



# Bulletin

## Environmental Crimes Section

April 2022

### Inside this Issue:

Indictments	5-6
Guilty Pleas	7-17
Sentencings	18-27
ECS Contacts	28

Send your federal case updates to:

[\[Redacted\]](#)



“The defendant placed workers and community members in harm’s way when he knowingly violated Clean Air Act requirements for the safe handling of asbestos, and then did it again while already under indictment,” said Assistant Attorney General Todd Kim of the Environment and Natural Resources Division. “The Department of Justice will continue to hold accountable those who defy federal law aimed at protecting the public from adverse health effects of asbestos.” [From [Press Release](#) following guilty plea taken from Bobby Khalili.] The photo, above, depicts an open-top dumpster with asbestos-containing waste. See [inside](#) for more details from *U.S. v. Khalili, et al.*



District/Circuit	Case Name	Statutes
Eastern District of California	United States v. Power Performance Enterprises, Inc., et al.	Vehicle Emissions Tampering / CAA, Conspiracy
Central District of California	United States v. Jose Manuel Perez, et al.	Reptile Smuggling / Conspiracy, Lacey Act, Smuggling
Southern District of California	United States v. Vlad Nick Lashevski United States v. Jaime Gomez Gonzalez United States v. Laura Orellana, et al. United States v. Esteban Pena United States v. Guadalupe Ponce-Betanzas, et al. United States v. Shayna Jo Carlton United States v. WellgreensCA, Inc., et al.	Pesticide Smuggling / Conspiracy, FIFRA, Smuggling  Cannabis Processing / RCRA, Accessory-After-the-Fact
Eastern District of California	United States v. Armando Mayorga Garcia, et al.	Marijuana Cultivation / Drugs, Depredation to Public Lands
District of Connecticut	United States v. Luis F. Estrada	Worker Safety / False Statements, OSHA
Middle District of Florida	United States v. Jimmy W. Hammonds	Primate Sales / Conspiracy, ESA
Southern District of Florida	United States v. Chun Ku, et al.	Reptile Trafficking / Conspiracy, Lacey Act, Smuggling





District/Circuit	Case Name	Statutes
Middle District of Georgia	<b>United States v. Shelly Johnson, et al.</b>	Dog Fighting / Animal Fighting Venture, Conspiracy, Drugs
Northern District of Indiana	<b>United States v. Raivo Kynapp</b>	Demolition / CAA
Southern District of Indiana	<b>United States v. Dillan Delucio, et al.</b>	Lead-Based Paint / TSCA
Eastern District of Kentucky	<b>United States v. Christopher Cool</b> <b>United States v. John Affourtit</b>	Turtle Sales / Lacey Act Abandoned Mine Waste / CWA, RCRA
Western District of Kentucky	<b>United States v. Billy Hearld, et al.</b>	Mine Safety / MSHA
Eastern District of Louisiana	<b>United States v. Patrick Huse</b>	Oil and Gas Platform Discharge / CWA, OPA
District of Maryland	<b>United States v. David Gillis</b>	Lead-Based Paint / TSCA
District of Nevada	<b>United States v. Bobby Khalili, et al.</b>	Demolition Projects / CAA
Western District of New York	<b>United States v. Dennis Daniels</b> <b>United States v. Paul R. Heil</b>	USCG Training Course Fraud / Mail Fraud, Taxes Lead-Based Paint / TSCA



District/Circuit	Case Name	Case Type/Statutes
Western District of North Carolina	<b>United States v. Matthew S. Geouge, et al.</b>	Vehicle Emissions Tampering/ CAA, Conspiracy, Taxes
District of Oregon	<b>United States v. Darren D. Drake</b>	Scorpion Shipments/ Conspiracy
Middle District of Pennsylvania	<b>United States v. Ty Allen Barnett, et al.</b> <b>United States v. Dennis Morgan</b>	Demolition/CAA Lead-Based Paint/TSCA
Northern District of Texas	<b>United States v. Severo Zamora, et al.</b>	Refrigerant Sales/CAA, Accessory-After-the-Fact
Western District of Texas	<b>United States v. Aghorn Operating, Inc., et al.</b>	Worker Death/CAA, False Statements, Obstruction, OSHA, SDWA
District of Utah	<b>United States v. Michael E. Yellow</b>	Eagle Killings/BGEPA, Felon in Possession
Eastern District of Virginia	<b>United States v. Raymond Johnson, et al.</b>	Dog Fighting/ Animal Welfare Act, Felon in Possession
Western District of Washington	<b>United States v. Absolute Seafoods LLC, et al.</b>	Tainted Seafood Sales/ Smuggling
Western District of Wisconsin	<b>United States v. Michael Bright</b>	Worker Death/ False Statement





## Indictments

***United States v. Jose Manuel Perez, et al.***, No. 22-CR-00057 (C.D. Calif.), ECS Trial Attorney Gary Donner, AUSAs Matthew W. O'Brien and Brian R. Faerstein, and ECS Paralegal John Taylor.

On March 24, 2022, prosecutors charged Jose Manuel Perez, a.k.a. "Julio Rodriguez," and his sister, Stephany Perez, in a superseding indictment with illegally importing more than 1,700 reptiles (including 60 reptiles found hidden in his clothes) into the United States at the Mexico border. Perez is charged with one count of conspiracy, nine counts of smuggling goods into the United States, and two counts of wildlife trafficking. Stephany Perez is charged with conspiracy (18 U.S.C. §§ 371, 545; 16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(B)). Trial is scheduled to begin on July 26, 2022.

Between January 2016 and February 2022, the Perez siblings and co-conspirators used social media to buy and negotiate the sale and delivery of wildlife in the United States. The defendants posted advertisements on social media including photos and video depicting the animals collected from the wild.

The defendants and others imported animals (including Yucatan box turtles, Mexican box turtles, baby crocodiles, and Mexican beaded lizards) illegally into the United States from Mexico without permits or documentation. They retrieved the wildlife from Ciudad Juarez International Airport in Mexico, shipping the reptiles by car to El Paso, Texas. For each border crossing, Jose Perez paid his co-conspirators a "crossing fee" which factored in the number of animals transported, the size of the package, and the risk of detection from authorities.

Prosecutors superseded the indictment after Jose Perez attempted to smuggle 60 reptiles from Mexico in February of this year. Authorities found dozens of lizards and four snakes, concealed inside his jacket pockets, pants pockets, groin area, and pant legs. After initially denying that he had anything to declare, Perez later told customs officials that "the animals were his pets."

The U.S. Fish and Wildlife Service conducted the investigation.





