



The Marine Assistance Industry Journal

A Quarterly Newsletter

Volume XI- February 2013



Chairman's Address

I would like to thank all of the members, sponsors, vendors and volunteers that made our 26th annual C-PORT conference a success. If you missed any of the boat demo rides, equipment and system demonstrations, beaches or parties I am sure you will be hearing about

them soon enough. I would like to personally thank our Board of Directors and Executive Director, Tina Cardone, for the months of work put into the event.

I was approached by many members with comments that produced some very good opportunities for the association to better serve it's membership, and I look forward to this continued influence in the direction of our association. You can read up on more of the details of the conference in this newsletter, and make your plans for next year. The Clearwater Beach Hilton was a great success and we had overwhelming requests for a repeat next year, dates to be announced.

C-PORT continues working feverishly to advance and promote the industry as a pillar of recreational boating, made up of professional mariners and businessmen. There are others (not C-PORT members) that do not subscribe to our ethical standards nor meet our equipment requirements nor share our professional business protocols. I was asked if I was a "shipwreck man" at the conclusion of a tow yesterday and answered with a resounding "NO". The customer responded positively with a show of relief and began pointing out some of the curiously poor depictions they had seen recently. There is no doubt that they recognized the difference between what they had been shown and what they were seeing in reality. The value of C-PORT as a professional organization providing me, my captains, and my company the tools that set us apart from the non-professionals is immeasurable when I can point to it in front of my customers or my first responder partners on the water.

As we move forward we will continue to face many changes as an industry and your association will be here to provide you with the information you need. Our founders laid the groundwork for a strong foundation and C-PORT is established as an integral part of the maritime community.

We regularly exercise our voice representing the membership and fight against any ruling that may negatively affect your business. With that thought in mind there are changes that are unavoidable and we will work just as hard to make available the information necessary to meet those changes with a minimal impact. All you have to do is come and get it.

Thank you all for a successful 2012 and a promising start to 2013. Your continued input is requested and discussion amongst members is encouraged. I wish everyone the best in 2013 and look forward to the challenges and opportunities it brings as we move forward. My thanks again to all of you that support C-PORT throughout the year.

Best,

Chris Shaffner, C-PORT Chairman

C-PORT Announces 2013 Board of Directors

Tina Cardone, Executive Director

Chris Shaffner, Jupiter, FL, *Chairman*
Kevin Freestone, Big Pine Key, FL (Florida Keys Marine Assistance Association), *Vice Chairman*
Terry Hill, Woodbridge, VA, *Treasurer*
Rand Pratt, Key Biscayne, FL, *Secretary*

John Andrews, Wickford, RI
Phil Delano, San Francisco, CA
Joe Frohnhoefer, Southold, NY
Jon Gridley, Cornelius, NC
Charlie Meyer, Lake Ozark, MO
Roger Slade, Port Hadlock, WA
John Ward, Pensacola, FL

Regional Chapter Representatives:

Rob Estrada, Eastern Inland Marine Assistance Association
David LaMontagne, California Marine Assistance Professionals
Dale Plummer, Chesapeake Marine Towing and Assistance Assoc



Keeping It Simple

There's a guy I know who spent eleven hours treading water in the Atlantic Ocean without a life jacket. And you know what? He lived to tell me about it. He lived to order a beer, crack a grin and spin a fish tale. In a world cluttered with noise, that simple act of having

beaten the odds is refreshing. This year I propose you deep-six your resolutions and aim to keep it simple. There's a lot of ways to keep it simple and here's my contribution.

First, make sure you're making way with salvage contracts that make sense. Full stop. Don't nod and skip ahead, consider whether you've read and understood the language in your salvage contract. Consider whether that odd situation you had last spring with the insurer who wouldn't make the check payable to you could be avoided by rewording your salvage contract. Like a tug that breaks out of the notch and hustles forward, when the seas build get ahead of your problems.

Second, play for keeps. This salvage business is your livelihood and if your company's valid salvage claim is being questioned double down. Consider filing a notice of claim of lien with the National Vessel Documentation Center in Falling Waters, West Virginia. I know you've heard about that angle, but did you know that with the way the lien law is worded, if you prevail in your salvage claim you may be entitled to attorneys' fees and costs even if you don't have a salvage contract? Speak to your admiralty attorney because it can swing the other way too, but if it's the right kind of claim you can raise this little known aspect of the lien law to get noticed in a big way. Like it was for my friend alone and at night in the Atlantic, when the odds are against you swim harder.

