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# ENVIRONMENTAL CRIMES SECTION



## MONTHLY BULLETIN

*February 2012*

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### EDITOR'S NOTE:

If you have other significant updates and/or interesting photographs from a case, please email them to Elizabeth Janes: [REDACTED]. If you have information concerning state or local cases, please send it directly to the Regional Environmental Enforcement Associations' website: [www.regionalassociations.org](http://www.regionalassociations.org)

### ~~~NOTICE~~~

**THE 2012 DOJ ENVIRONMENTAL CRIMES SEMINAR WILL BE HELD AT THE NATIONAL ADVOCACY CENTER IN COLUMBIA, SOUTH CAROLINA, MAY 7 – 11, 2012. FOR MORE INFORMATION, DOJ EMPLOYEES MAY LOG INTO THE JUST LEARN SYSTEM [http://justlearn.doj.gov/kc/login/login.asp?kc\\_ident=kc0001](http://justlearn.doj.gov/kc/login/login.asp?kc_ident=kc0001). NOMINATION REQUESTS MUST BE RECEIVED **NO LATER THAN FEBRUARY 27<sup>TH</sup>**.**

**NON DOJ EMPLOYEES MAY CONTACT ELIZABETH JANES ([REDACTED]) FOR MORE DETAILS.**

**AT A GLANCE:**

DISTRICTS	ACTIVE CASES	CASE TYPE/ STATUTES
S.D. Ala.	<a href="#"><u>United States v. Target Ship Management Pte. Ltd., et al.</u></a>	<i>Vessel/ APPS, Obstruction, False Statement</i>
N.D. Calif.	<a href="#"><u>United States v. Nancy Black</u></a> [REDACTED]	<i>Whale Expert/ MMPA, Obstruction, False Statement</i> [REDACTED]
S.D. Fla.	<a href="#"><u>United States v. Glenn Bridges et al.</u></a>  <a href="#"><u>United States v. Americas Marine Management Services, Inc., d/b/a Antillean Marine</u></a>  <a href="#"><u>United States v. Daniel Parker</u></a>  <a href="#"><u>United States v. Scott Greager et al.</u></a>	<i>Wildlife and Seafood Imports/ Lacey Act, ESA, False Statement, Conspiracy</i>  <i>Vessel/ APPS, Nonindigenous Aquatic Nuisance Prevention and Control Act</i>  <i>Municipal Contractor/ CWA</i>  <i>Spiny Lobster Harvest/ Conspiracy, Lacey Act</i>
D. Hawaii	<a href="#"><u>United States v. Keoje Marine Co. Ltd. et al.</u></a>	<i>Vessel/ CWA, APPS, Obstruction</i>
N.D. Ill.	<a href="#"><u>United States v. Atlas Fibre Company</u></a>	<i>Ivory Exports/ ESA</i>
W.D. La.	<a href="#"><u>United States v. City of Pineville</u></a>	<i>Municipality/ CWA</i>
D. Md.	<a href="#"><u>United States v. Efploia Shipping Co. S.A. et al</u></a>	<i>Vessel/ APPS, Obstruction, False Statement</i>
[REDACTED]	[REDACTED]	[REDACTED]

