

State of California

Board of Pilot Commissioners

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

Minutes of the Meeting of the Board of Pilot Commissioners held on September 25, 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:

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**Board of Pilot Commissioners (Board or BOPC)
for the Bays of San Francisco, San Pablo, and Suisun
Board Meeting
Thursday, September 25, 2025, at 9:30 a.m.**

Board Meeting Minutes

ATTENDANCE

Board Members Present (in person and by phone)

Captain William Benedict, Pilot Member

Captain Robert Carr, Pilot Member

Christine Casey, Designee for the Secretary of the California State Transportation Agency (CalSTA)

Joanne Hayes-White, Vice President, Public Member (by phone)

Captain Lynn Korwatch, Dry Cargo Industry Member

Captain Roy Mathur, Wet Cargo Industry Member

Sam Rodriguez, Public Member (joined, by phone, at 9:36 a.m.)

Karen Tynan, President, Public Member (by phone)

Board Members Absent

None

Board Staff Present (in person and by phone)

Allen Garfinkle, Executive Director (by phone)

Matthew Millspaugh, Assistant Director

Alethea Wong, Licensing and Training Programs Manager

Greg Shepherd, Records Management and Program Support Coordinator

Mari McNeill, Board Administrative Coordinator

Patrick Tuck, Board Counsel

Roma Cristia-Plant, Consultant to the Board (by phone)

Identified Public Present (in person and by phone)

Captain John Carlier, San Francisco Bay Pilots (SFBP), President and Port Agent

Kevin Baldwin, SFBP General Counsel

Captain David Weiss, SFBP

Captain Anne McIntyre, SFBP Business Director

Attorney Edwin Bradley, Raff Law (Representing Captain Ronald E. Greger)

Mark Andrews, California Highway Patrol (CHP) Officer

Captain Einar Nyborg, SFBP

OPEN MEETING

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

Commissioner Korwatch called the meeting to order at 9:30 a.m. (chaired the meeting for President Tynan, who attended remotely). Board Administrative Coordinator McNeill called the roll and confirmed a quorum.

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

Executive Director Garfinkle, President Tynan, Commissioner Hayes-White, and Consultant to the Board Cristia-Plant announced their presence on the phone.

Commissioner Korwatch stated the Board's decision to address agenda item 18 prior to agenda item 9.

3. Review and approval of Board meeting minutes from the meeting held on August 28, 2025. (President Tynan)

Possible Board action to approve the minutes from the Board meeting held on August 28, 2025.

Commissioner Rodriguez joined the meeting by phone at 9:36 a.m.

MOTION: Commissioner Benedict moved to approve the draft August 28, 2025 Board meeting minutes. Commissioner Mathur seconded the motion.

VOTE: YES: Benedict, Carr, Hayes-White, Korwatch, Mathur, Rodriguez, and Tynan.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

4. President Announcements and Activities. (President Tynan)

President Tynan stated that she requested the Board's voting order be permanently changed to list her last to avoid her vote possibly influencing other Board Members' decisions.

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

None.

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

A) Correspondence and activities since the Board meeting held on August 28, 2025.

Executive Director Garfinkle reported the following activities:

- On Thursday, August 28, 2025:
 - Captain McIntyre and Scott Humphrey shared an invitation to the “Maritime Connections Breakfast” in honor of World Maritime Day, being held on Friday, September 26, 2025, at Scott’s Seafood in Oakland.
 - The Department of Finance notified Board staff that they had approved the Board’s budget augmentation to fund the trainee exam process.
- On Friday, August 29, 2025, Executive Director Garfinkle issued the final decision on the KONA TRADER incident to Captain Stevens and his counsel.
- On Monday, September 2, 2025, Executive Director Garfinkle approved the monthly surcharges for August 2025.
- On Wednesday, September 3, 2025, Executive Director Garfinkle approved the Pension Allocation Report for August 2025.
- On Thursday, September 4, 2025:
 - Executive Director Garfinkle notified Captain Johnston in writing of the Board’s decision to dismiss him from the training program, effective August 28, 2025.
 - Board staff received information pertaining to Lone Star Maritime, a firm providing marine surveyor expertise, for potential Board approval.
- On Friday, September 5, 2025, Executive Director Garfinkle approved the Pension Surcharge rate for the fourth quarter.
- On Monday, September 8, 2025, Assistant Director Millspaugh and Executive Director Garfinkle met with the Board’s business partners from the Department of Finance (DOF) to provide an overview of the Board’s role, surcharge structure, and related financial matters.
- On Wednesday, September 10, 2025, Board staff received a Safety Notice from the National Transportation Safety Board highlighting the unique risks and challenges land-based firefighters experience when responding to vessel fires.
- On Thursday, September 11, 2025, Executive Director Garfinkle attended the monthly meeting of the Harbor Safety Committee. While there, he met the new Superintendent of California Polytechnic State University (Cal Poly) Maritime Academy (previously The California State University Maritime Academy [CMA]), Rear Admiral Upper Half (RADM), Eric C. Jones. Executive Director Garfinkle and Superintendent Jones discussed the partnership between Cal Poly Maritime Academy and the Board and expressed that they look forward to their future joint endeavors.

