

BOARD FOR BRANCH PILOTS

Tentative MEETING AGENDA

June 9, 2021 at 10:30a.m.

VPA Board Room

Norfolk, Virginia

1. Call to Order
2. Safety Evacuation Instructions and COVID-19 Safety Procedures
3. Approval of Agenda
4. Approval of Minutes
 - March 12, 2021 Board Meeting
5. Public Comment Period*
6. Resolution for Thomas P. Host, III
7. Exam Administrator's Report
8. Potomac River Pilotage
9. Final Notification Letters and Complaints Process
10. Notification Letter – Captain Dodson – M/V FENG HUIHAI
 - Committee Recommendation
11. September Exam Date Change
12. 2022 Draft Meeting Dates
13. VMA's International Trade Symposium
14. Financial Statements
15. Other Business
16. Conflict of Interest Forms / Travel Vouchers
17. Adjourn

*Five minute public comment, per person, with the exception of any open disciplinary or application files. See page two for instructions on providing public comment.

***The meeting is open to the public; however, a portion of the Board's business may be discussed in closed session pursuant to Va. Code § 2.2-3711(A)(8).*

NEXT BOARD MEETING SCHEDULED FOR SEPTEMBER 13, 2021 AT 10:30 A.M.

Agenda materials made available to the public do not include written advice of legal counsel or other information protected by the attorney-client privilege pursuant to Va. Code § 2.2-3705.1(2).

- **Call to Order**
- **Safety Evacuation Instructions**
- **COVID-19 Safety Procedures**

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board position.
DRAFT AGENDA

**BOARD FOR BRANCH PILOTS
MEETING MINUTES
Hybrid Meeting - In Person & Virtual **

The Virginia Board for Branch Pilots met (in person) on Friday, March 12, 2021, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Captain E. Waightstill Avery
I. Vincent Behm, Jr
Captain Robert H. Callis, III
Captain J.W. Whiting Chisman, III
Michael W. Coleman
Captain January N. Collins
Thomas P. Host, III
Patrick B. McDermott
Christine N. Piersall

Staff present for all or part of the meeting were:

Mary Broz-Vaughan, Director (in person)
Kathleen R. Nosbisch, Executive Director (virtually)
Johnathan Darden, Director of Investigations - Central Operations (virtually)
Bonnie Davis, Administrative Assistant (virtually)

Heather Hays Lockerman, Senior Assistant Attorney General/Chief and Elizabeth Peay from the Office of the Attorney General were present (virtually).

Ms. Piersall, President, called the Board meeting to order at 10:30 a.m.

Call to Order

William Burket, Jr. of the Virginia Port Authority advised the Board of the emergency evacuation procedures.

**Safety
Evacuation
Instructions**

Ms. Nosbisch reminded the board members and meeting attendees of COVID-19 safety procedures and virtual meeting procedures.

Mr. Coleman moved to approve the agenda as presented. Mr. McDermott seconded the motion which was unanimously approved via roll call vote by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

**Approval of
Agenda**

Mr. Host moved to approve the minutes from the December 14, 2020, Board meeting; the February 16, 2021, Committee meeting; and the March 2, 2021, Committee meeting as amended. Captain Callis seconded the motion which was unanimously approved via roll call vote by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

**Approval of
Minutes**

There were no public comments.

Public Comment

Period

Captain Callis provided the Board with a report of examinations conducted by the Exam Administrators on March 12, 2021. The following report was made:

**Exam
Administrators
Report**

Zachary Stewart Dodson answered oral questions related to the raise in grade and the extension of route. The subjects included courses and distances from Cape Henry to Wolf Trap, safe anchoring positions in Sewell's Point, Lynnhaven and Cape Charles Anchorage, anchorage regulations in the Regulated Area, quarantine anchorage, JHOC notification point, York Spit Channel rules, safe anchoring distance and under keel clearance, precautions in reduced visibility, local traffic and local knowledge, limitations of bow thrusters and determining the need for tugboat assistance for docking/undocking and safe vessel speed.

