.

4 A. -- and there's pages and pages of documentation in there. And I think -- the CEO has  
5 expressed that he thinks our letters are too long.

6 Q. Um-hum.

7 A. And I think what we tried to do is to help spell it out for them so that they do understand.  
8 There seems to be some issues with the Part 119, understanding what they do and what they're  
9 supposed to be providing us.

10 Q. Okay. What do you think about the CEO in terms of his responsiveness and willingness to  
11 respond to your concerns?

12 A. Well, he has a very nice demeanor but, you know, he will placate you and say that he's, you  
13 know, runs a very safe airline. I heard him say it the other day. I don't -- have not talked to him  
14 personally. We usually talk to him via Zoom. I've had a couple of management meetings with  
15 him, and he said that he would get the manuals all up to date. He's the one who put together the  
16 tracker, but yet they just keep running behind.

17 We asked him to create a plan. That's where the tracker came up, because we just -- they  
18 were just falling way, way too far behind, and so he did that and, you know, he'll talk the talk but I  
19 don't know if walk the walk is the right, right thing. So anyway, you know, that's been -- it's just  
20 been the way that it's gone.

21 It's just not -- they're not -- I want to say the manuals are just not up to speed. A lot of  
22 them are incorrect. They're missing things. And, you know, it's interesting because when he  
23 updates the tracker, he'll put in completed, but the ball's back in -- it's been completed on his end,  
24 but it's back in our court and it's being returned. So it's just back and forth.

25 He did provide a response to the D72 ops spec amendment letter like I said, but it wasn't

1 acceptable with what they came up. So we are adopting it.

2 Q. I'm sorry. Can you repeat that last part?

3 A. Yeah. He did provide a response. He had 7 days to respond when he got the letter, and he  
4 did provide a response but it wasn't an acceptable response of what their plan was. So the time, the  
5 30 days has continued to tick.

6 Q. Okay.

7 A. It just seems like he's understaffed a lot of the times. They just don't have enough help to  
8 do what they need to do and to fix manuals and all of that, it just, it just -- like I said, the guys are  
9 just over there all the time, but Martina has done a very good job of documenting everything.  
10 There is tons of documentation, correspondence. They have used the safety, SAS, oversight  
11 system. Everything's in there.

12 Q. Okay. Has the CEO ever come to you and said that, you know, your inspectors are not  
13 treating us right. We want new inspectors, or something like that?

14 A. He's not come to me personally, but I know that my office manager and her CSAO officer  
15 manager, they've had a few conversations on the phone. He has -- yeah, he's been fairly nice about  
16 how the inspectors are treating and the communication between them. Like I said, the only thing  
17 that I know of him really complaining about is the length of the letters. He wants shorter letters,  
18 and we've tried to give them as much detail as we can because we think they need it.

19 Q. Okay. So the 30 day clock, this July 16<sup>th</sup>, that goes back to what? June 17<sup>th</sup>.

20 A. I think it goes back -- I think the date of the letter was June 13<sup>th</sup> if I remember correctly,  
21 and it took three days to get out of the office, and that's because we do a thorough review of the  
22 letters. And then he has 7 days to respond. He did but the response wasn't acceptable. So that 30  
23 days, that clock just kept running.

24 Q. Um-hum.

25 A. So the decision (indiscernible) is 7/16.

1 Q. Um-hum. And the operator told us that they had recruited the first officer who also works  
2 on his own as an attorney to work on doing some manual revisions. Did you guys interact or did  
3 your inspectors interact directly with him?

4 A. I have no knowledge of that.

5 Q. No idea. Okay. Okay. I think I'm going to pass the questions onto Shawn. Thanks.

6 A. Um-hum.

7 BY MR. ETCHER:

8 Q. Good morning. Do you need a break or anything?

9 A. I'm good.

10 Q. All right. Thank you for all the insight that you've given us thus far. As you can imagine,  
11 it gives me questions, too. So --

12 A. Of course.

13 Q. So I appreciate you helping us here. I want to go back just a little bit when you were  
14 talking to Bill about the new team came on, relatively new. Is that a good paraphrase a year ago?

15 A. What I should probably say is they're all new PIs.

16 Q. Okay.

17 A. It doesn't mean that they're new inspectors. They're new principal inspectors.

18 Q. Okay.

19 A. Yeah.

20 Q. Thank you.

21 A. And new to the certificate.

22 Q. Thank you for clarifying that.

23 A. Yeah. Um-hum.

24 Q. Did they all rotate on at the same time and off at the same time?

25 A. No, there was a little bit of time in between.

1 Q. Okay.

2 A. But it's been a relatively short period of time. I mean if you were to add me and the office  
3 managers, it probably would have been within a little over a year for everybody.

4 Q. Is that kind of a normal rotation or is this --

5 A. No, I wouldn't say that's a normal rotation. It's just kind of the way things worked out.

6 Q. Okay. So I know you guys are talking about perhaps pulling their ops specs for the  
7 maintenance and things. Can you give us a little insight as to why you're actually looking at  
8 pulling those? I mean you guys don't just pull ops specs for any reason. There's got to be --  
9 usually you have a reasoning.

10 A. Yeah, there's rationale that was given in the letter, and I'm not a maintenance person. So I  
11 don't even want to go down that road.

12 Q. Okay.

13 A. I know that theirs has to do with inspections and task cards and all of this, but there's four  
14 or five pages of information in that letter.

15 Q. Okay. And that's the June 13<sup>th</sup> letter --

16 A. Yes.

17 Q. -- or 16<sup>th</sup>, whatever it was.

18 A. It was -- I think it was dated June 13<sup>th</sup>, I'm pretty sure.

19 Q. All right. Do you know what the five EIRs are? I know you said they had five EIRs  
20 against them. Do you know what --

21 A. I have not reviewed them yet. That is on my list. I'm going to start today, but I know one  
22 has to do with their SMS, and we've worked with legal on that. And one is M-E-L, the M-E-L  
23 program, and I'm not sure what the other three are.

24 Q. Okay. What's the SMS issue that you see?

25 A. I think -- well, it's just process measures are, process measures are a problem for a lot of

1 companies with audits and stuff, but I don't think they have an audit system. They have hired a  
2 safety auditor but the chief inspector has done no audits, and I know that, yeah, that's been a real, a  
3 real issue with us. Our PI has bent over backwards trying to help them because there's just, there's  
4 just really no SMS. Their safety culture is not very good.

5 Q. Okay. Have you ever met -- I know you've interacted with the CEO. Have you interacted  
6 with the director of safety, the director of ops?

7 A. I have not. We had a CHEP inspection, and that was -- I'm thinking it was right around  
8 November. And at that point in time, everything was virtual. Well, they were together in the  
9 room, but we were all meeting with them virtually because of still the COVID. And the CHEP  
10 team were all virtual, and they were working on a design assessment. So it was going over the  
11 manuals, and they're the ones who found huge issues with the manuals and the whole  
12 documentation as well. So usually when the CHEP team comes, they will also do a performance  
13 assessment. So they'll get on the airplanes and they'll physically be there. But because of COVID,  
14 they delayed that. So.

15 Q. Okay.

16 A. And what was the rest of your question, because I think I probably went off track.

17 Q. No, you pretty much answered what I needed.

18 A. Okay. So where we were going, the people were sitting in the room from the meeting, the  
19 other Part 119s, but I've never met -- personally met any of them.

20 Q. Tell me about that check inspection. I know you said they found some issues concerns, I  
21 don't remember your words. So please don't let me put words in your mouth.

22 A. No, I mean it was pretty much a lot of the same findings that our inspectors had. So it was  
23 nice to have them there just to verify what all the issues were. A lot of the stuff is really just  
24 administrative --

25 Q. Was there --

1 A. -- that they were concerned.

2 Q. Was there anything that was classified as like significant or any --

3 A. I believe there was something that was a 7R but I don't recall what it was. Can you believe  
4 that? I can't recall off the top of the my head.

5 Q. Okay. And just for the transcript, what's a 7R?

6 A. It's pretty, pretty bad. It's pretty high criticality.

7 Q. Okay. All right. To your awareness, I understand Rhoades Aviation has been here 10  
8 years, give or take, is what we were told?

9 A. When I came -- I say -- I keep telling you back to Honolulu, because I used to work in  
10 industry, at (indiscernible) Airlines. So when I returned back, I believe that Rhoades was in  
11 Indianapolis at that point in time. But the CEO, he had his 135 operation here at TransAir. So I  
12 know in 2014, they were still in Indianapolis.

13 Q. Okay.

14 A. Sometimes around 2015, 2016, I think is when they came to Honolulu, the certificate  
15 moved here.

16 Q. Okay. So since the certificate's been here, have you heard or have you witnessed or done  
17 anything to suspend their certificate at any time prior to the accident other than this June --

18 A. Not to my knowledge. But then again, I was cabin safety and I was data evaluation  
19 program manager. So the inner workings of what was going on for that certificate, I didn't know  
20 because I wasn't in management. But not that I had heard.

21 Q. So do you guys have a file on this team? So when a manager changes out, they can either  
22 brief you or you can be given a file to understand everything?

23 A. I don't know that there's any specific file, but we do do briefings.

24 Q. Okay.

25 A. Um-hum. As (indiscernible).

1 Q. You are just given a certificate with no information?

2 A. Correct.

3 Q. Okay.

4 A. Yeah.

5 Q. I just wanted to make sure that was --

6 A. Yeah. Um-hum.

7 Q. All right. Some of the things you mentioned, you attribute it to in the past few months, a  
8 few months ago?

9 A. Well, and when I will say that is because that's how long I've been frontline manager. So  
10 my personal knowledge prior to that, you know, I knew a little bit from the detail that I was on  
11 previously last year, but as a data evaluation program manager, that's where I'm doing review, SAS  
12 data review, and I would read a lot of things and see a lot things but, yeah. So I think when I do  
13 that, I do that according to my reference --

14 Q. Right.

15 A. -- of being in management, and that's why I say that. But I know this goes way back, when  
16 I look at the correspondence and the letters, the timelines that are put in there from our inspectors.  
17 It's been going on for a while.

18 Q. Okay. Can you just give me a ballpark on what for a while is?

19 A. Well, with this group, I would say since they've all come to their positions, probably a year  
20 and a half to 2 years. Prior to that, I honestly just don't know.

21 Q. No, and that's good. I just want to make sure I understood that this hasn't been something  
22 that just happened just a few months ago.

23 A. No, but like I said --

24 Q. It's been ongoing.

25 A. -- it's my -- because of the time that I'm in management is what I'm seeing from the other

1 side of the fence here, right.

