



Monthly

Bulletin

Environmental Crimes Section

November 2018

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“Dog fighting is vicious and cruel. And beyond the needless suffering it inflicts on animals, it exacts a toll on local animal shelters, humane organizations, and the taxpayers of New Jersey,” U.S. Attorney Carpenito said. “The message from these convictions is simple: if you fight dogs in New Jersey, you will face prosecution and imprisonment.” [From press release after the jury conviction in [U.S. v. Arellano et al.](#) See [inside](#) for more details on this case.]

District/Circuit	Case Name	Case Type/Statutes
District of Alaska	<u>United States v. James T. Williams</u> <u>United States v. Dale Lackner, et al.</u>	Walrus Ivory Exports/Lacey Act, Smuggling Big Game Hunts/Conspiracy, False Statement, Lacey Act
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Eastern District of California	<u>United States v. Pedro Gavino</u> <u>United States v. Alan F. Gomez-Paniagua</u> <u>United States v. Matthew G. Gumz</u>	Cock Fighting, Gun Sales/Animal Fighting Venture, National Firearm Act Marijuana Grow/Conspiracy, Drugs, Depredation to Natural Resources Condor Killings/ESA
Middle District of Florida	<u>United States v. Jianguo Zhong</u> <u>United States v. Marian Walas</u>	Hazardous Product Shipment/Federal Hazardous Substances Act Metal Recycler/RCRA
Southern District of Florida	<u>United States v. Franz Salon</u>	Wildlife Sales/Lacey Act
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Southern District of Iowa	<u>United States v. Etcher Family Farms, LLC, et al.</u>	CAFO/CWA
District of Kansas	<u>United States v. Lawrence E. Payne</u> <u>United States v. Ret Thach</u>	Asian Leopard Cat Imports/ESA Tiger Pelt Purchase/Lacey Act
District of Maine	<u>United States v. Daniel F. Dyer et al.</u>	Moose Killing/Lacey Act
Western District of Michigan	<u>United States v. Damiane Buehrer et al.</u>	Dog Fighting/Conspiracy
District of Minnesota	<u>United States v. Luminaire Environmental and Technologies, Inc. et al.</u>	PCB Recycler/Conspiracy, Mail Fraud, Wire Fraud, Falsifying Documents, Obstruction

District/Circuit	Case Name	Case Type/Statutes
Eastern District of Missouri	<u>United States v. Dale Johansen</u> <u>United States v. U.S. Technology Corporation et al.</u>	Municipal Employee/Drinking Water, False Statement Paint Waste/CAA, Conspiracy
District of Nebraska	<u>United States v. Gerald Wojtalewicz</u>	Lead Paint Disclosure/Lead Hazard Reduction Act, TSCA
District of Nevada	<u>United States v. Trenton Sargent et al.</u>	Pupfish Destruction/ Destruction of Government Property, ESA, Felon-in-Possession of a Firearm
Eastern District of New Jersey	<u>United States v. Robert Arellano et al.</u>	Dog Fighting/ Animal Fighting Venture
Northern District of Ohio	<u>United States v. Brian K. Carder et al.</u>	Death of Employee/False Statement, Obstruction
Middle District of Pennsylvania	<u>United States v. David Tielle et al.</u>	Biodiesel Tax Scheme/ Conspiracy, False Statement
Southern District of West Virginia	<u>United States v. Executive Air Terminal, Inc., et al.</u>	Airplane Servicing/RCRA
Western District of Wisconsin	<u>United States v. Lloyd Robl</u>	Asbestos Abatement/CAA, Obstruction, TSCA

Trials

United States v. Robert Arellano et al., No. 3:17-CR-0051 (D.N.J.), ECS Trial Attorney Ethan Eddy, AUSA Kathleen O’Leary, and ECS Law Clerk John Jones.

On October 16, 2018, following a nearly four-week long trial, a jury convicted Robert Arellano, Robert A. Elliott, Sr., Justin Love, and Dajwan Ware on all 23 counts for their involvement in a multi-state dog fighting scheme. Sentencing is scheduled for February 20, 2019.

The four were found guilty of engaging in a conspiracy to sponsor and exhibit dogs in animal fighting ventures and to buy, sell, possess, train, transport, deliver, and receive dogs for purposes of having the dogs participate in animal fighting

ventures. The jury also found Love and Arellano guilty of unlawfully trafficking in fighting dogs and Love and Elliott of unlawfully possessing fighting dogs (7 U.S.C. § 2156(a)(1), (b); 18 U.S.C. § 49).

