

# Atlantic States Marine Fisheries Commission

## Executive Committee

May 7, 2025  
8:00 – 10:00 a.m.

### Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

*A portion of this meeting will be a closed session for Committee members and Commissioners only.*

1. Welcome/Call to Order (*J. Cimino*)
2. Board Consent
  - Approval of Agenda
  - Approval of Meeting Summary from February 2025
3. Public Comment
4. Report of the Administrative Oversight Committee **Final Approval** (*D. McKiernan*)
  - Review and Consider Approval of FY26 Budget
5. Legislative Update (*A. Law*)
6. Review Discussion Paper on Declared Interests and Voting Privileges - Issues 1 & 2 (*R. Beal*)
7. Future Annual Meetings Update (*L. Leach*)
  - October 26 – 30, 2025 – Dewey Beach, Delaware
  - 2026 – Rhode Island
  - 2027 – South Carolina
  - 2028 – Massachusetts
  - 2029 – Pennsylvania
  - 2030 – Georgia
8. Other Business
9. **Closed Session**
  - Litigation Update (*R. Beal*)
  - Update on CARES Act Repayment Progress (*R. Beal*)
  - Conduct Executive Director Performance Review
10. Adjourn

The meeting will be held at The Westin Crystal City (1800 Richmond Highway, Arlington, VA; 703.486.1111) and via webinar; click [here](#) for details.

**DRAFT MEETING SUMMARY OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
EXECUTIVE COMMITTEE**

**The Westin Crystal City  
Arlington, Virginia  
February 5, 2025**

## INDEX OF MOTIONS

1. Approval of Agenda by Consent (Page 1)
2. For meetings where the whole of a state delegation cannot attend an in-person meeting for reasons beyond their control, the delegation may request the postponement of a particular action for consideration at the next meeting.  
Motion made by Mr. Haymans and seconded by Mr. Dyar. Motion substituted.

### Motion to Substitute

Move to substitute, for meetings where the whole of a state delegation cannot attend in person a meeting for reasons beyond their control, the delegation may request to the Executive Director, Commission Chair, and Board Chair, for a postponement of a particular action for consideration at the next scheduled regular meeting or out of cycle meeting.

Motion made by Mr. Keliher and seconded by Mr. Abbott. Motion passes by unanimous consent.

### Main Motion as Substituted

Move for meetings where the whole of a state delegation cannot attend in person a meeting for reasons beyond their control, the delegation may request to the executive director, commission chair, and board chair, for a postponement of a particular action for consideration at the next scheduled regular meeting or out of cycle meeting. Motion passes by unanimous consent. (Page 1)

## ATTENDANCE

### Committee Members

Pat Keliher, ME  
Cheri Patterson, NH  
Dennis Abbott, NH (LA Chair)  
Dan McKiernan, MA, Vice Chair  
Jason McNamee, RI  
Justin Davis, CT  
Marty Gary, NY  
Joe Cimino, NJ, Chair  
Kris Kuhn, PA

Roy Miller, DE (GA Chair)  
John Clark, DE  
Lynn Fegley, MD  
Jamie Green, VA  
Chris Batsavage, proxy for Kathy Rawls, NC  
Ben Dyar, SC  
Doug Haymans, GA  
Erika Burgess, FL

### Other Commissioners/Proxies

Pat Geer, VMRC AA proxy  
Jim Gilmore, NY  
Allison Hepler, ME LA  
Gary Jennings, FL GA  
Ray Kane, MA GA  
Robert LaFrance, CT GA Proxy

John Maniscalco, NY DEC  
Nichola Meserve, MA DMF  
Marina Owens, FFWC  
Eric Reid, RI LA proxy  
Dave Sikorski, MD LA proxy  
Megan Ware, ME DMR  
Renee Zobel, NH F&G

### Staff

Bob Beal  
Alexander Law  
Laura Leach

Madeline Musante  
Tina Berger

### Guests

Margaret Conroy, DEDNREC  
Chip Lynch, NOAA  
Brian McManus, FFWC  
Allison Murphy, NMFS  
Ronald Owens, PRFC  
Will Poston, ASGA

### **CALL TO ORDER**

The Executive Committee of the Atlantic States Marine Fisheries Commission convened February 5, 2025 in the Jefferson Ballroom at The Westin in Crystal City, Virginia. The meeting was called to order at 8:00 a.m. by Chair Joe Cimino.

