



RECORD OF CONVERSATION

Millicent Hill
Aviation Accident Investigator
Eastern Region

Date: July 19, 2016
Person Contacted: Tony Wieberkehr
NTSB Accident Number: ERA16FA257

Narrative:

During a telephone conversation with Mr. Wieberkehr, he stated that he and his father were on the southwest corner of the pool deck when they watched N4421Q taxi down the runway before departure. He noted that the engine sounded good, and that it was a nice airplane. He stated that the airplane began its takeoff role and that the nose was held high, the nose wheel lifted off the ground, settled back down, then came up again. He said the airplane attempted to rotate earlier than the other airplanes that were departing that day. When the airplane became airborne the nose was pitched so high that the wings wallowed, he said he reached for his phone to dial 911. He saw the airplane fly low over the hangar and the landing gear retracting. He said the tail hit a tree, then a couple more before the left wing clipped a tree and the airplane cartwheeled in nose first. The airplane disappeared from sight, they heard a thud, and then saw smoke.

He stated that it did not appear that the airplane was at rotation speed (Vr) when it rotated, and that it seemed heavy and took a long time to get off the ground and did not have enough airspeed to maintain control of the airplane.



RECORD OF CONVERSATION

Millicent Hill
Aviation Accident Investigator
Eastern Region

Date: July 19, 2016
Person Contacted: David Peck
NTSB Accident Number: ERA16FA257

Narrative:

During a telephone conversation with Mr. Peck, he stated that he saw the airplane land at Hogan Airport the morning of the accident, and that the airplane landed hard. He said the airplane touched down with approximately half throttle and at about 80 knots. He stated that the airplane landed so hard he thought there might have been damage to the landing gear. Most of the airplanes that day were landing on the grass strip. He said N2241Q was the last airplane to depart, and that another pilot had suggested to the pilot that they depart on 12L instead of 30R. He stated that the airplane was pitched up the whole takeoff run, and that the pilot was attempting to hold the nose off. He stated that after takeoff the airplane immediately began a left turn and flew low over the hangar at about 50 knots, the aircraft had a nose high attitude and was sinking into the trees before impact.

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK

-- vs.

Defendant(s)

INCIDENT LOCATION:STATE OF NEW YORK LOCAL CRIMINAL COURTCOUNTY OF SCHOHARIETOWN of ESPERANCELOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF SCHOHARIETOWN of ESPERANCEOn 07/17/2016 at 10:16 AM I, DAVID GRAULICHDate of Birth [REDACTED] No. and Street [REDACTED] C/TN COBLESKILL State NY

State The Following:

I AM HERE WITH TROOPER ANDERTON OF THE NYSP AND STATE THE FOLLOWING; ON 07/16/2016 AT APPROXIMATELY 0630 PM I OBSERVED A PLANE TAKING OFF W/B FROM THE ASPHALT AT THE HOGAN AIRPORT. I DID NOT OBSERVE ANYONE BOARD THE PLANE, NOR DID I SEE THE BEGINNING OF TAKEOFF. AFTER TAKEOFF THE GEAR RETRACTED, AND THE PLANE WAS APPROXIMATELY 80-100FT IN THE AIR. THE PLANE APPEARED SLOW AND SLUGGISH. THE PLANE MADE A GENTLE LEFT TURN AND MADE CONTACT WITH A TREE. IMMEDIATELY FOLLOWING CONTACT THE PLANE WENT DOWN INTO THE WOODS SOUTH OF THE AIRPORT. THE AIRPLANE WAS UNDER FULL POWER (THE ENGINE DID NOT FAIL) THE ENTIRE TIME. I RUSHED TO THE SITE OF THE CRASH AND LOCATED JASON KLINE STANDING APPROXIMATELY 15 FEET FROM THE PLANE, OBVIOUSLY INJURED AND SCREAMING. AT THIS TIME THE PLANE WAS COMPLETELY ENGULFED IN FLAMES. I COULD NOT IMMEDIATELY TELL IF THERE WAS ANYONE ELSE IN THE PLANE. WE REMOVED J KLINE FROM THE AREA AND MADE SURE THAT EMERGENCY SERVICES HAD BEEN CONTACTED.

Notice

(Penal Law §210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 17 TH day of JULY, 2016

- OR -

* Subscribed and Sworn to before me

this day of

(WITNESS)

(NAME OF PERSON TAKING DEPOSITION)

Time Ended
07/17/2016 10:28 AM

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK

-- vs. --

Defendant(s)

<u>INCIDENT LOCATION:</u>		<u>LOCATION OF DEPOSITION:</u>	
STATE OF NEW YORK	<u>LOCAL CRIMINAL</u>	COURT	STATE OF NEW YORK
COUNTY OF	<u>SCHOHARIE</u>		COUNTY OF <u>SCHOHARIE</u>
TOWN	of <u>ESPERANCE</u>		TOWN of <u>ESPERANCE</u>

On <u>07/17/2016</u>	at <u>01:45 PM</u>	I, <u>SHANNON L VOGT</u>
Date of Birth <u>[REDACTED]</u>	No. and Street <u>[REDACTED]</u>	CITY <u>COBLESKILL</u>
		State <u>NY</u>

State The Following:

My name is Shannon L. Vogt, my date of birth is [REDACTED] my phone number is [REDACTED] and I am speaking with Trooper Lenaghan of the New York State Police.

