

State of California

Board of Pilot Commissioners

for the Bays of San Francisco, San Pablo, and Suisun

Draft Minutes of the Meeting of the Board of Pilot Commissioners held on June 26, 2025, at 9:30 a.m.

Members of the public are encouraged to participate in meetings of the Board, either in person or via telephone.

Location:

Board of Pilot Commissioners
660 Davis Street
San Francisco, California 94111

To participate via telephone please use:

888-808-6929

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SERVING THE PEOPLE OF CALIFORNIA SINCE 1850



**Board of Pilot Commissioners (BOPC)
for the Bays of San Francisco, San Pablo, and Suisun
Board Meeting
Thursday, June 26, 2025, at 9:30 a.m.**

Board Meeting Minutes

ATTENDANCE

Board Members Present (in person and by phone)

Karen Tynan, President, Public Member (by phone)
Captain William Benedict, Pilot Member
Captain Robert Carr, Pilot Member
Captain Lynn Korwatch, Dry Cargo Industry Member
Sam Rodriguez, Public Member
Christine Casey, Designee for the Secretary of the California State Transportation Agency (CalSTA)

Board Members Absent

Joanne Hayes-White, Vice President, Public Member
Vacant, Wet Cargo Industry Member

Board Staff Present (in person and by phone)

Allen Garfinkle, Executive Director
Matthew Millsbaugh, Assistant Director
Alethea Wong, Licensing and Training Programs Manager
Greg Shepherd, Records Management and Program Support Coordinator
Mari McNeill, Administrative Coordinator
Patrick Tuck, Board Counsel
Roma Cristia-Plant, Retired Annuitant (by phone)

Identified Public Present (in person and by phone)

Jennifer Cohen, Pacific Merchant Shipping Association (PMSA) Vice President of Governmental Affairs
Captain John Carlier, San Francisco Bar Pilots (SFBP) President and Port Agent
Captain Anne McIntyre, SFBP Business Director (by phone)
Kevin Baldwin, SFBP General Counsel
Captain Dan Bridgman, SFBP
Captain Todd Johnston, SFBP
Captain Matthew Stevens, SFBP
Captain Joshua Stultz, SFBP
Captain Nicolas Ahrens, former trainee (by phone)
Jayden Greenfield, Executive Fellow, CalSTA
Rex Clack, esq., Rex M Clack (RMC) Law
Christopher Tribolet, Peacock Piper Tong + Voss LLP Attorney (by phone)
Roy Mathur, Petroplus, Blackstone, and First Reserve (PBF) Energy

OPEN MEETING

1. Call to Order and Roll Call. (President Tynan)

Commissioner Rodriguez (for President Tynan) called the meeting to order at 9:30 a.m. Board Administrative Coordinator, Marjorie (Mari) McNeill called the roll and confirmed a quorum.

2. Public comment on matters on the agenda or not on the agenda.

President Tynan, Ms. Cristia-Plant, Captain McIntyre, and Captain Ahrens noted that they were participating remotely by phone.

3. Review and approval of Board meeting minutes from the meeting held on May 15, 2025. (President Tynan)

Possible Board action to approve the minutes from the Board meeting held on May 15, 2025.

MOTION: Commissioner Korwatch moved to approve the draft May 15, 2025, Board meeting minutes. Commissioner Benedict seconded the motion.

VOTE: YES: Tynan, Benedict, Carr, Korwatch, Rodriguez.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

4. President Announcements and Activities. (President Tynan)

President Tynan stated that, during the week of the June 23, 2025, she completed her interview with the California Senate Rules Committee. During this interview, they discussed her position, ongoing Board efforts to increase pilot diversity, tariff impacts, and the vacant wet cargo seat on the Board.

5. Board Member Announcements and Activities. (Board Members)

Noting that there was no agenda item related to the Ad Hoc Committee to Review the Pilotage Rate Setting Process (Rate Committee), Rate Committee Chair Carr provided a summary of the June 11, 2025, Rate Committee meeting. The Rate Committee discussed the language in Title 7, California Code of Regulations (7 CCR) 236 to be removed via a rulemaking package, due to changes in statute, and replacing it with a paragraph summary reflecting the statutory changes that provide the authority and procedures for the pilot rate hearing process going forward. The Rate Committee scheduled another meeting on July 29, 2025, to further discuss and finish preparing the official draft of the modified regulations.

Agenda item 17 was discussed prior to Agenda item 6.

17. Stakeholders' report on subjects that may be of interest to the Board, including reports on shipping activity regionally and within the Board's jurisdiction, and the status of the next pilot

boat build. (Mike Jacob, Pacific Merchant Shipping Association (PMSA)/Captain Anne McIntyre, SFBP)

Ms. Jennifer Cohen reported industry-related updates, on behalf of PMSA, including:

- Volatility persists due to fluctuations in the federal trade policy. The 90-day pause on tariffs (temporarily reduced tariffs to a 10% baseline) is set to expire July 9, 2025. Reductions in business for various ports include:
 - The Port of Long Beach had 14 blank (cancelled) sailings in May 2025, and 18 in June 2025. In contrast, there were three blank sailings in May 2024, and two in June 2024.
 - May 2025, was, for the Port of Los Angeles, the slowest month they had experienced in two years. Volumes were reduced, compared to previous years, with no surge which had been expected due to the pause on the tariffs.
 - The Port of Oakland reported high levels of shipping traffic in March 2025, but shipping activity, was flat over April and May 2025.
- On July 10, 2025, the Port of Oakland will meet to consider a widening project for the turning basin. Ms. Cohen encouraged Board Members to attend the meeting on July 10, 2025. (This meeting will start at 1:00 p.m., beginning with a closed session. The turning basin project discussion is expected to begin around 3:30 p.m.) This project is at the final Environmental Impact Report certification stage.
- The policy deadline for the Legislature is July 18, 2025. After July 18, 2025, there will be a four-week recess.
- A budget deal was proposed, and the Legislature and Governor are nearing an agreement but there are still outstanding issues that need to be resolved.
- Canadian ports and ports in Washington have seen a drop in cargo and have been dealing with the same issues as California. Ongoing issues with competition between regions continue.

