IN THE MATTER OF LICENSE NO. 351685 MERCHANT MARINER'S DOCUMENT
BK-052 257 AND ALL OTHER SEAMAN'S DOCUMENTS
Issued to: Charles N. BAMFORTH

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1740

Charles N. BAMFORTH

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.30-1.

By order dated 8 November 1967, an Examiner of the United States Coast guard at Providence, R. I., suspended Appellant's seaman's documents for one month upon finding him guilty of misconduct and negligence. The specifications found proved allege that while serving as master on board SS POTOMAC under authority of the document and license above captioned Appellant:

(I) under a charge of negligence did:

(1) on or about 9 September 1967 at Baltimore, Md., engage crewmebers who did not have the documents required by law, and

(2) at the same time and place engage as licensed officer a person who did not have in his possession a license; and

(II) under a charge of misconduct, did:

(1) on 9 and 10 September 1967 wrongfully operate the vessel during other than daylight hours;

(2) on 11 September 1967, wrongfully operate the vessel during other than daylight hours;

(3) on 10 September 1967, operate the vessel on which the International Rules of the Road applied without displaying the navigation lights authorized by those Rules; and

(4) on 12 September 1967 engage as mate aboard the vessel a person whose license was of improper scope for the vessel.

At the hearing, Appellant was represented by professional counsel. Appellant entered a plea of not guilty to the charge and each specification.

The Investigating Officer introduced in evidence voyage records of POTOMAC, inspection records of the vessel, and the testimony of several witnesses.

In defense, Appellant offered in evidence his own testimony and that of the owner of POTOMAC.

At the end of the hearing, the Examiner rendered a written decision in which he concluded that the charge and specifications had been proved. The Examiner then entered an order suspending all documents issued to Appellant for a period of one month.

The entire decision was served on 9 November 1967. Appeal was timely filed on 15 November 1967, and perfected on 20 May 1968.

FINDINGS OF FACT

On all dates in question, Appellant was serving as master on board SS POTOMAC and acting under authority of his license and document.

Appellant had been hired as pilot for a special voyage of POTOMAC from Baltimore, Md., to Newport, R. I. He reported aboard the vessel and went to bed at about 2300 on Friday, 8 September 1967. At about 0300 the next morning he was advised that the master had quit, and was persuaded by the owner to serve as master, a position for which Appellant was qualified.

POTOMAC, O.N. 207201, was a vessel of 618 gross tons. A certificate of inspection had been issued to the vessel limiting its operation to "LAKES, BAYS, AND SOUNDS." On 8 September 1968 an amendment to the certificate was issued in Baltimore, Md., authorizing it to make one passage from there to Newport, R. I., with no passengers or freight, and with a reduced crew. Operation was limited to "daylight hours" and the route was specified as allowing the vessel to traverse the open sea only along the New Jersey coast from Delaware Bay to New York.

When Appellant could not obtain "form" shipping articles on Saturday, 9 September 1967, he developed a set on brown wrapping paper. On these articles he signed two unlicensed persons as members of the crew one of whom had never held a merchant mariner's document, the other of whom had lost his document in the early 1950's and never obtained a duplicate. He also signed as mate a person to whom a valid and adequate license had been issued; but who did not have the license with him.

At 1440, 9 September 1967, POTOMAC got underway from Baltimore, proceeded through Chesapeake Bay, entering the Atlantic Ocean at 0145 on 10 September 1967 and proceeding along the New Jersey coast to New York Harbor, where it arrived, at Bayonne, New Jersey, at about 1530.

After fueling, the vessel moved to Brooklyn. From Brooklyn the vessel got underway at 0450 on 11 September 1967, and arrived at Newport, R. I., just before sunset.

The next day, Appellant employed as "inland mate" aboard the vessel a person who held a license as master of steam and motor vessels not over 250 gross tons, with an endorsement as pilot, without tonnage limitation, for Chesapeake Bay. The voyage in question was out of Newport, R. I., to observe the "America's Cup"

races, and back to Newport.

BASES OF APPEAL

This appeal has been taken from the findings made and the order imposed by the Examiner. Appellant's contentions are discussed in detail in the "Opinion" below.

APPEARANCE: Dow, Stonebridge & Wallace, of New York, N. Y., Wilbur E. Dow, Jr., Esq.

