

COMMISSION ON MARINE RESOURCES

WORK SESSION

Monday, October 28, 2019  
12:30 p.m.  
6<sup>th</sup> Floor Executive Conference Room  
1141 Bayview Avenue  
Biloxi, Mississippi 39530

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Commission Members:

Mark Havard, Chairman, via phone

Ronnie Daniels, Vice Chairman, via phone

Steve Bosarge

Natalie Guess

Also Present:

Joe Spraggins, Executive Director DMR

Sandy Chestnut, Esq., Assistant Attorney General

Kim Papania, Esq., Assistant Attorney General

1           JOE SPRAGGINS: Mark and Ronnie, are y'all still  
2 on?

3           COMMISSIONER HAVARD: Yes, sir.

4           COMMISSIONER DANIELS: Yes, sir.

5           JOE SPRAGGINS: Right now we have you two on the  
6 dial-up and that is Natalie and Steve here.

7           Richard is not going to be able to make it, sir,  
8 and I will turn it over to you, Mark.

9           COMMISSIONER HAVARD: All right. I will call  
10 the meeting to order.

11           I would like to welcome everybody. Thank you  
12 for taking your time out of your busy day to join us so we  
13 can over this penalty matrix.

14           We will start with Item B, Approval of the  
15 Agenda.

16           Do we have a motion for the approval of the  
17 agenda?

18           COMMISSIONER GUESS: I'll make a motion.

19           COMMISSIONER BOSARGE: And I'll second her  
20 motion.

21           COMMISSIONER HAVARD: We have a motion and a  
22 second.

23           All those in favor say aye.

24           (All in favor.)

25           COMMISSIONER HAVARD: Opposed?

1 (None opposed.)

2 COMMISSIONER HAVARD: Motion so moves.

3 Going to Item C, Executive Director's Report,  
4 Director have you got anything?

5 JOE SPRAGGINS: Just this one item that we have  
6 on the agenda and that is the Title 22, Part 20,  
7 Administrative Penalty Procedures, Chapter 21, Paragraphs  
8 104 and 105.

9 COMMISSIONER HAVARD: I think that brings us to  
10 our PowerPoint presentation. I hope that everybody has  
11 taken a few minutes to go over that to look at it.

12 Who wants to begin this to start out?

13 Where do we want to mark the paragraph up, if we  
14 want to mark it up and what are the topics of discussion?

15 JOE SPRAGGINS: Sandy, do you want to talk it?

16 SANDY CHESNUT: No, sir. I presented it and it  
17 is up for grabs.

18 JOE SPRAGGINS: I don't know if any of you can  
19 see the actual presentation.

20 Have you got a copy of it?

21 Ronnie, do you have anything to look at?

22 COMMISSIONER DANIELS: I am completely unable to  
23 pull it up. I know it is probably going to prolong  
24 things, but, if you wouldn't mind reading it for me.  
25 Again, like I said, I am trying to do this from my boat

1 out here.

2 COMMISSIONER HAVARD: Can you get a text,  
3 Ronnie?

4 COMMISSIONER DANIELS: Possibly.

5 COMMISSIONER HAVARD: Let me snap a couple of  
6 photographs of these things and see if we can get you a  
7 text out there.

8 COMMISSIONER DANIELS: All right. I appreciate  
9 that.

10 COMMISSIONER HAVARD: Yes, sir.

11 JOE SPRAGGINS: Go to the next slide.

12 SANDY CHESNUT: That is all of the background  
13 that we went over in the Commission meeting.

14 This is the proposed language. In the prior  
15 slide, we are talking about statutory, just to make the  
16 distinction between criminal charges and civil charges.

17 Title 22, Part 20, is the civil charges and that  
18 is the proposed language on the last two pages.

19 JOE SPRAGGINS: Do we want to talk about any of  
20 the prior stuff?

21 Has anybody got any issues on the prior?

22 COMMISSIONER BOSARGE: Well, I think maybe our  
23 opinions are different to what I consider a penalty matrix  
24 and maybe what you consider a penalty matrix.

25 At the last meeting, I wanted to get this

1 information to the rest of the Commissioners where they  
2 would have time to look at it and actually look at what I  
3 have always known as a penalty matrix (indicating  
4 document).

5 MARK HAVARD: Okay.

6 COMMISSIONER BOSARGE: And, by that, I mean a  
7 penalty matrix being what the offense is, what class the  
8 offense was, what the fine for that offense should be, a  
9 penalty matrix.

10 In other words, sort of close to what Coastal  
11 Ecology has, You know, if you look at theirs. Whether it  
12 is intentional, unintentional, if they have previous  
13 violations.

14 In other words, that is what I consider a  
15 penalty matrix. Something where we as Commissioners can  
16 go down the list, look at what the offense was, see if it  
17 was intentional, just almost connect the lines and know  
18 what that fine should be.

19 I have said it before. I don't feel  
20 comfortable. I don't have the background you have, that  
21 is, in law and I'm certainly not a judge.

22 For me to feel comfortable in making a decision  
23 that could affect somebody's life and their livelihood,  
24 then, I think it needs to be spelled out in black and  
25 white a little clearer as to what -- when you say "first

1 offense", what is the offense?

2 In other words, if you -- and I know you guys  
3 haven't had time to really -- you haven't. I think you  
4 have probably been through this at some point in your  
5 time. I know it's not the State's -- it's a Federal  
6 penalty matrix, but it goes through -- it leaves no stone  
7 unturned and gives clear guidance to what it is we should  
8 be doing.

9 That is what I would like to see is for you guys  
10 to go down and build a matrix that is similar to this that  
11 deals with fishing violations.

12 SANDY CHESNUT: Okay.

13 Do you want to talk about your penalty matrix?

14 JOE SPRAGGINS: Mark, can y'all hear this?

15 COMMISSIONER HAVARD: Yes, sir.

16 JAN BOYD: I think ours started around 2006, or  
17 2005. Something like that. We used it five, or six,  
18 years, and it is pretty simple.

19 It is broken down into intent and violation  
20 type. If it was unintentional that they did something, or  
21 whether or not they knew that they needed a permit, and,  
22 then, it goes on and it is classified in residential and  
23 commercial for each violation.

24 I think we quit using this when we got a statute  
25 adopted, a thousand dollars a day for residential and ten

1 thousand dollars a day for commercial, or industrial,  
2 which made it a lot simpler for us.

3 COMMISSIONER BOSARGE: Well, I remember a lot of  
4 times that is what you will refer back to that penalty  
5 matrix. We assess the fine going by the penalty matrix.

