

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
UNITED STATES COAST GUARD

UNITED STATES OF AMERICA  
UNITED STATES COAST GUARD

vs.

**EDWIN TURBEVILLE,**

**Respondent**

Docket No. 01-0385

Case No. PA01000896

**DECISION AND ORDER**

**BEFORE:**

**JOSEPH N. INGOLIA**  
**Chief Administrative Law Judge**  
Baltimore, Maryland

**APPEARANCES:**

FOR THE COAST GUARD  
LCDR Mark E. Hammond,  
PO James Gilchrist  
2401 Hawkins Point Road  
Baltimore, MD 21226

FOR THE RESPONDENT  
Michael Lentz, Esq. And  
John Bourgeois, Esq.  
One South Street  
Suite 2600  
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## I. PRELIMINARY STATEMENT

The United States Coast Guard ("Coast Guard") initiated this administrative action to revoke Merchant Mariner's Document Number 248748509 issued to Respondent Edwin Turbeville. This action was brought pursuant to the legal authority contained in 46 U.S.C. § 7704(c) and the underlying regulations codified at 46 C.F.R. Parts 5 and 16. The Coast Guard issued a complaint on May 16, 2001, which charged Respondent Turbeville with use of or addiction to dangerous drugs because he tested positive for Tetrahydrocannabinols or THC metabolites (i.e., marijuana metabolite) on March 22, 2001 during a random drug test.

Respondent Turbeville filed an answer to the Coast Guard's complaint and requested a hearing. Respondent admitted all jurisdictional allegations contained in the complaint and denied all factual allegations in the complaint. The hearing was initially set for August 14, 2001. Pursuant to the Coast Guard's unopposed Motion For Continuance, the proceeding was continued and rescheduled for October 2, 2001. During a pre-hearing conference on September 25, 2001, Respondent's counsel moved for a continuance. The hearing was rescheduled for October 30, 2001.

The hearing convened on October 30, 2001 in Baltimore, Maryland before the Honorable Joseph N. Ingolia, Chief Administrative Law Judge of the United States Coast Guard. The hearing was conducted in accordance with the Administrative Procedure Act, as amended and codified at 5 U.S.C. §§ 551-559, and Coast Guard procedural regulations located at 33 C.F.R. Part 20.

LCDR Mark E. Hammond and PO James Gilchrist represented the United States Coast Guard. Michael Lentz, Esq. and John Bourgeois, Esq. represented Respondent Turbeville, who appeared at the hearing.

A total of seven witnesses, including Respondent Turbeville, testified at this hearing. The Coast Guard introduced five exhibits into evidence. The Respondent introduced seven exhibits into evidence.

## II. FINDINGS OF FACT

1. Respondent Turbeville holds Merchant Mariner Document No. 248748509, authorizing him to serve as an Able Bodied Seaman Unlimited. (*Transcript at 132-133*).
2. Respondent Turbeville took a random urinalysis on 22 March 2001, while serving aboard the M/V DELAWARE BAY, while the vessel was moored at Port Newark, NJ. (*Joint Exhibit 1, paragraph 2*).
3. Respondent Turbeville provided his urine specimen to a collector during the 22 March 2001 random urinalysis. The collector, Ms. Phyllis Cheezum of Riverview Paramedical (now known as Riverview Mobile Specimen Collections), collected and documented the collection of Respondent's urine specimen on a Federal Drug Testing Custody and Control Form ("FDTCCF") pursuant to the provisions of 49 C.F.R. Part 40. (*Joint Exhibit 1, paragraph 3*).
4. Respondent Turbeville's urine specimen was assigned Specimen ID Number A-12964487. (*Joint Exhibit 1, paragraph 4*).

