

## UNITED STATES OF AMERICA

## NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

Investigation of:

\*

\*

REGAL AIR ACCIDENT NEAR PORT

\* Accident No.: ANC17FA039

ALSWORTH, ALASKA ON JULY 27, 2017

\*

\*

\* \* \* \* \*

Interview of: MARK HERITAGE

Regal Air POI

Via Telephone

Wednesday,

February 21, 2018

APPEARANCES:

MICHAEL HODGES, Investigator in Charge  
National Transportation Safety Board

BENJAMIN ALLEN, Assistant General Counsel  
National Transportation Safety Board

ERIC WEST, Air Safety Investigator  
Federal Aviation Administration

MARK TOMICICH, Senior Attorney  
Federal Aviation Administration  
(On behalf of Mr. Heritage)

| <u>ITEM</u>                 | <u>I N D E X</u> | <u>PAGE</u> |
|-----------------------------|------------------|-------------|
| Interview of Mark Heritage: |                  |             |
| By Mr. Hodges               |                  | 5           |
| By Mr. West                 |                  | 18          |

I N T E R V I E W

(8:05 a.m.)

MR. HODGES: We are recording. We are conducting the ANC17FA039 Regal Air FAA POI interview telephonically. Today is Wednesday, February 21st, 2018, and the time is 8:05 Alaska Standard Time.

I'm Mike Hodges with the NTSB, the Investigator in Charge. I also have on the phone Ben Allen from the NTSB, General Counsel Office.

Ben, do you have any objections to recording this interview?

MR. ALLEN: No, I do not.

MR. HODGES: I also have Mark Tomicich from the FAA, General Counsel Office. Mark, do you have any objections to recording this interview?

MR. TOMICICH: I will reserve my objection for the witness because it's really his interview. I'm here representing him.

MR. HODGES: Okay. Eric West from FAA, the AVP-100 office. Eric, do you have any objection to recording this interview?

MR. WEST: No.

MR. HODGES: And then Mark Heritage from the FAA, Anchorage FSDO. Mark, do you have any objection to recording this interview?

MR. HERITAGE: No.

MR. HODGES: Okay. Today we will be interviewing Mark Heritage. He is the Regal Air POI, principal operations

1 inspector.

2 INTERVIEW OF MARK HERITAGE

3 BY MR. HODGES:

4 Q. Mark, can you tell me when you were hired by the FAA, please?

5 A. August of 2012.

6 Q. August 2012. Okay. And then can you describe your aviation  
7 background prior to coming to work for the FAA, please?

8 A. Okay. Well, how far back do you want me to go?

9 Q. Just kind of an overview of when you initially started in  
10 aviation, then kind of when you -- working up to when you started  
11 working for the FAA, please.

12 A. All right. Well, I first soloed at 16 way back in the early  
13 '70s. Got my private ticket in '75. And then that's all I was,  
14 was a private pilot for a number of years. Got out of the  
15 military and got married and had some kids, and -- I'm flying now  
16 for quite a while. And I was working as a computer technician for  
17 a while. Then word came down that there was going to be some  
18 layoffs, and so I decided to get back into aviation. This was in  
19 the early 2000s.

20 So I went ahead and got the rest of my certificates,  
21 commercial on up, and then got a CFI, double I, and all that, and  
22 was teaching for a while. I got 1200 hours, and then I went to  
23 work for a 135 operator in St. Louis, working 5 days a week flying  
24 the 210s, flying cancelled checks and things, but I was only  
25 making \$10 an hour. And so we were kind of going broke doing

1 that, so me and my wife decided to move up to Alaska.

2 And my first job up in Alaska was up on the North Slope  
3 flying out of Barrow for a few months. And then the company sold  
4 out, was bought by another company, and I went on with them. Move  
5 down to Aniak, and flew out of there for a while. And then got  
6 tired of the 2 on/2 off schedule, so I got a job in town as a  
7 flight instructor. And with this other company, I was there for 5  
8 years, and I ended up -- we ended up getting a 141 school, and I  
9 was the chief flight instructor there, and we also had a 135  
10 basic, and I was the chief pilot there.

11 And then the owner decided to sell, and the FAA had been  
12 coming over there for proficiency flying, and I got to know a lot  
13 of them, and they were asking me that I should come to work for  
14 them. And when he decided to sell the company, I applied to the  
15 FAA and got hired, and here I am.

