

MINUTES OF THE MEETING

BOARD OF PILOT COMMISSIONERS Hyatt Regency Grand Cypress One Grand Cypress Boulevard Orlando, Florida December 2, 2011

CALL TO ORDER

Chair Fernandez, called the meeting to order at 10:00 a.m.

Members Present

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

Members Not Present

Commissioner Fox
Commissioner Trueba

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Michael Flury, Board Counsel
Erica White, Office of the General Counsel
Galen Dunton, Board Consultant
Warren Husband, Florida Harbor Pilots Association (FHPA)
Jay Winegeart, St. Johns Bar Pilots Association
Cheryl Phipps, Port Everglades Pilots Association
Stuart Lilly, FHPA
Charles Zenter
Kenneth Metzger, Esquire
Earl McMillan
Steve Gesecki, FHPA
Dan Ramsey, Florida Docking Masters

Chair Fernandez stated that Commissioner Fox was excused from the meeting.

SETTLEMENT STIPULATION – CHARLES ZENTER

Ms. White presented the facts regarding the Settlement Stipulation. She informed the board that this case had not been scheduled for a formal hearing at

this time. Ms. White informed the board that Captain Zenter failed the March 2011, examination for the Port of Miami by one point. The Settlement Stipulation would require that he only take the portion of the examination that he failed in March 2011, and then all scores would be combined together. Ms. White informed the board that she had a copy of the signed Settlement.

Chair Fernandez stated that this would set a dangerous precedent. He added that the avenue for entry into this profession was through the exam room and not the courtroom or a threat of legal action.

In discussion, Ms. White informed the board that Captain Zenter had taken the examination four times.

MOTION: Commissioner Bryson made a motion that the board reject the Settlement Stipulation as presented.

SECOND: Commissioner Viso seconded the motion.

In discussion following the motion, Mr. Metzger and Captain Zenter addressed the board.

Following discussion, a vote was taken on the motion which passed unanimously.

NEW BUSINESS

Temporary Certificates

Chair Fernandez informed the board that three of the newly appointed deputy pilots started their training and the Temporary Certificates issuance dates do not currently reflect their start dates. He asked the board for to amend the Temporary Certificates dates to reflect the same the beginning of their training.

Following discussion, the following action was taken.

MOTION: Commissioner Bryson made a motion that the Temporary Certificates be issued to reflect the deputy pilot training start dates.

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

ADJOURNMENT

There being no further business to come before the board, the meeting was adjourned at 11:06 a.m.