

UNITED STATES DISTRICT COURT

Northern

District of

New York

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

Nicole Copeland

Case Number: DNYN509CR000319-003

USM Number: 15621-052

Donald T. Kinsella
90 State Street, Suite 1011
Albany, New York 12207
(518) 472-0440

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s)
pleaded nolo contendere to count(s) which was accepted by the court.
X was found guilty on count(s) 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, and 13 of the First Superseding Indictment on October 12, 2010. after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Table with 4 columns: Title & Section, Nature of Offense, Offense Ended, Count. Row 1: 18U.S.C. § 371, Conspiracy to Defraud the United States, Violate the Clean Air Act and the Toxic Substances Control Act, and to Commit Mail Fraud, 2007, 1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed in accordance with 18 U.S.C. § 3553 and the Sentencing Guidelines.

- The defendant 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 must notify the United States attorney for this district within 30 days of any change of name, residence, 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 must notify the court and United States attorney of material changes in economic circumstances.

October 21, 2011
Date of Imposition of Judgment

Handwritten signature of United States District Judge

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	12/04	8
18 U.S.C. §1341	Mail Fraud	2/20/05	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

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PROBATION

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

5 years. This consists of terms of 5 years probation on each of Counts 1 through 8, and on each of Counts 10 through 13, served concurrently.

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

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Deselect, if inapplicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

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

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment, or if such prior notification is not possible, then within five days after such change;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement;
- 14) the defendant shall not possess a firearm, destructive device, or any other dangerous weapon;
- 15) the defendant shall provide the probation officer with access to any requested financial information; and
- 16) the defendant shall submit his or her person, and any property, house, residence, vehicle, papers, effects, computer, electronic communications devices, and any data storage devices or media, to search at any time, with or without a warrant, by any federal probation officer, or any other law enforcement officer from whom the Probation Office has requested assistance, with reasonable suspicion concerning a violation of a condition of probation or supervised release or unlawful conduct by the defendant. Any items seized may be removed to the Probation Office or to the office of their designee for a more thorough examination.

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SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall be committed to serve 12 consecutive weekends of Intermittent Confinement. The Court recommends the Bureau of Prisons designate the defendant to serve her weekend confinement at the Onondaga Correctional Facility in Jamesville, New York. The defendant will report to the facility by Friday at 6:00 PM and be released on Sunday at 6:00 PM and the defendant shall observe the rules of that facility. The confinement shall begin following designation by the Bureau of Prisons and notification by the U.S. Marshal Service and/or the U.S. Probation Office.
2. The defendant shall perform 200 hours of community service. The site, schedule, and conditions shall be approved by the probation officer.
3. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
4. The defendant shall apply all monies she receives from any income tax refunds, lottery winnings, judgments, and/or any other anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.
5. If the defendant has at any time the ability to make full or substantial payment toward restitution, the defendant shall do so immediately.
6. The Court finds, given the relationship between the defendant’s air monitoring and/or project monitoring employment and the illegal asbestos abatement projects in the instant offense, that the defendant’s employment in such a capacity in the future presents a risk the defendant may engage in unlawful conduct similar to that for which the defendant has been convicted. Therefore, the defendant is prohibited from engaging in air monitoring and/or project monitoring in relation with any asbestos abatement project while on probation.

DEFENDANT’S ACKNOWLEDGMENT OF APPLICABLE CONDITIONS OF SUPERVISION

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

The conditions of supervision have been read to me. I fully understand the conditions and have been provided a copy of them.

Defendant

Date

U.S. Probation Officer/Designated Witness

Date

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SCHEDULE OF PAYMENTS

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

- A In full immediately; or
- B Lump sum payment of \$ 1,200 due immediately, balance due
 - not later than _____, or
 - in accordance with D, E, F, or G below; or
- C Payment to begin immediately (may be combined with D, E, or G below); or
- D Payment in equal _____ (e.g., 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
- E Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- F Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant’s ability to pay at that time; or
- G Special instructions regarding the payment of criminal monetary penalties:
 Restitution is to be paid in minimum monthly payments of at least \$100 or 15% of the defendant’s gross income, whichever is greater.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons’ Inmate Financial Responsibility Program, are made to **Clerk, U.S. District Court, Federal Bldg., 100 S. Clinton Street, P.O. Box 7367, Syracuse, N.Y. 13261-7367**, unless otherwise directed by the court, the probation officer, or the United States attorney. If a victim cannot be located, the restitution paid to the Clerk of the Court for that victim shall be sent to the Treasury, to be retrieved if and when the victim is located.

The defendant 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.
 All restitution is to be jointly and severally with Certified Environmental Services, Incorporated, which owes the total amount of \$117,101.96. In addition, \$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.
 - The Court gives notice that this case involves other defendants 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 shall pay the cost of prosecution.
 - The defendant shall pay the following court cost(s):
 - The defendant shall forfeit the defendant’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.