

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

UNITED STATES COAST GUARD

Complainant

vs.

THOMAS ROBERT STULL

Respondent

**Docket Number: 2023-0402
Enforcement Activity Number: 7799225**

**ORDER MEMORIALIZING PRE-HEARING CONFERENCE,
DENYING OCTOBER 30, 2023 MOTION FOR APPROVAL OF SETTLEMENT
AGREEMENT, AND CONSENT ORDER APPROVING DECEMBER 11, 2023 MOTION
FOR APPROVAL OF SETTLEMENT AGREEMENT**

On December 11, 2023, I held a pre-hearing conference in this case, accordance with 33 C.F.R. § 20.501(b). CWO Hector Melendez and Mr. Andrew S. Myers, Esq., appeared on behalf of the United States Coast Guard (Coast Guard). Mr. Thomas Robert Stull (Respondent) appeared on his own behalf.

At the outset, I advised Respondent of his right to be represented in these proceedings at his own expense. 33 C.F.R. § 20.301. I described my role as an Administrative Law Judge and my prior employment at the Coast Guard Suspension & Revocation National Center of Expertise. I inquired whether the parties had any questions related to my disclosures, and both responded in the negative. Ultimately, while neither the Coast Guard nor Respondent objected, I reminded the parties of the regulations set forth in 33 C.F.R. § 20.204.

Next, I turned to the reason for convening this conference. On October 30, 2023, the Coast Guard filed a Motion for Approval of Settlement Agreement and Entry of Consent Order (Motion). Upon review, Paragraph 2.a.1. of the Settlement Agreement contained incorrect

citations to the definitions of "uninspected passenger vessel of less than 100 gross tons," and "passenger for hire," as set forth in 46 U.S.C. § 2101. These citations should be corrected to 46 U.S.C. § 2101(53)(B) and 46 U.S.C. § 2101(30), respectively.

I then addressed the completion date appearing in the table of Paragraph 6, which required Respondent to complete the terms and conditions of the Settlement Agreement by November 27, 2023. Given that the Motion was filed on October 30, 2023, the completion date listed does not allow sufficient time for Respondent to complete the probationary term listed in Paragraph 2. After discussion, the parties agreed that the completion date of November 27, 2023, was written in error, and the completion date should be corrected to January 30, 2024, which reflects the three-month timeline set forth in Paragraph 2 of the Settlement Agreement.

The parties indicated their desire to execute and submit a settlement agreement that corrects the errors discussed above. Accordingly, I **DENIED** the Motion filed on October 30, 2023, and directed the parties to file a status update or any appropriate motion by January 12, 2024.

That same day, the Coast Guard submitted a second Motion for Approval of Settlement Agreement and Entry of Consent Order, which included a corrected Settlement Agreement. I have reviewed the terms of the Settlement Agreement and find it is fair and reasonable and in substantial compliance with the requirements of 33 C.F.R. § 20.502.

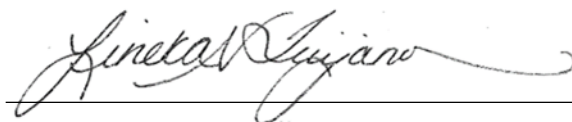
WHEREFORE,

ORDER

IT IS HEREBY ORDERED, the Motion for Approval of Settlement Agreement and Entry of Consent Order filed on October 30, 2023, is **DENIED**.

IT IS FURTHER ORDERED, the Motion for Approval of Settlement Agreement and Entry of Consent Order filed on December 11, 2023, is **GRANTED**, and the Settlement Agreement submitted therewith 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 December 19, 2023
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