

## **MINUTES OF THE MEETING**

### **BOARD OF PILOT COMMISSIONERS TELEPHONE CONFERENCE CALL MARCH 22, 2004 10:30 A.M. 850-488-5776**

#### **CALL TO ORDER:**

Commissioner Robas, Chair of the Board, called the conference call to order at 10:30 a.m.

#### **MEMBERS PARTICIPATING:**

Victoria Robas, Chair  
Rivers Buford  
Richard Frudaker  
John Hiers  
Earl McMillin  
Cheryl Phipps, Vice-Chair

#### **MEMBERS NOT PARTICIPATING:**

Michael Buffington  
David Leech  
Donald Molitor  
Eugene Sweeney

#### **OTHERS PARTICIPATING:**

Anthony Spivey, Executive Director  
Elise Rice, Government Analyst  
Ed Tellechea, Board Counsel  
Galen Dunton, Board Consultant  
Gretchen Rayborn, FSPA  
David de la Parte, FSPA  
George Fizell, Palm Beach Pilots Assn  
Mike Pennekamp

#### **APPROVAL OF ADDITIONAL DEPUTY PILOT VACANCY REQUESTS**

##### **Palm Beach Pilots Association**

Captain Fizell reported that the Palm Beach Pilots Association were not requesting any additional deputies, they were approved for one (1) by the Board.

##### **Port Everglades Pilots Association**

Commissioner Phipps stated that she would speak for the Port Everglades Pilots Association and they were not requesting any additional deputies, they were approved for two (2) by the Board.

Commissioner Robas questioned if Port Everglades just recently had a deputy appointed. Commissioner Phipps responded that the new deputy started today.

Commissioner McMillin questioned how that occurred. Mr. Spivey responded that the vacancy that existed in the Port was filed by the Secretary at the request of the Port. He informed the Board that late Thursday the deputy appointment was made.

Mr. Tellechea questioned if the appointment was made from a pool of previous applicants. Mr. Spivey responded that it was.

Commissioner McMillin questioned if the deputy that was there, Captain Efthimiadis, if there was a recommendation made to the Secretary that he be gone.

Commissioner Phipps responded that his certificate expired. Commissioner McMillin stated that his certificate expired; however the rules were clear that the Board was supposed to evaluate.

Mr. Tellechea stated that this case was going to the Division of Administrative Hearings, it was referred on Friday, therefore he felt it was inappropriate for the Board to discuss this matter in any detail. The position that was taken by the Board was that the certificate was expired and the statute requires that in order for the pilot trainee to be promoted from one level of training to the other, they have to come before the Board and then they have to make a recommendation to the Secretary to promote him to the next level. Mr. Tellechea further stated that the Board did not make any recommendation in fact the Board did the opposite. The Pilot Association came before the Board and asked that the Board declare a vacancy to replace the deputy. There was no recommendation from the Board at this point in time, the license is expired, he is not being trained anymore and he has asked for a hearing and that is proceeding.

Commissioner Robas asked Commissioner Phipps if there were any additional requests from Port Everglades at this time. Commissioner Phipps responded there were no additional request at this time.

Commissioner Buford questioned if the newly appointed deputy was different from the request for two (2) additional deputies. Commissioner Robas stated that these are additional deputy requests, the newly appointed deputy is not included in that number.

Commissioner McMillin questioned which pool the new deputy came from. Mr. Spivey stated that he came from the same pool as the individual that is no longer there.

Mr. Tellechea stated that there was an agreement made at the last meeting that regardless of the vacancies that were being requested, if it came to the point that Captain Efthimiadis needed to be reinstated, that there would be a position open for him at Port Everglades. Commissioner McMillin stated that was his understanding also.

David de la Parte stated that his recollection from the last meeting was that the Port Everglades Pilots represented at the meeting that they had a need for additional deputies for the next two or three years and if the court orders Captain Efthimiadis back to the Port they were confident that there would be a need for an additional deputy.

Commissioner Frudaker stated that that was his understanding also. Commissioner Robas stated that was her understanding also. Mr. Tellechea stated that he just wanted that to be clear.

Mike Pennekamp questioned how the Port of Ft. Pierce would go about requesting a deputy pilot. Mr. Tellechea stated that he would have to petition the Board and show that there was an opening, but that should be addressed at the next meeting.

### **Adjournment**

There being no further business to come before the Board, the conference call was adjourned at 10:42 a.m.