

# **EXECUTIVE SUMMARY**

## **Board of Pilot Commissioners**

### **I. General Information**

Meeting Type: Finance Committee, Rules Committee, Probable Cause Panel, and General Business Meetings  
Meeting Date: Thursday, September 23, 2010, and Friday, September 24, 2010  
Meeting Location: Bay Point Marriott Golf Resort & Spa  
4200 Marriott Drive  
Panama City, Florida 32408

Attendees:

Commissioner Cheryl Phipps, Chair  
Commissioner Frances "Fran" Bohnsack  
Commissioner Eric Bryson  
Commissioner Rivers H. Buford, Jr.  
Commissioner David de la Parte, Vice Chair  
Commissioner John Fernandez  
Commissioner Richard "Rick" Frudaker  
Commissioner Jeffrey Jones  
Commissioner Don Molitor  
Commissioner Jorge Viso

Secretary Charlie Liem, Department of Business and Professional Regulation (DBPR)  
Robyn Barineau, Executive Director, DBPR  
Elise Rice, Government Analyst, DBPR  
Katharine Dodson, Administrative Assistant, DBPR  
Eric Hurst, Chief Attorney, DBPR  
Jody Lane, Assistant General Counsel, DBPR  
Tom Barnhart, Assistant Attorney General, Office of the Attorney General  
Galen W. Dunton, Board Consultant  
Joe Brown, President, Florida Harbor Pilots Association (FHPA)  
Gretchen Rayborn, Executive Liaison, FHPA  
Warren Husband, Attorney for FHPA  
Allen L. Thompson, Jr., Executive Director, Tampa Bay Pilots Association  
Christopher Marlowe, St. Andrew Bay Pilots Association  
Dan Ramsey, Florida Docking Masters Association  
Tom Craighead, Moran Towing  
Shawn Moore, Court Reporter  
Patsy Wilson, Court Reporter

### **II. Major Issues/Actions**

- Chair Cheryl Phipps introduced and welcomed Secretary Charlie Liem to the meeting. Secretary Liem informed the board that he grew up in Pensacola. He mentioned his previous employment in the private sector and his service with the State of Florida since

1986. Secretary Liem expressed his pleasure with serving Governor Crist as the Secretary of such a great agency. He mentioned the positive strides made at the department in just a few years, such as the reduction in hold times for customers calling the Customer Contact Center, and the length of time it takes to process an application. Secretary Liem commented on the critical need for harbor pilots in the State of Florida and their importance in protecting the waterways of our state. He thanked the board for their service and asked them to contact him with any questions or concerns.

- Commissioner Eric Bryson reviewed the year-end financial report and added that he did not believe an adjustment to the gross pilotage assessment rate is necessary at this time. Commissioner Bryson informed the board that an adjustment may be necessary after the receipt and review of the first quarter financial report for the 2010-2011 fiscal year.
- Mr. Tom Barnhart, Assistant Attorney General, informed the board that the gross pilotage assessment rule, increasing the gross pilotage assessment to 7/10 of one percent, will become effective November 1, 2010.
- Regarding case number 2007.063534 against Captain Jonathan Nitkin, the board rejected the original Settlement Stipulation and counter-offered as follows: fine of \$1,000, costs of \$2,504.68, and completion of a bridge resource management course for pilots approved by the American Pilots Association within six months. Captain Nitkin will have 30 days to accept or reject the proposed counter-offer.
- Ms. Jody Lane, Assistant General Counsel, reported that there were nine pilot cases in the legal department as of September 20, 2010.
- The board approved the request of the St. Johns Bar Pilot Association for at least one Deputy Pilot from the March 2011 examination.
- Port Everglades Pilot Association withdrew their request for at least one Deputy Pilot from the March 2011 examination.
- The board approved the revised Key West Bar Pilots Association's Deputy Pilot Training Program.
- The Probable Cause Panel found probable cause in one case and closed seven cases with no finding of probable cause.
- Mr. Barnhart informed the board that the administrative hearing in the Port of Fort Pierce rate increase matter has been scheduled to begin on November 1, 2010, in Port St. Lucie. He added that depositions will take place very soon.
- Vice Chair David de la Parte informed the board that an application to increase pilotage rates has been received from the Port of Pensacola. He mentioned that he appointed an investigative committee for this rate increase matter consisting of Mr. Richard Law and Commander Galen Dunton.
- Ms. Robyn Barineau, Executive Director, informed the board of the department's Versa Online Project. She added that the upcoming pilot renewal can be completed online. She informed the board that future applicants can complete their applications, scan and attach documents to their application, and pay for their application through the department's Web site.

### **III. Legislation/Rule Promulgation**

- No additional action was required.

**IV. Action Required**

- No additional action was required.

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Robyn Barineau  
Executive Director  
September 27, 2010