

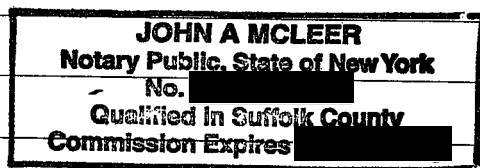
STATEMENT OF MARY ELLEN GRANDNER [REDACTED]

02-21-16

[REDACTED] MARY
[REDACTED] Ellen Grandner being duly sworn deposes and
says I am 64 years old and currently live in Pouquott
Village which is in the East Setauket Area. On Saturday
February 20, 2016 just after 11:00 P.M. I was getting ready
for bed. I was in my second floor bedroom and was
able to see a small airplane flying towards the south going
towards land. It was flying lower than what I would
consider normal. The plane then changed its course of
direction and began to travel west flying along the
shore line directly in front of my home. It was flying
even lower and it was obvious that the plane was in
distress and it became apparent the pilot was about to
land the plane in the water. The plane landed in the
water in an awkward manner. The tail hit water first
and the front of the plane touched down very gently.
It was not violent ^{at} [REDACTED] and there was very little
splash. Once the plane landed in the water I was able to
hear at least two men speaking. I called 911 and my
husband Wayne went down to the shore to attempt to
help the men.

Sworn to before me [REDACTED]

February 21, 2016



10F2

I Nelson Gomez being duly sworn deposes and says I am 36 years old. I was born on [REDACTED]. I live at [REDACTED], Springfield Gardens, Queens.

I am a free lance flight instructor. One of the schools I teach at is "Positive Rate Gears Up." This was the school I was instructing for today. I am licensed in Commercial, Instrument, Multi-Engine, Instrument Flight Instructor, and Certified Flight Instructor.

Today I met my student Austirico Ramirez at Republic Airport. He had two guys with him. I don't know if they were his friends or relatives. We left Republic Airport about 2:00 or 2:30 p.m. We were flying in a Piper Archer. It's a 4 seater, single engine, 181 horsepower, single prop. My student flew the plane. We flew to Fitzburg, Massachusetts. I did help the student land at the airport there.

All 4 of us went to Fitzburg University. One of Ramirez' cousins is a student there. We picked him up and we went to a buffet. Then we drove about 40 minutes and stopped at a Wal-Mart, where Ramirez' uncle worked. We were there about 15 or 20 minutes. Then we went to Ramirez uncle's wives house. This was about 10 minutes away. We stayed there about 20 minutes. Then we drove Ramirez' cousin back to the university. We dropped him off and went back to the airport. We arrived there about 7:55 p.m.

We took off at about 8:20 p.m. My student (cont. page 2)

SWORN TO BEFORE ME

FEB. 21, 2016

ALFRED M. CICCOTTO
NOTARY PUBLIC, STATE OF NEW YORK
NO. [REDACTED] SUFFOLK COUNTY
TERM EXPIRES [REDACTED]

SWORN STATEMENT OF NELSON GOMEZ

2 OF 2

(cont. from page 1) Austico Ramirez was flying. He was sitting in the left front seat. I was sitting in the right front seat. The other two guys whose names I don't know were sitting in the back.

When we were just about to the shore of Long Island the engine started sputtering. At that point I took control of the plane. I switched the fuel from the right tank to the left tank. The plane stopped sputtering for about two minutes, and then it started sputtering again.

I notified the controller that we were changing to Macarthur Airport because of engine trouble. I didn't think we could make it to Macarthur Airport. We were about 3 miles inland. I turned back towards the coast. I decided to put the plane down on the water as close to land as possible.

I put the plane down in the water. I opened the door and everybody got out of the plane. I was wearing a life vest. I told everybody to hold onto me, but they all started swimming for shore. The plane sank in about ~~two~~ ^{five} minutes.

None of us drank any alcohol today. I don't drink alcohol at all. Nobody did any drugs that I saw. I don't use drugs and I am not on any prescription medication.

I have read the above statement consisting of two pages taken by Det. Ciccotto here at Stony Brook Hospital and I swear it is all true.

