

BOARD OF EXAMINERS FOR NEW ORLEANS - BATON ROUGE  
STEAMSHIP PILOTS FOR THE MISSISSIPPI RIVER

MEETING HELD ON  
TUESDAY, JUNE 18, 2024  
COMMENCING AT 10:00 A.M.

At the offices of the Board of  
Examiners for New Orleans - Baton Rouge  
Steamship Pilots for the Mississippi River, 2805  
Harvard Avenue, Metairie, Louisiana 70006.

REPORTED BY:  
LESLIE L. NICOSIA  
CERTIFIED COURT REPORTER

I N D E X

PAGE

Title.....	1
Index.....	2
Appearances.....	3
Proceedings.....	4

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A P P E A R A N C E S

MEMBERS OF THE BOARD

CAPTAIN LEE JACKSON  
CAPTAIN KEVIN ALARIO  
CAPTAIN CHRIS RITTNER, JR.

SPECIAL INVESTIGATOR FOR THE BOARD OF EXAMINERS  
FOR NEW ORLEANS - BATON ROUGE STEAMSHIP PILOTS  
FOR THE MISSISSIPPI RIVER:

RICK WARD, ESQUIRE

CONSULTANT FOR THE BOARD OF EXAMINERS FOR NEW  
ORLEANS - BATON ROUGE STEAMSHIP PILOTS FOR THE  
MISSISSIPPI RIVER:

MICHAEL THOMAS, ESQUIRE

ALSO PRESENT:

Brian Eiselen  
Art Lentini  
Mark Pivach  
Willie Brown

\*\*\*\*\*

Leslie L. Nicosia, a Certified Court Reporter  
in and for the State of Louisiana,  
did report the following:

BY MR. WARD:

We are going to call the  
meeting to order and do roll call.

BY CAPTAIN JACKSON:

Lee Jackson, commissioner.

BY CAPTAIN ALARIO:

Kevin Alario.

BY CAPTAIN RITTNER:

Chris Rittner.

BY MR. THOMAS:

Mike Thomas.

BY MR. WARD:

Rick Ward. We are all here.

Adoption of the minutes, they  
should be in your packet.

BY CAPTAIN ALARIO:

I read over it. It all seems  
to be in order. Motion to adopt.

BY CAPTAIN JACKSON:

I second. All in favor?

COLLECTIVELY:

1                   Aye.

2                   BY MR. WARD:

3                   The minutes will be adopted.

4                   Any public comment?

5                   (NO RESPONSE)

6                   BY MR. WARD:

7                   None at this time. We will  
8                   move on to new business. BOA member  
9                   Senate confirmations, Captain Jackson?

10                  BY CAPTAIN JACKSON:

11                  I just want to put that on. I  
12                  know everyone is aware of it. The  
13                  final day of session, all members were  
14                  confirmed by the Louisiana Senate.  
15                  So, I just want to congratulate  
16                  everyone on their confirmation.

17                  BY MR. WARD:

18                  Congratulations to all of you.

19                  The next one will be the Board  
20                  of Examiners appointed drug testing  
21                  facility, the status update on that.

22                  BY CAPTAIN JACKSON:

23                  I just wanted the members to  
24                  know that, overall, I think the drug  
25                  facility is doing a great job being

1           accommodating to the members. We did  
2           recently have some challenges with a  
3           certain level of scalping of --

4           BY CAPTAIN ALARIO:

5                     I'm used to it.

6           BY CAPTAIN JACKSON:

7                     It was one that -- I seen the  
8           photos. I don't know. As they are  
9           getting older, they are becoming a  
10          little more vain about their hair.  
11          What I have done, I had a conversation  
12          with the owner of the facility. I  
13          think we have a working-forward  
14          process as it relates to how they are  
15          going to collect.

16                    She's done some training with  
17          the staff. She's brought in some wigs  
18          to assist them on how to cut hair. I  
19          think the challenge, what she shared  
20          with me, was the collectors were  
21          asking the pilots, basically, "Where  
22          do you want to cut?" They said, "Take  
23          it from my head." "Well, you do  
24          understand I have to cut in several  
25          areas to get what I need?" The guys

1           would say, "I just want it out of one  
2           area."

