



Monthly

Bulletin

Environmental Crimes Section

August 2016

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"Lake Superior is a vital part of Minnesota's natural environment," said Assistant United States Attorney John Kokkinen. "The criminal fine and community service payment imposed by the Court provide a strong deterrent to future would-be polluters and significant funding to preserve and protect Lake Superior for future generations. This case was made possible by the excellent work of members of the United States Coast Guard who served as critical partners throughout this investigation." [From [press release](#) for sentencing in U.S. v. MST Mineralien Schifffahrt Spedition Und Transport GmbH].

District/Circuit	Case Name	Case Type/Statutes
Seventh Circuit Court of Appeals	United States v. Joseph Furando	RINS Fraud
Fourth Circuit Court of Appeals	United States v. Gaston L. Saunders	Magnuson Stevens Act
Central District of California	United States v. Cesar Ernesto Gutierrez	Ivory Pool Cues/Smuggling
Eastern District of California	United States v. Sair Eduardo Maldonado-Soto United States v. Macedonio Madrigal-Herrera United States v. Francisco Javier Gomez-Rodriguez	Marijuana Grow/Depredation to Public Lands
██████████	████████████████████	████████████████████
Southern District of Florida	United States v. Leah Gould United States v. Hovary Muniz	Shark Sales/Lacey Act, Conspiracy Bird Imports/Smuggling
Southern District of Indiana	United States v. Jeffrey Wilson	RINS Fraud/Securities Fraud, Filing False Reports, False Statements
Eastern District of Louisiana	United States v. Cheery Way, Inc.	Demolition/CAA
District of Minnesota	United States v. MST Mineralien Schiffahrt Spedition Und Transport Gmbh	Vessel/APPS
District of Montana	United States v. Joseph D. Robertson	Pond Construction/CWA, Depredation to Public Lands
Northern District of New York	United States v. Dominick Mazza	Dumping Demo Debris/CWA, CERCLA, Obstruction, False Statement
Middle District of Pennsylvania	United States v. Andrew Manganas	Bridge Rehabilitation/CWA, Embezzlement, Fraud, False Statement
District of South Carolina	United States v. Aegean Shipping Management, S.A. ████████████████████	Vessel/APPS, Conspiracy, Obstruction ████████████████████ ████████
District of South Dakota	United States v. Theodore Nelson, Jr.	Eagle Poisoning/FIFRA, BGEPA
Southern District of Texas	United States v. Eric M. Schmidt	Bird Hunting/Lacey Act, MBTA, ESA

Decisions

***United States v. Gaston L. Saunders*, ___ F.3d ___, 2016 WL 3608770 (4th Cir. July 5, 2016), ENRD Appellate Attorney Brian Toth, ECS Trial Attorneys Shennie Patel, Lauren Steele, Joel LaBissonniere, Shane Waller, and AUSA Banu Rangarajan.**

On July 5, 2016, the Fourth Circuit reinstated the defendants' indictments containing multiple Lacey Act counts for catching Atlantic striped bass in federal water and later selling them.

During 2009 and 2010, four commercial boat captains harvested several tons of bass from federal waters, which were subsequently transported and sold to commercial seafood dealers. The captains were charged with violating the Lacey Act, which criminalizes the taking and selling of Atlantic striped bass from federal waters. However, the district court dismissed the Lacey Act counts, holding that the captains were exempt from prosecution for fishing that is "regulated by a fishing management plan in effect" under the Magnuson-Stevens Fishery Conservation and Management Act.

The fishery management plan created by the Atlantic States Marine Fisheries Commission and referenced in the Atlantic Striped Bass Conservation Act must be treated as a plan in effect under the Magnuson-Stevens Act.

The Court held that the Commission's plan, which was compiled by State representatives and which the district court treated as a Magnuson-Stevens Act plan, only regulated fishing in state coastal waters rather than federal waters. The Commission's plan did not authorize the Secretary of Commerce to issue the regulation banning fishing for bass in federal waters. And, even if the Commission tried to give the Secretary of Commerce some form of power over federal waters, this would have been legally meaningless. The Commission is charged with regulating the States' waters whereas the Secretary of Commerce regulates federal waters.

Additionally, the Court rejected the captains' argument that the statutory scheme was void for vagueness because the statutory scheme did not 'fail to provide people of ordinary intelligence a reasonable opportunity to understand what conduct it prohibits.' *United States v. Schrader*, 675 F.3d 300, 310 (4th Cir. 2012). Rather, the Court held the Lacey Act's prohibition was straightforward: "don't fish for bass in federal waters."