6 JAN BOYD: I think we quit using it about 2010.  
7 The last time I saw where we used it was September of  
8 2010.

9 COMMISSIONER BOSARGE: My memory is not that  
10 good, but I can remember.

11 JAN BOYD: I can't remember.

12 COMMISSIONER BOSARGE: I think I have been here  
13 nine years.

14 JAN BOYD: Okay.

15 COMMISSIONER BOSARGE: And I know we've --

16 JAN BOYD: (Interposing) And we could have used  
17 it after that.

18 COMMISSIONER BOSARGE: I have looked at it  
19 plenty of times and that is the only way that I knew you  
20 had one.

21 JAN BOYD: Some timeline that we used it and  
22 that is the last presentation I saw was September, I  
23 think, of 2010, September or October.

24 JOE SPRAGGINS: Let me step in real quick. I  
25 think the thing, after me looking at this and talking

1 about what was going on, one of the major things was that  
2 y'all had no way of suspending license under civil and I  
3 think that's what it was, that the Commission had no way  
4 of any suspension of license under civil.

5 COMMISSIONER BOSARGE: Other than, I think, if  
6 the Court orders it.

7 JOE SPRAGGINS: That's right.

8 SANDY CHESNUT: Let me be real clear here.  
9 Statutorily they have the authority to suspend  
10 licenses under certain conditions.

11 JOE SPRAGGINS: Right.

12 SANDY CHESNUT: We are not talking about  
13 suspension of licenses under administrative penalties. We  
14 are only talking about those things that the Commission  
15 would award, like an endorsement, any type of permit, tag.

16 This has nothing to do with licenses, suspension  
17 of licenses.

18 JOE SPRAGGINS: Like it says on that piece of  
19 paper right there (indicating).

20 SANDY CHESNUT: It is only for program  
21 requirements that are issued by the Commission.

22 JOE SPRAGGINS: So what we are talking about  
23 here, then, is basically if you do one of those  
24 endorsements, or a tag, or a permit, that the Commission  
25 would have a chance. If it is a first offense, they could

1 suspend it up to three months, six months, a year, and,  
2 then, two years, and, then, a total suspension, if people  
3 kept violating it I guess is what I am getting at.

4 I know that they talk about dollar figures.  
5 Is it on the next slide?

6 I don't have mine.

7 COMMISSIONER BOSARGE: Once again, you talk  
8 about first offense.

9 SANDY CHESNUT: No. The dollar figures are set  
10 by statute.

11 JOE SPRAGGINS: That's right.

12 SANDY CHESNUT: It is up to ten thousand dollars  
13 per offense.

14 JOE SPRAGGINS: That's right, and I think what  
15 Mr. Steve, though, is asking, if they want to do something  
16 to the point of having a matrix, do we want to say if it  
17 is a first offense that we go to this dollar figure, if it  
18 is a second offense we go to this, according to what the  
19 offense is?

20 SANDY CHESNUT: No.

21 JOE SPRAGGINS: Is that what you are asking for?

22 SANDY CHESNUT: Then, you are rewriting statute.

23 JOE SPRAGGINS: But they can go up to ten  
24 thousand dollars.

25 SANDY CHESNUT: They can go up to ten thousand

1 dollars per offense.

2 JOE SPRAGGINS: I think all of this is coming  
3 back from whenever we had the issues with the speckled  
4 trout and we had no set matrix and we used a...

5 SANDY CHESNUT: To suspend the endorsement.  
6 That was the only question. Can we take those  
7 endorsements away.

8 JOE SPRAGGINS: Right.

9 SANDY CHESNUT: And it was not provided in  
10 regulations.

11 JOE SPRAGGINS: Right.

12 SANDY CHESNUT: It needs to be provided in  
13 regulation that they can take those endorsements away  
14 because, if they can issue them, they need to be able to  
15 take them away. That is all we are dealing with.

16 KEITH DAVIS: And there was a matrix used in the  
17 Spotted Seatrout cases.

18 JOE SPRAGGINS: Yes, but it was off of dollar  
19 figures and pounds.

20 COMMISSIONER BOSARGE: It wasn't a ???

21 JOE SPRAGGINS: No. It wasn't something that is  
22 in the regs. That is what I was trying to get at.

23 All I'm trying to say is I think I understand  
24 this, that when that came about one of the issues they had  
25 was do we want to set up something that says that we are

1 going to charge this amount for this and this amount for  
2 that.

3 You are saying statute gives you the ability to  
4 do anything you want to, to charge any amount.

5 Is that correct?

6 SANDY CHESNUT: It gives you up to ten thousand  
7 dollars per offense. That is set by statute.

8 COMMISSIONER HAVARD: Basically, what I am  
9 understanding is all we need to do, if we choose, is add a  
10 bullet point in there that says the Commission has the  
11 authority to revoke not the license, but revoke the  
12 endorsement, if the act is considered reckless and it is  
13 going to be considered reckless based on the vote of the  
14 Commission.

15 Is that correct?

16 SANDY CHESNUT: You could do that, yes.

17 COMMISSIONER BOSARGE: Over the years there are  
18 a lot of things I have learned and used to, Mark, I was  
19 kind of the same way as you were.

20 We are sitting here and we are looking at this  
21 Commission that is in place at this moment and these  
22 people around the table and most all of us are all level  
23 headed and try to do the right thing, but there may be a  
24 day in the future where that is not the case.

25 when you put rules and regulations in place, at

1     least me, I have learned don't look at what the situation  
2     is at the moment. Look at what the situation could be in  
3     the future.

4             That is where I have a problem. In other words,  
5     that is where I say we really need a penalty matrix.

6             You haven't seen this penalty matrix, and that  
7     is why I asked for it.

8             COMMISSIONER HAVARD: I have it.

9             COMMISSIONER BOSARGE: Parson?

10            COMMISSIONER HAVARD: Crystal sent that out just  
11     a few moments ago, and I reviewed that penalty matrix.

12            COMMISSIONER BOSARGE: All fifty-nine pages of  
13     it?

14            COMMISSIONER HAVARD: No, but I saw the matrix,  
15     the only matrix that is involved in that attachment. I  
16     did see the matrix that you are referring to, yes.

17            COMMISSIONER BOSARGE: You are talking about the  
18     penalty matrix?

19            SANDY CHESNUT: No. She sent the draft. She  
20     sent the NOAA one out.

21            COMMISSIONER BOSARGE: The Policy for Assessment  
22     of Civil Administration Penalties and Permit Sanctions,  
23     NOAA Office of General Counsel Enforcement Section?

24            COMMISSIONER HAVARD: Yes, the matrix that is  
25     tied to both of those attachments, I have reviewed both of

1 those. I haven't read all of the verbiage, but it is the  
2 matrix part of the thing I have read through.

