

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

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Complainant

vs.

JOHN BRANNON BAILEY

Respondent

**Docket Number: 2023-0185
Enforcement Activity Number: 7666854**

CONSENT ORDER APPROVING SETTLEMENT AGREEMENT

On June 2, 2023, the parties in this case submitted a Motion for Approval of Settlement Agreement and Entry of 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 fair and reasonable and in substantial compliance with the requirements of 33 C.F.R. § 20.502.¹

¹ The first row of the table in Paragraph Six of the Settlement Agreement states that if Respondent successfully completes the conditions, his Merchant Mariner Credential (MMC) will be suspended for the period of “outright deposit.” I note the term “outright deposit” does not appear in the statutes (46 U.S.C. §§ 7701 – 7706) or regulations (46 C.F.R. Part 5 and 33 C.F.R. Part 20) governing these proceedings, nor is the term found in binding Coast Guard precedent or policy. See Marine Safety Manual, Volume V, “Investigations and Enforcement,” COMDTINST M16000.10A (April 2008). While the parties may have intended to refer to an outright suspension of the MMC during the period of deposit, I do not find the term “outright deposit” causes confusion to render the Settlement Agreement ambiguous or worthy of rejection. See id. at Ch. 4, section E.4.a. (p. C4-57). Thus, I consider “outright deposit” to have the same meaning as “deposit.”

ORDER

Upon consideration of the record, it is hereby **ORDERED** that the Settlement Agreement is **APPROVED** in full and incorporated herein by reference. This Consent Order shall constitute full, final, and complete adjudication of this proceeding.

SO ORDERED.

Done and dated July 3, 2023
Baltimore, Maryland

A handwritten signature in black ink, reading "Lineka N. Quijano", written over a horizontal line.

**HON. LINEKA N. QUIJANO
UNITED STATES COAST GUARD
ADMINISTRATIVE LAW JUDGE**