

To whom it may concern:

This is a statement of facts surrounding the airplane crash that I was involved in on November 2nd 2017.

I had contracted with the owner of "Airwork" a rotor and fixed wing flight school, Matthew Binner, to receive ground and flight training to obtain a Multi-engine add on rating. Airwork is located at the North Las Vegas Airport in Nevada.

I arrived at Airwork at 2:30 pm for my 3:00 pm appointment, on the date in question. I was to meet my assigned flight instructor Earl Jobson. Earl showed up at about 3:00 pm and was given new hire paperwork to fill out by the secretary.

A short time later Earl and I met. He told me that he had over twelve thousand hours of flight time, but had not flown for a while. He said that he had a lot of time in the airplane we were flying, a Beechcraft Travelair (BE95), but the one we were flying that day was "set up a little different" than what he was used to. Earl told me that our first lesson would basically be an orientation flight. He said that he would work the radios and call out all V-speeds. Earl said that we would fly out the practice area and get familiar with the airplane. We would do climbs, descents, shallow, medium and steep turns. He would demonstrate an engine failure by only pulling back the throttle on one of the engines. We would then come back to North Las Vegas Airport (KVGT), and do a couple of touch and goes.

We walked out to the Airplane that was parked in front of the building. Earl got into the airplane and started to run through the walkaround check list. He was using an after market "Checkmate" checklist. I was kneeling outside the door, on the wing, as I watch him point out cockpit items on the checklist.

We got off the aircraft and started our "walkaround". As we got to the front of the right wing, I opened the gas cap on the outer tank (aux). I looked inside and noticed the fuel was up to the top of the opening. Continuing, at Earl's direction, I crawled under the wing and inspected the right landing gear and tire. I untied the chain tie down. I stood back up and moved to the right engine and checked the oil. It had seven (7) quarts. I believe Earl was checking the right main (inner) fuel tank. We continued to the left front side of the aircraft. I remember checking the left landing gear as Earl pointed out where the "squat" switch was. I untied the left-wing chain. I remember checking the oil level in the right left engine, which had six (6) quarts. Again, I believe Earl had checked the left main fuel tank by removing the cap and looking inside. We continued the walkaround, moving counter clockwise. I believe Earl checked the outer, or aux tank on the left wing, but am not 100% sure. As we got around to the tail section, Earl told me that he ordered a flight manual for the aircraft on line, but had not yet received it yet. All of the remaining control surfaces looked fine.

We both got inside the airplane. I was sitting in the left seat, and Earl in the right. Earl had to slam the door several times before it would close. He said that he had trouble with that same door the day before. Using the "checkmate" checklist, we started both engines. Once the engines were started, Earl suddenly said, "that's strange". When asked, he said that the main tanks only had a quarter in each tank. I looked and verified that both gauges were reading approximately a quarter of a tank. Earl moved a switch on his side of the instrument panel which showed the fuel level in the outer, aux, tanks, in the same two gauges. The right tank showed full, and the left tank showed slightly less than full.

Earl said that “we can run on the aux tanks”. He reached down where the fuel tank levers were, however I did not actually see him move any of the controls.

We taxi out to the runup area and performed the pre-flight checklist (from the checkmate checklist). At Earl’s direction, we taxied to, and took off from 12R. We departed towards the practice area with a right downwind departure.

Once at the practice area, we did as Earl briefed earlier. We did climbs and descents, followed by shallow and medium banked turns. We then did steep turns, both to the left and right. Earl then demonstrated an engine failure by pulling the throttle back on the left engine. We flew that way for about three to five minutes.

After recovering from the engine out demonstration. Earl suggested we return back to VGT on an instrument approach. He told me to set up for the ILS 12R approach. He said that we would **not** do the approach with one engine, as required in the check ride at this time. I set the approach up on my iPad, and radios, and intercepted the localizer with headings given to me by Earl. At the published altitude (5000 msl), and just outside the outer marker, I heard one of the engines start to surge. The nose of the airplane was moving about 10 degrees left and right (from straight ahead) As I started looking around the cockpit, Earl said, “just fly the airplane, I will figure this out”. I noticed I had to apply full right rudder. From studying prior to my flight lesson, I concluded that the left engine was not making power (dead foot dead engine). I told this to Earl. I told him at least three times that the left engine was not making power. I never got any response back from him. He was looking around the cockpit and reaching down where the fuel control levers were (on the floor in front of the seats). I was still on the controls and actively looking for a place to ditch the airplane.

Earl then got on the radio and declared an emergency with the North Las Vegas Tower. He told the tower we had lost the left engine. However, I noticed that the engine controls, the mixture, the props, and the throttle, was never moved. At the time, it was my understanding that in the event of an engine failure, all of the controls were to be moved forward, then the engine out was to be feathered. None of this was done.

Shortly after declaring the emergency, it appeared that the right engine was now starting to surge. The nose was yawing worse than before. The nose was yawing approximately 20-30 degrees left and right. I could feel the aircraft slowing and speeding up during this time. As the surging progressed, I noticed that I had to keep the nose down to keep approximately 80kts (blue line). A short time later, I noticed Earl sit straight up, and forward in his seat, and say, “Jeff, I don’t know what is going on, I ‘m really scared”. He was looking out the window straight ahead. His tone was shaky and panicked.

It was at this point that I turned the aircraft to the right. I had already noticed that there was no suitable place to land straight ahead or to the left. Earl did not say anything, nor did he offer to take the controls. I was descending toward the nearby freeway interchange when I noticed a golf course on the west side of the freeway, northwest of the interchange. I had to make a hard-right turn, then a hard left turn to line the airplane up with the course. During that left turn, I heard Earl say “gear coming down”. I looked over and saw him push the gear lever down. I did not want the gear down, but had no time to put it back up.

I remember rolling out of the turn and hitting the ground. After a short time, I felt the airplane leave the ground before we ended up in the water. I saw water splash over the entire cockpit. I remember looking out the window and noticing that we were now floating in the middle of a lake. I looked over at Earl and saw that he was struggling to open the door. I also noticed that the floor was now filling with water. I unbuckled my seatbelt and jumped into the back seat. I opened the latch on left rear window and noticed that it only tilted open from the bottom. I was told earlier by Earl, during the preflight, that the window could be opened to egress if necessary. When it did not open, I laid on my back and kicked the window multiple times with both feet. It did not budge. I noticed that the water was now up to the top of my seat. I again kicked at the window about three or four more times when it suddenly popped out. I exited the window feet first. As I got out, and was standing about waist deep on the wing, I saw Earl float to the back of the airplane. I helped pull Earl out by his feet.

Once outside, we both swam to the shore about 20 yards away.

It should be noted, that during the flight lesson, and before we started our return to VGT, I had already decided that I was going to ask the flight school owner if I could fly with a different instructor once we landed. With my aviation experience, and my experience as a flight instructor, it seemed clear to me that Earl was not comfortable with the airplane or its systems.

Jeffery Young

