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Brothers Charged with Illegal Fishing Operations

Fish were being caught and sold under the cover of recreational sportfishing excursions

San Diego City Attorney Mara W. Elliott announced that her office today filed a civil enforcement action against brothers Tanner and Trevor Whitmarsh for operating a commercial fishing business in violation of state laws designed to prevent overfishing and environmental exploitation.

The Whitmarshes operated a commercial fishing business under the cover of recreational sportfishing excursions. They would then sell the fish caught on those excursions to local seafood restaurants, sushi restaurants, and other fish-related businesses dozens of times, bringing in nearly \$30,000 in illicit profit. The fish were often caught in Mexican waters from the Whitmarshes' sportfishing boat "Deadeye." Neither of the brothers had the proper licenses to sell fish to consumers, fish commercially in Mexican waters, or sell fish from Mexico in the United States.

The Whitmarshes' conduct violated laws designed to help the California Department of Fish and Wildlife monitor commercial fish sales and assess the health and viability of local fish populations. Chronic overfishing can damage vital ocean ecosystems and natural resources.

Additionally, the brothers' scheme gave them an unfair business advantage over competitors by avoiding laws licensed fisherman follow. They were therefore able to sell their fish at lower prices than their competitors.

"Illegal fishing operations endanger our marine ecosystems and threaten our fish populations," City Attorney Mara W. Elliott said. **"The illegal acts also undercut licensed sellers who play by the rules. This action sends a strong message that we're committed to protecting our oceans and businesses that follow the law."**

Among the accusations against Tanner Whitmarsh are:

- Catching grouper, bass, and parrotfish in Mexico without the required licenses. He returned to San Diego without filing the proper paperwork and illegally sold the grouper to a La Mesa sushi restaurant.

- Selling approximately 330 pounds of tuna obtained from a sportfisherman who did not hold a commercial fishing license at the time of sale. Whitmarsh falsely reported on the landing receipts that he had caught the tuna.
- Selling a 200-pound Mako shark for a sportfisherman without landing receipts or other accounting records.

Trevor Whitmarsh regularly conducted business in 2021 and 2022 as a commercial fisherman without holding a City of San Diego Business Tax Certificate. Among the accusation against him are:

- Repeatedly taking sport fisherman on fishing trips aboard his commercial fishing boat, even though he did not possess a Commercial Passenger Fishing Vessel license or a commercial ocean fishing enhancement.
- Illegally selling fish to San Diego seafood restaurants and fish-related businesses.
- Failing to create or submit any landing receipts regarding those sales.

They are also accused of illegal fishing and selling fish on at least five other occasions.

The civil complaint asks the court to permanently enjoin the Whitmarshes from continuing their illegal conduct and also seeks civil penalties, investigative costs, and other equitable relief for defendants' violation of the law.

This case is prosecuted by Deputy City Attorney Jordan DuBois of the City Attorney's Nuisance Abatement Unit on behalf of the People of the State of California under the supervision of Chief Deputy City Attorney Gabriela S. Brannan and Assistant City Attorney Paige E. Folkman.

The Nuisance Abatement Unit was established to aggressively enforces public nuisance, land use, and environmental laws in the City of San Diego. The unit works with the California Department of Fish and Wildlife to protect the marine environment from fishing in protected areas and to protect endangered species from wildlife trafficking, such as the illegal sale of ivory.

The unit also works with numerous city, county, and state agencies to address nuisance properties and blight throughout San Diego; illegal transportation, storage, and disposal of hazardous waste; leaking underground storage tanks; oil spills; lead paint violations; the destruction of historical and archeological resources; illegal grading and dumping; and the destruction of environmentally sensitive land.

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