

Passenger Statements provided to
Coast Guard

35 pages total including this cover

Izzo Family Statements
(twelve pages including this cover)

N. Arroyo
Lieutenant Junior Grade, U.S. Coast Guard

Dear Lieutenant Arroyo,

Enclosed find statements from husband, son and myself. You did not address the letter to my son, Matthew L. Izzo who was also on the trip with us. I think you will find his statement very informative. Please keep us up-to-date on the progress and outcome of the investigation of the sinking of the PANTHER 1.

Sincerely,

Matthew J and Kathleen Izzo

A large black rectangular redaction box covering the signature area of the letter.

[REDACTED]

February 2, 2003

N. Arroyo, Lt. J.G.
United States Coast Guard
100 MacArther Causeway, 201
Miami Beach, FL 33139

Dear Lieutenant Arroyo:

This letter is in response to your letter dated January 24, 2003 concerning the events of the sinking of the "Small Passenger Vessel" PANTHER I at approximately 14:30 on December 30, 2002 off Everglades City Florida. May this letter serve as my formal, written statement as I already provided a taped verbal statement by telephone to Lt. Commander Larry Bowling and CWO3 Marc DeJesus on January 7, 2003 (I believe) at 13:10. (Please note that your letter was addressed only to my wife and me. I presume my son did not receive a letter because he already emailed his statement to Lt. Commander Bowling.)

My wife, Kathleen, my son, Matthew L., and myself flew to Florida to participate in a family reunion. We decided that a trip to the Everglades would be a fun and educational thing to do. The date of the incident we met with my wife's brother, Matthew Vincent Kiernan and her Aunt, Helen Kiernan and began a car trip from Bonita Springs. I drove the 60 or so miles to Everglades City. Upon arrival, we stopped at the information house and decided that we should go to the National Park if we were going to go out on the water, considering it to be the most benign of adventures, especially considering the age of Ms. Kiernan (I had hoped to go on an air boat) and the reputation of the National Parks Service.

We were lucky enough to get the last five (5) seats on the tour boat. Captain Daniels, aka: James Mayes, dressed like a Ranger, suggested that the five of us get in the stern of the boat so we could be together and avoid the splash, which apparently occurred in the bow. I was seated in the starboard stern, with my wife, Kathleen besides me. In the port stern was my son, Matthew L. and besides him was my brother-in law, Matthew Vincent (Vinny) Kiernan. In the middle was my wife's aunt, Helen Kiernan, who everyone refers to as "Aunt Helen." I considered the boat to be full. I can't imagine where another passenger would have sat. I don't know how many passengers were on board but I saw the captain counting them. He made a joke about returning with the same number of people he left with. He also made the obligatory "Gilligan's Island" joke about the three (3) hour tour. He also informed us of the location of the life vests. This would have come in handy later had he told us to put them on.

Our trip began rather uneventfully. Eventually, we set off on a quest to find dolphin. The "Captain" began to accelerate the boat in order to create a wake so the dolphin would follow "surfing." He made several acute turns at a rather high speed in order to reposition the boat to entice the dolphin to follow. When they began to follow, not two (2) to three (3) yards behind, he directed the others in the boat to come to the stern to observe. During this time, it entered my mind that the boat was riding rather low in the water, but not being a "Master Captain," I put this fear out of my mind. It was not until much later that I realized the boat was taking on water, especially during the fast speed maneuvering. I also came to realize later that the water around our feet did not represent the actual amount of water in the boat

What was initially an inch or so of water in the stern rather quickly turned into water three (3) or (4) inches deep. Smoke began to emanate from the stern near where my son was seated. He asked my son if the bilge pump was working. I don't know that my son knows what a bilge pump is. He told

everyone except the five of us to go forward in the boat. During this entire period, the boat was in forward motion, though not at the speed when the dolphin were following. As more water came into the boat, he slowed to a crawl but the boat continued to ride lower and lower in the water. The megaphone system shorted out and loud static could be heard. He pulled the plug on the microphone and threw it into a bucket. Twice, he waved hesitantly to a passing boat crab boat, maybe finally realizing we were in trouble, but he still did not direct anyone to don a life vest. Water began to slosh over the side and reached mid-ankle. Then, like a trap door beneath a doomed man, the boat dropped from beneath us and we were in water over our heads.

I began to tread water. I turned to my wife and saw that she and her brother were making their way to the crab boat. Aunt Helen was not faring as well so I grabbed a wooden chair that was floating near by and made my way over to her. Aunt Helen was a swimmer but hadn't swam in twenty (20) or more years. I'm convinced that if she couldn't swim, she would have drowned. We clung to the flotsam and treaded water and I also then managed to grab onto a piece of plywood. A young couple was floating a few feet away and the four of us joined together. At this point I began to take stock.

What followed was the most terrifying event of my life. I could see my wife and her brother splashing by the side of the crab boat and it seemed they probably would be saved. There was nothing I could do at this point anyway as Aunt Helen and myself were maybe twenty (20) or so yards from the rescue boat. From this vantage point I could see the people already on the crab boat, the people in the water on the side of the crab boat and other people in the water in two clusters, upstream from the four of us and from the crab boat. Furthest upstream was the "Captain" and several passengers, which I later noticed were clinging to the bow of the PANTHER I, next were a group of three (3) or four (4) folks, clinging to flotsam as were we, then came us, with the crab boat behind us and to our port side (if this terminology can be used in the absence of a boat).

I could not see my son. I checked over and over, again. As I said, I could clearly see everyone standing on the deck of the rescue boat and he was not there. He was not at the side of the rescue boat. He was not with either of the groups upstream. I looked again and again. I scanned the water and it was generally flat and calm. I was looking for bubbles as if from a drowning person. I called his name loudly. No Answer. I called his name again. Again, no answer. Once more, but again, no answer. I then heard my brother-in law call his name, "Matthew, Matthew. " There was no response. I called, again and I heard Vinny call for him again but again, he didn't respond. I looked frantically but still could not see him. I cried out, "You can swim, damn it, you can swim." I could see my actions were causing concern to Aunt Helen so I altered my approach. However, at this point I was convinced that he was dead. I lived for the next seconds or minutes wondering how I would be able to live without him. He was gone and I didn't want to go on myself. I wanted to dive somewhere and save him but there was no place to dive. The water was like a large serene lake and he was somewhere under the surface and I would never find him. I would be going home without my son.

Finally, I did see him on the boat. The others already on the boat, apparently screened him out. My life came back to me in that instant. My composure returned as if a curtain raised. I told everyone to begin to kick toward the crab boat. We weren't getting anywhere fast so I called to the Captain of the crab boat and told him that we had an eighty-five year old woman in the water. I heard him say to his crew that there was an elderly person in the water and he made his way over to the four of us. Aunt Helen was easily hoisted over the port side of the boat but I drifted to the stern. The Captain and a passenger pulled me aboard by both arms. (This action re-injured the surgery I had on my right shoulder in Mid-September of 2002 and about five (5) or six (6) hours after the incident, after the adrenalin wore off, I experienced severe pain, which still occurs to this date. I am seeing my doctor regularly and he is taking a "wait-and-see" approach before he performs another operation or procedure.)

