

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: GARY COVERT

Friday,
July 25, 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

JASON SMITH, Esq.
Spencer Fane LLP

PAUL MOTZ, Esq.
Patton & Ryan LLC

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I N T E R V I E W

(1:44 p.m.)

MR. VOLPE: Okay. The time is 13:44 on the 25th of July. My name is John Volpe from the NTSB and we're beginning our interview.

INTERVIEW OF GARY COVERT

BY MR. VOLPE:

Q. Sir, could you state your name?

A. Gary Covert. C-o-v as in Victor e-r-t. And I'm a captain for Ride the Ducks.

Q. Good afternoon and thank you for coming in today. Could you tell me the time you've been with the company?

A. I've been with them approximately 13 years.

Q. Okay. And have you always been a captain with them?

A. Yes.

Q. Did you start in the office doing anything else?

A. No.

Q. No? Okay. Do you have a CDL license as well?

A. Yes, I do.

Q. Okay. Were you a driver prior to training for captain?

A. No.

Q. Went into captain. Okay. What type of license do you hold?

A. Well, I hold my CDL license and I hold my Merchant Marine Captain's license.

Q. And could you tell me what designation your license is or

1 what the endorsement is on your license?

2 A. If you're looking for the endorsement on my CDL license, I
3 have a Class A, and then on my captain's license, the endorsement
4 tells me I can work in the waters of Table Rock Lake and Lake
5 Taneycomo. And a -- that's about it.

6 Q. Do you have a tonnage restriction?

7 A. Yes. Twenty-five ton.

8 Q. Twenty-five tons. Okay.

9 A. Yes. Sorry about that.

10 Q. No, that's okay. How did you get your license? How did you
11 receive a license?

12 A. I received my -- I took my captain's training by a trainer
13 that Ride the Ducks hired to give us class -- classes with. So
14 that's how I received my Merchant Marine Captain's license with
15 the United States Coast Guard. And then to become a captain for
16 Ride the Ducks, we had an instructor that took us out and ran us
17 through the drills and had us read all the material.

18 Q. Do you happen to know the in-house training prior to -- in
19 order to get your U.S. Coast Guard license that was provided by
20 Ride the Ducks?

21 A. Yes.

22 Q. Could you explain some of the things that you -- you studied
23 prior to going to sit for your license?

24 A. Are you talking about for the Coast Guard license --

25 Q. Yes.

1 A. -- itself? Well, it was quite extensive. We read about all
2 different type of clouds even. Learned the clouds and we learned
3 lighting on all kinds of different vessels. Who has a right of
4 way, who doesn't, horn signals, and it was quite extensive. It
5 took quite a while.

6 Q. Okay. And once you -- did you take the test inside Missouri?
7 Where did you take it?

8 A. Yes, I did. I took the test up in St. Louis, Missouri.

9 Q. Okay. And once you received your license, how long did you
10 train with Ride the Ducks before you were able to go out on your
11 own?

12 A. We were ready by that time, because we had already been doing
13 our water exercises, because you have to have so many hours of
14 water training as well. So you had so many hours of classroom, so
15 many hours of water training. So we had already had our water
16 training exercises, we already had our tour development classes.
17 So they combined all three of those together at the same time
18 while we were learning.

19 Q. Now, forgive me, because we've had different interviews and
20 different amount of time. When you first started sailing as
21 captain, did you also -- was that when they also -- only had a --
22 captain was the driver and the captain, or did you have a driver
23 all the time?

24 A. Just a captain.

25 Q. Just a captain. Okay. And do you recall when you -- you

1 started having a driver as well as a captain?

2 A. To be honest with you, I didn't really pay much attention.
3 We had to do it, we did it. And I can't even tell you how many
4 years ago that was. It could have been three, four years ago. I
5 honestly don't know.

6 Q. Okay. So are you considered one of the senior captains with
7 the company?

8 A. Now I am because of the fact over the years, you know, some
9 of them have retired.

10 Q. Okay. I'm going to ask you a little bit of handling
11 characteristics of the Duck, since you've been -- and you're a
12 trainer as well. How do they -- How do they handle on the water?
13 Are they, do they handle like a sports car, do they handle like a
14 --

15 A. A truck.

16 Q. Like a truck.

17 A. A truck. Yeah. No sports car in there.

18 Q. Rudder response?

19 A. Some think there should be, but it ain't.

20 Q. But the rudder response is no problem with steering?

21 A. No.

22 Q. No? Okay. And how do they handle in seas?

23 A. Some of them handle very well. Some of them are very nice.

24 I really enjoy them. Others, they could be a little sluggish.

25 And so you have different models and that's why that is, that part

1 is. But generally you learn, you learn that you have to be
2 patient with it. If you do have a sluggish one.

3 Q. Okay. In general, or in your experience, what is the ideal
4 conditions, wind and waves, in the wind and waves, what's the
5 ideal handling?

6 A. Of course perfect. Calm weather.

7 Q. I understand that. Yes.

8 A. That's the ideal. What else can you say?

9 Q. Would you say she handles better head into the wind, wind on
10 the beam, wind on the stern, wind and waves on the stern? Just in
11 your experience.

12 A. I just, I don't know how I'd tell that. I just, you know,
13 like if I get sent to a different Duck every day, each Duck is
14 different. And so I can't really say specifically. Some I like
15 better than others, of course. And on smooth days, some of them
16 are so nice it could be almost that sports car.

17 Q. Okay. Okay. And if there's a boat in the area and they come
18 flying by or jet skiers that make a wake, what's ideal for taking
19 that on --

20 A. Well you take it like on a V, a 45, when you take it if
21 possible.

22 Q. Okay. Excuse me. So we know that you're one of the trainers
23 with Ride the Ducks. How long have you been one of the trainers?

24 A. I started about February I guess, somewhere in there. Or
25 January, February. I can't really remember. Again, I just

1 started. And so I don't know a specific date. But it's been
2 right after the first of the year, I know that.

3 Q. Did you receive any additional training from Ride the Ducks
4 in order to be a trainer for them?

5 A. Yes, Corn and Jed [INAUDIBLE 00:07:56] and we all went into
6 the room and we discussed what they were expecting of me. And
7 telling me what I should be doing and then if at any time when I
8 was training, I would call them immediately and say, hey, listen,
9 what would you do in this situation? Tell me what is really
10 expected of us. Because this year's trainees were, they come up
11 with questions that I never heard before.

12 I can you tell one example. We were doing a fire drill and
13 right after he told me everything that we have in our book, he
14 says, now I'm going to drop the anchor. I says, but we have an
15 engine fire. He says, I don't care, I'm still going to drop the
16 anchor. I said, what are you going to do that for? And so I
17 presented it to Corn and Jed because I'd never heard anybody say
18 that.

19 And also when we had the Coast Guard onboard this year, going
20 over procedures with us, one of the training captains says, hey,
21 by the way we had an interesting thing come up about dropping the
22 anchor. And he was sort of shocked because in an engine
23 compartment fire, if that paint's blistering up there, you're
24 going to go out there on that hood and get that anchor out of
25 there? What about your passengers? You know. If the captain

1 gets hurt, what's going to happen with your passengers?

2 So we had some pretty good, pretty good interesting things
3 come up. So I call constantly to verify with both Jed and Corn to
4 find out what their thoughts were.

5 Q. Now did you mainly train new captains or did you also do
6 training for returning captains?

7 A. I would do some checkout. I did about three or four, maybe,
8 at the most four checkouts, rides for the returning captains. But
9 I basically did the new captains and CDL.

10 Q. Okay. And how often -- do you still go out as captain? Do
11 you still do trips as captain?

12 A. Oh yes.

13 Q. Okay. And how many days a week do you normally --

14 A. I only work four days a week.

15 Q. Okay. Is it -- do you have a schedule worked out with the
16 other trainers where every day is covered for -- I believe the
17 last captain, Captain Corn, we just had, has a weekend off. Or he
18 only works two days, I forget how he said. So I mean, do you have
19 a trainer covering every day?

20 A. I don't know anything about that because, see, we're not
21 doing any training right now.

22 Q. Okay. So all the captains, or everyone on the Ducks now --

23 A. Is just basically a captain.

24 Q. Is basically a captain.

25 A. Except for Corn. He's a driver. He's sort of given up on

1 that captain thing. He just drives. He's more comfortable with
2 that.