SWORN TO BEFORE ME
FEB. 26 2016

PDCS-7129

ALFRED M. CICCOTTO
NOTARY PUBLIC, STATE OF NEW YORK
NO. [REDACTED] SUFFOLK COUNTY
TERM EXPIRES [REDACTED]

2/21/16

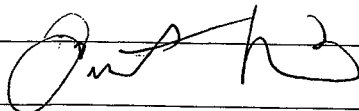
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0352

I austirico M. Ramirez state that I am 25 years old. I was born on [REDACTED]. I am currently giving this statement to Detective Serrata while in University of Stony Brook hospital. I am in the process of getting my pilot license. I'm receiving my training through Positive Route Gear up. I scheduled a training flight for 02/20/16 [REDACTED] 04/24/16. I scheduled the flight to go to Boston. I confirmed the flight with my instructor Nelson Gomez. I was taking my friends taking Wady Perez and Gerson Salmons with me on this flight. I was going to be flying a Piper Archer #2. It's a single prop four seater. The plane had just arrived from a previous flight. I spoke to the pilot from the previous flight he advised me that there were no issues with the plane and advised me how much fuel was on the plane. I performed the pre flight check including the physical inspection of the plane. The pre flight check is not documented but it's a standard check which is done prior to flying. My supervisor for this flight was Nelson Gomez a senior pilot. I have airtime that needs to be accomplished so I took advantage and scheduled a flight to Boston to visit family. A interior flight inspection of the instrument was also performed. A final check was performed right before take off. We took off at approximately 2:00pm. We began to fly to Fitchberg Mass. It was a bumpy ride but we arrived in about 45 minutes because of a tailwind pushing us. I was sitting in the Pilot seat

Tulio R Serrata
Notary Public, State of New York
No. [REDACTED]
Qualified in Suffolk County
Commission Expires [REDACTED]

Sworn to before me on this
21st Day of 2016
[REDACTED]



[REDACTED]

(continuation statement from Austico M. Ramirez)

and Nelson was sitting in the copilot seat. Gerson Salmen sat behind me and Wady Perez sat behind Nelson. When we arrived at the airport FIT in the town of Fitchburg it was about 4 p.m. We used the crew car to go to Fitchburg University where my cousin Randy Perez attends school. We arrived at his college at about 5 p.m. We picked up Randy and headed over to Walmart in the town Methuen. We stopped there to visit my uncle Miguel Perez. We were only there for about 30 minutes and then headed to Randy's house to visit his mother. ~~Before~~ I would just like to add that before we went to Walmart Nelson, Wady, Gerson, Randy, and I went to eat at a Chinese Buffet in Fitchburg. We stood at Randy's mother's house for only 30 minutes. We then dropped off Randy and headed back to FIT airport. We did the preflight check again and prepared to fly back. We sat in the same seating arrangements. We took off at about 9 p.m. We had no issues but flew at a higher altitude because Wady was getting nauseous. We had a strong headwind. When we got to Bridgeport we ~~descended~~ descended to 2000 feet. Nelson was instructing me on VOR near Bridgeport. We were over the Long Island sound and just got to the shoreline when the engine sputtered. Nelson advised me to switch gas tanks.

Sworn to before me on this
21st day of February 2010

Tulio R Serrata
Notary Public, State of New York
No. [REDACTED]
Qualified in Suffolk County
Commission Expires [REDACTED]

(Continuation statement from Austico M. Ramirez)

I switched to the left tank which ^{had more fuel than the right} ~~was full of gas~~. Nelson took command of the plane. Nelson notified the tower that we were having engine trouble. Nelson notified the tower that we were going to ditch the plane. ^{The plane still started a second time.} Nelson was trying to regain power. I was switching the tanks from left to right. Nelson was looking for a place to land but ran out of options and aimed for a bay. The stalling engine alarm came on. Nelson did a taildrop on the water because the plane has fixed wheels and would've flipped over if we landed that. The plane was sitting on the water when Nelson opened the door and moved his seat so everyone can get out. Wady and Gershon got out. I went to the back to get a life jacket. There was only one. I passed it to Nelson. Nelson put on the life jacket. ^{were} ~~we~~ ~~are~~ ~~go~~ ~~ing~~ all going to stick together and hold onto Nelson. When we got into the water everyone just began swimming to shore and we got separated. It was dark and cold I couldn't see anyone else but I could hear them. At one point Gershon told me to swim on my back because I was struggling swimming. I could see the tail of the wing sticking out of the water. I was in the water for about an hour. As I got near the shore I saw a light and someone threw a line to me. They pulled me into shore. I didn't see any of the others. They helped me up

