

**NOAA Office of General Counsel, Enforcement Section**  
**Civil Administrative Enforcement Actions**  
**January, 2021, through April 30, 2021<sup>1</sup>**

**During this reporting period, NOAA charged 43 cases,  
settled 29 cases,<sup>2</sup> and otherwise resolved 8 additional cases.<sup>3</sup>**

**Charged Cases and Resolutions<sup>4</sup>**

**ALASKA**

1. AK1905306; F/V Pacific Sojourn — Owner Sojourn Fisheries, LLC and Operator Roy Wilson were charged jointly and severally under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with unlawfully discarding Individual Fishing Quota (IFQ) sablefish and failing to log the discards. A \$21,500 NOVA was issued, and the case settled for \$17,200.
2. AK1905767; F/V Anita — Owner F/V Anita LLC and Operator Jay Gillman were charged jointly and severally under the Magnuson-Stevens Act and the Northern Pacific Halibut Act (Halibut Act) with unlawfully discarding IFQ sablefish and IFQ halibut, failing to report discards, failing to retrieve gear in a timely manner, and failing to register an IFQ fishing trip in the Observer Declare and Deploy System. A \$78,250 NOVA was issued.
3. AK1906825; F/V Cameron — Owner Overa Fisheries, LLC and Operator Roger Overa were charged jointly and severally under the Magnuson-Stevens Act with operating a vessel in the Gulf of Alaska Pacific cod fishery without carrying an operable NMFS-approved Vessel Monitoring System (VMS) and without complying with VMS requirements. A \$15,000 NOVA was issued.
4. AK2003816; F/V Gulf Maiden — Owner Gulf Maiden Corporation and Operator Randall Shear were charged jointly and severally under the Halibut Act with failing to carefully

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<sup>1</sup> This report is not considered to be a publication. All data are provisional.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

release halibut and under the Magnuson-Stevens Act for unlawfully discarding rockfish and Pacific cod and failing to log groundfish discards. A \$22,800 NOVA was issued.

## **NORTHEAST**

5. NE1709015; F/V Lori B — Owner/Operator John Matthew Linnell was charged under the Magnuson-Stevens Act with exceeding the monkfish possession limit. A \$7,453.86 NOVA was issued.
6. NE1800258; F/V Aaron & Melissa II — Owner Boat Aaron & Melissa Inc. and Operator Gene R. Frey were charged jointly and severally under the Magnuson-Stevens Act with submitting false or inaccurate information in a vessel trip report and/or providing false or inaccurate information to an at-sea observer. A \$41,699.00 NOVA was issued.
7. NE1902781; F/V Tyler — Owner F/V Tyler Inc. and Operator Samuel J. Hopkins were charged jointly and severally under the Magnuson-Stevens Act with fishing in a closed area. A \$15,000 NOVA was issued.
8. NE1904280; F/V Conor And Michael — Owner TCM Fisheries, Inc. and Operator Joseph R. O'Brien were charged jointly and severally under the Magnuson-Stevens Act with exceeding the catch limit of scup by 4,766 pounds or more than 2300% while using a net with a mesh size of less than 5 inches to fish. The proceeds of the violation (\$3,023.50) were forfeited. A \$12,000 NOVA was issued, and the case settled for \$10,000.
9. 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.
10. NE1905449; F/V Stanley — Owner/Operator Seth Nichols was charged under the Magnuson-Stevens Act with failing to report Atlantic bluefin tuna landed and sold within twenty-four hours, on twenty-one different occasions between August 2018 and April 2020. A \$4,500 NOVA was issued, and the case settled for \$4,050.
11. NE1906813 — Crewmember Benjamin Hogan was charged under the Magnuson-Stevens Act with assaulting a fisheries observer. An \$80,000 NOVA was issued.
12. NE2000328; M/V Fleeton, M/V John S. Dempster, Jr., M/V Rappanhannock, M/V Tidelands — Owner/Operator Alpha Vessel Co. LLC was charged under the Endangered Species Act and the Marine Mammal Protection Act with exceeding speed restrictions through the Mid-Atlantic right whale seasonal management areas. A \$145,000 NOVA was issued. The case, along with additional violations discovered post-charging, was resolved in a global settlement for \$288,000.

