

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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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 *

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Interview of: MICKAL FERGUSON

Sunday,
July 22, 2018

APPEARANCES:

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I N T E R V I E W

1
2 MR. VOLPE: Okay. My name is John Volpe. I'm a with the
3 NTSB, in their Marine Division and I'll be recording our
4 conversation today. Make sure that it's working. Yes, it's
5 working.

6 What we'll do in the process is I'll ask you some questions
7 and then the different parties that are part of the investigation,
8 we'll go around the room and ask, they'll be able to ask
9 questions. If I have follow-up questions, normally it's just two
10 rounds of questions, or some people only have one round. So, you
11 could answer if you think of something later on, you could always,
12 you know, make a correction.

13 MR. FERGUSON: Okay.

14 MR. VOLPE: It's not a problem. So just in general, I give
15 this -- the NTSB is an independent federal agency charged with
16 determining the probable cause of transportation accidents and
17 promoting transportation safety. It's not part of the Department
18 of Transportation or the U.S. Coast Guard. We have no regulatory
19 or enforcement powers.

20 MR. FERGUSON: Okay.

21 MR. VOLPE: Okay? So, once again, I'm John Volpe. I'm a
22 Marine Investigator and well go around the room.

23 SGT. [REDACTED] I'm Sergeant [REDACTED] [REDACTED] with the
24 Missouri State Highway Patrol.

25 MR. SMITH: Jason Smith, Spencer Fane law firm.

1 MR. GOOD: Terry Good, Lashly & Baer.

2 MR. [REDACTED] [REDACTED] [REDACTED] I'm with the U.S. Coast Guard out of
3 St. Louis, Investigations.

4 MR. [REDACTED] [REDACTED] [REDACTED] U.S. Coast Guard, Investigation Center
5 of Expertise.

6 MR. ALLEN: Benjamin Allen, with the NTSB.

7 MR. [REDACTED] [REDACTED] [REDACTED] Missouri State Highway Patrol.

8 MR. VOLPE: Okay. Welcome and thank you for coming in.

9 INTERVIEW OF MICKAL FERGUSON

10 BY MR. VOLPE:

11 Q. I'll just start out generally. How long have you worked with
12 Ride the Ducks Branson?

13 A. I started April of last year.

14 Q. April of last year. Okay. And, what was your -- I'm sorry?

15 UNIDENTIFIED SPEAKER: Her name?

16 MR. FERGUSON: Oh, my name.

17 BY MR. VOLPE:

18 Q. Oh, I'm sorry. Missed it.

19 A. Mickal Ferguson.

20 Q. Okay, can you spell that?

21 A. M-I-C-K-A-L, last name Ferguson, F-E-R-G-U-S-O-N.

22 Q. Okay. Thank you. So you started last year? And what's
23 your, what, at what capacity did you start at?

24 A. I was a driver only.

25 Q. A driver only. Do you, do you hold a CDL license?

1 A. Yes.

2 Q. Yes. Okay. And, when did you start training as a Captain?

3 A. In January of this year.

4 Q. January of this year. Okay. As far as, how many trips,
5 let's begin with when you started with the company as a driver,
6 can you tell me some of the training that you had when you first
7 signed aboard?

8 A. Since I already had my CDL, they required a hundred hours on
9 road going out and getting the feel of the Duck, getting to know
10 the Duck and how it operated, and safety protocols. All kinds of,
11 just a whole bunch of information regarding the road the tour
12 went, how it was done, what was expected of me, and how to follow
13 the rules with the Captains themselves.

14 Q. Okay.

15 A. Yeah.

16 Q. And any other training that, when you were taking that, do
17 you remember how long the training was? Besides the hours, of
18 course, the driving.

19 A. A lot. I also had another job at the time, so they could
20 just fill me in when I was needed, and most of my hours were on
21 the weekends.

22 Q. Okay.

23 A. During that time they just went over everything. They went
24 over the pre-trip, the post-trip. They went over how, you know,
25 everything was ran. A lot of Duck parking, to learn how to take

1 the Duck close to the dock when you were leaving and coming back.
2 How to keep it on the road and where (indiscernible) needed to be
3 done.

4 Q. Okay. Now you mentioned that they did the post, post-trip
5 inspections. Could you, in your own words, tell me about the
6 post-trip inspections?

7 A. Once you were done for the day, you would come back and you
8 would have to (indiscernible) itself. Once you pointed this out,
9 they always wanted you to make sure that once you parked it you
10 had your wheels turning out towards the hill in case of it rode,
11 you had to chalk it. And then you had to walk around and do an
12 inspection of the Duck before you left. You had to check tires
13 for leaks. If anything just didn't look right, you had to write
14 up anything that you knew that was wrong with it that needed to be
15 done for the mechanics that day, or that night. You just walked
16 there and just thoroughly checked everything before you left.

17 Q. Okay. Did the Captain assist you with that? Or no?

18 A. Not usually.

19 Q. Okay. We've also heard from different people that you do a
20 pre-inspection.

21 A. Um-hum.

22 Q. Could you explain that please?

23 A. On the pre-inspection, what I do is I take the sheet along
24 with me, so I can make sure that I follow it in a routine. You
25 walk through and I, once you get there, you open the gate, you go

1 up, you make sure that you turn, check the battery to turn the
2 power on. You check all the lights. You check the emergency
3 equipment, check the floors for if it has a Higgins, he checked,
4 Higgins. You check the sea chest and everything else. You make
5 that the PFDs are located on there and that you'd have enough for
6 the day, depending on -- you know, you can always get more, but
7 you want to make sure that they're there and in working condition.
8 You make sure that your PFD itself is ready for when you
9 demonstrate how it is to be done.

10 Q. Um-hum.

11 A. And check the fire extinguishers. Check the throw rings.
12 Check your bilge alarms, your, and the water alarms, and
13 everything like the heat sensors and everything else that go on
14 it.