*sworn to before me this
21st day of February 2016*

Commission Expires
Qualified in Suffolk County

Tulio R. Serrata
Notary Public, State of New York
No.

(4)

[REDACTED]
(continuation statement from Austriou. Ramirez)
hill and into an Ambulance.

I did not have any alcohol or any drugs. I stopped
drinking in high school. I don't do any drugs.

I have read to about statement which I gave to
Detective Serrata and I swear it all to be true.

Sworn to before me on this
21st day of February 2016

Tulio R Serrata
Notary Public, State of New York
No. [REDACTED]
Qualified in Suffolk County [REDACTED]
Commission [REDACTED]

2/21/16

I WADY PEREZ DEPOSE AND SAYS THAT I AM 25 YEARS OLD.
I WAS BORN [REDACTED]. I LIVE AT 8411 87TH ST WOODHAVEN
N.Y. I AM CURRENTLY AT STONY BROOK UNIVERSITY HOSPITAL
EMERGENCY ROOM GIVING THIS STATEMENT TO DETECTIVE BRENNAN.

ON SATURDAY FEBRUARY 20, 2016 I WENT FOR A PLANE RIDE
WITH MY FRIENDS. MY + I WAS WITH MY FRIEND GERSON SALMON AND
HE SAID OUR FRIEND AUSTRICO RAMIREZ WAS GOING TO FLY TODAY
WE SHOULD GO, WE MET AUSTRICO AT REPUBLIC AIRPORT IN
FARMINGDALE. HE FLEW IN A SINGLE ENGINE FOUR SEAT ARCHER
PLANE. THE FLIGHT INSTRUCTOR WAS NELSON. AUSTRICO WAS THE
STUDENT AND ME AND GERSON WERE PASSENGERS. WE LEFT
REPUBLIC ABOUT 3:00 PM. AUSTRICO FLEW TO FITCHBURG AIRPORT
IN MASSACHUSETTES. THE FLIGHT THERE WAS ABOUT AN HOUR. WHEN
WE GOT THERE WE ALL WENT TO AUSTRICO'S COUSIN'S HOUSE. WE
WENT TO EAT AT AN ASIAN BUFFET. NO ONE HAD ANY ALCOHOL.
AT ABOUT 9:00 PM WE LEFT FITCHBURG AIRPORT TO COME HOME.
AUSTRICO FLEW HOME. THERE WAS A 50 MPH HEADWIND COMING
HOME. AUSTRICO WAS SITTING FRONT LEFT. NELSON WAS SITTING FRONT
RIGHT. I WAS SITTING BEHIND NELSON. GERSON WAS SITTING BEHIND
AUSTRICO. ABOUT AN HOUR AND FORTY MINUTES INTO THE
FLIGHT HOME THE PLANE RAN OUT OF GAS. AUSTRICO AND
NELSON WERE MONITORING THE FUEL. THEN I SAW THE GAUGES.

THE LEFT GAUGE SHOWED EMPTY. THE RIGHT GAUGE SHOWED EMPTY.
BEFORE RUNNING OUT OF GAS NELSON CONTACTED THE TOWER TO CHANGE
THEIR DESTINATION TO ISLIP AIRPORT. THEN NELSON CONTACTED
SALMON TO BEHIND ME

21 FEBRUARY 2016.

JOSEPH BRENNAN
Notary Public, State of New York
No. [REDACTED]
Qualified in Nassau County
Commission Expires [REDACTED]

2/21/16 [REDACTED] WITH JENSEN STATEMENT CONTINUED FROM PAGE 1.

