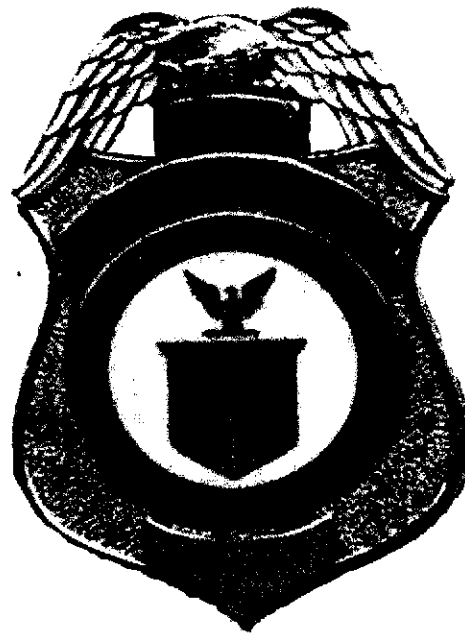


Office for Law Enforcement



**FIRST QUARTER
FY 2009 REPORT
OCTOBER 01, 2008- DECEMBER 31, 2008
National Marine Fisheries Service
Southeast Office for Law Enforcement**



OFFICE FOR LAW ENFORCEMENT

**Quarterly Report 1st Quarter
October 01, 2008 – December 31, 2008**

Contents

Significant Actions – Gulf of Mexico.....	3
Significant Actions – South Atlantic/Caribbean.....	8
Significant Actions – District Wide.....	13
Significant Actions – Legend.....	14
Number of Cases by Investigation Type.....	15
Complaints by Investigation type.....	16
Joint Enforcement Activity Report.....	17
Media/Press Releases.....	28

To report fisheries violations,
call our National Hotline at 1-800-853-1964, or
visit our web site at www.nmfs.noaa.gov/ole/Southeast.htm

GULF OF MEXICO ENFORCEMENT OPERATIONS

Significant Enforcement Activities

ESA

National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Office of Law Enforcement (NOAA/NMFS) Special Agents from St. Petersburg, FL were notified by NOAA General Council for Enforcement and Litigation, Southeast Region (GCEL) that a case against the F/V NGUYEN TJ II was settled for \$2,200. The shrimp trawler had been intercepted by Florida FWC officers and a NMFS Gear Specialist while actively trawling. The boarding team determined all four TEDs were non-compliant. Prior to departing the vessel, the NMFS Gear Specialist provided guidance to the vessel operator on the necessary corrections to the TED to bring it into compliance. The case was transferred to NOAA/NMFS OLE for follow up.

NOAA/NMFS agents from Harlingen, TX conducted a seizure of shrimp valued at \$20,739.25 from a foreign F/V from Mexico. The Mexican F/V harvested shrimp in the U.S. EEZ and failed to utilize approved TEDs. The catch was abandoned by the captain and owner of the vessel. The case was closed with the abandonment of the catch.

MSFCMA

GCEL issued several NOVAs this quarter for observer program violations in both the Gulf of Mexico Reef Fish and Shrimp Observer Programs. Vessels involved in the Gulf of Mexico Shrimp Observer Program were cited for allegedly failing to comply with the regulations during the selection period of July 01, 2007 through December 31, 2007. Investigations by NOAA/NMFS agents showed the vessels failed to contact the observer program and conducted several fishing trips without an observer aboard. The vessels were also alleged to have failed to obtain or show a valid USCG safety inspection sticker, a violation of federal law.

The F/V MISS LILY was issued a NOVA for \$18,750.00 and an 18-day permit sanction based on an investigation by Harlingen TX agents.

The F/V PRINCESS ROSITA was issued a NOVA for \$18,750.00 and an 18-day permit sanction based on an investigation by Harlingen TX agents.

The F/V PRINCESS ANNA was issued an \$18,750.00 NOVA and an 18-day permit sanction based on an investigation by Harlingen TX agents.

The owner and operator of the F/V WILD DREAM II were issued a NOVA in the amount of \$24,000 and a 30-day Notice of Permit Sanction based on the investigation by St. Petersburg, FL agents.

GULF OF MEXICO ENFORCEMENT OPERATIONS

The owner and operator of the F/V JOSEPH ANTHONY were issued a NOVA in the amount of \$18,750 and an 18-day Notice of Permit Sanction based on the investigation by St. Petersburg, FL agents.

NOVAs issued for violations of the GOM Reef Fish Observer Program were based on investigations conducted by Harlingen, TX, agents. They were for conducting several fishing trips without allegedly notifying the observer program prior to commencing on the fishing trips which resulted on incidental or harvesting of reef fish.

The F/V PROMISE was issued a NOVA for \$13,000. The F/V also lacked the USCG inspection sticker, a violation of federal law.

The F/V WOLF was issued a NOVA for \$10,000.00 and an 18-day permit sanction.

The F/V SIR MARTIN E was issued a NOVA for \$10,000.00 and an 18- day permit sanction.

The F/V NAN BALDWIN was issued a NOVA for \$3,000.00 The F/V also lacked the USCG inspection sticker, a violation of federal law.

NOAA/NMFS agents from St. Petersburg, FL received notification that NOAA GCEL issued a NOVA in the amount of \$15,000 to the owner and the captain of the FV QUALITY TIME. Vessel owner, C. Anderson ROBERTSON and Captain David DUVERNAY were cited for operating a charter vessel without the required Gulf of Mexico charter permits. The penalty also included a 30 day NOPS.

NOAA/NMFS agents from St. Petersburg, FL received notification from NOAA GCEL that a NOVA in the amount of \$30,000 and a 30-day NOPS were issued to Jack HAIL, owner and operator of the F/V MISS JADE for violations of the MSFCMA. HAIL was charged with disabling the VMS unit shortly after installation in July, 2007. Additionally, he was allegedly fishing without completing the proper call-in notifications and declarations to the VMS division. During the period of time that the VMS unit was believed to have been disabled, over 60 fishing trips were conducted.

NOAA/NMFS agents from Niceville, FL received notification that NOAA GCEL issued a NOVA in the amount of \$2,500.00, a 10 day NOPS, and proposed forfeiture in the amount of \$76.00 to James GHARST, owner of the F/V MISS DEBBIE for possession of undersized vermillion snapper and triggerfish.

NOAA/NMFS agents from Niceville, FL received notification that NOAA GCEL issued a NOVA in the amount of \$1,100 to recreational anglers Joel L Thornton, David Zimmer, Mohammed Mohammed, and David A. JOHNSON for possession of 15 gag grouper and one undersized gag grouper in federal waters in violation of the seasonal closure.