15 Q. Okay. That's DOT and Captain, or just DOT?

16 A. That's just everything.

17 Q. Oh, that's every -- that's the whole --

18 A. Yeah. That, well, that's not the whole thing, because you're
19 also checking your prop --

20 Q. Okay.

21 A. -- making sure that it's working. Then you get underneath
22 the Duck and everything.

23 Q. Okay.

24 A. Yeah.

25 Q. Now, we were told that you were a narrator --

1 A. That day?

2 Q. -- on that day. Have you -- but if we've also been told that
3 you were training to be a Captain, or --

4 A. I'm waiting on my paperwork.

5 Q. You're waiting on your paperwork.

6 A. All my training is done.

7 Q. Okay. When, when did you submit that paperwork?

8 A. I don't know if Curtis has turned it in. He was the one that
9 was supposed to turn my paperwork in.

10 Q. Okay.

11 A. I went and had everything else completed. I've already taken
12 my Coast Guard test. I've taken everything. Done my road
13 training, my splash-downs, and did tour development, did first
14 aid, went out with the Coast Guard themselves and did an emergency
15 process with the Coast Guard. Did pretty much everything I needed
16 to do.

17 Q. Okay. What are some of the other requirements to sail, to
18 get your Coast Guard license on -- for Riding the Ducks?

19 A. Well, a lot of the -- you also have to get the TWIC. So I
20 got that, but you have to -- you're required to do so many splash-
21 downs, so many hours on the road, like close to 300, or at least
22 300. And I think we went a little over that. I don't remember
23 how many splash-downs we were supposed to do. But we did -- it
24 seemed like every day we doing the splash-downs every time. Then
25 they went through and they took us down to the mechanics, the

1 maintenance, which is the garage. We walked through the Ducks and
2 they had tore everything out so we could see down inside and look
3 at everything, and in the -- and see how it all operated and to
4 know what we were looking for if we needed to look for something,
5 and then went from there.

6 Q. Okay. Have -- was there, is there on-the-job training as
7 master now, where that you would ride with a Captain and actually
8 do the Captain's --

9 A. It is mandatory. I can't take the Duck out on the water
10 myself.

11 Q. Okay.

12 A. Because I do not have my paperwork. So I have to have
13 someone with a license, a Coast Guard license, in order to go out
14 on the water, and it's their choice if they want me to do it or
15 not.

16 Q. Okay.

17 A. But as long as, if I'm assigned the Captain that day, there's
18 always somebody that's a driver, such as Curtis the day that I
19 went out.

20 Q. Okay. How many people normally do you, have you trained
21 under, as far as letting you --

22 A. Letting me do my course?

23 Q. Yeah, what to do, like (indiscernible) --

24 A. A lot.

25 Q. Okay.

1 A. Yeah.

2 Q. Their good about --

3 A. Very nice about it.

4 Q. Very nice about that. Okay. So you're waiting on, on your
5 license.

6 A. Yes.

7 Q. Can you just explain the typical day since, since you were a
8 narrator this time, when you went in the day of the incident, what
9 not knowing because we talked to drivers, we talked to Captains,
10 what did the narrator do? Did you do the same duties that you
11 would normally do as Captain, or did you just do the same duties
12 as --

13 A. When you're a narrator that is the Captain's position.

14 Q. Okay.

15 A. It's one in the same. You go out, you inspect the Ducks in
16 the mornings when you get there.

17 Q. Um-hum.

18 A. Once you're done with the DOT and inspecting everything,
19 making sure that it's okay, then you, you have a line up, and in
20 that line up, you, you just follow through. My first trip out
21 Thursday morning was at 9:30.

22 Q. Um-hum.

23 A. So we started out going on at 9:30, I did my tour which is
24 approximately one and a half hours long, and then you come back
25 and then it's straight out again.

1 Q. Okay.

2 A. We were busy that day.

3 Q. And was Curtis Lanham with you all day?

4 A. All day.

5 Q. All day. Okay. Did he let you be the Captain and --

6 A. He was just the driver. He doesn't do tours.

7 Q. Okay.

8 A. For that day.

9 Q. Okay. Could you tell me some of the training that you did
10 for The Duck to, to become Captain? Some of the different
11 training that you, specific to the Duck.

12 A. For everything for the Duck? As far as like the protocols,
13 and everything that (indiscernible) --

14 Q. Yeah, once you're on the water, what you --

15 A. Oh, what kind of trainings on the water we did?

16 Q. Yeah. Um-hum.

17 A. We did fire safety, what to do in case there was a fire, if
18 we lost propulsion, if just every, every single detail you could
19 think of. We went through and, you know, if for some reason we
20 needed a splash down, if the rudder or the propeller stopped
21 working, what would you do? If, you know there was black smoke,
22 you know, go through the black smoke. If there was a man
23 overboard, we did gobs of man overboards. I mean, just every
24 situation possible that I could think of.

25 Q. Okay.

1 A. Yeah.

2 Q. Now at, in your time with the company, have you looked at the
3 operations manual?

4 A. Yes.

5 Q. Yes?

6 A. Yes.

7 Q. How often do you reference the manual?

8 A. I have looked at that manual a lot because that's what we
9 were using to study with.

10 Q. Study for?

11 A. For the Captain's license and on the training as well.

12 Q. Okay.

13 A. We had to go through the, the procedures as we went through
14 that.

15 Q. Okay. Now, in the past we've been told that there's meetings
16 held monthly?

17 A. Monthly.

18 Q. Could you tell, explain those meetings and some of the things
19 discussed? If you can recall.

20 A. Each meeting is different.

21 Q. Okay.

22 A. A lot of the meetings is mostly safety things that have been,
23 you know, that get brought up in a situation hen a Captain or a
24 driver just MOD, has the scene, and then they'll discuss it for
25 that time. There has been times where they have discussed about

1 entry into the water, how to take it to make it more comfortable
2 for the customers, don't, you know, rev in, make sure you brake
3 before you hit it.