3 COMMISSIONER BOSARGE: In those appendixes?

4 COMMISSIONER HAVARD: That's correct. Yes.

5 COMMISSIONER BOSARGE: I think there are four of  
6 them -- no. There are more than that, but, anyhow it goes  
7 into quite some detail simply because these are all  
8 penalty matrix. Yes. There are quite a few pages of  
9 them.

10 I think that is where we need to go, and it is  
11 going to take some work for our legal staff here to look  
12 at all the different fisheries and look at what those --  
13 in other words, we could go first offense and take  
14 somebody's endorsement for three months.

15 COMMISSIONER HAVARD: If it is severe enough.  
16 If it a reckless -- if it is deemed reckless, I feel that  
17 we should have that ability to go from step one to  
18 revoking it.

19 COMMISSIONER BOSARGE: Okay. well, that's fine,  
20 but that's --

21 COMMISSIONER HAVARD: (Interposing) If it is  
22 blatant and it is considered reckless.

23 COMMISSIONER BOSARGE: Let's spell out in black  
24 and white what reckless is. Let's don't leave it to our  
25 judgment.

1           COMMISSIONER GUESS: How to go about trying to  
2 figure out ways that people can scan the system.

3           SANDY CHESNUT: The Court has been trying to  
4 define reckless for years and they still haven't done it.

5           COMMISSIONER BOSARGE: well, that's what I'm  
6 saying.

7           COMMISSIONER GUESS: I mean, what could be  
8 reckless to me could be not reckless to you.

9           COMMISSIONER BOSARGE: That's exactly right.

10          COMMISSIONER GUESS: That's what I mean. It  
11 takes five people to figure that out.

12          I mean, I understand what you are saying that  
13 five years from now it could be a completely different  
14 Commission, but they could come back here and change all  
15 the language anyway.

16          COMMISSIONER BOSARGE: It is usually harder to  
17 change something than it is to do it from the start. Once  
18 it is in force, it is hard to change.

19          COMMISSIONER HAVARD: I just feel that that's  
20 why the Commission is in place is due to you've got five  
21 folks on there that come from all different backgrounds  
22 and that's where you get your opinions from, and what is  
23 reckless in one person's eyes from a common sense  
24 standpoint, if everybody is thinking that way, is reckless  
25 in the other eighty percent's eyes.

1           I can't worry about what is going to happen from  
2 a Commission standpoint. There are talks that the  
3 Commission might not even exist. So we can't base our  
4 current need solely on what potentially might, or might  
5 not, be there in the future.

6           If we have a need now to have the authority to  
7 revoke someone's endorsement and deem it reckless, I say  
8 we move forward with that.

9           COMMISSIONER BOSARGE: I don't have a problem  
10 with taking somebody's endorsement, if they have done  
11 something wrong.

12          COMMISSIONER HAVARD: Right.

13          COMMISSIONER BOSARGE: But I could see where  
14 right now we are judge, jury and executioner.

15          We've got enforcement writing the tickets, we've  
16 got legal here deciding who is going to be brought before  
17 us, and now we are the jury.

18          SANDY CHESNUT: No. The Commission decides who  
19 is going to be brought before you. We bring them and  
20 y'all vote on them.

21          COMMISSIONER BOSARGE: I hear that, but I have  
22 never seen the Commission as a whole ask for anybody to be  
23 brought before us. Usually it is legal that comes to us  
24 and says, we need to bring these people before us.

25          SANDY CHESNUT: Marine Patrol in consult with

1 legal decides which cases they want to ask the Commission  
2 if they want to hear, and the Commission votes whether  
3 they want to hear it, or not.

4 COMMISSIONER BOSARGE: That's right.

5 So actually it is brought by you. You decide.  
6 We make the ultimate decision. You make the --

7 SANDY CHESNUT: (Interposing) It is a joint  
8 decision between Marine Patrol and legal which ones will  
9 be brought --

10 COMMISSIONER BOSARGE: (Interposing) Well,  
11 that's true, but still it's judge, jury and executioner.  
12 Everything is right here in house.

13 If Chief Davis, and I'm not going to take  
14 anything from Chief Davis, but if Chief Davis decides to  
15 target someone for whatever reason.

16 I'm not saying you would do it, but you may not  
17 be here. It may be the next Chief after you.

18 SANDY CHESNUT: And, then, if those decisions  
19 are not what the violators' like, they have the appeal  
20 rights. They can take those appeals to the Court.

21 So you are not the final say-so.

22 Just like they can appeal --

23 COMMISSIONER BOSARGE: (Interposing) I still  
24 think that you as an attorney, you as an attorney and  
25 looking at it in the light of the law that you would be

1 the one that would say yes. I see your point.

2 I think we really need a penalty matrix to take  
3 this burden off of this Commission to make sure that when  
4 something happens, we can go to the matrix and say, okay,  
5 that was his first offense, this is what he did wrong.  
6 Okay, I see what that fine is. Was it intentional, or not  
7 intentional. Okay. There it is. Okay. Yes, this is  
8 what it should be.

9 Can you guys agree --

10 SANDY CHESNUT: (Interposing) As an attorney,  
11 when I read the statutes, the legislature wanted you-all  
12 to have discretion.

13 When I read the statute, I want to advise the  
14 Commission to follow the law. They want you to have  
15 discretion.

16 KEITH DAVIS: That's what I was going to add is  
17 that I think we are getting confused on two things. We  
18 are identifying violations as reckless, instead of using  
19 the terminology egregious.

20 The Speckled trout case, we tagged that as an  
21 egregious offense because of what happened to the  
22 industry.

23 You are right. The legislature -- when I read  
24 the statute --

25 COMMISSIONER BOSARGE: (Interposing) There

1 again, you tagged that as egregious. I tagged that as  
2 nothing --

3 COMMISSIONER HAVARD: (Interposing) Let Chief  
4 Davis finish.

5 Carry on, Chief.

6 COMMISSIONER BOSARGE: -- the late reporting of  
7 trip tickets.

8 KEITH DAVIS: I understand we've got different  
9 opinions, but what Sandy is trying to get across -- and I  
10 agree with her -- is when the legislature established the  
11 Commission, they gave the legislature a civil part of the  
12 procedures that say, you issue endorsements. You can take  
13 endorsements away.

14 Marine Patrol is not going to bring a criminal  
15 case before you. So you are not the executioner.

16 COMMISSIONER BOSARGE: That's right.

17 KEITH DAVIS: You are not. Those cases are  
18 going to be settled in a criminal court.

19 These are civil cases that people don't -- they  
20 are not in violation of any right being taken from them.  
21 They are using a public resource that you give them the  
22 license to go out there and make a living off of.

23 COMMISSIONER BOSARGE: But do you see how it  
24 could be abused very easily?

25 KEITH DAVIS: No, sir. I strongly disagree with

1 you on that. I don't think that that exists in this  
2 agency.

