



Monthly

# Bulletin

## Environmental Crimes Section

September 2019

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Send your federal case updates to:



James Williams illegally exported raw walrus ivory from Alaska to Indonesia. [See inside](#), for more details on this case.

District/Circuit	Case Name	Case Type/Statutes
██████████ ██████████	████████████████████	████████████████
District of Alaska	<a href="#">United States v. James T. Williams</a>	Ivory Shipments/Lacey Act, Smuggling
Eastern District of California	<a href="#">United States v. Genaro L. Merino et al.</a>	Marijuana Grow/Drugs, Depredation to Natural Resources, Firearms
	<a href="#">United States v. Lester Eduardo Cardenas-Flores et al.</a>	
	<a href="#">United States v. Marino Cruz Diaz et al.</a>	
	<a href="#">United States v. Jose Garcia-Zamora</a>	
	<a href="#">United States v. Enrique Gomez-Perez</a>	
	<a href="#">United States v. Mauricio Vaca-Bucio et al.</a>	
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District of Colorado	<a href="#">United States v. Robert T. Allen</a>	Public Land Destruction/Depredation
District of Connecticut	<a href="#">United States v. Aleks Rakaj et al.</a>	Demolition/CAA
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████████████████████	██	██
District of Massachusetts	<a href="#">United States v. Derrick Semedo</a>	Reptile Trafficking/Lacey Act
██████████ ██████████	██	██
District of New Jersey	<a href="#">United States v. Thomas Toy</a>	Hazardous Waste Disposal/RCRA
Eastern District of North Carolina	<a href="#">United States v. Phillip R. Carawan et al.</a>	Crabmeat Mislabeling/Lacey Act

District/Circuit	Case Name	Case Type/Statutes
District of North Dakota	<a href="#"><u>United States v. C&amp;J Well Services, Inc.</u></a>	Employee Death/OSHA
District of Oregon	<a href="#"><u>United States v. Colton T. Dick</u></a> <a href="#"><u>United States v. Robert La Rue Webb</u></a>	Wolf Killing/ESA Wastewater Discharge/CWA
Eastern District of Pennsylvania	<a href="#"><u>United States v. David Sommers</u></a>	Turtle Trafficking/Lacey Act
Middle District of Pennsylvania	<a href="#"><u>United States v. Brian Mellott et al.</u></a> <a href="#"><u>United States v. David Tielle et al.</u></a> <a href="#"><u>United States v. Andrew Manganas et al.</u></a>	Diesel Defeat Devices/Conspiracy RINS Fraud/Conspiracy Bridge Painting/CWA, Theft from Union Fund, Wire Fraud
District of Puerto Rico	<a href="#"><u>United States v. Tower &amp; Son et al.</u></a>	Pesticide Application/FIFRA
Eastern District of Virginia	<a href="#"><u>United States v. Gregory Wheatley Parks, Jr.</u></a> <a href="#"><u>United States v. Paul Potter</u></a>	Oyster Harvesting/Lacey Act Building Renovation/TSCA
District of Virgin Islands	<a href="#"><u>United States v. Ionian Management, Inc., et al.</u></a>	Vessel/APPS, Obstruction
Northern District of West Virginia	<a href="#"><u>United States v. Timothy Peer</u></a>	Sewage Discharges/CWA

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[REDACTED]

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## Trials

### ***United States v. Robert T. Allen***, No. 16-CR-00169 (D. Colo.), AUSA Jeremy Chaffin and Kelly Winslow.

On August 14, 2019, a jury convicted Robert T. Allen for depredation of federal property (18 U.S.C. § 1361). Sentencing is scheduled for November 4, 2019.

Prosecutors charged Allen in 2016, but he evaded arrest for nearly two years before being arrested and ultimately detained in 2018.

Between July 2013 and May 2014, Allen used a bulldozer to dig up approximately three acres of land in an area known as the Vulcan in Saguache County. At trial, Allen claimed he could lawfully prospect on federal land, despite receiving four notices directing him to stop. He said he was acting in good faith pursuant to the General Mining Law of 1872.

This case was investigated by the Bureau of Land Management, with assistance from The Colorado Division of Reclamation, Mining, and Safety.