THE TOWER AND NOTIFIED THEM WE HAD ENGINE FAILURE. THE
ENGINE NEVER WENT OUT. THE TOWER ASKED WHERE WE WANTED
TO LAND. NELSON SAID HE WAS GOING TO LAND OFF SHORE.
WE WERE LOOKING FOR A ROAD. THERE WAS NO ROAD. HE
DIDN'T WANT TO LAND ON HOUSES. NELSON MADE A SMOOTH
LANDING INTO THE WATER. NELSON WAS ABLE TO GET HIS VEST
ON. WE GOT OUT OF THE DOOR ON THE RIGHT SIDE OF THE
PLANE. ALL FOUR OF US GOT OUT OF THE PLANE AND INTO THE
WATER. EVERYONE WAS O.K. ME, AUSTRICK AND GELSON
STARTED TO SWIM TOWARDS THE SHORE. NELSON WENT BACK.
GELSON WAS AHEAD OF ME CLOSER TO SHORE. AFTER A
WHILE I PASSED OUT. NEXT THING I WAKE UP IN THE
HOSPITAL. BEFORE I PASSED OUT I SAW A HELICOPTER IN
THE AIR AND A BOAT OFF TO MY RIGHT.

DETECTIVE BRENNAN READ ME ABOVE STATEMENT TO ME CONSISTING OF
TWO PAGES AND I SUGGEST IT IS TRUE. [REDACTED]

SWORN TO BEFORE ME

21 FEBRUARY 2016 [REDACTED]

JOSEPH BRENNAN
Notary Public, State of New York
No. [REDACTED]
Qualified in Nassau County
Commission Expires [REDACTED]

Nelson F. Gomez

On February 20, 2016 at approximately 2040hrs Eastern Standard Time, we departed KFIT for an approx. 95 minutes direct flight to KFRG. We departed to the southwest and climb to 4500MSL direct to KFRG with headwinds of approximately 30-40knots and a groundspeed of approximately 81kts in cruise flight. We continued in cruise flight with no indication of any malfunction of the airplane. Upon reaching KBDR we decided to turn southbound and cross the long island sound this way since it is less of a gap of water between both shore lines. We also began a slow descend over KBDR and upon reaching the area of Port Jefferson we level off at 2000 MSL and this is when we encountered the first spurred of the engine while having the fuel selector on the right tank. I immediately turn the fuel pump on and instructed my student (Ramirez) to switch fuel selector to the left tank and to hold current altitude which was 2000MSL. The spurred of the engine immediately stop at which time I informed the controller that we wanted to proceed to KISP which was only 10NM south from our current location. We flew for approximately 2-3 minutes when the engine spurred on the left tank. We immediately began to lose power and I took control of the airplane and declared an emergency to KISP tower. I immediately made a 180 degree turn to the right and headed for the shore line since it was the best suitable place for landing at the time and I knew from experience that this area is normally clear of any obstacle or houses. As we descended, I was unable to see the shore line due to the darkness and decided to land the plane as close as I could to the shore line judging my distance from the shore line based on the lights of the houses. I held the airplane over the water for as long as I could in order to prevent landing with excessive speed and possibly risking flipping the plane over since this airplane has fixed landing gear. Upon impacting the water, immediately open the door and instructed everyone to exit the airplane and grab the life vest located in the baggage compartment of the airplane. At the time, one of the passenger handed me a life vest while the other passenger jump into the water and began swimming toward the shore line. The second passenger also jumped into the water. None of the passengers had a life vest. Ramirez was the last to jump into the water.



RECORD OF CONVERSATION

Todd Gunther
Air Safety Investigator
Eastern Region

Date: February 24, 2016
Person Contacted: Nelson Gomez (Flight Instructor)
NTSB Accident Number: ERA16LA109

Mr. Gomez was interviewed over the telephone.

According to Mr. Gomez, He had been flying out of the flight school for about a year and had about 100 hours of flight time in the accident airplane.

They had taken off from Farmingdale, New York about 1500 and flown to Fitchburg, Massachusetts, as part of his student pilot's training. After they landed at Fitchburg, they borrowed the fixed base operator's courtesy car, and went over to the student pilot's cousin's dormitory at Fitchburg State University.

