



Monthly

Bulletin

Environmental Crimes Section

August 2019

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Aquinas Kasbar stole this 32-year-old lemur named Isaac, the oldest captive ring-tailed lemur in North America, from the Santa Ana Zoo. See *U.S. v. Aquinas Kasbar*, [inside](#), for more details on this case.

District/Circuit	Case Name	Case Type/Statutes
Eight Circuit Court of Appeals	United States v. Sheldon Tree Top	Eagle Feather Valuation/BGEPA
District of Alaska	United States v. Christopher L. Gordon	Bear Meat/MMPA
Central District of California	United States v. Aquinas Kasbar	Primate Theft/ESA
Eastern District of California	United States v. American Biodiesel Inc., et al.	Biodiesel Manufacturer/Conspiracy, CWA
██████████	██████████	██████████
Middle District of Florida	United States v. Novita Indah et al. United States v. Mark E. Zywotko	Wildlife Trafficking/Conspiracy, Lacey Act, Smuggling Fish Harvesting/Mail Fraud
Southern District of Florida	United States v. Tracey J. Sellers	Government Employee Ethics Violation/False Statement
District of Guam	United States v. Fukuichi Gyogyo Kabushiki Kaisha	Vessel/ APPS, Obstruction
Southern District of Illinois	United States v. Christopher Brackett ██████████	Deer Hunt/Lacey Act ██████████
District of Kansas	United States v. Thomas S. Fritzell	Building Demolition/CAA
██████████	██████████	██████████
District of New Jersey	United States v. Andrew Guglielmo et al. United States v. Justin Love et al. United States v. Wlodzimie Lapkiewicz	Pesticide Product/Conspiracy Dog Fighting/Animal Welfare Act, Conspiracy Invertebrate Shipments/Smuggling
██████████ ██████	██████████	██████████
Northern District of New York	United States v. Robert J. Carville	Tannery Wastes/RCRA
Eastern District of North Carolina	United States v. William Juel	Discarding Evidence/Obstructing USCG Investigation
Western District of North Carolina	United States v. Parts Cleaning Technologies et al.	Hazardous Waste Storage/RCRA

District/Circuit	Case Name	Case Type/Statutes
Northern District of Ohio	<u>United States v. Brian K. Carder et al.</u>	Workplace Death/Obstruction
Southern District of Ohio	<u>United States v. John Riazzi</u> <u>United States v. James A. Imes</u>	Building Demolition/CAA Refrigerant Discharges/CAA, Operating a Chop Shop
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District of South Carolina	<u>United States v. Portline Bulk International S.A. et al.</u>	Vessel/APPS, Obstruction
Eastern District of Virginia	<u>United States v. Forrest Sewer Pump Service, Inc.</u> <u>United States v. Michael P. Casey</u>	Wastewater Discharges/CWA Crabmeat Mislabeling/Conspiracy, Lacey Act
District of Virgin Islands	<u>United States v. Rey Espulgar et al.</u>	Vessel/APPS

Decisions

***United States v. Sheldon Tree Top*, 931 F.3d 720 (8th Cir. July 26, 2019).**

In a July 26, 2019 opinion, the Eighth Circuit Court of Appeals reversed an order of restitution to be paid by Sheldon Tree Top and modified the judgment to decrease the restitution amount to \$130, which was the amount paid to purchase the eagle feathers. The Circuit Court then remanded the case to give the district court the opportunity to consider whether a fine is warranted in light of the reduced restitution award.

The government charged Tree Top with two counts of selling eagle feathers in violation of the Bald and Golden Eagle Protection Act, 16 U.S.C. § 668(a) and one count of knowingly transporting, selling, or receiving protected birds, in violation of the Lacey Act, 16 U.S.C. §§ 3371(a)(1) and 3373(d)(2). Tree Top pleaded guilty to selling eagle feathers and the Lacey Act count was dismissed. The district court sentenced the defendant to six months' imprisonment and one year of supervised release. The court further ordered Tree Top to pay \$5,000 in restitution to the National Fish and Wildlife Foundation. Tree Top challenged the restitution order on appeal.

The Eighth Circuit concluded the district court misapplied precedent in basing the restitution award of \$5,000 on the value of a whole or mounted bald eagle. The district court relied on *United States v. Bertucci*, where the Eighth Circuit used "valuation tables" to establish the value of the birds killed by the defendant and determine the proper value of the restitution award. 794 F.3d 925 (8th Cir. 2015). The Court distinguished *Bertucci* because Tree Top only pleaded guilty to selling eagle feathers, while the defendant in *Bertucci* pleaded guilty to killing bald eagles. Relying on Eighth Circuit precedent, the Court concluded restitution orders must be limited to the offense to which the defendant pleaded guilty. Since Tree Top only pleaded guilty to selling eagle feathers, the restitution award should have been limited to the amount the government expended to buy the eagle feathers Tree Top sold.

