

UNITED STATES OF AMERICA
DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD

UNITED STATES COAST GUARD

Complainant

vs.

SAMUEL SULLIVAN IRVIN,

Respondent.

Docket Number CG S&R 07-0075

Coast Guard Case No. 2854669

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CONSENT ORDER APPROVING SETTLEMENT AGREEMENT

Issued: May 16, 2007

Presiding: Hon. Parlen L. McKenna

On May 14, 2007, the parties in this case submitted a Motion for a Settlement Agreement and Entry of a proposed Consent Order to be approved as a settlement of the case under 33 C.F.R. § 20.502.

I have carefully reviewed the terms of the Settlement Agreement and find that it is in substantial compliance with the requirements of 33 C.F.R. § 20.502. The parties agree that the Settlement Agreement constitutes full and complete settlement of all issues in this matter.

ORDER

Upon consideration of the record, it is hereby:

ORDERED that the Settlement Agreement is **APPROVED** in full and incorporated herein by reference.

IT IS HEREBY ORDERED that Respondent's Merchant Mariner's License, all duplicates and all other Coast Guard certificates and authorizations issued to Respondent is:

a) hereby suspended outright for thirty (30) months.

IT IS FURTHER ORDERED that Respondent has agreed to the following conditions:

b) Stayed revocation on sixty (60) months (5 years) probation following the suspension period;

c) Mariner will enroll and complete a bona fide alcohol abuse rehabilitation program;

d) Mariner will attend 24 Alcoholics Anonymous (AA) meetings;

Respondent further agrees to the following:

e) Mariner will enroll and complete a bona fide Sexual Harassment training;

f) Mail or hand-deliver to U.S. Coast Guard Sector North Carolina his License and Merchant Mariner's Document;

g) The alcohol abuse rehabilitation program and the sexual harassment training must be approved by Sector North Carolina prior to enrollment;

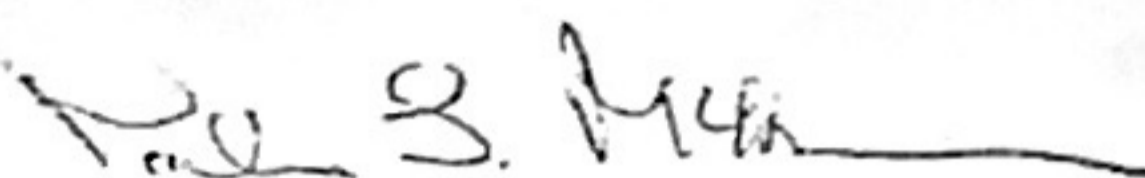
h) Submit evidence of successful completion of rehabilitation, (AA) and sexual harassment training to Sector North Carolina;

i) Advise the Investigations Department at Sector North Carolina of any change of address and/or telephone number by mail; and

j) Submit all required correspondence to Sector North Carolina at the following address:

USCG Sector North Carolina
2301 E. Fort Macon Rd
Atlantic Beach, NC 28512
Attn: Investigations Department

IT IS FURTHER ORDERED that this Consent Order shall constitute a full, final and complete adjudication of this matter.





**Hon. Parlen L. McKenna
Administrative Law Judge
United States Coast Guard**

Done and Dated on this 16th day of May 2007
Alameda, California

Copy: CWO Keith M. Stegall, Investigating Officer
William Hewigg III, Counsel for Respondent
Samuel S. Irvin, Respondent

UNITED STATES OF AMERICA U.S. DEPARTMENT OF HOMELAND SECURITY UNITED STATES COAST GUARD	
ADDRESS OF COAST GUARD MARINE SAFETY OFFICE (MSO): SECTOR NORTH CAROLINA 2301 EAST FORT MACON ROAD Atlantic Beach, NC. 28512 INVESTIGATING OFFICER: TELEPHONE: 252 247-4524	FOR DOCKETING CENTER USE ONLY
COMPLAINANT: United States Coast Guard	
RESPONDENT: SAMUEL SULLIVAN IRVIN	DOCKET NUMBER 07-0075
Motion for Approval of Settlement Agreement and Entry of Consent Order	
	COAST GUARD CASE NUMBER 2854669

