

<p><b>Meeting Date:</b></p> <p><b>June 2, 2022</b></p>	<p><b>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</b></p> <p><b>SELECTION APPEAL COMMITTEE MEETING MINUTES</b></p>	<p><b>Page 1 of 5</b></p>
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**Committee Members Present:**

Jennifer Ferrera Schmid, Committee Chair, Vice President  
 Captain Einar Nyborg, Commissioner  
 Captain Oscar Prada, Commissioner

**Committee Members Absent:**

None.

**Staff Present:**

Allen Garfinkle, Executive Director  
 Jennifer Barton, Assistant Director  
 Dennis Eagan, Board Counsel

**Public Present:**

Captain James Christian

**OPEN MEETING**

**1. Call to Order and Roll Call.**

Committee Chair Schmid called the meeting to order at 11:02 a.m. Assistant Director Barton called the roll and confirmed a quorum.

**2. Approval of minutes from the Selection Appeal Committee meeting held on May 16, 2022. (Committee Chair)**

Committee members were presented with the draft minutes from the Committee meeting held on May 16, 2022.

**MOTION:** Committee member Nyborg moved to approve the draft minutes, with a non-substantive edit, from the meeting held on May 16, 2022. Committee member Prada seconded the motion.

**VOTE:** YES: Schmid, Nyborg, and Prada  
 NO: None  
 ABSTAIN: None

**ACTION:** The motion was approved.

**3. Approval of the written decisions for the Selection Appeal Committee held on May 16, 2022.**

Committee members were presented with the official written decisions on the appeals for Captains Andersen, Boullion, Butler, Davis, Hagerty, McKinley, Lonich, Racine, and Semler from the Committee meeting held on May 16, 2022.

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The Committee members voted on each decision individually.

**MOTION:** Committee Chair Schmid moved to approve the official written appeal decision to **approve Captain Erik Andersen’s appeal**. Committee member Nyborg seconded the motion.

**VOTE:** YES: Schmid, Nyborg, and Prada

NO: None

ABSTAIN: None

**ACTION:** The motion was approved.

**MOTION:** Committee member Nyborg moved to approve the official written appeal decision to **approve Captain Richard Boullion’s appeal**. Committee member Prada seconded the motion.

**VOTE:** YES: Schmid, Nyborg, and Prada

NO: None

ABSTAIN: None

**ACTION:** The motion was approved.

**MOTION:** Committee Chair Schmid moved to approve the official written appeal decision to **not approve Captain Alexander Butler’s appeal**. Committee member Prada seconded the motion.

**VOTE:** YES: Schmid, Nyborg, and Prada

NO: None

ABSTAIN: None

**ACTION:** The motion was approved.

**MOTION:** Committee member Nyborg moved to approve the official written appeal decision to **not approve Captain Raymond Davis’s appeal**. Committee Chair Schmid seconded the motion.

**VOTE:** YES: Schmid, Nyborg, and Prada

NO: None

ABSTAIN: None

**ACTION:** The motion was approved.

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**MOTION:** Committee member Prada moved to approve the official written appeal decision to **not approve Captain Alexandra Hagerty’s appeal.**

Committee member Nyborg seconded the motion.

**VOTE:** YES: Schmid, Nyborg, and Prada

NO: None

ABSTAIN: None

**ACTION:** The motion was approved.

**MOTION:** Committee member Nyborg moved to approve the official written appeal decision to **not approve Captain Stephen McKinley’s appeal.**

Committee member Prada seconded the motion.

**VOTE:** YES: Schmid, Nyborg, and Prada

NO: None

ABSTAIN: None

**ACTION:** The motion was approved.

**MOTION:** Committee member Nyborg moved to approve the official written appeal decision to **not approve Captain Stephen Lonich’s appeal.** Committee member Prada seconded the motion.

**VOTE:** YES: Schmid, Nyborg, and Prada

NO: None

ABSTAIN: None

**ACTION:** The motion was approved.

**MOTION:** Committee member Prada moved to approve the official written appeal decision to **approve Captain Alexandre Racine’s appeal.** Committee Chair Schmid seconded the motion.

**VOTE:** YES: Schmid, Nyborg, and Prada

NO: None

ABSTAIN: None

**ACTION:** The motion was approved.

**MOTION:** Committee Chair Schmid moved to approve the official written appeal decision to **approve Captain Joseph Semler’s appeal.** Committee member Prada seconded the motion.

**VOTE:** YES: Schmid, Nyborg, and Prada

NO: None

ABSTAIN: None

**ACTION:** The motion was approved.

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**4. Consider one or more appeals filed by applicants for the 2022 Pilot Trainee Training Program Selection Examination. (Committee Chair)**

The Selection Appeal Committee granted reconsideration of its decision of May 16, 2022, that did not approve the appeal of Captain James Christian from a decision by the Executive Director rejecting his application to take the selection examination. Captain Christian subsequently submitted additional information consisting of 117.5 days as Chief Mate in support of his request for reconsideration. The Committee voted unanimously to reconsider its prior decision on Captain Christian’s appeal.

The new information presented by Captain Christian was an additional 117.5 days of work on a ship-assist tug with the working title of Chief Mate. Captain Christian argued that this Chief Mate time should be viewed as “command time,” as his duties were consistent with and equal to the Captain of the same tug. If the Committee agreed with this assessment, these 117.5 days, when added to his previously approved 602.5 days, would enable Captain Christian to qualify to take the selection exam (720 days). Executive Director Garfinkle explained to the Committee that this new information would not have changed his initial assessment, had the information been available to him prior to May 13, 2022, as it is not consistent with a strict reading of the language of the regulation.

**CLOSED SESSION as authorized by Government Code §§ 11126(c)(2) and (c)(3)**

**5. Consideration of one or more appeals presented in open session. (Committee Chair)**

The Committee did not deliberate in a closed session.

**OPEN SESSION**

**6. Announcement of appeal decision(s). (Committee Chair)**

Following a review of Captain Christian’s appeal, the Committee agreed with Captain Christian that his experience during the additional 117.5 days was consistent with command of a tug, and granted approval of his appeal. The approval of the additional 117.5 days, when added to his previously approved 602.5 days of command time, provided the 720 days of command time to be eligible for the selection examination.

**MOTION:** Committee Chair Schmid moved to approve Captain James Christian’s appeal. Committee member Nyborg seconded the motion.

**VOTE:** YES: Schmid, Nyborg, and Prada

NO: None

ABSTAIN: None

**ACTION:** The motion was approved.

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Board Counsel Eagan presented a draft written decision to the Committee. The Committee reviewed the draft decision.

**MOTION:** Committee member Nyborg moved to approve the draft written appeal decision to **approve Captain James Christian's appeal**. Committee member Prada seconded the motion.

**VOTE:** YES: Schmid, Nyborg, and Prada  
NO: None  
ABSTAIN: None

**ACTION:** The motion was approved.

#### **7. Public comments on matters not on the agenda.**

There were no public comments.

#### **8. Adjournment**

Committee Chair Schmid adjourned the meeting at 11:43 a.m.

Submitted by:



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Allen Garfinkle  
Executive Director