ORIGINAL

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *
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FIRE ABOARD YACHT *FLAGSHIP* NEAR *
MIAMI, FLORIDA ON APRIL 28, 2024 * Accident No.: DCA24FM035
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Interview of: EDWARD ROBERT SACKS, Owner/Representative
RMK Merrill-Stevens Shipyard

via telephone

Wednesday,
May 1, 2024

APPEARANCES:

DAVID FLAHERTY, Marine Accident Investigator
National Transportation Safety Board

[redacted], Chief, Investigations Division
U.S. Coast Guard Sector Miami

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I N T E R V I E W

(2:06 p.m.)

MR. FLAHERTY: My name is David Flaherty, last name is spelled F-l-a-h-e-r-t-y. I am here to conduct an interview following the fire on board the *Flagship*, a recreational yacht. With me from the Coast Guard, [redacted] if you could state your name and spell your last name, please.

MR. [redacted] Yes, [redacted] Chief, Investigations Division, U.S. Coast Guard Sector Miami.

MR. FLAHERTY: Thank you.

And sir, if you could state your name and spell your last name, please.

MR. SACKS: Are you asking me?

MR. FLAHERTY: Yes.

MR. SACKS: This is -- hello?

MR. FLAHERTY: Yeah.

MR. [redacted] It's you, Mr. Sacks.

MR. SACKS: Are you asking me or [redacted]

MR. FLAHERTY: I've already asked [redacted] I'm asking you now, please.

MR. SACKS: Oh, S-a-c-k-s.

MR. FLAHERTY: And can you state your full name, please?

MR. SACKS: Edward Robert Sacks.

MR. FLAHERTY: All right. And sir, do I -- today is May 1st, 2024 at 14:06. Do I have your permission to record this

interview?

MR. SACKS: Yes.

MR. FLAHERTY: Thank you very much.

INTERVIEW OF EDWARD ROBERT SACKS

BY MR. FLAHERTY:

Q. So I guess to start off, could you tell me at what time did you find out about the fire and what information was initially passed to you?

A. About 11:30 a.m. Sunday.

Q. And what was passed to you from that initial call?

A. That there was a fire, my office manager called and said that -- my phone was off, apparently they'd been trying to reach me and they called her and she called my wife and that's how I got the message. They'd been trying to get me since, I guess, the first, their initial contact and when that was, I don't know exactly, but it was obviously before they got a hold of me.

Q. And how involved are you with the design and construction of the vessel?

A. Not very much. I have a project supervisor and survey people who visited me personally, not much, but we -- again, we had surveyors and project people, both independent and in my employ, who visited the shipyard occasionally to monitor construction.

Q. And what were the dates from the initial construction to when it was completed?

A. I'm sorry?

Q. What were the -- when -- what was the date that the vessel was initially -- initially started construction or the shipyard started construction on your vessel?
A. I don't recall, I'd have to check, I don't want to misstate. I'm not in the office, I'd have to check my records.
Q. Okay.
A. All I know is that they were well behind.
Q. Oh.
A. The boat was initially supposed to be delivered for an earlier boat show, so today, like most builders, we're behind, how far behind, I don't recall.
Q. Was the vessel still under construction at the time of the fire?
A. There was work being done on the boat, they had some -- some of it was a few items that they had to complete, others that just were -- had to be work -- work done, exactly what, I don't know. I had a representative, have a representative at the shipyard who's been there virtually every day since it got to RMK.
Q. Okay. If you could maybe pass to us, if -- who that person is so maybe we could get a little bit more detailed information about the vessel and what was going on at the time.
A. Okay, to be clear, we're not the clients. The arrangement is between VisionF, the builder, and RMK.
Q. Okay.
A. Initially, there was some pushback on the part of the builder

to have us there and then once they understood that my representative knew all about or as much about the boat as anyone, then they welcomed his participation, but we're not the customer, it's VisionF. So most of the information in terms of what they were doing and what direction, pardon me, should come from both the builder and the shipyard, we'd be happy to give you our comments, but -- obviously, but it's -- you know, we sort of have an unofficial capacity.

Q. Oh, okay. All right. Do you know anything about the interior of the vessel, how it was arranged and constructed?

A. In terms of the actual construction, I don't understand the exact question.

Q. All right.

A. I know what the furniture layout is, but the materials, is that -- is that what you're talking --

Q. Materials, engineering equipment, firefighting, any of those pieces of equipment.

A. That's the question, that's the question, so the -- again, the builder and the RMK, I do not.

MR. FLAHERTY: All right. Let's see. All right, well, [redacted], do you have any more questions?

(Pause.)

MR. SACKS: Hello?

MR. FLAHERTY: Yeah. [redacted], can you hear me?

(No response.)

MR. SACKS: We lost [redacted]?

MR. FLAHERTY: He's still muted. There he is.

