

BOARD FOR BRANCH PILOTS MEETING

MINUTES

The Virginia Board for Branch Pilots met on Monday, December 16, 2002, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Captain Robert H. Callis, III
Bruce R. Cherry
Captain J. William Cofer
Milton B. Edmunds
Judge Edgar A. Massenburg
W. Hugh McCrory
P. Warren Spratley, Jr.
Meade G. Stone, Jr.

Board Member Robert T. Hasler, Jr., was not present at the meeting.

Staff present for the meeting were:

Louise Fontaine Ware, Director
Mark N. Courtney, Assistant Director
Marian H. Brooks, Regulatory Board Administrator
Cassandra Lewis, Accounting Manager

Richard B. Zorn, Senior Assistant Attorney General, was present at the meeting.

Finding a quorum of the Board present, Mr. Cherry, Vice-President, called the meeting to order at 9:45 a.m.

Call to Order

Captain Callis moved to approve the agenda as amended. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Massenburg, McCrory, Spratley, and Stone.

**Approval of
Agenda**

Captain Callis moved to approve the minutes from the November 4, 2002, Board meeting as written. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Massenburg, McCrory, Spratley, and Stone.

**Approval of
Minutes**

Examination
Administrators
Report

Captain McCrory provided the Board with a report of the meeting of Examination Administrators from the prior week. The Examination Administrators have reviewed the renewal applications for the 2003 calendar year and presented the following report:

Captain McCrory moved to waive the requirements of Regulation 18 VAC 45-20-20.C.3 for the Potomac River for Captain Luther J. Stallings, III, pursuant to Regulation 18 VAC 45-20-20.C.4. Captain Stallings has many years of experience transiting the Potomac River and remains qualified to transit these waters. Due to circumstances beyond his control, he was not ordered to pilot a vessel on the Potomac River during the past year as only ten ships transited these waters during 2002. Judge Massenburg seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Massenburg, McCrory, Spratley, and Stone.

Captain McCrory moved to waive the requirements of Regulation 18 VAC 45-20-20.C.3 for the eastern branch of the Elizabeth River for Captain David B. Ware, pursuant to Regulation 18 VAC 45-20-20.C.4. Captain Ware has been a licensed pilot on the eastern branch of the Elizabeth River for 6 years and has made many trips on this branch and remains qualified to transit these waters. Due to circumstances beyond his control, he was not ordered to pilot a vessel on this branch during the past year. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Massenburg, McCrory, Spratley, and Stone.

Additionally, Captain McCrory moved to waive the requirements of Regulation 18 VAC 45-20-20.C.3 for transit between Pages Rock and West Point on the York River for the following pilots pursuant to Regulation 18 VAC 45-20-20.C.4: N. Turner Gray, Jr., Robert H. Callis, III, William L. Counselman, William G. Diggs, Mark S. Evans, C. Howard Hoffman, and John A. Morgan, Jr. Because the paper plant at West Point is no longer receiving ships, it has not been necessary for the pilots to travel this area; however, Captain McCrory indicated that the pilots remain qualified to transit these waters and have not traveled it due to circumstances beyond their control. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Cherry, Cofer, Edmunds, Massenburg, McCrory, Spratley, and Stone. Captain Callis abstained from the vote as he was one of the pilots affected by the motion.

The following unlimited branch pilot licenses were presented for renewal:

Lorenzo D. Amory, III; E. Waightstill Avery; John Brockington Beasley, Jr.; Robert H. Callis, III; Leighton E. Causey, Jr.; Julian Wythe Whiting Chisman, III; James William Cofer; William L. Counselman; William G. Diggs; Ernest W. Dodson, Jr.; Robert Henley Dozier, III; Milton B. Edmunds; Mark S. Evans; Tazewell Fitzgerald; Nelson Turner Gray; Nathaniel T. Green, II; Elias L. Guy; W. S. Harwood, III; David H. Heath; Charles H. Hoffman; Robert Lee Holland, Jr.; Richard Keith Hope; Brian Keith Hudgins; John Allison Jones, Jr.; Benjamin B. Lee; Walter Hugh McCrory, Jr.; Dale Allen Meyer, Jr.; John A. Morgan, Jr.; John G. Phillips, Jr.; Robert L. Prodan, II; Roy A. Rector, Jr.; Thomas D. Rutter; Robert W. Scott, Jr.; Luther J. Stallings, III; Gilbert R. Swink, III; James South Trimble; David B. Ware; and Jonathan D. Worth.

