

**BOARD FOR BRANCH PILOTS MEETING
MINUTES**

The Virginia Board for Branch Pilots met on Monday, June 13, 2011, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Charles R. Amory, Jr.
Captain Robert H. Callis, III
Bruce R. Cherry
Captain Milton B. Edmunds
Thomas P. Host III
Captain John A. Morgan, Jr.
Meade G. Stone, Jr.

Board members Captain J. William Cofer recused himself from this meeting and William M. Martin III was not present for the meeting.

Staff present for the meeting were:

Gordon N. Dixon, Director
Mark N. Courtney, Deputy Director of Licensing and Regulation
Kathleen (Kate) R. Nosbisch, Executive Director

Cynthia H. Norwood and Steven P. Jack were present from the Office of the Attorney General.

Finding a quorum of the Board present, Mr. Cherry, President, called the meeting to order at 10:25 a.m. Call to Order

Captain Callis moved to approve the agenda. Mr. Host seconded the motion which was unanimously approved by Messrs. and Captains: Amory, Callis, Cherry, Edmunds, Host, Morgan and Stone. Approval of Agenda

Mr. Amory moved to approve the minutes from the April 28, 2011, board meeting. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Amory, Callis, Cherry, Edmunds, Host, Morgan and Stone. Approval of Minutes

At 10:30 p.m., Mr. Stone moved that the board meeting be recessed and that the Board for Branch Pilots immediately reconvene in a closed session under the *Virginia Freedom of Information Act* for purpose of consultation with legal counsel relating to the application for license of Walter Hugh McCrory, Jr., a matter lawfully exempted from open meeting requirements under the "consultation with legal counsel" exemption contained in §2.2-3711(A)(7) of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Kathleen (Kate) Closed Session – Discussion of Henrico County Circuit Court Decision Regarding Walter Hugh McCrory, Jr.

R. Nosbisch, Gordon N. Dixon, Mark N. Courtney, Cynthia H. Norwood and Steven P. Jack. Mr. Host seconded the motion which was unanimously approved by Messrs. and Captains: Amory, Callis, Cherry, Edmunds, Host, Morgan and Stone.

The Board recessed at 12:20 p.m.

The recess was concluded at 12:57 p.m. Mr. Stone moved that the Board for Branch Pilots immediately reconvene in a closed session under the *Virginia Freedom of Information Act* for purpose of consultation with legal counsel relating to the application for license of Walter Hugh McCrory, Jr., a matter lawfully exempted from open meeting requirements under the "consultation with legal counsel" exemption contained in §2.2-3711(A)(7) of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Kathleen (Kate) R. Nosbisch, Gordon N. Dixon, Mark N. Courtney, Cynthia H. Norwood and Steven P. Jack. Mr. Host seconded the motion which was unanimously approved by Messrs. and Captains: Amory, Callis, Cherry, Edmunds, Host, Morgan and Stone.

Recess

Closed Session –
Discussion of
Henrico County
Circuit Court
Decision
Regarding Walter
Hugh McCrory,
Jr.

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board for Branch Pilots has 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 of the *Code of Virginia* requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board certifies that, to the best of each member's knowledge, (I) only public business matters lawfully exempted from open session requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (II) only such business matters as were identified in the motion by which the close meeting was convened were heard, discussed or considered by the Board.

VOTE: 7-0

AYES: Amory, Callis, Cherry, Edmunds, Host, Morgan and Stone

NAYS: 0

ABSENT FROM MEETING: 2 – Cofer and Martin

Open Meeting

At 1:00 p.m., the closed session was adjourned and the Board immediately reconvened in open session.

On the 20th of May 2011, the Circuit Court of Henrico County entered the following ORDER:

VIRGINIA: IN THE CIRCUIT COURT FOR HENRICO COUNTY

RECEIVED

MAY 26 2011

WALTER H. McCrory, Jr.,

TREEFT

Petitioner,

v.

CASE NO. 087CL10-2342

VIRGINIA BOARD FOR BRANCH PILOTS,


Respondent.

