SAMS® NEWSLETTER



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AMS[®]

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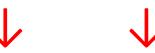
EVERYONE BE SAFE!





Do you have one of these ???

You will need one, to go here







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Bill Trenkle, AMS[®] SAMS[®] Newsletter Editor

Thank you for opening and reading your SAMS® newsletter. It is a great resource that SAMS® works hard to put out to inform you of important issues within the organization, and bits of knowledge that hopefully will help you in your business.

The Newsletter also contains updates on events and educational opportunities and the goings on in your region and the other regions, in the reports by the regional directors. The articles by the board members usually pertain to their areas of responsibility so it is good to read those that are written by your President, Executive VP, Treasurer, VP of membership, VP of testing, VP of Education, VP of Meetings and VP Public Relations and Advertising. There are tidbits in each of those articles that you may find very interesting, so I recommend you try to read them all between newsletters.

As the Immediate Past President, I still serve on the board of directors until the new president is elected, which is usually, every two years. I also serve as the Newsletter Editor. Since John Lowe's term as president is up at the end of this years IMEC in Montreal, he will be stepping in to the Immediate Past President role and I will be off the board and newsletter, sailing into the sunset. I want to thank all of you who have been supportive of me since I was elected to the board in Baltimore, in 2012. It has been challenging, educational and rewarding serving on the board. I highly recommend it to anyone who has aspirations in this business and plans to be in SAMS® for the long haul. The friendship and camaraderie of the board is something I will always treasure.

Having just returned from the Board Meeting in New Orleans where the IMEC will be in 2024, I can tell you this next one coming up in Montreal is going to be the one not to miss. Kenny Weinbrecht, AMS[®] and Joe Lobley, AMS[®] have put together a really good event in a spectacular location. I hope to see many of you there.

BT Signing off, "John Lowe, you have the conn."

Need CE Credits ???

Newsletter Material Deadline: Have an interesting topic? Send it in! If your article is published in the SAMS[®] NEWSLETTER, you not only contribute news and information, you may be eligible to receive (3) CE Credits* for your article. The cutoff date for material to be submitted for publication in the next SAMS[®] Newsletter is November 15, 2023. The editor must receive all articles by this deadline or they MAY NOT be published in the next issue.

If you are planning to write an article you should know the following:

- 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.



John Lowe, AMS[®] SAMS[®] President

Hello Everyone,

We are currently in the midst of our busy season here in the Northeast, and the reports I get from around the country are similar, which is good.

I recently have had the unfortunate opportunity to speak to several members who have a client who is unhappy for a variety of reasons and considering litigation. The very best way to protect yourself from the financial, and damage to our professional reputation is to do the best job your able to do. This will help somewhat, but it is likely that at some point in your career you may be faced with an unhappy client who threatens litigation. In speaking with members who are in this situation, I consistently hear that the members suffer anxiety issues and financial damage defending themselves. Also, being a small community, news of lawsuits tends to travel around the boating community which can hurt reputations long term. It makes no difference if you have been negligent or not, you will still have to defend yourself which can be an issue. Those of us doing pre-purchase and insurance C+V surveys should seriously consider purchasing errors and omissions insurance. There is a policy available to SAMS® members which is the best value I've seen, due to the fact that we have a large group on the policy, which provides an economy of scale.

Working without E+O coverage is akin to not having PFD'S on board a vessel as we all feel that legal action will not be taken against us, however it does happen and it would be too late to purchase a policy once litigation is initiated. Several members have stated that they are an LLC which will protect them, this is not entirely correct. I'm no attorney but have spoken to several about this and they point out that the corporate veil is easily pierced and even if you prevail in an action the cost of defense can be crippling. Speak to your attorney about their opinion on this, you may be surprised. This is inexpensive compared with our income level and should be seriously considered. I know I've written about this before but I feel that every member of SAMS® should have this coverage, please don't wait until it's too late.

Look forward to seeing everyone in Montreal.

Be Well!!

I will look for you in the yards.



Kristoffer Diel, AMS® SAMS® Executive Vice President Ethics Chair

Ahoy, Fellow Surveyors!

I hope everyone is as busy as they want to be!

As usual, it has been unusual. The recurring heat waves and forest fires smoke have not only made it uncomfortable but has disrupted the airlines and many other services. The supply chain, for parts, has not yet recovered and the repair shops, at least across the South, have slowed down due to lack of personnel.

But to focus on survey reports! I want to emphasize (again) the need to keep current with the technical and legal changes in the surveying milieu. The easiest way is to go online and take a course in an old or new subject. I know they are only 0.01 CE's, but a little bit at a time often works better than a two week course.

From the Ethics Chairman point of view, I want to commend EVERYONE for the huge decline in ethics complaints, to date this year. We all know some clients are beyond difficult, but if you just call them a few days AFTER SENDING THE SURVEY REPORT; it will defuse most complaints (Like you sent it to the wrong e-mail!).

I hope to see a huge crowd in Montreal at the IMEC. Double check your passports!

And last, but not least, please, EVERYONE, touch base with the office and say THANK YOU for what they do, keeping SAMS® running so successfully.

Standing by to assist! Please leave a message, as I do not usually answer my phone. And go have some dessert, NOW!

STAY SAFE!





Kenneth Weinbrecht, AMS® **Education Vice President**

MONTREAL IMEC

Hello everyone, trust your summer is healthy and prosperous.

IMEC Montreal is wrapping up and here's what to expect.

Ethics Case Studies, Anatomy of A Complaint.