OPINION

With respect to the first specification of the first charge, it was alleged that Appellant "engaged crew members not having certificates of service issued by the Coast Guard, for a coastwise voyage." It is difficult to criticize as inartfully drawn *a* specification based upon statutes which have been amended by reorganization plans and subsequently changed by authorized regulation, and affected by codifiers' editing.

The gravamen of the offense alleged here is, however, clear. It is that Appellant engaged aboard POTOMAC persons who did not hold a document required by 46 U.S.C. 672 (i).

Without entering the morass of what is meant by a "coastwise voyage," it may be noted that the words referring to such a voyage in the specification are surplusage. Since the employment aboard POTOMAC was not aboard a vessel "navigating rivers exclusively and the smaller inland lakes" and since the exception provided in 46 U.S.C. 672 (c) for cases covered by 46 U.S.C. 569 did not apply, every person employed aboard that vessel was required to have, under the collection of applications of modern statutes and regulations, a merchant mariner's document. There is no question that one H.F. Brown III was not a holder of such a document, nor that one Walter Janhowski had lost any seaman's document he had ever held at least fifteen years before his employment aboard POTOMAC.

Appellant makes much of the fact that both these persons were serving in capacities of persons allowed aboard the vessel, but not

required by the certificate of inspection. This is immaterial. A person who becomes a seaman aboard a vessel covered by 46 U.S.C. 672 must have the required "papers." These men became seamen aboard POTOMAC by signing the articles for the voyage to Newport, R. I., even if they were not required to be aboard the vessel. They were therefore required to have the necessary "papers" under 46 U.S.C 672.

Appellant has argued that the requirement of "seaman's papers" can be waived, that they were waived by the Officer in Charge, Marine Inspection, Baltimore, by his allowance of carriage of seven persons more than the required crew, and that the Examiner was in error in refusing him the opportunity to consult the OCMI, Baltimore as to what he meant by the provision in the certificate with respect to the use of persons beyond those required by the certificate.

Appellant's brief states:

> "This was ascertainable by a simple telephone call to Capt. Hansen [OCMI, Baltimore], which we requested and both the Hearing Examiner and the Investigating Officer refused to do."

This assertion is without foundation in the record. No such request appears, nor does there appear a request to take the testimony of the officer in question formally. Whether such testimony would have been permissible in the first place need not be decided now.

The fact is that the amendment to the certificate allowed no passengers. The seven persons who were permitted aboard in addition to the required crew were specified to be "7 other persons in crew." Appellant's brief does not acknowledge the words "in crew."

Thus a collateral argument of Appellant falls. He asserts that it is a common practice for owners' representatives to travel coastwise on vessels without holding seaman's papers, to look after owners' interests. This may be true. It is generally possible that a vessel may be permitted to carry persons "in addition to the crew," up to the number of twelve on international voyages or

sixteen on domestic voyages without the vessel's becoming a "passenger vessel." But such persons are "passengers." In this case, passengers were prohibited.

Had the two persons involved here been carried aboard without signing articles a different offense could have been alleged and proved. Since they did sign articles the offense specifically alleged was specifically proved.

II

With respect to the second specification of the first charge, Appellant's brief asserts:

> "Mr. John Aitkens, who acted as mate, is actually the holder of an unlimited First Class Pilot's license, issued by the State of New York, of the Hudson River, from New York to Albany, which is his regular work."

If Appellant were limited to his brief, his position would be weakened by this statement because it is completely irrelevant that the person serving as mate held any licenses issued by the State of New York. The record shows, however, that John Aitken, who served as mate, held a valid license issued by the Coast Guard and adequate for all the services he performed on the voyage in question. The Examiner so found.

The issue at hearing was not whether Aitken was professionally qualified to serve as mate, but whether he had a license in his possession when he signed the articles for the voyage. It is not disputed that when Aitken signed the articles in Baltimore his license was, and remained up to the date of the hearing, at his home on Long Island, New York.

Appellant's counsel argued at hearing "There's no requirement that he have it in his hand at the time, merely that it had been issued to him and hadn't been revoked." R-98. The Investigating Officer asked the Examiner to take notice of 46 CFR 14.05-15, which he did. R-101. The section in question reads:

> "Production of documents by seaman signing shipping articles. Every seaman shall be required, when signing articles, to produce his continuous discharge book or

certificate of identification, as well as his license, certificate of registry, or certificate of service, in order that the serial numbers may be entered on the articles."