5. The address listed in step 5 on the FDTCCF is the physical address of the collector's business and not the physical location of the site at which the actual specimen collection on 22 March 2001 took place. (*Joint Exhibit 1, paragraph 5*).
6. Respondent Turbeville signed the FDTCCF in the presence of the collector. (*Joint Exhibit 1, paragraph 6*).
7. By signing the FDTCCF Respondent Turbeville certified that the urine specimen he provided had not been adulterated in any manner and that the specimen had been sealed with a tamper-evident seal in his presence. He also certified that the Specimen ID Number on the tamper-evident seal placed on the collected urine specimen was the same as the Specimen ID Number on the FDTCCF. (*Joint Exhibit 1, paragraph 7*).
8. Respondent Turbeville's urine specimen was properly prepared for shipment and shipped to the lab, Quest Diagnostics, Inc., in San Diego, California, for analysis. (*Joint Exhibit 1, paragraph 9*).
9. M. Ratliff at Quest Diagnostics, Inc. received Respondent's urine specimen on March 23, 2001 and insured that the specimen was received intact – with no evidence of tampering. (*Transcript at 75, 96; IO Exhibit 2, Attachment 5, p. 2; Joint Exhibit 1, paragraph 10*).
10. Accession number S0267489220 was assigned to the Respondent's urine specimen, which bore Specimen ID Number A-12964487. (*Joint Exhibit 1, paragraph 11*).
11. Thereafter, M. Ratliff transferred the urine specimen to temporary storage. (*Transcript at 96; IO Exhibit 2, Attachment 5, p. 2*).
12. Michelle Biltz took Respondent's specimen from temporary storage and prepared the specimen for testing. (*Transcript at 98; IO Exhibit 2, Attachment 5, p. 2*).

13. Michelle Biltz pipetted an aliquot from Respondent's original specimen. (*Transcript at 98*).
14. The aliquot of Respondent's urine specimen was one in a batch of 34 other aliquots prepared by Ms. Biltz for testing. (*Transcript at 98, 102; IO Exhibit 2, Attachment 5, p. 1*).
15. Respondent's specimen was initially screened for the presence of dangerous drugs on March 23, 2001. (*Transcript at 71*).
16. Trina Estoesta received the batch prepared by Ms. Biltz and transferred the batch to screening. (*Transcript at 100; IO Exhibit 2, Attachment 5, p.2*).
17. An initial screening of the aliquot of Respondent's specimen using the enzyme immunoassay method produced a positive result for the presence of THC. (*Transcript at 71; IO Exhibit 2, Attachment 4*).
18. The gas chromatography/mass spectrometry ("GC/MS") test confirmed the positive result for THC with a level of 26.50 nanograms. The cut off level for THC metabolites is 15 nanograms. (*Transcript at 92*).
19. M. Partido received Respondent's aliquot from the forensic room and then transferred the aliquot to temporary storage and later disposed of the screening aliquot. (*IO Exhibit 2, Attachment 5, p. 4*).
20. Ms. Joan Zou, who has worked at Quest as a certifying scientist for 6 years, certified that the Respondent's urine specimen was positive for THC and sent the report to the Medical Review Officer ("MRO"). (*Transcript at 77-78, 96*).
21. The MRO, Dr. Timothy McCormick, interviewed Respondent Turbeville regarding the results of his urinalysis. (*Joint Exhibit 1, paragraph 13*).