13. NE2000707; F/V Perry's Pride II — Owner/Operator Timothy D. Linnell was charged under the Magnuson-Stevens Act with exceeding the monkfish possession limit. A \$4,743.34 NOVA was issued.
14. NE2002406; F/V Goin In Deep — Owner Goin In Deep, LLC and Operator Walter J. Harmstead were charged jointly and severally under the Magnuson-Stevens Act with landing eleven yellowfin tuna in improper form, tails removed. A \$5,000 NOVA was issued, and the case settled for \$4,500. Additionally, Operator was issued a written warning under the Magnuson-Stevens Act for failing to have a valid merchant marine or uninspected passenger vessel license while operating an HMS charter/headboat.
15. NE2002779; F/V More Misery — Owner Sutton Enterprises, Inc. and Operator William Ethier were charged jointly and severally under the Magnuson-Stevens Act with possessing a skate overage. The proceeds of the violation (\$1,482) were voluntarily abandoned. A \$4,500 NOVA was issued.
16. NE2003013; F/V Just for the Haters — Owner/Operator William C. McLaughlin was charged under the Atlantic Striped Bass Conservation Act with unlawfully possessing striped bass in the EEZ. A \$10,000 NOVA was issued.
17. NE2003478; F/V The Tree Guy — Owner/Operator Derek Oneppo was charged under the Magnuson-Stevens Act with landing fifteen Atlantic tunas in improper form with tails removed. A \$5,500 NOVA was issued.

## **PACIFIC ISLANDS**

18. PI1806079; F/V Queen Diamond — Owners Calvin Huynh and Queen Diamond, Inc. were charged jointly and severally under the Magnuson-Stevens Act with failing to submit the required log books from a trip. A \$2,500 NOVA was issued. The NOVA became a final administrative decision due to default.
19. PI2003412; F/V Christine N — Owners John Thiet Nguyen and Christine N, Inc., and Operator Tuan Hong 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.
20. PI2004317; Herickson Rooshvelt — Individual was charged under the Endangered Species Act with illegally taking a threatened Hawaiian green sea turtle (*Chelonia Mydas*). Respondent intentionally killed and butchered the turtle. A \$34,262 NOVA was issued.

## **SOUTHEAST**

21. SE1804529; F/V Sea Hawk — Owner Nite Hawk Offshore, Inc., and Operator Don Michael Rynn were charged jointly and severally under the Magnuson-Stevens Act with exceeding

the incidental catch limit for swordfish per trip by 20 swordfish resulting in a 66% overage. A \$5,750.00 NOVA was issued. The NOVA became a final administrative decision due to default.

