

EXECUTIVE SUMMARY
Board of Pilot Commissioners

I. General Information

Meeting Type: Deputy Pilot Advancement Committee, Finance
Committee, Rules Committee, Probable Cause Panel and
General Business Meetings
Meeting Date: Monday, January 22, 2007, and
Tuesday, January 23, 2007
Meeting Location: Hampton Inn and Suites
404 South Second Street
Fernandina Beach, Florida 32043

Attendees:

Commissioner Cheryl Phipps, Chair
Commissioner Eric Bryson, Vice Chair
Commissioner J. Michael "Mike" Buffington
Commissioner Rivers H. Buford, Jr.
Commissioner John Fernandez
Commissioner Richard "Rick" Frudaker
Commissioner John Hiers
Commissioner Donald "Don" N. Molitor
Commissioner Victoria Robas
Commissioner Eugene "Gene" F. Sweeney (present for January 23, 2007, only)
Robyn Barineau, Executive Director, Department of Business and Professional
Regulation
Elise Rice, Government Analyst, Department of Business and Professional Regulation
Drew Winters, Assistant General Counsel, Department of Business and Professional
Regulation
Mary Ellen Clark, Assistant Attorney General, Department of Legal Affairs
Galen W. Dunton, Consultant
David de la Parte, Counsel for Florida State Pilots Association
Gretchen Rayborn, Executive Director, Florida State Pilots Association
Allen L. Thompson, Jr., Executive Director, Tampa Bay Pilots Association
William Kavanaugh, Cumberland Sound Pilots Association
Brian Seuter, Cumberland Sound Pilots Association
Joe Brown, St. Johns Bar Pilots Association
John Atchison, St. Johns Bar Pilots Association
Tony Hogg, Florida Docking Masters Association

II. Major Issues/Actions

- The Deputy Pilot Advancement Committee reviewed and approved the following Deputy Pilots for the next applicable training level:
 - Captain Joseph Lachnicht for level two of the training plan for the Port of Tampa Bay effective January 22, 2007

- Captain Peter Glynn for level two of the training plan for the Port of Tampa Bay effective January 22, 2007.
- Commissioner Rivers Buford, Jr., thanked the board for their well wishes during his recent recovery from heart surgery.
 - Chair Cheryl Phipps excused Commissioner Gene Sweeney from the January 22, 2007, board meeting.
 - Commissioner Mike Buffington reviewed the board's first quarter Financial Report for the 2006-2007 fiscal year and indicated that there is a marginal net income. He suggested that the gross pilotage rate be maintained at .35 percent. Commissioner Buffington asked Ms. Robyn Barineau, Executive Director, to provide him with the total payment made to Accenture for the first quarter of the current fiscal year.
 - Commander Galen Dunton mentioned that he is currently working with the department's Bureau of Education and Testing on their initiative to allow him to select future examination items and review the item bank from a secure website from his home. Commander Dunton advised the board that this will be a future cost-savings to the board.
 - Assistant Attorney General Mary Ellen Clark informed the board that she received notification from the board office of their receipt of a letter from an attorney representing a terminated Deputy Pilot. The attorney, in the letter received after the January agenda deadline, requested the board issue the terminated Deputy Pilot a "permanent certificate." The Deputy Pilot at issue had been placed on the October 2006 Deputy Pilot Advancement Committee agenda, however, notification was made in advance of the committee conference call that the request for the Deputy Pilot's advancement was being removed from the agenda. Ms. Clark advised the board that while there was no basis on which the board could issue a "permanent certificate," Section 310.071(3), Florida Statutes, does require the board to evaluate the Deputy Pilot's performance and that a meeting should be held prior to the expiration of the Deputy Pilot's 12-month initial certificate for this purpose. Ms. Clark also suggested that minutes from every Deputy Pilot Advancement Committee meeting be placed on a full board agenda for review, approval and ratification. The board also agreed that Rule 61G14-11.007, Florida Administrative Code, should be noticed for rulemaking to clarify that the board should be provided with the recommendations of the Deputy Pilot Advancement Committee whether advancement is favorable or unfavorable.
 - Mr. Drew Winters, Assistant General Counsel, reported there are currently 22 pilot cases in the legal department.
 - The board approved the request of the Ft. Pierce Pilot Association to allow Deputy Pilot William Wetzel to sit for the March 2007 State Pilot examination.
 - The board approved the request from the Tampa Bay Pilots Association to issue a two year certificate for Deputy Pilot Travis Bacon.
 - The board approved the maximum allowable draft of 20 feet for the Port of Ft. Pierce.
 - The board asked that Commander Dunton verify the information contained in a request to change a port's operational guidelines in the future.
 - The board agreed to discuss Rules 61G14-15.003(4) and 61G14-15.003(5), Florida Administrative Code, at their next meeting to determine whether or not any changes are necessary. The current rules require that every time a maximum allowable draft changes in a port and whenever pilot work schedules are amended, the port association must submit these changes to the board for approval.

