

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Alleged Violation of Article 13, Title 3 of the Environmental Conservation Law (ECL) of the State of New York, and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR),

ORDER

-by-

DEC Case No.
CO1-20190213-51

JOSEPH MAGADINO,

Respondent.

In this administrative enforcement proceeding, staff of the New York State Department of Environmental Conservation (Department) alleges that respondent Joseph Magadino violated article 13 of the Environmental Conservation Law (ECL) and 6 NYCRR 40.1(c)(1) and 44.4(a)(1) by failing, during calendar year 2018, to timely submit eight vessel trip reports (VTRs) or reports stating that no trips were made. The complaint dated April 4, 2019 seeks an order: (i) holding respondent in violation ECL article 13 and 6 NYCRR 40.1(c)(1) and 44.4(a)(1); and (ii) assessing a civil penalty in the amount of two thousand dollars (\$2,000).

Respondent answered the complaint by letter dated April 8, 2019 and, by letter dated April 10, 2019, moved to have the complaint dismissed and the venue changed to federal court. ALJ Caruso denied respondent's motion in its entirety (*see* Matter of Magadino, Ruling, May 1, 2019), and the matter was scheduled for hearing on August 7, 2019 (*see* Hearing Report at 1-2). On August 7, 2019, an adjudicatory hearing was convened before Michael S. Caruso, Administrative Law Judge (ALJ) of the Department's Office of Hearings and Mediation Services, to address these violations. Respondent failed to appear for the adjudicatory hearing (*see* Hearing Report at 5 [Finding of Fact No. 29]).

ALJ Caruso prepared the attached hearing report, which I adopt as my decision in this matter, subject to the following comments. As a consequence of respondent's failure to appear at the adjudicatory hearing, the ALJ recommends that Department staff's motion for a default judgment be granted (*see* Hearing Report at 6-7, 8). At the hearing on August 7, 2019, Department staff presented proof of facts sufficient to enable me to determine that staff has a viable claim (*see id.*). I concur that staff is entitled to a judgment on default pursuant to 6 NYCRR 622.15.

The record demonstrates that respondent, as a holder of a commercial food fish license and commercial crab permit (hereinafter, permits), was required to submit monthly VTRs for calendar year 2018 or reports stating that he did not fish in those months. Respondent however failed to timely submit reports for the months of May, June, July, August, September, October, November and December 2018. By failing to timely file either the VTRs or reports stating that he did not fish in those months, respondent violated ECL article 13 and 6 NYCRR 40.1(c)(1) and 44.4(a)(1) (*see* Hearing Report at 6-7). Accordingly, Department staff is entitled to judgment based on record evidence.

On February 21, 2019, Department staff sent respondent a cover letter and order on consent to resolve the matter without formal enforcement, including a civil penalty demand for two thousand dollars (\$2,000). On February 26, 2019, respondent contacted Department staff to discuss these reports for the months of May through December 2018. During that conversation, respondent stated that he had not fished in 2018 (*see* Hearing Report, at 4-5 [Finding of Fact No. 23]). Department staff advised him that he needed to submit reports stating that he did not fish during the months of May through December 2018. On March 25, 2019, Department staff received a NYS Not Fishing Form–2018 from respondent by which respondent stated that he did not fish in New York in 2018 (*see* Hearing Report at 5 [Finding of Fact No. 24]); *see also* Hearing Exhibit 12).¹

This proceeding was commenced in April 2019, subsequent to respondent’s filing a NYS Not Fishing Form-2018. Based on respondent’s failure to timely file reports, Department staff requests a penalty of two thousand dollars (\$2,000), based on an assessment of two hundred fifty dollars (\$250) for each of the eight months that respondent failed to submit his reports.

In considering an appropriate penalty, I note that, even though the filing was late, respondent did file a NYS Not Fishing Form-2018 with the necessary information (*see* Hearing Exhibit 12). Based on my review of this record, including but not limited to the papers submitted, I am hereby imposing a civil penalty of two hundred and fifty dollars (\$250).

Department staff’s complaint is silent regarding when the penalty must be paid, but staff’s proposed order directs payment within thirty (30) days of the service of this order. The ALJ recommends that thirty (30) day timeframe for payment of the civil penalty, and I am adopting the ALJ’s recommendation.

¹ Respondent contended in his answer that filings were attempted (*see* Answer dated April 8, 2019, at 2 [paragraph numbered 10]).

