

NATIONAL TRANSPORTATION SAFETY BOARD PILOT/OPERATOR AIRCRAFT ACCIDENT/INCIDENT REPORT

This form to be used for reporting civil and public aircraft accidents and incidents

BASIC INFORMATION

Accident/Incident Location: 30011 S. Henry Rd.
 Nearest City/Place: Farmington State: CT
 ZIP: 06030 Country: USA
 Latitude: 38° 53' 06.48N Longitude: 120° 58' 05.96W
 (Enter in decimal degrees or degrees:minutes:seconds)

Accident/Incident Date/Time
 Date: 3-16-21 Local Time: 2:120pm
 mm/dd/yyyy Time Zone: PST
 Collision with Other Aircraft: ☐ Midair ☐ On-ground ☒ None

AIRCRAFT INFORMATION

Registration Number: N38RK
 Manufacturer: MOONEY
 Model: 252 STB M20K
 Serial Number: 1059
 Year of Manufacture: 1986
 Amateur-Built: ☐ Yes ☒ No If Yes: ☐ Kit/Plans ☐ Original Design Make: _____

☒ IFR-Equipped and Certified
☐ Commercial Space Flight
☐ Unmanned Aircraft
 Maximum Gross Weight: 2900 lbs
 Weight at Time of Accident/Incident: 2700 lbs
 Number of Seats: 4 Flight Crew Seats: 2
 Cabin Crew Seats: _____ Passenger Seats: 2
 Number of Engines: 1

Category of Aircraft ☒ Airplane ☐ Balloon ☐ Blimp/Dirigible ☐ Glider ☐ Gyroplane ☐ Helicopter ☐ Powered Lift ☐ Rocket ☐ Ultralight ☐ Unknown	Type of Airworthiness Certificate (Check all that apply) <table style="width: 100%;"> <tr> <th style="text-align: left;">Standard</th> <th style="text-align: left;">Special</th> </tr> <tr> <td>☒ Normal</td> <td>☐ Restricted</td> </tr> <tr> <td>☐ Aerobatic</td> <td>☐ Limited</td> </tr> <tr> <td>☐ Balloon</td> <td>☐ Provisional</td> </tr> <tr> <td>☐ Commuter</td> <td>☐ Special Flight</td> </tr> <tr> <td>☐ Transport</td> <td>☐ Experimental</td> </tr> <tr> <td>☐ Utility</td> <td>☐ Special Light-Sport</td> </tr> <tr> <td></td> <td>☐ Experimental Light-Sport</td> </tr> </table> ☐ Certificate of Authorization or Waiver (COA) ☐ None ☐ Unknown	Standard	Special	☒ Normal	☐ Restricted	☐ Aerobatic	☐ Limited	☐ Balloon	☐ Provisional	☐ Commuter	☐ Special Flight	☐ Transport	☐ Experimental	☐ Utility	☐ Special Light-Sport		☐ Experimental Light-Sport	Landing Gear (Check all that apply) ☐ Retractable ☒ Tricycle ☐ Tailwheel ☐ Amphibian ☐ High Skid ☐ Emergency Float ☐ Skid ☐ Float ☐ Ski ☐ Hull ☐ Ski/Wheel ☐ Other Launch/Recovery System ☐ None ☐ Unknown	Engine Type (Select one) ☐ Reciprocating ☐ Liquid Rocket ☐ Turbo Shaft ☐ Solid Rocket ☒ Turbo Prop ☐ Hybrid Rocket ☐ Turbo Jet ☐ None ☐ Turbo Fan ☐ Unknown ☐ Electric Fuel System Type (Reciprocating) ☐ Carburetor ☐ Fuel-Injected
Standard	Special																		
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Engine	Engine Manufacturer	Engine Model/Series	Manufacturer's Serial Number	Date of Mfg. mm/dd/yyyy	Rated Power ☐ Horsepower or ☐ lbs of Thrust	Total Time (hours)	Time Since: Inspection (hours)	Overhaul (hours)
Eng. 1	TCM	150-360-4B	279254R	3	360	1910	11-1-23	662-1
Eng. 2								
Eng. 3								
Eng. 4								

