

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

\* \* \* \* \*

Investigation of: \*

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CAPSIZE AND SINKING OF STRETCH DUCK 7 \*

ON TABLE ROCK LAKE, BRANSON, MISSOURI, \* Accident No.: DCA18MM028

JULY 19, 2018 \*

\*

\* \* \* \* \*

Interview of: ETHEN DEMARCE

Friday,  
July 20, 2018

## APPEARANCES:

JOHN VOLPE, Marine Accident Investigator  
National Transportation Safety Board

██████████ Marine Casualty Investigator  
Investigation National Center of Expertise  
U.S. Coast Guard

██████████ Investigator  
Sector St. Louis  
U.S. Coast Guard

SGT. ██████████  
Missouri State Highway Patrol

JASON SMITH, Esq.  
Smith, Spencer Fane LLP

TERRY GOOD, Esq.  
Lashly & Baer, P.C.

I N D E X

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I N T E R V I E W

(9:10 a.m.)

1  
2  
3 MR. VOLPE: Okay. It's 1408, 2:08 p.m. on the 24th of July.  
4 My name is John Volpe, I'm with the NTSB and we are going to be  
5 interviewing Ethen DeMarce.

## INTERVIEW OF ETHEN DeMARCE

BY MR. VOLPE:

8 Q. If I could have you state your name?

9 A. Ethen DeMarce.

10 Q. And spell it please.

11 A. E-T-H-E-N, D-E-M-A-R-C-E.

12 Q. Okay. And Ethen could you give me your job title with Ride  
13 the ducks?

14 A. Assistant Operations Manager.

15 Q. Assistant Operations Manager, okay and how long have you  
16 worked for the ducks?17 A. I've been a manager since May of 2018 but I was a driver for  
18 two seasons before that.

19 Q. Okay, and can you describe your job as a job description?

20 A. I look at ticket information, see how many ducks we're going  
21 to send out, part of my individual job was scheduling drivers, I  
22 made sure the day ran smoothly. I would make weather calls, I  
23 would go talk to angry customers about going on hold or not going  
24 on hold. I would count out the safe, count drawers, close  
25 drawers, yeah.

1 Q. Okay is there any documentation that lists like your job,  
2 your job description that would say what your duties are? Or is  
3 it kind of on-the-job training or we pass this on, this is what  
4 you're going to do?

5 A. I've not, the only documentation that I've seen was the, the  
6 job application that I filled out, the documentation for that.

7 Q. Okay.

8 A. But yes.

9 Q. Okay we've interviewed certain people with the company,  
10 drivers, different people. Could you explain, I guess the pecking  
11 order, the hierarchy of the company like from the president --

12 A. From the very top?

13 Q. In your own words of whether it's from the very top or the  
14 very top here inside Branson now.

15 A. Okay, so Curtis is our General Manager.

16 Q. Okay.

17 A. And then he kind of oversees us all and then it would go,  
18 Curtis then Matt and then it would go Charles then me. Just  
19 because I'm the newest guy on the totem pole.

20 Q. Okay how about any of the departments in the office that  
21 you'd be aware of?

22 A. I know -

23 Q. I don't necessarily need the pecking order, but I'm trying to  
24 get, trying to get a feel for the people, the people and what  
25 they're, they're job titles are.

1 A. For my job that would be the hierarchy for that -

2 Q. Okay.

3 A. -- Laurie took care of the people in the ticket booth, she  
4 did the tickets. I think it was a mixture of Curtis and Laurie  
5 that would do gift shop, the staffing for the gift shop then  
6 Curtis would oversee the deckhands also.

7 Q. Okay, and how about like Frank or do you know, do you have  
8 any interaction with them?

9 A. I do but not enough to know what they're specific job titles  
10 or duties are.

11 Q. Okay. And how about just kind of take me through a typical  
12 day for you, like even from the time you wake up to going into the  
13 office.

14 A. Well I wake up, I get dressed, I go in. If I'm, I tell you  
15 from an open to close.

16 Q. Yeah, that's fine.

17 A. When I open I go in, I count my safe, make sure my safe is  
18 balanced, I go out and I open the mountain. Come back from  
19 opening the mountain, I go upstairs and I make my lineup for the  
20 day. And then I would check the schedule, if a driver doesn't  
21 show up due the opening period, I'd call either drivers or  
22 captains to see if they can come in, if not I'm going to be down a  
23 staff member.

24 And then, when gift shop or ticket people start coming I go  
25 down and I take their drawer out of the safe, open the lid and

1 then they count it and go to work. And then I sit at the computer  
2 and I look at ticket information, I'll go down to the ticket booth  
3 and look at ticket information. I'll just kind of walk around  
4 make sure the guests are happy. That the ladies in the gift shop  
5 don't need anything or the people in the ticket booth don't need  
6 anything. And then, yeah, so that's kind of the day.

7 And then closing, I'll send out the, either the last or  
8 second to last trip of the day kind of thing. And I'll go down  
9 and count my drawers because people will be closing or leaving and  
10 we don't like to have a ton of drawers to close at the end of the  
11 night, it takes forever so we'll stay on top of that. And then  
12 we'll go ahead and close those drawers and as were closing, you  
13 know the last trip is out or the second to last trip or whatever,  
14 and by time they get back we'll have it set up so we can kind of  
15 close and go home.

16 Q. And how long is your day?

17 A. If I open its 8 hours, if I close its 8 hours. If I do an  
18 open and close it's a full day. Our summer hours are 8:30 to 6 --  
19 6:30 in this case. So if I were to open -- work open to close it  
20 would be 6:30 in the morning till 8:30, 9 at night.

21 Q. Okay. And how many days a week do you work?

22 A. Five.

23 Q. Five days a week? When you're in the office and you come in  
24 for the morning, are there other managers -- are they in the  
25 office the same hours as you?

1 A. Only overlapping around the noon hour. If I'm the opening  
2 manager I'm there from 6:30 to noon as the only -- as the only  
3 actual MOD on duty.

4 Q. Okay.

5 A. But usually Curtis is there, walking around somewhere. And  
6 then the other manager will come in about noon, noon-thirty. And  
7 then I'll leave at about 2 or 3. So there's that overlapping time  
8 when we're both there. And then he'll stay and close by himself.

9 Q. How often do you normally get that you mentioned you were the  
10 manager on duty, we've heard that term before. So can you explain  
11 your duties as manager on duty?

12 A. It's just a shorter name for Assistant Operations Manager, we  
13 just call ourselves MODs. I mean it's the same -- it'd be the  
14 same duties as I described earlier.

15 Q. Okay.

16 A. Just a fancier name.

17 Q. You know you talked about ticketing, can you just briefly  
18 describe how that works? As far -- I know Curtis spoke earlier  
19 about, you know, that people could just arrive, somebody also said  
20 that some people get vouchers. Just kind of explain your --

21 A. So there's a -- there'll be about three main ways of how the  
22 ticketing works. People come up to the window and say I'd like a  
23 ticket, we'll ask them questions, you know, what time are you  
24 wanting to go, kind of thing. They'll select their time, they'll  
25 tell us their time and we have our software that we use to do all

1 that. And then they'll pay us and we'll give them the tickets for  
2 that time, however many are in their party. If you also have  
3 vouchers from our programs around town, they'll bring those  
4 vouchers up to the window and they have to exchange those for a  
5 ticket time and whatnot. A lot of people get in line with those  
6 and we have to send them back to the window to exchange them for  
7 tickets.

8 Q. Okay.

9 A. And then the online sales would be the other one. Now with  
10 online sales it's been sketchy this year because we have landing  
11 sales and the 76 location. And we'll have some people from the  
12 landing show up at the 76 location, at which case we would  
13 exchange their ticket for the proper time an hour for that -- for  
14 that ride, just that we have it in our system that they're there  
15 and not down here.

16 Q. Okay. And now do you -- do you take names when you're doing  
17 this or --

18 A. No.

19 Q. How -- you have no -- on the shifts we call the manifest  
20 person, you know, a manifest. So the only -- the only actual  
21 physical names -- is there any tracking of who besides the head  
22 count?

23 A. No. The only names that we have are either on like their  
24 signature for a credit card receipt or if they order ahead of  
25 time, they'll either call Ashley or one of our ticketing office

1 people and they'll reserve tickets over the phone. Now we take a  
2 name then and they give us their last name and we punch it in the  
3 computer and print their tickets out. And then the only other one  
4 I've ever dealt with is wheelchairs. If somebody calls for a  
5 wheelchair we ask them their name that way we can get in contact  
6 with them if they're either not there on time or whatever.

