


**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

**NOTICE OF VIOLATION AND ASSESSMENT
OF ADMINISTRATIVE PENALTY**

RESPONDENTS:

American Seafoods Company LLC 2025 First Ave. Seattle, WA 98121 Cert. Mail. No.: 7004 0550 0001 2334 7902	Ole Knotten  Cert. Mail No.: 7004 0550 0001 2334 7889	American Dynasty, LLC 2025 First Ave. Seattle, WA 98121 Cert. Mail No.: 7004 0550 0001 2334 7896
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VESSEL: F/V AMERICAN DYNASTY

FILE NO.: AK0700698

ASSESSED PENALTY: \$637,000

Respondents, Respondents' attorney or other representative may seek to have this penalty amount modified on the basis that Respondents do not have the ability to pay the assessed penalty. Any request to have the penalty amount modified on this basis must be made in accordance with 15 C.F.R. § 904.102 and should be accompanied by supporting financial information.

This is your official Notice of the civil violation and administrative penalty described herein.

FACTS CONSTITUTING VIOLATION:

Intentional failure to maintain the flow scale in proper operating condition throughout its use by adjusting or calibrating the scale to weigh inaccurately, and failure to adjust the scale so as to bring the performance errors as close as practicable to a zero value

1. On or about February 10, 2007, during Haul 75, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves, and on behalf of American Seafoods Company LLC, manager of said Vessel, and on behalf of American Dynasty, LLC, owner of said Vessel, failed to maintain the flow scale in proper operating condition throughout its use by adjusting or calibrating the scale to weigh inaccurately, and by failing to adjust the scale so as to bring the performance error as close as practicable to a zero value, to wit: Observer Valley observed the crewmembers adjusting the flowscale and she determined that the flowscale then weighed light by 10.61%, in violation of 50 CFR 679.28(b)(4);
2. On or about February 14, 2007, during Haul 89, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves, and on behalf of American Seafoods Company LLC, manager of said Vessel, and on behalf of American Dynasty, LLC, owner of said Vessel, failed to maintain the flow scale in proper operating condition throughout its use by adjusting or calibrating the scale to weigh inaccurately, and by failing to adjust the scale so as to bring the performance error

as close as practicable to a zero value, to wit: Observer Valley observed the crewmembers adjusting the flowscale and she determined that the flowscale then weighed light by 9.33%, in violation of 50 CFR 679.28(b)(4);

3. On or about February 15, 2007, during Haul 94, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves, and on behalf of American Seafoods Company LLC, manager of said Vessel, and on behalf of American Dynasty, LLC, owner of said Vessel, failed to maintain the flow scale in proper operating condition throughout its use by adjusting or calibrating the scale to weigh inaccurately, and by failing to adjust the scale so as to bring the performance error as close as practicable to a zero value, to wit: Observer Valley observed the crewmembers adjusting the flowscale and she determined that the flowscale then weighed light by 11.38%, in violation of 50 CFR 679.28(b)(4);
4. On or about February 16, 2007, during Haul 98, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves, and on behalf of American Seafoods Company LLC, manager of said Vessel, and on behalf of American Dynasty, LLC, owner of said Vessel, failed to maintain the flow scale in proper operating condition throughout its use by adjusting or calibrating the scale to weigh inaccurately, and by failing to adjust the scale so as to bring the performance error as close as practicable to a zero value, to wit: Observer Valley observed the crewmembers adjusting the flowscale and she determined that the flowscale then weighed light by 11.41%, in violation of 50 CFR 679.28(b)(4);
5. On or about February 17, 2007, during Haul 102, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves, and on behalf of American Seafoods Company LLC, manager of said Vessel, and on behalf of American Dynasty, LLC, owner of said Vessel, failed to maintain the flow scale in proper operating condition throughout its use by adjusting or calibrating the scale to weigh inaccurately, and by failing to adjust the scale so as to bring the performance error as close as practicable to a zero value, to wit: Observer Valley observed the crewmembers adjusting the flowscale and one of the crewmembers (Joel Villegas) determined that the flowscale then weighed light by 7.4%, in violation of 50 CFR 679.28(b)(4);
6. On or about March 12, 2007, during Haul 169, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves, and on behalf of American Seafoods Company LLC, manager of said Vessel, and on behalf of American Dynasty, LLC, owner of said Vessel, failed to maintain the flow scale in proper operating condition throughout its use by adjusting or calibrating the scale to weigh inaccurately, and by failing to adjust the scale so as to bring the performance error as close as practicable to a zero value, to wit: Observer Kocab conducted an independent test of 108.08 kg (using MCP) of fish. Kocab determined that the flow scale indicated that amount of fish weighed 33 kg, indicating that the flow scale was weighing light by 69.47%. Upon seeing Observer Kocab collect her sample, Crewmember Jan Pedersen engaged in washing, button pushing, fiddling underneath conveyor belt, then told Observer Kocab that the flow scale was not weighing accurately. Pedersen then pushed more buttons and recommenced running fish across the flow scale, all in violation of 50 CFR 679.28(b)(4);