At this point, most of us were aboard the crab boat. Another boat had come to the rescue of the "Captain" and the other victims who I described as being upstream. The Captain of the crab boat called in the sinking. I later learned that he was nervous because he did not have sufficient flotation devices for all of us and wanted us transferred from his boat. Eventually, a very small boat arrived from the Park Rangers'. Two boats followed from the site from which we sailed. One of the boats was identical to the

one that sank and my wife refused to board it. We all went on the other one. If we had had to wait for an official response, there would have been a much bigger problem. It was extremely fortunate that the crab boat was so close when this happened and the Captain should be officially commended. I also would like to note that a small pleasure craft motored by us all as we bobbed in the water despite the fact that I called for help. Perhaps the operator thought we had gone for a swim and we were waving hello.

Back at the shore, several Rangers greeted us but there was still no official response. I commend Ranger Tinkler for her compassion as she comforted us, especially Aunt Helen and gave us all some towels and a shirt for Aunt Helen. Aunt Helen was feeling very shaky so somebody called for paramedics. She has a history of heart problems. A single person arrived about ten (10) to fifteen (15) minutes later but he had no equipment. In another five (5) minutes or so, a truck arrived and Aunt Helen was checked out inside the vehicle. I was very surprised that no one thought to call the paramedics before we returned to shore and they could be ready for any casualties. I guess this was just another symptom of the denial. I went into the building and bought a soda while they refunded our money. The five of us waited for another twenty (20) or so minutes in order to give a statement but were told that they had inadequate help at the facility and no one would be available to talk to us for some time. Considering the condition of my wife's aunt and the condition of all of us, we decided to leave. We left our names and addresses and were told we would be contacted. While waiting, the "Captain" walked by. My wife asked him what happened. He couldn't answer. He didn't apologize or ask how anybody was. Ranger Tinkler asked him what happened and he replied something to the effect that we were taking on water and the wake from another boat sank us. I wonder if he ever told anyone the whole truth. He went inside and we never saw him again.

I drove the five (5) of us back to Bonita Springs. I was still shaking and probably shouldn't even have been driving because of my lack of concentration. We were all reliving the incident. I didn't sleep very well that night and I dreaded the flight home the next day. What are the odds of a tour boat sinking in the Everglades?

I have been profoundly affected by this incident. Although the memory of the terror of the boat sinking has dissipated, I still relive the time when I believed my son was dead. I never experienced anything in my life where I sought help for my mental condition (though some people probably think I should have). I have been seeing a psychologist in order to come to terms with whatever it is in me that won't let this horrible feeling go away.

It is this that makes me very angry with the cavalier and irresponsible attitude of the operator of the concession, Sammy Hamilton. He is quoted in "The News-Press" of Bonita/Collier article of 12/31/02 as saying, "We took 29 people out. We brought 29 people back. All that happened was they got a little wet." What a spectacular lack of respect for his customers! The next day "The News-Press" ended their article by stating that Mr. Hamilton provided tours and proceeded to give the phone numbers for reservations. All was forgotten in thirty-six (36) hours, business as usual. (Not to mention free advertising provided by a poor journalist.) In The News-Press article of 1/4/03 regarding the drug testing of "Captain" Daniels (Mayes) he is quoted as saying, "I don't think he's on anything. He's a good clean-cut man, but I wanted him checked out." It was his initiative that had the "Captain" checked for drugs? What a phony! In the "Naples News" article of 1/6/03 he denied that there was anything wrong with his boat operation but declined to comment on his meeting with Coast Guard Officials which he would be attending with his lawyer. He assured the reporter that his business was up and running. He is then quoted as saying, "There is nothing wrong with the boats," said Hamilton, who has operated the tour concession for the past 45 years. "They couldn't find any rotten wood or anything. I wouldn't lie to you. Business has not slowed down. Business is bigger and better. There's no problem at all. Everything is fine." On 1/7/03 the "Naples News" reported, "The Coast Guard determined that what caused the Panther One to go under water was deterioration of the hull on the back side of the vessel." Isn't Mr. Hamilton also the one who stated that twenty-nine (29) people were aboard the boat when in fact there were thirty-four (34) knowing that he should have had another crewmember aboard? Mr. Hamilton not only lied, he had the audacity to promote his business as "bigger and better." Perhaps he could cite the incident as being part of a great adventure. Maybe he could charge extra by hinting of the

risk one takes while riding in his vessels. Imagine a ride where your boat might actually sink and you could end up swimming for your life.

As to "Captain" Daniels, I find him to be incapable of presiding over the lives of trusting passengers. He was both in denial and hesitant to act in the interest of the passengers. I don't know that he mishandled the boat but I find it hard to believe that the boat, filling with water, as it must have been, was handling properly. How could he not have suspected something was amiss? When he finally decided that we might have been in trouble, he was indecisive. If the safety of his passengers entered his mind, he would have suggested, at the very least, that they get their life vests in hand. In the end, the only purpose the life vests may have served was to help keep the boat from sinking entirely, adding buoyancy to the sunken boat.

I don't know what kind of inspection was performed on the boat 729 days before it sank, but it was obviously inadequate. If the inspection was proven to be substantial and comprehensive, inspections should be performed more often. If the actual inspection was cursory, unmonitored or suspect, that casts a shadow on the authorizing body as well as the concessionaire. It was later reported that two other of the boats were removed from service after inspection. What happened there?

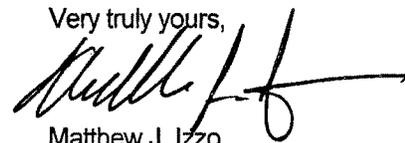
I was not aware until long after the sinking that the National Park Service did not run the boat tour. Every indication, including the name, "Everglades National Park Boat Tours," and the dress of the boat operators lead the casual observer to believe that the National Park is running the tours. I believe this is a deceptive practice that benefits both the government and the concessionaire. It turns out Aunt Helen would have been safer on any of the other tours not associated with the Everglades National Park and the US Federal Government.

I believe the life vest requirement should be revisited. At the very least it should be suggested that young children, the elderly and non-swimmers consider putting on the vests. If the "Captain" made this suggestion, I would have had my own machismo to take partial blame. If "Captain" Daniels made the decision that the safety of the passengers was foremost, we would have been wearing the vests and this incident would not have been nearly as terrifying.

