

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

**During this reporting period, NOAA charged 12 cases,
settled 9 cases,² and otherwise resolved additional 2 cases.³**

Charged Cases⁴

ALASKA

1. AK2001863; F/V Gold Rush – Owner Golden Tide, Inc. and Operator Dale Eggers were charged jointly and severally under the Magnuson-Stevens Fishery Conservation and Management Act (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.

NORTHEAST

2. 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.
3. NE1907101; F/V Carley Grace – Owner F & W Fisheries, LLC and Operator Adam M. Grella were charged jointly and severally under the Magnuson-Stevens Act with exceeding the incidental possession limit while declared out of the fishery. A \$7,181.50 NOVA was issued.
4. NE2100661; F/V Brizo – Owner Offshore Endeavors, Inc. and Operator David E. Stewart were charged jointly and severally under the Magnuson-Stevens Act with failing to submit an accurate fishing vessel trip report, specifically, by not reporting all landings of Atlantic sea scallops. A \$5,239 NOVA was issued and the case settled for \$4,964.

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.

PACIFIC ISLANDS

None.

SOUTHEAST

5. SE2000505; F/V Lady Maritza – Owner Fish Mafia LLC and Operator Mike Irwin were charged jointly and severally under the Magnuson-Stevens Act with exceeding the possession limits for Gulf reef fish. A \$20,000 NOVA was issued, and the case settled for \$18,000.
6. 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.
7. 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.
8. SE2005138; F/V Jimmy & Andy Jr. – Owner Hong & Men VI LLC and Operator Dinh Van Vo were charged jointly and severally under the Endangered Species Act with fishing for shrimp in the Atlantic Ocean with a non-compliant Turtle Excluder Device. A \$6,250 NOVA was issued.
9. SE2100571; Yacht Rock It – Owner LDG Yachts Ltd. and Operator Hendrik Jacobus Geyer Jacobs were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the Area To Be Avoided in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued, and the case settled for \$6,750.
10. SE2101024; F/V LA5419FY– Owner/Operator Freddy J. Desmolle Sr. was charged under the Magnuson-Stevens Act with fishing for, retaining, and possessing 95 Gulf of Mexico blacktip sharks without a valid Federal Commercial shark permit. The proceeds (\$1,360) of the violation were forfeited by abandonment. An \$11,000.00 NOVA was issued.
11. SE2101122; F/V Pancake – Owner/Operator David Alan Stiller was charged under the Magnuson-Stevens Act with exceeding the large coastal shark trip limit, possessing separated fins at sea, possessing sandbar sharks, and possessing red drum in the EEZ. The proceeds (\$1,046) of the violation were forfeited by abandonment. A \$130,000 NOVA and a Notice of Permit Sanction for 80 days were issued.

WEST COAST

12. NW1606190; YFD – 70 Amaya Curiel Corporation, Western Towboat Company, Vigor Marine, LLC, Puget Sound Commerce Center, Inc. – Owners of floating drydock, owner of tug boat, and charterer of tug were charged under the National Marine Sanctuaries Act with discharging material in a sanctuary, abandoning material in a sanctuary (daily), and destruction of sanctuary resources (daily). The violations resulted from a large floating dock under tow that sank within the Monterey Bay National Marine Sanctuary. A \$5,117,728 NOVA was issued based on daily ongoing violations.

Resolved Cases Charged Before October 1, 2021⁵

ALASKA

None.

NORTHEAST

1. NE1905466; F/V Rock On – Owner/Operator Gregory Ares was charged under the Magnuson-Stevens Act and the Atlantic Tunas Convention Act with failure to report Atlantic bluefin tuna. A \$4,750 NOVA was issued, and the case settled for \$4,275. [See Charged Cases, Item 1, from September 2021 report.]
2. NE2000750; F/V Skipper – Owner/Operator William M. Briggs was charged under the Magnuson-Stevens Act with failing to comply with vessel trip report requirements by not listing landings of winter flounder. A \$3,000 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 3, from September 2021 report.]
3. NE2101096A; F/V Olivia Catherine – Owner P.M.J., Inc. and Operator Jacob B. Irons were charged jointly and severally under the Magnuson-Stevens Act with failure to timely comply with the fishing vessel trip reporting requirements. A \$2,750 NOVA was issued and the case settled for \$2,475. [See Charged Cases, Item 5, from September 2021 report.]

PACIFIC ISLANDS

None.

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

SOUTHEAST

4. SE1906105; F/V Hatterascal – Owner Hatteras Yachts, Inc. and Operator Jeffrey Donahue were charged jointly and severally under the Magnuson-Stevens Act with possessing Atlantic highly migratory species in improper form and without a permit. A \$2,500 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 9, from September 2021 report.]
5. SE2000778; F/V Capt Scott II – Owner J&N Marine LLC and Operator Kevin Nguyen were charged jointly and severally under the Endangered Species Act for failing to comply with the Turtle Excluder Device requirements. A \$7,500 NOVA was issued, and the case settled for \$6,750. [See Charged Cases, Item 29, from May–August 2021 report].
6. SE2002706; F/V Grouper Therapy – Owner Wholesail Ventures Inc., Permit Holder Palmer Charters Inc., and Operator Christopher H. Gercken were charged jointly and severally under the Magnuson-Stevens Act with fishing without observer coverage when the vessel was required to carry an observer. A \$5,750 NOVA was issued, and the case settled for \$3,000. [See Charged Cases, Item 36, from May–August 2021 report].
7. SE2006169; JDL Distribution Group – Seafood importer was charged under the Marine Mammal Protection Act with importing fish from Mexico with an unsigned Certification of Admissibility. A \$1,500 NOVA was issued, and the case settled for \$1,000. [See Charged Cases, Item 42, from May–August 2021 report].
8. SE2006399, F/V Longway – Owner/Operator Christopher Long was charged under the Magnuson-Stevens Act with possessing fish during a closed season, possessing undersized fish, possessing fish over the bag limit, fishing with prohibited gear, and failing to have required gear on board. A \$49,900 NOVA was issued and the case settled for \$45,050. [See Charged Cases, Item 43, from May–August 2021 report].

WEST COAST

None.