



RECORD OF CONVERSATION

Timothy W. Monville
Sr. Air Safety Investigator
Eastern Region

Date: August 5, 2019
Person Contacted: Conference Call
NTSB Accident Number: ERA17LA329

Narrative:

A conference call was held on January 19, 2018, at 1029 EST. The call was made at NorEast Aviation Services, Inc., [REDACTED] New Bedford, Massachusetts [REDACTED]. In attendance were Federal Aviation Administration (FAA) inspectors Aulio Giron (airworthiness) and Christopher Valhuerdi (avionics) of the Boston, Massachusetts FAA Flight Standards District Office (FAA FSDO), Richard Araujo, owner of NorEast Aviation Services, Inc., Certificate Number NCLR674G, and Alan Gurner, technician for NorEast Aviation Services, Inc. The conference call was made from [REDACTED].

At the beginning of the conference call Messrs. Araujo and Gurner were 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. They were also informed that the purpose of an NTSB investigation is for safety only, and any person NTSB talks with has the right to representation; they agreed to the interview without representation.

Mr. Araujo advised that he holds an airframe and powerplant (A&P) certificate with inspection authorization (IA) and his certificate number is [REDACTED] IA. He indicated that he has been an A&P since September 2001, and his IA has been continuous since September 2014¹. His email address is [REDACTED]. He bought NorEast Aviation Services, Inc., from the previous owner (John Steidinger) on January 1, 2015. Prior to NorEast Aviation Services, Inc., he (Richard Araujo) had been the director of maintenance for three years with Island Airlines.

Mr. Gurner advised that he holds an A&P certificate number [REDACTED] which he has had since 1978. He does not hold an IA, and has worked at Noreast Aviation Services, Inc. a little over one

¹ FAA records reflect he obtained his A&P certificate in April 2005, and his initial IA in September 2008.

year (company records indicated he was hired on September 28, 2016). He does not have an email address, and is not an IA.

The FAA inspectors were asked to make copies of Mr. Araujo's and Gurner's training files. They advised they would and would provide to NTSB. They advised that David Cardullo is the FAA principal maintenance inspector (PMI) for NorEast Aviation Services, Inc. He is based at the Boston FAA FSDO. The inspectors were also asked to provide NTSB a copy of the current repair station manual, and also a copy when the changes are made.

Messrs. Araujo and Gurner were briefed by NTSB about the accident investigation. They were advised that Cape Air provided to NTSB and FAA mechanics at no charge to assist with the examination of the elevator flight control system. As part of that inspection, the mechanics drilled the rivets of the upper skin of the right elevator and it was at that time, the FAA noticed the push rod was separated from the elevator trim tab actuator, but it remained connected to the right elevator trim tab. They were also advised that the NTSB has retained the elevator trim tab actuator, push rod, and drilled bolt that was found within the right elevator. Those components were shipped to the NTSB Materials Laboratory located in Washington DC.

Mr. Araujo indicated that the airplane was based in Hyannis, Massachusetts, was brought in for an annual inspection in July 2016, and Airworthiness Directive (AD) 2016-07-24 came out at the end of August 2016, or after the airplane arrived at their facility. Because of this information (airplane arrival timing versus AD search and purported effective date of AD), it would have been missed. A subsequent research of their records during the conference call reflected the airplane arrived at their facility on August 31, 2016. As part of their incoming process, an employee of NorEast Aviation Services, Inc., named Jean Jacques (chief inspector) performed an Airworthiness Directive (AD) search of the airplane using their AD provider Avantext; they receive bi-weekly updates. Mr. Jacques prepared a hand-written list of applicable AD's, and AD 2016-07-24, and AD 2016-17-08 were not on the list prepared by Jean Jacques. A copy of the prepared AD list was provided to the FAA inspectors during the visit, and was subsequently provided to NTSB. The list was reviewed and it did not contain AD 2016-07-24, or AD 2016-17-08. Mr. Araujo indicated that because AD 2016-07-24 was not on the list prepared by Mr. Jacques, it must not have been on the Avantext AD list. He was advised by NTSB that the omission on the employee prepared list could either be because of human error by Mr. Jacques, or that the AD was not on the Avantext list. They were advised that NTSB would contact Avantext to obtain information about the AD². At some point while the airplane was at his facility, the airplane was painted. The airplane owner was involved in about 80% of the stripping and painting of the airplane by him (airplane owner) and his staff. The owner also assisted during the annual inspection. While the airplane was at his facility, he received a call on an unknown date from John Steidinger (previous owner of NorEast Aviation Services, Inc.) inquiring about AD 2016-07-24, and/or 2016-17-08. As a result of that call, he went to his computer and

