

WPR22FA068

OPERATIONAL FACTORS

Attachment 1

Director of Operations and Chief Pilot Transcript

June 15, 2023

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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LEARJET 35A, N880Z FATALITY *

IN EL CAJON, CALIFORNIA *

Accident No.: WPR22FA068

ON DECEMBER 27, 2021 *

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Interview of: RICHARD (DICK) JOHN JONES, Director of Operations
Aeromedevac, Inc.

El Cajon, California

Thursday

December 30, 2021

APPEARANCES:

WARREN ABRAMS, Operations Group Chairman
National Transportation Safety Board

ALBERT NIXON, Investigator
National Transportation Safety Board

ELEAZAR NEPOMUCENO, Investigator
National Transportation Safety Board

JONATHAN BERGES, Safety Inspector
Federal Aviation Administration
San Diego Flight Standards District Office

DAVE GERLACH, Air Safety Investigator, AVP-100
Office of Accident Investigation
Federal Aviation Administration

ELI TRABOULSI, Air Safety Investigator
Bombardier

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I N T E R V I E W

MR. ABRAMS: All right, Dick, we're recording. If you will, Dick, if you will introduce yourself; tell us your full name, and spell your last name, I'd appreciate it.

MR. JONES: Richard John Jones, J-o-n-e-s.

MR. ABRAMS: Thank you. I'm Warren Abrams, A-b-r-a-m-s, from the National Transportation Safety Board.

MR. NIXON: Albert Nixon with the National Transportation Safety Board, and that's Albert standard spelling. Nixon, N-i-x-o-n.

MR. BERGES: Jonathan Berges, B-e-r-g-e-s, Federal Aviation Administration, San Diego Flight Standards District Office.

MR. TRABOULSI: Eli Traboulsi, Bombardier Field Service, an accident investigator.

MR. ABRAMS: Spell your last name, Eli.

MR. TRABOULSI: T-r-a-b-o-u-l-s-i.

MR. ABRAMS: Thank you.

MR. NEPOMUCENO: Eleazar Nepomuceno, NTSB. Last name N-e-p-o-m-u-c-e-n-o.

MR. ABRAMS: Thank you, gentlemen. I'm going to pause the recordings for just a second.

(Pause.)

MR. ABRAMS: Okay, Dave, if you will state your name, and spell your last name, and your affiliation, and everything else, please.

1 MR. GERLACH: Hi, Warren. This is Dave Gerlach. Last name
2 is spelled G-e-r-l-a-c-h. I work for the FAA, Office of Accident
3 Investigation, and I am an Ops Group member for this
4 investigation.

5 MR. ABRAMS: Thank you.

6 Dick, you're allowed to have anyone that you would like
7 represent you today. Do you have anyone to represent you?

8 MR. JONES: No.

9 MR. ABRAMS: And you've thought that through, and you're
10 comfortable with the decision not to have representation?

11 MR. JONES: Yes.

12 MR. ABRAMS: Okay. All right. We'll crank it up here.

13 INTERVIEW OF RICHARD (DICK) JOHN JONES

14 BY MR. ABRAMS:

15 Q. Dick, tell us your job title, please.

16 A. Director of Operations for Aeromedevac.

17 Q. And what do you do as Director of Operations for Aeromedevac?

18 A. I oversee all the operations on a day-to-day basis, and the
19 chief pilot and pilots.

20 Q. How many employees do you have?

21 A. Approximately 20. Is it employees or pilots?

22 Q. Pilots I'll start with.

23 A. Yeah. Approximately 20. We have some in training. So --

24 Q. And how many employees total do you have under your direct
25 report?

1 A. Just the Director of Maintenance. That would be one, other
2 than the pilot group.

3 Q. All right. And you said you have a chief pilot. Do you have
4 an assistant chief pilot?

5 A. No.

6 Q. And you feel that is sufficient?

7 A. Yes.

8 Q. Okay. Do you have a dispatcher?

9 A. Well, what's your term a dispatcher? We have a -- not a
10 dispatcher as the term -- what the term is. I can't -- I know
11 what a dispatcher is. You know what I'm saying. So --

12 Q. All right. Well, how many airplanes do you have?

13 A. Right now we have seven.

14 Q. You have --

15 A. We had eight before.

16 Q. Okay. Are they all Learjets?

17 A. Yes. And we have Eclipse jets coming on certificate.

18 Q. All right. And how do those seven Learjets, how are they
19 dispatched throughout the country to pick up patients?

20 A. The phone call comes in for the -- to inquire about patient
21 transfer. That comes out -- I'm going to use the word Dispatch
22 Office loosely here. So that the dispatcher will make up a trip
23 sheet. The trip sheet will have -- I can give you a copy of one
24 of those. The trip sheet has all the information on the flight.
25 It has the names. It has the weights. It has the FBOs. It has

1 the times of departure. And we have a two-hour call-out from the
2 time that we want to take off. There's a two hours prior to that
3 is when the minimum of when the flight crews are called to do the
4 flight.

5 Q. Do you have staffing issues from time-to-time?

6 A. No.

7 Q. You said you had pilots in training. Look for rated Learjet
8 pilots, or do you hire pilots that are experienced, and then give
9 them their type rating, or how does that work?

10 A. When you say pilots, got to -- you got to -- we have -- break
11 it down to PIC and SIC.

12 Q. Okay. So do you hire PICs that are not rated in the Lear 35?

13 A. Yes. And we send them to FlightSafety to get rated, but in
14 order to be a PIC for Aeromedevac, you have to have significant
15 captain experience. Most of our -- I wouldn't say most, but a
16 large portion of our pilots are retired airline people, airline
17 captains.

18 Q. And what about your second in command?

19 A. Second in command, I require 500 hours, multi-commercial and
20 multi-engine.

21 Q. What about total time?

22 A. 500 hours.

23 Q. And you said you're hiring new pilots now. Are they PIC or
24 SIC?

25 A. SIC.

1 Q. They're SIC. Is it harder to keep SICs?

2 A. I don't understand the question.

3 Q. In other words, a turnover of employees. What has the
4 greater turnover, the PIC or the SIC?

5 A. I haven't had a large turnover, but I usually when the SICs,
6 if they're with me long enough, I will upgrade them, and then
7 they, once they get their time in, the airlines hire some of them.

8 Q. Okay.

9 A. But it's not, it's not a rolling bowling ball here.

10 Q. Right.

11 A. If that's what you're asking.

12 Q. You said you send your pilots to FlightSafety. Is that for
13 initial and recurrent?

14 A. For everything.

15 Q. Everything. And is this FlightSafety, Wichita, or where is
16 this FlightSafety?

17 A. Tucson.

18 Q. Tucson. You have a contract with FlightSafety Tucson to send
19 your pilots there?

20 A. Yes.

21 Q. Have you ever had pilots go through FlightSafety at Tucson
22 that needed additional training?

23 A. Yes.

24 Q. Approximately how many pilots was that?

25 A. Very few.

1 Q. Okay.

2 A. Very few. I can't tell you exactly, but it's, it's rare.

3 Q. All right. Are you -- have you looked at other training
4 facilities other than FlightSafety for your pilots?

5 A. I started out with CAE, and then converted over to
6 FlightSafety. So I've had experience with both schools.

7 Q. Okay. All right. What was your primary dissatisfaction with
8 CAE?

9 A. Quality of education, quality of, of what they were teaching
10 the pilots.

11 Q. Any example comes to mind?

12 A. On the differences training, yes. Differences training was
13 totally inadequate. I complained to their director of the school,
14 and nothing got done. So I changed to FlightSafety. That was the
15 main thing.

16 Q. Dick, let's talk about you for a minute. Give us a little
17 bit of background on you. How did you get into flying?

18 A. I got into flying when I was 17 years old. I flew my Aeronca
19 Champ off the back hay field of my farm in Wisconsin. I was born
20 in dairy, on a dairy farm. I went through college; went into the
21 Navy for six and a half years flying F-8s. After that, I flew
22 corporate for about a year, and then went to Continental Airlines
23 for 27 years. Retired, and I got -- I flew the DC-9, MD-80, DC-
24 10, A-300, 727, 757, 767, and retired off the 777.

25 Q. Were you rated in all of those airplanes?

1 A. I have 10 type ratings.

2 Q. Excellent. Excellent. Are you still -- do you still fly
3 today?

4 A. The only thing I fly today is privately my own Eclipse jet.

5 Q. Okay. So you still have a medical?

6 A. I do.

7 Q. How about the pilots training. Do they -- does FlightSafety
8 send you a certificate or not the certificate. Do they send you
9 the training records?

10 A. I have all the training records from them, everything they
11 did in the simulator, plus the 8410s, plus their little
12 achievement -- I don't know what they call them, but the 8410 and
13 all the training is documented in their training jackets.

14 Q. Okay. On the accident flight, there were two nurses in the
15 back. How many nurses do you have here at Aeromedevac?

16 A. I do not know that. That's the medical side. I'm not really
17 --

18 Q. Okay.

19 A. I don't know.

20 Q. Do the nurses receive any training as far as operating the
21 doors, operating the emergency equipment or anything like that?

22 A. Yes.

23 Q. Is that documented?

24 A. That's done through the medical side. So, yes, it is on
25 their side, not on, not on the pilot side.

1 Q. Okay. And your understand is through that training
2 incorporates opening, and closing the doors, and oxygen and
3 emergency equipment?

4 A. Yes.

5 Q. Okay. Excellent. Dick, how were you notified of the
6 accident? The night of the accident, how were you notified?

7 A. I had the owner of Aeromedevac call me, and to know what the
8 status of 880Zulu was. And I had been flying all day to pick up
9 my daughter out of Prescott in the Eclipse. So I had just, I had
10 just gotten home, and they -- he insists he thought he heard an
11 air -- that there was an airplane crash. So I called, tried to
12 call the tower. I tried -- and I called the owner of High
13 Performance. He said the airplane wasn't here, and I saw it on
14 FlightAware that it was -- that it was supposed to be here. So I
15 put two and two together, and came into the office.

16 Q. Okay. So nobody called you. Just putting the pieces
17 together that --

18 A. Well, I, then I called one of my FAA contacts, Oded (ph.)
19 Moore, to see if he had heard anything, and he said he had not.
20 So that was another person that I called to see if he knew, other
21 than the owner here. So those are the two phone calls that I made
22 to see if they knew anything about the airplane.

