

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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SIKORSKY S76B HELICOPTER N72EX

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CRASH NEAR CALABASAS, CALIFORNIA,

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Accident No.: DCA20MA059

ON JANUARY 26, 2020

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Interview of: KEVIN DOTY, Principle Operations Inspector
Long Beach Flight Standards District Office
Federal Aviation Administration

Via telephone

Wednesday,
May 6, 2020

APPEARANCES:

DUJUAN SEVILLIAN, PhD, Human Performance Investigator
National Transportation Safety Board

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MATTHEW RIGSBY, Air Safety Investigator
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GARRET DALTON, Director of Operations
Island Express Helicopters

MATTHEW T. SMITH, FAA Attorney
Federal Aviation Administration
(On behalf of Mr. Doty)

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I N T E R V I E W

(12:20 p.m.)

DR. SEVILLIAN: So good morning, Kevin. My name is Dajuan Sevillian, and I work for the NTSB. I am a human performance investigator and human performance group chairman for this accident.

Thank you for taking time out of your day to meet with us. We all understand that this is a very difficult time. You're here today because you're an expert, and we want to hear from you, particularly your involvement as principle operations inspector for Island Express and Orange County Helicopters.

On the phone today, we have NTSB personnel and parties to our investigation. Our parties help us with understanding the technical details to support our investigation. A representative from the FAA's Office of Accident Investigation is on the line with us, but he's not from the enforcement side. The parties will introduce themselves in a moment.

The interview will consist of two rounds of questioning by the interviewers. Let us know if you need a question repeated. If you do not know the answer to the question, simply state you do not know. And if you need to take a break, let us know as well.

You are allowed one representative for the interview today. Who would you like to represent you?

MR. DOTY: That would be Matt Smith, FAA General Counsel.

DR. SEVILLIAN: Okay, thank you. As I stated before, our

1 conversation will be recorded, and a transcript will be developed
2 for the accident case public docket. Therefore none of our
3 conversation today will be considered confidential.

4 Okay, so let us have the parties introduce themselves
5 alongside NTSB personnel. We'll start off with Fabian.

6 MR. SALAZAR: Good morning, Kevin. Good morning, Matt. My
7 name is Fabian Salazar. I'm the operations group chairman.

8 DR. SEVILLIAN: Bill?

9 DR. BRAMBLE: Hi. This is Bill Bramble. I'm a human
10 performance investigator with NTSB at headquarters in Washington.
11 I work with Dujuan.

12 DR. SEVILLIAN: Thank you. Matt?

13 MR. RIGSBY: Matt Rigsby with the FAA Office of Accident
14 Investigation.

15 DR. SEVILLIAN: Okay. Thank you. And, Garret?

16 MR. DALTON: Hi, good morning, Kevin. Garret here, director
17 of operations, Island Express Helicopters.

18 DR. SEVILLIAN: All right. I think I've covered everyone
19 there. Kevin, is there anything else you would like to discuss
20 before we get started?

21 MR. DOTY: No, not at this time.

22 INTERVIEW OF KEVIN DOTY

23 BY DR. SEVILLIAN:

24 Q. Okay. So, for the record, could you please state your name
25 with spelling?

1 A. Kevin, K-e-v-i-n, Doty is the last name, D-o-t-y.

2 Q. Okay. And can you give us your current title and position
3 with the FAA?

4 A. Aviation safety inspector of the Long Beach FSDO.

5 Q. Okay. Can you give us a brief background sketch of your
6 aviation history?

7 A. Just the history itself? Or --

8 Q. Just your background.

9 A. -- like aviation --

10 Q. Your background in aviation.

11 A. Background?

12 Q. Yeah.

13 A. Okay. Prior to the FAA, I was a facility manager at USAR
14 Aviation Facility approximately 10 years. Also an Army Reserve
15 pilot, instructor pilot, and instrument evaluator. Prior to that,
16 I was active duty in the military, also flying and instructing.
17 And prior to that, I was going through school and getting various
18 degrees of aerospace and aviation technology.

19 Q. Okay. About how many hours do you have flying?

20 A. Approximately 2,900.

21 Q. Is it -- any experience in the S-76?

22 A. The FAA has paid for flight training, and I've gone through
23 the computer-based systems for the -- for groundwork.

24 Q. Okay. In your current position, how long have you been
25 principle operations inspector?

1 A. Would that be for Island Express?

2 Q. For Island Express.

3 A. Since -- I have to double-check, but to the best of my
4 recollection, it was February of 2016.

5 Q. Okay. And how long have you been with the FAA?

6 A. Since February of 2014.

7 Q. Okay. Can you give us an understanding of -- what's your
8 duties and responsibilities as POI overseeing Island Express?

9 A. So, for my duties and responsibilities as POI for Island
10 Express, it involves oversight of their certificate. Everything
11 from any kind of initial certification to ongoing surveillance,
12 inspections, approving various requests either for manuals,
13 certificate modification, and other, you know, various day-to-day
14 functions. Providing some discourse of -- for questions that may
15 arise or items like a general operations manual, or an MEL, and
16 also providing competency checks as well.

17 Q. Right. You talked about inspections. What sort of
18 inspections are you doing for Island Express?

19 A. Well, through our safety assurance system, we have some --
20 throughout the fiscal year, there is inspections that are set up
21 at various intervals where I would go for my deductive inspection
22 on -- in various areas such as operations, and take a look at
23 those items to ensure that there's compliance.

24 Q. Okay. As far as -- I know that you are POI for Island
25 Express. Do you have any other certificates that you're

1 responsible for?

2 A. I do. I have other Part 135 operators and other various
3 parts as well. The Part 133, 135, 137, 141 oversight of the Long
4 Beach FSDO designees as well.

5 Q. Okay. The -- as POI, what's your understanding of how Island
6 Express operates? Can you give us a sense how they -- their --
7 how they operate?

8 A. Well, I guess I'm not too sure what you're getting at. You
9 mean as far as their business and what they do? Or is it more
10 along the lines of how they're managed?

11 Q. More of their management team. How -- give me a sense of
12 feeling of how they manage their -- you know, their operations.

13 A. Okay. I guess I'm kind of feeling maybe you're asking about
14 their operational control. They're a 135 helicopter operator
15 conducting VFR operations, and they have a director of operations,
16 director of maintenance, and a chief pilot. The -- they have a
17 general flying area here in southern California. I know that one
18 of their main -- I don't want to say lines of business, but their
19 main areas is providing transportation to and from Catalina
20 Island.

21 They're a relatively small operation. They've -- usually had
22 a -- you know, they've had on average about five aircraft,
23 sometimes more or less depending on various things, but they've
24 added and removed aircraft. Also pilot line is relatively small.
25 They've both hired and lost pilots, but I would say on average,

1 it's a pretty small coterie. And their director of operations is,
2 you know, full time in the area, and oversees that day-to-day
3 business.

4 Q. How often do you interact with the director of operations at
5 Island Express?

6 A. Are you asking on an annual basis or, you know, monthly?
7 What would be more helpful?

8 Q. Yes, monthly and annually.

9 A. Okay. I'm trying to think of a good word that would clarify,
10 I guess, it without, you know, having to count. But I think -- I
11 want to say since 2018 -- I had printed out, you know, a bunch of
12 our correspondence; I looked at some of the surveillance that was
13 done, some of the competency checks, so all of our interaction,
14 and I want to say since the director -- current director of
15 operations came on board, that's Garret, it was about 70
16 interactions, you know, altogether. So phone calls, meetings at
17 Island Express, or meetings at the FSDO, emails, letters,
18 inspections. You know, hopefully that kind of gives you a good
19 idea and answers your question.

20 Q. Yes. Who signs and approves the Island Express training
21 procedures and manuals? Are you involved with that?

22 A. Yes, I am.

23 Q. Okay. Is it you that just signs it? Or is there other folks
24 that are involved?

25 A. Initially -- it really depends on the situation and the setup

1 at, you know, at the FSDO as far as the POI of cases. There may
2 be somebody assisting or taking over, but the initial approval
3 back in 2015 was done by another individual, and I conducted the
4 final approval. At the latest training program revision, I
5 signed.