GULF OF MEXICO ENFORCEMENT OPERATIONS

NOAA/NMFS agents from St. Petersburg, FL received notification that NOAA GCEL issued a NOVA in the amount of \$11,000 and a 45 day NOPS to F/V WARRIOR V owner Dean PRUITT and captain Michael DEAN for failing to land finfish intact. Florida FWC officers boarded the vessel during a coordinated pulse operation and discovered the vessel was using suspected pieces of shark and reef fish as bait on its longline gear. Seized pieces of bait were transferred to the NOAA/NOS Lab for species identification prior to filing charges.

NOAA/NMFS agents from St. Petersburg, FL were informed that NOAA/GCEL issued a NOVA to the Envision Consulting Group in the amount of \$2,500.00 for failure to register the tournaments and failure to report as required. The Miami, FL based group holds two HMS tournaments annually; the Mayor's Cup and the Sailfish Kickoff. The Mayor's Cup tournament had failed to register for three years and the Sailfish Kickoff had failed to register for two years.

NOAA/NMFS agents from Slidell, LA were notified by NOAA/GCEL that \$3,000 NOVA and a 15-day permit sanction were issued to the F/V MISS CAROL. The vessel was boarded over 25 miles off shore by the Louisiana Department of Wildlife and Fisheries (LDWF) during a JEA patrol. The LDWF officers found 131 pounds of filleted fish on board. The vessel was charged with failure to maintain fish intact through off-load.

NOAA/NMFS agents from Slidell, LA received notification that the F/V CAPT DAVID agreed to a settlement prior to an administrative hearing scheduled for November 18, 2008. The F/V CAPT DAVID was issued a \$30,000.00 NOVA, a 45 day NOPS, and forfeiture of over \$11,000.00 worth of yellowfin and bluefin tuna for fishing a pelagic longline with live bait. The respondents' agreed to a reduced NOVA in the amount \$13,000.00, forfeiture of seized proceeds in the amount of \$11,000.00, suspension of the 45 day NOPS, with an offset of the reduced NOVA for the purchase, installation, and 13 months of service for satellite thermal imaging equipment. It is hoped that satellite thermal imaging equipment will modernize the Louisiana pelagic longline fleet making them more productive and eliminate the need to rely on live bait.

NOAA/NMFS agents from St. Petersburg, FL were informed by NOAA GCEL issued a NOVA in the amount of \$1,000 to the New Smyrna Beach Billfish Invitational, Inc., for failure to register the tournament and failure to report as required. The organization holds an annual HMS tournament which is open to the general public and requires entry fees ranging from \$1,000 to \$2,500.

NOAA/NMFS agents from St. Petersburg, FL were informed that NOAA GCEL issued a NOVA in the amount of \$1,000 to the Pelican Yacht Club for failure to register the tournament and failure to report as required. The yacht club holds an annual invitational billfish tournament which is open to the general public and charges entry fees. The PYC has held the tournament since 1980 and had previously registered their HMS tournaments.

GULF OF MEXICO ENFORCEMENT OPERATIONS

NOAA/NMFS agents from St. Petersburg, FL were notified by NOAA GCEL of NOVA's issued as the result of a joint NOAA/FWCC undercover investigation conducted in the Florida panhandle. David MUCCI, owner and operator of the F/V Y-KNOT and Jeffrey FOLDS, owner and operator of the F/V DAISY D were issued NOVA's in the amounts of \$12,500 and \$19,000 respectively. In addition to other charges, both MUCCI and FOLDS were cited for operating non permitted dive charters in the Gulf of Mexico EEZ.

NOAA/NMFS agents from St. Petersburg, FL received notice that NOAA GCEL reached a \$66,000 settlement agreement with the vessel owner and operator of the F/V SUPER SPEEDY EXPRESS. The owner and operator were charged with operating a charter vessel without the required federal charter permits. Approximately twenty five headboat trips were documented during the investigation which was done jointly with the FWC.

NOAA/NMFS agents from St. Petersburg, FL received notification from NOAA GCEL that a NOVA in the amount of \$21,000 and a 75-day Notice of Permit Sanction was issued to the F/V SOUTHWIND for violations of the Magnuson Act. Vessel captain Jimmie PHRAMPUS and owner Dale SHEFFIELD were cited after being boarded three times in a 30 day period and found in possession of undersized reef fish, failure to keep finfish intact, failure to comply with VMS requirements and multiple IFQ violations.

NOAA/NMFS agents from St. Petersburg, FL received notification from NOAA GCEL Southeast that a NOVA in the amount of \$10,000 and a 30-day Notice of Permit Sanction was issued to the F/V SOUTHERN GALE. Vessel captain Robert ANDREWS and owner Dennis HALE were cited for failing to keep shark and reef fish in whole condition after being boarded with over 100 pieces of regulated species being cut up as bait.

Lacey Act

NOAA/NMFS agents from Niceville, FL attended a change of plea hearing in Albany, Georgia this week. Gary BROWN, owner of Brown's Seafood, Crawfordville, FL and James NATIONS, an Apalachicola, FL fishermen entered guilty pleas to one count each of felony Lacey Act and felony Conspiracy. Both men had been involved in the harvest and sale of speckled sea trout, red snapper and other reef fish and were charged after being linked to a wide spread poaching ring operating in northwest Florida and Georgia. The two were the first to plead out after a two year joint NOAA/FWCC investigation led by Niceville agents.

NOAA/NMFS agents from Slidell, LA were notified that Earl FAYARD of Ocean Springs Seafood, pled guilty to one criminal count of Title 18 USC 287 (filing false, fictitious or fraudulent claim against a government agency) for violation of the Byrd Amendment in submitting false claims. Defendant is scheduled to be sentenced in the Eastern District of Louisiana on January 6, 2009.

GULF OF MEXICO ENFORCEMENT OPERATIONS

NOAA/NMFS agents from Galveston, TX were notified that United States District Judge David Hittner issued a Final Order of Criminal Forfeiture on Hoang NGUYEN. The notice instructed the forfeiture of \$25,365.70, which is the value of seized assets in this case. Seized assets included 9,637 pounds of red snapper, 229 pounds of vermillion snapper, 54 pounds of Lane snapper, 7 pounds of mangrove snapper, 195 pounds of blue runner, 84 pounds of cobia, 187 pounds of trigger fish, and 68 pounds of black grouper.

