

**Civil Administrative Enforcement Actions**  
**November 1 - 30, 2023<sup>1</sup>**  
**During this reporting period, NOAA charged 14 cases and settled 10 cases<sup>2</sup>**

**Cases Charged in November 2023<sup>3</sup>**

**ALASKA**

1. AK1800358; Rocky Point Resort/Alaska, Inc., – Rocky Point Resort/Alaska, Inc. and Guided Angler Fish (GAF) Permit Holders, Charter Vessel Guides, and Business Owners Walter J. Payne and Mikel J. Payne were charged jointly and severally under the Northern Pacific Halibut Act with failing to report and mark GAF and submitting inaccurate information to NMFS. A \$28,046 NOVA was issued.
2. AK2105968; Big Blue Charters – Charter Vessel Guide Michael R. Keating was charged under the Northern Pacific Halibut Act with failing to retain GAF records, failing to mark and report GAF harvests, and allowing a crewman to fish during a charter vessel trip. A \$21,600 NOVA was issued.

**NORTHEAST**

3. NE2300230; F/V Ligia – Owner Ligia Pereira Scalloping Company LLC and Operator Alexander T. Hall were charged jointly and severally under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with fishing for and harvesting Atlantic scallops from a closed area. A \$37,525 NOVA was issued.
4. NE2301025; F/V Island Current III – Owner Island Current Fleet, Inc. and Operator Peter A. Jacobson were charged jointly and severally under the Magnuson-Stevens Act with possessing undersized Atlantic cod and making false statements to authorized officers. One whole Atlantic cod and 48 Atlantic cod fillets were voluntarily abandoned. A \$17,250 NOVA was issued.

---

<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.

## **PACIFIC ISLANDS**

None.

## **SILVER SPRING**

5. CRSRA230007; The Tomorrow Companies Inc. – A licensed private remote sensing space system operator was charged under the Land Remote Sensing Policy Act with failing to request and receive approval for a license modification before taking any action that would change a material fact in their license. A \$3,950 NOVA was issued.
6. CRSRA230008; Capella Space Corp. – A licensed private remote sensing space system operator was charged under the Land Remote Sensing Policy Act with failing to obtain approval for a license modification before taking any action that would change a material fact in the license. A \$4,600 NOVA was issued.
7. CRSRA230009; Ball Aerospace and Technologies Corp. – A licensed private remote sensing space system operator was charged under the Land Remote Sensing Policy Act with failing to timely submit an Annual Compliance Certification and failing to obtain approval for a license modification before taking any action that would change a material fact in the license. A \$2,750 NOVA was issued.
8. CRSRA230010; Associated Students of Stanford University – A licensed private remote sensing space system operator was charged under the Land Remote Sensing Policy Act with failing to submit timely and complete launch and deployment confirmations, with failing to submit timely notifications after the detection of an anomaly, and the disposal of an on-orbit component of the system. A Written Warning was issued.

## **SOUTHEAST**

9. SE2103273; F/V Knotty Knelly – Owner/Operator Nelson Joseph Milian and Anglers Andrew Martinez, Michael Edward Stella, and Abel Jesus Arabitg were charged jointly and severally under the National Marine Sanctuaries Act with illegally possessing fish or engaging in fishing inside the Tortugas South Ecological Reserve in the Florida Keys National Marine Sanctuary. A \$3,750 NOVA was issued.
10. SE2303265, M/V Waste Knot – Owner Waste Knot LLC and Operator Michael Ray Tickle 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 \$22,500.00 NOVA was issued.
11. SE2303316; M/V Determination III – Owner Determination III 130 Westport LLC and Operator Gerald L Eubanks 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.

