

## ***STATEMENT OF PROBABLE CAUSE***

*The undersigned affiant, being of lawful age and being first duly sworn depose and state the following:*

My name is Mark D. Green, I am presently employed with the Missouri State Highway Patrol as a Master Sergeant and began employment August 1st, 1993. I am POST certified by the State of Missouri as a law enforcement officer and my present assignment is Barry, Stone, Taney Counties, Marine Operations, Table Rock, Taneycomo and Bull Shoals Lakes. In the course of my duties and based on investigative results I have probable cause to believe the following:

On July 19, 2018, at approximately 1914 hours, a commercial vehicle/vessel (Duck) operated on Table Rock Lake sank during a severe thunderstorm. The vehicle is an amphibious vehicle/vessel used to transport tourists on land and water tours. The incident occurred when the vessel, (Stretch Duck 7), entered Table Rock Lake and was overcome by a severe thunderstorm, bearing high winds and causing rough water conditions. The vessel took on water, swamped, and eventually sunk.

There were 29 passengers, one Captain and one (road) Driver (drives Duck on road only), on board, when it sank. A total of 12 children, under the age of 17 were on board. The (road) driver and 16 passengers perished. Of the 17 victims that died, 5 of those were children.

The investigation later determined the Duck entered Table Rock Lake as part of their Ride the Ducks tour, shortly before 1900 hours, during a severe thunderstorm warning, which was issued by the National Weather Service for the area at 1832 hours. The National Weather Service and news media outlets had forecasted the possibility of severe weather throughout the day.

The Captain of the Duck was identified as Kenneth S. McKee, date of birth June 21, 1967. Captain McKee drove the Duck into the wind, attempting to make it to the north ramp, which is north, and behind the Showboat Branson Belle. Due to the Duck being the type of vessel with a low profile and low freeboard, it gradually took on water, over the course of several minutes, and finally swamped behind the Branson Belle, where it sunk in approximately 50 feet of water, stern first, to the bottom of the lake. It rolled in an upright position, southwest, along the bottom of the lake, to a final position in approximately 85 feet of water. Captain McKee failed to exercise his duties and responsibilities as a licensed Captain, by entering the lake during a severe thunderstorm warning. He did not follow policy or training guidelines in that he failed to have passengers don personal floatation devices as Stretch Duck 7 took on water.

Charles V. Baltzell, date of birth, 07-09-1942, was the Operations Supervisor for Ride the Ducks, and the acting Manager on Duty at the time of the incident. He was responsible for the daily operations of the Duck Boats. His duties included monitoring weather and communicating with the Duck vehicles about impending weather. Mr. Baltzell failed in these duties on the date of the incident, which had a contributing factor in the incident and subsequent fatalities.

Curtis P. Lanham, date of birth, 11-08-1982, was the General Manager at Ride the Ducks on the date of the incident and was responsible for the overall day to day management of operations. He had worked for the company for approximately 17 years and his duties included setting policies and procedures, as well as overseeing training. Mr. Lanham failed to cease operation of the Ride the Ducks as severe weather approached, which included lightning, heavy rain and high winds. These actions had a contributing factor in the incident and subsequent fatalities.

I am aware that false statements made herein are punishable by law.

 940

Signature

Mark D. Green - Marine Division

M.S.H.P. # 940