

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

**During this reporting period, NOAA charged 9 cases,
settled 20 cases,² and otherwise resolved 5 additional cases.³**

Cases Charged in March 2022⁴

ALASKA

1. AK2002103; F/V Silver Lady – Vessel co-owners Hammer & Son L.L.C. and Lonnie R. Chestnut and Operator/IFQ Permit Holder William R. Hammer, Jr. were charged jointly and severally under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with unlawfully discarding at least 990 sablefish. A \$14,000 NOVA was issued, and the case settled for \$12,600.

NORTHEAST

2. 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 previously-issued \$24,000 NOVA was amended to assess a civil monetary penalty for \$18,000 and the case was resolved for that amount. [See Charged Cases, Item 7, from May–August 2021 report.]
3. NE2104270; F/V Jenny Z – Owner/Operator Scott Zaroogian was charged under the Magnuson-Stevens Act with failing to maintain highly migratory species in proper form and failure to report an Atlantic bluefin tuna. A \$6,000 NOVA was issued.
4. NE2106889; F/V Madi J – Owner CMW Fisheries, Inc. was charged under the Magnuson-Stevens Act with landing scallops in excess of the vessel’s IFQ. A \$4,500 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 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. NE2107946; F/V White Cap – Owner Whitecap Fisheries, Inc. and Operator Jared E. Bennett were charged jointly and severally under the Atlantic Coastal Fisheries Cooperative Management Act with landing nine oversized American lobsters. A \$7,500 NOVA was issued.

PACIFIC ISLANDS

None.

SOUTHEAST

6. SE2104107; M/V Go Ms Tree – Owner Seacor Offshore Mystery LLC and Operator Nathaniel D. Gibson were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters in length inside the Area To Be Avoided. A \$7,500 NOVA was issued, and the case settled for \$6,750.
7. SE2106289; FL1373RN – Owner Yuleiza Concepcion, Operator Jorge Luis Concepcion-Del Rio, and Permit Holder Ramon Mesa Perez were charged jointly and severally under the Magnuson-Stevens Act with failing to comply with vessel monitoring system (VMS) requirements. A \$15,000 NOVA was issued, and the case settled for \$13,500.

WEST COAST

8. NW2002414; F/V Seeview – Owner/Operator Kevin Lawrence Dell was charged under the Magnuson-Stevens Act with failing to operate VMS in the Open Access Groundfish Fishery, and landing an overage of groundfish. An \$8,500 NOVA and a Written Warning were issued.
9. NW2106815; R/V Wn6615su – Operator Christopher Brawn was charged under the Marine Mammal Protection Act with causing a vessel to approach within 200 yards of an endangered killer whale and/or positioning a vessel to be in the path of any killer whale at any point located within 400 yards of the whale. A \$3,000 NOVA was issued, and the case settled for \$2,700.

Resolved Cases Charged Before March 1, 2022

ALASKA

1. AK1708652; F/V Vaerdal – Crewman Justin Williams was charged under the Magnuson-Stevens Act with harassing a fisheries observer. A \$24,000 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 1, from February 2022 report.]

2. AK2100328; George C. Woodin – A charter vessel angler was charged under the Northern Pacific Halibut Act with exceeding the International Pacific Halibut Commission 2019 annual limit of four Pacific halibut in Area 3A by two fish. A \$400 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 2, from February 2022 report.]
3. AK2005521; F/V Legacy – Crewman Tusi Tausaga was charged under the Magnuson-Stevens Fishery Act with observer assault. A \$72,000 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 1, from January 2022 report.]

NORTHEAST

4. 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 Exclusive Economic Zone (EEZ) without a Federal American lobster permit or a Federal operator's permit. A \$10,500 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 3, from January 2022 report.]
5. 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, and the case settled for \$13,500. [See Charged Cases, Item 4, from January 2022 report.]
6. NE2102840; Ocean Choice International – International Fisheries Trade Permit (IFTP) Holder was charged under the Magnuson-Stevens Act with importing Atlantic cod and shrimp without a valid IFTP and submitting incomplete and inaccurate information. A \$39,000 NOVA was issued and the case settled for \$33,000. A written warning was also issued for failing to maintain records for inspection as required under the Seafood Import Monitoring Program. [See Charged Cases, Item 6, from January 2022 report.]
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, and the case settled for \$18,417. [See Charged Cases, Item 7, from January 2022 report.]

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, and the case settled for \$4,500. [See Charged Cases, Item 8, from January 2022 report.]

9. 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, and the case settled for \$18,000. [See Charged Cases, Item 5, from February 2022 report.]
10. PI2107741; 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 a spinner dolphin by remaining within 50 yards of a Hawaiian spinner dolphin. A \$5,000 NOVA was issued, and the case settled for \$4,500. [See Charged Cases, Item 6, from February 2022 report.]
11. 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, and the case settled for \$4,500. [See Charged Cases, Item 9, from January 2022 report.]

SOUTHEAST

12. 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, and the case settled for \$5,915. [See Charged Cases, Item 11, from January 2022 report.]
13. SE1905823 and SE2000863; F/V Patricia Lee – Owner Patricia Lee LLC and Operator Michael Wayne Williams, and Owner Patricia Lee LLC and Operator Michael Shawn Robbins were charged jointly and severally under the Magnuson–Stevens Fishery Conservation and Management Act (MSA) and the Endangered Species Act (ESA) with fishing for shrimp in the Gulf of Mexico with non-compliant Bycatch Reduction Devices (BRDs) and Turtle Excluder Devices (TEDs) in two separate cases. SE2000863 only charged TED violations. An \$8,375 and \$17,500 NOVA were issued. Both cases settled for \$6,000. [See Charged Cases, Item 25 & 30, from May–August 2021 report.]
14. 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. The case against the owner settled for \$5,175. The case against the operator became a final administrative decision due to default. [See Charged Cases, Item 15, from January 2022 report.]
15. 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, and the case settled for \$1,800. [See Charged Cases, Item 9, from February 2022 report.]
16. SE2101024; F/V LA5419FY– Owner/Operator Freddy J. Desmolle Sr. was charged under the Magnuson-Stevens Act with fishing for, retaining, and possessing 95 Gulf of Mexico blacktip sharks without a valid Federal Commercial shark permit. The proceeds (\$1,360) of the

violation were forfeited by abandonment. An \$11,000.00 NOVA was issued, and the case settled for \$6,400. [See Charged Cases, Item 10, from October 2021 report.]

17. SE2101122; F/V Pancake – Owner/Operator David Alan Stiller was charged under the Magnuson-Stevens Act with exceeding the large coastal shark trip limit, possessing separated fins at sea, possessing sandbar sharks, and possessing red drum in the EEZ. The proceeds (\$1,046) of the violation were forfeited by abandonment. A \$130,000 NOVA and a Notice of Permit Sanction for 80 days were issued. The case settled for divestiture of all current federal permits and permanent ineligibility to apply for federal fishing permits. [See Charged Cases, Item 11, from October 2021 report.]
18. SE2103017; M/V Summer Wind – Owner Hornblower Metro Fleet, LLC and Operator James Arnpriester 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 \$12,500.00 NOVA was issued. The NOVA was amended for \$10,000 and the case settled for \$9,000. [See Charged Cases, Item 6, from November 2021 report.]
19. 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, and the case settled for \$3,600. [See Charged Cases, Item 11, from February 2022 report.]

WEST COAST

20. NW2003809; F/V Sea Breeze – Managing Owner/Operator Brian Schatzlein was charged 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, and the case settled for \$1,000. [See Charged Cases, Item 48, from May–August 2021 report.]