***United States v. Joseph Furando*, No. 2016 WL 3974382 (7th Cir. July 25, 2016), ENRD Appellate Attorney Jeff Beelaert, ECS Assistant Chief Tom Ballantine.**

On July 25, 2016, the Seventh Circuit Court of Appeals issued an unpublished order affirming Joseph Furando's 20-year prison sentence.

Furando and his co-defendants conspired to sell fraudulent biodiesel incentives (tax credits and "renewable identification numbers"). The scheme added \$55 million in fraudulent value to more than 35 million gallons of biodiesel fuel. All but one defendant pleaded guilty. During sentencing, the district court found that Furando obstructed justice, and declined to adjust his sentence for acceptance of responsibility. The Seventh Circuit explained that a defendant who obstructs justice is presumed not to have accepted responsibility. The presumption can only be rebutted in "extraordinary circumstances," and Furando did not show that his alleged acceptance of responsibility was exceptional. On the contrary, Furando continued committing violent physical assaults while on pretrial release and, while detained, plotted to kill federal witnesses and sell drugs.

Trials

***United States v. Jeffrey Wilson*, No. 3:13-CR-00190 (S.D. Ind.), ECS Assistant Chief Tom Ballantine, USAO Senior Litigation Counsel Steven DeBrotta, SEC SAUSA Jake Schmidt, and ECS Paralegal Casey Rybak.**

On July 20, 2016, after an eight-day trial, a jury convicted Jeffrey Wilson after deliberating 90 minutes, of securities fraud charges. The charges arose from a scheme to defraud biodiesel buyers and U.S. taxpayers by fraudulently selling biodiesel incentives. Wilson's crimes centered on the E-biofuels biodiesel business, a wholly-owned subsidiary of Imperial Petroleum. Wilson, the company CEO and president, was convicted for securities fraud, filing false reports with the Securities and Exchange Commission (SEC), falsely certifying reports to the SEC, lying to the company's outside auditor, and lying to federal investigators (15 U.S.C. §§ 78j(b), 78ff, 78m(b)(5), 77q(a), 77x; 18 U.S.C. §§ 1001, 1350 (c)(1)).

Brothers Chris, Chad and Craig Ducey previously pleaded guilty for their involvement in the conspiracy. Chris Ducey has been sentenced to six years' incarceration, Joseph Furando was sentenced to 20 years', and Brian Carmichael was sentenced to five years'. Each was held jointly and severally liable for more than \$56 million in restitution. Furando's sentence was recently affirmed by the Seventh Circuit.

From 2007 through 2012, E-biofuels owned a biodiesel manufacturing plant in Middletown, Indiana. E-biofuels was owned and operated by Carmichael and the Duceys. In late 2009, Furando, Katirina Tracy, Caravan Trading Company, and CIMA Green began supplying E-biofuels with biodiesel that had already been used to claim tax credits and RINs. Because these incentives had already been claimed, Furando could purchase the biodiesel at low prices, sometimes for more than \$2 per gallon less than biodiesel that was still eligible for the credits. He then illegally re-certified it to sell at a much higher market price.

The defendants realized substantial per-gallon profits through this scheme, sometimes in excess of \$12,000 per truckload. Over the course of approximately two years, they fraudulently sold more than 35 million gallons of fuel for a total cost of over \$145.5 million. The defendants realized more than \$55 million in gross profits, at the expense of their customers and U.S. taxpayers.

Furando, Caravan Trading and CIMA Green pleaded guilty to all charges: conspiracy, wire fraud, false statements, obstruction, engaging in prohibited financial transactions, and money laundering. Carmichael and Tracy pleaded guilty to conspiracy charges. The Duceys pleaded guilty to conspiracy, false claims against the Internal Revenue Service, wire fraud, and lying to the EPA and the IRS. In particular, Chad Ducey, an engineer by training, caused a third-party engineer to submit false reports to justify the production of fuel at E-biofuels. Those reports claimed that E-biofuels was using the chemical process of transesterification to produce biodiesel, when in fact, the company simply re-sold biodiesel that had been made by others and already had been used to claim biodiesel incentives.

