



Bulletin

Environmental Crimes Section

March 2023

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Send your federal case updates to:

[Redacted]



“Our nation’s environmental laws are designed to ensure water contaminated with heavy metals and known carcinogens from industrial activities, such as those seen here, do not get into our rivers and streams,” said Acting Special Agent in Charge Richard Conrad of EPA’s Criminal Investigation Program in West Virginia. “Today’s guilty plea by Mr. Graves and West Virginia Environmental Services demonstrates that individuals and companies who knowingly violate those laws will be held responsible for their crimes.” From [press release](#) following guilty plea in *U.S. v. Michael Graves, et al.* Photo, above, depicts leachate containing arsenic, hexavalent chromium, and selenium. See, [below](#), for more details on this case.



District/Circuit	Case Name	Statutes
District of Alaska	<u>United States v. Prince William Sound Aquaculture Corporation</u> <u>United States v. Patrick Fleming, et al.</u>	Fish Hatcheries Waste/RCRA Emissions' Systems Tampering/ CAA, Conspiracy
Southern District of Alabama	<u>United States v. Christopher James Davis</u>	Pesticide Sales/False Statement
Southern District of California	<u>United States v. Timofey v. Barnyak</u>	Pesticide Smuggling/ Smuggling
Southern District of Florida	<u>United States v. Quick Tricks Automotive Performance, Inc., et al.</u> <u>United States v. Elite Sky International, Inc.</u> <u>United States v. John R. Moore, Jr., et al.</u>	Emissions' Systems Tampering/ CAA, Conspiracy Seafood Mislabeling/ Lacey Act Fishing Gear Theft/Theft in Federal Waters
District of Iowa	<u>United States v. Jeffrey Smith</u>	Drinking Water Operator/False Statement
District of Kansas	<u>United States v. Brian Chansky</u>	Medical Equipment Waste/ CWA
Western District of Michigan	<u>United States v. ASP Plating Company, et al.</u>	Electroplating Waste/CWA



District/Circuit	Statutes	
District of Nevada	<u>United States v. Hector Vasquez, et al.</u>	Asbestos Disposal/CAA
Western District of New York	<u>United States v. Dennis Daniels</u>	Coast Guard Training/ Mail Fraud, Tax
Western District of Pennsylvania	<u>United States v. David Stablein, et al.</u>	Coke Manufacturing/CAA, Conspiracy
District of South Dakota	<u>United States v. Harvey Hugs</u>	Eagle Feather Sales/BGEPA
Southern District of Texas	<u>United States v. Jonathan Roberto Rojas-Casados, et al.</u> <u>United States v. Savannah N. Valdez</u>	Wildlife Smuggling/Lacey Act Monkey Smuggling/ Smuggling, Evading Authorities
Eastern District of Virginia	<u>United States v. Charles Edward Williams, III, et al.</u>	Dog Fighting/ Animal Fighting Venture, Conspiracy
Southern District of West Virginia	<u>United States v. Michael Graves, et al.</u>	Leachate Discharges/CWA
Western District of Wisconsin	<u>United States v. Kevin Shibilski</u>	CRT Glass Disposal/RCRA, Tax



Trials

United States v. Harvey Hugs, No. 5:22-CR-50088 (D.S.D.), AUSA Meghan Dilges.

On February 14, 2023, a jury convicted Harvey Hugs of three counts of violating the Bald and Golden Eagle Protection Act (16 U.S.C. §§ 668(a)).

In February 2020, Montana authorities received information that Hugs trafficked golden eagle feathers.

At trial, prosecutors presented phone calls and text messages from Hugs offering to sell various eagle feathers. On two separate occasions in late 2020, Hugs sold golden eagle tails for several hundred dollars each. On a third occasion, he sold a set of golden eagle wings and a gold eagle tail for \$1,000, shipping them to South Dakota.

On March 3, 2021, authorities executed a search warrant at Hugs' Montana home, seizing multiple items, including additional eagle tails and wings. The U.S. Fish and Wildlife Forensics Lab in Ashland, Oregon, determined that items seized from Hugs' home genetically matched items he sold and shipped during this case.

