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# ENVIRONMENTAL CRIMES SECTION



## MONTHLY BULLETIN

*September 2009*

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*EDITOR'S NOTE:*

**CORRECTION:** The write up for United States v. Baggett (the fugitive who was arrested in Florida) that was reported last month erroneously stated that the defendant had opened fire at the arresting agents. In fact at no time did Baggett fire his assault weapon. He only pointed his weapon at the EPA agents, at which point the agents and a Deputy Monroe County Sheriff shot Baggett.

## ***ATA GLANCE***

- [United States v. Alexander Salvagno et al.](#), 2009 WL 2634647 (2<sup>nd</sup> Cir. Aug. 28, 2009).

Districts	Active Cases	Case Type / Statutes
N.D. Calif.	<a href="#"><u>United States v. Fleet Management Ltd.</u></a>	Vessel/ OPA, False Statement, Obstruction
D. Colo.	<a href="#"><u>United States v. Wayne Breitag et al.</u></a> <a href="#"><u>United States v. ExxonMobil Corporation</u></a>	Leopard Hunt/ Smuggling Oil Drilling Facilities/ MBTA
D. Conn.	<a href="#"><u>United States v. Robert Meyer et al.</u></a>	Wire Manufacturer/ CWA, False Statement
S.D. Fla.	<a href="#"><u>United States v. John Buckheim et al.</u></a>	Lobster Harvest/ Lacey Act, Conspiracy
M.D. Ga.	<a href="#"><u>United States v. Mark Harrison et al.</u></a>	Shark Fin Sales/ Lacey Act, Food and Drug Act
D. Idaho	<a href="#"><u>United States v. Krister Evertson</u></a>	Sodium Borohydride Manufacturer /RCRA, HMTSA
W.D. Ky.	[REDACTED]	[REDACTED]
W.D. Mo.	<a href="#"><u>United States v. Greenleaf, L.L.C.</u></a>	Pesticide Sales/ FIFRA
D. Mont.	<a href="#"><u>United States v. Leo Bergtoll et al.</u></a>	Big Game Hunt/ Lacey Act, Conspiracy
E.D. Tenn.	<a href="#"><u>United States v. Watkins Street Project, LLC, et al.</u></a>	Demolition and Salvage/ Conspiracy, CAA, Defraud U.S. Government
S.D. Tex.	<a href="#"><u>United States v. Ioannis Mylonakis et al.</u></a> <a href="#"><u>United States v. Rene Soliz</u></a>	Vessel/ APPS, Obstruction, False Statement Tortoise Smuggling/ Lacey Act
D. Ore.	<a href="#"><u>United States v. Dennis Beetham et al.</u></a>	Formaldehyde and Resin Production/ RCRA

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## *Significant Environmental Decisions*

### *Second Circuit*

#### **United States v. Alexander Salvagno et al., 2009 WL 2634647 (2<sup>nd</sup> Cir. Aug. 28, 2009).**

On August 28, 2009, the Second Circuit Court of Appeals affirmed the convictions of Alexander and Raul Salvagno for illegal asbestos activities over the course of a decade. The Court previously dismissed the appeal of AAR Contractor, Inc. (AAR), for its failure to prosecute its appeal. In affirming their convictions, the Court upheld the longest terms of incarceration (25 and 19.8 years, respectively) imposed in United States history for environmental crimes.

The Salvagnos and numerous high ranking AAR supervisors were charged with a conspiracy to violate RICO (based upon predicate acts of money laundering, mail fraud, and obstruction of justice); a conspiracy to violate the Clean Air and Toxic Substances Control Acts; numerous substantive Clean Air Act violations; and, as to Alex Salvagno only, tax fraud. The proof presented during the five-month trial demonstrated a wide-spread scheme to perform illegal asbestos “rip and runs” at 1,555 separate locations. With the Salvagnos’ encouragement, many of the 500 workers employed by AAR performed the asbestos removals without wearing respirators, and decontamination units were rarely provided. As an integral part of the scheme, Alex Salvagno secretly owned Analytical Laboratories of Albany, Inc. (ALA), a purportedly wholly independent company that performed air monitoring and laboratory analysis. Evidence at trial showed that ALA falsified up to 70,000 samples to fraudulently convince business and home owners that their buildings were safe to re-occupy and that AAR should be paid for its work. Numerous ALA high ranking officials were separately prosecuted and testified at trial. In total, 16 AAR and ALA individuals were sentenced to serve terms of imprisonment for their involvement in the illegal activities.