[REDACTED]

7.

WITHDRAWN

8.

WITHDRAWN

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WITHDRAWN

10.

WITHDRAWN

11.

WITHDRAWN

12.

WITHDRAWN

Submission of incorrect information on daily at-sea scale test report

13. On or about Feb. 3, 2007, during Haul 54, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves, and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, failed to accurately record the required information in the at-sea test report form, to wit: incorrectly added the basket sample weights, in violation of 50 CFR 679.28(b)(3)(iii)(B);

Submission of false information on daily at-sea scale test report

14. On or about January 21, 2008, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, failed to perform at-sea scale tests in an accurate manner, in violation of 50 CFR 679.28(b)(3); failed to accurately record the required information in the at-sea scale test report form, in violation of 50 CFR 679.28(b)(3)(iii)(B); submitted inaccurate information on the at-sea scale test report and/or intentionally submitted false information on the at-sea scale test report, required under Part 679, in violation of 50 CFR 679.7(a)(10)(iii) and (iv), to wit: inaccurately reflected Flow scale weight of Fish, and altered numbers to show that the Percent Error was below 3%;
15. On or about January 23, 2008, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, failed to perform at-sea scale tests in an accurate manner, in violation of 50 CFR 679.28(b)(3); failed to accurately record the required information in the at-sea scale test report form, in violation of 50 CFR 679.28(b)(3)(iii)(B); submitted inaccurate information on the at-sea scale test report and/or intentionally submitted false information on the at-sea scale test report, required under Part 679, in violation of 50 CFR 679.7(a)(10)(iii) and (iv) to wit: inaccurately calculated flow scale weight of fish, and used that incorrect number to calculate the Flowscale Error;

16. On or about January 25, 2008, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, failed to perform at-sea scale tests in an accurate manner, in violation of 50 CFR 679.28(b)(3); failed to accurately record the required information in the at-sea scale test report form, in violation of 50 CFR 679.28(b)(3)(iii)(B); submitted inaccurate information on the at-sea scale test report and/or intentionally submitted false information on the at-sea scale test report, required under Part 679, in violation of 50 CFR 679.7(a)(10)(iii) and (iv), to wit: altered Flow scale display numbers, incorrectly calculated Flowscale error, and incorrectly calculated Percent Error;
17. On or about January 26, 2008, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, failed to perform at-sea scale tests in an accurate manner, in violation of 50 CFR 679.28(b)(3); failed to accurately record the required information in the at-sea scale test report form, in violation of 50 CFR 679.28(b)(3)(iii)(B); submitted inaccurate information on the at-sea scale test report and/or intentionally submitted false information on the at-sea scale test report, required under Part 679, in violation of 50 CFR 679.7(a)(10)(iii) and (iv), to wit: altered Flow scale display numbers, and incorrectly calculated the Percent Error;
18. On or about January 28, 2008, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, failed to perform at-sea scale tests in an accurate manner, in violation of 50 CFR 679.28(b)(3); failed to accurately record the required information in the at-sea scale test report form, in violation of 50 CFR 679.28(b)(3)(iii)(B); submitted inaccurate information on the at-sea scale test report and/or intentionally submitted false information on the at-sea scale test report, required under Part 679, in violation of 50 CFR 679.7(a)(10)(iii) and (iv), to wit: incorrectly calculated the Flow scale weight of fish, incorrectly added fish in baskets weights, inaccurately calculated Flowscale Error, and inaccurately entered Percent error;
19. On or about January 29, 2008, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, failed to perform at-sea scale tests in an accurate manner, in violation of 50 CFR 679.28(b)(3); failed to accurately record the required information in the at-sea scale test report form, in violation of 50 CFR 679.28(b)(3)(iii)(B); submitted inaccurate information on the at-sea scale test report and/or intentionally submitted false information on the at-sea scale test report, required under Part 679, in violation of 50 CFR 679.7(a)(10)(iii) and (iv), to wit: altered Flow Scale Display at end of test;
20. On or about February 3, 2008, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, failed to perform at-sea scale tests in an accurate manner, in violation of 50 CFR 679.28(b)(3); failed to accurately record the required information in the at-sea scale test report form, in violation of 50 CFR 679.28(b)(3)(iii)(B); submitted inaccurate information on the at-sea scale test report and/or intentionally submitted false information on the at-sea scale test report, required under Part 679, in violation of 50 CFR 679.7(a)(10)(iii) and (iv), to wit: incorrectly recorded Flow scale display numbers, incorrectly calculated Flowscale Error, and incorrectly calculated Percent Error;

