



Bulletin

Environmental Crimes Section

July 2021

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“Crimes against the environment are crimes against all of us,” said Acting U.S. Attorney Randy Grossman. “We will not allow our communities to become dumping grounds for harmful chemicals because companies refuse to follow the rules.” From [press release](#) in sentencing of *U.S. v. WellgreensCA et al.*

Defendants directed an individual to dump drums of hazardous waste, above, on a road in San Diego County, California. See [inside](#), for more details on this case.

District/Circuit	Case Name	Case Type/Statutes
Eighth Circuit Court of Appeals	<u>United States v. Mast</u>	Wetlands Easement
Central District of California	<u>United States v. Starlite Reclamation Environmental Services, Inc., et al.</u>	Wastewater Discharges/CWA
	<u>United States v. Angel Ramos-Corrales</u>	Dog Death/Animal Crush
Eastern District of California	<u>United States v. Luis Madrigal-Reyes et al.</u>	Marijuana Cultivation/Depredation, Drugs
	<u>United States v. Manuel S. Cardenas et al.</u>	
	<u>United States v. Jeremiah Young, et al.</u>	Wastewater Discharge/CWA
Northern District of California	<u>United States v. Gilbert Fajardo Dela Cruz et al.</u>	Vessel/APPS, Obstruction, Witness Tampering
Southern District of California	<u>United States v. Evangelina Amaro</u>	Pesticide Smuggling/Conspiracy, Smuggling
	<u>United States v. Marcos Esteban Gonzalez Acedo</u>	
	<u>United States v. Sofia Veronica Gloria Ruiz, et al.</u>	
	<u>United States v. Mauro Herrera</u>	Waste Dumping/RCRA
	<u>United States v. Felix Rafael Gutierrez-Valencia</u>	
	<u>United States v. Rosa Moreno</u>	
	<u>United States v. WellgreensCA, Inc., et al.</u>	
	<u>United States v. Aqua San Diego Marine, LLC, et al.</u>	Coral Shipments/Lacey Act
Middle District of Florida	<u>United States v. Steven P. Griffin, II</u>	Wildlife Sales/ESA
Middle District of Georgia	<u>United States v. Kizzy Solomon et al.</u>	Dog Fighting/Animal Fighting Venture

District/Circuit	Case Name	Case Type/Statutes
Eastern District of Louisiana	<u>United States v. Clay Turner</u> <u>United States v. Great Lakes Dredge & Dock Company, LLC, et al.</u> <u>United States v. Marc A. Victoriano</u>	Dog Fighting/Animal Fighting Venture Oil Discharge/CWA Asbestos Inspections/Theft Federal Funds Programs
Southern District of Mississippi	<u>United States v. Joshua J. Moak</u>	Interstate Bait Sales/Lacey Act
District of Minnesota	<u>United States v. Brett J. Stimac</u>	Bear Killing/Lacey Act, Hunting on Indian Land
Northern District of New York	<u>United States v. William Saiff, III</u> <u>United States v. Kristofer Landell et al.</u>	Hunting Over Bait/Lacey Act Asbestos Abatement/CAA, Conspiracy
Western District of New York	<u>United States v. Angel E. Dalfin et al.</u>	Lead Paint Disclosures/Conspiracy
Northern District of Ohio	<u>United States v. Theodore Lutton et al.</u>	Hawk Killing/MBTA
Southern District of Ohio	<u>United States v. Mike Silva</u>	Refrigerant Release/CAA, Conspiracy, Chop Shop Operation
Western District of Oklahoma	<u>United States v. Kenneth Fulton</u>	Municipal WWTP Employee/CWA
Middle District of Pennsylvania	<u>United States v. Gavin Rexer, et al.</u>	Emissions System Tampering/CAA, Conspiracy
Western District of Pennsylvania	<u>United States v. James Paprocki et al.</u>	Municipal Water Employee/CWA
Eastern District of Virginia	<u>United States v. Gary L. Cooper</u> <u>United States v. Odell S. Anderson, Sr., et al.</u>	Ivory Sales/ESA Dog Fighting/Animal Welfare Act, Conspiracy

Decisions

***United States v. Mast*, 999 F.3d 1107 (8th Cir. 2021).**

On June 7, 2021, the U.S. Court of Appeals for the Eighth Circuit affirmed the conviction of defendant Kevin Jay Mast, who was found guilty of “disturbing, injuring, and destroying real property of the United States” in violation of 16 U.S.C. § 668dd(c), (f)(2). This outcome was the result of several years’ effort: This was the defendant’s second appeal before the Eighth Circuit. Mast was convicted under § 668dd(c), (f)(2) following a jury trial in 2018, but the Court vacated his conviction on appeal because of what it held to be erroneous jury instructions; following a 2019 bench trial, Defendant Mast was again convicted of the same charges. Mast appealed again; however, this time, the Eighth Circuit affirmed his conviction.

In 1973, the U.S. Fish and Wildlife Service (FWS) purchased a conservation easement on two tracts of farmland in South Dakota for the purpose of promoting waterfowl production. Defendant Mast acquired this property from its private owners in 1983 and, hoping to maximize the land available for farming, in 2010 he sought to install subsurface drain tiles to divert excess water from the property’s several wetland areas. Mast contacted the USDA’s Natural Resources Conservation Service (NRCS) to ensure that he would remain eligible for USDA farm assistance programs if he proceeded with his proposal. The NCRS notified Defendant Mast of the FWS conservation easement on the land and explained that he would need the approval of both NCRS and FWS in order to proceed with the proposed alterations. In June 2010, the FWS notified Mast of a conflict between his proposed drainage plan and the terms of the preexisting conservation easement. Yet, in 2013, Defendant Mast proceeded with installation of drainage tiles in at least six of the seven identified wetland areas without the approval of FWS, in violation of § 668dd(c), (f)(2).