3                     You get what you get. So, what  
4           -- She's gone back and said, "Listen.  
5           You give them the option, but you let  
6           them know what the process is. You  
7           stick to the protocol. They can take  
8           it from anywhere, but if you choose  
9           the head, you have to get it from many  
10          places so you don't have a gouge or a  
11          big spot in your head." That's some  
12          work in progress. She's reassured me.

13                    Actually, I went through about  
14          five days of complaints. All of a  
15          sudden, they stopped. I think we have  
16          a handle on it. I just wanted to let  
17          the board members know where we are on  
18          that. Overall, the guys said the  
19          place is clean. They have met them  
20          there on time. We haven't had an  
21          issue of someone not being there when  
22          the pilot pulled up. They are getting  
23          the service that we have been hoping  
24          we would get. I just wanted to pass  
25          that on.

1 BY CAPTAIN ALARIO:

2 My experience being there, she  
3 was a little close to the scalp. I  
4 checked to make sure I wasn't  
5 bleeding. That's part of the process.  
6 I didn't have any patches missing, so  
7 it wasn't an issue. I did have to  
8 remind her to clean the scissors.  
9 She's just starting, probably just  
10 nervousness.

11 BY CAPTAIN JACKSON:

12 That type of -- When you see  
13 something like that, bring it to their  
14 attention. I think it's all about  
15 them -- They are getting a volume now  
16 of folks coming through. Their only  
17 wish is to please the pilot. I just  
18 want them to understand that's fine,  
19 but you do have to -- don't -- in  
20 pleasing the pilot, don't misstep on  
21 your protocol.

22 Chris, you have any comments?

23 BY CAPTAIN RITTNER:

24 No comments. I went over  
25 there. Same thing. I go under my



1 arms. After I seen the pictures, I  
2 wasn't going to let them go on my  
3 head.

4 BY CAPTAIN JACKSON:

5 I go from under the arm too,  
6 obviously. I didn't have to -- I  
7 needed to go under the other arm  
8 afterwards. I didn't need to shave.  
9 Anyway --

10 BY MR. WARD:

11 The drug and alcohol policy  
12 status update.

13 BY CAPTAIN JACKSON:

14 That was put on -- I put that  
15 on the agenda so the members will know  
16 that, as of today, we are in line with  
17 our drug and alcohol policy. We sent  
18 out two letters to all the pilots. We  
19 broke it down in groups, so like 60  
20 the first wave, 60 the second wave.

21 I'm happy to report the first  
22 60 went. We didn't have any issues,  
23 except one. I will bring that up in  
24 executive session. And the second  
25 wave has until the 28th of this month

1 to complete. That seems to be going  
2 well. For the first half of the year,  
3 we are in compliance with our drug and  
4 alcohol policy.

5 BY MR. WARD:

6 The ratification of the MPI  
7 contract.

8 BY CAPTAIN JACKSON:

9 This was more of a task you  
10 have in your packet. Rick and I went  
11 and met with MPI on April 11th, not  
12 really knowing -- I want the board  
13 members to understand, not really  
14 knowing when the association is going  
15 to pull the trigger on this, I wanted  
16 to make sure we had a real good plan  
17 to move forward from a classroom  
18 perspective and how we were going to  
19 train apprentices.

20 Rick and I sat down for a few  
21 hours with the principals over at MPI,  
22 talked through all the objectives,  
23 what we would like to see. What you  
24 see here in your packet, you will see  
25 a working list of things that they

1           have done and things we would like to  
2           see. Also, based on previous training  
3           programs, we need to update some  
4           recent events, like the dolly. You  
5           want to incorporate that into how you  
6           are going to train the new pilots.

7                     The first step was to develop  
8           the plan. That was a cost associated  
9           with that. Once they develop it, then  
10          there was a deliverable that's due us  
11          July 1st. Then we can kind of see  
12          what they thought, how they are going  
13          to plan. We use the basis of 30  
14          pilots and how they are going to train  
15          them. We should get our first glance.  
16          The board should have something July  
17          1st. I wanted to report that to you-  
18          all potentially what that may look  
19          like.