DISTRICTS	ACTIVE CASES	CASE TYPE/ STATUTES
D.N.H.	<u><a href="#">United States v. Franklin Non-Ferrous Foundry et al.</a></u>	<i>Metal Foundry/ RCRA</i>
D.N.J.	<u><a href="#">United States v. James Robert Durr</a></u>	<i>Turtle Habitat Degradation/ ESA</i>
E.D.N.Y.	<u><a href="#">United States v. Chee Thye Chaw</a></u>	<i>Asian Arowana Imports/ Smuggling</i>
N.D.N.Y.	<u><a href="#">United States v. Leonard J. Pugh, Jr.</a></u>	<i>Asbestos Removal/ CAA</i>
W.D.N.Y.	<u><a href="#">United States v. Anastasios Kolokouris</a></u>	<i>Asbestos Removal/ CAA</i>
	<u><a href="#">United States v. Michael V. Johnson</a></u>	<i>Turtle Meat Facility/ Lacey Act</i>
S.D. Ohio	<u><a href="#">United States v. Bruce Haffner</a></u>	<i>Bird Hunts/ Lacey Act</i>
	<u><a href="#">United States v. Kinder Caviar, et al.</a></u>	<i>Paddlefish Harvesting/ Lacey Act</i>
W.D. Ok.	<u><a href="#">United States v. Tuhtaka Neshoba Wilson et al.</a></u>	<i>Eagle Parts Sale/ MBTA, Conspiracy, Lacey Act, BGEPA</i>
E.D. Penn.	<u><a href="#">United States v. Nupro Industries Corporation et al.</a></u>	<i>Oil Manufacturer/ CWA</i>
██████	████████████████████	████████████████████
D. Utah	<u><a href="#">United States v. Bugman Pest and Lawn Inc., et al.</a></u>	<i>Pesticide Deaths/ FIFRA</i>
E.D. Va.	<u><a href="#">United States v. Richard Ertel</a></u>	<i>Sperm Whale Teeth Imports/ Lacey Act</i>
D. Vt.	<u><a href="#">United States v. Jon Goodrich et al.</a></u>	<i>Tear Gas Manufacturer/ RCRA</i>
W.D. Wash.	<u><a href="#">United States v. Timothy Barger</a></u>	<i>Developer/ False Statement</i>

***Additional Quick Links:***

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- ◇ [Informations and Indictments](#) pp. 5 - 6
- ◇ [Plea Agreements](#) pp. 7 - 19
- ◇ [Sentencings](#) pp. 10 – 15

***Trials***



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## ***Informations and Indictments***

### **United States Nupro Industries Corporation et al., No. 2:12-CR-00011 (E.D. Penn.), AUSA Sarah L. Grieb.**

On January 12, 2012, Nupro Industries Corporation (Nupro), d/b/a Neatsfoot Oil Refineries Corp. and Advance Technologies, and operations director Peter Shtompil, were charged with tampering with a monitoring method under the Clean Water Act (33 U.S.C. § 1391(c)(4)).

Nupro manufactures oils (at its Neatsfoot plant) and esters (at the Advance Technologies facility). Both processes generate wastewater that is classified as a hazardous waste and is required to be sampled and treated before being discharged to the Philadelphia POTW. The information alleges that, from November 2006 to June 2007, Nupro and Shtompil watered down samples taken of the wastewater before it was discharged into the Philadelphia sewer system.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

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### **United States v. Glenn Bridges et al., No. 2:12-CR-14002 (S.D. Fla.), AUSA Norman O. Hemming, III.**

On January 5, 2012, Glenn Bridges, Gregory Johnson, and Sharon Vollmer were charged in a ten-count indictment with conspiracy, Lacey Act, and ESA violations (18 U.S.C. § 371; 16 U.S.C. §§ 1538, 3372). Bridges also is charged with a false statement violation (18 U.S.C. § 1001).

In November 2011, the defendants allegedly attempted to import spiny lobster and queen conch, along with Hawksbill, Loggerhead, and Green sea turtle shells into Port St. Lucie, Florida, that had been taken in violation of Bahamian laws and regulations. Specifically, the three attempted to conceal 155 spiny lobster tails, seven sea turtle shells, and 34 conchs hidden in various compartments on their sportfishing vessel. When questioned, Bridges told a Coast Guard officer that he only had a few fish on board the boat.

This case was investigated by the National Oceanic and Atmospheric Administration, the United States Coast Guard, Customs and Border Protection, and the Florida Fish and Wildlife Conservation Commission.