On appeal, the defendant argued that the Court should look to the NRCS definition of “wetlands” as provided by regulation in order to determine the scope of the easement. The Eighth Circuit rejected this argument, however, noting that established precedent directs judges to look to the actual language of the easement itself, and to any available easement summary, rather than federal regulations, to determine an easement’s scope. The Court further rejected Mast’s challenge to the sufficiency of evidence supporting his conviction, highlighting the numerous aerial photos of the tracts, both before and after the easement’s conveyance, and expert testimony introduced at trial, which it considered to be “substantial evidence” in support of the trial court’s finding that the wetland areas existed on the tract and were identifiable as wetlands at the time of the easement’s 1973 conveyance.

Trials

United States v. Kizzy Solomon, No. 1:18-CR-00058 (M.D. Ga.), ECS Trial Attorney Ethan Eddy, AUSA Jim Crane, and ECS Paralegal Jillian Grubb.

On June 22, 2021, a jury convicted Kizzy Solomon on 15 counts of aiding and abetting the possession and training of dogs for purposes of an animal fighting venture, following a two-day trial (7 U.S.C. § 2156(a)(1),(b); 18 U.S.C. § 49). Solomon is the 12th and final defendant prosecuted in this case based largely on a “two-card” dog fight in Sumter County, Georgia, raided in progress in January 2017.

According to evidence presented at trial, federal agents executed a search warrant at Solomon’s property in September 2018, seizing 27 pit bull-type dogs housed on chains. All but the puppies exhibited scarring and injuries consistent with use in dog fighting.

Agents also seized a large amount of dog fighting equipment throughout the house, including a treadmill with a ledger noting dogs’ fighting histories (including those that died).

The U.S. Department of Agriculture Office of Inspector General conducted the investigation.



Dog rescued from defendant’s property

Indictments/Informations

***United States v. Evangelina Amaro*, No. 3:21-mj-02410 (S.D. Calif.), AUSA Melanie Pierson.**

On June 29, 2021, prosecutors filed an information charging Evangelina Amoro with smuggling 22 parrots into the United States from Mexico (18 U.S.C. § 545).

Authorities apprehended Amaro in June 2021 as she entered the United States from Mexico at the San Ysidro Port of Entry. After telling the primary inspector she had nothing to declare, a screeching sound arose from the vehicle's driver side front door. Using a flashlight, the inspector saw the birds concealed within the car door.

At the secondary inspection area, agents removed the driver's side and passenger's side front interior door panels, revealing 22 parrots inside mesh bags. An agriculture specialist identified all 22 parrots as Yellow Crowned Amazon parrots.

Amaro stated that she entered Mexico to visit family members. While in Mexico, an associate offered her \$500 to smuggle the parrots into the United States.

The U.S. Customs and Border Patrol and the U.S. Fish and Wildlife Service conducted the investigation.

***United States v. Marcos Esteban Gonzalez Acedo*, No. 3:21-mj-02278 (S.D. Calif.), AUSA Melanie Pierson.**

On June 21, 2021, prosecutors filed an information charging Marcos Esteban Gonzalez Acedo with smuggling 27 Totoaba fish bladders into the United States from Mexico (18 U.S.C. § 545).

Authorities apprehended Gonzalez in June 2021, as he entered the United States from Mexico at the Otay Mesa Port of Entry. During a vehicle inspection, an inspector noticed two white shopping bags on the van's floor, partially concealed under the front seat. In the bags, he observed what he believed to be pork skins, and asked the agriculture inspector to take a closer look.

After the inspector said they were dried fish swim bladders, he contacted a Fish and Wildlife inspector who confirmed the bladders belonged to *Totoaba macdonaldi* fish, a critically endangered species. Inspectors found an additional fifteen dried *Totoaba* fish bladders in the rear overhead compartment of the van.

Gonzalez did not possess any paperwork or licenses to allow him to import or export any fish or wildlife, and claimed a friend asked him to bring "dried fish" into the United States for him. He also said he knew *Totoaba* were protected but did not believe the fish bladders in the bags belonged to this species. The estimated black market value for the bladders in his possession was approximately \$270,000.

The U.S. Fish and Wildlife Service and U.S. Customs and Border patrol conducted the investigation.

Indictments/Informations

***United States v. James Paprocki*, No. 2:21-CR-00259 (W.D. Pa.), AUSA Michael Ivory and SAUSA Martin Harrell.**

On June 11, 2021, prosecutors charged a former supervisor for the Pittsburgh Water and Sewer Authority (PWSA) with conspiring to violate the Clean Water Act (CWA) (18 U.S.C. § 371).

Paprocki worked as a supervisor at the PWSA, the second largest municipal water authority in Pennsylvania. The investigation initially centered on the PWSA's drinking water treatment plant located on the banks of the Allegheny River. As the investigation progressed, it focused on the treatment and disposition of clarifier sludge.

The process of transforming raw, untreated water into potable drinking water requires several steps. Workers add chemicals to the water causing the solids to clump together. Afterwards, they pump the water to sedimentation basins, where it sits for a period of time. They then transfer the water to the Clarifier Building, where it undergoes additional processing. Workers move the sludge created at this stage to a holding facility (known as the sludge pit) with pipes leading to a sewer line, as well as the river.

Periodically, workers cleaned and drained the clarifiers, pumping the accumulated sludge into the sludge pit. They referred to the wastewater generated during this process as "clarifier blowdown."

The NPDES permit only authorized the Authority to discharge rainwater and clarifier blowdown directly into the river. On a number of occasions between 2010 and 2017, however, plant supervisors and other personnel discharged raw, untreated clarifier sludge directly into the river. These discharges only occurred when workers shut down the clarifiers for cleaning. The sludge removed daily automatically flowed via the sludge pit and piping to the wastewater treatment plant.

In addition to the NPDES permit, regulators required the PWSA to comply with an Industrial User permit. This permit allowed it to discharge one million gallons of sludge per day to the publically owned treatment works. The PWSA installed sludge flow monitors at the sludge pit and the clarifier basins to measure and monitor the sludge. The biannual Self Compliance Monitor Reports (SCMR) submitted to regulators included this flow meter data. By approximately late December 2014, four of the flow meters failed to operate. Instead of fixing the meters, at least two plant supervisors directed personnel to use estimated numbers extrapolated from the data provided by the unbroken meters. They included this data on multiple SCMRs. The SCMRs also falsely stated that plant personnel regularly checked the flow meters and calibrated them. Employees repaired the meters only after one of them alerted investigators to the problem.

