

mmcsally

From: Charles R. Juliand [Charles.R.Juliand@noaa.gov]
Sent: Monday, June 12, 2006 5:22 PM
To: mmcsally
Subject: Re: Duckworth

Mark:

Thanks for getting back to me. I'm not interested in doing "Days (At Sea) for Dollars." I'd prefer to have your client pay in a lump sum and would credit the \$2,434.40 in seized proceeds toward the \$50,000 to sweeten the pot.

I'd be willing to take another look at his financial data (I'm afraid I tossed it after the other cases settled) but I'd need to get it in a hurry and I'd need to know how much equity he has in his 3 vessels, home, etc.... I suspect that he could borrow the cash (\$47,565.60) if pressed or sell one or more his vessels to raise the cash. Getting into a protracted payment plan situation with your client isn't in the government's best interest.

Please get back to me asap to advise me of your client's position. If I don't hear from you by June 22nd, I'll send you a collections letter/ Notice of Permit Sanction. Thanks in advance for your assistance.

Chuck

mmcsally wrote:

>Chuck; I just met with my client relative coming up with a proposal for him
>to pay off the \$50,000 fine that was upheld by the District Court. As I told
>you before, and as I believe that you were aware from the financial
>information submitted in the other cases, he does not have the ability to
>pay off in a lump sum the amount due. He would be happy to once again send
>to you his financial information for review if you want it. Based upon his
>circumstances he would propose two alternative plans. The first would be to
>pay to NMFS 10% of the boats gross stock from each trip until the amount is
>paid. This would include 10% from all fishing activities including those in
>state waters. We can set up whatever type of reporting/auditing procedure
>you require in order to verify the amount due.

>The second alternative would be to offer to give up some of his DAS on the
>monkfish permit. He would offer 57 monkfish DAS. 27 of these would come from
>the F/V Reaper immediately and the balance would come from the F/V True
>American when she comes off of tie up next April. Based upon average catch
>figures this offer should exceed \$50,000 in terms of value.

>He will also sign the paperwork for the forfeiture if the catch from the
>other matter that is still ongoing.

>Please review and advise as to your position.

>Thanks,

>Mark

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