*Defendant operating bulldozer despite repeated cease and desist orders*

## Indictments/Informations

### ***United States v. Genaro L. Merino et al.*, No. 2:19-CR-00149 (E.D. Calif.), AUSA Michael W. Redding.**

On August 29, 2019, a grand jury returned a three-count indictment charging Genaro L. Merino and Manuel S. Cardenas with conspiring to manufacture marijuana and depredation of public land and natural resources (21 U.S.C. §§ 841, 846; 18 U.S.C § 1361).

Merino and Cardenas participated in an illegal marijuana grow between April and August 2019. Investigators located approximately 1,900 plants at two grow sites in the Shasta-Trinity National Forest near the town of Helena.

This case was investigated by the U.S. Forest Service, the California Department of Fish and Wildlife, and the Trinity County Sheriff's Office.

### ***United States v. Lester Eduardo Cardenas-Flores et al.*, No. 1:19-CR-00186 (E.D. Calif.), AUSA Karen Escobar.**

On August 29, 2019, a grand jury returned a three-count indictment charging Lester Eduardo Cardenas-Flores and Luis Madrigal-Reyes with conspiring to manufacture, distribute, and possess with intent to distribute marijuana, manufacturing marijuana, and depredation of public lands and natural resources (21 U.S.C. §§ 841, 846; 18 U.S.C § 1361).

In August 2019, law enforcement officers located more than 1,000 marijuana plants in the Dutch Oven Creek area of the Sierra National Forest in Madera County. They detained both defendants found on site. The marijuana cultivation operation caused significant damage to the land and natural resources. On site, they found illegal and highly toxic pesticides, including carbofuran.

This case was investigated by the U.S. Forest Service, with assistance from the California National Guard, the California Department of Justice's Campaign Against Marijuana Planting, and the Madera County Sheriff's Office.

### ***United States v. Marino Cruz Diaz et al.*, No. 1:19-CR-00171 (E.D. Calif.) AUSA Justin Gilio.**

On August 15, 2019, a grand jury returned a four-count indictment charging Marino Cruz Diaz and David Moreno Florez with manufacturing marijuana, conspiring to manufacture, distribute and possess marijuana, and depredation of public lands and natural resources. Moreno Florez is further charged with possession of a firearm in furtherance of a drug-trafficking crime (21 U.S.C. §§ 841, 846; 18 U.S.C §§ 924, 1361).

In August 2019, law enforcement officers located a clandestine marijuana grow site in the Sequoia National Forest. After hiking into the area, they arrested Cruz Diaz and Moreno Florez. Moreno Florez was carrying a loaded, AR-15 style rifle. Officers also found a loaded shotgun nearby. Officers removed and eradicated closet to 2,500 plants.

This case was investigated by the U.S. Forest Service with assistance from the California Department of Fish and Wildlife and the Fresno County Sheriff's Office.

## Indictments/ Informations

***United States v. Tower & Son et al.*, No. 3:19-CR-00507 (D.P.R.), ECS Senior Litigation Counsel Howard Stewart and AUSA Carmen Marquez.**

On August 15, 2019, a grand jury returned an eight-count indictment charging Tower & Son, along with company owner Wilson Javier Torres-Rivera, with violating the Federal, Insecticide, Fungicide, and Rodenticide Act for the misapplying methyl bromide (7 U.S.C. § 136).

Between August 2014 and February 2015, acting on behalf of the company, Torres-Rivera applied the product Meth-O-Gas Q in residences and on boats in a manner inconsistent with its labeling. Meth-O-Gas Q contains 100 percent methyl bromide and the U.S. Environmental Protection Agency prohibits its use in homes or to kill household pests.

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

***United States v. Jose Garcia-Zamora*, No. 1:19-CR-00169 (E.D. Calif.), AUSA Justin Gilio.**

On August 8, 2019, a grand jury returned a four-count indictment charging Jose Garcia-Zamora with manufacturing marijuana, conspiring to manufacture marijuana, possessing a firearm in furtherance of a drug-trafficking crime, and depredation of public lands and natural resources (21 U.S.C. §§ 841, 846; 18 U.S.C §§ 924, 1361).

In July 2019, officers located close to 3,000 marijuana plants at a clandestine grow site on U.S. Forest Service land in Stanislaus National Forest. They arrested Garcia-Zamora on site with a .45 caliber pistol.

This case was investigated by the U.S. Forest Service.



