



Monthly

Bulletin

Environmental Crimes Section

April 2019

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Keith Foster advertised this CITES-protected coral for sale on Instagram. Foster smuggled the coral into the United States in March 2017.

After intercepting the package, U.S. Fish and Wildlife agents covertly examined and marked the coral, allowing the package to arrive at Foster's business, The Outpost. The item depicted above contained a number of the same pieces under a glass dome for sale at his shop.

See *U.S. v. Foster, et al.*, [inside](#), for more details on this case.

District/Circuit	Case Name	Case Type/Statutes
District of Alaska	<u>United States v. Paul Silvas</u> <u>United States v. Lee John Screnock</u>	Bear Hunting/Lacey Act Native Alaskan Artifacts/MMPA
Central District of California	<u>United States v. Nhu Mai Nguyen et al.</u>	Rhino Horn Smuggling/Conspiracy
Southern District of California	<u>United States v. Kin Chien Sieto et al.</u>	Sea Cucumber Imports/Smuggling
District of Colorado	<u>United States v. Matthew Taylor et al.</u>	Biodiesel Fraud/Conspiracy, Money Laundering
District of Kansas	<u>United States v. Midwest Grain Products, Inc., et al.</u>	Toxic Gas/CAA
District of Minnesota	<u>United States v. Luminaire Environmental and Technologies, Inc., et al.</u>	Hazardous Waste Disposal/ Conspiracy, Falsifying Documents, Mail Fraud
District of South Carolina	<u>United States v. Michael Greene</u> <u>United States v. Steven V. Baker et al.</u>	Wastewater Discharges/CWA Reptile Smuggling/Conspiracy, Lacey Act
District of South Dakota	<u>United States v. Ronald Fisher et al.</u>	Eagle Part Sales/BGEPA, MBTA
Eastern District of Virginia	<u>United States v. Keith Foster et al.</u>	Wildlife Product Sales/Lacey Act, Smuggling

Indictments/Informations

***United States v. Paul Silvas*, No. 3:19-CR-00036 (D. Alaska), AUSA Steve Skrocki.**

On March 22, 2019, prosecutors charged Paul Silvas with violating the Lacey Act for illegally guiding brown bear hunts. Silvas also filed false documents with state hunting authorities, and illegally transported game across state lines (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B)). Trial is scheduled to begin on June 10, 2019.

On September 5 and 12, 2014, as well as September 25, 2013, Silvas guided illegal hunts for residents of Idaho who did not possess the appropriate permits, within the Noatak National Preserve. To legally hunt brown bears within the Preserve, a non-resident hunter must enter into a contract with a licensed big game guide, and possess the appropriate permits and documents from state hunting authorities. Silvas was neither a licensed big game guide, nor did he nor any of his clients possess the appropriate big game permits.

This case was investigated by the National Park Service and the Alaska Wildlife Troopers.

***United States v. Lee John Screnock*, No. 3:19-CR-00038 (D. Alaska), AUSA Adam Alexander.**

On March 21, 2019, prosecutors charged Lee John Screnock, d.b.a. “Arctic Treasures,” with misrepresentation of Indian produced goods and products, and violating the Marine Mammal Protection Act (MMPA) (18 U.S.C. § 1159(a), (b)(1)(A)(i); 16 U.S.C. §§ 1372(a)(4)(B), 1375(a)(2)(b)). Trial is scheduled to begin on August 5, 2019.

Beginning at an unknown time and ending no later than June 2018, Screnock offered for sale and sold goods in a manner leading buyers to believe they were Indian produced, or the product of a particular Indian or Indian tribe or Indian arts and crafts organization. Screnock fraudulently represented hundreds of items for sale as carved by Alaskan Native artisans when he had in fact carved them himself. Screnock further violated the MMPA by knowingly offering illegal wildlife parts for sale, including a polar bear skull and a walrus oosik.

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

Indictments/ Informations

United States v. Midwest Grain Products, Inc., et al., No. 5:19-CR-40021 (D. Kansas), AUSA Richard Hathaway.

On March 6, 2019, prosecutors charged Midwest Grain Products, Inc., and Harcos Chemicals, Inc., with violating the Clean Air Act for causing a greenish-yellow toxic chlorine gas cloud to form over the city of Atchison, Kansas, in October 2016 (42 U.S.C. § 7413(c) (4)).

On October 21, 2016, a Harcos driver pulled a truck into Midwest Grain's facility in Atchison to deliver sulfuric acid. An operator for Midwest Grain helped the driver access the transfer equipment. A toxic gas began to form when the driver mistakenly connected the sulfuric acid line to the sodium hypochlorite line. Both men violated safety rules for failing to monitor the transfer and failing to verify that the connection was correct. More than 140 people sought medical attention after 4,000 gallons of sulfuric acid combined with 5,800 gallons of sodium hypochlorite formed a toxic cloud that covered the city for 45 minutes until emergency personnel arrived to turn off the flow.

