

# SAMS<sup>®</sup> NEWSLETTER



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2018

**2019 SAMS<sup>®</sup>  
International Meeting &  
Educational Conference  
(IMEC)  
Sept. 25th To Sept. 28th  
Savannah, GA**



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Volume  
28,  
Issue 2

Editor:  
Stuart  
J.  
McLea,  
AMS<sup>®</sup>

HAPPY HOLIDAYS !!!

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# Happy Holiday



SAMS® International Office would like to wish everyone a Merry Christmas and Happy New Year!



**Stuart J. McLea, AMS®**  
**SAMS® Editor**

Good Day to you all from the country of Ice & Snow.

By all reports the IMEC was a great success. A big thanks goes out to Ken Weinbrecht, AMS® for providing great education, and Joe Lobley, AMS® for finding a classy place to have it presented.

### **E&O Insurance**

Our SAMS® Group E&O Policy is coming up to its first year anniversary. By all reports we have had some claims, minor in nature. I will be asking for the annual report from our insurance company to review what was paid out and reasons behind the payouts. I will in the next Newsletter share with you all any lessons learned from our claims so that we can learn and improve. Remember in this Group Policy the action of one affects us all.

I am also happy to report that there will be no increase in premiums this year and SAMS® H.Q. has sent out the applications, and they are coming back in good numbers. If you have any questions on our E&O Group Policy please feel free to contact me by phone 902-789-1619 or email [stuart@marinesurveys.ca](mailto:stuart@marinesurveys.ca).

### **Ethics & SAMS® Code of Conduct**

All I have to say about this is if it feels wrong, then you need to really take a good look at yourself and, the possible ramification of your actions. Your SAMS® membership and your livelihood are at stake.

### **Regional Meetings**

I am writing this on the eve of my trip from Halifax to Toronto for the Canadian Regional Meeting. It is very important that you as a member of SAMS® support your Regional Director, and your region by attending and supporting you Regional Meetings. It is a great opportunity to network, to meet and exchange ideas. Also, make sure that you bring your business cards. Many of our members always say they will only refer members that they know. So network and get known!

Have a great winter! Linda and I would like to wish you all a Merry Christmas, and all the Best to you and yours in 2019.

**Savannah here we come!**





**Robert Horvath, AMS<sup>®</sup>**  
**President**

## Advertising Ethics'

Based on reports I have received, it appears everyone had a great time at the Portland IMEC. Fortunately, the office was able to hook me up with the Whova App, so I was able to follow all along as the meeting progressed. I understand everyone was happy with the use of the App. We plan on using it in all future IMEC meetings.

Probably not a well known fact, the office reviews all member advertising at least twice a year. They mostly find members that don't have links to our website and not stating that they are Surveyor Associate's, but lately we are seeing some misleading websites that are alluding to their business being mutable surveyor staffed, when they are truly only one-man businesses. Item #3b in our Code of Ethics and Rules of Practice states that (**Advertising in a dignified manor avoiding misleading statements per the society's policy**). The fastest way to get suspended from SAMS<sup>®</sup> is to be charged with an ethics violation. So hopefully, those in violation are going to read this article and correct their websites before we must bring them up on charges.

I hope the lesson here will be, if you want to remain a member in the worlds premier surveying organization, you need to read and follow all the rules and policy's set forth by SAMS<sup>®</sup>.

Enough said, hope to see all at the Savannah IMEC.

**Regards**





**Bill Trenkle, AMS<sup>®</sup>**  
**Executive Vice President**

By now most of you have probably heard about what a great International Meeting and Educational Conference SAMS<sup>®</sup> had in Portland. It was a great facility with excellent food. Joe Lobley, AMS<sup>®</sup> did a great job in arranging everything and it all went off like clockwork. If you did not make it you missed a great one. Ken Weinbrecht, AMS<sup>®</sup> educational programs was really great, I heard so many members raving about it.

As chairman of the ethics committee I was especially pleased with Randy Sharpe, AMS<sup>®</sup> ethics session and with the presentation by John Wenz, AMS<sup>®</sup> on what insurance underwriters want to see in our survey reports. I know that if everyone takes the information provided to heart we will see a lot less complaints. The biggest takeaway points made were to be professional in how you go about all aspects of your surveys. This includes good communications, and not taking on surveys you are not qualified to do. Also, making sure the report reflects the vessel accurately in all regards, that the inspection is thorough and that the valuation process conforms with USPAP standards and that the methodology is explained in the report. The boiler plate wording about the valuation process in the report software is not sufficient, nor is just putting a value with no justification.

I had several Surveyor Associates mention how impressed they were with their first IMEC. They can't imagine why our members would not try to make every one. I could not agree more, so start planning and budgeting for the 2019 IMEC in Savannah, Georgia, and I look forward to seeing you there.





**John Lowe, AMS<sup>®</sup>  
Secretary/Treasurer**

### Winter Prep

Well its that time of the year again. My boat came out today and after a media blast on the running surface it's off to the barn for the winter. Business is still pretty busy, but that will be slowing down soon, as well. We in the northern climates, although somewhat limited by weather as to what we can do, still perform surveys during the winter season. I thought it would be a good idea to share some of the changes I make to my winter time game plan, to make working in the cold weather more tolerable. First clothing, as someone who spends considerable time outdoors fishing and hunting in cold weather, I have learned the value of a good base layer, which along with layers of insulated clothes (fleece etc.) coupled with a good shell layer will provide warmth and allow you to move freely. A spare set of clothes can come in handy during the cold weather as well. I once had a broker who was extremely agitated over a finding I had on a boat, called a mechanic, and while furiously pacing up and down the dock, he went right off the edge, leather jacket, cell phone and all. To add insult to injury he had to wear my second set of clothes while we finished the survey! A mistake I see a lot of people make is to gear up, jump in their truck with the heat blasting and drive somewhere only to freeze when they get out. Put your gear on only when your ready to get into the weather, and it will be more effective. A thermos of soup and some high energy food like trail mix will help, as well.

Watch yourself on the ice and know when it is just too dangerous to go up on a boat. Don't forget to tie up your ladder (don't ask me how I know that one). Finally, many of our yards are ghost towns during the winter. If you have an issue no one may be there to help you if you get hurt or stuck in a tight space. I make it a point to call my wife and tell her which yard I'm in and which boat I'm on, and will call her when I'm off the boat. Also, keep your cell phone where you can get to it if you should have a mishap.

Slow down, be safe and have a productive winter season. I will look for you in the yards





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

## Portland IMEC Summary

The feedback that I have received from the members was excellent. Great speakers and topics and most of all a great venue; thanks to our Meetings and Convention VP Joe Lobley, AMS®. A special thanks to Joe Derie, AMS® who gave me some really good contacts. It's not easy being on the east coast and knowing what west coast attendees would be interested in.

Now on to Savannah, Georgia, Joe Lobley, AMS® has picked out one of the best hotels in the area, the Desoto Hotel. If any of you have ever been to Savannah, you know that this is a great venue, loads of history and maritime interests. I am currently working on the program and here's what you can expect:

Sailboat rigging and inspection.

Welding inspections.

Fish boat inspections.

A major diesel engine presenter.

A major gas engine presenter.

ABYC.

A marine electrical engineer.

A marine insurance company claims and underwriting.

Report writing, a critique.

This is just a start but I would also like to have your feedback. Please send me an email while I have time to work on speakers.

Now on to a new IRS Ruling: Do you do donation appraisals of vessels or other personal property?....better read this.

### **IRS Final Rule Cites the *Uniform Standards of Professional Appraisal Practice*.**

For Immediate Release

July 30, 2018

**Washington, DC** – The Internal Revenue Service (IRS) has issued a new rule which governs how cash and non-cash charitable contributions should be valued.

The new rule specifically cites the *Uniform Standards of Professional Appraisal Practice* (USPAP) of The Appraisal Foundation.

Effective today, the new rule, entitled *Substantiation and Reporting Requirements for Cash and Noncash Charitable Contribution Deductions*, draws specific parameters around the term *qualified appraisal*. As stated in Section III (B) of the rule, appraisals are to be performed by a qualified appraiser according to the “substance and principles of the Uniform Standards of Professional Appraisal Practice [USPAP] as developed by the Appraisal Standards Board of the Appraisal Foundation.” This clarification pertains to charitable contributions of all property types.

The Appraisal Foundation’s Appraisal Standards Board (ASB) is responsible for the development and promotion of USPAP, which are the generally accepted ethical and performance standards for the appraisal profession in the United States. Since being recognized by the US Congress in 1989 for real property valuation, USPAP has been widely embraced in numerous landmark court cases in all disciplines of valuation.

President of The Appraisal Foundation David S. Bunton stated, “For the past three decades USPAP has become deeply embedded in our legal and regulatory system. This action by the IRS only underscores its importance and relevance to all valuation issues.”

Consumers wishing to make charitable contributions of property for tax deduction purposes will want to ensure that property appraisals for items worth \$5,000 or more are performed by a qualified professional in accordance with USPAP.





**Kristoffer Diel, AMS<sup>®</sup>  
Testing Vice President**

I want to thank everyone for the opportunity to continue to be of service as the Testing VP.

