



**Ohio Bureau of Motor Vehicles Registrar Charles Norman  
Joint Committee on Agency Rule Review  
September 20, 2021**

Chair Callender and Members of the Joint Committee on Agency Rule Review: my name is Charles Norman, and I am the Registrar of the Ohio Bureau of Motor Vehicles. Thank you for the opportunity to join you today to discuss Rule 4501:1-3-08.

Rule 4501:1-3-08 of the Administrative Code sets forth a physical requirement for a used motor vehicle dealership place of business. This rule is promulgated under Revised Code Section 4501.02 and amplifies Revised Code 4517.03 (C) which states: "No used motor vehicle dealer shall sell, display, offer for sale, or deal in motor vehicles at any place except an established place of business that is used exclusively for the purpose of selling, displaying, offering for sale, or dealing in motor vehicles." The rule in its previous form stated that a used motor vehicle dealership must be open during posted business hours, and that the business hours shall be legible and posted in a conspicuous place near the entrance of the business.

Working with both the Ohio Automobile Dealers Association (OADA) and the Ohio Independent Automobile Dealers Association (OIADA), the BMV amended the rule beginning in early 2020 to require a used motor vehicle dealer be open a minimum of 25 hours per week with at least 10 of those hours taking place between 9 a.m. and 5 p.m. Monday through Friday. The BMV worked with the professional associations on the implementation date. At the onset of the pandemic, the BMV began to receive feedback that the rule was affecting business in a negative way.

Upon receiving this feedback, the BMV began working to reduce the hours from 25 hours per week to five hours per week in order to be more accommodating to businesses in Ohio. The public hearing for the rule was held on August 10, 2021. After considering comments received during the public hearing, the BMV refiled the rule and kept the minimum hours at five per week, while only requiring two of those hours to occur between 8 a.m. and 5 p.m. Monday through Friday. The rule was refiled on August 26, 2021 with those changes.

Thank you, Chair Callender and Members of the Committee, for the opportunity to come before you today. Members of my team and I are happy to answer any questions you may have at this time.



**KING FISHERY**    751 N. Yondota Road    Curtice, Ohio 43412    (419) ~~836-7208~~  
345-2590

To whom it may concern:

I am the owner of King Fishery LLC. We fish five commercial fishing license 201, 205, 208, 216, and 217. It's a family business for over 30 years. The DOW that manages our commercial fishing industry has been helpful and fair minded, allowing us to have profit making opportunities. They are always willing to listen and talk to the commercial license holders about any issue or concerns we might have. We are notified when the rules come up for review and they are well presented. The DOW working with the Great Lakes Fishery Commission and agency partners allowing safe quota harvest levels, has allowed our fish to be certified through the Marine Stewardship Council. Our gear-specific commercial fishing regulations and season allows protection against over harvest and also helps to reduce any conflict between Recreational Boaters and Commercial Netters. I believe the DOW'S decisions regarding the recently reviewed rules are consistent with the needs of the commercial fishing industry.

Kenneth King  
King Fishery LLC

Good afternoon

Mr. Chairman and members of JCARR.

My name is Dean Koch I have been a commercial fisherman for over 50 years. I was president of the industry for over 35 years. I have witnessed many changes to industry by the Ohio division of wildlife all were designed to eliminate the commercial fishing industry, by rules.

There are 4 major food producers in the U.S. beef, pork, chicken, and fish. My fishery feeds over 1 ½ million people a year all over the U.S.

There are 14 rules that that impact the commercial fisheries. I made comments on 6 of those rules that are before you today. I made comments to the ODW that affect our industry on Jan.13, 2021.

I believe we must look at the O.R.C. laws, and the legislation that passed in 1996 where rules expired in 5 years, and amend R.C. laws up to date!

O.R.C. 1531.02 states the wildlife is held in trust for the benefit of ALL the people. (Not just the one who buys a sport license).

I made a request to reopen our seine fishery season that was closed 1980 by rule. There were about 27 fulltime license seiners at that time, today there is 3 part time seiners. This closer cost hundreds off jobs and millions of dollars to Ohio's economy. This rule (1501-31-3-01) rewrites O.R.C. (1533.41) commercial fishing seasons, this also changed the license fees we paid for the seine season! I also made a request to allow a seine net to take yellow perch that was agreed to in 1996 quotas, where seines were allowed an incidental catch as their catches were minimal with no effect to the yellow perch population. My second request was to allow each license an incidental catch of 10% of their yellow perch quota in March and April, Canada allows a 25% incidental catch. This is a bye catch tool as not to waste our resource.

In response to the O.D.W. report to the common sense initiative office (R.C.107.61) also (R.C.106.03 and 106.031) as defined in (R.C.107.52). They lied to the C. S. I. O. report in (1501-31-3-01, paragraph, (10) This is not the ODW job to eliminate an industry because of boating. There job was fish management by biological data! The reason to not take yellow perch by seine net is highly unethical and was never agreed to 1996 quotas for yellow perch! Seine nets took yellow perch up to 2008 where senate bill 77 closed seining of yellow perch no reason. The 10% incidental catch of yellow perch was to stop the waste of a yellow perch and be part of their quotas.

The answers in C.S.I. O. report (12), cost hundreds of jobs and millions in revenues for no sound reasons! (14) R.C. 1533.41 is the law for commercial fishing, not rules that eliminate the O.R.C laws and commercial fishing!