21. On or about Feb. 11, 2008, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, failed to perform at-sea scale tests in an accurate manner, in violation of 50 CFR 679.28(b)(3); failed to accurately record the required information in the at-sea scale test report form, in violation of 50 CFR 679.28(b)(3)(iii)(B); submitted inaccurate information on the at-sea scale test report and/or intentionally submitted false information on the at-sea scale test report, required under Part 679, in violation of 50 CFR 679.7(a)(10)(iii) and (iv), to wit: incorrectly recorded Flow scale display numbers for start and end of test;
22. On or about February 12, 2008, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, failed to perform at-sea scale tests in an accurate manner, in violation of 50 CFR 679.28(b)(3); failed to accurately record the required information in the at-sea scale test report form, in violation of 50 CFR 679.28(b)(3)(iii)(B); submitted inaccurate information on the at-sea scale test report and/or intentionally submitted false information on the at-sea scale test report, required under Part 679, in violation of 50 CFR 679.7(a)(10)(iii) and (iv), to wit: altered Flow scale Display at End of Test;
23. On or about March 7, 2008, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, failed to perform at-sea scale tests in an accurate manner, in violation of 50 CFR 679.28(b)(3); failed to accurately record the required information in the at-sea scale test report form, in violation of 50 CFR 679.28(b)(3)(iii)(B); submitted inaccurate information on the at-sea scale test report and/or intentionally submitted false information on the at-sea scale test report, required under Part 679, in violation of 50 CFR 679.7(a)(10)(iii) and (iv), to wit: altered Flowscale Display at end of test number;
24. On or about March 8, 2008, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, failed to perform at-sea scale tests in an accurate manner, in violation of 50 CFR 679.28(b)(3); failed to accurately record the required information in the at-sea scale test report form, in violation of 50 CFR 679.28(b)(3)(iii)(B); submitted inaccurate information on the at-sea scale test report and/or intentionally submitted false information on the at-sea scale test report, required under Part 679, in violation of 50 CFR 679.7(a)(10)(iii) and (iv), to wit: failed to calculate the Flow scale weight of Fish, failed to accurately enter the Flowscale Weight of Fish, failed to accurately calculate the Percent Error, and altered report after Observer Buckley had signed the form;
25. On or about March 9-10, 2008, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, failed to perform at-sea scale tests in an accurate manner, in violation of 50 CFR 679.28(b)(3); failed to accurately record the required information in the at-sea scale test report form, in violation of 50 CFR 679.28(b)(3)(iii)(B); submitted inaccurate information on the at-sea scale test report and/or intentionally submitted false information on the at-sea scale test report, required under Part 679, in violation of 50 CFR 679.7(a)(10)(iii) and (iv), to wit: incorrectly recorded the Flow scale display at end of test and start of test, incorrectly recorded the date of the test;

