

## **MINUTES OF THE MEETING**

### **BOARD OF PILOT COMMISSIONERS Marriott Bay Point Resort Village 4200 Marriott Drive Panama City Beach, FL 32408 July 9, 2004 9:00 a.m. CDT**

#### **CALL TO ORDER**

Commissioner Robas, Chair, called the meeting to order at 9:00 a.m. CDT.

#### **Members Present**

Victoria Robas, Chair  
Michael Buffington  
Rivers Buford  
Richard Frudaker  
John Hiers  
David Leech  
Earl McMillin  
Donald Molitor  
Cheryl Phipps, Vice-Chair

#### **Members Not Present**

Eugene Sweeney

#### **Others Present**

Jerry Wilson, Deputy Director, Professions and Regulation  
Anthony Spivey, Executive Director  
Elise Rice, Government Analyst  
Ed Tellechea, Board Counsel  
Drew Winters, Prosecuting Attorney  
Ed Bayo, Gray-Robinson  
Margaret Mathews  
Mike Cunningham, PEPA  
Jim Ryan, PEPA  
David de la Parte, FSPA  
James Frudaker  
Barrie Snyder, St. Johns Bar Pilots  
Brian McGee, Pensacola  
Robin Newberry, Gulf Bay Reporting

Commissioner Robas thanked the St. Andrews Bay Pilots Association for the reception last night.

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

**March 22, 2004 – Conference Call**

MOTION: Commissioner Phipps made a motion that the minutes of the March 22, 2004 Conference Call be approved as submitted.

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

#### **April 16, 2004**

MOTION: Commissioner Buffington made a motion that the minutes of the April 16, 2004 meeting be approved as submitted.

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

#### **SETTLEMENT STIPULATION**

##### **Francis C. Wood, Case No. 2001-07228 & Case No. 2003-001830**

Mr. Winters informed the Board that this case has been pulled from the agenda and will be presented at the next meeting in order to allow the members time to review the proposed settlement.

Commissioner Robas commended Mr. Winters for keeping the cases current.

#### **CONSIDERATION OF RENEWAL OF DEPUTY PILOT CERTIFICATE OF CAPTAIN ANDREW EFTHIMIADIS - PORT EVERGLADES PILOTS ASSOCIATION**

Mr. Tellechea stated that October of last year the Port Everglades Pilots Association came before the Board and asked that the Board not recommend to the Department that the deputy certificate for Andrew Efthimiadis be renewed. The Board accepted their recommendation, however they did not make a recommendation to the Department and Andrew Efthimiadis requested a formal hearing with the Department of Administrative Hearings (DOAH). Mr. Tellechea stated that a Petition was filed and he agreed that the Board did not do an evaluation of the training as stated by Ms. Efthimiadis, Attorney for Captain Efthimiadis. Mr. Tellechea stated that he wanted to bring the training back to the Board for them to review the training and DOAH agreed and relinquished this back to the Board for review.

Mr. Tellechea stated that Commissioner Phipps was recused from this matter.

Ms. Margaret Mathews, Esquire for the Port Everglades Pilots was present along with Captain Mike Cunningham and Captain Jim Ryan, Co-Managing Pilots for Port Everglades.

Mr. Tellechea asked if anyone was present on behalf of Andrew Efthimiadis to which there was no response.

Captain McMillin stated that there were pages missing from the material, 7, 8, 10 and 12. Commissioner Buffington stated that he had a complete set and had copies of the missing pages. Commissioner Molitor questioned should this type of material be presented to the Board for all deputies. Mr. Tellechea responded that if a deputy has a positive review it does not need to be reviewed by the Board, however if the evaluation is negative, then the Board would need to review the material.

Commissioner Frudaker stated that they do get the records as the deputy proceeds. The information is received through Commander Dunton and the Deputy Pilot Advancement Committee member. They are being evaluated as the training goes along.

Commissioner McMillin stated that on page 306 the back of the page is not included in the agenda material.

Commissioner Robas tabled this item to allow Ms. Mathews to review her documents to determine if this information was available.

