

MINUTES OF THE MEETING
BOARD OF PILOT COMMISSIONERS
Residence Inn
2301 Sadler Road
Fernandina Beach, FL 32034
January 13, 2012

CALL TO ORDER

Chair Fernandez called the meeting to order at 9:00 a.m.

Members Present

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

Members Not Present

Commissioner Bryson
Commissioner Clemente

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Michael Flury, Board Counsel
Erica White, Prosecuting Attorney
Galen Dunton, Board Consultant
Stuart Lilly, Biscayne Bay Pilots Association
Dan Ramsey, Florida Docking Masters
Gretchen Rayborn, Florida Harbor Pilots Association (FHPA)
Allen Thompson, Tampa Bay Pilots Association
Bill Kavanaugh, Cumberland Sound Pilots Association (CSPA)
Brian Seuter, CSPA
Warren Husband, FHPA
Jay Winegeart, St. Johns Bar Pilots Association (SJBPA)
John Teems, SJBPA

Commissioner Fernandez stated that Commissioner Bryson and Commissioner Clemente were excused from the meeting. He stated that Commissioner Trueba was excused from the December meeting.

APPROVAL OF THE MINUTES OF THE MEETING

October 7, 2011

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

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

December 2, 2011

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

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

PROSECUTING ATTORNEY'S REPORT

Ms. White informed the Board that Administrative Complaints had been filed for six cases, six cases were reviewed by the Probable Cause Panel, and two cases had not been reviewed at this time for a total of 14 open cases.

REVIEW OF BISCAYNE BAY PILOTS ASSOCIATION UPDATED DEPUTY TRAINING PROGRAM

Chair Fernandez informed the members that there was an updated training program in the handouts.

Captain Stuart Lilly explained the changes to the training program and asked that the request be approved by the Board. Commander Dunton questioned if the current deputies were under the new updated version. Captain Lilly responded that they were participating in the revised training program.

Following discussion, the following action was taken.

MOTION: Commissioner Smith made a motion that the Board approve the Biscayne Bay Pilots Association's updated training program as submitted.

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

REVIEW OF APPLICANTS FOR DEPUTY PILOT OPENINGS

Port Everglades Pilots Association

Commissioner Frudaker stated that he would like for Christopher Marlow to be considered separately as he will recuse himself from voting on this applicant.

Commander Dunton stated that the following applicants met the requirements to take the Deputy Pilot Examination: Joseph Casais, Todd Cooper, Peter Curtis, Morgan Densley, Jonathan Leck, Dustin Lesserra, Thomas Lisante, Carl Mahler, Robert Moore, II, William O'Connor, Timothee Paternoster, Timothy Porter, Oscar Prada, John Prichett, Roberto Rivera-Garcia, Luke Sloane, Julian Stubbs, and James Williams.

MOTION: Commissioner Viso made a motion that the Board approve Joseph Casais, Todd Cooper, Peter Curtis, Morgan Densley, Jonathan Leck, Dustin Lesserra, Thomas Lisante, Carl Mahler, Robert Moore, II, William O'Connor, Timothee Paternoster, Timothy Porter, Oscar Prada, John Prichett, Roberto Rivera-Garcia, Luke Sloane, Julian Stubbs, and James Williams for the March 2012 examination for the deputy pilot openings with the Port Everglades Pilots Association.

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

Biscayne Bay Pilots Association

Commander Dunton stated that the following applicants met the requirements to take the Deputy Pilot Examination: Joseph Casais, Todd Cooper, Peter Curtis, Morgan Densley, Eric Dobson, Justin Facciolo, Darren Haefele, Jonathan Leck, Dustin Lesserra, Thomas Lisante, Carl Mahler, Hedi Marzougui, William O'Connor, Timothee Paternoster, John Prichett, Robert Ripley, Mark Ruppert, Julian Stubbs, and James Williams.

MOTION: Commissioner Sams made a motion that the Board approve Joseph Casais, Todd Cooper, Peter Curtis, Morgan Densley, Eric Dobson, Justin Facciolo, Darren Haefele, Jonathan Leck, Dustin Lesserra, Thomas Lisante, Carl Mahler, Hedi Marzougui, William O'Connor, Timothee Paternoster, John Prichett, Robert Ripley, Mark Ruppert, Julian Stubbs, and James Williams for the March 2012 examination for the deputy pilot openings with the Biscayne Bay Pilots Association.