Trials

***United States v. Thomas S. Fritzell*, No. 5:18-CR-40058 (D. Kans.), AUSA Richard Hathaway.**

On July 30, 2019, a jury convicted developer Thomas S. Fritzell for violating the Clean Air Act by illegally disposing of asbestos (42 U.S.C § 7413). Sentencing is scheduled for November 13, 2019.

In January 2016, Fritzell purchased the Alvamar Country Club and began demolition/renovations on the building. Fritzell knew that the roof of the country club contained 75 percent chrysotile asbestos. The previous owners, who sold the club to Fritzell in January 2016, had decided not to replace the roof because of the cost of abating the asbestos.

On October 13, 2016, Kansas Department of Health and Environment (KDHE) inspectors observed large piles of debris containing asbestos. An inspector told an employee to cease demolition and not move any of the piles. On October 17th and 19th, Fritzell was told the same thing, and that he would need to employ a licensed asbestos contractor to remove asbestos from the site and dispose of it properly. After inspecting the site on October 28, 2016, KDHE officials determined that asbestos debris had been removed and hauled to a nearby landfill, which is not approved for asbestos disposal.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division.

Before and After KDHE 1st Visit

October 13, 2016



October 28, 2016



Indictments/Informations

***United States v. Novita Indah et al.*, No. 8:19-CR-00266 (M.D. Fla.), ECS Trial Attorneys Ryan Connors and Matt Evans, with assistance from AUSA Kelley Howard-Allen.**

On July 24, 2019, prosecutors unsealed an indictment charging Novita Indah and Larry Malugin with violations stemming from trafficking in protected Southeast Asian wildlife. Trial is scheduled for the January 2020 term.

The defendants, a married couple, began smuggling wildlife protected by the Convention on International Trade in Endangered Species (CITES) from their Indonesian home to the United States in 2011. They continued to do so as they moved to Puerto Rico and eventually Port Richey, Florida. The indictment charges them with conspiracy, smuggling goods to and from the United States, and Lacey Act trafficking and false labeling violations (18 U.S.C. §§ 371, 545, 554; 16 U.S.C §§ 3372(a)(1), 3373(d)(1)(B)).

Between 2011 and 2017, the defendants made approximately 4,600 wildlife sales on eBay worth \$211,000. During the execution of a search warrant, agents seized nearly 370 wildlife items from their house. The CITES-protected animals included taxidermy mounts, skins, and bones from the slow loris, babirusa, spitting cobra, reticulated python, macaque, and monitor lizard.

This case was investigated as part of the U.S. Fish and Wildlife Service's Operation Global Reach.

***United States v. Christopher L. Gordon*, No. 4:19-CR-00009 (D. Alaska), AUSA Ryan Tansey.**

On July 10, 2019, prosecutors charged Christopher L. Gordon with violating the Marine Mammal Protection Act for shooting and killing a polar bear and wasting the harvestable remains (16 U.S.C. §§ 1372(a)(2)(A), 1371(b)(3), 1375(b)).

In December 2018, Gordon left butchered whale meat in his front yard for a substantial period of time, attracting a polar bear and other animals. Gordon shot and killed the polar bear because it was trying to eat the improperly stored whale meat. Gordon left the polar bear carcass in his front yard for five months without salvaging any of it, allowing it to become covered with snow. Subsequently, a snow plow came along in May 2019, inadvertently ripping off one of the bear's legs. Gordon caused the polar bear carcass to be discarded and burned in the Kaktovik dump without using any of its parts for subsistence purposes.

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

August 2019

Guilty Pleas

United States v. Forrest Sewer Pump Service, Inc., No. 2:19-CR-00118 (E.D. Va.), AUSA Joseph Kosky, and SAUSAs Jessica Goldstein and David Lastra.

On July 24, 2019, Forrest Sewer Pump Service, Inc., (FSPS) pleaded guilty to violating the Clean Water Act by illegally discharging pollutants into unauthorized manholes and pump stations (33 U.S.C. §§ 1317(d), 1319(c)(2)). Sentencing is scheduled for October 24, 2019.

FSPS has been a Virginia licensed wastewater hauler and provider of sewer pumping services and grease hauling for more than 20 years. The company cleaned, pumped, jetted lines (i.e., used high-pressure water to clean sewer blockages), and maintained sewer lines, pump stations, and grease traps for numerous private clients and public institutions throughout the Virginia Beach, Hampton Roads, and Norfolk, Virginia, areas.

On several instances between 2014 and 2016, FSPS employees discharged pollutants into the publically owned treatment works at points that were not authorized by the Hampton Roads Sewer District, and in violation of its industrial user wastewater discharge permit. The company took advantage of its unfettered access to the undesignated sewer locations to illegally discharge these pollutants and avoid dumping fees.

Surveillance cameras operated by the U.S. Environmental Protection Agency and Virginia State Police show company employees illegally dumping pollutants on several occasions.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division.



