



Monthly

# Bulletin

## Environmental Crimes Section

September 2016

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Send your federal case updates  
to: [E \[REDACTED\]](#)



"To have such blatant disregard for the law relating to marine mammals and protected species is unacceptable. NOAA Fisheries has zero tolerance for wildlife trafficking crimes. This case is a tremendous example of our partnership with U.S. Fish and Wildlife and the Department of Justice, without which we would not have successfully closed this case and brought these criminals to justice." [Statement from Eileen Sobeck, Assistant Administrator for NOAA Fisheries, from the [press release](#) of sentencing in *U.S. v Hawaiian Accessories, Inc.*]

| District/Circuit                | Case Name   | Case Type/Statutes  |
|---------------------------------|---|---|
| Northern District of California | <a href="#">United States v. Pacific Gas and Electric Company</a>   | Pipeline Explosion/Pipeline Safety Act, Obstruction                                 |
| Middle District of Florida      | <a href="#">United States v. Merlando Corlis</a>  | Septic Tank Discharge/CWA   |
| District of Hawaii              | <a href="#">United States v. Hawaiian Accessories, Inc.</a><br><a href="#">United States v. Doorae Shipping Co., Ltd.</a> | Wildlife Products/Conspiracy, Lacey Act, Smuggling<br>Vessel/APPS                   |
| District of Idaho               | <a href="#">United States v. Gregory Obendorf</a>   | Duck Baiting/MBTA, Conspiracy   |
| Southern District of Indiana    | <a href="#">United States v. Paul Walker</a>  | Asbestos Removal/CAA  |
| Northern District of Iowa       | <a href="#">United States v. Richard Delp</a>   | Electroplating Facility/RCRA  |
| ██████████<br>██████████        | ████████████████████  | ████████████████████  |
| Western District of Louisiana   | ████████████████████<br><a href="#">United States v. David Perry Fincher</a>  | ████████████████████<br>Munitions Disposal/Conspiracy, False Statements, Wire Fraud |
| ██████████<br>██████████        | ████████████████████  | ████████████████████  |
| District of Minnesota           | <a href="#">United States v. MST Mineralien Schifffahrt Spedition Und Transport GmbH</a>                                  | Vessel/APPS   |
| Western District of Missouri    | <a href="#">United States v. Andrew A. Praskovsky</a>   | Paddlefish/Lacey Act Trafficking  |
| ██████████                      | ████████████████████<br><a href="#">United States v. FX Drilling, Inc.</a>  | ████████████████████<br>Cracked Pipeline/OPA, CWA                                   |
| District of New Jersey          | <a href="#">United States v. Girolamo Curatolo</a>  | Vessel/Conspiracy   |
| Western District of New York    | <a href="#">United States v. Paul E. Van Voorhees</a><br><a href="#">United States v. Andrew Thompson</a>                 | Boat Sinking/RHA<br>WWTP Operator/CWA   |
| Southern District of Ohio       | <a href="#">United States v. Shannon W. Harrold</a>   | ODS venting/CAA   |
| District of South Carolina      | <a href="#">United States v. Timothy Howard</a>   | Septic Waste Hauling/CWA  |
| Eastern District of Texas       | <a href="#">United States v. Steven M. Seibert</a>  | Leopard Trophy/Lacey Act, ESA   |



## Trials

***United States v. Pacific Gas and Electric Company***, No. 14-CR-00175 (N.D. Calif.), AUSAs Hailey Mitchell Hoffman, Jeff Schenk, and Hartley West.

On August 9, 2016, after a five and a half week trial, Pacific Gas and Electric Company (PG&E) was convicted by a jury of multiple violations of the Pipeline Safety Act (PSA) and obstructing an agency proceeding (18 U.S.C. § 1505; 49 U.S.C. § 60123). The PSA violations were discovered after a fatal San Bruno natural gas pipeline explosion in 2010 that killed eight people. The obstruction charge was added after the company attempted to mislead the National Transportation Safety Board during its investigation.



*Burning houses after natural gas pipeline explosion*

The evidence at trial demonstrated that between 2007 and 2010 PG&E willfully failed to address recordkeeping deficiencies concerning its larger natural gas pipelines knowing that their records were inaccurate or incomplete. The evidence further demonstrated that PG&E willfully failed to identify threats to its larger natural gas pipelines and to take appropriate actions to investigate the seriousness of threats to pipelines when they were identified. In addition, the company failed to adequately prioritize as high risk, and properly assess, threatened pipelines after they were over-pressurized. The jury found PG&E guilty of five of the 11 PSA violations charged.