On appeal, the Salvagnos raised 25 separate issues which the Second Circuit rejected *in toto*, including a challenge to their promotion of money laundering conviction based upon the Supreme Court’s fractured decision in *United States v. Santos*, 128 S. Ct. 2020 (2008), decided subsequent to their convictions. The court further rejected numerous challenges to the environmental components of their sentences, including that the offense posed a substantial likelihood of death or serious bodily

injury to workers. Testimony taken at the sentencing hearing established that at least 100 workers with the lengthiest exposure are now substantially likely to contract asbestos-related diseases, including asbestosis, lung cancer, and mesothelioma, the latter being an invariably fatal form of cancer. The court of appeals further upheld sentencing determinations that the offenses should be enhanced because asbestos was dumped into public wastewater systems in violation of the Clean Water Act, and that the Salvagnos engaged in an abuse of trust through their fraudulent ALA laboratory and project monitoring activities.

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## ***Trials***

**United States v. Wayne Breitag et al., No. 1:08-CR-00318 (D. Colo.), ECS Trial Attorney Jim Nelson [REDACTED], AUSA David Conner [REDACTED], and ECS Paralegal Jean Bouet [REDACTED]**

On August 24, 2009, after a four-day trial, the court declared a mistrial after a juror violated the court's order by giving the rest of the jury research that she had conducted. Contempt proceedings are likely to be brought against this juror, and the re-trial has been scheduled for September 28, 2009.

Wayne Breitag was indicted, along with co-defendant Jerry Mason, in August 2008, on charges stemming from smuggling into the United States the hides and a skull from two leopards in violation of the Convention on the International Trade of Endangered Species ("CITES"). The leopards are alleged to have been illegally hunted and killed in South Africa and then smuggled into Zimbabwe to enable the hunters to obtain false CITES permits. The defendants also were charged with Lacey Act false labeling violations.

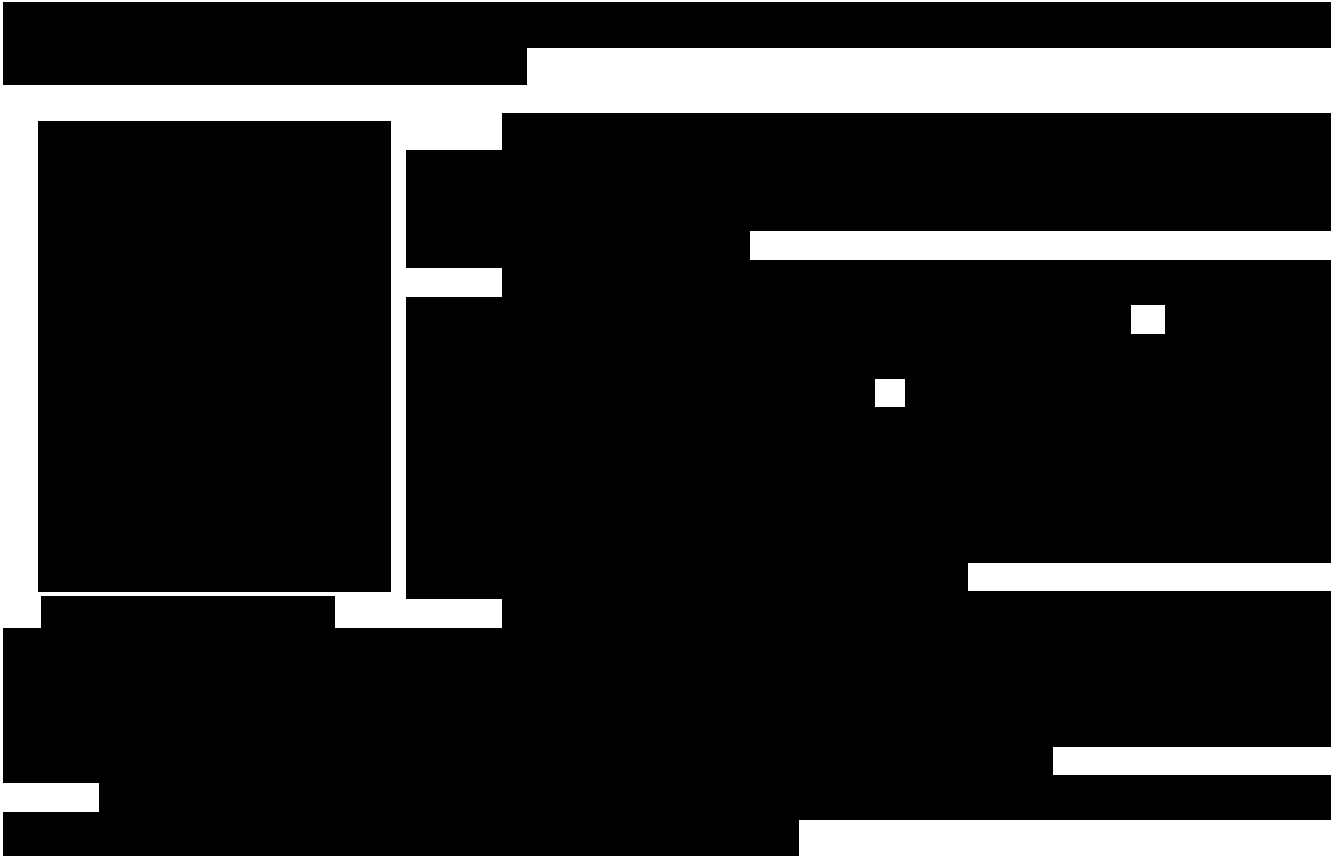
According to the indictment, both Breitag and Mason traveled to South Africa in August 2002 to hunt leopards while guided by a South African outfitter named Jan Swart d/b/a "Trophy Hunting Safaris." Both Breitag and Mason shot and killed leopards even though they did not possess permits. Because the leopards were killed illegally, neither defendant was able to legally obtain a valid CITES export permit from South Africa. In order to import the animal parts into the United States, they obtained fraudulent CITES export permits from Zimbabwe.