PWSA pleaded guilty to one count of violating a condition of its CWA NPDES permit and making a false statement (33 U.S.C. §§ 1319(c)(4), 1311, 1342, 1319(c)(2)). Sentencing is scheduled for September 14, 2021.

Plant supervisor, Glenn Lijewsky, is charged with conspiracy and violating the Clean Water Act. Trial is scheduled to begin on November 29, 2021.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.

Indictments/Informations

United States v. Angel E. Dalfin et al., No. 1:21-mj-01530 (W.D.N.Y.), AUSA Aaron Mango.

On June 4, 2021, prosecutors charged Angel E. Dalfin and Paul R. Heil with conspiracy to commit wire fraud and conspiracy to make false documents related to lead paint disclosure notices (18 U.S.C. § 371).

In February 2018, the U.S. Environmental Protection Agency (EPA) received a referral from the Department of Housing and Urban Development (HUD) involving multiple properties owned and/or managed by the defendants. The Erie County Health Department previously cited these properties for numerous lead paint hazard violations. Concerned parents living at these properties also notified the health department regarding children with elevated blood lead levels.

The Section Eight Assistance Program placed many of the tenants on these properties. Because the Program administrators worked with landlords, those tenants received lead paint disclosure notices. The rest of the tenants (about half those who resided at the defendants' property) did not receive notice. The disclosures provided to tenants, however, omitted information and contained false statements concealing lead paint hazards. The health department documented an extensive history of lead paint violations in these properties, including children with elevated lead blood levels.

After receiving notification of the violations from the health department, the defendants falsely claimed they addressed the issues in correspondence with potential investors. Dalfin and Heil continued to sell properties without addressing the lead paint hazards.

The U.S. Environmental Protection Agency Criminal Investigation Division, and the Department of Housing and Urban Development Office of Inspector General, conducted the investigation with assistance from the New York State Attorney General's Office.

Guilty Pleas

United States v. Luis Madrigal-Reyes et al., No. 1:19-CR-00186 (E.D. Calif.), AUSA Karen Escobar.

On June 29, 2021, Luis Madrigal-Reyes pleaded guilty to conspiring to manufacture, distribute, and possess with intent to distribute marijuana (21 U.S.C. §§ 841, 846.) The court had also charged the defendant with depredation to public lands. Sentencing is scheduled for September 20, 2021.

In August 2019, law enforcement officers located more than 2,000 marijuana plants in the Dutch Oven Creek area of the Sierra National Forest. Agents observed Madrigal carrying fertilizers and bags of groceries into the grow site and later apprehended him after chasing him down the mountain.



Carbofuran found onsite

The operation caused extensive environmental damage to the area, which serves as habitat for the endangered Sierra Nevada yellow-legged frog, and the California spotted owl (a species under consideration for endangered-status listing). Agents found banned pesticides, including carbofuran, which had likely been applied to the plants. The defendants diverted water from Dutch Oven Creek to irrigate the plants. The creek is part of the Chiquito Creek watershed, which drains into the Fresno River before flowing into the San Joaquin River. Co-defendant Lester Eduardo Cardenas-Flores remains under indictment.

The U.S. Forest Service conducted the investigation, with assistance from the California National Guard, the California Department of Justice's Campaign Against Marijuana Planting, and the Madera County Sheriff's Office, with assistance from the Integral Ecology Research Center.

Guilty Pleas

United States v. Gary L. Cooper, No. 1:21-mj-00212 (E.D. Va.), SAUSAs Sara Hallmark and Alejandra Arias, with assistance from AUSA Gordon Kromberg.

On June 29, 2021, Gary L. Cooper pleaded guilty to violating the Endangered Species Act for illegally selling ivory (16 U.S.C. §§ 1538(a)(1)(F), 1540(b)(1)). Sentencing is scheduled for August 31, 2021.

Between 2015 and 2020, Cooper operated online storefronts using eBay and Craigslist to sell elephant and whale ivory. Items included two 28-inch raw elephant tusks, several carved tusks, numerous elephant ivory carvings, and both raw and scrimshawed sperm whale teeth.

In September 2018, a Virginia Department of Wildlife Resources investigator notified the U.S. Fish and Wildlife Service (FWS) regarding a suspicious Craigslist posting offering two raw elephant tusks for \$6,500. The advertisement originated in the Manhattan, New York, Antiques section of Craigslist, but stated the items were available for sale in Fredericksburg, Virginia. The FWS subsequently initiated an undercover operation, during which Cooper sold agents \$3,300 worth of ivory and shipped those pieces from Virginia to various states. Over a sixteen-month period, Cooper offered to sell agents approximately 50 pieces of elephant ivory, with a total market value between \$40,000 and \$95,000. In February 2020, agents executed a search warrant at Cooper's residence, resulting in the seizure of large amounts of ivory and other evidence.

As part of his plea, Cooper forfeited 136 pieces of raw and carved ivory that he previously offered for sale in interstate commerce.

The U.S. Fish and Wildlife Service Office of Law Enforcement conducted the investigation, with assistance from the Virginia Department of Wildlife Resources.

United States v. Clay Turner, No. 2:21-CR-00061 (E.D. La.), ECS Trial Attorneys Matt Evans and Christopher Hale, AUSA Jonathan Shih, and ECS Paralegals Amanda Backer and Nate Borelli.

On June 28, 2021, Clay Turner pleaded guilty to possessing dogs in an animal fighting venture, in violation of the Animal Welfare Act (7 U.S.C. § 2156(b); 18 U.S.C. § 49 (a)). Sentencing is scheduled for September 28, 2021.

In October 2017, agents executed a search warrant on Turner's residence. They discovered 33 pit bull-type dogs kept in a manner consistent with dog fighting, with most exhibiting scars and other evidence from fighting. Officers also found a large quantity of dogfighting paraphernalia, including: weighted collars, harnesses, and chains; dogfighting drugs; dogfighting ledgers; syringes; staple guns; scales; two dog treadmills; a water tank with a dog harness; break sticks, and pedigree forms and applications.