3 COMMISSIONER BOSARGE: I'm not saying it does  
4 exist in this agency. I'm saying that it can exist very  
5 easily.

6 KEITH DAVIS: But it can't because you have to  
7 vote. At the end of the day, five people have got to  
8 agree on you suspending that endorsement. So I don't  
9 think that it can be abused.

10 KIM PAPANIA: Like Sandy was saying a minute  
11 ago, there is a protection, a review for the protection of  
12 people like what you are saying.

13 They can appeal any decision the Commission  
14 makes, in a thirty-day period, to the Chancery Court in  
15 Harrison County. The Court will, then, hear that case.

16 That is why at every Commission meeting, we have  
17 someone there taking the minutes because, when they file  
18 that appeal, they would take those minutes to file with  
19 whatever their claim is in Chancery Court to be heard by a  
20 Judge to determine whether or not you made the right  
21 decision, or not.

22 COMMISSIONER BOSARGE: And when you say when  
23 they created the Commission, they gave the Commission this  
24 authority, I think, if I'm not mistaken, this is a blanket  
25 authority.

1 I understand they did give it to the Commission,  
2 but it is a blanket authority for a number of commissions.  
3 Correct?

4 KEITH DAVIS: Yes.

5 COMMISSIONER BOSARGE: Has this ever been  
6 challenged in Court?

7 I'm just curious, Sandy.

8 SANDY CHESNUT: I'm sorry.  
9 what are you asking?

10 COMMISSIONER BOSARGE: I said, has this ever  
11 been challenged in Court?

12 SANDY CHESNUT: Has what ever been challenged?

13 COMMISSIONER BOSARGE: Administrative penalties  
14 procedure.

15 SANDY CHESNUT: No. Not that I'm aware of. Not  
16 since I have been here.

17 COMMISSIONER BOSARGE: well, I'm not saying --  
18 maybe not for this Commission, but for any other  
19 commissions.

20 SANDY CHESNUT: I don't know.

21 COMMISSIONER BOSARGE: Because I think it would  
22 probably be a challengeable thing, in my opinion, giving a  
23 lot of authority to a limited number of folks.

24 I mean, even when you have a jury --

25 SANDY CHESNUT: (Interposing) I'm sure that

1 actions taken by a commission have been appealed before.

2 COMMISSIONER BOSARGE: And someone will come up  
3 here and decide the same decision from the same decision?

4 KEITH DAVIS: In a criminal court. In a  
5 criminal court, yes, sir.

6 JOE SPRAGGINS: Sir, you can look at this, too,  
7 just like the Starr case. The Commission made a decision  
8 on the Starr case which is not a fishery thing itself, but  
9 basically misuse of property, or taking in wetland.

10 when they did that, they used whatever they  
11 thought there, and, then, they did pay the penalty, and,  
12 then, they went back and they kept challenging it in  
13 Court, and they took it to Court and the Court overruled  
14 the Commission.

15 The Court came back and overruled the Commission  
16 and said, no, we don't think this is the way it should  
17 have been done.

18 I guess what I'm getting at is it goes up one  
19 more step. They've got one more step that they can take  
20 it to.

21 I realize it cost the Starrs probably a lot of  
22 money to do that. I realize that.

23 COMMISSIONER BOSARGE: It costs and most of the  
24 folks that we will be dealing with can't afford that.

25 JOE SPRAGGINS: Right, and I realize that.

1           COMMISSIONER BOSARGE: We are their last line of  
2 defense.

3           COMMISSIONER GUESS: Well, that's why we have to  
4 make sure that the rules are visible for them to not break  
5 those.

6           COMMISSIONER BOSARGE: I agree.

7           COMMISSIONER GUESS: I mean --

8           COMMISSIONER BOSARGE: (Interposing) Even first  
9 offense, suspend their license?

10          It's like you get a ticket and I'm going to take  
11 your driver's license.

12          COMMISSIONER GUESS: That is not how that is  
13 worded. That is not how that is worded.

14          COMMISSIONER BOSARGE: I think it just gives you  
15 the authority that you could do it.

16          SANDY CHESNUT: What it says is that it has to  
17 be related to the particular program.

18          COMMISSIONER BOSARGE: Yes, but, then, what was  
19 your last two bullet points -- let me go back -- that  
20 basically undid all the rest of what you put up there?

21          SANDY CHESNUT: It still has to be related to  
22 the particular program. You can skip a step, but it still  
23 has to be an offense related to the particular program  
24 which you are suspending.

25          COMMISSIONER GUESS: It says, "In the event that

1 the violator does not pay the administrative penalty  
2 assessed by the Commission in full within twenty-four  
3 months, the Commission may, by a majority vote,  
4 indefinitely suspend the endorsement, tag, permit, or  
5 similar regulatory program requirement related to the  
6 violation, until such time as the penalty is paid in  
7 full.”

8 So until the penalty is paid in full.

9 COMMISSIONER BOSARGE: And the only other one  
10 would be, of course, if the violation is deemed to be so  
11 egregious as to warrant a suspension outside the penalty  
12 matrix, the Commission, by unanimous vote -- which that  
13 kind of gets back to our jury and everybody has got to  
14 agree. Although there are only five -- may impose a  
15 suspension outside the above matrix by skipping to the  
16 next level.

17 For example, if it is a first offense that is  
18 deemed to be so egregious as to warrant a suspension  
19 outside of the penalty matrix stated above, the  
20 Commission, by unanimous vote, may impose a suspension of  
21 up to six months as allowed under the second offense tier.

22 In other words, basically that gives you the  
23 right to undo everything that you have up to that point.

24 SANDY CHESNUT: what it gives you the right to  
25 do is take into consideration cases that you have not been

1 able to ???.

2 Like Natalie was saying earlier, it is  
3 impossible to sit here and think of every possible offense  
4 that anybody could commit.

5 COMMISSIONER BOSARGE: That's not impossible. I  
6 disagree with you there because this penalty matrix here,  
7 that is the Federal government and that covers way more  
8 things than we will ever think about seeing here, and they  
9 did it.

10 COMMISSIONER HAVARD: If you want to cover  
11 everything, we are going to have to mirror the federal  
12 guidelines, or matrix.

13 COMMISSIONER BOSARGE: Pardon?  
14 Speak up, Mark.

15 COMMISSIONER HAVARD: If we are going to -- we  
16 don't have the federal employees in place to write this  
17 small thesis.

18 So, if we are going to plan to do something like  
19 that, we can mirror what the federal folks are doing.

20 COMMISSIONER BOSARGE: Well, that's what I'm  
21 saying. The pattern is already here. All you've got to  
22 do is insert the right things into it. You don't have to  
23 rewrite it.

