

Inspector Statement

Name: Antonio Gonzalez-Santiago

Address: Orlando FSDO-15 [REDACTED] Orlando FL 32822

Phone: [REDACTED]

E-mail: [REDACTED]

Description: N410BC Accident Investigation, Ormond Beach, Florida, December 17, 2016
NTSB # ERA17LA070

On December 17, 2016 at around 1700 Local time, I received a call from the East Region Ops Center (E-ROC) informing me about an aircraft accident. I was informed that the aircraft had crashed in a wooded area next to a Hunters Club in Ormond Beach, Florida. The aircraft was N-410BC, a Beech A36, Serial # E-1606, registered to Mr. Duane Fish from Mount Dora, Florida

A conference call was established between the ROC representative, FAA Inspector, the NTSB investigator and the Volusia County Sheriff on site coordinator. The Sheriff Officer stated that the aircraft had contacted a pile of debris in the middle of a field and then came to rest. The field was hard to reach and directions were not clear about the best direction for arrival. The pilot was seriously injured with non-life threatening injuries and was airlifted to Halifax Hospital in Daytona Beach, Florida. The pilot had claimed he had run the engine from the left tank until it ran out of fuel; as it was his standard operating procedure; but when he switched to the right fuel tank the engine would not re-start and he was forced to perform an emergency landing. Pilot reported to the Sheriff that the right tank was full with 40 gallons. It was discussed the possibility of traveling to the site but based in the location and the lack of daylight it was advised to perform the trip on a different day.

Coordination on December 20, 2016 with the Insurance adjuster and the Salvage Company was made before it was dispatched to recover the aircraft and move it to their facilities in Jacksonville, Florida for a more detailed inspection and engine tear down. A particular date was not reached due to prior jobs in work by the salvage company. The Salvage Company was informed of the condition of the aircraft and based in past experience by working with them; it was requested they perform a courtesy inspection before starting the salvage operation.

The FAA contacted Mr. Fish via telephone on the afternoon of December 20, 2016, after he was released from the hospital. I introduced myself as the FAA Inspector in charge of the Investigation of the accident he experienced on December 17, 2016. Mr. Fish stated he felt OK under the circumstances but was doing good overall. I proceeded to inform him that an investigation was underway and he stated he wanted one since he wanted to know what happened to his engine I asked for a verbal synopsis of the events so I would have an idea of the situation. He stated that he was flying at about 1200' AGL when the engine quit. He was running the engine in the left fuel tank, as he always accustoms to. He stated that he likes to operate that way because he never has to remember to change the tanks selector. When the engine quits, is time to switch fuel tanks and re-start the engine.

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I asked if that is what is recommended by the POH and he said that he could not remember but that was the way he always did it for so many years. I asked about his pilot certificate number and he mentioned he did not remember it by memory. Asked about his last medical and he thought about it for a few moments and he responded he did not have a current one. I asked why he did not have a current medical and he said that it was denied by OKC some years ago but he was going to get it back. He did not elaborate about the reason it was denied after I asked him. I asked him if he understood the requirement for a pilot to possess a current medical while as the pilot in command and he said he knew. He mentioned he was not feeling too good at the moment and wanted to terminate the interview. I explained to him that I needed to collect some documents from him like copies of airman certificates, medical certificates; aircraft log books, personal identification, etc. I requested he compose a written statement signed by him about the events he experienced before, during and after the accident. I agreed to terminate the call and asked him for his e-mail address so we may continue in communications and he provided his current address and I mentioned an e-mail with my full contact information and the required documentation needed will be sent and I would be calling back to set up a personal interview. He agreed to the interview and that I could call him the following week to set up the date of the interview and he would have all the documentation ready. He also stated he will look at the e-mail and said he would get back to me soon.

An investigation on December 22, 2016 in the FAA SPAS Database was performed for both the pilot and the aircraft with the following results:

- The aircraft was N-410BC, a Beech A36, Serial # E-1606, registered to Mr. Duane Fish from Mount Dora, Florida. The registration and airworthiness documents did not revealed any possible violations.*
- The pilot was Mr. Duane Fish, private pilot certificate- Single engine Instrument Land - # [REDACTED], Medical Id is [REDACTED] dated 08/30/2011 and class code DENIED which raised some concerns about the Medical certificate of the pilot. Enforcement Information System reported no EIS Records were reported for the pilot.*
- NPTRS History shows PTRS # SO151201205504 dated 10/19/2011 was closed by the Orlando FSDO. This PTRS was initiated by a complaint placed against aircraft N410BC and the pilot, Mr. Duane Fish on September 29, 2011. At this time the pilot was counseled with no further action required.*

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Mr. Fish responded on December 20, 2016 at 16:58 via e-mail that he had received my e-mail with the requests.

On December 22, 2016 the salvage company was able to arrive to the accident site for recovery. When they arrived on scene the left hand wing was ruptured at the fuel tank and the right hand wing was still intact with minimal damage. It was confirmed by them the fuel selector was turned to the "OFF" position. Aircraft was moved to their facility and placed in storage waiting further inspection.