7 Q. Okay. Are you able to use their wheelchairs or you have to  
8 transfer them in a special wheelchairs in order to fit them on the  
9 duck?

10 A. No they use their own. We have a system set up where we take  
11 seats out of the back of the duck, we have a wheelchair lift, we  
12 lift them up and then we have our own harnesses and stuff to  
13 secure their wheelchair to the duck.

14 Q. Okay. As part of the MOD, and you said you do the scheduling  
15 for the ducks, I know we learned from one of the drivers that you  
16 have the electronic schedule that they can look up to see when  
17 their -- when their on duty. Is there a way to track the ducks  
18 when they're out or do you just have they're out -- time that they  
19 go out and time they came in?

20 A. We -- yeah there is no tracking of the ducks once they're on  
21 the road. I have my lineup, all of our managers me, Charles, and  
22 Matt we have a scorecard and then we have our lineup and then the  
23 times that those ducks went out, there's also the jog sheets that  
24 the deckhands use with the name -- the name of the captain, the  
25 name of the driver, the duck number, the time they went out, and

1 then the number of people on that duck. My scorecard is just so  
2 that I can keep track of my lineup and know when to fuel the ducks  
3 when they come back in from their fourth trip.

4 Q. Okay. We've had some questions on the operations manual, in  
5 your own words, can you describe some of the items that are in the  
6 operations manual? Or I should first say are you familiar with  
7 the operations manual?

8 A. Yeah.

9 Q. Okay, so just some of the items in the operations manual that  
10 would pertain more to you.

11 A. I know there's like drug and alcohol screen. It's been a  
12 while. I know there's weather, there's driving -- wow, sorry I'm  
13 drawing a blank.

14 Q. No that's -- that's okay. Take your time, if you want to go  
15 on we can go to another question and we'll see if we can get it.

16 A. Yeah.

17 Q. Okay. How about training? You know the -- we talk about  
18 training, there was -- we -- there's thing in the manual about  
19 training. Do you know who's in charge of training?

20 A. No. Officially no, I know that we do have trainers and they  
21 kind of take their turn but I don't know who the head trainer is.

22 Q. Okay. When you started with the company as a driver, this  
23 was 3 years ago basically, right? Did you have initial training?

24 A. Yes, I had a lot of initial training.

25 Q. And at that time, you -- did you -- were you given the

1 operations manual, was that -- was that part of your training?

2 A. Yeah they gave it to me, we looked over it during the class  
3 session. And that was the introduction too, I went home and like  
4 looked through it. And yeah a lot of it was -- a lot of it was  
5 that.

6 Q. Okay, did you have a -- previous drivers that we spoke to had  
7 annual training when they returned. Did you have any -- do you  
8 take part in any of that training?

9 A. As a MOD, no cause that's through the trainers.

10 Q. Okay. They -- we talk a little bit about local operating  
11 procedures, do you know -- can you recall any local operating  
12 procedures for the Branson ducks?

13 A. Like MOD wise?

14 Q. Anything, yes. Any kind of local operating procedures that  
15 you might -- that would be -- everybody has the same. Any duck  
16 like the duck boats that are working out of Boston or duck boats  
17 that are in Baltimore or Washington, D.C.

18 A. I have no idea about them.

19 Q. Okay.

20 A. I mean the only operations I can think of would be the  
21 loading of the ducks to the seat as far forward as you can it's  
22 going to be a full duck.

23 Q. Okay.

24 A. Yeah.

25 Q. And now are you familiar with the duck hotline?

1 A. I am not.

2 Q. Okay. I was going to ask you what it was it for but that's  
3 all right.

4 A. Oh, that might be something I need to look up.

5 Q. You know, has anybody ever -- since your MOD and the boats  
6 can call you, has anybody ever called you? Or send you anything  
7 in writing that said I'm not able to do this and they seek I guess  
8 your permission or counsel from you on how things are going?

9 A. I have not had any written statements like that no.

10 Q. Okay. Or somebody calling in and saying the -- you know, the  
11 weather's bad, you know, what should I do kind of thing?

12 A. Yeah I've had that once since being an MOD.

13 Q. Okay. Can you explain that please?

14 A. I had a duck call in, they are -- there was a storm coming  
15 but it was far away and it was raining and it started raining a  
16 little bit harder and the duck got to the water. And before it  
17 went in it called me and asked, you know, what -- what's it  
18 looking like cause we have radar but I'm not out at the lake and I  
19 mean there's miles between there, it could be different. He said  
20 it was raining really hard and I was like well, I was sitting in  
21 Curtis' office, we we're kind of looking at it together and Curtis  
22 said well go ahead and just tell him to stay at the lake, see if  
23 it blows over and then he can go into the water once it's clear.

24 Q. Okay. You brought up what type -- you have a weather monitor  
25 in the office, can you just explain that briefly?

1 A. We have a webpage MRT which were a subscriber to and that has  
2 the -- the radar. And then the two points of wind speed at the  
3 Branson belle and at the Branson airport. And then it has the  
4 colors of the -- the cloud coverage, rain or precipitation or  
5 whatever it is, and we can see pulses of air to air and then we  
6 can see actual lightning strikes.

7 Q. Okay, now as MOD, you said one of your duties is weather.  
8 Are you required to -- is there any procedure that you're supposed  
9 to check this at a certain time or?

10 A. I mean we -- I, me personally, I have it on -- we have our  
11 three monitors and I have it on one all the time and then we have  
12 it out in the big one in the break room.

13 Q. Okay.

14 A. And a lot of captains will let you know there's weather  
15 coming. But I kind of have it up and if I'm sitting behind  
16 computer I'll check it.

17 Q. Have you ever had to report to one of the ducks that there's  
18 weather?

19 A. No. I hadn't been there long enough to have that experience.

20 Q. Okay, and I guess if you would've been -- I mean this as  
21 speculation but if -- how would you report that to a duck if?

22 A. If I had been sitting behind the computer, if I was sitting  
23 behind the computer and I saw it, we have radio numbers for each  
24 duck that I can type in to my radio and it'll call that duck.

25 Q. Okay.

1 A. At which point I can radio them, advise them to what's the  
2 best action to take.

3 Q. Now since you -- since you started this year have you guys  
4 ever had -- been on -- like you spoke about being on hold for  
5 weather, is that -- how often does that happen or is it not?

6 A. It doesn't happen all too often, I've had to do it twice but  
7 I always had another manager there and it was towards the end of  
8 my shift.

9 Q. Okay now you also said that there's wind speed at the belle  
10 and wind speed at the airport, I think. Was it the airport?

11 A. Yeah the Branson Airport.

12 Q. The Branson Airport. Is there any documentation anywhere  
13 that says these are the limits for wind seed or we need to --

14 A. I haven't seen any. I've always known it's 30 miles an hour  
15 whether or not I've read it somewhere or my trainer told me I  
16 couldn't -- couldn't tell you.

17 Q. Okay. Now you discussed -- I'm kind of jumping a little bit  
18 but you -- I'm just as your speaking -- the -- you we're talking  
19 about the trainers that come in, do you know who they are? Are  
20 they --

21 A. Captain Jed, Captain Scott, Corn -- Captain Corn, and Curtis  
22 is another one.

23 Q. Okay, could you -- just for my knowledge, is Captain Corn the  
24 actual name or is that a nickname?

25 A. Oh gosh, no that's his nick -- that's his last --

1 Q. Okay, cause we know Captain Candy and there's some other ones  
2 that we know about.

3 A. Yeah. Joe, I always thought his name was Joe and he told me  
4 his name is -- it's not Rodriguez, it's something like that.

5 Q. Okay well we'll find out.

6 A. His last name is Purma.

7 Q. Okay Purma, okay.

8 A. I at least know that much, I think.

9 Q. Okay no that's -- that's all I need. Thank you.

10 A. Yeah you should see me trying to give out paychecks. Trying  
11 to give these Captains their paychecks, I have no idea who they  
12 are but.

13 Q. Now are you familiar with the Duck Central internal website?

14 A. Like ridetheducks.com?

15 Q. I know, we were told that -- when I was looking for some  
16 information it says you have a Duck Central website.

17 A. Not that I know of or not that anybody's shown me.

18 Q. Okay. So I'm going to pass you on to [REDACTED] right now. Thank  
19 you.

20 MR. [REDACTED] [REDACTED] [REDACTED] with the U.S. Coast Guard, thank you  
21 for coming in today Ethen I certainly appreciate your  
22 participation. Couple of topics I'm going to talk to you about,  
23 one is going to be in the training but before I go there let me  
24 ask you.

