
ENVIRONMENTAL CRIMES SECTION



MONTHLY BULLETIN

December 2014

EDITOR'S NOTES:

For those who have access to our [Environmental Crimes webpage](#), we have recently posted a few **updates**:

~There is a new page called "[People with Expertise](#)". The page provides an alphabetical list of subject areas together with the names of ECS attorneys, AUSAs, and EPA attorneys with expertise in those areas. The list includes a broad range of topics and should be useful to anyone tackling an issue or type of case that is new to them.

~Agency Contacts, Agency Links, and the AUSA Contacts lists all have been updated.

~ECS's Organization Chart and Contacts list has been updated to reflect the recent addition of seven new attorneys.

We are interested in any recent briefs and memoranda from your cases that you believe may be of interest to your colleagues. A steady flow of new material is necessary to keep the brief bank up-to-date and useful. Please send your materials to [NAME REDACTED]. Thank you for your assistance!



Cash exchanged for illegal purchase of turtles.
See U.S. v. Lau, et al., [below](#), for details on the case.

Glossary for December 2014 Edition of the Bulletin:

The following Table of Cases is organized by District, the name of the case, the type of case, and the statutes. The Districts are spelled out within the chart, but they will be abbreviated within the summary of the case.

For example: District of Alaska will be noted as D. of Ak. The case name will be noted as United States v. John Doe.

The statutes are cited within the body of each case summary. The statutes will be abbreviated as follows:

APPS = Act to Prevent Pollution from Ships

BGEPA = Bald and Golden Eagle Protection Act

CAA = Clean Air Act

CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act (or SUPERFUND)

CWA = Clean Water Act

ESA = Endangered Species Act

FIFRA = Federal Insecticide, Fungicide and Rodenticide Act

MBTA = Migratory Bird Treaty Act

RCRA = Resource Conservation and Recovery Act

RHA = Rivers and Harbors Act

TSCA = Toxic Substances Control Act

Other abbreviations:

BLM = Bureau of Land Management

DOT = Department of Transportation

EPA = Environmental Protection Agency

FBI = Federal Bureau of Investigation

ODS = Ozone Depleting Substances

NOAA = National Oceanic and Atmospheric Administration

USC = United States Code

AT A GLANCE:

- [United States v. Mark Desnoyers](#), Fed.Appx. , 2014 WL 5839280 (Nov. 12, 2014.)

DISTRICT	CASES	CASE TYPE/ STATUTES
Southern District of Alabama	United States v. Natalie McArdle et al.	<i>Illegal Fishing/Lacey Act</i>
Middle District of Alaska	United States v. XS Platinum, Inc., et al. United States v. James Hampton et al.	<i>Mining Operation/Conspiracy, CWA, False Statements</i> <i>Seafood Processor/CAA</i>
District of Columbia	United States v. B&P Environmental, LLC et al.	<i>Wastewater Discharges/ CWA, False Claims</i>
Middle District of Florida	United States v. Michael Shimshoni	<i>Lead Paint Notice/TSCA</i>
Central District of Illinois	United States v. Carl Kieser	<i>Pesticide Sales/FIFRA, Mail Fraud, Tax</i>
Southern District of Iowa	United States v. Jason John Thomas	<i>Eagle Killing/BGEPA</i>
Eastern District of Louisiana	United States v. Hon Kit Lau et al.	<i>Turtle Exports/ Conspiracy, Lacey Act</i>
District of Maryland	United States v Noly Torato Vidad	<i>Vessel/ APPS, Obstruction of Justice</i>
Eastern District of Michigan	United States v. Terry Williams	<i>ODS Venting and Demo Project/ CAA</i>
Northern District of Mississippi	United States v. Leading Edge Aviation Services, Inc.	<i>Aircraft Painting/RCRA</i>

DISTRICT	CASES	CASE TYPE/ STATUTES
Southern District of Mississippi	United States v. Ronald W. Reine et al.	<i>Wildlife Hunting/Conspiracy, Lacey Act</i>
District of Northern Mariana Islands	United States v. Ryan James Inos Manglona et al.	<i>Fruit Bat Shipment/Conspiracy, ESA, Perjury</i>
Southern District of Ohio	United States v. Martin C. Eldridge, III	<i>ODS Venting/CAA</i>
Southern District of West Virginia	United States v. Bonita Witt-Hird	<i>Water Sampling Company/CWA</i>
Eastern District of Wisconsin	United States v. Randy Jones United States v. Todd D. Doughty	<i>Pipeline Leak/False Statements, Pipeline Safety Act</i> <i>Game Farm/MBTA</i>

Additional Quick Links:

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Significant Decisions

Second Circuit

United States v. Mark Desnoyers, ___ Fed.Appx. ___, 2014 WL 5839280 (Nov. 12, 2014.)

