

OFA Newsletter

AN ORGANIZATION OF FLYING ADJUSTERS

SUMMER 2006



President's Message

First the business parts. We had a successful mid-year meeting in Dallas. For all that were there and worked to make it a successful meeting and reception, many thanks. There were 55 guests and 20 OFA members that attended the reception.

The Aviation Insurance Association (AIA) conference was held April 29 to May 2 in Grapevine, Texas. It was well attended by insurance professionals from throughout the world (hint). Marty Brown and I manned the OFA booth, meeting and greeting many people in the name of the OFA. Our congratulations to Paul Leonard for being named Vice President and President Elect of the AIA board of directors. I would like to thank T.W. Cook for giving of his time to come and speak about the "Other Side of the Coin" at the continuing education session. Although the OFA contingent was small we represented our organization well, except on the golf course. Next years meeting will be in Palm Springs, California.

It is with sadness that we mark the passing of Tom Roche, OFA 76, on March 31, 2006. Our condolences go out to his wife Beverly and the rest of his family. Tom will be missed.

For those taking notice, there is a new insurance market. W.R. Berkley Corporations has formed Berkley Aviation, LLC, based in Santa Barbara, CA. Their principal lines of business will include airline and helicopter hull and liability, non-owned aircraft liability, fixed base operations, airports and aircraft leasing. This is not an endorsement but just to let you know there are new sources of business out there.

Speaking of new business, from my office window, I get to watch the Eclipse test aircraft do touch and goes, as well as other test procedures. Eclipse has obtained conditional FAA certification for their first five aircraft and should have full type certification soon. Delays in obtaining some supplies have caused some delays. They are the first VLJ to reach certification. Not far behind them will be the Cessna Citation Mustang and others.

The committees are ginning up and preparing reports for the up coming conference and annual meeting in Scottsdale at the Chaparral Suites Resort, 5 through 8 October. Working especially hard is Ken Harris, supported by the entire Arnold and Arnold staff to prepare an outstanding program and for some exceptional Western Hospitality just for you. We thank them now (and again later) for their hard work. There are a number of things you the membership and friends can do. First, send in your reservation form to attend and make your room reservations directly with Chaparral Suites, (800) 528-1456. Second, consider being a sponsor yourself of the conference or enlist sponsorship from organizations that do business with the OFA during the year. Contact myself, Ken Harris or Bill Arnold if you need details on being a sponsor. Sponsorship is what help make this happen the way it does. Third, invite friends and potential friends of the OFA to attend the conference. If you need additional conference invitations, I will be more than happy to get them to you. Fourth, if we have left anyone of our friends out in the past, please invite them or let me know so that situation can be corrected.

See you all soon in Scottsdale.
Bill Provance
OFA 137
President



Committee Assignments OFA Year 2005 - 2006

Membership Committee:

Al Ryan - Chairman
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Bob Cole

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Bill Hall - Chairman
Paul Leonard

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Don Hendricks

Newsletter:

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Al Plumley
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Don Hendricks - Chairman
Monty Williams
John Ashford
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NTSB Liaison:

John S. Young - Chairman
Clifton E. Gee
Russell Day

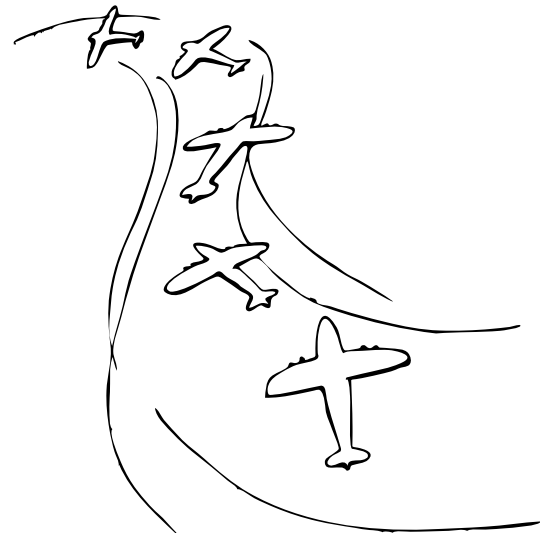
Web Site: www.ofainc.com

Bill Hall

Scholarship Committee:

Bernard Coogan - Chairman
Robert Betts

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www.ofainc.com**



OFA NEWSLETTER

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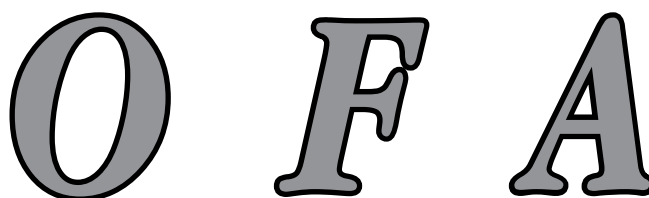
The OFA Newsletter is published for the benefit of the membership, the Aviation Insurance Industry and other related fields. Opinions expressed by the Editor and contributors do not necessarily represent the position of the OFA.

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an organization of flying adjusters

OFA 2006 Conference - Scottsdale, AZ

5-7 October 2006

Wednesday

1600: Executive Meeting
Early Registration

Thursday

Morning: Sign In and Closed Business Meeting (Advisory Counsel)
Noon: Opening Lunch
Afternoon: Classes
Evening: Mexican Buffet (After all, Arizona was part of Mexico and may be again)

Friday

Morning: Classes - Todd Bates, New hail repair method (Motor City Aviation)
Noon: Lunch
Afternoon: Field Trip/Golf (TBA)
Evening: Presidential Dinner

Saturday

Morning: Classes - Bloodborne Pathogen Training
Closed Business Meeting
Noon: Changing of the Officers Lunch

Spouses' Schedule

Thursday

Morning: Tour of Sedona - Including Lunch - Early morning departure return afternoon
(A long fun filled day)
Evening: Mexican Buffet entertainment in the open patio

Friday

Afternoon: Field Trip/Golf
Evening: Presidential Dinner

Saturday

Morning: Spend the morning by the pool or join the Old Town Shopping Tour
Noon: Changing of the Officers Lunch

After Conference Optional Activity

Sunday

The Pima Air & Space Museum is the largest Air & Space Museum in the Western United States
Leave at 0900 return at 1700

*****Make your reservations directly with the Chaparral Suites Resort at (800) 528-1456*****

**The OFA Midyear Meeting was held in Addison, Texas.
Collaged on these pages are a few snapshots from this event.**





The membership of OFA is dedicated to the highest standard of professional ethics in handling aviation insurance claims, investigating causes of aircraft accidents objectively and promoting every aspect of air safety.