25 BY MR. [REDACTED]

1 Q. What is your day-to-day involvement with the captains of the  
2 duck boats?

3 A. I mean my day-to-day is -- I mean I'm in my office or I'm  
4 walking around. My office is right there in the break room so I'm  
5 talking to them all the time, hanging out with them, sitting in  
6 the break room with them, you know loading their duck form kind of  
7 thing.

8 Q. Okay. Do you have anything to do with any of the training  
9 schedules, topics, regimens --

10 A. No.

11 Q. -- qualifications, anything to do like that with any of the  
12 captains?

13 A. No I don't deal with -- I don't deal with any of the  
14 training.

15 Q. Okay. How about coms -- and I'm going to be specific, do you  
16 have any communications with any of these captains by radio, cell  
17 phone, anything when they're engaged in performing their duties?

18 A. Yes, I have the two-way radio and then their cell phone, we  
19 have a list of their names and numbers that we have.

20 Q. Okay. And we have communications with them on what lines  
21 would you be communicating? What would be the reason that you  
22 would be communicating with these guys?

23 A. If they break down and they need another duck they'll call  
24 me.

25 Q. How would they -- how would they contact you in that case?

1 A. They'd -- we have repeater channel that's from duck to our  
2 radios.

3 Q. Okay.

4 A. And they would call in and be like this is duck whatever with  
5 Capitan whatever and we're broken down and this is where we're at.

6 Q. Okay.

7 A. The shop can hear them. So we'd radio the shop and we'd  
8 figure out what duck deal them to take and they'll take an extra  
9 duck out there for them.

10 Q. Okay so the shop can hear them, can any other duck hear them?

11 A. No. If the radio is hung up on the dashboard --

12 Q. Okay.

13 A. -- as long as it clicked in, there's no transmissions that  
14 come through.

15 Q. Okay.

16 A. The only one that I'm aware of is Marine 13 when they're on  
17 the lake. They can still hear Marine 13 traffic.

18 Q. Okay. So then they can hear each other back and forth. It  
19 an open -- open system?

20 A. As far as I'm aware of, yes.

21 Q. Okay. All right. Are those -- are those systems that the  
22 radio systems for coms that you're talking about, are they -- do  
23 you all -- you said they call in to you if they have an issue or a  
24 problem, right? Or breakdown what have you.

25 A. Yeah.

1 Q. If they would of have a problem with weather,  
2 (indiscernible), an emergency, man overboard, fire, anything of  
3 that nature, they would also call you on that radio?

4 A. Yes.

5 Q. Has that ever happened?

6 A. Not -- not since I've been there. I've not experienced that.

7 Q. Okay. If, in turn, if you had something to communicate to a  
8 duck boat and let's say he was on the road some place, how would  
9 you contact the duck boat?

10 A. There's a -- there's radio numbers that each duck has --

11 Q. Okay.

12 A. -- and then I have a keypad on my radio that I can dial in.  
13 But I've never had to do that since being an MOD.

14 Q. Gotcha, okay. What is some of the reasons that you might  
15 contact a duck boat?

16 A. The only one that I can think of is if weather got bad like  
17 if I was up watching the radar or whatever and all hell broke  
18 loose kind of thing, I could radio the duck but I've never -- I've  
19 never seen it like that and I never had that experience so.

20 Q. Is that -- is that a designated responsibility or a duty of  
21 yours that you would do that?

22 A. If I had the knowledge and the knowing of what it -- yes I  
23 would but I would have to know about it in order to it.

24 Q. Sure. Would anybody else in the company also do that?

25 A. As far as I'm aware of, no.

1 Q. Okay.

2 A. I would -- I would be the one to do it.

3 Q. Do you recall making that call of inclement weather at any  
4 time on July 19th?

5 A. I was not at work July 19th.

6 Q. Okay all right. A little bit about the lineup of the  
7 captain's orders, okay, or the order that they come in. Typical  
8 day, how do we start off with an order of whose going to go first?

9 A. Okay so our -- our lineup is seniority based. So at the  
10 beginning of the year or whenever we set up that spreadsheet,  
11 there is the captain with the highest seniority is first and then  
12 it goes down the list. And then every day that list rotates. So  
13 a captain who finds himself at the top one day will find himself  
14 one down the next day or it goes up, sorry. So the list rotates  
15 this way.

16 Q. Okay.

17 A. So when the schedules made we make the days and then the  
18 captain will start going up the list.

19 Q. So if a guy comes in today and he's senior -- he's got  
20 seniority and he comes in at -- what's the first time 8:00?

21 A. Yeah it depends on when our first tour goes out.

22 Q. Okay, so if he comes in at 8:00 and he's a senior guy, he's  
23 number one to go, right?

24 A. Yes depending on how -- how the rotation has fallen.

25 Q. Okay.

1 A. So over the -- over the week every captain will have a -- a  
2 spot in their list.

3 Q. Got you. So then the next day, after that, that he comes in  
4 he would be at the bottom of the list then. The guy that was  
5 first yesterday goes to the bottom of the list for the next day,  
6 right?

7 A. Yes, yes. And if --

8 Q. And he works his way back up?

9 A. Yes.

10 Q. I got you.

11 A. Yup.

12 Q. All right. And who maintains that rotation? Who's  
13 responsible for making sure that that rotation is kept?

14 A. For the captains it would be Matt. For the drivers it would  
15 be myself. I had just started taking on that responsibility a  
16 couple week ago.

17 Q. Okay. Would the same captain and the same driver work  
18 together?

19 A. Yes, it all just kind of depends on the formula inside the  
20 spreadsheet.

21 Q. Right.

22 A. So there's a different -- there's a different lineup for  
23 captains, there's a different lineup for drivers. Matt makes his  
24 captain and I make my driver and then on the copy that is seen by  
25 everybody it'll populate those for how many ducks, and how many

1 captains, how many drivers we need for that day.

2 Q. I got you. So let's say in the morning, if number one  
3 captain is the guy who's got the most seniority in the company as  
4 a captain and the driver that's going to work with him, do they  
5 typically work together most of the time together? Same two?

6 A. It's not very often that the same two end up together.

7 Q. Okay, all right so that would explain how a driver with  
8 experience would get in that first position as well, right?

9 A. Yeah and the drivers move the opposite way. So captain's  
10 go --

11 Q. Down and --

12 A. Yeah, and then the drivers will work their way down, yes.

13 Q. Oh, okay, good. Good, okay. All right, as far as the  
14 rotation during the day of operations, if captain -- if boat one,  
15 captain one goes out first in the morning, is it possible that  
16 another boat sometime during the day would pass him and get in  
17 line ahead of him on a return trip?

18 A. Yeah. So we have our like there's fifteen ducks working one  
19 day, the first guy goes out, you know, at 8:30 or whatever, if he  
20 were to break down --

21 Q. Okay.

22 A. -- you would have a duck overlap him per say.

23 Q. Right.

24 A. Some captains are -- are a little bit quicker on the water,  
25 it depends sometimes you have a ton of kids that want to come up

1 and drive. So he's got more kids so it takes him a little bit  
2 longer to get through the waters. Sometimes the captain will have  
3 more adults on that don't want to drive so his water tour will be  
4 a lot quicker.

5 Q. Right.

6 A. Other than that a break down and whatnot.

7 Q. Okay. Who determines the route that these guys take, as far  
8 as road routes and water routes?

9 A. The company. Yeah the route's been the same for as long as  
10 I've been there.

11 Q. So it's a designated route.

12 A. Yeah.

13 Q. In other words, I can't just take off with a duck and go ride  
14 through the mountains some place --

15 A. No.

16 Q. -- there's got to be a designated area in (indiscernible)

17 A. Yeah there's -- we have our route, we have --

18 Q. Okay.

19 A. -- where we drive.

20 Q. Right.

21 A. The only flip you may happen is if you go to the water first.  
22 If there's weather coming or whatever.

23 Q. Okay and that would be changing the itinerary more than the  
24 route, right?

25 A. Yeah.

1 Q. We want you to go waterside, head to the water before you  
2 take the road trip.

3 A. Yeah.

4 Q. Okay, okay. All right so if I'm taking a normal route on the  
5 land and when I get to water then the captain, I'm assuming, would  
6 make the determination or does he not make a determination as to  
7 which route he would take on the water?