Last Inspection Type ☐ 100-Hour ☐ Continuous Airworthiness ☐ AAIP ☐ Conditional Inspection ☒ Annual ☐ Unknown Date Last Inspection: <u>11-1-23</u> mm/dd/yyyy Airframe Total Time: <u>3378.0</u> hrs hours measured at (Select one) ☒ Last Inspection ☐ Time of Accident/Incident Type of Maintenance Program (Select one) ☒ Annual ☐ Conditional (Amateur-built only) ☐ Manufacturer's Inspection Program ☐ Other Approved Inspection Program (AAIP) ☐ Continuous Airworthiness ☐ Other, specify: _____ Description of Fire Extinguishing System ☐ None ☒ Specify: <u>Hand Held</u> <u>Fire Extinguisher</u>	Propeller 1 ☐ Fixed Pitch ☒ Controllable Pitch ☐ Ground Adjustable Manufacturer: _____ Model: _____ ELT Installed: ☐ Yes ☐ No If Yes: ELT Manufacturer: <u>2</u> Model or Part No.: <u>3</u> TSO No.: ☐ OC91 (121.5 MHz) ☐ OC91a (121.5 MHz) ☐ OC126 (406 MHz) Was ELT still mounted in aircraft? ☐ Yes ☐ No Was ELT still connected to antenna? ☐ Yes ☐ No Did ELT Activate? ☐ Yes ☒ No If activated: <u>Gentle Stop</u> Did ELT Aid in Locating Aircraft? ☐ Yes ☒ No If not activated: Indicate Reason: ☐ Impact Damage ☐ Fire Damage ☐ Battery Expired/Damaged ☐ Unknown	Propeller 2 ☐ Fixed Pitch ☒ Controllable Pitch ☐ Ground Adjustable Manufacturer: _____ Model: _____ Additional Equipment (Check all that apply) ☒ ADS-B ☐ Airframe Parachute ☐ Angle of Attack Indicator ☒ Autopilot ☐ Data Recorder ☐ Electronic Flight Bag or Handheld Device ☐ Electronic Multifunction Display ☐ Electronic Primary Flight Display ☐ Handheld GPS ☐ Heads Up Display ☐ Onboard Weather ☐ Satellite Tracking Device ☒ Stall Warning System ☐ Video Recording Device ☒ Other, Specify: <u>Fuel Flow Monitor</u>
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OWNER/OPERATOR INFORMATION**Registered Aircraft Owner**Name: Michael John RichterCity: San JoseState: CA ZIP: 95130Fractional Ownership Aircraft: ☐ Yes ☒ NoCountry: USA**Operator of Aircraft**☒ Same As Registered Owner☒ Same Address as Registered Owner

Name: _____

City: _____

Doing Business As: _____

State: _____ ZIP: _____

Air Carrier/Operator Designator (4 Character Code): _____

Country: _____

Operating Certificates Held

(Check all that apply)

- ☐ None
☐ Flag Carrier Operating Certificate (FAR 121)
☐ Supplemental
☐ Air Cargo
☐ Foreign Air Carriers (FAR 129)
☐ Rotorcraft External Load (FAR 133)
☐ Commuter Air Carrier (FAR 135)
☐ On-Demand Air Taxi (FAR 135)
☐ Commercial Air Tour (FAR 136)
☐ Agricultural Aircraft (FAR 137)
☐ Pilot School (FAR 141)
☐ Certificate of Authorization or Waiver (COA)
☐ Commercial Space Transportation
Experimental Permit
☐ Commercial Space Transportation License
☐ Other Operator of Large Aircraft

Regulation Flight Conducted Under

- ☒ FAR 91 ☐ FAR 129 ☐ FAR 415
☐ FAR 103 ☐ FAR 133 ☐ FAR 431
☐ FAR 121 ☐ FAR 135 ☐ FAR 435
☐ FAR 125 ☐ FAR 137 ☐ FAR 437

- ☐ FAR 91 Special Flight
☐ Non-US, Commercial
☐ Non-US, Non-commercial

☐ Public Aircraft (Select one)

- ☐ Armed Forces
☐ Federal
☐ State
☐ Local

☐ Unknown**Revenue Operation for FAR 121, 125, 129, 135**

(Select one for each group)

- ☐ Scheduled or Commuter ☐ Domestic
☐ Non-Scheduled or Air Taxi ☐ International

- ☐ Passenger
☐ Cargo
☐ Mail Contract Only

Purpose of Flight for FAR 91, 103, 133, 137

(Select one)

- ☐ Aerial Application ☐ Firefighting ☐ Unknown
☐ Aerial Observation ☐ Flight Test
☐ Air Drop ☐ Glider Tow
☐ Air Race/Show ☐ Instructional
☐ Banner Tow ☐ Other Work Use
☐ Business ☒ Personal
☐ Executive/Corporate ☐ Positioning
☐ External Load ☐ Skydiving
☐ Ferry

Revenue Sightseeing Flight☐ Yes ☒ No**Air Medical Flight**☐ Yes ☒ No**AIRPORT INFORMATION** (Fill in if accident/incident occurred on approach, landing, takeoff, departure, or within 3 miles of an airport)Airport Name: NAAirport Identifier: 027 - Oakdale, CAProximity to Airport: ☒ Off Airport/Airstrip ☐ On Airport/Airstrip ☐ ON/AAbout 7 miles from OakdaleDistance From Airport Center: 2 sm

Direction From Airport: _____ degrees true

Airport Elevation: _____ ft. msl

Runway Information

Runway ID: _____ (L/R/C) Length: _____ ft Width: _____ ft

Runway/Landing Surface (Check all that apply)

- ☐ Asphalt ☐ Grass/Turf ☐ Macadam ☐ Water
☐ Concrete ☐ Gravel ☐ Metal/Wood
☐ Dirt ☐ Ice ☐ Snow ☐ Unknown

Condition of Runway/Landing Surface (Check all that apply)

- ☐ Dry ☐ Snow-Compacted ☐ Water-Calm
☐ Holes ☐ Snow-Crusted ☐ Water-Choppy
☐ Ice Covered ☐ Snow-Dry ☐ Water-Glassy
☐ Rough ☐ Snow-Wet ☐ Wet
☐ Rubber Deposits ☐ Soft
☐ Slush-Covered ☐ Vegetation ☐ Unknown

Approach/Departure Segment (Select one)

