

STAFF SUMMARY FOR JUNE 10-11, 2015

11. TROY TECKLENBURG (CONSENT)**Today's Item**Information Action

Permanently revoke commercial fishing license and lobster operator permit for Troy L. Tecklenburg of Huntington Beach.

Summary of Previous/Future Actions (N/A)**Background**

The California Department of Fish and Wildlife has requested that FGC permanently revoke Troy L. Tecklenburg's Commercial Fishing License Number L84668 and Lobster Operator Permit Number LOT909 (Exhibit 1). DFW sent a warden to Mr. Tecklenburg's home in early April 2015 to deliver its accusation; no one answered the door. DFW then sent the accusation via certified mail to the mailing address on file; a USPS notice was left at Mr. Tecklenburg's address on April 17. California Government Code, Section 11505(c) states, in part, that "Service by registered mail shall be effective if a statute or agency rule requires the respondent to file the respondent's address with the agency and to notify the agency of any change, and if a registered letter containing the accusation...and accompanying material is mailed, addressed to the respondent at the latest address on file with the agency." Mr. Tecklenburg's response to the accusation was required within 15 days of delivery if he wished to appeal DFW's request; he did not respond.

FGC staff sent Mr. Tecklenburg a letter both certified and regular mail as a pre-meeting notification of FGC's potential action on June 10 (Exhibit 2); he contacted FGC staff by phone to indicate that he was in Canada during the time the certified mail delivery attempts of the accusation were made. However, staff has also been notified by DFW Office of the General Counsel that DFW wardens personally interacted with Mr. Tecklenburg on his boat during the same time frame (Exhibit 3).

Mr. Tecklenburg has violated the California Fish and Game Code numerous times, was convicted twice, and has a third case pending. In Sep 2014, Mr. Tecklenburg's commercial lobster privileges were temporarily suspended for failure to appear at a hearing; the suspension ended in Dec 2014 when the case concluded and Mr. Tecklenburg paid \$521 in fines.

In recognizing Mr. Tecklenburg's waiver of his right to a hearing for failure to timely file a notice of defense, FGC may (1) permanently revoke his commercial fishing license and/or his lobster operator permit as requested by DFW or (2) in its discretion grant him a hearing through the Office of Administrative Hearings, and/or temporarily suspend Mr. Tecklenburg's commercial fishing license and/or lobster operator permit until the hearing process is complete. If FGC chooses to grant Mr. Tecklenburg a hearing, staff recommends this agenda item be moved to the Aug 4-5, 2015 meeting for further discussion since for the Jun 10-11 meeting it is listed as a consent item for permanent revocation.

Significant Public Comments (N/A)

STAFF SUMMARY FOR JUNE 10-11, 2015

Recommendation

FGC staff: Support DFW's recommendation.

Committee: N/A

DFW: Permanently revoke Troy Tecklenburg's Commercial Fishing License Number L84668 and Lobster Operator Permit Number LOT909.

Exhibits

1. DFW accusation against Mr. Troy Tecklenburg, received Apr 7, 2015
2. FGC letter to Mr. Tecklenburg, without enclosure, sent May 20, 2015
3. DFW letter to FGC, dated May 27, 2015

Motion/Direction

Moved by _____ and seconded by _____ that the Commission adopts the Consent Calendar, items 8-11.

OR

Moved by _____ and seconded by _____ that the Commission moves consideration of DFW's request to permanently revoke Troy L. Tecklenburg's commercial fishing license and lobster operator permit to the August 4-5, 2015 meeting for further consideration.

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COMMISSION
2015 APR -7 PM 2:57

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5 Attorney for the DEPARTMENT OF FISH AND WILDLIFE
6

7
8 OFFICE OF ADMINISTRATIVE HEARINGS
BEFORE THE FISH AND GAME COMMISSION
9

10 In the Matter of the Accusation Against)
11 Troy Tecklenburg,) STATEMENT TO RESPONDENT
12 Respondent.)
13)
14)

15
16 TO THE RESPONDENT ABOVE NAMED:

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18 There is attached hereto a copy of the Accusation that has been filed with the office of the
19 Fish and Game Commission (Commission) and is hereby served on you.

20
21 Unless a written request for a hearing signed by you or on your behalf is delivered or
22 mailed to the Commission within 15 days after a copy of the Accusation was personally served
23 on you or mailed to you, you will be deemed to have waived your right to a hearing in this
24 matter, and the Commission may proceed on the Accusation without a hearing and may take
25 action on it as provided by law.

1 The request for hearing may be made by delivering or mailing one of the enclosed forms
2 entitled "Notice of Defense" or by delivering or mailing a Notice of Defense as provided in
3 Government Code section 11506 to:

4 Fish and Game Commission
5 1416 9th St., Room 1320
6 Sacramento, California 95814

7 You may but need not be represented by counsel at any or all stages of these proceedings.

8
9 The enclosed Notice of Defense, if signed and filed with the Commission, shall be
10 deemed a specific denial of all parts of the Accusation, but you will not be permitted to raise any
11 objection to the form of the Accusation unless you file a further Notice of Defense as provided in
12 Government Code section 11506 within 15 days after service of the Accusation on you.

13
14 If you file any Notice of Defense within the time permitted, a hearing will be had on the
15 charges made in the Accusation.

16
17 The hearing may be postponed for good cause. If you have good cause, you are obliged
18 to notify the agency or, if an administrative law judge has been assigned to the hearing, the
19 Office of Administrative Hearings, within ten working days after you discover the good cause.
20 Failure to give notice within ten days will deprive you of a postponement.

21
22 Copies of Government Code sections 11507.5, 11507.6 and 11507.7, are attached.

23
24 If you desire the names and addresses of witnesses or any opportunity to inspect and copy
25 the items mentioned in Government Code section 11507.6 in possession, custody, or control of
the Department of Fish and Wildlife, you may contact:

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David Kiene
Department of Fish and Wildlife
Office of the General Counsel
1416 9th St., 12th Floor
Sacramento, California 95814
Telephone: (916) 654-3821

Attachments:

Accusation

Notice of Defense

Government Code sections 11507.5, 11507.6 and 11507.7

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3 (916) 654-3805 (fax)
E-mail: David.Kiene@wildlife.ca.gov
4 State Bar No. 215721

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6 Attorney for the DEPARTMENT OF FISH AND WILDIFE¹

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8 OFFICE OF ADMINISTRATIVE HEARINGS
BEFORE THE FISH AND GAME COMMISSION

9
10 In the Matter of the Accusation Against)
11 Troy Tecklenburg,) ACCUSATION
12 Respondent.)
13)
14)
15)

16 **PARTIES**

17 1. Complainant Department of Fish and Wildlife (“Department”) brings this Accusation
18 solely in its official capacity and not otherwise.

19
20 2. On or about March 25, 2015, the Department issued a Commercial Fishing License and
21 Lobster Operator Permit (collectively, “Commercial Fishing Entitlements”) to Troy Tecklenburg
22 (“Respondent”). The Commercial Fishing Entitlements are in full force and effect at all times
23 relevant in this Accusation. On or about January 14, 2015, the Department issued a sport fishing
24 license to the Respondent.

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¹ Effective January 1 2013, the Department of Fish and Game became the Department of Fish and Wildlife.

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JURISDICTION

3. This Accusation is brought before the Fish and Game Commission ("Commission") under the authority of the following laws.

4. Fish and Game Code, section 86, which states:

"Take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

5. Fish and Game Code, section 1054, subdivision (a) ("Section 1054(a)"), which states:

It is unlawful to submit, or conspire to submit, any false, inaccurate, or otherwise misleading information on any application or other document offered or otherwise presented to the department for any purpose, including, but not limited to, obtaining a license, tag, permit, or other privilege or entitlement pursuant to this code or regulations adopted thereto.

6. Fish and Game Code, section 7857, subdivision (b) ("Section 7857(b)"), which states:

The commission after notice and opportunity for hearing, may suspend, revoke, or cancel commercial fishing privileges for a period of time to be determined by the commission for the following reasons:

- (1) The person was not lawfully entitled to be issued the license, permit, or other entitlement.
- (2) A violation of this code, the terms of the permit or other entitlement, or the regulations adopted pursuant thereto, by the licensee, permittee, person holding the entitlement, or his or her agent, servant, employee, or person acting under the licensee's, permittee's, or entitled person's direction or control.
- (3) A violation of any federal law relating to the fishery for which the license, permit, or other entitlement was issued by the licensee, permittee, person holding the entitlement, or his or her agent, servant, employee, or person acting under the licensee's, permittee's or entitled person's direction or control.

7. Fish and Game Code, section 8033, subdivision (a) ("Section 8033(a)"), which states:

Except as provided in Section 8033.1 or 8033.5, or subdivision (c) of Section 8047, any person who purchases or receives fish for commercial purposes from a fisherman who is required to be licensed under Section 7850, or any person who

1 removes fish from the point of the first landing that the person has caught for his
2 or her own processing or sale, shall obtain a fish receiver's license.

3 8. Fish and Game Code, section 8251 ("Section 8251"), which states:

4 Spiny lobsters may be taken only between the first Wednesday in October and the
5 first Wednesday after the 15th of March. Lobster traps may be set and baited 24
6 hours in advance of the opening date of the lobster season if no other attempt is
7 made to take or possess the lobsters.

8 9. Fish and Game Code, section 8252 ("Section 8252"), which states:

9 No spiny lobster less than three and one-quarter inches in length measured in a
10 straight line from the rear edge of the eye socket to the rear edge of the body shell,
11 both points to be on the midline of the back, may be taken, possessed, purchased,
12 or sold.

13 Every person taking spiny lobster shall carry a measuring device and shall
14 measure any lobster immediately on removal from his trap and if it is found to be
15 undersize the lobster shall be returned to the water immediately.

16 10. Fish and Game Code, section 9004 ("Section 9004"), which states:

17 Every trap shall be raised, cleaned, serviced, and emptied at intervals, not to
18 exceed 96 hours, weather conditions at sea permitting, and no trap shall be
19 abandoned in the waters of this state.

20 11. Fish and Game Code, section 12002, subdivision (d)(1) ("Section
21 12002(d)(1)"), which states:

22 A license, tag, stamp, reservation, permit, or other entitlement or privilege issued
23 pursuant to this code to a defendant who fails to appear at a court hearing for a
24 violation of this code, or who fails to pay a fine imposed pursuant to this code,
25 shall be immediately suspended or revoked. The license, tag, stamp, reservation,
permit, or other entitlement or privilege shall not be reinstated or renewed, and no
other license, tag, stamp, reservation, permit, or other entitlement or privilege
shall be issued to that person pursuant to this code, until the court proceeding is
completed or the fine is paid.

12. California Code of Regulations, title 14, section 28.30 subdivision (a) ("Section
28.30(a)"), which states:

1 Kelp Bass, Barred Sand Bass and Spotted Sand Bass.

2 (a) Minimum size: Fourteen inches total length or ten inches alternate length.

3 13. California Code of Regulations, title 14, section 122, subdivision (n) ("Section 122(n)"),
4 which states:

5 (n) During the closed season for the taking of spiny lobster, no buoy attached to any trap
6 may be marked in such manner as to identify the trap as a lobster trap, except that legally
7 marked lobster traps may be placed in the water not more than six (6) days before the
8 opening of the season and may remain in the water for not more than six (6) days after
the close of the season, if the door or doors to such traps are wired open, the trap is
unbaited, the buoy remains at the surface of the ocean, and no attempt is made to take
spiny lobsters.

9 14. Title 14, section 746, which states in part:

10 Except where revocation, suspension, transfer, reinstatement or waiver of renewal
11 requirement procedures are specifically provided for by the Fish and Game Code or
12 regulations made pursuant thereto, the commission, pursuant to the provisions of
13 Section 309 of the Fish and Game Code, shall comply with the following minimum
14 safeguards to afford each applicant, licensee or permittee procedural and substantive
due process when the commission considers revocation, suspension, transfer,
reinstatement or waiver of renewal requirements for a license or permit including
hunting and sport fishing license or permit privileges.

15 (a) In the case where the applicant, licensee or permittee has already been
16 convicted of a violation of the Fish and Game Code or any regulation
17 pertaining to the activity licensed or permitted by said code, the
commission shall comply with the following:

18 (1) The commission's president may appoint a commissioner, the
19 commission's legal counsel, a former Executive Director of the
20 commission, or a member of the State Bar of California with at
least ten years' experience in the active practice of law and
determined qualified by the president, to serve as a hearing officer.

21 (2) The hearing shall be held at such time and location determined by
22 the hearing officer with due consideration for the convenience of
23 the parties and the ends of justice. The hearing officer may engage
in exparte communications with the parties for the purpose of
setting a time and place of hearing.

24 (3) The commission shall notify the applicant, licensee or permittee,
25 by certified letter, of the commission's intent to consider the
revocation or suspension of his or her license or permit privileges.
The certified letter shall include the following information:

- 1 (A) Name of applicant, licensee or permittee and last known
2 address the Department of Fish and Game has on file.
- 3 (B) Date, time and place of scheduled hearing.
- 4 (C) Reason for potential commission action, including a
5 statement as to the date and fact of conviction.
- 6 (D) A copy of Section 746, Title 14, California Code of
7 Regulations.
- 8 (E) A statement that the applicant, licensee or permittee has the
9 right to appear and to be represented by counsel.
- 10 (F) A statement that any continuance of the scheduled hearing
11 date may be obtained only through compliance with
12 subsection (d) of Section 746, Title 14, California Code of
13 Regulations.
- 14 (4) The proceedings of the hearing shall be recorded by a court
15 reporter or an electronic tape recording system.
- 16 (5) The hearing shall be conducted by the hearing officer who shall
17 control the nature and order of the proceedings.
- 18 (6) At the hearing, the hearing officer shall read the conviction
19 documents. The department shall provide the hearing officer with
20 the background information regarding the violation and conviction
21 and shall submit into the record a copy of a document which
22 includes the facts of the conviction of a violation of regulation or
23 statute.
- 24 (7) The applicant, licensee or permittee shall make his or her statement
25 regarding the violation and conviction, and may argue that
extenuating circumstances were such as to not warrant the loss of
his or her license or permit privileges.
- (8) The hearing officer may examine any party or witness.
- (9) Within 30 days of the conclusion of the hearing, the hearing officer
shall prepare and submit to the executive director a proposed
decision which shall include proposed findings or reasons for the
commission's action.
- (10) Upon receipt of the proposed decision, the commission shall
provide counsel or, if appearing pro se, the applicant, licensee or

1 permittee, by certified mail, a copy of the hearing officer's
2 proposed decision.

3 (11) At a meeting of the commission, no later than 60 days following
4 receipt of the hearing officer's proposed decision, the commission
5 shall consider adoption of the proposed decision. The commission
6 may by order adopt, revise or reject the proposed decision. The
7 commission shall serve counsel or, if appearing pro se, the
8 applicant, licensee or permittee, by certified mail, a copy of the
9 commission's order and decision. The order is final.