On November 12, 2014, the Second Circuit reversed Mark Desnoyers' sentence and remanded the case for a fourth sentencing hearing. The court of appeals agreed with the government in concluding that the district court had erred in failing to explain significant discrepancies between its factual findings and the presentence investigation report, which the district court had adopted, on the question of whether Desnoyers should receive an enhanced sentence for acting as a leader or organizer of criminal activity. The court of appeals also determined that the district court erroneously held the defendant liable for only a prorated portion of the restitution arising from his conspiracy conviction. The Second Circuit rejected the government's requests to find the defendant's sentence substantively unreasonable and to reassign the case to another sentencing judge, and instead remanded the case to allow the original sentencing judge to correct his errors and resentence Desnoyers in accord with the court of appeals' decision.

On September 4, 2013, Desnoyers was resentenced to spend 26 weekends in jail, plus pay restitution. It was the defendant's third resentencing after the Second Circuit reversed and remanded earlier in 2013. Desnoyers was previously resentenced in October 2011 to serve a five-year term of probation and was held jointly and severally responsible for \$45,398 in restitution to victims of this illegal "rip and run" asbestos abatement scam. The court of appeals had remanded the case to the district court for reinstatement of the verdict, for entry of a judgment of conviction on the conspiracy count, and for resentencing. Desnoyers appealed the second sentence in December 2011.

Desnoyers was convicted by a jury in September 2008 of conspiring to violate the mail fraud statute and the Clean Air Act, substantive CAA violations, mail fraud, and two false statement violations. Desnoyers, owner of Adirondack Environmental Associates, was an air monitor who took samples required to document the purported full and safe removal of asbestos from numerous commercial buildings and private homes. Evidence at trial established that Desnoyers secretly entered into agreements with the owners of asbestos removal companies to falsify his results.

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Trials

United States v. Carl Kieser, No. 2:12-CR-20072 (C.D. Ill.), AUSA Eugene Miller and RCEC James Cha.



Two dead Sun Perch

On October 31, 2014, Carl Kieser was convicted by a jury of FIFRA and mail fraud charges for the illegal application of a pesticide inconsistent with its labeling (7 U.S.C. §§ 136j(a)(2)(G), 136(b)(1); 18 U.S.C. § 1341). Kieser also was convicted on tax evasion charges (26 U.S.C. § 7201).

The defendant owned and operated Aquatic Control of Illinois. Between June 2006 and September 2012, Kieser purchased large quantities of Diuron 80DF, a registered pesticide used for the control of land-based weeds. The EPA-approved labeling for Diuron 80DF warns that the chemical should not be applied directly to water due to its toxicity to fish and other aquatic wildlife.

The defendant manufactured, advertised, sold, and distributed a product called Pond Clear Plus, which was made by mixing Diuron 80DF with other ingredients, including a blue pond dye. The advertisements for Pond Clear Plus falsely and fraudulently represented that the product could control lake weeds and algae “Mother Nature’s Way,” with “No Chemicals,” using a “biological method with live bacteria that dissolves plant nutrients, black muck, and rotten egg odor.” Kieser further represented that he had 20 years of experience in lake management and consulting.

The product was sold in unlabeled jugs, and many customers experienced fish kills following the application of Pond Clear Plus to their ponds and lakes.

Kieser was paid more than \$400,000 between July 2007 and September 2012 from the sale of this product, and further failed to pay any federal income tax on his profits from 2008 to 2011. Sentencing is scheduled for February 19, 2015.

This case was investigated by the U.S. EPA Criminal Investigation Division, and the IRS, with assistance from the Illinois Department of Natural Resources, the Illinois EPA, and the Illinois Department of Agriculture.

