HAPPY HOLIDAYS !!!

2020 SAMS®
International Meeting &
Educational Conference
(IMEC)
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Editor: Stuart J. McLea, AMS®

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Good day to you all !!!

Here in Eastern Canada the weather is starting to turn and with that shrink wrapping has begun, and the end of another season.

By all reports, Savannah was a very well attended IMEC, with a great venue of knowledgeable speakers and great networking opportunities. Montreal is next, and there are a number of reasons that you want to attend; the first is Montreal, it’s an international city. There are some great local foods that you must try: Poutine and Montreal Smoked Meat, to name two of my favorites. It is an easy drive from the North East. From Halifax it is about a twelve hour drive along the St. Lawrence River and in the Fall we will be in time for the leaves changing. I hope to see you all there, but remember you will need a passport to get into Canada.

**Work Order, Work Order, Work Order, Work Order**

Our E&O provider requires us to have a work order and this has been a subject of a number of discussions. The short version is “YOU NEED TO HAVE A WORK ORDER SIGNED BY THE CLIENT BEFORE THE START OF THE ASSIGNMENT”. SAMS® has had a number of E&O claims this year and in some cases our member has not had a work order signed by the client. Our E&O provider has come back to us and stated that if there is no work order moving forward they may not provide coverage. So, let this be a lesson, “Work Order” Please! I had a call tonight from a member in the North East region who told me that a client who is an attorney refused to sign the work order and because the client refused, he refused to take the assignment. I personally feel that this is a dodged bullet. The E&O deductible outweighs the survey fee. You will be receiving your E&O renewal very soon, and you will first notice that the premium is a little higher. This is because our renewal is for 18 months instead of the usual 12 months. The reason for this change is some of our members have asked that we move the renewal date, because SAMS® Membership Dues and Christmas are so close together. By going to 18 months our renewal will be June 2021. This will give you time to put some green in your jeans before your E&O premium is due.

Lastly, when SAMS® HQ sends out a Mail Chimp Message, please read it. This is very important correspondence and must be read by our members. So stay informed and read SAMS® HQ mail.

I am off to the Canadian Regional in Toronto and I hope it is warmer there than here in Nova Scotia.

From Linda & I, we would like to wish you all a Very Merry Christmas and all the Best to you and yours in 2020, see you all in the “La Belle Province” and the City of Montreal.

Cheers !!!
First off, thanks for opening and reading the SAMS® Newsletter. We are always surprised how many members do not bother. Secondly, thanks to all those members who attended the International Meeting in Savannah. I think it was a great conference, it had everything, great educational sessions, great food, and great networking. If you missed it, too bad, you missed a good one. Well done Joe Lobley, AMS®, Ken Weinbrecht, AMS®, Rhea Shea and the SAMS® office team. Also thanks to all the members who made presentations, we greatly appreciate you sharing your knowledge with us. The IMECs are a great opportunity to get needed CEs, learn about aspects of the business you are not familiar with and to meet and network with other surveyors. It’s amazing what you can learn listening and chatting with a group of other surveyors. It is also amazing how making personal contact with a surveyor from another part of the country can come in handy as well. You may be looking to refer a friend or client to someone, and if you never met them it is hard to do. Or someone may need eyes on a damage claim on the other side of the country and they ask for a referral and your name is given out because someone met you at a SAMS® conference. I met with a couple of Surveyor Associates who were blown away by the IMEC and what they got out of it. So, start planning now for the next one in Montreal, especially if you need the CEs and an IMEC in your 5 year renewal period. Double check your records, or check with the office to make sure you are on track with these. We don’t want to lose you over an oversight, like not getting a needed IMEC attendance.

Finally, I want to thank all of you for electing me as your president. I had been the acting president since the passing of Bob Horvath earlier in the year but now I am official, and I am pleased to be in a position to help the organization grow and improve. Please feel free to reach out to me if you have any suggestions, complaints or ideas on areas where SAMS®, as an organization can do better, I am always open to input.

Best regards
Hello all, hope you’re having a safe and productive fall season. Those of you who were in Savannah know that the IMEC went very well with excellent attendance.

A few months ago, we initiated a photo contest. The purpose of this contest was to promote a little comradery, show some of the most hideous and/or humorous conditions that we come across on a daily basis. The results were impressive to say the least, we saw some really scary electrical issues and some structural nightmares, as well. After a review by select Board of Directors members the following winners were chosen.

#1. Ben Brown / Strainer clamped closed.  

#2. Mark Wilson / Birds (dead and alive) in boat

#3. Bryan Shrock / Thru hull fitting spraying water

The winner (Ben Brown) will have his prize mailed. Please note, we intend to continue this contest for the following year with one change, contestants will be limited to ONE photo each, so get out there and get some good pics for next year’s contest and have fun with it.

I will look for you in the yards.
MONTREAL - AN INTERNATIONAL MEETING WITH A EUROPEAN FLAIR

Review of Savannah IMEC: the reviews that I have received both verbally and via email were all very positive and many stated that it was one of the best IMEC’s they have ever been to. The variety of speakers and the speaker content was excellent. Thanks to all who responded and attended (almost 300 attendees). No matter how many speakers and variety of subjects that we have it doesn’t mean anything if we don’t have the participation of the membership.

And now on to Montreal! (YOU NEED A PASSPORT)

Joe Lobley, AMS® has set up a wonderful venue with the help of our Canadian Board Member, Eddie Assaf, AMS® in this beautiful city with an international flair. Read Joe’s column for more details.

Here is a list of some of the topics that we have planned:
Marine Salvage
Sail Maker, new technology
Damage report writing
Ethics, anatomy of a complaint
Keel manufacturer
Rudder repairs, how much do we really need to do
Oceanvolt - new electric technology
Cargo loading, stowage and inspection
Antique boat restoration

We are also planning a Surveyor Associate pre-meeting breakfast on Wednesday morning, prior to the start of the meeting on Wednesday afternoon. If you are a Surveyor Associate you SHOULD attend this. There will be discussions about the recommended survey content as well as how to prepare for your AMS® test. AMS®’s are welcome to attend as well, great time to review your reports and see if they are compliant with the recommended survey content.

YOU NEED A PASSPORT. Not a big deal, just go to a local post office in the states that does passport processing, really easy to do, but do not wait to get it done.

I wish all of you a wonderful Christmas and Holiday season. Best wishes for a healthy, prosperous New Year!

“Age wrinkles the body. Quitting wrinkles the soul.” - General Douglas MacArthur
Greetings Colleagues

Here it is, almost 2020! I hope this finds everyone as busy as they can handle. I would complain about the cold, but I realize almost everyone is North of me…

I am still trying to fit into the new shoes of the SAMS® Secretary/Treasurer position. One thing I am learning, is just how much effort and commitment is being given daily by the Main Office personnel. Even as the Board Members come and go over the years, Ms. Rhea is the bedrock and SAMS® memory bank. Please consider sending them a Christmas thank you card!

My initial impression is SAMS® took a huge economic hit as a result of the various legal wrangling’s in the recent past, but we are back on the rise.

Our greatest challenge now, is to attract new surveyors. Since I entered the surveying profession, I have watched two major surveying organizations whom have ‘aged out’: and SAMS® could be next, if we do not concentrate on this issue. Having just overseen six years as Testing VP, I feel the greatest challenge for each member is continuing education. How many people are watching the FREE! mini ABYC videos on a range of subjects? Do not rest on your laurels of “I am a surveyor” (therefore, I know everything- certainly more than that ‘mere’ Captain!)
Set yourself a goal of learning something about your “worst” subject. I just succeeded with the ABYC Electrical Technician course, after 70 years of loathing/avoiding electricity. Also, once you have your AMS® Designation, start on the path to another. Be careful, you may learn something useful!

Thank you for your attention this far. As a last word, if you do not call (email these days!), I cannot help. 504-236-8151 - yachtsurveys@msn.com.

Have a wonderful Holiday Season with your Family and Friends, and STAY SAFE.
First, I’d like to thank everyone for the honor of being re-elected Membership V.P.

Another summer is finally over and the temp’s. have finally dropped below 90° for us here in North East, Florida. It’s been another great year for business in my area and I hope it’s been the same for everyone else.

Those of you who didn’t attend the IMEC in Savannah really missed out, not only were the presentations excellent and the comradery irreplaceable, but the hotel was so well located that everything was within walking distance: the famous Savannah Squares, superb restaurants, museums, and I even heard a rumor that there were a few adult drinking establishments in the vicinity.

SAMS® membership is doing great; we currently have a total of 992 members. 2019 has been a busy year for the Regional Directors and me. So far this year we’ve handled 81 applications for membership, of those, 57 were accepted into SAMS®, and 24 were denied. We still have 15 applications pending with more expected to come in as Chapman’s is graduating a class the beginning of December. The Regional Directors have all been doing a great job and I can’t thank them enough. Without the Regional Directors, the organization simply can’t function! I also want to welcome our newest Regional Director’s, Chuck Solarek, from the Pacific Region, Cliff Schmidt, from the Florida Region, Thor Jones who has graciously agreed to again be the Regional Director, for the Gulf Region, and last but not least, Ruchin Dayal of Goa, India as the new Asia/Pacific Regional Director.

In closing, don’t eat too much turkey, and I wish everyone Happy Holidays and a Prosperous New Year!

