

**NOAA Office of General Counsel, Enforcement Section
Civil Administrative Enforcement Actions
January 1 - 31, 2022¹**

**During this reporting period, NOAA charged 20 cases,
Settled 14 cases,² and otherwise resolved two additional cases.³**

Cases Charged in January 2022⁴

ALASKA

1. AK2005521; F/V Legacy – Crewman Tusi Tausaga was charged under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with observer assault. A \$72,000 NOVA was issued.

NORTHEAST

2. NE2000009; F/V Just Fishin – Owner/Operator Brian E. Cyzewski was charged under the Atlantic Striped Bass Conservation Act with fishing for/possessing Atlantic striped bass in the Exclusive Economic Zone (EEZ). A \$1,000 NOVA was issued.
3. NE2005883; F/V Miss Adalyn – Owner/Operator Robert E. Maloney, Jr. was charged under the Atlantic Coastal Fisheries Cooperative Management Act with fishing for/possessing American lobster in the EEZ without a Federal American lobster permit or a Federal operator's permit. A \$10,500 NOVA was issued.
4. NE2005886; F/V Guardian – Owner Integrity Fishing, Corp. and Operator William P. Walsh were charged jointly and severally under the Magnuson-Stevens Act with fishing for Northeast multispecies within the Gulf of Maine Cod Protection Closure I during a seasonal closure. A \$15,000 NOVA was issued.
5. NE2102027; M/V Torm Stellar – Owner/Managing Operator Torm A/S was charged under the

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.

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. A \$7,500 NOVA was issued.

6. NE2102840; Ocean Choice International – International Fisheries Trade Permit (IFTP) Holder was charged under the Magnuson-Stevens Act for importing Atlantic cod and shrimp without a valid IFTP and submitting incomplete and inaccurate information. A \$39,000 NOVA was issued. A written warning was also issued for failing to maintain records for inspection as required under the Seafood Import Monitoring Program.
7. NE2103797; F/V Nordic Explorer – Owner Nordic Explorer LLC and Operator Joseph A. Martin were charged jointly and severally under the Atlantic Coastal Fisheries Cooperative Management Act and the Magnuson-Stevens Act with fishing in a closed area. A \$21,583 NOVA was issued.

PACIFIC ISLANDS

8. PI2006110; Commercial Tour Vessel 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 spinner dolphins by harassment during a commercial dolphin viewing tour. A \$5,000 NOVA was issued.
9. PI2100859; Commercial Tour Vessel Ipo Kai – Owner Kona Ocean Adventures LLC and Operator Troy Allen Tunningley were charged jointly and severally under the Marine Mammal Protection Act with taking spinner dolphins by harassment during a commercial dolphin viewing tour. A \$5,000 NOVA was issued.

SOUTHEAST

10. SE1704093; TX3989BD – Owner/Operator Yunior Morales was charged under the Magnuson-Stevens Act for possessing fish during a closed season. An \$18,000 NOVA was issued.
11. SE1804282; F/V Aquaholic – Owner Carla Meryl Haman and Operator Bradley Allan Clark were charged jointly and severally under the Magnuson-Stevens Act with fishing without a charter fishing permit. A \$6,490 NOVA was issued. ⁵
12. 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.
13. SE1902302B; F/V Blow III – Crewmember Sean O’Berry was charged under the Magnuson-Stevens Act with discarding objects upon approach of authorized officers. A \$2,000 NOVA was issued.

⁵ This NOVA was served in December 2021, but the case was not included in previous reports.

14. SE1905033, FN GA9058VD – Owner/Operator/Seafood dealer (dba South Harrington Seafood) David P. Blackshear II was charged under the Magnuson-Stevens Act with possessing fish in excess of the daily bag limit, selling fish without the required permits, and purchasing fish from an unpermitted vessel or without the required dealer permit. The proceeds (\$1,962.25) of the violation were forfeited by abandonment. A \$51,250 NOVA was issued.
15. SE1906680; F/V Little Joey – Owner Christopher Shawn Harvey and Operator Alex Sumner Beville were charged jointly and severally under the Magnuson-Stevens Act with fishing for shrimp without the required permit. A \$5,750 NOVA was issued.
16. SE1907047; F/V Day Boat Too – Owner Palm Beach Fisheries Too LLC was charged under the Magnuson-Stevens Act and the Atlantic Tunas Convention Act with illegally fishing in the Bahamian EEZ. A Written Warning was issued as part of a multi-case settlement involving related parties.
17. SE2001004; F/V Miss Debbie – Owner Deborah Gharst, Owner/Operator James K. Gharst, and Crewmember James E. Gharst were charged jointly and severally under the Magnuson-Stevens Act with disposing fish or other matter upon the approach of law enforcement and with using Gulf reef fish as bait. A \$51,500 NOVA was issued.
18. SE2005889; F/V Master Stars Johnny – Owner USA Shrimps Stars Inc. and Operator Hoa Van Huynh were charged jointly and severally under the Endangered Species Act with fishing for shrimp in the Gulf of Mexico with a non-compliant Turtle Excluder Device. An \$8,250 NOVA was issued, and the case settled for \$7,425.
19. SE2103077; Destiny (Doc No. 926439) – Owner Brian McInerney and Operator Derek Nelson 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.
20. 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.

