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October 23, 2025

VIA PRIORITY MAIL AND ELECTRONIC MAIL
(bopc@bopc.ca.gov)

Karen Tynan, President
Board of Pilot Commissioners for the Bays
of San Francisco, San Pablo and Suisun
660 Davis Street
San Francisco, CA 94111

**Re: *The Matter of Captain Ronald E. Greger*
San Francisco Bar Pilot Lic # 2595-05
OAH No. 2024100885**

Dear President Tynan:

This letter serves as my request on behalf of Captain Ronald E. Greger that the Board reconsider and amend its decision rendered at its regular meeting on September 25, 2025. At that meeting the Board voted to revoke Capt. Greger's license based on the findings of the Judge Juliette Cox. These findings were the result of a 2-day hearing conducted by Judge Cox on July 1 and July 3, 2025. I make this request for reconsideration pursuant to Cal. Gov't. Code Section 11521.

The "Recency" Issue Forms the Root of this Matter

The Board initiated this administrative action Capt. Greger based on a single cause for discipline. The first accusation filed on May 20, 2024 alleged that Capt. Greger's license was subject to revocation because he had not maintained "recency" in his pilotage activities. As you are aware, bay pilots are required to maintain their pilot skills by actually piloting vessels to demonstrate a minimum level of recent pilot activity during their license period. Failing to maintain recency is rightly understood as a matter of public safety.

As proved at the hearing before Judge Cox, the *only* reason that Capt. Greger had to defend the recency accusation is because the San Francisco Port Agent improperly refused to give him pilot assignments. The Port Agent's last assignment to Capt. Greger occurred on January 6, 2023. After that date and until March 20, 2023, Capt. Greger had taken medical leave from piloting duties under a doctor's orders. On March 20, 2023, doctors at UCSF under contract with the BOPC certified Capt. Greger as again fit for duty and available for assignment.

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Despite Capt. Greger having been certified as fit for duty and despite his willingness to return to work, between March 20, 2023 and his termination, the Port Agent refused to give him piloting assignments. The Port Agent deprived Capt. Greger the opportunity to work until July 12, 2023 when, for the first time in its storied history, the San Francisco Bar Pilots Association (SFBPA) purportedly “voted” to discharge Capt. Greger from his employment as a San Francisco bar pilot.

This vote, the SFBPA’s actions in separating Capt. Greger from his employment as a bar pilot and the purported reasons for separation were not relevant to the administrative hearing and were not considered by Judge Cox. The legal questions raised by the SFBPA’s termination of Capt. Greger’s employment are at issue in a separate action now pending with the American Arbitration Association. But regardless of that matter, and as you are well aware, affiliation with the SFBPA is not a requirement for holding a State of California pilot’s license or for performing pilot duties on the Bays of San Francisco. Capt. Greger’s pilot license is a uniquely valuable asset whether or not he works for the SFBPA.

As it related to Capt. Greger’s recency accusation, I will again refer you to a letter written by Allen Garfinkle, the Executive Director of the BOPC, to the Port Agent regarding the Port Agent’s continued refusal to dispatch Capt. Greger after UCSF doctors cleared him as fit for duty. Attached hereto is a copy of Mr. Garfinkle’s letter. I incorporate Mr. Garfinkle’s facts, arguments and legal authority in this request for reconsideration. I urge you to read Mr. Garfinkle’s letter carefully and to consider its implications for this present matter. Mr. Garfinkle makes a compelling case that the Port Agent’s refusal to dispatch Capt. Greger was contrary to state law and contravened with the oversight prerogatives of the BOPC.

In the event that Capt. Greger must seek court review of the Board’s revocation decision, I am confident that the questions presented by the BOPC’s Executive Director’s explicit challenge to the Port Agent’s refusal to dispatch that originated the recency accusation against Capt. Greger will bear heavily on a determination as to whether the Board’s revocation decision is arbitrary or capricious. At the hearing in this matter, Mr. Garfinkle authenticated his letter and confirmed that he knew of no reason relating to Capt. Greger’s competence or ability to serve as a pilot that justified the Port Agent’s refusal to dispatch Capt. Greger. This unauthorized refusal by the Port Agent is the original event in the recency accusation.

At the hearing, Capt. Greger successfully defended the recency accusation. Capt. Greger presented evidence accepted by Judge Cox that he performed numerous pilot services for barges pushed or towed by tugboats from the Concord Naval Weapons Station south through the Carquinez Strait and as far as Point Blunt and the Golden Gate Bridge. According to his uncontradicted testimony, Capt. Greger performed this service without compensation and solely for the purpose of maintaining recency in his license. This evidence proved that Capt. Greger vindicated his legal duty to maintain license recency and Judge Cox so found.