## Guilty Pleas

### ***United States v. Brian Mellott et al.*, No. 4:18-CR-00267 (M.D. Pa.), AUSAs Phillip J. Caraballo and Sean Camoni, and SAUSA Patricia C. Miller.**

On August 21, 2019, Brian Mellott pleaded guilty to conspiring to impede the lawful functions of the U.S. Environmental Protection Agency and the Department of Transportation, and to violate the Clean Air Act (18 U.S.C. § 371).

Mellott worked as an analyst at Rockwater Northeast LLC, a company that serviced the fracking industry in Pennsylvania. In the course of his employment, he conspired to modify the emissions systems on a number of Rockwater heavy-duty diesel trucks by using “defeat devices.” He and co-conspirators concealed defeat device purchases in Rockwater’s records by mislabeling them as exhaust systems, including in invoices approved by Mellott.

Gavin Rexer, Dennis Paulhamus, Joseph Powell, John Joseph, and Timothy Sweitzer previously pleaded guilty to conspiring to defraud the government and to violate the Clean Air Act. To pass inspections, they drove the modified commercial motor vehicles to state-approved inspection stations, including Sweitzer’s Garage.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division and the Department of Transportation Office of the Inspector General, with assistance from the Federal Motor Carrier Safety Administration, and the Pennsylvania State Police.

### ***United States v. Colton T. Dick*, No. 1:18-CR-00393 (D. Ore.) AUSA Adam Delph.**

On August 19, 2019, Colton T. Dick pleaded guilty to violating the Endangered Species Act for shooting a gray wolf (16 U.S.C § 1538(a)(1)(B)).

In October 2016, Dick shot at a gray wolf from 40 yards using a rifle and scope as it was walking away from him in the Fremont-Winema National Forest. Dick failed to locate the wolf. Afterwards, he made statements to others in his hunting party regarding his encounter with a wolf, which led law enforcement to Dick. Based on GPS data from the collared wolf, investigators found the adult female gray wolf known as “OR 28”, which had died from a single gunshot wound in the forest.

Under a deferred prosecution agreement, Dick will submit to one-year of supervised release, pay restitution of \$2,500 to the Oregon Department of Fish and Wildlife, not hunt any wildlife for a period of one year, and perform 100 hours of community service. If Dick complies with these conditions, he will be allowed to withdraw his guilty plea and the government will move to dismiss the charge.

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



*Deceased gray wolf*



## Guilty Pleas

### ***United States v. Robert La Rue Webb*, No. 3:19-CR-00280 (D. Ore.), AUSA Ryan Bounds.**

On August 14, 2019, Robert La Rue Webb pleaded guilty to violating the Clean Water Act for discharging oil into the Willamette River 33 (U.S.C. §§ 1319(c)(1)(A), 1321 (b) (3)).

On January 22, 2018, Webb pumped oil into a 10,000-gallon used-oil tank at the Union Pacific Albina rail yard in Portland. While operating the pump, the tank overflowed while Webb was distracted on a phone call. More than 1,000 gallons of oil entered a stormwater drain and discharged into the river, resulting in a sheen on the river's surface.

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

[REDACTED]

### ***United States v. Phillip R. Carawan et al.*, No. 2:19-CR-00112 (E.D.N.C), ECS Trial Attorney Gary Donner and AUSA Banu Rangarajan.**

On August 13, 2019, Phillip R. Carawan pleaded guilty to violating the Lacey Act for falsely labelling millions of dollars of foreign crabmeat as “Product of USA” (16 U.S.C. §§ 3372(d)(1), (2), 3373(d)(3)(A)).

Carawan was the owner, President, and Chief Executive Officer of Capt. Neill’s Seafood Inc., a North Carolina company engaged in the business of purchasing, processing, packaging, transporting, and selling seafood and seafood products, including crabmeat from domestically harvested blue crab.

Between January 2012 and June 2015, Carawan directed employees to substitute foreign crabmeat for domestic blue crab that they subsequently repacked into containers

*(Continued on page 10)*

This case is part of an ongoing effort by the National Oceanic and Atmospheric Administration's Office of Law Enforcement, in coordination with the Food and Drug Administration and the Department of Justice to detect, deter, and prosecute those engaged in the false labeling of crabmeat.