24 We have three attorneys here, I know, that  
25 actually work for the Attorney General's office. So it is

1 not going to cost us anything, DMR.

2 COMMISSIONER HAVARD: Let me ask you this,  
3 Steve.

4 You think some of the fishermen are not going to  
5 be able to determine what their penalties are going to be,  
6 without a simple matrix form.

7 Is that what you are saying?

8 COMMISSIONER BOSARGE: No.

9 I think the fishermen, they are kind of -- they  
10 are out of the loop. In other words, they don't really  
11 have a lot of choice into what their penalty may be.

12 I'm saying that us, the Commission as a group  
13 needs to -- that needs to be taken out of our hands as to  
14 what their penalty is going to be.

15 It needs to be spelled out, what their penalty  
16 could be, whether it was intentional, or unintentional.

17 In other words, if you take time, Mark --  
18 sometime tonight take time and just read closer down  
19 through that fifty-nine page penalties and permit  
20 sanctions, and you will get kind of a pretty good grip on  
21 what I'm talking about.

22 In other words, I understand -- what I see right  
23 now is and what I hear is that we basically put this  
24 administrative penalties in place so that we could have  
25 our will with whoever we needed to have our will with, and

1 I don't agree with that.

2 I think that if you have done wrong, you should  
3 be punished for doing wrong, but you should know what your  
4 punishment is going to be and we should not have the  
5 ability to -- you know, in other words, to come down on  
6 somebody harder than what they should be.

7 In other words, in this penalty matrix, it  
8 spells out what you can do and what you can't do and what  
9 your offense is and where it ranks and what your  
10 punishment should be.

11 COMMISSIONER HAVARD: I think we leave that to  
12 the law enforcement side to determine whether it is  
13 reckless, or not.

14 COMMISSIONER BOSARGE: Well, there again, when  
15 we did the Spotted Seatrout, they considered that  
16 egregious, and I disagree, you know, because I have been  
17 in that part of the industry and, you know, we talked  
18 about twenty-five thousand pounds which, in the whole  
19 scheme of things, is nothing. It is a drop in the bucket,  
20 but that was egregious, but we didn't catch them doing  
21 anything wrong. They didn't fish at the wrong time in the  
22 wrong place with the wrong gear.

23 we had late reporting of trip tickets, and we  
24 fined one of them ten thousand dollars.

25 COMMISSIONER GUESS: Didn't that late reporting

1 cause the fishery to be closed because they overfished?

2 COMMISSIONER BOSARGE: It closed it for  
3 themselves, yes, but you've got to understand.

4 Is it open now?

5 JOE SPRAGGINS: It closes the 31<sup>st</sup>.

6 COMMISSIONER BOSARGE: Yes, for the second half.  
7 I mean, that is a very limited fishery. There  
8 is nobody going to make a living out of catching Spotted  
9 Seatrout.

10 COMMISSIONER GUESS: So you don't think he knew  
11 what he was doing by reporting it late, or catching that  
12 many and reporting it late?

13 COMMISSIONER BOSARGE: Did you know that the law  
14 had just changed in January of that year?

15 In other words, they didn't have to report it up  
16 until January. It was the person they sold to that  
17 reported it, even if it was out of state, but, in January,  
18 the law changed on them.

19 I think we did all of this in -- started in May.  
20 I'm pretty sure it was.

21 COMMISSIONER GUESS: My first meeting which was  
22 last October.

23 COMMISSIONER BOSARGE: That's right.

24 we have already been down a case, but that case  
25 opened my eyes up to what could happen, if we are not

1 careful, and I think that if we go back and we did the  
2 penalty matrix on these guys, or even on those guys, we  
3 would probably see a different result.

4 COMMISSIONER GUESS: Yes, but we voted for that  
5 in the meeting, a dollar per pound -- right? -- up to ten  
6 thousand dollars. He had twenty-five thousand, or  
7 whatever it was.

8 COMMISSIONER BOSARGE: He had twelve thousand  
9 seven hundred pounds.

10 COMMISSIONER GUESS: So ten thousand dollars, a  
11 dollar per pound. That is something that we agreed on in  
12 the meeting.

13 COMMISSIONER BOSARGE: We didn't agree on it.  
14 If it would had been a unanimous vote, then, it would have  
15 never passed.

16 COMMISSIONER HAVARD: A majority.

17 SANDY CHESNUT: It was a majority vote. I don't  
18 recall anybody dissenting.

19 COMMISSIONER BOSARGE: Here again, it's like I  
20 say. You know, we are not twelve members -- oh, I did.  
21 Yes, ma'am. I did dissent.

22 SANDY CHESNUT: I will have to check the minutes  
23 of that. I don't remember that.

24 COMMISSIONER BOSARGE: If we were a jury, it  
25 would have been a hung jury.

1 COMMISSIONER HAVARD: But we're not.

2 COMMISSIONER BOSARGE: But we are being a jury.  
3 That's what we are there -- that's what we are doing. We  
4 are the jury and we are making the decisions.

5 COMMISSIONER HAVARD: That is what management  
6 does everyday. Management makes decisions --

7 COMMISSIONER BOSARGE: (Interposing) But we  
8 don't fine people thousands of dollars.

9 COMMISSIONER HAVARD: Some management does, yes.  
10 If they blatantly do something wrong, yes, there are ???  
11 involved.

12 COMMISSIONER GUESS: Are we talking about money?

13 SANDY CHESNUT: This has nothing to do with  
14 money.

15 COMMISSIONER GUESS: This is just about --

16 SANDY CHESNUT: (Interposing) We are not  
17 talking about the fines. This is the monetary fines.

18 SANDY CHESNUT: Suspending their endorsement, or  
19 permit, or tag, for those time frames.

20 COMMISSIONER GUESS: I mean, the matrix, to me,  
21 seems like it is a good idea, but that is a long-term  
22 effort.

23 COMMISSIONER BOSARGE: Think about what we are -  
24 - and the reason you guys -- you see me probably the only  
25 one here because I am the only one that this is going to

1 affect. Commercial fishermen have endorsements, tags.

2 Do you see what I'm saying?

3 COMMISSIONER GUESS: I know, but shouldn't they  
4 follow the law?

5 COMMISSIONER BOSARGE: Yes.

6 COMMISSIONER GUESS: If you break the rules,  
7 your first offense by vote --

8 COMMISSIONER BOSARGE: (Interposing) First  
9 offense -- I'm telling you the same way.

10 COMMISSIONER GUESS: I know, but I think you are  
11 over complicating it.

12 I mean, the rules are out there. We maybe need  
13 to do a better job of explaining what the rules and  
14 regulations are.