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The Actual Bases for Revocation – Port Agent Assignment, Pilot Fees, Access

The actual bases for the board's action to revoke bring the arbitrariness and capriciousness of this decision into clear focus. In the event that further legal action is required, I anticipate that the court will give close attention to the following arguments.

Should further legal proceedings prove necessary in this matter I will argue that the Board's decision was arbitrary, capricious, and an abuse of discretion under Cal Code Civ Proc § 1094.5. Abuse of discretion can be shown if the Board's findings are unsupported by evidence, or if the decision is not supported by the findings Bixby v. Pierno (1971) 4 Cal. 3d 130; Miller v. Department of Real Estate (2022) 84 Cal. App. 5th 141; § 474C.13 Petition for Writ of Mandate in Superior Court.

Causes for Non-Renewal – No Means Available for Boarding

Judge Cox found that Capt. Greger did not have a means available for boarding and leaving vessels that a person may be called upon to pilot. This finding is not factually correct.

The uncontradicted evidence established that the SFBPA itself uses non-Board-approved pilot boats within the San Francisco Bay on a regular basis depending upon need. Capt. Greger testified that boats that are available to him for hire by the hour are commonly used to transport pilots to and from dock and ship within the SF Bay waterways. At the hearing no one disputed this practice and the obvious conclusion is that Capt. Greger does indeed have pilot vessels available to him for boarding and leaving vessels within SF Bay waters.

This evidence at hearing established that the SFBPA itself on regular occasions has no means available to transport pilots on Board-approved vessels. In those cases, the SFBPA resorts to non-Board-approved vessels to meet the need. Although Mr. Garfinkle testified under oath that he had no idea this was done, no one offered contradictory evidence. The plain implication of this evidence is that the Board holds Capt. Greger to a different standard than it applies to the SFBPA in enforcing the rules. And, Greger had this situation imposed on him by the SFBPA.

Non-revocation on this basis is plainly arbitrary and capricious. The Board should reverse this decision.

The First Cause of Discipline – Offering Free Pilotage Services.

Judge Cox found that when Capt. Greger performed pilotage services for tugs towing barges he violated Harb. & Nav. Code Section 1181(a),(b) and (c). This finding is plainly arbitrary and capricious. I anticipate that a superior court judge analyzing this as a basis for

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revocation of a license will begin to understand just how corrupt this purported disciplinary action against Capt. Greger actually is.

The facts and findings at hearing establish that tug-drawn barges are not required by law to have a pilot. The findings establish that Capt. Greger only resorted to offering services to barges without charge so that he could maintain license recency in light of the Board's refusal to compel the SFBPA to dispatch Capt. Greger. The evidence establishes beyond argument that Capt. Greger did not charge a commercial barge company a fee for a service that barges are not required to have (pilotage). There was no evidence that Capt. Greger did charge a fee or that he received a fee or that he failed to report receiving a fee. To base the revocation of a uniquely valuable asset such as a pilot's license on this evidence smacks of a hidden agenda which violates basic due process under law.

Third Cause for Discipline – Circumventing Port Agent Dispatch.

This is the cherry on top of a sham disciplinary proceeding. I expect by this time the court will be considering its power to sanction misconduct.

The evidence establishes that Capt. Greger was ready willing and able to receive pilotage assignments since March 2023. The evidence shows that the Port Agent thumbed his nose at Allen Garfinkle's stern admonition that pilot assignments be made to Capt. Greger. Now, after all of this, the Board upholds *revocation* of license because Capt. Greger performed pilotage services for vessels (that were not legally required to have a pilot) without first being dispatched by a Port Agent who refused dispatch him. The absurdity of the Board's position in this regard requires no further comment.

Bias and Conflict of Interest

If the facts of this disciplinary decision are not already bad enough, I will challenge the impartiality of the Board's decision, as several voting members are active pilots. Given the Port Agent's flagrant refusal to comply with Mr. Garfinkle's direction, it must be obvious to any fair minded person that there exists an unstated agenda to deprive Capt. Greger of the privileges afforded by his State of California Pilot's license. This creates an evident conflict of interest between fair regulatory duties of Board members and the special interests of Board members affiliated by the SFBPA. In Haas v. County of San Bernardino (2002) 27 Cal. 4th 1017, the court emphasized that even indirect financial or professional interests could create an unconstitutional risk of bias in administrative proceedings. The presence of active pilots on the Board who voted to revoke Greger's license obviously implicates the fair and impartial character of this Board proceeding.