A court in Montana previously convicted Hugs of similar activity in 2012. "Operation Rolling Thunder" resulted in the conviction and sentencing of 12 individuals, including Hugs. He served six months' incarceration.

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



Golden eagle feathers, a set of wings, and a tail from two different eagles



Guilty Plea

***United States v. Hector Vasquez, et al.*, No. 2:21-CR-00199 (D. Nev.), ECS Senior Trial Attorney Cassie Barnum.**

On February 28, 2023, Hector Vasquez pleaded guilty to violating the Clean Air Act and negligently endangering the public by illegally removing asbestos (42 U.S.C. § 7413(c) (4)). Sentencing is scheduled for May 31, 2023.

Prosecutors charged Vasquez and Rene Morales with violating asbestos work practice standards at a warehouse in Las Vegas, as well as conspiracy to defraud the United States by concocting a fake story to cover up the existence of the crime. Morales and Vasquez, knowing that the warehouse contained asbestos-containing materials, hired workers to tear out ceiling and wall texture, and stored the debris in open, dry bags at another room in the facility. Following a surprise inspection, inspectors discovered approximately 200 bags of dry, asbestos-containing debris on site. Morales and Vasquez both attempted to blame a third party for the illegal removal. Morales is scheduled for trial to begin on June 26, 2023.

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

***United States v. David Stablein, et al.*, Nos. 1:22-CR-00025, 00023 (W.D. Pa.), AUSAs Nicole A. Vasquez Schmitt and Michael L. Ivory, and SAUSAs Perry D. McDaniel and Martin Harrell.**

On February 24, 2023, David Stablein, former Battery Supervisor for Erie Coke Corporation (ECC), pleaded guilty to conspiracy to violate the Clean Air Act (CAA) (18 U.S.C. § 371). Sentencing is scheduled for June 23, 2023.

Prosecutors previously charged ECC and corporate officer, Anthony Nearhoof, with conspiracy and CAA Title V and tampering violations (18 U.S.C. §§ 371, 2; 42 U.S.C. §§ 7413(c)(1), (c)(2)(C)).

ECC owned a coke manufacturing plant in Erie, Pennsylvania, that operated from April 1987 until its closure in December 2019. The facility was located along Lake Erie, adjacent to the inlet to Presque Isle Bay, and near private residences, public facilities, and schools. ECC hired Nearhoof in 2001, where he rose up the ranks becoming the plant superintendent in 2015 until December 2019. He was the highest-ranking ECC employee on site daily. Stablein worked for ECC between 2004 to 2018, and reported directly to Nearhoof.

Turning coal into coke generates a variety of pollutants, including volatile gases such as benzene, toluene, and xylene, as well as particulate matter. The facility operated under a CAA Title V permit issued by the U.S. Environmental Protection Agency. This permit prohibited the company from emitting coke oven gas (COG) into the outdoor air without

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Pleas

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burning the gas first. Additionally, the company utilized a Continuous Opacity Monitor (COM) to measure its opacity levels, and particulate matter emissions. Authorities required ECC to install the COM in July 2010 as part of a state-level enforcement action. The company previously violated its Title V permit and state air pollution laws, including exceeding opacity levels from the coke oven battery stack. In September 2011, ECC implemented additional remedial measures to reduce emissions to resolve an EPA civil enforcement action.

Between October 2015 and December 2019, ECC and Nearhoof continued to violate the CAA by tampering with monitoring devices. Nearhoof directed employees to vent emissions that bypassed the COM. Stablein supervised workers (known as “heatermen”) who removed flue caps to take temperature measurements and performed heating system maintenance. Stablein and Nearhoof directed these workers to remove coke oven flue caps to reduce opacity measured by the COM at the battery smokestack. This became standard procedure when the COM began detecting opacity levels near or above the 20 per cent limit, thereby reducing the number of permit violations reported to authorities.

During this time, Nearhoof signed and submitted quarterly and semi-annual compliance reports to Pennsylvania Department of Environmental Protection authorities (PADEP), certifying the facility complied with federal regulations, despite the fact this was not true.

In July 2019, the PADEP rejected ECC's permit application renewal due to the continued noncompliance, among other factors, and the facility closed in December 2019.