23 Q. Once you knew that the plane had crashed, is there any
24 playbook that you go through, or what did you do after that?

25 A. I came in here with the owner of the company, and the head

1 nurses -- head of the nurses and myself, and we, we went through
2 the accident guidelines that we had on file.

3 Q. Those accident guidelines, are they available for the NTSB to
4 review?

5 A. If that's what you want, we can get you a copy.

6 Q. Thank you. How late were you here that night?

7 A. I would say until probably between 11 o'clock and midnight.

8 Q. Did you try to go to the accident scene?

9 A. No.

10 Q. How well did you know the pilots?

11 A. This is a small business. It's a small group of pilots. So
12 I know them, all of them, very well, as much as I think I know
13 them, yes.

14 Q. And our condolences to you and your company for your loss.

15 A. Thank you.

16 MR. ABRAMS: Dick, I'm going to stop there, and pass the
17 virtual microphone to Albert Nixon.

18 Albert, I'm sure you've got some questions you'd like to ask.

19 MR. NIXON: Yeah.

20 BY MR. NIXON:

21 Q. Appreciate your time, Dick. We talked a lot informally
22 because you're part of the, as you know, the party member. But
23 just to let me talk a little bit about your position. You
24 mentioned your background, which is vast, and all these type
25 ratings, but particularly with this company, were you a pilot ever

1 on the line, or was it all just management?

2 A. No. I was, I was a pilot up until October.

3 Q. Okay.

4 A. On the line but --

5 Q. A line pilot here at the company?

6 A. Yes.

7 Q. Okay.

8 A. And I -- also, also the chief pilot.

9 Q. Chief pilot.

10 A. Yeah.

11 Q. And so it leads to the question how long have you been a DO
12 time-wise?

13 A. About three months.

14 Q. Okay. And then you mentioned the chief pilot role. How long
15 were you in that one?

16 A. I was in that one since probably, I would say, the last seven
17 years may be.

18 Q. Seven years. Okay.

19 A. Yeah. Give or take.

20 Q. No, no. These are approximations.

21 A. Yeah.

22 Q. Make sure you understand. With the company since, like you
23 say, you're a smaller company, and you have the DOM, and I believe
24 it's you, and the chief pilot is management positions besides
25 going above that.

1 A. Correct.

2 Q. So you're pretty much between you two on the ops side,
3 you're running everything. What -- I know you're not required per
4 se of certain things, but what do you have in the way of safety
5 programs for the flight operations?

6 A. Other than I preach it every day to these guys, I give them
7 recurrent training every year. I am very proactive in safety on a
8 daily basis with these guys. We talk it. I was a check airman.
9 So when I would give check rides, I would give the 299 checks. I
10 would have a different FO because in my mind I wanted to check
11 them too, and see how they interacted, and make sure that the
12 procedures were all correct. I'm very, very strict on procedures,
13 and that's what I was -- to make sure that everything was done in
14 accordance to what our SOPs were.

15 Q. Okay. So let's say I'm new to your company as a first
16 officer, and for whatever reason I didn't like the captain, I
17 thought he had some issues, what avenues do I have besides
18 knocking on your door, and let's say you're close friends with the
19 captain so I'm a little nervous about that? Do I have anything
20 where honestly I can say, hey --

21 A. My door was always open, but I was proactive. I would get --
22 especially with new captains, and with new FOs, I would call
23 people in, and I would sit them down in this office, and say tell
24 me what you observed? Is there any safety issues with this
25 person? Do you have any CRM issues with this person? How is he

1 or she progressing? I was probably one of the nosiest at that
2 point chief pilots. I was always wanting to know everything about
3 everybody --

4 Q. Sure.

5 A. -- on a daily basis.

6 Q. And the CRM, does FlightSafety do that for you, or is that
7 something you have to do it internally?

8 A. FlightSafety not really. I mean --

9 Q. Okay.

10 A. -- it's very limited. So I took my airline experience. I've
11 been through many, many hours of CRM training.

12 Q. I'm sure you have. Yeah.

13 A. And I related that to these --

14 Q. Did you set up any slides or anything we could look at or
15 just a --

16 A. No, no. All --

17 (Crosstalk)

18 Q. -- as all inside?

19 A. -- discussion. In fact, there were some captains that I
20 probably had in this room seven or eight times just talking about
21 CRM.

22 Q. Got you.

23 A. And those are captains that came to me that were flying CJ's,
24 single-pilot airplanes, never flew with a crew before. Those type
25 of people I really, I really had to spend a lot of CRM time with

1 those people.

2 Q. Okay. So no formal safety reporting system like --

3 A. No.

4 Q. -- nothing --

5 A. This is all --

6 Q. -- just want to verify.

7 A. This was all one-on-one training.

8 Q. Okay. So, like I said, nothing that's SMS or the equivalent
9 of it currently?

10 A. No. No.

11 Q. Okay. And then you mentioned going back to the pilot crew,
12 you said you kind of in generality said there, you know, there's
13 very little turnover. That being said, is there -- can you give
14 us a rough idea like how many pilots -- what's the attrition rate
15 the past year? You have a little more specifics? You lose one or
16 two or do you have a percentage?

17 A. I can give you some examples. Like I operated Sarah. She
18 might have flown a captain for me, and then she went to fly 7 --
19 576 for, for Prime. I don't know who the operator was, but she's
20 doing that now, that one. And I lost another girl, Emmy. She
21 flew with me about a year and a half. She went to Santa Ana to
22 fly Citations. But in the last, let's say, in the last two years,
23 I have fired six people for --

24 Q. In a general sense -- don't have to go into everyone, but
25 what was it disciplinary things for not --

- 1 A. Not --
- 2 Q. -- following the regulations?
- 3 A. -- flying the airplane correctly, making poor, poor judgment
- 4 calls. Doing things in the airplane that came to me that I
- 5 thought were unsafe. So --
- 6 Q. And is that through the door like you talked about?
- 7 A. Exactly. Yes.
- 8 Q. Okay. Is that -- were they mixed captain and first officers
- 9 or --
- 10 A. Yes.
- 11 Q. Okay. Mixed bag.
- 12 A. Mixed bag.
- 13 Q. Not just all captains or --
- 14 A. No. I have a, I have a one strike and you're out philosophy.
- 15 Q. So be nice to me here. I'll be nice to you in the office
- 16 here. Getting kind of with -- along those lines. So not knowing
- 17 your operation, you already talked a little bit about dispatch,
- 18 but between you and the chief pilot, I know we don't have a whole
- 19 lot of time, but can you give me just a quick overview of what you
- 20 do for oversight on the pilots?
- 21 A. I just told you.
- 22 Q. Just from your informal -- from your --
- 23 A. Yeah.
- 24 Q. -- reporting?
- 25 A. Constant, constant communication with my pilots. Now, I'm

1 probably more in communication with non-airline --

2 Q. Sure.

3 A. -- the airline guys, we talk, but it's -- they're -- they
4 have so much experience that --

5 Q. Sure.

6 A. -- it's just so routine that we don't have to be that -- at
7 all. It's toward the lower echelon of the experience levels like
8 the (indiscernible).

9 Q. Okay. And then just to -- we talked about it, but just to
10 kind of document it, could you -- you've done it. So just once
11 again, I'm looking at executive version, not every detail, but
12 walk us through the approach they're doing with the circle, and
13 just give us kind of a rundown like we talked about. You going to
14 get the (indiscernible), and stuff like that. Just give me a
15 quick executive rundown.

16 A. Yeah. Down that circle many, many times.

17 Q. Sure.

18 A. And so if you're coming in from the north, the northwest, we
19 usually do the GPS because it's the closest approach to get us on
20 the ground. It also has a little lower minimums, but that -- in
21 order to shoot that, that approach, it has to be VFR at the
22 airport at night. During the day, if we shoot it, it would be a
23 normal what it is on the approach chart. But at night, it has to
24 be -- they have to be in VFR conditions to even shoot the
25 approach. Once you break out, you usually, you're about I'd say

1 it's right around I think 1300 feet MSL roughly in that area. You
2 fly over the, sort of -- not over the middle of the airport, but
3 you fly toward -- we'd always space our self out a little further
4 west to give us a better turning radius to come back around and
5 circle then to 27, which is the only runway we can use for a
6 Learjet at this airport. So it's just a matter of going out, and
7 then turning, and coming back in. It's not really -- it's not
8 that difficult to circle the --

9 Q. And then just a couple of things we talked about. Just to
10 emphasize it. You mentioned that because of the terrain, and the
11 maneuvering, it's not unusual to get several warnings for terrain
12 during the --

13 A. No. Because --

14 Q. Yeah.

15 A. -- the where Rattlesnake Mountain is situated on the north
16 side of the approach end, if you're coming at it even from the,
17 from the east on a straight in approach, which is straight in, and
18 then you circle because the minimums are high. We don't have a
19 straight in approach, but you're coming straight into the runway
20 on the approach, and then you circle because the minimums are so
21 high. You would -- you will get the GPWS --

22 Q. As a standard --

23 (Crosstalk)

24 A. -- you're going to get it coming --

25 Q. So it is expected in other words?

1 A. Always, yes, because --

2 Q. Okay.

3 A. -- you're heading right for that mountain.

4 Q. And then as far as visibility, I think you told me earlier,
5 to make sure I don't want to take words, but you told me that in
6 your, your experience is you never lost sight of the runway during
7 that circle at night?

8 A. Oh, never, never.

9 Q. Yeah. And you -- so the visibility out of the cockpit is
10 pretty decent to -- even if you're on the -- flying the F0 side or
11 --

12 A. That is a correct statement.

13 Q. Okay. And the terrain, it's pretty good to throw the needles
14 between the two hills and --

15 A. And plus most of our pilots have flown it so many times it's
16 not really a --

17 Q. Okay.

18 A. -- it's not rocket science.

19 Q. We talked about the winds. Some time they funnel kind of
20 weird with the two hills, but you said you --

21 A. -- never --

22 (Crosstalk)

23 Q. Yeah. You never experienced something like that. That being
24 said, we did talk about the clouds. Sometime you get the smaller
25 puppy clouds versus a slight total overcast.

1 A. That's conjecture at this point.

2 Q. Yeah, yeah. Okay. All right. And then let me see. The
3 only other thing I got, and you -- I think you'd be set up well to
4 answer this question. You were the not only chief pilot with
5 them, but the DO. Did this accident pilot have any incidents,
6 accidents, or any type of adverse action taken against him for
7 anything?

8 A. Are you talking about the captain?

9 Q. Yes. Actually both of them. So go to the captain first.

10 A. The captain I thought was, was above average. He was one of
11 our -- everybody respected him, and saw him as a very, very, very
12 great pilot. The first officer was in my opinion, I flew with him
13 many times. The last time I flew with the first officer was he
14 was the first officer on a 299 ride I was giving. And just to
15 give you an example because I'm -- I got my headset on, plugged in
16 so I can hear everything up there. I was sitting in the jump
17 seat, and the captain got a little bit slow on the ILS going into
18 Carlsbad, and the first officer was all over him.

19 Q. Okay.

20 A. You know what I mean? It was -- and I, I got on the ground.
21 I said, good work. That's what you're supposed to do, right?
22 You're -- that's your job to make sure that you're watching that
23 -- watching that air speed, and making sure that -- and checking
24 everybody out. Everybody is checking the other guy to make sure
25 that you're doing the right job.

1 Q. Okay. So management-wise, no adverse action, also with
2 training, nothing between the two pilots that you're aware of?

3 A. Well, there was a training problem with this, the first
4 officer on his last, his last recurrent training. He had an
5 issue, I guess, with a SID in the simulator. So they gave him an
6 unsatisfactory, and then he went back, and did it again, and got a
7 satisfactory.

8 Q. Okay. And speaking of the second -- the first officer there,
9 how long has he been with the company?

10 A. About the same time that the first -- the captain --

11 Q. The captain.

12 A. -- yeah. I think they were about a month apart --

13 Q. I got you.

14 A. -- hire, yeah.

15 MR. NIXON: You maybe said it earlier, but I'm not sure if I
16 missed or we didn't ask that question. So I think right now
17 that's all I have. So thank you.

18 MR. ABRAMS: Thank you, Albert.

19 John Berges.

20 BY MR. BERGES:

21 Q. Before I get into my questions, just a few things from, from
22 what Albert asked or Warren also. So in terms of safety programs,
23 you stated that you give recurrent. What is -- you provide the
24 recurrent training through contractor providers or --

25 A. No. I, I -- my -- I don't believe in that because it's all,

1 it's all stereotyped. I bring them in here, and do all one-on-one
2 training.

3 Q. Okay.

4 A. We don't do the stuff that they don't need to be
5 concentrating on. We concentrate on what we do, and how we fly
6 these Learjets one-on-one.

7 Q. Okay. So you say you give recurrent. You provide the --

8 A. I --

9 (Crosstalk)

10 Q. -- directly --

11 A. -- they come into this room, and I put them through
12 everything. We go through everything according to the training
13 manual, but the evidence is -- emphasis is on the flying the
14 Learjet.

15 Q. Okay. And the safety programs, you mentioned that you are a
16 very inquisitive Director of Operations in regards to how your
17 pilots are flying, and I believe -- did you say you were
18 interviewing the SICs, the co-pilots --

19 A. Everybody --

20 (Crosstalk)

21 Q. -- the operations --

22 A. Everybody. Interview everybody. I get a lot of things,
23 well, I don't want to say anything because I don't want to throw
24 anybody under the bus.

25 Q. Right.

1 A. And then I say, well, this isn't, this isn't throwing people
2 under the bus. This is to see -- it's all safety oriented to make
3 sure that we're doing things right, and so it doesn't progress
4 into an accident. And so that's how I get them to talk. Because
5 you know how pilots are. They don't want to -- throw their
6 buddies under the bus. So I -- but I do get them to talk.

7 Q. Right. And you said you fired six pilots. What was that
8 period of time that that occurred?

9 A. Last two years.

10 Q. Two years. Okay. Thank you.

11 A. Two, two and a half years.

12 Q. And the, the circling approach, circling maneuver I think
13 would be more -- should be more specifically described as.
14 Because you're operating at Gillespie Field that does not
15 authorize, does not even authorize instrument approach at night
16 for circling. Is that why the pilots cancelled the IFR --

17 A. Yes.

18 Q. -- three miles from the airport? Okay. And then within your
19 GOM or pilots operating or pilots SOP, is there like a description
20 or something what the pilots should do, of weather conditions, if
21 you will, of how they should proceed into the airport under
22 marginal conditions such as were present on the night of the 27th?

23 A. I don't understand your question.

24 Q. They flew in at night under marginal weather conditions --

25 A. Okay. That's --

1 Q. Cancelled the IFR.

2 A. I don't want to be argumentative, but I --

3 Q. All right.

4 A. -- don't understand why you're saying marginal. 2,000, 3
5 miles to me is not marginal.

6 Q. Okay.

7 A. So where are you coming from?

8 Q. Well, do you have a policy, if you will for pilots who are
9 proceeding to the airport at night under low VFR conditions or at
10 minimum VFR conditions to proceed to another airport versus
11 continuing into Gillespie?

12 A. I don't understand your question because that's standard IFR
13 procedures. So I -- you want me to do -- you want to know if I,
14 if we do other than standard IFR procedures? Is that what you're
15 asking?

16 Q. You discussed that you have training on safety one-on-one
17 with pilots.

18 A. Yes.

19 Q. You've been discussing safety policies. Yet this airport
20 does not have an authorized circling approach at night.

21 A. Correct.

22 Q. Yet the pilots continue at night --

23 A. But they're not IFR.

24 Q. But -- correct, right.

25 A. So a guy could be out here doing touch-and-goes during that

1 period of time.

2 Q. Could have, yes.

3 A. Right. And it's VFR.

4 Q. Correct.

5 A. So what's your question?

6 Q. If I could get -- if I had access to a definition of marginal
7 VFR as --

8 A. Doesn't make any difference. Marginal VFR has nothing to do
9 with this.

10 Q. Right.

11 A. Unless you can show me in writing what you're getting at, I
12 don't understand what you're saying.

13 Q. My concern is -- in my questioning is what are the pilots
14 going to do if the conditions are not favorable really to land
15 here?

16 A. And what conditions are those?

17 Q. I would say as were presented Monday night, 2,000-foot
18 ceiling, 3 miles visibility.

19 A. I think you're -- you're in conjecture here, and I'm not
20 going to have this, any part of this conversation because you're
21 going down the wrong way here.

22 Q. I understand.

23 A. Are you talking that they should be violated for what they
24 did? Is that what you're saying?

25 Q. I do not have evidence to -- at this time to --

1 A. Well, that sounds, it sounds like you're -- it sounds like
2 you're driving that they came in here in marginal VFR, that they
3 shouldn't have done it, and what should they have done? You're
4 asking me --

5 Q. I'm asking if you have a policy as a company of --

6 A. What policy? What policy would that be?

7 Q. Or a description of some sort to -- how they should --

8 A. I've never heard of such a policy.

9 Q. Okay.

10 A. It's common -- it's what you do under IFR and VFR
11 regulations, and what you can do under those circumstances.

12 Q. Correct.

13 A. And there's nothing -- there's no policies that you're going
14 to interpret that regulation differently. It's all spelled out in
15 the FARs. It's all spelled out in the -- instrument. It's
16 spelled out in the AIM. So I'm not going to -- I don't understand
17 what this reinvention of a policy you're driving at.

18 MR. BERGES: Well, I'll move on.

19 MR. ABRAMS: Yeah. Let's move on, yeah.

20 MR. BERGES: Okay. I'll (indiscernible).

21 MR. ABRAMS: Okay, Eli, you've got the virtual microphone.

22 MR. TRABOULSI: Okay.

23 BY MR. TRABOULSI:

24 Q. Dick, do you guys have a maintenance department here?

25 A. We have the DOM, who has -- the DOM has his own maintenance

1 department. So everything is referred to him, and if -- we do
2 most of our heavy maintenance at Trine Aircraft in Colorado
3 Springs.

4 Q. Okay.

5 A. Trine Aerospace is what it's called.

6 Q. Okay. So --

7 A. He does the light stuff here.

8 Q. Okay. So the DOM here will --

9 A. Has his own maintenance department.

10 Q. Maintenance department.

11 A. Yes.

12 Q. How many mechanics in that department?

13 A. I am not sure.

14 Q. That's okay. An MEL is signed off by who?

15 A. The Director of Maintenance.

16 Q. Okay. Was there anything MEL'd on the airplane on that
17 current --

18 A. No. Not to my knowledge.

19 Q. Okay. Was there anything MEL'd the previous (indiscernible)
20 on that airplane?

21 A. Not to my knowledge.

22 Q. Okay. Thank you. That's all I have.

23 A. We do not carry MELs very long. Rarely do we deal with -- my
24 theory is if an airplane breaks, I want to fix it now because if
25 you MEL it, and you let it go, it costs you more to fix it than if

1 you put a Band-Aid on it now than toward the end. So I'm very
2 strict on if something breaks, let's fix it now rather than later.
3 That's my philosophy.

4 MR. TRABOULSI: That's all I have. Thank you.

5 MR. ABRAMS: Eleazar, you're kind of behind him there.

6 MR. NEPOMUCENO: Okay. I'll come on up --

7 UNIDENTIFIED SPEAKER: Yeah, come on over.

8 BY MR. NEPOMUCENO:

9 Q. I just have two questions. The first one, you were talking
10 about your -- when you take the pilots in one-on-one for safety,
11 right. So when safety concerns are addressed or brought up or
12 even safety recommendations and improvements, how is that
13 disseminated to the rest of the pilots or the company? How is
14 that? Is it like out in a newsletter, or you got to make a
15 company policy statement, or how is that?

16 A. Normally the safety is very isolated to the person.

17 Q. Okay.

18 A. So it's not like I'm going to go up to my ex-airline guys,
19 and say, you know, this is what we figured out and -- it's usually
20 handled with the actual pilot or pilots --

21 Q. Okay.

22 A. -- as a one-on-one situation.

23 Q. Okay. And then in regards to the accident flight. Looking
24 at preliminary track, tracking, and again this is because of when
25 you said when you come in on the approach for the circling, you

1 kind of stay west of the Runway 170, right?

2 A. We stay west just --

3 Q. Just west.

4 A. -- just to do that decrease or -- increase the radius of turn

5 --

6 Q. Right.

7 A. -- and not have a --

8 Q. Right.

9 A. -- steep bank, yes.

10 Q. So on the -- on the accident flight, he was pretty much on

11 top of the runway. Maybe he --

12 A. He was not in the right spot at all.

13 Q. Okay. Is that something he's done before in previous
14 flights?

15 A. I would have not known -- I would have --

16 Q. Okay.

17 A. -- known that.

18 MR. NEPOMUCENO: Okay. Thank you. That's all I have.

19 MR. ABRAMS: We're going to go to the phone. Dave Gerlach in
20 Washington. Dave, you got the -- you there still?

21 MR. GERLACH: Warren, I am. Can you hear me all right?

22 MR. ABRAMS: I think we can, yes. So --

23 MR. GERLACH: Okay. Good.

24 MR. ABRAMS: -- speak up when you can, and we'll do the same.

25 MR. GERLACH: So I transitioned to my ear pieces, and, and

1 about five minutes ago my computer decided to reboot itself, and
2 install a new government patch. So it's going to take me just a
3 minute to get my notes back up and running. So I apologize but --

4 MR. ABRAMS: I can, I can skip, or we can come back to you,
5 if that's what you need, or what's your pleasure?

6 MR. GERLACH: Well, it's going to take me, like, I think,
7 maybe one minute to reconnect to post secure.

8 BY MR. GERLACH:

9 Q. But in the meantime though, Richard, condolences from us over
10 at the FAA. I know how difficult this is for both you and your
11 company folks, and I know you guys are going through some
12 difficult times.

13 A. Thank you.

14 Q. So bear with me. My word app with all my notes is just
15 coming back up. Stand by just a second.

16 (Pause.)

17 Q. And it's unfortunate so much gets shut down in the middle of
18 something like this, and you've got no control over it. So here
19 we go. So, Richard, first question for you. When you guys got
20 flight nurses onboard your aircraft is there a way as they observe
21 the pilots go through their standard operations day-to-day flying
22 if they have a concern can they bring that to somebody?

23 A. Yeah. Our procedures are if they have a concern, they come
24 up, and tap us on the shoulder, and tell us what those concerns
25 are. Obviously, during critical phases of flight, which you have

1 a sterile cockpit below 10, we advise them to, to not bother us at
2 that point unless it's really, really something that they really
3 think they need to tell us about.

4 Q. Now, let's say they watch a pilot do something that concerns
5 them, it's below 10,000 feet. Is it your expectation that when
6 they get on the ground they have a discussion with the pilot or
7 pilots?

8 A. I have not -- I would -- there is -- there's a real open line
9 of communication between our crews. I don't -- in my flying
10 personally, I've never had an issue to where that happened, and so
11 I can't answer the question for anybody else. But I know --

12 Q. Okay.

13 A. -- it's very, it's very open. I mean, everybody knows
14 everybody. It's a very tight community between the nurses and the
15 pilots. So they're not afraid to speak their mind, believe me.
16 But --

17 Q. Got you. So with that, you would say that you've never had
18 flight nurses come to you as the chief pilot, and also as the DO,
19 with concerns about performance of the pilots? Like they were
20 ever scared as a result, and they wanted to complain to you about
21 it.

22 A. That has --

23 Q. Is that what you're --

24 A. -- never happened.

25 Q. Okay. And with your company, has there been an previous

1 incidents or accidents?

2 A. We've been in business since 1992, and we haven't even as
3 much as put a scratch on an airplane.

4 Q. Switching gears a little bit. My guess is everybody in the
5 room knows this, but I haven't heard. How do you do crew pairing?

6 A. That's done basically my, my dispatcher slash right-hand man,
7 he does the schedules. I go over the schedules with him.
8 Sometimes we've -- in the past we've had some personality
9 conflicts, and so I would, I would say, okay, let's not fly this
10 guy with this guy because they've had some personality conflicts.
11 Other than that, it's just guys will let us know what days off
12 they want. We're a small enough company that we try to
13 accommodate everybody of what days they want to fly, and what days
14 they want off. But other than that, it's just put together.
15 There's no set rule. I mean, whatever -- it's basically whoever
16 wants to fly that day, and who wants days off.

17 Q. So there's nothing there for like a high time captain should
18 be flying with a low time --

19 A. Oh, no, no, no, no. That -- any captain that is below --
20 since 1713 accident of Continental Airlines back in, way back on
21 the DC-9, we learned that we do not put -- don't ever put two
22 green people in the same cockpit, never. So I've always been very
23 strict with that. So if it's a new captain, I always pair them up
24 for the first 100 hours with somebody who is -- with a first
25 officer who is very experienced, and vice-versa, vice-versa.

1 Q. And these two guys flying together, did you consider them
2 high time air experienced?

3 A. Yes. Yes, they've been -- yeah, definitely.

4 Q. And how about the crew schedules? Do they work like nine on,
5 seven off or how do they do that?

6 A. Well, normally, we would go with -- we'd go with eight on,
7 six off. But if guys want to pick up extra time, we'll let them
8 do that. If they say, yeah, I'd like to work 20 -- 20 days this
9 month's instead of 15, then we'll accommodate that for them. But
10 it's well within flight duty time regulations.

11 Q. Sure. Sure. And are they hourly employees? Are they
12 salary? How does that work with your company?

13 A. Most of them are all employees. We treat everybody as an
14 employee, some -- but some pilots wanted to get paid through their
15 LLCs as opposed to be -- having everything taken out of their
16 paycheck. So we accommodate some of the pilots that way. But
17 they're still on our Workers' Comp, and they're still treated as
18 an employee.

19 Q. So do they get paid by the hours they fly in the jet or is --

20 A. They get paid by the day, the duty, the duty period.

21 Q. Get paid by duty period. Okay. And switching gears again,
22 is Gillespie Field a challenging place? Do you guys find that
23 there are times when the weather is just -- you can't get your
24 airplanes in there?

25 A. Yes. That happens very often in the wintertime. And so we

1 have Lindbergh is our alternate.

2 Q. And with Lindbergh as your alternate, do you all have any
3 company standard weather minimums for Gillespie that you'll just
4 say it's below this, we're not going in, or attempting to get
5 there?

6 A. Yeah. Like I explained before, if it's at night, it has to
7 be VFR. During the day, they can, they can shoot it at the
8 published minimums for Class C.

9 Q. Category C?

10 A. Yeah, or category. I'm sorry.

11 Q. And when you say it has to be VFR at night, is it your
12 perspective that it's just a thousand over and clear clouds?

13 A. No. It has to be above 1,000 and 3. Actually, it has --

14 Q. 1,000 and 3.

15 A. -- to be higher than that because of the minimum coming in.

16 Q. Got you. All right. Next question for you, and this is,
17 this is for an old airline captain question. So you mentioned you
18 bring in a lot of airline pilots to your company. Are there any
19 specific challenges for you as you bring in retired airline pilots
20 to your type of operation?

21 A. I haven't noted any, no. The only thing I noted is sometime
22 on the -- on 135, 267, sometimes that they mix up their contract
23 way of doing things with the FARs. There was -- there's always
24 that discussion going on.

25 Q. So coming from a triple seven to a Lear 35 is not a difficult

1 transition for these guys, I guess?

2 A. I haven't -- no, not at all.

3 MR. GERLACH: All right. Let's see if I have any other
4 questions for you here. I think I'll pass the microphone off.
5 Warren, back to you, and I'll come up with some more good
6 questions for you guys. Richard, thank you so much.

7 MR. ABRAMS: Dave, I got -- before you go. You've flown in
8 here to Gillespie, haven't you?

9 MR. GERLACH: I have, yeah.

10 MR. ABRAMS: In what capacity were you flying into here?

11 MR. GERLACH: So I flew in, I flew freighters in there, and
12 then I flew corporate jets in there. Primarily 135 on-demand
13 corporate aircraft.

14 MR. ABRAMS: Okay. So you're uniquely familiar with the
15 challenges. Very good.

16 MR. GERLACH: Absolutely.

17 MR. ABRAMS: Thank you, Dave.

18 BY MR. ABRAMS:

19 Q. Dick, I just have 1, 2, little 5 stars here. And let me --
20 how many line check airmen do you have?

21 A. It was just me. But right now we have none, but we have two
22 of them getting check test (indiscernible).

23 Q. Okay. And does that have to go with the FAA?

24 A. Yes. They're scheduled to go on this next month.

25 Q. Okay. I realize some of your airplanes you didn't buy brand

1 new. They've got a little age on them. Do any of your Learjets
2 have auto throttles?

3 A. No. Are you kidding?

4 Q. Were you a line check airman at Continental?

5 A. No, I was not. I was offered it, but I refused it because I
6 didn't have the time.

7 Q. Okay. Dave brought up how you guys are paid. Can they get
8 extra money flying over the holidays, or is it just straight pay
9 rates?

10 A. Straight pay.

11 Q. Straight pay. I have just gotten here, as you know, Dick,
12 and haven't been here during the entire investigation. This is a
13 -- I believe I'm correct that you put out an edict that the first
14 officers can no longer do a circling approach; is that a true
15 statement?

16 A. That, I put that out the next morning.

17 Q. Okay. And was the copilot flying the approach the day of the
18 accident?

19 A. Well, to my understanding, I think he was because our
20 procedure was that the person handling the radio was the pilot not
21 flying. So I -- the pilot not flying voice was the captain.

22 Q. Okay.

23 A. So I come to the conclusion, yes, that the first officer was
24 probably flying the airplane.

25 Q. Are the first officers type rated?

1 A. Some of them are; some of them aren't.

2 Q. And what's the criteria for type rating second in command or
3 first officers? Why do some of them get type ratings, and some of
4 them don't?

5 A. Well, I -- the -- some of the first officers that I've hired,
6 the last first officer I hired was an intern over at Learjet at
7 FlightSafety in Learjets. So he was -- had many, many hours of
8 simulator time sitting there giving check rides as an intern. And
9 FlightSafety gave him a type rating, and so he had a type rating
10 when he came to me.

11 Q. Okay.

12 A. When I hired Emmy, she already had had a type rating in the
13 4575.

14 Q. Okay.

15 A. So those were unique. But I've hired two people out of the
16 FlightSafety intern program.

17 MR. ABRAMS: Okay. Thank you. That's all I have, Dick.
18 Thank you very much.

19 MR. JONES: Okay.

20 BY MR. NIXON: Just a few more. We, you know, we previously
21 discussed some things. So I forget the whole group doesn't know
22 like the radio call thing and --

23 A. Right.

24 Q. But that being said, for the group's knowledge and document,
25 once again the -- could you tell us -- they flew the primary

1 approach you use to come in at night. What's an alternate
2 approach to come in? Do you have one here at the field? You
3 talked about the localizer a bit.