Following a recess and review of other agenda items, Commissioner Robas stated the Board would return to this agenda item. The Board members were provided copies of the missing pages Commissioner Buffington had.

Commissioner Robas asked Ms. Mathews if they were able to locate the back of page 306 regarding the evaluation. Ms. Mathews informed the Board that she did not have the sheet and also informed the Board that it was the responsibility of Captain Efthimiadis to provide the information to the Port and they do not know if it was provided.

Commissioner Robas asked Commissioner Buffington, for those that are not familiar with the summary sheets and the logs, to provide a summary of what each column meant.

Commissioner Buffington informed the Board that Port Everglades uses a separate evaluation sheet for deputies, as does Tampa Bay. Commissioner McMillin commented that Port Canaveral has them also but stated that it is not filled out in all instances.

Commissioner Buffington reviewed and explained each description item on the evaluation sheet at this time and responded to questions.

Captain Cunningham stated that the evaluation sheets were used for all deputies and that Port Everglades was the only port that turns in the evaluation sheets as the deputy is reviewed for advancement.

At this time Captain Cunningham and Captain Ryan were sworn in by the court reporter.

Commissioner Buffington stated that on September 22, 2003 Port Everglades sent a letter to the Board that they were not going to recommend Andrew Efthimiadis for a permanent certificate. Captain Cunningham responded that that was correct. Commissioner Buffington questioned if Port Everglades was changing their recommendation. Captain Cunningham responded that they were not and he provided affidavits from the Port Everglades Pilots that they did not find the performance of Andrew Efthimiadis satisfactory to continue with the deputy training program.

Commissioner Buffington stated that the Board had been provided with a summary that shows the total number of trips that were accomplished by Andrew Efthimiadis. He stated that when Captain Efthimiadis completed 600 trips he was recommended to be advanced to

Level 2. Commissioner Buffington stated that there were summary sheets on the training that occurred under Level 2, however Captain Efthimiadis did not complete Level 2.

Commissioner Buffington stated that he also evaluated the pilots that were training at the same time as Captain Efthimiadis and provided the comments. He stated that if there was a compliment he included that, however if there were no comments made he left it blank.

Commissioner Buffington stated that the question was probably going to be if Captain Efthimiadis was given a fair shake and this information was provided for the Board to review and make that determination.

Commissioner Buffington questioned during Level 1 training for the deputy how it was determined who the deputy would ride with. Captain Ryan responded that the deputy would ride with the number 1 pilot for that day unless the ship for the number 2 pilot would better serve his training.

Commissioner Buffington asked what determined the evaluation. Captain Ryan responded that when the deputy felt competent enough he would ask the pilot to do the evaluation. Captain Cunningham stated that the deputies were provided oral feedback on every trip. He stated that the evaluation is for tracking the types of ships the deputy goes on and when the deputy and pilots feel confident to advance to the next level of training.

Captain Ryan informed the Board that the evaluation sheets were a small portion of the training because they evaluate each deputy after every trip.

Commissioner Robas questioned if the evaluation sheets, the written evaluations, were for about 5% of the overall evaluations that are done for a deputy and is that the number that he should have received during his training. Captain Cunningham stated that for the 1<sup>st</sup> level, his first 600 trips, that was exactly what he should have received the 24 evaluations. The next, it is the same numbers but they are done earlier in the process. Captain Cunningham stated that normally an evaluation in Level 2 would be done on a ship that is for the next level; because of the concern, Mr. Efthimiadis was evaluated on Level 2 ships, these are the ones he should have been able to handle already. Captain Cunningham informed the Board that they went back on board these ships and provided evaluations from each pilot on Level 2 size ships.

Mr. Tellechea asked Captain Cunningham to tell the Board about the 95% of the evaluations that were not in the record.

Captain Buffington questioned when a deputy starts handling a vessel, especially when the deputy is first starting, is there a certain amount of prodding or emphasis as to what the deputy should be doing or are they expected to take the vessel completely on their own.

Captain Cunningham responded that early on in the training when a deputy starts training there is an expectation that they have no ship handling at all. He stated that as time goes on and the deputy is evaluated orally he reaches a plateau where he starts getting the

written evaluations. Captain Cunningham stated that there was a different level of expectation at the end of training than at the beginning. He further stated that every day of training you expect to see progress.

