



RECORD OF CONVERSATION

Timothy W. Monville
Sr. Air Safety Investigator
Eastern Region

Date: April 26, 2017
Person Contacted: Michael O'Shea
NTSB Accident Number: ERA16LA113

Narrative:

Mr. Michael O'Shea of Florida Air Recovery and Storage was contacted on February 29, 2016, at 1236 EST. He was called at [REDACTED]

He indicated that the airplane (N568XL) is at Florida Air Recovery and Storage, located in Jacksonville, Florida. With respect to the airplane, the right main landing gear was partially broken off but the gear remained connected via the brake line. The left main landing gear was displaced aft. To recover the airplane, he disconnected the right brake line.

The digest was reviewed with him during the call and he agreed with the content.



RECORD OF CONVERSATION

Timothy W. Monville
Sr. Air Safety Investigator
Eastern Region

Date: April 26, 2017
Person Contacted: Antonio Gonzalez
NTSB Accident Number: ERA16LA113

Narrative:

FAA inspector Antonio Gonzalez was contacted by phone on February 29, 2016, at 1245 EST. He was called at [REDACTED]

He provided a phone number for the pilot of [REDACTED] and an e-mail address of [REDACTED]. [REDACTED] He also provided a phone number for the insurance adjuster of [REDACTED].

He indicated that he observed the airplane before it was recovered, and he did not see any evidence of fluid leakage from either brake.

He provided details about the accident sequence, in that, when on the runway, the pilot applied the brakes and the right brake did not function. He indicated that the pilot became airborne in ground effect.

The digest was reviewed with him during the call and he agreed with the content.



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Date: April 26, 2017
Person Contacted: Antonio Gonzalez
NTSB Accident Number: ERA16LA113

Narrative:

FAA inspector Antonio Gonzalez contacted NTSB on March 1, 2016, at 1320 EST. He indicated that he has talked with the insurance adjuster, and inspected the airplane, but he did not perform a thorough evaluation of the right brake, although he noted visually it looked OK.

He provided an e-mail address of [REDACTED]

The digest was reviewed with him during the call and he agreed with the content.



RECORD OF CONVERSATION

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Eastern Region

Date: June 7, 2016
Person Contacted: Robert G. Tompkins
NTSB Accident Number: ERA16LA113

Narrative:

Mr. Robert G. Tompkins was contacted by phone on February 29, 2016, at 1314 EST. He was called at [REDACTED]. The call was made twice but it did not go through. He returned the missed call the same day at 1318 EST.

At the beginning of the phone call he was advised that the NTSB is a federal agency mandated by Congress to investigate aircraft accidents, and NTSB has no authority to take any action against any individual. He was also informed that any person NTSB talks with has the right to representation; he advised that since he is an AOPA member he wants to talk to them first before doing the interview. He provided an e-mail address of [REDACTED]. An interview with an attorney was scheduled for March 8, 2016, at 1000 EST.

On March 8, 2016, at 0958 EST, Mr. Robert Tompkins and his attorney Mr. Drew Hurley contacted NTSB. They called from [REDACTED]. At the beginning of the call they were advised about the status of the investigation, and future plans. Mr. Tompkins indicated that he purchased the airplane in July 2011 from a former flight training school in Florida (FAA Records indicate he purchased the airplane on June 27, 2011). After purchase he had the airplane shipped to Europe where it was flown from 2011 to 2015. In either the summer or fall of 2015, he then had the airplane shipped to Florida. Since owning the airplane he estimated he has flown it about 1,000 hours. He indicated his wife is not a pilot or mechanic, but she has taken the "Pinch Hitter" course and has flown with him in this airplane for about 500 hours.

He indicated the airplane was equipped with toe brakes and since owning the airplane (excluding the accident flight) has experienced 2 previous issues regarding the brakes. The events happened in 2013; one occurred while in Germany and the second in Finland. Both events were related to the right brake, and both were attributed to be from incorrect installation of an o-ring, or packing at the right brake caliper. He was asked if the maintenance records reflected the work performed

and he indicated neither would be reflected in the maintenance records. He was asked during the interview for copies of receipts for the work performed, and following the interview, he e-mailed receipts for the work that was done with respect to the 2 previous brake issues.