2 Q. Okay. So in your office, how many other cargo operating certificates do you guys manage  
3 or are they the only one?

4 A. I have one more that I have assignment over. That's Aloha Air Cargo.

5 Q. Okay.

6 A. And then also there's Asia Pacific or Aero Micronesia. I don't have oversight of that one.

7 Q. Okay. All right.

8 A. So those three, and then there's -- well, Hawaiian SmartKargo.

9 Q. Right.

10 A. Yeah.

11 Q. But that's just the cargo. But how many overall do you oversee?

12 A. Okay. So we have the four airlines, the four certificates and then we also have a  
13 geographic staff of inspectors.

14 Q. Okay. So you have more than four certificates then I take it?

15 A. We have four certificates.

16 Q. Okay. All righty. Just so I understand how the process works with the FAA, I'm not it's  
17 going to -- we'll say the POI decides who transfers out. What's the process of indoctrinating  
18 another POI onto the certificate?

19 A. I haven't had that happen yet. So --

20 Q. Okay.

21 A. And I pray it doesn't. But, yeah, you would be looking to move somebody into a detail  
22 position. Now, I know that did happen last year and again I wasn't -- I don't think I was frontline  
23 at that time while working the detail but, yeah, they would move somebody else into that position -  
24 -

25 Q. Okay.



1 A. -- and give them the background training. Like I said, I wasn't involved in that but  
2 somebody temporarily until they post on USAJobs or give somebody within the facility the  
3 opportunity to bid on it.

4 Q. Okay.

5 MR. PICCIOTTI: I just was going to say, I didn't want her to guess.

6 MR. ETCHER: Right, yeah.

7 MR. PICCIOTTI: If she had experience --

8 MS. TRAVELSTEAD: Oh, sorry.

9 MR. PICCIOTTI: -- but, no, you're good. You're good.

10 MR. ETCHER: I'm sorry. I didn't mean to raise my finger at you. Perfect.

11 BY MR. ETCHER:

12 Q. Okay. I know you meet with the CEO. Are they regular scheduled meetings or are they  
13 like just meetings that you guys create to --

14 A. We had -- okay. We had the check inspection. That was really the first time that I even  
15 saw visually the whole group as a whole and the (indiscernible). And then we had what was called  
16 a meet and greet. Our office manager is relatively new to the CMO also. She was office manager  
17 for the FSDO. So when we became the Combined Safety Assurance Office, that's when they  
18 moved her into the CMO position. Our previous office manager left and went to the IFO.

19 Q. Okay.

20 A. So that kind of gives you a little background on that.

21 Q. Um-hum.

22 A. So we had a meet and greet virtually, and that was just everybody introducing themselves.  
23 And then Teimour expressed in talking with us further. So I think it was probably about a week  
24 later. We told him what our thoughts were, and that we need to get you folks into compliance.  
25 Please come up with a plan of how you intend to do that. And then I know that there was a couple

1 of more meetings after that, but I wasn't a part of them. It was the office manager and the CSAO  
2 manager.

3 Q. Okay. How big -- I know there's a lot of meetings. So you help me understand it in my  
4 brain, is that more than normal? Is that about a normal amount of meetings you would have with  
5 any of your other certificate operators?

6 A. I'm having more than normal right now with -- yeah. My other operator, depending on if  
7 there's something going on with them that we need to meet about. I try to have weekly meetings  
8 or biweekly meetings with the CMTs but JRAA, I don't have to set up meetings because JRAA is  
9 the Rhoades' CMT.

10 Q. Oh, okay.

11 A. I'm sorry. Those meetings happen organically. I mean there's just something going on all  
12 the time. So I'm talking to the PIs very frequently, and like I said, we have a lot of correspondence  
13 with them. My background, I have to ask a lot of questions when I read the letters because there's  
14 just -- I'm just not a maintenance person. I'm not an ops person. So please explain to me what  
15 you're trying to say. Let's see if we can make this read better to help them out, that kind of thing.  
16 So, yeah, we do meet and every time they go to the operator and they have concerns, they dial us  
17 up and get us on teams and let us know.

18 Q. Okay.

19 A. We also have SAS quarterly meetings. We just had one with JRAA Rhoades last week,  
20 and that's going through the principal's plan, the comprehensive assessment plan, and seeing where  
21 they are on track, whether data collection, what they plan to do for the next quarter and what the  
22 criticality of all of the items are. So we just meet and discuss things like that. Now, that's normal  
23 planning.

24 Q. Okay. And that helps, just to -- because I'm not in your office.

25 A. Yeah. No, of course, but there's been -- yeah, there's been a lot of meetings --

1 Q. Okay.

2 A. -- with him and CMT, a lot.

3 Q. And does -- I'm not familiar with where your office is in relation. So how far away are you  
4 guys physically located, if you were in the office pre-COVID, but how far --

5 A. We have our own individual offices.

6 Q. So how far is that office from Rhoades' headquarters?

7 A. No, it's close.

8 Q. Okay. So it's not across the state?

9 A. No, our physical building is very close. We could walk there.

10 Q. Okay.

11 A. Yeah.

12 Q. All right. Sorry, I'm just looking over some of my --

13 A. Yeah.

14 Q. -- questions.

15 A. We're located on Lagoon Drive as well, yeah.

16 Q. Oh, okay. So you're just down the road from them basically.

17 A. Yes, we're very close.

18 Q. All right. I think you answered a lot of my questions. Now, I'll pass it onto the other folks.

19 I may have some more in a minute.

20 A. Sure.

21 MR. BRAMBLE: Okay. Clarence.

22 BY MR. KANAE:

23 Q. Hi, Marcia. Good morning.

24 A. Hi, Clarence. Good morning.

25 Q. I just have a couple of questions.

1 A. Sure.

2 Q. Are you aware of any other inspections occurring during the CHEP (ph.), any other groups  
3 assigned?

4 A. Oh, yes, of course. The cargo focus team.

5 Q. And the results of that?

6 A. They had a lot of negative answers as well. That, that I think was combined. I got into this  
7 position, after, after that happened, right. So, yeah, but that was going on, and I think they were  
8 actually a part of the CHEP, part with the CFT Team, if I'm not mistaken.

9 Q. Okay. That's all I have. Thank you.

10 A. Yeah, thanks for reminding me.

11 MR. BRAMBLE: Okay. Rich?

12 BY MR. LEE:

13 Q. I think I have just one question from the manufacturer's standpoint.

14 A. Sure.

15 Q. When or ops or maintenance, when they go over the manuals, you mentioned that they  
16 have a lot of issues with the manuals. What are they -- what is the inspectors referencing? Do  
17 they reference manufacturer's manuals and do some comparison? Do you know what that's --  
18 how's that done?

19 A. I don't know for sure to answer the question. I'm sure that's the case, but --

20 Q. All right.

21 A. -- I don't know specifically.

22 Q. Just one other follow up. You mentioned that there's a lot of issues with the manuals. If or  
23 when they get that updated and it's a significant amount, is there a follow on that would -- how's is  
24 it going to be trained to the airline? I'm assuming inspectors are looking into that as well. There's  
25 the manuals. That's one thing, but then the practice part of it.

1 A. Um-hum.

2 Q. I'm assuming that's going to be part of their fixed plans, not just fixing the paperwork but  
3 actually training and --

4 A. Right, correct. Absolutely. I think -- well, I'm sure the CHEP team will be coming back to  
5 do their performance reviews as well, and it's just going to be a lot of monitoring, a lot of  
6 additional surveillance.

7 Q. Okay. That's all I have. Thank you.

8 A. Um-hum.

9 MR. BRAMBLE: Okay. Thanks, Rich.

10 BY MR. BRAMBLE:

11 Q. Just a couple of follow ups, Marcia. Ballpark, when was the CHEP? I'm sure we'll receive  
12 the paperwork.

13 A. I'm, I'm waiting to think that it was in November.

14 Q. November. Okay.

15 A. Yeah, I think it was November, and the reason it sticks in my mind is because I know that  
16 we weren't able to get it done in one quarter because a lot of people were taking leave for the  
17 holiday, the CHEP team. And so, yeah. So I know it was ballpark in that time.

18 Q. Okay. And that's November 2020.

19 A. And I would say that, yeah, yeah, the end brief of it, yeah.

20 Q. Okay. So, it was finished the next quarter. When is the boundaries for the next quarter?  
21 It's not calendar quarter or is it?

22 A. No, so I mean it was completed already, right. So I think it was completed in second  
23 quarter.

24 Q. Okay.

25 A. So the findings were already given to the airline. Yeah, they know everything.

- 1 Q. Okay. Which month would that be, second quarter? I'm not sure if it's calendar or --
- 2 A. Yeah, yeah, the first quarter for -- it's fiscal.
- 3 Q. Okay.
- 4 A. It's fiscal year.
- 5 Q. Okay. So it was completed by the second quarter of the fiscal year?
- 6 A. Yeah, I believe so. Um-hum. We had all the findings and everything for this quarter.
- 7 Q. Okay.
- 8 A. This quarter, third quarter. Now we're in the fourth quarter.
- 9 Q. Okay. And, I'm sorry. I missed some of the certificate stuff, but you said you had four
- 10 certificates that --
- 11 A. Yes.
- 12 Q. -- CMT oversees?
- 13 A. Yes.
- 14 Q. And can you discuss those briefly again?
- 15 A. Sure. Hawaiian Airlines, Rhoades Aviation, Aloha Air Cargo and Aero Micronesia. They
- 16 do business as Asia Pacific Airlines.
- 17 Q. Okay. And I neglected to ask you earlier, how many inspectors do you oversee? Is it just
- 18 the three folks?
- 19 A. I have seven.
- 20 Q. You have seven. Okay.
- 21 A. And one ASA.
- 22 Q. What's an ASA?
- 23 A. Aviation safety assistant.
- 24 Q. Okay.
- 25 A. She's not an inspector.

1 Q. Okay. And, in terms of the chain of command. Who's above you?

2 A. Tiffany Chitwood is the office manager of the Honolulu CMO office manager.

3 Q. Is she the deputy, too, or no?

4 A. No.

5 Q. Okay.

6 A. She reports to the CSAO office manager.

7 Q. Okay.

8 A. The Combined Safety Office manager.

9 Q. Okay. Combined Safety -- what was the rest of it?

10 A. Combined Safety Assurance --

11 Q. Assurance.

12 A. -- Office.

13 Q. Okay. And the Combined Safety Assurance Office is a subpart of the FSDO?

14 A. It's the FSDO and the CMO together.

15 Q. I see. All right. That's helpful. Do you guys find SAS to have been a useful tool for  
16 management --

17 A. I personally do.

18 Q. Okay.

19 A. But then I was a data evaluation program manager. So I lived in SAS. I like it. I hear  
20 people still complain about it, but we've had it out there for 5 or 6 years now, and I think if  
21 inspectors learn to operate it and use it, you can get a lot of benefit out of it. I think it's great. Like  
22 I said, I'm in the daily, constantly.