22. During the interview, Respondent Turbeville never told the MRO that he took hemp products even though the MRO provided him with ample opportunity to explain the positive test results for THC metabolite. (*Transcript at 43*).
23. During Respondent Turbeville's interview with the MRO, Respondent Turbeville requested a re-test of the specimen at a DOT approved laboratory of his choosing. (*Joint Exhibit 1, paragraph 13*).
24. Quest forwarded Respondent's urine specimen to American Medical Laboratories ("AML"). (*Transcript at 104*).
25. AML received, properly documented and complied with chain of custody requirements regarding Respondent Turbeville's urine specimen. (*Joint Exhibit 1, paragraph 15*).
26. AML found the specimen to be positive for Cannabinoids as Carboxy—THC. (*Joint Exhibit 1, paragraph 16*).
27. During these proceedings, Respondent claimed that the positive test result for THC is attributed to his use of hemp products, including hemp seeds, oils, nuts and capsules, while on board the M/V DELAWARE BAY. (*Entire Transcript*).
28. Respondent testified that he brought on board the M/V DELAWARE BAY: 4 twelve ounce bottles of Galaxy Global Eatery hemp oil; 2 smaller bottles of Galaxy Global Eatery hemp oil; 3 twelve ounce packages of Galaxy Global Eatery hemp nuts; 2 smaller cans of nuts; a bottle Spectrum cold pressed hemp oil capsules and hemp seeds. (*Transcript at 210; Respondent's Exhibits B through E*).<sup>1</sup>

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<sup>1</sup> During the hearing Respondent testified that the package of Galaxy Global Eatery hemp nuts contained 16 ounces of hemp nuts. However, the package indicates that it contains 12 ounces of hemp nuts. (*Respondent's Exhibit C*).

29. Respondent did not store any hemp products in any refrigerator aboard the M/V DELAWARE BAY. (*Joint Exhibit 1, paragraph 19*).
30. During the hearing, Respondent did not present any witnesses who saw him ingest hemp products during his voyage aboard the M/V DELAWARE BAY.
31. Respondent testified that he had a bag of hemp nuts, hemp seeds, a bottle of hemp oil and one container of capsules remaining after his three-month voyage aboard the M/V DELAWARE BAY. (*Transcript at 212; Respondent's Exhibits B-E*).
32. Respondent also testified that he ingested three to four tablespoons of hemp oil a day. (*Transcript at 157*).
33. Respondent testified that he ingested 18–20 hemp oil capsules daily and he ate the hemp nuts out of their containers. (*Transcript at 158, 213*).
34. Respondent also testified that he stopped using any hemp products twenty-five days after his three-month voyage aboard the M/V DELAWARE BAY. (*Transcript at 216*).
35. Respondent's bottle of hemp oil allegedly leftover from his voyage is three-quarters full. (*Respondent's Exhibit B*).
36. There are also thirty-five hemp oil capsules allegedly remaining from Respondent's voyage. (*Transcript at 215; Respondent's Exhibit E*).
37. Respondent submitted aliquots of the hemp seed products that he claimed to have ingested to Elsohly Laboratories, Inc. in Oxford, Mississippi for testing. (*Joint Exhibit 1, paragraph 20*).

38. Elsohly Laboratories, Inc. received and tested the packaged aliquots of hemp seed products intact. All of the packaged aliquots were found positive for THC of varying levels. (*Joint Exhibit 1, paragraph 21*).

### III. ULTIMATE FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent Turbeville and the subject matter of this hearing are properly within the jurisdiction of the United States Coast Guard and the Administrative Law Judge in accordance with 46 U.S.C. §7704 (West Supp. 2001); 46 C.F.R. Parts 5 and 16 (2001); and 33 C.F.R. Part 20 (West 2001).

2. At all relevant times, respondent Turbeville held Merchant Marine Document No. 248748509, while serving as an able bodied unlimited seaman aboard the vessel M/V Delaware Bay from Mid-December 2000 through March 22, 2001. (*Transcript at 191, 175-176*).

3. The Respondent tested positive for THC, which creates the presumption that he is a drug user. 46 C.F.R. §16.350(a)(1).

4. The Respondent has failed to rebut the presumption that he is a drug user.

5. The charge of “**DANGEROUS DRUG USE**” against Respondent Turbeville is found PROVED by a preponderance of the reliable and credible evidence of record.

### IV. DISCUSSION

The purpose of a suspension and revocation proceeding is to protect lives and property at sea against actual and potential danger. See 46 U.S.C. 7701 (West Supp. 2000). A Coast Guard issued license or document is subject to revocation if the Coast Guard proves that the Respondent is a dangerous drug user by reliable, probative and substantial evidence. 46 U.S.C. § 7704(c).