4 Q. Um-hum.

5 A. You know, the specific requirements of what our job
6 description is, as far as drivers, that they are to drive.
7 They're not to interact, they're not to participate in the show
8 pretty much, the tour, as they're going down the road. Just all
9 kinds of things.

10 Q. Okay. So let's just back up to the day of the accident, the
11 incident. You said you were out five times, five trips? You were
12 on your fifth trip?

13 A. I was on my fifth trip at six.

14 Q. Okay. So, we've already established that you inspected --

15 A. Um-hum.

16 Q. -- prior to your first, prior to going out on your first
17 trip. Let's go, go towards the; Okay now you're doing your last
18 trip. Can you walk me through from, from prior to leaving the
19 facility to the rest of that --

20 A. To the return?

21 Q. Yes.

22 A. It was not anything abnormal for me to get a six o'clock. It
23 usually is the way I fall. I was, you know, told that it was six
24 and that there was two Ducks going out. I was the first one out
25 at six. We got on the Duck, we loaded. There was thirty of us,

1 include, not including Curtis and I.

2 Q. Um-hum.

3 A. As we went out, we went and did the tour, just normal, which
4 I always take Green Mountain, take it around, go up, I did the
5 mountain first, I did the lake after that.

6 Q. Okay.

7 A. Everything seemed normal that day when we went out. There
8 was no issues as far as the tour started until we exited. Well,
9 when I got onto the water, when I did my initial splash down, and
10 I had called into the Belle, because we're supposed to, got that
11 verified, didn't hear anything back, so I entered in.

12 Once I got into the water, I had passed the Belle, which was
13 at the time to make sure everything's clear is when I switch over
14 and sit into the Captain's seat to let the kids drive. I had a
15 girl that was as the Cap, I mean, where the seat is, the Captain's
16 seat, there's that first bench up in front on Starboard side. And
17 she was sitting there with another little girl, and as I was
18 entering in, as soon as I almost got to the island, she said that
19 she's saw lightning. And I said, well, keep an eye on it, because
20 at the time I didn't see it, and we started watching. And then
21 lightning stuck again.

22 Q. Um-hum.

23 A. But it wasn't near us. It was far in the distance. So I
24 told them that we were going to cut the tour a little shorter,
25 that we weren't going stay up and drive like they normally do. It

1 was just pictures and out of the seat.

2 Q. Okay.

3 A. And I also explained the three things that would get us off
4 the water. Which was the lightning, the waves, and the wind. Did
5 not have any at that, at the time, except for, of course,
6 lightning. As I started to approach to exit, you could see that
7 it was, it had been, it was just calm like this, I mean, the water
8 is, is moving more than it was the day I was entering in the --
9 entering out. It was very calm. The sky was blue. There was a
10 few clouds, but once I had gotten a little bit past the island,
11 you could see the sky a little darker to the north, by he chateau.
12 As I was heading in, there was a breeze, but while we were out in
13 the water, more so, there was not.

14 Q. Um-hum.

15 A. It was very calm, and it was very hot. Once I got up onto
16 the ramp and was getting to head out, the leaves on the trees
17 started kind of blowing. The wind started picking up a little
18 bit, not too much, but a little bit. But I could tell the
19 temperature dropped really fast. It got cold. Curtis and I
20 switched out here as soon as we got out of the water. He switched
21 out, took over driving, and I got back in the Captain's seat. We
22 got ready to pull out of the parking lot. It was barely
23 sprinkling, just a few drops of rain. Nothing hardly at all. And
24 we -- I was explaining that if it did start to rain, we had the
25 curtains, we'd bring them down --

1 Q. Um-hum.

2 A. -- to make them aware to make sure that they moved their arms
3 and to stay out of the way. Well Curtis decided he want the
4 curtains down. So I said; Well that was fine. So we went ahead
5 and dropped them then. As we approached, or as we turned onto 165
6 heading back, we got to approximately the Dewey Short Visitors
7 Center when the winds started kicking in a little bit more and
8 once we made it onto the dam and had just passed the Dewey Short
9 Visitor's Center, just little bit, is when it all kicked in --

10 Q. Um-hum.

11 A. -- and hit hard. It got dark on my Duck to where you could
12 par, barely see the faces of the people in the back, and the
13 curtains blew out of the track, so we weren't able to do anything
14 in that. The people on the Duck were holding the curtains. My
15 window, by my Captain's seat, started to blow out so I grabbed
16 that as well.

17 Q. Um-hum.

18 A. I don't remember much rain. I do remember telling them to,
19 because we were looking at the lake, and as we looked at the lake,
20 the waves started picking up. It was cresting pretty good, and
21 white-capped, and it was nothing I never seen before. As we were
22 looking out there, there was this, a jet ski with a man on it, and
23 he lost control and it threw him off the jet ski over by the dam,
24 and I told them, I said, you know, folks, look at the dam, or look
25 at the lake because it's not something you would normally ever see

1 again. I said, this is not normal. And after that, I happen to
2 turn and look at Taneycomo, because Taneycomo is usually a pretty
3 calm lake -

4 Q. Um-hum.

5 A. -- and it was even getting a little faster down there as
6 well, but not too much, not like Table Rock. As we were crossing
7 the dam, the radio went off on my Duck, and Charles had contacted
8 Curtis. I couldn't make out what was being said because I was
9 remaining calm and staying with my tour.

10 Q. Um-hum.

11 A. I knew it had something to do with Scott, but that's all I
12 knew. Once we had passed, just a little bit before the Chateau,
13 right before we went to turn onto 165 heading back again, it went
14 calm. It wasn't as bad as it was, it had broke, more so that
15 anything. We could, the wind was kind of still strong. I don't,
16 I still don't remember the rain. I don't remember how it was
17 doing that way, but it got a little lighter. I could start seeing
18 the people again.