PARTNERSHIPS

NOAA/NMFS agents from St. Petersburg, FL, FWCC Officers and USCG personnel conducted a two-day coordinated pulse operation focusing on longline and bandit fisherman in the waters surrounding the Florida Middle Grounds. During the two-day operation, approximately ten (10) vessels were boarded which resulted in state and federal violations on various fishing vessels. Two commercial longline fishing vessels cited for federal violations involving reef fish and sharks.

TRAINING

NOAA/NMFS agents from St. Petersburg, FL traveled to the FWCC Naples field office this week to provide federal fisheries training to FWCC Officers and investigators. Although the training focused primarily on the MSFCMA, topics covered also included the IFQ requirements, the Vessel Monitoring System with an on-line demonstration, and case documentation.

SOUTH ATLANTIC / CARIBBEAN ENFORCEMENT OPERATIONS

Significant Enforcement Activities

ESA

NOAA/NMFS agents from Titusville, FL, Miami, FL, and FLETC Glynco and a NMFS gear specialist participated in a three day Protected Resource Enforcement Team operation in St. Augustine and Mayport, Florida with FL FWCC officers, USCG personnel, and sheriff's deputies. Four dockside inspections of shrimp trawlers were conducted and Turtle Excluder Device discrepancies noted. NOAA agents and FL FWCC officers conducted water patrol using the NOAA M/V TITUSVILLE and a FWCC vessel. Two shrimp trawlers were boarded in the ICW north of St. Augustine Inlet and several citations issued for state violations.

A NOAA/NMFS agent from Titusville, FL conducted a patrol in St. Augustine onboard a FL FWCC vessel. A CBP Marine Interdiction Agent and St. Johns County Sheriff's Deputy were also onboard. The team boarded a shrimp trawler dockside which resulted in a \$1000 summary settlement for TEDs violations on all four nets and a \$450 state citation for selling fish without a retail license.

MSFCMA

A NOAA/NMFS agent from Titusville, FL was notified by GCEL/SE that a \$20,000 NOVA, 30 day permit sanction, and Notice of Proposed Forfeiture were issued to the owner and operator of a Ponce Inlet dive charter for spiny lobster violations and false statement and obstruction charges. The vessel returned to Ponce Inlet from Federal waters and was boarded by a FL FWC officer. An inspection of the vessel revealed 20 wrung tails concealed in a deck hold, some of which were speared and/or egg-bearing. The entire catch of lobster was seized. In December, the respondents paid the \$20,000 NOVA, abandoned approximately 62 seized lobsters, and will serve a 30 day permit sanction.

A NOAA/NMFS Agent in Charleston, SC was notified that NOAA GC had settled a NOVA for \$800 with Vincent SOWERBY, a defense attorney in Brunswick, Georgia, who unlawfully harvested and was in possession of approximately 25 pounds of live rock. During a JEA patrol, the Georgia Department of Natural Resources (GDNR) boarded the recreational vessel SOUR BEE and found the captain to be in possession of several pieces of liver rock. GADNR contacted the NOAA agent who advised the live rock be seized. The agent met with GADNR personnel after returning to the dock and took custody of the live rock and other relevant evidence. Additional interviews conducted by the agent during the course of the investigation resulted in voluntary written statements which verified the fishing activity of the subject.

SOUTH ATLANTIC / CARIBBEAN ENFORCEMENT OPERATIONS

A NOAA/NMFS agent from Aguadilla, PR conducted several investigations that resulted in the detection of HMS violations. Two cases resulted in each recreational vessel owner receiving a \$1,000 NOVA for not possessing a valid HMS angling permit. A \$3,500 NOVA was issued to a recreation vessel owner for an undersized blue marlin, no HMS angling permit, and failure to report the HMS landing to NMFS; and a \$2,500 NOVA issued to a charter vessel owner for targeting tuna and billfish without a valid Charter/Headboat HMS permit.

MMPA

A NOAA/NMFS agent from Charleston, SC initiated efforts to coordinate enforcement of the speed restriction rule, enacted for the protection of North Atlantic right whales, in South Atlantic states. A NOAA/NMFS agent met with personnel from the GADNR in Brunswick, Georgia and USCG personnel in Charleston, South Carolina to discuss upcoming enforcement efforts, training, entanglement responses, and JEA operations.

Lacey Act

NOAA/NMFS agents from Titusville, FL were informed by Southern District of Florida AUSA that Milton L. Mecozzi, Sr. and Milton L. Mecozzi, Jr., of Miami, Florida, were charged in separate criminal cases resulting from their involvement in an undersized spiny lobster (Panulirus argus) importing scheme from Brazil and the Commonwealth of the Bahamas. The criminal information filed against Milton L. Mecozzi, Jr. charges him with violations of the Lacey Act; the information filed against Milton L. Mecozzi, Sr. charges him with a single violation of the Lacey Act and a violation of the bank fraud statute. The defendants were scheduled to surrender on January 5, 2009 but have subsequently fled the country. Consequently, superseding indictments charging both with Lacey Act and bank fraud counts are being obtained.

A NOAA/NMFS agent from Morehead City, NC attended the Sentencing of William Benfield in Florence, SC. Benfield pleaded guilty to a felony Lacey Act violation involving the smuggling of shellfish into NC from SC. Benfield was sentenced to 2 years supervised probation, 3 months of home confinement with electronic monitoring and fined \$1,000.00 dollars.

A NOAA/NMFS agent from Titusville, FL was informed by GCEL/SE that a \$1500 NOVA was issued to an Alabama man for unlawfully importing Elkhorn and finger coral taken and/or possessed in violation of Bahamian law. The case was initiated when an FL FWCC officer boarded a Bahamian vessel at the Titusville Marina. NOAA agents responded and seized several pieces of coral that were later identified by the NOS Marine Forensics Lab as Elkhorn and finger coral. The case preceded the implementation of additional ESA regulations protecting Elkhorn coral.

SOUTH ATLANTIC / CARIBBEAN ENFORCEMENT OPERATIONS

NOAA/NMFS agents from Miami, FL took custody of M/V REDEMED as part of a forfeited action. The vessel is a 37 foot Luhrs 400 built in 2000. This forfeiture was the result of a Lacey Act conviction of James Hanson et al for violating Bahamian laws on the export and smuggling of spiny lobster tails from the Bahamas to South Florida.

A NOAA/NMF agent from Miami, FL arrested a Honduran national based on an outstanding arrest warrant from Operation Shell Game. This operation was a joint investigation with US Fish and Wildlife Service, Canadian Wildlife, and NOAA OLE. The focus of this investigation was the illegal trafficking of Caribbean Queen Conch into Canada and the US. The Honduran national was identified and detained by Customs and Border Protection officers as he was making entry into the US from Honduras.

