NOAA Office of General Counsel, Enforcement Section Civil Administrative Enforcement Actions May 2021-August 2021¹

During this reporting period, NOAA charged 50 cases, settled 36 cases,² and otherwise resolved 6 additional cases.³

Charged Cases and Resolutions⁴

ALASKA

- 1. AK1906418; F/V Excalibur II Co-owners Northern Seiners, Inc. and Leslie Fisheries, Inc., and Operator Dale Page were charged jointly and severally under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with failing to accurately record salmon discards in the vessel's daily fishing logbook and its Alaska Department of Fish and Game fish ticket. A \$4,750 NOVA was issued, and the case settled for \$4,275.
- 2. AK1906496; Keta Seafoods, LLC and Gregory V. McMillan Shoreside Processor Keta Seafoods, LLC and Owner Gregory V. McMillan were charged jointly and severally under the Northern Pacific Halibut Act with failing to submit a required Individual Fishing Quota (IFQ) Registered Buyers Ex-Vessel Value and Volume Report. A \$1,500 NOVA was issued. The NOVA became a final administrative decision due to default.
- 3. AK2004893; F/V Marathon Owner Marathon Fisheries, Inc. and Operator Martin Stam were charged jointly and severally under the Magnuson-Stevens Act with exceeding the maximum retainable amount of Pacific cod. A \$3,625 NOVA was issued, and the case settled for \$3,375.
- 4. AK2005638 Plant Operator Silver Bay Seafoods, LLC was charged under the Magnuson-Stevens Act for exceeding the applicable Rockfish Program processing cap for Pacific cod by 24,849 pounds, a 25.9% overage. A \$20,475.58 NOVA was issued, and the case settled for \$18,428.

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.

5. AK2101775; F/V Sentinel — Owner/Operator Arseny Polushkin was charged under the Magnuson-Stevens Act for interfering with and harassing authorized officers during the lawful discharge of their duties. An \$8,500 NOVA was issued.

NORTHEAST

- 6. NE1901615A; F/V My Grace Principal Owner and Operator Frank Sciortino and Corporate Owner Sal & Sons, Inc. were charged jointly and severally under the Magnuson-Stevens Act with submitting a fishing vessel trip report that failed to provide a good faith estimate of cod discarded from a federally permitted fishing vessel. A \$26,560 NOVA was issued.
- 7. NE1901615B; F/V My Grace Observer Brian Cartularo was charged under the Magnuson-Stevens Act with failing to produce complete reports and with failing to report cod catch in his observer reports. A \$24,000 NOVA was issued.
- 8. NE1901615C; F/V My Grace Observer Alexander Fox was charged under the Magnuson-Stevens Act with discarding cod and failing to report the cod to the observer he was training, thereby preventing that observer from documenting cod discards and fulfilling their duties as an observer. A \$12,000 NOVA was issued, and the case settled for \$4,000.
- 9. NE1905213; F/V Blue Chip Owner 411 Flash Corporation and Operator John W. Smart were charged jointly and severally under the Magnuson-Stevens Act with possessing a Bluefin tuna (BFT) greater than 73" when the general category fishery for large medium and giant BFT was closed. The proceeds (\$2,356.88) of the violation were forfeited by abandonment. A \$12,000 NOVA was issued, and the case settled for \$10,800.
- 10. NE1906654; F/V Stormy Elizabeth Owner William J. Mulvey and Operator Edward D. Coughlan were charged jointly and severally under the Atlantic Coastal Fisheries Cooperative Management Act with landing 116 undersized and four v-notched American lobsters. Both were also charged under the Magnuson-Stevens Act with failure to complete a vessel trip report prior to entering port. A \$12,500 NOVA was issued.
- 11. NE2000188; F/V Reelin N Dealin Respondent Jacob G. Hiles was charged under the Magnuson-Stevens Act with selling a swordfish without a valid permit and/or transferring a swordfish for a commercial purpose after it was landed by the owner of a vessel not permitted to do so. A \$6,742 NOVA was issued.
- 12. NE2000612 Owner/Operator Robert R. Major was charged under the Atlantic Striped Bass Conservation Act with possession of three striped bass in the Exclusive Economic Zone (EEZ). A \$4,750 NOVA was issued.
- 13. NE2002576; F/V Leviathan Owner J9 Inc. and Operator Jeremy Lovell Willey were charged jointly and severally under the Magnuson-Stevens Act with failing to accurately complete fishing vessel trip reports on multiple trips in 2019 and with landing multispecies

