



National Transportation Safety Board Aviation Accident Factual Report

Location:	Ticonderoga, NY	Accident Number:	IAD04FA030
Date & Time:	07/10/2004, 0858 EDT	Registration:	N45032
Aircraft:	Piper PA-31-350	Aircraft Damage:	Destroyed
Defining Event:		Injuries:	2 Fatal
Flight Conducted Under:	Unknown		

HISTORY OF FLIGHT

On July 10, 2004, at 0858 eastern daylight time, a Piper PA-31-350, N45032, operated by Capital Airlines, Inc., was destroyed when it impacted trees and terrain in Ticonderoga, New York. The certificated airline transport pilot and the passenger were fatally injured. Visual meteorological conditions prevailed, and no flight plan had been filed for the flight between Waterbury-Oxford Airport (OXC), Oxford, Connecticut, and Ticonderoga Municipal Airport (4B6), Ticonderoga, New York. The regulation under which the flight was conducted was unknown.

According to a Federal Aviation Administration (FAA) inspector, principals of the company reported that the passenger had stated to them that he was a pilot, and was interested in investing in the company. The accident pilot had previously flown the passenger on one CFR Part 135 charter flight, and another CFR Part 91 flight as a potential investor.

On the morning of the accident, the pilot was flying the passenger to Ticonderoga, so the passenger could join his wife.

Witnesses in the area reported seeing the airplane near the accident site, but none saw the accident occur.

A review of radar data revealed that the airplane approached Ticonderoga from the south, passing about 10 nautical miles east of Glens Falls, New York, at 2,300 feet above mean sea level (msl). It continued northbound, passing about 1 nautical mile east of Whitehall, New York. About 5 nautical miles west of Fair Haven, New York, it turned to the northwest. Once it reached the vicinity of Dresden, New York, it again turned north, until reaching the eastern shore of Lake George, just north of Record Hill, at 1,800 feet. The airplane then crossed the lake in a northwest direction, passing over the western shoreline just north of Rogers Rock, at 1,500 feet. The airplane continued to the northwest, flying above a rising saddle, with altitudes of 1,500 feet at 0857:03, 1,900 feet at 0857:15, 1,700 feet at 0857:27, 1,700 feet at 0857:39, and a final altitude of 2,100 feet at 0857:51. There were no erratic course deviations noted in the

radar track.

Approximate elevations of land features along the airplane's final track included hills on the eastern shore of Lake George at 1,000 feet, Lake George at 300 feet, and hills on the western side of Lake George at 700 feet. The right side of the saddle was topped by Old Fort Mountain, which rose to about 2,030 feet, then descended to about 1,840 feet in the vicinity of the accident site.

The accident occurred during daylight hours, in the vicinity of 43 degrees, 50.62 minutes north latitude, 73 degrees, 30.96 minutes west longitude.

PERSONNEL INFORMATION

- Pilot -

The pilot held an airline transport pilot certificate, and was retired from a major airline. He was rated in a number of transport category airplanes, and was also a certificated flight instructor in single engine and multi-engine airplanes, and instrument-airplane. His latest FAA first class medical certificate was issued on May 7, 2004, and at that time, the pilot indicated a total of 32,000 flight hours.

The pilot was listed in Capital Airline's operations specifications as the president and director of operations.

- Passenger -

There was no evidence that the passenger was a certificated pilot.

According to a Federal Bureau of Investigation (FBI) agent, the FBI had, prior to the accident, initiated an investigation of the passenger, based on allegations that he had defrauded private lenders.

As collateral for a number of loans, the passenger had provided, to the attorney through which the loans were made, Letters of Credit that were purportedly bank-issued. When the loans were due on June 30, 2004, the attorney attempted to collect on them, without success. On July 8, 2004, the attorney learned that the Letters of Credit were fraudulent. When subsequently confronted, the passenger admitted they were fraudulent, but also stated that he had a pending deal with another bank to provide \$1.85 million that could be used to repay a portion of the earlier loans. The passenger then provided a letter, purportedly from that bank, which stated that \$1.5 million had been sent to the attorney's account.

On July 9, 2004, the attorney's son, who was also an attorney, attempted to verify the bank letter, and learned that the person who allegedly signed it was not a bank employee. When the passenger was confronted later that same day, he admitted that the letter was not legitimate, but further stated that he had a deal with a bank, but for \$750,000. The passenger also stated that he would use the funds to provide the original lenders some of the money they were due during the week of July 12, 2004, and would make arrangements for the remaining balances to be paid.

On July 9, 2004, the passenger also attempted to reinstate millions of dollars of insurance policies on himself without success.

On the morning of July 10, 2004, the passenger attempted to obtain an insurance policy, "immediately prior to the departure of the accident flight," but was unsuccessful.

