

**BOARD FOR BRANCH PILOTS MEETING
MINUTES**

The Virginia Board for Branch Pilots met on Friday, June 15, 2018, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

E. Waightstill Avery
Vincent Behm, Jr.
Captain Robert H. Callis, III
Captain J.W. Whiting Chisman, III
Captain J. William Cofer
Thomas P. Host, III
Patrick B. McDermott
Christine N. Piersall
Meade G. Stone, Jr.

Board staff present for all or part of the meeting:

Kathleen R. Nosbisch, Executive Director
Bonnie Davis, Administrative Assistant

Agency staff present for all or part of the meeting:

Jay W. DeBoer, Director

Elizabeth Peay, Assistant Attorney General was present from the Office of the Attorney General.

Finding a quorum of the Board present, Mr. Stone, President, called the meeting to order at 10:30 a.m. Ms. Nosbisch stated Mr. Behm is expected shortly. **Call to Order**

Mr. William Burket Jr., Virginia Port of Authority, Director, MIRT and Emergency Operations, advised the Board of the emergency evacuation procedure, and where first aid and emergency medical equipment could be located.

**Safety
Evacuation
Instructions**

Mr. Behm and Ms. Simonds arrived to the meeting at 10:42 a.m.

**Arrival of Board
Member and
Guest**

Ms. Piersall moved to approve the agenda. Mr. Host seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, Piersall, and Stone.

**Approval of
Agenda**

Captain Callis moved to approve the minutes as amended from the March 19, 2018, Board meeting. Captain Avery seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, Piersall, and Stone.

**Approval of
Minutes**

Captain Callis moved to approve the minutes as amended from the January

30, 2014 and December 14, 2017, Board meetings. Captain Avery seconded the motion which was approved by Messrs., Mme. and Captains: Avery, Callis, Chisman, Cofer, Host, McDermott, Piersall, and Stone. Mr. Behm abstained from voting.

Ms. Nosbisch provided the recent grade increases for reference.

**Recent Grade
Increases**

There were no public comments.

**Public Comment
Period**

Ms. Nosbisch introduced the audience: Shelly Simonds, Board Liaison; Mark Coberly, Partner of Vandevanter Black LLC, Manager of Maritime Law Department; and Branch Pilot Captain Clarence Young, Chairman of Navigation and Technology.

**Welcome and
Introductions**

Captain Cofer and Captain Young provided a presentation on Portable Pilot Units (PPU). Important information presented:

**Presentation on
Portable Pilot
Units (PPUs) by
Captains Young
and Cofer**

- Effective 2018, all vessels are required to have an Electronic Chart Display and Information System (ECDIS).
- Pilots are trained to ultimately rely on radar; the PPU is a tool that assists the pilot in decision making.
- The VPA has 20 years of experience with PPUs.
- Captain Cofer stated the PPU is not required by the Coast Guard, but the device helps make passage safe and efficient. Safe navigation is first priority; setup of the PPU is secondary.
- The PPU provides the most accurate representation of the ship's location.
- Captain Chisman noted that use of the PPU is recognized as a nationwide best practice for state pilots

Captain Cofer and Mr. McDermott will present the wording for support of the PPUs and send a draft to the Board members. The draft language will be presented at the September 17, 2018 meeting.

Captain Cofer presented a memorandum from the United States Coast Guard (USCG), R.A. Gomez, LT to CG SECTOR Hampton Roads regarding Safety Recommendation Marine Casualty Investigation Grandeur of the Seas IIA 6282521. He stated the USCG is recommending that branch pilots set up their portable navigational equipment prior to assuming the con in order to avoid distractions.

Ms. Simonds left the meeting at 11:12 a.m.

**Departure of
Board Liaison**

Mr. DeBoer stated the prelude is an introduction for a layman about the role, professional duties, and powers of a branch pilot. This information will be placed at the beginning of any Board for Branch Pilot order. Mr. McDermott

**Review of
Branch Pilot
Prelude/**

moved to approve the prelude. Captain Callis seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, Piersall, and Stone.

