

3. Missouri law prohibits the taking, possession, purchase, sale, or import, of any wild animal, including paddlefish and paddlefish eggs, except as authorized by law. 3 CSR 10-4.110.
4. Missouri law provides that no person may take more than two paddlefish per day. 3 CSR 10-6.525(1). “Take” means, among other things, to kill or capture in any manner. 3 CSR 10-20.805(53).
5. Missouri law provides that no person may possess more than four paddlefish at any time. 3 CSR 10-6.405(3)(F).
6. Missouri law requires that a person must acquire a valid Roe Fish Dealer Permit before that person may legally buy or possess paddlefish, for the purpose of processing, transporting, shipping, or selling them. 3 CSR 10-10.728.
7. Missouri law prohibits the transportation of paddlefish eggs which have been removed or extracted from a paddlefish carcass. 3 CSR 10-6.525(5).
8. Missouri law prohibits the sale or purchase, or offer of sale or purchase, of paddlefish eggs. 3 CSR 10-6.525(5).
9. Missouri law provides that persons possessing paddlefish or paddlefish eggs that were taken by another person shall plainly label the paddlefish, or paddlefish eggs, in a way that identifies the species and provides the full name, address, and permit number of the taker and the date taken. 3 CSR 10-4.136, 3 CSR 10-4.137.
10. The Lacey Act makes it unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish that was taken, possessed, transported, or sold in violation of any law or regulation of any State. 16 U.S.C. § 3372(a)(2)(A).

11. On or about April 11, 2011, Defendant PAKHNYUK traveled from Illinois to Missouri for the purpose of obtaining paddlefish eggs.

12. On or about and between April 21, 2011, and April 29, 2011, in the Western District of Missouri, those dates being approximate and inclusive, Defendant PAKHNYUK arranged with several fishermen in Warsaw, Missouri, to process their recently-caught paddlefish by removing the eggs from the paddlefish carcasses. In exchange for his services, Defendant PAKHNYUK received a portion of the processed paddlefish eggs. Defendant PAKHNYUK stated that he intended to sell the processed paddlefish eggs as caviar in Chicago, Illinois.

13. On or about April 29, 2011, in the Western District of Missouri and elsewhere, Defendant FEDOR PAKHNYUK, a\k\ a “TAD” knowingly engaged in conduct involving the sale and purchase, offer to sell and purchase, and intent to sell and purchase fish having a market value in excess of \$350, to wit: paddlefish eggs (*Polydon spathula*), by knowingly transporting, and causing to be transported, said fish in interstate commerce, knowing said fish were possessed and sold in violation of, and in a manner unlawful under, Missouri state law and regulation, specifically 3 CSR 10-4.110, 10-6.405(3)(F), 3 CSR 10-4.136, 3 CSR 10-4.137, 3 CSR 10-6.525, and 3 CSR 10-10.728.

All in violation of Title 16, United States Code, Sections 3372(a)(2)(A), 3373(d)(1)(B); and Title 18, United States Code, Section 2.

COUNT 2
Lacey Act Trafficking
(16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B), 18 U.S.C. § 2)

14. The information contained in paragraphs 1 through 10 of this Indictment are re-alleged and incorporated herein.

15. On or about March 22, 2012, in the Western District of Missouri, Defendant PAKHNYUK proposed a business venture with D.F. and J.B. in which Defendant PAKHNYUK would process all of their paddlefish by removing the eggs from the paddlefish carcasses, and they could sell their paddlefish eggs in Chicago, Illinois. Defendant PAKHNYUK offered to show D.F. and J.B. the “markets” in Chicago, Illinois, as part of the deal.

16. On or about April 27, 2012, in the Western District of Missouri, Defendant PAKHNYUK processed three paddlefish that were harvested by M.W. and J.B. by removing the eggs from the paddlefish carcasses. Defendant PAKHNYUK placed all of the paddlefish eggs into jars. Defendant PAKHNYUK then assisted the M.W. and J.B. in selling the flesh from the three paddlefish to another individual.

17. On or about April 28, 2012, in the Western District of Missouri, Defendant PAKHNYUK purchased all of the paddlefish eggs that he had processed on April 27, 2012, from M.W. and J.B. Defendant PAKHNYUK paid M.W. and J.B. \$1,000 for the paddlefish eggs.