The obstruction conviction stems from PG&E's use of a letter in an attempt to mislead the NTSB during its investigation of the explosion.

This case was investigated by the U.S. DOT Office of Inspector General, the Federal Bureau of Investigation, the Pipeline and Hazardous Material Safety Administration, and the City of San Bruno Police Department.

[illegible]



## Indictments

### ***United States v. David Perry Fincher*, No. 5:16-CR-00214 (W.D. La.), AUSA Earl Campbell.**

On August 30, 2016, a 32-count indictment was unsealed variously charging owners and employees of Explo Systems Inc. with conspiracy, wire fraud, and false statements relating to a munitions demilitarization contract with the U.S. Army (18 U.S.C. §§ 371, 1001, 1343).

Named in the indictment are: company owners David Perry Fincher and David Alan Smith, V.P. of Operations William Terry Wright, Program Manager Kenneth Wayne Lampkin, Traffic and Inventory Control Manager Lionel Wayne Koons, and Director of Engineering and Environmental Control Charles Ferris Callihan.

According to the indictment, in March 2010, the Army awarded Explo a contract to dispose of 450,000 155 mm artillery propelling charges for approximately \$3 million. The Army and Explo amended the contract in March 2012 to dispose of 1,350,000 charges for \$8,617,500. Once Explo demilitarized the propelling charge, title to the residual components (M6 propellant or M6) passed to Explo. The contract required the company to properly store and dispose of the demilitarized M6. The contract also required Explo to document the sale of the demilitarized M6 via End User Certificates (EUC). On the EUC, the purchaser of the demilitarized M6 certified the purchase and compliance with applicable federal laws. Once the EUCs were certified, Explo submitted the EUCs to the Army.

On October 15, 2012, an explosion occurred at a munitions storage igloo on Camp Minden. The explosion contained approximately 124,190 pounds of smokeless powder and a box van trailer containing approximately 42,240 pounds of demilitarized M6. The damage destroyed the igloo and trailer, shattered windows of dwellings within a four-mile radius, and derailed 11 rail cars near the igloo.

The indictment alleges that the defendants made false statements to the Army's Joint Munitions Command (JMC) to procure and maintain the M6 demilitarization contract; caused the improper and unsafe storage of demilitarized M6 propellant and other explosive material at the Camp Minden facility; obstructed and impeded government officials' inspections of areas of the facility where the explosive materials were improperly stored; caused third parties to sign off on EUCs as purchasers when in fact no sales had occurred; caused false EUCs containing forged and fabricated signatures to be submitted to the JMC; caused the improper storage and subsequent transportation of reactive hazardous waste to unpermitted non-hazardous waste landfills in Louisiana and Arkansas to make room for storage of M6 propellant at Camp Minden; and made false statements to government officials and others after the October 15, 2012, explosion to conceal their illegal conduct and prevent discovery of the improperly stored M6.

This case was investigated by the U.S. EPA Criminal Investigation Division, the U.S. Army Criminal Investigation Command, U.S. DOD Criminal Investigative Service, the Federal Bureau of Investigation, and the Louisiana State Police-Emergency Services Unit.



## Guilty Pleas

***United States v. Andrew A. Praskovsky*, No. 13-CR-04015 (W.D. Mo.), Former ECS Senior Trial Attorney Jim Nelson, AUSA Lawrence Miller, and ECS Paralegal Casey Rybak.**

On August 11, 2016, Andrew A. Praskovsky pleaded guilty to a Lacey Act trafficking violation (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B)). Praskovsky is the final defendant to be prosecuted in this multi-defendant scheme involving the illegal purchase and sale of paddlefish eggs.

Arkadiy Lvovskiy, Dmitri Elitchev, Felix Baravik, Bogdan Nahapetyan, Fedor Pakhnyuk and Artour Magdessian pleaded guilty to Lacey Act trafficking violations and have been sentenced to terms of probation. Petr Babenko was convicted by a jury of conspiracy and Lacey Act violations and also was sentenced to probation.

In 2011 and 2012, the defendants travelled to Missouri, and engaged in numerous transactions with agents posing as fishermen for the purchase and sale of female paddlefish. They then processed the paddlefish eggs into caviar that was then transported to Colorado. The retail value of the caviar was estimated to be between \$30,000 and \$50,000.

