

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

UNITED STATES COAST GUARD
Complainant

vs.

BRENNEN LEE NGUYEN,
Respondent

Docket Number 2024-0036
Enforcement Activity No. 7842520

PRE-HEARING CONFERENCE MEMORIAL AND CONSENT ORDER

Issued: April 17, 2024

By Administrative Law Judge: Honorable George J. Jordan

Appearances:

**CWO Caleb Peterson
Avelardo Martinez
Andrew S. Myers
For the Coast Guard**

**Brennen Lee Nguyen, Pro se
For the Respondent**

On April 16, 2024, I conducted a telephonic pre-hearing conference (Conference) to discuss the Motion for Approval of Settlement Agreement and Entry of Consent Order in this matter. Andrew S. Myers, Esq., and CWO Caleb Peterson appeared on behalf of the United States Coast Guard (Coast Guard). Brennen Lee Nguyen appeared *pro se* (Respondent).

The purpose of this Conference was to answer questions from my review of the settlement agreement in this case brought about by the Coast Guard's Motion for Approval of Settlement Agreement and Entry of Consent Order. See 33 C.F.R. § 20.502; Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard, 64 Fed. Reg. 28054, 28058-59 (May 24, 1999) (codified at 33 C.F.R. § 20.502(b)).

The Coast Guard provided that currently and during Respondent's forthcoming performance of the terms of the settlement agreement he retains his Merchant Mariner Credential (MMC). The Coast Guard further clarified that during this time it would be a probationary period for Respondent and any subsequent violations would result in revocation. I advised the Coast Guard that because Respondent retains his MMC while the settlement agreement is in effect a subsequent violation would require filing a motion seeking the surrender of Respondent's MMC necessitating an order to surrender to effectuate revocation of his MMC. I further advised that Respondent would have 10 days to reply to such a motion. 33 C.F.R. § 20.309(d). Both parties expressed understanding of this procedural requirement in this case. With no other issues to discuss I adjourned the Conference.

Based on the statements by both parties at the Conference and my review of the February 13, 2024, Motion for Approval of Settlement Agreement and Entry of Consent Order I find it is fair and 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, 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, April 17, 2024,
Seattle, Washington

A handwritten signature in blue ink, appearing to read 'G. Jordan', is written over a horizontal line.

Honorable George J. Jordan
Administrative Law Judge
United States Coast Guard