



Monthly

Bulletin

Environmental Crimes Section

April 2018








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“In close partnership with the U.S. Attorneys’ Offices and USDA Office of Inspector General, our Division is aggressively pursuing those who engage in illegal animal fighting ventures,” said Acting Assistant Attorney General Wood. “These sentencings demonstrate our firm commitment to prosecute those who violate federal laws banning the torture of animals in the fighting ring. As these cases also demonstrate, animal fighting ventures often involve other forms of serious criminal conduct like illegal gambling and illegal trafficking in drugs and weapons. I applaud the law enforcement officers and prosecutors who worked tirelessly to deliver justice in these cases.” [From sentencing [press release](#) in *U.S. v. Harris, et al.* See [inside](#) for more details on this case.]

District/Circuit	Case Name	Case Type/Statutes
Central District of California	 <u>United States v. Sean Gerson et al.</u>	 Vet Medication Sales/FIFRA; Food, Drug, and Cosmetic Act; Smuggling
Eastern District of California	<u>United States v. Raul Cardenas-Solis</u> <u>United States v. Alfredo Cardenas-Suastegui et al.</u> <u>United States v. Rosario Beltran-Leal</u> <u>United States v. Ronald C. Simmons</u>	Marijuana Grow/Drug, Depredation to Natural Resources Bird Baiting/MBTA
Southern District of California	<u>United States v. Eriberto Panigua et al.</u>	Tiger Smuggling/Conspiracy
District of Colorado	<u>United States v. OE Construction Company</u>	Emissions Tampering/Accessory -After-the-Fact
District of Connecticut	<u>United States v. William Carl Bartlett</u>	Reptile Sales/Lacey Act
Middle District of Florida	<u>United States v. Marian Walas</u>	Metal Recycler/RCRA
Southern District of Florida	<u>AAA Pest Protection Inc. et al.</u>	Pesticide Application/FIFRA
Southern District of Illinois	<u>United States v. Joseph Kehrer</u>	Asbestos Removal/CAA
Southern District of Indiana	<u>United States v. Kevin Cleveland</u>	Petroleum Distribution/HMTA
Eastern District of Louisiana	<u>United States v. Don Moss et al.</u> <u>United States v. Kenneth Johns</u>	Oil and Gas Platform Explosion/ CWA Oil and Gas Platform Testing/ False Statement
	 	 
District of Nevada	<u>United States v. Edward N. Levine</u>	Rhino Horn Sales/Conspiracy, Lacey Act
District of New Jersey	<u>United States v. Lydell Harris et al.</u>	Dog Fighting/Animal Fighting Venture, Conspiracy, Firearms
Southern District of New York	<u>United States v. Hector M. Cruz</u>	Rooster Fighting/Animal Fighting Venture
Western District of New York	<u>United States v. Raj Chopra et al.</u>	Asbestos Abatement/Accessory- after-the-fact, CAA, False Statement
Southern District of Ohio	<u>United States v. Dwayne T. Robinson et al.</u>	Dog Fighting/Animal Fighting Venture, Conspiracy
Southern District of Texas	<u>United States v. Daniel J. O'Sullivan</u>	Video Distribution/Animal Crush

Decisions

***United States v. Steven G. O'Connell*, 2017 WL 4675775 (E.D. Wis. Oct. 16, 2017).**

On October 16, 2017, the district court for the Eastern District of Wisconsin ruled on defendants O'Connell, Peter Mark, and Christy McNamee's motions to dismiss counts in the indictment. Charges included an asbestos NESHAP violation, 42 U.S.C. § 7413(c)(4), for the negligent release of asbestos into the ambient air. The court held that under the Clean Air Act (Act), a release to the "ambient air" includes a release within a building.

The court reviewed the definition of ambient air, noting that no such definition is present within the Act itself. The National Ambient Air Quality Standards (NAAQS) define "ambient air" as "that portion of the atmosphere, external to buildings, to which the general public has access." 40 C.F.R. § 50.1(e). However, the court held that the definition applies solely to NAAQS provisions, without extension to endangerment provisions or any other provisions of the Act. Regulations which dictate asbestos removal explicitly utilize the term "outside air" rather than "ambient air" in reference to air external to buildings. The court adopted a broader plain meaning definition of "ambient" as "existing or present on all sides: encompassing," because the Act did not intend to exclude the release of asbestos within a building that would endanger workers.

