

NOAA Office of General Counsel, Enforcement Section
Civil Administrative Enforcement Actions
June 1 - 30, 2022¹

**During this reporting period, NOAA charged 19 cases,
settled 13 cases and otherwise resolved 2 cases.²**

Cases Charged in June 2022³

ALASKA

1. AK2006003; F/V Laura – Owner O'Callaghan Fisheries, LLC and Operator Michael O'Callaghan were charged jointly and severally under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with exceeding the maximum retainable amount of Pollock. A \$4,461 NOVA was issued.

NORTHEAST

2. NE2101404A; F/V Kahuna – Owner High Pressure Fisheries, Inc. and Operator Joao A. Oliveira were charged jointly and severally under the Magnuson-Stevens Act with exceeding the limited-access general-category trip limit for Atlantic sea scallops. A \$5,005.20 NOVA was issued.
3. NE2101404B; F/V Kahuna – Owner High Pressure Fisheries, Inc. and Principal Beau L. Gribbin were charged jointly and severally under the Magnuson-Stevens Act with opposing, impeding, intimidating, threatening, and/or interfering with an authorized officer. A \$36,000 NOVA was issued.
4. NE2101407; F/V Roen Keil – Owner Misfit Fisheries, LLC and Operator Damian J. Parkinson were charged jointly and severally under the Magnuson-Stevens Act with possessing and/or landing American lobster while on an limited-access general-category Atlantic sea scallop fishing trip and failing to fill out a vessel trip report prior to entering port. A \$1,740 NOVA was issued.
5. NE2103507; F/V Fortitude – Owner B & C Marine, LLC was charged under the Magnuson-Stevens Act with fishing for/possessing Atlantic sea scallops from an access area in which its vessel had no remaining allocation. A \$15,000 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.

6. 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 between August 2018 and October 2020. A \$6,500 NOVA issued.
7. NE2200797; F/V Capt’n Jake – Captain Timothy Cook was charged under the Magnuson-Stevens Act with harassing an observer by creating an intimidating, hostile, or offensive environment or otherwise interfering with the observer’s work performance. A \$24,000 NOVA was issued.
8. NE2201536; F/V Capt Lou VII – Owner Mike’s Party Boat Corp. was charged under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation on three occasions. A \$7,500 NOVA was issued.

PACIFIC ISLANDS

9. PI2100856 – Owner Golden Dragon Sportfishing, Inc. d/b/a Sunlight on Water and Operator Shawn David McCurdy were charged jointly and severally under the Marine Mammal Protection Act with taking spinner dolphins by harassment during commercial swim with the dolphins tours. An \$18,750 NOVA was issued.
10. PI2104665 – Owner Trident Adventures, LLC and Individual Stephen Paul Kaplan were charged jointly and severally under the Marine Mammal Protection Act with taking spinner dolphins by harassment during a commercial swim with the dolphins tour operation. A \$3,000 NOVA was issued.

SOUTHEAST

11. 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.
12. SE2101392; F/V SC5182DM – Owner Luis E Hernandez-Modesto and Permit Holder Rosa Marina Reyes-Sanjuan were charged jointly and severally under the Marine Mammal Protection Act for setting crab pot traps without the required buoy line markings and without the required weak links in violation of the Atlantic Large Whale Take Reduction Plan regulations. A \$5,500 NOVA was issued, and the case settled for \$4,950.
13. SE2101993; F/V Fish Inc – Owner Fish Inc and Operator Anthony Allen Potts were charged under the Magnuson-Stevens Act with fishing for Gulf reef fish in the EEZ aboard a charter vessel without a federal charter permit. A \$9,500 NOVA was issued.
14. SE2102297; F/V Sea Hawk – Owner Nite Hawk Offshore, Inc., Operator Don Michael Rynn, and Lessee KLM Bluewater Inc. were charged jointly and severally under the Magnuson-Stevens Act and the Atlantic Tunas Convention Act with failing to comply with requirements for at-sea observer coverage, failing to operate and maintain a vessel monitoring

system, failing to operate and maintain an electronic monitoring system, and failing to record accurate information in the vessel's logbooks. A \$28,000 NOVA was issued.

15. SE2104776; F/V Steady Seas – Owner Steady Seas, LLC, Operator and Principal of Owner Javier Concepcion, Principal of Owner Juan Concepcion Jr., Fishers Juan Concepcion, Jose Miguel Cruz-Peraza, and Gustavo Lozano were charged jointly and severally under the National Marine Sanctuaries Act with illegally fishing inside the Tortugas South Ecological Reserve in the Florida Keys National Marine Sanctuary. A \$3,750 NOVA was issued, and the case settled for \$3,375.
16. SE2106402; F/V Captain Sandy Charters – Owner/Operator Sandra Marie Fink was charged under the Magnuson-Stevens Act with fishing for Gulf reef fish in the EEZ aboard a charter vessel without a federal charter permit. A \$5,750 NOVA was issued, and the case settled for \$5,175.
17. SE2107614; F/V Reef Raider II – Owner Victor Shearin Lloyd III and Operator Brian Franklin Lloyd were charged jointly and severally under the Magnuson-Stevens Act with possessing red snapper during a closed season and exceeding the vermilion snapper commercial trip limit. The proceeds (\$4,931) of the violation were forfeited by abandonment. A \$26,500 NOVA was issued.
18. 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.