In addition, Craig Ducey pleaded guilty to a related \$58.9 million securities fraud, which victimized more than 625 investors and share-holders of Imperial Petroleum, a

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Trials

(Continued from page 4)

publicly-traded company and the parent company of E-biofuels. E-biofuels pleaded guilty to similar charges. CIMA Green and Caravan Trading, which are largely defunct, must complete two years' probation to ensure that remaining assets are properly directed toward victims. Toward that end, the court imposed, but suspended, the fines. E-biofuels also is jointly and severally liable for the restitution; the company, however, is in bankruptcy and its few remaining assets are being distributed to creditors and victims through the bankruptcy process. Chad and Craig Ducey, and Tracy have not yet been sentenced.

Wilson is the final defendant to be prosecuted in this multi-state fraud scheme. Once Imperial Petroleum bought E-biofuels in May 2010, Wilson was soon made aware that the facility was not making biodiesel. Despite this knowledge, he filed an annual report with the SEC in November 2010, stating that E-biofuels was manufacturing fuel, and he continued to present this false information to the public, investors, auditors and investigators.

This case was investigated by the Federal Bureau of Investigation, with assistance from the U.S. EPA Criminal Investigation Division, Internal Revenue Service Criminal Investigation, the Securities and Exchange Commission, U.S. Department of Agriculture, and the Indiana Department of Environmental Management.

United States v. Theodore Nelson, Jr., No. 4:15-CR-40109 (D.S.D.), AUSA Meghan Dilges.

On July 13, 2016, Theodore Nelson, Jr., was convicted by a jury for violating FIFRA and the Bald and Golden Eagle Protection Act (16 U.S.C. § 668(a); 7 U.S.C. §§ 136j(a)(2)(G), 136(b)(2)).

Between January 2015 and May 2015, Nelson injected Carbofuran, also known as Furadan 4F, into the carcasses of cows in order to kill predators. Carbofuran is a restricted-use pesticide that is extremely toxic to wildlife. Use of this pesticide for baiting purposes is strictly prohibited. As a result of the defendant's actions, animals, including coyotes and an adult Bald eagle, were poisoned. Laboratory results from the National Fish and Wildlife Forensic Laboratory confirmed that the eagle died of Carbofuran poisoning, after eating tainted coyote carcasses.

This case was investigated by the U.S. Fish and Wildlife Service, the U.S. EPA Criminal Investigation Division, and the South Dakota Department of Game, Fish and Parks.



Poisoned Bald Eagle

Indictments/Informations

United States v. Andrew Manganas, No. 16-CR-00209 (M.D. Pa.), AUSA James Clancy and SAUSA Martin Harrell.

On July 28, 2016, Andrew Manganas and Panthera Painting, Inc., were charged with violating the Clean Water Act, embezzlement, fraud, and false statement charges in connection with work performed on a bridge as part of a \$42 million rehabilitation project. (18 U.S.C. §§ 664, 1001(a)(3), 1343; 33 U.S.C. § 1319(c)(2)).

In September 2009, the Pennsylvania Department of Transportation awarded a contract for rehabilitation work on the George Wade Bridge to J.D. Eckman, Inc. as the prime contractor. The contract amount was \$42,480,434 with the Federal Highway Administration (FHWA) federal-aid programs reimbursing 90 percent of that cost. In October 2009, Eckman awarded Panthera a \$9,875,000 subcontract. The subcontract covered the blasting, resurfacing, and painting of the structural steel on the bridge. The subcontract amount ultimately increased to approximately \$10 million.

The contract required each contractor and subcontractor to submit certified payroll reports for every worker and every pay period to certify that the federally-established prevailing wage was being paid to each worker. Manganas and Panthera allegedly embezzled money from benefit and pension plans by engaging in a “side payroll” scheme through which workers on the project received two checks, one for regular hours and a separate “per diem” check. The indictment states that the per diem checks were for overtime hours worked and did not include required contributions to the workers’ union welfare benefit and individual employees’ pension plans. The defendants are charged with embezzling approximately \$400,000 from union benefit and workers’ pension plans between 2011 and 2013.

They are further charged with 21 false statement counts for causing false certified payroll reports to be submitted to the FHWA during the same time period. They also are charged with 21 counts of wire fraud for causing the agency to wire payments from the Federal Highway Trust Fund to the Commonwealth of Pennsylvania that included payments for work performed by the defendants. The alleged loss of wages to workers Panthera used on the project was approximately \$208,879 as a result of the failure to pay the prevailing wages.

