



David E. Pierce
Acting Director

Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617) 626-1520

(617) 626-1509



Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Ronald Amidon
Commissioner

Mary-Lee King
Deputy Commissioner

June 13, 2018

Fabio Sampaio
144 Melbourne Road
Hyannis, MA 02601

Re: **Matter of Fabio Sampaio, Docket No. RFP-1553241-DM-18**
FINAL DECISION

Dear Mr. Sampaio:

Upon a thorough review of the administrative record, I have decided to adopt the Magistrate's finding for the claimant based on the respondent's failure to request a hearing.

Therefore, it is my **Final Decision** that recreational saltwater fishing permit DMF ID #1553241 issued to you is hereby suspended and will not be renewed for a period of three years (2018-2020). You may not apply for, hold or otherwise be issued a recreational saltwater fishing permit until 2021. Any such permit inadvertently or mistakenly issued to you during this time shall be null and void.


You have the right to seek judicial review of my **Final Decision** in the appropriate Superior Court pursuant to G.L. c. 30A, §14(1). The complaint must be filed within thirty days of the delivery date of this decision.


Regards,

A handwritten signature in dark ink, appearing to read "David E. Pierce". The signature is fluid and cursive, with a large, sweeping "P" at the end.

David E. Pierce, PhD
Director

Docket Sheet
Motion for Judgment on the Pleadings

| | | | | | | | |
|---|---------------------------|---|--|--|--|---|--|
| Adjudicatory Proceeding DOCKET | | Docket No: RFP-1553241-DM-18 | | Department of Fish and Game Division of Marine Fisheries | |  | |
| Hearing Caption: In the Fabio Sampaio and Recreational Fishing Permit No. 1553241 | | | | Division of Marine Fisheries 251 Causeway Street Hearing Room Suite 400 Boston, MA 02114 (617) 626-1520 | | | |
| Date Filed: 2/26/18 | | Date Disposed: 6/13/18 | | | | | |
| Petitioner: Daniel J. McKiernan, Deputy Director MA Division of Marine Fisheries 251 Causeway Street, Suite 400 Boston, MA 02114 | | | | Petitioners Attorney: | | | |
| Respondent: Fabio Sampaio 144 Melbourne Road Hyannis, MA 02601 | | | | Respondents Attorney: | | | |
| NO. | Entry Date | Docket Entries | | | | | |
| 1 | 2/26/18 | Order to Show Cause | | | | | |
| 2 | 3/5/18 | UPS Notification of Delivery | | | | | |
| 3 | 4/9/18 | Motion of Judgement on Pleadings | | | | | |
| 4 | 4/26/18 | Allowed Motion for Judgement on Pleadings | | | | | |
| 5 | 5/3/18 | UPS Notification of Delivery | | | | | |
| Page 1 of 2 | A TRUE COPY ATTEST | Adjudicatory Proceedings Clerk: X Jared A. Silva (signed electronically) | | | | Date: 6/13/18 | |

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|---|---------------------------|---|--|---|-------------------------|
| Adjudicatory Proceeding DOCKET | | Docket No: RFP-1553241-DM-18 | | Department of Fish and Game Division of Marine Fisheries  | |
| NO. | Entry Date | Docket Entries | | | |
| 6 | 6/13/18 | Final Decision | | | |
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| Page 2 of 2 | A TRUE COPY ATTEST | Adjudicatory Proceedings Clerk: X Jared A. Silva (signed electronically) | | | Date: 6/13/18 |

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF FISH AND GAME
DIVISION OF MARINE FISHERIES

SUFFOLK, SS.

ADJUDICATORY PROCEEDING
DOCKET NO. RFP-1553241-DM-18

IN THE MATTER OF:
FABIO SAMPAIO and RECREATIONAL
FISHING PERMIT NO. 1553241

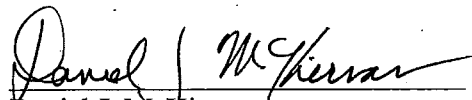
Respondent

MOTION FOR JUDGEMENT ON THE PLEADINGS

This motion requests that a judgment for the Claimant be entered onto the docket in this above captioned adjudicatory proceeding. In support of the motion, the Claimant states the following:

1. Respondent has not exercised his right to a hearing in a timely fashion;
2. Respondent has not filed a response, an answer or a notice of appearance;
3. Respondent has not been in contact the Division of Marine Fisheries regarding this matter; and
4. All documentary evidence necessary to find and enter judgement for the Claimant has been filed in this matter, including but not limited to the Notice of Claim for an Adjudicatory Proceeding; specific charges filed against the Respondent; citations to applicable marine fishery laws and regulations; Massachusetts Environmental Police Incident Reports; narratives of the Respondent's fishing activities; and evidentiary photographs of the Respondent's unlawful catch.
5. A copy of this motion was delivered by UPS Second Day Mail to Respondent's address of record.