Swart arranged to have the hides smuggled from South Africa into Zimbabwe, where he purchased the fake export permits. Breitag and Mason then submitted applications to the U.S. Fish and Wildlife Service claiming to have hunted the leopards in Zimbabwe. In November 2004, inspectors seized animal parts at the Denver International Airport including those from the leopards killed by the defendants.

Swart previously pleaded guilty to smuggling violations and currently is serving an eighteen-month prison sentence. Mason pleaded guilty to an ESA violation and was sentenced to pay a \$10,000 fine plus a \$10,000 community service payment and will complete a four-year term of probation.

This case was investigated by the United States Fish and Wildlife Service.

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### ***Informations and Indictments***

**United States v. Watkins Street Project, LLC, et al., No. 1:09-CR-00144 (E.D. Tenn.), ECS Trial Attorney Todd Gleason ( [REDACTED] ) AUSA Matthew Morris ( [REDACTED] ), and ECS Paralegal Kathryn Loomis ( [REDACTED] )**

On August 25, 2009, two demolition and salvage companies and three of their respective owners and supervisors were charged with violations stemming from an illegal asbestos abatement.

The indictment describes a year-long scheme in which the former Standard Coosa Thatcher plant in Chattanooga was illegally demolished while still containing large amounts of asbestos. It further alleges that the asbestos that was removed from the plant prior to demolition was scattered in open debris piles and left exposed to the open air. The indictment also describes the efforts made by



owners and supervisors to cover up their illegal activities by falsifying documents and lying to federal authorities.

Specifically, the eleven-count indictment charges the defendants with conspiracy to defraud the United States and to violate the Clean Air Act. The two companies and three individuals also are charged with substantive CAA violations, making false statements, and obstructing justice.

The defendants named in the indictment are Watkins Street Project LLC (“WSP”), a land-holding and salvage company; Mathis Construction, Inc., a demolition company; Donald Fillers, a WSP owner; James Mathis, an owner of Mathis Construction, Inc.; and David Wood, a supervisor for WSP.

This case is being investigated by the United States Environmental Protection Agency Criminal Investigation Division, and the Chattanooga-Hamilton County Air Pollution Control Bureau.

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**United States v. Ioannis Mylonakis et al., No. 4:09-CR-00492 (S.D. Tex.), ECS SAUSA Kenneth Nelson**

On August 20, 2009, an indictment was returned charging Ioannis Mylonakis and Argyrios Argyropoulos with violating APPS, making false statements, and obstructing justice.

The two chief engineers for the oil tanker *Georgios M* both are charged with maintaining false oil record books that concealed the direct discharges of sludge and oily bilge wastes into the ocean. The course of conduct covers numerous discharges from 2006 through 2009. The case arose from a whistleblower crewmember coming forward while the ship was moored in Texas City, Texas, in February 2009.

