

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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FIRE AND SINKING OF THE CONCEPTION
WITH LOSS OF LIFE NEAR
SANTA CRUZ ISLAND, CALIFORNIA,
SEPTEMBER 2, 2019

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Accident No.: DCA19MM047

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Interview of: MICHAEL KOHLS
Second Galleyhand, *Conception*

Thursday,
September 4, 2019

APPEARANCES:

MARCEL MUISE, Marine Accident Investigator
National Transportation Safety Board

ANDREW EHLERS, Marine Accident Investigator
National Transportation Safety Board

BARTON BARNUM, Marine Accident Investigator
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CAPT. JAMES SNODGRASS
Santa Barbara County Fire Department

DETECTIVE MATT BANKS
Santa Barbara County Sheriff's Office

GLEN FRITZLER, Owner
Truth Aquatics

DOUG RIDLEY, Attorney
(On behalf of Michael Kohls)

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I N T E R V I E W

(5:15 p.m.)

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2
3 MR. EHLERS: All right. Good afternoon. This is Andrew
4 Ehlers, marine accident investigator with the NTSB, and it is now
5 5:15 in San Diego -- excuse me -- Santa Barbara, California. And
6 we're conducting interviews in conjunction with the accident
7 involving the dive vessel *Conception*.

8 Sir, can you state your name?

9 MR. KOHLS: My name is Michael Frances Kohls.

10 MR. EHLERS: And could you spell your last name?

11 MR. KOHLS: K-o-h-l-s, like the clothing store.

12 MR. EHLERS: All right. Thank you.

13 The purpose of this investigation is for safety, to improve
14 safety, and as such, our aim is to prevent accidents like this in
15 the future. Having said that, the NTSB cannot offer you immunity
16 or confidentiality in association with this interview. Do you
17 understand that this interview is voluntary?

18 MR. KOHLS: Yes, sir. I do.

19 MR. EHLERS: Okay. This interview is being recorded and a
20 transcript of this recording will be generated and will become
21 part of the public record.

22 You understand that this is a recorded interview?

23 MR. KOHLS: Yes.

24 MR. EHLERS: Okay. All right. Thank you very much.

25 MR. KOHLS: You're welcome.

1 MR. EHLERS: What I will do now is allow everyone in the room
2 to introduce themselves. Each time that they'll ask a question,
3 they'll introduce themselves again or state their name again. So
4 again, this is not a -- do not need to memorize everyone's name
5 and position, but for the record we'll let everyone introduce
6 themselves? Marcel?

7 MR. MUISE: I'm Marcel Muise, also an investigator with the
8 NTSB.

9 MR. BARNUM: I'm Bart Barnum, also an investigator of the
10 NTSB.

11 LT [REDACTED] Lieutenant [REDACTED] Coast Guard
12 MSD, Santa Barbara.

13 LT [REDACTED] Lieutenant [REDACTED] Coast Guard
14 Investigations, National Center of Expertise.

15 MR. [REDACTED] Coast Guard Investigations,
16 National Center of Expertise.

17 DET. BANKS: Matt Banks with the Santa Barbara Sheriff's
18 Department.

19 CAPT. SNODGRASS: Captain James Snodgrass with Santa Barbara
20 County Fire Investigations.

21 MR. FRITZLER: Owner of vessel *Conception*.

22 MR. EHLERS: Doug, we'll go ahead and let you introduce
23 yourself.

24 MR. RIDLEY: Absolutely. Thanks. Doug Ridley and I am an
25 attorney. I'm here representing Mr. Kohls.

1 MR. EHLERS: Okay.

2 MR. [REDACTED] [REDACTED] [REDACTED] National Center of Expertise for
3 the Coast Guard.

4 CDR [REDACTED] Hi, my name's Commander [REDACTED] [REDACTED] I am
5 from the 11th Coast Guard District that has oversight of vessel
6 inspections and marine casualty investigations for the states of
7 Arizona, Nevada, Utah and California.

8 MR. YOUNG: And I'm Brian Young with the NTSB, another
9 investigator.

10 MR. EHLERS: It's possible that Adam Tucker, who's the
11 investigator in charge of the investigation for NTSB, might also
12 join us at some point. I will not ask him to introduce himself if
13 he comes in during the interview. But if he does choose to ask
14 questions, he'll introduce himself at that time.

15 MR. KOHLS: Okay.

16 MR. EHLERS: Okay. All right. I'll go ahead and begin.

17 INTERVIEW OF MICHAEL KOHLS

18 BY MR. EHLERS:

19 Q. Can you tell me a little bit about your experience working on
20 boats?

21 A. My first experience working on a boat is the *Conception*.

22 Q. How long have you been working on the *Conception*?

23 A. I started in 2017, in October.

24 Q. Okay. What's your job on the *Conception*?

25 A. I was second galley.

1 Q. Okay. What are those -- what are the duties of a second
2 galley?

3 A. Duties of a second galley, wash dishes, help set -- what are
4 you going to call it, bank -- buffet bar. Turn the stoves on,
5 make coffee, wash dishes, wash silverware, talk to the divers.
6 Basically, back up the first galley, you know, prep all the food,
7 chop food up, make sure we just run smooth all day long. You
8 know, like, what are you making today? He'll go, we're making
9 pancakes, bacon and eggs. Okay. So I usually get up early and,
10 you know, set things up and then just follow whatever his notebook
11 is, right there. You look at it, bring out the pancake batter,
12 put the syrup on the continental bar, put out butter. You're
13 putting out -- what would be -- cream cheese, plates. You have a
14 fruit bowl, bananas, Cuties were little oranges we put for them
15 because they always eat a lot of bananas, the divers. That's
16 basically it.

17 Q. You said you wake up early? When do you usually wake up?

18 A. 5:00, 5:30.

19 Q. Okay. All right. Did you have any training when you got
20 hired or before you got hired for this job?

21 A. What --

22 Q. Relative to this boat?

23 A. What do you mean by training? I mean, like --

24 Q. Working on boats? Any kind of --

25 A. No, that was the first time I worked on a boat.

1 Q. Okay.

2 A. Yeah.

3 Q. All right. What I'd like to do now is I'm going to ask you
4 to recount the events of the accident voyage. And what I'll ask
5 you to do is start from when you got on board, before the ship
6 even -- before the boat ever got underway, so whether that was
7 Friday or Saturday or prior to that.

8 A. It would have been Friday evening about 11:00.

9 Q. Okay.

10 A. Yeah.

11 Q. And what I'll do is just I'll ask you to tell the story from
12 the -- again, the time you got on board. And kind of summarize
13 the days before. When we get to the morning of the accident, if
14 you give me as much detail as possible. Couple things. Hold on.
15 Before you -- before you go.

16 A. I'm just breathing.

17 Q. Okay. The folks who have been involved in an accident, it's
18 been my experience that oftentimes, not all the events always line
19 up the way you remember them. And that's very common. And
20 sometimes as folks are talking about them they remember how they
21 happen and it might be a little bit different the way that you
22 initially remembered it. If that's the case, please speak up and
23 say, you know, if you said I said something earlier and I think it
24 was different, that's okay. We're not here to, you know, get you
25 in a misstatement. We're here to get the facts. So if I ask you

1 a question or the folks here ask you a question and you don't know
2 the answer, just say "I don't know." You don't need to --

3 A. Yeah.

4 Q. Don't need to guess or anything --

5 A. Yeah.

6 Q. -- like that. So again, if you'd go ahead and tell us about
7 the accident voyage.

8 A. You want me to tell me the first day I got on the boat or
9 tell you about the accident. I don't --

10 Q. I want you to --

11 A. -- understand your question.

12 Q. I'm sorry. I'd like you to talk about just a running story
13 about from when you got on the boat all the way up until the --
14 until you --

15 A. To the accident. So you're saying -- well, when you come
16 onto the boat, we have a ledger and you have to sign your name in,
17 the crew does. It goes captain, second captain, then it's
18 deckhand, deckhand, second galley. I mean, first galley, second
19 galley. I signed my name in, Mikey Kohls. I then just go
20 upstairs and go to sleep and wait for the 4:00 departure that --
21 when we were leaving.

22 So I go to sleep. You know, you hear the engines fire up.
23 You wake up, you go down, use the bathroom because you're going to
24 go out rocking the sea and it's better to, you know, use the
25 restrooms before you're going. And then I go back to sleep, you

1 know. They -- all the people were on the boat. But yeah, going
2 up (indiscernible), yeah.

3 And then we woke up the next day and we had pancakes, bacon
4 and eggs. All right. And people were coming out of the galley
5 and they're sitting there and, when are we having the briefing?
6 We always have a briefing to go over safety and everything. Jerry
7 will come over the microphone and go, good morning, folks, if
8 you'd like a hot breakfast you can see Ryan or Mikey in the
9 galley. They serve from 7 till 9 and the buffet bar is open until
10 11:00.

11 And then the day just goes on and people are like excited.
12 Where were you going? I don't where the boat's going, only the
13 captain knows. Only Jerry knows where we're going. Depends on
14 weather where we go on the boat. But that day we were heading
15 west of, what is it, Santa Cruz. We were going out there. The
16 weather -- the sea was getting sloppy and Jerry had turned around
17 and we went to the east end of, where is it, Santa Cruz. We went
18 around and we went to the south side. And I don't know the place
19 where the first -- we went diving; I don't know the name of it. I
20 can't remember it.

21 And then it's lunch, you know. Everyone comes back from the
22 first dive and they eat all the buffet food because the grill is
23 closed. So they'll eat all that up and we restock there, more
24 bananas in for them. How was your dive? Oh, the water was not
25 very clear. They didn't like the water, it wasn't clear, you

1 know. And Jerry's, do you guys want to stay here? And then,
2 whatever, Kris, I don't know, Finstad -- I can't think of her name
3 -- Christian, Christano, she -- yeah, professor. But they talk in
4 the wheelhouse. We move back down south. We anchor there, and
5 then they dove there. And we made -- what was it? Oh, we always
6 have tri-tip, mashed potatoes, gravy and some kind of vegetable,
7 rolls and we make a salad.

8 And I don't think we had a night dive. I can't remember
9 having a night dive the first night. I think we stayed at, they
10 call it Hungryman's or Smugglers, right there. Jerry likes to
11 anchor there. It's a safe anchorage, he says. Yeah.

12 Now we're on to the second day. Well, we're on to the second
13 day. Everyone is getting more familiar with everybody. Everyone
14 has their seat. Everyone's kind of knowing each other, talking to
15 them. It's a normal day and, you know. It's then -- it's, you
16 know, breakfast, lunch, dinner. We had chicken marsala for
17 dinner. I don't -- and I guess it was chicken marsala. I have to
18 stop and think because my going -- yeah, that second -- so the
19 first day. I'm lost.

20 Q. That's okay.

21 A. Yeah. I've --

22 Q. Yeah.

23 A. Yeah. A minute.

24 Q. All right. So we go the end of the second day, which is
25 Sunday.

1 A. It's Sunday, yes. Okay. Well, I guess, it was, yeah --
2 lost. It was Sunday night where we were -- we, the second day we
3 went around the west side. I'm confused, yeah.

4 Q. Okay.

5 A. Truly am. We came around to -- from Smugglers, right. And
6 we came up and we went up to, it was like Painted Caves, but then
7 I thought we were going there. It turned around, we came back.
8 We went to Quail Rock and they dove Quail Rock. They really liked
9 it. The water was clear.

10 Then from Quail Rock we went to Cueva Valdez. And they liked
11 that and we were going to do a night dive there. We didn't do a
12 night dive there because they had talked and they wanted to go
13 back to Quail Rock and have a dive there because they liked that
14 site, you know. So that -- we were there. And we, after their
15 dive, everyone was on board and, you know, and everyone was just
16 talking about their dive, coming out. And it was just normal.

