

State of Alaska

Board of Marine Pilots



October 11, 2023 - Board Meeting
Call to Order: 9:00 am

Public Meeting Packet

Board of Marine Pilots

Name	Appointed	Reappointed	Expires
Cronk, Les (Leslie) (Ketchikan) Agent	3/1/2018	3/1/2022	3/1/2026
Harris, Richard (Juneau) Public	12/18/2017	3/1/2020	3/1/2024
Hasenbank, Lucas (Anchorage) Agent/Manager	3/1/2020		3/1/2024
Tougas, Joe (Seward) Public	3/1/2022		3/1/2026
Cunningham, James (Homer) Pilot	5/25/2022		3/1/2025
Sinclair, Edward (Juneau) Pilot	3/1/2019	03/10/2023	3/1/2027
Thayer, Curtis (Anchorage) Commissioner/DCCED/Designee — Chair	2/22/2010	4/11/2019	



Board of Marine Pilots, October 2023 Meeting

Alaska Division of Corporations, Business and Professional Licensing
Oct 11, 2023, at 9:00 AM AKDT to Oct 11, 2023, at 12:15 PM AKDT
Alaska Energy Authority Building: 813 W Northern Lights Blvd, ANC, AK 99503

Meeting Details:

<https://us02web.zoom.us/j/87280038577?pwd=RDIrRCtpaVhYMG15NEM4QVlmSDVYQT09>

Phone: (669)900-6833

Meeting ID: 872 8003 8577

Passcode: 017596

Agenda

- I. 9:00am - Roll Call/Call to Order**
- II. 9:02am - Review/Approve Agenda**
- III. 9:04am - Ethics Disclosures**
- IV. 9:05am - Public Comment**
- V. 9:20am - Association Reports**
 - A. Alaska Marine Pilots**
 - 1. Amendment to Familiarization Trips Requirements**
 - B. Southeast Alaska Pilots' Association**
 - C. Southwest Alaska Pilot's Association**
- VI. 9:40am - CLIA Update - L. Downs, Sr. Director, Community Relations & Public Affairs**
- VII. 9:50am - Foreign Pleasure Craft Exemptions**
 - A. Review of Exemptions Issued for 2023 Season**
- VIII. 10:00am - Division Update**
 - A. Exam Software Update**
 - 1. Executive Session**
- IX. 10:30am - Investigative Report**
- X. 11:00am - Board Business**
 - A. Current Regulation Project: Deputy Marine Pilot Renewal Requirements**
 - B. Recommended Regulation Changes**
- XI. 11:45am - Deputy Marine Pilot Candidate Interviews**
- XII. 12:00pm - Board Action**
 - A. Deputy Marine Pilot Candidates**
- XIII. 12:10pm - Schedule Future Meeting Date(s)**
- XIV. 12:15am - Adjourn**

State of Alaska
DEPARTMENT OF LAW

ETHICS ACT PROCEDURES FOR BOARDS & COMMISSIONS

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

Who Is My Designated Ethics Supervisor (DES)?

Every board or commission subject to the Ethics Act¹ has several ethics supervisors designated by statute.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director.
- The executive director serves as DES for the staff.
- The governor is the DES for a chair.²

What Do I Have To Disclose?

The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The executive director of the board or commission and its staff, as state employees, must also disclose:

- Compensated outside employment or services.
- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.

- For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, *“Ethics Information for Members of Boards and Commissions.”* The executive director and staff should refer to the guide, *Ethics Information for Public Employees.* Both guides and disclosure forms may be found on the [Department of Law’s ethics website](#).

How Do I Avoid Violations of the Ethics Act?

- Make timely disclosures!
- Follow required procedures!
- Provide all information necessary to a correct evaluation of the matter!³
- When in doubt, disclose and seek advice!
- Follow the advice of your DES!

What Are The Disclosure Procedures for Board and Commission Members?

The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

Procedure for declaring actual or potential conflicts.