This case is being investigated by the United States Coast Guard Investigative Service and the United States Environmental Protection Agency Criminal Investigation Division.

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**United States v. Dennis Beetham et al., No. 3:09-CR-00235 (D. Ore.), ECS Senior Trial Attorney Ron Sutcliffe** **AUSA Dwight Holton** **and SAUSA Daina Vitolins.**

On August 6, 2009, Dennis Beetham and his company, D.B. Western Inc., were indicted on both federal and state charges for illegally dumping hazardous and other industrial wastes. The company designs, fabricates and operates formaldehyde and resin production plants around the world. Beetham also owned a 500-acre ranch with a large cinder cone, which is a small volcano with a bowl-shaped crater at the summit.

Between 2005 and 2007, a large quantity of industrial waste, which included nitric acid and formaldehyde, was shipped from D.B. Western facilities and allegedly dumped into the cinder cone at the ranch. Also during this time period company employees were ordered to ship used components including tanks and piping from various D.B. Western facilities to the ranch. These parts were contaminated with hardened formaldehyde and were stored without a permit.

Formaldehyde is used in a variety of products ranging from textiles to wood products, and when discarded may qualify as a RCRA hazardous waste. Nitric acid is extremely corrosive and also may qualify as a RCRA hazardous waste when discarded.

The state charges filed in Crook County, Oregon, allege that the defendants unlawfully caused air and water pollution, disposed of solid waste without a permit, and failed to complete a site clean-up. These charges stem from the defendants’ allegedly burning of vast quantities of non-hazardous industrial and household wastes as well as dumping them into the cinder cone.



This case is being investigated by the United States Environmental Protection Agency Criminal Investigation Division and the Oregon Department of Environmental Quality.

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**United States v. John Buckheim et al., No. 4:09-CR-10026 (S.D. Fla.), AUSA Tom Watts-FitzGerald ( [REDACTED] )**



**Lobsters underneath artificial habitat**

On July 31, 2009, John Buckheim and Nick Demauro were charged in a five-count indictment with violations stemming from an anti-poaching investigation. The defendants are charged with a Lacey Act conspiracy and substantive Lacey Act violations for illegally harvesting spiny lobsters from artificial habitat placed in the Florida Keys National Marine Sanctuary ("FKNMS") during the summer of 2008 and extending into early 2009. A forfeiture count states that a 16-foot vessel and a GMC pickup truck along with miscellaneous equipment used in acquiring the lobster will be forfeited upon conviction.

Artificial habitats are prohibited from being placed on the seabed in the FKNMS. Buckheim is charged with sinking a vessel in this protected area for the purpose of creating an artificial lobster habitat. Additionally, spiny lobster may be harvested only during the commercial season, which runs from August 6 through March 31 of the following year. The defendants are alleged to have received approximately \$11,400 from sales of lobster harvested illegally out of season. The indictment also states that the defendants displayed a commercial dive placard on their vessel during the legitimate dive season although they were not entitled to use the commercial dive endorsement under Florida law.

This case is being investigated by the National Oceanic and Atmospheric Administration Office for Enforcement, the United States Fish and Wildlife Service, with assistance from the Florida Fish and Wildlife Conservation Commission, and the Miami-Dade Police Department Underwater Recovery Unit.

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## ***Pleas***

**United States v. Robert Meyer, et al., No. 3:09-CR-00133 (D. Conn.), AUSA Christopher Schmeisser ( [REDACTED] ) and SAUSA Anthony Kaplan ( [REDACTED] )**

On July 21, 2009, Robert Meyer, a former vice president of a now defunct manufacturing company pleaded guilty to two misdemeanor Clean Water Act violations. The charges stem from Meyer's failure to report waste water discharges that violated the company's NPDES permit on two occasions in 2007. He is scheduled to be sentenced on October 9, 2009.

Meyer was hired in May 2005 by Atlantic Wire Company as vice president for finance. Atlantic Wire was engaged in the cleaning and manufacturing of wire, and it used sulfuric and hydrochloric acid and highly alkaline materials as part of the stripping and coating process. The

resultant wastewater was to be collected and treated on-site in the facility's wastewater treatment system before being discharged into the Branford River under the terms of its NPDES permit.