Captain McIntyre stated that the SFBP agrees with the PMSA's recap of the current climate. The SFBP continues to be concerned regarding shipping volatility and tariffs. There was a 1.48% decrease in total moves (across all ports) through May 2025, compared to 2024. Overall shipping projections for 2025 are similar to 2024, but SFBP is concerned about future numbers. The SFBP will attend the meeting on July 10, 2025, at the Port of Oakland, to offer comments and support for the turning basin project. Written comments from the Board, expressing the Board's position, would be welcomed and helpful.

Ms. Cohen stated that the bills PMSA was monitoring included:

- Assembly Bill (AB) 605 (for the 2025-2026 legislative session), authored by Assembly Member Muratsuchi (to enact the use of lower emission equipment), may grandfather in internal combustion engines.
- Senate Bill (SB) 298, authored by Senator Caballero (for the use and deployment of alternative fuels at seaports), is an infrastructure plan.
- SB 263 proposes a study model for trade policy changes/fluctuations (focusing on the impact of tariffs to ports and harbors). SB 263 has an urgency clause, proposing that the state needs to do advanced planning, and the study is needed to identify what is at stake and to identify the direct

impacts to assist with budget planning for 2026.

Captain McIntyre stated that SFBP has not proposed any recent legislation but supports following the bills Ms. Cohen mentioned.

6. Directors' Report. (Executive Director Garfinkle/Assistant Director Millspaugh)

A) Correspondence and activities since the Board meeting held on May 15, 2025.

Executive Director Garfinkle reported the following activities:

- On Thursday, May 22, 2025, Executive Director Garfinkle attended a presentation on the San Francisco Bay Region Maritime Domain hosted by the Marine Exchange. The presentation included a review of topography of the San Francisco region.
- On Wednesday, May 28, 2025, Executive Director Garfinkle attended the Marine Exchange Mayday gathering in Oakland.
- On Thursday, May 29, 2025:
 - He attended a meeting of the Joint Pilot Boat and Finance Committee.
 - He received a letter from Trainee Ahrens confirming his withdrawal from the Trainee Training Program.
 - Board Staff received approval from the Governor's Office to submit the Board's Annual Legislative Report to the Assembly, Senate, and Office of Legislative Counsel.
- On Friday, May 30, 2025, he attended a meeting of the Pilot Diversity Committee.
- On Wednesday, June 4, 2025, he approved the wire transfer of the May 2025 surcharges, in the amount of \$986,988.34.
- On Tuesday, June 3, 2025, the IRC received communication from counsel for the Motor Vessel (M/V) KONA TRADER.
- On Monday, June 9, 2025, he attended a meeting of the Pilot Fitness Committee.
- On Wednesday, June 11, 2025:
 - He attended a meeting of the Pilotage Rate Setting Committee.
 - Board staff received a copy of the United States Coast Guard (USCG) Safety Report for May, presented at the June 2025 Harbor Safety Committee meeting. The report contained one Loss of Propulsion where a Marshall Islands-flagged chemical tank vessel experienced a loss of propulsion while transiting inbound towards the Golden Gate Bridge. The pilot onboard noticed that the vessel's Revolutions Per Minute (RPMs) were not responding and called for tug assistance before the vessel lost RPMs completely. The vessel regained some RPMs and transited safely under the bridge and made it to anchorage, assisted by a tug, to conduct troubleshooting. At the time of the report, the case was pending.
- On Thursday, June 12, 2025, he received a subpoena initiated by Attorney Edwin L. Bradley of Raff Law, APC, Petaluma, to appear at a video conference on July 1, 2025, in the matter of Captain Ronald Greger.
- On Monday, June 16, 2025, Board staff received word that the California Highway Patrol

(CHP) acknowledged receipt of the SFBP May 2025 surcharge wire transfer.

- On Tuesday, June 17, 2025, as part of Caltrans biennial website certification process, the Board's website was re-certified as Americans with Disabilities Act (ADA) compliant.
- On Wednesday, June 18, 2025:
 - He attended the open and closed sessions of the Pilot Evaluation Committee (PEC).
 - He attended a meeting between California State University Maritime Academy (CMA) staff, Board staff, and Dainis and Company, Incorporated (Dainis), a psychometric firm interested in working on our Trainee exam.
- On Wednesday, June 25, 2025, Assistant Director Millspaugh and Executive Director Garfinkle attended an exit conference with the State Controller's Office (SCO) concerning the 2022 surcharge audit.

B) Report on pilot licensing matters since the Board meeting held on May 15, 2025.

Executive Director Garfinkle reported that, since the May 2025 Board meeting, the Board issued license renewals to the following Board licensees: Captains Carr, D'Aloisio, Deisher, Fawcett, Larwood, Long, Manes, McCloy, Nyborg, Slack, and Wehr.