In his brief, Appellant insists that the second "or" must be construed as giving an alternative so that a licensed officer signing on in a capacity for which a license is required may produce either his license or his merchant mariner's document. There is evidence in the record that Aitken had his document in his possession at the time. It is noted that Aitken testified, as would be expected, that this document showed only his unlicensed capacities. R-30.

A regulation having the force of law should not be construed in such a fashion that it fails to carry out the intent of the statutes it is designed to implement. Under 46 U.S.C. 222, 223, 224a, the mate of POTOMAC on the voyage in question was required to hold a license issued by the Coast Guard. Under 46 U.S.C. 224 and 224a it is unlawful to employ a person in such capacity who does not have the proper license.

The purpose of 46 CFR 14.05-15 is obviously to insure that the master or shipping commissioner is satisfied that persons signing on are qualified for the positions they are to fill, and that the statutes are being complied with. It must be construed as requiring the exhibition of the "papers" appropriate to the position for which the seaman is being signed on.

While no statute was violated in the employment of Aitken, it must be noted that Appellant had no evidence before him that Aitken was qualified to serve as either pilot or mate for any part of the voyage undertaken. His conduct did not meet the standard of care imposed by 46 CFR 14.05-15.

It may last be noted that even if an inference could be drawn that Aitken produced his Merchant Mariner's Document before the master from the fact that his Z-number appears on the articles, there is testimony of Appellant himself that he did not supervise the signing on of all members of the crew, having "assigned the duty to a man signed on as a supernumerary. . ." (R-80), that he was "disturbed" by the fact Aitken did not have his license (R-73).

Were there any merit to Appellant's *propos*ed interpretation of the regulation, it would still have to be concluded that Appellant did not even see Aitken's Merchant Mariner's Document.

III

The first and second specifications found proved under the second charge dealt with operation of the vessel during "other than daylight hours," as prohibited by the amendment to the certificate of inspection, on 9 and 10 September 1967 (first specification) and on 11 September 1967 (second specification).

Appellant argues that this amendment, granted for the voyage from Baltimore to Newport, did not supersede the provisions of the basic certificate of inspection which did not limit the vessel to operation during "daylight hours" while on routes for which it was basically authorized, on "LAKES, BAYS AND SOUNDS," but that the limitation applied only when the vessel went beyond these routes into the open sea.

As to the period when the vessel was admittedly operated in other than daylight hours along the New Jersey Atlantic Coast, Appellant argues "necessity," that had he stopped for the night he would have been unable to refuel and hence, from the consumption of fuel while at anchor, would have been unable to reach New York during "daylight hours" anyway, and thus he was justified in proceeding to sea regardless of the terms of the certificate amendment.

Both the terms of the certificate and the arguments of Appellant raise certain perplexing questions.

The Investigating Officer argued at hearing. in connection with a specification to be discussed later, that the limitation on night operations was imposed by OCMI, Baltimore, to prevent the operation of the vessel at night on waters on which the International Rules of the Road applied. R-102. This argument is completely inconsistent with the theory that the limitation was intended to apply even on the waters for which the vessel was basically certificated, and the argument has no specific support in the record.

At the same time, Appellant argues that his counsel consulted OCMI, Baltimore, after the hearing and ascertained that the limitation on the vessel's operation at night was imposed not because of consideration of the International Rules of the Road but because the single engineer authorized for the voyage would have been insufficient to assure safe operation of the vessel unless night operation was prohibited.

Here, it is first noted that Appellant's assertion that he sked for, and was denied, a telephone call to OCMI, Baltimore, to clear things up is not supported by the record. The second thing to note here is that Appellant's brief, even if accepted as evidence, does not advance his position one bit. Appellant might have "proved" that the limitation on night operation had not been imposed because of any consideration of running lights, but only because of crew considerations. If this had been proved, appellant has proved himself" out of court." If the consideration was working hours of the crew, the basic authorization for the vessel to operate during darkness becomes irrelevant.

In this connection Appellant makes a very unusual argument:

> "At the time of the hearing, Mr. Casey was available and testified but his testimony was absolutely at variance with the subsequent statements of Capt. Hansen. This could have been immediately determined and Mr. Casey called upon then and there to account for both what he said and for what he failed to say. It would then have been apparent to the Hearing Examiner that Capt. Bamforth had been deliberately misled by the man who employed him. Mr. Casey simply took advantage of one of the ambiguities in the Amendment, which both the Hearing Examiner and the Investigating Officer refused to clear up.
>
> Capt. Bamforth cannot be fairly penalized for his reasonable assumption and the unreasonable refusal of either the Hearing Examiner of the Investigating Officer to clear it up on the spot, with all parties and witnesses before them."