### **APPROVAL OF AGENDA**

The agenda was approved as presented.

### **APPROVAL OF SUMMARY MINUTES**

The summary minutes from the October 23, 2024 meeting were approved as presented.

### **PUBLIC COMMENT**

There was no public comment.

### **CARES UPDATE**

Mr. Beal provided an update on the status of the remaining issues with New Jersey and Florida CARES payments due to be repaid after audits found funds made some more than whole or ineligible to receive any funds at all.

### **BOARD VOTING AND VIRTUAL PARTICIPATION**

A lengthy discussion was held on the *White Paper on Board Voting and Virtual Meeting Standard Operating Practices and Procedures*. The Committee decided to deal with Issue 3 first; *Virtual and Hybrid Meeting Participation*. The Commission adapted to the COVID pandemic by conducting its business virtually. Fortunately, the Commission is now able to meet in-person but has retained the option to conduct fully virtual meetings or provide a virtual participation option for in-person meetings (“hybrid meetings”).

The Commission does not have guidelines on the conduct of hybrid or virtual meetings. Overall, the hybrid meeting process has worked well, but guidelines may be helpful to ensure a consistent approach across all meetings.

After discussion, the following motion passed by unanimous consent. *Move for meetings where the whole of a state delegation cannot attend in person a meeting for reasons beyond their control, the delegation may request to the executive director, commission chair, and board chair, for a postponement of a particular action for consideration at the next scheduled regular meeting or out of cycle meeting.*

### **LEGISLATIVE COMMITTEE UPDATE**

Legislative Program Coordinator Alexander Law provided an update to the Executive Committee on legislative successes for the Commission in the 118<sup>th</sup> Congress, challenges ahead, and on the composition of the legislative and executive branches.

### **FUTURE ANNUAL MEETING LOCATIONS**

Mrs. Leach provided an update on future Annual Meeting locations. October 26 -30, 2025 the Annual Meeting will be in Dewey Beach, Delaware; in 2026 Rhode Island; 2027 South Carolina; 2028 Massachusetts; 2029 Pennsylvania and 2030 Georgia.

### **ADJOURN**

The Executive Committee went into a closed session at 8 : 4 5 a.m. and adjourned at 10:00 a.m.



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
ACQUISITION AND GRANTS OFFICE

April 3, 2024

Robert Beal  
Executive Director  
Atlantic States Marine Fisheries Commission  
1050 N. Highland Street, Suite 200 A-N  
Arlington, VA 2220

Subject: Analysis of Progress Report and Supporting Documentation for:

- State of New Jersey Office of the Comptroller Review of COVID-19 CARES Act Marine Fisheries Assistance Grant Program issued March 24, 2022, and supplemental issued June 20, 2023.
- CARES Act, Administrative Recovery Case No. 23-0758-P, NOAA Fisheries Cares Act and ACC.
- Independent Program Evaluation of National Oceanic and Atmospheric Administration (NOAA) Fisheries Pandemic Relief Program Final Report No. OIG-24-018-I, issued April 4, 2024.

Dear Mr. Beal,

The National Oceanic and Atmospheric Administration's Grants Management Division (NOAA GMD) has reviewed the documentation submitted by the Atlantic States Marine Fisheries Commission (ASMFC) on January 14, 2025, concerning the extension request letter issued on December 4, 2024. NOAA GMD analyzed these documents and has provided its assessment.

We would like to thank ASMFC for its continued cooperation as we address the findings of the investigation. If you have any questions regarding the documentation review, please contact Andrea Sexton, Lead Audit Specialist, at [Andrea.Sexton@NOAA.Gov](mailto:Andrea.Sexton@NOAA.Gov).