## Indictments

*United States v. Aghorn Operating Inc., et al.* (W.D. Tex.), ECS Senior Trial Attorney Christopher Costantini, ECS Trial Attorney Mark Romley, and ECS Paralegal John Jones, with assistance from AUSA Lance Kennedy.

On March 3, 2022, prosecutors charged an oilfield company and a company executive with worker safety and environmental violations.

Aghorn Operating, Inc., owns and operates oil wells and leases in Texas. Aghorn and Trent Day, the company's vice president, violated the Clean Air Act (CAA) by releasing hydrogen sulfide from a company facility, as well as obstructing an Occupational Safety and Health Administration (OSHA) investigation (42 U.S.C. §§ 7413 (c)(1), (c)(5)(A); 29 U.S.C. § 666(e); 18 U.S.C. § 1505). The charges, including CAA knowing endangerment, are the result of an investigation into the deaths of Aghorn employee, Jacob Dean and his wife, Natalee Dean. Both were overcome by hydrogen sulfide at the facility in Odessa on October 26, 2019.

Aghorn and Day, along with another corporation, Kodiak Roustabout, Inc., are further charged with violating the Safe Drinking Water Act and making false statements on pressure charts regarding the mechanical integrity of Aghorn injection wells and other documents filed with the State of Texas Railroad Commission between July 2017 and September 2019 (18 U.S.C. §1001; 42 U.S.C. § 300h-2(b)).

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.



Figure 2. Overhead view of the Aghorn Operating waterflood station in Odessa, Texas, on the morning after the incident. (Photo Credit: Ector County Sheriff's Office, highlighting by U.S. Chemical Safety Board)





## Guilty Pleas

***United States v. Patrick Huse*, No. 2:21-CR-00002 (E.D. La.), AUSAs Spiro G. Latsis and J. Ryan McLaren.**

On March 31, 2022, Patrick Huse pleaded guilty to violating the Clean Water Act for negligently discharging oil and other hazardous substances into the Gulf of Mexico (33 U.S.C. §§ 1321(b)(3), 1319(c)(1)(A)).

Huse worked as a Person-In-Charge of an oil platform known as Main Pass 310A (MP-310A). In July 2015, workers noticed a sheen on the water indicating oil and other hazardous substances had discharged into the Gulf. They alerted Huse that sand had likely built up in the filtration equipment. Rather than repairing or replacing the equipment, Huse directed the crew to close certain wells, but otherwise kept the platform operating. As a result, the discharges continued four more days until a worker activated an emergency shutdown device. Around the time of the emergency shutdown, inspectors announced their plans to return to finish an inspection. Huse told the operators to tell inspectors they needed to shutdown in order to clean and replace equipment, without mentioning a sheen.

The U.S. Environmental Protection Agency Criminal Investigation Division and the Department of the Interior Office of Inspector General Energy Investigations Unit conducted the investigation.

***United States v. Chun Ku, et al.*, Nos. 1:21-CR-20513, 1:22-CR-20025 (S.D. Fla.), ECS Trial Attorney Banu Rangarajan, AUSA Tom Watts-FitzGerald, and ECS Paralegal Claudia Garin.**

On March 31, 2022, Chun Ku pleaded guilty to conspiracy, smuggling, and violating the Lacey Act for smuggling protected reptiles (18 U.S.C. §§ 371, 554; 16 U.S.C. §§ 3372(d)(1), 3373 (d)(3)(A)(i)). Sentencing is scheduled for June 29, 2022. Co-conspirator Daisuke Miyauchi previously pleaded guilty to the same charges, and was sentenced in February of this year to 13 months' incarceration, followed by two years' supervised release, and ordered to pay a \$10,000 fine.

Miyauchi owns and operates Maniac Reptiles, located in Yokohama, Japan. Miyauchi conspired with Ku, owner and operator of Dynasty Reptiles in Miami, Florida, to use Ku's Convention on International Trade in Endangered Species (CITES) "Master File" permit to smuggle various CITES II-protected reptiles out of the United States, including ball pythons, blood pythons, Mexican Burrowing/New World pythons, and tegus.

Miyauchi travelled frequently to the United States to attend reptile shows and purchase reptiles for his business. He contacted Ku and provided details regarding his



*Blood pythons*

*(Continued on page 8)*





## Guilty Pleas

*(Continued from page 7)*

purchase plans in advance to allow Ku time to complete the fraudulent paperwork. After purchasing the reptiles, Miyauchi transported them to Miami to prepare them for shipment to Japan. Upon arriving in Miami, Miyauchi obtained the fraudulent paperwork from Ku and submitted it to the U.S. Fish and Wildlife Service using a customs broker. Between October 2014, and August 2021, Ku illegally exported 39 shipments to Miyauchi under his Master File permit. The total retail value of CITES II-protected species smuggled by Miyauchi is approximately \$3,442,712.

Further investigation revealed that Ku made a similar arrangement with at least one other co-conspirator for whom Ku fraudulently exported approximately 20 shipments of reptiles under his Master File permit. The total retail value of CITES II-protected species smuggled by Ku is approximately \$5,134,167.

The U.S. Fish and Wildlife Service conducted the investigation.

### ***United States v. Michael Bright, No. 22-CR-00044 (W.D. Wisc.), ECS Trial Attorney Charlie Lord.***

On March 31, 2022, Michael Bright pleaded guilty to making false statements (18 U.S.C. § 1001(a)(3)). Following the investigation of a five-fatality explosion at Didion Milling's corn mill in Wisconsin in May 2017, Bright created false entries in documents submitted to both the Occupational Safety and Health Association and the U.S. Environmental Protection Agency (OSHA/EPA).

When mixed with air and exposed to an ignition source, corn dust may explode. OSHA regulations require grain facilities to develop and implement effective "housekeeping" programs to remove accumulated dust and prevent explosions. Didion Milling's written policy required workers to remove dust throughout the mill on a weekly basis.

Bright worked as a shift superintendent between 2015 and 2017. Bright falsified the mill's cleaning logbook to make it appear that millworkers followed company policy, cleaning up the dust as required, further stating this was a common practice.

Under the Clean Air Act, the EPA also required the mill to monitor the "pressure drop" readings on about a dozen baghouses every eight hours and take action if the pressure dropped below or goes above the range set forth in the permit. The pressure drop is a measure of pressure differential between the incoming "dirty" side of a baghouse and the outgoing "clean" side. Low readings suggest a torn baghouse filter, allowing dirty air into the environment. High readings suggest a malfunctioning dust collection system. Bright falsified the baghouse pressure log to conceal below and above-range readings, stating this, too, was common practice at the facility.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.





## Guilty Plea

### ***United States v. Vlad Nick Lashevski*, No. 3:22-CR-00474 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On March 31, 2022, Vlad Nick Lashevski pleaded guilty to smuggling illegal pesticides (18 U.S.C. § 545). Sentencing is scheduled for June 28, 2022.