19 Q. Um-hum.

20 A. And we headed back. We got back to the Duck dock. We parked
21 in the back. Curtis got up; once he parked, I let him out and
22 then I let my people out.

23 Q. Okay.

24 A. And that's when I found out what happened to Scott after
25 that.

1 Q. Okay. Now do you recall how long it was from when it got
2 dark and you were having problems with the curtains --

3 A. The curtains.

4 Q. -- to when it started --

5 A. To calm down.

6 Q. -- to calm down?

7 A. It -- to be absolutely precise, no. I just remember it was
8 pretty quick. It didn't take too long. I remember, so I had
9 entered right onto the dam, just passed the Dewey Short, was
10 crossing over by the flag on the dam when everything kicked in.
11 And then, I would say it was pretty much calming down right at the
12 light as we were heading back, turning by the Chateau to head back
13 into, onto 165 again.

14 Q. Okay.

15 A. In that area is where it started to calm down again.

16 Q. Time-wise that, because I'm not familiar with that area.

17 A. Okay, time-wise. I would say under 15 minutes.

18 Q. Okay. Since you were the narrator and also doing Captain,
19 could you explain your safety speech that you gave?

20 A. Before the water part?

21 Q. Yes.

22 A. When I enter in, after I get on the dam, before I enter into
23 the parking lot, I always address the placard that above on the
24 hatch, and I ask them if they read it, which nobody ever does,
25 normally. And I always ask them, did you all read the placard

1 above your heads as you were entering on? Some say yes, some say
2 No.

3 Q. Um-hum.

4 A. And then I was like it doesn't -- it's okay if you didn't.
5 I'm going demonstrate to you here in a little bit how to put them
6 on. I then explain that PFDs, personal flotation devices, also
7 known as life jackets, is what I tell them, because some of them I
8 don't know how they, they'd look --

9 I also explain that there's two fire extinguishers on the
10 Duck, one up in the helm station, one on the back on the floor on
11 the left-hand side, which is where Duck 27's is. Two throw rings,
12 one above Curtis's head, that one has a rope, so if it's needing
13 to thrown out, hang onto the rope. There's one also located in
14 the very back on the left, right-hand starboard side, on the back
15 of the Duck, on the outside as well.

16 Q. Um-hum.

17 A. And they always look, and I point as well. Then I tell them
18 that I have to figure out -- I'm trying to think of how I do it on
19 my tour. Okay, and then I tell them, Curtis and I or whoever
20 would be my driver, myself and whoever, Curtis at the time, would
21 instruct you when you need to put on the PFDs, and if we did so,
22 this is how you would do it. You pull the yellow strap, they
23 would either fall on your lap or you grab one and hand it to the
24 next person. The ones above my head are 90-pounds of less,
25 because we don't -- adult, the ones to the port side, or left

1 side, are for 90-pounds, or 90-pounds or more above my head, 90-
2 pounds or less on the port side, and any 30-pounds or less are the
3 little red ones in the very back.

4 Q. Um-hum.

5 A. The thing you have to remember is those are more of a vest
6 and make sure the strap goes between the kid's legs and back,
7 buckles to the back. I also ask then if anyone knows where the
8 emergency look-, exits would be located. And typically about five
9 will point. And then I explain everyone on the right would go out
10 the right. Everyone to the left would go out the left. We would
11 meet in one place, but that's not going happen today is how I'd
12 always put it.

13 Q. Um-hum.

14 A. Then I would explain in over 40 years it has not happened.
15 And then -- sorry.

16 Q. Okay. Take your time.

17 A. And then I would explain that that wasn't going to happen.
18 Thank you. And then I would go -- I would also explain that when
19 I would enter in the water, it's going feel like I'm hitting the
20 brakes. Please make sure you brace yourselves. If you're holding
21 your children, make sure you hang on to them, and to remember that
22 the bars on the seats are metal, so keep their faces away, if
23 possible. And that -- I always ask them do you want to go any
24 slower or do you want to go in fast? And then I told them they
25 didn't have a choice.

1 Q. Um-hum.

2 A. And then we'd splash down. So that's about what's covered.

3 Q. Okay. Now when, when you go in and you do the splash --

4 A. Um-hum.

5 Q. -- we've been told about the tabs on the stern --

6 A. Yes.

7 Q. -- for your waterline. Would you explain that a little, in
8 your own words?

9 A. The reference markers?

10 Q. Yes.

11 A. After you enter into the water, you check three things -
12 really four. You check to make sure that you have steering and
13 propulsion. You make sure that your reference marker on each
14 side, port and starboard, is above the water. If not, you
15 balance. You ask, in a nice way, for someone to rotate around.

16 Oh, and one other thing I do is before you enter in, there's
17 always someone if there's someone in the back-middle seat, on the
18 bench, which we call them the soggy bottom seats, you always ask
19 them to make sure they keep their seatbelt on, but once they get
20 in the water, to take it off, and once they get on land, to put it
21 on again.

22 But when you check the reference markers, you always look for
23 the reference markers to make sure that you, that everything is
24 working correctly. That you have the steering, that you have the
25 propulsion, and you also check the floor board, down by, but in

1 the seat, the driver's seat, to make sure that there's not water
2 coming in down there.