12. SE2306299; M/V Aldebaran J – Owner MS Aldebaran J Schiffahrtsgesellschaft UG Haftungsbeschränkt & Co KG was charged 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.
13. SE2306448; FL2841FP– Operator Leduan Gonzalez Silva was charged under the National Marine Sanctuaries Act with illegally fishing with spearguns inside the Key Largo Management Area in the Florida Keys National Marine Sanctuary. A \$1,250 NOVA was issued, and the case settled for \$1,125.
14. SE2309674, FL2666SY – Owner/Operator Larry Dewayne Hatfield (d/b/a Tidelife LLC) was charged under the Magnuson-Stevens Act with operating a Gulf reef fish charter in the EEZ without a federal permit. A \$5,750 NOVA was issued.

## **WEST COAST**

None.

### **Resolved Cases Charged Before November 1, 2023**

## **ALASKA**

1. AK2003678; F/V American Dynasty – Medic Daniel Craig Azcarate was charged under the Magnuson-Stevens Act with sexually harassing a female fisheries observer. A \$36,000 NOVA was issued, and the case settled for \$3,000. [See Charged Cases, Item 1, from May 2023 report].
2. AK2106551; C/P Cape Horn – Operator Ata Ioapo was charged under the Magnuson-Stevens Act with sexually harassing a female observer by grabbing her buttocks without consent. A \$24,000 NOVA was issued, and the case settled for \$6,000. [See Charged Cases, Item 1, from April 2023 report].
3. AK2205725; C/P Cape Horn – Owner Cape Horn Vessel, LLC and Operator Peter Pack were charged jointly and severally under the Magnuson-Stevens Act with fishing in a closed area. A \$26,801 NOVA was issued, and the case settled for \$26,226. [See Charged Cases, Item 1, from July 2023 report].

## **NORTHEAST**

4. NE2204806; F/V American Classic – Owner Walsh’s Deep Sea Fishing, Inc. and Operator James Walsh were charged jointly and severally under the Magnuson-Stevens Act with failing to timely comply with the fishing vessel trip reporting requirements, exceeding the possession limits for Atlantic Halibut, landing Northeast Multispecies contrary to appropriate form, and fishing for HMS without a valid permit. A \$9,000 NOVA was issued, and the case settled for \$6,750. [See Charged Cases, Item 5, from July 2023 report].

5. 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, and the case settled for an admission of liability and a \$0 penalty. [See Charged Cases, Item 9, from June 2023 report].

## **PACIFIC ISLANDS**

6. PI2200652; B.N.T.J. Inc. and Bruce E. Sutherland – Business and Business Owner were charged jointly and severally under the Endangered Species Act with selling in interstate commerce an endangered sperm whale tooth and, in the alternative, under the Marine Mammal Protection Act for selling an endangered sperm whale tooth for a purpose other than public display, scientific research, or enhancing the survival of the species or stock. A \$12,500 NOVA was issued, and the case settled for \$10,000. [See Charged Cases, Item 4, from October 2023 report].

## **SILVER SPRING**

None.

## **SOUTHEAST**

7. SE2200089; F/V Super Grouper – Owner Super Grouper Inc. and Operator Charles Veach were charged jointly and severally under the Magnuson-Stevens Act with failing to report, fishing without an activated VMS, failing to submit advance notice of landing of IFQ species, and selling South Atlantic snapper/grouper from a vessel operating as a charter. A \$19,750 NOVA was issued, and the case settled for \$14,850. [See Charged Cases, Item 11, from July 2023 report].
8. SE2207064; F/V Daisy – Owner Kimanys Lemus aka Kimanys Lemus Rodriguez and Lessees David Jordan Goldner and Jeri Lynn Goldner were charged jointly and severally under the Magnuson-Stevens Act with failing to provide required information to the Agency. A \$2,500 NOVA was issued, and the case settled for \$2,250. [See Charged Cases, Item 11, from July 2023 report].

## **WEST COAST**

9. WC2202550; F/V Dusk – Owner Dusk Fisheries LLC and Operator Mike Lynch were charged jointly and severally under the Magnuson-Stevens Act with failing to operate a VMS mobile transceiver unit on board the vessel. A \$6,750.00 NOVA was issued, and the case settled for \$6,075. [See Charged Cases, Item 10, from September 2023 report].