

**NOAA Office of General Counsel, Enforcement Section
Civil Administrative Enforcement Actions
December 1 - 31, 2022¹**

**During this reporting period, NOAA charged four cases,
settled four cases, and otherwise resolved one case.²**

Cases Charged in December 2022³

ALASKA

None.

NORTHEAST

1. NE2004424 – International Fisheries Trade Permit (IFTP) Holder Grand Sea Boston LLC was charged under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with submitting inaccurate information and importing sea cucumbers without a valid IFTP. A \$20,750 NOVA was issued.

PACIFIC ISLANDS

2. PI2202188; F/V Golden Eagle – Crewmember Jessie Tabios Turqueza was charged under the Magnuson-Stevens Act with sexual harassment of an observer. An \$18,000 NOVA was issued.

SOUTHEAST

3. SE2203060; F/V Gulf Offshore – Owner/Operator John William Fagan was charged under the Magnuson-Stevens Act with fishing for or possessing Gulf reef fish on a charter trip with an expired Gulf reef fish charter permit. A \$5,000.00 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.

4. SE2203419; M/V Big Blue – Owner/Operator Scott D. Osler was charged under the Endangered Species Act and Marine Mammal Protection Act with violations of the North Atlantic Right Whale speed restriction regulation. A \$22,500 NOVA was issued.

WEST COAST

None.

Resolved Cases Charged Before December 1, 2022

ALASKA

None.

NORTHEAST

1. NE2203369; F/V Rachel Hailey – Owner F/V Natalie Felicia LLC and Operator Harold Meyers, III were charged jointly and severally under the Magnuson-Stevens Act with fishing for, possessing, and/or landing Atlantic sea scallops harvested from a habitat management area. A \$38,658.15 NOVA was issued, and the case settled for \$29,500. [See Charged Cases, Item 5, from October 2022 report.]
2. 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, and the case settled for \$7,650. [See Charged Cases, Item 5, from November 2022 report.]

PACIFIC ISLANDS

None.

SOUTHEAST

3. SE1902302B; F/V Blow III – Crewmember Sean O’Berry was charged under the Magnuson-Stevens Act with discarding objects upon approach of authorized officers. A \$2,000 NOVA was issued, and the case was dismissed. [See Charged Cases, Item 13, from January 2022 report.]

4. 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 violations of the North Atlantic Right Whale speed restriction regulation. A \$15,000 NOVA was issued, and the case settled for \$13,500. [See Charged Cases, Item 7, from November 2022 report.]

WEST COAST

5. NW2107151; F/V Majestik – Owner Majestik Fisheries LLC and Operator Robert Queenin were charged jointly and severally under the Magnuson-Stevens Act with retaining any prohibited or protected species. A \$2,907.75 NOVA was issued, and the case settled for \$2,616.98. [See Charged Cases, Item 9, from October 2022 report.]