

# Minutes

## BOARD OF PILOT COMMISSIONERS

Hilton Garden Inn  
1101 US Highway 231  
Panama City, FL 32405  
850.392.1093  
January 18, 2017  
Approved May 16, 2017

### PILOTAGE RATE REVIEW COMMITTEE

#### Call to Order

Meeting was called to order by Chair Wilkins at 9:00 a.m. CST

#### ROLL CALL

Members Present

Commissioner Wilkins, Chair

Commissioner Assal

Commissioner Kurtz

Commissioner Oatis

Commissioner Winegeart

#### Members Absent

Commissioner Sola (excused)

#### Delegation of authority to the Executive Director to accept Service of Process on behalf of the Pilotage Rate Review Committee.

A motion was made by Commissioner Winegeart and seconded by Commissioner Kurtz to delegate authority to the Executive Director of the Board of Pilot Commissioners to receive any service of process for the Pilotage Rate Review Committee.

#### Election of Chair and Vice Chair to the Committee.

A motion was made by Commissioner Kurtz and seconded by Commissioner Winegeart to nominate Commissioner Wilkins the Chair for the Pilotage Rate Review Committee. Commissioner Wilkins was elected unanimously.

A motion was made by Commissioner Winegeart and seconded by Commissioner Kurtz to nominate Commissioner Oatis Vice-Chair for the Pilotage Rate Review Committee. Commissioner Oatis was elected unanimously.

Committee meeting was adjourned at 9:09 a.m. CST

## **GENERAL BOARD BUSINESS**

### **Call to Order:**

Meeting was called to order by Chair Kurtz at 9:10 a.m. CST

### **Roll Call**

#### **Members Present:**

Commissioner Kurtz, Chair  
Commissioner Winegeart, Vice-Chair  
Commissioner Assal  
Commissioner Cumings  
Commissioner Jaccoma  
Commissioner Oatis  
Commissioner Phipps  
Commissioner Wilkins

#### **Members Absent:**

Commissioner Sola (Excused)

#### **Others Present:**

Krista Woodard, Executive Director  
Thomas Campbell, Executive Director  
Marlene Stern, Board Counsel  
Clark Jennings, Pilotage Rate Review Committee Counsel  
Rebecca Hays, Prosecuting Attorney  
Anne Ahrendt, Government Analyst  
Court Reporter, Esquire Reporting  
Warren Husband, Florida Harbor Pilots Association  
Gretchen Winters, Florida Harbor Pilots Association  
Captain Allen Thompson, Tampa Bay Pilots Association  
Captain Sam Stephenson, Florida Harbor Pilots Association  
Captain Ben Borgie, Florida Harbor Pilots Association  
Captain W. Hardee Kavanaugh Jr., St. Johns Bar Pilots Association  
Amy Miller, Port Pensacola  
Captain Rick Frudaker, St. Andrews Bay Pilots Association  
Captain Zach Condon, St. Andrews Bay Pilots Association  
Frank Ward, Grieg Star  
Marsha Frudaker  
Kristin Condon  
Margaret Mathews, Akerman, Senterfit Law Firm  
Donna Blanton, Biscayne Bay Pilots  
Bill Leshe, Off shore Tugs  
Wayne Stubbs, Panama City Port Authority

### **APPROVAL OF MINUTES**

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Minutes of the July 28, 2016 Meeting of the Board.

A motion was made by Commissioner Assal and seconded by Commissioner Wilkins to approve the July 28, 2016 Minutes. Motion carried.

Minutes of the September 6, 2016 Meeting of the Board.

A motion was made by Commissioner Cumings and seconded by Commissioner Phipps to approve the September 6, 2016 Minutes. Motion carried.

Minutes of the October 6, 2016 Meeting of the Board.

A motion was made by Commissioner Phipps and seconded by Commissioner Jaccoma to approve the October 6, 2016 Minutes. Motion carried.

Minutes of the December 14, 2016 Meeting of the Board.

A motion was made by Commissioner Cumings and seconded by Commissioner Jaccoma to approve the December 14, 2016 Minutes. Motion carried.

**DISCIPLINARY CASE - Rebecca Hays, Prosecuting Attorney**

CASE NUMBER 2015-028198 SETTLEMENT STIPULATION DBPR VS. JAMES M. HARHART (SP 165)

A motion was made by Commissioner Jaccoma and seconded by Commissioner Phipps to modify the settlement agreement by eliminating the fine. A roll call vote was taken.

Commissioners Assal, Cumings, Jaccoma, Otis, Phipps voted in favor of the motion.

Commissioners Wilkins and Winegeart voted against the motion Chair Kurtz recused herself.

