



FAA Aviation Safety

Memorandum

Date: July 18, 2019

To: Eric Pisz, FAA/ATL FSDO-11 Team B FLM

From: Shane Olsen, FAA/ATL FSDO-11 ASI

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Subject: Inspector Statement Monroe, GA - Unregistered, Experimental-Amateur
Built Fatal Accident, 07-09-2019.

****Initial Synopsis****

On July 9, 2019 about 1732 eastern daylight time, an unregistered experimental amateur built Hi Max airplane impacted the ground to the right of runway 3 at the Monroe-Walton County Airport (D73) in Monroe, Georgia. The pilot, who was the sole occupant, was fatally injured. The flight departed Monroe-Walton County Airport (D73) utilizing Runway 21 on a maintenance test flight. The airplane was destroyed on impact. According to initial information, another individual owned the airplane and asked the pilot to perform some maintenance on it. Day visual meteorological conditions prevailed in the area about the time of the accident and the flight was not operated on a flight plan. Pilot mistakenly conducted the flight under the provisions of 14 Code of Federal Regulations Part 103. Aircraft did not hold a certificate of airworthiness or registration.

****End of Initial Synopsis****

July 9, 2019 (1835), Received phone call from the E-ROC informing me that there was an aircraft accident in Monroe, GA and the CPR is being performed on the pilot.

July 9, 2019 (1842) contacted the office manager Thomas J. Vidamour and briefed him on the accident. I informed him that I was responding to the accident site.

July 9, 2019 (1855) departed Peachtree City, GA for Monroe, GA.

July 9, 2019 (1859) contacted the E-ROC and informed them of my ETA.

July 9, 2019 (1916) received phone call from LT. Mura (Detective) from the City of Monroe Police Department. He informed me of the pilot's identity, condition, and that he was on his way to the hospital.

July 9, 2019 (1923) contacted E-ROC and informed asked them to get me in contact with the NTSB investigator on-duty. Briefed NTSB Supervisor.

July 9, 2019 (1934) received phone call from the Walton County coroner informing me that the pilot has died.

July 9, 2019 (1937) contacted the E-ROC and informed them that the pilot has died.

July 9, 2019 (1945) contacted the office manager Thomas Vidamour and informed him that the pilot has died.

July 9, 2019 (2000) contacted the NTSB investigator on-duty and informed her that pilot has died and briefly discussed the aspects of the aircraft and if it met the requirements of part 103.

July 9, 2019 (2003) received phone call from LT Mura, he informed me more information about the aircraft, and I informed him of my ETA.

July 9, 2019 (2011) received phone call from NTSB, I updated her on what I know so far.

July 9, 2019 (2035) arrived on the accident site at the Monroe-Walton County Airport.

July 9, 2019 (2042) received phone call from NTSB. She informed me once the onsite investigation was completed, that it would be necessary obtain access to secure hangar.

******Notes of scene of the accident site******

Upon arrival to the accident sight, I met with Lt Mura and the Chief of Police R.V Watts and I started my initial assessment. I was given permission from NTSB to remove the wreckage to a secure hangar once I finish my onsite investigation. I was informed the wreckage was moved to gain access to the victim. Review of body camera footage showed the wreckage in its original position before movement.

City of Monroe fire department kept an Engine on site and provided lighting. A ladder truck was brought in at the request of Monroe PD for aerial pictures. Monroe PD provided me with those pictures.

Met with coroner and gave him a FAA Tox Kit. He gave me a copy of the deceased pilot's driver's license and his commercial pilot certificate. He gave me an initial run down of the pilot's injuries. Pilot was breathing about four minutes then went into arrest while on scene waiting on the life flight helicopter. Traumatic arrest, pupils were fixed and dilated, not breathing, skin was cool and pale, swelling and bruising to the eyes, pilot had a 4 inch deep laceration to the forehead and several lacerations to his skin, pilot was bleeding from his eyes, nose, and ears with possible skull fracture. Pilot had deformity to both of his legs and arms also bruising to his upper and lower chest. Helicopter landed but could not get the deceased pilot stabilized for the flight.