15 COMMISSIONER BOSARGE: That's exactly -- that's  
16 all I'm saying.

17 COMMISSIONER GUESS: Okay. We need to do a  
18 better job of saying what the rules and regulations are,  
19 but, if you break those, this is what you could seek, and,  
20 by vote as a Commission you will decide first offense,  
21 suspension for up to three months.

22 I mean, I get it. It's a tough world out there,  
23 but we have to make those decisions and, if there is  
24 something we could do on our end to make sure that these  
25 fishermen know --

1           COMMISSIONER BOSARGE: (Interposing) Have we --  
2 do we have that many fishermen breaking these laws?

3           SANDY CHESNUT: I don't think we have that many  
4 cases coming before the Commission.

5           COMMISSIONER BOSARGE: Well, that's what I'm  
6 saying. What is the -- I don't understand the logic here.

7           COMMISSIONER GUESS: Well, I guess this gives us  
8 a starting point. As a Commission we can decide, okay,  
9 this is your first offense. We could say we suspend it  
10 for a week, three days, I mean, whatever it is that we  
11 decide up to three months. Second offense up to six  
12 months. Third offense up to a year.

13           If you haven't figured it out by then, by your  
14 third offense, come on.

15           JOE SPRAGGINS: I don't think it is saying that  
16 you have to do any of those. I think it gives you the  
17 authority.

18           SANDY CHESNUT: It is worded "up to". It gives  
19 you leeway.

20           COMMISSIONER GUESS: It gives a leeway and a  
21 starting point, but, I mean, you get to your fourth  
22 offense of doing the same thing, and, then, they can  
23 appeal it.

24           SANDY CHESNUT: For first offense, you can  
25 suspend it for one day, or up to thirty, or you can

1 suspend it for zero days.

2 COMMISSIONER BOSARGE: If we are going to go  
3 down this path, then, let's do it like you would do it in  
4 a court of law in that it has to be a unanimous decision.

5 SANDY CHESNUT: This is exactly how you would do  
6 it in a court of law.

7 COMMISSIONER BOSARGE: It has to be a unanimous  
8 decision.

9 SANDY CHESNUT: There is not a jury trial --

10 COMMISSIONER BOSARGE: (Interposing) It can't  
11 be a majority. It has to be --

12 SANDY CHESNUT: (Interposing) There are not  
13 jury trials in City Court. Criminal cases are brought in  
14 City Court. They are not jury trials.

15 KEITH DAVIS: Justice Court.

16 SANDY CHESNUT: I'm sorry. In Justice Court.

17 JOE SPRAGGINS: In Justice Court, it is only a  
18 judge.

19 KIM PAPANIA: In some criminal trials, the  
20 defendant chooses to be tried by just a judge, not a jury,  
21 but if you look at even --

22 COMMISSIONER BOSARGE: (Interposing) what does  
23 the judge have?

24 Does he have any paperwork saying he is  
25 qualified to do that?

1           KIM PAPANIA: If you look at even the criminal  
2 sentencing guidelines for possession of a controlled  
3 substance, it is going to be --

4           KEITH DAVIS: (Interposing) No, he doesn't.  
5           A Justice Court judge in Mississippi has to have  
6 no ???

7           KIM PAPANIA: -- it is going to be a range of  
8 five to twenty years. It is not going to say exactly that  
9 this is what you are guaranteed to get, if you make the  
10 choice to violate this law. You are going to go in front  
11 of a judge and they are going to give you anywhere from  
12 five to twenty years, but you made the choice to violate  
13 that law.

14           COMMISSIONER GUESS: I think that there are  
15 things that we can do better, in terms of making sure the  
16 education is out there whether it is -- I don't know. I  
17 don't know what that looks like, but we need to make sure  
18 that they understand, this is what the rules are, this is  
19 what the regulations are and, if you break them, XYZ.

20           COMMISSIONER BOSARGE: But the rules that they  
21 see are on the criminal side.

22           In other words, they know that if I go out and I  
23 do ABC wrong, then, it says in statute that I am going to  
24 go before the judge and my fine will be first offense five  
25 hundred dollars.

1           They don't see that if we decide that we didn't  
2 like what they did and we want to bring them before this  
3 group that, now, my penalties can be this, this, or this.

4           There are two sets of penalties there, that they  
5 can do down either path. We decide which path they go  
6 down.

7           COMMISSIONER GUESS: Okay, but, if we all agree  
8 on this, or whatever, this may be -- then, shouldn't we be  
9 able to tell them that you may have this dollar amount  
10 penalty, and, then, you could lose your permit.

11           COMMISSIONER BOSARGE: Put yourself in those  
12 shoes for just a minute. That is what I always try to do  
13 is put myself in the other person's shoes. Put yourself  
14 in those shoes just for a minute.

15           COMMISSIONER GUESS: Okay.

16           COMMISSIONER BOSARGE: Where you went out and  
17 you did something that you should not do, whether you knew  
18 it, or didn't know it, and you think that, okay, my fine  
19 is going to be five hundred dollars. All right. I've  
20 done wrong. I'm going to pay my fine.

21           COMMISSIONER GUESS: I feel like that happens  
22 all the time with regular people, when they get tickets  
23 and they think it is going to be this, and, then, you find  
24 out, no. I can't.

25           COMMISSIONER BOSARGE: But, then, when they

1 think that they are going to see the Chancery Court judge,  
2 or whoever it is -- I don't know. I don't deal with that.  
3 I try to stay clear.

4           Anyhow, and, then, they find out that no, they  
5 are not, they are coming before the Commission for  
6 administrative penalties and they don't know what that  
7 fine could be. It could be anything. Like the last time,  
8 it could be up to ten thousand dollars.

9           Anyhow, you have to put yourself in the other  
10 person's shoes for a little while.

11           COMMISSIONER HAVARD: But, Steve, I think you  
12 said it right there yourself. You said you try to stay  
13 away from the enforcement side of things.

14           COMMISSIONER BOSARGE: We all do. I hope you  
15 do.

16           COMMISSIONER HAVARD: Because everyday when your  
17 boat leaves the dock, you know. Whether your crew knows,  
18 or not, but the captain knows and you know what the  
19 regulations are, prior to you going out there and trying  
20 to fish for whatever species you might be targeting. It  
21 is your responsibility as a captain and a business owner  
22 to know those regulations, and it is no different.

23           It is not a matter of, well, is it worth my  
24 while to go risk getting fined five hundred dollars to  
25 catch twenty-five thousand dollars worth of fish illegally

1 that I know I am doing something wrong.