- ☐ Taxi ☐ VFR Departure ☐ On Instrument Approach ☐ Downwind ☐ Low Approach
☐ Takeoff ☐ IFR Departure Procedure/Clearance ☐ Landing ☐ Base ☐ Go Around
☐ Initial Climb ☐ Final ☐ Aborted Landing (after touchdown)
☐ Crosswind ☐ Unknown

IFR Approach (Check all that apply)

- ☐ None
☐ ADF/NDB ☐ PAR ☐ MLS ☐ Practice
☐ SDF ☐ Sidestep ☐ LDA ☐ GPS
☐ VOR/TVOR ☐ ILS ☐ ASR
☐ VOR/DME ☐ Localizer Only ☐ Visual
☐ TACAN ☐ LOC-back course ☐ Contact
☐ RNAV ☐ Circling
☐ Unknown

VFR Approach (Check all that apply)

- ☐ None
☐ Traffic Pattern ☐ Stop and Go
☐ Straight-In ☐ Touch and Go
☐ Valley/Terrain Following ☐ Simulated Forced Landing
☐ Go Around ☐ Forced Landing
☐ Full Stop ☐ Precautionary Landing
☐ Unknown

"FLIGHT CREWMEMBER 1" INFORMATION																																																																																																				
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"Flight Crewmember 1" was pilot flying ☒ Yes ☐ No																																																																																																				
"Flight Crewmember 1" Identification First Name: <u>Michael Richter</u> Middle Initial: <u>J</u> Last Name: <u>Richter</u> City of Residence: <u>San Jose</u> State: <u>CA</u> ZIP: <u>95130</u> Country: <u>USA</u> Age at time of Accident/Incident: <u>68</u> Date of Birth: [REDACTED] mm/dd/yyyy Certificate Number: [REDACTED]																																																																																																				
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"Flight Crewmember 2" was pilot flying ☐ Yes ☐ No																																																																																																				
"Flight Crewmember 2" Identification First Name: _____ Middle Initial: _____ Last Name: _____ City of Residence: _____ State: _____ ZIP: _____ Country: _____ Age at time of Accident/Incident: _____ Date of Birth: _____ mm/dd/yyyy Certificate Number: _____																																																																																																				
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ADDITIONAL FLIGHT CREWMEMBERS (Exclusive of cabin crew, complete the following information)

Crew Name and Address	Seat Occupied	Injury														
First Name: _____ City of Residence: _____ Middle Initial: _____ State: _____ ZIP: _____ Last Name: _____ Country: _____	☐ Left ☐ Front ☐ Center ☐ Rear ☐ Right ☐ Single ☐ Unknown	☐ None ☐ Minor ☐ Serious ☐ Fatal ☐ Unknown														
Pilot Certificate(s) (Check all that apply) ☐ None ☐ Flight Instructor ☐ Commercial ☐ US Military ☐ Private ☐ Recreational ☐ Airline Transport ☐ Foreign ☐ Student ☐ Sport ☐ Flight Engineer	Restraint Type: <table style="width:100%;"> <tr> <th>Available</th> <th>Used</th> </tr> <tr> <td>☐ None</td> <td>☐ None</td> </tr> <tr> <td>☐ Lap Only</td> <td>☐ Lap Only</td> </tr> <tr> <td>☐ 3-point</td> <td>☐ 3-point</td> </tr> <tr> <td>☐ 4-point</td> <td>☐ 4-point</td> </tr> <tr> <td>☐ 5-point</td> <td>☐ 5-point</td> </tr> <tr> <td>☐ Unknown</td> <td>☐ Unknown</td> </tr> </table>	Available	Used	☐ None	☐ None	☐ Lap Only	☐ Lap Only	☐ 3-point	☐ 3-point	☐ 4-point	☐ 4-point	☐ 5-point	☐ 5-point	☐ Unknown	☐ Unknown	Inflatable Restraints ☐ Not Installed ☐ Installed ☐ Not Deployed ☐ Deployed ☐ Unknown
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Type Rating/Endorsement for Accident/Incident Aircraft? ☐ Yes ☐ No	Total Flight Time at the Time of this Accident/Incident: _____ hrs															

Crew Name and Address	Seat Occupied	Injury														
First Name: _____ City of Residence: _____ Middle Initial: _____ State: _____ ZIP: _____ Last Name: _____ Country: _____	☐ Left ☐ Front ☐ Center ☐ Rear ☐ Right ☐ Single ☐ Unknown	☐ None ☐ Minor ☐ Serious ☐ Fatal ☐ Unknown														
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Type Rating/Endorsement for Accident/Incident Aircraft? ☐ Yes ☐ No	Total Flight Time at the Time of this Accident/Incident: _____ hrs															

PASSENGER(S) / OTHER PERSONNEL (Include cabin crew; continue on separate sheet if necessary)

