

ORIGINAL

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

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Complainant

vs.

**VLADIMIR SALAMON**

Respondent.

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**Docket Number CG S&R 08-0131**  
**CG Enforcement Activity No: 3098372**

**ORDER DISMISSING COMPLAINT**

**Issued: May 2, 2008**

**Issued by: JOSEPH N. INGOLIA,**  
**Chief Administrative Law Judge**

**Investigating Officer:**

**LT Yancee L. McLemore, IO**  
**U.S. Coast Guard Sector Los Angeles/Long Beach**

**Respondent:**

**Vladimir Salamon**

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On March 11, 2008, the Coast Guard filed the original Complaint. According to the original Complaint, dated March 10, 2008, the respondent was charged Negligence (46 CFR 5.29) and Misconduct (46 CFR 5.27) for a major casualty that occurred on August 14, 2007 while the respondent was serving as Master of the M/V California Responder.

Then on March 25, 2008, the Coast Guard filed an Amended Complaint along with a copy of the Respondent's Answer, a copy of the Good Faith Deposit executed by the respondent on November 15, 2007 as well as a copy of the Receipt for U.S. Coast Guard Credential dated March 24, 2008.

The Amended Complaint, dated March 10, 2008, contained similar allegations against the respondent for the same marine casualty on August 14, 2007. The Coast Guard was seeking a 4-month outright suspension against the respondent's Merchant Mariner's License.

The respondent executed a Good Faith Deposit on November 15, 2007 with Sector LA/LB and the Coast Guard retained possession of those credentials until March 24, 2008 when the Coast Guard returned the respondent's credentials to him.

As there was no Complaint issued at the time the respondent deposited his credentials with Sector LA/LB, I consider his actions to be totally voluntarily and that he performed the 4-month outright suspension under his own volition. His credentials were returned to him on March 24, 2008.

The problem in this S&R proceeding is the failure of the Investigating Officer to timely file the Complaint with the ALJ Docketing Center. By the time the IO filed the Complaint, the Amended Complaint and the respondent's Answer, as noted above, the respondent had already completed a 4-month suspension without any opportunity for the Administrative Law Judge to take action and to ensure the respondent received full due

process. According to the Rules of Practice, Procedure and Evidence for Formal Administrative Proceedings of the Coast Guard: "An administrative proceeding commences when the Coast Guard representative files the complaint with the Hearing Docket Clerk and serves a copy of it on the respondent." (33 CFR 20.401) The Investigating Officer, in this proceeding, has failed to follow the required regulations.

WHEREFORE, it is

**ORDER**

**ORDERED that the Complaint is DISMISSED, and it is**

**FURTHER ORDERED**, that in dismissing this Complaint the respondent's official record will not reflect this marine casualty or the resultant 4-month voluntary suspension period the respondent completed on March 24, 2008, and it is

**FURTHER ORDERED**, that in view of the IO's failure to follow regulations that are clear and unequivocal, the Coast Guard make certain that IOs are properly trained and supervised. This type of error occurs more often than it should and needs to be addressed.

  
Joseph N. Ingolia  
Chief Administrative Law Judge  
U.S. Coast Guard

Dated: May 2, 2008  
Washington, DC

### Certificate of Service

I hereby certify that I have this day served the foregoing document(s) upon the following parties and limited participants (or designated representatives) in this proceeding at the address indicated by Facsimile:

Commanding Officer  
USCG Sector LA/LB, Attn: LT Yancee McLemore, IO  
1001 S. Seaside Avenue, Bldg. 20  
San Pedro, CA 90731  
(Fax #) 310-521-3779

I hereby certify that I have this day served the foregoing document(s) upon the following parties and limited participants (or designated representatives) in this proceeding at the address indicated by First Class Mail:

Vladimir Salamon  
2206 Mantis Avenue  
San Pedro, CA 90732

Dated at Washington, DC this 2<sup>nd</sup> day of May 2008.



VERONICA A. DICKEY  
Sr. Paralegal Specialist to  
Chief Judge Joseph N. Ingolia