FINAL ORDER

Before the Court is the Petition for Appeal filed by petitioner Walter H. McCrory, Jr., pursuant to Rule 2(A)2 of the Rules of the Supreme Court of Virginia and Section 2.2-4003, et. seq. of the Virginia Administrative Process Act of the Code of Virginia; said Petition being an appeal from the June 14, 2010 Final Opinion and Order of respondent Virginia Board for Branch Pilots. The Court has carefully reviewed the Petition for Appeal, the Brief in Support of Petition for Appeal, Brief in Opposition to Petition for Appeal, the Reply Brief and the Record from the proceedings below (including the transcript of the hearing of April 29, 2010), and has heard the arguments of counsel. The Court holds that the Board's determination denying Petitioner's Application for License as a Branch Pilot is not supported by substantial evidence and that a reasonable mind reviewing the evidence presented would necessarily have come to a different conclusion than the Board did; and this Court therefore REVERSES and VACATES the Board's Final Opinion and Order of June 14, 2010, and REMANDS this matter to the Board for further proceedings consistent with this Court's determinations.

In further support of its ruling, the Court adopts and incorporates its findings stated at the hearing on May 6, 2011, and the Court reserves the right to issue a further written opinion.

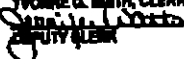
It is so ORDERED.
Entered this 20th day of May, 2011.


Honorable Catherine G. Hammond, Circuit Judge

We ask for this:

Robert W. McFarland, (VSB #54021)
R. Trent Taylor, (VSB #47408)
McQuinnWoods LLP
8000 World Trade Center
Norfolk, VA 23510
757/640-8718


Robert W. McFarland

A COPY TESTE:
YVONNE G. SMITH, CLERK

DEPUTY CLERK

Seen and exceptions to Court's ruling noted:

Cynthia H. Norwood, Senior Assistant Attorney General
(VSB #83084)
Steven P. Jack, Assistant Attorney General
(VSB #65880)
Office of the Attorney General
800 East Main Street
Richmond, VA 23219


Steven P. Jack

US000001

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Mr. Host moved to appeal the Henrico County Circuit Court judgment to the Virginia Court of Appeals. Mr. Amory seconded the motion which was unanimously approved by Messrs. and Captains: Amory, Callis, Cherry, Edmunds, Host, Morgan and Stone.

Ms. Norwood stated that she will file the notice of appeal in accordance with Rules of Court and that the process may take two to three months.


There was no other business.

Conflict of Interest forms were completed by all members present.

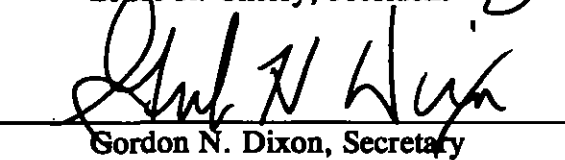
Other Business

Conflict of
Interest Forms

There being no further business, the meeting was adjourned at 1:20 p.m. Adjourn



Bruce R. Cherry, President



Gordon N. Dixon, Secretary

**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 13, 2011

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:

As VA. Pilot Assn.

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

6/13/11
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 13, 2011

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

Meade G. Stone, Jr.

Date

6.13.2011

**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 13, 2011

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.

Thomas P. Host, III
Signature

6-13-11
Date

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

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

1. **Name:** Charles R. Amory, Jr.
2. **Title:** Board Member
3. **Agency:** Board for Branch Pilots
4. **Meeting/IFF Date:** Board Meeting June 13, 2011

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.

Charles R. Amory, Jr.
Signature

6-13-11
Date

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

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

1. Name: John A. Morgan, Jr.
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting June 13, 2011

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

Nature of Personal Interest Affected by Transaction:

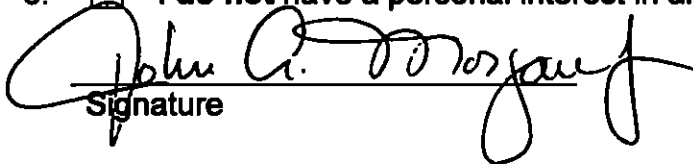
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

6-13-2011
Date

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

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

1. Name: Milton B. Edmunds
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting June 13, 2011

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

Nature of Personal Interest Affected by Transaction:

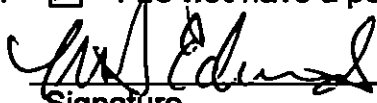
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

6/13/11

Date

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

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

1. Name: Bruce R. Cherry
2. Title: Board Member
3. Agency: Board for Branch Pilots
4. Meeting/IFF Date: Board Meeting June 13, 2011

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

Bruce R. Cherry

Date

6-13-11