



AGENDA ITEM SUMMARY

BACKGROUND

Mr. Richard Shore holds a Resident Individual Commercial Fishing License (Permit #16307) and a Resident Limited Fish Seller Permit (Permit #108G7) issued by the Department in 2022. Since 2016, Mr. Shore has been convicted six times for violations of the commercial fishing laws of the State of Oregon (one misdemeanor, 5 class A violations), including three convictions within a three-year period between 2019 and 2020.

Oregon administrative rule (OAR) 635-006-0235 states that upon the third conviction within three years of any of the commercial fishing laws of the State of Oregon, by any person, the Commission shall initiate contested case proceedings in accordance with the Administrative Procedures Act (ORS Chapter 183) to revoke, or refuse to issue, licenses issued under the commercial fishing laws.

In accordance with ORS 508.485 and OAR 635-006-0235, the Department initiated contested case proceedings by issuing a Notice of Intent to Revoke Commercial Fishing Licenses and Opportunity for a Hearing (Attachment 2). The Notice of Intent, sent to Mr. Shore via certified mail and standard mail, notified Mr. Shore of the Department's intent, and provided an opportunity for Mr. Shore to request a formal contested case hearing. No request was made to the Department to have a formal contested case hearing, and therefore the Commission may now issue a final order by default (Attachment 3).

PUBLIC INVOLVEMENT

There has been no direct public involvement on this matter.

ISSUE

Revocation of 2022 commercial fishing licenses held by Richard Shore and the length of time (up to one year) following issuance of the Final Order by Default that the Commission will refuse issuance of commercial fishing licenses or permits.

ANALYSIS

Pursuant to Oregon statute (ORS 509.485), the Commission may revoke Mr. Shore's commercial licenses due to Mr. Shore's multiple convictions of violations to commercial fishing laws. However, OAR 635-006-0235 states that the Commission "shall initiate contested case proceedings" upon the third conviction of commercial fishing laws within a three-year period. These criteria have been met, as Mr. Shore was convicted of three commercial fishing violations between 2019 and 2020, and contested case proceedings were initiated by the Department through a Notice of Intent to Revoke Commercial Licenses (Attachment 2). Since no formal request for a contested case hearing was received by the Department, the Commission may issue a default final order (Attachment 3).

In addition, the Commission has discretion with respect to how long (up to one year) after a commercial fishing license or permit has been revoked that the Commission may refuse to issue any subsequent commercial fishing licenses. In this case, the Department recommends the Commission revoke the 2022 Resident Individual Commercial Fishing License (Permit #16307) and 2022 Resident Limited Fish Seller Permit (License #108G7) for the remainder of 2022 and to refuse to issue any subsequent commercial fishing licenses or permits for a period of one-year from the date of the final order.

OPTIONS

1. Revoke the 2022 Resident Individual Commercial Fishing License Permit and Resident Limited Fish Seller Permit held by Richard Shore for the remainder of 2022 and refuse issuance of commercial fishing licenses or permits for a period of one year from the date of issuance of the final order.
2. Revoke the 2022 Resident Individual Commercial Fishing License Permit and Resident Limited Fish Seller Permit held by Richard Shore for the remainder of 2022 and refuse issuance of commercial fishing licenses or permits for a period shorter than one year from the date of issuance of the final order.
3. Take no action.

STAFF RECOMMENDATION

1. Revoke the 2022 Resident Individual Commercial Fishing License Permit and Resident Limited Fish Seller Permit held by Richard Shore for the remainder of 2022 and refuse issuance of commercial fishing licenses or permits for a period of one year from the date of issuance of the final order.

DRAFT MOTION

1. I move that the Commission revoke the 2022 Resident Individual Commercial Fishing License Permit #16307 and Resident Limited Fish Seller Permit #108G7, held by Richard Shore, for the remainder of 2022 and to refuse issuance of commercial fishing licenses or permits for a period of one year from the date of issuance of the final order.

EFFECTIVE DATE: Immediately.