



The Lesters, a longtime fishing clan in Amagansett, will call today for investigation of DEC raids. Above, brothers Danny and Paul.

PHOTO BY DOUG KUNTZ, 2010

DEC fishing raids eyed

BY MARK HARRINGTON

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A generations-old fishing family from Amagansett today will call for lawmakers to investigate the practices of state fisheries enforcement agents and audit a multimillion-dollar fund of fines and proceeds from seizures — actions they charge are unconstitutional.

Paul and Kelly Lester of the Lester fishing clan will appear with their attorney, Daniel Rodgers of Riverhead, to file a formal request with Gov. Andrew M. Cuomo and state lawmakers requesting the probes in the wake of a raid on the Lester home last year, Rodgers said.

The Lesters were charged with illegal possession of fluke and porgies and running an illegal clam stand. They were found not guilty in East Hampton Town Justice Court last Octo-

ber. Last month, Rodgers filed a letter with the state Department of Environmental Conservation seeking return of \$200 worth of fish that agents confiscated and sold at a local market. To date, the money hasn't been returned.

Money from seizures goes to a state conservation fund that pays for some DEC enforcement activities. Last month, Assemb. Fred Thiele (I-Sag Harbor) introduced legislation aimed at stopping warrantless seizures in DEC enforcement actions. Thiele, in an email Saturday, said he would attend today's event at the Lester home.

"I support this inquiry," Thiele said of the Lesters' request for the audit and investigation. However, Thiele said he may ask the state inspector general to probe the matter. Calls to the inspector general last week were not returned.

The DEC has said its enforce-

ment actions and seizures were lawful. But following a Newsday story on the subject last month, DEC spokeswoman Lisa King, asked if the DEC was looking into the question of seizures without a hearing or the chance for restitution, said, "This matter is under review."

At issue is whether the seizure of fish in raids during enforcement actions is lawful without a hearing before a judge to allow fishermen to make a claim for property. The DEC maintains that ownership of the fish transfers to the state because of a conflict.

"If a defendant fails to establish a claim of ownership — because if they did in some cases, they would be admitting to illegal possession and therefore establishing their own guilt — the proper remedy . . . is for the right of possession of the fish to pass to the state," King has said.

Rodgers, in a statement, said the Lesters "believe the DEC has been deliberately and flagrantly violating the constitutional rights of fishermen on Long Island for decades, routinely seizing property without the benefit of warrant or judicial review."

Long Island Commercial Fishing Association director Bonnie Brady said she did not plan to attend the event but said the group was "looking into the same issue and will try to push for the same concept in perhaps different ways."

Last week, dozens of state and federal enforcement agents raided the homes and boats of two Nassau fishermen, seizing records of fish sales from computers and paper files without arresting or charging either.

The U.S. Department of Justice has declined to comment on the raids, saying they involve an "ongoing" investigation.

COLLEGES LOOK TO UP GRAD RATES

BY CAROLYN THOMPSON

The Associated Press

BUFFALO — If recent history is a guide, less than half of the freshmen arriving on college campuses as part of the Class of 2016 this fall will live up to that billing. More likely, they'll need until 2017. Even more likely, 2018.

A four-year college degree in many ways has become more suggestion than reality, to the chagrin of institutions whose reputations, rankings and recruiting prowess are tied to their success in handing out diplomas.

So as a way to improve the graduation rate, universities are promising students a four-year road map in exchange for a commitment they'll stay on track. The University at Buffalo, one of the largest institutions in New York State with about 29,000 undergraduate and graduate students, is among the latest to do so.

"We keep calling it a four-year degree," said A. Scott Weber, UB's vice provost of education, "so it seems reasonable to think about programs that reignite that discussion."

The American Association of State Colleges and Universities doesn't keep a tally of how many schools offer such degree guarantees but sees the number growing. Along with New York's state colleges in Fredonia and Oswego, the University of the Pacific in California, University of Minnesota, Midland University in Nebraska and Iowa State offer them, as well as such smaller, private institutions as Virginia Wesleyan College, Juniata College in Pennsylvania and Buffalo's own Medaille College.

About 38 percent of students who were freshmen in 2004 earned a bachelor's degree in four years from the college where they began, according to the National Center for Education Statistics. About 58 percent graduated within six years.

"This issue of college completion is a big deal and it's getting a lot of focus, as it should be, from President Obama to state governors on down," said Daniel Hurley, director of state relations and policy analysis for the American Association of State Colleges and Universities.

Pilot program to photograph prison visitors

ALBANY — Prison officials plan to start photographing visitors to state inmates in a pilot program this fall at a facility in northern New York and possibly a few others.

Those pictures will be filed in the correction department's central visitor identification system.

Regulations to establish the practice in all 60 facilities

housing 56,000 prisoners are expected to follow.

Separately, the department issued final regulations earlier this week to require adult visitors to present a photo identifi-

cation starting Oct. 1 at all state prisons.

Signed identification documents without photographs have been acceptable.

— AP