

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI-DADE COUNTY, FLORIDA |

IN RE: MARINE SAFETY OFFICE INVESTIGATION /

DEPOSITION OF SAMUEL HAMILTON, JUNIOR

Taken before Evelyn B. Astrin, Notary Public for the
State of Florida at Large, on Wednesday, the 22nd day of
January, 2003, at the U.S. Coast Guard Marine Safety
Office, 100 MacArthur Causeway, Miami Beach, Florida, at
12:30 p.m. pursuant to Notice.

COPY

APPEARANCES :

U.S. COAST GUARD, MARINE SAFETY OFFICE
BY: LT. ERIK LASALLE
LT. NICOLETTE ARROYO
LCDR LARRY BOWLING
100 MACARTHUR CAUSEWAY
MIAMI BEACH, FLORIDA 33139
ON BEHALF OF THE U.S. COAST GUARD.

KELLER BOLZ LLP
BY: JOHN W. KELLER, III, ESQUIRE
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ON BEHALF OF THE WITNESSES.

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1 Thereupon:

2 SAMUEL HAMILTON, JUNIOR

3 was called as a witness on behalf of the investigation, and
4 after having been first duly sworn, was examined and
5 testified on his oath as follows:

6 DIRECT EXAMINATION

7 BY LT. ERIK LASALLE:

8 Q Sir, we'd like to just start with your name,
9 your address, your phone number and your position with the
10 company?

11 A Sammy Hamilton, Junior, Everglades City
12 Florida, 695-2758, that's home. The boat tours is
13 695-4731.

14 And what was the other one?

15 Q Position with the company.

16 A I own it.

17 Q You are the owner?

18 A Yes.

19 Q This is basically a fact finding
20 investigation to try to find the root causes of the
21 casualty. If you know the answers to the question, say you
22 know. If you don't know, say you don't know and we can
23 move on.

24 Can you just describe to me the events of the
25 day of December 30, the day of the sinking of the Panther

1 one? What happened? Was there any maintenance that
2 happened on the boat? What were you doing when you were
3 notified? Where were you?

4 A Yes, see, I am not there all the time but
5 truly during that one day I was back and fourth, all over
6 town, and I was back in the storage room when somebody come
7 in and said the boat went down.

8 And that was it right there then.

9 Q Who was the person that came in?

10 A I actually mean I almost know for sure it was
11 Candace (phonetic) from the park service.

12 Q What time was that roughly?

13 A That would be hard for me to really -- I'd be
14 guessing. I don't like to do that. But, anyway, I'd
15 say -- I really wouldn't want to say. I would just have to
16 say around 3:00, 3:30, somewhere in that area, I believe.

17 Q Was there any work done on the Panther One
18 that day before 3:00?

19 A See, a lot of this here that I do, like I am
20 the owner, which is true and -- but I have people like
21 Kenny Wells and Stanford. But Kenny Wells has been with me
22 twenty-one years. He does all the maintenance and stuff
23 like that. And I don't know of anything that was done that
24 day.

25 I do remember something, Kenny maybe saying

1 something about taking the boat out. I don't remember.

2 Q Taking the boat out because it wouldn't run?
3 That one trip to --

4 A Pump or something like that.

5 And knowing Kenny Wells, he would not let
6 that boat leave. And that's the only thing I know of at
7 all.

8 Q Can you give be the names of the captains, or
9 the names of the people that work for you and what their
10 roles are in the company?

11 A Well, I have Kenny Wells, my head maintenance
12 guy. Stanford is a maintenance guy and also a boat
13 captain.

14 I have captain Drew who is a captain, captain
15 Daniels, and captain Denny, captain Joe.

16 And I have another guy, captain Paul. Don't
17 even ask me their last names really.

18 Q That's fine.

19 A Inside my office I have Brenda and Jeanie,
20 and Donna. I have a new girl in there called Sue. And
21 then my sons, and that's it.

22 Q Joseph and Samuel the Third?

23 A Joseph, Sam, the Third and myself.

24 Q Okay.

25 Who is Louis?

1 A Louis is Stanford's son.

2 Q Does he go out as a mate sometimes?

3 A Yes, he does.

4 Q How old is Louis?

5 A I'd say fifteen, sixteen.

6 Q Do you have the mates -- the captains act as
7 mates sometimes, or are they just strictly masters of the
8 boat and you have mates on call?