3 Q. Okay. Now, we interviewed McHale earlier in the week. And
4 she isn't a captain yet. So who shadows her normally?

5 A. It depends on how they line her up on the schedule.

6 Q. So it could be any captain that's on the same schedule.

7 A. Right. Any captain at all.

8 Q. Okay. So we also have found out throughout the week that
9 they have monthly training?

10 A. Yes, at our monthly meetings.

11 Q. Monthly meeting. Do you ever conduct that training?

12 A. No. That's always done by Corn.

13 Q. Okay. Can you explain to us some of the topics that are
14 covered in your monthly meeting?

15 A. They'll try to cover every topic. They'll talk about abandon
16 ship. They'll talk about fire on board and man overboard. They
17 might do two topics during that period of time. And so they just
18 randomly choose them from what's in our book and that's how we do
19 it.

20 Q. Okay. And when you refer to the book, what are you referring
21 to?

22 A. The --

23 Q. Operations --

24 A. -- Operations Manual.

25 Q. Okay. Is this the Operations Manual that you're familiar

1 with?

2 A. Yes. I have the 2011, but it's basically the same as the
3 2012.

4 Q. Okay. What are some of the other things that are talked
5 about at that -- the meeting, besides safety?

6 A. Well, we talk about problems, if we have any problems. They
7 address if the captains are not doing something a particular way
8 or a way they want us to do it. They talk about customer
9 reactions with us and they also talk about tour development. They
10 tell us about things we need to know in the area at that
11 particular time.

12 Q. Were you at the last meeting on July 13th?

13 A. Yes, I was.

14 Q. Yes you were. Okay, could you tell me what the safety -- or
15 the topic that came out of the manual that you guys discussed?

16 A. No. We discussed quite a few topics that morning. And they
17 were all super important. And so right offhand, I'm going to be
18 honest with you, I don't know. It's just like a lot of meetings
19 people go to. You got so many things you zoomed on certain ones
20 for sure and some of them we needed to know really badly, other
21 than just safety procedure. And so we were very -- they changed
22 our hours. That was the basic thing everybody was listening to.

23 Q. Okay.

24 A. That was where we were all focused. That made us come home
25 about eight, 8:30 at night. And that was not happy.

1 Q. Okay. And the -- excuse me. Do you normally sign something
2 when you take that training? Or when you do the monthly meeting?

3 A. Yes.

4 Q. Yes you do. Okay.

5 A. Yes. It's on record.

6 Q. And do you know who collects that?

7 A. It would be the operations manager that would do that. The
8 MOD for that period of time at the meeting, I'd imagine.

9 Q. Okay. And if you weren't able to go to the meeting, what's
10 the procedure or policy? Do you --

11 A. I lose part of my bonus.

12 Q. You lose part of your bonus. Okay. But you don't actually
13 have another additional day of training. You just, you lose it
14 for that day and --

15 A. No, if we --

16 Q. -- you get another month --

17 A. -- lose it that day, we lost.

18 Q. Okay. Are you full-time employee or just seasonal --

19 A. Yes, I'm classified as a full-time employee.

20 Q. Okay. So I know that you're familiar with the water training
21 log that you guys fill out, which is -- I'll just -- for the
22 record it's the captain/deckhands water training log.

23 A. Yes.

24 Q. Okay. Typically when you're doing -- you said you only did
25 about three returns, correct? Or three to five? Returned

1 captains this year?

2 A. Three to four maybe.

3 Q. Okay. How long does it normally take to go over their sheet?

4 A. It takes all day.

5 Q. It takes all day.

6 A. A good eight hours.

7 Q. Okay. And when you go over a topic, say the man overboard,
8 can you describe to me how that takes place?

9 A. Okay. First off we do classroom work. And we get them
10 prepared for it. And then we take them out and we do a man
11 overboard procedure. We'll throw a life ring out or something and
12 then we're expecting the captain to, as soon as I yell man
13 overboard, to prepare to throw out a life -- personal flotation
14 device for the man overboard. And then he'll ask somebody to spot
15 the man, keep man overboard in sight. He'll do a five danger
16 signal. Five short blasts while he's making his turn to the port
17 to come back for man overboard. At that time, we would have a
18 driver, of which I would take the place of a driver. I'd be
19 getting ready to get our work vest off and I'd be giving it to the
20 captain, helping him put it on. I'd be getting the boat hook
21 ready. I'd be getting the life ring buoy with the rope attached
22 to it ready. He'd be calling in to Ride the Ducks, telling them
23 that we have a man overboard. Then as he comes up on man
24 overboard on his port side, he'll disengage his prop, put it into
25 neutral, and then I will hook man overboard and take man overboard

1 to the back and pull man overboard onboard if possible, take care
2 of man overboard's needs, explain to the captain he'll have to
3 call in and say he's got man overboard aboard, and he'll tell them
4 what his medical needs are, and the driver will assist man
5 overboard or anybody we know onboard that knows CPR to help out
6 while the driver takes the boat back to shore. And then once he
7 gets the boat back to shore, he gets it up on land, he notifies
8 dispatch of his location and situation, he will start evacuating
9 the Duck up to where man overboard is for the medical people can
10 come onboard and assist. We'll also tell him if the Branson
11 Belle's in service, call them if they're at the dock. They might
12 have a EMT onboard to help.

13 Q. Okay. Now when you do the training, do you have any kind of
14 checklist or carry the Ops Manual for the different procedures --

15 A. Yes.

16 Q. -- man overboard --

17 A. Oh, yeah. Definitely.

18 Q. -- that you reference while you're training them?

19 A. Yes. We try to the best we can. Because we want to know
20 exactly -- you know, they don't even have to do it in that order,
21 in most cases. So you have to try to be very attentive to what
22 they're doing. Because there's no really given order in it. If
23 they so decide to do something before they do something else. So
24 we have to really make sure that --

25 Q. But you're using this as a reference while you're out

1 there --

2 A. I'm using that for a reference and I'm checking off things,
3 like you would say on the manual area. I would be checking all
4 kinds of -- maybe write a, write something on this to let me know.

5 Q. Okay. Now you stated earlier that you did mostly the new
6 captains' training.

7 A. Yes.

8 Q. Could you tell us the type of form that you use for that,
9 would you use the same form, or would you use a different form?

10 A. I use the same form for them as well. Because we turn these
11 in every day of what they did, and then we have a daily log that
12 we had in a manila envelope in the office, operations office, that
13 we were supposed to list the day, the Duck, the captain -- the
14 captain's name would already be on it, but the day and the Duck.
15 And then we have boxes there that we fill in and state each one we
16 covered. And so that way if I came in the next day and none of
17 the trainers were in, I could go to that envelope, manila envelope
18 and I could look and I could see exactly what they had been
19 trained for on those exact dates for I don't duplicate it. And
20 maybe if I know they're having problems with a certain training
21 exercise, I will have them do it again.

22 Q. Okay. Now is it this similar topics, hull breach, loss of
23 steering, that's the same thing? You're just --

24 A. Yeah.

25 Q. -- you're just keeping track of it so that you know to come

1 back?

2 A. Right.

3 Q. Okay.

4 A. Because like water exits, we do a lot of those, depending on
5 what the weather is like. And so we want them to be really pretty
6 accurate on that.

7 Q. Okay. In case of emergency, like an abandon ship, what are
8 the emergency exits on the Duck?

9 A. Well, the emergency exits on the Duck are out the windows of
10 the sides that they're sitting on and the front windshield. Also,
11 the back stairs, if you can get them down. If you can't get them
12 down, it's no good.

13 Q. Okay. Have you reviewed with the new trainees or the old
14 captains any type of severe weather training?

15 A. Yes. We -- that's the thing on our mind all the time. Even
16 though we always do severe weather because we always have that
17 chance, especially this time of year. That wasn't the only storm
18 we've had this year. We had some leading up to it. We might even
19 have some in the next couple of days. And so that's always
20 something on our mind. We're always, always talking about it.

21 Q. Okay. Were you working the day that --

22 A. No.

23 Q. -- the accident? No, you weren't?

24 A. I was not.

25 Q. Okay. Are you familiar with the weather monitoring system

1 that you have in the office?

2 A. Yes I am.

3 Q. Okay. Do you have, as a captain, while you're going out, do
4 you have any additional weather monitoring that you do?

5 A. Well, I'm afraid to say, I don't.

6 Q. Okay.

7 A. I don't like these apps where they know what you're doing all
8 the time. And so I refuse to go with like KY3 or something like
9 that. Why should you know everything about my life for
10 advertising and all that? And so I don't. But what happens is I
11 do watch the screen at work. I do listen to the captains that are
12 monitoring them on their phones in the office, because that's a
13 constant talk.

