



UNITED STATES DEPARTMENT OF COMMERCE
The Under Secretary of Commerce
for Oceans and Atmosphere
Washington, D.C. 20230

UNITED STATES DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

IN THE MATTER OF AMY N. INC., WILLIAM C. HAUCK, F/V SEA KING, Respondents.
DOCKET NO. SE0900879

ORDER DENYING PETITION FOR DISCRETIONARY REVIEW

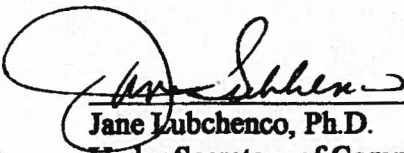
This is a fisheries enforcement matter in which Respondents were charged with violations of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), 16 U.S.C. §§ 1801 *et seq.* On October 8 2009, the National Oceanic and Atmospheric Administration (NOAA) issued an Amended Notice of Violation and Assessment of Civil Penalty (NOVA), jointly and severally, to Amy N., Inc. and William C. Hauck, corporate principal of Amy N. Inc. and the operator of the F/V Sea King. This NOVA was further amended on motion filed by NOAA on February 4, 2010. Based on the NOVA as amended, Respondents were charged with unlawful fishing from a headboat in federal waters without a permit, in violation of Section 307 of the MSFCMA, 16 U.S.C. § 1857(1)(A), and implementing regulations

After a hearing on February 10-11, 2010, an Administrative Law Judge (ALJ) issued an Initial Decision in this case on July 19, 2010, finding that the Respondents had unlawfully fished in federal waters and assessed a \$1,500 civil penalty against the Respondents. Respondents filed a Petition for Discretionary Review on August 25, 2010.

Pursuant to 15 C.F.R. § 904.273, Respondents' petition for discretionary review is denied because Respondents have not demonstrated that the ALJ's Initial Decision warrants further review.

This order denying discretionary review constitutes the final administrative decision in this matter. The civil penalty imposed by the ALJ will become final on the date this Order is served on Respondents, and will become effective for purposes of Judicial Review on the date of service.

Dec 16, 2010
Date


Jane Lubchenco, Ph.D.
Under Secretary of Commerce
for Oceans and Atmosphere

THE ADMINISTRATOR



CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of December, 2010, I have served the foregoing Order Denying Petition for Discretionary Review upon the following parties and/or their designated representatives by certified mail, return receipt requested:

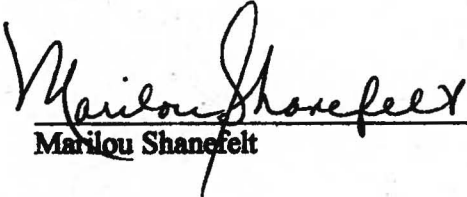
Ben Friedman
Assistant General Counsel for Enforcement and Litigation
National Oceanic and Atmospheric Administration
8484 Georgia Avenue, Suite 400
Silver Spring, MD 20910

Karen Antrim Raine
National Oceanic and Atmospheric Administration
Office of General Counsel/SE
263 13th Avenue South, Suite 177
St. Petersburg, FL 33701

William C. Hauck and Amy N., Inc.
c/o Dockside Bar and Grill
5 Sombrero Blvd.
Marathon, FL 33050

William C. Hauck
P.O. Box 500303
Marathon, FL 33050

Hearing Docket Clerk
United States Coast Guard
ALJ Docketing Center
40 South Gay Street, Room 412
Baltimore, Maryland 21202-0001



Marilou Shanefelt