Shortly after being hired by Atlantic Wire, Meyer was asked to assume additional responsibilities for supervising environmental compliance. Court documents state that there were several occasions during which the company's wastewater treatment system did not meet permit limits and these violations were not reported.

The company was prosecuted both federally and on the state level, and it was sentenced in January 2009 to pay the state of Connecticut \$1.5 million to settle charges that it repeatedly discharged toxic wastewater into the Branford River during an approximately three-year period. In one instance the pH was allowed to drop to a level of 1.4 for more than a two-hour period. The company also pleaded guilty in federal court in December 2008 to two felony CWA violations and one false statement violation. Atlantic Wire ultimately paid approximately \$800,000 for the cleanup of the site and for dismantling of the plant. With no other assets remaining, however, the company was liquidated without paying any fines or penalties, although it did agree that such fines would apply if it had remained in business.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, with the cooperation of the Connecticut Department of Environmental Protection and the Connecticut Attorney General's Office.

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**United States v. Fleet Management Ltd., No. 3:08-CR-00160 (N.D. Calif.), ECS Senior Trial Attorney Richard Udell [REDACTED] AUSAs Stacey Geis [REDACTED] and Jonathan Schmidt [REDACTED], and SAUSA Christopher Tribolet.**

On August 13, 2009, Fleet Management Ltd. ("Fleet"), a Hong Kong ship management company, pleaded guilty to a violation of the Clean Water Act (as amended by the Oil Pollution Act) obstruction, and a false statement. The company has agreed to pay a \$10 million fine, with an additional \$2 million community service payment to be devoted to funding marine environmental projects in San Francisco Bay. Fleet has further agreed to complete a three-year term of probation and to implement an enhanced compliance program.

The company was charged in a third superseding indictment with acting negligently and being a proximate cause of the oil discharge from the *Cosco Busan* and for the killing of migratory birds. It also was charged with obstructing justice and with making false statements by falsifying ship records after the vessel crashed into the San Francisco Bay Bridge in November 2007. The latest indictment alleged a loss amount of \$20 million from the discharge of oil. Fleet had argued that fines were limited to \$200,000 for the CWA offense unless a loss amount was alleged in the indictment. Sentencing is scheduled for December 11, 2009.

This case was investigated by the United States Coast Guard Investigative Service, the United States Environmental Protection Agency Criminal Investigation Division, the Federal Bureau of Investigation, the United States Fish and Wildlife Service and the California Department of Fish and Game, Office of Spill Prevention and Response.

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**United States v. ExxonMobil Corporation, No. 1:09-mj-01129 (D. Colo.), ECS Senior Trial Attorney Robert Anderson [REDACTED] and AUSA Matthew Treaster [REDACTED]**

On August 12, 2009, ExxonMobil Corporation pleaded guilty in Denver, Colorado, to five Class B misdemeanor violations of the Migratory Bird Treaty Act in connection with the deaths of



approximately 85 protected birds (including waterfowl, hawks and owls) over the past five years at its facilities in Colorado, Wyoming, Kansas, Texas, and Oklahoma. Most of the birds died from exposure to hydrocarbons in uncovered natural gas well reserve pits and waste water storage facilities at Exxon-Mobil sites.

The corporation has agreed to pay a total fine of \$400,000 with another \$200,000 as a community service payment, all of which will be spent on waterfowl restoration in the affected states. The company will complete a three-year term of probation, during which it will be required to implement an environmental compliance plan (“ECP”) employing a variety of tools to prevent avian mortality at its natural gas, oil drilling, and production facilities. During the negotiation of this case, ExxonMobil voluntarily disclosed several sites where mortalities have occurred and already has spent approximately \$2.5 million to begin implementation of the ECP in advance of the expected judgment.

This case was investigated by the United States Fish and Wildlife Service.

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## *Sentencings*

**United States v. Krister Evertson, No. 4:06-CR-00206 (D. Idaho), ECS Senior Trial Attorney Ron Sutcliffe ( ) and AUSA Michelle Mallard ( )**

On August 20, 2009, the district court heard argument concerning restitution after the Ninth Circuit upheld Evertson’s 21-month prison sentence, but remanded the case on the restitution issue. Judge Winmill re-imposed the restitution order of \$421,000 and altered the original judgment to make the restitution a condition of supervised release. The court further reduced the monthly payment of \$100 to \$10 (or 5% of his gross income) based upon Evertson’s inability to pay. The defendant was denied supervision in Alaska by the Division of Probation and Parole making it impossible for him to receive Alaska Permanent Fund Dividends, which are oil revenues paid to all Alaskan citizens. The U.S. EPA further debarred Evertson, which precludes him from leasing a mining claim in Alaska he has held since 1973. The government did not contest Evertson’s limited ability to pay and requested token payments.