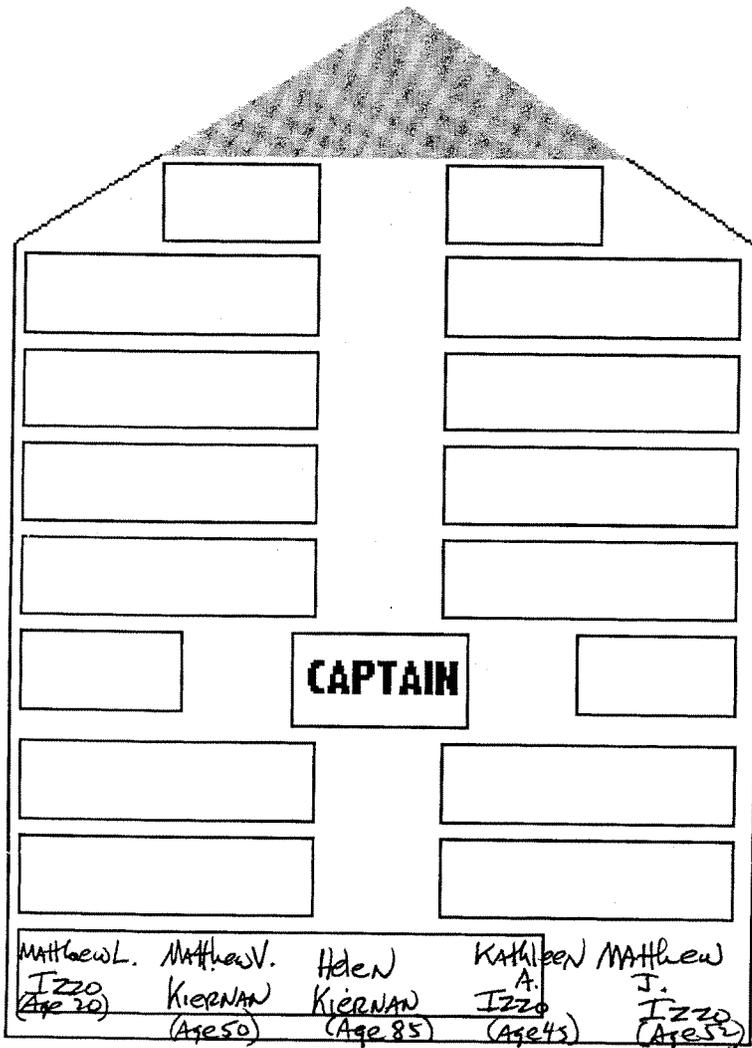
The government should reassess their association with a person of the questionable character such as Mr. Hamilton. He has concern only for his business and not the people whose money he is taking. This reflects poorly on the way our government does business. I really find it appalling that Mr. Hamilton showed no concern whatsoever for the victims of his boat sinking. In fact he seemed to make light of it. I hope that for two minutes he could live with the understanding that his child was dead and there was nothing he could do about it. Maybe then he would understand that what happened were far more than a few rubes getting a little wet.

Thank you for your patient understanding. I hope I have been of some help.

Very truly yours,



Matthew J. Izzo



NOTE: there WAS SEATING ACROSS the entire stern.
Panther I seating chart

1/31/03

On December 30 2002, at approximately 1PM, my family consisting of myself, my husband Matthew J, my son Matthew L, my brother Matthew Vincent Kiernan and my aunt Helen Kiernan went to Everglades City to take a tour boat of the Everglades National Park. We bought the last 5 tickets for Panther 1. Captain Daniels greeted us all as we boarded the boat and suggested that my family sit in the back row so we could be together. I assumed the captain was a park ranger because of the outfit he wore. He made a few jokes about a 3 hour tour and counted heads twice and made a joke about coming back with has many has he left with. The captain mentioned that there where life jackets on board for everyone, didn't show us one. He mentioned he had a radio so not to worry. As we set sail the boat seemed to have every seat taken. We saw an eagle nest, the airport strip and the outward-bound building. We then headed toward the Gulf of Mexico, as we went along some dolphins where in the water. The captain wanted to get the dolphins to chase the wake of the boat or surf, so he would drive very fast straight ahead then make a hard turn, has he did this water came into the back of the boat. He did this several times and the water would just disappear, eventually so much water came in my feet got soaked. The dolphins did surf and the captain had the people in the front of the boat come to the back to better see the dolphins. At some point the motor appeared to be smoking and I guess we went dead in the water. The captain must have realized this was happening because he had everyone in front of us go to the front of the boat. This did not help. Water started pouring in and it was up to my knees, at that time I noticed the captain casually wave over the passing crab boat from Triad Seafood. The next thing I knew the boat was gone and I was swimming in the everglades. I heard my husband yelling our son's name and I didn't know what had happened to him until I got pulled onto the crab boat. My son had already made it on board. It was a very terrifying experience, which I still think about all the time. I believe looking back over the events that the captain should have realized the boat was in danger of sinking and had us put life jackets on. It would not have been has scary if we had life jackets on. At no time did the captain seem to realize the seriousness of the situation and act appropriately as a master captain should. I also have learned that there should have been 2 crewmembers on board, I believe this would have helped. I hope that the National Park Service will take a long hard look at the operation of these boats and the operator. I really feel that all 34 people on board where in danger of drowning and we are lucky no one did. Someone I told my story too said it was like something you here about in a third world country and not Florida. Please keep me apprised of the investigation and if I can provide any more details let me know. Thank you, K [REDACTED]

PS The crew of the Triad fishing boat where very professional and caring. I cannot imagine what would have happened to us if they where not there. I really owe them a debt of gratitude for saving our lives.

While visiting the Everglades, I went on a boat tour that departed from the National Park in Everglades City, Florida. The tours were operated by Everglades National Park Boat Tours, which is owned by Everglades City Mayor Sammy Hamilton. It seems that the National Park Service contracts the tours to Everglades National Park Boat Tours, a private firm. The boat I was aboard that afternoon sank while we were out in the Everglades and this is my account of what happened.

Monday, December 30, 2002 was a beautiful day. The temperature during the afternoon was in mid-seventies, winds were low and the sky was clear. Early into the voyage, our captain remarked that it was currently low tide. Weather did not play any factor into the boat sinking.

Upon arriving at the National Park Station, my uncle, Vincent Kiernan, purchased what were the last five tickets to the upcoming boat tour. We did not wait long, as we were among the last people onto the boat. It was now around 1:30. I was with a group of five and the captain, James Mayes, told the other passengers to save the backbench for us. As we boarded the Panther One, he told us that people in the front of the boat would get a little wet during the tour and the back would be drier. This would turn out to be incorrect as water poured into the back of the boat throughout the journey.

I was sitting in the far left-rear corner of the vessel. Next to me was my uncle, Vincent, next to her was my great-aunt, Helen Kiernan, then my mother, Kathy Izzo, and finally my father, Matthew J. Izzo was sitting in the far right corner of the boat. I do not know offhand how many people were aboard but it seemed to me the boat was filled to capacity, if not over capacity. There was a two-person bench directly in front of me that three people were sitting on: a mother, father and their daughter, who sitting on her mothers lap. If the capacity of the Panther One was thirty-seven people, as all media sources have indicated, there could not have been twenty-nine people aboard. There must have been at least thirty-four people aboard. The boat was very cramped and there was little, if any, room to move on the vessel. I do not think the boat could have safely carried any more passengers.

Mr. Mayes was the sole crewmember aboard the Panther One. He did not seem to be intoxicated at all. He greeted us with a "cocky, backwoods attitude." His uniform was a faux Park Ranger outfit, complete with the safari hat.

As our trip began, Mr. Mayes made a few jokes. He counted the number of people on the boat and quipped that he liked to return with as many people as he left with. Then he made a Gilligan's Island joke. He quickly discussed safety. Mr. Mayes told us that lifejackets were under the seat in front of us, he mentioned the radio he had and claimed to be in constant contact with the shore and mentioned a couple of other of other safety issues. These remarks were made in passing and he did not convey the importance they would later have. It was not a thorough briefing, for example at no time did he take out a lifejacket and show the passengers how to correctly put it on.

We began our trip and Mr. Mayes began driving around the area and showing us wildlife. I could not help but notice how deep in the water the boat was. The back corner where I was sitting was never more then four or five inches out of the water. Water was constantly coming over the wall of the boat and into the passenger compartment. Five or six times during the trip water was ankle to knee deep where I was sitting. My feet were thoroughly soaked, well before the boat sank. My shirt and my shorts also kept getting

wet, especially when Mr. Mayes was driving at full throttle. The wake generated by the boat was substantial and was wetting those of us in the back row.