- The following individuals were approved to sit for the March 2007 Deputy Pilot examination for the Port of Tampa Bay:

-Peter Curtis	-Robert Munchback
-Natalie Edwards	-Igor Nechepurenko
-Cyril Gittens	-Steven Paquette
-Joseph Goodwin	-Martin Poole
-John Humphreys	-Stephen Sottak
-Kris Kubiak	-Francisco Sta Cruz
-James Luke	-William Swiss
-Greg MacLaren	-Gene Tarzetti
-Robert Moore, II	
- The following individuals were approved to sit for the March 2007 Deputy Pilot examination for the Port of Jacksonville:

-Robert Bearden	-John Prichett
-Charles Ellis	-Jeffrey Ritter
-William Kavanaugh, Jr.	-Donald Sacca
-James Luke	-John Waldrip
-Narrayan Mons	-Charles Zenter
-Gerard Pannell	
- The board approved the sea service requirements of Robert Grove to sit for the March 2007 Deputy Pilot examination for the Port of Jacksonville pending receipt by January 31, 2007, of the required department information which includes high school education proof and results of a drug test administered within the past six months.
- The board denied the applications of Cameron Kirkconnell, Michael Quinn, and Kenneth Wahl to sit for the March 2007 Deputy Pilot examination for the Port of Jacksonville based on requirements set forth in Section 455.213(1), Florida Statutes, Section 310.071(1)(d), Florida Statutes, and Rule 61G14-11.002(2), Florida Administrative Code.
- The board denied the applications of John McMillen and Kenneth Wahl to sit for the March 2007 Deputy Pilot examination for the Port of Tampa Bay based on requirements set forth in Section 455.213(1), Florida Statutes, Section 310.071(1)(d), Florida Statutes, and Rule 61G14-11.002(2), Florida Administrative Code.
- The board denied the application of Krassimir Zhekov to sit for the March 2007 Deputy Pilot examination for the Port of Tampa Bay based on the requirements set forth in Section 310.071(1)(d), Florida Statutes, and Rule 61G14-11.002(2), Florida Administrative Code.
- The Probable Cause Panel closed five cases with no finding of probable cause, issued two letters of guidance, found probable cause in one case, and sent one case back to the department for additional investigation.
- The board asked Ms. Barineau to forward a copy of the new Gubernatorial Appointments Questionnaire to each member when it is ready for distribution.
- The board agreed to conduct a meeting in Tampa on February 12, 2007, to handle the Deputy Pilot advancement matter and to conduct additional meetings as follows:
 - May 3 and 4, 2007 - Miami
 - July 12 and 13, 2007 – Canaveral
 - October 4 and 5, 2007 – Palm Beach

III. Legislation/Rule Promulgation

- Ms. Clark will move forward with noticing for development amendments to Rule 61G14-11.007, Florida Administrative Code, regarding recommendations from the Deputy Pilot Advancement Committee.
- The board will discuss Rules 61G14-15.003(4) and 61G14-15.003(5), Florida Administrative Code, regarding port guidelines, at their next meeting.

IV. Action Required

- Ms. Barineau will provide Commissioner Buffington with the total amount paid by the Division of Professions to Accenture for the first quarter of the 2006-2007 fiscal year.
- Commander Dunton will verify information contained in future changes to the operational guidelines of all ports.
- Ms. Barineau will forward all board members a copy of the new Gubernatorial Appointments Questionnaire.

Robyn Barineau
Executive Director
January 26, 2007