

Civil Administrative Enforcement Actions
June 1 – 30, 2024¹
During this reporting period, NOAA charged 18 cases, settled 12 cases,
and otherwise resolved 2 cases.²

Cases Charged in June 2024³

ALASKA

1. AK2204546 – Stuart Erwin Merchant was charged under the Northern Pacific Halibut Act for failing to provide a valid charter halibut permit to lessees and failing to annually register his charter halibut permit as required by regulation. A \$3,200 NOVA was issued.
2. AK2205471; F/V Dark Knight; – Owner, Operator, and Permit Holder Dionisy Basargin was charged under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with failing to comply with Vessel Monitoring System requirements and under the Northern Pacific Halibut Act with violating IPHC Area 4 clearance requirements. An \$18,000 NOVA was issued.
3. AK2300770; F/V Intrepid – Owner F/V Intrepid, LLC and Operator Alexey P. Fefelov were charged jointly and severally under the Northern Pacific Halibut Act with failing to return halibut discards to the sea with a minimum of injury. A \$49,500 NOVA was issued.

NORTHEAST

4. NE2200822; F/V Orion – Owner Princess Diana 1 Inc. and Operator Pasquale Dimaio were charged jointly and severally under the Atlantic Coastal Fisheries Cooperative Management Act with possessing 57 egg-bearing female lobsters and with an overage of 106 lobsters. 64 lobsters were voluntarily abandoned. An \$8,250 NOVA was issued.
5. NE2302850; F/V Miss Maddy – Owners F/V Miss Maddy LLC and Miss Taylor LLC and Operator Mark Terpak Jr. were charged jointly and severally under the Magnuson-Stevens Act with fishing in closed areas including the Great South Channel Habitat Management Area and the Nantucket Lightship Triangle closed area. A \$20,750 NOVA was issued, and the case settled for \$18,675.

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.

6. NE2303024; M/V Indiscretion – Owner Indiscretion Inc. and Operator Taylor Golombiewski, 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.
7. NE2305039; M/V Singularity – Owner Alpha Cas LLC and Operator Joshua Summers 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.

PACIFIC ISLANDS

8. PI2408521 – Lesley Macpherson and James Armstrong Lyman were charged jointly and severally under the Marine Mammal Protection Act with the take of a Hawaiian monk seal. A \$20,000 NOVA was issued.

SILVER SPRING

9. CRSRA240003; R2 Space, LLC – Private remote sensing space system licensee was charged under the Land Remote Sensing Policy Act with failing to timely request and receive approval to modify material facts in the license to operate the XR-1 system before those material facts changed. A \$5,500 NOVA was issued, and the case settled for \$4,950.
10. CRSRA240005; Tyvak Nano-Satellite Systems Inc. – Private remote sensing space system licensee was charged under the Land Remote Sensing Policy Act with submitting false information during compliance and monitoring activities. A \$3,300 NOVA was issued.

SOUTHEAST

11. SE2107134; F/V CJR – Owner C&G of Murrells Inlet Inc. and Operator Darrell Anthony Bessent were charged jointly and severally under the Magnuson-Stevens Act with fishing in the Northern South Carolina Marine Protected Area and with failing to maintain fish intact. A \$12,783.25 NOVA was issued.
12. SE2202043; F/V Gypsea – Owner/Operator Elio Gonzalez was charged under the Magnuson-Stevens Act with failing to have sufficient allocation in the IFQ vessel account or linked shareholder account equal to pounds estimated to be landed at the time of the advance notice of landing. \$7,485.55 in proceeds from the sale of red snapper and red grouper were voluntarily abandoned. A \$20,000 NOVA was issued.
13. SE2206861; F/V Big Chief – Owner/Operator Matthew Lasinski was charged under the National Marine Sanctuaries Act with operating a vessel in such a manner as to strike or otherwise injure seagrass. A \$2,500 NOVA was issued.

14. SE2307849; M/V Freedom – Owners Freedom Unlimited and Aereon Marine Inc., and Operator David Passmore were charged jointly and severally 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.
15. SE2314666; M/V American Serenade – Owner American Cruise Lines Inc. and Operator Gregg Scheiferstein 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 \$22,500 NOVA was issued.
16. SE2315277; M/V Done Deal – Owner Outside Centre LLC and Operator Joseph A. Walker were charged under the Endangered Species Act and Marine Mammal Protection Act with violations of the North Atlantic Right Whale speed restriction regulation. A \$7,500 NOVA was issued.

WEST COAST

17. WC2306887; F/V Pacific Hustler – Crew member Armando Nava Moreno was charged under the Magnuson-Stevens Act with assaulting and harassing an observer. Specifically, Respondent burned an observer with a cigarette and harassed the observer with conduct that has sexual connotations or creates an intimidating, hostile, or offensive environment. A \$36,000 NOVA was issued.
18. WC2312174; Unnamed 35' Sailboat – Operator Daniel Robert Walrad was charged under the National Marine Sanctuaries Act with discharging/depositing unauthorized material in Monterey Bay National Marine Sanctuary when the vessel ran aground in the sanctuary during transit. A \$5,625 NOVA was issued.