23 Q. Any particular ways in which it's been helpful for dealing with the issues of this operator?

24 A. Yeah. I think -- well, I think in the Module 5 Section where the PIs do all of their  
25 documentation and their follow up, I think that particularly helpful for them to be able to keep the

1 notes and create what they're going to do for their follow-up actions.

2 MR. BRAMBLE: Thank you.

3 Anything else from you, Shawn?

4 MR. ETCHER: I just have a few.

5 MR. BRAMBLE: Um-hum.

6 BY MR. ETCHER:

7 Q. Okay. I forgot one question. Do you feel like you're staffed okay in the CMO? I mean do  
8 you need more staffing? Are you adequately staffed?

9 A. Well, I think that there's a few -- for this certificate, we're fine, if that's what your question  
10 is.

11 Q. Okay. And in general, too.

12 A. In general, we need a few more people on the Hawaiian Air and they're actively recruiting  
13 and getting people into details and filling those positions. Those jobs have been posted.

14 Q. Okay. Do you ever have to pull any of your folks off the CMT unit for Rhoades, to help in  
15 other areas or --

16 A. We haven't lately. I know, and we really didn't talk about -- you asked about the PMI and  
17 the PI, but there's a PAI, too, right. So the principal aviation, and I'm sorry, avionics inspector.  
18 And he helps some. I remember last year he was helping with some of the geographic team, not  
19 going out and doing but just helping internally with SAS and the systems and all of that. So -- but  
20 as a rule, we don't.

21 Q. Okay. When you had help with him, did you still have adequate enough time to do what he  
22 needed --

23 A. Oh, yeah. Oh, absolutely. This was -- there was no rush on any of that.

24 Q. Okay. Just so everybody has a clear understanding, can you explain what a CHEP  
25 inspection does? Or, you know, when the CHEP team came in, what did they do?



1 A. Well --

2 Q. And you can do it in broad terms, just so we all kind of --

3 A. Yeah, they, they actually take away our DCTs from us. Our DCTs are our data collection  
4 tools and our inspectors go out and complete that. That's what their surveillance is, and that's what  
5 they're putting sad. And that team comes. So like I said, they do -- well, they didn't come. They  
6 were on a virtual. They normally would come to Honolulu and do their inspection, but what they  
7 do is they do some of the DCTs for us. And that's to make sure that we're adequately -- that they're  
8 in agreement with what our findings are, and that we're adequately doing our job.

9 Q. So do they --

10 A. That's Marcia's definition.

11 Q. And that's what I asked. I asked for Marcia's definition.

12 A. Okay.

13 Q. So thank you. But I just -- they're not brought in to -- they're kind of brought in to check  
14 you guys to make sure you're checking them correctly or are they brought in to actually check the  
15 operator?

16 A. Well, they're checking the operator with their data but, but I think the purpose of them is to  
17 make sure that they're in agreement with -- seeing things eye-to-eye the same way we do, and there  
18 was total agreement.

19 Q. Okay. And you said they had a lot of --

20 A. They had a lot of findings.

21 Q. And you said some of them were not on the positive side. You said negative.

22 A. I think that they were mostly negative by far.

23 Q. Were they similar negatives that you guys had or --

24 A. Yeah, they were very similar negatives to what we had.

25 Q. Okay.

1 A. I'm not saying that they didn't find anything additional but I think we were pretty much  
2 right on course.

3 Q. Okay. I think that's all I have. Thank you so much.

4 A. Sure.

5 MR. BRAMBLE: All right. Clarence, anything else?

6 BY MR. KANAE:

7 Q. Just one more question, Marcia. How often does the CHEP occur for a 121 carrier?

8 A. I don't know the answer to that, Clarence. And this one wasn't I don't think because they  
9 were on the radar. This one was -- they had a timetable and the number up for them to come on  
10 this one.

11 Q. So it's a recurring --

12 A. It is, yeah.

13 Q. -- recurring inspection?

14 A. Um-hum. Um-hum. And I have a feeling they'll be back real soon. We are actually asking  
15 them to come back. We're putting out a request for them to come and do their performance on this  
16 operator.

17 Q. Okay. That's all I have. Thank you.

18 A. Um-hum.

19 MR. BRAMBLE: Rich.

20 MR. LEE: Nothing else.

21 MR. BRAMBLE: Okay. Thank you.

22 BY MR. BRAMBLE:

23 Q. All right. Marcia, thanks very much. Is there anything we didn't ask you about that you'd  
24 like to share with us?

25 A. No, I think I hit the points that I wanted to.

1 Q. Okay.

2 A. Administrative-wise is what I've been seeing mostly.

3 Q. And is there anyone else aside from the POI and PMI and potentially PAI that you think we  
4 should speak with?

5 A. No, I can't think of anybody else.

6 Q. Okay. And we always like to offer everyone we interview the opportunity to share their  
7 suggestions with us if you have any safety improvements that you'd like to recommend.

8 Obviously in this case, we have very limited information related --

9 A. Right.

10 Q. -- to this accident. But, we'd be happy to hear anything you'd like to tell us about things  
11 you'd like to see changed?

12 A. No, there's nothing additional that I can think of.

13 MR. BRAMBLE: Okay. All right. Great.

14 Well, with that, we'll conclude the interview, and it is 8:41. Thank you.

15 (Whereupon, at 8:41 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:                   TRANSAIR FLIGHT 810 CRASH  
NEAR HONOLULU, HAWAII  
ON JULY 2, 2021  
Interview of Marcia Travelstead

ACCIDENT NO.:                       DCA21FA174

PLACE:                                 Honolulu, Hawaii

DATE:                                 July 8, 2021

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

**Interviewee:** Jon Bradley Murakami – Former POI

**Representative:** Mr. Matthew C. Picciotti – Attorney – Federal Aviation Administration (FAA)  
Office of the Chief Counsel

**Date / Time:** September 23, 2021 / 0807 Hawaii Standard Time

**Location:** Hampton Inn & Suites Oahu/Kapolei Conference Room

**Present:** Shawn Etcher, William Bramble – NTSB; Clarence Kanae – FAA; Dan Marcotte  
- Boeing

During the interview Mr. Murakami stated the following:

He was 52 years old and an aviation safety investigator with the FAA and currently in the FAA AFS-280 group.

He was a principal operations inspector (POI) with the FAA and assigned to the Rhoades certificate from either 2017 or 2018 until January or February of 2020. He transferred from the Rhoades certificate to his current position because he “was ready for something new and an opportunity happened.”

He had an airline transport pilot certificate with type ratings on the A350, A330 and B737. The B737 rating had a second-in-command limitation.

Aviation was a second career for him. After he went on a discovery flight, he enjoyed flying more than looking at spreadsheets. He obtained his certificates including his flight instructor certificate and then instructed for about 1,000 flight hours. He was hired by Corporate Air and flew the shorts flying cargo. He then flew Dash 8’s for Island Air and was then hired by Aloha flying 737s as a first officer. Aloha was having financial difficulties and he applied and was hired at the FAA where he worked in the general aviation office, then was assigned to a part 135 operator as the POI. He then moved to the Certificate Management Team (CMT) where he was assigned as an assistant for a Part 121/135 operator (Freedom Air), then became the assistant POI at Hawaiian Airlines, the Assistant Program Manager at Hawaiian, and then the POI at Rhoades Aviation.

While on the Rhoades certificate he was the only pilot assigned to the certificate at the time but there was a dispatcher inspector also assigned to the certificate that worked as his assistant. He was not current on the B737 at the time and would consult with another inspector in the office that was current on the B737, who was assigned to another operator, about any revisions to procedures or manuals that Rhoades had submitted and to conduct check rides for Rhoades pilots. He provided an example of a change that Rhoades provided that including the order on the checklist on when to activate the window heat. He also reached out to the AGE group for guidance.

When asked how he would process changes that were submitted from Rhoades. He stated that the change would first come through the director of operations followed by an email copy of the proposed changes they were requesting. There would then be dialogue back and forth between himself and the director of operations to verify the purpose of the change and to modify any changes that needed to be adopted.

When asked if he ever denied a change from Rhoades. He stated that he never official denied any changes but there would have been a dialogue between them to make sure the changes were accurate.

When asked how long a change would take to process after he received it. He stated it would depend on the complexity of the change it could be anywhere from a few days to years. An example he provided was their Safety Management System (SMS) program which took over a year to process. He further stated that the SMS program was required by statute and had to be implemented by a specific date. He stated there was a lot of pressure to get it done but not a lot of guidance on what needed to be in the SMS program. Rhoades took their existent safety program and then added or modified portions to comply with the Part 5 portion of the program. The SMS implementation team provided suggestions, but he could not recall what those specific suggestions were.

When asked if changes that Rhoades was suggesting were more or less than suggestions by other carriers, he was part of. He stated he felt the changes for similar carriers were like those that Rhoades had. He further added that Rhoades is not an old certificate and that it came from what he thought was Indianapolis prior to coming to Hawaii. He also stated that Rhoades was always accommodating to what needed changed. He described them as a small company and many of the management did multiple jobs. While he was on the certificate that only turn over he could recall was the director of safety. He thought the first director of safety he interacted with had a good grasp of SMS and of the safety program. He felt the replacement director of safety was a nice person, but he struggled with “putting the whole thing together.” However, he added that that director of safety became “better versed in SMS” over the time he oversaw the certificate.

When asked how often he met with any of the 119’s on the certificate. He stated that he met in person with the director of operations about once a week and talked daily to him on the phone. When he met with the director of operations, he estimated that about 90% of the time it was at the operator’s facility. He did attend their safety meetings when he could which was a standing meeting at least once a month, which he recalled every third Thursday. He further added that if he was unable to attend the safety meeting the maintenance inspectors would attend.

When asked if he attended any of the ground schools. He stated that he would attend a couple of session in each class every time there was a new class and usually did that over a one- or two-day period. He would also have funding available to attend simulator training, which was held in Miami. He would go to Miami if he could attend at least three training sessions. However, another inspector on another air carrier certificate, that flew B737s, would also attend if he was unable. He would also occasionally observe a recurrent check being conducted by the checkairman.