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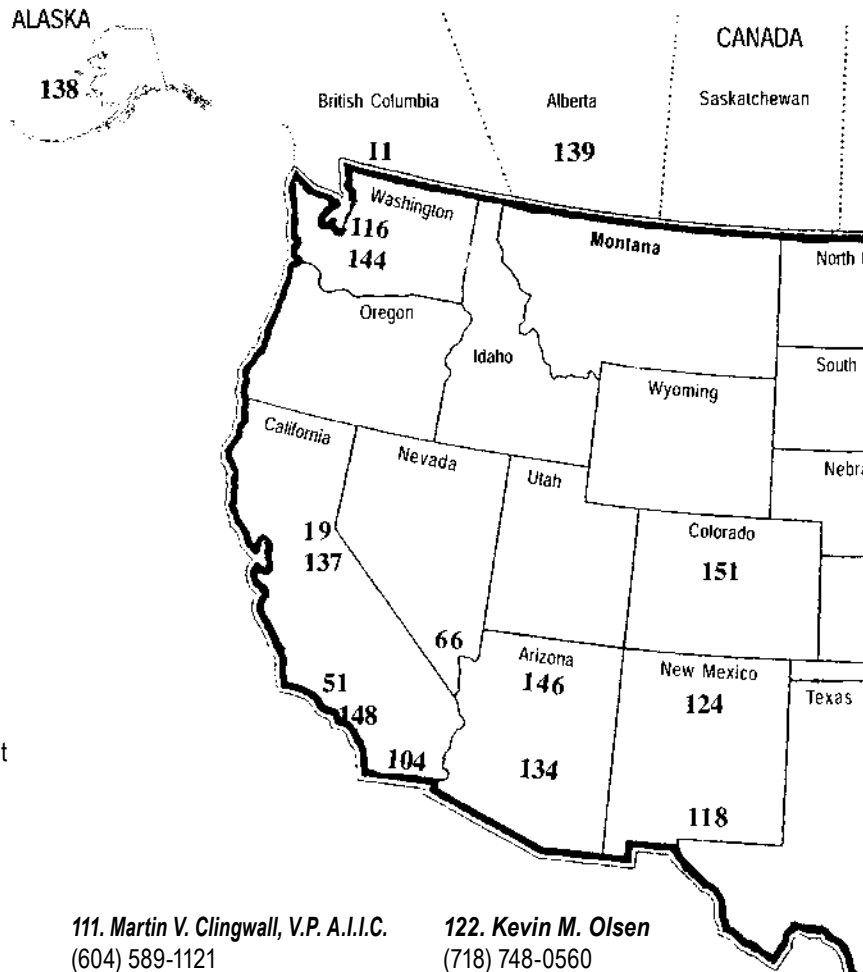
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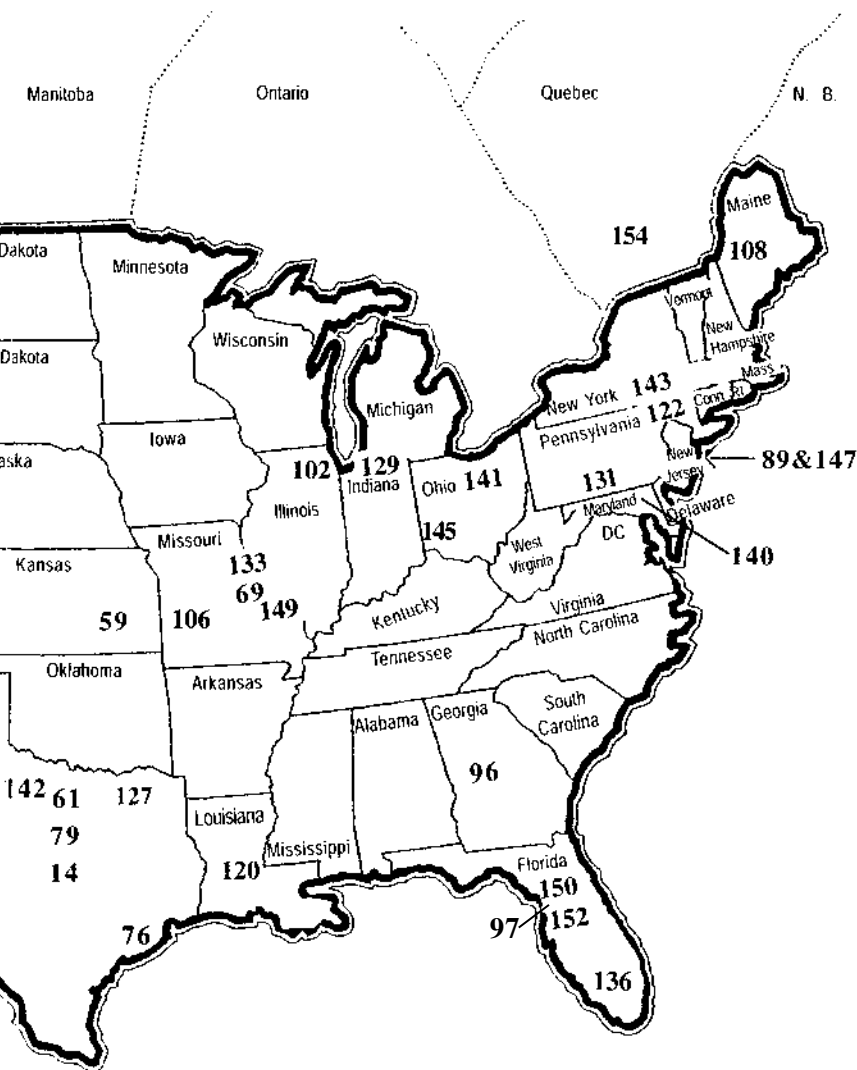
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A Pilot's Recollections of "The Sounds of Silence"