Members must declare potential conflicts and other matters that may violate the Ethics Act **on the public record** and **in writing to the chair**.

Disclosure on the public record. Members must identify actual and potential conflicts orally at the board or commission's public meeting **in advance** of participating in deliberations or taking any official action on the matter.

- A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.⁴
- If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair.

Disclosure in writing at a public meeting. In addition to an oral disclosure at a board or commission meeting, members’ disclosures must be made in writing.

- If the meeting is recorded, a tape or transcript of the meeting is preserved **and** there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

Confidential disclosure in advance of public meeting. Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- A member identifying a conflict or potential conflict submits a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential.
- The chair may seek advice from the Attorney General.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter.⁵
- If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting.⁶

Determinations at the public meeting. When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The chair states his or her determination regarding whether the member may participate.
- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- *Exception:* A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating or participating in the matter.⁷

If the chair identifies a potential conflict, the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first

made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

Procedures for Other Member Disclosures

A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the [Department of Law's ethics website](#).

What Are The Disclosure Procedures for Executive Directors and Staff?

Ethics disclosures of the executive director or staff are made in writing to the appropriate DES (chair for the executive director and the executive director for staff).

- Disclosure forms are found on the ethics website, noted above.

Notices of Potential Violations. Following receipt of a written notice of potential violation, the DES investigates, if necessary, and makes a written determination whether a violation of the Ethics Act could exist or will occur. A DES may seek advice from the Attorney General. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

- These disclosures are not required to be made part of the public record.
- A copy of a determination is provided to the employee.
- Both the notice and determination are confidential.

Other Disclosures. The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- The DES must provide a copy of an approved disclosure or other determination the employee.

How Are Third Party Reports of Potential Violations or Complaints Handled?

Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted **in writing** and **under oath**.
- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist.⁸
- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- **These matters are confidential**, unless the subject waives confidentiality or the matter results in a public accusation.

What Are The Procedures for Quarterly Reports?

Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- Reports are due in April, July, October and January for the preceding quarter.
- A sample report may be found on the Department of Law's ethics website.
- An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises the Department of Law Ethics Attorney by e-mail at ethicsreporting@alaska.gov and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

How Does A DES or Board or Commission Get Ethics Advice?

A DES or board or commission may make a **written request** to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides **advice by phone or e-mail** to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in the Ethics Act. We hope this summary assists you in ensuring that your obligations are met.

¹ The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

² The governor has delegated the DES responsibility to Guy Bell, Administrative Director of the Office of the Governor.

³ You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.

⁴ In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.

⁵ The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.

⁶ In this manner, a member's detailed personal and financial information may be protected from public disclosure.

⁷ When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

⁸ The DES provides a copy of the notice to the employee who is the subject of the notice and may seek input from the employee, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible,

the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

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The Attorney General and Department of Law staff may not provide legal advice to private citizens or organizations. Please contact an attorney if you need legal advice. The [Alaska Lawyer Referral Service](#) or your local bar association may be able to assist you in locating a lawyer.

Alaska Department of Law

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Ethics Disclosure Form

CONFIDENTIAL REQUEST FOR ETHICS DETERMINATION
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TO: _____, Designated Ethics Supervisor

(Identify Your Department, Agency, Public Corporation, Board, Commission)

I request advice regarding the application of the Executive Branch Ethics Act (AS 39.52.010 - .960) to my situation. The situation involves the following:

I have provided additional information in the attached document(s).