Third, don't leave money on the chart table. You're not the fire department and you need to fight for your compensation. Resist the temptation to settle for the low hanging fruit offered by the adjuster or vessel owner and demand a sum more closely related to the true value of your services. Consider referring to relevant case law and prior favorable settlements when responding to a settlement offer instead of countering with a mere dollar value. Maybe don't respond with a dollar value . . . remember insurers want to close files too and like a good piece of meat, low and slow sometimes delivers great results.

Fourth, make your salvage claim. Just because you feel you got the short end of the boat hook last summer, doesn't mean you should give up on salvage claims. Improve your track record by having vessel owners sign salvage contracts. Consider asking other industry members what they say and how they present salvage contracts. Speak to your admiralty attorney about what the courts in your area look for when enforcing salvage contracts. Wreck removals may give you time and materials charges, but you're a salvor and if you do it right, the maritime jurisprudence will reward you handsomely for saving property from the ocean's perils.

Fifth, befriend an admiralty attorney. This isn't self promotion because I don't care who it is, but meet an admiralty attorney you like and one that'll take your calls any hour, any day. When you're in the mix and the Coasties are on one side of the dock and an owner on the other and an insurer on the cellular, an admiralty attorney is like a life ring that my friend who was treading water didn't have. Like a ship's pilot in new waters, an admiralty attorney worth his or her salt can help you quickly analyze a salty situation.

Finally, get involved. Get friendly with your local Coast Guard personnel, have lunch with your Port Captain, send a holiday card to the insurer you settled a case with last year, attend the Coast Guard meetings, volunteer to speak at your local yacht club, or give a presentation at your local marine store. You are a standup, trained, learned and experienced professional, but the only way anyone will know that is by visiting with you.

For me, keeping it simple is about focusing on the fundamentals and letting the rest of it fall into place. It's about promoting yourself and what you do in a favorable light and not letting others do the speaking for you. It's about having a plan and sticking to it. It's about swimming onward buoyed with the confidence of your own skills, preparation and planning.

Underway and making way.

--- John K. Fulweiler, Esq.,

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The Single-Handed Risk Manager

*By: Capt. Kent Dresser
President/Founder
Confident Captain/Ocean Pros*

The assistance towing industry is certainly not the first group to focus on risk management. Insurance underwriters, healthcare providers, investors, and entrepreneurs all use good risk management practices in order to protect themselves from loss. But risk management takes on a much more vital role for those people who face direct harm or danger when carrying out their work. Police, firefighters, lifeguards, military personnel, and of course numerous different types of different vessel operators rely on good risk management practices in order to protect themselves and their equipment. A strong risk management program saves equipment, money, down time and most importantly injury and lives for many different industries the world over.

The Coast Guard has very effective risk management policies for boat crews. In fact, there is a chapter in the Coast Guard Boat Crew Manual that focuses on risk management. (US Coast Guard Boat Crew Manual (COMDTINST M16114.5 C)). Chapter 4 of this manual is titled Team Coordination and Risk Management. It sets forth some of the risk management guidelines for small vessel boat crews, and it is not far from the general risk management principles that the towing industry is beginning to embrace. The very first paragraph of the chapter reads as follows:

“This chapter addresses human error and risk-based decision making. Both greatly affect the safety of boat operations. Human error has been and continues to be a significant cause of boat mishaps. Ineffective risk management has placed many boats and crews at greater risk than necessary. Technical knowledge and skill alone cannot prevent mishaps. It also takes teamwork that recognizes, minimizes, and corrects human errors and systematic process to continuously assess

and manage safety risks.”

The remainder of the chapter goes on to describe a seven stage risk profile and proper practices for managing risk. When one is done reading the chapter it is very clear that operations where the risks outweigh the rewards must be avoided. The same holds true for the commercial salvor, but in our case there is a very different set of resources on board and consequential heightened need for proper risk management.

One of the primary practices of the Coast Guard is using teamwork to manage risk. They set forth a system of “checks and balances” in an effort to eliminate human error and manage risk. This system of checks and balances can hardly apply to the single handed operator however. Since so many of our operators run single handed, the need to manage risk is heightened. It’s not to say that it is more dangerous to run single-handedly. In fact one could easily argue that it is easier and more efficient to manage oneself than to manage many. However, the fact that only one person is conducting the “checking” and the “balancing” does call for a heightened level of awareness in making sure all “bases are covered” and all risks are managed properly.