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### **United States v. Nancy Black, No. 5:12-CR-00002 (N.D. Calif.), ECS Trial Attorney Christopher Hale and AUSA Jeffrey Schenk.**

On January 4, 2012, marine biologist Nancy Black was charged in a four-count indictment with violations of the Marine Mammal Protection Act, making a false statement, and obstruction of justice (16 U.S.C. § 1372; 18 U.S.C. §§ 1001, 1519), all stemming from her illegal activities involving killer whales in 2004 and 2005.

The indictment includes two allegations that she fed whales in the Monterey Bay National Marine Sanctuary, in violation of NOAA regulations. The defendant is further accused of providing an altered video and of making false statements to a sanctuary officer related to a whale watching expedition involving possible illegal contact with a humpback whale in the bay. Black has been

featured on programs such as Animal Planet and National Geographic for her expertise on killer whales and other species.

This case was investigated by the National Oceanic and Atmospheric Administration.

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**United States v. Anastasios Kolokouris, No. 6:12-CR-06015 (W.D.N.Y.), AUSA Craig Gestring.**



**Warehouse location**

On January 2, 2012, warehouse owner Anastasios Kolokouris, was charged in a two-count indictment with violating the Clean Air Act asbestos work practice standards (42 U.S.C. § 7412).

Acting on a complaint in December 2011, a state inspector visited the defendant’s warehouse and observed people working in a large dumpster next to a loading dock, with significant quantities of what appeared to be asbestos-containing material in and around the dumpster. Further investigation resulted in the seizure of more than 90 bags of dry, friable asbestos from inside the warehouse. Kolokouris is alleged to have hired several civilian workers without any asbestos training or experience to clean out the dumpster and load

it into bags.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division; the New York State Department of Environmental Conservation Bureau of Environmental Crimes Investigations; the New York State Department of Labor, Asbestos Control Bureau; and the City of Rochester, Office of Public Integrity.

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**United States v. Target Ship Management Pte. Ltd., et al., No. 1:11-CR-00368 (S.D. Ala.), ECS Trial Attorney David O’Connell, AUSA Mike Anderson, and ECS Paralegal Jessica Egler.**

On December 28, 2011, a seven-count indictment was returned charging Target Ship Management (Operator), Prastana Taohim (Master), Payongyut Vongvichiankul (Chief Engineer), and Pakpoom Hanprap (Second Engineer) for the *M/V Gaurav Prem*, with obstructing an agency proceeding, obstruction and concealment of evidence, maintaining false oil record and garbage books, making false statements, and tampering with witnesses (18 U.S.C. §§ 1001, 1505, 1519, 1512; 33 U.S.C. § 1908).

In July and August of 2011, senior engineers allegedly ordered crewmembers on several occasions to illegally pump oil-contaminated bilge waste directly into the ocean using a bypass connection. Additionally, the ship’s master allegedly ordered the crew to discharge plastic overboard. The defendants are further charged with falsifying documents for the purpose of concealing these discharges from port inspectors.

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

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## ***Plea Agreements***

### **United States v. Bruce Haffner, No. 1:11-CR-00176 (S.D. Ohio), ECS Trial Attorney Jim Nelson, AUSA Laura Clemmens, and ECS Paralegal Rachel Van Wert.**

On January 25, 2012, Bruce Haffner pleaded guilty to Lacey Act trafficking violations (16 U.S.C. § 3372), stemming from illegal hunts of Canadian geese and Mourning Doves.

Haffner is the owner and operator of Face to Face Outdoors Guide Service. He provided guide services for Canada goose hunts in January 2010, and Mourning Dove hunts in September 2010. During those hunts, Haffner admitted to encouraging the hunters to take more than their daily bag limits of both geese and doves.

This case was investigated by the United States Fish and Wildlife Service and the Ohio Department of Natural Resources, Division of Wildlife.

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### **United States v. Michael V. Johnson, No. 1:12-mj -01034 (W.D.N.Y.), AUSA Aaron Mango.**

On January 24, 2012, Michael V. Johnson pleaded guilty to a misdemeanor Lacey Act trafficking violation (16 U.S.C. §3372) for the purchase of the Common Snapping Turtle, a protected species.