E&O Case Studies - What you need to know and when to make the call. Roland Santos, AMS® -Commercial Marine Surveying

Captain Andrew Kinsey, AMS[®], CMS - Cargo inspections.

Seakeeper - Gyro Stabilizers

Lithium-Ion Battery construction 48 Volt systems

ABYC / Transport Canada Diesel Outboards - COX Marine

Competition Composites - Sailboat Rudder Repairs Local Sailmaker - New Innovations in Sail Technology Bill Welten - Hartford Group - Premier Insurance.

The good, bad and ugly survey reports Mars Keels -Keel Replacement and repair.

EXCITING NEWS

I'm sure you all heard of Nigel Calder; you most likely have one of his books in your library. Well, he has teamed up with Dr. Jan Athenstadt and have produced an online course "Boathowto". They contacted SAMS® and asked if we could review the courses and see if we could approve CE credits. I reviewed them, and they are high quality, have great graphics and use ABYC and ISO standards in their courses.

After speaking with Nigel and Jan, we felt that 19 CE's would be awarded for each course. They are also setting up more future courses. Check it out!!!

BOATHOWTO.COM

We have streamlined the CE policy for Surveyor Associates and AMS®'s keeping it simple.

1 hour of education = 1 CE

Whether it's online or in a classroom. If you don't have the updated CE Requirement Policy, you can find it on the website under the Members Corner - Education Link or Click Below.

> AMS® CE Policy Update Surveyor Associate CE Policy Update

YOU MUST HAVE A PASSPORT, DON'T DELAY IN OBTAINING ONE, APPLY EARLY. MORE PEOPLE ARE TRAVELING THIS YEAR, PASSPORT OFFICE'S ARE VERY BUSY.



Joseph Lobley, AMS® Meeting / Conventions Vice President

IMEC 2023 Montreal is approaching fast! The dates are October 25 - 28 at the DoubleTree by Hilton. The room rate is \$239.00 Canadian. If the exchange rate stays favorable, this should be at, or about, \$175.00 per night. PLEASE book your hotel reservations early. Indications are that we will sell out for this one. They are also working with the Canadian Government to petition for a refund of provincial taxes since the conference is for education. To receive this, the conference has to have 75% attendance for non-Canadian residence. I have a lot of paperwork to complete to get that done.

The hotel is on St. Catherine's Street and a short walk from the historic section of town. The first three floors of the hotel is a mall, with everything available. You don't need to be concerned about weather since the hotel connects to the "Underground City" with pedestrian walkways to many shops, and restaurants. I am sure many of our Canadian members will be attending. Montréal is a day's drive for most of the Northeast and Great Lakes members. We should have a great turn out. You will need a Passport.

IMEC 2024 is scheduled to be in New Orleans at, The Sheraton on Canal Street. The dates are September 11 - 14. We have a room rate of \$179.00 with the usual amenities. Parking deals with hotels in the city are non-existent, but there are parking garages and lots nearby. The hotel is well situated just outside the French Quarter, with a short walk to Bourbon St., Harrah's Casino, and the Riverwalk. The Warehouse District is in the hotel's "backyard". This area is also known as the Art's District and is full of galleries, some of the best restaurants in the city, and of course, many watering holes.

IMEC 2025 is to be determined. It is the Northeast Region's turn and the vote on the floor at the last General Membership Meeting was for Dublin, Ireland as the first choice, and Providence, RI for the second choice. Dublin will be too expensive for a successful meeting. Providence seems to be a nice location, drivable for many, airport nearby, lots of things to do in the city and in the surrounding area. The city is one of the oldest in the country and has deep marine history.

Rendez-vous a Montreal!



Angel Zeno, AMS® Membership Vice President

I have been hearing conflicting reports on how active the 2023 boating season is. In my area, the phone never seems to stop ringing and I hope that you are experiencing the same.

I always try to temper my client's expectations about a boat before accepting an assignment, and in one case I did mention to the client that it seemed like the boats that are selling today are boats that may have been passed over one or two seasons ago, which means the list of findings may indicate that some work will be required. I feel that this helps set the tone of the discussions during and after the inspection when I have to deliver a long laundry list of findings.

I've come to realize that for the most part, as surveyors we operate in a relatively fixed geographic region. We often encounter the same yard managers, technicians, and sometimes even the same clients. Have you ever stopped to consider what your reputation is amongst these folks who see you again and again. Hopefully, they would report that you always operate ethically, honestly and can be trusted to convey the facts and not just offer an opinion. That's what elevates a SAMS® surveyor above others, we are ethical, honest and factual. And always remember, fact is only a phone call or internet search away. When you encounter a system or component that you may not be familiar with, reach out to another SAMS® surveyor, or conduct some research on your own before passing on just an opinion, which may or may not be factual.

I've been noticing a statement on some survey reports that I found interesting. When it comes to the condition of a system or even the vessel, the condition will state "Above Average Condition for a vessel of its age", and it's really caused me to think about that. In my mind, the condition is the condition, regardless of its age. It either functions, fulfills its duty, is serviceable, or is new. Imagine walking into the doctor's office, the doctor takes your vitals, draws a blood sample and checks your heart and lungs. Would you be willing to accept a statement from your doctor that said, well, for a person your age, your erratic breathing is good, or that slight heart murmur could be expected from a person your age. Similarly with boats, I would prefer to report on whether a system functioned and was serviceable without a qualifier for its age. That doesn't mean that you shouldn't report if a system is old or new, but the age should not impact whether it is serviceable.

The SAMS[®] 2023 IMEC in Montréal is just around the corner and I hope that you all are planning on attending. The agenda and venue look like one that should not be missed. Of course, if you are planning on attending, I sure hope that you have your passport in hand, and are ready to go.