² NTSB established contact with TData, Inc., (formerly Avantext/Avant) on the same day. They indicated that NorEast Aviation Services, Inc., initial subscription was on March 13, 2013, and their current Avant subscription expires on February 26, 2019. AD 2016-07-24 was on Avant Small Library DVD, 2016-08 release, with an effective date of April 17, 2016. That release was mailed on April 19, 2016, and was on all subsequent releases, including 2016-17, which was effective on August 21, 2016, and mailed on August 23, 2016. No records exists to indicate that NorEast Aviation Services, Inc., failed to receive subscription updates as of January 22, 2018.

researched that AD which brought it into the spotlight. He interpreted it to only require an inspection of the hardware securing the elevator trim push rod at the actuator and trim tab ends.

As the FAA interviews with Messrs. Araujo and Gurner had previously learned, because of the need to paint the airplane, both elevators were removed. As part of that removal process, the push rod was disconnected at the elevator trim tab but remained connected at the elevator trim tab actuator. Messrs. Araujo and Gurner were asked during the conference call to clarify whether the push rod was disconnected by them from the elevator trim tab actuator at any time as part of their maintenance. Mr. Araujo indicated that they only removed it from the trim tab. He also indicated that it was not common practice to separate the push rod from the actuator when removing the right elevator, and normally the push rod was always taken off or separated at the elevator trim tab end. He also indicated that they safety wired the push rod to prevent any inadvertent movement of the trim while the push rod was separated from the trim tab. Mr. Araujo indicated that when he installed the right elevator, the push rod was installed/attached to the elevator trim tab actuator and the securing hardware was in place, in part a self locking castellated nut and cotter pin were present. He indicated that he did not replace the push rod attaching hardware at either the actuator end or trim tab end, and reiterated that when he installed the right elevator, the push rod was properly attached at the actuator and the hardware was correct. Mr. Araujo indicated that because the owner and his helpers were involved in the stripping and painting process, that one of them could have removed the push rod unbeknownst to him or his employees, and then re-installed it. Mr. Araujo was asked whether they have any video of the inside of the hangar or any pictures when the airplane was in for repairs. He indicated that there was no video taken at the time, nor does he have any pictures of the airplane when it was in his shop for repairs. The group was also informed that the NTSB would interview the owner and his helpers to determine whether any of them had removed the push rod from the actuator. Mr. Araujo also indicated that because the AD was brought to his attention, he specifically inspected the actuator to verify the hardware was in place and secure. In addition, once the elevator was in place, it would be difficult to install the push rod at that time. When installing the right elevator with the push rod in place, you typically slide the push rod through the elevator to the elevator trim tab.

The annual inspection was signed off on February 6, 2017. It was determined by Mr. Jacques that the airplane had been operated about 55.2 hours since the previous annual inspection had been performed. Mr. Araujo indicated that when he made the entry for the annual inspection return to service signoff, AD 2016-07-24 was not listed because it was not on his list. He also indicated that they did not do a printout of the AD's provided by Avantext when their chief inspector did his research on August 31, 2016, or when the annual inspection was signed off. It was suggested to Mr. Araujo by NTSB that as part of their incoming process, they print out and retain a copy of the AD list from Avantext. He advised he would consult with his PMI and determine if that was feasible. After the annual inspection was signed off, the maintenance records remained at his facility. Mr. Araujo indicated that several months had elapsed between the annual inspection signoff and the accident date; however, during that entire time the maintenance records remained with him. He questioned whether any work was done to the elevator flight control system between the annual inspection signoff and the accident date.³

³ The airplane owner was asked by NTSB on January 23, 2018, whether any work was done to the elevator flight control system between the annual sign-off date or the accident date. He replied that no work, repairs, or adjustments were made to the elevator primary or secondary flight control system between those dates. See the NTSB public docket for this investigation and his statement.

The FAA inspectors were asked to review the airframe maintenance records to determine if there was a section for service bulletins, or for signoff of Textron Aviation, Inc. (Cessna) Multi-engine Service Bulletin (MEB) No. MEB-27-02, dated February 29, 2016. They advised they would check. A quick review of the airframe maintenance records revealed the following; annual inspection November 26, 2014; annual inspection August 13, 2015; annual inspection February 1, 2017. There was no signoff of MEB-27-02.

