

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

UNITED STATES COAST GUARD,	)	
Complainant,	)	
	)	Docket Number: 2024-0229
vs.	)	
	)	MISLE Activity ID: 7890610
JAMAL MATI MILLS,	)	
Respondent.	)	

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

On August 5, 2024, I convened a pre-hearing telephone conference pursuant to 33 C.F.R. § 20.501. The purpose of the conference was to discuss the parties' settlement agreement. Andrew S. Myers, Esq., CWO William Reinhard, and LT Dylan G. Tschumper appeared on behalf of the United States Coast Guard (USCG). However, at the outset of the call, Jamal Mati Mills (Respondent) was not present. Accordingly, I directed my staff to reach out to Respondent who, after a short delay did not appear at any time during the conference. I then proceeded with the call in Respondent's absence, noting that he waived any objections to my rulings pursuant to 33 C.F.R. § 20.501. The Coast Guard made no further motions based on Respondent's absence.

As noted above, the purpose of the conference was to discuss the original Motion for Approval of a Settlement Agreement and Entry of Consent Order the parties submitted on May 29, 2024. Specifically, I convened the conference to discuss a modification of that settlement agreement purportedly made on July 23, 2024, by the Coast Guard. 33 C.F.R. § 20.502.

Before turning to the modification, however, I must first address an issue concerning *ex parte* communications (i.e., one-sided communications involving information relevant to the merits of the proceeding that do not include all parties). Under the law that controls these

proceedings, a party may not engage in *ex parte* communications with the ALJ's office. *Ex parte* communications are also prohibited with the ALJ's staff (*i.e.*, the ALJ's Paralegal Specialist and Attorney Advisor). 5 U.S.C. § 557(d)(1)(A). Relying on these rules, I reminded the parties to avoid *ex parte* communications with my chambers and staff about substantive issues in the case. However, the parties may contact my staff if they have procedural questions or to request a conference call.

After some discussion of the foregoing rules, I divulged to the parties an *ex parte* communication made to my office concerning the Coast Guard's modification of an outstanding motion filed in Salesforce—the docket management system used to electronically file and house documents in this case. I advised the parties that pursuant to a conversation between my paralegal and a Coast Guard representative, the Coast Guard advised it amended an outstanding motion already filed in Salesforce. I then turned to the Coast Guard and learned that CWO Reinhard modified the document to correct what he considered an administrative error, which resulted in missing pages from the filing. CWO Reinhard stated on the record that the Salesforce database had an option to modify existing documents and he informed me that he was able to make modifications to the filed document.

After some discussion, the Coast Guard acknowledged that an existing record should never be modified without notice to the ALJ and all parties in a matter. However, the parties are generally granted leave to amend filed documents, though they must do so through a written request, filed as a separate entry in the docket. Normally, such a modification should be preceded by a motion for leave to amend the document at issue.

In any event, I would like to thank CWO Reinhard for helping to identify this error, even if it was through good-faith inadvertence. The Coast Guard's mission in Suspension and

Revocation cases demands the record of these proceedings be maintained with utmost integrity and through his candid feedback and statements on the record, CWO Reinhard has assisted that mission; he is to be commended.

Having discussed this matter and noting that the outstanding motion has now been corrected to reflect the parties' agreement, I consider the issue resolved. Therefore, no further action is necessary to maintain the record's integrity. This memorialization rectifies any issue concerning the modification.

Furthermore, given that I have the entire motion now before me, and after considering the documents as a whole, I will **GRANT** the Coast Guard's motion for approval of the Settlement Agreement in this case. I find that it is fair, reasonable, and in substantial compliance with the requirements of 33 C.F.R. § 20.502.

### **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 August 14, 2024, at  
Houston, Texas

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

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THE HON. TOMMY CANTRELL  
ADMINISTRATIVE LAW JUDGE  
UNITED STATES COAST GUARD