



Bulletin

Environmental Crimes Section

January 2023

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See *United States v. Ricky Spires, et al.*, [inside](#), for details on this case involving smuggling and trafficking protected corals from the Philippines into the United States, via Anchorage, Alaska.



District/Circuit	Case Name	Statutes
District of Alaska	<u>United States v. Ricky Spires, et al.</u> <u>United States v. James D. Withrow, et al.</u>	Coral Trafficking/Conspiracy, Lacey Act Waste Dumping/Conspiracy, Depredation of Public Lands
Eastern District of California	<u>United States v. Oscar Alfredo Castanaza Ortega</u>	Marijuana Cultivation/Drugs, Depredation of Public Lands
Northern District of California	<u>United States v. Cory J. McGilloway</u>	Primate Theft/ESA
Southern District of California	<u>United States v. Pedro Vargas Rendon</u> <u>United States v. Denys Korotkiy</u>	Bird Smuggling/Smuggling Vessel/APPS, Conspiracy, Obstruction
Southern District of Florida	<u>United States v. John R. Moore, Jr., et al.</u>	Fishing Gear Theft/Theft Within Maritime Jurisdiction
Southern District of Indiana	<u>United States v. Jeffrey Delucio, et al.</u>	Lead Paint/Obstruction, TSCA
Northern District of Iowa	<u>United States v. Jeffry Smith</u>	Drinking Water Operator/False Statement
Southern District of Mississippi	<u>United States v. William Roberts</u>	Wastewater Discharges/CWA
District of New Jersey	<u>United States v. Paul Andrecola</u>	Disinfectant Sales/FIFRA, False Claims, Wire Fraud
Western District of North Carolina	<u>United States v. Jamal Saymeh</u>	Emissions Testing Fraud/CAA, Conspiracy
Northern District of Ohio	<u>United States v. Ronald Smith</u>	Dog Fighting/Animal Fighting Venture, Drugs, Felon in Possession
Southern District of Ohio	<u>United States v. DEM Technology, LLC, et al.</u>	Sanitizer Sales/FIFRA
Western District of Pennsylvania	<u>United States v. David Stablein, et al.</u>	Coke Manufacturer/CAA, Conspiracy
District of South Carolina	<u>United States v. Walker Industries, et al.</u>	Hotel Renovation/CAA
Western District of Washington	<u>United States v. Scott Kinley</u>	Salmon Sales/Lacey Act



Trials

United States v. John R. Moore, Jr., et al., No. 9:22-CR-80073 (S.D. Fla.), AUSA Tom Watts-FitzGerald.

On December 2, 2022, a jury convicted Captain John R. Moore, Jr., and first mate, Tanner J. Mansell, for stealing commercial fishing gear in federal waters (18 U.S.C. § 661, 2). Sentencing is scheduled for February 9, 2023.

In August 2020, Moore and Mansell took out a boat with six tourists to swim with sharks in the federal waters off of Jupiter Inlet. The tourists included a police chief and his family, and visitors from the Midwest. After their first dive of the day and enroute to a second dive spot, the crew saw a large, orange buoy used as a marker for a commercial fishing gear set. The buoy displayed the name of a vessel (as required by federal law) clearly visible in video taken by the tourists.

Despite Moore's history as a commercial fisherman, he and Mansell told their passengers that this fishing gear was an illegal, abandoned "ghost set." They then asked the passengers to help retrieve a lengthy section of the line. They released any catch on the hooks (close to 20 sharks) and stowed more than three miles of the monofilament line, weights, gagnions, and the marker buoy on the deck of their boat. The passengers took more than three hours of video and still photos documenting this activity.

After reeling in this equipment, Moore contacted state enforcement officers to give them a fabricated version of what happened at the buoy site. He claimed he found an illegal shark fishing long-line with lemon sharks (a vulnerable species) among the sharks caught on the line, fueling his efforts to cut them free. Moore never mentioned that the line was attached to a properly marked buoy. The state officer advised Moore to cease his activities pending an investigation.