I am going to continue the overhaul of the AMS<sup>®</sup> Exams, and again want to profusely thank the Subject Matter Experts and the Committee Chairs, for all their donated time and knowledge. I liken myself to a cook stirring a pot of stew. The knowledge that goes into the exams is determined by others, and I only try to ensure a balance and a successful and timely outcome.

As I get older, I notice the rate of change appears to be accelerating. I was an old steam engineer, in the middle of the last century. The electric engine was a new concept, and ion power was the stuff of Isaac Asimov fiction, and now becoming reality. All this points to the acute need for everyone to keep learning. Regardless of your specialty, reach out and take a course in ANYTHING; Safe Entry Procedures, First Aid or Robotics. The CE credits will not hurt you, and the new vistas that will open up will benefit both you and your customers.

Have a safe, healthy and profitable New Year!





**Gary Frankovich, AMS®  
Membership Vice President**

Those of you who didn't come to the IMEC in Portland, really missed out. The hotel that Joe Loble, AMS® arranged was right in the center of the city with an unbelievable assortment of great restaurants within walking distance, and plenty of the stores close by for the wives (not to mention all of the sugar free/low calorie snacks during breaks and the reception and gala dinner). Kenny Weinbrecht, AMS® actually outdid his normal array of superb speakers with what I think was probably the best over-all program of knowledgeable presenters I've ever seen at an IMEC. Normally at these meetings there are always a fair number of people standing around outside just shooting the breeze and networking, but not this time, virtually every seat was full for every presentation.

I'm glad to report that SAMS®, as of the end of October has 928 members, growth is steady, and in my opinion the quality of the new members is higher than ever. The Regional Directors are working hard vetting applicants, and I'm happy to report that we now have 13 mentors signed up to help some of the applicants and newer Surveyor Associate's, with bringing their survey reports up to the SAMS® minimum Recommended Survey Report Content.

We've also instituted an "Assistant" Regional Director program to take some of the weight off the Regional Directors, until you've actually done the job of Regional Director, you can't imagine how much work is involved, these guys and gal deserve a tremendous THANKS from all of us.

It seems like summer is finally over down here in North East Florida, I actually had to put a long sleeve shirt on one morning last week (but still not long pants weather), and now only have to carry 2 liters of drinking water to a survey.

So in ending, I want to wish everyone a Happy Holidays and Prosperous New Year.





**Joseph Lobley, AMS<sup>®</sup>  
Meeting/Conventions Vice President**

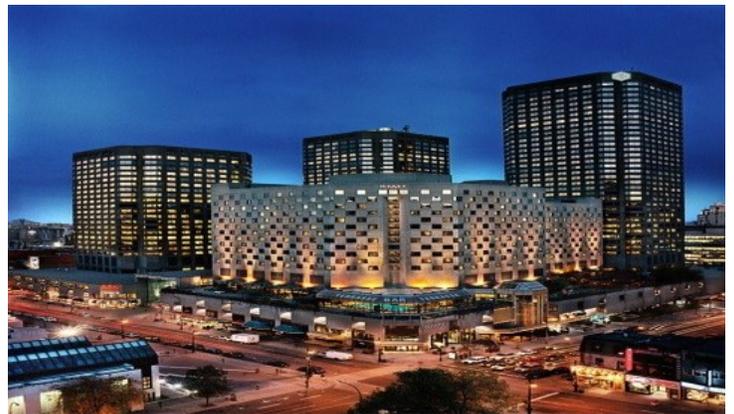
The Portland meeting had a smaller turn out than recent meetings, but we still consider it a success. The hotel staff did a fantastic job with the food and set ups and Ken Weinbrecht, AMS<sup>®</sup> put together an impressive list of speakers. I am sure everyone knows that the meeting locations are chosen by the members attending the meeting three years prior. It is very important to consider the city, the peak travel times of that city, the size of the hotels, the proximity of an airport and public transportation. Remember that any profit we make at the meetings is used to offset expenses which is one of the reasons why SAMS<sup>®</sup> has not had a dues increase in 10 years. Thanks to Joe Derie, AMS<sup>®</sup> for all his help with the meeting and as always a big thanks to Rhea and Mark Shea and Susan West, for all the organization and preparation. There is a lot that goes into these meetings so when you see or talk with our folks at HQ, be sure to thank them.

IMEC 2019 will be in Savannah, Georgia September 25<sup>th</sup> thru September 28<sup>th</sup> at the Desoto Hotel. The room rate is \$176.00 per night and parking is \$18 per day. By many reports, this will be a very well attended meeting and the room block will fill up quickly. Ken Weinbrecht, AMS<sup>®</sup> is already organizing speakers on a wide variety of topics. The hotel is in the Garden District but, only blocks away from the many attractions and six blocks from the River Front. Savannah has a rich history and will be a perfect destination to bring your significant other.

At the IMEC in Bonita Springs, Montreal was the destination chosen by the membership for IMEC 2020. I traveled there last spring and was given a very organized tour by Tourism Montreal including six hotels and a city tour. I signed a contract with the Hyatt Regency (Now the Doubletree by Hilton) in the center of the city. The hotel is very modern with all the conveniences. The first three floors of the building is a mall, with everything one could want. The city has extensive underground pedestrian walkways from building to building with an incredible amount of retail shopping and restaurants. The hotel contract is in Canadian Dollars which as of today would equate to \$185.00 for a room rate but may inch up or inch down. As I always say it is the value not the dollar amount that counts. I drove to Montreal from here on the coast of Maine in 6 hours. The North East Members can all drive in a day or take a train and relax. There is also a large international airport with easy public transportation to the hotel. Be sure to have a current Passport to enter the country.



Savannah



Montreal

The IMEC 2021 location was decided by the members in Portland to be San Antonio, Texas (1<sup>st</sup>) and Mobile, Alabama (2<sup>nd</sup>). See everyone in Savannah.



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

Hi all, hope everyone is busy or at least having a pleasant time.

Back from Portland, Oregon for the IMEC, as usual the Education VP and the Meetings VP out did themselves by giving us a great venue, interesting speakers and comfortable surroundings along with good food. I enjoyed Portland because from the hotel it was easy to get around with lots of stores and boutiques directly around. These meetings are important for the learning and CE's, but also for marketing, it's amazing what happens when you take 150+ surveyors, put them in a room and just let them talk to each other. I went to the front desk during one of our breaks and had trouble hearing the lady behind the counter due to the active conversation above from our surveyors. This marketing is essential to our business, so get to an IMEC and be part of it. I actually got feedback on the website and suggestions that I will look into.

Our advertising this year has gone well, we kept up with several of the magazines that we had in the past and tried a run with Boating Times this year by doing multiply advertising in different geographical areas at different times of the year, to try to optimize our advertising dollars. With a monthly readout I was able to see which areas were more active at certain times of the year so now we will try a more aggressive approach, now that I have more information.

We are also doing a Google ad word campaign to try to get the SAMS® website on the 1<sup>st</sup> page of the search engine, so far we have gone from page 5 to page 2, but I would like for the public, when searching for SAMS® or marine surveyor etc..., get the SAMS® webpage link on the 1<sup>st</sup> page of the search engine. For those SAMS® members that will try it, please do not click on the web page link, because this is how we are charged and I would prefer that this be used by a potential clients.

We have also launched our new website, still have a few snags that are getting ironed out, but thanks to Rhea and her staff (gotta love them for the work they have done on this site) we are getting the snags taken care of one at a time. We are also trying to make the site a little more user friendly.

If anyone has any suggestions on what they would like to see for advertising in their area, please feel free to send me an email at [info@avtechmarine.com](mailto:info@avtechmarine.com) and I will look into it.

You all have a great winter, for some like me a quieter time of the year, and for those who are fortunate to work 12 months please HAVE A GREAT HOLIDAY SEASON !!!

Cheers from up north



**Randell Sharpe, AMS<sup>®</sup>  
Pacific Regional Director**



I'm returning from the SAMS<sup>®</sup> annual IMEC in Portland, Oregon. It was great to see a large turn out of our Pacific region members at the meeting. If you missed it, you missed out on a great event. The educational lectures and networking at the meeting were well worth the time and expense.

The upcoming Pacific regional meeting will be held in Seattle on February 25<sup>th</sup> & 26<sup>th</sup>. **Mark your calendar.** We have arranged a reasonably priced hotel that has a shuttle from the airport. We are working on the meeting agenda and will get that out to you shortly. If you have any suggestions for the regional meeting educational seminar or know someone that would be able to present an informative lecture, please contact me. Hoping to have a field trip set up with a local builder and possibly a one day USPAP valuation seminar to help us all in placing values on vessels we survey. More to follow. Bring your thoughts and concerns about the region to the regional meeting where we will start with a business meeting.

