

NOAA Office of General Counsel, Enforcement Section
Civil Administrative Enforcement Actions
June 1 - 30, 2023¹
During this reporting period, NOAA charged 12 cases,
settled 6 cases, and otherwise resolved 5 cases.²

Cases Charged in June 2023³

ALASKA

1. AK2004131; F/V Thunderod – Charter Vessel Guide Dan Louis Brown, and Owner Thunderod, LLC, were charged jointly and severally under the Northern Pacific Halibut Act with failing to make their Alaska Department of Fish and Game (ADFG) Saltwater Sport Fishing Charter Trip Logbooks available for inspection upon request, failing to submit ADFG logbook sheets as required, being a charter vessel guide with charter anglers on board without a valid Charter Halibut Permit, and exceeding the angler endorsement on a Charter Halibut Permit. A \$12,500 NOVA was issued.
2. AK2107750 – Shoreside Processor OBI Seafoods, LLC, and Plant Manager James Nelson Turner were charged jointly and severally under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with exceeding the applicable Rockfish Program processing cap for sablefish by 4,987 pounds, a 1.4% overage. A \$12,000 NOVA was issued, and the case settled for \$10,800.
3. AK2201982; F/V Ocean Invictus – Vessel Owners Ocean Bay, Inc. and Kilokak, Inc., Permit Holder Ocean Invictus, LLC, and Operator Robert E. Graham were charged jointly and severally under the Magnuson-Stevens Act for exceeding the 300,000 pound daily limit on the harvest of Pollock. A \$13,159 NOVA was issued.

NORTHEAST

4. NE2106798; F/V Kingfisher – Owner Adventure King, LLC, and Operator David Iglesias were charged jointly and severally under the Magnuson-Stevens Act with failure to comply with the appropriate VMS reporting requirements, fishing for and retaining Atlantic HMS with

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.

unauthorized gear and without a valid permit, and submitting false or inaccurate information in records or reports. A \$49,752 NOVA was issued.

5. NE2106798B – Federally permitted dealer Wildfish, LLC DBA Red’s Best LLC was charged under the Magnuson-Stevens Act with purchasing or receiving an Atlantic bluefin tuna (BFT) from a vessel without a valid permit and failing to timely file the requisite HMS BFT landing reports. A \$17,500 NOVA was issued.
6. NE2107875; M/V Neoprene – Owner Neoprene Marine, LLC and Operator Kevin Gary Bendall 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.
7. NE2204073; F/V Rhiley Donn – Owner Calnan Associates, Inc. and Operator Michael P. Calnan were charged jointly and severally under the Magnuson-Stevens Act with fishing for summer flounder, skate, monkfish, and winter flounder with an expired permit. 2,892 pounds of flounder, fluke, monk, and skate were voluntarily abandoned. A \$3,000 NOVA was issued.
8. NE2204922; F/V Iron Tuna – Owner/Operator Cody Picaro was charged under the Magnuson-Stevens Act with failure to timely report. A \$7,000 NOVA was issued.
9. NE2205036; Jet Ski NH2549GE – Owner/Operator Mohammed Alden was charged under the Marine Mammal Protection Act with the taking of humpback whales by harassment during a recreational trip. A \$4,250 NOVA was issued.

PACIFIC ISLANDS

10. PI2301014; F/V Captain J3 – Owner Nguyen J3, LLC, and Operator Jonathan Quoc Dung Nguyen were charged jointly and severally under the Western and Central Pacific Fisheries Convention Implementation Act (WCPFCIA) with fishing without a valid WCPFC endorsement and high seas fishing permit. A \$5,750 NOVA was issued, and the case settled for \$4,500.

SOUTHEAST

11. SE2300892; M/V Amara – Owner Adventure of Amara, LLC, and Operator Gregory Gaskins 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 \$22,500 NOVA was issued.
12. SE2300917; M/V Persistence III – Owner Persistence II Holdings, LLC, and Operator Patrick Longley 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 \$30,000 NOVA was issued.

WEST COAST

None.

Resolved Cases Charged Before June 1, 2023

ALASKA

None.

NORTHEAST

1. NE2105071; F/V Miss Rockville – Owner/Operator Andrew M. Keese was charged under the Magnuson-Stevens Act with failure to timely comply with the fishing vessel trip reporting requirements. A \$1,000 NOVA was issued, and the case was returned to OLE for summary settlement for \$500. [See Charged Cases, Item 3, from April 2023 report].
2. NE2108206; F/V Solei Marguerite – Owner Dudley Fisheries, LLC and Operator Scott J. Dudley were charged jointly and severally under the Magnuson-Stevens Act with fishing without an observer, after the vessel was selected to carry one. A \$5,750 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 5, from April 2023 report].
3. NE2200570; F/V Second Wind – Owner Second Wind Fisheries, Inc. and Operator Michael Monteforte, Jr. were charged jointly and severally under the Magnuson-Stevens Act with failure to accurately comply with the fishing vessel trip reporting requirements. A \$5,750 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 6, from April 2023 report].
4. NE2203317; M/V On the Edge – Owner On The Edge NYC, LLC and Operator Leonard Palmucci 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 4, from May 2023 report].
5. NE2203317B; M/V On the Edge – Owner On The Edge NYC, LLC and Operator Alexander Hummel 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 \$7,500 NOVA was issued, and the case settled for \$6,750. [See Charged Cases, Item 5, from May 2023 report].
6. NE2203318; M/V Lady Lisa – Owner PF Holdings, LLC and Operator Anthony Palmieri 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

\$20,000 NOVA was issued, and the case settled for \$12,500. [See Charged Cases, Item 4, from March 2023 report].

PACIFIC ISLANDS

None.

SOUTHEAST

7. SE2104113 – Importer Magni Enterprise Corp. was charged under the Antarctic Living Marine Resources Convention Act with importing frozen *Dissostichus* spp. (Patagonian toothfish) without a preapproval. A \$12,000 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 10, from March 2023 report].
8. SE2205596; M/V Warnow Dolphin – Owner Asmato Shipping Co. Ltd., Technical Manager Marlow Navigation Co. Ltd., and Commercial Operator Seaboard Marine Ltd. Inc. 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 \$60,000 NOVA was issued, and the case settled for \$42,000. [See Charged Cases, Item 14, from January 2023 report].
9. SE2300893; F/V The Rougarou – Owner Voodoo Fishing Charters, LLC and Operator Chad Patrick Pique were charged jointly and severally under the Magnuson-Stevens Act with fishing for, catching, possessing, retaining, or landing Atlantic HMS without the appropriate valid vessel permit. A \$5,750 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 12, from May 2023 report].

WEST COAST

None.