

MINUTES OF THE MEETING

**BOARD OF PILOT COMMISSIONERS
Bay Point Marriott Golf Resort & Spa
4200 Marriott Drive
Panama City, FL 32408**

September 24, 2010

CALL TO ORDER AND INTRODUCTION OF GUESTS

Chair Phipps called the meeting to order at 9:00 a.m.

Members Present

Commissioner Phipps, Chair
Commissioner Bohnsack
Commissioner Bryson
Commissioner Buford
Commissioner de la Parte, Vice-Chair
Commissioner Fernandez
Commissioner Frudaker
Commissioner Jones
Commissioner Molitor
Commissioner Viso

Others Present

Charlie Liem, Secretary, Department of Business and Professional Regulation
Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Katharine Dodson, Administrative Assistant
Tom Barnhart, Board Counsel
Jody Lane, Prosecuting Attorney
Eric Hurst, Prosecuting Attorney
Galen Dunton, Board Consultant
Warren Husband, Florida State Pilots Association (FSPA)
Allen Thompson, Tampa Bay Pilots Association
Tom Craighead, Moran Towing
Dan Ramsey, Florida Docking Masters
Gretchen Rayborn, FSPA
Joe Brown, FSPA

APPROVAL OF THE MINUTES OF THE MEETING

July 9, 2010

Chair Phipps requested that the minutes be amended to state "Board of Pilot Commissioners current consumer members will serve on the committee" under the Appointments to the Rate Review Committee.

MOTION: Commissioner Bryson made a motion that the minutes be approved as amended.
SECOND: Commissioner Fernandez seconded the motion and it passed unanimously.

At this time, Chair Phipps introduced Charlie Liem, Secretary of the Department of Business and Professional Regulation.

Secretary Liem detailed his background information. He informed the board of the changes with the application packages, discussed legislation and asked for input from the board. He also discussed board appointments and the process of appointing deputy pilots.

SETTLEMENT STIPULATION

Captain Jonathan D. Nitkin, Case # 2007-063534

(PCP: Phipps, Frudaker, Molitor)

Vice-Chair de la Parte presided over the hearing.

Ms. Lane provided the details of the case. She stated that the Respondent had agreed to a Stipulation as follows: imposing costs of \$2,504.68, a \$1,000.00 fine, and probation for one year which includes remedial training.

Commissioner Buford stated that in the introduction of the Stipulation it states "Board", however, in the penalty phase it says "Commission."

Mr. Hurst responded that the term can be clarified in the final order since the Respondent is not present. Mr. Buford stated that the Stipulation also calls for payment of costs, however, it also states that everyone is responsible for their own costs and this needs to be clarified. Mr. Barnhart responded that this was standard language and it could be included in the final order.

Vice-Chair de la Parte asked what approach they take regarding attendance at the meeting since the Respondent, nor his attorney, is present.

Mr. Hurst responded that this case has been on the agenda several times and that they wanted to be in attendance, but could not be present at this meeting.

Commissioner Fernandez stated for the record that he was recused.

Commissioner Jones asked what the remedial training involved.

Commissioner Viso informed the board that he was not aware of any 12 hour course being available, and that most are 16 hours. He stated that the board needs to decide what they want covered and how to proceed. Commissioner Bryson responded that it should be focused on a bridge work management course.

Commissioner Jones informed the board that most of the courses are offered at the Star Center and they are not 12 hours in length. He explained the courses that are available and that most of the classes are 40 hour classes, however, they will address custom requests. They would have to speak to the program director on this issue.

Mr. Barnhart informed the board that they could reject the Stipulation or condition the approval upon a 16 hour course.

Commissioner Viso informed the board that the American Pilots Association (APA) has a list of courses that are typically for two days, 16 hours, and some for 40 hours. He stated that they are APA approved, however, no courses are for approved for less than 16 hours. Bridge Resource Management Program (BRMP) course approved by the APA is what should be included in the Stipulation.

MOTION: Commissioner Bryson made a motion that the board offer a Counter Settlement Stipulation calling for costs of \$2,504.68 to be paid in 90 days, a fine of \$1,000 to be paid within six months, a one year probation during which time he must take an APA approved BRMP course.