When asked if he observed any difficulties with pilot proficient in the simulator. He stated that he observed a few maneuvers that were retrained but he was never present when there was a “pink slip” or an unsatisfactory checkride. He noted that new trainees would be more likely to have challenges in the simulator, but he could not recall any specifics.

When asked if Rhoads ever terminated a pilot for an unsatisfactory training event. He stated he could not recall if they had.

When asked if he conducted enroute inspections. He stated that he did anytime they had a new pilot go through the training program and he would have to observe at least one operating experience (OE) flights. He recalled he would do enroute inspections about a couple of times a month but that was an average some months there would be several and other months there might not be any to observe.

When asked if he did enroute inspections at night or during the day. He stated most of the time it was during the day even though the majority of Rhoades' flights were at night.

When asked what he would look for during an enroute observation. He stated that he would observe the pilots flying skill, awareness, crew resource management (CRM), the pilot's ability to handle a high workload situation, compliance with procedures, and use of checklist to name a few. He further provided that when workload was high it could be a challenge for the pilot, but he never had a time when he had to say something to the checkairman. Most of the flights he observed was with the chief pilot as the check airman. Rhoades had other check airman that he approved but most of the time he thought it was with the chief pilot.

When asked if Rhoades had a high turnover rate of pilots. He provided that during a hiring push by Hawaiian there was a high turnover locally. He did not feel that it was more at Rhoades than any other carrier nor did the turnover rate seem unusual.

When asked if there were any engine issues while he was POI. He stated that there were "multiple engine failures" but he classified them as more of a maintenance issue and not a pilot issue.

When asked how he was made aware of an engine failure event. He stated that he would see it when he checked the daily alert bulletin, and he would follow up with the director of operations. Normally the maintenance folks heard about the engine failure, but he always made sure they were aware.

When asked if Rhoades had more engine failures than other carriers. He stated that it was hard to quantify it. He further provided that Hawaiian may have had more engine issues; however, they also had more flights that they conducted but in his opinion the number of engine issues Rhoades had would be comparable to other carriers. Additionally, when there was an engine event, he would talk to the pilots involved and try and ascertain what they did. He never experienced an engine failure while conducting an enroute observation while on the Rhoades certificate. He also stated that the pilot performance in the simulator with handling an engine failure was like every other pilot and other airlines.

When asked while he was the POI for Rhoades who was his supervisor. He stated that there were maybe three different front line managers. None of the mangers mentioned any concern with Rhoades. The only concern he could recall was regarding the deadline for the SMS program since it had a mandated date that had to be completed.

When asked if he knew the financial health of Rhoades when he was POI. He stated that they appeared to be financially healthy because they kept acquiring airplanes; however, he was not privy



to their financial statements beyond what he could find through the Department of Transportation. He stated that they acquired a significant number of airplanes. Since they were a small operator adding just one or two was significant. Although he wasn't exactly sure the number of airplanes they had when he was assigned to the certificate, he thought it was three. But when he left in 2020, they had five airplanes so he would classify that as significant. He further provided that "the fleet actually grew" and they did not buy one airplane to replace another.

When asked when the hiring push was, he could not recall.

When asked about morale at Rhoades. He stated that they were hard working people and happy to do the job. He did not feel that moral was poor.

When asked if they hired anyone in management while on the certificate. He could not recall exactly but did remember they added someone to handle the training. The role was to be someone who helped design the training although he did not think that person managed anyone.

When asked who the director of safety was early, he could not recall his name. Later he recalled it was Orlando which was the current director of safety. He stated yes it was. He further provided that the previous director of safety developed the SMS program at Rhoades; however, retired before it was implemented. He further stated that the transition was difficult for Orlando. He further stated that the previous director of safety had a maintenance background as well.

When asked if he could recall the number of minimum equipment list (MEL) extensions. He stated he could not recall.

When asked about Rhoades SMS program. He stated it used the four pillars. Promotion was done as a newsletter that to supply safety recommendation and to keep the company informed. Assurance was to establish and use the anonymous reporting system and safety meeting. During those meeting they would discuss the risk management associated with the report and would discuss how to mitigate the risk of the anonymous and other reports that came in during the month. He described it as a form-based procedure. The safety policy was established by the accountable executive, which for Rhoades was the CEO. The meetings were planned for once a month and those meeting would be in conjunction with another maintenance meeting, which he thought was called CASS. The safety meeting would occur after the CASS meeting. He attended the safety meeting if he was available, and the CASS meeting was more maintenance based. The principal maintenance inspector and principal avionics inspector would attend the CASS and safety meeting.

When asked if he knew the accident captain, he replied that he did not.

When asked about challenges with Rhoades. He stated that there were times when there was confusion about the company organization since there were two certificates. An example was which company was paying the workers; however, the personnel were getting trained through Rhoades training and where people were getting paid was not an FAA concern.

When asked to provide an example of an issue pilots might report to him. He stated there was a radio altimeter issue. He was aware of it because pilots kept writing the problem up in the maintenance logbook.

When asked if he had heard of engine compressor issues, compressor stalls, high EGT during takeoff, pressurization issue or hydraulic issues. He stated he had not heard of any of those issues. He did not recall any pilots reporting any of those issues to him or other recurring issues. Additionally, no one ever told him there was any pressure from management to not write things up nor was there any concern over retaliation from the company.

When asked about any FAA inspections or audits conducted at Rhoades. He stated that they had a cargo focus inspection but could not recall the year. In the end it was resolved but he recalled it was a long process. The focus was more on the maintenance side, but he could not recall what that was nor the cycle of the inspection that occurred. He did not experience a CHEP inspection.

When asked if Rhoades was an operator that was problematic. He stated from an operations side there were not a problem operator. Anecdotally, there was the impression that Rhoades was a "problem child" but he did not see any issues from an operations side. Generally, he felt people thought they were a "problem child" but he could not understand why; however, he could not answer from the maintenance side of the team.

When asked if felt the CEO met the requirements as the accountable executive. He stated that he did; however, he could not answer for the employees, but he felt the CEO tried to do the best he could. He stated the CEO was present much of the time at the meetings.

When asked if he had done a compliance action with Rhoades. He stated that he had and they were always open to his ideas. He estimated that was done for two or three items. One he could recall was fatigue rest management program. It had expired and was a paperwork item. The program was submitted exactly the same and was approved.

When asked how often Rhoades had asked to change something in their manual. He stated it was not often, but Rhoades wanted to change things to be more efficient. The time to approve the change would vary a bit but there was not issue with him getting any pushback from them.

When asked about the response he would get from other FAA inspectors after observing a checkride. He stated that they thought Rhoades pilots were well trained.

When asked if he observed the ground handling, loading, and training for the ground personnel. He stated he did.

When asked if there were any concern on the weight and balance program. He stated the only concern was the weight limitation on the main deck of the aircraft since it was converted from a passenger airplane to a cargo airplane. He thought it was due to the support structure.

When asked if the simulator environment was set to resemble Hawaii. He stated it was.

When asked about special engine out procedure for takeoff. He stated the pilots would follow the procedures. He wasn't certain but thought it was climb to a thousand, clean up the aircraft, perform the checklist, and return.

When asked if he had ever had a pilot call after an engine failure or a whistleblower complaint. He stated none that he could recall. He did have a pilot call him after having two engine failures but only because the pilot couldn't believe he would have two of them in his career. However, he did not think that was any indication of maintenance.

When asked to clarify the specialized procedure and his expectation. He would expect them to follow the procedure that Boeing developed in the manuals and to fly the route that was prescribed in the airport analysis.

When asked how many safety reports they received and went over during their safety meeting. He stated there may have been two or three new reports in their monthly meeting. The reports did not come from just pilots but from everyone within the company.

When asked when Rhoades would develop a risk mitigation for something in the meeting if during the follow up there was any changes. He stated that Rhoades would close the loop with the change. They would reassess it and if it was not correct, they would try something different. He felt nothing was perfect the first time it was tried.

When asked about changes Rhoades would want if there was a reason, he would say no. He stated he always asked what the purpose of the change was assuming that the change did not go against manufacturer guidance. He would never say "no" without a reason.

When asked how he would classify the ground personnel training. He stated it was satisfactory. He did not feel it was lacking. Rhoades also recorded when they conducted an audit on the weights but normally, they would take FedEx's weight and their manual required them to observe FedEx's weighing. When he audited the loading, there was never a calculation error; however, there was one time he recalled they loaded a container in the wrong position.

When asked if he observed the pilots do the performance calculations. He stated that it was an automated system, and all the calculations were done on the manifest, including the V-speeds and EPR. He could not recall if Rhoades did a derated thrust takeoff or not.

When asked if Rhoades did any risk assessment for the airports they operate into or out of. He stated that it was done before he was POI and they had not added any other airports.

When asked if Rhoades had any rejected takeoffs for a takeoff configuration. He stated there was a recurring issue which they determined to be the spoiler handle micro switch and that it would give a warning. He contacted the Aloha POI, and they had the same issue as well. He said that Rhoades did not notify him of the rejected takeoffs however, as part of the mitigation the crews were to write up an informational write up if it occurred. The information write-up was at the request of maintenance. He could not recall ever seeing an information write-up.

When asked if crew resource management was trained in house. He stated it was, but it was nothing different than any other airline taught.

When asked about the relationship with Rhoades management. He described it as "good."

When asked if there was any risk raised on Rhoades. He stated the only risk was the 119s were "wearing too many hats."

When asked if he was involved with conducting any proving runs with Rhoades. He stated "no."

When asked how many certificates did he manage at the same time he managed Rhoades. He stated the office policy was that a principal could only manage one certificate at a time.

When asked if he was able to get overtime or other compensation when he did enroute inspections since it was after hours. He stated that he would modify his workday and the only time he would get overtime was for travel to the simulator since it was greater than an 8-hour day.

When asked if there were any changes he would have like to see done at Rhoades when he was the POI. He stated that there were none that he could think of at least from an operations perspective.

Interview concluded at 0947 HST.

UNITED STATES OF AMERICA  
NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: \*  
\*  
TRANSAIR FLIGHT 810 CRASH \*  
NEAR HONOLULU, HAWAII, \* Accident No.: DCA21FA174  
ON JULY 2, 2021 \*  
\*

\*\*\*\*\*

Interview of: RICHARD GUILLORY, Former Frontline Manager  
Federal Aviation Administration

Honolulu, Hawaii

Friday,  
September 24, 2021

## APPEARANCES:

DR. WILLIAM BRAMBLE, Investigator  
National Transportation Safety Board

SHAWN ETCHER, Investigator  
National Transportation Safety Board

JACOB ZEIGER, Air Safety Investigator  
Boeing Commercial Airplanes

CLARENCE KANAE, Principal Operations Inspector  
Federal Aviation Administration

MATT PICCIOTTI  
Federal Aviation Association

RYAN FRISKEL, Pilot  
Trans Executive Airlines of Hawaii

I N D E X

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INTERVIEW

(3:00 p.m.)