26. On or about March 10-11, 2008, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, failed to perform at-sea scale tests in an accurate manner, in violation of 50 CFR 679.28(b)(3); failed to accurately record the required information in the at-sea scale test report form, in violation of 50 CFR 679.28(b)(3)(iii)(B); submitted inaccurate information on the at-sea scale test report and/or intentionally submitted false information on the at-sea scale test report, required under Part 679, in violation of 50 CFR 679.7(a)(10)(iii) and (iv), to wit: incorrectly recorded the Flow scale display at end of test and start of test, incorrectly recorded the date of the test, failed to correctly calculate the Flow Scale Weight of Fish, failed to accurately calculate the Flowscale Error and Percent Error;
27. On or about March 11, 2008, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, failed to perform at-sea scale tests in an accurate manner, in violation of 50 CFR 679.28(b)(3); failed to accurately record the required information in the at-sea scale test report form, in violation of 50 CFR 679.28(b)(3)(iii)(B); submitted inaccurate information on the at-sea scale test report and/or intentionally submitted false information on the at-sea scale test report, required under Part 679, in violation of 50 CFR 679.7(a)(10)(iii) and (iv), to wit: inaccurately recorded the Flow scale display at start and end of test numbers, inaccurately calculated the Flowscale Error and Percent Error;
28. On or about March 12, 2008, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, failed to perform at-sea scale tests in an accurate manner, in violation of 50 CFR 679.28(b)(3); failed to accurately record the required information in the at-sea scale test report form, in violation of 50 CFR 679.28(b)(3)(iii)(B); submitted inaccurate information on the at-sea scale test report and/or intentionally submitted false information on the at-sea scale test report, required under Part 679, in violation of 50 CFR 679.7(a)(10)(iii) and (iv), to wit: altered the Flow scale display start and end of test numbers, Inaccurately calculated the Flowscale Weight of Fish, Flowscale Error and Percent Error;
29. On or about March 14, 2008, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, failed to perform at-sea scale tests in an accurate manner, in violation of 50 CFR 679.28(b)(3); failed to accurately record the required information in the at-sea scale test report form, in violation of 50 CFR 679.28(b)(3)(iii)(B); submitted inaccurate information on the at-sea scale test report and/or intentionally submitted false information on the at-sea scale test report, required under Part 679, in violation of 50 CFR 679.7(a)(10)(iii) and (iv), to wit: inaccurately recorded test date, inaccurate recorded Flow scale Display start and end of test numbers, inaccurately calculated the Flowscale weight of fish, Flowscale error and Percent Error;

Fail to Conduct at-sea flow scale test while observer is present

30. On or about February 3, 2007, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, failed to

conduct the daily at-sea flow scale test while the observer is present, in violation of 50 CFR 679.28(b)(3)(iii)(A);

31. On or about February 4, 2007, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, failed to conduct the daily at-sea flow scale test while the observer is present, in violation of 50 CFR 679.28(b)(3)(iii)(A);
32. On or about February 5, 2007, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, failed to conduct the daily at-sea flow scale test while the observer is present, in violation of 50 CFR 679.28(b)(3)(iii)(A);
33. On or about March 13, 2008, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, failed to conduct the daily at-sea flow scale test while the observer is present, in violation of 50 CFR 679.28(b)(3)(iii)(A);

Fail to Use Prescribed Form

34. Between the dates of January 20 and April 3, 2007, and January 20 and March 28, 2008, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, failed to use prescribed daily at-sea scale test report form, in violation of 50 CFR 679.28(b)(3)(iii)(B);

Operator failed to sign the daily at-sea scale test report forms

35. Between the dates of January 20 and April 3, 2007, and January 20 and March 28, 2008, Ole Knotten, operator of the F/V AMERICAN DYNASTY, failed to sign the daily at-sea scale test report forms, as required by 50 CFR 679.28(b)(3)(iii)(C);

Interference with observer / processing groundfish that was not weighed

36. On or about February 23, 2007, at the beginning of processing for Haul 118, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, processed approximately 2 metric tons of groundfish that were not weighed on a NMFS-approved scale that complies with the requirements of 50 CFR 679.28(b), in violation of 50 CFR 679.28(b)(4) and 679.7(k)(vi)(A), to wit: Observer Kocab and other factory crewmembers were told to be down in the factory for processing Haul 118 at a certain time. Upon her arrival in the factory, Observer Kocab found that a portion of Haul 118 had already passed over the flow scale and filled the approximately 7 metric ton fish holding bins. A crewmember stated to Observer Kocab that the flow scale display indicated 5 metric tons from Haul 118 had been weighed;

