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NTSB Accident Report Highlights Charter Ops Audit Questions

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In the [NTSB accident report](#) on the Nov. 10, 2015, crash of a Hawker 700 operated by Execufight, NTSB member Robert Sumwalt issued a statement that criticized aspects of the charter operator, the FAA and the charter industry.

“I believe the organization that chartered this aircraft expected to get a professionally managed aircraft,” Sumwalt wrote. “I suspect they expected to get a professionally flown aircraft. And I further believe they expected that when the regulator, the FAA, issued an Air Carrier Certificate to Execufight...the FAA [would] provide adequate surveillance of Execufight. Tragically, as this investigation found, those charter customers did not get what they expected or deserved in any of these respects. Their expectations were based on a house of cards that created an illusion of safety.”

The Hawker 700 crashed after stalling during a localizer approach to Runway 25 at Akron Fulton International Airport in Ohio, killing both pilots and all seven passengers. According to the NTSB, “The probable cause of this accident was the flight crew’s mismanagement of the approach and multiple deviations from company standard operating procedures, which placed the airplane in an unsafe situation and led to an unstabilized approach, a descent below minimum descent altitude without visual contact with the runway environment and an aerodynamic stall.”

The Board cited contributing factors: “Execufight’s casual attitude toward compliance with standards; its inadequate hiring, training and operational oversight of the flight crew; **the company’s lack of a formal safety program;** and the [FAA’s] insufficient oversight of the company’s training program and flight operations.” Execufight disputed these conclusions in its submission to the NTSB docket.

‘ILLUSION OF SAFETY’

In his statement appended to the NTSB accident report, Sumwalt highlighted deficiencies at the charter operator, issues with the pilots, insufficient oversight by the FAA and problems that he sees with industry audits. “Finally,” he wrote, “I’m concerned that an organization that had so many safety-related issues could have an Argus Gold rating and be Wyvern Registered. Discriminating customers look to, and trust, such ‘seals of approval’ when selecting their air travel provider.” Sumwalt added, “This is not the first time the NTSB has seen an organization pass an industry audit, only to find after an accident that there was an illusion of safety.”

In fact, Execufight was not audited by either Argus or Wyvern, according to principals from both companies.

Information about Execufight is available from both companies. In the Argus system, Execufight has a Gold rating, which means that charter buyers can look up information on Execufight’s charter certificate, pilot qualifications, aircraft and insurance coverage. Similar information is provided for Execufight as a Wyvern registered operation. Only charter operators that are audited by Argus can apply for a Platinum rating, and operators audited by Wyvern can apply for Wingman status.

Joe Moeggenberg, Argus International president and CEO, is aware of confusion among charter buyers about whether or not an operator is audited. “The big concern that [Sumwalt] had was...the public doesn’t know the difference between a Gold and Platinum operator. Through the marketing of the operators, it’s not clear to the public that a Gold rating doesn’t involve an onsite audit.”

Moeggenberg discussed these details with Sumwalt to make sure he understands the difference and to assure him that Argus is addressing the issue with charter buyers. “We understand where the confusion is with the traveling public,” he said. “We’re making an extra effort to make sure they understand the difference.”

Art Dawley, CEO of Wyvern, pointed out that Wyvern subscribers can use its service to compare their own standards against information in the Registered operator database. “Wyvern does not certify or accredit any operator under this program, nor does it require an audit of that operator,” he explained. “The only operators that Wyvern confirms meet our proprietary safety benchmark (Wingman Standard) can be found in the Wingman directory on our website.”

Dawley is also aware of confusion among the traveling public. “I don’t think the way we market our products has been all that effective,” he admitted. To help make the distinction between information provided about operators and audited operators, Wyvern is going to change the name of its non-audited program to Wyvern Data Registered. “It’s not a certification or stamp of approval,” he said, “it’s registration of data, so if you subscribe you can get access and benchmark it if you want.”

FALSE SENSE OF SECURITY

At the Air Charter Safety Foundation’s annual safety symposium in March, Sumwalt reiterated his concerns about what he said is the false sense of security that ratings and assumed audits can give both operators and their customers.

“I am a believer in having outsiders look at your work,” Sumwalt told attendees. “The thing that bothers me is that we talk about all the things [the NTSB] found with this operator, yet it had a Gold rating from a leading industry audit organization.

“Gold is a very high standard. It means something,” he continued. “To put on a website that this organization has a gold rating and you haven’t even been there [for an onsite audit], it’s disingenuous. It’s a paperwork exercise.”

At the symposium, Ed Wandall, director of charter evaluation and qualification for Argus, told Sumwalt that the company’s goal is to “educate all of our users” about what Argus ratings signify. An Argus Gold rating, which Execufly had, means that a company passed a safety analysis and pilot background check based on available records. Onsite audits are not required for Gold ratings, but are for Gold Plus and Platinum. “We are definitely changing our system,” Wandall said. “You should see it in your flight departments and your customers should see it.”