8 A. Our -- our water route is the same. So the ramp behind the  
9 Branson belle is normally our entrance ramp.

10 Q. Okay.

11 A. And then the ramp south end is our exit ramp. Our entrance  
12 ramp has been damaged just from the ducks going in it.

13 Q. Yup.

14 A. Just wear and tear that we've swapped. So our south ramp has  
15 been our entrance ramp and our ramp by the showboat has been our  
16 exit ramp.

17 Q. Okay.

18 A. And we've been going out straight around the island and  
19 coming straight back in.

20 Q. Okay I get you. So -- and that's pretty much the standard  
21 route is to go back behind the island and come back in behind the  
22 belle.

23 A. Yes. Yup.

24 Q. Correct? Entering in from the b -- towards the bow of the  
25 belle?

1 A. Yes, south end.

2 Q. Okay. All right, and if somebody wanted to cut in front of  
3 the island, who makes that determination?

4 A. The captain.

5 Q. The captain makes it?

6 A. Yup.

7 Q. All right. And if a boat ahead of me is going behind the  
8 island and I determine that I want to go in front of the island,  
9 right, I can conceivably get the up ramp before that guy that took  
10 the longer route.

11 A. Yes.

12 Q. Is that right? Okay. And then that would put me in front of  
13 him on rotation too cause I'd get back sooner. Is that?

14 A. That's -- yes. If they're on the same tour time -- so in our  
15 busy season we run -- we run our ducks, we try to run them every 2  
16 hours, the tour is about an hour and a half.

17 Q. Okay.

18 A. When they get back like I've had this -- I've had this happen  
19 before.

20 Q. Okay.

21 A. They'll get back and I'll see that this captain's supposed to  
22 be in front of this other captain, when they come around the  
23 building I'll tell them, hey jump him so we're back in order.

24 Q. Okay. So you do monitor that rotation?

25 A. Yes.

1 Q. And you keep that rotation as straight as possible.

2 A. Yes and the captains are very good at keeping that rotation.

3 Q. I got it. So tell me this, does a captain get paid by the  
4 hour, by the day, by the number of passengers, or by the trip that  
5 he makes in a day?

6 A. He gets paid per trip. He has base pay per trip.

7 Q. Okay. And what is the average, just an average now, of how  
8 many trips a captain will make in a full day that he worked from  
9 morning to evening?

10 A. Five.

11 Q. That's an average?

12 A. Yes.

13 Q. Okay. Little bit about the weather, okay, what are the  
14 operational procedures that you know of dealing with inclement  
15 weather? That affect -- that would affect a duck boat going out.

16 A. From -- from what I've experienced since I've started, the  
17 weather, I'll look at the radar. We have a 20 mile circle that  
18 our -- is our safe zone, I don't know what to call it, that's what  
19 I call it. If I see a storm coming I have an hour that's been  
20 logged into the radar so I can see from now until an hour in the  
21 past, I can see how fast it's moving, where it's going, I can see  
22 the wind speeds at the Belle and whatnot. And then I'll -- I'll  
23 track it the best I can to see when it's either going to hit or if  
24 it's even going to hit at all. And then once it starts getting to  
25 what I believe would be a half hour out, I would start -- a lot of

1 times I'll either call Matt or Curtis will be there a lot of times  
2 and I'll kind of go over to Curtis just because I'm newer at it.

3 Q. Right.

4 A. Go over there and kind of ask for a second opinion on whether  
5 or not we need to go on hold or whatnot. But yeah I see that -- I  
6 see the circle and I see it coming, I mean a lot of times they  
7 just kind of dissipated before they've hit us.

8 Q. Right. Okay. Two final questions, on the radar that your  
9 using are you -- are you radar certified?

10 A. No.

11 Q. Okay. And do you have any background whatsoever in  
12 meteorology, weather prediction, anything like that?

13 A. Nope.

14 Q. Okay. Thank you, I really appreciate your time.

15 SGT. [REDACTED] Ethen, I'm [REDACTED] [REDACTED] with the Highway  
16 Patrol. Thanks again for talking with us. I just have a couple  
17 questions.

18 BY SGT. [REDACTED]

19 Q. You're -- on the 19th you said you were not working on the  
20 19th?

21 A. No that was my day off.

22 Q. Okay, that was your day off. What typically -- how many  
23 managers are on duty or how many managers would be working during  
24 the day?

25 A. When -- the only day all three of us would be there at the

1 same time would be Tuesday.

2 Q. Okay.

3 A. Other than that if I were to open I would be there from 6:30  
4 to noon -- noon thirty by myself and then me and the other manager  
5 would be there from about noon thirty until I went home at about  
6 3. And then he'd be there from about 3, 3:30 to closing by  
7 himself.

8 Q. Okay. So between noon, noon thirty to 3:30 there's just two  
9 of you on (indiscernible).

10 A. Yeah.

11 Q. That's what you're saying? Any other time it'd just be one?

12 A. Yeah.

13 Q. Okay. So I'm just going to ask you a couple things about  
14 radio procedures. I know in my job, you know, police men use  
15 their usual talk and you always have that guy that wants to get on  
16 there and talk about his grandma or you know what I mean, you're  
17 like we got business to do --

18 A. Yeah.

19 Q. Some guys like to talk, some guys don't like to talk. And so  
20 in my business we have procedures like look these are the things  
21 you talk about on the radio, these are things you don't talk about  
22 on the radio.

23 A. Yeah.

24 Q. And these are the circumstances you use the radio otherwise  
25 don't. Do you guys have that similar -- do you have procedures

1 like that or any kind of policies like that?

2 A. Written down, not that I'm aware of.

3 Q. Okay.

4 A. Having worked there it's kind of like a rule -- rule of thumb  
5 -- more or less but I haven't seen anything actually written down.

6 Q. Okay. And have you ever been working when a circumstance,  
7 either environmental or maybe traffic accident or anything out  
8 there that would affect the movement of these ducks has occurred  
9 and there's been a lot of radio traffic and it had to be managed?

10 A. I've been there when stuff has happened but never enough to  
11 where the radios have been blowing off the handle. The ducks are  
12 far enough apart that if there is an accident or something you'll  
13 have one duck call in. And then by the time the next duck gets to  
14 it, they'll call in but by then it'll have been dead.

15 Q. Okay. As the manager, when you're on duty, are you required  
16 to be at a station during you're -- during you're duty time?

17 A. No. My station is the property, I mean I'll be anywhere from  
18 in the ticket booth getting who knows what said to me because  
19 somebody's mad they had to sit on back of the duck.

20 Q. Okay.

21 A. Or I'll be up in the office trying to get paperwork done or  
22 something else done.

23 Q. I'm assuming that once the tours start, and correct if I'm  
24 wrong, but I'm assuming once the tours start there is a constant  
25 movement of vehicles out there at one point they're either on the

1 mountain, in the water, on the way back, on the way out.

2 A. Yes.

3 Q. So there's always a constant movement right? So how, how do  
4 you monitor the radio, if you're just on the property and not  
5 specifically (indiscernible), do you have like a console or desk  
6 where there's like the radio?

7 A. I have -- I have a handheld unit that I scan two channels on.  
8 The ticket channel and the repeater channel.

9 Q. A handheld unit, like a walkie-talkie type thing?

10 A. Yes, yes. The ticket is for the box office and the deckhands  
11 they communicate that way and I pick up that traffic.

12 Q. Okay.

13 A. And then there is the repeater channel which is the ducks. I  
14 can either communicate with the ducks or the ducks can communicate  
15 with me and I'll pick up that traffic.

16 Q. Okay. So you don't -- you monitor radio traffic all day  
17 then, is that correct?

18 A. Yeah, yeah.

19 Q. Okay. And so there's never a time that if someone were to  
20 call in, you don't have a radio available to hear that call, is  
21 that what you're saying?

22 A. Yes.

23 Q. Okay. Has there ever been a time when you've missed a call  
24 that has come in that you're aware of?

25 A. That I'm aware of, no. Yeah I've -- from what I understand

1 I've always picked up the traffic, so.

2 Q. When you were a driver, cause you were a driver you said 2  
3 years prior to becoming part of management, anytime when you were  
4 a driver, do you ever recall a time when your captain or you  
5 radioed back to the office and did not get a response?

6 A. Nope.

7 Q. Okay.

8 A. No, we've always --

9 Q. Always gotten a response.

10 A. Always gotten a response, yeah.

11 Q. Okay. Again, so the radio procedures, any radio procedures,  
12 you just kind of work out. So if you ended up having a captain  
13 that liked to hog the radio, so to speak, you would just say hey?