17 I waited to take a shower, you know. It was like 9:00, 9:30,
18 I took a shower. And then the people were like coming back on
19 aboard, it was like 9:30 or something because they went in about
20 8:00. And talked to a few of them and then I went to bed to
21 sleep. And I don't know what time it was, 10:00, 10:30. I have
22 no idea. I went to my bunk, I went to sleep. I then woke up, it
23 was 1:30 in the morning. I went down and I cleaned the galley. I
24 picked up their coffee cups because we have to wash them in the
25 morning. We're supposed to be up at 6:00 in the morning. And I

1 washed the coffee cups, you know, all out. Then I wiped the
2 tables down, all the tables were wiped down, normal everything,
3 you know. At that point, I went and restocked the fruit bowl and
4 put more candy in it for me.

5 And from 1:30 when I was down there, I went and used the
6 restroom, came out, looked at the clock on the wall. I went, oh,
7 2:35. This is the time, 2:35, it was. And I go, I got 3 hours
8 until 5:30, because I usually wake up at 5:30 and set the galley
9 before the divers come up. Because if I go down there at 6:00
10 they're all coming up; you're trying to make coffee, everyone's
11 drinking the coffee, you can't get -- you know, everyone comes up
12 and wants coffee or drinking tea; what's for breakfast? And so I
13 cleaned the galley -- I mean, I looked at the clock, it was 2:35.

14 I went back to my room -- my bunk room, which is in the
15 wheelhouse, right. And I went there, I laid down there and I
16 don't know what time it was at all. And I heard like in the
17 galley, when some people walk, you know, they hit the chair and
18 it's makes a kaa sound. I heard that and it sounded like someone
19 fell. I go, oh, I should get up and see if they -- if they're all
20 right. But then, it sounded like the bathroom door shut. You can
21 hear the sounds on boats, you know, when people do things. And I
22 heard that and I go, oh, they might have sprained their ankle or
23 something. I don't know, I should get up and go check on them, oh
24 man. And I sat in my bunk there for a while and then I heard an
25 ahhh and I go, oh, someone sprained their ankle.

1 At that point, I got out of my bunk which is -- I'm on the
2 top, Ryan's underneath. We're on starboard side of the
3 wheelhouse, right there. I got up, went up. I -- there's our
4 backdoor of the wheelhouse, you know. I get up and I look and I'm
5 looking at -- and I see this glow like psh. I'm like, what is
6 that? I go, fire. I yelled fire.

7 I look at -- I'm right there in the doorway. I look over and
8 Jerry, he has his bunk right there, I'm -- yell fire. I see Jerry
9 crawl out on his knees, he's, Fire?

10 And then I ran back -- my first thing was get down there, go
11 in the galley, because on the port side we have an extinguisher
12 right when you come in by the two bathrooms, there's one there.
13 We have another fire extinguisher which is right by the coffee
14 machine on the starboard side, or is it two? There's one in the
15 bunk room down below. I was thinking when it go -- that's where I
16 was going. But I came to the stairs and you could not go down the
17 stairs because there's a bathroom right when you board the boat
18 that was on the fire. There was fire there. You could not go
19 down those stairs. There's smoke and fire.

20 So I ran back from the stairs. And I didn't see anyone come
21 out of the bunk room. I yelled fire, fire. And then we have a --
22 like, it's -- you know, they call it the sun deck. There's a
23 railing about 2 feet. I went there, I held my hands on it and
24 smoke was coming from the galley windows out. You could barely
25 see the deck, you know. I put my hands on there, I threw my body

1 over, and as my body went down, my arms extended, you know, and I
2 let go. I hit the ground.

3 I ran around from the port side around to the galley. And it
4 was the whole galley was engulfed in flames, the whole galley.
5 The -- their escape hatch, the one -- because they have the
6 stairwells that come out of the bunk room, there's back -- I would
7 say aft of the galley, the -- by our bathrooms are, you know, the
8 two bathrooms. You could not get in there at all where the
9 bathrooms are. Those are one -- there's one step. Right there is
10 the emergency exit. That was all engulfed in flames. Flames,
11 heat. The up top of the boat, fiberglass was melting, falling
12 down on the ground. And I was barefoot. And at that point I
13 looked and I said, oh my God -- I never felt so helpless in my
14 life. It was -- yeah.

15 I then ran back to what they call is the lazarette, it's the
16 lazarette, you know, back where the dinghy is. Don't know why I
17 did, and I was like, I didn't know what to do. It was like, you
18 didn't think, you just react.

19 I saw someone from the wheelhouse drop down, so I ran up to
20 the bow and there's smoke coming out the windows. And as I'm
21 running up to the bow, Ryan Sims drops right down in front of me,
22 wham. And he said ahh, I think I broke my leg. And it was like
23 that -- he goes I broke my leg. I jumped over him.

24 Milton was by the galley window; he was trying to open it.
25 Smoke was coming out -- the front of that window is all black. I

1 tried to help him open it. We could not open it, it was too hot.
2 We didn't burn our hands but it was too hot.

3 Cullen was standing here, Milton was there, I was here, and
4 you look up at the wheelhouse and flames were now engulfing up the
5 wheelhouse. I mean, the whatever you call it. The flames were
6 through, up there like this and we're -- I was like, wow, and then
7 Jerry, I heard him say, oh God, oh God. And I was like oh, he's
8 burning. And then a couple seconds later there was a shout and
9 Jerry had jumped from the boat.

10 And at that time he was there and then Milton and Cullen go,
11 we got to get a dinghy. And that's all they said. They jumped
12 overboard on the starboard -- not the starboard, the port, swam
13 back to the dinghy. I helped Ryan Sims get off the boat, his big
14 -- his leg was broken. He was screaming. He's kind of in shock,
15 not relating. He goes I can't swim, I can't swim. I say you have
16 to swim, you have to get off the boat. It was engulfed now. I
17 helped push him in the water. He goes into the water. I'm there,
18 I turn around and look. I go, oh, I can't believe I'm leaving the
19 boat. I jumped in the water.

20 We swam 100, 150 feet away from the boat. He goes I'm
21 drowning. I go, you're not drowning, you're not drowning. You're
22 all right. He's probably in shock or whatever. I go keep
23 swimming, get away from the boat. We kept swimming. Then he goes
24 Mike, are those sharks? I go, no, they're seals. They're going
25 poof, they're popping up, going poof by us. And I'm like oh, my

1 gosh. And then there's the dinghy. I don't know how they got it
2 off or anything. I don't know how Milton or them got the dinghy
3 off. Jerry must have swam around the other side.

4 And then I was swimming. He kept swimming with me and then
5 he saw the dinghy and they yelled and he started swimming towards
6 -- not the dinghy, the inflatable. He started swimming towards
7 the inflatable. I kept swimming away from the boat. I was afraid
8 it was going to blow up. It was just a ball of fire.

9 And then they finally picked me up and we went to the other
10 boat and pounded on their door for -- and then, I guess, his name
11 was Bob. He had a hearing aid so they couldn't hear us. We were
12 at 5 or -- you know, for a while, pounding on it. And they
13 finally turned the light on and we were on their vessel. And then
14 Jerry was, I guess, has called, yeah. I don't know what happened
15 in the wheelhouse, but yeah -- what Jerry had done in the
16 wheelhouse because it was smoke, so I don't know if anything --
17 what had happened.

18 Q. Okay.

19 A. What Jerry did up there.

20 Q. All right.

21 A. And then, we were in the water and now we're here, yeah.

22 Q. Okay. I appreciate that.

23 A. Yeah.

24 Q. Thank you for that.

25 A. Yeah.

1 Q. Based on what you told me, I got a couple more questions or
2 it's --

3 A. Yeah.

4 Q. -- based on what you said just to help clear my mind on --

5 A. Yeah, I kind of went over, but --

6 Q. No, it's --

7 A. -- then I got lost, but -- yeah, I know, yeah.

8 Q. This is fine. So I think you mentioned the safety brief
9 that's done on the first morning while breakfast is going or --

10 A. Yeah.

11 Q. Is that before breakfast or after breakfast or during
12 breakfast that the safety briefing --

13 A. It's during breakfast. It's after we get to the dive spot we
14 will drop anchor, we'll drop a stern anchor. It all depends where
15 -- they do two anchors. But usually, we're always two anchors.
16 We'll drop the stern anchor, right, and we drop red mooring ball.
17 And then we go -- Jerry will go out, drop the, I guess, just the
18 bow anchor, the big one, you know, the bow, drops that. And then
19 they reverse the boat back and they take the hook and then, what
20 is it, Cullen would tie it up to the cleat. And then when
21 everything's right there, Jerry turns off the engine. He'll come
22 down and then we'll get everybody out of the bunk room and we'll
23 proceed with the safety meeting and prep.

24 It's usually always Milton who does it, who reads the
25 scripture. And then Jerry comes in and then they go back and

1 forth. And they'll go, okay, Ryan -- he'll talk about the galley,
2 you know, where the coffee is, all the creamers and the orange
3 juice, milk, everything in there like that. We'll talk about our
4 slop bucket and we'll talk about dietary needs. Please come up
5 and see us about your dietary needs if you have them, you know,
6 so --

7 Q. Yeah. So you were -- the boat was already anchored before
8 you had that briefing?

9 A. Yeah, the boat was anchored when we had the briefing. We
10 don't -- we didn't do it when we were driving, no.

11 Q. Okay. All right.

12 A. Yeah, Jerry was down there. He was sitting there. And we
13 had a, I don't know if it was that -- the first, yeah, it was the
14 first day that a man passed out in our arms. I don't know. Yeah,
15 he just -- we were having a briefing. I was in the galley. I
16 forget his name, he's -- what would you call it? India, from
17 India. I don't know, yeah, yeah. I don't know if he was, but he
18 was standing there. He looked at me, he goes, oh, I go whoa, he
19 was like -- I thought it was Dramamine. And we -- I don't know
20 what it was. And then I grabbed him, Jerry, Jerry. We laid him
21 on the ground, me, Jerry and Sims -- I mean Ryan Sims. We laid
22 him down. I ran to the bunk room. We have an extra blanket,
23 pillow. We put it underneath him and the safety meeting went on
24 for a little bit longer. The dive didn't get in the water the
25 first day.

1 Q. Okay.

2 A. On that.

3 Q. Is a safety briefing done everyday before a dive or just the
4 first day?

5 A. Just the first day.

6 Q. Okay.

7 A. And after that -- yeah.

8 Q. Okay. Does -- when Milton's doing the safety briefing or
9 Jerry's adding to it, they talk about escape route?

10 A. Yes, they do.

11 Q. Okay.

12 A. When he talked -- there's -- they, he always point to there's
13 an escape route right down there, of the -- right underneath where
14 they stand.

15 Q. Okay.

16 A. Where you sign the ledger, that is the thing, you know.

17 Q. All right. And did they talk about what to do in any
18 emergencies or anything like that; do you recall?

19 A. They said in an emergency you would wait for the deckhand.
20 Everyone would meet on the deck or be told to go on -- what the
21 emergency is, you know, depending on the emergency. But everyone
22 should meet on the back deck out there.

23 Q. Okay.

24 A. And then wait for crew to instruct you, yeah.

25 Q. Okay.

1 A. That's -- but they usually say.

2 Q. All right. Throughout the voyage, when you were doing --
3 preparing meals, was there any problems with the galley equipment?
4 Did it work as designed?

5 A. Everything worked fine.

6 Q. Did it?

7 A. Yes.

8 Q. Did -- it never tripped any breakers or anything like?

9 A. No breakers tripped at all.

10 Q. Okay. All right. I understand that at night sometimes you
11 or Ryan would trip breakers for the galley equipment. Is that
12 true?

