



***United States Attorney
District of New Jersey***

FOR IMMEDIATE RELEASE

December 16, 2011

www.justice.gov/usao/nj

CONTACT: Rebekah Carmichael
Office of Public Affairs
(973) 645-2888

**COMMERCIAL FISHING OPERATION CHARGED WITH CONSPIRACY TO
FALSIFY RECORDS IN CONNECTION WITH OVERHARVESTING OF
SEA SCALLOPS OFF NEW JERSEY COAST**

NEWARK, N.J. - A Maine seafood company, one of its owners, and four fisherman were charged today in a conspiracy to falsify records and obstruct justice in connection with overharvesting Atlantic Sea Scallops off the coast of New Jersey, U.S. Attorney Paul J. Fishman announced.

A criminal Complaint charges D.C. Air & Seafood Inc., a seafood wholesaler based in Winter Harbor, Maine, and five individuals, with conspiring to prepare false reports to conceal the overfishing. The Complaint was ordered unsealed by U.S. Magistrate Judge Michael Shipp in Newark federal court. The defendants' initial appearances in court are being scheduled for a later date.

The individuals charged are: Christopher Byers, 39, of Winter Harbor, Maine, an owner of D.C. Air & Seafood; fishermen George Bamford, 37, of Harrington, Maine; Robert E. Hersey Jr., 41, of Harpswell, Maine; Daniel Mahoney, 48, of Harrington, Maine; and Michael McKenna, 35, of Steuben, Maine.

According to the Complaint, from March 2007 through March 2008, Byers owned a wholesale seafood business that purchased Atlantic Sea Scallops harvested by federally permitted vessels in the Elephant Trunk Access Area. The Elephant Trunk Access Area is a large sea scallop fishing ground off the mid-Atlantic coast, which is managed by the National Oceanic and Atmospheric Administration (NOAA) and which was open to limited scallop fishing by federally permitted vessels for two-week periods in March of 2007 and 2008. During those periods, individual vessels were restricted to harvesting no more than 400 pounds of scallops per vessel per trip. Vessels operated by Bamford, Hersey, Mahoney and McKenna harvested thousands of pounds of scallops over the legal limit during the two-week periods in 2007 and 2008 for purchase by D.C. Air & Seafood. The scallops were off-loaded in Atlantic City, N.J. from the fishing vessels to trucks used by Byers and D.C. Air & Seafood.

According to the Complaint, D.C. Air & Seafood and Byers conspired with Bamford, Hersey, Mahoney and McKenna to conceal the overharvesting of scallops by preparing Fishing Vessel Trip Reports – required by NOAA – which falsely represented that the amount of scallops harvested on certain vessel trips was 400 pounds or less.

Under the conspiracy count with which the defendants are charged, the maximum

potential penalty for the individuals is five years in prison and a \$250,000 fine. The maximum penalty for the company is up to five years of probation and a fine in an amount that is the greater of \$500,000 or twice the gross gain.

U.S. Attorney Fishman credited special agents of NOAA, under the direction of Special Agent in Charge Robert L. Gregory, with the investigation leading to the charges.

The government is represented by Assistant U.S. Attorney Kathleen P. O'Leary of the U.S. Attorney's Office Health Care and Government Fraud Unit in Newark.

The charges and allegations contained in the Complaint are merely accusations and the defendants are considered innocent unless and until proven guilty.

11-508

###