

**STEADMAN
v. MENKE**

On March 11, 1994, Tim Steadman, age 23, drowned while learning to scuba dive on a reef just off the Breakers Hotel in Palm Beach County. Tim joined several other students at the Kissimmee Pro Dive Shop in Kissimmee, and the group traveled to West Palm Beach for their dive. Tim intended to complete the first two of four dives he would need to earn his Open Water dive certification. Ronald Menke, owner and operator of Kissimmee Pro Dive, was his instructor. After arriving in West Palm Beach and boarding the dive boat, Tim and five other students in his group divided into pairs, or "buddies." Since Tim was the only diver who had not yet completed any of his open water dives, Ron Menke assigned himself as Tim's dive buddy. Mr. Menke was the only instructor for the six students that included Tim.

Once in the water, Mr. Menke separated himself from Tim as the divers in the group began to make their descent. Mr. Menke neglected his buddy and drifted between other divers in the group. Unfortunately, while Mr. Menke concentrated on the other divers in the group, Tim was in distress on the surface, signaling to the boat captain for help. The captain maneuvered the boat toward him and sent a crew member into the water in an attempt to rescue him. However, the crew member could not get there in time and Tim sank to the ocean floor. His body was recovered approximately two hours later.

After Tim's body was recovered, the equipment was seized by investigating authorities. Testing of the buoyancy compensator (BC) performed at the medical examiner's office revealed that the BC was not operable. An O-ring was missing that prevented the BC from holding air. The BC, a rental, had been provided to Tim by Mr. Menke at the dive shop back in Kissimmee.