The evidence at trial established that Arellano sold and shipped two fighting dogs to Love and co-conspirator Anthony “Monte” Gaines by air cargo in December 2014. One of those dogs subsequently fought in a “roll” or test fight the following day, and sustained a serious injury. Gaines also transported a fighting dog named “Bubbles” to Ware in order to hide her from law enforcement after local authorities in New Jersey located Gaines’s dog fighting yard. For his part, Elliott, Sr., housed a fighting dog named “Fancy” on behalf of Gaines and co-conspirator Frank Nichols, and possessed twelve fighting dogs of his own. Five other defendants previously pleaded guilty to dog fighting and firearms charges and were sentenced to a total of 153 months in prison.

This case is part of Operation Grand Champion, a multi-jurisdictional dog fighting investigation. It was investigated by the U.S. Department of Agriculture Office of Inspector General, Homeland Security Investigations, and the Federal Bureau of Investigation.



Same dog that is on the cover before being rescued

Indictments/Informations

***United States v. Brian K. Carder et al.*, No. 4:18-CR-00628 (N.D. Ohio), AUSAs Carmen E. Henderson and Om M. Kakani.**

On October 25, 2018, prosecutors charged two supervisors at an aluminum manufacturing company for making false statements and obstructing an investigation following a workplace death (18 U.S.C. §§ 1512(k); 1512(c)(2); 1505, 1001). Trial is scheduled for January 8, 2019.

Brian K. Carder was the general manager at Extrudex Aluminum, an aluminum extrusion manufacturing company. Paul Love was the company's safety coordinator and human resources director. Aluminum extrusion is a technique used to transform aluminum alloy into objects with a definitive cross-sectional profile for a wide range of uses. Part of this process included the conveyance of extruded aluminum pieces through a long, walk-in, tunnel-style oven. Employees routinely loaded and unloaded the oven by hand by pushing racks of aluminum into and out of the oven on a roller conveyor system. This was known as the racks and rollers system.

According to the indictment, in December 2009, Carder emailed employees, including Love, regarding maintenance and safety issues with the racks and rollers system. Among other things, Carder stated that the system was "in need of dire attention" and it "must be a priority or someone is going to get seriously hurt." Between November 2011 and October 2012, a series of emails were allegedly exchanged between the defendants and employees that continued to express safety concerns involving the racks and rollers system.

On October 30, 2012, two metal racks holding hot aluminum product weighing an estimated 4,000 to 5,000 pounds tipped over on top of two employees who were pushing the racks on the roller conveyor system. One employee was killed and the other severely burned.

After the Occupational Safety and Health Administration initiated an investigation, the defendants allegedly acted in several ways to obstruct authorities. They withheld emails, gave false statements to investigators, and took steps to persuade employees to recant their earlier statements, suggesting that their jobs may be in jeopardy if they did not.

This case was investigated by the U.S. Department of Labor Office of Inspector General.

Indictments/Informations

United States v. James T. Williams, No. 3:18-CR-00124 (D. Alaska), AUSA Steve Skrocki.

On October 19, 2018, prosecutors charged James T. Williams, d/b/a Inside Passage Arts, in a ten-count indictment with violations stemming from the smuggling of walrus ivory and the illegal export and import of walrus ivory in violation of the Lacey Act (18 U.S.C. §§ 545, 554; 16 U.S.C. §§ 3372(a)(1),(d)(1), 3373(d)(1)(A), (d)(3)(A)(i); 16 U.S.C. § 1538(c)(1)). Trial is scheduled for January 7, 2019.

According to the indictment, between October 2014 and March 2016, Williams, through his company, illegally exported raw, unworked, walrus ivory tusks from Alaska to Indonesia for carving.

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

United States v. Pedro Gavino et al., No. 18-CR-00231 (E.D. Calif.), AUSA Karen Escobar.

On October 18, 2018, prosecutors charged Pedro Gavino and his father, Pedro Gavino-Robles, in a 14-count indictment with conspiracy and animal cruelty violations relating to cockfighting. In addition, Gavino was charged with dealing firearms without a license and nine counts of possessing and transferring firearms in violation of the National Firearm Act (18 U.S.C. §§ 922, 923, 924; 26 U.S.C. §§ 5812, 5841, 5861, 5871, 26 U.S.C. ; 18 U.S.C. § 371; 7 U.S.C. § 2156(b), 7 U.S.C. § 2156(e), 18 U.S.C. § 924(d)(l)).