Mr. Dodson stood a good examination and was found qualified. Captain Callis moved that Mr. Dodson be raised in grade from Bravo License (34,000 gross tons and 31 feet maximum draft) to a Charlie license (38,000 gross tons and 34 feet maximum draft) and an extension of route upon the Chesapeake Bay from Sea to Wolf Trap to include Cape Charles Anchorage. Captain Collins seconded the motion which was unanimously approved via roll call vote by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Mr. Coleman moved that the meeting be recessed and the Board convene a closed meeting for the purpose of consultation with legal counsel regarding specific legal matters requiring the provision of legal advice, as permitted by Virginia Code § 2.2-3711 (A)(8). The motion was made with respect to the agenda item concerning the process for reviewing potential disciplinary complaints.

Closed Meeting

The following non-members will be in attendance for the closed meeting to reasonably aid in the consideration of this topic: Heather Hayes Lockerman, Elizabeth Peay, Mary Broz-Vaughan, Kate Nobsch, and Bonnie Davis (technical assistance).

Captain Avery seconded the motion, which was unanimously approved via roll call vote by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Following its closed meeting, the Board immediately reconvened in open session. Ms. Nobsch read the following certification for the closed meeting:

**Reconvened
Meeting**

WHEREAS, the Virginia Board for Branch Pilots convened a closed meeting on this date pursuant to an affirmative recorded vote and in

accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, § 2.2-3712 requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby certifies that, to the best of each member's knowledge: (i) only public business matters lawfully exempted from open meeting requirements by Virginia laws were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

The certification was affirmed as accurate via roll call vote by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

The Board reviewed the File Review Committee Process Flow Chart. Mr. Coleman moved to approve the Chart as amended. Captain Collins seconded the motion which was unanimously approved via roll call vote by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Coleman, Collins, Host, McDermott, and Piersall.

Committee Update – Process of Reviewing Potential Disciplinary Complaints

Ms. Piersall informed the Board that the File Review Committee previously reviewed the notification letter and presented it to the Board with a recommendation that the letter be filed and that the Board take no action, as there appears to be no violation of the Board's regulations or statutes. Captain Chisman moved to accept the recommendation. Mr. Host seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, McDermott, and Piersall.

Notification Letter – Captain Schill – CMV EMDEN

Ms. Peay 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.

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

Ms. Nobsch stated the financial statements were provided for informational purposes. Ms. Nobsch noted that if the Board were to have a maritime expert on retainer, there would need to be a fee increase on initial and renewal applications.

Financial Statements

Ms. Nosbisch thanked the board members for submitting their financial disclosure statements.

**Financial
Disclosure
Statements**

Mr. Host announced he will be retiring from the Board; his last meeting date will be June 9, 2021.

Other Business

Captain Chisman reminded the Board that Captain Trimble had been out on medical leave. He reported that Captain Trimble is due to be fit for duty after his physician releases him at his March 18, 2021, appointment.

Ms. Nosbisch reported the Virginia Maritime Symposium has been moved to September 29 and 30, 2021.

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 11:54 a.m.

Adjourn

Christine Piersall, President

Mary Broz-Vaughan, Secretary

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.
DRAFT AGENDA

➤ **Public Comment**

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board position.
DRAFT AGENDA

Commonwealth of Virginia



BOARD FOR BRANCH PILOTS

RESOLUTION IN HONOR OF

Thomas P. Host, III

WHEREAS, **Thomas P. Host, III**, did faithfully and diligently serve as a member of the Virginia Board for Branch Pilots from July 2007 through June 2021; and

WHEREAS, **Thomas P. Host, III** did devote generously of his time, talent and leadership to the Board; and

WHEREAS, **Thomas P. Host, III** did at all times render decisions with fairness and good judgment so as to promote and preserve the best interests of our citizens and the profession of piloting in Virginia; and

WHEREAS, the Virginia Board for Branch Pilots acknowledges its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, this ninth day of June 2021, that the Virginia Board for Branch Pilots expresses its utmost regard and respect for **Thomas P. Host, III** and his professional legacy to this Board; and, so that all may know of the Board's depth of its expression, it is ORDERED that this resolution be spread upon the official minutes of the Board and that a copy hereof be presented to **Thomas P. Host, III**.