Commissioner Buffington ask what procedure Port Everglades follows for any deputy that is ready for advancement. Captain Cunningham responded that they have a committee that reviews the deputy for advancement and they take vote to determine if the deputy is ready to advance.

Margaret Mathews thanked the Board for the opportunity to speak this morning. She stated that she had some preliminary comments and then Captain Cunningham and Captain Ryan would speak.

Ms. Mathews stated that they were at the meeting at the request of the Board to explain why the certificate for Andrew Efthimiadis was not renewed and it expired in January. There are law suites pending and other forms of complaints in various courts so there may be an occasion where she may ask her clients not to answer; however they are trying to cooperate. Ms. Mathews stated that they have supplied extensive documents for the Boards review. She stated that some of the comments today will be a summary and something might be left out. Ms. Mathews stated that this was not a comfortable situation for Port Everglades and it was not in their interest for a deputy not to make it because it puts them behind in training and they have to work harder. Ms. Mathews reminded the Board that the pilots could be disciplined if they do not comply with the requirements.

Mr. Tellechea stated that this was not the proper forum to discuss if Captain Efthimiadis was qualified or not. The Board is only looking at training and if he should have been advanced. Ms. Mathews stated that they have not waived that issue and they have confirmation from the Department that he was not qualified. Mr. Tellechea responded that the Board could not make a decision on that issue today.

Ms. Mathews stated that the Board had been provided with 16 affidavits from the pilots that trained with the deputy. The Rules say the certificate will expire in 12 months and the Board had been provided hand out of this information. Ms. Mathews commented that the rules were all written in the positive not for not recommending advancement. She stated that all 16 pilots signed affidavits that the training was not satisfactory.

Captain Cunningham co-managing pilot from Everglades stated that this was the fourth time they had been at a meeting to discuss this issue. He stated that they had trained 16 deputies in the last 10 years, they will have 2 more in August and are asking for more in the future. Captain Cunningham stated that they expect to be training one deputy per year well into the future. He stated that they did not fire someone, they told them that their career choice was not working out. Captain Cunningham informed the Board that evaluations were a portion of the evaluation done on Captain Efthimiadis. Of the 44 evaluations, 23 of the 44 were negative, for the other deputies there were only 5 that were negative. He stated that this was a flag to them, they looked at Captain Efthimiadis on the ship and orally discussed with him any problems and did an evaluation after each handle. Captain Cunningham

stated that several of the pilots get together and discuss the evaluation of the deputy and observe the training. After all of this no one was comfortable putting his or her professional license on the line to say that he was satisfactory to advance.

Captain Ryan informed the Board that they did not just do written evaluations, but daily oral evaluations as well. They would discuss daily and in all the conversations there were continuous problems, it was not an easy thing to do but they asked him to resign. Captain Ryan stated that there were common problems with Captain Efthimiadis' evaluations such as he was late for jobs and even missed a couple. He did unsafe things when boarding and unboarding, communication skills were lacking, lost focus on the job, approached jobs as if it was a script and would handle the same, made basic ship handling errors, displayed inability to handle workload, could not maintain records, bridge and command performance was confusing to the crew, refused to accept constructive criticism, disregarded the instructions given to him by the pilot prior to performing a job. Captain Ryan stated that Captain Efthimiadis would approach a job as if he did not have anything to learn.

Ms. Mathews stated that this was a summary format, the Port Everglades pilots did try to work this out so it would not have to go this way.

Commissioner Hiers asked how long Captain Efthimiadis was there and if he was promoted once. Captain Cunningham responded that he started on January 14, 2003 and handled his first ship on January 15. He was in the training program until August 26, 2003, for 7.5 months. Captain Cunningham stated that Captain Efthimiadis was promoted once. He stated that during this process they were in contact with the Deputy Advancement Committee, which consisted of Commissioner Phipps and Commander Dunton because of the reservations to advance to Level 2. Captain Cunningham stated that their Deputy Committee, which consisted of himself, Captain Ryan and Captain Andrew Edelstein, had concerns that if they held him back and did not advance him that a stigma would be attached and they were training a future partner and they needed to move him along. They tried to come up with program to move him along that was a little more restrictive and not take the big jump to a 500 foot ship. They limited him to 350 feet and 20 foot draft that he could handle alone. Captain Cunningham stated that they had hoped he would gain the confidence and comfort that he was lacking and then proceed to next level.

