New Mexico Boating Accident Report

**Date of Accident:** 9/5/09  **Time of Accident:** 1715  **Date/Time Officer Arrived:** 1735  **Nearest City:** Elephant Butte  **Nearest City:** Elephant Butte  **Name of Body of Water:** Lake State Park  **County:** Sierra  **Exact Location:** Dam Site D and C Dock  **Nearest River Mile or Buoy Marker:** Red 2

### General and Geographic Information

<table>
<thead>
<tr>
<th>Total Vessels Involved</th>
<th>Total Injured</th>
<th>Total Fatalities</th>
<th>Total Disappeared</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

### Accident Site

- Lake/Reservoir
- River
- Below Dam
- Agency Lake
- Creek
- Marina/Harbor
- Boat Ramp
- Other

### Restricted Area

- No Wake
- Swimming Area
- Other
- Boats "Keep Out"
- Special Event (Permitted)

### Weather

- Clear
- Cloudy
- Rain
- Hazy
- Foggy
- Snow
- Thunderstorm

### Visibility

- Dawn
- Day
- Dusk
- Night

### Light

- Fair
- Good
- Poor

### Wind

- Light (0-6 mph)
- Moderate (7-14 mph)
- Strong (15-25 mph)
- Storm (over 25 mph)

### Temperature

- Water 81 F.
- Air 91 F.

### Strong Current

- River Current
- Dam Generated

### Water Conditions

- Calm (waves less than 6"
- Choppy (6" to 2"
- Rough (2" to 6"
- Very Rough (more than 6"
- White Water (River)

### Accident Events and Contributing Factors

#### Accident Type

(You may enter a primary, secondary, and tertiary accident type for each vessel by placing a 1, 2, or 3 in the appropriate area.)

- V1 V2 V3: Capsizing
- V1 V2 V3: Collision with fixed object
- V1 V2 V3: Collision with floating object or person
- V1 V2 V3: Collision with vessel
- V1 V2 V3: Fall in boat

#### Contributing Factors

(You may enter up to three contributing causes for each vessel.)

- V1 V2 V3: Vessel/Ijured
- V1 V2 V3: Alcohol use
- V1 V2 V3: Careless/Reckless
- V1 V2 V3: Congested waters
- V1 V2 V3: Dam or lock
- V1 V2 V3: Drug use
- V1 V2 V3: Equipment failure
- V1 V2 V3: Excessive speed

#### Machinery Failure Explains Contributing Factor

(Enter every system that failed for each vessel.)

- V1 V2 V3: Vessel
- V1 V2 V3: Shift failure
- V1 V2 V3: Steering system
- V1 V2 V3: Throttle failure
- V1 V2 V3: Ventilation system
- V1 V2 V3: Starting eng. in gear

#### Equipment Failure Explains Contributing Factor

(Indicate the equipment that failed.)

- V1 V2 V3: Vessel
- V1 V2 V3: Unknown
- V1 V2 V3: Auxiliary equipment
- V1 V2 V3: Communications
- V1 V2 V3: Fire extinguisher

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**NOTE:** The image contains a table with multiple entries and checkboxes for various categories such as accident site details, weather conditions, accident events, and contributing factors. The table is structured to capture detailed information about a boating accident, including vessel types, injury counts, geographic details, accident site specifics, and contributing factors. The document appears to be a formal report, likely used for legal or insurance purposes. The table includes checkboxes for various conditions and events, indicating the presence or absence of certain factors in the accident scenario. The report is detailed, with specific dates, times, and geographic locations, providing a comprehensive view of the incident.
### Vessel and Operational Information