16 Q. Okay. And then what certificate ratings do you have?

17 A. Well, I have an ATP, CFI, II, MEI, and a ground -- advanced  
18 ground instructor.

19 Q. Okay. And then, just roughly, how much total flight time do  
20 you have?

21 A. A little over 7,000 hours.

22 Q. Okay, 7,000. Working as a principal operations inspector,  
23 how many certificates are you responsible for?

24 A. Right now 50.

25 Q. Fifty. Okay. And then how long have you been the principal

1 operations inspector for Regal Air?

2 A. I picked them up in June of '16.

3 Q. June of '16. Okay. And then what office is the Regal Air  
4 certificate held at? What FAA office is that?

5 A. That's here at AL03.

6 Q. Okay. And then how many inspectors make up the Certificate  
7 Management Team at Regal Air, and what are their roles and  
8 specialties?

9 A. Well, our typical CMTs are a POI -- that's what I do, and I'm  
10 on the operations side -- and we have a PMI, who deals with the  
11 maintenance issues; and we have a PAI, which is the avionics. And  
12 every certificate that we have has those three individuals.

13 Q. Okay. And then, on average, about how much of your time are  
14 you able to dedicate to the Regal Air certificate?

15 A. Well, the way we work is we have to assign risk, and our high  
16 risk folks get the most time. Regal Air is not high risk, and so  
17 I see them typically once a year for inspections, and then every 6  
18 months I give the chief pilot or the DO a check ride. And so --  
19 and if I'm over in that area, I happen to be around, I'll stop in.  
20 So, you know, periodically. I don't -- it depends; it just  
21 depends on what's going on.

22 Q. Okay.

23 A. But I don't -- they don't get a whole lot of time.

24 Q. Okay. And then since you've been the POI have they ever been  
25 considered high risk at all or they've been low risk the whole

1 time?

2 A. Not since I've been on, no. In fact, they've run a pretty  
3 good operation.

4 Q. Okay. And then since you've been working as the POI, have  
5 you noticed any issues with Regal Air from like an operational  
6 aspect with anything they do operations-wise?

7 A. No. Nothing that stands out. We had one issue early on that  
8 we gave one of their guys a -- he was transitioning from the  
9 Beaver to the Navajo, and wasn't quite up to speed, and so we  
10 didn't give him -- we didn't pass him, and told the DO he needed  
11 more training, and that's what they got. And so other than that,  
12 no, these guys have been very, very good.

13 Q. Okay. And how would you describe the relationship between  
14 the Certificate Management Team and Regal Air?

15 A. We've had a -- we have a very good relationship with them.  
16 Anytime we've asked them to do something, if we get an update on  
17 an ops spec or, you know, something comes down that has to happen,  
18 we contact them, and they're very good about responding and  
19 getting things done.

20 Q. Okay. And then based off your interactions with the  
21 management team, such as the director of operations, chief pilot,  
22 have you had any issues with any of those folks at all?

23 A. No. I can't speak for the maintenance, the DM, because I  
24 don't deal with him directly, but the DO and the chief pilot,  
25 they're -- no, I've got no issues at all with them.

1 Q. Okay. And then have you had any interactions at all with the  
2 accident pilot, Joel Black?

3 A. No, I haven't.

4 Q. Okay.

5 A. Apparently, I understand he was a fairly new hire and, no, I  
6 didn't. I've never met the man.

7 Q. Okay. And then from your perspective, how would you describe  
8 the organizational safety culture there at Regal Air?

9 A. I would say it's very good. They've got a -- anytime I've  
10 been over there to do inspections or to visit with them, you know,  
11 I'm sitting in their operations area, and they've got a -- they  
12 address -- they look at the weather. I mean, they make decisions  
13 on whether or not they want -- they're doing things the right way.  
14 That's my general feeling on the whole thing from what I've been  
15 able to observe when I'm there.

16 Q. Okay.

17 A. They take it seriously.

18 Q. Okay. And then can you describe the FAA training you have  
19 received for providing oversight and surveillance regarding  
20 operational control for a part 135 operator, please?

21 A. Well, I've been through the requisite training down in  
22 Oklahoma City. And then I've been through some additional  
23 classes, POI oversight for certificates. And, yeah, I mean, I've  
24 been through the courses the FAA offers in that regard.

25 Q. Okay.

1 MR. TOMICICH: Mike, I'm sorry to interrupt. This is Mark  
2 Tomicich. I may have missed part of your question. Was part of  
3 your question dealing with operational control specifically or are  
4 you talking about oversight in general?

