

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

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

Fort William Henry Resort and
Conference Center
Lake George, New York

Tuesday,
October 11, 2005

The above-captioned matter convened, pursuant to
notice, at 10:15 a.m.

BEFORE: MORGAN TURRELL

APPEARANCES:

MORGAN TURRELL
National Transportation Safety Board

SEAN QUIRK
Shoreline Cruises

JAMES QUIRK
Shoreline Cruises

KEVIN HICKEY, ESQ.
O'Connell and Aronowitz

MAURICE ALDRICH
Warren County Sheriff's Office

SGT. WALTER SCHEDEL
New York State Park Police

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I N T E R V I E W

(10:50 a.m.)

1
2
3 MR. TURRELL: Okay. Good morning. It's Morgan
4 Turrell. It's 10:50 at the Fort William Henry Conference
5 Center. Joining us is Virginia Quirk for an interview
6 regarding Ethan Allen. It's October 11th, and to my left?

7 MR. S. QUIRK: Sean Quirk, Shoreline Cruises.

8 MR. J. QUIRK: Jim Quirk, Shoreline Cruises.

9 MS. QUIRK: Virginia Quirk, Shoreline.

10 MR. HICKEY: Kevin Hickey from O'Connell and
11 Aronowitz on behalf of Shoreline and Mr. Paris.

12 MR. ALDRICH: Investigator Mo Aldrich with Warren
13 County Sheriff's.

14 SGT. SCHEDEL: Sergeant Walt Schedel of the New York
15 State Park Police.

INTERVIEW OF VIRGINIA QUIRK

16
17 BY MR. TURRELL:

18 Q. Okay. Virginia, if you'd just give me the city and
19 state where you reside?

20 A. Queensbury, New York.

21 Q. Okay. And how long have you lived in the area?

22 A. 1979.

23 Q. Okay. And what is your relationship with the
24 Shoreline Cruises?

25 A. I'm a treasurer.

1 Q. And I understand you have relatives working for
2 Shoreline?

3 A. Yes, I do.

4 Q. So could you just describe your personal relation
5 with the employees?

6 A. James is my husband, Sean is my son as is Matthew
7 Quirk and Dennis Quirk.

8 Q. And Hugh Quirk is?

9 A. My brother-in-law.

10 Q. Okay. Can you describe your duties as treasurer of
11 Shoreline Cruises, what the duties entail?

12 A. Basically, oversee our bookkeeping, record keeping.
13 I do hire some clerical staff for the ticket booths, although I
14 don't oversee their day-to-day duties. I speak with them and
15 direct them in some minor ways.

16 Q. Okay. If you could just give us a rough idea of the
17 company structure in your own words of the JDQ and all the
18 related companies. Just describe it the best you can.

19 A. Well, Quirk Marine Rentals is the administrative
20 corporation. It's whole -- in the subsidiary companies, which
21 would be JDQ, U-Drive Boat, Shoreline Cruises, Shoreline
22 Restaurant, Neptune.

23 Q. And do you recall when Quirk's Marine Rentals was
24 incorporated or became a company?

25 A. I think that was somewhere in the '70s in

1 Massachusetts.

2 MR. J. QUIRK: And then we got incorporated in New
3 York after.

4 BY MR. TURRELL:

5 Q. So, in your duties as treasurer, do you have any day-
6 to-day contact with the captains and crew members of the
7 Shoreline Boats?

8 A. Well, we see each other almost daily in passing, of
9 course, and exchanging pleasantries. I see them Fridays when
10 they come up to pick up their check, and if they have any
11 issues regarding all human resource kind of issues.

12 Q. And, as far as scheduling the captains for particular
13 week duties --

14 A. No. You misunderstood me. I meant the ticket sales
15 people, just -- generally, they're young people --

16 Q. Right.

17 A. -- women and young men that sell the tickets. I
18 don't schedule the captains.

19 Q. Okay. Now I understand there's two types of
20 operations at Shoreline Cruises. There's walk-up cruises and
21 then charter cruises. Can you give us how you account for
22 those differently between the walk-ups versus the charters?