WEST COAST

19. NW1803710; F/V Mariah Mae – Owner Ruth Hahn and Operator Thomas Hahn were charged jointly and severally under the Magnuson-Stevens Act with fishing inside Canadian waters without authorization. A \$45,500 NOVA was issued.

Resolved Cases Charged Before June 1, 2022

ALASKA

1. AK2005062; F/V Devotion – Owners One Turn Fisheries, LLC and Rick Bakovic, LLC and Operator James Hayden were charged jointly and severally under the Magnuson-Stevens Act with retaining sablefish without a valid IFQ permit and with failing to comply with Vessel Monitoring System requirements. The proceeds (\$2,782.05) were forfeited by abandonment. A \$13,000 NOVA previously issued was amended for \$3,000 with a Written Warning, and the case settled for \$2,700. [See Charged Cases, Item 1, from May 2022 report.]
2. AK2100641; F/V Currency – Owner F/V Currency, LLC and Operator Ilia N. Kuzmin were charged jointly and severally under the Northern Pacific Halibut Act with fishing for and retaining Pacific halibut when the commercial season was closed. A \$4,400 NOVA was issued, and the case settled for \$3,960. [See Charged Cases, Item 2, from May 2022 report.]

NORTHEAST

3. NE2000603; F/V Morgan Gabriella – Owner/Operator Richard T. Larocca was charged under the Magnuson-Stevens Act with exceeding the possession limits for Atlantic dolphin and with failing to submit a Fishing Vessel Trip Report. An \$8,000 NOVA was issued, and the case settled for \$7,200. [See Charged Cases, Item 3, from May 2022 report.]
4. NE2101238; F/V NJ2389HL – Owner/Operator Rowland O. Wilhelm, Jr. was charged under the Atlantic Striped Bass Conservation Act with fishing for/possessing Atlantic striped bass in the EEZ. A \$1,000 NOVA was issued. [See Charged Cases, Item 5, from April 2022 report.]
5. NE2101509; M/V Sorensen Miller – Owner Miller’s Tug & Barge, Inc. and Managing Operator Miller’s Launch, Inc. 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 on six occasions. A \$75,000 NOVA was issued, and the case settled for \$53,125. [See Charged Cases, Item 6, from September 2021 report.]
6. NE2101135; F/V Fish On – Owner/Operator Tom Tram was charged under the Atlantic Striped Bass Conservation Act with possession of one striped bass in the exclusive economic zone (EEZ). A \$1,000 NOVA was issued. The case was returned to the Office of Law Enforcement for disposition. [See Charged Cases, Item 4, from April 2022 report.]
7. NE2200039; M/V Diamond – Owner Florida Charters II, LLC and Operator Walter Hastings 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. A \$10,000 NOVA was issued, and the case settled for \$9,000. [See Charged Cases, Item 10, from April 2022 report.]

PACIFIC ISLANDS

None.

SOUTHEAST

8. SE2003869; F/V FL8580LB – Owner Yandie Concepcion and Fisher Yunion Rosales Morales were charged jointly and severally under the Marine Mammal Protection Act with lethally taking a marine mammal. A \$16,250 NOVA was issued, and the case settled for \$14,625. [See Charged Cases, Item 6, from May 2022 report.]
9. SE2102455; F/V FL4338NG – Owner/Operator Jo'von Roshard Jackson and Fishers Rashad Deangelo Cue, Fred Person, and Joel Alvin Jerome Clayton were charged jointly and severally under the Magnuson-Stevens Act with fishing for and/or possessing red snapper during a recreational sector seasonal closure, possessing undersized vermilion snapper and possessing a black sea bass that was not intact. A \$2,850 NOVA was issued, and the case settled for \$2,565. [See Charged Cases, Item 8, from May 2022 report.]

10. SE2106574 – Mariscos Del Caribe Y Productos Agricolas JM, Inc. was charged under the Magnuson-Stevens Act with failing to comply with the Caribbean spiny lobster import prohibitions. A \$4,500 NOVA was issued, and the case settled for \$4,050.⁴
11. SE2200555; F/V Continental Shelf – Owner Voyager Fishing Charter Company and Operator Lawrence I Horowitz 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 \$12,500 NOVA was issued, and the case settled for \$11,250. [See Charged Cases, Item 15, from April 2022 report.]

WEST COAST

12. 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 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, and the case settled for \$20,250. [See Charged Cases, Item 13, from February 2022 report.]

⁴ This NOVA was served in April, 2021 but the case was not included in previous reports.