NOW, THEREFORE, having considered this matter and being duly advised, it is **ORDERED** that:

- I. Department staff's motion for a default judgment pursuant to 6 NYCRR 622.15 is granted. By failing to appear in the adjudicatory hearing, respondent Joseph Magadino waived his right to be heard at the hearing.
- II. Moreover, based upon record evidence, respondent Joseph Magadino violated article 13 of the Environmental Conservation Law and 6 NYCRR 40.1(c)(1) and 44.4(a)(1) by failing to timely file eight monthly vessel trip reports or a "NYS Not Fishing Form – 2018" for the months of May, June, July, August, September, October, November and December 2018 for respondent's commercial food fish and commercial crab permits.
- III. Respondent Joseph Magadino is hereby assessed a civil penalty in the amount of two hundred fifty dollars (\$250) which respondent is directed to submit to the Department within thirty (30) days of the service of this order upon him. Payment is to be by certified check, cashier's check or money order made payable to the New York State Department of Environmental Conservation.
- IV. The penalty payment shall be sent to the following address:

Anne Haas, Esq.
Office of General Counsel
New York State Department of Environmental Conservation
625 Broadway, 14th Floor
Albany, New York 12233-1500.
- V. The provisions, terms and conditions of this order shall bind respondent Joseph Magadino and his agents, successors and assigns, in any and all capacities.

For the New York State Department
of Environmental Conservation

By: _____/s/_____
Basil Seggos
Commissioner

Dated: Albany, New York
November 18, 2019

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Alleged Violation of Article 13, Title 3 of the Environmental Conservation Law (ECL) of the State of New York, and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR),

HEARING REPORT

-by-

DEC Case No.
CO1-20190213-51

JOSEPH MAGADINO,

Respondent.

Procedural History

Staff of the New York State Department of Environmental Conservation (Department) served respondent Joseph Magadino (respondent) with a notice of hearing and complaint, dated April 4, 2019, alleging a violation of ECL article 13 and its implementing regulations, 6 NYCRR 40.1(c)(1) and 44.4(a)(1), for failing to timely submit eight vessel trip reports (VTRs) or reports stating that no trips were made relating to respondent's marine commercial food fish license and commercial crab permit (hereinafter permits). The complaint seeks an order of the Commissioner: (i) finding respondent in violation of ECL article 13 and 6 NYCRR 40.1(c)(1) and 44.4(a)(1); (ii) assessing a civil penalty in the amount of two thousand dollars (\$2,000); and (iii) for such other relief as the Commissioner may deem appropriate.

Respondent answered the complaint by letter dated April 8, 2019. The answer asserted several defenses, and respondent requested that he be provided with an attorney. By letter dated April 10, 2019 (motion), respondent moved to have the venue of the matter changed to the federal court system because respondent is a "federally documented fishing operation" and moved for dismissal of the complaint. Department staff opposed respondent's motion and cross-moved to dismiss respondent's affirmative defenses. Respondent opposed staff's motion, repeated his request to be appointed an attorney and asserted two counter-claims against the Department.

By ruling dated May 1, 2019, I denied respondent's motion to be assigned counsel, denied his motion to dismiss the complaint, and denied his motion to change the venue of the

proceeding to federal court. The ruling also denied staff's motions to clarify or dismiss the affirmative defenses. The ruling also advised the parties that respondent's two counterclaims would not be considered in this administrative proceeding because those claims must be pursued in a court of competent jurisdiction.

After a conference call with the parties, the hearing scheduled for June 4, 2019 was adjourned. Subsequently, Department staff requested that the hearing be convened on July 10, 2019, and respondent objected to the request. By letter dated June 26, 2019, I ruled on staff's request and scheduled the matter for hearing on August 7, 2019. In respondent's answer, motion and correspondence, respondent accused the Department of withholding his 2019 marine permits. Department staff, however, advised me that respondent had not applied for his 2019 marine permits. Accordingly, my June 26 letter also advised respondent that if he wanted to apply for his 2019 permits, that he should visit or contact the Marine Resources office. A notice of hearing of the same date accompanied the letter.

By letter dated July 17, 2019, respondent stated that he went to the Marine Resources office and applied for his marine permits. Respondent's letter states he was denied the permits, and because of that fact, respondent requested that the matter be adjourned until November because he would have to fish out of state. By letter dated July 19, 2019, Department staff noted that respondent's food fish and commercial crab permits were issued on July 12, 2019 and mailed to respondent on July 16, 2019. Accordingly, by letter dated July 30, 2019, I denied respondent's request for an adjournment.