The U.S. Department of Agriculture and Federal Bureau of Investigation conducted the investigation.



Ivory seized from Cooper

Guilty Pleas

United States v. Sofia Veronica Gloria Ruiz, et al., No. 3:20-CR-03063 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.

On June 21, 2021, Yacenia Vanessa Orozco pleaded guilty to conspiring to violate the Federal Insecticide, Fungicide, and Rodenticide Act (18 U.S.C. § 371). Orozco is scheduled for sentencing on September 17, 2021. A court sentenced her sister, Sofia Veronica Gloria Ruiz on June 14, 2021, to complete a two-year term of probation and to pay \$1,200 in restitution (jointly and severally with Orozco). Ruiz also pleaded guilty to the same charge.

Authorities apprehended the defendants in August 2020 as they entered the United States with undeclared pesticides (nine bottles of "Qufuran," two bottles of "Biomec," three bottles of "Agrimec," eight bottles of "Malation," and three bottles of "Exalt.")

Those involved in clandestine marijuana grows use these and other illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.

United States v. Great Lakes Dredge & Dock Company, LLC, et al. Nos. 2:21-CR-00008, 00056 (E.D. La.), AUSA Nicholas Moses.

On June 16, 2021, Great Lakes Dredge & Dock Company, LLC (Great Lakes) pleaded guilty to negligently causing the discharge of a harmful quantity of oil into a navigable water of the United States, in violation of the Clean Water Act (CWA) (33 U.S.C. §§ 1319(c)(1)(A), 1321(b)(3)).

On September 5, 2016, James Tassin, a Great Lakes employee, negligently discharged 6,000 gallons of oil into Bay Long near the Chenier Ronquille barrier island. The spill took place after Tassin's supervisors instructed him to perform unauthorized digging with a marsh buggy near a pipeline. Great Lakes failed to alert federal authorities or the pipeline company in spite of working near the pipelines for several months.

After digging for multiple days, Tassin removed the mud cover from the top of the underwater pipeline before eventually striking it, causing it to rupture. Tassin pleaded guilty to violating the CWA, and is scheduled for sentencing on August 31, 2021.

The U.S. Environmental Protection Agency Criminal Investigation Division, the Department of Transportation Office of Inspector General, and the Department of Commerce Office of Inspector General conducted the investigation.

Guilty Pleas

United States v. Mauro Herrera, No. 3:20-CR-03170 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.

On June 14, 2021, Mauro Herrera pleaded guilty to smuggling (18 U.S.C. § 545). Sentencing is scheduled for September 9, 2021.

Authorities apprehended Herrera in September 2020, as he attempted to enter the United States from Mexico with six bottles of undeclared pesticide: five one-liter bottles of Ciper QL, and a one-liter bottle of Qufuran.

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.

United States v. Starlite Reclamation Environmental Services, Inc., et al., No. 2:15-CR-00361 (C.D. Calif.), AUSAs Dennis Mitchell and Erik Silber.

On June 14, 2021, Christopher Jaramillo, president of Starlite Reclamation Environmental Services (Starlite), pleaded guilty to knowingly violating the Clean Water Act (33 U.S.C. §§ 1317(d), 1319(c)(2)(A)). Jaramillo is the last individual to plead guilty in this case involving illegal industrial wastewater discharges. Jaramillo is scheduled for sentencing on September 20, 2021.

Starlite is a waste disposal service company that treated and disposed of industrial wastewater. As a wastewater treatment facility, companies hired Starlite to receive and treat their wastewater to ensure acceptable levels of pH and other chemical components are achieved prior to discharge into the publicly owned treatment works (POTW).

Between November 2014 and June 2015, Starlite employees Fernando Torres and Andrew Hucks, former vice president Robert Conn, and Jaramillo, repeatedly and routinely discharged acidic wastewater into the POTW operated by the Inland Empire Utilities Agency, which flowed to a POTW operated by the Sanitation Districts of Los Angeles County. They discharged wastewater with an average pH of 3, below its permitted pH level of 5. The defendants tampered with monitoring devices by, among other things, placing pH probes in buckets of clean water.

Hucks and Torres pleaded guilty to negligent violations of the CWA and are scheduled for sentencing on October 18, 2021, and November 15, 2021, respectively. A court sentenced Conn in May 2021 to complete a four-year term of probation after pleading guilty to a knowingly violating the CWA (33 U.S.C. § 1317(d), § 1319(c)(2)(A)). Starlite is scheduled for trial to begin on October 21, 2021.

The U.S. Environmental Protection Agency Criminal Investigation Division, the Inland Empire Utilities Agency, and the Sanitation Districts of Los Angeles County, conducted the investigation.

Guilty Pleas

United States v. William Saiff, III, No. 5:19-CR-00456 (N.D.N.Y.), AUSA Michael Perry.

On June 9, 2021, William Saiff, III, pleaded guilty to violating the Lacey Act for hiring guides to lead hunters on illegal waterfowl hunts over baited ponds (16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(B)). Sentencing is scheduled for October 7, 2021.

Saiff is a professional hunting guide and fishing charter captain. For 18 years, Saiff “hosted the popular hunting and shooting sports program *Cabin Country* as seen on Public Television Stations across the country” according to his website.

In October and November 2018, Saiff directed guides and clients to hunt wild ducks over ponds he baited. Saiff charged a total of 17 hunters \$300 per day of hunting, for four illegal guided hunts. During this period, Saiff was subject to a 17-month term of probation imposed in 2017 for the same hunting over bait violation. The court will sentence Saiff on the probation violation on October 7, 2021.

The U.S. Fish and Wildlife Service and the New York State Department of Environmental Conservation conducted the investigation.

United States v. Angel Ramos-Corrales, No. 5:21-CR-00123 (C.D. Calif.), AUSA Julius Nam.

On June 8, 2021, Angel Ramos-Corrales pleaded guilty to Animal Crushing for slitting the throat of a young puppy and posting a video of it on his Snapchat account (18 U.S.C. § 48(a)(1)). Sentencing is scheduled for August 16, 2021.