Surveillance camera footage showing illegal dumping

Guilty Pleas

***United States v. John Riazzi*, No. 18-mj-00821 (S.D. Ohio), ECS Trial Attorney Adam Cullman and AUSA Laura Clemmens.**

On July 24, 2019, John Riazzi pleaded guilty to violating the Clean Air Act for illegally removing asbestos-containing roofing material from a building in downtown Dayton (42 U.S.C. § 7413(c)(1)).

In September 2015, as the sole owner and operator of St. Peters Partners LLC, Riazzi purchased a building known as the “Steam Plant” from the City of Dayton for \$10. After his contractor informed him that the building’s roof contained asbestos (costing \$20,000 to remove), Riazzi hired two men to do the job for \$5,000, without warning them about the asbestos.

Riazzi personally used a leaf blower to blow roofing debris from the outside of the Steam Plant onto the street, and dumped a load of roofing material across the street. He also made several false statements to local authorities.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division, and the Ohio Attorney General’s Bureau of Criminal Investigations, with assistance from the Ohio Environmental Protection Agency.



Roofing debris blown onto street by Riazzi.

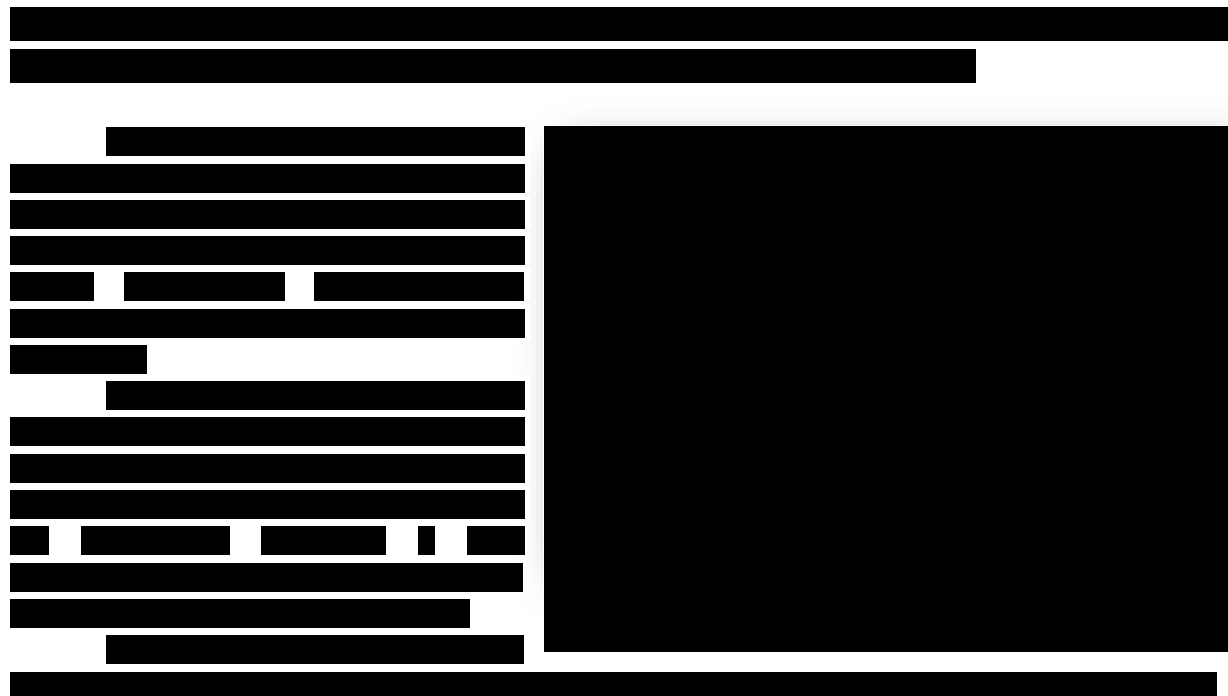
***United States v. William Juel*, No.7:19-CR-00105 (E.D.N.C.), AUSA Banu Rangarajan.**

On July 23, 2019, William Juel pleaded guilty to obstructing a U.S. Coast Guard investigation at sea (18 U.S.C. § 2232). Sentencing is scheduled for October 21, 2019.

Juel captained the commercial fishing vessel *Island Runner*. On November 30, 2017, while on routine patrol, the U.S. Coast Guard Cutter *Cormorant* approached the *Island Runner* in federal waters to conduct a boarding. As the *Cormorant* approached, Coast Guard personnel observed and videotaped Juel and his mate throwing fish overboard. Further investigation revealed that Juel discarded illegally harvested fish to prevent the Coast Guard from seizing the catch. The fish, which had been gutted, primarily included Snowy Grouper as well as Yellow Edge Grouper, Wreckfish, and Amberjack. Approximately five months prior to the boarding, NOAA Fisheries imposed a commercial closure on the harvest of Snowy Grouper because the quota had been reached for the year. Juel knew about the closure at the time of the offense.

This case was investigated by the U.S. Coast Guard Investigative Service and the National Oceanic and Atmospheric Administration Office of Law Enforcement.

