

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

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CRIMINAL NO. 18-054

v.

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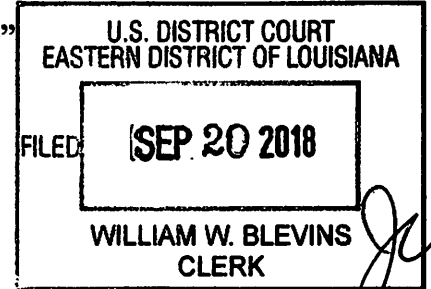
SECTION: "G"

JEFFREY MICHAEL DESALVO

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FACTUAL BASIS



The defendant, **JEFFERY MICHAEL DESALVO** (hereinafter "**DESALVO**"), has agreed to plead guilty as charged to Counts Three, Four, and Five of the indictment, charging him with unlawful use of a Coast Guard License in violation of Title 18, United States Code, Section 2197.

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and other admissible evidence, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant.

DESALVO was a licensed merchant mariner, and during the last ten years he operated tugboats on the Mississippi River as a captain. On October 26, 2014, **DESALVO** failed a drug test that was given to him by his then employer. The failed drug test was reported to the U.S. Coast Guard ("USCG"). After learning of the failed drug test, the USCG began proceedings to revoke **DESALVO'S** Merchant Mariner Credentials (MMCs). In lieu of having his credentials permanently revoked, **DESALVO** entered into a settlement agreement with the USCG on February 4, 2015, wherein he agreed to voluntarily surrender his credentials. Under the terms of the agreement, **DESALVO** could apply to have his credentials reinstated if he successfully

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AUSA SGZ
 Defendant JD
 Defense Counsel AW

completed a drug treatment program. On February 4, 2015, **DESALVO** also submitted a Lost Credential Affidavit (USCG form CG-5800h) to the USCG in which he stated that his MMCs had been destroyed in the wash. On July 5, 2016, the USCG sent a notice to **DESALVO** informing him that his credentials had been administratively revoked because he failed to complete the terms of his settlement agreement.

On the evening of May 16, 2017, **DESALVO** was piloting a tugboat, which was moving grain barges on the lower Mississippi River. At some point during the voyage, the tugboat that **DESALVO** was piloting collided with another tugboat. Shortly after the collision, **DESALVO** called the USCG Sector command center to report the accident. During the call, he falsely identified himself as one of his coworkers, another master of the tugboat that he was piloting that evening.

Sometime after the accident, the USCG conducted a full investigation and confirmed that **DESALVO** was actually the captain of the said tugboat at the time of the collision. After the accident investigation was concluded, a USCG Special Agent (“SA”) pulled **DESALVO’S** Coast Guard records and discovered that **DESALVO’S** credentials had been previously revoked. The SA also discovered that **DESALVO** has worked for a variety of towing companies as a tug captain while his license was suspended. The owners of those towing companies provided copies of the application materials that **DESALVO** submitted when he applied for employment. The employment records from those companies revealed that **DESALVO** earned a combined total of \$53,245.14 in gross income as an unlicensed tug captain during the following time periods:

Company 1 03/17/2015 - 04/15/2016;


Company 2 09/11/2015 - 09/14/2015;

Company 3 10/08/2015 - 12/26/2015; and


Company 4 05/01/2017 - 06/01/2017.

In an effort to locate and interview **DESALVO** about the accident, the SA learned that **DESALVO** was booked in the Lafourche Parish jail awaiting trial on various state charges. Accordingly, on August 23, 2017, the SA went to the jail and interviewed **DESALVO**. **DESALVO** admitted during a recorded interview that he was piloting the said tugboat when it collided with the other tugboat, and that he lied to the USCG when he stated in the aforesaid affidavit that his MMCs had been destroyed. **DESALVO** also admitted that he knew his credentials were suspended when he applied for the job with the company that owned the tug that was involved in the above-referenced collision.


APPROVED AND ACCEPTED:



SPIRO G. LATSIS Date
Assistant United States Attorney



MAURA DOHERTY Date
Attorney for Defendant



JEFFREY MICHAEL DESALVO Date
Defendant