9 A Actually the captain of the boat they're on,
10 we have two people also standing by. Jeanie has been a
11 deckhand on the Manatee Two for five years. And Stanford
12 is a licensed captain and a maintenance guy, and he stands
13 by as a deckhand.

14 Q When a person is hired to work for you, a
15 captain, how are they trained with your company? As far as
16 the boats, who trains them on the boat and the procedures
17 for your company?

18 A Just you mean of the boat, now? Just for the
19 boat?

20 Q Just, for instance, I am a captain and you
21 hired me, what are my training procedures?

22 A Actually, they're interviewed by me and my
23 two sons and we tell them, you know, this is family
24 operated.

25 And we check their license, number one, and

1 if they have a twenty-five tun license they have to run a
2 boat twenty-five tuns and down. And if they have a hundred
3 tun license like me and my son do, they run the Manatee
4 Two.

5 And then they're taken, without pay -- if
6 they're out of town, gas, maybe fifteen, twenty dollars for
7 lunch, and about five days, each one of our captains on a
8 separate boat, learning the route we go.

9 It's very easy, it's a main government
10 channel. You go in and out the same way. You have to do
11 that five or six days, average.

12 Q Before they are allowed to go out?

13 A Right.

14 Q Are they given charts of the area to study?

15 A We have charts on the wall. Some of them
16 study the charts and the books, bird books, and the charts
17 and the history of the area.

18 Like Bill Watson, whatever, these kind of
19 things.

20 We have maps all over the wall. And where
21 the girl sells the ticket at there is a map right there,
22 shows them where they go, stuff like that. The captain is
23 very informed on that.

24 Q During the scheduled inspections that you
25 have with the Coast Guard, the exams, who is present for

1 them; is it the captains of the boat? Is it yourself? Is
2 it your sons or --

3 A Mostly every time that we have an inspection
4 I am either there -- and lately when I am not there because
5 I have been busy doing some other things for the city, but
6 both sons are there, Sam the Third and Joseph, and Kenny
7 Wells, and maintenance people like that.

8 Q Are any of your captains ever present?

9 A Well, they're in the area close by, yes. And
10 then, yes -- then, yes.

11 I'd like to answer that again, also, too,
12 when we have the man overboard all like this, the captain
13 is right there like that.

14 Q They're on board with them?

15 A Yes.

16 Q Your maintenance logs and equipment logs, do
17 you have them? Do you keep maintenance logs?

18 A No, not that I know of. Kenny Wells and them
19 does the maintenance. And daily I know that they check
20 everything. And they check the bilge pumps, the horns,
21 whatever. They go through the whole boat.

22 Q But you are not aware of any actual log that
23 is kept?

24 A No.

25 Q I am going do briefly touch on the

1 communications, V H F equipment on the boat. Are you aware
2 of any problem with the equipment on the boats?

3 A (No verbal response.)

4 Q The V H F radio?

5 A Not that I know of, not at all. Kenny wells
6 checks it. Every morning they have a check. To my
7 knowledge I don't know of any time -- to my knowledge, if
8 they have a bad radio the captain is supposed to tell the
9 maintenance guy and he fixes it.

10 Q He fixes the radio itself?

11 A We don't fix it. Actually we have -- all of
12 our equipment is new, and maybe there would be a wire loose
13 and Kenny Wells takes care of that.

14 Q Connections?

15 A Yes.

16 Q In early December the Panther One had a
17 grounding and we were told captain Drew was the master on
18 board. Are you aware of that grounding?

19 A Yes, I am.

20 Q Do you know how many people were on board?

21 A No, I could not actually tell you how many
22 people were on board the boat.

23 Q Okay.

24 How about any damage as the result from that
25 grounding?

1 A My understanding by my son and Stanford, he
2 backed off his own self and the only problems that was
3 happening, we have these scoops on the glass bottom boat,
4 and when you go on the sand she'll fill the hole scoop full
5 of sand, shells. And then he backed up. It ran a little
6 hot and they cleaned that up.

7 Talking to Stanford, talking to him, and
8 Stanford pulled the hatch back the strut back there. I
9 call it strut, shoe, whatever. There was no water coming
10 in. They checked everything in there. There was no water
11 coming out of the bilge pumps. They were working and it
12 was very dry.

13 So, they didn't think anything was wrong.

14 Q Do you know if they pulled her out of the
15 water?

16 A No, they did not pull it out of the water
17 that I know of.

18 Q Were the park rangers notified of this -- of
19 the grounding?

20 A No, they was not.

21 Q What about the Coast Guard?

22 A No, sir.

23 Q The repairs that were made getting the
24 strainers clean, that was done by Sammy the Third and
25 Stanford Daniels?

