

MINUTES OF THE MEETING

BOARD OF PILOT COMMISSIONERS

**Country Inn & Suites
9009 Astronaut Boulevard
Cape Canaveral, FL
January 23 - 24, 2014**

January 23, 2014

Approved October 2, 2014

FINANCE COMMITTEE MEETING

CALL TO ORDER

Commissioner Trueba, Chair of the Committee, called the meeting to order at 1:01 p.m.

Commissioner Fernandez, Chair of the Board, stated that Commissioner Swindell had notified the staff that he was unable to attend the meeting and was excused from the meeting.

Members Present

Commissioner Trueba, Chair
Commissioner Fernandez
Commissioner Fox
Commissioner Kurtz, Vice-Chair
Commissioner Nielsen
Commissioner Ulrich
Commissioner Walters

Members Not Present

Commissioner Swindell

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Michael Flury, Board Counsel
C. Erica White, Prosecuting Attorney
Galen Dunton, Board Consultant
Jorge Viso, American Pilots Association
Dan Ramsey, Florida Docking Masters Association
Jay Winegeart, St. Johns Bar Pilot Association
Stuart Lilly, Florida Harbor Pilots Association (FHPA)
Warren Husband, FHPA
David Fath
Ben Borgie, FHPA

Gretchen Winters, FHPA
Allen Thompson, Tampa Bay Pilots Association
Steve Gasecki, FHPA
Thomas Grimison, Canaveral Pilots Association (CPA)
Doug Mutter, CPA
Matt Lynch, CPA
Diana Brundage, Court Reporter

REVIEW OF FINANCIAL REPORT – SEPTEMBER 30, 2013

Commissioner Trueba informed the Committee that the Board was not in a deficit, and he would continue to monitor their financial reports.

REVIEW OF CURRENT GROSS PILOTAGE ASSESSMENT RATE

Commissioner Trueba stated that the gross pilotage rate should be maintained at the current level. He stated that they will make adjustments at a later date, if needed.

OLD BUSINESS

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

NEW BUSINESS

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

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 1:04p.m.

RULES COMMITTEE MEETING

CALL TO ORDER

Commissioner Ulrich, Chair of the Committee, called the meeting to order at 1:04 p.m.

Members Present

Commissioner Ulrich, Chair
Commissioner Fernandez
Commissioner Fox
Commissioner Kurtz
Commissioner Trueba
Commissioner Nielsen
Commissioner Walters, Vice-Chair

Members Not Present

Commissioner Swindell

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Michael Flury, Board Counsel

C. Erica White, Prosecuting Attorney
Galen Dunton, Board Consultant
Jorge Viso, American Pilots Association
Dan Ramsey, Florida Docking Masters Association
Jay Winegeart, St. Johns Bar Pilot Association
Stuart Lilly, Florida Harbor Pilots Association (FHPA)
Warren Husband, FHPA
David Fath
Ben Borgie, FHPA
Gretchen Winters, FHPA
Allen Thompson, Tampa Bay Pilots Association
Steve Gasecki, FHPA
Thomas Grimison, Canaveral Pilots Association (CPA)
Doug Mutter, CPA
Matt Lynch, CPA
Diana Brundage, Court Reporter

RULES REPORT – MIKE FLURY

Mr. Flury informed the Committee that there were no rules pending at this time, however, the gross pilotage rule was always open in the event that the rule needed to be amended.

DISCUSSION OF ADJUSTMENT OF GROSS PILOTAGE ASSESSMENT

Commissioner Ulrich stated that the Finance Committee did not make a recommendation for changes to the gross pilotage assessment at this time.

OLD BUSINESS

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

NEW BUSINESS

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

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 1:06 p.m.

LEGISLATIVE COMMITTEE MEETING

CALL TO ORDER

Commissioner Fernandez, Chair of the Board, called the meeting to order at 1:06 p.m.

Members Present

Commissioner Fernandez
Commissioner Fox
Commissioner Kurtz
Commissioner Nielsen
Commissioner Trueba
Commissioner Ulrich
Commissioner Walters

Member Not Present

Commissioner Swindell, Chair

Others Present

Robyn Barineau, Executive Director

Elise Rice, Government Analyst

Michael Flury, Board Counsel

C. Erica White, Prosecuting Attorney

Galen Dunton, Board Consultant

Jorge Viso, American Pilots Association

Dan Ramsey, Florida Docking Masters Association

Jay Winegeart, St. Johns Bar Pilot Association

Stuart Lilly, Florida Harbor Pilots Association (FHPA)

Warren Husband, FHPA

David Fath

Ben Borgie, FHPA

Gretchen Winters, FHPA

Allen Thompson, Tampa Bay Pilots Association

Steve Gasecki, FHPA

Thomas Grimison, Canaveral Pilots Association (CPA)

Doug Mutter, CPA

Matt Lynch, CPA

Diana Brundage, Court Reporter

REVIEW OF CHAPTER 310, FLORIDA STATUTES

Commissioner Fernandez stated that there was a Legislative Committee meeting scheduled for February 11, 2014, at 10:00 a.m., at the Florida Hotel and Conference Center in Orlando.

