

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

---

**UNITED STATES COAST GUARD**

**Complainant**

vs.

**TERRY MONTRAIL GRAY JR.**

**Respondent**

---

**Docket Number: 2023-0281  
Enforcement Activity Number: 7746689**

**ORDER DENYING COAST GUARD'S AUGUST 22, 2023 AND OCTOBER 3, 2023  
MOTIONS FOR APPROVAL, AND GRANTING COAST GUARD'S OCTOBER 6, 2023  
MOTION FOR APPROVAL**

This matter comes before me on three motions filed by the United States Coast Guard (Coast Guard) on August 22, 2023, October 3, 2023, and October 6, 2023. As set forth below, the August 22, 2023 Motion for Approval of Settlement Agreement and Entry of Consent Order (Initial Motion for Approval) and October 3, 2023 Motion for Approval of Amended Settlement Agreement and Entry of Consent Order (Second Motion for Approval)<sup>1</sup> are **DENIED**. The Coast Guard's October 6, 2023 Motion for Approval of Amended Settlement Agreement and Entry of Consent Order (Third Motion for Approval)<sup>2</sup> is **GRANTED**.

On August 22, 2023, the Coast Guard filed its Initial Motion for Approval. After reviewing the Initial Motion and the accompanying settlement agreement, I held a pre-hearing

---

<sup>1</sup> On October 3, 2023, and in addition to its Second Motion for Approval, the Coast Guard filed a Notice of Withdrawal of Settlement Agreement (Notice) seeking to withdraw its Initial Motion. As I have denied the Coast Guard's Second Motion for Approval, my decision renders the Notice unnecessary, and I will not address it in this order.

<sup>2</sup> In its October 6, 2023 filing, I note the Coast Guard's Third Motion for Approval and its corresponding Certificate of Service are dated October 3, 2023. To ensure accuracy, I will consider the Third Motion for Approval as filed on October 6, 2023, and will refer to this date throughout this order.

conference to address several ambiguities within the proposed agreement. As discussed during the prehearing conference, the ambiguities prevented me from granting the parties' request.

Thereafter, and pursuant to my September 27, 2023 Order Memorializing Pre-Hearing Conference (Order), the Coast Guard filed its Second Motion for Approval on October 3, 2023, purportedly correcting the settlement agreement's ambiguities. The Coast Guard also filed a Notice of Withdrawal (Notice) requesting withdrawal of the Initial Motion for Approval.<sup>3</sup> The Coast Guard, however, inadvertently submitted the incorrect settlement agreement with its Second Motion for Approval. To rectify this error, the Coast Guard filed its Third Motion for Approval on October 6, 2023. The Coast Guard did not file a notice seeking withdrawal of the Second Motion for Approval.

Upon review of the Third Motion for Approval, I note the amended settlement agreement corrects the ambiguities identified in my September 27, 2023 Order and corrects errors included in the Second Motion. Having carefully reviewed the request and terms of the amended settlement agreement contained in the Third Motion for Approval, I find it is fair, reasonable, and in substantial compliance with the requirements of 33 C.F.R. § 20.502.

**WHEREFORE,**

---

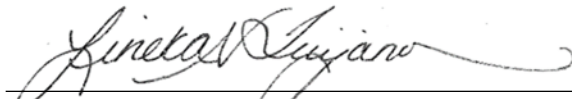
<sup>3</sup> As discussed, supra, I will not discuss the Notice based on my denial of the Coast Guard's Second Motion for Approval.

**ORDER**

**IT IS HEREBY ORDERED**, the Coast Guard's August 22, 2023 Initial Motion for Approval and October 3, 2023 Second Motion for Approval are **DENIED**.

**IT IS FURTHER ORDERED**, the Coast Guard's Third Motion for Approval is **GRANTED** and the Amended Settlement Agreement 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 this October 27, 2023,  
at Baltimore, Maryland

A handwritten signature in cursive script, reading "Lineka N. Quijano", written over a horizontal line.

Hon. Lineka N. Quijano  
Administrative Law Judge  
United States Coast Guard