1 A Either one of them or Kenny Wells. He gets
2 right inside and does it himself.

3 Q When did Kenny Wells come back, do you know,
4 from Ohio this year? Do you remember?

5 A No, I don't ever keep up with it.

6 Q Was he here when the Panther went aground?

7 A I can't answer that.

8 Q Do you know of any other groundings that the
9 Panther One might have had, or any other vessels that are
10 in your operation?

11 A Not in -- not in my knowledge right now. I
12 don't know.

13 The water is pretty shallow but nobody has
14 ever run aground that I know of. They might have touched
15 bottom or something like that, you know.

16 Q Are you aware of any repairs that were made
17 to the hull of the Panther One?

18 A No.

19 Q Specifically patches or fiberglass caulking?

20 A Not that I know of any, on that boat, at all.

21 Q Are you aware of any caulking that are in
22 stringers?

23 A No, I do not, but my son would probably, when
24 this comes up, explain this to you a little better. I
25 don't know, the Coast Guard Commander had seen like we call

1 it, putty. But whatever it was, they put that in there to
2 come back home, to keep it from leaking, what little bit
3 they shoved down.

4 I am not going to get in that that much, but
5 that should be brought up with Sam the Third.

6 Q They put that in there after they brought it
7 in?

8 A Yes, yes.

9 Q The boat was moved from where it went down?

10 A Yes.

11 Q Okay.

12 Why was it moved?

13 A I was not there, and this is just my opinion,
14 okay. This was my opinion only. The reason why the boat
15 was moved, I asked also to have the boat moved by the park
16 ranger.

17 While I was out there they said no, because
18 the boat was sitting right in the middle of the channel and
19 it was around 3:30, four o'clock in the afternoon and
20 crabbers were coming in, 4:30, 5:00, and they would not see
21 that.

22 And we would have really had a mess, and I
23 asked for the boat to be moved. And finally Howie Grimm,
24 one of the crabbers, demanded -- not demanded, but he said
25 to the park ranger, I need to move this boat.

1 And finally he said, yes. And he moved it
2 out of the channel.

3 Q The boat?

4 A Yes.

5 Q The next set of questions are more of the
6 managerial office type questions. As far as the procedures
7 for selling tickets and counting passengers, what are the
8 procedures for that?

9 A Well, I hire people that does that. There's
10 girls behind there that sells the tickets. I do not sell
11 the tickets. But, all I can say that we have girls that
12 sell the tickets. Brenda is there ninety percent of the
13 time.

14 And that's about all I can say about it,
15 ticket sales, I mean, unless you want to ask a little more
16 deeper.

17 Q For instance say the Panther One is scheduled
18 to leave ten o'clock and I am interested in a twelve
19 o'clock run, and I buy my tickets before twelve or ten
20 o'clock, what is stopping me from getting to the twelve
21 o'clock boat?

22 A Glad you brought that up. That is a good
23 question. The captain has been trained to check his
24 tickets. If he has a ten o'clock trip going out he's
25 supposed to look at the tickets.

1 One of them say 11:00, 11:30, twelve o'clock,
2 he says, hey, you got to catch the next boat. It is up to
3 the captain.

4 Q Is it possible if he doesn't check that
5 ticket and he lets them on board the boat, how do you guys
6 inside know that is what happened?

7 A We really actually don't. I don't know how
8 they handle that but I don't think, really, if he let them
9 on the boat, say a ten o'clock boat, and he puts somebody
10 from the twelve o'clock boat in there, the twelve o'clock
11 boat will be short of passengers.

12 Q You guys inside don't have an idea if he
13 doesn't tell you, notify you he did that?

14 A If he doesn't notify me, we don't really know
15 that.

16 Go ahead.

17 Q Please continue?

18 A Just say that we have good captains, I'm not
19 bad mouthing any of them. We have all good captains. I
20 helped train them with respect to each and every one of
21 them, but that is the captain's duty to check the dog gone
22 tickets and help us out a little, too, you know.

23 Q Say I am on the ten o'clock boat and I am
24 leaving, is there a radio check? Does the captain call
25 back to the office and let you know he's leaving?

1 A Yes.

2 Q Do you know if a radio check was done on that
3 particular run for the Panther One?

4 A I don't know because I was not there, but I
5 guarantee you there was because they do it every day,
6 because the girls always say the ten o'clock boat is ready
7 to go.