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

United States v. Michael Graves, et al., No. 2:22-CR-00186 (S.D.W.V.), AUSA Erik Goes and SAUSA Perry McDaniel.

On February 24, 2023, Michael Graves and West Virginia Environmental Services (WVES), a company wholly-owned by Graves, each pleaded guilty to violating the Clean Water Act (33 U.S.C. §§ 1311 (a), 1319 (c)(2)(A)).

Graves and WVES owned and managed an industrial waste landfill in Fayette County, West Virginia. Between February 2016 through the Spring of 2019, West Virginia Department of Environmental Protection inspectors determined that Graves and WVES failed to maintain



Manhole cover stained with leachate

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Pleas

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the landfill's leachate collection system, bypassing treatment and allowing the leachate to discharge into Jarrett Branch, which flows into the Kanawha River. The leachate contained toxic chemicals, including arsenic, hexavalent chromium, and selenium.

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

United States v. Jeffrey Smith, No. 6:22-CR-02070 (N.D. Iowa), AUSA Timothy Vavricek.

On February 2, 2023, Jeffrey Smith pleaded guilty to making a false statement (18 U.S.C. § 1001(a)(3)).

The City of Nashua, Iowa, employed Smith as a drinking water operator. As the operator-in-charge of the Nashua Water Supply, Smith was responsible for testing the water, as well as completing, signing, and submitting the groundwater monthly operating reports (MOR) to the Iowa Department of Natural Resources (IDNR). Smith falsified the MOR submitted to IDNR for the month of January 2018, stating that he had taken the requisite chlorine samples, when, in fact, he had not.

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

United States v. Quick Tricks Automotive Performance, Inc., et al., No. 1:22-CR-20156 (S.D. Fla.), AUSA Jodi Mazer.

On February 1, 2023, Vivian Machado, Eric Flaquer, Quick Tricks Automotive Performance, Inc., (Quick Tricks) and Kloud9Nine, LLC, pleaded guilty to conspiring to tamper with monitoring devices on diesel vehicles, in violation of the Clean Air Act (CAA) (18 U.S.C. § 371). Sentencing is scheduled for April 7, 2023.

Between January 2018 and March 2021, the defendants earned approximately \$372,000 and participated in close to 2,000 transactions disabling OBD systems on heavy-duty diesel trucks. They customized "delete tune files" based on the vehicle identification number and other parameters provided by the customers. Knowing they acted illegally, the defendants often warned customers to keep quiet about the purchases and avoid detection by authorities.

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



Sentencings

***United States v. Brian Chansky*, No. 2:22-CR-20030 (D. Kans.), AUSA Jabari Wamble.**

On February 23, 2023, a court sentenced Brian Chansky to pay a \$50,000 fine, complete a two-year term of probation, and perform 50 hours of community service, after pleading guilty to violating the Clean Water Act (33 U.S.C. § 1319(c)(2)(A)).

Chansky owned the Disposable Instrument Company, Inc. (DIC), which manufactured medical/surgical components from stainless steel and aluminum bar stock. This process generated electroplating wastewater that required pretreatment prior to discharge into the sanitary sewer system (or publicly owned treatment works). Chansky employed 15 workers and often participated in day-to-day operations. In January 2015, he acquired an industrial wastewater discharge permit for the company.

Beginning sometime in 2016, DIC began bypassing the pretreatment system, sending wastewater directly to the sewer, and dumping hazardous waste into a dumpster behind the facility. During this time, DIC reduced the amount of hazardous waste manifested for shipment and disposal while maintaining consistent production activities.

In August 2018, an employee alerted Chansky that DIC employees were bypassing the pretreatment process, dumping wastes in the back parking lot, as well as directly into the sewer. This employee also alerted local authorities who then contacted the U.S. Environmental Protection Agency (EPA).

In September 2018, the EPA's National Enforcement and Investigations Center installed two manhole samplers up and downstream from DIC to collect water samples. After removing the samplers approximately a month later, chemists analyzed the samples finding DIC violated its discharge permit on multiple days between September and October 2018.