3 Q. Okay. Why do they call that seat the soggy bottom?

4 A. Because that's where you can drench the people like a tidal
5 wave coming over --

6 Q. Okay.

7 A. -- depending on how nice they are.

8 Q. Okay.

9 A. A lot of kids want to go back there, but we make sure adults
10 are back there as well when they do it.

11 Q. So sometimes water does come over the --

12 A. You can get the water to come in really well, depending on
13 the Duck.

14 Q. Okay.

15 A. Yeah.

16 Q. So the head -- in the time that you've been on board the
17 Ducks, have you ever had the shift people ask --

18 A. Yes.

19 Q. Yes, you have. Is that a normal occurrence or --

20 A. Typically, no, plus it depends on your Duck. Some Ducks sit
21 a little lower than others.

22 Q. Okay.

23 A. If you're in a Truck Duck, they're not going get wet back
24 there. You can't, they're built a little higher, a little wider,
25 a little heavier. But, they, they're different than the, than the

1 Stretch Ducks.

2 Q. Okay.

3 A. So, yeah.

4 Q. Okay. When you were doing your, your training and you
5 mentioned that you had the route that you like to take, when you
6 go in the water how do you determine what route you take in the
7 water?

8 A. It is explained to you before we head out each morning on
9 (indiscernible). It's been the same since, pretty much, tours,
10 you know, once we open, do to the water plus the exit ramp right
11 now is usually our entrance ramp, but we usually go north in, but
12 it needs to be corrected, and it bottom's out and hit's the bottom
13 of the deck, so it's not so comfortable for the people on there,
14 so we've been using south to enter in and then north to go out
15 easier.

16 Q. Okay.

17 A. And then you go around the island and then just exit.

18 Q. Okay. I'm sorry I didn't catch, did, when you went around,
19 did you go around the island that day?

20 A. I went around the island that day.

21 Q. Okay. You were able to go around the island that day?

22 A. I was.

23 Q. Okay. When you were at -- in the office, we've also heard
24 about the weather --

25 A. The screen.

1 Q. -- the weather forecasting screen that you have. Do you have
2 a chance to look at that after every ride? Or how does that work?

3 A. It's there all day. You always have an option to look at it.

4 Q. But I know, as far as you, you do five trips, do you have the
5 opportunity to go in in between trips to look at that?

6 A. Yes.

7 Q. Yes. Did you have a chance to do that before you --

8 A. I looked at it before I left.

9 Q. Okay. If there was a, an issue with the weather, how would
10 they contact you?

11 A. Through a radio.

12 Q. Through the radio? Have you ever been called on the radio to
13 stop[the tour, to alter the tour?

14 A. We. This year the only thing that has happened is with, I was
15 a driver that day, I don't remember exactly the day, but my
16 Captain and I were coming down from the mountain and it started
17 pouring down rain really bad.

18 Q. Um-hum.

19 A. You could barely see. He had made the call that we were
20 going have to cancel the water and he had called in to the shop,
21 or to the office to let them know what his intentions were, and
22 they had, I'm a, I'm assuming looked at the scanner or looked at
23 the radar and told him to wait ten minutes. If within ten minutes
24 it did not clear, to head on back and skip the water.

25 Q. Okay.

1 A. If you do not do the water, we just don't do it.

2 Q. Okay.

3 A. But that is the only thing that's happened to me so far this
4 year. Sometimes they will tell you to go the, you know, suggest
5 to go to the lake first before you do the mountain.

6 Q. Um-hum.

7 A. That has been done. They, I've also had them cancel the
8 tours this year due to rain, to the weather.

9 Q. Okay.

10 A. When I looked at the radar before I had left, I noticed that
11 there was quite an area that was covered in the warning. And on
12 our radar is, it has this, the showboat and, and the Duck dock, or
13 the Duck building and a star, two different colors. And it has a
14 radius of, or the circumference of the area that is in that, which
15 I believe is twenty miles. The storm was not to us yet when I
16 left. You could see it off in the distance, but it was not here.

17 Q. Okay. Now you mentioned that the switch from going from
18 north to south, to south to north because of --=

19 A. Um-hum, the ramp.

20 Q. Is that, when did that begin?

21 A. Pretty much the start of the summer.

22 Q. Start if the summer?

23 A. Yeah. It's pretty much been that way this whole season.

24 Q. Okay. I'm going pass you on to -- right.

25 BY SGT. [REDACTED]

1 Q. Sergeant [REDACTED] [REDACTED] with the Highway Patrol. Thank
2 you, Mickal, for talking with us. So you had mentioned that you'd
3 had radio contact maybe, or that you'd utilized the radio prior to
4 going into the water? Is that, did I not hear that right?

5 A. The com-, I did, you always call before you enter into the
6 water. You have to get on Marine 13.

7 Q. Yeah, but who, who do you call when you do that?

8 A. You, you contact the Showboat.

9 Q. Okay.

10 A. It goes to the Showboat and you explain where you're at.
11 That you're getting ready to enter in. Is there any incoming
12 traffic or anything we need to be aware of? And if they respond,
13 but if they stay silent then we know we're okay.

14 Q. Okay. You mentioned that when you're staying in the Captain,
15 you're obviously, you're --

16 A. Management.

17 Q. You know the procedural manual now --

18 A. Yes, sir.

19 Q. Okay, but prior to actually doing the Captain's training,
20 which you said started in 2018? January 2018, is that correct?

21 A. Um-hum.

22 Q. Prior to that, were you familiar and had you read this
23 procedural manual --

24 A. They had given it, and they went over a lot of it, but not
25 the steps of the Captain. Not, when you are a driver, you're --

1 you are taught to assist the Captain, but you do not override the
2 Captain.

3 Q. Okay.

4 A. If that makes sense.

5 Q. Sure, absolutely.

6 A. You can, you can, now when I say that though, the Captains
7 are, they do work with you.

8 Q. Okay.

9 A. If, they will listen to something that you say if they think
10 that it'll help.

11 Q. Sure.

12 A. They, but when you are training, you go out and you train, of
13 course, for fire drills, man overboards. You do a lot of the
14 things that the Captains do. You just don't understand all the
15 process of what is entailed and what is needed for the Captain.