The court found that criminal liability for a person who negligently releases hazardous pollutants or substances into ambient air and who at the time negligently places another person in imminent danger is not inconsistent with the purpose of the Act just because the pollutant never reaches outside the building. 42 U.S.C. § 7413(c)(4). Further, the court determined the definition of "ambient air" to be irrelevant as the statute does not require the hazardous pollutant released into ambient air to cause imminent danger.

Charges also included false statement, 18 U.S.C. § 1001(a)(3) and obstruction/impeding a pending proceeding, 18 U.S.C. § 1505. The court denied defendants' motions to dismiss the counts for failure to state the element of materiality, holding that the indictment was sufficient, and that materiality is a factual dispute for the jury to decide.

Grede LLC pleaded guilty to a negligent release of asbestos, placing one or more other persons in imminent danger of death or serious bodily injury.

Indictments/Informations

***United States v. Marian Walas*, No. 8:15-CR-00226 (M.D. Fla.), ECS Trial Attorney Mary Dee Carraway, and AUSAs Daniel George and Kelley Howard-Allen.**

On March 22, 2018, prosecutors unsealed an indictment charging Marian Walas with violating the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6928(d)(2) (A)).

According to the indictment, Walas was the president and manager of Rincat LLC, a now defunct business that recycled automotive catalytic converters to recover the precious metal catalysts, primarily platinum, palladium, and rhodium. This recycling process generated hazardous waste, including chloride, sulfuric acid, and various heavy metals. Between August and December 2010, Walas allegedly stored this waste at a warehouse in Lakeland for at least 90 days without a permit.

Between March and June 2010, Walas and Rincat hired a waste disposal company that removed eight loads (approximately 37,000 gallons) of hazardous waste from the warehouse. In June 2010, there were at least 21 containers of hazardous waste on site. After Rincat was evicted from the warehouse in August 2010, investigators discovered approximately 38,550 gallons of hazardous waste that had been abandoned. After Rincat was evicted, there was waste left on site that the defendants had not had the waste disposal company remove.

This case was investigated by the U.S. EPA Criminal Investigation Division and the Florida Department of Environmental Protection.

***United States v. Kevin Cleveland*, No. 1:18-CR-00079 (S.D. Ind.), AUSA Nicholas Linder.**

On March 13, 2018, prosecutors filed an information charging Kevin Cleveland with transporting hazardous materials in May 2017 (49 U.S.C. §§ 5104(b), 5124).

Cleveland operated as an intrastate carrier of petroleum products in the Indianapolis area. In May 2017, he allegedly altered/tampered with markings associated with inspections and tests of a cargo tank used to transport hazardous materials, used a cargo tanker that had not been properly inspected or tested, and provided false documents to Federal Motor Carrier Safety Administration inspectors.

This case was investigated by the U.S. Department of Transportation.

Guilty Pleas

United States v. Don Moss et al., No. 2:15-CR-00197 (E.D. La.), ECS Senior Trial Attorney Ken Nelson, ECS Trial Attorney Charlie Lord, AUSAs Emily Greenfield and Nick Moses.

On March 29, 2018, Don Moss pleaded guilty to a misdemeanor violation of the Clean Water Act (CWA) (33 U.S.C. §§ 1319(c)(1)(A), 1321(b) (3)). Sentencing is scheduled for June 28, 2018.

Shipyard employees Curtis Dantin, Christopher Srubar and Moss were charged in a superseding indictment with one count of violating the CWA. Grand Isle Shipyards is charged with three counts of involuntary manslaughter and one CWA count. The superseding indictment removed Black Elk Energy Offshore Services (BEE) and Wood Group PSN since both entities have previously

pleaded guilty and been sentenced. The superseding indictment also removed regulatory recitations that the Fifth Circuit ruled were not applicable to contractors.