Finally, the defendants are charged with knowingly discharging pollutants (including abrasive paint blasting materials, waste paint, and metal, into the Susquehanna River) in violation of the CWA. At their direction, workers used air hoses to blow debris off bridge components 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, all without a permit to do so.

This case was investigated by the U.S. DOL Office of Inspector General, the U.S. DOT Office of Inspector General, the U.S. EPA Criminal Investigation Division, and the Federal Bureau of Investigation.

Indictments / Informations

United States v. Cesar Ernesto Gutierrez, No.16-mj-01508 (C.D. Calif.), AUSA Amanda M. Bettinelli.

On July 26, 2016, a complaint was filed charging Cesar Ernesto Gutierrez with smuggling elephant ivory from the United States (18 U.S.C. § 554(a)).

Gutierrez allegedly assisted Huang Ching Liu and Wen Shou Wei Chen with their smuggling of high-end pool cues inlaid with endangered African elephant ivory. Liu and Chen were apprehended in April 2016, at the Los Angeles International Airport. The cues allegedly were purchased from Gutierrez's business, Ginacue. Liu and Chen have already pleaded guilty and are scheduled to be sentenced on August 15, 2016.

Those in the market for custom pool cues belong to a fairly tight-knit community of collectors, players, and cue makers. There is strong demand for collector pieces, competition cues, and an active international trade in pool cues. The 44 sections of cues in the defendants' possession were valued at between \$75,000 and \$80,000.

This case was investigated by the U.S. Fish and Wildlife Service.

United States v. Sair Eduardo Maldonado-Soto, No. 1:16-CR-00106 (E.D. Calif.), AUSA Karen Escobar.

On July 22, 2016, a four-count indictment was returned against four individuals for their involvement in large-scale marijuana cultivation operations on National Forest land. Sair Eduardo Maldonado-Soto, Coral Herrera, Abel Toledo-Villa, and Alfredo Cardenas-Suastegui were charged with conspiring to cultivate marijuana at two sites in the Sequoia National Forest. They are further charged with damaging public land and natural resources (21 U.S.C. §§ 841(a)(1), 846; 18 U.S.C. § 1361).

Between March 1, 2016, and July 8, 2016, the defendants were allegedly involved with grow sites in the Lucas Creek drainage, and an area known as the Box 6 site. According to the indictment, Maldonado-Soto and Herrera were supplying material, equipment, and personnel (including Toledo-Villa and Cardenas-Suastegui) to and from the grow sites, which consisted of over 10,000 marijuana plants. Their use of harmful pesticides and dumping large quantities of trash caused extensive damage to the land and natural resources. Native trees and vegetation also were removed to make room for the plants.

This case was investigated by the U.S. Forest Service, ICE Homeland Security Investigations, the Southern Tri-County High Intensity Drug Trafficking Area Task Force, California Department of Justice's Campaign against Marijuana Planting, California Department of Fish and Wildlife, Kern County Sheriff's Office, Riverside County Sheriff's Department, the Fontana Police Department, and the Victorville Police Department.

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

August 2016

Guilty Pleas

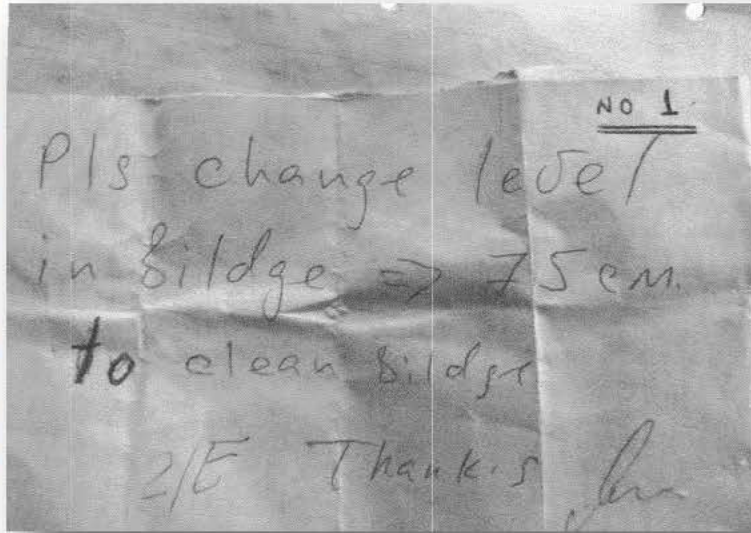
United States v. MST Mineralien Schiffahrt Spedition Und Transport GmbH, No. 16-CR-00134 (D. Minn.), AUSAs Benjamin F. Langner and John Kokkinen, with assistance from ECS Senior Litigation Counsel Richard Udell.