10 (12) The applicant, licensee or permittee may request judicial review by
11 filing a petition for writ of mandate in accordance with provisions
12 of the Code of Civil Procedure within 30 days from the date of
13 service (postmark) of the order. The record of the proceedings as
14 designated by the petitioner shall be prepared by the commission
15 and delivered to petitioner's counsel or, if appearing pro se, the
16 petitioner within 30 days after petitioner's request and upon
17 payment of the fee specified in Section 69950 of the Government
18 Code.

19 **FIRST CAUSE FOR DISCIPLINE**

20 15. Respondent is subject to disciplinary action under Section 7857(b) in that Respondent
21 violated Sections 8252, a violation for which the Commercial Fishing Entitlements may be
22 revoked. The circumstances are as follows:

23 a. On or about February 14, 2015, Respondent possessed three undersized lobsters
24 aboard his vessel, the *Bloodline*. The criminal case is pending in the Superior Court of Los
25 Angeles County.

26 **SECOND CAUSE FOR DISCIPLINE**

27 16. Respondent is subject to disciplinary action under Section 7857(b) in that on or about
28 October 3 2014, in a criminal proceeding titled *People v. Troy Tecklenburg* in the Superior Court
29 of California, County of Los Angeles, Case Number 4CN00035, Respondent was convicted of

1 violating Section 8252, a violation for which the Commercial Fishing Entitlements may be
2 revoked. The circumstances are as follows:

3 a. On or about March 14, 2014, Respondent possessed 18 undersized lobsters in
4 violation of Section 8252.

5 b. On or about October 3, 2014, Respondent was sentenced for this violation, and
6 others described in this Accusation, as follows: imposition of sentence suspended; probation
7 imposed for a period of 12 months; ordered to pay fines and restitution in the amount of \$671.
8

9 **THIRD CAUSE FOR DISCIPLINE**

10 17. Respondent is subject to disciplinary action under Section 7857(b) in that Respondent
11 violated Sections 7145(a), a violation for which the Commercial Fishing Entitlements may be
12 revoked, and for which he was cited. The circumstances are as follows:

13 a. On or about March 25, 2014, Respondent possessed a halibut that he had taken without a
14 sport fishing license, in violation of Section 7145(a).
15

16 **FOURTH CAUSE FOR DISCIPLINE**

17 18. Respondent is subject to disciplinary action under Section 7857(b) in that Respondent
18 violated Sections 1054(a), a violation for which the Commercial Fishing Entitlements may be
19 revoked. The circumstances are as follows:

20 a. On or about March 25, 2014, Respondent informed a warden that he had a then current
21 2014 sport fishing license, but not in his possession. Respondent had no current sport fishing
22 license.
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1 **FIFTH CAUSE FOR DISCIPLINE**

2 19. Respondent is subject to disciplinary action under Section 7857(b) in that on or about
3 January 9, 2014, in a criminal proceeding titled *People v. Troy Tecklenburg* in the Superior Court
4 of California, County of Los Angeles, Case Number 2060903, Respondent pled no contest to a
5 violation of Section 28.30, a violation for which the Commercial Fishing Entitlements may be
6 revoked. The circumstances are as follows:

7 a. On or about May 17, 2013, Respondent possessed a barred sand bass under 14
8 inches.

9 b. On or about May 17, 2013, Respondent (who failed to appear) was sentenced for
10 this violation, and others described in this Accusation, as follows: ordered to pay \$923.
11

12 **SIXTH CAUSE FOR DISCIPLINE**

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14 20. Respondent is subject to disciplinary action under Section 7857(b) in that Respondent
15 violated Section 122(n), a violation for which the Commercial Fishing Entitlements may be
16 revoked. The circumstances are as follows:

17 a. On or about March 27, 2013, Respondent left about 50 closed and baited lobster
18 traps in the water, seven days after the close of the 2012-2013 season, which occurred on March
19 20, 2013. Permittees may only leave open and unbaited lobster traps in the water a maximum of
20 six days after the season ends.
21

22 **SEVENTH CAUSE FOR DISCIPLINE**

23
24 21. Respondent is subject to disciplinary action under Section 7857(b) in that Respondent
25 violated Section 9004, a violation for which the Commercial Fishing Entitlements may be
revoked. The circumstances are as follows:

1 b. On or about March 27, 2013, Respondent raised, cleaned, serviced, and emptied about 50
2 lobster traps placed in the water. The last time he had raised, cleaned, serviced, and emptied his
3 trap was on March 20, 2013, seven days earlier. Permittees must raise, clean, service, and empty
4 traps at intervals, not to exceed 96 hours.

5
6 **EIGHT CAUSE FOR DISCIPLINE**

7
8 22. Respondent is subject to disciplinary action under Section 7857(b) in that Respondent
9 violated Section 8251, a violation for which the Commercial Fishing Entitlements may be
10 revoked. The circumstances are as follows:

11 c. On or about March 27, 2013, Respondent possessed lobsters in two traps, seven
12 days after the close of the season.

13
14 **Previous Disciplinary Action**

15 23. Pursuant to Section 12002(d)(1), on or about September 18, 2014, the Department
16 suspended Respondent's commercial lobster fishing privileges for failing to appear at a June 20,
17 2014 hearing (*People v. Troy Tecklenburg*, Superior Court of California, County of Los
18 Angeles, Case Number 4CN00035), until the court proceeding was completed and the fines were
19 paid. The suspension ended on or about December 10, 2014, when the case concluded and
20 Respondent paid \$521 in fines.

21
22 **PRAYER**

23 25. WHEREFORE, Complainant prays that a hearing be held on the charges and that
24 thereafter the Fish and Game Commission issues a decision:

25 (1) Permanently revoking Respondent's Commercial Fishing License and Lobster Operator
Permit.

1 (2) Warning Respondent not to commit any additional violation of the Fish and Game Code
2 or regulations adopted pursuant to the Fish and Game Code, or else his sport fishing privileges
3 could be suspended or revoked.

4 (3) Taking such other and further action as may be deemed just and proper.
5

6 Dated this 07 day of April, 2015

7  FOR

8 DAVID BESS,
9 CHIEF,
10 LAW ENFORCEMENT
11 DIVISION
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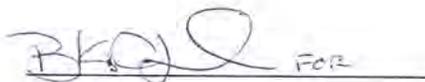
VERIFICATION

I, David Bess, the undersigned, say:

I am a party to this action; the above document is true of my own knowledge, except as to the matters that are stated in it on my information and belief, and as to those matters I believe it to be true.

I declare under penalty of perjury that the above is true and correct and that this declaration was executed on April 07, 2015, at 1416 Ninth St., Sacramento, CA 95814.

Date: 04/07/15

 FOR

DAVID BESS

Declarant

Government Code sections 11507.5-11507.7

11507.5. The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

11507.6. After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

11507.7. (a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

Government Code sections 11507.5-11507.7

11507.5. The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

11507.6. After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

11507.7. (a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

1 DAVID KIENE, STAFF COUNSEL
1416 9TH ST, 12TH FLOOR
2 SACRAMENTO, CA 95814
(916) 651-7646
3 (916) 654-3805 (fax)
e-mail: David.Kiene@wildlife.ca.gov
4 State Bar No. 215721

5
6 Attorney for the DEPARTMENT OF FISH AND WILDIFE

7
8 OFFICE OF ADMINISTRATIVE HEARINGS
BEFORE THE FISH AND GAME COMMISSION

9
10 In the Matter of the Accusation Against)
11 Troy Tecklenburg,)
12 Respondent.) NOTICE OF DEFENSE
(Under Govt. Code § 11506)
13)
14)
15)

16 I, the undersigned, the respondent named in the above-entitled proceeding, hereby
17 acknowledge receipt of a copy of the Accusation, Statement to Respondent, Government Code
18 sections 11507.5, 11507.6, and 11507.7, and two copies of a Notice of Defense.

19
20 I hereby request a hearing in said proceeding to permit me to present a defense to the
21 charges contained in said Accusation.

22
23 Date: _____
24 Troy Tecklenburg
Respondent

1 If you plan to be represented by counsel, please fill in the name, address, and telephone
2 number below.

3 Name: _____
4 Address: _____
5 _____
6 _____

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19
20 I hereby request a hearing in said proceeding to permit me to present a defense to the
21 charges contained in said Accusation.

22
23 Date: _____

Troy Tecklenburg
Respondent

1 If you plan to be represented by counsel, please fill in the name, address, and telephone
2 number below.

3 Name: _____
4 Address: _____
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Commissioners
Jack Baylis, President
Los Angeles
Jim Kellogg, Vice President
Discovery Bay
Richard Rogers, Member
Santa Barbara
Michael Sutton, Member
Monterey
Jacque Hostler-Carmesin, Member
McKinleyville

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

Fish and Game Commission



Wildlife Heritage and Conservation
Since 1870

CERTIFIED MAIL

May 20, 2015

Mr. Troy Tecklenburg

Huntington Beach, CA

Dear Mr. Tecklenburg:

This letter is regarding the permanent revocation of your Commercial Fishing License Number L84668 and Lobster Operator Permit Number LOT909, per the request of the California Department of Fish and Wildlife (Department).

In April 2015 The Department sent a warden to your home to deliver the accusation to you, but no one answered the door. At the same time, via certified mail, the Department mailed to your address on file its accusation and request for the California Fish and Game Commission (Commission) to permanently revoke your commercial fishing license and lobster operator permit (see enclosure); your response to the accusation was required within 15 days if you wished to appeal the Department's request.

The certified mail package sent to your address on file was not claimed. California Government Code, Section 11505(c) states, in part:

“Service may be proved in the manner authorized in civil actions. Service by registered mail shall be effective if a statute or agency rule requires the respondent to file the respondent's address with the agency and to notify the agency of any change, and if a registered letter containing the accusation or District Statement of Reduction in Force and accompanying material is mailed, addressed to the respondent at the latest address on file with the agency.”

As the holder of a commercial fishing license and lobster operator permit, you are required to keep current your address on file with the Department. Per Government Code, Section 11505(c), you have been served notice and the Commission did not

Troy Tecklenburg
May 20, 2015
Page 2 of 2

receive from you a request to appeal the requested revocation. Action on your license and permit revocation will be considered by the Commission at its June 10-11, 2015 meeting in Mammoth Lakes under consent. You will receive a copy of the final decision after the meeting.

If you have any questions or would like to discuss this matter, please contact Melissa Miller-Henson of my staff at 916.653.6184 or Melissa.Miller-Henson@fgc.ca.gov.

Sincerely,



Sonke Mastrup
Executive Director

Enclosure

ec: Christopher Ames, Office of the Attorney General, California Department of Justice,
Christopher.Ames@doj.ca.gov
California Department of Fish and Wildlife:
David Kiene, Office of the General Counsel, David.Kiene@wildlife.ca.gov
David Bess, Law Enforcement Division, David.Bess@wildlife.ca.gov
James Fong, License and Revenue Branch, James.Fong@wildlife.ca.gov
Vandella Campbell, License and Revenue Branch,
Vandella.Campbell@wildlife.ca.gov



May 27, 2015

California Fish and Game Commission
1416 Ninth Street, Room 1320
Sacramento, CA 95814

Subject: Troy Tecklenburg Lobster Operator Permit and Commercial Fishing License Revocations

Dear Commissioners:

Attached are materials in support of the Department of Fish and Wildlife's ("Department") Accusation in the matter of the *Accusation against Troy Tecklenburg* ("Accusation"), including conviction documents and wildlife officer narratives describing the facts of his violations. This matter is on the consent calendar of the agenda for the June 11-12, 2015 meeting. The Department is respectfully requesting that the Fish and Game Commission ("Commission") permanently revoke Mr. Tecklenburg's commercial fishing license and lobster operator permit, and issue a warning not to commit any additional violation of the Fish and Game Code or fishing regulations or else his sport fishing privileges could be suspended or revoked.

This revocation is before the Commission without a formal hearing because Mr. Tecklenburg has waived his right to a hearing. On April 14, 2015, the Department lawfully served him with the Accusation by sending it certified mail.¹ Mr. Tecklenburg received it on April 17, 2015, yet declined to send a Notice of Defense requesting a hearing within 15 days of receiving the Accusation.² In fact, Mr. Tecklenburg never bothered to claim the Accusation even after a wildlife officer personally contacted him and told him the Department had sent him time-sensitive materials. Mr. Tecklenburg acknowledged to the wildlife officer that he had received

¹ Government code, section 11505, subdivision (c) states, in part, "Service by registered mail shall be effective if a statute or agency rule requires the respondent to file the respondent's address with the agency and to notify the agency of any change, and if a registered letter containing the accusation or District Statement of Reduction in Force and accompanying material is mailed, addressed to the respondent at the latest address on file with the agency." Fish and Game Code, section 7857, subdivision (m) states, "A person who holds a commercial fishing license, permit, registration, or other entitlement, who moves or acquires a new address shall notify the department of the old and new addresses within three months of acquiring the new address."

² Government Code, section 11506 ("Section 11506"), subdivision (a) states, in part, "Within 15 days after service of the accusation or District Statement of Reduction in Force the respondent may file with the agency a notice of defense, or, as applicable, notice of participation, in which the respondent may: (1) Request a hearing." Section 11506, subdivision (c) states, in part, "The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense or notice of participation, and the notice shall be deemed a specific denial of all parts of the accusation or District Statement of Reduction in Force not expressly admitted. Failure to file a notice of defense or notice of participation shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

the Accusation and stated that he would open it. Mr. Tecklenburg also acknowledged seeing a different wildlife officer at his house several days earlier who had unsuccessfully attempted to serve him the Accusation because he refused to answer his door. On May 5, 2015, the United States Postal Service returned the unclaimed Accusation to the Department.

As described in the Accusation, Mr. Tecklenburg has committed multiple violations of the Fish and Game Code and regulations adopted pursuant to the Fish and Game Code. These violations include:

- February 14, 2015, possessing undersized lobster (the criminal case is pending), in violation of Fish and Game Code, section 8252.³ (“Section 8252”; Exhibit A.)
- March 25, 2014, possessing a halibut that he had taken without a sport fishing license, in violation of Fish and Game Code, section 7145, subdivision (a).⁴ (Exhibit B.)
- March 25, 2014, providing false information to a wildlife officer by saying he had possessed a sport fishing license, when he had no such license, in violation of Fish and Game Code, section 1054.⁵ (Exhibit B.)
- March 14, 2014, possessing 18 undersized lobster in violation of Section 8252. Mr. Tecklenburg was convicted of this violation on October 3, 2014. (Exhibit C.) Mr. Tecklenburg’s lobster operator permit was suspended September 18, 2014 until December 10, 2014, because he had failed to appear at a court hearing related to this violation. (Exhibit D.) Notwithstanding this suspension, Mr. Tecklenburg violated Section 8252 again on February 14, 2015 (see above).
- May 17, 2013, possessing a barred sand bass smaller than the 14 inch size limit, in violation of C.C.R., title 14, section 28.30.⁶ Mr. Tecklenburg was convicted of this violation on January 9, 2014. (Exhibit E.)
- March 27, 2013, Mr. Tecklenburg left about 50 closed and baited lobster traps in the water, seven days after the close of the 2012-2013 season, in violation of C.C.R., title 14,

³ Section 8252 states, in part, “No spiny lobster less than three and one-quarter inches in length measured in a straight line from the rear edge of the eye socket to the rear edge of the body shell, both points to be on the midline of the back, may be taken, possessed, purchased, or sold.”

