

By: *Karen McCormick*

Karen McCormick , Deputy Clerk

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9 Attorneys for Plaintiff

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **COUNTY OF SAN LUIS OBISPO**

12 THE PEOPLE OF THE STATE OF  
13 CALIFORNIA,

14 Plaintiff,

15 v.

16 BRAD WILLIAM LEAGE, an individual,  
17 Defendant.

18 COURT NO. 24CV-0076

19 **COMPLAINT FOR INJUNCTION,  
20 CIVIL PENALTIES AND OTHER  
21 EQUITABLE RELIEF**

(Bus. & Prof. Code, § 17200 et seq.)

*Exempt from fees per Gov. Code, § 6103*

22 Plaintiff, the People of the State of California, by and through Dan Dow, District  
23 Attorney of the County of San Luis Obispo, State of California, is informed and believes and  
24 based thereon alleges:

25 1. Plaintiff, by this action, seeks to enjoin Defendant BRAD WILLIAM LEAGE  
26 violating fishing laws while operating a commercial passenger fishing vessel out of the Port of  
27 Morro Bay.

28 **JURISDICTION AND VENUE**

2. This court has jurisdiction pursuant to Article 6, section 10, of the California  
Constitution.

1           3.       Venue is proper in this county pursuant to Code of Civil Procedure section 393,  
2 in that violations alleged in this Complaint occurred in the County of San Luis Obispo.

3           4.       The parties of this action entered into a tolling agreement, agreeing to toll claims  
4 by the People beginning June 14, 2023, when computing the time limited by any statute of  
5 limitations under the causes of action.

6   **DEFENDANT**

7           5.       BRAD WILLIAM LEAGE is an individual who operates a sportfishing boat, the  
8 Endeavor, a 55-foot commercial passenger fishing vessel based out of the Port of Morro Bay.  
9 In Defendant's business, he regularly takes paying passengers on deep sea fishing trips along  
10 the coastal waters of San Luis Obispo, fishing for rockfish and lingcod.

11   **STATUTORY AND REGULATORY BACKGROUND**

12           6.       Commercial fishing is a highly regulated business in California with a purpose  
13 to protect the long-term sustainability of California's coastal ecosystems. Officers of California  
14 Department of Fish and Wildlife (Department) are entrusted with protecting the state's precious  
15 marine resources by patrolling and enforcing fishing laws along California's vast 840-mile-  
16 long coastline.

17           7.       The Department must be able to rely on commercial fishermen to comply with  
18 laws and regulations, including accurately reporting to the Department of fishing activities and  
19 not taking and possessing any species of fish permitted by law. As such, the operators of  
20 commercial passenger fishing vessels are required to file monthly reports of fishing activity  
21 with the Department. (Fish & Game Code, § 7923; Cal. Code Regs., tit. 14, § 190.)

22           8.       The Department relies upon these fishing activity reports to set fishing limits  
23 and those limits materially affect commercial fishing enterprises and recreational anglers alike.  
24 Management of fisheries demands accurate information, and the seemingly "mundane" fishing  
25 activity records provide that information. (See *People v. Powers* (2004) 117 Cal.App.4th 291,  
26 297.)

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1 9. Instead of individual take limits, on commercial fishing passenger boats, there are “boat  
2 limits.” This means that the passenger’s individual limits are jointly shared with the entire boat  
3 of passengers and permits all the paying customers to continue fishing even if an individual  
4 catches more than their personal limit. (California Code of Regulations, Title 14 section  
5 27.60(c).) At the end of the fishing trip, upon disembarkation, individual possession limits  
6 apply and those that caught more than their individual limit may share their catch with those  
7 customers under their limit.

8 10. Pursuant to California Code of Regulations Title 14 section 28.55(b), the limit  
9 for rockfish is ten.

10 11. The crew working on deck to bait hooks and land fish for the passengers are also  
11 allowed by law to catch fish while they are on a trip. However, the fish taken by the crew must  
12 be separated from the fish taken by the passengers under a boat limit and labeled in a manner  
13 that they can be identified as crew member fish. Operators and crew members are also  
14 prohibited from giving all or part of their individual limit to any passenger during or after a trip.  
15 (California Code of Regulations, Title 14 section 195(e)(2).)