According to the indictment, between February 2017 and October 4, 2018, Gavino sold homemade AR-15-style assault rifles that did not have any serial numbers or manufacture markings. Gavino was not a licensed firearms dealer. During one of his firearms transactions, Gavino sold gamecocks and knives or gaffs for the purpose of cockfighting. Gavino and his father, Pedro Gavino-Robles, allegedly bought, trained, and sold hundreds of gamecocks from their ranch and attended cockfights in Tulare County. During the execution of a federal search warrant at their ranch, agents found approximately 150 gamecocks and 278 knives used in cockfighting.

This case was investigate by the Bureau of Alcohol, Tobacco, Firearms, and Explosives; and the U.S. Department of Agriculture, with assistance from the Dinuba Police Department and the Multi-Agency Gang Enforcement Consortium, which consists of officers from the California Highway Patrol, the Fresno County Sheriff's Office, and Fresno Police Department.



Rooster removed from defendants' ranch

Indictments/Informations

***United States v. Lloyd Robl*, No. 3:18-CR-00136 (W.D. Wisc.), AUSA Daniel Graber.**

On October 10, 2018, prosecutors charged Lloyd Robl, a/k/a Lloyd Schmotter, in a 17-count indictment with wire fraud, Clean Air Act, Toxic Substances and Control Act violations, and obstruction of justice (18 U.S.C. §§ 1512 (c)(1), 1343; 15 U.S.C. § 2615(b); 42 U.S.C. § 7413(c)(5)).

Robl operated an asbestos abatement business under the name AAS Incorporated (AAS). The indictment alleges that, between 2011 and 2016, Robl falsely advertised that he was licensed to perform asbestos abatement in Minnesota and Wisconsin. He also provided falsified insurance documents and asbestos abatement licenses to AAS clients. Robl is further charged with removing insulation that contained asbestos from a building in St. Paul, Minnesota, and then burning it at his home. Robl is further charged with concealing AAS business records during the grand jury investigation.

This case was investigated by the U.S. EPA Criminal Investigation Division, the Wisconsin Department of Natural Resources, the St. Croix County Sheriff's Office, and the New Richmond Police Department.

Guilty Pleas

***United States v. Alan F. Gomez-Paniagua*, No. 1:17-CR-00118 (E.D. Calif.), AUSA Karen Escobar.**

On October 29, 2018, Mexican national Alan F. Gomez-Paniagua pleaded guilty to conspiring to cultivate, distribute, and possess with intent to distribute marijuana (21 U.S.C. § 841). Sentencing is scheduled for January 22, 2019.

In early 2017, Paniagua was involved with a marijuana cultivation site in the McFarland Creek area of the Sequoia National Forest. Officers found more than 15,000 marijuana plants, 1,000 seedlings, and a loaded short-barreled shotgun with a pistol grip.

The cultivation activities caused extensive damage to the environment. Numerous oak trees had been cut down and the hillside was terraced to make room for the plants. There were also pesticide containers and trash strewn throughout the area.

This case was investigated by the U.S. Forest Service; the Bureau of Alcohol, Tobacco, Firearms and Explosives; the U.S. Immigration and Customs Enforcement Homeland Security Investigations; the Southern Tri-County Central Valley California High Intensity Drug Trafficking Area Task Force; the California Department of Fish and Wildlife; the Kern County Sheriff's Office; and the California Multijurisdictional Methamphetamine Enforcement Team.

***United States v. Jianguo Zhong*, No. 6:18-CR-00193 (M.D. Fla.), AUSA Shawn Napier.**

On October 26, 2018, Jianguo Zhong, owner of Zhong Supply LLC, pleaded guilty to illegally introducing a misbranded hazardous material into interstate commerce, in violation of the Federal Hazardous Substances Act (15 U.S.C. §§ 1263(a), 1264(a)). Zhong is scheduled to be sentenced on February 20, 2019.

Zhong admitted to offering bottles of Coppertone aerosol spray, a hazardous material, to a third-party freight forwarder for shipment to China. The aerosol is shipped as a hazardous waste since the contents are flammable and under pressure. The investigation revealed that Zhong violated shipping regulations by repackaging the material in unmarked containers, re-labeling the shipment as lotion and lip balm, and re-wrapping the containers with black shrink wrap to disguise the actual contents.