<table>
<thead>
<tr>
<th>Type of Boat</th>
<th>V1 V2 V3 Vessel</th>
<th># of Engines</th>
<th>Propulsion</th>
<th>Safety Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>V1 V2 V3 Vessel</td>
<td>V1 V2 V3 Vessel</td>
<td>V1 V2 V3 Vessel</td>
<td>V1 V2 V3 Vessel</td>
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</tr>
<tr>
<td>Airboat</td>
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<tr>
<td>Canoe/Kayak</td>
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<tr>
<td>Houseboat</td>
<td></td>
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</tr>
<tr>
<td>Open Motorboat</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Personal watercraft</td>
<td></td>
<td></td>
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<tr>
<td>Pontoon Boat</td>
<td></td>
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<tr>
<td>Mini Jet Boat</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Rowboat (Jon)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Sail (Aux. power)</td>
<td></td>
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<tr>
<td>Sail (only)</td>
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</tr>
<tr>
<td>Seaplane</td>
<td></td>
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<tr>
<td>Other</td>
<td></td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Hull Material</th>
<th>V1 V2 V3 Vessel</th>
<th>Fuel</th>
<th>Engine</th>
<th>Vessel was-</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>V1 V2 V3 Vessel</td>
<td>V1 V2 V3 Vessel</td>
<td>V1 V2 V3 Vessel</td>
<td>V1 V2 V3 Vessel</td>
</tr>
<tr>
<td>Aluminum</td>
<td></td>
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</tr>
<tr>
<td>fiberglass</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Plastic</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Rubber/Vinyl</td>
<td></td>
<td></td>
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<tr>
<td>Other</td>
<td></td>
<td></td>
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<tr>
<td>Rigid hull infl.</td>
<td></td>
<td></td>
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<tr>
<td>Wood</td>
<td></td>
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</tr>
</tbody>
</table>

### Operation at Time of Accident

<table>
<thead>
<tr>
<th>V1 V2 V3 Vessel</th>
<th>V1 V2 V3 Vessel</th>
<th>Activity at Time of Accident</th>
<th>V1 V2 V3 Vessel</th>
<th>V1 V2 V3 Vessel</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
</tr>
<tr>
<td>At anchor</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Being towed</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Towing a boat</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Changing direction</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Changing speed</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cruising</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Docked (moored)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Vessel #1

- **Reg. or Doc. No.:** 1096664
- **HIN No.:** EYE50107D000
- **Engine Serial #:** unk
- **Documented Name:** Bloody Mary
- **Length:** 80.8
- **Make:** Sharpe Houseboat
- **Model:** Houseboat
- **Year:** 2000
- **No. of POB:** 0
- **No. Injured:** 0
- **No. Fatalities:** 0
- **No. of Skiers Towed:** 0
- **Hit and Run:**
- **Estimated Speed:** Not Moving
- **Under 10 mph | 10-20 mph | 20-40 mph | 40-60 mph | Over 80 mph |
- **Federal Definition of Vessel:** Recreational
- **Operator Information**
  - **Driver's Lic #:** 027688888
  - **ST NM:** Exp. date 2010
  - **Ht. 63\(\frac{1}{2}\) Wt. 200
  - **Eye Brn:** M.I. J
  - **DOB:** 8-24-1955
  - **Street:** 2649 Chelsea Ln.
  - **City:** Santa Fe
  - **State:** NM
  - **Zip:** 87505
  - **Home Ph.:** 505-350-0975
  - **Work Ph.:** 505-476-2276
- **Operator Experience**
  - Under 10 hours
  - 10-100 hours
  - Over 100 hours
- **Operator Education**
  - USCG
  - Red Cross
  - Aux.
  - None
  - USPS
  - Other
- **BUI Info**
  - Refused
  - Been drinking
  - BUI arrest
  - Drugs
  - BAC
- **Status of Op.**
  - Uninjured
  - Injured
  - Missing
  - Fatality

### Other Operator Info
- **Gender:** Male
- **PFD used:**
- **Person can swim:**
- **Person was ejected:**
- **Lanyard used:**

### Owner/Passenger Information

- **First Listed is Also Owner:**
- **Psgr. #7**
  - 1 Last
  - 1325 Viga Rd. SE
  - FAY
  - St. 1
  - Leon (Skip)
  - First
  - Rio Rancho
  - City
  - NM
  - C
  - Phone
  - 505-720-1251
  - 12-9-47
  - M
  - F
  - Ejected?
  - PFD
  - Swim
  - 2 Last
  - Same as #1
  - FAY
  - St. 1
  - Brenda
  - First
  - City
  - NM
  - Phone
  - 9-17-62
  - F
  - no
  - no
  - yes
  - 3 Last
  - Richardson
  - FAY
  - St. 1
  - Bill
  - First
  - Santa Fe
  - City
  - NM
  - Phone
  - 0-2-87
  - M
  - no
  - no
  - unk
  - 4 Last
  - Miller
  - FAY
  - St. 1
  - Catherine
  - First
  - Santa Fe
  - City
  - NM
  - Phone
  - 8-0-75
  - F
  - no
  - no
  - unk