We ^{saw} sighted some dolphins and Mr. Mayes was trying hard to put on a good show. He started driving at full throttle, trying to create a large wake for the dolphins to surf in. He told everyone on the boat to move towards the rear in order to have a better view of the dolphins. At his request, those people in the front of the boat got up and walked towards the rear, where they stood and watched the show. Another boat from the same service, a larger vessel with two decks, was watching Mr. Mayes attract the dolphins. He was circling around in order to stay in the area where we first encountered the dolphins. He made a number of hard turns that caused the rear corner where I was sitting to dip into the water. A few times I had to kneel on the bench and hold myself up with the railings because so much water was coming in. At one point, he asked me if the water was draining and I answered it was. The water was leaving the passenger compartment, although its clear now that it was not draining entirely out of the vessel, it was just out of sight.

We kept circling around, trying to attract the dolphins. We were turning so much that I became disoriented to my surroundings and I was no longer sure which direction we came from. I noticed some gray smoke coming out of the rear of the boat. I am fairly certain that Mr. Mayes saw it was well, he was only four or five feet in front of us. I even made a sarcastic comment to my uncle about it, because I did not think it was a concern. Often times, when I had gone on trips like this in the past, I let things worry me but nothing ever came of them. I was trusting of Mr. Mayes because I am not a boating expert. At no time during the trip did Mr. Mayes seem particularly concerned about anything besides seeing dolphins.

At one point, quite a bit of water poured into the vessel. At this time, Mr. Mayes seemed a bit more concerned and told the passengers to move towards the front of the boat. Those passengers who were standing returned to their seats and those seated in the back moved up towards the front. Looking back, it is clear he recognized there was a problem and felt the need to balance the weight inside the boat. Everyone moved towards the front, except for my family. We remained seated on the backbench and Mr. Mayes did not tell us to move forward. There was no much room aboard the boat and it would have been difficult for my family to move from our seats.

We had stopped moving at this point. I am not sure if this was because of a mechanical issue or if Mr. Mayes intentionally slowed us down in order to try and fix the problems we were having. It does seem as if the latter was most likely. The intercom stopped working and only a clicking noise was coming out of the speaker. Mr. Mayes opened up a cabinet beneath the controls of the boat and it appeared as if the water caused it to short out. I do not know if it was only the intercom or if the radio communicating with land had also shorted out. However, I cannot recall Mr. Mayes talking much into a radio. If he did, he did not seem to express any urgency and he could not have said more than a few words.

We were stopped and intercom was not working. At this point the water in the passenger cabin had drained, although I now assume it was never pumped out of the vessel. There was a problem with the boat and Mr. Mayes recognized this. He motioned for a passing boat to come over towards us. This boat was the crab boat that would eventually save us. I was confused why he was doing this and so was the crew on the

boat he called over. They turned around and began to pull up along side of us. All of a sudden, water was pouring into the boat and soon we were up to our waists in seawater. The next thing I knew, the boat was gone and we were all in the water. I could not believe the boat had sank, in fact I still cannot.

I then understood why Mr. Mayes called the other boat over. That boat was very close to me so I swam the short distance to it and pulled myself aboard. I then looked around and saw my father was still in the water, holding up my elderly great-aunt with another couple. I noticed Mr. Mayes was some distance away, clinging to the small part of the Panther One that remained above the surface along with a few passengers. Most of the passengers were swimming over to the crab boat and being pulled aboard. I saw my mother and my uncle were aboard and were all right. After a few minutes, the boat went over to where my father and great-aunt were and they were pulled aboard. After a couple more minutes, everyone appeared to either be aboard the crab boat or another smaller vessel.

We floated aboard the crab boat for a short time until some other boats from Everglades National Park Boat Tours came to take us back to the National Park station. We were then taken back to land, where ranger Candace Tinkler greeted us and asked if anyone needed medical attention. Everyone seemed to be fine, save for a few scrapes and bruises. We had EMS come to check my elderly great-aunt and make sure she was in good health. She was and after an hour or so, we left the park to return home. While we were there, they offered us towels and gave my great-aunt a sweatshirt from the gift shop. They also provided her with military style blankets.

The rangers also took our names, addresses and a list of what we lost and was damaged. My cellular phone was ruined and I lost my sunglasses. My father lost his brand-new digital camera and my mother lost one of her shoes. Numerous passengers cellular phones were ruined, many lost cameras and some even lost their purses, filled with their keys, credit cards, money and other personal belongings.

Quite a number of things disturbed me about this incident. Primarily, at no time did anyone have a life jacket on. I am certain that Mr. Mayes knew there was a problem at least two or three minutes before the boat sank and there is absolutely no excuse for him not tell us to put on our life jackets. Looking at the size of the boat and how low in the water it sat, every passenger probably should have worn a life jacket for the entire trip. At the very least, the children and elderly aboard should have been mandated to wear a life jacket. Such a practice is indefensible and in the future I would strongly recommended that both Florida and the National Parks Service examine the use of life jackets and make more strict rules regarding their use. I would say however that while Mr. Mayes knew something was wrong, I do not think he ever thought the boat would actually sink.

Second is the way Mr. Mayes was driving the boat. The Panther is not at all a speedboat; it is designed to slowly transport its passengers. Mr. Mayes was driving at full throttle for much of the trip and making hard turns that the boat was not at all designed for. At the very least, he should have stopped because so much water was pouring into the boat and all these customers were getting very wet. Afterward, Mr. Mayes seemed very defensive and blamed the incident on the wake from the crab boat. This may have been the straw that broke the camels back but Mr. Mayes did call the boat over to us and the boat probably would have sunk anyway. I would characterize him as very cocky and

at times reckless. One of the passengers was quoted as saying "the captain did a great job." I would very strongly disagree with this assessment and I would place the majority of blame on Mr. Mayes.

Thirdly I was dismayed by the lack of preparedness when we reached land. Granted this had never happened in forty-seven years of tours, but there were only two or three rangers working and this was too much for them to handle. They did not seem to have any procedure to deal with this nor did they have the proper forms. There was no medical personal waiting on shore when we returned, we had to tell them we wanted an ambulance and wait twenty minutes for it to arrive. While we were at the National Park Station there was not one police officer, state trooper or sheriff there. I did not see one coast guard official, boat, plane or helicopter the entire time either. I was actually very surprised when this was on that evening's news because I thought this incident was going to be successfully covered up and swept under the rug.

Finally, I am dismayed by the comments that Mr. Hamilton has made in the media. Publicly, he has shown no remorse and offered no apologies. In fact, I have still not been offered an apology by anyone involved. He only seems to be concerned about the damage done to his business, not the accident that could have become a horrible tragedy.

I would like to praise the crew of the crab boat that saved us; they were nothing short of excellent. Unfortunately I do not know the name of their boat, but I would like to offer my thanks. They were extremely helpful and did everything that was asked of them and more. It seems that they were being blamed for sinking the Panther One in the media and this is simply not true. They rescued us and again, it was Mr. Mayes himself who called them over towards us.

Also, despite their lack of preparedness, the rangers on land were very concerned and did the best job that they could. Our money was promptly refunded and we were told we would be reimbursed for what we lost and what was damaged. Mr. Hamilton himself said in the newspaper that we would be reimbursed. I hope that this process is speedy and accurate; I do not want to have to cut through a lot of red tape in order to regain what was mine to begin with. Prompt reimbursement is the very least that can be done.

Luckily, no one was badly injured or killed in this incident. My father has seriously injured his shoulder and I am sure everyone aboard has suffered serious psychological trauma from the incident, myself included. I would like to make sure something like this never happens again.