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

***United States v. Christopher James Davis*, No. 1:22-CR-00060 (S.D. Ala.), ECS Senior Counsel Kris Dighe, AUSA Michael Anderson, SAUSA Jennifer Lewis, and ECS Paralegal Chloe Harris.**

On February 22, 2023, a court sentenced Christopher James Davis to pay a \$2,500 fine and complete a one-year term of probation. Davis pleaded guilty to one count of falsifying and using a document to obtain approval from the U.S. Environmental Protection Agency (EPA) to manufacture a pesticide (18 U.S.C. § 1001(a)(3)).

Davis worked as a product manager for a pesticide manufacturer that produced a pesticide in Alabama and exported it to Canada. After the manufacturer made changes to the formulation, it registered those changes as required with the EPA, but failed to do the

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Sentencings

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same with Canadian pesticide authorities. Canadian authorities cancelled the pesticide for other reasons and allowed it to be phased out. Davis' employer sought approval from the EPA to return the remaining pesticide to Alabama to reformulate it into another pesticide product.

The pesticide manufacturer did not have an approval to distribute or sell the changed formulation of the pesticide in Canada that it was returning to the United States. In May of 2019, Davis convinced a former employee to sign her maiden name to a previously unsigned Canadian form with a 2007 date on it, which would have updated the formulation in Canada had it been submitted and approved. He then submitted that falsified form to the EPA for the approval his employer sought.

Subsequently, in October 2019, another employee sought information from Canadian pesticide authorities and received confirmation from Canada that the 2007 document had neither been submitted nor approved in Canada. That confirmation from Canada was forwarded to Davis. In February 2020, Davis resubmitted the same May 2019 Canadian form dated 2007 and with the former employee's maiden name. The EPA approved the application.

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

United States v. Elite Sky International, Inc., No. 4:22-CR-10011 (S.D. Fla.), AUSA Tom Watts-FitzGerald.

On February 21, 2023, a court sentenced Elite Sky International (ESI) to pay a total of \$250,000 and complete a five-year term of probation. Additionally, the court ordered the company to establish a corporate compliance program (to include a court-appointed monitor.) ESI pleaded guilty to violating the Lacey Act for illegally selling spiny lobster and shark fins (16 U.S.C. §§ 3372(d), 3373(d)(3)(A)(i); 18 U.S.C. § 2).

ESI engaged in the wholesale export of live spiny lobster and various species of shark fins to China. ESI utilized the services of customs brokers to effectuate the shipments to China, including preparing all necessary airway bills, labels, invoices, and documents to accompany the seafood products.

Between November 2018 and October 2019, ESI could not keep up with customer demand in China for spiny lobster harvested in Florida. In response to the shortfall, ESI purchased spiny lobster from Nicaragua and Belize. When shipped from Florida to China,



Boxes falsely labelled as "Product of the USA"

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Sentencings

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employees falsified shipping documents for the foreign-origin lobster, identifying the product as "Live Florida Spiny Lobsters, Product of U.S.A." Employees shipped approximately 64,000 pounds of falsely labelled foreign-origin lobster.

The company also acquired various species of shark fins from a commercial fisherman in Florida. Workers falsely labeled these shipments of shark fins to China as spiny lobster or as "Frozen Fish." Between November 2018 and October 2019 airway bills, inventories, and export documents reflect that ESI employees falsely labeled close to 6,000 pounds of shark fins.

The National Oceanic and Atmospheric Administration, the Florida Fish and Wildlife Conservation Commission, and Homeland Security Investigations, conducted the investigation.

United States v. Charles Edward Williams, III, et al., No. 1:22-CR-00154 (E.D. Va.), AUSAs Gordon Kromberg and Cristina Stam.

On February 21, 2023, a court sentenced Charles Edward Williams, III, to 24 months' incarceration with credit for time-served, followed by three years' supervised release. Williams pleaded guilty to conspiracy to engage in an animal fighting venture (18 U.S.C. §§49, 371; 7 U.S.C. § 2156). Williams is one of several defendants charged for participating in a dog fighting conspiracy that extended throughout the Washington D.C. area.

Between May 2015 and August 2020, Williams and other co-conspirators from Virginia, Washington D.C., and Maryland, used a messaging app private group, which they generally referred to as "The DMV Board" or "The Board." The defendants and their associates used this private messaging group to discuss training fighting dogs, exchange videos about dog fighting, and arrange and coordinate fights, without alerting law enforcement. The DMV Board members also used the messaging app to compare methods of killing dogs that lost fights, as well as circulating media reports about others caught by law enforcement and discuss methods to reduce the odds of their capture.

