

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

IN RE: MARINE SAFETY OFFICE INVESTIGATION /

DEPOSITION OF BRENDA HAMILTON

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
11:30 a.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
121 MAJORCA AVENUE SUITE 200
CORAL GABLES, FLORIDA 33134
ON BEHALF OF THE WITNESSES.

I N D E X

Witness

Page

BRENDA HAMILTON

DIRECT EXAMINATION BY LT. ARROYO

3

FURTHER DIRECT EXAMINATION BY LT. LASALLE

1316

1 Thereupon the following proceedings were had:

2 LCDR LARRY BOWLING: On the record, I'd
3 like to attach this to Stanford Daniels'
4 transcript and it will be marked Exhibit Coast
5 Guard Two, or C G Two.

6 Are you okay with that?

7 MR. KELLER: No problem.

8 Thereupon:

9 BRENDA HAMILTON
10 was called as a witness on behalf of the investigation, and
11 after having been first duly sworn, was examined and
12 testified on her oath as follows:

13 DIRECT EXAMINATION

14 BY LT. ERIK LASALLE:

15 Q This is going to be pretty quick.

16 A Okay.

17 MR. KELLER: He tells that to everybody,
18 one more question ten times.

19 THE WITNESS: I mean it should be easy,
20 I told Nicolette everything.

21 BY LT. ERIK LASALLE:

22 Q What we'd like to go over, we'd like to start
23 with, if you would state your name, address, your phone
24 number, and position with the company?

25 A Brenda Hamilton, Everglades City. We use a

1 Post Office Box, P.O. Box 686, Everglades City, 34149. And
2 I am the office manager.

3 Q I'm sure Commander Bowling explained we are
4 still at the fact finding stages of this investigation,
5 trying to find the root causes, what potentially caused the
6 Panther One to sink.

7 My questions for you are geared more towards
8 the office managerial type duties. If you know the answer
9 to the question I am asking, okay, if you don't, say "I
10 don't know", and we'll just move on.

11 A Okay.

12 Q How are the passenger counts conducted for
13 the tours?

14 A We sell tickets, and the tickets -- the
15 passengers take the tickets to the captain, and that's
16 basically what it is.

17 We have a computer that keeps track of the
18 tickets, and it is reset every day. So, we start out a
19 fresh day with zero.

20 Q Okay.

21 How many tours -- specifically the Panther
22 One, how many times a day will she go out?

23 A Four.

24 Q What are her times, roughly?

25 A 9:00, 7:00 -- sorry, that's the other one.

1 10:00, 12:00, 2:00 and 4:00, I believe. I can't remember
2 which is which.

3 Q That is fine.

4 So, if I wanted to go on the twelve o'clock
5 Panther, and I buy my ticket at nine o'clock, how do you
6 know what Panther boat I am going on?

7 A I don't, that's why the captain is supposed
8 to check the tickets, because it has the time on it.

9 Q The ticket, actually has the time on the
10 ticket?

11 A The time, and it constantly changes because
12 sometimes people get stuck in a lunch room. So, there is
13 no way for us inside the office to know how many people go
14 on the boat.

15 Q Okay.

16 A Which the Panther One on the receipts that we
17 had copies of, and unfortunately I don't have them with me,
18 I forgot to bring them. My sugar was real low. He has
19 copies.

20 LT. ERIK LASALLE: It's not a big deal,
21 we can get copies of them.

22 MR. KELLER: Want me to give you a copy?

23 LT. ERIK LASALLE: Sure.

24 This is the one for the Panther, right,
25 12:30, 1:30 sail.

1 BY LT. ERIK LASALLE:

2 Q Okay.

3 Just to the help me understand, I'm looking
4 at the invoice or ticket stub from the Panther One. What
5 does this P 2 stand for, is that Panther Two?

6 A That is Panther Two, but we switch the boats
7 all the time. It's mostly the time we are concerned about,
8 which --

9 Q I was thinking period, Two, it would be the
10 other one, Panther One?

11 A Right.

12 It's both the same counts on the boat.
13 Except, as far as the computer, we go by time.

14 Q The important thing on the stubs themselves
15 is the time?

16 A Right.

17 Q Not the boat?

18 A Right.

19 Q Then it's possible for me to, like I said
20 earlier, buy a ticket in the morning schedule, say a twelve
21 o'clock run, but I get out of lunch early and go at ten
22 o'clock, and then you in the office have no idea I did
23 that?

24 A Not unless you come in and tell me. And, if
25 you come and tell me, we correct it in the computer.

1 Q And the captain should look at it?

2 A He should look at it, say, I have two people
3 that have 10:30 tickets, what do you want me to do.

4 Q Now, when the Panther One, or any of the
5 vessels leave, do they report back to you how many people
6 are on board, or do they just go?

7 A Normally they report, but they don't always.
8 Sometimes they leave, like if they're running on schedule.

9 In that particular week, Christmas week is a
10 busy week, so sometimes they'll just leave because they
11 think the boat is full, and they just leave.