⁴ Fish and Game Code, section 7145, subdivision (a) states, in part, “Except as otherwise provided in this article, every person 16 years of age or older who takes any fish, reptile, or amphibian for any purpose other than profit shall first obtain a valid license for that purpose and shall have that license on his or her person or in his or her immediate possession or where otherwise specifically required by law or regulation to be kept when engaged in carrying out any activity authorized by the license.”

⁵ Fish and Game Code, section 1054, subdivision (a) states, “It is unlawful to submit, or conspire to submit, any false, inaccurate, or otherwise misleading information on any application or other document offered or otherwise presented to the department for any purpose, including, but not limited to, obtaining a license, tag, permit, or other privilege or entitlement pursuant to this code or regulations adopted thereto.”

⁶ C.C.R., title 14, section 28.30 states, “Kelp Bass, Barred Sand Bass and Spotted Sand Bass. (a) Minimum size: Fourteen inches total length or ten inches alternate length. (b) Limit: Five in any combination of species.”

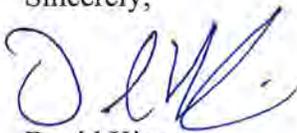
section 122, subdivision (n).⁷ Two of these traps contained lobsters, resulting in an additional violation of Fish and Game Code, section 8251.⁸ Also on this date, Mr. Tecklenburg raised, cleaned, serviced and emptied his traps seven days after previously raising, cleaning, servicing, and emptying his traps, in excess of the four days allowed between raising, cleaning, servicing, and emptying traps, in violation of Fish and Game Code, section 9004.⁹ (Exhibit F.)

Thus, Mr. Tecklenburg has shown that he cannot be trusted to follow fishing laws. Neither criminal convictions nor a suspension has deterred Mr. Tecklenburg, nor have such actions adequately protected fishery resources. Fish and Game Code, section 7857, subdivision (b)(2), states in part that the Commission may permanently revoke a commercial fishing entitlement for "A violation of this code, the terms of the permit or other entitlement, or the regulations adopted pursuant thereto."

To prevent further unlawful conduct and abuse of fishery resources, the Department respectfully requests that the Commission permanently revoke Mr. Tecklenburg's lobster operator permit, commercial fishing license, and warn him that an additional violation could jeopardize his ability to possess a sport fishing license.

If you have any questions, please do not hesitate to contact me at the above address, telephone number (916) 651-7646, or by e-mail at David.Kiene@wildlife.ca.gov.

Sincerely,



David Kiene
Senior Staff Counsel

⁷ C.C.R., title 14, section 122, subdivision (n), states, "During the closed season for the taking of spiny lobster, no buoy attached to any trap may be marked in such manner as to identify the trap as a lobster trap, except that legally marked lobster traps may be placed in the water not more than six (6) days before the opening of the season and may remain in the water for not more than six (6) days after the close of the season, if the door or doors to such traps are wired open, the trap is unbaited, the buoy remains at the surface of the ocean, and no attempt is made to take spiny lobsters."

⁸ Fish and Game Code, section 8251, states, in part, "Spiny lobsters may be taken only between the first Wednesday in October and the first Wednesday after the 15th of March."

⁹ Fish and Game Code, section 9004, states, "Every trap shall be raised, cleaned, serviced, and emptied at intervals, not to exceed 96 hours, weather conditions at sea permitting, and no trap shall be abandoned in the waters of this state."

Exhibit A

ARREST/INVESTIGATION REPORT

WPD 6a (10-98)

Region # SED Page 1 Of 5

| | | |
|--|--|---|
| DATE OF INCIDENT/OCCURRENCE 02/14/2015 | TIME (2400) 1315 | CITY/COUNTY/JUDICIAL Offshore San Pedro, Los Angeles County, Deukmejian Court House |
| "X" ONE | "X" ONE | TYPE OF REPORT ("X" APPLICABLE) |
| <input checked="" type="checkbox"/> Arrest Report <input type="checkbox"/> Formal Complaint | <input checked="" type="checkbox"/> Self Initiated <input type="checkbox"/> Complaint | <input checked="" type="checkbox"/> Commercial Fishing <input type="checkbox"/> Recreational Fishing |
| <input type="checkbox"/> Hunting | <input type="checkbox"/> Inland Pollution | <input type="checkbox"/> CalTIP |
| <input type="checkbox"/> Trapping | <input type="checkbox"/> Marine Pollution | <input type="checkbox"/> Other |

Suspect Information

| | | | |
|--|--|--|------------------------------|
| Name Suspect #1 (First, Middle, Last) Troy Leith Tecklenburg | Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F | Date of Birth (MM/DD/YY) [REDACTED] | Citation Number AD2065982 |
| Suspect Address (Street, Apt., City, State, Zip Code) [REDACTED] | | | Home Phone [REDACTED] |
| Business Address (Street, Apt., City, State, Zip Code) N/A | | | Business Phone -- |
| Identification Type ("X" APPLICABLE) <input checked="" type="checkbox"/> CDL/CID <input type="checkbox"/> Other State DL/ID <input type="checkbox"/> Other ID: Number: [REDACTED] | Suspect Description ("X" APPLICABLE) GENERAL: [REDACTED] HAIR: [REDACTED] EYES: [REDACTED] ETHNICITY: Height: [REDACTED] Weight: [REDACTED] | | |
| Vehicle Type ("X" APPLICABLE) <input type="checkbox"/> Auto <input checked="" type="checkbox"/> Vessel <input type="checkbox"/> Other | Description (Make, Model, Year, Color) FV BLOODLINE, [REDACTED] 28', 1983, Grey | License Plate Number/VIN [REDACTED] | |

| | | | |
|--|--|--------------------------|----------------------|
| Name Suspect #2 (First, Middle, Last) | Sex <input type="checkbox"/> M <input type="checkbox"/> F | Date of Birth (MM/DD/YY) | Citation Number |
| Suspect Address (Street, Apt., City, State, Zip Code) | | | Home Phone |
| Business Address (Street, Apt., City, State, Zip Code) N/A | | | Business Phone -- |
| Identification Type ("X" APPLICABLE) <input type="checkbox"/> CDL/CID <input type="checkbox"/> Other State DL/ID <input type="checkbox"/> Other ID: Number: | Suspect Description ("X" APPLICABLE) GENERAL: HAIR: EYES: ETHNICITY: Height: <input type="checkbox"/> Blu <input type="checkbox"/> Brn <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic Weight: <input type="checkbox"/> Gry <input type="checkbox"/> Red <input type="checkbox"/> None <input type="checkbox"/> Grn <input type="checkbox"/> Hzl <input type="checkbox"/> White <input type="checkbox"/> Other: | | |
| Vehicle Type ("X" APPLICABLE) <input type="checkbox"/> Auto <input type="checkbox"/> Vessel <input type="checkbox"/> Other | Description (Make, Model, Year, Color) | License Plate Number/VIN | |

Offenses and Charges

| | |
|---|--|
| <input checked="" type="checkbox"/> F&G <input checked="" type="checkbox"/> T-14 <input type="checkbox"/> Other: Section: 8252 Description: Commercial possession of short lobsters (3 counts) | <input type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other: <input type="checkbox"/> Section: Description: |
| <input type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other: Section: Description: | <input type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other: <input type="checkbox"/> Section: Description: |

Evidence Seized

| | |
|---|---|
| Evidence Description (Amount, Type, Serial Number, etc.) "X" ONE <input type="checkbox"/> Held <input type="checkbox"/> Returned <input type="checkbox"/> Destroyed <input checked="" type="checkbox"/> Other 3 undersized lobsters, returned to the water.. | Evidence Photographed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|---|---|

Case Synopsis

| |
|---|
| On 02/14/2015, while on skiff patrol, I boarded and conducted an inspection of the FV Bloodline, during the inspection I discovered three undersized CA spiny lobster in the possession of the owner / operator Troy Tecklenburg. |
|---|

See WPD 6b For Additional Suspect and Witness Information "X" ONE Yes NO

| | | | |
|--|--------------------|------------------------------|------|
| Preparer's Name and Badge Number A. Bagdasaryan # 820 | Date 02/20/2015 | Reviewer's Name Wes Boyle | Date |
|--|--------------------|------------------------------|------|

ARREST/INVESTIGATION REPORT

WPD 6a (10-98)

Region # SED Page 1 Of 5

Criminal History

On 03-25-2014, Warden A. Oratovsky #783 issued Tecklenburg a citation per Fish and Game Code (FGC), section 2002, unlawful possession of a halibut to wit FGC, section 7145(a), fishing without a sport fishing license in possession.

On 03-14-2014, Warden Holemo # 769 issued Tecklenburg a citation per FGC 8252- Commercial possession of short lobsters (18 counts), FGC 7850- Guest on commercial boat shall record his presence on commercial boat log, FGC 7856(f) - Sport fishing while on a commercial fishing trip, and CCR T-14 190- No commercial record kept for catch.

On 05-17-2013, Warden L. Arkininstall #819 issued Tecklenburg a citation per CCR T-14, section 28.30(a), possession of a sand bass less than 14 inches.

On 03-27-2013, Warden Oratovsky #783 issued Tecklenburg a citation for FGC 8251- Take of lobster out of season, FGC 9004-Failure to check traps within 96 hours, and CCR T-14 122(n)- Traps left past 6 days after close of lobster season.

Narrative

The commercial fishing vessel (FV) BLOODLINE, formally known as the FV HIGH LIFE ([REDACTED] CF 0864 HP) is a 28 foot commercial lobster fishing vessel. The FV BLOODLINE is commercially registered with the California Department of Fish & Wildlife and is owned and operated by Troy Tecklenburg who currently holds a lobster operator permit along with a commercial fishing license.

On 02/14/2015, I was on skiff patrol with Warden Loudon near San Pedro. At approximately 1315 hours, I observed the FV BLOODLINE with one person onboard fishing with a rod and reel offshore Cabrillo Beach. It was later discovered that there was another person onboard the vessel, registered in the fishing activity log as an observer.

I contacted the vessel, identified myself as a Fish and Wildlife Warden and requested to conduct an inspection. Troy Tecklenburg was onboard and stated he was just fishing for halibut while he waited for his lobster traps to soak. Tecklenburg was in compliance with licensing and vessel registration. During the inspection of the lobster activity log, I noticed Tecklenburg had inaccurately filled in the wrong date for his fishing activity, Tecklenburg was later given a warning and asked to correct it. Pursuant to **C.C.R. T-14 190** the owner and operator of a commercial fishing vessel shall keep and submit a complete and accurate record of fishing activities. Using my department issued lobster measuring gauge, I checked the size of the five lobster Tecklenburg had onboard. Three of the five lobster in possession of Tecklenburg had a carapace less than 3 ¼ inches. Pursuant to **FGC 8252** no spiny lobster less than three and one quarter inches in length measured in a straight line from the rear of the edge of the eye socket to the rear edge of the body shell may be taken, possessed, purchased, or sold. Tecklenburg stated he had lost his lobster measuring gauge and had used a free CA Department of Fish and Wildlife measuring tape to measure the lobster. I explained to Tecklenburg that a measuring tape would not be precise enough to measure the lobster accurately. Tecklenburg protested and showed me how he measured the lobster with the measuring tape. I explained to Tecklenburg that because of the variability from holding the measuring tape he could not accurately measure the lobster. Tecklenburg, re-measured the lobster and photograph them.

| Preparer's Name and Badge Number | Date | Reviewer's Name | Date |
|----------------------------------|------------|-----------------|------|
| A. Bagdasaryan # 820 | 02/20/2015 | Wes Boyle | |

ARREST/INVESTIGATION REPORT

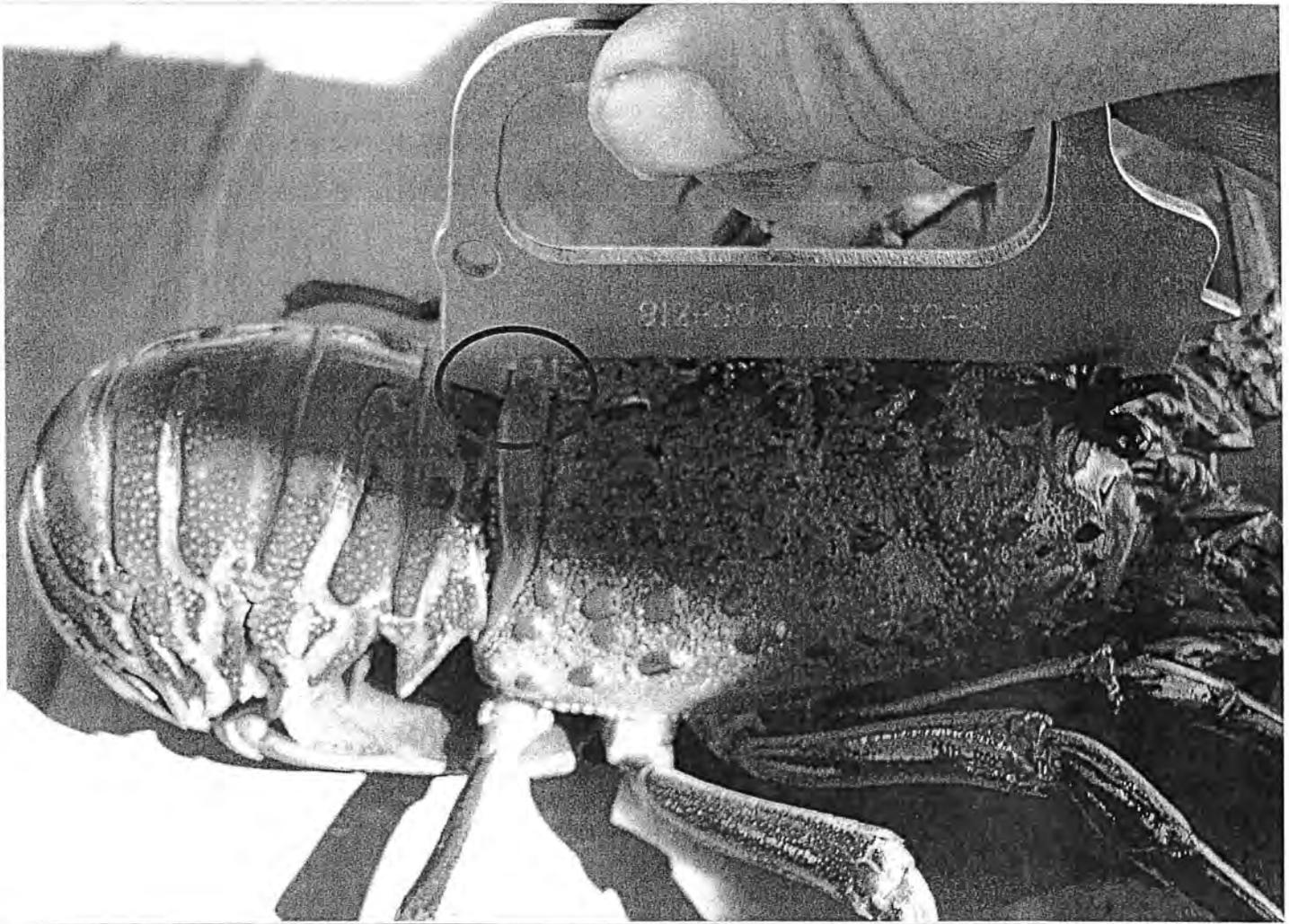
WPD 6a (10-98)

Region # SED Page 1 Of 5

I seized Tecklenburg's three undersized lobster and returned to the PV COHO, where I photographed and returned to the water the three undersized CA spiny lobster. I returned to the FV BLOODLINE and issued Tecklenburg a citation for the following violations:

FGC 8252 – Possession of three CA spiny lobster with a carapace less than 3 ¼ inches.