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

PROSECUTING ATTORNEY'S REPORT

Ms. Lane discussed her report with the board and provided them with a copy.

REQUEST FOR DEPUTY PILOT OPENINGS

St. Johns Bar Pilot Association Port Everglades Pilot Association

Chair Phipps informed the board that the Port Everglades Pilot Association had pulled their request for a deputy pilot.

Commissioner Bryson informed that the board that the St. Johns Bar Pilot Association met and decided that due to a pending retirement and an increase in business, they were requesting at least one deputy pilot from the March 2011 examination.

MOTION: Vice-Chair de la Parte made a motion that the board approve the request for at least one deputy pilot from the March 2011 examination for the St. Johns Bar Pilot Association.

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

REVIEW OF THE KEY WEST BAR PILOTS ASSOCIATION DEPUTY PILOT TRAINING PROGRAM

Chair Phipps stated that the board had requested changes be made to the program at the last meeting. She stated that they made the changes and it is in compliance with Chapter 310, Florida Statutes.

MOTION: Commissioner Fernandez made a motion that the board approve the Key West Bar Pilots Association deputy pilot training program as submitted.

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

REPORTS

Chair's Report – Commissioner Phipps

Letter From Charlie Liem, Secretary, DBPR

Chair Phipps informed the board that she had received a letter from Secretary Liem. Ms. Barineau informed the board that if they had any proposed legislation, it would have to be submitted to the department by October 2.

Chair Phipps commented that she had been informed that hotels rooms are now restricted to \$89 per night. Ms. Barineau stated that staff was working with the hotels on this issue.

Deputy Pilot Advancement Committee – Commissioner Phipps

August 6, 2010

September 2, 2010

Chair Phipps stated this was for informational purposes.

Finance Committee Report – Commissioner Bryson

Commissioner Bryson reported that the committee did not take any action on the gross pilotage assessment at this time, however, it will be reviewed at the next meeting.

Rules Committee Report – Commissioner Frudaker

Commissioner Frudaker reported that the committee met and there was no action that was required at this time.

Probable Cause Panel Report – Commissioner Phipps

Chair Phipps reported that the Probable Cause Panel met and considered eight cases. Of these cases, seven were closed with no finding of probable cause and the panel found probable cause in one case.

Pilotage Rate Review Committee – Commissioner de la Parte

Vice-Chair de la Parte did not have a report at this time.

Board Counsel's Report – Tom Barnhart
Rules Report

Mr. Barnhart informed the board that the gross pilotage assessment would be seven tenths of one percent (.7%) effective November 1, 2010.

Update on Fort Pierce Rate Hearing

Mr. Barnhart informed the board that he was assisting Mr. Dennis on the case and there are three days reserved for the hearing. He stated that once the hearing is completed, the order will go to the Rate Review Committee for them to take action.

Vice-Chair de la Parte asked if there were any other pending applications. Ms. Barineau responded that the Fact Finding Hearing for the Port of Pensacola was scheduled on October 18 and it would be after the first of the year before a hearing would take place in this matter.

Vice-Chair de la Parte informed the board that he was asked to appoint the Investigative Committee for the rate application, and he appointed Commander Galen Dunton and Mr. Richard Law.

Executive Director's Report – Robyn Barineau

Ms. Barineau informed the board that renewals can now be completed on-line for the upcoming renewal period. She stated that the required documentation can be scanned and attached for submission to the department.

Port Security – Commissioner Molitor

Commissioner Molitor did not have a report to give at this time.

CORRESPONDENCE

Rescuer Picked up Stranded Fishermen off Port Everglades

Chair Phipps stated this was provided for informational purposes.

PUBLIC COMMENTS

There were no public comments at this time.

NEW BUSINESS

There was no new business to come before the board at this time.

OLD BUSINESS

Commissioner Phipps stated that the next meeting was scheduled for January 27 & 28, 2011, in Jacksonville and then April 28 & 29, 2011, however, the location had not been determined.

ADJOURNMENT

There being no further business to come before the board, the meeting was adjourned at 10:25 a.m.