This case was investigated by the Department of Transportation Office of Inspector General with assistance from Homeland Security Investigations and the Federal Aviation Administration.



Coppertone aerosol spray

Guilty Pleas

United States v. Etcher Family Farms, LLC, et al., No. 3:18-CR-00089 (S.D. Iowa), AUSA Melisa Zaehringer.

On October 25, 2018, Etcher Family Farms, LLC, owner Scott Allen Etcher, and employee Benjamin Allen McFarland, pleaded guilty to violating the Clean Water Act (33 U.S.C. §§ 1311(a), 1319(c)(1)(A), (c)(2)(A)). Sentencing is scheduled for February 26, 2019.

Etcher Family Farms operates a large dairy cattle concentrated animal feeding operation. In 2015, the facility lacked a NPDES permit that would allow for the discharge of pollutants to the waters of the U.S.

In addition to the manure lagoon, the facility had at least one retention pond that collected silage runoff and other agricultural waste pollutants from the facility's cattle enclosures. On July 22, 2015, the facility's site manager, seeking to avoid adding the silage runoff water to the manure lagoon (from which it would then have to be pumped out to a truck and either disposed or land-applied pursuant to the facility's manure management plan), pumped the runoff water onto the facility's fields via a hose and tractor setup. This action was documented by the Iowa Department of Natural Resources (IDNR, which had issued the facility a notice of violation the previous month for a similar incident), and resulted in an unpermitted discharge of agricultural pollutants to jurisdictional waters via a tile drainage system. The discharge was sampled by the IDNR and tested positive for ammonia.

This case was investigated by the U.S. EPA Criminal Investigation Division and the Iowa Department of Natural Resources.

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 October 24, 2018, Marian Walas pleaded guilty to violating the Resource Conservation and Recovery Act (42 U.S.C. § 6928(d)(2)(A)). Sentencing is scheduled for January 17, 2019.

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 illegally stored this waste at a warehouse 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. After Rincat was evicted from the warehouse in August 2010, investigators discovered close to 39,000 gallons of hazardous waste that had been abandoned.

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



Silage wastewater being dumped onto fields

Guilty Pleas

United States v. Dale Johansen, No.4:18-CR-00016 (E.D. Mo.), AUSA Dianna Collins.

On October 23, 2018, Dale Johansen, the owner of Johansen Consulting Services LLC, pleaded guilty to making a false statement for giving fraudulent information to local environmental officials (18 U.S.C. § 1001).

Johansen was formerly employed by the Missouri Public Service Commission for approximately 28 years, including 12 years as the Superintendent of the Water and Sewer Department. In November 2011, he established his consulting business and, in June 2012, was appointed as the receiver for Rogue Creek Utilities, Inc. Rogue Creek is a vacation community containing three lakes located in Potosi and composed of approximately 90 active connections to the drinking water and sewer systems. Johansen's duties as receiver at Rogue Creek was to manage all sewer and drinking water services. This included collecting samples and maintaining the water softener system.

In March 2016, local officials learned that the water softener system at Rogue Creek was not operational and that residents had received well water that was not treated for lead removal. After the water softener system was brought back on line, subsequent drinking water tests showed high levels of lead. As a result, the Missouri Department of Natural Resources imposed a "DO NOT DRINK" order for that was not lifted until May 2017.

Johansen admitted to telling investigators in March 2016 that the lead reduction system had only been offline for six to eight weeks, when in truth it had been offline for nearly six months.

This case was investigated by the Missouri Department of Natural Resources and the U.S. EPA Criminal Investigation Division.

United States v. Matthew P. Gumz, No. 5:17-mj-00028 (E.D. Calif.), AUSA Laurel Jackson Montoya.

On October 16, 2018, Matthew P. Gumz pleaded guilty to violating the Endangered Species Act for taking a California condor (16 U.S.C. § 1538(a)(1)(B)). Sentencing is scheduled for February 8, 2019.

In October 2016, the California Department of Fish and Wildlife received an anonymous tip about the death of a male juvenile California condor. A U.S. Fish and Wildlife Service biologist located the bird, designated as Condor 780, on federal land. Condor 780 had a large distinctive green tag on its left wing with "80" printed on it in large white numbers.