---

### Vessel #2

---
### Operator Information

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First</th>
<th>Exp. date</th>
<th>Ht.</th>
<th>Wt.</th>
<th>Eye</th>
<th>Restr.</th>
<th>Age</th>
<th>M.I</th>
<th>DOB (mm/dd/yy)</th>
<th>Work Ph.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shaw</td>
<td>Carl</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>M</td>
<td>4-10-1954</td>
<td>505-263-0886</td>
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</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>No. of Other hours</td>
<td></td>
<td>Refused</td>
<td>Uninjured</td>
<td>Gender Male</td>
</tr>
<tr>
<td>10-100 hours</td>
<td></td>
<td></td>
<td>Injured</td>
<td>Male</td>
</tr>
<tr>
<td>Over 100 hours</td>
<td></td>
<td></td>
<td>Missing</td>
<td>Female</td>
</tr>
</tbody>
</table>

### Owner/Passenger Information

<table>
<thead>
<tr>
<th>First</th>
<th>MI</th>
<th>Phone</th>
<th>DOB Mm/dd/yy</th>
<th>M/F</th>
<th>Ejected?</th>
<th>PFD Worn</th>
<th>Can Swim</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jason</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<td></td>
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</tbody>
</table>

### Vessel 3

<table>
<thead>
<tr>
<th>Length</th>
<th>Make</th>
<th>Model</th>
<th>Engine Serial #</th>
<th>Documented Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>92.2</td>
<td>Sumner</td>
<td>Houseboat</td>
<td>unk</td>
<td>The Floating Irish</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Estimated Speed</th>
<th>Federal Definition of Vessel</th>
<th>Est. damage this boat $ 10,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Recreational</td>
<td></td>
</tr>
</tbody>
</table>

### Operator Information

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First</th>
<th>Exp. date</th>
<th>Ht.</th>
<th>Wt.</th>
<th>Eye</th>
<th>Restr.</th>
<th>Age</th>
<th>M.I</th>
<th>DOB (mm/dd/yy)</th>
<th>Work Ph.</th>
</tr>
</thead>
<tbody>
<tr>
<td>O'Leary</td>
<td>Randal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>M</td>
<td>9-10-1960</td>
<td>915-857-9695</td>
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</table>

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>No. of Other hours</td>
<td></td>
<td>Refused</td>
<td>Uninjured</td>
<td>Gender Male</td>
</tr>
<tr>
<td>10-100 hours</td>
<td></td>
<td></td>
<td>Injured</td>
<td>Male</td>
</tr>
<tr>
<td>Over 100 hours</td>
<td></td>
<td></td>
<td>Missing</td>
<td>Female</td>
</tr>
</tbody>
</table>

### Owner/Passenger Information

<table>
<thead>
<tr>
<th>First</th>
<th>MI</th>
<th>Phone</th>
<th>DOB Mm/dd/yy</th>
<th>M/F</th>
<th>Ejected?</th>
<th>PFD Worn</th>
<th>Can Swim</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>
Diagram of the area is not provided due to the fact that Vessel #1 had been moved and slipped prior to our arrival. The area in which the accident occurred is documented within attached accident photos.

For the Boat Accident Diagram: Indicate the location of all damaged areas on the boat configuration in the diagram. Indicate if damage was only □ Below Waterline, □ Lower Unit, □ Windshield, □ Sunk, or □ Injured no Damage. Indicate Vessel A, B, or C in the diagram. On the vessel configuration, indicate the location of persons involved using “O” for Operator and “P” for Passenger (use the number of the passenger from the Vessel A, B, or C sections).