- On Tuesday, September 16, 2025:
 - Board staff received a report from Commissioner Rodriguez on the impact of tariffs on the Bay region economy.
 - Executive Director Garfinkle attended a meeting of the Finance Committee.
- On Wednesday, September 17, 2025:
 - Executive Director Garfinkle attended the open session of the Pilot Evaluation Committee (PEC) meeting.
 - Executive Director Garfinkle submitted the rulemaking package for the Pilotage Rate Setting Process regulations to the California Transportation Agency (CalSTA) or their review.
- On Monday, September 22, 2025, Board staff received a notification that SFBP had been reimbursed from the Pilot Boat fund for expenditures authorized at the July 2025 Board meeting.

B) Report on pilot licensing matters since the Board meeting held on August 28, 2025.

Executive Director Garfinkle reported that since the August 2025 Board meeting, the Board has issued license renewals to the following Board licensees: Captains Alfery, LeSieur, and Olmsted.

C) Report on Board surcharges.

Executive Director Garfinkle reported that the SFBP wired \$863,725.75 to the Board for surcharges collected in August 2025, itemized as follows:

- Operations Surcharge: \$235,202.19
- Pilot Training Surcharge: \$27,135.00
- Trainee Surcharge: \$36,740.00
- Pilot Boat Surcharge: \$564,648.56

D) Report of pension fiduciary.

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

- Surcharge Rate for the Quarter: 0.04462/gross registered ton
- Rolling Look Back Period: April 2024 to March 2025
- Monthly Tonnage for the Month: 28,064,546.00 tons
- Surcharge Billing Total: \$1,252,240.15
- Administrative Costs for the Month: \$2,603.00

- Amount Distributed to Pension Beneficiaries: \$1,249,637.15
- Total Monthly Target Rates: \$1,225,652.17
- Amount Over/(Under) Target: \$26,587.98 (over)

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

E) Report on legislative activities and contractual matters.

Legislative Activities

Assistant Director Millspaugh reported that Board staff are currently monitoring:

- Senate Bill (SB) 263: This bill was amended, changing the lead agency from the California Transportation Agency (CalSTA), and now requires the Governor’s Office of Business and Economic Development, also known as “GO-Biz,” in consultation with the Department of Finance and CalSTA, to conduct a study on the impacts that potential future increases in tariffs and reciprocal tariffs on international trade of imports and exports might have on California’s economic output. This bill was enrolled and was presented to the Governor on September 17, 2025, and the Governor has until September 30, 2025 to act on the bill.
- SB 470: This bill extends, for another four years, until January 1, 2030, alternative teleconference rules under the Bagley-Keene Open Meeting Act, which states that “a state body may hold a meeting by teleconference where a majority of the members of the state body are physically present at the same teleconference location, but the remaining members may join the meeting from a remote location not accessible to the public...” and extends the January 1, 2026 repeal date on the authorization for a multi-member state advisory body to hold an open meeting by teleconference until January 1, 2030. SB 470 was presented to the Governor on September 16, 2025.