5 MR. HODGES: Yeah. It's directed toward operational control.  
6 I'll go ahead and read it again.

7 BY MR. HODGES:

8 Q. Describe the FAA training you have received for providing  
9 oversight and surveillance regarding operational control for a  
10 part 135 operator.

11 A. Yeah. It's, like I said, it's the classes we're required to  
12 take in strings when we get hired on, and then additional classes  
13 over the years for principal operations inspectors.

14 Q. Okay. How is operational control performed at Regal Air?

15 A. Well, they have a GOM, which is their operations manual,  
16 which describes how it has to happen. Typically when they have a  
17 flight, they have a risk program that they go through as far as,  
18 you know, they check the weather. There's a whole litany of  
19 things that has to happen. And once the flight is released, then  
20 it's tracked through their -- they have Spidertracks, I believe,  
21 on the aircraft so they can track them.

22 And then any issues that come up, the pilot is required to  
23 contact the company. And if, in fact, they do have to land  
24 somewhere else, they contact the company and let them know what's  
25 going on. In order to release the flight, either the DO or the

1 chief pilot is there for that, you know, that release to make sure  
2 that happens.

3 Q. Okay.

4 A. And to make sure there's somebody else other than the pilot.  
5 But the pilot is -- if he's off base, if he's out somewhere, then  
6 they get the information and he decides whether or not he's legal  
7 to go.

8 Q. Okay. And then have you ever noticed any issues with the  
9 operational control exercised at the various levels at Regal Air?

10 A. No. When I've been over there, and during some inspections,  
11 I see how -- you know, I've been in the office when all this was  
12 going on, and I've been able to observe the way they handle these  
13 things. And, no, they're doing what they need to do.

14 Q. Okay. And then what employees in the Regal Air organization  
15 are allowed to exercise Tier 1, which is initiate flights,  
16 operational control, as defined in FAA Order 8900.1?

17 A. Well, they have the director of operations, the chief pilot,  
18 and in the event those two are not there, the director of  
19 maintenance.

20 Q. Okay. Then FAR 119.69 requires persons who exercise  
21 operational control to be qualified through training, experience  
22 and expertise. How is this accomplished at Regal Air?

23 A. Well, they have to submit a resume first before they can even  
24 apply for those positions, and they have to -- you know, there's  
25 requisite experience, previous 135 experience that will qualify

1 them for the position, and 119 describes all that. If they meet  
2 those requirements, and they're interviewed by the office and they  
3 meet the interview, you know, meet the standards and the interview  
4 is good, then they're given the opportunity to have that position.  
5 And -- but they're the ones who elect, you know, who's going to be  
6 what, and then they give us the recommendation, and then we go  
7 through the procedure for qualifying them.

8 Q. Okay.

9 MR. TOMICICH: And, Mike, this is Mark Tomicich again. Can  
10 you give me that cite one more time?

11 MR. HODGES: Sure. I'll go over the -- I'll read the  
12 question over to you: FAR 119.69 requires persons who exercise  
13 operation control to be qualified through training, experience and  
14 expertise. How is this accomplished at Regal Air?

15 MR. TOMICICH: Okay. Thanks.

16 MR. HODGES: Yep. No problem.

17 BY MR. HODGES:

18 Q. FAR 135.77 requires a list of operational control delegates  
19 to be maintained. Do you know where this list is maintained at  
20 for Regal Air?

21 A. I'm sorry. I had trouble hearing you. What was that last  
22 part of the question?

23 Q. Sure. I'll read it over again: FAR 135.77 requires a list  
24 of operational control delegates to be maintained. Where is this  
25 list maintained for Regal Air?

1 A. That's -- you're talking about who's holding the positions?

2 Q. Correct.

3 A. Yeah, that's maintained in our SAS program, and also those  
4 positions are listed in the GOM, their General Operations Manual  
5 also.

6 Q. Okay. When was the last time you observed or had another  
7 inspector observe operational control procedures at Regal Air?

8 A. Well, I can't remember exactly when that was. I was out at  
9 -- I did a check ride a few months ago with the DO, and I didn't  
10 get a chance to observe a full release. But when we're flying, he  
11 was released to go do the flight, and basically there's a process.  
12 He's filed his company flight plan, where we're going to go, how  
13 long we're going to be gone, how much fuel we had, and that's  
14 processed through his system there. And then when we take off and  
15 go, he calls back with his time off. And when we get done, he  
16 calls in with his time in.

