

## **MINUTES OF THE MEETING**

### **BOARD OF PILOT COMMISSIONERS**

**Embassy Suites – Fort Lauderdale**

**1100 SE 17<sup>th</sup> Street**

**Ft. Lauderdale, FL 33316**

**October 7, 2011**

#### **CALL TO ORDER**

Vice-Chair Viso called the meeting to order at 9:00 a.m.

#### **Members Present**

Commissioner Viso, Vice-Chair

Commissioner Bryson

Commissioner Fernandez

Commissioner Fox

Commissioner Sams

Commissioner Smith

Commissioner Trueba

Commissioner Ulrich

#### **Members Not Present**

Commissioner Clemente

Commissioner Frudaker

#### **Others Present**

Robyn Barineau, Executive Director

Elise Rice, Government Analyst

Michael Flury, Board Counsel

Erica White, Prosecuting Attorney

Galen Dunton, Board Consultant

Dan Ramsey, Florida Docking Masters Association

Allen Thompson, Tampa Bay Pilots Association

Rick Montoya, Port Everglades Pilots Association

Stuart Lilly, Biscayne Bay Pilots Association

Warren Husband, Florida State Pilots Association (FSPA)

Andy Edelstein, Port Everglades Pilots Association

Steve Gasecki, FSPA

Gretchen Rayborn, FSPA

Bill Rhoden, Palm Beach Pilots Association

Cheryl Phipps, Port Everglades Pilots Association

Joe Brown, FSPA

Vice-Chair Viso informed the board that the absences of Commissioner Clemente and Commissioner Frudaker were excused.

Vice-Chair Viso recognized former board member, Captain Cheryl Phipps, for her service on the board.

**APPROVAL OF THE MINUTES OF THE MEETING  
January 20 & 21, 2011**

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

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

**March 8, 2011**

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

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

**PROSECUTING ATTORNEY'S REPORT**

Ms. White reported that 19 cases were considered by the Probable Cause Panel and there were two cases in legal to be reviewed.

**REQUEST FOR DEPUTY PILOT  
Biscayne Bay Pilots Association**

Captain Stuart Lilly was present on behalf of the Biscayne Bay Pilots Association. He informed the board that the Association wanted to amend their request to at least three deputy pilots for the March 2012 exam. Captain Lilly stated that this request was based on planned retirements in order to maintain the number of pilots and due to the increase in traffic.

MOTION: Commissioner Bryson made a motion that the board approve the request for at least three deputies for the Biscayne Bay Pilots Association.

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

**Port Everglades Pilots Association**

Captain Andy Edelstein was present on behalf of the Port Everglades Pilots Association. He informed the board that their request for at least one or more deputy pilots from the March 2012 examination was for the purpose of replacing retiring or retired pilot(s).

MOTION: Commissioner Fernandez made a motion that the board approve the request for at least one deputy pilot for the Port Everglades Pilots Association.

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

### **REQUEST FOR CROSS-LICENSED DEPUTY**

#### **Ft. Pierce Pilots Association**

Vice-Chair Viso stated that a request had been received from Captain Wetzel to have an additional cross-licensed deputy for the Port of Ft. Pierce. In discussion, it was noted that Captain Brian Seuter with the Cumberland Sounds Pilots Association has offered to test for the position. Captain Roden informed the board that this would help relieve the burden of the Palm Beach Pilots Association providing back-up to Captain Wetzel.

Following discussion, the following action was taken.

MOTION: Commissioner Bryson made a motion that the board approve the request for a cross-licensed deputy pilot for the Ft. Pierce Pilots Association.

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

### **REPEAL OF RULES**

#### **61G14-10.002 Designation of Official Reporter**

#### **61G14-15.002 Marine Incident Report Form**

Mr. Flury informed the board that Rules 61G14-10.002 and 61G14-15.002(2), Florida Administrative Code, were not necessary as the items were in Chapter 310, Florida Statutes.

MOTION: Commissioner Fernandez made a motion that the board repeal Rules 61G14-10.002 and 61G14-15.002(2), FAC.

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

### **REPORTS**

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

Vice-Chair Viso did not have a report to give at this time.

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

**March 11, 2011**

**April 27, 2011**

**September 2, 2011**

Vice-Chair Viso reported that there were three conference calls held for deputy pilot advancement and the reports were provided for informational purposes.

**Finance Committee Report – Commissioner Bryson  
June 30, 2011**

Commissioner Bryson informed the board that they currently had a deficit of \$39,060 which was projected to increase over years. He stated that at this time he would not recommend that the board change the gross pilotage assessment as it appeared that they will have sufficient revenue.

**Rules Committee Report – Commissioner Frudaker**

There was no report as Commissioner Frudaker was not present.

**Probable Cause Panel Report – Commissioner Fernandez**

Commissioner Fernandez reported that the panel met on October 6 and reviewed 19 cases of which 12 were closed with a finding of no probable cause, seven administrative complaints are to be issued, one letter of guidance is to be issued, and one case will be referred back for further investigation

**Pilotage Rate Review Committee – Commissioner Viso**

Vice-Chair Viso reported that the committee met in Ft. Pierce to review and make an assessment of an offer made to the Ft. Pierce pilot. The matter is currently before an Administrative Law Judge and they are waiting on the final report. Vice-Chair Viso reported that the Port Authority for the Port of Pensacola submitted an application for a rate increase, the hearing was held, and the increase was granted.

Vice-Chair Viso informed that board that Commissioner Sams was elected as Vice-Chair of the committee.

**Board Counsel’s Report – Michael Flury**

Mr. Flury did not have a report to give at this time.

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

Ms. Barineau informed the board that Mr. Ken Lawson was the new Secretary of the Department. The next meeting is scheduled for January 12 and 13 in Fernandina Beach.

Commissioner Sams asked about the process for the probable cause meetings. Mr. Flury informed him that the probable cause panel meetings were closed meetings and confidential for certain time. Commissioner Smith informed the board of the process that took place as this was his first meeting on the panel.

**PUBLIC COMMENTS**

Commissioner Bryson stated this was the last meeting for Captain Joe Brown as the FSPA President.

**NEW BUSINESS**

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

## **OLD BUSINESS**

### **Port Tours**

Mr. Flury informed the board that the tours can be conducted at the ports, however, they will have to be a noticed part of the meeting and open to the public.

There was discussion regarding payment for the tours. Mr. Flury explained the gift law and stated that he would do further research on the issue and report back at the January meeting.

Commissioner Bryson commented that perhaps this could be included as an expense item in the budget since it is a part of the process for the board. Ms. Barineau responded that she will research this proposal.

Vice-Chair Viso stated that he felt it would be a benefit to the board to tour the Port of Fernandina and would like to do that, if possible.

## **CORRESPONDENCE**

### **Request for Input – Budget Allotment and Preparation Process Interim guidance regarding the Office of Fiscal Accountability and Regulatory Reform**

#### **Are airline pilots forgetting how to fly?**

These were provided for information purposes only.

## **ELECTION OF OFFICERS**

Vice-Chair Viso asked for nominations for the Chair and Vice-Chair.

MOTION: Commissioner Bryson nominated John Fernandez for Chair.

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

MOTION: Commissioner Fernandez nominated Jorge Viso for Vice-Chair.

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

## **DISTRIBUTION OF LAPTOPS AND TRAINING**

The members were provided with laptops and information regarding the paperless agendas.

## **ADJOURNMENT**

There being no further business to come before the board, the meeting was adjourned at 10:21 a.m.