

STATEMENT OF FACT

TO: Rakesh (Rocky) Patel, FAA
Jim Glasner, Chief Pilot
Travis Eggleston, Regional
Lucas Reyhur, Lead Pilot

FROM: William L. Kornell

DATE: March 5, 2017

RE: February 14, 2017 Incident:

Following the March 3, 2017 Crew Debriefing held at the Hampton Inn in McAlester, OK, I feel it necessary to give this Statement of Fact regarding the February 14, 2017 incident.

EXPERIENCE:

I am a highly experienced pilot who has been an active professional pilot since age twenty. I hold certificates in both the United States and Canada. I have flown most types of aircraft from tail-wheel to DC-7's (fire retardant aircraft for USFS). I flew eight seasons as a Smoke Jumper Pilot for the BLM, USFS and OAS, all of which require separate check ride. I flew as a Commuter Airlines Captain in the State of Alaska where I accumulated more than 15,000 hours of safe flying. During my Alaska time, I flew ski planes, float planes, super cubs on tundra tires (all off-airport). In addition I have more than 1200 hours of hard IFR flying with no auto-pilot; I also have an additional 1000 hours with an auto-pilot. **(There is a huge difference between flying an auto-pilot equipped aircraft under IFR conditions and flying IFR single pilot with no auto-pilot when everything works.)** In an emergency situation hand flying an aircraft under IFR conditions is a huge challenge. The most obvious, to pilots being, without the auto-pilot engaged, whenever you have to look away from the flight instruments to check charts, etc., the aircraft will deviate from your flight attitude and will need to be adjusted when you are able to look back to your panel (in this case I had to

use the co-pilot panel, which made things even more challenging).

All emergency situations are challenging to a pilot and you must have total focus on the immediate tasks and decisions taking place. You do not want or need a lot of chatter from inside or outside the aircraft all that does is make the emergency situation worse and, in this situation, created a chance for a tragically different outcome. I believe, had I not possessed the skill set that I do, this incident would have ended in fatalities.

During my career I have experienced challenging situations, i.e.,

- Two electrical fires in-flight (one under IFR conditions and one under VFR conditions);
- Three single-engine airplanes whose engines failed (one was a Beaver on Floats in The Yukon Territory);
- While ferrying a Sky Master Cessna 337, I experienced the explosion of the rear engine, I successfully brought the plane to its destination in Wells, NV;
- Returning home from a night charter flight in a Queen Air the left engine failed and 10 minutes later the right alternator failed. Arriving at the destination airport about an hour later I had to pump the gear down for a safe landing;
- On two other occasions I have had to pump the gear down – Beech 99 and Cessna 421;
- Two other engine failures in multi-engine aircraft – both Beech 18's.

I have listed these experiences to show that I have the skill-set and abilities to successfully execute my duties as pilot-in-command during an emergency situation.

INCIDENT SEQUENCE OF EVENTS:

The morning of February 14th at approximately 7:10 a.m., I received a phone call from the night pilot asking if I could come in early. He had a flight request to pick a patient up at Idabel, OK and fly to Paris, TX. I do not know his reasons for requesting this change (his duty day would have ended at 10:00 a.m. and he could have made the flight) but I accommodated his request and went in early.

On the drive to the airport I checked with The National Weather Service; filed an IFR Flight Plan from McAlester to Idabel; at the same time I requested and was given a weather briefing on both Idabel and Paris. The briefing showed the entire flight would be conducted under IFR conditions. I found the airport wind reports to be interesting, the wind at Idabel was 4 knots out of the northeast; the wind at Paris was out of the south at 17 knots. Upon arriving at the airport I found the aircraft parked on the ramp. I entered the office and asked the night pilot if he had done the Baldwin Report and he said he had. I also asked about Golden Hour and he said he had done that as well. The crew was there, I gave them a weather briefing while I changed into my flight suit. I secured my charts and went to the aircraft where I conducted my walk-around inspection. Once inside the aircraft I verified that the approach plate was out and ready for use when I arrived at Idabel. I switched the Master Switch on to verify my fuel load. I verified that the rear door was shut and secure. I started the right engine, at 54% I brought the right generator online and waited until the system charged down to 50%, at that point I started the left engine and at 54% I brought the left generator online. Everything at this point was normal. At that point I turned the radio master on, I brought the EFIS system online (2 switches), I then turned on the auto-feather, put the ice

vanes down, turned on the five switches on the right sub-panel that pertain to flight in icing conditions, as is company policy.

