

## **MINUTES OF THE MEETING**

### **RULES COMMITTEE BOARD OF PILOT COMMISSIONERS Wyndham Westshore Hotel 4860 West Kennedy Boulevard Tampa, FL January 6, 2005**

#### **CALL TO ORDER**

Commissioner Phipps, Chair of the Rules Committee, called the meeting to order at 1:55 p.m.

#### **Members Present**

Commissioner Phipps, Chair  
Commissioner Frudaker, Vice-Chair  
Commissioner Buford  
Commissioner Leech  
Commissioner McMillin  
Commissioner Molitor  
Commissioner Robas

#### **Others Present**

Anthony Spivey, Executive Director  
Elise Rice, Government Analyst  
Mary Ellen Clark, Board Counsel  
Drew Winters, Prosecuting Attorney  
Galen Dunton, Consultant  
Jorge Viso, FSPA  
Gretchen Rayborn, FSPA  
David de la Parte, FSPA

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

##### **October 7, 2004**

**MOTION:** Commissioner McMillin made a motion that the Committee approve the minutes as submitted.

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

#### **DISCUSSION OF ADJUSTMENT OF GROSS PILOTAGE ASSESSMENT**

Commissioner Phipps stated there was no change to the gross pilotage assessment rate.

#### **DISCUSSION REGARDING CHAPTER 310.101(1)(1) AND (2)(F) AND RULE 61G14-17.004**

Commissioner Phipps stated that Commissioner McMillin had submitted a letter on this issue.

Commissioner McMillin stated that he had reviewed the rules and remedial training is mentioned. He stated that he sent each member a packet of information prior to the meeting regarding simulation training. At the October meeting this was discussed and he worked with some pilots from a different jurisdiction who attended a training session.

Commissioner McMillin informed the Committee that he suggested that in disciplinary cases the settlements start at the \$5000 cap and negotiate from there. He stated that incidents such as grounding, etc are better served with remedial training.

Commissioner McMillin informed the Committee that there were several facilities that offer remedial training and he was suggesting the Committee might want to gather more information and suggest to Mr. Winters that remedial training be the first thing to look at in disciplinary matters.

Commissioner Leech stated that he teaches a course on simulation and likes the training but what is not discussed is the limitation of the programs and the ship models used. He stated that in his opinion it was not the ultimate training solution since the information in the simulator was not always accurate. Commissioner Leech stated that while the models are nice and fun to play with you don't know if the information is valid. He commented that they could use it as an aide but in his opinion he did not want to put reliance in this.

Commissioner Phipps stated that it was very expensive and would not be a benefit. Commissioner McMillin responded that he found some to be accurate and some inaccurate and questioned if the Committee wanted him to do more research or forget it?

Commissioner Buford questioned if Commissioner McMillin was looking at a rule change. Commissioner McMillin responded that he was not, this would something that Mr. Winters would have to consider in disciplinary matters.

Commissioner Frudaker stated that he had asked a STAR representative about doing the simulator for smaller ports and was told it would be expensive. He stated that he could see the benefits but did not want it geared in such a way that the institute would indicate if someone passed or failed and it came back to the Board. Commissioner McMillin responded that he was not asking for a pass or fail, just have the pilot do the simulator all day long.

Commissioner Buford questioned if there were situations where this would be appropriate? Commissioner Leech responded that there would be some benefit, however it would depend on the port. He stated that it costs approximately \$25,000 to \$50,000 to start the simulator and approximately \$100,000 to put a port in. Commissioner Leech stated that if a port were not in there, there would be no benefit to do the simulation on another port.

Commissioner McMillin informed the Committee that he was told that the STAR Center was \$2000 a day.

Commissioner Buffington stated that he did not think that you could teach a pilot on a simulator. He stated that the aim of the Board was not punitive damage and while the training would not be able to address a specific problem it would be some value even if it may not be port specific.

Commissioner Molitor agreed and stated that he had done some reading on the simulators and the Committee is talking about experienced pilots. If you put them in simulator they are already trained; you would be able to see their judgement capabilities.

Commissioner Buford informed the Committee that as a consumer member, the proposal by Commissioner McMillin sounded reasonable. Commissioner Leech stated that remedial training is good and he was not opposed to it, he just wanted to make sure everyone knew that there were limitations.

Ms. Clark questioned if the probable cause panel gave recommendations in disciplinary cases because they are allowed to provide recommendations for Mr. Winters to work on.

Commissioner Sweeney stated that as a consumer member he thought it was excellent to have remedial training and even if there would be no grading on it, the fact that pilot was there he would come out with a better understanding.

Commissioner McMillin asked that this be put on the agenda for the next meeting and he will contact areas and see what is out there.

Commissioner Phipps stated that were some mailings from a Board member to the members and she was concerned with that. Commissioner McMillin stated that he had sent the information to the members; however he did not make any comments regarding the packet and it was provided for information purposes.

Ms. Clark responded that any information should go to the Board office for them to distribute.

Ms. Clark informed the Committee that Mr. Tellechea wanted to do further research regarding the federal license and said that in the meantime pilots need to maintain all the licenses. Ms. Clark stated that if someone does not maintain his or her federal license a complaint should be filed.

Commissioner McMillin responded that the Board needed to find out who did not have their federal license. Commissioner Buffington responded that the Department needed to obtain this information and get with Mr. Winters if there is a violation.

Commissioner McMillin stated that in April the Committee would have to make a rule regarding the verification of a federal license.

Jorge Viso, President of FSPA, questioned where Commissioner McMillin came across the information about the federal license. Commissioner McMillin responded that during the October meeting it was stated that all pilots don't have their federal license.

Commissioner Buffington stated that the Board does not have a rule that requires the submission of the federal license.

Mr. Spivey stated that a mailout could be done to obtain this information.

**MOTION:** Commissioner Molitor made a motion that the Committee direct the Executive Director to request from each pilot a current copy of their federal license on January 1 of each year

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

### **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 2:51 p.m.