On February 1, 2022, authorities apprehended Lashevski as he attempted to enter the United States from Mexico at the San Ysidro Port of Entry. They subsequently discovered 48 1-liter bottles of Mexican pesticides (Bovitraz / Amitraz) concealed in the trunk of the vehicle.

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.

### ***United States v. Power Performance Enterprises, Inc., et al.*, No. 2:22-CR-00043 (E.D. Calif.), ECS Senior Counsel Kris Dighe, ECS Trial Attorney Stephen Foster, AUSA Katherine Lydon, and ECS Paralegal John Johns.**

On March 15, 2022, Power Performance Enterprises, Inc., (PPEI) and its president, Kory B. Willis, pleaded guilty to conspiracy and to violating the Clean Air Act (CAA) for tampering with emissions control system monitoring devices installed on diesel trucks (18 U.S.C. § 371; 42 U.S.C. § 7413(c)(2)(C)).

In addition to the criminal charges, the government also filed a civil complaint against PPEI and Willis in the Western District of Louisiana, for violating the CAA prohibition against the sale or manufacture of devices that bypass, defeat, or render inoperative emissions' controls. Under the criminal plea agreements and a proposed civil consent decree, PPEI and Willis agreed to pay a total of \$3.1 million in criminal fines and civil penalties. Under the civil settlement, both Willis and the company agree not to manufacture, sell or install any device that defeats emissions controls. Sentencing is scheduled for August 23, 2022.

Between 2009 and 2019, PPEI and Willis ranked among the nation's most prominent developers of custom software known as "tunes." These tunes can alter a diesel truck's fuel delivery, power parameters, and emissions. Those in the industry knew PPEI and Willis for their custom delete tunes, which allows a "deleted" truck to run seemingly normally. A "deleted" vehicle is one where someone has removed or disabled the emissions controls. Willis claimed PPEI ranked among the largest custom tuning companies in the world, with more than 100,000 customers, tuning more than 500 vehicles a week. According to internal PPEI records, the company typically sold well over a million dollars of product a month.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.





## Guilty Plea

### ***United States v. Michael E. Yellow, No. 2:18-CR-00470 (D. Utah), AUSA Melina Shiraldi.***

On March 15, 2022, Michael E. Yellow pleaded guilty to violating the Bald and Golden Eagle Protection Act, and felon in possession of a weapon (16 U.S.C. § 668(a); 18 U.S.C. § 922(g)(1)). Sentencing is scheduled for June 8, 2022.

Between August 2014 and August 2015, Yellow took ten Bald Eagles and four Golden Eagles without a permit. Yellow used a rifle to shoot the birds, which is illegal as a convicted felon.

The U.S. Fish and Wildlife Service conducted the investigation, with assistance from the Ute Tribal Police.

### ***United States v. Darren D. Drake, No.1:22-CR-000263 (D. Ore.), AUSA John C. Brassel.***

On March 14, 2022, Darren D. Drake pleaded guilty to conspiring to violate the Lacey Act and to causing the mailing of poisonous animals, insects, and reptiles (18 U.S.C. § 371). Sentencing is scheduled for June 22, 2022.

Between September 4, 2017 and March 21, 2018, Drake imported and exported dozens of live scorpions to and from contacts in Germany without obtaining an import-export license from the U.S. Fish and Wildlife Service. Drake falsely labeled a package intercepted by Customs as containing “chocolates.” Drake also mailed or received several hundred live scorpions from other U.S. states, including Michigan and Texas, in violation of federal mailing laws.

The U.S. Fish and Wildlife Service, with assistance from Customs and Border Patrol and the U.S. Postal Inspection Service, conducted the investigation.



*Live scorpion shipped via U.S. Mail*





## Guilty Plea

***United States v. Bobby Khalili et al.*, No. 2:19-CR-00242 (D. Nev.), ECS Trial Attorney Cassie Barnum, SAUSA Rachel Kent, and ECS Paralegal Chloe Harris.**

On March 11, 2022, Bobby Khalili pleaded guilty to violating the Clean Air Act (CAA) and is scheduled for sentencing on June 15, 2022 (42 U.S.C. § 7413(c)(1)). Co-defendant, Gonzalo Aguilar Doblado, previously pleaded guilty to similar charges. The court recently sentenced Doblado to time-served and one year of supervised release.

In April 2016, Khalili contracted with Doblado to renovate a 16-unit apartment building in Las Vegas, Nevada. Khalili knew the building contained regulated asbestos-containing materials (RACM), but did not hire an asbestos abatement specialist to remove the RACM prior to renovation. Instead, he and Doblado hired untrained workers to tear out asbestos-containing drywall, ceiling texture, and floor tile. They did not instruct the workers to follow the CAA work practice standards for asbestos, to include wetting the RACM, and carefully bagging and disposing of it at an authorized facility.



*Bags filled with debris from renovation*

After observing an open top dumpster containing suspected RACM, Clark County Department of Air Quality (DAQ) inspectors conducted a site inspection. After Doblado phoned Khalili to inform him the inspectors had arrived, Khalili called the dumpster rental company to try to get the dumpster removed, in an attempt to destroy the evidence.

Authorities released Khalili following his indictment. During pretrial release, Khalili purchased and conducted renovations at a second apartment complex in the same neighborhood. As before, he hired a contractor untrained in asbestos abatement to tear out asbestos-containing drywall and ceiling texture. Khalili instructed the contractor in charge of the renovation to lie to inspectors about who owned and oversaw the project, in an attempt to blame another person for the CAA violations he knowingly committed.

The U.S. Environmental Protection Agency Criminal Investigation Division and the Clark County Department of Environment and Sustainability, Division of Air Quality investigated the case.



## Guilty Plea

### ***United States v. Dennis Daniels, No. 20-CR-00138 (W.D.N.Y.), AUSA Aaron Mango.***

On March 11, 2022, Dennis Daniels pleaded guilty to mail fraud and failing to file a tax return (18 U.S.C. § 1341; 26 U.S.C. § 7203). Sentencing is scheduled for September 7, 2022.

Daniels owned and operated Sea Tech Marine Training, which offered U.S. Coast Guard (USCG) approved training courses to include operator uninspected passenger vessel (OUPV), one-hundred-ton masters license (Masters), assistance towing endorsement, and auxiliary sail endorsement. Daniels also owned and operated Sea Test, a business that offered drug testing programs for USCG license holders. Between 2014 and 2017, Daniels received gross income totaling approximately \$665,327, but failed to file income tax returns with the Internal Revenue Service for those years. He owes approximately \$115,757 in tax for the unreported income.

