

NOAA Office of General Counsel, Enforcement Section
Civil Administrative Enforcement Actions
November 1 - 30, 2022¹
During this reporting period, NOAA charged eight cases,
settled seven cases, and otherwise resolved one case.²

Cases Charged in November 2022³

ALASKA

1. AK2200857; F/V Competition – Owner/Operator Alexander Reutov was charged under the Northern Pacific Halibut Act with retaining Pacific halibut when the commercial season was closed. 18 Pacific Halibut and one Lingcod were forfeited by abandonment. A \$4,400 NOVA was issued.

NORTHEAST

2. NE2201538; M/V King's Blue – Owner King's Blue Charters LLC and Operator Travis Yates 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 \$15,000 NOVA was issued.
3. NE2202007 – International Fisheries Trade Permit holder Alliance Seafood, LLC was charged under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with failing to maintain records for inspection as required under the Seafood Import Monitoring Program. A \$9,500.00 NOVA was issued.
4. NE2203319; M/V Rudee Whaler – Owner Rudee Vessel-Whaler, LLC was charged under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$15,000 NOVA was issued.
5. NE2204920; F/V Bila Two – Owner/Operator Tyler W. Otilige was charged under the Magnuson-Stevens Act with possessing, landing, and/or selling Atlantic Highly Migratory Species on four occasions without a valid permit. An \$8,500.00 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.

PACIFIC ISLANDS

None.

SOUTHEAST

6. SE2102098; F/V FL6228LB – Owner/Operator Charles Giarrizzo 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.
7. SE2203379; M/V All That – Owner BGIN Holdings LLC and Operator Robert L. Farley 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 \$15,000 NOVA was issued.
8. SE2205416; MH Green – Owner Narooma Shipping Pte. Ltd, Operator Gold Star Line Ltd., and Technical Manager Eastaway Ship Management Pte. 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 \$21,306.00 NOVA was issued, and the case settled for \$19,175.40.

WEST COAST

None.

Resolved Cases Charged Before November 1, 2022

ALASKA

None.

NORTHEAST

1. NE2000009; F/V Just Fishin – Owner/Operator Brian E. Cyzewski was charged under the Atlantic Striped Bass Conservation Act with fishing for/possessing Atlantic striped bass in the Exclusive Economic Zone (EEZ). A \$1,000 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 2, from January 2022 report.]
2. NE2200984 – International Fisheries Trade Permit holder Atlantic Sea Cucumber, LLC was charged under the Magnuson-Stevens Act with failing to maintain records for inspection as required under the Seafood Import Monitoring Program. A \$6,500 NOVA was issued, and the case settled for \$5,850. [See Charged Cases, Item 2, from August 2022 report.]

3. NE2203443; F/V Mekong – Owner Ruby S. LLC and Operator Phong V. Mai were charged jointly and severally under the Magnuson-Stevens Act with fishing for, possessing, and/or landing Atlantic sea scallops from a habitat management area. The proceeds (\$10,000) of the violation were forfeited by abandonment. A \$15,000.00 NOVA was issued, and the case settled for \$13,500. [See Charged Cases, Item 6, from October 2022 report.]

PACIFIC ISLANDS

None.

SOUTHEAST

4. SE1905940; F/V Sea Explorer – Operator Jerry Vanrompaey and Crewman Tommy Yeatts were charged jointly and severally under the Endangered Species Act with taking an endangered smalltooth sawfish. A \$30,000 NOVA was issued. The case against the Operator settled for \$7,500. The remainder of the assessed penalty (\$22,500) became a final administrative decision against the crewman due to default. [See Charged Cases, Item 5, from August 2022 report.]
5. SE2106295; F/V FL7039JY – Owner Billy Henderson, Operator Douglas Freeman, and Angler Charles Clark were charged jointly and severally under the Magnuson-Stevens Act with possessing red snapper out of season, possessing undersized fish, failing to maintain fish intact, and failing to have a descending device on board. An \$8,500 NOVA was issued, and the case settled for \$7,650. [See Charged Cases, Item 8, from October 2022 report.]
6. SE2107878; F/V Double E – Owner E&E LLC and Operator Chazz Michael Alario were charged jointly and severally under the Magnuson-Stevens Act with fishing for shrimp inside the Tortugas Shrimp Sanctuary. The proceeds (\$876) of the violation were forfeited by abandonment. A \$5,750 NOVA was issued, and the case settled for \$2,500. [See Charged Cases, Item 4, from September 2022 report.]
7. SE2200241; F/V Cattywampus – Owner/Operator Daniel O. Espinosa and Anglers David Anthony Montoya, Jorge Hernandez Perez, and Kenneth Araya Murillo were charged jointly and severally under the Magnuson-Stevens Act with fishing for, catching, possessing, or retaining Atlantic highly migratory species without the appropriate valid vessel permit and possessing a greater amberjack and a red snapper during the recreational sector seasonal closure for both species. A \$6,575 NOVA was issued, and the case settled for \$5,917.50. [See Charged Cases, Item 5, from September 2022 report.]

WEST COAST

None.