Contractual Matters

Assistant Director Millspaugh reported the following regarding contractual matters:

- **Trainee Selection Exam Contracts**
 - a. **Cal Poly Maritime Academy, Trainee Selection Exam Services (Contract # 25M900003)**

Board staff continue to pursue an inter-agency agreement with the Cal Poly Maritime Academy, formally California State University Maritime Academy (CMA), for use of their simulator and facilities for the 2026 pilot trainee simulator exam. The agreement remains with the California Highway Patrol (CHP) for processing.

b. Trainee Selection Exam Services (Contract # 25M900001)

Board staff finalized a scope of work (SOW) and budget for a contract with Dainis & Co. (Dainis) to develop the 2026 pilot trainee exam. The SOW and terms of the agreement remain with CHP for processing. Board staff received an update from CHP on September 25, 2025, that the SOW was being reviewed by CHP executive management and should be ready by the week of October 1, 2025.

c. California Department of Human Resources (CalHR) – Trainee Selection Exam Services (Contract # To Be Determined [TBD])

Board staff have finalized a SOW and budget for the Pilot Trainee Training Program Exam related to services from CalHR. Staff are working to set up direct billing with CalHR which will preclude the need for an inter-agency agreement.

• State Controller’s Office (SCO) – Pilot Boat Program Audit (Contract # TBD)

Board staff are developing a new Inter-Agency agreement between the Board and the SCO in support of the Pilot Boat Program audit. Board staff are working to update the SOW to a project-based audit, focusing on a fiscal review of the use of pilot boat funds. Board staff provided this update to the Finance Committee on September 16, 2025, and will work with the SFBP to receive feedback, as appropriate, on the SOW.

• Maritime Investigator Services Contracts

○ Marine Investigator Services – Invitations for Bids (IFB) (Contract # 24M900003)

- Board staff continue to develop a new IFB for these services.
- The Department of General Service’s (DGS), Office of Risk & Insurance Management (ORIM), has recommended professional liability insurance for the marine investigators.
- Board staff worked with Board Counsel Nina Lincoff to develop the SOW language for professional liability insurance, which enables the BOPC to reimburse successful respondents to the IFB for their contract-related procurement of professional liability insurance. The updated IFB has been provided to CHP and it is expected to be released on or around October 1, 2025.

○ Pilot Trainee Random Drug Testing Services (Contract # 25M900002) Maritime Investigator Services Contracts

Board staff completed extensive work with the contract vendor and CHP to acquire the required documents from the contractor. The agreement is with the vendor for signature.

- **Board Offsite Meeting Space/Related Services (Contract # 25M900006) Fair and Reasonable Contract**

The agreement with the SFBP, to provide meeting space and related services for the Board offsite meeting to be held on October 29, 2025, has been finalized.

In response to Board member questions, Assistant Director Millspaugh Assistant Director Millspaugh responded with the following:

Although CMA handled the oversight (for the simulator portion of the exam) within their own program in the past, the new management hierarchy (after the program was absorbed into Cal Poly Maritime Academy) has not been identified.

Assistant Director Millspaugh stated that a clarification that the rulemaking package for the Pilotage Rate Setting Process regulations was submitted to the CalSTA ticket system for review on September 17, 2025. Commissioner Casey reported that the package had not reached her desk, but that she would look for it.

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 any 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 September 2025:

- **Absent for Medical Reasons (AFMR)**

The following pilots were AFMR, and their initial absence dates were:

- Captain Lingo since March 12, 2025.
- Captain Carr since June 25, 2025.
- Captain Ruff since September 17, 2025.

- **Recommended Minimum Rest Period (MRP) Exceptions**

The SFBP continuously monitors the dispatch list for possible 12-hour 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**

- There are currently 52 licensees on the SFBP Roster.
- Work periods over 12 hours: 13 occurrences, none exceeded 14 hours.
- Night work periods over 10 hours without rest opportunity: One occurrence.
- Night-time hours over 18 hours in a 72-hour period: No occurrences.
- Rest periods of less than 12 hours (MRPs): Three occurrences. The minimum period was 10.4 hours.

B) Monthly report on SFBP ship piloting business activity.

Port Agent, Captain Carrier, reported that, as of September 2025:

- The status for each of the SFBP-owned pilot boats were reported as:
 - Pilot Vessel (P/V) CALIFORNIA was in the shipyard since May 28, 2025.
 - Normal operations for P/Vs DRAKE, GOLDEN GATE, PITTSBURG, and SAN FRANCISCO.
- Vessel moves, for August 2025, were as follows:
 - Bar Crossings: 470
 - Bay Moves: 106
 - River Moves: 44
 - **Total Moves: 620**
- Total Gross Registered Tonnage (GRT): 28 million.
- Year-over-year, when comparing the same period in 2025 to the same period in 2024, total moves were down 1.4% and GRT was down 0.3%.

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.

8. Pilot Evaluation Committee. (Committee Chair Captain Ruff)

A) Report on the Pilot Evaluation Committee (PEC) meeting held on September 17, 2025.