In addition, in January and February 2019, Daniels taught 24 students the USCG approved OUPV course with a Masters upgrade. The course should have included 80 hours of classroom instruction time, however, Daniels only provided 51 hours of classroom instruction. In addition, Daniels gave the students answers to certain examination questions and told them to provide false information regarding prior sea service.

The U.S. Coast Guard Investigative Service, the U.S. Postal Inspection Service, and Internal Revenue Service Criminal Investigation conducted the investigation.





## Guilty Plea

***United States v. Shelly Johnson, et al.***, No. 5:22-CR-00011 (M.D. Ga.), ECS Trial Attorney Banu Rangarajan, AUSA Will Keyes, and ECS Law Clerk Amanda Backer.

On March 10, 2022, Shelley Johnson pleaded guilty to conspiring to participate in an animal fighting venture (18 U.S.C. §§ 371, 49; 7 U.S.C. §§ 2156(a)(1), 2156(b)). Sentencing is scheduled for June 7, 2022.

Between May 2019 and February 2020, law enforcement investigated a criminal enterprise engaged in both cocaine distribution and organized dog fighting. The organization's criminal activities were based out of Roberta, Georgia, and extended into Florida, Alabama, and the Northern District of Georgia.

Between December 2019 and February 2020, Johnson communicated with co-conspirator Jarvis Lockett about fighting and breeding dogs, dogs mauled and killed as a result of fighting, sharpening a dog's teeth for fighting purposes, cash prizes for fights, and various topics detailing the business and the brutality of dog fighting. Johnson also attended a dog fight and participated as a handler during the fight.

In February 2020, agents executed 15 residential search warrants and seized more than 150 dogs used for organized dog fighting. They seized 13 of the dogs from Johnson's Macon, Georgia, residence. Agents also recovered evidence of dog fighting including a digital scale, weighted collars, heavy chains, ground stakes, and a variety of medical supplies to treat animals for injuries sustained during fights.

In January 2021, the court unsealed a 136-count indictment charging 11 individuals with drug and animal welfare violations (21 U.S.C. §§ 841, 844, 846; 7 U.S.C. §§ 2156(a)(1), (b); 18 U.S.C. §§ 49, 371.)

The U.S. Drug Enforcement Administration; The U.S. Department of Agriculture, Office of the Inspector General, the U.S. Marshals Service, the Georgia Bureau of Investigation, the Bibb County Sheriff's Office, the Crawford County Sheriff's Office, the Houston County Sheriff's Office, the Merriweather County Sheriff's Office, the Peach County Sheriff's Office, the Taylor County Sheriff's Office, the Webster County Sheriff's Office, the Byron Police Department, and the Fort Valley Police Department conducted the investigation.



*Rescued pit bull-type dog*





## Guilty Plea

***United States v. Ty Allen Barnett, et al.***, No. 1:20-CR-00020 (M.D. Pa.), ECS Senior Litigation Counsel Howard Stewart, AUSA Paul Miovas, SAUSA Patricia Miller, and ECS Paralegal Claudia Garin.

On March 9, 2022, Ty Allen Barnett pleaded guilty to violating the Clean Air Act (CAA) for improperly handling and removing regulated asbestos-containing material (RACM) (42 U.S.C. § 7413(c)(1)).

Barnett worked as a project supervisor for asbestos abatement contractor, First Capital Insulation, Inc., on the Berwick Area School District (BASD) project in Berwick, Pennsylvania. The project required removing large amounts of RACM, demolishing the former weaving mill building, and constructing a new elementary school.

Prior to purchasing the mill in January 2014, the BASD obtained an environmental assessment report that identified hazardous substances, including asbestos, located in the old facility. An environmental consultant confirmed and shared the findings with Lobar, and its subcontractors. Despite this knowledge, they proceeded to demolish the building without removing the asbestos until the U.S. Environmental Protection Agency intervened to stop the project.

In January 2020, prosecutors charged Lobar Inc., First Capital Insulation, Inc., Francis Richard Yingling, Jr., Dennis Lee Charles, Jr., M&J Excavation, Inc., John August Sidari, Jr., and Barnett, with violating the CAA National Emission Standards for Hazardous Air Pollutants regulations. Lobar previously pleaded guilty. The other defendants are scheduled for trial to begin on June 13, 2022.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.

***United States v. Absolute Seafoods LLC, et al.***, No. 2:22-CR-00016 (W.D. Wash.), AUSA Seth Wilkinson.

On March 9, 2022, seafood broker Absolute Seafoods LLC, and company owner Jeffrey Hallin Olsen pleaded guilty to smuggling goods from the United States (18 U.S.C. § 554). Sentencing is scheduled for May 17, 2022.

In February 2019, Olsen purchased geoduck from several Alaska divers. Absolute Seafoods' workers packaged all of the geoduck into 46 cases, with a net weight of approximately 56 pounds per case, which were then shipped by air cargo to SeaTac Airport in SeaTac, Washington.



*Geoduck saltwater clams*

*(Continued on page 15)*





## Guilty Plea

(Continued from page 14)

The retail price of geoduck at the time was approximately \$45 per pound.

They took the crates to Sea-Tac Airport, for trucking to Vancouver British Columbia, and shipment to Hong Kong. Olsen obtained a U.S. Department of Commerce Export Health Certificate stating that the geoduck met health requirements.

One day following the purchase, a diver notified Alaska state officials that he had mistakenly taken geoduck from an area that had not been tested for paralytic shellfish poisoning. An Alaska Wildlife Trooper notified Olsen, advising that he must destroy the entire shipment as it was potentially unsafe to consume. Olsen told the trooper he would destroy the geoduck.

Instead of destroying the geoduck, Olsen told the shipping company to hold the truck in Marysville, Washington. Olsen then directed workers to remove ten crates that he brought back to his home. He instructed the company to transport the remaining 36 boxes to Vancouver where they were illegally shipped to Hong Kong.

Olsen took pictures of the ten crates, and prepared false shipping paperwork that identified their contents as “fresh Yelloweye,” then shipped the geoduck to a buyer in Oakland, California. Olsen used the pictures of those crates and a bill from the King County garbage transfer station to try to fool Alaska authorities into thinking he had in fact destroyed the clams.

The National Oceanic and Atmospheric Administration Fisheries Enforcement, the Washington Department of Fish and Wildlife Police, and the Alaska Department of Public Safety, with assistance from the California Department of Fish and Game, and the Department of Fisheries and Oceans–Canada, conducted the investigation.