I believe the following provisions of the Ethics Act may apply to my situation:

- AS 39.52.120, Misuse of Official Position
- AS 39.52.130, Improper Gifts
- AS 39.52.140, Improper Use or Disclosure of Information
- AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
- AS 39.52.160, Improper Representation
- AS 39.52.170, Outside Employment Restricted
- AS 39.52.180, Restrictions on Employment after Leaving State Service
- AS 39.52.190, Aiding a Violation Prohibited

I understand that I should refrain from taking any official action relating to this matter until I receive your advice. If the circumstances I described above may result in a violation of AS 39.52.110 - .190, I intend that this request serve as my disclosure of the matter in accordance with AS 39.52.210 or AS 39.52.220.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division, Board, Commission)

(Position Title)

(Location)

Designated Ethics Supervisor: Provide a copy of your written determination to the employee advising whether action is necessary under AS 39.52.210 or AS 39.52.220, and send a copy of the determination and disclosure to the attorney general with your quarterly report.

Ethics Disclosure Form

Receipt of Gift

TO: _____, Designated Ethics Supervisor,

(Agency, Public Corporation, Board,
Commission or Council)

This disclosure reports receipt of a gift with value in excess of \$150.00 by me or my immediate family member, as required by AS 39.52.130(b) or (f).

1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?

Yes No

2. Can I take or withhold official action that may affect the person or entity that gave me the gift?

Yes No

(If you answer "No" to both questions, you do not need to report this gift. If the answer to either question is "Yes," or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.)

The gift is _____

Identify gift giver by full name, title, and organization or relationship, if any:

Describe event or occasion when gift was received or other circumstance explaining the reason for the gift:

My estimate of its value is \$ _____ The date of receipt was _____

The gift was received by a member of my family. Who? _____

If you checked "Yes" to question 2 above, explain the official action you may take that affects the giver (attach additional page, if necessary):

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division)

(Position Title)

(Location)

Ethics Supervisor Determination: Approve Disapproved

Designated Ethics Supervisor*

(Date)

**Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If action is necessary under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.*



P.O. Box 920226 Dutch Harbor, AK. 99696

907-581-1240 or 907-444-7969

Accounting@ampilots.com

To be good Stewards over the waters which we are licensed to protect

October BOMP meeting AMP report:

Membership status,

We continue to have eleven members in the group. One of which, due to a medical issue, has not participated in the 2023 dispatch season. We will likely receive his official retirement at the end of this year. We continue to have 8 full Marine pilots and 2 Deputy marine pilots. We also have 2 trainees which have actively participated in training in our region. We may see them submit pilotage trips in the region and possibly by 2nd quarter apply for the core exam.

Shipping trends in 23,

Our workload has evolved over the year in predicted levels. We have wrapped up the cruise season in early October and will, at this time, have a reduced number of ships visiting Western Alaska in 24. We spent a month on the cable laying project in Kotzebue sound and have another potential project slated for the Kuskokwim in 24.

Trends for ship port callings in Dutch Harbor have remained relatively steady as projected for 23. Break bulk ships continue to trend downward due to changes in shipping practices from fishing vessel companies.

Proposal to Amend language to current Familiarization trips requirements in Region 3.
See file regarding these changes for Chapter 56 12 ACC 56.082. Familiarization trips.

Best Regards,

David Lund
President
Alaska Marine Pilots

Chapter 56. Board of Marine Pilots
12 AAC 56.082. FAMILIARIZATION TRIPS.

(Words in **boldface and underlined** indicate language being added, words CAPITALIZED AND BRACKETED indicate language being deleted.)

(c) To fulfill the familiarization trip requirement of 12 AAC 56.080(c)(2) in the Western Alaska Region, a pilot shall

[(1) PROVIDE PROOF OF A COMBINATION OF 60 DAYS PILOTING A VESSEL SUBJECT TO AS 08.62 AND FAMILIARIZATION TRIPS; THE COMBINATION MUST INCLUDE AT LEAST 20 DOCKINGS IN FIVE DIFFERENT PORTS; NO MORE THAN ONE HALF OF THE FAMILIARIZATION TRIPS OR DOCKINGS MAY OCCUR IN ANY ONE PORT; AND THE REMAINDER MUST OCCUR IN FOUR ADDITIONAL PORTS; DUTCH HARBOR AND CAPTAIN'S BAY ARE CONSIDERED AS ONE PORT FOR THE PURPOSES OF THIS PARAGRAPH; OR]