Rest assured, this article is not intended to give you my impressions of the old Simon and Garfunkle song "The Sounds of Silence" but rather to tell you of an event that happened July 16, 2005 when a perfectly good

airplane suddenly became ominously silent. In my 30 years of flying I have recognized that a high percentage of the general population has varying degrees of interest in general aviation. I am a Claims Adjuster that has had the privilege and delight of using general aviation for transportation in my claims business. I am often called by our various clients assigning a major property loss or an aviation claim, many times in remote areas of our country especially the Midwest, and over the years it has been demonstrated the economics of general aviation in travels. A claim will come in, arrangements are made for a car at a remote airport close to the loss location and I would be "wheels up" and on the way with my camera and business tools in tow. Over 4,000 hours of flying in 30 years and that each takeoff and departure has been followed by successful and satisfactory landing. On the morning of July 16" there was no reason to believe that this day would be any different.

My first grandson (Luke William Walker) had been born on July 13th Hillsboro, Texas and it was my wife's and my privilege to fly the airplane from the Chicagoland area to Texas to be present



for that blessed event. That day I was assigned a major hurricane loss caused by Hurricane Dennis in Atmore, Alabama approximately 500 miles to the east. Arrangements were made for a Saturday inspection and I began my travels at 8:00 in the morning doing the typical preflight of the aircraft which included making sure that the aircraft was fully fueled, that the fuel was not contaminated, that there was proper oil in the Lycoming engine and that the aircraft was airworthy for the trip. I took off in Visual Flight Rule conditions (VFR) and climbed to 3,500 feet for favorable winds aloft. With a ground speed of approximately 145 knots this would be a flight slightly over three hours.

One hour into the flight I changed tanks and burned approximately 35 minutes of aviation fuel from the second tank. To maintain proper separation from the cloud deck it was necessary to climb to 4,500 feet keeping more than a 1,000 feet from the clouds. Without any pre-warning, the engine began to run very rough for 5 to 10 seconds and then stopped developing any power.

Pilots are always taught what to do in case of a in-flight emergency, but pilots never know exactly how they will react when the real emergency happens. That is the test, and I am happy to report that I passed the test! I followed all the procedures that are taught, turning on the electric fuel pump, changing tanks, assuming the best glide

speed, and doing everything possible to try to resume normal flight. Global Positioning Systems (GPS) has been a wonderful feature in aviation and most GPS systems has a button to push to show all the nearest airports. Pollack, Louisiana (L66) was the closest airport a heading of 154 degrees and 28.5 nautical miles. A quick calculation of air speed, distance and altitude showed that I was going to come very close to Pollack Airport in Grant Parish, Louisiana, but as they say "close but no cigar".