***United States v. Paul R. Heil*, No. 1:21-mj-05130 (W.D.N.Y.), AUSA Aaron Mango.**

On March 8, 2022, Paul R. Heil pleaded guilty to violating the Toxic Substances Control Act for aiding and abetting the failure to provide lead paint hazard warning notice (15 U.S.C. §§ 2615(b), 2689). Sentencing is scheduled for June 8, 2022.

Heil worked as a property manager acting on behalf of Williamsville Property Holdings LLC, a.k.a. Williamsville Properties. Between December 2015 and May 2018, Heil and the company knew that a two-family house built in 1905 in Buffalo contained lead-based paint. In April 2018, and again in June 2020, Heil and Williamsville Properties leased the residence. The lead disclosure statement he gave the tenants falsely affirmed that the landlord “has no knowledge of lead-based paint and/or lead-based paint hazards in the housing,” and “has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.”

The U.S. Environmental Protection Agency Criminal Investigation Division, and the Department of Housing and Urban Development Office of Inspector General, conducted the investigation with assistance from the New York State Attorney General’s Office.





## Guilty Pleas

***United States v. Jaime Gomez Gonzalez, No. 2:21-CR-02667 (S.D. Calif.) ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.***

On March 3, 2022, Jaime Gomez Gonzalez pleaded guilty to failing to present items for inspection and to distributing a pesticide in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (19 U.S.C. §§1433, 1436; 7 U.S.C. §§ 136j(a) (1)(A), 136l (b)(2)). Sentencing is scheduled for June 27, 2022.

Authorities apprehended Gonzalez in August 2021, after he attempted to smuggle 17 one-liter bottles of Taktic, an illegal Mexican pesticide, into the United States.

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.



Taktic

***United States v. Laura Orellana, et al., No. 20-CR-03054 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.***

On March 3, 2022, Laura Orellana pleaded guilty to conspiring to violate the Federal Insecticide, Fungicide, and Rodenticide Act (18 U.S.C. § 371). Sentencing is scheduled for May 5, 2022. Co-defendant Sofia Mancera Morales previously pleaded guilty to smuggling and conspiracy. She is scheduled for sentencing on May 16, 2022.

Between January 2020 and June 2021, Orellana, Morales, and Felipa Oliveros engaged in a scheme to smuggle approximately illegal Mexican pesticides, including Tactic and Bovitraz, across the border into the United States (18 U.S.C. §§ 371, 545).

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.





## Guilty Plea

*United States v. Jimmy W. Hammonds*, No. 8:20-CR-00401 (M.D. Fla.), AUSAs Colin McDonnell and Francis Murray.

On March 3, 2022, Jimmy W. Hammonds pleaded guilty to conspiring to violate the Lacey Act and substantive violations of the Endangered Species Act (18 U.S.C. § 371; 16 U.S.C. §§ 1538(a)(1), 1540 (b)(1)).

Hammonds owned and operated The Monkey Whisperer, LLC, a wildlife breeding and selling business. Between September 2017 and February 2018, Hammonds conspired to sell a capuchin monkey to a buyer in California who did not possess the required documents to legally own a primate. Law enforcement officials later seized the monkey from the residence of the California buyer.

Hammonds illegally sold endangered cotton-top tamarins to buyers in Alabama, South Carolina, and Wisconsin. To conceal his unlawful wildlife trafficking, Hammonds submitted false records to a law enforcement officer and attempted to persuade a witness to lie to an official by saying that they had purchased the animals at a flea market.

The U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission, and the California Department of Fish and Wildlife conducted the investigation.



*Hammonds' website*





## Sentencings

### ***United States v. David Gillis*, No. 1:22-CR-00004 (D. Md.), AUSAs Michael Cunningham and Abigail Ticse.**

On March 31, 2022, a court sentenced David Gillis to pay a \$50,000 fine, plus \$80 in restitution, and complete a five-year term of probation, after pleading guilty to falsifying the Toxic Substances Control Act (TSCA) by, among other things, issuing false lead free certificates (15 U.S.C. §§ 2615(b), 2689).

Gillis owned and managed Home Free Lead Inspections (HFLI), a Maryland limited liability company accredited as a lead paint inspection contractor by the Maryland Department of Environment (MDE)

In December 2017, MDE received a complaint regarding ongoing renovations at a property in Baltimore, Maryland. Workers informed the responding MDE inspector that the property was lead-free. After further investigation, the inspector discovered HFLI inspected the property several months prior and the property had tested positive for lead-based paint. The inspector conducted his own inspection, confirming lead-based paint on the property.

As a result, MDE re-inspected numerous properties previously certified by HFLI as lead-free. The inspections revealed that Gillis, on behalf of HFLI, performed inspections without following the proper lead-based paint testing protocols and methodologies. The inspections further revealed that properties were Gillis and HFLI certified properties as lead-free, when they in fact, contained lead-based paint.



*Home contaminated with lead-based paint*

### ***United States v. Billy Hearld, et al.*, No.4:18-CR-00015 (W.D. Ky.), AUSAs Corinne S. Keel and Jason Grover.**

On March 31, 2022, a court sentenced mine foreman Billy Hearld to pay a \$500 fine and complete a six-month term of probation. Between January 2013 and May 2014, Hearld violated dust sampling procedures required by the Mine Safety and Health Act (MSHA) (30 U.S.C. § 820(c)) at the Parkway Mine.

On March 3, 2022, the court sentenced Steve DeMoss and Ron Ivy for violating the same MSHA safety standard. Both will complete six-month terms of probation; Demoss also will pay a \$1,000 fine.

Starting in 2013 and continuing through 2015, DeMoss and Ivy worked as Safety Directors at the Parkway and Kronos mines operated by the Armstrong Coal Company. They

*(Continued on page 19)*





## Sentencings

*(Continued from page 18)*

oversaw regular dust-sampling to ensure the mines' ventilation and engineering controls functioned properly, and that respirable coal dust levels remained safe. Mine operators can lower dust levels by adjusting mine air flow, using water sprays, and other methods. Mine operators also must regularly test the air in active areas of the mine. Rather than conducting the dust-sampling as required for full shifts, DeMoss and Ivy repeatedly removed the dust-sampling monitors from the miners. They placed those monitors into areas with cleaner air to ensure the monitors would not register elevated dust levels.

The Mine Safety and Health Administration conducted the investigation.

***United States v. Raymond Johnson, et al.***, Nos. 3:20-CR-0013, 3:21-CR-00108 (E.D. Va.), ECS Trial Attorneys Banu Rangarajan and William Shapiro, AUSA Stephen Anthony, and ECS Law Clerk Amanda Backer.

On March 31, 2022, a court sentenced Raymond Johnson to 37 months' incarceration, followed by three years' supervised release. Johnson previously pleaded guilty to conspiring to violate the Animal Welfare Act and felon-in-possession of a firearm (18 U.S.C. §§ 371, 922(g)).