Evidence

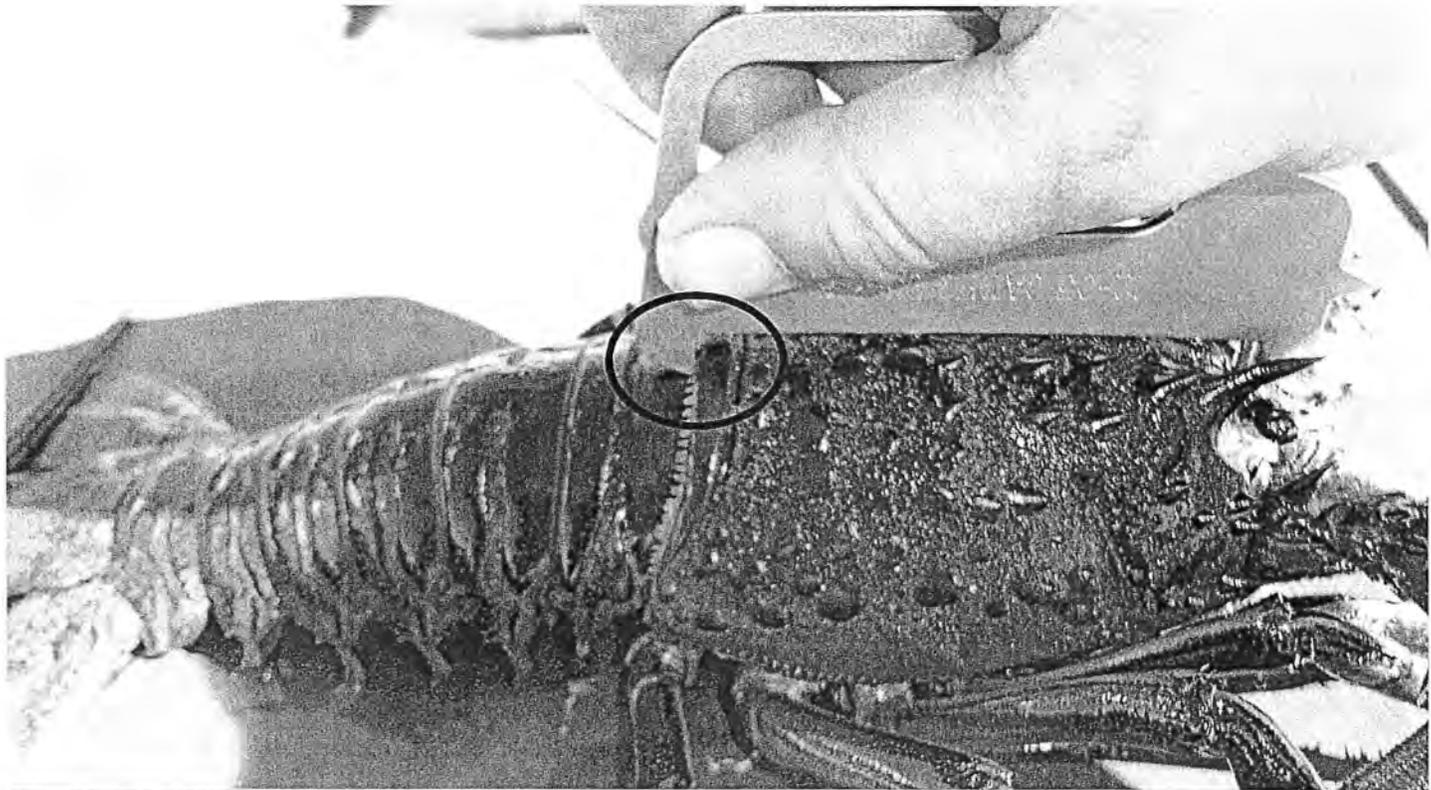
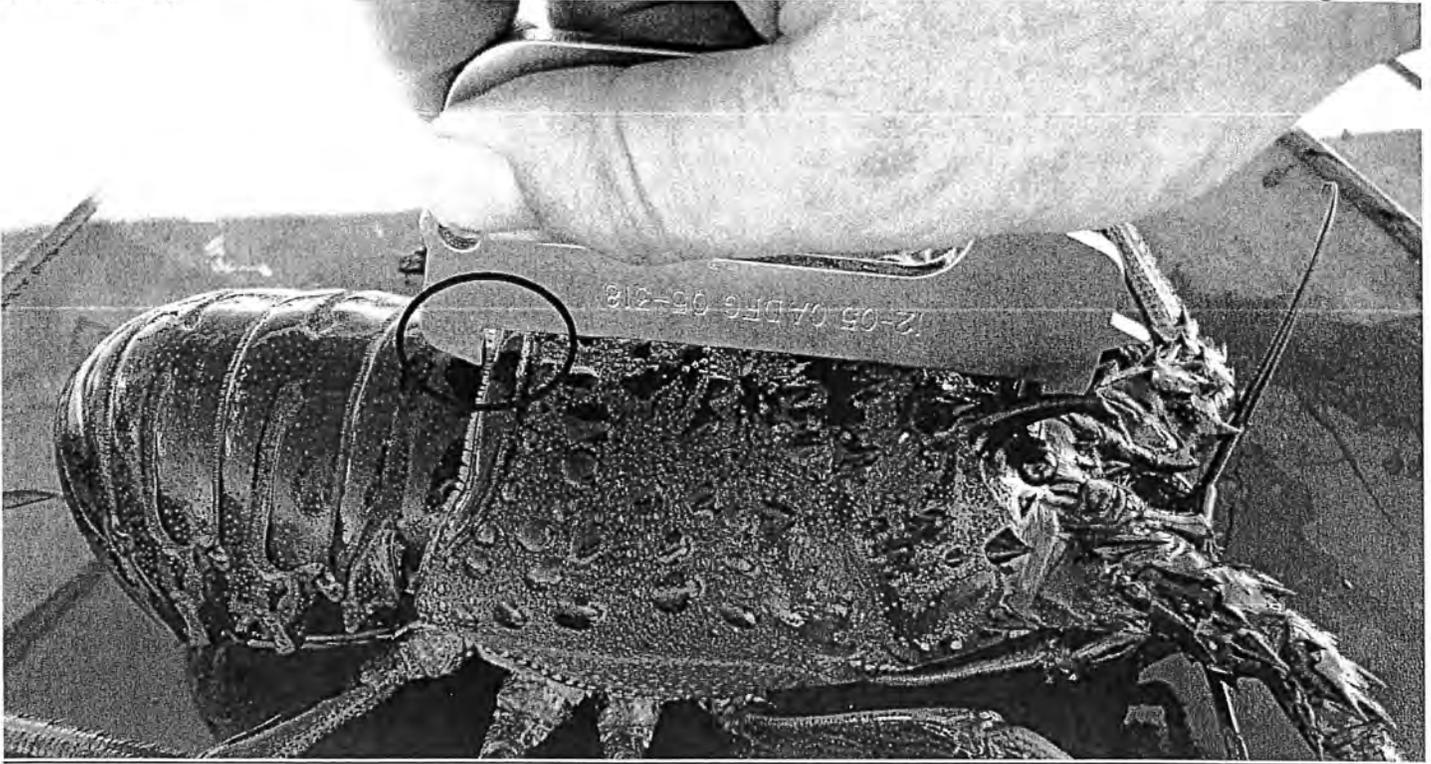


| | | | |
|--|--------------------|------------------------------|------|
| Preparer's Name and Badge Number A. Bagdasaryan # 820 | Date 02/20/2015 | Reviewer's Name Wes Boyle | Date |
|--|--------------------|------------------------------|------|

ARREST/INVESTIGATION REPORT

WPD 6a (10-98)

Region # SED Page 1 Of 5



Three undersized CA spiny lobster in possession of Tecklenburg. The circled areas show the gap between the carapace of the lobster and the lobster measuring gauge.

| | | | |
|--|--------------------|------------------------------|------|
| Preparer's Name and Badge Number A. Bagdasaryan # 820 | Date 02/20/2015 | Reviewer's Name Wes Boyle | Date |
|--|--------------------|------------------------------|------|

ARREST/INVESTIGATION REPORT

WPD 6a (10-98)

Region # SED Page 1 Of 5

Regulation information

Fish and Game Code, section 8252 states no spiny lobster less than three and one quarter inches in length measured in a straight line from the rear of the edge of the eye socket to the rear edge of the body shell may be taken, possessed, purchased, or sold.

California Code of Regulations, section 190 states the owner and operator of a commercial fishing vessel shall keep and submit a complete and accurate record of fishing activities.

Fish & Game Code, section 1006 gives Wardens inspection authority and states "The department may inspect the following:(a) All boats, markets, stores and other buildings, except dwellings, and all receptacles, except the clothing actually worn by a person at the time of inspection, where birds, mammals, fish, reptiles, or amphibia may be stored, placed, or held for sale or storage.

Fish & Game Code, section 86 says "'Take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

Fish & Game Code, section 45 states "Fish" means wild fish, mollusks, crustaceans, invertebrates, or amphibians, including any part, spawn, or ova thereof.

Fish and Game Code, section 7702 states the department may enter an examine any canning, packing, preserving, or reduction plant, or place of business where fish or other fishery products are packed, preserved, manufactured, bought, or sold, or board any fishing boat, barge, lighter, tender, or vehicle or receptacle containing fish.

| | | | |
|--|--------------------|------------------------------|------|
| Preparer's Name and Badge Number A. Bagdasaryan # 820 | Date 02/20/2015 | Reviewer's Name Wes Boyle | Date |
|--|--------------------|------------------------------|------|

Exhibit B

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
ARREST/INVESTIGATION REPORT

ENF 6a (4-04)

Region # 5 Page 1 Of 4

| | | | |
|---|---|--|--|
| DATE OF INCIDENT/OCCURRENCE 03/25/2014 | | TIME (2400) 1700 | CITY/COUNTY/JUDICIAL DISTRICT Los Angeles/Los Angeles/Long Beach Superior |
| *X* ONE <input checked="" type="checkbox"/> Arrest Report <input type="checkbox"/> Formal Complaint | *X* ONE <input checked="" type="checkbox"/> Self Initiated <input type="checkbox"/> Complaint | TYPE OF REPORT (*X* APPLICABLE) <input checked="" type="checkbox"/> Commercial Fishing <input type="checkbox"/> Hunting <input type="checkbox"/> Inland Pollution <input type="checkbox"/> CalTIP <input type="checkbox"/> Recreational Fishing <input type="checkbox"/> Trapping <input type="checkbox"/> Marine Pollution <input type="checkbox"/> Other Other: | |

Suspect Information

| | | | |
|--|--|--|------------------------------|
| Name Suspect #1 (First, Middle, Last) Troy Leith Tecklenburg | Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F | Date of Birth (MM/DD/YYYY) [REDACTED] | Citation Number AD2008618 |
| Suspect Address (Street, Apt, City, State, Zip Code) [REDACTED] | | | Home Phone [REDACTED] |
| Business Address (Street, Apt., City, State, Zip Code) N/A | | | Business Phone N/A |
| Identification Type (*X* APPLICABLE) <input checked="" type="checkbox"/> CDL/CID <input type="checkbox"/> Other State DL/ID <input type="checkbox"/> Other ID: _____ Number: [REDACTED] | Suspect Description (*X* APPLICABLE) General: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED] Ethnicity: [REDACTED] Height: [REDACTED] Weight: [REDACTED] | | |
| Vehicle Type (*X* APPLICABLE) <input type="checkbox"/> Auto <input checked="" type="checkbox"/> Vessel <input type="checkbox"/> Other | Description (Make, Model, Year, Color) Seaway, 1985, White/Blue | License Plate Number/VIN CF 0864 HP | |

Offenses and Charges

| | |
|---|---|
| <input checked="" type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other: _____ Section: 2002 Description: to wit FGC 7145(a): Unlawful possession | <input type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other: _____ Section: _____ Description: _____ |
| <input type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other: _____ Section: _____ Description: _____ | <input type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other: _____ Section: _____ Description: _____ |
| <input type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other: _____ Section: _____ Description: _____ | <input type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other: _____ Section: _____ Description: _____ |

Evidence Seized

| | | |
|---|--|---|
| Evidence Description (Amount, Type, Serial Number, etc.) 1 California Halibut return to the wild (ocean) | "X" ONE <input type="checkbox"/> Held <input type="checkbox"/> Returned <input type="checkbox"/> Destroyed <input checked="" type="checkbox"/> Other | Evidence Photographed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Evidence Description (Amount, Type, Serial Number, etc.) | "X" ONE <input type="checkbox"/> Held <input type="checkbox"/> Returned <input type="checkbox"/> Destroyed <input type="checkbox"/> Other | Evidence Photographed? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Evidence Description (Amount, Type, Serial Number, etc.) | "X" ONE <input type="checkbox"/> Held <input type="checkbox"/> Returned <input type="checkbox"/> Destroyed <input type="checkbox"/> Other | Evidence Photographed? <input type="checkbox"/> Yes <input type="checkbox"/> No |

Case Synopsis

Subject was caught taking a California Halibut without a sport fishing license.

