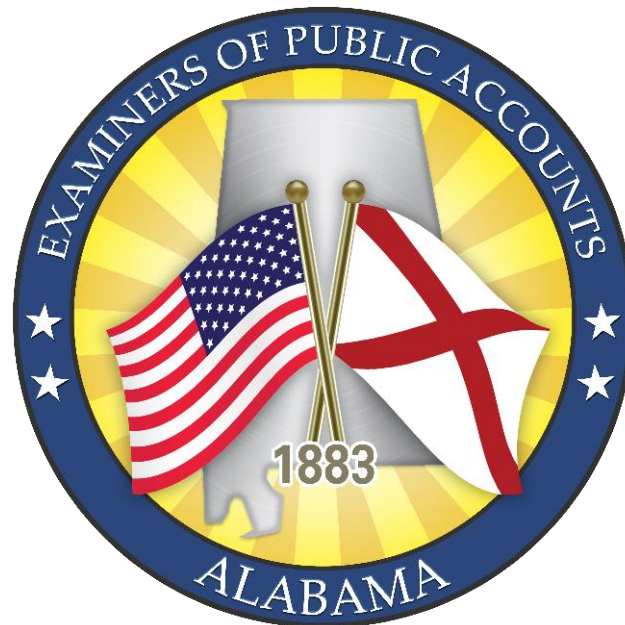


Report on the

**State Pilotage Commission
State of Alabama
Mobile, Alabama**

October 1, 2018 through September 30, 2020

Filed: July 16, 2021



**Department of
Examiners of Public Accounts**

**401 Adams Avenue, Suite 280
Montgomery, Alabama 36104-4338
P.O. Box 302251
Montgomery, Alabama 36130-2251
Website: www.examiners.alabama.gov**

Rachel Laurie Riddle, Chief Examiner



Rachel Laurie Riddle
Chief Examiner

State of Alabama
Department of
Examiners of Public Accounts

P.O. Box 302251, Montgomery, AL 36130-2251
401 Adams Avenue, Suite 280
Montgomery, Alabama 36104-4338
Telephone (334) 242-9200
FAX (334) 242-1775

Honorable Rachel Laurie Riddle
Chief Examiner of Public Accounts
Montgomery, Alabama 36130

Dear Madam:

An examination was conducted on the Alabama State Pilotage Commission, Mobile Alabama, for the period October 1, 2018 through September 30, 2020. Under the authority of the ***Code of Alabama 1975***, Section 41-5A-19, I hereby swear to and submit this report to you on the results of the examination.

Respectfully submitted,

A handwritten signature in blue ink that reads "Gerald Dedon".

Gerald Dedon
Examiner of Public Accounts

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Department of
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SUMMARY

**Alabama State Pilotage Commission
October 1, 2018 through September 30, 2020**

The Alabama State Pilotage Commission (the “Commission”) operates under the authority of the *Code of Alabama 1975*, Sections 33-4-1 through 33-4-57 and Act Number 2019-162, now codified in the *Code of Alabama 1975*, Sections 33-4A-1 through 33-4A-40. Act Number 2019-162 was passed and signed into law on May 14, 2019. Act Number 2019-162 established a State Pilotage Commission in each Class 2 municipality. It is noted, Act Number 2019-162 did not contain language repealing or replacing the applicability of the *Code of Alabama 1975*, Section 33-4-1, et seq. As a result, the Commission’s operations are governed by the authority of both Sections 33-4-1, et seq. and 33-4A-1, et seq., of the *Code of Alabama 1975*. The Commission licenses (branches) bar pilots and regulates the piloting of ships and watercraft into and out of the waters of Mobile Bay.

This report presents the results of an examination of the Commission and a review of the Commission’s compliance with applicable laws and regulations of the State of Alabama. This examination was conducted in accordance with the requirements of the Department of Examiners of Public Accounts under the authority of the *Code of Alabama 1975*, Section 41-5A-12. Our examination was performed for the purpose of determining whether the public officers, agents, and employees of the Commission properly and lawfully accounted for all money and other public assets or resources received, disbursed, or in the custody of the Commission. Our examination included determining compliance by the Commission with state laws and regulations that pertain to financial transactions; personnel; safeguarding of state-owned assets, property, and resources; information dissemination, processing, and retention; and official actions, rulemaking procedures, and meetings. As a part of our examination, we also reviewed internal control policies and procedures relating to the areas listed above. Our examination did not encompass managerial and operational matters, such as whether the Commission accomplished its mission or its regulatory, enforcement, investigative, or other oversight activities in an efficient, fair, timely, or legal manner.