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September 2019

## Sentencings

### ***United States v. David Sommers*, No. 2:18-CR-00290 (E.D. Penn.), ECS Trial Attorney Ryan Connors and AUSA Joan Burnes.**

On August 29, 2019, a court sentenced David Sommers to six months' incarceration, followed by six months' home confinement, as a condition of three years' supervised release.

Sommers previously pleaded guilty to violating the Lacey Act for trafficking in protected turtles (16 U.S.C. §§ 3372(d)(2), 3373(d)(3)(A)).

As part of the plea, Sommers also forfeited approximately 3,500 diamondback terrapin hatchlings. The court ordered him to pay \$250,000 in restitution to the state of New Jersey for costs associated with repopulating the area where he poached them. The hatchlings were destined for the pet trade.



*Diamondback terrapin hatchlings*

Sommers operated an online business from his home outside of Philadelphia selling threatened diamondback terrapins in interstate and international commerce. He falsely labeled and trafficked turtles taken from their New Jersey marsh habitat between August 2014 and October 2017. Sommers further admitted sending a package to Canada in 2014 containing 11 hatchlings. He mislabeled the package as a book and underreported its value to avoid detection by customs authorities. Wildlife authorities from Environment and Climate Change Canada intercepted the package.

This case was investigated by the U.S. Fish and Wildlife Service, with assistance from the New Jersey Division of Fish and Wildlife.

### ***United States v. C&J Well Services, Inc.*, No. 19-CR-00079 (D.N.D.), ECS Trial Attorney Charlie Lord and ECS Senior Trial Attorney Chris Costantini.**

On August 28, 2019, a court sentenced C&J Well Services, Inc. (C&J), successor to Nabors Completion and Production Services (NCPS), after previously pleading guilty to violating the Occupational Safety and Health Act (OSHA) (29 U.S.C. § 666(e)).

Justin Payne worked for NCPS at its Williston, North Dakota facility. On October 3, 2014, Payne welded on an uncleaned tanker trailer that had previously carried "production water" or "saltwater," a liquid waste generated by oil wells that contains flammable chemicals. The tank exploded killing Payne.

C&J and NCPS maintained written policies prohibiting welding in unclean tanks. NCPS policies mandated special training for welders and internal auditing procedures to ensure that workers followed the welding rules. However, NCPS did not provide welding-specific training to Payne or other welders at the Williston facility, did not effectively supervise the work of the Williston welders, did not require the welders to obtain hot work

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## Sentencings

(Continued from page 12)

permits prior to welding, and did not follow internal auditing procedures. As a result, Payne and other welders repeatedly welded on uncleaned tanks that contained flammable hydrocarbon residue.

The court ordered C&J to pay a \$500,000 fine and \$1.6 million in restitution to the victim's estate. The company will complete a three-year term of probation, during which OSHA personnel may inspect its facilities and equipment across the country unannounced for any reason.

This case was investigated by the U.S. Department of Labor Occupational Safety and Health; the U.S. Environmental Protection Agency Criminal Investigation Division; the Bureau of Alcohol, Tobacco, Firearms and Explosives; and the Department of Transportation Office of Inspector General.

***United States v. David Tielle et al.*, Nos. 1:17-CR-00143, 1:18-CR-00278 (M.D. Penn.), ECS Senior Litigation Counsel Howard Stewart, AUSA Geoffrey W. MacArthur, and ECS Law Clerk Amanda Backer.**

On August 27, 2019, a court sentenced David Tielle to complete a three-year term of probation, to include three-months' home detention. Tielle also will pay \$4,149, 983 in restitution to the Internal Revenue Service (IRS), after previously pleading guilty to conspiring to defraud the IRS as part of a biodiesel tax scheme (18 U.S.C. § 371).

Tielle served as Director of Business Development at Keystone Biofuels, Inc., a company that purported to produce and sell biodiesel. Between 2009 and 2012, Tielle participated in a conspiracy to fraudulently claim tax refunds based on the Biodiesel Mixture Tax Credit (a federal excise tax credit for persons or businesses who mix biodiesel with petroleum and use or sell the mixture as a fuel).

As part of the conspiracy, Tielle caused inflated fuel amounts to be reported to the IRS to fraudulently claim tax refunds on fuel Keystone was not producing. To account for the inflated fuel amounts, Tielle created false books and records and engaged in a series of sham financial transactions intended to mirror the false books and records. Tielle also caused Keystone to fraudulently claim tax refunds on fuel that did not meet the quality standards needed to qualify for the tax credit and on fuel Keystone had not mixed with petroleum. The total loss resulting from Tielle's conduct is approximately \$4 million.