Name and Address	Seat	Injury	Restraint Type	Inflatable Restraints	Age														
First Name: <u>Robert</u> City: <u>Mountain Hill</u> Middle Initial: _____ State: <u>PA</u> ZIP: _____ Last Name: <u>Ames</u> Country: <u>USA</u> ☐ Crew ☒ Passenger ☐ Other	☐ Left ☐ Center ☒ Right ☐ Unknown Row: _____	☒ None ☐ Minor ☐ Serious ☐ Fatal ☐ Unknown	<table style="width:100%;"> <tr> <th>Available</th> <th>Used</th> </tr> <tr> <td>☐ None</td> <td>☐ None</td> </tr> <tr> <td>☐ Lap Only</td> <td>☐ Lap Only</td> </tr> <tr> <td>☒ 3-point</td> <td>☐ 3-point</td> </tr> <tr> <td>☐ 4-point</td> <td>☐ 4-point</td> </tr> <tr> <td>☐ 5-point</td> <td>☐ 5-point</td> </tr> <tr> <td>☐ Unknown</td> <td>☐ Unknown</td> </tr> </table>	Available	Used	☐ None	☐ None	☐ Lap Only	☐ Lap Only	☒ 3-point	☐ 3-point	☐ 4-point	☐ 4-point	☐ 5-point	☐ 5-point	☐ Unknown	☐ Unknown	☒ Not Installed ☐ Installed ☐ Not Deployed ☐ Deployed ☐ Unknown	<u>55ish</u> ☐ Under 5 years If Under 5, ☐ Child Restraint ☐ Lap-Held ☐ Unknown
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FLIGHT ITINERARY INFORMATION				
Last Departure Point Airport ID: <u>KAIN</u> City: <u>Agua</u> State: <u>CA</u> Country: <u>USA</u>		Time of Departure Time: <u>3</u> Time Zone: <u>PST</u>		Destination Airport ID: <u>027</u> City: <u>Oakdale</u> State: <u>CA</u> Country: <u>USA</u>
Type Flight Plan Filed ☒ None ☐ VFR/IFR ☐ Company VFR ☐ IFR ☐ Military VFR ☐ Unknown ☐ VFR Activated? ☐ Yes ☐ No ☐ Unknown				
Type of ATC Clearance/Service (Check all that apply) ☐ None ☐ Special VFR ☐ Special IFR ☒ VFR Flight Following ☐ Cruise ☒ VFR ☐ IFR ☐ VFR On Top ☐ Traffic Advisory ☐ Unknown / NA				
Airspace where the accident/incident occurred (Check all that apply) ☐ Class A ☐ Class G ☐ Military Operations Area (MOA) ☐ Class B ☐ Demo Area ☐ Airport Advisory Area ☐ Class C ☐ Warning Area ☐ Jet Training Area ☐ Class D ☐ Prohibited Area ☐ TRSA ☒ Class E ☐ Restricted Area ☐ FAR 93 Altitude of In-Flight Occurrence: _____ ft msl				
WEATHER INFORMATION AT THE ACCIDENT/INCIDENT SITE				
Source of Pilot Weather Information (Check all that apply) ☒ National Weather Service ☐ Company ☒ Flight Service Station ☐ Military ☐ TV/Radio ☐ Internet ☒ Automated Report ☐ None ☐ Commercial Weather Service (DUATS) ☐ Unknown ☐ On-Board Weather			Weather Observation Facility Facility ID: <u>Stockton weather</u> Observation Time: _____ Time Zone: <u>PST</u> Distance from Accident Site: <u>3.15</u> nm Direction from Accident Site: <u>2</u> degrees true	
Basic Conditions ☒ VMC ☐ IMC ☐ Unknown		Light Condition ☐ Dawn ☐ Dusk ☐ Dark Night ☐ Unknown ☒ Day ☐ Night ☐ Bright Night		
Sky/Lowest Cloud Condition ☒ Clear ☐ Thin Broken ☐ Few ☐ Thin Overcast ☐ Partial Obscuration ☐ Unknown ☐ Scattered Lowest Cloud Condition Height _____ ft agl		Ceiling ☒ None (Clear) ☐ Obscured ☐ Broken ☐ Indefinite ☐ Overcast ☐ Unknown Ceiling Height _____ ft agl		Temperature: _____ (C) or _____ (F) Dew Point: _____ (C) or _____ (F) Altimeter Setting: _____ in. Hg or _____ MB <u>?</u>
Wind Direction ☐ Variable -or- Direction: _____ degrees true	Wind Speed ☒ Calm ☐ Light and Variable -or- Speed: _____ kts	Wind Gusts ☒ Not Gusting -or- Speed: _____ kts	Visibility <u>12+</u> miles RVR: _____ feet RVV: _____ miles Density Altitude: _____ ft	
Intensity of Precipitation ☐ Light ☐ Moderate ☐ Heavy ☐ N/A ☐ Unknown		Type of Precipitation (Check all that apply) ☒ None ☐ Drizzle ☐ Freezing Rain ☐ Rain ☐ Ice Pellets ☐ Snow Shower ☐ Snow ☐ Snow Pellets ☐ Ice Pellets Shower ☐ Hail ☐ Snow Grains ☐ Freezing Drizzle ☐ Rain Showers ☐ Ice Crystals		Restriction to Visibility (Check all that apply) ☒ None ☐ Fog ☐ Blowing Dust ☐ Ground Fog ☐ Blowing Sand ☐ Haze ☐ Blowing Snow ☐ Ice Fog ☐ Blowing Spray ☐ Smoke ☐ Dust ☐ Unknown
Icing Forecast Amount ☒ None ☐ Trace ☐ Light ☐ Moderate ☐ Severe ☐ Unknown Type ☐ N/A ☐ Rime ☐ Clear ☐ Mixed ☐ Unknown		Icing Actual Amount ☒ None ☐ Trace ☐ Light ☐ Moderate ☐ Severe ☐ Unknown Type ☐ N/A ☐ Rime ☐ Clear ☐ Mixed ☐ Unknown		Turbulence Type (Check all that apply) ☒ None ☐ Clear Air ☐ Terrain-Induced ☐ Convective Turbulence Severity ☐ Light ☐ Moderate ☐ Severe ☐ Extreme
NOTAMS (D and FDC), AIRMETs, SIGMETs, PIREPs in effect at the time of the accident/incident: NONE				