Your SAMS[®] Safety committee has been working diligently to continue to identify the best tools and practices to allow us to conduct our survey inspections safely. In fact, the SAMS[®] Safety Committee has been requested to provide content at the 2023 IMEC in Montréal and it will be a real treat to introduce the committee members to you. I won't spill the beans on what they are planning, but rest assured, their goal is to provide you with information that will allow you to continue to work safely.

I show that we have eleven Surveyor Associates that must upgrade to AMS[®] in 2023, and if possible, the 2023 IMEC in Montreal would be an ideal time and place to take the AMS[®] exam. If you are interested in taking the AMS[®] upgrade exam in Montréal reach out to your Regional Director, or the International Office to make sure that it's an option for you and to begin making the appropriate plans.

Our members in Florida have already heard the great news, but for the rest of the membership, I wanted to make sure that you knew that Florida has been split into a North and South region. Christopher Day, AMS[®] will continue offering his valuable time and expertise as the Regional Director for Florida, North. While I would like to extend a huge welcome and thank you to Brig Burgess, AMS[®] who has accepted the role of RD for Florida, South. When you have a chance, be sure to extend a Thank You, welcome and congratulations to both Christopher and Brig.

Please continue to have a safe and prosperous 2023 boating season and I look forward to seeing you all in Montréal.



Eddy J. Assaf, Jr., AMS[®]
Public Relations
Vice President

Hello all, hope everyone is well and having a great season midway into the year.

Well, they were never able to solve our google ad words, so we are starting new again. We are going to set up a google ad words campaign that will run for about a year or so and we will see where we are by then. We just want to make sure that when people are looking for surveyors that SAMS® comes out on the first page and if possible, first on the top of the list.

Our advertising is going on schedule, same agenda as last year with a few modifications, and some new advertisers. Still haven't found the right person to customize our ads, but we are still working on it and hopefully we will have them all set up by the end of this year.

Our media company has been working hard on trying to get the LOG IN for members on our website. They have been going back and forth for a few months working out all the details, but should be up and running soon.

Our Twitter account is not really seeing much action and we are questioning if we should keep it. However, our Facebook account is going well. We should, at least once a day, go on this site and share it. It's amazing how fast it grows, but really needs your participation to make it work.

IMEC this year is in my hometown, at the end of October, so bring some warm clothing. The weather can change around that time of the year, but keep in mind in downtown Montréal, you can pretty much visit the whole city underground. It will be fun to be there, even though I live 10 miles away. I try to keep as far from the city as much as I can. Hoping we will get a high turnout in members. If any of you need any info before coming, feel free to contact me and ask.

If you're coming in by plane, please do not exchange your money at the airport, the exchange rate there is ridiculous. You should do it at your local bank before coming and, of course, the hotel has that service as well.

That's about it for now. As always if anyone has any ideas on how we can better target their area please contact me, it would make my job easier and the final service better.

Cheers for now!!



Randell Sharpe, AMS[®] Testing Vice President

I am returning from the summer SAMS® Board Meeting. It was a good meeting with lively discussions among the Board Members and the Regional Directors. The annual IMEC meeting in Montréal, Canada is coming together and it looks like we have a good slate of speakers. Look for the flyer and make your travel and hotel reservations when it arrives. Check the date on your passport now to make sure it will be valid for the meeting in Canada. I checked mine after the spring board meeting and it was due to expire shortly. It took a couple months to get it renewed. If you need this meeting to meet your education credits, don't let an expired passport keep you from meeting the requirement or for sitting for the AMS[®] exam. For those of you that plan on testing at the meeting, start preparing now. If you are currently approved to sit for the exam don't waste 3 months putting it off. Test as soon as you are eligible so you have time to take it again if you are not successful on the first attempt. Our policy requires 90 days between exams. We are averaging about 50% pass rate on the Y&SC AMS® exam on the first attempt so far this year. There have been 7 passed exams and 7 failed exams for AMS® for Y&SC. 5 passed on the first try, 2 on second try. All Surveyor Associate members should be studying and getting continuing education from the day they are accepted into SAMS[®]. Don't wait to be approved for the AMS[®] exam to start the studying process. The exam is a comprehensive test of your general marine knowledge as well as your familiarity with Coast Guard Regulations, ABYC, and NFPA standards. If you passed the exam CONGRATULATIONS! That doesn't mean you can relax on your pursuit of more knowledge. The industry continues to change and advance, and we all need to keep up with the latest trends.

I again highly recommend taking the ABYC standards class and the ABYC electrical class as a good way to study for the standards portions of the exam. A significant portion of the general knowledge part of the exam is standards based. Electrical and corrosion questions remain the biggest areas where questions are missed. Other standards related questions are for safety systems and equipment that we should all be looking at closely during every survey. The open book section of 25 questions should be good for 25 points for everyone. Become familiar with the *USCG Regulations for Recreational Boats* publication so you can look up the answers to these questions. Bring your copy to the exam, this is the only section where the book is allowed. I recommend using the table of contents as a good way to quickly find the answers to these questions. Don't leave any questions blank! When you think you are finished, look over every page to make sure you did not leave a question blank. Make sure you answered 5 of the 7 essay questions. Write CLEARLY, if a question does not make sense to you, write me a note on the test of what you think the answer is and why, and a recommendation on clarifying the question. You should still pick the best answer, anyone that wants to discuss the test they took, and passed or failed can give me a call. I am happy to discuss the results in a general way not specific questions.

I hope to see you all in Canada at IMEC!!