In 2007 and 2008, Johnson operated a business known as Turtle Deluxe, Inc., a turtle meat processing facility located in Millington, Maryland. As part of the operation, he purchased live turtles from people located in various states. On two occasions in 2007 and 2008, the defendant bought turtles from undercover law enforcement officers and resold the meat, with a market value of approximately \$8,400.

As part of the plea, the defendant already has made donations to the following organizations to support their turtle research and education efforts: \$7,500 to the Buffalo Zoo, \$7,500 to Teatown Lake Reservation, and \$5,000 to the Tiff Nature Preserve (Buffalo Museum of Science). Sentencing is scheduled for May 12, 2012.

This case was investigated by the United States Fish and Wildlife Service and the New York State Department of Environmental Conservation.

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### **United States v. Steve T. Kinder, et al., No. 1:11-CR-00035 (S.D. Ohio), ECS Trial Attorney Jim Nelson, AUSA Laura Clemmens, and ECS Paralegal Rachel Van Wert.**

On January 17, 2011, Steve T. Kinder, Cornelia J. Kinder, Kinder Caviar, Inc., and Black Star Caviar Company, pleaded guilty to trafficking in and falsely labeling illegally harvested paddlefish. The two companies pleaded guilty to one felony Lacey Act false labeling violation (16 U.S.C. § 3372(d)(1)), and Steve Kinder and Cornelia Joyce Kinder pleaded guilty to one misdemeanor Lacey Act trafficking violation (16 U.S.C. § 3372(a)(2)(A)).

Paddlefish eggs, which are marketed as caviar, are protected by both federal and Ohio law. It is illegal to harvest paddlefish in Ohio waters, but



**Agents with paddlefish**



they can be harvested legally in Kentucky waters. Kinder and his wife owned and operated Kinder Caviar, Inc. At some point in April 2010, the Kinders formed the Black Star Caviar Company after they became aware of the investigation against them. They then ceased to do business through Kinder Caviar. Steve Kinder illegally harvested paddlefish from Ohio waters and falsely reported to the Kentucky Department of Fish and Wildlife Resources that he caught the fish in Kentucky. Cornelia Kinder provided false information about the paddlefish eggs to federal agents (including the amount of eggs to be exported, the names of the fishermen who harvested the paddlefish, and the location where the paddlefish were harvested) in order to obtain permits to export the eggs to foreign customers. These violations occurred between March 2006 and December 2010.

This case was investigated by the United States Fish and Wildlife Service Office of Law Enforcement, the Ohio Department of Natural Resources Division of Wildlife, and the Kentucky Department of Fish and Wildlife Resources.

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**United States v. Jon Goodrich, et al., No. 5:10-CR-00147 (D. Vt.), AUSA Joseph Perrella.**

On January 10, 2012, Jon Goodrich, president of Mace Security International, Inc. (Mace), a pepper spray and tear gas manufacturer, pleaded guilty to a RCRA storage violation (42 U.S.C. § 6928). The company previously entered a similar plea and was sentenced to pay a \$100,000 fine.

The violations stem from an emergency removal action in January 2008 of several thousand pounds of hazardous waste that had been stored on the premises for approximately a decade. More than 80 drums of unlabeled chemicals were found in factory mill buildings without any signs indicating the storage of hazardous waste. In the buildings, inspectors ultimately identified more than 2,200 pounds of hazardous waste, which included spent solvents, 2-chlorobenzalmalononitrile or chloroacetophenone, and oleoresin capsicum.

This case was investigated by the United States Environment Protection Agency Criminal Investigation Division.

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**United States v. Franklin Non-Ferrous Foundry et al., No. 1:10-CR-00112 (D.N.H.), AUSA Mark Zuckerman.**

On January 6, 2012, metal parts manufacturer Franklin Non-Ferrous Foundry and company president John Wiehl pleaded guilty to a RCRA storage violation (42 U.S.C. § 6928).