Commissioner Benedict presented the PEC Chair's Report on the following (for PEC Chair Ruff):

- The PEC met on Wednesday, September 17, 2025, at 7:30 a.m. The members present were Captains Ruff, Wehr, Slack, Bridgman, and Stultz. Executive Director Garfinkle joined the PEC in an open session. Executive Director did not have any new news for the PEC.
- The open session was completed at 7:35 a.m., and then the PEC moved into the smaller conference room for the closed sessions.
- There are four active trainees: Captains Gallo, Johnson, Thinger, and Roberts. Their time in the program ranged from one month to 25 months.
- They were observing, part handling or handling under direct supervision of a licensed SFBP pilot.
- Captains Gallo and Johnson have completed all their First-Class Pilotage (FCP) testing requirements and continue to hone their piloting skills.
- Captains Thinger and Roberts are either almost done with testing or almost ready to start the testing process.
 - Thinger has one test left, Sacramento, and he will be finished with FCP testing.
 - Captain Roberts is at the starting line; the PEC wishes him well.
- In closed session, the PEC noted that all trainees are meeting the benchmarks set forth in training guidelines and are progressing.
- The next PEC meeting is scheduled for October 15, 2025, at 7:30 a.m., in this office.

B) Possible PEC recommendation to place one or more Pilot Trainee Training Program trainees on probation, and/or 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, and/or 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 HNC section 1157.1.

None.

- C) 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.

None.

- D) 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.

None.

Recess began at 9:58 a.m.

Meeting resumed at 10:09 a.m.

Board Counsel Tuck stated that the Board still had a quorum present.

Agenda item 18 was discussed prior to agenda item 9.

- 18. Board to consider and possibly act on the administrative law judge's July 22, 2025 Proposed Decision, entered in "In the Matter of the First Amended Accusation Against: Respondent Ronald E. Greger, Captain, Pilot License No. 2595-05" (Agency Case No. 2024-02, Office of Administrative Hearings [OAH] No. 2024100885).**

Possible Board action regarding the administrative law judge's Proposed Decision, pursuant to Government Code section 11517.

The Board may go into closed session for the deliberation of the confidential portions of the Proposed Decision under this item pursuant to Government Code section 11126, subdivisions (c)(3), (e)(1), and (e)(2)(B), and Harbors and Navigation Code section 1157.1.

Board Counsel Tuck stated that, on February 13, 2024, the Board (Executive Director Garfinkle) informed Captain Greger that his license would not be renewed (under section 1141 of the Harbors and Navigation Code). Subsequently, OAH administrative law judge (ALJ) Juliet Cox issued a proposed decision supporting the Board's decision to not renew Captain Greger's license. Board Counsel Tuck highlighted the requirements and expectations for the Board, related to the Board's consideration of the ALJ's proposed decision, as set forth by Government Code section 11517(c), including the time limit, consequences of not reaching a decision within the time limit, and decision options. Board Counsel Tuck also

stated that Attorney Edwin Bradley, representing Captain Greger, would be allowed 15 minutes to speak prior to the Board's discussion and deliberation.

Attorney Bradley stated that he was a lawyer from Petaluma, California, representing Captain Greger. He submitted a letter during the Board meeting recess, which was added to the Board meeting documents. He read the letter, to the Board, which disputed the ALJ's findings, emphasized the importance of the pilot license, and requested the Board to change its decision to something less than revoking Captain Greger's pilot license

Board Counsel Tuck explained the hearing process and highlighted potential actions, as set forth in Government Code section 11517.

When President Tynan and Board Counsel Tuck asked what actions, he recommended taking under the Government Code section 11517, Attorney Bradley admitted that he had not read the legislation and did not have it in front of him but requested the Board take an action short of revoking Captain Greger's pilot license, emphasizing the value of a pilot license. Attorney Bradley stated that revoking a pilot license should be reserved for incidents that have resulted in significant damage and that any error that Captain Greger made could be responded to with a lesser punishment. Attorney Bradley also requested that Board Members who were also SFBP members recuse themselves from voting on this issue because it would be a conflict of interest.

The Board thanked Attorney Bradley for his comments and Captain Korwatch stated that the Board would go into closed session to discuss the matter.

Closed session began at 10:32 a.m.

Closed session ended at 10:46 a.m.

Open session resumed at 10:49 a.m.