1. The parties request that the Administrative Law Judge issue a Consent Order in this case under 33 CFR 20.502.
2. The Coast Guard initiated an administrative proceeding by filing a Complaint on 19 Feb 2007 seeking to revoke License Number 1127298 and Merchant Mariners Document Number 057255.
3. The parties agree that settlement of this matter is in the public interest and that the filing of the attached Settlement Agreement and subsequent entry of a Consent Order without further litigation is the most appropriate means of resolution. The parties consent to the filing of this Settlement Agreement without a hearing on any issue of fact or adjudication on any issue of law.
4. The Respondent enters into this Settlement Agreement solely for the purpose of settling this matter and does not admit any liability for the claims set forth in the Complaint. Without any hearing or litigation of any issue of fact or law, Respondent admits the jurisdictional allegations of the Complaint. Respondent neither admits nor denies the factual allegations in the Complaint.
5. Respondent waives any right to a hearing, and waives any right to appeal. Any subsequent procedural steps before the Administrative Law Judge (ALJ) in this matter shall be contained in this Settlement Agreement.
6. This Settlement Agreement and subsequent Consent Order shall be binding on Respondent, and shall become effective on the date that it is filed with the Hearing Docket Clerk. Both parties agree that the decision in this case will have the same force and effect as would a decision made after a hearing. Both parties agree to bear their own costs including, but not limited to, attorney's fees, in regard to this proceeding.
7. The terms of this Settlement Agreement and Consent Order constitute a full settlement of this proceeding with respect to the administrative claims and causes of action alleged in the Complaint. Therefore, both parties request that the Administrative Law Judge approve this settlement agreement and issue a Consent Order.

For the Respondent:  Samuel Sullivan Irvin Date: 07 May 2007	For the U.S. Coast Guard:  Keith M. Siegel, OPO U.S. Coast Guard Date: 07 May 2007
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ORIGINAL - ALJ
 COPY - Marine Safety District
 COPY - Respondent

SHORT TITLE OF CASE	DOCKET NUMBER
U.S. Coast Guard v. SAMUEL SULLIVAN IRVIN	07-0075
	COAST GUARD CASE NUMBER 2854669

Settlement Agreement

1. In light of the Respondent's good faith efforts to reach compliance, a mitigated penalty of;
 - a. Outright suspension of the respondent's Coast Guard License and Merchant Mariner's Document for 30 months (2.5 years).
 - b. Stayed revocation on 60 Months (5 years) probation following the suspension period.
 - c. Mariner will enroll and complete a bona fide alcohol abuse rehabilitation program.
 - d. Mariner will attend 24 Alcoholics Anonymous (AA) meetings.
 - e. Mariner will enroll and complete a bona fide Sexual Harassment training.
2. Respondent agrees to:
 - a. Send his Coast Guard License and Merchant Mariner's Document to Sector North Carolina
 - b. The alcohol abuse rehabilitation program and the sexual harassment training must be approved by Sector North Carolina prior to enrollment.
 - c. Send evidence of successful completion of rehabilitation, AA, and sexual harassment training to Sector North Carolina.
 - d. Advise the Investigations Department at Sector North Carolina of any change of address and/or telephone number by mail.
 - e. All correspondence shall be sent to Sector North Carolina at the following address:

USCG Sector North Carolina
2301 E. Fort Macon Rd
Atlantic Beach, NC. 28512
Attn: Investigations Department
3. The Coast Guard shall review the evidence and do one of the following:
 - a. accept the evidence;
 - b. reject the evidence, notify the Respondent in writing of any deficiencies in the evidence and grant Respondent 30 days to correct the deficiencies; or
 - c. Reject the evidence and seek a stipulated order in accordance with paragraph 5 of this Agreement.
4. If the Coast Guard rejects the evidence, the Respondent may request a hearing before for an Administrative Law Judge (ALJ) by filing a request with the Hearing Docket Clerk. The ALJ's ruling on this request and any subsequent hearing will be final.

5. The parties stipulate that this table set forth the appropriate orders in this matter:

If the Respondent...	then the Respondent's License will be...
fails to satisfactorily complete these conditions by 6/30/2010,	Revoked.
successfully completes these conditions to the satisfaction of the U.S. Coast Guard,	Returned

6. Nothing in this Settlement Agreement and Consent Order shall relieve Respondent of the duty to comply with all applicable provisions of any Federal, State, or local laws or statutes.

7. The terms of this Settlement Agreement and Consent Order constitute a full settlement of this proceeding with respect to the administrative claims and causes of action alleged in the Complaint.

8. The parties to this agreement consent to the entry of this Settlement Agreement and Consent Order without further notice.

Respondent
Date: 11 May 2007

By: [Signature]
[Signature]

Address: 

U.S. Coast Guard
Complainant
Date: 7 May 2007

By: [Signature]
[Signature]
Investigating Officer
US Coast Guard Marine Safety Office

CERTIFICATE OF SERVICE

I hereby certify that I have filed the foregoing document[s] with the ALJ assigned to this case by Fax.