The roughness of the engine and the way that it lost power was very similar to when a pilot will run a tank dry. But in each tank I had sufficient fuel, the fuel pressure gauge showed that there was plenty of fuel pressure, and have a minute or two of heading towards Pollack Airport, it was obvious that this engine was not going to spring back to life. The propeller was still wind-milling so there didn't seem to be catastrophic failure such as a broken engine crankshaft or connecting rod, but that having been said, it was producing absolutely no thrust or power. (It eventually was found to be a catastrophic Engine failure)

You will remember that I climbed 4,500 feet for separation of clouds and all the clouds went down substantially there was still a cloud deck below that had breaks in the clouds wherein I could see that I was over a forest area. Continuing with a 90 knot "best glide ratio" speed I continued down through the clouds and at approximately 1,200 feet I broke out of the clouds to show that I was, in fact, over a large forest area but I was paralleling a gap in the forest that was put in for a gas pipeline. While I predominantly handle large property claims, my aviation background brings me into the aviation arena handling aviation claims in which the cause of loss and actions of the pilot are studied. Some actions are with good result and some actions are catastrophic. But one thing that I always said and I continue to maintain is that if a pilot will fly the plane to the ground using all the energy that is available to him he will in most cases walk away from the event. I have known that, I have told thousands of people that, and now it was time to prove that I was correct.

The pipeline was perpendicular to my flight so as I descended through 600 feet I turned from what a pilot would refer to as a base leg to the final landing course, put the landing gear down, and recognized that this pipeline would be survivable, but it certainly was not an inviting landing field.

As I was going through 200 feet AGL (above ground Level) I noticed a hunting road to the left and I had to use every bit of concentration available to keep from trying to turn to that road. That road was perpendicular to my final path to the pipeline and making that turn at 200 feet would probably would result in my demise. It is the scores of aviation accidents that I have investigated that show that low and slow turn creates what is called a accelerated stall, which causes the aircraft to quit flying and spin nose down into the ground. The pipeline was going to be

off field forced landing spot but one other thing came into sight that created my last flying problem. Directly ahead of me was a fence with the fence poles being railroad ties spread about 12 feet apart. I had enough energy (altitude) to flare over the fence but at the other side there would be no more energy with which to pick exactly where to let the aircraft down. The landing spot was now out of my control but I did have the aircraft in control and that was the best survivable landing spot in the area.

The aircraft impacted the ground and if I say so myself it was an excellent landing except for the ruts, draws and horribly rough muddy ground. The landing gears were sheared off quickly slowing the aircraft, hitting a 4 inch metal pole with the left wing and coming to rest. The metal pole ripped into the left wing approximately 18 inches tearing the wing like tissue paper 1 inch from the left wing fuel tank. Would this have been a Hollywood explosion and fire? I don't know but I am certainly glad that I didn't find out. The aircraft was substantially damaged but I suffered no bruises or injury whatsoever.

People have asked me about my emotions during this event and I can say that training, preparation, and probably the adrenaline kept me focused on the duties at hand, there were no near death experience, or my life



flashing in front of my eyes, or fear or trepidation. My job was to fly the airplane successfully to the ground and that is what I did. When pushed further for an emotion I would say that the emotion was anger. Anger that my Piper Arrow had let me down, and possibly some sadness as I looked and saw that the aircraft was a constructive total loss.

That having been said, I was now on the ground, in a pipeline forest break near Pollack, Louisiana in Grant Parish and no one knows where I am, or what happened. In my busyness to fly the airplane and work to correct the problem I did not turn the transponder to the emergency code of 7700 nor did I contact anybody on the emergency channel of 121.5. On the ground I turned on the radio, broadcast on 121.5, and Continental Airlines (I believe it was 629) heard my "May Day" call, asked for my latitude and longitude and I also gave the pilot my cell phone number. Those that will listen to this story have chuckled at my next actions. What did I do as an insurance adjuster? I got out with my camera took 30 or 40 photographs, diagramed the area, and dictated a memo or statement of the incident so that I would not forget any of the pertinent details. I pulled off the engine cowl to take a look at the engine and there were no telltale signs of what went wrong with the engine. Then, about 10 minutes later, my knees began to shake.