13 A. Trip breakers for the galley equipment?

14 Q. Turn off the electrical switches?

15 A. We turned off, at night, when we're done cooking and we're
16 done with the flat top, we'll turn off 11 and 17 which is the flat
17 top, the two round burners, and the flat top stove, just for
18 safety in case someone goes there and tries to cook or they go in
19 there and clean something, rub up against the dial. That stove
20 would be on so we turn that off --

21 Q. Okay.

22 A. -- at night.

23 Q. And those were turned off the night before the fire? Do you
24 recall?

25 A. Those were turned off the night before. And it's funny you

1 ask that because it was -- Cullen was there. He goes Mike is
2 there anything that I can do for you. I said no, I'm just going
3 to turn the breakers off. He goes, you turn the breakers off? I
4 go, yeah, we turn them off for the safety. And I opened up the
5 box, you know, he was there and I turned them off. And I said
6 hey, Cullen, ask Jerry if he wants the air condition turned on
7 because they're off, that's 5 and 8. Those are the only ones we
8 turn on and off because they -- I guess, I don't know why they do
9 it, but they turn it off. I think it ices up or something if it
10 runs, I'm not sure. And then -- and he came back, he goes yes,
11 Jerry wants them on, so I turned them on.

12 Q. Okay. I understand there's also a barbeque on board?

13 A. Electric barbeque in the back, yes.

14 Q. Okay. Did you use that during the voyage?

15 A. We used it the first day of the voyage, the first night of
16 the voyage for dinner.

17 Q. And same question, it operated as you'd expect it to?

18 A. It operated as -- yeah.

19 Q. Okay. No problems with that. All right. You said you got
20 up between, I think, 1:30 and 2:35 to go down, wipe down --

21 A. No, I got up at -- it was 1:30 I was in the galley.

22 Q. Okay.

23 A. At 1:30. 2:35, I was going back up to my bunk room.

24 Q. Okay. Got you.

25 A. That's, yeah.

1 Q. And you -- but you were down in the galley between that time
2 cleaning up the --

3 A. From 1:00 -- yeah, from 1:00 to 2:35.

4 Q. Okay.

5 A. Yeah.

6 Q. And the entire time you were down there, you didn't see
7 anything that was suspicious or anything that --

8 A. Nothing. Everything looked normal. I wiped the tables, they
9 were clean. There were battery -- there was battery chargers,
10 someone's charging a battery. There's flashlights, you know, dive
11 lights we're being charged.

12 Q. Where was that?

13 A. That was in the -- there's one table here, it was on the port
14 side. There was three tables. It was this table right here had
15 battery packs right here. And it had this round thing, I was like
16 what is that? And they go that's a dive light. It was big. It
17 was a dive light, but it was being charged. This table right
18 here, had just cameras all over it. There were just like big --
19 they weren't charging them, they were just a big camera on there,
20 you know, it was like -- it's like a big Go Pro.

21 Q. Yeah.

22 A. You know the cameras go inside, they're like Nikons. You put
23 them in bucket over there and soak them. Make sure they don't
24 leak, that table there. This table right here, it was Michael,
25 Robin, Evan and I can't think of her name. It's -- oh, God,

1 Angela sat there. There were some cell phones being charged right
2 here. This table had nothing. This table had nothing.

3 Q. Okay. And just for the recording, the first table that you
4 discussed is on the port side, centered table.

5 A. Yes.

6 Q. The second table you discussed was the port side, aft.

7 A. Yes.

8 Q. And the third table you discussed is the starboard side, aft.

9 A. Yes.

10 Q. And on this port side, center table you said phones and
11 what --

12 A. No, not phones. It was battery charging, you know, they
13 charge their batteries when they go bad. It was a battery
14 charger. A flashlight, a little flashlight like that was being
15 charged. And there was another round cylinder that was -- it was
16 a flashlight. And that was being charged on that table.

17 Q. Okay.

18 A. And there was chargers, phone chargers there and there was,
19 what do they call them? Laptop, a pad, was on the table.

20 Q. Okay.

21 A. Yeah.

22 Q. And were they plugged into the receptacles on the boat or
23 where they plugged in --

24 A. These were plugged into the -- on the bench there's a box,
25 electrical box. They were plugged into that.

1 Q. Okay.

2 A. Yeah.

3 Q. And how about these, were these plugged in as well?

4 A. I didn't see -- there was just cameras on there. They were
5 not plugged in, no.

6 Q. Okay.

7 A. They don't plug a camera in.

8 Q. All right. And the one here on the starboard side, were
9 they --

10 A. It was -- up top here there's a plug box. There were a
11 couple cell phones --

12 Q. Okay.

13 A. -- being charged up there.

14 Q. All right. Were there any power strips being used or -- you
15 know what I mean by --

16 A. No. I --

17 Q. -- power strip?

18 A. -- know what a power strip's extra.

19 Q. Yeah.

20 A. No, I didn't say any power strips. To my knowledge, I didn't
21 see a power strip.

22 Q. Okay.

23 A. I mean, they could have been there but I didn't see them --

24 Q. Okay.

25 A. You know.

1 Q. When you were in the galley during that time --

2 A. What time? I mean --

3 Q. So from when you were cleaning up between when you got up at
4 1:30 --

5 A. Oh, from 1:30 -- yeah, I picked up coffee cups. They leave
6 them on there. And there's trash, so I picked them up. My galley
7 is right here, this is my stove, I guess, right there.

8 Q. By the -- well --

9 A. Yeah, by this, yeah.

10 Q. -- for -- this is a picture, actually, of the layout of the
11 Vision.

12 A. Oh, okay. Yeah --

13 Q. So --

14 A. -- that's why it's looking different --

15 Q. -- but we're kind of using it a little bit --

16 A. Yeah, yeah. Okay, yeah. But it's kind of the same, yeah.
17 But yeah, I'm right here. Ours is -- their galley is huge, ours
18 is like, yeah, really small, totally different. You know, it's a
19 little sink, double sink. But yeah, I was there, washed the cups.
20 We got a little --

21 Q. Can you draw it in there?

22 A. It's like a -- we've got our refrigerator, the refrigerator's
23 like right here. We've got a little counter that goes like this.
24 It goes here and then it goes across like that. And our stoves,
25 there's two burners here and a flat top like that right there.

1 Q. Okay. So --

2 A. I think --

3 Q. -- this is -- this, the --

4 A. That's a refrigerator. You can say that, refrigerator.

5 Q. Okay. This is your double burner?

6 A. Double burner. Those two little dots is double burner.

7 That's our flat top. And then we have silver thing, what are --
8 you know, a little corner right there we set our eggs on.

9 Q. Okay.

10 A. You know, it's part of the sink. It's all --

11 Q. I got you.

12 A. What would you call it, stainless steel, little triangle
13 corner.

14 Q. Okay.

15 A. Then sink, sink, a little thing. And then we have two double
16 ovens like right there, two -- an upper and a lower oven, yeah.

17 Q. Is the double oven against the forward bulkhead, the forward
18 part or is it against the wall, against the side or against the
19 front?

20 A. It's -- there's like a little shelf. It's -- there's stairs
21 you come down. It's right --

22 Q. So it's --

23 A. No, it's not up against the, you know, it's turned sideways,
24 like this.

25 Q. Okay.

1 A. It's not up against it, it's sideways, but --

2 Q. Okay.

3 A. -- I don't know what's on the back because you go down the
4 stairs and it goes like that because you're going in the shower
5 room.

6 Q. I see.

7 A. So it's like in a corner there.

8 Q. Okay.

9 A. Yeah.

10 Q. During that entire time you were down there in the galley did
11 you see anyone else, either passengers or crew?

12 A. No one -- that's the weirdest thing. No one -- usually when
13 I'm up washing glasses, I mean, the cups, someone walks by. Do
14 you ever sleep? Yeah. Because they're like, yeah, and they
15 usually, they're all sleepy-eyed and they walk by, you know. But
16 no one came up, not one person. I was like, wow, it was weird for
17 me, yeah.

18 Q. Okay. And then you went back up to your bunk and you said
19 you were in your bunk. Did you ever fall asleep before you got
20 back out of your bunk?

21 A. I might have. I don't -- I mean, yeah, I was -- I laid down
22 and, you know, I laid there and I try and fall back asleep. But I
23 don't know how long time was --

24 Q. Okay.

25 A. -- at that point.

1 Q. And describe to me, again, what that first noise you heard
2 was?

3 A. Sounded like someone came out of the bunk room and bumped
4 into chairs. It was like kaa. When you move the chairs in the
5 galley they make this sound and Jerry's always, don't make that
6 sound when you put the chairs in because people sleep underneath
7 you. So I thought someone bumped into a chair. And it --

8 Q. What are the chairs made of?

9 A. Plastic. Plastic chairs. And that sound, it makes a kaa
10 sound. And it -- oh, someone bumped in the chair. But it sounded
11 like someone fell. And I go, oh.

12 Q. When you say it sounded like somebody fell, did you hear like
13 a thump or anything or did you --

14 A. I heard a kaa, and it was like, you know, like a thump foot
15 but, you know, I don't know. I was like I think someone fell. I
16 should check on them, but I, you know, was laying in my bunk, half
17 asleep, trying to sleep, and I heard that sound. And then it
18 sounded like someone shut the bathroom door right there. It was
19 like, it was that noise of the bathroom door shutting.

20 Q. Where's the bathroom at?

21 A. It's at the stern of the galley, right when -- on the back
22 deck I guess you call it.

23 Q. Okay. Does the door face into the galley or away from the
24 galley?

25 A. What do you mean the door?

1 Q. The door to the galley. Excuse me, the door to the head, the
2 bathroom door.

3 A. Oh, the bathroom doors are on port and starboard and they
4 open in, the door. They're outside of the galley. They're
5 outside of the galley --

6 Q. Okay.

7 A. -- the bathroom doors.

8 Q. So you heard a door --

9 A. It sounded like the door shut, like it makes a little clink
10 when you shut it.

11 Q. Yeah.

12 A. And I go, oh, they're probably okay, you know. And I said
13 should check, I should check. I should check and see if they're
14 okay. And then I said, they're all right. And then I heard an
15 ahh and I go oh, someone sprained their ankle. And then --

16 Q. Was that definitely a human voice that you heard?

17 A. That was definitely a human voice. It was ahh. That was the
18 sound and I was like oh, I better go check. And that's when I got
19 out of my bunk and I looked. And I had to focus at what's that
20 yellow glow? And then I realized it was fire and that's when I
21 yelled fire, fire. And I seen Jerry go fire. And then from that
22 point I ran to the stairs. You could not get down the stairs
23 because we have another third bathroom right there. That
24 bathroom, there was a fire at the bottom of the stairs there.

25 Q. Okay. So --

1 A. So my --

2 Q. -- were you looking down onto --

3 A. I was --

4 Q. -- the back deck?

5 A. We have a step. It's right there. It's like -- there was
6 like -- it's a sun deck. And in the middle of the sun deck all
7 our life jackets are there. Our lifeboat is on top of our, what
8 do you call it? The wheelhouse, on top of the wheelhouse. There,
9 you know, this eight, nine person, I think it is, yeah. And all
10 the life jackets are on the deck right there. I ran around there.
11 I looked down the stairs, impossible to go down the stairs. It
12 was -- you could not go down without being burnt or you'd be going
13 into a fire.

14 Q. Was the whole deck engulfed in flames or just over on the
15 side by the stairs?

16 A. Just the stairs is the bathroom. It's like, yeah, just the
17 bathroom was there. And then I went to the railing and jumped
18 over because it was like, you know, the port fire extinguisher is
19 there. That -- I was like, get that out. But as I turned the
20 corner and I looked into the galley, you know, the two bathroom
21 doors, you couldn't get there because the whole galley was
22 engulfed in flames.