Sincerely,

Timothy Carrigan  
Acting Director, Grants Management Division

c: Laura Leach, Director of Finance & Administration

Attachment - Document Analysis

## Documentation Analysis

**State of New Jersey Office of the Comptroller Review of COVID-19 CARES Act Marine Fisheries Assistance Grant Program issued March 24, 2022, reported \$7,050,002 in unallowed expenditures.**

**Finding Summary:** The Integrity Monitoring audit of the State of New Jersey and the September 2022 State of New Jersey's Department of the Comptroller audit reported that \$7,050,02 in unallowed costs must be returned to NOAA.

**Recipient Response:** The response included a letter from Robert Beal, Executive Director of the Atlantic States Marine Fisheries Commission, dated January 14, 2025. In addition contained Attachment #1, the NJ CARES Reconciliation as of December 31, 2024, and Attachment #2, detailing the NJ Funds Returned as of December 31, 2024. Furthermore, it provided the State of New Jersey's recalculation for 15 direct assistance recipients, along with backup documentation and the state's findings regarding these recalculations.

**GMD Analysis:** The Audit Resolution Determination letter issued on October 2, 2024, requested that the Atlantic States Marine Fisheries Commission (ASMFC) submit appropriate documentation to support the debt reduction from \$7,049,988 to \$4,808,985. The letter specified that the supporting documentation must include the relevant documents that formed the basis for the recalculated debt amount, the calculations used, and a certification from either the New Jersey Office of the State Comptroller (NJ OSC) or the Vander Weele Group (VWG), New Jersey's Integrity Monitor, confirming that the additional documentation would adequately support a recalculation under their original audit methodology.

NOAA's Grants Management Division (GMD) reviewed Attachment #1, NJ CARES Reconciliation, Attachment #2 detailing the NJ Funds Returned and the recalculation documentation for 15 recipients. Through the documentation review NOAA confirmed a credited amount of \$2,650,808 from recalculations and adjustments. Attachment #2, NJ Funds Returned, also identified \$1,066,772 in funding returned to the ASAP system for recipients identified as made more than whole —the remaining balance of \$3,332,402. The remaining balance includes the unallowed costs from the two recipients who have passed away since receiving the CARES Act assistance. At this time, NOAA encourages ASMFC to work with the State of New Jersey to recoup the unallowed costs for these recipients and provide updates in future responses.

The response did not address the pending court cases. Moving forward, ASMFC should collaborate with its subrecipients to ensure that updates on the pending cases are provided. On January 30, 2025, a call occurred between NOAA GMD and ASMFC, during which they began to progress. The ASMFC agreed to update the pending cases as soon as the information was available.

### **Remaining Actions:**

- \$3,332,402 in unallowed costs identified in the State of New Jersey audit must be recouped.
- ASMFC should submit information on ongoing recoupment of funding from Direct Aid recipients.

- Provide updates for the cases submitted to the state of New Jersey Attorney General's office.

**Status:** Open.

**CARES Act, Administrative Recovery Memo 1, Case Number 23-0758-P, NOAA Fisheries Cares Act, and CAA, found \$25,266 in unallowed costs for two fishermen.**

**Finding Summary:** OIG found one applicant should have included all revenue for the reporting period on the CARES application, resulting in revenue for 2020 being understated by \$42,363 that resulted in \$10,679 in unallowed costs and a second applicant should have reported all revenue in their CARES application that resulted in \$14,547 in unallowed costs.

**Recipient Response:** A written response submitted by Robert Beal, Executive Director of the Atlantic States Marine Fisheries Commission dated January 14, 2025, and Attachment #4 Florida Unallowable CARES Payments Return Tracking

**GMD Analysis:** The Audit Resolution Determination letter stated that the ASMFC should recover unallowed costs totaling \$28,618 from two fishermen in Florida. During the audit, the OIG investigator reviewed one payment from each recipient identified above as a part of their sample; however, the State of Florida found that these recipients had received multiple payments. The attachment title Attachment #4 Florida Unallowable CARES Payments Return Tracking shows that the total Applicant One received was \$11,443, and Applicant Two received \$17,175. The adjusted amount of \$28,618 mentioned in the finding includes all payments received by each recipient. In Attachment 4, ASMFC provided an update on the two applicants referenced in the memo, indicating that both are currently in a repayment plan.