Once the GPS spooled up I programmed Idabel into it. We taxied to the end of the runway where I contacted Ft Worth Center to receive my IFR clearance. I brought the ice vanes up. I was given a clearance and cleared for take off. Take off was normal positive rate, gear up. I established 140 knots for climb speed. At approximately 1500' I turned the auto-pilot on, set the altitude preset to my initial altitude assignment of 5000' and the heading bug to Idabel. Once established on that heading I engaged the NAV mode on the auto-pilot. At about 3300' I contacted Center, as normal. At about 4200' Center called me, said they had radar identification, asked me to verify my altitude. At that point I was cleared on to 7000', my final cruising altitude.

Upon reaching 7000' the auto-pilot did what it was supposed to do by leveling off and holding the heading. Once the air speed accelerated I adjusted the power for cruise flight. Center called and advised heavy rain showers in the vicinity of my destination. At that point, I put the ice vanes down. There was a quick power fluctuation (everything went away and then came back). A short time later it happened again. Anthony (Med Crew) was in the right seat. He said, "Captain, this makes me very nervous, I think we should return to McAlester." I replied, "No" because we had better weather at Idabel and flatter terrain. Seconds later the entire system failed. I had no fuel gauges, no engine instruments and flight instruments failed as well as the COM radios and the navigation equipment. I then transitioned to utilizing the co-pilots instrumentation and compass.

At this point we had a discussion amongst the three of us. They first requested that we go west. I said "poor choice due to weather." They then suggested a heading of 120 degrees. I said, "no, I was going to change headings to 180

degrees based on the weather briefing I had had, I knew the weather was better on that heading. I checked the compass to verify the approximate heading I was on and the direction to turn to arrive at a heading of 180 degrees. I turned the aircraft to the right, held the bank angle for a bit then leveled out to verify the heading. **Trying to navigate solely by compass has a set of challenges all its own.** The crew did not understand that flying by compass requires a lag time before the heading can be read. **I took precious time to try and explain this to them.** Once I established the 180 degrees I wanted, after a short while I checked the compass again. To my dismay, I saw the compass indicated 60 degrees. I turned back to the 180 degrees still trying to work my way south. Again, a short while later I am heading 60 degrees. This process continued. From personal experience I have learned that as long as you hold a fairly straight and level flight attitude you should be fairly close to your heading, which was not the case here. We broke out of the clouds momentarily; I observed some lighter areas in the overcast and headed their direction. I asked the Med Crew to look for holes that we might be able to descend down through. I began a slow descent. The Med Crew spotted a hole but I was unable to make that one work. A short time later, at a lower altitude, I did find one I could get through safely.

I reduced the power, commenced a steep descent and made a steep bank angle to the right, descending through the hole. The Med Crew came apart. I do not know if they had ever done this type of flying before but it is representative of the type of flying I did for years in Alaska. I immediately asked the Med Crew to shut up. I told them I had a lot of experience doing this and for them to relax. **(There is an extreme difference between flying for passenger comfort and flying to save lives.)** I made a turn to the right, saw some buildings but did not see an airport or any identifiable landmarks or any suitable place to land. The Crew was having a difficult time at this point; they were pleading for me to return to altitude and were making it

very difficult for me to concentrate on resolving our situation. I was about 1000' above ground level at this point. I determined the weather was not conducive to remaining at this altitude; I went back up into the clouds to 5000' and leveled off. At about this time we discovered that the artificial horizon was nearly 5 degrees off. Once I figured that out, I could hold a heading and fly south bound. I kept looking for holes to get down through in a different area. I had to bank the aircraft to see if I could identify a break in the clouds I could get through. At this point Anthony grabbed the control wheel to prevent me from doing any banks. I told him to get his hands off the control wheel. The next time I attempted a bank he took hold of the wheel to stop me. I told him again to get his hands off and not to touch it again. At this point I told him, in order to change my heading I had to bank the airplane. Once again I went to bank the airplane and again he grabbed the wheel and I had to tell him twice to turn it loose. (**This is serious interference with the flight crew.**) About this time he got on his phone. Anthony indicated to me that we were under radar contact with someone. I asked him twice who he was talking to and he would not respond. I assumed it would be Ft Worth Center. I later learned, after the flight, that he was talking to Med Trans. They were attempting to get me to the De Queen, AR airport, however the visibility at De Queen was only 2 ½ miles so it was then decided that I should go to Texarkana where the visibility was 10 miles. I was told to descend to 4200'. By this time I knew that my altimeter was malfunctioning as well and I was flying by the co-pilot's altimeter. I descended down to and leveled off at 4200' and at this point we could see the ground. We believed the ordeal was nearing the end. Anthony said to me: "It is a good thing that you know how to fly instruments" and I responded, "Yes it is." I was told that there was a road to the right of the airplane that would lead us to the airport at Texarkana. I put the road on the right side of the aircraft and then told the Med Crew to watch the road and I would watch the terrain. We then started following the road south bound. I asked how far it was and Anthony responded, "not

