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San Luis Obispo Superior Court

By: 
Gabrielle Medina, Deputy Clerk

6 Attorneys for Plaintiff

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN LUIS OBISPO**

10 THE PEOPLE OF THE STATE OF
11 CALIFORNIA,

12 Plaintiff,

13 v.

14 BLACK PEARL SPORTFISHING LLC., a
15 California Corporation, and
16 BRIAN RAYMOND WALKER, an individual.

17 Defendants.

COURT NO. 26CV-0032

**COMPLAINT FOR INJUNCTION,
CIVIL PENALTIES AND OTHER
EQUITABLE RELIEF**

(Bus. & Prof. Code, § 17200 et seq.)

Exempt from fees per Gov. Code, § 6103

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19 Plaintiff, the People of the State of California, by and through Dan Dow, District
20 Attorney of the County of San Luis Obispo, State of California, alleges:

21 1. Plaintiff brings this action under the Unfair Competition Law, seeking an
22 injunction, restitution, and civil penalties against Defendants BLACK PEARL
23 SPORTFISHING LLC., a California Corporation, and BRIAN RAYMOND WALKER, for
24 violating fishing laws by taking their customers fishing in an unpermitted section of sea, off the
25 shores of San Luis Obispo County, and for not accurately reporting their catch to the State.
26 These unlawful business practices endanger the State's fisheries and create an unfair advantage
27 over other similar fishing businesses.
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1 **JURISDICTION AND VENUE**

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

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

6 **DEFENDANTS**

7 4. Defendant BLACK PEARL SPORTFISHING LLC., is a California Corporation
8 is a business taking customers on their commercial passenger fishing vessel, the “Black Pearl.”

9 5. Defendant BRIAN RAYMOND WALKER is one of the captains of the “Black
10 Pearl,” responsible for the fishing operation that takes paying customers sport fishing out of the
11 Port of Morro Bay.

12 **REGULATORY BACKGROUND OF COMMERCIAL FISHING**

13 6. Commercial fishing is a highly regulated business in California. The laws are
14 designed to protect the long-term sustainability of California’s coastal fishery ecosystem. The
15 laws are fluid and frequently change from month to month in response to maintaining the
16 health of our state’s fisheries.

17 7. To protect the ecosystem, commercial fishermen are entrusted to report their
18 catch to the State and by abiding by the regulations.

19 8. Wardens of the California Department of Fish and Wildlife (Department) are
20 entrusted with protecting the state’s precious marine resources by patrolling and enforcing
21 fishing laws along California’s vast 840-mile-long coastline.

22 9. Pertinent here, regulations will create boundaries where certain fishing can be
23 conducted. One such boundary line is called the “50-fathom line”. In nautical terms, 50
24 fathoms typically represent the depth of water, which is approximately 300 feet deep. Here,
25 however, the 50-fathom line is not a strict depth limit regulation, but rather a contour line that
26 generally follows the California coast near this depth. The 50-fathom line creates a two-zone
27 boundary: 1. The zone of water between the shore and the 50-fathom line, called the
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1 “shoreward side”, and 2. the body of water on the other side is the “seaward side.” At different
2 times of the year, regulations will restrict fishing that is permitted on the shoreward side of
3 seaward side of the 50-fathom line.

4 10. Under California Code of Regulations, Title 14, section 27.40(c)(3), from July 1
5 through September 30, fishing for most rockfish, lingcod, cabezon, and most greenlings is only
6 allowed on the shoreward side of the 50-fathom boundary line. No fishing of these species is
7 allowed on the seaward side of the 50-fathom boundary.

8 11. Another pertinent fishing regulation related to this complaint relates to reporting
9 what customers caught to the State. The operators of commercial passenger fishing vessels are
10 required to file monthly reports. (Fish & Game Code, § 7923; Cal. Code Regs., tit. 14, § 190.)
11 Again, the duty to report timely and accurate reports is vital to the fishery ecosystem. While
12 seemingly mundane, fishing activity reports provide the information the Department relies
13 upon to set and adjust fishing limitations, and thereby protect them from overfishing. (See
14 *People v. Powers* (2004) 117 Cal.App.4th 291, 297.)