1  
2  
3 DR. BRAMBLE: Today is September 24th, 2021; it is  
4 3 p.m.

5 MR. GUILLORY: It's not December.

6 DR. BRAMBLE: I'm sorry, did I say December? It is September 24th, 2021. Thanks, I  
7 appreciate it.

8 My name is William Bramble, and I'm a human performance investigator with the NTSB.  
9 I'm assisting the operations group, which is co-lead by Mr. Shawn Etcher, for accident  
10 investigation number DCA21FA174 involving Rhoades Aviation Flight 810.

11 The NTSB is an independent federal agency charged with determining the probable cause  
12 of transportation accidents and promoting transportation safety. The NTSB is not part of the  
13 Department of Transportation or the FAA and has no regulatory or enforcement powers.

14 I'd like -- now I'd like to have Mr. Etcher and each of the operations and human  
15 performance group members briefly introduce themselves.

16 Mr. Etcher?

17 MR. ETCHER: Good afternoon. I'm Shawn Etcher with the NTSB. I'm the operational  
18 factors group chairman.

19 MR. KANAE: My name is Clarence Kanae, FAA. Honolulu CMO.

20 MR. ZEIGER: My name is Jacob Zeiger. I'm an air safety investigator with Boeing  
21 Commercial Airlines.

22 DR. BRAMBLE: Okay. Is there anybody that -- Rich, that you object to being present?

23 MR. GUILLORY: I do not.

24 DR. BRAMBLE: Okay. Today we'll be using a digital recorder. After the interview, we'll  
25 send the recording out for transcription, and the party members will have an opportunity to review





1 A. 75.

2 Q. And are you currently employed by the FAA?

3 A. I am not.

4 Q. Are you employed by someone else now?

5 A. I am not. I am retired from the FAA.

6 Q. What was your date of hire with the FAA?

7 A. I was hired in March of '97.

8 Q. Okay. And can you give us sort of a brief sketch of your FAA career?

9 A. Yes. I was hired in March of '97. I was an operations safety inspector for -- from 1997 until  
10 2006, for approximately nine years. And after -- from 2006 until my date of retirement, which was  
11 December 31st of 2019, I was a frontline manager.

12 All of my time was in the Honolulu (indiscernible) -- which previously the CMO and part  
13 of that air carrier unit.

14 Same -- just a nomenclature change at a certain point.

15 During my time, my nine years as an aviation safety inspector, I was type-rated and  
16 maintained currency in the SD3 aircraft, the DC-10 aircraft, and the Boeing 737-800 aircraft --  
17 during my time as an inspector.

18 I am also previously 20 years in the air force. I was type rated in the Boeing 707, flew a  
19 variety of 135 aircraft, and an E-3 AWACS aircraft prior to -- in my military career.

20 I flew for seven years as a commercial pilot prior to the FAA. At that time, I worked for  
21 Panorama Air Tours and Circle Rainbow Air Tours, as well as Aloha Airlines. All three of those  
22 companies are now bankrupt.

23 Any specific questions you would like to ask other than that?

24 Q. That's helpful. How many flight hours would you say you have altogether?

25 A. 6,000 estimate. I don't really recall the total number.

1 Q. Okay. And can you tell me what relationship you had to the oversight of Rhoades Aviation  
2 during your career?

3 A. Okay. The owner of the company, his name is Teimour. Riahi I believe is his last name --  
4 something similar to that.

5 Q. Riahi.

6 A. He holds two certificates. He holds the TransAir certificate and the Rhoades certificate.

7 My involvement with that certificate -- actually, Clarence and I both maintained currency  
8 in the SD3. And I was not directly involved with most of these companies, such as TransAir, at  
9 the time.

10 Other than that, I did administer a check ride to Teimour when he decided he wanted to get  
11 type-rated into the aircraft, even though he was the CEO of the company.

12 The first check ride I gave him did not turn out well. So after I debriefed him, I instructed  
13 him that he had an option to be retrained within a certain period of time. I don't recall the exact  
14 time that he had. But I could come back and give him a  
15 re-check in the airplane. I did that, and the second check, he passed.

16 That was my primary direct involvement with TransAir. As far as Rhoades, later on after  
17 that, Teimour decided he wanted to add the Boeing 737 to his certificate. He contacted our office  
18 and was put into the queue because we could not begin that process until we had inspectors in our  
19 office to oversee the certification of the Boeing 737.

20 That time seemed to drag on and on before we would be able to do it. And we never did.  
21 And so he decided that he would purchase another company, which was Rhoades. I believe it was  
22 in Indianapolis at the time. And it was a 121 certificate.

23 He had coordinated with that office that if he bought that certificate, they, apparently, had  
24 the resources to do the certification for the Boeing 737. And he went through that process with  
25 their office. And then when he completed the certification and had the Boeing 737 on the

1 certificate, he requested that it be transferred to our office.

2 From that point on, once again, I did not have direct contact with the company. Most of  
3 the time, the principals were the individuals as well as the air group program managers on the  
4 outside that dealt directly with the operator. And as a frontline manager, I was not doing the direct  
5 work with Rhoades.

6 I hope that's not too much information. I didn't want to load you up here, but that's sort of  
7 the highlights of my involvement. And I will reiterate, I retired in December 31st of 2019, so I've  
8 not had any contact with the office or Rhoades for almost two years.

9 Q. Okay. Thank you for that. What was the relationship like between Rhoades and the CMO  
10 during your time as an FLM? How were they viewed by the frontline inspectors?

11 A. Well, for me personally, and I think -- I can't speak for the other frontlines or the office  
12 manager -- but I found them to be, basically, what we would refer to as a compliant operator.

13 He was obviously a small operator and didn't have the resources of a large company such  
14 as Hawaiian Certificate, or certainly not American or Delta. So he had to manage his company on  
15 what I call a much smaller budget.

16 But he seemed primarily agreeable to all of our recommendations, that I can recall, to make  
17 the changes that were necessary to ensure safety and compliance.

18 Q. Okay. All right. During your time in the Honolulu office -- and refresh me, were you in the  
19 air carrier group off of the Honolulu office for the whole time?

20 A. I was. I initially came into the air carrier unit. I was working with the 121 operators we had  
21 in that office the whole time.

22 Q. Okay. During your time in the last -- so one of the things that we've heard about is changes in  
23 the approach to oversight in the last several years. One of them is the compliance program or  
24 compliance philosophy. Do you remember when that came into being?

25 A. I remember when it did. I can't tell you the exact date that it came into play.

1 Q. And what was the essence of that? How did that affect the way you went about oversight?

2 A. The compliance philosophy -- as best as I can recall -- was not significantly different than  
3 what I was doing or expecting of the inspectors in our office.

4 We would use the tools that we had available to us. I believe they were called SAIs (ph.)  
5 and EPIs (ph.) -- where there were a multitude of questions covering different aspects of the  
6 operation. And those questions were focused on the -- trying to determine whether or not the  
7 operator was in regulatory compliance as a minimum.

8 And if the operator was not in compliance, then it was the responsibility of the inspector to  
9 obtain the appropriate documentation to open an enforcement action against the company for  
10 failure to operate in accordance with our prescribed regulations and other directives.

11 Q. Was there an emphasis in sort of maybe the late 2000-teens leading up to the time of your  
12 retirement to be less punitive or less aggressive in oversight?

13 A. I think that over the time -- the 23 years I was in the office -- the pendulum would swing back  
14 and forth.

15 There was a period of time, I believe that you're talking about, where the pendulum was  
16 more toward being more cooperative in giving the operator an opportunity to come into  
17 compliance before immediately going to enforcement action.

18 But if the operator -- and we used the term, was he either unwilling or unable -- then we  
19 would proceed to enforcement action to correct the issue.

20 Q. And whose job was to make that judgement about whether they were unable or unwilling?

21 A. Well, I seem to recall it was my instructions to our principles and other safety inspectors.  
22 When I was frontline manager on any particular day that they determine that there was an area of  
23 non-compliance or a potential for non-compliance, they should notify me immediately of what the  
24 issue was.

25 That was just so I could be aware of what was going on. The actual enforcement -- the

1 EIR, the enforcement investigative report that would ensue -- was the responsibility normally of  
2 the inspector who determined that the operator was not in compliance.

3 Q. Do you remember any issues in the time that you were an FLM where they were not in  
4 compliance?

5 A. I do not recall any areas of non-compliance with Rhoades. That's not to say there weren't any.  
6 It could've been there.

7 One of the things that the last manager we had -- Manny Lauren (ph.) did was to rotate the  
8 FLMs amongst our -- I think we had five operators.

9 And so if they had one, it could've been in a period that one of the other frontline managers  
10 was the frontline that had oversight of that certificate. Or maybe it was, I just don't recall.

11 DR. BRAMBLE: Understood. All right. I think that's it for me for right now. Thanks.  
12 I'm going to pass it on to Shawn.

13 BY MR. ETCHER:

14 Q. You doing all right? Do you need a break or anything? You're doing okay?

15 A. I'm good, Shawn.

16 Q. All right. Do you want me to call you Mr. Guillory or you want me to call you  
17 (indiscernible)? What would you like me to call you by?

18 A. Captain Guillory will --

19 Q. Captain? All right, sir.

20 A. Rich.

21 Q. Rich.

22 A. Yeah. That's fine.

23 Q. All right. Thank you again for coming in to help us, coming off of retirement for just a day to  
24 educate us a little bit. I appreciate that.

25 I just have some questions that I'm sure you'll be able to enlighten me a lot.

1 Just (indiscernible), you told Bill that the office manager rotated the FLMs among the five  
2 certificates?

3 A. Yeah.

4 Q. Was there -- were you aware of the rationale behind doing that? Why wouldn't he keep you  
5 with the certificate you were already familiar with?

6 A. I will tell you that that issue created a little bit of controversy amongst the FLMs. But he was  
7 the office manager, and it was not the situation where he called the frontline managers in and said,  
8 hey, I'm thinking about doing this.

9 It was a situation where he called the frontline managers in and said, okay, at the beginning  
10 of next quarter, you're going to be here, and you're going to be here.

11 So it was not a decision that was made in cooperation -- at least not with me. So that was  
12 the issue there.

13 Prior to that office manager, I worked -- I think for, it may have been more than 10 office  
14 managers during the time I've been here since '97. And that was never done.

