



BOARD OF EXAMINERS

New Orleans and Baton Rouge Steamship Pilots for the Mississippi River

Lee A. Jackson
Commissioner

Casey E. Clayton
President

Kevin G. Alario
Commissioner

MARCH 21, 2023 QUARTERLY MEETING MINUTES

1. Call to Order

The special meeting was called to order at 10:00 a.m. by President Casey Clayton.

2. Roll Call

Roll call was taken. Board members present were President Casey Clayton, Captain Lee Jackson, and Captain Kevin Alario.

Also present were Ralph Wall and Jeff Pastorek.

3. Adoption of the Minutes

Captain Alario made a motion to approve the December 2, 2022, Quarterly Meeting Minutes; Captain Jackson seconded. The motion was approved with all Examiners voting in favor.

4. General Session

- a. Update: Anti-Harassment for NOBRA

Discussion: every member of NOBRA completed this training in 2022.

- b. Update: Ethics Training for Board Members

Discussion: the board members confirmed that each has completed this training for 2022.

- c. Update: Random Drug/Alcohol Testing and Hair Testing 2022

Discussion: NOBRA's membership was in full compliance in 2022. All pilots were tested pursuant to the hair testing protocol and the appropriate number of pilots were tested through random urine and breathalyzer testing. The BOE will

soon start the process for hair testing for 2023.

d. Update: USCG Annual Physicals

Discussion: NOBRA's membership is at 100% compliance with U.S. Coast Guard physicals. There was discussion about USCG Medical Certificate compliance needing to be established every 2 years for pilots rather than every 5 years.

e. Update: Recency 2022

Discussion: NOBRA's membership is largely in compliance. There are a few exceptions; certain members have extenuating circumstances.

f. Update/Discussion: Board Office Space

Discussion: the Board will be hiring an assistant after the departure of Molly Brown.

g. Update/Discussion: High Water Restrictions

Discussion: mooring restrictions implemented during daylight only. It appears that the river level will drop below 12 feet around March 27, 2023. Captain Clayton confirmed that typically the Board confirms with the Vessel Traffic Center (VTC) that the river stage will rise or stay the same before restrictions are put in place. Captain Jackson added that the Board will make adjustments as the situation requires.

h. Update/Discussion: Administrative Rules/Proposed Changes re: Recency

Discussion: the Board of Examiners put forward a proposed rule change regarding recency as approved by 2 of 3 board members at the December 2, 2022 quarterly meeting of the BOE. As required, the Board of Examiners first brought it before the Louisiana Pilot Board of Review (BOR). The proposed rule was rejected by the BOR. At the BOR meeting it was made clear why it was rejected. The Board of Directors for NOBRA was there to oppose the proposed rule change (arguing a reduction in requirements for the NOBRA pilots), and the chairman of the BOR stated that, to approve the proposed rule, he wanted the Board of Examiners to agree unanimously on any proposed administrative rule change. For those reasons, the BOR rejected the proposed rule. Based on the present state of the law, the BOE has limited options for advancing any rule changes that are not first approved by the Board of Review.

i. Update/Review/Discussion: Deputy Pilot's Turn Data Submittals and Consideration of Granting Unrestricted Status

Discussion: there are currently a number of deputy pilots eligible for a change to unrestricted status. All the deputy pilots have reportedly met the general criteria for "turns." However, a requirement was put in place to have deputy pilots obtain verification of their turns evidenced by a ship stamp and captain signature for each turn. The requirement was put in place after careful deliberation by the Board about a means through which the Board could evaluate the accuracy of deputy pilots' turns. Some deputy pilots received stamps and signatures for all of their turns, some obtained them for a few turns, and others obtained no signatures or stamps.

Comment cards were submitted, and members of the public provided comments about the matter.

Captain Clayton explained that the Board is a governing body, when the Board puts out guidelines, it expects compliance with them. If the membership ignores or deliberately disregards the rules, the entire purpose of the Board is thwarted.

After further discussion, Captain Jackson explained that under the circumstances, the Board would evaluate these deputy pilots in executive session and attempt to provide an alternate option for those who did not initially comply with the Board's instructions.

5. Executive Session

Captain Clayton made a motion to go into executive session pursuant to La. R.S. 42:16 and 42:17(A)(1), (4), and (10) to discuss the below items; Seconded by Captain Alario. The motion was approved with all Examiners voting in favor.

- a. *In the Matter of Jeremy Smith* – Independent Counsel Update
- b. Individual Pilot Reviews
- c. Incidents Pending before the Board
- d. Existing Litigation Update
 - i. Ted Davisson v. Board of Examiners, et al., 24th JDC, Case No. 823705, Div. "C"
 - ii. Jeremy Smith v. Board of Examiners, et al., 24th JDC, Case No. 825241, Div. "G"
- e. Return to Regular Session

Captain Clayton made a motion to return to regular session; seconded by Captain

Jackson. The motion was approved with all Examiners voting in favor.

6. Any Necessary Votes Arising from Executive Session

Motion by Captain Clayton to remove all remaining restrictions and to place into duty as unrestricted pilots at 0400 on March 22, 2023, the following persons:

- 1) Dominic Blanton
- 2) Landon Caceres
- 3) Clayton Colombo
- 4) David Dennis
- 5) Drake Foto
- 6) Caitlin Hall
- 7) Randall Jones
- 8) Cody Koll
- 9) Ryan Martin
- 10) Chris Nance
- 11) Jordan Rittiner
- 12) Ryan Schouest
- 13) Ryan Solar
- 14) Jesse Strahan
- 15) Erin Sullivan
- 16) Christian Walker

As well as to include a requirement that the following persons execute and submit to the Board by March 31, 2023, an affidavit attesting that the turn data that he or she provided to the Board is true and accurate to the best of their knowledge:

- 1) Dominic Blanton
- 2) Landon Caceres
- 3) Clayton Colombo
- 4) Drake Foto
- 5) Randall Jones
- 6) Cody Koll
- 7) Ryan Martin
- 8) Chris Nance
- 9) Jordan Rittiner
- 10) Ryan Schouest

As well as to require that the failure on the part of the above-named individuals to submit the affidavit in a timely manner shall subject that individual to further review by the Board of their unrestricted pilot status. The motion was approved with all Examiners

voting in favor.

7. Adjournment

Motion to adjourn meeting by Captain Jackson; seconded by Captain Clayton. The motion was approved with all Examiners voting in favor. Meeting adjourned at 11:56 a.m.