This case stems from an explosion on an oil production platform owned by BEE that killed three workers in November 2012. Several others were injured and approximately 500 barrels of oil were discharged into the water. BEE had contracted with Wood Group PSN to provide personnel to operate the platform. The explosion was the result of welding being conducted on a hydrocarbon line that was connected to an oil tank that had not been cleaned and purged of flammable oil and gas. Moss was hired as a construction consultant for the welding project that lead to the explosion.

BEE violated numerous Outer Continental Shelf Lands Act (OCSLA) safety requirements were violated and negligently discharged oil into waters of the United States. Wood Group was sentenced in February 2017 to pay \$7 million for falsely reporting over several years that personnel had performed safety inspections on facilities in the Gulf of Mexico, and \$1.8 million for negligently discharging oil into the Gulf, both in violation of the CWA. The court also ordered Wood Group to pay \$700,000 in community service. BEE was sentenced in August 2017 to pay a \$4.2 million monetary penalty. Due to BEE's bankruptcy, the penalty is a general unsecured claim against BEE's bankruptcy estate entitled to a pro rata distribution from the trust with other allowed unsecured claims against BEE.

This case was investigated by the DOI Office of Inspector General and the U.S. EPA Criminal Investigation Division.



Visible oil sheen after explosion

Guilty Pleas

United States v. Daniel J. O'Sullivan, No. 2:18-CR-00206 (S.D. Tex.), AUSA Hugo Martinez.

On March 28, 2018, former Navy sailor Daniel J. O'Sullivan pleaded guilty to distributing an animal crush video depicting the drowning of puppies (18 U.S.C. §§ 48(b) (2), (d)). Sentencing is scheduled for August 2, 2018.

In June 2016, Naval Criminal Investigative Service (NCIS) agents were notified that O'Sullivan was in possession of disturbing videos depicting the torture and killing of animals. Authorities interviewed him at Naval Air Station Corpus Christi where he was stationed at the time. O'Sullivan admitted he distributed a video to an individual in Montana that depicted the drowning of puppies in a river. That individual admitted to receiving the video.

This is the second such case prosecuted in this district. Brent Justice was sentenced to 57 months' incarceration in August 2016 for similar behavior. The court sentenced his co-defendant to time served. O'Sullivan received an other than honorable discharge from the Navy in September 2017, effectively ending his naval career.

This case was investigated by the NCIS.

Guilty Pleas

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Guilty Pleas

***United States v. Raul Cardenas-Solis*, No. 1:17-CR-00168 (E.D. Calif.), AUSA Karen Escobar.**

On March 12, 2018, Raul Cardenas-Solis pleaded guilty to conspiring to cultivate marijuana on public land (21 U.S.C §§ 841, 846). Sentencing is scheduled for June 4, 2018.

Between October 2016 and July 2017, agents conducted surveillance of a large marijuana cultivation site in the North Meadow Creek area of the Sequoia National Forest. Cardenas was arrested on July 5th, after he was found checking the irrigation lines. He led them back to a campsite where agents discovered large amounts of fertilizer, pesticides and trash. The cultivation operation caused extensive damage to the land and natural resources as a result of deforestation, pesticide and fertilizer use, the diversion of natural water sources, and trash disposal. Agents eradicated close to 11,000 marijuana plants.

This case is the product of an investigation by the U.S. Forest Service with assistance from Homeland Security Investigations.

***United States v. Joseph Kehrer*, No. 18-CR-30030-SMY (S.D. Ill.), AUSA Liam Coonan and RCEC David Mucha.**

On March 1, 2018, Joseph Kehrer pleaded guilty to violating the Clean Air Act for failing to notify regulatory authorities prior to the removal of asbestos material (42 U.S.C. §7413 (c)(1)). Kehrer is scheduled to be sentenced on June 12, 2018.

Kehrer, the owner of multiple roofing businesses, purchased a former grade school in January 2014. He also hired Farmer Environmental Services to conduct an asbestos survey of the building. Kehrer received the survey that identified numerous asbestos- containing materials (ACM) in the building, including 174 linear-feet of piping wrap and 20,600 square-feet of floor tiles and mastic.