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

[illegible]

This case is a result from Operation Crash, an ongoing effort by the U.S. Fish and Wildlife Service, in coordination with the Department of Justice, to deter and prosecute those involved in the illegal killing of and trafficking in protected species, including rhinoceros and elephants.

1. *Journal of the American Medical Association*, 2000; 284: 2689-2695.

Sentencings

***United States v. Kin Chien Sieto et al.*, No. 3:18-CR-03266 (S.D. Calif.), AUSA Melanie Pierson.**

On March 25, 2019, a court sentenced Xue Ling Sieto to complete a five-year term of probation and pay \$1,500 in restitution to PROFEPA. PROFEPA is an acronym for Procuraduria Federal de Protection al Ambiente, which is the Federal Attorney for Environmental Protection in Mexico. Co-defendant Kin Chien Sieto was sentenced March 5, 2019, to the same terms.

The Sietos pleaded guilty to smuggling CITES III protected sea cucumber from Mexico into the United States on separate occasions in 2017 (18 U.S.C. § 545). The sea cucumber was valued at \$17,000.

This case was investigated by the National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service.

***United States v. Ronald Fisher et al.*, No. 5:17-CR-50057 (D.S.D.), AUSAs Meghan Dilges and Eric Kelderman.**

On March 25, 2019, a court ordered Gary Fisher to pay a \$ 1,000 fine and \$30,100 in restitution to the National Fish and Wildlife Foundation, after pleading guilty to violating the Bald and Golden Eagle Protection Act. Ronald Fisher was sentenced on April 19, 2019, to pay a \$5,000 fine and is jointly and severally responsible for the restitution. He pleaded guilty to violating the Migratory Bird Treaty Act (16 U.S.C. § 668(a), 703(a), 707(b)).

Between June 18, 2015, and July 8, 2015, the defendants sold, bartered, transported, and offered to sell, barter, and transport, a bald eagle and a golden eagle, and parts from eagles.

This case is a result of Project Dakota Flyer. This U.S. Fish and Wildlife Service operation exposed the existence of a significant black market where violators sold for profit eagle feathers and other bird parts.

Sentencings

United States v. Luminaire Environmental and Technologies, Inc., et al., No. 17-CR-00237 (D. Minn.), AUSAs Benjamin F. Langner and Amber M. Brennan.

On March 22, 2019, a court sentenced Luminaire Environmental and Technologies, Inc., and company owner John D. Miller, Jr., for their participation in a \$1 million fraud scheme involving the improper disposal of hazardous waste. The court sentenced manager Joseph v. Miller on March 5, 2019. The company will pay a \$10,000 fine, complete a five-year term of probation, and implement an environmental compliance plan. John D. Miller, Jr., will serve 36 months' incarceration, followed by one year of supervised release. He will pay a \$15,000 fine and \$1,049,849 in restitution to be divided among 29 victim companies. Joseph V. Miller will pay a \$3,000 fine, complete a two-year term of probation, and perform 100 hours' community service.



Fluorescent light ballasts

Luminaire recycled and disposed of waste. Among other services, it offered to pick up customers' fluorescent light ballasts containing polychlorinated biphenyls (PCBs), transport the PCB-containing ballasts to its facility located in Plymouth, Minnesota for disposal. Between 2010 and 2015, the Millers sought customers by claiming their company collected and properly disposed of PCB-tainted equipment. Instead, the Millers directed employees to remove or otherwise obscure labels from the containers holding the PCB-ballasts, and sold the PCB-ballasts as scrap metal to nearby metal recycling facilities. The Millers charged customers for proper disposal and gained additional profit by selling the waste to scrap yards. The Millers also falsified shipping manifests that certified the proper transportation of the ballasts to Luminaire's facility. As a result, Luminaire fraudulently collected more than \$1 million in fees and additional profits.

Luminaire pleaded guilty to mail fraud (18 U.S.C. § 1341), John D. Miller, Jr., pleaded guilty to conspiracy to commit mail and wire fraud (18 U.S.C. § 1349), and Joseph V. Miller pleaded guilty to falsifying documents with intent to obstruct (18 U.S.C. § 1519).