23 A. In a bookkeeping sense?

24 Q. Yes.

25 A. We have a point-of-sales system that pulls up our

1 data. That is our -- what we would call regularly scheduled
2 cruise income. The income derived from our charter work comes
3 in the form of contracts.

4 Q. Okay. And can you describe the process of how those
5 contracts are developed from the time a charter contacts you,
6 how that -- who -- who does the chartering of the boats?

7 A. Our marketing and sales director, Caroline Gleid
8 (ph). She handles the sales, the contacts right up through the
9 contract and the function.

10 Q. Okay. Are you familiar with that process and can you
11 tell us something about it?

12 A. Generally, it's a call that we receive. They're
13 inquiring as to what we can provide for whatever occasion they
14 have. Pricing, they want to know that and the dates available.
15 So, if it's a good set and we can serve them in any way, we
16 develop a contract and it is then sent to them for their
17 approval and signature.

18 The date is booked, and Caroline meets with the staff
19 and explains what this charter is going to be about, what our
20 needs are going to be to fulfill the contract and she sees it
21 to the end.

22 Q. Okay. And how does that information get passed on to
23 the operation side of Shoreline Cruises as to how many boats
24 and how many crew members are needed for that cruise?

25 A. Well, there generally is a meeting every Monday

1 morning with all the staff and they go over the coming week's
2 contracts, and I am not a party to that.

3 Q. Do you recall if those meetings have minutes or
4 anyone takes notes?

5 A. As I say, I'm not a party to that, and I do not know.

6 Q. Sure. Can you give us a rough idea of the gross --
7 for just Shoreline Cruises now, not the entire operation, but
8 strictly Shoreline Cruises, what the gross receipts per year
9 would be?

10 A. I hesitate to say. I could easily check my books and
11 tell you, but off the top of my head, I wouldn't dare.

12 Q. Okay. Would you say that the seasonal -- the summer
13 season -- this would be your past the summer season is -- in
14 other words, the shoulder seasons, the revenues are less than
15 the peak seasons?

16 A. Oh, extremely less.

17 Q. Okay.

18 A. Yes.

19 Q. So can you just give us an idea of when -- what month
20 of the year peak of sales?

21 A. Sometimes, it's July; sometimes, it's August. This
22 July was strictly poor.

23 Q. Okay. And, in those -- in that timeframe, July and
24 August, your normal peak times, the sales from the -- of the
25 regularly scheduled cruises or the charters, which would be

1 your highest percentage of income in that particular timeframe
2 at the peak season?

3 A. I don't really track that. I have not in the past.
4 I have been looking a little bit more at those figures this
5 year because Caroline is going to get a percentage based on
6 her -- her contract sales. So it's become an issue, but in the
7 past, it's never --

8 Q. Sure, sure.

9 A. -- been --

10 Q. We're just trying to understand more about your
11 operation because eventually we'll have to describe it to the
12 public, and we don't necessarily need detailed numbers, just so
13 we can explain to the public what type of operation it is.

14 Can you just give me just a general idea of how much
15 a senior captain would make in a year from a salary standpoint?
16 No exact numbers or names but just a general --

17 A. I think, again, I could easily look up but I would
18 have to take a --

19 Q. Sure. I wouldn't be interested to know that
20 particular number, just a general -- what the general salary
21 of --

22 UNIDENTIFIED SPEAKER: (Indiscernible.)

23 MR. TURRELL: Again, we don't need names or -- I
24 don't particularly want names or particular numbers on the
25 recording, but I just was -- just a ballpark number.

1 BY MR. TURRELL:

2 Q. Can you give us the number of employees that
3 Shoreline Cruises -- peak season, from your knowledge?

4 A. This would be an estimate.

5 Q. Okay. Sure.

6 A. I believe we've hired a little bit more heavily this
7 year than we have in the past, but I would say 26, 28 people --

8 Q. Okay. And how many of those -- I guess what
9 categories does the 26 to 28 persons fall under, if you could
10 make broad general categories?