6 Q. Okay. And you mentioned earlier about the safety assurance
7 system with Island Express. Do you -- who did you --

8 A. Yes.

9 Q. Who did you coordinate or work with at Island Express
10 regarding the SAS?

11 A. I guess I'll need maybe a little more clarification on that
12 one as far as -- yeah, just not sure -- sorry. I'm not sure what
13 you're asking there.

14 Q. Is there a person of contact at Island Express that you've
15 worked with through Safety Assurance? Is there -- you know, is it
16 the director of operations?

17 A. Okay. I think I -- so my understanding is, when I'm
18 performing surveillance, which I'm using SAS, the person I would
19 contact in order to set up a meeting or an inspection would be the
20 director of operations. It would be Garret Dalton.

21 Q. Okay. And what manuals or sections of manuals do you usually
22 approve at Island Express?

23 A. What manuals or sections of manuals? So I believe you're
24 asking something like a -- there could be less, but if you would
25 like, I could maybe give some examples off of the top of my head,

1 such as a general operations manual, the training program. I
2 would also be involved with an MEL. And I would have to probably
3 just go back and, you know, take a look at the manuals I have.
4 I'll review and make sure I didn't miss anything, but those three
5 stand out.

6 Q. Okay. Have you been involved with -- so Island Express has a
7 safety management system. Have you involved or were you involved
8 with the development of that SMS?

9 A. So under Part 135 -- SMS for a 135 operator is voluntary.
10 However, they can, you know, have other -- their own safety
11 management system. But, you know, I'm not -- I was not involved
12 with that. The FAA has not accepted that.

13 Q. Okay. And when you visit Island Express, are you ever
14 involved with any of their safety committee meetings at all? You
15 ever get invited to those?

16 A. I don't recall if I was ever invited, but I am aware that
17 they have them.

18 DR. SEVILLIAN: Okay. Those are the questions I have for
19 right now. Fabian?

20 MR. SALAZAR: Thank you, Dujuan.

21 BY MR. SALAZAR:

22 Q. Kevin, first thing, thank you for your service. I was a --

23 A. Thank you for the support.

24 Q. I was an employee of the Navy Aviation Support Facility in
25 Salt Lake City for 30 years.

1 A. Wow.

2 Q. What'd you fly in the Army?

3 A. Primarily the C-12 and the UC-35. They had an opening there
4 at Los Alamitos, and we eventually had some Black Hawks, you know,
5 come down as well. And I think that's kind of why they hired me.
6 But for the Army, yeah, it was mostly fixed-wing.

7 Q. Very cool. I also understand that you had a professional
8 friendship with the -- with Ara, so our condolences for your loss.

9 And what we're going to do is start off with some company
10 topics. My list, in dealing with documents, I show the GOM, the
11 training manual, the emergency response plan, and the MEL, and the
12 ops spec. Are you involved with accepting all of those documents?

13 A. So with the GOM, the training manual, the MEL, the ops specs,
14 and then could you clarify a little bit on the emergency response
15 plan?

16 Q. Yeah. Do you -- did you review and accept their emergency
17 response plan?

18 A. I'm thinking some of the procedures inside of the GOM. I'm
19 actually not sure what you're referring to. Sorry.

20 Q. Okay. That's all right. They have an emergency response
21 plan that is a standalone document that gives them guidance on
22 what to do in the event of an overdue aircraft or missing
23 aircraft. And I don't have the coversheets of any of these
24 documents that show if the POI has reviewed and accepted them. So
25 I was going to go through the list.

1 To the best of your recollection, do you recall reviewing and
2 accepting the GOM?

3 A. I do, yes.

4 Q. And the training manual?

5 A. Yes.

6 Q. The MEL?

7 A. Yes.

8 Q. Okay. The ops spec?

9 A. Yes.

10 Q. Okay. Let me get back to the top.

11 A. Maybe just to clarify there with the ops specs. There's --
12 as you know, it's -- sometimes it's not something that's submitted
13 inclusively. So I wouldn't necessarily -- you know what I'm
14 getting at?

15 Q. Yes, sir.

16 A. Okay.

17 Q. All right. Let's spend just a little bit of time on the
18 training manual. Have you ever -- I'm going to save that question
19 for the last. Are you familiar with the EuroSafety International
20 and the way that Island Express Helicopters utilizes that company?

21 A. I'm aware that they do some training with EuroSafety, yes.

22 Q. Okay. Would you say that EuroSafety International is a part
23 of or in addition to -- well, let me -- I want to be very clear on
24 this. Would you say that EuroSafety International is a part of
25 their approved training program?

1 A. No.

2 Q. Do you see it as a supplement or in addition to their
3 approved training program?

4 A. I really wouldn't say that I kind of see it in any fashion.
5 I -- you know, I take what the operator gives me, in that case,
6 Island Express. Or whatever they request of the FAA to approve or
7 accept. I'll do that.

8 You know, I am aware of other, you know, training in this
9 case that Island Express did. And, you know, that would be
10 brought up -- for instance, when I would do a competency check,
11 and we would discuss, you know, a training that was done. But it
12 was never something where, you know, I either approved, accepted,
13 or required it, or, you know, anything to that effect.

14 Q. Okay. Would you say that it meets the definition of best
15 practices as the FAA uses that term?

16 A. I can't answer that. Because I just don't -- you know, I'm
17 not an expert on their training, or their facility, or really --
18 you know, I don't have information -- enough information to make
19 that distinction. Or --

20 Q. Okay.

21 A. Sorry.

22 Q. How about this. Would you say or would you agree that
23 EuroSafety International's work with Island Express is over and
24 above their requirements for their training program?

25 A. I would say that's a possibility based on the little that I

1 know, yes.

2 Q. Okay. I'm getting to the -- back into the training program.
3 Revision 16 was added to add brownout, whiteout, and flat out
4 [sic] conditions; unusual attitude recovery; and inadvertent IMC.
5 Prior to that, were the added items covered or listed anywhere in
6 the ground portion or of the initial or recurrent training
7 program?

8 A. Can you restate the last part of that?

9 Q. Yeah.

10 MR. SMITH: Fabian?

11 MR. SALAZAR: So prior --

12 MR. SMITH: Fabian? This is Matt Smith. I just want to let
13 you know that we don't have a copy of this manual in front of us.
14 So if --

15 MR. SALAZAR: Oh, okay.

16 MR. SMITH: If you wouldn't mind just maybe going slow so
17 that, you know, Kevin can follow along? Because we don't have a
18 copy of it.

19 MR. SALAZAR: Sure. Absolutely.

20 BY MR. SALAZAR:

21 Q. Prior to the Revision 16 on the -- in the training program,
22 before the addition of the portion of Chapter F, which is the
23 S-76, with -- that added brown-out, whiteout and/or flat out --
24 flat light conditions; unusual attitude recovery; and inadvertent
25 IMC recoveries, were those items covered in the ground training

1 and recurrent training anyway?

2 A. I would have to check, but I know a revision was required.
3 And I believe that it was for one, if not all, of those items. I
4 do know that the inadvertent IMC was not in the previous version.
5 I'd have to check on the brownout, whiteout, and flat light.

6 Q. Okay. And because you don't have the document in front of
7 you, I'll tell you that all of those were included on the Revision
8 16, all righty?

9 A. Okay.

10 Q. Do you know if the current computer-based training, which is
11 offered by CST, if it has modules covering flat light, whiteout,
12 brownout, and IMC recovery?

13 A. No, not off of the top of my head. I don't know.

14 Q. Okay. All right. I'm going to move on and we're going to
15 get into surveillance. Since you've been there -- what was it,
16 2015 when you came onboard as the POI for Island Express?

17 A. 2016 I believe.

18 Q. Okay, '16. Since you've been the POI, have -- has Island
19 Express filed any VDRPs, that's voluntary disclosure reporting
20 procedures, with the FAA?

21 A. Yes, they have.

22 Q. Can you enlighten us on those?

23 A. I can speak to probably, you know, one of them that comes to
24 mind. I know that they missed a reporting. I believe they went
25 over a TBO, time between overhaul, so they were over the hours.

1 And that's what I recall on that one. And I think I also recall
2 their, you know, their remediation for that. But that's -- to the
3 best of my recollection, that's what I remember about that one.