On February 13, 2021, the Riverside Police Department received a complaint after Ramos-Corrales posted a video on Snapchat that he sent to his followers. Police found the defendant at his residence with fresh blood stains on his clothes, and wounds on his hand. They also found the severely injured dog in the house, which had to be euthanized.

The Federal Bureau of Investigation conducted the investigation, with assistance from the Riverside Police Department.



Ducks killed over baited ponds

Guilty Pleas

United States v. Kristofer Landell et al. (N.D.N.Y.), ECS Senior Trial Attorney Todd Gleason, ECS Trial Attorney Gary Donner, and ECS Paralegal Chloe Harris.

On June 8, 2021, Kristofer Landell and Madeline Alonge pleaded guilty to felony conspiracy to violate the Clean Air Act (CAA) and to defraud the government for their involvement in a large illegal demolition project (18 U.S.C. § 371). Stephanie Laskin pleaded guilty to conspiring to violate the CAA (18 U.S.C. § 371). Gunay Yakup and Roger Osterhoudt pleaded guilty to conspiracy and CAA misdemeanor charges, respectively (18 U.S.C. § 371, 42 U.S.C. § 7413(c)(4)). Osterhoudt is scheduled for sentencing on September 28, 2021. Landell and Laskin are set for October 6, 2021, and Yakup and Alonge are set for October 18, 2021.

Between May and August 2016, the five participated in a large demolition project, involving numerous buildings located on a 258-acre industrial property. The buildings contained substantial amounts of regulated asbestos-containing material (RACM).

During the project, Laskin, Yakup, Landell and Alonge (all of whom possessed specialized asbestos abatement supervisor training) violated multiple National Emission Standards for Hazardous Air Pollutants, Occupational Safety and Health, and local environmental standards including: failing to operate functioning decontamination units; conducting asbestos removal operations without access to sufficient water; failing to provide handlers with adequate personal protective equipment; failing to wet RACM; dropping RACM from substantial heights causing visible emissions when the material hit the floor; and spraying water into bagged and dry RACM to mislead inspectors.

Landell used his air and project monitoring company to create "final air clearances," notwithstanding the presence of ongoing violations. He also took the lead in concealing the illegal asbestos abatement activities by fabricating paperwork, altering existing paperwork, and running interference when inspectors arrived at the site.

Osterhoudt (the vice president of the entity that owned the site), repeatedly pressed the abatement workers to accelerate their pace of work despite knowing that they were already receiving notices of violation from the New York State Department of Labor.

The U.S. Environmental Protection Agency Criminal Investigation Division, and the New York Departments of Labor and Environmental Conservation conducted the investigation.



Alonge taking photograph of herself

Guilty Pleas

***United States v. Kenneth Fulton*, No. 5:21-CR-00075 (W.D. Okla.), AUSA Charles W. Brown.**

On June 3, 2021, Kenneth Fulton pleaded guilty to violating the Clean Water Act for tampering with a monitoring method (33 U.S.C. § 1319(c)(4)).

Fulton worked as a Veolia Water North America (Veolia) Project Manager for the City of El Reno, Oklahoma, Wastewater Treatment Plant (WWTP). Between September 2019 and February 2020, Fulton collected grab samples of treated wastewater near the El Reno WWTP effluent discharge point to test for E.coli. He mixed the grab sample with a bleach/water mixture to effectively kill off or significantly reduce the amount of E.coli present. Fulton submitted the fraudulent samples to the laboratory knowing that the laboratory would only detect levels of E. coli well below the permitted limits. He then reported the laboratory results to the U.S. Environmental Protection Agency and the Oklahoma Department of Environmental Quality.

The U.S. Environmental Protection Agency Criminal Investigation Division and the Oklahoma Department of Environmental Quality conducted the investigation.

***United States v. WellgreensCA, Inc., et al.*, No. 3:19-CR-02439, (S.D. Calif.), AUSA Melanie Pierson.**

On June 3, 2021, WellgreensCA, Inc., company owner Lunar Louissa, and manager Nadia Malloian, pleaded guilty to violating the Resource Conservation and Recovery Act (RCRA) for abandoning hazardous waste in San Diego County in 2018. Sentencing is scheduled for October 25, 2021.

The company processed cannabis to extract oils for sale. During the manufacturing process, WellgreensCA generated various wastes, including 55-gallon drums of waste ethanol, an ignitable hazardous waste. As a large quantity hazardous waste generator, RCRA regulations required WellgreensCA to transport all hazardous waste off site, accompanied by a hazardous waste manifest. The defendants never arranged for proper disposal of these wastes.

Between February and June 2018, the defendants paid an individual, R.U. (deceased) to take drums of ethanol waste and dispose of them behind a number of buildings. In May 2018, R.U. abandoned drums behind a supermarket (along with laboratory reports). A supermarket employee contacted local authorities who subsequently traced the barrels back to WellgreensCA, after contacting the laboratory noted in the reports.

The company and Louissia pleaded guilty to transportation of hazardous waste without a manifest. Malloin pleaded guilty to Accessory After-the-Fact to Transportation of Hazardous Waste Without a Manifest (18 U.S.C. §3; 42 U.S.C. § 6928(d)(5)).

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.



Drums dumped behind supermarket

Guilty Pleas

United States v. Theodore Lutton et al., No. 1:20-CR-00774 (N.D. Ohio), AUSAs Yasmine Makridis and Brad Beeson.

On June 1, 2021, Christine Lutton pleaded guilty to violating the Migratory Bird Treaty Act (MBTA) (16 U.S.C. §§ 703, 707(a)). Sentencing is scheduled for September 16, 2021.

Prosecutors charged Lutton and her husband, Theodore, with violating the MBTA, the Bald and Golden Eagle Protection Act, drug charges, and illegally possessing 27 firearms (16 U.S.C. §§ 668a, 703, 707(a); 18 U.S.C. §§ 922, 924; 21 U.S.C. §§ 841). Theodore Lutton is scheduled for trial to begin on October 18, 2021.