37. On or about February 24, 2007, at the beginning of proessing for Haul 118, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, processed approximately 5 metric tons of groundfish that were not weighed on a NMFS-approved scale that complies with the requirements of 50 CFR 679.28(b), in violation of 50 CFR 679.28(b)(4) and 679.7(k)(vi)(A), to wit: Observer Kocab was told that they were ready for a flow scale test. Observer Kocab went down into the factory and found that approximately 7 metric tons of groundfish from Haul 121 appeared to have been passed across the flow scale into fish holding bins, but that the flow scale display read that only 2101 kg. had been weighed for Haul 121;
38. On or about February 25, 2007, at the beginning of processing for Haul 123, Ole Knotten and members of the crew of the F/V AMERICAN DYNASTY, acting for themselves and on behalf of American Seafoods Company LLC, manager of the F/V AMERICAN DYNASTY, and American Dynasty, LLC, owner of said Vessel, interfered with or biased the sampling procedure employed by an observer and failed to provide reasonable assistance, in violation of 50 CFR 679.7(g)(2) and (4), 600.725(u) and 679.50(g)(1)(viii), and processed approximately 5 metric tons of groundfish that were not weighed on a NMFS-approved scale that complies with the requirements of 50 CFR 679.28(b), in violation of 50 CFR 679.28(b)(4) and 679.7(k)(vi)(A), to wit: Observer Kocab was told by a crewmember that no groundfish from Haul 123 would be processed until 2 hours later. Observer Kocab went down to the factory ½ hour later to find that 7 metric tons of fish from Haul 123 appeared to have been passed across the flow scale into fish holding bins, but that the flow scale display read that only 1,459 kg. of groundfish had been weighed for Haul 123;

39.

WITHDRAWN

STATUTE/REGULATION VIOLATED:

Magnuson Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq.; 16 U.S.C. 1857(1)(A) and (G); 50 CFR 679.28(b)(4), 679.28(b)(3)(iii)(A), (B) and (C), 679.7(a)(10)(iii) and (iv), 679.7(g)(2) and (4), 600.725(u)(1), 679.50(g)(1)(viii), and 679.7(k)(vi)(A).

SEIZED ITEM(S):

None

NOTICE:

This is not a criminal action. Respondents, Respondents' attorney, or other representatives have 30 days following service of this Notice in which to respond. During this time any Respondent may:

1. Accept a compromise penalty by signing the AGREED DISPOSITION below and returning this document with a check or money order payable to the "United States Department of Commerce/NOAA" or by credit card (See Attachment 1 to provide your credit card information), at the address specified below;
2. Seek to have this Notice modified to conform to the facts or the law as Respondent sees them, by contacting in writing the attorney specified below. (If you seek to have the penalty amount modified by Agency counsel on the basis that you do not have the ability to pay the assessed penalty, your request must be made in accordance with the Agency's civil procedure regulations at 15 C.F.R. Part 904, and should be accompanied by supporting financial information.)
3. Request a hearing (like a trial) before an Administrative Law Judge (ALJ) to deny or contest all, or any part, of the violation charged and the civil penalty assessed. If a hearing is requested, the ALJ will independently determine whether a violation occurred and what penalty, if any, is warranted. THE ALJ IS NOT BOUND BY THE AMOUNT ASSESSED IN THIS NOTICE BUT MAY FIX A PENALTY BASED UPON HIS JUDGMENT OF WHAT IS APPROPRIATE, UP TO THE MAXIMUM PROVIDED BY LAW. Under the Magnuson Stevens Fishery Conservation and Management Act, A MAXIMUM CIVIL PENALTY OF \$100,000 MAY BE ASSESSED FOR EACH VIOLATION. (Effective December 14, 2004, a maximum civil penalty of \$130,000 may be assessed for each violation. 69 Fed.Reg. 74416 (Dec. 14, 2004). For violations that occur after Dec. 11, 2008, the maximum civil penalty for each violation is \$140,000. (73 Fed.Reg. 75321 (Dec. 11, 2008).) A hearing request must be in writing and be dated, and must be served either in person or by certified or registered mail, return receipt requested, at the address specified below. The request must either be accompanied by a copy of this Notice or refer to the case number appearing in the heading of the Notice;
4. Take no action. If no Respondent responds within 30 days of service of this Notice, this Notice (including the assessed penalty) becomes final in accordance with 15 C.F.R. 904.104.