Gary Frankovich, AMS® Secretary / Treasurer

I'm happy to report that SAMS[®] is in great shape financially. As you are all aware, our dues are collected in January, but are spent throughout the year on a monthly basis, with certain months requiring much larger outlays than others. For most of the past decades, the money was kept in a savings account accruing very little in interest, but not anymore. The Board Of Director's has seen fit to invest our, as of yet, not due expenses into US Treasury Bills. We've been purchasing these T-Bills as short term investments. We purchase the bills with 30 day, 60 day, and 90 day maturity dates, which allows us to access the money we're pretty sure to need every 30 days, while rolling over the rest to accrue more interest. Remember, these are US Government backed T-Bills so we risk nothing, but because there is no risk, the rewards, although significantly higher than the .01% we were getting from the bank, will certainly not make us millionaires. So far this year, the bills have been paying interest at just under 5% annum. We, of course, won't realize that because we can't invest in 12 month bills, and there are brokerage fees etc. to pay, as well. But it beats the hell out what the banks pay.

NOW, LET'S GET READY FOR MONTREAL! **CAN EVERONE SPELL PASSPORT?** You can't go to Canada without one, so if you don't have yours yet, break out the extra dollars to apply for an EXPEDITED APPLICATION. Ken Weinbrecht, AMS® has performed his magic again (was there ever any doubt) and has lined up an outstanding list of presenters. The hotel is fantastic, and the room rates Joe Lobley, AMS® has negotiated are very reasonable, especially with the exchange rate for Canadian dollars. Montréal is a beautiful city, with plenty to see in your off-time, and your significant others, wives, or girlfriends will love the shopping and the culture, so bring them along, too. Don't forget, Oct. 25th-28th, book early, the turnout will be high.

The following members have



John W. Huddleston, AMS® Gulf Regional Director



Jared H. Houghtalen, AMS[®]
Mid - Atlantic Regional Director

Will return for the next issue!!



Charles W. Solarek, AMS® Pacific Regional Director

Greetings from the great Pacific Northwest where summer has finally arrived! Sincerely wish everyone is as busy as they want to be now that the nice weather has arrived.

International Meeting & Educational Conference (IMEC), do you go or not? The answer must be, why would you not go? We all have those calendar conflicts as life just continues to throw curve balls at us for this and that. However, sometimes you must brush those things aside and do something worth doing. IMEC is one of those things. I have yet to not have a great experience at any IMEC attended. Education being the big selling point, I have come away more knowledgeable about our trade. There is usually that one presentation that just makes you think more about what and how we go about conducting surveys. Technology is moving at such a fast rate that it is hard to keep up. And if it's not one of the formal presentations, it's the side bar conversations with fellow surveyors that sometimes sheds new light on an old process.

And speaking of side bar conversations, they are great! Personally, I hang out at the hotel bar or lobby just chilling with other surveyors telling stories about their most recent experiences. Most of the time we are at it until almost midnight. This is the great camaraderie of SAMS® and the membership.

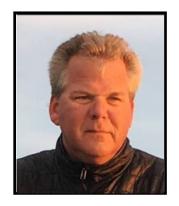
Networking is another great aspect of IMEC. You meet other people who maybe have more experience than you in areas. And since you met and had some serious conversation at IMEC you may feel more at ease to give them a call when you are stumped by something you saw during a survey. Be sure to bring plenty of business cards to share! (Plus, they are used for any raffles) I will have to admit that I was skeptical about all that I have mentioned so far, but trust me, it is worth the time and investment to go.

Did I mention you also get a few days off from crawling around that Bayliner 4087 that you know is just not a good boat, but your customer has you spend all day inspecting only to tell you later that night, sorry, I have changed my mind and am not going to purchase the boat? UGH!

So, if you are sitting on the fence about attending, give it some serious thought. Again, trust me, while everything won't be perfect, you should most definitely return with more information and food for thought on your future surveys.

I hope to see many of you in Montréal in October! Until then stay busy and stay safe!

PS, If you are close to upgrading now is the time to submit your package so you may test in Montréal.



Richard Reichelsdorfer, AMS® Great Lakes Regional Director

Summer has finally arrived in the Great Lakes Region, and boating activities are in full swing. Business by all accounts is still very active in the region. I hope that all of you find some time to take advantage of our short season to enjoy the past time of boating.

With your planning upcoming conferences, the IMEC will be held in Montréal October 25-28, 2023, and I will be planning a Great Lakes Regional Meeting for early next year. If anyone is willing to help with the planning of that event, please contact me. I will also be looking into organizing a two-day USPAP course for those that have not yet taken that course, as well as a one-day refresher for those that need to keep current. The two-day course is required to be in person while the one-day course will most likely be held online. Details of these courses will be communicated when they are set.

At the Summer Board Meeting, the Regional Directors were tasked with developing a presentation on report writing which will be based on the recommended survey report content booklet. Hopefully we can finish that prior to the IMEC in Montreal. I hope to see you all in Montréal.

Summertime in the northeast! Weather is warming up and boat sales are still strong!

We are finally back to in person Regional Meetings since the Covid thing is pretty much over.

Things have been going well, our Surveyor Associates are progressing towards their up and out dates, which I would like to remind those Surveyor Associates that are within a year of their upgrade date to start thinking about applying for your upgrade, at least six months in advance so you have enough time to study and take the AMS®



Reinier Van Der Herp, AMS® Northeast Regional Director

exam. If you feel you're ready you can contact me to apply early, and we can discuss your options. Don't wait until the last minute. The $AMS^{@}$ test isn't easy, and if you don't study you won't pass it!