The lone operator has his or her hands full. There is no argument about that. The more the lone operator has to deal with at any given time, the easier it is for the risks of the job to catch up with them. Consequently, a more conscious and practical set of risk management skills will prove very valuable to the lone operator in the long run.

Seamanship and boat-handling ability carry us a long way. I would venture to say that most of the time they carry us all the way. Concern sets in however when there is a gap between what seamanship and boat-handling ability can achieve, and a successful outcome. That gap is bridged by risk management. In the case of the single vessel operator, the “gap” can often be wider and more prevalent. The need for good risk management practices to bridge that gap is much more defined and, in the long run, much safer and more profitable.

C-PORT Awards Presented at 26th Annual Conference

A number of C-PORT members were honored at the 26th Annual C-PORT Conference held January 13-15, 2013 at Clearwater Beach, FL. Their complete stories may be found on our website at www.cport.us.

Presented with the AFRAS (Association For Rescue At Sea) award was Captain Greg Mallek of Sea Tow Fort Lauderdale for his actions on March 12, 2012. C-PORT Distinguished Service Awards, presented for extraordinary assistance, were presented to Captain Joe Burkett, TowBoatU.S. Fernandina, Captain Ethan Maass, Sea Tow South Shore MA, and Captain Greg Mallek, Sea Tow Fort Lauderdale. All were commended for their decisive actions in saving a mariner in distress. Presented C-PORT Meritorious Service Awards for exemplary assistance were Captain Matt Fleming, TowBoatU.S. Yankeetown, and Captain Kevin Freestone, TowBoatU.S. Big Pine Key. Freestone was presented three awards for his service. Both Fleming and Freestone were commended for their actions in assistance and lifesaving. In addition to lifesaving awards, the C-PORT Compass Rose award, presented to someone in the industry who demonstrates true vision, was awarded to Captain Joe Frohnhofer, Founder Sea Tow International.

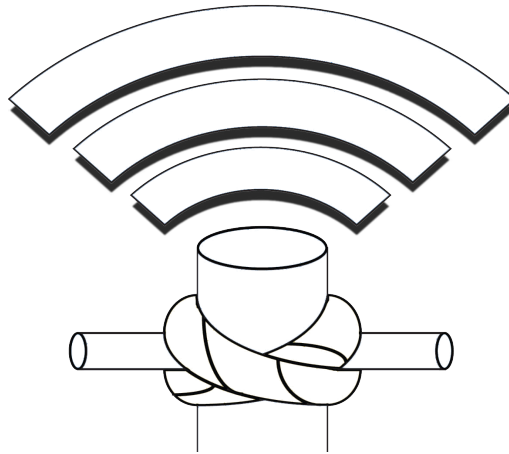


Entrance to Mackinac Cove	Drive & Unload	Normal	S/S Thin	PLB
11-0391 Rescue Tow - Grady White	23 Grady White - Outboard (2)	Anchored	Engine	Failure
1 mile west of south end point of Block Island	New Harbor	Normal	S/S Block	DG
11-0392 Rescue Tow - Anne II	23 Mako 1973 Outboard	Anchored	Engine	Failure
Between Goat & Rose Island	Allen Harbor	Normal	S/S Newport	PLB
11-0393 Rescue Tow - Seafire	20 Seafire 170	Not	Anchored	Failure
Providence River between red buoy 30 and 32	East Providence Yacht Club	Normal	S/S Seafire	PLB
11-0394 Rescue Tow - Northern Bell	27 Catalina Sail (inboard)	Anchored	Engine	Failure
Block Island Town mooring field	Unloaded	Normal	S/S Block	DG

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TowCo Mobile Solutions & the TowCo Mobile Team would like to thank all of those that visited us during the 2013 C-Port Conference.

Congratulations to Grand Lake Towing/TowBoatUS Grand Lake, the winners of our iPad Mini Giveaway!