Six individuals were indicted by a Federal grand jury in Miami for conspiracy to illegally harvest lobsters in the Florida Keys and Lacey Act violations. The charges were based on the individuals involved in constructing and deploying artificial habitat in the Florida Keys National Marine Sanctuary for the purpose of harvesting spiny lobsters. The indictment also includes a forfeiture count for three vessels, three vehicles, and all the fish and wildlife seized by NOAA OLE. For this investigation NOAA OLE received assistance from US Fish and Wildlife Service special agent and refuge officers and officers from the Florida Fish and Wildlife Conservation Commission.

A NOAA/NMFS agent from Guaynabo, PR was notified by NOAA/GCEL has settled on a NOVA to pay \$2,600 for violations associated with the illegal importation of anemones.

National Marine Sanctuaries

A NOAA/NMFS agent from Charleston, SC was appointed to the Sanctuary Advisory Council (SAC) for Gray's Reef National Marine Sanctuary, after the SAC created a permanent seat for the NOAA OLE. A NOAA/NMFS agent from Charleston, SC also briefed the other members of the SAC on on-going enforcement issues in Gray's Reef sanctuary.

COPPS & Outreach

A NOAA/NMFS agent from Titusville, FL gave a presentation on OLE to members of the American Criminal Justice Association/Lambda Alpha Epsilon pre-professional fraternity at the University of Central Florida. Several students expressed interest in internship opportunities with OLE.

A NOAA/NMFS agent from Titusville, FL attended the Volusia County Marine Unit Task Force meeting at the Daytona Beach Police Department (DBPD). Representatives from the US Coast Guard, US Border Patrol, FL Fish and Wildlife Conservation Commission (FFWCC), Volusia County Sheriff's Office, and DBPD were present. The NOAA agent provided a fisheries update and awarded a Certificate of Appreciation to a FFWCC officer for his exemplary JEA casework.

SOUTH ATLANTIC / CARIBBEAN ENFORCEMENT OPERATIONS

A NOAA/NMFS agent from Titusville, FL gave an OLE presentation to students in a "Careers in Criminal Justice" course at the University of Central Florida, Cocoa Campus.

A NOAA/NMFS agent from Charleston, SC met with commercial airline officials at the Charleston International Airport to provide information regarding federal requirements for shipping seafood interstate and internationally. A NOAA/NMFS agent from Charleston, SC also conducted an inspection of their inbound/outbound shipping records of seafood and discovered an alleged violation of USFWS regulations, which was referred to USFWS.

A documentary on the Oculina Bank marine protected area entitled "Fragile Forests of the Deep" was released. The documentary included interviews with a NOAA/NMFS agent from Titusville, FL and the SE VMS program manager and footage of USCG, NOAA, and FFWCC air/sea patrols and VMS monitoring activities. The film was funded in part by a grant from the NOAA Coral Reef Conservation Program and screened at the SAFMC meeting in Wilmington, NC.

PARTNERSHIPS

A NOAA/NMFS agent from Titusville, FL conducted a week long patrol targeting HMS longliners onboard USCGC KINGFISHER. During the patrol NMFS agent cited an F/V for having expired permits.

A NOAA/NMFS agent from Morehead City, NC assisted the NC Marine Patrol with an investigation involving an individual, who falsified residential status to obtain a NC commercial dealers license. The individual harvested, transported and sold approximately 20,000 pounds of bait fish to individuals in Virginia and Delaware.

A NOAA/NMFS agent from Titusville, FL assisted a boarding officer from USCG Station Fort Pierce with a recreational lobster case. The officer had conducted a boarding of a recreational vessel returning from the Bahamas and discovered approximately 12 wrung spiny lobster tails, some of which were undersized.

NOAA/NMFS agents from FL and TX attended the Virginia Star false labeling (Vietnamese catfish) and conspiracy trial held in California in the event they were needed to provide testimony as to evidence collected by them during the investigation.

TRAINING

NOAA/NMFS agents from Morehead City, NC conducted TED, Shark and BFT training to Station Hatteras and Oregon Inlet USCG.

A NOAA/NMFS agent from Titusville, FL gave a presentation on JEA case package protocol to approximately 20 FL FWCC officers from Nassau to Volusia County, 10 USCG personnel, and 3 sheriff's deputies in St. Augustine and Mayport, Florida. A NMFS gear specialist provided training on Turtle Excluder Device inspections.

SOUTH ATLANTIC / CARIBBEAN ENFORCEMENT OPERATIONS

A NOAA/NMFS agent from Charleston, SC traveled to Savannah, Georgia and conducted two training sessions for CBP Inspectors who work at Savannah's container port and international airport, specifically regarding NOAA OLE, its mission and potential violations. The Savannah container port is the fourth-busiest and fastest growing in the United States.

A NOAA/NMFS agent from Titusville, FL conducted case package preparation training for USCG personnel and JEA officers at USCG Station Ponce Inlet and Sector Jacksonville. Boarding officers and team members from Station Mayport, Station Ponce Inlet, USCGC KINGFISHER, USCGC SHRIKE, and Sector Jacksonville attended.

Per the request of the Commanding Officer of the USCG's Southeast Regional Fisheries Training Center (SRFTC), a NOAA/NMFS agent from Charleston, SC provided training to approximately 20 USCG boarding officers during mock boardings and gave a presentation on NOAA OLE investigations/techniques to the boarding officers at SRFTC in Charleston, SC.

NOAA / NMFS agents from Titusville, FL conducted classroom TED training to FWCC officers and then followed the classroom training with courtesy dockside TED inspections on shrimp vessels in St. Augustine and Jacksonville, FL.

DIVISION WIDE ENFORCEMENT OPERATIONS

Significant Enforcement Activities

VMS & Other Enforcement Technologies

The over the air download of the Red Snapper IFQ 3-Hour prelanding VMS forms commenced in late December for Gulf Reef Fish vessels desiring to make use of the form via their VMS units. Fisherman owning Thrane and Thrane units were provided two dates to receive their over the air update or had the opportunity to coordinate receiving the form through their marine electronics dealer. Boatracs and Faria VMS unit owners were able to receive an automatic download of the form over the air commencing on December 22, 2008.