On another note, we are going to start doing presentations at Regional Meetings on the RSRC, so that all members can benefit from the changes that have been made over the past few years. I'm working with Angel Zeno, AMS[®] and our other Regional Directors to come up with a presentation that will be pretty much the same across the board to try and eliminate confusion about the minimum recommended content for reports. Things in our industry change quickly and we must keep abreast of those changes. Our reports should reflect that.

Have a great summer! Stay busy and healthy!



Christopher Day, AMS® North Florida Regional Director

Hello from North Florida, the land of heat, afternoon storms and more afternoon storms. . . The summer is kicking off a bit early this year and the start time on surveys may be a bit earlier than desired as the heat index has already reached the triple digits. With a few storms that have already stacked up and been named in the Atlantic basin, it is time to prep and be ready for whatever this storm season may bring.

In this article, I would like to start off by addressing personal safety that is heat related. Let's face it, we aren't worth what we are charging our clients IF we are not available due to a personal job related injury. The best measure to work in this heat is to keep your self hydrated. Sometimes too much water or an over intake of Gatorade can be a bad thing. It is best to drink a balance of the two. I typically drink my Gatorade in the morning prior to the start of the day, drink water throughout the day and finish with a Gatorade on the way home. You loose plenty of minerals in your body through sweat. So, best to get it on board prior and then replenish after. If a sports drink is not your thing, look at endurance tabs (ie. Hammer Enduro Lytes) as they are in pill format and have the key nutrients lost in sweat. The key is to keep yourself hydrated. Another key is try to stay cool. Slow things down a bit and take the needed breaks to prevent exhaustion. If you are cramping up and starting to get a headache, take a break, cool down and hydrate. There is no reason to exhaust yourself to the point of needing medical attention. Remember, surveying is an Ultra-Marathon not a Race. Slow and steady will be your best bet. Besides, when you slow down, you may find something noteworthy to put on your report that you may have otherwise missed. If you pee a very light yellow to clear at the end of the day, you did a good job. If your pee is darker than that, then you need to keep on hydrating. The old saying, "8 glasses of water a day" does not apply when working in the heat. That probably needs to get doubled to be a safe rule of thumb.

Second, is a big shout out to Brig Burgess, AMS[®]. He is the new South Florida Regional Director. He had lightened the load and we will be working closely to get him up to speed and coordinate our efforts to make sure ALL of Florida is handled. I see this split as a great thing as it will give the SAMS[®] members twice the opportunity to earn CE's for Regional Meetings.

Thirdly, are a few words of wisdom to the Surveyor Associates. As you get your reviews back from your region, don't take them as an attack on you as an individual. Remember, those that are reviewing them are trying to mentor you and get your reports in line with the Recommended Survey Content Guide. There may be other suggestions and recommendations that go along with that to help improve your reports or your survey capabilities. As these reviews get closer to your Upgrade date, the reviews, suggestions, and recommendations may get a lot more granular to help you along the way and prep you to become an AMS[®]. Another note, when you became a Surveyor Associate you may have found your groove in surveying a particular type of boat. That is great and you have become an expert on that (KUDOS to you), but it may not necessarily get you prepped in becoming an AMS[®]. Remember, as a Yacht and Small Craft Surveyor we are generalist and need to know A LOT about EVERYTHING as it pertains to the boats that we survey. So, don't be afraid to survey other vessels to gain that knowledge needed. Let's face it, Center Console boats are a dream call to get and you could knock 2 of them out in a day, but they may not have all the systems to inspect and to become proficient with when looking at the bigger picture. As a Surveyor Associate, you want to become a sponge and learn as much as possible about everything possible as it pertains to boats.

Well, that's it for this rendition of the North Florida article. Stay Cool, Stay Hydrated, and take those phone calls. . .

See everyone in Montréal!!!



Brig Burgess, AMS® South Florida Regional Director

I hope this note finds all the members in good health. If you have not heard, the Board Members have established a new region here in Florida. The State of Florida has two regions now called Florida South and Florida North. This will help provide service to the membership here in Florida and present more opportunities.

I certainly appreciate the opportunity that has been given to me. I will be handling the business of the south group and Chris Day, AMS® will handle the north. This will allow me to give back to the organization that has given so much to me. This newly established region can tailor efforts to the southern parts of Florida and better address needs in the area. I already have some well-established surveyors offering their help and welcome anyone that can help with the business part of the region or regional educational meetings.

We have 76 AMS®, 32 Surveyor Associates and Applicants waiting to enter. That is a bunch of knowledge and horsepower. The best tool in my bag has been and is now, my phone. I have learned so much from the membership and my mentors.

I look forward to those that will help during the Regional Meetings by sharing their knowledge, and broaden the network that has helped all of us. Think about what you could teach or share with the Surveyor Associate members and or teach us all at a Regional Meeting?

If you have a desire to help with the region in anyway, call or email. I would really appreciate the input, as we work through the southern region business.

We will be looking for a venue to hold our Southern Regional Meetings. If you have a suggestion, please call and we can discuss it. We will be looking for members that can present their specific surveying knowledge, so we can all learn. If you have a desire to share something we can all value from, call and discuss. Our members have the knowledge and background and we all could benefit from it during our yearly meeting.

If I can help anyone with my background or you need anything, just call or email.

Thanks to all that have helped me and to those that have helped others.

Stay well and stay hydrated. It is HOT!

