



# FAA

## Aviation Safety

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### Memorandum

Date: September 10, 2020

To: Director, Accident Investigation Division, AVP-100

From: Kevin F. Tyree, Manager, CMH FSDO GL-07 KEVIN F TYREE

Prepared by: John Welsh, ASI (A/W), CMH FSDO GL-07

Subject: National Transportation Safety Board (NTSB) Information Request 20-195x

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Digitally signed by KEVIN F  
TYREE  
Date: 2020.09.10 10:41:30  
-04'00'

The following questions were asked by the NTSB investigator through AVP-100:

*(01) I formally request any-and-all correspondence between the Columbus FSDO and the pilot/owner with respect to what maintenance actions were specifically required by the FSDO for the issuance of the ferry permit.*

Please see the attached pdf of the emails between Inspector John Welsh and Mr. Paul Eamus.

*(02) What federal regulation was used to compel compliance with a non-mandatory service bulletin before the ferry permit was issued at the FSDO level?*

The following is a description of the gear up event:

On 02/04/2020 Paul Emaus, a Private Pilot with single engine land and instrument ratings, was operating a BEECH 35-A33 Bonanza on a private flight to KOSU and was assigned runway 27L by KOSU approach. Mr. Emaus requested runway 23, however he was diverted to the northwest while on base due to traffic in the area. The tower then cleared him to land number 2 for runway 23. While he was on short final he was given a go around command due to traffic on the runway. At this point he retracted the gear and performed the go around. Mr. Emaus landed after the go around with the gear up in the retracted position. He heard the gear up warning horn during the flare but mistook it for the stall warning horn. He then landed very softly doing minimal damage. The rotating beacon appears to have carried a large part of the aircraft load and protected much of the skin on the bottom of the aircraft. The low end of the flaps were damaged while each of the blades on the propeller were bent more than 90 degrees.



This is the condition of the props on N123JB after the 02/04/2020 incident.

The Continental Engine Manual, under Engine Inspection and Service, Section 6-5 Unscheduled Maintenance, 6-5.1 Propeller Strike says the following in regards to propeller strikes:

A propeller strike is any incident (whether or not the engine is operating) in which the propeller contacts a foreign object that:

- 1) Results in the necessity to repair the propeller blade(s) (other than minor blade dressing) or
- 2) Results in loss of engine RPM at the time of contact.

Propeller strikes can cause engine and component damage even if the propeller continues to rotate. **This damage can result in catastrophic engine failure.**

The propeller installed on N123JB met both conditions as described in the Continental manual to require the specified unscheduled propeller inspection after the 02/04/2020 incident.

Mr. Eamus asked the Columbus FSDO for a ferry permit to move his aircraft from OSU to HGR. At this point the FSDO had to meet 14 CFR §21.197 which says the following:

**§21.197 Special flight permits.**

- (a) A special flight permit may be issued for an aircraft that may not currently meet applicable airworthiness requirements but is capable of safe flight, for the following purposes:
  - (1) Flying the aircraft to a base where repairs, alterations, or maintenance are to be performed, or to a point of storage.

This rule sets the standard of “capable for safe flight” as the goal for the ferry permit. Based upon the damage to the engine received in the gear up on 02/04/2020 and the guidance contained in the Continental manual; this aircraft, with a new prop, would not

be capable of safely making this flight. The possibility of catastrophic engine failure was not a risk that the Columbus FSDO wanted to assume for the public in this case.

Please note that the aircraft was inspected and determined to be safe for the intended flight by the mechanic supplied by Mr. Eamus from OSU to HGR on 05/27/2020.

| INSPECTION RECORD<br>F.A.R. 43.11-91.409 |                          |                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------------------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DATE                                     | AIRCRAFT TIME IN SERVICE | SIGNATURE - CERT. NO. OF PERSON APPROVING OR DISAPPROVING AIRCRAFT FOR SERVICE                                                                                                                                                                                                                                                                                                                           |
| 05/27/20                                 | 195.85                   | Removed damaged LH & RH flaps & installed longer LH & RH flaps that were determined safe for the intended ferry flight. Disabled flaps in the up position & pulled flap. C.B. Aircraft will be flown with landing gears in the down position & C.B. pulled. This aircraft has been inspected & found safe for ferry flight from KOSU to KHGR for maintenance under Special Flight Permit dated 05/27/20. |
|                                          |                          | CRB [REDACTED]                                                                                                                                                                                                                                                                                                                                                                                           |

A couple of days prior to the issuance of the ferry permit it was noted that the flaps had not been changed from the event on 02/04/2020. The left flap had sustained more damage than the right causing it to have a different shape than the right. It appeared as though the flap could not be retracted without causing damage to the fuselage.



