

Minutes Open Session	Monthly Board Meeting	Date: July 1, 2013
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Board members present

RADM. Frank Johnston, President
Mr. Dave Connolly, Vice President
Capt. Joe Long, Commissioner
Capt. Steve Roberts, Commissioner
Gabor Morocz, Ex Officio Member, designee of the Secretary of the Transportation Agency

Staff present

Allen Garfinkle, Executive Director
Dennis Eagan, Board Counsel
Kelly Dolcini, Staff Services Analyst
Sigrid Hjelle, Office Technician

Others present

Capt. Pete McIsaac, Port Agent

Public present

Past President Knute Michael Miller, Former Maritime Counsel Ray Paetzold, San Francisco Bar Pilot (SFBP) Capt. Einar Nyborg, SFBP business director John Cinderey and several members of the media were among the public present.

1. Call to order and roll call

The meeting was chaired by President Johnston, who called the Board to order at 10 a.m. There was a quorum present.

2. IRC report on the license suspension or revocation action stemming from the M/T OVERSEAS REYMAR report.

President Johnston relinquished his presiding role over the meeting to Vice President Connolly in order to participate in the proceedings as the chair of the Incident Review Committee (IRC).

Executive Director Garfinkle introduced the IRC recommendation that the Board adopt the stipulated settlement proposed in the M/T OVERSEAS REYMAR investigation. The Board went into closed session to deliberate on the proposed settlement.

****The Board adjourned into closed session at 10:05 a.m.****

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****The Board returned to open session at 11:00 a.m.****

It was noted that all Commissioners had returned to the table. Commissioner Connolly reported that, in closed session, Board members had had a full and frank discussion and agreed to approve and adopt the stipulation:

License #25478 (Capt. Guy Kleess) is hereby revoked with two years of probation, five months suspension contingent on completion of a bridge resource management course and courses covering radar techniques and emergency shiphandling. Capt. Kleess must also complete 30 observational transits of the Bay Bridge.

Commissioner Roberts reported that the Board had unanimously accepted the stipulation.

3. IRC report on the M/V TANCRED contact with a mooring dolphin in the Port of Redwood City.

A presentation of the IRC incident report on the M/V TANCRED and recommendation to 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 16 above pursuant to Harbors and Navigation Code section 1180.6(a) and Government Code section 11126(c)(3).**

Mr. Garfinkle and President Johnston gave the report on the M/V TANCRED.

On the morning of January 26, 2013, the M/V TANCRED was departing Benicia Berth 2 in high winds. The pilot instructed the master to slack the lines to determine whether a third tug was required. As the lines were slacked, the ship blew off the dock, though the bow thruster and tug were able to bring it back alongside. When it came back alongside the dock, it was alleged that damage was done to the dock.

After departure, the pilot, Capt. Drew Aune received a cell phone call alerting him to the message that Benicia facility personnel had claimed that the M/V TANCRED had made contact with the berth that caused the damage..

The IRC further reported that neither the pilot nor the master of the ship had witnessed any damage to the vessel or the dock. Additionally, when the dock Security Officer was interviewed by the Commission Investigator, he stated that it was unlikely the TANCRED caused the damage. Other evidence that the damage pre-dated the TANCRED came from statements of several pilots who attested that the damage pre-dated the arrival and departure of the M/V TANCRED.

The IRC found that there was damage to the dock, but that there was sufficient evidence to conclude that the damage pre-dated the arrival of the TANCRED. Furthermore, the IRC found

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that even if the damage was caused by the TANCRED, there was ample evidence that the pilot acted reasonably during the departure, that there was no evidence of any negligence by the pilot, or any evidence of pilot error that caused the damage.

The IRC recommended a finding of no pilot error and the case be closed with no further action..

MOTION: Commissioner Roberts moved to accept the IRC recommendation for a finding of no pilot error and close the case with no further action. Commissioner Long seconded the motion.

ACTION: The Board voted unanimously on a voice vote to accept the recommendation of the IRC.

4. Adjournment

The meeting adjourned at 11:30 a.m.

Allen Garfinkle, Executive Director

Prepared by: Kelly Dolcini