

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of: *
*
MV ETHAN ALLEN, *
LAKE GEORGE, NEW YORK, *
OCTOBER 2, 2005 * Docket No.: DCA 06 MM 001
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Interview of: FRANCES NELSON

National Transportation Safety Board
490 L'Enfant Plaza East, S.W.
Washington, D.C. 20594

Tuesday,
October 18, 2005

The above-captioned matter convened, pursuant to
notice, at 11:33 a.m.

BEFORE: MARIETTE BURER

APPEARANCES:

MARIETTE BURER
National Transportation Safety Board

MAJ. STEVE RIVENBURGH
New York State Park Police

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I N T E R V I E W

(11:33 a.m.)

1
2
3 MS. BURER: -- and my name is Mariette Burer, with
4 the National Transportation Safety Board, and I have with me --
5 go ahead and introduce yourselves.

6 MAJ. RIVENBURGH: Major Steve Rivenburgh, New York
7 State Park Police.

8 MS. BURER: Okay.

9 MS. NELSON: My name is Frances Nelson for Woodmore
10 Lake (ph.), Michigan.

11 MS. BURER: Okay. And this is in regards to the
12 Ethan Allen capsizing that occurred on October 2nd.

13 Today is October 18th, and it's approximately 11:33
14 in the morning.

INTERVIEW OF FRANCES NELSON

15
16 BY MS. BURER:

17 Q. What I would like for you to do, Ms. Nelson, is just
18 in your own words describe the events that happened that
19 Sunday, and you can start from in the morning, and then carry
20 us all the way through the actual incident.

21 A. Start with the morning.

22 Q. Okay.

23 A. We left I believe Indian Head Resort in the morning,
24 and stopped for lunch. I remember doing that, and I believe we
25 were due at the boat at about 1:00. I can't remember exactly,

1 and I don't have an itinerary available to me to tell me when
2 we actually did that. I remember being on the -- well, I
3 remember getting into the boat, and actually before we got into
4 the boat I should say, it appeared that many of the people that
5 were getting on didn't realize a little bit about keeping a
6 boat flat, and there were more people sitting on the three
7 passenger side than on the two passenger side, and we kind of
8 yelled at them to get over, but by the time I got on the boat,
9 the only thing that was left was some seats in the three
10 passenger side, and I was in one seat and my roommate was
11 immediately in front of me. I remember being on the water for
12 about a half an hour, and I do have some pictures of some
13 buildings that we passed, and I remember the, the captain
14 turning the boat and we kind of laughed about it because we
15 were getting sprayed, and then all of a sudden it was quite
16 obvious to me that we were going to go over because the water
17 came right over the side of the boat. And from then on, all I
18 can remember is that I was looking for, for lighter water and
19 to get up above and by the time I got up above, the boat was
20 turned over completely, and I was hanging on on the side until
21 people pulled me out of the water. Now how much farther do you
22 want me to go?

23 Q. No. Keep going.

24 A. Well, I have no idea how long we hung on, but there
25 was a lady by herself in a boat. I believe that we were in a

1 while before they started to throw floating devices to us, but
2 pretty quickly after I had one, we weren't very far from the
3 boat because I do not swim, but I did get myself over to the
4 boat and I told her that I had had two hips replaced and I was
5 a little bit leery about just being thrown over the boat and
6 pulled in. So she directed me to a ladder and with the help of
7 the rope yet, too, I got pulled in, and got, got up and into
8 the seat and I remember sitting there, and occasionally putting
9 an arm out into the back and helping people get in, and I
10 remember one woman laying in my lap for a little while, and
11 then we had to kind of ease her up so that other people could
12 board. I can't tell you how many people were there. I think
13 it was six or seven people who were pulled in, but I'm not real
14 sure. I remember sitting on the shore watching people come in.
15 I did not see any body -- any bodies floating at all. I was
16 not close to that at all. And after that, of course, we went
17 to the hospital and were well taken care of, and then back into
18 the motel where we were staying, and a very nice lady protected
19 against the media. Anything else?

20 Q. Well, I'll go ahead and ask you a couple of
21 questions.

22 A. Okay.

23 Q. How -- as far as the hospital, did you sustain any
24 injuries?

25 A. No, I really didn't sustain anything but some bruises

1 and really I didn't notice them until the next day but I have a
2 bruise on my left -- or my right leg from pretty close into my
3 crotch to below my knees and I have another circular one on my
4 right or left hip.