11 A. Surely. There's the captains, there's the deckhands,
12 there are the bartenders, wait staff, and then we have the
13 ticket sales people.

14 Q. Okay. Virginia, if you could just give us a rough
15 accounting of Sunday, October 2nd from your own words, what you
16 experienced that day. Just give us a narrative description of
17 the events of the Ethan Allen.

18 A. I work weekends. So I'm up in the bookkeeping
19 office. Our bookkeeper works Monday through Friday. So I
20 cover Saturday, Sunday, and I was working. And Marianne Perry
21 who was in the booth that day came into my office.

22 I believe Caroline and Jared Smith were hovering
23 somewhere outside in the other room, and she said the Ethan
24 Allen had tipped over.

25 And then I don't know. There was a little -- or

1 something, the phone rang or something. She left, and I kind
2 of absorbed the fact, and I thought to myself, we had better
3 get a large -- oh, I know. She said Jim had left for the boat,
4 was on his way. Chris Montana had called it in and implicit in
5 that it was out, that it had tipped over.

6 So I was thinking that we needed a large craft to go
7 up there to carry the people back to the point of departure,
8 which was East Shoreline.

9 So Jared seemed to follow me to the raft, and he
10 said, I'll drive us. I said, no, you can't. You need a TV
11 license -- Frank Antos was there, and he went and got some
12 buoys, life buoys from one of the boats. I saw Jim Young come
13 down off the Horicon. He had just finished his cruise, and I
14 said, Jim, would you drive the raft.

15 So Jim, Frank, Jared and myself left on the raft, and
16 I really did not know where I was going. I don't think any of
17 us knew a particular destination. We just knew that the tour
18 boat does its cruise in the basin. That would be obvious to
19 us, and we took off so we would find the same -- and we did.

20 We got there and there was nothing we could do. So
21 we just waited. Jim came over and -- deck. I think my son,
22 Dennis came over. I don't know how long we were there, maybe
23 twenty minutes or so, and it was obvious there's nothing we
24 could do. So we went back to shore.

25 Q. Okay.

1 MR. TURRELL: Walt Schedel from the New York State
2 Park Police.

3 BY SGT. SCHEDEL:

4 Q. Now we know that Dick Paris took a 10:30 a.m. cruise
5 that day when he first arrived -- and he said it was a
6 relatively lightly -- or lightly ridden. Do you have any idea
7 how many persons were aboard that boat at the time?

8 A. No, I don't.

9 Q. Okay.

10 A. I'm in my room. I really --

11 Q. You really can't see?

12 A. No, I cannot.

13 Q. Would you know if there was an 11:30 cruise as well?

14 A. I wouldn't.

15 Q. You wouldn't?

16 A. I could -- I have checked the schedule. We have
17 weekly -- comes out of that staff meeting a weekly schedule
18 where every cruise is listed.

19 Q. Okay. But you have no knowledge as to whether one
20 went out right now?

21 A. No. No.

22 Q. And I believe your point of sale terminal now will
23 keep track of at least on the walk-ons how many persons are
24 aboard each cruise?

25 A. Yes.

1 Q. And, again, the charters would indicate that for --

2 A. The other --

3 Q. -- the contracts would indicate that for the charters
4 as well and tell the number of persons?

5 A. Yes.

6 Q. Do you in the course of your business normally see
7 these contracts? I know you --

8 A. Oh, yes, I do.

9 Q. -- don't handle them directly but you do see them?

10 A. Oh no, I handle them directly.

11 Q. And how often would a charter contract come through
12 for one of the tour boats, let's say, forty or more passengers?