If you have any questions, comments or need to contact me at all, I can be reached on my cellular phone [REDACTED] at home at [REDACTED] my email address [REDACTED] and my home address is Matthew L. Izzo; [REDACTED]

Brownstein Family Statement
(four pages including this cover)

February 19, 2003

Everglade Tour Boat Sinking

Date: December 30, 2002

Time: 1:30 departure

People on Board: 35

Party Members: Stew Brownstein
Cynthia Brownstein
Stephanie Brownstein
Jennifer Molay

Having purchased a ticket for four (4) for the 1:30 tour, our party proceeded to the boat. We were the last party to board with myself being the last person. At that point the Captain took my ticket and proceeded to do a body count. The Captain made mention of the count as he jokingly said that he likes to return with the same number of people that he leaves with. Standing next to him at that time, I too did a count. I counted 34 passengers and the Captain.

Upon departure, the Captain gave us his history plus details on boat safety and emergency procedures including location of life jackets. The captain then covered length of tour, where we would go and what we would hope to see.

After an unsuccessful manatee search and having seen many species of birds, the boat went out further in search of Dolphin. Working in conjunction with one of the larger tour boats, Dolphin were sighted with some coming up very close to the boat. After about 10 minutes the captain encouraged some passengers to move to the back of the boat saying this would create a larger wake which the Dolphin like. After a short period and a couple of turns, the deck of the boat came closer to water level. At one point the Captain asked the passengers to look over the side to see if the bilge pumps were functioning. I could not tell because the holes were below water level. Some people in the back were getting their feet wet. My wife asked me to move the camera bags to keep them dry.

Having made one last turn, the water level had reached just short of the deck. At that point it appeared the Captain knew there was a problem as he either radioed or signaled a passing crab boat for assistance. To my wife's and my recollection, **AT NO TIME DID THE CAPTAIN MENTION GETTING THE LIFE JACKETS OUT.** Within minutes, water started coming over the side. In a matter of seconds, the boat was submerged.

Fortunately the crab boat was within 10-20 feet and most passengers were able to swim to it. There were approximately 10 people who were left in the water clinging onto a floating chair and whatever else was available.

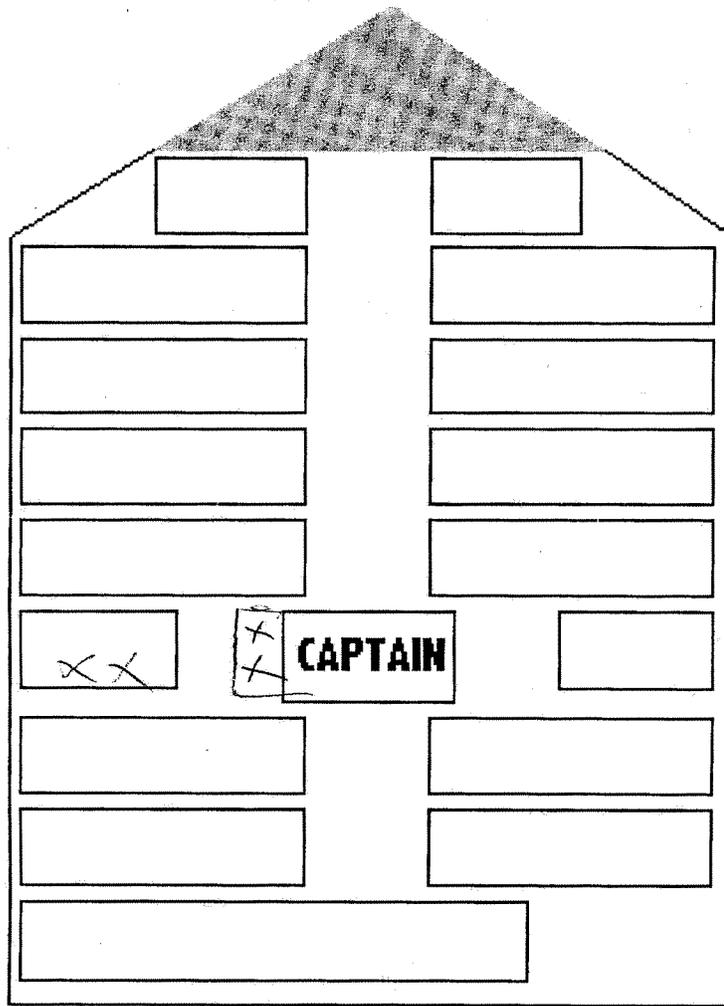
Ten to fifteen minutes later, two boats came from the Everglades Tour facility. One was a sister boat to the Panther 1 the other was a larger boat. Most if not all passengers chose to go on the larger boat. The people in charge were very courteous and sympathetic. They asked to make sure that everyone was OK and asked if anyone needed the emergency squad or medical attention when we returned to the dock. All passengers declined the emergency squad.

National Parks employees greeted the boat. It was determined that an 87-year-old woman should be checked out and the squad was called. The squad arrived a short time later. Towels were given to passengers to dry off. Passengers were asked to make a list of lost or ruined belongings. There was some confusion in that three or four different people were collecting this information. A refund was given. Everyone went home.

Please feel free to call if there are any questions.

Stewart Brownstein

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



STEW BROWNSTEIN
 CYNTHIA BROWNSTEIN
 STEPHANIE BROWNSTEIN
 JEW MO/AY

Panther I seating chart

Gibb Family Statement
(three pages including this cover)

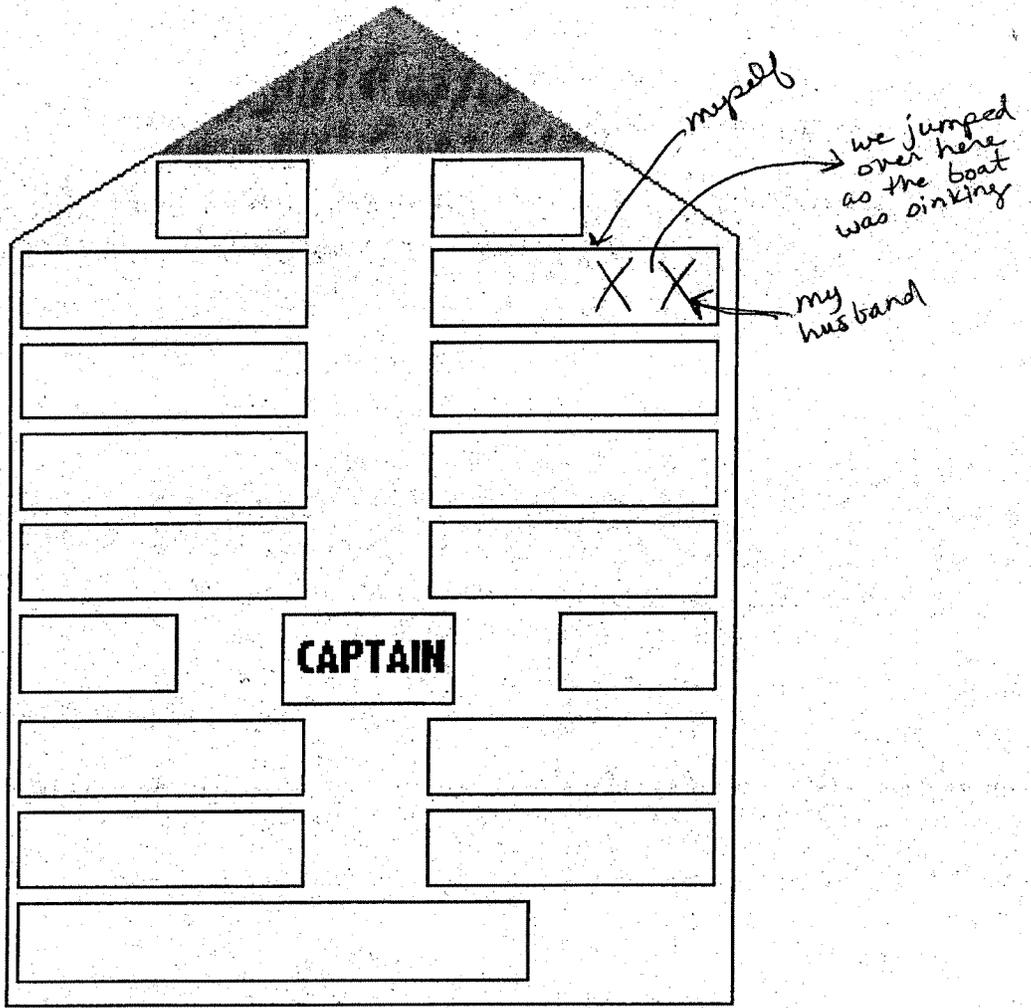
Dec 30, 2002 Panther One sinking.