Resolved Cases Charged Before June 1, 2024

ALASKA

1. AK2104142; F/V Pacific Star – Owner Pac Star Inc. and Operator John P. McCarthy were charged jointly and severally under the Magnuson-Stevens Act for interfering with the sampling procedure employed by an observer by discarding catch before sampling. A \$3,000 NOVA was issued, and the case settled for \$2,700. [See Charged Cases, Item 1, from May 2024 report]
2. AK2201896; F/V Mar Del Norte – Owner North Sea Fisheries, LLC and Operator Robert W. Harrington were charged jointly and severally under the Magnuson-Stevens Act with exceeding the maximum retainable amount of Pacific cod and rockfish. A \$10,690 NOVA was issued, and the case settled for \$10,290. [See Charged Cases, Item 1, from April 2024 report]

3. AK2307520; F/V Dawn – Owner Dawn Fisheries, LLC and operator Matthew Rohde were charged jointly and severally under the Magnuson-Stevens Act with exceeding the maximum retainable amounts of redstripe rockfish and silvergray rockfish in the Gulf of Alaska. A \$5,119.68 NOVA was issued, and the case settled for \$4,607.71. [See Charged Cases, Item 6, from May 2024 report]
4. AK2302665; Fabian Estrada Castaneda was charged with take-by-feeding or attempting to feed a Steller sea lion under the Marine Mammal Protection Act. A \$500 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 3, from February 2024 report]⁴

NORTHEAST

5. NE2301435; F/V Tom Slaughter II – Owner Ronin Fisheries, Corp., Operator Everit J. Pearce, and Co-operator Benjamin F. Travers were charged jointly and severally under the Magnuson-Stevens Act with fishing for/possessing Atlantic sea scallops in a Habitat Management Area. A \$10,231 NOVA was issued, and the case settled for \$8,331. [See Charged Cases, Item 3, from January 2024 report]
6. NE2305074; M/V Southern Joy – Owner/Operator Paul Joseph Sistare was 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, and the case settled for \$13,500. [See Charged Cases, Item 6, from February 2024 report]
7. NE2306830; F/V #MS2988BS – Owner/Operator James D. Currie was charged under the Magnuson-Stevens Act with possessing black sea bass in or harvested from the EEZ in excess of the possession limit without a black sea bass moratorium permit. A \$12,000 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 8, from May 2024 report]

PACIFIC ISLANDS

8. PI2302251; F/V Princess Kaylee – Owner Kaylee Fishery LLC and Operator Chin Van Vo were charged jointly and severally under the Magnuson-Stevens Act with commercial fishing in the closed area of the Pacific Remote Islands Marine National Monument. A \$28,515 NOVA was issued, and the case settled for \$15,000. [See Charged Cases, Item 7, from February 2024 report]

⁴ This case became final in March 2024, but was not included in previous reports.

SILVER SPRING

9. CRSRA240004; Georgia Institute of Technology – Private remote sensing space system licensee was charged under the Land Remote Sensing Policy Act with failing to submit written notification within seven days of the launch and deployment of a system component; the detection of an anomaly; and the disposal of an on-orbit component of the system. A \$4,000 NOVA was issued, and the case settled for \$3,600. [See Charged Cases, Item 10, from May 2024 report]

SOUTHEAST

10. SE2001305; Tristan International, LLC – Seafood Importer Tristan International, LLC was charged under the Marine Mammal Protection Act with unlawfully importing yellowfin tuna and/or yellowfin tuna products from a nation subject to embargo and of importing yellowfin tuna and/or yellowfin tuna products without an accurate and complete Fisheries Certificate of Origin. A \$42,188 NOVA was issued, and the case settled for \$37,969.20. [See Charged Cases, Item 11, from May 2024 report]
11. SE2203642; M/V Sopot – Owner/Operator Polska Zegluga Morska PP dba Polsteam was charged under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters in an Area To Be Avoided in the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued, and the case settled for \$6,750.⁵

WEST COAST

12. WC2207360; F/V Speranza Marie – Owner Ocean Angel VI, LLC and Operator Jason Lapeyriof were charged jointly and severally under the National Marine Sanctuaries Act for discharging unauthorized materials into the Channel Islands National Marine Sanctuary when the vessel ran aground in the sanctuary during transit. A \$8,250 NOVA was issued, and the case settled for \$7,425. [See Charged Cases, Item 16, from May 2024 report]

⁵ This NOVA was issued in April 2024, but was not included in previous reports.