Evertson, the owner and president of SBH Corporation, previously was convicted by a jury of two RCRA storage and disposal violations and with violating the Hazardous Materials Transportation Safety Act. He was sentenced to serve a period of incarceration followed by three years’ supervised release for illegally transporting hazardous materials and illegally storing hazardous waste. Evertson also was ordered to pay approximately \$420,000 in restitution to the United States Environmental Protection Agency for cleanup costs.

Evertson transported 10 metric tons of sodium metal from its port of entry in Kent, Washington, to Salmon, Idaho, where he used some of the sodium in an effort to manufacture sodium borohydride. In August of 2002, the defendant arranged for the transportation of sodium metal not



**Tanks containing sodium hydroxide/ignitable sludge**

used in the manufacturing process and other sludges and liquids held in several above ground storage tanks from the manufacturing facility to a separate storage site. Evertson failed to take protective measures to reduce the risk of possible contamination or harm during transportation, despite the fact that sodium metal and the materials in the tanks are highly reactive with water. The material subsequently was abandoned.

In May 2004, the EPA responded to the storage facility and removed the sodium metal, some of the sludge in the bottom of the tank, and another tank with corrosive liquid in it. Commercial laboratories refused to accept the sludge for testing due to its reactivity with water. When EPA tested the sludge at its own lab, it was classified as a hazardous waste.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the United States Department of Transportation Office of the Inspector General, and the Federal Bureau of Investigation.

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**United States v. Greenleaf, L.L.C., No. 3:08-CR-05033 (W.D. Mo.), AUSA Robyn McKee ( [REDACTED] )**

On August 20, 2009, Greenleaf, L.L.C., a pesticide and rodenticide sales company was sentenced to pay a \$200,000 fine due immediately. The company previously pleaded guilty to one FIFRA violation for the illegal sale and distribution of pesticides.

Between January 2007 and January 2008, Greenleaf received damaged and unwanted pesticides from a Wal-Mart distribution center in Arkansas which was where all Wal-Mart stores across the country shipped these materials. Greenleaf admitted that it distributed and sold a large number of the pesticides and rodenticide products after removing or altering the labeling on the package. The company distributed more than two million pounds of these chemicals.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the Missouri Department of Natural Resources.

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**United States v. Mark Harrison et al., No. 1:09-CR-00278 (M.D. Ga.), ECS Senior Trial Attorney Elinor Colbourn ( [REDACTED] ) and AUSA Mary Roemer ( [REDACTED] )**



**Shark fins spread out on ground**

On August 19, 2009, Mark Harrison was sentenced to serve four months' home confinement as a condition of five years' probation. He further was ordered to pay a \$5,000 fine and must complete 150 hours of community service. Harrison also will publish an advertisement in a widely-circulating publication within the fish industry regarding compliance with shark fin reporting requirements. Harrison International LLC will pay a \$5,000 fine and complete a five-year term of probation.

The defendants pleaded guilty to charges stemming from the illegal purchase and export of shark fins. Harrison and the company

both pleaded guilty to one Lacey Act trafficking violation for receiving shark fins that had not been

properly reported. Harrison further pleaded guilty to an additional Lacey Act violation for attempting to export shark fins from species that are prohibited from harvest under Florida state law and to a Food and Drug Act violation for introducing food into interstate commerce that had been prepared, packed, or held under unsanitary conditions. Shark fins are used to make shark fin soup, which is considered to be an Asian delicacy.

Harrison described himself as the nation's largest shark fin buyer, purchasing "millions" of shark fins since approximately 1989. In February 2005, Harrison purchased shark fins in Florida from an individual fisherman and later resold them in interstate commerce. No report of the landing or sale of those fins was filed with any Florida authorities, as required. Accurate reporting statistics of shark harvests are crucial for managing and regulating the populations of the various shark species that inhabit U.S. waters. In August 2007, Harrison attempted to export a shipment of shark fins through Atlanta that included at least 211 fins from Caribbean sharp-nosed sharks, two fins from bignose sharks, and two fins from night sharks, all of which are protected by Florida and/or federal laws due to their low population levels.