16 Q. As a --

17 A. Training.

18 Q. -- driver did you have, you had access to this document --

19 A. Yes, sir.

20 Q. -- this operations manual?

21 A. Yes, sir.

22 Q. Okay. In, in reference to your training, and you, obviously
23 you've done the man overboard drills, the fire drills, did you
24 ever do any inclement weather training?

25 A. We discussed the inclement weather and what would take place

1 and, and what was done now. There's, as a Captain, you are able
2 to call out you own decisions, what you think would be best --

3 Q. Okay.

4 A. -- in a situation. Whatever you felt was deemed to be done
5 at that time, and they would back you on it in the end.

6 Q. Okay. So what, what kinds of things specifically do you
7 recall in that training as far as being what that you were trained
8 to do in inclement weather? (Indiscernible) mention anything
9 else?

10 A. Definitely waves; wind, 35-mile winds, get off. That if you
11 have the curtains down, it will make you a sail boat, more or
12 less --

13 Q. Okay.

14 A. -- unlike a typical boat when you have the curtains up. They
15 explain how to drop the curtains. They explain, in the
16 situations, how to remain calm.

17 Q. Um-hum.

18 A. To put your windshield down if need be. Just, you know, just
19 to stay alert and to be ready for anything.

20 Q. Sure.

21 A. As you're going down the road, say that, you know, there was
22 going be a chance of a tornado when you're out there, always be
23 looking for a place you can go for safety. Typically, not always,
24 would you want to evacuate the Duck, but it means, if there was,
25 how to proceed with that, and just go from there.

1 Q. So if your curtains were down, let's say, and inclement
2 weather were to --

3 A. Strike.

4 Q. -- strike, what were you instructed to do? What would you
5 try to do?

6 A. There are pins on those curtains. You must pull the pin and
7 at the same time you have to hold it and hit it with your palm of
8 your hand or just in general to snap that out of there, and they
9 will fall.

10 Q. And whose authority, who makes the decision to do that?

11 A. The Captain.

12 Q. The Captain, okay. So if you're the Captain you're also
13 operating the vessel underway on the water. Correct?

14 A. Right. But you are also taught as a driver how to do it as
15 well, to assist the Captain if it was need be.

16 Q. Okay. Because the, there are (indiscernible) --

17 A. There's -- right.

18 Q. And so, you can't necessarily --

19 A. You can do ---=

20 Q. -- as a driver get up out of your seat and go do that --

21 A. Sure.

22 Q. -- in the midst of traffic.

23 A. Right.

24 Q. Is that fair?

25 A. That's fair.

1 Q. Okay. Let me ask you this about PFDs.

2 A. Okay.

3 Q. Are passengers free to don PFDs at any time during your --

4 A. Yes.

5 Q. -- during your -- on their own, if they wish to do so?

6 A. If they wish. As a matter of fact, this year I had that
7 occur very first time that I'd ever seen it with, since I started,
8 and there was a gentleman at first that had a little boy, I would
9 say approximately 18-months, 2 years old. We were at the Duck
10 dock, getting ready to leave, to head out, and you could tell he
11 was a little worried. The Dad was. Turned out that he also, I
12 guess -- I don't know if it was his wife or who it was, but there
13 was four of them, two little kids, the adults, and when we were
14 getting ready to leave, he asked if he could put the PFDs on at
15 that time. I had explained to him that it was going to be a
16 little while before we got to the water. It was hot that day as
17 well, and I said, but you will have the opportunity. I will make
18 sure that you have the opportunity. I was not the Captain either.

19 Q. Sure.

20 A. I was at that time the driver that day, but I informed them
21 that, that they could do that, and I would let the Captain know.
22 So I told them that they will have the opportunity at that time,
23 and yes, it would not be an issue for them to put them on and we
24 did get them down. We allowed them to put them on before they got
25 into the water. No one else at that time, when they saw them

1 doing it, wanted to do it themselves. We let them go out there
2 and they took it off when got on land again.

3 Q. So I understand that they're free to put them on when there
4 (indiscernible) --

5 A. There, it is their option.

6 Q. Are they given that option verbally in a safety briefing
7 prior to going into the water? In other words, if no one asked
8 you could we put our PFDS on prior to going into the water, are
9 they told that they have that option?

10 A. No, sir.

11 Q. Okay. And have you ever been in a situation when PFDS were
12 donned in a Duck?

13 A. No.

14 Q. Okay. That day, when you, were operating, when you were
15 underway, in the water --

16 A. Um-hum.

17 Q. -- on the 19th, you were with Curtis, correct?

18 A. Yes, sir.

19 Q. Okay. And you were, you were operating the boat?

20 A. I was.

21 Q. Okay. And when you noticed the lightening --

22 A. Um-hum.

23 Q. -- when the young lady told you about the lightening, and you
24 guys decided to deviate from your normal trip.

25 A. We continued the same route in the water. We just picked it

1 up a little --

2 Q. Sure. Did you --

3 A. When I say picked it up, we didn't let the kids stay in the
4 seat as long as they normally would to drive. It was more a photo
5 opportunity and then out of the seat.

6 Q. So is it fair to say though that you, you were trying to cut
7 the trip a little shorter?

8 A. Just to be on the safe side.

9 Q. Okay. After, after that happened, you guys made that
10 decision, and you started back. By the time you started getting
11 out, and wind's picking up, those types of things at that point?
12 Or at what point did the weather start changing?

13 A. It, the breeze, there became a breeze. Normally when your
14 out on the water and it's a hot day, you try to steer the boat or
15 the Duck, to find wind. There was no wind out on the water --

16 Q. Okay.

17 A. -- when I was out there.

18 Q. Okay.

19 A. It didn't matter which direction, or how you turned, you
20 cannot find the wind, but once I had started getting by the Belle,
21 is when there was a breeze. I wouldn't call it a wind, it wasn't
22 strong at that time. It just made enough to where the leaves
23 started to move. But the temperature did start to drop.

