



## SAN FRANCISCO BAR PILOTS ASSOCIATION

Pier 9 East End  
San Francisco, CA 94111

April 20, 2022

President Joanne Hayes-White  
California Board of Pilot Commissioners

Subject: Agenda Item 12 – Assistant Executive Director Conflict of Interest Issues

Dear President Hayes-White:

For the Board's consideration please accept our written comments regarding conflict of interest concerns related to the new Assistant Executive Director (AED) and her relationship to a current training program candidate who upon successful completion of the training program would become a BOPC licensee and likely a member of the San Francisco Bar Pilots.

These comments are not intended to disparage the AED's character or to suggest that during her short tenure that she has conducted herself in an unprofessional manner. However, the appearance of, potential and actual conflict of interest issues exist and that, combined with access to personal confidential trainee candidate information, as well as trainee and BOPC licensee information creates a situation, that may damage the credibility and public perception of the BOPC, the training program and the San Francisco Bar Pilots. There are myriad situations where conflicts, perceived or real exist. The following are just some of the concerns that have been raised by the SFBP membership.

**Initial Disclosure:** Upon hire, the BOPC staff did not disclose the relationship to Board Members or SFBP, despite ample opportunity to do so. Although the relationship of the AED to the candidate may have been unclear to the SFBP and the Board Members– it was not unclear to BOPC staff and it should have been disclosed. Staff's failure to consider the disclosure of these facts raises red flags.

**Information Barriers:** Given number of staff (3) and cross responsibilities, the BOPC is not structured to provide sufficient information barriers to prevent exposure to conflicts. This is of particular concern because the AED is a position tasked with broad oversight of regulated individuals, equipment, contracts, audits and programs. Similarly, the SFBP and SFBP B&P are not in a position to provide sufficient information barriers between trainees or members and their spouses.

**Economic Interest:** As a spouse of a licensee/member of SFBP and SFBP B&P, the AED would have an economic interest in the license she is charged with regulating, the membership of both the SFBP and SFBP B&P, and the statutory pension. She may also have to carry debt to SFBP and SFBP Benevolent and Protective Association and be exposed to financial loss (or gain) as a result of litigation involving the licensee or business entities.

**Oversight:** If the spouse of the AED were successful in becoming a licensee/member of SFBP and SFBP B&P, any BOPC action or report with respect to oversight has the potential to be viewed as tainted by the public and stakeholders which would undermine the authority and reputation of the Board. As the spouse of a member of SFBP and SFBP B&P, the AED would also have access to confidential business information which may create a conflict in the performance of the AED job duties.

**Access to confidential personal information of trainees and licensees to include performance and medical information:** Given the nature of a marital relationship, concerns exist this information may be shared with the spouse or other individuals with an interest in the system.

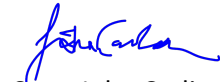
**Access to trainee candidate applications and exam information:** Should the spouse of the AED sit for the pilot trainee examination; the AEDs involvement with the application process could jeopardize the perceived fairness of the selection process and might subject the selection system to litigation.

This list is by no means exhaustive and is not intended to represent a legal analysis; but to demonstrate the broad appearance of and potential conflict of interest issues this situation has brought upon the BOPC and the very real impacts it may have on the pilotage system and SFBP.

Frankly, SFBP does not see a clear path to managing these issues and we are very concerned about the ramifications of having a spousal relationship in an oversight role over an applicant, trainee, licensee and member of the SFBP/SFBP B&P. As a State Board, even the appearance of a conflict of interest breaches the public and stakeholder trust and it is our view that should the spouse pursue licensing under BOPC jurisdiction, conflicts cannot be avoided and the AED should not remain in the employ of the BOPC.

We urge the Board to give serious consideration to the future impacts of this situation to include independent legal and ethical review.

Sincerely,



Capt. John Carlier  
Port Agent