**Remaining Actions:**

- Recoup the unallowed costs of \$28,618 from two fishermen in Florida identified in the OIG Case Number 23-0758-P.
- ASMFC should continue to provide updates on the repayment plan in the quarterly progress reports.

**Status:** Open.

**CARES Act, Administrative Recovery Memo 2, Case Number 23-0758-P, NOAA Fisheries Cares Act, and CAA, found \$55,990 in unallowed costs for one fishery-related business.**

**Finding Summary:** A business received \$55,990 in CARES financial assistance due to an in-house accountant's math error on the application. After correcting the math error, the calculation showed that the applicant had a 33 percent loss. Per the program, the percentage had to be above 35 percent to qualify for a payment, so the applicant did not qualify for a payment of \$55,990.

**Recipient Response:** A written response submitted by Robert Beal, Executive Director of the Atlantic States Marine Fisheries Commission dated January 14, 2025, and Attachment #4 Florida Unallowable CARES Payments Return Tracking.



**GMD Analysis:** The Audit Resolution Determination letter stated that ASMFC should recoup the unallowed costs of \$59,995 from a commercial fisherman in Florida identified in OIG Case Number 23-0758-P. The OIG investigator reviewed one payment from this recipient as part of their sample; however, the State of Florida found that this recipient had received multiple payments. The attachment title, Attachment #4 Florida Unallowable CARES Payments Return Tracking, shows all the payments the recipients received, for a total of unallowed costs of \$59,995. In Attachment 4, ASMFC provided an update on this recipient that shows they are working to set up a repayment plan.

**Remaining Actions:**

- Recoup the unallowed costs of \$59,995 for a commercial fisheries business in the state of Florida identified in the OIG Case Number 23-0758-P.
- ASMFC should continue to provide updates on the repayment plan in the quarterly progress reports.

**Status:** Open.

**Independent Program Evaluation of National Oceanic and Atmospheric Administration (NOAA) Fisheries Pandemic Relief Program Final Report No. OIG-24-018-I issued April 4, 2024.**

**Finding Summary:** OIG Report Number OIG-24-018-I identified unallowed costs due to errors in the 35 percent calculation or payment calculation.

- Seven applicants claimed a greater than 35 percent loss for \$198,823 in questioned costs, but the calculated loss from the yearly data does not support a 35 percent loss.
- One applicant received an overpayment of \$458 due to a calculation error that showed a 54 percent loss, but the data supports a 46 percent loss.

**Recipient Response:** A written response submitted by Robert Beal, Executive Director of the Atlantic States Marine Fisheries Commission dated January 14, 2025, and Attachment #4 Florida Unallowable CARES Payments Return Tracking

**GMD Analysis:** The Audit Resolution Determination letter requested that ASMFC recover unallowed costs totaling \$213,096 from seven ineligible recipients receiving direct assistance payments. Additionally, \$513 in unallowed costs were identified from one eligible recipient due to a calculation error and who was made more than whole for a total of \$213,609.

The OIG investigator reviewed one payment from these recipients as part of their sample; however, the State of Florida found that these recipients had received multiple payments. The attachment title, Attachment #4 Florida Unallowable CARES Payments Return Tracking, shows that the seven ineligible recipients should return \$213,096, and the one recipient who was eligible but was made more than whole should return \$513 in unallowable costs due to the additional payments received.

Additionally, attachment #4, ASMFC provided a status update for the direct assistance recipients identified in the OIG Audit. According to this update, two recipients are currently on a repayment plan, one is establishing a repayment plan, and one requested a reduced amount due.

However, ASMFC also reported that three recipients did not respond to the communications. Furthermore, one recipient claimed they had already paid taxes on the direct assistance and would not be making a repayment. NOAA GMD has determined that these funds must be returned.

**Remaining Actions:**

- Recoup the unallowed costs of \$213,096 from seven ineligible recipients who received payments in the direct assistance program.
- Recoup \$513 in unallowed costs identified from one recipient not made more than whole but had a calculation error.
- ASMFC should continue to provide updates on the repayment plans in the quarterly progress reports.