A jury convicted Keystone, company president Ben Wootton, and chief executive officer Race Miner, on all counts. The defendants conspired to make false statements to the U.S. Environmental Protection Agency and substantive false statements, in addition to conspiring to defraud the IRS and creating fraudulent tax records (18 U.S.C. § 371; 18 U.S.C. § 1001; 26 U.S.C. § 7206(2)).

This case was investigated by Internal Revenue Service Criminal Investigation and the U.S. Environmental Protection Agency Criminal Investigation Division.

## Sentencings

***United States v. Gregory Wheatley Parks, Jr., No. 2:19-CR-00014 (E.D. Va.),***  
**ECS Trial Attorney Lauren Steele.**

On August 22, 2019, a court sentenced Gregory Wheatley Parks, Jr., to 12 months' incarceration. Parks previously pleaded guilty to a Lacey Act trafficking charge related to the illegal harvest and sale of oysters from Virginia waters (16 U.S.C. §§ 3372(d)(2), 3373 (d)(3)(A)).

Parks is a Virginia-licensed commercial fisherman. Between January and March 2015, Parks made several trips on the *F/V Melissa Hope* during which he and his mate harvested oysters in excess of catch limits set by the State of Virginia. Parks traveled to a seafood dealer in Maryland to sell the oysters. He later submitted reports to the Virginia Marine Resources Commission falsely declaring he had harvested the legal limit of oysters during those trips.

This case was investigated by the U.S. Fish and Wildlife Service Office of Law Enforcement, with assistance from the Maryland Natural Resources Police and the Virginia Marine Police.

***United States v. Ionian Management, Inc., et al., No. 1:19-CR-00009 (D.V.I.),***  
**ECS Senior Trial Attorney Kenneth Nelson and AUSA Kim Chisholm.**

On August 22, 2019, a court sentenced Ionian Shipping & Trading Corp. (Ionian ST) and Lily Shipping Ltd. (Lily) to each pay \$1.5 million, complete four-year terms of probation, and implement environmental compliance plans. The companies previously pleaded guilty to violating the Act to Prevent Pollution from Ships (APPS) and obstruction of justice related to the burning of dirty fuel on the *M/T Ocean Princess* (33 U.S.C. § 1908 (a), 18 U.S.C. § 1505). The court rejected the plea agreement with Ionian Management Inc. (Ionian M).

In July 2018, U.S. Coast Guard inspectors boarded the vessel in St. Croix to conduct a routine Port State Control inspection. The inspection revealed that the vessel was using high-sulfur diesel fuel as it transited through, and operated within, the U.S. Caribbean Emission Control Area (ECA). MARPOL Annex VI and related Environmental Protection Agency regulations prohibit the use of high-sulfur fuel within the ECA. Ionian M, a New York City-based company, authorized the transfer of high-sulfur diesel fuel from the ship's cargo tanks to be used as bunker for the main engine, generators, and auxiliary equipment. Lily and Ionian ST, Greece-domiciled companies owned and operated the ship, respectively. The ship had been violating the ECA by using high-sulfur fuel since January 2016.

During the Coast Guard inspection, the Chief Mate, Rey Espulgar, instructed lower level crewmembers to lie to the inspectors about where the ship took on its fuel. The Master, Stamatios Alekidis, emailed Ionian M and requested authorization to transfer high-sulfur diesel cargo to be used as fuel. After Ionian M authorized the transfer, Alekidis informed Espulgar and Chief Engineer Athanasios Pittas, about the authorization with

*(Continued on page 15)*

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

[illegible]



## Sentencings

***United States v. Derrick Semedo*, No. 1:19-CR-10018 (D. Mass.), ECS Trial Attorneys Gary Donner and Erica Pencak, and AUSA Seth Kosto.**

On August 15, 2019, a court sentenced Derrick Semedo to complete a two-year term of probation and to perform 120 hours' community service. Semedo previously pleaded guilty to violating the Lacey Act for illegally trafficking water monitor lizards from the Philippines (16 U.S.C. §§ 3372(a)(1), 3373 (d)(1)(B)).