Signed: [Signature]
Investigating Officer for the United States Coast Guard

Date: ^{MAY 14} MAY 7, 2007

ORIGINAL—ALJ
COPY— Marine Safety Office
COPY— Respondent

UNITED STATES OF AMERICA

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

Charged Party [REDACTED]	Enforcement Activity # 3113755	Originating Unit SEC NCarolina
Enforcement Summary	Violation Location Location Unknown	
	Violation Date 28 Nov 2006	

Summary of Current Violation(s)

Law/Reg	Description	Recommended Penalty
46 CFR 5.33	Violation of law or regulation	\$0
46 CFR 5.33	Violation of law or regulation	\$0
46 CFR 5.33	Violation of law or regulation	\$0
46 CFR 5.33	Violation of law or regulation	\$0
46 CFR 5.33	Violation of law or regulation	\$0
46 CFR 5.33	Violation of law or regulation	\$0
46 CFR 5.27	Misconduct	\$0
46 CFR 5.27	Misconduct	\$0
46 CFR 5.27	Misconduct	\$0
46 CFR 5.27	Misconduct	\$0
46 CFR 5.27	Misconduct	\$0
46 CFR 5.27	Misconduct	\$0
46 CFR 5.27	Misconduct	\$0
46 CFR 5.33	Violation of law or regulation	\$0

Narrative Overview of the Activity

Alleged violation of company policy; sexual harassment and misconduct.
 16 Feb 2007- Complaint filed with the ALJ Docketing Center.
 16 May 2007- rcvd Consent Order approving Settlement Agreement between U.S Coast Guard vs. Respondent
 Docket Number CG S & R 07-0075.

Charged Party's Particulars

Name [REDACTED]	Capacity in which Charged N/A	SSN [REDACTED]
Street [REDACTED]		
City [REDACTED]	State [REDACTED]	Zip [REDACTED]
Country US		
Phone	Fax	

Involved Subjects

Vessel Name SEALAND ACHIEVER	Primary VIN 8212647	Role Involved in a Marine Investigation (non-casualty)
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Other Involved Parties (besides Charged Party)	
Name [REDACTED]	
Role Subject of Investigation	SSN [REDACTED]
Name [REDACTED]	
Role Subject of Investigation	SSN [REDACTED]
Name [REDACTED]	
Role Subject of Investigation	SSN [REDACTED]
Name [REDACTED]	
Role Subject of Investigation	SSN [REDACTED]
Name [REDACTED]	
Role Subject of Investigation	SSN [REDACTED]
Name [REDACTED]	
Role Subject of Investigation	SSN [REDACTED]
Name [REDACTED]	
Role Witness	SSN [REDACTED]
Name [REDACTED]	
Role Witness	SSN [REDACTED]
Name [REDACTED]	
Role Witness	

Past Violation(s) History
No prior violations

1st Charge	
Law or Regulation Cite	46 CFR 5.33
Description	Violation of law or regulation
Statutory Authority	46 USC § 7703(1)(A)
Max Penalty	\$
Recommended Penalty:	\$0
Date of the Violation	06 Feb 2002
Location	Aboard Vessel: SEALAND ACHIEVER: Atlantic Ocean

Details of the Violation

Jurisdictional Elements

PARTY: Any person acting under the authority of a CG issued License, Certificate and/or Merchant Mariners Document.

1. Respondent's address is as follows:

[REDACTED]
[REDACTED]

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

2. Respondent holds the following Coast Guard-issued credential(s):

U.S. Merchant Mariner License: # [REDACTED]

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

3. Respondent acted under the authority of that license, certificate or document, on 02/06/2002 by:

serving as Chief Mate aboard the vessel SEALAND ACHIEVER as required by law or regulation.

engaging in official matters regarding that license, certificate or document by other:

Serving as Chief Mate..

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

Factual Elements

Factual Elements of the offense pertain to the ACT.

1. The Coast Guard alleges on February 6, 2002 while the M/V SEA LAND ACHIEVER was at sea, the Respondent knowingly caused the second mate, [REDACTED] [REDACTED] to engage in a sexual act on the bridge by kissing her, placing his right hand down her pants, and penetrating her vagina..

Exhibit Label: CG-1

Evidence Desc: Statement by [REDACTED]

Exhibit Label: CG-4

Evidence Desc: Maersk Answer to Subpoena dated 28 Feb, 2007. Due to size of documents all records keep at Sector North Carolina.

