

BOARD FOR BRANCH PILOTS MEETING

MINUTES

The Virginia Board for Branch Pilots met on Monday, December 11, 2006, 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
Captain Milton B. Edmunds
William M. Martin, III
Captain W. Hugh McCrory, Jr.
Meade G. Stone, Jr.

Staff present for the meeting were:

Jay W. DeBoer, Director
David Ashe, Chief Deputy
Nick Christner, Deputy Director of Compliance and Investigations Division (CID)
Mark N. Courtney, Executive Director
Marian H. Brooks, Program Administrator

Cynthia Norwood, Assistant Attorney General, was present at the meeting.

Board members Robert T. Hasler, Jr., and Judge Edgar A. Massenburg, were not present at the meeting.

Finding a quorum of the Board present, Mr. Cherry, Vice-President, called the meeting to order at 9:30 a.m.

Call to Order

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

**Approval of
Agenda**

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 2007 calendar year and presented the following report:

**Examination
Administrators
Report**

The following branch pilot licenses were presented for renewal: Lorenzo D. Amory, III; E. Waightstill Avery; John Brockington Beasley, Jr.; Charles I. Boggs; Robert H. Callis, III; 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; Michael S. Eubanks; Mark S. Evans; Tazewell Fitzgerald; Nelson Turner Gray; Herbert R. Green, III; Nathaniel T. Green, II; Kevin D. Hartz; W. S. Harwood, III; David H. Heath; Charles H. Hoffman; Robert Lee Holland, Jr.; Richard Keith Hope; Brian Keith Hudgins; Chadwick M. Jamison; 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; Frank M. Rabena; Roy A. Rector, Jr.; Thomas D. Rutter; Gustave B. Schill; Luther J. Stallings, III; Gilbert R. Swink, III; James South Trimble; David B. Ware; and Jonathan D. Worth.

Captain McCrory noted that, pursuant to rules of the Virginia Pilot Association, Captain John G. Phillips, Jr., had relinquished the James River portion of his license and Captain Robert Lee Holland, Jr., had surrendered the Potomac River portion of his license. In addition, Captain McCrory noted that Captains Leighton E. Causey, Jr., and Robert W. Scott, Jr., had retired.

The members of the Examinations Administrators 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 unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Martin, McCrory, 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: Jacob R. Johnson; Joseph R. McKnew; Torrence A. Rogers; and Clarence M. Young.

The members of the Examinations Administrators 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 at their respective limitations as of December 31, 2006. Captain Callis seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Martin, McCrory, and Stone.

Additionally, Captain McCrory moved to waive the requirements of regulation 18 VAC 45-20-20.C.3 for transit above Pages Rock on the York River for the following branch pilots due to no ship traffic pursuant

to regulation 18 VAC 45-20-20.C.4: Robert H. Callis, III; William L. Counselman; William G. Diggs; Mark S. Evans; Tazewell Fitzgerald; Nelson Turner Gray; Charles H. Hoffman; and John A. Morgan, Jr. No ship has transited the York River above Pages Rock in over five years. Mr. Martin seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Martin, McCrory, and Stone. Captain Callis abstained from voting on his license.

Captain Cofer appeared in lieu of Captain Ware as the representative of the Virginia Pilot Association's Apprenticeship Committee. Captain Cofer indicated that there are no changes to the program this year. Mr. Martin moved to continue the approval of the program and delegate the operation and administration of program to the Virginia Pilot Association for 2007. Captain Cofer seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Martin, McCrory, and Stone.

Ms. Norwood informed the Board that she reported to the Attorney General's *Government and Regulatory Review Reform Task Force* that the Board's statutes and regulations were current and necessary, and that no revisions were needed.

Ms. Norwood informed the Board that, pursuant to § 54.1-100 of the *Code of Virginia*, a review had been conducted of the Board's regulations and 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.

Ms. Norwood did point out to the Board that the wording in subsections 4, 13, and 14 of regulation 18 VAC 45-20-40 needed to be revised to comply with the wording in § 54.1-902 of the *Code of Virginia* and these changes could be accomplished through the Fast Track Rulemaking Process. In addition, Ms. Norwood suggested a change to § 54.1-913 of the *Code of Virginia*.