24 Q. And did you, could you see what the sky looked like at that
25 time too?

1 A. It was dark.

2 Q. Okay. Dark as in an approaching storm? Or --

3 A. An approaching storm.

4 Q. Okay, okay. So, once --

5 A. It was still sunny.

6 Q. Oh, I'm sorry, okay.

7 A. I'm sorry. It was just sunny where we were.

8 Q. Sure.

9 A. But, off in the distance you could see it.

10 Q. Okay.

11 A. Yeah.

12 Q. After you guys left, when you're on the Duck, when things
13 start happening --

14 A. Um-hum.

15 Q. -- one, did you (indiscernible) of a conversation about the
16 Ducks that were behind you that were still entering the water?

17 A. We do not.

18 Q. Okay. You never discussed -- when you knew the storm was
19 coming or when things started picking up, did you guys ever
20 discuss those other Ducks that were out there?

21 A. No. But I do remember seeing Jesse out there, but he was
22 right behind me, Jesse and the lineup, because there was two at 6,
23 two Ducks at 6:00.

24 Q. Okay.

25 A. And he wasn't far from me. So, I know that he was not, by

1 the time I made it out, he would not have been far behind me.

2 Q. Okay. Did you, as a driver for that, you were driver for one
3 season? Is that correct? From April (indiscernible) you started
4 in January.

5 A. Before this. Yes.

6 Q. As a Captain, studying to be Captain. Did you have the
7 occasion to work with any other Captains?

8 A. I've had a lot of time with other Captains.

9 Q. And did you have a chance to work with Scott McKee?

10 A. A lot.

11 Q. How long, meaning how often do you think? Or how man time
12 you think you went on trips with him?

13 A. Oh gosh -- He was typically one of them that I got stuck
14 with. Well I shouldn't say stuck with but assigned to.

15 Q. Sure.

16 A. Mostly driver.

17 Q. Um-hum.

18 A. He would let me Captain a lot of times, sometimes he would
19 lose his voice from speaking so much. So I would fill in to be,
20 and he would just drive for me while I Captained that day.

21 Q. Were you ever, were you ever a driver for Captain McKee under
22 any circumstance that could be considered, maybe a little
23 dangerous, or out of the ordinary, or abnormal situation?

24 A. No.

25 Q. Something that would have required him to exercise judgment

1 beyond just the normal (indiscernible)?

2 A. None that I can recall right now.

3 Q. Okay. And then now that you've had a chance to exercise your
4 safety briefings and develop your own --

5 A. Yes, sir.

6 Q. -- how, how does your safety briefing, or does it differ from
7 what Scott McKee what you've seen him do?

8 A. When I was training for driving, Scott was one of my
9 trainers. Well, not continuously, but he would go out and he
10 would evaluate at times. His protocol, from when I had been with
11 him, was the same as it was mine. When we went out right before
12 the water when he did his water speech, it was typically the same
13 as, not word for word, but covered the same exact things mine did.

14 Q. Had you ever noticed, or had you ever been a driver with him
15 as a Captain, where a weather situation (indiscernible) for either
16 a route was changed, the trip was delayed, or cancelled? Anything
17 like that?

18 A. I had been with so many Captains, I don't, I remember the one
19 was because I had just rode with him, I want to say Saturday, or
20 the Sunday before. I don't remember what the weather was that
21 time, but I think it was okay. I don't recall.

22 Q. I'm sorry, I'm asking you to recall (indiscernible) --

23 A. No, that's okay. It kind of all blends.

24 Q. I understand.

25 A. Yeah.

1 Q. I think that's all I'm going ask you. Thank you.

2 A. You're welcome.

3 BY MR. [REDACTED]

4 Q. Thanks again for coming in Ms. Ferguson. Again, [REDACTED] [REDACTED]
5 with the U.S. Coast Guard in St. Louis. Just a couple of quick
6 questions I have here.

7 The day of July 19th, when you were lined up on the ramp to
8 enter, enter Table Rock there, do you know how many Ducks were
9 lined up behind you to (indiscernible)?

10 A. I did not see a Duck behind me.

11 Q. There was no Ducks behind you?

12 A. There would've -- well, not -- I can't remember. I took a
13 little bit longer on my safety speech, and I'm not a hundred
14 percent sure, but --

15 Q. I understand.

16 A. -- but I want to say, yes, Jesse was behind me. Now that I
17 think about it, but I'm not a hundred percent sure. Because I do
18 remember taking longer. Kind of, you know, dealing with the
19 people, explaining the situation, making sure everybody was
20 comfortable before we entered in, kind of tease them a little bit,
21 say we're going count to three, but I hold back on two, just so
22 that they get the thrill. But yeah, I'm not sure.

23 Q. I understand. When you were out, once you were out on, on
24 Table Rock and doing the water side portion of the tour, were
25 there any other Ducks out there, both in front of your route, the

1 route that you're on --

2 A. There was no one ahead of me because I was the first out.

3 Q. Okay.

4 A. So I know that for sure. Jesse would have been, I remember
5 somebody calling in saying that they were going to the splash
6 down. I didn't really pay attention to what, you know, watching
7 them, or drawing attention to them from my tour to have them
8 watch. So, I know he was out there and would not have been too
9 far from me once he was --

10 Q. And when you say, Jesse, he was operating a Stretch Duck 17 -
11 -

12 A. Seventeen. It was black with the flanks.

13 Q. Okay. While you, anytime while you were on your tour did
14 Stretch Duck 7 ever enter the water, did you hear broadcast from
15 that?