20                    So, in order for them to put  
21          the manhours in, we had to sign the  
22          first initial contract. What you see  
23          here in the packet was an executed,  
24          basically for -- basically, the  
25          establishment of this task order. So,

1 I will also say the price tag, in  
2 working hand in glove with the  
3 association, I ran it by them so that  
4 they were comfortable with the number  
5 and everyone on that side, the board  
6 of directors, was okay with it.

7 I just needed a motion from you  
8 guys to ratify this so we can move  
9 forward.

10 BY CAPTAIN RITTINER:

11 I will start the motion to  
12 ratify this as it states.

13 BY CAPTAIN JACKSON:

14 I will second. All in favor?

15 COLLECTIVELY:

16 Aye.

17 BY CAPTAIN ALARIO:

18 I wish somebody was here to  
19 answer questions on it.

20 BY CAPTAIN JACKSON:

21 I didn't ask them to come.  
22 That probably would have been a great  
23 idea.

24 BY CAPTAIN ALARIO:

25 I'll meet with them. I'll go

1 along with it. Aye.

2 BY MR. WARD:

3 That motion is adopted and the  
4 MPI contract is ratified.

5 Section E, high water rule  
6 ratification.

7 BY CAPTAIN JACKSON:

8 That was just a -- What we do  
9 is, obviously, we have high water  
10 season that comes and goes.  
11 Obviously, I just -- We implemented  
12 high water on May 17th. Basically, it  
13 gave the association a latitude to  
14 institute that once the Carrollton  
15 gauge reached a certain level. And  
16 so, I just wanted the board to ratify  
17 the high water.

18 Obviously, we've since  
19 rescinded that. It took a long time  
20 to resend it, because the water,  
21 predictions from the NOAA was one  
22 thing. It teetered for a good period.  
23 Finally, we fell below 12. Needless  
24 to say, this is just so that the board  
25 can ratify that particular motion.

1                   We will need a motion.

2           BY CAPTAIN ALARIO:

3                   I motion.

4           BY CAPTAIN RITTNER:

5                   Second.

6           BY CAPTAIN JACKSON:

7                   All in favor?

8           COLLECTIVELY:

9                   Aye.

10          BY MR. WARD:

11                   Motion is ratified.

12                   F, recency turn calculations.

13          BY CAPTAIN JACKSON:

14                   As you all know, we have a  
15          recency rule that says 60 turns, 20  
16          miles. It came to my attention  
17          through conversations with one of the  
18          board members that the way the  
19          computer calculates the turns,  
20          unbeknownst to us, they calculate on  
21          the basis of our tariff, not actually  
22          what the man or individual pilot  
23          moves.

24                   So, I had -- Brad and I, we met  
25          several times. We talked through

1           this. Basically, what you see  
2           highlighted in yellow is basically now  
3           all the turns that will be applicable  
4           to a 20-mile turn. Really and truly,  
5           Brad -- if you want to make a comment  
6           on it -- we didn't have to do anything  
7           from the board. This was all their  
8           software. Brad, you want to --  
9           BY MR. BROWN:

10                   When Lee asked me to look into  
11           this, I got into the numbers of it.  
12           There's -- All of these numbers from  
13           these reports are based off the tariff  
14           and how we charge. It's not based off  
15           of what the actual pilot does. You  
16           have to have some sort of average and  
17           standard. What we had in the computer  
18           for these turns was a baseline mile  
19           147.6 for Grand View or 90.5 for the  
20           Point underway or 207 for Plaquemine  
21           underway.

22                   207 for Plaquemine underway, we  
23           all know everybody goes to 205 or  
24           lower to get on. In looking at this,  
25           I made a few adjustments just with the

1           mileage through Kurt today where he's  
2           going to change the Plaquemine  
3           underway, Grand View underway,  
4           Burnside underway on the billing side  
5           of it.

6                     Now it's going to look like not  
7           one 147.6 for Grand View underway, but  
8           145, because most pilots get on below  
9           the bridge anyway. It's easier that  
10          way. It's a simple change. 90.5, we  
11          cannot charge a dollar for anything  
12          below 90.5. All of our point underway  
13          turns start at 90.5 on the billing  
14          side. Almost all of our pilots  
15          nowadays get on right above the locks  
16          or right at the locks.

17                    Internally, I'm having IT  
18          change that number from 90.5 to 88.  
19          It will calculate all of those turns  
20          that are 20 miles. Let's use Avondale  
21          for an example. That will be a  
22          20-mile turn now.