23 Q. So when you jumped down, where did you jump down? Right at
24 the back end of the sun deck?

25 A. I jumped back in on the port side. It's --

- 1 Q. I don't even have a picture of the --
- 2 A. Yeah.
- 3 Q. Here we go. Here's a -- this is --
- 4 A. Well, this is --
- 5 Q. This is the sun deck of the, I'm sorry to say, the --
- 6 A. The Vision?
- 7 Q. The Vision.
- 8 A. Yeah. See I don't work on the Vision. I've always been on
- 9 the *Conception*.
- 10 Q. Can you draw it?
- 11 A. I can --
- 12 Q. You can even do it over here if it's easier on the big board.
- 13 A. I ain't a good drawer.
- 14 Q. All right. You can do it right here.
- 15 A. Yeah, it goes -- this is the upper deck. This is like -- it
- 16 goes bench along here, you got like this would be, right. And
- 17 then there's a box like -- God, I'm a terrible drawer. But this
- 18 is a walk -- this is -- there's a little -- this is like a bench
- 19 right here, you know.
- 20 Q. Okay. On the outside --
- 21 A. And you --
- 22 Q. -- of the boat?
- 23 A. No, no, this is on the inside. This is like --
- 24 Q. I mean, the -- on the --
- 25 A. -- the wheelhouse. The wheelhouse door is like right here.

1 Okay?

2 Q. Okay.

3 A. My room is right here. My room -- my door is like right --

4 Q. I got you.

5 A. Our bunk room's right here. Jerry's bunk room is like right
6 there. This would be the wheelhouse right here, you know.

7 There's the wheelhouse. The two deckhands sleep right down

8 underneath here. They're -- we call that the dog pen because it's
9 really small, yeah. And this is, you know, the bench right here.

10 And that's where all the life jackets are. And this goes right
11 here. So I came out, I ran here. The stairs go down, or like the
12 stairs go down here and there's a bathroom here. The fire was in
13 this corner right here. I couldn't come down the stairs. I did
14 run back, you know, fire, fire, because no one came out. I came
15 to the railing and jumped over it --

16 Q. Okay.

17 A. -- and yeah, right here on the side.

18 Q. I'm going to ask you to label some things because we'll take
19 these pictures and --

20 A. All right.

21 Q. -- in a couple days I won't be able to remember what I --
22 what you told me.

23 A. Okay. Yeah, I'll --

24 Q. So can you label this bow or front here. Go ahead.

25 A. Bow, B-O-W?

1 Q. B-O-W.

2 A. Okay. I'm not a very good speller.

3 Q. Don't worry about it.

4 A. Bow.

5 Q. And then -- and you can just put aft here, A-F-T. Okay. And
6 this is bench here, correct?

7 A. This is like bench, then the sun deck. Well, it's -- it
8 opens up and they have like a foam pad that you can lay up on the
9 deck.

10 Q. Okay.

11 A. Yeah. You know, because --

12 Q. Oh, okay. Can you --

13 A. And this is where people can -- they can put one, two or
14 three. And they can put one here. And there's -- we can put some
15 there, you know, it's -- there's like a --

16 Q. As far as sunbathers there?

17 A. Sunbathers, you want to sit up there and look, look down,
18 yeah.

19 Q. Okay. All right. Can you -- do you mind writing bench here,
20 B-E-N --

21 A. B-E-N-C-H. I'm not that bad.

22 Q. All right. I don't mean to insult your intelligence.

23 A. No, no, no. It's not that.

24 Q. And then this is like a box here. Is that correct?

25 A. This is where all our life jackets are in here.

1 Q. Okay.

2 A. This is the life jacket. And this a bench here too, you
3 know. This is where they put the, like a --

4 Q. Yeah.

5 A. -- foam pad, you know.

6 Q. Okay.

7 A. Like this --

8 Q. Do you mind writing bench on that there? And then if you can
9 put life jacket box here, or something, LG box whichever way --

10 A. L --

11 Q. LJ box.

12 A. L-J. Oh, you're going to have a hard time reading this man.

13 Q. That's all right. And then this is your bunk?

14 A. Bunk.

15 Q. All right. Can you just put my bunk there? Okay. And then
16 this is the stair?

17 A. This would your stairs --

18 Q. I'm sorry to make --

19 A. No, that's all right.

20 Q. I'm sorry to make you do this.

21 A. I'm not, I'm not (indiscernible), yeah.

22 Q. Can you write stair there?

23 A. Star, S-T-

24 Q. A-R.

25 A. A-R.

1 Q. A-I-R.

2 A. A-A --

3 Q. See I'm not a very good speller either.

4 A. S-T-A --

5 Q. A-I-R.

6 A. I-R.

7 Q. Door, that's good.

8 A. There you go.

9 Q. All right. And then if you don't mind putting fire there?

10 A. I can spell that one.

11 Q. Okay. And then this is where you jumped down right here?

12 A. I jumped down here, yeah, right in the middle because you

13 come up.

14 Q. Oh, right in the middle?

15 A. Yeah, in the middle there.

16 Q. Can you just put an X there?

17 A. I put -- and then I'll put jump.

18 Q. Okay. So you jumped down from about the middle on the port

19 side, down --

20 A. Middle on the port side.

21 Q. Down to the main deck?

22 A. Down to the main deck.

23 Q. And you initially ran back?

24 A. I ran back, down right -- and so it comes around here. I

25 come around the corner and this is now -- this is -- I'm below

1 deck here, right. I'm below -- I'm on the first deck, it's below
2 where there's double doors that are always opened when we're on
3 the boat. They're never shut. I don't know where someone said
4 their doors were shut, they're always opened. They hang coats on
5 it and everything. And that's when I come around. It's on the
6 bottom. There was, you know, it's just a wide -- it's like 8 feet
7 wide, maybe, I guess, yeah, when we go into the galley. I turn
8 the corner there. The whole galley is engulfed in flames, the
9 whole galley is engulfed in flames.

10 Q. Can you see all the way forward to the --

11 A. You can't.

12 Q. -- to where you're cooking --

13 A. All you can see is flames.

14 Q. Right in front of you?

15 A. Right in front of me. You can't see nothing in the galley.

16 The whole galley is on fire. It's beyond.

17 Q. Okay.

18 A. Yeah.

19 Q. When you jumped down here, could you see into the galley
20 through the windows?

21 A. No. There's smoke coming out. Smoke was coming out, black
22 smoke coming out the windows.

23 Q. And then, after you -- so you came over here. You saw --

24 A. Then I seen -- that's where the escape hatch is in the
25 galley. It was, you couldn't get in there. You couldn't get past

1 the two bathrooms because it's like, it's fiberglass, the deck up
2 there. That was melting and coming down, all melting. It was
3 that hot. And it was engulfed, I have to say.

4 Q. Then where did you go from here?

5 A. I ran back and it's called lazarette. We have --

6 Q. Yeah.

7 A. -- a refrigerator back there. I ran back there, don't know
8 why I ran back there. And I was like -- and then I seen, from the
9 wheelhouse, they drive the boat, you know, like Jerry can look out
10 the port side and the starboard side. I seen someone, I don't
11 know who, that come down. And that's when I run up the side and
12 that's when Ryan Sims falls right in front of me and he goes --
13 hit the deck like a rock. And, I think I broke my leg, ahh, my
14 leg's broken.

15 I jump over him. We try and open the window with Milton but
16 the smoke's coming out of it. Now there, it's just pure black
17 smoke, there's no flames in the forward galley, it's just black
18 smoke, that's it. And we couldn't get it open. Then we hear oh
19 God, oh God, I think Jerry's burning in the wheelhouse. That's
20 what I'm thinking, he's not getting out. Because I hear oh God,
21 oh God and --

22 Q. That was Jerry who said that?

23 A. That was Jerry who said that. Then when that -- then it's me
24 and Cullen, yeah, Cullen, we look up and we're like just in awe.
25 And then all of a sudden this silhouette goes psh, psh, into the

1 ocean. That's Jerry. He comes up and says -- and he starts
2 swimming. He goes oh God, all those people. And then Ryan and --
3 not Ryan, Milton and Cullen, we got to get the dinghy. Boom,
4 boom. They just jumped off the boat and swam to the stern. And
5 then I pushed Ryan Sims overboard and then he swims away. I jump
6 off, we swim away.

7 Q. Okay.

8 A. And that time the boat, the wheelhouse is engulfed.

9 Q. Yeah, okay.

10 A. Yeah.

11 Q. Did -- so I appreciate that.

12 A. Yeah.

13 Q. That helps me understand what happened that night. Did you
14 know what firefighting equipment was on board that could have been
15 used?

16 A. Well, there's -- there was two in the galley, port side.

17 Q. Two?

18 A. They're just round cylinders, red round cylinders like this
19 big.

20 Q. Fire extinguishers?

21 A. Yeah, I don't know what kind they are, but I was shown where
22 they were when, yeah, 2018 when we had our safety test. And
23 there's one on the port side, you know, right -- but there's two
24 bathrooms right here. Right when you come in the galley, there's
25 a fire extinguisher, there's an emergency exit. We sign in here.

1 If you go to the starboard side, there's our coffee machine, there
2 is a fire extinguisher there. If you go down into the galley, not
3 the galley, the bunk room, we have a changing room, it's starboard
4 side. There is a fire extinguisher right there. And I guess
5 there's something in the engine room, but I was second galley.
6 And they said oh, we have two deckhands, Jerry and I know it. You
7 won't be going down there, so I never knew how, yeah.

8 Q. Did you ever participate in a fire drill on board the boat
9 while you're -- from the day you got on board when you were hired?

10 A. I never participated in a fire drill, but I was shown where
11 all the fire extinguishers were --

12 Q. Okay.

13 A. -- in the galley. That's why I know where they're there.

14 Q. Okay. All right. Any other kind of emergency drills that
15 were done on board the vessel?

16 A. None that I -- no.

17 Q. Okay. Did you have an assigned task that you were aware of
18 in case there was a fire on board?

19 A. No, I didn't have an assigned task.

20 Q. Okay. All right. Okay. Just give me a second here. All
21 right. What I'm going to do is -- that's all I have for now.

22 A. Okay.

23 Q. I may ask you a few more questions after I hear --

24 A. Yeah.

25 Q. -- what my other colleagues have to ask you.

1 A. Oh, yeah.

2 MR. EHLERS: But I'm going to turn it over to Marcel.

3 MR. KOHLS: Hi, Marcel.

4 MR. MUISE: Hi, I'm Marcel with NTSB again.

5 BY MR. MUISE:

6 Q. Was it normal for you to get up at 1:30? Is that a normal
7 schedule for you?

8 A. I usually wake up in the middle of the night, you know,
9 because we're supposed to get up at 6:00 in the morning and set up
10 the galley. But -- and when you do that, the galley -- everyone's
11 coming up and stuff, so I usually wake up in the middle of the
12 night, use the restroom and then I clean the galley.

13 Q. Oh, so that was just your habits, was to get --

14 A. That was my habits, yeah.

15 Q. Okay.

16 A. It could be 1:30, 2:30, 3:30. It's when I woke up I went
17 down and cleaned up. There was no set time. It was just my extra
18 thing that I did on the boat to make our day easier in the morning
19 with the other crew.

20 Q. You mentioned all the galley equipment was working. Do you
21 remember where the smoke detectors were?

22 A. No, I couldn't tell you where the smoke detectors are because
23 they -- I know they're down in the bunk room because I fold down
24 there and there's -- we have two light boxes, a fire detector
25 there. And there's one on the port side, or the starboard side.

1 And port side there's -- I know there's two. And I think there
2 was one right above the -- when you come down into the galley. I
3 think there's one in -- on the side -- no that's a light, yeah.

4 Q. When you come down, is that on -- talking about the aft
5 galley?

6 A. That -- you're going -- when you're coming down into the bunk
7 room, half spiral stair, you're down in the bunk room. There's
8 one on both sides. There is a -- you call it a, what do you call
9 it, your fire?

10 Q. Smoke detectors.

11 A. Smoke detector, thank you.

12 Q. But you don't remember any on that -- in the galley ceiling
13 itself?

14 A. No, I can't -- no, I couldn't tell you where one is up there.

15 Q. Did you hear any of those going off that night?

16 A. Never heard anything at all.

17 Q. Okay.

18 A. No, I heard no alarm or anything.

19 Q. Did you have any training on the lifesaving equipment, like
20 the life jackets, the life floats? Did anybody show you how to
21 use those?