8 Captain Daniel, or Captain Joe they call
9 back. We make a joke out of it. We say the ten o'clock
10 boat is ready for rolling, let it roll. And the captain
11 calls back and says the ten o'clock boat is going to roll.

12 Q Do they call back?

13 A They're supposed to tell us every time.

14 Q If they don't tell you, what does the office
15 do?

16 A Well, I don't really know that. I really
17 don't. I just --

18 Q How many people were on board the boat when
19 it sank?

20 A You know, I couldn't answer that but I'll
21 give you my opinion. What I think is, I'm pretty sure that
22 Brenda has twenty-seven tickets. That's -- we got confused
23 a little bit, everything was going on a little bit. We
24 kept saying twenty-nine went out, twenty-nine came back.

25 What it was, actually Daniels, when he came

1 in, he -- Brenda asked for the tickets. He reached in his
2 pocket like this and they was all together, not separated.
3 They was kind of wet, put together, and counted them out.

4 And I am pretty sure there was twenty-seven
5 tickets and twenty-nine people made a claim. That's the
6 way I think it went.

7 Q Okay.

8 Twenty-nine people that made a claim for?

9 A Was on the boat. She has the letter, the
10 paper. I didn't get involved in that too much.

11 Q Twenty-nine people made a claim for a refund?

12 A Yes, and she refunded every one of them back.

13 Q All twenty-nine?

14 Do you remember making a statement to Kiefer
15 Gier, the park ranger, or anyone that worked for you, that
16 there were thirty-four people, plus one mate, on board?

17 A I don't think I made that statement to
18 Kiefer. I don't think I made that statement right to
19 anybody, not my knowledge, not right this minute, I do not
20 know.

21 Q You do not know if you made the statement or
22 you don't think you made the statement?

23 A I don't think I made that statement.

24 Q The tickets that were in captain -- what is
25 his name?

1 A Captain Daniels.

2 Q Yes, captain Daniels' pocket, what would have
3 happened to those tickets if the boat never sank and he
4 came back in, where do those tickets go usually?

5 A Sometimes they give them back to the office,
6 and they're supposed to do that, and sometimes they don't.

7 Q And how do you guys -- is there a system in
8 place to verify if they do or don't?

9 A I really couldn't answer that. That would
10 have to be my other ticket people.

11 Q Okay.

12 A Brenda would be the one to answer that,
13 probably.

14 Q Since the sinking of the Panther, what recent
15 changes in the maintenance procedures, communications
16 procedures, internal and external, being inside the office
17 and with the company, and with the vessels when they're
18 leaving, or any logistical changes in the procedures has
19 your company made?

20 A First thing, on the boats there has been a
21 lot of changes. If it's Stanford or if it's Kenny Wells,
22 they got a big log book. They go aboard that boat with the
23 captain. They check the oil, the transmission, check the
24 whole boat, the radio check back to the office.

25 They go -- I mean everything, fire alarm,

1 whatever. Just name it, it's done, and it's wrote on that
2 book, in that big log book they carry. Then, they check
3 the radio, works, boom. This light works, everything
4 works. And if it don't work they stop until that boat is
5 out, until it's being fixed.

6 Say everything is in order, it's done, then
7 the captain got to look at it, also, too. Right there the
8 captain looks at it, checks it, checks it, he signs off,
9 and the maintenance man checks it and signs off.

10 Q The captain and maintenance man sign off?

11 A We really tightened up on that.

12 Q The log book, where do you keep that now?

13 A The maintenance guys have it in our storage
14 room.

15 Q This is done every morning, every boat?

16 A Every morning, every boat. And once a week
17 we make them have a fire drill, go through the whole like
18 inspection.

19 Q Are you aware of the regulations that require
20 the Coast Guard to be notified for groundings or for any
21 other --

22 A I'm going to be honest and straight up, I
23 have been doing that for forty-five years and I did not
24 know that I had to report. I should have probably read the
25 book better, whatever, but I did not know that I was

1 supposed to report that to the Coast Guard.

2 Do you know, then -- also to the
3 understanding if you are hitting the bottom a little bit do
4 you know how many times I'd be calling you a day, sir?

5 Really it's -- I didn't know that. I am
6 sorry, I didn't know that.

7 Q Okay.

8 Every time the boat does touch the bottom
9 it's considered a grounding.

10 A I didn't know that.

11 MR. KELLER: I'll object to that, that
12 is simply not the law.

13 LCDR LARRY BOWLING: Basically, from the
14 Coast Guard's prospective marine casualties --
15 the reported -- stop me, John, if I am wrong.

