

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun

660 Davis Street, San Francisco, CA 94111
Phone: (415) 397-2253 Fax: (415) 397-9463
E-mail: allen.garfinkle@bopc.ca.gov
Website: www.bopc.ca.gov



BOARD OF PILOT COMMISSIONERS BOARD MEETING MINUTES November 26, 2012 9:30 a.m.

OPEN MEETING

1) Call to Order and Roll Call – President Miller

President Knute Michael Miller called the meeting to order at 9:40 a.m. Vice President Frank Johnston and Commissioners David Wainwright, Steve Roberts, and John Cronin were present, constituting a quorum. Commissioners Osen and Brooks were not present. Business, Transportation, and Housing Agency Acting Secretary Brian P. Kelly was not represented on this occasion. Members of staff present were Executive Director Allen Garfinkle, Board Counsel Dennis Eagan, Staff Services Analyst Kelly Dolcini, and Office Technician Sigrid Hjelle. San Francisco Bar Pilots (SFBP) Port Agent Capt. Peter McIsaac was present in the meeting room.

2) Request Approval of Minutes – President Miller

The Board did not address the minutes of the November 15, 2012 meeting.

3) Reportable Piloting Events – Executive Director Garfinkle

Status report of the OVERSEAS TAMPA alleged near miss while departing Richmond Long Wharf Berth #2 on February 18, 2012. Request for an extension from the Board to present this report at the December Board meeting. **Possible Board action to grant an extension to the Executive Director to present M/T OVERSEAS TAMPA report at December Board meeting.**

Executive Director Garfinkle reported that the Incident Review Committee would present its report at today's meeting. Accordingly, the Board took no action with respect to the possible request for an extension of time.

4) Incident Review Committee's (IRC) Incident Report on the M/T OVERSEAS TAMPA alleged near miss while departing Richmond Long Wharf Berth #2 on February 18, 2012 – Vice President Johnston and Executive Director Garfinkle.

A presentation of the IRC Incident Report on the M/T OVERSEAS TAMPA piloting event and recommendation to the Board. **Board deliberation and decision with respect to possible pilot error. Board determination with respect to further actions if appropriate. The Board may go into closed session for the deliberation of the pilot incident report presented under item 19 above [November 15, 2012 meeting agenda] pursuant to Harbors and Navigation Code section 1180.6(a) and Government Code section 11126(c)(3).**

Commissioner Johnston, as chair of the Incident Review Committee, introduced Executive Director Garfinkle, who presented the IRC's report concerning the M/T OVERSEAS TAMPA alleged near miss while departing Richmond Long Wharf Berth #2 on February 18, 2012. The pilot of the M/T OVERSEAS TAMPA was Captain David Chapman.

During the course of his report, Executive Director Garfinkle introduced three exhibits that were identified as Exhibits 1, 2, and 3.

Capt. Chapman was present throughout the presentation of the IRC report and its consideration (in open sessions) by the Board. He was represented by counsel, Forrest Booth, Esq., and Eric Crowe, Esq. of the firm Severson & Werson. Mr. Booth addressed the Board and introduced five exhibits that were identified as Exhibits 4A, 4B, 4C, 4D, and 4E. Capt. Chapman also addressed the Board and responded to questions from Board members.

Through the course of the hearing, both Executive Director Garfinkle and Mr. Booth were offered opportunities to present their respective sides of the issues and each was offered an opportunity for rebuttal.

At the conclusion of the hearing, President Miller announced that the Board would stand in recess for five minutes.

The Board stood in recess at 11:27 a.m.

The Board returned to open session at 11:32 a.m.

President Miller noted that all Commissioners attending the meeting had returned and that a quorum was present.

The Board adjourned into closed session to deliberate. The closed session was attended by President Miller and Board members Cronin, Roberts, Wainwright, and by Board Counsel Eagan.

The Board began its deliberations in closed session at 11:35 a.m.

The Board recessed in closed session at 1:01 p.m.

The Board returned to closed session at 1:08 p.m. and continued its deliberations, President Miller and Board members Cronin, Roberts, Wainwright, and by Board Counsel Eagan in attendance.

The Board returned to open session at 1:24 p.m.

President Miller noted that all Commissioners attending the meeting had returned and that a quorum was present. He announced that the Board had considered the IRC report and recommendations. He requested Board Counsel Eagan to announce the actions taken in closed session.

Board Counsel Dennis Eagan then announced that during the closed session the Board took the following actions:

- A. The Board found that in this piloting event there was pilot error.
- B. That a Warning Letter of Reprimand be issued to Capt. Chapman.
- C. That Capt. Chapman is required to attend a Bridge Resource Management course, to be designated by the Executive Director, which involves the use of a simulator to simulate operations between a pilot and tugboat masters in maneuvering a vessel and is also co-attended by members of the ship assist community, to be completed by June 30, 2013, the cost of which is to be borne by Capt. Chapman.

5) Public Comment on Matters not on the Agenda

There were no comments.

6) Proposals for Additions to Next Month's Agenda

There were none.

7) Adjournment

There being no additional matters to be brought before the Board, it adjourned at 1:26 p.m.

Respectfully submitted,



Allen Garfinkle
Executive Director