



Hon. Charles B. Swartwood, III (ret.)
SPECIAL MASTER
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October 14, 2011

Honorable Rebecca M. Blank
Acting Secretary of Commerce
thesec@doc.gov

Re: Special Master Investigation of NOAA Enforcement Action

Dear Secretary Blank:

This is a follow-up report of my progress to date in connection with my investigation, as Special Master, of NOAA enforcement complaint applications filed with me in accordance with Secretary Locke's Decision Memorandum, dated March 16, 2011.

I am investigating a total of sixty six (66) complainant applications, which is one more than reported to you in my August 17, 2011 letter. I accepted one (1) additional late filed application because he had previously filed a complaint with the OIG on March 11, 2011, which was later forwarded to me by the OIG. I then requested by letter that the complainant complete an application which he did not receive until after the filing deadline. The complainant had a legitimate explanation for not having received my letter and upon receipt, immediately filed his application.

With few exceptions, we have completed our review of NOAA documents. I anticipate going back to Gloucester next month for a follow-up review of three (3) or four (4) case files.

To date, I have interviewed thirty-three (33) complainants and their witnesses.

I have prepared twenty-two (22) summary of provisional facts based upon a review of the claimants' applications, relevant NOAA files and my interview of the complainants. These summaries have been forwarded to Mr. Michael Fry, Special Agent in the Office of Law Enforcement, who in turn, will forward them to the interested Special Agents/Enforcement Attorneys for their review and comment.

Special Agents and Enforcement Attorneys have been requested to respond to these summaries within two (2) weeks. If they need an extension of time to respond, I will work with them to accommodate that request.

My assistants and I have already started reviewing case files and interviewing witnesses in a second group of twenty-two (22) cases.

At this time, I cannot estimate how long it will take to complete the investigation, but will have a much better idea by the end of next month.

Very truly yours,

Charles B. Swartwood, III

cc: Cameron F. Kerry, General Counsel (ckerry@doc.gov)
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