In September 2016, Gumz was deer hunting in the Bean Canyon area, which is managed by the Bureau of Land Management. Gumz field dressed a deer and hung it in a tree, and left. When he returned to the area, he saw condors and other birds near the carcass and a shot and killed Condor 780.

This case was investigated by the U.S. Fish and Wildlife Service, the Bureau of Land Management, and the California Department of Fish and Wildlife.



Condor 780

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

November 2018

Guilty Pleas

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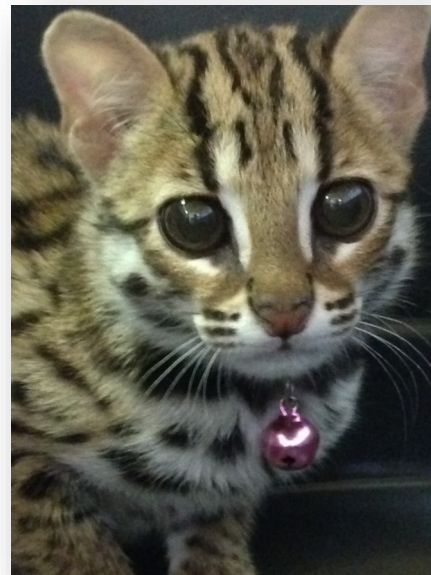
Guilty Pleas

United States v. Lawrence E. Payne, No.2:18-CR-20068 (D. Kans.), AUSA Chris Oakley.

On October 3, 2018, Lawrence E. Payne pleaded guilty to violating the Endangered Species Act for unlawfully importing endangered Asian leopard cats (16 U.S.C. §§ 1538(a)(1)(A), 1540(b)(1))

The investigation began in November 2015, when Payne applied to the U.S. Department of Agriculture for a breeding license for Asian leopard cats. Payne's comments during the application process prompted inspectors to take a closer look. After further investigation, agents executed a search warrant at Payne's residence in April 2016, finding three Asian leopard cats. Payne admitted he had illegally imported the animals.

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



Asian leopard cat

United States v. David Tielle et al., Nos. 1:17-CR-00143, 1:18-CR-00278 (M.D. Pa.), ECS Senior Litigation Counsel Howard Stewart, AUSA Geoffrey W. MacArthur, and ECS Law Clerks Amanda Backer and Diana Choe.

On October 3, 2018, David Tielle pleaded guilty to one count of conspiring to defraud the Internal Revenue Service (IRS) as part of a biodiesel tax scheme (18 U.S.C § 371).

Tielle served as the director of business development at Keystone Biofuels, Inc., a company that purported to be a producer and seller of biodiesel. Between 2009 and 2012, Tielle participated in a conspiracy to fraudulently claim tax refunds based on the Biodiesel Mixture Tax Credit (a federal excise tax credit for persons or businesses who mix biodiesel with petroleum and use or sell the mixture as a fuel).

As part of the conspiracy, Tielle caused inflated fuel amounts to be reported to the Internal Revenue Service (IRS) in order to fraudulently claim tax refunds on fuel Keystone was not producing. To account for the inflated fuel amounts, Tielle created false books and records and engaged in a series of sham financial transactions intended to mirror the false books and records. Tielle also caused Keystone to fraudulently claim tax refunds on fuel that did not meet the quality standards needed to qualify for the tax credit and on fuel Keystone had not mixed with petroleum. The total loss resulting from Tielle's conduct is estimated to be \$4 million.

Keystone, company president Ben Wootton, and chief executive officer Race Miner are charged with conspiracy and false statements.

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

Guilty Pleas

United States v. Dale Lackner et al., No. 3:17-CR-00087 (D. Alaska), AUSA Retta-Rae Randall.

On October 3, 2018, Dale Lackner pleaded guilty to conspiracy and to violating the Lacey Act for his involvement in illegal big game hunts (18 U.S.C. § 371; 16 U.S.C §§ 3372 (d)(2), 3373(d)(3)(A)). Lackner, along with co-defendants Casey Richardson and Jeffrey Harris, conspired to provide illegal hunts for Dall Sheep, created false records, and made false statements to federal agents. The hunts occurred at the Ptarmigan Lake Lodge (PLL) in Wrangell-St. Elias National Park and Preserve (Preserve).