In October 2020, federal agents executed a search warrant at the Lutton residence. They seized 20 firearms, blasting caps, a hand grenade, Kevlar vests, a dead bald eagle, and an improvised explosive device. As a convicted felon for a prior drug conviction, Theodore Lutton cannot legally possess firearms. Investigators also found a frozen red-tailed hawk, in violation of the MBTA. After arresting Lutton, investigators discovered additional firearms following the search of a second residence.

The Federal Bureau of Investigation and the Columbiana County Sheriff's Office conducted the investigation.

United States v. Odell S. Anderson, Sr., et al., Nos. 3:21-CR-00023 - 00026 (E.D. Va.), ECS Trial Attorney Shennie Patel, AUSA Olivia L. Norman, and ECS Paralegal John Jones.

On June 1, 2021, Odell S. Anderson, Sr., pleaded guilty to conspiring to violate the Animal Welfare Act and for taking a minor to a dog fight. Sentencing is scheduled for October 6, 2021.

Prosecutors charged Chester A. Moody, Carlos L. Harvey, Emmanuel A. Powe, Sr., and Anderson for their roles in a dog fighting conspiracy extending across the District of Columbia, Maryland, Virginia, and New Jersey (7 U.S.C. § 2156; 18 U.S.C. §§ 49 and 371). The government also charged Anderson with taking a minor to a dog fight (7 U.S.C. § 2156 (a)(2)(B)). The other three previously pleaded guilty. Moody is scheduled for sentencing on August 27, 2021, and Harvey and Powe are set for September 1, 2021.

Beginning in 2013 through July 2018, the defendants and others participated in animal fighting ventures, involving training, transporting, breeding, and dog fighting setups, including at least one specific "two-card" dog fighting event on April 3, 2016. Authorities executed multiple search warrants leading them to the discovery of the conspiracy.

This case is part of Operation Grand Champion. The U.S. Department of Agriculture Office of the Inspector General conducted the investigation, with assistance from the Federal Bureau of Investigation.



Red- Tailed Hawk in freezer

Sentencings

United States v. Aqua San Diego Marine, LLC, et al., No. 3:19-CR-00395 (S.D. Calif.), AUSA Melanie Pierson.

On June 30, 2021, a court sentenced Aqua San Diego Marine, LLC, (Aqua SD) to pay a \$150,000 fine to the Magnuson Stevens Fishery and Conservation Act Management Fund, plus \$50,000 in restitution to the U.S. Fish and Wildlife Service.

Company owner William Chang will complete a two-year term of probation and employee Ramon Wu will complete one-year term of probation. All pleaded guilty to Lacey Act false labelling (16 U.S.C. §§ 3372(d)(1), 3373(d)(3)(A)(i)).

Between September 2015 and August 2018, Aqua SD and Chang sold various species of coral in San Diego. Employees Alicia and Ramon Wu prepared invoices falsely describing the coral as “ceramic collectibles” valued at approximately \$20. Many of the invoices further identified the shipper as a "Raymond Luu" using a different address.

The court sentenced Alicia Wu in 2019 to complete a three-year term of probation and to perform 300 hours of community service, after pleading guilty to violating the Endangered Species Act (16 U.S.C. § 1538(c), 1540(b)(1))

The National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service conducted the investigation.

United States v. Gilbert Fajardo Dela Cruz, et al., No. 4:19-CR-00559 (N.D. Calif.), ECS Senior Trial Attorney Ken Nelson, AUSA Katie Lloyd-Lovett, SAUSA Andrew Briggs, and ECS Paralegal John Jones.

On June 25, 2021, a court sentenced Gilbert Fajardo Dela Cruz to pay a \$2,500 fine, complete a three-year term of probation, and perform 200 hours of community service. A jury convicted the First Assistant Engineer in April 2021 on all counts: Act to Prevent Pollution from Ships (APPS), obstruction, and witness tampering (33 U.S.C. § 1908 (a); 18 U.S.C. §§ 1505, 1512).

Dela Cruz worked on board the *M/T Zao Galaxy*, a ship operated by Singapore-based shipping company Unix Line PTE, Ltd. On January 21, 2019, the ship sailed from the Philippines, heading toward Richmond, California, carrying a cargo of palm oil. On February 11, 2019, the vessel arrived in Richmond, where it underwent a U.S. Coast Guard inspection. Examiners discovered that during the voyage, Dela Cruz directed crewmembers to discharge oily bilge water overboard, using a configuration of drums, flexible pipes, and flanges to bypass the vessel's Oil Water Separator. The crew failed to record those discharges in the ship's Oil Record Book presented to the Coast Guard during the inspection. Dela Cruz also directed a lower-level crewmember to withhold information from inspectors.

The court previously sentenced Unix to pay a \$1.65 million fine, complete a four-year term of probation, and implement an environmental compliance plan. The company pleaded guilty to violating APPS. The U.S. Coast Guard conducted the investigation.



Coral

Sentencings

United States v. Joshua J. Moak, No. 1:21-CR-00025 (S.D. Miss.), AUSA Gaines Cleveland.

On June 24, 2021, a court sentenced Joshua J. Moak to pay a \$2,000 fine and complete a two-year term of probation. Moak pleaded guilty to violating the Lacey Act for selling live shrimp and minnows to bait shop operators in Alabama and Florida (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)).

Moak operated a business known as “Moak’s Minnows.” Between August 2015 and March 2019, Moak caught bait in Mississippi waters and transported it to out-of-state bait shop operators without possessing a license or otherwise complying with Mississippi law.

The National Oceanic and Atmospheric Administration Office of Law Enforcement and the Mississippi Department of Marine Resources conducted the investigation.

United States v. Marc A. Victoriano, No. 2:20-CR-00018 (E.D. La.), AUSA Julia Evans.

On June 23, 2021, a court sentenced Marc A. Victoriano to complete a five-year term of probation, to include a special condition of eight months’ home confinement. Victoriano also will pay \$212,618 in restitution to the Terrebonne Parish School District. Victoriano pleaded guilty to theft concerning programs receiving federal funds (18 U.S.C. § 666(a)(1)(A)).