12 I do not remember anybody calling that.

13 Q On the Panther One that particular day?

14 A Right.

15 Q Uh, with the tickets that you sell, what do
16 you guys do with them at the end of the day? The computer
17 keeps track of them?

18 A Uh huh, and I run a report.

19 Q Like an accounting type report?

20 A And inventory reports.

21 Q That day -- you mention that typically on
22 slower days the captain will report back to you? That
23 particular run you don't remember being?

24 A (No verbal response.)

25 Q How do they tell?

1 A They can radio.

2 Q And you have a V H F inside the shop, right?

3 A Right.

4 Q How many people were on board the Panther One
5 on that particular voyage?

6 A I have twenty-seven tickets that the captain
7 gave me, and I have twenty-nine refunds.

8 Q Twenty-seven tickets, twenty-nine refunds?

9 A And he never called in with the count. I
10 assume normally we have a computer that it goes up to
11 thirty, thirty-five.

12 There was thirty-five, as I remember, and
13 when he didn't call to say I need a mate, or I got over
14 thirty, whatever the normal practice is, I switched them to
15 thirty because I figured they got stuck in lunch and they
16 went to the next boat.

17 Now, what happened -- I have no idea what the
18 count was on the next boat because we were --

19 Q Askew?

20 A Right.

21 Q So, that particular vessel, for instance,
22 what time was it scheduled to leave?

23 A 12:00.

24 Q And it was delayed, wasn't it?

25 A Yes, it was delayed.

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Q What time did it eventually leave?

A I am guessing 12:15.

Q 12:15?

A Yes.

Q On that particular vessel is it possible you had thirty-five tickets but you never got a confirmation what boat they were on?

A Never.

Q Do you ever recall giving -- well, first, do you know Kiefer Gier, or Gier, the park ranger?

A I barely know him.

Q Do you ever recall giving him a statement there were thirty-four passengers plus one mate?

A No.

I said that is -- I thought Louis went on the boat.

Q Louis?

A Which is Stanford's son, but he didn't.

Q And sometimes he's a mate?

A Sometimes he's a mate. He's been on boats his whole live.

Q Is he part of your -- is he on your staff?

A No, he's not employed by us.

LT. NICOLETTE ARROYO: Quick question, how old is Louis Daniels?

1 THE WITNESS: I would guess maybe
2 thirteen, fourteen.

3 We have mates on standby, but I just
4 assumed that he went because he disappeared.

5 BY LT. ERIK LASALLE:

6 Q Are there any recent changes since the --
7 since this casualty, and in the way that the office
8 conducts procedures, meaning --

9 A We make sure we have the count on the boat.
10 And the girls that sell tickets -- sometimes I sell
11 tickets, but not often.

12 Q Okay.

13 A If for some reason they're too short, because
14 sometimes that happens, they'll go back and look on their
15 little sheet and try to figure out who did what, and they
16 say, I remember two said they were going to go to lunch,
17 first, that is probably them. And then we try to make sure
18 they're on the next boat.

19 Q So, the girls sell the tickets, the captain
20 reports thirty-four or twenty-four, what have you, and you
21 guys have twenty-eight, twenty-nine sales, and say there is
22 four more people, and you go through the procedures to try
23 to locate them?

24 A Right.

25 Then, at the end of the day we keep all the

1 tickets now.

2 Q From the captains?

3 A Uh-huh, from the captains or the mates,
4 whichever the bigger boat that have two mates on them. The
5 mates bring them in. They put them in their little money
6 bag where they sell cokes and stuff.

7 Q Are you familiar with the procedures for
8 hiring personnel?

9 A (No verbal response.)

10 Q More specifically, if I was interested in
11 being a captain on board, are you familiar with the
12 training?

13 A I would give you an application and I would
14 have you speak to my husband or his sons.

15 Q And they would handle the training?

16 A Right, right.

17 Q When did you find out, or how were you
18 notified that the Panther One was having problems?

19 A Stanford called me on the phone and said,
20 "Tell Sammy I need to talk to him right now".

21 Q Okay.

22 A So, I told him, and he got on the phone.

23 Q That's your first notification?

24 A Um huh.

25 That was yes.

1 Q Did you guys notify -- who did you guys
2 notify?

3 A We started procedures to take care of the
4 people. We didn't on notify anybody. We made sure the
5 people were taken care of.

6 Q An emergency contingency plan, do you guys
7 have one of those, or any planning for anything say --

8 A We do for oil, and, you know, fire and man
9 overboard and all that stuff, but I don't know, that's not
10 my expertise.

11 Q Okay.

12 Were you -- or are you aware that the Panther
13 One had a grounding in early December?

14 A No.

15 Q Getting back to the schedules of the boats,
16 are there any of them that leave at the same time?

17 A Well, they never do because the opening to
18 the boat bay is narrow. But they're scheduled to leave --
19 like for instance, the Panther is scheduled to leave at
20 11:00. Normally, of course. They're not working now. So,
21 then, we have a little six passenger boat that leaves at
22 11:00 and the captains --

23 Q A little --

24 A No, it's a little Carolina skiff, and the
25 captains radio each other, and they know what they're

1 doing, I don't.