PLL was permitted to operate as a concessionaire to provide sport hunting guide services within the Preserve. During the 2014 and 2015 hunting seasons, out-of-state hunters illegally hunted and killed Dall Sheep at PLL without being accompanied by a registered guide. Harris and Richardson (who are not Alaska residents or registered guides) provided illegal guidance services and participated in the hunts. Lackner, a once-registered guide in 2015, conspired with Richardson to conduct an illegal hunt. Harris and Lackner also created false Alaska state hunt records claiming the hunts were led by registered guides. Richardson and Harris also used the artificial sweetener xylitol on bait piles to kill wolves and coyotes, for predator control.

Richardson previously pleaded guilty to conspiracy, and Harris pleaded guilty to making a false statement, conspiracy, and violating the Lacey Act (18 U.S.C. §§ 1001(a)(2), 371; 16 U.S.C. §§ 3372(a)(2)(A), (d)(2), 3373(d)(3)(B)). All defendants are scheduled to be sentenced on January 18, 2019.

This case was investigated by the U.S. Fish and Wildlife Service; the National Park Service; the State of Alaska Wildlife Troopers; and the Montana Department of Fish, Wildlife, and Parks.

Sentencings

United States v. Damiane Buehrer et al., No. 1:18-CR-00041 (W.D. Mich.), ECS Senior Trial Attorney Jennifer Blackwell, AUSAs Kate Zell and Hagen Frank, and ECS Law Clerk Amanda Backer.

On October 31, 2018, Damiane Buehrer was sentenced to 46 months' incarceration, followed by three years' supervised release, and will pay a \$2,000 fine. Charles Davis was sentenced on November 29, 2018, to 30 months' incarceration. Davis and Buehrer are two of five defendants who have pleaded guilty to their involvement in a dog fighting conspiracy (18 U.S.C. § 371).



Dog seized from defendants

Between November 2016 and December 2017, Jarvis Askew, Charles Miller, Kian Miller, Davis, and Buehrer conspired to sponsor and exhibit pit bull-type terriers in dog fights; possess, train, and breed them to have the dogs or their offspring participate in fights; and to help others train and condition dogs for the purpose of having them participate in fights. They kept a number of the animals at their residences, which were seized following the execution of several federal search warrants in December 2017.

The defendants possessed medications for the purpose of treating dogs for wounds received during dog fighting, in addition to specialized equipment. They sent and received numerous electronic messages sharing information about training and conditioning dogs for fighting; breeding fighting dogs; contracting for and sponsoring dog fights; and sharing the results of dog fights, including videos and photos.

Sentencing for Askew is set for December 17, 2018 and January 7, 2019 for Kian and Charles Miller.

This case was investigated by the U.S. Department of Agriculture Office of Inspector General, the Ingham County Animal Control, the American Society for the Prevention of Cruelty to Animals, the Federal Bureau of Investigation, and the Michigan State Police.

United States v. Franz Salon, No. 1:18-CR-20547 (S.D. Fla.), ECS Senior Trial Attorney Georgiann Cerese and AUSA Tom Watts-Fitz-Gerald.

On October 30, 2018, Franz Salon was sentenced to five months' incarceration, followed by five months' home detention as part of a two-year term of supervised release. Salon previously pleaded guilty to violating the Lacey Act for illegally selling wildlife (16 U.S.C. §§ 3372(a)(1),(a)(4), 3373(d)(1)(A)).

In July 2013, Franz Salon registered with an online e-commerce marketplace and shortly thereafter began selling wildlife and wildlife parts to purchasers located in the United States and other countries. In December 2014 and February 2015, two international parcels were sent to Salon. The contents of both packages were seized before delivery after CITES-protected wildlife was discovered. Salon received a seizure notification,

(Continued on page 16)

Sentencings

(Continued from page 15)

informing him that it was illegal to possess this wildlife. He also exchanged emails with a U.S. Fish and Wildlife Service inspector who explained what was required for Salon to legally import CITES-protected species.

In September 2015, Salon offered to sell a Macaque skull for \$200 online that he had purchased and imported from a seller in another country. After he sold it to a buyer in France, Salon attempted to ship the package, falsely describing the contents as an "educational model" with a value of \$10 and without any of the required documentation.

Between September 2013 and August 2016, Salon sold more than \$7,000 worth of wildlife to purchasers in foreign countries and more than \$21,000 of foreign wildlife to purchasers in states other than Florida. He also stored more than \$14,000 worth of wildlife stored at his residence.

