

# Joe Panesko

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## Federal and State Authorities Regarding Derelict Vessels

### Biography

Joe Panesko was admitted to the Washington State Bar in 1995 after graduating from Columbia University Law School (J.D. '95, Kent Scholar), and Seattle University (B.A. '92, summa cum laude). For four years he served as a judicial law clerk to Justice James Dolliver and then Justice Faith Ireland of the Washington State Supreme Court. In 1999 he joined the Thurston County Prosecuting Attorney's Office where he assisted in the prosecution of the third death penalty sentencing for Mitchell Rupe. Joe joined the Washington State Attorney General's office in 2000 where he advises both the Department of Natural Resources and the Parks and Recreation Commission. The largest portion of his assignments stem from DNR's Aquatics Division. Joe and his wife Ann have two Jack Russell Terriers and live in Lacey.

### Presentation Abstract

- Discussion of potential common law remedies available to a governmental entity to address derelict and abandoned vessels
  - Trespass (unlawful detainer/ejectment/etc)
  - Nuisance
  - Other?
- Existing Washington Statutory authorities regarding abandoned vessels
  - State Parks marina facilities
  - Ports & private marinas
  - Old state statute on obstruction to navigation
  - Regulations under local jurisdictions through harbor patrol, etc.
- Potential federal authorities
  - Rivers and Harbors Act
  - Abandoned Barge Act
- Dealing with the problem preventatively: Discussion of potential state/local regulations used to regulate vessels, prevent the occurrence of abandonment, and provide useful remedies. Summarize the numerous legal attacks that have challenged such regulations.
- Conclusion and discussion of policy issue: need to think outside the box to create effective disincentives against the abandonment of vessels.