Exhibit Label: CG-5

Evidence Desc: [REDACTED] revised Statement

2nd Charge

Law or Regulation Cite	46 CFR 5.33
Description	Violation of law or regulation
Statutory Authority	46 USC § 7703(1)(A)
Max Penalty	\$
Recommended Penalty:	\$0
Date of the Violation	08 Feb 2002
Location	Aboard Vessel: SEALAND ACHIEVER: Atlantic Ocean

Details of the Violation

Jurisdictional Elements

PARTY: Any person acting under the authority of a CG issued License, Certificate and/or Merchant Mariners Document.

1. Respondent's address is as follows:

[REDACTED]
[REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

2. Respondent holds the following Coast Guard-issued credential(s):

U.S. Merchant Mariner License: # [REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

3. Respondent acted under the authority of that license, certificate or document, on 02/25/2002 by:
serving as Chief Mate aboard the vessel SEALAND ACHIEVER as required by law or regulation.

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

Factual Elements

Factual Elements of the offense pertain to the ACT.

1. The Coast Guard alleges on February 8, 2002 while the M/V SEA LAND ACHIEVER was at sea, the Respondent requested the second mate, [REDACTED] [REDACTED] to come to his office under false pretenses. Upon arrival respondent shut his office door, stated his intent and commenced to engage in a sexual act, by forcefully raising her shirt and bra, then kissing her breast.

Exhibit Label: CG-1

Evidence Desc: Statement by [REDACTED]

Exhibit Label: CG-4

Evidence Desc: Maersk Answer to Subpoena dated 28 Feb, 2007. Due to size of documents all records keep at Sector North Carolina.

Exhibit Label: CG-5

Evidence Desc: [REDACTED] revised Statement

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

3rd Charge

Law or Regulation Cite	46 CFR 5.33
Description	Violation of law or regulation
Statutory Authority	46 USC § 7703(1)(A)
Max Penalty	\$
Recommended Penalty:	\$0
Date of the Violation	10 Feb 2002
Location	Aboard Vessel: SEALAND ACHIEVER: Atlantic Ocean

Details of the Violation

Jurisdictional Elements

PARTY: Any person acting under the authority of a CG issued License, Certificate and/or Merchant Mariners Document.

1. Respondent's address is as follows:

[REDACTED]
[REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

2. Respondent holds the following Coast Guard-issued credential(s):

U.S. Merchant Mariner License: # [REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

3. Respondent acted under the authority of that license, certificate or document, on 02/25/2002 by:

 serving as Chief Mate aboard the vessel SEALAND ACHIEVER as required by law or regulation.

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

Factual Elements

Factual Elements of the offense pertain to the ACT.

1. The Coast Guard alleges on February 10, 2002 while the M/V SEA LAND ACHIEVER was at sea, the Respondent knowingly caused the second mate, [REDACTED] [REDACTED] to engage in a sexual act on the bridge during the change of the watch; by pressing her hand around his penis and held her hand in place not letting her pull away.

Exhibit Label: CG-1

Evidence Desc: Statement by [REDACTED]

Exhibit Label: CG-4

Evidence Desc: Maersk Answer to Subpoena dated 28 Feb, 2007. Due to size of documents all records keep at Sector North Carolina.

Exhibit Label: CG-5

Evidence Desc: [REDACTED] revised Statement

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

4th Charge

Law or Regulation Cite	46 CFR 5.33
Description	Violation of law or regulation
Statutory Authority	46 USC § 7703(1)(A)
Max Penalty	\$
Recommended Penalty:	\$0
Date of the Violation	12 Feb 2002
Location	Aboard Vessel: SEALAND ACHIEVER: Atlantic Ocean

Details of the Violation

Jurisdictional Elements

PARTY: Any person acting under the authority of a CG issued License, Certificate and/or Merchant Mariners Document.

1. Respondent's address is as follows:

[REDACTED]
[REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

2. Respondent holds the following Coast Guard-issued credential(s):

U.S. Merchant Mariner License: # [REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

3. Respondent acted under the authority of that license, certificate or document, on 02/25/2002 by:
serving as Chief Mate aboard the vessel SEALAND ACHIEVER as required by law or regulation.

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

Factual Elements

Factual Elements of the offense pertain to the ACT.

1. The Coast Guard alleges on February 12, 2002 while the M/V SEA LAND ACHIEVER was at sea, the Respondent knowingly caused the second mate, [REDACTED] [REDACTED] to engage in a sexual act by forcing her to have sexual intercourse.

Exhibit Label: CG-1

Evidence Desc: Statement by [REDACTED]

Exhibit Label: CG-4

Evidence Desc: Maersk Answer to Subpoena dated 28 Feb, 2007. Due to size of documents all records keep at Sector North Carolina.