4 Q. Okay. You don't recall any ones that would deal with
5 operations?

6 A. No.

7 Q. Okay. Do your surveillances -- have you ever made a spot
8 correction?

9 A. Yes, I have.

10 Q. Would you mind enlightening us on some of those?

11 A. Unfortunately I don't recall the details. Only because, you
12 know, with all of the various inspections I do, kind of after a
13 while, you know, trying to recall back in time what the details
14 were, it's a little difficult. But I do recall doing some
15 on-the-spot corrections.

16 And I, you know, I wouldn't really be able to say how many.
17 I wouldn't classify it as a lot, but I just -- because of entries
18 in our system, there's certain things that, you know, kind of
19 sting my memory as to having to do that with Island Express. But
20 it's obviously data that I could, you know, go get if need be.

21 Q. And by the nature of a spot correction, would you say any of
22 those spot corrections were serious?

23 A. I'm not sure, you know, as far as the definition of what
24 serious would be. Maybe you could just rephrase that?

25 Q. No, I'm not going to ask you again.

1 A. Okay.

2 Q. Let's go to base inspections. Since you've been the POI,
3 have you performed base inspections on Island Express?

4 A. Yes, I have.

5 Q. Okay. What are some of the things you look for on the base
6 inspection?

7 A. Well, normally prior to an inspection, I'll put together a
8 list or utilize some of the data collection tools down that, you
9 know, we have in SAS. So it's going to give us an area such as,
10 you know, onboard operations. And then I would, you know,
11 basically go down that list of questions and look into those
12 areas. Some other areas would be, you know, records -- training
13 records, you know, and those kinds of things. Did you want me to
14 -- did you want, like, a whole detailed list? Or just -- trying
15 to recollect kind of thing?

16 Q. No.

17 A. Okay.

18 Q. Yeah. Just the recollection that you had. Just like that.

19 A. Okay.

20 Q. And those -- let's see, do you sometimes look at weight and
21 balance?

22 A. Yes.

23 Q. Are you familiar with the (indiscernible) system that Island
24 Express uses?

25 A. Yes. I've seen it.

1 Q. What's your -- do you have an opinion on the quality of the
2 product that (indiscernible) gives to Island Express?

3 A. No. I -- you know, I mean, we've discussed, you know, weight
4 and balance with them. But I -- you know, from what I saw, met
5 the requirements.

6 Q. Okay. In your surveillance -- just one second. During your
7 surveillance, have you ever made note of a noncompliance?

8 A. I don't recall, but I -- think about that for a second.

9 Q. Okay. Let me just broaden it up a little bit. Any follow-on
10 actions at all during these base inspections?

11 A. Not to my recollection, no. I don't think I, you know, had
12 any follow-on actions that were required.

13 Q. Okay. Let's move on to the accident pilot, if you don't
14 mind.

15 A. Okay.

16 Q. I'd like to review this -- the certificates and ratings. Do
17 you have with you a document that can help us go through the --
18 Ara's certificates and ratings?

19 A. No.

20 Q. Okay. Well, to the best of your recollection -- well, I'll
21 tell you what I have, and we'll see if that matches with your
22 recollection. Commercial pilot rating in rotorcraft and
23 instrument flight helicopter -- or instrument helicopter?

24 A. I believe -- you know, this is just on memory. I believe
25 that Ara was an ATP, but -- and then could you restate the rest of

1 it?

2 Q. Yeah. I'll just go through the list. You believe he's got
3 an ATP?

4 A. I believe so, yeah.

5 Q. Okay. I have documentation showing that -- showing him as a
6 commercial pilot, rotorcraft, instrument helicopter, flight
7 instructor rotorcraft helicopter, flight instruction instrument
8 helicopter, ground instructor instrument with a medical
9 certificate of the second class with the limitation, must have
10 available glasses for near vision.

11 Does that sound about right to you?

12 A. I don't have any reason to believe that any of that is
13 inaccurate.

14 Q. Okay. Moving on into flight evaluations. I'm looking at a
15 list of evaluations that were FAR Part 135.293 and 135.299. I see
16 that, during the time that you were a POI, just focusing in on the
17 S-76, we have four flights. I'd like to go over some of these
18 with you.

19 In August 18th, 2017, was a 293/299 proficiency check in the
20 S-76, and in it there was a comment, use of autopilot is
21 authorized that expired on 7/31/18. The use of autopilot is
22 authorized; what was the, let's call it significance of making
23 that entry on the grade slip?

24 A. There's actually a few areas I believe that referenced the
25 autopilot on the NA (ph.) for 10-3. But on the left side in the

1 column, and then there's -- on the right side there, as you
2 mentioned, had the expiration.

3 The purpose of that was basically to make clarification. The
4 question came up of whether or not the individual was authorized
5 to use the autopilot. You know, the left side is probably more
6 appropriate to use. But that was the purpose at that time, was so
7 that there wouldn't be any confusion of the --

8 Q. Okay. Let me just look at this one more. I want to see -- I
9 want to make sure I want to get to this in the right place. Just
10 give me one minute.

11 Getting back to the proficiency checks. On some, but not
12 all, we have IMC maneuvers noted on the left-hand side. Can you
13 go over the IMC maneuvers that were done? In short, could you go
14 through, step by step, the way that you evaluate that task?

15 MR. SMITH: Fabian, this is Matt Smith. I just want to make
16 sure that Kevin -- it -- either way, at least it's noted that our
17 -- if you're trying to recite from memory or if you're following a
18 checklist. I want to make sure we're clear on exactly the
19 question. Are you asking him --

20 MR. SALAZAR: Oh.

21 MR. SMITH: -- what the specific --

22 MR. SALAZAR: No.

23 MR. SMITH: Okay, thanks. Could you just clarify --

24 MR. SALAZAR: Right.

25 MR. SMITH: -- he -- it's something else for my

1 understanding.

2 MR. SALAZAR: Oh, sure.

3 MR. SMITH: Thanks.

4 MR. SALAZAR: Let's generalize.

5 DR. SEVILLIAN: Hello, Fabian? Anyone on the line?

6 MR. SALAZAR: IMC maneuver. I'd like to know how you tailor
7 that exam or that task from the beginning to end. So what do you
8 do with the pilot when you're going to give him that maneuver or
9 that evaluation on that IMC maneuver?

10 MR. DOTY: Okay. First we would start out, you know, during
11 the brief, discussing the maneuver so that there was no confusion
12 as to, you know, how it was going to be accomplished. Really,
13 we'd also be checking that, you know, there was a view limiting
14 device, you know, and how that was going to be put on.

15 So once that was completed, we'd brief the maneuver. And now
16 you want to know about the inflight portion, correct?

17 MR. SALAZAR: I actually didn't hear anything but the view
18 limiting device. I hate to ask you to say that again, but would
19 you mind saying that again? I'm -- I take it, it was probably
20 stuff you talked about on the ground?

21 MR. DOTY: Yeah, sorry about -- did I cut out?

22 MR. SALAZAR: Yeah. You came back in. I was being patient.
23 I thought you guys might have been talking about it, but, you
24 know, about a minute transpired with no audio. And then you came
25 back in, and you were talking about a view limiting device.

1 MR. DOTY: Oh, okay. Don't know what happened there. We've
2 got you on our I-Comm phone, so I'm not sure what -- so I
3 apologize about that. But, yeah, I'll repeat it.

4 MR. SMITH: And, Fabian? This is Matt Smith again. I'll let
5 you know -- if we're going to go on mute, I'll let you know that
6 we're going to do that. But it was a -- completely some sort of
7 technical issue. But I think he'll --

8 MR. SALAZAR: Sure.

9 MR. SMITH: -- try to -- he answers the best he can.

10 MR. SALAZAR: Yeah. Very well understood, Matt. Thank you
11 for clarifying that.

12 MR. DOTY: So what I believe I had said was that we would
13 brief the maneuver prior to conducting it so that there would be
14 no confusion as to what the expectations were. And we would
15 discuss items like, you know, a view limiting device and whether
16 or not we would need to transfer controls.

17 And so, once it was briefed, and we both had an understanding
18 of, you know, how that was going to be accomplished, then we would
19 conduct the inflight portion. And it would generally start out
20 with a scenario where I would give a scenario looking to see that
21 the applicant, or in this case, Ara, would take the proper steps
22 to, you know, avoid inadvertent IMC.