May 2013- While at the airplane's home base of Reichelsheim Airport (EDFB), Reichelsheim, Hesse, Germany. In advance of a flight, he noticed the right brake was not holding. He stopped the aircraft and a mechanic inspected the right brake caliper, and replaced the o-ring. The brakes were then bled of air and tested OK. The receipt indicates one MS28775-218 o-ring (associated with the piston), and four 66-106 linings were installed.

August 2013 – While at Jyväskylä Airport (EFJY), Jyväskylä, Finland. During the takeoff roll while travelling less than the rudder and vertical effective airspeed, the airplane began veering to the left which the right brake would not correct. He stopped the airplane and towed the airplane to the ramp. A mechanic inspected the right caliper. The receipt indicates a MS28775-218 o-ring (associated with the piston), and 2 linings were installed.

Dr. Tompkins provided the following operational details concerning the airplane. He indicated that the brakes are primarily used for directional control until 30 to 40 knots, when the rudder becomes effective. The lift off speed is 60 knots, and soft field procedures consist of rotating at 40 to 45 knots, accelerate to 60 knots, and then commence a climb.

The last annual inspection of his airplane was performed in his hangar at Spruce Creek Airport (7FL6), Daytona Beach, Florida. The airframe and powerplant mechanic with inspection authorization (A&P/IA) who performed the inspection stayed at his house, and he was formerly the head mechanic at Liberty. After the airplane manufacturer shut down, the mechanic went to Boeing, but continued to work as an A&P/IA on Liberty aircraft. The inspection began on January 22, 2016, and during the entire time the airplane was being inspected he (owner) was present. At some point he assisted the A&P/IA with the test of the brake system. The mechanic used the Liberty checklist and he reported the mechanic is, "very methodical." During the annual inspection with respect to the brakes, he indicated that the main landing gear wheel pants were removed. The brake calipers were removed and the brake lines were inspected. Additionally, the brake linings for the left and right brakes were inspected for corrosion and wear, and the caliper linings were measured. The brake calipers were reinstalled, and the brakes were bled of air with his assistance using the bleed ports on the bottom of the calipers; the flexible hoses were not removed from the calipers during the inspection or to bleed the brakes. Following the brake inspection, he boarded the airplane and applied the brakes from the pilot and co-pilot seats and verified the brakes were firm, which they were. He indicated that since the annual inspection excluding the accident, there have been no reported issues with the brakes.

He provided the following timeline for February 20, 2016 –

He flew from 7FL6 to MCO with an IFR clearance, and after landing runway 18R he taxied to Signature, where he secured the airplane. He indicated having no issues with the brakes during landing or taxiing. Staff of Signature drove him to the Delta Terminal (Terminal B) where he met his wife who had just landed from Germany; the Signature staff then picked them up and drove back to Signature. He indicated that no maintenance was performed but 5.0 gallons of fuel