The FBI agent also noted that, "prior to July 10, 2004, the passenger had been acting in an increasingly unusual manner. He began to take less care in his personal hygiene and attended work less often. His business appeared to be suffering increasing financial difficulties prior to the crash."

According to a letter signed by the pilot, and copies of cancelled checks, on February 5, 2004, the passenger, through his company, lent the pilot \$4,000. Along with a \$1,000 borrowing fee, the total amount was due to the passenger's company on April 5, 2004. The letter further stated that, upon default of full payment by that date, "Capital Airlines agrees to provide flight services to [the passenger's company] until the debt is paid."

In a subsequent letter written on behalf of the passenger's wife, her attorney stated, "no portion of the debt was paid by April 5, 2004, and therefore Capital Airlines provided flight services to the [passenger's company and the passenger] in exchange for [the passenger's] forbearance on the loan."

AIRPLANE INFORMATION

The airplane was manufactured in 1980, and was modified with a Colemill conversion, with Q-tip propeller blades. The latest annual inspection was completed on May 26, 2004.

METEOROLOGICAL INFORMATION

Weather at the nearest recorded facility, an airport about 35 nautical miles to the south, at 0853, included clear skies, visibility 10 statute miles, winds from 180 degrees true, at 4 knots, temperature 66 degrees F, dew point 61 degrees F, and a barometric pressure of 30.06 inches of mercury.

WRECKAGE INFORMATION

The wreckage was located about 1/2 mile to the northwest of the Old Fort Mountain summit, at an elevation of about 1,740 feet. The accident site was 4.7 nautical miles southwest of Ticonderoga Municipal Airport.

The area was heavily forested, with new growth trees rising to about 60 feet, and stumps from earlier logging operations also present. There were also numerous stands of old growth trees which rose an estimated 60-80 feet above the new growth trees.

Due to the heavy canopy of new growth trees, initial tree impact heights could not be determined. However, at the base of a stand of four old growth trees, of various types, there were airplane metal fragments along with branches from three of the trees. Metal fragments and tree limbs continued along a heading of approximately 360 degrees for an estimated 200 feet, then curved to a heading of about 020 degrees. The wreckage path was about 500 feet in length, with a downward angle of about 10 degrees.

All flight control surfaces were accounted for at the accident scene. The airframe was extremely fractured; however, flight control continuity was confirmed by correlating the pulled-apart flight control cables to their corresponding flight control surfaces. Throttle quadrant measurements were unreliable, as the quadrant was completely separated from the remainder of the wreckage. Fire and impact destroyed all of the flight and engine instruments.

The nose landing gear was separated from the wreckage, the left landing gear was partially attached to the wing, and the right landing gear was up in the wheel well, with the right landing gear doors up and undamaged.

There were no visible threads on the flap jackscrews, which correlated to a "flaps up" position.

Both propellers exhibited severe impact damage. All four blades of the right propeller exhibited S-bending, and the Q-tips were separated. One propeller blade was reversed in the hub. All four blades of the left propeller also exhibited S-bending and broken or bent Q-tips. One blade was broken in the hub, and another blade was pulled forward.

Both engines were examined, and on both, crankshaft continuity was confirmed. Due to the amount of fire and impact damage, compression could only be confirmed on the right engine. Both engines were borescoped, with no internal anomalies noted.

MEDICAL AND PATHOLOGICAL INFORMATION

A review of pilot FAA medical records revealed that, in a 2002 physical examination and the latest 2004 examination, electrocardiogram (ECG) testing indicated premature ventricular complexes (PVCs).

Autopsies were conducted on the partial remains of the pilot and the passenger at Adirondack Medical Center, Saranac Lake, New York, and the autopsy reports were completed on October

6, 2006.

The pilot's autopsy report revealed that his heart exhibited "severe calcific atherosclerotic coronary disease with 90 percent narrowing of the left anterior descending coronary artery and 75 percent narrowing of the right coronary artery." In addition, there was "no evidence of significant chronic myocardial ischemic change, no coronary artery thromboses and no evidence of a recent or old myocardial infarction."

The report also noted that the pilot's family members had reported his health to be "very good" before the accident, and "as far as [they] knew, he had no history of heart disease, syncope or a seizure disorder."

No toxicological testing could be performed on the pilot. The manner of death was classified as "undetermined."

The passenger's manner of death was also classified as "undetermined."

Both autopsy reports also stated that the pilot and passenger "sustained lethal injuries secondary to the crash; however, due to the inability to perform a complete autopsy of all vital organs of either of the two aircraft occupants; it cannot be determined whether either the pilot or the passenger were alive or dead at the time of the crash."