### 16 **GENERAL ALLEGATIONS**

17 12. The Department, on occasion, will have its officers fish undercover—without the  
18 operator’s knowledge they are law enforcement officers—on commercial passenger fishing  
19 vessels to monitor fishing activities and enforce fishing regulations. Over the past five years, the  
20 Department has fished undercover with the Defendant on the Endeavor twice, including June 23,  
21 2019, and December 19, 2021.

22 13. On both occasions, Defendant was cited for taking and possession of more than  
23 the limit of rockfish, the waste of fish, and failing to keep accurate records of fishing activity.  
24 (California Code of Regulations, Title 14 sections 28.55(b), 1.87, and 190(c), respectively.)

25 14. On both occasions, Defendant reported in the records he submitted to the  
26 Department that crew had fished during the trips when on both accounts undercover officers  
27 confirmed crew did not catch any fish.

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1           15.     On both occasions, Defendant permitted the boat to catch and land fish that  
2 exceeded the passengers boat limits. Defendant then falsely reported crew had fished so as to  
3 increase the boat limits. As a result, more than limits were caught. Moreover, small rockfish were  
4 kept on board, die, and then be discarded so that passengers were able to keep larger fish as part  
5 of their limit.

6           16.     On the December 19, 2021, fishing trip, undercover law enforcement officers  
7 report that at 1:30 pm, Defendant instructed all the passengers to reel up their lines. He told the  
8 anglers to “*empty your bag on the deck and count your fish. I know we have an overlimit on*  
9 *board.*” A total of 17 rockfish were overlimit and 29 rockfish were incorrectly reported to the  
10 Department as having been caught by the crew. 13 fish were thrown overboard dead.

11           17.     Regarding the June 23, 2019, trip, Defendant was cited and pleaded no contest to  
12 failing to keep and submit accurate record of fishing activities as well as for fishing in a rockfish  
13 conservation area. (19M-07872). A total of 45 rockfish were over the limit. 28 rockfish were  
14 incorrectly reported to the Department as having been caught by the crew. There was a waste of  
15 five fish, each thrown overboard from the Endeavor.

16   **I.**

17   **FIRST CAUSE OF ACTION**

18   **Violations of UCL; Business and Professions Code §§ 17200-17208**

19           18.     Plaintiff realleges and incorporates herein by reference paragraphs 1 through 17,  
20 inclusive, as though fully set forth here;

21           19.     Defendant TIM GAO has engaged in separate acts of unlawful and unfair  
22 competition prohibited by California Business and Professions Code section §17200, 17203,  
23 and 17206. The aforementioned violations of the California Code of Regulations have allowed  
24 Defendant to knowingly conduct unlawful business practices. Specifically, Defendant  
25 knowingly allows the rockfish to be caught beyond the boat limit. He uses his crew’s catch limit  
26 to increase the boat’s limit even when they do not catch fish. As result of this practice, crew is  
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1 able to replace the smaller fish caught by their passengers with larger fish. The smaller fish are  
2 than wasted by being tossed dead into the ocean or retained by crew that did not fish.

3 **PRAYER**

4 WHEREFORE, plaintiff prays for judgment as follows:

5 1. For a permanent injunction, issued pursuant to Business and Professions Code  
6 section 17203, prohibiting Defendant BRAD WILLIAM LEAGE from violating California  
7 Code of Regulations, Title 14:

- 8 a. Section 190(a), failing to keep and submit accurate record of fishing activities to  
9 the California Department of Fish and Wildlife by falsely reporting crew  
10 members fishing when they had not fished;  
11 b. Section 1.87, waste of fish; and  
12 c. Section 190(e)(1), by crew possessing passenger-caught fish after a fishing trip  
13 that is not part of their own personal bag limit.

14 2. Pursuant to section 17206 of the Business and Professions Code, that Defendant  
15 OCEAN ANGEL II, LLC be ordered to pay a civil penalty in the amount of Two Thousand  
16 Five Hundred Dollars (\$12,000);

17  
18 DATED: January 17, 2024.

Respectfully submitted,

19 DAN DOW, District Attorney  
20 County of San Luis Obispo, State of California

21  
22 By



23 KENNETH J. JORGENSEN  
24 Deputy District Attorney  
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