Commissioner Fernandez stated that nothing had been submitted for the agenda, however, Commissioner Fox had submitted information that was included in the hand-outs, and the Committee reviewed the information at this time.

Commissioner Fernandez stated that a complete rewrite of Chapter 310, F.S. was not possible, therefore, the Committee could perhaps select five items that could be considered at the February meeting.

Commissioner Fox commented that his major concerns are the safety of the pilots, the lack of minorities, and the situation in Pensacola. He stated that cruise ships should be handled differently from cargo vessels. He asked for guidelines from Mr. Flury.

Mr. Flury stated that he can advise how to try and approach the issues, however, he cannot advise them on how to make changes. He stated that they need to have a systematic approach. He also suggested that a specific agenda be set for the February meeting

Commissioner Nielsen stated that he felt they should address all of the issues and not just four or five.

Commissioner Fox asked if an invitation could be sent to the tanker lines, cargo companies, and other stakeholders . Commissioner Fernandez responded that the meeting information is posted on the Board's website and is noticed in the Florida Administrative Register. Commissioner Fox commented that he understood that Commissioners can invite people to attend the meeting.

Ms. Barineau suggested that a matrix be prepared with Commissioner Fox's comments. She asked members to respond to staff by January 30, 2014, at noon with their responses for inclusion in the February 11 agenda.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 2:09 p.m.

January 24, 2014

CALL TO ORDER

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

Members Present

Commissioner Fernandez, Chair
Commissioner Fox
Commissioner Kurtz
Commissioner Nielsen
Commissioner Trueba
Commissioner Ulrich
Commissioner Walters

Members Not Present

Commissioner Swindell

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Michael Flury, Board Counsel
C. Erica White, Prosecuting Attorney
Galen Dunton, Board Consultant
Jorge Viso, American Pilots Association
Dan Ramsey, Florida Docking Masters Association
Jay Winegeart, St. Johns Bar Pilot Association
Stuart Lilly, Florida Harbor Pilots Association (FHPA)
Warren Husband, FHPA
David Fath
Ben Borgie, FHPA
Gretchen Winters, FHPA
Allen Thompson, Tampa Bay Pilots Association

Steve Gasecki, FHPA
Thomas Grimison, Canaveral Pilots Association (CPA)
Doug Mutter, CPA
Matt Lynch, CPA
Diana Brundage, Court Reporter

Chair Fernandez stated that Commissioner Swindell was excused from the meeting.

APPROVAL OF THE MINUTES OF THE MEETING

October 3, 2013

MOTION: Commissioner Ulrich made a motion that the Board approve the minutes as submitted.

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

December 23, 2013

MOTION: Commissioner Ulrich made a motion that the Board approve the minutes as submitted.

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

PROSECUTING ATTORNEY'S REPORT

Ms. White informed the Board that there were eight cases set for the Probable Cause Panel meeting on February 11, 2014.

REQUEST FOR TWO-YEAR CERTIFICATE

Zachary Condon – St. Andrew Bay Pilots Association

Chair Fernandez stated that a letter had been submitted from Captain Frudaker requesting that the Two-Year Certificate be issued for Captain Zachary Condon as his Temporary Certificate will expire on March 1, 2014, and he has met all the requirements.

MOTION: Commissioner Trueba made a motion that the Board approve the issuance of a Two-Year Certificate for Zachary Condon.

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

REQUEST FOR STATE PILOT EXAMS

Martin Poole – Biscayne Bay Pilots Association

Geoffrey Pool – Biscayne Bay Pilots Association

Chair Fernandez informed the Board that Captain Martin Pool will complete his training on March 3, 2014, and Captain Geoffrey Pool will complete his training on March 11, 2014, and requested that they be approved to take the exam in March.

Following discussion, the following action was taken.

MOTION: Commissioner Fox made a motion that the Board approve Captain Martin Poole and Captain Geoffrey Pool for the state pilot exam in March.

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

Christopher Kincaid – Biscayne Bay Pilots Association

Commander Dunton informed the Board that Captain Kincaid will complete his training in June, and the Biscayne Bay Pilots Association has asked that he be allowed to take the exam prior to his completion date. He informed the Board that a deputy can only be approved when they are in last three months of their training, which his will start on March 20, 2014. Mr. Flury informed the Board that he agreed with Commander Dunton that the deputy has to be in the final level of their training program to take the exam.

Chair Fernandez stated that a conference call will be scheduled on March 24 at 10:00 a.m. to determine Captain Kincaid's eligibility to take the state pilot exam.