Mentor Program

Dear Mr. Trenkle,

This note is regarding the kind surveyors who paved the path for me to become AMS® #1318 last month at IMEC.

Mr. Peter J. Spang, AMS®, went well beyond the call of a Regional Director in working with Mr. Gary Frankovich, AMS®, toward a short extension to my upgrade date.

Ms. Julie A. Wheaton, AMS®, North East Regional Assistant, took time from her busy schedule to talk and give me some guidance in preparing for the exam.

Special thanks to Mr. James M. Sanborn, AMS®, Mentor, for his huge contribution to the mentoring program and for the helpful conversations we had. If I knew everything Jim has forgotten, I would probably be alright.

I am indebted to these folks who took their valuable time to help out. If it wasn’t for their knowledge, dedication, and willingness to contribute during a busy time of year, I would not be an AMS® today.

Lastly, I view becoming an AMS® as a notable accomplishment, however, I also view it as a commencement or an opportunity for further learning. My goal is to constantly gain additional knowledge that will lead to improved service to my clients. As an AMS®, I will continue to represent SAMS® with pride in a professional and ethical manner.

Respectfully,
John Flick, AMS®
The IMEC in Savannah was a huge success. We had 285 members in attendance for the meeting, and close to 350 attended the President’s Reception and Dinner each night. The presenters that Ken Weinbrecht, AMS® organized were well received. Hat’s off to Ken and our International Office crew, Rhea and Mark Shea, Susan West, and Irene Carey, for all the hard work.

It is always a gamble when setting up for an IMEC. Will we meet our room block? Will we meet our Food and Beverage minimum? The consequence for not meeting the minimums can be expensive. That is why we try to keep the room block reasonable, which unfortunately can result in some members having to stay outside the hotel. Too large of a room block and we have to pay for empty rooms. **This is why it is very important to fill out the card that comes with your dues asking if you plan on attending the next IMEC.** We can usually increase the room block, but not decrease it. As far as the food goes, I have been asked in the past “why do we have all the food? Can’t we do less and charge less for the conference?” Well, the recent IMECs are telling us that having a more upscale reception and dinner is a successful formula. The number of guests that are accompanying our members is substantially on the rise. The networking has become an important part of the meeting. I would like to remind all of you that any profit we make on the IMEC goes back into the general fund to offset our expenses. I would also like to mention that we have not had a dues increase since 2010.

Looking forward, IMEC 2020 will be at the Double Tree by Hilton in Montreal October 28-31. The first three floors of the hotel is a mall with everything one could want. You don’t need to worry about the weather. If it’s rainy and cold outside, stay inside. The city has extensive underground pedestrian walkways from building to building with an incredible amount of retail shopping and restaurants. The historic section of Montreal is only a few blocks away and well worth a visit. Seeing the Notre-Dame Basilica at night is a must. The hotel contract is for a room rate of around $185.00 US but may inch up or inch down depending on the exchange rate. Montreal is a bit pricy but as I have said in the past, you should consider the value, not the cost. I drove to Montreal from the coast of Maine in 6 hours. I anticipate a big turn out by the North East members who can all drive in a day or take the train. This will be a great destination to bring your significant other. **Please remember that you must have a passport to enter Canada.**

The IMEC 2021 location was decided by the members, at the Portland, Oregon meeting, to be San Antonio, Texas (1st) and Mobile, Alabama (2nd). However, the room rates and availability is just not possible for us in San Antonio or Mobile. A board decision was made to select New Orleans. I toured five hotels and compared their offers and chose The Sheraton, on Canal Street. The dates are September 29 thru Oct 2, 2021. We have a room rate of $179.00 with the usual amenities. New Orleans has always been a big draw and a great time.

The membership at the SAMS® Business Meeting in Savannah chose Indianapolis for the location of the 2022 IMEC with St. Louis a close second. I will keep you all posted!

**Joseph Lobley, AMS® Meeting/Conventions Vice President**
Well another year is starting to wrap up, things are starting to get a little cooler in the North so the work conditions are starting to inhibit proper surveys, but we have to live with what nature gives us.

Savannah IMEC was a total success. One of the largest crowds that I have seen at an IMEC. Like normal Ken Weinbrecht, AMS® did an outstanding job getting us great speakers, and from beginning to the end, the whole venue appeared to be very appreciated by the members. The area the hotel was in was captivating. It was my 2nd time in Savannah and every time I’ve gone, I find the whole area with all the parks with a terrific surrounding. The time we were not inside, it was little hot for a northern guy, but I got used to it and at the end was even enjoying it.

Next year’s IMEC will be in my home town of Montreal in the end of October. Please be prepared for a little cooler weather, but the convenience of being in this hotel is that you can explore about 90% of the downtown area without going outside. With any luck the colors might still be around. Please remember, that to travel across the border a passport or Nexus card is a must to come into Canada or going back home after. Really hope to see you here in large numbers.

During the business meeting we had a few concerns on the email addresses on the website. With the new website the emails were going through the server, about 10% of the members did not like this because their email address was not showing, only a link to send an email through the SAMS® server. The website was designed like this to inhibit mail spam and mass mailing lists, which we knew was a problem with the old website from the amount of complaints we had. This was not a Board decision, but simply the way the website was designed by the webmaster, and which seems to be the way many websites are running now. After certain concerns a motion was raised and a vote was taken to give the option of having your email address showing and not link through the server. Unfortunately the site was not designed for both systems according to the webmaster so, as of November 3rd the website server for emails no longer exists, all members have their emails there with a link directly to your email. This way, unfortunately, we can’t control email spam so some of us might get spam mail from it. Board members had their email addresses showing, and some of us are still getting email spam from it. There are people who are paid to retrieve email addresses to sell them as mailing lists. We will run it this way for a while and see how it goes, if we get complaints on spam then maybe, a motion will need to be raised and again make the necessary adjustments back to what it was. We will see with time. Please remember that the office staff has no control of this, and as much as they would like to, can’t accommodate everyone’s needs.

The website still has a little tweaking to be done with the map, but we are slowly getting the bugs out with the webmaster, unfortunately, I am a marine surveyor, and don’t have the knowledge to make these changes.

As of last year the advertising budget was increased. I have still been conservative on how the money is spent. Advertising is very expensive and I want to make sure that if we are spending the money we might as well make sure that it will give us a good return.
First, thank you nominating committee and members for electing me to be your SAMS® Vice President of Testing. I hope to be able to fill the shoes of Kristoffer Diel, AMS® as he moves up to be our Secretary/Treasurer. I am reviewing the current batch of tests for the various SAMS® designations and hope to continue to update the tests to keep them fresh and a fair evaluation of our Surveyor Associate members as they prepare for and take the tests to advance to AMS®. For those that have recently taken the tests I encourage you to let me know if you think there are questions that need to be corrected or that are confusing. When taking the test please feel free to write out comments on questions that you think are poorly worded or confusing. You should still pick the best answer even if you think a question is confusing. For all of our members please submit questions that you would like to see on the tests to me. Of course, also send the answer and the reference for the answer with anything you submit. We are currently in the process of updating the engine tests and separating the designation into either Diesel or Gasoline as we see larger yachts being powered by ever larger gasoline outboard motors. Previously our Engine designation was for engines greater than 500 HP and did not account for outboard motors. This is also being revised. For those Surveyor Associate’s getting close to your upgrade dates don’t wait until the last minute to submit your application to upgrade. The review process takes some time for approval to upgrade as we are all busy working as surveyors and need time to be able to review the applications. Make sure your survey reports meet the SAMS® RSRC minimum guidelines by reviewing the guide next to your report and checking to see that all the content is there and in an understandable organized layout. As a side note simply using a surveyor program does not mean that the report meets the SAMS® RSRC guide. The programs that are available have not been vetted or approved by SAMS®. The producers of these programs are independent of SAMS® and their content is not “approved” or “sanctioned” by SAMS®.

Please welcome Chuck Solarek, AMS® as the new Pacific Regional Director. I’m sure he will be an effective Regional Director. He is currently putting together our next Pacific regional educational meeting, set for San Diego in February. Watch for details, I hope to see you all at the meeting. If you plan on testing in February at that meeting now is the time to get your upgrade profile packet into SAMS® HQ.

As always be safe out there. I don’t want to hear of anyone falling off a ladder or getting injured on the job. Please let me know if you have any questions or concerns that you want to bring to the Board’s attention.
TFE LIVE: Bill Trenkle (USA, San Diego YC) and Dyer Jones (USA, New York YC) announced as 2019 inductees into the AC Hall of Fame along with Henri Racamier (FRA, Louis Vuitton)

Sunday, July 28, 2019 | TOM EHMAN

SAN FRANCISCO (#1178) – Congrats to Bill Trenkle (USA, San Diego Yacht Club), longtime ops manager and deputy to America's Cup legend Dennis Conner, who will be inducted into the Herreshoff Marine Museum/America's Cup Hall of Fame with the Class of 2019 along with Dyer Jones (USA, New York Yacht Club) and the late, great Henri Racamier (FRA), co-founder of the Louis Vuitton Cup. Nice to see more crew, race committee / administrators and sponsors so recognized. I featured all three in a segment on Friday's TFE LIVE that began about 12 minutes into that show here or on the image below.

https://www.facebook.com/SailingIllustratedBlog/videos/895605284130297/
Bill Trenkle is among the leaders who exemplifies what racing in the America’s Cup symbolizes. He was part of both winning and losing campaigns and had an excellent reputation for his skills and integrity.

