

Civil Administrative Enforcement Actions
April 1 – 30, 2024¹
During this reporting period, NOAA charged 11 cases, settled 9 cases,
and otherwise resolved 1 case.²

Cases Charged in April 2024³

ALASKA

1. 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 Fishery Conservation and Management Act (Magnuson-Stevens Act) with exceeding the maximum retainable amount of Pacific cod and rockfish. A \$10,690 NOVA was issued.

NORTHEAST

2. NE2303052; F/V Fallen Angel – Owner/Operator Broddie Eaton was charged under the Atlantic Coastal Fisheries Cooperative Management Act with fishing for American lobster in the Exclusive Economic Zone without a Federal American lobster permit. A \$15,000 NOVA was issued.

PACIFIC ISLANDS

3. PI2309876; James Edwin Sumsion was charged under the Marine Mammal Protection Act with importing a chess set made from whale bone for personal use. A Written Warning was issued.

SOUTHEAST

4. SE2101439; F/V Conch Too – Owner Kirchner Marine Inc. and Operator Joel Isay Cruz were charged jointly and severally 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, and the case settled for \$5,175.

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.

5. SE2207069; F/V Johana – Owner Yordanis Antonio Reyes was charged under the Magnuson-Stevens Act with failing to provide required information to the Agency. A \$1,000 NOVA was issued.
6. SE2301758; F/V/White Water II – Owner White Water Seafoods Corp. and Operator Kevin Beland were charged jointly and severally under the Magnuson-Stevens Act with fishing in the Charleston Bump closed area while pelagic longline gear was on board. A \$38,435.91 NOVA was issued.
7. SE2302309; F/V FL9642NY – Recreational Anglers Paul Lee Libretto and Michael Scot Edwards were charged jointly and severally under the Magnuson-Stevens Act with fishing for and/or possessing red snapper during a recreational sector seasonal closure. An \$8,500 NOVA was issued.
8. SE2303207; M/V My Baby – Owner/Operator Michael B. King and Owner Ellen H. Manning 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 during the 2022 season. A \$7,500 NOVA was issued in January. The NOVA was amended to add two additional counts of violating the North Atlantic Right Whale speed restriction regulation during the 2023 season for a total penalty of \$32,500. [See Charged Cases, Item 11, from January 2024 report]
9. SE2313214; M/V Sea Dozer – Owner Gerken Leasing Company Limited and Operator George Keune were charged jointly and severally 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, and the case settled for \$6,750.
10. SE2315349, F/V El Duro Punetazo de la Pesca – Owner/Operator Melvin Serrano-Ramos was charged under the Magnuson-Stevens Act with fishing in the Abrir La Sierra Bank closed area off Puerto Rico. A \$2,500 NOVA was issued.

WEST COAST

11. WC2205612; M/V Cypress Point – Operator Matt Ryan was charged under the Marine Mammal Protection Act with causing a vessel to approach in any manner, within 200 yards of a killer whale. A \$3,000 NOVA was issued.

Resolved Cases Charged Before April 1, 2024

ALASKA

None.

NORTHEAST

1. NE2300902; M/V Princess Michele – Owner Alan M. Lebensfeld and Operator John Cuddire 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 \$15,000 NOVA was issued, and the case settled for \$8,500. [See Charged Cases, Item 4, from February 2024 report]

PACIFIC ISLANDS

None.

SILVER SPRING

2. CRSRA240001; University of Louisiana at Lafayette – 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, and the case settled for \$2,970. [See Charged Cases, Item 4, from March 2024 report]

SOUTHEAST

3. SE2206306; F/V Capt Andrew – Owner Capt Andrew LLC and Operator Tam Van Le were charged jointly and severally under the Magnuson-Stevens Act with possessing shark fins without the corresponding carcasses. Thirty-two shark fins were voluntarily abandoned. A \$12,000 NOVA was issued, and the case settled for \$10,800. [See Charged Cases, Item 10, from February 2024 report]
4. SE2303714; M/V Digging It – Owner Jeffrey Laydon and Operator Cole Sikes 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, and the case settled for \$24,000. [See Charged Cases, Item 12, from January 2024 report]

5. SE2304354; M/V Gratitude – Owner Tipsnme, LLC and Operator John Timothy Roehrs 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, and the case settled for \$20,250. [See Charged Cases, Item 14, from February 2024 report]
6. SE2306036; F/V 1208811 – Owner/Operator Charles Walter Bentley was charged under the Magnuson-Stevens Act with fishing for Gulf reef fish in federal waters aboard a charter vessel without a federal charter permit. A \$20,185 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 15, from February 2024 report]
7. SE2314884; MSC Magnifica – Owners MSC Cruise Management (UK) Limited, and Newco Magnifica SA, and Operator Vincenzo Miele 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, and the case settled for \$6,750. [See Charged Cases, Item 8, from March 2024 report]

WEST COAST

8. WC2203173; F/V Doggy Style – Joint Owner/Operators Joseph Capra and Kelly Nichols were charged jointly and severally under the Magnuson-Stevens Act with fishing in a closed area in the Pacific Coast Groundfish Fishery and submitting inaccurate information in federal landing records. A \$21,717 NOVA was issued, and the case settled for \$20,417. [See Charged Cases, Item 15, from January 2024 report]