President Tynan, Commissioner Rodriguez, and Commissioner Hayes-White announced their presence on the phone.

MOTION: President Tynan moved to adopt the Administrative Law Judge's proposed decision in full, pursuant to Government Code section 11517(c)(2)(A), effective September 25, 2025. Commissioner Benedict seconded the motion.

VOTE: YES: Benedict, Carr, Hayes-White, Korwatch, Mathur, Rodriguez, and Tynan.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

Board Counsel Tuck stated that the letter Attorney Bradley read to the Board was posted on the Board's website [under the September 25, 2025 Board Meeting documents] and, per Government Code section 11517(d), the Board's decision would be filed immediately and immediately becomes a public record and will be served on Attorney Bradley and Captain Greger.

9. 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 there were no new violations between the August 2025 and September 2025 Board meetings.

Since safety violations often refer to pilot ladder safety, Commissioner Carr stated the updates related to the pilot ladder safety requirements, including:

- The International Maritime Organization (IMO) released a formal announcement on September 16, 2025.
- Updates for boarding ships are now official but will not be adopted for another two years.
- Commissioner Carr will forward the notice to Board staff.

10. Finance Committee. (Commissioner Rodriguez)

A) Report on the Finance Committee meeting held on September 16, 2025.

Commissioner Rodriguez stated that the Finance Committee:

- Convened on September 16, 2025,
- Discussed the pilot boat audit (including Captain McIntyre's efforts),
- Discussed Assistant Director Millspaugh's financial updates, and
- Agreed to not change any of the surcharge amounts.

Commissioner Rodriguez thanked all parties involved for their hard work.

B) Finance Committee recommendations to the Board on the following Board surcharges:

- a. To adjust or not adjust the Board Operations Surcharge rate (currently at 6.50% of all pilotage fees).**

Possible Board action to adjust the Board Operations Surcharge rate.

Commissioner Rodriguez stated that there were no recommended changes to the surcharge rate.

- b. To adjust or not adjust the Pilot Continuing Education Surcharge rate (currently at \$45 per move).**

Possible Board action to adjust the Pilot Continuing Education Surcharge rate.

Commissioner Rodriguez stated that there were no recommended changes to the surcharge rate.

- c. To adjust or not adjust the Trainee Training Surcharge rate (currently**

\$20/trainee/move).

Possible Board action to adjust the Pilot Trainee Training Surcharge rate.

Commissioner Rodriguez stated that there were no recommended changes to the surcharge rate.

- d. To adjust or not adjust the Pilot Boat Surcharge rate (currently at \$0.020 per gross registered ton).**

Possible Board action to adjust the Pilot Boat Surcharge rate.

Commissioner Rodriguez stated that there were no recommended changes to the surcharge rate.

Board Counsel Tuck stated that no vote was needed for the surcharges because there were no surcharge changes recommended.

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.)

Present IRC report regarding the event of October 14, 2024, involving the Motor Vessel (M/V) PLATANOS which made unintended contact with the pier at Shell Martinez.

Possible Board action on the IRC's recommendations to the Board and determination regarding the event of October 14, 2024, involving the M/V PLATANOS, which made unintended contact with the pier at Shell Martinez

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).

Executive Director Garfinkle stated that the IRC report for the M/V PLATANOS was reissued after correcting the errors highlighted in the addendum. Corrections included the vessel specifications (length and configuration), the nature and extent of the damage, photos of the M/V PLATANOS, and the United States Coast Guard (USCG) information collected. There were no other changes to the report and the IRC's conclusions remained the same. The corrected report was included in the Board meeting documents.

In response to a question from Commissioner Carr, Executive Director Garfinkle stated that it was unclear why the Master requested that the assisting tugs' power be limited to 80%, except in the case of an emergency. Executive Director Garfinkle stated this may be due to the strength of the bollards.