5 Q. Okay.

6 A. And then both shoulder blades had small ones on it.

7 Q. Okay. But did you stay in the hospital for any
8 length?

9 A. No, no, as soon as they were able to move us over to
10 our motel, I was ready.

11 Q. Okay. Did you see any official boaters out there
12 besides from the pleasure boaters?

13 A. Any official?

14 Q. Yeah.

15 A. Yeah, I saw the boats come in and I saw also the
16 scuba divers out there in the water but I lost a pair of
17 glasses. I should have told you that before. I lost my
18 glasses and so therefore I was not seeing all that clearly.

19 Q. Okay. When, when you actually -- were you one of the
20 first people to get in or last or --

21 A. Into the little boat that I was in, I was probably
22 the third person. I'm not really, really sure, but, yes, it
23 was pretty soon, and like I say, I remember she had a rope that
24 she was helping people with, and as soon as they got up onto
25 the deck of the boat there, I would reach out my arm and, and

1 just steady and help a little bit.

2 Q. Okay. And then how about the actual tour boat. Can
3 you tell me a little bit about what your impression of it was,
4 anything that may have happened on the dock area or any
5 impression of the captain?

6 A. Well, I can't even remember seeing the captain to be
7 honest with you. Like I say, we were among the last ones that
8 got on the boat, and I do remember him directing our tour guide
9 up to the front but that's, that's as much as I know about him.

10 Q. Who was your friend that was sitting --

11 A. Directly in front of me?

12 Q. Yes.

13 A. Christine, but I can't pronounce her last name. It
14 was Stephanie Christine P R C Y B Y L S K I.

15 Q. Okay. I see.

16 A. And Helen Niles was sitting directly next to me, and
17 Bruce R E N K I E W I C Z, was next to her, next to the outside
18 of the boat.

19 Q. She was sitting by the window?

20 A. Yes.

21 Q. Okay.

22 A. And she is gone.

23 Q. Okay. And Helen Niles?

24 A. Helen Niles is still alive.

25 Q. Okay.

1 A. She was sitting between she and I or Bruce and I.

2 Q. Okay. All right. Do you know any of the other
3 people that were on that particular -- in your area where you
4 were sitting?

5 A. No, I really can't tell you that I do. I didn't
6 check, didn't, you know, look that close. I just remember that
7 I made a comment to our tour director, Carol, because she was
8 standing in the back, and I said, I don't think that's the best
9 place for you or something to that effect, and with that, the
10 captain said, there's a place up front.

11 Q. Okay. You had mentioned something about a camera and
12 that you took a couple of pictures?

13 A. Yes, and I do have, have the memory. I was one of
14 the ones that had a very small purse that had my ID and all
15 that other stuff in it, and my camera was attached to it. So
16 my camera did come up with me, and I do have I believe four or
17 five pictures while we were actually on the boat, but I don't
18 think that there are any pictures, I can't remember, of any
19 people in the boat.

20 Q. Where does -- where is it now? Is that with you now
21 here in Michigan?

22 A. Yes.

23 Q. Okay.

24 A. I have it with me.

25 Q. Okay. Can you tell me the conditions of the lake?

1 A. It seemed to be pretty, pretty quiet. I mean I don't
2 remember any bobbing back and forth or anything. Even in the
3 one -- the first turn that we made, I thought the turn that we
4 had the problem with was rather sharp but to be honest with
5 you, I thought it was a problem with the boat itself.

6 Q. Right.

7 A. But I don't know.

8 Q. The weather?

9 A. The weather was bright and sunny.

10 Q. Okay. Do you recall anything as far as with the
11 windows on the vessel?

12 A. No, I really don't. Like I say, I -- once that water
13 hit me, I just kind of -- my only concern was getting out. I
14 didn't hear anything. I didn't hear anybody scream. I didn't,
15 you know, there was some laughter to start with but I didn't
16 hear anything beyond that. It was in the water and I don't --
17 like I said, I don't know how long it took me to get up, but it
18 must not have been too long because I don't recall swallowing
19 any water.

20 Q. Right. Now the captain, when he was having his
21 narration of the tour, were you able to hear him pretty well
22 or --

23 A. Yes, really. I mean remember him talking about the
24 Singer Mansion and that's one of the pictures that I believe I
25 have, and that type of thing, yeah.

1 Q. Do you remember the last house that he was talking
2 about before the accident?

3 A. No, but I have a picture of it I believe.

4 Q. Okay.

5 A. I haven't printed any of them. It was on a memory
6 chip.

7 Q. Okay.

8 A. And I just haven't -- I've looked at them. I put
9 them on my computer. I've looked at some of them but I haven't
10 printed anything.