The company manufactures metal parts for various industrial applications. A byproduct of the foundry's operation is the generation of waste containing hazardous or toxic concentrations of lead and cadmium. In April and August 2009, two OSHA workplace inspections revealed that the company was illegally storing hazardous waste. Investigators determined that the company had been illegally storing hazardous waste since July 2005.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, with assistance from the Occupational Safety and Health Administration.

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**United States v. Timothy Barger, No. 3:11-CR-05567 (W.D. Wash.), AUSAs Jim Oesterle and Matthew Diggs.**

On January 4, 2012, Timothy Barger pleaded guilty to a false statement violation (18 U.S.C. § 1001) stemming from his submittal of false discharge monitoring reports (DMRs) and other required documents associated with stormwater discharges.

As the designated site monitor for a developer, Barger was responsible for erosion control and storm water discharge issues on site, and the paperwork required to track them. Between 2007 and 2011, Barger falsified data recorded on monthly DMRs. He also falsely claimed that the site was in compliance with its general permit.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

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**United States v. James Robert Durr, No. 1:10-CR-00098 (D.N.J.), ECS Assistant Chief Elinor Colbourn, ECS Trial Attorney Mary Dee Carraway, and ECS Paralegal Rachel Van Wert.**



**Bog turtle**

On January 3, 2012, James Robert Durr pleaded guilty to an Endangered Species Act violation (16 U.S.C. § 1538) stemming from his clear cutting trees near a stream, which impacted the habitat of the bog turtle, a threatened species.

Durr purchased property in December 2005 that he knew contained habitat for a significant population of the bog turtle. Immediately upon taking possession of the property, the defendant clear-cut the buffer zone around the stream and ditched it just upstream of, and including part of, the bog turtle habitat. Subsequent surveys for bog turtles revealed that there is no longer a viable population in this habitat. Sentencing is

scheduled for April 9, 2012.

This case was investigated by the United States Fish and Wildlife Service.

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**United States v. Tuhtaka Neshoba Wilson et al., Nos. 5:11-CR-00166 - 00168 (W.D. Okla.), AUSA Robert Gifford.**

On December 2, 2011, Tuhtaka Neshoba Wilson was sentenced to complete a five-year term of probation, to include 60 days' home confinement, after previously pleading guilty to a Migratory Bird Treaty Act violation. Wilson, along with co-defendants William Creepingbear, Michael J. Yount, and Brandon Roberts, were variously charged with conspiring to transport and sell a bald eagle carcass and feathers, in violation of the Bald and Golden Eagle Protection Act, the Lacey Act, and the MBTA (18 U.S.C. § 371; 16 U.S.C. §§ 3372; 703; 707). Creepingbear pleaded guilty to conspiracy, Lacey Act, and MBTA violations and will complete a four-year term of probation plus perform 104 hours of community service. Yount pleaded guilty to a MBTA violation and will complete a five-year term of probation plus perform 104 hours' community service. Roberts was acquitted at trial.

Wilson admitted to stealing a bald eagle carcass in June 2008 from his sister and brother-in-law and then selling it to Creepingbear for \$300. Yount took possession of some of the feathers and transported them for sale.

These cases were investigated by the United States Fish and Wildlife Service.

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## *Sentencings*

**United States v. Efploia Shipping Co. S.A. et al., Nos. 11-CR-00651, 00652, 00671 (D. Md.), ECS Senior Trial Attorney Richard Udell and ECS Trial Attorney David O' Connell.**

On January 25, 2012, Efploia Shipping Co. S.A., and Aquarosa Shipping A/S pleaded guilty to APPS, obstruction, and false statement violations (18 U.S.C. §§ 1001(a), 1505; 33 U.S.C. § 1908(a)), stemming from the illegal dumping of sludge, plastics, and oily waste water from the *M/VAquarosa*, a bulk carrier cargo ship. The companies each were sentenced to pay a total of \$1.2 million. Of that amount, each defendant was ordered to pay \$275,000 in community service payments to the National Fish and Wildlife Foundation for a total of \$550,000 earmarked for projects involving the Chesapeake Bay. They also will complete three-year terms of probation and implement environmental compliance plans.