were added. Between 1845 and 1850, while it was still twilight and with the apron lit, he did not perform a full preflight inspection. He did check the oil quantity and the fuel system for contaminants. He did not specifically look at the brake calipers because they were covered with wheel pants, but he did not see any fluid on the ramp near the wheels associated with hydraulic fluid. He did not notice anything wrong. He loaded his wife's bags, obtained weather, contacted ground, advised his intentions, and was informed to expect runway heading to 2,000 feet then vectors. He was seated in the left seat and his wife was in the right seat. Both were wearing the 4-point restraint system. After engine start with the airplane moving slowly forward and the engine operating between 900 and 1,000 rpm, he applied the toe brakes and brought the airplane to a stop straight ahead. He released the brakes and began taxiing making a right turn onto taxiway Alpha. He taxied on Alpha to runway 18R, and reported there was no issues with the brakes while taxiing. At some point while taxiing he was asked by the controller if he needed to perform an engine run-up and he indicated no. Based on that comment he was preparing to perform/execute an expedited takeoff. About 1855 Est while holding short of runway 18R, the controller advised the pilot to expect runway 18L, and cleared the airplane to cross runway 18R, but hold short of runway 18L. He added power to cross 18R and after crossing applied the brakes to slow and felt "softness in the right brake." He brought the airplane to a stop and he did a check of the brakes which consisted of while moving slowly forward with the engine operating between 800 and 900 rpm, he applied both toe brakes and brought the airplane to a complete stop. His wife (non-pilot) also performed the same test and no discrepancy by either was noted. The flight was cleared to takeoff from runway 18L, and with 20 degrees of flaps extended he added power performing a rolling takeoff. He began a soft field takeoff procedure and noted when the flight was between 20 and 25 knots while accelerating to takeoff speed, the airplane was veering to the left. At that time (1900 hours local), it was dark outside, but he detected the veer by the various runway lights. He reported that the airplane veered violently to the left, and he was concerned that if he applied the brakes the airplane would roll over, and if he reduced the brakes the airplane would collide with runway marking signs. With runway lights ahead, he applied aft elevator input in an effort to clear the sign, after doing so heard the stall warning horn. He relaxed back pressure and while flying just in ground effect at about 40 knots drifting to the left, he had some directional control. He also added aileron and rudder input to counter the left turn and reduced power and touched down in the grass. All landing gears contacted a 3 to 4 foot tall ridge, causing them to collapse and resulting propeller strike. The emergency locator transmitter (ELT) activated, which he reset, and he then contacted ground and told them they were OK. Emergency services responded, and both exited the airplane; neither were hurt. He remained with the airplane and reported it was recovered at 2300. He was asked about the recovery and reported a strap was used to raise the airplane. The broken wheel pants were picked up, and the landing gears were dangling. The airplane was taken to the ramp.

He was asked if postaccident he saw any hydraulic fluid leakage associated with the brake system hydraulic reservoir, and reported he did not but also indicated it was a dark night.

He confirmed that from the parking spot to the runway, all turns were made to the right.

The digest was e-mailed to him for review on March 9, 2016, at 1418 EST. He replied on March 10, 2016, at 1307 EST, with, "Dear Mr. Monville,

Here are my comments on your notes from the telephone interview of 8 March.

1) My name was misspelled once, it is not Thompkins but Tompkins. This appears at the beginning of the 8th paragraph on the second page.

2) Regarding what exactly the mechanic did with the brakes, I cannot be sure as I was not in direct sight. It is my opinion that he removed the flexible hose. I seem to remember that he plugged it so that fluid did not run out on the ground. However, I cannot remember exactly. I do know that what was done introduced air into the system and we needed to bleed the brakes. I was instructed to watch the brake fluid reservoir and tell him when it was full. Thereafter, I was asked to board the aircraft, and apply the brakes on both sides (pilot and copilot) to make sure that the brakes were firm. Which they were. As I was in the cockpit, I could not see exactly what the mechanic did, as he was under the wing.

3) In that same paragraph, can you please modify the sentence, "he was the head mechanic" to "he was formerly the head mechanic". This would clarify that he is no longer with Liberty Aerospace (Now called Discovery Aviation).

4) You have a sentence were "veered" appears twice. I would suggest changing "veered violently veered" to "veered violently".

5) One fact is incorrect (although not consequential), Staff at Signature drove me to the Delta Terminal (Terminal B) and later picked us up. I did not have to rent a car.

Otherwise, your notes are an accurate reflection of our conversation.

Sincerely yours,

Robert Tompkins"

He also forwarded an e-mail from [REDACTED] on 3/13/2016 at 1703 EST, which indicated that, "...at no time did I disconnect brake lines. I did bleed the brakes using the bleed ports on the bottom of the calipers. It is unnecessary to disconnect the flexible lines to the brakes to remove the calipers for maintenance."

These changes were incorporated into the narrative.



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Date: April 26, 2017
Person Contacted: Michael O'Shea
NTSB Accident Number: ERA16LA113

Narrative:

Mr. Michael O'Shea of Florida Air Recovery and Storage was contacted on April 25, 2017, at 1438 EDT. He was called at [REDACTED]

He indicated that at the time he was recovering the airplane, he was not aware of the circumstances of the accident. As such, before disconnecting the brake line at the right brake caliper, he did not gain access to the brake reservoir nor did he functionally test the airplane's toe brakes.

With his pictures, he confirmed he was in Orlando for 2 days. He arrived late in the day on February 25, and began recovery of the airplane the next morning.

The digest was reviewed with him during the call and he agreed with the content.