C) Report on Board surcharges.

Executive Director Garfinkle reported that the SFBP wired \$ 986,988.34 to the Board for surcharges collected in May 2025, itemized as follows:

- Operations Surcharge: \$241,426.41
- Pilot Training Surcharge: \$30,728.40
- Trainee Training Surcharge: \$74,382.40
- Pilot Boat Surcharge: \$640,451.13

D) Report of pension fiduciary.

Executive Director Garfinkle reported that as of May 31, 2025, there were 85 pensioners.

- Surcharge Rate for the Quarter: \$ 0.04595 per gross registered ton
- Rolling Look Back Period: January 2024 to December 2024
- Monthly Tonnage for May 2025: 28,719,748.00 tons
- Surcharge Billing Total: \$1,319,672.44
- Administrative Costs for the Month: \$2,603.00
- Amount Distributed to Pension Beneficiaries: \$1,317,069.44
- Total Monthly Target Rates: \$1,292,835.11
- Amount Over/Under Target: \$26,837.33 (over target)

The last Cost of Living Adjustment (COLA) increase to the pension was April 1, 2023.

E) Report on legislative activities and contractual matters.

Assistant Director Millspaugh reported:

Legislative Activities

Board staff are not currently tracking any legislation, other than SB 263, but will monitor the legislative session for bills that may affect the Board.

At the end of his report on legislative activities, Assistant Director Millspaugh provided a brief update on the Board's request to increase the Board Surcharge rate, to fund the ITMP project. Millspaugh reported that the Department of Finance (DOF) is withholding its approval of the Board's request, pending the passage of the budget. If this request is not approved, the Board will have to revisit the surcharge increase, which would result (if approved) in the effective date being pushed back to October 1, 2025.

Contractual Matters

Assistant Director Millspaugh reported the following regarding contractual matters:

Trainee Selection Exam Contracts

- **California State University Maritime Academy (CMA) – Trainee Selection Exam Services (Contract # To Be Determined (TBD))**

Board staff continue to pursue an inter-agency agreement with CMA for use of their simulator and facilities for the simulator portion of the 2026 pilot Trainee exam. Board staff met with CMA on several occasions regarding finalizing the scope of work and expect to finalize the terms before the end of July 2025.

- **Trainee Selection Exam Services (Contract # TBD)**

Regarding the selection of a 3rd party contractor for psychometrician services, Board staff received a proposal, from prospective contractor Dainis, to provide services in support of developing the 2026 pilot trainee exam. Staff have reviewed the proposal and will meet with Dainis on June 30, 2025, to review the proposal.

- **California Department of Human Resources (CalHR) – Trainee Selection Exam Services (Contract # TBD)**

Board staff continue work toward development of a Scope of Work (SOW) and budget for the Pilot Trainee Training Program Exam related to services from CalHR. Board staff submitted a draft SOW to CalHR on June 5, 2025, which is currently under review by CalHR.

- **State Controller's Office (SCO) – Pilot Boat Program Audit**

Board staff continue development of a new Inter-Agency agreement between the Board and the SCO in support of the Pilot Boat Program Performance Audit. Board staff met with SCO on June 25, 2025, and confirmed that the SOW remains with SCO senior management pending review.

- **Pilot and Pilot Trainee Fitness Assessment with University of California San Francisco (UCSF) (Contract # TBD)**

The development of a new three-year agreement with a term date of July 1, 2025, to June 30, 2028, was completed and the contract was routed to UCSF for signature.

- **Marine Investigator Services – Invitations for Bids (IFB) (Contracts # 24M900003)**

The Board received one response for the IFB for maritime investigative services and is in the process of developing a contract with that contractor, however the Department of General Services (DGS) professional liability insurance requirements are an issue for the contractor. Board staff are working with the California Highway Patrol (CHP) to seek a solution. Board staff are also in the process of working with the CHP Contracts Unit to post a new IFB, which addresses the insurance issue for maritime investigator services to attract additional contractors.

- **Pilot Trainee Random Drug Testing Services (Contract # TBD)**

Board staff are currently negotiating a fair and reasonable contract for pilot Trainee drug testing services. This contract went out for signature and is anticipated to be ready by July 2025. (The term of the contract is expected to be July 1, 2025 – June 30, 2028.)

7. Port Agent's Report. (Port Agent Carlier)

- A) Monthly report on San Francisco Bar Pilots' (SFBP) Port Agent updates, including: a list of pilots who have been Absent for Medical Reasons (AFMR) and the Minimum Rest Period (MRP) exceptions, SFBP Fatigue Risk Mitigation Report, SFBP Pilot Boat Report, and vessel moves.**

Port Agent, Captain Carlier, reported that, as of June 26, 2025:

- The following pilots were Absent for Medical Reasons (AFMR), and their initial absence dates were:
 - Captain Cvitanovic since February 14, 2025.
 - Captain Lingo since March 12, 2025.
 - Captain Carr since June 25, 2025.

Recommended Minimum Rest Period (MRP)

The SFBP continuously monitors the dispatch list for possible 12-hour Minimum Rest Period (MRP) exceptions. If the potential exception is likely to result in a rest period of less than 10 hours, mitigating measures are employed. These measures include, but are not limited to, suspending continuing professional development protocols, cancelling scheduled meetings or Committee assignments, cancelling previously granted compensation time requests, deferring scheduled training sessions, or calling in off-watch pilots.

Fatigue Risk Mitigation Report – March 2025

There are currently 52 licensees on the SFBP roster.

