

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

UNITED STATES COAST GUARD,
Complainant

vs.

LOGAN ELLIOTT DEAN TESAR,
Respondent.

Docket Number 2024-0152
Enforcement Activity No. 7855569

CONSENT ORDER MEMORIALIZING PREHEARING CONFERENCE

Issued: June 25, 2024

By Administrative Law Judge: Honorable Timothy G. Stueve

Appearances:

Paul Schachtner
Sector Columbia River

Jennifer Mehaffey, Esq.
USCG S&R NCOE

For the Coast Guard

Logan Elliott Dean Tesar, Pro Se

For Respondent

On June 11, 2024, I held a prehearing conference in this matter. Paul Schachtner, Investigating Officer and Jennifer Mehaffey, Esq. appeared for the Coast Guard. Logan Tesar (Respondent) appeared on his own behalf.

The purpose of the prehearing conference is to clarify the terms of the Settlement Agreement filed on June 7, 2024. Specifically, the sanctions set forth in the table in paragraph 6 is inconsistent with the language written in paragraph 2. Because the Coast Guard confirmed that it intended to suspend Respondent's MMC for the period of deposit while the Respondent completes the terms of the agreement, it is incorrect to state in paragraph 2 that the Respondent's MMC is "suspended outright for six months". This makes the settlement unclear because a sanction of suspension for a period of deposit is different than a sanction of suspension outright for a set number of months.

After I explained my concern to the parties, the Coast Guard agreed to submitting a revised settlement agreement with internally consistent terms. On June 20, 2024, the Coast Guard filed the revised settlement; however, upon close review of the document, paragraph 2 still reads "six months outright suspension" and the table still reads "suspended outright for a period of deposit". Given that the parties made their intentions clear at the prehearing conference, I note that paragraph 2 should read as follows:

"Respondent agrees Respondent's Merchant Mariner Credential(s) (MMC) is **suspended outright for a period of deposit** in accordance with paragraph 2(a), followed by six months of suspension remitted on 12 months probation. Respondent and the Coast Guard understand and agree that the 12 month period of probation will be calculated from the date on which Respondent's MMC is returned to Respondent upon completing the conditions specified in paragraphs 2(e) to 2(g). If Respondent does not comply with the following conditions Respondent's MMC shall be suspended for a period of six months outright. Respondent further agrees to:"

If this language is inconsistent with the intention of the parties, either party may contact my Paralegal Specialist Beth Kim at (510) 437-3361 or Beth.H.Kim@uscg.mil to schedule another pre-hearing conference.

With the revision stated above, I find the Settlement Agreement submitted on June 20, 2024 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 as revised above is **APPROVED** in full and incorporated herein by reference. This Consent Order shall constitute full, final, and complete adjudication of this proceeding.

Done and dated June 25, 2024, at
Alameda, California



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