Christine Piersall, President

Mary Broz-Vaughan, Secretary

➤ Exam Administrator's Report

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board position.
DRAFT AGENDA



Virginia Pilot Association

TELEPHONE: 757-496-0995
FACSIMILE: 757-496-9324
email: dispatch@vapilotassn.com
3329 SHORE DRIVE
VIRGINIA BEACH, VA 23451

November 17, 2017

Meade G. Stone, Jr.
President, Board for Branch Pilots
223 63rd Street
Virginia Beach, Va. 23451

Dear Mr. Stone:

In consideration that regular ship traffic on the Potomac River ceased in approximately 2002, the Virginia Pilot Association has not had an apprentice Pilot on the Potomac river since 2002. Since then, traffic on the Potomac has consisted of random sailing ships and yachts. In 2002, the Virginia Pilot Association had 12 pilots licensed on the Potomac river and in 2003 there were 13 pilots licensed on the Potomac river. In 2017, the Virginia Pilot Association has 6 licensed Potomac River pilots.

In the spring of 2017, a tug and barge bound for a terminal on the Potomac began requesting the service of a Virginia Pilot. However, the terminal is 25 miles downriver from Alexandria which is the end of the route. Also, the tug and barge does not always require the services of a Virginia pilot in the bay portion of the route.

To continue to provide pilot service on the Potomac River in the future, the Virginia Pilot Association needs more licensed Potomac river pilots. 18VAC45-20-20 prescribes the requirement for an extension of route and to gain the branch an apprentice pilot needs to complete twelve round trips. Because Potomac river trips are random and not always complete to the end of the route, to meet this requirement would take an extended amount of time.

Therefore, the board of the Virginia Pilot Association would like to request a minimum requirement for the Potomac River of 4 round trips on a Virginia Pilot launch from Cape Henry to the end of the route, 4 round trips on vessels between Piney Point and the end of the route and, in lieu of trips on vessels between Cockpit Point and the end of the route if they do not become available, two days in a simulator under the supervision of a licensed Potomac River pilot to simulate the 25 miles between Cockpit point and Alexandria which would include multiple simulations passing through the Woodrow Wilson Bridge.

Respectfully submitted,

Capt. Whiting Chisman
On behalf of Board of Directors
Virginia Pilot Association

cc: Kathleen R. Nosbisch

I. PURPOSE: The purpose of this document is to summarize roles and responsibilities regarding disciplinary authority and procedures for processing complaints involving licensed Branch Pilots.

II. POLICY STATEMENT: In performing its oversight responsibilities fairly and objectively, the Board will use a committee approach to review complaints and rely on independent investigations conducted under DPOR's statutory enforcement authority.

DPOR will not close any complaint involving a licensed Branch Pilot unless directed by the full Board. All complaints shall be handled in accordance with Code of Virginia §§ 54.1-201(A)(8), 54.1-307.1, and the Administrative Process Act (§ 2.2-4000 et seq.).

III. DEFINITIONS:

Board	Board for Branch Pilots
Complaint	Report submitted or information obtained in accordance with § 54.1-307.1 of the Code of Virginia
DPOR	Department of Professional and Occupational Regulation
IFF Conference	Informal fact-finding, due process administrative proceeding conducted pursuant to the Administrative Process Act (§ 2.2-4000 et seq.)
Notification Letter	Incident report submitted by licensed Branch Pilot in accordance with the provisions of subsection 8 of 18 VAC 45-20-40

IV. FILE REVIEW COMMITTEE:

1. The File Review Committee is a standing committee of the Board whose permanent membership consists of the Board President and Vice President.
2. Committee composition shall include at least one licensed Branch Pilot and one non-Pilot member at all times.
3. The Board President may name a designee on a case-by-case basis as necessary (e.g., recusal).

V. PROCEDURES:

A. SCREENING AND NOTIFICATION

1. The File Review Committee screens Notification Letter or Complaint to assess whether the licensee's continued practice constitutes a substantial danger to public health or safety.
 - a. If YES: Board Executive Director will schedule emergency board meeting pursuant to Va. Code § 54.1-902(B). In the event of summary suspension, proceed immediately to schedule IFF Conference (Section V.C.2.b) and investigate further as warranted.
 - b. If NO: Continue to process (Section V.A.2).