In 2019, law enforcement began investigating a criminal organization involved in drug distribution. As a result of authorized wire intercepts, agents obtained communications between Johnson and co-conspirators discussing dog fighting. Between November 2019 and August 2020, Johnson bought, sold, bred, trained, sponsored, and fought pit bull-type dogs. Johnson hosted at least two fights at his residence. On November 19, 2020, law enforcement executed a search warrant at Johnson's home and recovered several firearms, as well as nine pit bull-type dogs, together with collars, chains, medications, and a treadmill used to train dogs for fighting. At the time of the warrant, Johnson was a previously convicted felon.

The U.S. Drug Enforcement Administration and the Federal Bureau of Investigation conducted the investigation, with assistance from the Office of the Attorney General for the State of Virginia.





## Sentencings

***United States v. Matthew S. Geouge, et al.***, Nos. 1:21-CR-00075-00077, 00096 (W.D.N.C.), AUSA Steven Kaufman.

On March 31, 2022, a court sentenced John Slagel, Spade Bailly, and Josh Davis to three-year terms' of probation, to include six months' home confinement. In addition, Slagel will pay a \$150,000 fine and perform 100 hours of community service; Davis will pay a \$50,000 fine and perform 80 hours of community service; Bailly will pay a \$10,000 fine and perform 100 hours of community service. The three participated in a scheme to violate the Clean Air Act (CAA) for tampering with vehicle emissions systems. Co-defendant Matthew S. Geouge entered a similar plea (in addition to evading taxes), but is not yet scheduled for sentencing (18 U.S.C. § 371; 42 U.S.C. § 7413(c)(2)(C); 26 U.S.C. § 7201).

Between approximately 2008 and January 2017, Geouge and his companies (Spartan Diesel Technologies and Spartan Truck Solutions), obtained devices ("tuners") that defeat vehicle's emissions control systems. Individuals load software ("tunes") onto tuners designed for particular vehicles. For automatic transmission vehicles, Geouge pre-loaded tunes onto the tuners, and sold them to customers. For manual transmission vehicles, he directed customers to his website to download tunes for themselves.

In August 2015, the U.S. Environmental Protection Agency issued Geouge a notice of violation for selling illegal plug-in tuners and tunes through Spartan Diesel Technologies. The Agency filed an administrative complaint and secured a civil penalty of \$4,154,805. Geouge continued to sell the tunes and tuners, however, grossing more than \$10,000,000 in sales through 2019. He concealed his assets and taxable income from both the EPA and the Internal Revenue Service. Based upon this income, Geouge owed approximately \$346,000 in taxes for 2015 through 2019.

Bailly, Davis, and Slagel previously pleaded guilty to conspiring to violate the CAA. Davis owned and operated Patriot Systems, LLC, aka Patriot Diagnostics. Patriot purchased Spartan Diesel Technologies in 2016, despite knowing about the EPA's investigation. Davis/Patriot purchased Spartan's inventory, and continued to employ Patriot's sales staff and service employees. Davis sold Spartan's "tunes" and serviced the illegal devices until early 2018.

Slagel owned E-Motion, a business that sold tuners and encryption software to Spartan and Patriot knowing they used E-Motions' products to create illegal plug-in tuners.

Bailly worked for Spartan and Patriot. In July 2018, Bailly formed a new company (B2 Enterprises, LLC), which became Patriot's successor entity. Bailly/B2 purchased Patriot's inventory, hired its sales and service employees, and continued selling Patriot's products until December 2018, when Bailly dissolved B2. Despite knowing about the EPA's investigation in early 2017, Bailly continued to sell and service Spartan's illegal products for Patriot.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.





## Sentencings

### ***United States v. Dennis Morgan*, No. 4:20-CR-00057 (M.D. Pa.), AUSA Alisan V. Martin and RCEC Patricia Miller.**

On March 31, 2022, a court sentenced Dennis Morgan to pay a \$2,000 fine and complete a one-year term of probation, after pleading guilty to violating the lead notification requirements of the Toxic Substances Control Act (15 U.S.C. § 2615).

Morgan owned a rental property in Sunbury, Pennsylvania, with excessive lead hazards. Between August 2017 and November 2018, Morgan failed to provide a lead paint hazard warning notice to the tenants in a lease, and failed to retain a lease containing the required lead notification information. Authorities who tested the child living there found he had elevated blood levels of lead in his body.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.

### ***United States v. Raivo Kynapp*, No. 3:21-CR-00094 (N.D. Ind.), ECS Trial Attorney Mary Dee Carraway.**

On March 21, 2022, a court sentenced Raivo Kynapp to complete an eight-month term of probation, with the first four months in home confinement. Kynapp also will pay a \$5,500 fine. Kynapp pleaded guilty to violating the Clean Air Act for failing to comply with the Asbestos National Emission Standards for Hazardous Air Pollutants (42 U.S.C. § 7413 (c)(1)).

In 2016 and 2017, Kynapp supervised the demolition of the Wilson Shirt Factory in South Bend, Indiana. Kynapp told a worker to cover up the regulated asbestos-containing material (RACM) on site, rather than properly removing it or wetting it down. The Indiana Department of Environmental Management shut down the demolition following a site inspection in February 2017.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.

### ***United States v. Esteban Pena*, No. 3:21-CR-01061 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On March 21, 2022, a court sentenced Esteban Pena to complete a two-year term of probation and pay \$1,246 in restitution, after pleading guilty to smuggling (18 U.S.C. § 545). Authorities apprehended Pena as he attempted to enter the United States with undeclared pesticide (34 bottles of Methamidophos) hidden behind the quarter panels of his vehicle.

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.





## Sentencings

### ***United States v. Christopher Cool, No. 6:21-CR-00064 (E.D. Ky.), AUSA Emily Greenfield.***

On March 18, 2022, a court sentenced Christopher Cool to 15 months' incarceration, followed by two years' supervised release, and to perform 80 hours of community service for violating the Lacey Act (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B)). A forfeiture money judgment in the amount of \$105,719.00 was ordered with \$2,000 in seized money orders and a 2011 Harley Davidson deemed forfeited as substitute assets.

In July 2020, the Kentucky Department of Fish and Wildlife and the U.S. Fish and Wildlife Service received information that Cool illegally purchased reptiles. Upon visiting his residence, Cool disclosed that he possessed 246 Eastern Box Turtles, which he intended to sell to individuals outside of Kentucky. Kentucky regulations prohibit the sale of these turtles. An individual may only possess five or fewer turtles for personal use, without a permit.