They had about 40 gallons of fuel on departure from Farmingdale, and they did not refuel at Fitchburg, for the return flight to Farmingdale.

The winds aloft at 3,000 ft. were 240 degrees at 35 knots.

They departed Fitchburg, around 2030 and then climbed up to their cruise altitude of 4,500 feet. Then during their descent, as they reached 2,000 feet, the engine sputtered, and there was a drop in the engine rpm. He took over the flight controls from the student pilot, turned on the boost pump, had the student switch over to the left tank, and decided to divert to Islip, New York.

After switching over to Islip's control tower frequency, the engine sputtered again about 3 minutes later, and then stopped running. He then declared an emergency with Islip. During the descent, everyone started to panic, and he kept trying to restart the engine.

He chose to set it down on the water just north of the shoreline of Long Island. He held the airplane off about 5 ft. above the water until it stalled.

When they came out of the plane, the passenger that went missing jumped in to the water without a life jacket and kept telling all of them to take their shoes off, so they could swim better.

The closest shoreline was to the east, and the current was going out. The wind was southwesterly at approximately 35 mph.

He could not swim do to the life vest he was wearing, so he was floating around like a buoy.

The police helicopter “got there fast.”



RECORD OF CONVERSATION

Todd Gunther
Air Safety Investigator
Eastern Region

Date: March 15, 2016
Person Contacted: Austrico Ramirez (Student Pilot)
NTSB Accident Number: ERA16LA109

Mr. Ramirez was interviewed over the telephone.

According to Mr. Ramirez, when the airplane arrived at Republic Airport (Farmingdale, New York) from the previous flight he asked the pilot about the fuel quantity onboard the airplane and believed that the pilot told him that the left-wing fuel tank was full, and the right was half full. He believed that they would burn about 10-gallons of gasoline going up to Fitchburg, Massachusetts. They had not filed a flight plan.

He asked his instructor Mr. Nelson Gomez, if he wanted to refuel before they departed, and Mr. Gomez said that they had plenty of fuel and that they did not need to refuel. He also asked him if he wanted to also preflight the airplane, and he said no.

After takeoff they flew to Fitchburg at 2,000 to 2,500 feet. They had a very strong tailwind and arrived in about 45 minutes. On the way back, they were flying against a very strong headwind and due to the turbulence climbed up to about 4,500 feet. Mr. Ramirez asked Mr. Gomez; "Does the fuel look good to you?" and Mr. Gomez said "Yes".

Just before passing Bridgeport, Connecticut, Mr. Gomez then advised Mr. Ramirez, that they should change their destination to Islip, New York, to refuel, and then after refueling, continue to their destination of Farmingdale, New York.

When they reached the shoreline of Long Island, the engine sputtered, and they began switching tanks to attempt to keep it running, but the engine would only run for momentarily each time. Mr. Gomez then selected an area on the water to land.

Mr. Ramirez added that, he only saw Mr. Gomez lean the mixture during the taxi out at Farmingdale, and Fitchburg, and he knew the limitations on what the fuel was, and had asked

Mr. Gomez, more than once (both on the ground in Farmingdale and Fitchburg, and in the air) if they had enough fuel.

The following is what happened on February 20th, 2016 while I was a passenger in Piper PA-28-181 owned and operated by Positive Gear Rate Up, LLC

On the morning of Saturday February 20th, 2016 [REDACTED], my friend Gerson Salmon asked me if I wanted to go flying with him and his friend Austrico Ramirez, who was taking flying lessons and needed to put in some flight hours. I said yes [REDACTED] and I wanted to spend the day with my friends.

We went to Republic Airport where we waited for Austrico's flight instructor, Nelson Gomez.

While we were waiting for Mr. Gomez, Austrico then asked the previous pilots of the Piper PA-28 that had just used the airplane prior to us, about the fuel situation and how the air turbulence was. The other pilot said that the fuel situation was one full tank and one ½ tank of gas in each of the fuel tanks. When Austrico's instructor arrived, Austrico asked Mr. Gomez: "do you think we have enough fuel for this trip?" The flight instructor said "yeah we'll make it". The three of us relied on Mr. Gomez' experience and knowledge as a flight instructor and got inside the airplane.