14 Q. Okay.

15 A. It's a very serious point to us. And then -- that's the way
16 I handle it.

17 Q. Now typically, when you're waiting for your next trip, how
18 many captains would be in the lounge waiting to go out?

19 A. At times we can have, we can have up to six, eight captains.
20 Sometimes we only have maybe one or two and sometimes we won't
21 have any. It depends on how busy we are. But if storms are in
22 the area, we seem to clutter together. We're talking about it
23 constantly.

24 Q. Okay.

25 A. Because we do have captains, one particular one, he'll refuse

1 to even take the trip, period.

2 Q. Can you give us his name?

3 A. Captain [REDACTED] You probably already had him in front of you, I
4 don't know.

5 UNIDENTIFIED SPEAKER: Who was that?

6 Q. Captain [REDACTED] Do you know his last name? Or his nickname?

7 A. No. I couldn't tell you that.

8 Q. No? Okay.

9 A. To be honest with you, we had a captain one time, they were
10 talking about at a meeting, we knew him as Captain Trap. And they
11 were saying Ray Keller. We're looking at each other, who's Ray
12 Keller. And he'd been there for years, so --

13 Q. Okay. Yeah, we've been trying to learn nicknames as well.

14 Were you ever -- did you ever receive any training on that -- the
15 radar system or the weather program that you have in the office?
16 Did they tell you how it works or --

17 A. Yes. I know Curtis sets up a lot of stuff for us. He's
18 very, very, very smart in that respect for electronics. And he
19 told us how it works. And so that's how we've learned. And we've
20 upgraded from the first time we ever had that system. We've
21 upgraded, trying to keep up to date with everything.

22 Q. Okay. I'm going to go into a little bit of office stuff now.
23 Just for my knowledge and to find out -- could you tell me the
24 difference between operations and fleet operations?

25 A. The only thing I know basically of is just operations

1 manager. We have an operations manager and I don't know anything
2 about the fleet operations. I just know of our operations
3 manager.

4 Q. Okay. Frank is one of the guys in fleet operations, and I
5 can't remember the other gentleman's name. Brian is the other one
6 in fleet --

7 A. Okay. That's --

8 Q. I guess what is the delineation of duties between Matt, and
9 Curtis, and Brian and Frank?

10 A. Okay. Frank and Brian, they deal with the mechanics of the
11 Ducks. And so that's why I don't get involved with fleet
12 operations because that's nothing that I'm involved with. I'm
13 only involved with the operations manager, the Duck's procedures.

14 Q. Okay. And do you know, could you explain what the Duck
15 hotline is? Have you ever heard of the Duck hotline or could you
16 explain what the Duck hotline is?

17 A. I can't.

18 Q. Okay. And how about the term -- and I'm going to, hopefully
19 I get this right because I've been screwing it up all morning --
20 the Duck Central internal website.

21 A. I have no idea.

22 Q. Okay. No that's -- I mean, I've had a hard time even saying
23 it today so --

24 A. Okay.

25 Q. So in the manual it talks about complying, so if -- have you

1 ever, yourself or heard of anyone, of writing management and
2 saying that they've had an issue complying with something inside
3 the Ops Manual, that they couldn't do it, and they would like to
4 change the manual? Are you aware?

5 A. I don't know, honest.

6 Q. And personally, have you trained with the Coast Guard when
7 they --

8 A. Yes, yes, I have.

9 Q. Okay. And what are some of the -- we'll go back to
10 weather -- what are some of the, as a captain, you're getting
11 ready to go out on the water, what are some of the no-go, or go
12 situations that you would not go on the water.

13 A. Okay. With the United States Coast Guard, winds exceeding 25
14 miles or more. Waves of two and a half foot or higher, or
15 anything exceeding two and a half foot. And a possibility of down
16 flooding. And then with Ride the Ducks, we're looking at
17 lightning, visibility, mechanical issues.

18 Q. If you had any one of the lightning, mechanical issues, how
19 would you contact the office?

20 A. I'd call them. I'd call them right away, right from -- if
21 I'm not in the water, I'd call them right there, say either I'm
22 not going into the water, or if I have a mechanical issue, then I
23 need another Duck.

24 Q. Okay. And how would you contact on those?

25 A. I'd do it by radio.

1 Q. By radio.

2 A. But, if I was having a hard time by radio for some reason,
3 I'd use my telephone. We have all their phone numbers.

4 Q. Now say you were on the water and you saw lightning.

5 A. Thank you.

6 Q. No, I'm just saying -- you saw lightning, are you required to
7 report that to the MOD?

8 A. I don't know if we're required to, but we will. We'll say to
9 them that we got lightning out here, for they can do their
10 procedures with the Ducks that they haven't even sent out and the
11 ones that are on the road, they can personally call them and tell
12 them. So that's what we do in that case.

13 Q. Okay. Do you -- is there a policy that if you see lightning
14 and you call it in, that they're supposed to contact the other
15 Ducks? That you're aware of?

16 A. We hope they do. I'm not going to say because I don't listen
17 to it after I, after I call it in. I don't listen to it. But
18 what I would say is, I'd say if I saw it before going in the
19 water, I'll call in and say what's the weather report? How long
20 am I going to sit here? What do I need to do? Because we have
21 lightning and I'm not going into the water. I have a right to
22 refuse, so I do.

23 Q. Would they -- have you ever been called when someone else saw
24 lightning?

25 A. Yes.

1 Q. Yes. Okay.

2 A. Yes, I have.

3 Q. Have you ever talked -- do you generally talk to other Ducks
4 at all when you're out there?

5 A. We only talk to them if we have an emergency of some sort.
6 In other words, if something's happening, like the other day, it
7 was so funny, we had a dive boat on the opposite side of the
8 island and a captain notified me that there's a dive boat on the
9 opposite side of the island. So that's the only time we talk to
10 each other upon the water.

11 Q. Do you happen to recall which captain that was?

12 A. Yes. It was Captain Hoot.

13 Q. Captain Hoot. Okay. Now since you're in training, are you
14 aware of any type of training plan that the company has that says
15 you must train man overboard, fire on deck, hull breach, is there
16 any kind of, we called it a training matrix at the last company
17 that I worked with, that said, okay, these are your things that
18 you want to train, these are when you should do it. Are you aware
19 of any document like that?

20 A. No. We just do them all.

21 Q. You do them all. Okay.

22 A. Randomly. We just do them.

23 Q. Now I know I'm jumping, but I'm going to jump back to your
24 Coast Guard license. Do you know who renews your Coast Guard
25 license in the company? We were told at one point that the

1 company assists --

2 A. They do. I'd say Curtis was one of them because he handles a
3 lot of that. Other than that, I just tell them that I need a new
4 license and they handle the recording right from there.

5 Q. Okay. Now would they send you to get your medical? Would
6 the company send you -

7 A. Definitely.

8 Q. -- or do you have to go do that on your own?

9 A. They send me.

10 Q. They send you? Okay.

11 A. Yes.

12 Q. Are you required to take an annual physical with the company?

13 A. I have to yearly.

14 Q. Yearly physical.

15 A. DOT physical.

16 Q. Okay. And that's through the company and they get a copy of
17 that?

18 A. Right. Because I have diabetes. So I have to do it yearly.

19 Q. Okay.

20 A. And I have to write letters to the Coast Guard because they
21 want to know what my A1C is and they want to know what my progress
22 is. So, yeah, they check me out. But that's every two years now.
23 So I'll take that back.

24 Q. Okay. And that's -- you have to -- correct me if I'm wrong.
25 That's when they, A1C is when you have to take two or three in a

1 row to make sure that the number's within their parameters. Is
2 that correct?

3 A. Right.

4 Q. I'll pass you on. Thank you very much.

5 MR. [REDACTED] Good afternoon, captain. [REDACTED] [REDACTED] with the U.S.
6 Coast Guard, INCOE. Excuse me.

7 BY MR. [REDACTED]

8 Q. Let me ask you, you were first licensed through the U.S.
9 Coast Guard in 2005? Is that so?

10 A. Roughly.

11 Q. Roughly 2005?

12 A. Yes.

13 Q. Okay. Prior to being licensed with the Coast Guard, did you
14 ever serve in any military tours, or you weren't part of any --

15 A. No.

16 Q. No? Okay. Did you previously have any maritime background?

17 A. Well, I worked in the oil fields in the Gulf on a crew boat
18 for a while.

19 Q. What was your position on the crew boat?

20 A. I started off as a deck hand and worked up to an engineer.

21 Q. Engineer. Okay. You had mentioned that on the 19th, July
22 19th, 18, you were off that day?

23 A. Yes.

24 Q. Do you know if Captain Joe and Captain John, two other
25 trainers, do you know if they were off that day?

1 A. Okay, Captain John, you're insinuating as Captain Jed. He
2 would have been off that day. He only works two days a week.