He then received a bid of \$150,000 from environmental consulting company Cenpro Services to removed the material. Shortly thereafter, Kehrer directed employees (including Hispanic individuals on work visas) to remove the ACM. They were not properly trained to remove asbestos and did not wear proper protective equipment.

Based upon a complaint in February 2015, Occupational Safety and Health Administration inspectors toured the building noting “plumes of dust down the hallways” and other potential hazards. Kehrer provided false information to the inspectors and instructed workers to hide equipment and chemicals used to remove the asbestos.

This case was investigated by the U.S. EPA Criminal Investigation Division and the U.S. Department of Labor Office of Inspector General.



Floor grinder

Sentencings

***United States v. OE Construction Company*, No. 1:18-mj-01017 (D. Colo.), AUSAs Rebecca Weber and Suneeta Hazra.**

On March 27, 2018, OE Construction Company (OE), an excavation and underground utility company, was sentenced to pay a \$15,000 fine, after pleading guilty to being an accessory-after-the-fact to violating the Clean Air Act (18 U.S.C. § 3). OE will pay up to \$55,000 in restitution to companies that purchased modified trucks from OE. The company also will complete a three-year term of probation, during which it will implement an environmental compliance plan.

Between January 2016 and January 2017, an OE employee worked with Canadian company J-Ball Electronics (J-Ball) to falsify the monitoring devices on at least six OE-owned vehicles. The employee purchased kits from J-Ball enabling him to alter the vehicles' emission control systems. The modifications allowed significantly more NO_x (mono-nitrogen oxides), hydrocarbons and particulate matter to be emitted from those vehicles.

The company claimed it had only tampered with four vehicles and had subsequently repaired them. OE did not reveal that at least two additional vehicles it intended to put up for auction also had been modified.

This case was investigated by the U.S. EPA Criminal Investigation Division.

***United States v. Edward N. Levine*, No. 2:14-CR-00127 (D. Nev.), ECS Trial Attorney Ryan Connors, AUSA Kathryn Newman, and ECS Law Clerk Christopher Kopf.**

On March 23, 2018, Edward N. Levine was sentenced to 27 months' incarceration, followed by three years' supervised release. Levine was convicted by a jury in September 2017 of conspiring to violate the Lacey Act and the Endangered Species Act and a substantive Lacey Act violation for selling Black rhinoceros horns to an undercover agent (18 U.S.C. § 371; 16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(B)).

Over an approximately two-month period, co-defendant Lumsden Quan and Levine negotiated the sale of two Black rhinoceros horns by e-mail and telephone, ultimately communicating with an undercover agent. Levine offered to sell two horns for \$55,000 and agreed to meet the buyer in Las Vegas. After directing another person to drive from California to Las Vegas with the horns, Quan and Levine flew from California to Las Vegas to complete the sale. Quan met the undercover agent in a Las Vegas hotel room, where he completed the transaction.

Quan previously pleaded guilty to both counts of the indictment and was sentenced to a year and two days' incarceration, followed by three years' supervised release, and ordered to pay a \$10,000 fine.

This case was investigated by the U.S. Fish and Wildlife Service, with assistance from the National Park Service, the U.S. Forest Service, and the Nevada Division of Wildlife.

Sentencings

***United States v. Raj Chopra et al.*, No. 1:12-CR-00308 (W.D.N.Y.), AUSA Aaron Mango.**

On March 23, 2018, Raj Chopra was sentenced to complete a one-year term of probation, after pleading guilty to being an accessory-after-the-fact to a false statement under the Clean Air Act (CAA) (18 U.S.C. § 3). Chopra's company, Comprehensive Employee Management (CEM), will pay a \$25,000 fine and complete a one-year term of probation, after pleading guilty to making a CAA false statement (42 U.S.C. §§ 7412, 7413(c)(2)(A)).



Asbestos-containing material removed from unsecured dumpster

CEM, an environmental consulting company, provided consulting services to co-defendant Sean Doctor and his asbestos abatement company, S.D. Specialty Services, LLC. Between December 2009 and January 2010, S.D. Specialty employees performed asbestos abatement work at the Roosevelt Park Shelter. During the project, they removed asbestos from the shelter and transported the material to a waste container at CEM on Grand Island.