Williams entered multiple dogs into fights. In April 2019, Williams and Michael Roy Hilliard drove to North Carolina with one of Williams' dogs to enter it into a fight. His dog won the fight in less than ten minutes; another attendee shot and killed the dog that lost the fight.

Prosecutors charged a total of seven individuals in August 2022: Derek Garcia, Ricardo Thorne and Hilliard are scheduled for sentencing in March 2023. Shaborn Nesbitt and Tarry Wilson remain charged in the indictment.

The Federal Bureau of Investigation conducted the investigation, with assistance from the U.S. Department of Agriculture Office of Inspector General.

Sentencings

***United States v. Kevin Shibilski*, No. 3:20-CR-00122 (W.D. Wisc.), AUSA Daniel Graber and RCEC James Cha.**

On February 21, 2023, a court sentenced Kevin Shibilski to 33 months' incarceration in a residential reentry center, followed by three years' supervised release. Shibilski will pay \$200,000 for the proper removal and disposal of illegally stored hazardous waste in Wisconsin and Tennessee, and \$197,458 in restitution to the Internal Revenue Service (IRS).

Shibilski, the former owner of 5R Processors, Ltd., (5R) (and a Wisconsin State Senator) pleaded guilty to willfully failing to pay payroll taxes to the IRS (26 U.S.C. § 7202).

In March 2013, Shibilski purchased 5R, a Wisconsin-based corporation involved in recycling electronics and other equipment. 5R accepted used electronics such as computers and televisions in exchange for a fee, representing that it would lawfully recycle or dispose of the equipment. Instead, between 2011 and 2016, the company illegally stored crushed cathode ray tube glass (a hazardous waste generated when TVs and computers are smashed), inside warehouses located in Wisconsin and Tennessee.

In June 2014, Shibilski created two additional corporations, Wisconsin Logistics Solutions and Pure Extractions, to take over 5R Processors' trucking, logistics, and recycling operations. He transferred 5R's customers, warehouses, equipment, income streams, and most of its employees, to the new corporate entities. Between June 2014 and June 2016, Shibilski failed to pay \$197,458 in federal income and federal payroll taxes owed to the United States on behalf of these new corporations and their employees.

The Wisconsin Department of Natural Resources Bureau of Law Enforcement, the U.S. Environmental Protection Agency Criminal Investigation Division, and the U.S. Department of Treasury Internal Revenue Service Criminal Investigations conducted the investigation.



Cathode ray tube glass



Sentencings

***United States v. ASP Plating Company, et al.*, No. 1:22-CR-00105 (W.D. Mich.), AUSA Justin M. Presant.**

On February 17, 2023, a court sentenced ASP Plating Company, Gary Stephen Rowe, and Stephen Frederick Rowe, for violating the Clean Water Act (33 U.S.C. §§ 1311 (a), 1319(c)(1)(B), 1319(c)(2)(A)).

The court ordered Gary Rowe, president of the company, to serve three months and one day incarceration, followed by nine months of location monitoring as a condition of a one-year term of supervised release. Gary Rowe also will pay a \$20,000 fine, \$13,500 due to the Grand Haven-Spring Lake Sewer Authority (GHSLSA) under an administrative consent order, and \$4,212.54 in restitution to the City of Grand Haven. Stephen Rowe, vice president of the company, was sentenced to 14 days in jail, one year of supervised release, and pay a \$10,000 fine. He, along with ASP, are jointly and severally responsible for the restitution. ASP Plating (which filed for bankruptcy in October 2022) will pay a \$5,000 fine and complete a three-year term of probation.

Between 2015 and 2021, this electroplating company routinely violated its industrial user permit by dumping zinc in excess of the daily and monthly limitations, releasing zinc in batches without notice, and bypassing the pretreatment system entirely. The GHSLSA monitored the company's discharges, but Gary and Stephen Rowe instructed employees to be sure they discharged wastewater containing excessive amounts of zinc when the monitor was not present.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation, with assistance from the Michigan Department of Natural Resources Environmental Investigation Section.