4 A. You mean as far as the -- are you talking about the VFR
5 approach or the IFR approach?

6 Q. The IFR at night.

7 A. There's only two --

8 Q. Yeah.

9 A. -- that can come in. The localizer --

10 Q. Yeah. That's --

11 (Crosstalk)

12 Q. -- the alternate approach to come in?

13 A. That would be the other one.

14 Q. Okay.

15 A. The only other one --

16 Q. Just want to point it out to the rest of the group that --

17 A. Right.

18 Q. -- would be alternate. We talked about it. And then, also,
19 make sure I understand it correctly. 27 right is your primary,
20 and that's the only runway you authorize --

21 A. That's the only runway --

22 (Crosstalk)

23 Q. -- for the, for the Learjet?

24 A. -- that's the only one --

25 Q. Okay.

1 A. -- that's really --

2 (Crosstalk)

3 Q. Just want to make sure --

4 A. -- for us to land on.

5 Q. Yeah. Want to make sure we get that out there. Okay. So
6 that's the only -- that's it?

7 A. Yeah.

8 UNIDENTIFIED SPEAKER: That's all I got.

9 MR. ABRAMS: Thank you, Albert.

10 John, you're up again.

11 MR. BERGES: I don't have anything.

12 MR. ABRAMS: All right. Eli.

13 BY MR. TRABOULSI:

14 Q. The previous flight, what was its cruising altitude?

15 A. The flight coming down here?

16 Q. No. The one before that. The leg before this.

17 A. Oh, that was -- I'm sure it was very low because they just
18 came from Lake Havasu, which is only probably about 30-minute
19 flight. So I don't -- but I don't know the answer to that
20 question.

21 Q. Okay. Below 18,000 feet?

22 A. Definitely, probably was, yeah.

23 Q. Thank you.

24 A. But I don't know the answer.

25 MR. TRABOULSI: Okay.

1 MR. ABRAMS: Anything else, Eli?

2 MR. TRABOULSI: Nope. That's it. Thank you.

3 BY UNIDENTIFIED SPEAKER:

4 Q. One follow-up. Was the first officer, was he type rated in
5 the --

6 A. No, he was not.

7 Q. Okay. That's it. Thank you.

8 MR. ABRAMS: All right. Dave Gerlach, we're back to you,
9 sir.

10 MR. GERLACH: That was quick. Okay.

11 BY MR. GERLACH:

12 Q. I do have a couple more questions for you. Do you have
13 instructor pilots, and do you specifically teach the pilots the
14 specific procedure to shoot that approach, and enter the pattern
15 for the downwind, and circle back in to land? Is that something
16 that your company goes over with each and every captain and FO?

17 A. Not on that particular approach. At FlightSafety we do
18 circle the lands every six months. For the captains every year;
19 for the first officers under the, under that program. We have
20 implemented or we're talking of implementing all 299 rides are
21 done -- we're going to do that, circle the land approach on all
22 299 rides from this point on. And then, hopefully, like I was
23 talking earlier, they have an approach, a straight-in approach on
24 Runway 9, but it's only for Category A and B. We're going to try
25 and see if we can get that up to a Category C, and that would

1 solve all this, all this circling to land would end, and we would
2 all be just straight in from that point at night.

3 Q. That sounds like a great plan.

4 A. Yeah. But that's up to -- obviously, that's up to the guys
5 who are doing the -- making the approaches. So --

6 Q. Sure, sure. How often do you think the crews have to perform
7 this, I'll call it a maneuver, but canceling and --

8 A. In the wintertime it happens a lot because of the fact that
9 it's dark a lot earlier. So I would say it happens, I would say
10 it happens two or three times a week.

11 Q. Do you all when you're flying in and out there a lot, do you
12 get used to the landmarks? Like there's a Target there. It's lit
13 up. Parking lot is lit up. The store is lit up. You cross the
14 highway, and that gets you in to about where you need to be for
15 the base turn. Or is it strictly that looks about right kind of
16 I'm at a particular altitude, I'm (indiscernible) the numbers,
17 that kind of stuff?

18 A. Well, I can --

19 Q. Is there --

20 A. -- only talk personally, but I always personally did it in
21 reference to the runway.

22 Q. Okay. But nothing specific as far as --

23 A. No. We don't have points out there to cross, if that's what
24 you're asking.

25 Q. Yeah. From a senior pilot to the junior guys coming up, I

1 didn't know whether or not you guys convey your experiences and
2 history. These are the things to watch for. Here's the mountains
3 coming up over here. You need to get your turn. You need to get
4 this far away from the airport, if you're at 150 knots, that kind
5 of stuff.

6 A. Yeah. Well, if you will note the -- and there's a little
7 similarity here, but we discussed in my recurrent training and
8 other discussions outside of recurrent training the Teterboro
9 accident.

10 Q. Right.

11 A. There was a lot of discussion with all these -- with all my
12 pilots on that Teterboro accident. So --

13 Q. That's a good one.

14 A. -- that, I mean, I must have spent hours talking about that
15 accident with my guys. So I mean, but that's, that didn't stop
16 this from happening, but it should have, but it didn't.

17 Q. Got you. Any thoughts on the airfield lighting? How about
18 the runway lights. Did the crew mention, you know, can you turn
19 up the lights? Is that -- do you think that's an issue there?

20 A. Personally, I don't think it is, but I'm not looking through
21 his eyes at this point in time. It could have been. There's a
22 lot of lights out there at night. So he could have, he could have
23 wanted to make sure that what he was looking at is what he was
24 looking at, I would assume. But that's all conjecture at this
25 point. I don't know what's going through his mind.

1 Q. Sure. Sure. I was just wondering from your experience --

2 A. No.

3 Q. I know from mine it is a, it is a bright area. And,
4 certainly, if it's overcast --

5 A. Yeah. But I never, as many times as I've shot this approach,
6 which is an extremely high number of times, the circling approach
7 at night, day, mostly at night, it was never an issue.

8 Q. Got you. Okay.

9 A. That's personally.

10 Q. How about the PAPIs?

11 A. I'm sorry?

12 Q. How about the PAPIs?

13 A. The?

14 Q. The PAPIs, the approach --

15 A. No. Well, the -- yeah, no, the PAPIs you can see those very
16 well.

17 Q. See them pretty good --

18 A. Yes.

19 Q. -- on base or is it just once you get squared up and lined up
20 on final you can see them?

21 A. No. You can pick them up on base.

22 MR. GERLACH: Okay, Warren, those are all the questions that
23 I have for you. Thank you.

24 MR. ABRAMS: Thank you, Dave.

25 For the room, any other questions for Dick before we cut him

1 loose?

2 UNIDENTIFIED SPEAKER: Just a couple on my end.

3 MR. ABRAMS: Yes.

4 BY UNIDENTIFIED SPEAKER:

5 Q. Dick, that type of approach, when would the gear be selected
6 down, if you were flying that approach?

7 A. The gear would be selected -- it's based on the autopilot
8 until you were -- be in the point of intended landing. And then
9 the procedures are -- and you're about 140 to 145 knots, and then
10 once you put the gear down, you slow down the target speed, and
11 make your turn.

12 Q. Okay. Flaps would be when?

13 A. At 20 degrees at that point.

14 Q. Okay. At what point would you select full flaps?

15 A. Probably right after the gear is down. It depends on whether
16 if you're a little high or a little low at that point. So that
17 would be a judgment.

18 Q. You've flown that approach. What warnings would you normally
19 get that you would either cancel out with TAWS or anything? Like,
20 at what point in that approach are you -- what are you hearing in
21 the cockpit as you're coming in on the approach?

22 A. You will get the EPWS TAWS warning.

23 Q. Okay.

24 A. Because you're heading right for Rattlesnake.

25 Q. Right. When you hear that warning, what do you normally do

1 or what is the --

2 A. I just, I deselect it.

3 Q. Okay. And then the warnings for the rest of the duration are
4 silent --

5 A. They are because you're in VFR, and you've got the runway in
6 sight. So it's really not a -- it's not an issue at that point.

7 UNIDENTIFIED SPEAKER: Okay. Thank you.

8 MR. ABRAMS: Dick, I want to thank you for your time today.
9 You've been very informative. We've all learned a lot, and we
10 want to thank you for your time. And, again, we all send our
11 condolences to you and your company for the tragedy that has taken
12 place this week. So --

13 MR. JONES: Thank you, Warren.

14 MR. GERLACH: Hey, Warren, can I --

15 MR. ABRAMS: Yes.

16 MR. GERLACH: Can I sneak in one last question.

17 MR. ABRAMS: Okay.

18 BY MR. GERLACH:

19 Q. I'm curious. Have you ever had the tower say to you, you
20 know, check altitude on any of your approaches? Any comments like
21 that from the tower?

22 A. Sometimes if you -- way out there in the localizer --
23 sometimes if you just get a smidget low because of the terrain out
24 there, you'll get a, you'll get a -- approach control will say
25 something. As far as the tower is concerned, I've never heard

1 that.

2 Q. Yeah. Okay. That's what I was curious.

3 MR. GERLACH: And, Warren, sorry to interrupt the end here,
4 but my condolences to you all again as well. So --

5 MR. JONES: All right. Thank you.

6 MR. GERLACH: -- thank you very much.

7 MR. ABRAMS: Gentlemen, I'm going to stop the recording.
8 Thank you very much.

9 (Whereupon, the interview was concluded.)

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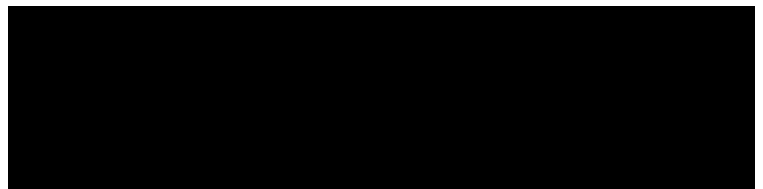
IN THE MATTER OF: LEARJET 35A, N880Z FATALITY
 IN EL CAJON, CALIFORNIA
 ON DECEMBER 27, 2021
 Interview of Richard (Dick) John Jones

ACCIDENT NO.: WPR22FA068

PLACE: El Cajon, California

DATE: December 30, 2021

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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LEARJET 35A, N880Z FATALITY *

IN EL CAJON, CALIFORNIA *

Accident No.: WPR22FA068

ON DECEMBER 27, 2021 *

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Interview of: ED PERRY, Chief Pilot
Aeromedevac, Inc.

