

**NOAA Office of General Counsel, Enforcement Section  
Civil Administrative Enforcement Actions  
September 1 - 30, 2022<sup>1</sup>**

**During this reporting period, NOAA charged 8 cases,  
settled 8 cases and otherwise resolved 1 case.<sup>2</sup>**

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

**ALASKA**

None.

**NORTHEAST**

None.

**PACIFIC ISLANDS**

1. PI2200925; F/V Lazy Daze – Operator Thomas Edward Bolz was charged under the National Marine Sanctuaries Act with approaching within 100 yards of humpback whales in the Hawaiian Islands Humpback Whale National Marine Sanctuary. A \$3,750 NOVA was issued.
2. PI2202448C; F/V Lady Taiapo – Passenger Ioane F. Faatau was charged under the National Marine Sanctuaries Act with possessing fishing gear that was not stowed while in the Fagatele Bay Unit of the American Samoa National Marine Sanctuary. A Written Warning was issued.

**SOUTHEAST**

3. SE2107674; F/V Amy Michelle – Owner Headley Inc. and Operator David Eugene Smith were charged jointly and severally under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with exceeding the commercial trip limit for greater amberjack and possessing undersized gray triggerfish. The proceeds of the violation (\$834) were

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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.

forfeited by abandonment. A \$13,500 NOVA was issued. A written warning was also issued for failure to possess on board all required sea turtle mitigation gear.

4. 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.
5. 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.
6. SE2203362; M/V Lady Frances – Owner Morris Glover and Operator Christopher Parlin 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 \$27,500 NOVA was issued, and the case settled for \$24,750.
7. SE2203504; M/V Hatt-A-Tude – Owner JTM Enterprises LLC and Operator Gilbert Thomas Madonna were charged under the Endangered Species Act and the Marine Mammal Protection Act with violations of the North Atlantic Right Whale speed restriction regulation. A \$15,000 NOVA was issued.

## **WEST COAST**

8. NW2201225; F/V Little Joe – Owner Ralph Brown and Operator Donald Taylor were charged jointly and severally under the Magnuson-Stevens Act with failing to notify the Observer Program at least 48 hours prior to departing port of the operator's intent to take a trip under Electronic Monitoring. A \$6,250 NOVA was issued, and the case settled for \$5,625.

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

### **ALASKA**

None.

### **NORTHEAST**

1. NE2101407; F/V Roen Keil – Owner Misfit Fisheries, LLC and Operator Damian J. Parkington were charged jointly and severally under the Magnuson-Stevens Act with possessing and/or landing American lobster while on an limited-access general-category Atlantic sea scallop fishing trip and failing to fill out a vessel trip report prior to entering port. A \$1,740 NOVA was issued, and the case settled for \$1,590. [See Charged Cases, Item 4, from June 2022 report.]
2. NE2200027; F/V Thelma Dale IV – Owner Harry D. Parsons was charged 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 7, from April 2022 report.]
3. NE2201536; F/V Capt Lou VII – Owner Mike’s Party Boat Corp. was charged 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. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 8, from June 2022 report.]

### **PACIFIC ISLANDS**

None.

### **SOUTHEAST**

4. SE2005237; F/V Evening Tide – Crewmember Armando Sui Gomez was charged under the Magnuson-Stevens Act for sexually harassing an observer. A \$36,000 NOVA was issued, and the case settled for \$12,000. [See Charged Cases, Item 7, from May 2022 report.]
5. SE2100624; F/V Ileana y Lili – Owner The Lobster Connection Corp. and Operator Juan Antonio Paan, Jr. were charged jointly and severally under the Magnuson-Stevens Act with failing to comply with VMS requirements, landing and selling King Mackerel in excess of the commercial trip limit, and using explosives to fish in the Gulf of Mexico Exclusive Economic Zone. A \$21,456 NOVA was issued, and the case settled for \$19,310.40. [See Charged Cases, Item 4, from July 2022 report.]

6. SE2101993; F/V Fish Inc – Owner Fish Inc and Operator Anthony Allen Potts were 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 \$9,500 NOVA was issued, and the case settled for \$5,750. [See Charged Cases, Item 13, from June 2022 report.]
  
7. SE2107614; F/V Reef Raider II – Owner Victor Shearin Lloyd III and Operator Brian Franklin Lloyd were charged jointly and severally under the Magnuson-Stevens Act with possessing red snapper during a closed season and exceeding the vermilion snapper commercial trip limit. The proceeds (\$4,931) of the violation were forfeited by abandonment. A \$26,500 NOVA was issued, and the case settled for \$16,800. [See Charged Cases, Item 17, from June 2022 report.]