In March 11, 2010, Doctor and CEM devised paperwork that falsely indicated the asbestos had been transported to CEM from the shelter on that date. The asbestos, however, had been stored at the Grand Island location prior to March 2010. This false statement was included in the shipping manifest created when a local waste disposal company retrieved the waste container at CEM. In addition, an inspection of the shelter in April 2011 revealed asbestos was left behind.

Doctor was sentenced in November 2017 to pay a \$2,000 fine and complete a one-year term of probation. Doctor pleaded guilty to making a false statement under the CAA (42 U.S.C. §§ 7412, 7413(c)(2)(A)).

This case was investigated by the U.S. EPA Criminal Investigation Division, and the New York State Department of Environmental Conservation Police, with assistance from the New York State Department of Labor Asbestos Control Bureau.

This case was investigated by the DOI Office of Inspector General, with assistance from BSEE, and the U.S. EPA Criminal Investigation Division.

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Sentencings

United States v. Lydell Harris et al., Nos. 3:16-CR-00581, 3:17-CR-0050, 00222, 00309, 00312 (D.N.J.), ECS Trial Attorney Ethan Eddy, AUSA Kathleen O' Leary, and ECS Law Clerk John Jones.

On March 19, 2018, Lydell Harris was sentenced to 17 months' incarceration. Harris is the fourth person to be sentenced in this interstate dog fighting case. Pedro Cuellar was sentenced on March 12 to 12 months' and a day of incarceration; Frank Nichols was sentenced on March 9 to 57 months' incarceration; and Monte Gaines was sentenced on March 5 to 42 months' incarceration (which will run consecutively to 60 months ordered in a parallel state drug case.)

Gaines, a New Jersey resident, possessed a dog named "Vida" and five others for use in dog fighting. In June 2016, agents seized the dogs from his residence during the execution of a federal search warrant. The dogs displayed scarring and other traits consistent with use in fights. Agents also recovered equipment, including a dog treadmill, suture kits, and scalpels. Gaines and a co-defendant, Justin Love, purchased "Vida" and another dog from co-defendant Robert Arellano, a resident of New Mexico who shipped the dogs to Gaines and Love by air cargo.

Gaines admitted to arranging a fight for a dog named "Bubbles," and a dog owned by co-defendant Frank Nichols, in Chicago, in October of 2015. He and Nichols then drove "Bubbles" to a co-defendant's residence in Indiana to evade law enforcement detection after local authorities found one of the properties where Gaines had been storing fighting dogs. Gaines and Nichols pleaded guilty to conspiring to buy, sell, receive, transport, deliver, and possess dogs intended for use in an animal fighting venture. Gaines further pleaded guilty to unlawful possession of a dog intended for use in an animal fighting venture, and Nichols further pleaded guilty to possessing a stolen firearm subsequent to a felony conviction (18 U.S.C. § 371; 7 U.S.C. § 2156(b), 922(g)(1)). Agents seized a total of 13 dogs from Nichols's residence, all maintained in conditions consistent with use in dog fighting. Agents also recovered a variety of dog fighting equipment. At the time of his arrest, Nichols, a convicted felon, was found in possession of two firearms, one of which had been stolen.

Harris pleaded guilty to conspiracy to fight a dog in an animal fighting venture and one count of unlawful possession of a dog intended for use in an animal fighting venture. Evidence obtained during the investigation showed that Harris operated a dog fighting "kennel" known as "SBK" or "Sic'um Boy Kennels."



Treadmill used to train dogs

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Sentencings

(Continued from page 12)

Harris possessed a dog named “Tee Tee” and seven others for use in an animal fighting venture at his home in New Jersey. He conspired with a District of Columbia resident to fight “Tee Tee”, which occurred in October 2015. The eight dogs seized from Harris’s residence all had scarring and injuries consistent with fighting.

Cuellar previously pleaded guilty to conspiracy to buy, sell, receive, and deliver dogs intended for use in an animal fighting venture. Cuellar, a resident of Chicago, conspired with Gaines to receive two dogs from Gaines for fighting purposes, and to give Gaines two puppies in return, knowing that Gaines intended to use them for dog fighting.