14 A. Yeah.

15 Q. Okay. Yeah that's kind of how you handle it. I get you.  
16 Very good. Did you, as a driver, for those 2 years as a driver,  
17 did you ever have an occasion to work with Captain Scott.

18 A. Yup.

19 Q. Okay. So tell me about it -- about him please?

20 A. Good guy, good captain. One of the safer captains that I've  
21 ever worked with. He -- he helped train me to pull up into the  
22 loading and unloading zone cause as a school bus driver your told  
23 to stay away from stuff and --

24 Q. Sure.

25 A. -- now they're like hey get close to it. And I mean he got

1 on me because I didn't check the gas gauge one day like great  
2 tour, great guy. I never had an issue with him, he was always  
3 safe on the water, he's never had an issue, never felt unsafe with  
4 him.

5 Q. Did you ever have an occasion to witness an event that may  
6 have not been an emergency but just something abnormal on the  
7 water while you were working with Captain (indiscernible)?

8 A. Not specifically with Captain Scott, no.

9 Q. Okay. Let me ask you a question then, as a driver -- when  
10 you were a driver, did you have the occasion to watch or be around  
11 when safety briefings were given right?

12 A. At the driver captain's meetings would be there, yeah.

13 Q. Well I mean on the tour, there's safety briefings given to  
14 pas --

15 A. Oh, okay yes.

16 Q. -- I'm assuming there's safety briefings given to passengers,  
17 correct?

18 A. Yes.

19 Q. Okay, so you have witnessed some of those?

20 A. Yes. Oh, hundreds.

21 Q. So before entering the water, there's a safety briefing  
22 given, correct?

23 A. Yes.

24 Q. Okay. During that safety briefing typically is that given by  
25 the driver or the captain?

1 A. The captain because they're the licensed coast guard.

2 Q. Okay, when that safety briefing was given, was there any  
3 mention of PFD's?

4 A. Yes, every captain is -- they show how the PFD is worn, how  
5 it's put on, they either demonstrate it on themselves or they ask  
6 the driver to dem, like so that they can talk because they have a  
7 mic and monitor and all that. And yeah, they mention PFDs, they  
8 tell them how to put it on, they go over the emergency exits, the  
9 fire extinguishers, the man overboard, they point at the life buoy  
10 and the fishing hook and all that.

11 Q. Were -- during that briefing, were the customers and  
12 passengers, were they given -- were they given instructions on  
13 when to use the -- these are -- do -- I guess what I mean is, are  
14 -- were the passengers free to decide for themselves if they want  
15 to wear PFD at any time during the trip?

16 A. I feel like yes. A lot -- a lot of the captains don't care  
17 if they wear them or not, just because we've had -- we have little  
18 old ladies that are like, you know, I don't feel comfortable and  
19 the captains like well if you want to get one down, go ahead, you  
20 know, we'll just put it back up at the end of a tour, it's not  
21 that big of a deal. I mean the only time the captain says we're  
22 either not going to need them or not going to wear them is when he  
23 makes the joke at the end because every time you mention a safety  
24 briefing everybody kind of like clenches and I mean most captains  
25 throw it in just to kind of ease the tension.

1 Q. So what you're saying is, is that at the end of the safety  
2 briefing a captain may mention, you're not going to need these --

3 A. We're --

4 Q. But in a joking manner?

5 A. Yeah.

6 Q. Okay. Like trying to just put people in ease.

7 A. Ease, yeah ease the tension of it. Yeah.

8 Q. Okay. And also during that safety briefing, I know that they  
9 may not, they may be given the opportunity anytime say, you know,  
10 they can but is that expressed to them, I mean is it expressed to  
11 the customers and passengers --

12 A. It's not -- it's not expressed, the captain does not say --  
13 some of them will, some -- I mean every captain is different.  
14 Some captains will say, you know, if you want to get it down, if  
15 you feel safer doing that, go ahead. I know some other captains  
16 that'll be -- you know, somebody will ask and they'll be like yeah  
17 totally. I've never seen anybody turn somebody down from wearing  
18 it.

19 Q. Okay, thank you. One more thing, were you ever on board, a  
20 boat, in the water, when a situation occurred where either the  
21 PFD's are used or any other emergency situation at all?

22 A. No.

23 Q. Okay.

24 A. Nope luckily I only was ever out there when the water was  
25 calm.

1 Q. Okay. That's all I have, thank you.

2 MR. [REDACTED] Thanks for coming in, and Ethen, I appreciate  
3 you making the time for us. This is [REDACTED] [REDACTED] with the U.S.  
4 Coast Guard (indiscernible) St. Louis, recording. Just wanted to  
5 get into some specific questions here about certain things, kind  
6 of see -- feel you out, see what knowledge you know about things,  
7 kind of follow (indiscernible).

8 BY: MR. [REDACTED]

9 Q: So I know you went over the hierarchy with Mr. John Volpe  
10 earlier, I just want -- I'm going to throw out some titles that --  
11 and just let me know who's in those positions --

12 A. Okay.

13 Q. -- and who's not and we'll do our best, if you don't know,  
14 you don't know, that's fine. So General Manager?

15 A. Curtis.

16 Q. Curtis. Okay, VP of Fleet Operations?

17 A. I'm not sure.

18 Q. Negative, okay that's fine. The Safety Director? No idea?

19 A. Not -- yeah.

20 Q. Fleet Maintenance Manager?

21 A. Chris Miller, I believe.

22 Q. Chris Miller. Manager Fleet Operations? No idea?

23 A. No.

24 Q. If you don't know can you just --

25 A. Yeah I'm not sure.

1 Q. Just say out loud for the recorder.

2 A. Okay, yeah I'm not sure.

3 Q. Thanks, appreciate it. Senior Maintenance Manager?

4 A. Not sure about that one.

5 Q. And then finally Operations Manager?

6 A. That would be, Operations Manager would be Matt.

7 Q. Matt. Matt Salinger?

8 A. Yes.

9 Q. Thanks. Just trying to get an understanding --

10 A. Okay.

11 Q. -- of the organization, so. So I'm going to start with --  
12 just ask some broad questions. Are you familiar with -- with the  
13 -- the operations manual of 2012?

14 A. Yes, it's been awhile.

15 Q. Okay. Is this -- do you know if this is the current manual  
16 that the company operates under?

17 A. As far as I'm aware of, yes.

18 Q. Okay, so there's no newer version of this?

19 A. Not that I'm aware of.

20 Q. Okay. When's the last time you reviewed this manual?

21 A. It would have been -- like actually reviewed it would have  
22 been 3 years ago.

23 Q. Three years ago. Is there a requirement for captains or  
24 management to review this at a certain interval?

25 A. For managers, not that I'm aware of. I would not know for

1 captains that would be the training aspect of it.

2 Q. Okay. I apologize I'm just writing some things.

3 A. No you're good.

4 Q. Okay so I'm going -- I'm going kind of touch on some -- some  
5 things that are in here and if you don't know what it is then I'll  
6 just move on to the next question, so it's just save us all some  
7 time here. Have you ever heard the term ride the ducks authorized  
8 operators program?

9 A. No.

10 Q. A safety procedures manual?

11 A. I've seen it --

12 Q. Okay.

13 A. -- but I've not -- not that I know of have reviewed it.

14 Q. Okay. So when you say you've seen it in what capacity and  
15 (indiscernible)?

16 A. There's -- there's a three-ring binder that I've seen, it  
17 says captain's -- it's either captains or drivers -- I'm pretty  
18 sure it says captain's safety on it.

19 Q. Captain's safety, okay. Have you -- obviously you've worked  
20 as a captain before, have you ever opened that manual?

21 A. I have not been a captain before.

22 Q. Oh you weren't captain I thought --

23 A. No, just a driver.

24 Q. -- oh just a driver, my apologies. Okay.

25 A. Yup, just a CDL, just a CDL.

1 Q. I apologize, my misunderstanding. Captain's -- I'm sorry to  
2 say this, captain's -- what was it called? The -- I mean --

3 A. I believe it said captain's safety, if --

4 Q. Captain's safety.

5 A. -- I'm not mistaken.

6 Q. And it's a binder, you said?

7 A. Yes I believe it was a three-ring binder.

8 Q. Where is that kept?

9 A. If my mind does not fail me it was -- and it was on a shelf  
10 in the office about 9:00 from the desk.

11 Q. Okay. When you say the office you're talking about the  
12 operator's office?

13 A. Yes, the office upstairs in the break room.

14 Q. I think John touched on it earlier, asking about local  
15 procedures that may be generated or for the Branson franchise  
16 specifically, do you -- are you aware of any local procedures that  
17 exist for your local?