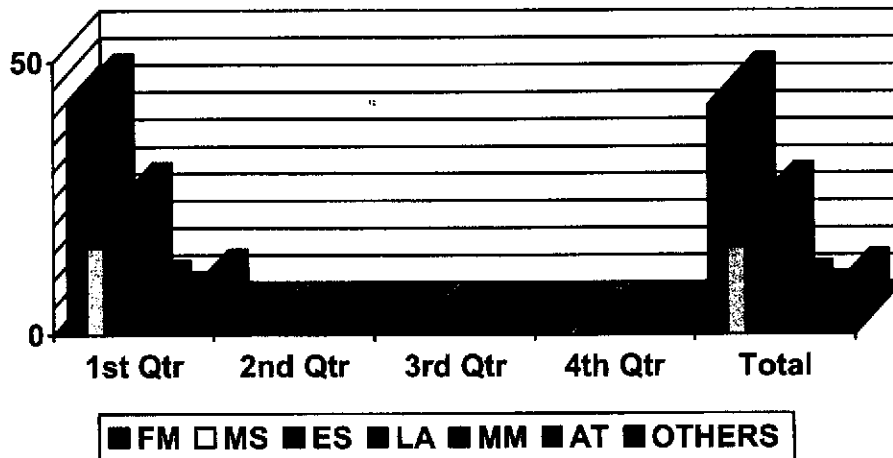
LEGEND

Agent	Special Agent. Law Enforcement personnel who specialize in investigations.
AUSA	Assistant US Attorney – Federal Prosecutor under the DOJ
DOJ	US Department of Justice
GCEL	General Counsel for Enforcement and Litigation. NOAA attorneys who handle prosecutions of civil violations of NOAA regulations.
FWC	Florida Fish and Wildlife Conservation Commission.
GADNR	Georgia Department of Natural Resources.
HMS	Highly Migratory Species (Swordfish, shark, tuna etc.)
JEA	Joint Enforcement Agreement. The operational agreement between NOAA/NMFS Office of Enforcement and state marine conservation agencies for enforcement services.
LDWF	Louisiana Department of Wildlife and Fisheries
NMFS	National Marine Fisheries Service. One of several agencies under NOAA.
NOAA	National Oceanic and Atmospheric Administration
NOVA	Notice of Violation and Assessment. The legal form by which an individual is officially charged with a violation and a fine set. The charging document alleges misconduct much like an indictment in a criminal
OLE	Office of Law Enforcement. Enforcement branch under NMFS responsible for the enforcement of all applicable laws under NOAA's jurisdiction.
PRDNER	Puerto Rico Department of Natural and Environmental Resources
SA	Special Agent. Federal Law Enforcement personnel who specialize in investigations.
TED	Turtle Excluder Device.
USAO	United States Attorney's Office
USCG	United States Coast Guard

**NUMBER OF CASES OPENED BY INVESTIGATION TYPE
FY 2008 and FY 2009 1st QUARTER**

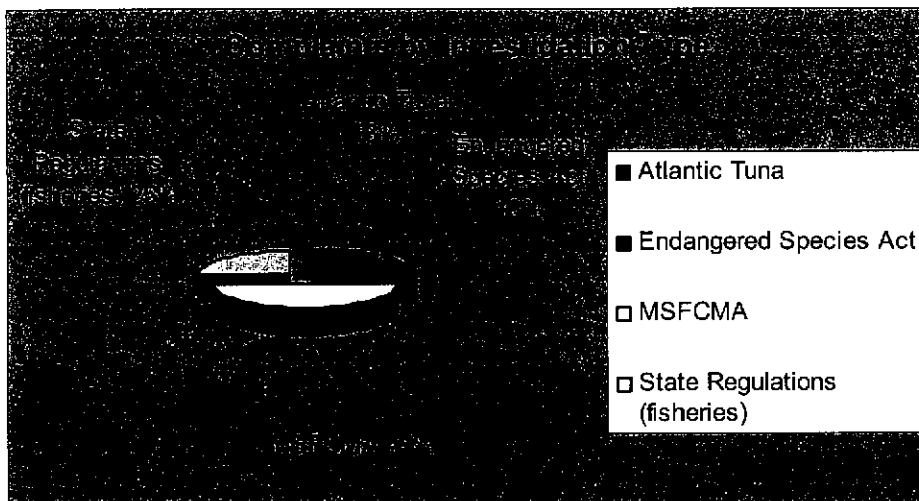
Investigation Type	FY 2008		FY 2009	
	1st Quarter	Total For Year	1st Quarter	Year To Date
AT	4	4	2	2
ESA	22	22	22	22
Lacey Act	9	9	4	4
Magnuson Act	57	57	42	42
MMPA	6	6	2	2
MS	58	58	16	16
Other Federal or State Regulations	4	4	6	6
TOTAL	160	160	94	94

Cases Opened By Investigation Types



**Complaints Opened by Investigation Type
From 10/1/2008 to 12/31/2008
First Quarter FY 2009**

<u>Investigation Type</u>	<u>Complaints</u>
Atlantic Tuna	1
Endangered Species Act	1
MSFCMA	4
Federal Regulations (non-fisheries)	0
Lacey Act (Foreign)	0
State Regulations (fisheries)	2
Marine Mammal Protection Act	0
Grand Total:	8



National Marine Fisheries Service



**NOAA Office for
Law Enforcement**

**First Quarter 2009
SOUTHEAST REGION
JOINT ENFORCEMENT AGREEMENT**

Alabama
JEA QUARTERLY REPORT / FY09-1st QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		OCT	NOV	DEC	FY09 1ST QTR	FY08 1ST QTR
HOURS	JEA	422.00	422.83	347.00	1182.83	592.50
	Personnel	596.00	460.00	393.00	1449.00	746.50
CONTACTS	Commercial	109	160	220	489	
	Recreational	257	217	91	565	
	Headboat/Tournaments	12	4	4	20	
	Number of Inspections	0	1	0	1	
	TOTAL	378	382	315	1075	
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		OCT	NOV	DEC	FY09 1ST QTR	FY08 1ST QTR
WARNINGS	State	9	8	22	39	40
	Federal	0	0	0	0	0
CITATIONS	State	13	8	10	31	23
	Federal	3	0	0	3	0
TOTAL TICKETS		25	16	32	73	73

Florida
JEA QUARTERLY REPORT / FY09-1ST QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		OCT	NOV	DEC	FY09 1ST QTR	FY08 1ST QTR
HOURS	JEA	335.25	410.25	270.25	1015.75	1157.98
	Personnel	576.00	638.00	434.25	1648.25	1453.96
CONTACTS						
	Dockside/Offload Inspections	90	51	71	212	
	At-Sea	98	159	95	352	
	TOTAL	188	210	166	564	
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		OCT	NOV	DEC	FY09 1ST QTR	FY08 1ST QTR
WARNINGS						
		137	123	72	332	223
CITATIONS						
		49	38	24	111	72
TOTAL TICKETS		186	186	161	96	443