Signed this 9th day of April, 2018 under the pains and penalties of perjury.


Daniel J. McKiernan
Deputy Director
Division of Marine Fisheries

cc:
Fabio Sampaio, Respondent

This is an important notice. Please have it translated.

Este é um aviso importante. Queira mandá-lo traduzir.

Este es un aviso importante. Sirvase mandarlo traducir.

ĐÂY LÀ MỘT BẢN THÔNG CÁO QUAN TRỌNG

XIN VUI LÒNG CHO DỊCH LẠI THÔNG CÁO ẤY

Ceci est important. Veuillez faire traduire.

本通知很重要。請將之譯成中文。

នេះគឺជាជំពូកសំខាន់ សូមមេត្តាបកប្រែជូនផង

ΠΡΟΣΟΧΗ, ΑΥΤΟ ΕΙΝΑΙ ΣΗΜΑΝΤΙΚΟ. ΠΑΡΑΚΑΛΩ ΜΕΤΑΦΡΑΣΤΕ

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COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF FISH AND GAME
DIVISION OF MARINE FISHERIES

SUFFOLK, SS.

ADJUDICATORY PROCEEDING
DOCKET NO. RFP-1553241-DM-18

IN THE MATTER OF:
FABIO SAMPAIO and RECREATIONAL
FISHING PERMIT NO. 1553241

Respondent

**SHOW CAUSE ORDER
RESPONDENT'S RIGHT TO REQUEST HEARING**

Fabio Sampaio (hereinafter "you" or "respondent") may file a written request for a due process hearing to **SHOW CAUSE** why recreational fishing permit DMF ID #1553241 should not be suspended, revoked or not renewed by the Director of the Division of Marine Fisheries ("*Marine Fisheries*"). Under authority of G.L. c.130, §80, and 322 CMR §7.10(8)(a), the Director is authorized to take such action based on respondent's alleged violations of the Commonwealth's striped bass laws and regulations. The purpose of a due process hearing is to provide respondent with the opportunity to contest these violations as alleged by the Massachusetts Environmental Police. You may have an attorney or other authorized agent represent you at the hearing.

The attached Request for an Adjudicatory Hearing and Law Enforcement Report charges that on or about August 24, 2017, the respondent conspired to violate marine fishery laws and regulations regulation striped bass.

The above charges would constitute the following issues for adjudication at a due process hearing.

1. Aid or assist in fishing violations, in violation G.L. c. 130 §1.
2. Failed to display fish upon demand to an Environmental Police Officer, in violation of G.L. c 130 §13.
3. Possessed striped bass in excess of the recreational fishing limit established at 322 CMR §§6.07(5)(b) and (7)(h).

It is the respondent's responsibility to exercise the right to a due process hearing by filing with the *Marine Fisheries* Administrative Law Clerk a written motion or request within twenty-one days of your receipt of this **ORDER**. Failure to file a written request for a hearing in a timely fashion shall constitute a waiver of respondent's right to a hearing and the adjudicatory proceeding will be decided based on the administrative record in this case.


All due process hearings are conducted by an Administrative Law Magistrate in accordance with the relevant due process requirements of G.L. c.30A, §§10, 11, 12 and 14, and the Standard Rules of Adjudicatory Practice and Procedure, 801 CMR §1.00, et seq. Due process hearings are held on Friday afternoons between 1:00 and 5:00 p.m. in the Hearings Room of the Department of Fish and Game, Suite 400, 251 Causeway Street, Boston, MA 02114.

All written correspondence including a request for a hearing, an appearance, an answer, motions, or other pleadings shall be in writing. All pleadings shall be identified by caption and docket number and may be mailed, faxed or sent electronically to the Administrative Law Clerk, Division of Marine Fisheries, 251 Causeway Street, Suite 400, Boston, MA 02114; (T) 617-626-1534; (F) 617-626-1509; Jared.Silva@massmail.state.ma.us.

In addition, all pleadings filed with the agency clerk shall be sent to all other parties in this adjudicatory proceeding in accordance with the provisions of 801 CMR §1.01(5)(f).

Information on the agency administrative law process, adjudicatory proceedings, the conduct of due process hearings, and links to preparatory resources are located on the *Marine Fisheries* web site at: <https://www.mass.gov/orgs/division-of-marine-fisheries>.

Date 2/26/18



Jared A. Silva
Administrative Law Clerk
Division of Marine Fisheries

Attachments-

Notice of Claim for Adjudicatory Proceeding
Law Enforcement Report 17-189-AR

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XIN VUI LÒNG CHO DỊCH LẠI THÔNG CÁO ẤY

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ΠΡΟΣΟΧΗ, ΑΥΤΟ ΕΙΝΑΙ ΣΗΜΑΝΤΙΚΟ. ΠΑΡΑΚΑΛΩ ΜΕΤΑΦΡΑΣΤΕ

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