Further investigation revealed that Cool had sold close to 700 Eastern Box Turtles between July 2019 and July 2020. Cool received about \$100 a turtle. In July 2021, agents learned that Cool was continuing to traffic in Eastern Box Turtles. Cool drove hundreds of turtles from Kentucky to Pennsylvania to sell. Agents subsequently set up an undercover operation and arrested him in September 2021.

The U.S. Fish and Wildlife Service, the Kentucky Department of Fish and Wildlife, the West Virginia Department of Natural Resources, and the Pennsylvania Game Commission conducted the investigation.



*Turtles kept in Cool's flooded basement*





## Sentencings

### ***United States v. Luis F. Estrada*, No. 3:20-CR-0003 (D. Conn.), AUSA Margaret M. Donovan.**

On March 17, 2022, a court sentenced Luis F. Estrada to complete a three-year term of probation to include six months' home confinement. Estrada also will perform 250 hours of community service. Estrada pleaded guilty to making false statements and submitting false documents to the Occupational Safety and Health Administration (OSHA) (18 U.S.C. § 1001(a)(2)).

Estrada owned a construction company named L.L.E. Construction, LLC. In February 2018, Estrada and L.L.E. Construction entered into a written contract to perform roof repairs and other construction services at a property located in Bridgeport. In February and March 2018, the property owners paid Estrada total of \$11,000 for performing the work. On March 1, 2018, an OSHA compliance officer visited the property and observed a number of construction workers violating safety codes while making roof repairs. The officer then completed a full inspection, and informed Estrada of his findings via phone call.

On May 22, 2018, OSHA compliance officers served Estrada with a subpoena demanding documents and records related to L.L.E. Construction's work at the Bridgeport property. On July 30, 2018, Estrada hand-delivered a written response stating that he "did not do any work for the 'LLE Roofing Project,'" that "[t]here is no payroll because [he] did not work on the 'LLE Roofing Project,'" and that he "do[es] not have any contract or any documents regarding the 'LLE Roofing Project.'"

The U.S. Department of Labor Office of Inspector General conducted the investigation.

### ***United States v. Guadalupe Ponce-Betanzas, et al.*, Nos. 21-CR-003338, 003353 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On March 15, 2022, a court sentenced Guadalupe Ponce-Betanzas to complete a one-year term of probation and pay \$2,500 in restitution, after previously pleading guilty to conspiring to violate the Federal Insecticide, Fungicide, and Rodenticide Act (18 U.S.C. § 371). Isabel Betanzas pleaded guilty to the same charge.

On November 1, 2021, the defendants attempted to enter the United States from Mexico with 18 one-liter bottles of undeclared liquid pesticides (Metaldane 600), inside their vehicle.

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.





## Sentencings

### ***United States v. Armando Mayorga Garcia, et al.*, No. 2:17-CR-00152 (E.D. Calif.), AUSA David W. Spencer.**

On March 14, 2022, a court sentenced Armando Mayorga Garcia to one day time-served, followed by 24 months' supervised release, to include six months home detention. Garcia also will pay \$10,000 in restitution to the U.S. Forest Service.

Garcia is the final defendant sentenced in this case involving illegal marijuana cultivation on public lands (21 U.S.C. § 841; 18 U.S.C. § 1361).

Co-defendant Dimas Ortiz oversaw several men (including Garcia) who worked in a grow operation in the Shasta-Trinity National Forest located at an elevation of approximately 2,500 feet. Ortiz helped finance the operation, provided supplies for the grow site, and directed his co-defendants. Ortiz expected to receive \$125,000 (from the yield of 800 pounds of processed marijuana, worth \$500,000).

Significant quantities of carbofuran littered the site, along with an estimated 4,500 feet of plastic water lines and 1,500 pounds of soluble fertilizer. The operation used approximately 15,000 gallons of water per day, and the defendants placed open latrines near waterways. In August 2017, law enforcement officials executed a search, removing more than 1,000 pounds of trash and 500 pounds of plastic irrigation lines.

A court previously sentenced Sebastian Martinez Arreola to 20 months' and Armando Mayorga Gonzalez to 50 months' incarceration. Gonzalez also will pay \$10,000 in restitution to the U.S. Forest Service. Ortiz will serve ten years' incarceration and pay \$10,000 in restitution to the U.S. Forest Service.

The U.S. Forest Service investigated the case, with assistance from the U.S. Bureau of Land Management, the California Department of Fish and Wildlife, the North State Marijuana Investigation Team, and the Trinity County Sheriff's Office.

### ***United States v. WellgreensCA, Inc., et al.*, No. 3:19-CR-02439 (S.D. Calif.), AUSA Melanie Pierson.**

On March 7, 2022, a court sentenced WellgreensCA, Inc., to pay a \$45,000 fine and \$26,482 joint and several in restitution paid between the San Diego County Department of Environmental Health Services, the California Department of Toxic Substances Control, and the California Department of Transportation. Company owner Lunar Loussia will pay a \$1,000 fine, complete a three-year term of probation, and is jointly responsible for the restitution.

WellgreensCA processed cannabis to extract oils for sale. During the manufacturing process, WellgreensCA generated various wastes, including 55-gallon drums of waste ethanol, an ignitable hazardous waste. WellgreensCA therefore qualified as a large quantity hazardous waste generator. The Resource Conservation and Recovery Act (RCRA) required the company to transport all hazardous waste off site, with a hazardous waste manifest.

Between February and June 2018, WellgreensCA, Loussia, and company manager Nadia Malloian, paid an individual, R.U. (deceased) to take drums of ethanol waste and

*(Continued on page 25)*





## Sentencings

(Continued from page 24)

dispose of them behind several buildings. In May 2018, R.U. abandoned drums (along with laboratory reports) behind a supermarket. A supermarket employee contacted local authorities who subsequently traced the barrels back to WellgreensCA, after contacting the laboratory noted in the reports.

The company and Loussia pleaded guilty to violating RCRA for transporting hazardous waste without a manifest. Malloin pleaded guilty to Accessory-After-the-Fact (18 U.S.C. §3; 42 U.S.C. § 6928(d)(5)). Malloian was sentenced to pay a \$15,000 fine, complete a three-year term of probation, and the restitution.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.

### ***United States v. John Affourtit, No. 3:20-CR-00009 (E.D. Ky.), AUSA Emily Greenfield.***

On March 4, 2022, a court sentenced John Affourtit to pay a \$5,500 fine, and complete a three-year term of probation, to include six months' home confinement, followed by six consecutive weekends of intermittent confinement.

Affourtit pleaded guilty to violating the Clean Water Act for knowingly discharging a harmful quantity of oil into a waterway of the United States. Affourtit also violated the Resource Conservation and Recovery Act for disposing of other hazardous waste materials (33 U.S.C. §§ 1321(b)(3), 1319(c)(2)(A); 42 U.S.C. § 6928(d)(2)(A)).