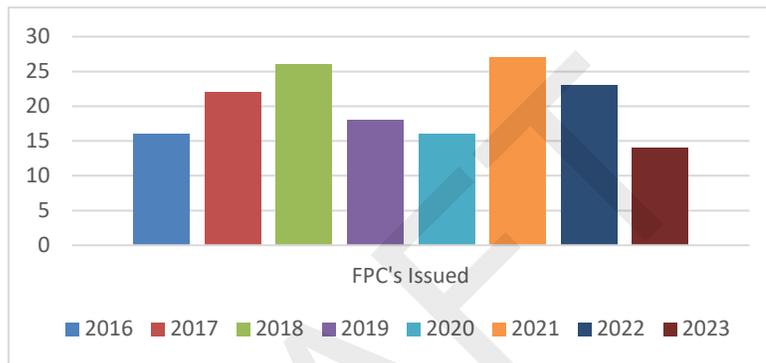
(1) provide proof of at least 60 familiarization trips **within the region** a vessel subject to AS 08.62, a tug and tow of 1,000 gross tons combined, or an enrolled vessel of 1,000 gross tons or more, except fishing vessels as defined in 12 AAC 56.990, [AS FOLLOWS:

- (A) 20 TRIPS IN DUTCH HARBOR;
- (B) THREE TRIPS THROUGH ILIULIUK CHANNEL;
- (C) FIVE TRIPS TO CAPTAIN'S BAY;
- (D) 12 TRIPS IN ANY COMBINATION TO AKUTAN, KING COVE, SAND POINT, OR CHIGNIK;
- (E) ONE TRIP TO COLD BAY;
- (F) THREE TRIPS TO NAKNEK;
- (G) TWO TRIPS TO TOGIAK;
- (H) TWO TRIPS TO PORT MOELLER;
- (I) TWELVE ADDITIONAL TRIPS TO ANY COMBINATION OF PORTS IN (D)-(H) OF THIS PARAGRAPH.]



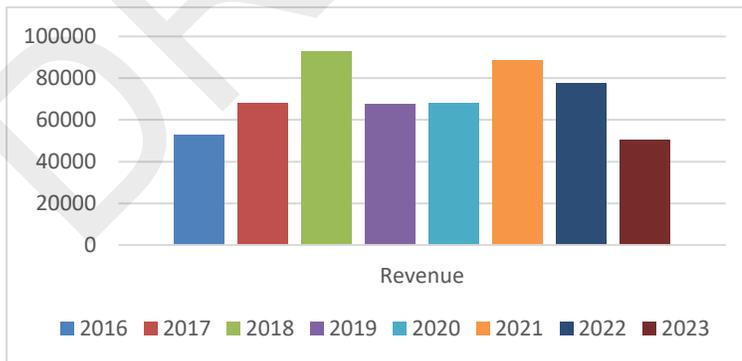
Foreign Pleasure Craft Exemptions Issued by year:

2016 - 16
2017 - 22
2018 - 26
2019 - 18
2020 - 16
2021 - 27
2022 - 23
2023 - 14
Total = 162



Revenue for each year:

2016 - \$52,700
2017 - \$67,950
2018 - \$92,650
2019 - \$67,650
2020 - \$68,050
2021 - \$88,810
2022 - \$77,582.50
2023 - \$50,600
Total: \$565,992.50