15 ALLEGATIONS

16 12. On July 12, 2025, Department wardens were on patrol in full uniform on the
17 “Bluefin” patrol boat near Piedras Blancas in San Luis Obispo County. The purpose of the patrol
18 was to check for compliance with state fish and game laws. The weather conditions included a
19 thick marine layer (fog), with very low visibility of approximately 50 to 100 yards.

20 13. At approximately 9:30 am, the captain identified on radar what appeared to be a
21 boat drifting seaward of the 50-fathom line. (At that time, fishing for rockfish on the seaward side
22 was not permitted.) The captain of the Bluefin lowered a stored small patrol boat and dispatched
23 two wardens to make visual contact of the object suspected to be a fishing boat. Shortly thereafter,
24 the small patrol boat approached the object, and as it cut through the fog, the wardens saw the
25 “Black Pearl” with multiple customers fishing. The wardens approached the Black Pearl, boarded
26 it, and recorded the GPS coordinates of the vessel as 35°41.714' N, 121°23.763' W, which is
27 approximately 703.70 yards seaward of the 50-fathom line. This location is within the Central
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1 Recreational Groundfish Management Area South (south of Point Lopez and north of Point
2 Conception), where the take of federally managed groundfish is prohibited from July 1 through
3 September 30 on the seaward side of the 50-fathom line.

4 14. The wardens then instructed all passengers to reel in their lines, stop fishing, and
5 have their fishing licenses ready for inspection.

6 15. The wardens went to the wheelhouse of the Black Pearl to speak with the captain,
7 Defendant BRIAN RAYMOND WALKER. Upon entry to the wheelhouse, Wardens
8 photographed the vessel's chart plotter as evidence, and noted that the 50-fathom line was clearly
9 visible on the plotter at the time of contact. Wardens informed Captain Walker that he was fishing
10 seaward of the 50-fathom line and explained that the 50-fathom line is not a simple depth
11 restriction, but a contour line along the California coast that establishes a legal boundary. Wardens
12 told him that he and the crew would be receiving citations for violating California Code of
13 Regulations, Title 14, section 4.44, for fishing in a closed area.

14 16. After the July 12, 2025, incident, wardens conducted an audit of the electronic
15 reports the Black Pearl submits to the state of their passenger's catch. The reports require crew to
16 identify the number of fish of each species caught, some being lingcod, vermilion, bocaccio,
17 whitefish, halibut, etc. However, the audit revealed the Black Pearl was classifying a significant
18 portion of their catch as "unspecified." For instance, on a trip in July 2025 the Black Pearl reported
19 8 vermilion, 2 lingcod, 2 halibut, and 82 unspecified rockfish. Classifying so many as unspecified
20 indicated that the crew was failing to lawfully report the various species. The audit also revealed
21 that on a trip in the fall of 2025, the Black Pearl had caught more than the lawful amount of a
22 species of rockfish by 6.

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I.

FIRST CAUSE OF ACTION

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

(All Defendants)

17. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 16, inclusive, as though fully set forth here.

18. Defendants have engaged in unlawful business practices and acts as outlined above, including taking their customers fishing in an unlawful area, failing to accurately report the fish species caught by its customers, allowing customers to catch 6 rock fish over the lawful boat limits.

PRAYER

WHEREFORE, plaintiff prays for judgment as follows:

1. For a permanent injunction, issued pursuant to Business and Professions Code section 17203, prohibiting Defendants from violating California fishing regulations; and

2. Pursuant to section 17203 and 17206 of the Business and Professions Code, that Defendants be ordered to pay restitution and civil penalties in amount to be determined by the Court.

DATED: January 21, 2024.

Respectfully submitted,

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

By 

KENNETH J. JORGENSEN
Deputy District Attorney