18 A. Can you be more --

19 Q. Specific?

20 A. Yeah, on like what --

21 Q. Well so the local procedures -- so local procedures would  
22 address things, talks about radio call procedures, notification,  
23 training plans, reporting, deckhand procedures, tour routes --

24 A. Okay. Yeah like deckhanding procedures would be the ticket,  
25 making sure they're there for the right time, the right area where

1 they're supposed to be at, loading them on the duck --

2 Q. Okay.

3 A. --making sure the ducks aren't overloaded, spacing out people  
4 so that we're not having like one full duck and one empty duck.

5 Q. Okay.

6 A. Route procedure would be mountain, water. We have a  
7 procedure for how fast to go through the -- the -- what do you  
8 call it? The vehicle museum up on the flats, what our tour needs  
9 to consist of, fact wise, and whatnot. Our family friendly, you  
10 know, our captains aren't allowed to cuss or swear or any of that.  
11 Radio procedure would be when the duck comes up the hill, we call  
12 it RC hill, on 165 when the duck comes up the hill and gets  
13 towards the Branson, the Branson Craft Mall or Sonic they'll radio  
14 in and say duck number captain and they're coming up to Green  
15 Mountain Drive. And then we would respond with we are not --  
16 whether or not the strips open and tell them to come home. And  
17 that's really, you know, radio traffic I really get. And --  
18 deckhands, road, yeah.

19 Q. So is that -- is that like captured somewhere in writing in a  
20 binder in form or is this just kind of like kind of under the  
21 rules that are understood?

22 A. Yeah, it's -- it's what I've always known to do.

23 Q. No -- just known to do that stuff?

24 A. Yeah.

25 Q. Okay. Are you familiar with any adverse weather plans?

1 A. We have a crisis management for in-house like on property, so  
2 if like a tornado were to pop up, you know, we -- we have that  
3 pamphlet to flip through to be like all right this is where we  
4 need to take people, I would contact my ducks and say hey you know  
5 there's a tornado rolling in, hunker down and find shelter. And  
6 then for the ducks, I mean I've never had the experience to have  
7 to radio a duck and tell them that there's been weather or  
8 anything else.

9 Q. Okay.

10 A. But yeah the procedure would be if I knew about it, would be  
11 to radio and contact them and tell them hey this is what's up.

12 Q. Okay and again that's just you just know to do that or  
13 there's a manual that guides you in that process?

14 A. For me, it's I've just known to do it.

15 Q. Okay. Did someone teach you that or it's something?

16 A. Matt.

17 Q. Matt taught you just --

18 A. Yeah Matt would -- Matt took me over all of that and it was  
19 stuff I've already known just from working there.

20 Q. You mentioned that you're really not familiar who's in charge  
21 with training, is that correct?

22 A. Yeah, I know that there's trainers and I know that they do,  
23 do training but I'm not sure who's the head over them.

24 Q. Okay.

25 A. The best guess I would have would be Curtis.

1 Q. Okay. (indiscernible). Are you familiar with a training  
2 plan? Is that -- does that ring a bell?

3 A. I've never -- I've never been briefed on it. I know the  
4 training for the drivers is anywhere from 80 to 100 hours.

5 Q. Okay.

6 A. But I don't know the actual set up for the training, I've --  
7 again, they started me off slow when I came in as MOD, they didn't  
8 want me to take everything on at once.

9 Q. Okay. Do you know if Ride the ducks conducts audits?

10 A. I know people come and look at the ducks but I've never seen  
11 an audit and I've never been a part of one.

12 Q. When you say people, what people come look at the ducks?

13 A. I know Coast Guard comes and over looks over our ducks. I  
14 know DOT -- from what I understand DOT does not because they're --  
15 they're considered vessels more than vehicles which is why we  
16 don't carry a license plate.

17 Q. But is there -- okay so Coast Guard come and visit them and  
18 possibly DOT, is there anybody internally that does audits?

19 A. Not that I'm aware of.

20 Q. Are you familiar with the criteria for when not -- when the  
21 duck is not to enter the water?

22 A. A duck is not to enter the water when -- so if I'm looking at  
23 the radar and I see that there's pulses or lightning strikes near  
24 or on the lake which is usually my 20 mile circle.

25 Q. Okay.

1 A. My procedure is to look at that radar and know where -- where  
2 it is, kind of where it's coming from, and then I'll kind of track  
3 it and it takes 53ish minutes for a duck to go from dock to  
4 mountain to water to get into the water and then they're on it for  
5 15, 20ish minutes. And I look at that and I look at, you know,  
6 what ducks I have out and then if I were to have to make a call I  
7 would, I've never had to do that. But I look at the radar see if  
8 it's coming, I -- to the best of my knowledge make a call where it  
9 is, where it's at, what it's doing, and in my experience, I've  
10 either always asked Curtis or Matt who was there like what's --  
11 what's your opinion on it cause they were there. I've never  
12 really had to make that call by myself.

13 Q. Have you ever conducted a pre-inspection checklist before?

14 A. Yeah.

15 Q. Okay. And that was in the capacity of what?

16 A. As a driver.

17 Q. As a driver. Okay.

18 A. Yup.

19 Q. Have you ever -- so have -- did you assist the captain in  
20 those pre-inspection checklists?

21 A. Yes, so we would get there in the morning, we would get on  
22 the duck check -- start our -- start our pre trip, we'd look at  
23 the lights, the -- we look at the lights make sure the prop runs,  
24 the tires, make sure none of them are popped, the tread was good,  
25 I would do a walk around, make sure I didn't see any damage, that

1 our cameras were okay, I would check the anchor, the -- the  
2 sensors. And then we'd get on, start the duck and run it, make  
3 sure it ran and we'd drive it down to inspection station. We'd  
4 get under it, the captain would look at the -- the captain stuff,  
5 plugs and boots. And then I would look at the lug nuts, check  
6 every lug nut on the tire, just kind of look at my keel pullers  
7 and make sure that I didn't see any other body damage or anything.

8 Q. Okay. So these checklists that are completed, do you receive  
9 them once they're completed by the captains and the CDLs?

10 A. We -- we fill me out together.

11 Q. No, no, I'm talking -- I'm sorry I'm switching back to your  
12 Manager on Duty role.

13 A. Oh.

14 Q. So the captains and the CDLs are completing them now so now  
15 what happens?

16 A. They -- they put them in -- we have a folder outside the  
17 office, they put them in there. And then we would collect them  
18 and file them. We do not physically look them over as MODs.  
19 We -- usually problems are caught during pre-trip and we'd be  
20 taken down to the shop and the shop would fix them before that  
21 duck would be put into rotation.

22 Q. Okay. So more about check for the maintenance department  
23 than it is for the MODs to release them?

24 A. Yeah check -- yes it would be a check for the maintenance  
25 department and for the driver and captain themselves to know they

1 check what they needed to check.

2 Q. So if a -- if a -- if a trip was cancelled say for weather  
3 for whatever reason and they never got to the on water portion,  
4 would that be captured somewhere or documented somewhere?

5 A. Like if they -- if they either went out on tour and they  
6 didn't do the water portion?

7 Q. Or it was cancelled or they didn't complete their full cycle  
8 or rotation.

9 A. The -- the only documentation would be the refunds and the  
10 tickets. If they don't go out in the water when the duck gets  
11 back we give the refunds to that duck.

12 Q. Okay. So I guess I'll get a little bit more specific, so if  
13 a duck went out, got to the water's edge, noticed that the weather  
14 was too inclement, says oh I need to go back, I'm not going to go  
15 out, and they wait -- and they'd try to wait out the storm, it  
16 didn't work and they came back and it resulted in a cancellation,  
17 the only way you would know about is by a refund on tickets.

18 A. Yes, there's no documentation stating that this duck did not  
19 complete their tour.

20 Q. Okay. Now I understand that you are relatively new, I think  
21 you said you -- May of 18 is when you started in this position?

22 A. Yeah like 3 months ago.

23 Q. Three months ago. Do you -- are you familiar with the term  
24 of near misses -- a near miss would be?

25 A. I heard it once.

1 Q. Okay.

2 A. I think it was another word used was a lesion.

3 Q. Okay, so I'm not talking in that capacity.

4 A. Okay.

5 Q. So an a lesion is -- is something related -- aligning with a  
6 fixed object.

7 A. Okay.

8 Q. A near miss and I'll kind of generally understand -- explain  
9 it that is. A near miss would be something that may or not  
10 necessarily be a reportable marine casualty under 46 CFR part 4.  
11 You know the standard reporting marine casualties. It would be  
12 something like, you know, maybe they were taking on water or maybe  
13 there was an issue onboard and they got -- well they got out the  
14 water and were able to not classify as marine casualty. Do those  
15 -- has that incident ever occurred for you where something didn't  
16 need to be reported and therefore it wasn't reported?