GEORGIA
JEA QUARTERLY REPORT / FY09-1ST QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		OCT	NOV	DEC	FY09 1ST QTR	FY08 1ST QTR
HOURS	JEA	32.00	34.66	61.49	128.15	366.50
	Personnel	62.00	63.00	155.00	280.00	628.00
CONTACTS	Commercial	2	1	3	6	
	Recreational	4	11	17	22	
	Headboat/Tournaments	0	0	0	0	
	Number of Inspections	0	0	0	0	
	TOTAL	6	2	20	28	
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		OCT	NOV	DEC	FY09 1ST QTR	FY08 1ST QTR
WARNINGS	State	6	0	2	8	5
	Federal	0	0	0	0	3
CITATIONS	State	0	0	4	4	9
	Federal	0	0	0	0	3
TOTAL TICKETS		6	0	6	12	4

Louisiana
JEA QUARTERLY REPORT / FY09-1ST QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		OCT	NOV	DEC	FY09 1ST QTR	FY08 1ST QTR
HOURS	JEA	604.00	332.50	370.50	1307.00	1025.50
	Personnel	727.00	425.50	383.50	1536.00	1685.00
CONTACTS	Commercial	38	36	31	105	
	Recreational	127	2	1	130	
	Headboat/Tournaments	5	0	0	5	
	Number of Inspections	21	13	17	51	
	TOTAL	191	51	49	291	
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		OCT	NOV	DEC	FY09 1ST QTR	FY08 1ST QTR
WARNINGS	State	5	0	0	5	6
	Federal	0	0	0	0	0
CITATIONS	State	6	1	0	7	32
	Federal	0	0	1	1	0
TOTAL TICKETS		11	1	1	13	38

Mississippi
JEA QUARTERLY REPORT / FY09-1ST QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		OCT	NOV	DEC	FY09 1ST QTR	FY08 1ST QTR
HOURS	JEA	218.66	122.41	73.41	539.91	687.00
	Personnel	337.00	214.00	159.50	710.50	1075.00
CONTACTS	Commercial	83	67	31	181	
	Recreational	155	74	51	280	
	Headboat/Tournaments	1	1	0	2	
	Number of Inspections	12	0	9	21	
	TOTAL	251	142	91	484	
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		OCT	NOV	DEC	FY09 1ST QTR	FY08 1ST QTR
WARNINGS	State	3	0	0	3	1
	Federal	0	2	0	2	0
CITATIONS	State	7	3	2	12	16
	Federal	1	0	1	2	0
TOTAL TICKETS		11	5	3	19	17

Puerto Rico
JEA QUARTERLY REPORT / FY09-1ST QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		OCT	NOV	DEC	FY09 1ST QTR	FY08 1ST QTR
HOURS	JEA					
	Personnel					
CONTACTS	Commercial	NOT REPORTED				
	Recreational					
	Headboat/Tournaments					
	Number of Inspections					
	TOTAL					
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		OCT	NOV	DEC	FY09 1ST QTR	FY08 1ST QTR
WARNINGS	State					
	Federal					
CITATIONS	State					
	Federal					
TOTAL TICKETS						

South Carolina
JEA QUARTERLY REPORT / FY09-1ST QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		OCT	NOV	DEC	FY09 1ST QTR	FY08 1ST QTR
HOURS	JEA	146.00	53.50	55.83	255.33	255.90
	Personnel	179.00	83.00	97.00	359.00	263.50
CONTACTS	Commercial	8	6	2	16	
	Recreational	10	2	11	23	
	Headboat/Tournaments	80	0	0	80	
	Number of Inspections	2	0	3	5	
	TOTAL	100	8	16	124	
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		OCT	NOV	DEC	FY09 1ST QTR	FY08 1ST QTR
WARNINGS	State	9	0	2	11	7
	Federal	10	0	3	13	0
CITATIONS	State	4	1	0	5	14
	Federal	4	6	2	12	0
TOTAL TICKETS		27	7	7	41	41

Texas
JEA QUARTERLY REPORT / FY09-1ST QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		OCT	NOV	DEC	FY09 1ST QTR	FY08 1ST QTR
HOURS	JEA	115.00	154.50	122.83	269.50	606.90
	Personnel	139.00	207.00	154.00	346.00	934.83
CONTACTS	Commercial	22	37	27	86	
	Recreational	4	1	5	10	
	Headboat/Tournaments	0	0	0	0	
	Number of Inspections	0	0	0	0	
	TOTAL	26	38	32	96	
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		OCT	NOV	DEC	FY09 1ST QTR	FY08 1ST QTR
WARNINGS	State	1	2	0	3	3
	Federal	0	0	0	0	0
CITATIONS	State	4	11	8	23	8
	Federal	4	0	0	4	0
TOTAL TICKETS		9	13	8	30	11

Virgin Islands
JEA QUARTERLY REPORT / FY09-1ST QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		OCT	NOV	DEC	FY09 1ST QTR	FY08 1ST QTR
No. of Patrols						13
HOURS	JEA					38.00
	Personnel	NO JEA				56.50
CONTACTS	Commercial				NO JEA	
	Recreational					
	Headboat/Tournaments					9
	Number of Inspections					11
	TOTAL					20
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		OCT	NOV	DEC	FY09 1ST QTR	FY08 1ST QTR
WARNINGS	State					0
	Federal					0
CITATIONS	State					0
	Federal					0
TOTAL TICKETS						0