3 Q. Okay.

4 A. He's got the same problem I do. So he only works two days a
5 week.

6 Q. Okay. And how about Joe?

7 A. I have no idea. Joe's been working a lot lately, but I do
8 not know about the schedule for that day.

9 Q. Okay. If all three of you were off that day, if you were, do
10 you know if that's a routine thing? Is that a common thing that
11 the three of you would normally be off?

12 A. We also have Captain Hoot. And Captain Hoot works around
13 five days a week. So he could have been on at that time.

14 Q. Okay. Have you ever received any type of formal training in
15 radar?

16 A. Only what I did out there in the Gulf. That's all.

17 Q. Okay. Anything since you've been licensed as a --

18 A. No.

19 Q. -- captain. Any formal training as far as weather is
20 concerned?

21 A. No. Only what we've learned in our classes and the Coast
22 Guard examination.

23 Q. Okay. Do you have any idea when the company was purchased by
24 Ripley's?

25 A. I didn't even know about it until our Christmas party. So I

1 really do not know.

2 Q. Okay. In regards to compensation, are you considered a
3 salaried employee, an hourly, daily, trip, number of trips per
4 day?

5 A. Okay. If -- we're trips per day, if we go out. If on days
6 that we don't go out, and we're there, then we're hourly.

7 Q. And what would be the purpose for you to be there if you
8 didn't go out?

9 A. Well, what will happen is we come to work and if -- it
10 happens a lot pre-season and at the latter part of the season,
11 we'll come into work and there's just no customers. And so if we
12 don't go out at all, then they only pay us for like three hours.
13 At an hourly rate. If we go out, then they don't pay us that
14 hourly rate, we just get our trip rate.

15 Q. Right. So by the trip.

16 A. Right.

17 Q. And do you receive additional compensation as a trainer for
18 the company?

19 A. No. Well, I'm at a different hourly rate as a trainer.

20 Q. Okay.

21 A. So my regular hourly rate as a captain is one. And then as a
22 trainer it's another one. And then trip.

23 Q. Okay.

24 A. It gets confusing once in a while.

25 Q. Let's see -- on a routine trip that you would be on and a

1 Duck would enter the water behind you, would you expect that Duck
2 to follow you in the route that you took?

3 A. No.

4 Q. No? Is the route determined by the captain or any other
5 influence that you know of?

6 A. The route we -- we all have the same route. So of course he
7 would be following me except if he had a problem. If he had a
8 problem mechanically, if he didn't like the weather, the waves,
9 the swells were not to his liking, he can divert a different way.
10 It is what he feels. If he feels that the conditions are not what
11 he wants to be in, he doesn't want his passengers to be in, he can
12 deviate from that route. And especially maintenance and
13 mechanical.

14 Q. Is that a common practice that a Duck captain makes,
15 determine that for whatever reason, that he would deter, he'd
16 deviate from his route?

17 A. It would have to be -- he would have to be in a situation
18 where he needed to do it. Otherwise, he'd follow. Because, of
19 course, if you don't follow passengers in that Duck will try to
20 figure out why did he get to go that way and we're going this way.
21 So that captain had to -- had to have had a reason, a specific
22 reason for it.

23 Q. Okay. So it's a lot to do with safety and customer
24 satisfaction.

25 A. That's what it is. Well, mostly safety.

1 Q. Mostly safety.

2 A. Mostly safety, that's all it's all about.

3 Q. Okay. In the process of deviating from the route, would a
4 captain also notify the company that he's deviating?

5 A. In most cases he probably will because we're supposed to
6 notify them if we deviate from the route.

7 Q. Have you ever deviated from your route?

8 A. Oh yes. Yes, due to weather mostly.

9 Q. And do you -- have you each and every time contacted the
10 company?

11 A. Yes, we try to let them know and then that way it'll let
12 other captains in your area know that you're doing something other
13 than what they're doing on the water. To help out, you sure don't
14 want to be coming down this way and then having a captain coming
15 around the bend in the island there and all of a sudden you,
16 bingo, you're at the same place almost at the same time. So yes,
17 you want to let them know.

18 Q. Do you recall ever getting, receiving a message from the
19 company, and of course I'm referring to the manager on duty who
20 would man the radio, right? In the office?

21 A. Yes.

22 Q. Do you recall ever getting a call from one of them to notify
23 you of a Duck ahead of you that is experiencing bad weather,
24 giving you the option to deviate or change your course, or change
25 your itinerary?

1 A. The only thing I've had is I've had them call me and tell me
2 that the storm's going to be upon you and don't go in the water.

3 Q. So they have in the past, direct you not to go in the water.

4 A. Right. And we appreciate that.

5 Q. Sure. Absolutely. In that instance, in that particular case
6 that you just recall, do you recall what the weather was like -- I
7 mean you were up on the road still, right? You were still on
8 shore.

9 A. Yes, I was still on shore.

10 Q. Do you recall what the weather was like in that particular
11 time?

12 A. It was getting ready to storm. And I had a group of kids on
13 board.

14 Q. Yeah. It was storming, raining? Bad weather.

15 A. And they called me and said, divert it, cancel it.

16 Q. Okay. At this particular date, on July 19th, you were off
17 that day.

18 A. Yes.

19 Q. Do you recall where you were at?

20 A. I was in Springfield, Missouri, watching that thing come in.

21 Q. Okay.

22 A. Looked bad. Real bad.

23 Q. That's about how far -- I'm not familiar --

24 A. That's about 36 miles north of here.

25 Q. Thirty-six. Okay.

1 A. Approximately.

2 Q. Do you recall any weather notifications, alerts or anything,
3 being broadcast in that area?

4 A. No. Because I wasn't listening to the radio. So I have no
5 idea. I just know it was a big one.

6 Q. Sure.

7 A. But the funny thing that happened was all of a sudden, it
8 went over us. After it, it was sunny. It was real nice. And
9 then about a half an hour later, here comes another one. This one
10 was really big. And this one is dropping rain and the wind and as
11 I was driving down the road, the car was swaying back and forth.
12 But as we got to Nixon, Missouri, I noticed that the darkness of
13 that storm had dissipated. It looked like it just fizzled out.
14 But when I heard my neighbor's called me and tell me that they got
15 hit by hellacious winds down at the lake, they didn't see it
16 coming. This one friend of mine, he's been here all of his life,
17 he said that was the highest waves he's ever seen in his whole
18 life on this lake. And he's 70 years old.

19 Q. Based on your experience, the storm that you were notified
20 of, that the front coming in, and you on the road -- when you got
21 the call, not to enter the water, in comparison to the weather
22 that you experienced for this storm on July 19th, how would you
23 describe it? Would you describe it as really severe, much, much
24 worse than what you experienced on the road before?

25 A. Well, seeing as I didn't see the lake when the storm hit here

1 --

2 Q. Right.

3 A. -- I really can't -- I really can't say. But from looking at
4 the news report, holy mackerel, I've never seen that. I've never
5 seen it in my whole life.

6 Q. We're not comparing it to the lake because you weren't on the
7 lake when --

8 A. No.

9 Q. -- when you got the call to stop, right? They stopped you --

10 A. Okay. I get what you're saying. The effects are --

11 Q. You weren't working this day, so not on the lake --

12 A. Okay.

13 Q. -- but the weather in general.

14 A. I'd say it was pretty intense. Because like I said, my car
15 felt like it was starting to be lifted up a little bit.

16 Q. Much worse than when --

17 A. Oh, yes. Oh yes. A whole lot worse.

18 Q. All right.

19 A. Sorry about that.

20 Q. No, no, that's fine. That's okay. Good. How are bonuses
21 established?

22 A. Bonuses are established for different criteria of what we do,
23 how we look, how we present ourselves, how we are seen by our
24 guests and attitude. Lateness for work, working with other
25 employees at work. If you come to the meetings or you don't come

1 to the meetings. So that's how they establish that. And of
2 course, we try to do the best we can to get the best out of that
3 bonus.

4 Q. Sure. What about safety? Is safety included in --

5 A. Yes.

6 Q. -- that criteria?

7 A. Oh, yes. Definitely.

8 Q. Performance. In other words, when I say performance,
9 timeliness of trips, the number of trips that you maybe perform.