The term “dangerous drug” means a controlled substance as defined in section 102 of the Comprehensive Drug Abuse and Control Act of 1970, codified in 21 U.S.C. § 802 (also referred to as the “Controlled Substance Act” or “CSA”). 46 C.F.R. § 16.105. Marijuana and its metabolite (i.e., Tetrahydrocannabinols or THC) are dangerous drugs. See 46 C.F.R. § 16.350(a)(1); 49 C.F.R. § 40.29. Under applicable Coast Guard regulations, an individual is presumed to be a user of dangerous drugs when a person fails a chemical test for dangerous drugs. 46 C.F.R. §16.201(b).

In order for this presumption to arise, the Coast Guard must prove: (1) that the Respondent was the person who was chemically tested for dangerous drugs; (2) that the Respondent failed the chemical test for dangerous drugs; and (3) that the test was conducted in accordance with 46 C.F.R. Part 16. See e.g. Appeal Decision 2603 (HACKSTAFF); Appeal Decision 2592 (MASON); Appeal Decision 2589 (MEYER). Once the Coast Guard establishes a prima facie case and the presumption arises, the burden shifts to the respondent to rebut the presumption. *Id.*; 33 C.F.R. § 20.703.

The Respondent’s defense must rebut the presumption of drug use by a preponderance of the evidence. 33 C.F.R. § 20.701; See Appeal Decision 2584 (SHAKESPEARE). If the Respondent fails to rebut the presumption, the ALJ may find the charge of use of a dangerous drug proved on the basis of the presumption alone. Appeal Decision 2603 (HACKSTAFF); Appeal Decision 2592 (MASON); Appeal Decision 2589 (MEYER).

In this case, the Coast Guard has established by a preponderance or reliable and credible evidence that the Respondent’s urine specimen tested positive for marijuana during a random drug test conducted on March 22, 2001. The Respondent stipulates to

certain facts surrounding the collection of his urine specimen. (*Joint Exhibit 1*). However, the Respondent argues that Quest Diagnostics, Inc. breached the chain of custody during the initial drug testing process and that the test results should be deemed invalid. The Respondent further argues that, since the initial test conducted by Quest is invalid, any subsequent confirmatory test conducted by AML should be disregarded. In addition, the Respondent has raised an affirmative defense, arguing that his prior use of hemp seed products caused the positive tests for marijuana.

#### **A. Chain of Custody**

The Respondent does not dispute the AML confirmatory drug test results, but he argues that the initial test conducted by Quest is invalid because there was a break in the chain of custody. More specifically, he points to page 2 of Attachment 5 of the Litigation Package, which indicates that an aliquot was pipetted from the Respondent's original urine specimen by Michelle Biltz and T. Estoesta transferred the aliquot to "screening." (*IO Exhibit 2*). The Respondent argues that since there is no indication that the urine sample passed directly from Biltz to Estoesta there is a break in the chain of custody, which serves to invalidate all test results. The Respondent's argument is without merit.

The parties in this case stipulated that the Respondent's urine sample was properly collected in accordance with U.S. Department of Transportation ("DOT") regulations; that the Respondent signed the custody and control form certifying that the specimen provided had not been adulterated or tampered with; and that the specimen was received at Quest intact and with no evidence of tampering. (*Joint Stipulation 1; Findings of Fact 3-11*). Mr. James Callies, Scientific Director of Quest, testified regarding the laboratory's handling of the Respondent's drug sample and described the

ultimate positive result in terms of the various specific readings that proved the basis of the final result. Mr. Callies testified that, in processing the Respondent's sample, Quest followed all DOT regulations. Mr. Callies further testified about the chain of custody and in doing so specifically identified the laboratory's handling of the specimens when it passed from the collector to the lab. He also traced the route taken through the lab until the matter was referred to the MRO by the lab. In his testimony, Mr. Callies validly concluded that in this case the chain of custody had not been broken and the requirements of the DOT regulations had been met. (*Transcript at 65-109; IO Exhibit 2*).