As you can see from the newsletter the board of directors election kept me as your regional director. I will endeavor to continue to work for SAMS<sup>®</sup> and the region in this position. SAMS<sup>®</sup> is implementing a formal mentoring program to assist in review and improvement of our Surveyor Associate's survey report writing to maintain and upgrade the professionalism in our organization. If you are willing and able to mentor new surveyors in our society, please contact me or our VP of membership and volunteer. The task will be to review reports submitted by Surveyor Associate's to provide peer review and assist them in improving their reports. This can also be a good way for you to review your own reports to ensure you meet the SAMS<sup>®</sup> Minimum Recommended Survey Report Content. It doesn't take a lot of time and you will be helping to improve the overall professional standing of our organization. Your reports are the window to your professionalism. If you have the time to let a Surveyor Associate in your area carry your bag on a survey to see how you do it, let me know that as well. I'll put you in touch with a new member that may be looking for someone to have as a sounding board when they have questions. Many of us had a mentor that we were able to regularly pick their brains; we need to pass this on to new members. I encourage all the Surveyor Associate's to contact an AMS<sup>®</sup> in your area and see if you can carry their bag on a survey. Do this with more than one surveyor and get a broad spectrum of the different ways in which we conduct surveys and adopt the best practices for your business.

I trust you are all busy. I have been referring customers to the SAMS<sup>®</sup> website when they need a survey sooner than my schedule allows me to get to them. Check the website to make sure your information is up to date. Work with SAMS<sup>®</sup> Headquarters to make any corrections needed. ***When you get an email from SAMS<sup>®</sup> HQ open it; Read it!*** Clearly you read this far so let your fellow surveyors know that this information is out there to read and encourage them to do so.

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. I expect to see most of you at the upcoming Pacific Regional Meeting in Seattle.



**Peter J. Spang, AMS<sup>®</sup>**  
**North East Regional Director**



It appears that with temperatures in the teens, that surveying has reached a temporary halt. I was reminded of that when last week I attended a pre-purchase in the ex-patriated\* State of Maine. It had long been in the works with the buyer flying in from Canada. With temps in the low 20s and teens the night before, there were no parts on that boat warmer than 26 degrees. Fearing this might happen, I had discussed this with the buyer beforehand, and at the site I made sure the owner and broker were also made aware of the pitfalls of surveying a frozen boat. Electro-physics, (Manufacturer of the GRP33 and Dolphin moisture meter), have stated that ice will not translate a correct reading. Also, frozen laminate will sound pretty solid when frozen, even if the core is wet. My explanation was accepted and I continued on. I still tapped the hull and decks and did moisture checks, just in case something stood out. Nothing stood out, and in the 4<sup>th</sup> hour I noticed my other attendees were beginning to look a bit frosty and were all too happy to hear my announcement that I was done. I couldn't resist poking fun at my client from Toronto, also a Russian, could barely write my check for shivering.

I was privileged to attend the IMEC in Portland, OR. The venue was great and the speakers were enthusiastic about their topics, but my favorite was Alison Mazon, AMS<sup>®</sup>. Her knowledge of engines is incredible and I learned a lot. You have to love her dry humor. Once again, kudos to Joe Lobley, AMS<sup>®</sup> and Kenny Weinbrecht, AMS<sup>®</sup> for a great job. Only down side to the whole event was witnessing the state and scope of the homeless in this city. So many very young people with nowhere to go.

I've gone into winter mode. I look forward to this time to catch up on my RD duties, finally get to some of the applicants, and yearly SAs, who have waited patiently. My goal is to be up to date by the end of the month. I will be changing my announcement on my website to reflect what is possible when surveying in the winter, and let it be known that I will not survey any vessel stored outdoors from now until Spring. Some of my younger compatriots are welcome to take those on and I will gladly make the referrals. I am done shoveling snow off decks and cockpits, but if you choose to do so, be careful. Be aware of icy decks and ladders, toxic molds and methane buildup in tightly shrink-wrapped boats. If you sea trial in the winter, contact the boat yard, harbormaster, Coast Guard, or local fire department to put them on stand-by. Make sure someone has a chase boat in the water if needed. Let them know before hand when, where, and what you will be doing.

Members of the Northeast Region- There will be Regional meetings, (possibly 2), before the season starts next Spring. For sure one in the Rhode Island area and hopefully one in New Jersey. Standby for announcements later this winter. If you're short on credits, there are some available from SAMS<sup>®</sup>. For more information go to the SAMS<sup>®</sup> website under education for more information. This Region with the help of Gary Frankovich, AMS<sup>®</sup> VP Membership, is leading the way for setting up a report writing mentoring network available to all across the board, and getting all members inline with current SAMS<sup>®</sup> minimum Content Standards. I urge all, including senior members, to check their own reports against the Standards. It was rewritten a year ago and if you don't have a copy, please email me or headquarters for one.

**Angel Zeno , AMS<sup>®</sup>  
Great Lakes Regional Director**



I am writing this following an excellent IMEC in Portland, OR. The venue was fantastic, the food was excellent and the presentations were both educational and thought provoking. It was nice to be able to network with SAMS<sup>®</sup> surveyors from other regions and it was also great to see many of the surveyors from the Great Lakes Region present to represent us at this years IMEC. I hope that you have already begun thinking about attending the 2019 IMEC in Savannah.

I was also able to attend the SAMS<sup>®</sup> Board of Directors meeting and I am glad to report that our Board of Directors is doing their absolute best to keep our members in the forefront of every decision they face as they evaluate how to keep our organization strong and growing.

I would like to take a little time to recognize Mike Evenhouse, (MI) and Paul Snider, (MN) for successfully passing the AMS<sup>®</sup> upgrade exam during the IMEC, be sure to congratulate them on their achievement if you have a chance.

I'm sure that by the time you are reading this the harbors in the Great Lakes Region will be empty and the Recreational boats will have been put away in preparation of the coming winter, and I hope that you were able to make the most of the busy summer season. I also wanted to provide a little safety advice, if you have an indoor assignment over the winter in one of the many pole barns scattered around the Great Lakes, sure to consider providing someone with information on where the assignment is, approximately how long you'll be, along with contact information (Shop, broker, etc). Otherwise, we might not hear from you until they start launching boats in the Spring. Something else to consider if you are meeting with a broker, buyer or seller to inspect a boat in storage, have a handy reference for an emergency contact number that they can reach, if needed.

I'm also hoping that during the slower winter period that you have a chance to catch up on some reading and would like to suggest reading thru the SAMS<sup>®</sup> Recommended Survey Review Content (RSRC), it may be one of the easiest and best nine pages that you have ever read. Then compare your survey reports to see if your reports include the recommended content. If you need a copy, you can get one by contacting SAMS<sup>®</sup> International office.

I don't have any information to share on upcoming Regional Meetings, but I will be attempting to have more information soon. In the meantime, if there is a topic, or subject that you have been interested in that you feel would be helpful to other members, feel free to give me a call or drop me a note.

Try to stay busy over the winter, but more importantly, be safe.



**Nicole McLoughlin, AMS®  
Canadian Regional Director**



Written By Nicole McLoughlin

**The Cocky Factory**

3 Pillars of Success and Why Being Cocky is a Good Thing.

Essay based on original White Paper “The Cocky Factor” 2016, with permission from T. O’Sullivan, Falvey Insurance Group.

This essay will define “The Cocky Factor.” Why being cocky is a good thing. When tempered into confidence through training and experience, and forms one of the 3 pillars of success. Cocky in the context of successful leadership, and charter vessel management, both as an operator and for loss prevention assessment. This paper will define those 3 pillars, how the cocky factor is linked to them, and how understanding that mindset is essential to loss prevention in risk management.

The expression “The Cocky Factor” was explained to me as I stood on the deck of a sail-training vessel and was about to do an aloft tour with seasoned shipmates. The captain was reviewing procedure, and began to extoll the virtues of which crew members were experienced and appropriately cautious who would lead the climb for the new trainees, and those who were too comfortable in the rig, to the point of being cocky. Those people are perfectly reliable, and exactly whom you want beside you while working aloft in less than ideal conditions, but perhaps not the best teach for you to emulate on your first time up. A little cocky is good, a little cocky is great; too much can be hazardous... He explained. After all, the point of the exercise is to be able to make it up and down safely, every time. That skill and comfort level comes in time, with practice.

This was an example that immediately came to mind when I was asked to put to paper an explanation of “The Cocky Factor”. A concept I had made reference to during a recent meeting as a risk management consultant, identifying the parameters of potential yacht charter client risks for a fleet management team. One of those unknowns, difficult to discern on a charter application form alone, and more apparent in an interview or behavior based management survey is “The Cocky Factor.”

To put the expression in context, I gave an instance where a charter vessel owner/operator with over 20 years experience who was involved in a grounding told me what happened: “I’ve done that passage over 100 times, and I know the landmarks, I got cocky and took her (the vessel) too close and hit the shoal...” The fleet management team, also being sailors, simply nodded in agreement. “Oh, ya, The Cocky Factor”. My colleague, not familiar with the concept, asked for further detail. I then began to consider what exactly was being asked, and how to put it in the correct frame of reference.

Mentioning the concept that was very much apparent and understood to the sailor’s mind, and to that of a fleet manager, but not as inherently obvious for an insurance carrier intent on reducing known risks that affect the bottom line.

There are anecdotal examples abound, but what about tangible proof? Where’s the science? How do we guard against it? In the context of Risk Management and Yacht Insurance risk and of broader meaning, coping with adversity and unpredictability.