Alaska Board of Marine Pilots – Core Exam – Proctor Rules

1. Ask the examinee for their phone number to provide them the URL via text to start a second simultaneous video stream through the webcam on their smartphone and to contact them in the event they are disconnected at any time during the exam.
2. Provide the URL via text to the examinee for their smartphone to establish second audio/video connection.
3. Scan room and desk. Allowed Materials:
 - a. Photo ID
 - b. Drink
 - c. Pen or pencil
 - d. Blank sheets of paper (confirm they are blank by having the applicant show you the front and back of each sheet at the start of the session).
 - e. Smartphone that is silenced (for the purposes noted in #1, #2, and #8 only)
 - f. A smartphone stand to prop up and secure the phone in position during the exam.
 - g. A six-foot extension cord - if the proctor determines the examinee's computer and camera need to be moved this will allow for flexibility in their placement.
4. Do not provide the test code to the examinee until the following criteria are met:
 - a. You have confirmed the examinee's identification via a government issued photo ID (i.e. driver's license, passport, military ID).
 - b. You have confirmed that the only materials present are allowed materials (see #3).
 - c. The examinee has responded via chat that they understand and acknowledge the rules as presented.
 - d. The examinee/proctor have confirmed the examinee's User ID# for that day's exam.
 - i. The examinee may not have their User ID#, so the proctor may have to provide it to them once their identity has been confirmed. The examinee will have to enter it prior to beginning the exam.
5. In the roster provided, look up the examinee name/User ID#/exam and find the test code.
 - a. Please verify the test code is for the correct examinee, examination and date, as the examinee may be listed more than once for different examinations.
 - b. If you do not have an exact match, ask the examinee if they have other exams. For example, they might be inadvertently asking for the exam they are supposed to take next week.
6. Provide the link to the FastTest login screen via the chat, so examinee can click on it.
 - a. <https://app.fasttestweb.com/testing/pr/20/2>
7. Provide the test code via the chat, so the examinee can copy and paste it into the login screen.
8. Provide the following instructions to the examinee.
 - a. When you are attempting to get a hold of the proctor, please pick up your smartphone and say – “hello (proctor name), this is (examinee name)”, and state what you need. This will help assure that the proctor can quickly see that you need something and can respond in kind.
9. Examinee's are not allowed to take bathroom breaks during the examination. If they insist on taking an examination, the examination must conclude.
10. If at any time, it appears the examinee may be using their blank sheets of paper allowed under #3d to note exam questions or answers, the proctor should ask the examinee to show both sides of each piece of blank paper immediately.
11. If the proctor can no longer see or speak with the examinee or the examinee must disconnect due to an emergency, contact a manager immediately to pause the examination.

- a. Call the examinee to resolve the issue and then continue with the exam.
 - b. If the exam cannot be restarted within two (2) hours, terminate the examination and have the examinee contact the Alaska Marine Pilot Coordinator to reschedule.
12. Please contact a manager immediately to terminate an examination if:
- a. The examinee violates any of the Alaska Board of Marine Pilots' Examinee Rules:
 - i. Using a cell phone or other communication/electronic device except as allowed under #1-#3 and #8.
 - ii. Having a second person present in the room.
 - iii. Leaving their desk at a time other than scheduled or restroom breaks.
 - iv. Taking a picture of the screen or anything else that may potentially breach the security of the examination.
 - v. Refusing to cooperate with the proctor or to satisfy requests made by the proctor, including, but not limited to, requests to move the examinee's computer, smartphone, or other objects, whether inside or outside of the testing area.
 - vi. Writing down questions and answers from the exam on their blank sheets of paper.
13. After the examinee is done with the examination, confirm they have completed the examination, submitted their answers and have exited FastTest; then have the examinee show you both sides of each piece of paper they started with under #3d to ensure they did not write down questions or answers from the exam.
14. The proctor can now close the proctoring session.