Took pictures of the accident site. Aircraft did not have a data plate, there was no registration number's on either side of the aircraft. Found one 6-gallon gas tank in the wing and another 6-gallon gas tank separated by itself on the left side of the aircraft. Instrument cluster

was destroyed in the impact. No ground scars that would indicate any type of slide. Notice engine was an automotive type in a 2-3 foot deep crater. Top portion of the aircraft and part of the left wing was just over the fence about 10 feet from the main wreckage. Fuel sector valves were in the ON position. Biohazard was on the right wing. In the aircraft found a Subaru Automotive Book, a yellow spiral bond notebook and an Invoice for aircraft rental and flight instruction from Flight Train Monroe billed to the aircraft owner. Aircraft did not have insurance on it. Taylor Wrecker Service came out with a flat bed and hoist for the engine. Taylor wrecker service is going to bill the owner. One of the pilots on the airfield gave me access to one of his hangars, that I will be the only one with access at the request of NTSB. Once the aircraft was on the flat bed, checked for missed debris and turned my attention to the engine and the crater. The propeller was a Warp Drive, 54 inch 3 bladed prop. There was only 6-12 inches of blade length left with splintered ends. Dug 4 inches into the crater and found a piece of one blade along with other parts of the aircraft. Could not find rest of the propeller. Found index card on the grass with a preflight checklist and engine start checklist on the back. Followed the aircraft wreckage to the hangar that was provided for me and observed the aircraft wreckage being placed in the hangar. Hangar was secured and I was provided with the only keys.

July 9, 2019 (2235) received phone call from E-ROC, clarified some information about the pilot and the aircraft for headquarters and the press release.

July 9, 2019 (1142) departed Monroe-Walton County Airport for the evening.

July 10, 2019 (0800) departed Hampton Inn Madison, GA for Monroe Police Department to view body camera footage. Good interviews of the onsite witnesses were recorded. Witnesses reported was in turn, went nose down, and impacted the ground.

July 10, 2019 (0933) Received Initial MCR from Dr. Salazar. Review of FAA medical certificates and supporting documentation indicates that this pilot reported no significant medical concerns and the AME identified no significant conditions on physical examination. Autopsy and toxicology report is pending at this time.

July 10, 2019 (1030) arrived at FBO Monroe-Walton County Airport to talk to the accident pilot's wife and sister-in-law and to obtain pilot logs. Wife did provide notes written on a sheet of paper of maintenance performed on the aircraft before the accident. Conducted short interview with Nicole Nunnany (wife). See below for notes.

******Review of Pilot Log Book******

Review of the pilot's log books did not revealed anything remarkable. Pilot's bi-annual flight reviews were current. Pilot had numerous logbooks and started keeping yearly logbooks separated by type aircraft in 2018. 2019 logbooks were not available. Total hours calculated were 4,998.3. Last flight review conducted was in a R44 Rotorcraft on August 13, 2018 by CFI Bruce Whitley. Pilot did have a tail wheel endorsement in a 1947 Piper J-3 on August 22, 2018 by CFI Rodney Etheredge. Pilot received his Airplane-MEL rating on June 17, 2018 by CFI Daniel R. Chesney. Pilot held a Medical Certificate Second Class with last date of examination 06-14-2018. Reviewed his record in SPAS. He holds a commercial pilot Rotorcraft certificate

and private pilot single and multi-engine land airplane. *He does not hold a mechanic certificate (A and/or P).*

July 10, 2019 (1130) departed FBO Monroe-Walton County Airport for lunch.

July 10, 2019 (1216) arrived at the Monroe-Walton County Airport for aircraft examination.

******Notes of the examination of the aircraft******

I was assisted by Monroe Police Department Detective Chris Cannon (Private Pilot) and Monroe Police Department Detective Bureau Lt. John Mura during the examination of the aircraft wreckage at hangar 20 at the Monroe-Walton County Airport. No registration or airworthiness certificate was located.

Checked continuity of the flight controls. Rudder continuity to the left rudder peddle checked good. Right rudder peddle separated from aircraft due to impact damage. Right rudder cable continuity checked good. Elevator had damage to the right rear corner. Otherwise, the elevator was undamaged. Nose Trim Tab continuity checked good from controls in cockpit to the trim tab. Elevator had full range of motion and continuity checked good. On the third elevator stick movement, the conduit separated from housing assembly. Right wing was detached from the fuselage. Aileron section of the left wing was still attached but rest of the wing was crumpled and detached. Full continuity was observed from stick to the left aileron. Full continuity was observed to the right wing attached point. Checked movement of right aileron on right wing and it checked good.

Examined the tail section of the aircraft. A two and half foot section of the fabric had wrinkling on it. Opened access panel to the tail section of the aircraft. Found a NAPA GS sealed battery (motorcycle type) installed in the aircraft. Found one wood spar broke inward near where the fabric wrinkling and two wood spars separated from it is attach points forward of the break. Instruments were examined. Altimeter was set at 29.9 barometric pressure. Engine time indicated 210.4 hours. Wet compass had crash damage to it. Airspeed indicator needle was stuck at 119 MPH. Found automotive Temperature, oil pressure, and electrical gages. Not damaged.