MR. [redacted] I'm back. I'm back, yeah. No, I don't have any more questions. I think that we'll probably end up getting more questions as we -- and what will be the breakdown, the forensic science behind, you know, what can we observe when the vessel is hauled out, eventually, and kind of find out what happened, but as of right now, I think I'm good.

MR. FLAHERTY: All right. I think we just lost him. Hey, [redacted] can you hear me?

MR. [redacted]: Yeah, I --

(Pause.)

MR. [redacted] Is that better? Can you hear us?

MR. FLAHERTY: Yeah, I can hear you.

MR. [redacted]: Okay. All right, so we're back again.

MR. SACKS: Okay, I'm here.

BY MR. FLAHERTY:

Q. All right. Sir, is there anything else you'd like to tell us about the --

A. So --

Q. I'm sorry. Just let me ask this one question and that will be it. Sir, if -- do you have anything that you'd like to tell us about the vessel, its construction, that you think would be helpful for our investigation?

A. (Indiscernible) that would be helpful for the (indiscernible)

is what you're looking for?
Q. Yeah. Yeah, anything you think would be helpful.
A. (Indiscernible) the only thing I can say to it, it's dependent upon the settlement, the boat is insured for six million. We got close to seven million in the boat, most of that incident will cost, subsequent to delivery, for example, the freight was 321,000 euros (ph.) alone, just to give you an idea, so it looks like we're going to lose minimum of three quarters of a million to a million.
Q. Wow.
A. Yeah. So we're kind of somewhat less than thrilled, as you can imagine.
Q. Right.
A. Plus we have the -- we anticipated completion in -- they were telling us that they should be finished probably around July, we were planning on -- we had several track (ph.) charterings, so commercial charters were going to be -- so it's -- it's unwelcome news, what can I say?
Q. Yeah, I --
A. And in fact, there was no way of (indiscernible), it was on a Sunday.
Q. Right.
A. The procedure is everyone to know what happened.
Q. Right.
A. Apparently, it still has a week or so. Is that correct,

[redacted]

MR. [redacted] Well, I'm not exactly sure how things are going to evolve because -- I was asked how these things normally work and I kind of gave them what I've seen in the past. Now, I don't want that to -- for people to surmise that we're in charge of that, right? So typically, in these type of situations, the insurance companies are a big driver, right, the fire investigators are also a big driver and what normally happens is the vessels get hauled out, yeah, in a location where eventually it will be put on blocks, it will be hopefully safe to observe the vessel.

Sometimes the vessels might be too, what do I call this, too unsafe to actually walk on, it depends on how bad the state is and of course, it all depends on making sure that things are not disturbed, right, by individuals getting on board. So it normally becomes like a synchronized event where the insurers are there, Coast Guard is there, NTSB, if they decide to deploy down to Miami to be there and everybody has the same opportunity to look at things at the same time.

In absence of people being present, whoever is there is there and we end up using whatever reports are generated and based on those reports, we surmise as to what's the most probable cause, right, because fire does lead to where it originates, how the heat rose (ph.) and things of that nature, so that's the science of that. I'm going to tell you right off, I'm not an expert in that

and that's why we rely heavily on local authority because they do have those specialized skills in managing that, but I've been trying to contact the City of Miami, the lieutenant, I left voicemails, I left e-mails and I have not gotten anything in return. So at some point --

(Audio malfunction.)

MR. [redacted] -- a representative of the yard to see where the insurance is in, in all this, because they're going to want to know, too, right? And of course, there's an insurance policy, I'm assuming, from the shipyard, there's insurance claims for the vessel, so who knows how many parties are really involved in this whole fact finding phase to include, of course, yourself, as the owner and representative, and the shipbuilder, because the ship has yet to be delivered.

It might be, I'm not -- I don't want to get ahead of myself, but who knows, it could be material defects on the construction, who knows, or it could be other factors outside of anybody has control, like -- you know, who knows, an act of God or some kind of malfunction from the shore power, who knows, all these things have to be factored in into the investigation so that we can come up with a conclusion of some sort or at least, the most likely, an event that causes a vessel to go up in flames. So how that plays out, I think that the first thing we have to do is get everybody involved together in synchronization to see how this thing plays out. And as you can tell, these things move at slow paces, I

mean, the vessel -- this happened and it's still trying to be lifted and that's been a little bit of a complication based on the vessel being stuck in --

MR. FLAHERTY: Yeah.

MR. [redacted] So I think that conversations have to be had sooner or later so we can come up with a good strategy.

MR. FLAHERTY: All right. Well, sir, I appreciate your time and it's 2:21, I'll conclude the interview right now. Thank you.

(Whereupon, at 2:21 p.m., the interview concluded.)

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:	FIRE ABOARD YACHT *FLAGSHIP* NEAR MIAMI, FLORIDA ON APRIL 28, 2024 Interview of Edward R. Sacks
ACCIDENT NO.:	DCA24FM035
PLACE:	via telephone
DATE:	May 1, 2024

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.

Karen D. Martini
Transcriber