I walked out the pipeline to a hunting camp road and when I got up on top of a hill, my cell phone started ringing with calls from the Federal Aviation Administration, the National Transportation Safety Board, and the local Grant

Parish Sheriff. This was so remote that the Sheriff suggested that he drive around the area with his siren going, and when I heard the siren I was to call him and let him know that he was close. I never heard the siren, but not to many minutes later the Sheriff, local police, and ambulances and fire trucks pulled up in response to what was great excitement that Saturday morning. I called my local "Organization of Flying Adjusters" associate Mr. Tommy Cook of Cook and Cook in Baton Rouge, Louisiana who by way was in the area working on another aviation claim. He made arrangements to have the aircraft removed and transported to Clinton, Arkansas for further investigation of cause of loss. Dawson Aircraft, in conjunction with the FAA and the National Transportation Safety Board, did an engine teardown and at first found an intake valve had come out of the engine and was lying inside the valve cover of the No. 3 cylinder. As they got further into the engine, they recognized that an oil nozzle inside the crankcase had backed out from the threaded fitting and had gone around in the engine causing all types of damage. Those present at the engine teardown said that it looked like the whole inside of the engine was filled with shrapnel and the engine had destroyed itself when the nozzle let go. There was nothing that could have been anticipated, inspected, or known as it was internal to the crankcase of the Lycoming engine.



I received great claim service from Brian (Skip) Hogan of US AIG Insurance Company and while I hated to see the Piper Arrow being totaled out, we have now replaced the Piper Arrow with a Cessna Turbo 210 which continues to give us excellent service traveling back and forth on claims.

Another question that is frequently asked is whether there was any reluctance to take the control of an aircraft after the July 16" accident. I can report that there was absolutely no reluctance or hesitation and I am ever more convinced that if a general aviation pilot will keep his head and fly the aircraft to the most suitable landing spot available based on the energy available, there will most probably be a successful landing. By the way a successful landing in pilot's terms is defined as one that you walk away from!

Much is being said about "I did this" and "I did that" but I'm thankful that "HE didn't think it was my time. I have been given more days to play grandfather with "Mr. Luke".



William L. Hall, Chief Executive Officer of L. J. Shaw and Company, an independent claim adjustment firm in Lombard, Illinois. He is a private, instrument rated pilot with over 4,000 hours. For more than 35 years he has handled major property and aviation claims throughout the United States. He is a past president of the Organization of Flying Adjusters and an AOPA Member since 1975.

Homeowner Can't Sue Insurance Adjuster For Negligence

A homeowner can't sue an independent insurance adjuster for negligently handling his claim for flood damage, the Vermont Supreme Court has ruled.

While he was away on a business trip, a power outage caused a homeowner's pipes to freeze and then burst, causing flooding, water damage and eventually mold growth. He filed an insurance claim, and the company contracted with an independent adjuster.

The homeowner filed suit, alleging that the adjuster negligently handled the claim, delaying and causing more mold to grow, further increasing the damage to his home.

The adjuster sought to dismiss the claim, arguing that the plaintiff had failed to allege a duty on his part, and that if he had acted in bad faith, the correct remedy was to include the claim in a suit against the insurer.

The court agreed.

"The relationship between the insured and the insurer is defined and governed by the insurance policy and its accompanying implied covenant of good faith and fair dealing. Further, the obligations of an independent adjuster are measured by the contract between the adjuster and the insurer. Because the conduct of an adjuster acting within the scope of his or her authority as agent for the insurer is imputed to the insurer, the insurer is subject to liability for the adjuster's mishandling of claims in actions alleging breach of contract or bad faith. Hence, allowing the insured to sue the independent adjuster in tort of economic losses allegedly caused by mishandled claims is both unnecessary and contrary to the law of agency...[I]mposing tort liability on independent adjusters would create a redundancy unjustified by the inevitable costs that eventually would be passed on to insureds," the court said.

It cited similar decisions from Arizona, California, and Oklahoma, but noted contrary authority from Oklahoma and New Hampshire.

Vermont Supreme Court, *Hamill v. Pawtucket Mutual Insurance Co.*, No. 2005-025, Dec. 30, 2005, *Lawyers Weekly USA* No. 9932433. You can link to the full text of this opinion by going to www.lawyersweeklyusa.com and searching the *Lawyers Weekly USA* Archives.