22. SE1807724; F/V FL5426RY — Operator Pedro Pons Betancourt and Recreational Anglers Jorge Raul Fernandez and Oberlan Rivera Figueroa were charged jointly and severally under the National Marine Sanctuaries Act with fishing in Grecian Rocks Sanctuary Preservation Area in the Florida Keys National Marine Sanctuary. A \$2,500 NOVA was issued.
23. SE2000245; F/V LA7615GD — Owner/Operator John Sturlese was charged under the Magnuson-Stevens Act with failing to have the required VMS onboard and operating properly. A \$21,000 NOVA was issued, and the case settled for \$18,900.
24. SE2001716A; F/V Miss Rita — Owner Glenn E. Davis and Operator Joshua A. Kemp were charged jointly and severally under the Magnuson-Stevens Act with the unlawful landing of a blacknose shark from the Gulf of Mexico. Owner Davis and Operator Kemp were also charged jointly and severally under the Magnuson-Stevens Act for the unlawful use of 1,447 hooks in a single trip where their shark research fishery permit set a limit of 450 hooks per trip. An \$11,506.75 NOVA was issued. The NOVA became a final administrative decision due to default.
25. SE2001716B; Madeira Beach Seafood Co. — Madeira Beach Seafood Co. was charged under the Magnuson-Stevens Act with unlawfully purchasing a blacknose shark from the Gulf of Mexico coast. A Written Warning was issued.
26. SE2001766; F/V Gypsea — Owner/Operator, Eliu Gonzalez, was charged under the Magnuson-Stevens Act with failing to have an operating VMS onboard for one year and for failing to have the required sea turtle release gear on board. A \$38,500 NOVA was issued.
27. SE2001816; F/V FL2795RX — Operator Roberto Mandina was charged under the National Marine Sanctuaries Act with fishing in an Ecological Reserve and anchoring on coral inside the Reserve. A \$2,500 NOVA was issued.
28. SE2001867; F/V Miss Kathleen — Owner/Operator David Ronnie Rodgers Jr., was charged under the Endangered Species Act with fishing for shrimp in the Gulf of Mexico with non-compliant Turtle Excluder Devices (TEDs). An \$81,382 NOVA was issued. The NOVA became a final administrative decision due to default.
29. SE2001985; F/V Chasity Brooke — Owner Chasity Brooke, LLC and Operator Charles Santos Wilson were charged jointly and severally under the Endangered Species Act with owning, powering, and/or being onboard a shrimp trawler in the Gulf of Mexico with a non-compliant TED. A \$3,500 NOVA was issued. The NOVA became a final administrative decision due to default.
30. SE2002016; F/V Twister — Owner Steel Roy Rockett and Operator Michael Conrad Ross were charged jointly and severally under the National Marine Sanctuaries Act with fishing

inside the Tortugas South Ecological Reserve. The proceeds of the violation (\$2,318.25) were voluntarily abandoned. A \$7,500 NOVA was issued.

31. SE2002404; Cargo vessel Champion III — Owner Dean's Shipping Company Ltd. and Operator Rickey Nelson Barnett 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.
32. SE2003245; M/Y Lady Kathryn V — Owner Lady Kathryn V Ltd. and Operator Christopher Torri Ramos 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.
33. SE2003426; OSV Regulus — Owner Tidewater Marine LLC and Operator Billy Harris 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.
34. SE2003433; T/V J.J. Cenac — Owner Kirby Corporation and Operator Rickey Joseph Verdin were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters in an Area To Be Avoided (ATBA) in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued.
35. SE2004055; F/V Stress Reel Ease — Owner Omar Ventures LLC and Operator Zuhair Salem Hillail were charged jointly and severally under the Magnuson-Stevens Act for possessing Gulf red snapper during a seasonal closure. A \$1,000 NOVA was issued, and the case settled for \$900.
36. SE2005317; M/Y Turquoise — Owner BBW Turquoise Ltd. and Operator Gareth Harris were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the ATBA in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued.

## **WEST COAST**

37. CRSRA21001; Maxar Intelligence, LP — The satellite license holder, Maxar Intelligence, was charged under the National and Commercial Space Programs Act with violating a condition of its GeoEye-1, Legion, and WorldView licenses. Specifically, Maxar changed its company name and the contact information for its point of contact before receiving approval from NOAA to change these material facts in its licenses. A Written Warning was issued.
38. NW1606757; F/V Rising Sun — Owner Spencer Miller LLC and Operator Francis Miller were charged jointly and severally under the Magnuson-Stevens Act with failing to install or activate a mobile transceiver unit prior to leaving port on multiple trips. A Written Warning

was issued.