Between March and December 2016, Semedo imported more than 20 water monitor lizards from the Philippines, a CITES-protected species. To avoid detection by United States customs authorities, shippers placed the lizards in socks, sealed them with tape, and concealed the reptiles within the back panels of audio speakers or other electronic equipment. Semedo arranged for the equipment to be shipped to him in Massachusetts via commercial carriers. The customs declarations accompanying the shipments identified the contents as audio speakers or similar electronics.

This case is part of Operation Sounds of Silence, an ongoing effort by the U.S. Fish and Wildlife Service, in coordination with the Department of Justice, to prosecute those involved in the illegal taking and trafficking in protected species, including water monitor lizards.



*Water Monitor Lizard*

***United States v. James T. Williams*, No. 3:18-CR-00124 (D. Alaska), AUSA Steve Skrocki.**

On August 15, 2019, a court sentenced James T. Williams d/b/a Inside Passage Arts, to pay a \$5,000 fine and complete a two-year term of probation.

Williams previously pleaded guilty to a Lacey Act false labeling violation and smuggling goods into the United States (18 U.S.C. § 545; 16 U.S.C. §§ 3372(d)(1), 3373(d)(3)(A)(i)).

Between October 2014 and March 2016, Williams illegally exported raw, unworked, walrus ivory tusks from Alaska to Bali, Indonesia, for carving. He regularly visited Bali to enable Indonesian carvers to create carvings using a "Balinese" technique. He smuggled the finished carvings back into the United States with falsified records.

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



*Carvings purchased in the raw form by covert agents. Williams transported raw materials out of the U.S. to be carved in Bali, and sold them to covert agents after smuggling back into the U.S.*

## Sentencings

***United States v. Aleks Rakaj et al.*, Nos. 3:18-CR-00294, 3:19-CR-00136 (D. Conn.), AUSAs Sarala Nagala and Elena Coronado.**

On August 14, 2019, a court sentenced Aleks Rakaj to pay a \$9,500 fine and complete a one-year term of probation. Rakaj previously pleaded guilty to violating the Clean Air Act's (CAA) National Emission Standards for Hazardous Air Pollutants (NESHAPs) for the illegal removal of asbestos (42 U.S.C. §§ 7412, 7413(c)(1)).

In November 2015, Aleks Rakaj and his two cousins, Kliton and Rezard Rakaj, purchased a commercial property in New Haven, Connecticut. Prior to purchasing this property, the realtor informed them of asbestos in the building. After they bought it, they began to remove the asbestos without following the NESHAPs provisions, including: failing to adequately wet regulated asbestos-containing material (RACM) while removing it from pipes, failing to notify local officials ten days prior to beginning the job, and failing to properly dispose of the material.

After a local health department inspector conducted an unannounced inspection of the facility, he observed the ongoing activities as well as approximately 100 to 150 garbage bags of dry and unlabeled RACM. None of the personnel engaged in the abatement wore proper protective equipment, nor were they trained or certified in asbestos removal. After executing a search warrant a few weeks later, federal agents confirmed the presence of asbestos.

A court previously sentenced Kliton Rakaj and Rezart Rakaj to each pay a \$9,500 fine, complete a one-year term of probation, and perform 50 hours' community service. Both pleaded guilty to violating the CAA NESHAPs.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division, with assistance from the City of New Haven Health Department and the U.S. Department of Labor Occupational Safety and Health Administration.



*Bags of asbestos*

## Sentencings

### ***United States v. Andrew Manganas et al.*, No. 1:16-CR-00209 (M.D. Pa.), AUSA James T. Clancy and SAUSA Martin Harrell.**

On August 14, 2019, a court sentenced Andrew Manganas to 46 months' incarceration, followed by two years' supervised release, and ordered him to pay a \$20,000 fine. Manganas previously pleaded guilty to stealing from union plans, wire fraud, and discharging pollutants (blast media, lead paint and rusted metal) into the Susquehanna River without a Clean Water Act (CWA) permit (18 U.S.C. §§ 664, 1343; 33 U.S.C. § 1319(c)(2)). The court fined Manganas' defunct bridge painting company, Panthera Painting, Inc., to pay \$200,000 on the same charges.