22 A. No, I wasn't shown but I -- they were -- they showed me where
23 they were.

24 Q. Okay.

25 A. Yeah.

1 MR. MUISE: All right. That's all I have.

2 MR. EHLERS: Bart?

3 MR. BARNUM: Hi, I'm Bart Barnum, NTSB.

4 BY MR. BARNUM:

5 Q. How long you been a cook?

6 A. For *Conception* or?

7 Q. No, just in general.

8 A. In general?

9 Q. Yeah.

10 A. I've worked in a restaurant on Maui for, what was it, 1982 I
11 started as a bus boy, prep. I was never a cook. I just watched
12 the chefs work. I worked in restaurant for like over 30 years, so
13 I love to cook, barbeque at the beach and stuff, yeah. That's
14 where I get my experience from.

15 Q. I assume you have a lot of experience with industrial cooking
16 equipment like on the vessel?

17 A. Oh, you mean the oven and --

18 Q. Yeah.

19 A. -- the flat top?

20 Q. Yes.

21 A. Yeah, you turn the dial and it comes on, yeah. But I mean,
22 cooking eggs on it, yeah, you know, or bacon.

23 Q. On the *Conception* had you ever forgotten to turn off a burner
24 at any time?

25 A. No.

1 Q. Okay. The -- you'd mentioned the -- you had asked the
2 captain to turn on the air conditioning units.

3 A. I didn't -- I asked, it was, that was when, what's his name,
4 Cullen, is there anything I can do for you? I said, no, I'm good.
5 I'm just going to turn -- we turned off the flat top for safety.

6 Q. Right.

7 A. And that's 11 and 17 on the breaker box. We'll break that in
8 case anyone goes into the kitchen. That was just our standard
9 procedure on that boat.

10 Q. And then you said 5 and 8 for the air conditioning?

11 A. Five and 8 is the air conditioner on the *Conception*. And
12 they were off and I asked Cullen, I go, ask Jerry if he wants it
13 on. And he came back and goes yes, Jerry wants it on. And I
14 turned them on and then --

15 Q. Was that normal procedure? Did they cycle them on and off
16 quite a bit?

17 A. Yes, they do. They, you know, after they get up and go
18 diving they turn them off and then they turn them on in the
19 afternoon to cool the bunk room down. They don't air condition it
20 all the time.

21 Q. Was there a particular reason for that? Was there -- was it
22 malfunctioning or was it just to help conserve fuel and
23 electricity?

24 A. I -- that I don't know. Yeah, I don't know. You'd have to
25 ask Jerry why they do that, yeah. I just -- it was just kind of

1 common that we did that, you know, I don't know why.

2 Q. Do you know approximately what time that was when you turned
3 on, when they turned on the air condition units --

4 A. Air conditioning?

5 Q. -- that night?

6 A. Approximately, it was probably about 9:00, between 9:00, 9:30
7 yeah.

8 Q. Okay. You'd also mentioned the amount of battery chargers
9 and things plugged in the aft or end of the galley there. Was
10 that abnormal or was that pretty standard from trip to trip? Was
11 there more this time?

12 A. There was less this time. Sometimes there's more. It was --
13 it's kind of normal that they had, you know, they would charge
14 their batteries or cell phones at night on a table, yeah.

15 Q. Okay. So a little timeline wise. So how long from the time
16 you heard the fall, or you presume was a fall, until you heard the
17 scream? Do you recall?

18 A. I'd say it'd been about 5, 10 minutes, maybe 15. Right in
19 that range right there, yeah.

20 Q. And that faint scream, could you identify was it a male or a
21 female?

22 A. I could not identify. It sounded like me go ahh, you know,
23 like you've --

24 Q. Yeah.

25 A. -- twisted an ankle. And that's what made me come out of my

1 room.

2 Q. Okay. And then you came back and you came in the ladder well
3 and you saw the fire?

4 A. No, I came out of my bunk room and I saw that yellow glow.

5 Q. Okay.

6 A. And I, like, focused and I was like fire, fire. And Jerry
7 said fire because he was on the ground, he's like fire. And then
8 I ran back to the stairwell then. And I was going to go down, try
9 and get the port, which is in the stern of the galley,
10 extinguisher, but the stairs were fired so I had to jump over.
11 Then when I turned the corner the whole galley was engulfed in
12 flames.

13 Q. So when you first went down the ladder and saw that fire --

14 A. I didn't go down the ladder.

15 Q. No, I'm sorry.

16 A. Yeah.

17 Q. When you first reached the ladder and you looked down and you
18 saw the fire, did it appear to be isolated right there?

19 A. It appeared to be -- it just it was a fire right there, yeah.

20 Q. Okay.

21 A. It was like the bathroom. You wouldn't think there'd be a
22 fire by the bathroom, but there was.

23 Q. How long from when you saw that fire, you jumped over the
24 rail, you came around back and you saw the galley completely
25 engulfed, how long do you say that that was?

1 A. Two, 3 minutes at the most.

2 Q. Okay. Thank you.

3 A. You're welcome.

4 LT [REDACTED] Lieutenant [REDACTED] Coast Guard,
5 MSD Santa Barbara. Just a couple questions for you, sir.

6 BY LT [REDACTED]

7 Q. You -- I know there was a lot going on, a lot of -- it's
8 difficult to remember those specifics of some of it, but when you
9 were laying in your rack after you had heard the noise, before you
10 had heard the yell, did you notice a smell of any smoke or
11 anything like that?

12 A. No. No smoke at all. That was weird -- and there was, like,
13 no alarms like you were saying, fire alarms. There was nothing.

14 Q. Sure, okay.

15 A. Yeah, you couldn't smell smoke.

16 Q. All right. Thank you. Is there -- was there a dishwasher on
17 the vessel?

18 A. No, no dishwasher.

19 Q. Okay. So everything was washed by hand or --

20 A. Washed by hand.

21 Q. Okay.

22 A. By me. Ryan wasn't a very good dishwasher, I'll tell you
23 that.

24 Q. Roger that.

25 A. He sucked in that department.

1 Q. So to do the cleaning that you did at 1:30, you didn't need
2 to reenergize the breakers or anything like that?

3 A. No, I never touched -- there's no need to touch them.

4 Q. Okay.

5 A. Yeah, there's -- that's, yeah.

6 Q. All right. Thank you. When you dropped down to the, you
7 said the port side of the vessel?

8 A. The port side of the vessel, yeah.

9 Q. Were you able to see into the windows in the galley area at
10 that point?

11 A. No, you couldn't see. I didn't really look into the window.
12 Well, I came down and there's like smoke, a little smoke, but I
13 didn't look in though because I turned and I ran. My first
14 priority was take care of -- get people out of that hatch, you
15 know, and grab a fire extinguisher. But as I turned that corner
16 there was -- it was a wall of fire.

17 Q. Okay. Even with that wall of fire, could you see where that
18 hatch was at that point?

19 A. No, you could not even see the hatch. It was -- there was no
20 one coming out of that hatch.

21 Q. Okay.

22 A. No one was going in that galley, yeah.

23 Q. Okay.

24 A. It was sad.

25 Q. And I just wanted to reiterate that you did not -- you

1 mentioned that you did not see any power strips or anything
2 plugged in that was being used for --

3 A. I did not see --

4 Q. -- those battery chargers?

5 A. -- any power strips to my knowledge, yeah.

6 Q. Okay. Great. That's all I have. Thank you very much.

7 A. Okay. You're welcome.

8 LT [REDACTED] Lieutenant [REDACTED] [REDACTED] Coast Guard
9 Investigations, National Center of Expertise.

10 BY LT [REDACTED]

11 Q. So how did you come to work on the *Conception*? Tell me about
12 how you found out about the job and got hired.

13 A. My daughter worked with Jerry in the office. Was -- I think
14 she was assistant manager or something. She had worked there for
15 2 or 3 years. She started working on the boat and it was October.
16 There was a girl named Kelsey, she had gotten sick and they were
17 going on a -- I think it was a 3-day or a 4-day. And my daughter
18 asked me would you like to come and help? I said, sure. And
19 that's how I got started on the boat. And that was 2017. I did
20 like 3-day, 2-day, two trips. And then next year, yeah.

21 Q. Okay.

22 A. That's how I got started, yeah.

23 Q. And who did you, did you -- who did you kind of break in or
24 train under? Was first galley already on that boat? Did you
25 shadow him or --

1 A. My daughter's first galley. My daughter is first galley.
2 She trained me, yeah. I worked with my daughter, yeah. I never
3 trained anybody.

4 Q. No, I --

5 A. I was always second galley.

6 Q. No, I appreciate it.

7 A. I was like -- yeah, you're welcome, sir.

8 Q. And so last one for me, as all the passengers were on during
9 this trip, did you ever note any of the passengers with anything
10 on board they shouldn't have or that could have been flammable,
11 like candles, incense, fireworks?

12 A. No, nothing like that. The only person, Steve, he had a
13 rebreather. I guess, a rebreather, they have like cat litter or
14 something there. But he had -- I don't know what they use, I'm
15 not a diver. I'm sorry.

16 Q. No, me either.

17 A. But he had -- would be -- I think it was green. It said
18 oxygen, I guess they use. He had a tank, but that was on the
19 deck, it was never in the galley. And he played with that thing
20 so I don't know.

21 LT [REDACTED] Okay. Excellent. That's all I got.

22 MR. KOHLS: You're welcome.

23 LT [REDACTED] Thank you very much.

24 MR. [REDACTED] All right. [REDACTED] [REDACTED] Investigations,

25 NCOE.

1 BY MR. [REDACTED]

2 Q. All right. Since you've been on board the vessel, have you
3 did any type of maintenance to the hood vents about your stove?

4 A. The stove?

5 Q. Yes.

6 A. At the end of every trip we clean out the grease trap. Well,
7 every morning after you cook bacon there's a bottom grease trap.

8 Q. Yeah.

9 A. You will dump that because if you don't it will slosh all
10 over and you'll be cleaning grease up. And there's -- what has
11 the vent fan it sucks up, there's a grid right there. We wash
12 that out at the end of every trip. And clean the grid and there's
13 a pad up there we -- that's on it, to stop the grease and smoke
14 from going up further. We also take Simple Green and squirt up
15 inside there and wipe all that down, all the grease inside there.
16 And that's what -- on every trip at the end when we're coming back
17 in we clean up the last time we use it. So if it's a 3-day, it
18 would, like, it -- at the end of our trip, we would be cleaning up
19 before we come in, before we can get off that boat, as quick as
20 possible.

21 Q. All right. Also, we were told that when they want to run the
22 nitrox system to do -- to refill bottles, they have to go in and
23 check with you guys to say --

24 A. To generate, I guess, the flat top draws a lot of electricity
25 or whatever or if we're using flat top stove and we got two

1 burners going, you're making tri-tip and they want to refile
2 people, I guess there's a lot of pull. We would turn things off
3 for the nitrox could run, I guess, be properly or better. I don't
4 -- that I don't know, but yes, we did turn things off in the
5 kitchen for the -- but I don't --

6 MR. [REDACTED] Okay. That's all I have. Thank you.

7 MR. EHLERS: Matt, do you have any --

8 DET. BANKS: I have no questions.

9 MR. EHLERS: Jay?

10 CAPT. SNODGRASS: I'm Jay Snodgrass, county fire.

11 BY CAPT. SNODGRASS:

12 Q. I want to go back to that 1:30 time that you were in the
13 galley. As detailed as possible can you go back over that time
14 period that you were in the galley and everything that you did and
15 any switches you may have turned, anything that you may have
16 turned on or turned off. Just go back through that time period.