As provided in the notice of hearing, an adjudicatory hearing was convened before the undersigned on August 7, 2019 at 10:21 a.m. at the Department's Division of Marine Resources offices at 205 N. Belle Mead Road, East Setauket, New York. Department staff was represented by Anne Haas, Esq, Office of General Counsel, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York. No one appeared on behalf of respondent.

Department staff indicated that it was prepared to proceed with the hearing, proffering a staff witness. Noting for the record that respondent had failed to appear for the adjudicatory hearing, Department staff moved orally for a default judgment pursuant to 6 NYCRR 622.15 and also sought judgment on the merits.

Department staff called one witness, Julia Socrates, Marine Biologist 3, Division of Marine Resources. In all, twelve (12) exhibits were received in evidence.

Findings of Fact

The following facts are found based upon the proof adduced at hearing:

1. Respondent Joseph Magadino applied for and received Food Fish Permit #5437 and Crab Permit #3916 for the year 2018 (*see* Testimony of Julia Socrates [Socrates Testimony], Transcript [Tr.] at 8-11; Staff Exhibit 3).

2. Food fish and crab permit holders are required to file monthly VTRs with the Department by the 15th of the following month even if the permit holder did not fish (*see* Socrates Testimony, Tr. at 11-12; Staff Exhibit 4).
3. When a food fish and crab permit holder does not fish, the permit holder must submit a VTR to the Department indicating the permit holder “DID NOT FISH” and the duration that the respective permits were not fished (*see* Socrates Testimony, Tr. at 15; Staff Exhibit 4, Vessel Trip Report Form at 1 and Instructions at 2).
4. Instead of filing monthly VTRs reporting that the permit holder did not fish during the previous month, a food fish and crab permit holder may file a NYS Not Fishing Form with the Department affirming that the permit holder will not be fishing the permits held during any or all months of the calendar year (*see* Socrates Testimony, Tr. at 13; Staff Exhibit 4, NYS Not Fishing Form - 2018).
5. Respondent submitted a NYS Not Fishing Form, received on April 25, 2018, indicating he would not be fishing his food fish and crab permits in January through April in 2018 (*see* Socrates Testimony, Tr. at 16-18; Staff Exhibit 5).
6. Respondent submitted an incomplete 2018 Federal Reporting Confirmation Form, received on April 26, 2018 (*see* Socrates Testimony, Tr. at 19-23; Staff Exhibit 6).
7. Respondent did not hold any valid permits for a federally permitted vessel during May through December 2018 (*see* Socrates Testimony, Tr. at 28-32; Staff Exhibit 7).
8. Respondent did not file any vessel trip reports or landing reports with the National Marine Fisheries Service for May through December 2018 (*see* Socrates Testimony, Tr. at 28).
9. Food fish and crab permit holders may submit monthly paper VTRs to the Department by mail, personal delivery, fax or scan and email, or fulfill their requirements by submitting the VTRs online through the Standard Atlantic Fisheries Information System (SAFIS) which was developed and is maintained by the Atlantic Coastal Cooperative Statistics Program, a partnership of state and federal agencies including the Department (*see* Socrates Testimony, Tr. at 15-18; Staff Exhibits 4, 8, 9, 10 and 11).
10. Department staff enters VTR information received from permit holders into the New York Fisheries Information on Sales and Harvest (NYFISH) database maintained by the Department (*see* Socrates Testimony, Tr. at 15).
11. Department staff searches the paper records, scanned files, and the NYFISH and SAFIS databases, as well as the National Marine Fisheries Service database, several times a year to determine what permit holders have not filed VTRs or a NYS Not Fishing Form (*see* Socrates Testimony, Tr. at 15-16).
12. As a result of staff’s searches, staff determined respondent had not filed VTRs for May

through December 2018 (*see* Socrates Testimony, Tr. at 16-32).

