

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

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Complainant

vs.

RONALD E. MCDONALD

Respondent.

**Docket Number CG S&R 03-0628
CG Enforcement Activity No: 1932204**

**ORDER RE-OPENING
THE RECORD**

Issued: October 26, 2004

**Issued by: JEFFIE J. MASSEY
Administrative Law Judge**

On October 6, 2004, the undersigned issued an "Order Ruling on Motions and Dismissing Proceeding" ("Dismissal Order" herein) in this matter. The rulings memorialized in the Dismissal Order were announced on the record when a hearing was convened in Morgan City, Louisiana on October 1, 2004.

The Respondent, although duly noticed of the hearing, failed to appear for the hearing. While on the record, the undersigned ruled on two pending Motions, both filed by representatives of the United States Coast Guard ("USCG" herein). The first ruling

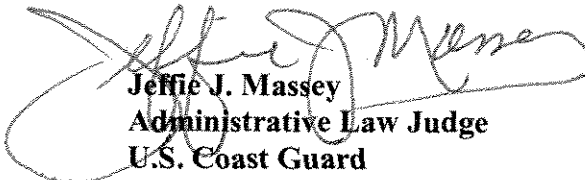
denied the USCG's Motion to Amend Complaint. The second ruling denied the USCG's Motion for Default, resulting in a dismissal of this proceeding.

Per the provisions of 33 C.F.R. §20.904(c), an Administrative Law Judge may reopen the record of a proceeding when the "public interest" warrants it. The undersigned has become aware of the fact that, in denying the USCG's Motion for Default, she misstated the law applicable to the Complaint in this proceeding. Accordingly, the public interest warrants that the record be re-opened so that a restatement of the law with respect to the validity of the USCG's original Complaint may be made.

In a separate Order, the undersigned will issue a new ruling on the merits of the USCG's Motion for Default. The USCG's Motion to Amend Complaint will not be affected by the re-opening of the record in this proceeding.

ORDER

IT IS ORDERED that the record in this proceeding is re-opened and the parties or put on notice that a new Order, addressing the merits of the USCG's Motion for Default will be issued.


Jeffie J. Massey
Administrative Law Judge
U.S. Coast Guard

Done and dated at New Orleans, LA
October 26, 2004