17 A. I woke up. I don't know why I woke up. I walked down there.
18 It was 1:30 and, you know, I came down and I was like, looked at
19 the clock, 1:30. Picked up cups, cleaned. Never touched no
20 switches, nothing. There's no need to. I used freshwater. I
21 know I'm not supposed to, but -- because it was the cups and it's
22 warm, you know, because we're supposed to conserve water. I let
23 that run, the sink, and I picked up the cups from right there. I
24 put them in the corner, it's soap water, soap them up right there.
25 Stick them on the counter right there at the little bench where we

1 serve out food over. I then go to the tables and a little dab,
2 409, wipe that down. Clean it off, straighten the galley out for
3 the next morning, for when we come down it's not a more, but I
4 stocked the fruit bowl. I went down in, we call it the banana
5 room, in the shower, brang up bananas, oranges, apples. And I
6 brang up chocolate Reese's peanut butter cup, it was a good little
7 snack. And, yeah, everything was normal. I didn't touch anything
8 and looked at 2:35. I got 3 hours and, yeah.

9 Q. Okay. So you were down there for about an hour, you didn't
10 turn any --

11 A. It was hour and a half, 1:30 to 2:35, yeah.

12 Q. Okay.

13 A. Oh, I mean hour, excuse me.

14 Q. Yeah.

15 A. Hour, one hour, yeah.

16 Q. Did you turn on any lights or anything so you could see down
17 there or were they already on or?

18 A. No, the lights are always on. You might -- there's a dimmer
19 switch up there. You might dim them down a little bit, you know,
20 but I didn't do that at all. It was, yeah.

21 Q. Okay. While you were cleaning the tables, did you see all
22 the things charging? Did you see lights blinking or anything like
23 that or?

24 A. No, I didn't see no lights blinking at all or anything like
25 that. It was normal. There was no smell or anything. It was

1 just normal as can be.

2 Q. Okay. And then the spiral staircase going down to the
3 berthing area, there's no door or anything that separates you --

4 A. What, the spiral stair going down --

5 Q. To the sleeping area.

6 A. Oh, you mean to the bunk room?

7 Q. Yes.

8 A. Yeah.

9 Q. Is there any door that separates that area?

10 A. There's no door. It's just a spiral -- you go spiral, half
11 spiral down into the bunk room, half spiral down in the shower
12 room. There's no doors.

13 Q. So did you hear any voices or anything or --

14 A. Nothing. Everyone was quiet.

15 Q. -- any movement at all down below?

16 A. It -- no one even came up, not a sound.

17 Q. Okay. What about any odors or anything coming from possibly
18 down below?

19 A. No odors.

20 Q. Okay. Let's see. We went over that. So just -- so I get it
21 clear. I know you went over it several times. You went straight
22 off the back, you didn't go over the port side when you dropped
23 down from --

24 A. Port side -- well, when I'm on the deck, I mean, you come out
25 of the wheelhouse. The wheel -- oh, you come out -- you go into

1 the wheelhouse, goes like this. There's a door right here. And
2 it's on the floor you sleep, literally, on the floor. And then
3 there's a bunk right here. There's windows around and that's
4 where I slept on the top one. Right across, right -- well, this
5 does -- door up, there's Jerry's. And then you come into the
6 wheelhouse, you know where the wheel, and then there's two --
7 there's like little benches, the two deckhands sleep under there.
8 We call it the dog pen because they're like kennels.

9 Q. Okay.

10 A. Yeah.

11 Q. So --

12 A. And -- yeah.

13 Q. So I want to try to figure out when you went from the top
14 level, third level, down to the second level, was it straight off
15 the back or were you off to one of the sides when you dropped down
16 to the second level from that upper level?

17 A. I -- from -- you come out the door and I come out the back
18 door, you go right and there's a railing. I jumped over the port
19 side -- no, yeah, the port side, hanging from the railing right
20 there.

21 Q. Okay.

22 A. Which is maybe 5, 6 feet away from the corner to come around.

23 Q. Okay.

24 A. Yeah.

25 Q. Now when you dropped down to there, are there windows on the

1 second level?

2 A. There's three windows. There's three long windows, so they
3 go one, two -- there's, yeah, you're -- I don't know how you
4 explain, but there's three windows, yeah. They're right near
5 these. See these tables right here on -- this is the Vision.

6 Q. Yes.

7 A. The Vision's here, right there, there's sliding windows here,
8 sliding windows there and sliding windows there.

9 Q. Okay.

10 A. So, yeah, but only one side slides. They don't go, yeah, you
11 can't -- it just slides open, yeah.

12 Q. Okay. So when you drop there, do you remember feeling heat
13 or seeing fire at that --

14 A. I didn't feel --

15 Q. -- time?

16 A. -- heat at all. I didn't feel heat, but yeah -- well, I'm
17 giving some, but yeah.

18 Q. And then so on the port side you were able to make it all the
19 way to the aft of the boat?

20 A. Oh, I jumped, it's not that far. I turn the corner and then
21 now there's the big galley door and there's two bathrooms, I turn
22 there and this, there's the blaze, the fire, the whole thing's
23 fire.

24 Q. Okay.

25 A. And is -- yeah.

1 Q. So thinking back to the fire now, when you looked in there,
2 was fire more on one side than on the other?

3 A. Fire was more on the starboard side. It was coming out the
4 starboard side.

5 Q. Okay.

6 A. Yeah, it was more intense -- well, it was all fire there but
7 more flames were coming up the starboard side. And then finally
8 those windows -- when I was back in the back by the lazarette, and
9 I seen the other, someone come down. I don't know who it was.
10 That's when I went by and you could see flames were coming out the
11 top of the window going up to the wheelhouse. I mean, on the port
12 side now, they're --

13 Q. Okay.

14 A. -- coming out of the galley going up for port side. And
15 that's where Jerry was. Flames were going above the wheelhouse.

16 Q. Okay.

17 A. Yeah.

18 Q. So once you got down --

19 A. It moved --

20 Q. Sorry, go ahead.

21 A. Yeah. The fire was moving fast.

22 Q. Oh, yeah.

23 A. It was really fast.

24 Q. Now when you were down there and you see fire on that
25 starboard side, could you tell, were the bathrooms on fire? Was

1 the fire in the galley? Or what portion was actually burning or
2 on fire?

3 A. It seemed more starboard side in the galley. Like, probably
4 because the other bathroom, you know, the third bathroom was on
5 fire. We can't come down -- I couldn't come down the stairs.
6 Seen the starboard side was burning hotter, but the whole galley
7 was on fire and the doorway was on fire, but that starboard side
8 was burning, more flames were coming up. And then finally it
9 reached out to the port side and the flames were coming up --

10 Q. Okay.

11 A. -- over at the wheelhouse.

12 Q. And you said third bathroom on that starboard side. Is there
13 three deep or is it --

14 A. No, there's only one bathroom. You'd come on, you'd board
15 the boat, there's a bathroom. And then the stairs go up to the
16 wheelhouse and then you just --

17 MR. [REDACTED] This one? Okay. So just to make sure,
18 you're talking about this one here?

19 MR. EHLERS: He's not -- that's the center head, I think it
20 is?

21 BY MR. [REDACTED]

22 Q. Center head?

23 A. Oh, yeah, there's head, head. There -- this fire, the fire
24 would have been right here or was in this corner. And the stairs
25 come down here. There was a fire right there. That's what -- the

1 fire I saw first.

2 Q. Okay.

3 A. And then on the upper deck, I jumped off about here and I ran
4 around and I'm right here. The port fire extinguisher's here.
5 The -- this is a good example, thank you. And then the other fire
6 extinguisher is there. But this was a wall of fire from here to
7 there. This is -- you could not see these benches. You couldn't
8 see anything. This was all fire and it was hot on this side.
9 This was flaming out. This was very hot on the boat.

10 Q. Okay. So thinking back to this area when you were in there
11 last, this was the area that I believe you said there were cell
12 phones, there was --

13 A. There was --

14 Q. -- stuff like that charging?

15 A. There was, yeah, couple cell phones, yeah, I'd seen -- that's
16 it. And that's --

17 Q. Okay. Anything else you can think of in this area?

18 A. No, they had couple bags, you know, like bags of what their
19 clothes were in. I don't know what was in it. Yeah, they were
20 sitting on the bench, but yeah, that was it.

21 Q. Okay. As far as the heads go, is there any outlets in there
22 or any --

23 A. No outlets in the head. I think there's fuel shutoffs in
24 there. There's silver ones. There's fuel shutoffs so you can
25 shutoff on both sides. But you could not get in there to shut

1 fuel off because it was too intense of heat.

2 Q. Okay.

3 A. Yeah, they're little silver round things and it says shutoff
4 in there, yeah.

5 Q. So then were you able to see fire all the way down to the
6 floor --

7 A. Fire was --

8 Q. -- in certain areas?

9 A. Okay. There's a step right here. This was -- here's the
10 bathroom, I'm standing here. This is -- I was about as far as
11 they get, it was right here. This was all engulfed with fire and
12 this ceiling above me was melting. Fiberglass was just -- it
13 wasn't on fire, it was just melting like lava going psh.

14 Q. Okay.

15 A. White. And hitting the deck. And I was barefoot. I
16 couldn't go and --

17 Q. I understand.

18 A. -- I felt so lost. I couldn't help nobody. It was --

19 Q. Oh, I'm sure.

20 A. -- a hopeless feeling, sad feeling.

21 Q. Okay.

22 A. Okay, sorry.

23 Q. So fire on that starboard side.

24 A. Starboard side was hot.

25 Q. And did -- could you tell whether flames were going all the

1 way down to the floor on that side or were -- like level, how low
2 they were actually reaching to?

3 A. The whole floor was --

4 Q. The whole floor.

5 A. -- fire. It was -- that was just fire, just, yeah.

6 Q. Okay. But that was different from the port side you were
7 saying. Port side, it was just --

8 A. Well, the fire --

9 Q. -- starting to reach up there?

10 A. -- was going out the windows on the starboard side. The port
11 side they hadn't busted out yet. I mean, it was coming. The
12 smoke, the windows are kind of cracked like this, smoke was coming
13 out. Flames were shooting up. They weren't like bursting out,
14 they were -- the heat was drawing it up. It was like, you know,
15 coming up to the wheelhouse and going up on it.

16 Q. Okay.

17 A. Yeah.

18 Q. And do you remember any wind that night?

19 A. Wind was light. We were anchored because we were like this.
20 So where at -- where was it, Platts. We were -- the boat anchor,
21 we were -- it was -- we were facing like west and there was -- and
22 when I was in the water, it was -- you could see the smoke was
23 going to the bow. It was pushing -- it was going that way.

24 Q. Okay. Any -- did you see any of the customers smoking or
25 vaping or using any devices --

1 A. No.

2 Q. -- like that?

3 A. None of them.

4 Q. Okay. What about any of the crewmen?

5 A. Jerry. Jerry smokes.

6 Q. Okay.

7 A. He smokes.

8 Q. And then just for my clarification, the breakers 11, 17, that
9 controlled the flat top and what else?

10 A. The flat top and the two burners.

11 Q. Two burners. Okay. That's all I had. Thank you.

12 A. You're welcome.

13 MR. EHLERS: Glen, do you have anything?

14 MR. FRITZLER: Yeah. Glen Fritzler, owner of vessel
15 *Conception*. Mikey, thanks. Great.

16 MR. KOHLS: You're welcome.

17 MR. FRITZLER: This is really good. I got a couple questions
18 about the timeline.

19 BY MR. FRITZLER:

20 Q. You said that you went back to bed at 2:35, is when you
21 looked at the clock again?

22 A. The last time I looked at the clock, I used the men's room, I
23 did a number two-er.

24 Q. Yep.

25 A. And I looked at it, I go 2:35, I got 3 hours because I like

1 to get up by 5:00. I always wake up at 5:00, 5:30.

2 Q. Right.

3 A. I don't even ever use an alarm clock. And I was like all
4 right, I'm set. It's the last day, we're going in. We're making
5 quiche with no frost -- what do they call it? I don't -- Ryan, I
6 can't tell you what, frittata or something, yeah. And it's pulled
7 pork.