In February 2011, the vessel arrived in Baltimore, Maryland, and was slated for inspection after a voyage from Europe. During the inspection, an engineer informed Coast Guard personnel that senior engineers had directed the crew to discharge waste oil overboard through bypass equipment. The crew member also alleged that plastic bags filled with oily rags had been deliberately thrown

overboard. This crew member turned over 300 pictures to the Coast Guard that he had taken with his cell phone depicting the pipe that was used to discharge sludge and oily waste overboard.

The ship's chief engineer, Andreas Konstantinidis, currently is serving a three-month term of incarceration after pleading guilty to obstruction violations.

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

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**United States v. Americas Marine Management Services, Inc., d/b/a Antillean Marine, No. 1:11-CR-20348 (S.D. Fla.), AUSA Jaime Raich.**



*Titan Express*

On January 20, 2012, Americas Marine Management Services, Inc. (AMMS), a cargo ship vessel operator d/b/a Antillean Marine, was sentenced to pay a \$1,000,000 fine. As recommended by the parties, the court suspended \$500,000 of the fine and ordered that it be paid as community service into the South Florida National Parks Trust. The company also will complete a five-year term of probation to include the implementation of an environmental compliance plan covering all eight vessels in the fleet.

AMMS previously pleaded guilty to an APPS oil record book violation (33 U.S.C. § 1908(a)) and one count of failing to submit reports to the National Ballast Information Clearinghouse (NBIC), the latter in violation of the Nonindigenous Aquatic Nuisance Prevention and Control Act (16 U.S.C. § 4711(g)(2)).

AMMS operated the *Titan Express* from a terminal on the Miami River. During an inspection in August 2010, the Coast Guard found evidence of illegal overboard discharges and false records in the oil record book. The company also failed to submit reports to the NBIC in advance of the ship's arrival to the Port of Miami.

This case was investigated by the United States Coast Guard.

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**United States v. Daniel Parker, No. 11-CR-60226 (S.D. Fla.), AUSA Jose Bonau.**

On January 20, 2012, Daniel Parker was sentenced to serve 15 months' incarceration, followed by a one-year term of supervised release. A fine was not assessed. He previously pleaded guilty to a Clean Water Act violation (33 U.S.C. §§ 1317(d), 1319(c)(2)(A)) for discharging wastewater into a POTW at an unlawful location.

Parker was employed by a Broward County septic hauling and plumbing contractor from late 2008 through October 2009 as the company's primary septic hauling truck driver. The defendant regularly pumped commercial grease traps and septic tanks, and residential septic tanks for customers.



**Defendant emptying septic tank**

The company was licensed to discharge the septic hauling truck's contents at the Broward County Water and Wastewater Services facility in Pompano Beach, which was the only lawful

discharge point in Broward County. Parker was also working side jobs of which the company was unaware. To ensure that his primary employer did not know about these other jobs, Parker dumped those loads directly into the City of Ft. Lauderdale's sewer system. In September 2009, a detective conducting surveillance of the defendant's activities witnessed Parker pumping out the contents of a septic truck into the sewer.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the City of Ft. Lauderdale Police Department, the Broward County Sheriff's Office, and the State of Florida Department of Environmental Protection.

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**United States v. Atlas Fibre Company, No. 1:11-CR-00897 (N.D. Ill.), AUSA Tim Chapman.**

On January 10, 2012, Atlas Fibre Company (AFC) pleaded guilty to and was sentenced for violating the Endangered Species Act (16 U.S.C. §§ 15389(c)(1); 1540(b)(1)) by unlawfully exporting wildlife products, including African elephant ivory, between 2002 and 2009. The company was ordered to pay a \$150,000 fine to be paid into the Lacey Act Reward Fund and will complete a one-year term of probation. AFC also will pay \$13,700 in restitution to the Fish and Wildlife Service for investigative costs.