- more than once per calendar day. A \$3,500 NOVA was issued. The NOVA became a final administrative decision due to default.
- 14. NE2002893; Archer's LLC Archer's On The Pier Restaurant was charged under the Magnuson-Stevens Act for purchasing Atlantic halibut from federally-permitted vessels without possessing a valid federal dealer permit. A \$5,750 NOVA was issued, and the case settled for \$1,500.
- 15. NE2005029; unregistered vessel Owner/Operator Dean W. Lenling was charged under the Magnuson-Stevens Act with fishing for BFT without a Highly Migratory Species permit. A \$3,000 NOVA was issued. The NOVA became a final administrative decision due to default.
- 16. NE2101096B; F/V Olivia Catherine Owner P.M.J. Inc. and Operator Michael G. Labonte were charged jointly and severally under the Magnuson-Stevens Act with failure to timely comply with the fishing vessel trip reporting requirements. A \$750 NOVA was issued.
- 17. NE2103813; F/V Reel Screamer Owner/Operator Joseph B. Acito was charged under the Atlantic Striped Bass Conservation Act with possessing two Atlantic striped bass in the EEZ. A \$2,000 NOVA was issued. A Notice of Seizure and Proposed Forfeiture was also issued for the proceeds (\$283.80) of the violation.

PACIFIC ISLANDS

- 18. PI1906931; F/V Lomalo Owner Pan Pacific Fishing (RMI) Inc. was charged under the Magnuson-Stevens Act with illegally fishing in the US EEZ around the Howland and Baker Islands on a Republic of the Marshall Islands flagged vessel. A \$99,300 NOVA was issued, and the case settled for \$89,370.
- 19. PI2001664; F/V Lady Pauline Owner King Charles Fishery and Operator David Vo were charged jointly and severally under the Marine Mammal Protection Act with fishing in the Southern Exclusion Zone (SEZ) after it had been closed to fishing in 2019. A \$3,500 NOVA was issued, and the case settled for \$3,157.11.

SILVER SPRING

20. CRSRA21005; Capella Space Corporation — Satellite license holder was charged under the National and Commercial Space Programs Act with violating conditions of its Tier 3 Synthetic-Aperture Radar (SAR) license. Specifically, Capella changed the address of its Backup Mission Control Center on or about April 2020, before receiving approval from NOAA to alter this material fact in its license, and operated a SAR system capable of collecting imagery at a finer azimuth resolution than that stated in its license and failed to correct this inaccuracy before or at the time of its annual certification on October 15, 2020. A Written Warning was issued.