If one were to describe Bill Trenkle in one word, it would be “loyal.” He raced and worked with Dennis Conner in eight America’s Cup campaigns over a 24-year stretch from 1979 through 2003, winning the America’s Cup three times. During that period, Trenkle evolved from a “possible” crew as a Cadet at the State University of New York Maritime College (Class of 1980) to Conner’s long time Director of Operations. In his book, Comeback, Conner said, “Bill is a seaman in the finest sense of that term. He understands from both an academic and a practical standpoint what it takes to make a boat go. Give a job to Bill, any job, and you know that it will be done to perfection.” That is high praise from a demanding skipper like Dennis Conner.

In the early days of his Cup career, Bill Trenkle was a sail trimmer, first on the tune-up boat, and then on the varsity team for the 1986-87 series in Fremantle. As a port tailer aboard the victorious Stars & Stripes ’87, Trenkle had an eye for fast-sail shapes, possessed lightning reflexes, and, most importantly, could consistently anticipate what Conner would do with the helm. Conner recalled, “I never once had to say a word about sail trim.”

Using his degree in engineering from the Maritime College, Trenkle assisted in the project managing of the construction of the three 12-Metre yachts for the 1986-87 series, and the huge, innovative wing sail for the Stars & Stripes catamaran in 1988. Since 1996, Trenkle is President and Director of Operations of Dennis Conner Sports. No job was ever too big or too small for Bill Trenkle, earning an excellent reputation in the America’s Cup community.
Ahoy, all in the North East! I hope everybody had a good season! Here’s what’s coming up in the near future. We will be having our North East Regional Meetings in two areas this year, one in south New Jersey in the second week of March, the 11th & 12th, we have the venue, and a flyer will be coming in the next couple of weeks. My Assistant Regional Director, Captain Julie Wheaton, AMS®, will be putting on one in New England, she is currently looking for a venue and will announce dates once it’s secured. We have some very good speakers onboard including subjects on electrical, report writing, safety, cargo, Volvo IPS drives, a possible corrosion presentation, and a possible boat production plant tour. As your new Regional Director I hope that you all will attend and possibly learn something you didn’t know about our business!

I also want to announce that I’m working with several other distinguished surveyors on a new designation for SAMS®, which is a long time coming, designation for Gas Engine Surveyors, this will separate Diesel Engine Surveyors, from Gas. I think this is a big step forward due to we’re talking about two different systems, many similarities but many differences. Previously it just was a horse power designation concerning only diesel engines, however there are plenty of small horse power diesels, and high horse power gas engines so it is antiquated. Since we have a new era with high horse power inboards, inboard outboards and outboard engines with multiple installations, we shouldn’t be left behind. Our industry constantly changes and in order for us to serve our clients effectively we need to change with the times. I’m proud to be a part of this change and will do my best to make the new designation worthy of the SAMS® commitment to excellence.

The IMEC meeting this year was very good, with a record attendance, only one other IMEC had more people. The speakers were very good and I learned quite a bit, hopefully, so did everyone else. I was glad to see that quite a few of our North East Members were in attendance and got to meet some that I didn’t know. Of course the food was excellent and Savannah was great!

One other thing I want to touch on before signing off, is, as a Surveyor Associate you need to perform 12 pre-purchase surveys per year, and when you submit a survey for your yearly review make sure you submit a vessel with systems. No skiffs, center consoles or other small craft, they really don’t tell us as reviewers about your survey writing skills and that’s what it’s all about! We do expect improvement as your yearly reviews come in, and the best way to stay on top of it is to always look for ways to improve your reports. Good system descriptions, findings with references to ABYC, etc. and lastly one word checklists won’t fly! So please review your reports, and try to improve on every report you do! Do that and you will have no problem getting through as a Surveyor Associate, and will be ready for your AMS® upgrade.

End of the Sea Story!

Reinier Van Der Herp, AMS®
North East Regional Director
Survey Reports

Survey reports are a lot like zombies, in that they never really die. I’m sure we all include language in our reports that states that the report is for the exclusive use of our client, however, we all know how well that works. You’ll be scrolling though the Google machine, and up pops your survey on an Internet forum, or you learn that your former client is out selling his boat along with your survey report. While these things are uncomfortable and borderline illegal there’s no single recourse to stop it.

There are also legitimate reasons why your survey report from two years ago will rise up again and become a zombie. One of the most common comes from the insurance company or insured pursuing a marine damage claim. One of the first questions I ask on a damage claim assignment is, “when was the vessel last surveyed and may I get a copy of the survey report?” I do this because I want to see what the drive looked like, or if the CO monitor operated, or was there a recommendation at that time to replace the exhaust hoses. The survey report helps establish a baseline of what the vessel was at that time, but it also stands as an example of your work product. So, as I like to say, Review, Record & Report, Be as thorough as you can, be sure all your findings are listed in the report, in an organized manner. Benchmark your survey report against the SAMS® RSRC to see how it compares. Try to make every survey report one that you would be proud to show your mom, or at least another surveyor.

Possibly one of the most uncomfortable phone calls that I can imagine getting, and it’s definitely a most unwanted phone call, and I don’t mean the ones from someone offshore trying to sell you something. The call goes something like this: the boat you surveyed has been re-inspected and a different surveyor reports that ------------------ , you get the idea. We all try to be as thorough as possible when we inspect a vessel, but it’s always possible that you may have overlooked or forgot to record a finding. How you initially handle this situation will define you as a business owner, could have a major impact on your future business and speak volumes about your morals and ethics. There is no one-size fits all solution when this happens and hopefully as unlikely as it might be, it might be helpful to consider how you might handle this situation if it rears its ugly head.

You also might want to give some thought to how your business is structured, are you an LLC, an S-Corp, or one of the other business entities that vary by state. I would encourage everyone to spend a little time and money and sit down with a CPA, or lawyer and have an honest discussion about your business, its goals, any other income sources, your assets and how you plan to use the money earned from your business. This information will help the CPA, or lawyer recommend the most likely business structure and practices to protect you, your family and your assets.

It also goes without saying that you should be using a signed work order or survey agreement that spells out the specifics of the survey assignment. The survey agreement is also a requirement of the SAMS® group E&O policy. A good survey agreement should include standard disclaimers, and list what should happen in the event the client reports experiencing a loss as a result of the survey. Seriously, having a signed survey agreement protects you just as much as the client and I wouldn’t even consider starting the survey until I had an agreement in place.

I believe all of the canned survey report software programs include a variety of disclaimers in the basic template. I would encourage you to go through the template that you use and clean up all the disclaimers keeping only the ones that actually apply to you and how you inspect a vessel. I’ve also seen disclaimers in a survey report that would only be valid if your client has accepted those terms in advance of receiving the report, which takes us right back to having a valid and signed survey agreement in place.

Cont.
So if I haven’t lost you by now and you’re still reading along, here’s a recap of the educational opportunities that the Great Lakes Region has had the opportunity to participate for 2019;
Great Lakes Regional Meeting, Traverse City, MI, March 2019
Markel/Knox Marine Sailboat Rigging Seminar, Pewaukee, WI, April 2019
SAMS® IMEC 2019, Savannah, GA, September 2019
Great Lakes Regional Meeting, Pewaukee, WI, October, 2019
Are you sensing a trend here, yes, I really believe in training opportunities and I plan on continuing on this path. I’m already thinking about a Great Lakes Regional Meeting in Ohio for January 2020 and another Great Lakes Regional Meeting in Late fall 2020. Feel free to give me a call or drop me a line with any ideas or subjects that you would like to see included in future training sessions.

Finally, as the recreational boating season starts winding down in the Great Lakes and everyone’s thoughts start turning to ice fishing, snowmobiling, or heading south for the winter. I hope you have a chance to reflect back on this past season, think about your highlights and successes, consider the things that worked well and the things that you could have improved on and start putting together a plan to make next season even better.

Nicole McLoughlin, AMS®
Canadian Regional Director

SAMS® AMS® and Past Regional Director Peter McGuire is retiring. Peter was RD when I joined SAMS® in 2005 and welcomed me in to the fold, as he has done for numerous SAMS® members. Peter has continued to provide excellent technical and practical advice and support throughout my career, particularly in my term as RD. Please join me in acknowledging the professional expertise Peter McGuire has contributed to SAMS® for the past 20 years, and wish him well on his next adventure. Fair Winds Peter!
THANK YOU! to all 23 SAMS® members and guests from ON, QC, NS in Canada and across the US border from AK, TX, VT, SC who joined us at the 2019 Canadian Regional Meeting, Continuing Education & Networking Seminar held Nov. 21-22, 2019 at the Whitby Yacht Club in Whitby (Toronto), Ontario. Report Writing techniques, Ethics, Safety, Plastics Pollution, Salvage Diving and Recovery Operations were among the highlights. Your commitment made it a success!

Jim Sepel, AMS®, Claims in Alaska

Murray Willits, AMS®, Claims with Polar Bears, northern ON

Regulations & Technical:
Please take note that Transport Canada "has published a policy on the acceptance of ABYC standards as an approved alternative method for small vessel compliance in Canada. The policy is effective as of Oct. 30, 2019." Below is the link to the Transport Canada revision, and also a link to ABYC. This does not mean ABYC has replaced TP1332 or TP5111, so please read carefully, and amend your work product accordingly. CMAC (Canadian Marine Advisory Council) holds free meetings and welcomes stakeholder feedback. 

