

New Jersey Judge Lowers the Boom on Chief Engineer



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On November 21, 2016, Judge Susan Wigenton of the U.S. District Court for the District of New Jersey sentenced former Chief Engineer Girolamo Curatolo to eight months in prison, followed by a year of supervised release, for a single count of failure to maintain an oil record book. The sentence is notably more severe than sentences given in other cases, where similarly charged foreign seafarers have been sentenced to probation and allowed to return home, or have been given credit for time spent detained in the U.S. Curatolo has been present in the U.S. since January 16, 2015.

Curatolo was the Chief Engineer onboard the vessel *CIELO DI MILANO*, an oil tanker that called in Bayonne, New Jersey, on January 16, 2015. During a Coast Guard boarding, the officers found evidence that Curatolo has been discharging oily waste through the vessel's sewage system rather than processing it through the oily water separator, and that he had made false entries in the vessel's oil record book. He was also alleged to have made false statements to the Coast Guard during their boarding of the vessel. In addition, to conceal the unlawful discharges, he had destroyed the engine cadet's informal sounding record book by ripping pages from it and burning them in the ship's boiler, and then told the engine cadet to lie to the Coast Guard about those occurrences.

Notably, sentencing for Curatolo's co-defendant, Second Engineer Danilo Maimone, who pled guilty at the same time as Curatolo, was postponed until mid-January, 2017. D'Amico Shipping Italia S.p.A. and D'Amico Societa di Navigazione S.p.A., the vessel's owner and operator, have not yet been charged.

Whether the harsh sentence in this case was the result of the unique circumstances of this case, or a not-so-subtle message to chief engineers generally that more severe consequences await the persons most directly responsible for unlawful discharges of oily water and false records is not clear. However, seafarers should be particularly alert that the risks of violating pollution prevention laws are increasing.

Curatolo's plea agreement is available [here](#).

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