A Florida Fish & Wildlife Conservation Commission officer (FWC) observed Moore entering the Inlet and stopped the boat. Video evidence shows Moore explaining that the line was a shark long-line set, insisting it was part of an illegal fishing operation. Photos and videos shot by the passengers repeatedly showed the marked orange buoy. However, when the FWC officer took his own photos of the line and gear on Moore's vessel, the buoy (which would have established the legality of the shark fishing activity) was missing. The officer also noted that all the gear retrieved by Moore and Mansell appeared brand new, with fresh bait on the hooks, and no rust (which would be visible on abandoned fishing gear). The officer advised Moore to leave the gear on the dock so he could later collect it as evidence.



Stolen long-line piled on pier before disposal

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Trial

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Moore, instead, scavenged the line for the hooks, attachments, and weights. He then allowed others on the dock to take what remained of the hardware connected to the main line. Surveillance cameras captured all the activity on the pier. Evidence at trial established that the gear alone cost the vessel owner approximately \$1,300, and the value of the lost sharks amounted to several thousand dollars, representing a significant loss of income to the fishermen.

The National Oceanic and Atmospheric Association Office of Law Enforcement, conducted the investigation, with assistance from the Florida Fish & Wildlife Conservation Commission.



Indictments

United States v. Pedro Vargas Rendon, No. 22-MJ-04678 (S.D. Calif.), AUSA Melanie Pierson.

On December 29, 2022, prosecutors filed a complaint charging Pedro Vargas Rendon with attempting to smuggle two toucans (a protected species) into the United States from Mexico (18 U.S.C. §§ 545, 2).

After inspectors discovered the birds in Rendon's vehicle, he told them he had planned to sell them for approximately \$1,600 each. Rendon previously attempted to bring the birds over the border twice in September 2022. When Customs and Border Patrol agents allowed him to return to Mexico, they told him he needed a permit to import the birds. Authorities placed the birds in quarantine at a Food and Drug Administration facility in New York.

The U.S. Fish and Wildlife Service and Homeland Security Investigations conducted the investigation.

United States v. Jeffry Smith, No. 6:22-CR-02070 (N.D. Iowa), AUSA Timothy Vavricek.

On December 29, 2022, prosecutors charged Jeffrey Smith with making a false statement (18 U.S.C. § 1001(a)(3)).

The City of Nashua, Iowa, employed Smith as a drinking water operator. As the operator-in-charge of the Nashua Water Supply, Smith was responsible for testing the water, as well as completing, signing, and submitting the groundwater monthly operating reports (MOR) to the Iowa Department of Natural Resources (IDNR). Smith falsified the MOR submitted to IDNR for the month of January 2018, stating that he had taken the requisite chlorine samples, when, in fact, he had not.

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



Toucans seized at the border



Indictments

***United States v. David Stablein, et al.*, Nos. 1:22-CR-00025, 00023 (W.D. Pa.), AUSA Nicole A. Vasquez Schmitt and SAUSA Perry McDaniel.**

On December 14, 2022, prosecutors charged David Stablein, former Battery Supervisor for Erie Coke Corporation (ECC), with conspiracy to violate the Clean Air Act (CAA) (18 U.S.C. § 371). ECC and corporate officer, Anthony Nearhoof, were previously charged with conspiracy and CAA Title V and tampering violations (18 U.S.C. §§ 371, 2; 42 U.S.C. §§ 7413(c)(1), (c)(2)(C)).

ECC owned a coke manufacturing plant in Erie, Pennsylvania, that operated from April 1987 until its closure in December 2019. The facility was located along Lake Erie, adjacent to the inlet to Presque Isle Bay, and near private residences, public facilities, and schools. ECC hired Nearhoof in 2001, where he rose up the ranks becoming the plant superintendent in 2015 until December 2019. He was the highest-ranking ECC employee on site daily. Stablein worked for ECC between 2004 to 2018, and reported directly to Nearhoof.

Turning coal into coke generates a variety of pollutants, including volatile gases such as benzene, toluene, and xylene, as well as particulate matter. The facility operated under a CAA Title V permit issued by the U.S. Environmental Protection Agency. This permit prohibited the company from emitting coke oven gas (COG) into the outdoor air without burning the gas first. Additionally, the company utilized a Continuous Opacity Monitor (COM) to measure its opacity levels, and particulate matter emissions. Authorities required ECC to install the COM in July 2010 as part of a state-level enforcement action. The company previously violated its Title V permit and state air pollution laws, including exceeding opacity levels from the coke oven battery stack. In September 2011, ECC implemented additional remedial measures to reduce emissions to resolve an EPA civil enforcement action.