Agents seized two dogs from Cuellar’s residence that were maintained in conditions consistent with use in fighting. Agents also recovered dog fighting equipment, illegally acquired veterinary medication, and documents showing that Cuellar operated a dog fighting “kennel” known as “LC 17 Kennels.”

Arellano is scheduled for trial to begin on June 11, 2018 in New Mexico. Love is not yet scheduled for trial.

These cases are part of Operation Grand Champion, an ongoing multi-jurisdictional dog fighting investigation conducted by the U.S. Department of Agriculture Office of Inspector General, Federal Bureau of Investigation, and Homeland Security Investigations.

***United States v. Alfredo Cardenas-Suastegui et al.*, No. 1:16-CR-00106 (E.D. Calif.), AUSA Karen Escobar.**

On March 19, 2018, Alfredo Cardenas-Suastegui, the fourth and final defendant in this marijuana grow case, was sentenced to five years’ incarceration for conspiring to manufacture, distribute, and possess with intent to distribute marijuana in the Sequoia National Forest (18 U.S.C. §§ 841,846). He also was ordered to pay \$5,233 in restitution to the U.S. Forest Service for the damage to public land and natural resources.

Abel Toledo-Villa, Sair Maldonado-Soto, Coral Herrera, and Cardenas were involved in two large-scale marijuana cultivation operations in the Sequoia National Forest. Between March 2016, and July 2016, the defendants were involved with grow sites in the Lucas Creek drainage, and an area known as the Box 6 site. Maldonado and Herrera supplied material, equipment, and personnel (including Toledo-Villa and Cardenas-Suastegui) to and from the sites, which consisted of more than 10,000



Marijuana plants

(Continued on page 14)

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Sentencings

***United States v. Eriberto Paniagua et al.*, No. 3:17-CR-02856 (S.D. Calif.), AUSA Melanie Pierson.**

On March 12, 2018, Eriberto Paniagua was sentenced to six months' incarceration, followed by three years' supervised release. Paniagua previously pleaded guilty to conspiring to smuggle a Bengal tiger, an endangered species, into the United States from Mexico (18 U.S.C. § 371). Co-defendant Luis Valencia was similarly sentenced in February 2018, and also was ordered to pay a \$1,000 fine.

In August 2017, Valencia contacted an individual in Mexico to make arrangements to obtain the tiger cub and bring it into the United States. A few days later, Valencia and Paniagua drove into the Otay Mesa Port of Entry with the cub on the floor of their vehicle. Inspectors seized the cub, along with paperwork that did not declare the animal as a CITES-protected species. Paniagua told the port inspectors that the Bengal tiger cub at his feet was merely a "cat." Valencia stated that he had purchased it for \$300 from an individual he encountered walking a full-sized tiger on a leash in Tijuana.

The Bengal tiger is native to India, Bangladesh, Nepal, and Bhutan. According to the World Tiger Recovery Project, there are only 2,500 animals remaining in the wild. The cub was turned over to the San Diego Safari Park.

This case was investigated by the U.S. Fish and Wildlife Service and Homeland Security Investigations.

***United States v. Rosario Beltran-Leal*, No. 1:17-CR-00129 (E.D. Calif.), AUSA Karen Escobar.**

On March 12, 2018, Rosario Beltran-Leal was sentenced to four years and nine months' incarceration for conspiring to manufacture, distribute, and possess with intent to distribute marijuana in the Giant Sequoia National Monument (21 U.S.C. §§ 841, 846).

In April 2017, Beltran was caught bringing more than 31,000 marijuana seeds to a cultivation site in a remote area closed to the public. He also had a large quantity of food and cultivation supplies, including 100 hose connectors. Beltran admitted that he had delivered food supplies to in the same area in 2016. Native vegetation and trees had been trimmed to make room for the plants and water had been diverted from a tributary of Mill Creek.

This case was investigated by the U.S. Forest Service, U.S. Immigration and Customs Enforcement Homeland Security Investigations, the California Department of Fish and Wildlife, and the Tulare County Sheriff's Office.