See ENF 6b For Additional Suspect and Witness Information "x"ONE Yes No

| | | | |
|--|--------------------|------------------------------------|--------------------|
| Preparer's Name and Badge Number Warden Oratovsky 783 | Date 03/27/2014 | Reviewer's Name Lt. Rod Buckler | Date 04/01/2014 |
|--|--------------------|------------------------------------|--------------------|

STATE OF CALIFORNIA
 DEPARTMENT OF FISH AND GAME
NARRATIVE/SUPPLEMENTAL

ENF 6a p.2 (Rev 4-04)

Region# 5 Page 2 of 4

| | | |
|---|---------------------|--|
| DATE OF INCIDENT/OCCURRENCE 03/25/2014 | TIME (2400) 1700 | CITY/COUNTY/JUDICIAL DISTRICT Los Angeles/Los Angeles/Long Beach Superior |
| *X*APPLICABLE <input checked="" type="checkbox"/> Narrative <input checked="" type="checkbox"/> Arrest Report <input type="checkbox"/> Supplemental <input type="checkbox"/> Formal Complaint | | TYPE OF REPORT (*X*APPLICABLE) <input type="checkbox"/> Commercial Fishing <input type="checkbox"/> Hunting <input type="checkbox"/> Inland Pollution <input type="checkbox"/> Incident Report <input checked="" type="checkbox"/> Recreational Fishing <input type="checkbox"/> Trapping <input type="checkbox"/> Marine Pollution <input type="checkbox"/> Other Other: |
| Location/Subject/Incident Name Fish Harbor/Troy Leith Tecklenburg | | Arresting/Case Officer Warden Oratovsky Citation Number AD2008618 |

1. On 03/25/2014 at approximately 1700 hours I was on uniformed patrol in Fish
 2. Harbor/Terminal Island in the City of Los Angeles. During this time I drove up
 3. to a dock that was located on the north east side of the harbor. I observed two
 4. boats at the dock, one of which had multiple fishing rods on board the boat. I
 5. observed one subject that was standing on the dock and another subject, later
 6. identified as Troy Leith Tecklenburg, who was on that boat with the fishing
 7. rods.
 8.
 9. I identified myself as a Warden with the California Department of Fish and
 10. Wildlife and asked if he had any fish on board the boat. Tecklenburg said that
 11. he just had mackerel aboard the boat. Tecklenburg holds a California
 12. commercial fishing license [REDACTED] through the Department of Fish and
 13. Wildlife and is a commercial lobster fisherman. I know this because I have had
 14. prior contact with Tecklenburg. His boat is also commercially registered with
 15. the California Department of Fish and Wildlife as a commercial fishing vessel
 16. [REDACTED].
 17.
 18. While talking to Tecklenburg I observed a closed white cooler that was on the
 19. dock near Tecklenburg's boat. Upon opening the cooler per Fish and Game
 20. Code 1006 I observed a legal sized California halibut. When I asked
 21. Tecklenburg about the halibut that was in the cooler, he said that he had caught
 22. the halibut approximately 3 days ago in the harbor and forgot about it. Although
 23. I noted a foul odor emanating from the cooler, the halibut was physically still in
 24. pretty good condition.
 25.
 26. When I asked Tecklenburg if he caught the halibut under a sport or commercial
 27. fishing license, he said he caught it under a sport fishing license. When I asked
 28. to see Tecklenburg's sport fishing license, he said that he had one, just not on
 29. him.
 30.
 31.

| | | | |
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| Preparer's Name and Badge Number Warden Oratovsky 783 | Date 03/27/2014 | Reviewer's Name Lt. Rod Buckler | Date 04/01/2014 |
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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
NARRATIVE/SUPPLEMENTAL
WPD 6a p.2 (Rev 10-98)

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| DATE OF INCIDENT/OCCURRENCE 03/25/2014 | | TIME (2400) 1700 | CITY/COUNTY/JUDICIAL DISTRICT Los Angeles/Los Angeles/Long Beach Superior | |
| *X* APPLICABLE <input checked="" type="checkbox"/> Narrative <input checked="" type="checkbox"/> Arrest Report <input type="checkbox"/> Supplemental <input type="checkbox"/> Formal Complaint | | TYPE OF REPORT (*X* APPLICABLE) <input type="checkbox"/> Commercial Fishing <input type="checkbox"/> Hunting <input type="checkbox"/> Inland Pollution <input type="checkbox"/> Incident Report <input checked="" type="checkbox"/> Recreational Fishing <input type="checkbox"/> Trapping <input type="checkbox"/> Marine Pollution <input type="checkbox"/> Other: _____ | | |
| Location/Subject/Incident Name Fish Harbor/Troy Leith Tecklenburg | | Arresting/Case Officer Warden Oratovsky | Citation Number AD2008618 | |
| 32. I contacted the Automated License Data System (ALDS) telephonically and asked | | | | |
| 33. them to confirm whether Tecklenburg had a valid 2014 California sport fishing | | | | |
| 34. license. I was told that the last California sport fishing license Tecklenburg had | | | | |
| 35. purchased was for the 2013 calender year and that there was no record of | | | | |
| 36. Tecklenburg purchasing a 2014 California Sport Fishing License. | | | | |
| 37. | | | | |
| 38. When I told Tecklenburg that he did not have a 2014 California sport fishing | | | | |
| 39. license, he said that his mom usually buys his fishing licenses and that she must | | | | |
| 40. have forgotten to buy the 2014 sport fishing license. | | | | |
| 41. | | | | |
| 42. I informed Tecklenburg that he caught the halibut unlawfully as he did not have a | | | | |
| 43. valid 2014 sport fishing license. I cited Tecklenburg for violation of Fish and Game | | | | |
| 44. Code 2002 to wit 7145(a). | | | | |
| 45. | | | | |
| 46. I seized, photographed and released the dead halibut back into the ocean. | | | | |
| 47. | | | | |
| 48. Fish and Game Code 2002: It is unlawful to possess any bird, mammal, fish, | | | | |
| 49. reptile, or amphibian, or parts thereof, taken in violation of any of the provisions of | | | | |
| 50. this code, or of any regulation made under it. | | | | |
| 51. | | | | |
| 52. Fish and Game Code 7145(a): 7145. (a) Except as otherwise provided in this | | | | |
| 53. article, every person 16 years of age or older who takes any fish, reptile, or | | | | |
| 54. amphibian for any purpose other than profit shall first obtain a valid license for that | | | | |
| 55. purpose and shall have that license on his or her person or in his or her immediate | | | | |
| 56. possession or where otherwise specifically required by law or regulation to be kept | | | | |
| 57. when engaged in carrying out any activity authorized by the license. | | | | |
| 58. | | | | |
| 59. Additionally, Tecklenburg has been cited for other Fish and Game violations on | | | | |
| 60. three other occasions. Please see attached reports for more information. | | | | |
| 61. | | | | |
| 62. | | | | |
| Preparer's Name and Badge Number Warden Oratovsky 783 | | Date 03/27/2014 | Reviewer's Name Lt. Rod Buckler | |
| | | | Date 04/01/2014 | |

STATE OF CALIFORNIA
 DEPARTMENT OF FISH AND GAME
NARRATIVE/SUPPLEMENTAL
 WPD 6a p.2 (Rev 10-98)

| | | | |
|--|---------------------|---|------------------------------------|
| DATE OF INCIDENT/OCCURRENCE 03/25/2014 | TIME (2400) 1700 | CITY/COUNTY/JUDICIAL DISTRICT Los Angeles/Los Angeles/Long Beach Superior | |
| *X* APPLICABLE <input checked="" type="checkbox"/> Narrative <input checked="" type="checkbox"/> Arrest Report <input type="checkbox"/> Supplemental <input type="checkbox"/> Formal Complaint | | TYPE OF REPORT (*X* APPLICABLE) <input type="checkbox"/> Commercial Fishing <input type="checkbox"/> Hunting <input type="checkbox"/> Inland Pollution <input type="checkbox"/> Incident Report <input checked="" type="checkbox"/> Recreational Fishing <input type="checkbox"/> Trapping <input type="checkbox"/> Marine Pollution <input type="checkbox"/> Other: _____ | |
| Location/Subject/Incident Name Fish Harbor/Troy Leith Tecklenburg | | Arresting/Case Officer Warden Oratovsky | Citation Number AD2008618 |
| 63. <u>Applicable sections:</u> | | | |
| 64. | | | |
| 65. Fish and Game Code 1006. The department may inspect the following: (a) All | | | |
| 66. boats, markets, stores and other buildings, except dwellings, and all receptacles, | | | |
| 67. except the clothing actually worn by a person at the time of inspection, where birds, | | | |
| 68. mammals, fish, reptiles, or amphibia may be stored, placed, or held for sale or | | | |
| 69. storage. | | | |
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| Preparer's Name and Badge Number Warden Oratovsky 783 | | Date 03/27/2014 | Reviewer's Name Lt. Rod Buckler |
| | | | Date 04/01/2014 |

SUPERIOR COURT OF CALIFORNIA

FOR MISDEMEANOR or FELONY CITATION CALL

COUNTY OF LOS ANGELES

CRIMINAL AT (562) 256-2314

PROOF OF APPEARANCE

| | | |
|--|--|---|
| I CERTIFY THAT PERSON NAMED BELOW APPEARED IN THE COURT AS INDICATED: | | |
| NAME OF PERSON WHO APPEARED IN COURT (PRINT) <i>Troy Leith Teckenburg</i> | CASE/CITATION NUMBER <i>2008618</i> | <input checked="" type="checkbox"/> NO FILING TO DATE |
| APPEARED AS: (Capacity) <input type="checkbox"/> Defendant <input type="checkbox"/> Witness <input checked="" type="checkbox"/> Other: <i>officer</i> TRAFFIC ONLY | PLACE OF APPEARANCE <input type="checkbox"/> COURTROOM: DIV/ DEPT _____ <input checked="" type="checkbox"/> CLERK'S OFFICE | |
| DATE: <i>3-25-15</i> |  Sherri R. Carter, Executive Officer / Clerk By <i>Sh</i> Deputy | |
| TIME: <i>12:30</i> <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M. | | |
| COMMENTS: Call once a week for one year from the Violation date to see if the citation is entered. (562) 256-2313 between the hours of 8:30a.m. to 10:30 a.m. or 1:30p.m. to 3:30 p.m. You may also try calling the 24 hour Automated line at (213) 742-8809 (www.lacourt.org) | | |

Exhibit C

ARREST/INVESTIGATION REPORT

WPD 6a (10-98)

Region # 2 Page 1 Of 4

| | | |
|--|--|---|
| DATE OF INCIDENT/OCCURRENCE 03-14-2014 | TIME (2400) 1330 | CITY/COUNTY/JUDICIAL San Clemente Island, LAX |
| "X" ONE | "X" ONE | TYPE OF REPORT ("X" APPLICABLE) |
| <input checked="" type="checkbox"/> Arrest Report <input type="checkbox"/> Formal Complaint | <input checked="" type="checkbox"/> Self Initiated <input type="checkbox"/> Complaint | <input checked="" type="checkbox"/> Commercial Fishing <input type="checkbox"/> Recreational Fishing |
| <input type="checkbox"/> Hunting | <input type="checkbox"/> Inland Pollution | <input type="checkbox"/> CalTIP |
| <input type="checkbox"/> Trapping | <input type="checkbox"/> Marine Pollution | <input type="checkbox"/> Other |

Suspect Information

| | | | |
|--|---|--|--------------------------------------|
| Name Suspect #1 (First, Middle, Last) Troy Leith Tecklenburg | Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F | Date of Birth (MM/DD/YY) [REDACTED] | Citation Number AD 2008413 |
| Suspect Address (Street, Apt., City, State, Zip Code) [REDACTED] | | | Home Phone [REDACTED] |
| Business Address (Street, Apt., City, State, Zip Code) N/A | | | Business Phone -- |
| Identification Type ("X" APPLICABLE) <input checked="" type="checkbox"/> CDL/CID <input type="checkbox"/> Other State DL/ID <input type="checkbox"/> Other ID: Number: [REDACTED] | Suspect Description ("X" APPLICABLE) GENERAL: [REDACTED] HAIR: [REDACTED] EYES: [REDACTED] ETHNICITY: [REDACTED] | | |
| Vehicle Type ("X" APPLICABLE) <input type="checkbox"/> Auto <input checked="" type="checkbox"/> Vessel <input type="checkbox"/> Other | Description (Make, Model, Year, Color) 28', 1983, Grey | License Plate Number/VIN [REDACTED] | |

| | | | |
|--|---|--|-------------------------------------|
| Name Suspect #2 (First, Middle, Last) Kenneth Parks | Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F | Date of Birth (MM/DD/YY) [REDACTED] | Citation Number AD2007785 |
| Suspect Address (Street, Apt., City, State, Zip Code) [REDACTED] | | | Home Phone [REDACTED] |
| Business Address (Street, Apt., City, State, Zip Code) N/A | | | Business Phone -- |
| Identification Type ("X" APPLICABLE) <input checked="" type="checkbox"/> CDL/CID <input type="checkbox"/> Other State DL/ID <input type="checkbox"/> Other ID: Number: [REDACTED] | Suspect Description ("X" APPLICABLE) GENERAL: [REDACTED] HAIR: [REDACTED] EYES: [REDACTED] ETHNICITY: [REDACTED] | | |
| Vehicle Type ("X" APPLICABLE) <input type="checkbox"/> Auto <input checked="" type="checkbox"/> Vessel <input type="checkbox"/> Other | Description (Make, Model, Year, Color) 28', 1983, Grey | License Plate Number/VIN [REDACTED] | |

Offenses and Charges

| | |
|--|---|
| <input checked="" type="checkbox"/> F&G <input checked="" type="checkbox"/> T-14 <input type="checkbox"/> Other: Section: 8252 Description: Commercial possession of short lobsters (18 counts) | <input type="checkbox"/> F&G <input checked="" type="checkbox"/> T-14 <input type="checkbox"/> Other: <input type="checkbox"/> Section: 190 Description: No commercial record kept for catch |
| <input checked="" type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other: Section: 7850 Description: Guest on commercial boat shall record his presence on commercial boat log. | <input checked="" type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other: <input type="checkbox"/> Section: 7856(f) Description: Sport fishing while on a commercial fishing trip. |

Evidence Seized

| | |
|--|--|
| Evidence Description (Amount, Type, Serial Number, etc.) "X" ONE <input checked="" type="checkbox"/> Held <input type="checkbox"/> Returned <input type="checkbox"/> Destroyed <input checked="" type="checkbox"/> Other 18 undersized lobsters, frozen and held as evidence. | Evidence Photographed? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Evidence Description (Amount, Type, Serial Number, etc.) "X" ONE <input type="checkbox"/> Held <input type="checkbox"/> Returned <input type="checkbox"/> Destroyed <input type="checkbox"/> Other N/A | Evidence Photographed? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Evidence Description (Amount, Type, Serial Number, etc.) "X" ONE <input type="checkbox"/> Held <input type="checkbox"/> Returned <input type="checkbox"/> Destroyed <input type="checkbox"/> Other N/A | Evidence Photographed? <input type="checkbox"/> Yes <input type="checkbox"/> No |

Case Synopsis

On 03-14-2014, at approximately 1330 hours, Warden Matias and I were conducting a skiff patrol offshore San Clemente Island. From a distance

| | | | |
|--|--------------------|-------------------------------------|--------------------|
| Preparer's Name and Badge Number J. Holemo #769 | Date 03-31-2014 | Reviewer's Name Lt. E. Kord #464 | Date 03-31-2014 |
|--|--------------------|-------------------------------------|--------------------|

ARREST/INVESTIGATION REPORT

WPD 6a (10-98)

Region # 2 Page 1 Of 4

we observed a grey commercial fishing vessel. We approach the vessel and made contact with the boat's owner, Troy Tecklenburg. Mr. Tecklenburg told us he was on a commercial trip and he was pulling lobster traps. Warden Matias boarded the vessel to conduct an inspection. During the inspection he discovered 18 undersized lobsters inside the live well of the boat. Mr. Tecklenburg provided me with a his log, which was blank. He told me the lobsters on board his boat were taken from a previous trip. When I asked if he had recorded the catch, he said he had not.

