



Cory Maxon
Air Safety Investigator
Aviation Safety – Central Region

Date: September 27, 2024

Subject: CEN24LA300, IDNR Law Enforcement Incident Report

Contact: Jordan Boggs, Conservation Officer

Indiana Department of Natural Resources provided the incident report form from their investigation of the accident on August 3, 2024, regarding N177DB. Below are excerpts from the IDNR Law Enforcement Incident Report. The excerpts contain the timeline from the day of the accident, pilot interviews, and witness interviews conducted by Conservation Officer Jordan Boggs.

Timeline Excerpts:

Input: C3192 08/03/2024 13:04:39 Edited: C3192 08/03/2024 13:04:55
KOS CO DISPATCH - POSSIBLE PLANE CRASH INTO WAWASEE LAKE - SINGLE ENGINE
PLANE -NEAR THE ADDRESS OF 12275 N OGDON POINT RD - WE DO HAVE UNITS
HEADED THAT WAY AND NOTIFYING OUR DIVE TEAM

Input: S2333 08/03/2024 13:08:20 Edited: S2333 08/03/2024 13:08:20
INCIDENT NOTICE SENT

Input: C3192 08/03/2024 13:09:47 Edited: C3192 08/03/2024 13:11:20
KOS CO DISPATCH - WE HAVE LOCATED THE SUBJ THAT WAS IN THE AIRCRAFT AND
TAKING HIM TO THE ADDRESS OF 12275 N OGDON POINT RD

Input: L9585 08/03/2024 13:12:02 Edited: L9585 08/03/2024 13:12:02
105 HEADING THAT WAY SIG10 WILL NOT BE ON RADIO FOR A FEW

Input: L9585 08/03/2024 13:12:13 Edited: L9585 08/03/2024 13:12:13
LEAVING SYRACUSE LAKE NOW

Input: L9585 08/03/2024 13:12:39 Edited: L9585 08/03/2024 13:12:39
212 GOING TO CONTACT 221 REF DIVER ON STANDBY

Input: L9585 08/03/2024 13:13:06 Edited: L9585 08/03/2024 13:14:52
114 IF 105 NEEDS ME LET ME KNOW WHEN HE IS 10-23

Input: L9585 08/03/2024 13:28:43 Edited: L9585 08/03/2024 13:28:43
105 PLANE IS INVERTED IN THE WATER... NO FUEL LEAKING

Input: L9585 08/03/2024 13:29:10 Edited: L9585 08/03/2024 13:29:10
FIRE IS 10-23 REF OBSERVING FOR FUMES OR LEAKS

Input: L9585 08/03/2024 13:29:48 Edited: L9585 08/03/2024 13:29:48
PLANE IS FEW HUNDRED FEET OUT

Input: L9585 08/03/2024 13:30:16 Edited: L9585 08/03/2024 13:30:16
105 WILL BE GOING TO SHORE TO GET WITNESS STATEMENTS AND TALK TO THE PILOT

Input: L9585 08/03/2024 13:33:47 Edited: L9585 08/03/2024 13:33:47
105 10-27 MAGLEY,ROBERT E 12-6-1955 8932805879 THIS WILL BE THE PILOT

Input: L9585 08/03/2024 13:46:57 Edited: L9585 08/03/2024 13:46:57
105 ADVISING PBT DETECTING SOME ALCOHOL GOING TO HAVE COUNTY DOUBLE
CHECK IT

Input: L9585 08/03/2024 13:55:06 Edited: L9585 08/03/2024 13:55:06
105 PBT IS SHOWING .163 AND SO IS COUNTYS..COUNTY WILL BE TAKING HIM FOR A
CERTIFIED

August 3, 2024:

Robert M. said that he was flying around the lake and was looking for a place to do a "touch and go", but the lake was crowded. Robert M. stated when he found a spot, he came in a little high and slow and hit the water hard. Robert M. thought that maybe he busted off or broke one of the floats due to the impact and started to throttle back up to take off due to the plane not feeling right. Robert M. said that is when the nose of the plane started forward and the crash occurred

Turkey Creek Fire stated they asked Robert M. if he needed medical treatment, and he was medically cleared. Robert M. said he did have some nerve issues with his legs and was trying to get that corrected with the help of a neurosurgeon. I asked Robert M. if he thought the issues with his legs played any role in the crash. Robert M. responded that it did not since he did not have to use the foot pedals (rudders). I asked Robert M. what he believed caused the crash. Robert M. stated he was a little high and slow in his approach for the "touch and go", the lake was rough, and the plane hit the water hard, causing some damage to the plane.

Robert M. said there had been no prior accidents, at least none that were reportable.

I observed red bloodshot watery eyes but did not detect the odor of alcohol coming from Robert M. I asked Robert M. if he consumed any alcohol or had taken any drugs. Robert M. said he cannot fly a plane if he has had a drink. I asked Robert M. if he would voluntarily submit to a PBT (Portable Breath Test), and Robert M. agreed stating he had not had anything to drink. Robert M. registered a 0.163 on my PBT, and I asked a Kosciusko County Deputy for his PBT to confirm the results. The second PBT showed 0.163. Robert M. stated he was not drunk but he had consumed some alcohol the previous evening. Robert M. stated he had not consumed any alcohol that day. I asked Robert M. if he would submit to a voluntary blood draw or certified chemical test. Robert M. stated that he would submit to a chemical test and was transported to Syracuse Police Department by Officer Corey Kentworthy.

I patrolled to Syracuse Police Department to pick up the certified test from Syracuse Officer Kentworthy. The serial number for the Intox EC/IR - II is 011037 and the breath sample was taken on 08/03/2024 at 14:07 hours. The result of

the test showed 0.149 g/210 L. I then drove to the public access site on Lake Wawasee and met with Cpl. Ken Dowdle.

August 8, 2024:

I asked Robert M. why his certified test was over the legal limit. Robert M. stated that he has a liver issue and believes his liver is not metabolizing the alcohol. Robert M. did not bring this up on the day of the crash when asked about the alcohol.

I asked Robert M. if he would have noticed that upon inspection of the airplane prior to taking off. Robert M. stated the plane sat level at taxi, but he did not examine all the components of the airplane.

August 9-13, 2024:

I continued my investigation talking with Aaron Payonk and Gene Browand. Aaron is the manager at Tri-State Steuben County Airport

Aaron stated that Robert M. left at 1800 hours in Zulu time, which is around 1:00 p.m. I asked Aaron some questions given his background and job experience. Aaron said that on the day of the accident Robert M. made a comment about his legs feeling numb to Gene. I asked Aaron for Gene's phone number to confirm this statement.

Gene stated that he did assist Robert M. on August 3rd, 2024. Gene said that Robert M. made a comment about him not being able to feel anything below Robert M.'s knees on that day. Gene stated he got a ladder to assist Robert M. in fueling the plane. Gene said that Robert M. had a difficult time climbing up and down the ladder on that day.