The Coast Guard also presented the testimony of Dr. Timothy McCormick, the MRO in this case. Dr. McCormick verified that the chain of custody in this case remained unbroken in satisfaction of the requirements of the DOT regulations. (*Transcript at 31-64; IO Exhibit 2*).

In support of his contention that lab technicians at Quest broke the chain of custody, the Respondent offered the testimony of Dr. Robert Simon, who testified as an expert witness. Dr. Simon testified that the chain of custody was broken because there is no direct transfer of the aliquot of Respondent's urine specimen from Michele Biltz to T. Estoesta. (See *Transcript at 257-271; I.O. Exhibit 2, attachment 5, p. 2*). Dr. Simon further testified that the handwriting after "Refer to" on the Specimen Transmittal Sheet is unreadable. *Id.*

A careful review of the Quest Diagnostics, Inc. Litigation Package demonstrates that Dr. Simon's testimony does not support the Respondents' allegation of a breach in the chain of custody for two reasons. First, an examination of the Load Lister Chain of Custody page in attachment 5 of the Litigation Package shows that Trina Estoesta

received the aliquot of Respondent's urine specimen from temporary storage and released the aliquot for screening from the forensic room where M. Partido ultimately received the aliquot. (*Id.*). Second, Dr. Simon mistakenly assumes that the handwriting after "Refer to" on the Specimen Transmittal Sheet represents the signature of a custodial person. (*Transcript at 259; IO Exhibit 2*). Rather, the handwriting refers to the Load Lister Chain of Custody page, from where the handling and transfer of the batch containing an aliquot of Respondent's urine specimen may be traced throughout the Quest Litigation Package. (*Transcript at 103*).

In view of the above, it is clear that there is no validity to the Respondent's argument that the chain of custody was broken by Quest lab personnel, which renders the subsequent positive test result for marijuana reported by AML invalid. The procedures followed by Quest not only satisfied the requirements of the DOT regulations, but there is no evidence in this record that the positive test result was in any way called into question. While Dr. Simon's opinion testimony as to what would be the proper maintenance of the chain of custody may or may not be a better process than the one employed by Quest, his opinion is immaterial in ultimately deciding this case. (*Transcript at 269-271*). The chain of custody used by Quest complies with the requirements of 49 C.F.R. § 40.29(a)(2) and is certainly adequate to warrant a holding that the chain of custody was not broken in this case.<sup>2</sup>

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<sup>2</sup> Under 49 C.F.R. § 40.29(a)(2):

Laboratories shall use chain of custody procedures to maintain control and accountability of specimens from receipt through completion of testing, reporting of results during storage, and continuing until final disposition of specimens. **The date and purpose shall be documented on an appropriate chain of custody form each time a specimen is handled or transferred and every individual in the chain shall be identified.** Accordingly, authorized technicians shall be responsible for each urine specimen or aliquot in their possession and shall sign and complete chain of custody forms for those specimens or aliquots as they are received.

## B. Use of Hemp Oil

The Respondent argues that his use of hemp products caused the positive test result for marijuana during the random urinalysis. In support of his argument, the Respondent relies on the expert testimony of Dr. Simon, some tests conducted by El Sohly Laboratories, Inc., and the testimony of a close personal friend, Ms. Donna Lee Stupski.