Yesterday 07-16-2016 I was working at Tim Hogan's place for a party. I was driving people around on the golf cart. I was up by the tie down near the runway when I saw a plane taxi down and turn around for take off. At that time I was taking people down to the pond. I didn't see the plane take off I only it heard it. When I got to the pond a kid started yelling that the plane just crashed. Everyone started yelling and running toward the smoke. I drove down to the trees and then started running in. Dave Peck flew by me on a 4-wheeler. It was hard to get back in the woods because there was no trails and the trees and bushes were really thick. I was yelling out "where are you!" I finally got back there where me, David Graulich and his son Alan were the first there. I heard a man screaming who I found out after was Jason Klein. Jason was brought out away from the plane and I went over to the wreckage to see if others needed help. I couldn't get close because the bushes were too thick. I heard David yell "they're still in there!" There was a guy still in the plane but he couldn't get out. We couldn't get to him because the flames were too big. We backed up because we thought there may be an explosion. After I was near Jason who was screaming in pain. I had his cell phone and it rang. I answered it and the caller said his name was Jason Ackerman and that he owned the plane. He then asked for someone else to talk to. When I got the phone back I told him I was sorry and he said that he got a call from the FAA and he was going to call them back. I then gave the phone to someone else and it went with Jason when he was taken out of the woods. I didn't know Jason or the others in the plane. I only saw then yesterday when they flew in.

END OF DEPOSITION

Notice

(Penal Law §210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor. [REDACTED]

Affirmed under penalty of perjury

this 17 TH day of JULY, 2016

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

(WITNESS)

(NAME OF PERSON TAKING DEPOSITION)

Time Ended
07/17/2016 02:30 PM

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK

-- vs. --

Defendant(s)

INCIDENT LOCATION:STATE OF NEW YORK LOCAL CRIMINAL COURTCOUNTY OF SCHOHARIETOWN of ESPERANCELOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF SCHOHARIETOWN of ESPERANCE

On	Date 07/17/2016	at	Time Started 12:26 PM	I,	Full Name: ROGER J MALLERY
Date of Birth	No. and Street	CITY	State		
		HOWES CAVE	NY		

State The Following:

My name is Roger John Mallery, my date of birth is [REDACTED] my phone number is [REDACTED] and I am speaking with Trooper Lenaghan of the New York State Police.

Yesterday 07-16-2016 I was at a party at Hogan's on Brandon Rd. I was sitting by the pool facing the air field. Around 6:00pm-6:30pm I saw a plane take off. It went toward 30A on the paved runway. After it took off it looked like it was going to hit the house from the angle I was at. Then I saw it barely clear the trees. I thought to myself that is awfully low. The next this I saw was it looked like the plane took a sharp turn. I saw a wing and the tail and it dropped out of sight. Everyone started to run. I ran to my car and drove down Brandon Rd and took a left onto 30A. I drove down the road a little way and took a left into a parking area and drove back into the woods toward the smoke. I drove back as far as I could and then got out of my car and went toward the smoke. I came up from behind and I saw David Groulich ahold of a man who was in the plane. He was in pain and bloody. I then walked over by the plane to see if there was anyone else who needed help. The plane was completely on fire and I heard screaming. That only lasted for a few seconds and then it stopped. I got as close as I could and I could see a couple bodies but they were gone and there was nothing I could do. Then I heard popping noises from the plane. I yelled for everyone to get back. I snapped a few pictures of the area so I could get a timestamp and turn the pictures over to the police. While I was making sure everyone was staying back a couple of people ran down with fire extinguishers but the heat and fire was too much so they backed away. The flames flared up and the plane was fully engulfed. I did not know the people who were in the plane.

END OF DEPOSITION RJM

Notice

(Penal Law §210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor. [REDACTED]

Affirmed under penalty of perjury

this 17TH day of JULY, 2016

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

[REDACTED SIGNATURE]

SIGNATURE OF DEPONENT

[REDACTED NAME]

(NAME OF PERSON TAKING DEPOSITION)

Time Ended
07/17/2016 01:31 PM

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK

-- vs. --

Defendant(s)

INCIDENT LOCATION:

STATE OF NEW YORK LOCAL CRIMINAL COURT

COUNTY OF SCHOHARIE

TOWN of ESPERANCE

LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF SCHOHARIE

TOWN of SCHOHARIE

On	Date 07/16/2016	at	Time Started 10:32 PM	I,	Full Name: MARK D PALAZZO
Date of Birth	No. and Street	CITY	State		
		GREENWICH	CT		