Work periods over 12 hours: There were 24 occurrences, 2 occurrences were over 14 hours, and the maximum period was 15 hours.

Night work periods over 10 hours without rest opportunity: There were 3 occurrences.

Night-time hours over 18 hours in a 72-hour period: There were no occurrences.

Rest periods of less than 12 hours (MRPs): There were 22 occurrences, and the minimum period was 9.8 hours.

B) Monthly report on SFBP ship piloting business activity.

Port Agent, Captain Carlier, reported that, as of June 26, 2025:

- The status for each of the SFBP-owned pilot boats were reported as:
 - Pilot Vessel (P/V) CALIFORNIA was in the shipyard, as of May 28, 2025.
 - P/V GOLDEN GATE was back online, as of May 13, 2025, following a 6,000-hour main engine service.
 - Normal operations for P/Vs DRAKE, PITTSBURG, and SAN FRANCISCO.
- Vessel moves, for May 2025, were as follows:
 - Bar Crossings: 486
 - Bay Moves: 150
 - River Moves: 42
 - **Total Moves: 678**
- Gross Registered Tonnage (GRT): 28.7 million.
- Year-over-year, when comparing the same period (first quarter) in 2024 to the same period in 2025, total moves were down 1.5% and GRT was down 1%.

C) Monthly confidential written report of licensed pilots who have been Absent for Medical Reasons (AFMR). The Board may go into closed session to discuss the contents of the Port Agent's confidential report and other relevant confidential medical information, as authorized by Harbors and Navigation Code (HNC) section 1157.1.

None.

Recess began at 10:07 a.m.

Meeting resumed at 10:16 a.m.

8. Pilot Evaluation Committee. (Committee Chair Ruff)

A) Report on the Pilot Evaluation Committee (PEC) meeting held on June 18, 2025.

PEC Committee Member Bridgman (for PEC Chair Ruff) presented the PEC Chair's Report on the following:

- The PEC met on June 18, 2025. The members present were Captains Wehr, Slack, and Bridgman. Executive Director Garfinkle joined the PEC in an open session (and in the closed session discussion with Captain Johnston), in which, the following was discussed:
 - The upcoming exam scheduled for the summer of 2026.
 - The budget for the exam.
 - The potential start date for the next incoming trainee(s).
- The four active trainees include Gallo, Johnson, Johnston, and Thinger. The trainees' time in the program ranges from seven to 22 months.
- Trainees Gallo and Johnson completed all trips and testing for their First-Class Pilot (FCP) with the USCG.
- Trainee Thinger continues completing trips to obtain his first-class pilotage endorsement for unlimited tonnage upon San Francisco Bay.
- Trainee Johnston has been directed not to ride ships and only study for pilotage.
- Trainees riding ships are observing, part handling and handling under the direct supervision of a licensed SFBP pilot.
- In closed sessions, all trainees were individually interviewed and counseled on their progress in the training program. Time was spent answering their questions and concerns.
- Currently, three trainees are meeting the recommended benchmarks and are progressing at their own pace.
- In the May 2025 PEC meeting, there were discrepancies found in Trainee Johnston's job tracking sheet for April-May 2025, which made it seem like he was working more days than he was. He admitted that these falsifications were made to appear that he was working more than he was. It was explained to Trainee Johnston that this was not an acceptable practice. He was instructed to complete 38 jobs in the following job reporting period (which was five weeks long). The discovery of discrepancies prompted the PEC to investigate Trainee Johnston's training logs. In total, 26 falsified entries were discovered in his first 12 months of training. There were 25 false entries in the job tracking sheet and one false entry in the comment sheet (which made the discovery of the false tracking sheet entry even more challenging). The false entries took place in three different periods:
 - In October-November 2024, there were 10 entries where the date of the job was altered to make it appear that Trainee Johnston had handled a vessel on a day where he had not. The result of these date manipulations is that Johnston did not work in furtherance of his training on five days where he indicated that he had been training. In other words, he manipulated the training log to give himself entries for five extra days off.
 - In March-April 2025, there were six false entries for three extra days off.
 - In April-May 2025, there were nine false entries for an extra four days off. There was also one false entry in the job comment log, making it difficult to discover the corresponding falsified job in the data tracking sheet.

- At the PEC meeting on June 18, 2025, Executive Director Garfinkle sat in on the closed session meeting with Trainee Johnston, as recommended by Board counsel. After speaking with Trainee Johnston during closed session, the PEC asked Trainee Johnston to step out of the room and had a discussion regarding disciplinary action. The PEC took into consideration not only the falsified log entries but also the body of Trainee Johnston's first 12 months of work. In his first 12 months of training, his monthly trip average (adjusting to account for his six-week medical absence) was 25.1, six to seven jobs a month less than the others in his current group. His days off and family days totaled 81, more than twice the other two Trainees who also entered the program with no pilotage. He took off 54 days for studying and had completed only five of eight routes, while other Trainees had completed all eight routes with that amount of studying. Upon closer review some of his declared study days were isolated days and the committee believes these were not days used for studying. Considering his low job numbers, and his falsification of training records intended to disguise his increased time off, the members of PEC felt that Trainee Johnston is not living up to the standards for performance and the moral character requirements for pilot apprentices set out in regulation. A vote was taken, and PEC voted unanimously to recommend Trainee Johnston for dismissal from the training program and suspension pending board investigation. Trainee Johnston was brought back into the office and was told of the PEC decision and vote.
- Trainee Johnston has been directed to study for pilotage only until further notice by the PEC or Board. His access to Pier 9 has been revoked and access to the private SFBP website has been rescinded. He has been directed to contact Executive Director Garfinkle with any further questions regarding the process.
- The closed sessions concluded with Trainee Johnston and the meeting was adjourned shortly after at approximately 11:25 a.m. The next PEC meeting is scheduled for Wednesday, July 16, 2025, at 7:30 a.m. at the Board office.