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Informations/Indictments

United States v. XS Platinum, Inc., et al., No. 3:14-CR-00103 (D. Ak.), ECS Trial Attorney Todd Mikolop, FAUSA Kevin Feldis, RCEC Dean Ingemanson, and ECS Paralegal Casey Layman.

On November 19, 2014, a five-count indictment was returned charging XS Platinum, Inc. (XSP) and five of its officers with violations stemming from the operation of the Platinum Creek Mine on the Salmon River in Western Alaska. XSP, Australian citizens Dr. Bruce Butcher and Mark Balfour, Canadian citizen James Slade, and American citizens Robert Pate and James Staeheli are variously charged with conspiracy to violate the Clean Water Act and false statements (18 U.S.C. §§ 371, 1001; 33 U.S.C. §§ 1319(c)(2)(A), 1319(c)(4)).

According to the indictment, XSP held 159 placer mining claims and 36 hard-rock claims totaling more than 4,000 acres at the Platinum Creek Mine, which was situated along the Salmon River and its tributaries. The mine contains placer deposits of platinum metal, along with smaller amounts of gold and palladium. All but 21 of the claims were on land managed by the BLM, with the remaining (undeveloped) claims lying within the Togiak National Wildlife Refuge. The Salmon River is an anadromous fish stream that is important for the spawning of all five species of Pacific salmon and the rearing of coho and sockeye salmon. After flowing through BLM land, the Salmon River crosses the Togiak National Wildlife Refuge before entering the Pacific Ocean at Kuskokwim Bay.

The mine had been issued a permit with the understanding that it would be recycling all of its wastewater, resulting in “zero discharge.” From 2010 through 2011, however, the defendants allegedly discharged industrial wastewaters from the mechanical placer mining operation at the Platinum Creek Mine into the adjacent Salmon River in violation of the permit. The defendants submitted falsified documents to conceal these discharges, many of which contained large amounts of sediment and toxic metals.

This case was investigated by the U.S. Department of Interior BLM Office of Law Enforcement and Security, and the U.S. EPA Criminal Investigation Division.

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United States v. Randy Jones, No. 14-CR-00220 (E.D. Wis.), ECS Attorney Jennifer Whitfield and AUSA Tracy Johnson.

On November 14, 2014, an information was filed charging Randy Jones with false statements and violations of the Pipeline Safety Act (18 U.S.C. § 1001; 49 U.S.C. § 60123(a)).

Jones was a corrosion coordinator for a pipeline owned and operated by the Shell Pipeline Co. and was responsible for maintaining a pipeline that delivered aviation jet fuel to Mitchell Airport in Milwaukee. From January through December 2011, Jones failed to conduct required bi-monthly and annual safety testing to ensure that the pipeline had adequate protection against corrosion and, when advised of an upcoming audit by the Pipeline and Hazardous Material Safety Administration (PHMSA), entered false data into a database used to submit compliance reports to PHMSA.

In January 2012, the pipeline developed a leak. Jet fuel was found in a nearby creek and eventually reached the surface of airport property melting asphalt and filling



Jet fuel spill cleanup

underground drainage pipes and culverts. The resulting cost for emergency response and remediation of the site was in excess of \$19 million.

The plea hearing is scheduled for January 7, 2015.

This case was investigated by the DOT Office of Inspector General, the U.S. EPA Criminal Investigation Division, the U.S. Coast Guard, and the FBI.

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United States v. Hon Kit Lau et al., No. 2:14-CR-00181 (E.D. La.), AUSA David Haller.



Turtles confined with electrical tape

On November 12, 2014, Hon Kit Lau and Lawrence Treigle were charged with conspiracy and Lacey Act violations (16 U.S.C. §§ 3372(d), 3373(d)(3)(A); 18 U.S.C. § 371).

According to the information, the defendants were part of a group of individuals involved in capturing North American Wood turtles (a threatened species) from the wild in Pennsylvania, shipping the turtles by mail throughout the United States, and then illegally exporting the animals to Hong Kong.

This case was investigated by the U.S. Fish and Wildlife Service, Homeland Security Investigations, and the U.S. Postal Inspection Service.

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Plea Agreements

United States v. Noly Torato Vidad, No. 1:14-CR-00505 (D. Md.), ECS Senior Trial Attorney David Kehoe, AUSA P. Michael Cunningham, and ECS Paralegal Jessica Pannett.