39. NW1708678; M/S Europa — Owner of cruise ship Hapag-Lloyd (Bahamas) Ltd. and Operator Columbia Cruise Services GmbH & Co. were charged jointly and severally under the National Marine Sanctuaries Act with discharging unauthorized materials into the Monterey Bay National Marine Sanctuary. A \$20,000 NOVA was issued, and the case settled for \$18,000.
40. NW1807549; F/V Quinnat — Owner Buckingham Fisheries, LLC and Operator Michael Buckingham were charged jointly and severally under the Magnuson-Stevens Act with fishing in Canadian waters without authorization in violation of an international fishery agreement between Canada and the United States. A \$39,000 NOVA was issued, and the case settled for \$35,100.
41. NW1902550; M/V Pax — Operator Dennis Dowell was charged under the National Marine Sanctuaries Act with discharging/depositing unauthorized material in the Monterey Bay National Marine Sanctuary when his 57' motor yacht sank during transit. A \$5,625 NOVA was issued. The NOVA became a final administrative decision due to default.
42. NW1904773; 1987 Macgregor 21' Sailboat — Operator Charles Barry was charged under the National Marine Sanctuaries Act with discharging/depositing unauthorized material in the Monterey Bay National Marine Sanctuary when his negligent salvage of the vessel caused the vessel to sink in the sanctuary. A \$7,500 NOVA was issued.
43. NW2002625; F/V Cape Ferrat — Owner Cape Ferrat Fishing LP and Operator Antonio Lemos Arnaldo were charged jointly and severally under the Tuna Conventions Act with failing to properly handle and release a shark. A NOVA was issued for \$2,500, and the case settled for \$2,250.

#### **Settled and Resolved Cases Charged Before January 1, 2021<sup>5</sup>**

##### **ALASKA**

1. AK1805481; F/V Jean C — Owner Moderation Enterprises, Inc., operator/IFQ permit holder Harley Ethelbah, and IFQ permit holder Aaron Phillips were charged jointly and severally under the Northern Pacific Halibut Act with a halibut overage. A \$44,494.10 NOVA was issued, and the case settled for \$22,000. [See Charged Cases, Item 3, from January - June 2020 report.]

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<sup>5</sup>All cases in this portion of the report were charged before January 1, 2021, but settled or otherwise resolved during this six-month period.

## **NORTHEAST**

2. NE1805695; F/V Jarrod Seth — Owner/Operator Robert D. Morris was charged under the Magnuson-Stevens Act with failing to have the vessel's trip-report logbook on board the vessel and, therefore, being unable to fill out the report prior to entering port. A \$1,000 NOVA was issued. The NOVA became the final administrative decision. [See Charged Cases, Item 12, from July – December 2020 report.]
3. NE1806356; New Food Worldwide, LLC — Seafood Importer was charged under the Marine Mammal Protection Act with unlawfully importing yellowfin tuna product from a nation subject to an embargo. A \$28,520 NOVA was issued, and the case settled for \$25,668. [See Charged Cases, Item 14, from July – December 2020 report.]
4. NE1807536; F/V Voyager — Owner/Operator John Sportfishing, LLC was charged under the Endangered Species Act and the Marine Mammal Protection Act with exceeding speed restrictions through the Mid-Atlantic right whale seasonal management areas. A \$22,500 NOVA was issued, and the case settled for \$16,250. [See Charged Cases, Item 15, from July – December 2020 report.]
5. NE1807823; F/V Tiger Jo — Owner/Operator Terence J. Mulvey was charged under the Magnuson-Stevens Act with fishing in the U.S. Exclusive Economic Zone (EEZ) without a valid federal fishing permit. The proceeds of the violation (\$480.10) were forfeited. A \$6,250 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 16, from July – December 2020 report.]