Brig 678.267.9877 captainbrig@gmail.com

Joseph A. Derie, AMS[®] SAMS[®] Commercial Workboat Chair SAMS[®] Tug & Barge Chair



Anyone surveying deck and derrick barges, whether uninspected or inspected should have a copy of OSHA Pamphlet "DECK BARG SAFETY (OSHA 358-01 N 2009)" and be familiar with its contents.

While the US Coast Guard has regulatory responsibility regarding safety aboard uninspected commercial vessels at all times, the Occupational Safety and Health Administration (OSHA) also has regulatory responsibility regarding safety aboard these vessels while they are in US waters (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). Due to this memorandum, surveying uninspected commercial vessels should be done using the required standards of the USCG, general OSHA (29 CFR 1910), and if the vessel has a crane, OSHA (29 CFR 1919). If the barges are involved in construction, then OSHA 29 CFR 1026.605 Marine operations and equipment applies.

Available for download online, this pamphlet covers the basics of deck barge safety as well as discussions of typical barge machinery and equipment hazards (hoists, cranes, derricks and winches), confined/enclosed spaces, fire hazards and available training. These basic safety topics and their principles are applicable to uninspected as well as inspected vessels which is why this pamphlet is of use when surveying either of these type vessels.

OSHA defines deck barge as "a manned or unmanned barge that has a continuous, flat main deck. It is used to carry deck cargo and is also used the marine construction industry ...".

The pamphlet is divided into seven chapters: Introduction; Slips, Trips and Falls; Falling Overboard; Machinery and Equipment Hazards; Hazards Associated with Confined/Enclosed Spaces; Fire Hazards; and Training. Each of these chapters have concluding section with references as to where more information is available from OSHA. At the end of the pamphlet there are sections for References, OSHA Assistance and OSHA Regional Offices.

Surprisingly the photo of the ladder on p-20 shows a ladder that does not meet OSHA standards. 29 CFR 1910.27(b)(1)(v) states: "The rungs of an individual-rung ladder shall be so designed that the foot cannot slide off the end." This refers to ladders constructed by welding the rungs directly into a bulkhead with no railings on the sides as seen in the picture.

Points of especial interest to surveyors when surveying these vessels found in this pamphlet include:

- Keep all walking and working surfaces clean, dry and unobstructed.
- Keep all areas free of debris.
- Use non-skid protective deck compound and do not paint over the non-skid compound with standard paint.
- Paint the perimeter and tripping hazards in a contrasting color.
- All deck holes, opening and hatches should be guarded or covered.

Cont.

- Emergency shut-offs must be easily accessible, and sufficient guarding should be used for equipment controls.
- Assess the hoisting systems for structural soundness by inspecting regularly for problems with welds, rivets, chains, pulleys, lines, blocks hooks, etc.
- Enclose the winch drum in a cage if practical
- A guard should be installed between the winch operator and the connected cables to protect the operator from potential whiplash.
- Store engine fuel tanks and compressed gas tanks properly, away from sources of ignition. Only keep onboard quantities of flammable and combustible materials that are necessary for operations and maintenance. Post appropriate danger signs.
- Regularly conduct visual inspections of connections, switches and wiring, which may be subject to corrosion from salt water and damage from use.

Surveyors wanting to learn more about deck barge safety and earn CEUs can take "Course 895 - Deck Barge Safety" from the OSHAcademy, https://www.oshatrain.org/courses/mods/895m1.html, which is available for a nominal fee.

As always, anyone who would like a to discuss this article or has questions about surveying commercial workboats, tugs, barges or 46 CFR Subchapter M should contact me at 503-236-6818.





Stephen Heinrich, AMS[®] SAMS[®] Safety Committee

Safety when the vessel is in the air. Travel lifts, crane hoists, marina forklifts, and jack stands.

One of the unique dangers that surveyors face is working under a suspended vessel. We also work under and on elevated vessels that have been secured with blocks and jack-stands, without an opportunity for us to supervise placing and securing the supporting structures. This article will review the recommendations from ABYC for Boat Lifting and Storage and OSHA requirements for working under a suspended load. At the end of this article are links for further information and resources for further education.

SAMS[®] surveyors are not required to follow OSHA rules in the performance of our work. ABYC provides guidelines and these are simply guidelines, not rules. Some marinas might require that surveyors follow OSHA rules when working in their facility. The OSHA rules were developed to keep workers safe on the job. Since we are responsible for our own safety, I am an advocate that we use the OSHA rules as a guide and consider what we can do to adhere to OSHA and ABYC guidance.

Suspended loads; travel lifts, crane hoists and marina fork-lifts.

A suspended load is anything that is lifted off the ground, and it is common for surveyors to work under a suspended load. Working around or near suspended loads involves a risk of serious injury. The most obvious danger is that what goes up, must come down. Every day we see heavy vessels carefully lifted and placed in a location with impressive precision. The predictability of this precision can result in a very casual approach to our own safety. A quick search of the internet for videos and images of serious mishaps with suspended vessels should convince a surveyor that working under a suspended vessel should be approached with caution. There are many variables out of our control that affect the safety of the lifting equipment, such as operator skill and attention, equipment maintenance, over-loading, and weather.

The *Fall zone* means the area (including but not limited to the area directly beneath the load) in which it is reasonably foreseeable that partially or completely suspended loads could fall in the event of an accident.

To reduce the risk while working under a boat in a travel lift or crane hoist ABYC offers these guidelines.

- 1. ABYC TY28: When appropriate, the forward and aft slings should be tied together so that they cannot move apart.
- 2. ÅBYC TY28: When personnel are on or under a boat in a lift, the load should not be supported solely by the lift equipment. The boat should be supported by blocking or some other means to provide protection to personnel in the event of a failure in the lift system.