***United States v. Prince William Sound Aquaculture Corporation*, No. 3:22-CR-00087 (D. Alaska), AUSAs Jennifer Lowe Ivers and Gwendolyn Russell.**

On February 16, 2023, a court sentenced Prince William Sound Aquaculture Corporation (PWSAC) to pay a \$450,000 fine, complete a five-year term of probation, implement an environmental compliance plan, and pay \$550,000 in restitution to a victim employee. PWSAC pleaded guilty to violating the Resource Conservation and Recovery Act for illegally disposing of hazardous waste (42 U.S.C. § 6928(d)(2)(A)).

PWSAC is a nonprofit corporation that owns and operates two fish hatcheries in Alaska. PSWAC also operates three additional fish hatcheries owned by the State of Alaska, including Cannery Creek Hatchery. PWSAC has operated Cannery Creek Hatchery (CCH) since 1988. The hatchery is located in a remote area in Unakwik Inlet, Alaska, where employees live on-site in company residences. Supplies are transported to and from the

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Sentencings

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site by plane or PWSAC's landing craft boat. Over time, a variety of waste oils, fuel, and chemicals accumulated on site.

In 2013, a 400-gallon heating oil tank spilled diesel fuel at CCH. The State of Alaska filed criminal charges against PWSAC and two employees. The defendants resolved the charges through a civil settlement in 2017, requiring them to implement environmental audits at all five hatcheries. Consulting firm Nortech prepared Spill Prevention, Control, and Countermeasures Plans (SPCCP) for each hatchery, however, company personnel failed to come into compliance with the plan due to insufficient storage capacity for accumulating wastes. In 2018, Nortech completed its audit of all of the hatcheries. Among other areas of concern, the audit found CCH lacked a formal waste management plan, and that employees burned solid waste in an open pit at the site without official guidance. The report also noted employees stored a variety of fuel and oils on site; a long-standing issue with the other hatcheries, as well. As a result, employees resorted to burning waste so they could dispose of the drums.

In July 2018, a CCH manager directed employees to dispose of four 55-gallon drums containing a mixture of waste oil and jet fuel by burning the drums on the site's open burn pit. Fuel ignited in one of the drums, severely burning an employee. Following the accident, local officials alerted federal authorities who searched the site in August 2018. They observed a number of drums, including those in damaged and rusted condition. PWSAC ultimately hired a third-party contractor to dispose of the waste from its hatchery sites. According to shipping manifests, several tons of accumulated hazardous waste, and several more tons of various oils and fuels, were removed from the CCH site.

The U.S. Environmental Protection Agency Criminal Investigation Division, the U.S. Forest Service, and the Alaska Department of Environmental Conservation conducted the investigation.

Sentencings

United States v. Jonathan Roberto Rojas-Casados, et al., No. 7:22-CR-01383 (S.D. Tex.), AUSA Devin Victoria Walker.

On February 15, 2023, a court sentenced Jonathan Roberto Rojas-Casados to eight months' incarceration and Roberto Rojas-Ramirez to 12 months' incarceration for violating the Lacey Act. The defendants, along with Roberto Angel Roman, attempted to export wildlife from the United States into Mexico (16 U.S.C. §§ 3372(a)(1), 3372(a)(4), 3373(d)(1)(A)(a)).

On August 3, 2022, the three men drove two vehicles into the Hidalgo Port of Entry and attempted to travel outbound into Mexico. Rojas-Ramirez had collected the wildlife and loaded the boxes into a vehicle and paid Rojas-Casados to assist with transportation. None of the men possessed permits to export wildlife from the United States. Rojas-Casados and Roman-Alvarez rode together in a van, while Rojas-Ramirez followed behind in a separate vehicle. Authorities stopped both vehicles for inspection. Upon searching the van, they discovered two boxes holding more than 160 animals concealed in small plastic containers and fabric bags inside the boxes. Authorities identified a number of reptiles as protected species, including snakes, iguanas, scorpions, tarantulas, frogs, geckos and lizards.