13. On October 5, 2018, Department staff mailed respondent a postcard notice indicating that as of October 3, 2018, respondent had not filed VTRs for May through August 2018 and directing respondent to file the missing VTRs immediately (*see* Socrates Testimony, Tr. at 34-36; Staff Exhibit 8).
14. Respondent did not file the missing VTRs or otherwise respond to the postcard notice from Department staff (*see* Socrates Testimony, Tr. at 38).
15. On or about November 14, 2018, Department staff mailed respondent a notice, dated November 13, 2018, entitled “Failure To Submit State Vessel Trip Reports For 2018,” indicating respondent had not submitted VTRs for May through August of 2018. The notice also directed respondent to submit the missing VTRs by December 17, 2018, and advised respondent of the consequences of failing to submit the VTRs (*see* Socrates Testimony, Tr. at 37-39; Staff Exhibit 9).
16. Respondent did not file the missing VTRs or otherwise respond to the November 13, 2018 notice from Department staff (*see* Socrates Testimony, Tr. at 39).
17. On January 7, 2019, Department staff mailed respondent a Notice of Violation regarding respondent’s failure to submit VTRs for 2018, dated January 4, 2019, indicating respondent had not submitted VTRs for May through August of 2018 and directing respondent to submit the missing VTRs by February 4, 2019 (*see* Socrates Testimony, Tr. at 40-42; Staff Exhibit 10).
18. Respondent did not file the missing VTRs or otherwise respond to the January 4, 2019 notice from Department staff (*see* Socrates Testimony, Tr. at 42).
19. On February 7, 2019, Department staff mailed respondent a postcard notice indicating that as of February 1, 2019, respondent had not filed VTRs for May through December 2018 and directing respondent to file the missing VTRs immediately (*see* Socrates Testimony, Tr. at 42-44; Staff Exhibit 11).
20. Respondent did not file the missing VTRs or otherwise respond to the postcard notice from Department staff (*see* Socrates Testimony, Tr. at 44).
21. As a result of respondent’s failure to respond to the February 7, 2019 notice, staff referred the matter for legal enforcement (*see* Socrates Testimony, Tr. at 45).
22. On February 21, 2019, Department attorney Anne Haas sent respondent a cover letter and order on consent to resolve the matter without formal enforcement (*see* Hearing Record, Tr. at 52).
23. On or about February 26, 2019, respondent contacted Ms. Socrates to discuss his alleged violations. During that discussion, respondent stated he had not fished in 2018, and Ms.

Socrates instructed respondent to submit a 2018 Not Fishing Form for the months of May through December 2018, and that once it was received, instructed respondent to contact the Department's Office of General Counsel to discuss the penalty associated with the violations (*see* Socrates Testimony, Tr. at 47-49).

24. As a result of that conversation, respondent submitted a NYS Not Fishing Form – 2018 stating that respondent did not fish in New York from January through December 2018. The NYS Not Fishing Form was received March 25, 2019 (*see* Socrates Testimony, Tr. at 45-48; Staff Exhibit 12).
25. Respondent did not contact the Department's Office of General Counsel (*see* Socrates Testimony, Tr. at 48-59; Hearing Record, Tr. at 52).
26. Julia Socrates is a Marine Biologist 3 and currently the Chief of the Marine Habitat Bureau and is also serving as the Data Management Unit leader in the Department's Division of Marine Resources. Ms. Socrates is familiar with the Department's procedures regarding issuance of commercial fishery permits, the reporting requirements for commercial permit holders, and the records maintained by the Department, the Atlantic Coastal Cooperative Statistics Program and the National Marine Fisheries Service (*see* Socrates Testimony).
27. As shown by the affidavit of service, respondent was served by certified mail, on April 4, 2019, with a notice of hearing and complaint dated April 4, 2019, alleging a violation of 6 NYCRR 40.1(c)(1)(i) and 44.4(a)(1), together with a statement of readiness, for failure to file VTRs for the months of May, June, July, August, September, October, November and December 2018 (*see* Staff Exhibit 2). Respondent received the notice of hearing and complaint on April 8, 2019 (*id.*).
28. Respondent was served by first class mail and certified mail, on June 26, 2019, with a notice of hearing dated June 26, 2019, notifying respondent that the hearing in this matter would be held on August 7, 2019 and that failure to appear at the hearing constitutes a default and a waiver of respondent's right to a hearing. The certified mailing was returned as unclaimed. (Hearing file.)
29. Respondent failed to appear for the adjudicatory hearing scheduled in this matter for August 7, 2019, as directed in the notice of hearing (*see* Tr. at 4, 6).

Discussion

A respondent upon whom a complaint has been served must serve an answer within 20 days of receiving a notice of hearing and complaint (*see* 6 NYCRR 622.4[a]). A respondent's failure to file a timely answer "constitutes a default and a waiver of respondent's right to a hearing" (6 NYCRR 622.15[a]). In addition, attendance by a respondent at a scheduled pre-hearing conference or hearing is mandatory, "and failure to attend constitutes a default and a waiver of the opportunity for a hearing" (6 NYCRR 622.8[c]; *see also* 6 NYCRR 622.15[a] ["A respondent's ... failure to appear at the hearing or the pre-hearing conference ... constitutes a default and waiver of respondent's right to a hearing"]).