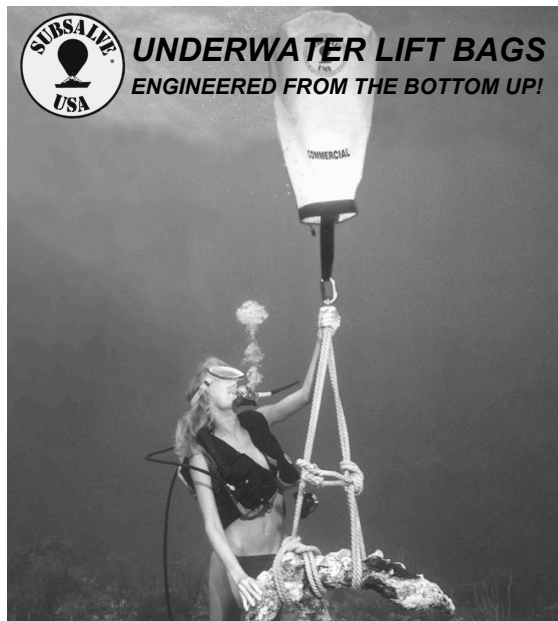


If you didn't get to see us during the C-Port conference and would like to discuss how TowCo Manager can fit into your business, please contact us. You can call or email us to set up a live, interactive demo over the Internet that fits your schedule!

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*From the Desk of
Tina Cardone,
Executive Director*

All of us remember that tragic day in December 2009 when a young child died as a result of a boating accident. The final memo has been issued by the US Coast Guard. It is one each of us

must read.

Mark DuPont, National Director of Boat Operations and Training (BOAT) Program, NASBLA, circulated the memorandum to his instructors with the directive to read it with a focus on the following three points:

- 1.) Actions that could have been taken to avoid the incident
- 2.) The importance of Risk Management in the conduct of missions and our training, and how they should be effectively utilized
- 3.) The importance of leadership and how effective leadership can change potential harmful outcomes

I believe the same may be said of our industry and ask that you also focus on the actions you can take as both captains and owners, in making your operations safer.

Using VADM Currier's words:

"The Coast Guard is our Nation's premiere maritime lifesaving and law enforcement organization. Our crews are trained and equipped, and often risk their lives, to prevent the loss of life at sea. This case is a tragic anomaly, yet clearly demonstrates the need for both organizational and operational discipline. No words can atone for the loss of this young life, or for the pain and injuries caused others; we can only affirm our resolve to ensure that nothing like this happens again."

The USCG Final Action Memorandum may be found at this link - http://www.uscg.mil/foia/docs/CG33118_FAM.pdf

The NTSB's Collision Report may be found at this link - <http://www.nts.gov/doclib/reports/2011/MAR1103.pdf>

Fair winds and following seas,

*Tina Cardone,
Executive Director*

26th Annual C-PORT Conference Recap

The 26th Annual C-PORT Conference was held at the Hilton Clearwater Beach, Clearwater Beach, FL. It began Sunday, January 13, 2013 with our annual USCG-C-PORT Partnership Meeting. Joining us from USCG was CAPT Peter Martin, Chief, Office of Search and Rescue. After brief introductions, CAPT Martin urged the group to encourage better relationships with the Sectors. While many areas of the country routinely visit their Sector Commands, some do not. It is important to know who everyone is and to make sure the Sector is aware of your particular assets and capabilities.

C-PORT with the help of CAPT Martin will be creating tools that our members may use to enhance their relationships.

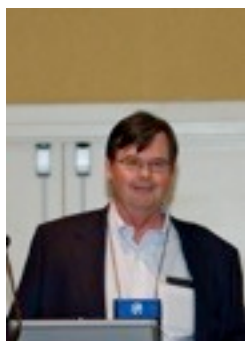
The day continued with the C-PORT Insurance Program Meeting. Representing Starkweather & Shepley were Larry Keefe and Linda Wagner. Keefe opened the meeting noting that this is our 11th year with the same carrier, Travelers Ocean Marine. The Board asked Keefe and Wagner what could be done to find other insurance options for our members. It is important that C-PORT direct its members to a program that will meet their insurance needs while keeping in mind, not all operators are the same. Keefe remarked that they are working on some options and hope to present something soon.

The C-PORT Board of Directors spent the remainder of the morning in a closed door session analyzing the many issues and tasks at hand. The group voted and agreed on a course of action for 2013 with the following issues on the top of the priority list: Safety Management Systems (SMS) with an updated ACAPT program, continued risk management education and operations manuals available to our members and State and Local Agency Competition remains at the forefront. Any member with the desire and ability to assist the Board with these tasks are urged to contact Tina Cardone at tcardone@cport.us.

Sunday concluded with our traditional Welcome Reception ending in time for our football fans to watch the playoffs.