On July 5, 2016, MST Mineralien Schiffahrt Spedition Und Transport GmbH (MST), a German company and operator of the *M/V Cornelia*, pleaded guilty to violating APPS for failing to maintain an accurate oil record book (ORB) (33 U.S.C. § 1908(a)).

From February 2015 through October 2015, the *Cornelia* experienced significant leakages of oily waste-water, and as a result, was accumulating a substantial volume of bilge water. On at least ten occasions, the ship's chief engineer and/or second engineer instructed crew members to discharge oily bilge waste overboard without treatment. One of these discharges occurred in May 2015, when the vessel was in the Great Lakes. These discharges were not recorded in the ORB.

On November 3, 2015, the vessel entered the Port of Duluth to load grain for transport to Africa. At that time, Coast Guard inspectors conducted a Port State Control examination and were presented with the ORB containing the omissions and false entries.

This case was investigated by the U.S. Coast Guard Investigative Service and the U.S. Environmental Protection Agency.



Note to oiler telling him to transfer dirty bilge tank content to tank that is supposed to only contain oil-free water.

Guilty Pleas

United States v. Leah Gould, No. 4:16-CR-100009 (S.D. Fla.), AUSA Tom Watts-FitzGerald.

On July 13, 2016, Leah and Phillip Gould pleaded guilty to Lacey Act and conspiracy violations for their involvement in the sale and purchase of juvenile bonnethead sharks (18 U.S.C. § 371; 16 U.S.C. §§ 3372(a)(2)(A), 3373 (d)(1)(B)).

The defendants owned and operated Florida Keys Marine Life, LLC, a wholesale marketing company of ornamental fish and live rock. Between May and August 2012, the defendants purchased and sold the sharks from an unlicensed harvester in the Florida Keys. The sharks were taken from the Key Deer National Wildlife Refuge, and

subsequently shipped via rental trucks as well as commercial air cargo. Sentencing is scheduled for October 3, 2016.

This case was investigated by the NOAA Office of Law Enforcement and the U.S. Fish and Wildlife Service Office of Law Enforcement. These agencies were key participants in a long-term investigation of the illegal harvesting and sale of marine life resources from the Florida Keys known as Operation Rock Bottom. Florida Keys National Wildlife Refuges and the U.S. Customs and Border Protection Air Marine Branch also provided assistance in this case.



Tagged bonnethead shark

August 2016

Sentencings

(Continued from page 11)

located in the Beaverhead-Deerlodge National Forest, and the other on adjacent private property. The ponds resulted in the discharge of dredged and fill material into a tributary stream and adjacent wetlands, causing widespread damage to both properties.

In October of 2013, a USFS agent visited the forest property to determine whether Robertson had complied with conditions of probation imposed for previous violations of USFS regulations. At trial, the agent testified that during the site visit, she observed multiple ponds dug into an existing stream on both forest service land and adjacent private property.

During a subsequent site visit in November of 2013, Robertson admitted that he had performed the work on the forest property using an excavator. Officials observed in May 2014 that he had expanded the site to approximately 1.2 acres in size, extending beyond the forest property to a private property that he did not own. The work consisted of nine ponds of varying sizes, including some that were close to 5,000 square feet and were placed directly in the stream and wetlands area. Unconsolidated dredged material from the ponds had been used to create berms and was placed in and around the area. Robertson admitted that he was responsible for this additional construction, despite being told repeatedly that he had no legal right to do so.

This case was investigated by the U.S. Forest Service; the U.S. EPA Criminal Investigation Division; the U.S. Army Corps of Engineers; and the Jefferson County Sheriff's Office; with assistance from Montana Fish, Wildlife, and Parks; and the Jefferson Valley Conservation District.

United States v. Macedonio Madrigal-Herrera, No. 1:15-CR-00216 (E.D. Calif.), AUSA Karen Escobar.