Following discussion Commissioner Buffington stated that he thought the evaluation sheets covered everything except the lateness and unsafe jobs

Commissioner McMillin stated that he used a 4 point grading system and assigned a grade to each evaluation and explained his methodology. He stated that using this he came up with 10 pilots that gave Captain Efthimiadis a "C" or better and six gave him a "D" or below. Captain McMillin stated that he has difficulty with rumors that have come to him and troubling to him also because he spent time as a maritime lawyer in Panama Canal. He stated that to get 16 pilots to be unanimous about the evaluation is troubling to him. He stated that he filed a paper with Elise Rice, which might not be required to do, explaining that Doctor Efthimiadis, Andrew's father, was the doctor of his children. Commissioner McMillin stated that he heard rumors that Captain Efthimiadis was advised to put down that

he was Hispanic by a Port Everglades pilot. Mr. Tellechea stated that the qualifications are not at issue at this meeting. Commissioner McMillin stated that he had also heard a rumor that Captain Efthimiadis may have had a bad time because he started talking about pilot incomes.

Commissioner Frudaker stated that he did not listen to rumors.

Commissioner McMillin said this was his motion, after downloading the DOAH file and after Mr. Tellechea said they were going to reevaluate this, he contacted eight different facilities, 7 in the US, 1 in Europe who have experience using simulators to evaluate pilots. Commissioner McMillin stated that he was going to pass out his motion because it was long, copy attached.

Mr. Tellechea stated that he had a problem with this because there was a training system in place and evaluation system. He stated that it seems that Commissioner McMillin is suggesting in mid-stream to change the system they use for evaluating pilots. Commissioner McMillin stated that he was saying that based on everything that he has read, he cannot make a decision and he would like to have an independent evaluation on a simulator.

Commissioner Robas stated he needed to make that as a motion and let the Board make that consideration.

Commissioner McMillin asked that they hear him out, he stated that he was not moving today to send a man to a simulator, his motion says to have Commander Dunton contact 4 of the training facilities to see how they would do it and what it would cost and then as soon as possible have a telephonic board meeting to decide do they want to do it and how they would do it. Commissioner McMillin stated that it was not a motion to do this, it was a motion to find out about this.

Commissioner Robas responded that the conclusion that the Board is tasked with today is to either to ratify the original vote by this Board to accept the recommendation by the Port Everglades Pilots Association concerning this deputy or to change that vote and say this deputy should go back to Port Everglades to complete his training.

Mr. Tellechea stated that Commissioner Robas was correct in her conclusion. He stated that they are being criticized in the litigation for not moving on this quickly enough. Mr. Tellechea stated that there is a training system in place and if they don't like the system, then in the future they can address that in the rules. He stated that in mid-stream to start inserting an evaluation process for a particular pilot who is not happy with his evaluation is counter productive and would create problems with the current system. The ports submit their training program for approval by the Board and to suddenly in mid stream to say we don't like the way this one worked out so we are going to send you off to a simulator, you are undermining the programs that have been approved.

Commissioner Robas stated that the Board needed to make a decision today and she would like to review criteria and assigned Commissioner McMillin as chair of the sub-committee regarding training.

Commissioner Robas stated that the mission today was to uphold the decision made in October 2003 to accept the recommendation of the Port Everglades Pilots Association to not recommend Captain Efthimiadis for the renewal of deputy pilot certificate based on the presentation heard today from the Pilots Association. She stated that Captain Efthimiadis and his attorney were notified of the meeting to personally offer their comments on his training and chose not to be here.

Commissioner McMillin stated that one reason he investigated this so carefully and made his motion was because they were in the status where this individual apparently has no legal paper to come up to Port Everglades and have any of the members, or a representative of the them, to go and watch him handle a ship in Port Everglades; so the only way around that was through simulation.

