

**NOAA Office of General Counsel, Enforcement Section
Civil Administrative Enforcement Actions
November 1 - 30, 2021¹**

**During this reporting period, NOAA charged 7 cases,
Settled 7 cases,² and otherwise resolved 3 additional cases.³**

Charged Cases⁴

ALASKA

1. AK2006001; F/V Cape Kiwanda – Owner B&N Fisheries Company and Operators Ronald Weyburn Naughton and Cory Dehning were charged jointly and severally under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with exceeding the Rockfish Program maximum retainable amount (MRA) for pollock in the Gulf of Alaska. In count 1, a \$1,099.58 penalty was assessed against B&N Fisheries Company and Operator Ronald Weyburn Naughton for exceeding the MRA by 15,815 pounds (a 2,869% overage), worth \$1,099.58. In count 2, \$6,502.86 penalty was assessed against B&N Fisheries Company and Operator Cory Dehning for exceeding the MRA by 43,746 pounds (a 729.1% overage), worth \$3,502.86. A \$7,602.44 NOVA was issued, and the case settled for \$6,842.20.

NORTHEAST

2. NE1906813 – Crewmember Benjamin Hogan was charged under the Magnuson-Stevens Act with assaulting a fisheries observer. An \$80,000 NOVA was issued.

PACIFIC ISLANDS

3. PI2103765; F/V Lanikai – Owner Twin Nguyen Fishery LLC and Operator Timothy Nguyen were charged jointly and severally under the Magnuson-Stevens Act with fishing with longline gear in the area closed to longline fishing surrounding the Main Hawaiian Islands. A \$5,750 NOVA was issued.

¹ This report is not considered to be a publication. All data are provisional.

² This report provides the final settlement amount where applicable. Additional details regarding the settlement and structure of the settlement payments, including the factors considered in reaching settlement, are omitted.

³ Cases are listed by file number, and separated by regions. West Coast region includes cases from both the Southwest and Northwest offices, but all are given Northwest case numbers.

⁴ Charged cases have had a Notice of Violation and Assessment (NOVA), Notice of Permit Sanction (NOPS), and/or Written Warning issued and served. NOVAs, NOPSs, and Written Warnings contain the Agency's allegations of violations by the respondent(s). In response to receiving a NOVA, NOPS, or Written Warning, a respondent may challenge both the allegations and the proposed penalty or permit sanction, through means set forth in NOAA's civil procedure regulations, found at 15 C.F.R. Part 904. Where no information is provided regarding resolution of the case, the matter remained open at the end of the reporting period.

4. PI2104666; F/V St Peter – Owner RS Fishery LLC and Operator Phong Chan Huynh were charged jointly and severally under the Magnuson-Stevens Act with fishing with longline gear in the area closed to longline fishing surrounding the Main Hawaiian Islands. A \$7,250 NOVA was issued.

SOUTHEAST

5. SE2103260; F/V Cami – Owner/Operator Jorge Luis Fernandez was charged under the National Marine Sanctuaries Act with fishing for and/or possessing fish inside the Tortugas North Ecological Reserve and anchoring inside the reserve. A \$5,000 NOVA was issued, and the case settled for \$4,500.
6. SE2103017; M/V Summer Wind – Owner Hornblower Metro Fleet, LLC and Operator James Annpriester were charged jointly and severally under the Endangered Species Act and the Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$12,500.00 NOVA was issued.

WEST COAST

7. NW1902462; F/V Victoria – Owner Thao Van Phan and Operator Ngoc Thuy Phan of a Pacific Coast groundfish fishing vessel were charged jointly and severally under the Magnuson-Stevens Act with landing dover sole in excess of the monthly cumulative limit. A \$4,331.60 NOVA was issued.

Settled and Resolved Cases Charged Before November 1, 2021⁵

ALASKA

1. AK1701779; F/V Seafisher – Crewman Iakopo Jake Vae was charged under the Magnuson-Stevens Act with forcibly assaulting and sexually harassing a fisheries observer on board the vessel. A \$24,000 superseding NOVA was issued, and the case settled for \$4,000. [See Charged Cases, Item 2, from July - December 2020 report.]
2. AK2001863; F/V Gold Rush – Owner Golden Tide, Inc. and Operator Dale Eggers were charged jointly and severally under the Magnuson-Stevens Act with exceeding the maximum retainable amounts for Pacific cod and/or skate in the Gulf of Alaska. A \$15,422.67 NOVA was issued, and the case settled for \$13,880.40. [See Charged Cases, Item 1, from October 2021 report.]

⁵All cases in this portion of the report were charged before November 1, 2021.

NORTHEAST

3. NE1707022; F/V Sea Dancer – Owner/Operator Mark D. Liska was charged under the Magnuson-Stevens Act with fishing without an observer after being selected to carry one. A \$15,000 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 2, from October 2021 report.]
4. NE1904427; F/V Fully Loaded and F/V Baby Doll – Owners/Operators Joseph Horvath, Jr. and Adam Horvath were charged jointly and severally under the Atlantic Coastal Fisheries Cooperative Management Act for fishing with lobster traps during a seasonal closure. A \$50,000 NOVA was issued, and the case settled for \$7,000. [See Charged Cases, Item 9, from January - April 2021 report.]
5. NE2006469; F/V Romans Road – Owner/Operator Corydan E. Hawkes was charged under the Magnuson-Stevens Act with fishing inside Canadian waters without authorization. A \$4,750 NOVA was issued, and the case settled for \$4,275. [See Charged Cases, Item 4, from September 2021 report.]

PACIFIC ISLANDS

None.

SOUTHEAST

6. SE1900928; F/V Southern Drawl – Owner Michael Quain Pittman and Operator James Allen Coker were charged jointly and severally under the Magnuson-Stevens Act with landing and/or selling a 630 lb overage of Gulf greater amberjack. A \$3,697 NOVA was issued. The NOVA became a final administrative decision due to default.⁶
7. SE2000844A; F/V Sweet Lips – Owner Amos A. Gainey and Operator Christopher M. Hazlett were charged jointly and severally under the Magnuson-Stevens Act with possessing fish in excess of what is allowed, where the overage exceeds the catch limit by 100% or more; and fishing for and/or possessing fish inside the North Florida Marine Protected Area. A \$63,704.93 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 6, from October 2021 report.]
8. SE2000844B; Mayport C & C Fisheries, Inc.– Dealer Mayport C & C Fisheries, Inc. was charged under the Magnuson-Stevens Act with failing to comply with the restrictions on sale/purchase of South Atlantic snapper-grouper. A \$5,000.00 NOVA was issued, and the case settled for \$4,500. [See Charged Cases, Item 7, from October 2021 report.]

⁶ This NOVA was served in October 2021, but the case was not included in previous reports.

WEST COAST

None.