DAMAGE TO AIRCRAFT AND OTHER PROPERTY**Aircraft Damage**

- ☐ None ☒ Substantial
☐ Minor ☐ Destroyed
☐ Unknown

Aircraft Fire

- ☒ None ☐ Both Ground and In-Flight
☐ In-Flight ☐ Fire at Unknown Time
☐ On-Ground ☐ Unknown

Aircraft Explosion

- ☒ None ☐ Both Ground and In-Flight
☐ In-Flight ☐ Explosion at Unknown Time
☐ On-Ground ☐ Unknown

Description of Damage to Aircraft and Other Property (Use additional sheet if necessary)

Propeller caught barbed wire, plane went
Through barbed wire fence - Both wings
impact damage by fence posts, bottom wing skin
shredded by Barbed wire.

NARRATIVE HISTORY OF FLIGHT (Please type or print in ink)

Describe what occurred in chronological order, including circumstances leading to and nature of accident/incident. Describe terrain and include wreckage distribution sketch if pertinent. Attach extra sheets if needed. State departure time and location, services obtained, and intended destination. Provide as much detail as possible.

See Addendum - 6 page EMAIL to FAA

José A. Hernandez,
Todd Lambeth,
Michael R. McMillen

From: [REDACTED]
To: Michael.R.Mcmillen@faa.gov
Cc: Jose.A.Hernandez@faa.gov, todd.m.lambeth@faa.gov, eliott.simpson@ntsb.gov
Sent: 4/3/2024 11:48:46 AM Pacific Daylight Time
Subject: Re: N38RK, OAKDALE, CA (O27) Accident

N38RK

4-3-24

Dear Mr. McMillen:

I will answer your questions beginning with the following:

1. History of my instruction;
2. How I keep current;
3. My assessment of what occurred March 16, 2023. (This one is not pretty.)

As you might imagine, I have burrowed deeply into how I could possibly run out of fuel. I am a careful pilot and, dare I say given the circumstances, a person with "good" piloting skills. Without them, and a bit of luck, I would not have been able to land the plane and walk away without injury.

The question of how I could have put myself and my passenger into a plane that ran out of fuel has been on my mind since March 16. I have gone over it many times: Over and over. I have drilled down to find out. I think I have a non-metaphysical answer. Spit balling, I'll give you the meta-physical answers I came up with as well.

1. Around 2008 I bought a 1956 Cessna 172. I did not know how to fly. I saw it for sale at a Watsonville airshow. I did have ground instruction by then, but I'm sure it had lapsed. I got the ground instruction, passed the test, then spent about 140 hours with an instructor who, because I did not know any better, really seemed to simply be using me as a cash cow.

2. I met a man named Geoffrey Lee, a CFI and, I believe, an AP. (He learned to fly in a Gypsy Moth in England, apprenticed at de Havilland in the '40's before coming to the US and flying all sorts of planes, including B 47's over the poles with a sextant, in the USAF. He mustered out as a colonel.

When I saw him he was selling headphones. We chatted. He heard I had the Cessna. He asked me how my flight instruction was going. I told him. He was flabbergasted (Gobsmacked is the English word, I believe.) He told me I should have soloed after 50-60 hours! He couldn't believe I had received 140 hours of instruction and hadn't soloed. He went up with me for one hour, got out of the plane and I soloed for my first time.

Since 2009 or so, when I received my pilot's license, I have continued flying with Geoff. Up until about 6 months ago we would fly at least once a month. I attribute my being able to get down safely, get under the electrical wire in front of the dirt path, know enough to deploy flaps to stay above soil until I stuck my landing on that narrow path to his constant instruction over the years.

Whenever we would go up in the Mooney, he had his "dreaded" collapsible metal pointer. If I came into the landing too hot, forgot something, or was doing anything he found that could be improved, that metal pointer would be extended and point at whatever instrument was off - be it landing speed, coming off 45 degrees or losing or gaining altitude in a 360 turn. My frustrated response was usually, "OK, OKAY!". "I got it!".

I laugh about that now. I didn't then, but I love that guy.

He and his wife, Jane, have me over to their home on average once a month. Sometimes more, sometimes less. When I go over there, we talk airplanes. Either he quizzes me or we talk about recent accidents in the area or were featured in the magazines and what happened and how it could be avoided.

I get the following magazines: In **"Flying"** I usually read ILAFFT (I Learned About Flying From That), Aftermath and Unusual Attitudes. In EAA's **"Sport Aviation"** I read whatever interests me. In AOPA's **"Pilot"** I generally read proficient pilot articles about what went wrong and the "Never Again" articles. If I have a question or comment, they become subjects for our dinner conversations at Geoff and Jane's house. I also have been known to check out AOPA's internet review and investigation of accidents occasionally.

We talked about the recent sad collision over Watsonville, the Marina accident where a Mooney after taking off went basically straight up, stalled, and then went down and up in flames. We disagree on how that happened. I say the guy forgot to retrim his plane after landing. He couldn't fix the nose up attitude on take off, went straight up, stalled, and went down.