23 So I would give something like a, you know, weather situation
24 that was deteriorating, and then look to see that, you know, he
25 may talk about, you know, diverting, or returning to base, or even

1 landing. So we would go through that, and then, once that was
2 completed, then we'd have him do the -- put on a view limiting
3 device, and then say, okay, you know, now you did go inadvertent
4 IMC, and then look for him to take appropriate action.

5 Once that was -- that portion was completed, then we would o
6 unusual attitude, and then it would be followed up with an
7 instrument landing system, and then mixed in there, looking to
8 see, you know, a couple of other things. So communication with
9 ATC, I would initially play that part, generally navigation, and
10 that'd be -- as far as the S-76, because it had an ILS, Ara would
11 shoot an instrument approach utilizing the ILS, then to, you know,
12 the airport back here.

13 Do you want more detail than that? I hope we didn't lose him
14 again. Is anyone on the line?

15 DR. SEVILLIAN: Yeah. I can --

16 MR. SALAZAR: Oh, here I am. I'm not napping.

17 DR. SEVILLIAN: I can hear you, Kevin, yes.

18 MR. SALAZAR: I'm back. Sorry. No, that was very good.
19 Thanks, Kevin.

20 BY MR. SALAZAR:

21 Q. During the ILS approach, would you encourage, discourage the
22 use of the autopilot?

23 A. I wouldn't -- normally I would not do either. Would -- you
24 know, during a brief, we would discuss the autopilot more than
25 likely. And I certainly wouldn't discourage it, but I wouldn't

1 speak up.

2 You know, I'm obviously, you know, evaluating at that point.
3 So, you know, I would be looking to see whether or not it was
4 used. And if it wasn't used, then that would certainly be, you
5 know, a debrief item. If in that, you know, somebody had a
6 question during the flight, like they were unsure of whether or
7 not it could be used for instance, or when they were going to be
8 setting up pre-approach and, you know, grabbing a manual, if they
9 said, can I put the autopilot on, because they weren't sure if I
10 was going to be okay with that, then sure, I would speak up and
11 say yes.

12 Or, you know, if there was a situation for some reason, or we
13 had briefed that we were going to exchange controls while that was
14 happening, then, you know, we would do that. That answer your
15 question?

16 Q. Okay. Yes. So as a single pilot -- as a company that's
17 using one pilot in their aircraft, when you're giving this portion
18 of the IMC recovery where the pilot is in route to fly an
19 instrument approach, and you're acting as ATC, do you -- well, let
20 me restate that.

21 When the pilot is in route to the ILS, do you provide that
22 pilot any type of assistance if he asks for it? Or do you -- are
23 you in that scenario where you're like, look, dude, if you drop
24 your pencil, you pick it up. You're a single pilot, so I may be
25 here as a safety pilot, but you're on your own.

1 How does Kevin Doty work that in his cockpit?

2 A. Okay. I -- it sounds like maybe you're -- we're getting at
3 like a, you know, maybe like a safety issue in the cockpit. If --
4 and so, I don't know. I'm really just a little confused on your
5 question. Sorry.

6 Q. All right. Let me try to put another focus on it. When
7 you're given --

8 A. Or can you break up? All right.

9 Q. Okay. What I'm looking for -- and I'm just curious at this
10 point. Your interactions -- you, the examiner's, interactions
11 with the pilot while he's doing this expected single pilot
12 operation of IIMC recovery.

13 I'll give you a scenario. If any pilot that you -- you're in
14 an S-76 as you're giving this IIMC recovery evaluation to, if he
15 asks you for the frequency to the ILS, do you give it to him?

16 A. Okay. Well, in short, you know, if it was a safety of flight
17 related type of situation, then I -- you know, I would. And we
18 would discuss what the expectation would be.

19 You know, in order for me to do a proper evaluation, I would
20 need to see that the individual is able to do that for themselves.
21 Unless, like I said, you know, he was incapacitated, or sick, or
22 something. And then of course that would change the situation.

23 Q. Yeah. Thank you. All right. Let's move on to an event that
24 occurred on May 11th, 2015. It was an entry into Los Angeles
25 Class B Airspace. Are you familiar with that event?

1 A. Yes, I am.

2 Q. Okay. In the FAA department, did you guys consider that a
3 violation?

4 A. There was a violation of a regulation. The pilot did
5 deviate, yes.

6 Q. Okay. Would you say he was proactive in taking -- of
7 addressing the problem when it occurred?

8 A. To the best of my recollection, yes. And also because I have
9 looked at it again recently -- I did read up, you know, what I
10 wrote. So that kind of helped bring -- help my memory. Yes, he
11 was proactive.

12 Q. Okay. And did you conduct the interview with him?

13 A. Yes, I did.

14 Q. Would you mind telling us the -- about that interview, how it
15 went, what you guys talked about?

16 A. I -- can I take a look at -- I think I -- I don't have it --

17 Q. That's fine.

18 A. Okay. I don't know if I have it here in front of me or not.
19 But let's see. I mean, there was a part in here where I listed
20 some things. Okay, I think it's the very end.

21 So I don't recall -- you know, I don't recall our
22 conversation. But I -- you know, I do recall basically these
23 things that they were important. And so I had listed, you know,
24 operating in the Class B airspace, personal VFR weather minimums,
25 proper planning, reviewing weather, anticipating required action.

1 And Mr. Zobayan was very cooperative.

2 I -- you know, he actually did quite a bit of the talking.
3 That way I can ensure that he had a good understanding. So we,
4 you know, discussed those issues. And obviously I needed to
5 ensure that, you know, he was familiar with what the problem was,
6 what he did wrong, and what the, you know, correction action
7 should have been.

8 Q. Do you recall what was discussed with proper planning?

9 A. No. Not specifically. But, you know, I could -- I don't
10 want to say -- you know, speculate, but I could probably, you
11 know, to the -- I don't know how to phrase this I guess. But, you
12 know, I could tell you what I -- you know, if I was to do it again
13 today, what -- you know, what we may talk about. Would you like
14 me to do that?

15 Q. Yes, please.

16 A. Okay. So there was, you know, a couple of issues. One, I
17 wanted to ensure that he had checked the weather and knew what to
18 anticipate. So I wanted to first see, you know, that, that was
19 done, and then also his route of flight that he, you know, had a
20 plan of place of where he was going to go and how he was going to
21 get there. And then also that he was familiar with, you know,
22 requirements along that route of flight.

23 So, I guess, let me clarify a little bit more for you. So,
24 you know, as far as requirements, one of the issues was he had --
25 prior to the Class B airspace, he was transiting through another

1 -- over the top of another airport.

2 Q. Did we lose you again?

3 A. No -- yeah, I thought I lost you. I thought you guys went on
4 mute.

5 Q. No. Last I heard, you said he was transitioning over the top
6 of another airport, and then we went radio silent.

7 A. Oh, no, that was the end. That was it.

8 Q. Okay.

9 A. Yeah. Was that helpful?

10 Q. Okay. Very good. Do you mind doing the same thing with
11 reviewing weather?

12 A. So the issue that day was there was some -- there was weather
13 off of the coast, so west of the Los Angeles International
14 Airport. And I wanted -- I likely would have asked him, you know,
15 how he had checked the weather and what his understanding of the
16 weather was.

17 Weather wasn't -- his weather was part of the, you know, the
18 issue here, and lead to the question from air traffic control. So
19 I wanted to make sure -- more than likely I was making sure that
20 he had properly checked the weather, and had identified what the
21 weather was.

22 Q. Okay. And then anticipating required action?

23 A. Yeah. So that part, there's two things. One, he was
24 transiting through another airport. I believe it was Hawthorne
25 Airport. And we talked about his actions while transiting

1 through, because once he exited that airspace, he's basically
2 almost right inside the Class B. So if there was any delay at all
3 on the radios or the controller was busy, and he didn't have the
4 clearance to get into the Class B airspace, that would have been a
5 problem.

6 So I wanted to see if he had thought through that beforehand
7 or he had asked, you know, the tower to assist him -- Hawthorne
8 Tower that is, to assist him. Or how he, you know, handled that,
9 or anticipated in handling that. And also anticipating what the
10 controller for the Class B may have -- you know, may ask him or,
11 you know, anticipated their actions as well. So, to the best of
12 my recollection, that was what that was all about.