Tests performed during the examination did not disclose any significant instances of noncompliance with applicable laws and regulations.

EXIT CONFERENCE

The Commission members and the Secretary were invited to an exit conference held via teleconference on June 16, 2021. Individuals in attendance were Jackie Buettel, Secretary, along with Maria L. Catledge, Robin Hutcheson, and Gerald Dedon from the Department of Examiners of Public Accounts.



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COMMENTS

**Alabama State Pilotage Commission
October 1, 2018 through September 30, 2020**

The Alabama State Pilotage Commission (the “Commission”) operates under the authority of the *Code of Alabama 1975*, Sections 33-4-1 through 33-4-57 and Act Number 2019-162, now codified in the *Code of Alabama 1975*, Sections 33-4A-1 through 33-4A-40. Act Number 2019-162 was passed and signed into law on May 14, 2019. Act Number 2019-162 established a State Pilotage Commission in each Class 2 municipality. It is noted, Act Number 2019-162 did not contain language repealing or replacing the applicability of the *Code of Alabama 1975*, Section 33-4-1, et seq. As a result, the Commission’s operations are governed by the authority of both Sections 33-4-1, et seq. and 33-4A-1, et seq., of the *Code of Alabama 1975*. The Commission licenses (branches) bar pilots and regulates the piloting of ships and watercraft into and out of the waters of Mobile Bay.

The Commission shall consist of three voting members appointed by the Governor. One member must be an official of a steamship company that maintains an office in Mobile; one must be an active bar pilot, licensed and branched by the State Pilotage Commission; and one must be a businessperson, or a person engaged in a professional occupation licensed by the State of Alabama. An additional member, who shall serve in a nonvoting capacity, may be appointed by the Governor from a list of nominations by the Chair of the Alabama State Port Authority. The members serve six-year terms and may continue to serve until their successors are appointed and qualified.

The Secretary, who is appointed by Commission, conducts the day-to-day operations of the Commission. The Secretary is an at-will contract employee who serves at the pleasure of the Commission.

The Commission operates from a bank account outside of the State Treasury. The Commission’s operating funds consist of privilege taxes, licensing (branch) fees, and statutorily authorized assessments to all currently branched bar pilots. The Commission retains any unused funds.

The *Code of Alabama 1975*, Section 33-4-38, authorizes any reasonable additional assessment that arises and is necessary for the performance of the Commission's duties to be paid by the bar pilots. These assessments are the main source of operating funds for the Commission. All bar pilots licensed by the Commission are members of the Mobile Bar Pilots, LLC. The LLC receives the earnings of all licensed bar pilots and distributes the earnings after administrative costs are removed. The LLC collects all amounts due to the Commission from the bar pilots and pays the amounts to the Commission.

The Commission owned nonconsumable personal property consisting of one computer.

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The Commission owned nonconsumable personal property consisting of one computer.

***Schedule of Cash Receipts, Disbursements and Balances
For the Period October 1, 2018 through September 30, 2020***

	2019-2020	2018-2019
<u>Receipts</u>		
License, Tax and Fees	\$ 8,358.72	\$ 12,825.25
Assessments to Licensees	24,600.00	24,790.00
Total	<u>32,958.72</u>	<u>37,615.25</u>
<u>Disbursements</u>		
Personnel Costs	18,835.80	18,835.80
Employee Benefits	5,708.40	5,708.40
Rentals and Leases	134.00	120.00
Professional Services	2,285.30	10,969.25
Supplies, Materials and Operating Expenses	5,706.06	2,742.04
Total	<u>32,669.56</u>	<u>38,375.49</u>
Excess (Deficiency) of Receipts Over Disbursements	289.16	(760.24)
Cash Balances at Beginning of Year	<u>3,530.93</u>	<u>4,291.17</u>
Cash Balances at End of Year	<u>\$ 3,820.09</u>	<u>\$ 3,530.93</u>

Commission Members and Official
October 1, 2018 through September 30, 2020

Commission Members		Term Expires
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Hon. Edward E. Fields	Chairman	2024
Hon. Patrick J. Wilson	Member	2024
Hon. Britton Cooper, II	Member	2026

Official

Mrs. Jackie Buettel	Secretary P. O. Box 273 Mobile, AL 36601 Phone: (241) 471-1393 Alabamaspc.outlook.com
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