**Status:** Open.



# Atlantic States Marine Fisheries Commission

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Joseph Cimino (NJ), Chair

Dan McKiernan (MA), Vice-Chair

Robert E. Beal, Executive Director

*Sustainable and Cooperative Management of Atlantic Coastal Fisheries*

April 14, 2025

Timothy Carrigan  
Acting Director, Grants Management Division (GMD)  
National Oceanic and Atmospheric Administration

Dear Mr. Carrigan:

This is in response to the Audit Resolution Determination (ARD) Letter Extension approval dated December 4, 2024, which requires *ASMFC to submit quarterly reports updating the status of the cases for the state of New Jersey, as well as the progress of the documentation submission and payment collection for both Florida and New Jersey. The progress reports should contain supporting documentation for the progress report.*

The ARD attachment labeled “Documentation Analysis” from the April 3, 2025 letter included the following text:

**“State of New Jersey Office of the Comptroller Review of COVID-19 CARES Act Marine Fisheries Assistance Grant Program issued March 24, 2022, reported \$7,050,002 in unallowed expenditures.”**

*The remaining actions as detailed by GMD are:*

- \$3,332,402 in unallowed costs identified in the State of New Jersey audit must be recouped.
- ASMFC should submit information on ongoing recoupment of funding from Direct Aid recipients.
- Provide updates for the cases submitted to the state of New Jersey Attorney General’s office.

Attachment #1 is a simplified spreadsheet detailing the status of the remaining CARES funds deemed unallowable. In short, \$189,661.11 has been collected from one recipient (ASAP documentation attachment #2); six lien letters have been sent via Federal Express; six recipients have requested hearings, five of which are currently in the discovery phase; two recipients have not responded and have been referred to the NJ Attorney General’s office and one recipient’s attorney and accountant have a scheduled meeting to discuss this matter. NJ DEP is not planning to pursue repayment from the estates of the two recipients who are deceased.

**CARES Act, Administrative Recovery Memo 1, Case Number 23-0758-P, NOAA Fisheries Cares Act, and CAA, found \$25,266 in unallowed costs for two fishermen.**

*The remaining actions as detailed by GMD are:*

- Recoup the unallowed costs of \$28,618 from two fishermen in Florida identified in the OIG Case Number 23-0758-P.
- ASMFC should continue to provide updates on the repayment plan in the quarterly progress reports.

The two fishers in the above-mentioned case have entered into repayment agreements with the Commission. These agreements require 12 equal monthly payments beginning on May 1, 2025.

**CARES Act, Administrative Recovery Memo 2, Case Number 23-0758-P, NOAA Fisheries Cares Act, and CAA, found \$55,990 in unallowed costs for one fishery-related business.**

*The remaining actions as detailed by GMD are:*

- *Recoup the unallowed costs of \$59,995 for a commercial fisheries business in the state of Florida identified in the OIG Case Number 23-0758-P.*

The commercial fisheries business in the above-mentioned case has agreed to enter into a repayment plan, which has been sent to them for signature.

**Independent Program Evaluation of National Oceanic and Atmospheric Administration (NOAA) Fisheries Pandemic Relief Program Final Report No. OIG-24-018-I issued April 4, 2024.**

*The remaining actions as detailed by GMD are:*

- *Recoup the unallowed costs of \$213,096 from seven ineligible recipients who received payments in the direct assistance program.*
- *Recoup \$513 in unallowed costs identified from one recipient not made more than whole but had a calculation error.*

With regard to the seven ineligible recipients, one has entered into a repayment agreement. This agreement requires 24 equal monthly payments beginning on May 1, 2025. We have sent repayment plans to five recipients and are trying to connect via telephone with one recipient.

Regarding the \$513 in unallowed costs identified from one recipient, we were under the impression we needed to get receipts equal to the unallowed costs and that would satisfy the error.

Attachment #3 details the status of all Florida cases at this time.

Both the States of New Jersey and Florida continue to engage with their fishery assistance recipients to recoup the funds deemed to be unallowable.

The Commission will submit a third quarterly report on July 15, 2025, detailing progress on recouping the funds determined to be unallowable.

Thank you for continuing to work the Commission to resolve this issue.

Sincerely,



Robert E. Beal  
Executive Director

cc: Laura Leach  
Andrea Sexton