Between October 2015 and December 2019, ECC and Nearhoof continued to violate the CAA by tampering with monitoring devices. Nearhoof directed employees to vent emissions that bypassed the COM. Stablein supervised workers (known as “heatermen”) who removed flue caps to take temperature measurements and performed heating system maintenance. Stablein and Nearhoof directed these workers to remove coke oven flue caps to reduce opacity measured by the COM at the battery smokestack. This became standard procedure when the COM began detecting opacity levels near or above the 20% limit, thereby reducing the number of permit violations reported to authorities.

During this time, Nearhoof signed and submitted quarterly and semi-annual compliance reports to Pennsylvania Department of Environmental Protection authorities (PADEP), certifying the facility complied with federal regulations, despite the fact this was not true.

In July 2019, the PADEP rejected ECC's permit application renewal due to the continued noncompliance, among other factors, and the facility closed in December 2019.

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



Indictments

***United States v. Denys Korotkiy*, No. 3:22-mj-004198 (S.D. Calif.), ECS Senior Trial Attorney Steve DaPonte and AUSA Melanie Pierson.**

On December 1, 2022, prosecutors charged Denys Korotkiy with conspiracy, obstruction of justice, and violating the Act to Prevent Pollution from Ships, for failing to maintain an accurate oil record book (ORB) and for destroying records (18 U.S.C. §§ 371, 1519; 33 U.S.C. § 1908(a)).

Korotkiy worked as a chief engineer aboard the Liberian-flagged *M/V Donald*. Authorities scheduled the vessel for a routine Port State Control examination at the port of San Diego on May 31, 2022. Days before their visit, Coast Guard inspectors received information from the ship's second engineer that Korotkiy had ordered crewmembers to pump oily bilge water directly from the vessel's bilge to the sewage tank for discharge into the sea, bypassing the required pollution prevention equipment.

On May 30, 2022, at the direction of a corporate shore side manager, Korotkiy destroyed the vessel's sounding sheets to prevent inspectors from examining them. These records recorded the actual amounts of oil residue, oily mixtures, and machinery space bilge water, as well as sewage, accumulated onboard the *M/V Donald*. Crewmembers also failed to record accurate information in the ORB, including the transfers of machinery space bilge water from the bilge to the sewage tank and the illegal bilge water discharges.

The U.S. Coast Guard conducted the investigation.



Guilty Plea

***United States v. Jamal Saymeh*, No. 3:22-CR-00284 (W.D.N.C.), AUSA Steven Kaufman.**

On December 14, 2022, Jamal Saymeh pleaded guilty to conspiracy and violating the Clean Air Act for emissions testing fraud (18 U.S.C. § 371; 42 U.S.C. § 7413(c)(2)(A)).

Saymeh owns and operates Friendly Auto Repair in Charlotte, North Carolina. Between 2017 and January 2022, Saymeh routinely provided fraudulent vehicle emissions testing to customers. He manually entered vehicle identification numbers (VIN) and county information into the system, in order to exempt certain vehicles from testing. In some cases, Saymeh changed the designation of truck types from light duty to heavy duty, thus allowing such vehicles to evade the vehicle emissions testing requirement. Investigators determined Saymeh falsely tested more than 13,000 vehicles.

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



Sentencings

***United States v. Ricky Spires, et al.*, No. 22-CR-00038 (D. Alaska), AUSA Steven Skrocki.**

On December 27, 2022, a court sentenced Ricky Spires to complete a two-year term of probation, after pleading guilty to conspiring to traffic wildlife (18 U.S.C. § 371). Spires is one of several defendants charged with smuggling protected marine corals from the Philippines into the United States.

Between July 2017 and August 2018, the defendants paid a Philippine national to dive for and collect protected marine corals. This individual falsely labelled and shipped the coral through common carriers. All shipments landed and traveled through Anchorage, Alaska. Following receipt, the defendants sold the coral online to collectors and hobbyists. Some of the coral is protected by the Convention on International Trade in Endangered Species (CITES). Additionally, Philippine law prohibits any person to gather, possess, commercially transport, sell or export corals commercially regardless of CITES status. In total, the defendants illegally purchased and sold more than 3,000 separate pieces of coral.