Alaska Board of Marine Pilots – Core Exam – Examinee Rules

1. You must be testing in a private area.
2. You must provide a government photo ID to gain access to the examination.
3. Your desk must be clear of notes.
4. Blank sheets of paper are allowed for your use. However, you will need to show the proctor both sides of the blank sheets of paper before the exam begins, show the proctor both sides of all sheets of paper at the end of your exam before exiting, and show the proctor both sides of all sheets of paper anytime the proctor requests to see them throughout the course of the exam.
 - a. These blank sheets of paper are allowed to help you through the exam. However, you may not write down any questions or answers listed on the exam.
5. You may have a pen or pencil on your desk if you have blank sheets of paper.
6. You are not permitted to have any recording devices on the desk or within reach.
7. You are not permitted to have any examination related materials posted in the room.
8. You are not permitted to have any unauthorized programs running on your desktop computer/laptop/tablet during the examination.
9. You are not permitted to be connected to a virtual network.
10. You are not permitted to be connected to an email program or search engine other than what is being used for MonitorEDU.
11. You are not permitted to have any programs that are recording in the background running.
12. You are not permitted to have any open documents available.
13. You are not permitted to use any unauthorized headphones during the examination.
14. You are not permitted to talk during the examination, except to the proctor. You may ask the proctor questions regarding exam procedures only. Questions are not permitted involving the subject matter of the examination.
15. You are not permitted to make or receive phone calls or text messages while the examination is in session.
16. Your webcam, speakers and microphone on your cellular smartphone and your computer must remain active throughout the examination.
17. You may only be connected to a single monitor.
18. You must remain in view of the proctor during the entire session.
19. If you need to use the restroom, please do so prior to beginning the examination. Bathroom breaks will not be allowed during the examination.
20. If you get disconnected from the proctor during your session, please stop where you are in your examination and wait for the proctor to call you to provide further instructions. Be sure to answer immediately when they call. If you are disconnected from the proctor for more than 5 minutes, the proctor is authorized to end your examination session. In the event this takes place, you will not be permitted to complete your examination, your results may be invalid, and you may have to pay additional fees based on the circumstances.
21. You are not permitted to exit the session until the proctor has confirmed the section or examination has been completed or submitted and reviewed your blank sheets of paper per #4 above.
22. If you are caught by the proctor violating any of the rules listed above, the proctor is authorized to end your examination session. In the event this takes place, you will not be permitted to complete your examination, your results will be voided, and you will forfeit all fees paid.

Instructions

- You are about to start the Alaska State Board of Marine Pilots' Core Examination. There are 100 questions. A passing score is 75.
- You are allowed two (2) hours to complete it. There is a timer in the corner once you start. You must comply with all candidate rules. Bathroom breaks will not be allowed.

Alaska State Board of Marine Pilots

You are about to take the Core Examination for the Alaska Board of Marine Pilots. If this is the exam you expect to be taking, please read the statement below. Please contact the proctor if you do not think you are supposed to be taking this particular exam.

NON-DISCLOSURE AGREEMENT (NDA)

To ensure that applicants applying after you are knowledgeable and can operate safely in Alaska's water, the content of this exam is confidential. If you are taking the Alaska State Board of Marine Pilots' Core Examination, then you are required to accept the following confidentiality and non-disclosure agreement.

You hereby understand, acknowledge, and agree that:

1. You are expressly prohibited from sharing the content of the exam, in whole or in part.
2. You may not disclose the Exam questions or answers or discuss any of the content of the Exam Materials to any person, without the prior written approval of the Board.
3. You will not copy or attempt to make copies (written, photocopied, photos, or otherwise) of any Exam Material, including, without limitation, any exam questions or answers.

Sharing the content of the examination detrimentally impacts our organization, our profession, and public safety. It reduces the validity of the test and the credentialing process.

I understand and agree that if the Alaska State Board of Marine Pilots obtains information that I, at any time, sold, offered, disclosed, copied, reproduced, transmitted, requested, purchased, received, or utilized without specific Board authorization, or made available any portion of the Examination in any form to or from individuals, organizations, or the like, that I forfeit the right to have my examination scored, that the Board has the right to invalidate my score, and I further understand that the Board may initiate civil, criminal, and/or administrative proceedings against me that may result in civil penalties, criminal punishments, and/or disciplinary action including license denial or license revocation.