15 But that was his way of doing it, and he was the guy in charge.

16 Q. Okay. Did he ever explain why he was doing that?

17 A. I do not recall him explaining why.

18 Q. Did he only do that with the FLMs, or did he do that with the principals, as well, with carriers?

19 A. He changed principals on at least one occasion that I know of.

20 Q. Was that principal with Rhoades at all? Or was it with another carrier?

21 A. I remember the individuals who were involved, and I don't think it was Rhoades. But the POIs  
22 were Lynch Cotton (ph.) and Han (ph.) that were swapped. That was during the most recent  
23 period before my retirement.

24 Q. And you said he would call you in quarterly to swap you out? Is that how often he swapped  
25 people out?

1 A. No. He would do it periodically.

2 Q. Periodically. Okay. Just for my brain because some days it's hard for me to understand what  
3 you're determining as periodically, are you talking once every couple years, once every year?

4 A. I do not recall. Maybe twice a year. It's been too long for me to recall specifically.

5 Q. And that's all right. I understand. That's perfectly fine. I was just kind of trying to figure that  
6 out myself, so it's okay.

7 When you were the frontline for Rhoades, did you have an assistant to help you? Or was it  
8 just your POIs?

9 A. No, I never had an assistant FLM.

10 Q. Okay. So as a frontline manager, when you were overseeing Rhoades, how many other  
11 carriers were under you that you oversaw the principals of?

12 A. Don't quote me on this, but because of the size of Hawaiian Airlines, the FLM that oversaw  
13 Hawaiian Airlines, that generally was only 121 operator.

14 Then the other four operators that we had were divided two and two between the other two  
15 FLMs. We had three FLMs at one point.

16 Some points, we only had two FLMs. And I know for myself, at certain points, I was the  
17 only FLM in the office and I had the whole office.

18 So it varied from time to time due to staffing requirements and ability to fill FLM  
19 positions, and other factors.

20 Q. So when you were on the Rhoades certificate, how many principals did you have when you  
21 were overseeing the Rhoades --

22 A. Well Rhoades, to the best of my knowledge, had three -- POI (ph.), PMI (ph.), PAI (ph.).

23 I don't think they had an APM (ph.) because I don't think they had that type of program that  
24 would justify getting an air program manager.

25 Q. Okay. So I've never been a frontline manager. Help me understand a day in the life of what



1 you would do as an FLM.

2 A. Well, I'll also give you another piece of information that I didn't mention.

3 From the time I was hired as a frontline manager, I had been the only ops frontline manager  
4 until I retired. All the other frontline managers were airworthiness.

5 Consequently, I would often -- if there was an ops issue, regardless of what certificate it  
6 was on -- I would generally be available to offer any support or help that they might need.

7 Sometimes, the frontline managers did not see eye to eye on a lot of issues, and so they  
8 may not even approach me or ask that question. But other times, we had fantastic relationships  
9 within the office.

10 What is typical of a normal day? I would get up at 6, drive into the office. I was usually  
11 there by 7, 7:30, 8, depending on what day and what was going on, and how they were managing  
12 our punching the clock, or whatever.

13 We went to the point where we could have a flexible reporting time. That worked out well  
14 for me, and I would just start my clock when I got there.

15 Emails were always a big issue to try to stay on top of those. So some days you would  
16 come in and you would have two hours' worth of emails. Some days it would be more, some days  
17 it may be a little bit less.

18 There were routine meetings. As a frontline manager, I would set up meetings with each  
19 CMT. We would do that to review the surveillance that was going on, any issues that the operator,  
20 training that the inspectors needed.

21 We had a whole list of things that we would cover during those meetings. I think there was  
22 22 items. It was fairly comprehensive to try to keep our inspectors well-trained, and get their  
23 training done as soon as we could, so that they're in a better position to be knowledgeable about  
24 their job.

25 We would, obviously, have personnel issues that would come

1 up -- that this inspector doesn't want to work with this guy, he's just such a jerk, I can't even talk to  
2 him. Those types of issues would come up periodically, and we would try to smooth the feathers  
3 out. That's part of what being a FLM involved.

4           And at the same time, I will tell you -- I had a personal responsibility for pilot training and  
5 checking for each operator that I felt very strongly about. It's probably because of my previous  
6 experience as a safety officer in the AWACS units and working with safety programs with KC-  
7 135, WC-135, EC-135.

8           And I mentioned to Matt, there was one day when we were -- I was discussing with this old  
9 colonel one day about an aircraft accident that a very close friend of mine was killed. He said, you  
10 know, every time these things come about, I have to ask myself, was there something that I  
11 could've done as the ops officer, or something I could've done as the commander, or as the  
12 instructor pilot -- something I could've provided him, a little capsule of information, that he  
13 would've had stored so that when he faced whatever it was that caused the accident, he could've  
14 made a better decision.

15           And he said, that is what we have to look at and draw from each accident so that we can  
16 take actions in the future -- same thing the NTSB does, same things that we and flight standards do  
17 on a daily basis, just to try to keep the operations as safe as possible and keep the pilots as  
18 knowledgeable and proficient as possible.

19           That was my overall thing. I mean, there were the other -- writing reports and sitting down  
20 with inspectors to counsel them on some problem area, or whatever, or doing the twice a year  
21 evaluation that we had to do.

22           I don't know if that answers your question, but it's not these five items every five days,  
23 other than filling out your timecards every week or every other week.

24 Q. No, that helps. It kind of gives me an idea of what a day in the life of you had going on. You  
25 brought up you take a personal interest in the pilot trainings.

1 A. Yeah.

2 Q. Did you deal with any of the pilot training at Rhoades while you were the FLM?

3 A. I did not deal specifically with their pilot training. I did not have direct oversight.

4 That would've been whoever the principal ops inspector was. He would be doing the EPI  
5 or SAI on their training program.

6 I know that when I gave the check ride to the CEO of the company, I said, it's going to be  
7 very important if you're going to go back and do some training before I give you a re-check. As  
8 the CEO, people may be telling you what you want to hear rather than what you should be hearing.

9 I said, you know, you need to be able to get out and maintain a certain skill level in order to  
10 pass a check ride. I can remember specifically, I said, plus or minus 250 feet during steep turns  
11 does not meet our standard for acceptable performance for a captain. And I said, that is something  
12 that you could work on, but that's just a flying skill.

13 There's many other things that we talked about, but that one was one that stood out in the  
14 back of my mind. I think I might have even discussed that with Clarence.

15 Q. Okay. As you mentioned, the CEO had an unsuccessful  
16 type-ride with you. What was the areas of concern that cause the unsuccessful type-ride?

17 A. Altitude control in steep turns was one of them. That was outside of the TARNs (ph.). I felt  
18 that he was behind the aircraft, not keeping up with what was coming up next. And that's just a  
19 general statement. That one would be difficult to point down to one thing.

20 So if I ever busted anybody on a check-ride, I'm looking for specific things that I could  
21 hang my hat on and say, okay, here's what you have to do, it has to be plus or minus 50 feet, you  
22 were plus or minus 250 -- whatever the guidance was.

23 It could've been the ILS approach. This was 10, 15 years ago, so I don't recall all of the  
24 details of the check.

25 Q. Okay. I was just kind of curious. You mentioned it, so I was just trying to --

1 A. Yeah. You know, one of the things when you talk about giving checks in the ops field, you  
2 talk about guys that are Santa Claus and guys that are at the opposite end of the spectrum.

3 I probably would consider myself sort of in the middle. I never felt I was a Santa Claus  
4 because the job is too important for us to let guys slip through who shouldn't -- who do not have  
5 the skillsets that they need as a captain.

6 And on the other hand, it doesn't serve our industry very well. I can probably find  
7 something to bust somebody on on every single check ride. If you've ever administered a check,  
8 you know that you can get down to the nitty-gritty and find something that some guy screwed up.

9 Q. In a nutshell, or maybe very specifically, what would you classify as your biggest challenges  
10 here in terms of the FAA or an operator when you were the FLM? Did you have any challenges  
11 that were big?

12 A. The challenges. If you have a chance to visit Hickam Air Force Base while you're here, at the  
13 headquarters of Hickam Air Force Base, the building has all these pockmarks in it.

14 Those pockmarks are not concrete termites. Those are where the bullets hit the building on  
15 December 7th of '41 during the attack. And the air force decided that they would not repair those  
16 pockmarks but leave them there as an eternal reminder that the price of freedom is eternal  
17 vigilance.

18 I would apply that same standard to the safety of flight operations. What may be true today  
19 to maintain an adequate training program sort of goes out the window now that they've gotten rid  
20 of those two airplanes, and they have two newer airplanes with a whole bunch of different types of  
21 skillsets that the pilots need to demonstrate proficiency in.

22 So it's a continual need to stay abreast of technology and to stay abreast of what the  
23 company is doing to ensure that that technical knowledge that they need to operate the aircraft at  
24 the highest standards of safety is continued on.

25 Q. Was that a challenge just for the operator, or was that a challenge for your principals?

1 A. That's a challenge for the operator. It's a challenge for everybody in flight standards -- the  
2 principal, the air group program manager, and for the frontline manager that oversees that.

3 In my case, I sort of have a better idea. If you've never been in a simulator to either get or  
4 give a check ride and to know what's involved, it's difficult for someone to have an appreciation  
5 for what they need to have in their training program.

6 So our ops inspectors that are assigned to that operator need to be well-trained and they  
7 need to be eternally vigilant to make sure that they are having the operator adhere to the highest  
8 standards of safety.

9 Q. Okay. Would you classify your principals that were under you on the Rhoades certificate --  
10 would you classify them as well-trained or was that an issue given (indiscernible) training?

11 A. No, I think our ops inspectors that we had have had every -- I went out of my way to get them  
12 as much training as possible.

13 I also -- we used to have slots that would open up for training because someone was unable  
14 to attend. Sometimes they would send an email out, and within about 20 minutes, the slot was  
15 filled for an inspector to take that slot.

16 And so I would monitor those very intently, and every time one popped up, if it was  
17 somebody in our office that could do it, I would immediately get in touch with them -- hey, can  
18 you leave next Thursday to go to X for this training if I can get you in the class, yes or no? Yes, I  
19 can do it -- boom.

20 And I'd get it in writing because sometimes a guy might say, yeah, I want to go, and then  
21 he gets, well, I can't go, I forgot I have such-and-such. So you want to fill all the slots and make  
22 sure that it follows a normal sequence to get the training.