- c. If the File Review Committee is not of unanimous opinion regarding summary suspension screening, the matter shall be put before the full Board at an emergency meeting pursuant to § 54.1-902(B).
2. Board Executive Director sends copy of Notification Letter or Complaint to each Board member individually via encrypted email.
 - a. Until closed, files are considered active investigations pursuant to § 54.1-108 and not subject to public disclosure.
 - b. To preserve a quorum of non-tainted members to make a final determination, non-Committee members shall refrain from any participation in the file review—to include discussing, advocating, or investigating the matter—until the case is presented as an agenda item to the full Board.

B. INITIAL REVIEW AND EVALUATION

1. The File Review Committee evaluates whether the Notification Letter or Complaint provides information that, if true, may constitute a violation of the Board's statutes or regulations.
 - a. If YES: Refer the file to DPOR Investigations Section, with technical comments as necessary to assist in development of investigative plan. Upon recommendation by the File Review Committee, DPOR will consult Board-maintained list of maritime experts as needed.
 - b. If NO: Recommend that the Board take no action. Such recommendation will be an agenda item for the next regularly scheduled Board meeting. Committee members shall not participate in the discussion nor vote on the matter.
2. The DPOR Director may initiate an investigation, independent of the Committee, pursuant to the authority granted by CHAPTER 3, Title 54.1 of the Code of Virginia.

C. ANALYSIS OF INVESTIGATIVE REPORT

1. When a DPOR investigation has been conducted and the evidence does not support a statutory or regulatory violation, the File Review Committee may:
 - a. Refer the file back for further investigation, provided specific recommendations for further investigation are made; or
 - b. Recommend to the full Board, in writing, that the file be closed due to insufficient evidence. Such recommendation will be an agenda item for the next regularly scheduled Board meeting. Committee members shall not participate in the discussion nor vote on the matter.
2. When a DPOR investigation has been conducted and sufficient evidence exists to support a probable statutory or regulatory violation the File Review Committee may:
 - a. Direct DPOR staff to offer a Consent Order, with specific parameters regarding terms and sanctions; or
 - b. Refer the file to DPOR Adjudication Section for an IFF Conference. In accordance with § 2.2-4024.1, Committee members who participated in activities under Section V.B or V.C should not serve as presiding officers for the administrative proceeding.

