

Chief Engineer Pleads Guilty To MARPOL Violation on Eve of Trial

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On September 10, 2019, Chief Engineer Ioan Luca, formerly of the Motor Vessel CMA CGM AMAZON, was sentenced to one year of probation and allowed to return home to Romania, after entering into a plea agreement with prosecutors. The government had originally charged Mr. Luca with five counts of MARPOL-related crimes, including conspiracy, failing to maintain an oil record book, obstruction of an agency proceeding, and two counts of witness tampering; all related to the alleged discharge of oily bilge water without processing through the oily water separator. However, under the plea deal Mr. Luca pled guilty to one count of violating the Act to Prevent Pollution from Ships by aiding and abetting the failure to maintain an oil record book, and the government dropped the remaining allegations.

Mr. Luca's plea agreement came on the eve of trial, which currently remains scheduled for September 17, 2019, against the remaining defendants, his employer Capital Ship Management Corp. and fellow Chief Engineer Ionel Surla. The deal followed a wild week in which Mr. Luca's counsel raised a number of allegations against the government and the Coast Guard of overzealous witness interviews and other "outrageous" conduct. The final submission by Mr. Luca's counsel was made the day before the plea agreement and included transcripts of interviews of the former Second Engineer from the vessel. In other documents filed with the court, the Coast Guard investigator denied the interpretations reached by Mr. Luca's counsel. Whether the government will respond more fully to the allegations is now unclear, since Luca withdrew the underlying motion concurrently with the plea agreement.

Regardless of the interpretation placed on the interviews of the second engineer, the transcripts illustrate the value of early involvement of counsel on behalf a persons and entities caught up in a government investigation, to ensure that personnel obtain independent advice and to facilitate clear communications. A copy of the counsel's submission, the transcripts, and the Coast Guard official's comments are attached [here](#).

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