



Hon. Charles B. Swartwood, III (ret.)
SPECIAL MASTER
617-565-4662
charles.swartwood@trade.gov

February 22, 2012

Honorable John Bryson
Secretary of Commerce
thesec@doc.gov

Re: Special Master Investigation of NOAA Enforcement Action

Dear Secretary Bryson:

The following is an updated report of my progress from December 6, 2011 (date of my last interim report) to date concerning my investigation of NOAA enforcement complaints.

A review of complainant applications for eligibility is on-going and has resulted in several ineligible cases being rejected for review. The applicants have been so notified.

My assistants and I have completed interviews of all eligible complainants/witnesses and have prepared a written summary of provisional facts obtained from NOAA's case files, the complainant documents and complainant interviews. Those summaries have been submitted to NOAA Special Agents and/or Enforcement Attorneys involved in each case for their written response.

To date, we have prepared and sent to NOAA personnel Provisional Findings of Fact in sixty-six (66) cases, have received responses from NOAA personnel in all but five (5) of those cases and expect the remaining responses to be filed on or before February 28, 2012.

My assistants and I are in the process of finalizing my Report and Recommendation which I estimate will be completed in four (4) to six (6) weeks.

Very truly yours,

Charles B. Swartwood, III

cc: Cameron F. Kerry, General Counsel
ckerry@doc.gov
Geovette E. Washington, Deputy General Counsel
g washington@doc.gov

One Beacon Street, Suite 2300, Boston, Massachusetts 02108