

**NOAA Office of General Counsel, Enforcement Section**  
**Civil Administrative Enforcement Actions**  
**February 1 - 28, 2022<sup>1</sup>**  
**During this reporting period, NOAA charged 13 cases and  
settled 8 cases.<sup>2,3</sup>**

**Cases Charged in February 2022<sup>4</sup>**

**ALASKA**

1. AK1708652; F/V Vaerdal – Crewman Justin Williams was charged under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with harassing a female fisheries observer. A \$24,000 NOVA was issued.
2. AK2100328; George C. Woodin – A charter vessel angler exceeded the IPHC 2019 annual limit of four Pacific halibut in Area 3A by two fish. A \$400 NOVA was issued.

**NORTHEAST**

3. NE2106749; F/V Two Dukes – Owner Two Dukes, Inc. and Operator Erick Hartnett were charged jointly and severally under the Atlantic Coastal Fisheries Cooperative Management Act with the possession of 72 undersized lobsters, seven v-notched lobsters, and four berried lobsters. An \$8,500 NOVA was issued.

**PACIFIC ISLANDS**

4. PI2100337; F/V Lady Karen II – Owners Calvin Huynh and TC Fishery LLC and Operator Co Huynh were charged jointly and severally under the Magnuson-Stevens Act with failing to submit required logbooks within 72 hours of landing as required. A \$5,000 NOVA was issued, and the case settled for \$4,500.

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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.

5. PI2106006; F/V Gail Ann – Owner Le’s Bros. LLC and Operator Jerry Key were charged jointly and severally under the Magnuson-Stevens Act with illegal commercial fishing inside the Pacific Remote Islands Marine National Monument. A \$23,027 NOVA was issued.
6. PI2107741; F/V Ipo Kai II – Owner Kona Ocean Adventures LLC and Operator Gina Carosella were charged jointly and severally under the Marine Mammal Protection Act with taking a spinner dolphin by remaining within 50 yards of a Hawaiian spinner dolphin. A \$5,000 NOVA was issued.

## **SILVER SPRING**

7. CRSRA21015; R2 Space, LLC d/b/a Orbital Effects – Satellite Operator was charged under the Land Remote Sensing Policy Act of 1992, as amended, with operating a private remote sensing space system for a total of 99 days without a current, valid license for that system. A \$173,250.00 NOVA was issued.

## **SOUTHEAST**

8. SE2001004; F/V Miss Debbie – Operators/Co-owners James K. Gharst and Deborah Gharst and Crewmember James E. Gharst were charged jointly and severally under the Magnuson-Stevens Act with disposing of fish or other matter upon the approach of law enforcement and with using Gulf reef fish as bait. A \$51,500 NOVA was issued.
9. SE2100535; F/V TX4501JD – Operator Michael Brame was charged under the Magnuson-Stevens Act with fishing during a closed season. A \$2,000 NOVA was issued.
10. SE2102905; F/V Wings Spread – Owner Wings Spread, LLC and Operator Allen Quackenbush were charged jointly and severally under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$15,000 NOVA was issued.
11. SE2103775; F/V FL5414SZ – Owner/Operator Steven P. Sharpe and Anglers Steven H. Sharpe, Jeffrie Jacobs, Christopher Lacey, and Brian Giera were charged jointly and severally under the Lacey Act with possessing within the Special Maritime and Territorial Jurisdiction of the United States, fish or wildlife taken, possessed or transported in violation of Bahamian law. A \$4,000 NOVA was issued.
12. SE2107258; Sharon Lee (Doc No. 1246576) – Owner Sharon Lee LLC and Operator John Benjamin Deck II 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. An \$8,500 NOVA was issued, and the case settled for \$7,650.

## **WEST COAST**

13. NW2105384; F/V Rian Faith – Owner/Operator Carroll R. Johnson was charged under the

Magnuson-Stevens Act with fishing for Highly Migratory Species in the U.S. EEZ off the Pacific coast without a valid permit, and with failing to maintain on board the vessel and submit within 30 days of each landing an accurate and complete record of catch, effort, and other data on report forms provided by the Regional Administrator or a state agency. A \$22,500 NOVA was issued.

### **Resolved Cases Charged Before February 1, 2022<sup>5</sup>**

#### **ALASKA**

None.

#### **NORTHEAST**

1. 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, and the case settled for \$10,000. [See Charged Cases, Item 6, from May–August 2021 report.]
2. NE2000612; F/V RI5933GC – 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, and the case settled for \$3,500. [See Charged Cases, Item 12, from May–August 2021 report.]
3. NE2102027; M/V Torm Stellar – Owner/Managing Operator Torm A/S was charged under the Endangered Species Act and Marine Mammal Protection Act with traveling through Off Race Point Seasonal Management Area at a speed in excess of 10 nautical miles per hour on one occasion. A \$7,500 NOVA was issued, and the case settled for \$6,750. [See Charged Cases, Item 5, from January 2022 report.]

#### **PACIFIC ISLANDS**

None.

#### **SOUTHEAST**

4. SE1902302A; F/V Blow III – Owner/Operator James Plouffe was charged under the Magnuson-Stevens Act with discarding objects upon approach of authorized officers. A \$5,000 NOVA was issued, and the case settled for \$4,500. [See Charged Cases, Item 12, from January 2022 report.]

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<sup>5</sup>All cases in this portion of the report were charged before February 1, 2022.

5. SE2101684; Dirk C (Doc No. 563814) – Owner Salt Water Services and Products and Operators Gulf Oceanic Marine and Tommy Neil 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 in the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued, and the case settled for \$6,750. [See Charged Cases, Item 20, from January 2022 report.]
6. 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, and the case settled for \$5,000. [See Charged Cases, Item 26, from January–April 2021 report.]

## **WEST COAST**

None.