Commissioner Carr stated his opinions regarding the IRC report, including disputing some of

the conclusions the IRC made. Some of the points he discussed included:

- The IRC report’s footnotes included information helpful in drawing conclusions regarding bridge resource management. Commissioner Carr stated these footnotes were important and should be part of the report, not just footnotes.
- Commissioner Carr disputed the assertion that Captain Weiss did not properly utilize bridge resource management framework (utilization of all resources, including personnel, by maintaining open communication, with an inward flow throughout the job - utilized to make quick decisions based off the information received). Additional points included:
 - Commissioner Carr stated that Captain Weiss maintained strong communication lines, but the error was due to transposing the tugboat names.
 - Commissioner Carr stated that he did not refute Captain Weiss’ error but acknowledged there was not enough time to catch and correct the error and asserted that classifying it as an error in bridge resource management would be misplaced as Captain Weiss demonstrated thorough research to prepare for the job and relied on a tool (wrote tug positions on a card) to provide confidence in the tugboat positions (but the over-reliance on the tool [card]) to ensure he issued the correct directions proved problematic due to his transposing the tugs’ names).
- Commissioner Carr disputed the IRC report’s reference to fatigue. He stated that he had clear ideas on how fatigue should be addressed and called it “absurd” to second guess the fatigue management of a pilot with over 20 years of experience piloting. Additional points included:
 - Commissioner Carr stated that the job had to be completed during a circadian low, but Captain Weiss managed the disruption, following all the steps [in fatigue prevention].
 - Commissioner Carr stated that it was easy to see that fatigue was not a factor because it was within the Fatigue Risk Management System (FRMS) guidelines established by SFBP, which is regulatory by nature.
 - Commissioner Carr suggested that, if the IRC didn’t want to completely rule out fatigue, then they could say that “there was no indicator that it was a contributing factor” instead of citing it as a potential cause.
- Commissioner Carr stated that the IRC should avoid evaluating incidents through hindsight (incidents must be evaluated based off what the average pilot would do, and hindsight is a different perspective and train of thought than the average pilot would have during the incident). Commissioner Carr stated that he would have worked through the same progression Captain Weiss did. Commissioner Carr stated that a 144-foot beam is extremely wide [making the job more challenging] but Captain Weiss used a multi-layer approach and planned ahead of time to mitigate the challenge [he just made a clerical error].
- Commissioner Carr stated that he did not interpret the cause of this incident as negligence. Captain Weiss made a clerical error: he reversed the order and went through everything else to try to find a way out [of the error chain].

- Commissioner Carr stated that he did not believe an average pilot would have performed better. It was a high-risk situation, but Captain Weiss was attentive, and the job was well planned. When Captain Weiss encountered a problem, he started going through the potential reasons, just like any average pilot would.
- Commissioner Carr stated that he did not think a warning needed to be issued because Captain Weiss has a clean record, and the incident does not warrant issuance of letter of warning. Commissioner Carr suggested, instead, to have the pilot make a presentation to the SFBP regarding lessons learned and what Captain Weiss will do to mitigate mistakes in future.

President Tynan stated that, other than the errors that were corrected, the IRC report was well-reasoned.

Commissioner Hayes-White stated that, as a member of the IRC, she opposed the points Commissioner Carr stated. She stated that she felt the IRC report had properly acknowledged Captain Weiss' experience of over 31 years and, even though the clearly established fatigue rules were followed, she asked how it could definitively be ruled out.

Executive Director Garfinkle stated that he appreciated Commissioner Carr sharing his viewpoint but disagreed on several points, including:

- Regarding fatigue, even though the IRC did not find proof that fatigue contributed to the incident, it would be difficult to rule it out because the incident was during the circadian low.
- Regarding bridge resource management, though this was a clerical error, Captain Weiss had several opportunities to disrupt the error chain through proper communication. While he did communicate with the tugboats, he didn't receive a clear response from tugs. The tugboat not responding was an opportunity to correct the error through effective bridge resource management.
- As to Captain Weiss' exemplary career, no one disagreed with that fact. His career was taken into consideration when the IRC formed their conclusion and recommendations.

Commissioner Benedict agreed with Commissioner Carr's comments, stated that he disagreed with using the word "negligence," and thanked Captain Weiss for being present.

Captain Weiss stated this incident caused him to become hyper-vigilant about double-checking the Portable Pilot Unit (PPU), and he now confirms everything four times before starting every job so that he can state with confidence that this will not happen again. Responding to Commissioner Mathur's question regarding writing tugboat names on cards, Captain Weiss stated that he had not seen any other pilots write the tugboat names on their cards, this was a tool Captain Weiss came up with (to avoid potential confusion).

Board Counsel Tuck explained the Board's options, which included accepting the IRC's recommendation, making other recommendations based on the report, and/or leaving the report unapproved.

