

1 **HUNTER PYLE, SBN 191125**  
HUNTER PYLE LAW  
2 1300 Broadway, Eleventh Floor  
3 Oakland, California 94612  
4 Telephone: (510) 444-4400  
5 Facsimile: (510) 444-4410  
6 Email(s): hunter@hunterpylelaw.com

**BOPC RECEIVED**  
**5-12-2021**

7 Attorneys for Claimant  
8 DAVID C. BURCHARD

9 **CLAIM AGAINST CALIFORNIA TRANSPORTATION AGENCY**  
10 **AND BOARD OF PILOT COMMISSIONERS**

11 DAVID C. BURCHARD,

12 Claimant,

13 vs.

14 CALIFORNIA TRANSPORTATION AGENCY;  
15 and BOARD OF PILOT COMMISSIONERS

16 Respondents

**CLAIM FOR DAMAGES**  
**(Govt. Code § 910)**

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
**CLAIM FOR DAMAGES**  
**(Govt. Code § 910)**

1 **TO THE CALIFORNIA TRANSPORTATION AGENCY AND BOARD OF PILOT**  
2 **COMMISSIONERS:**

3 You are hereby notified that David C. Burchard, whose address is 15 Woodbury Street,  
4 Gloucester, MA 01930 claims damages from the CALIFORNIA TRANSPORTATION AGENCY  
5 and the BOARD OF PILOT COMMISSIONERS in the amount, computed as of the date of  
6 presentation of this claim, exceeding ten thousand dollars (\$10,000.00). This matter is not a limited  
7 civil case.

8 The specifics of this claim are as follows:

9 On November 12, 2020 at a meeting of the Board of Pilot Commissioner ("BOPC"), the  
10 Board advised Mr. Burchard and his counsel George Nowell that the Board would not issue him a  
11 certificate of completion from the BOPC Pilot Training Program and would not issue him a  
12 California state Pilot License to practice piloting in the Bays of San Francisco, San Pablo & Suisun  
13 after Mr. Burchard had successfully completed the 36 month pilot training program per Title 7  
14 (Harbors and Navigation), Division 2 (BOPC), Article 4, Sections 213 & 214 as defined. On  
15 December 21, 2020 the BOPC issued a final decision to deny Mr. Burchard a certificate of  
16 completion and a Pilot License.

17 The BOPC did so in violation of Title 7 (Harbors and Navigation), Division 2 (BOPC),  
18 Article 4, Sections 213 & 214, and the obligation of the BOPC to administer a fair and objective  
19 training program for all participants. The BOPC's complained of actions were based on a denial of  
20 procedural and substantive due process to Mr. Burchard who had met the objective qualifications for  
21 successful completion of the Pilot's Training Program and is the only trainee to have done so  
22 without receiving a certificate of completion and a Pilot's License. The Board's actions were also  
23 based on unlawful age discrimination and recommendations by certain members of the Pilot  
24 Evaluation Committee (PEC) that were based on implicit and explicit age bias. At the time of the  
25 BOPC's denials, Mr. Burchard was the oldest trainee.

26 The BOPC and State of California's indebtedness to Mr. Burchard stems from the BOPC's  
27 wrongful actions described above and include: (1) Loss of wages and benefits from previous  
28

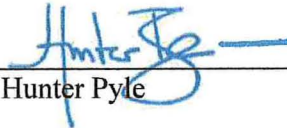
1 employer while engaged in BOPC Pilot Training Program; (2) Compensation of expenses incurred  
2 during the 3-year training program and associated move out of state; (3) Loss of projected earnings  
3 as a SF Bar Pilot for 18 years from ages 52 – 70; (4) Damage to reputation and (5) emotional distress  
4 damages.

5 The names of the public employees and pilots responsible for the actions giving rise to this  
6 claim include but are not limited to: the Members of the BOPC, including BOPC President, Dave  
7 Connolly; and the Members of the Pilot Evaluation Committee at the time of certificate denial: Steve  
8 Teague (Chairman), Mark Haggerty, Eric Robinson, Dustin Slack and Shane Wehr.

9 All notices or other communications with regard to this claim should be sent to Claimant c/o  
10 Hunter Pyle, Hunter Pyle Law, 1300 Broadway, 11th Floor, Oakland, CA 94609.

11 DATED: May 11, 2021

HUNTER PYLE LAW

12  
13 By:   
14 Hunter Pyle

15 Attorneys for Claimant  
16 DAVID C. BURCHARD

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28