Preamble

Mr. Behm requested the history of the “branch” be put on the agenda of the September 17, 2018 Board meeting.

Ms. Nosbisch noted the articles “Port Stats” and “Big Changes for Motor Carriers at Port Terminals” are for informational purposes only.

**2018 Virginia
Maritime Guide**

Ms. Nosbisch presented the article “2018 Virginia’s Fantastic 50.” She congratulated Mr. Host’s company as being reported as number 49. Mr. Host thanked Ms. Nosbisch for the recognition.

**Virginia Business
Magazine**

Ms. Nosbisch noted that Mr. Host had forwarded the report to her and that it is for informational purposes only.

**Department of
Homeland
Security United
States Coast
Guard Port State
Control in the
United States
2017 Annual
Report**

Financial statements were provided for informational purposes. Ms. Nosbisch stated she confers with the Director of Financial Services annually, and there are no anticipated fee increases in the foreseeable future for licensed Branch Pilots.

**Financial
Statements**

Ms. Nosbisch presented the 2019 meetings dates. She noted the new start time of 11:00 a.m. on the meeting dates when the Exam Committee is meeting before the Board. Mr. McDermott moved to adopt the following meeting and examination dates for 2019:

**Consideration of
2019 Meeting
Dates**

March 15, 2019	8:00 AM	BP Exam Committee
March 15, 2019	11:00 AM	Board for Branch Pilots
June 14, 2019	10:30 AM	Board for Branch Pilots
September 13, 2019	8:00 AM	BP Exam Committee
September 13, 2019	11:00 AM	Board for Branch Pilots
December 09, 2019	9a-4p	BP Renewals
December 10, 2019	9a-4p	BP Renewals
December 13, 2019	10:30 AM	Board for Branch Pilots

Mr. Host seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, Piersall, and Stone.

Mr. Stone stated that the Symposium was very good. Ms. Nosbisch stated the Governor's presentation was very interesting; he talked about the expansion of 64 and gave credit to previous Governors McDonnell and McAuliffe for their work in this regard.

**Maritime
Symposium**

Discussion was held on HB 883, part of the red-tape regulatory reform, which "directs DPB to administer a three-year regulatory reduction pilot program aimed at reducing by 25% the regulations and regulatory requirements, as defined in the bill, of the Department of Professional and Occupational Regulation and the Department of Criminal Justice Services by July 1, 2021."

**General
Assembly Update**

Mr. DeBoer explained that regulatory programs of DPOR are created at the direction of the legislature which directs the agency to promulgate regulations. He further explained that DPB approves every regulation that is enacted. Further discussion was held on the 25% reduction amount and how a 25% reduction would be implemented.

The Board recessed from 12:24 p.m. to 12:34 p.m.

Recess

Ms. Nosbisch stated there was concern with the complaint process of this Board in regards to notification. Ms. Nosbisch stated currently complaints are sent directly to Department of Professional and Occupational Regulation (DPOR) and the Board has had very few complaints. Captain Cofer stated that all complaints should be directed to the President or Vice President of the Board for Branch Pilots and, because of the special responsibilities of a branch pilot, DPOR would not have the technical expertise to determine when a complaint should or should not be closed. There was concern that these Board members would then be tainted but Mr. DeBoer explained that tainting is when you are a part of the investigative side of the case; you cannot provide information about the case, and then also hear the case. Ms. Nosbisch presented a flow chart of the complaint process and the Board agreed by consensus that the President or Vice President will be immediately consulted whenever a complaint about a licensee is received. Captain Cofer presented a draft Procedure for Handling Issues of Pilot Conduct and/or Performance whereby DPOR's Complaint Analysis & Resolution Department will consult with the Board for Branch Pilots' President or Vice President when reviewing a complaint. Mr. Stone moved to approve the procedure with 2.b.2 being removed and replaced with "Close the complaint." Captain Callis seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, Piersall, and Stone.

