



16200
JUL 31 2020

[PARTY]
[ADDRESS]

RE: Activity No. 5771413
[PARTY]
[VESSEL]
Warning

Dear [PARTY]:

The Coast Guard Hearing Office has forwarded the file in Civil Penalty Case No. 5771413, which includes your appeal as operator of the recreational vessel [VESSEL]. The appeal is from the action of the Hearing Officer in assessing a warning for the following violations:

<u>LAW/REGULATION</u>	<u>NATURE OF VIOLATION</u>	<u>ASSESSED PENALTY</u>
33 CFR §175.125	Use of a boat with signals required by 175.110 not in serviceable condition and/or past the life of service.	Warning
33 CFR § 83.20(b)	(Rule 20) Failure to comply with rules concerning lights and shapes (sunset to sunrise).	Warning
33 CFR 173.21(a)(1)	Use of a vessel without a valid Certificate of Number on board	Warning

The violations occurred on July 4, 2019 at 9:15 pm when the vessel was operating on Lake Michigan one-quarter mile from the Michigan City Lighthouse.

On appeal, you do not deny the violations, but request that the warning be removed and you will be more sensitive to the regulations. Your appeal is denied. There is no reason to remove a warning for proven violations.

I find that there is substantial evidence in the record to support the Hearing Officer's conclusion that the violations occurred. His decision in assessing a warning was neither arbitrary nor capricious and is hereby affirmed.

In accordance with the regulations governing civil penalty proceedings, 33 CFR Subpart 1.07, this decision constitutes final agency action.

Sincerely,

L. I. McCLELLAND
Civil Penalty Appellate Authority
By direction of the Commandant

Copy: Coast Guard Hearing Office