

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

UNITED STATES COAST GUARD,
Complainant,

vs.

DANIEL A. SPURLIN,
Respondent.

Docket No. 2023-0328
Enforcement Activity No. 7780557

ORDER MEMORIALIZING PRE-HEARING CONFERENCE
&
CONSENT ORDER APPROVING SETTLEMENT AGREEMENT

On January 30, 2024, I convened a pre-hearing telephone conference to discuss the United States Coast Guard's (Coast Guard) Motion for Approval of a Settlement Agreement and Entry of Consent Order (Motion). 33 C.F.R. § 20.501. Andrew S. Myers, Esq., and CWO4 Aaron Sala appeared on behalf of the Coast Guard. Daniel A. Spurlin (Respondent) appeared *pro se* (on his own behalf).

At the outset of the conference, I inquired whether Respondent retained an attorney or representative in this matter. I informed Respondent he had a right to be represented at no cost to the government. Respondent stated he would proceed without counsel. I also advised the parties about my role as an independent fact finder. I explained that my decisions and rulings are not graded nor scored by the Coast Guard and that I am not subject to performance evaluations. 33 C.F.R. § 20.206.

After some discussion and review of the Coast Guard's Motion, I explained to the parties that Respondent's signature accompanying the agreement was not dated. Furthermore, because

the agreement specifically referenced Respondent's signature date, I noted those references would potentially be unenforceable. To correct the issue, I suggested the parties file a motion to amend the agreement along with an affidavit indicating the date the original document was signed.

On February 3, 2024, the Coast Guard filed an Amended Unopposed Motion for Approval of Settlement Agreement and Entry of Consent Order (Amended Motion). A new Settlement Agreement, dated February 3, 2024, was included with the Amended Motion. The Amended Motion explained that Marine Safety Unit Port Canaveral received Respondent's signed, but undated, Settlement Agreement on October 26, 2023. However, the Amended Motion specified, "[S]ince a new ratification date [(i.e., February 3, 2024)] may negatively affect Respondent . . . Coast Guard and Respondent acknowledge and agree that all dates in the Settlement Agreement that refer to signature date of Respondent should be read as to refer to the date of October 24, 2023." Amended Motion at 2.

Upon review of the Settlement Agreement, and after being sufficiently advised, I find the Settlement Agreement is fair, reasonable, and in substantial compliance with the requirements of 33 C.F.R. § 20.502. Respondent shall receive credit for any remedial actions taken in compliance with the settlement agreement going back to the effective date of October 24, 2023.

Accordingly, the Coast Guard's Amended Unopposed Motion for Approval of Settlement Agreement and Entry of Consent Order is **GRANTED**. The Settlement Agreement is **APPROVED** in full and incorporated herein by reference, with an effective date of October 24, 2023. This Consent Order shall constitute full, final, and complete adjudication of this proceeding.

Either party shall have 10 days to file any objection to this order.

Done and dated this 9th day of February 2024, at
Houston, Texas

A handwritten signature in black ink that reads "Tommy Cantrell". The signature is written in a cursive, flowing style.

HON. TOMMY CANTRELL
ADMINISTRATIVE LAW JUDGE
UNITED STATES COAST GUARD