The start of our general sessions began on Monday morning. Chris Shaffner, C-PORT Chairman, welcomed the attendees and CAPT Peter Martin reported on the "State of Search and Rescue". In recognition of their support to the conference and our industry, two exhibitors, Teleflex Marine and TowCo Mobile Solutions, were provided advertising time to present their products to the group.





Mr. Mark Houck, Esq., Houck Anderson, P.A., provided valuable insight into Crew Claims in the United States. The Jones Act body of law is quite expansive and Mr. Houck guided the attendees through some of the situations that may arise. He also provided all attendees with a reference book for their use.

The breakout sessions focused on training and equipment. Mark DuPont, National Director Boat Training and Operations Program, NASBLA, presented an introduction as to why training is important to your business. Kevin Collins, Director of Operations, TowBoatU.S. Fort Lauderdale, guided the attendees through a true safety management system, providing information regarding the missing pieces of a complete system. Chris Shaffner in conjunction with Brunswick spoke

of proper equipment for the task at hand.



C-PORT members were honored with lifesaving awards presented by CAPT Martin at the conference luncheon. Award winners are nominated by themselves and their peers. All nominations are reviewed with the help of our USCG partners and winners are recognized for their lifesaving efforts.

Monday's sessions ended with time provided for attendees to visit the exhibitors both at the hotel and at the marina nearby. It also allowed for everyone to prepare for the C-PORT Banquet and Gala. CAPT Steve Sawyer, President AFRAS, USCG (Ret) honored C-PORT member Greg Mallek, Sea Tow Fort Lauderdale for his heroic efforts in saving the life of a woman who had washed overboard on March 12, 2012. C-PORT honored Joe Frohnhoefer, Founder Sea Tow International with the Compass Rose Award. The Compass Rose Award is given to the person in the industry who embodies the essence of true direction symbolized by a compass rose. This award is presented to someone who is dedicated to making the marine assistance industry better through their hard work and desire to make boating an enjoyable experience for everyone they meet. Dinner was served to over 130 guests. The evening continued with guests dancing and enjoying each others company in a non-work environment.

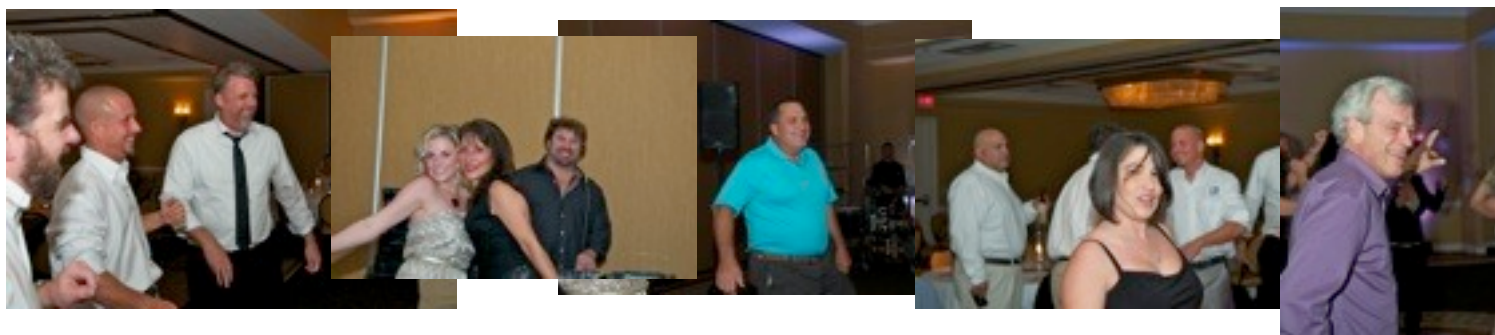
Also honored at the Gala were Ethan Maass and Steve Winkler, both C-PORT Directors who were stepping down from their positions. Tina Cardone, Executive Director, presented them with jackets embroidered with the C-PORT logo reminding them that their contributions to the industry were great and their service would be missed.

The Annual C-PORT Membership Meeting followed on Tuesday morning. With the help of Starkweather & Shepley, C-PORT announced a new member benefit, Disability and Life Insurance products through Aflac and UNUM. The Aflac representatives provided the membership with an overview of their products and encouraged everyone to register for more information. Elections were held with Phil Delano unanimously reelected to another term as Director and Jon Gridley, Rand Pratt and John Ward elected for their first terms. A few By-Laws changes were approved and anniversary pins were distributed as members were honored for their continued support of the association.