Guilty Pleas



***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 July 19, 2019, Paul Love pleaded guilty to conspiracy to obstruct justice. Brian Carder entered a similar plea on July 11, 2019. Sentencing is scheduled for October 15 and 22, 2019. These two aluminum manufacturing company supervisors obstructed an investigation following a workplace death (18 U.S.C. §§ 1512(k)).

Carder worked as the general manager at Extrudex Aluminum, an aluminum extrusion manufacturing company. 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.

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, the defendants and employees exchanged a series of emails about the safety of the racks and rollers system.

On October 30, 2012, two metal racks holding hot aluminum product weighing an

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Guilty Pleas

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estimated 4,000 to 5,000 pounds tipped over on top of two employees killing one and severely burning the other.

After the Occupational Safety and Health Administration initiated an investigation, the defendants undertook a number of actions to thwart 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.

***United States v. Mark E. Zywotko*, No. 2:19-CR-00113 (M.D. Fla.), AUSA Jeffrey F. Michelland.**

On July 18, 2019, fisherman Mark E. Zywotko pleaded guilty to four counts of mail fraud for illegally harvesting fish (18 U.S.C § 1341).

Zywotko captained the fishing vessel *Little Z*. Between January 2013 and December 2017, he overharvested more than 50,000 pounds of Gulf reef fish from waters off the coast of Southwest Florida. Experts valued these illegally-caught fish at more than \$286,000. Zywotko knowingly and illegally harvested, landed, and sold federally-regulated Gulf reef fish, including red grouper and red snapper, and submitted false documents, to state and federal agencies to conceal his overfishing.

The National Marine Fisheries Service (NMFS) relies upon fishermen accurately reporting their catch to properly manage the Gulf reef fish fishery. Under the NMFS Gulf of Mexico (GOM) Individual Fishing Quota (IFQ) program, qualified operators of fishing vessels could fish for, land, and sell a specific allocation of regulated species throughout the year if they held IFQ allocation shares for a specific species of Gulf reef fish. Zywotko did not hold any IFQ shares so he had to purchase allocation from other program participants, pound for pound, for any IFQ Gulf reef fish species he wanted to fish for, possess, land, or sell.

Regulators require fishing vessels to comply with various reporting requirements. NMFS relied on mandatory reports submitted by dealers and fishers, such as NMFS IFQ landing transaction reports, NMFS logbooks, and Florida trip tickets, to determine the total allowable catch or quota for a species, or when a particular fishery's season should be closed. NMFS also charged IFQ fishers a three percent cost recovery fee of the ex-vessel value of the fish to recover a portion of its the administration costs.

By underreporting his catch and falsifying documents, Zywotko avoided paying for IFQ allocation to other program participants, avoided paying \$5,624 to NMFS in cost recovery fees, and concealed from NMFS the true amount of IFQ Gulf reef fish he landed and sold.

This case was investigated by the National Oceanic and Atmospheric Administration National Marine Fisheries Service's Office of Law Enforcement, and the Florida Fish and Wildlife Conservation Commission.

Guilty Pleas

United States v. Michael P. Casey, No. 4:19-CR-00067 (E.D. Va.), ECS Trial Attorney Gary Donner and AUSA Eric Hurt.

On July 18, 2019, Michael P. Casey pleaded guilty to conspiracy and to violating the Lacey Act for participating in a scheme to falsely label millions of dollars-worth of foreign crabmeat (18 U.S.C. § 371; 16 U.S.C. § 3372(d), 3373(d)(3)(A)). Sentencing is scheduled for November 14, 2019.

Casey worked as the vice president for marketing and operations for Casey's Seafood Inc., a wholesale processor of crabmeat and other seafood located in Newport News, Virginia. He conspired with his father, James R. Casey, and others to substitute foreign crabmeat for Atlantic blue crab. A court sentenced James R. Casey, the company owner and president, to 48 months' incarceration earlier this year.

As early as 2010, and continuing through June 2015, Michael Casey and others directed employees to unpack foreign crabmeat from suppliers' containers, comingle it with domestic blue crab and/or other types of crab, and re-pack it into Casey's Seafood containers, all of which were labeled "Product of USA." Some of this foreign crabmeat was referred to as "distressed" because it was approaching or beyond its posted "best used by" dates. Employees "re-conditioned" the "distressed" crabmeat by re-pasteurizing it, and then packaging the "re-conditioned" meat into the company's containers, which were labeled and sold as blue crab and "Product of USA." Employees placed labels with "Product of USA" on containers that concealed labels marked as "Product of China" and "Product of Brazil."

Employees falsely labelled approximately 183 tons of crabmeat, which was then sold to grocery stores and independent retailers. Michael Casey and James Casey sold approximately 367,765 pounds of crabmeat falsely labeled "Product of USA," with a total wholesale value of more than \$4 million.

This case was investigated by the National Oceanic and Atmospheric Administration Office of Law Enforcement, in coordination with the Food and Drug Administration, the Department of Homeland Security Office of Investigations, and the Virginia Marine Police.