This case was investigated by the U.S. Fish and Wildlife Service and the Missouri Department of Conservation, with assistance from the Oklahoma Department of Wildlife Conservation.

***United States v. Girolamo Curatolo*, Nos. 2:16-CR-00363, 00364 (D.N.J.), AUSA Kathleen O'Leary, with assistance from former ECS Trial Attorney Brandy Parker.**

On August 11, 2016, two senior engineering officers employed by an Italian shipping company admitted their involvement in the illegal overboard dumping of oily bilge wastes from the *M/T Cielo di Milano*. Chief Engineer Girolamo Curatolo pleaded guilty to conspiring to violate APPS, and First Assistant Engineer Danilo Maimone pleaded guilty to conspiring to obstruct justice (18 U.S.C. § 371). Sentencing is scheduled for November 21, 2016.

The vessel, owned by D'Amico Shipping Italia S.p.A. and managed by D'Amico Societa di Navigazione S.p.A., visited ports in New Jersey multiple times, as well as ports in Maryland and Florida. Curatolo admitted that the crew intentionally bypassed pollution prevention equipment by discharging oily waste from the engine room through its sewage system into the sea. He also admitted that he falsified the vessel's Oil Record Book. Curatolo admitted he made false statements to the Coast Guard during its inspection of the *Cielo di Milano* in January 2015, instructing lower-level crew members to make false statements and destroying the vessel's sounding log (which records the contents of storage tanks aboard the vessel, including those containing oily waste) by ripping the pages out and burning them after the Coast Guard had boarded the vessel.

Maimone admitted concealing the discharge of oily waste as well as causing a false ORB to be presented to the Coast Guard during its inspection. He admitted to making false statements and instructing lower-level crew members to do the same during the January 2015 inspection.

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

## Guilty Pleas

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



## Guilty Pleas

***United States v. Richard Delp*, No. 16-CR-02022 (N.D. Iowa), AUSA Forde Fairchilde, with assistance from ECS Senior Counsel Kris Dighe.**

On August 3, 2016, Richard Delp pleaded guilty to a RCRA violation (42 U.S.C. § 6928(d)(2)(A)) for unlawfully storing hazardous waste.

From approximately January 2004 through October 2012, Delp owned and operated Cedar Valley Electroplating (CVE), a now defunct electroplating facility. Even though CVE produced more than 1,000 kilograms of hazardous waste per month, it did not possess a permit to store the wastes generated during the plating process.

Delp continued to unlawfully store the hazardous waste despite being alerted to the problem in 2005 and, again, in 2010 by U.S. EPA civil inspectors. He then abandoned the wastes when he closed the business in September 2011. The cleanup costs are close to \$790,000.

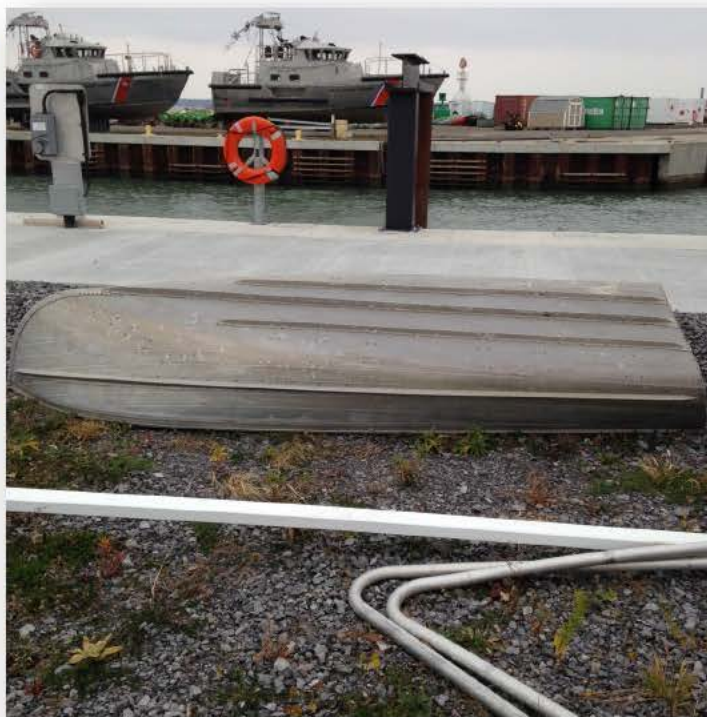
This case was investigated by the U.S. EPA Criminal investigation Division.