We proceeded to take off somewhere around 2pm or 3pm. In the flight Austrico asked Mr. Gomez about the fuel again where Mr. Gomez said "we will be fine". We then landed normally at Fitchburg Municipal Airport and Austrico parked the airplane and shut it off. We then visited Austrico's cousin in Fitchburg and his aunt in Methuen, Massachusetts. After that we made our way back to Fitchburg Municipal Airport and we went to the Airplane to get ourselves comfortable in the seats. Austrico and Mr. Gomez then did a walk around where they checked fuel. Austrico then asked Mr. Gomez "do you think we'll have enough fuel to make it" and Mr. Gomez said "We should make it". We then proceeded to go on the runway where, unknowingly, we were off to the biggest nightmare of our lives.

We flew and climbed steady to about 4500. While we flew everything was normal and every so often, Austrico asked Mr. Gomez if we had enough fuel to make it and each time he said "yes -- I think so." Then, approximately 15 minutes prior to the occurrence, Mr. Gomez checked the fuel situation and confirmed that it was very low. Mr. Gomez then told Austrico to adjust his course because we were very low on fuel. At this point Gerson and I were terrified and on high alert for the remainder of the flight as we flew over the water. Because of the low fuel situation, Mr. Gomez told Austrico to switch to Islip Airport instead of Republic Airport, because Islip was closer and we would be able to refuel and continue to Republic Airport.

But then a short time after that decision was made, the engine shut down because the left fuel tank had run out of fuel. When this happened I was terrified because I thought we were going to crash and die at that point. Mr. Gomez then told Austrico that we were very low on fuel and to switch fuel tanks where he was able to turn on the engine. We then descended quickly and went down to approximately 2000

to get to the airport faster. This didn't work because there was a high nose wind of approximately 50 mph.

The right fuel tank then ran out of fuel and I heard the engine shut down again and we were still over water and nowhere near an airport. At that point all I could think of was will I ever see my daughter and family again – I really didn't think we were going to make it and I was afraid of dying. There was complete chaos in the airplane.

Mr. Gomez then called the tower and told them he was having engine failure – he never mentioned that the airplane had run out of fuel! By that time Mr. Gomez had taken over the controls and told them he had to land somewhere in the water. The tower asked Mr. Gomez if he needed emergency vehicles but he was completely focused on landing the airplane somewhere and he never replied.

During this time, the instructor was telling Austrico to switch fuel tanks every couple of seconds with the fuel pumps on and the engine would turn on for a couple of seconds and die. At this point I thought the plane was going to crash and disintegrate and we would all die. After many agonizing minutes the airplane made a crash landing in Port Jefferson Bay. It was cold and dark and I was afraid we would drown in the cold water. I then looked for life vests and asked Mr. Gomez where are the life vests? Austrico found only one life vest which I tried to open and couldn't so I told Mr. Gomez to help me open it, as I didn't know how to swim, so he opened it, inflated it and as I was taking it back, he grabbed it back, wrapped it around his neck and started running on the wing towards the water. Since I didn't know how to swim, I managed to hold on to him, but then he turned around screaming in a panicking manner and put me underwater even though he had a life vest. We all got away from Mr. Gomez as he screamed in a way where he had lost total control and he was of no help to any of us. I then tried floating on my back and as I did I saw Gerson and held his hand, but he was a better swimmer than me and I was not going hold him back.

I was screaming for "help" but Gerson stayed quiet the whole time. After about approximately 30 mins Austrico said keep swimming the shore is right here then I noticed the current had pulled me in. Then I prayed to God and said "I can't die like this God please not now!" I yelled for "help" plenty of times at the top of my lungs as I was ready to give up, but help took, what felt like, over an hour to reach us.

At some point I fainted and was unconscious – thankfully a police officer in a kayak rescued me. I had seen Gerson about 3 times before I fainted, 30 mins after the crash. When I regained consciousness, I was told that Gerson had not made it and I now live with this nightmare every day of my life.

Dated: New York, New York
May 5th, 2016


Wady Pérez