BOARD FOR BRANCH PILOTS File Review Committee Process Flow Chart

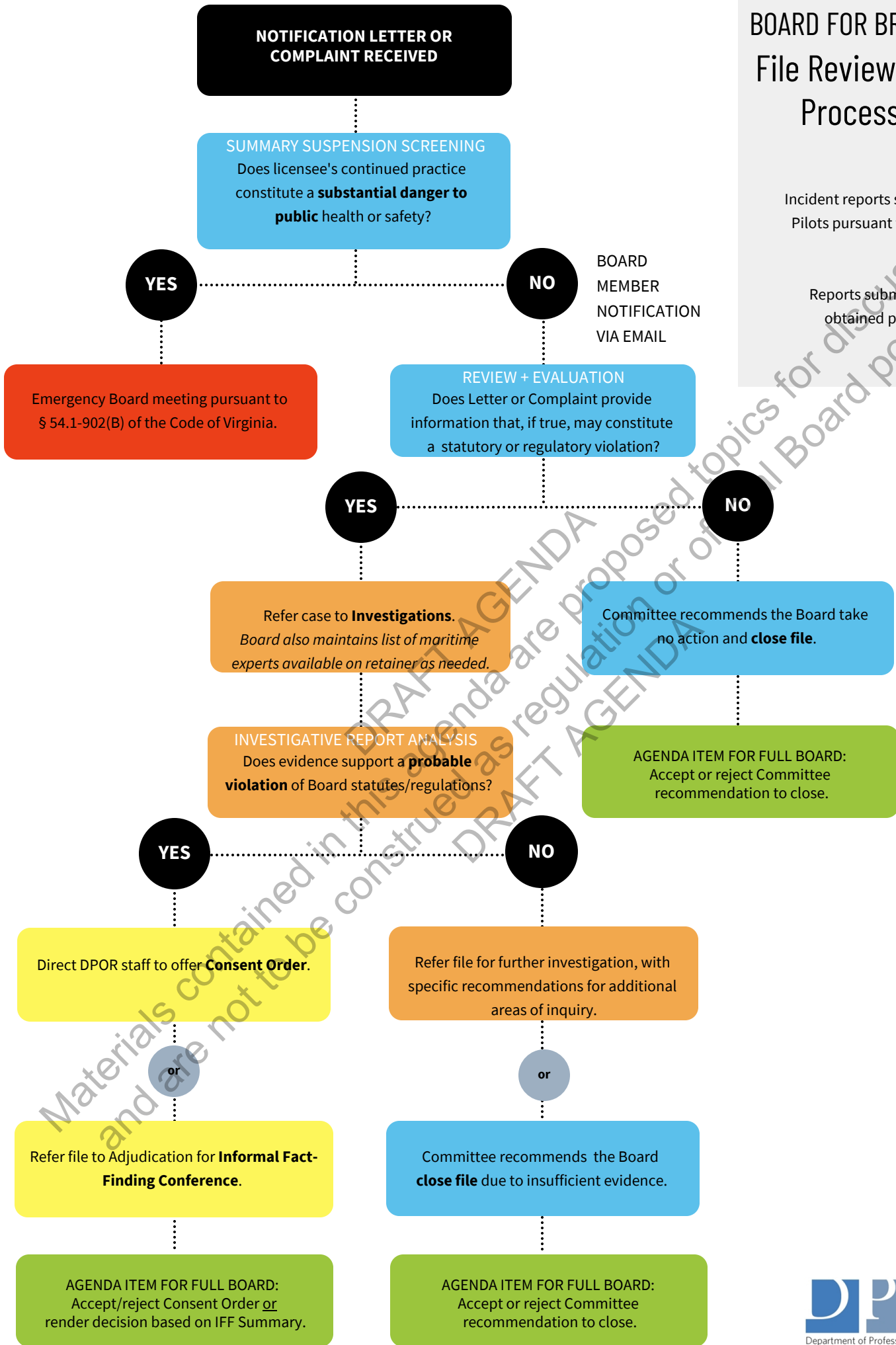
Notification Letters

Incident reports submitted by Branch Pilots pursuant to 18 VAC 45-20-40(8)

Complaints

Reports submitted or information obtained pursuant to § 54.1-307

Approved 3.12.21



Materials contained in this DRAFT AGENDA are proposed topics for discussion and are not to be construed as regulation or official Board position. DRAFT AGENDA

- **Notification Letter - Captain
Dodson - M/V FENG HUI HAI**
 - **Committee
Recommendation**

- **September Exam Date Change**

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board position.
DRAFT AGENDA

DRAFT

2022 UPGRADE SCHEDULE

**DATES BELOW ARE WHEN APPRENTICES/LIMITED BRANCH PILOTS BECOME
ELIGIBLE FOR ORIGINAL OR LIMITED BRANCH LICENSE UPGRADE**

2022

March 14 , 2022	8:30 (EXAM) 10:30 (MEETING)	Dodson	Foxtrot
June 13, 2022	10:30 (MEETING)		
Sept. 15, 2022	8:30 (EXAM) 10:30 (MEETING)	Dodson	Golf
Dec. 5, 2022	9:00-4:00	Renewals - Va. Pilot Assoc.	
Dec. 6, 2022	9:00-4:00	Renewals - Va. Pilot Assoc.	
Dec. 12, 2022	10:30 (MEETING)		



Davis, Bonnie <bonnie.davis@dpor.virginia.gov>

Fwd: Registration is Open! Attend VMA's International Trade Symposium on Sept 29-Oct 1

1 message

Tue, May 18, 2021, at 2:28 PM

VMA's 18th International Trade Symposium | Sept 29-Oct 1, 2021 | Norfolk, VA



[Register Now](#)

[Agenda](#)

[Sponsorship](#)

[FAQ/Updates](#)

Registration is Open!

"The Resilient Supply Chain"

Global logistics are evolving; the world has drastically changed even since 2019. Trade tensions, a pandemic, and critical trade route bottlenecks have forced us to rethink our industry. Additionally, shipping practices (or cargo flows) have shifted, environmental regulations have increased, and technology continues to transform how we move goods throughout the supply chain.

What will appear next on the horizon? **At VMA's 18th Annual International Trade Symposium (Sept. 29-Oct. 1, 2021)**, industry experts and speakers will dive into the current and future resiliency of the global supply chain in an ever-changing world of trade.