Soot collection tank that held oily waste prior to overboard discharge

On November 14, 2014, Noly Torato Vidad, a chief engineer for the cargo vessel *M/V Selene Leader*, pleaded guilty to APPS and obstruction of justice violations (18 U.S.C. § 1505; 33 U.S.C. § 1908(a)).

Japanese company Hachiuma Steamship Co, LTD, operated the ship between August 2013, and January 2014. In January 2014, under the defendant's supervision, engine room crew members transferred oily wastes between oil tanks on board the ship using rubber hoses, bypassing pollution control equipment, before discharging the wastes directly overboard. These discharges were not recorded in the vessel's oil record book.

When the Coast Guard boarded the vessel in Baltimore on January 31, 2014, Vidad tried to

obstruct the Coast Guard's investigation and hide the illegal discharges of oil by falsifying the oil record book, destroying documents, lying to the Coast Guard, and instructing subordinate crew members to lie to the Coast Guard.

This case was investigated by the U.S. Coast Guard.

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United States v. Bonita Witt-Hird, No. 2:14-CR-00216 (S.D.W.V.), AUSA Erik Goes.

On November 13, 2014, Bonita Witt-Hird pleaded guilty to a Clean Water Act violation (33 U.S.C. § 1319(c)(4)) for filing fraudulent water quality reports.

Witt-Hird was formerly employed as the office manager for Richmorr Associates, Inc., an environmental engineering firm that provides water sampling services to wastewater treatment plants throughout West Virginia. From April of 2012 to June of 2013, Witt-Hird admitted to filing approximately 80 false reports with the W.V. Department of Environmental Protection (W.V. DEP). These false reports made it appear that current water quality sampling had been performed for the wastewater plants when, in fact, the test results had been copied from previous years.

The defendant previously pleaded guilty to obstructing an IRS investigation and is currently serving 12 months' and a day incarceration for that offense. She is scheduled to be sentenced on this case on January 5, 2015.

This case was investigated by the U.S. EPA Criminal Investigation Division, with assistance from the W.V. DEP and the FBI.

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Sentencings

United States v. Natalie McArdle et al., Nos. 1:13-CR-00238 and 00239 (S.D. Ala.), ECS Trial Attorney Colin Black and AUSA Maria Murphy.

On November 14, 2014, Natalie McArdle was sentenced to complete a five year term of probation with a special condition of eight months' home confinement. She also will pay \$1,541.07 in restitution, after previously pleading guilty to a Lacey Act violation (16 U.S.C. §§ 3372(a)(2)(A), 3372(a)(4), 3373(d)(1)(B)).

McArdle is the final defendant out of eight who were prosecuted for illegal Gulf reef fish harvesting along the Alabama and northern Florida Gulf Coasts in 2012 and 2013. McArdle was a broker for commercial fishermen selling unreported red snapper and grouper. On six occasions in 2012 and 2013, she sold or attempted to sell red snapper and grouper that had been landed illegally in Alabama to undercover law enforcement officers posing as employees of a Georgia-based fish and seafood dealer.

Co-defendants Matthias Kumm, Hunter Evans, James Martin, Josh Jones, David Braley, John Whitworth, and Tiffany Wilson all have been sentenced.

This case was investigated by the NOAA Office of Law Enforcement, with assistance from the Florida Fish and Wildlife Commission and the Alabama Department of Natural Resources.

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United States v. Michael Shimshoni, No. 8:13-CR-00355 (M.D. Fla.), AUSA Matthew Mueller.

On November 13, 2014, landlord Michael Shimshoni was sentenced to pay a \$2,500 fine, \$50,000 in restitution, complete a two-year term of probation, and perform 50 hours' community service. Shimshoni previously pleaded guilty to TSCA violations (15 U.S.C. § 2615(b)) for failing to warn a tenant that lead paint was potentially used on his property.