16 From the Coast Guard's reporting
17 casualty criteria 46 CFR 4.05, for terminology
18 purposes, there are two types of incidents with
19 regards to grounding, the intentional
20 groundings which usually you don't see, but for
21 instance with a barge, you lose the steering,
22 if he intentionally wants to ground that barge
23 that would be a non reporting casualty.

24 What we are referring to is
25 unintentional grounding.

1 Say, in your case the Panther One is
2 navigating, the captain is showing people
3 dolphins and goes into the sandbar, what have
4 you, that would be unintentional grounding. We
5 would have that as a reported casualty.

6 You guys referring to -- and stop me if
7 I am wrong, Sam, if you guys say, touch bottom,
8 and you lightly bump across the sand shoal,
9 from the Coast Guard's prospective,
10 unintentional grounding.

11 THE WITNESS: I would need to call?

12 If they hit something other than free
13 flowing in the bottom, hit the bottom of the
14 water body, not a log or something floating,
15 partially submerged debris, actually touched
16 bottom, and I think you are using the term
17 touched bottom, something we look at as an
18 unintentional grounding.

19 MR. KELLER: And I have had people from
20 this office, and people from Norfolk, and
21 people from D C tell me they don't want that
22 report.

23 Give you an example, coastal marine
24 between the port of Miami and the power plant
25 the same day they always leave a trail, always

1 touching bottom along that trail, actually
2 touching the bottom. No way they can report
3 that every time. They probably don't know
4 every time, so ergo the regulation says
5 grounding, but I have never seen anybody go on
6 record and give us a definition.

7 LCDR LARRY BOWLING: Clarify.

8 MR. KELLER: What that word grounding
9 means there is dog gone cases that grounding is
10 something you can't get off of by yourself.

11 For example, there are other cases that
12 come out and say a grounding is something that
13 gets you on so and requires power to get you
14 off.

15 If you free float on after the tide
16 comes in, then there is the ridiculous position
17 that every unintentional touching of the bottom
18 has to be reported, and everybody tells me they
19 don't want that. Everybody in the Coast Guard
20 tells me they don't want that.

21 LCDR LARRY BOWLING: Actually noted for
22 the purpose of what the regulation calls for,
23 specific wording in the regulation. We agree
24 it says any unintentional grounding.

25 MR. KELLER: What is grounding,

1 Commander?

2 You don't have to debate it with me, and
3 I'll tell you my clients would have gone public
4 with it. So we know, give us guidance, we'll
5 report whatever you tell us to report,
6 Commander.

7 I understand with the shoal areas and
8 limited area to work in, when you say light
9 bottom?

10 LCDR LARRY BOWLING: Mud and sand.

11 MR. KELLER: What happens when the
12 fisherman sticks his pole in the water to pull
13 himself along on a flat?

14 LCDR LARRY BOWLING: You are saying with
15 the pole and radius?

16 We probably to have agree to disagree on
17 that, too. If the hull of the vessel skips
18 across the bottom.

19 MR. KELLER: Everyday -- not everyday,
20 every minute.

21 LCDR LARRY BOWLING: Duly noted.

22 MR. KELLER: We shouldn't debate it on
23 the record, but I'd go on record for everyone
24 of my clients, we'd like to have the term
25 grounding defined.

1 LCDR LARRY BOWLING: Fair enough. And
2 for the purpose of this particular statement I
3 want you to continue to use the terminology you
4 are familiar with Sam.

5 THE WITNESS: Right.

6 Touch bottom, you are saying we may have
7 scooted through a little bit of mud?

8 LCDR LARRY BOWLING: Off the record.

9 (Thereupon, a discussion was held off the
10 record, after which the following proceedings
11 were had:)

12 LT. ERIK LASALLE: Back on the record.

13 Back on the record.

14 BY LT. ERIK LASALLE:

15 Q Okay.

16 With the grounding, the grounding that was in
17 early December, is that when captain Drew was on board and
18 the repairs were made cleaning stuff out of the strainers?
19 Do you know if that was reported to the Coast Guard?

20 A Nope.

21 Q Do you know of any -- and I might have asked
22 you this before, and if I did please excuse me -- any kind
23 of patch work, fiberglass work that was done?

24 A You already asked that.

25 Q Okay.

1 And my last question for you right now, in
2 your words, and that is what you have heard from other
3 people, we all come up with an idea of the cause; what do
4 you think was the cause for the Panther One going down?