Margaret Mathews, counsel for the Respondent, contacted the Respondent, who agreed to the changes to the stipulation.

**DISCUSSION OF PORT PANAMA CITY AND PORT OF PENSACOLA**

Ms. Amy Miller representing the Port of Pensacola spoke regarding the situation in Pensacola as it related to pilotage.

Captain Rick Frudaker from St. Andrews Bay Bar Pilots welcomed the Board to Panama City and introduced Mr. Thomas Berry and Mr. Eric Berry of Point Trade Services Inc. to the Board.

Mr. Thomas Berry made a presentation on the status of the Port of Panama City and the position of St. Andrews Bay Pilot Association . (A hard copy of the record has been put into the record and is contained within the digital files.)

Mr. Wayne Stubs, Port Director for the Panama City Port Association, spoke in favor of the position of the St. Andrews Bay Pilot Association.

Ms. Amy Miller spoke again to the issue of pilotage in Port of Pensacola. Ms Miller asked for the Board's assistance in working out a long term solution to the issue.

**BREAK**

Following discussion by the Board, no action was taken by the Board.

**DELEGATION OF AUTHORITY TO THE EXECUTIVE DIRECTOR TO ACCEPT SERVICE OF PROCESS ON BEHALF OF THE BOARD OF PILOT COMMISSIONERS**

A motion was made by Commissioner Phipps and seconded by Commissioner Winegeart to delegate authority to the Executive Director to accept service of process on behalf of the Board of Pilot Commissioners. Motion carried.

**APPROVAL OF 1<sup>ST</sup> DEPUTY PILOT CERTIFICATIONS FOR CAPTAIN KEITH MORTON AND CAPTAIN BEN ROSSON OF THE PORT EVERGLADES PILOT ASSOCIATION**

Captain Cheryl Phipps spoke on behalf of the Port Everglades Pilot Association. A motion to approve the first Deputy Pilot Certifications for Captain Morton and Captain Rosson was made by Commissioner Phipps and seconded by Commissioner Cumings. Motion carried.

**APPROVAL OF CHANGES TO THE TAMPA BAY PILOTS ASSOCIATION TRAINING PROGRAM**

Captain Allen Thompson spoke on behalf of Tampa Bay Pilots. A motion was made by Commissioner Kurtz and seconded by Commissioner Phipps to approve the changes to the Tampa Bay Pilots Association Deputy Pilot training plan. Motion carried.

**APPROVAL OF CHANGES TO THE PORT EVERGLADES PILOTS ASSOCIATION DEPUTY PILOT TRAINING PROGRAM**

A motion was made by Commissioner Phipps to approve the changes to the Port Everglades Deputy Pilot Training Program. The motion was seconded by Commissioner Winegeart and the motion carried.

**REVIEW AND APPROVAL OF APPLICANTS FOR DEPUTY PILOT OPENINGS FOR PORT EVERGLADES, PORT MIAMI AND PORT TAMPA BAY**

**PORT MIAMI**

Commander Dunton stated that the following applicants met the requirements to take the Deputy Pilot examination for PortMiami: Dane Douglas Britt, Derek William Day, Russel Adam Firtel, Daniel Graham Franklin, Trevor Michael Gill, Nicholas Peter Gunter, Carlos Alberto Gutierrez, Angel Irlanda-Colon, Adam Scott Labrato, Michael Lawrence La Maina, Jonathan Ben Leck, Dustin M. Leserra, Thomas Michael Lisante II, Dustin Magner, Kaitlin Julia O'Brien, William James O'Connor, Dennis Edward Reddy IV, Subeeh Ur Rehman, Manuel Ernesto, Reyes Luciano, Luis Iva Robles-Maldonado, and James Gary Walley.

Commissioner Phipps made a motion to approve the candidates stated by Commander Dunton to sit for the March 2017 PortMiami Deputy Pilot Examination.

Motion seconded by Commissioner Assal.

Motion carried.

**PORT OF KEY WEST**

Commander Dunton stated that the following applicants met the requirements to take the Deputy Pilot examination for Port of Key West: John Leon Bouchard, Phillip Brady III, Joseph Paul Jordan, Niall Kennedy, Robert William Moore II, Angelo Raimondi, and Dana Ryan.

Commissioner Jaccoma made a motion to approve the candidates stated by Commander Dunton to sit for the March 2017 Port of Key West Deputy Pilot Examination  
Motion seconded by Commissioner Cumings. Motion carried.