2 LT. ERIK LASALLE: Do you have anything?

3 LT. NICOLETTE ARROYO: Yes.

4 FURTHER DIRECT EXAMINATION

5 BY LT. NICOLETTE ARROYO:

6 Q Before the sinking, what was done with the
7 ticket stubs at the end of the day?

8 A The captain kept them, and then he gave
9 them -- I don't remember if he gave them to me or my
10 husband, but they were all folded in and everything. And
11 we put them on the window sill to dry out.

12 Q That's a --

13 A That evening it took like five minutes for
14 then to dry out.

15 And then I started counting them and going
16 against my refunds because a lot of people had gotten
17 refunds.

18 Q And before that day what was your procedure
19 with the tickets, like when the captains would come in and
20 hand them in?

21 A Most of them just threw them in the garbage.

22 Q Just threw them out?

23 A (No verbal response.)

24 Q You say you normally had mates on standby?

25 Who were those mates you had on standby?

1 A Jeanie, who is the ticket seller, because we
2 have four people in the office at all times to sell
3 tickets; one renting canoes and selling merchandise.

4 I am the fourth person and I can take their
5 places for lunch.

6 And if we need a mate, Jeanie worked as a
7 mate. Her name is Janet Dass Collins (phonetic).

8 Q How long has she been working for you?

9 A Almost a year, now. She quit for about a
10 year because she had a baby.

11 Q And do you know if she has any licenses or
12 anything like that?

13 A She does not.

14 When she worked for us before she was like
15 the second mate, and she -- I know she went, did the man
16 overboard procedure, but that was when you were just
17 starting with the maritime and all that stuff, and we
18 didn't ever put her on.

19 Q And she is the only one that would stand by?

20 A No, Captain Stanford, he is our maintenance
21 guy, he's a licensed captain.

22 She has C P R and is on our drug consortium,
23 and on stands by at all times.

24 Q Have you ever had mates on the Panther
25 vessels --

1 A Yes.

2 Q (Continuing) -- that you are aware of?

3 A Yes.

4 Q Okay.

5 Are there any -- do you have any contracts
6 for masters? Like is there -- they just fill out an
7 application and that's it, or is there an actual contract?

8 A We have had people that don't want to pay
9 taxes, and they have done a contract, but that was in the
10 past. None of the captains at the time, present time, are
11 on contract.

12 Q None of the captains at the present time are
13 on contract?

14 A No.

15 Q And when the passengers came back that day of
16 the sinking, from the vessels, what was your -- what did
17 you do? What was your role?

18 A I went out to meet the two that came on the
19 Coast -- on the ranger's boat.

20 Q Okay.

21 A And I got them chairs, and got them
22 everything they needed. And they told me they were the
23 last two people off of the boat. And they said everybody
24 was fine.

25 And then we saw the skimmer coming in, and I

1 had one of my office girls go over with me to help them off
2 and make sure everybody was okay, which the ambulance was
3 sitting there waiting.

4 And everybody said they were okay.

5 One guy said he had a little bruise.

6 Q Did you take down their names?

7 A When they finished going through the checking
8 of the ambulance people, making sure everybody was okay,
9 they came in the gift shop. I told everybody I have some
10 towels for them. We had brought them big beach towels and
11 we passed out the towels.

12 And they asked us about getting the money
13 back. And we said we'd get all the refunds and everything.
14 And we tried to get everybody's name.

15 Q Do you know if you got everybody's name?

16 A It would be impossible to know if I got
17 everybody.

18 One of the girls that was helping me stapled
19 cards to the refund tickets, and I don't remember how many
20 of those there were; six or eight. And, the total names I
21 could match was eighteen.

22 MR. KELLER: In other words, I asked her
23 to try to match up the names with the refunds,
24 and we could only come up with eighteen.

25 LT. ERIK LASALLE: Okay.

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I think that was the number we were
given before.

Uh, that's all, all I have.

LT. NICOLETTE ARROYO: Nothing.

(Thereupon the deposition was
concluded.)

CERTIFICATE OF NOTARY

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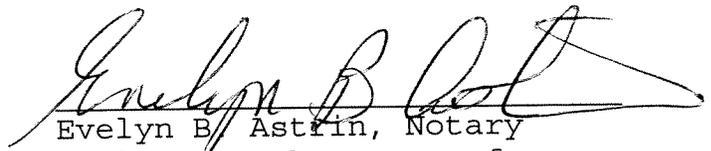
STATE OF FLORIDA :

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 BRENDA HAMILTON, a witness herein; that said witness was duly sworn, and that the foregoing pages numbered one through 17, 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 1/13/2004
BONDED THRU ASA 1-888-NOTARY1