Answers in (16) a, b, creates a monopoly for Canada to control markets in Ohio crippling Ohio fisheries!

Answers in (18) (NO ALTERNATIVES OR EXEMPTIONS to aid the COMMERCIAL FISHING BUSINESSES in compliance with this rule.

We now look at rule 1501:31-3-03 limited entry of commercial fishermen; commercial fishing licenses.

The same response from the ODW to the CSIO office is totally inadequate. If we look at R.C.1533.41 the rule completely changes the seasons that has cost the fisheries millions of dollars. Senate bill 532 limited the number of commercial fishing licenses for seines, trap nets and gill nets. The law allowed a trapnet license of 20 tags, to purchase an additional 10 tags if needed. The ODW changed the law to Only issue what was licensed the prayer season, this eliminates the growth of the industry. Currently 2 licenses are shared by two owners if an additional 10 tags were issued the ownerships and legal problems would be ended forever. The ODW is wrong as this would not be splitting licenses! This would end a split license! Paragraph (17) is not sustaining fish populations, but it is destroying valuable fish populations! (18) There is alternatives but no working relationship.

We now look at (1501:31-3-06) vessel monitoring system and electronic catch reporting system.

This rule does not comply with R.C. (1533.343) The ODW never chose the equipment by rule, or the company we were forced to use as required by law. The cost for this equipment was to be paid for from the royalty fees on walleye, yellow perch, white bass, and catfish, (senate bill 532) 1973.

This rule has nothing to do with resource management (1501:31-3-14). This rule was created when we used paper fish reports, we now use electronic sending of ower fish catches of yellow perch by weight before they can leave the boat. Who we sell our fish to is no business of the ODW. paragraph (10) of CSIO report. (11) no scientific data to support this.

Submit completed form to:  
305 E. Shoreline Dr.  
Sandusky, OH 44870  
20-214

Division of Wildlife  
Ohio Department of Natural Resources

Form 178  
(R293)

COMMERCIAL FISHING APPLICATION AND LICENSE

Year: 2020	Applicant Name: Whites Landing Fisheries, Inc.	Identification No.: 214	<input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation
Street address: 4500 Maple Ave.		City: Sandusky	State: OH Zip Code: 44870
Telephone (Area Code): (419) 368-2042	Date of Birth:	Soc. Sec. No. or Tax I.D. #:	License: <input type="checkbox"/> New <input checked="" type="checkbox"/> Renewal
If a partnership, list all partners; if a corporation, list all officers and statutory agent. Dean, Drew & Robin Koch, Richard & Clark Stinson			
List all persons who have a lien or mortgage on your equipment. Huntington Bank			
Length of experience in commercial fishing: 25 years	With what type of net: Beam trawl		
List all places of processing and temporary storage. Crystal Rock Port Clinton Fisheries		Lake Fish Company	
Nets stored at: Crystal Rock, Port Clinton Fish		Trawl trail markings:	Flag marking:
Name and/or number on boat (36)	Length (ft.)	Ports: List your home port and not more than two (2) alternate ports. Home port:	
Rora Jane (38)		Alternate port: Turinsky Marina	
John A (40)		Alternate port: PC Fish Co-remove 4/25/19 & add-Meinke Marina	

BOATS, NETS OR OTHER DEVICES	FEE PER UNIT	NUMBER OF UNITS LICENSED	TOTAL FEES TO BE PAID
Trap & fyke nets, minimum unit of twenty	\$800.00	20 units	\$ 800.00
Trap & fyke nets, minimum additional units of ten	\$400.00		\$
Seine, 150 rods or less in length Lic. Tag No.	\$400.00		\$
Seine, more than 150 rods in length Lic. Tag No.	\$600.00		\$
Inland seines Lic. Tag No.	\$100.00		\$
Carp apron Lic. Tag No.	\$100.00		\$
Dip net Lic. Tag No.	\$100.00		\$
Trotline (one) with 70 hooks or less	\$20.00		\$
Trotline or trotlines with more than 70 hooks	\$100.00		\$
Other approved device			\$
<b>TOTAL</b>			<b>\$ 800.00</b>

Check No. 7352 in the amount of \$ 800.00 (not less than 1/4 of the total) payable to the Ohio Division of Wildlife is attached.

Misrepresentation in any response to information sought in this application, at the discretion of the Chief, Division of Wildlife, may result in the rejection of the application and may render any license issued pursuant to the application null and void.

State of Ohio, County of Erie SS:  
Dean Koch

being first duly sworn says that the facts stated in the above portion of this application are true as she/he truly believes.



KATIE L. CADE  
Notary Public, State of Ohio  
My Commission Expires  
Feb. 3, 2024

Dean Koch  
(Signature of Applicant)  
4 day of February, 19 2020  
Katie L. Cade  
(Signature of Notary Public)

COMMERCIAL FISHING LICENSE APPLICATION APPROVAL 20-214

This commercial fishing license application is hereby approved and commercial fishing license number is to be issued to Whites Landing Fisheries, Inc. in accordance with Section 1533.35 of the Ohio Revised Code.

Approved by the Chief, Division of Wildlife

Chief, Division of Wildlife

Date

Completion of this form is required-Section 2921.13 O.R.C., Penalty: Imprisonment up to 6 months or \$1000 fine or both. Section 1533.342 O.R.C., Penalty: Imprisonment up to 6 months or \$1000 fine or both.

Sharon J. Weisen  
2/4/2020  
DNR 8906