***United States v. Paul E. Van Voorhees*, No. 1:16-mj-05088 (W.D.N.Y.), AUSA Aaron Mango.**

On July 21, 2016, Paul E. Van Voorhees pleaded guilty to violating the Rivers and Harbors Act (33 U.S.C. §§ 403, 406). Sentencing is scheduled for October 19, 2016.

Van Voorhees was the Dock Master at the Buffalo Yacht Club and was responsible for maintenance of the buildings, grounds, and marina. On November 5, 2015, Van Voorhees and another employee towed a damaged 13-foot aluminum row boat (that had been floating in front of the yacht club) into the Black Rock Canal. Upon reaching a certain location in the canal, the defendant released the boat with the intention of sinking it. After a witness alerted the Coast Guard, they contacted Van Voorhees, who initially denied any involvement. When the Coast Guard recovered the boat, they re-interviewed the defendant who admitted he had attempted to sink it.

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



*Row boat that had been floating in front of marina*





## Sentencings

***United States v. Doorae Shipping Co., LTD***, Nos. 1:16-CR-00248, 00477 (D. Hawaii), AUSA Ken Sorenson.

On August 16, 2016, Doorae Shipping Co., LTD., was sentenced to pay a \$275,000 fine and will complete a three-year term of probation after pleading guilty to an APPS oil record book violation (33 U.S.C. § 1908(a)). The company had just been sentenced in April 2016 to pay a \$750,000 fine, make a \$200,000 community service payment, complete a two-year term of probation, and implement a compliance plan for an APPS violation.



*M/V B. Pacific*

Between July 8, 2016 and July 14, 2016, during an inspection of the *M/V B. Pacific*, the Coast Guard was presented with the vessel's ORB, which failed to account for approximately 8,400 gallons of oil-contaminated bilge water. The ORB also did not document that approximately 5,400 gallons of oil contaminated bilge water had been stored in an unapproved void space.

In the previous case, Jeung Mun, a Chief Engineer for the *M/V B. Sky*, discharged approximately 500 gallons of oily bilge water overboard in February 2016, without processing it through the oily water separator. This discharge was not noted in the vessel's ORB.

These cases were investigated by U.S. Coast Guard Investigative Service.

***United States v. Andrew Thompson***, No. 1:16-mj-01049 (W.D.N.Y.), AUSA Aaron Mango.

On August 16, 2016, Andrew Thompson was sentenced to pay a \$10,000 fine and will complete a six-month term of probation, after previously pleading guilty to violating the Clean Water Act (33 U.S.C. §§ 1311(a), 1319(c)(1)(A)).

Thompson was the chief operator of the waste water treatment plant for the Village of Westfield, New York. On June 12, 2014, as a result of a pump station malfunction, untreated sewage was discharged into Chautauqua Creek. The sewage overflow triggered an alarm, notifying Thompson of the discharge.

The following day, as workers were attempting to clean out and repair the pump station, Thompson directed them to discharge the untreated sewage they had pumped out of the station into the creek. The WWTP for Westfield had a NPDES permit, but it did not permit the discharge of untreated sewage.

This case was investigated by the U.S. EPA Criminal Investigation Division, and the New York State Department of Environmental Conservation.



## Sentencings

***United States v. FX Drilling, Inc.***, No. 4:16-CR-00020 (D. Mont.), AUSA Ryan Weldon and RCEC Eric Nelson.

On August 15, 2016, FX Drilling, Inc., was sentenced to pay a \$100,000 fine, after previously pleading guilty to charges stemming from a 2011 oil spill in northwestern Montana. The company negligently discharged oil into waters of the United States, in violation of the Clean Water Act, and failing to immediately notify federal officials, in violation of the Oil Pollution Act 33 U.S.C. §§ 1321(b)(3), 1319(c)(1)(A), 1321(b)(5)). The company has already paid more than \$321,000 in clean-up costs. Charges were dismissed against field supervisor Quay Geza Torok.



*View uphill of spill towards rupture site*

On July 14, 2011, approximately 840 gallons of oil and production fluid leaked from a cracked line at an oil field on Blackfeet Indian Reservation. The spill spread over land nearly a mile to Cut Bank Creek, where it was spotted by a rancher and reported to local tribal officials. They informed FX Drilling of the spill, but the company never reported it to the National Response Center.

Torok discovered the 3-inch line connecting two oil wells had cracked. The line was fixed, but Torok and the company did not take steps to clean up the oil that had already leaked.

This case was investigated by the U.S. EPA Criminal Investigation Division and the Blackfeet Environmental Office.