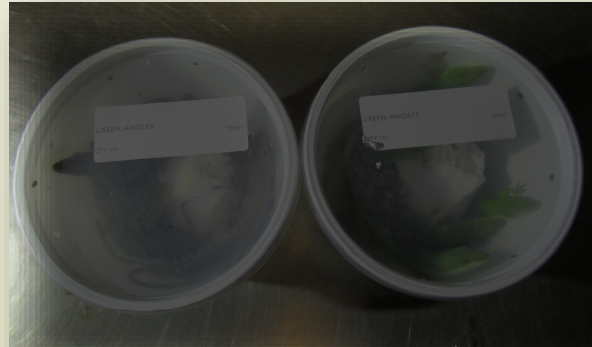
Some of the wildlife died in transit, some went to the Gladys Porter Zoo, others went to other zoos/sanctuaries.

Homeland Security Investigations and the U.S. Fish and Wildlife Service conducted the investigation, with assistance from U.S. Customs and Border Protection and the Gladys Porter Zoo.

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

On February 14, 2023, a court sentenced Dennis Daniels to complete a two-year term of probation, and pay a total of \$138,197 in restitution divided between the Internal Revenue Service (IRS) (\$115,117) and the rest in \$935 increments to 24 individuals. Daniels pleaded guilty to mail fraud and failing to file a tax return (18 U.S.C. § 1341; 26 U.S.C. § 7203).

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



Green anole lizards

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Sentencings

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received gross income totaling approximately \$665,327, but failed to file income tax returns for those years.

Additionally, 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.

***United States v. John R. Moore, Jr., et al.*, No. 9:22-CR-80073 (S.D. Fla.), AUSA Tom Watts-FitzGerald.**

On February 13, 2023, a court sentenced Captain John R. Moore, Jr., and first Mate Tanner J. Mansell following a jury conviction for stealing commercial fishing gear in federal waters (18 U.S.C. § 661, 2). Both will complete one-year terms' of probation and perform 50 hours of community service. Moore will pay a \$1,000 fine and both are held joint and severally responsible for \$3,343 in restitution.

In August 2020, Moore and Mansell took out a boat with six tourists to swim with sharks in the federal waters off of Jupiter Inlet. The tourists included a police chief and his family, and visitors from the Midwest. After their first dive of the day and enroute to a second dive spot, the crew saw a large, orange buoy used as a marker for a commercial fishing gear set. The buoy displayed the name of a vessel (as required by federal law) clearly visible in video taken by the tourists.

Despite Moore's history as a commercial fisherman, he and Mansell told their passengers that this fishing gear was an illegal, abandoned "ghost set." They then asked the passengers to help retrieve a lengthy section of the line. They released any catch on the hooks (close to 20 sharks) and stowed more than three miles of the monofilament line, weights, gagnions, and the marker buoy on the deck of their boat. The passengers took more than three hours of video and still photos documenting this activity.

After reeling in this equipment, Moore contacted state enforcement officers to give them a fabricated version of what happened at the buoy site. He claimed he found an illegal shark fishing long-line with lemon sharks (a vulnerable species) among the sharks caught on the line, fueling his efforts to cut them free. Moore never mentioned that the line was attached to a properly marked buoy. The state officer advised Moore to cease his activities pending an investigation.

A Florida Fish & Wildlife Conservation Commission officer (FWC) observed Moore entering the Inlet and stopped the boat. Video evidence shows Moore explaining that the line was a shark long-line set, insisting it was part of an illegal fishing operation. Photos and videos shot by the passengers repeatedly showed the marked orange buoy. However, when

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Sentencings

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the FWC officer took his own photos of the gear on Moore's vessel, the buoy (which would have established the legality of the shark fishing activity) was missing. The officer also noted that all the gear retrieved by Moore and Mansell appeared brand new, with fresh bait on the hooks, and no rust (which would be visible on abandoned fishing gear). The officer advised Moore to leave the gear on the dock so he could later collect it as evidence. Moore, instead, scavenged the line for the hooks, attachments, and weights. He then allowed others on the dock to take what remained. Surveillance cameras captured the activity on the pier. Evidence at trial established that the gear alone cost the vessel owner approximately \$1,300, and the value of the lost sharks amounted to several thousand dollars, representing a significant loss of income to the fishermen.