10 A. Timeliness, I don't -- I've been there long enough that that
11 never comes up on my trips. It used to when I first started but
12 they sort of figured out that traffic situations, we can't really
13 do it in the time, sometimes that they expect us to do it in. So
14 they sort of slacked off on that, unless you're just really bad
15 and you're going really too slow or too fast. Some captains will
16 go very slow at certain times of their tour. And that's something
17 you can do in the Fall and the Spring, when you don't have as many
18 customers. But you can't do that in the Summertime.

19 Q. Right. Right. Are the passengers or the customer-base, are
20 they any part of the influence as far as -- like by survey, as far
21 as your performance at the end of the trip. Are they given a
22 survey to do or --

23 A. I don't know what it's like this year. I haven't really been
24 following it. Before it became Ripley's they, we had a pamphlet
25 that would tell them about all the businesses that give them a

1 discount. And then on there, there was a, like a barcode thing
2 that they could scan and turn in a survey. They do in a way, give
3 us a bonus percentage because of that. I don't worry about it.
4 You know, I can't force people to send one in. And you know,
5 people can tell, say they're going to do something and they don't.
6 So I -- if they want to fire me, go ahead. I can't -- well, it's
7 serious. I can't do it.

8 Q. So pretty much it's like a customer satisfaction survey.

9 A. Yeah. We do like feedback. They go most -- they go a lot
10 off of TripAdvisor now. They monitor that every day.

11 Q. All right. In your experience, have you worked for any other
12 companies that are closely related to the Duck business?

13 A. No.

14 Q. Only Ride the Ducks.

15 A. Yeah. Only Ride the Ducks. Yes.

16 Q. Okay. In your experience, how many man overboard incidents
17 can you recall? On your vessel or any other that was associated
18 with Ride the Ducks.

19 A. None off of our Ducks. Very proud to say. But Captain Jed
20 did do like a man overboard of two guys that got stranded on the
21 island with their dog and the boat got loose and they jumped in
22 the water and neither one of them knew how to swim. And so
23 Captain Jed just happened to be there in the area and he did a
24 man, like a man overboard operation. Taught us a lot. All of the
25 people on the Duck wanted to go to one side of that Duck and all

1 of the sudden Jed said, wait a minute, sit down. So it helped us.

2 Q. How about any incidents of fire onboard?

3 A. The only incidences I've ever had, and it's not happening any
4 more. It did a lot when I first started. A mechanic would leave
5 a shop rag on a manifold. But that's no more, thank God. So
6 really proud of that.

7 Q. What about weather incidents that may have taken place that
8 would have caused a problem for the Ducks. And I know, I'm not
9 asking for a specific number. But is it a common occurrence, is
10 it uncommon that you all would get inclement weather that would
11 change things for a Duck operation during the day, a routine day?

12 A. I'm going to say it's uncommon. Most captains are very good
13 at it. And so I've never heard of any really, any problems
14 because of weather with our Ducks out there. This is the first
15 time, this is unreal.

16 Q. Have you ever had a trip cancelled due to inclement weather
17 by the company?

18 A. Yes. Oh yes. Definitely.

19 Q. The company has cancelled --

20 A. Oh yes.

21 Q. -- your trip?

22 A. They'll cancel --

23 Q. Have they ever cancelled a partial trip? In other words, do
24 the road thing, but don't do the water thing.

25 A. Yes. I've had that too.

1 Q. Have you, yourself, ever cancelled a trip or a partial trip
2 due to weather?

3 A. I've cancelled partials. I've been known to do that. Most
4 of them would have been like Coast Guard-related problems. The
5 swells and the winds and things.

6 Q. In your experience serving as caption onboard a Duck, have
7 you ever had the passengers, your passengers don PFDs?

8 A. Yes, I have.

9 Q. What purpose was that?

10 A. Well, one instance I can recall because I'd never seen it
11 happen before, a family of four got on. They had their own
12 personal floatation devices and they put the kids on, before it
13 ever left the dock. And I've had a couple of women at the time of
14 entering into the water, they'll say to me, oh my God, we didn't
15 know it was really going into the water. We're not going in.
16 We're scared to death. We're going to put these things on or
17 we're going to get off the Duck. And you don't stop them. You
18 let them put them on. And the other day, I had something happen
19 that I never had happen before, we had some lightning up around
20 the quarry. I'd never seen it that way and people on the Duck, I
21 must have jumped so bad they thought I got shot or something. And
22 this woman asked me, she said are you going to go into the water.
23 I says, ma'am, I don't know yet. I'm not down there. And I'll be
24 watching the weather and I'll be calling before we go into the
25 water. And the woman said, okay. We got down to the water and I

1 went to call in to find out what the weather report was, she says,
2 I'm getting off the Duck right now with my two sons. I'm going to
3 cover. I'm just going to get off the Duck. I said, ma'am, I'll
4 call in, see if I can get you assistance or something. She said,
5 nope, don't worry about it. We'll get our own ride back. And she
6 got off the Duck. We didn't stop her or anything. And that's how
7 much consideration she had for her kids. And the only thing I
8 personally could do was, like I said, do a weather check. If I
9 found out it was going to be too bad, we're not going to go on the
10 water period. But I didn't know it at that time, but that's what
11 she did.

12 Q. Okay. So you told me that there was one family that came on
13 with their own PFDs and three women that came on that were a
14 little apprehensive to put on -- they wanted to put on PFDs.

15 A. Over the course of the years, they weren't at one time, the
16 three women. It's been in between years. But, yes. They'll do
17 that. I've had about three of them do it.

18 Q. In your experience as captain, have you ever directed your
19 passengers to put on PFDs?

20 A. Have I ever asked them to?

21 Q. Yep.

22 A. Oh yes. Many times. Many times.

23 Q. Many times you've directed your passengers to put on PFDs.

24 A. Right. Let's say I have a breakdown. Let's say like one
25 time I lost propulsion. And I had to be towed out of the water.

1 We were all in personal flotation devices when they arrived. And
2 it's a good thing we were because the general manager of the
3 company was right there at the exit, watching us come out of the
4 water. So, but any time, there's only two things on our list of
5 safety training deals we do that we don't put them in personal
6 flotation devices. Other than that, we generally do it.

7 Q. If you ever experienced bad weather once you've been out on a
8 cruise?

9 A. I've experienced the wind start to pick up a bit.

10 Q. Have you directed your passengers at that point to put on
11 PFDs?

12 A. Yes.

13 Q. You did?

14 A. Yes. Because now what you're doing is you're going to get
15 over to shore as soon as possible and so I have.

16 Q. Okay. Captain Scott McKee. Do you know him?

17 A. Very well.

18 Q. Are you related to him?

19 A. No.

20 Q. What is your professional opinion of Captain McKee as a
21 professional?

22 A. Well, he's very precise. He had a 100-ton license. He
23 operated the Polynesian Princess boat out of Long Creek. He was a
24 mechanic for Ride the Ducks and then he became a captain. He was
25 a good trainer. He's a seasoned captain and that's all I can

1 really tell you. We don't do anything together. We don't meet or
2 do anything together. He's got his life, I've got mine. But we
3 talk a lot. We talk about certain situations and things because
4 he's an instructor too. And I worked under him with the CDL
5 captains, our drivers. So that's all I can really say about
6 Scott. He generally goes right by the letter of everything.

7 Q. Captain Barry King. You know him?

8 A. I know a Barry, yes Captain Candy. Captain Candy, I think
9 he's a second year as a captain. I've never been out with him. I
10 don't know anything about him in that respect. All I know is he
11 started off in the gift shop at Ride the Ducks. He's a nice guy
12 and all of the sudden I heard he was going to be training to be a
13 captain. And that's all I know about Captain Barry.

14 Q. Not related to him in any kind of way?

15 A. No.

16 Q. Okay. Thank you very much. I don't have any more
17 questions --

18 A. Thank you very much.

19 Q. -- right now.

20 MR. VOLPE: You doing okay, captain?

21 MR. COVERT: Yeah, I wonder, can we take a break here for a
22 minute?

23 MR. VOLPE: Yes, sir.

24 MR. COVERT: Is that possible?

25 MR. VOLPE: Yep. Going off the record at 14:41.

1 MR. VOLPE: Okay, we're back on record. It's 14:50.

2 MR. [REDACTED] Thank you for coming in again today, sir. I
3 appreciate your time. Again, [REDACTED] [REDACTED] with the U.S. Coast Guard
4 at St. Louis, the investigations officer.

5 BY MR. [REDACTED]

6 Q. I just kind of want to focus a little bit on kind of the
7 training that goes on at Ride the Ducks. And one of the
8 questions, is can you tell me who at Ride the Ducks facilities is
9 responsible for the overall training of, you know, captains,
10 drivers, both new and existing?