23 But yeah, I was very pleased with the ops inspectors that we had in the slots.

24 Q. Earlier with Bill, you had mentioned the FAA had some  
25 change -- swung that pendulum from enforcement to kind of encourage compliance and all that.

1           What are the different types of enforcement that you guys had in your drawer to use? Was  
2 it -- help me understand. Was it just a letter? Is it fines? Was it (indiscernible)?

3           I'm speaking as a pilot. I don't know what kind of enforcements you had that you had  
4 available to give deal with operators.

5 A. The types of enforcement we would do with an operator. Well, if I recall correctly, we had a  
6 table of penalties. And if there was a particular type of regulatory non-compliance, they had a  
7 recommended sanction for first, second, and third offense. And each one became more stringent,  
8 so to speak, with the enforcement.

9           Whereas the first one might be satisfied with simply a letter of correction, maybe the next  
10 one would be a small fine, the third one might be revocation of the certificate. And I'm just  
11 picking those at random, but revocation of the certificate is the most stringent.

12           I've actually done one of those, also.

13 Q. Against an operator?

14 A. Yes.

15 Q. Just for the record, was it Rhoades at all?

16 A. No.

17 Q. Okay. All right. Let's go ahead and talk a little bit about the Rhoads principals, the POI  
18 especially. This is kind of a (indiscernible). Was there any -- did they come to you with any  
19 issues that they were seeing at Rhoades while you were --

20 A. Okay. I think the current Rhoades POI is Mark Butin. Are you asking about Mark?

21 Q. I'm asking about any principal who was under you.

22 A. I would find it difficult to find anything that Mark did that was not of the highest standards of  
23 performance. He had to be one of the best inspectors, and if I recall correctly, I think I was  
24 influential in Mark coming into our office.

25           Coincidentally, I served on the National Pilot Hiring Committee for the FAA, doing the

1 interviews in Denver, and have hired hundreds of pilots into the FAA in offices all across the  
2 nation.

3           And so I can -- I feel I know what a good ops inspector looks like and the type that we  
4 need. Mark Butin had to be up near the top. He was probably near the lowest as far as his  
5 experience, but as far as his desire, his research whenever he needs to get something done,  
6 anything that he wrote up on a SAI or EPI, or writing a letter to an operator, he was extremely  
7 thorough. And he would come to me and discuss it. He was very articulate. I would be hard  
8 pressed to find a better ops inspector than Mark Butin.

9 Q. Okay.

10 A. And who was the -- if you can refresh my memory -- who was the POI before Mark?

11           MR. KANAE: Should I answer that?

12           BY MR. ETCHER:

13 Q. Is it John Murakami? Does that name ring a bell?

14 A. Yeah, I know John. But was he the POI for the -- okay. John Murakami is of the same ilk.  
15 He is also a top-notch ops inspector.

16 Q. How -- if you can remember, how often did they have to come to you with challenges they  
17 were having at Rhoades? Either one, or (indiscernible) each one individually?

18 A. Well, I would say that both of those inspectors, their biggest challenge they had was not with  
19 the operator that was assigned to them. But it was the interaction between other members of the  
20 certificate management team. And I spent an inordinate amount of time smoothing the feathers  
21 there for both of those guys.

22           And I can't say anything other than that. They were not the ones who were creating the  
23 problem, I'll put it that way.

24 Q. Okay.

25 A. In my opinion. Always tried to do a root-cause analysis to try to find out where to go, and

1 they were both doing the best they could under the circumstances that they were working under.

2 Okay.

3 Q. Sure. I mean, I've got a mainly specific -- can you give me a kind of understanding of what  
4 would be some of the issues (indiscernible)?

5 A. Was that a question?

6 Q. Yeah. Could you give me -- what would be some of those issues that you had to smooth  
7 feathers over?

8 A. Well, there has to be a very close working relationship between an air crew program manager  
9 and the POI. Our POIs are not supervisory POIs. Most of them are working the line as the POI  
10 doing the inspections along with the air crew program managers.

11 And the same topic we were discussing recently about whether you wanted to be a Santa  
12 Claus or go to the opposite end of the spectrum -- that became a problem between the APM and  
13 the POI.

14 I worked for years on that -- trying to get them to work harmoniously, to treat each other  
15 with dignity, courtesy, and respect, and at the same time work with the operator to ensure safety  
16 and compliance.

17 And they would have differences of opinion, and there was a butting of the heads. It got  
18 down to, sometimes, more than just normal conversation. There was yelling that was going on,  
19 and other people in the office overheard it. It just got to that point on more than one occasion.

20 Does that answer your question?

21 Q. It does. But it gives me another one. Sorry.

22 A. Okay.

23 Q. Was the air crew program manager -- was that FAA or was that Rhoades? The air crew  
24 program manager?

25 A. No, those were both at Hawaiian Airlines.



1 Q. Okay.

2 A. Both of those individuals were at Hawaiian Airlines at one point.

3 Q. Okay.

4 A. They were both --

5 Q. And so -- I just want to make sure if I have it correctly -- TransAir did not have air crew  
6 program managers?

7 A. That is correct.

8 Q. Okay. Sorry. My brain crisscrossed there. So I just wanted to make sure I had it correct. Did  
9 you ever do any routes upon TransAir or Rhoades aircraft?

10 A. I do not recall. I flew on a lot of the SD3s on the island. They were operated by Corporate  
11 Air. The SD3s -- we had two other operators in Guam and Saipan that used to operate the SD3s.  
12 And so I was involved in those.

13 Even though Clarence and I both qualified at one point, I know I was the only one who was  
14 current qualified in the aircraft in the nation. And so I did certification work in Alaska, I did it in  
15 Florida. When they need somebody and you're the only guy around that's in the story, can you be  
16 here Thursday?

17 Q. If the POI needed to go do an enroute on Rhoades in the 73, but Rhoades is a cargo-hauler, it  
18 has to typically do a lot of flying at night, correct? Is that right? They did most of the flights at  
19 night?

20 A. I don't know the answer to that question. I know that that was the case at Aloha Air Cargo.  
21 But the -- once again, I'm going back many years. Aloha Air Cargo -- when they were Aloha --  
22 they flew their 737s in passenger configurations pretty much all day. And they were convertibles -  
23 - they would all the seats out, and at night, they would fly night cargo. So with them, yes.

24 And certain cargo is time sensitive. One of them -- the largest contractor was Love's  
25 Bakery, which is now out of business, as well as Aloha. But they would bake their bread, and they

1 wanted to have it at the outer islands at 5 o'clock in the morning, or early in the morning, to get out  
2 to the store so it would be fresh.

3           And so those -- that very perishable cargo had to go in the wee hours of the morning. And  
4 I don't know if Rhoades had the same driving factor in their cargo operation, that it was perishable  
5 or if they could get it there at 10 o'clock in the morning instead of 5 a.m.

6 Q. Okay. Did your POI have (indiscernible) route on Rhoades --

7 A. Yeah.

8 Q. -- and they're working on (indiscernible) a new captain, or something. They wanted to go over  
9 sea.

10 A. Okay.

11 Q. But it was after the normal work hours. Could they overtime in doing that? How was that?

12 A. Yeah. Not a problem. If that's what they needed to look at, and it was outside of the normal  
13 working hours, they would just do it. And I was always adamant that we would give our  
14 inspectors -- whenever they needed to go, if you've got a reason to be there, then I'll approve the  
15 overtime.

16           The first thing we would do is ask them to mod their week. Instead of working 8 to 5, if  
17 you're going to work starting at 6 in the evening, just start your day at that time. And that would  
18 not be overtime, it would just be modifying their week. That's what we would try to do.

19           Now, if that was not possible, the work still needed to be done. But I would generally not  
20 have a guy work eight hours in the office and then go work eight hours doing an enroute later that  
21 night. Generally, you're not going to be at peak performance to be able to do the enroute.

22 Q. Okay. Rhoades simulator was in Miami was (indiscernible). That's where they did all their  
23 sim training.

24 A. Okay.

25 Q. Did you recall if your POI had to go to Miami to oversee any simulator training?

1 A. I would suspect if that's where they operate. I don't recall having to approve any trip for POI  
2 to go to Miami. But regardless of where the simulator is, that's what we do. In this office, we've  
3 got simulators in, I think, Australia. We've got some -- I know that the SD3 sim is in New York.  
4 When I flew the 737s, it was in Dallas, and I was assigned to Continental Mike (ph.). I did a lot of  
5 simulators in Houston. In Minneapolis, when Northwest had the DC-10, I would go there.

6 So the simulator location is where you go for your work. Because you have to observe  
7 many things in the simulator -- the check rides, the training, and other functions.

8 Q. So a few more questions, and then I think I'll --

9 A. Sure.

10 Q. -- (indiscernible). When you were the FLM and you had the Rhoades certificate under you,  
11 were you aware of any engine issues where there was compressor stalls, engine shutdowns,  
12 rejected takeoffs? Did the POI ever bring any of that to you at all?

13 A. I recall none.

14 Q. I'm sorry?

15 A. None.

16 Q. None?

17 A. Yeah. I don't recall any specific issues.

18 Q. You don't recall.

19 A. I mean -- yeah. Every airline probably has engine issues at one time or another. But I don't  
20 recall specifically any that stood out with Rhoades.

21 Q. Can you recall if there were any whistleblower complaints filed against Rhoades?

22 A. I do not recall any.

23 Q. If there was one, would you be notified of it?

24 A. Yes. We would become aware of whistleblowers and would investigate. Unless we were the  
25 subject -- then usually somebody else would be investigating, I think was the process for

1 whistleblower complaints.

2 Q. But there's none that you can recall from Rhoades?

3 A. No.

4 MR. ETCHER: Okay. I think that's all I have right now. I appreciate the time.  
5 Clarence?

6 MR. KANAE: Thank you.

7 BY MR. KANAE:

8 Q. Rich, thank you for your time this afternoon. Great to see you again. I just have a couple  
9 questions.

10 During your tenure as a frontline manager, you oversaw the CMT, which included  
11 specifically POIs -- (indiscernible) POIs -- John Murakami and also Mark Butin, during your time.

12 A. Mark Butin must've been assigned after I retired. I mean, I did, but when I was overseeing  
13 Mark, he was with Hawaiian as the air crew program manager.

14 Q. All right. So it would've been John Murakami at the time --

15 A. You know, John -- he took that job with headquarters. And I don't -- he was the POI for  
16 Rhoades, you're saying? Okay. That may have been under a different FLM. I don't recall him  
17 being there, but doesn't mean he wasn't.