If you are not currently ABYC Standards Accredited, or need to re-certify, you may want to incorporate that into your professional development plan and add to your “Swiss Army Knife of Life”.

After 2 years, 4 Regional meetings, 2 IMEC’s and 3 board meetings, I will be concluding my term as SAMS® Canadian Regional Director. Thank you to my fellow surveyors, mentors, and friends for your support to represent Canada.
First, I would like to thank Randell Sharpe, AMS® for a great job as our Regional Director these past few years. I appreciate the opportunity to follow in his footsteps representing the Pacific Region as Regional Director. My hopes are to be able to represent not only the region, but SAMS® in a professional and positive manner.

As the season winds down for most of us across the country, there is still work to do. Granted, we may not be out there inspecting many vessels during the winter, so most of us use the time to take care of some housekeeping. All those administrative items that seem to pile up when we are in the field are calling. Tweaking that boiler plate paragraph in our reports, researching new tools for our bag, or just a new bag.

There is another item that should be addressed as well, Continuing Education (CE). Most of us are so busy during the spring to early fall months that we do not feel we “have the time” to attend a seminar or class because it takes us away from our livelihood. While I can fully understand this attitude and have been guilty of it myself, it is not a good approach. We should ALWAYS be looking for ways to further our knowledge in order to give our customers the best product possible. There are so many ways to get information these days, both formally and informally. Webinars are in abundance on the internet. Two day, three day classes or seminars. Luncheons and dinners with presentations. There really are opportunities out there to earn CE’s. Another thought on education, reach out to any local boat manufacturer or even a manufacturer of marine equipment and see if they will give you and some colleagues a tour of their facility. Putting “eyes on” the manufacturing process can provide some good insight as to what is behind the panel when conducting future surveys.

As professional marine surveyors our work encompasses so much more than crawling around the bilges with a flashlight. If you want to stay competent, do not be complacent when it comes to continuing education. Search for those opportunities. Put it on your calendar. A few days sitting in a classroom will normally pay off in dividends on future surveys.

I look forward to seeing as many of you as possible at our upcoming Regional Meeting in February in San Diego. Have a safe and happy holiday season! Maybe Santa will bring you that new gizmo for your tool bag this year.
Well, here we are heading into the Fall/Winter Boating season and hope everyone has had a busy summer. I do hope, being in the Mid-Atlantic area of the country that the fall/winter business will also continue to stay as busy as possible for everybody.

Unfortunately, due to previous commitments, I was unable to attend the 2019 IMEC. Our Assistant Mid-Atlantic Region Director, Pete Stevenson, AMS® attended and from what he told me about the meeting, it was an outstanding IMEC. Congratulations to our Meetings/Conventions Vice President Joe Lobley, AMS® for doing a great job.

Plans are being put together for a spring Mid-Atlantic Regional Meeting. The dates will be March 3\textsuperscript{rd}, (half day), 4\textsuperscript{th} - 5\textsuperscript{th}, 2020. The venue, by request, will be the Peninsula Yacht Club on the shores of Lake Norman in Cornelius, NC.

Our main presentation on the 4\textsuperscript{th} will be Mr. Norman F. Laskay, NAMS-CMS; ASA of Dufour, Laskay & Strouse, Inc., Worldwide Marine Appraisers, Surveyors, & Consultants. He will be speaking on a 7 hour Marine Appraisal Presentation.

On the 5\textsuperscript{th} we’ve arranged with ABYC for a 4 hour technical presentation. Details will be announced later.

There will be a couple more presentations not fully arranged yet.

AMS® Upgrade Testing will be available in the morning on the 3\textsuperscript{rd} of March. Testing will have to be pre-arranged with your Regional Director prior to the meeting.

Along with the usual soft drinks and snacks during the daily meeting, lunch will be supplied on the 5\textsuperscript{th} along with good old fashioned Western Carolina Bar-B-Que that evening. If anyone brings their spouse, they’re welcome to attend the B-B-Q also.

Hard to believe, but there will be more details to follow.

With all that said, I’d like to wish everyone Happy Holidays and keep on keepin on, surveying that is.

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The Following Members Have Will Return For The Next Issue

Thor Jones, AMS® Gulf Regional Director

Cliff Schmidt, Jr., AMS® Florida Regional Director
46 CFR Subchapter M requires all towing vessels, with certain exceptions, to have a Certificate of Inspection. One of these exceptions, “excepted vessel,” is found in 46 CFR 136.110 Definitions, which defines excepted vessel as “a towing vessel that is subject to this subchapter but is excepted from certain provisions contained within this subchapter.” The definition goes on to state that to be an excepted vessel it must be:

1. Used solely:
   (i) Within a limited geographic area, as defined in this section;
   (ii) For harbor-assist, as defined in this section; or
   (iii) For response to an emergency or a pollution event; or
2. Excepted by the cognizant OCMI for purposes of some or all of the requirements in §§ 142.315 through 142.330, 143.235, 143.265, and subpart C of part 143 of this subchapter, based on consideration of those requirements and on reasons submitted by the vessel owner or managing operator as to why the vessel does not need to meet these requirements for the safe operation of the vessel.
3. Further definitions from 46 CFR 136.110 Definitions and comments are:
   “A Limited geographic area means a local area of operation as determined by the local COTP.” This area is usually within a single harbor or port. The key word here is “limited.” Discussions with USCG personnel and personal knowledge working with tugboat companies that have desired such a determination, indicate that a bay, unless very small, would not fit this definition.

   “Harbor-assist means the use of a towing vessel during maneuvers to dock, undock, moor, or unmoor a vessel, or to escort a vessel with limited maneuverability.” Many of these vessels are in class and are inspected regularly anyway. The question arises is how far a harbor-assist tug, without a COI, could escort a vessel with limited maneuverability? When, and under what circumstances, would the USCG require an escorting tug to have a COI?

Neither emergencies nor pollution events are defined in 46 CFR 136.110 Definitions. These terms can then be understood in their general marine definition.
The exceptions noted in paragraph (2) above refer to:

46 CFR 315 – 46 CFR 142.330. These sections refer to additional fire-extinguishing equipment requirements; fire pumps, fire mains and fire hoses; and fire-detection system requirements.

46 CFR 143.235 refers to general alarms.

46 CFR 143.265 refers to additional fuel system requirements for towing vessels built after January 18, 2000.

46 CFR subpart C are requirements for new towing vessels.

To date there has been no guidance provided by the USCG as to under what circumstances such exceptions would be granted. However, it is expected that these exceptions would be listed on the vessel’s COI.

Questions concerning the specifics for determining whether a vessel meets the criteria of an excepted vessel based upon either the Limited geographic area or Harbor-assist criteria, or the criteria in par (2) above, should be directed toward the OCMI with jurisdiction over that vessel. If exceptions are required, they would have to be requested in writing from the USCG and be well documented to be approved. It is recommended that preliminary discussions be conducted with the USCG prior to sending a letter request. If the USCG is forthright and doesn’t see the exception being approved, there is little reason to request such an exception.

Vessels that respond to emergencies or pollution events are easy to identify. However, it is recommended that their duties be documented, and exceptions be requested from the OCMI with jurisdiction over that vessel, to document and avoid any confusion over the vessel’s USCG requirements.

When surveying excepted vessels that do not require COIs, surveyors should note specifically the requirements of 46 CFR Subchapter C. These vessels are also required to meet OSHA standards per OSHA Instruction, Directive Number: CPL 02-01-04, effective date: 02/22/2010, Subject: OSHA Authority Over Vessels and Facilities on or Adjacent to U.S. Navigable Waters and the Outer Continental Shelf (OCS).

Experience has shown that cranes on these vessels are almost never properly inspected as required by OSHA 29 CFR 1919 Gear Certification. Experience has also shown that these vessels’ electrical systems and shore power ties frequently do not meet the industry (ABYC or NFPA) standards and should be surveyed closely.

As always, I hope anyone who wants to discuss this column or has questions about commercial workboats, tugs, barges or 46 CFR Subchapter M will contact me at 503-236-6818.
Good Day SAMS® Members

IMPORTANT!

We are still receiving E&O claims from our members who do not have a written work order in place. The SAMS® Group E&O requires you to have a work order and the approved wording that is to be incorporated in your work order is below. You can no longer mitigate liability with a disclaimer in your survey. The Club underwriters require that you have a separate work order that is to be signed on or before the date of survey by your client. There are no exceptions and failing to do this could see the Club deny your claim which means in short, you are on your own. Please read below, this is mandatory

For those of you that have opted in to the E&O Insurance Policy through SAMS®, we must remind you, that as per the E&O Policy you are required to have a work order for Pre-Purchase Surveys. The work order that has been sent out with all of the E&O Information, is below. If you do not have a work order with your survey, and a claim is filed against you, the insurance company, may reject your claim.

You will be required to incorporate the following wording in your work order:
This wording has been approved by the insurance provider’s legal team and MUST be used on all Condition & Valuation, Pre-Purchase and Re-Insurance assignments.

Acceptance and use of this report by the client acknowledges the client’s understanding that the report has been composed of information that is believed to be true after reasonable investigation and inquiry but is not warranted to be so. The information was obtained without drilling, diving, ultrasonics, cleaning or opening up to expose parts or conditions ordinarily concealed. There were no tests for tightness or soundness conducted other than the conditions noted visually.