WEST COAST

None.

Resolved Cases Charged Before January 1, 2022⁶

ALASKA

None.

⁶All cases in this portion of the report were charged before January 1, 2022.

NORTHEAST

1. 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, and the case settled for \$6,000. [See Charged Cases, Item 3, from October 2021 report.]

PACIFIC ISLANDS

2. 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, and the case settled for \$5,175. [See Charged Cases, Item 3, from November 2021 report.]
3. 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, and the case settled for \$6,525. [See Charged Cases, Item 4, from November 2021 report.]

SILVER SPRING

4. CRSRA21013; Space Logistics, LLC – License holder was charged under the National and Commercial Space Programs Act with violating conditions of its Tier 3 Mission Extension Vehicle 1-5 license by imaging artificial resident space objects outside the limited electromagnetic spectral range set by the license. A \$1,750 NOVA was issued, but has been withdrawn. [See Charged Cases, Item 7, from September 2021 report.]

SOUTHEAST

5. 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. Charges were dismissed against Operator Daniel Jenkins, and the case settled for \$30,000. [See Charged Cases, Item 21, from May–August 2021 report.]
6. SE1807649; F/V Joshua Nicole – Owner H and S Fisheries LLC was 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, and the case settled for \$15,000. [See Charged Cases, Item 23, from May–August 2021 report.]

7. 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, and the case settled for \$15,000. [See Charged Cases, Item 24, from May–August 2021 report.]
8. 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, and the case settled for \$37,500. [See Charged Cases, Item 26, from May–August 2021 report.]
9. SE1905720; F/V FL5832R – Owner/Operator Andrew S. Zierk was charged under the Magnuson-Stevens Act with fishing in federal waters on a charter trip without a Gulf Migratory Pelagic Fish Federal charter/headboat permit and fishing without an Atlantic Highly Migratory Species Federal charter/headboat permit. A \$5,750 NOVA and a Written Warning were issued. The case settled for \$5,175. [See Charged Cases, Item 3, from December 2021 report.]
10. SE2001716A; F/V Miss Rita – After reviewing additional evidence produced by the respondents, Owner, Captain Dave Offshore Inc., and Operator, Joshua A. Kemp, were issued a Written Warning under the Magnuson-Stevens Act for the use of more hooks than allowed under the vessel’s research fishery permit and for improperly landing a blacknose shark. An \$11,506.75 NOVA was issued but has been withdrawn. Charges were dismissed against Glenn E. Davis. [See Charged Cases, Item 24, from January - April 2021 report.]
11. SE2101391; F/V Amy Marie – Owner Mark Andrew Marhefka and Operator Kody Alexander King were charged jointly and severally under the Magnuson-Stevens Act with fishing inside the Georgia Marine Protected Area. A \$6,398 NOVA was issued, and the case settled for \$5,758.20. [See Charged Cases, Item 4, from December 2021 report.]
12. SE1707786B; F/V Miss Ann – Owner/Operator Tim McGrath was charged under the Magnuson-Stevens Act with unlawful possession and sale of blacknose sharks harvested from the Gulf of Mexico while the commercial quota for Gulf of Mexico blacknose sharks was zero. A \$11,144 NOVA was issued, and the case settled for \$10,030. (Elizabeth) [See Charged Cases, Item 8, from September 2021 report.]

WEST COAST

13. 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, and the case settled for \$6,750.⁷

⁷ This case was settled in June 2021, but was not included in previous reports.

[See Charged Cases, Item 42, from January - April 2021 report.]

14. 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 on eleven fishing trips in the Pacific Coast Groundfish Fishery. A \$21,000.00 NOVA was issued. The case settled with \$21,000 suspended for three years. [See Charged Cases, Item 47, from May - August 2021 report.]