The members of the Examinations Administrator Committee reviewed the renewal application paperwork and deemed the individuals qualified pursuant to § 54.1-906 of the Code of Virginia. After discussion, Captain McCrory moved to approve the renewal applications of the above-listed unlimited licensees. Mr. Stone seconded the motion which was approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Massenburg, McCrory, Spratley, and Stone. Captains Callis, Cofer, Edmunds, and McCrory abstained from voting on their respective licenses.

The following limited branch pilot licenses were also presented for renewal: Charles I. Boggs, Jr.; Herbert R. Green; Kevin D. Hartz; Frank Rabena; and Gustave B. Schill.

The members of the Examinations Administrator Committee reviewed the renewal application paperwork and deemed the individuals qualified pursuant to § 54.1-906 of the Code of Virginia. After discussion, Captain McCrory moved to approve the renewal applications of the above-listed limited licensees. Mr. Stone seconded the motion which was approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Massenburg, McCrory, Spratley, and Stone.

Captain Edward W. Avery appeared as representative of the Virginia Pilot Association's Apprenticeship Committee. Captain Avery stated that he does not recommend that any changes be made to the program and asks that the Board adopt the current program and authorize the Virginia Pilot Association to continue to administer the program. Mr. Cherry asked if there was any other person or entity with a proposal for an apprenticeship program to come before the Board. Seeing none, Captain Callis moved to adopt the entire program and to authorize the Virginia

Review of
Apprenticeship
Training Program

Pilot Association to continue administering the program for the 2003 calendar year. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Massenburg, McCrory, Spratley, and Stone.

To allow Board counsel to attend the Board meetings as cost efficiently as possible, Mr. Cherry proposed changing the Board meeting start time to 11:00 a.m. After discussion, Captain McCrory moved to continue to start the meeting at 9:30 a.m. and to reduce the Board members' per diem by \$20 until July 31, 2003, to fund the travel expenses of the representative from the Office of the Attorney General. Mr. Spratley seconded the motion which was approved by Messrs. and Captains: Callis, Cofer, Edmunds, Massenburg, McCrory, Spratley, and Stone. Mr. Cherry voted in opposition to the motion. The motion passed with a majority vote.

Discuss Travel Expenses of the Office of the Attorney General

Pursuant to § 54.1-100 of the Code of Virginia, Mr. Zorn informed the Board that there were no conflicts in their regulations with the Constitution of the United States, the Constitution of Virginia, the laws of the United States, or the laws of the Commonwealth of Virginia. After reviewing the regulations and considering the advice of counsel, Captain McCrory moved that the review was complete and no conflicts exist. Captain Callis seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Massenburg, McCrory, Spratley, and Stone.

Other Business

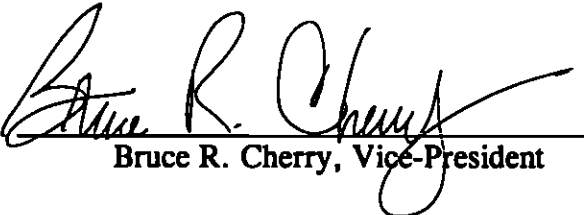
The Board members were reminded to turn in their annual financial disclosure statements.


Conflict of Interest forms were completed by all members present.

Conflict of Interest Forms

There being no further business, the meeting was adjourned at 10:44 a.m.

Adjourn


Bruce R. Cherry, Vice-President


Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records