ADDITIONAL INFORMATION

On July 11, 2004, the release of the wreckage was acknowledged by the Ticonderoga Chief of Police. According to the Chief, subsequent to the release, wreckage recovery personnel reported that they had found a gun clip (magazine) when they were cleaning up the wreckage site, and had advised him that they left it in a tree. When Ticonderoga police officers went to the scene to recover it, it was missing.

At a later date, citizens advised the Ticonderoga Police Department that they had recovered the magazine, and that, because it was dirty, they had "cleaned it all up for you."

The Chief further indicated that the magazine, which had a seven-shot capacity, contained five hollow-point rounds. In addition, the bullet caliber was .380, but there were no records of either the pilot or the passenger owning a firearm of that caliber.

The Chief also noted that he had gone to the wreckage site several times after the cleanup to try to find a firearm, but could not find one.

According to the FBI agent, the Bureau found no link between the magazine clip and the passenger.

Pilot Information

Certificate:	Airline Transport	Age:	75, Male
Airplane Rating(s):	Multi-engine Land; Single-engine Land	Seat Occupied:	Left
Other Aircraft Rating(s):	None	Restraint Used:	
Instrument Rating(s):	Airplane	Second Pilot Present:	No
Instructor Rating(s):	Airplane Multi-engine; Airplane Single-engine; Instrument Airplane	Toxicology Performed:	No
Medical Certification:	Class 1 With Waivers/Limitations	Last FAA Medical Exam:	05/01/2004
Occupational Pilot:		Last Flight Review or Equivalent:	
Flight Time:	32000 hours (Total, all aircraft)		

Aircraft and Owner/Operator Information

Aircraft Make:	Piper	Registration:	N45032
Model/Series:	PA-31-350	Aircraft Category:	Airplane
Year of Manufacture:		Amateur Built:	No
Airworthiness Certificate:	Normal	Serial Number:	31-8052199
Landing Gear Type:	Retractable - Tricycle	Seats:	8
Date/Type of Last Inspection:	05/01/2004, Annual	Certified Max Gross Wt.:	6500 lbs
Time Since Last Inspection:		Engines:	2 Reciprocating
Airframe Total Time:	8159 Hours as of last inspection	Engine Manufacturer:	Lycoming
ELT:	Installed, not activated	Engine Model/Series:	TIO-540
Registered Owner:	Haynes Group LLC	Rated Power:	350 hp
Operator:	CAPITAL AIRLINES INC	Operating Certificate(s) Held:	On-demand Air Taxi (135)
Operator Does Business As:		Operator Designator Code:	VRWA

Meteorological Information and Flight Plan

Conditions at Accident Site:	Visual Conditions	Condition of Light:	Day
Observation Facility, Elevation:	GFL, 320 ft msl	Distance from Accident Site:	35 Nautical Miles
Observation Time:	0853 EDT	Direction from Accident Site:	210°
Lowest Cloud Condition:	Clear	Visibility	10 Miles
Lowest Ceiling:	None	Visibility (RVR):	
Wind Speed/Gusts:	4 knots /	Turbulence Type Forecast/Actual:	/
Wind Direction:	180°	Turbulence Severity Forecast/Actual:	/
Altimeter Setting:	30.06 inches Hg	Temperature/Dew Point:	19° C / 16° C
Precipitation and Obscuration:	No Obscuration; No Precipitation		
Departure Point:	Oxford, CT (OXC)	Type of Flight Plan Filed:	None
Destination:	Ticonderoga, NY (4B6)	Type of Clearance:	None
Departure Time:		Type of Airspace:	

Airport Information

Airport:	Ticonderoga Municipal (4B6)	Runway Surface Type:	
Airport Elevation:	274 ft	Runway Surface Condition:	
Runway Used:	NA	IFR Approach:	None
Runway Length/Width:		VFR Approach/Landing:	Unknown

Wreckage and Impact Information

Crew Injuries:	1 Fatal	Aircraft Damage:	Destroyed
Passenger Injuries:	1 Fatal	Aircraft Fire:	On-Ground
Ground Injuries:	N/A	Aircraft Explosion:	On-Ground
Total Injuries:	2 Fatal	Latitude, Longitude:	43.843611, -73.516111

Administrative Information

Investigator In Charge (IIC):	Paul R Cox
Additional Participating Persons:	Jeffrey Wasileski; FAA/FSDO; Albany, NY Robert Martellotti; New Piper Aircraft; Vero Beach, FL Aaron Spotts; Lycoming-Textron; Williamsport, PA
Investigation Docket:	NTSB accident and incident dockets serve as permanent archival information for the NTSB's investigations. Dockets released prior to June 1, 2009 are publicly available from the NTSB's Record Management Division at pubinq@ntsb.gov , or at 800-877-6799. Dockets released after this date are available at http://dms.nts.gov/pubdms/ .