Exhibit Label: CG-5

Evidence Desc: [REDACTED] revised Statement

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Evidence Desc: Copy of MMLD and Lic

5th Charge

Law or Regulation Cite	46 CFR 5.33
Description	Violation of law or regulation
Statutory Authority	46 USC § 7703(1)(A)
Max Penalty	\$
Recommended Penalty:	\$0
Date of the Violation	13 Feb 2002
Location	Aboard Vessel: SEALAND ACHIEVER: Atlantic Ocean

Details of the Violation

Jurisdictional Elements

PARTY: Any person acting under the authority of a CG issued License, Certificate and/or Merchant Mariners Document.

1. Respondent's address is as follows:

[REDACTED]
[REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

2. Respondent holds the following Coast Guard-issued credential(s):

U.S. Merchant Mariner License: # [REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

3. Respondent acted under the authority of that license, certificate or document, on 02/25/2002 by:

 serving as Chief Mate aboard the vessel SEALAND ACHIEVER as required by law or regulation.

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

Factual Elements

Factual Elements of the offense pertain to the ACT.

1. The Coast Guard alleges on February 13, 2002 while the M/V SEA LAND ACHIEVER was moored in the port of Rotterdam, NL, the Respondent knowingly caused the second mate, [REDACTED] [REDACTED] to engage in a sexual act by forcing her to perform fellatio.

Exhibit Label: CG-1

Evidence Desc: Statement by [REDACTED]

Exhibit Label: CG-4

Evidence Desc: Maersk Answer to Subpoena dated 28 Feb, 2007. Due to size of documents all records keep at Sector North Carolina.

Exhibit Label: CG-5

Evidence Desc: [REDACTED] revised Statement

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Evidence Desc: Copy of MMLD and Lic

6th Charge

Law or Regulation Cite	46 CFR 5.33
Description	Violation of law or regulation
Statutory Authority	46 USC § 7703(1)(A)
Max Penalty	\$
Recommended Penalty:	\$0
Date of the Violation	20 Feb 2002
Location	Aboard Vessel: SEALAND ACHIEVER: Atlantic Ocean

Details of the Violation

Jurisdictional Elements

PARTY: Any person acting under the authority of a CG issued License, Certificate and/or Merchant Mariners Document.

1. Respondent's address is as follows:

[REDACTED]
[REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

2. Respondent holds the following Coast Guard-issued credential(s):

U.S. Merchant Mariner License: # [REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

3. Respondent acted under the authority of that license, certificate or document, on 02/25/2002 by:

 serving as Chief Mate aboard the vessel SEALAND ACHIEVER as required by law or regulation.

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

Factual Elements

Factual Elements of the offense pertain to the ACT.

1. The Coast Guard alleges between February 20, 2002 while the M/V SEA LAND ACHIEVER was at sea, the Respondent knowingly caused the second mate, [REDACTED] [REDACTED] to engage in a sexual act by forcefully sodomizing her.

Exhibit Label: CG-1

Evidence Desc: Statement by [REDACTED]

Exhibit Label: CG-4

Evidence Desc: Maersk Answer to Subpoena dated 28 Feb, 2007. Due to size of documents all records keep at Sector North Carolina.

Exhibit Label: CG-5

Evidence Desc: [REDACTED] revised Statement

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Evidence Desc: Copy of MMLD and Lic

7th Charge

Law or Regulation Cite	46 CFR 5.27
Description	Misconduct
Statutory Authority	46 USC § 7703(1)(B)
Max Penalty	\$
Recommended Penalty:	\$0
Date of the Violation	21 Feb 2002
Location	Aboard Vessel: SEALAND ACHIEVER: Atlantic Ocean

Details of the Violation**Jurisdictional Elements**

PARTY: Any person acting under the authority of a CG issued License, Certificate and/or Merchant Mariners Document.

1. Respondent's address is as follows:

[REDACTED]
[REDACTED]

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

2. Respondent holds the following Coast Guard-issued credential(s):

U.S. Merchant Mariner License: # [REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

3. Respondent acted under the authority of that license, certificate or document, on 02/25/2002 by:

 serving as Chief Mate aboard the vessel SEALAND ACHIEVER as required by law or regulation.

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

Factual Elements

Factual Elements of the offense pertain to the ACT.

1. The Coast Guard alleges that on or about 21 Feb 2002 while the M/V SEA LAND ACHIEVER was at sea, the Respondent, wrongfully violated the sexual harassment law by waging a bet with the deck cadet, [REDACTED] [REDACTED] to sleep with the second mate, [REDACTED] [REDACTED]

Exhibit Label: CG-1

Evidence Desc: Statement by [REDACTED]

Exhibit Label: CG-4

Evidence Desc: Maersk Answer to Subpoena dated 28 Feb, 2007. Due to size of documents all records keep at Sector North Carolina.