United States v. Christopher Brackett, No. 1:18-CR-10063 (C.D. Ill.) AUSA Katherine Legge.

On July 16, 2019, Christopher Brackett pleaded guilty to violating the Lacey Act for illegally poaching deer (16 U.S.C. §§ 3372(a)(2) (A), 3373(d)(1)(B)). Sentencing is scheduled for November 5, 2019.

Brackett self-produced and starred in his own cable hunting show, "Fear No Evil," which aired on the Outdoor Channel. During filming of an episode in December 2013, he killed two bucks within minutes of each other. The state of Indiana permitted hunters to kill only one buck per season. Brackett transported the second, 11-point buck he nicknamed the "Unicorn Buck," for its unique antler formation, to



Brackett and "unicorn buck" posted on Facebook

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Guilty Pleas

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his home in East Peoria, Illinois.

Brackett featured the “Unicorn Buck” kill on his television show in 2014. He instructed his cameraman and producer to hide footage of the kill of the first, smaller eight-point buck. In 2017, prior to charges being filed against him, Brackett instructed an employee to destroy the eight-point rack.

This case was investigated by the U.S. Fish and Wildlife Service, with assistance from both the Illinois and Indiana Departments of Natural Resources.

United States v. Tracey J. Sellers, No. 1:19-CR-20327 (S.D. Fla.), AUSA Jaime Raich.

On July 12, 2019, a former Army Corps of Engineers (ACOE) employee pleaded guilty to making false statements to law enforcement agents (18 U.S.C. § 1001(a)(2)). Sentencing is scheduled for September 19, 2019.

Biologist Tracey J. Sellers worked as a civilian employee for the ACOE’s Jacksonville District. Part of Seller’s responsibilities included planning and coordinating environmental requirements related to Corps projects and reviewing products from environmental consulting companies.

Federal ethics laws and regulations prohibit federal employees from engaging in outside employment that conflicts with employees’ official duties. Between 2014 and February 2019, while employed with the Corps, Sellers worked with a consulting company despite being part of a team that oversaw that company’s work for the Corps in relation to large dredging projects in South Florida.

Unbeknownst to her colleagues and Corps management, Sellers accepted offers of part-time employment from the consulting company. In November 2014, October 2018, and January 2019, the consulting company offered Sellers part-time work on three different projects. She accepted the offers, and worked on their projects. In a February 2019 interview, Sellers misled federal agents about her outside involvement with the consulting company.

This case was investigated by the Defense Criminal Investigative Service, National Oceanic and Atmospheric Administration, the U.S. Environmental Protection Agency Criminal Investigation Division, and the U.S. Army Criminal Investigation Division, with assistance from the Army Corps of Engineers.

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Guilty Pleas

***United States v. Aquinas Kasbar*, No. 8:19-CR-00085 (C.D. Calif.), AUSAs Daniel Ahn and Erik Silber.**

On July 8, 2019, Aquinas Kasbar pleaded guilty to violating the Endangered Species Act for stealing a ring-tailed lemur from a Southern California zoo (16 U.S.C. §§ 1538(a)(1)(b), 1540(b)(1)). Sentencing is scheduled for October 28, 2019.

Kasbar broke into the Santa Ana Zoo after hours on July 27, 2018, cut open an enclosure, and removed a 32-year-old lemur named Isaac, the oldest captive ring-tailed lemur in North America. He placed the animal in an unventilated container and later abandoned it at a Newport Beach hotel. Kasbar left a note stating the animal had been taken from the zoo. Authorities recovered Isaac in good condition. Investigators identified Kasbar during the course of a separate burglary investigation. Kasbar had videotaped Isaac and himself with his cell phone.

This case was investigated by the Federal Bureau of Investigation, the U.S. Fish and Wildlife Service, the Newport Beach Police Department, and the Santa Ana Police Department.

Sentencings

***United States v. James A. Imes*, No. 2:18-CR-00111 (S.D. Ohio), AUSAs Mike Marous and Jonathan J.C. Grey.**

On July 26, 2019, a court sentenced James A. Imes to 120 months' incarceration, followed by three years' supervised release. The court also ordered \$550,000 in restitution to be divided among 18 victim companies, primarily insurance agencies.

Imes stole approximately 35 vehicles, causing the release of HCFC refrigerants into the atmosphere during the dismantling process (18 U.S.C. §§ 511, 2321, 2332(b); 42 U.S.C. § 7413(c)(1)).

Between January 2013 and April 2014, Imes and his associates operated chop shops in three different locations in Columbus, Ohio. They earned approximately \$10,000 to \$15,000 per week trafficking in car parts, removing or altering vehicle identification numbers, and releasing refrigerants when the air conditioning tubes were cut.

Imes told investigators he rented three separate garage spaces and ran a business "disguised as a diesel mechanic shop, but it's obviously not." He said the true purpose of the business was to "cut up stolen trucks."