Summary
JEA QUARTERLY REPORT / FY09-1ST QUARTER

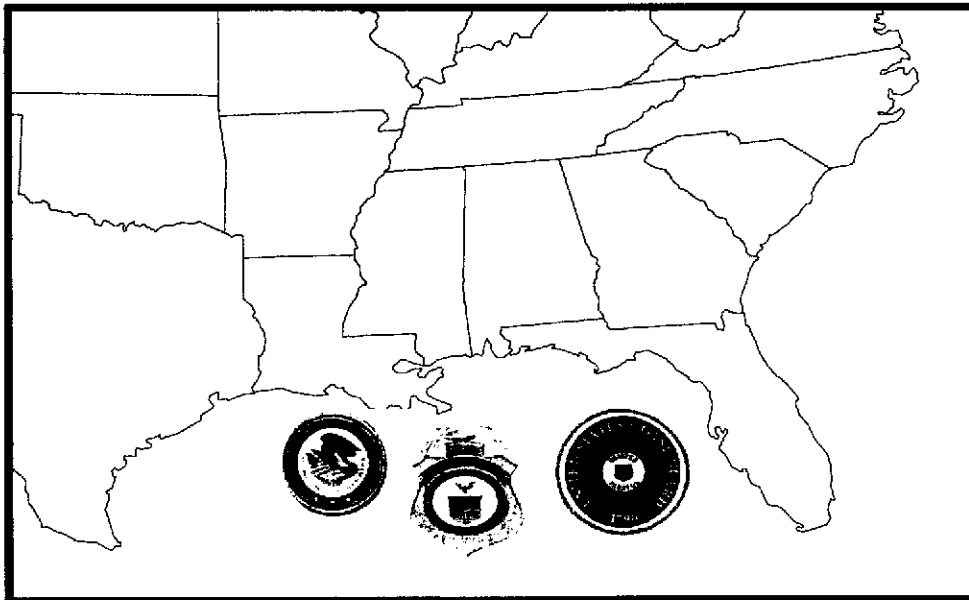
PATROL ACTIVITY		MONTH			TOTALS	
		OCT	NOV	DEC	FY09 1ST QTR	FY08 1ST QTR
HOURS	JEA	1872.91	1530.65	1301.31	4704.87	4692.28
	Personnel	2616.00	2090.50	1776.25	6482.75	6786.79
CONTACTS	Commercial *	262	307	256	825	
	Recreational *	557	297	120	974	
	Headboat/Tournaments *	98	5	4	107	
	Number of Inspections *	35	14	21	70	
	TOTAL *	952	623	401	1976	
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		OCT	NOV	DEC	FY09 1ST QTR	FY08 1ST QTR
WARNINGS	State *	33	10	26	69	285
	Federal *	10	2	3	15	3
CITATIONS	State *	34	24	14	72	172
	Federal *	12	6	3	21	5
TOTAL TICKETS *		89	42	46	177	465

* Florida data not provided.

National Marine Fisheries Service

**Southeast Division
Office of Law Enforcement**

**NEWS
RELEASES**



**First Quarter FY 2009
October 01, 2008 – December 31, 2008**

Department of Justice
Assistant U.S. Attorney's Office

FOR IMMEDIATE RELEASE

October 30, 2008

CONTACT: (202) 514-2007

**TWO FOUND GUILTY OF CONSPIRACY INVOLVING THE IMPORTATION AND SALE OF
FALSELY LABELED FISH FROM VIETNAM**

WASHINGTON - Peter Xuong Lam, of Fairfax, Va., was found guilty late yesterday by a federal jury in Los Angeles of conspiring to import mislabeled fish in order to avoid federal import tariffs, the Justice Department announced today. Lam also was found guilty on three counts of dealing in fish that he knew had been imported contrary to law. Arthur Yavelberg, of Reston, Va., a co-conspirator, also was found guilty of conspiracy to trade in misbranded food.

To date, 12 individuals and companies, including Lam and Yavelberg, have been convicted for criminal offenses related to a scheme to avoid paying tariffs by falsely labeling fish for import and then selling it in the United States at below market price.

"This criminal conspiracy was designed to avoid federal tariffs and flood our markets with illegally imported fish. Maintaining a level playing field for those who obey the law is essential," said Ronald J. Tenpas, Assistant Attorney General for the Justice Department's Environment and Natural Resources Division. "Today's guilty verdicts send a strong message that the Justice Department and our federal law enforcement partners will investigate and prosecute individuals and companies that seek to undermine our markets and the rule of law."

"The convictions of Mr. Lam and Mr. Yavelberg, as well as the guilty pleas of at least ten other who purchased fish despite the fact that they knew, or reasonably should have known, it was falsely labeled, will deter others in the import and wholesale community from engaging in such conduct," said Sara Block, Special Agent for the National Oceanic and Atmospheric Administration, Fisheries, Office of Law Enforcement. "Anyone trading in such illegal products is now on notice that neither consumer fraud nor unfair competition will be tolerated."

According to evidence presented during the two week trial, two Virginia-based companies, Virginia Star Seafood Corp., of which Lam became president, and International Sea Products Corporation, illegally imported more than ten million pounds, or \$15.5 million worth, of frozen fish fillets from Vietnamese companies Binh Dinh, Antesco and Anhaco between May 2004 and March 2005. These companies were affiliated with Cafatex, one of the largest producers in Vietnam of a fish called *Pangasius hypophthalmus*.

Although the fish imported by Virginia Star and International Sea Products was labeled and imported as sole, grouper, flounder, snakehead, channa and conger pike, a type of eel, DNA tests revealed that the frozen fish fillets were in fact *Pangasius hypophthalmus*. *Pangasius hypophthalmus* is a fish in the catfish family marketed under approved trade names including swai or striped pangasius.

Department of Justice
Assistant U.S. Attorney's Office

October 30, 2008

An anti-dumping duty or tariff was placed on *Pangasius hypophthalmus* imports from Vietnam in January 2003, after a petition was filed by the catfish farmers of America. The petition alleged that this fish was being imported from Vietnam at less than fair market value. None of the species names the defendants used to label the imported fish were subject to any federal tariffs.

Further evidence presented at trial showed that Kich Nguyen, the head of the Vietnamese producer, Cafatex, imported the fish to his son, Henry Nguyen who oversaw Virginia Star, International Sea Products and a third company, Silver Seas, of which Yavelberg was titled president.

Lam then knowingly marketed and sold millions of dollars worth of the falsely labeled and illegally imported fish to seafood buyers in the United States as basa, a trade name for a more expensive type of Vietnamese catfish, *Pangasius bocourti*, and also as sole. All of the fish sold was invoiced to match the false labels that were still on the boxes. The jury convicted Yavelberg of marketing the fillets, without necessarily knowing they had been mislabeled.

Many of the purchasers knew, or in the exercise of due care should have known, that the fish they were purchasing at less than market value was falsely labeled. Henry Yip, T.P. Company, David Wong, True World Foods, Inc., David Chu, Dakon International, Du Sa Ngo, Southern Bay, Joseph Xie and Agar Supply all have entered guilty pleas related to their participation in these transactions. Sentencings in all but two of these cases remain pending.

Lam faces a statutory maximum of five years in jail and fines of up to \$250,000 for each of the counts on which he was convicted. Yavelberg faces a statutory maximum of up to one year in prison and \$100,000 fine. Sentencing is scheduled for Feb. 23, 2009.

