

## **MINUTES OF THE MEETING**

### **BOARD OF PILOT COMMISSIONERS Hyatt Regency Orlando International Airport 9300 Jeff Fuqua Boulevard Orlando, FL April 13, 2012**

#### **CALL TO ORDER**

Chair Fernandez called the meeting to order at 11:30 a.m.

#### **Members Present**

Commissioner Fernandez, Chair  
Commissioner Bryson  
Commissioner Fox  
Commissioner Frudaker  
Commissioner Sams  
Commissioner Smith  
Commissioner Trueba  
Commissioner Ulrich  
Commissioner Viso, Vice-Chair

#### **Members Not Present**

Commissioner Clemente

#### **Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Erica White, Prosecuting Attorney  
Clark Jennings, Board Counsel  
Warren Husband, Florida Harbor Pilots Association (FHPA)  
Tiffany Backman  
Dan Ramsey, Florida Docking Masters  
Kenneth Roberts, ACL/Indian River Terminal  
Reid Hansen, Palm Beach Pilots Association  
Stephen Gasecki, FHPA  
Ben Borgie, FHPA  
Bill Wetzel, Ft. Pierce Pilots Association  
Joseph Sachs, CPA  
Brian Seuter, Cumberland Sound Pilots Association  
Stuart Lilly, FHPA  
Margaret Mathews  
Tim Dennis  
Tom Barnhart  
Evelyn Andrews, Court Reporter

## **APPROVAL OF THE MINUTES OF THE MEETING**

**January 12 & 13, 2012**

**MOTION:** Commissioner Trueba made a motion that the Board approve the minutes as submitted.

**SECOND:** Commissioner Smith seconded the motion and it passed unanimously.

Chair Fernandez stated that Vice-Chair Viso would chair the meeting at this time.

## **INFORMAL HEARING**

**Reid Hansen – Case #2011-021609**

**(PCP Fernandez, Phipps, Smith)**

Captain Hansen was present at the meeting and was sworn in by the court reporter.

Ms. White outlined the Allegations of Fact contained in the Administrative Complaint.

**MOTION:** Commissioner Trueba made a motion that the Board adopt the Allegations of Fact contained in the Administrative Complaint.

**SECOND:** Commissioner Bryson seconded the motion and it passed unanimously.

Ms. White outlined the Conclusions of Law contained in the Administrative Complaint.

**MOTION:** Commissioner Trueba made a motion that the Board adopt the Conclusions of Law contained in the Administrative Complaint as the conclusions of the Board.

**SECOND:** Commissioner Fox seconded the motion and it passed unanimously.

Ms. White informed the Board that there was no prior discipline and the Department recommended that a letter of reprimand be issued and imposition of costs in the amount of \$84.93.

Following discussion, the following action was taken.

**MOTION:** Commissioner Bryson made a motion that the Board issue a written reprimand and impose costs in the amount of \$84.93.

**SECOND:** Commissioner Frudaker seconded the motion and it passed unanimously.

## **RECOMMENDED ORDER**

**Reid Hansen – Case #2011-038589**

**(PCP Fernandez, Phipps, Smith)**

Captain Hansen was present at the meeting and was previously sworn in by the court reporter.

Mr. Jennings explained the procedures to be followed in this matter. He stated that no exceptions were filed in this matter. Vice-Chair Viso stated that the Recommended Order called for dismissal of the case.

Following discussion, the following action was taken.

MOTION: Commissioner Bryson made a motion that the Board approve the Recommended Order as presented.

SECOND: Commissioner Trueba seconded the motion and it passed unanimously.

### **SETTLEMENT STIPULATIONS**

#### **Captain Barrie Snyder – Case #2010-048677**

##### **(PCP Fernandez, Phipps, Smith)**

Captain Snyder was not present at the meeting, however, Ms. Margaret Mathews, Esquire, was present on his behalf.