11 Q. Okay. And it's not deleted?

12 A. No.

13 Q. Okay.

14 A. No.

15 Q. Before you got -- I know that you're one of the last
16 people to actually --

17 A. Go to the hospital, yeah.

18 Q. Yeah. Not only that but also you're one of the last
19 people to actually get on the tour boat --

20 A. Uh-huh.

21 Q. -- the Ethan Allen. Where was the captain at the
22 time that you actually boarded?

23 A. I believe that he was at the back of the boat, at the
24 steering wheel.

25 Q. Okay. Do you recall seeing any action going on, on

1 the dock area when you were walking towards the boat prior to?

2 A. Well, just what I told you, you know, that people
3 were sitting on the three sided area and I was concerned about
4 the weight because the boat was, you know, rocking quite, quite
5 badly.

6 Q. Right. And did the captain address that problem?

7 A. Not to my knowledge, no.

8 Q. Okay.

9 A. And we ourselves were yelling at people to move.

10 Q. Right.

11 A. You know, I couldn't hear him on the boat itself.

12 Q. Okay. Did you hear any kind of -- during the tour,
13 did you hear any kind of different noises or foreign noises or
14 strange noises during the trip?

15 A. I don't recall anything, no.

16 Q. Okay. Your, your clothes, what exactly did you have
17 on that day?

18 A. What did I have on? I had a pair of black, black
19 slacks with a blue shirt with a blue or black -- a black shirt
20 with blue roses or blue flowers on it. It was very visible on
21 television.

22 Q. Okay.

23 A. I mean even I could see that.

24 Q. Okay. All right. I'll have to remember that one.

25 But your slacks, what material were they made out of? Do you

1 remember?

2 A. They were micro suede or something like that. I,
3 I -- they were washed, no tell, but I have them sealed in a
4 plastic bag because they smell very heavily of diesel fuel.

5 Q. Right.

6 A. Even after being washed.

7 Q. Do you recall what side, when you finally came up,
8 right, and you were above water, before you actually had a life
9 or floatation device thrown to you, do you remember what side
10 of the vessel you came up?

11 A. Well, this is part of the mystery as far as I'm
12 concern. Like I said, I was sitting in what I would consider
13 almost the middle of the boat but when the boat capsized, I was
14 on the opposite side.

15 Q. Okay. Do you recall if before it actually capsized,
16 was anything going on with the boat itself that you could
17 describe to me? Was it any kind of direction or did you feel
18 anything?

19 A. No, like I said, the only thing is that I saw that
20 there was some spray coming in and it seemed like an awfully
21 sharp turn that he was making.

22 Q. And --

23 A. Like I say, I thought that was, you know, after
24 thinking about it for a while, I had it in my head that it was
25 probably something with the steering gear.

1 Q. Now the sharp turn, which way did he turn?

2 A. To the left.

3 Q. To the left. Okay. And which way did you capsize?

4 A. It went over to the right and over.

5 Q. So --

6 A. At least that's the way I remember it.

7 Q. Yeah, and that's exactly what I expected is to have

8 you tell me, you know, which way you remembered it. So what

9 you're saying is that he turned a sharp turn to the left --

10 A. Uh-huh.

11 Q. -- but you capsized on the right?

12 A. Right. That's where I was. I was definitely on the

13 right side of the boat. I think most of us were.

14 Q. Did the boat actually capsize on the right or on the
15 left-hand side?

16 A. Well, it was going this way and it went over. It
17 went over to the left, and I was on the right.

18 Q. Okay.

19 A. That's the way I remember it anyhow. Like I say, by

20 that time I wasn't thinking too much more than get to the

21 surface.

22 Q. Right.

23 A. I was hanging onto the right side of the capsized

24 boat.

25 Q. Okay.

1 A. It was upside down, and I was on the right side of
2 it.

3 Q. And what were you hanging onto?

4 A. There was a ledge on the -- or a little protrusion I
5 would say, maybe an inch and a half or so by maybe three --

6 Q. Yeah.

7 A. -- that we were hanging onto or that I was anyway.

8 Q. You know, when you actually came on board, did you
9 see any string or rope or anything that was maybe in the middle
10 of the boat?

11 A. No.

12 Q. Okay. Ms. Nelson, I think I'm going to go ahead and
13 turn it over. I'm okay for right now. I'm just going to look
14 through all my notes, and he can go ahead and start asking you
15 questions.