BY CLICKING YES AND TAKING THE EXAMINATION, I AM AGREEING THAT I HAVE READ THIS AGREEMENT AND FULLY UNDERSTAND AND ACCEPT THE OBLIGATIONS IMPOSED UPON ME. I ACCEPT THIS AGREEMENT VOLUNTARILY AND FREELY.

By Clicking "No", you are indicating you do not accept the terms of the NON-DISCLOSE AGREEMENT. If you choose "No," you will NOT be able to continue with the exam.

EXECUTIVE SESSION MOTION

I, _____, move that the Alaska State Board of Marine Pilots enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing _____

Board staff member(s) _____ to remain during the session.

Off record: _____
On record: _____

Authority: AS 44.62.310(c), Government meetings public

The following subjects may be considered in executive session:

- matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
- **subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;**
- **matters which by law, municipal charter, or ordinance are required to be confidential;**
- matters involving consideration of government records that by law are not subject to public disclosure.



MEMORANDUM

DATE: September 26, 2023
 TO: Board of Marine Pilots
 THRU: Erika Prieksat, Chief Investigator *EP*
 FROM: Patrick Kase, Investigator
 RE: Investigative Report for the October 11, 2023 Meeting

The following information was compiled as an investigative report to the Board for the period of June 27, 2023 thru September 26, 2023; this report includes cases, complaints, and intake matters handled since the last report.

Matters opened by the Paralegals in Anchorage and Juneau, regarding continuing education audits and license action resulting from those matters are covered in this report.

OPEN - 6

<u>Case Number</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Status Date</u>
MARINE PILOT			
2023-000791	Unlicensed practice or activity	Intake	07/21/2023
2023-000795	Unlicensed practice or activity	Intake	07/24/2023
2023-000873	Unprofessional conduct	Intake	08/11/2023
2019-000695	Unlicensed practice or activity	Complaint	10/18/2019
2023-000407	Unlicensed practice or activity	Complaint	06/26/2023
2022-000218	Contested license denial	Litigation Initiated	03/08/2022

Closed - 2

<u>Case #</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Closed</u>	<u>Closure</u>
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MARINE PILOT

2023-000487	Marine Pilot Incident Report	Closed-Intake	06/27/2023	No Action - No Violation
2023-000605	Marine Pilot Incident Report	Closed-Intake	06/27/2023	No Action - No Violation

END OF REPORT

DRAFT

Chapter 56. Board of Marine Pilots.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 56.025(a)(9) is amended to read:

(9) a certificate from a testing facility that complies with the requirements adopted in 12 AAC 56.940(b) showing a negative result on a test for illegal drug use conducted within 60 days [BEFORE THE DATE] of **submitting the** application; the testing facility must mail the drug test results directly to the marine pilot coordinator;

12 AAC 56.025(a)(10) is amended to read:

(10) on a form provided by the department, evidence of a satisfactory physical examination within 60 days [BEFORE THE DATE] of **submitting the** application, demonstrating that the applicant is in all respects physically fit to perform the duties of a pilot and including an examination of eyesight, hearing, blood pressure, physical agility, and cognitive capabilities.

12 AAC 56.025(i) is amended to read:

(i) An application is considered complete when it satisfactorily documents that all applicable requirements for the examination, license, or endorsement have been met. The marine pilot coordinator shall review all applications submitted and approve those applications that comply with all applicable requirements. If an application is not complete by **10** [60] days before the date of examination, the applicant may not be approved to sit for that examination.

(Eff. 12/14/86, Register 100; am 7/26/90, Register 115; am 11/7/93, Register 128; am 8/9/97, Register 143; am 10/25/2002, Register 164; am 2/12/2005, Register 173; am 9/12/2006, Register 179; am 1/29/2009, Register 189; am 6/11/2010, Register 194; am ____/____/_____, Register _____)

Authority: AS 08.62.040 AS 08.62.050

12 AAC 56.070(a) is amended to read:

(a) The examinations required by [12 AAC 56.014(A)(2),] 12 AAC 56.026(a)(3), 12 AAC 56.026(k), 12 AAC 56.033(c), and 12 AAC 56.085(b)(3) for a license or endorsement will be offered at least once a year [AT A MEETING OF THE BOARD].