Conversely, how to explain the importance of and recognizing characteristics as important to growth as accepting or allowing the “Cocky Factor” to flourish. Further, how to allow those making a provision for the inevitability of those difficult and unforeseen circumstances to arise and risks to be creatively overcome. If we don’t push boundaries, we would never grow, change, or advance our knowledge. Can “Cocky” be taught to be avoided or valued but under guidance? Mentored and Tempered in time to emerge as confident, bold, leadership? Does fortune really favor the bold? YES.

While knowing a certain amount of risk is acceptable, how much is too much? When does “over-confident” fall to become “cocky?” In what circumstance does “gutsy” become foolish?” When does “calculated risk” become “imminent disaster?” Consequences following extreme risk often have dangerous or encompassing loss. How to put measures in place to mitigate those risks? Are all of these sentiments measure by a ‘gut feeling’ or intuitiveness to stay on the right side of danger, with your toes right to the edge? If so, where is the line?

Does the answer lie in Technology? Experience? Peer teaching where the trainee becomes the trainer? Or perhaps a combination of all, with a bit of luck?

Ingredients needed to facilitate tempering “The Cocky Factor” are training, ability, and experience; mirrored in the recipe for success, namely: Confidence, Luck and Merit.

Confidence, self-assuredness, self-reliance, strength, (both physical and of charter,) and knowledge. All these are admirable qualities, sought after by many. To add to that, capable and resourceful are another couple of descriptors of an “out of the box” thinker and problem solver. All admirable traits, and of particular value in a shipmate, or qualities you’d want for your “Swiss Army Knife of Life.” (R.H. Foster.)

“Many people are afraid that if they embrace their confidence that they will come off as cocky. That's just not true.” Says Marcia G. Fox, Ph.D. in her article *Think Confident, Be confident*. Psychology Today, online, Apr. 2011. Marcia further goes on to say “Confidence comes from believing in yourself and having the skills to back it. It's seeing yourself in a realistic way and recognizing the strengths, assets, smarts, and resources that you bring to any situation. Cockiness, on the other hand, is bragging or showing off without actually having the skills or know how to back it up.”

I would argue, that without daring to try, without an element of the “Cocky Factor”, confidence would not be developed, or fear overcome. The “Cocky Factor” when tempered, becomes confidence, an essential characteristic of a competent person to face adversity with the best chance of success.

Confidence as tempered cockiness, should be considered a strength refined by a good mentor/leader turning a subordinate into a peer and making that peer a leader.

Luck as an unknown, created by will and timing and like-minded people gathered together for common goals and is a factor of success and is argued in Psychology Today on-line article June 20, 2016 by Thomas Gilovich, PH.D. and Lee Ross, PH.D who reference: *Success and Luck: Good Fortune and the Myth of Meritocracy*, by economist Robert Frank. “With a deft presentation of a great body of evidence, including a computer simulation of luck’s decisive impact in the most competitive environments, Frank shows just how crucial pure chance is to success in life. He also explains why it’s so hard for us to appreciate luck’s role in success and, quoting E.B. White, “why luck is not something you can mention in the presence of self-made men.” Or as my Grade 7 home room advisor, math and humanities teacher Mr. Kingstone often said, “You don’t need luck, you need skill and knowledge.” Agreed. You may not need luck, and to rely on it is folly; but good luck is certainly a welcome opportunity when faced with adversity.

The third pillar of success is merit. Merit isn’t recognized without a good mentor. The best kind of mentor facilitates an environment of “peer teacher-training”. A good leader fostering that culture of soft-skills,

Cont.

listening to new ideas and rewarding effort to promote positive change and unlimited growth.

The following are excerpts from The Mariner's Book of Days 2017 edition, with quotes noted individually.

*Sailing Philosophy of the U.S. Naval Academy*

*We teach sailing and seamanship at the naval academy for one purpose: to make competent seamen of our midshipmen, who will be the naval leaders of the future. We aren't interested in making yachtsmen of them. We enter races to find an atmosphere which, like combat, stretches ability and endurance to the limit and allows character to emerge that can reach beyond those previous limits for that extra margin required for victory, where decisions must be made instantly and be coupled with competent execution of complex evolutions. Where numerous variable must be integrated to derive tactics and strategy in interaction. And we send them to sea to learn the fundamental characteristic of the professional seaman: a deep-seated sense of humility in the face of nature and her master. But we never lose sight of our objective—to produce the best possible officer for the fleet, whether he or she is assigned to a surface ship, a submarine, or an aircraft.*

*--Captain J.B. Bonds, USN.*

To develop a team leader are knowing when to push, when to pull back, and when to play it safe. "Provide purpose and promote passion. The 'why' matters more than 'what.'" – Doug Bacon via twitter in response to a Harvard Business Review article on managing millennials by Victor Lipman, Mind of the Manager article for Psychology Today online.

There is value in a "no risk, no reward" approach that ideally would be tempered into confidence, and sound judgement to achieve a positive outcome even in perilous situations.

In the example cited earlier, that of the self-described cocky charter owner/operator who's admitted error in judgement as being "too cocky" or over-confident, caused enough damage for the vessel to be rendered in-operable for the better part of a month, incurring inspection and repair costs, all of which were avoidable. But, he was able to contact the right resources to tow his vessel to safety, to haul it out for inspection and repairs, and work quickly and amicably with his insurance carrier for a timely and effective repair, and to continue chartering. He was also able to tell others of the event and serve as a reminder to new and experienced charters alike not to take the ocean for granted, and to check the charts! And to trust your gut (intuition)! There was also recommendation for a marker to be placed at that location for common use as he wasn't the only operator to experience an incident there. His reaction to the experience, what he learned from it, and the likelihood that he won't do it again makes him a low risk on the behavior based safety scale. This example resulted in top decision makers where circumstances were mitigated, lessons learned, new information and experiences gained to be passed on as part of peer teacher-training.

In conclusion, being cocky is a good thing when tempered into confidence through experience and training. Training including behavior-based safety analysis: Focus on what people do, and why they do it; Experiential education, including utilizing technology as a tool; and mentorship: realization of consequence not just for the individual but for the whole crew and the burden that decision maker is faced with living with it, whatever the outcome. To be a good operator/manager, allow for risks to be taken: mentoring not "command & control" leadership but utilizing softer communication skills, of listening and taking the time to understand where and why conflict occur. Taken from Victor Lipman, Mind of the Manager. "Why the Millennial Mindset Matters to Management" Psychology Today online, posted June 25, 2016. Getting the best from your crew, and daring to push the known limits of your collective capability.

*I HEARD THE CAPTAIN TELL THE MATE TO SEND A MAN aloft to reef the pendant halyards. After making several efforts, the man came down and reported that it would be impossible without launching the top-gallant mast. Three others went up and all of them brought the same report.*

*I was still at the helm, and felt my ambition excited. I called to an old Scotchman to relieve the helm, then went up to the head of the top-gallant rigging and took a look at the situation, and secretly regretted having left the helm. We were sailing by the wind, under single-reefed topsails, and the brig rolled considerably, which was much more perceivable aloft than on deck.*

*It was greasy and very slippery. I made the attempt and at every effort gained a little, until I could throw my hand over the truck, holding the end of the halyards in my teeth, and having gained this much I urged myself up higher and accomplished my purpose. I then slid down to the head of the rigging and stopped to take a breath, and felt convinced that I had more courage than discretion.*

--Capt. Theodore Wells, from Narrative of the Life and Adventures of Capt. Theodore Wells

#### **SOURCES:**

##### **Psychology Today (online) (3)**

1. Victor Lipman: Mind of the Manager, *Why the Millennial Mindset Matters to Management*  
*Cultural conflict places a premium on "softer" communication skills.*

Posted Jun 25, 2016. Victor is author of *The Type B Manager: Leading Successfully in a Type A World.*

2. Doug Bacon via twitter in response to a Harvard Business Review study on managing millennials by Victor Lipman, and referenced in Victor's Mind of the Manager article for [www.psychologytoday.com](http://www.psychologytoday.com).

3. Thomas Gilovich, Ph.D., and Lee Ross, Ph.D.: The Wisest One in the Room

Is It Better to Be Lucky or Good? Research Has the Answer. ... although we typically get it wrong.

Posted Jun 20, 2016

4. *Success and Luck: Good Fortune and the Myth of Meritocracy*, by economist Robert Frank. (referenced by Thomas Gilovich, Ph.D., and Lee Ross, Ph.D. for Psychology Today online, Posted Jun 20, 2016.

5. Marcia G. Fox, Ph.D. in her article *Think Confident, Be confident*. Psychology Today, online, Apr. 2011.

##### **The Mariner's Book of Days 2017 edition:**

1. *Sailing Philosophy of the U.S. Naval Academy* by Captain J.B. Bonds, USN.

2. Capt. Theodore Wells, from Narrative of the Life and Adventures of Capt. Theodore Wells.

##### **Defining "Cocky" (from google)**

adjective: cocky; comparative adjective: cockier; superlative adjective: cockiest

1. conceited or arrogant, especially in a bold or impudent way.

synonyms: arrogant, conceited, overweening, overconfident, cocksure, self-important, egotistical, presumptuous, boastful, self-assertive;  
bold, forward, insolent, cheeky, puffed up

antonyms: modest

The urban dictionary:

Top Definition

cocky

1. Thinking too highly of yourself. \*Its ok to be cocky if you're the shiznit, though.\*

George is really cocky, but it's okay because he's hot and he is the shiznit!

by Aleu April 26, 2003

2. Being over self-confident and self assertive

"You cocky bastard...quit acting like you're the man!"