On December 22, 2016 the FAA provided to the NTSB a copy of the e-mail sent to Mr. Fish on December 20, 2016. The NTSB Inspector sent, and the FAA was copied, to Mr. Fish an e-mail requesting he complied with the requirements of NTSB Form 6120.1 and please return to the investigator. The FAA communicated to the NTSB the finding from the SPAS search investigation. Also the NTSB was informed of an un-confirmed anonymous statement about Mr. Fish being under the influence of alcohol at the time it was removed from the aircraft. At which time, the anonymous statement and the SPAS search started to coincide about the possible alcohol consumption. The NTSB provided Record # ERA17LA070.

Due to the complexity of engagements from the NTSB, the FAA, the Insurance Adjuster, Engine manufacturer, Airframe manufacturer and the Salvage Company it was determined to postpone the physical inspection of the aircraft and engine for the near future.

On January 12, 2017 the FAA requested and received a copy of the Volusia County Sheriff Office report # 2016-115105. The report identifies Mr. Fish as being the sole occupant and pilot in command of N410BC at the time of impact with the ground. The Sheriff Officer at the scene took a picture of Mr. Fish Pilot certificate. The report states Mr. Fish was airlifted to Halifax Hospital in Daytona Beach, Florida. A copy of this report was forwarded to the NTSB Investigator.

After job assignments were completed during the preceding weeks; the FAA Inspector contacted Mr. Fish via telephone on the morning of January 31, 2017 to set up a date for the personal interview concerning the Investigation of the accident he experienced on December 17, 2016. We agreed to meet at the FSDO office on Tuesday February 7, 2017 at 11:00 AM. I provided the FSDO street address and mentioned it was also listed in my e-mails. I reiterated the documents he would need to bring with him to the interview. Provided a brief explanation of the statement requirements such as to list the events prior, during and after the accident and it should be from the pilot in command at the time of the accident.

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This statement needs to have the full name, address and contact information such as telephone numbers and e-mails of the pilot in command and also it needs to be signed. He stated he understood and will be here at the set date and time. An email was composed on January 31, 2017 at 10:44 and sent to Mr. Fish with the items necessary to continue the investigation. Mr. Fish never responded via e-mail whether he had received or not my e-mail with the requests.

On this date the FAA Investigator sent to the NTSB a copy of the e-mail sent to Mr. Fish on January 31, 2017. The NTSB Inspector sent, and the FAA was copied, to Mr. Fish an e-mail requesting he complied with the requirements of NTSB Form 6120.1 and please return to the investigator. The NTSB Inspector communicated to the FAA Inspector that Mr. Fish claimed he never received the original request from the NTSB; even thou the FAA received a copy.

On February 07, 2017, Mr. Fish called and cancelled the appointment scheduled for 11:00 AM. Asked about the reason and he mentioned he did not felt good and no other explanation was provided. When confronted about the documents he was going to provide he said he did not had them and did not knew who performs maintenance in his aircraft so he could not give me a phone number nor name. The call was terminated and the FAA Inspector contacted the NTSB inspector to which he replied Mr. Fish had not responded to him neither via e-mail nor telephone.

The FAA contacted the FAA Medical Center and asked if there was any current medical examination on Mr., Fish and was told there was not. The latest one on hand was dated 2011. I asked about the possible reason Mr. Fish medical was denied. The answer was for alcohol related offence. The FAA made an official request for his medical records at this time. The FAA inspector consulted with the regional offices and it was agreed on that there was a possible violation requiring an Enforcement Investigative Report (EIR), FAA Form 2150-5 was completed and submitted for processing. The request was given Report EIR # 2017SO150006.

The Medical records were received on February 21, 2017; both a blue ribbon copy and a working copy were received. Review of the records confirmed Mr. Fish medical was denied on 2011 and from that date until the day of the accident, any pilot in command duties he performed were contrary to 14 CFR regulations 61.3C1 and 61.23A31. The FAA Investigator contacted the NTSB investigator and asked if any medical reports from the hospital have been received by him. He stated he had not received any and the Sheriff Officer stated that the hospital had not retained the samples for the test to be done. I was notified that the NTSB had subpoenaed the medical records at the ER on Mr. Fish arrival.

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On March 13, 2017 the NTSB Investigator informed the FAA the results of Mr. Fish ER studies. The results confirmed that alcohol was consumed before the accident and the blood levels were above the legal limits permitted by law. At this time it was concluded that no further physical investigation about the condition of the aircraft, engines and/or components were necessary to determine their condition prior to the accident due to the pilot's physical condition.

The FAA contacted the FAA regional office and discussed with Legal and it was decided to continue for immediate emergency revocation of the pilot's certificate.

Antonio Gonzalez-Santiago
Aviation Safety Inspector

Date March 16, 2017

***** NOTHING FOLLOWS *****