17 So that kind of demonstrated to me how their procedure works.  
18 I had firsthand, you know, observation of that. As far as any of  
19 our other CMT members who have been out there previously, I can't  
20 speak to that because I don't know.

21 Q. Okay. And then how many people within the company are  
22 authorized to exercise operational control on behalf of the  
23 certificate holder?

24 A. Well, I mean, they have the three principals there: the DO,  
25 DM, and the chief pilot.

1 Q. Okay.

2 A. To my knowledge.

3 Q. Okay. Does Regal Air have an operational control training  
4 program in place?

5 A. Well, it's part of their -- yeah, part of their training  
6 manual, yes. They cover that in their training about how that  
7 procedure is supposed to work and what the pilots'  
8 responsibilities are.

9 Q. Okay. The Regal Air General Operations Manual states that  
10 the company duty officer may be any employee. The Regal Air  
11 General Operations Manual also states that the duty officer has  
12 the authority to act for Regal Air and exercises operational  
13 control.

14 Can you describe how any Regal Air employee, especially those  
15 that don't meet the requirements of FAR 119.69 being qualified  
16 through training, experience and expertise, are allowed to  
17 exercise operational control as a duty officer for Regal Air?

18 MR. TOMICICH: I'm sorry, Mike. Could you read that one more  
19 time? I'm not sure I understand your question.

20 MR. HODGES: Sure, sure. I'll start from the beginning.

21 BY MR. HODGES:

22 Q. The Regal Air General Operations Manual states that the  
23 company duty officer may be any employee. The Regal Air General  
24 Operations Manual also states that the duty officer has the  
25 authority to act for Regal Air and exercises operational control.

1 Can you describe how any Regal Air employee, especially those  
2 that don't meet the requirements of FAR 119.69 being qualified  
3 through training, experience and expertise, are allowed to  
4 exercise operational control as a duty officer for Regal Air?

5 MR. TOMICICH: Okay. Let me interject. I guess I have a  
6 little bit of a problem, and I don't know how you want to resolve  
7 this. Obviously you're referring to a document. I don't have it  
8 in front of me. I can't compare anything. And there's a premise  
9 here that you can have somebody who is not appropriate to act as a  
10 operational control and that person's also going to be a duty  
11 officer. I mean, your question doesn't include the possibility  
12 that you could have two people. So I'm a little bit troubled with  
13 the premise in the question.

14 MR. HODGES: Okay. Specifically with the accident involved,  
15 the owner of the company, Mike Laughlin, he filled roles as the  
16 president of the company and the director of the operations. And  
17 at the time of the accident, he was physically out of the company  
18 -- or correction -- out of the country on personal leave.

19 In talking with the operator, the individual who was  
20 exercising operational control at the time of the accident was  
21 Tony Bannock, the -- excuse me -- the office manager. And so I'm  
22 asking how Tony Bannock, the office manager, who is not listed in  
23 the GOM, he's not listed in the ops specs, is allowed to exercise  
24 operation control as the duty officer? I'm just asking how the  
25 duty officer process works for exercising operational control.

1 MR. TOMICICH: Are you asking whether or not that would be  
2 appropriate under the FARs? I mean, again, part of the problem is  
3 your question is you're asking -- it almost sounds like you're  
4 asking from the company perspective as opposed to if we're doing  
5 oversight and seeing this. I'm a little bit troubled.

6 MR. ALLEN: This is Ben. Maybe we can, maybe we can parse  
7 this question a little bit. I think your point, Mark, that we  
8 don't have the GOM in front of us. But maybe we can ask  
9 Mr. Heritage if he's aware of what the GOM says. And then kind of  
10 break it down from there, and then look at what would be required  
11 under the regs, what would be allowed under the regs.

12 MR. TOMICICH: Okay.

13 MR. ALLEN: Would that work for everybody?

14 MR. HODGES: I think so, yeah.

15 MR. TOMICICH: Give it a try.

16 MR. HERITAGE: I don't have the GOM in front of me either.  
17 And the only thing I can -- in fact I can't. I'm not going to  
18 answer that, because I don't have it in front of me and I'm not  
19 going to guess.

20 BY MR. HODGES:

21 Q. Okay.

22 A. If that's an issue, then maybe it needs to be looked into,  
23 but right now I can't answer that.

24 Q. Okay. Let's see. I did have two additional questions.

25 Mark, I know you mentioned before that right now you're

1 responsible for 50 certificates as a POI. And since you've worked  
2 for the FAA since day 1 as an FAA ASI, has that 50 number of  
3 certificates you're responsible for, has that pretty much been  
4 roughly the same or has it been lower or higher? I'm just trying  
5 to gauge, I guess, the kind of yearly amount of certificates  
6 you're responsible for.