Sentencings

United States v. AAA Pest Protection Inc. d/b/a AAA Pest Control, Inc. et al., Nos. 17-CR-60205, 60206 (S.D. Fla.), SAUSA Jodi Mazer.

On March 9, 2018, AAA Pest Protection Inc. d/b/a AAA Pest Control, Inc. (AAA Pest), and owner William Robles were sentenced in connection with the illegal application of pesticides to treat homes and other buildings for termites.

The court sentenced AAA Pest to pay a \$35,000 fine, complete a five-year term of probation, and implement a comprehensive environmental compliance and employee training plan. The company also will pay \$2,181 in restitution to be divided among three victims. The court sentenced Robles to 12 months' incarceration and a \$30,000 fine. In a related matter, employee Pierce Long was sentenced to 12 months' and a day of incarceration, followed by one year of supervised release.

AAA Pest, Robles, and Long previously pleaded guilty to Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) violations for illegally applying a restricted use pesticide, sulfuryl fluoride, contrary to the label's safety requirements (7 U.S.C. §136j(a)(2) (G)). On two separate occasions in 2016, the company and Long completed structural fumigations without providing residents with the proper warnings, did not use personal protective equipment for employees, failed to properly aerate the fumigated spaces, failed to post required hazard warnings, and failed to conduct clearance by ensuring that the fumigated space was free of the toxic gas before residents re-entered. In addition, between March 2013 and April 2015, Robles admitted that he failed to have the required, operable, and properly calibrated fumigant detection device for approximately 580 fumigations.

This case was investigated by the U.S. EPA Criminal Investigation Division and the Florida Department of Agriculture and Consumer Services.

United States v. Ronald C. Simmons, No. 2:18-CR-00005 (E.D. Calif.), AUSA Erica L. Anderson.

On March 6, 2018, Ronald C. Simmons was sentenced after pleading guilty to violating the Migratory Bird Treaty Act for unlawful baiting and taking of birds (16 U.S.C. §§ 704(b)(1), (b)(2)). Simmons will pay a \$7,500 fine and complete a two-year term of probation.

In October 2017, during the opening day of waterfowl season, Simmons and his guests shot and killed 16 wood ducks over a baited cornfield at Butte Creek Farms. Simmons, who managed a field on the Colusa County property, had previously rolled unharvested cornstalks and intentionally spread corn kernels onto the field as bait for wood ducks.

This case was investigated by the U.S. Fish and Wildlife Service.

Sentencings

***United States v. Sean Gerson et al.*, Nos. 2:17-CR-00013, 331 (C.D. Calif.), AUSA Joe Johns.**

On March 5, 2018, Sean Gerson was sentenced to 30 months' incarceration, followed by three years' supervised release, and a \$200,000 fine. The court further ordered him to forfeit \$2.5 million, which represents proceeds derived from the illegal conduct over a 15-year period. Gerson, the owner of Vaccination Services, Inc., previously pleaded guilty to violations stemming from the sale of misbranded veterinary medications without a prescription, some of which were not approved for use in the United States. He pleaded guilty to smuggling, introducing into interstate commerce misbranded animal prescription drugs with the intent to defraud and misleading the United States Food and Drug Administration, and a Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) violation (18 U.S.C. § 545; 21 U.S.C. §§ 331(a), 333(a)(2); 7 U.S.C. § 136j(a)(1)(A)). Vaccination Services also pleaded guilty to similar charges.

Gerson sold Comfortis, an anti-flea medication, and Ciprofloxacin, a powerful antibiotic commonly called "Cipro" that can be used in dogs and cats to treat infections. He used several websites to market prescription animal products to buyers without valid prescriptions.

Gerson was previously convicted of similar state-level charges in Texas. He pleaded guilty in 2014 to delivery of a dangerous drug, specifically a prescription drug called Clenbuterol.

In a related case, the court sentenced South African veterinarian Craig Mostert in June 2017 to pay a \$5,000 fine and forfeit \$145,000. Mostert pleaded guilty to entry of false goods by means of false statements in relation to unapproved pet medications he shipped to Gerson (18 U.S.C. § 542). Mostert sent foreign-market drugs to Gerson in a series of shipments between 2008 and 2017, and significantly understated their value.