The case was investigated by Special Agents of the National Oceanic and Atmospheric Administration, Fisheries, Office of Law Enforcement; Food and Drug Administration's Office of Criminal Investigations, and U.S. Immigration and Customs Enforcement. Senior Trial Attorney Elinor Colbourn and Assistant United States Attorney Joseph Johns, Chief of Environmental Crimes in the U.S. Attorney's Office in Los Angeles, prosecuted the case.

**The United States Attorney's Office
Southern District of Florida**

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Press Release

**MIAMI SEAFOOD BROKERS CHARGED FOR UNDERSIZED LOBSTER
TRANSACTIONS**

December 18, 2008

FOR IMMEDIATE RELEASE

R. Alexander Acosta, United States Attorney for the Southern District of Florida, Paul Raymond, Assistant Special Agent in Charge, NOAA Fisheries Office of Law Enforcement, Southeast Division, and Colonel Julie Jones, Director of the Florida Fish and Wildlife Conservation Commission's Division of Law Enforcement announced today that **Milton L. Mecozzi, Sr.** and **Milton L. Mecozzi, Jr.**, of Cudjoe Key, Florida, were charged in separate criminal cases filed in Miami, resulting from their alleged involvement in an undersized lobster importing scheme featuring spiny lobster (*Panulirus argus*) from Brazil and the Commonwealth of the Bahamas. The criminal Information filed against Milton L. Mecozzi, Jr. charges him with violations of the federal Lacey Act, Title 16, United States Code, Sections 3372(a)(2)(A) and 3373; the Information filed against Milton L. Mecozzi, Sr. charges him with a single violation of the Lacey Act and a violation of the federal bank fraud statute, Title 18, United States Code, Section 1344.

The defendants are scheduled to make their initial appearances on the charges in Miami before United States Magistrate Judge Peter R. Palermo on January 5, 2009 at 1:30 pm in Miami. Milton L. Mecozzi, Jr. faces possible imprisonment of up to five years on each of the two Lacey Act violations, as well as criminal fines on each count of up to \$250,000, or twice the relevant gain from the criminal conduct. Milton L. Mecozzi, Sr. also faces a possible prison term of up to five years on the Lacey Act charge against him, as well as a criminal fine of up to \$250,000, or twice the relevant gain from the criminal conduct. The bank fraud charge Against Milton L. Mecozzi, Sr. carries a possible prison sentence of up to thirty years, a criminal fine of up to \$250,000, or twice the relevant gain from the criminal conduct, and restitution to the victim of the offense.

According to the court documents, from December 2003 through August 2005 the Mecozzis were Directors and Officers of Bobbery Enterprises, Inc., a Hialeah-based seafood brokerage firm. Milton L. Mecozzi, Jr. is charged during the relevant time period with knowingly importing, receiving, acquiring and purchasing spiny lobster in foreign commerce, knowing it was possessed, transported, and sold in violation of foreign law.

**The United States Attorney's Office
Southern District of Florida**

December 18, 2008

Specifically, the laws of Brazil and the Commonwealth of the Bahamas each specify minimum sizes for harvesting of their spiny lobster stocks. Brazilian Decree No. 90-N of July 2, 1998, effective July 3, 1998 through May 2, 2004, prohibited, inter alia, the capture, processing, transport, commercialization, and export in any form, and in any location, of lobster of the species *Panulirus argus*, shorter in tail length than 13.0 cm (5.1 inches). Thereafter, the Brazilian Institute for the Environment and Natural Renewable Resources (IBAMA) implemented Normative Instruction No. 28, which continued in effect the same 13.0 cm limit for *Panulirus argus*.

The Statute Law of the Bahamas, Revised Edition 2000, Chapter 244 Fisheries Resources, (Jurisdiction & Conservation), prohibits the take, possession, or sale of any lobster which, if the tail is severed from the head, has a tail measurement of less than five and one-half inches.

Milton L. Mecozzi, Sr. is also charged with a Lacey Act violation predicated on the laws of Brazil. Additionally, the Information charges that Milton L. Mecozzi, Sr., as President of Bobbery, executed and delivered a revolving promissory note to CITIBANK in the original amount of \$18 million, later amended to \$25 million. Under the terms of the Credit Agreement, the amount available to Bobbery under the agreement was determined on a monthly basis by reports to CITIBANK reflecting Bobbery's aged Accounts Receivables, Bobbery's inventory, and a signed "Borrowing Base Certificate" warranting the accuracy of the information being provided to the bank. In January 2007, in order to secure funds from CITIBANK, at the direction of Milton L. Mecozzi, Sr., Bobbery provided records that mis-represented the relevant financial data, claiming accounts receivables of more than \$22 million when in fact an accurate rendition would have entitled Milton L. Mecozzi, Sr. and Bobbery to advances of less than \$6 million.

Spiny lobsters, which occur in the waters ranging from Brazil to Florida, are a significant economic resource for both commercial and non-commercial harvesters. In order to insure that spiny lobsters are not extirpated or driven to extinction over part or all of their range, many countries and jurisdictions have enacted conservation measures, including the State of Florida, the Bahamas, and Brazil, involving the imposition of size and/or weight limits. Lobster must reach a certain size and age before they are able to reproduce. Harvesting of the species in significant quantities before that size is reached can cause the stocks to "crash" and eventually lead to extinction. Brazil and the Bahamas are two of the largest exporters of Red Spiny Lobster (*Panulirus argus*) in the world and the U.S. is the major importer of this valued seafood resource.

U.S. Attorney Acosta stated, "The U.S. Attorney's Office will prosecute these cases aggressively to help protect our environment and our endangered species from those who would exploit our natural resources for money."

"We are pleased that some of the U.S.-based individuals responsible for importing these undersized lobsters into the U.S. have been identified and charged, but we realize that we have only scratched the surface of this profitable illegal trade," stated NOAA Special Agent Paul Raymond. Raymond noted that in light of the multi-jurisdictional problems posed by the illegal trade, NOAA is prepared to cooperate with foreign officials in this investigation and other international cases.

Mr. Acosta commended the coordinated investigative efforts of the NOAA Office for Enforcement and the Florida Fish & Wildlife Conservation Commission, which brought the matter to a successful conclusion. This case is being prosecuted by Assistant United States Attorney Thomas Watts-FitzGerald.

A copy of this press release may be found on the website of the United States Attorney's Office for the Southern District of Florida at <http://www.usdoj.gov/usao/fls>. Related court documents and information may be found on the website of the District Court for the Southern District of Florida at <http://www.flsd.uscourts.gov> or on <http://pacer.flsd.uscourts.gov>.