

**BEFORE THE
BOARD OF PILOT COMMISSIONERS
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation Against:

**RONALD E. GREGER, CAPTAIN,
Pilot License No. 2595-05,
Respondent.**

Agency Case No. 2024-02

OAH No. 2024100885

PROPOSED DECISION

Administrative Law Judge Juliet E. Cox, State of California, Office of Administrative Hearings, heard this matter on July 1 and 3, 2025, by videoconference.

Deputy Attorney General Brett A. Kingsbury represented complainant Allen Garfinkle, Executive Director of the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun, State of California.

Attorney Edwin Bradley represented respondent Ronald E. Greger.

The matter was submitted for decision on July 3, 2025.

FACTUAL FINDINGS

1. The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun (Board) is the State of California agency that licenses and regulates pilots for vessels in San Francisco, San Pablo, and Suisun Bays, and in Monterey Bay. Allen Garfinkle, Executive Director of the Board, acts in his official capacity in this matter as the complainant.

2. Pilots who hold licenses issued by the Board may direct vessels moving between the “high seas” (waters west of the Golden Gate Bridge) and waters east of the Golden Gate Bridge, and vessels moving between the Golden Gate Bridge and the Ports of Sacramento and Stockton. (Harb. & Nav. Code, §§ 1110, 1112, 1125.) The general purpose of the system for licensing such pilots is to avoid collisions, groundings, or other harm by ensuring that persons with local maritime navigation expertise direct large, non-local vessels within the “confined, crowded, and environmentally sensitive” waters east of the Golden Gate Bridge. (*Id.*, § 1101, subd. (f); see also *id.*, § 1100.)

3. Between January 2019 and January 2024, respondent Ronald E. Greger held a pilot license issued to him by the Board. The Board sequentially numbers such licenses; effective January 21, 2023, respondent held Pilot License Number 2595-05.

4. Respondent applied in November 2023 to renew his pilot license. By letter dated February 13, 2024, complainant notified respondent that the Board would not renew respondent’s license. Respondent requested a hearing on his continuing eligibility for licensure.

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5. Complainant served respondent with an accusation in May 2024, and with a first amended accusation in May 2025. Complainant amended the accusation further after the conclusion of evidence. As amended, the accusation alleges several reasons that the Board should not license respondent as a pilot: (1) he no longer satisfies requirements for access to an appropriate pilot vessel; (2) he no longer satisfies requirements for recent pilot experience; (3) he has violated Board statutes and regulations relating to collecting pilotage fees; and (4) he has violated Board statutes and regulations relating to obtaining piloting assignments. Respondent disputes some of these allegations and contends that others, even if true, should not prevent his continuing licensure.

Requirements for Pilot Licensing and Activities

6. Vessels smaller than 750 gross tons generally do not require licensed pilot services. (Harb. & Nav. Code, § 1127, subd. (e).) Also, regardless of size, vessels that are “nonself-propelled” (barges) do not require pilots when moving “in tow of a tug within Monterey Bay and the Bay of San Francisco, San Pablo, or Suisun, or between those bays”; but the owners or operators of these vessels may employ pilots for such moves if they wish to do so and if they pay pilotage fees. (*Id.*, § 1128.)

7. A pilot is essentially a temporary addition to a vessel’s crew. The pilot travels to the vessel that he or she will pilot; boards the vessel; and communicates with the vessel’s crew to advise them regarding safe speed and direction for the vessel. When the vessel has reached its destination, the pilot disembarks. Depending on the path of travel for the vessel receiving pilotage services, the pilot may board or disembark at a berth or dock, or may transfer between the larger vessel and a smaller transport vessel while both vessels are temporarily stationary in open water.

8. In calm water, safe boarding or disembarking may be possible between a large vessel and any small transport boat. Sometimes, however, a pilot must board a large vessel on the high seas west of the Golden Gate Bridge, to pilot the vessel into San Francisco Bay and to a mooring or berth. Similarly, a pilot sometimes must disembark such a vessel west of the Golden Gate Bridge after piloting it out of San Francisco Bay. Pilots may board or disembark in daylight, darkness, or heavy fog. To ensure pilot safety in all boarding and disembarking circumstances, the Board regulates and approves the small boats that pilots may use as pilot vessels to transport them to and from the larger vessels they pilot. (Harb. & Nav. Code, § 1131; Cal. Code Regs., tit. 7, § 219, subd. (i).)