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

***United States v. Ret Thach*, No. 6:18-CR-10081 (D. Kans.), AUSA Matt Treaster.**

On October 26, 2018, Ret Thach was sentenced to complete a one-year term of probation. Thach previously pleaded guilty to violating the Lacey Act for arranging to buy two tiger pelts (16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(B)).

In June 2018, Thach agreed to pay \$8,000 for two tiger pelts to be delivered to him in Wichita. Thach also agreed to pay traveling expenses for a seller from Wisconsin to deliver them. Thach did not know that the seller was an undercover agent. The agent informed Thach that selling the pelts across state lines was "absolutely illegal." Thach responded that he already owned "a lion and a lot of bears" and wanted to go ahead with the deal to buy the pelts for his home office.

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

***United States v. Trenton Sargent et al.*, Nos. 2:17-CR-00166, 2:17-mj-00647, 00771 (D. Nev.), AUSA Tony Lopez, with assistance from ECS Trial Attorney Ryan Connors.**

On October 25, 2018, Trenton Sargent was sentenced to 12 months' and one day of incarceration, followed by three years' supervised release, after pleading guilty to violating the Endangered Species Act, destruction of government property, and being a felon-in-possession of a firearm (16 U.S.C. § 1538(a)(1)(B); 18 U.S.C. §§ 1361, 922(g)(1)). He also was ordered to pay \$7,943 in restitution to the National Park Service.

In April 2016, Edgar Reyes, Steven Schwinkendorf, and Sargent drove their ATV into a gate securing the Devils Hole area, which is located within a 40-acre parcel of National Park Service land. Devils Hole is the only location in the world where Devils Hole pupfish, an endangered species, exist in the wild. Biologists observed only 115 pupfish in the spring of 2016. They are among the rarest fish on Earth.

Attempting to gain access, after damaging the fence, Sargent fired a shotgun at the padlock on the gate. When their efforts proved unsuccessful, they scaled the fence and destroyed surveillance equipment once inside the enclosed area. Sargent then entered the water, destroying eggs, and killing at least one pupfish. News reports indicate the

(Continued on page 17)

Sentencings

(Continued from page 16)

defendants were drunk and went on a vandalism spree, all of which was captured on surveillance video.

Schwinkendorf and Reyes pleaded guilty to violating the ESA and destruction of government property (16 U.S.C. § 1538; 18 U.S.C. § 1361). They each were sentenced to pay \$2,500 fines, complete a one-year term of probation, perform 100 hours' community service, and were held jointly and severally responsible for \$5,623 in restitution to the National Park Service.

This case was investigated by the National Park Service, the U.S. Fish and Wildlife Service, and the Nye County Sheriff's Office.

United States v. Daniel F. Dyer et al., Nos. 1:17-CR-00058, 1:18-CR-00066 (D. Maine) AUSAS Chris Ruge and James Moore.

On October 23, 2018, Daniel F. Dyer was sentenced to 30 days' incarceration and ordered to pay a \$5,000 fine. Dyer previously pleaded guilty to violating the Lacey Act for importing illegally-taken moose antlers and a hide (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)).

On September 28, 2013, Dyer, a Canadian outfitter and guide, arranged for Richard Eaton, a West Virginia resident, to unlawfully harvest a moose in New Brunswick, Canada, using a license issued to a New Brunswick resident. Dyer later transported the animal's hide and antlers to Maine. Dyer delivered the hide to a taxidermist in Pennsylvania and the antlers to Eaton in West Virginia. Eaton pleaded guilty to a similar charge and was sentenced in 2017 to pay a \$2,500 fine.

This case was investigated by the U.S. Fish and Wildlife Service, New Brunswick DNR and the Wildlife Enforcement Division of Environment Canada (New Brunswick).



Defendants, after killing moose

Sentencings

United States v. U.S. Technology Corporation et al., No. 4:17-CR-00189 (E.D. Mo.), AUSAs Dianna Collins and Hal Goldsmith.

On October 16, 2018, Penny Duncan was sentenced to complete a five-year term of probation and is jointly and severally liable for \$1,500,000 in restitution. Daryl Duncan was sentenced on November 1, 2018, to the same terms. Missouri Green Materials, Raymond Williams, and U.S. Technology Corporation are scheduled to be sentenced on February 22, 2019. Between October 2013 and December 2013, the defendants illegally transported millions of pounds of hazardous waste.