Between 2015 to 2017, Victoriano and his company, Professional Safety Consultants, LLC, (PSC) provided asbestos inspections for the Terrebonne Parish School Board (TPSB) as mandated under the Asbestos Hazard Emergency Response Act (AHERA). Victoriano submitted 56 invoices to TPSB with fraudulent asbestos laboratory reports, including false air monitoring and asbestos testing reports. Victoriano also submitted nine invoices to TPSB for AHERA reports containing forged signatures and accreditation information. As a result, TPSB paid Victoriano \$212,618.

The U.S. Environmental Protection Agency Criminal Investigation Division, the Louisiana State Police, and the Louisiana Department of Environmental Quality, conducted the investigation.

Sentencings

United States v. Steven P. Griffin, II, No. 8:19-CR-00408 (M.D. Fla.), AUSA Lisa M. Thelwell.

On June 23, 2021, a court sentenced Steven P. Griffin, II, to 12 months and one day of incarceration, followed by two years' supervised release, for receiving and transporting endangered species in violation of the Endangered Species Act and for possessing firearms and ammunition as a convicted felon (16 U.S.C. § 1538(a)(1) (E); 18 U.S.C. § 922(g)(1)). The court also ordered Griffin to forfeit two pairs of southern white rhino horns, four African elephant ivory tusks, one African lion skull, three leopard skulls, ten firearms, and ammunition.

After a confidential source provided Griffin's contact information to U.S. Fish and Wildlife agents (FWS) (for purchasing endangered species) the FWS initiated a two-year undercover operation. During this time, Griffin communicated with an undercover special agent (UC) negotiating the sale and purchase of endangered and threatened wildlife. Throughout Griffin's communications with the UC, Griffin repeatedly stated that he collects skulls, full skeletons, and other parts from endangered and/or threatened wildlife including lions, tigers, leopards, jaguars, rhinos, and elephants. Griffin also sent numerous photographs from his personal collection, as well as items he wished to procure, to the UC via text message. In May 2019, Griffin drove to Texas and purchased two Southern White rhino horns, four elephant ivory tusks, one African lion skull, and three leopard skulls from the UC for a total of \$9,750. He then traveled back to Palm Harbor, Florida, with the items.

Agents executed a search warrant at Griffin's residence in June 2019, seizing a variety of endangered and/or threatened animal parts, firearms, and ammunition. Griffin is a convicted felon and not allowed to possess a firearm or ammunition. The United States Fish and Wildlife Service Office of Law Enforcement conducted the investigation.

United States v. Felix Rafael Gutierrez-Valencia, No. 20-CR-02058 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.

On June 18, 2021, a court sentenced Felix Rafael Gutierrez-Valencia to 90 days' incarceration, followed by three years' supervised release. Gutierrez also will pay a \$2,500 fine and \$8,807 in restitution after pleading guilty to smuggling (18 U.S.C. § 554).

Authorities apprehended Gutierrez in April 2020, as he attempted to smuggle Mexican pesticides into the United States. Gutierrez possessed five one-liter bottles of "Furadan," two one-liter bottles of "Monitor," seven one-liter bottles of "Bayfolan," thirty 100 - gram containers of "Rodentox" and single one-liter bottles of the following chemicals: "Biomec," "Ridomil Gold," "Kanemite," and "Coragen."

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.

Sentencings

United States v. Gavin Rexer, et al., Nos. 4:20-CR-00230, 4:18-CR-00174, 00267 (M.D. Pa.), AUSAs Phillip J. Caraballo and Sean Camoni, and SAUSA Patricia C. Miller.

On June 17, 2021, a court sentenced John Joseph, Gavin Rexer, Joseph Powell, Dennis Paulhamus, and Timothy Sweitzer for conspiring to defraud the United States and for violating the Clean Air Act (18 U.S.C. § 371). Paulhamus will pay a \$15,000 fine and Sweitzer will pay a \$10,000 fine. Joseph, Rexer, and Powell will each perform 50 hours of community service, and all five will complete one-year terms' of probation.

Rockwater Northeast LLC (Rockwater), serviced the fracking industry and employed Rexer, Powell, and Joseph. Between August 2013 and June 2014, the five defendants conspired to disable the emissions control devices in Rockwater's commercial motor vehicles (CMV). Specifically, they either removed the CMVs' stock exhaust systems and replaced them with straight pipes or hollowed out the emissions exhaust components by removing environmental filters and elements. Paulhamus sold them high-tech "defeat" devices to assist in the scheme, which the co-conspirators used to disable and manipulate the CMVs' onboard diagnostics. They concealed these purchases in Rockwater's books and records by mislabeling them as "exhaust systems." They then falsely indicated that the illegally modified CMVs had passed vehicle inspections at Sweitzer's Garage, an inspection station certified by the Pennsylvania Department of Transportation.

Rockwater pleaded guilty to violating the Clean Air Act (CAA) for its role in this scheme (42 U.S.C. § 7413 (c)(2)(C)). Separately, Select Energy Services, Inc., (SES) a Texas-based company and the successor-in-interest to Rockwater Energy Solutions, Inc., (parent company of Rockwater Northeast LLC) entered into a three-year non-prosecution agreement (NPA) with the United States. The agreement resolves CAA violations for modified emissions systems on an additional 29 diesel trucks Rockwater Energy Solutions owned. SES cooperated with the investigation since acquiring Rockwater Energy Solutions in 2017.

In April 2021, Rockwater Northeast LLC agreed to pay a monetary resolution of \$2 million, and SES agreed to pay a monetary resolution of \$2.3 million. Under the NPA, SES will continue cooperating with the government, and implement an environmental compliance program designed to prevent future CAA violations. SES also will conduct annual audits during the three-year term of the agreement.

The U.S. Environmental Protection Agency Criminal Investigation Division and the U.S. Department of Transportation Office of the Inspector General, conducted the investigation, with assistance from the Federal Motor Carrier Safety Administration, and the Pennsylvania State Police.

Sentencings

United States v. Rosa Moreno, No. 3:20-CR-03793 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.

On June 17, 2021, a court sentenced Rosa Moreno to complete a two-year term of probation and pay \$3,052 in restitution. Moreno pleaded guilty to conspiracy (18 U.S.C. § 371).

