

**UNITED STATES OF AMERICA  
U.S. DEPARTMENT OF HOMELAND SECURITY  
UNITED STATES COAST GUARD**

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**UNITED STATES COAST GUARD,**

**Complainant,**

**vs.**

**ROSCOE HUNTER WATTS,**

**Respondent.**

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**Docket Number 2023-0267  
Enforcement Activity Number 7647229**

**DEFAULT ORDER**

**Issued: September 21, 2023**

**By: Honorable Walter J. Brudzinski, Chief Administrative Law Judge**

**Appearances:**

**LT BOBBI JO ROBERTSON  
USCG Sector Mobile  
For the Coast Guard**

**ROSCOE HUNTER WATTS, *Pro se*  
For the Respondent**

## **ORDER GRANTING COAST GUARD'S MOTION FOR DEFAULT ORDER**

On or about April 25, 2023, the United States Coast Guard Sector Mobile (Coast Guard) issued a Complaint against ROSCOE HUNTER WATTS (Respondent) seeking to revoke his Merchant Mariner Credentials (MMC or credentials) for drug use, in violation of 46 U.S.C. § 7704(b) and 46 C.F.R. § 5.35.<sup>1</sup> Specifically, the Coast Guard alleges Respondent took a non-46 C.F.R. Part 16 drug test on November 30, 2022, in which his specimen tested positive for marijuana.

The Coast Guard filed its Return of Service for Complaint on July 18, 2023, indicating it served a copy of said Complaint to Respondent at his residence by FedEx express courier service. A person of suitable age and discretion residing at this address signed for the package on April 25, 2023.<sup>2</sup> As set forth in the Complaint, Respondent's Answer is due within 20 days of receipt in accordance with 33 C.F.R. § 20.308. Respondent's Answer was due no later than May 15, 2023.

To date, Respondent has neither filed an Answer nor requested an extension of time to file an Answer; therefore, the Coast Guard filed its Motion for Default Order (Default Motion) on August 8, 2023, requesting the Administrative Law Judge (ALJ) issue a Default Order against Respondent imposing the sanction asked for in the Complaint. The Coast Guard subsequently filed a Return of Service for the Default Motion showing it attempted to serve Respondent by FedEx express courier service at the address on record, but the delivery was refused. The FedEx Tracking Report shows there were several delivery attempts; thereafter, the shipment was refused by recipient and returned to shipper on August 15, 2023.

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<sup>1</sup> The Complaint is dated April 25, 2023, but the Certificate of Service for the Complaint is dated July 18, 2023.

<sup>2</sup> In its Return of Service for the Complaint, the Coast Guard states Respondent signed for the document. However, the Fed Ex Tracking Report shows "L Taranto" signed for the document.

Title 33 C.F.R. § 20.304(h) provides “[i]f a person refuses to accept delivery of any document or fails to claim a properly addressed document other than a complaint sent under this subpart, the Coast Guard considers the document served anyway. Service is valid at the date and the time of mailing, of deposit with a contract service or express-courier service, or of refusal to accept delivery.” Therefore, service of the Coast Guard’s Default Motion became valid on August 9, 2023, the date the package was deposited with FedEx.

On September 8, 2023, the ALJ Docketing Center assigned this matter to me for review and adjudication. I have carefully reviewed this file, and I find the applicable provisions of 33 C.F.R. §§ 20.310 and 20.304(d) and (h) have been complied with and Respondent is in **DEFAULT**. Under 33 C.F.R. § 20.310(c) a default constitutes an admission of all facts alleged in the Complaint and a waiver of Respondent’s right to a hearing.

Accordingly, I find the violations alleged in the Complaint are **PROVED**. I have carefully reviewed the Complaint and the Default Motion and further find the proposed sanction of revocation is appropriate under the provisions of 46 C.F.R. § 5.569.

**SANCTION**

**IT IS HEREBY ORDERED** that Respondent ROSCOE HUNTER WATTS' Merchant Mariner Credential is **REVOKED**.

**IT IS FURTHER ORDERED** that Respondent immediately surrender his credentials to the Investigating Officer at the United States Coast Guard Sector Mobile, 1500 15<sup>th</sup> Street, Mobile, AL 36615. If Respondent knowingly continues to use his credentials, he may be subject to criminal prosecution.

**PLEASE TAKE NOTICE** that under 33 C.F.R. § 20.310(e), for good cause shown, an Administrative Law Judge may set aside this finding of Default. Respondent may file a motion to set aside the finding with the ALJ Docketing Center, Baltimore, MD.

**PLEASE TAKE FURTHER NOTICE** that service of this Order upon Respondent serves to notify Respondent of his right to appeal as set forth in 33 C.F.R. §§ 20.1001 – 20.1004. (Attachment A).

Done and dated September 21, 2023  
New York, NY



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HON. WALTER J. BRUDZINSKI  
CHIEF ADMINISTRATIVE LAW JUDGE  
UNITED STATES COAST GUARD