Acceptance and use of this report acknowledges the client’s understanding that no determination of stability or structural strength has been made and no opinion is expressed.

Acceptance and use of this report acknowledges the client’s understanding that X Surveyors Ltd. does not accept any responsibility for damage or deterioration not found or discovered during the course of survey, nor for consequential damage, deterioration or loss due to any error or omission.

The Client hereby undertakes to keep the Surveyor/Consultant and its employees, agents and subcontractors indemnified and to hold them harmless against all actions, proceedings, claims, demands or liabilities whatsoever or howsoever arising which may be brought against them or incurred or suffered by them, and against and in respect of all costs, loss, damages and expenses (including legal costs and expenses on a full indemnity basis) which the Surveyor/Consultant may suffer or incur (either directly or indirectly) in the course of the services under these Conditions.

Notwithstanding the above clause, in the event that the Client proves that the loss, damage, delay or expense was caused by the negligence, gross negligence or wilful default of the Surveyor/Consultant aforesaid, then, save where loss, damage, delay or expense has resulted from the Surveyor’s/Consultant’s personal act or omission committed with the intent to cause same or recklessly and with knowledge that such loss, damage, delay or expense would probably result, the Surveyor’s/Consultant’s liability for each incident or series of incidents giving rise to a claim or claims shall never exceed a sum calculated on the basis of ten times the Surveyor's/Consultant's charges.

If you have any questions, please feel free to contact Stuart McLea, AMS® - at 902-789-1619.

Thank you!
Regards,

Captain Stuart J. McLea
SAMS®/Accredited Marine Surveyor®
SAMS® Past President
The Impending IMO Regulation and its Unknown Impact to Shipping.

By Cliff Gladstein, President, GNA

One year ago, ACT News published an article calling attention to the possible worldwide ramifications of the January 1, 2020 change in marine fuel specifications. The International Maritime Organization (IMO), the United Nations affiliated body that sets standards for environment, vessel safety, and regulations for shipping across the globe, will soon require that all ocean-going vessels (OGVs) either burn fuel that contains no more than 0.5% sulfur or meet a functional equivalent by installing on-board emission control equipment that will filter sulfur from vessel exhaust.

By way of review, the OGVs of the world have been burning petroleum-based fuels with high sulfur content for the past few decades—anywhere between 3.5% and 4.5%. These marine fuels, known as “bunker fuel” or “heavy fuel oil” (HFO), are from the bottom of the oil barrel and consist of the material that is left over after the higher-grade fuels, such as jet fuel, gasoline and diesel, have been refined out. HFO is so filthy that it has the consistency of cold molasses at ambient temperatures and must be preheated to 219 to 261°F in order to properly flow through pipes from a ship’s fuel tank to its engine.

Dirty marine fuels have long been in the cross hairs of international environmental regulators. Pollution from marine vessels is blamed for thousands of deaths each year in and around the planet’s major harbors. The IMO projects that the stricter fuel sulfur requirements will prevent more than 570,000 premature deaths around the world in just the first five years of its implementation (2020-2025) and will reduce shipping’s negative impact on human health from marine air pollution by 68%.

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Uncertainties on the Horizon

What is less understood, and what there remains tremendous uncertainty about, is whether the world is ready for this massive transition. No one seems to know exactly how much of the new low-sulfur marine fuel will be needed each day, whether the world’s refineries have the capacity to refine millions more barrels of low-sulfur fuel daily, and what the impact will be on fuel prices throughout a world economy still dependent on petroleum.

The international agency causing this hubbub seems to think everything will be just fine. In 1973 the IMO created, and the nations of the world ratified, the International Convention for the Prevention of Pollution from Ships (also known as MARPOL – an abbreviation of “marine pollution”). MARPOL has many elements, and the section that deals with air pollution from ocean going vessels, Annex VI, came into effect in May 2005. Decisions on standards, strategies, targets, and deadlines to reduce air pollution from ships are set by the IMO’s Marine Environment Protection Committee (MEPC).

In October 2008, MEPC adopted revisions to MARPOL’s Annex VI related to limiting the sulfur content of marine bunkers. MEPC established low sulfur fuel requirements on vessels operating in Emission Control Areas (ECAs), generally recognized to begin 200 miles of the coast of nations that adopted them (such as the U.S.) as well as requirements for low sulfur fuels everywhere else. At the 2008 meeting, the IMO’s MEPC first told the world that the international limit for sulfur in marine bunkers would drop to 0.5% in 2020.
Many hoped that the IMO would back off this stringent proposed marine fuel spec. The primary complaint lodged against this regulation is that there would not be a sufficient supply of compliant fuel in time for the 2020 deadline and that the cost of marine shipping would skyrocket. There was substantial logic behind this fear. After all, one of the reasons that bunker fuel became the fuel-of-choice for international shipping was precisely because it was so dirty and hard to handle that its uses were limited. Besides serving as a marine fuel, bunker fuel could be used as a substitute for coal in power generation and metal smelting, but little else. The oil industry was happy to have found a willing buyer for millions of barrels a day of what amounted to sludge.

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But the hopes of opponents to the new fuel spec were dashed in October 2016 when the MEPC concluded that availability of the new, 0.5% sulfur marine fuel would not be an issue. This ended the last procedural opportunity for opponents of the low-sulfur fuel requirements to delay its implementation.

Four Strategies for IMO Regulation Compliance

There are four strategies that steamship lines can adopt to comply with the regulations. They can blend low-sulfur fuels with more conventional bunkers, install "scrubbers" that remove the sulfur by flushing the exhaust with seawater, convert to alternative fuels like liquefied natural gas (LNG), or purchase and use the compliant low-sulfur fuel. It is the fourth strategy, purchasing and using the compliant low-sulfur fuel, that the vast majority of the world’s 90,000 ocean-going vessels are anticipated to pursue.

Generally, most analysts project that 70% to 80% of the world’s vessels will comply with the IMO 2020 regulation by using 0.5% or lower sulfur marine fuel. This fuel is very similar to the distillates that are used in most diesel vehicles. Approximately 10% of the fleet will meet the new requirements by installing scrubbers and continuing to use the higher sulfur fuels. A smaller percentage will convert to LNG—as of now, there are only about 300 LNG vessels in operation or on order. The remaining balance will either try blending or will attempt to evade compliance.

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Compliance with the regulation will depend on the willingness of the IMO’s participating nations to enforce the fuel requirement. The IMO does not have independent enforcement capability, and thus relies on member nations to ensure that cheaters are identified, caught, and punished. The only way to determine whether a vessel is operating within the regulations or not, is to board it, take samples of the fuel, and conduct tests to ensure that the fuel meets the requirements. Offenders can be fined and vessels can be confiscated. All of this, however, depends on the resolve and capability of the host nation.

Most observers believe that compliance with the new fuel spec will be high. Influential stakeholders, such as insurance providers, key cargo shippers, and most of the world’s major ports whose air quality is impacted by HFO use, will require that OGVs comply with the new regulations. In addition, there has been much more consolidation in the shipping industry over the last decade, leaving less opportunity for cheaters to burn non-compliant fuels. Finally, the IMO recently approved a ban on vessels that carry HFOs but are not equipped with scrubbers.

Cont.
The Impact is Still Unclear

At the time of the original article, the IMO deadline was 19 months away. Now, however, that deadline looms closer as it is only six months away. Has international concern regarding the disruption diverting millions of barrels a day of low-sulfur fuel product from existing end users to the marine sector abated in the last year? Clearly, with the deadline for this radical transformation in the world’s energy economy only months away, there is still a great deal of doubt and anxiety regarding whether or not the international community is prepared for this deadline.

A recent Forbes analysis suggested that uncertainty surrounding the impacts of the new requirement on global trade are very high. The author of this piece, Alan Gelder, global head of refining and chemicals at Woods Mackenzie, predicts that, “certainties are few and far between, with more unknowns than knowns.” Ominously, Gelder writes that, “There is a wide range of potential outcomes depending upon how the shipping and refining sectors respond to this legislative change.”

Most experts agree that the demand for lower sulfur marine fuels around the world will impact U.S. markets. Ironically, refineries in the U.S. are actually in the best position to respond to the demand for cleaner fuels. This is due to the fact that, in the U.S., both marine and on-road diesel fuels must already conform to much lower sulfur requirements. But the rest of the world does not have the same refining capacity as the U.S., and many expect that American refiners will begin to export low-sulfur fuels in order to meet increasing demand in other parts of the world. This will have upward pressure on the price of diesel in the U.S. Tony Odak, chief operating officer for John W. Stone Oil Distributor, LLC, stated in a recent Waterways Journal Weekly article, “…the price of fuel will go up. There are no ifs, ands or buts about it.”

It is clear that the impacts of the IMO regulation will reverberate far and wide, and well beyond just marine shipping.

It is this wide range of possible impacts that has so many in the shipping and fuel industry nervous. Many key industry groups in the U.S. continue to voice their anxiety surrounding whether the country will be adversely impacted by the move to cleaner marine fuels. On May 13th, the leaders of three major industry groups wrote a letter to several Trump cabinet secretaries, urging the Administration to take action to ensure that the nation is not adversely impacted by the IMO 2020 deadline. The three organizations—the American Trucking Association, Airlines for America, and the New England Fuel Institute—said in their letter that, “there is consensus…that our industries will be negatively affected by the IMO 2020 pricing pressure.”