Over approximately a four-year period, Harrison processed the fins by drying them on open air racks and/or tarpaulins laid on the ground of his property. The fins were left out at all times until dry and were exposed to bird droppings and insects, with dogs running freely among the drying racks. Harrison subsequently sold and shipped the dried fins in interstate commerce.

Since 1993, the National Oceanic and Atmospheric Administration ("NOAA") Fisheries Service has managed, through federal fishery management plans, the commercial harvest and sale of sharks from federal waters of the Atlantic Ocean, Gulf of Mexico and Caribbean Sea. In 1998, the United Nations' Food and Agriculture Organization finalized and adopted an "International Plan of Action for the Conservation and Management of Sharks," recognizing the worldwide pressure being placed on declining shark populations by commercial fishing and the demand for shark fin soup. In the United States, management of sharks has included prohibitions against keeping and/or selling particular species, some of which have suffered such a severe population decline that further harvesting cannot be sustained. There are currently 19 federally protected species of sharks.

This case was investigated by the NOAA Office for Law Enforcement, the United States Fish and Wildlife Service Office of Law Enforcement, and the Food and Drug Administration Office of Criminal Investigations.

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**United States v. Leo Bergtoll et al., No. 1:09-CR-00002 (D. Mont.), ECS Senior Trial Attorney Robert Anderson**

On August 19, 2009, Leo Bergtoll, his wife Anna Lou, and their son Darrel, were sentenced. The three previously pleaded guilty to Lacey Act violations stemming from allowing unlicensed big game hunters onto their property between 1999 and 2003. Leo Bergtoll pleaded guilty to a felony Lacey Act conspiracy count, and Anna Lou and Darrel Bergtoll each pleaded guilty to a misdemeanor Lacey Act trafficking count. The defendants are landowners who allowed unlicensed out-of-state clients to hunt big game on their property in Montana, after which they then sold to their clients licenses that had been issued to legitimate Montana residents.

All three defendants were sentenced to pay \$15,000 fines. Leo Bergtoll also will complete three years' probation with special conditions including performing community service in the form of providing big game guide services to members of the Wounded Warrior Project on the family's Frenchman Valley Ranch for the next three hunting seasons, the loss of hunting privileges for five years, and enrollment of the Ranch in the state's Block Management Program (which provides public



access for hunting). Anna Lou Bergtoll will complete two years' probation with similar special conditions. Darrell Bergtoll will complete 40 months of probation with similar special conditions.

Codefendant and unlicensed outfitter, Anthony Bazile, remains scheduled for sentencing on September 9, 2009. Bazile, an outfitter residing in Louisiana, recruited unlicensed clients to participate in big game hunts in Montana. He pleaded guilty earlier this year to conspiracy to violate the Lacey Act.

This case was investigated by the United States Fish and Wildlife Service.

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**United States v. Rene Soliz, No. 2:09-CR-00282 (S.D. Tex.), ECS Senior Trial Attorney Claire Whitney**

On August 5, 2009, Rene Soliz was sentenced to pay a \$1,500 fine, complete a three-year term of probation, and perform 250 hours of community service. Soliz recently pleaded guilty to a Lacey Act violation for attempting to receive 15 Tanzanian Leopard Tortoises that were transported into the United States in violation of CITES. Since his guilty plea the defendant has resigned his position as a Border Patrol agent, which was required by the plea agreement.



**Tanzanian Leopard Tortoises**

In March 2006, Soliz contacted an individual in Dar-Es Salaam, Tanzania, who was selling leopard tortoises. Soliz asked to buy eight of the tortoises and indicated an interest in buying more at a later date as part of a long-term business relationship. In April 2006, a Customs inspector at John F. Kennedy International Airport intercepted the package containing the tortoises sent to Soliz, which had been labeled as containing 50 live scorpions. When a wildlife inspector opened the package, he found 14 live and one dead leopard tortoise.


Leopard tortoises are listed in Appendix II of CITES. The CITES Appendices list species granted different levels of protection from over-exploitation. International trade in specimens of Appendix II species may be authorized by the issuance of an export permit from the exporting country. No export permit accompanied the tortoises bought by Soliz.

This case was investigated by the United States Fish and Wildlife Service Office of Law Enforcement.

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## **Are you working on Pollution or Wildlife Crimes Cases?**

*Please submit case developments with photographs to be included  
in the *Environmental Crimes Monthly Bulletin* by email to:*

  
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