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

Sentencings

***United States v. Steven V. Baker et al.*, No. 5:18-CR-00205 (D.S.C.), AUSA Winston Holliday.**

On March 12, 2019, a court sentenced Steven V. Baker to 27 months' incarceration, followed by two years' supervised release, for heading up a conspiracy to smuggle wildlife. The court further ordered Baker to forfeit \$263,225 in proceeds. On March 1, 2019, Matthew T. Fischer was sentenced to six months' home confinement as a condition of a two-year term of probation. William Fischer was ordered to pay a \$1,000 fine and will complete a two-year term of probation. Joseph L. Brooks was sentenced on February 27, 2019, to five months' incarceration and five months' home confinement.



Black-breasted leaf turtle concealed in a sock

Between January and June 2016, Baker obtained protected turtles from Hong Kong that were later shipped from the United States to Asia. Brooks took delivery of international packages containing protected turtles, including Reeves' Turtles, Indian Roofed Turtles, and South American River Turtles. Matthew Fischer gave Baker access to his bank account to receive international wire transfers. Matthew H. Kail conducted a number of transactions involving the purchase and sale of a variety of protected turtles. William Fischer negotiated for the purchase of Indian Star Tortoises. The defendants used the Facebook text messaging feature to conduct the transactions. Inspectors intercepted several packages at the John F. Kennedy International Airport Mail Facility. Co-defendant William Gangemi collected turtles that he provided to Baker, shipped turtles domestically, and exchanged text messages with Baker regarding various shipments.

In many instances, Baker and his co-defendants shipped or received rare turtles in boxes labeled as snacks. Inside the boxes, the turtles were covered in candy wrappers or stuffed in socks. The value of the wildlife has been estimated at approximately \$410,000. Baker, Brooks, Kail, Gangemi, and Matthew Fischer previously pleaded guilty to conspiracy, and William Fischer pleaded guilty to a Lacey Act trafficking violation (18 U.S.C. § 371; 16 U.S.C. § 3372(a)).

To date, prosecutors have charged nine individuals, with four remaining under seal.

This case was investigated by the U.S. Fish and Wildlife Service, the U.S. Postal Inspection Service, and the South Carolina Department of Natural Resources.

Sentencings

United States v. Keith Foster et al., Nos. 3:18-CR-00455, 00456 (E.D. Va.), AUSA Gordon Kromberg.

On March 8, 2019, a court sentenced Keith Foster to 30 days' incarceration, followed by one year of supervised release. Foster also will perform 50 hours of community service. After pleading guilty to violating the Lacey Act in December 2018, Foster and his company forfeited scores of individual pieces of wildlife and wildlife parts, and paid a forfeiture money judgment in the amount of \$275,000.



CITES-protected coral tracked by USFWS agents, used in item depicted on the cover of this Bulletin.

Foster was a renowned golf course architect who co-owned The Outpost LLC, which specialized in foreign-sourced merchandise sales, including wildlife products made from crocodiles, sea turtles, sawfish, and other endangered species.

In 2012, agents seized an Indian leopard skin rug Foster had attempted to import without any of the required paperwork or permits. After Foster's petition for its release was denied, he received a detailed summary of the rules applicable to the import of wildlife and wildlife products, including rules related to species protected by the Endangered Species Act and the Convention on International Trade in Endangered Species (CITES). Since the business opened in April 2013, Foster traveled abroad multiple times to source and purchase items later sold at The Outpost. Foster relied on a shipping company to falsify import records to conceal these items and avoid law enforcement attention.

On numerous occasions in December 2016, Foster discussed the unlawful nature of his conduct with a customer, admitting, for example, that he knew it was illegal to import sawfish blades, but was determined to do it anyway. In March and April 2017, Foster imported more than 100 undeclared wildlife pieces, including CITES-protected sea turtle shells, sawfish blades, crocodile skin bags, coral, and mounted birds of prey.

In April 2017, Foster told the same customer how he lacked CITES permits to purchase, export, or import wildlife, and about the dangers of being caught by U.S. Customs. The customer (an undercover U.S. Fish and Wildlife Service agent) purchased a number of pieces Foster had displayed in the store, including sawfish blades, a mounted barn owl, and a jar made from sea turtle shell. After executing a search warrant at the store and his home in November 2017, investigators determined that Foster illegally sold between \$250,000 and \$500,000 worth of items made from endangered species, migratory birds, and other wildlife between April 2013 and December 2017.

The Outpost LLC pleaded guilty to smuggling (16 U.S.C. §§ 3372(a)(1), 3373(d)(1) (B); 18 U.S.C. § 545). Sentencing is scheduled for March 8, 2019.

This case was investigated by the U.S. Fish and Wildlife Service, Office of Law Enforcement, with assistance from Homeland Security Investigations, U.S. Customs and Border Protection, and the U.S. Postal Inspection Service.

Announcements

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

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

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

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

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

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

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

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