18. On or about April 29, 2012, in the Western District of Missouri, Defendant PAKHNYUK proposed a business venture with M.W. and J.B. in which Defendant PAKHNYUK would purchase all of the eggs from all of the paddlefish that M.W. and J.B. caught for a set price, and then transport those eggs to Chicago, Illinois, where he could sell them.

19. On or about April 30, 2012, in the Western District of Missouri and elsewhere, Defendant FEDOR PAKHNYUK, a\k\ a “TAD” knowingly engaged in conduct involving the sale and purchase, offer to sell and purchase, and intent to sell and purchase fish having a market value in excess of \$350, to wit: paddlefish eggs (*Polydon spathula*), by knowingly transporting, and causing to be transported, said fish in interstate commerce, knowing said fish were possessed and sold in violation of, and in a manner unlawful under, Missouri state law and regulation,

specifically 3 CSR 10-4.110, 10-6.405(3)(F), 3 CSR 10-4.136, 3 CSR 10-4.137, 3 CSR 10-6.525, and 3 CSR 10-10.728.

All in violation of Title 16, United States Code, Sections 3372(a)(2)(A), 3373(d)(1)(B); and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION
16 U.S.C. § 3374(a)

1. Upon conviction of the offense alleged in Count One Defendant FEDOR PAKHNYUK, a\k\ a “TAD” shall forfeit to the United States pursuant to 16 U.S.C. §3374(a)(1) approximately twenty-four pounds of paddlefish eggs.

2. Upon conviction of the offense alleged in Count One, Defendant FEDOR PAKHNYUK, a\k\ a “TAD” shall forfeit to the United States pursuant to 16 U.S.C. § 3374(a)(2), all vessels, vehicles, and other equipment used to aid in the exporting, transporting, selling, receiving, acquiring, or purchasing of fish, in violation of Title 16, United States Code, Sections 3372 and 3373, including but not limited to, the following.

A. A blue, Chevrolet Suburban bearing Illinois License Plate Number: L59 6391.

3. In the event that any property used in any of the offenses alleged in Count One, or any property traceable to such property, as a result of any act or omission of the Defendant FEDOR PAKHNYUK, a\k\ a “TAD”:

- A. Cannot be located upon the exercise of due diligence;
- B. Has been transferred or sold to, or deposited with a third party;
- C. Has been placed beyond the jurisdiction of the court;
- D. Has been substantially diminished in value; or
- E. Has been co-mingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the Defendant FEDOR PAKHNYUK, a\k\ a “TAD” up to the value of the above property.

FORFEITURE ALLEGATION
16 U.S.C. § 3374(a)

1. Upon conviction of the offense alleged in Count Two Defendant FEDOR PAKHNYUK, a\k\ a “TAD” shall forfeit to the United States pursuant to 16 U.S.C. §3374(a)(1) approximately three female paddlefish, including all of the eggs from those female paddlefish.

2. Upon conviction of the offense alleged in Count Two, Defendant FEDOR PAKHNYUK, a\k\ a “TAD” shall forfeit to the United States pursuant to 16 U.S.C. § 3374(a)(2), all vessels, vehicles, and other equipment used to aid in the exporting, transporting, selling, receiving, acquiring, or purchasing of fish, in violation of Title 16, United States Code, Sections 3372 and 3373, including but not limited to, the following.

A. A white, Ford E250 cargo van bearing Illinois License Plate Number: 81 694 S.

2. In the event that any property used in any of the offenses alleged in Count Two, or any property traceable to such property, as a result of any act or omission of the Defendant FEDOR PAKHNYUK, a\k\ a “TAD”:

A. Cannot be located upon the exercise of due diligence;

B Has been transferred or sold to, or deposited with a third party;

C. Has been placed beyond the jurisdiction of the court;

D. Has been substantially diminished in value; or

E. Has been co-mingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the Defendant FEDOR PAKHNYUK, a/k/a “TAD” up to the value of the above property.

A TRUE BILL

/s/
FOREPERSON OF THE GRAND JURY

/s/ Lawrence E. Miller
LAWRENCE E. MILLER
ASSISTANT UNITED STATES ATTORNEY
WESTERN DISTRICT OF MISSOURI

/s/ James B. Nelson & Adam C. Cullman
JAMES B. NELSON
ADAM C. CULLMAN
TRIAL ATTORNEYS
U.S. DEPARTMENT OF JUSTICE

02/26/2013
Dated