Conducted an examination of the engine and the propeller. Alternator belt looked new. Alternator pulley wheel fell apart when removed from the engine. Put pulley back together and noticed burn residue on forward coils. Set aside for future testing. Alternator tested good on the bench at an automotive repair shop in town. Battery was tested and result read recharge, voltage was 12.86, internal resistance was 7.81 milliohms, and capacitance was as 358 CCA. Engine was Subaru Car Engine as stated by the aircraft owner. EA81 model. Carburetor looked clean, no residual fuel found. Impact damage was observed on the throttle assembly. Removed spark plugs (autolite 3923) and labeled them. No damage, fouling observed. Checked compression on all four cylinders, no discrepancies. Examined the propeller. Looked like a three-fixed position bladed propeller (Warp Drive). Aluminum spinner had major impact damage. All three blades was extensively damaged and sheared off (only 6-12 inches of blade was left).

******Review of Aircraft Maintenance Records******

No aircraft maintenance existed for this aircraft. Found a 1972-1984 Subaru Automotive Manual in the aircraft with some notes in the book. Notes are different experimental manufactures' with

phone numbers. One of interest was Gyro-KOPP-TERS of Lake City, FL because it had notes for an EA 81 Subaru in it. Contacted the owner and he told me that that engine would be too heavy for that type of aircraft and he would check his records to see if the previous owner did business with him. Found a spiral bound notebook with notes on it, with the last recorded maintenance performed on it by the previous owner was December 2017. The deceased pilot as requested by the owner performed maintenance on the aircraft. Maintenance was performed on July 8 and 9, 2019. The Spouse gave me a sheet of paper with some notes on it she found. On the sheet of paper was a list of parts that was changed out (Battery, Oil Filter, Air Filter, Fuel Filter, and four QTs of 10W-40 oil). In addition, it was listed on the paper that he cleaned and gapped plugs, inspected and lubed all control points and connections, packed wheel bearings, and adjusted the rudder control.

July 10, 2019—Conducted interviews of Joshua Adcock (City of Monroe Fire), James Mullin and Oscar Moorefield. See interview notes below.

July 10, 2019 (1545) departed Monroe-Walton County Airport with alternator for Wood Auto Electric to test alternator on a bench.

July 10, 2019 (1555) arrived at Wood Auto Electric. Alternator tested good on the bench. Gave alternator back to Lt. John Mura to place with the aircraft wreckage.

July 10, 2019 (1620) departed Wood Auto Electric for Lawrenceville to interview the owner of the aircraft.

July 10, 2019 (1737)-Made contact with the aircraft owner after several tries at his place of business (Soccer Training Facility), I was able to obtain a statement and a bill of sale for the aircraft.

July 10, 2019 (1815)-Departed Lawrenceville for my place of residence in Senoia, GA.

July 12, 2019 (1432)-Contacted Gyro-KOPP-TERs out of Lake City, Florida. Talked with Robert Kopp. He checked his records for a Dana J. Simmons and he has no records of contact with anyone with that last name.

July 15, 2019 (1253)-Talked with David Cooper of Team Mini-Max, LLC. See interview notes below.

July 18, 2019 (1200)-Talked with a representative (Daryl) with Warp Drive Propellers, Dana J. Simmons from ME is in the system as purchasing a propeller. He is doing a search of when the purchase was made and the serial numbers.

*****Interview notes with witnesses*****

Nicole Nunnany (Pilot's Wife)—I talked with the deceased pilot's wife. She informed me that two guys showed up at the airfield wanting to learn to fly ultralight and Cy would help them. All she knows is that he worked on the aircraft on July 8 and 9, 2019 and she was informed that he was killed after a test flight.

Joshua Adcock (City of Monroe Fire)-Interviewed Mr. Adcock and he provided me with the following statement. He was week eating in his yard, when he saw a low flying aircraft coming in a high rate of speed over a house and the plane turned sideways and banked really hard to try and hit the runway. The plane disappeared behind the trees and he heard a loud boom. He got in his truck and drove to the incident. The plane was sitting sideways between the fence and the dirt pile and the pilot was between the wing and the cabin of the plane.

James Mullin- He informed me that he and the deceased pilot did a routine oil change on this home built airplane. He witnessed Cy install a new battery in the battery compartment. He helped the pilot start, turn the engine on the ground, and check for leaks, all was fine. He helped him put the engine coving back on and watched him taxi the airplane up and down the taxiway and runway twice. He witnessed him take off normally and make a normal left turn to come back and land. During the left turn, the airplane went out of his sight due the terrain and the hangers and he heard the impact. He ran in his truck to the crash site and called 911.