Nathan Cook – St. Johns Bar Pilot Association

Chair Fernandez stated that Captain Cook will complete his training on April 1, 2014, and the St. Johns Bar Pilot Association requested that he be approved to take the exam in March..

MOTION: Commissioner Kurtz made a motion that the Board approve Captain Nathan Cook for the state pilot exam in March.

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

REVIEW OF APPLICANTS FOR DEPUTY PILOT OPENINGS

Port Everglades Pilots Association

Commander Dunton stated that the following applicants met the requirements to take the Deputy Pilot Examination: Justin Allen, Karl Austin, Dane Britt, Joseph Casias, Justin Facciolo, Trevor Gill, Mathew Krohn, Dustin Leserra, Thomas Lisante, Edward Markuske, James Maye, Andrew Mayher, Brendon McDonnell, Corwin Mendenhall, Sean Morrissey, Kaitlin O'Brien, Timothy Porter, Angelo Raimondi, Matthew Riley, Benjamin Rosson, Mark Ruppert, Ryan Sweeney, Jason Teal, and Michael Villa.

MOTION: Commissioner Nielsen made a motion that the Board approve the candidates as stated by Commander Dunton for the March 2014 examination for the deputy pilot opening with the Port Everglades Pilots Association.

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

Key West Pilots Association

Commander Dunton stated that the following applicants met the requirements to take the Deputy Pilot Examination: John Aristei, Michael Finnigan, Braxton Lumford, James Moore, Robert Moore II, Matthew Riley, Mark Ruppert, Thomas Sellers, and Charles Zenter.

MOTION: Commissioner Trueba made a motion that the Board approve the candidates as stated by Commander Dunton for the March 2014 examination for the deputy pilot opening with the Key West Pilots Association.

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

St. Andrew Bay Pilots Association

Commander Dunton stated that the following applicants met the requirements to take the Deputy Pilot Examination: Patrick Delaney and Brett Monthie.

MOTION: Commissioner Fox made a motion the Board approve the candidates as stated by Commander Dunton for the March 2014 examination for the deputy pilot opening with the St. Andrew Bay Pilots Association.

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

Commander Dunton stated that Eric Baker had only served for 71 days as second mate, therefore, he was not qualified to take the examination.

MOTION: Commissioner Fox made a motion that the Board deny the application for Eric Baker as he did not meet the requirements.

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

Commander Dunton stated that Louis Boone had only sea time that was inland except for 28 days, therefore, he was not qualified to take the examination.

MOTION: Commissioner Trueba made a motion that the Board deny the application for Louis Boone as he did not meet the requirements.

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

Commander Dunton stated that Justin Conway was shy six days of qualifying sea time and was unable to meet the requirements, therefore, he was not qualified to take the examination.

Following discussion, the following action was taken.

MOTION: Commissioner Trueba made a motion that the Board deny the application for Justin Conway as he did not meet the requirements.

SEC OND: Commissioner Nielsen seconded the motion and it passed unanimously.

Commander Dunton stated that the sea time for Jason Gibson was as a master of an OSV of less than 1600 tons which does not meet the requirements, therefore, he was not qualified to take the examination.

Following discussion, the following action was taken.

- MOTION: Commissioner Fox made a motion that the Board deny the application for Jason Gibson as he did not meet the requirements.
SECOND: Commissioner Kurtz seconded the motion and it passed unanimously.

Commander Dunton stated that the sea service for Harold Gill was only on tugs which does not meet the requirements, therefore, he was not qualified to take the examination.

- MOTION: Commissioner Fox made a motion that the Board deny the application for Harold Gill as he did not meet the requirements.
SECOND: Commissioner Ulrich seconded the motion and it passed unanimously.

Commander Dunton stated that Ryan Malcolm was shy 116 days of qualifying sea time, therefore, he was not qualified to take the examination.

- MOTION: Commissioner Nielsen made a motion that the Board deny the application for Ryan Malcolm as he did not meet the requirements.
SECOND: Commissioner Trueba seconded the motion and it passed unanimously.

Commander Dunton stated that Christopher Moran was shy 71 days of qualifying sea time, therefore, he was not qualified to take the examination.

- MOTION: Commissioner Kurtz made a motion that the Board deny the application for Christopher Moran as he did not meet the requirements.
SECOND: Commissioner Fox seconded the motion and it passed unanimously.

Commander Dunton stated that all of the sea time for Brian Vaughn was as a master inland, therefore, he was not qualified to take the examination.

- MOTION: Commissioner Trueba made a motion that the Board deny the application for Brian Vaughn as he did not meet the requirements.
SECOND: Commissioner Fox seconded the motion and it passed unanimously.