17 A. Not -- not while I've been MOD or while I've been on duty. I  
18 know there was one day on my day off that something like that  
19 happened but I wasn't there to witness it.

20 Q. Okay.

21 A. Or -- yeah.

22 Q. All right. So -- and the reason why I'm saying that is do --  
23 are those near misses, is that captured somewhere in records to  
24 say oh we had this incident onboard. And it doesn't require  
25 notification of the coast guard but were going -- we're going

1 document that this happened.

2 A. My -- to my knowledge the shop might because they -- cause I  
3 believe they have a record of the fixes they've done on the ducks  
4 and --

5 Q. Okay.

6 A. -- then the maintenance on that. But as far as I know  
7 there's no written anywhere that says this duck went down here  
8 this day for this reason.

9 Q. Okay. And then I just wanted to touch a little bit on the  
10 radio communications, just so I have a clear understanding in my  
11 mind how this works. I understand that you walk around based on  
12 conversations with some other people we've interviewed that you  
13 have a radio that you use a little --

14 A. Yeah, yeah.

15 Q. -- a radio that you use and that is -- is that -- that's tied  
16 to the main radio that is coming in from the other ducks, duck  
17 boats?

18 A. Yeah.

19 Q. Okay. So is -- does that app operate as a repeater as well  
20 or is that its own? So if you're getting -- if multiple ducks are  
21 calling in you can hear --

22 A. I can hear one duck at a time.

23 Q. Who -- who gets precedent?

24 A. I'm not sure how that works. I don't know how that radio  
25 maintenance works by that. I've -- I have been talking to one

1 duck before and like the ticket channel will come on and walk on  
2 and then I just tell that duck to repeat what they said and  
3 they'll repeat what they've said.

4 Q. Okay.

5 A. But I'm not sure who takes precedence.

6 Q. Hierarchy and how that works.

7 A. Yeah.

8 Q. Okay but when you're at the console you can -- you can talk  
9 to all ducks at once? Or can you --

10 A. If they -- if they all have their radios off their hooks, yes  
11 I can talk to all if I hold that button and talk it -- I can talk  
12 to all the ducks at the same time.

13 Q. Okay.

14 A. As is like if all the ducks -- off all the duck radios were  
15 off their hooks --

16 Q. Yeah.

17 A. -- if one duck talked they could all hear him.

18 Q. All hear him, okay. Understand. But there's no way to do  
19 like a broadcast out to the ducks to let them --

20 A. No, the only broadcast I could do would be to type in the  
21 individual duck number radio number.

22 Q. That's all the questions I have, thank you.

23 MR. VOLPE: Are you okay to continue or --?

24 MR. DEMARCE: Yeah.

25 MR. VOLPE: Okay, I have a few follow up questions, John

1 Volpe from the NTSB.

2 BY MR. VOLPE:

3 Q. You were talking about maintenance, when something breaks  
4 down. Who would be in charge of maintenance?

5 A. It would be that shift leader. My -- my initial thought  
6 would be Chris Miller or Chuck -- not sure of Chuck's last name.

7 Q. Okay. Do you know what -- you mentioned Chris Miller's title  
8 and I didn't catch it.

9 A. I believe he's the one who is in charge of the guy's in the  
10 shop. Seems to be a lot of the guys go to him for -- for stuff.

11 Q. The -- getting back to the weather program that we talked  
12 about, have you ever had training on it? Did any -- or was it on  
13 the job training?

14 A. I was -- it was more on the job training. When I first  
15 started in May Matt showed me how to use it, how to read it. He  
16 took me over to a cloud coverage in Oklahoma to kind of show me  
17 what it looks like. And then one day I was on duty and there was  
18 weather rolling in and he actually showed me like this is -- so  
19 we're look at this, this is a 20 mile circle, this is what this  
20 is, and I was able to receive that training.

21 Q. Do you receive any notification from the -- that service that  
22 if there's something in the area?

23 A. Only if I'm sitting behind the computer. There's a little  
24 link that pops up and it'll blink and if I click on it it'll pop  
25 up with the notification. But I don't get anything on my phone or

1 --- or a weather radio or anything else, it's just that program on  
2 the computer.

3 Q. Okay so if you're away from your desk your opening the fence  
4 of the mountain or --

5 A. Yeah I can't.

6 Q. -- the ticket center? Okay. You mentioned that the crisis  
7 management binder that's on your desk. Like a -- you said there  
8 was a tornado that --

9 A. Yeah the little -- the flipbook.

10 Q. Okay flipbook.

11 A. I don't know what else to call it, it sounds like  
12 kindergarten.

13 Q. It -- just to clarify, you also mentioned that safety  
14 procedure is manual, that something you said you saw but you think  
15 it might be the same as a captain safety monitor or it could be  
16 two different things?

17 A. I believe it'd be the same.

18 Q. Okay. Just a moment please. And we touched on this before  
19 but we mentioned when you suspended operations and you know that a  
20 storm's coming and you went to talk to Matt or you went and talked  
21 to Curtis. Who -- who makes the final determination to do a  
22 weather hold?

23 A. If I'm the only one there it's my call.

24 Q. Okay. And is it also your call to -- I know the weathers  
25 coming in -- who makes the call if the -- the vessel changes, his

1 drop goes in the water prior to going on land? And how do they  
2 know -- is it determined -- actually answer the first questions  
3 and I'll ask my second one. My apologies.

4 A. So we'll -- we'll -- if I know there's weather coming, I've  
5 always been to send out a duck, I've been always been able to send  
6 out that half hour tour before it's come, it's been far enough  
7 away. And I'll tell them to go with the water first that way they  
8 can complete the water portion, cause we can deal with rain and  
9 everything else once off the water. So we'll send them to the  
10 water first, they'll do the water, they'll get off the water, and  
11 they'll continue their tour. But it's my call based on what --  
12 with the facts I have on the radar and the weather to say, you  
13 know, go to the water first.

14 Q. Okay. Now did -- does anyone call in when that duck leaves  
15 or how would you tell the duck prior to them leading -- leaving to  
16 do this?

17 A. Like prior to leaving for their tour?

18 Q. Yes, like you said if you knew the weather was coming in and  
19 you would tell -- you could make the decision that you want them  
20 to do the water first.

21 A. A lot of them -- a lot of them will ask before they leave.  
22 Like if I send two ducks out at 2:00 and I know -- and I know from  
23 what I've been watching that there's going to be weather coming in  
24 at 3 or whatever, before that captain leaves I'll go to that  
25 captain and be like, hey go to the water first. Or as -- they'll

1 come in and ask and I'll look at the weather and be like, yeah go  
2 in the weather first, just to be safe.

3 Q. Okay. And is there any documentation when you guys switch --  
4 and someone might of asked that, I apologize guys -- but if  
5 somebody -- if somebody changes the route, goes to the water prior  
6 to going to land or would there be any documentation in the  
7 office? Do you keep track of what ducks do during the day for  
8 their trips?

9 A. No because we have a set route and I've never -- I've never  
10 had a duck switch to the water first.

11 Q. Okay.

12 A. But yeah there's no documentation stating whether or not the  
13 duck has actually changed route.

14 Q. Now your schedules that you have 8:30, 9 all the way to  
15 18:30, if the ducks start getting -- okay this one's taking longer  
16 to get out, do you -- the schedule starts getting skewed. Okay  
17 now will you send like a group out? Say this one's delayed till  
18 20 after 1. Will you send in -- you have your 1:30 there; will  
19 you end up sending out four ducks at the same time? Or three  
20 ducks, you know. The -- the 1:00 leaves, the one -- the other  
21 1:00 gets delayed to 1:50 -- have you run into that problem? He  
22 gets delayed till 1:15 and then your next groups going out - is  
23 supposed to go out at 1:30, is that how the schedule works every  
24 half hour?