Geoff has drummed "situational awareness" into my skull so often it makes my decision to take off from Auburn even stranger. We went over the accident at Monterey airport a few years ago. Two ladies in a Bonanza (I think) took off on a foggy day off 10. Generally Monterey traffic takes off on 28. It was foggy and wind was unusual. They took off from 10. They got a tower instruction to make a right turn and head down the coast. That would have been fine had they been leaving on 28. On 10 they did exactly as the tower instructed and flew into a hill. Both died. "Situational Awareness!" (I know, I know.)

We talked about the guy who was flying, I believe, a Cirrus in the clouds back to Reid Hillview and hit wires because he moved off his flight path on his way to either 30L or 30 R. I think it must have been 30 R. He died.

Geoff taught me how to speak to NorCal to set up an ILS. He taught me how to fly an ILS in the Mooney. That pointer of his came out often when I was trying to stay within the ILS parameters. We generally practiced at Atwater's Castle airport. Their tower personnel were not usually busy. They were kind and forgiving and helpful. Geoff wanted me to be able to get down if, in the unlikely event, I ever found myself above clouds.

I never wanted to get IFR certified because, truth be told, I make "little mistakes", like following tower instructions in fog. One time, I believe we were setting up for the ILS to Modesto, we were talking to NorCal, we saw Modesto go by and called the controller. He made a mistake and was setting us up to go into Stockton! We called in to ask him what was going on. "Oops". That's the sort of thing, being risk adverse, I never wanted to face in clouds.

Generally speaking, if my thought was, "If I screw up, I want to be able to see where I am and have a better chance of fixing it." As Geoff pounded, **"Situational Awareness!"**

That's my instructional history. Every time I flew with Geoff or went to dinner at his house, he drilled me as only a former USAF colonel could do.

All that is background to my answers to your questions below.

I don't really keep track of whether I go to formal seminars. So I can't say with certainty that I absolutely haven't done any of these things formally, in the past two years. I may have, but I doubt it. I've been to seminars at Reid-Hillview in the past. I don't think I've been to any in the past 2 years.

Informally, with my friend, flight instructor and mentor, Geoff Lee, until about 6 months ago, we would go up at least once a month and I'd have dinner at his house on average at least once a month.

If you considered talking to my CFI in the plane or at his home as a "safety seminar" or "clinic" (Every meeting with him was a "clinic", I'd say yes.)

Here are my "formal" answers. Then I'll go into my best estimate of what led to this accident. Mr. Simpson, this is for you. I will get those forms done soon.

From Mr. McMillen:

"Could you please answer the following questions:

- Did you attend safety seminar or clinic within past 2 years? (Not formally, see above.)
- Did you participate in wings program within past 2 years? (Not a Wings program, see above.)
- Did you attend any air carrier initial training within past 2 years? (No.)
- Did you attend any air carrier recurrent training within past 2 years? (No.)
- Did you attend any air carrier requalification training within past 2 years? (No.)
- Did you attend any transition training within past 2 years? (No. Just my Mooney. Geoff did train me for a number of hours when I bought the Mooney in 2010 in White Plains, NY. he has about 10,000+ hours in Mooneys. He came with me to White Plains to look at N38RK and train me in it on the way back should I buy it.
- Did you attend any simulator training within past 2 years? (No.)
- Did you attend any Comm/Third party training within past 2 years? (To be honest, I don't know what this is.)
- Did you attend any other training within past 2 years? (Absolutely, see above.)

Thank you

-Michael McMillen"

Now I will get to " **#3. My assessment of what occurred March 16, 2023. (This one is not pretty.)**"

I know you did not ask this, but I want to tell you, Mr. Hernandez, Mr. Lambeth, and Mr. Simpson with the hope that I can provide insight into the fact that even the most careful pilot (I used to be able to consider myself a very very conservative and very careful pilot) can: A. Be an idiot; B. Experience "temporary insanity", C. Experience a form of "Getthereitis" (Mine was with fuel), D. Be overtaken by "confirmation bias".

If you want to get into my "metaphysical", answers, my spit balling: 1. A demon clouded my brain and wanted to kill me; 2. God, who knew I would never sell the plane, was "herding" me to a different life. Why? Because having an airplane is a "rich man's game". If I am going to retire in the next 5-10 years, the plane was costing me too much. I never would have sold it to get ready for being a "non-earner" in retirement. So God "arranged" me to be separated from the plane without hurting anyone.

HOWEVER, I may try to rebuild N 38RK if I can. As I said, I'm "spit balling" with the metaphysical answers.

I'm sure there are other, more interesting metaphysical "reasons" for this accident, subliminal, subconscious, whatever. Plumbing the depths, these were the two I found "most likely".

The fact of the matter is, I am a competent pilot who, with skill and luck, was able to get a 2900 pound 1986 Mooney carrying about 480 pounds of passenger, down from about 3200 feet into non-injury off field landing. I am hoping the plane was not totaled, because I love flying and

want to get it back into the air. It I accept whatever verdict comes. t of this and thank God or whoever else was involved in my being able to get down low enough to have my vertical stabilizer clear that electrical wire and then stay airborne long enough to stick the landing on a narrow, dirt, agricultural path.