## **SOUTHEAST**

6. SE1800170; F/V Three Pigeons — Owner Connie Trahan Capdeboscq and operator Joseph Boudreaux were charged jointly and severally under the Endangered Species Act with four counts of failing to have an approved TED installed in each net rigged for fishing in the Gulf of Mexico. A \$66,000 NOVA was issued, and the case settled for \$20,000. [See Charged Cases, Item 30, from January – June 2020 report.]
7. SE1800455; F/V Jean Marie — Owner Terrence Gregory Abrams and Operator Steven F. Fidler were charged jointly and severally under the Magnuson-Stevens Act with fishing inside two closed areas using bottom longline gear. The proceeds of the violation (\$18,219.50) were voluntarily abandoned. A \$42,000 NOVA was issued. The case settled with the owner for \$27,000 (SE1800455A). The NOVA became a final administrative decision against the operator due to default (SE1800455B).<sup>6</sup>
8. SE1805845; F/V Pride of the Carolinas — Owner Coastal Scuba LLC was charged under the Endangered Species Act and the Marine Mammal Protection Act with violating the right whale speed restriction regulation. A \$52,500 NOVA was issued, and the case settled for

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<sup>6</sup> This NOVA was served in August 2019 and June 2020, but the case was not included in previous reports.

\$12,000. [See Charged Cases, Item 52, from July – December 2019 report.]

9. SE1900578; F/V Lady Kristie — Owner Nga Thi Ho and Operator Son Truong Vo were charged jointly and severally under the National Marine Sanctuaries Act with fishing for shrimp inside the Tortugas North Ecological Reserve in the Florida Keys National Marine Sanctuary. A \$41,000 NOVA was issued. This case settled with the owner for the forfeiture of \$18,352.35 in seized proceeds. The NOVA became a final administrative decision against the operator due to default. [See Charged Cases, Item 40, from January - June 2020 report.]
10. SE1901952; F/V Making Memories — Owner Family Tradition Charters Inc. and Operator John Keys were charged jointly and severally under the Magnuson-Stevens Act with using Gulf reef fish as bait and possessing undersized fish. A \$7,250 NOVA was issued, and the case settled for \$5,000. [See Charged Cases, Item 36, from July – December 2020 report.]
11. SE1903149; F/V Bree Ann — Owner Crosswinds Four Inc. and Operator Scotty Adkins were charged jointly and severally under the Magnuson-Stevens Act with illegally fishing and possessing fish in a closed area and for possessing a shark without the required federal permit. The proceeds of the violation (\$1,433.50) were forfeited. A \$17,500 NOVA was issued, and the case settled for \$8,000. [See Charged Cases, Item 59, from July – December 2019 report.]
12. SE1904713; FL2618RT — Owner/Operator Joseph Causey was charged under the Endangered Species Act with fishing for shrimp in the Gulf of Mexico with a non-compliant TED. A \$2,000 NOVA was issued, and the case settled for \$250. [See Charged Cases, Item 40, from July – December 2020 report.]
13. SE2003365; M/V Just J's — Owner Dartmore Assets Ltd. and Operator Karl Eric Edscorn were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the ATBA in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued, and the case settled for \$5,000. [See Charged Cases, Item 52, from July – December 2020 report.]

## **WEST COAST**

14. NW1902286 — Individual Carsen Hayward-Winters was charged under the Marine Mammal Protection Act with the unlawful taking of a sea lion by feeding it. A \$1,500 NOVA was issued, and the case settled for \$1,350. [See Charged Cases, Item 64, from July – December 2020 report.]
15. NW1703667A, NW1703667B, NW1806947, NW1708040 and NW1803769; Princess Cruise Lines, Ltd. and Holland America Line, N.V. — Two related subsidiary owners of seven separate cruise ships entered into a global settlement to resolve five cases involving 191 counts charged under the National Marine Sanctuaries Act with discharging unauthorized materials into the Greater Farallones National Marine Sanctuary, Cordell Bank National Marine Sanctuary, and Olympic Coast National Marine Sanctuary. The five NOVA amounts



were \$1,388,250 (NW1703667A), \$18,000 (NW1703667B), \$4,750 (NW1806947), \$8,500 (NW1708040), and \$8,500 (NW1803769). The global settlement requires Princess Cruise Lines, Ltd. to pay \$738,000 and Holland America Line, N.V. to pay \$12,000. [See Charged Cases, Item 45, from January – June 2020 report; and Items 57, 62, and 63 from July – December 2020 report.]