Commissioner Frudaker commented that the training system has been in existence since 1975 when the Board was created. The pilots in the ports have trained their deputy pilots and it seems to be a working system. Commissioner Frudaker stated that he did not think they needed to start bringing other pilots from other ports to observe in ports where they are not trained. He stated that it was an unfortunate situation in his opinion but understanding the situation in Port Everglades and they are charged with protecting the public, health, safety and welfare of the citizens as well as the environment and their customers. Commissioner Frudaker stated that he believed the Board had fulfilled their duty and evaluated the deputy based on the recommendations therefore they should move forward and take a vote.

Commissioner Robas asked for a second on the motion as proposed by Commissioner McMillin. There being none, the motion failed.

**MOTION:** Commissioner Hiers made a motion that the Board ratify their previous decision made in October 2003 to not recommend renewal of the deputy pilot certificate for Andrew Efthimiadis.

**SECOND:** Commissioner Frudaker seconded the motion.

Commissioner Buford stated in discussion that no one was more sympathetic to the deputy than he was as he had invested his time and effort into becoming a pilot. However, the Board had before them their own responsibility to protect the health, safety and welfare of the public and to see that only those who are highly qualified practice this very important profession. Commissioner Buford further stated that if he were to vote to recommend this deputy for further training or further advancement he would be substituting his judgement for the judgement of those who have observed him, watched him and presented evidence to the Board and he has no evidence before him other than what has been presented and he is not prepared nor is he qualified to substitute his judgement for the evidence that has been

presented at this meeting and in the record that had been presented to them prior to this meeting, therefore he intends to support the motion.

Commissioner Robas called for further discussion. There being none, a vote was taken on the motion and it passed unanimously.

Commissioner Molitor made a suggestion to all the associations that anytime they have a concern about a deputy that the evaluations be not marked satisfactorily and then negative comments made in the comment section.

Ms. Mathews responded that they did what they were required to do.

### **PROSECUTING ATTORNEY'S REPORT – DREW WINTERS**

Mr. Winters provided two reports. He stated that there were 42 cases open and provided the status. Mr. Winters stated that at the request of Gene Sweeney he provided another report on the case status history.

Commissioner Robas thanked Mr. Winters for the report and the response to Commissioner Sweeney's request.

### **DEPUTY PILOT TRAINING PROGRAMS**

#### **Canaveral Pilots Association**

Commissioner Buffington questioned on page 339 in the afterword if there was a minimum for the deputy handling a vessel under supervision before they can advance to the next level. Commissioner McMillin responded that there was no requirement.

**MOTION:** Commissioner Buffington made a motion that the Board accept the deputy pilot training program for Canaveral Pilots Association as submitted.

**SECOND:** Mr. Molitor seconded the motion and it passed unanimously.

Commissioner Molitor questioned if the deputies should be brought before the Board prior to advancing. Commissioner Frudaker responded that in the rules through the levels of training there is a selected commissioner in charge. He further stated that the full Board is involved when a recommendation is made on the 12 month certificate renewal or non-renewal and when the deputy is ready to take the state pilot exam.

Commissioner Buffington stated that the deputy advancement is handled by a single member because each port has different time frames.

#### **Fort Pierce**

Commissioner Leech provided a revised version of the training program for the Board's review.

**MOTION:** Commissioner Buford made a motion that the Board approve the deputy pilot training program for Ft. Pierce as amended and provided today.

**SECOND:** Commissioner McMillin seconded the motion.

Following discussion, in paragraph 5. "between 25 to 28 feet" was changed to "of 25 feet or more".

Commissioner Buford and Commissioner McMillin both accepted the amendments and the motions passed unanimously.

### **St. Andrew Bay Pilots Association**

MOITON: Commissioner Leech made a motion that the Board approve the deputy pilot training program for St. Andrew Bay Pilots as submitted.

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

### **Palm Beach**

Commissioner Robas asked if anyone was present for Palm Beach. No one was present.

MOTION: Commissioner Buffington made a motion that the Board approve the deputy pilot training program for Palm Beach as submitted.

SECOND: Commissioner Frudaker seconded the motion.