23          BY CAPTAIN JACKSON:

24                    Avondale is now a 20-mile turn.

25          BY MR. BROWN:



1                   This is going to open a lot of  
2                   recency turns up for most people. All  
3                   of those turns will be made  
4                   retroactively today. The only ones  
5                   that won't will be the Plaquemine  
6                   underway, Grand View underway, White  
7                   Castle underway, the reason being is  
8                   because those I'm not able to  
9                   retroactively change those. Going  
10                  forward, they will count. That's  
11                  where we are at with it.

12                BY CAPTAIN JACKSON:

13                   The reason was, so the board  
14                   knows, if, in fact, whenever the  
15                   association pulls the trigger on new  
16                   pilots and we look into the system, we  
17                   are going to have to make some sort of  
18                   adjustment on the recency rule. I  
19                   think now this is something we can put  
20                   in with their help that helps -- I  
21                   don't want to say appease. That's the  
22                   wrong word.

23                   It helps bring a little bit of  
24                   the tension with some folks about it,  
25                   and it gives more access to more turns

1           until we are to that point where we  
2           want to do some rule changes. I think  
3           it's going to help big time. When you  
4           think about it, look at the amount of  
5           turns now available. It helps a lot.

6           BY CAPTAIN RITTINER:

7                     Brad said something about  
8           retroactive. Do we have anybody from  
9           last year that didn't make the 60  
10          turns?

11          BY CAPTAIN JACKSON:

12                    No. I think because it was a  
13          little slow time, I think we made some  
14          --

15          BY CAPTAIN ALARIO:

16                    People were stressing to me  
17          toward the end of the year that they  
18          were worried about getting them.

19          BY CAPTAIN JACKSON:

20                    This will help.

21          BY CAPTAIN ALARIO:

22                    If you bring on more pilots, it  
23          will be another slow year.

24          BY CAPTAIN JACKSON:

25                    We are going to have to look at

1           that I would say before the next wave  
2           of pilots are commissioned. I wanted  
3           to bring that to you. No action by  
4           the board. This is all action that  
5           the association can make the  
6           adjustment in the software.

7           BY MR. BROWN:

8                     I wish I would have known about  
9           it sooner. We could have done  
10          something about it sooner. I didn't  
11          look into it deep enough to realize it  
12          was based off the billing and how  
13          these reports were generated.

14          BY CAPTAIN ALARIO:

15                    There's the 110 buoys, that if  
16          you were to do 90.5 to 110 point  
17          whatever --

18          BY CAPTAIN JACKSON:

19                    You were off by a point.

20          BY MR. BROWN:

21                    A tenth of a mile.

22          BY CAPTAIN ALARIO:

23                    Somebody shouldn't be penalized  
24          for that.

25          BY MR. WARD:

1                   Industry discussion.

2                   BY CAPTAIN JACKSON:

3                   This was put on the agenda.

4                   Captain Toby asked me to -- he wanted  
5                   to come in front the board to have a  
6                   discussion. He -- Unfortunately, his  
7                   schedule changed. So, he asked Brad  
8                   to come bring something to our  
9                   attention. I will let Brad deal with  
10                  the issue. I don't think it's an  
11                  issue. It's just some conversation  
12                  being had.

13                  BY MR. BROWN:

14                  That's really all it is. Toby  
15                  talked to some industry members. He  
16                  talked to people in the Port of Baton  
17                  Rouge. He wanted you guys to do some  
18                  sort of study. I think just a  
19                  conversation between us and them will  
20                  work, so does Toby. He wanted to  
21                  notify y'all because it may come to  
22                  that. I'm not sure if we need to do a  
23                  study. We can look into this.

24                  If an agent wants to use two  
25                  pilots to sail out of Baton Rouge with

1 a ship over 41 feet, that's their  
2 choice. We did that a couple of times  
3 based off the notes I have from Toby.  
4 That's basically what he wanted to  
5 talk about.

6 BY CAPTAIN JACKSON:

7 I think the board would be  
8 supportive of it, anyway we can help.  
9 Clearly, you keep us apprised of what  
10 you-all -- It sounds like it's a  
11 pretty good working deal between  
12 industry and the association.