I have asked myself this often. "Could I have deployed air brakes after I hit the ground?" Maybe. Unfortunately, hitting air brakes after my mains hit the pavement, or in this case, dirt, wasn't in my muscle memory. I don't usually deploy air brakes on landing, and I didn't get to that point in my thinking process. I was too busy trying to stay on that bumpy dirt path at 40-50 knots and watching the end of the path approaching very quickly and trying to figure out what to do next.

But I digress.

How did it happen that I would take off without sufficient fuel to finish the short flight to Oakdale?

1. My fuel flow monitor said I had about 20 gallons. I pointed the fuel flow monitor to my passenger at least once that I remember. He said I pointed it out to him twice. It was reading plenty of fuel left to get from Auburn to Oakdale, about 72 miles, more if you include the climbing turn I had to make because I was taking off from Auburn's 07 instead of 25.

2. This is where we get to "**Get there itis**" with regards to fuel. Auburn's fuel was about \$6.25 a gallon. Oakdale's fuel was about \$5.20 or so a gallon. "Big savings?" Not really. Not when you consider the cost of repairing broken bodies, lives, or an airplane. But as I said, one of the possible causes of this accident was "temporary insanity". (I "KNEW" I had enough fuel for the flight. 20 Gallons is enough for about 1.5 hours, if you include the climb out for 4 or 5 minutes at 22 gallons per hour to below 4,500 feet (per Nor Cal's instructions) and the flight at 135 knots for about 25 minutes.) I did not even start leaning the fuel until towards the end because I "knew" I had enough! If I had leaned like crazy, I might have been able to make it. However that does NOT make up for the fact that I never should have taken off without adding fuel in the first place.

3. I've arrived at the conclusion that, other than failing to put fuel in the plane in Auburn, "confirmation bias" was probably a big factor in my running out of fuel. Because my fuel flow monitor said I had about 20 gallons, and because one of the wing tank gauges said I was a quarter full, I figured I had 20 gallons and that would be plenty. One of my mistakes, aside from not simply putting fuel in at Auburn, was that I forgot that the wing tanks are only HALF of the 76 gallons that my plane's wing tanks hold. Instead of about 20 gallons of fuel, I had about 9 gallons of fuel in that tank.

This is where the "**confirmation bias**" comes in. I saw the fuel flow monitor, did not question it, and saw a gas gauge that said I was a quarter full. The confirmation bias looked at quarter full equals about 20 gallons so the two gas indicators matched. It never entered my mind that I might have erred when I programmed the fuel flow monitor the last time I put in fuel at Marina.

Nor did it enter my mind that the fuel gauge only reflected the fuel in one tank! Each wing tank holds about 38 gallons. So when that gauge was showing a quarter full, it was telling a part of my brain, that I apparently wasn't listening to, that there was only about 9 gallons of fuel in the tank! That, combined with low fuel light in the other tank, would not be enough to get me to Oakdale. Bizarre.

The only bottom line I can think of is: I really did not want to pay \$6.25 a gallon when I could "easily" get to a place where I only had to pay \$5.20. I was very sure that I had plenty of fuel to get to Oakdale. Even so, I should have put in 10 or so gallons at \$6.25 in Auburn to be sure. But I did not. (Get there itis with fuel?) Bizarre.

Even typing this I'm shaking my head. I don't know what came over me. If I were a passenger in a plane and the pilot pulled a stunt like that, I wouldn't have gotten in the plane. I would have said I want more fuel in the plane or I'm taking a taxi home. I am generally a very risk adverse person. This is why I am also spit balling metaphysical answers to this conundrum.

I have gone over and over this trying to figure out what I was thinking, if anything. I'm trying to lay this out for you so you can, hopefully, pass this experience on so others won't fall prey to it.

The fuel gauge spun down a lot faster than I thought it would. I compare it to getting to the end of a toilet paper roll or aging. When you are close to the end of a toilet paper roll, it goes much faster than when you are at the beginning. I have found that as a person ages, time seems to go by a lot faster than when one is younger. I had no idea how fast that gauge would go from a quarter full to empty because I had never watched it go down that far before!

This might also explain to you why I never actually tried to get my IFR certification. If I did something stupid like this in the clouds I would be dead. The fact that it was VFR allowed me to make the most out of an awful situation.

So Mr. McMillen, this is my (sometimes wandering) debrief of how I found myself and my passenger uninjured, sitting in my poor busted up airplane in the middle of a swampy cow pasture 9 miles, about 5 minutes, short of landing at Oakdale airport with its \$5.20 per gallon fuel.

You will hopefully excuse the verbosity. Admittedly, this is probably more than you were looking for. Being raised Catholic, graduating from the University of Notre Dame and then the Jesuits at Santa Clara University, perhaps some part of me finds this "confession" cathartic.

As I have said, I have been going over and over and over this in my mind. I still cannot believe I did this. What possessed me!? (I suppose that's where the "demon" answer gains some credence.)

On the one hand, I am amazed at the professionalism and the skill I exhibited by holding the plane at best glide speed, calling into NorCal, calling an emergency immediately, looking for and finding a place to land, breaking my landing trajectory to get under the electrical wire (Instead of trying to get over it), dealing with the very low altitude and higher than optimal speed due to the sudden need to descend to get under the wire, sticking the landing on a narrow "runway", holding the plane steady on that bumpy runway at about 40-50 knots for about 250 yards until I noticed the end of the "runway" coming up quickly. Looking right and left, I was trying to decide whether to go left, right or try my luck getting stopped before the end of the "runway", but I did believe there was a berm there. The plane "decided", probably following my gaze to the right, we were going through a barbed wire fence into a swampy, flooded cow pasture. The right wing hit a post, that turned the plane a bit to the right. I couldn't correct, or perhaps, looking at the end of the "runway" coming up fast, I did not think correcting would be the best idea.