13 Q. Okay. Thank you. Let's move on to OC Helicopters for just a
14 moment. What's your affiliation with OC Helicopters?

15 A. I'm also their principle operations inspector.

16 Q. And so you provide the same services and oversight as Island
17 Express?

18 A. Generally yes. You know, as their POI, it's -- yes, I
19 perform the same functions. They're not exactly the same, but,
20 you know, yes. In general.

21 Q. Okay. Would you mind -- can you highlight any of the
22 differences between your actions or interactions with Island
23 Express and OC Helicopters?

24 A. That's a tough one, because I'm not sure. Could you maybe
25 break that down or, like, ask something more specific?

1 Q. Well, I don't know. At this point, I don't know. I
2 understand that you're the POI for both organizations or for both
3 companies. And would you say, in general terms, you perform the
4 same oversight surveillance, assistance, approvals, and
5 acceptances? There's no difference in the companies?

6 A. I -- you know, I evaluate them individually of course. But
7 there are many similarities, yes, if that's what you're asking.

8 Q. Yeah. That's what I --

9 A. Yeah. So they're -- yeah, they're pretty similar, you know,
10 as far as size and scope.

11 Q. Okay. Any noncompliance enforcements or letters that you had
12 to do on OC Helicopters?

13 A. Let me think for a minute.

14 Q. Okay.

15 A. I want to say yes, but I don't recall for OC Helicopters what
16 that may have been. There's some -- and actually, ongoing issues
17 with not so much -- what's the -- I guess their organization,
18 their structure. So that's something that is just kind of in the
19 process of -- it's ongoing.

20 And we've -- you know, I've had some interactions with them
21 back and forth. I would have to probably, in their case, go back
22 and maybe, you know, refresh my memory and look at some letters.
23 But yeah, there have been some issues with OC Helicopters.

24 Q. Okay. They're just a two-person operation, correct? They're
25 just two employees?

1 A. Well, right now, yes.

2 Q. Okay. As far as you're aware, does Island Express
3 Helicopters appear anywhere in OC Helicopters' GOM?

4 A. No.

5 Q. Do the two have any type of business -- written business
6 arrangements or agreements that you're aware of?

7 A. No, not that I'm aware of.

8 Q. If they did, would the POI want to be aware of that?

9 A. Yes.

10 MR. SALAZAR: Okay. Kevin, those are all of the questions I
11 have. Thank you, sir.

12 MR. DOTY: Okay, thank you.

13 DR. SEVILLIAN: All right. Thanks, Fabian. Let's go to the
14 -- Bill. Bill?

15 DR. BRAMBLE: Yes. Hi, guys.

16 BY DR. BRAMBLE:

17 Q. Yeah, Mr. Doty, just a couple of things. Mr. Zobayan's
18 performance as a pilot compared to others with similar experience
19 during the checkrides in which you evaluated him, can you describe
20 that?

21 A. He was always satisfactory on all of the checks. And as far
22 as the -- you asked me to compare him with others? There was
23 nothing that stood out, you know, that I remember either negative
24 or positive, you know, about his flying. You know, so -- does
25 that answer your question?

1 Q. Yeah. And Mr. Salazar was asking you earlier about how you
2 ran the checks, particularly the view limited portion to the
3 checks. Did you try to simulate single pilot cockpit during those
4 checks? Or were you operating more as a crew concept?

5 A. I didn't operate as a crew concept. You know, I was just
6 there to evaluate -- I was up there to evaluate him operating, you
7 know, as a single pilot.

8 Q. Okay. When was the last time you interacted with Mr. Zobayan
9 before the accident? How many days, or weeks, or months do you
10 think?

11 A. I -- that, I just -- I don't remember. The -- I think the
12 only thing I have recollection of right now, but only because
13 there was documentation, was the last competency check he had.
14 I'm sure I probably saw him after that, but I just don't recall.

15 Q. Okay. And, on the inadvertent IMC recovery maneuver, can you
16 just describe briefly for me, what is that procedure or maneuver?

17 A. Which part of that? I'm not sure what you're getting at.

18 MR. SMITH: Bill, this is Matt Smith again. I'm sorry to
19 interrupt you. I just wanted to be on record that he doesn't have
20 a copy of any checklist in front of him. So I would just --

21 DR. BRAMBLE: Yeah.

22 MR. SMITH: -- like to make sure that you know that he's --
23 if he's reciting anything, he's making an attempt to recite from
24 memory.

25 DR. BRAMBLE: Yeah, noted.

1 BY DR. BRAMBLE:

2 Q. So I guess more generally what I want to know is, is it a 180
3 degree turn or something else?

4 A. Are you asking is there a maneuver that requires a 180 degree
5 turn?

6 Q. No. So my impression was that part of the check was an
7 inadvertent IMC penetration escape maneuver. Is that correct? Or
8 is that --

9 A. So I'm not sure what you're referring to.

10 Q. So did you check Mr. Zobayan on -- with the view limiting
11 device on an inadvertent entry of IMC scenario? Was that part of
12 the check or no?

13 A. Yes. For sure, yeah.

14 Q. Okay. What was -- I mean, in general terms, what did you --
15 what was he supposed to do when that happened?

16 A. As a -- he would first correct his attitude, you know, by
17 leveling the wings. And then maintaining his heading, you know,
18 only turn if there was a known obstruction. And then set his
19 climb power, and then check the airspeed for that climb power, you
20 know, and continue climbing straight ahead and, you know, do
21 crosschecks.

22 You know, like I said, in reference to your question, I --
23 there would only be a turn if there was -- you know, it would be
24 to avoid terrain or obstacles. And then obviously once he got the
25 aircraft under control to, you know, communicate with ATC.

1 Q. Okay.

2 A. If there may be -- you know, there may be a portion where --
3 depending on the scenario where I would, you know, tell somebody
4 I've been examining, there is a mountain in front of you. But
5 that would be, you know, scenario-based.

6 Q. Okay.

7 A. And I -- you know, I did do that from time to time, wanted to
8 see if they were going to make the turn.

9 Q. Okay. And I recall you saying that you didn't -- I think you
10 said you didn't encourage or discourage the use of the autopilot.
11 But do you recall how Mr. Zobayan utilized the autopilot in those
12 scenarios?

13 A. I wish I did. I just don't recall. I could tell you this,
14 that it would likely be -- have been a -- you know, a debrief item
15 if the autopilot was not used. But I just -- I don't recall him
16 in particular, you know, using an autopilot or not on, you know,
17 the last competency check I gave him.

18 Q. Okay.

19 A. You know, and I -- that may have been something that would
20 have stood out. And I -- you know, I'd like to think I would
21 remember if he did not.

22 Q. But you can't recall for sure?

23 A. No. And I do recall him using -- you know, I know that he
24 used the autopilot, because I had evaluate -- but I just don't
25 recall, you know, in that maneuver. I can't say, you know, with

1 certainty that yes, he did.

2 Q. So the preferred way to handle the aircraft in that situation
3 that you would like to see would involve use of the autopilot? Is
4 that correct?

5 A. When -- in general when, you know, I'm evaluating somebody, I
6 want to see that they're -- one, that they're doing what we
7 briefed, and that they're doing what they've been trained to. Or,
8 you know, with that or any other maneuver, you know, per their
9 training program. But, you know, the use of automation, you know,
10 is -- or lack of would have been something that we would have
11 talked about if he didn't use the autopilot. We would have
12 discussed, you know, why the automation wasn't used in order to
13 help facilitate, you know, a certain maneuver.

14 Q. Okay. And in your mind, what are the advantages and
15 disadvantages of using it in that -- an inadvertent IMC scenario?

16 A. Are you just asking for my opinion?

17 Q. Yes, please.

18 A. So the advantage would be there's -- you know, using an
19 autopilot would obviously -- or not obviously, but it would help
20 the pilot to stabilize the aircraft. Not turning it on, you know,
21 if the individual kept -- did not commit to the instruments, but
22 he kept on trying to look down at the ground, there's always that
23 possibility that they would get some kind of disorientation. So,
24 you know, using the autopilot would potentially prevent some kind
25 of out-of-control flight.

1 Q. Okay. And then, would you typically see someone use the
2 autopilot to maneuver -- to join the ILS that you subsequently
3 would do after that?