Since Mr. Casey was Appellant's own witness it is difficult to discern why the Investigating Officer or the Examiner should have had a duty to protect Appellant from the effects of his testimony.

While Appellant may not have advanced his position by his argument, there are other troublesome elements involved. The amendments to the certificate of inspection spoke of operation "during daylight hours only." Both the Examiner and the Investigating Officer spoke of this phrase as being interchangeable with "between sunrise and sunset." When Appellant complains that the terms are not identical and that "daylight" may come before sunrise and persist after sunset I am inclined to agree. Statutes usually speak of "sunset" and "sunrise." These terms are precisely ascertainable as to time, for a geographical point in question, from an almanac. So also are the times of the recognized twilights.

"Daylight" may depend for its meaning, in a definitely "gray" area, upon the eye and mind of the beholder.

In the absence of any application to the Examiner that he consider "daylight" as meaning anything, and in the absence of a reference to ascertainable times, I find no difficulty in taking official notice that the period from 0145 on 10 December 1967, when, at the very latest, the vessel entered the Atlantic Ocean until some undeterminate time later that day, but before it reached New York, the vessel was operated outside of daylight hours in flagrant disregard of the amendment to its certificate of inspection.

In the "gray areas" referred to, I admit that "sunrise to sunset" does not mean the same as "daylight hours," and that Appellant's possible faults in this respect may be disregarded.

I am not ruling here that the amendment to the certificate of inspection completely or partially suspended the terms of the basic certificate. I am saying only that the flagrant fault of which I may take official notice, the navigation along the New Jersey Atlantic Coast on 10 September 1967 after 0150, is sufficiently improper that I may disregard the other questions raised.

The argument from "necessity" is not persuasive at all. When Appellant took the vessel out to sea at the hour of 0150 he knew he was violating the terms of his vessel's certificate. As

acknowledgement of this, he testified himself that when he left Baltimore he intended not to run at night but intended instead to anchor inside the breakwater at Lewes, Delaware, for the night. R-75. By his own admission, Appellant knew that the "daylight hours" limitation on the certificate amendment meant something. When he chose to go to sea because he might be inconvienced by lack of fuel if he waited at Lewes, he knew what he was doing. His operator testified and his counsel argued that this was merely good seamanship and good use of judgement. It is possible that the Examiner was correct, at the time it was sought to adduce the evidence, in refusing to admit evidence that Appellant was working under a deadline to get the vessel to Newport in time to carry spectators to the "America's Cup" races. But it is also true that Appellant's purported justification for going to sea at night in a vessel which was definitely prohibited from going to sea except under the terms of the special amendment to its certificate was an abuse of a master's authority.

A final note may be added here. While the basic certificate of inspection permitted the vessel's operation day or night, twenty four hours a day, it contained an exception that a reduced crew could be used when the vessel was operated not more than twelve hours in any twenty four hour period. The crew authorized in the amendment was somewhat less than that authorized for not more than twelve hours of operation. There is no possibility of a misunderstanding which could reach a reasonable belief by Appellant that he could operate continuously for more than twenty four hours between Baltimore and New York under any circumstances.

IV

Appellant's fourth point on appeal has to do with the specification under the second charge that the vessel was operated on "International Waters" while displaying unauthorized navigational lights.

Appellant points out that both the Investigating Officer, in his argument, and the Examiner, in his opinion, referred to the vessel as having been in violation of 33 U.S.C. 145h(a). The statute classified to this section has, of course, been repealed. The effective provisions concerning lights on waters on which the

International Rules apply are found at 33 U.S.C. 1050. However, Appellant acknowledges that the new rule did apply. Under the wording of the specification, what the Investigating Officer or the Examiner might have thought or said is immaterial. If the vessel was not carrying the lights required by the International Rules while it was off the New Jersey coast at night the specification was proved.

There is no dispute as to what lights the vessel carried. The white light visible from astern was the thirty two point white light called for by 33 U.S.C. 172, in the "Inland Rules."

At the hearing, Appellant's counsel argued that the fault was merely technical since a vessel approaching POTOMAC from any direction would perceive the appearance of a vessel carrying lights authorized by the International Rules. It was also argued that many authorities had urged, during the deliberations that resulted in the new International Rules, that the thirty two point white light carried higher than the side lights was better than a separate stern light carried at the height of the side lights.