13 A. It might be on a bus.

14 Q. But generally just bus tours --

15 A. Yes.

16 Q. -- bus tours. Approximately how many of those do you
17 have a week?

18 A. They're random. They're mostly in the spring and the
19 fall, rarely through July and August.

20 Q. Let's say in the -- since the end of August or the
21 month of September, how many bus tours did you have?

22 A. I remember a Brown Coach. I know there were a number
23 of Shoreline coming up. I don't know how many Shoreline had
24 gone through. Brown, Shoreline, another one. There were two
25 that weekend. They were Travel Authority and Travel --

1 another A. Travel Advance -- I don't --

2 Q. Would it be easy to say or accurate to say that it
3 generally occurs on weekends or does it occur during the week
4 as well?

5 A. No. No. It occurs during the week. They're usually
6 senior citizen tours, you know, retired people who can -- who
7 can go up during the week.

8 Q. And it would happen probably more than once a week
9 or --

10 A. I think more than once a week --

11 Q. -- two or three times a week; would that be fair
12 or --

13 A. I think probably two to three is fair, too. Yeah.

14 Q. Would it possibly be more than that on an average?

15 A. No. We'd like to have more than that but no, I
16 can't --

17 Q. Okay. I can understand that. So two or three per
18 week would be a fair estimate?

19 A. Uh-huh.

20 MR. TURRELL: Sean Quirk?

21 MR. S. QUIRK: Just a followup on the --

22 BY MR. S. QUIRK:

23 Q. Two to three times a week is again what month?

24 A. That would be in the shoulder seasons, the spring and
25 fall, and I don't recall having --

1 Q. Could it be more specific on the months?

2 A. Well, May -- May is a very slow month. Mostly June,
3 and I would say September, early October.

4 MR. TURRELL: Jim, did you have any questions, Jim
5 Quirk?

6 MR. J. QUIRK: No. No questions.

7 BY MR. TURRELL:

8 Q. Ginny, if you could just go back to the company
9 structure again, I -- there's a new company I heard you
10 mention, the Quirk Marine Rentals, and they -- Quirk Marine
11 Rentals actually owns JDQ. Is that correct?

12 A. Yes.

13 Q. Okay. And another question I have is the engineering
14 parts and the purchasing of engineering parts, spare parts and
15 so on, how is that handled in the company?

16 A. Matthew, Jim, Hugh make orders as needed.

17 Q. Uh-huh.

18 A. Only thing I see is the bills coming in.

19 Q. Okay. So, for purchases, is there a spending limit
20 for, you know, above a certain point where Jim -- Jim Quirk
21 needs to make a determination or is there -- Matt, Jim or Hugh
22 just says, we need a certain part, and that's the end of it, or
23 is there a spending limit for above which a certain part needs
24 to be approved?

25 A. That's not really my knowledge.

1 Q. Okay.

2 A. Jim handles that. I --

3 Q. Well, I'll ask him that question.

4 A. Yeah.

5 Q. So, if a part is purchased, then how is that
6 accounted for? Does someone bring you a receipt?

7 A. I generally get the receipts on my desk and they're
8 marked which corporation they should go to.

9 Q. Okay. So the bill -- they're purchased directly at
10 the point of sale of the part or is it a check sent from your
11 office to that vendor? Does Matt go with a credit card, buy
12 the part, bring a receipt back to you, or does he just get an
13 invoice and you pay the part by check?

14 A. Both.

15 Q. And can you give us an idea of what the -- how much
16 is spent on engineering parts or is just random or is there any
17 set sort of -- so much per year like a budget for engineering
18 parts?

19 A. No. Never that. We buy what we need.

20 Q. Okay. Are there particular vendors you use for
21 engineering parts that you recall seeing any steady flow of
22 receipts from for engineering parts? Let's say fuel. Is there
23 a particular vendor that you always buy fuel from?

24 A. Yes.

25 Q. And then say for engine parts, is there a vendor you

1 always seem to use locally?

2 A. There's several --

3 Q. Okay.

4 A. -- particularly.

5 Q. Do you recall offhand what those vendors are?

6 A. There are Morgan Recreational, Lewis, the -- it's
7 Bombardie (ph) Parts. There's another one I'm missing. Oh,
8 Kellogg's, yeah. Kellogg's. And that's it, sort of.