5 A Like I said, now, number one, I was not
6 there, so definitely I couldn't tell you for sure, okay.

7 Q Right.

8 A Now I am going to give you my opinion.

9 Q Right.

10 A Is that okay?

11 MR. KELLER: Just tell him what you base
12 it on?

13 THE WITNESS: Really? I am glad this
14 question got brought up.

15 Captain Daniels came in, he was wet and
16 cold, probably. I got him some dry clothes.
17 He changed his uniform. He sat down back in
18 the storage room, drank a couple of cups of
19 coffee and I waited for him awhile to warm up
20 and all.

21 And I said captain Daniels -- me
22 personally said this, this is on the record,
23 and I said it. Captain Daniels, what do you
24 really think happened to the boat; because I
25 knew everything had been checked. I thought

1 maybe he might have hit something. Let me
2 know, I need to know to hand it on down.

3 He said Sammy, I was riding along, I was
4 showing them the dolphins, and he says, I
5 probably just -- they get carried away.

6 But anyway, he said, "I was showing them
7 the dolphins and I was turning around like this
8 here".

9 BY LT. ERIK LASALLE:

10 Q Circle?

11 A Circle.

12 And then he said a crab boat came by, and he
13 changed that story a little bit on me, the name of the
14 boat. But, based on the same thing, he said a crab boat
15 came by and they had a wake on him.

16 And he said boom, that was the end of it. He
17 sunk and sunk.

18 And I said what crab boat was this?

19 And I don't know if he was afraid to say a
20 crab boat out of Everglades City or whatever. It didn't
21 make sense to me, he said a crab boat out of Marco Island.
22 We don't have any crab boats out of Marco Island.

23 But he did tell me up front he was showing
24 them the dolphins.

25 He went one side to the other side and a crab

1 boat came by him, and he said, "I went down".

2 Q From the wake of the crab boat?

3 A Those are the exact words he told me.

4 Q That is his rendition of what happened?

5 A Right.

6 Q And you have that story, and stories from
7 other people as well? What have you compiled as to why you
8 think it went down?

9 A Actually, I think the same thing he said, but
10 actually what all I have heard is what I just told you
11 right there.

12 One of the crabbers told me, also, too, they
13 couldn't understand why he was like two hundred yards from
14 being from the shoreline.

15 He said the boat was up and he was standing
16 there and people would have plenty of time to put the life
17 jackets on. And if he brought them two hundred yards he
18 could put them on shore. The guy just stood there. I
19 don't know if he froze or what.

20 Actually, that's the things that I have been
21 told.

22 One is Kevin Townsend, born and raised on
23 boats, stone crabbing. That is one of the boats all the
24 people got on. They got back on our boats to bring them
25 in.

1 Actually I would have to say my opinion is
2 like I said before, we have very good captains, every one
3 of them. I like them all. They're good, well trained, and
4 I believe the story that he told me is partly true.

5 I am not saying the crab boat didn't come by,
6 but I believe, my opinion is that he gets carried away
7 looking at the dolphins and swinging around and around, and
8 his own weight did that. That is the only thing I can say.

9 Q I am not familiar with attracting dolphin.
10 How would you say he was looking at dolphin? How do you
11 attract dolphin?

12 A I'm not saying the only way, but the only way
13 they attract dolphins, you kind of put most of the weight
14 in the back, whatever. Anyway, get a big wake going and
15 you have to get up to a pretty good speed to get a wake
16 going on the back of these boats, and the dolphin go in the
17 wake and start jumping.

18 Q It is the companies' policy to try to attract
19 the dolphin, or is it something for the tour?

20 A It's not our policy at all. And actually we
21 don't even recommend it to the captains. And they have
22 been doing that the last several years.

23 LT. ERIK LASALLE: That's all I have.

24 LCDR LARRY BOWLING: John, a couple of
25 questions.

1 FURTHER DIRECT EXAMINATION

2 BY LCDR LARRY BOWLING:

3 Q What is the purpose of the captains racing
4 the dolphin, to enhance their tips, or why do they do it?

5 A Just my opinion now?

6 Q Yes.

7 A I mean definitely you said the right key,
8 that's what they do it for, is to get tips and stuff like
9 that.10 Q Sam, I have got a couple of general questions
11 here I'll get through fairly quick.