8 Q. All right.

9 A. And we're going home.

10 Q. Perfect.

11 A. Yes.

12 Q. You're counting the hours.

13 A. I'm counting the hours, I am.

14 Q. So when you laid down and then, maybe you've already said
15 this, if you did, I apologize. You laid down and then you heard
16 this noise. And then you thought you heard this yell. How long
17 was that period from when you left the galley from when you walked
18 out to the sun deck?

19 A. I don't know how long it was, you know, because -- but --

20 Q. Roughly?

21 A. I don't know how long it was in my bed, but if you look at
22 Jerry's call that he had made, it said 3:30. He would -- it
23 received, he did it. I was 2:35, whatever had happened from that
24 time, that's what I, you know, I was like what happened in that
25 hour? I've always kind of wondered in my brain. And I hope

1 everyone figures it out.

2 Q. Yeah.

3 A. And we get a conclusion. But, yeah, that was the time.

4 That's the only reason I would know that because I seen it on the
5 news it said 3:30, yeah. I watched it, but that's the timeline on
6 the whole.

7 Q. Okay. And then just for me, again, because, you know, I had
8 written down, I thought you said port side. You slid off the wing
9 station, just --

10 A. The wing --

11 Q. Yeah.

12 A. -- is that what you call it?

13 Q. Yeah.

14 A. The wing station?

15 Q. Yeah.

16 A. Yeah.

17 Q. The wing station, yeah. You slid off the wing station on the
18 port side. You ran down the deck.

19 A. Right.

20 Q. You were able to -- you -- there was no fire on that deck?

21 You could --

22 A. There was no fire on that deck yet, no.

23 Q. Okay. And the windows, was there smoke coming out of the
24 windows? Were they open?

25 A. They were opened. They were cracked like this.

1 Q. Okay.

2 A. Like all three of them.

3 Q. All three of them? So then all three of them are open?

4 A. A little smoke bailing out because when I was going over it
5 the smoke was -- black smoke was coming out and I had to look to
6 go down.

7 Q. Okay. And then you, you viewed, at some point right after
8 that, you viewed up the starboard side and that's where you saw
9 the flames you --

10 A. I didn't view up the starboard side. The starboard side was
11 flaming up. It was, yeah, the fire was --

12 Q. Okay.

13 A. -- in its full rage. You were not going in that galley and
14 no one was coming out of the galley.

15 Q. And when you --

16 A. At that point, I don't see how anyone could go through that.

17 Q. Right. And do you remember looking down that starboard side,
18 were all the windows having flames shoot out of them or just --

19 A. I only could see -- (indiscernible) I couldn't say all the
20 windows, but when I was on the bow of the boat and Jerry was
21 there, it was -- that whole ocean was all, what would we say,
22 yellow, orange. Jerry's like in -- because the reflection of the
23 water, all that. It was all, I don't know, yellow, orange, yeah.

24 Q. And then this was --

25 A. And Jerry --

1 Q. -- after you guys had jumped in the water that you saw that
2 scene, right?

3 A. No.

4 Q. When you said you --

5 A. Jerry was in the wheelhouse, said oh God, oh God, and then we
6 thought he was -- I thought he was burning. And me and Cullen
7 were on the front, on the bow of the boat, you know, right where
8 we dropped the anchor. I mean, Milton was right there. Oh God,
9 oh God. Then here comes something out of the smoke. It's Jerry.
10 He was the last one to jump out of the wheelhouse. Jerry was last
11 man to jump out from the upper deck with the flames coming up. I
12 guess he was doing a mayday, I'm -- it'd be speculating. I don't
13 know what he was doing, but he comes to the water, bam. Then it's
14 -- he comes up and you see him and he's like oh God, all those
15 people. That's all he said and he starts swimming. Milton and --
16 let's go, we've got to get the skip, boom, boom, overboard. They
17 start swimming to the stern of the boat. I'm there with Ryan Sims
18 and his broken leg and he's just screaming. And he said I can't
19 swim. I go, you have to swim, we have to leave. And finally,
20 then push him in the water. And then he hit that water with an
21 ahh, and it was -- and then I turn around and look and I couldn't
22 believe I was jumping off the boat. And we started swimming away.

23 Q. Yeah.

24 A. But I never looked down the -- you couldn't go by the
25 bathroom. The fire was -- on that side, was very hot already.

1 MR. FRITZLER: And then just a last clarification for
2 everybody here that the vessel's requirements are four crew.
3 Okay. We carry six for additional crewmen to do food preparation.
4 Company policy is everybody's drug tested, regardless. We just
5 don't want part of our program.

6 MR. EHLERS: Okay. Thanks, Glen. [REDACTED]

7 MR. [REDACTED] Yes, hi. I'm [REDACTED] [REDACTED] with the Coast
8 Guard. I've got a few questions for you.

9 MR. KOHLS: Okay.

10 BY MR. [REDACTED]

11 Q. First one has to do with cleaning agents that are on board
12 the *Conception*. What type of cleaning agents do you guys have
13 aboard the --

14 A. Simple Green, 409, Windex, in the galley, and maybe some
15 bleach.

16 Q. Okay.

17 A. Now on the back of the deck, you know, when you come out
18 where the barbeque is, we have crates, you know, milk crates of
19 whatever, that we get from our purveyors. That will have toilet
20 bowl cleaner, Ajax, a big bottle of Simple Green. We have -- the
21 other one would be dish soap, soap for the, what would I call it,
22 for the hand soap in the bathrooms, yeah.

23 Q. Where are those all physically located?

24 A. They're right underneath the barbeque. The barbeque's right
25 there, yeah, all that's right there. So you're -- you have, like,

1 the engine room. They go down in the engine room and then it's
2 the lazarette, there's a -- there's like a deck they put all their
3 dive gear up there. They put all their tanks on the side and
4 right there.

5 Q. Are they inside a cabinet? Are they out --

6 A. They're open air.

7 Q. They're open --

8 A. Open air, underneath, yeah.

9 Q. Okay. The night that you were cleaning, what were you using?
10 I heard you say 409.

11 A. 409, yeah.

12 Q. Did you use rags or napkins? What do you use --

13 A. I used paper towels. I squirted and I used the paper towels
14 that were there and I put in the -- we have two trash cans. We
15 have one by the galley, one right in front of the two coolers
16 right there, there's one there. And there's a recycling one right
17 on the side which is blue.

18 Q. Are the two coolers, is that on the port or starboard side?
19 Forward or --

20 A. The ones -- the one by the galley, we could say is port side.
21 It's kind of like pretty much in the middle. And the other one is
22 -- there's a trash can here and there's a trash can here right
23 where you open up all the milk is. It fits right there. And then
24 coffee machine is a foot, 2 foot away, whatever. Right on that
25 side they have a blue recycling can, oh and it's plastic. I mean

1 it's plastic bag.

2 Q. Is there any paints or liquors or lacquers or --

3 A. No, nothing.

4 Q. -- anything on board?

5 A. Nothing in the galley like that, nuh-huh.

6 Q. How about on board the vessel?

7 A. Not on -- no paints, nothing. Engine room, I would not know.

8 I never go down there. I'd be speculating.

9 Q. Okay. Inside --

10 A. But -- go ahead.

11 Q. Inside the restrooms and stuff, you said you had two

12 restrooms. Is there a male, female restroom or are

13 (indiscernible) --

14 A. No, it's -- there are three. It's male -- it's, like, co-ed.

15 I don't -- right word, yeah.

16 Q. You said that you used the restroom before you went. Was

17 that the starboard restroom?

18 A. Port restroom.

19 Q. Port restroom. Did you see the starboard restroom any time

20 that evening or did you make any use --

21 A. I --

22 Q. -- of the restroom while you --

23 A. I emptied. Jerry's really kind of a tight captain. I

24 emptied the -- do we have little baskets, whatever they put the

25 paper towels in to wipe their hands. You grab one, grab -- and

1 dump it in the other one. Go over there and there's a trash can
2 underneath the stairs, dump it in there. Put it back and I
3 emptied the other one, the other bathroom, one that was on fire, I
4 emptied that before I went upstairs at 2:35, when I was cleaning
5 the galley. I wouldn't know what time I did it, but it was
6 between, you know, 1:30 and, yeah.

7 Q. And where did you place the stuff that was in the basket in
8 the starboard --

9 A. I put those paper towels -- there's a, what are you going to
10 call it, plastic trash can there. That's where it always goes,
11 right there, yeah.

12 Q. Was there any other type of debris or newspapers or --

13 A. No.

14 Q. -- any type of magazines, anything that was inside that
15 starboard head?

16 A. No, there was no -- it's only paper towels. There's -- I've
17 never seen magazines. People don't really bring the newspaper on
18 the boat.

19 Q. Was any cleaning -- with any cleaning, you used 409 in that?

20 A. Yeah, I just use it on the tables and our cutting boards, you
21 know, because, yeah.

22 Q. Anything used inside the heads?

23 A. I don't clean the heads, it's the deckhands. But they never
24 used, like, they just -- it's, you know, the tidy bowl squirt and
25 they got the brushes, but yeah.

1 Q. So when you went to bed that night at 2:35, both heads you --

2 A. All three heads had no paper towels in them. I had cleaned
3 them.

4 Q. Did you leave paper towels when you -- before you left,
5 before you went to bed?

6 A. What do you mean leave paper towels? No, it's a big roller.

7 Q. Oh, okay.

8 A. We don't put them in there. It's a roller. It's a big
9 roller like this and you just crank it down, dry your hands and
10 then you throw it into the basket.

11 Q. Okay.

12 A. Yeah.

13 Q. So to the best of your knowledge, when you left all the
14 bathrooms were clean?

15 A. All the bathrooms were clean, yeah. There was no paper
16 towels when I went up to the wheelhouse.

17 Q. Okay.

18 A. Yes.

19 Q. All right. And then I had one other question. I notice you
20 have a crutch over there and I noticed when you stood up you
21 looked a little hurt in the leg. Did this -- were you injured
22 during this event?

23 A. When I jumped over the railing to go down, I -- they say I
24 bruised my pad down here on my foot. I had it -- when I did the
25 drug testing with Glen, we had it x-rayed and it was bruised, but

1 it'd swollen up when I came back. I didn't realize it was until I
2 got on the Grape Express -- *Grape Escape*. When I was on their
3 deck, I guess, my adrenaline came down, I go oh, I twisted a
4 little bit. I thought I twisted my ankle. But as the x-ray said,
5 it was a bruised pad and the swelling has gone down and I'm only
6 using one cane just to walk.

7 Q. Okay. So they said this at a hospital or a doctor's office?
8 Where was this spoken?

9 A. This was at the -- what is the center we went to?

10 MR. FRITZLER: Med Center of Upper State.

11 MR. KOHLS: Med Center, where we took our drug test.

12 MR. [REDACTED] Okay. All right. Thank you very much.

13 MR. KOHLS: You're welcome.

14 COMMANDER [REDACTED] Good evening, sir, my name's Commander
15 [REDACTED] [REDACTED] I'm from 11th Coast Guard District.

16 BY CDR [REDACTED]

17 Q. I just have one follow-up question. For your galley space,
18 are there any heat sensors in the galley space where you guys prep
19 food and cook, maybe over the flat top stove?

20 A. No, we turn on the fan. It's right there. I don't know if
21 it's a heat sensor, but I think there might be a smoke alarm right
22 in there. I -- you know.