4 A. Yes. I would see them utilize the autopilot to join the ILS.
5 Correct.

6 Q. Okay. And then, when you did the ILS after that, was that
7 performed with the view limiting device?

8 A. Yes, it was.

9 Q. And did you normally do that to minimums or not?

10 A. We'd try to dependent on -- we try to, you know, make it as
11 realistic as possible. And sometimes that would just depend on
12 the airport. But from what I recall, we would get down pretty
13 close to minimums, and then situation-dependent, I may have him
14 sidestep to start conducting the next maneuver.

15 Q. Okay. I'm not super familiar with the SAS -- the FAA SAS
16 system, but in general, how does the FAA assess and attempt to
17 reduce the risk of inadvertent IMC accidents among operators? Is
18 there any kind of inspection or, you know, SAS-directed activity
19 that would be focused on that? Or, you know, for a VFR 135
20 operator like this? Or is that something that the inspector would
21 sort of look at individually on a case-by-case basis?

22 MR. SMITH: Bill, this is Matt Smith again. Just want to
23 interject that there was a lot packed into that question. And it
24 kind of went from broad-based SAS all the way down to individual
25 uses by the inspector. And I just don't want there to be any

1 confusion on Kevin's part.

2 So I'm going to turn it over to him and ask him to answer if
3 he's able to, but he might need you to break that down a little
4 bit. I -- it seemed to have quite a few parts for me to follow as
5 well.

6 DR. BRAMBLE: Yes, certainly.

7 MR. DOTY: Yeah. And before we get at it, would everybody be
8 okay with taking a quick restroom break?

9 MR. SMITH: Yes, of course. Did you all hear that? That
10 okay if we take a quick comfort break?

11 DR. SEVILLIAN: Yeah, that's good. Let's --

12 MR. DOTY: I mean, 5 minutes?

13 DR. SEVILLIAN: -- go -- yeah, let's go off the record.
14 Yeah, we'll do that. Off the record 1:32 Eastern.

15 (Off the record at 1:32 p.m.)

16 (On the record at 1:40 p.m.)

17 DR. SEVILLIAN: On the record at 1:40 p.m. Eastern. Go
18 ahead.

19 DR. BRAMBLE: Okay. All right, I took the time in the break
20 to try and scope my question a little bit better.

21 BY DR. BRAMBLE:

22 Q. So, Mr. Doty, prior to the accident, did FAA safety system
23 provide any guidance to you on activities that were to be
24 performed to assess and/or reduce the risk of IIMC accidents among
25 operators like Island Express?

1 A. There was a notice that was put out regarding inadvertent
2 IMC.

3 Q. When did that come out? Was this before the accident?

4 A. Yes. It was before the accident, and I don't recall the
5 exact date.

6 Q. Okay. Do you recall anything about the contents of the
7 notice and whether it directed you to do anything in particular?

8 A. It required a review of training programs.

9 Q. Do you remember what it was asking you to look for? Or would
10 that be too detailed to recall from memory?

11 A. Best of my recollection, it was asking to look for content
12 such as inadvertent IMC in the training programs.

13 Q. Okay. All right, thanks. Did you receive other types of
14 guidance or -- from sources -- FAA sources other than SAS in that
15 area prior to the accident?

16 A. What -- just to clarify, the notice that I mentioned was not
17 actually through SAS. And then, as far as the staff itself, just
18 because of the -- you know, the system that we use and how a SAS
19 operates, I wouldn't get any notice of that source through SAS.

20 Q. You wouldn't get a notice on that subject, is that what you
21 meant?

22 A. Well --

23 Q. Or --

24 A. -- for (indiscernible) system, I wouldn't get a notice
25 through the SAS system.

1 Q. I see. Okay.

2 A. It's a -- yeah, SASs are an oversight tool. So, you know,
3 the notice -- that notice that I received did not come through
4 SAS.

5 DR. BRAMBLE: Okay. All right. That's all I have. Thanks.

6 DR. SEVILLIAN: All right. Thanks, Bill.

7 MR. DOTY: Okay.

8 DR. SEVILLIAN: Now let's go to Matt Rigsby.

9 MR. RIGSBY: Okay. Thanks, Dajuan. Just a couple of
10 questions to follow up on.

11 BY MR. RIGSBY:

12 Q. Kevin, how many POI inspectors are here in Long Beach?

13 A. Currently two.

14 Q. And how many is your office allotted?

15 A. I would have to defer to management on that for an official
16 answer, but I know I could tell you what -- you know, what I
17 believe to be, you know, an accurate number. And that's supposed
18 to be six.

19 Q. Okay. And I believe you said -- I never heard a number along
20 the -- an approximate number of how many certificates that you
21 manage other than Island Express. And a rough estimate's fine.

22 A. Okay. So for Part 133, again estimate's four certificates.
23 Part 137, four. Part 135, nine. Part 141 is one. And then under
24 Part 91, I would say at least 50 different operators.

25 Q. Okay. What -- since the accident occurred, what have been

1 your actions at Island Express? Or have you taken any additional
2 actions or surveillance on Island Express since the accident?

3 A. Yes. I've met with the director of operations. We've met in
4 person. We also have, you know, basically communicated via email
5 or telephone. So we've conferred quite a bit. I've also created
6 a data collection tool through SAS to do a review on their
7 operations just to ensure that moving forward, you know, they
8 would be able to do so in a safe manner. And then I have another
9 upcoming -- or I scheduled an additional inspection just as a
10 follow up.

11 Q. Going back to Mr. Zobayan's -- the deviation, the violation
12 that he had. What -- did you actually issue a letter of
13 enforcement activity from your office? Or what actions were taken
14 by the office?

15 A. So, no, he was not issued a -- any type of letter of
16 investigation, and we did not take enforcement action. I utilized
17 the FAA compliance policy, and so compliance action was taken.

18 Q. Okay. And can you expand on it a little bit about the
19 compliance philosophy?

20 A. Sure. So, with the compliance policy, there is a
21 decision-making process. Once the who, what, where, and when, and
22 why is answered and those -- the data has been analyzed, the
23 decision-making process is followed.

24 And if there is any type of a "discriminatory" such as, you
25 know, the violation for the pilot deviation was intentional, or

1 let's say it was tied to criminal conduct, then that would require
2 enforcement action. In Mr. Zobayan's case, you know, none of
3 those other -- enforcement action was not appropriate to the
4 compliance policy, and I ended up doing compliance action and then
5 counseling.

6 Q. Okay. You mentioned the notice that you were issued to
7 inadvertent IMC. What other tools does the FAA have to allow you
8 to do your oversight training as far as the actual flight portion?

9 A. I'm sorry. Could you better --

10 Q. As a guideline on when you're doing an evaluation of a pilot,
11 what other tools can you -- that -- does the FAA have that you can
12 use to evaluate a pilot?

13 A. So are you asking, like, during a competency check --

14 Q. Correct.

15 A. -- whether I would --

16 Q. Correct.

17 A. So yeah, there's a couple of things. So the -- you know,
18 there's -- the Practical Test Standard would be utilized to ensure
19 that the airman is competent. And there's also the checking
20 module for helicopters that's also listed as the FAA Order 8900.1.

21 MR. RIGSBY: Okay. I think that's it for me.

22 DR. SEVILLIAN: Okay. Thanks, Matt. Garret?

23 MR. DALTON: Yeah -- sorry. I just had to unmute my phone.
24 No, I don't have anything. I'm good.

25 DR. SEVILLIAN: Okay. So we'll start the second round of

1 questions. Everyone okay with -- anyone need a break? Or do you
2 want to -- do we want to go ahead and proceed?

3 MR. DOTY: I'm good.

4 DR. SEVILLIAN: Okay. So I'll start.

5 BY DR. SEVILLIAN:

6 Q. Just to follow up on the discussion about data collection
7 tools for SAS. Is there a -- you know, going forward with Island
8 Express, is there something that is specific in that data
9 collection tool that you are going to be focusing on when you're
10 going to be working with the director of operations? Is there
11 something specific in that DCT?

