

## **MINUTES OF THE MEETING**

### **BOARD OF PILOT COMMISSIONERS Hyatt Regency Jacksonville – Riverfront 225 E. Coastline Drive Jacksonville, FL January 21, 2011**

#### **CALL TO ORDER**

Chair Phipps called the meeting to order at 9:06 a.m.

#### **Members Present**

Commissioner Phipps, Chair  
Commissioner Boue'  
Commissioner Bryson  
Commissioner Fernandez  
Commissioner Fox  
Commissioner Frudaker  
Commissioner Sams  
Commissioner Smith  
Commissioner Viso

#### **Members Not Present**

Commissioner Clemente

#### **Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Tim Dennis, Board Counsel  
Jody Lane, Prosecuting Attorney  
Galen Dunton, Board Consultant  
Gretchen Rayborn, Florida State Pilots Association (FSPA)  
Phil Thomas, St. Johns Bar Pilots Association (SJBPA)  
Joe Brown, FSPA/SJBPA  
Jay Winegeart, SJBPA  
Chris Marlow  
Ben Borgie, FSPA  
Steve Gasecki, FSPA  
Allen Thompson, Tampa Bay Pilots Association  
Tony Hogg, Florida Docking Masters Association  
Brian Seuter, Cumberland Pilots Association  
David Ulrich, Port Everglades Pilots Association  
Charles Hand, Biscayne Bay Pilots Association  
Warren Husband, FSPA

Margaret Mathews, Akerman Senterfitt  
Denice Taylor, Court Reporter

Chair Phipps stated that Commissioner Clemente was excused from the meeting.

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

**September 24, 2010**

**MOTION:** Commissioner Fernandez made a motion that the board approve the minutes as submitted.

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

### **SETTLEMENT STIPULATIONS**

**Captain Preston Shelton, Case #2006-002567**

**(PCP: Phipps, Fernandez, Molitor)**

Chair Phipps asked Commissioner Bryson to act as Chair for the Settlement Stipulation as she served on the Probable Cause Panel.

Commissioner Sams informed the board that he was recusing himself from this case as his employer, Carnival Corporation, is the owner of the vessel involved in this case.

Ms. Margaret Mathews was present on behalf of Captain Shelton.

Ms. Lane provided the details of the case. She stated that the Respondent had agreed to a Stipulation as follows: imposing a \$500 fine and \$4,000 in costs.

Following discussion, the following action was taken.

**MOTION:** Commissioner Viso made a motion that the board approve the Settlement Stipulation as presented.

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

**Captain Stephen Sottak, Case #2009-039482**

**(PCP: Phipps, Fernandez, Molitor)**

Ms. Mathews was present on behalf of Captain Sottak.

Ms. Lane provided the details of the case. She stated that the Respondent had agreed to a Stipulation as follows: imposing costs in the amount of \$2,319.68 and simulation training for ship handling.

Ms. Mathews indicated that Captain Sottak had completed a simulation training course in France and asked that it be approved as the required training.

Following discussion, the following action was taken.

**MOTION:** Commissioner Viso made a motion that the board approve the Settlement Stipulation as presented and approve the training course that has been completed by Captain Sottak.

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

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

Ms. Lane reported that seven cases were heard by the Probable Cause Panel and there were no cases pending at this time.

### **REVIEW OF APPLICANTS FOR DEPUTY PILOT OPENINGS**

#### **St. Johns Bar Pilot Association**

Commissioner Frudaker informed the board that he was going to recuse himself from voting on the application for Chris Marlow since he is currently a deputy pilot in Panama City.

Commander Dunton stated that the following applicants met the requirements to take the deputy pilot examination: Nathan Cook, Todd Cooper, Christopher Kincaid, Curtis Laskowski, Thomas Lisante, Christopher Marlow, Timothee Paternoster, Martin Poole, Joseph Purcell, Robert Reese, Jeffrey Ritter, Luke Sloane, Julian Stubbs, and Ryan White.

Chair Phipps called for a motion to approve the applicants with the exception of Christopher Marlow.