11 A. Well, I'm going to go with Curtis Lanham.

12 Q. Curtis. And who did your orientation training [INAUDIBLE
13 00:57:55], you've alluded to these checklists, the captains water
14 and deck training log, who completed that for you this year?

15 A. Captain Jed.

16 Q. Captain Jed did your --

17 A. Yes.

18 Q. -- orientation. I was going to ask about this training. So
19 you're familiar with these, sir?

20 A. Yes. I'm familiar with them.

21 Q. Okay. This year you said, I think you've indicated that you
22 did, what was it, four of those this year?

23 A. Three to four.

24 Q. Three to four?

25 A. Right.

1 Q. You've completed those --

2 A. I can't really remember. I didn't do a whole lot of them
3 because once the season starts, then they slow down and somebody
4 else would do them. I wouldn't do any of them.

5 Q. Was this the first year that you started doing these --

6 A. Yes. This is the very first year.

7 Q. So who showed you how to, who showed you what was either a
8 satisfactory -- what do you want to call these -- procedure and an
9 onset.

10 A. That was Captain Corn and Captain Jed. We sat down and we
11 discussed it even before I became an instructor. I wanted to know
12 exactly what we do, how we do it, and what am I looking for.

13 Q. Okay. So that was more -- I apologize. I'm sorry. I'll let
14 you finish that. I'm sorry. I'll let you finish.

15 A. That was it.

16 Q. Oh, that was it? Okay. So there was -- so the first couple
17 of these done with the existing captains this year, those three or
18 four that we mentioned --

19 A. Right.

20 Q. -- they didn't accompany you to see if, to evaluate you
21 completing --

22 A. No, because they already evaluated me prior to. And that's
23 how I know what they wanted. See, they took me, like I say, in
24 the room. We all discussed this a couple of times and they told
25 me what I'm supposed to move forward, and then they evaluated me

1 in these exercises. And they said, okay, you can take these in.

2 Q. Okay.

3 A. They said, here's what we're looking for. And this is how we
4 do it. If a return captain wasn't doing it -- sometimes they can
5 get to be pretty bossy.

6 Q. I'm sorry, who --

7 A. A returning captain --

8 Q. Oh, yes sir.

9 A. -- they can get pretty bossy and you just have to say, hey,
10 listen here's what we have to do, this is how we have to do it.
11 Do it exactly like, supposedly the company wants it.

12 Q. Yes, sir.

13 A. And that's how I'm evaluating it. If they didn't do it that
14 way, then we would go on with something else and then come back to
15 that. And then if they did it accurately that time, then that's
16 how I would mark them off.

17 Q. Sorry I just made some notes here. So I've asked your fellow
18 trainers the same question. I'm just curious, on this form, this
19 is the training form that you used to evaluate the existing
20 captains --

21 A. Right.

22 Q. -- what category would severe weather fall under? And feel
23 free to -- look at it. If you were to evaluate somebody, an
24 existing captain's experience on severe weather, what category
25 would that be classified under?

1 A. Well one of them would have come into play, an unintentional
2 grounding because in severe weather you have a possibility of --
3 you're going to intentionally ground it, but you could
4 unintentionally ground it at the same time in severe weather.
5 Depending on how close you are to shore, that's why we do a lot of
6 water accidents, is for when the wind is up and stuff like that.
7 They don't go off one side or the other of that ramp. Or they
8 don't miss it entirely and go onshore. So that'd be one of the
9 areas in which we'd be discussing severe weather.

10 Q. Yes, sir. Thank you. And then at the completion of these
11 safety orientations in the beginning of the season, have you ever
12 had one of the existing captains not perform proficiently, and how
13 would you have handled that?

14 A. So far I haven't because this is my first year --

15 Q. Yes, sir.

16 A. -- and I didn't -- the ones that I did, like Captain Dan and
17 -- I know him specifically -- Captain D.J. and they've not had any
18 problems.

19 Q. Okay. And then what do you do with these forms once they're
20 completed?

21 A. We give them to the operations manager.

22 Q. Which is who? Who is that, sir?

23 A. Oh, I'm sorry. That'd be Matt Swearingen.

24 Q. Solenger?

25 A. Yes. I don't say it right.

1 Q. That's okay.

2 A. We don't call him by his last name.

3 Q. I just want to make sure there's not some other guy you're
4 giving these forms.

5 A. Right. I understand. We only call him by his last name when
6 we're mad at him I guess. Since we say it wrong, he knows we're
7 mad.

8 Q. So besides the operations manual, is there any other guidance
9 or manuals that you use to evaluate these existing captains
10 abilities against?

11 A. No.

12 Q. You mentioned you guys also do monthly training.

13 A. Yes.

14 Q. I think we talked about that. Have you ever experienced a
15 time in which they would go out in the water and kind of do a
16 drill or some amplifying training to further solidify what you've
17 learned?

18 A. Yes, we've had that in the past. We've -- especially with
19 the CO2 for the engine compartment and for our bilge area, wanting
20 to know what it looks like, how long it lasts. We've done that.
21 We've done curtain drops. We went out in the water and did
22 certain things out there. I can't remember entirely what all they
23 were. But if we have a problem or if they have that particular
24 set up that they want to talk about, if we can go out to the lake
25 or whatever, they do it.

1 Q. Do you recall if you've done that at all in 2018 season?

2 A. No. We have not done that at all in the 2018 season so far.
3 We're not done with it yet and they might have done some, but now
4 that we're not operating, I know we haven't done any yet.

5 Q. Do you ever do any refresher training that's similar to what
6 you do with the orientation throughout the season with captains,
7 or is the only --

8 A. That's the only thing we do during the season other than our
9 monthly meetings. And if somebody's doing something wrong it will
10 be addressed and then we all have to hear it and we all have to go
11 through it. But that's not often. It's mostly just get off that
12 captain's back, if you're following. That's basically the only
13 thing. Sometimes it comes up.

14 Q. So you mentioned just a moment ago that if somebody does
15 something wrong, how do people find out that somebody's doing
16 something wrong?

17 A. Oh it won't take long for a captain to mention it to
18 operations.

19 Q. Oh, so it's almost like one of the captains is, say like he's
20 kind of tattling on another captain, is that what you're referring
21 to. Or is it kind of like, you know --

22 A. Let's say -- okay, during the course of the year we will
23 change routes around the island. We'll go counterclockwise or
24 clockwise. And let's say it's supposed to be counterclockwise and
25 the captain goes clockwise, I mean the buzz is real fast.

1 Q. Really?

2 A. It's at the office in a heartbeat. And so that could be one
3 of those addressed issues of somebody that did something wrong.

4 Q. Okay. And that is tied into safety in some way?

5 A. Oh definitely. Definitely is part of the safety because you
6 sure don't want to be coming up on the island on this side and you
7 have somebody coming around the other side, especially if it was
8 bad weather or raining or whatever.

9 Q. Okay.

10 A. And so, yeah, that's a big safety issue.

11 Q. Would you -- are you aware of any tensions among other
12 captains? That might be, do they have to maybe put them on
13 different days or something to that effect or --

14 A. No. No, in fact if anybody else does have a tension with a
15 captain they address it pretty quickly. That's definitely a no-no
16 in our department. Because we all have to work together. We got
17 customers. We can't have any bad things going on.

18 Q. Back to the monthly trainings that you do, you indicated that
19 you keep a roster of some sort? I believe.

20 A. Yes, we do.

21 Q. What's the procedure if a captain couldn't be there and
22 missed it?

23 A. The only procedure I know of is we get docked on our bonus if
24 we're not there. That's the only procedure I know of. They might
25 do something other than that. I don't make a habit of missing our

1 meetings. I want my bonus.

2 Q. I understand. Is there -- do they hold another session,
3 another training session for those that can't make it on the 13th.

4 A. I do not know. I do not know.

5 Q. So with regards to the Ops Manual, you indicated this is the
6 most current version that you're aware of, 2012.

7 A. That's the most current one. Yes.

8 Q. Okay. When was the last time that you had the chance to
9 review it?

10 A. At the beginning of this year, I had a chance to renew it,
11 review it. And all during training I always refer them to it for
12 they would understand that. We do the best of our ability to do
13 what is in there. We're all human and there are possibilities of
14 mistakes. The only one I know that supposedly doesn't do it is
15 God, so I can't tell you more than that.

16 Q. Thank you. The manual references a couple of sections and I
17 was just going to pick your brain, see if these things ring a bell
18 at all. One of them is the authorized operator's program. Have
19 you ever heard that, or heard of that term, a program within Ride
20 the Ducks?

