

Milliken Seafood Co.

Formal Petition to Amend 15A NCAC 18A .0302

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DMF-DIRECTOR'S
OFFICE

Jeffrey Milliken

1615 Lawndale Dr

Shallotte, NC 28470

910-448-2461

jamilliken2691@outlook.com

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North Carolina Marine Fisheries Commission

Attn: MFC Office

P.O. Box 769

Morehead City, NC 28557

Re: Formal Petition to Amend 15A NCAC 18A .0302 - Limited Legacy Succession of Shellfish Dealer Certification Numbers

Dear Chair and Members of the North Carolina Marine Fisheries Commission:

I. INTRODUCTION AND IDENTITY OF PETITIONER

1. Jeffrey Milliken, owner and operator of Milliken Seafood Co., located at 1615 Lawndale Drive, Shallotte, North Carolina, respectfully submits this Formal Petition requesting that the Commission amend 15A NCAC 18A .0302 to establish a limited legacy succession provision for shellfish dealer certification numbers held within a continuous family business operation. This Petition is submitted in good faith and in full recognition of the Commission's authority over the regulation of shellfish dealers operating within the State of North Carolina.

2. The petitioner brings before the Commission a matter of significant importance not only to Milliken Seafood Co., but also to multigenerational family shellfish enterprises that have long served North Carolina's coastal economy, culture, and identity. The absence of a codified legacy succession pathway under the current regulatory framework creates uncertainty for family businesses of this nature, and the petitioner respectfully urges the Commission to address this issue through formal rulemaking.

II. FAMILY LEGACY AND FATHER'S LONG-STANDING OPERATION UNDER CERTIFICATION NUMBER NC 98

3. Jeffrey Milliken's father held and operated under shellfish dealer certification number NC 98 for many years, establishing a long-standing legacy in North Carolina's shellfish industry. Through his father's operation, certification number NC 98 became associated with the Milliken family's reputation for quality, integrity, and service to the seafood industry and to the public of this State.

III. PETITIONER'S FORTY-FIVE YEARS OF CONTINUOUS OPERATION UNDER CERTIFICATION NUMBER NC 98

4. Jeffrey Milliken has personally and continuously operated under shellfish dealer certification number NC 98 for forty-five (45) years, carrying forward without interruption the business identity and goodwill built by his father.

5. The petitioner respectfully submits that forty-five years of continuous, lawful, and uninterrupted operation under a single certification number establishes a clear and longstanding business identity. Changing that identity, where no abandonment, lapse, or violation has occurred, would disrupt the business, its commercial relationships, and the public recognition associated with NC 98.

IV. OWNERSHIP OF THE LLOYD'S OYSTER TRADEMARK RIGHTS

6. Jeffrey Milliken owns the trademark rights to the name "Lloyd's Oyster" and its logo, intellectual property directly tied to the business identity and market recognition associated with Milliken Seafood Co. and its certification history under NC 98.

7. The relationship between the Lloyd's Oyster brand, the business identity of Milliken Seafood Co., and certification number NC 98 further underscores the importance of preserving continuity of that certification number.

V. CLOSURE OF THE ORIGINAL FACILITY AND SALE OF THE PROPERTY

8. Due to circumstances requiring a change in physical operations, the original certified shellfish dealer facility located at 1642 Village Point Road has ceased operations, and the property is in the process of being sold. This change in facility location does not represent an interruption, abandonment, or forfeiture of the business itself, its ownership, or its certification history under NC 98.

9. Milliken Seafood Co. remained continuously in operation under the same ownership throughout the transition. The identity of the business, the ownership of its intellectual property, and the continuity of its commercial operations were preserved without interruption. A physical change of address alone should not extinguish a forty-five-year certification identity.

VI. REGULATORY APPROVAL OF THE NEW FACILITY AT 1615 LAWNDALE DRIVE

10. Jeffrey Milliken received regulatory approval for a new shellfish dealer facility located at 1615 Lawndale Drive, Shallotte, North Carolina. This approved facility is the direct continuation of the same business enterprise, under the same ownership, and carrying forward the same certification identity that has operated under NC 98 for forty-five years.

VII. HISTORICAL PRECEDENT FOR LEGACY SUCCESSION OF CERTIFICATION NUMBERS

11. Precedent for legacy succession of shellfish dealer certification numbers already exists. In the 1990s, Jeffrey Milliken received his grandfather's shellfish dealer certification number, NC 17, for Shallotte River Crab Company, demonstrating that family succession of a certification number has previously been allowed.

12. This prior succession shows that legacy certification number transfer within a continuous family seafood enterprise is consistent with the State's past practice. The petitioner respectfully submits that this historical precedent supports formal codification of such a provision through rule amendment.

VIII. LEGAL AND REGULATORY BASIS FOR THE PETITION

13. The petitioner respectfully asserts that 15A NCAC 18A .0302, as currently written, does not adequately address the circumstances of a multigenerational family shellfish business with decades of continuous operation under an established certification number.

14. The petitioner requests that the Commission amend 15A NCAC 18A .0302 to provide a limited exception or formal pathway for certification number succession when all of the following criteria are satisfied:

- The successor has operated continuously under the certification number for a substantial period of time.
- The business enterprise remains under continuous family ownership throughout the period of succession.
- The trademark rights and brand identity associated with the certification number remain under the same ownership as the business enterprise.
- Any physical facility change has received proper regulatory approval from the relevant state authority.

15. The petitioner further submits that these criteria would provide a reasonable, narrowly tailored, and fair standard that protects the integrity of the certification system while allowing equitable treatment of long-standing family enterprises.

IX. FORMAL REQUEST

16. In light of the foregoing, Jeffrey Milliken respectfully requests that the North Carolina Marine Fisheries Commission take the following actions:

- Accept and consider this Petition under the Commission's rulemaking authority.
- Initiate formal rulemaking proceedings to amend 15A NCAC 18A .0302 to include a limited legacy succession provision for shellfish dealer certification numbers.
- Allow Milliken Seafood Co. to retain shellfish dealer certification number NC 98 in connection with the approved facility at 1615 Lawndale Drive, Shallotte, North Carolina, as a matter of legacy succession and business continuity.
- Grant such further relief as the Commission deems appropriate and consistent with the public interest.

X. CONCLUSION

17. Jeffrey Milliken and Milliken Seafood Co. sincerely thank the Chair and Members of the North Carolina Marine Fisheries Commission for their time, attention, and consideration of this Petition.

18. The petitioner stands ready to appear before the Commission and provide any additional documentation, evidence, or testimony the Commission may require.

19. The Milliken family's commitment to North Carolina's shellfish industry spans multiple generations and nearly half a century of the petitioner's own direct service. The petitioner respectfully urges the Commission to act favorably upon this Petition in the interest of fairness, continuity, and the preservation of a long-established family seafood business.

Respectfully submitted,



Jeffrey Milliken
Owner & Operator
Milliken Seafood Co.
1615 Lawndale Drive
Shallotte, North Carolina
jamilliken2691@outlook.com