FAA airworthiness directive (AD) 2016-07-24 was reviewed by the group. The effective date was April 26, 2016, and in section (f) titled, "Actions and Compliance" it indicates that unless already done, do the actions in paragraph (f) (1) through (f) (3) of this AD within the compliance times specified. Part (f) (1) of the AD specifies that, "Within the next 90 days after April 26, 2016 (the effective date of this AD), replace the elevator trim push rod attachment hardware on the elevator trim actuator and the trim tab ends of the push rod following steps 2 through 5 of the accomplishment instructions Cessna MEB-27-02. Mr. Araujo agreed that the AD required replacement of the elevator push rod attachment hardware at both the actuator and elevator trim tab ends.

Mr. Araujo was asked why the hardware at the actuator and trim tab were not replaced in accordance with the AD. He indicated he was not sure why it was not replaced. Further, because he did not see AD 2016-07-24, on the hand written AD list, he assumed it was previously complied with. Based on the previous year airplane utilization of 55.2 hours, the recurring portion of the AD would not have been due until the next annual inspection. Meaning, the airplane would not overfly the recurring portion of the AD.

Inspector Giron reviewed his previous interview notes with Messrs. Araujo and Gurner where they indicated they did not remove the push rod from the elevator trim tab actuator during their work on the airplane. Inspector Giron showed 2 pictures of N836GW that were taken by the owner of the airplane. The pictures were identified as IMG_0038 and IMG_0042. Picture IMG_0038 is the right rear quartering view of the airplane fully stripped of paint, with both elevators removed, and a person behind the right horizontal stabilizer just inboard of the center elevator hinge in the process of applying zinc chromate to the airplane. Picture IMG_0042 is a left rear quartering view depicting the airplane with both elevators removed, both elevators in the background, and zinc chromate fully apply to the airplane. Both pictures were enlarged to enhance detail in an effort to determine whether the pushrod remained connected to the elevator trim tab actuator, as was reported by them.



Figure 1: Photograph IMG_0038 Provided By Airplane Owner. It was taken by iPhone 6S Plus on December 20, 2016 at 2029:35.



Figure 2: Photograph IMG_0042 Provided By Airplane Owner. It was taken by iPhone 6S Plus on December 20, 2016 at 2233:38.

Mr. Araujo indicated that he has access to a Cessna 402C, N404JD that they can use for a comparative inspection. He also confirmed that it has the same dimension for the horizontal stabilizer. Inspector Giron was asked to take pictures which duplicated the angle and orientation of the owner provided pictures and an effort to determine if the pushrod was installed at the elevator trim tab actuator. The location of the elevator trim tab actuator was depicted with colored tape. The center hinge was located about 12 inches outboard of the elevator trim tab actuator position. It was agreed by all that in the owner provided picture IMG_0038, the push rod was not in place, but the location of the elevator trim tab actuator was visible. Since Mr. Araujo had indicated that he did not remove the push rod at the actuator as part of the right elevator removal, it could not be determined who removed or reinstalled the push rod at the elevator trim tab actuator.



Figure 3: FAA Photograph of a Cessna 402C from same Orientation as Owner Provided Photo. Tape on Elevator depicts the location of the elevator trim tab actuator location.

Before departing the facility, the FAA inspectors asked Mr. Araujo to provide a printout of the AD list for the airplane. The copy provided to FAA depicted AD's 2016-07-24 and 2016-17-08. The "Method of Compliance" associated with AD 2016-07-24 indicated it was superseded by 2016-17-08. The "Method of Compliance" associated with AD 2016-17-08 specified, "Inspected hardware per AD instructions."⁴ The signoff date was specified to be February 6, 2017, at 4938.3 hours total airframe time. It was signed off by Richard Araujo and the repair station certificate number.

Mr. Araujo indicated that as part of their corrective action, they will print out a AD list when the airplane is approved for return to service also. This is in an effort to catch AD's that become due for an airplane that is in their hangar for long periods of time.

⁴ A copy of the AD list provided to NTSB by the airplane owner with a date of October 27, 2017, also listed both AD's. The "Method of Compliance" remark for AD 2016-07-24 was the same as the one provided FAA on January 19, 2018; however, the "Method of Compliance" remark for AD 2016-17-08 specified, "Replaced hardware per AD [instructions]." It was signed by Richard Araujo and the repair station certificate number.