Shimshoni served as a property manager and lessor of properties through Pinellas Properties, Affordable Realty and Property Management and other entities. As part of this business, Shimshoni leased various rental units from a building that was constructed prior to 1978, and therefore could contain lead-based paint. The investigation arose from complaints at one of his properties that painting and other renovations were being done without properly removing lead paint chips. Further investigation revealed that, in April 2009, the defendant failed to provide a tenant with a federally-required lead paint hazard brochure before the tenant was obligated under a lease. The EPA tested soil around the buildings and, after finding it to be contaminated, cleaned up the property under its CERCLA authority. Restitution is to be paid to the EPA for the removal of lead-contaminated soil.

This case was investigated by the U.S. EPA Criminal Investigation Division.

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United States v. James Hampton et al., Nos. 3:14-CR-00065, 00067, 00068 (D. Ak.), AUSA Kevin Feldis and SAUSA Karla Perrin.**Westward Seafoods**

sentenced to serve a three-year term of probation and to pay a \$750 fine.

Westward has operated a sizeable seafood processing facility in Dutch Harbor since 1999, processing approximately 250 million pounds of seafood per year. The facility generates its own electricity with three diesel-fueled generators contained in its powerhouse building. Emissions from these generators are vented through a single combined smokestack, and are regulated under a CAA Title V permit.

Under the terms of its permit, Westward was required to install and use pollution control equipment to decrease the amount of nitrogen dioxide (NO_x) emitted from the powerhouse smokestack. To meet this requirement, the company installed a Combustion Air Saturation System (CASS) for each generator unit, which uses water to saturate the air and reduce emissions. The permit also required the company to operate each generator with a dedicated fuel and water flow meter and to record the fuel and water consumption at a consistent time each day.

From 2009 to August 2011, Westward failed to operate the CASS pollution control equipment. Morales informed Hampton that he and the powerhouse staff had stopped operating the CASS. Thereafter, Hampton used his position to make it appear that the equipment was still in use. Morales

On November 12 and November 25, 2014, three employees of Westward Seafoods, Inc., were sentenced after previously pleading guilty to Clean Air Act violations (42 U.S.C. § 7413(c)(2)(A)) at this seafood processing plant. James Hampton a former assistant chief engineer, was sentenced to serve 70 days' incarceration, followed by one year of supervised release. Raul Morales, a former powerhouse supervisor, was sentenced to serve 45 days' incarceration, followed by one year of supervised release. Both also will pay \$1,000 in fines. Powerhouse operator Bryan Beigh was

and Beigh falsified daily data collection forms by, among other things, generating false water meter flow readings, and altering the actual flow meters to make it appear that they were in use.

On several occasions, the company's environmental compliance manager noticed a discrepancy in the water usage data and contacted Hampton. In response, Hampton responded by either changing the numbers or having Morales generate new false numbers that were provided to the compliance manager.

In April 2011, Hampton escorted an EPA inspector through the powerhouse during an inspection. The company had advance notice of the inspection and the powerhouse supervisor and operators began operating the CASS in preparation for the inspector. Hampton also showed the inspector the falsified logs.

Westward entered into a civil consent decree in 2010 that required the company to reduce its NOx emissions by properly operating pollution prevention equipment.

This case was investigated by the U.S. EPA Criminal Investigation Division.

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United States v. Martin C. Eldridge, III, No. 2:14-CR-00119 (S.D. Ohio), SAUSA Heather Robinson, RCEC Brad Beeson, and AUSA Mike Marous.

On November 7, 2014, Martin C. Eldridge, III, was sentenced to serve 31 months (280 days credit for time served) and perform 200 hours of community service. A fine was not assessed. Eldridge previously pleaded guilty to violating the Clean Air Act (42 U.S.C. § 7413 (c)(1)) for venting a refrigerant into the air after stealing almost 50 air conditioning units. Between August and October 2013, Eldridge and codefendants stole A/C units from apartment complexes and small businesses. They removed the copper and other parts from the units to be sold at a scrap yard. HCFC-22 refrigerant was vented when the tubing was cut.

This case was investigated by the Scrap Metal Theft Task Force, which includes the Columbus Division of Police and the U.S. EPA Criminal Investigation Division.

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Broken A/C units

United States v. Jason John Thomas, No. 4:14-CR-00054 (S.D. Iowa), AUSA Kelly Mahoney.