**APA Process /
Complaint
Process
(Emergency
Meeting
Procedure)**

Mr. Behm and Mr. Coberly left the meeting at 1:53 p.m.

**Departure of
Board Member**

Other Business

Captain Callis reported that Captain Jack H. Vail, 97, passed away on May 3, 2018. He noted that Captain Vail started the apprenticeship program before World War II, and he was a member of the Board for Branch Pilots.

**Passing of
Captain Jack
Vail**

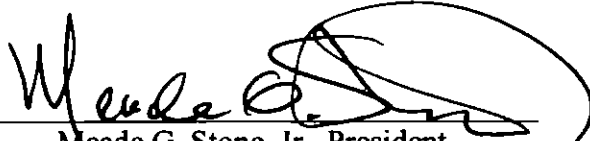
Mr. Stone requested a moment of silence for Captain Jack Vail. Captain Cofer stated he was a special person, and known for his seamanship. Captain Vail helped design Virginia Pilot Association's current boats, and they are now being used all over the East coast.

Conflict of Interest forms and travel vouchers were completed by all members present.

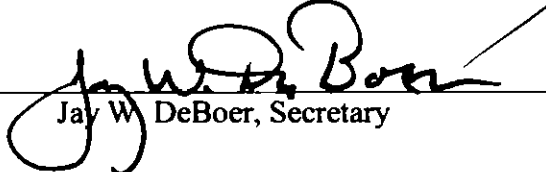
**Conflict of
Interest Forms
and Travel
Vouchers**

There being no further business, the meeting was adjourned at 1:57 p.m.

Adjourn



Meade G. Stone, Jr., President



Jay W. DeBoer, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Christine N. Piersall
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting June 15, 2018

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Christine Piersall
Signature

6/15/2018
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

- 1. Name: Meade G. Stone, Jr.
- 2. Title: Board Member
- 3. Agency: Board for Branch Pilots
- 4. Meeting/IFF Date: Board Meeting June 15, 2018

5. I have a personal interest in the following transaction:

NONE

Nature of Personal Interest Affected by Transaction:

NONE

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

NONE

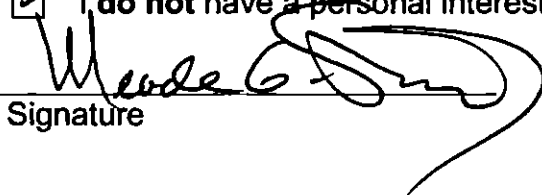
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Signature



Date

6/15/2018

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Robert H. Callis, III
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting June 15, 2018

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Virginia Pilot Association

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Robert H. Callis
Signature

6/15/18
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: J. William Cofer
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting June 15, 2018

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

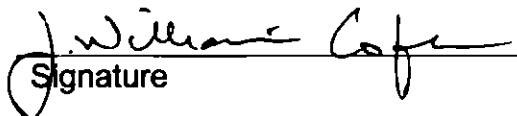
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.


Signature

6-15-18

Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Patrick B. McDermott
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting June 15, 2018

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Patrick B. McDermott
Signature

6/15/2018
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: J.W. Whiting Chisman III
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting June 15, 2018

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:


I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.



Signature

6-15-18

Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: E. Waightstill Avery
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting June 15, 2018

5. I have a personal interest in the following transaction:

N/A

Nature of Personal Interest Affected by Transaction:

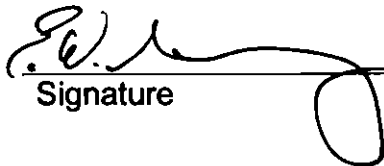
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

6/15/2018
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Thomas P. Host III
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting June 15, 2018
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

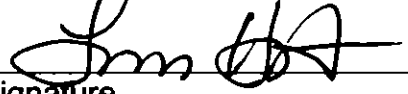
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.



Signature

6-15-18

Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: I.Vincent Behm, Jr.
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting June 15, 2018
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

I.Vincent Behm, Jr.
Signature

6-15-18
Date