For Your Information
John Scott Hoff
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Submitted by Bernie Coogan



Editorial Comments:



The mid-year meeting was another great success. It was really nice seeing everyone again and catching up. Please see the collage on pages 4 & 5 for a pictorial review of this event.

It has been a good year so far for at least the Mid-West adjusters. Most of this was due to tornados ripping through our areas and of course for the awesome level of support from the companies that are loyal to using our members. Thanks!

Everyone should have received their invitations to our upcoming annual conference and if you didn't please contact Ken Harris, OFA 134 at (623) 872-4934 and I am sure he will get one right out to you. It looks like they have put a wonderful schedule together and I am really looking forward to it.

See you all in Scottsdale,

Hope Alexander
Editor

OFA 141, OH

www.ofainc.com

This is one of the airports that suffered major losses from the Tornados.



AIA Conference Information

AIA conferences provide a forum for the biggest names and best minds in the aviation insurance industry. Each year we offer top-notch speakers, continuing education classes, time with vendors and opportunities to network and develop relationships that last a lifetime.

AIA's Annual Conference is usually held either the last week of April or the first week of May. For our next conference, AIA heads out west to the Hyatt Grand Champions in Palm Springs, CA, April 28 - May 1, 2007.

For four information-packed and fun-filled days, attendees will be able to network with their peers, learn the latest industry trends and visit old friends, all while basking in the desert sun at the Hyatt Grand Champions. In addition to fueling your brain with industry knowledge you'll be able to fulfill some of your continuing insurance education requirements by attending our continuing education (CIE) courses. For most states, AIA fulfills eight hours of credit.

Look for more information coming soon. Official registration information will be mailed in February, 2007.

In Loving Memory of Thomas David Roche; 1920 - 2006

The tide recedes but leaves behind bright seashells on the sand, the sun goes down but gentle warmth still lingers on the land. The music stops, yet it echoes on in sweet refrains... For every joy that passes, something beautiful remains.

-M.D. Hughes



4-29-06

Dear Don & Fran:

Thank you so much for sending me the pictures of us during the great times we had with the OFA. I wrote you a letter earlier saying how beautiful the spray of flowers were that the OFA sent at the time of the funeral, but there wasn't a return address in the note and Tom's daughter, Terri, took all Tom's files home with her to sort out and I keep forgetting to have her look up the address.

Tom thought so much of all the people in the OFA and we both enjoyed the wonderful conventions. The pictures bring back great memories. It was thoughtful of you to send them.

*God Bless all of You,
Beverly Roche*

4-17-06

Dear Members of the OFA:

Thank you so much for the beautiful spray sent in memory of Tom. He was a great guy and we will all miss him. Nothing like beautiful flowers to ease the grief.

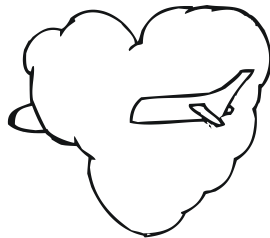
*With love,
Beverly Roche*

ROCHE

THOMAS DAVID ROCHE passed on to be closer with God on Friday, March 31, 2006. He was surrounded by his loving family in life as in death.

He is survived by wife of five years Beverly, his sisters, Mary, Twinkie, and Margaret, his son Michael, his daughters Terri, Lillian, Lesa and Toni, and many grandchildren and great grandchildren. Most importantly, he is survived by his jovial spirit that continues to spread love and kindness in the hearts of all who knew him.

He was preceded in death by his wife, Kay, son David and daughter Cindy. His talents with words, both written and spoken, his Irish wit and quicksmile are cherished by the family he so loved. He loved and lived life to the fullest as seen through his passion for airplanes, music, sports, children, travel and telling stories. He will be remembered as a family man and his legacy of unconditional love, quick humor and irreproachable honor lives with his family that loves him so. God bless you Papa--rest well.



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