Authorities apprehended Moreno in November 2020 as she attempted to enter the United States with 24 bottles of Metaldane 600 in her vehicle.

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.

United States v. Jeremiah Young, et al., No. 2:18-CR-00068 (E.D. Calif.), AUSAs Philip A. Scarborough and Paul Hemesath.

On June 14, 2021, a court sentenced Jeremiah Young to time served, followed by three years' supervised release, after pleading guilty to violating the Clean Water Act (33 U.S.C §§ 1317(d), 1319(c)(2)(A)).

Between 2014 and 2016, American Biodiesel d/b/a/Community Fuels employed Jeremiah Young as an assistant operator. His brother, Christopher Young, directed the plant's operations between March 2009 and December 2016.

Community Fuels manufactured biodiesel fuel. Regulators permitted the company to discharge wastewater meeting certain parameters (including pH and methanol concentration total flow levels) to the local publically owned treatment works (POTW). The company led local authorities to believe that it transferred unpermitted wastewater off-site to an appropriate wastewater disposal facility. In reality, employees dispersed the wastewater on the facility grounds via landscaping sprinklers, as well as illegally discharging it to the POTW, after tampering with monitoring devices. Both Jeremiah and Christopher Young participated in this scheme, which amounted to hundreds of thousands of gallons illegally discharged into the local sewer system.

A court sentenced Community Fuels in July 2019 to pay a \$400,000 fine, and complete a three-year term of probation, to include implementing an environmental compliance plan. The company also must grant 24-hour access of the premises to authorities for unannounced inspections. The court further ordered the company to pay \$256,206 in restitution divided between the City of Stockton and the Port of Stockton, California. Community Fuels pleaded guilty to conspiracy and tampering with monitoring



American Biodiesel facility

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Sentencings

(Continued from page 21)

equipment.

Christopher Young pleaded guilty to conspiracy, Clean Water Act discharge and tampering violations (18 U.S.C. § 371; 33 U.S.C. §§ 1319(c)(2)(A),(c)(4)). Christopher young is scheduled for sentencing on August 2, 2021.

The U.S. Environmental Protection Agency Criminal Investigation Division, the City of Stockton Municipal Utilities Department, the San Joaquin County Environmental Health Department, the Port of Stockton, and the California Department of Toxic Substances Control conducted the investigation.

United States v. Manuel S. Cardenas et al., No. 2:19-CR-00149 (E.D. Calif.), AUSA Michael W. Redding.

On June 10, 2021, a court sentenced Manuel S. Cardenas to time served after he pleaded guilty to conspiring to manufacture marijuana and depredation of public land and natural resources (21 U.S.C. §§ 841, 846; 18 U.S.C § 1361). Genaro L. Merino pleaded guilty to similar charges and was sentenced to time served on July 1, 2021, followed by three years' supervised release.

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.

The U.S. Forest Service, the California Department of Fish and Wildlife, and the Trinity County Sheriff's Office conducted the investigation.

United States v. Mike Silva, No. 2:19-CR-00091 (S.D. Ohio), AUSA Jonathan J.C. Grey and SAUSAs J. Michael Marous, Christopher N. St. Pierre, and Heather Robinson.

On June 10, 2021, a court sentenced Mike Silva to 12 months and one day of incarceration, followed by three years' supervised release, for operating a chop shop, which also causing the release of refrigerants from air conditioning systems (18 U.S.C. §§ 371, 2322; 42 U.S.C. § 7413(c)(1)). Silva also will pay \$301,000 in restitution (joint and several) with co-defendants James Imes, Tina Imes, and Scott Johnson divided amongst 13 victim agencies, primarily insurance companies. Silva and others stole approximately 35 vehicles, earning more than half a million dollars from selling the parts.

Between January 2013 and April 2014, the defendants operated chop shops in three different locations in Columbus, Ohio. They earned approximately \$10,000 to \$15,000 per week trafficking in car parts, after removing or altering vehicle identification numbers, and releasing refrigerants into the atmosphere after severing air conditioning tubes.

They sold most of the vehicles as parts or scrap to salvage yards. They sold more valuable parts on Craigslist through posts advertised in cities across Ohio, Indiana,

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Sentencings

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Kentucky, Pennsylvania, Michigan and West Virginia.

Silva pleaded guilty to one count of conspiring to operate a chop shop and to violate the Clean Air Act (18 U.S.C. §§ 371, 2322; 42 U.S.C. § 7413(c)(1)).

The Ohio Bureau of Criminal Investigation, and the Ohio Environmental Protection Agency Special Investigations Unit conducted the investigation, with assistance from the Franklin County Sheriff's Office, the Columbus Division of Police Auto Theft Unit, and the Ohio State Highway Patrol Theft and Fraud Unit.

***United States v. Brett J. Stimac*, No. 19-mj-00818 (D. Minn.), AUSA Emily Polachek and SAUSA Gina Allery.**

On June 9, 2021, a court sentenced Brett J. Stimac to 15 months' incarceration, followed by one year of supervised release, and to pay a \$9,500 fine. Stimac pleaded guilty to violating the Lacey Act and to trespassing on Indian lands after shooting and killing a bear on the Red Lake Indian Reservation (16 U.S.C §§ 3372(a)(1), 3373(d)(2); 18 U.S.C. § 1165).

In September 2019, Stimac shot and killed a 700-pound American black bear near the Reservation's garbage dump. He also posted photos of himself and the bear's carcass on Facebook. Stimac is not an enrolled member of the Red Lake Band of Chippewa Indians; the tribe further forbids non-Indians to hunt bear, a clan animal, due to the animal's spiritual significance.

Stimac could not remove the large bear from the Reservation. Instead, he took the animal's head and paws, along with a small portion of the meat, leaving the carcass to rot.

The Minnesota Department of Natural Resources, the Red Lake Department of Public Safety, the Red Lake Department of Natural Resources, and the U.S. Fish and Wildlife Service, conducted the investigation.



Photo of bear Stimac posted on Facebook

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Trial Attorney	Patrick Duggan	
Trial Attorney	Ethan Eddy	
Trial Attorney	Matthew Evans	
Trial Attorney	Stephen Foster	
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