Commissioner Carr proposed that the Board accept the first and third IRC recommendation but change the second point so the recommendation would include:

1. “That the Board find for pilot error in this case.” Per the IRC’s recommendation.
2. Instead of issuing a letter of warning to the pilot, that the Board require Captain Weiss to address the general membership of SFBP on lessons learned from this event.
3. “That this investigation be closed without further action.” Per the IRC’s recommendation.

The Board Members and Board Counsel Tuck discussed Commissioner Carr’s proposal and clarified what the motion would entail.

MOTION: Regarding the M/V PLATANOS, Commissioner Carr moved to find for pilot error, require Captain Weiss to address the general membership of SFBP on lessons learned from the event of October 14, 2024, and that the investigation be closed without further action. Commissioner Mathur seconded the motion.

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

ACTION: The motion was approved.

12. Approval of pilot vessel marine surveyor(s). (Port Agent Carrier)

Consideration and possible action for approval of marine surveyor(s), pursuant to Title 7, California Code of Regulations §219(i). Possible Board action to approve marine surveyor(s) pursuant to Title 7, California Code of Regulations §219(i).

Captain McIntyre explained that the SFBP needed the Board to certify a (new) marine surveyor (Lonestar Maritime) to survey the pilot boats. The surveyor the SFBP previously used recently retired and recommended the new firm; stating that it would be easier to use a firm (instead of an individual surveyor) so that if an individual cannot perform the survey, then the firm can assign another surveyor instead of the SFBP needing to go through the process of changing surveyors again.

MOTION: Commissioner Benedict moved to approve the use of the marine surveyor firm “Lonestar Maritime.” Commissioner Carr seconded the motion.

VOTE: YES: Benedict, Carr, Hayes-White, Korwatch, Mathur, and Rodriguez.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

13. Discussion regarding the process, related reports, and possible improvements related to the evaluation of licensed pilots and Pilot Trainees for Fit for Duty (FFD) status by the University of California San Francisco (UCSF). (Assistant Director Millspaugh)

Possible Board action related to recommendations for improvement to the process and related reporting for Licensed Pilot and Pilot Trainees FFD evaluations.

Assistant Director Millspaugh stated that Board staff have engaged in several steps to address this issue (the FFD processing delays), including:

- Board staff have scheduled a presentation with members of the SFBP to review the statutes, regulations, and the process. This will be recorded so pilots and trainees can refer to it later.
- Board staff have been working to review the [pilot] handbook to update the flow (without changing the content) and provide a quick reference summary.
- Board staff have been reviewing data points to identify normal expectations versus outliers and outlier origins/causes. Board staff will try to get feedback from UCSF.
- Board staff have been trying to understand the source of delays and act accordingly.

Assistant Director Millspaugh stated that no Board action on this item is recommended at this time.

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

Assistant Director Millspaugh stated that Board staff continue to work with Gartner Inc. (Gartner), CalSTA, and The California Department of Technology (CDT) toward development of the ITMP solution. The approval package for Project Approval Lifecycle (PAL) Stage 2 is with CDT executive management for review. Approval processing time at CDT has been slowed due to a large quantity of budget change proposals submitted to CDT from various agencies. Other than that, the ITMP timeline remains on track.

15. Discussion of the Board's offsite strategic planning meeting scheduled for October 29, 2025, including a review of the meeting's purpose, a review of proposed discussion topics collected to-date, and solicitation of potential discussion topics from Board members and the public. (President Tynan/Assistant Director Millspaugh)

Assistant Director Millspaugh stated that Board staff have done quite a bit of footwork for this public meeting. Assistant Director Millspaugh will work with Board Counsel Tuck to prepare an agenda. No action items are expected for this meeting. Anticipated discussion points include:

- Review of the trainee training program and potential process improvements (Amanda from Dainis agreed to speak),
- Overview of the IRC process and reports,

- Legislation and actions taken (including pilot authority),
- Diversity and recruitment,
- Mental health,
- Board meeting procedures and process improvements,
- Administrative insights, and
- Shared learning experience (including the history of pilots).

Assistant Director Millspaugh stated that this is not a final list. The final list should be ready by October 7, 2025.

Commissioner Rodriquez inquired about receiving information on avoiding serial meetings. Assistant Director Millspaugh stated that he would consult with Board Counsel Tuck on providing information to avoid serial meetings and violating the Bagley Keene Act.

Commissioner Carr recommended that, in addition to the trainee program, there also be a separate agenda item to discuss the exam.

