

BOARD FOR BRANCH PILOTS MEETING MINUTES

The Virginia Board for Branch Pilots met on Friday, March 15, 2019, 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
Captain J. William Cofer
Michael Coleman, Esq.
Thomas P. Host, III
Christine N. Piersall

Board member, Patrick B. McDermott, was not present with regrets.

Staff present for all or part of the meeting were:

Mary Broz-Vaughan, Acting Director
Kathleen R. Nosbisch, Executive Director
Bonnie Davis, Administrative Assistant

Elizabeth Peay was not present with regrets.

Heather Hays Lockerman, Senior Assistant Attorney General, was present from the Office of the Attorney General.

Members of the Audience included:

Captain Joseph M. Schacherer III, Branch Pilot
Mark Coberly, Manager, Maritime Law Department, Representative from Vandeventer Black
William Burket Jr., Virginia Port of Authority, Director, MIRT and Emergency Operations

Finding a quorum of the Board present, Ms. Piersall, President, called the meeting to order at 11:01 a.m.

Call to Order

Mr. Burket of the Virginia Port Authority (VPA) advised the Board of the emergency evacuation procedure, and where first aid and emergency medical equipment could be located.

Safety
Evacuation
Instructions

Ms. Nosbisch introduced: Mary Broz-Vaughan, Acting Director of DPOR; Michael Coleman Esq, new citizen Board Member; Heather Hays Lockerman, Senior Assistant Attorney General from the Office of the Attorney General; Mark Coberly, Manager, Maritime Law Department, Representative from Vandeventer Black; Bill Burket, Jr., Virginia Port of Authority, Director, MIRT and Emergency Operations; and Captain Joseph M. Schacherer III, Branch Pilot. The Board members and staff introduced themselves to the new

Welcome and
Introductions

Board members.

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

**Approval of
Agenda**

Captain Callis moved to approve the minutes from the December 13, 2018 Board meeting. Captain Avery seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Host, and Piersall. Mr. Coleman abstained.

**Approval of
Minutes**

There were no public comments.

**Public Comment
Period**

Captain Cofer stated the initial letter requesting an increase in gross tonnage and draft limitations for Limited Branch Pilots was reviewed at the December 13, 2018 Board meeting. Captain Schacherer provided a presentation on the tonnage and draft limitation categories for limited Branch Pilots and also provided information demonstrating that the size of ships calling the waters of the Commonwealth continues to increase. The biggest change for the Limited Branch Pilot categories will be for the Hotel license, increasing gross tonnage from 75,000 to 91,000. The duration of Charlie and Delta licenses would decrease from six to three months, where Golf and Hotel licenses would increase from three to six months. This will affect future limited branch pilots in 2020. Current limited branch pilot category will increase at the Foxtrot examination; however, the duration of their licenses will remain on the current schedule. If the Board has no further questions, this will be brought to a vote at the June 14, 2019 meeting.

**Proposal to
Review
Categories for
Limited Branch
Pilot Tonnage
and Draft for
March Meeting,
letter dated
September 27,
2018**

Ms. Nosbisch stated the drug testing policy and procedures was for informational purposes only. Captain Cofer stated that Federal guidelines for random drug testing have changed and licensees are complying with the new Federal guidelines. He added that in order to hold a Branch Pilot license one must be subject to random chemical testing as set forth in 18VAC45-20-50.

**Update on Drug
Testing Policy
and Procedures**

It was noted that regulatory review must occur every four years. The Board will conduct regulatory review again in July 2020.

**Regulatory
Update**

Ms. Broz-Vaughan provided an update on the JLARC report. She informed the Board that there were six bills introduced in the General Assembly resulting from the report. Of those, three bills passed:

HB2028 Legislation increasing or beginning regulation of an occupation; evaluation required. Provides that when any legislative bill requiring the Department of Professional and Occupational Regulation to increase or begin regulation of an occupation is filed during any session of the General Assembly, the Board for Professional and Occupational Regulation shall prepare an evaluation of the legislation using criteria outlined in current law

that the Board is required to use whenever the Board determines that a particular occupation should be regulated or that a different degree of regulation should be imposed on a currently regulated occupation.

HB2327 Permits the Director of the Department of Professional and Occupational Regulation, or his designee, to issue a notice to any person unlawfully engaging in unlicensed practice of an occupation to cease and desist such activity.

