

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Mag. No. 18-7160
v. : Hon. Cathy L. Waldor, U.S.M.J.
WLODZIMIE LAPKIEWICZ, :
a/k/a "Wlodek Lapkiewicz" :

I, Ryan Bessey, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the U.S. Fish and Wildlife Service and that this complaint is based on the following facts:

SEE ATTACHMENT B

Continued on the attached page and made a part hereof:



Special Agent Ryan Bessey
U.S. Fish and Wildlife Service

Sworn to before me and subscribed in my presence,
August 13, 2018, in Essex County New Jersey

HONORABLE CATHY L. WALDOR
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

COUNT ONE
(Smuggling Wildlife)

From in or around July 2015 through in or around July 2018, in Middlesex County, in the District of New Jersey and elsewhere, defendant

WLODZIMIE LAPKIEWICZ,
a/k/a "Wlodek Lapkiewicz"

in violation of Title 18, United States Code, Section 545, fraudulently and knowingly did import or bring into the United States, merchandise, contrary to law, and received, concealed, bought, sold, or in any manner facilitated the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law.

COUNT TWO
(False Labeling)

From in or around July 2015 through in or around July 2018, in Middlesex County, in the District of New Jersey and elsewhere, defendant

WLODZIMIE LAPKIEWICZ,
a/k/a "Wlodek Lapkiewicz"

in violation of Title 16, United States Code, Sections 3372(d)(1) and (2), knowingly made or submitted a false record, account, or label for, or any false identification of, any fish, wildlife, or plant which has been, or is intended to be (1) imported, exported, transported, sold, purchased, or received from a foreign country; or (2) transported in interstate or foreign commerce.

ATTACHMENT B

I, Ryan Bessey, am a Special Agent with the United States Fish and Wildlife Service (“USFWS”). I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and other items of evidence. Because this Complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where statements of others are related herein, they are related in substance and part. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

Overview

1. From on or about July 6, 2015 through on or about July 3, 2018, defendant Wlodek Lapkiewicz (“Lapkiewicz”), a resident of Middlesex County, New Jersey, repeatedly engaged in the systematic illegal importation and exportation of invertebrate species. Lapkiewicz also conducted unlawful interstate sales and presented a significant risk of infestation by illegally importing potential agricultural pests without USDA approval. In an effort to avoid detection, Lapkiewicz participated in the intentional and purposeful mislabeling of mail parcels containing live invertebrates.

Applicable Law

2. The Endangered Species Act (the “ESA”), Title 16, United States Code, 1531, et seq., specifies that it is a misdemeanor for a person subject to the jurisdiction of the United States to knowingly violate any provision of the ESA, or any regulation issued to implement certain subsections of the ESA. 16 U.S.C. § 1538(a)(1)(G). One such Federal regulation requires that, upon the importation of any wildlife, importers or their agents must file with USFWS a completed Declaration for Importation and Exportation of Fish and Wildlife (Form 3-177) and that all wildlife imports must be cleared by a USFWS officer. 50 C.F.R. §14.61. The importer or his agents must make available to the officer the wildlife being imported as well as all required permits, licenses, and other documents. 50 C.F.R. § 14.52.

3. The Convention on International Trade in Endangered Species (“CITES”) is a treaty providing protection to fish, wildlife, and plants that may become imperiled due to the demands of international markets. CITES has been signed by over 180 countries, including the United States. CITES is implemented under the authority of the ESA and the regulations promulgated thereunder. 16 U.S.C. § 1538(c); 50 C.F.R. §§ 14, 23. An animal species listed as protected within CITES cannot be imported into the United States without notification to, and

approval from, USFWS. Protected species are listed in a series of appendices (Appendices I, II, and III). Emperor scorpions (*Pandinus Imperator*) and dictator scorpions (*Pandinus Dictator*) are protected under CITES Appendix II. As such, Emperor Scorpions and Dictator Scorpions may be imported from a foreign country, in the United States only if, prior to importation, the importer possesses a valid CITES export document issued by the country of export.

Investigation

4. On or about July 6, 2015, live scorpions and millipedes escaped from an international express mail parcel originating in Tanzania and addressed to Lapkiewicz at his home in Metuchen, New Jersey. The wildlife escaped while the parcel was out for delivery on a United States Postal Service ("USPS") delivery truck. The Metuchen, New Jersey Post Office ("Metuchen Post Office") notified a USPS Postal Inspector about the incident. The Postal Inspector then called an exterminator, who killed all of the escaped species.