13 BY MR. BROWN:

14 Yes, sir.

15 BY MR. WARD:

16 That's the end of new business.  
17 Any old business?

18 BY CAPTAIN JACKSON:

19 No.

20 BY MR. WARD:

21 Executive session.

22 BY CAPTAIN JACKSON:

23 I will make a motion to go into  
24 executive session. At this time, the  
25 court reporter will stop.

1 (OFF THE RECORD FOR EXECUTIVE SESSION)

2 BY MR. WARD:

3 We are no longer in executive  
4 session. We are back in regular  
5 session. Captain Jackson, I think we  
6 have a few things to put on the  
7 record.

8 BY CAPTAIN JACKSON:

9 We have a few motions. First  
10 motion is I would like to make a  
11 motion to basically adopt or agree to  
12 a settlement agreement with a said  
13 pilot that has come to this board for  
14 assistance. That motion will be based  
15 upon -- That agreement will be based  
16 upon the findings from the BOE's  
17 physician, and that individual will be  
18 placed in an enhanced alcohol testing  
19 program for 12 months.

20 Motion.

21 BY CAPTAIN ALARIO:

22 Second.

23 BY CAPTAIN JACKSON:

24 All in favor?

25 COLLECTIVELY:

1                   Aye.

2           BY MR. WARD:

3                   Motion passes.

4           BY CAPTAIN JACKSON:

5                   Second motion is to dismiss  
6           five incidents from our roster that's  
7           currently through dates 10/27/22  
8           through 6/9/23.

9           BY CAPTAIN ALARIO:

10                   Second.

11           BY CAPTAIN JACKSON:

12                   All in favor?

13           COLLECTIVELY:

14                   Aye.

15           BY MR. WARD:

16                   To clarify, that's a total of  
17           five incidents.

18           BY CAPTAIN JACKSON:

19                   Yes. I think that was the last  
20           motion that we had. Anything else?

21           BY MR. WARD:

22                   I think that's it. Is there a  
23           motion to adjourn?

24           BY CAPTAIN RITTNER:

25                   I make a motion to adjourn.

1 BY CAPTAIN ALARIO:

2 Second.

3 BY CAPTAIN JACKSON:

4 All in favor?

5 COLLECTIVELY:

6 Aye.

7 [WHEREUPON THE PROCEEDINGS WERE

8 CONCLUDED AT 11:20 A.M.]

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



1 REPORTER'S PAGE

2

3 I, Leslie L. Nicosia, Certified Court  
4 Reporter, in and for the State of Louisiana, the  
5 officer, as defined in Rule 28 of the Federal  
6 Rules of Civil Procedure and/or Article 1434 (B)  
7 of the Louisiana Code of Civil Procedure, before  
8 whom this testimony was taken, do hereby state  
9 on the record;

10 That due to the interaction and the  
11 spontaneous discourse of this proceeding, dashes  
12 (--) have been used to indicate pauses, changes  
13 in thought, and/or talk-overs; that same is the  
14 proper method for a court reporter's  
15 transcription of proceeding, and that the dashes  
16 (--) do not indicate that words or phrases have  
17 been left out of this transcript; that any words  
18 and/or names which could not be verified through  
19 reference material have been denoted with the  
20 phrase "phonetically spelled."

21

22

---

Leslie L. Nicosia, C.C.R.

23

24

25

## C E R T I F I C A T E

This certification is valid only for a transcript with my original signature and original required seal on this page.

I, LESLIE L. NICOSIA, Certified Court Reporter in and for the State of Louisiana, the "Officer" before whom this testimony was taken, do hereby certify:

That this proceeding and testimony was reported by me in stenotype method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding;

That this transcript has been prepared in compliance with transcript format guidelines required by statute or rules of the Board, and I am informed about the complete arrangement, financial or otherwise, with the person or entity making arrangements for deposition services;

That I have acted in compliance with the prohibition on contractual relationships as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the Board;

That I have no actual knowledge of any prohibited employment or contractual relationship, direct or indirect, between a court reporting firm and any party litigant in this matter, nor is there any such relationship between myself and a party litigant in this matter;

That I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter.

---

LESLIE L. NICOSIA, CCR  
Cert. No. 95004