

CIVIL AVIATION TRIBUNAL

BETWEEN:

Minister of Transport, Applicant

- and -

Daryl Randolph Johnson, Respondent

LEGISLATION:

Aeronautics Act, S.C., c.A-2, s. 7.7

Air Regulations, C.R.C. 1978, c.2, s. 221

Certification of Aircraft as Airworthy

Review Determination
Gordon R. Mitchell

Decision: April 27, 1997

I confirm the Minister's decision to assess a monetary penalty of \$100.00 to Daryl Randolph Johnson for contravening Air Regulation 221. The payment shall be made to the Receiver General for Canada and sent to the Civil Aviation Tribunal within fifteen days of receiving this Determination.

A Review Hearing on the above matter was held Thursday, March 20, 1997 at 15:10 hours at the Prince Albert City Hall, in Prince Albert, Saskatchewan.

At the outset, Inspector Brown, on behalf of the Minister, requested that an amendment be made to the Notice of Assessment of Monetary Penalty.

It was requested that the fifth line be changed to read, "the fact that the taxi light was wired incorrectly."

Both parties agreed to the change in wording, and the amendment was accepted.

THE AMENDED NOTICE OF ASSESSMENT OF MONETARY PENALTY FOLLOWS:

Pursuant to section 7.7 of the *Aeronautics Act*, the Minister of Transport has decided to assess a monetary penalty on the grounds that you have contravened the following provision(s): **Air Regulation 221**, in that on or about April 19, 1996, at or near Uranium City, Saskatchewan you did unlawfully certify a Piper PA 31-350 aircraft, bearing Canadian registration marks C-GWUM as released for return to service when all the applicable standards of airworthiness had not been met by reason of the fact that the taxi light was wired incorrectly.

OVERVIEW

C-GWUM was given a #3 Inspection at Uranium City on April 19, 1996. This is shown in the aircraft log and referred to by the base engineer, D.R. Johnson, in his letter of explanation to Inspector Hanson, written on May 5, 1996 (Exhibit M-1).

The aircraft, C-GWUM, was sent to Elite Aero Ltd. at Prince Albert on May 1, 1996 for maintenance requirements some of which were listed on a loose sheet inserted between the pages of the Journey Log.

The crew members delivering C-GWUM to Prince Albert were to leave it and return with another aircraft to take its place.

The replacement aircraft was unserviceable; therefore, C-GWUM was put back into service without any of the maintenance listed being carried out. Instead, it was returned to service in the same condition that existed before being sent to Prince Albert.

On May 2, 1996, Inspector Hanson and Inspector Dittbrenner met aircraft C-GWUM at Uranium City when it arrived, flown by Captain Juravinski. The Inspectors did an inspection after the aircraft was unloaded and noted the snag sheet in the log book, checked the deficiencies that were listed.

This inspection resulted in monetary penalties to D.R. Johnson, base engineer, and to Captain Juravinski as well as other action taken.

D.R. Johnson's monetary penalty is outstanding, and Captain Juravinski's monetary penalty has been paid.

Exhibit M-1, the letter to Inspector Hanson from D.R. Johnson, was presented. No other Exhibits were introduced.

DISCUSSION

I.B. Carson, counsel for D.R. Johnson, and Inspector Brown, Case Presenting Officer for Transport Canada, agreed that the evidence in the previous case, that of *Minister of Transport and Northern Dene Airways Ltd.* (CAT File No. C-1378-41), was the same in this case and therefore felt it was not necessary to go through it all again. The reasoning was accepted, and the case presenters then gave final argument.

EVIDENCE FROM *MINISTER OF TRANSPORT AND NORTHERN DENE AIRWAYS LTD.* REVIEW HEARING AS AGREED BY PRESENTERS

The Minister's first witness, **Inspector Hanson**, related that he and Inspector Dittbrenner did a ramp check on Piper PA-31-350, C-GWUM at Uranium City, Saskatchewan on May 2, 1996.

The aircraft had arrived, and after it was unloaded the inspection took place. When inspecting the log books Inspector Hanson found the snag sheet that had been made up the previous day during a flight to Prince Albert for maintenance. The crew members were to leave C-GWUM at Elite Aero Ltd. and return with another aircraft.

The replacement aircraft was not available, so the maintenance was deferred. C-GWUM was put back into service May 1, 1996, and was therefore inspected in Uranium City on May 2, 1996.

Inspector Hanson went through the list (Exhibit M-2) pointing out the defects that were also listed in Count #3.

The Minister's second witness, **Inspector Dittbrenner**, was sworn and further explained the defects listed. The term "hot wired" used in the list in reference to the taxi and landing lights received a lot of time and attention. The other defects were referred to, and there was some concern shown as to which if any were airworthiness items.