2 Is it worth five hundred dollars?

3 Heck, yes, it is. I mean, that is common sense,  
4 but, if I know somebody has the authority to say, well, it  
5 might not be five hundred dollars. It might be my  
6 livelihood, I better learn the regulations and know them  
7 backwards and forwards and make sure I've got everything  
8 covered, if I am going to go out there and do it right,  
9 but, if I am going to go out there and do it wrong, I run  
10 the risk of closing the dinner table at my house and under  
11 very few circumstances, if you are going to close the  
12 dinner table at your own house, or run that risk, you are  
13 not going to run that risk. You are going to do it right,  
14 and that is my point behind this thing is trying to make  
15 everybody think.

16 COMMISSIONER BOSARGE: And that is exactly my  
17 point, Mark.

18 Are we running rampant with these cases?

19 I mean, have we got that many people doing wrong  
20 that we need to be able to take what remaining few  
21 fishermen there are left out?

22 COMMISSIONER HAVARD: No, but we want the ones  
23 that remain doing it the right way to protect and conserve  
24 our resource that we have left.

25 COMMISSIONER DANIELS: I don't think that we

1 have that many that we are rampant with it, but the people  
2 that need to have this applied to them are just like the  
3 guy that got caught again this year for the second time  
4 running gill nets after he had already been in trouble the  
5 year before. That is a repeat egregious offender. That  
6 is what this is for.

7 COMMISSIONER BOSARGE: And the court system  
8 can't take care of that guy?

9 COMMISSIONER HAVARD: Yes, but we are the  
10 mediator, prior to them getting to the court, and it is  
11 our responsibility as Commissioners to be that mediator,  
12 and, if they want to go past the mediator, at that point,  
13 they can pursue it in civil court.

14 COMMISSIONER BOSARGE: I hear you.

15 COMMISSIONER DANIELS: As far as the court  
16 system is concerned, from what I have been told in looking  
17 into this, you are looking at a two hundred, or three  
18 hundred, maybe a five hundred dollar fine is all they are  
19 going to be in the court system. There is no deterrent  
20 there, if they are making ten, fifteen, or twenty,  
21 thousand dollars.

22 COMMISSIONER BOSARGE: I haven't heard -- I  
23 don't see any of those guys making -- you know, you guys,  
24 you have got to understand. These guys are doing good to  
25 make a living and making fifteen, or twenty, thousand

1 dollars in one lick, come on now. Even Chief Davis can  
2 tell you that doesn't happen.

3 COMMISSIONER DANIELS: I didn't say one lick,  
4 but, as we stated before, twelve thousand five hundred  
5 pounds. That guy is getting paid three dollars a pound.  
6 That is thirty-six thousand dollars. Yes, he is going to  
7 risk it over five hundred bucks.

8 COMMISSIONER BOSARGE: What did he do wrong,  
9 though?

10 KEITH DAVIS: He took the fish out of state and  
11 didn't report it.

12 COMMISSIONER HAVARD: That doesn't matter.

13 COMMISSIONER BOSARGE: That's right. That's  
14 what I'm saying. You go back to that, but, in my eyes, he  
15 didn't do anything wrong. He wasn't caught illegal  
16 fishing, out or season, wasn't doing anything wrong, but,  
17 anyhow...

18 SANDY CHESNUT: If your concern is whether they  
19 know what they are going to come under, criminal or civil,  
20 the Commission can go ahead and vote right now and say, we  
21 only want to hear these violations and the rest go to  
22 criminal court.

23 COMMISSIONER BOSARGE: I think that if --

24 SANDY CHESNUT: (Interposing) Then, they will  
25 know if it is that offense, they are coming under civil.

1 If it is not that offense, they are going criminal, if  
2 that is what you want.

3 COMMISSIONER BOSARGE: No. That's not my  
4 concern. My concern is that the deck can be stacked  
5 against them very easily. So, in an effort to make it  
6 fair, then, I think that it should have to be a unanimous  
7 decision, and, then, I think you will get fairness in it.  
8 Everybody has got to agree that this is what we are going  
9 to fine him, in agreement, a unanimous decision. Now, you  
10 are going to get fairness.

11 COMMISSIONER HAVARD: But, now, you've got --  
12 that is why you've got five Commissioners and not four, or  
13 six.

14 COMMISSIONER BOSARGE: How many people do they  
15 have in a jury, Mark?

16 COMMISSIONER HAVARD: I don't know. This --

17 COMMISSIONER BOSARGE: (Interposing) Twelve,  
18 and they all have to agree.

19 COMMISSIONER HAVARD: Well, this isn't a jury.

20 COMMISSIONER BOSARGE: Pardon?

21 COMMISSIONER HAVARD: This isn't a jury. This  
22 is a Commission.

23 COMMISSIONER BOSARGE: It is basically a jury.

24 SANDY CHESNUT: The statute says at the  
25 conclusion of the hearing the Commission, upon a majority

1 vote of the members. So I don't think we can rewrite  
2 statute and make it unanimous.

3 COMMISSIONER BOSARGE: Well, how did you put  
4 that in your presentation, then, where it had to be a  
5 unanimous vote?

6 SANDY CHESNUT: That was for them to skip a step  
7 on the penalty matrix for suspension.

8 COMMISSIONER BOSARGE: I still think that if we  
9 had a decent penalty matrix -- you know, it just appears  
10 to me that...

11 SANDY CHESNUT: Well, if you want a penalty  
12 matrix, decide right now which offenses you want the  
13 Commission to hear. The Commission needs to decide that,  
14 and, then, we can write a penalty matrix for those  
15 offenses.

16 If they have to go through every regulation,  
17 every statute, every offense that they could possibly do,  
18 it is going to be a hundred page document.

19 COMMISSIONER BOSARGE: I think you could  
20 probably --

21 SANDY CHESNUT: (Interposing) You might be able  
22 to do it in sixty.

23 COMMISSIONER BOSARGE: Yes, I believe so, but,  
24 to me, it would give clarity, and, then, everybody is on  
25 the same page.

1 SANDY CHESNUT: And you are still going to come  
2 up with cases that you did not think about, in that sixty  
3 pages.

4 There are cases that the feds haven't thought  
5 about in there.

6 COMMISSIONER BOSARGE: Yes, possibly. There is  
7 always a possibility.

8 I just don't -- you know, I just want to be sure  
9 we are fair. It is my industry that we are targeting.

10 COMMISSIONER GUESS: I don't think anybody is  
11 targeted. This is what we have to do.

12 COMMISSIONER BOSARGE: But all these laws,  
13 everything that we are talking about here has to do with  
14 tags, permits and similar provisions, endorsements.

15 In other words, there are only commercial  
16 fishermen that have those. Nobody else. That is my  
17 industry.

18 COMMISSIONER GUESS: Okay. I just feel like  
19 people just get defensive. Nobody is against commercial  
20 fishery, but, I mean, there have been things that have  
21 come up and we have to figure out a plan.