12 A. The DCT in itself is specific because it's a custom data
13 collection tool. So all of the questions in there, I've
14 essentially selected, and that was because of my concern with
15 their current operations. You know, they are looking to, you
16 know, employ, you know, another pilot, somebody that will be
17 essentially an instructor, perhaps, you know, fill multiple roles
18 -- so chief pilot. So what SAS allows you to do is tailor a, you
19 know, inspection.

20 In this case, I've created this custom DCT, and I've
21 selected, you know -- I'm kind of just going off of my
22 recollection here. I don't have it in front of me, but, you know,
23 we've looked at certain items that were affected by the accident
24 so that we could, you know, review and discuss those and ensure
25 that the operation will be safe going forward.

1 Q. Okay. And is there -- you mentioned that there's a -- you're
2 going to schedule an additional inspection. Is that every month?
3 Or can you give us a sense of how often you'll be back and forth
4 with -- at the business, Island Express?

5 A. Well, there was an additional inspection scheduled. So --
6 you know, as a follow up. So that way I could check and see that
7 at the -- you know, original or the plans, and that would discuss
8 the way forward for Island Express, that it was actually on track.
9 That they're actually, you know, going to be able to new hire
10 somebody that's competent, qualified, and that there wouldn't be
11 any other issues such as turnover in personnel. So the purpose of
12 that was to monitor, you know, that situation.

13 And then, as far as the future, that'll be, you know,
14 situational dependent on -- you know, maybe of any other potential
15 risk factors that could be identified. But I -- you know, I
16 couldn't tell you right now, you know, what that interval would
17 look like. But I would say it would be, you know, more frequent
18 because of the accident right now, until they get situated.

19 Q. And does -- in terms of -- I know that the safety management
20 system at Island Express is voluntary, but will you be getting
21 involved by any means of, you know, how this -- you know, you're
22 conducting this inspection, and is there any sort of interface
23 with their safety management system to your knowledge?

24 A. Well, under Part 135, the SMS is voluntary, like you said.
25 So I think I can only say that I would encourage that. But, you

1 know, that's up to the operator. If they decide to participate in
2 SAS, you know, then of course, you know, the FAA would get
3 involved.

4 Q. Okay. And have you ever had to issue a letter of
5 investigation to any other pilot at IEH -- or, I'm sorry, at
6 Island Express? Have you ever had to issue a letter of
7 investigation to any other pilot?

8 A. I -- with Mr. Zobayan, I would only have issued him a letter
9 of investigation if I took enforcement action, and I didn't. So
10 there was no letter of investigation for him. And then as far as
11 any other pilot, I don't believe so. I'm pretty certain.

12 Q. Okay. How about compliance action or counseling with any
13 other pilots at Island Express?

14 A. To the best of my memory, no.

15 Q. Okay. Can you give us a sense of the safety culture at
16 Island Express? I know that's a very generic question, but if you
17 could rate their safety culture from one to ten, ten being the
18 best, how would you rate their safety culture?

19 A. I don't want to be ambiguous, so I -- but I could I think,
20 maybe, provide you some information that would be helpful, maybe
21 to answer your question. They -- you know, they meet FAA
22 standards. And, you know, one other note is that they hired a --
23 or they had a -- you know, a safety officer, which, you know, not
24 every operator does that.

25 Q. Did we lose you there?

1 A. We're -- so I ended off with saying, so they hired a safety
2 officer, or they designated somebody as a safety officer. And I
3 was aware that, you know, they had safety meetings. You know, I
4 know that we've discussed it, you know, when I was on site at
5 Island Express.

6 So that's probably the -- you know, the best information I
7 could give you other than the fact that, you know, they met the
8 standards. Unless there -- you know, there's something more
9 specific you would like to know? I could probably answer that for
10 you.

11 Q. No, that's fine. I'm not sure if we asked this question yet,
12 but does Island Express have any aircrew program designees to your
13 knowledge?

14 A. Are you referring to a check airman?

15 Q. Anyone that can vouch for the certification of the pilots.

16 A. They -- yes. They do have a check airman.

17 Q. Okay. And are you ever involved with observing line checks,
18 by any chance, with Island Express?

19 A. Are you referring to with the check airman? Or if -- on a
20 competency check if a line check is done?

21 Q. Competency check line check.

22 A. So yes.

23 Q. And --

24 A. The answer is yes.

25 Q. And how often do you observe those?

1 A. During the annual competency check, a line check would be
2 normally done at the same time.

3 Q. Okay. Do you have an idea of the last time that occurred?

4 A. Who would that be for? Mr. Zobayan?

5 Q. For the accident pilot, yes.

6 A. No. I mean, not a specific date. I could probably -- you
7 know, I know to the best of my recollection, 2019. And if it was
8 with Mr. Zobayan, it was probably in June I believe.

9 Q. Okay. And as far as -- so Island Express has external audits
10 conducted on behalf of other organizations. Do you ever get
11 involved with review of those external audits by any chance?

12 A. No.

13 DR. SEVILLIAN: Okay. All right. That's the questions I
14 have for right now. Fabian?

15 MR. SALAZAR: All right. Thank you, Dujuan. Kevin, I just
16 have a few more questions.

17 BY MR. SALAZAR:

18 Q. With regards to your examining S-76 pilots during simulated
19 IIMC recovery procedures, have you ever seen a pilot use the
20 go-around button as a means of leveling the aircraft and starting
21 a climb?

22 A. The only pilot that I observed directly was -- would have
23 been Mr. Zobayan. And I can't say for certain that I recall him
24 using the go-around button.

25 Q. You gave us a detailed description of what you look for when

1 a pilot being evaluated attempts to recover from simulated IIMC
2 conditions. Have you ever heard of an IIMC escape maneuver?

3 A. I may have heard that term. Yeah, I --

4 Q. Do you have any definitions for it?

5 A. I'm sorry, say that again.

6 Q. What does it mean to you? You say you've heard the term; how
7 was it used?

8 A. Just in reference to, you know, somebody going inadvertent
9 IMC. I'm not sure if I heard that, you know, in the military or
10 where.

11 Q. Okay. While you're giving an evaluation for this inadvertent
12 IMC recovery, have you ever had a pilot attempt to just turn
13 around and fly out of the conditions that you put him into?

14 A. When you say just turn around, so in other words, immediately
15 just sort of -- you know, and turn? Or --

16 Q. Yes.

17 A. -- without, you know, explaining if they -- you know, the
18 logic or what they're doing?

19 Q. Exactly.

20 A. You said any pilot, correct?

21 Q. Correct.

22 A. No. I don't believe so. And, as I had mentioned earlier,
23 the -- you know, if I gave a scenario, when I told the individual
24 that they were inadvertent IMC -- you know, simulated inadvertent
25 IMC, and now -- and I may put in some other type of a scenario

1 where they had some kind of obstruction, you know, a few miles out
2 in front of them. So that, you know, I would be looking for that
3 to see how they handled that. That would be the only case where
4 they would -- that I've seen where they've made a turn.

5 Q. In your years of being an instrument flight examiner and now
6 being an ASI with Long Beach FSDO, would you say that -- what is
7 your opinion on making a turn as far as an escape attempt from
8 inadvertent IMC?

9 MR. SMITH: Fabian, this is Matt Smith. Are you asking him
10 as a pilot what his personal opinion is of that maneuver? Or
11 as -- in what capacity?

12 BY MR. SALAZAR:

13 Q. In the capacity of an ASI who gives exams actually. If he --
14 as an examiner, if an examinee was put into a simulated IIMC
15 condition, and he attempted to perform a 180 degree turn to escape
16 the IIMC conditions, what would the examiner say to the pilot
17 maybe in a debrief? Is that too broad?

18 A. I'm trying to break it down. So the first part, again, was
19 what's my opinion if somebody entered into an inadvertent IMC
20 maneuver and turned right away?

21 Q. Yes.

22 A. So, you know, that could produce a, you know, catastrophic
23 outcome just because, you know, you're trying to -- you know, the
24 first thing you want to do is control the aircraft and, you know,
25 get the proper attitude. So going into a turn would be totally

1 counterproductive to obtaining and maintaining control of the
2 aircraft completely. So, you know, that would be -- that would
3 not be a good thing. And then what was the second part of your
4 question?