This case was investigated by the California Department of Pesticide Regulation, the Food and Drug Administration Office of Criminal Investigations, Homeland Security Investigations, and the U.S. EPA Criminal Investigation Division.

***United States v. Dwayne T. Robinson, Jr., et al.*, No. 2:17-CR-00073 (S.D. Ohio), AUSAs Michael Marous and Jessica Knight, and Franklin County Assistant Prosecutor Heather Robinson.**

On March 2, 2018, Dwayne T. Robinson, Jr., was sentenced to complete a three-year term of probation, to include six months' home confinement. Robinson will perform 150 hours of community service and pay \$3,700 in restitution. He is the fourth and final defendant to be sentenced in this case related to a dog fighting ring in central Ohio.

Henry Gerard James Hill, Jr., was previously sentenced to six months' incarceration, followed by three years' supervised release. Robinson and Hill both pleaded guilty to conspiring to participate in a dog-fighting ring (18 U.S.C. § 371, 7 U.S.C. § 2156(b)).

Between December 2014 and April 2016, Robinson, Hill, Charles Granberry, and Randall Frye bred, trained, and conditioned to fight, American pit bull-type terriers. The execution of search warrants in five homes in April 2016 revealed more than 40 dogs

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Sentencings

(Continued from page 17)

(which were seized) along with cages, treadmills, and heavy chains and collars. Agents found canine blood on the floor and walls of one of the residence's basement indicating that the area was used for fights. Robinson was in possession of at least 14 dogs and Hill had more than 20 dogs. There were 31 dogs euthanized.

Robinson subscribed to and kept various underground publications that list dog-fight results, advice, and breeding tips. Co-conspirators treated the animals' medical needs themselves rather than taking them to a veterinarian, for fear of being reported to law enforcement.

Granberry was previously sentenced to 72 months' incarceration, and Frye was sentenced to six months in prison.

This case was investigated by the U.S. Department of Agriculture Office of Inspector General, the Columbus Police, the Humane Society, and the American Society for the Prevention of Cruelty to Animals.

United States v. William Carl Bartlett, No. 3:17-CR-00270 (D. Conn.), AUSA Hal Chen.

On March 1, 2018, William Carl Bartlett was sentenced to pay a \$5,000 fine, complete a three-year term of probation, and perform 300 hours of community service. Bartlett previously pleaded guilty to violating the Lacey Act for illegally transporting reptiles (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(2)).

Bartlett is a snake and reptile collector. In July 2012, he shipped ten Outer Banks kingsnakes from Connecticut to an individual in Pennsylvania via overnight mail. He had previously taken two of the kingsnakes (designated as a species of special concern) from North Carolina and bred them in Connecticut.

Between April 29 and May 13, 2015, Bartlett transported five Coastal Plain milk snakes from Maryland to his home in Connecticut. He collected the snakes in violation of Maryland law. In May 2016, he collected four protected snakes and four lizards from the Pocomoke River State Forest, but was stopped by law enforcement before he could take them to Connecticut.

Bartlett is the fourth person prosecuted as part of "Operation Kingsnake," a U.S. Fish and Wildlife investigation into individuals who trafficked hundreds of illegally collected snakes from 12 states, and Canada. Gerard Kruse, Michael Collalto, and Shannon Brown were previously convicted and sentenced.

This case was investigated by the U.S. Fish and Wildlife Service Office of Law Enforcement and the Maryland Natural Resources Police.

Announcements

News from state, local, and Canadian cases is posted on the Regional Environmental Enforcement Associations [website](#) .

Please send [REDACTED] any pleadings you believe would be useful for posting in the [Brief Bank](#). Older materials are still available on the [Document Bank Archives](#) page.

If you are in need of sentencing data for your wildlife or pollution cases, please contact [REDACTED] with your search requests.

Please notify ECS of any appeals taken in your cases, as per [Section 5-11.118](#) of the U.S. Attorneys' Manual.

Environmental Crimes Section Attorneys: (Main # 202-305-0321)

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