**MOTION:** Commissioner Frudaker made a motion that the board approve Nathan Cook, Todd Cooper, Christopher Kincaid, Curtis Laskowski, Thomas Lisante, Christopher Marlow, Timothee Paternoster, Martin Poole, Joseph Purcell, Robert Reese, Jeffrey Ritter, Luke Sloane, Julian Stubbs, and Ryan White for the March 2011 examination for the deputy pilot opening with the St. Johns Bar Pilot Association.

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

**MOTION:** Commissioner Bryson made a motion that the board approve Christopher Marlow for the March 2011 examination for the deputy pilot opening with the St. Johns Bar Pilot Association.

**SECOND:** Commissioner Fernandez 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: Roberto Garcia, Christopher Kincaid,

Timothee Paternoster, Geoffrey Pool, Martin Poole, Joel Prescod, John Pritchett, Robert Ripley, Julian Stubbs, Ryan Sweeney, and Charles Zenter.

**MOTION:** Commissioner Fernandez made a motion that the board approve Roberto Garcia, Christopher Kincaid, Timothee Paternoster, Geoffrey Pool, Martin Poole, Joel Prescod, John Pritchett, Robert Ripley, Julian Stubbs, Ryan Sweeney, and Charles Zenter for the March 2011 examination for the deputy pilot opening with the Biscayne Bay Pilots Association.

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

Commander Dunton stated that Todd Geary was not qualified for the examination as he did not have the required sea service and no time as a master.

**MOTION:** Commissioner Fernandez made a motion that the board deny the application for Todd Geary as he did not meet the requirements.

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

Commander Dunton stated that Matthew Gomolka did not submit any supporting documents with his application and, therefore, he was not qualified.

**MOTION:** Commissioner Bryson made a motion that the board deny the application for Matthew Gomolka as he did not submit any documentation.

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

Commander Dunton stated that Dustin Leserra was shy 53 days of 2<sup>nd</sup> mate time and did not submit proof of completing the 12<sup>th</sup> grade.

**MOTION:** Commissioner Bryson made a motion that the board deny the application for Dustin Leserra as he did not meet the sea time requirements and did not submit proof of completing the 12<sup>th</sup> grade.

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

Commander Dunton stated that Derek Solar did not provide any supporting documents for his application.

**MOTION:** Commissioner Fernandez made a motion that the board deny the application for Derek Solar as he did not provide any supporting documentation to determine eligibility.

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

Chair Phipps informed the board that a letter had been received from the Biscayne Bay Pilots Association requesting two additional deputies from the March examination, for a total of three.

Captain Charles Hand was present on behalf of the Biscayne Bay Pilots Association. He informed the board that they have pilots that will be retiring so the deputies are necessary to replace the retiring pilots.

Following discussion, the following action was taken.

MOTION: Commissioner Bryson made a motion that the board approve the request of the Biscayne Bay Pilots Association for two additional deputies from the March 2011 examination.

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

#### **REQUEST FOR STATE PILOT EXAMINATION**

##### **William H. Kavanaugh, St. Johns Bar Pilot Association**

Captain Jay Winegeart was present on behalf of the St. Johns Bar Pilots Association. He informed the board that Captain Kavanaugh would complete his deputy pilot training on February 6 to the satisfaction of the association, and they request that he be allowed to sit for the state pilot examination.

MOTION: Commissioner Bryson made a motion that the board approve William H. Kavanaugh for the state pilot examination in March 2011.

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

#### **REPORTS**

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

Chair Phipps stated that the board would not be meeting in April in order to reduce costs. She added that future meetings will be one day meetings with the Probable Cause Panel meeting at 3:00 p.m. on the day before. Chair Phipps stated that the next meeting would be held on July 29, 2011, in Hutchison Island.

Chair Phipps welcomed the new members of the board.

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

Chair Phipps reported that two deputies had been advanced since the last board meeting.