9. In principle, a pilot individually may own and operate a pilot vessel for the pilot's exclusive use. Individual ownership, in which each licensed pilot would bear the entire cost of owning and operating a Board-approved pilot vessel, is not necessary for orderly and comprehensive pilotage services in the San Francisco, San Pablo, and Suisun Bays, however. Instead, Board-licensed pilots own and operate several pilot vessels collectively, through two non-governmental membership organizations (the San Francisco Bar Pilots' Association and the San Francisco Bar Pilots' Benevolent and Protective Association, together SFBP). At all times relevant to this matter, the only vessels approved by the Board as pilot vessels were and are vessels owned and operated by SFBP.

10. Pilots do not compete with one another for pilotage jobs. Rather, to ensure that all vessels requiring or desiring licensed pilots to navigate within the Board's geographic jurisdiction have timely access to safe, qualified pilot services, the Board uses a Port Agent to dispatch pilots. (Harb. & Nav. Code, § 1130; Cal. Code Regs., tit. 7, § 218.) A pilot who is on duty must be ready to accept the next assignment

from the Port Agent, and a pilot must accept pilotage assignments only through the Port Agent. (Cal. Code Regs., tit. 7, § 219, subds. (b), (k).) A pilot who learns about potential vessel movements from a source other than the Port Agent has a duty not to use that information to other pilots' detriment. (*Id.*, § 222, subd. (a).)

11. Pilots also do not compete with one another to offer the lowest-cost pilotage services. Rather, the Board sets mandatory fees for these services (Harb. & Nav. Code, § 1190 et seq.), and the Port Agent collects these fees for pilots the Port Agent has dispatched (Cal. Code Regs., tit. 7, § 219, subd. (a)). If a pilot, rather than the Port Agent, collects pilotage fees, the pilot must remit the appropriate portion to the Board and also must provide an accounting of fees the pilot has collected. (Harb. & Nav. Code, §§ 1136, 1137; Cal. Code Regs., tit. 7, § 219, subd. (a).)

12. Pilots must maintain up-to-date knowledge regarding navigational conditions within San Francisco, San Pablo, and Suisun Bays. (Harb. & Nav. Code, § 1175, subd. (c).) To this end, the Board requires pilot continuing education. (*Id.*, § 1171.5.) In addition, unless the pilot qualifies for a statutory exception, a pilot is not eligible to renew his or her license if the pilot has not piloted any vessel in a year or longer. (Harb. & Nav. Code, § 1141, subd. (b).)

Respondent's Recent Pilot Experience

13. The Port Agent last dispatched respondent to a pilotage assignment on January 6, 2023.

14. During February and March 2023, respondent was temporarily medically unfit to pilot vessels. He recovered his fitness for pilot duty in early April 2023.

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15. After respondent recovered his fitness for pilot duty, the Port Agent declined to return respondent to the dispatch list. The evidence does not establish the Port Agent's reasons for declining to dispatch respondent in and after April 2023.

16. Between January 2019 and January 2023, while working as a pilot, respondent was an SFBP member. When the Port Agent dispatched him to pilotage assignments, he sometimes (but not always) used an SFBP pilot vessel to travel to or from the vessels he piloted.

17. In July 2023, SFBP expelled respondent from membership. The evidence does not establish either the process by which SFBP took this action or its reasons for the expulsion. Respondent and SFBP are engaged in litigation over his expulsion from SFBP.

18. Complainant has never received information from any person suggesting that respondent is or has been an unsafe or incompetent pilot, or that he has committed any navigational errors while piloting.

19. Because respondent no longer is an SFBP member, SFBP no longer makes its pilot vessels available to respondent to travel to or from pilotage assignments. Respondent has investigated the prospects for acquiring his own suitable vessel and for obtaining the Board's approval to use it as a pilot vessel, but has not done so.

20. In and after April 2023, respondent accepted multiple pilotage assignments without the Port Agent's having dispatched him. Specifically, on approximately 20 occasions between April 2023 and May 2025, respondent provided

pilotage services for barges moving within San Francisco, San Pablo, and Suisun Bays.¹ On each of these occasions, a tug owned by members of respondent's family was involved in towing the barge.