*George Wade Bridge*

Manganas worked in the industrial painting business with his father's company for many years. The government prosecuted that company and Manganas' older brother in 2002 in the Western District of Pennsylvania and the Northern District of West Virginia for similar environmental offenses.

The defendants in this matter repeatedly delayed the sentencing, and the parties filed multiple sentencing memos in the two weeks leading up to sentencing (three by the United States). The four-hour sentencing hearing focused on whether the government had proven six sentencing enhancements. For the financial crimes, the parties disputed what is loss, and whether there was any and, if so, how much. With regard to the CWA offenses, the parties disputed whether the United States had proven that the pollutants discharged into the river contained lead, a toxic water pollutant, or that the paint debris was hazardous waste which triggered Section 2Q1.2(b)(1)(A) of the United States Sentencing Guidelines. The parties further disputed whether Section 2Q1.2(b)(4) applied to a CWA case due to the wording of that guideline [see *different wording in 2Q1.3(b)(4)*], *role in the offense (4 level increase)* and obstruction of justice (whether Manganas had instructed a worker not to appear before the grand jury and then to lie after the employee's arrest and his subsequent testimony). The court ruled for the government on all enhancements, although it stated that the applicability of Section 2Q1.2(b)(1)(A) was a close question which it would let the Third Circuit focus on. However, there is an appellate waiver in place. The government sought a sentence at the high end of the 46-57 month range while Manganas wanted probation.

Back in September 2009, the Pennsylvania Department of Transportation awarded J.D. Eckman a contract for a multi-year rehabilitation project for the George Wade Bridge as the prime contractor. The Department of Transportation (DOT) Federal Highway Administration's federal aid program reimbursed 90 percent of the \$42,480,400 contract cost. The project was scheduled to be completed in May 2012, but was extended to

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## Sentencings

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September 2013. J.D. Eckman hired Manganas and his company, Panthera Painting, Inc., in October 2009, for a \$9,875,000 subcontract, subsequently increased to more than \$10 million. This subcontract covered the blasting, resurfacing, and painting of the structural steel on the bridge.

The contract required each contractor and subcontractor to submit certified payroll reports for every worker and every pay period to certify they paid each worker the prevailing wage. Manganas, however, only paid partial wages in a wage check that did not include overtime pay. He then paid overtime in a separate “per diem” check without properly deducting taxes and remittances, some of which were owed to the unions of which the workers were members. By under-reporting wages, Manganas defrauded the federal agencies paying for the bridge work. By failing to properly remit wages to the unions, he effectively stole money from the workers and the union.

Additionally, Manganas and Panthera knowingly discharged pollutants into the Susquehanna River (including abrasive paint blasting materials, waste paint, and metal) in violation of the CWA. At their direction, workers used air hoses to blow debris off the bridge into the river, poked holes in material used for containment to allow wastes to discharge into the river, and emptied pans used to collect paint waste, among other things, without a permit.

This case was investigated by the U.S. Department of Labor Office of Inspector General, the U.S. Department of Transportation Office of Inspector General, the U.S. Environmental Protection Agency Criminal Investigation Division, and the Federal Bureau of Investigation.

### ***United States v. Enrique Gomez-Perez*, No. 2:18-CR-00122 (E.D. Calif.), AUSAs David Spencer and Cameron Desmond.**

On August 13, 2019, a court sentenced Enrique Gomez-Perez to 60 months’ incarceration, followed by 48 months’ supervised release. Gomez-Perez previously pleaded guilty to manufacturing illegal marijuana plants (21 U.S.C. § 841(a)(1)).

Between May 18 and June 12, 2018, law enforcement officers conducting aerial surveillance spotted an illegal marijuana grow in the area of Upper Backbone Creek in Shasta County, on land owned by the Bureau of Land Management. Agents hiked into the area where they observed Gomez-Perez watering marijuana plants. They took a handgun (whose serial number was filed off) from the defendant, and eradicated more than 800 plants. Gomez-Perez diverted water from a nearby stream and cut trees and other vegetation to accommodate the plants. He buried trash along the stream and stuffed large piles under boulders.

This case was investigated by the Bureau of Land Management, the California Department of Fish and Wildlife, and the California Department of Justice North State Marijuana Investigation Team.





