

From: [Petrofes, Michael J \(FAA\)](#)
To: [Wensel, John \(FAA\)](#)
Cc: [Bell, Tamara L \(FAA\)](#); [Malarsie, James L \(FAA\)](#); [Jones, David A \(FAA\)](#); [Swick Andrew](#)
Subject: Findings regarding the unregistered ultralight accident
Date: Thursday, April 6, 2023 12:45:43 PM

[CAUTION] This email originated from outside of the organization. Do not click any links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

In the course of the 4/1 accident investigation, I determined that there were several violations involved. I created a Compliance Action/Other (1752) as a part of the accident task and will be adding the following to the activity. There will be no effort to press the issue any further.

Thank you

A fatal accident occurred on April 1, 2023, involving an unregistered Rainbow Aerotrike Cobra operated by Lee Daniel Boone (#3847116). A part of that investigation involved determining if the ultralight met the operational requirements of 14 CFR 103.

Item 1: A vehicle can operate under Part 103 as described by 14 CFR 103.1 (e),

“If powered: (1) Weighs less than 254 pounds empty weight, excluding floats and safety devices which are intended for deployment in a potentially catastrophic situation...”

Item 2: AC 103-7 reiterates stating,

“12. e. Powered Vehicles. A powered ultralight cannot be operated under Part 103 when it has an empty weight of 254 pounds or more; has a fuel capacity exceeding 5 U.S. gallons; is capable of more than 55 knots airspeed at full power in level flight; and has a power-off stall speed which exceeds 24 knots.”

Item 3: The manufacturer of the Aerotrike Cobra ultralight trike, Rainbow Aircraft, lists the empty weight as 440 pounds.

Item 4: A witness statement said,

“I do not know why Lee’s trike was unregistered. It weighed about 370 pounds. I do not think he had a training exemption. In my opinion it could be considered EXPERIMENTAL.”

Item 5: Photographs of the ultralight (pre-accident) reveal registration N3517Q.

Item 6: A review of registration records for N3715Q returns no results.

Item 7: Further information from a soaring club representative states,

“I looked up Lee’s Aerotrike Cobra N3517Q and it was deregistered by the FAA 1/18/2018. It was registered to Evert Beecher 3145 McClean St. ELP 79936. Why was it de-registered? I wonder...”

Based on the items listed, we can infer that this Rainbow Aerotrike Cobra should have been registered as at least a Light Sport or an Experimental ultralight. The operation of this ultralight on April 1, 2023, resulted in several violations. The first is that the ultralight’s airworthiness certificate was invalid. Under 14 CFR 21.173, an aircraft that is not registered in the United States is ineligible for an FAA airworthiness certificate. 14 CFR 21.181 (a) (1) states that any existing airworthiness certificate is effective only as long as the aircraft is registered. Therefore, when the aircraft's registration became ineffective on January 18, 2018, and the registration ended on transfer of ownership, the aircraft's airworthiness certificate was rendered ineffective. Violations of 14 CFR 47.3 Registration Required and 47.15(a) (2) Registration Number also existed.

Although none of these violations contributed directly to the accident, the non-compliant circumstances warrant documentation.

Mike Petrofes

Aviation Safety Inspector - Operations

Albuquerque Flight Standards District Office

AFG-800-SW-01

(O) (505) 764-1212



**Federal Aviation
Administration**

Any comments you may have on services provided are appreciated. Please provide feedback by visiting: [Stakeholder Feedback for FSDOs](#)