During the hearing, Dr. Simon testified, on direct examination, concerning El Sohly's laboratory results following analysis of the hemp products that Respondent Turbeville claimed to have consumed. (*Transcript at 277-280*). On cross-examination, Dr. Simon also testified about the "four decades of controversy" concerning the use of hemp oil products. (*Transcript at 282-312*). The gist of Dr. Simon's testimony is that he agrees with Dr. Mahoud A. El Sohly, whose laboratory analyzed the hemp products and Dr. Simon believes that hemp oil could produce a positive result in a drug test for marijuana. (*Transcript at 290*). However, Dr. Simon's testimony fell short of averring that the Respondent's claimed use of hemp oil products produced a positive test result in this case. (*Transcript at 287-293, 295-301, 307-311*). Dr. Simon's testimony was equivocal and inconclusive. Succinctly stated, Dr. Simon testified that in order to determine whether Respondent's claimed usage would produce a positive test result for marijuana, one must know Respondent's weight, metabolism, whether THC levels have built in his fat tissues, as well as other factors. *Id.* Dr. Simon did not possess any of the

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Although the term "appropriate chain of custody form" is neither defined by statute or regulation, there is no evidence that the chain of custody forms, including the Specimen Transmittal Sheet and Load Lister Chain of Custody form, used by Quest Diagnostics, Inc. – a Department of Health and Human Services certified drug testing laboratory - was inappropriate or otherwise not in compliance with DOT regulations.

information necessary to make a reliable and credible determination as to whether Respondent's use of hemp products produced the positive drug test result in this case.

Thus, Dr. Simon's expert testimony and conclusions of themselves are of little weight in this proceeding. See Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 597 (1993). During the hearing, Dr. Simon presented no study, test, or other reliable and probative evidence to support his contentions. As the 9<sup>th</sup> Circuit Court noted on remand in Daubert v. Merrell Dow Pharmaceuticals, an expert's bald, unadorned, assertions that the methodology they employed comports with standard scientific procedures is not enough. 43 F.3d 1311, 1319 (9<sup>th</sup> Cir. 1995), *certiorari denied* 516 U.S. 869 (1995). The "party offering [the expert testimony] must come forward with other objective, verifiable evidence that the testimony is based on "scientifically valid principles." *Id.* at 1318.

During the hearing, Ms. Stupski testified about Respondent Turbeville's use of hemp products. According to Ms. Stupski, she lives with the Respondent and served him hemp oil products in salads, pastas, cereal and used hemp nuts in muffins. (*Transcript at 314, 316-321, 323-328*). Ms. Stupski also testified about her own personal use of hemp products and stated that she has never tested positive for drugs during employer directed tests. (*Transcript at 328*). Her testimony establishes that the Respondent used hemp products but nothing more. She has no personal knowledge about Respondent Turbeville's possible use of hemp products during his three-month voyage aboard the M/V DELAWARE BAY. (*Transcript at 312-331*).

Mr. Turbeville testified that he first began using hemp products in the early part of the year 2000 after reading several articles and books in which nutritionists claimed

that hemp is a good source of omega-3 and omega-6 fatty acids. (*Transcript at 141-142*).

According to his testimony, he read Eating Well for Optimal Health and 8 Weeks to Optimal Health - both by Dr. Andrew Weil. (*Transcript at 204*). He stated that he brought the following hemp products on board the M/V DELAWARE BAY: four 12-ounce bottles of Galaxy Global Eatery hemp oil; 2 smaller bottles of Galaxy Global Eatery hemp oil; three 12-ounce packages of Galaxy Global Eatery nuts; 2 smaller cans of nuts; a bottle Spectrum cold pressed hemp oil capsules; and hemp seeds. (*Transcript at 201; Respondent's Exhibits B-E*). Mr. Turbeville further testified that while on board the M/V DELAWARE BAY, he ingested three to four tablespoons of hemp oil a day, took approximately 18-20 hemp oil capsules daily, and ate the hemp nuts straight out of its container. (*Transcript at 157-158, 213*). Moreover, Respondent Turbeville testified that after the completion of his three-month voyage on the M/V DELAWARE BAY he had a bag of hemp nuts, hemp seeds, a bottle of hemp oil and one container of capsules remaining. (*Transcript at 212; Respondent's Exhibits B-E*).