SOUTHEAST

- 21. SE1703593; F/V BIG B Owner Bube Baby Fisheries LLC and Operator Daniel Jenkins were charged jointly and severally under the Magnuson-Stevens Act and the Atlantic Tunas Convention Act with illegally fishing in the Bahamian EEZ and with falsifying or failing to record required information in the vessel's logbooks submitted to NOAA. A \$75,000 NOVA was issued.
- 22. SE1707786A; F/V Miss Ann Operator Timothy McGrath was charged under the Magnuson-Stevens Act with possessing and selling blacknose sharks in 2017 and 2018 when the base annual comercial quota for Gulf of Mexico blacknose sharks was zero. An \$11,144 NOVA was issued.
- 23. SE1807649; F/V Joshua Nicole Owner H and S Fisheries LLC was charged under the Magnuson-Stevens Act and the Atlantic Tunas Convention Act with illegally fishing in the Bahamian EEZ. A \$60,000 NOVA was issued.
- 24. SE1901027; F/V Day Boat One Owner Palm Beach Fisheries LLC and Operator Arthur Owen were charged jointly and severally under the Magnuson-Stevens Act and the Atlantic Tunas Convention Act with illegally fishing in the Bahamian EEZ. A \$60,000 NOVA was issued.
- 25. SE1905823; F/V Patricia Lee Owner Patricia Lee LLC and Operator Michael Wayne Williams were charged jointly and severally under the Endangered Species Act with fishing for shrimp in the Gulf of Mexico with non-compliant Turtle Excluder Devices (TEDs), and under the Magnuson-Stevens Act for non-compliant Bycatch Reduction Devices. An \$8,375 NOVA was issued.
- 26. SE1906621; F/V Joshua Nicole Owner H and S Fisheries LLC was charged under the Magnuson-Stevens Act and the Atlantic Tunas Convention Act with illegally fishing in the Bahamian EEZ, fishing in the East Florida Coast closed area, and failing to continuously operate the vessel's Electronic Monitoring System for the duration of the vessel's fishing trip. An \$82,500 NOVA was issued.
- 27. SE1906662; F/V FL0501RB Owner/Operator Vasiliy Obukhov was charged under the Magnuson-Stevens Act with operating a reef fish charter in the US (EEZ) in the Gulf of Mexico without a permit and failing to maintain Gulf reef fish intact. A \$19,000 NOVA was issued.
- 28. SE2000253; T/V C. Angelo Owner Waterfront Enterprises LLC d/b/a Gateway Terminal was charged under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the Area To Be Avoided (ATBA) in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued and the case settled for \$6,750.

- 29. 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 TED requirements. A \$7,500 NOVA was issued.
- 30. SE2000863; F/V Patricia Lee Owner Patricia Lee LLC and Operator Michael Shawn Robbins were charged jointly and severally under the Endangered Species Act with fishing for shrimp in the Gulf of Mexico with non-compliant TEDs. A \$17,500 NOVA was issued.
- 31. SE2001316; Conchita Foods, Inc.— Seafood importer Conchita Foods, Inc. was charged under the Marine Mammal Protection Act and the International Dolphin Conservation Program Act with unlawfully importing yellowfin tuna product from a nation subject to embargo and importing tuna product without accurate and complete Fisheries Certificates of Origin. A \$42,733 NOVA was issued, and the case settled for \$36,000.
- 32. SE2001773; F/V Amy Michelle Owner Headley, Inc. and Operator David Eugene Smith were charged jointly and severally under the Magnuson-Stevens Act with exceeding a commercial trip limit for vermillion snapper. A \$5,279.20 NOVA was issued, and the case settled for \$4,751.28.
- 33. SE2002261; F/V Tuna Time Owner/Operator Shawn McKee was charged under the Magnuson-Stevens Act with possessing Gulf red snapper during a seasonal closure. A \$1,750 NOVA was issued, and the case settled for \$1,575.
- 34. SE2002578; M/V Ocean Promise Owner Ocean Promise Shipping Ltd. and Technical Manager V Ships Asia Group Pte. Ltd. were charged jointly and severally under the Endangered Species Act and Marine Mammal Protection Act with violations of the North Atlantic Right Whale speed restriction regulation. A \$45,000 NOVA was issued, and the case settled for \$35,000.
- 35. SE2002695; F/V Ambush Owner/Operator John P. Fish was charged under the Magnuson-Stevens Act with fishing without an observer when the vessel was required to carry an observer. A \$7,000 NOVA was issued.
- 36. SE2002706; F/V Grouper Therapy Owners Wholesail Ventures and Palmer Charters, 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.
- 37. SE2002818; F/V Fish Hound Owner Fish Hound Seafood, LLC was charged under the Magnuson-Stevens Act with fishing without an observer when the vessel was required to carry an observer. A \$12,500 NOVA was issued, and the case settled for \$10,000.