Exhibit Label: CG-5

Evidence Desc: [REDACTED] revised Statement

Exhibit Label: CG-6

Evidence Desc: [REDACTED] Statement

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Evidence Desc: Copy of MMLD and Lic

8th Charge

Law or Regulation Cite	46 CFR 5.27
Description	Misconduct
Statutory Authority	46 USC § 7703(1)(B)
Max Penalty	\$
Recommended Penalty:	\$0
Date of the Violation	31 Oct 2002
Location	Location Unknown

Details of the Violation

Jurisdictional Elements

PARTY: Any person acting under the authority of a CG issued License, Certificate and/or Merchant Mariners Document.

1. Respondent's address is as follows:

[REDACTED]
[REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

2. Respondent holds the following Coast Guard-issued credential(s):

U.S. Merchant Mariner License: # [REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

3. Respondent acted under the authority of that license, certificate or document, on 02/25/2002 by:

 serving as Chief Mate aboard the vessel SEALAND ACHIEVER as required by law or regulation.

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

Factual Elements

Factual Elements of the offense pertain to the ACT.

1. The Coast Guard alleges that between 31 Oct 2002 and 16 Dec 2002 while the M/V SEA LAND ACHIEVER was at sea, the Respondent wrongfully violated the sexual harassment law by directing lewd and lascivious comments towards the deck cadet, [REDACTED] [REDACTED] creating a hostile work environment.

Exhibit Label: CG-4

Evidence Desc: Maersk Answer to Subpoena dated 28 Feb, 2007. Due to size of documents all records keep at Sector North Carolina.

Exhibit Label: CG-7

Evidence Desc: [REDACTED] Statement

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

9th Charge

Law or Regulation Cite	46 CFR 5.27
Description	Misconduct
Statutory Authority	46 USC § 7703(1)(B)
Max Penalty	\$
Recommended Penalty:	\$0
Date of the Violation	28 Jul 2005
Location	Aboard Vessel: SEALAND ACHIEVER: Atlantic Ocean

Details of the Violation

Jurisdictional Elements

PARTY: Any person acting under the authority of a CG issued License, Certificate and/or Merchant Mariners Document.

1. Respondent's address is as follows:

[REDACTED]
[REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

2. Respondent holds the following Coast Guard-issued credential(s):

U.S. Merchant Mariner License: # [REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

3. Respondent acted under the authority of that license, certificate or document, on 07/12/2005 by:

 serving as Chief Mate aboard the vessel SEALAND ACHIEVER as required by law or regulation.

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

Factual Elements

Factual Elements of the offense pertain to the ACT.

1. The Coast Guard alleges that on or about 28 July 2005 While M/V SEA LAND ACHIEVER was at sea, Respondent wrongfully had intoxicating beverages in his possession.

Exhibit Label: CG-3

Evidence Desc: Sealand Achiever Deck log book covering July 01, 2005 thru Sep 05, 2005. Copy of log book held at Sector North Carolina unable to scan into MISLE due to size of paper 14 x 24.

Exhibit Label: CG-4

Evidence Desc: Maersk Answer to Subpoena dated 28 Feb, 2007. Due to size of documents all records keep at Sector North Carolina.

Exhibit Label: CG-6

Evidence Desc: [REDACTED] Statement

Exhibit Label: CG-7

Evidence Desc: [REDACTED] Statement

Exhibit Label: CG-8

Evidence Desc: [REDACTED] Statement

Exhibit Label: CG-9

Evidence Desc: [REDACTED] Statement

Exhibit Label: CG-10

Evidence Desc: [REDACTED] Statement

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

2. Possession of alcoholic beverages are prohibited by MAERSK LINE LIMITED Shipping Policy which specifically warns crewmembers of having or bringing onboard alcohol. A violation of MAERSK LINE LIMITED Shipping Policy: Drug and Alcohol Policy.

Exhibit Label: CG-3

Evidence Desc: Sealand Achiever Deck log book covering July 01, 2005 thru Sep 05, 2005. Copy of log book held at Sector North Carolina unable to scan into MISLE due to size of paper 14 x 24.

Exhibit Label: CG-4

Evidence Desc: Maersk Answer to Subpoena dated 28 Feb, 2007. Due to size of documents all records keep at Sector North Carolina.