The Respondent's self-serving testimony is not credible. If he ingested 18-20 hemp oil capsules daily, as he testified, he should not have had any hemp oil capsules remaining from the three-month voyage on board the M/V DELAWARE BAY. Similarly, if he ingested three to four tablespoons of hemp oil a day - since two tablespoons equal one ounce - the Respondent should have finished all six bottles of hemp oil within the first two weeks of the voyage. In this case, the bottle of hemp oil allegedly remaining from the voyage is three quarters full. (*Respondent's Exhibit E*).

In addition to his own testimony other facts of record cast doubt on the Respondent's credibility. First of all, it is almost inconceivable that the Respondent who

is obviously an intelligent, observant person, would advise the MRO of the various items that he took, such as, vitamins, garlic, ginseng, ginkgo boloba, kava kava, Nyquil, aciodolphilicious, milk, St. John's Wort, Contact and Sudafed, and the Respondent would then fail to mention his use of hemp products. This is especially true given the fact that he has read literature on hemp products and allegedly brought hemp products on board the vessel during his three-month voyage. Second, the Respondent presented no witnesses during the hearing to corroborate that he brought and used hemp products while aboard the M/V DELAWARE BAY.

Finally, there are aspects of the Respondent's testimony that, at best, are misleading and inaccurate. He testified he did not know that hemp oil contained THC. (*Transcript at 199, 211*). However, the consumer information label on the bottle of cold pressed hemp oil capsules, which he claimed to have read, specifically lists THC as a main ingredient. (*Respondent's Exhibit E*). Further, on page 96 of Dr. Weil's book, Eating Well for Optimal Health, which the Respondent claims he read, the author specifically states that hemp is illegal.

## V. CONCLUSION

A careful review of the facts and circumstances in this case demonstrates that the Respondent violated 46 U.S.C. § 7704(c) and its underlying regulations by testing positive for marijuana metabolites following a random drug test conducted on March 22, 2001. The Respondent has not only failed to rebut the presumption of drug use in this case, but the preponderance of the evidence indicates that he was a drug user within the meaning of 46 U.S.C. 7704(c).

WHEREFORE,

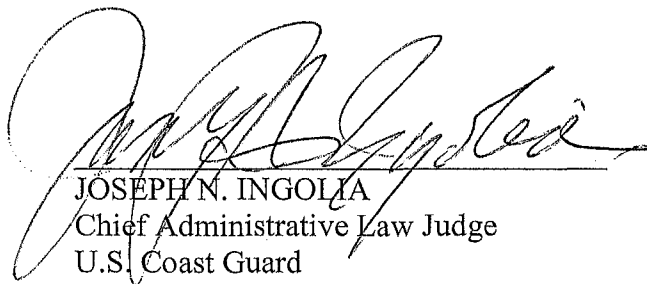


**VI. ORDER**

**IT IS HEREBY ORDERED** that the charge of user of dangerous drugs against Edwin Turbeville is **PROVED**, and it is further,

**ORDERED** that the Merchant Mariner's License, No. 248748509, issued to respondent is hereby **REVOKED**. Respondent is ordered to immediately surrender his Merchant Mariner 's License to the Investigating Officers at Activities in Baltimore, Maryland. It is hereby further,

**ORDERED** that the services of the Decision on the respondent's counsel will serve as notice to the respondent of his right to appeal, the procedure which is set forth in 33 C.F.R. 20.1001-20.1003.

  
JOSEPH N. INGOLIA  
Chief Administrative Law Judge  
U.S. Coast Guard

Dated this 22<sup>nd</sup> day of JANUARY 2002  
Baltimore, MD

Copy:

Activities Baltimore, Attn: Investigations Department  
Michael Lentz, Esq., Counsel for Respondent  
John Bourgeois, Esq., Counsel for Respondent