25 A. Yes.

1 Q. So then would you end up sending both the 1:30s? I'm just --  
2 to get back on your normal rotation.

3 A. Oh yeah. So the one day I went on hold I was supposed to --  
4 I was supposed to send out the 3:00's, I believe, and I went on  
5 hold. By the time the hold was over I had people for 3, 3:30, 4  
6 and 4:30 I believe and I had, you know, five, six ducks sitting in  
7 front of my building. So I just -- I went ahead and -- we went  
8 ahead and kind of loaded because we were at 4:30, we just kind of  
9 loaded the people there on the ducks and send them out because  
10 they had the tickets and they waited so at the point it was just  
11 kind of like yeah hey what time you guys got, I got 4, well it's  
12 4:30 come on let's go get you on so you can go out.

13 Q. Okay. Now would they -- in that situation, if you had four  
14 ducks, would you say you two go to the water first, you two go to  
15 or would you have them all do the same?

16 A. No they'd, they'd all do the same. Just because the weathers  
17 over by that point so it's just, you know, do your normal -- do  
18 your normal thing.

19 Q. Okay. And just to clarify there is no documentation in the  
20 office for procedures for -- besides the operation manual, for you  
21 to look at to say in case of weather I do this, in case of fire I  
22 do this, besides the crisis management?

23 A. Not that I've been shown.

24 Q. Okay. No further questions. [REDACTED]

25 MR. [REDACTED] Yes, [REDACTED] [REDACTED] U.S. Coast Guard.

1 BY MR. [REDACTED]

2 Q. Ethen, how did you acquire the position you currently hold as  
3 Assistant Operator?

4 A. So I drove there for 2 years and I'm expecting my first child  
5 in October so I went to find other work. I was school bus driver  
6 from Branson area schools.

7 Q. Really?

8 A. And I wasn't getting paid nearly as much as I needed to  
9 support my family. So I started another job as truck driver for a  
10 lumber yard and I didn't fill out my rehire forms for the ducks.  
11 Curtis called and he asked why I didn't fill them back out and I  
12 told him, I was like well you know I need to support my family  
13 kind of thing and he said he wanted me back and I told him well,  
14 you know, it needs to be year round -- I gave him the conditions  
15 for the job. And a couple nights later, he texted me, he said,  
16 hey look there's a job, fill it out, fill out the application,  
17 we'll get you in for an interview. So a couple months later that  
18 whole process went through and he hired me back on as a manager  
19 just because of my reputation as a driver and the work that I've  
20 done there.

21 Q. So was that a position that was created or was it a position  
22 that was vacated?

23 A. No it was a vacated position.

24 Q. Okay.

25 A. The other manager had stepped away in between seasons to go

1 manage somewhere else and so they needed to fill that position and  
2 I was their top of the list guy so.

3 Q. Have any idea how long that position was vacant?

4 A. It would depend on when the other manager left.

5 Q. You don't know?

6 A. Yeah.

7 Q. All right. You were a driver before --

8 A. Yes.

9 Q. -- with the company? As a driver, have you ever experienced  
10 a change in itinerary go to the water before you go up the  
11 mountain?

12 A. Once or twice.

13 Q. Once or twice? Okay.

14 A. Yeah.

15 Q. All right. And currently as an Assistant Operations Manager,  
16 do you ever also fill in as a driver?

17 A. I did one day this year and that was with Captain Scott.

18 Q. With McKee, Cpt. Scott McKee?

19 A. Yes.

20 Q. Okay. And what was the reason for that?

21 A. We had a driver who came back and we were kind of keeping an  
22 eye on him. And he felt like he could not fulfill the duties just  
23 with the heat and he's done a couple trips and he said he  
24 wasn't -- he didn't feel like he was able to fulfill the duties.  
25 So I went ahead and -- we kept him on as a deckhand and I went

1 ahead and stepped in for the rest of that day and drove for him.

2 Q. Okay. How about any other employees that have ever worked  
3 with Captain Scott? Have you ever heard anything negative? Any  
4 disgruntlement whatsoever with the --?

5 A. With Captain Scott?

6 Q. Yeah working with Captain Scott.

7 A. Never have.

8 Q. Never, okay. Good. When -- when you are not available --  
9 when you're not in working your position, cause you work 5 days a  
10 week?

11 A. Yes.

12 Q. So there's 2 days a week that you don't work.

13 A. Yes.

14 Q. Someone else fills in and that was the Friday of the 19th  
15 that you weren't --

16 A. Thursday.

17 Q. I'm sorry --

18 A. Thursday the 19th, yep.

19 Q. -- I apologize. Thursday, you weren't in that Thursday?

20 A. No my days off are Wednesday and Thursday.

21 Q. Oh okay, so you work throughout the weekend?

22 A. Yeah that's my -- that's my weekend right there

23 (indiscernible)

24 Q. Okay I'm missing it. Didn't want the cheat you but

25 (indiscernible). So on those days, who would fill in for you?

1 Who fills your role?

2 A. Matt and Charles were the three MODs we would be considered.  
3 If it's my day off either Matt or Charles will come in and open  
4 and Matt or Charles will close that night.

5 Q. Okay. And as far as your routine duties during the day,  
6 carrying and being in touch with the ducks by handheld radio or --  
7 who would fulfill that?

8 A. Being in touch with the ducks, it would be the MOD on duty.

9 Q. Which would have been who?

10 A. That -- the night in question would be Charles.

11 Q. Charles would have been on. So if the ducks needed to  
12 contact anybody they would radio in to Charles --

13 A. Yes cause he was --

14 Q. -- on those days that you were -- on that day?

15 A. On that day in specific, yes.

16 Q. Yeah, okay. All right.

17 A. Yeah I didn't really -- I haven't really paid attention to  
18 who closes and who opens on my days off.

19 Q. Okay, let me ask you this, have you ever -- do you ever  
20 recall any of the duck captains who, in passing, in conversation,  
21 that you've heard that in your absence, that made calls in to the  
22 office and haven't gotten a response?

23 A. Not -- not that I'm aware of.

24 Q. No one's ever made that comment to you?

25 A. No.

1 Q. All right. One more question. Regarding the radar that you  
2 all use, what make radar is it?

3 A. It's -- it's Earth StreamerRT, I'm not sure of -- I have it  
4 as a bookmark on my -- on my thing. And when I click on it, it  
5 just automatically pops up.

6 Q. Is it -- is it on a desktop or is it actual separate in  
7 there?

8 A. It's a desktop.

9 Q. It -- so it's on your computer?

10 A. Yes it's a webpage on the computer.

11 Q. Oh okay so it's a web based radar, correct?

12 A. Yes, yes.

13 Q. Does it have specific controls on it like gain, range,  
14 dopplex, does it have all that in it?

15 A. Not that I'm aware of. I can tell -- I can tell the wind  
16 speed, I can tell where the -- where the -- the depth of a cloud  
17 coverage is because the blue isn't necessarily rain it's cloud  
18 coverage.

19 Q. Okay.

20 A. And I can tell air to air pulses.

21 Q. Yup.

22 A. Like in the clouds and I can tell ground -- air to ground  
23 lightning strikes.

24 Q. Okay.

25 A. But I -- I mean I can change the color of the clouds but I

1 don't know -- I don't know about gain or any of that.

2 Q. All right. And what system is that? Do you know the name of  
3 that system?

4 A. It's StreamerRT or Earth Streamer, something along those  
5 lines.

6 Q. All right that's all I have. Thank you, I appreciate you.

7 SGT. [REDACTED] I have nothing else, sir.

8 MR. [REDACTED] I have no further questions.

9 MR. VOLPE: Ok Ethen, was there anything you'd like to add to  
10 this interview?

11 MR. DEMARCE: No.

12 MR. VOLPE: No? Anything that might help our investigation  
13 that you could think of?

14 MR. DEMARCE: Just personal opinions, so I'd rather keep  
15 those to myself just for the sake of my sanity.

16 MR. VOLPE: Okay, well I just want to thank you for coming  
17 in. If I need to get ahold of you for any further questions, if  
18 I'm able to contact your attorney to get -- to have you come back  
19 in?

20 MR. DEMARCE: Yeah.

21 MR. VOLPE: Okay, thank you. So we're going off the record  
22 at 1527. Thank you

23 (Whereupon, at 3:27 p.m., the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:           CAPSIZE AND SINKING OF STRETCH DUCK 7  
                                  ON TABLE ROCK LAKE, BRANSON, MISSOURI,  
                                  JULY 19, 2018  
                                  Interview of Ethen DeMarce

ACCIDENT NO.:               DCA18MM028

PLACE:

DATE:                        July 24, 2018

was held according to the record, and that this is the original,  
complete, true and accurate transcript which has been transcribed  
to the best of my skill and ability.



---

Pamela Ross Neil  
Transcriber