



The GROUND RULES

News From the Consulting firm of MARTIN, OTTAWAY, van HEMMEN & DOLAN, INC.

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SEASON'S GREETINGS

All of the staff at Martin, Ottaway, van Hemmen & Dolan, Inc., wish to take this opportunity to extend to all our friends, clients and overseas colleagues a very Merry Christmas and a Happy New Year. We appreciate the confidence you have given the firm and hope that 1998 is a prosperous year for everyone.

The past year has been an exciting one for us. In addition to our normal collisions, allisions, damage claims and salvage work, we saw an increase in cargo damage and contamination surveys, mega-yacht surveys, cruise vessel evaluations, repair specification writing and supervision, as well as involvement in a number of terminal and pier condition evaluations.

The past year has reminded us that our business is ever changing and each year brings new opportunities and challenges to our 122-year-old firm. We are looking forward to getting involved in new challenges in the coming year with our friends and clients.

ISM Code Nearing

For owners/managers of Tankers, Bulk carriers, Gas carriers, Passenger ships and High-speed craft, the deadline for ISM Code compliance is quickly approaching. On July 1, 1998, all such vessels must be certified and the ships must possess a Safety Management Certificate and the owner/managers office, a Document of Compliance.

Although one hears conflicting numbers for the percentage completion of the approximate 11,000 ships requiring certification, there appears to be no doubt that significant numbers are still in the process. In addition there are a large number, which still need to

quickly get into the process if necessary certifications are to be obtained in time for the deadline.

Various administrations have gone on record stating that vessels without the required statutory certificates will either be denied entry into their ports or will face detention if they manage to enter. In addition to this, a number of P & I Clubs have indicated that coverage will be in jeopardy for vessels, which do not comply with the Code by the implementation date.

Progress in New Orleans

In opening an office in New Orleans last February, it was planned to provide better service for our clients in the US Gulf and Latin American areas. After nearly a year of operation, we are pleased to report that, with the support of our clients, expansion in this area is bearing fruit.

Jason Fernandes is currently managing the office where the work reflects the special character of the marine activities that take place in the area. Looking back at the types of jobs dealt with, the variety of assignments range from cargo damages to collisions and dock and pier related issues.

It has become apparent that collisions are much more common in the busy Gulf and Mississippi area and run away barge claims were entirely new to us. In addition to the casualty business, Jason has several new construction and conversion projects.

All of us are enjoying the new challenges and are looking forward to continued success in New Orleans.

NOTICE: BILLING POLICY

On January 1, 1998, upon the advice of our accountants, the firm will begin charging interest on all accounts overdue 30 days.

While we will continue to work with clients with legitimate delays in payments, the change in policy is necessary to maintain proper business practices.

In Memoriam

It is with great sadness that we announce the untimely death of our friend, colleague and manager of our Rotterdam office, Kees van Sas, on November 22, 1997. During the years that we have had the privilege of knowing Kees, we have been so fortunate as to have been associated with an honest man who was professionally of the highest caliber and had great determination combined with the utmost integrity.

A seagoing officer by education and training, he was the son of a master mariner who distinguished himself in the days that the former Dutch East Indies were invaded by the Japanese during World War II. His father was under orders to evacuate officials and their families but had to leave his wife and two sons behind. Kees, his mother and brother were then interned in a Japanese concentration camp for the remainder of the war.

The firms of Martin, Ottaway, van Hemmen & Dolan and J.C. van Sas and Associates will continue to render services to the industry under the capable leadership of his son Niek van Sas. Our feelings of sympathy are with his wife Marja and son Niek. We shall miss him.

On The Lecture Circuit

During the week of November 17th, the Marine Engineers Benevolent Association held a seminar, run by Tom Cannon and Russ Magna, for sailing engineers interested in becoming port engineers.

Rik van Hemmen was invited to lecture on the subjects of underwriters' surveys and charter survey issues. Rik's presentation touched on matters dealing with salvage, general average and crew negligence that

sailing engineers hear about, but never get a chance to deal with first hand.

Courses like this one are very much recommended for all sailing engineers. Even if they never become port engineers, the knowledge of shore based concepts often will make it easier to understand the decision making process of ship owners and managers.

Field Survey Reports (part 2)

Part two in our series on "Field Survey Reports" touches on the issues dealing with exceptions that may occur. The ideal joint field survey is one where all of the attending parties agree on the various aspects of the casualty. Occasionally, professional people will disagree on one point or another with regards to the nature or the extent of the damage, the recommended repair procedures to be followed, or to the allegation that may appear in the preamble.

As engineers and surveyors, we deal with disagreements in a straightforward and logical manner. In the case of field survey reports, the exceptions taken are noted on the document next to the items in dispute or next to one's signature.

One of the goals of a field survey report is to "put it in writing" and if there is disagreement with a particular aspect of the document, then say so. It makes no sense to spend the time, energy and money to attend a joint survey only to walk away without signing or expressing one's opinion on the points that you may or may not agree with.

Professional people don't play "hide and seek", but stand up, have an opinion, write it down and sign their names.



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