Following discussion Commissioner Buffington stated that he wanted to withdraw his motion. Commissioner Molitor questioned how they could ride on every vessel. Commissioner Buffington stated that the wording needed to be changed as was done with Ft. Pierce. Commissioner Phipps stated that she had a problem amending this without a representative being present.

Commissioner Buffington stated that the Board needed to table this item and request that Palm Beach revise their training program.

## **REVIEW FOR APPROVAL OR DENIAL OF DEPUTY PILOT APPLICATIONS AND STATE PILOT APPLICATION FOR EXAMINATION**

### **Deputy Applications for Ft Pierce**

Commander Dunton informed the Board that the following applicants were qualified by rule to sit for Ft. Pierce exam as they have met all the requirements and have all required documentation in their file:

Glenn Fortin, Michael Funk, John Healey, William Kavanaugh, Jr., Narayan Mons, William Payne, Martin Poole, Donald Sacca, Edward Stovall, III, David Ulrich, William Wetzel and Peter Whiting

MOTION: Commissioner Buffington made a motion that the Board approve Glenn Fortin, Michael Funk, John Healey, William Kavanaugh, Jr., Narayan Mons, William Payne, Martin Poole, Donald Sacca, Edward Stovall, III, David Ulrich, William Wetzel and Peter Whiting to sit for the September Deputy Pilot Examination for Ft. Pierce.

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

Commander Dunton informed the Board that the following applicants have met the Board criteria, however there are outstanding items for the Department. He requested that they be given until July 31 to receive the outstanding information:

William Conley, Stephen Sottak and Leo McDonough

**MOTION:** Commissioner McMillin made a motion that the Board approve William Conley, Stephen Sottak and Leo McDonough to sit for the September Deputy Pilot Examination for Ft. Pierce.

**SECOND:** Commissioner Leech seconded the motion.

Commissioner Leech stated that there is a cutoff date for applications therefore does the Board want to consider date extensions? Mr. Tellechea stated that the applicants have met the requirements for Board and it would be up to the Department to extend the date. Commander Dunton commented that this has always been ongoing issue and he thought that the Board wanted as many candidates as possible for each examination. He stated that they have given extensions because some of the applicants are at sea and have difficulty obtaining the information.

Commissioner Robas stated that she was concerned with Commander Dunton's schedule and the time it takes for him to do this. Commander Dunton responded that he did not have a problem with the extension of time. Following discussion the motion passed unanimously.

Commander Dunton stated that Michael Manion had not submitted his sea service and drug test.

**MOTION:** Commissioner McMillin made a motion that the Board deny the application for Michael Manion for examination.

**SECOND:** Commissioner Leech seconded the motion.

Commissioner Buford stated that the application was incomplete. He suggested that the motion be amended to read only that the Board finds that the applicant has not submitted documentation of qualifying sea time as required by statute.

Commissioner Leech and Commissioner McMillin accepted the amendment and the amended motion passed unanimously.

Commander Dunton stated that the following applicants had not submitted qualifying sea service as required by statute: George Gunter, Timothy Kelley and Leland Thorn.

**MOTION:** Commissioner Buford made a motion that the Board find that the applicants George Gunter, Timothy Kelley and Leland Thorn, have not submitted documentation of qualifying sea time as required by statute.

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

### **State Pilot Application for Brian Seuter, Cumberland Sound Pilots Association**

Commander Dunton stated that the Board had a letter from Captain Kavanaugh recommending Brian Seuter for the state pilot examination.

MOTION: Commissioner Phipps made a motion that the Board approve Brian Seuter for the state pilot examination.

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

### **REQUEST FOR TWO-YEAR CERTIFICATE**

#### **Benjamin Borgie - Canaveral**

MOTION: Commissioner McMillin made a motion that the Board approve the issuance of a two-year certificate for Benjamin Borgie.

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

Commissioner Buffington asked if the information had been reviewed by the Deputy Pilot Advancement Committee. Commissioner Phipps responded that it had been.