Commander Dunton informed the Board that Keith Morton meets the requirements to sit for the examination, however, he had a recent DUI. His credentials were suspended by the Coast Guard in 2013 and they were reinstated after three months.

Following discussion, Mr. Flury stated that it was up to the Board to make the determination of approval or denial.

- MOTION:** Commissioner Nielsen made a motion that the Board approve the application for Keith Morton.
- SECOND:** Commissioner Walters seconded the motion which passed with Commissioner Fox and Commissioner Ulrich voting against the motion.

Chair Fernandez informed the Board that there were two minorities and one female that applied to take the deputy pilot exams.

Chair Fernandez informed the Board that a conference call is scheduled for March 12, 2014, at 10:00 a.m., if needed, for the Associations to increase the number of deputy pilots they need from the March 2014 examination.

REPORTS

Chair's Report – Commissioner Fernandez

Chair Fernandez commented that it has been a successful year for the Board.

Deputy Pilot Advancement Committee – Commissioner Fernandez

Chair Fernandez stated that there had been several Committee conference calls as they were moving forward with a large number in the deputy pilot training programs.

Finance Committee Report – Commissioner Trueba

Commissioner Trueba reported that the Committee reviewed the financial statements and the Board is maintaining a positive cash balance.

Legislative Committee Report – Commissioner Swindell

Chair Fernandez reported that the Committee met yesterday and everyone was going to study Chapter 310, F.S. If anyone has any recommendations, they need to provide the information to staff prior to noon on January 30.

Ms. Barineau stated that a matrix will be developed and provided to all the members for their responses.

Rules Committee Report – Commissioner Ulrich

Commissioner Ulrich reported that the Committee did not receive a recommendation from the Finance Committee for any changes.

Probable Cause Panel Report – Commissioner Fernandez

Chair Fernandez reported that the Panel will meet on February 11, 2014, in Orlando.

Pilotage Rate Review Committee – Commissioner Trueba

Commissioner Trueba informed the Board that there is an application that has been received and he appointed the Investigative Committee to start working on the application.

Board Counsel's Report – Mike Flury

Mr. Flury stated that he did not have a report to give at this time. He stated that the Board may need to make a decision on the development of a new rule based

on a new law that allows public input at meetings. He will bring a draft rule to the next meeting for consideration.

Executive Director's Report – Robyn Barineau

Ms. Barineau asked all members to bring their calendars to the February 11, 2014, meeting in case there is a need to schedule another Legislative Committee meeting.

Ms. Barineau informed the members that the next scheduled meeting of the Board will be in October in Key West.

PUBLIC COMMENTS

Chair Fernandez mentioned the recent passing of a former Biscayne Bay Pilot, Captain Paul Francoeur, and stated that he was one of his mentors.

Commander Dunton informed the Board that John Hanson, former Board Consultant, passed away recently. He stated that Victoria Robas, former member of the Board, recently lost her mother.

Captain Thompson informed the Board that Captain Paul Spear retired from the Tampa Bay Pilots Association in November 2013.

Chair Fernandez informed the Board that Captain David Callan was retiring in February from the Canaveral Pilots Association. He stated that Captain Callan never had a marine incident.

NEW BUSINESS

Commander Dunton stated that Captain Cheryl Phipps recently took the cross-license exam for the Port of Pensacola and has unofficially passed the exam.

Commissioner Ulrich stated that Captain Cummings has completed approximately 50 percent of required trips for the Port of Pensacola to take the cross-license exam.

Commissioner Fox asked about the rate application that had been received. Ms. Barineau responded that once the application is deemed complete and the Investigative Committee completes their report, then port tour and hearings will be scheduled.

OLD BUSINESS

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

PERFORMANCE EVALUATION OF GALEN DUNTON

At this time, Commander Dunton left the room. Chair Fernandez stated that this was the annual review by the Board to inform the Department if they are pleased with his performance.

Following discussion, Chair Fernandez stated that a letter would be sent to the Secretary of the Department commending Commander Dunton's service and that the Board wishes that he continue to be their consultant.

ELECTION OF OFFICERS

Chair Fernandez asked for nominations for Chair.

Commissioner Nielsen nominated Commissioner John Fox.

Commissioner Ulrich nominated Commissioner John Fernandez to continue as Chair.

Following discussion, the following action was taken.

Chair Fernandez asked for those in favor of Commissioner Fox for Chair. Commissioner Nielsen, Commissioner Walters, Commissioner Trueba and Commissioner Fox voted aye.

Those in favor of Commissioner Fernandez for Chair. Commissioner Ulrich, Commissioner Kurtz, and Chair Fernandez voted aye.

Commissioner Fox was elected Chair of the Board.

Chair Fernandez asked for nominations for Vice-Chair.

MOTION: Commissioner Fox nominated Commissioner Kurtz for Vice-Chair of the Board.

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

ADJOURNMENT

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