Warden Matias contacted one of the passengers on the boat who was rod and reel fishing. The passenger, identified as Kenneth Parks, stated he was sport fishing and was in possession of a sheep head fish.

I issued Mr. Tecklenburg a citation per Fish and Game Code section 8252, commercial possession of undersized lobster, and California Code of Regulations, section 190, no records kept of commercially caught lobster.

See WPD 6b For Additional Suspect and Witness Information "X" ONE []Yes [x]NO

BACKGROUND

Fish & Game Code, section 1006 gives Wardens inspection authority and states "The department may inspect the following:(a) All boats, markets, stores and other buildings, except dwellings, and all receptacles, except the clothing actually worn by a person at the time of inspection, where birds, mammals, fish, reptiles, or amphibia may be stored, placed, or held for sale or storage.

Fish & Game Code, section 86 says ""Take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

Fish & Game Code, section 45 states "Fish" means wild fish, mollusks, crustaceans, invertebrates, or amphibians, including any part, spawn, or ova thereof.

Fish and Game Code, section 2012 states all licenses, tags, and the birds, mammals, fish, reptiles, or amphibians taken or otherwise dealt with under this code, and any device or apparatus designed to be, and capable of being, used to take birds, mammals, fish, retiles, or amphibians shall be exhibited upon upon demand to any person authorized by the department to enforce this code or any law relating to the protection and conservation of birds, mammals, fish, reptiles, or amphibians.

Fish and Game Code, section 7702 states the department may enter an examine any canning, packing, preserving, or reduction plant, or place of business where fish or other fishery products are packed, preserved, manufactured, bought, or sold, or board any fishing boat, barge, lighter, tender, or vehicle or receptacle containing fish.

Fish and Game Code, section 8252 states no spiny lobster less than three and one quarter inches in length measured in a straight line from the rear of the edge of the eye socket to the rear edge of the body shell may be taken, possessed, purchased, or sold.

California Code of Regulations, section 190 states the owner and operator of a commercial fishing vessel shall keep and submit a complete and accurate record of fishing activities.

| | | | |
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| Preparer's Name and Badge Number J. Holoemo #769 | Date 03-31-2014 | Reviewer's Name Lt. E. Kord #464 | Date 03-31-2014 |
|---|--------------------|-------------------------------------|--------------------|

ARREST/INVESTIGATION REPORT

WPD 6a (10-98)

Region # 2 Page 1 Of 4

Fish and Game Code, section 7856(f) states no person shall take or possess any fish on a commercial fishing vessel under a sport fishing license while that vessel is engaged in a commercial fishing activity, including going to or from an area where fish are taken for commercial purposes.

Fish and Game Code, section 7850(b) states any person not required to hold a commercial fishing license (an observer) shall register his or her presence on board the commercial vessel in a log maintained by the owner of operator of the vessel in accordance to the requirements of the department.

On 05-17-2013, at approximately 1200 hours, Warden L. Arkininstall #819 issued Mr. Tecklenburg a citation per CCR T-14, section 28.30(a), possession of a sand bass less than 14 inches.

On 03-25-2014, at approximately 1700 hours, Warden A. Oratovsky #783 issued Mr. Tecklenburg a citation per Fish and Game Code (FGC), section 2002, unlawful possession of a halibut to wit FGC, section 7145(a), fishing without a sport fishing license in possession.

INVESTIGATION

On 03-14-2014, at approximately 1330 hours, Warden Ben Matias and I were conducting a skiff patrol offshore San Clemente Island. We were patrolling with the intention of locating and inspecting commercial fishing vessels. From a distance we observed a grey vessel that fit the profile of a commercial fishing vessel, later identified as the High Life. We quickly approached the vessel and made contact with the crew. The owner of the boat, Troy Tecklenburg, appeared to be working on the mechanics of the boat and seemed surprised to see us. We identified ourselves as Fish and Wildlife officers and told him we would be conducting an inspection of his boat. I immediately noticed the presence of several fishing rods on the boat. I asked Mr. Tecklenburg if he was on a commercial or sport fishing trip and he told me he was commercially fishing for lobsters. There were two other men on board the vessel including Kenneth Parks. When I asked if Mr. Parks had a commercial fishing license, both he and Mr. Tecklenburg stated he was an observer and was not participating in commercial fishing.

Warden Matias boarded the boat and asked Mr. Tecklenburg if there were any lobsters or fish on the vessel. He said he was only able to pull one of his traps before his trap pulling mechanism failed. He said he had several lobsters inside his live well from a previous commercial trip. I asked him why he was in possession of lobsters from a previous trip and he stated he was having problems with his buyer and was concerned the lobsters may get stolen if he left them at his home port. Warden Matias began an inspection of the lobsters in the live well to ensure they were all of legal size. I asked Mr. Tecklenburg for his commercial log book. He gave me the book and admitted it was blank. I asked if he had any other log books on the vessel and he said the blank book was the only one he had. I then asked Mr. Tecklenburg if he had filled out any log entries for the lobster he took from the previous trip. He told me he did not.

I asked Mr. Parks if he had any luck while rod and reel fishing. He stated he was able to catch one fish, a sheep head. He told me the sheep head gave him a good enough fight that he thought it might have been a halibut. I asked him if he kept the fish and he replied that the fish was inside the live well. Warden Matias confirmed there was a sheep head inside the live well. Warden Matias completed his inspection and discovered 18 lobsters were undersized. We determined Mr. Tecklenburg was in violation of regulations due to possessing undersized lobster

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|--|--------------------|-------------------------------------|--------------------|
| Preparer's Name and Badge Number J. Holemo #769 | Date 03-31-2014 | Reviewer's Name Lt. E. Kord #464 | Date 03-31-2014 |
|--|--------------------|-------------------------------------|--------------------|

ARREST/INVESTIGATION REPORT

WPD 6a (10-98)

and Mr. Parks was in violation of regulations due to sport fishing on board a vessel commercially fishing. Warden Matias took driver's licenses from both Mr. Tecklenburg and Mr. Parks. We used our skiff to return to the Patrol Boat Thresher, which was approximately 50 yards away.

Once on board the PB Thresher, Warden Matias used the radio to ask our dispatch center to run Mr. Parks information for any possible wants or warrants. Dispatched informed us Mr. Parks had to active warrants for his arrest, one for \$250,000 and the other for \$40,000. Warden Matias had the warrants confirmed and SURCOM dispatch contacted the Los Angeles Sheriff's office on Catalina Island. They said they would take custody of Mr. Parks if we arrested and transported him.

Warden Matias and I used the skiff to return to the High Life. I issued Mr. Tecklenburg a citation per Fish and Game Code, section 8252, possession of undersized lobsters (18 counts), and California Code of Regulations, section 190, failure to properly fill out and complete logs recording catch.

Warden Matias issued Mr. Parks a citation per Fish and Game Code, section 7857(f), sport fishing while on a commercial fishing trip, and Fish and Game Code, section 7850, not recorded in the log book as an observer. Warden Matias then informed Mr. Parks of the warrants for his arrest. Mr. Parks stated he did not know why there would be warrants for his arrest, but he would be cooperative. Warden Matias informed Mr. Parks that he was under arrest and conducted a brief search for weapons. We fitted Mr. Parks with a life vest and transferred him onto our skiff. We returned to the PB Thresher and brought Mr. Parks on board. Warden Matias proceeded to handcuff him per Fish and Wildlife policies and procedures and then continued to conduct a full search of Mr. Parks. I placed all of Mr. Parks personal effects, including \$24 cash, inside a sealed plastic bag.

We transported Mr. Parks on board the PB Thresher per Fish and Wildlife policies and procedure, ensuring he was wearing a life vest and continuously supervised. At one point Mr. Parks complained the handcuffs were too tight. Warden Matias inspected the handcuffs and verified they were on per policy and procedure. Lt. Kord navigated the PB Thresher to Avalon, Catalina Island, where Harbor Patrol was waiting. Warden Matias and I transferred Mr. Parks onto the Harbor Patrol vessel and headed toward the Avalon docks. Once we arrived at the docks, we assisted Mr. Parks out of the vessel. LASO Deputy Deana Austin was at the docks and took custody of Mr. Parks and the plastic bag containing his personal effects. Mr. Parks was cooperative throughout the ordeal.

INVESTIGATION CONT.

Joshua David Fisher is a commercial lobster fisherman. I contacted Mr. Fisher and asked if he would be willing to testify in court in regards to how commercial fishermen measure lobster and explain how easy it is to tell if a lobster is undersize or not. I allowed him to measure the lobsters I had seized. Mr. Fisher stated the lobsters are obviously undersized and there would no excuse for a commercial fisherman to be in possession of them.

I did not tell Mr. Fisher who the subject of this case is. He can be reached at [REDACTED] and his address is [REDACTED]

| | | | |
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| Preparer's Name and Badge Number J. Holemo #769 | Date 03-31-2014 | Reviewer's Name Lt. E. Kord #464 | Date 03-31-2014 |
|--|--------------------|-------------------------------------|--------------------|

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

NO. 4CN00035

THE PEOPLE OF THE STATE OF CALIFORNIA VS.

DEFENDANT 02: TROY TECKLENBURG

LAW ENFORCEMENT AGENCY EFFECTING ARREST: CAL DEPT OF FISH AND GAME

PAGE NO. 1

CURRENT DATE 12/18/14

| BAIL: | APPEARANCE | AMOUNT | DATE | RECEIPT OR | SURETY COMPANY | REGISTER |
|-------|------------|-------------|----------|--------------|---------------------|----------|
| | DATE | OF BAIL | POSTED | BOND NO. | | NUMBER |
| | 10/17/14 | \$26,000.00 | 10/10/14 | FCS501376438 | FINAN CAS & SUR INC | L4283040 |

CASE FILED ON 05/30/14.

COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING
COMMITTED, ON OR ABOUT 03/14/14 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING
OFFENSE(S) OF:

COUNT 02: 8252 F&G MISD

NEXT SCHEDULED EVENT:

06/20/14 830 AM ARRAIGNMENT DIST CATALINA COURTHOUSE DEPT 001

ON 06/20/14 AT 830 AM IN CATALINA COURTHOUSE DEPT 001

CASE CALLED FOR ARRAIGNMENT

PARTIES: ROY PAUL (JUDGE) CHERRY GAINES (CLERK)
LOISMARIE ABATE (REP) PATRICK OCROWLEY (DA)

DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL

DEFENDANT FAILED TO APPEAR FOR ARRAIGNMENT. BENCH WARRANT

ORDERED ISSUED BAIL IN THE AMOUNT OF \$26,000.00.

NEXT SCHEDULED EVENT:

BENCH/WARRANT TO ISSUE

06/20/14 BENCH WARRANT IN THE AMOUNT OF \$26,000.00 BY ORDER OF JUDGE ROY PAUL
ISSUED. (06/30/14).

ON 10/03/14 AT 1100 AM IN CATALINA COURTHOUSE DEPT 001

CASE CALLED FOR BENCH WARRANT HEARING

PARTIES: PETER J. MIRICH (JUDGE) CHERRY GAINES (CLERK)
LOISMARIE ABATE (REP) CAROL JANE NAJERA (DA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JOHN BUSSMAN PRIVATE COUNSEL
DEFENDANT ADVISED OF THE FOLLOWING RIGHTS ORALLY:

DEFENDANT ARRAIGNED AND ADVISED OF THE FOLLOWING RIGHTS AT MASS ADVISEMENT:

SPEEDY PUBLIC TRIAL, TRIAL WITHIN 30/45 DAYS, RIGHT TO REMAIN SILENT,
SUBPOENA POWER OF COURT, CONFRONTATION AND CROSS EXAMINATION, JURY TRIAL,
COURT TRIAL, RIGHT TO ATTORNEY, SELF-REPRESENTATION, REASONABLE BAIL,
CITIZENSHIP, EFFECT OF PRIORS, PLEAS AVAILABLE, PROBATION.

THE COMPLAINT READ TO THE DEFENDANT.

A COPY OF THE COMPLAINT AND THE ARREST REPORT GIVEN TO DEFENDANTS COUNSEL.

DEFENDANT WAIVES ARRAIGNMENT, READING OF COMPLAINT, AND STATEMENT OF
CONSTITUTIONAL AND STATUTORY RIGHTS.

DEFENDANT PLEADS NOT GUILTY TO COUNT 02, 8252 F&G.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

ENTRY BY: SKING

CASE NO. 4CN00035
DEF NO. 02

PAGE NO. 3
DATE PRINTED 12/18/14

WHY SENTENCE SHOULD NOT BE PRONOUNCED. THE COURT ORDERED THE FOLLOWING JUDGMENT:

AS TO COUNT (02):

IMPOSITION OF SENTENCE SUSPENDED

DEFENDANT PLACED ON SUMMARY PROBATION

FOR A PERIOD OF 012 MONTHS UNDER THE FOLLOWING TERMS AND CONDITIONS:

PAY A FINE OF \$60.00

PLUS A STATE PENALTY FUND ASSESSMENT OF \$174.00

PLUS \$12.00 CRIMINAL FINE SURCHARGE (PURSUANT TO 1465.7 P.C.)

\$40.00 COURT OPERATIONS ASSESSMENT (PURSUANT TO 1465.8(A)(1) P.C.)

\$30.00 CRIMINAL CONVICTION ASSESSMENT (PURSUANT TO 70373 G.C.)

\$10.00 CITATION PROCESSING FEE (PURSUANT TO 1463.07 P.C.)

