Sheet 1

UNITED STATES DISTRICT COURT

N	orthern	District of	New York	New York					
UNITED STA	TES OF AMERICA V.	_	JUDGMENT IN A CRIMINAL CASE (For Organizational Defendants)						
Certified Enviro	nmental Services, Inc	Gabriel M. N Street, Syracu	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:	Determine organiza	samon o morney						
pleaded guilty to cou	nt(s)								
pleaded nolo contend which was accepted	lere to count(s)by the court.								
X was found guilty on after a plea of not gu		First Superseding Indictmen	nt on October 12, 2010.						
The organizational defen	dant is adjudicated guilty of th	nese offenses:							
Title & Section 18 U.S.C. § 371	Nature of Offense Conspiracy to Defrauct Violate the Clean Air Control Act, and to Co	Act and Toxic Substances	Offense Ended 2007	<u>Count</u> 1					
The defendant org	anization is sentenced as prov	ided in pages 2 through	6 of this judgment.						
☐ The defendant organ	ization has been found not gui	lty on count(s)							
Count(s)		is are dismissed on t	he motion of the United States.						
It is ordered that of name, principal busines are fully paid. If ordered changes in economic circ	the defendant organization must address, or mailing address ud to pay restitution, the defendant address.	ast notify the United States at ntil all fines, restitution, costs dant organization must notif	ttorney for this district within 30 s, and special assessments imposy the court and United States a	days of any change sed by this judgment ttorney of material					
Defendant Organization's Federal Employer I.D. No.: 1	6-1387218	October 21, 20 Date of Imposition							
Defendant Organization's Princ	cipal Business Address:								
1401 Erie Boulevard Eas	t	<u></u>							
Syracuse, New York 132	10								
Defendant Organization'	s Mailing Address:		United States/District Judge						
1401 Erie Boulevard Eas	t	November 3, 2	011						
Syracuse, New York 132	10								

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AO 245E (Rev. 12/03) Judgment in a Criminal Case for Organizational Defendants

Sheet 1A

Judgment—Page 2 of 6

DEFENDANT ORGANIZATION: Certified Environmental Services, Inc.

CASE NUMBER: DNYN509CR000319-001

ADDITIONAL COUNTS OF CONVICTION

Title & Section	Nature of Offense	Offense Ended	Count
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) &	Aiding and Abetting Violations of the Clean Air Act	8/18/04	3
18 U.S.C. § 2			
42 U.S.C. § 7413(c) &	Aiding and Abetting Violations of the Clean Air Act	7/27/05	4
18 U.S.C. § 2			
42 U.S.C. § 7413(c) &	Aiding and Abetting Violations of the Clean Air Act	8/4/06	5
18 U.S.C. § 2			
42 U.S.C. § 7413(c) &	Aiding and Abetting Violations of the Clean Air Act	6/29/06	6
18 U.S.C. § 2			
42 U.S.C. § 7413(c) &	Aiding and Abetting Violations of the Clean Air Act	8/23/07	7
18 U.S.C. § 2			
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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Sheet 2 — Probation

Judgment—Page 3 of 6

DEFENDANT ORGANIZATION: Certified Environmental Services, Inc.

CASE NUMBER: DNYN509CR000319-001

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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Sheet 2B — Probation

Judgment—Page 4 of 6

DEFENDANT ORGANIZATION: Certified Environmental Services, Inc.

CASE NUMBER: DNYN509CR000319-001

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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AO 245E

(Rev. 12/03) Judgment in a Criminal Case for Organizational Defendants Sheet 3 — Criminal Monetary Penalties

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	Judgment — Page	5	10	6

DEFENDANT ORGANIZATION: Certified Environmental Services, Inc

CASE NUMBER: DNYN509CR000319-001

CRIMINAL MONETARY PENALTIES

The defendant organization must pay the following total criminal monetary penalties under the schedule of payments on Sheet 4.

TO	TALS	\$	Assessment 6,000	\$	<u>Fine</u> 20,000	\$		Restitution 17,101.96
			on of restitution is deferred untilch determination.		An .	Amended Judgment in a	: Ci	riminal Case (AO 245C) will be
	The defendabelow.	ant (organization shall make restitution (includ	ling	communit	y restitution) to the follow	wii	ng payees in the amount listed
	If the defen- otherwise in be paid befo	dant the ore t	organization makes a partial payment, ea priority order or percentage payment colum he United States is paid.	ch p mn l	oayee shall below. Hov	receive an approximately wever, pursuant to 18 U.S	y p	roportioned payment, unless specified . § 3664(i), all nonfederal victims must
Nan	ne of Payee		Total Loss*		R	estitution Ordered		Priority or Percentage
Man	1		Total Loss		100	\$42,000		11101ity of 1 creentage
	2					\$7,500		
	3					\$2,250		
	4					\$12,000		
	5					\$3,000		
	6					\$1,500		
	7					\$6,000		
	8					\$750		
	9					\$7,530.45		
	10)				\$3,456.60		
	11					\$1,357.95		
	12					\$4,919.56		
	13					\$20,186.88		
	14					\$4,650.52		
TO'	TALS		\$		\$	117,101.96		
10	IALS		φ	_	Φ	117,101.90	-	
	Restitution	am	ount ordered pursuant to plea agreement	\$				
X	The defendant organization shall pay interest on restitution or a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 4 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).							
	The court	dete	rmined that the defendant organization do	es r	not have the	e ability to pay interest, a	ınd	lit is ordered that:
	☐ the int	eres	t requirement is waived for the	ne	☐ restit	ution.		
	☐ the int	eres	t requirement for the	re	estitution is	modified as follows:		

^{*} Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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AO 245E (Rev. 12/03) Judgment in a Criminal Case for Organizational Defendants

Sheet 4 — Schedule of Payments

Judgment — Page 6 of 6 **DEFENDANT ORGANIZATION:** Certified Environmental Services, Inc DNYN509CR000319-001 CASE NUMBER: SCHEDULE OF PAYMENTS Having assessed the organization's ability to pay, payment of the total criminal monetary penalties are due as follows: X Lump sum payment of \$ 123,101.96 due immediately, balance due X in accordance with ☐ C or X D below; or В \square Payment to begin immediately (may be combined with \square C or \square D below); or Payment in ______ (e.g., equal, weekly, monthly, quarterly) installments of \$ _____ over a period of C (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or Special instructions regarding the payment of criminal monetary penalties: D 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. X 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): П

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.

The defendant organization shall forfeit the defendant organization's interest in the following property to the United States: