

**EXECUTIVE SUMMARY**  
**Board of Pilot Commissioners**

**I. General Information**

Meeting Type: Finance Committee, Rules Committee, Probable Cause Panel and General Business Meetings  
Meeting Date: Thursday, January 17, 2008, and Friday, January 18, 2008  
Meeting Location: Bay Point Marriott Golf Resort and Spa  
4200 Marriott Drive  
Panama City Beach, Florida 32408

Attendees:

Commissioner Cheryl Phipps, Chair (Thursday, January 27, 2008, only)  
Commissioner Eric Bryson, Vice Chair  
Commissioner Frances "Fran" Bohnsack  
Commissioner Harold "Hap" Brandenburg  
Commissioner Rivers H. Buford, Jr.  
Commissioner John Fernandez  
Commissioner Richard "Rick" Frudaker  
Commissioner Jeffrey Jones  
Commissioner Donald "Don" N. Molitor  
Secretary Holly Benson, Department of Business and Professional Regulation  
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  
Ed Tellechea, Assistant Attorney General, Department of Legal Affairs  
Galen W. Dunton, Consultant  
Warren Husband, Counsel for Florida State Pilots Association  
Joe Brown, President, Florida State Pilots Association  
Gretchen Rayborn, Executive Director, Florida State Pilots Association  
John Atchison, St. Johns Bar Pilots Association  
Allen L. Thompson, Jr., Executive Director, Tampa Bay Pilots Association  
Tony Hogg, Florida Docking Masters  
Tony Cuva, Attorney for Captain Francis Wood  
Francis Wood  
Jenny Nichols, Court Reporter

## II. Major Issues/Actions

- Vice Chair Eric Bryson introduced Secretary Holly Benson and thanked her for joining the board for their meeting. Secretary Benson extended her appreciation to Commissioner Rick Frudaker and the staff from the Port Authority for the informative port tour. She added that she understands the importance of the piloting industry and recognizes the changes in the industry over the years. Secretary Benson challenged the board to explore the possibility of finding ways to streamline the entire licensure process. She also mentioned that because of the educational opportunities afforded to board members associated with the port tours, tours of the Florida ports that do not have individual lobbyists can be provided to board members and staff at no cost.
- Vice Chair Bryson introduced new Florida State Pilots Association President (FSPA), Joe Brown, and new counsel to the FSPA, Warren Husband, and thanked them for attending the meeting.
- Vice Chair Bryson excused Chair Cheryl Phipps from the board meeting on Friday, January 28, 2008.
- Vice Chair Eric Bryson reviewed the financial report for the quarter ending September 30, 2007, and provided the board with a budgetary handout. After reviewing the income and expense figures, he suggested the board maintain the current gross pilotage assessment rate of 1/10 of one percent until future financial reports are received and reviewed. He again reminded the board that should the expenses outpace the income, the assessment rate can be amended. Vice Chair Bryson informed the board that he will have more information at the next board meeting as the second quarter financial report will be available. He also asked that future agendas include a report detailing the following information from each of the port associations: amount of gross pilotage, gross pilotage assessment, and the number of handles. He asked that the report be a three year accounting broken down in three month increments.
- Mr. Ed Tellechea, Assistant Attorney General, informed the board that Rule 61G14-19.001, Florida Administrative Code, Percentage of Gross Pilotage Assessed, has been noticed for rule development should the board want to make changes to the gross pilotage assessment rate at the next meeting.
- Mr. Tellechea advised the board that Mr. Flury will be present at the next board meeting, and he will provide a brief overview of the Sunshine and Ethics Laws to the new board members.
- The board approved the Settlement Stipulation in case number 2005.011068 against Captain Francis Wood. The Settlement Stipulation imposes a 14 day suspension, probation of 18 months, costs of \$3,516.60, and the Respondent's attendance at the meeting for the presentation of the case to the board.
- Mr. Drew Winters, Assistant General Counsel, reported there are currently 19 pilot cases in the legal department. The board agreed to allow Mr. Winters to continue handling the two year-old pilot cases in the legal department.

- The following individuals were approved to sit for the March 2008 Deputy Pilot examination for the Port of Jacksonville:
 

-Dennis Badaczewski	-Sean Morrissey
-Robert Bearden	-Igor Nechepurenko
-Nathan Cook	-Michael Obrien
-Peter Curtis	-Martin Poole
-Anthony DiMattia	-Jeffrey Ritter
-Cyril Gittens	-Donald Sacca
-William Kavanaugh	-Christopher Weigler
-James Luke	-James Williams
- The board approved the sea service requirements of Kevin McNutt to sit for the March 2008 Deputy Pilot examination for the Port of Jacksonville pending receipt of the required proof of high school education.
- Vice Chair Bryson pointed out the apparent technical error in Rule 61G14-11.002(1), Florida Administrative Code, which currently makes reference to Section 310.075, Florida Statutes, and should refer to Section 310.071, Florida Statutes. The board agreed to allow Mr. Tellechea to notice for development Rule 61G14-11.002(1), Florida Statutes, should the Joint Administrative Procedures Committee not allow him to make a technical change.
- The Probable Cause Panel closed seven cases with no finding of probable cause and one case was removed from the agenda by the board prosecutor.
- Ms. Robyn Barineau, Executive Director, informed the board that Governor Crist recently reappointed Mr. Clarence Johnson and Mr. Daniel Corn and appointed Ms. Erica Elliott and Mr. Evan Weston to the Pilotage Rate Review Board.
- Ms. Barineau provided the board with the following meeting dates and locations:
  - Thursday, April 3, and Friday, April 4, 2008 – Key West
  - Thursday, July 17, and Friday, July 18, 2008 – Ft. Lauderdale
  - Monday, September 29, and Tuesday, September 30, 2008 – Jacksonville
- Ms. Barineau advised the board that a telephone conference call has been scheduled for Wednesday, March 12, 2008, at 10 a.m., in case the St. Johns Bar Pilots Association requests more than one Deputy Pilot from the March 2008 examination.
- Based upon Secretary Benson's challenge to seek out possible ways to streamline the entire licensure process, the board asked Commander Galen Dunton to provide his previously submitted examination timeline from several years back to board staff for inclusion in the next agenda. Commander Dunton will also work with Mr. Steve Allen from the department's Bureau of Education and Testing to provide the board with any additional examination information which might be helpful to them in their review of the examination process.
- Vice Chair Bryson requested that the board approve the participation of Ms. Barineau and Ms. Elise Rice in the American Pilots Association meeting to be conducted in October 2008 in Hawaii.

### **III. Legislation/Rule Promulgation**

- Mr. Tellechea will notice for development Rule 61G14-11.002(1), Florida Statutes, should the Joint Administrative Procedures Committee not allow him to make a technical change.

### **IV. Action Required**

- Board staff will include in future agendas a report, broken down by quarter, for all ports with the following information: gross pilotage, gross pilotage assessment, and the number of handles. The report should span a three year period.
- Mr. Flury will provide a brief overview of the Sunshine and Ethics Laws for the new board members at the next board meeting.
- Commander Dunton will work with the Bureau of Education and Testing and provide additional information for inclusion in the next agenda relating to the examination process.

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Robyn Barineau  
Executive Director  
January 25, 2008