16 A. I did not.

17 Q. What about Stretch Duck 50?

18 A. I did not.

19 Q. You'd mentioned earlier that you guys had made a conscience
20 effort to, to a, to try to expedite your tour to try to get off
21 the water in light of the lightening. --

22 A. Um-hum.

23 Q. Once you observed, did, was -- is there ever any procedure or
24 was there any call made back to the Duck's facility to let them
25 know what you observed on the water and, you know, to be

1 precautions --

2 A. No.

3 Q. That, that that you were shortening your tour as a result of
4 incoming inclement weather?

5 A. No. I did not call in and make them aware of that, no.

6 Q. That's all I, that's all I had. Thank you.

7 MR. [REDACTED] [REDACTED] [REDACTED] with the U.S. Coast Guard. I have no
8 questions. Thank you.

9 BY MR. VOLPE:

10 Q. Are you okay to go on, or would you like to take a break?

11 A. I'm okay.

12 Q. I just have a few follow-up questions. There was a mention
13 from one of the other drivers that they might have GPS tracking on
14 the Ducks. Do you happen to know if there's any kind of program
15 in the office that they could see where the Ducks are at what
16 point in the trip?

17 A. I don't know about that. I know we have a screen on our
18 Ducks that would have the GPS. It shows exactly on satellite what
19 you're doing, how you're in the water, if, you know, you can look
20 down and make sure that your propeller's working in the back, you
21 can see where you're at on the road. As far as the technical
22 sense behind it, I don't know how that works.

23 Q. Okay.

24 A. No.

25 Q. Just look at my notes, one second.

1 A. You're fine.

2 Q. Yep. -- Just, just curious, in your training, as far as we
3 know that certain Ducks are built differently. In your, are you
4 aware of like the bilge pumps on the Ducks.

5 A. Yes, sir.

6 Q. Okay. And do you know if, how to, how to pump the bilges?

7 A. How to, how to pump?

8 Q. How to pump them, yes.

9 A. Yes.

10 Q. Can you explain that to me, I'm sorry, I had --

11 A. That's okay. You are able to, if, for, if you needed, if you
12 were out on water and you were taking it in, and it would go off,
13 the alarm would sound, you want to rev up your RPMs in order to
14 get them to pump. You also want to monitor your reference
15 markers. You want to make sure that you just get off the water,
16 return where you're from, put on the PFDs, and contact the office
17 to, to inform them what's going on, and get off the water.

18 Q. Okay. In any of you pre or post inspection for the day, do
19 you test the bilge pumps?

20 A. You, you check the alarms. You test those, and then you look
21 in there to make sure that there's no water located inside. You
22 get under, you make sure that everything's, you check the plugs
23 and everything, and make sure everything's good.

24 Q. Okay. Could you just explain how, how do you, how to, how do
25 you check the, the alarms?

1 A. Well --

2 Q. What's the procedure for that I guess.

3 A. To check the alarms?

4 Q. The bilge alarms, yes.

5 A. Yeah, you have to turn on the ignition, of course --

6 Q. Okay.

7 A. -- and, and make sure that the battery and all that's on.

8 And then you, there's the boxes on the side, and then you hit the
9 boxes to make sure that the lights light up, the alarm sounds, and
10 then everything's good.

11 Q. Okay. Very good. I have no further questions. Sir?

12 UNIDENTIFIED SPEAKER: I'm done thank you.

13 MR. VOLPE: Anybody else?

14 BY MR. [REDACTED]

15 Q. Yeah, [REDACTED] [REDACTED] with the Highway Patrol (indiscernible).
16 I had a question, when you call the Belle before you slash down --

17 A. Yes.

18 Q. -- is that the same radio frequency, same channel that you
19 use if you're calling the office for the Ducks, or do you have to
20 change channels, or do you (indiscernible)?

21 A. When you enter in to the water, you're on Marine 13 --

22 Q. Uh huh.

23 A. -- once you enter in, and you have cleared, you turn it to
24 scan, which will put you, you can contact, and they can contact
25 you. The office can contact you, you can contact other VOX as

1 well.

2 Q. Uh-huh.

3 A. And of course, the Belle as well.

4 Q. Okay. So if you're scanning then, you could hear another
5 Duck like when they asked for clearance from the Belle, you would
6 be monitoring. You would, you would hear that if you were --

7 A. Even on 13 (indiscernible).

8 Q. Okay.

9 A. Yeah. Even as, because when you're on 13 and you go to
10 splash down, you can still hear that other Duck getting ready to
11 call to say it themselves if they're going to splash down. So,
12 yes. But you still put it on scan.

13 Q. And then, once you get out of the water, then do you turn it
14 back --

15 A. To repeater. To where you do land, and then you're no longer
16 on Marine. Yeah.

17 Q. Thank you.

18 A. You're welcome.

19 MR. VOLPE: Okay. Is there anything that you would like to
20 tell us to help us understand this incident, or events that are
21 surrounding this accident?

22 MS. FERGUSON: No.

23 MR. VOLPE: No? No recommend. Okay. So, if, if I need to
24 contact you?

25 MS. FERGUSON: Yes.

1 MR. VOLPE: I could either contact you through your attorneys
2 if that's okay.

3 MS. FERGUSON: Correct.

4 MR. VOLPE: Okay. Well then, we will close this interview.

5 MS. FERGUSON: Okay.

6 MR. VOLPE: And thank you very much for your time and coming
7 down and helping us out and explaining things.

8 MS. FERGUSON: You're welcome.

9 MR. VOLPE: Okay. I'm going off the record at 1657.

10 (Whereupon, at 4:57 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

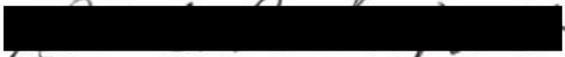
IN THE MATTER OF: CAPSIZE AND SINKING OF STRETCH DUCK 7
 ON TABLE ROCK LAKE, BRANSON, MISSOURI,
 JULY 19, 2018
 Interview of Mickal Ferguson

ACCIDENT NO.: DCA18MM028

PLACE:

DATE: July 22, 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.


Deborah Dowling Sweigart
Transcriber