PEC Committee Member Bridgman stated that Trainee Johnston was counseled that his job count was not to standard in previous PEC meetings.

Board Members, Board counsel, and attendees discussed the PEC's recommendation regarding Trainee Johnston. Discussion points included:

- PEC Committee Member Bridgman stated all findings were discovered by the PEC.
- Executive Director Garfinkle stated Board staff verified and confirmed the discrepancies.
- PEC Committee Member Bridgman provided an overview of the job log and comparisons included in the meeting documents. Some of PEC Committee Member Bridgman's statements included:
 - Trainee Johnston joined the program with half the required routes already completed but his progress fell behind the average for other trainees, even considering the 43 days (six weeks) of illness (he was still studying and testing during his illness).
 - Trainee Johnston has been in the program for 13.38 months as of June 2025.
 - Dismissal without cause only applies to the first 12 months of the program, regardless of absences. The PEC previously thought this would exclude the six weeks leave of absence due to illness. The PEC has recorded the lessons learned for future considerations.
 - Per 7 CCR 213 (e) (2), that states a trainee must "Be of good mental and physical health

and of good moral character;”, the PEC recommended Trainee Johnston for dismissal from the training program and suspension while the matter is under Board investigation.

- Commissioner Carr voiced concerns regarding intentional deception or fraud, stating that performance could be counseled but character is more inherent.
- Board Counsel Tuck encouraged Board Members to let Trainee Johnston speak. Commissioner Carr agreed and stated Trainee Johnston would also have an opportunity to speak during the future formal hearing.
- Executive Director Garfinkle stated that Board staff provide guidance to trainees regarding training days and days off, which indicates that they are expected to train five days a week and are allowed two days off per week.
- Trainee Johnston stated that he agreed the information presented sounded terrible but believed that the time and investigation should show that he did as others have done for years. He stated:
 - Trainee Johnston completed all the jobs listed.
 - The monthly error reports Board staff distribute show that every trainee makes mistakes.
 - Examining past years will show others have also recorded the same “errors.”
 - The trainee manual doesn’t include training or information on how to complete the paperwork; it is taught through the pilot community.
 - Trainee Johnston completed the paperwork, as he was taught, to take extra time off: do two jobs in one day, then record them as separate days, and not record the day off.
 - In preparation of the June 2025 Board meeting discussion, Trainee Johnston submitted a public records request to Board Counsel Tuck for Board and SFBP records. He acknowledged the large workload required for Board staff to complete the request and that SFBP records requested are already digitized but he anticipated resistance in obtaining those records.
 - He questioned the unanimous vote from the PEC because not all PEC members were present and if the absent members were consulted, he believed it violated the Open Meeting Act.
- Captain Ahrens identified himself on the phone as a former trainee that left to pursue a pilot training program in a different state and stated that he recalled the implied expectation that, if a trainee had three jobs in one day, it was acceptable to report them over multiple days. He stated that he didn’t recall the source but thought it was general knowledge.
- Board Counsel Tuck clarified that the Board should vote on two separate motions (actions); whether to:
 - 1) Accept the PEC’s recommendation and set a formal hearing during the next Board meeting, per 7 CCR 214 (f).
 - 2) Act on the PEC’s recommendation to suspend, per 7 CCR 214 (g), Trainee Johnston or place him on probation. (Stating that the Board would need to cite the reason.)
- Executive Director Garfinkle stated the difference between a probation and suspension is that no stipend is provided during a suspension. Probation is normally employed when the trainee is expected to correct an action and continue in the program.

B) Discussion of Trainee Ahrens’ return to work or submission of a letter of resignation (in response to the Board’s motion to deny Trainee Ahrens’ Leave of Absence (LOA) request and order to return to work or submit of a letter of resignation to Executive Director Garfinkle due by June 1, 2025).

It was noted, by Executive Director Garfinkle and Board Counsel Tuck, that a letter of resignation had been received from Trainee Ahrens. No action needed.

PEC Committee Member Bridgman stated that the SFBP stands by previous statements of the PEC regarding Trainee Ahrens.

C) Possible PEC recommendation to place one or more Pilot Trainee Training Program Trainees on probation, suspend, or dismiss one or more Trainees from the program.

Possible Board action to place one or more Pilot Trainee Training Program Trainees on or off probation, suspend, or dismiss one or more Trainees from the program.

The Board may go into closed session to discuss any confidential portions of the Committee Chair’s report and/or other relevant confidential medical information, as authorized by Harbors and Navigation Code (HNC) section 1157.1.

PEC Committee Member Bridgman stated that 7 CCR 213 (e) (2) requires trainees to “[b]e of good mental and physical health and of good moral character.” Based on its findings, the PEC recommended that Trainee Johnston be dismissed from the training program and suspended while the matter is under Board investigation.

MOTION: Commissioner Korwatch moved to accept the PEC’s recommendation to dismiss Captain Johnston from the trainee training program, contingent on the dismissal hearing set for July 24, 2025. Commissioner Benedict seconded the motion.

VOTE: YES: Tynan, Benedict, Carr, Korwatch, and Rodriguez.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

MOTION: Commissioner Carr moved to suspend Captain Johnston from the trainee training program, while awaiting the dismissal hearing set for July 24, 2025, per 7 CCR 214 (g). Commissioner Korwatch seconded the motion.

VOTE: YES: Tynan, Benedict, Carr, Korwatch, and Rodriguez.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

D) Possible PEC recommendation as to whether a Trainee has, or Trainees have, successfully completed the Pilot Trainee Training Program.

Possible Board action to award a Certificate of Completion to a Trainee or Trainees who has/have completed the Pilot Trainee Training Program.

No action recommended.

- E) **Possible recommendation from the Executive Director for the Board to issue a state pilot license to a Trainee or Trainees who hold a Certificate of Completion from the Pilot Trainee Training Program.**

Possible Board action to accept a recommendation from the Executive Director that a Trainee or Trainees holding a Certificate of Completion from the Pilot Trainee Training Program be licensed as a state-licensed pilot, and issue said state license.

No action recommended.

9. Joint Pilot Boat Advisory Committee and the Finance Committee. (Committee Chair Carr)

- A) **Report on the Joint Pilot Boat Advisory Committee and the Finance Committee meeting held on May 29, 2025.**

Commissioner Carr stated that the Joint Pilot Boat Advisory Committee and the Finance Committee met on May 29, 2025. During the meeting, SFBP presented the documentation for the expenses for the design and engineering stages of a new station boat. The Joint Pilot Boat Advisory Committee and the Finance Committee recommended the Board approve the preliminary authorization in the amount of \$978,565.56. The next Joint Pilot Boat Advisory Committee and the Finance Committee meeting, scheduled for July 16, 2025, will review the SFBP's receipts and make a recommendation regarding a final authorization.

- B) **Possible Joint Pilot Boat Advisory Committee recommendation to review supporting documentation from the SFBP and the San Francisco Bar Pilot's Benevolent and Protective Association and a request to approve a preliminary authorization in the amount of \$978,565.56, for the design and engineering stages of a new station pilot vessel.**

Possible Board action on the recommendation from the Joint Pilot Boat Advisory Committee to review supporting documentation from the SFBP and the San Francisco Bar Pilot's Benevolent and Protective Association and approve a request to approve a preliminary authorization in the amount of \$978,565.56, for the design and engineering stages of a new station pilot vessel.

Commissioner Carr stated that the Joint Pilot Boat Advisory Committee and the Finance Committee recommended a motion to approve the preliminary authorization in the amount of \$978,565.56, for the design and engineering stages of a new station boat.

MOTION: Commissioner Carr moved to accept the Joint Pilot Boat Advisory Committee's recommendation to the Board to approve a preliminary authorization in the amount of \$978,565.56, for the design and engineering stages of a new station pilot vessel. Commissioner Rodriguez seconded the motion.

VOTE: YES: Tynan, Benedict, Carr, Korwatch, and Rodriguez.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

10. Pilot Diversity Committee. (Committee Chair Rodriguez)

A) Report on the Pilot Diversity Committee meeting held on May 30, 2025.

Commissioner Rodriguez stated that (during the May 30, 2025 meeting) the Pilot Diversity Committee agreed that the committee needed a new mission statement. He read the current and proposed mission statements, included in the meeting documents, for the Board's consideration.

B) Possible Pilot Diversity Committee recommendation to edit the Committee's mission statement.

Possible Board action to accept the recommendation from the Pilot Diversity Committee to edit the Committee's mission statement.

MOTION: Commissioner Carr moved to accept the Pilot Diversity Committee's recommendation to the Board to approve edits the Committee's mission statement. Commissioner Korwatch seconded the motion.

VOTE: YES: Tynan, Benedict, Carr, Korwatch, and Rodriguez.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

11. Incident Review Committee (IRC) - Reportable Piloting Events. (Executive Director Garfinkle/Vice President Hayes-White) (Reportable piloting events occurring up to the start of the meeting will be reported on.)

A) Present IRC report regarding the September 25, 2024, event involving the bulk carrier Motor Vessel (M/V) KONA TRADER which made unintended contact with the pier in the Port of Stockton.

Board deliberation on the Incident Review Committee's recommendations to the Board and determination regarding the event of September 25, 2024, involving the M/V KONA TRADER, which made unintended contact with the pier in the Port of Stockton. If the report is not presented, the IRC may request an extension to present the report. If that is the case, possible Board action to extend the presentation of the M/V KONA TRADER report to the next monthly Board meeting.

The Board may go into closed session for the deliberation of the confidential portions of the incident report presented under this item pursuant to Harbors and Navigation Code section 1180.6 and Government Code section 11126, subdivisions (c)(3) and (e)(1).

On behalf of IRC Chairperson Joanne Hayes-White, Executive Director Garfinkle submitted the report (included in the Board meeting documents) on the M/V KONA TRADER and verbally summarized the IRC report for the Board's consideration

Based on the analysis and conclusions, the IRC recommended:

1. That the Board find for pilot error.

2. That Captains Stevens and Barron address the general membership of SFBP on lessons learned

from this event, including an assessment of the approaches to Stockton's Berth 12 and 13, fatigue risk mitigation and pilot risk assessment on extended assignments, and report back to the Board when this presentation is completed.

3. That Captains Stevens and Barron attend additional Bridge Resource Management and Fatigue Risk Management training when next offered by the Board.

Board Members discussed the incident and debated the IRC's finding that fatigue could have been a factor in this incident. Commissioner Carr objected to this finding, citing the extensive steps that the SFBP has taken to mitigate fatigue risk.

Counsel Clack, representing Captain Stevens, stated that the standard of care expected is that a pilot's judgment should be made based off what is reasonable, and not hindsight. He stated that the failure was in the lack of communication from the mate on the bow and the master. Captain Stevens ensured all aspects of ship and plan were discussed prior to embarkment. The master was familiar with the challenges of this docking. The bridge cannot see the dock closing so Captain Stevens was relying on the master and mate on the bow to communicate as they progressed, so he could evaluate the situation. How Captain Stevens conducted himself was reasonable and Captain Stevens and Trainee Barron were well rested; well within the fatigue guidelines.

Attorney Tribolet, representing the vessel, requested to make comments. SFBP Counsel Clack objected, and Board Counsel Tuck stated that, pursuant to the Board's regulations, section 210, subdivision (e) and Harbors and Navigation Code section 1180.6, the Board does not accept public comment on an IRC hearing agenda item when an IRC incident is under review for a vote (only the IRC and pilot, or their counsel, can comment). Board Counsel Tuck stated that the IRC did consider the letter submitted from Attorney Tribolet when conducting their analysis. Attorney Tribolet objected to the denial of public comment.

Recess began at 12:13 p.m.

Meeting resumed at 12:24 p.m.

Closed session began at 12:24 p.m.

Closed session ended at 12:48 p.m.

President Tynan left the meeting at approximately 12:51 p.m.

Open session resumed at 12:51 p.m.

Board Counsel Tuck stated that, after consideration and comments from the attorney, the Board found there was pilot error and partially approved the IRC's recommendation, after which the Board decided that:

1. The Board find for pilot error.
2. Captains Stevens and Barron address the general membership of SFBP on lessons learned from this event, including an assessment of the approaches to Stockton's Berth 12 and 13, and report back to the Board when this presentation is completed.

B) Progress report on IRC report regarding the October 14, 2024, event involving the Motor Tanker (M/T) PLATANOS which made unintended contact with the pier at Shell Martinez.

Possible Board action to extend the M/V PLATANOS report to the next monthly Board meeting.

Executive Director Garfinkle stated that he received the USCG report on June 4, 2025 (234 days post-event). He stated the need to extend the presentation of the IRC report was, in part, due to this delay in the USCG's provision of critical evidence. Executive Director Garfinkle requested the Board extend the M/T PLATANOS report presentation to the Board Meeting on July 24, 2025.

- MOTION:** Commissioner Benedict moved to grant the IRC an extension to present its report on the M/T PLATANOS at the next Board meeting, on Thursday, July 24, 2025.
Commissioner Korwatch seconded the motion.
- VOTE:** YES: Benedict, Carr, Korwatch, and Rodriguez.
NO: None.
ABSTAIN: None.
- ACTION:** The motion was approved.

12. Reported Safety Standard Violations. (Executive Director Garfinkle) (Reported safety standard violations occurring up to the start of the meeting will be included.)

Executive Director Garfinkle stated that Board staff received no new reports of safety violations in the period between the May 2025 and June 2025 Board meetings.

13. Board review and discussion of the SFBP submission of the 2024 Title 7, California Code of Regulations (CCR), section 237, subdivision (d) annual report.

Possible Board action to schedule a hearing to determine the appropriate number of licensed pilots pursuant to CCR section 237, subdivision (c).

Executive Director Garfinkle stated that the SFBP is required to submit a Section 237(d) report annually. The submission under review is for 2024 (and includes the number of pilots, number of bar crossings, gross tonnage, etc.). The Board can consider this report without the need for a Pilot Power Committee meeting. Board action would be required if the Board wants to schedule a hearing to determine the appropriate number of pilots.

Board Counsel Tuck stated that he requested this agenda item be added for possible Board action because 7 CCR 237 (c) through (d) reference the Board's ability to act. The Board is not required to have a hearing every year. The agenda item is meant as a reminder to the Board that they can set a hearing.

The Board decided to take no action.

14. Board discussion and review of the current number of pilots and pilot Trainees, including reviewing the most recent data required in Title 7, CCR, section 237, subdivision (d).

Possible Board action to direct staff to contract with one or more pilot Trainees for participation in the Pilot Trainee Training Program.

Executive Director Garfinkle recommended the Board offer trainee contracts to the two remaining candidates from the 2022 eligibility list. There are currently 52 pilots and four trainees (who could complete the program in the summer of 2026). Executive Director Garfinkle was waiting to contact the remaining two candidates until after the Board's approval. One previously deferred participation

and could defer again, since the list is valid for three years (expires in 2026).

MOTION: Commissioner Carr moved to contract with the remaining two pilot trainee candidates on the exam list for participation in the Pilot Trainee Training Program. Commissioner Benedict seconded the motion.

VOTE: YES: Benedict, Carr, Korwatch, and Rodriguez.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

Commissioner Carr requested that Executive Director Garfinkle inform the candidate that previously deferred that the Board could reach out to him again if he wants to defer again.

15. Pilot Fitness Committee (Committee Chairperson)

A) Report on the Pilot Fitness Committee meeting held on June 9, 2025.

Commissioner Korwatch stated that the Pilot Fitness Committee met on June 9, 2025, discussed the Fatigue Risk Management System (FRMS), recommended the Board approve the FRMS, and that there were no changes to the existing program.