#### **PORTS OF TAMPA BAY**

Commander Dunton stated that the following applicants met the requirements to take the Deputy Pilot examination for Ports of Tampa Bay: Don Christopher Cooper, William Huston Daniel, Justin Facciolo, Michael Lawrence Foley Jr., Joseph Alden Goodwin, Jeff Ryan Harris, Garrett Knese, Nicolas Anthony Landino III, Rebecca Ann Luciani, James Morrison Moore Jr., Richard Theodore Nolan, Christopher Pyne Mercier, Kenneth John Sears Jr., James Edward Shubel, Michael S. Thompson and James Wade.

Commissioner Phipps made a motion to approve the candidates stated by Commander Dunton to sit for the March 2017 Port Tampa Deputy Pilot Examination.  
Motion seconded by Commissioner Assal. Motion carried.

#### **PORT OF PENSACOLA**

Commander Dunton stated that the following applicants met the requirements to take the Deputy Pilot examination for Port of Pensacola: Phillip Brady III, Andrew Gillilan, Carlos Alberto Gutierrez, and Michael Loren Harris.

Commissioner Phipps made a motion to approve the candidates stated by Commander Dunton to sit for the March 2017 Port of Pensacola Deputy Pilot Examination.  
Motion seconded by Commissioner Assal. Motion carried.

#### **NOTICE OF INTENT TO DENY**

Commander Dunton stated that Jordan Baptiste application file demonstrated that the applicant only had sea time on oil supply vessels; therefore, the applicant failed to meet the requirements for maritime experience as set forth in section 310.071, F.S., & rule 61G14-11.002 F.A.C.

A motion was made by Commissioner Cumings to deny the application for Jordan E. Baptiste as he did not meet the requirements to sit for the March 2017 Tampa Deputy Pilot Examination.  
Motion seconded by Commissioner Phipps. Motion carried.

Commander Dunton stated that Christopher Michael Condon had insufficient sea time, lacking 148 days; therefore, the applicant failed to meet the requirements for maritime experience as set forth in section 310.071 F.S., and rule 61G14-11.002, F.A.C.

A motion was made by Commissioner Cumings to deny the application for Christopher Michael Condon as he did not meet the requirements to sit for the March 2017 Tampa Deputy Pilot Examination. Motion seconded by Commissioner Assal. Motion carried.

Commander Dunton stated that Jason Gibson had only served on foreign oil supply vessels; therefore, the applicant failed to meet the requirements for maritime experience as set forth in section 310.071, F. S., rule 61G14-11.002 F.A.C.

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A motion was made by Commissioner Assal to deny the application for Jason Gibson as he did not meet the requirements to sit for the March 2017 Tampa Deputy Pilot Examination. Motion seconded by Commissioner Cumings. Motion carried.

Commander Dunton stated that David Guzman's experience, with the exception of 37 days, was on oil supply vessels; therefore, the applicant failed to meet the requirements for maritime experience as set forth in section 310.071, F.S., and rule 61G14-11.002, F.A.C.

A motion was made by Commissioner Jaccoma to deny the application for David Guzman as he did not meet the requirements to sit for the March 2017 PortMiami Deputy Pilot Examinations. Motion seconded by Commissioner Oatis. Motion carried.

Commander Dunton stated that Shane Thomas Hanson failed to submit a physical examination, and drug test, and proof of education; therefore, the applicant failed to meet the requirements for as set forth in section 310.071, F.S.

A motion was made by Commissioner Jaccoma to deny the application for Shane Thomas Hanson as he did not meet the requirements to sit for the March 2017 Port of Pensacola Deputy Pilot Examination. Motion seconded by Commissioner Cumings. Motion carried.

Commander Dunton stated that Brendon Myers had insufficient sea time, lacking 58 days; therefore, the applicant failed to meet the requirements for maritime experience as set forth in section 310.071 F.S., and rule 61G14-11.002, F.A.C. Captain Myers had indicated to Commander Dunton that he would like to withdraw his application.

A motion was made by Commissioner Assal to accept the withdrawal of the application for Brendon Myers as he did not meet the requirements to sit for the March 2017 Ports of Tampa Bay Deputy Pilot Examinations. Motion seconded by Commissioner Cumings. Motion carried.

Commander Dunton stated that Scott Andrew Still's sea service had insufficient sea time; lacking 125 days; therefore, the applicant failed to meet the requirements for maritime experience as set forth in section 310.071, F.S., and rule 61G14-11.002, F.A.C.

A motion was made by Commissioner Assal to deny the application for Scott Andrew Still as he did not meet the requirements to sit for the March 2017 Ports of Tampa Bay Deputy Pilot Examination. Motion seconded by Commissioner Cumings. Motion carried.