Topics to Include:

- What U.S. Trade Policy might look like and how might it be received by the rest of the world?
- Virginia's International Trade Strategic Plan
- Cargo: Import/Export Challenges & Opportunities
- Breaking Down Blockchain – Digitizing/Securing the transaction

- Supporting Supply Chain Visibility through the Implementation of Emerging Technologies
- ...and more to be announced!

Attend Industry Driven Panels

VMA's Annual International Trade Symposium is the East Coast's premier conference addressing the topics most affecting port operations and cargo logistics, drawing-in attendees from around the globe. **Panels and keynotes will be streamed live and made available on-demand for virtual attendees.**



[Learn More](#)

Dine at the 101st Annual Maritime Banquet

The Virginia Maritime Association's Annual Maritime Banquet draws in over 1000 industry professionals and maritime community members for networking, fine dining, awards, and announcements. Following a year of event restrictions due to the pandemic, **we look forward to safely hosting the banquet in-person once again!**



[Learn More](#)

Network at the Maritime Mixer Cruise

Enjoy a celebration of our industries, our port, and good old-fashioned camaraderie at the largest Maritime Mixer of the year! Hosted on the Spirit of Norfolk Cruise Ship. **Please note that all in-person Symposium packages include admission to the mixer.**



[Learn More](#)

Relax at VMA's Golf Outing

Enjoy a day of golfing exclusive to Symposium or Banquet attendees. Hosted by the Virginia Maritime Association.

[Learn More](#)



Virtually Participate

For those unable to attend in person this year, the VMA is offering the option to attend the conference virtually. Panels held in the main room (track 1) will be streamed live on Thursday. Recordings of the remaining panels and speakers (track 2) will be shared online as soon as they become available.



INTERESTED IN BECOMING A SPONSOR?

Early Bird Rates Available for Sponsorship Packages Until July 1!

[LEARN MORE](#)

Join These Early-Bird Sponsors!

**Department of Professional and Occupational Regulation
Statement of Financial Activity**

**Board for Branch Pilots
954190**

2020-2022 Biennium

April 2021

	April 2021 Activity	Biennium-to-Date Comparison	
		July 2018 - April 2019	July 2020 - April 2021
Cash/Revenue Balance Brought Forward			140
Revenues	60	2,700	2,700
Cumulative Revenues			2,840
Cost Categories:			
Board Expenditures	235	1,962	2,548
Board Administration	12	132	122
Administration of Exams	0	0	0
Enforcement	0	1	1
Legal Services	4	4	4
Information Systems	8	95	85
Facilities and Support Services	2	44	52
Agency Administration	5	59	56
Other / Transfers	0	0	0
Total Expenses	264	2,297	2,868
Transfer To/(From) Cash Reserves	(338)	0	(1,221)
Ending Cash/Revenue Balance			1,193

Cash Reserve Beginning Balance	20,322	0	21,205
Change in Cash Reserve	(338)	0	(1,221)
Ending Cash Reserve Balance	19,984	0	19,984

Number of Regulants

Current Month	41
Previous Biennium-to-Date	44

Department of Professional and Occupational Regulation
 Supporting Statement of Year-to-Date Activity
 Board for Branch Pilots - 954190
 Fiscal Year 2021

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																	Amount	%
Board Expenditures	326	0	501	287	0	497	146	0	556	235	0	0	2,548	4,659	2,111	3,052	1,607	34.5%
Board Administration	18	12	12	12	11	10	11	11	13	12	0	0	122	191	69	137	54	28.2%
Administration of Exams	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Enforcement	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	1	0	26.2%
Legal Services	0	1	0	1	0	0	1	0	0	1	0	0	4	4	0	5	-1	-20.0%
Information Systems	5	13	8	4	7	12	8	5	15	8	0	0	85	110	25	100	10	9.1%
Facilities / Support Svcs	3	2	4	4	2	14	5	13	3	2	0	0	52	45	-8	62	-18	-39.8%
Agency Administration	8	5	5	6	5	5	5	6	6	5	0	0	56	95	39	63	32	33.6%
Other / Transfers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Charges	359	34	530	314	26	538	177	34	591	264	0	0	2,868	5,104	2,237	3,420	1,684	33.0%

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.

➤ **Other Business**

➤ **Conflict of Interest Forms /
Travel Vouchers**

➤ **Adjourn**

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board position.
DRAFT AGENDA