<table>
<thead>
<tr>
<th>Synopsis of Accident</th>
</tr>
</thead>
</table>

See Supplemental Narrative
Non-Vessel Property Damage

Was there damage to property excluding the vessels and their contents? ☒ Yes ☐ No Estimated Amount $ 3000.00

Describe Property Damage

PWC docked on Vessel 3 TX 2494KA Sea Doo (damage to both sides)
PWC 2 docked on Vessel 3 Unnumbered Polaris Genisis (damage to both sides)
Underwater structures of Dam Site Marina (3 sections of tr. truss)

Non Vessel Property Owner Information

Last Name Vessel #3 owner and Rio Lago Inc
Street
City
State
Zip

Violations

<table>
<thead>
<tr>
<th>Vessel Priority</th>
<th>Vessel #</th>
<th>Stand On</th>
<th>Vessel #</th>
<th>Give Way</th>
<th>☐ Hit and Run Vessel #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vessel #</td>
<td></td>
<td></td>
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<tr>
<td>Vessel Priority</td>
<td>Vessel #</td>
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<td>Vessel #</td>
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<td>Vessel #</td>
<td>Give Way</td>
<td>☐ Hit and Run Vessel #</td>
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<tr>
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<td>☐ Hit and Run Vessel #</td>
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<td>Vessel #</td>
<td>Stand On</td>
<td>Vessel #</td>
<td>Give Way</td>
<td>☐ Hit and Run Vessel #</td>
</tr>
<tr>
<td>Vessel #</td>
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</tr>
</tbody>
</table>

Officer Completing Report

Officer Signature
Chris Bolen
Supervisor Signature
Harold P. Zuni

Investigation Status
☒ Complete ☐ Pending 
☐ Not Required ☐ Preliminary 

Causes Based On
☒ Investigation ☒ Operator Report
☐ Reviewer Interpretation

Print Officer Name, Badge #, and Radio #
Last Bolen
Badger # 384
Address 1 PO Box 13
Address 2
City Elephant Butte
State NM
Zip 87935 Ph #: 575-744-5998

Print Supervisor Name and Radio #
Last Zuni
First Harold
M.I. P.
Radio # Butte 2

Investigative Time (Include total hours for reports, search & rescue, and investigation)

Officer Hours 8 
Supervisor Hours 2 
Investigator Hours 1 
Admin. Hours 2 
Total Hours 13

Date Investigation Completed (MM/DD/YY) 9/9/2009
Date Report Received (MM/DD/YY) 09/09/2009

Do Not Complete Below This Line – State Safety Review Only

Date Review Completed (MM/DD/YY) 09/09/2009

Federal Accident Classification (For Statistical Use)
☒ Recreational ☐ Commercial ☐ Government ☐ Non-Reportable

Primary Type Collision w/Vessel
Secondary Type
Tertiary Type
Primary Cause Operator Inattention
Secondary Cause Operator Inexperience
Tertiary Cause Sharp Turn
Reviewed by T. Velaquez
ID Badge #372

[Signature]
9/9/2009
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Phone #'s Home/Bus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tingwell, Steve</td>
<td>Passenger on Vessel 1</td>
<td></td>
</tr>
<tr>
<td>Arteaga, Manaces (Mo)</td>
<td>Passenger on Vessel 1</td>
<td></td>
</tr>
<tr>
<td>Shaw, Carl</td>
<td>11216 Woodmar Ln. NE Albuquerque, NM 87111</td>
<td>505-263-0888</td>
</tr>
<tr>
<td>Camilli, Sam</td>
<td>6800 Bright View Las Cruces, NM 88001</td>
<td>575-525-8323 (mother's #)</td>
</tr>
<tr>
<td>Rabon, Cheri</td>
<td>540 Springcrest El Paso, Tx. 79915</td>
<td>575-430-7709</td>
</tr>
</tbody>
</table>
Supplemental Narrative

CASE # 2009-10-0094B

On Saturday September 5, 2009 at approximately 1715 hrs, MEO Kevin Wilcox and I were called by Sierra County Regional Dispatch Authority in reference to a vessel collision at the Dam Site Marina. We arrived at 1735, but were called away to an injury accident shortly after. At approximately 1830 hrs, we returned to Dam Site Marina to continue our investigation. Upon arrival MEO Wilcox and I met with several individuals that were either witnesses of the accident or owner’s of vessels involved. I found that there were 3 vessels involved in the accident. Vessel #1 is an 81 foot houseboat that goes by the name of “Bloody Mary” and is owned by Mr. Leon Fay. Vessel #2 is a 59 foot houseboat, owned by Mr. Carl Shaw. Vessel #3 is a 92 foot houseboat that goes by the name of “The Floating Irish”, owned by Randy O’Leary.