By sweet jesus July 24, 2006



November 2018 Canadian Regional Meeting

The Following Members Have



Will Return For The Next Issue

**R. Dylan Bailey, AMS®  
Florida Regional Director**



**Clinton Evans, AMS®  
Gulf Regional Director**



**Joseph A. Derie, AMS®  
SAMS® Commercial Workboat Chair**



**READOPTION OF THE TUG & BARGE DESIGNATION**

CAPT Joe Derie, NAMS-CMS; AMS®, SAMS®; CMI  
Chair, SAMS® Commercial Workboat Committee  
Chair, SAMS® Tug & Barge Committee  
Southwest Passage Marine Surveys, LLC

You will have noticed in my column heading that I have been appointed as the Chair of the SAMS® Tug & Barge (T&B) Committee in addition to my Chairing the Commercial Workboat (CW) committee. That is because at their June meeting, the Board of Directors decided that including tugs and barges in the Commercial Workboat designation was no longer viable due to the implementation of 46 CFR Subchapter M in July 2018. That subchapter requires all towing vessels (with certain exceptions) to have a Certificate of Inspection issued by the Coast Guard. Due to this more stringent requirement, and the fact that most commercial workboats (CW) are un-inspected, it was felt that tugs and barges should be removed from the CW designation and given a designation of their own. This also makes it easier to design tests for the two designations. The new T&B test will include many questions on 46 CFR Subchapter M. The new CW test will have no questions regarding towing vessels or barges.

The following are SAMS® definitions of the two designations:

**TUG & BARGE (T&B):** An AMS® member who has actively engaged in performing surveys of tugs, barges, and trips in tows for five of the last ten years and attained a passing grade on the SAMS® Tug and Barge exam.

**COMMERCIAL WORKBOAT:** An AMS® member who has actively engaged in performing surveys of Inspected or uninspected commercial workboats, below 1600 GT, for five of the last ten years, and has obtained a passing grade on the SAMS® Commercial Workboats examination. Commercial Workboats include, but are not limited to, vessels such as, offshore supply vessels, lift boats, dredges, utility boats, commercial dive boats, and inspected passenger vessels. **Commercial Workboat does not include tugs and barges.**

Note the last sentence in the CW definition. Surveys of towing vessels will not be accepted for applications for the CW designation and surveys of commercial workboats will not be accepted for applications for the T&B designation.

I have submitted recommended guidelines for CW surveys and T&B surveys to the Board for approval at the next meeting. These guidelines will assist surveyors who desire those designations in performing and writing their surveys.

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.

## FAQ's from Portland

### John Adey

Hello SAMS® members and thanks for having ABYC at your IMEC meeting in Portland. To those, Brian and I had the pleasure of talking to, thank you. To others, looking forward to spending some time with you at one meeting or another. We had a ton of great feedback at the meeting and I thought I would share it with everyone, hoping it benefits you as you go out and do the good work you do. So let's get on with a few of the frequently asked questions:

Q: It is extremely difficult to find out the changes in the standards from year to year!

A: Yes it is, that is if you don't know where to look! Here are a couple methods to keep current when the new Standards are published:

The Update Video – Annually the Technical Department records a short (45 min or so) video presentation on the changes in each of the standards. Not only do they tell you everything you need to know, but also you get SAMS® CEU's for watching it!

The Web – By visiting the Standards electronically, you can go to the Standard in question (e.g. A-01 LPG) and click on “Related Documents” under the standard title. There you will be greeted by a link to the Track Changes document (the one where we strike out and add requirements as a result of committee work) and the previous version. This is a more detailed way to find the changes.

The Supplement Overview – This overview highlights the new and revised documents contained in ABYC's Standards and Technical Information Reports for Small Craft, Supplement 58, published July 2018. It is located on the online library, just click on Standards and Technical Information on the left menu and it will be the first document.

COMING SOON – The ABYC Technical Board has voted to add a short change summary to the beginning of each changed Standard. Something to look forward to next July.

Q: Can I get copies of older standards?

A: Yes – These are generally used for court cases etc. “Archived” standards are available for purchase in the online store. If you need help investigating the archived standards, ABYC has a small research fee and then a charge for the document. If you are in need of something as far back as 1964 give the office a call and we can talk about it.

Q: Do you promote me as a surveyor member?

A: Yes! Follow the link on [www.abycinc.org](http://www.abycinc.org) to the “recreational boater” site. Click on “Find a Marine Surveyor” put in your name and see if you come up! If not, your profile may not be complete. Give Meghan Sykes a call @ 410-990-4460 X110.

Q: There is a competitor of mine who is advertising that he is an ABYC Certified Surveyor, what is that? I can't even find him on the ABYC Member site, do you do anything about that?

A: Yes – If I had a nickel for every time someone asked me that! We do NOT have a “Certified Surveyor” program. As a surveyor you can, of course, carry our certifications but you would have an Electrical or Systems Certificate (for example) not a surveyor certification. We also have no problem tracking down non-members using our logo or members mis-using our logo, we do it all the time!

That said, we need the info from you, just letting me know that some guy in Alabama is using our logo and isn't a member is not entirely helpful! We need his or her full name, and a way to contact them. Contact Kevin Scullen, Membership director (410-990-4460 X102) with your concerns and we'll take care of the rest.

# What are keywords?

By John Huczel

Your customers are already out there roaming the web. The trick is to have them find you. That's where keywords come in. Keywords are words or phrases that help determine where and when your ad can appear. Building a solid keyword list helps you reach only the most interested people, who are more likely to become your customers. Pretty cool, huh?

## Building your keyword list: 5 tips for success

Selecting the right keyword list for your campaign can help you show your ads to the right customers. Your keywords should match the terms your potential customers would use to find your products or services. Here are seven tips to build a successful keyword list:

### 1. Think like a customer when you create your list

There are a host of different sources available to you to find the right ones. Regardless of the sources that you use to generate your keywords, you should think holistically about all the different ways that potential customers could reach you. Here are the biggest sources you should consider when determining how to find new keywords:

**Your website:** Stay on top of your site's offerings. Find any gaps between your site's content and your keyword list.

**Your products:** Be sure that you're bidding on core product keywords. When your audience is at the end of the buying cycle, they'll be searching for a specific product or service. If you're a retailer, things like product names and models can make for high-performing keywords.

**Your brand:** Remember the value of your branded terms as well. If you deal with multiple products, add keywords that are combinations of your brand name and high-volume products that people often search for in the same query.

### 2. Organize your keywords by theme

Organizing your keywords into well-defined groupings often makes it easier for you to manage and maintain your account. This may correspond to the customer's journey, for example, grouping upper funnel versus lower funnel keywords. You may group keywords by performance targets, such as cost per acquisition, margin, or profitability. Alternatively, you may want to group keywords by business structure, such as product line, brand, or geography.

**Example:** If you own a shoe store, you might create two ad groups: one for running shoes and one for evening shoes. Your ad group for running shoes could include ads with keywords like "running shoes" and "running sneakers". Your ad group for evening shoes could include keywords like "evening shoes" and "dress shoes". This way, potential customers could see your ad about evening shoes when they search for "evening shoes" — not when they search for "running shoes".

### **3. Select specific keywords to target specific customers**

Select more specific keywords that directly relate to your ad's theme if you want to target customers who may be interested in a particular product. Using more specific keywords would mean that your ad only appears for terms that apply to your business. Keep in mind that if the keywords are too specific, you might not be able to reach as many people as you'd like.

**Example:** If you sell men's athletic footwear, you might choose specific keywords like "men's basketball shoes", a type of shoe you offer. That way, for example, your ad would be eligible to appear when someone searches for these types of shoes or visits a website about basketball.

### **4. Select general keywords to reach more people**

Select more general keywords if you prefer to reach as many people as possible. Keep in mind that you might find it difficult to reach potential customers when adding very general keywords because your ad could appear for searches that aren't always related to your business. Also, more general keywords can be more competitive and may require higher bid amounts.

**Example:** If you're a large shoe store, you might choose a general keyword like "shoes". That way, for example, your ad would be eligible to appear when someone searches for a wide variety of shoes or visits websites about fashion.

### **5. Pick the right number of keywords**

We recommend five to 20 keywords per ad group, although you can have more than 20 keywords in an ad group if you want. Remember, each ad group should contain keywords that directly relate to that group's theme. Your keywords will automatically match variations such as possible misspellings or plural versions. So you don't need to add those.



## Proper Hailing Ports

By  
Kells Christian, AMS®

There are two ways to prove ownership of a US flagged vessel: Coast Guard documentation and state registration. All vessels over 5 net tons are eligible for Coast Guard documentation and the form of ownership record or title is an owner's choice. Lenders generally insist on vessels being documented so they may be the subject of a Preferred Ship Mortgage.

Registered vessels must display the registration number and a current registration decal on both sides of the bow, while documented vessels must display the name and the hailing port on the transom or on both hull sides.