After discussion, Captain McCrory moved to adopt the recommended changes to regulation 18 VAC 45-20-40 and authorize staff to file the adopted wording pursuant to the Fast Track Rulemaking Process. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Martin, McCrory, and Stone.

**Review of Virginia
Pilot
Apprenticeship
Program**

**Report from
Attorney General's
Government and
Regulatory Review
Reform Task Force**

**Review of
Regulations
Pursuant to § 54.1-
100 of the Code of
Virginia**

The Board members were provided with a handout containing three different fee decrease recommendations and corresponding financial analysis. After discussion, Mr. Martin moved that the Board accept proposal B as follows:

**Consideration of
Reduction of Fees**

Limited Branch Pilot License Application	\$275	\$60
Branch Pilot License Application	\$275	\$60
Limited Branch Pilot Renewal	\$375	\$60
Branch Pilot Renewal	\$375	\$60

Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Martin, McCrory, and Stone.

The Board members were provided with the Department's Biennial Report for 2004-2006.

**Review Biennial
Report**

Mr. Martin moved to approve the minutes from the November 1, 2006, Board meeting as amended. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Martin, McCrory, and Stone.

**Approval of
Minutes**

Mr. Courtney reminded the Board members to complete and return their Financial Disclosure Statements to staff no later than the end of the year.

Other Business


Mr. Courtney informed the Board members that he will be unable to attend the meeting in February 2007, and that Ms. Brooks will attend in his place.

Conflict of Interest forms were completed by all members present.

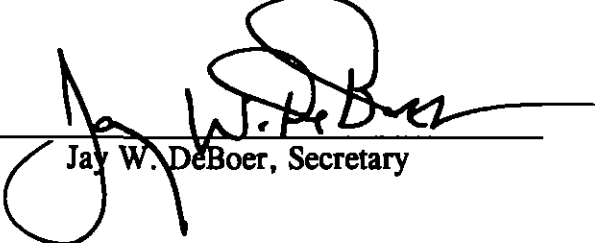
**Conflict of Interest
Forms**

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

Adjourn



Bruce R. Cherry, Vice-President



Jay W. DeBoer, Secretary

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

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

1. Name: Bruce R. Cherry
2. Title: Member
3. Agency: Board for Branch Pilots
4. Transaction: Board Meeting on December 11, 2006
5. Nature of Personal Interest Affected by Transaction: NONE

6. I declare that:

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

NONE

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

Bruce R. Cherry

Signature

12-11-06

Date

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

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

1. Name: Robert H. Callis, III
2. Title: Member
3. Agency: Board for Branch Pilots
4. Transaction: Board Meeting on December 11, 2006
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

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

yes

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

Robert H. Callis, III
Signature

Dec. 11, 2006
Date

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

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

1. Name: J. William Cofer
2. Title: Member
3. Agency: Board for Branch Pilots
4. Transaction: Board Meeting on December 11, 2006
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

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

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

J. William Cofer
Signature

12-11-06
Date

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

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

1. Name: William M. Martin, III
2. Title: Member
3. Agency: Board for Branch Pilots
4. Transaction: Board Meeting on December 11, 2006
5. Nature of Personal Interest Affected by Transaction: None
-

6. I declare that:

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

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


Signature

Dec. 11, 2006
Date

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

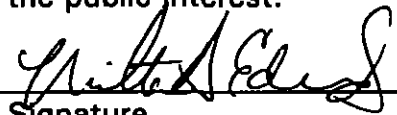
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Milton B. Edmunds
2. Title: Member
3. Agency: Board for Branch Pilots
4. Transaction: Board Meeting on December 11, 2006
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

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

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



Signature

12/11/06

Date

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

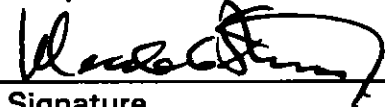
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Meade G. Stone, Jr.
2. Title: Member
3. Agency: Board for Branch Pilots
4. Transaction: Board Meeting on December 11, 2006
5. Nature of Personal Interest Affected by Transaction: None
-

6. I declare that:

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

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


Signature

12-11-2006
Date

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

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

1. Name: W. Hugh McCrory, Jr.
2. Title: Member
3. Agency: Board for Branch Pilots
4. Transaction: Board Meeting on December 11, 2006
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

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

VIRGINIA PILOT ASSOCIATION

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

W. Hugh McCrory, Jr.

Signature

12/11/06

Date