\$15.00 FISH & GAME PRESERVATION FUND (PURSUANT TO 12021F&G)

\$30.00 INSTALLMENT & ACCOUNTS RECEIVABLE FEE (PURSUANT TO 1205(D)PC)

DEFENDANT TO PAY FINE TO THE COURT CLERK

DEFENDANT SHALL PAY A RESTITUTION FINE IN THE AMOUNT OF \$150.00 TO THE COURT

TOTAL DUE: \$521.00

IN ADDITION:

~~DEFENDANT IS ORDERED TO PAY A PROBATION REVOCATION RESTITUTION~~

~~FINE PURSUANT TO PENAL CODE SECTION 1202.44, IN THE AMOUNT OF~~

~~\$ 150.00 THIS FINE SHALL BECOME EFFECTIVE UPON THE REVOCATION~~

~~OF PROBATION.~~

~~THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.~~

~~ANY MANDATORY AND NON-PUNITIVE FEES OR ASSESSMENTS ORDERED IN THIS CASE ARE NOT~~

~~CONDITIONS OF PROBATION~~

~~ENTRY BY: SKING~~

~~COUNT (02): DISPOSITION: CONVICTED~~

~~DMV ABSTRACT NOT REQUIRED~~

~~NEXT SCHEDULED EVENT:~~

~~01/30/15 830 AM FINES/FEES DIST CATALINA COURTHOUSE DEPT 001~~

~~12/05/14 EXONERATED, # FCS501376438~~

~~CUSTODY STATUS: BAIL EXONERATED~~

~~CUSTODY STATUS: ON PROBATION~~

ON 12/10/14 AT 900 AM IN CATALINA COURTHOUSE DEPT 001

CASE CALLED FOR FINES/FEES

PARTIES: NONE (JUDGE) NONE (CLERK)

NONE (REP) NONE (DDA)

DEFENDANT IS PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL

DEFENDANT APPEARS IN PRO PER

PAYMENT IN THE AMOUNT OF \$521.00 PAID ON 12/10/14 RECEIPT # LB455677011

NEXT SCHEDULED EVENT:

PROCEEDINGS TERMINATED

Exhibit D



California Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
<http://www.wildlife.ca.gov>
Law Enforcement Division
1416 9th Street, Room 1326
Sacramento, California 95814
(916) 653-4094

EDMUND G. BROWN, JR., Governor
CHARLTON H. BONHAM, Director



September 18, 2014

Mr. Troy Leith Tecklenburg

Seal Beach, CA

Dear Mr. Tecklenburg:

The Department of Fish and Wildlife has been notified that you failed to appear on a wildlife violation in the Los Angeles County Superior Court on June 20, 2014.

Pursuant to Fish and Game Code Section 12002(d)(1) (see attached) this letter serves as notice that your commercial lobster permit privileges are hereby suspended and will remain suspended until this Department receives notification that the court proceeding is completed and any fines are paid.

If you have any questions regarding this matter you may contact my office at the letterhead address or telephone number (916) 653-4094.

Sincerely,

Michael P. Carion, Chief
Law Enforcement Division

Attachments

Exhibit E

ARREST/INVESTIGATION REPORT

WPD 6a (10-98)

Region #SED Page 1 Of 2

| | | |
|---|---|--|
| DATE OF INCIDENT/OCCURRENCE 05/17/13 | TIME (2400) 1200 hours | CITY/COUNTY/JUDICIAL JURISDICTION Los Angeles Harbor/Los Angeles/Long Beach Superior |
| "X" ONE <input checked="" type="checkbox"/> Arrest Report <input type="checkbox"/> Formal Complaint | "X" ONE <input checked="" type="checkbox"/> Self Initiated <input type="checkbox"/> Complaint | TYPE OF REPORT ("X" APPLICABLE) <input type="checkbox"/> Commercial Fishing <input type="checkbox"/> Hunting <input type="checkbox"/> Inland Pollution <input type="checkbox"/> CalTIP <input checked="" type="checkbox"/> Recreational Fishing <input type="checkbox"/> Trapping <input type="checkbox"/> Marine Pollution <input type="checkbox"/> Other |

Suspect Information

| | | | |
|---|---|--|------------------------------|
| Name Suspect #1 (First, Middle, Last) Troy Leith Tecklenburg | Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F | Date of Birth (MM/DD/YY) [REDACTED] | Citation Number AD2060903 |
| Suspect Address (Street, Apt., City, State, Zip Code) [REDACTED] | | | Home Phone [REDACTED] |
| Business Address (Street, Apt., City, State, Zip Code) N/A | | | Business Phone |
| Identification Type ("X" APPLICABLE) <input checked="" type="checkbox"/> CDL/CID <input type="checkbox"/> Other State DL/ID <input type="checkbox"/> Other ID: Number [REDACTED] | Suspect Description ("X" APPLICABLE) GENERAL: [REDACTED] HAIR: [REDACTED] EYES: [REDACTED] ETHNICITY: [REDACTED] | | |
| Vehicle Type ("X" APPLICABLE) <input type="checkbox"/> Auto <input checked="" type="checkbox"/> Vessel <input type="checkbox"/> Other | Description (Make, Model, Year, Color) Seaway, 28', 1983, Blue | License Plate Number/VIN [REDACTED] | |

Offenses and Charges

| | |
|---|---|
| <input type="checkbox"/> F&G <input checked="" type="checkbox"/> JT-14 <input type="checkbox"/> Other: <input type="checkbox"/> Section:28.30(a) Description: Barred sand bass less than 14 inches | <input type="checkbox"/> F&G <input type="checkbox"/> JT-14 <input type="checkbox"/> Other: <input type="checkbox"/> Section: Description: |
| <input type="checkbox"/> F&G <input type="checkbox"/> JT-14 <input type="checkbox"/> Other: <input type="checkbox"/> Section: Description: | <input type="checkbox"/> F&G <input type="checkbox"/> JT-14 <input type="checkbox"/> Other: <input type="checkbox"/> Section: Description: |
| <input type="checkbox"/> F&G <input type="checkbox"/> JT-14 <input type="checkbox"/> Other: <input type="checkbox"/> Section: Description: | <input type="checkbox"/> F&G <input type="checkbox"/> JT-14 <input type="checkbox"/> Other: <input type="checkbox"/> Section: Description: |

Evidence Seized

| | |
|--|---|
| Evidence Description (Amount, Type, Serial Number, etc.) "X" ONE <input type="checkbox"/> Held <input checked="" type="checkbox"/> Returned <input type="checkbox"/> Destroyed <input type="checkbox"/> Other Barred sand bass returned to water. | Evidence Photographed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Evidence Description (Amount, Type, Serial Number, etc.) "X" ONE <input type="checkbox"/> Held <input type="checkbox"/> Returned <input type="checkbox"/> Destroyed <input type="checkbox"/> Other | Evidence Photographed? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Evidence Description (Amount, Type, Serial Number, etc.) "X" ONE <input type="checkbox"/> Held <input type="checkbox"/> Returned <input type="checkbox"/> Destroyed <input type="checkbox"/> Other | Evidence Photographed? <input type="checkbox"/> Yes <input type="checkbox"/> No |

Case Synopsis

At approximately 1200 hours on May 17, 2013, Warden Bagdasaryan and I were on skiff patrol when I saw an angler, later identified as Troy Leith Tecklenburg, on a blue vessel trolling in Los Angeles Harbor. Tecklenburg was in possession of a barred sand bass less than 14 inches.

See WPD 6b For Additional Suspect and Witness Information "X" ONE Yes No

| | | | |
|---|------------------|--------------------------------|------|
| Preparer's Name and Badge Number L.D. Arkininstall, #819 | Date 08/31/13 | Reviewer's Name Lt. Hoffman | Date |
|---|------------------|--------------------------------|------|

ARREST/INVESTIGATION REPORT

WPD 6a (10-98)

Region # SED Page 2 of 2

| | | |
|--|---|---|
| DATE OF INCIDENT/OCCURRENCE 05/17/13 | TIME (2400) 1200 hrs | CITY/COUNTY/JUDICIAL JURISDICTION Los Angeles Harbor/Los Angeles/Long Beach Superior |
| "X" APPLICABLE <input checked="" type="checkbox"/> Narrative <input checked="" type="checkbox"/> Arrest Report <input type="checkbox"/> Supplemental <input type="checkbox"/> Formal Complaint | | TYPE OF REPORT ("X" APPLICABLE) <input type="checkbox"/> Commercial Fishing <input type="checkbox"/> Hunting <input type="checkbox"/> Inland Pollution <input type="checkbox"/> Incident Report <input checked="" type="checkbox"/> Recreational Fishing <input type="checkbox"/> Trapping <input type="checkbox"/> Marine Pollution <input type="checkbox"/> Other |
| Location/Subject/Incident Name LA Harbor/Troy Leith Tecklenburg/CCR, T-14 28.30(a)-barred sand bass | Arresting/Case Officer L.D. Arkininstall, #819 | Citation Number AD2060903 |

1 At approximately 1200 hours on May 17, 2013, Warden Bagdasaryan and I were on skiff patrol when I saw an
2 angler, later identified as Troy Leith Tecklenburg, on a blue vessel trolling in Los Angeles Harbor. We contacted
3 Tecklenburg and identified ourselves as State Game Wardens.

4
5 I boarded Tecklenburg's vessel, and I asked him if he had any fish. Tecklenburg told me he had a few fish in his
6 bait tank. I looked in the bait tank and saw two barred sand bass, a halibut, a scorpion fish and multiple bait fish. I
7 asked Tecklenburg to take the barred sand bass and scorpion fish out to measure them. I measured the fish and
8 saw one of the barred sand bass was under the legal size of 14 inches (Photo #1). **This is a violation of Code of**
9 **California Regulations, Title 14 §28.30(a), barred sand bass must be a minimum of 14 inches.** Tecklenburg
10 told me I had advised him of the size limit change a few weeks earlier when I had boarded his vessel at Fish
11 Harbor. I cited Tecklenburg appropriately.

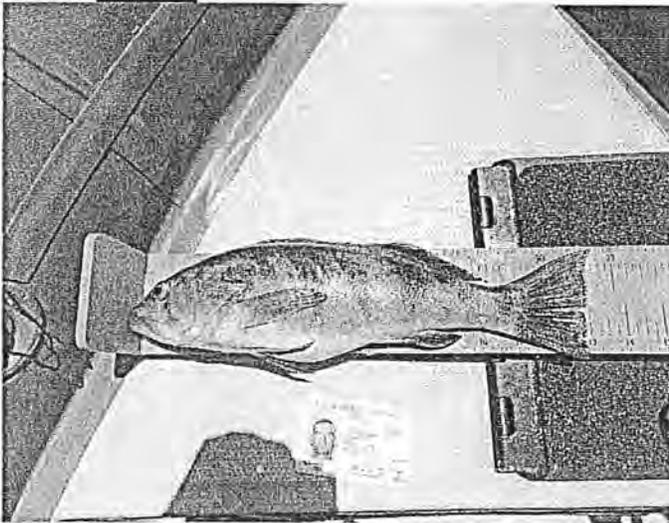
12 **Attachments:**

13 • **Regulations:**

14 CCR, T-14 § 28.30. Kelp Bass, Barred Sand Bass and Spotted Sand Bass.

15 (a) Minimum size: Fourteen inches total length or ten inches alternate length.

16 • **Photos:**



17
18 Photo #1

19
20
21
22
23
24

| | | | |
|---|------------------|--------------------------------|------|
| Preparer's Name and Badge Number L.D. Arkininstall, #819 | Date 05/31/13 | Reviewer's Name Lt. Hoffman | Date |
|---|------------------|--------------------------------|------|

CITATION NUMBER: 2060903 LEA:7204 DEPT FISH & GAME COURT: LONG BEACH
NAME: TECKLENBURG TROY LEITH
VIOL DATE 05/17/2013 VIOLATIONS 2830A/02

| DATE | ACTION |
|------------|---|
| 06/21/2013 | CITATION WITH A VIOLATION DATE OF 05/17/2013 IS FILED FOR TROY LEITH TECKLENBURG WITH THE FOLLOWING VIOLATIONS: 2830A/02. WITHOUT ADMITTING GUILT, VIOLATOR PROMISES TO APPEAR ON OR BEFORE 07/22/2013. |
| 07/22/2013 | ARRAIGNMENT HEARING IS SCHEDULED FOR 01/09/2014, THE AFTERNOON SESSION IN DEPARTMENT SO3. \$0.00 PAID ON N/A - RECEIPT NUMBER. AR. |
| 08/23/2013 | HEARING TRANSFERRED TO NEW DEPARTMENT IN LONG BEACH. |
| 01/15/2014 | IH HOLD IS ISSUED ON 01/15/2014 PURSUANT TO 40509.5 V.C. BAIL IS SET AT \$1223.00. DEPT 002. |
| 01/15/2014 | DMV ABSTRACT TRANSMITTED - FAILURE TO APPEAR ABSTRACT. |
| 01/24/2014 | DISPOSITION OF BAIL FORFEITED IS ENTERED ON 01/24/2014 FOR THE FOLLOWING VIOLATIONS: 40508A/29 2830A/02. BAIL IN THE AMOUNT OF \$923.00 RECEIPT NUMBER 1140123T6325 IS FORFEITED. 202 B. |
| 01/24/2014 | DMV ABSTRACT TRANSMITTED - RELEASE ADJUDICATION ABSTRACT. |

DEPARTMENT OF FISH AND GAME
NOTICE TO APPEAR FG-900

MISDEMEANOR
 Traffic Non-traffic

AD2060903

Date of Violation 5/17/13 Time 12:00 AM PM Day of Week FRI Case No. _____

Name (First, Middle, Last) TROY LEITH TECKLENBURG Owner's Responsibility (Veh. Code, § 40001)

Address _____
City _____ State _____ Zip Code _____ Phone Number _____

Driver Lic. No. _____ State _____ Class _____ Commercial Yes No Age _____ Birth Date _____

Sex _____ Hair _____ Eyes _____ Height _____ Weight _____ Race _____ Other Description _____

Veh. Lic. No. or VIN _____ State _____ COMMERCIAL VEHICLE (Veh. Code, § 15210(b))

Yr. of Veh. F153 Make SEAWAY Model 28' Body Style V HULL Color BLUE HAZARDOUS MATERIAL (Veh. Code, § 353)

Evidence of Financial Responsibility _____

Registered Owner or Lessee _____ Same as Driver

Address _____ Same as Driver

City _____ State _____ ZIP Code _____

Correctable Violation (Veh. Code, § 40610) Booking Required Misdemeanor or Infraction (Circle)

| Yes | No | Code and Section | Description | Misdemeanor or Infraction (Circle) |
|--------------------------|--------------------------|------------------|------------------------------------|------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | | <u>CCR, T-H 28.30(a) - SPOTTED</u> | M <input checked="" type="radio"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | | <u>SAND BASS LESS THAN</u> | M I |
| <input type="checkbox"/> | <input type="checkbox"/> | | <u>14 INCHES</u> | M I |
| <input type="checkbox"/> | <input type="checkbox"/> | | | M I |

Speed Approx. _____ R.E./Max _____ Veh. Lmt. _____ GPS Lat _____ Long _____

Location of Violation(s) at SAN PEDRO HARBOUR SAN PEDRO CA City/County of Occurrence CA Call TIP Yes / No

Evidence Seized 1 SPOTTED SAND BASS BTW

Violations not committed in my presence, declared on information and belief.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

L. ARKINSTALL Arresting or Citing Officer 819 Badge No.

Date _____ Name of Arresting Officer, if different from Citing Officer _____ Badge No. _____

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.
X Signature Troy Tecklenburg

WHEN: ON OR BEFORE THIS DATE: 7/22/13 Time: 2:30 AM PM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.
Name of Court LONG BEACH SUPERIOR

WHERE: Section or Division, Room No. 415 W. OCEAN BLVD.
Street Address LONG BEACH, CA 90802

Phone Number (562) 441-6354 Ext. _____ Court 19460

Juvenile To be notified You may arrange with the clerk to appear at a night session of the court.



