

Board of Louisiana River Pilot Review & Oversight

Minutes of the Board of Louisiana River Pilot Review & Oversight Meeting
June 19, 2013

Location: Middleberg, Riddle & Gianna
201 St. Charles Ave. – 31st Floor
New Orleans, LA 70170

Board Members Present:

Terry Q. Alarcon
Richard J. Garvey
Capt. Craig C. Andrews
Bruce Bradley
Harry C. Hank – via telephone
Dale J. Hymel
Lee Jackson
Richard M. Lyons
Brett A. Palmer
Charles P. Steinmuller

Also Present:

Richard A. Sherburne, Jr. – MRG Attorney
Christopher R. Barbier – MRG Legal Assistant
Brian J. Eiselen
Thomas D. Forbes

The meeting was called to order at 1:00 p.m. by Judge Garvey

Election of New Officers

(Transcript p. 7-13)

The following officers were elected by the Board.

Terry Alarcon – Chairman
Richard Garvey – Vice Chairman
Richard Lyons – Secretary/Treasurer

Banking Fees

(Transcript p. 14-21)

The funds of the Board have been held at the Whitney Bank since 2008. About seven months ago Whitney Bank began charging a service fee of \$15.00 per month for the account. The Board authorized MRG to check with area banks regarding the charging of fees and move the account to one of these banks.

Retention of MRG as Counsel to the Board

(Transcript p. 22-31)

After a full discussion, it was resolved by the Board to renew its relationship with Middleberg, Riddle & Gianna.

New Signatories on the Whitney Account

(Transcript p. 32-37)

It was decided by the Board that Judge Alarcon, Judge Garvey and Lee Jackson will be signatories on the Board bank account.

Ethics Forms

(Transcript p. 38-43)

All Board members must comply with the state regulations and submit an Ethics Form to the Board of Ethics in Baton Rouge. The forms are due to the State on May 15. By April 1, all Board members will receive a new form for submission via email transmission.

Errors & Omissions Coverage

(Transcript p. 45-48)

Any liability of this Board would belong to the State of Louisiana because all Board members are employees of the State. There is nothing would prevent the Board from seeking separate E&O coverage from an insurance carrier, but it would largely be unnecessary.

New Business – M/V Iver Experience Complaint

(Transcript p. 49)

Judge Alarcon must recuse himself from any discussion of the M/V Iver Experience complaint. The company that owns the vessel is represented by an attorney at Chaffe McCall. Judge Alarcon is of counsel to Chaffe McCall. Out of an abundance of caution Judge Alarcon, on his own motion, recused himself from any further discussion on the M/V Iver Experience.

(Transcript p. 52-59)

Mr. Forbes described the complaint to the Board members. It involves a grounding incident in December, 2010 involving the M/V Iver Experience and Capt. Billiot. The incident happened at Medora Crossing and caused some damage to the vessel. The statement of the vessels' master and the statement of Capt. Billiot differ in their accounting of the incident. The company that owns the vessel is a Dutch company and they have experienced groundings of other vessels in the Mississippi river above 35 mile point and below Baton Rouge. The company has become concerned and asked for an investigation to help prevent these incidences in the future.

(Transcript p. 60-61)

In response to this complaint, the Board may conduct investigations, refer the matter to the Board Commissioner or Examiners for investigation, or conduct hearings pursuant to the Administrative Procedures Act. Following a notice and hearing, the Board may acquit the pilot or may impose sanctions against the pilot, including reprimand, ordering remedial training, imposition of a fine, order the pilot to pay the cost of the hearing, or recommend to the Governor that the pilot's license suspended or revoked.

(Transcript p. 108)

The Board decided to defer discussion on the complaint until the next meeting where the Board will take up the question of how to respond to this complaint.

Next Meeting Date:

Dates for the next meeting of the Board were discussed, and after the meeting was concluded, a date of August 22, 2013 was selected.

Adjournment:

(Transcript p. 115)

The meeting was adjourned at 2:30 p.m.

ND: 4816-9671-6552, v. 1

Richard Lyons – Secretary/Treasurer