The National Oceanic and Atmospheric Association Office of Law Enforcement, conducted the investigation, with assistance from the Florida Fish & Wildlife Conservation Commission.

***United States v. Patrick Fleming, et al.*, Nos. 3:22-CR-00046, 00008, 00009 (D. Alaska), AUSA Charisse Arce and SAUSA Karla Perrin.**

On February 10, 2023, a court sentenced Patrick Fleming to pay a \$66,000 fine for tampering with vehicle emissions' monitoring devices. Fleming is the final defendant sentenced in this case.

Fleming, along with Zachary Czubak and Michael Hanzuk, II, co-owned Arm Rippin Toys, Inc., an Anchorage vehicle repair shop specializing in modifying, repairing, and maintaining diesel vehicles. The defendants tampered with monitoring devices on private and commercial diesel vehicles and removed required air pollution control equipment on close to 40 vehicles between July 2019 and September 2020.

In July 2019, the defendants began "tuning and deleting" customers' diesel vehicles. This process involves removing the emissions control systems that are designed to reduce pollutants emitted from vehicles. Under normal operating conditions, an on-board diagnostic (OBD) system will detect any removal and/or malfunction of a vehicle's emissions control equipment. By modifying the OBDs, however, the modified vehicle could continue to function despite the removal or deletion of emissions control equipment. In total Arm Rippin Toys collected approximately \$100,000 for performing unlawful deletes and tunes on diesel vehicles.

A court previously sentenced Czubak and Hanzuk to each pay a \$66,000 fine, complete five-year terms' of probation, and perform 180 hours of community service. Hanzuk also will spend six months in home confinement and issue a public statement on the Diesel Performance podcast. All three defendants pleaded guilty to conspiring to violate the Clean Air Act (18 U.S.C. § 371).

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



Sentencings

***United States v. Timofey v. Barnyak*, No. 3:22-mj-02931 (S.D. Calif.), ECS Senior Trial Attorney Steve DaPonte and AUSA Melanie Pierson.**

On February 10, 2023, a court sentenced Timofey Barnyak to three years' probation, followed by 100 hours of community service, and to pay a \$1,000 fine. Barnyak will also pay \$21,856 in restitution after pleading guilty to conspiring to smuggle illegal Mexican pesticides (18 U.S.C. § 371).

In August 2022, authorities detained Barnyak as he entered the United States at the San Ysidro Port of Entry with 600 bottles of undeclared "Taktic" (amitraz) concealed behind bags and suitcases inside a cargo trailer he was towing. Amitraz (in the concentration found in "Taktic") is a canceled pesticide in the United States. Amitraz was primarily used for flies and mites on cotton and pear crops; livestock ticks, lice, and mange mites on beef and dairy cattle and swine; ticks on dogs; and parasitic mites on honeybees. In humans, Amitraz poses oral and inhalation risks, as well as a possible cancer and neurotoxicity risks.

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

***United States v. Savannah N. Valdez*, No. 1:22-CR-00311 (S.D. Tex.), AUSA Edgardo Javier Rodriguez.**

On February 8, 2023, a court sentenced Savannah N. Valdez to time-served, followed by two-years' supervised release, to include one year of home confinement with location monitoring. Valdez pleaded guilty to fleeing from federal law enforcement officers and for smuggling a spider monkey into the United States and evading an immigration checkpoint (18 U.S.C. §§ 545, 758).

On March 21, 2022, Valdez attempted to enter the United States in Brownsville, Texas. Law enforcement observed a wooden box with holes inside her vehicle, which Valdez said contained beer she had purchased in Mexico. However, when authorities opened the box, they discovered a live spider monkey and referred Valdez to secondary inspection. Valdez refused to comply with their instructions, instead speeding off, running traffic lights and nearly colliding with officers and other vehicles.

Later that day, agents found multiple online postings advertising the spider monkey for sale that included Valdez's phone number. Valdez turned herself in shortly thereafter, and authorities placed the monkey in an animal shelter in the Central Florida area.

Homeland Security Investigations, Customs and Border Protection, and the U.S. Fish and Wildlife Service conducted the investigation, with assistance from the Kingsville Police Department.



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Trial Attorney	Samuel (Charlie) Lord	
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