

**NOAA Office of General Counsel, Enforcement Section**  
**Civil Administrative Enforcement Actions**  
**May 1 - 31, 2022<sup>1</sup>**

**During this reporting period, NOAA charged 9 cases,  
settled 10 cases, and otherwise resolved 1 case.<sup>2</sup>**

**Cases Charged in May 2022<sup>3</sup>**

**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 Fishery Conservation and Management Act (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. The previously-issued \$13,000 NOVA was superseded to assess a civil monetary penalty of \$3,000 for Count 1 and a Written Warning for Count 2.
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.

**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.
4. NE2107936; F/V Stacy Lee – Owner Stacy Lee Inc. and Operator Duane G. Natale were charged jointly and severally under the Magnuson-Stevens Act with fishing for and harvesting Atlantic scallops from a closed area. A \$37,708 NOVA was issued, and the case settled for \$36,208.

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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> 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.

## **PACIFIC ISLANDS**

5. PI2101550; Jennifer Garcia was charged under the Marine Mammal Protection Act with the taking of spinner dolphins by harassment. A written warning was issued.

## **SOUTHEAST**

6. 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.
7. SE2005237; F/V Evening Tide – Crewmember Armando Sui Gomez was charged under the Magnuson Stevens Fishery Conservation and Management Act for sexually harassing an observer. A \$36,000 NOVA was issued.
8. SE2102455; F/V FL4338NG – Owner/Operator Jo'von Roshard Jackson and Passengers 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 vermillion snapper and possessing a black sea bass that was not intact. A \$2,850 NOVA was issued.
9. 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.

## **WEST COAST**

None.

## **Resolved Cases Charged Before May 1, 2022**

### **ALASKA**

1. AK2105897; F/V Arlice – Owner Arlice, Inc. and Operator Charles Jeffrey Petticrew, Sr., were charged jointly and severally under the Magnuson-Stevens Act with fishing with bottom contact gear in a Gulf of Alaska Coral Habitat Protection Area. Owner Arlice, Inc. and IFQ Permit Holder Charles Jeffrey Petticrew, Jr. were charged jointly and severally under the Northern Pacific Halibut Act with a multiple-area violation. A \$21,421 NOVA was issued, and the case settled for \$19,278.90. [See Charged Cases, Item 3, from April 2022 report.]

### **NORTHEAST**

2. NE2104270; F/V Jenny Z – Owner/Operator Scott Zaroogian was charged under the Magnuson-Stevens Act with failure to maintain highly migratory species in proper form and failure to report an Atlantic bluefin tuna. A \$6,000 NOVA was issued. The NOVA was rescinded, and the case was returned to the Office of Law Enforcement (OLE) for issuance of a Summary Settlement. [See Charged Cases, Item 3, from March 2022 report.]
3. NE2200026; M/V By Design – Owner Admiral Bee, LLC was charged under the Endangered Species Act and Marine Mammal Protection Act with traveling through a Mid-Atlantic Seasonal Management Area in excess of 10 nautical miles per hour. A \$7,500 NOVA was issued, and the case settled for \$6,750. [See Charged Cases, Item 6, from April 2022 report.]
4. NE2200037; M/V Big Stone Express – Owner Delaware Bay Launch Service Inc. was charged under the Endangered Species Act and Marine Mammal Protection Act with traveling through the Mid-Atlantic Seasonal Management Area in excess of 10 nautical miles per hour. A \$7,500 NOVA was issued, and the case settled for \$6,750. [See Charged Cases, Item 9, from April 2022 report.]

### **PACIFIC ISLANDS**

None.

### **SILVER SPRING**

5. 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, and the case settled for \$155,925. [See Charged Cases, Item 7, from February 2022 report.]

## **SOUTHEAST**

6. SE1906662; F/V FL0501RB — Owner/Operator Vasiliy Obukhov was charged under the Magnuson-Stevens Act with operating a reef fish charter in the US EEZ in the Gulf of Mexico without a permit and failing to maintain Gulf reef fish intact. A \$19,000 NOVA was issued, and the case settled for \$5,000. [See Charged Cases, Item 27, from May - August 2021 report.]
7. SE2106900; Yacht LONIAN – Owner Lonian Holdings, LTD. and Operator John Paul Jones were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the Area TO Be Avoided (ATBA) in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued, and the case settled for \$5,000. [See Charged Cases, Item 14, from April 2022 report.]
8. SE2200572; M/V Areti I – Owner Areti I Ltd. and Operator David Gaskins 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 NOVA was issued, and the case settled for \$11,250. [See Charged Cases, Item 16, from April 2022 report.]
9. SE2200770; M/V Privateer – Owner Jarrett Bay Boatworks, Inc. and Operator Joseph P. Johnson 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 \$7,500 NOVA was issued, and the case settled for \$6,750. [See Charged Cases, Item 18, from April 2022 report.]

## **WEST COAST**

10. NW1902462; F/V Victoria – Owner Thao Van Phan and Operator Ngoc Thuy Phan of a Pacific Coast groundfish fishing vessel were charged jointly and severally under the Magnuson-Stevens Act with landing dover sole in excess of the monthly cumulative limit. A \$4,331.60 NOVA was issued and the case settled for \$0. [See Charged Cases, Item 7, from November 2021 report.]