On July 18, 2016, Mexican national Macedonio Madrigal-Herrera was sentenced to 33 months' incarceration, after pleading guilty to conspiring to manufacture, distribute and possess marijuana in connection with a large-scale cultivation operation on public land (21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846). Madrigal was ordered to pay \$4,190 in restitution to the U.S. Forest Service for the damage caused by his wrongful conduct. He also had been charged with depredation to government lands and natural resources. Co-defendant Mexican national Ezequiel Armas-Ortiz was sentenced in December 2015 to 24 months' incarceration and \$4,190 in restitution.

Madrigal and Armas were responsible for close to 3,000 marijuana plants in the Brush Creek drainage area of the Sequoia National Forest. The cultivation activities caused extensive damage to public land and natural resources. Zinc phosphide, a toxic pesticide from Mexico, was found at the site, along with fertilizer and trash. Trees and plants, newly generated following a 2002 fire, were cut down to make room for the marijuana, and water was diverted from a nearby stream that supports trout.

This case was investigated by the U.S. Forest Service, ICE Homeland Security Investigations, the California National Guard, the California Department of Fish and Wildlife, and the Tulare County Sheriff's Office.

Sentencings

United States v. Cheery Way, Inc., No. 2:15-CR-00290 (E.D. La.), AUSA Emily Greenfield.

On July 15, 2016, Elaine Chiu and her company, Cheery Way, Inc., were sentenced after pleading guilty to violating the Clean Air Act (42 U.S.C. § 7413(c)(2)(B)). The two will complete five-year terms of probation. Chiu was held responsible for her company to pay a \$500,000 fine, and \$162,520 in restitution to be divided among 34 workers for medical monitoring costs.

In April 2011, the defendants began the demolition of the Mississippi Queen Riverboat. The 376-foot Mississippi Queen began navigating the Mississippi River system in 1976. Once owned by the Delta Queen Steamboat Company, the ship was bought by another company, but taken out of service in 2007 for the purpose of renovating the vessel. When those plans failed, the ship was sold for scrap to the defendants in October 2010 for \$800,000.

In May 2011, local investigators were tipped off to possible asbestos-related work happening on the ship. Cheery Way had previously arranged for asbestos tests (which was found in the ship's walls and ceiling), but did not inform regulators or Argosy Boat, the contractor hired to do the demolition. Argosy Boat was not certified to perform asbestos abatement, and workers started demolition without taking the proper safety precautions. The defendants further failed to notify the Louisiana Department of Environmental Quality that the vessel's walls and ceiling tiles contained asbestos.

This case was investigated by the U.S. EPA Criminal Investigation Division and the Louisiana Department of Environmental Quality.



Asbestos found on ship

Sentencings

***United States v. Hovary Muniz*, No. 1:16-CR-20183 (S.D. Fla.), AUSA Tom Watts-FitzGerald.**

On July 15, 2016, Hovary Muniz was sentenced after previously pleading guilty to a smuggling charge for attempting to import undeclared wildlife from Cuba (18 U.S.C. § 545). Muniz was sentenced to complete a three-year term of probation, with a special condition of four months' home confinement. He also will perform 200 hours of community service.

On January 9, 2016, Muniz was intercepted at Miami International Airport returning to the United States from Havana. After declaring that he had no wildlife in his possession, Customs officers discovered the defendant was carrying plastic tubes containing live birds concealed in his underwear and in a fanny pack hidden beneath his shirt. Muniz was found to be transporting five Cuban Melodious Finches, one Cuban Bullfinch, one Yellow-faced Grassquit, one Indigo Bunting, and one Blue Grosbeak.

Investigators later utilized aircraft to fly over the defendant's property and detected the presence of active bird-traps. Agents subsequently executed a search warrant finding additional Cuba-origin specimens and various domestic species of birds protected under the Migratory Bird Treaty Act.

This case was investigated by the U.S. Fish and Wildlife Service, Customs and Border Protection, and the Florida Fish and Wildlife Conservation Commission.

***United States v. David L. Frisby*, No. 5:15-CR-00310 (N.D.N.Y.) AUSA Sean O'Dowd.**

On July 13, 2016, David L. Frisby was sentenced to 18 months' incarceration, after pleading guilty to conspiracy to commit wire fraud (18 U.S.C. §§ 1343, 1349) for defrauding scrap metal brokerage firms out of more than \$144,000. Frisby admitted to soliciting contracts for the disposal of batteries and other metal waste under false pretenses. He was further ordered to pay \$144,216 in restitution to his victims.

