

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**BILL OF INFORMATION FOR VIOLATIONS OF THE  
PORTS AND WATERWAYS SAFETY ACT AND THE CLEAN WATER ACT**

|                                 |   |  |
|---------------------------------|---|--|
| <b>UNITED STATES OF AMERICA</b> | * | <b>CRIMINAL DOCKET NO.</b>                   |
| <b>v.</b>                       | * | <b>SECTION:</b>                              |
| <b>DRD TOWING COMPANY, LLC</b>  | * | <b>VIOLATIONS: 33 U.S.C. § 1221, et seq.</b> |
|                                 | * | <b>33 C.F.R. § 160.215</b>                   |
|                                 | * | <b>33 U.S.C. § 1319(c)(1)(A)</b>             |
| *                               | * | *  |

The United States Attorney charges that:

**AT ALL TIMES MATERIAL HEREIN:**

**Defendant**

1. Defendant **DRD TOWING COMPANY, LLC**, (“**DRD TOWING**” or “**DRD**”) was a maritime company located at 3701 Day Street, Harvey, Louisiana. **DRD TOWING** managed and operated tugboats that pushed barges for several companies. As the operator of these tugboats, defendant **DRD TOWING** was responsible for selecting, training, and supervising the crews of all the tugboats.
2. The *M/V Mel Oliver* was a tugboat operated by **DRD**. On July 23, 2008 the *M/V Mel Oliver* was pushing tanker barge DM932 containing fuel oil. At approximately 1:30 a.m. on July 23, 2008,

tanker barge DM932, being pushed by the *M/V Mel Oliver*, collided with the *M/T Tintomara*, a 600-foot Liberian-flagged tanker ship, at or near mile marker 99 of the lower Mississippi River near downtown New Orleans, in the Eastern District of Louisiana.

3. To determine the cause of the collision between the *M/V Mel Oliver* and the *M/T Tintomara*, the United States Coast Guard conducted a Marine Casualty Hearing (“Coast Guard Hearing”), in the Eastern District of Louisiana, regarding this incident. The Coast Guard Hearing was a matter within the jurisdiction of the executive branch of the Government of the United States, that is the United States Coast Guard.

#### **The Ports and Waterways Safety Act**

4. The United States Coast Guard, an agency of the United States Department of Homeland Security, was charged with enforcing the Ports and Waterways Safety Act, 33 U.S.C. §§ 1221 *et seq.* (“PWSA”). Title 33, C.F.R., § 160.215, an inland waterways navigation regulation issued by the Coast Guard to implement the PWSA, required that the owner, agent, master, operator, or person in charge report to the Coast Guard any “hazardous condition” either “aboard a vessel” or “caused by a vessel or its operation.” A hazardous condition was defined to encompass any condition that adversely affected the safety of any vessel, bridge, structure or shore area. Such hazardous conditions included manning deficiencies.

5. The Coast Guard considered the operation of a tugboat by an improperly or unlicensed master or mate to constitute a serious manning deficiency, that, except in extraordinary circumstances, would prohibit the operation of the vessel. Therefore, the operation of the vessel by an unqualified employee would be a hazardous condition that the Coast Guard would expect to be reported to the

local Coast Guard Captain of the Port immediately so that appropriate measures could be taken to ensure safety of navigation and protection of the marine environment.

6. The Coast Guard determined that there was a causal connection between fatigue and accidents in the marine transportation industry. Consequently, except in extraordinary circumstances with full consultation with the Coast Guard, the Coast Guard viewed the use of over-fatigued mariners operating tugboats and barges to be a hazardous condition that would not allow for safe operation of the vessel. The Coast Guard expected that if such a hazardous condition arose on a vessel that it would be reported to the local Coast Guard Captain of the Port immediately so that appropriate measures could be taken to ensure safety of navigation and protection of the marine environment. The statutory standard related to fatigue was that operators were prohibited from working for more than 12 hours in a 24 hour period. Title 46, United States Code, Section 8104(h).

### **The Clean Water Act**

7. In the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act (“CWA”), 33 U.S.C. §1321, Congress declared that there should be no discharges of oil, or hazardous substances, into or upon the navigable waters of the United States. The CWA defines discharge as any spilling, leaking, pumping, pouring, emptying or dumping.

8. The Clean Water Act made it a crime for a person or entity to negligently discharge oil into or upon the navigable waters of the United States in such quantities as may be harmful.

