

## Good Morning, Long Island



**THE FORECAST**  
Mostly sunny,  
with highs in mid-80s.  
A30

### In Today's Paper



#### ACT2

#### Losing it the healthy way

Some are choosing to shed those pounds with a doctor's help. B6

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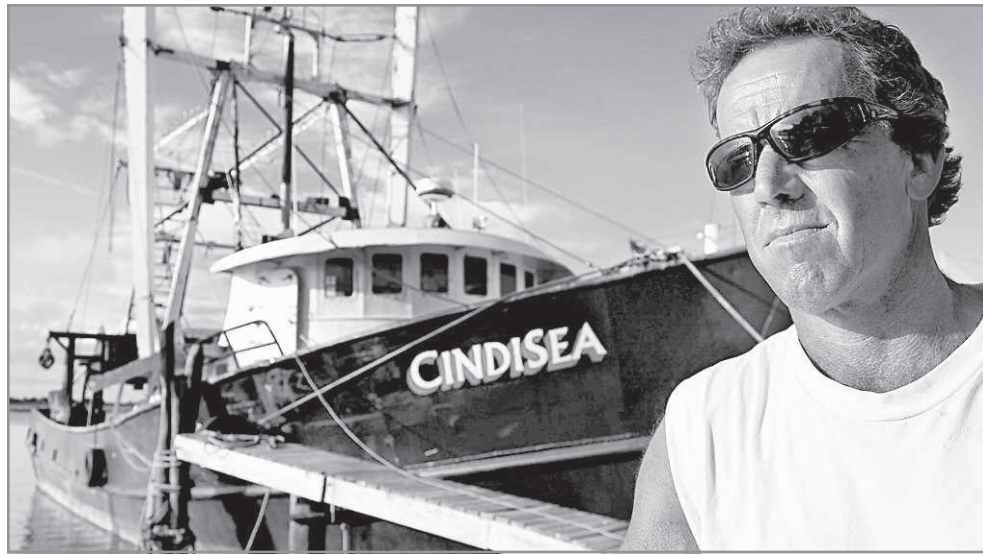
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Inside Act2



FILE PHOTO BY CRAIG RUTTLE

Tom Kokell, hit with a \$120,000 fine in 2007, ultimately settled for a \$65,000 fine.

## FED'S FINDINGS

- "Excessive" fines of up to \$140,000 per count and charges appeared aimed at forcing fishermen and dealers to settle rather than contest charges, denying them due process.
- A senior government lawyer's statements suggested a "predisposition" against fishermen and their lawyers. "I'm definitely interested in whacking him," he wrote of a fisherman in an e-mail.
- A government lawyer allegedly referred to administrative law judges hearing cases against fishermen as "my judges."
- First-time offenders were hit with heavy penalties. For example, two fishermen were fined \$270,000 for failing to file all trip reports, a first offense.

# Abuses at fisheries

- **Feds find abuse of power** in prosecuting fishermen
- **Report says agents** pushed for costly settlements

BY MARK HARRINGTON  
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In 2002, Warren Kremin lost a third-generation family fish dealership, \$1 million in legal fees and fines, and a business partner after being hit with what he says were fabricated charges of failing to file proper fish-purchase reports in 1999.

His private practice lawyer, a former top fisheries lawyer, advised him not to fight the case, Kremin said. "He said, 'You cannot win. You will lose. It's a fix.'"

On Thursday, investigators for the U.S. Commerce Department's Office of Inspector General released the latest in a series of reports finding fisheries lawyers and enforcement officers abused their power in prosecuting fishermen and dealers like Kremin, who lives in Rockland County. Among the most recent charges were cases of excessive fines and prosecutions that all but

mandated costly settlements.

"The problems identified by the inspector general are unacceptable, were allowed to persist for too long and will end on my watch," Commerce Secretary Gary Locke said Thursday in announcing a series of measures to end the abuses.

For Kremin, whose business partner committed suicide and who lost his grandfather's business, Joseph H. Carter Co., at Fulton Fish Market, the revelations were only the start of making things right. His case was settled for \$150,000 but he wants a new trial and restitution. "I would like to see justice prevail," he said.

Last month, at a meeting arranged by Sen. Charles Schumer (D-N.Y.) at the Shinnecock Commercial Dock in Hampton Bays, Kremin detailed his story to Jane Lubchenco, who heads the National Oceanic and Atmospheric Administration.

Friday, Schumer sent a letter

demanding that Kremin's case be reviewed by a special master appointed by Locke to review allegations of past abuse.

The inspector general's findings follow two previous explosive reports by the office showing that fisheries enforcement officers overzealously prosecuted fishermen, abused a fund of fishery fines to buy cars, boats and travel for personal use, and hit fishermen with inordinate fines.

In the new report, one fisherman explained the alleged tactics of an unnamed fisheries attorney pushing a settlement.

"[He] said that if you don't pay \$27,000 right now, if you want to go in front of one of my judges, you'll be paying \$120,000 to \$140,000. I settled for 25,000 bucks. I was scared to death. They wouldn't give me the boat back."

Bonnie Bradie, executive director of the Long Island Commercial Fishing Association, which supports the local industry, said it was about time federal regulators listened to fishermen's complaints.

The National Weather Service Employees Organization, which

represents the federal workers, called the report "flawed and politically motivated" and the workers "scapegoats."

"The attorneys did their jobs. They enforced the laws, assessed penalties according to NOAA's guidelines and received awards and recognition for their work," said Dan Sobien, the employees organization president.

But locals attest to the findings. Mark Phillips, a Greenport fisherman, says he was hit with a \$100,000 fine 20 years ago for fishing over the Canadian border, a charge he easily refuted with satellite records. Still, it cost him \$5,000 for a lawyer to fight the charges, which were dropped.

Tom Kokell, a Northport fisherman hit with a \$120,000 fine and a license suspension for overfishing fluke in 2007, ultimately settled for a \$65,000 fine but near insolvency forced him to stop making payments. "If regulators don't listen to congressmen and senators, who are we kidding," Kokell said. "Nothing's going to change. You just get so disgusted."

## Colbert's 'truthiness' at D.C. hearing

WASHINGTON — Taking his blowhard comedy act to Congress, Stephen Colbert told lawmakers that a day picking beans alongside undocumented immigrants convinced him that farm work is "really, really hard." "It turns out — and I did not know this — most soil is at ground level," Colbert testified Friday.

Also, "It was hotter than I like to be."

Still, Colbert expressed befuddlement that Americans aren't clamoring to "begin an exciting

career" in the fields and instead are leaving the low-paid work to undocumented immigrants.

Staying in character as a Comedy Central news commentator, Colbert offered a House hearing his "vast" knowledge, drawn from spending a single day on a New York farm as a guest of the United Farm Workers.

The union launched its "Take Our Jobs" campaign to back up its claim that few Americans would do the work of farm laborers, the vast majority of whom

are in the United States illegally. Only seven people accepted the jobs, the union said.

Colbert pleaded with lawmakers to do something about the farm labor issue because "I am not going back out there."

A House bill to create a path to citizenship has been filed and another is being drafted in the Senate, but Congress is due to recess to focus on fall elections.

While Colbert's shtick drew guffaws from several Democrats on the subcommittee, most of



BLOOMBERG NEWS PHOTO

#### Comedian Colbert testifies.

the Republicans sat stone-faced. At the close of the hearing, Colbert dropped his TV persona, saying he was using his celebrity to bring attention to farm labor. "Right now migrant workers suffer and have no rights," Colbert said. — AP