Don't exactly remember the time - about an hour after we'd been on the boat and it may have been a noon or 1p.m. tour. There was only one captain - Captain Daniel. He drove us through the tour and had us out in the ocean in the 10,000 Islands. He was encouraging dolphins to come and swim in our wake. All seemed normal and not dangerous. We don't remember anyone else's name - we were never introduced to other passengers. There were about 35 of us. One minute we were touring and the next we were floating in the ocean. The boat went down so quickly that there was no time to retrieve life jackets. It seems that maybe the captain knew we were taking on water so he motioned for a nearby vessel, a crab boat, to come over and take on some of our passengers. Only some were let onto the boat at first. The rest of us found floating fiberglass benches that had broken from the Panther One to sit on. Eventually the crab boat took us all on when there was no response from the Coast Guard or anyone else. Finally about 25 mins^(?) after the sinking, two other boats showed up and took us from the crab boat back to the dock. That took 30-45 mins to get back.

An interesting side note - a few days later my husband and I wound up staying in Collier-Seminole State Park. We took another boat trip and the captain of the Seminole Princess (forgot his name) is a friend of Captain Daniel's and trained him. We told him of our adventure and he told us that Captain Dan told him that they knew the rear bilge pumps weren't functioning properly, that ~~we~~ we were overloaded by four people, and there may have been a cracked hull due to the Panther One being run aground a couple of days prior. This is all hearsay, so you may want to interview the captain of the Seminole Princess too. He told us that Dan's boss forced him to take the tour out despite the above conditions. Despite everything, we had a great time and it turned out, for us, to be an exciting and unforgettable experience.

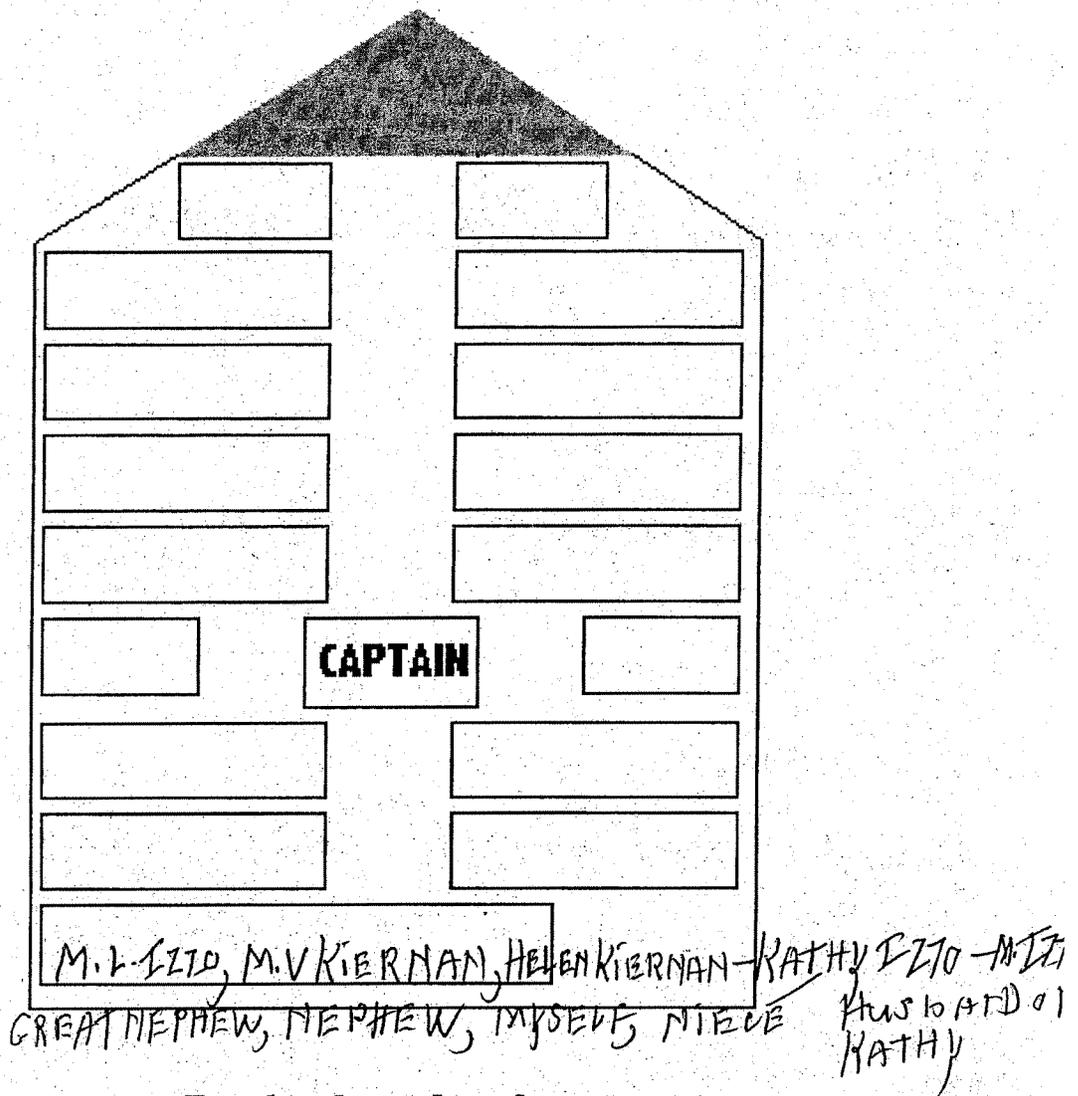
Andrea + Brian Gibbs

Andrea + Brian Gibb



Panther I seating chart

Helen Kiernan Statement
(three pages including this cover)



Panther I seating chart

We left dock afternoon of Monday Dec. 30 -
 We were in the back row - the Captain told us
 life preservers were located under the seats
 in front of us.
 As time passed I noticed water coming in
 from my left - shoes getting wet - more
 water came in up to my knee - I remarked
 to my niece Kathy "this is ridiculous."

Then without any warning the boat
tipped sharply to port and we were
thrown into the water. We had no chance
to get to the life jackets.