The Republic of the Philippines is one of six countries straddling the Coral Triangle, a 5.4 million-square-kilometer stretch of ocean that contains 75 percent of the world's coral species, one-third of the Earth's coral reefs, and more than 3,000 species of fish. Poaching for corals and other detrimental forces have left only five percent of coral reefs in the Philippines in "excellent" condition, and just one percent characterized as "pristine".

The U.S. Fish and Wildlife Service Office of Law Enforcement conducted the investigation.

***United States v. Jeffrey Delucio, et al.*, Nos. 1:21-CR-00237, 00364 (S.D. Ind.) AUSA Kathryn Olivier.**

On December 20, 2022, a court sentenced Jeffrey Delucio to 16 months' incarceration, followed by two years' supervised release, pay a \$1,000 fine, and perform 50 hours of community service. Delucio violated the Toxic Substance Control Act (TSCA), and obstructed justice by fabricating records to impede a federal grand jury's investigation (18 U.S.C. § 1519; 15 U.S.C. § 2689). Delucio's son, Dillan, was sentenced in March 2022 to complete a one-year term of probation and perform 50 hours of community service.

The defendants owned Aluminum Brothers, a lead-based paint renovation, repair, and painting firm certified under the TSCA. Pursuant to TSCA, the U.S. Environmental Protection Agency issued the Renovation, Repair and Painting Rule (RRP). The RRP generally requires businesses performing work that may disturb lead-based paint in homes, childcare facilities, and preschools to: (a) obtain EPA certification; (b) use certified

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Sentencings

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renovators trained by EPA-approved training providers; and (c) follow lead-safe work practices.

In 2016 and 2017, Aluminum Brothers contracted to renovate two properties in Richmond, Indiana, each of which contained lead hazards. The defendants violated RRP rules by failing to cover the ground with plastic sheeting, failing to erect vertical containment, and failing to remove paint chips from the yard.

A federal grand jury subpoenaed business records from the company, including records of employee training on lead-safe work practices. In an effort to impede federal investigators, Jeffrey Delucio fabricated training records for each of his employees and supplied the false documents to EPA and HUD agents.

The Indiana Department of Environmental Management, the U.S. Environmental Protection Agency Criminal Investigation Division, and the U.S. Housing and Urban Development Office of Inspector General conducted the investigation.

***United States v. DEM Technology, LLC, et al.*, No. 3:22-CR-00048 (S.D. Ohio), ECS Senior Trial Attorney Adam Cullman and ECS Paralegal Chloe Harris.**

On December 19, 2022, a court sentenced DEM Technology, LLC, (DEM) to pay a \$175,000 fine, and complete a two-year term of probation. Company vice president Evan Morgan will complete a two-year term of probation and perform 100 hours of community service. The defendants pleaded guilty to violating the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. § 36j(a)(1)(B)).

DEM produced a variety of products, including “SaniGuard,” a surface sanitizer spray registered with the U.S. Environmental Protection Agency (EPA). DEM also made a product called SaniGuard Total Release Fogger that it marketed in 2004 as a total room disinfectant using a continuous, fogging spray. The SaniGuard Total Release Fogger product was not registered with the EPA. In its marketing materials, DEM claimed that the SaniGuard Fogger could sanitize an entire room, including killing viruses and bacteria.

In 2004 and 2005, the EPA sent letters to DEM informing the company it failed to supply efficacy data to support SaniGuard’s use as a fogger. Between 2004 and 2012, DEM acknowledged receiving this correspondence directing the company to remove any “fogging language” from the SaniGuard label.

In July 2015, DEM and the EPA signed a Consent Agreement that ordered DEM to pay a \$1,500 civil penalty for illegally selling and distributing SaniGuard Fogger. Despite the Consent Order, DEM and Morgan continued to produce, distribute, and sell SaniGuard Fogger from 2015 up through 2018.

The U.S. Environmental Protection Agency Criminal Investigation Division, the Ohio Bureau of Criminal Investigation, and the Ohio Attorney General’s Office conducted the investigation.



Sentencings

United States v. Ronald Smith, No. 5:22-CR-00277 (N.D. Ohio), AUSAs Brad J. Beeson and Marc D. Bullard.

