

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL NO. 08-084

 * SECTION: "C"

MARK D. MILLIEN *

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FACTUAL BASIS

If this case had gone to trial, the government would have proved the following beyond a reasonable doubt by competent evidence:

A representative from the United States Coast Guard would testify that the defendant, **MARK D. MILLIEN ("MILLIEN")**, was issued a Merchant Mariner's License by the U.S. Coast Guard, License No. 8951750, on October 19, 2000, authorizing **MILLIEN** to serve as an Operator of Uninspected Towing Vessels on Western Rivers. On October 5, 2005, **MILLIEN** had his U.S. Coast Guard Merchant Mariner's License and all related Documents revoked by order of a U.S. Coast Guard Administrative Law Judge, proceeding number CG S&R 05-0402. **MILLIEN** was ordered to surrender his license to the U.S. Coast Guard and advised of his right of appeal.

Thereafter, **MILLIEN** did not appeal the revocation. To date, **MILLIEN** has never been issued another U.S. Coast Guard license nor has License No. 8951750 been reinstated.

A representative of KC Boat Co., Inc., (“KC Boat”) a company located in Marrero, Louisiana, will testify that **MILLIEN** presented a U.S. Coast Guard Merchant Mariner’s License with the serial number 93431 to KC Boat for the purposes of employment as a captain. The date of issue, the gross tonnage and the radar endorsement expiration date on the license **MILLIEN** presented appeared to be valid. The witness will further testify that **MILLIEN** was employed by KC Boat and paid as a captain under that license number for 227.5 days after October 5, 2005 through January 28, 2007 and earned approximately \$60,287.50. The witness learned on January 29, 2007 that the Merchant Mariner’s License submitted to KC Boat for employment was fake and/or altered as no such serial number exists in the National Maritime Center database. The witness spoke with **MILLIEN** about this matter on January 31, 2007 and **MILLIEN** told him that he, **MILLIEN**, was sorry that he lied about the validity of the license.

The government would also introduce into evidence the defendant’s fake and/or altered Merchant Mariner’s License, the order by the Administrative Law Judge dated October 5, 2005 revoking **MILLIEN** ’s license, and the defendant’s personnel file from KC Boat.

MARK D. MILLIEN (Date)

EDWARD J. RIVERA (Date)
Asst. U.S. Attorney

GARY SCHWABE (Date)
Asst. Federal Public Defender
Attorney for the defendant