9 Q. That's okay. To your recollection, that's fine. And
10 all of these different vendors are -- you say they're a mix of
11 direct purchase or invoice billing through your office.

12 Do you recall the largest expenditure in this last
13 year, any major expenditures on engineering parts in
14 particular?

15 A. My mechanical knowledge is very limited. I remember
16 a large -- I couldn't say whether it was a generator or what it
17 was, but something that we had to buy in the spring, I believe.

18 Q. Okay. So, if -- I'll use Sean because he's here. If
19 Sean bought a large receipt to you that was for something you
20 weren't familiar with, and it just caught your attention, would
21 you check with that with say, Jim or somebody, like what's this
22 for or --

23 A. Jim oversees all the bills coming in and out. I guess
24 maybe I would. Sean generally works at the restaurant,
25 Neptune.

1 Q. Okay. And we did request some information through
2 your attorney and Jim and we'll get a lot of that information
3 from that.

4 MR. TURRELL: Walter, any other questions?

5 SGT. SCHEDEL: Yeah, a couple.

6 BY SGT. SCHEDEL:

7 Q. You mentioned when purchased are made, the receipts
8 would be dropped off on your desk, and they would indicate on
9 the receipt which of the companies to bill it to. Say a
10 receipt came in for Shoreline Cruises for a repair on a boat,
11 would it also indicate which boat was repaired?

12 A. If it didn't, I'd ask because in our general ledgers
13 we have repair, maintenance, and we have equipment purchases
14 and they like to have it broken out.

15 Q. Okay. And what kind of retention schedule do you
16 maintain for the records? In other words, how long would you
17 keep those in the normal course of business?

18 A. I believe David Malcolm keeps all our records. He's
19 our accountant, and I believe he uses a three-year retention
20 system for those kind of records.

21 Q. Okay. Thank you.

22 BY MR. TURRELL:

23 Q. While I officially have Virginia, have you ever had
24 occasion to go out on the Ethan Allen or de Champlain with one
25 of these tour groups, one of these large?

1 A. No.

2 Q. Okay. And have you been out on one of these boats
3 just in general, just taking a cruise?

4 A. First time, yes.

5 Q. And, from your experience, have you ever noticed or
6 experienced a wave that would cause the boat to roll?

7 A. Lake George can get very, very choppy and there can
8 be some big waves out there. I've seen them.

9 Q. Do you recall what can cause those waves?

10 A. Generally, it's the weather and the other -- whether
11 there a lot of boats on the lake.

12 Q. Okay.

13 MR. TURRELL: Go around one more time. Sean?

14 MR. S. QUIRK: All set.

15 MR. TURRELL: Jim?

16 MR. J. QUIRK: All set.

17 MR. TURRELL: Walter?

18 SGT. SCHEDEL: All set.

19 MR. TURRELL: If you'd like to say anything to us
20 here, this is an opportunity to tell the Safety Board or
21 anything you'd like to tell us?

22 MS. QUIRK: I would like to say that we do have a
23 problem with the Mohican's waves, and I have been witness to
24 our boats bouncing up and down like corks and the Mohican pulls
25 right up against our -- the shoreline and then goes over to its

1 docks. It almost seems as if it's purposely piloted to do the
2 most damage.

3 MR. TURRELL: Okay. All right. And the recording,
4 if you'd just acknowledge this is recorded, and we'll end the
5 interview.

6 MS. QUIRK: I acknowledge it.

7 MR. TURRELL: Thanks.

8 (Whereupon, the interview in the above-entitled
9 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: Investigation of MV Ethan Allen
 Lake George, New York
 October 2, 2005
 Interview of Virginia Quirk

DOCKET NUMBER: DCA 06 MM 001

PLACE: Lake George, NY

DATE: October 11, 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.

Kathleen Price, AD/T 550
Transcriber