## Sentencings

### ***United States v. Paul Potter***, No. 1:19-CR-00106 (E.D. Va.), AUSA Gordon Kromberg.

On August 9, 2019, a court sentenced Paul Potter to pay a \$15,000 fine, complete a one-year term of probation, and perform 50 hours of community service. Potter previously pleaded guilty to violating the Toxic Substance Control Act (15 U.S.C. § 2615(b)).

Potter owned the Chelsea Environmental Corporation, an asbestos abatement company, in Virginia. The Hunting Point Apartment Complex consisted of three buildings, one of which was torn down during a bridge expansion project. The other two buildings, both eight-stories high, were slated for renovation. After a survey revealed significant amounts of asbestos, a real estate developer hired Potter's company to remove and dispose of non-friable asbestos from 530 apartments.

Between October 2013, and March 2014, under Potter's supervision, workers improperly removed asbestos-containing material from the apartments. During the renovation work, tenants occupied most of the apartments. Tenants found dry chunks of asbestos in their apartments, and inspectors located approximately 50-60 garbage bags containing vinyl asbestos tile and linoleum in an open dumpster. Many of the workers failed to wear protective equipment and were not certified to handle asbestos.

This case was investigated by the Department of Transportation Office of Inspector General with assistance from the U.S. Environmental Protection Agency Criminal Investigation Division.



*Workers removing windows*

## Sentencings

### ***United States v. Mauricio Vaca-Bucio et al.*, No. 1:18-CR-00158 (E.D. Calif.), AUSA Karen Escobar.**

On August 5, 2019, a court sentenced Mauricio Vaca-Bucio to 24 months' incarceration, for conspiring to manufacture, distribute, and possess with intent to distribute marijuana in the Kiavah Wilderness area of the Sequoia National Forest (21 U.S.C. §§ 841(a)(1), 846).

Officers apprehended Rodolfo Torres-Galvan, Felipe Angeles Valdez-Colima, and Vaca-Bucio, on July 6, 2018, in the wilderness area. They saw Valdez and Torres emerge from the forest at a known drop point used by marijuana cultivators to access grow sites in this remote area. The men entered a vehicle driven by Vaca that law enforcement later stopped and searched. Officers found freshly harvested marijuana in their vehicle and located more than 1,000 plants at the grow sites on the interconnected trails from the drop point. They also found illegal pesticides, including carbofuran and zinc phosphide, in the vehicle and on site.



*Illegal pesticides*

A court previously sentenced Torres to 46 months' incarceration and Valdez to ten years.

This case was investigated by the U.S. Forest Service, with assistance from the U.S. Immigration and Customs Enforcement's Enforcement and Removal Operations, the Campaign against Marijuana Planting, the California Department of Fish and Wildlife, the California National Guard, the Kern County Sheriff's Office, and the Kern County Probation Office.

### ***United States v. Timothy Peer*, No. 3:18-CR-00066 (N.D.W.V.), AUSA David J. Perri and SAUSA Perry McDaniel.**

On August 5, 2019, a court sentenced Timothy Peer to pay a \$24,000 fine and complete a five-year term of probation. Peer previously pleaded guilty to violating the Clean Water Act for discharging untreated sewage from his sewage treatment plant (33 U.S.C. §§ 1311(a), 1319(c)(2)(A), (c)(4)).

Between 2008 and July 2016, Peer owned and operated Mountaineer Village Utility, LLC, a sewage water treatment plant serving the residents of Mountaineer Village near Ridgeley, West Virginia. Peer failed to maintain the treatment plant between 2014 and 2016. As a result, the plant discharged untreated and undertreated sewage into the North Branch of the Potomac River, in violation of its National Pollutant Discharge Elimination System permit. Peer also submitted falsified discharge monitoring reports.

This case was investigated by the U.S. Environmental Protection Agency Criminal Investigation Division and the West Virginia Department of Environment Protection.



## Announcements

\*\*\*We redesigned [The Environmental Crimes Website](#). We arranged information by subject matter, 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](#).

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.

Position		Phone
Chief		██████
Deputy Chief		██████
Assistant Chief		██████
Assistant Chief		██████
Assistant Chief		██████
Assistant Chief		██████
Senior Litigation Counsel		██████
Senior Litigation Counsel		██████
Senior Counsel for Wildlife		██████
Senior Counsel		██████
Senior Trial Attorney		██████
Senior Trial Attorney		██████
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Trial Attorney	Lauren Steele	██████