

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

UNITED STATES COAST GUARD,
Complainant

vs.

KENNETH DEVENING, JR.,
Respondent.

Docket Number 2024-0224
MISLE Activity No. 7893282

**ORDER MEMORIALIZING PRE-HEARING CONFERENCE
REJECTING ORIGINAL SETTLEMENT AGREEMENT AND
CONSENT ORDER APPROVING UPDATED SETTLEMENT AGREEMENT**

Issued: May 20, 2024

By Administrative Law Judge: Honorable Timothy G. Stueve

On May 9, 2024, I conducted a prehearing telephone conference call with the parties to discuss the Original Settlement. Mr. Kristofer Schaus and Mr. Bryan Scott, Investigating Officers; Mr. Shawn Frohman, Senior Investigating Officer; and Ms. Erin Anderson, Esq. all appeared on behalf of the U.S. Coast Guard (Coast Guard). Mr. Kenneth Devening, Jr. (Respondent), appeared on his own behalf.

The Original Settlement filed on April 29, 2024 was rejected. I rejected the Original Settlement due to inconsistencies with the second paragraph and the first line of the sanctions table. These errors were discussed at the Prehearing Conference on May 9, 2024. Then on May 14, 2024, the parties in this case filed a Motion for Approval of Settlement Agreement and Entry

of Consent Order to be approved as an Updated Settlement of the case under 33 C.F.R. § 20.502.

I have carefully reviewed the terms of the Updated Settlement Agreement and find it is fair and reasonable and in substantial compliance with the requirements of 33 C.F.R. § 20.502.

The Updated Settlement submitted on May 14, 2024 is **APPROVED**.

WHEREFORE,

IT IS HEREBY ORDERED, the Settlement Agreement submitted on May 14, 2024 is **APPROVED**.

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



Hon. Timothy G. Stueve
Administrative Law Judge
U.S. Coast Guard

Done and dated May 20, 2024
Alameda, California