OSHA is very strict about the safety requirements for workmen in environments with a load that is suspended by straps. The directives below are taken from the OSHA rules, 29 CFR 1910.184 and 29 CFR 1926.1425.^{1,2}

• Safe operating practices. Whenever any sling is used, the following practices shall be observed:

Cont.

- Slings that are damaged or defective shall not be used.
- Slings shall not be shortened with knots or bolts or other makeshift devices.
- Sling legs shall not be kinked.
- Slings shall not be loaded in excess of their rated capacities.
- •All employees shall be kept clear of loads about to be lifted and of suspended loads. Only employees essential to the operation are permitted in the fall zone (but not directly under the load). An employee is essential to the operation if the employee is conducting one of the following operations and the employer can demonstrate it is infeasible for the employee to perform that operation from out side the fall zone: (1) Physically guide the load; (2) closely monitor and give instructions regarding the load's movement; or (3) either detach it from or initially attach it to another component or structure (such as, but not limited to, making an initial connection or installing bracing).

When the boat is suspended by a marina forklift ask that the boat be placed on a work rack. There is no designated safe operating procedure from ABYC or any other organization for surveying a boat while suspended by a forklift. There are OSHA rules prohibiting working under a load suspended by a forklift.

29 CFR <u>1910.178(m)(2)</u>: No person shall be allowed to stand or pass under the elevated portion of any truck, whether loaded or empty.

Blocking and jack-stands. ABYC TY-28 provides detailed standards for blocking and jack-stands. Important considerations from this standard are listed below.

- 1. Barrels, foam blocks, cinder blocks, and other masonry products not intended to bear weight should not be used for blocking.
- 2. Boat stands should be spaced no more than 10 ft (3 m) apart on centers, with the forward-most and after-most pair of stands no more than 10 ft (3 m) from the ends of the waterline. Powerboat stands should be set with the aft pair placed as close to the aft end of the waterline as structure permits and spaced no more than 10 ft (3 m) apart on centers.
- 3. Secure each pair of stands across the boat to prevent lateral movement. The material used to tie the stands together should be at least 3/16 in (5 mm) chain.
- 4. Do not allow anything to be tied to the stands (such as a tarp), except the chains that hold pairs of stands together.

Brownell, manufacturer of jack stands, offers an on-line course, 'Boat Blocking and Storage Safety Training'. https://boatstands.com/training/

Stay safe.

References

- 1. 29 CFR 1910.184 https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.184
- 2. 29 CFR 1926.1425 https://www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.1425
- 3. Boat Lifting and Storage. ABYC Standard TY-28 JULY 2020

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New York Law Tournal

Off to Sea the Wizard: High Court Takes On Marine Insurance Dispute

By James E. Mercante April 19, 2023

he U.S. Supreme Court has an affinity for admiralty cases. Why else would the court agree to take on a seemingly simple marine insurance dispute involving a yacht owner and his United Kingdom-based marine insurance company? Because the Supreme Court recognizes what is at stake is fundamental to the foundation of federal maritime law.

The Supreme Court has entertained a wide variety of maritime cases with such issues including a limitation of liability defense brought by the owners of the Titanic; a cargo dispute in a "maritime case about a train wreck"; Norfolk Southern Railway v. James N. Kirby, 543 U.S. 14 (2004); and cases involving the scope of marine terms such as "vessel", "seamen" and "safe berth". See, James E. Mercante, "Supreme Court Dips Into Admiralty," New York Law Journal, Admiralty Law, Volume 261 (June 27, 2019).

Perhaps admiralty is a welcome deviation from the rocks, reefs and shoals the Supreme Court must navigate in hard-core and politicized cases involving civil rights, abortion, gun control, criminal law and politics. But the court obviously recognizes that deciding admiralty cases, like the instant marine insurance dispute, is of absolute necessity to resolve the tension between the application of federal admiralty law versus state law in maritime disputes.

With a New York choice-of-law clause



James E. Mercante

in a marine insurance policy at issue, admiralty is underway to the U.S. Supreme Court. This is a marine insurance dispute, the likes of which the Supreme Court has not seen in over six decades since Wilburn Boat v. Fireman's Fund Insurane, 348 U.S. 310 (1955).

On March 6, the Supreme Court granted the petition for a writ of certiorari filed by Great Lakes Insurance in a coverage dispute with its insured Raiders Realty Co. Raiders Realty owned a yacht insured with Great Lakes for \$550,000. The yacht ran aground resulting in extensive hull and machinery damage. Grounding is a peril of the sea covered in any marine insurance policy. But, due to an alleged misrepresentation in statements

prior to binding coverage and alleged breach of express warranties that only came to light after the loss, the insurer rejected the claim and elected to void the policy from its inception. The insured had failed to timely recertify or inspect the yacht's fire-extinguishing equipment contrary to the insured's statement that it had been done. A misrepresentation of material information in the process of applying for a policy permits a marine insurer to rescind the contract pursuant to the policy terms in addition to the breaches of warranty.

Great Lakes then filed a declaratory judgment action in the U.S. District Court for the Eastern District of Pennsylvania where the insured resides. invoking federal admiralty jurisdiction and sought a declaration that the policy should be voided. This would nullify the grounding damage claim. The insured swung back with three extra-contractual liability claims arising under Pennsylvania state law for breach of fiduciary duty, insurance bad faith, and breach of Pennsylvania's Unfair Trade Practices Law. The district court enforced the policy's choice of law clause calling for the application of New York law and dismissed the insured's Pennsylvania law-based counterclaims. The clause states that 'It is hereby agreed that any dispute arising hereunder shall be adjudicated according to the well-established, entrenched principles and precedents of substantive U.S. Federal Admiralty law and practice, but where no such well-established entrenched precedent exists, this insuring agreement is subject to the substantive laws of the state of New York.