The third witness for the Minister, Co-pilot Robert Juravinski, relating to the trip to Prince Albert on May 1, 1996, referred to the making of the snag sheet during the trip which was to result in leaving C-GWUM for repairs and returning with a replacement aircraft. He went on to explain that the replacement aircraft was unavailable as it was not serviceable. The decision was that the defect items would be deferred, and aircraft C-GWUM was flown north again and put back in service.

The fourth witness for the Minister, **David R. Johnson**, Engineer with Northern Dene Airways Ltd., was sworn. He stated that on April 19, 1996 a #3 inspection had been carried out on C-GWUM.

When questioned regarding the landing and taxi light switches, he said that he had checked the wiring and that it was correct, but he had been unable to find the reason why the use of either switch turned on both lights. He replaced a short wire that was frayed, but stated that this was not part of the problem.

The aircraft was allowed to fly like this. He felt that the problem, though not rectified, was not an airworthiness concern.

Mr. I.B. Carson, representing Northern Dene Airways Ltd., called his first witness, **Ron Cochrane**, Engineer for Elite Aero Ltd., AMO who was to do the repair on C-GWUM.

Engineer Cochrane gave testimony relating to the maintenance and operation of light circuits, landing and taxi lights, and the replacement of the landing light switch. He stated that the lights operated correctly after switch replacement.

He gave further testimony regarding the right propeller spinner and the repairs that were in place when he first saw the spinner. The repair was carried out in his shop, not by him personally.

Discussion regarding the items listed in the snag sheet and their relation to airworthiness were brought forward, and Engineer Cochrane gave his view as to their safety soundness.

Mr. Carson's second witness was **Dave Webster**, the owner of Northern Dene Airways Ltd. He related his concerns for a good maintenance program and the methods he used to accomplish this.

Mr. Webster sent aircraft C-GWUM to Elite Aero Ltd. at Prince Albert on May 2, 1996. He stated that all defects were to be corrected and that his company kept a close watch on all maintenance requirements.

He said that when C-GWUM was sent to Prince Albert the crew were to return with another aircraft. The replacement aircraft was not available; therefore, the work required on C-GWUM was deferred, and the crew members flew C-GWUM back to be returned to service.

CONCLUSION

D.R. Johnson, base engineer for Northern Dene Airways Ltd., completed a #3 inspection on C-GWUM April 19, 1996. On May 1, 1996, this aircraft was sent to Elite Aero Ltd. at Prince Albert for maintenance requirements. This was 17 hours following the #3 inspection.

Mr. Johnson was aware of some, if not all, defects on this aircraft as this is made known in his letter to Inspector Hanson, dated May 5, 1996 (Exhibit M-1).

There was no definite opinion shown as to the relationship to airworthiness of the items listed as defects on the snag sheet.

I believe that all of these listed defects are airworthiness related, the only difference being the time element. Obviously all had some sign of failure, and only the time factor, short or long, would decide the pending complete failure of each.

The term "hot wired" is probably a misnomer when used to describe a defect listed on the snag sheet. It is generally used to indicate the intentional by-passing of a switch. It would more aptly apply to something such as car theft. In this case, I believe that a wire was attached to the wrong post on the landing light switch.

Mr. Johnson stated in his testimony and in his letter that the taxi light switch had always turned on both lights together in this aircraft, C-GWUM.

This was a malfunction, as the landing light switch should turn on both lights, and the taxi light switch should turn on only the taxi light. This is only with the gear down.

The problem was checked during the #3 Inspection, but according to Mr. Johnson the problem could not be found. He felt that it was not a very serious problem. This was not entered in the aircraft log.

I believe that, at some time prior to or at the inspection, someone working on this system had inadvertently attached the short lead wire, from the positive post on the taxi light switch to the positive post on the landing light switch, when it actually belongs on the auxiliary post of the landing light switch. This would cause both lights to operate together when using either switch.

When the switch was later replaced on the assumption that it was the problem, the wire was likely correctly attached, and then the system worked normally. No tests or disassembly of the switch were mentioned to prove otherwise.

Mr. Johnson indicated that he had "stop-drilled" a patch on the right propeller spinner. Stop-drilling the parent material is not unusual. It would be appropriate to replace the patch.

There were 12 items listed on the snag sheet that required attention. These were deferred, and the aircraft was back in service with none of these listed items being entered in the log books. Mr. Johnson said that he had simply made an error in judgement.

DETERMINATION

I confirm the Minister's decision to assess a monetary penalty of \$100.00 to Daryl Randolph Johnson for contravening section 221 of the *Air Regulations*.

Gordon R. Mitchell
Member
Civil Aviation Tribunal