HB1939 Provides that following the close of any biennium, when the account for any regulatory board within the Department of Professional and Occupational Regulation shows that unspent and unencumbered revenue exceeds 20 percent or \$100,000 of the total expenses allocated to the regulatory board for the past biennium, whichever is greater, the regulatory board must (i) distribute all such excess revenue to current regulants of the board and (ii) reduce the fees levied by it for certification, licensure, registration, or permit and renewal thereof so that the fees are sufficient but not excessive to cover expenses. Under current law, these boards are required to adjust their fees when their account shows expenses allocated to it for the past biennium to be more than 10 percent greater or less than moneys collected on behalf of the board. Current law does not require the boards to distribute excess funds to regulants. The provisions of the bill requiring the distribution of excess revenue and the reduction of fees have a delayed effective date of July 1, 2022.

Additionally, the Board is required to evaluate certain licenses/certifications to determine whether they meet the criteria necessary for establishing licensing or certification program. The initial reports are due the end of 2019, the final reports due the end of 2020. Discussion was held on the definition of "evaluation" and "study" with regards to the process the Board will use going forward. Ms. Broz-Vaughan said that she will reach out to JLARC staff for clarification.

Ms. Nobsch stated the financial statements were provided for informational purposes.

Financial Statements

Captain Callis provided the Board with a report of examinations conducted by the Exam Administrators on March 15, 2019. The following report was made:

Other Business - Exam Administrators Report

Ryan Robert Nienstedt answered oral questions related to the raise in grade from a Delta License (44,000 gross tons and 35 feet maximum draft) to an Echo License (52,000 gross tons and 37 feet maximum draft). The subjects included safe anchoring positions in Lynnhaven, Cape Charles and Sewell's Point, safe anchoring procedures, effects of wind on light draft vessels, under-keel clearance, reduced visibility, hazards of marine construction and dredging, port security and safe vessel speed.

Timothy Delaney Oksman answered oral questions related to the raise in grade from a Delta License (44,000 gross tons and 35 feet maximum draft) to an Echo License (52,000 gross tons and 37 feet maximum draft). The subjects included safe anchoring positions in Lynnhaven, Cape Charles and Sewell's Point, safe anchoring procedures, effects of wind on light draft vessels, under-keel clearance, reduced visibility, hazards of marine construction and dredging, port security and safe vessel speed.

Richard Austin Lyons answered oral questions related to the raise in grade from a Delta License (44,000 gross tons and 35 feet maximum draft) to an Echo License (52,000 gross tons and 37 feet maximum draft). The subjects included safe anchoring positions in Lynnhaven, Cape Charles and Sewell's Point, safe anchoring procedures, effects of wind on light draft vessels, under-keel clearance, reduced visibility, hazards of marine construction and dredging, port security and safe vessel speed.

After considering the results of the examination, Captain Callis moved that Ryan Robert Nienstedt be raised in grade from a Delta classification (44,000 gross tons and 35 feet maximum draft) to an Echo classification (52,000 gross tons and 37 feet maximum draft). Mr. Behm seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Coleman, Host, and Piersall.

After considering the results of the examination, Captain Callis moved that Timothy Delaney Oksman be raised in grade from a Delta classification (44,000 gross tons and 35 feet maximum draft) to an Echo classification (52,000 gross tons and 37 feet maximum draft). Mr. Behm seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Coleman, Host, and Piersall.

After considering the results of the examination, Captain Callis moved that Richard Austin Lyons be raised in grade from a Delta classification (44,000 gross tons and 35 feet maximum draft) to an Echo classification (52,000 gross tons and 37 feet maximum draft). Mr. Host seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Avery, Behm, Callis, Chisman, Cofer, Coleman, Host, and Piersall.

Ms. Nosbisch thanked the Board members for completing their yearly statement of economic interests (SEI).


**Statement of
Economic
Interest**

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

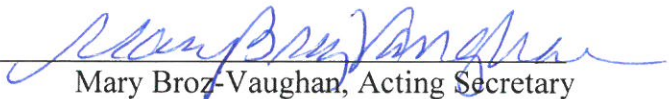
**Conflict of
Interest Forms
and Travel
Vouchers**

There being no further business, the meeting was adjourned at 11:47 a.m.

Adjourn



Christine Piersall, President



Mary Broz-Vaughan, Acting Secretary

**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 March 15, 2019

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

I. Vincent Behm, Jr.

Date

3-15-19

**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 March 15, 2019
- 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, III
Signature

3/15/19
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 March 15, 2019
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:

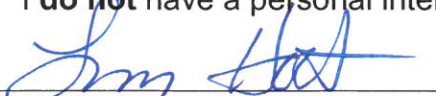
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

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

Signature



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 March 15, 2019

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

N/A

Nature of Personal Interest Affected by Transaction:

N/A

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

N/A

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.

E. W. Avery
Signature

3/15/2019
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 March 15, 2019

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.

J.W. Whiting Chisman III
Signature

3-15-19
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 March 15, 2019

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

3/15/19
Date

**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 March 15, 2019
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

3/15/2019

Date