12 A Right.

13 Q Prior to the sinking of the Panther One was
14 there a company policy regarding a communications check on
15 the vessel, from the vessel to the operating station, to
16 the ranger house there?17 A You hear them all, they stay on the radio
18 talking back and forth to each other, where the dolphin
19 are, and so forth like that.20 Q I am asking, first, coming to you, they sign
21 in in bunches, a clock, whatever they do to let you know
22 they're here.23 When they go out to the vessel do they do
24 their own safety check on the vessel, and do one of those
25 safety checks -- they do include a V H F confirmation back

1 to the office, test, test, Panther One kind of thing?

2 A My knowledge, Kenny Wells gets up bright and
3 early in the morning. He will not let them touch the
4 motors themselves, but not saying we don't trust them, but
5 it may be a different captain on a different boat, and one
6 could say the other did this. And that -- and Kenny Wells
7 won't go for that.

8 He checks the whole boat out, the oil, the
9 radio, the P A, stuff like that.

10 Then, when the captain gets on the boat,
11 first thing he does, he checks his radio. I mean he
12 should, but definitely I know the first thing they do,
13 check the P A, to make sure that is working because they
14 want to make sure the people hear them.

15 Q When you say they should -- back to my
16 question, I'm trying to establish if there are any written
17 instructions, from a management perspective to an employee
18 perspective, you guys, this is the first thing you do
19 before you get under way. Is there anything specific?

20 A No, commander, there is nothing written.
21 They are verbally told but not written.

22 Q Kenny is doing this? He kind of inherited
23 the work over the twenty years?

24 A Right.

25 Q On the same concept, is there any written or

1 established policy with the company, regarding route
2 familiarization? You or one of your sons, that kind of
3 grew up in the area there, that would take a captain on a
4 route established for the tours, say here's the channels,
5 where the shoal areas are? Do you guys do familiarization
6 trips with your captains?

7 A Like I said before, we at least give them
8 five, six days training with each captain, different boats,
9 all different boats, different captains, five, six days,
10 and the same routes each time.

11 Q So, they're riding with an established
12 employee?

13 A Right.

14 Q Once again there was or was not a written
15 policy?

16 A There is not a written policy.

17 Q That vessel, were you involved in the
18 construction on the Panther One in '68, or thereabouts,
19 when they were putting that together?

20 A I was in and out. I was pretty young then.
21 I didn't stay right there, but no, I know it was built on
22 Chokoloskee Island. I know it's by Hancock (phonetic).

23 Q Those skuffers we looked at when I was down
24 and looked at the boat, were those on the construction
25 originally?

1 A Definitely.

2 Q In the years that you have had that
3 operation, have you had any problems with water ingress
4 through those skuffers into the bilge?

5 A Let me answer that the best I can, Commander.
6 The only time I remember anything like that is like they
7 are backing up from the dock like that, some water might
8 run into the skuffer. That's the only problem I know of we
9 have.

10 Q Are you --

11 A I'm not there every day now.

12 Q I understand.

13 Are you aware of any hull modification? When
14 I say hull, the span of the boat, any little modifications
15 to that vessel in, say, the last fifteen years?

16 A Not a thing I know of. Not that I know of.

17 Q Right.

18 When I say hull modification, though, hull
19 modification?

20 A No.

21 Q How about the same concept of any repairs?

22 If you look under the Panther One there has
23 been some fiberglass repair. I don't know if it is ten
24 years old, two days old, what have you, but little small
25 areas where you put a little fiberglass?

1 A Under --

2 Q Towards the transom or back of the boat?

3 A From the top part?

4 Q Say out towards -- of the like interior or
5 exterior?

6 A Right.

7 MR. KELLER: Outside the boat? Outside
8 the hull?

9 THE WITNESS: I don't know. I really
10 don't.

11 BY LCDR LARRY BOWLING:

12 Q I have a little note here to clarify touch
13 bottom versus ground, and we beat that to death.

14 The bottom composition, the consistency of
15 the soil -- you grew up in that area and probably know
16 about it better than anybody, where that vessel sank, when
17 they went down originally what the bottom consists of, what
18 it is made of. Do you know if it is hard, soft, medium?

19 A Where he went down it's -- in that area we
20 call it the main government channel, it's hard.

21 Q When you say hard bottom --

22 A I'd say it's a lot of rocks there.

23 Q Like limestone rocks? What kind of rocks?

24 A Probably just regular stone rocks like when
25 you dig channels out and see the rock piles on each side

1 like that.