On December 19, 2022, a court sentenced Ronald Smith to 123 months' incarceration, followed by five years' supervised release, after pleading guilty to a 22-count indictment charging him with dog fighting, drug trafficking, and illegal possession of a firearm (7 U.S.C. § 2156 (b); 18 U.S.C. §§ 49(a), 922(g)(1); 21 U.S.C. §§ 841, 846). The court further ordered Smith to pay \$233,368 in restitution to K2 Solutions, to care for and rehabilitate the rescued dogs.



Rabbit used to bait the dogs

Law enforcement authorities targeted Smith in a drug trafficking investigation. In April and May of 2022, they executed search warrants at two of his homes. When they entered the basement, officers found several dogs, equipment for dog fighting, two non-motorized dog-sized treadmills, and a rabbit in a cage (for use as bait).

During the search, authorities recovered three firearms. As a convicted felon, Smith is prohibited from owning any firearms.

The Drug Enforcement Administration, the U.S. Department of Agriculture Office of Inspector General, the Akron Police Department, and the Summit County Sheriff's Office, conducted the investigation, with assistance from the U.S. Marshals Service and the Humane Society of Summit County.

United States v. Oscar Alfredo Castanaza Ortega, No. 1:19-CR-00191 (E.D. Calif.), AUSA Karen Escobar.

On December 16, 2022, a court sentenced Oscar Alfredo Castanaza Ortega to 90 months' incarceration, followed by five years' supervised release and pay \$7,819 in restitution to the U.S. Forest Service. Castanza pleaded guilty to conspiring to cultivate with intent to distribute close to 3,000 marijuana plants in the Twin Springs area of the Sequoia National Forest (21 U.S.C. §§ 841, 846).

In August 2019, law enforcement officers apprehended Castanaza on the grow site with a loaded .38 caliber firearm and a box of ammunition. Castanaza stated the owners of the site paid him \$100 a day to water and trim the plants.

The marijuana cultivation operation caused significant damage to the land and natural resources. Workers cut down native trees, brush, and other vegetation, dumping

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Sentencings

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large amounts of fertilizers and pesticides around the site. Using a helicopter, law enforcement removed thousands of pounds of trash, irrigation hose, and camping equipment.

The U.S. Forest Service conducted the investigation, with assistance from the California Department of Justice's Campaign Against Marijuana Planting, and the Tulare County Sheriff's Office.

United States v. Scott Kinley, No. 2:22-CR-00145 (W.D. Wash.), AUSA Jim Oesterle.

On December 14, 2022, a court sentenced Scott Kinley, the owner of a wholesale fish processor, to complete a three-year term of probation and pay \$143,088 in restitution to the Columbia River Intertribal Fish Commission (CRITFC). Kinley, the owner of Native American Fisheries, pleaded guilty to violating the Lacey Act for taking more than 7,000 pounds of illegally caught Columbia River salmon and selling it commercially (16 U.S.C. §§ 3372(a)(1),(4), 3373(d)(1)(B)).

Kinley, a member of the Lummi Nation, knew that only Yakama Nation enrollees were allowed to fish from the Chinook Columbia fishery for subsistence and ceremonial purposes only. Over a ten-day period in May 2018, Kinley purchased and sold thousands of pounds of protected salmon that was not available to his competitors. The investigation revealed that Kinley sold the fish for approximately \$11.75 per pound wholesale, while the retail value was \$19.99, for a total retail value of \$143,088. The court ordered this amount as restitution to help the CRITFC fund habitat protection and restoration projects.

The National Oceanic and Atmospheric Administration Office of Law Enforcement and the Columbia River Inter-Tribal Police Department conducted the investigation, with assistance from the Washington Department of Fish and Wildlife.



Boxes of illegally taken salmon



Sentencings

United States v. William Roberts, No. 3:22-CR-00112 (S.D. Miss.), AUSA Gaines Cleveland.

On December 14, 2022, a court sentenced William Roberts to pay a \$1,000 fine and complete a one-year term of probation, after pleading guilty to violating the Clean Water Act (33 U.S.C. § 1319 (c)(1) (B)).

Roberts worked for Partridge-Sibley Industrial Services, Inc., (PSI), a wastewater hauling business based in Jackson, Mississippi, that illegally discharged industrial waste into the Jackson sewer system. Between January 2017 through November 2017, Roberts supervised the transportation and disposal of industrial waste from Gold Coast Commodities, Inc., (in Brandon, Mississippi) to a site at a commercial entity in Jackson, where workers deposited wastes into a holding tank that PSI installed. This tank connected to a pipe leading directly into the Jackson wastewater system.