AFC, which primarily manufactures and distributes fiber, plastic, and other materials for industrial applications, had a division called Atlas Billiard Supplies that sold parts involved in fabricating billiard cue sticks. Several billiard products were made from wildlife, including African elephant ivory, shell products, and leathers made from the hides of elephants, monitor lizards, kangaroo, ostrich and shark.



**Billiard parts**

This case was investigated by the United States Fish and Wildlife Service.

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**United States v. Leonard J. Pugh, Jr., No. 5:11-CR-00379 (N.D.N.Y.), AUSA Craig Benedict.**

On January 10, 2012, Leonard Pugh was sentenced to pay a \$5,000 fine and will complete a one-year term of probation after pleading guilty to a Clean Air Act violation (42 U.S.C. § 7413(c)(1)) stemming from the illegal removal of asbestos.

Pugh is an owner of a business that was located in a building containing approximately 6,000 square feet of asbestos. Pugh admitted to hiring an unlicensed individual in 2006 to demolish the building and he did not provide notice to the EPA of the demolition activity. Pugh further failed to ensure that the asbestos was kept wet during the removal nor did he ensure that it was properly disposed of in an authorized landfill.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the New York State Department of Environmental Conservation, with assistance from the New York State Department of Labor.

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**United States v. Keoje Marine Co. Ltd. et al., No. 11-CR-01258 (D. Hawaii), ECS Trial Attorney Ken Nelson, AUSA Marshall Silverberg, and ECS Paralegal Jessica Egler.**

On January 10, 2012, Keoje Marine Co. Ltd., chief engineer Bong Seob Bag, and first assistant engineer Dwintoro, pleaded guilty to and were sentenced for violations stemming from the unlawful discharges of oil from the *M/T Keoje Tiger* in October 2011. The company was sentenced to pay a \$900,000 fine plus make a \$250,000 community service payment to be paid to the National Fish and Wildlife Foundation. It also will implement an environmental compliance plan during a three-year term of probation.

Keoje Marine owned and operated a vessel that served as a floating gas station for fishing vessels in the South Pacific. It pleaded guilty to one Clean Water Act violation for discharging oil into the Exclusive Economic Zone near the big island of Hawaii. The company further pleaded guilty to one APPS oil record book (ORB) charge and to obstruction of justice for using the falsified ORB during a Coast Guard inspection (18 U.S.C. § 1519; 33 U.S.C. §§ 1319(c)(2)(A); 1321(b)(3); 1908(a)).

Bag and Dwintoro pleaded guilty to APPS violations for covering up the illegal discharges. They each will complete a three-year term of probation.

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

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**United States v. Richard Ertel, No. 3:11-CR-00227 (E.D. Va.), ECS Trial Attorney Gary Donner and AUSA Dave Maguire.**

Sperm whale teeth

On January 9, 2012, Richard Ertel was sentenced to serve one month of incarceration followed by two years' supervised release. He also will pay a \$40,000 fine. Ertel pleaded guilty to a two-count information charging him with violating the Lacey Act (16 U.S.C. § 3372) for the illegal importation and trafficking of sperm whale teeth.

From April 2002 to June 2007, Ertel was in the business of buying and selling sperm whale teeth that he purchased from sources in the Ukraine and then sold to customers in Virginia and elsewhere in the United States. Much of this business was conducted via the Internet.

This case was investigated by the National Oceanic and Atmospheric Administration and the United States Customs and Border Protection.

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**United States v. Bugman Pest and Lawn, Inc., et al., Nos. 2:11-CR-00017 and 00295 (D. Utah), AUSA Jared Bennett.**

On January 6, 2012, Bugman Pest and Lawn, Inc. and employee Coleman Nocks were each sentenced to complete three-year terms of probation. The company also will pay a \$3,000 fine and Nocks will perform 100 hours of community service. The defendants previously pleaded guilty to a single FIFRA violation (7 U.S.C. §§ 136l(b)(1)(B), 136j(a)(2)(G)). Coleman admitted to misapplying the pesticide Fumitoxin in August 2009 at a residence in which two young children subsequently died and four other family members became ill. Employee Raymond Wilson, Jr., and the company remain scheduled for trial to begin on May 15, 2012, on five FIFRA violations for the misapplication of Fumitoxin in four additional homes.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the Layton City Police Department.