In March 2017, Affourtit contracted with a company to remove and dispose of waste material at the company's abandoned zinc plating facility. The job included cleaning out machinery pits filled with oily waste sludge. Local environmental authorities cited this company for violations a few months prior. In late March, Affourtit pumped oily waste from the pits into a large 500-gallon water trailer. He took the trailer to his residential property and discharged the contents into a creek that ran through his property. The creek is a perennial stream that flows into waters that are part of the Salt River, a traditional navigable waterway. A neighbor with adjacent property alerted authorities after smelling oil and seeing it in the creek and on the ground. This prompted contractors to initiate a cleanup.

Affourtit initially told authorities that his stepson and friend dumped a few five-gallon buckets of oil on the property. While the cleanup was underway, contractors discovered waste from the zinc plating company dumped in an earthen berm on Affourtit's property. Labels for the defunct plating facility were visible on some of the discarded containers.

In April 2017, Affourtit hired contractors to clean the site and they put the waste in overpack drums including one bottle of sodium hydroxide. This bottle required proper disposal as a hazardous material. After learning how much it would cost, Affourtit took the bottle to a household hazardous waste disposal facility instead of the proper commercial waste facility.

The U.S. Environmental Protection Agency Criminal Investigation Division and the Kentucky Department of Environmental Protection conducted the investigation.





## Sentencings

### ***United States v. Shayna Jo Carlton*, No. 3:21-CR-02728 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On March 3, 2022, a court sentenced Shayna Jo Carlton to time-served (57 days), followed by three years' supervised release. She also will pay \$850 in restitution and perform 40 hours of community service. Carlton previously pleaded guilty to smuggling illegal Mexican pesticides (18 U.S.C. § 545).

In August 2021, Carlton attempted to enter the United States from Mexico at the Otay Mesa Port of Entry with 24 bottles of Mexican pesticides (Methamidophos) concealed in the rear cargo area of her vehicle. Methamidophos is a pesticide once registered and approved by the EPA in the United States, but subsequently cancelled by the agency in 2009.

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.

### ***United States v. Dillan Delucio, et al.*, Nos. 1:21-CR-00237, 00364 (S.D. Ind.) AUSA Kathryn Olivier.**

On March 3, 2022, a court sentenced Dillan Delucio to complete a one-year term of probation, and perform 50 hours of community service for violating the Toxic Substance Control Act (TSCA), for failing to follow safe lead work practices during renovation activities (15 U.S.C. §§ 2615(b)).

Aluminum Brothers operated as lead-based paint renovation, repair, and painting firm certified under the TSCA. Dillan owned and operated Aluminum Brothers with his father, Jeffrey Delucio. Pursuant to TSCA, the EPA issued the Renovation, Repair and Painting Rule (RRP). The RRP generally requires businesses performing work that may disturb lead-based paint in homes, childcare facilities, and preschools to: (a) obtain EPA certification; (b) use certified renovators trained by EPA-approved training providers; and (c) follow lead-safe work practices.

In 2016 and 2017, Aluminum Brothers contracted to renovate two properties in Richmond, Indiana. Both properties contained lead hazards. Dillan admitted he helped his father violate RRP rules by failing to cover the ground with plastic sheeting, failing to erect vertical containment, and failing to remove paint chips from the yard. Dillan also witnessed his father back-dating records regarding worker training.

Jeffrey Delucio is scheduled for trial to begin on October 17, 2022.

The Indiana Department of Environmental Management, the U.S. Environmental Protection Agency Criminal Investigation Division, and the U.S. Housing and Urban Development Office of Inspector General conducted the investigation.





## Sentencings

***United States v. Severo Zamora, et al.***, No. 4:21-CR-00024 (N.D. Tex.), AUSA Douglas A. Allen.

On March 1, 2022, a court sentenced Faiz Abdallahi to pay a \$250,000 fine and complete a three-year term of probation for smuggling Freon. Abdallahi pleaded guilty to violating the Clean Air Act for improperly importing a class II substance, HCFC-22 (also known as R-22 refrigerant gas or Freon) into the United States in 2017 without a permit (42 U.S.C. § 7413(c)(1)).

The U.S. Environmental Protection Agency subsequently phased out production of R-22, an ozone-depleting chemical, which can no longer be produced or imported as of 2020. Only recovered, recycled, or reclaimed supplies of R-22 are currently available, though consumers are not required to stop using R-22 air conditioners.

In April 2017, Abdallahi arranged for delivery of Chinese R-22 to the Port of Long Beach, California. Here he arranged transport via rail to the Dallas/Fort Worth area disguised as R-32 (an approved refrigerant) to preclude Customs from seizing the shipment. Co-defendant Severo Zamora, re-packaged and sold the R-22 to heating, ventilation and air conditioning companies in the United States. A court sentenced Zamora in January 2022 to six months' probation as an Accessory-After-the-Fact.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.





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

Position	Name	Phone
Chief	Deborah Harris	
Deputy Chief	Joseph Poux	
Assistant Chief	Thomas Ballantine	
Assistant Chief	Wayne Hettenbach	
Assistant Chief	Lana Pettus	
Assistant Chief	Jennifer Whitfield	
Senior Litigation Counsel	Howard P. Stewart	
Senior Litigation Counsel	Richard Udell	
Senior Counsel for Wildlife	Elinor Colbourn	
Senior Counsel	Kris Dighe	
Senior Trial Attorney	Christopher Costantini	
Senior Trial Attorney	Daniel Doohar	
Senior Trial Attorney	Todd Gleason	
Senior Trial Attorney	Jeremy Korzenik	
Senior Trial Attorney	Ken Nelson	
Trial Attorney	Cassandra Barnum	
Trial Attorney	Sarah Brown	
Trial Attorney	Mary Dee Carraway	
Trial Attorney	Ryan Connors	
Trial Attorney	Adam Cullman	
Trial Attorney	Stephen DaPonte	
Trial Attorney	Gary Donner	
Trial Attorney	Patrick Duggan	
Trial Attorney	Ethan Eddy	
Trial Attorney	Matthew Evans	
Trial Attorney	Stephen Foster	
Trial Attorney	Christopher Hale	
Trial Attorney	Joel LaBissonniere	
Trial Attorney	Samuel (Charlie) Lord	
Trial Attorney	Shennie Patel	
Trial Attorney	Erica Pencak	
Trial Attorney	Richard Powers	
Trial Attorney	Banu Rangarajan	
Trial Attorney	Leigh Rende	
Trial Attorney	William Shapiro	
Trial Attorney	Lauren Steele	