Sumwalt reiterated that he supports third-party audits and record reviews, and said Argus and its competitors “have done a lot to improve the safety of our industry.” Ultimately, he added, the operators must serve as safety standard-bearers. “People relying on that gold standard aren’t necessarily getting what they think they’re getting, and that bothers me,” he said.

PRIA RECORDS

The NTSB report on the Execufly accident noted issues with the two pilots’ backgrounds, some of which was available in the Pilot Records Improvement Act (PRIA) background check. The captain had been terminated from his previous job for not showing up for scheduled training at a simulator training provider. The NTSB had to obtain the document detailing this information from that previous employer because the document was not part of the captain’s PRIA records.

The first officer’s PRIA records provided detailed information from his previous employer, including a letter from that company’s check airman. According to the NTSB, “in ground school, the first officer ‘started to fall behind’ and ‘struggled’ with memory items and weight-and-balance problems, and in the simulator he continued to struggle with weight-and-balance problems and did not know memory items, callouts, profiles or flows. The letter further stated that because of the first officer’s ‘lack of acceptable progression,’ he was given the opportunity to fly as a jumpseat observer for [seven] days and obtained over 16 hours of observation experience. However, upon completion of his time as an observer, the first officer’s performance remained ‘significantly below acceptable standards.’ On Feb. 27, 2015, his employment with Sky King was terminated for ‘unsatisfactory work performance.’”

In its auditing process, Wyvern doesn't have access to PRIA records, Dawley explained. The responsibility for vetting of that information belongs to the operator. "When we go to do an audit," he said, "we don't do the regulatory part; we audit policy and process, how [the operator] conducts its business, whether it subscribes to industry best practices, as documented in our standards. We don't check records of pilots or aircraft; that's a regulatory and compliance issue with the FAA."

Moeggenberg said Argus offers what it calls a TripCheq (charter evaluation and qualification) service to charter users at no cost. "It's sort of like a confirmation that the pilots and the aircraft meet the customers' expectations," he offered. Information in the TripCheq would show the pilots' total time, time in type, airplane details, insurance coverage and so on. "For the company that chartered that airplane, it's free; you just have to ask the operator. We do know that was not done for the Execuflight [accident] trip. We don't know if the pilots of that trip met the requirements of the customer."

With regard to PRIA information, Moeggenberg said that Argus has access only to information that is publicly available, unless the operator provides it during an audit. "If the operator did not disclose it or the FAA POI [principal operations inspector] didn't catch it," he said, "then it's not in the public record so we don't know the internal issues going on with those pilots." However, although Argus auditors might not have the time to dig through all the pilot files, especially at a large operator, an operator wouldn't be able to qualify for an Argus Platinum rating if it didn't disclose that information or allow Argus to inspect its files, he said.

"We have a strict checklist and audit standard that these auditors have to follow," Moeggenberg said. "Right now, we have about 120 Platinum operators in our system. Very few operators walk away with zero findings, and it's been years since we had a zero-finding audit. Operators have to make sure that anything we uncover is fixed before a Platinum rating is assigned."

OPERATOR'S RESPONSE

Execuflight, the operator of the crashed Hawker, disputed the Board's conclusions in two submissions to the NTSB docket. In the first, dated May 20, 2016, company president Danny Lewkowicz disputed NTSB conclusions regarding weight-and-balance calculations made by the accident crew and summarized Execuflight's "robust safety culture," "well proven Standard Operating Procedures" and "effective check and balance measures to ensure the above standards were implemented."

Both pilots were "thoroughly interviewed and investigated," according to Lewkowicz. "The hiring process included, in part, an in-person interview and demonstrative Part 91 flights to observe each in the cockpit environment during an actual flight before the hiring decision was made. In addition, complete PRIA [Pilot Records Improvement Act] checks were performed and reviewed for both pilots."

Lewkowicz further explained that "the cumulative effect of the above air traffic control errors contributed to the accident and should be included in the NTSB probable cause report." The errors to which Lewkowicz refers include the controller not providing current weather conditions, pilot reports or altimeter settings for the destination airport. One of the pilots had told the controller that he was "getting the weather," but neither controller who worked the flight confirmed that the pilots had actually obtained the weather information from the Akron ASOS. The last (special) weather observation before the accident was: wind 250 at 8 knots, visibility 1.5 miles in mist, 500 overcast, temperature 11 deg C, dew point 9 deg C, altimeter 29.95

The second submission, dated Oct. 13, 2016, disputed an NTSB finding that the first officer had flown two days before the accident without the required rest period: "It is undisputed the accident crew was in compliance with crew rest requirements for the twenty-four hour period preceding the accident. There is no analytical basis to demonstrate the suggested real time discrepancy two days before the accident had any causal relationship to the accident."

[This article was updated on March 20, 2017.](#)