21 A. I'm going to be honest with you, no. I don't know if it
22 applied to me, so that's why I didn't look it up. I don't know.
23 I can't tell you. Our operators --

24 Q. It's called the Authorized Operators Program.

25 A. Well, I don't know if they say it's me in that term. I don't

1 know. All I know is everybody has to be trained to operate the
2 machinery in their department. But that would be the only thing I
3 know of it.

4 Q. Okay. Fair enough. Just asking if you knew --

5 A. Yes, yes. I understand.

6 Q. Thanks. Also anything related to a training plan for 2012?
7 Anything along those lines? Does that ring a bell at all?

8 A. No, not that I know of.

9 Q. Maybe training plan for 2018? Or possibly '17? Any of that?

10 A. No, no.

11 Q. Nothing?

12 A. Sorry.

13 Q. Okay. No worries. Are you aware of anybody conducting any
14 audits related to the trainers? So you and the other three
15 gentlemen that are trainers at your, at Ride the Ducks there. Do
16 you know? Does anybody from management conduct any audits of you
17 and your abilities to be a trainer?

18 A. I'll be honest there again, I don't know.

19 Q. I'm going to switch over and put your captain hat on now.
20 Not that you took it off. So when you act as a captain, do you
21 have a particular Duck that you fancy, that you take out?

22 A. Yeah. I had one.

23 Q. What was it?

24 A. Guam bought it and I don't get it anymore.

25 Q. Which one was that, sir?

1 A. It was a truck duck. T14.

2 Q. That's a -- TD14? That one's still here. It ain't gone yet.

3 A. Yeah, but I doubt they'll ever give it back to me again.

4 Q. Well, that's a relatively new Duck.

5 A. Yes.

6 Q. How did -- did you have one before that, that you fancied?

7 Or did --

8 A. Really not.

9 Q. You just liked the truck duck?

10 A. Well, I'm a partial person. When I go out on the water I
11 like something that sits high out of that water. I want it to
12 take some of the problems of having it be low in the water. I'm
13 not no dummy. I'm going to take the best one that I know is going
14 to keep me up.

15 Q. Well, if memory serves me right, that one just, you just
16 added that one to your fleet last year.

17 A. No, we didn't add it to the fleet last year. We've had it
18 for about three years and I picked it up and then Guam bought it.

19 Q. Well, they came from the San Francisco office.

20 A. Yep. And Guam bought -- and Guam came here looked at all the
21 truck ducks and decided they wanted that one. And so all of the
22 sudden I was told I lost my Duck. I felt pretty bad. I felt
23 pretty secure in that baby. I'll take that all across the United
24 States if I could. That's how secure I felt with it.

25 Q. So earlier you mentioned that you felt like some of the Ducks

1 were sluggish. And I wanted to kind of elaborate on that point
2 that you made.

3 A. Yes, their steering, their steering might be a little
4 different. I remember one day I got in the one -- now, they've
5 taken care of the problem. We had about two or three Ducks and it
6 took 40 acres to turn that sucker around. I didn't care for that.
7 And it was just one of them Ducks that I got on at the last minute
8 and didn't know quite how to handle. And I was a little unhappy.
9 But they took care of it. Enough complaints were made and Frank
10 English got his crew out there and redesigned that whole area back
11 there, that tunnel and where they put the rudder. So that's how -
12 - it was taken care of really fast.

13 Q. So the steering problems, were they on the land or on the
14 water?

15 A. On the water.

16 Q. On the water.

17 A. Took three acres to turn it around. That's why they had to
18 redo the tunnel there and reposition the rudder.

19 Q. Do you happen to know -- was it a handful of Ducks, was it
20 one Duck, was it two Ducks?

21 A. I think it was only three.

22 Q. Okay. Do you happen to recall --

23 A. The numbers of them? No, I just know -- I not even going to
24 say which one it was because I can't remember.

25 Q. Okay.

1 A. It's been that long ago. But they addressed the issue very
2 quickly.

3 Q. About what timeframe was this that we're talking?

4 A. Gosh, maybe five years ago, I guess. Somewhere, five, six
5 years ago.

6 Q. You think that maintenance addressed the rudder of the --
7 they attributed it to the rudder and you think they've made some
8 modifications to that?

9 A. They did make modifications to it. But if you're not used to
10 that Duck, if that's not your normal Duck and you get assigned to
11 it at the last minute you find out that this thing takes a wider
12 turning radius, it surprises you real quick.

13 Q. Well certainly and most definitely. Especially if you're
14 dealing in an emergency situation.

15 A. If I had an emergency situation, I wasn't going to go on her.
16 It would have been that way maybe.

17 Q. Anything else related to it being sluggish, you know?

18 A. Well some of the engines are not as powerful as some of the
19 others. It's like Scott's Duck, Duck number 7, that thing there,
20 you know, it's been with our fleet quite a while.

21 Q. Did Scott mention anything to you about how the Duck handled
22 or operated in any way?

23 A. No. Scott, he never mentioned it but I can tell you one
24 thing, if he felt like something was wrong, he was down there at
25 the mechanic shop with that sucker.

1 Q. Yeah.

2 A. And he didn't hesitate one minute.

3 Q. Yeah, that's what we've been hearing. He was a pretty
4 conservative individual.

5 A. That was his Duck, let me tell you. That was his Duke Duck.
6 He wasn't going to let that John Wayne Duck get out of his hands.

7 Q. Apologies for this. Anything else related to the Duck's
8 sluggishness in the water or other issues that may be, maybe we
9 should be aware of?

10 A. No.

11 Q. Okay. I've been asking some of the other trainers as well,
12 you're familiar with the different marine systems that are onboard
13 some of these Ducks, in terms of slight variations from Duck to
14 Duck in terms of safety equipment, marine installations.

15 A. They're pretty much all the same. For safety equipment.
16 Other than the fact of a Duck with a sea chest and a Duck without
17 it.

18 Q. Can you explain the difference? If you don't mind.

19 A. Well, the Ducks with the sea chest, you have all electric
20 water pumps on them. Bilge pumps on them. And the alarms, bilge
21 alarms are put in different places on the sea chest. You have one
22 alarm in the sea chest and then one inside the hull of the Duck
23 there in the center area. So you really have to watch your light
24 if a bilge light goes off, you have to really watch it because you
25 know if you take it to be like your main and you think you're

1 going to have a lot of problems, you might react a whole lot
2 different to it. Where if it's in the sea chest, which would be
3 marked chest, you've got time. You know that it's basically, be
4 contained right there. And so you can head to shore real quick
5 like you normally would do and get off. If it was the mid or the
6 main, then definitely you're going to get off as quickly as you
7 can and you're going to monitor your freeboard and your bilge
8 pump. Whereas with the Ducks without them, that Higgins pump can
9 kick out a lot of water if need be. Never had one kick even when
10 I took students onboard and they would have a water fight. I
11 never had one kick off. So I have no idea what a Higgins pump
12 looks like going off. But I've had my bilges in the back,
13 sometimes when I hit the water and it'd be a lot of wind and you'd
14 get some water in there, go off. And you knew that that was your
15 problem as soon as you heard your alarm as you took on a little
16 more water when you hit that water. And so you've got it pretty
17 much under control at that time. And then your alarm goes off.
18 Q. So you've indicated that the pumps went off when you were
19 onboard, it sounds like.

20 A. Yeah, sometimes they will. Sometimes they will go off. Like
21 I say, if you hit that water pretty hard, if the wind's blowing,
22 that water's coming on. That's why sometimes during certain times
23 of the year I'll put the curtain down one side or the other or
24 both of them to keep that spray from the wind, bringing that water
25 onboard.

1 Q. In this circumstance when the bilge pumps went off, did you
2 employ any of the items in the operations manual to get off water?

3 A. Like I said, if we hit the water and it went off, we
4 basically knew what that bilge pump was doing and why, so we had
5 hit our pump and as soon as the water cleared and the bilge pump
6 would go off. And if that bilge pump had stayed on, we would have
7 made a complete U-end turn and come right back off.

8 Q. Okay. How --

9 A. But --

10 Q. -- sorry.

11 A. -- but we know that that's -- if we're going to take on
12 water, we know it's going to be at that time or we know what the
13 situation is at that time. Now we never had any problems with it.
14 It's just that, you have to know what you did. You know that you
15 took on an excessive amount of water at that splash.

