

The GLOUCESTER TIMES

IG: NOAA's chief cop shredded documents in November

By Richard Gaines
Staff Writer

March 03, 2010 11:32 pm

Dale J. Jones, whose decade as the head of federal fisheries law enforcement has produced a dossier of alleged heavy-handed practices against the fishing community, authorized a mass document-shredding operation last November while under scrutiny by the U.S. Commerce Department inspector general's office, a federal committee chairwoman charged yesterday.

The shredding came to light during the second of two separate House oversight subcommittee hearings into the findings in the yet-to-be-finalized report of Inspector General Todd Zinser.

The revelation of the destruction of documents was made by Madeline Z. Bordallo, D-Guam, who chairs the House Natural Resources Subcommittee on Insular Affairs Oceans and Wildlife. Her statement came at the start of a two-hour hearing — a day after another House panel had grilled Jones and oceans chief administrator Jane Lubchenco about NOAA enforcement wrongdoing in another hearing in Gloucester's City Hall.

"Last week," Bordallo said, "I learned that Dale Jones authorized destruction of documents in November while his office was under investigation by the inspector general."

Bordallo released a statement calling for Jones to be "temporarily relieved of his duties" pending a recommendation from the Inspector General.

The IG has added the document-shredding — estimated at 140 files — to a workload of detailed analyses of specific cases that came to light during his nationwide survey of law enforcement against fishermen by agents of Jones' office — notably by agents policing the Northeast fisheries from their regional offices in Gloucester.

Jones was hired out of the police chief's chair in Hagerstown, Md., to head law enforcement for the National Oceanic and Atmospheric Administration, where he directs more than 200 agents. He has surrounded himself with colleagues from the local police circuit — leading to the IG's finding that the force operated like criminal, rather than administrative law enforcers, spurring fishermen's complaints that they were regularly treated like "criminals" for even basic, paperwork violations.

Yet, at the first House oversight subcommittee hearing in Gloucester on Tuesday, Jones defended his hiring choices to congressional questioners Dennis Kucinich, D-Ohio, and Massachusetts colleagues John Tierney, D-Salem, and Barney Frank, D-Newton. Jones said his agents, who had little or no fisheries experience, are the best people he could find.

NOAA chief Jane Lubchenco yesterday disagreed with Bordallo about the need for Jones to step aside temporarily. She said she would await the result of Zinser's investigation into the document shredding before deciding on a course of action.

But, Lubchenco conceded, "It does not look good."

Zinser and Lubchenco also appeared at yesterday's hearing of Bordallo's subcommittee meeting in Washington. The proceedings were Web cast and are archived on the House Natural Resources Committee Web site.

Zinser said Jones explained the shredding as a routine event that had been scheduled before his office was brought under investigation at Lubchenco's request. That came after she received a letter from the congressional delegations of Massachusetts and North Carolina.

Zinser said yesterday he did not believe the action was routine; he said he was tipped about the shredding by an "anonymous" telephone tip on the day of the destruction of the files, then "learned from an informant that the shredding had occurred."

"What came to mind," Zinser told the Bordallo panel, "I wonder what the Office of Law Enforcement would have thought if a fishing company did the same thing."

Subcommittee member, North Carolina Republican Walter B. Jones, recalled that more than 5,000 fishermen and their families rallied for congressional help at the side of the Capitol a week ago, believing that (NOAA Fisheries) "was working against them, not for them."

At that "United We Fish" rally, Rep. Jones predicted, "We've got a report from the IG that will bust their butts."

The push for the Inspector General's probe began in Gloucester with state Rep. Ann-Margaret Ferrante, a lawyer who had previously represented the Gloucester Seafood Display Auction. The auction, the linchpin of the port economy and lead broker of fish from the Gulf of Maine, was served a massive allegation of illegal fish brokering in February 2009 and faced a closing of 120 days and a fine of \$335,200 for violations based on self reported documents.

The auction settled the 2009 allegation and threads from two earlier cases Tuesday for a fraction of the proposed penalty fine, and a total of 35 days of closings at times of the choosing of the owners, the Ciulla family. The agreement also left the auction with no record of violations or future liability.

The hearing in Gloucester on Tuesday brought to light from the IG testimony that Jones had also charged international travel to a largely uncontrolled Asset Forfeiture Fund which had \$8.4 million at the end of 2009 from the fines collected from fishermen by NOAA law enforcement and the litigators in NOAA's Office of General Counsel.

NOAA law enforcement had long been suspected by targets of its cases of using the proceeds of their prosecutions for travel and general expenses.

The Times reported in January that, until October — deep into the IG's investigation — NOAA law enforcement agents were free to tap the Asset Forfeiture Fund for travel and "purchases" without authorization.

During the IG's investigation, the rules were changed, and agents were told in a memo that "Effective immediately, all travel and purchases normally paid through the fund are canceled pending further notification. Any fund-related travel/purchase will come to me for review...."

"Submission to headquarters for approval will be on a case by case basis. Call me if you have questions," the official wrote.

In Gloucester Tuesday, Jones said he had no memory of charging international travel to the Asset Forfeiture Fund, but Zinser said he had "preliminary research showing international travel."

Jones and a large contingent of agents and NOAA and Coast Guard officials traveled for a week to Norway in the summer of 2008 for an international conference on fisheries law enforcement.

Zinser said tracing the expenses charged to the fund were difficult to trace because of lack of records.

Rep. Jones yesterday summarized the findings of the IG's probe of Jones' administration.

"Overzealous enforcement — we heard about it for 15 years and tried to get the IG to look at it," he told the Bordallo panel. "A highly regulated clientele and a dysfunctional relationship."

The North Carolina congressman also noted that the size of the agents' workforce is up 40 percent, while the volume of landings is down 5 percent.

In North Carolina, he noted, fishermen's catch landings have fallen 66 percent.

"There are more law enforcement officers policing a shrinking industry," he said.

Richard Gaines can be reached at 978-2830-7000, x3464, or rgaines@gloucestertimes.com

Copyright © 1999-2010 cnhi, inc.