He kept two vehicles for personal use, and sold the rest as parts or scrap to salvage yards. He advertised the more valuable car parts on Craigslist in cities across Ohio, Indiana, Kentucky, Pennsylvania, Michigan and West Virginia.

This case was investigated by the Ohio Bureau of Criminal Investigation, and the Ohio Environmental Protection Agency Special Investigations Unit, with assistance from the Franklin County Sheriff's Office, the Columbus Division of Police Auto Theft Unit, and the Ohio State Highway Patrol Theft and Fraud Unit.



Truck found in chop shop

Sentencings

***United States v. Portline Bulk International S.A., et al.*, No. 2:19-CR-00434 (D.S.C.), ECS Trial Attorney Christopher Hale and AUSA Matt Austin.**

On July 24, 2019, a court sentenced Portline Bulk International S.A. to pay a \$1.5 million fine, complete a four-year term of probation, and implement an environmental compliance plan. The company previously pleaded guilty to violating the Act to Prevent Pollution from Ships (APPS) and obstruction of justice (33 U.S.C. § 1908; 18 U.S.C. § 1505).

Portline managed the *M/V Achilles*, which entered the Port of Charleston, South Carolina, on August 14, 2018. After a whistleblower contacted the Coast Guard, a subsequent investigation revealed that senior members of the engineering crew directed and/or participated in bypassing the ship's oil water separator directly discharging oily bilge waste into the ocean. A court previously sentenced Chief Engineer Anatoli Zotsenko and Second Engineer Valerie Pastushenko to complete three-year terms' of probation. Zotsenko also will pay a \$7,500 fine and Pastushenko a \$5,000 fine.

This case was investigated by the U.S. Coast Guard.

***United States v. Robert J. Carville*, No. 1:18-CR-00081 (N.D.N.Y.), AUSA Michael F. Perry.**

On July 22, 2019, a court sentenced Robert J. Carville to complete a two-year term of probation, after previously pleading guilty to violating the Resource Conservation and Recovery Act for storing hazardous waste without a permit (49 U.S.C. § 6928(d)(2)(A)).

Carville owned and operated Carville National Leather, a family-owned tannery that operated between 1976 and September 2013. Carville headed up operations for the ten years leading up to its closing.

The tannery used both a "tanning," or "wet" line, and a "finishing" line to convert pre-tanned (dehaired) animal hides into finished leather. The tanning and finishing lines used ignitable and corrosive chemicals, including chromium and lead.

After the business closed in September 2013, Carville was responsible for the hundreds of containers of chemicals left behind, many of which were labelled "corrosive," "caustic," and "hazardous." Carville moved out of state and abandoned the wastes.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division.



Carville National Leather

Sentencings

***United States v. Rey Espulgar et al.*, Nos. 1:19-CR-00005, 00006, 00008 (D.V.I.), ECS Senior Trial Attorney Kenneth Nelson and AUSA Kim Chisholm.**

On July 19, 2019, a court sentenced Rey Espulgar to pay a \$3,000 fine and complete a three-year term of probation. Espulgar also is banned from entering the U.S. on any vessel during the term of probation. He previously pleaded guilty to violating the Act to Prevent Pollution from Ships (APPS) (33 U.S.C. § 1908).

Espulgar worked as a Chief Officer for the *M/T Ocean Princess*. Stamatios Alekidis served as the Master and Athanasios Pittas as a Chief Engineer. Since January 2016, the vessel transported refined petroleum products from a refinery in St. Croix, U.S. Virgin Islands (USVI), to numerous locations throughout the Caribbean. The USVI is within the U.S. Caribbean Emissions Control Area (U.S. Caribbean ECA) established pursuant to the International Convention for the Prevention of Pollution from Ships (MARPOL). MARPOL limits the amount of sulfur used by a vessel for propulsion and electrical generation while within the U.S. Caribbean ECA.

In July 2018, the U.S. Coast Guard inspected the vessel and discovered that since January 2016, it had been operating within the U.S. Caribbean ECA using fuel that far exceeded the allowable amount of sulfur. Instead of purchasing fuel for the ship (known as "bunker") from a fueling depot, the practice on the ship was to transfer cargo into the bunker tanks and then the Chief Engineer at the time would create a fake bunker delivery note to make it appear the bunker came from a shore-side fuel depot. The authorization to transfer the cargo to be used as bunker originated from a company in New York that has similar ownership interests as the Greece-based owner and operator of the ship.

Espulgar helped with the cargo transfer and then hid that fact in the oil record book. During the inspection, Espulgar also instructed some of the crew to lie to the Coast Guard about the true source of the bunkers.

In addition to the APPS violation, Alekidis and Pittas also pleaded guilty to associated Environmental Protection Agency regulations for using non-compliant fuel within the U.S. Caribbean ECA. A court sentenced them to complete three-year terms of probation.

This case was investigated by the U.S. Coast Guard and the U.S. Environmental Protection Agency Criminal Investigation Division.