5. The Postal Inspector interviewed Lapkiewicz on or about July 6, 2015. During the interview, Lapkiewicz admitted ordering twenty (20) emperor scorpions, twenty (20) giant African millipedes, and five (5) egg cases containing praying mantises from Tanzania. The Postal Inspector told Lapkiewicz that it was unlawful to import live species via mail parcels. The Postal Inspector did not take any action besides warning Lapkiewicz because Lapkiewicz told the Postal Inspector that he had only ordered the July 6, 2015 shipment of scorpions, millipedes, and mantis eggs for his personal use.

6. Despite being warned by the Postal Inspector about his conduct, Lapkiewicz continued to order and import live insects and other invertebrates without obtaining proper CITES permits for doing so. For example, on or about September 5, 2015, a customer service manager at the Metuchen Post Office contacted the Postal Inspector and advised him that another international mail parcel had broken open and two (2) millipedes had escaped inside the post office. Once again, Lapkiewicz was the intended recipient of the parcel. Likewise, on or about September 18, 2015, French Customs seized sixty-nine (69) live emperor scorpions from an express international mail parcel addressed to Lapkiewicz. And on or about September 21, 2015, French Customs seized an additional forty-six (46) live emperor scorpions from an express international mail parcel addressed to Lapkiewicz. Both parcels originated in Cameroon and were described as containing biological samples for research purposes. Lapkiewicz and/or his conspirator, who sent the package, did not obtain a CITES permit.

7. During the investigation into Lapkiewicz, USFWS learned that Lapkiewicz was ordering these invertebrates/insects because he was selling the

invertebrates/insects. In particular, USFWS learned that Lapkiewicz was using a Facebook account in his name to sell the invertebrates/insects.

8. Pursuant to a judicially authorized search warrant, Facebook produced certain records pertaining to Lapkiewicz showing that Lapkiewicz discussed ways to package shipments of wildlife to avoid detection and also that he sold invertebrates/insects online.

9. With respect to false labeling, Lapkiewicz engaged in the following conversations:

- a. On or about July 19, 2015, Lapkiewicz and another Facebook user discussed intentionally mislabeling packages to avoid detection and Lapkiewicz suggested potential labels.
- b. In or about August 2015, Lapkiewicz engaged the sender of the package referenced above, in Paragraph 6, in a conversation in which he and the sender discussed the packaging. During the conversation, Lapkiewicz confirmed that the shipment would remain "hidden" and that he did not require any documents. In a subsequent conversation, Lapkiewicz instructed the sender to label the box "entomological supplies."
- c. On or about October 3, 2015, Lapkiewicz and another Facebook user discussed the next shipment and Lapkiewicz stated that they should delay the next shipment until Customs forgets about them and things cool off.

10. With respect to selling the invertebrates/insects online, Lapkiewicz offered some of the following for sale:

- a. On or about October 6, 2015, Lapkiewicz offered for sale emperor scorpions for \$70 each.
- b. On or about November 26, 2015, Lapkiewicz offered for sale five (5) species of millipedes, at various prices ranging from \$15 to \$60 each.
- c. On or about November 15, 2015, Lapkiewicz offered for sale two (2) spiders for \$25 each.

11. On or about December 15, 2015, USFWS met with Lapkiewicz and informed him that it was illegal to import invertebrates without obtaining the

necessary authorizations. At that time no charges were brought, but Lapkiewicz was instructed to discontinue his behavior.

12. USFWS also spoke with several individuals, who purchased invertebrates/insects from Lapkiewicz, who confirmed that they had, in fact, purchased invertebrates/insects from Lapkiewicz.

13. Despite being warned by both Postal Inspectors and USFWS, Lapkiewicz did not stop his conduct. Indeed, on or about June 20, 2018, United States Customs and Border Protection Officers in Indianapolis, Indiana intercepted a Federal Express package addressed to Lapkiewicz. The package was found to contain multiple live giant millipedes. The package was labeled "Plush Toys for my Friends Child about to be born."

14. Likewise, on or about July 3, 2018, the United States Fish and Wildlife Service intercepted a package at John F. Kennedy International Airport. The package was found to contain two hundred and forty-five (245) small containers with live orchid mantids inside. The outside of the package was labelled "small plastic boxes."

15. As of this date, Lapkiewicz has never filed a Declaration for Importation and Exportation of Fish and Wildlife (Form 3-177) with the USFWS, as is required for all imports of wildlife.

Conclusion

16. Based on my training and experience, Lapkiewicz has engaged and is continuing to engage in the systematic illegal importation and exportation of invertebrate species, conducted unlawful interstate sales, and in an effort to avoid detection, intentionally mislabeled mail parcels containing live invertebrates in order to thwart law enforcement.