Please see the left flap near the fuselage.

The lift differential posed by the bent flap on the left side if not changed prior to the ferry flight, was concerning. The FSDO asked the mechanic to change this flap shortly before the ferry permit was issued. He did install a flap from another aircraft that was damaged

in another accident. This flap had been repaired just enough to have the same form fit and function as a normal flap. It was still a damaged flap, as described in the mechanic's logbook sign off above. This flap would be able to provide symmetrical lift reducing the work load for Mr. Eamus during the ferry flight.



**This is a picture of the flap replaced with a damaged flap.**

*(03) Finally, please clarify if the engine was actually removed and reinstalled twice following the wheels-up landing in February 2020, or were there additional repairs that would have required the engine to be removed a second time following the ferry flight?*

With regards to this question, the CMH FSDO is not aware of any request made to this office that would require the removal of the engine more than what is required to comply with the inspection called for by Continental in the Unscheduled Maintenance section.

**From:** [Paul Emaus](#)  
**To:** [Welsh, John \(FAA\)](#)  
**Subject:** Re: N123JB  
**Date:** Monday, April 27, 2020 8:38:39 AM

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John,

The plane is still at OSU. I only wrote you the email to let you know that there was nothing wrong with the crank shaft. When the engine comes back and they get the plane ready for a ferry permit they will be in touch. It's what they do for a living. I'm sure we are 3-4 weeks away from that happening. Right now they are closed due to Covid so there's nothing to do.

Paul

On Mon, Apr 27, 2020 at 8:26 AM Welsh, John (FAA) <[REDACTED]> wrote:

Paul,

Can you give me their contact information please? Is the aircraft still located at OSU?

Thanks!

John P. Welsh

Aviation Safety Inspector (Airworthiness)

Partial Program Manager NetJets

[REDACTED] Desk

[REDACTED] Front desk

[REDACTED] Fax

AFG 100 CMH/AGL207-07 FSDO

[REDACTED]

Columbus Ohio 43219

Email: [REDACTED]

*We strive to provide quality service in all we do. We value your feedback on our service and processes. Please [click here](#) to provide feedback.*

**From:** Paul Emaus [REDACTED]  
**Sent:** Monday, April 27, 2020 7:45 AM  
**To:** Welsh, John (FAA) [REDACTED]  
**Subject:** Re: N123JB

Plane Care is handling the Ferry permit. I assume that their AP and pilot will evaluate the plane and submit the appropriate paper work when he inspects the plane.

Paul

On Mon, Apr 27, 2020 at 6:57 AM Welsh, John (FAA) <[REDACTED]> wrote:

Is there a signoff for the SB? I asked for the SB to be signed off prior to the issuance of a ferry permit.

John P. Welsh

Aviation Safety Inspector (Airworthiness)

Partial Program Manager NetJets

[REDACTED] Desk

[REDACTED] Front desk

[REDACTED] Fax

AFG 100 CMH/AGL207-07 FSDO

[REDACTED]

Columbus Ohio 43219

Email: [REDACTED]

*We strive to provide quality service in all we do. We value your feedback on our service and processes. Please [click here](#) to provide feedback.*

**From:** Paul Emaus <[REDACTED]>  
**Sent:** Thursday, April 23, 2020 12:26 PM  
**To:** Welsh, John (FAA) [REDACTED]>  
**Subject:** Re: N123JB

Hi John,

See attached. I have requested a explanation of the exhaust rocker arm bushings, they should be a TBO item not 200 hours. That is unrelated to the strike.

Paul

On Thu, Apr 23, 2020 at 12:00 PM Welsh, John (FAA) <[REDACTED]> wrote:

Great, just send in the engine teardown report / overhaul with the request and we can process that paperwork.

Yes it is a crazy time.

John P. Welsh

Aviation Safety Inspector (Airworthiness)

Partial Program Manager NetJets

[REDACTED] Desk

[REDACTED] Front desk

[REDACTED] Fax

AFG 100 CMH/AGL207-07 FSDO

[REDACTED]

Columbus Ohio 43219

Email: [REDACTED]

*We strive to provide quality service in all we do. We value your feedback on our service and processes. Please [click here](#) to provide feedback.*

**From:** Paul Emaus <[REDACTED]>

**Sent:** Thursday, April 23, 2020 9:22 AM

**To:** Welsh, John (FAA) <[REDACTED]>

**Subject:** N123JB

Good Morning John,

I hope all is well, crazy time. The engine inspection report was completed yesterday. No issues found with the crank or any other issues related to the strike.

Should be seeing a request for a ferry flight for mid May I would think.

Best,

Paul

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Sent from Gmail Mobile