Upon a respondent's failure to answer a complaint or failure to appear for a pre-hearing conference or hearing, Department staff may make a motion to an ALJ for a default judgment. Such motion must contain: (i) proof of service upon respondent of the notice of hearing and complaint; (ii) proof of respondent's failure to appear or to file a timely answer; and (iii) a proposed order (*see* 6 NYCRR 622.15[b][1] - [3]).

As the Commissioner has held, "a defaulting respondent is deemed to have admitted the factual allegations of the complaint and all reasonable inferences that flow from them" (*Matter of Alvin Hunt, d/b/a Our Cleaners*, Decision and Order of the Commissioner, July 25, 2006, at 6 [citations omitted]). In addition, in support of a motion for a default judgment, staff must "provide proof of the facts sufficient to support the claim" (*Matter of Queen City Recycle Center, Inc.*, Decision and Order of the Commissioner, December 12, 2013, at 3). Staff is required to support their motion for a default judgment with enough facts to enable the ALJ and the Commissioner to determine that staff has a viable claim (*see Matter of Samber Holding Corp.*, Order of the Commissioner, March 12, 2018, at 1 [citing *Woodson v Mendon Leasing Corp.*, 100 NY2d 62, 70-71 (2003)]; *see also* CPLR 3215[f]).

The record establishes that: (i) Department staff served the notice of hearing and complaint upon respondent; (ii) the Office of Hearings and Mediation Services served the notice of hearing upon respondent; and (iii) respondent failed to appear for the adjudicatory hearing convened on August 7, 2019, as directed in the notice of hearing. Department staff provided its proposed order at the August 7, 2019 hearing.

Pursuant to 6 NYCRR 40.1(c)(1)(i) and 44.4(a)(1), holders of marine commercial food fish permits and marine commercial crab permits shall complete and submit an accurate fishing VTR for each commercial fishing trip, detailing all fishing activities and all species landed within 15 days after the end of each month or at a frequency specified by the department in writing. VTRs shall be completed, signed, and submitted to the department for each month. If no fishing trips were made during a month, a report must be submitted stating no trips were made for that month. In this matter, Department staff provided proof of the facts sufficient to support staff's claim that respondent did not file eight monthly VTRs in 2018 in violation of 6 NYCRR 40.1(c)(1)(i) and 44.4(a)(1).

Respondent's answer and motion argue that respondent was fishing under his federal permit and he did not have to file VTRs with the Department. Although a marine permit holder

may satisfy the VTR filing requirement by properly filing reports with the National Marine Fisheries Service (NMFS), Department staff has demonstrated that respondent did not fish under federal permits on a federally permitted vessel in 2018. Furthermore, staff demonstrated that respondent did not file any vessel trip reports or landing reports with NMFS for May through December 2018.

Department staff's submissions in support of the motion for a default judgment provide proof of facts sufficient to enable me to determine that staff has a viable claim that respondent did not file eight monthly VTRs in 2018 in violation of 6 NYCRR 40.1(c)(1)(i) and 44.4(a)(1) (*see e.g. Matter of Samber Holding Corp.*, Order of the Commissioner at 1). Based upon the foregoing, the Department is entitled to a default judgment in this matter pursuant to the provisions of 6 NYCRR 622.15.

Moreover, the proof adduced at the hearing demonstrates by a preponderance of the evidence that respondent failed to timely file eight monthly VTRs for 2018 and failed to file a NYS Not Fishing Form - 2018 for respondent's food fish and crab permits, in violation of 6 NYCRR 40.1(c)(1)(i) and 44.4(a)(1). The Department is entitled to judgment upon the facts proven.

Department staff seeks a civil penalty in the amount of two thousand dollars (\$2,000). ECL 13-0342 authorizes the Department to promulgate regulations requiring the reporting of catch, effort, area fished, gear used and by-catch by holders of all categories of commercial food fish and crab fishing and landing licenses (*see* ECL 13-0342[1][a]). Sections 40.1 and 44.4 of 6 NYCRR were promulgated pursuant to ECL 13-0342. For violations of ECL 13-0342 or the regulations promulgated pursuant thereto, ECL 71-0925(7) provides that the civil penalty "shall be" the greater of \$250 or a dollar figure involving the number of fish, shellfish or crustaceans taken in violation of the law and regulations. Because this matter involves reporting violations, the civil penalty is a nondiscretionary penalty of \$250 per violation.