7 A. Well, actually, I wasn't an ASI. I initially got hired into  
8 headquarters in D.C. for a year before I was able to come back to  
9 Alaska as an ASI. So I've really only been on certificate  
10 activity for -- well, since 2013. But are you asking if that's a  
11 normal amount of certificates?

12 Q. Yeah, yeah. If that's been like the normal amount of  
13 certificates you've had since you've worked as an ASI?

14 A. No, no, no. This is the maximum amount I've ever had.

15 Q. Okay.

16 A. Typically start out with a few, and then it builds from  
17 there.

18 Q. Okay. And then based off of your experience working as an  
19 ASI over the years, would you say that having 50 certificates you  
20 have adequate time to do your duties for 50 certificates?

21 A. To be honest, no. And that's why we have to prioritize our  
22 work.

23 Q. Okay.

24 A. High risk gets the most time.

25 MR. HODGES: Okay. That concludes my questions for now.

1 Ben Allen, did you have any additional questions?

2 MR. ALLEN: No. I think I'm fine.

3 MR. HODGES: Okay. Mark Tomicich, did you have any  
4 additional questions?

5 MR. TOMICICH: No. Nothing for me right now.

6 MR. HODGES: Okay. Eric West, did you have any additional  
7 questions?

8 MR. WEST: Yeah. Hold on a second here. I'm just --

9 MR. HODGES: Okay.

10 MR. WEST: I'm just writing down here, the last one.

11 BY MR. WEST:

12 Q. Okay. Hi, Mark. How you doing? This is Eric West.

13 Mark, your area of responsibility, I'm not certain how much  
14 area that AMC covers in the State of Alaska, but it's pretty  
15 significant, isn't it?

16 A. Yes, it is.

17 Q. Okay. Just, I understand the certificate issue. And what  
18 other duties besides certificate management -- and don't hold back  
19 here. I was a former inspector myself. So what other duties do  
20 you perform other than certificate management?

21 A. Well, I have oversight over 12 DPEs, and that's pretty much  
22 the full boat.

23 Q. Let me try to -- do you do any air shows?

24 A. No. No. I try not to take any more responsibilities on.  
25 Things come around, I usually decline.

1 Q. Okay.

2 A. But I just can't do any more.

3 Q. Are there any circumstances in which you go out on behalf of  
4 the FAASTeam or anything like that, and talk in the public or  
5 anything like that?

6 A. No, uh-uh.

7 Q. No. Okay. So your certificates and the DTPs. How about  
8 accident investigation? Do you go out on any accidents?

9 A. Rarely. Typically it's -- kind of the way it works, I'm  
10 usually out of town when something happens. I think the last one  
11 I was actually out on was -- Mike was on that one. It was that  
12 midair out at -- was it Wasilla, a few years ago, couple years  
13 ago. That was the last one I was out on.

14 Q. So you don't do a lot of accidents, I take it?

15 A. No, uh-uh.

16 Q. Okay. What about training in Oklahoma? Do you do --

17 A. Yes. Well, actually, we're gone four times a year down to  
18 Dallas for proficiency flying, and then typically one or two  
19 classes in Oklahoma City a year, and they're usually no more than  
20 a week long.

21 Q. So your flying then, you don't do it up here in Alaska; you  
22 do it in --

23 A. Down in Dallas.

24 Q. Dallas-Fort Worth, right, Alliance?

25 A. Yeah.

1 MR. WEST: Okay. Yep. I have that as one of my questions.

2 All right. I think that's all I have.

3 MR. HODGES: Okay. Mark, did you have any questions?

4 Mark Heritage, any additional questions?

5 MR. HERITAGE: No, I don't.

6 MR. HODGES: Okay. That concludes this interview then. I  
7 thank you, everyone, for your time. And we will stop recording at  
8 this point.

9 (Whereupon, the interview was concluded.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: REGAL AIR ACCIDENT NEAR PORT  
ALSWORTH, ALASKA ON JULY 27, 2017  
Interview of Mark Heritage

ACCIDENT NO.: ANC17FA039

PLACE: Via Telephone

DATE: February 21, 2018

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.



Katherine Motley  
Transcriber