Ms. White presented the facts in the case and stated that the Settlement Stipulation imposed an administrative fine in the amount of \$1,000 and costs in the amount of \$2,750.

Following discussion, the following action was taken.

MOTION: Commissioner Bryson made a motion that the Board approve the Settlement Stipulation as presented.

SECOND: Commissioner Fox seconded the motion and it passed unanimously.

#### **Captain Brian Tahaney – Case #2011-000303**

##### **(PCP Fernandez, Phipps, Smith)**

Captain Tahaney was not present at the meeting, however, Ms. Margaret Mathews, Esquire, was present on his behalf.

Ms. White presented the facts in the case and stated that the Settlement Stipulation imposed an administrative fine in the amount of \$1,000, costs in the amount of \$1,950, and attend radar and ECSIS training for fog.

Following discussion, the following action was taken.

MOTION: Commissioner Bryson made a motion that the Board approve the Settlement Stipulation as presented.

SECOND: Commissioner Trueba seconded the motion and it passed unanimously.

#### **Captain Richard Van Enige – Case #2010-040541**

##### **(PCP Fernandez, Phipps, Smith)**

Captain Van Enige was not present at the meeting, however, Ms. Margaret Mathews, Esquire, was present on his behalf.

Ms. White presented the facts in the case and stated that the Settlement Stipulation imposed an administrative fine in the amount of \$1,000 and costs in the amount of \$500.

Following discussion, the following action was taken.

**MOTION:** Commissioner Bryson made a motion that the Board approve the Settlement Stipulation as presented.

**SECOND:** Commissioner Fox seconded the motion and it passed unanimously.

At this time, Chair Fernandez resumed presiding over the meeting.

### **PROSECUTING ATTORNEY'S REPORT**

Ms. White provided the Board with a copy of her report. She stated that there were currently 13 pilot cases in the legal section.

### **REPORTS**

#### **Chair's Report – Commissioner Fernandez**

Chair Fernandez stated that the Governor has until April 23 to take action on the board member appointments. He added that Vice-Chair Viso was the only member that would not be affected. Chair Fernandez stated that if no action was taken, he would make Vice-Chair Viso aware that there was a Deputy Pilot Advancement Committee meeting on May 1 that he may need to handle.

#### **Deputy Pilot Advancement Committee – Commissioner Fernandez**

Chair Fernandez reported that a Conference Call was held a few weeks ago and one deputy was advanced to Level 3 of the training program.

#### **Finance Committee Report – Commissioner Bryson**

Commissioner Bryson reported that he should have the year end financial report at the September meeting for review. He stated that it appears that the current gross pilotage assessment is adequate at this time.

Chair Fernandez appointed Commissioner Trueba as the Chair of the Finance Committee with Commissioner Bryson as the Vice-Chair.

#### **Rules Committee Report – Commissioner Frudaker**

Commissioner Frudaker stated that he did not have a report at this time.

#### **Probable Cause Panel Report – Commissioner Fernandez**

Chair Fernandez reported that the Panel met earlier in the day and two cases were dismissed with a finding of no probable cause and one case was closed with a letter of guidance.

#### **Pilotage Rate Review Committee – Commissioner Viso**

Vice-Chair Viso stated that the Committee was meeting at the conclusion of the Board meeting.

#### **Board Counsel's Report – Clark Jennings**

Mr. Jennings stated that he did not have a report to give at this time. He informed the Board that he is now the Counsel for the Pilotage Rate Review Committee.

**Executive Director's Report – Robyn Barineau**

Ms. Barineau informed the Board that the next meeting will be held on September 27 & 28 in Coral Gables.

**PUBLIC COMMENTS**

There were no public comments at this time.

**CORRESPONDENCE**

Chair Fernandez stated that the National Transportation Safety Board response from the American Pilots Association was provided for informational purposes.

**NEW BUSINESS**

There was no new business to come before the Board at this time.

**OLD BUSINESS**

There was no old business to come before the Board at this time.

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 12:30 p.m.