23 Q. Have you ever noticed if there's a -- how the wire comes out
24 of that?

25 A. Out of what?

1 Q. Out of that little sensory you've just described that's right
2 there.

3 A. I -- no, there -- I don't think there's any wire.

4 Q. Okay.

5 A. Yeah. I think it's just a -- I think it was a smoke alarm.
6 I'm not sure.

7 Q. Are you aware if that maybe the breakers that you've turned
8 on or off may have been connected to that sensor?

9 A. I'm not aware. I wouldn't know, yeah. You would -- ask
10 Jerry, he knows that boat inside and out.

11 Q. Okay.

12 A. Yeah.

13 Q. That's all I have. Thank you, sir.

14 A. Okay. You're welcome.

15 MR. EHLERS: Go ahead.

16 MR. YOUNG: Thank you for your time. My name is Brian Young.
17 I'm with the NTSB.

18 A. Okay, Brian.

19 BY MR. YOUNG:

20 Q. In the heads on the stern or the back end of the galley area,
21 do you know if there is any -- are there any fans, an exhaust fan,
22 to remove any odors that might be in there?

23 A. I know there's windows in them. I don't -- I couldn't tell
24 you if there was an exhaust fan in there, you know, yeah. I'm --

25 Q. Okay. How about a light or a light switch?

1 A. There's a light. There's two lights up above you push in
2 each one. And in the third one too, there's lights above there,
3 yes.

4 Q. Okay. And you went to those at dark when you were going to
5 lay down?

6 A. Sometime -- I got up at 1:30, washed the coffee cups, do the
7 tables. It's probably about, what was it, I said 2:35, probably
8 about 2:15, could be sooner, in between 2:00, I'd say about later
9 than -- 2:20, 2:15, because that's like the last thing I'm going
10 to do before I go up and usually just --

11 Q. Okay. And then after you noticed the noises and you left
12 your rack to go investigate the noise, did you see any other crew
13 members or would you say you were the first crew member to be
14 awoken?

15 A. I was the first crew member that awoken and woke up the rest
16 of the crew members by yelling fire. I was first one down.

17 Q. Are you sure of that, that you specifically remember the rest
18 of crew --

19 A. They were sleeping, yeah. Well, they weren't -- they
20 couldn't have been in the galley because, yeah, they came down.
21 They were on the front bow. They jumped out, I guess, when you
22 holler the wheelhouse, bird nest, yeah, they -- because they sleep
23 up there, so. But I think they all came out, can't say, they all
24 came out the port side. You'd have to ask them which way they
25 came out. I -- you know, there's smoke. I just saw one person

1 and then Ryan Sims fell right in front of me like a rock. He -- I
2 don't think he hung, I think he jumped.

3 Q. Okay. I was just looking for, kind of the order of events,
4 if anyone else from the crew may have made that noise? If you saw
5 any of the crew coming up from below --

6 A. No.

7 Q. -- or you know for sure you might have been the first person
8 awake of the crew?

9 A. I think, I'm pretty sure I'm the first person up because
10 everyone was up and -- Ryan, well I don't know who was the first
11 person down, but both of them were up there. I had yelled fire,
12 fire. I had seen no one come out and jump off the port side. You
13 were not jumping off the starboard side, or if you were, you were
14 -- you were jumping for the ocean.

15 Q. And even at that time when you left the wheelhouse area or
16 that deck, was there fire or flames at that level already or --

17 A. No, they weren't at that level yet. It was back by the
18 bathroom on the starboard side, which is outside of the galley,
19 down at the bottom of the stairs. The fire was there.

20 Q. Okay. Thank you very much.

21 A. You're welcome.

22 MR. EHLERS: Okay, sir. We'll ask if there's any follow-up
23 questions. I do have a question, but for the interviewers here,
24 we have about 10 minutes left. So we'll go in a little bit of
25 rapid fire. If there's any follow-up after that we'll take care

1 of it in another way.

2 BY MR. EHLERS:

3 Q. But the only follow-up question I have for you is you
4 mentioned to Mr. [REDACTED] that, especially after you cooked bacon,
5 but you regularly cleaned out that grease trap --

6 A. Well, from the flat top.

7 Q. Right.

8 A. It's got -- it goes in, yeah.

9 Q. Okay.

10 A. It goes into a catch.

11 MR. EHLERS: I see.

12 UNKNOWN MALE: Did you want --

13 MR. KOHLS: And --

14 UNKNOWN MALE: -- to look at this? Does that help?

15 MR. KOHLS: Okay. So right here this brown drawer right
16 here --

17 BY MR. EHLERS:

18 Q. Right.

19 A. There's a latch. You open it up. We have a, for the flat
20 top where we scrub this right here. We scrub it with, it's called
21 a brick, I guess they call it a brick.

22 Q. I see.

23 A. You know, you clean the flat top, that's stored underneath
24 there. There's -- and right on the top here there's a hole like
25 this. So when you're cooking, an egg breaks, you can slide it.

1 It goes down there and it's just a tray that catches grease.

2 Q. Okay.

3 A. Okay?

4 Q. And you said you dump it. Where did you dump it?

5 A. We dump the grease in the slop bucket.

6 Q. Okay. Where --

7 A. There's a slot -- it's a blue slop bucket and we pour it in
8 there.

9 Q. Okay. And where do you -- where's that bucket stay when
10 you're not --

11 A. It stays in the galley and then when we get offshore a mile,
12 we then dump it into the ocean with all the other organic stuff.

13 Q. Okay.

14 A. Yes.

15 Q. Okay. And had you had an opportunity to dump it when you're
16 going around Santa Cruz Island?

17 A. That I can't recollect, yeah.

18 Q. Okay. All right. Was there any kind of grease trap up here
19 on the -- in the hood?

20 A. See this little pipe right here?

21 Q. Uh-huh.

22 A. That there. Underneath there, there is -- it's a grid like
23 this and it has little latches that you turn. And that one you
24 wash out in the sink. And on top of it, it has a little pad that
25 they put for the smoke. And the grease doesn't come up and come

1 out to -- on the deck.

2 Q. Okay.

3 A. Yes. And that's washed every time we -- our last meal's
4 cooked and we're coming back into port.

5 Q. Okay. All right.

6 A. Yes.

7 MR. EHLERS: Thank you.

8 MR. MUISE: Marcel Muise again, NTSB.

9 BY MR. MUISE:

10 Q. Can you confirm just for me, this is a picture of the galley
11 on the --

12 A. That is, that is the --

13 Q. -- *Conception*? Okay.

14 A. *Conception* galley right there, yes.

15 Q. For the record we're looking at a picture taken by a
16 passenger of the galley --

17 A. Yes.

18 Q. -- looking port forward. Is that a heat detector right there
19 or smoke detector?

20 A. This one right here?

21 Q. Nope, this one where my (indiscernible) --

22 A. This one? I don't know what that is. I can't -- it's not --
23 the -- there's a switch. There should be -- I think that's a heat
24 detector. I can't tell you, you know. I should be -- I'm in the
25 kitchen all the time, but yeah.

1 Q. Okay.

2 A. I know there's a switch to turn the fan on right here, yeah.

3 Q. This is a fan here -- an exhaust fan here?

4 A. No, no, that's the light in the galley.

5 Q. Okay.

6 A. This is the light in galley. I can't tell you what that is.

7 It seems to me to be a heat ticker, but I'm not sure.

8 MR. MUISE: Okay.

9 MR. FRITZLER: I can comment if you would like.

10 MR. MUISE: Please, go ahead.

11 MR. KOHLS: Yeah.

12 MR. FRITZLER: That is a heat detector. It's wired in over
13 to the black box. It's actually not a switch. It's on
14 constantly. And you can push a button to test it. And it's a --
15 the black box is inaudible.

16 MR. MUISE: Okay. Does it go to the range hood? The fix
17 system for the range?

18 MR. FRITZLER: The -- no it has nothing to do with the actual
19 venting. That's a separate circuit.

20 MR. MUISE: Okay. And then I just have one more question
21 about the berthing area.

22 BY MR. MUISE:

23 Q. There's, it looks like a Wi-Fi router in the overhead. Is
24 there an outlet there or something?

25 A. There's -- yeah, where the light switch is there's -- there

1 is a plug.

2 Q. It's an outlet?

3 A. It's an outlet, yes.

4 Q. In the overhead?

5 A. Yeah, yes.

6 MR. MUISE: All right. That's all I have, so.

7 MR. EHLERS: Okay. Bart?

8 BY MR. BARNUM:

9 Q. What was your relationship with the captain?

10 A. With Jerry?

11 Q. Yeah.

12 A. Jerry's a very stern captain, you know. He -- he's very nice
13 but he can be very stern and give you a lecture, you know. You
14 did your job and if you didn't, you were do something wrong he was
15 on you, yeah.

16 Q. What --

17 A. But I didn't hang out with Jerry. I worked with him. His
18 social skills might be a little rough, but he was a good captain,
19 you know. That's -- yeah. We're not buddies. I just work with
20 him and you get to, you know, you know the captain, you do your
21 job, you're going to be okay.

22 Q. Would Ryan be giving you direction most of the time or would
23 the captain?

24 A. Ryan was -- he had just started and it's our fifth shift that
25 we worked. Ryan loved to say he was first galley, I was second

1 galley. And I did a lot of his prep work and stuff, yeah. And I
2 did a lot of dishes and pans, but yeah, he talked about owning a
3 restaurant, this and everything, yeah.

4 MR. BARNUM: Okay. Thanks.

5 LT [REDACTED] Lieutenant [REDACTED] Coast Guard
6 MSD, Santa Barbara. Last question for me. You mentioned a dimmer
7 switch where the lights dimmed in the galley area.

8 MR. KOHLS: I couldn't tell you.

9 LT [REDACTED] Okay.

10 MR. KOHLS: Yeah.

11 LT [REDACTED] Thank you.

12 UNKNOWN MALE: I don't have anything else. Thank you very
13 much.

14 MR. KOHLS: You're welcome.

15 UNKNOWN MALE: I have no questions.

16 UNKNOWN MALE: No questions. Thank you.

17 MR. EHLERS: Jay?

18 MR. SNODGRASS: No questions.

19 UNKNOWN MALE: No questions.

20 MR. EHLERS: Sorry.

21 MR. [REDACTED] Yes. [REDACTED] [REDACTED] one more time. I --
22 sorry, this was a follow up on my --

23 MR. KOHLS: Okay.

24 MR. [REDACTED] -- other question that was kind --

25 MR. KOHLS: All right.

1 MR. [REDACTED] -- of answered. I should have asked this
2 beforehand. You were pointing at your foot, but just for the
3 record, the injury on your foot, was it your left foot or your
4 right foot?

5 MR. KOHLS: It's my right foot.

6 MR. [REDACTED] Okay. Thank you very much.

7 MR. KOHLS: It's going to get better. I'm looking good here.
8 I'm a very fortunate man.

9 UNKNOWN MALE: Yeah.

10 MR. EHLERS: Okay. Brian? [REDACTED] did you have any follow-
11 ups?

12 CDR [REDACTED] No, thank you.

13 MR. EHLERS: Okay. That's all we have.

14 MR. KOHLS: Okay.

15 MR. EHLERS: What I did want to say to you is this was a
16 pretty awful event, but I really appreciate you coming in and
17 talking to us because as I said at the beginning, we want to
18 prevent this from happening again and we --

19 MR. KOHLS: Yeah.

20 MR. EHLERS: -- can't do it if we don't learn anything. And
21 so what you've told us has been really helpful and I thank you for
22 that.

23 MR. KOHLS: Okay. Thank you, sir.

24 MR. EHLERS: Thank you, sir.

25 MR. KOHLS: Thank you very much.

1 MR. EHLERS: All right. Is there any -- do you have any
2 questions for me?

3 MR. KOHLS: No, I don't. I hope I provided you with some
4 answers that will give everyone something, yeah.

5 MR. EHLERS: All right. Thank you. I do appreciate it. Any
6 other questions? All right. I'm going to stop the recording.

7 (Whereupon, the interview was concluded.)

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF: FIRE AND SINKING OF THE CONCEPTION
WITH LOSS OF LIFE NEAR
SANTA CRUZ ISLAND, CALIFORNIA
SEPTEMBER 2, 2019
Interview of Michael Kohls

ACCIDENT NO.: DCA19MM047

PLACE: Santa Barbara, California

DATE: September 4, 2019

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Jennifer L. Hamey
Transcriber