Exhibit Label: CG-6

Evidence Desc: [REDACTED] Statement

Exhibit Label: CG-7

Evidence Desc: [REDACTED] Statement

Exhibit Label: CG-8

Evidence Desc: [REDACTED] Statement

Exhibit Label: CG-9

Evidence Desc: [REDACTED] Statement

Exhibit Label: CG-10

Evidence Desc: [REDACTED] Statement

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

10th Charge

Law or Regulation Cite	46 CFR 5.27
Description	Misconduct
Statutory Authority	46 USC § 7703(1)(B)
Max Penalty	\$
Recommended Penalty:	\$0
Date of the Violation	20 Aug 2005
Location	Aboard Vessel: SEALAND ACHIEVER: Atlantic Ocean

Details of the Violation

Jurisdictional Elements

PARTY: Any person acting under the authority of a CG issued License, Certificate and/or Merchant Mariners Document.

1. Respondent's address is as follows:

[REDACTED]
[REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

2. Respondent holds the following Coast Guard-issued credential(s):

U.S. Merchant Mariner License: # [REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

3. Respondent acted under the authority of that license, certificate or document, on 07/12/2005 by:

 serving as Chief Mate aboard the vessel SEALAND ACHIEVER as required by law or regulation.

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

Factual Elements

Factual Elements of the offense pertain to the ACT.

1. The Coast Guard alleges that on or about 20 Aug 2005 while the M/V SEA LAND ACHIEVER was at sea, the Respondent wrongfully violated MAERSK LINE LIMITED Shipping sexual harassment policy and law by using the ship's master key to enter the locked cabin of the engine cadet [REDACTED] [REDACTED] while she was sleeping in attempt to solicit and engage in sexual acts.

Exhibit Label: CG-3

Evidence Desc: Sealand Achiever Deck log book covering July 01, 2005 thru Sep 05, 2005. Copy of log book held at Sector North Carolina unable to scan into MISLE due to size of paper 14 x 24.

Exhibit Label: CG-4

Evidence Desc: Maersk Answer to Subpoena dated 28 Feb, 2007. Due to size of documents all records keep at Sector North Carolina.

Exhibit Label: CG-8

Evidence Desc: [REDACTED] Statement

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

2. Wrongfully violated MAERSK LINE LIMITED Shipping sexual harassment policy and law by directing lewd and lascivious comments towards the female engine cadet, [REDACTED] [REDACTED] creating a hostile work environment.

Exhibit Label: CG-3

Evidence Desc: Sealand Achiever Deck log book covering July 01, 2005 thru Sep 05, 2005. Copy of log book held at Sector North Carolina unable to scan into MISLE due to size of paper 14 x 24.

Exhibit Label: CG-4

Evidence Desc: Maersk Answer to Subpoena dated 28 Feb, 2007. Due to size of documents all records keep at Sector North Carolina.

Exhibit Label: CG-8

Evidence Desc: [REDACTED] Statement

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

11th Charge

Law or Regulation Cite	46 CFR 5.27
Description	Misconduct
Statutory Authority	46 USC § 7703(1)(B)
Max Penalty	\$
Recommended Penalty:	\$0
Date of the Violation	20 Aug 2005
Location	Aboard Vessel: SEALAND ACHIEVER: Atlantic Ocean

Details of the Violation

Jurisdictional Elements

PARTY: Any person acting under the authority of a CG issued License, Certificate and/or Merchant Mariners Document.

1. Respondent's address is as follows:

[REDACTED]
[REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

2. Respondent holds the following Coast Guard-issued credential(s):

U.S. Merchant Mariner License: # [REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

3. Respondent acted under the authority of that license, certificate or document, on 07/12/2005 by:

 serving as Chief Mate aboard the vessel SEALAND ACHIEVER as required by law or regulation.

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

Factual Elements

Factual Elements of the offense pertain to the ACT.

1. The Coast Guard alleges that on or about 20 Aug 2005 while the M/V SEA LAND ACHIEVER was at sea, the Respondent wrongfully violated MAERSK LINE LIMITED Shipping sexual harassment policy and law by directing lewd and lascivious comments towards the deck cadet, [REDACTED] [REDACTED] creating a hostile work environment.

Exhibit Label: CG-3

Evidence Desc: Sealand Achiever Deck log book covering July 01, 2005 thru Sep 05, 2005. Copy of log book held at Sector North Carolina unable to scan into MISLE due to size of paper 14 x 24.

Exhibit Label: CG-4

Evidence Desc: Maersk Answer to Subpoena dated 28 Feb, 2007. Due to size of documents all records keep at Sector North Carolina.