18 Q. All right. Any of the CMT members approach you for any concerns about the operations at  
19 Rhoades?

20 A. None. None that I recall.

21 Q. Do you recall any check inspections or cargo (indiscernible) team inspection while you were a  
22 frontline manager?

23 A. I do not.

24 MR. KANAE: And that's all I have. Thank you.

25 MR. GUILLORY: Okay.

1 DR. BRAMBLE: All right. Jason -- I mean, sorry, Jacob.

2 MR. ZEIGER: That's fine.

3 BY MR. ZEIGER:

4 Q. It's really just a couple from me. Shawn had asked a couple that got me thinking about  
5 resources in general.

6 It sounds like -- would it be fair to say that you touched all of the certificates under the  
7 Honolulu office?

8 A. Yes. At one time or another, that is correct.

9 Q. Just generally, how do you feel like TransAir sized up to the other certificates?

10 A. I would say that Hawaiian is the 800-pound gorilla in our office. So they have more resources  
11 and the ability to do a lot of things in their training program that others did not have the resources  
12 to do.

13 TransAir/Rhoades sort of fell into the same category as Asia Pacific Airlines, which was  
14 another small operator. We had a couple others that are no longer operating -- Freedom Air,  
15 Pacific Island Aviation. And they were included as -- some people use the term mom and pop  
16 operation.

17 But I was always impressed with Teimour -- his ability to survive in spite of all the  
18 economic downturns and everything else that happened to be able to continue to operate his small  
19 company and be able to adapt and adjust as necessary. Because the bottom line is, he's got to  
20 make money to meet his payroll and pay for the airplanes and the gas and everything. And he was  
21 able to do that.

22 Q. Thank you. And so, also, I think I remember you saying that at one time, you might've been  
23 the only FLM even in the office, right? And so at one point, you would have all of the certificates?

24 A. Yes.

25 Q. So between that and the time that you had only one or two certificates, did you ever feel like

1 you were resource-constrained in the tasks that you were expected to do by the office?

2 A. No, I really didn't. Sometimes it took more time, and I would just adjust to whatever the  
3 situation was. If I was working with -- let's say I had TSAA -- TSAA is (indiscernible) cargo -- if  
4 I had them and maybe Rhoades, then I would just focus on those two and I would forget about  
5 Hawaiian and the other operators, just until the end of that quarter or whatever.

6 Completed all the surveillance, and then maybe switched  
7 over -- maybe the next quarter I would have Hawaiian. I just shift gears and go back to looking at  
8 that one and forget about the others -- just dealing with the issues that were at-hand and I was  
9 responsible for at that time.

10 Q. You would say the same, probably, to the principals -- that they had everything that they  
11 needed?

12 A. Yeah.

13 Q. (Indiscernible).

14 A. It's like all of us -- we try to focus on the job at hand. You can't be responsible for Jim or Joe  
15 or what Samantha is doing. You've got to focus on what your bailiwick is that you have to deal  
16 with.

17 Q. Thank you. Just a couple more on the type-check out with the CEO.

18 After he failed the first attempt, what was his reaction like to that?

19 A. You know, I didn't -- I would hope -- and this is what I think happened -- he said, well, I did  
20 this and that's the reason I failed the check, I understand that.

21 And I explained to him. I said, you know, I'm not here to basically pass judgement on a lot  
22 of things that are difficult to surmise. I said, I will focus on several issues here along the way.  
23 This is what the standard is, this is where you were that is not within the standard. And that is the  
24 reason why I cannot give you a passing grade on this check-ride.

25 It doesn't mean that you can't take the check-ride tomorrow morning and do everything

1 correctly. But we have to give you a period of time to do re-training. And then I'll come back, and  
2 I'll assess you using those same -- I think they're called the practical test standards that we would  
3 use. And each maneuver had airspeed, hitting at altitude parameters that they had to be within, so  
4 to speak.

5         On final approach, if you're supposed to touchdown at 110, if you're at 115, it's okay. If  
6 you're at 180, it's probably outside of the parameters.

7 Q. And he was generally positive about it?

8 A. I think so. I think he understood exactly that we were there to perform a function. And that's  
9 all we do. I would emphasize, if I didn't say it to him, I'd say, it didn't matter, Teimour, whether  
10 it's the CEO or a new-hire pilot. These are the standards, and you either meet the standards or you  
11 don't.

12 Q. How about your advice for him to keep flying periodically to keep his own skills sharp? Was  
13 he pretty receptive to that?

14 A. Yeah. He understood what I was saying. If you're going to go out and ride a Harley, you can  
15 kill yourself without having certain skillsets and understanding of how the machine operates.

16 Same thing.

17         MR. ZEIGER: All right. Very good. Thank you very much. That's all I have. I'll pass it  
18 back to --

19         MR. GUILLORY: Okay.

20         DR. BRAMBLE: Okay. Thanks.

21         BY DR. BRAMBLE:

22 Q. So Rich, were Mark Butin and John Murakami ruffling feathers because they were more hard  
23 charging than the other inspectors?

24 A. What is the question?

25 Q. Were they -- so I think what I heard you say was that they ruffled some feathers among the

1 other inspectors in the office. Is that accurate? Both John and Mark? John Murakami and Mark  
2 Butin?

3 A. Well, let me -- I used the term, part of my job was to smooth the feathers. Part of the problem  
4 they were having is on their own CMT, was interaction with other CMT members.

5 In fact, one in specifically, and specifically the POI. And both of them seemed to have the  
6 same type of issues.

7 Q. Were they both having problems with the same person?

8 A. Yes.

9 Q. Okay. And so were they both APMs?

10 A. Yes.

11 Q. Okay. And then, was the nature of the disagreement -- you don't have to tell me what it was if  
12 this isn't the case, but was it because they wanted to be more aggressive about oversight and  
13 enforcement than the POI did?

14 A. I don't recall specific incidents. But I do recall that on more than one occasion, I felt that the  
15 POI was trying to protect the operator and give them a more gentler and kinder FAA.

16 Whereas the issues with the APM probably was, they had to answer an SAI or an EPI with  
17 a yes or a no, and they could not justify giving it a yes, so they gave it a no. And if you give it a  
18 no, that means they're not in compliance, so now we have to move to enforcement action.

19 And so the POI, for example, might say, why don't you look at that again and see if you  
20 can find a way to give them a yes on that instead of a no. And that may be a bad example, but  
21 that's what I recall being part of the issue that -- it was an implication that maybe the POI was  
22 being too protective of the operator.

23 Since it came up about moving POIs, that was a POI that was moved to another certificate  
24 to try to alleviate that situation.

25 Q. Okay. Were John Murakami and Mark Butin both on the same certificate at the time? Same



1 CMT?

2 A. I don't know if they were there at the same time, but they were on the same certificate.

3 Q. Okay. So they may not have been having the same conflict at the same time?

4 A. Correct.

5 Q. But they both were wanting to -- they both were needing to provide a yes or a no on one of  
6 these types of items, and it (indiscernible) perhaps if the POI was being protective.

7 A. Yeah. I was using that as an example because I believe that that is correct. But it could've  
8 been a separate issue.

9 Q. But that was kind of, in general, what you recall of the nature of the disagreement, even if  
10 those specifics may not be precisely accurate?

11 A. Yeah.

12 Q. Okay. So is it true that -- it sounds like you're describing Mr. Butin and Mr. Murakami as  
13 being fairly straight shooters -- fairly objective in their assessment of these things?

14 A. Yes.

15 Q. Okay. Did you feel like they're overly aggressive?

16 A. Not at all.

17 Q. Okay.

18 A. There were many, many things that we do in the ops field where the minimum acceptable  
19 performance is 100 percent.

20 I don't think we should allow a guy to pass the check-ride and he knows how to do  
21 everything, except he doesn't know how to safely abort the aircraft in an abort situation, or he does  
22 not understand that on a minimum descent altitude of a non-precision approach is the minimum  
23 altitude -- you can't go below that. The minimum is the minimum. If he goes below that, then  
24 that's a failure of the check-ride.

25 Unless there's some extenuating circumstance, and generally that's very difficult to justify

1 that.

2 DR. BRAMBLE: Okay. All right. Shawn, do you have anything else?

3 MR. ETCHER: I just have one question.

4 DR. BRAMBLE: Sure.

5 BY MR. ETCHER:

6 Q. Did you ever attend any of the Rhoades safety or cast meetings while you were a frontline  
7 manager?

8 A. Could you repeat the question?

9 Q. Sure. If you happen to -- did you ever attend any of the Rhoades Aviation's safety or cast  
10 meetings when you were a FLM?

11 A. I believe I did. I would periodically strive to go over to each of the operators just to show our  
12 face and get feedback from the operator if they wanted to tell us anything that they may be hesitant  
13 to mention to one of their principal inspectors, or whatever.

14 But at the same time, I was there to support the certificate management team and their  
15 work with the operator.

16 Q. Okay. One more question after that -- I know you said you think you did attend those  
17 meetings. If you can recall, what was your impression of those meetings?

18 A. Like I said, I don't have anything that stands out that Rhoades or TransAir was -- certainly not  
19 fraudulent in any of their work. They were not -- if we sent them a letter asking them to do  
20 something specifically, they were generally compliant with it.

21 Teimour was the face of the organization as the CEO, and I always found him to be quite  
22 the gentleman and a trustworthy individual.

23 MR. ETCHER: I think you answered all my questions. Thank you so much. Bill, back to  
24 you.

25 DR. BRAMBLE: Clarence, do you have anything else?

1 MR. KANAE: Nope, that's all I had. Thank you.

2 DR. BRAMBLE: Okay. Jacob?

3 MR. ZEIGER: That's all I had. Thanks very much.

4 DR. BRAMBLE: All right. I just have a couple of close-outs.

5 In every interview, we always ask people if there's anything that we didn't ask you that you  
6 wanted to share that you thought we would ask you about, or something else that you'd just like to  
7 volunteer?

8 MR. GUILLORY: There's not.

9 DR. BRAMBLE: And we also always offer everyone the opportunity to make suggestions  
10 about safety recommendations. Do you have anything in that area?

11 MR. GUILLORY: I have no additional safety recommendations.

12 DR. BRAMBLE: Okay. Well, thank you very much. With that, we will stop the  
13 recording.

14 (Whereupon, 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:                   TRANSAIR FLIGHT 810 CRASH  
NEAR HONOLULU, HAWAII  
ON JULY 2, 2021  
Interview of Richard Guillory

ACCIDENT NO.:                   DCA21FA174

PLACE:                               Honolulu, HI

DATE:                               September 24, 2021

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.

  
TAHURA TURABI  
Transcriber