16 Q. Do you do any investigations to make sure that it's not some
17 other problem that's causing the --

18 A. Well yes, yes. You're not going to go as fast when you take
19 off. You're sort of going to stay right there. First off, you're
20 going static anyway. And you're going to stay right there and
21 you're going to watch that water go out and so then all of a
22 sudden when it goes out, and the bilge pump alarm doesn't continue
23 to go on, then we'll know what it is. But if anything were to
24 happen, like let's say you lost a plug or something, you're going
25 to know right away. That alarm's going to go off right away on

1 you.

2 Q. Yeah, it's kind of hard to distinguish when it's the plug
3 versus water coming over the side from the splash [INAUDIBLE
4 01:23:31]

5 A. Right. If that thing comes off right away again, you know
6 you're coming off. You know you're going to get off that lake
7 right now. That's why we sort of just maintain a static area
8 there too. It's not only to find out if our reference lines are
9 out of water. It's to know if we're going to have a bilge alarm
10 go off. You can't keep the water from coming in, we can't do
11 that. But we know in most cases -- unless you're on a new Duck,
12 you're on a different Duck that day and you hit the water and
13 you've got that coming off, you're definitely going to get off the
14 water. You're not going to stay on.

15 Q. I believe that's all the questions I have. Thanks, captain.

16 A. Okay.

17 MR. VOLPE: Okay Captain, are you okay to continue?

18 MR. COVERT: Oh, yes. I am.

19 MR. VOLPE: I just have a few follow-up questions.

20 MR. COVERT: Okay.

21 BY MR. VOLPE:

22 Q. One is, have you ever heard anything referred to as the
23 safety procedures manual or the captain's safety binder? Someone
24 else said there was a captain's safety binder in the break room,
25 near the operations. Do you remember seeing anything like that?

1 A. I'm going to say no.

2 Q. Okay. The PFDs that you said that people don. The driver
3 and the captain, do they have the same PFDs as the --

4 A. No, they don't. We have a different type of PFD to put on so
5 we can work. With the other ones, they're so bulky you can't do
6 any work. Now when I do my safety briefing, I do it with the one
7 that they'd be putting on. So that way they know what it's like
8 and which ones they have.

9 Q. Do you know, is that the training that you do with all the
10 new captains, is that something that is a requirement that they
11 put on, the actual PFD in the boat?

12 A. Yes, every time we get ready to do our water exercises, they
13 have to go through a briefing, every time. There's a safety
14 briefing.

15 Q. But none of the captains put on their vest, they put on -- is
16 there --

17 A. We don't use the word vest unless we actually have an
18 emergency.

19 Q. Got it. But the PFD that you would take for your
20 demonstration, is that one of the ones that are above the head,
21 that --

22 A. Right. They're one of the ones that the passengers would
23 use.

24 Q. Okay.

25 A. That way they know exactly what they need to do to put one

1 on.

2 Q. And you have my curiosity -- what's the difference between a
3 truck duck and a stretch Duck.

4 A. Well, a truck duck we built those from the ground up. A
5 stretch Duck is an actual World War II DUKW cut in half with about
6 13 inches added to the center to stretch it out. So that's the
7 difference.

8 Q. Do you know why they just stretched it 13 inches? And not --

9 A. No, I don't.

10 Q. What do you gain with 13 inches?

11 A. Well what they did --

12 UNIDENTIFIED SPEAKER: Probably the proper distance of
13 advantage.

14 MR. COVERT: Well, if you look at a fleet Duck, the old fleet
15 Ducks, they had wire cages in the back. And they don't have that
16 anymore. And the floor level is level all the way to the back of
17 the Duck. Where the other ones weren't. So that's what they did.
18 They gained really a lot more room inside and more enjoyable
19 space.

20 MR. VOLPE: Okay.

21 BY MR. VOLPE:

22 Q. Just to verify, who is in charge of training, you said was in
23 charge of training?

24 A. I'm going to say Corn and Jed. Wait a minute. The overall
25 person, Curtis Lanham.

1 Q. Okay. I have no further questions.

2 MR. [REDACTED] [REDACTED] Captain [REDACTED] [REDACTED] with the U.S. Coast Guard
3 INCOE. I'm only have about 50 questions to go. A couple of
4 questions.

5 MR. COVERT: Okay.

6 BY MR. [REDACTED]

7 Q. Each Duck, do you know if each Duck has a recorder device
8 inside of them that records the passenger section --

9 A. Yes, they all do.

10 Q. -- while she's operating? Do you know if those recorders are
11 ever used for observation or training. They are used for that?

12 A. Yes they are.

13 Q. Are they used for any type of evaluation?

14 A. Um-hum.

15 Q. Of personnel?

16 A. I wouldn't doubt it. I wouldn't doubt it. But they don't
17 tell me that personally. But I do know that they're watching at
18 all times on it, they do bring them in and look at them.

19 Q. Okay.

20 A. Because it'll be mentioned something, it'll be mentioned
21 about somebody that did this or did that. That's how they can
22 monitor us. That's the only way they can tell what we're saying
23 and stuff like that.

24 Q. Right. That's right. Do you know if any of that is live
25 feed? Or is it all recorded, do you think?

1 A. That I don't know. I wouldn't be surprised Curtis knew how
2 to do a live feed. He's very bright.

3 Q. Yeah. Okay. Well, let me ask you this, then. Have you,
4 have you ever had a company official review a recording of your
5 operations and point things out that you did or didn't do?

6 A. No, I haven't had any -- I know they've reviewed them.

7 Q. Okay.

8 A. But I don't -- never have pointed out to me anything.

9 Q. Gotcha. Certainly we have a very good idea as to why
10 passengers would don PFDs, right? What are some reasons that you
11 could maybe share with us that passengers would not don a PFD?

12 A. The only thing I can say is they're bulky. They're very hot
13 in the summertime. That's the only thing I can say right offhand.
14 People are a lot heavier than they used to be and to sit in those
15 seats with personal flotation devices on, one of them's going to
16 be booting the other one out in the aisle. But that's the only
17 reason why I would know.

18 Q. In your experience, without a passenger ever getting your
19 acknowledgment or permission, have you ever had anyone come
20 onboard your vessel and just take a PFD and don it on their own
21 accord?

22 A. Yes. Yep. From the starting of the trip.

23 Q. Take the PFD and --

24 A. Just grab it and put it on.

25 Q. And never get your -- okay on it.

1 A. The only thing I ask, I ask them, I say, could you please not
2 to it right now until we get to the water.

3 Q. Okay.

4 A. Because if everybody puts them on right away, it's a hot
5 summer day, now I got a real problem. You know, overheating, or
6 whatever.

7 Q. Right.

8 A. And then I've got people, like I said, they're not going to
9 fit in the seat properly.

10 Q. Sure.

11 A. And so if it became a raid on the preservers prior to going
12 to the water, no, I want them to wait at that time and I will say
13 to them when we arrive at the entrance to the water, if you'd like
14 to put on your personal flotation device at this time, you can.

15 Q. Gotcha. It's your Duck.

16 A. Yeah, I'm not going to stop them. Like I say, you get these
17 people and they go, oh my God, we didn't know we didn't know we
18 were going to go in the water. I had this one woman one day she
19 just got all excited and her girlfriends were saying, calm down,
20 calm down. I'm not going in. Well, by the end of the trip she
21 was up there driving it. And so you never know. You never know
22 what's going to happen.

23 Q. So those five questions and answers just took care of the
24 other 45. So thank you, captain.

25 A. Thank you much. I appreciate it.

1 UNIDENTIFIED SPEAKER: I don't have any further questions.

2 MR. COVERT: Okay.

3 UNIDENTIFIED SPEAKER: Thank you.

4 MR. VOLPE: All right. I just wanted to ask you, is there
5 anything that you could offer that might aid our investigation?
6 That you might want to add?

7 MR. COVERT: No, I really don't know of anything. I feel
8 very safe on a Duck. But you know, I've been out there in the
9 Gulf, I crawled everywhere it was so bad. So I guess I can handle
10 some of it. But I feel very safe on them. I really do. I would
11 never have taken my friends out on them with me or anything else
12 if I was thinking that they would really have any harm from it.
13 But now we see that we can have harm. I know what I'm going to do
14 from now on. Anytime there's severe weather report in our area, I
15 cut it off.

16 MR. VOLPE: Okay. Now if we have any further questions, for
17 you is it okay to contact your attorney to contact you for more
18 questions?

19 MR. COVERT: If you'd like.

20 MR. VOLPE: Okay. Well, thank you. And thank you for your
21 time today. I'm going to pass out a sheet, just a sign-in sheet
22 for the recorder. Okay. Going off record at 15:27.

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

24

25

1

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 Gary Covert

ACCIDENT NO.: DCA18MM028

PLACE:

DATE: July 25, 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