B) Review and discussion of the Fatigue Risk Management System (FRMS) submitted by the Port Agent as required under Pilot Fatigue Regulations.

None.

C) Review and discussion of Pilot Fitness Committee recommendation for approval of the FRMS submitted. (Captain Anne McIntyre/Port Agent Carlier)

Possible Board action to accept a recommendation from the Pilot Fitness Committee for approval of the FRMS.

MOTION: Commissioner Korwatch moved to accept a recommendation from the Pilot Fitness Committee for approval of the FRMS. Commissioner Rodriguez seconded the motion.

VOTE: YES: Benedict, Carr, Korwatch, and Rodriguez.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

Commissioner Korwatch stated that the Pilot Fitness Committee wanted to add a mental health evaluation, but no action has been taken yet.

Executive Director Garfinkle stated that the Committee and Board staff will continue to research the potential for contracting with a forensic psychologist (for mental assessment) and he reported Doctor Kosnik, current Medical Review Officer for the Board, opined it would be a worthy pursuit. Executive Director Garfinkle stated that the Peace Officer Standards and Training (POST) organization may offer the service of analyzing what mental health evaluation process would be

appropriate for Board licensees.

Commissioner Korwatch stated that the Pilot Fitness Committee also discussed the legality of this and may require advice from Board counsel.

16. Status report on the Board's Information Technology Modernization Project (ITMP). (Assistant Director Millspaugh)

Assistant Director Millspaugh stated that Board staff are actively working on The California Department of Technology's (CDT) Project Approval Lifecycle (PAL) Stage 3, which involves procurement of an IT solution, and will move forward with it once PAL Stage 2 is approved. Board staff aim to award the IT Solution contract in the first quarter of 2026, contingent on the approval of PAL Stage 3.

Agenda item 17 was discussed prior to Agenda item 6.

18. Discussion regarding the contract for Surcharge Collection, Pilot Education, and Pilot Trainee Training between the SFBP and the Board, and issues related to reimbursement of the SFBP by the Board. (Captain McIntyre)

SFBP General Counsel Baldwin stated there was nothing new to report, the SFBP was just awaiting funds transmission.

Assistant Director Millspaugh stated that Board staff continue to work with CalSTA to send the relevant paperwork to SFBP and anticipate it will be sent within the next 30 days.

19. Closed session for the Board to confer with legal counsel regarding potential significant exposure to litigation against the Board involving an inactive licensee. (Board Counsel)

The Board is authorized to discuss this matter in a closed session pursuant to the Open Meeting Act, Government Code section 11126, subdivisions (e)(1) and (e)(2)(B).

None.

20. Proposals for the next Board meeting agenda. (President Tynan)

Executive Director Garfinkle and Assistant Director Millspaugh referenced the need to add agenda items for:

- The trainee dismissal hearing (discussed in agenda item 8C); and
- The final authorization for SFBP costs for the design and engineering stages of a new station pilot vessel (discussed in agenda item 9).
- The resolution to provide authority for the Pilot Boat Program audit.

21. Comment by public and Board Members on matters not on the agenda.

Attorney Tribolet and Board Counsel Tuck discussed the validity of excluding public comment during the IRC process. Board Counsel Tuck stated that Mr. Tribolet's written submission was taken into

consideration, the matter was closed, and agenda item 21 was intended only for matters not on the agenda.

22. Adjournment.

Commissioner Rodriguez (for President Tynan) adjourned the meeting at 1:20 p.m.

Submitted by:



Allen Garfinkle
Executive Director

DRAFT

ACRONYM INDEX

Acronyms / Abbreviations	Definition
AB	Assembly Bill
ADA	Americans with Disabilities Act
AFMR	Absent For Medical Reasons
Blank Sailings	Cancelled Sailings
BOPC/Board	Board of Pilot Commissioners
CalHR	The California Department of Human Resources
CalSTA	The California State Transportation Agency
CCR	California Code of Regulations
CDT	The California Department of Technology
CHP	The California Highway Patrol
CMA	The California State University Maritime Academy
COLA	Cost of Living Adjustment
Dainis	Dainis & Company, Incorporated
DGS	The Department of General Services
DOF	The Department of Finance
FCP	First Class Pilot (federal license test)
FRMS	Fatigue Risk Management System
GRT	Gross Registered Tons
HNC	Harbors and Navigation Code
IFB	Invitation for Bids
IRC	Incident Review Committee
ITMP	Information Technology Modernization Project
LOA	Leave of Absence
MRP	Minimum Rest Period
M/T	Motor Tanker / Motor Tug
M/V	Motor Vessel
PAL	Project Approval Lifecycle
PBF	Petroplus, Blackstone, and First Reserve (Energy)
PEC	Pilot Evaluation Committee
PMSA	The Pacific Merchant Shipping Association
POST	Peace Officer Standards and Training
P/V	Passenger Vessel / Pilot Vessel
Rate Committee	Ad Hoc Committee to Review the Pilotage Rate Setting Process
RMC	Rex M Clack (Law)
RPMs	Revolutions Per Minute
SB	Senate Bill
SCO	The State Controller's Office
SFBP	San Francisco Bar Pilots
SOW	Scope of Work
TBD	To Be Determined
UCSF	The University of California San Francisco
USCG	The United States Coast Guard
7 CCR	Title 7, California Code of Regulations

This and other documents for this meeting can be found on the Board's website www.bopc.ca.gov.