A survey of the most recent writings on the ramifications of IMO 2020 on the shipping industry reflect this overriding concern and widespread uncertainty regarding the future. Some predict that it may take as many as five years for the market to adjust to the new reality of low-sulfur fuel consumption of the marine sector. Others assert that that transition will happen quickly with relatively little pain. Whatever happens, it is clear that the impacts will reverberate far and wide, and well beyond just marine shipping.

VENTILATION SYSTEMS IN GASOLINE ENGINES

By Christian Mancebo, Surveyor Associate

In this article I want to talk about the importance of engine blowers and proper ventilation, specifically in gasoline engines. A significant amount of boats I survey every year, are improperly ventilated due to many factors, such as clogged hoses, inoperative blowers, blocked ventilation louvers, adjacent intakes and outputs, etc.

Why a boater should be concerned:
1. Carbon monoxide is poisonous.
2. Gasoline fumes can explode.

Gasoline fumes are heavier than air and will collect in the bilge. CO is colorless, tasteless, and odorless. Because it cannot be noticed without a detector or meter, CO has earned the dubious name of “silent killer.” When someone says, “smell carbon monoxide,” they are usually referring to other combustion byproducts that the human nose can detect.

Fuel vapors = explosion

Although the blower is the key to prevent accidents, it won’t work if the opening is clogged. Make sure the open end of the blower hose in the bilge is clear. A few very simple, but safe and basic steps for refueling are:
1. Secure boat to the dock.
2. Shut off the engine.
3. Remove all passengers from the boat.
4. Have a fire extinguisher readily available.
5. Refrain from using electrical switches while fueling, including stereos.
6. Fuel slow and do not overfill.
7. Turn on the blower for at least for four minutes and open the engine compartment to release any fumes.
8. Never switch the engine on, until the vapors and fumes are gone.

ABYC H2 standard, establishes that:
2.5.4. In addition to natural ventilation, each compartment not opened to the atmosphere that has a permanently installed gasoline engine with a cranking motor must be ventilated by an exhaust blower system.
2.5.4.1 There should be at least one powered blower for each gasoline engine used for propulsion.
2.6.3.2.9 Each boat that has a powered ventilation system shall have a label that complies with H-2.5.5 and CFR subpart K. Section 183.610.

Code of Federal Regulations 33 subpart K, sections 183.610 states that:
Powered ventilation system.
(a) Each compartment in a boat that has a permanently installed gasoline engine with a cranking motor must:
(1) Be open to the atmosphere, or
(2) Be ventilated by an exhaust blower system.
(f) Each boat that is required to have an exhaust blower must have a label that:
(1) Is located as close as practicable to each ignition switch;
(2) Is in plain view of the operator; and
(3) Has at least the following information:

WARNING - GASOLINE VAPORS CAN EXPLODE. BEFORE STARTING ENGINE OPERATE BLOWER FOR 4 MINUTES AND CHECK ENGINE COMPARTMENT BILGE FOR GASOLINE VAPORS.

Warning labels must comply with Standard T5  ABYC.
This accident occurred in December 2018 while this 28’ center console boat was refueling at the fuel dock at the Acapulco Yacht Club just minutes before the commencement of the Acapulco fishing tournament.

Expert reports stated, that the owner after, overfilling the gas tank, switched on the boat without activating the blower first. In consequence the boat blew up immediately with the crew onboard.

The picture shows how part of the boat and the hard top landed on the slip throwing out one of the crew members whom at the time of refueling was on board. It is normal to see in this type of explosions that the deck separates from the hull.

Luckily no casualties were reported, however the crew suffered severe burn injuries.

The fuel dock and the sailboat next to it were completely burned. The Yacht Club immediately activated the protocols and controlled the situation.

Unfortunately, we see these types of accidents quite often, due to the lack of responsibility of the boat operator in double checking the proper ventilation of the engine and not following the basic safety steps to refuel.

Furthermore, this is a big responsibility for the surveyor, to inspect and determine whether the engine compartment is properly ventilated or not, making sure that the blowers are working properly and without obstructions. This could literally save lives.
A mariner will say that “a fire at sea will ruin your whole day!” But, it’s never thought to be your last day.

The last day for 33 passengers and one crew member aboard the 75-foot wooden and fiberglass dive boat CONCEPTION was Sept. 2, 2019. The vessel became engulfed in flames at 3 a.m. off the coast of Santa Barbara, Calif. with the full complement of passengers asleep and trapped below deck. The only survivors were four crewmembers. The tragedy ranks as one of the worst maritime disasters in U.S. history. It has been labeled a “major marine casualty” by the U.S. Coast Guard, and the National Transportation Safety Board is currently investigating to determine the probable cause of the fire.

As it involves a “vessel” upon “navigable waters” with the loss of a “seaman” and “passengers,” maritime law is naturally implicated. Indeed, the italicized words are all terms of art in the world of admiralty.

Fires at sea are not so rare, just rarely so fatal. There have been many noteworthy fire cases litigated in admiralty.

Smoke on the Water

Owners of ships carrying cargo enjoy the benefit of a 1936 “fire exception” defense under the U.S. Carriage of Goods by Sea Act (COGSA, 46 U.S.C. §30701). Pursuant to COGSA, the vessel owner is to be exonerated for fire losses to cargo unless the cargo interests (shipper) can prove the fire was caused by the “fault” or “privity” of the ship owner. A similar defense exists under the Limitation of Liability Act, wherein the “fire statute” provides that a vessel owner will be completely exonerated for “loss or damage to merchandise on the vessel caused by a fire … unless the fire resulted from the design or neglect of the owner.” 46 U.S.C. §30504.

Issues abound in a marine fire case ranging from whether admiralty jurisdiction attaches, what law applies (state or federal), salvage, wreck removal, pollution, charter party disputes, cargo loss, compliance with nautical Rules of the Road, status of any injured or deceased (i.e., crew, fare paying passenger, guest), vessel owner limitation of liability, and marine insurance coverage. Also, vessel interests (including officers) need to be mindful of the 1909 “Seaman’s Manslaughter Statute,” which criminalizes simple neglect, inattention.

Owners of ships carrying cargo enjoy the benefit of a 1936 “fire exception” defense under the U.S. Carriage of Goods by Sea Act.

to duty, misconduct or a violation of law that results in death involving a vessel within the jurisdiction of the United States. 18 U.S.C. §1115.

Fire Cases

Presently pending before the Second Circuit Court of Appeals is a Southern District of New York
decision involving a fire aboard the cargo vessel MSC FLAMINIA. The fire burned for six weeks, resulted in the constructive total loss of the ship, three crew member fatalities, and $280 million in cargo loss or damage. A bench trial was held in admiralty before Judge Katherine Forrest (her last before retiring as a federal judge), with the 122-page ruling published at 339 F. Supp. 3d 185 (S.D.N.Y. 2018). The fire was caused by a chemical reaction in a cargo hold which ignited when one of the crewmembers opened the hatch.

In 1990, the U.S. Supreme Court ruled that a fire aboard a vessel docked at a marina involving only recreational (not commercial) vessels, nonetheless fell within admiralty jurisdiction. Sisson v. Ruby, 497 U.S. 358 (1990). In 2010, a massive oil spill in the Gulf of Mexico from the fixed drill platform DEEPWATER HORIZON resulting from an explosion and fire implicated admiralty law when the drill rig was deemed by a federal court to be a “vessel.” In re oil spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico, on April 20, 2010, 808 F. Supp. 2d 943 (E.D. La. 2011). This ruling allowed the rig owner to proceed in admiralty with its Limitation of Liability Petition. 46 U.S.C. §30501. Eleven people died and millions of gallons of oil flooded into the Gulf waters, causing catastrophic damage. Interestingly, the court’s decision as to “vessel” status later sparked a movie actor portraying an oil rig worker to make an opening scene comment in the movie “Deepwater Horizon” (as the enormous oil rig came into view while the workers were being transported to work by helicopter) that “I still can’t believe that’s a boat.” Any maritime lawyer worth his or her salt would know that this line was inserted based upon that 2011 court decision. On the flip side, in 2015, charges of Seaman’s Manslaughter were dropped against the two highest ranking officials (petroleum engineers) that were working on the drill rig. The court explained that the Seaman’s Manslaughter Statute only applies to persons in positions of authority with responsibilities relating to the transportation of a vessel over water. In DEEPWATER HORIZON, the fixed platform, although a vessel, was not used for transportation over water. United States v. Kaluzza, 780 F.3d 647 (5th Cir. 2015).

Tragedy Aboard
The GENERAL SLOCUM

In 1900, one of the most fatal maritime fire disasters occurred right here in New York. A fire erupted aboard the 250-foot wooden sidewheel steamboat GENERAL SLOCUM while underway on the East River for a Sunday school excursion. Shockingly, over 1,000 passengers were trapped and died, or drowned. The captain and the crew survived. The ensuing admiralty litigation established deficiencies in ship operations including maintenance of fire hoses, life jackets and life boats. Van Shaick v. United States, 159 F. 847 (2d Cir. 1908). The forward storage hold of GENERAL SLOCUM was littered with flammable materials, including oil, paint and straw. The fire hoses that were connected were unable to withstand the water pressure of the pumps, and quickly burst under pressure. During the chaos, the lifeboats were not even launched.