El Cajon, California

Friday,
December 31, 2021

APPEARANCES:

WARREN ABRAMS, Operations Group Chairman
National Transportation Safety Board

ELEAZAR NEPOMUCENO, Investigator
National Transportation Safety Board

JOSHUA CAWTHRA, Investigator-in-Charge
National Transportation Safety Board

DAVE GERLACH, Air Safety Investigator, AVP-100
Office of Accident Investigation
Federal Aviation Administration
(Appearing telephonically)

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I N T E R V I E W

MR. ABRAMS: Ed, we're recording now. I'm going to repeat a lot of what I just said. We're here today with Ed Perry, and he is the Chief Pilot for Aeromedevac Air Ambulance, and we're going to be talking to him about an accident that occurred earlier this week.

I'm Warren Abrams, the Ops Group Chairman with the -- for this investigation, with the NTSB. We have --

MR. PERRY: Josh Cawthra, Investigator-in-Charge, NTSB.

MR. ABRAMS: And we have --

MR. NEPOMUCENO: Eleazar Nepomuceno, NTSB.

MR. ABRAMS: Very good.

And on the phone, Dave, if you'll introduce yourself, please.

MR. GERLACH: Sure, Warren. I didn't know who else we had on the phone. This is David Gerlach. I work in the Office of Accident Investigation for the FAA. I am a senior investigator.

MR. ABRAMS: Thank you, Dave. Appreciate that.

MR. PERRY: Do you want me to identify myself?

MR. ABRAMS: Huh?

MR. PERRY: Do you want me to identify myself?

MR. ABRAMS: Certainly, please.

MR. PERRY: Ed Perry, Chief Pilot, Aeromedevac, Incorporated.

MR. ABRAMS: Ed, you're allowed to have counsel in here, if you would so desire.

MR. PERRY: Okay. I think I'm good. If it gets out of

1 control or I feel like I need it, I'll stop it.

2 MR. ABRAMS: Okay. That's fine.

3 MR. PERRY: But I don't anticipate it.

4 MR. ABRAMS: All right. That's fine. Well, we'll start it
5 off then. I'll lead it off then.

6 INTERVIEW OF ED PERRY

7 BY MR. ABRAMS:

8 Q. Ed, as the Chief Pilot, when did you get this job at
9 Aeromedevac as the Chief Pilot?

10 A. October, the middle of October of this year.

11 Q. Okay.

12 A. So about two and a half months ago.

13 Q. And were you previously employed -- were you a pilot for
14 Aeromedevac prior to being the Chief Pilot?

15 A. No.

16 Q. And what were you doing prior to that?

17 A. I was a charter pilot for different companies.

18 Q. What were you flying for different companies?

19 A. CJs, 525 Series, Eclipse Jet, and Conquest 441.

20 Q. Okay. Are you now rated in the Learjet?

21 A. I have a type rating on Learjet, yes.

22 Q. And all endorsements? In other words, 35, 36, 31, 75?

23 A. So I have the 31A, the 35, and the 55 included in the Learjet
24 type rating.

25 Q. All right. Excellent. Bring me up to speed. When did you

1 start flying?

2 A. When I was 14. Civil Air Patrol.

3 Q. And what city was that?

4 A. Oakland, California, Cable Air Corp.

5 Q. And how old were you when you got your pilot's license?

6 A. 17.

7 Q. You soloed at what age?

8 A. 16-ish, somewhere around there.

9 Q. Yeah. So been flying all your life. What did you -- fill me
10 in on your other flying activities. Give me the *Reader's Digest*
11 version from the time you got your private pilot's license.

12 A. No military. No flight instructor. All general aviation. I
13 flew Civil Air Patrol for awhile. After that, built an airplane,
14 started flying that. And then decided that -- I was an air
15 traffic controller for 30 years. Decided that I wanted to get
16 into flying after I retired. So I started getting my licenses,
17 and moving up along the list of things. So --

18 Q. What kind of airplanes you built?

19 A. Van's RV-8.

20 Q. Do you still have it?

21 A. No. I got rid of it, and bought a boat. Yeah, I know. I
22 laugh too now that I think about it.

23 Q. Very good. Very good. Well, tell me about, tell me about
24 your job description here at Aeromedevac.

25 A. Well, as chief pilot, I'm responsible for the pilots,

1 obviously, their scheduling, and their training, and as far as
2 everything else goes, pretty much everything to do with flight,
3 including maintenance, and things with the aircraft, overseeing.

4 Q. Do you find it -- what's your most challenging aspect of the
5 job so far?

6 A. Well, just getting to know everybody right now since I'm new
7 with the company, and getting to know the company procedures. So
8 right now I'm focusing on getting to know the aircraft and the
9 employees, and that's what I've been doing.

10 Q. Prior to the accident, how many Lears did you have?

11 A. How many Learjets in the --

12 Q. Yes.

13 A. -- company?

14 Q. Yes.

15 A. Seven, I think, and we just acquired another one.

16 Q. And are all those medevac airplanes?

17 A. I'm not sure I understand your question. Are they fitted for
18 medevac --

19 Q. Yes.

20 A. -- or we use them for medevac? Yes.

21 Q. Fitted for medevac.

22 A. Yes.

23 Q. Okay. So you can put the stretcher in all of them?

24 A. We have two that I know of that are seats only with seats in
25 them, no beds. So --

1 Q. And what are those, the seats only, what are those used for?

2 A. Flying for organ donations, and things like that, and moving
3 doctors from one place to another for harvesting organs.

4 Q. Have you looked at the training records after the accident of
5 the pilots?

6 A. I have not. I haven't. The books weren't available.

7 Q. All right. Type rating. Are all your copilots type rated?

8 A. Everybody that I know of that flies for us has either an SIC
9 or a PIC type rating in the Learjet. They've all been to school.

10 Q. All right. How many pilots do you have currently?

11 A. Right now probably close to 20.

12 Q. With those close to 20 pilots, how is the scheduling working
13 out?

14 A. So we have a dispatcher that handles the scheduling, and we
15 -- what do you mean? Let's --

16 Q. There's probably some guys that don't like their schedule,
17 and they, when it comes out -- well, let me back up, and I'll say
18 it this way. How many days on and days off do they work a month
19 approximately?

20 A. It's up to them. What we ask is eight days a month, and we
21 try to figure that in with our scheduling. So if they want to
22 work more than that, they can. But what we -- my understanding
23 is, is what we have is an eight-day schedule. And if you need
24 days off other than that, you request them.

25 Q. Okay. Do you get many requests for additional days off?

1 A. I don't handle that portion of it. That goes through the
2 dispatcher who does the scheduling and stuff. I can see the
3 schedule or look at the schedule after it comes out.

4 Q. How many dispatchers are there?

5 A. Let's see. Are you talking about -- well, I'll just give you
6 your straight answer, five or six that I know of.

7 Q. How does the crew get alerted to the fact there's a flight?

8 A. We get a call-up two hours before the flight, and then we get
9 an e-mail follow-up with the information on it.

10 Q. And from that e-mail, who gets the information, and puts the
11 package -- I'll call them package. Who puts it all together? Who
12 assembles the crew, the nurses? Who does all that stuff?

13 A. The dispatcher on duty does that.

14 Q. All right. Is there a dispatch office on the grounds here?

15 A. We have a daily office that is occupied, I believe, from
16 6:30 in the morning 'till 3 in the afternoon. After that, it does
17 to an on-duty dispatcher, and the dispatchers are located
18 throughout wherever.

19 Q. Yeah. Are they at home basically?

20 A. At home. Correct.

21 Q. Yes. The on-duty after hours?

22 A. Correct.

23 Q. Yeah. Okay.

24 A. As far as I know. I don't handle the dispatchers.

25 Q. Is there a call-out time window for the pilots? Do they have

1 to be here within X number of hours or --

2 A. We say two hours.

3 Q. Two hours. Anybody kind of pushed the limits on that yet?

4 A. I'm not sure what you mean.

5 Q. Made it in 2 hours and 15 minutes versus 2 hours.

6 A. Well, so in my experience, no.

7 Q. Okay. Good. Good. Good luck with that.

8 A. Well, yeah.

9 Q. Yeah. How does the pilot get the flight plan? We're going
10 from Point A to Point B. How does the pilot get that actual
11 information? Does it come through an iPad? Is it a piece of
12 paper the flight plan that's filed already?

13 A. Are you asking how he does his flight planning?

14 Q. No. How he receives that information. Is there a dispatch
15 office he goes to, and picks up paperwork?

16 A. No. It's all done personally, or each captain does their
17 own.

18 Q. They flight plan their own?

19 A. Correct. The captains are responsible.

20 Q. For figuring out Point A to Point B?

21 A. Correct.

22 Q. Okay. So the dispatcher doesn't --

23 A. The dispatcher only gives us where we're departing from, and
24 what our destination is.

25 Q. Is the captain responsible for his own fuel load?

1 A. Yes.

2 Q. Is there a fuel policy? When I mean a fuel policy, some guys
3 might like to tanker more gas than other guys fly around with.

4 I'm just not sure that you have a policy on that. Is there a fuel
5 --

6 A. Not that I know of.

7 MR. ABRAMS: Okay. Excuse me just a second. This is Dave
8 Gerlach from the FAA, I think.

9 Dave, you still there?

10 MR. GERLACH: I'm still with you, Warren.

11 MR. ABRAMS: Okay. Thank you. The phone kept -- popped up
12 with your name on it. So I didn't know if you were still there or
13 not.

14 MR. GERLACH: Thanks for checking.

15 MR. ABRAMS: All right. Thank you.

16 BY MR. ABRAMS:

17 Q. So there's not a policy -- there's not a fuel policy? In
18 other words against tankering fuel.

19 A. No.

20 Q. So you just buy it on the -- fuel on the general market, and
21 go from there?

22 A. You take as much as you need for your reserves and
23 everything, yeah.

24 Q. Okay. Have you flown -- had the ability to be on the jump
25 seat or been onboard an aircraft that has flown the RNAV approach,

1 and cancelled, and then circled 27 right?