State The Following:

On July 16, 2016 at about 10:34PM I am giving this written deposition to Trooper Noah Monge of the New York State Police. On today's date at about 6:30PM I was at the tie down spots on the runway saying goodbye to Jason, Mike, Suzanne and Lisa. I watched them taxi out to the runway. They taxied down the runway to the East and turned around and departed to the West. It did not appear that Jason was going fast enough down the runway. He was flying just above stall speed. Jason turned the plane to the left and cleared the tops of the trees on the South end of the airport. Once he cleared the tops, the plane when down with the terrain. The plane crashed and I heard the impact. Several seconds later I saw smoke where the airplane impacted. I drove down to the hanger where Tim the owner was. I picked him up and drove with him to his pick up truck. We both went to try and find the airplane. When I got to the crash site, there were already people there. They were tending to the pilot. The airplane was fully engulfed with flames. The airplane that Jason was in was borrowed from a friend of his from New Haven Airport in CT. That is where they were headed back to. All four of them came this morning together.

Notice

(Penal Law §210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 18TH day of JULY, 2016

(SIGNATURE OF DEPONENT)

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

(WITNESS)

(NAME OF PERSON TAKING DEPOSITION)

Time Ended	07/16/2016	11:06 PM
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NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK

-- vs. --

Defendant(s)

INCIDENT LOCATION:

STATE OF NEW YORK LOCAL CRIMINAL COURT

COUNTY OF SCHOHARIE

TOWN of ESPERANCE

LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF SCHOHARIE

TOWN of ESPERANCE

Date On 07/16/2016	at Time Started 09:18 PM	Full Name: I, DAVID R PECK	
Date of Birth [REDACTED]	No. and Street [REDACTED]	CITY ESPERANCE	State NY

State The Following:

On July 16, 2016 at about 9:24PM I am giving this written deposition to Trooper Noah Monge of the New York State Police. On today's date at about 6:15PM at Hogan Airport, the whole group of us was sitting and eating at the pavilion near the pool. We all watched Jason take off on the asphalt runway with four passengers. When Jason took off it took him about 3/4 of the runway to get off the ground. He flared hard nose up. He turned towards the South making a left turn. He kept the nose up until the airplane started to fall. It looked like it stalled in the air. Jason's plane hit a pine tree and then the nose went down. At that time, we saw smoke and heard an explosion. I took my four wheeler down to find them and walked the rest of the way through the woods. I came to the South of the plane which was on fire. I could not get to them, only by the North side of the plane. I heard screaming from girls and guys in the plane. I brought Jason back from the plane to safety. By that time the plane was completely on fire. There were roughly five more explosions. We tried to save the other passengers however there were too many explosions from the fuel. We did not hear anymore screams. From there, I directed all the first responders to the scene.

Notice

(Penal Law §210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 16TH day of JULY, 2016

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

(WITNESS)

(NAME OF PERSON TAKING DEPOSITION)

Time Ended	07/16/2016 09:35 PM
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SUPPORTING DEPOSITION (CPL §100.20)

PAGE 1 OF 1

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK

-- vs. --

Defendant(s)

INCIDENT LOCATION:

STATE OF NEW YORK LOCAL CRIMINAL COURT

COUNTY OF SCHOHARIE

TOWN of ESPERANCE

LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF SCHOHARIE

TOWN of ESPERANCE

On	Date 07/16/2016	at	Time Started 09:56 PM	I, Full Name: SKYLER L WOOK
Date of Birth	No. and Street	C/TN	State	
		CORNWALLVILLE	NY	

State The Following:

My name is Skyler L. Wood, my date of birth is [REDACTED] my phone number is [REDACTED] and I am speaking with Trooper Lenaghen of the New York State Police.

Today 07-16-2016 I was at Hogan Airport hanging out with my cousin David Peck. I was sitting in the gazebo and just got done eating watching planes take off. They weren't leaving one after another. They left at random times. While I was sitting there I watched a plane go down the runway toward 30A. The plane took off and it was going so slow. When it left the ground it started to turn left over the trees and I saw the top of the trees touch the bottom of the plane. Then it just nose dived and the next thing I saw was a cloud of black smoke. I ran over to get the golf cart and drove down to the tree line. I then ran into the woods toward the smoke. When I got close I saw David coming toward me from the south side of the crash. The plane was fully engulfed in flames. It was making popping sounds. I then saw Shannon Vogt and another guy dragging one of the passengers away from the plane. After he was away from the plane me and David went back near the plane and starting yelling and calling out to see if there was anyone else. We didn't hear anything. Then we just kept people back.

END OF DEPOSITION X SLW

Notice

(Penal Law §210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 16TH day of JULY, 2016

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

(WITNESS)

(NAME OF PERSON TAKING DEPOSITION)

Time Ended
07/16/2016 10:26 PM