22 COMMISSIONER BOSARGE: I agree.

23 COMMISSIONER GUESS: If it is creating a matrix,  
24 then, we need to establish that, and let's just move  
25 forward and figure out which cases we want to hear. That

1 way, we can stop arguing and start going back and forth  
2 about the penalties because we are not going to get  
3 anywhere. We are just going to keep going in circles.

4 COMMISSIONER DANIELS: I don't think that you  
5 can sit here today and say we want to see cases A, B and  
6 C. That is just too broad, too wide to carve out in one  
7 sitting what cases you want to see because as soon as that  
8 happens, there is going to be a loophole, or there is  
9 going to be a manipulation of the law, and that is going  
10 to stand outside of what we have put down.

11 COMMISSIONER BOSARGE: And, Ronnie, have you  
12 given any thought to -- I mean, right now it's not the  
13 case, but, in the future, it could be the case to where  
14 your industry would be the one that is being looked at  
15 hard and it could be some of your people that are coming  
16 up for administrative penalties, and I know, oh, yes, if  
17 they are doing wrong, we will fine them. That's right,  
18 but you need to give that a long hard thought.

19 I know you are new to the charter boat industry  
20 and you are new to the industry and you haven't been here  
21 a long time, but still and all you need to give that some  
22 thought.

23 That is my point. In other words, I just want  
24 to be fair to everybody.

25 COMMISSIONER DANIELS: Yes, but, Steve, what I

1 was trying to say I have been in a hundred percent  
2 agreement with you from the start.

3 whenever we -- what we had already done, I  
4 thought the original language was too broad, far too  
5 broad. It did have the ability to be used wrongly, but I  
6 think we have to have the ability to put stronger  
7 penalties.

8 If I get caught coming in and I miss measuring a  
9 fish and I've got one fish under the size limit, that was  
10 my mistake. I will pay a fine.

11 Should I run the risk of losing my license  
12 forever, no, but I should have to pay a fine.

13 I promise you the next time I go out, I am going  
14 to make sure that there is not anything under size in  
15 there. That is not the guy that we are talking about.

16 The guy we are talking about is the one that  
17 leaves the dock saying, I know what I am going to do is  
18 wrong, but I am going to go do it anyway. Those people  
19 are out there. They will be out there as long as we have  
20 stuff going on.

21 COMMISSIONER BOSARGE: But, Ronnie, they are in  
22 every industry now. They are in your industry and in  
23 every industry.

24 COMMISSIONER DANIELS: You may point the finger  
25 at me and threaten my industry, but at the end of the day,

1 if they are breaking the law, they need to be dealt with.  
2 I will stand behind that all day long.

3 COMMISSIONER BOSARGE: I agree. I agree, but  
4 how would you like it if you had a bunch of folks that  
5 felt like that that one fish you caught was so egregious  
6 that we need to suspend your license for three months?

7 Do you see what I'm saying?

8 And I'm not saying any of these people in here  
9 could do it, but you don't know what is going to happen  
10 years from now with a different makeup of a different  
11 Commission different enforcement that that could possibly  
12 happen.

13 We just need to put protections in place where  
14 that cannot happen.

15 COMMISSIONER HAVARD: There is no way to put  
16 anything permanently in place.

17 Sandy, in my opinion, we can add recreational  
18 and commercial names into this verbiage, if you want to,  
19 because it makes no difference what --

20 COMMISSIONER BOSARGE: (Interposing) Sandy  
21 walked out, Mark. Hold on just a minute. Hang on. She  
22 is coming back. Hold on.

23 I'm sorry. She is back in here now.

24 COMMISSIONER HAVARD: Sandy, if that is the  
25 case, if we feel like it is one sided here, add the

1 language in there that says recreational and commercial,  
2 all fishermen.

3 It doesn't make a difference to me, but we have  
4 been discussing this for about an hour now.

5 I think it is time that a motion is made.

6 Do we have any motions on the table?

7 (No response.)

8 COMMISSIONER HAVARD: If not, I would like to  
9 make a motion for the staff to take the proposed language  
10 establishing the penalty matrix for the administrative  
11 action out for Notice of Intent.

12 COMMISSIONER GUESS: Are we adding recreational  
13 into that?

14 COMMISSIONER HAVARD: what is that?

15 COMMISSIONER GUESS: Is there a way to add  
16 recreational into that?

17 KEITH DAVIS: I don't think you have to. That's  
18 not --

19 SANDY CHESNUT: (Interposing) If there is a  
20 regulatory program requirement that the Commission gives  
21 for recreational, or commercial, it is already covered  
22 under the language.

23 COMMISSIONER DANIELS: Do we have a second for  
24 Mark's motion?

25 If not, I will second it.

1 COMMISSIONER HAVARD: We have a motion and a  
2 second.

3 All those in favor say aye.

4 (Commissioner Daniels, Commissioner Guess,  
5 Commissioner Havard in favor.)

6 COMMISSIONER HAVARD: All those opposed say nay.  
7 (Commissioner Bosarge opposed.)

8 COMMISSIONER HAVARD: Motion moves.

9 That moves us on to Item D, the Commissioners  
10 Report.

11 Do we have any reports that we would like to  
12 discuss at this time?

13 (No response.)

14 COMMISSIONER HAVARD: No other Commissioners  
15 reports.

16 Do we have any other business that needs to be  
17 discussed?

18 (No response.)

19 COMMISSIONER HAVARD: No other business.

20 Do we have any public comments.

21 JOE SPRAGGINS: We only have one person from the  
22 public.

23 Bradley, do you have any comment?

24 ???: No, sir.

25 JOE SPRAGGINS: No comment from him, sir.

1           COMMISSIONER HAVARD: All right. We will hear  
2 it at this time.

3           JOE SPRAGGINS: He has no comment.

4           COMMISSIONER HAVARD: We have no comment.  
5 At this time, do we have a motion to adjourn?

6           COMMISSIONER DANIELS: I'll make that motion.

7           COMMISSIONER HAVARD: We have a motion.  
8 Do we have a second?

9           COMMISSIONER GUESS: I'll second.

10          COMMISSIONER HARVARD: We have a motion and a  
11 second.

12          All those in favor say aye.

13          (All in favor.)

14          COMMISSIONER HAVARD: Opposed?

15          (None opposed.)

16          COMMISSIONER HAVARD: Motion moves.

17          Thank you guys for taking the time out of your  
18 day to come and join us today. I think there was a lot of  
19 good discussion. We've got a lot of things out there on  
20 the table and we are making moves in the right direction.

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CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing pages are a true and correct transcription of the audio of the October 28, 2019, work session of the Commission on Marine Resources, to the best of my skill and ability; and, further, that I am not a relative, employee, or agent, of any of the parties thereto, nor financially interested in the cause.

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