

Minutes of the Lower Coastal Commission of Pilotage Meeting

August 13, 2019
1142 Morrison Dr.
ILA Local 1422 Union Hall
Chas, SC 29403

Board Members present were:

Mr. David Galloway (Chairman)
Ms. Amy Riley
Mr. Henry Hay
Mr. Joel Britt

Excused Absences were noted for:

Mr. Ken Riley
Mr. Darrell Johnson
Capt. Chris Thornton

Staff and other present were:

Capt. John Cameron, Charleston Pilot Assoc.
Capt. Whit Smith, Charleston Pilot Assoc.
Ms. Elizabeth Hills, Charleston Pilot Assoc.
Dr. Rita Melton LLR
Mr. Hardwick Stuart, LLR Advice Counsel
Mrs. Noreen Milligan, Secretary

The Commissioners of Pilotage for the Port of Charleston met Tuesday August 13, 2019 at the ILA Local 1422 Union Hall, 1142 Morrison Dr. in Charleston, South Carolina. Whereas, proper notice of date, time, place and agenda information having been properly provide to the Charleston Post and Courier and proper notice also having been posted on the LLR website/Pilotage 24 hours prior to the time scheduled for the meeting and quorum having been noted as present, Chairman Galloway called the meeting to order at 5:00 PM. All votes reference herein was unanimous unless otherwise noted.

Chairman Galloway asked the Commission to approve the agenda. **Motion:** Commissioner Riley moved to approve the agenda and Commissioner Hay seconded it. **The motion passed.** Chairman Galloway asked the members to read the draft of minutes taken during the July 9, 2019 meeting. **Motion:** Commissioner Hay moved to accept the minutes and Commissioner Riley seconded the motion. **The motion passed.** Next, the Financial Report showed that checks written since the last meeting totaled \$535.83 and there were no deposits, the Commission had \$20,193.22 on hand. **Motion:** Commissioner Hay moved to accept the Financial Report and Commissioner Riley seconded the motion. **The motion passed.**

Under Old Business, there was no representation from the Coast Guard to give a report.

Dr. Melton gave the LLR Report. There were no physicals for August and one for September. There was no new information to report on the Lower Pilotage Policies and Procedures Manual. Please continue to send updates to the LLR Web site. Dr. Melton informed the Commission that this was her last meeting. She has enjoyed her time on the Pilot Commission and will miss everyone. Chairman Galloway on behalf of the Commission said that she will be missed and it was a pleasure to work with her.

Capt. Cameron said that there was nothing new to report on the Savannah River Commission.

Capt. Cameron said that there were no updates on Senate Bill #689. He will continue to give updates to the Commission.

Mr. Stuart and Capt. Cameron submitted a Cease & Desist recommendation to the Commission. Under the C&D the Chairman, on behalf of the Commission would have authority to initiate a C&D action against any person not licensed by the Commissioners allegedly offering to act, or acting as a Pilot as would normally be under the jurisdiction of the Commissioners. This is a violation of Title 54 Chapter 15 Part 280 of the State Code of Laws. In State Code of Regulations Title 136 part 080, a pilot or a pilot vessel operator under the direction of licensed pilots, shall report any detection of an unlicensed person acting as a pilot to the county sheriff. The Commissioners direct further that such report is also to be made to the U.S Coast Guard and the Chairman of the Commissioners as soon as practicable. The report will include as available, the vessel by name, type, ownership, flag, homeport, and if know or suspected the vessel's apparent destination, present location and apparent speed and any other particulars of interest. If the incident involves a vessel currently underway the pilot shall initiate a voice SECURITE' call on VHF Channel 13 and 16 advising all marine traffic that a vessel requiring a pilot is underway on the bar and/or harbor that may be in violation of laws and regulation with respect to manning. Upon notification or discovery of a person allegedly in violation of the referenced Codes, the Chairman shall make notification, or direct that notification be made, if not done so already by a licensed pilot, to the County Sheriff, the Coast Guard, and LLR. The Chairman may request that LLR office of Disciplinary Counsel prepare the C&D order on behalf of the Commissioners. The Chairman will review and if accepted for signature, return the signed order to LLR Office of Advice Counsel, to be entered and referred for service on the unlicensed individual. The Chairman shall notify or direct the notification of the incident to the other Commissioners. The Commissioner holding the seat representing licensed Pilots shall notify or direct the notification be given to all license holders. In accordance with Title 136-099(C), specifically enacting the provisions of Title 40 for the investigation and imposition of criminal actions, the Commissioners can also seek injunctive relief from an administrative law judge to stop the continuance of the unlicensed activity pursuant to SC Code 40-1-100. LLR can file for injunctive relief with the Administrative Law Court, which can also fine an individual up to \$10,000.00 for each violation pursuant to SC Code 40-1-120. Furthermore, a person who practices without a license may be subject to criminal prosecution and conviction can result in imprisonment for up to one year and fines up to \$50,000.00 pursuant to SC Code 40-1-200. Any C&D order issued by LLR will be placed on the agenda and report at the subsequent meeting of the Commissioners for inclusion into the Commissioners' records. Chairman Galloway asked the Commissioners

to approve the *Cease & Desist Actions for Unlawful or Unlicensed Pilotage* . **Motion:** Commissioner Riley moved to approve the C&D orders to be added to the Commission's Policy and Procedures Manual and Commissioner Hay seconded it. **The motion passed.**

There was no new business.

There were no Commissioners Comments

There were no legal comments.

There were no public comments.

There were no announcements.

There being no further business to bring before the Commission, the meeting was adjourned.

Respectfully submitted,

David Galloway
Chairman

Noreen K. Milligan
Secretary