Between February 2012 and January 2014, Frisby and his co-conspirators claimed to be representatives of a scrap metal recycling firm that was authorized by the EPA to dispose of metal waste by shipping it to Korea. They then charged victims for recycling services that were never provided.

To further the scheme, Frisby, a former CEO for D&L Heritage Enterprises, Inc., (a



Indigo Bunting in bird trapping cage

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Sentencings

(Continued from page 14)

company that was dissolved in 2009) provided his co-conspirators with D&L Heritage incorporation documents that were fraudulently altered and e-mailed to victims during the solicitation process. Victims of the fraud transferred approximately \$154,200 to bank accounts maintained by Frisby, who retained a portion of the funds for his personal benefit and distributed the remainder to his co-conspirators.

This case was investigated by the EPA Criminal Investigation Division and the EPA Office of the Inspector General.

United States v. Francisco Javier Gomez-Rodriguez, No. 1:15-CR-00226 (E.D. Calif.), AUSA Karen Escobar.

On July 5, 2016, Francisco Javier Gomez-Rodriguez was sentenced to 41 months in prison and ordered to pay \$8,750 in restitution to the U.S. Forest Service. Alejandro Ramirez-Rojo pleaded guilty to conspiring to grow marijuana with the intent to distribute (21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), 846). Rojo is scheduled to be sentenced on September 26, 2016. He is the last of four defendants to be prosecuted for his involvement in an extensive marijuana cultivation site.

Between March and August of 2015, Humberto Ceballos-Rangel, Anthony Isaac Santibanez, Rodriguez, and Rojo tended close to 6,000 marijuana plants found in the Sierra National Forest in Madera County. The cultivation operation caused significant harm to the forest. Native vegetation was cut to accommodate the marijuana plants, foot trails, and cooking and sleeping areas. Water also was diverted from a nearby creek for irrigation and a large quantity of trash was found in pits and throughout the site. In addition to the drug charges, the defendants also had been charged with depredation to public lands and natural resources.

Ceballos-Rangel was sentenced to 36 months' incarceration, and will also pay \$8,750 in restitution to the Forest Service. Santibanez is set for sentencing on August 15, 2016.

This case was investigated by the U.S. Forest Service, ICE Homeland Security Investigations, the California Department of Justice's Campaign against Marijuana Planting, the California Department of Fish and Wildlife, and the Madera County Narcotic's Enforcement Team.

Sentencings

***United States v. Dominick Mazza*, No. 5:11-CR-00264 (N.D.N.Y.), ECS Senior Trial Attorney Todd Gleason, Trial Attorney Gary Donner, and former AUSA Craig Benedict.**

On June 23, 2016, six defendants were ordered to pay additional restitution to the U.S. EPA. Dominick Mazza and Mazza & Sons will pay an additional \$250,000; Julius DeSimone, Jonathan Deck, and Cross Nicastro will pay an additional \$300,000; and Donald Torriero will pay an additional \$765,000.

This multi-defendant case involved the dumping of a significant amount of asbestos-contaminated debris into wetlands at an upstate New York farm. From 2006 through 2011, they illegally dumped thousands of tons of asbestos-contaminated pulverized construction



Debris dumped at Nicastro's farm

and demolition debris that was processed at Eagle Recycling and Mazza & Sons Inc.'s New Jersey-based solid waste management facilities. This debris was then transported to and dumped at Cross Nicastro's farm in Frankfort, much of which contained federally-regulated wetlands. The defendants were convicted by a jury in October 2012 of conspiracy to defraud the United States, as well as to violate the Clean Water Act and CERCLA (18 U.S.C. § 371). In addition, they were convicted of obstruction of justice and of violating the CERCLA requirement to report the release of toxic materials (18 U.S.C. § 1519; 42 U.S.C. § 9603(b)). Dominick Mazza also was convicted of making false statements to EPA agents (18 U.S.C. § 1001).

In April 2015, Dominick Mazza was resentenced to time-served (21 months), one year supervised release, and \$250,000 restitution to the EPA. The original fine of \$75,000 remained the same. Mazza and Sons was resentenced to a three-year term of probation and to pay \$271,745 that will go toward the total amount of \$750,000 ordered in restitution. The company remained obligated to implement an environmental compliance plan.

