

UNITED STATES DISTRICT COURT

Northern

District of

New York

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE

(For Organizational Defendants)

Certified Environmental Services, Inc

CASE NUMBER: DNYN509CR000319-001
Gabriel M. Nugent, One Park Place, 300 South State
Street, Syracuse, New York 13202-2078
(315) 425-2836

Defendant Organization's Attorney

THE DEFENDANT ORGANIZATION:

pleaded guilty to count(s) _____

pleaded nolo contendere to count(s) _____
which was accepted by the court.

was found guilty on count(s) 1 through 15 of the First Superseding Indictment on October 12, 2010.
after a plea of not guilty.

The organizational defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 371	Conspiracy to Defraud the United States, Violate the Clean Air Act and Toxic Substances Control Act, and to Commit Mail Fraud	2007	1

The defendant organization is sentenced as provided in pages 2 through 6 of this judgment.

The defendant organization has been found not guilty on count(s) _____

Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant organization must notify the United States attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's
Federal Employer I.D. No.: 16-1387218

October 21, 2011
Date of Imposition of Judgment

Defendant Organization's Principal Business Address:
1401 Erie Boulevard East
Syracuse, New York 13210



United States District Judge

Defendant Organization's Mailing Address:
1401 Erie Boulevard East
Syracuse, New York 13210

November 3, 2011
Date

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ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
42 U.S.C. § 7413(c) & 18 U.S.C. § 2	Aiding and Abetting Violations of the Clean Air Act	2/10/05	2
42 U.S.C. § 7413(c) & 18 U.S.C. § 2	Aiding and Abetting Violations of the Clean Air Act	8/18/04	3
42 U.S.C. § 7413(c) & 18 U.S.C. § 2	Aiding and Abetting Violations of the Clean Air Act	7/27/05	4
42 U.S.C. § 7413(c) & 18 U.S.C. § 2	Aiding and Abetting Violations of the Clean Air Act	8/4/06	5
42 U.S.C. § 7413(c) & 18 U.S.C. § 2	Aiding and Abetting Violations of the Clean Air Act	6/29/06	6
42 U.S.C. § 7413(c) & 18 U.S.C. § 2	Aiding and Abetting Violations of the Clean Air Act	8/23/07	7
18 U.S.C. § 1341	Mail Fraud	2/05	8
18 U.S.C. § 1341	Mail Fraud	3/6/06	9
18 U.S.C. § 1341	Mail Fraud	2/10/05	10
18 U.S.C. § 1341	Mail Fraud	8/31/06	11
18 U.S.C. § 1341	Mail Fraud	9/26/07	12
18 U.S.C. § 1341	Mail Fraud	7/19/06	13
18 U.S.C. § 1001	False Statements	8/22/07	14
18 U.S.C. § 1001	False Statements	8/23/07	15

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PROBATION

The defendant organization is hereby sentenced to probation for a term of :

5 years. This consists of terms of five years on each of Counts 1 through 15, to be served concurrently.

The defendant organization shall not commit another federal, state or local crime.

If this judgment imposes a fine or a restitution obligation, it is a condition of probation that the defendant organization pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organizations's representative and to be the primary contact with the probation officer;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
- 6) the defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees; and
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

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SPECIAL CONDITIONS OF SUPERVISION

1. The defendant corporation shall make periodic submissions to the probation officer, at quarterly intervals, or as requested by the probation officer, reporting on the corporation's financial condition and results of business operations, and accounting for the disposition of all funds received.
2. The defendant corporation will notify the probation officer upon the sale or transfer of any asset of the defendant corporation.
3. If the defendant corporation has at any time the ability to make full or substantial payment toward restitution, the defendant corporation shall do so immediately.
4. The defendant corporation shall be required to notify the probation officer immediately upon learning of (A) any material adverse change in its business or financial condition or prospects, or (B) the commencement of any bankruptcy proceeding, major civil litigation, criminal prosecution, or administrative proceeding against the organization, or any investigation or formal inquiry by governmental authorities regarding the organization.
5. The Court finds, given the relationship between the defendant corporation's air monitoring and/or project monitoring business and the illegal asbestos abatement projects in the instant offense, that the defendant corporation's involvement in such a capacity in the future presents a risk the defendant corporation may engage in unlawful conduct similar to that for which the defendant has been convicted. Therefore, the defendant corporation is prohibited from engaging in air monitoring and/or project monitoring in relation with any asbestos abatement project while on probation.

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SCHEDULE OF PAYMENTS

Having assessed the organization’s ability to pay, payment of the total criminal monetary penalties are due as follows:

- A Lump sum payment of \$ 123,101.96 due immediately, balance due
 - not later than _____, or
 - in accordance with C or D below; or
- B Payment to begin immediately (may be combined with C or D below); or
- C Payment in _____ (e.g., equal, weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Special instructions regarding the payment of criminal monetary penalties:
The Special Assessment and restitution is due immediately. The fine is to be paid in full no later than January 1, 2012.

All criminal monetary penalties are made to the clerk of the court.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

\$23,420 of the total restitution is to be paid jointly and severally with Nicole Copeland; \$5,855 of the total restitution is to be paid jointly and severally with Sandy Allen; \$5,855 of the total restitution is to be paid jointly and severally with Elisa Dunn; and \$3,703.50 of the total restitution is to be paid jointly and severally with Frank Onoff, all of whom are codefendants with the defendant corporation. The Court gives notice that this case involves other individuals who may be held jointly and severally liable for payment of all or part of the restitution ordered herein and may order such payment in the future.

- The defendant organization shall pay the cost of prosecution.
- The defendant organization shall pay the following court cost(s):
- The defendant organization shall forfeit the defendant organization’s interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.