2 A. Ask me that question one more time.

3 Q. Have you been on the jump seat or in a control seat on one of
4 the Learjets that has flown the RNAV approach to Runway 13 --

5 A. 17?

6 Q. 17. I'm sorry.

7 A. That's okay.

8 Q. Thank you. 17. Cancelled your clearance, and then circled
9 VFR to Runway 27 right?

10 A. Yes.

11 Q. How did you find that approach? What are your observations
12 of that approach?

13 A. It's pretty straightforward. I didn't see anything tricky
14 about it at all.

15 Q. Okay. Did the EG -- did the GPWS go off?

16 A. No.

17 Q. Okay.

18 A. Okay. So I'm going to stick with no.

19 Q. Okay.

20 A. So the reason why I say that is, is because when we circle
21 around those hills over there, I can't remember which airplane it
22 happened, but I have gotten the EPGWS warnings, but that's
23 something that -- for -- visual, you know, where I'm navigating
24 through those hills. So I'm not sure if it was that flight or
25 not, if that's what you're asking.

1 Q. Yes. Do you have a policy about EGPWS or GPWS going off, and
2 how the pilots respond to it versus whether it's VFR or IFR?

3 A. I don't know that we have a policy about that specifically.
4 I know we're taught when we're at FlightSafety, and at
5 FlightSafety when we're in the clouds, we execute a maximum
6 performance climb.

7 Q. Right. Okay. Good. How well did you know the pilot, the
8 captain, the PIC? I believe his name, his first name was Doug.
9 How well did you know him or did you know him?

10 A. So I was really looking forward to flying with him that day
11 that I flew with him. The one day that I flew with him was, I
12 believe, the 23rd. And that was the only time that I ever had any
13 interaction with him.

14 Q. And Julian, the first officer.

15 A. Never. I met him in the hangar once in passing as he was
16 leaving for a flight.

17 Q. Okay.

18 A. And never flew with him.

19 MR. ABRAMS: All right. I'm going to pass the virtual mic to
20 Josh, and then I've got some follow-up questions on the second
21 round.

22 MR. PERRY: Okay.

23 MR. ABRAMS: Thank you.

24 Josh, the mic is yours.

25 MR. CAWTHRA: Thank you.

1 BY MR. CAWTHRA:

2 Q. With respect to flying the RNF17, and canceling, circling the
3 land to 27 right, of the times you've done that, have you done it
4 at night?

5 A. Yes. It was not an hour after sunset, but the lighting was
6 low. So I'm going to say the definition of night flying, no. But
7 was the light low? Yes.

8 Q. All right. So it wasn't dark night --

9 A. No.

10 Q. -- overcast?

11 A. No.

12 Q. Okay. Have you ever done it the same scenario in marginal
13 VFR weather?

14 A. I did that once, and that was that one night, and that's it.
15 So --

16 Q. In your time here at the company for, for operations of the
17 airplanes, is it common to fly the RNF-17 and cancel and circle,
18 then basically enter visual or visual down -- for 27 right?

19 A. If you're asking do we use it as a tool? I used it as a
20 tool that night. I don't know what everybody else does.

21 Q. Does the company have any procedures for going to alternate
22 airports?

23 A. Absolutely.

24 Q. Okay. In your experience here, if the captain or copilot
25 have any issues with coming into Gillespie, what is the standard

1 alternate down here?

2 A. San Diego Lindbergh.

3 MR. CAWTHRA: That's all my questions for now. Pass it to
4 Eleazar.

5 BY MR. NEPOMUCENO:

6 Q. Couple of questions. You were talking about five to six
7 dispatchers currently.

8 A. Correct.

9 Q. Who manages them, and their schedule, provides them their
10 training, I guess?

11 A. I'm thinking Jerry Del Rio does. He's our primary.

12 Q. He's the primary dispatcher?

13 A. As far as I know.

14 Q. Okay. And then going back to the RNF17, we asked another --
15 Dick, and he was commenting that when he comes onto 17, he kind of
16 veers west of the runway a little bit. So like in a wide turn.

17 A. Correct.

18 Q. Is that what you normally do, or how would you normally --

19 A. I wouldn't say that I normally do it since I've only done it
20 once.

21 Q. Okay.

22 A. What I would say is that I kept the airport in sight the
23 whole time, and I maneuvered to do the -- or to perform the
24 maneuver successfully.

25 Q. Okay.

1 A. So --

2 Q. In terms of safety culture, and safety recommendations that
3 you might see, and even the other pilots that might see, in
4 regards to the ones RNF17 to the circling, especially
5 (indiscernible) VFR conditions, are you aware of any concerns or
6 any recommendations or improvements that other pilots might have
7 had or concerns?

8 A. Only since this accident has occurred. And before that,
9 nobody has approached me about doing that maneuver specifically.

10 Q. Okay. In terms of just any safety improvements, concerns,
11 how is that brought up to you as the chief pilot?

12 A. Well, I encourage the pilots to speak to me directly, and I
13 tell them up front that whatever they say is non-punitive, and
14 that it's in the interest of making things better for everybody.

15 Q. Sure.

16 A. And that's the culture that I'm trying to present here to
17 these people.

18 Q. Do you feel like that was the culture prior to you stepping
19 in or is that something like you changed?

20 A. I wasn't here. So I really can't say. So --

21 Q. Okay. From, I guess, from your limited time, is that -- what
22 was your general feeling --

23 A. People are bringing --

24 Q. -- in regards to safety --

25 A. People are bringing me concerns.

1 Q. Okay.

2 A. Because they feel like they can talk to me, and that's all I
3 can say. Because I wasn't here before. I don't know --

4 Q. Sure.

5 A. -- what it was before.

6 Q. No. I totally understand. Any examples of those safety
7 improvements, concerns?

8 A. Only since this accident, and we were talking about circling
9 from one seven.

10 Q. And for you as your policy, how do you, how do you track
11 those types of recommendations and concerns, and how is that --

12 A. I have a notepad that I keep track of all that stuff on.

13 Q. Okay. Is that disseminated to the rest of the company?

14 A. So I'm -- no, not yet.

15 Q. Okay.

16 A. I'm not in a position, although I have the title of Chief
17 Pilot, where I'm making policy just yet.

18 Q. Sure.

19 A. I'm getting to know the organization before I come in, and do
20 whatever. So I'm formulating ideas on how to deal with things
21 that are coming up.

22 MR. NEPOMUCENO: Understood. That's all the questions I have
23 right now. Thank you.

24 MR. ABRAMS: Thank you.

25 Dave on the phone, it's up to you.

1 UNIDENTIFIED SPEAKERS: And Dave dropped.

2 Dave dropped.

3 So were you guys the ones that walked the scene and stuff?

4 It was.

5 MR. GERLACH: Warren.

6 MR. ABRAMS: Hey. You dropped off, Dave. I was getting
7 ready to pass you the mic, and you dropped off. So --

8 MR. GERLACH: I heard it, and started talking, and all of a
9 sudden I was gone.

10 MR. ABRAMS: So --

11 MR. GERLACH: So thank you very much.

12 MR. ABRAMS: Go right ahead.

13 MR. GERLACH: I hope you guys, you guys can hear me okay.

14 MR. ABRAMS: Yes. Loud and clear. Thank you.

15 MR. GERLACH: Okay.

16 BY MR. GERLACH:

17 Q. Ed, I just want to say first off sorry for your loss. I know
18 you guys are going through some difficult times.

19 A. Thank you.

20 Q. And we certainly understand. So thanks for being here in
21 really short notice to come talk to us. So first a couple, couple
22 questions for you. Can you walk me through kind of the big things
23 you would expect these pilots to do on their night RNAV approach?
24 You don't have to go through and tell me how you (indiscernible)
25 approach or anything like that, but walk me through kind of what

1 you would consider big milestones for the approach, and how you
2 would expect them to kind of pull into the pattern, communications
3 with tower, things you would expect them to say and do. And,
4 really, not in great detail, but just major milestones.

5 A. I don't know how to answer that. I understand --

6 Q. Okay.

7 A. -- your question, but I don't know how to respond to that.
8 I'm just --

9 Q. Okay.

10 A. I just don't know how to respond to that. I'm sorry.

11 Q. Okay. And you said you've flown this approach before?

12 A. Correct, once.

13 Q. One time. Okay. So do you have the approach plate with you
14 at all?

15 A. Right now, no.

16 Q. Okay. So, well, then let me press on. So are there any
17 limitations for pilots coming into Gillespie for your company at
18 night?

19 A. Any limitations for the pilots coming into Gillespie at
20 night?

21 Q. Yeah.

22 A. Are you talking about the restrictions on the plate or are
23 you talking about do we have restrictions saying they can't come
24 in here at night?

25 Q. So specifically does your company have any specific

1 limitations for flying a Lear 35 into Gillespie Field at night?

2 A. No.

3 Q. Your company.

4 A. Not to my knowledge, no.

5 Q. Okay. And so any limitations would be that identified on the
6 approach plate?

7 A. Correct.

8 Q. And any alternate minimums then would be whatever is
9 published; is that correct?

10 A. If I understand your statement, yes, there is no company
11 policy for what you're talking about.

12 Q. Okay.

13 A. Or what your question addresses.

14 Q. So my understanding is you -- the company frequently uses the
15 RNAV Runway 17 approach, and then cancels IFR clearance, and
16 enters the pattern VFR; is that correct?

17 A. I don't know that I would use the word frequently. I know
18 that I've done it once, and I know that others have talked about
19 doing it, and using that as a tool to get back in, yes.

20 Q. Okay. What altitude would you expect the pilots to enter the
21 VFR traffic pattern at?

22 A. Between probably 1600 and 2,000 feet.

23 Q. Okay. And if they arrived at the MDA for the approach, the
24 MDA would that be an acceptable altitude to enter the traffic
25 pattern?

1 A. I'd have to look at the approach plate.

2 Q. Okay. When you're in the pattern there, and can I assume
3 that you've flown VFR traffic pattern at that airport?

4 A. I have.

5 Q. During the day, do you all use any specific landmarks for
6 landing on 27 or 1 -- or excuse me, 9?

7 A. Are you talking about as a company, or are you talking about
8 when I fly?

9 Q. Okay, both.

10 A. As a company, I'm not aware of any specific landmarks that we
11 use. When I fly, I use the hills that are off the end of Runway
12 27 right as landmarks.