AD2060903

COURT COPY
SEE REVERSE TR-130

ETRS CLOSED WORK FORM

CITATION / CASE DATA

| | | | |
|--------------|---------|------------|-------------|
| Citation No. | 2060903 | FIRST NAME | TROY |
| LEA No. | 7204 | MID. INIT. | L |
| DOC TYPE | ETRS | LAST NAME | TECKLENBURG |

AUDIT TAPE DATA

| | | | |
|-------------|--------------|-------------|----------|
| ENTRY DATE | 01/23/14 | AMOUNT DUE | \$923.00 |
| DISPO DATE | | AMOUNT REC. | \$923.00 |
| RECEIPT NO. | 1140123T6325 | BAIL | \$0.00 |

REASON FOR CLOSE: Bail Forfeiture - source: TIPS

Exhibit F

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
ARREST/INVESTIGATION REPORT

ENF 6a (4-04)

Region # 5 Page 1 Of 3

| | | | | |
|---|---|--|--|--|
| DATE OF INCIDENT/OCCURRENCE 03/27/2013 | | TIME (2400) 0730 | CITY/COUNTY/JUDICIAL DISTRICT San Clemente Island/Los Angeles/Avalon Superior | |
| *X* ONE <input checked="" type="checkbox"/> Arrest Report <input type="checkbox"/> Formal Complaint | *X* ONE <input checked="" type="checkbox"/> Self Initiated <input type="checkbox"/> Complaint | TYPE OF REPORT (*X* APPLICABLE) <input checked="" type="checkbox"/> Commercial Fishing <input type="checkbox"/> Hunting <input type="checkbox"/> Inland Pollution <input type="checkbox"/> CalTIP <input type="checkbox"/> Recreational Fishing <input type="checkbox"/> Trapping <input type="checkbox"/> Marine Pollution <input type="checkbox"/> Other Other: | | |

Suspect Information

| | | | | |
|--|--|---|--|--|
| Name Suspect #1 (First, Middle, Last) Troy Tecklenburg Leith | | Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F | Date of Birth (MM/DD/YY) [REDACTED] | Citation Number AD2061315 |
| Suspect Address (Street, Apt, City, State, Zip Code) [REDACTED] | | | | Home Phone [REDACTED] |
| Business Address (Street, Apt., City, State, Zip Code) N/A | | | | Business Phone N/A |
| Identification Type (*X* APPLICABLE) <input checked="" type="checkbox"/> CDL/CID <input type="checkbox"/> Other State DL/ID <input type="checkbox"/> Other ID: _____ Number: [REDACTED] | | Suspect Description (*X* APPLICABLE) General: _____ Hair: _____ Eyes: _____ Ethnicity: _____ Height: [REDACTED] Weight: [REDACTED] | | |
| Vehicle Type (*X* APPLICABLE) <input type="checkbox"/> Auto <input checked="" type="checkbox"/> Vessel <input type="checkbox"/> Other | | Description (Make, Model, Year, Color) Seaway, 1985, White/Blue | | License Plate Number/VIN [REDACTED] |

Offenses and Charges

| | |
|---|---|
| <input checked="" type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other: _____ Section: 8251 Description: Take of lobster out of season (commercial) | <input type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other: _____ Section: _____ Description: _____ |
| <input checked="" type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other: _____ Section: 9004 Description: Traps not checked within 96 hours (4 days) | <input type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other: _____ Section: _____ Description: _____ |
| <input type="checkbox"/> F&G <input checked="" type="checkbox"/> T-14 <input type="checkbox"/> Other: _____ Section: 122 (n) Description: Traps left past 6 days after close of lobster season | <input type="checkbox"/> F&G <input type="checkbox"/> T-14 <input type="checkbox"/> Other: _____ Section: _____ Description: _____ |

Evidence Seized

| | | |
|--|---|--|
| Evidence Description (Amount, Type, Serial Number, etc.) | "X" ONE <input type="checkbox"/> Held <input type="checkbox"/> Returned <input type="checkbox"/> Destroyed <input type="checkbox"/> Other | Evidence Photographed? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Evidence Description (Amount, Type, Serial Number, etc.) | "X" ONE <input type="checkbox"/> Held <input type="checkbox"/> Returned <input type="checkbox"/> Destroyed <input type="checkbox"/> Other | Evidence Photographed? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Evidence Description (Amount, Type, Serial Number, etc.) | "X" ONE <input type="checkbox"/> Held <input type="checkbox"/> Returned <input type="checkbox"/> Destroyed <input type="checkbox"/> Other | Evidence Photographed? <input type="checkbox"/> Yes <input type="checkbox"/> No |

Case Synopsis

Subject was caught fishing commercially for lobster out of season.

See ENF 6b For Additional Suspect and Witness Information "x"ONE Yes No

| | | | |
|--|--------------------|------------------------------------|------|
| Preparer's Name and Badge Number Warden Oratovsky 783 | Date 03/31/2013 | Reviewer's Name Lt. Rod Buckler | Date |
|--|--------------------|------------------------------------|------|

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
NARRATIVE/SUPPLEMENTAL

ENF 6a p.2 (Rev 4-04)

Region# 5 Page 2 of 3

| | | | |
|--|--|---|--|
| DATE OF INCIDENT/OCCURRENCE 03/27/2013 | | TIME (2400) 0730 | CITY/COUNTY/JUDICIAL DISTRICT San Clemente Island/Los Angeles/Avalon Superior |
| **APPLICABLE <input checked="" type="checkbox"/> Narrative <input checked="" type="checkbox"/> Arrest Report <input type="checkbox"/> Supplemental <input type="checkbox"/> Formal Complaint | | TYPE OF REPORT (**APPLICABLE) <input checked="" type="checkbox"/> Commercial Fishing <input type="checkbox"/> Hunting <input type="checkbox"/> Inland Pollution <input type="checkbox"/> Incident Report <input type="checkbox"/> Recreational Fishing <input type="checkbox"/> Trapping <input type="checkbox"/> Marine Pollution <input type="checkbox"/> Other Other: | |
| Location/Subject/Incident Name Offshore San Clemente Island/Troy Tecklenburg Leith | | Arresting/Case Officer Warden Oratovsky | Citation Number AD2061316 |

1. On 03/26/2013, I was on skiff patrol offshore San Clemente Island with
 2. Wardens Zurawski and Bagdasaryan when I observed several orange colored
 3. buoys in the water on the northern side of the island. Upon closer inspection, I
 4. saw a line attached to the buoys and a number ([REDACTED]) engraved into the
 5. buoys. According to CCR T-14 122 (k): Each buoy identifying a lobster trap
 6. shall display the commercial fishing license identification number of the lobster
 7. operator permit holder followed by the letter P.
 8.
 9. According to Fish and Game code 8251: Spiny lobsters may be taken only
 10. between the first Wednesday in October and the first Wednesday after the 15th
 11. of March (MARCH 20TH 2013). Lobster traps may be set and baited 24 hours
 12. in advance of the opening date of the lobster season if no other attempt is made
 13. to take or possess the lobsters. Additionally, According to CCR T-14 122 (n):
 14. During the closed season for the taking of spiny lobster, no buoy attached to any
 15. trap may be marked in such manner as to identify the trap as a lobster trap,
 16. except that legally marked lobster traps may be placed in the water not more
 17. than six (6) days before the opening of the season and may remain in the water
 18. for not more than six (6) days after the close of the season, if the door or doors
 19. to such traps are wired open, the trap is un-baited, the buoy remains at the
 20. surface of the ocean, and no attempt is made to take spiny lobsters.
 21.
 22. As 03/26/2013 was the 6th and final day that lobster traps are legally allowed to
 23. still be in the water, I decided that I would wait until the next day, 03/27/2013
 24. and see if the traps were still in the water. This would be in violation of CCR T-
 25. 14 122(n).
 26.
 27. On 03/27/2013, I was on skiff patrol with Warden Bagdasaryan offshore San
 28. Clemente Island around 0730 hours in the same area as I was in on 03/26/2013
 29. (7 days after the close of lobster season).
 30.
 31.

| | | | |
|--|--------------------|------------------------------------|------|
| Preparer's Name and Badge Number Warden Oratovsky 783 | Date 03/31/2013 | Reviewer's Name Lt. Rod Buckler | Date |
|--|--------------------|------------------------------------|------|

STATE OF CALIFORNIA
 DEPARTMENT OF FISH AND GAME
NARRATIVE/SUPPLEMENTAL
 WPD 6a p.2 (Rev 10-98)

| | | | | |
|---|--|---|--|--|
| DATE OF INCIDENT/OCCURRENCE 03/27/2013 | | TIME (2400) 0730 | CITY/COUNTY/JUDICIAL DISTRICT San Clemente Island/Los Angeles/Avalon Superior | |
| *X* APPLICABLE <input checked="" type="checkbox"/> Narrative <input checked="" type="checkbox"/> Arrest Report <input type="checkbox"/> Supplemental <input type="checkbox"/> Formal Complaint | | TYPE OF REPORT (*X* APPLICABLE) <input checked="" type="checkbox"/> Commercial Fishing <input type="checkbox"/> Hunting <input type="checkbox"/> Inland Pollution <input type="checkbox"/> Incident Report <input type="checkbox"/> Recreational Fishing <input type="checkbox"/> Trapping <input type="checkbox"/> Marine Pollution <input type="checkbox"/> Other: _____ | | |
| Location/Subject/Incident Name Offshore San Clemente Island/Troy Tecklenburg Leith | | Arresting/Case Officer Warden Oratovsky | Citation Number AD2061316 | |
| 32. I observed a white and blue colored commercially registered fishing vessel with the 33. Department of Fish and Game ([REDACTED]) with the number ([REDACTED]) imprinted 34. on the aft port side of the boat. Upon contact with the captain of the vessel, later 35. identified as Troy Tecklenburg Leith I identified myself and Bagdasaryan as 36. Wardens with the Department of Fish and Game and asked what Leith was doing. 37. Leith responded that he was trying to retrieve his lobster traps. I asked Leith how 38. many traps he had in the water. Leith responded about 50. I then asked Leith if the 39. traps were opened and un-baited as per CCR T-14 122(n). Leith stated that all his 40. traps were closed and that some of them still had bait. I asked Leith if he was aware 41. that his traps were required to be out of the water by the 6th day after the close of 42. lobster season. Leith said he thought he had two weeks. I then asked Leith when 43. was the last time he checked his lobster traps. Leith stated that the last time he 44. checked his traps was March 20th, 2013 (the last day of the lobster season). This is 45. in violation of Fish and Game Code 9004: Every trap shall be raised, cleaned, 46. serviced, and emptied at intervals, not to exceed 96 hours (4 days), weather 47. conditions at sea permitting, and no trap shall be abandoned in the waters of this 48. state. 49. 50. I then observed Leith pull up two lobster traps, both of which contained lobsters 51. (see attached pictures). Both traps were closed, one of which contained a bait 52. canister (see attached pictures). I informed Leith that he was in violation of Fish 53. and Game Code 8251: Take of lobster commercially out of season and would be 54. cited for that violation. I also told Leith that he needed to take all his lobster traps 55. out of the water and was not able to possess any lobster. 56. 57. Additionally Leith was in violation of CCR T-14 122(n) and Fish and Game Code 58. 9004. I am asking the District Attorney to file these additional charges against 59. Leith 60. 61. 62. | | | | |
| Preparer's Name and Badge Number Warden Oratovsky 783 | | Date 03/31/2013 | Reviewer's Name Lt. Rod Buckler | |
| | | | Date | |

STATE OF CALIFORNIA
 DEPARTMENT OF FISH AND GAME
NARRATIVE/SUPPLEMENTAL
 WPD 6a p.2 (Rev 10-98)

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|--|--|---|--|------|
| DATE OF INCIDENT/OCCURRENCE 03/27/2013 | | TIME (2400) 0730 | CITY/COUNTY/JUDICIAL DISTRICT San Clemente Island/Los Angeles/Avalon Superior | |
| *X* APPLICABLE <input checked="" type="checkbox"/> Narrative <input checked="" type="checkbox"/> Arrest Report <input type="checkbox"/> Supplemental <input type="checkbox"/> Formal Complaint | | TYPE OF REPORT (*X* APPLICABLE) <input checked="" type="checkbox"/> Commercial Fishing <input type="checkbox"/> Hunting <input type="checkbox"/> Inland Pollution <input type="checkbox"/> Incident Report <input type="checkbox"/> Recreational Fishing <input type="checkbox"/> Trapping <input type="checkbox"/> Marine Pollution <input type="checkbox"/> Other: _____ | | |
| Location/Subject/Incident Name Offshore San Clemente Island/Troy Tecklenburg Leith | | Arresting/Case Officer Warden Oratovsky | Citation Number AD2061316 | |
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| Preparer's Name and Badge Number Warden Oratovsky 783 | | Date 03/31/2013 | Reviewer's Name Lt. Rod Buckler | Date |

PROOF OF APPEARANCE

I CERTIFY THAT PERSON NAMED BELOW APPEARED IN THE COURT AS INDICATED:

| | | | |
|--|--|--|---|
| NAME OF PERSON WHO APPEARED IN COURT (PRINT) Troy Leith Tecklenburg | | CASE/CITATION NUMBER 2061315 | <input checked="" type="checkbox"/> NO FILING TO DATE |
| APPEARED AS: (Capacity) <input type="checkbox"/> Defendant <input type="checkbox"/> Witness <input checked="" type="checkbox"/> Other: officer TRAFFIC ONLY | | PLACE OF APPEARANCE <input type="checkbox"/> COURTROOM: DIV/ DEPT _____ <input checked="" type="checkbox"/> CLERK'S OFFICE | |
| DATE: 3-25-15 | |  Sherri R. Carter, Executive Officer / Clerk By SL Deputy | |
| TIME: 12:30 <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M. | | | |
| COMMENTS: Call once a week for one year from the Violation date to see if the citation is entered. (562) 256-2313 between the hours of 8:30a.m. to 10:30 a.m. or 1:30p.m. to 3:30 p.m. You may also try calling the 24 hour Automated line at (213) 742-8809 (www.lacourt.org) | | | |