The U.S. Environmental Protection Agency Criminal Investigation Division, the Federal Bureau of Investigation, the Brandon Police Department, and the Mississippi Department of Environmental Quality, conducted the investigation, with assistance from the Cities of Brandon and Jackson municipal governments.



PSI Trucks

United States v. James D. Withrow, et al., No. 3:21-CR-00109 (D. Alaska), AUSAs Steven Skrocki and Charisse Arce.

On December 14, 2022, a court sentenced James D. Withrow to time-served, followed by three years' supervised release. Withrow also is jointly and severally responsible with Bruce A. Jackson for paying a total of \$88,000 in restitution as follows: \$1,485 to the State of Alaska and \$86,515 to the U.S. Forest Service. Withrow pleaded guilty to conspiracy to commit depredation against a property of the United States (18 U.S.C. § 371).

On May 31, 2018, Withrow and Jackson removed 17 55-gallon drums from Jackson's property in Seward and placed them on a tractor trailer driven by Withrow. The two men then drove to Anchorage. The next day, Withrow drove the tractor trailer off the Seward Highway down a road clearly marked "No Dumping" and "No Public Access." Withrow parked and proceeded to dump 15 of the drums at the Granite Creek Recreation Area in the Chugach National Forest, which is U.S. Forest Service land.

Coincidentally, Forest Service biologists working in the area noticed someone had removed locks from an access gate. They observed Withrow after he dumped 15 of the 17 drums, leaving two on the trailers. Some of the drums leaked, causing approximately

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Sentencings

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\$80,000 in damage. The biologists alerted the authorities to investigate further. When questioned by U.S. Forest Service officials, Withrow falsely claimed that he transported the drums to Anchorage, rather than dumping them after Jackson hired him to pick them up.

Jackson was sentenced in August 2022 to complete a four-year term of probation, perform 500 hours of community service, and pay the \$88,000 in restitution. Jackson pleaded guilty to conspiracy to commit depredation against a property of the United States (18 U.S.C. §§ 371).

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

United States v. Cory J. McGilloway, No. 3:21-CR-00091 (N.D. Calif.) AUSA Joseph Friedman Tartakovsky.

On December 14, 2022, a court sentenced Cory J. McGilloway to time-served, followed by one year of supervised release, for violating the Endangered Species Act (16 U.S.C. § 1538(a)(1)(B), 16 U.S.C. § 1540(b)(1)).

In October 2020, McGilloway kidnapped a 21-year-old male ring-tailed lemur named Maki from the San Francisco Zoo's Lipman Family Lemur Forest. After workers reported Maki missing, investigators discovered evidence of a forced entry to the animal's enclosure. A frantic search ensued for the animal, which zoo officials described as "highly endangered" and requiring "special care." The zoo, which is home to just four ring-tailed lemurs, also offered a \$2,100 reward for information leading to Maki's safe return.

Two days after the theft, a woman reported to the San Francisco Police Department that she video-taped a man walking a lemur on a leash. The video captured images of the lemur and of the man, who had distinctive tattoos. Later the same day, a 5-year-old boy spotted the unattended animal at a playground. Authorities captured and returned the hungry, dehydrated, and agitated animal to the zoo. Police arrested McGilloway later that evening while responding to a shoplifting report at a convenience store.

The Federal Bureau of Investigation and the San Francisco Police conducted the investigation.



Maki



Sentencings

***United States v. Walker Industries, et al.*, No. 4:22-CR-00814 (D.S.C.), AUSA Winston Holliday.**

On December 9, 2022, a court sentenced William Todd Walker and Walker Industries, LLC., for their involvement in an illegal demolition project at a Howard Johnson's Hotel. Each will complete a one-year term of probation and are joint and severally responsible for a \$150,000 payment. This represents a disgorgement of the income the defendants received as a result of work performed on the project.

William Walker pleaded guilty to a Clean Air Act (CAA) negligent endangerment violation and Walker Industries pleaded guilty to a CAA National Emissions Standard for Hazardous Pollutants violation (42 U.S.C., § 7413(c)(4), (c)(1)).