***United States v. Andrew Guglielmo et al.*, No. 3:18-CR-00677 (D.N.J.), ECS Senior Trial Attorney Jeremy Korzenik and ECS Trial Attorney Adam Cullman.**

On July 12, 2019, a court sentenced Flexabar president Richard Guglielmo, Jr., and CEO Andrew Guglielmo, to each pay \$20,000 fines and complete three-year terms' of probation to include 12 months' home detention. Technical Director Hamdi Latif was sentenced to complete a one-year term of probation and 12 months of home confinement. Latif also will pay a \$10,000 fine. The defendants previously pleaded guilty to conspiring to violate the Federal Insecticide, Fungicide, and Rodenticide Act for selling paint containing an illegal pesticide (18 U.S.C. § 371).

For close to 20 years, the defendants engaged in a scheme to produce and sell paints containing the pesticide tributyltin (TBT) for unapproved uses and then continued to sell them after regulators banned all uses for TBT. Flexabar focused primarily on the fishing

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Sentencings

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industry in marketing TBT antifoulants. Fishermen use the paint on crab traps and lobster pots in the Chesapeake Bay and along the Atlantic coast. The investigation established Flexabar's persistent effort to both avoid labeling its TBT paints with the prohibitions required by the U.S. Environmental Protection Agency's Office of Pesticide Programs, and to mislead authorities as to the uses for which the company was marketing these products.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division.

***United States v. American Biodiesel Inc., et al.* No. 2:18-CR-00068 (E.D. Calif.), AUSAs Samuel Wong, Philip A. Scarborough, and Paul Hemesath.**

On July 8, 2019, a court sentenced American Biodiesel, Inc., to pay a \$401,000 fine, and complete a three-year term of probation, to include an environmental compliance plan. The company also must grant 24-hour access to authorities for unannounced inspections on the premises. The court further ordered the company to pay \$256,206 in restitution to be divided between the City of Stockton and the Port of Stockton, California.

American Biodiesel d/b/a/Community Fuels, manufactured biodiesel fuel. Between March 2009 and December 2016, Christopher Young directed the plant's operations. Young instructed employees to tamper with pH and other monitoring devices enabling the facility to violate its permit by discharging hundreds of thousands of gallons of untreated wastewater into the local sewer system. Between 2014 and 2016, assistant operator Jeremiah Young (Christopher's brother) also participated in the scheme.

Regulators permitted Community Fuels to discharge wastewater meeting certain parameters (including pH and methanol concentration total flow levels) to the local publically owned treatment works (POTW). The company led local authorities to believe that it transferred unpermitted wastewater off-site to an appropriate wastewater disposal facility. In reality, they dispersed the wastewater on the facility grounds via landscaping sprinklers, as well making illegal discharges to the POTW, after tampering with monitoring devices.

Christopher and Jeremiah Young await trial, charged with conspiracy and Clean Water Act violations. Prosecutors further charged Christopher Young with making false statements and witness tampering (18 U.S.C. §§ 371, 1001(a)(2), 1512(b)(3); 33 U.S.C. §§ 1319 (c)(2)(A), (c)(4)). The company pleaded guilty to conspiracy and tampering with monitoring equipment.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division, the City of Stockton Municipal Utilities Department, the San Joaquin County Environmental Health Department, the Port of Stockton, and the California Department of Toxic Substances Control.

Sentencings

***United States v. Fukuichi Gyogyo Kabushiki Kaisha*, No. 19-CR-00024 (D. Guam), ECS Senior Trial Attorney Kenneth Nelson and AUSAs Marivic David and Mikel Schwab.**

On July 11, 2019, a court sentenced Fukuichi Gyogyo Kabushiki Kaisha (Fukuichi) after pleading guilty to violating the Act to Prevent Pollution from Ships and obstructing an agency proceeding (33 U.S.C. § 1908; 18 U.S.C. § 1505).

The company will pay a \$1.5 million criminal fine and serve a five-year term of probation, during which vessels owned and/or operated by the company are banned from



M/V Fukuichi Maru No. 112

entering the Exclusive Economic Zone, Territorial Sea, or a port or terminal belonging to the United States without prior approval. The company also will implement an environmental compliance plan (ECP) that includes vessel audits. Fukuichi must send the ECP and associated audits to the nearest U.S. Coast Guard Captain of the Port (COTP) prior to any of the company's vessels entering U.S. waters or a U.S. port. The COTP will have the discretion to allow or reject such entry based upon the company's compliance with international and domestic laws governing pollution and safety.

Fukuichi owned and operated the *F/V Fukuichi Maru No. 112*, a ship engaged in commercial fishing in the Pacific Ocean for the last thirty years. During that time, the vessel maintained a single hardbound book purporting to be the oil record book (ORB). Entries in the ORB indicated that the vessel properly used the oil water separator (OWS). The vessel also maintained a garbage record book, but the entries were largely not properly signed and included "ditto" marks.