### **COUNT 1** ***(Ports and Waterways Safety Act)***

A. Paragraph Nos. 1- 6 are realleged and incorporated by reference as though fully set forth herein.

B. **The PWSA Violations:**

Between on or about January 1, 2007 through on or about July 23, 2008, in the Eastern District of Louisiana and elsewhere, the defendant **DRD TOWING** did willfully and knowingly violate the Ports and Waterways Safety Act as follows:

a) by assigning, and causing to be assigned, employees without appropriate licenses and qualifications to critical positions to unlawfully operate certain vessels as the master or mate, thereby creating hazardous conditions under the PWSA aboard these towing vessels;

b) by creating, and allowing the creation of, hazardous conditions on board certain vessels by requiring operators to work hours far beyond safe operating limits which hours far exceeded the standard set forth in Title 46, United States Code, § 8104 (h) which prohibited operators from working more than 12 hours in a 24 hour period; and

c) by failing to notify the Coast Guard of the above hazardous conditions;

all in violation of Title 33, C.F.R., § 160.215, codified through the Ports and Waterways Safety Act, Title 33, U.S.C., §§ 1221 *et seq.*, specifically 33 U.S.C. §§ 1223, 1225, 1231, and 1232(b)(1).

**COUNT 2**  
***(Clean Water Act (Misdemeanor))***

A. Paragraph Nos. 1- 8 are realleged and incorporated by reference as though fully set forth herein.

B. **The CWA violation:**

On or about July 23, 2008, in the Eastern District of Louisiana, the defendant **DRD TOWING**, pursuant to the incident between the *M/V Mel Oliver* and the *M/T Tintomara*, did negligently discharge and cause the discharge of oil in such quantities as may be harmful from a vessel, that is 282,686 gallons of Fuel Oil No. 6 from the tanker barge DM932 being pushed by the

*M/V Mel Oliver*, into and upon the Mississippi River, a navigable water of the United States, all in violation of Title 33, United States Code, Sections 1323 (b)(3) and 1319(c)(1)(A).

---

JIM LETTEN  
United States Attorney  
La. Bar Roll No. 8517

---

JAN MASELLI MANN  
First Assistant United States Attorney  
La. Bar Roll No. 9020

---

MATTHEW S. CHESTER  
Assistant United States Attorney  
Texas Bar No. 24045650

---

DOROTHY MANNING TAYLOR  
Assistant United States Attorney  
La. Bar Roll No. 12678

New Orleans, Louisiana  
July 1, 2010

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**BILL OF INFORMATION FOR OBSTRUCTION OF JUSTICE**

|                                 |   |                                     |
|---------------------------------|---|-------------------------------------|
| <b>UNITED STATES OF AMERICA</b> | * | <b>CRIMINAL DOCKET NO.</b>          |
| <b>v.</b>                       | * | <b>SECTION:</b>                     |
| <b>RANDALL DANTIN</b>           | * | <b>VIOLATIONS: 18 U.S.C. § 1505</b> |
|                                 | * |                                     |
| *                               | * | *                                   |

The United States Attorney charges that:

**Count 1**

**A. At All Times Material Herein:**

1. Defendant **RANDALL DANTIN**, a resident of Marrero, Louisiana, was a co-owner and the operations manager of DRD Towing Company, LLC (“DRD Towing”), a maritime company located in Harvey, Louisiana.
2. DRD Towing managed and operated tugboats, one of which was the *M/V Mel Oliver*.

3. On July 23, 2008 the *M/V Mel Oliver* was involved in a collision with the *M/T Tintomara*, a 600-foot Liberian-flagged tanker ship, at or near mile marker 99 of the lower Mississippi River near downtown New Orleans, in the Eastern District of Louisiana.

4. To determine the cause of the collision between the *M/V Mel Oliver* and the *M/T Tintomara*, the United States Coast Guard conducted a Marine Casualty Hearing (“Coast Guard Hearing”), in the Eastern District of Louisiana, regarding this incident. The Coast Guard Hearing was a matter within the jurisdiction of the executive branch of the Government of the United States, that is the United States Coast Guard.

**B. The Obstruction of Justice:**

Between on or about July 24, 2008, through on or about October 9, 2008, in the Eastern District of Louisiana, the defendant, **RANDALL DANTIN**, did corruptly obstruct and impede the due and proper administration of the law under which a pending proceeding, the United States Coast Guard Hearing, was being held before an agency of the United States, the Department of Homeland Security, United States Coast Guard, by intentionally causing the deletion of DRD Towing “electronic payroll records.” Furthermore, **RANDALL DANTIN**, knew that the concealed and destroyed “electronic payroll records” were material to the Coast Guard Hearing, and that the destruction of the “payroll records” would obstruct and impede the pending Coast Guard Hearing;

all in violation of Title 18, United States Code, Section 1505.

---

JIM LETTEN  
United States Attorney  
La. Bar Roll No. 8517

---

JAN MASELLI MANN  
First Assistant United States Attorney  
La. Bar Roll No. 9020

---

MATTHEW S. CHESTER  
Assistant United States Attorney  
Texas Bar No. 24045650

---

DOROTHY MANNING TAYLOR  
Assistant United States Attorney  
La. Bar Roll No. 12678

New Orleans, Louisiana  
July 1, 2010