### **REQUEST FOR DEPUTY PILOT OPENING**

#### **Port Everglades**

Captain Cunningham informed the Board that Port Everglades was requesting at least 1 deputy from the March 2005 examination. He stated that they would probably have a 30% increase in traffic and there is a possibility they will be requesting additional deputies.

Following discussion, Commissioner Robas questioned if Captain Efthimiadis was to return to Port Everglades, would they be able to handle his training also. Captain Cunningham responded that they would have the ability to absorb him also.

MOTION: Commissioner Buford made a motion that the Board approve Port Everglades for at least 1 deputy for the March 2005 examination.

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

### **STATUS OF PILOT PHYSICALS/DRUG TEST**

Mr. Spivey stated that Commissioner Sweeney had requested this information and an updated list was provided as a hand-out.

Commissioner Buffington commented that there were some pilots that were deficient in their radar certifications. He requested that the Department send letters to Douglas Ferguson, George McDonald and Jonathan Nitkin and request them to provide updated information on their certifications.

### **UPDATE ON CLOUD X**

Commander Dunton stated that on page 353 there was an e-mail he received from the Palm Beach Pilots. He stated that according to Captain Fizell on Tuesday the issue was still not resolved and the owners were still trying to pursue operating the vessel, however the pilots were still unable to board safely.

Commissioner Robas stated that this would not be on the agenda again unless there was a change.

## **REPORTS**

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

Commissioner Robas stated that there were changes with Avis in that they now want the rental car to be returned with a full tank of gas and the gas receipts are to be submitted as a part of the travel voucher. Mr. Spivey responded that he would inquire about the changes and report back to the Board.

### **Finance Committee Report – Commissioner Buffington**

Commissioner Buffington reported that the Committee met yesterday, July 8<sup>th</sup> and reviewed the 3<sup>rd</sup> quarter results. He stated that all looked good and they were in good shape. He stated there was no 5 year budget provided to review and the current gross pilotage assessment would remain the same. Commissioner Buffington reported that they reviewed the Department budget and Jerry Wilson, Deputy Director, Professions and Regulations, helped answer some of their questions. He stated that they reviewed the expenses and did not find anything that would impact the budget. Commissioner Buffington commented that he was happy to see the Department involving the boards in the budget process.

### **Rules Committee Report – Commissioner Phipps**

Commissioner Phipps reported that the Rules Committee met yesterday, July 8 and approved the proposed language for spouses of armed forces. She stated that the only change was in (2)(b) changing "licensee" to "pilot". Commissioner Phipps reported that the Committee discussed the rules on new ports and deputy compensation, however the Committee was not recommending any changes at this time.

MOTION: Commissioner Phipps made a motion that the Rules Committee report be accepted.

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

### **Probable Cause Committee Report – Commissioner Robas**

Commissioner Robas reported that the Probable Cause Panel met yesterday, July 8, and reviewed nine cases. Of the nine cases, they found probable cause in one case and eight were closed.

### **Board Counsel's Report – Ed Tellechea**

Mr. Tellechea updated the Board on the litigation involving Andrew Efthimiadis.

Mr. Tellechea informed the Board that he provided the Ingram case in the agenda for informational purposes.

### **Executive Director's Report – Anthony Spivey**

Mr. Spivey asked the Board to provide locations for the proposed meeting schedule.

## **2004/2005 Proposed Board Meeting Travel Schedule**

October 7 & 8 – Jacksonville  
January 6 & 7 – Everglades/Miami/Tampa  
April 7 & 8 – Ft. Pierce

**Port Security – Commissioner Molitor**

Commissioner Molitor reported that July 1 was the effective date for domestic and international for homeland security.

**CORRESPONDENCE**

Provided for informational purposes.

**OLD BUSINESS**

Commissioner Leech asked Mr. Tellechea if he could provide an update on Captain Ergle? Mr. Tellechea responded there was nothing that could be discussed at this time.

Commissioner Robas thanked Jerry Wilson from the Department for being present at the meeting.

**NEW BUSINESS**

Commander Dunton thanked Commissioner McMillin for finding a rules of the road expert.

**NEXT MEETING DATE AND LOCATION**

October 7 & 8, 2004 - Jacksonville

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 1:18 p.m. CDT.