

**Section 170.
Violations and Enforcement Actions**

A. Title 46, Chapter 23, GLRI sets out the Council's authorities for enforcement.

B. Whenever a member of the staff or a Coastal Resources Management Council Member witnesses a violation of the CRMC Plan or Assent, that individual is hereby authorized to issue a warning to the person violating the Plan on a form approved by the CRMC and a report of that warning shall be delivered by the staff or Council member to the Executive Director upon issuance.

C. In determining the amount of each administrative penalty, assessed in accordance with authorities established in Paragraph A, the Hearing Officer or his designee shall consider any scheduled amounts adopted by the Council and all other factors, which he deems relevant, including but not limited to:

- (1) The actual and potential impact on public health, safety and welfare and the environment of the failure to comply;
- (2) The actual potential damages suffered, and actual or potential costs incurred, by the Council, or by any other person;
- (3) Whether the person being assessed the administrative penalty took steps to prevent noncompliance, to promptly come into compliance and to remedy and mitigate whatever harm might have been done as a result of such noncompliance;
- (4) Whether the person being assessed the administrative penalty has previously failed to comply with any rule, regulation, order, permit, license or approval issued or adopted by the commission, or any law which the commission has the authority or the responsibility to enforce;
- (5) Making compliance less costly than noncompliance;
- (6) Deterring future noncompliance;
- (7) The amount necessary to eliminate the economic advantage of noncompliance including but not limited to the financial advantage acquired over competitors from the noncompliance;

(8) Whether the failure to comply was intentional, willful or knowing and not the result of error;

(9) Any amount specified by state and/or federal statute for a similar violation or failure to comply;

(10) Any other factor(s) that may be relevant in determining the amount of a penalty, provided that the other factors shall be set forth in the written notice of assessment of the penalty; and

(11) The public interest.