- 38. SE2003538 & SE2005824; M/Y Constance Owner Wander Inc. and Operator Maurizio Pezzini 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 \$20,000 NOVA was issued, and the case settled for \$18,000.
- 39. SE2004298; F/V Father Mike Owner Father Mike Inc. and an Operator were charged jointly and severally under the Endangered Species Act and the Magnuson-Stevens Act with fishing for shrimp in the Gulf of Mexico with non-compliant TEDs and Bycatch Reduction Devices. An \$84,990 NOVA was issued. The case against the Owner settled for \$42,799.91. The Operator was unable to be served and that case remains open.
- 40. SE2004481; Moca Owner Moca LLC and Operator Brook Michael O'Neill were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the ATBA near the Florida Keys National Marine Sanctuary. A \$10,000 NOVA was issued.
- 41. SE2004780; M/V Inagua Spray Owner Bahamas Ferries Ltd. and Operator Gibran Lopez were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the ATBA near the Florida Keys National Marine Sanctuary. A \$10,000 NOVA was issued, and the case settled for \$9,000.
- 42. 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.
- 43. 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.

WEST COAST

- 44. NW2001488; Sogno Toscano Tuscan Dream Inc. Importer was charged under the Marine Mammal Protection Act and International Dolphin Conservation Program Act with importing embargoed yellowfin tuna and importing tuna product without the required Fishery Certificate of Origin. A Written Warning was issued.
- 45. NW2002144; F/V Blind Faith Owner/Operator David Kemp was charged under the National Marine Sanctuaries Act with discharging/depositing unauthorized material in the Monterey Bay National Marine Sanctuary when his vessel ran aground and sank. A \$5,625 NOVA was issued.

- 46. NW2002626; F/V Cape Breton Owner Cape Brenton Fishing LP and Operator Justin Augusto Daluz Rodrigues were charged under the Tuna Conventions Act with failure to correctly handle mobulid rays, sharks, and a whale shark in accordance with federal regulations. A \$6,500 NOVA and a Written Warning were issued.
- 47. NW2003159; F/V Jesse Mae Owner Lia Wiegand and Operator Gary Wiegand were charged jointly and severally under the Magnuson-Stevens Act with failing to operate a Vessel Monitoring System (VMS) on eleven fishing trips in the Pacific Coast Groundfish Fishery. A \$21,000.00 NOVA was issued.
- 48. NW2003809; F/V Sea Breeze Managing Owner/Operator Brian Schatzlein was charged jointly and severally under the Magnuson-Stevens Act with failing to have an operating VMS on the vessel while participating in the West Coast Groundfish Fishery. A \$15,000 NOVA was issued.
- 49. NW2102055; Bornstein Seafoods First receiver company was charged under the Magnuson-Stevens Act with receiving an IFQ landing without coverage by a catch monitor when one was required. A NOVA for \$6,250 was issued, and the case settled for \$5,625.
- 50. NW2102931; F/V St John Ii Owners St John Vessel LLC, Lorele II Inc., and F/V Vigorous Inc., and Operator Gary Olsen were charged jointly and severally under the Magnuson-Stevens Act with taking and retaining, possessing, or landing more than a single cumulative limit of a particular species, per vessel, per applicable cumulative limit period. A \$2,928 NOVA was issued, and the case settled for \$2,635.20.

Resolved Cases Charged Before May 1, 2021⁵

ALASKA

- 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 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, and the case settled for \$55,270. [See Charged Cases, Item 2, from January–April 2021 report.]
- 2. AK2003816; F/V Gulf Maiden Owner Gulf Maiden Corporation and Operator Randall Shear were charged jointly and severally under the Northern Pacific Halibut Act with failing to carefully 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, and the case settled for \$20,520. [See Charged Cases, Item 4, from January–April 2021 report.]

⁵All cases in this portion of the report were charged before May 1, 2021, but settled or otherwise resolved during this four-month period.