far, put the gear down". Anthony was still on the phone and I assumed he was talking to Ft Worth. I told Anthony "No, for one thing the gear doesn't go down until I have an airport in sight and two the gear will not go down because we do not have any electrical power." I reached up and put the gear handle in the down position to show him. I returned the gear handle to the up position. We continued flying south bound and I asked him how far to the airport and he responded about 20 miles. I said that's a bit farther than you told me a couple minutes ago and he agreed. The other Med Crew was also on his cell phone talking with someone. About this time they told me I had to climb. I said "No" and asked them "Why?" I was comfortable flying where we were. They kept saying "Rising terrain" they were panicking again. I finally decided since they were both on phones saying the same thing that there must be something I did not know about. Anthony said I had to go to 5000' so Ft Worth could radar identify us. I said "I thought we were already radar identified". He did not respond. I went to 5000' expecting to continue the heading I was holding and closer to Texarkana I would descend back to VFR conditions and be able to locate the airport. At this point I was told to turn left to about a 70 degree heading. I said, "I thought we were going to Texarkana why are we changing headings?" Anthony replied, "I don't think Texarkana is any good. I think we can go to Antlers." I said, "How far is it?" He said he wasn't sure. I said "I don't know who you are talking to but we need to be over an airport very soon." I turned toward Antlers, assuming they were still talking to Ft Worth. At this time I learned that they had lost cell phone coverage at 5000' and had not told me. I was operating under their directions assuming they were being instructed by Ft Worth Center. Anthony then admitted that he was trying to navigate with the GPS on his cell phone. At this point, I said, "What in the hell is the matter with you? You should have told me when you lost cell coverage since I could have descended to a lower altitude and reestablished contact and we could have continued on to Texarkana."

(We would have been able to make a safe landing at Texarkana. This was the turning point of the flight. I was led to believe one thing when the Med Crew were actually doing something entirely different and they refused to provide me with proper information and answers to my questions which would have allowed me to have safely brought closure to this event. Only by the grace of God and my skill level were we not all killed by their actions.)

I again asked where is Antlers and how far is it. I was told he didn't know but that Tulsa would be good. Shortly thereafter I could hear an engine spooling down as it was in the process of quitting. Without engine instruments I had no way of telling which engine was failing until the engine slowed enough that I could identify the propeller blades rotation. I then identified the failing engine as the left one. I pulled the condition lever to off, feathered the prop and began to apply rudder pressure and trim in order to retrim the aircraft. At this point I realized that we were on very limited time and that the right engine was not going to continue to run much longer. Anthony looked at his phone and said, "I think we should go to Tulsa." I responded, "We don't have enough gasoline to go any place." At this point I had had it with the interference, the refusal to answer my questions or to do as instructed, not keeping me advised of our situation (loss of cell service and continuing to give me instructions), Anthony's attempts, on multiple occasions, to take control the airplane and the general disregard for practical safety in an emergency situation. I saw a light spot, descended and found the ground. There was nothing that I could utilize for an emergency landing. I ascended for an additional few minutes, saw a crack in the clouds, I made an extremely hard bank to the right, pulled the power lever back on the good engine and made the hole. At this point the guy in the back screamed, "We're upside down". The Med Crew was beyond panicking. I didn't respond but we were not upside down or we'd be dead. I once again told them to "Shut up!" I popped out of the bottom of the clouds