Naming a vessel can be a difficult decision, often reflecting a family member's name or referencing the business of the owner in some clever way. Less thought is put into the hailing port, but the hailing port is a choice. It does not have to be the place where the boat is stored, where you live nor does it have to have any actual significance or relevance to your life. What do you think are the parameters for choosing a valid hailing port?

Recently I have seen hailing ports including Huntington Harbor, Mission Bay and Surf City. To my surprise Huntington Harbor and Mission Bay were both the hailing ports actually on the document. The owner of the vessel with hailing port Surf City liked Huntington Beach's "official" nickname, but he was not in compliance with federal regulations as the hailing port on the document did not match the hailing port on the transom. As a result of these unusual hailing ports, we researched the rules for hailing ports.

Throughout my career it had been my understanding that the hailing port had to be an actual city in the United States or a US territory. Some had told me that a hailing port had to have a post office, but I had never researched the actual rule, and I wondered what made a location a "city"?

My thanks (and a belated Happy Birthday) to Bernadine Trusso of Dona Jenkins Maritime Document Service, Inc. Bernadine discussed this issue with an officer in the Coast Guard and they confirmed that the website used by documentation personnel is <https://geonames.usgs.gov/apex/f?p=138:1:0::::>

To determine if a location is a valid hailing port, click the "Query" tab, fill in the "feature name" and the "state" and then hit the "Send Query" tab. If the feature name comes up as written, such as Point Loma, the location is a valid hailing port. In the case of Point Loma the class is a cape. In the case of Mission Bay the class is bay and in the case of Leucadia the class is populated place. The class of the location is irrelevant according to our source, as long as the feature name comes up as you have searched it, without additional words.

Cont.

The name and the hailing port must be displayed externally on the vessel, either on both sides of the hull or on the transom. The hailing port must include the place and a state, territory, or possession of the United States. The state may be abbreviated.

We often find hailing ports without the necessary state, territory or possession included. We often find names and hailing ports from prior documents, legally requiring modifications to the current documented name and hailing port. We occasionally find registration numbers on documented boats (a no, no), documentation numbers on the exterior of boats (unnecessary) or no identifying numbers, name or hailing port (begging to be boarded by the authorities).

Registered boats may have names and hailing ports, but these boat names are decoration, an expression of individuality, and can be changed at any time as they are not legally significant. Based on my newly found resources, Huntington Harbor and Mission Bay are in fact valid hailing ports, but not Surf City and now you have the ability to be as creative with your hailing port as with your vessel's name.

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## ‘Report Writing for Marine Surveyors’ by Mike Wall

### **Touch Typing**

The marine surveyor's product is a report, whether in printed or soft copy. So why are so few surveyors unable to touch type when this is the most important single technique to improve speed, accuracy and productivity?

The keyboard of a computer is the interface between the user and the computer. Being familiar and comfortable with it is critical to using a computer to its maximum potential. Touch typing is the key to speed and accuracy and a step towards optimizing time management.

The keyboard is based on the QWERTY system named so after the six top left keys on the keyboard. The keyboard layout made its first appearance on a rickety, clumsy device marketed as the “Type-Writer” in 1872 built by C L Sholes. The keys were arranged in this way to prevent the type bars from clashing with each other when typing combinations which were close together.

The arrangement did not completely remove the problem of jamming as those who learned on an old mechanical typewriter will complain. However, it was a great improvement on the former arrangement where the keys were arranged alphabetically in two rows. Of course, the problem with type bars disappeared when electronic keyboards came into being, but by then most people were skilled in QWERTY touch typing and it was too late to change. Today the keyboard is a universal fixture even on the most advanced, sophisticated computers and word processors electronic technology can produce.

For many years the traditional way of preparing a report for a client was to handwrite the report and pass it to a secretary for typing. This often ensured the accuracy of the report with quality of writing, grammar and spelling. This was followed later by the surveyor using a Dictaphone, which the touch typist would then type. Both methods required a certain amount of correction such that a report would be passed back and forth several times with red ink being prevalent.

In some larger companies where secretaries are shared between surveyors, it could take days to get back the typed document from the typing pool and again waiting for the corrections, due mainly to the number of surveyors and shortage of copy/Dictaphone typists.

It was only with the advent of computers that people started to take an interest in learning to touch type. Those who were frustrated by the delay in getting typing done decided to learn using a touch typing text book and electric typewriter.

The lessons start by teaching you the home keys on the QWERTY keyboard. The home keys, on the middle row of letters, are ASDF and JKL. You start very slowly on these keys, making sure that you are accurate rather than fast. Three letter sequences are used to familiarise the student with the keys such as AAA, SSS, DDD, FFF, then ASA, SAS, ADA, DAD, FAF, AFA, etc. Once competent on these keys you progress to the upper and lower keys, then the numbers.

Typing involves:

the conscious process of looking at a letter on a piece of paper or on a screen,  
your eye seeing it,  
brain registering it,  
your brain instructing the appropriate finger to hit the key,  
the eye seeing that the correct letter has been typed,  
which controls the speed at which you type.

Eventually, when you have mastered all the letter keys, with practice you can build up accuracy and speed. Some have reported occasionally waking at night seeing words being typed in their mind during this learning cycle.

Eventually, one day you will sit down to copy type a couple of paragraphs, placing your hands on the home keys and going for it, without realizing that the conscious process mentioned above has gone completely. You will type the paragraphs without realizing that you are doing so. You will get the biggest surprise when you look at the screen and find how much you have typed without actually realizing it and that it was accurate. It is this subconscious process which is the key to speed. Some may be able to type fast with four fingers, but they don't get to look at what they are typing on the screen. Four-finger typists will never have the speed and accuracy, needing endless corrections.

Some surveyors just hit the 'Caps Lock' key and type away to their heart's content, choosing to ignore syntax, particularly if they employ non-native English speakers/writers. You can always tell when a document has been typed by a two-fingered typist. The number of spaces after a full stop (period) vary from one to three! Sentences may also start with lower case letters.

Accuracy, quality of writing, grammar and spelling are essential in a report. It takes a lot of skill to be able to transfer your report straight on to a piece of paper or computer screen, but the computer allows you to cut and paste to get the right results. Not having to think about which keys you are hitting allows you to concentrate on content and syntax. Grammar will always be a problem, whether you can type or not, but be warned, your handwriting will deteriorate as a consequence of using the keyboard more!

As mentioned earlier, if you are thinking of learning how to touch type you should take a week off work to do it. It is no good trying to learn part-time and then go back to the computer at work and use 4 fingers again. You have to do it 'cold turkey'. Many companies offer crash courses for those who want to learn quickly. The key is not to lose heart, be patient and stick with it. You'll be pleased you did in the end.

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### **Biography of SAMS® 5th President - Don Walwer, AMS®-Retired**

I got started in boating when I was a teenager living on the shores of Lake Quinisgamond in Shrewsbury, Massachusetts. I worked at a local beach during summers where the owner had a sailboat and a power boat. We took people for rides and were also the lifeguards, which did not have many requirements. I enlisted in the Massachusetts State Police in 1955, and took the exam along with several thousand others. I started in April of 1956 and graduated in August of 1956, I mention this because it was part of my interest in boats. In the late 1950's the USCG decided they would no longer have anything to do with numbering boats on fresh waters and turned it over to the states. Massachusetts did not have any type of marine enforcement, etc., except the State Police. John Volpe, Governor, had an aid and driver, a State Trooper that I had worked with. He recommended me to cover the middle of the state until a new Marine Department was established.



My connection to boats was firmly established, and I got into charter fishing vessels on a part time basis in the early 60's running other people's boats. I was transferred to Bourne Massachusetts State Police barracks in 1961. I had built a cottage in North Eastham, out on Cape Cod and ended up moving there. At that time we lived in the barracks with one day off a week.

It did not take long for me to get a boat and obtain a US Coast Guard license to six passenger vessels. This was upgraded to 100 ton-200 mile license. I met Dick Bruno in late 1969 at a boat show and set a plan for a 42 foot Lobster boat designed by Royal Lowell. I somehow got involved in his whole operation and was able to, on a part time basis make an occasional trip to his shop in New Hampshire. I was able to observe from original drawing to finished product and ended up with hull number 10 and operated it until 2014 as a sport fishing charter vessel.

I retired from the Massachusetts State Police in June of 1976 and in September of 1976 went to work full time for Maritime Adjusters in New Bedford, Massachusetts. This involved surveying, claims investigations, etc. The only type of vessels involved were commercial fishing of all sizes and fisheries. I worked for them for two years covering vessels from Nova Scotia to Florida. I worked a two year temporary term as Chief of Police in the town of Wellfleet, Massachusetts and by now had decided to winter in Florida.

I worked operating various vessels in Naples, Florida doing surveys on a full time basis between operating vessels for the winters. Along came the first of its kind, an International Meeting of surveyors from all over that took place in Brunswick, Maine. That led to the beginning of SAMS<sup>®</sup>. The history of SAMS<sup>®</sup> has been well documented.

Shortly after that meeting I received phone call asking me to be one of the Charter Members of the new organization, "Society of Accredited Marine Surveyors, SAMS<sup>®</sup>". Along with others I paid \$350 to open the door and I was number 24. The first meeting was on Singer Island, and after that I received a call from Mickey Strocchi, as Jim Robbins had appointed him to be the first chairman. I was asked to create a written testing program to qualify members for the status of "Accredited Marine Surveyor". I accepted the challenge, and for the next eight years, I did just that.