(Eff. 6/11/71, Register 38; am 6/1/72, Register 42; am 6/19/74, Register 50; am 11/14/80, Register 76; am 8/29/87, Register 103; am 7/26/90, Register 115; am 10/2/93, Register 127; am 7/15/95, Register 135; am 6/16/96, Register 138; am 8/9/97, Register 143; am 1/29/2009, Register 189; am ____/____/_____, Register _____)

Authority: AS 08.62.040 AS 08.62.050

12 AAC 56.080(e) is amended to read:

(e) To renew a deputy marine pilot license, a deputy marine pilot **shall** [MUST] meet the requirements of (b) [AND (C)] of this section, except that **compliance with (c) of this section is not required** [THE DEPUTY MARINE PILOT MUST MEET THE REQUIREMENTS OF (C) OF THIS SECTION FOR EACH COMPLETE CALENDAR YEAR THAT THE DEPUTY MARINE PILOT HELD A DEPUTY MARINE PILOT LICENSE]. **A deputy marine pilot shall submit proof satisfactory to the board that the deputy marine pilot has engaged in**

piloting vessels subject to AS 08.62 in the marine pilotage region for which the license is to be renewed an average of five days for each calendar month in the licensing period immediately preceding the licensing period for which renewal is sought. A deputy marine pilot licensed for less than twelve calendar months before the beginning of a renewal period is exempt from this piloting day requirement.

(Eff. 6/11/71, Register 38; am 6/19/74, Register 50; am 6/12/78, Register 66; am 7/24/83, Register 87; am 8/29/87, Register 103; am 5/14/93, Register 126; am 11/7/93, Register 128; am 4/7/95, Register 134; am 3/21/99, Register 149; am 5/31/2000, Register 154; am 2/12/2005, Register 173; am 7/15/2006, Register 179; am 9/12/2006, Register 179; am 5/26/2007, Register 182; am 1/29/2009, Register 189; am 6/11/2010, Register 194; am 11/20/2022, Register 244; am ____/____/____, Register _____)

Authority: AS 08.62.040 AS 08.62.100 AS 08.62.120

2024 STATE CALENDAR

JANUARY

S	M	T	W	T	F	S
	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	26	27
28	29	30	31			

FEBRUARY

S	M	T	W	T	F	S
				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	26	27	28	29		

MARCH

S	M	T	W	T	F	S
					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	26	27	28	29	30
31						

APRIL

S	M	T	W	T	F	S
	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	26	27
28	29	30				

MAY

S	M	T	W	T	F	S
			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
26	27	28	29	30	31	

JUNE

S	M	T	W	T	F	S
						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	26	27	28	29
30						

JULY

S	M	T	W	T	F	S
	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	26	27
28	29	30	31			

AUGUST

S	M	T	W	T	F	S
				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	26	27	28	29	30	31

SEPTEMBER

S	M	T	W	T	F	S
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	26	27	28
29	30					

OCTOBER

S	M	T	W	T	F	S
		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	26
27	28	29	30	31		

NOVEMBER

S	M	T	W	T	F	S
					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	26	27	28	29	30

DECEMBER

S	M	T	W	T	F	S
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	26	27	28
29	30	31				

 Holiday Payday

State Holidays

Date	Holiday
01/01/24	New Year's Day
01/15/24	MLK Jr.'s Birthday
02/19/24	Presidents' Day
03/25/24	Seward's Day
05/27/24	Memorial Day
07/04/24	Independence Day

State Holidays

Date	Holiday
09/02/24	Labor Day
10/18/24	Alaska Day
11/11/24	Veterans' Day
11/28/24	Thanksgiving Day
12/25/24	Christmas Day

Please refer to appropriate collective bargaining unit agreement for more information regarding holidays.