GENERAL SLOCUM’s captain was convicted by a jury of manslaughter under the predecessor to the Seaman’s Manslaughter Statute for failing to prepare the crew and equipment for adequate firefighting and evacuation in the event of an onboard fire. The captain’s poor judgment was highlighted by the fatal decision to beach the vessel bow first, in shallow water, so passengers could jump ashore. However, the fire was erupting from a forward hold. Thus, to avoid the flames forward, the passengers crowded together in the rear of the vessel and hundreds jumped overboard into the deep water and drowned. See Van Shaick, 159 F. 847 at 850 (2d Cir. 1908). Had the captain backed into the island stern first, many lives would have been saved. The statute provides that “every captain, engineer, pilot or other person employed on a vessel, by whose misconduct, negligence or inattention to his duties on such vessel, the life of any person is destroyed,
and every owner, charterer, inspec-
tor, or other public officer, through
whose fraud, neglect, connivance,
misconduct, or violation of law the
life of any person is destroyed, shall
be fined under this title or impris-
oned not more than ten years, or

On appeal, the Second Circuit
affirmed the judgment describing
the grim scene as follows: “That
by reason of the negligence and
misconduct of the [Captain] there
was an entire lack of discipline on
said vessel after she caught fire,
cause panic and confusion on
board and, there being no ade-
quate means for extinguishing
the flames, no attempt to do so
was made. That lifeboats were not
launched or made ready for launch-
ing, that the life-preservers were
useless and those who attempted
to use them sank instantly and
were drowned while others who
remained on board sank into the
flames and instantly died.” Van
Schaich v. United States, 159 F. 847,
849 (2d Cir. 1908). “That such an
appalling calamity could not have
occurred without fault somewhere
is manifest. Human skill and care
could have prevented or mitigat-
ed the disaster. In other words, it
was not an inevitable accident.”
Van Schaich, 159 F. 847, 851 (2d Cir.
1908). The captain served three
and a half years of a 10-year prison
sentence. He was pardoned in 1912
by President William Howard Taft.

The worst maritime disaster
in U.S. history occurred in 1865,
when three boilers aboard the
Civil War steamboat SULTANA
exploded and burned the ship to
its waterline. The SULTANA had a
capacity of just 375, but was carry-
ing over 2,500 people at the time of
the fire. Eighteen hundred people
died in the explosion and ensu-
ing fire (more fatalities than the
TITANIC), most of them Union sol-
diers who had just been released
from Confederate prison camps
following the end of the Civil War.
The event was overshadowed by the
assassination of President
Abraham Lincoln, and nobody
was ever held accountable.

Back to CONCEPTION

In the CONCEPTION matter, the
vessel owner invoked its statutory
admiralty rights under an 1851 stat-
ute just three days after the fire loss,
by filing a Petition for Exoneration
from or Limitation of Liability (LOLA)
in federal court. 46 U.S.C. §30501; In
re Truth Aquatics et al, No: 2-19-
07693 (C.D. Cal. Sept. 3, 2019). At the
time of the filing, the wreck of the vessel
was still submerged. This legal strategy
was not unexpected lest the timing of
it be questioned. The benefit to
the owner of the LOLA filing is that
now all claims must be filed in the
vessel owner’s federal Limitation
Action, and under maritime law only
the federal judge can decide issues
having to do with the vessel owner’s
attempt to limit its liability. Any suits
filed in any other court (state or fed-
eral) will be stayed by a restraining
order issued by the federal judge in
the Limitation Action.

The vessel owner’s Petition
alleges that the CONCEPTION was
“tight, staunch, and strong, fully
and properly manned, equipped
and supplied in all respects
seaworthy and fit for the service
in which she was engaged.” See In
re Truth Aquatics, et al., No.: 2-19-
Pursuant to the LOLA statute, the
vessel owner is seeking exonera-
tion from liability or, in the alter-
ative, to limit its liability to the post
casualty value of the vessel, which
is zero. In admiralty, “limitation” is
by no means automatic. It remains
the vessel owner’s burden to prove
entitlement to limited liability in a
federal admiralty (non-jury) hearing
after discovery is complete.

Seaworthy Courts

From the Carriage of Goods by
Sea Act, to the vessel owner’s Limi-
tation of Liability defense (and all
the maritime laws in between), it is
evident from the cases referenced
herein that not only the admiralty
law, but federal courts sitting in
admiralty, are fit for the service
and well-equipped to deal with the
worse of maritime tragedies.
I thought I was ready. I had the maritime background—— living on a 1946 wooden yawl cruising the Caribbean for six years starting at age 10, racing dinghies and offshore sailboats, college educated with a BS degree, 31 years with an active USCG 100 ton license, a delivery Captain with thousands of offshore miles; owning and managing a yacht maintenance company for 17 years and a licensed part time yacht broker for 12 years. I had taken many Surveyors out on sea trials as a captain and thought to myself, easy enough, I can do that. I ordered all of Pascoe’s books and ploughed through them months before I enrolled in the Chapman Yacht & Small Craft Surveying course. Give me a phenolic hammer, and I’m ready to go!

I graduated from Chapman in June of 2018, diploma in hand and armed with extra knowledge. There was great anticipation and an equal amount of trepidation as I was saying goodbye to my fellow classmates and leaving the security and isolation of the school. It had been a great six weeks of learning and bonding with classmates and instructors and it was at Chapman when I realized two important things: 1) I didn’t know as much as I thought I knew and 2) I was entering a whole new field, parallel yes, but a profession that required a whole new set of tools, not just the ones found in a bag.

As I left Chapman’s I remember thinking what now? I had just spent a lot of money and had minimal income during that six week period. What else does a Surveyor need? I had already purchased a new laptop, Force 5 software, memberships to ABYC, NFPA and BoatUS, a moisture meter, new hand tools and temporary business cards. Oh yeah, customers! As luck would have it a former maintenance client called as I was driving home and said his insurance company was requesting a survey within the next two weeks which included the wetted surface on his 1998 56’ Motoryacht. I was in business.

Many thoughts ran through my mind before, during and after that first survey. Was I ready? Did I have all the systems on my prompt sheets? Did I have all the necessary tools? Would I be taken seriously by the boatyard owner and workers whom I personally knew as a captain and maintenance technician. What about liability insurance? I wasn’t a SAMS® member yet. Would the boat owners Insurance company accept my report? (I did join a lesser known organization just to add some immediate credentials). Most importantly, how would my phenolic hammer sound to others as I was tapping? Kidding.

That first survey went well. I did email the Insurance company before the survey and asked them to send me their requirements which they gladly did. It was a big help. I had a few findings and recommendations and found a couple of small voids in the wetted surface. My hammer worked! I spent an inordinate amount of time on that first report due mainly to my lack of knowledge about the software and a desire to get it just right. Fortunately, the insurance company did not need the report for a week so I had plenty of time to check and double check my work, and reference CFR’s and ABYC standards.

After that first survey I began re-introducing myself as a Surveyor to my associates in the field; the yacht brokers, marina managers, captains, yard workers and former clients from my yacht maintenance days. I am fortunate to have spent more than 20 years in my home town in the marine industry and had a pretty solid reputation. The requests for surveys started to trickle in and one dealership used my services quite frequently with their trade in vessels. I began to feel more comfortable with the Force 5 software and prompt sheets and spent less time returning to the vessels that I had just surveyed! But I was still anticipating being rejected by an insurance company since I was not a SAMS® surveyor and it eventually happened. In due time I submitted some surveys to my SAMS® Regional Director and they were eventually sent back with more than one recommendation. What?? It was natural to feel a little insulted and rejected but after reading the comments from the Regional Director and rewriting the reports, I began to understand what SAMS® was searching for in a report and the standards they wanted to achieve. I was accepted as a Surveyor Associate to SAMS® in November of 2018 and since leaving Chapman’s in June of 2018 I have completed over 50 surveys. I have had the opportunity to survey ocean going sailboats, catamarans both sail and power, sport fish, center consoles and even a damage survey, but mostly the 40’ to 50’ express cabin cruiser.

Cont.
But more importantly, I turned down several survey opportunities when I did not feel comfortable with the make or condition of the vessel. I have learned much in my first year of surveying and realize this is an on-going educational profession where constant studying and research is a necessity as the industry is constantly evolving. Here are some tips that helped me in my first year of surveying.

1. Read, read, read, read. Did I mention read? Chapman distributed a lot of information which I have re-read especially sample surveys from their lead instructors. Very important. I have often referenced reports from experienced Surveyors. Try to find surveys written with the software you are using. It helped immensely. Read pertinent marine publications and online articles to stay current with the latest systems and construction methods.

2. Make a list of the most common violated CFR’s and ABYC standards. There are a dozen or so which appear to be most prevalent.

3. Attend seminars, in person and online. I attended IBEX last year and went to several of their seminars and walked the trade floor for hours. A great learning experience. ABYC has many educational online seminars that are very helpful. I also purchased the new Standards and technical information for small craft for easy night time reading!

4. Try to find a survey mentor, maybe a retired one that can read your reports and offer suggestions. It would be highly beneficial to apprentice with an active surveyor, but I found most surveyors are territorial and see a competitor on the horizon.

5. Play around with your survey software, adjust it to your style and do a practice survey or two when you are first starting off and waiting for the phone to ring. In the end you will save time with your reports.