For good cause shown, Respondents may, within the 30-day period specified above, obtain an extension of time to respond.

JOINT AND SEVERAL LIABILITY:

This civil penalty is assessed jointly and severally against Ole Knotten, American Dynasty, LLC and American Seafoods Company LLC. Respondents jointly, and each individually, are liable for the assessed penalty. Whether one pays the entire amount or each pays equal or unequal portions is for Respondents to determine. This case will not be closed, however, against any Respondent until the entire penalty amount is paid.

WARNING! IF NO RESPONDENT EXERCISES THE RIGHTS SPECIFIED ABOVE WITHIN 30 CALENDAR DAYS FOLLOWING SERVICE OF THIS NOTICE, ALL OF THE ALLEGATIONS AND THE PENALTY HEREIN WILL BE TAKEN AS ADMITTED AND THIS ASSESSMENT WILL BECOME A FINAL ADMINISTRATIVE ORDER ENFORCEABLE IN ANY UNITED STATES DISTRICT COURT as provided in the Magnuson Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq. and 16 U.S.C. 1858(a), and the implementing regulations located at 15 C.F.R. Part 904.

FINDINGS, CONCLUSIONS AND ORDER:

Based on a review and application of the facts that comprise the violation charged, penalty schedules, penalty matrixes, adjustment factors, and economic considerations set forth in NOAA's Policy for Assessment of Penalties and Permit Sanctions (see attached penalty worksheets and www.gc.noaa.gov/documents/031611_penalty_policy.pdf), I hereby find and conclude that the Respondents herein violated the Magnuson Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq., as alleged, and that a just and reasonable disposition for such violation(s) is a civil penalty in the aggregate amount of \$637,000, assessed as follows:

Count 1 -	\$30,000	Count 21 -	\$17,500
Count 2 -	\$30,000	Count 22 -	\$17,500
Count 3 -	\$30,000	Count 23 -	\$17,500
Count 4 -	\$30,000	Count 24 -	\$17,500
Count 5 -	\$30,000	Count 25 -	\$17,500
Count 6 -	\$30,000	Count 26 -	\$17,500
Count 7 -	\$12,500	Count 27 -	\$17,500
Count 8 -	\$12,500	Count 28 -	\$17,500
Count 9 -	\$12,500	Count 29 -	\$17,500
Count 10 -	\$12,500	Count 30 -	\$ 8,000
Count 11 -	\$12,500	Count 31 -	\$ 8,000
Count 12 -	\$12,500	Count 32 -	\$ 8,000
Count 13 -	\$12,500	Count 33 -	\$ 8,000
Count 14 -	\$17,500	Count 34 -	\$ 7,000
Count 15 -	\$17,500	Count 35 -	\$ 8,000
Count 16 -	\$17,500	Count 36 -	\$ 8,000
Count 18 -	\$17,500	Count 37 -	\$ 8,000
Count 19 -	\$17,500	Count 38 -	\$ 8,000
Count 20 -	\$17,500	Count 39 -	\$18,500.

IT IS SO ORDERED.

For the Secretary of Commerce



Dated: Tuesday, January 10, 2012.

Susan K. Auer

Send reply or make inquiry to: Susan K. Auer, Senior Enforcement Attorney, NOAA, Office of General Counsel, U.S. Department of Commerce, P.O. Box 21109, Juneau, Alaska 99802. Telephone: (907) 586-7078, Email: susan.auer@noaa.gov.

In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman to receive comments from small businesses about excessive or unfair federal regulatory enforcement actions. If a small business wishes to comment on the enforcement actions of NOAA, it may do so via the internet at www.sba.gov/ombudsman, email at ombudsman@sba.gov, mail (Small Business Administration, Office of the National Ombudsman, 409 Third St. SW, Washington, D.C. 20416), or by calling 1-888-REG-FAIR. Please note: The right to file comments with the Ombudsman is

independent of the rights afforded every respondent, including the right to contest the assessment of a civil monetary penalty or permit sanction. If you wish to exercise any of your rights as a respondent, you must do so in accordance with the procedures described in this document and 15 C.F.R. Part 904, and separately from any comments you may provide to the Ombudsman.