Exhibit Label: CG-9

Evidence Desc: [REDACTED] Statement

Exhibit Label: CG-12

USCG vs [REDACTED] [REDACTED] [REDACTED] Activity # 3113755 Docket 2007-0075

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

12th Charge

Law or Regulation Cite	46 CFR 5.27
Description	Misconduct
Statutory Authority	46 USC § 7703(1)(B)
Max Penalty	\$
Recommended Penalty:	\$0
Date of the Violation	26 Oct 2006
Location	Aboard Vessel: SEALAND ACHIEVER: Atlantic Ocean

Details of the Violation

Jurisdictional Elements

PARTY: Any person acting under the authority of a CG issued License, Certificate and/or Merchant Mariners Document.

1. Respondent's address is as follows:

[REDACTED]
[REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

2. Respondent holds the following Coast Guard-issued credential(s):

U.S. Merchant Mariner License: # [REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

3. Respondent acted under the authority of that license, certificate or document, on 07/12/2005 by:

 serving as Chief Mate aboard the vessel SEALAND ACHIEVER as required by law or regulation.

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

Factual Elements

Factual Elements of the offense pertain to the ACT.

1. The Coast Guard alleges that on or about 26 October 2006 through 17 November 2006, while the M/V SEA LAND ACHIEVER was at sea, the Respondent wrongfully violated MAERSK LINE LIMITED Shipping sexual harassment policy and law by creating a hostile work environment after the second mate, Ms. [REDACTED] [REDACTED] declined romantic advances.

Exhibit Label: CG-4

Evidence Desc: Maersk Answer to Subpoena dated 28 Feb, 2007. Due to size of documents all records keep at Sector North Carolina.

Exhibit Label: CG-10

Evidence Desc: [REDACTED] Statement

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

13th Charge

Law or Regulation Cite	46 CFR 5.33
Description	Violation of law or regulation
Statutory Authority	46 USC § 7703(1)(A)
Max Penalty	\$
Recommended Penalty:	\$0
Date of the Violation	28 Nov 2006
Location	Location Unknown

Details of the Violation

Jurisdictional Elements

PARTY: Any person acting under the authority of a CG issued License, Certificate and/or Merchant Mariners Document.

1. Respondent's address is as follows:

[REDACTED]
[REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

2. Respondent holds the following Coast Guard-issued credential(s):

U.S. Merchant Mariner License: # [REDACTED]

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

3. Respondent acted under the authority of that license, certificate or document, on 07/12/2005 by:

 serving as Chief Mate aboard the vessel SEALAND ACHIEVER as required by law or regulation.

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

Factual Elements

Factual Elements of the offense pertain to the ACT.

1. The Coast Guard states on 28 Nov 2006, the Respondent was in the State of North Carolina, Transylvania County found guilty of Driving while Impaired. Respondent drivers licensed was suspended for one year. As proven by Transylvania County Court

Superior Case number 06CR051354

Exhibit Label: CG-11

Evidence Desc: Proof of DUI conviction.

Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

The Coast Guard has introduced the following exhibits:

1. Exhibit Label: CG-2

Evidence Desc: Settlement agreement

Exhibit Desc:

2. Exhibit Label: CG-3

Evidence Desc: Sealand Achiever Deck log book covering July 01, 2005 thru Sep 05, 2005. Copy of log book held at Sector North Carolina unable to scan into MISLE due to size of paper 14 x 24.

Exhibit Desc:

3. Exhibit Label: CG-4

Evidence Desc: Maersk Answer to Subpoena dated 28 Feb, 2007. Due to size of documents all records keep at Sector North Carolina.

Exhibit Desc:

4. Exhibit Label: CG-5

Evidence Desc: [REDACTED] revised Statement

Exhibit Desc:

5. Exhibit Label: CG-6

Evidence Desc: [REDACTED] Statement

Exhibit Desc:

6. Exhibit Label: CG-7

Evidence Desc: [REDACTED] Statement

Exhibit Desc:

7. Exhibit Label: CG-8

Evidence Desc: [REDACTED] Statement

Exhibit Desc:

8. Exhibit Label: CG-9

Evidence Desc: [REDACTED] Statement

Exhibit Desc:

9. Exhibit Label: CG-10

Evidence Desc: [REDACTED] Statement

Exhibit Desc:

10. Exhibit Label: CG-11

Evidence Desc: Proof of DUI conviction.

Exhibit Desc:

11. Exhibit Label: CG-12

Evidence Desc: Letter from NVDC Proof of Sea Land Achiever U.S. Flag

Exhibit Desc:

12. Exhibit Label: CG-13

Evidence Desc: Copy of MMLD and Lic

Exhibit Desc:

13. Exhibit Label: CG-1

Evidence Desc: Statement by [REDACTED]

Exhibit Desc:

