

MINUTES OF THE MEETING

BOARD OF PILOT COMMISSIONERS

**Hyatt Regency Pier Sixty Six
2301 SE 17th Street Causeway
Ft. Lauderdale, FL
July 18, 2008**

Call To Order and Introduction of Guests

Chair Phipps called the meeting to order at 9:01 a.m.

Members Present

Commissioner Phipps, Chair
Commissioner Bohnsack
Commissioner Brandenburg
Commissioner Bryson, Vice-Chair
Commissioner Buford
Commissioner Frudaker
Commissioner Jones
Commissioner Molitor

Members Not Present

Commissioner Fernandez

Others Present

Elise Rice, Government Analyst
Julie Rowland, Administrative Assistant
Charles Tunnick, Prosecuting Attorney
Michael Flury, Board Counsel
Galen Dunton, Board Consultant
Allen Thompson, Tampa Bay Pilots Association
Gretchen Rayborn, Florida State Pilots Association
Chris Marlow
Warren Husband, Florida State Pilots Association
Drew Winters, Durst & Harnden, P.L.
John Atchison, St. Johns Bar Pilot Association
Stephen Gasecki, Florida State Pilots Association
David Leech

Chair Phipps stated that Commissioner Fernandez was excused from the meeting for medical reasons.

APPROVAL OF THE MINUTES OF THE MEETING

April 4, 2008

Commissioner Phipps stated that the word “term” on page 25 should be changed to “concern.”

MOTION: Commissioner Molitor made a motion that the Board approve the minutes as amended.

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

PROSECUTING ATTORNEY’S REPORT – CHARLES TUNNICLIFF

Mr. Tunncliff provided the Board with a status of the pilot cases in the legal section. He stated that the Probable Cause Panel met and considered four cases, of which, three were closed and one was referred for further investigation. Mr. Tunncliff stated that Commander Dunton had approximately seven cases, two cases were ready for probable cause, and there were three cases over a year old.

MOTION: Vice-Chair Bryson made a motion that the Board authorize Mr. Tunncliff to proceed with the year-old cases.

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

REQUEST FOR STATE PILOT EXAMINATIONS

Sam Stephenson – Port Everglades

David Ulrich – Port Everglades

Travis Bacon – Tampa

Chair Phipps informed the Board that a letter was included in the agenda book for Sam Stephenson and David Ulrich.

Captain Thompson provided the Board with a copy of the ballot from the Tampa Bay Pilots Association. He stated that Captain Bacon had met the required training requirements, and they requested that the Board approve him for the examination.

MOTION: Commissioner Buford made a motion that the Board approve Sam Stephenson and David Ulrich – Port Everglades and Travis Bacon – Tampa for the State Pilot Examination.

SECOND: Vice-Chair Bryson seconded the motion and it passed unanimously.

Request for Two Year Certificates

Narayan Mons – Jacksonville

Stephen Sottak – Tampa

Gregg MacLaren – Tampa

- MOTON: Vice-Chair Bryson made a motion that the Board grant the two-year certificates for Narayan Mons – Jacksonville, Stephen Sottak and Gregg MacLaren – Tampa.
- SECOND: Commissioner Jones seconded the motion and it passed unanimously.

REPORTS

Chair's Report – Commissioner Phipps

NTSB Panel Hearing

Chair Phipps informed the Board that she attended the National Transportation Safety Board hearing in Washington, D.C. She stated that pilot physicals were a concern. Ms. Rice informed the Board that the physicals received by the Board office are reviewed. Vice-Chair Bryson stated that the physical report is also sent to the Coast Guard, and he would like to see what they do before the Board considers any action.

Chair Phipps informed the Board that the Panel was impressed with their disciplinary process.

Vice-Chair Bryson thanked Chair Phipps for attending this and stated that she did a great job.

Deputy Pilot Advancement Committee – Commissioner Phipps

Chair Phipps stated that the report was in the agenda for informational purposes.

Finance Committee Report – Commissioner Bryson

Vice-Chair Bryson reported that the Committee met yesterday and no action was being taken at this time regarding finances as he wanted to wait for the actual year-end figures.

Rules Committee Report – Commissioner Frudaker

Commissioner Frudaker reported that the Committee met yesterday and discussed Rule 61G14-11.007, Florida Administrative Code. He reported that no action was taken and there was nothing to bring before the Board.

Probable Cause Panel Report – Commissioner Phipps

Chair Phipps reported that the Committee met yesterday and closed two cases, issued one letter of guidance and referred one case for further investigation.

Board Counsel's Report – Michael Flury

Mr. Flury informed the Board that he provided them with a copy of House Bill 7109. On page six there was information regarding small business and according to the definition of a small business, there may be about four ports that will fall under this category. Mr. Flury stated that a statement of regulatory costs would have to be prepared when a rule was developed or amended. He stated that he would provide more information as it became available.

Executive Director's Report – Elise Rice

Ms. Rice read a letter from Ms. Barineau to the Board regarding her absence. Ms. Rice informed the Board that tentative dates had been set for 2009 as follows:

January 29 & 30 – Pensacola
April 29 & 30 or April 20 & 21 – Ft. Pierce
July 23 & 24 – Fernandina Beach
October 1 & 2 - Tampa

Port Security – Commissioner Molitor

This was provided for informational purposes.

NEW BUSINESS

Commissioner Frudaker informed the Board that there was a meeting in Panama City on July 9, 2008, regarding plans to start importing aggregate. He stated that the Department of Environmental Protection and the Coast Guard were involved and there was discussion regarding the types of permits that would be needed. Currently, the aggregate is being shipped to the ports of Tampa and Canaveral, however, St. Joe is very interested in starting this business. Commissioner Frudaker stated that it could take up to six months to complete the permitting process.

Commissioner Frudaker informed the Board that Panama City would be asking for a deputy pilot by next year. He stated that St. Joe would like to have the flexibility to have their own pilots. He asked that when they request a deputy, they would be required to take the examination, and they would have to come back and ask for a cross license for St. Joe. Commissioner Frudaker stated that he just wanted to provide some background information and give the Board time to think about the situation.

Vice-Chair Bryson questioned if the rules would have to be changed. Commissioner Frudaker responded that St. Joe is still a port, however, it is not a federal port.

Commissioner Buford asked if Captain Knowles had given any indication regarding retirement. Commissioner Frudaker responded that Captain Knowles had no plans in that direction at this time.

In discussion, Commander Dunton stated that in order to sit for the cross licensed exam, you have to be a state pilot. If he understands what Commissioner Frudaker is discussing, it would be in contrast to the rules.

During discussion, Commissioner Frudaker stated that he just wanted to make sure that a port in St. Joe could be served.

OLD BUSINESS

There was no old business to come before the Board at this time.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 9:45 a.m.