Over time, testing got involved in specialty's: tugs, barges, engines, etc. Many members gave me help along the way and we were fortunate having experienced people as members of SAMS<sup>®</sup>. I was nominated for Vice President when Charlie Corder was nominated for President for two years. I was then nominated for president and was elected. Along the way we received help from Mary Stahler who had experience in executive management and was recruited out of retirement by Downing Nightingale.

We progressed from a small rented office, to a rented unit, to then buying a house to use as an office. I recall signing the papers when it was purchased.

In the beginning we had some very contentious times at our annual meetings. I had been appointed as parliamentarian and used Roberts Rules of Order. Really was a good thing and I was called upon several times to make a ruling based on Roberts Rules, very interesting.

When I was elected president I gave a talk on report writing to the members. Having over twenty years of experience as a State Police officer in Massachusetts resulting in a lot of time on the witness stand in court proceedings, I stressed to always stick to the facts, etc., not opinion, etc. That got written up by John Guy, editor of a Survey Magazine in London that was misconstrued. I wrote to him and clarified it and as a result I was invited to attend a European meeting of surveyors from all over Europe that was to be held in Rotterdam. I went over there and I had several days of meeting with people from all over. I gave a lecture on survey information and a complete description of SAMS<sup>®</sup>.

One of our members named Johnson lived in London, he got me into a private meeting of the oldest Survey organization in existence, "YACHT BROKERS, DESIGNERS & SURVEYORS ASSOCIATION", founded in 1912. I was greeted and spent about two hours with the entire board. I was given the opportunity to fully give them the entire existence and setup of "SAMS<sup>®</sup>". They tested me on an imaginary survey of a boat that fell apart on a test run. They were satisfied with my answers,

I had a great time with them and received a personal letter that was very complimentary. This resulted in my urging a national meeting to be held in London which was a "smashing success". SAMS<sup>®</sup> was truly recognized in the world of Marine Surveying.

I invited John Guy to be a speaker in the US, at our annual meeting. He prodded the members to go forward and move to the top of the profession. It was an interesting meeting.

My association with him resulted in being invited to attend an International meeting in Barcelona, Spain. I was asked to present a paper dedicated to Corrosion, which I delivered at the meeting. This expanded SAMS® to world wide surveyors. Guy took the various papers we presented, put them into book form and sold the book!

I ended up serving a third term as president due to a tragedy. At the National meeting in San Antonio, Rod Whitfield had been nominated to succeed me as president. Tragically, he passed away just before the annual meeting and I was elected for a third term. After my terms, I was asked to be the editor of our newsletter, which I did for a period of time and then decided to do surveys.

The end result was the privilege of having been a part of the development and internationally recognized “SOCIETY OF ACCREDITED MARINE SURVEYORS”.

### My Time with the Kennedy's – Don Walwer, AMS®-Retired

Back in the 60's I was stationed at the Holden State Police Barracks west of Worcester, Massachusetts. We lived in the barracks, and only went home one day a week. On the election night between the two Presidential candidates, the local police called the State Police headquarters and requested help with controlling the gathering at the Kennedy compound. My Captain asked me if I knew where the compound was in Hyannis, based on his knowing I had been surf fishing on the cape. I did, so I was assigned to lead a detachment of troopers to the compound and aid the local police. Secret Service did not provide security until one was declared elected. I led a detachment of State Police to the compound. I was assigned along with another trooper to go into Robert Kennedy's home, it was the center of activity. After a while I was moved up to Jack Kennedy's home.

After a fashion, the cook came out and told me that Mr. Kennedy requested that we go into the house and be with him and his family. I did that and was with him for a couple of hours. History tells the story, it took until morning to have the final results. I returned to Holden.

Later on I ended up being transferred to a new facility just over the Cape Cod Canal. That led to my moving to the Cape. A permanent security detail, along with Secret service and local police became permanent. We alternated from road duty to shifts at the Presidents home. I spent two Thanksgivings at the compound because I drew the short straw. We were an honor guard for him whenever he appeared in public here in Massachusetts.

The third Thanksgiving was coming up and I was about to get the detail again. Normally we accompanied him to church on Sundays. I stayed at the house on the porch next to the driveway. When he came back, the Security Service vehicle stopped next to me. He opened the window and did what he always did, he spoke directly to me. Called me by name, he knew us all, thanked me for having been on duty the previous Thanksgivings. Told me he was having dinner with his mother at West Palm Beach, so I would not to have to be there. They drove away. He flew south and the rest is history.

One last connection with that, when Jackie Kennedy flew home from the funeral of John Kennedy with the children, they did so on the family airplane, the “CAROLINE”. Another trooper and myself were assigned to escort her home along with local Police and Secret Service. As she departed the aircraft, the local news held every one up while he took a picture of myself and the other trooper standing beneath the aircraft with the name above us. It hangs in the Kennedy museum in Hyannis.

Also back in 1964, we had a RED phone at our duty desk with a connection to the White House. We were in direct contact with the Kennedys' in the event we needed to contact them. I was on desk duty, it was around 1:00 am and I received a call from the State Police Headquarters in Boston. Ted Kennedy and Birch Bayh were flying in Bayh's airplane, when it crashed in an apple orchard in Western Massachusetts. I used the red phone and got Robert Kennedy out of bed, told him that they had gone down, taken to a hospital in the area. It was very foggy so I told him a cruiser was on its way to pick him up and drive him to the hospital. Normally when we had similar types of emergencies and contacted high ranking politicians, we got roasted for not having more information. Robert Kennedy was always calm and a gentleman. He simply said “thanks Trooper, thanks for calling. I will be dressed and ready, thanks again.” I relate this to show the kind of person Robert Kennedy was, a pleasure to deal with him.



## ADMIRALTY LAW

## Expert Analysis

# Yacht on My Lawn: Trick or Treat?

**H**urricanes leave destruction in their wake and boats washed up on your lawn. After Hurricane Florence recently deposited a large sailing yacht on the front lawn of a North Carolina home, President Donald Trump responded quizzically, stating (not tweeting): “I think it’s incredible. To see what we’re seeing—this boat, I don’t know what happened, but this boat just came here. They don’t know whose boat that is. Nice boat. Maybe it becomes theirs. What’s the law?”

Good question!

### Maritime Law Makes Landfall

In 2017 alone, major weather events cost the United States \$306.2 billion in battered coastlines. See Office for Coastal Management, National Oceanic and Atmospheric Administration, *Fast Facts: Hurricane Costs*. As a result, sinkings, collisions, allisions, pollution, and property damage are par for the course. Thus, maritime law is clearly on radar in the aftermath of a ferocious storm.

*JAMES E. MERCANTE is a partner at Rubin, Fiorella & Friedman and is president of the Board of Commissioners of Pilots of the State of New York. KRISTIN E. POLING, an associate with the firm, assisted in the preparation of this article.*

By  
James E.  
Mercante



When a vessel on navigable waters causes personal injury or property damage ashore, such as when a hurricane sends a yacht crashing onto private property, federal maritime jurisdiction attaches. This widened net of jurisdiction is pursuant to the Admiralty Extension Act of 1948, 46 U.S.C. §30101. After major hurricanes, ships and

Some say possession is 9/10’s of the law; however, they would not know much about maritime law.

barges wind up along highways and even railroad tracks. Pleasure craft drift their way onto lawns, rooftops, and even into living rooms and swimming pools. The Admiralty Extension Act provides federal court jurisdiction in admiralty over such actions. Thus, it seems that not only federal judges, but Congress too, enjoy the lure of all things maritime. Most often, federal judges decide the issues as the

federal rules do not give a right to trial by jury in admiralty actions. Fed. R. Civ. P. 9(h); 39 (e)

After a hurricane, one of the first things on the mind of a vessel owner is marine insurance coverage. Some policies will have a “named storm” endorsement that specifically provides a higher deductible for losses arising out of such storms.

If the insurance carrier pays out the hull value for the vessel because it is deemed a CTL or “constructive total loss” (cost of repairs exceeds the value of the vessel), then the policy will typically provide the insurance company with the right to sell the vessel for its remaining salvage value and retain the proceeds of that sale. In these CTL circumstances, the insurer will have the desire to recover its insured vessel from the home that the vessel has drifted to. But do they have the right? In many instances, the property owner refuses to allow the vessel owner, marine surveyor or insurance company access to the property to inspect and/or remove the vessel. This is a no win situation for the homeowner, as refusal to allow access could prove costly if the wreck is abandoned there due to such refusal. The marine insurer is in the driver’s seat in such instances, as the insurer controls

the retention of a marine surveyor to evaluate the situation and the purse strings pursuant to the insurance policy to have the vessel removed. If the homeowner balks and the vessel is a wreck, the insurer may simply say "ok, here's the title, you deal with it." On the other hand, if the vessel retains value and its owner or insurer want the vessel back, then it might require a court order to access the reluctant owner's property to retrieve the vessel. This latter scenario is common in the aftermath of hurricanes or superstorms where, as Trump observed, property owners may believe the fake news that they have some ownership right in a vessel simply because the vessel sits on their property.