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

Commander Dunton stated that Christopher Marlow met the requirements to take the deputy pilot examination. Commissioner Frudaker was recused.

MOTION: Commissioner Smith made a motion that the Board approve Christopher Marlow for the March 2012 examination for the deputy pilot openings with the Biscayne Bay Pilots Association.

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

Commander Dunton stated that Marc Fitton was not qualified for the examination as he did not have the required sea service and all of his time was as a mate.

Commander Dunton stated that Sean Morrissey was shy 267 days of qualifying sea time and, therefore, he was not qualified to take the examination.

MOTION: Vice-Chair Viso made a motion that the Board deny the applications for Marc Fitton and Sean Morrissey as they did not meet the requirements.

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

Commander Dunton stated that he would like to recommend that when pilots are speaking to a potential applicant that those questions be directed to him for a response.

REQUEST FOR STATE PILOT EXAMINATION

Christopher Marlow – St. Andrew Bay Pilot Association

Commander Dunton informed the Board that Captain Marlow will begin his last level of training on or about March 14 and, therefore, they will be preapproving him for the State Pilot Examination. He stated that since he will not meet the requirements until after March 14, he cannot take the examination until after that date.

MOTION: Commissioner Ulrich made a motion that the Board approve Christopher Marlow for the State Pilot Examination once he is in his last level of training.

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

REPORTS

Chair's Report – Commissioner Fernandez

Chair Fernandez stated that he appreciated the attendance of the members that were able to participate in the special meeting in December. He also informed the members that the Legislature was currently in session.

Deputy Pilot Advancement Committee – Commissioner Fernandez

Chair Fernandez reported that there were two conference calls held for deputy pilot advancement. There were two deputies approved from Miami to advance to level two, one deputy from Jacksonville to advance to level two, and one deputy from Key West to advance to level seven.

Finance Committee Report – Commissioner Bryson

Chair Fernandez reported that there was no recommendation from the Committee to change the assessment.

Rules Committee Report – Commissioner Frudaker

Commissioner Frudaker reported that the Committee met, and Mr. Flury informed the Committee that two rules had been filed for repeal.

Probable Cause Panel Report – Commissioner Fernandez

Chair Fernandez reported that the Panel met on January 12 and reviewed six cases which were all closed with a finding of no probable cause. He stated that the Panel also met on December 2 and considered one case in which probable cause was found.

Pilotage Rate Review Committee – Commissioner Viso

Vice-Chair Viso stated that he did not have anything to report at this time.

Board Counsel's Report – Michael Flury

Mr. Flury discussed the latest Executive Order from the Governor which was related to rule making. He stated that when a notice for a rule is submitted, the Office of Fiscal Accountability and Regulatory Reform (OFARR) is currently sent a copy. Mr. Flury stated that OFAAR would like to have the rule a week prior to noticing, however, it is not mandatory. He asked for authority from the Board to comply with the Executive Order. He added that it will not delay the rule making process.

Following discussion, the following action was taken.

MOTION: Commissioner Smith authorized Board Counsel to provide OFARR any rules a week in advance of noticing.

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

Executive Director's Report – Robyn Barineau

Ms. Barineau informed the Board that there will not be an April meeting, and she will try to change the June 28 & 29 meeting in Coral Gables to September or October and notify everyone accordingly.

Ms. White informed the Board that there was some discipline that needs to be resolved. She stated that the cases were ready for presentation to the Board, and she had informed the Respondents that there would be a meeting in June. Following discussion, the Board agreed to have a meeting on April 27th in Orlando at 11:00 a.m. Ms. Barineau stated that everyone would be notified as soon as a location had been secured.

PUBLIC COMMENTS

Mr. Thompson informed the Board that the Tampa Bay Pilots completed 125 years of service at the end of 2011.

Chair Fernandez thanked the Cumberland Sound Pilots Association for the port tour.

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 10:30 a.m.