The record will show that I raised the conflict of interest question to the attention of the Board when I spoke on behalf of Capt. Greger at the September 25 hearing. At that time I

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requested that Board Members who are also members of the SFBPA recuse themselves from this decision on Capt. Greger's license. This request of fairness, too, fell on deaf ears.

Conclusion

The evidence in this case does not support a decision to revoke Capt. Greger's pilot's license. Given the importance and value of this hard-earned privilege, Capt. Greger has no alternative to pursuing this matter in the state courts should the Board not rescind its revocation decision. Capt. Greger respectfully requests that the decision be rescinded and that no discipline be administered at all. In the alternative, Capt. Greger requests lesser discipline in the form of private rebuke or minimal suspension.

Respectfully,



Edwin Bradley, Esq.

EB:vks

**Board of Pilot Commissioners for the Bays
of San Francisco, San Pablo, and Suisun**

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April 16, 2023

Captain John Carlier
Port Agent
Pier 9 East End
San Francisco, CA 94111

Re: Piloting Assignments to Captain Ron Greger

Dear Captain Carlier:

It has come to my attention that you are not making piloting assignments to Captain Ron Greger, a San Francisco bar pilot. This is so even though Board-appointed physicians at U.C. San Francisco Medical Center (UCSF) have determined that Captain Greger is fit for duty as a pilot.

I understand that your basis for not making assignments to Captain Greger is his failure to comply with the SFBP Rules Governing Sick Leave, an internal policy of the San Francisco Bar Pilots. That rule apparently requires a pilot, to be eligible to receive monetary "sick leave distributions" from SFBP for the time the pilot is off work, to submit medical records and undergo an examination by a physician selected by SFBP to determine whether the pilot was in fact sick during the period for which sick leave distributions are sought by the pilot.

I telephoned you on April 13, 2023, to confirm whether this was in fact your basis for not assigning piloting work to Captain Greger. You declined to talk to me and instead referred me to SFBP's attorney, Kevin Baldwin, who was present with you at the time. I explained to Mr. Baldwin that any failure by Captain Greger to supply medical justification for sick leave distributions under SFBP's internal rule was not a basis for the Port Agent refusing to make assignments to him, the reason being that Captain Greger had been determined fit for duty by UCSF physicians.

Apparently on your behalf, Mr. Baldwin disagreed. His position is that your refusal to make piloting assignments to Captain Greger is justified by Captain Greger's failure to comply with SFBP's internal rule regarding sick leave distributions.

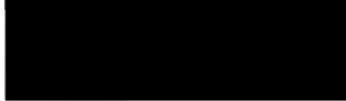
Administration by SFBP of its internal policy requiring proof of past periods of claimed sickness by a pilot as a precondition to the pilot receiving monetary sick leave distributions is of no concern to the Board. That is a fiscal issue for SFBP. What is a Board concern, however, is the Port Agent refusing to make job assignments to a pilot who UCSF physicians have determined is presently fit for duty. It may be permissible under SFBP's internal rule to deny sick leave distributions to a pilot seeking them if the pilot refuses to be examined by SFBP's doctor. But taking the additional step of refusing to make assignments to that pilot, even though UCSF

physicians have determined that the pilot is now fit for duty, is not permissible. Refusing to make assignments for this reason would short the board, in practical effect nullifying the impact of UCSF's determination that a pilot is fit for duty, and would do so for reasons that are irrelevant to, and run contrary to, the Board's concern with maintaining adequate pilot staffing levels. As you know, the Board-appointed physicians at UCSF are the sole physicians authorized by the Board's regulations to make determinations of fitness for duty regarding Board-licensed pilots. (See Cal. Code Regs., tit. 7, §§ 217-217.45.)

For the foregoing reasons, I am hereby requesting that you immediately place Captain Greger's name on the SFBP dispatch board so that he receives piloting assignments in the ordinary course.

If you decline to do so in response to this request, the matter will be placed on a Board meeting agenda with a recommendation that the Board direct you to place Captain Greger's name on the dispatch board so that he receives piloting assignments. (See Harb. & Nav. Code, § 1130, subd. (a) [port agent shall "carry out the orders of the board"].)

Respectfully,

A black rectangular redaction box covering the signature of Allen Garfinkle.

Allen Garfinkle
Executive Director

cc: Kevin Baldwin, Esq.