This case was investigated by the N. Y. State Department of Environmental Conservation Division of Law Enforcement, the U.S. EPA Criminal Investigation Division, the Internal Revenue Service, the N. J. State Police Office of Business Integrity Unit, the N. J. Department of Environmental Protection, and the Ohio Department of Environmental Protection.

Sentencings

United States v. Eric M. Schmidt, No. 2:16-CR-00592 (S.D. Tex.), AUSA Hugo R. Martinez.

On July 20, 2016, taxidermist and hunting guide Eric M. Schmidt was sentenced after pleading guilty to violating the Lacey Act, the Endangered Species Act, and the Migratory Bird Treaty Act (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(2), 1538(c)(1), 1540(b), 703, 707(a)). Schmidt was ordered to make a \$2,500 community service payment to the Lacey Act Reward Fund, and will complete a five-year term of probation. He also abandoned more than 60 species of bird mounts.

Schmidt is the owner of taxidermy business Alive Again Recreations. He also is the owner and operator of Global Game Birds (GGB). Through GGB, he offered customers hunting trips for rarely seen species of birds in Argentina, Peru, Scotland, South Africa, Australia and New Zealand.

In July 2011, Schmidt traveled from Corpus Christi to Peru and hunted approximately 30 indigenous birds, including an Andean ruddy duck and a Torrent duck. At the conclusion of the trip, he exported all 30 birds from Peru without a permit. In June 2012, Schmidt traveled to Argentina and returned to Corpus Christi with 18 birds he hunted in Argentina. Among the birds he killed and imported was one comb duck, a CITES-protected species. In June 2013, he traveled to New Zealand and returned to Corpus Christi with 24 game and non-game birds he hunted in New Zealand. Among the birds he hunted, six were Pacific black ducks, which are listed and protected under the MBTA.

This case was investigated by the U.S. Fish and Wildlife Service.



Birds found in defendant's home

Environmental Crimes Section Attorneys

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	Howard P. Stewart	████████
Senior Litigation Counsel	Richard Udell	████████
Senior Counsel for Wildlife	Elinor Colbourn	████████
Senior Counsel	Kris Dighe	████████
Senior Trial Attorney	Georgiann Cerese	████████
Senior Trial Attorney	Christopher Costantini	████████
Senior Trial Attorney	Daniel Dooher	████████
Senior Trial Attorney	Todd Gleason	████████
Senior Trial Attorney	David Kehoe	████████
Senior Trial Attorney	Jeremy Korzenik	████████
Senior Trial Attorney	Ken Nelson	████████
Trial Attorney	Cassandra Barnum	████████
Trial Attorney	Jennifer Blackwell	████████
Trial Attorney	Mary Dee Carraway	████████
Trial Attorney	John Cashman (USCG)	████████
Trial Attorney	Ryan Connors	████████
Trial Attorney	Adam Cullman	████████
Trial Attorney	Stephen DaPonte	████████
Trial Attorney	Gary Donner	████████
Trial Attorney	Patrick Duggan	████████
Trial Attorney	Ethan Eddy	████████
Trial Attorney	Thomas Franzinger	████████
Trial Attorney	Christopher Hale	████████
Trial Attorney	Joel LaBissonniere	████████
Trial Attorney	Leslie Lehnert	████████
Trial Attorney	Charlie Lord	████████
Trial Attorney	Shennie Patel	████████
Trial Attorney	Richard Powers	████████
Trial Attorney	Mark Romley	████████
Trial Attorney	Brendan Selby	████████
Trial Attorney	Lauren Steele	████████
Trial Attorney	Shane Waller	████████

Announcements

The Lacey Act Chapter of the [Manual](#) has been updated. Several of the [Contacts](#) have also been updated, including the AUSAs.

Please notify ECS of any appeals taken in your cases. [Section 5-11.118](#) of the U.S. Attorneys' Manual requires that ECS be notified.

We are in the process of updating the [Brief Bank](#) on the webpage. Older materials are still available on the [Document Bank Archives](#) page. Please send [REDACTED] any pleadings you believe would be useful for posting in the Brief Bank.

Please send information regarding State and local cases to the [Regional Environmental Enforcement Associations' Webpage](#). Updates on federal cases should be sent to [REDACTED]

If you are in need of sentencing data for your wildlife or pollution cases, please contact [REDACTED] with your search requests.

We now post a public version of the [ECS Bulletin](#) that is available for non-law enforcement readers.