

# Revocation of Commercial License Held by Longs Seafood Market

OREGON FISH AND WILDLIFE COMMISSION MEETING  
12/15/23



KEN LOFFINK, ASD ADMINISTRATOR  
JEANNINE SMITH, LICENSE SERVICES MANAGER

## Rules and Statutes Summarized

- ▶ ORS 508.485 (1)(a)
  - ▶ Commission may revoke commercial fishing licenses or permits for the remainder of the license or permit year, and may refuse issuance of commercial licenses or permits for any period not to exceed one year from date of license or permit revocation:
    - ▶ Upon conviction of any person in violation of any commercial fishing laws or rules
  
- ▶ OAR 635-006-0235
  - ▶ In accordance with ORS 508.485, upon the third conviction within three years of any commercial fishing laws, by any person, the Commission shall initiate contested case proceedings to revoke, or refuse to issue, licenses issued under the commercial fishing laws.

## Rules and Statutes Continued

3

- ▶ OAR 635-006-0235 (7)
  - ▶ "In deciding whether to revoke or refuse to issue a license, the commission shall consider:
    - ▶ The gravity of the most recent offense, including whether the offense was a felony and whether the offense involved a closed season, closed area, or unlawful gear;
    - ▶ The gravity of the other commercial fishing offenses of which the person has been convicted or forfeited bail;
    - ▶ The impact of the offense on the fisheries resources of the state or, where relevant, on the State of Washington, including consideration of the species involved;
    - ▶ Whether the person also has been convicted of or forfeited bail for violations of the Wildlife laws of the State of Oregon.

3

## Findings of Fact

4

- ▶ Longs Seafood Market currently holds a 2023 Wholesale Fish Dealer License #106SB.
- ▶ Since 2021, Longs Seafood Market has been convicted of five violations of Oregon's commercial fishing laws, including four convictions that occurred in 2022
- ▶ ODFW initiated contested case proceedings to revoke commercial fishing licenses held by Longs Seafood by issuance of a Notice of Intent to Revoke Commercial Fishing Licenses on September 29th, 2023.

4

## Staff Recommendation

5

- ▶ All criteria for the Commission to revoke commercial licenses and refuse issuance of licenses have been met.
- ▶ Without Commission intervention violations are likely to continue to occur.
  - ▶ Illegal take adds uncertainty to closely managed fisheries, impacting viability and sustainability of resources.
  - ▶ Repeated offenses reduces the incentive for businesses to operate consistent with commercial fishing laws, which could have further implications for our resources.
- ▶ ODFW recommends that the Commission, by issuance of a final order, revoke the 2023 Wholesale Fish Dealer License held by Longs Seafood for the remainder of 2023 and refuse issuance of commercial fishing licenses to Longs Seafood for one year from the date of issuance of the final order.

5

## Draft Motion

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"I move that the Commission revoke the 2023 Wholesale Fish Dealer License #106SB held by Longs Seafood for the remainder of 2023, and to refuse issuance of commercial fishing licenses or permits for a period of one year from the date of issuance of the default final order."

6