knowing that I only had minutes of flight time left. I saw a house, I saw a road and I saw two fields. I assessed that a road landing was not survivable. The lower field was unsuitable, leaving only the upper field, which had numerous large trees in it. It also sat right behind a hill that was partially in the clouds. I had to make a quick pass to see what angle I needed to land at to not hit a tree. Earlier in the flight I had asked the second Medic to find the emergency checklist for the gear extension, I asked him to read it even though I had pumped gear down in the past and knew the procedure. I reached for the emergency gear handle, pulled it out and was going to pump the gear down when Anthony said he would do it. I made a hard left turn to enter a fast down wind for the field, knowing that I didn't have much time. The guy in the back was on the phone; I did not know that he was talking to Lucas. I was about 25 feet above the trees on down wind and he was screaming into the phone to Lucas that we were going to hit the trees and were going to die. I again had to tell him to shut up. I made the left turn to final in front of the hill. I told the crew to make sure they were buckled in good that we were going to land. I had to land between two trees. I lined up and the Med Crew was hollering for me to slow down. I guess they have never heard of VMC (minimum controllable air speed on one engine). Depending on flight conditions, when that happens the airplane is going to flip onto its back and this would have caused a fatal crash. Not only did I have to land between the two trees, I had to get the airplane to turn left, otherwise we would have hit the third tree. Shortly after making the small left turn, the nose of the aircraft impacted the ground bringing us to an abrupt stop. The moment the airplane ceased its forward momentum I hollered to the Med Crew to get the hell out of here. At this point I did the emergency shut down from memory and I exited the airplane as quickly as possible.

As soon as I walked around the front of the aircraft, Anthony ran up and put his arms around me and said "Thank you for saving my life!"

The landowner showed up. (He had opened his back door about the time we landed in his pasture.) He advised that 911 had been called.

I turned to check on the flight crew to make sure they were ok and they were hustling across the field toward the farmhouse. I didn't see the crew again until I returned from my drug test when I inadvertently thought I was to go to the base housing at the McAlester Airport where they were giving their report to the EagleMed Management. I was asked to leave, which I did. After that I never encountered them again until the McAlester Meeting on March 3, 2017.

Luckily when I had exited the airplane I had both (company and personal) cell phones with me. I checked my phone, which did not have cell service. I checked the company phone and it did have service. I called Med Trans Com Center and informed them we were on the ground safely, no injuries. They asked where we were and I said I didn't have a clue, hang on a second and you can ask the landowner, he's standing here with me.

I then called my wife and wished her a Happy Valentines Day and said "oh, by the way, I had to land the airplane in a pasture, did you get your flowers?" I told her I was busy at the moment but would call her back when I had more time.

I called Lucas and told him where we were and he said he was on his way to pick us up. Shortly thereafter the Sheriff, deputies, ambulance and med crews arrived on scene. I remained with the airplane until Lucas arrived. The Sheriff asked if I would talk with the news crew and I said "absolutely not." I then received a phone call from the FAA asking if everyone was okay and could they call me back. As soon as I hung up I called Lucas to verify that it would be all right to talk with the FAA. He said he would check with our Chief Pilot and call me back. I was advised that, according

to company policy, I could discuss the incident with the FAA.

SUMMARY:

At the time of my verbal report of this incident, shared with Jim Glasner, Chief Pilot, John Wilson, Director of Maintenance, Brandon Wix, Director of Operations, Lucas Reyhur, Lead Pilot-McAlester Base and given to Rakesh (Rocky) Patel, FAA Representative, in a separate interview, I was not cognizant of who the Med Crew staff were actually talking to on their phones, assuming I was being directed by Ft Worth Center when, in fact, I was being directed at times by the Med Crew members themselves. There were major infractions made by the Med Crew staff. Following the March 3rd meeting I believe that by not fully describing this event and the extents of the interferences with the flight crew member, I am placing future pilots, patients and flight crews at great risk. Because of this I feel I must submit this detailed Statement.

FAR 91.11 - Prohibition on Interference with Crew Members.

No person may assault, threaten, intimidate or interfere with a crew member in the performance of the crew members duties aboard an aircraft being operated.

FAR 135.19 - Emergency Operations

- A. In an emergency involving the safety of persons or property, the Certificate holder may deviate from the rules of this part relating to the aircraft and equipment and weather minimums to the extent required to meet that emergency.
- B. In an emergency involving the safety of persons or property, the Pilot in Command may deviate from the rules of this part to the extent required to meet that emergency.**

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CONCLUSION:

This was a very extreme set of circumstances wherein I had to deal with multiple failures and emergencies in the aircraft, i.e., complete loss of electrical power, loss of an engine and a critical fuel situation over an extended period of time. The situation was compounded by the interference of individuals who were not trained flight personnel attempting to take control of the flight and who failed to divulge critical information which could have ended in a catastrophic outcome. The failure to divulge information did result in my not being able to have landed safely in Texarkana.