The digest was e-mailed to all for review on January 25, 2018, at 1915 EST. Richard Araujo replied on February 2, 2018, at 1443 EST, with comments that were incorporated into the digest. The corrected summary was e-mailed to him on April 27, 2018. He was asked to review and confirm if the corrected digest was correct; he did not respond.



RECORD OF CONVERSATION

Timothy W. Monville
Sr. Air Safety Investigator
Eastern Region

Date: April 27, 2018
Person Contacted: Manuel J. Brito
NTSB Accident Number: ERA17LA329

Narrative:

Mr. Manuel “Manny” J. Brito was contacted by phone on February 5, 2018, at 0840 EST. He was called at [REDACTED]. He advised that he was with a client and requested a call back in 20 minutes. He was called at the same number at 0905 EST. He does not have an e-mail address, but his sons e-mail address is [REDACTED].

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 the purpose of an NTSB investigation is for safety only, and any person NTSB talks with has the right to representation; he agreed to the interview without representation.

He indicated that he knows Mr. Bulman from his seafood business. He owns Brito’s Auto Body and Sales, Inc., located in Hyannis, Massachusetts. He is not a pilot or aviation mechanic, and is not familiar with airplanes. He was asked if he would know what an elevator is, or if there was anything sticking out of the right horizontal stabilizer when painting. He replied that he would not know what or where an airplane elevator is located, but if he were sent a picture he could advise if it was installed when he painted the airplane.

He was asked by Mr. Bulman to spray the “color” on the airplane. He was not enthused about the job, which was done at night. He did not spray the “green” primer, and when he first saw the airplane it was green. As part of his process, he did not remove or install any part of the airplane. He indicated that he did not take any pictures. He was asked if he has a beard and was wearing a hat when painting. He indicated that he does wear a hat and has a splotchy beard. He was informed that NTSB would be sending him via e-mail a picture to see if that was him. He was asked if he recalled the date he painted the airplane. He advised he did not recall. He was informed that the airplane was primed on December 20, 2017.

The digest was e-mailed to him for review on February 13, 2018, at 1203 EST. He replied by voice mail the same day at 1408 EST, with, “...I received your e-mail, um I read it, everything is like we discussed....” His voice mail message went on to say that he did not receive the picture I mentioned

during the interview. The picture (IMG_0038.jpg) was e-mailed to him on February 20, 2018, at 1554 EST.



RECORD OF CONVERSATION

Timothy W. Monville
Sr. Air Safety Investigator
Eastern Region

Date: April 27, 2018
Person Contacted: Earl Scarlett
NTSB Accident Number: ERA17LA329

Narrative:

Mr. Earl Scarlett was contacted by phone on February 5, 2018, at 1007 EST. He was called at [REDACTED]. He provided an e-mail address of [REDACTED].

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 the purpose of an NTSB investigation is for safety only, and any person NTSB talks with has the right to representation; he agreed to the interview without representation.

He indicated that he is not a pilot or aviation mechanic. He does painting, reporting that he painted the interior of Mr. Bulman's house. He also does physical training. He indicated that he is not familiar with parts of an airplane. He was asked to review a picture (IMG_0038) that was sent to him by e-mail on February 5, 2018, at 1026 EDT.

He and his brother (Craig) were involved with the stripping and priming, but mostly stripping of the paint of the airplane. They were involved November 2nd thru November 5, 2016. On November 6, 2016, he (Earl) left for Florida. He indicated that he or his brother were not involved with the airplane after leaving on November 5, 2016. When he left on November 5th, the right elevator was installed. The next time he saw the airplane, it was painted with color but needed stripes, and was just before being flown to Nantucket.

While on the phone, photograph IMG_0038 was reviewed. He confirmed the person was not him, was not his brother, and was not Mr. Bulman. He thinks the person in the picture might be Mr. Shane Teft.

He was asked if he had any pictures taken by him when he was involved with the stripping. He advised that he may have had some on his old phone, but he could not locate it. He would ask his brother Craig to see if he took any pictures. He was asked if he or Craig removed or installed any parts as part of the stripping. He advised that when he was involved, all parts of the airplane, specifically, the rudder and right elevator were installed, and they did not remove or install any parts as part of the stripping.

He indicated that he knows Manny Brito.

The digest was e-mailed to him for review on February 5, 2018, at 1134 EST. He replied the same day at 1409 EST, with corrections that were incorporated. He also indicated in that e-mail, "...my brother does not have access to the old phones at the moment." The corrected digest was e-mail to him on April 27, 2018.