

**NOAA Office of General Counsel, Enforcement Section
Civil Administrative Enforcement Actions**

July 1 - 31, 2022¹

**During this reporting period, NOAA charged 6 cases,
settled 6 cases and otherwise resolved 2 cases .²**

Cases Charged in July 2022³

ALASKA

None.

NORTHEAST

None.

PACIFIC ISLANDS

1. PI2101604 – Shad Mackert was charged under the Marine Mammal Protection Act with taking of spinner dolphins by harassment. A written warning was issued.
2. PI2202448A; F/V Lady Taiaopo – Robert James Morris was charged under the National Marine Sanctuaries Act with resisting, impeding, and interfering with an authorized officer in the conduct of an inspection. A \$5,750 NOVA was issued.

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 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.

SOUTHEAST

3. SE2200197; F/V Longway – Owner/Operator Christopher Long was charged under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with exceeding the bag limit for black sea bass and for making a false statement to an authorized officer. A \$132,800 NOVA and 132 day NOPS were issued.
4. SE2100624; F/V Ileana y Lili – Owner The Lobster Connection Corp. and Operator Juan Antonio Paan, Jr. were charged jointly and severally under the Magnuson-Stevens Act with failing to comply with VMS requirements, landing and selling King Mackerel in excess of the commercial trip limit, and using explosives to fish in the Gulf of Mexico Exclusive Economic Zone. A \$21,456 NOVA was issued.
5. SE2201125; F/V Keristy – Owner/Operator William Carter was charged under the Magnuson-Stevens Act with fishing with illegal gear (explosives). A \$10,000 NOVA was issued.
6. SE2105710; F/V FL0116RD – Owner/Operator Austin Gregory Waddell and Anglers Edward G. Fransiscus, Zachary Allen Williamson, Cooper J Loth, and Rex Lee Hailey were charged jointly and severally under the Magnuson-Stevens Act with fishing for South Atlantic snapper-grouper in the Oculina Bank Experimental Closed Area, and possessing an undersized black sea bass. A \$2,775 NOVA was issued, and the case settled for \$2,497.50.

WEST COAST

None.

Resolved Cases Charged Before July 1, 2022

ALASKA

1. AK1708987B; F/V Sovereign Grace – IFQ permit holder Gregory Beam was charged under the Northern Pacific Halibut Act with an IFQ two-area violation and for making false statements. The previously-issued \$195,555.34 NOVA was amended as to Beam in June 2022 to assess a \$37,690 civil monetary penalty. The Amended NOVA became a final administrative decision due to default. [See Charged Cases, Item 1, from January - June 2020 report.]
2. AK2006003; F/V Laura – Owner O'Callaghan Fisheries, LLC and Operator Michael O'Callaghan were charged jointly and severally under the Magnuson-Stevens Act with exceeding the maximum retainable amount of Pollock. A \$4,461 NOVA was issued, and the case settled for \$4,211. [See Charged Cases, Item 1, from June 2022 report.]

3. AK2100828; F/V Aldebaran – Crewman Terry Fisher was charged under the Magnuson-Stevens Act with harassing a female fisheries observer. A \$24,000 NOVA was issued, and the case settled for \$21,600. [See Charged Cases, Item 1, from April 2022 report.]

NORTHEAST

4. NE2106997; F/V Toro – Owner/Operator Neil F. O'Brien was charged under the Magnuson-Stevens Act with failing to report Atlantic bluefin tuna landed and sold within twenty-four hours, on twenty-three different occasions. A \$6,500 NOVA issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 6, from June 2022 report.]

PACIFIC ISLANDS

None.

SOUTHEAST

5. SE1906710; F/V Yogi II – Owner/Operator Pedro Reyes was charged under the Magnuson-Stevens Act with failing to have the required vessel monitoring system onboard and/or operating properly. A \$15,000 NOVA was issued, and the case settled for \$13,500. [See Charged Cases, Item 11, from June 2022 report.]
6. SE2200433; M/V Antares – Owner Jeffrey Alter was charged under the Endangered Species Act and the Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$20,000 NOVA was issued, and the case settled for \$18,000. [See Charged Cases, Item 9, from May 2022 report.]
7. SE2200624; M/V Liberty – Owner MS Marine, LLC was charged under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$7,500 NOVA was issued, and the case settled for \$6,750. [See Charged Cases, Item 18, from June 2022 report.]

WEST COAST

None.