Great Lakes' motion to dismiss the insured's extra-contractual claims (with their roots in Pennsylvania state law) was based on the fact that (i) a marine insurance policy's choice-of-law provision is enforceable under maritime law; (ii) the clause expressly calls for the application of 'entrenched' principals of federal admiralty law and where there is none, then substantive laws of the State of New York are to apply; and (iii) New York's substantive law precludes 'bad faith' claims against a marine insurer.

The district court did not take the bait that it should decide whether or not applying New York law would contravene some public policy of Pennsylvania law. See Great Lakes Insurance SE v. Raiders Retreat Realty, 521 F. Supp.3d 580 (E.D. Pa. 2021). The appeal to the Third Circuit ensued.

The Third Circuit vacated and remanded the decision stating that the district court should have considered whether Pennsylvania state law has a "strong public policy" to protect citizens insured in its state and by its state laws. See Great Lakes Insurance SE v. Raiders Retreat Realty, 47 F.4th 225 (3rd Cir.2022). If such public policy exists in Pennsylvania, then it would be "thwarted" by applying New York law. The Third Circuit's reference to a "strong public policy" test, with not one word that federal admiralty law might have any countervailing interest, would give the states an unconditional veto over choice of law clauses. It appears that the Third Circuit's mistake was also in its reliance upon case law applicable to forum selection clauses. See M/S Bremen v. Zapata Off-Shore, 407 U.S. 1 (1972). On the other hand, choice of law clauses are routinely enforced in maritime law.

The Supreme Court wisely stepped in because any answer the district court would give on remand would necessarily implicate an analysis of what 'state' law should apply, i.e., Pennsylvania or New York. This very analysis would butt up against the overwhelming precedent that choice or law clauses are enforceable under maritime law and subject to a federal choice of law rules. Since the court's 1955 decision in Wilburn Boat, choice of

law clauses have enabled the marine insurance chosen law has sufficient connection to the parties industry to reliably judge risk (and premium to charge) based upon the application of law chosen by the parties to govern their relationship before any conflict has arisen. Great Lakes Reinsurance (UK) v. Durham Auctions, 585 F.3d 236 (5th Cir. 2009). Thus, the central issue for the Supreme Court to decide is whether the law of the forum state should be considered at all in the analysis. The writ speaks to this and suggests that the Third Circuit must be reversed because 'no state government can ever express a strong public policy which tells the federal government which clauses are, or are not, enforceable in a maritime contract. See petition for writ of certiorari, Great Lakes Insurance SE v. Raiders Retreat Realty, 2022 WL 17361673, *6 (2022) (No. 22-500). Without a choice of law clause in a maritime contract, chaos prevails because neither the courts nor the litigants have any idea what law will eventually be applied. The marine insurance industry has employed the choice of law clause to affect some modicum of predictability.

To use boxing as an analogy, when the contestants entered the ring in the "Thrilla in Manilla" or "Rumble in the Jungle" to dispute the heavyweight championship, the parties had agreed and knew well in advance what rules would govern, and the foreign location of the bouts had no bearing on it.

The majority of the federal courts, including in New York, enforce such clauses so long as the or transaction and the chosen law does not conflict with the fundamental purpose of maritime law. See, American S.S. Owners Mutual Protection and Indemnity v. Henderson, 2013 WL 1245451 (SDNY) 2013); Farrell Lines v. Columbus Cello-Poly, 32 F. Supp.2d 118 (SDNY 1997).

Importantly, the mission of the U.S. Maritime Law Association, founded in 1899, has been to "facilitate justice" in the administration of maritime law and to "promote uniformity in its enactment and interpretation". This will avoid a patchwork of inconsistent results arising from a state-by-state approach. Yet it appears the Third Circuit's decision cedes control of choice of law clause in maritime contracts to the states.

This is the Supreme Court's opportunity to salvage a bright line federal rule permitting parties to a maritime contract to rely upon choice of law clauses that will be enforced by the courts. This is the only way to avoid parties running aground in mostly unchartered waters and laws of the 50 states. Moreover, a federal maritime rule adopted by the Supreme Court will have the desired impact of promoting uniformity of laws in this maritime nation. Say no more!

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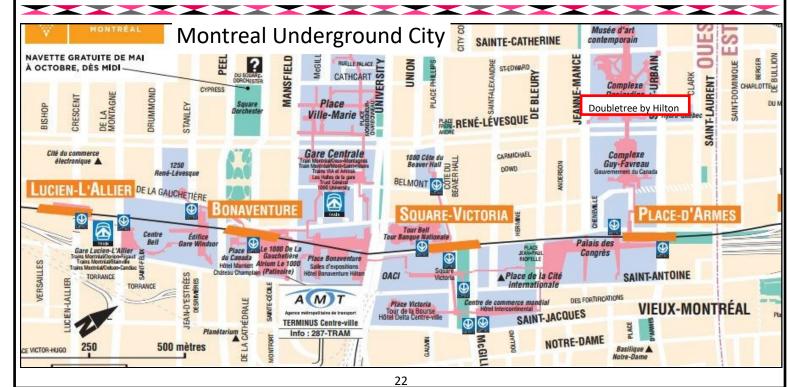
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Don't forget to check the website under "Education" for ideas to obtain CE's.

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Attention IMEC Attendees

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 hotels 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.



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