Even in that swampy ground, the plane was going so fast as to require about 75 yards to stop. I'm pretty sure I would have risked hitting a berm at the end of the road and flipping the plane. Who knows?

On the other hand, I was a complete idiot for not putting more fuel in the plane in Auburn, regardless of what my fuel flow monitor said.

Was it: Confirmation Bias? Stupidity? "Get there Itis, the fuel version?" "Temporary Insanity?" "A demon trying to kill me?" "God saying 'You can't afford owning a Mooney and flying as a hobby any more.'?" Was it a "Rocky Road" combination of two or all of the above? I don't

think I'll ever know the true "er". It's probably something close "All of the Above". I'll probably go on thinking about it for a long time.

I hope this helps you with your report.

As always, please feel free to call if you have any questions. I'm still available all afternoon if you would like to get Mr. Lambeth and Mr. Hernandez in on the call.

Mike Richter

Sent: Wednesday, March 27, 2024 9:34 AM

To: Mcmillen, Michael R (FAA) <Michael.R.Mcmillen@faa.gov>

Cc: [REDACTED] <elliott.simpson@ntsb.gov>

Subject: Re: N38RK, OAKDALE, CA (O27) Accident

N38RK

3-27-24

Dear Mr. McMillen:

Thank you for your patience.

I am attaching at least the last two annual inspections (2022, 2023) of:

1. Air Frame Maintenance Records (This includes a full unblocked copy of the 2023 avionics testing results);
2. Engine Maintenance Records
3. Propeller Maintenance Records.

I hope I have gotten it right this time.

Please let me know if you need anything further.

Mike Richter

From: [REDACTED]

To: Michael.R.Mcmillen@faa.gov, [REDACTED]

Sent: 3/27/2024 6:42:50 AM Pacific Daylight Time

Subject: RE: N38RK, OAKDALE, CA (O27) Accident

"Roger Willco" (That's pilot talk.)

Hopefully before the end of this day.

Mike

RECOMMENDATION (How could this accident/incident have been prevented?)

Operator/Owner Safety Recommendation

keep all fuel tanks at least 1/4 full.
Remember when there are 2 wings there are
2 Fuel tanks.
If you have to go under a wire or bridge
or highway over-pass - Remember your
Vertical stabilizer also has to clear.

MECHANICAL MALFUNCTION/FAILURE (If more space is needed, continue on separate sheet)Was there Mechanical Malfunction/Failure? ☐ Yes ☒ No (Biomechanical)
(If yes, list the name of the part, manufacturer, part no., serial no., and describe the failure.)

Pilot's Brain Failed - Cognitive bias -
'get there it's' fuel.
Fuel Flow Monitor showed more fuel than what
was there. I don't think it failed I think I
failed to properly program it last fuel stop

Total Time/Cycles
On PartN/A Hours
N/A CyclesTime Since This Part
Inspected/Overhauled

N/A Hours

FUEL & SERVICES INFORMATIONFuel on Board at Last Takeoff
(Convert from pounds, as necessary)

~ 10 gallons Gallons

Fuel Type

☐ 80/87☐ 115/145☐ Jet B☐ Other, specify _____☒ 100 Low Lead☐ Jet A☐ JP8☐ 100/130☐ Jet A-1☐ Automotive

Other Services, if Any, Prior to Departure

Fuel flow monitor showed 20 gallons of fuel
on board. Left tank gauge showed 1/4 full. Pilot thought this
coincided w/ Fuel Flow monitor for 76 gallon capacity. Gauge was
for ONE wing tank = 38 gals - so 9 gals. Actual, NOT 20.

EVACUATION OF AIRCRAFTWas an emergency evacuation of the aircraft performed? ☐ Yes ☒ No

Method of Exit - Describe how the occupants exited and how many occupants evacuated each location

Plane came to gradual, gentle, slow stop in approx 75 yds
Swampy cow pasture.

OTHER AIRCRAFT - COLLISION (If air or ground collision occurred, complete this section for other aircraft)

Aircraft Registration Number

Manufacturer: N/A

Model: _____

Damage to Other Aircraft

☐ Destroyed☐ Minor☐ Substantial☐ None

Registered Owner of Other Aircraft

Name: N/A

City: _____

State: _____ ZIP: _____

Country: _____

Pilot of Other Aircraft

Name: N/A

City: _____

State: _____ ZIP: _____

Country: _____

ADDITIONAL INFORMATION (Please type or print in ink)

Use this space if additional space is needed for any answers.

See Attachment

I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Date of this Report

5-2-24

mm/dd/yyyy

Name of Pilot/Operator:

Signature:

- or -

☐ Check here to electronically sign this document**If a Person Other than Pilot/Operator is Filing Report**

Name:

Title:

Signature:

- or -

☐ Check here to electronically sign this document**FOR NTSB USE ONLY**NTSB Accident/Incident No.
WPR24LA114Reviewed by NTSB Regional Office
WPR-ASName of Investigator
E SimpsonDate Report Received
May 2, 2024