In October 2017, the South Carolina Department of Health and Environmental Control (DHEC) received a complaint regarding an asbestos abatement project in process at the Howard Johnson's hotel located in Florence, South Carolina. Investigators determined that Howard Johnson hired Walker Industries and company owner, Todd Walker, to conduct the demolition project. In July 2017, Walker received an asbestos survey that indicated the presence of asbestos onsite, requiring proper removal. Walker chose to ignore the survey results and failed to employ the proper asbestos abatement procedures. Instead, he directed untrained workers to remove the walls from multiple buildings.

After receiving the complaint, DHEC and the U.S. Environmental Protection Agency conducted several inspections of the property. They found that Walker's workers used power sanders and hand tools to remove spray-applied texture to the ceilings. They scattered regulated asbestos-contaminated material debris around the site, in some areas about an inch thick. Inspectors found material from the old lobby in a dumpster about ten yards from the structure. Samples from the dumpster exhibited similar properties as samples taken within the structure. Walker and his workers caused a negligent release of asbestos (a hazardous air pollutant) into the air, with the potential for harming workers on site, as well as guests.

The U.S. Environmental Protection Agency Criminal Investigation Division and the South Carolina Department of Health and Environmental Control conducted the investigation.



Sentencings

***United States v. Paul Andrecola*, No. 1:01-CR-00204 (D.N.J.), ECS Senior Trial Attorney Adam Cullman, ECS Trial Attorney Matt Evans, and ECS Law Clerk Maria Wallace.**

On December 8, 2022, a court sentenced Paul Andrecola to 60 months' incarceration, followed by three years' supervised release. Restitution will be determined on March 9, 2023. Andrecola illegally manufactured and sold various disinfectant products.

During the pandemic, Andrecola sold disinfectants, claiming he registered them with the U.S. Environmental Protection Agency (EPA) and that they were approved for use against COVID-19. However, none of this was true. Andrecola stole another company's EPA registration numbers, created dozens of false documents to support his claims, and used the misbranding and fraudulent statements to induce more than 150 sales worth more than \$2.7million.

Andrecola pleaded guilty to violating the Federal Insecticide, Fungicide, and Rodenticide Act, wire fraud, and making or presenting a false, fictitious or fraudulent claim to the United States (7 U.S.C. § 136j(a)(1)(A); 18 U.S.C. §§ 1343, 287).

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation, with assistance from EPA Office of Inspector General, Homeland Security Investigations, the Defense Criminal Investigative Service, the Naval Criminal Investigative Service, and the Mount Laurel Police Department.



Environmental Crimes Section Attorneys: (Main # 202-305-0321)

Position	Name	Phone
Chief	Deborah Harris	
Deputy Chief	Joseph Poux	
Assistant Chief	Thomas Ballantine	
Assistant Chief	Wayne Hettenbach	
Assistant Chief	Lana Pettus	
Assistant Chief	Jennifer Whitfield	
Senior Litigation Counsel	Richard Udell	
Senior Counsel for Wildlife	Elinor Colbourn	
Senior Counsel	Kris Dighe	
Senior Trial Attorney	Cassandra Barnum	
Senior Trial Attorney	Ryan Connors	
Senior Trial Attorney	Christopher Costantini	
Senior Trial Attorney	Adam Cullman	
Senior Trial Attorney	Stephen DaPonte	
Senior Trial Attorney	Gary Donner	
Senior Trial Attorney	Daniel Dooher	
Senior Trial Attorney	Patrick Duggan	
Senior Trial Attorney	Ethan Eddy	
Senior Trial Attorney	Todd Gleason	
Senior Trial Attorney	Jeremy Korzenik	
Senior Trial Attorney	Ken Nelson	
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Trial Attorney	Sarah Brown	
Trial Attorney	Matthew Evans	
Trial Attorney	Stephen Foster	
Trial Attorney	Christopher Hale	
Trial Attorney	Joel LaBissonniere	
Trial Attorney	Samuel (Charlie) Lord	
Trial Attorney	Matt Morris	
Trial Attorney	Shennie Patel	
Trial Attorney	Erica Pencak	
Trial Attorney	Leigh Rende	
Trial Attorney	Rachel Roberts	
Trial Attorney	Mark Romley	
Trial Attorney	William Shapiro	
Trial Attorney	Lauren Steele	