21. Respondent denies having collected any payment for the pilotage services described in Finding 20, characterizing these trips as favors he did for business acquaintances simply to maintain his piloting experience. He also disclaimed any knowledge of the fee structure his family's business uses for tug services, and in particular of whether these fees in any way incorporate fees for pilotage. This testimony is not credible.

22. Respondent's family's business also offered tug services before January 2023. When asked whether tug clients ever requested or received pilotage services directly from him before January 2023, without going through the Port Agent, respondent was evasive, and ultimately declined to answer.

LEGAL CONCLUSIONS

1. Pilot licenses issued by the Board are valid for twelve months at a time. (Harb. & Nav. Code, §§ 1141, 1172.) To refuse to renew a license when it expires, the Board must have good cause to withhold renewal. (*Id.*, § 1172.) Similarly, the Board

¹ Although such trips may occur without pilots, as described in Finding 6, respondent characterized his role on these trips as that of a pilot. No evidence contradicted this characterization.

may suspend or revoke a license before its expiration if the pilot has violated Board statutes or regulations. (*Id.*, § 1181, subd. (h).)

First Cause for Non-Renewal

2. To renew a license, a pilot must demonstrate that she or he has “means available for boarding or leaving vessels [that] the person may be called upon to pilot.” (Harb. & Nav. Code, § 1175, subd. (d).) The matters stated in Findings 7 through 9, 16, 17, and 19 establish that respondent does not have access to any Board-approved pilot vessel, even though such pilot vessels would be necessary for respondent safely to board or leave at least some of the vessels he might pilot into or out of San Francisco Bay. These matters constitute good cause for the Board to decline to renew respondent’s license.

Second Cause for Non-Renewal

3. To renew a license, a pilot also must demonstrate that she or he has “actively pilot[ed] vessels” during the previous year, or must qualify for an exception to this requirement. (Harb. & Nav. Code, § 1141, subd. (b).)

4. Although the matters stated in Finding 6 show that pilotage services were not statutorily necessary for the barge trips described in Finding 20, these matters also show that such trips may use pilots. Because of the matters stated in Finding 20, the Board lacks good cause to deny respondent’s renewal application on the ground that he does not have recent, active pilot experience.

First Cause for Discipline

5. Pilots may not offer free pilotage services; pilotage fees are mandatory. (Harb. & Nav. Code, §§ 1190, subd. (a), 1191, subd. (b); Cal. Code Regs., tit. 7, § 219,

subd. (a).) When a pilot collects pilotage fees, the pilot must account for those fees to the Board and must pay over the Board's share promptly. (Harb. & Nav. Code, § 1181, subds. (a), (b), (c).) Failure to collect, account for, or pay over fees is cause for the Board to discipline a pilot's license. (*Id.*, subds. (a), (b), (c), (h).)

6. The matters stated in Findings 20 and 21 do not establish whether respondent collected pilotage fees between April 2023 and May 2025. These matters do establish, however, that if he collected such fees he did not account for or remit them to the Board. In either case—failing to collect fees, or failing to account for and remit them—respondent's acts constitute cause to discipline his pilot license.

Third Cause for Discipline²

7. The Port Agent dispatches pilots (Harb. & Nav. Code, § 1130; Cal. Code Regs., tit. 7, § 218, subd. (d)), and circumventing the Port Agent dispatch system is cause for discipline (Harb. & Nav. Code, § 1181, subd. (h); Cal. Code Regs., tit. 7, §§ 219, subd. (k), 222, subd. (a)). The matters stated in Finding 20 constitute cause to discipline respondent's pilot license.

Analysis

8. As noted in Finding 18, respondent's navigational competence as a pilot is not in question in this matter. The matters summarized in Findings 17 and 19 through 22 show, however, that respondent is either unable or unwilling to cooperate in the regulatory program that ensures safe and orderly pilotage services for all vessels

² Complainant dismissed the Second Cause for Discipline after the presentation of evidence at the hearing.

requiring or desiring such services within the Board's geographic jurisdiction. These matters constitute cause for the Board not to renew, and instead to revoke, respondent's license.

ORDER

Pilot License Number 2595-05, held by respondent Ronald E. Greger, is not renewed, and is instead revoked.

DATE: **07/22/2025**

A handwritten signature in cursive script that reads "Juliet E. Cox".

JULIET E. COX

Administrative Law Judge

Office of Administrative Hearings