5 Q. Actually you answered it. I was asking what would you say to
6 him at the debrief. Moving on --

7 A. Oh.

8 Q. -- to the last question I have, we see EuroSafety
9 International and the employment of a safety officer as a couple
10 of examples of things that Island Express did that were over and
11 above the requirements of the FAA for their certificate. Do you
12 have any other examples of things that Island Express had or used
13 that were over and above their requirements that you -- sometimes
14 you probably don't see in other operations?

15 A. I cannot think of anything. I -- you know, and I also really
16 can't vouch for when you say, you know, over and above. Hopefully
17 it's -- obviously it's positive. But I can't vouch for the, you
18 know, the quality of the training for EuroSafety. You know, not
19 that you're asking me to, but I -- you know, but on the surface it
20 -- you know, it appears that it was a good thing that they were
21 willing to do that.

22 Q. Did you ever have any type of discussions with Island Express
23 to incorporate the EuroSafety International into their approved
24 training program?

25 A. I'm pretty sure that I have not. And the reason I have to

1 think about that, is because I just had a discussion with another
2 operator probably about a week ago that's kind of along the same
3 lines. But I don't believe that Island Express and I have talked
4 about incorporating them into their program.

5 MR. SALAZAR: All right. Well, Kevin, that's all of the
6 question I have. Thank you, sir.

7 MR. DOTY: Okay.

8 DR. SEVILLIAN: Hey, thanks, Fabian. Let's go to Bill.

9 BY DR. BRAMBLE:

10 Q. Yeah, hi. Just one more question about Mr. Zobayan's Class B
11 airspace violation. You mentioned during your discussion with him
12 afterwards that you asked, or you tried to verify that he
13 understood how to get the weather and plan ahead. I'm not
14 familiar with the details of that incident, and apologies if
15 everyone else has that information, but can you just briefly
16 describe how weather conditions were or were not involved in that
17 Class B airspace violation?

18 A. Sure. When Mr. Zobayan contacted the LAX tower, they told
19 him that the surface area of the Class B was IFR. And I don't
20 have it directly in front of me, so I'm not quoting it, but just
21 to give you an understanding of weather playing an issue.

22 So -- and I believe their next question was, can you maintain
23 VFR? And so that required him to, you know, make a decision and
24 give an answer. And there was some confusion on his part. So
25 that's where, you know, the weather played into it. Does that

1 make sense?

2 Q. What was the confusion on his part?

3 A. So they asked him if he could maintain VFR, if he had the
4 inflight visibility, which he did. All that he needed to do was
5 say yes, because he had asked for a certain transition. I believe
6 it was called the harbor transition through the Class B.

7 So if he had said yes, then he would have just continued on,
8 and there would have not been a deviation. I believe he was
9 thinking that they -- he got confused with special VFR. So he
10 responded back, I can maintain special VFR. But that's not what
11 they were -- that's not what the controller was talking about. He
12 just asked him if he could maintain VFR.

13 So once he said, well, I can maintain special VFR, that
14 implied to the controller that he did not have the inflight
15 visibility to maintain VFR, and therefore, he didn't want him in
16 the Class B airspace. So he told him -- I believe he said
17 something to the effect, you know, to stay outside of the Class B.
18 And by that time, as they were talking, Mr. Zobayan had already
19 penetrated into the Class B airspace.

20 Q. I see. Did you have any indication whether he had gone IMC
21 in that flight, or do you know?

22 A. The weather was such that he was VFR at the time, and he was
23 able to maintain VFR. And so, you know, the weather didn't play
24 into that part. The weather came into effect because of the
25 uniqueness of the California coastline. There's a -- usually, you

1 know, a lot of weather sitting right off the coast. LAX is right
2 on the coast. That affected the surface area of the Class B,
3 according to the controller. And so that's why he needed to know
4 from Mr. Zobayan, who was further to the east, if he could
5 maintain VFR conditions. And Mr. Zobayan just confused the issue.
6 That help at all?

7 DR. BRAMBLE: Yeah. That answers my question. Thanks,
8 that's all I have.

9 MR. DOTY: Okay.

10 DR. SEVILLIAN: Okay. Thanks, Bill. Let's go to Matt
11 Rigsby.

12 MR. RIGSBY: I don't have anything additional, Dujuan. Thank
13 you.

14 DR. SEVILLIAN: All right. Thanks, Matt. Let's go to
15 Garret.

16 MR. DALTON: No, I don't have anything. Thank you.

17 DR. SEVILLIAN: Okay. Thanks, Garret. I did have one more
18 question, Mr. Doty. In the sense of, you talked about the special
19 VFR, kind of the confusion that Mr. Zobayan had with that. Can
20 you give a sense of maybe why he was confused at the time as far
21 as the communicating VFR versus special VFR?

22 MR. SMITH: Dujuan, this is Matt Smith. If you don't mind,
23 I'm going to put you on mute just because I want to talk with
24 Kevin about the question if that's okay?

25 DR. SEVILLIAN: Okay. Yeah, that's fine.

1 MR. SMITH: Okay, thanks.

2 MR. RIGSBY: While they're talking, I have the transcript of
3 the corrective actions and sequence of events. It's a little bit
4 different, and as it was explained, it will probably take three or
5 four minutes to read if anybody wants to hear it. Or we just --
6 we can continue.

7 DR. SEVILLIAN: Let's see --

8 MR. DALTON: Garret here. I don't need to hear it.

9 MR. RIGSBY: All right. Just -- I mean, we're going to
10 transcribe what -- exactly what was said, so just know that it
11 warrants reading the document dated 2015, counsel redacted.

12 MR. SMITH: Gentlemen, we are back off of mute. If you need
13 to continue with your conversation, we can standby. But --

14 MR. RIGSBY: No, we're good.

15 MR. SMITH: -- we're finished. Okay. And just to let you
16 know, I wanted to clarify with Mr. Doty to ensure that he
17 explained and not speculated as to what the pilot was thinking,
18 and just to explain to you how he's coming to his conclusion. So
19 I'll be quiet now and let him continue with explaining his answer
20 to you.

21 MR. DOTY: And then if you don't mind, could you just repeat
22 that again --

23 DR. SEVILLIAN: Yeah. It was --

24 MR. DOTY: -- the question?

25 DR. SEVILLIAN: It was just trying to understand, you know,

1 the -- was there -- could you get a sense of the reason maybe why
2 he was -- Mr. Zobayan was confused about, you know, entering into
3 Class B airspace, staying outside of Class B airspace versus, you
4 know, him using the special VFR?

5 MR. DOTY: So, when we did the counseling together, you know,
6 I -- prior to that, you just gather the facts. I had talked with
7 Mr. Zobayan, and of course I saw the statement from the
8 controller, and then the pilot deviation itself. And so with the
9 controller stating that the -- I don't want to misquote him, but
10 he said something to the effect that the surface area of the Class
11 B was IFR. Mr. Zobayan was then thinking that, in order to go
12 through the Class B, that he would need to request special VFR.
13 That answer your question?

14 DR. SEVILLIAN: Yes. That clarifies it, yes.

15 MR. DOTY: Okay.

16 DR. SEVILLIAN: Okay. That is all I had. Is there anyone
17 else that has any leg breaking questions?

18 MR. SALAZAR: None for me.

19 DR. SEVILLIAN: Okay. So is there -- Mr. Doty, is there
20 anything you can think of we should have asked you that we did
21 not?

22 MR. DOTY: Not at this time. But if I do, I'll certainly
23 reach out and probably do that through Matt Rigsby, if that's okay
24 with you, Matt. But not at this time.

25 DR. SEVILLIAN: And is there anything else you can think of

1 that would help us with the investigation?

2 MR. DOTY: Also no, not at this time.

3 DR. SEVILLIAN: Okay. Well that concludes our interview.

4 Off the record, 2:19 Eastern. Thank you.

5 (Whereupon, at 2:19 p.m., the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

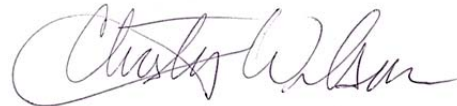
IN THE MATTER OF: SIKORSKY S76B HELICOPTER N72EX
 CRASH NEAR CALABASAS, CALIFORNIA,
 ON JANUARY 26, 2020
 Interview of Kevin Doty

ACCIDENT NO.: DCA20MA059

PLACE: Via telephone

DATE: May 6, 2020

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.



Christy Wilson
Transcriber