Steve Winkler, outgoing Treasurer, provided the Treasurer's Report. Tina Cardone lead the group in an open discussion of issues facing the association and encouraged everyone to make their voices heard and to contact the association with questions and comments.

Following the Membership Meeting was the Risk Management, Recertification Course. This course was especially designed for those members who took the original risk management course prior to three years ago. The information was presented in a manner making it beneficial to all who attended. Certificates to all attendees who passed the exam are being issued.

C-PORT thanks all that attended this informative, valuable event. We especially thank our speakers for their time and contribution to our industry and our sponsors and exhibitors whose support and participation make these events possible. Please contact Tina Cardone, Executive Director at tcardone@cport.us if you have any questions or need additional information.



In addition to C-PORT's stated goals of effective representation of the Marine Assistance Industry among policymakers from Congress, the administration and other governmental agencies, continuing our successful partnership with the U.S. Coast Guard, maintaining the objective of open dialogue, to address government and industry concerns that develop, and continuing to combat unfair competition against the Marine Assistance Industry from federal, state and local governmental public safety and other agencies through education, C-PORT offers a number of other member benefits. Visit our website at www.cport.us or contact Tina at tcardone@cport.us for more information.

Group Insurance Program - underwritten by Travelers; administered by Starkweather & Shepley Insurance Brokerage, Inc. - Designed for organizations dedicated to marine assistance and towing. This Program designed for C-PORT members offers an extensive portfolio of quality insurance products and services to address a wide range of marine exposures. -800-788-8225; lwagner@starshep.com.

Supplemental Benefits - underwritten by Aflac and UNUM; administered by Starkweather & Shepley, we are able to offer owner and employee access to Aflac benefits including Aflac Life Insurance, UNUM Long and Short Term Disability Insurance and other various supplemental plans. Aflac plans can be customized and designed to fit every need and budget and will include coverage for spouse and dependent children. -860-572-7751; robjfr@sbcglobal.net

Merchant Services - C-PORT is pleased to announce updated agreements with two Merchant Service Providers - Elavon and TransFirst. Each company has something to offer our members. Both are offering comprehensive solutions specifically designed for the Marine Assistance Industry. Please review what they have to offer and decide for yourself if their services can help you save money on your merchant processing costs. The decision as to which fits your business model is up to you. You are under no obligation. For more details, log on to the Members Only Area of our website at www.cport.us to access Program Benefits.

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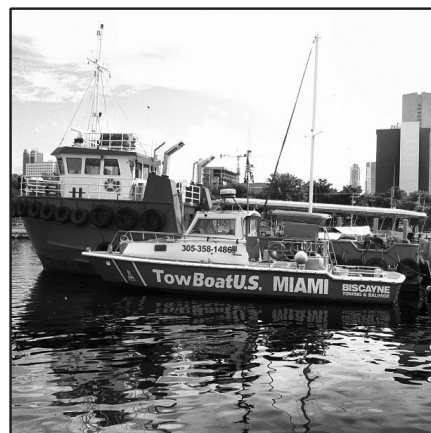


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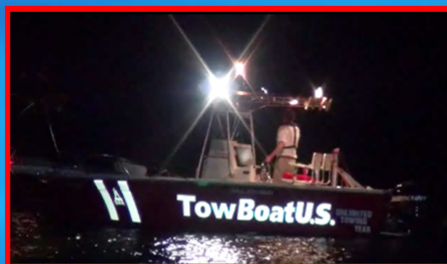
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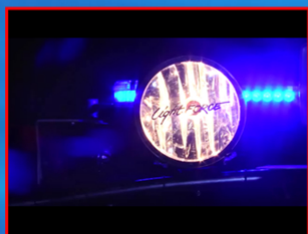
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C-PORT was founded in 1986 to act as a liaison between the marine assistance industry and public agencies and organizations involved with boating safety, marine assistance, marine salvage and other marine-related operations. Our members are dedicated to providing prompt, professional and timely assistance to all boaters and to actively partner and cooperate with local law enforcement and U.S. Coast Guard. They are professionals, dedicated to the growth and development of their respective businesses and committed to furthering the advancement of our waterways and the boating community. For more information, contact C-PORT at (954) 261-2012 or visit www.cport.us.



C-PORT (Conference of Professional Operators for Response Towing)
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