I first made contact with Mr. Sam Camilli who was on his houseboat located in slip D-8 near the scene of the accident. Mr. Camilli stated that while he was sitting on the rear of his vessel, he heard yelling and a crash coming from the rear of the slip where he was moored. Mr. Camilli then felt and heard a loud impact in the slip next to his. Mr. Camilli said it seemed to shake the whole marina. When he went to the back of his vessel, he observed a vessel known to him as the “Bloody Mary” backing away from the vessel known to him as the “Floating Irish”. Mr. Camilli states that it appeared that the Bloody Mary was heading back to its slip located east of the accident scene. Mr. Camilli saw Mr. Fay at the upper helm of the Bloody Mary while the vessel was backing away and returning to his slip. Mr. Camilli then noticed that the back of The Floating Irish had sustained damage as a result of the collision. Mr. Camilli did state that it was not like Mr. Fay to overshoot his slip which was 5 slips away to the east, from the impacted boat. Mr. Camilli provided me with a written statement and will be attached.

I next interviewed Ms. Cheri Rabon who stated that she was watching their children swim at the rear of their houseboat located in slip D-5. Ms. Rabon stated that she observed, the Bloody Mary traveling close to C-dock, and then heard someone on the C-dock yell at the vessel “that they were going to hit.” Ms. Rabon stated that the Bloody Mary struck a green PWC and the vessel it was tied to in slip C-30. The Bloody Mary then turned toward their direction and accelerated. Ms. Rabon started gathering her children out of the water, fearing the boat would hit her houseboat as well. Ms. Rabon then watched as the Bloody Mary collided with The Floating Irish that was docked next to her houseboat. Ms. Rabon saw Mr. Fay and another person described as a tall male with gray hair, at the upper helm of the Bloody Mary when it collided with The Floating Irish. Ms. Rabon provided me with a written statement.

Mr. Carl R. Shaw was interviewed next on his vessel located at C-30. Mr. Shaw stated that he watched the Bloody Mary enter the slip area about 10 feet away from the end of C-dock. As the Bloody Mary started to turn he yelled at the operator and owner to look out because he knew they (Bloody Mary) were going to hit his houseboat that was slipped at C-30. When he yelled, the Bloody Mary turned, increased speed, and struck the rear port side of his houseboat and a PWC that was tied to the rear of Mr. Shaw’s vessel. Mr. Shaw saw Mr. Fay take over control of the helm from the operator shortly after the initial impact. The Bloody Mary then traveled across the slip area and struck the rear of The Floating
Irish. Mr. Shaw told me that they were creating a wake as it accelerated away from his houseboat and began heading towards the D-dock. Mr. Shaw provided me with a written statement. Several other members of the Shaw party relayed to me the same chain of events as reported by Mr. Shaw.

MEO Kevin Wilcox interviewed Mr. Leon C. Fay, the owner of The Bloody Mary. Mr. Fay stated that Mr. Brian Condit was driving his houseboat “Bloody Mary” into the slip. As Mr. Condit came in, he got too close to C-dock and people started yelling. Mr. Condit “gunned” the boat as it hit a houseboat on C-dock and his houseboat headed across the slip area towards D-dock. Mr. Fay took over the helm of his houseboat, but it was too late, his houseboat collided with the rear of a houseboat “The Floating Irish.” Mr. Fay then regained control of his boat and returned it to his slip without further incident. There were no injuries reported on Mr. Fay’s vessel, or additional damage to the interior. Mr. Fay provided MEO Wilcox with a written statement. Officer Wilcox asked Mr. Fay if he had been drinking alcohol that day. Mr. Fay stated that he had not been drinking alcohol and he did not show any signs of intoxication during the in person interview with Officer Wilcox.

Mr. Brian Condit contacted me on 9/7/09 and I took the following statement. Mr. Condit was driving the houseboat “Bloody Mary,” attempting to enter the slip. As he started to turn, he tapped a boat with the rear of Mr. Fay’s boat and yelled for Mr. Fay to come and take over. Mr. Fay took over the helm after the impact, and at some point the vessel accelerated. Mr. Fay was able to slip the boat after the impact. During the interview Mr. Condit provided me with a list of names of the passenger’s aboard. I then asked Mr. Condit if he had been drinking alcohol that day. Mr. Condit stated that he had not been drinking alcohol and was not under the influence of alcohol prior to or during operation of Vessel #1.

