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Via Email

March 31, 2023

Inspector H. Todd Clamp
Aviation Safety Inspector
Flight Standards District Office, SO-13
[REDACTED]
West Columbia, SC 29170

Re: Statement on Behalf of Leo Berube

Dear Inspector Clamp:

The undersigned has been retained to represent Mr. Leo Berube in matters arising out of an incident that occurred on March 20, 2023 at a private airport near Abbeville, South Carolina (SC81). This correspondence represents the analysis of counsel based upon an investigation of the facts of the incident. This statement should not be construed as an admission of law or fact by Mr. Berube, and any misuse of this statement by the FAA or others beyond the intended use of my providing you with information regarding this event will be subject to an objection.

As a result of my review and investigation, the following facts can be derived:

Mr. Morgan contacted Mr. Berube for the purpose of obtaining proficiency training in a new Maule M-9 that Mr. Morgan had purchased. Arrangements were made to meet on March 20, 2023. As you probably know, Mr. Berube holds a CFI Certificate with Single, Multi-Engine, and Instrument Flight Instructor ratings.

In preparation for the training, Mr. Berube confirmed with Mr. Morgan that he holds a Commercial Certificate and a Ground Instructor Certificate, he has tailwheel and high-performance endorsements, and he was current in tailwheel aircraft. Mr. Morgan also represented that he had logged 32.8 tailwheel hours, but he stated that he was not proficient. Prior to the flight, Mr. Berube prepared a lesson plan which is referred to as a "Plan of Action" for the anticipated ground and flight training. This document, an outline of an "Introduction to Mountain Flying," and

“Standardization and Discipline” statement were also provided to Mr. Morgan in advance of the training. The Plan of Action is attached hereto.

On the morning of March 20, 2023, Mr. Berube met Mr. Morgan. Mr. Morgan confirmed the aforementioned qualifications and flight experience. Based upon the fact that Mr. Morgan was qualified to act as Pilot in Command (PIC), Mr. Berube stated, “You are PIC for all of our flight activities today.” Mr. Morgan then agreed that he was PIC. Mr. Berube then conducted ground training specific to the M-9 for approximately one hour and ten minutes. It is relevant that Mr. Morgan admitted that he “has a bad habit of putting his feet up high on the rudder pedals when flying” his aircraft. A discussion ensued regarding the correct placement of the feet on the rudders, as well as the difference in toe brakes versus heel brakes in various tailwheel aircraft. Mr. Berube emphasized the importance of keeping both heels on the floor and adding a confirmatory statement regarding his feet to his landing checklist. During the ground training, as a means of reinforcing proper technique, Mr. Berube demonstrated the correct placement of his heels and feet prior to landing, and he had Mr. Morgan repeat and practice the exercise in unison with him to emphasize the correct foot position.

Prior to departing, Mr. Berube verified that Mr. Morgan was current, and Morgan responded in the affirmative. Mr. Berube clearly stated, “You are PIC for our flight today,” and Mr. Morgan agreed that he was PIC. They conducted airwork for about 40 minutes and then proceeded to Greenwood for multiple takeoffs and landings and one rejected landing. Mr. Morgan demonstrated proficiency in his pattern work, airspeed control, and in takeoffs and landings. They then proceeded to SC81 to practice short field landing procedures. As part of the prelanding checklist, a call-out was added - “Heels on the floor.” A normal approach was conducted by Mr. Morgan. The crosswind component was approximately 6 kts. During the approach and landing, Mr. Morgan was the sole manipulator of the controls.

Just before touchdown at approximately one (1) foot above the runway, Mr. Morgan overcontrolled the left rudder. His feet were positioned high up on the rudder pedals. The aircraft yawed to the left while at the same time the right main tire struck the runway at approximately 20 degrees to the direction of travel, which caused the right wing to contact the runway. The right gear sheared away from the fuselage, and the aircraft skidded down the runway. The aircraft came to a stop, and a shutdown and evacuation was accomplished.

The sudden use of the rudder by Mr. Morgan was unexpected and occurred so quickly that Mr. Berube was unable to intervene.

In my analysis as an ATP/CFII, it appears that as the PIC, Mr. Morgan made use of the rudder abruptly just above the ground, which resulted in the longitudinal axis of the aircraft being approximately 20 degrees to the direction of travel. This caused the wing to contact the runway, and the side load on the right main gear caused it to shear off. Mr. Morgan’s last second maneuver occurred suddenly and without warning. Thus, there was insufficient time for Mr. Berube to intervene or prevent the occurrence. Mr. Morgan is a pilot with a Commercial Certificate who met the recency of experience requirements for the M-9. His abrupt application and overcontrol of the rudder was unusual and unforeseen when just above the runway. Despite Mr. Morgan’s claim that he was not proficient, a pilot with a Commercial Certificate should have been able to properly conduct an approach and landing without jabbing the rudder just above the ground.

After you have had the opportunity to review and consider this information, please let me know if you have any questions regarding this correspondence.

Very truly yours,

s/John Adams Hodge

John Adams Hodge