13 Q. Okay.

14 A. Because those are the obstructions.

15 Q. And in what way do you use those?

16 A. I make sure I have them in sight.

17 Q. Okay. You turn before the hills, after the hills, inside the
18 hills, outside the hills?

19 A. My personal policy is to go outside of the hills to be on a
20 stabilized approach, assuring that I have both of the hills in
21 sight.

22 Q. Okay. And have you flown in there at night?

23 A. Have I flown into Gillespie at night?

24 Q. Correct.

25 A. We talked about that earlier. Oh, I think you're off.

1 Before actual night, but in low light level conditions, and also
2 on a private flying in here at night, yes.

3 Q. Okay. Any challenges with lighting at the airfield lighting,
4 not lightning?

5 A. I don't remember having problems seeing the airport lighting.

6 Q. Okay. And PAPIs guidance?

7 A. PAPIs, when they're working, they're working, you know. I
8 haven't had a problem seeing those, no.

9 Q. Okay. Great. Talking about the crew schedule earlier. What
10 was their schedule for the week? Do you know?

11 A. I don't know offhand. I did review it when this happened,
12 and I believe that PIC Doug was just starting his rotation, and
13 I'm not sure if that was a, a five-day or an eight-day rotation.
14 I believe it was five. And Jorge, I'm not sure what his schedule
15 was.

16 Q. And --

17 A. Go ahead.

18 Q. And would the crew stick together for that rotation?

19 A. They swap, depending on who is available for what days, but
20 for the most part they try to pair the crews, as far as I know.

21 Q. Is it usually out and back to Gillespie?

22 A. It depends on which mission they're doing. This plan I'm not
23 sure because it's new to me, but I think this plane was destined
24 for Houston. So I'm not sure that going to -- or to and from
25 Gillespie would be fair to say because this airplane, I believe,

1 is usually on the road, meaning traveling.

2 Q. Okay. And what's a -- what was the duty day for these
3 pilots? When did they start their day?

4 A. I don't know that specifically at this time.

5 MR. GERLACH: Okay. Warren, that's all the questions I have
6 at the moment.

7 MR. ABRAMS: Thank you, Dave.

8 MR. GERLACH: I'll turn it back over to you.

9 MR. ABRAMS: Thank you.

10 MR. GERLACH: Sure.

11 BY MR. ABRAMS:

12 Q. Ed, I've got a few questions. My understanding is there is
13 not an SMS program. Are you familiar with an SMS program?

14 A. No.

15 Q. Okay. Safety Management System program.

16 A. Is that the one that gives the accountable numbers for -- it
17 gives numbers for risk management or something? No. Okay. Okay.
18 Go ahead.

19 Q. In your big picture, your what you want to accomplish here,
20 you probably have some goals that you say, yeah, I'd like to do
21 this, this and this, are any safety programs out there in your big
22 picture, or you think you might want to look at for the future?

23 A. I would like to get something, obviously, safety culture
24 involved here. I, specifically, I haven't looked at those, but
25 there's a lot of options. That's why -- well, go on.

1 Q. No. Go right ahead.

2 A. No. You first.

3 Q. I'm sorry to interrupt you.

4 A. That's all right.

5 Q. When the -- how were you informed of the accident that
6 happened the other night?

7 A. One of my pilots called, and said they would be coming home
8 to assist, and I said, to assist for what? And he advised me that
9 there was an aircraft that had gone down.

10 Q. Once you realized that it was your airplane, what did you do?

11 A. I called the Director of Operations to find out what I could
12 do to assist.

13 Q. Okay. And did you stay home? Did you come here to the
14 airport?

15 A. I stayed home at their direction.

16 Q. Okay.

17 A. There was enough going on here they said.

18 Q. All right. You said you had -- you flew with Doug just that
19 one time.

20 A. Correct.

21 Q. What were your impressions of Doug?

22 A. Honestly, he was very professional. We went over our
23 checklist, and we discussed each leg of our flight before we flew
24 it, and the problems that we might have. And then when we were in
25 the air it was interesting because he was interviewing me as I was

1 interviewing him, and I thought that was very engaging that he was
2 curious about my background as I was curious about his. So --

3 Q. Did his background reveal anything to you that kind of got
4 your attention?

5 A. Not really. Just that by the way he was doing things he just
6 seemed professional, and I'm not just saying that, but he did make
7 that impression. So --

8 MR. ABRAMS: Okay. Good. Thank you. That's all the
9 questions I have.

10 Josh.

11 BY MR. CAWTHRA:

12 Q. Regarding flying with Doug, you say he was professional in
13 the airplane. How was his, I guess, handling of the airplane?
14 How did he fly it?

15 A. He didn't fly the airplane. He wanted me to fly the
16 airplane. So I flew the airplane.

17 Q. Okay.

18 A. And I thought that was fair. So --

19 Q. All right.

20 A. -- like I said, he was interviewing me.

21 Q. Okay.

22 A. Want to know how I flew?

23 Q. If it's anything like me, probably (indiscernible).

24 A. No.

25 Q. Let's see. I had a question. I lost it.

1 Eleazar.

2 BY MR. NEPOMUCENO:

3 Q. I have one.

4 A. Okay.

5 Q. That approach that you came in where you cancel IFR, and then
6 circling, that was with Doug, correct?

7 A. Doug, correct.

8 Q. And you were on controls?

9 A. Correct.

10 Q. Do you recall what he instructed you with that since that was
11 your first time --

12 A. He didn't instruct me. I --

13 (Simultaneous comments.)

14 Q. -- he didn't say anything like give you like suggestions,
15 like, this, that as you're circling? Anything --

16 A. No.

17 Q. -- from him?

18 A. So, yeah.

19 Q. Just straightforward?

20 A. Yeah. I briefed the approach to him. I told him what I was
21 going to do. I asked him if he had any questions or any comments?
22 He said no. And then we continued.

23 Q. Speaking about briefing, what did you brief him on --
24 anything out of the ordinary? Just --

25 A. Just that if we didn't get the airport in sight, we were

1 going to, directly to Lindbergh, and that was it. We both agreed
2 on that.

3 MR. NEPOMUCENO: Perfect. Thank you. That's all I have.

4 MR. PERRY: Okay.

5 MR. ABRAMS: Dave, back to you real quick.

6 BY MR. GERLACH:

7 Q. Okay. So a couple more questions. I think I heard you say
8 that you were a FAA controller for a little while.

9 A. Correct.

10 Q. For 30 years; is that --

11 A. Correct.

12 Q. -- what I heard?

13 A. Yeah.

14 Q. Where were you a controller?

15 A. Oakland Center for nine years, and then I was at SoCal TRACON
16 for the remainder.

17 Q. Okay. Were you ever involved in any investigations, FAA
18 investigations regarding accidents?

19 A. No investigations that required my participation, but I did
20 lose aircraft while I was working.

21 Q. Got you. So did you, did you participate in an SRT?

22 A. I did not, but that was one of the things that I really
23 wanted to get involved in. So --

24 Q. Got you. Okay. And how about your personally? Have you
25 ever been involved in an accident or incident?

1 A. Accident or an incident?

2 Q. Great.

3 A. I'm going to say no. So --

4 Q. Did I hear you say no to both?

5 A. No accidents, and I'm going to say no incidents.

6 Q. Okay.

7 A. Well, I've returned to an airport because I thought it was
8 unsafe or the airplane was unsafe, but there was nothing that
9 happened. So --

10 Q. Okay. Got --

11 A. -- that's why I was --

12 (Simultaneous comments.)

13 Q. That's perfect. So as a controller, if I can take you back
14 to that position --

15 A. Dave, before you go on, I retired in 2014. So it's hazy.
16 But go on.

17 Q. That's okay. Well, would you expect the controllers to have
18 done anything different from what you've heard at this point --

19 A. I haven't heard --

20 Q. -- conversations?

21 (Simultaneous comments.)

22 A. I haven't heard the conversation on the pilot's side or the
23 controller's side.

24 Q. You haven't. Okay. Well, that, that answers that question.

25 MR. GERLACH: So I think those are all the questions I have

1 at this point.

2 MR. ABRAMS: All right. Thank you, Dave.

3 Any other questions, gentlemen?

4 UNIDENTIFIED SPEAKER: I got one last one.

5 BY UNIDENTIFIED SPEAKER:

6 Q. It's do you know of any company recourse actions for not
7 getting the airplane back to the home base?

8 A. There is nothing like that.

9 Q. Do you recall the night of the accident do you know if there
10 was any sense of urgency to get the airplane back here?

11 A. Not that I was aware of. I wasn't involved in that flight at
12 all. So -- but there has never been any pressure from me to get
13 an airplane back, and nobody has ever said, oh, we have to get
14 back to Gillespie.

15 Q. Okay.

16 A. So, and we do know that Lindbergh is our alternate. So --

17 UNIDENTIFIED SPEAKER: That's all I have.

18 MR. ABRAMS: Ed, thank you so much for your time. Thank you.
19 And as Dave said earlier, we're all very sorry, and we send our
20 best to you and your company for the loss of employees and loved
21 ones and family and friends and colleagues. So the best of --

22 MR. PERRY: Appreciate that.

23 MR. ABRAMS: -- the best of the New Year with you for you,
24 and we thank you for your time.

25 MR. PERRY: Thank you.

1 MR. ABRAMS: The recordings will be stopped at this time.
2 (Whereupon, the interview was concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

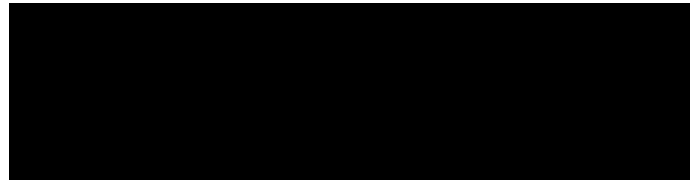
IN THE MATTER OF: LEARJET 35A, N880Z FATALITY
 IN EL CAJON, CALIFORNIA
 ON DECEMBER 27, 2021
 Interview of Ed Perry

ACCIDENT NO.: WPR22FA068

PLACE: El Cajon, California

DATE: December 31, 2021

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Transcriber