I observed the following damage to Mr. Fay’s vessel, The Bloody Mary. The front starboard railing and canvas was damaged with scratches to the metal railing and a hole in the canvas. The black rubber rub rail and surrounding metal had scratches and gouges for about 1 foot on either side of the starboard corner. The upper deck was damaged in the front starboard corner as well. The upper deck damage consisted of removal of the white gel coat and exposure of the fiberglass underneath in an area about 8” round on the corner. White paint chips and wood splinters were also observed on the carpet of the lower deck adjacent to the canvas area that was damaged. The seam in the hull under at the damaged corner had a 8” plastic transfer on it. The rear port area of the vessel had a 3’ scratch and depression beneath the rub rail on the hull.

I observed the following damage to Mr. Carl Shaw’s vessel, NM2143EC. There was a 6” scratch in the aluminum rub rail around the rear port corner. No other damage was noted or reported on this vessel. The Kawasaki PWC that was floating to the rear of Mr. Shaw’s vessel had no observable damaged to it.

I observed the following damage to The Floating Irish. The rear of the top deck had an 8’ area of damage in the middle of the deck where the end of the deck was pushed in and under the upper deck flooring. Areas under the damaged top deck were buckled from the crushing damage adjacent to the spiral stair case. The starboard PWC ramp had been damaged, and both PWCs were pushed to the port side. The PWCs received damage being pushed into each other. The port PWC pushed a rear gate into the refrigerated air condenser unit. A gate support between the PWCs was broke off. The strap
securing the starboard PWC was broken. A plastic coated hand rail on the starboard rear was bent inward. The port rear rub rail was pushed in adjacent to a marina support. The owners of this vessel were not present, any additional interior damage is unknown at this time.

The owners of Dam Site Marina reported to me that the underwater structures below D-dock were also damaged as a result of the impact. It is beyond my capabilities at this time to confirm this damage.

Based on the damage that I observed statements from the operators, and witness statements, Vessel #1 “Bloody Mary” struck the rear of Vessel #2 in slip C-30. This was done as the “Bloody Mary” was turning away from C-Dock. This impact caused the damage to the starboard rear of the “Bloody Mary.” Once vessel #1 began to turn and the impact was realized, Mr. Condit accelerated the vessel #1 to get away from C-dock. Mr. Fay took over the controls, but was unable to prevent the vessel #1 “Bloody Mary” from impacting with vessel #3 “The Floating Irish”, due to the speed Vessel #1 had, and the limited maneuvering area between C and D docks (160’ approx). The two vessels did collide causing the noted damage to both vessel #1 and #2 and damage caused to the marina when Vessel #3 “The Floating Irish” was pushed into the side of its slip.

In conclusion, Mr. Brian Condit will be charged with 66-12-11 (A), Prohibited operation for operating a vessel in a negligent manner and damaging another person’s property. On the morning of 09/09/2009 I mailed a citation to Mr. Condit by certified mail to the address that he provided during the interview. In addition, I filed the citation within the Sierra County Magistrate Court on 09/09/2009. A copy of this citation (#00610151439) is attached to this report.

End of report.
C-Dock looking towards D-dock
Rear of Vessel #3 The Floating Irish
Rear of Vessel #3 and PWC Dock
Vessel #3 PWC positions
Front of Vessel #1 Bloody Mary
Vessel #1 Upper deck Damage
Vessel #1 Port rear hull damage
STATE OF NEW MEXICO
UNIFORM TRAFFIC CITATION

NAME
BRIAN

2649 Chelsea Lane
Santa Fe, NM 87505

LICENSE
NM 0276688888

DATE
08.24.55 32750070ZM 63 200 Brn

VEHICLE
1096664 NM 00 Haveboat Bloody Mary

DEFENDANT'S LICENSE

STATUTE
66-7-301 SPEEDING
STATUTE 66-5-205 NO INSURANCE
STATUTE 66-7-372 NO SEAT BELTS
66-12-11 A

LOCATION
Dam Site Marina D Dock

EVIDENCE
Defendant did operate the vessel Bloody Mary in a manner that caused property damage to another vessel and structures.