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

Commissioner Bryson reported that the committee met yesterday, and the board's operating account currently reflects a deficit of \$28,000. The committee discussed increasing the gross pilotage assessment to eight tenths of one percent (.8%), however, since the deficit was not too severe, they will maintain the current assessment of seven tenths of one percent (.7%) until the end of the next quarter.

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

Commissioner Frudaker reported that the committee met yesterday and voted to recommend to the board an administrative change to Rule 61G14-20.001(2)(c)3, Florida Administrative Code, regarding the physical form. The rule currently reflects the revision date of January 2002.

Chair Phipps stated that since there was a moratorium on rule making at this time, she suggested this topic be tabled to the next meeting. Commissioner Frudaker asked Mr. Dennis to review the rule to determine what changes are necessary.

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

Chair Phipps reported that the panel met yesterday and there were seven cases closed with no finding of probable cause.

#### **Pilotage Rate Review Committee –**

Ms. Barineau informed the board that the investigative report for Pensacola should be released soon, and at that time, the committee members will be contacted regarding a meeting date.

#### **Board Counsel's Report – Tim Dennis**

Mr. Dennis informed the board that there was a challenge to the rate increase for the Port of Ft. Pierce approved by the previous board. He stated that there was movement toward settlement negotiations and a written settlement offer has been received. Mr. Dennis stated that the Pilotage Rate Review Committee will need to set up a meeting to review this offer, and conduct an organizational meeting.

Commissioner Phipps stated that the five new members all serve on the Pilotage Rate Review Committee along with Commissioner Fernandez and Commissioner Viso.

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

Ms. Barineau did not have a report to give at this time.

### **CORRESPONDENCE**

#### **Unique Institutions, Indispensable Cogs, and Hoary Figures: Understanding Pilotage Regulation in the United States**

Commissioner Viso stated that he thought this document would be of interest to the board.

### **October 2010 Newsletter**

This was provided for informational purposes.

### **PERFORMANCE EVALUATIONS OF ROBYN BARINEAU AND GALEN DUNTON**

Chair Phipps stated that every year the board evaluates the executive director and consultant, and she asked Ms. Barineau and Commander Dunton to leave the room at this time.

Chair Phipps stated that they have both done an excellent job.

**MOTION:** Commissioner Bryson asked that the Chair write a letter to the Secretary of the Department giving the highest marks to Ms. Barineau and Commander Dunton on behalf of the board.

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

### **PUBLIC COMMENTS**

There were no public comments at this time.

### **NEW BUSINESS**

Commissioner Fernandez stated that the Biscayne Bay Pilots were celebrating their 100<sup>th</sup> anniversary.

### **OLD BUSINESS**

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

### **ELECTION OF OFFICERS**

Chair Phipps stated that the former Vice-Chair was no longer on the board, and, therefore the board needed to elect a Vice-Chair.

**MOTION:** Commissioner Bryson made a motion to nominate Commissioner Viso as Vice-Chair.

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

Chair Phipps appointed Commissioner Boue' as Chair the Finance Committee and Commissioner Bryson as Vice-Chair.

Chair Phipps appointed Commissioner Smith to the Probable Cause Panel. She stated that she would prefer that a former member of the board, who is an active pilot, also serve on the panel. Chair Phipps appointed Captain Winegeart, with

Captain Buffington and Captain Maddox as alternates, as they have all agreed to serve on the panel.

Commissioner Bryson suggested that, when possible, they have the Pilotage Rate Review Committee meet at the same time as the board.

Commissioner Bryson asked Mr. Dennis to research the port tours, since some of the new members have not visited ports as he felt it would be educational and beneficial. Mr. Dennis responded that he would research this issue and provide his findings to the members.

Mr. Dennis asked Chair Phipps to appoint an Interim Chair of the Pilotage Rate Review Committee until there is a formal meeting. Chair Phipps asked Captain Viso to serve as Interim Chair.

### **BOARD MEMBER TRAINING**

At this time, board member training was conducted.

### **ADJOURNMENT**

There being no further business to come before the board, the meeting was adjourned at 11:45 a.m.