16 A. Okay.

17 Q. Okay. Thank you.

18 A. Thank you.

19 BY MAJ. RIVENBURGH:

20 Q. Ms. Nelson, this is Steve Rivenburgh, and I'm with
21 the New York State Park Police.

22 A. Correct.

23 Q. Okay. I missed a little bit here. You were sitting
24 in the middle of the boat.

25 A. Well, like I say, there were three seats on one side,

1 two seats on the other, and I was on the inside of the boat on
2 the third seat.

3 Q. Okay. You were in the middle of the boat on?

4 A. The left-hand side.

5 Q. Left-hand side. You were on the three seat side?

6 A. Yes, and I was on the aisle.

7 Q. Three seat side on the aisle, middle. Third seat
8 back you said?

9 A. I don't know how many -- oh, no, we were farther
10 back. I think we were probably two-thirds of the way back
11 maybe. And I'm not really, really positive, but it wasn't to
12 the middle and it wasn't to the front.

13 Q. Okay. You say spray was coming in. Which side did
14 the spray come in from?

15 A. From the left side.

16 Q. And you were spending most of your time looking
17 forward or looking out the left side of the vessel?

18 A. At that point, yes.

19 Q. Okay. What type of digital camera do you have?

20 A. It's a Sony. The camera itself is still sitting in
21 the sun drying out, but the memory stick was -- I think it
22 takes 300 pictures, and there were quite a few pictures on it,
23 and I think the last four are the ones from the trip itself.

24 Q. Uh-huh. I'll let Mariette talk to you some more
25 about that. I know we'd like to see those pictures.

1 A. Okay.

2 Q. And we'd also like to see the digital file that's
3 with them because it should have a time stamp on them --

4 A. Oh.

5 Q. -- when they were taken.

6 A. Yeah.

7 Q. And that would help us a little bit there also.

8 A. Okay.

9 Q. It might be a way that you can print them out or
10 you --

11 A. Yeah, I have got the small printer here. I can just
12 do a 5 x 7 or whatever it is.

13 Q. Yeah, but there might be a way that you could e-mail
14 them to her where she can actually get the digital stamp that's
15 on them --

16 A. Okay.

17 Q. -- as far as -- because when you print out the photo,
18 I have a Sony myself --

19 A. Uh-huh.

20 Q. -- and when you print them out, you don't usually get
21 that information but if you'll put it in an e-mail you can see
22 what time it was taken and so on and so forth.

23 A. Okay.

24 Q. And that would be helpful to us.

25 A. Okay.

1 Q. But I'll let her talk to you about that.

2 A. Sure.

3 Q. Her e-mail address is a lot easier than mine.

4 A. Okay.

5 Q. Okay. You figured you were out about a half an hour?

6 A. About, yeah. I think so.

7 Q. And what makes you feel that the captain turned to
8 the left?

9 A. Did I say to the left? No, he was turning to the
10 right.

11 Q. Turning to the right.

12 A. God, don't tell me I'm that screwy.

13 Q. Don't worry about it. You've been through a lot.

14 MS. BURER: Yeah.

15 BY MAJ. RIVENBURGH:

16 Q. You've been through a lot and the mind does funny
17 things to us when we've been under this kind of stress and
18 pressure.

19 A. Yeah.

20 Q. So he was turning to the right.

21 A. He was turning to the right. I'm sorry.

22 Q. Okay. And when the vessel went over, it went over to
23 your right side or to your left side?

24 A. Well, it would have to go -- no, it went to the left
25 side. It went up and over because we were in the water.

1 Q. Uh-huh. Okay.

2 A. By that time, I mean there was a pretty good blast of
3 water came in the boat before I realized that it was going to
4 go own.

5 Q. Uh-huh. No indication prior to that that there was a
6 problem?

7 A. Not that I can remember, no. I mean we were, you
8 know, busy looking and, and I can't remember whether I was
9 chatting with anybody or not, but I know there was some giggles
10 around.

11 Q. Uh-huh. The people in the bow of the vessel, how
12 were they in relation to you? Were they sitting higher than
13 you, lower than you, about the same level?

14 A. I think it was probably pretty close to the same
15 level. I really can't -- I can't tell you that much about, you
16 know, people sat down and, and it was time to go.

17 Q. Uh-huh. Okay.

18 A. And I wasn't paying too much attention to the people
19 in the boat. I was more interested in watching what he was
20 telling us about.

21 Q. Okay. Do you recall any safety instructions?

22 A. No.

23 Q. Do you recall seeing any containers with life jackets
24 or --

25 A. We were told that they were up in the bow in, in the

1 enclosed area.