Commander Dunton stated that Michael James Syler did not submit a drug test or proof of having had a random drug test within the six months prior to submitting his application, and the majority of his sea service was on oil supply vessels; therefore, the applicant failed to meet the requirements for maritime experience as set forth in section 310.071, F.S., and rule 61G14-11.002, F.A.C.

A motion was made by Commissioner Assal to deny the application for Michael James Syler as he did not meet the requirements to sit for the March 2017 Ports of Tampa Bay Deputy Pilot Examination. Motion seconded by Commissioner Cumings. Motion carried.

Commander Dunton stated that Lesley Walz did not meet the sea time requirement; therefore, the applicant failed to meet the requirements for maritime experience as set forth in section 310.071 F.S., and rule 61G14-11.002, F.A.C.

A motion was made by Commissioner Jaccoma to deny the application for Lesley Walz as she did not meet the requirements to sit for the March 2017 Port of Key West Deputy Pilot Examination. Motion seconded by Commissioner Phipps. Motion carried.

### **Break**

### **PERFORMANCE EVALUATION OF COMMANDER GALEN DUNTON, BOARD CONSULTANT REPORTS**

Chair Kurtz will write a letter in support of Commander Dunton's performance and will send to the Board for their review.

### **Chair's Report – Commissioner Kurtz-**

Reminded the Board about the board meeting attendance policy.

### **Deputy Pilot Advancement Committee Report- Commissioner Phipps**

Approval of Committee Minutes for August 26, 2016.

Approval of Committee Minutes for September 6, 2016.

Approval of Committee Minutes for October 14, 2016.

Approval of Committee Minutes for November 28, 2016.

Approval of Committee Minutes for December 14, 2016.

The minutes were approved by Commissioner Phipps as they stand.

### **Prosecuting Attorney's Report – Rebecca Hays**

There are 5 cases in "Received in Legal" status.

### **Board Attorney's Report – Marlene Stern**

Rule 61G14-15.004 will be adopted on January 29 and become effective twenty-one days afterwards in late February.

### **Executive Director's Report-Thomas Campbell**

Commissioner Bruce Cumings made a motion to accept Krista Woodard as the new Executive Director for the Board. The motion was seconded by Commissioner Kurtz and the motion carried.

Executive Director Woodard presented the Financial Reports as of June 30, 2016 and September 30, 2016 and for the Regulation Complaint report as of December 31, 2016.

### **RATIFICATION LISTS:**

The names of the Deputy Pilots who had been advanced during the time period of July 26 through January 1, 2017 were read into the record. Commissioner Jaccoma made a motion to accept the Deputy Pilot Advancements from July 26, 2016 through January 1, 2017 as they

appear on page number 1410. The motion was seconded by Commissioner Winegeart. Motion carried.

**ELECTION OF CHAIR AND VICE CHAIR FOR THE BOARD OF PILOT COMMISSIONERS**

Commissioner Winegeart nominated Commissioner Kurtz as the Chair. Motion was seconded by Commissioner Phipps. Motion carried

Commissioner Kurtz nominated Commissioner Winegeart as Vice Chair. Motion was seconded by Commissioner Cumings. Motion carried.

**PUBLIC COMMENTS:**

Captain Allen Thompson of the Tampa Bay Pilots said that Captain Jorge Viso, recently retired from the Tampa Bay Pilots, had taken the position of President of the American Pilots Association.

**OLD BUSINESS:**

The Port Miami Rate hearing will take place during the week of May 15-19, 2017 at the Hyatt Regency in Miami. The quarterly Board meeting will be held prior to the rate hearing

**NEW BUSINESS**

**DISCUSSION ON CHAPTER 310.081, FLORIDA STATUTES, DEPARTMENT TO EXAMINE AND LICENSE STATE PILOTS AND CERTIFICATE DEPUTY PILOTS, VACANCIES AND RULE 61G14-11.001 DETERMINATION OF OPENINGS FOR DEPUTY PILOTS:**

Commander Dunton wants the Board to determine the procedure to replace a deputy pilot who leaves the training program through the rulemaking process. Board counsel Stern will draft language to bring before the board at a future date.

**COMMISSIONER PHIPPS ASKS TO RECONSIDER DEPUTY PILOT APPLICATION FOR PHILLIP BRADY III (KEY WEST AND PENSACOLA)**

Commissioner Phipps made a motion to vacate the vote on the approval of Phillip Brady III to sit for the Deputy Pilot Examinations for the Port of Pensacola and the Port of Key West pending further information on his affirmative answer on question 4 on his application. Motion was seconded by Commissioner Kurtz. Motion carried.

The Board office will request information from the applicant and set up a conference call for the Board to approve or deny the application.

**ADJOURNMENT AT 11:56 AM CST**