Oscar Moorefield-Informed me that in February 2019 he gave the owner Rafael Lopez a ride to Folston, GA to pick up an airplane he wanted to purchase. They took the wings off and placed it in a U-Haul Truck where he brought it back to Monroe and then to Lawrenceville. He then took it to the Monroe, GA airport where he helped Rafael put the wings on it. In February 2019, the deceased pilot looked over the plane then flew it around the pattern one time then landed it and told Rafael that the plane flew and it was his.

Rafael Lopez- Owner of the aircraft provided me the following statement. Upon your request I'm giving you the chronological events from the purchase of the aircraft to the point of allowing Jason (CY) Nunnally and his mechanic to service my aircraft.

I purchased the aircraft on Feb 21, 2019 in Folkston, Ga. from Dana J Simmons. The aircraft was sold to me as a Hi-Max ultralight with a Subaru car engine. Upon completion of the aircraft purchase, my former roommate, Oscar Moorefield, and I disassembled the wings for easy transport. Once we arrived at Walton County Monroe Airport, we dropped off the aircraft where we reassembled the wings. Oscar had previously spoken to CY about my new purchase. He asked CY if he would be willing to inspect and test fly the aircraft. CY agreed and gave a brief inspection of the aircraft before his test flight lasting approximately 10 min of flight time. At this point I wasn't even a student pilot and asked Rodney Etheredge if I could enlist in some solo flight training. On March 27, 2019 Rodney logged my first flight in Cessna 172. On July 08, 2019 I was scheduled with Rodney for another routine training flight at 10:30 am. Due to the hot temperature we decided to reschedule next Monday. Since my training flight was canceled, I decided to crank my aircraft which had been hangered approximately three weeks. When I tried to crank the aircraft, it wouldn't start or turn over in the engine. After multiple attempts in the growing heat Cy noticed me struggling and offered to have a look. He noticed the aircraft was indeed having difficulty cranking and offered to have his mechanic friend have a look. I agreed and offered to pay his mechanic for any work in getting the aircraft cranking again. I then handed Cy my keys to the aircraft and left to run errands. The next day I was conducting a soccer training session at 6PM and started to get missed calls by my former roommate (Oscar). He left me a voicemail saying someone reported to him that my aircraft was spotted in an accident. Shortly after that voicemail, 911 dispatch called me on my mobile. The dispatcher and detective John Mura informed me that my aircraft had been involved in an accident. Detective Mura asked me to come to the scene of the accident and I left work immediately to go see him. In route to the accident scene I phoned Rodney and asked for details about what was going on.' Rodney informed me that Cy was involved, and it was a fatal accident. Upon my arrival Detective Mura had me positively identify the aircraft which I did. I asked Mr. Lopez if he had the bill of sale

and he provided me a copy of it. The bill of sale was dated on Feb. 21, 2019. It stated “sold to Rafael Lopez, one Hi-max airplane sold as it, where is, and is not airworthy at this time for the amount of \$5,900.00. Paid in full: (\$4,900 cash and 1,000 Bank of America check. Seller: Dana J. Simmons General Delivery, Hillard, Florida. Buyer Rafael Lopez. Owner told me he did not know it needed an airworthiness certificate or needed to be registered. The previous owner told him that it meet the requirements of an ultralight. No build logs were provided to the current owner during the transaction. The only contact he had with the previous owner was via e-mail. I e-mailed the previous owner and builder Dana J. Simmons and I do not have a response. Search in SPAS shows previous owner holds a Private Pilot certificate and resides in Saint George, ME as of 11/20/2009.

David Cooper (Team-Mini Max, LLC)-I talked with Mr. Cooper of Mini-Max. He is the representative for the company that builds these kid planes. I asked about the type of engine that was in the aircraft and he informed me that that engine was heavy. When asked about an extra 100 pounds, he stated that the aircraft would need 20-30 pounds of ballast in the back to offset the extra weight in the nose. I reviewed the Operating Limitations, Specifications, and the flight test procedures. Engine recommended for that model was a ROTX447: two cycle, two cylinder in line engine rated at 42 horsepower with dual carburetors or 40 horsepower with a single carburetor of up to 90 pounds of weight. Engine in the aircraft was a Subaru EA81 with the approximately 100 horsepower and weighs an approximately 185 pounds. The extra weight and fuel would move it out of Part 103 to an experimental category. I asked him if he kept records and he informed me that he does, however it only goes back 8 years when he bought the company from someone else. First entry in the yellow notebook was 2010.

******End of Statement******