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**United States v. City of Pineville, No. 1:11-CR-00265 (W.D. La.), AUSA Joseph Jarzabek.**

On January 4, 2012, the City of Pineville was sentenced to pay a \$15,000 fine and will complete a one-year term of unsupervised probation. The city previously pleaded guilty to a misdemeanor Clean Water violation (33 U.S.C. § 1311(a)) stemming from an illegal discharge from a pumping station in September 2008.

Following heavy rainfall from Hurricane Gustav, the City of Pineville's Huffman Creek Pumping Station illegally discharged hydraulic fluid over the levee and into Bayou Maria, which ultimately empties into the Red River. Investigation confirmed that the source of the discharge was equipment at the pumping station, which city personnel knew to be in disrepair.

This case was investigated by the Louisiana Environmental Crimes Task Force, which is comprised of the United States Environmental Protection Agency Criminal Investigation Division, the Federal Bureau of Investigation, the Louisiana Department of Environmental Quality Criminal Investigation Division, and the Louisiana State Police.

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**United States v. Scott A. Greager et al., No. 4:11-CR-10012 (S.D. Fla.), AUSA Tom Watts-FitzGerald.**

On January 3, 2012, Scott A. Greager was sentenced to serve 90 days' incarceration, followed by one year of home detention as a condition of two years' supervised release. Greager previously pleaded guilty to a Lacey Act conspiracy violation (18 U.S.C. § 371, 16 USC § 3372) for his involvement in the sale and transport of spiny lobster in violation of harvest requirements, licensing provisions, and bag and trip limits.

From May 2007 through March 2009, Greager was the owner of Holiday Seafood Key West (Holiday Seafood). Using a Florida Wholesale Dealer's License issued in the name of Conch Republic Seafood Company, Greager knowingly made numerous purchases of spiny lobster in excess of the legal daily limit of 250. Greager also admitted that he made payments from an account in the name of Holiday Seafood to co-conspirators for lobster they harvested, and he attempted to conceal the illegal activity from the state officials by issuing trip tickets in the name of another individual. On seven separate occasions in August 2008, Greager purchased a total of more than 5,000 pounds of lobster with a wholesale value of almost \$40,000. Wholesale dealers, such as Greager and Holiday Seafood, are prohibited from purchasing lobster without first confirming that the seller possessed all required licenses and documentation.

Co-defendants Rush C. Maltz and Titus A. Werner also have pleaded guilty for their roles in this Lacey Act conspiracy. As part of their plea agreements, they are required to remove hundreds of artificial habitats known as "casitas" (that are used to harvest the lobster) from the Florida Keys National Marine Sanctuary. Maltz and Werner are scheduled to be sentenced on March 27, 2012.

This case was investigated by the National Oceanic and Atmospheric Administration Office for Law Enforcement.

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**United States v. Chee Thye Chaw, No. 10-CR-00039 (E.D.N.Y.), AUSA Vamshi Reddy.**

On December 14, 2011, Chee Thye Chaw was sentenced to serve one year and a day incarceration followed by two years' supervised release for smuggling Asian Arowana fish. A fine was not assessed.

Chaw previously pleaded guilty to smuggling (18 U.S.C. § 545) 20 Asian Arowana fish into the United States from Asia. The black market value of these fish is estimated to be over \$100,000. The Asian Bonytongue fish, which is commonly referred to as the Asian Arowana fish, are highly desired by the Asian community due to the belief that the fish will bring good fortune to the owner. The species is listed in CITES Appendix I.

This case was investigated by the United States Fish and Wildlife Service.

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**Defendants removing illegal casitas**