

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
UNITED STATES COAST GUARD

UNITED STATES OF AMERICA  
UNITED STATES COAST GUARD  
COMPLAINANT,

vs.

License No. 852535

and

Merchant Mariner's Document  
No. 435 92 9316

Issued to:  
WAYNE ANTHONY SAVOIE  
Respondent

Docket No. 00-0809  
PA No. 00002177

DECISION AND ORDER

Before: Archie R. Boggs  
Administrative Law Judge

PRELIMINARY STATEMENT

This proceeding is brought pursuant to the authority contained in 5 USC 551-559; 46 USC Chapter 77; 46 Code of Federal Regulations, Parts 5 and 16; and 33 CFR Part 20.

Wayne Anthony Savoie was served with a Complaint by a United States Coast Guard Investigating Officer on 1 December 2000.

The Complaint states that "under the statutory authority of 46 USC 7702(d) and the regulations in 33 CFR Part 20, sub-part L, the Coast Guard is temporarily suspending and taking possession of your license, certificate and/or merchant mariner's document (MMD) on 1 December 2000." The Complaint further advised Mr. Savoie that "your answer to this Complaint will be filed at a pre-hearing conference to be scheduled by the Administrative Law Judge as soon as possible."

A telephone pre-hearing conference was held on 7 December 2000 between the Administrative Law Judge, the Investigating Officer, and Mr. Savoie.

The telephone conference resulted in the Respondent admitting the jurisdictional and factual allegations in the Complaint. However, he requested a hearing on the proposed order.

The jurisdictional allegations were that the Respondent holds license No. 852535 and merchant mariner's document No. 435 92 9316. The Complaint further states that "Respondent performs a safety sensitive function when acting under the authority of that license, certificate or document by serving as Master aboard the vessel Offshore Monarch as required by law or regulation," and that there is probable cause to believe that the Respondent "has been convicted of an offense that would prevent the issuance or renewal of the license, certificate or document."

On 6 December 2000 the Investigating Officer amended the Complaint with the following factual allegations.

"The Coast Guard alleges that:

1. On January 12, 1996, the Respondent, Wayne Anthony Savoie was charged with and was subsequently convicted of Possession of cocaine, by the 17<sup>th</sup> Judicial District Court, Lafourche Parish, LA
2. On October 25, 1999, the Respondent, was charged with and was subsequently convicted of Attempted Possession of cocaine, by the 16<sup>th</sup> Judicial District Court, St. Mary Parish, LA
3. Respondent was the holder of a U.S. Coast Guard License and MMD.
4. As the Master of the M/V Offshore Monarch the Respondent holds a safety sensitive position.
5. Respondent committed fraud on or about May 15, 2000, when applying for renewal of his Merchant Mariner's Document. He stated that he had not been convicted by any court, other than (sic) minor traffic violations.
6. Respondent committed fraud on or about April 28, 1998, when applying for renewal of his U.S. Coast Guard License. He stated that he had not been convicted by any court, other than minor traffic.

A hearing was held at Morgan City on 21 December 2000.

Even though the Respondent admitted the allegations of the Complaint in order that the record would be complete the Investigating Officer introduced in evidence seven (7) exhibits.

I.O. Exhibit No. 1 – a Coast Guard license No. 852535, which was issued to Wayne A. Savoie and which authorized him to serve as Master of steam or motor vessels of not more than 1600 gross tons; and also a merchant mariner's document issued to Mr. Savoie which bears his social security number and an expiration date of 07/17/2005.

I.O. Exhibit No. 2 – a letter from LTJG Hahn addressed to Mr. Savoie, together with an amended Complaint and affidavit.

I.O. Exhibit No. 3 – a true copy of an information for possession of cocaine in a matter entitled 17<sup>th</sup> Judicial Court, Parish of Lafourche, State of Louisiana vs. Wayne A. Savoie and the minutes of the Court in that matter.

I.O. Exhibit No. 4 – a copy of extracts of minutes of the 16<sup>th</sup> Judicial Court, Parish of St. Mary, State of Louisiana, which charged Mr. Savoie with attempted possession of cocaine. Mr. Savoie pled guilty and was ordered imprisoned for two years which was suspended and the defendant was placed on supervised probation for two years.

I.O. Exhibit No. 5 – an application for renewal of a merchant mariner's document for Mr. Savoie with an expiration date of 7/17/05.

I.O. Exhibit No. 6 – is an application for renewal of a Master's ocean license and OUTV for Great Lakes and Inland Waters.

I.O. Exhibit No. 7 – a letter dated December 5, 2000 to LTJG John Hahn from Captain Louis Ledet of Offshore Specialty Fabricators, Inc. which shows that Mr. Savoie was employed by his company from April 15, 1997 through November 7, 2000.

The evidence clearly supports the Complaint.

Mr. Savoie testified in an effort to persuade the Administrative Law Judge that his license and merchant mariner's document should not be revoked. He described himself as a "recovering drug addict" and he claimed to be very active in Alcoholics Anonymous and Narcotics Anonymous.

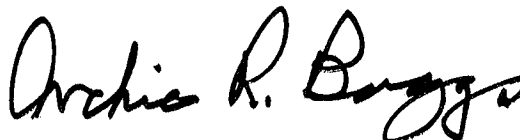
46 USC 7704 (b) provides as follows:

“If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner’s document issued under this part, within 10 years before the beginning of the proceedings, has been convicted of violating a dangerous drug law of the United States or of a state, the license, certificate, or document shall be revoked.”

ORDER

That License No. 852535 and Merchant Mariner’s Document No. 435 92 9316, and all other valid licenses, documents and certificates of service issued to you by the United States Coast Guard, or any predecessor authority, now held by you, be and the same are hereby Revoked.

The procedure for Appeal is attached.



ARCHIE R. BOGGS  
ADMINISTRATIVE LAW JUDGE

Dated: 14 February 2001  
New Orleans, Louisiana