(The latter argument refutes itself. If the body which adopted the rules heard these arguments and did not accept them, they have no persuasiveness now that the Rules have been adopted and enacted into law by the Congress.)

On appeal, however, Appellant seems to profess a view not that the violation was merely technical but that under the "new" rule the lights carried aboard POTOMAC were somehow authorized. Appellant correctly quotes both the "old" Rule 20 and the "new" Rule 10, dealing with "stern" lights, and correctly points out that a provision of the old Rule ("Such light shall be carried as nearly as practicable on the same level as the sidelights") has been deleted from the new rule.

Appellant claims, however, that the "new rules. . . completely reworded Rule 10 and deleted the requirement that the stern light be carried in a separate lantern." He adds, "It is hardly necessary to point out the built-in safety feature of the new rule which not only gives the stern light greater height and hence further visibility, but provides the bridge officer or lookout from their duty locations with a positive check as to whether the light

showing astern is out or not."

Whatever the new "Rule 10" did, it did not do what Appellant claims for it.

There was never an express provision that the stern light be carried in a separate lantern. This requirement was implied because the stern light was to be carried "at the stern" and was to be "as nearly as practicable on the same level as the sidelights."

The new rule does not require that the stern light be carried higher than it was before, thus giving "greater height and hence further visibility," it permits it. It also permits the stern light to be carried at a lower level than was previously permitted, thus giving lesser visibility.

Most important, the new "Rule 10" still requires that the light be carried "at the stern." Thus the ease of checking the light by the "Bridge officer" or "lookout" is non-existent.

The argument on appeal is much less persuasive than the argument made at hearing.

It is true, as was urged at hearing, that the aspect of POTOMAC to a vessel on first sighting would have been the same whether POTOMAC was carrying lights required by the Inland Rules or authorized under the International Rules. Of most importance is the fact that a vessel approaching from more than two points abaft the beam would have had perceptible only one white light.

There are, however, three situations in which the difference between the Inland and the International Rules might be of significance.

One is when an overtaking vessel is misled as to where the stern of an overtaken vessel is, because the light upon which it is relying was not "at the stern" but was a good distance forward of the stern, inducing the overtaking vessel to delay too long in making its move so that it collides with the after end of the overtaken ship. It would be difficult to justify a requirement on such grounds.

A second difference would occur in the case of a vessel "not under command," which under the Inland Rules would be required to extinguish its white lights but which under International Rules would be required to show the stern light. Of what special use the stern light would be in such a situation I do not know.

A third difference would occur when a vessel approached another in such circumstances that one of the sidelights of the vessel approached, and the two white lights would disappear and the stern light would become visible instead. In this situation the approaching vessel might be apprized of the length of the other vessel so that in crossing astern it could not be misled into colliding with the after end of the vessel approached.

Under these views of the difference between the International and the Inland Rules relative to lights I am willing to agree not that the lights displayed on the voyage in question were "authorized" by the new Rule 10, but that the offense was a "technical" offense, since none of the situations in which misinterpretation might have occurred seems to have arisen. "Technical" though it may have been, the offense was serious.

It is said in Appellant's brief that OCMI, Baltimore, stated after the hearing that he was not concerned with the vessel's lights when he placed the operational limitations in the amended certificate. This assertion is not supported in any fashion and I can grant no weight to it. The fact is that OCMI, Baltimore, flatly prohibited operation at night, while permitting the vessel to travel outside its normal sheltered routes. While on the open sea during hours when it should not have been operating all, the vessel was also in violation of the International Rules. This cannot be condoned.

The last specification found proved, with respect to which appeal has been filed, dealt with the engagement as mate aboard POTOMAC, on 12 September 1967, of "a person having a duly issued license of improper scope for said vessel." Here, again, there may be semantic disagreement about the propriety of the specification, but Appellant does not challenge on semantic grounds. He challenges on the merits.

The certificate of inspection, it is not disputed, called for

an "inland mate." The person employed, one Preston L. Bryant, held a license as "master of steam and motor vessels of not over 250 gross tons upon Bays, Sounds, and Lakes other than the Great Lakes and Rivers." This license was also endorsed for pilotage of "steam and motor vessels any gross tons, Chesapeake Bay from North Point to Sandy Point, Maryland, to the head of navigation to Patapsco River and branches; Chesapeake Bay from Sandy Point to Cape Henry, Virginia."

Appellant argues the "greater includes the lesser" and that this license includes a license to serve as "inland mate" at 46 CFR 10. 05-59 are less than the requirements for the license which the person employed did hold.

The principle that "the grater includes the lesser" is familiar and has even been specifically formulated by Congress in the Canal Zone Code. Chapter 7 81, (Item 27). As applied to the instant case it can be perceived as readily applicable when a person holds a license as master of vessels of not over 250 gross tons on "Bays, Sounds, and Lakes. . ." and serves on such a vessel in a lesser capacity such as mate.

This is not the case here. The person employed was not authorized to serve as a licensed officer aboard any vessel of over 250 gross tons unless he was serving as a pilot of a vessel on Chesapeake Bay or the Patapsco River. It is not a matter of "the greater includes the lesser" but it is a matter that the more difficult to earn does not include the less difficult to earn when the fields covered are different.

It could not, for example, be argued that a license as master, without limitation of any kind, includes authorization to serve as their assistant engineer aboard a vessel propelled by steam. In a situation more a propos, it can be noted that a merchant mariner's document issued to a licensed deck officer will bear the endorsement for "any unlicensed capacity in the deck department except AB seaman" 46 CFR 129.-2-11(d)1, unless the holder of the license also shows that he has the qualifications for AB seaman.

Whether a license as "inland mate" was easier to obtain or not, the person employed by Appellant for a voyage out of Newport,

Rhode Island, did not have authority to serve as master or mate on any vessel of more than 250 tons nor as pilot on any waters outside of Chesapeake Bay. POTOMAC is a vessel of more than 250 gross tons, and the person employed was not authorized to serve aboard the vessel in any capacity for the voyage in question. His employment was therefore improper.

CONCLUSION

For convience only, because of the absence of any proffered definition of "daylight hours" or citation to almanac references, I am willing to dismiss so much of the first specification of the second charge, dealing with operation outside of daylight hours on 11 September 1967.

The Examiner's findings as to the specifications of the first charge are sustained, and his findings as to the specifications of the second charge except as modified above are sustained.

Considering Appellant's long record of service without fault, and considering that some ultimate findings have been changed in the Opinion above and in the first paragraph of this Conclusion, some modification of the Examiner's order may be appropriate. Here also I cannot overlook the fact that Appellant may have been misled, in some respects, by the advice of his own "owner", even if he has not formally proved this on the record. Modification of the Examiner's order seems appropriate.

ORDER

The order of the Examiner dated at Providence, R. I., on 8 November 1967, is MODIFIED, to provide that Appellant is hereby ADMONISHED.

P. E. TRIMBLE
Vice Admiral, U. S. Coast Guard
Acting Commandant

Signed at Washington, D. C., this 25th day of November 1968.

INDEX (BAMFORTH)

Certificate of Inspection

Master not forced by necessity to violate

Charges and specifications

Gravamen of offenses in specification sufficiently clear
Sufficiency of
Validity of surplusage need not be determined

Daylight hours

Not interchangeable with "between sunrise and sunset"
0145 held to be a time outside of daylight hours

Documents

Seaman not required by certificate of inspection must have document

International Rules
Violation of, as basis for charge

Licenses

Engaging as licensed officer a person who did not show license as negligence
Held to be of improper scope for vessel
More difficult to earn does not include less difficult when fields covered are different
When required to show

Lights

Showing Inland Rules lights where International rules apply is serious offense

Master

Duties and responsibilities of
Employment of mates
Guilty of misconduct when engages mate whose license is of improper scope
Guilty of misconduct when vessel operates in violation of certificate of inspection
Guilty of misconduct when vessel shows inland lights where international rules apply
Inspection laws, duty to comply with
Negligent if engages as licensed officer one who does not have license in his possession
Negligent if engages seaman who does not have document

Misconduct

Master guilty of when engages mate whose license is of improper scope
Master guilty of when vessel operates in violation of certificate of inspection
Master guilty of when vessel shows inland lights where international rules apply

Navigation, rules of

Showing inland lights where international rules apply is serious offense
Violation of

Negligence

Includes engaging as licensed officer one who does not have license in his possession

Includes engaging seaman who lacks document
Order of Examiner

Suspension modified to admonition

Passengers

Owner's representative as

Revocation or suspension

Suspension modified to admonition

***** END OF DECISION NO. 1740 *****

Top