

**NOAA Office of General Counsel, Enforcement Section**  
**Civil Administrative Enforcement Actions**  
**December 1 - 31, 2021<sup>1</sup>**

**During this reporting period, NOAA charged 4 cases and  
settled 6 cases,<sup>2</sup> and otherwise resolved 1 additional case.<sup>3</sup>**

**Charged Cases<sup>4</sup>**

**ALASKA**

1. AK1807085; F/V Nite Lite – Owner Lavrentii Reutov, Operator Konstantin Reutov, and Crewmember Grant P. L. Arseneau were charged jointly and severally under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with failing to maintain safe conditions on the vessel for the protection of an observer including adherence to all U.S. Coast Guard and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel. A \$4,000 NOVA was issued, and the case settled for \$3,600.
2. AK2100530; F/V Magnus Martens – Owner Magnus A. Martens, LLC and Operator Jeb Phillips were charged jointly and severally under the Magnuson-Stevens Act with operating a vessel in the Bering Sea Pacific cod pot fishery without carrying an operable NMFS-approved vessel monitoring system (VMS) and without complying with VMS requirements. A \$36,000 NOVA was issued.

**NORTHEAST**

None.

**PACIFIC ISLANDS**

None.

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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> 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.

<sup>4</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.

## **SOUTHEAST**

3. 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 HMS Federal charter/headboat permit. A \$5,750 NOVA and a Written Warning was issued.
4. 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.

## **WEST COAST**

None.

### **Resolved Cases Charged Before December 1, 2021<sup>5</sup>**

## **ALASKA**

None.

## **NORTHEAST**

1. NE2101096B; F/V Olivia Catherine – Owner P.M.J., Inc. was charged under the Magnuson-Stevens Act with failure to timely comply with the fishing vessel trip reporting requirements. A \$750 NOVA was issued, and the case settled for \$675. [See Charged Cases, Item 16, from May–August 2021 report.]

## **PACIFIC ISLANDS**

None.

## **SOUTHEAST**

2. SE2005138; F/V Jimmy & Andy Jr. – Owner Hong & Men VI LLC and Operator Dinh Van Vo were charged jointly and severally under the Endangered Species Act with fishing for shrimp in the Atlantic Ocean with a non-compliant Turtle Excluder Device. A \$6,250 NOVA was issued. The case against the Operator settled for \$4,687.50. The remainder of the assessed penalty (\$1,562.50) became a final administrative decision against the owner due to default. [See Charged Cases, Item 8, from October 2021 report.]

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<sup>5</sup>All cases in this portion of the report were charged before December 1, 2021.

3. SE2101236; C/V Salamina 1 – Owner Baupres Shipping, LDA was charged under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the Area To Be Avoided in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued, and the case settled for \$6,750. [See Charged Cases, Item 11, from September 2021 report.]
4. SE2102384; F/V Martha – Owner/Operator Enmanuel Rodriguez-Vento was charged under the National Marine Sanctuaries Act with fishing and anchoring in the Tortugas Ecological Reserve in the Florida Keys National Marine Sanctuary. The proceeds (\$2,672.50) of the violation were forfeited by abandonment. A \$5,000 NOVA was issued, and the case settled for \$4,500.<sup>6</sup>

## **WEST COAST**

5. NW2002144; F/V Blind Faith – Owner/Operator David Kemp was charged under the National Marine Sanctuaries Act with discharging/depositing unauthorized material in the Monterey Bay National Marine Sanctuary when his vessel ran aground and sank. A \$5,625 NOVA was issued, and the case settled for \$1,125. [See Charged Cases, Item 45, from May–August 2021 report.]

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<sup>6</sup> This NOVA was served in October 2021, but the case was not included in previous reports.