Case # 2005-10-0094

PENALTY ASSESSMENT: I acknowledge my guilt of the offense charged and my options as explained to me by the officer. I agree to remit the penalty assessment of $0.00

TRAFFIC ARRAINMENT: You are hereby ordered to appear in METROPOLITAN COURT

on October 6th, Tuesday, 2009 at 8:30 AM

My failure to appear will result in the issuance of a warrant for my arrest, my license being suspended and I will be required to pay an additional $100.00 warrant fee. I acknowledge receipt of this citation and without admitting guilt, I will appear as ordered.

COURT APPEARANCE: I acknowledge receipt of this notice and without admitting guilt agree to appear in MAGISTRATE METRO MUNICIPAL or TRIBAL court.

Address 185 W. Bo Kna s I 7901 (894-705)

on or by October 6th, Tuesday, 2009 at 8:30 AM

WARNING NOTICE: I acknowledge receipt of this notice and agree that a violation of the law has been committed. No further action is required.

Signature

ISSUING AGENCY COPY
I (print full name) Leon C. Fay choose to voluntarily write a statement concerning the following matter.

Signature                     Date          Time

9/5/09                        19158

Receiving Officer Signature  Date          Time

9/5/09

On (date) 9-5-09, 2009 at approximately (time) 5:30 - 6:30
the following happened:

My boat was being driven by someone else. I regained control too late and was unable to stop the collision. As the owner and captain I accept full responsibility.
I (print full name) CARL E SHAW choose to voluntarily write a statement concerning the following matter.

Signature

Date 9/5/09

Time 2009

On (date) 9/5/2009 at approximately (time) 9:20 am the following happened:

I witnessed a houseboat entering the marina toward my boat approximately 100 feet away and beginning to turn into their slip. We yelled knowing that the approaching houseboat being 100 feet long would not be able to turn without hitting us. So we yelled the driver of the houseboat increased the power and initiated a turn into their slip. The left rear of the incoming houseboat struck our boat and proceeded across the marina striking a houseboat.

RM 2143 EC
Sworn to before me:

Shaw's Signature

C-30
I (print full name) Sam Camilli choose to voluntarily write a statement concerning the following matter.

Signature 09/5/09 7:15 pm

Receiving Officer Signature 9/5/09 7:20 pm

On (date) 09/4/09, 2009 at approximately (time) 7:15 pm the following happened:

I was sitting towards the back end of my parents boat (Moelis Houseboat) and saw the other boat heading in. Soon after, I heard a loud slamming noise/thud. At that point I sprinted back to see that the person who was floating the red (Moelis) houseboat had collided with the rear end of Andy & Randy O'Hear's boat & two Jet-Skis on the rear. I looked up to see who was in fact driving the boat that collided with O'Hear's boat, and noticed the owner, Skip, driving at the helm (steering wheel or rudder). I did not however see who was inside at the helm on the lower floor. I believe that someone else other than Skip was driving, due to the fact that they missed the slips slip by 522, 0 wide slips, which Skip would must likely not let happen if he was driving.
I (print full name) Cheri Raboy choose to voluntarily write a statement concerning the following matter.

Cheri Raboy
Signature

Date
9-5-09

Time
1905

Receiving Officer Signature

Date
9-5-09

Time
1975

575-430-7709

On (date) 9-5, 2009 at approximately (time) 4:30 the following happened:

We were sitting on our pontoon boat watching my grandkids & niece slide off the slide swimming in our slip. We saw the Fayne's boat coming into the canal to park in their slip. They over shot their slip & tried to turn - got too close to the other side of the canal (Dock C), turned North & clipped a green jet ski possibly the slide on one boat. The driver tried to turn further North to correct & go out of the canal but instead headed directly toward Dock Space 6, toward us. We immediately got our kids out of the water & at that time saw the boat hit the O'Leary's boat & jet ski. The Fayne's boat was going very fast toward us, prior to hitting the O'Leary boat.
The hit moved the dock several feet toward us. They backed up and then proceeded in parking their boat in their slip.