I found myself treading water and hanging
on to some wood which I believe was the
Captains Chair.

It was a terrifying situation. Thank God
my nephew in law was with me sharing the work
a crabbing boat captained by Kelvin Townsend
came to our aid and pulled us aboard.

Captain Townsend was very capable. Then
another boat came alongside and we were
transferred to that and taken to land.

The Park Service people were very helpful.
They asked if I wanted to go to the hospital
because of my age (85) but I said no - just
check blood pressure.

I feel that our Captain was "not logging"
the ride and that the incident never
should have occurred.

1-31-03

Helen V. Keenan

Janet McKerral Statement
(four pages including this cover)

Janet McKenval

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I was one of the last 4 passengers remaining on the boat after the other passengers had been rescued. There were two Canadian passengers who could not swim. The boat was already submerged and the passengers were up to their shoulders in water. The Captain was doing nothing to assist.

I tried to dive down under the water to get life jacket from under the seats. One compartment had no life jacket - some sort of wooden plank was inside

②

The second compartment the bolts did not come undone quickly - They are slow and ~~get~~ awkward (this is under ^{three} ~~3~~ feet of water). You need to

consider some sort of quick release mechanism. Once the door was open the jackets do not pull out easily.

I could only get one jacket for two passengers who could not swim. If the jackets had been more easily available I could have got more.

Please reconsider the bolts and replace with quick release.

Why did the captain also not help get life jackets / also ~~but~~ he did not radio for help.

There was time between the vessel taking water in and going down to radio for help and to give the instructions to put on life jackets.

It was fortunate that another vessel was passing to lift passengers otherwise the situation ~~was~~ could have been worse. The captain should

have ~~not~~ told people to put life jackets on when he realised the bilge pumps were not functioning - Asking people to move to

front/side was not the ideal solution.

At this point he should have asked people to put life jackets on.

Terry Hutchinson Statement
(four pages including this cover)

BOAT SINKS Dec. 30 2002

03-04-03

Terry Hutchinson

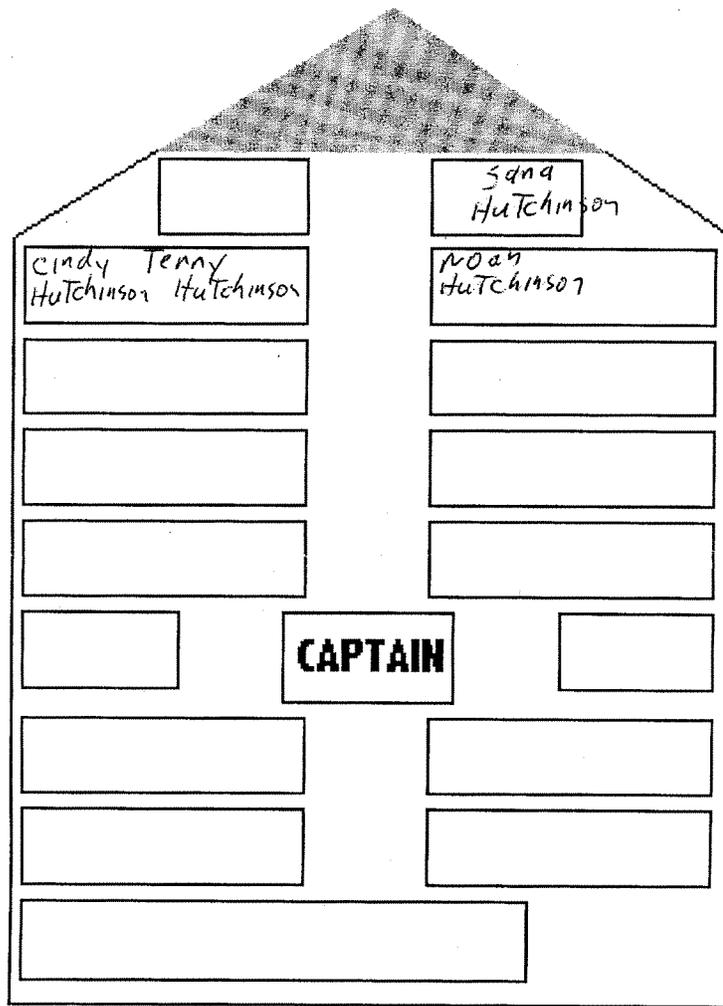


In response to your letter about what happened on this day.

We arrived at the Everglades Park about 1:00 P.M. The larger boat was leaving soon so we decided to take the next boat, the smaller one, 35 footer. I believe it left around 2:00 P.M. The weather was nice about 70 degrees, sunny, slight breeze out of the southwest. There were about 29 passengers on the boat, my family sat up front. The captain introduced himself, described where the tour was going (out the channel into the Gulf of Mexico and then up a smaller channel into the Everglades, about 17 miles) and about how long it would be (one and one half hours) and that lifejackets were under the seats. We were out about 30 minutes when we spotted some porpoises. The Captain said they Liked to swim in the wake of the boat. The captain asked everyone to step toward the rear of the boat to make a larger wake (I didn't think this was a good idea at the time so we took a baby step back). The captain took the boat around in a big circle and the porpoises swam and jumped in the wake. We were just passing the last two islands before going out into open water, when this happened. The captain then stopped the boat; I thought it was to watch something. I was in the front of the boat on the left side and could not see the back of the boat. (After we returned someone who was in the back of the boat at this time said that the water was knee deep). I heard a man ask the captain why we were stopped and when we would go? The captain said "we will leave in about 5 minutes, I am waiting for the bilge pumps to pump out the rest of the water". At this time the intercom that the captain was using stopped working, it was making a beeping noise but I could see the captain talking into it. After about 10 minutes the same man asked the captain again when we would be going? The captain said, "just a few more minutes and the water will be all pumped out and we will go". I was not worried at this time because of the captain's reply. About another 5 minutes went by (about every 10 minutes a fishing boat was coming in off the gulf) and my wife noticed that the next fishing boat that was coming in off the gulf had made a sharp right turn and was coming at us at full speed. I looked at this boat and thought what is he doing? At this time the captain asked everyone to sit down, the fishing boat was coming along the left side of our boat, when the fishing boat was about three feet from our boat our captain said "we will now all be getting onto this fishing boat". Of course we all stood up and I now knew that something was wrong with our boat. Just as our captain said the words "fishing boat" our boat sunk! It took about 3 to 4 seconds to sink. The man I talked to after we got back in said that the water just got deeper and deeper in the back of the boat and then it sunk. So the boat started to sink I pushed my wife on to the fishing boat (she grabbed the edge of that boat), grabbed my daughter and jumped (by this time the top railing of our boat was 2 to 3 inches under water) and I grabbed onto the edge of the fishing boat, one second later my son jumped off our boat and grabbed onto my neck. I now had a rough time, I was pushing my daughter up so she could get a hold of the fishing boat (she did) and I was trying to get my son off from my back so he could hold onto the fishing boat too, I was in a big hurry because the rope that was used for a railing on our boat was wrapped around my ankle and was pulling me under the water. I finally got my son onto the edge of the fishing boat just as my head was going under the water, I was jerking and pulling on my leg and it finally came loose. The fishermen on the boat pulled all of us into their boat. I would say we were in the water about 15 minutes. I think two other boats pulled people out of the water too. We all counted heads, no one was missing so we headed in. About 20 minutes

towards shore an Everglades boat picked us up (same type of boat we went out in) and out captain took our new boat into shore (he had been picked up by another boat.) The Everglades boat that picked us up had no supplies on it, life jackets only, no first aide no blankets my children shivered all the way in. When we got back to land, there were a few Everglades (rangers?) people there talking to some of the passengers, but we had to find them, I went in to the gift store and got some towels and a blanket for my family. There was an ambulance there but they did not check many of us out (my wife and I checked out our children and they seemed ok just scared and cold). Both of my knees were scraped and bleeding so I went into the ambulance and asked for some kind of antiseptic, the paramedic/ ambulance drivers said that I would have to apply (the antibiotic) it myself because they were out of latex gloves and I did. I went inside and gave my name address and phone (I was not asked for it) but they did ask me if I wanted a refund of my money for the tour, I did. We stayed for about one hour to dry off and I bought dry shirts for everyone in our family. All the passengers were just standing around they finally just got in their vehicles and left, we did too. We had about a 6-hour drive back to the Orlando area all wet and smelly.