Dead bald eagle

On November 6, 2014, Jason J. Thomas was sentenced to serve two months' incarceration followed by one year of supervised release for taking and possessing a bald eagle in violation of the Bald and Golden Eagle Protection Act (16 U.S.C. § 668(a)). Thomas also will pay a \$2,000 fine and perform 80 hours of community service.

During a boat ride on the South Skunk River in March 2011, Thomas saw a bald eagle on a bluff above the water. He pursued the eagle as it flew down river, captured it after it landed, and then struck and killed the bird.

This case was investigated by the U.S. Fish and Wildlife Service and the Iowa Department of Natural Resources.

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United States v. B&P Environmental, LLC et al., No. 1:13-CR-00298 (D.D.C.), ECS Senior Trial Attorney Lana Pettus, AUSA John Hooks, and ECS Paralegal Ashleigh Fields.

On November 6, 2014, B&P Environmental, LLC and Earl Anderson were sentenced. Anderson will complete a two-year term of probation and perform 200 hours of community service. A fine was not assessed. The company will pay a \$20,000 fine, complete a three-year term of probation, and implement an environmental compliance plan.

The defendants previously pleaded guilty to Clean Water Act misdemeanor violations (33 U.S.C. §§ 1311(a), 1319(c)(1)(A)) for the negligent discharge of wastewater into a storm drain that led directly to the Potomac River.

B&P was in the business of plumbing, waste water removal, and servicing septic tanks. It was hired by another company, Phoenix Industries, to assist in fulfilling a contract with the National Park Service to clean the storm water sewer system in and around the National Mall. Between May 23, 2011, and June 6, 2011, company employees used a vacuum truck to collect liquid and solid waste from storm water inlets, catch basins, and oil-water separators located around the Mall. At the direction of a supervisor, they discharged the wastes into another storm water inlet that emptied into the Potomac River. Phoenix representative Patrick Brightwell was sentenced for a CWA violation and for making a false claim against the United States (for billing the United States for work not properly completed).

This case was investigated by the U.S. EPA Criminal Investigation Division and the United States Park Police.

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United States v. Leading Edge Aviation Services, Inc., No. 4:14-CR-00121 (N.D. Miss.), AUSA Robert Mims.

On November 4, 2014, Leading Edge Aviation Services, Inc. (Leading Edge), was sentenced after pleading guilty to a RCRA violation (42 U.S.C. § 6928(d)(2)(A)) for illegally storing paint wastes. The company will pay a \$700,000 fine and will make a \$25,000 community service payment to the Association of State and Territorial Solid Waste Management Officials. Leading Edge was further ordered to pay a \$275,000 civil penalty to the Mississippi Department of Environmental Quality (MDEQ), complete a one-year term of probation, implement an environmental compliance and training program, and clean up the facility.

The defendant operated a commercial aircraft painting facility at Greenville's Mid-Delta Regional Airport until mid-2013. Investigators determined that, in 2010, large volumes of hazardous waste generated from the paint-stripping process had been improperly stored in an open pit without a permit over an approximately seven-month period.

The company was purchased by new owners in April 2012, who have cooperated fully with the EPA's investigation of this matter.

This case was investigated by the U.S. EPA Criminal Investigation Division, and the MDEQ.

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Plane prepped for painting

United States v. Ryan James Inos Manglona et al., Nos. 1:12-CR-00033, 00036, 00039 (D.N.M.I), AUSA Garth Backe.

On October 31, 2014, Ryan James Inos Manglona was sentenced to serve 30 days' incarceration, with credit for one day time-served, followed by one year supervised release. He also was ordered to perform 50 hours' community service. A fine was not assessed.

Manglona had worked as a legislative assistant to former Senator Juan Manglona Ayuyu. In October 2010, the two were involved in a conspiracy to violate the Endangered Species Act for transporting eight protected Mariana fruit bats (concealed in a box containing 40 pounds of lemons) that were placed on board a flight from Rota to Saipan.

After the bats were discovered, the senator attempted to obstruct the grand jury investigation by instructing his assistant to lie about their involvement. Manglona previously pleaded guilty to perjury and conspiracy violations (18 U.S.C. §§ 371, 1623(a)). Ayuyu was sentenced to serve 41 months' incarceration, followed by three years' supervised release, and was ordered to perform 100 hours of community service. He pleaded guilty to obstruction, ESA, and conspiracy charges (18 U.S.C. §§ 371, 1512(k), 1512(c)(2); 16 U.S.C. §§ 1538(a)(1)(G), 1540(b)(1)).