6. During a survey, I found that it is very easy to get distracted and when you are new to the field, you really need to concentrate. Sometimes the owner is on board, the buyer is on board, the broker, the captain and maybe a friend. It happened to me several times and they all want to talk and tell sea stories. It is a happy time. The purchaser has a tendency to want to follow you around and look at what you are discovering. I have become adept at politely saying that it is to their benefit if I am left alone to do my job, and that we will have time to sit down and discuss findings when I am finished. I have also become adept at putting on my noise cancelling head phones when plan A isn’t working!

7. Take control of the situation. Just recently I did a survey on a 36’ sailing cat with 5 passengers on board. The owner wouldn’t leave the wheel except to have his friend take over while the sails were hoisted. As we headed up into the wind I noticed the vessel was slow to respond. The owner was next to me and said “strong current and wind today” (not really). After excessive maneuvering and nearly hitting the dock upon return, we were back from sea trial. Once the owner was away from the helm station I took a turn and spun the wheel. Looking astern I noticed the stern mounted port rudder only moved in one direction and stayed there, it would not come back to center. I was distracted during the sea trial and should have listened to my instincts and taken the helm.

8. Realize that you are going to spend extra time surveying during those first 20 reports or so. Take your time. Do not look at the clock and try to figure out your hourly wage. This is a process. I had the luxury of being able to go back to most of the vessels I surveyed to get additional information. You don’t want to do that.

9. Practice with your tools. Play with your moisture meter, even at home on the work bench with different materials and moistures. Add additional tools to your arsenal. I have added a corrosion test meter, a thermal imaging camera attachment for my tablet (great for detecting overloaded circuits) and a VHF tester. It is value added to your survey and your client.

10. Take LOTS of pictures of every system and space on the vessel. You WILL be referring back to them when starting off.

11. Most importantly, stay true to the standards you are bound to and keep professional. Brokers and sellers have a different agenda than the buyer you are representing. The ability of some brokers and owners to down play a finding or condition of a vessel never ceases to amaze me.
**Equipment Leakage Circuit Interrupter (ELCI) bandwagon, get onboard!**

*By Bob McMurray, Surveyor Associate*

The AC electrical system on a vessel can be one of the more dangerous, yet most neglected systems aboard. Boat owners often consider their boats’ AC electrical system to be like that in their house – benign. But it’s not! Boats are dynamic, wires chafe, connections become compromised, and electricity will always find a way back home!

In 2008 I attended the ABYC Electrical certification class, the instructor was Kevin Ritz. At 8am all of us were seated in the classroom and the class began. For the first 2 hours that morning Kevin Ritz shared with us the tragic story of his son Lucas’ death, and the struggle to prove that what appeared to be a drowning at the marina, was really something much more.

For decades, swimmers (mostly children) have died - and continue to die, while swimming in marinas. These deaths were always attributed to the seemingly “obvious” – drowning. However, the circumstances surrounding Lucas Ritz death demanded an immediate, in-depth investigation. You see there were many witnesses in the water, and out of the water at the time of Lucas’ death. And all of them described (in their own words) what it felt like to receive an electric shock while in contact with the water. This drove Kevin Ritz to confront a Coroner who had determined his son had died from drowning, even though there was no water in Lucas’ lungs!

Today we know that the name for this event is “Electric Shock Drowning” (ESD), and because of Ritzs’ efforts, ESD is now recognized by ABYC, USCG, NFPA, ESFI and more! So what can be done?

An ELCI (Equipment Leakage Circuit Interrupter) is a device designed to sense when AC current is “leaking” outside of the designed shore power circuit. In other words; if a vessel is drawing 15.3 amps of AC power via the shore power cord, there should be 15.3 amps going on the boat, and 15.3 amps coming off the boat. If the amperage coming off the boat is 15.2 amp, then you are leaking 1 amp (1000mv) into the water, and it takes less than 100mv to be lethal to nearby swimmers. We recently had a boat at our service dock that was leaking 1.8 amps, or 18 x the lethal amount of AC into the water – don’t fall off the dock!!

As of July 2010, ABYC has required the installation of ELCIs’ on newly built recreational boats, responsible manufacturers complied. But what about older boats? ABYC E-11.11.1 states, “An equipment leakage circuit interrupter (ELCI) or Type A residual current device (RCD) shall be installed with or in addition to the main shore power disconnect circuit breaker(s) or at the additional overcurrent protection as required by E-11.10.2.8.3, whichever is closer to the shore power connection”. There are exceptions for vessels equipped with isolation transformers, since the transformer severs the physical connection between the vessel wiring and the dock wiring. ELCIs’ are life-saving devices, as yacht systems continue to become more complex, let’s be sure and educate our customers - for safeties sake.
No Bags. No Tags.

Many boaters believe, since their boat came with a CO detector, they are good to go but that might not be the case as the detectors have a much shorter lifespan than the boats do. CO detectors first came to the market in the 1980s and some of those original detectors are still installed on older boats that are currently up for sale.

When you are checking boats for out-of-date or obsolete safety alarms, consider replacement with a Safe-T-Alert model. The FX-4 is a direct replacement for Fireboy-Xintex CMD-4M and CMD-3M and has a full five year service life - longer than the CO Sentinel CMD-4M alarms making the FX-4 a great value.

The FX-4 is reliable, the boat's DC electrical system or marine grade batteries supply power to the alarm so there are no missing or dead batteries to replace, unlike the competitors.

As a reminder, replace any CO alarm on a boat you are surveying if the alarm is 5 years old or older.

https://www.stamarine.com/obsolete-co-alarms.html
Thank You to our Vendors
How about Business Casual – What to Wear or Not Wear

Wasn’t the Hotel DeSoto in Savannah great? Perhaps the AC was set quite low, but really classy, great decoration, and wonderful food (except for breakfast?). When an IMEC is held at a 4 or 5 star hotel as is the norm, I would expect our members to realize that they are not in a boatyard or in Billy-Bob’s brew shack. Stretched out faded T-shirts paired with ragged jeans might be acceptable at Billy-Bobs, but unfortunately, some of our members don’t seem to know how to dress for different environments. Frank Zappa once commented that he had all the costumes necessary to deal in society, from what I saw in Savannah, some of our members surely don’t. When you attend an IMEC, you are not only representing yourself, but the SAMS® organization as a whole. SAMS® has never asked you to wear a suit and tie, and probably never will, but it seems to me that a little more thought when packing for the IMEC might get us a lot more respect at the venue. I’ve taken the time to look up “Business Casual” and this is what it says along with examples of what IS and what is NOT Business Casual!.

Below was copied from “The Street”.

“Appropriate business casual dress typically includes slacks or khakis, dress shirt or blouse, open-collar or polo shirt, optional tie or seasonal sport coat, a dress or skirt at knee-length or below, a tailored blazer, knit shirt or sweater, and loafers or dress shoes that cover all or most of the foot.”

*Please study the cartoons carefully and honestly decide which one best represented you in Savannah.*
IMPORTANT MEMBER INFORMATION

2020 SAMS®
International Meeting &
Educational Conference (IMEC)
Oct. 28th To Oct. 31st
Montreal, Canada

If you are planning to write an article you should know the following: Worth 3 CE Credits
1. Your article should be technical in content, and of interest to the profession of marine surveying.
2. The article should be in MS Word.
3. Please use Times New Roman font, size 12
4. Length of the article should be 500 to 1000 words.
5. Articles that have been published before, MUST have a letter of permission letting SAMS® re-publish this article.

CE Credits:

Don’t forget to check the website under “Education” for ideas to obtain CE’s.

Attention All SAMS® Members


To access the SAMS® Group, please go to the above link. Upon logging in, an approval will be given via SAMS® HQ to enter the site. To be approved you need to be a member in good standing, and you will need your display name (nickname) to show your first and last name.

The cost of this is covered as part of your annual dues. All we ask is that you abide by the group Policy, and show respect to your fellow surveyor.
The following members are now Accredited Marine Surveyors with the earned designator:

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Richard Brackett, Mount Pleasant, SC; Dave Bradley, Saint Leonard, MD; John Flick, Hammondsport, NY; Mitchell G. Lattof, III, Orange Beach, AL; Michael A. Terminel, Eagle River, AK; Scott G. Virgin, Miami, FL; Michael Weston, San Diego, CA

The following member is now an Accredited Marine Surveyor, with the earned designator:

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Nigel Peters, St. George, Grenada, W.I.

“ENGINES”
Alexander George Gillespie, Riviera Beach, FL

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631-924-4362

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Asia Pacific Region……………………….Ruchin C. Dayal, AMS®……………ruchin@edot-solutions.com……………+91-832-2501715
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American Boat & Yacht Council ……Kenneth Weinbrecht, AMS®………oceanbaymarine@yahoo.com……………….631-924-4362
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SAMS® 2020
International Meeting
&
Educational Conference (IMEC)

October 28th - October 31st

Doubletree By Hilton
1255 Jeanne-Mance,
Montreal, QC, CANADA H5B 1E5

Reservations: 1-800-361-8234

Group/Convention Code: AMS

Online Reservations:
http://group.doubletree.com/SAMS-IMEC2020

Room Rates: $185.00 US per night plus tax. *Appox.
* Dependent on exchange rate

DEADLINE FOR RESERVED ROOM RATES:
September 26, 2020