



## COMPLIANCE

*Written by Alicia Scott and YN2 Christopher Brown*

The civil penalty process at the Coast Guard Hearing Office is remedial in nature, or in other words, the process is meant to “remedy” parties’ noncompliance with laws and regulations. The goals of our process are compliance and deterrence.

Since compliance is a goal, it is necessary that when a party provides proof of compliance after receiving a warning or violation that the compliance is immediately

documented. Often a party, upon learning that he or she is not in compliance with a law or regulation, will remedy the noncompliance immediately. The party generally wants to tell the Coast Guard that he or she has remedied the noncompliance and proceeds to a local Coast Guard unit to do that. The party may show new visual distress signals or vessel numbers newly affixed to his or her vessel to a USCG member and receive a “well done.” But the USCG member must do much more. That USCG member should enter the compliance into the boarding activity in MISLE or if unable to do so, notify the unit that conducted the boarding so that the unit can enter the compliance in MISLE. Also, if the violation has been forwarded to a processing official for civil penalty action, the processing official should be notified. The processing official can then take appropriate action at his or her level, or if the violation has already been referred to the Coast Guard Hearing Office, the processing official should then notify the Coast Guard Hearing Office of the compliance.

If the party has shown compliance *before* the violation has been sent to the Coast Guard Hearing Office and *no* further civil penalty action is desired, then there is no reason to refer that violation to the Coast Guard Hearing Office. Often, after a party has shown compliance, the unit or processing official refers the violation to the Coast Guard

Hearing Office with a recommended penalty amount of \$0. This conveys to the Coast Guard Hearing Office that no civil penalty action is desirable and causes us to wonder why the violation was referred to us. If a unit or processing official desires that the Coast Guard Hearing Office consider a "Warning" in such a case, then the recommended penalty amount should reflect "Warning." In such a case, it would be helpful to include an explanation as to why a warning is being recommended after the party has shown proof of compliance.