### Finders, Keepers?

Some say possession is 9/10's of the law; however, they would not know much about maritime law.

In admiralty, the phrase "finders, keepers" does not apply. To obtain title as a *finder* of property left behind by a hurricane (or on the front lawn as the case may be), the vessel owner must first have expressly or impliedly "abandoned" it. *Bemis v. RMS Lusitania*, 884 F. Supp. 1042 (E.D. Va. 1995). This is often difficult to prove as courts impose a strong presumption of non-abandonment, as an owner simply may not be able to find it. *Balzano v. Kutchytska*, 981 N.Y.S.2d 633 (Sup. Ct. N.Y. Richmond County, 2013) ("there was no abandonment of the beached vessel by the claimant even though he did not locate it until ten days after the hurricane struck. The facts established that owing to the nature of Hurricane Sandy and the

displacement of boats and the distance they were carried, claimant acted reasonably expeditiously in locating and reclaiming his boat"). In New York, a vessel owner may abandon a wrecked pleasure craft by notifying the New York State Department of Motor Vehicles and surrendering the vessel's certificate of registration.

Under certain limited circumstances, a homeowner might be entitled to a "salvage" reward. The law of "salvage" is an equitable remedy in admiralty that compensates a volunteer who successfully saves property in peril. Entitlement to salvage rights requires (1) that the vessel is in peril, (2) that the effort is voluntary, and (3) success in rescuing the vessel from peril. This was decided in 1870 by the U.S. Supreme Court in *The Blackwall*, 77 U.S. 1 (1870) (also setting forth the criteria federal courts should evaluate in arriving at a salvage award). Compensation for a salvage service can range from a monetary reward to title over the vessel itself. *Dluhos v. Floating & Abandoned Vessel*, 162 F.3d 63 (2d. Cir. 1998) (holding vessel must be "arrested" under Rule D of the Supplemental Admiralty Rules for federal court to have jurisdiction over the vessel in a salvor's in rem action seeking title). However, once the hurricane has passed and the vessel comes to rest on the property, the "peril" to the vessel has ended. As such, the first element of salvage would be missing, and the owner would not have rights to a salvage award under maritime law.

### God Help Us!

In addition to the law of "finds" and "salvage," hurricanes bring

many other "see-worthy" maritime laws.

When a vessel breaks away from its moorings or is otherwise set adrift and collides with a fixed object (such as a dock, another boat or a house), general maritime law presumes the drifting vessel to be at fault. *The Louisiana*, 70 U.S. 164 (1865). However, if the incident is caused by a hurricane, cyclone, or tropical storm, the vessel owner may invoke the "Act of God" defense. This defense applies if (1) the accident is caused by a natural event, and (2) no human error or negligence is involved. *John W. Stone Oil Distrib. v. Bollinger Shipyards*, 2007 U.S. Dist. LEXIS 67426 (E.D. La. 2007) (discussing the Act of God defense in light of a presumption of some fault after barge broke from moorings, drifted away from shipyard and struck another vessel during Hurricane Katrina).

Most hurricanes are powerful enough to satisfy the first prong of the Act of God defense. Indeed, most if not all hurricane destruction cases will involve the Act of God defense. As such, federal judges in admiralty cases have had ample opportunity to consider and clarify the defense. See Mercante, J., "Hurricanes and Act of God: When the Best Defense is a Good Offense," 18 U.S.F. Mar. L.J. 1, 17-18 (2005-06) (providing overview of federal maritime cases involving Act of God defense). This federal judge made law is known as "General Maritime Law." The goal of uniformity of such law in federal courts across the nation is important to the maritime bar.

Some hurricanes are of such ferociousness that nearly any resulting damage will be blameless. However, whether the defense will hold water is fact specific.

In *Nat'l Union Fire Ins. Co. v. Garpo Marine Servs.*, 2017 U.S. Dist LEXIS 152082 (E.D.N.Y. 2017), New York Federal Judge Frederick Block held that Superstorm Sandy did not provide a marina with an Act of God defense after a vessel broke from the marina's moorings and damaged a dock. The *Garpo Marine* court determined that the marina had sufficient foreseeability of Superstorm Sandy, and thus should have taken precautionary measures to prevent the vessel from breaking away from its moorings. On the other hand, in *Lord & Taylor v. Zim Integrated Shipping Servs.*, 108 F. Supp. 3d 197 (S.D.N.Y. 2015), New York Federal Judge Analisa Torres held that Superstorm Sandy did provide a shipper with an Act of God defense for cargo damage because the severity of the storm, and in particular, its storm surge, were not reasonably foreseeable.

Major weather events are oftentimes unpredictable, but to be blessed with a viable Act of God defense, it helps to take precautions if possible. In *Moran Transp. v. New York Trap Rock*, 194 F. Supp. 599 (S.D.N.Y. 1961), a vessel charterer disregarded New York weather reports of an October hurricane. There were repeated warnings of approaching gale force winds. The wind stormed through and wrecked the vessel. When the vessel owner brought suit against the charterer, New York Federal Judge John F.X. McGohey held that the charterer was not entitled to the Act of God

defense because it failed to exercise reasonable care in the face of this autumn storm. Thus, the vessel owner recovered damages for the loss of its vessel. *Id.*

As is evident, while these monster storms can be unpredictable, once the storm has cleared, maritime law will become even clearer.

### Shipwrecked

If a vessel is wrecked in a storm at sea or in shallow waters, the vessel owner is responsible for the costs associated with marking and disposing of the wreck and preventing

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For a vessel owner, the Act of God defense may provide protection from liability for damage to third parties. The homeowner gets no treat to either ownership or possession of a yacht washed ashore by a hurricane.

the wreck from obstructing navigable waters. This well-entrenched 1899 law is now more commonly known as the "Wreck Act." 33 U.S.C. §409.

The Act of God defense does not apply to the Wreck Act, which instead imposes strict liability on the vessel owner to locate, mark and remove the vessel once the storm has cleared to avoid a hazard to navigation. In *re S. Scrap Material Co.*, 713 F. Supp. 2d 568 (5th Cir. 2010) (Act of God defense held unavailable in wreck removal suit brought by United States against drydock owner after Hurricane Katrina). However, if the vessel owner is unable to locate its vessel after a storm, courts have held that

the duty to mark the wreck may be relieved so long as the owner made a reasonable (albeit unsuccessful), good faith search. *Nunley v. M/V Dauntless Colocotronis*, 727 F.2d 455 (5th Cir. 1984). If the U.S. Coast Guard locates and removes the wreck, it may pursue the vessel owner for costs associated with its services. On the other hand, if a third-party removes an abandoned vessel from the sea, it may be entitled to a "salvage" award, or even "finders" rights.

### Homeowner Beware!

A Frankenstorm can cause catastrophic damage on land and sea. For a vessel owner, the Act of God defense may provide protection from liability for damage to third parties. The homeowner gets no treat to either ownership or possession of a yacht washed ashore by a hurricane. But, whether the vessel owner will be held responsible for damages, well, only God (and federal judges) know!

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NEW

**Dennis D. Eddinger, AMS<sup>®</sup>**  
**Mid-Atlantic Regional Director**

NEW

IBEX 2018



Chet Stephens

Jennifer Peterson

# Thank You to our Vendors





## IMPORTANT MEMBER INFORMATION



**2019 SAMS<sup>®</sup>  
International Meeting &  
Educational Conference (IMEC)  
Sept. 25th To Sept. 28th  
Savannah, Ga.**

**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<sup>®</sup> re-publish this article.

### CE Credits:

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

### Attention All SAMS<sup>®</sup> Members

SAMS<sup>®</sup> Google Group - <https://groups.google.com/forum/?hl=en#!forum/marinesurveyors> .

To access the SAMS<sup>®</sup> Group, please go to the above link. Upon logging in, an approval will be given via SAMS<sup>®</sup> 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.



## MEMBER'S CORNER JULY 2018 THROUGH NOVEMBER 2018

The following members are now Accredited Marine Surveyors with the earned designator:  
“YACHTS & SMALL CRAFT”

*Patrick Yates Adams, Panama City, FL; Brig Allen Burgess, Palm City, FL; Christopher Bruce Day, Roseland, FL; David Dabney, Barcelona, Spain; Bruce DeGraw, Neptune, NJ; Diane P. Douglass, Islamorada, FL; Michael H. Evenhouse, Grand Rapids, MI; Carl Goodson, Destin, FL; Michael Grame, Virginia Beach, VA; Heather Marie Hyde, Santa Rosa, CA; Lachlan Mackenzie, Cadboro Bay, Canada; James Shawn McGee, Cincinnati, OH; Ian Morris, Jupiter, FL; Travis Lawrence Palmer, Stevensville, MD; Serge Perron, St. Nicolas, Canada; Brian C. Reynolds, Glen Mills, PA; Pierre Richard, Chambly, Canada; Patrick J. Rogers, Marathon, FL; Alain Pascal Routhier, Vancouver, Canada; Curtis Sarratt, Annapolis, MD; Timothy William Simms, Kalispell, MT; Paul Darin Snider, Superior, WI; Chet Stephens, Tampa, FL*

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“CARGO”

*Jerome Pereira, Guyton, GA*

The following people have been accepted into SAMS® as:

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