This case was investigated by the Commonwealth of the Northern Mariana Islands Division of Fish and Wildlife and the U.S. Fish and Wildlife Service.

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United States v. Ronald W. Reine et al., No. 1:14-CR-0008 (S.D. Miss.), AUSA Darren LaMarca.

On October 30, 2014, three individuals and a corporation were sentenced after pleading guilty to conspiracy to violate the Lacey Act (16 U.S.C. § 3373(d)(3)(B); 18 U.S.C. § 371) for importing live white-tailed deer into Mississippi.

Brian R. Reine will serve nine months' incarceration, followed by two years' supervised release. Ronald W. Reine will complete a three-year term of probation to include six months' home detention, and pay a \$10,000 fine. Bruce A. Swilley, Jr., will complete a three-year term of probation to include nine months' home detention, and will pay a \$10,000 fine. Omni Pinnacle, LLC, will complete a five-year term of probation. All defendants were held jointly and severally responsible for \$1.5 million in restitution to be paid to the Mississippi Department of Wildlife, Fisheries, and Parks.

From January 2011 through December 2012, Brian Reine operated a wildlife enclosure in Lamar County, Mississippi, known as Half Moon Ranch. Ronald Reine operated a wildlife enclosure in Pearl River County, Mississippi, known as Oak Investments, LLC or "Hunter's Bluff." The defendants conspired to unlawfully bring live white-tailed deer into Mississippi from Indiana and Pennsylvania for the purpose of breeding and killing trophy-sized buck deer.

This case was investigated by the U.S. Fish and Wildlife Service and the Mississippi Department of Wildlife, Fisheries, and Parks.

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United States v. Terry Williams, No. 2:13-CR-20854 (E.D. Mich.), AUSA Jennifer Gorland and SAUSA David Mucha.**Crushed A/C unit**

On October 24, 2014, Terry Williams was sentenced to serve 27 months' incarceration, followed by two years' supervised release, after pleading guilty to two Clean Air Act violations (42 U.S.C. §§ 7413; 7413(c)(1)). A fine was not assessed.

In 2012, Williams hired crews to remove salvageable metal from a former AMC building, which included the dismantling of air conditioning units charged with R-22 refrigerant. The crews dismantled between 50 and 70 of these units, including many large rooftop units, causing R-22 to be released into the environment.

The defendant further arranged for other fixtures on the property to be scrapped, ordering crews to cut and remove pipes he knew to be insulated with regulated asbestos-containing insulation. The insulated pipes were removed without following work practice requirements, including failing to properly wet the material and failing to secure the material for proper disposal.

This case was investigated by the U.S. EPA Criminal Investigation Division.

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United States v. Todd D. Doughty, No. 14-CR-00023 (E.D. Wisc.), AUSA Daniel Humble.

On October 20, 2014, Todd D. Doughty, the owner of the "Thunderbird Game Farm" was sentenced to pay a \$5,000 fine, complete a five-year term of probation, and is banned from hunting, fishing or trapping while on probation.

Doughty illegally engaged in the sale of sausage containing Snow Goose, in violation of the Migratory Bird Protection Act (16 U.S.C. §§ 703, 707(b)). While sentencing the defendant, the court noted a number of past wildlife offenses which "spoke to the defendant's character" and his "disregard for wildlife laws," necessitating the lengthy revocation of hunting privileges. As a convicted felon, Doughty is barred from possessing a firearm for any purpose.

In 2007, local game wardens began investigating reports of dead owls found along a road in a garbage bag. The wardens gave the birds to U.S. Fish and Wildlife Service agents. Forensic analysis determined that the owls had been killed with a type of ammunition commonly used in pheasant hunting. The defendant's property was not far from where the owls had been dumped. A subsequent undercover investigation uncovered an illegal operation built around commercializing snow geese, white-tailed deer, and other waterfowl as processed sausage at Doughty's lodge. It was also determined that the defendant routinely shot owls, hawks, and other predators near his hunting lodge.

This case was investigated by the Wisconsin Department of Natural Resources and the U.S. Fish and Wildlife Service.

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**Snow Geese**