2 Q From that point, to where the vessel sank, to
3 the point, I think it was a crabber you had dragged it
4 over. When you got the permission to move that to the
5 shoal area it would be high tide?

6 When the tide went out and you can work on
7 it. Do you know the distance?

8 A My son --

9 Q Sammy?

10 A Okay.

11 I couldn't answer that.

12 Q I want to find out how he rigged it to pull
13 it.

14 Do you know what the bottom consistency was
15 in the area there?

16 A I couldn't answer that.

17 Sam the Third, they were on the scene. I was
18 not. I was back taking care of the phones, stuff like
19 that.

20 LCDR LARRY BOWLING: That's all I have.

21 We'll get Sammy to clear up the few issues.

22 FURTHER DIRECT EXAMINATION

23 BY LT. NICOLETTE ARROYO:

24 Q Sir, I have a couple of general questions.

25 You said -- in the beginning, one of the

1 first questions you answered, you were stating the people
2 that worked for you. Do you have any mates or deckhands
3 working for you?

4 A Yes, I do.

5 Sorry, yes, I do.

6 Q Do you know their names?

7 A You met some of them, the Commander did, and
8 they showed me a card and all.

9 That was PZ (phonetic), I call him, and Roy.

10 LCDR LARRY BOWLING: For clarification
11 they were two African-Americans?

12 THE WITNESS: Right.

13 BY LT. NICOLETTE ARROYO:

14 Q The day I visited, the 1st of January --

15 A They have all their C P R cards. They have
16 been with me for years. They're good people.

17 That's two there, then, I got. Trying to
18 think. I don't know. I don't even -- actually, I am in
19 and out of there. And Sam the Third can explain more to
20 you about the deckhands.

21 I know I got P Z and Roy. And I got this
22 other guy, Spanish guy, can't think of his name.

23 Q And you did mention you had standby mates?

24 A Yes Jeanie, a Spanish girl that works for me
25 in there.

1 Q And Stanford?

2 A Yep.

3 Q And we know that Stanford has -- he has a
4 license?

5 A Yes, ma'am.

6 Q Do you know if Jeanie has any type of
7 document?

8 A No, she does not have any licenses, she has
9 just been a deck hand on there twenty-five years, and she's
10 worked for me quite a due years inside, too.

11 Q What about Louis Daniels?

12 A No.

13 Q Have you ever had mates on the Panther
14 vessels?

15 A Yes.

16 Q The C O I for the Panther vessel or any
17 vessel you have, are you aware of what requirement the
18 C O I has, so many this, passengers, mates, or crew
19 members?

20 A I thought I did. My understanding was I
21 thought thirty people went down on the Panther, but I think
22 I got corrected on that. I think it is twenty-nine, but I
23 always thought it was thirty.

24 Q Thirty?

25 A Thirty down.

1 Q Without a deckhand?

2 A It's grand fathered in.

3 That's the reason why you don't have any
4 bathrooms on that boat. My understanding of the new law,
5 you don't have to have a bathroom on there.

6 LCDR LARRY BOWLING: Certain duration
7 voyages.

8 A Right.

9 BY LT. NICOLETTE ARROYO:

10 Q Have you ever gotten any low free board
11 reports from any of the masters on the Panther vessels?

12 A Not to my knowledge, but Sam the Third can
13 answer that a lot better there, more than I am.

14 LT. NICOLETTE ARROYO: Okay.

15 That's all I have.

16 (Thereupon the deposition was
17 concluded.)

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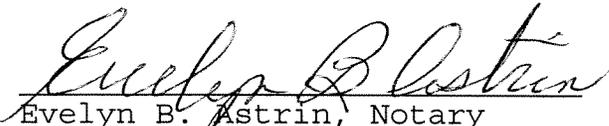
CERTIFICATE OF NOTARY

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STATE OF FLORIDA :
SS
COUNTY OF DADE :

I, Evelyn B. Astrin, Shorthand Reporter and Notary Public for the State of Florida at Large, hereby certify that I was authorized to report the deposition of SAMUEL HAMILTON, JUNIOR, a witness herein; that said witness was duly sworn, and that the foregoing pages numbered one through 35, constitute a true record of the statement given by said witness.

Dated at Miami-Dade County, Florida, this 18th day of March, 2003.


Evelyn B. Astrin, Notary Public for the state of Florida at Large.

My commission expires:

EVELYN B. ASTRIN
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # CC901230
EXPIRES 1/18/2004
BONDED THRU ASA 1-888-NOTARY1