During a Coast Guard boarding in April 2019, inspectors could not operate the OWS and neither could the Chief Engineer (CE). The CE confessed that the crew routinely discharged waste oil and oily bilge water directly into the ocean without using the OWS. Inspectors documented hundreds of false entries in the ORB where the crew purported to properly treat the waste oil. They also obtained statements from other crewmembers describing the practice of discharging garbage (including plastics) and fishing gear from the vessel.

This case was investigated by the U.S. Coast Guard.

Sentencings

United States v. Parts Cleaning Technologies et al., No. 3:17-CR-00136 (W.D.N.C.), AUSA Steven Kaufman.

On July 8, 2019, a court sentenced Parts Cleaning Technology of North Carolina (PCT), a business engaged in the collection and transportation of hazardous waste, to pay a \$75,000 fine and complete a two-year term of probation plus pay \$945,064 in restitution to owners of the property for clean-up costs.

The company and four individuals illegally stored more than 10,000 gallons of liquid hazardous waste and five tons of solid hazardous waste. PCT pleaded guilty to violating the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6928(d)(2)(A), (d)(2)(B)).

Vincent Peters, Timothy Connelly, and Jason Ridenour worked for PCT. From approximately 2011 through 2014, the defendants stored hazardous waste in unpermitted trailers on PCT's property, as a result of not paying the disposal companies. Company owner David Crandall failed to pay the disposal bills, causing the employees to illegally store the waste. PCT abandoned the waste following its eviction from the property in July 2014.

Peters, Connelly, and Ridenour all pleaded guilty to being accessories after-the-fact to RCRA violations. A court sentenced each of them to complete two-year terms' of probation (to include 12 months' home detention) and perform 100 hours of community service. Connelly will pay a \$5,000 fine, Ridenour \$3,000, and Peters \$2,000. A court ordered Crandell to pay a \$60,000 fine, complete a two-year term of probation (to include nine months' home confinement), and perform 50 hours of community service. Crandell also pleaded guilty to being an accessory-after-the-fact.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division, the North Carolina State Bureau of Investigation, and the North Carolina Department of Environmental Quality.



Waste containers stored in trailer

Sentencings

United States v. Justin Love et al., No. 3:17-CR-0051 (D.N.J.), ECS Trial Attorney Ethan Eddy and AUSA Kathleen O'Leary.

On July 3, 2019, a court sentenced Justin Love to 54 months' incarceration, followed by three years' supervised release, and ordered him to pay a \$9,000 fine. In October 2018, a jury convicted Love and three others of conspiracy to violate the dog fighting prohibitions of the federal Animal Welfare Act, and various substantive felony dog fighting counts (18 U.S.C. §§ 371, 49; 7 U.S.C. § 2156 (b)). In particular, Love was convicted of conspiracy, as well as two counts of buying and receiving two dogs for purposes of an animal fighting venture, and six counts of possessing dogs for purposes of an animal fighting venture. One of those dogs, "Momba," was missing part of the skin on her face and had other scars from dog fighting that a veterinarian testified at trial were too numerous to count.



Dog rescued from defendant's property

Evidence presented to the jury included wiretap calls, text messages, videos, and forensic evidence showing that Love's basement was heavily splattered with dog blood. Love is the last of the nine defendants sentenced in this investigation. Robert A. Elliot and Dajan Ware were previously sentenced to serve 24 months in prison. Robert Arellano was sentenced to 48 months.

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.

Sentencings

***United States v. Wlodzimie Lapkiewicz*, No. 3:19-CR-00024 (D.N.J.), AUSA Shawn Barnes.**

On July 2, 2019, a court sentenced Wlodzimie Lapkiewicz to six months' home confinement as a condition of a four-year term of probation, for illegally smuggling shipments of live scorpions, giant millipedes, and other invertebrate species between July 2015 and July 2018 (18 U.S.C. § 545).

On multiple occasions, Lapkiewicz imported emperor and dictator scorpions, both of which are listed in the Convention on International Trade in Endangered Species treaty as protected species. Postal inspectors learned of his activities after live scorpions and millipedes escaped from a parcel originating from Tanzania while in transit to Lapkiewicz in July 2015. Around that time, U.S. Fish and Wildlife Service agents learned of Lapkiewicz from information shared by French customs authorities who had seized 115 dictator scorpions destined for Lapkiewicz's address. A co-conspirator in Cameroon falsely declared the scorpions as "biological samples for research purposes."

The investigation revealed that Lapkiewicz participated in and assisted others with intentionally mislabeling parcels of live wildlife to avoid detection. The investigation also revealed that Lapkiewicz utilized social media to arrange for buyers. Despite repeated warnings from law enforcement, Lapkiewicz continued to smuggle live invertebrates in order to profit off their subsequent sales.

This case was investigated by the U.S. Fish and Wildlife Service Office of Law Enforcement, with assistance from the U.S. Postal Inspection Service.



Multiple jars of live scorpions

Announcements

***We redesigned [The Environmental Crimes Website](#). We arranged information by subject matter, added additional images, and generally streamlined the site. The brief bank update is ongoing. For those who have access, we welcome your feedback. ***

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](#).

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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