At no time did the captain warn us that the boat might sink and at no time did he tell us to get out the lifejackets!! When we got onto the rescue Everglades boat I immediately got out lifejackets for all of us, and I discovered that the small doors on the back of the seats that housed the life jackets could not be opened while you were in the seat! There was not enough room; the door hit your ankles. We had to put our feet on the seat to get the doors open; we did get lifejackets out for everyone!



Panther I seating chart

Matthew Kiernan Statement
(four pages including this cover)

February 9, 2003

Dear Lieutenant Arroyo,

I am from Fort Worth, Texas. I was spending New Year's week in Bonita Springs with my wife and our combined families in a sort of family reunion. I went to the park with my sister Kathy, her husband Matt, their college age son Matthew, and our aunt Helen who is 85 years old. The rest of the families remained in Bonita Springs.

We got to the park early afternoon after having lunch in Everglades City. We were able to purchase the last five tickets for the *Panther*. The Captain asked a couple of people sitting in the last row to move, which they did so graciously, so we could all sit together.

There were about thirty people on board, including the Captain. I recall him doing one head count to match with the tickets. He gave a brief safety lecture telling us that the lifejackets were located in a compartment underneath the bench in front of us, that the boat was in constant radio contact with the park and that there was a fire extinguisher on board.

The trip began innocently enough. We pattered around the nearby islands with the Captain pointing out various landmarks. The Captain then said he wanted to show us some dolphins and in order to do so he would race the boat at full speed hoping the dolphins would give chase which they inevitably did. When he would slow the boat and swing around some water would splash over the side, the boat seemed low in the water, but I thought it was from the wakes and anyhow the water quickly receded.

This went on for about ten to fifteen minutes. Each time more water sloshed over and it took longer to drain. At some point my nephew Matthew noticed smoke coming from the stern. I told him it was probably just exhaust from the engine. By now we were in the main channel where the water was choppy from all the traffic. I noticed the Captain signaling with his arms, he tried the radio but it was dead, all of a sudden the boat literally sank from underneath us. There was no warning, no time to grab a lifejacket, it was like having your chair pulled out from underneath. We were sitting and in the next instant we were treading water.

I noticed on my left the crab boat was slowly making its way towards us and people were swimming towards it. I noticed my aunt being supported by my brother-in-law and another couple. They were able to use the captain's chair for ballast. There was no panic or screaming. I noticed my sister come up next to me and we were soon pulled aboard the boat. Her son Matthew was already on board. The crew headed the boat towards the cluster supporting our aunt and they were quickly pulled aboard. A pleasure boat had

also come to our rescue and they pulled up eight or nine people. The crab boat had about twenty. One of the crewmen gave my aunt a jacket to wear. I must say all the crewmen did an excellent job and should be commended in some way.

We headed towards the park and after a few minutes transferred to park service boats and made it back to shore without incident.

A few observations: Upon hindsight it appears the Captain's "hot dogging" led to the sinking. However, I will assume he had done the same thing on earlier trips and probably most of the trips he made for that company without incident. So it appears some structural failure with the boat or the bilge pump led to excess water not being able to drain. If it is determined to be a structural failure then the question becomes when did the Captain sense something was wrong and if he didn't why not? Could he or should he have ordered the lifejackets to be put on earlier?

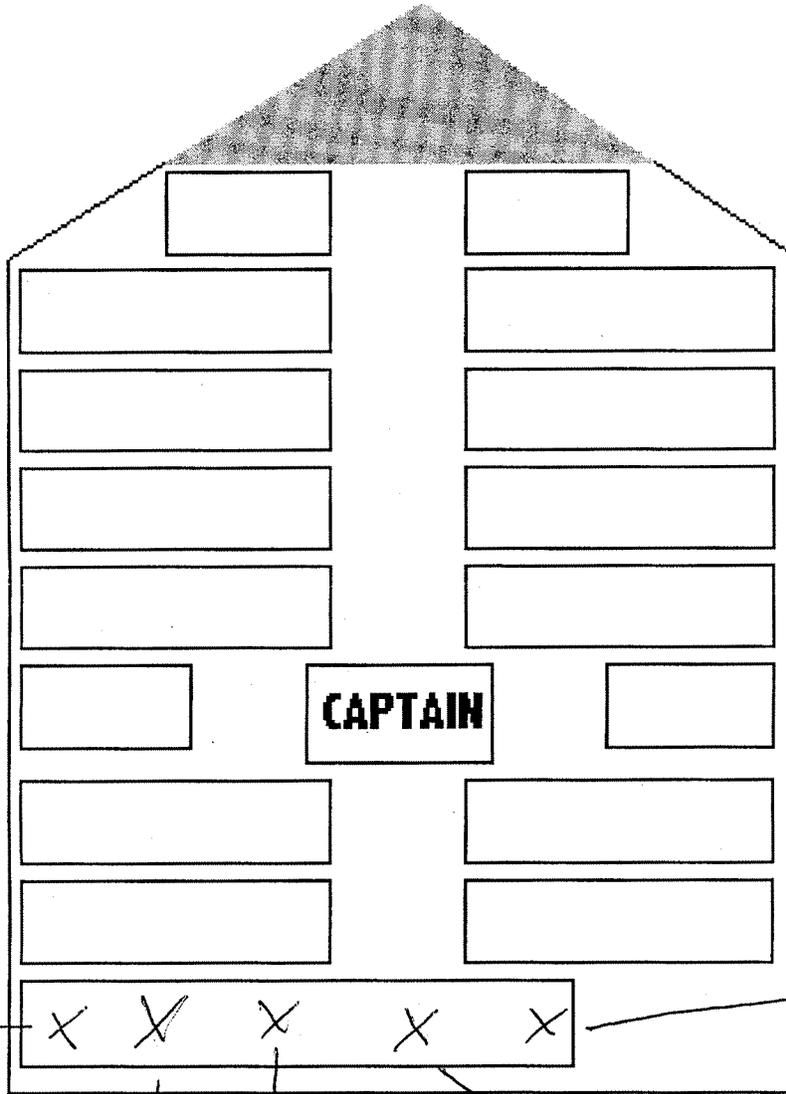
I thank you for your interest in this matter and look forward to your report. Should you need further information please do not hesitate to contact me.

Sincerely,



Matthew Vincent Kiernan

[Redacted contact information]



Matthew
Izzo
my nephew

matt Izzo
my brother-in-law

Matthew
Kieman
me

Helen
Kieman
my aunt

Kathy Izzo
my sister

Panther I seating chart