2 Q. Okay. Who told you that?

3 A. The captain said it. Somebody asked about it, I'm
4 pretty sure.

5 Q. Now when you, when you capsized, did you immediately
6 go into the water and come out or --

7 A. Yes.

8 Q. -- did you get stuck inside the vessel?

9 A. No, I was not stuck inside the vessel. I have no
10 idea just exactly how, but I remember seeing lighter water, and
11 I was heading toward it, and when I came up, I was right very
12 close to the capsized boat, and hung on for dear life.

13 Q. Uh-huh. Okay. Have you ever had a boating safety
14 course or do you own a boat?

15 A. No.

16 Q. Do you recall anyone falling into you?

17 A. No, I, I know that other people had said that this
18 happened to them, but I don't recall seeing or hearing anybody,
19 just -- my guardian angel was with me.

20 Q. Uh-huh.

21 A. Just, you know, that there was light water, and
22 that's where I was going, but I don't recall seeing anyone
23 until I got topside.

24 Q. Uh-huh.

25 A. And there were other people already up there.

1 Q. Okay. Do you recall seeing any other boats on the
2 water prior to the accident?

3 A. Well, one of my pictures shows the Champlain is it in
4 the water.

5 Q. Okay.

6 A. But a couple of, you know, when we first left, a
7 couple of the bigger boats that were in the, in the area.

8 Q. Uh-huh.

9 A. But small boats, no.

10 Q. Okay. Of those four or five pictures that you have,
11 are those included in that or are those additional photos?

12 A. No, those were included.

13 Q. Okay. Okay. Because I'm sure we'd like to see
14 those.

15 A. Okay.

16 Q. Okay.

17 A. Absolutely.

18 Q. And you didn't hear anybody say stay seated or -- no,
19 let me take that one back. Did you see or -- were passengers
20 moving around the vessel at all?

21 A. No. No, once everybody got seated, everybody was
22 pretty much in, you know, I mean a wiggle in the chair a little
23 bit, but I never saw anybody get up and move around.

24 Q. Okay. And you don't recall anyone saying anything
25 about going over or (indiscernible) anything?

1 A. No.

2 Q. Okay. Do you recall the engine sounds of the boat
3 while on the trip?

4 A. Not really.

5 Q. Okay. Okay. Now you mentioned Christine?

6 A. Uh-huh.

7 Q. She was your roommate?

8 A. She was my roommate, yes.

9 Q. I want to pass on my sympathies -- our sympathies for
10 your loss.

11 A. We appreciate it. It's been a tough weekend or it
12 was a tough weekend before.

13 Q. Yeah. I'm sure it is.

14 A. It wasn't our turn.

15 Q. Let me turn this back over to Marietta.

16 A. Okay.

17 Q. Okay. Thank you very much.

18 A. You're welcome. Thank you.

19 BY MS. BURER:

20 Q. Hello, this is Mariette again.

21 A. Uh-huh.

22 Q. Just one quick question. Can you describe the bench
23 or your seating to me?

24 A. Well, it reminded me of a park bench with no arms
25 anyplace, just, you know, a slide in. It was -- there were to

1 other people sitting there already when I sat down but, you
2 know, there was nothing to hold anybody in place or anything
3 like that. So it was just a slide out type thing.

4 Q. Were they comfortable?

5 A. Well, as comfortable as a park bench is, yeah.

6 Q. Okay.

7 A. After you sit there for a while, you know, it's a
8 little hard on the old bones like ours.

9 Q. Right. Now did you -- at anytime during the tour,
10 did you have a chance to maybe look over your shoulder, your
11 right shoulder and take a look at the captain or people behind
12 you or anything that had to do with the vessel behind you or
13 were you during that whole time mostly looking towards the
14 front and the sides?

15 A. I was mostly looking toward the front and the sides.
16 I had really no, no reason to look back. I was looking at what
17 the captain was telling us about.

18 Q. Right. And you heard him pretty well during his
19 narration?

20 A. Well, yeah.

21 Q. Okay. All right. I think what I would like to do,
22 unless Major Rivenburgh has any additional questions to stop
23 this conversation and then please hang on so that I can
24 actually just stop the recording.

25 A. Okay.

1 MS. BURER: Okay.

2 MAJ. RIVENBURGH: Go ahead.

3 MS. BURER: Okay. Thanks.

4 (Whereupon, the interview in the above-entitled
5 matter was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: MV Ethan Allen
 Lake George, New York,
 October 2, 2005
 Interview of Frances Nelson

DOCKET NUMBER: DCA 06 MM 001

PLACE: Washington, D.C.

DATE: October 18, 2005

was held according to the record, and that this is the original, complete, true and accurate transcript which has been compared to the recording accomplished at the hearing.

Kathyrn A. Mirfin
Transcriber