Drums of hazardous waste

Williams was the president, owner, and CEO of U.S. Technology Corporation (UST). The company leased blasting material for use in the removal of paints and other substances. Military bases and agencies often require the use of abrasives to remove paint from tanks, planes, and other equipment. The paint often contains heavy metals such as cadmium, chromium, and lead, which get mixed in with the blasting material that is returned to the company.

In October 2013, Williams contacted Daryl Duncan for help in arranging for the disposal of almost ten million pounds of hazardous waste located in Yazoo City, Mississippi, at the former Hydromex site (In 2008, the owner of the Hydromex facility pleaded guilty to illegal storage of hazardous waste and making false statements).

Daryl and Penny Duncan subsequently created Missouri Green Materials (MGM) for the sole purpose of receiving the hazardous waste in Berger, Missouri. Williams and UST illegally shipped the waste to the Duncans over a three-month period. Williams, UST and MGM pleaded guilty to conspiring to transport hazardous waste (18 U.S.C. § 371). The Duncans pleaded guilty to violating the Clean Air Act for placing a person in imminent danger by releasing hazardous waste into the air (42 U.S.C. § 7413(c)(4)).

This case was investigated by the U.S. EPA Criminal Investigation Division and the Missouri Department of Natural Resources.

Sentencings

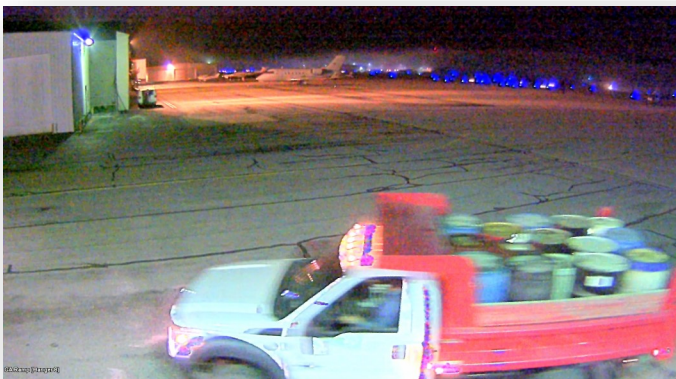
United States v. Executive Air Terminal, Inc., et al., No.2:18-CR-00076 (S.D.W.V.), AUSA Erik S. Goes and SAUSA Perry D. McDaniel.

On October 11, 2018, Brian Scott Miller, the president of Executive Air Terminal, Inc., was sentenced to two months' incarceration and will pay a \$5,000 fine. The company will complete a three-year term of probation and pay a \$20,000 fine. The defendants previously pleaded guilty to violating the Resource Conservation and Recovery Act (42 U.S.C. § 6928(d)(2)(A)).

Executive Air provides fueling and other services for private and commercial airplanes at Yeager Airport in Charleston, West Virginia. In addition to refueling, the company drained and collected fluids, such as oil, aviation fuel, deicing and other fluids. This process generated hazardous wastes, which were stored in 55 gallon drums on site. The company was not permitted to store more than 1,000 kilograms of waste without a RCRA permit.

By September 2015, the facility had accumulated 37 drums, 27 of which held hazardous wastes (weighing more than 3,500 kilograms.) Instead of hiring a licensed hazardous waste hauler, Miller directed employees to move the drums in the middle of the night to a farm outside Charleston. After the EPA discovered the drums in November 2015, they were shipped to a proper disposal facility.

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



Midnight removal of hazardous waste from airport

United States v. Gerald Wojtalewicz, No. 8:18-CR-00203 (D. of Neb.), AUSA Donald Kleine.

On October 1, 2018, Gerald Wojtalewicz was ordered to pay a \$7,500 fine for violating the Toxic Substances Control Act and the Residential Lead-Based Paint Hazard Reduction Act (42 U.S.C. § 4852d(b)(5); 15 U.S.C. §§ 2615(b), 2689).

Between November 2012 and December 2015, Wojtalewicz owned and leased an Omaha residence that contained lead-based paint. He was responsible for disclosing the presence of lead-based paint. Investigators determined Wojtalewicz failed to provide his tenant with the required lead-based paint warnings.

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

Announcements

*** When submitting a press release for posting with the Executive Office of U.S. Attorneys <https://www.justice.gov/usao/pressreleases>, please be sure it is tagged for the “Environment/Wildlife” topic. This will help ensure that your case is not overlooked for reporting in the Bulletin. ***

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.

A public version of the [Bulletin](#) is available for non-law enforcement readers.

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