NORTHEAST

- 3. 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, and the case settled for \$6,708.47. [See Charged Cases, Item 5, from January–April 2021 report.]
- 4. 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 NOVA was issued, and the case settled for \$36,899. [See Charged Cases, Item 6, from January–April 2021 report.]
- 5. 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, and the case settled for \$4,269. [See Charged Cases, Item 13, from January–April 2021 report.]
- 6. 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, and the case settled for \$4,050. [See Charged Cases, Item 15, from January–April 2021 report.]
- 7. NE2003478; F/V The Tree Guy Owner/Operator Derek Oneppo was charged under the Magnuson-Stevens Act with landing fifteen Atlantic tunas (yellow fin, bug eye and albacore) in improper form with tails removed. A \$5,500 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 17, from January–April 2021 report.]

PACIFIC ISLANDS

- 8. 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, and the case settled for \$2,875. [See Charged Cases, Item 19, from January–April 2021 report.]
- PI2004317; Herickson Rooshvelt An individual was charged under the Endangered Species Act with illegally taking a threatened Hawaiian green sea turtle (*Chelonia mydas*). A \$34,262 NOVA was issued, and the case settled for \$2,400. [See Charged Cases, Item 20, from January–April 2021 report.]

SOUTHEAST

- 10. SE1707337 Owner Sea Goddess LLC and operator Chau Ngoc Trinh were charged jointly and severally under the Endangered Species Act for fishing for shrimp with noncompliant TEDs. A \$14,000 NOVA was issued. The case against the Owner settled for \$5,000. The NOVA became a final administrative decision against the Operator due to default. [See Charged Cases, Item 37, from July–December 2019 report.]
- 11. 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 the Grecian Rocks Sanctuary Preservation Area in the Florida Keys National Marine Sanctuary. A \$2,500 NOVA was issued. The case against Recreational Angler Oberlan Rivera Figueroa settled for \$2,250. The NOVA became a final administrative decision against Operator Pedro Pons Betancourt and Recreational Angler Jorge Raul Fernandez due to default. [See Charged Cases, Item 22, from January—April 2021 report.]
- 12. SE1807831; F/V Get You Some Operator Michael Meyers was charged under the Magnuson-Stevens Act with fishing for gray triggerfish after NOAA closed the fishery. A \$21,000 NOVA was issued, and the case settled for \$250. [See Charged Cases, Item 34, from July–December 2020 report.]
- 13. SE1903534; M/V K-STORM An amended NOVA was issued in this case to pro hac vice Owner Crowley Latin Americas Services LLC. The Respondent was charged under the Endangered Species Act with violating speed restrictions to protect endangered North Atlantic Right Whales in the Mid-Atlantic Seasonal Management Area in the vicinity of Cape Fear/Wilmington, NC. A \$52,500 penalty was assessed, and the case settled for \$33,750. [See Charged Cases, Item 39, from July–December 2020 report.]
- 14. 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 and the case settled for \$500. [See Charged Cases, Item 27, from January–April 2021 report.]
- 15. 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, and the case settled for \$6,750. [See Charged Cases, Item 30, from January–April 2021 report.]
- 16. 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 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 32, from January–April 2021 report.]

- 17. 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 the ATBA in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued. and the case settled for \$6,750. [See Charged Cases, Item 34, from January–April 2021 report.]
- 18. 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, and the case settled for \$6,750. [See Charged Cases, Item 36, from January–April 2021 report.]

WEST COAST

19. NW1802199; F/V Albatro — Owner Rivas Fish Company, Inc. and Operator Carlos Rivas were charged jointly and severally under the Marine Mammal Protection Act with taking a marine mammal, failing to use pingers as required by a take reduction plan, and failing to submit a mortality/injury form to the Marine Mammal Authorization Program. In addition, Respondents were charged under the Magnuson-Stevens Act with failing to accurately record bycatch in a logbook, and with finning sharks at sea. A \$40,750 NOVA was issued, and the case settled for \$2,500. [See Charged Cases, Item 61, from July - December 2020 report.]