Department staff requests that the penalty of \$250 be assessed for each of the eight months that respondent failed to submit his VTRs. Department staff described the importance of the VTRs to the regulatory scheme as the VTRs assist the State in managing fishing quotas, fishing stock assessments and analyzing what commercial fishing contributes to New York's economy (*see* Socrates Testimony, Tr. at 13-15). The data collected from VTRs is vital to the development of fisheries management strategies (*id.*). Accordingly, I find staff's penalty request of \$2,000 is supported and appropriate. Department staff's complaint is silent regarding when the penalty must be paid, but staff's proposed order directs payment within thirty (30) days of the order. I recommend that respondent be directed to pay the civil penalty within thirty (30) days of respondent's receipt of the Commissioner's order.

Conclusion of Law

By failing to timely file VTRs for May through December 2018, respondent, holder of Food Fish Permit #5437 and Crab Permit #3916, violated 6 NYCRR 40.1(c)(1) and 44.4(a)(1).

Recommendation

Based upon the foregoing, I recommend that the Commissioner issue an order:

1. Granting Department staff's motion for default judgment, holding respondent Joseph Magadino in default pursuant to the provisions of 6 NYCRR 622.15;
2. Holding that, based upon the proof adduced at the adjudicatory hearing, respondent Joseph Magadino violated ECL article 13 and 6 NYCRR 40.1(c)(1) and 44.4(a)(1) by failing to submit timely VTRs for the months of May, June, July, August, September, October, November and December in 2018;
3. Directing respondent Joseph Magadino to pay a civil penalty in the amount of two thousand dollars (\$2,000) within thirty (30) days of service of the Commissioner's order; and
4. Directing such other and further relief as he may deem just and appropriate.

_____/s/_____
Michael S. Caruso
Administrative Law Judge

Dated: Albany, New York
September 11, 2019

EXHIBIT CHART – HEARING

Matter of Joseph Magadino

August 7, 2019

CO1-20190213-51

Exhibit No.	Description	ID'd?	Rec'd ?	Offered By	Notes
1	Cover Letter from Anne Haas, Esq. to respondent, with Notice of Hearing, Complaint, and Statement of Readiness, all dated April 4, 2019.	✓	✓	Department Staff	
2	Affidavit of Service of Bonnie Pedone, sworn to April 16, 2019 with USPS delivery confirmation and electronic signed receipt attached	✓	✓	Department Staff	
3	2018 Applications for Marine Permits (2) submitted by Joseph Magadino, dated April 22, 2018 (with staff notations)	✓	✓	Department Staff	
4	Vessel Trip Report Form For New York State Permit Holders, NYS Not Fishing Form – 2018, Vessel Trip Report (VTR) Information Packet with instructions	✓	✓	Department Staff	
5	NYS Not Fishing Form - 2018 submitted by Joseph Magadino, dated April 22, 2018 (with staff notations)	✓	✓	Department Staff	
6	2018 Federal Reporting Confirmation Form submitted by Joseph Magadino, dated April 22, 2018 (with staff notations)	✓	✓	Department Staff	

Exhibit No.	Description	ID'd?	Rec'd ?	Offered By	Notes
7	Email dated April 11, 2019 from Kevin McIntosh (NOAA Federal) regarding vessel permits for F/V Dani Marie and F/V Cayo Mio	✓	✓	Department Staff	
8	Copy of post card notice to Joseph Magadino, noting as of October 3, 2018, vessel trip reports for May through August 2018 had not been submitted	✓	✓	Department Staff	
9	Notice of Failure To Submit State Vessel Trip Reports For 2018 addressed to Joseph Magadino, dated November 13, 2018	✓	✓	Department Staff	
10	Notice of Violation - Failure To Submit State Vessel Trip Reports For 2018 addressed to Joseph Magadino, dated January 4, 2019	✓	✓	Department Staff	
11	Copy of post card notice to Joseph Magadino, noting as of February 1, 2019, vessel trip reports for May through December 2018 had not been submitted	✓	✓	Department Staff	
12	NYS Not Fishing Form - 2018 submitted by Joseph Magadino, dated February 26, 2019 (with staff notations)	✓	✓	Department Staff	