Assistant Director Millspaugh stated that 20 attendees are expected, including representatives from SFBP, the Pacific Merchant Shipping Association (PMSA), Board Counsel, and Board staff. This is a public meeting to be held at the Klamath (The Historic Klamath – Board Room, Top Floor, Pier 9, The Embarcadero), so it is possible that attendees will also include members of the public. Since it is an eight-hour meeting, for the sake of brevity, only a high-level summary of meeting minutes will be published.

16. 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)

Captain McIntyre stated that:

- The SFBP continues to be concerned about the industry’s volatility. Tariff fees appear to be on the verge of taking effect so there is a shift from Chinese ships to ships from other origins.
- Progress continues with pilot vessel replacement project. The SFBP visited shipyards, sent 10-20 requests for proposals (throughout the United States) and have received responses from four. Some yards seem busy with ferry and tug repairs.

17. Discussion regarding SFBP reimbursements.

A) 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)

Agenda item 17A and 17B were discussed together under agenda item 17B.

B) Discussion and updates regarding reimbursements and potential improvements to the Board's processes (timeliness and methods) for reimbursing SFBP for approved pilot boat costs, including design, engineering, and construction expenses. (Captain McIntyre)

Captain McIntyre, Assistant Director Millspaugh, and Ms. Cristia-Plant discussed payments to the SFBP. Discussion points included:

- Captain McIntyre thanked Board staff and stated that the SFBP received the check for reimbursement for pre-engineering fees. Captain McIntyre also stated that Assistant Director Millspaugh sent tracking information for the check to SFBP and discussed the State's process for payment and possible improvements.
- Assistant Director Millspaugh stated that he had been researching solutions to expedite the payments to SFBP, found SCO has no way at this time to electronically send funds to a vendor but he said he will continue to look for solutions. Referencing agenda item 17A, regarding unreimbursed funds [for SFBP], Assistant Director Millspaugh stated that he had been told the funds were processed and on the way to SFBP.
- Captain McIntyre agreed that she heard the funds were en route and felt there should be a method to do a direct deposit.
- Assistant Director Millspaugh stated that the issue is the State does not currently have a process to electronically pay individuals that are not employees of the State.
- Ms. Cristia-Plant stated that the Board has a contract for expedited warrant processing (which includes claim schedule processing time). She also suggested using the Board's revolving fund like a checking account.
- Assistant Director Millspaugh stated that Board staff did request an expedited warrant, but it is \$75 each time and is limited (on the amount that can be drawn). Since the loan payments are monthly, Assistant Director Millspaugh stated that he has been trying to find a solution that doesn't have to go through SCO and doesn't create business issues for SFBP.

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).

Board Counsel Tuck stated that no closed session was needed at this meeting, and no closed session was held.

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

Commissioner Carr requested to discuss fatigue at the round table (offsite strategic planning) meeting on October 29, 2025.

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

Commissioner Rodriguez complimented Commissioner Korwatch on leading this Board meeting.

22. Adjournment.

Commissioner Korwatch adjourned the meeting (on behalf of President Tynan) at 11:52 a.m.

Submitted by:



Allen Garfinkle
Executive Director

ACRONYM INDEX

Acronyms / Abbreviations	Definition
AFMR	Absent For Medical Reasons
BOPC/Board	Board of Pilot Commissioners
CalHR	The California Department of Human Resources
Cal Poly	The California Polytechnic State University
CalSTA	The California State Transportation Agency
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 & Co.
DGS	The Department of General Services
DOF	The Department of Finance
FCP	First-Class Pilotage (test)
FFD	Fit For Duty
FRMS	Fatigue Risk Management System
Gartner	Gartner Inc. (Business management consultant)
GRT	Gross Registered Tons
HNC	Harbors and Navigation Code
IFB	Invitation for Bids
IMO	International Maritime Organization
IRC	Incident Review Committee
ITMP	Information Technology Modernization Project
MRP	Minimum Rest Period (12 hours)
M/V	Motor Vessel
OAH	Office of Administrative Hearings
ORIM	Office of Risk & Insurance Management (DGS)
PAL	Project Approval Lifecycle
PEC	Pilot Evaluation Committee
PMSA	The Pacific Merchant Shipping Association
PPU	Portable Pilot Unit
P/V	Passenger Vessel / Pilot Vessel
RADM	Rear Admiral Upper Half
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

This and other documents for this meeting can be found on the Board's website

www.bopc.ca.gov.