## Sentencings

### ***United States v. Timothy Howard*, No. 7:16-CR-00081 (D.S.C.), AUSA Jamie Lea Nabors Schoen.**

On August 11, 2016, Timothy Howard was sentenced to 18 months' incarceration, followed by one year of supervised release. He also will pay a \$10,000 fine. Howard previously pleaded guilty to violating the pretreatment standards of the Clean Water Act (33 U.S.C. §§ 1317(d), 1319(c)(2)(A)).

Howard was the owner of American Waste, Inc., a septic waste hauling business. Between April 2011 and June 2013, Howard illegally dumped waste at unauthorized locations connected to the Renewable Water Resources (ReWa) and Town of Lyman Sewage Systems, respectively. ReWa is the public entity responsible for operating POTWs in the Greenville, South Carolina, area.

Howard also made false statements to local law enforcement and submitted hauling log records to DHEC that omitted more than 85% of his septage handling activities, thereby obstructing the investigation.

This case was investigated by the U.S. EPA Criminal Investigation Division, the South Carolina Department of Health and Environmental Control, the Greenville County Sheriff's Office, the Lyman Police Department, and the Duncan Police Department.

### ***United States v. Shannon W. Harrold*, No. 2:16-CR-00039 (S.D. Ohio), AUSA Mike Marous, RCEC Brad Beeson, and SAUSA Heather Robinson.**

On August 10, 2016, Shannon W. Harrold was sentenced to 54 months' incarceration, followed by one year of supervised release. He also was ordered to pay \$29,045 in restitution to be divided between a car wash and a discount store.

In August and September, 2015, Harrold engaged in a scheme to steal air conditioning units to sell the copper and other parts at scrap yards. After identifying the units to be stolen, Harrold cut the copper tubing, releasing HCFC-22 into the environment, in violation of the Clean Air Act (42 U.S.C. § 7413(c)(1)). On August 25, 2015, Harrold attempted to steal several AC units from a discount store, cutting the tubing, releasing the refrigerant, and causing more than \$22,000 in damage to the equipment. On September 17, 2015, he took three units from locations adjacent to a car wash. These thefts were captured on video and Harrold was arrested the following night. The cost to replace the stolen units was \$6,800.

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



*A/C unit from car wash destroyed by defendant*



## Sentencings

### ***United States v. Merlando Corlis*, No. 8:15-CR-00450 (M.D. Fla.), AUSA Meghan Kistler.**

On August 9, 2016, Merlando Corlis was sentenced to pay a \$25,000 fine and will complete a three-year term of probation. Corlis previously pleaded guilty to a misdemeanor violation of the Clean Water Act (33 U.S.C. §§ 1311, 1319(c)(1)(A)).

Corlis was the manager of HNC Properties, L.L.C. He also was the director of HNC Communications, Inc., a business that performed boring and trenching services. Corlis employed workers and stored machinery and vehicles on site, and allowed tenants to live on his property, which was not zoned for residential use.

Between June 2012 and December 2013, a septic tank located on the property routinely overflowed as a result of his tenants' use of the plumbing system. When the septic tank overflowed, Corlis ordered his employees to use a vacuum tank to remove the sewage from the tank and discharge it directly into a stream that flowed through the property. This unnamed tributary eventually joined the Palm River, a navigable water.

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

### ***United States v. Paul Walker*, No. 1:16-CR-00127 (S.D. Ind.), AUSA Nicholas Linder and RCEC SAUSA Dave Mucha.**

On August 8, 2016, Paul Walker was sentenced to complete a two-year term of probation, including four months' home confinement. Walker also will pay a \$2,000 fine. He previously pleaded guilty to a Clean Air Act negligent endangerment violation stemming from an improper asbestos removal (42 U.S.C. §§ 7412, 7413(c)(4)).

Walker performed building maintenance, doing business as Work Done Right LLC. He conducted various maintenance projects for apartment complexes, as well as overseeing subcontractors. In May 2015, Walker solicited a bid for an asbestos-removal project that included the removal of asbestos-containing insulation from a boiler and related piping in the basement of an apartment building. During the summer of 2015, Walker took asbestos-containing material from the basement area of one of the buildings by cutting and stripping asbestos-containing pipe wrap and insulation from the pipes and boiler. He deposited the material into plastic bags, took them outside of the building, and hauled them to an off-site location. None of this material was properly wetted, potentially placing apartment residents at risk of exposure to asbestos.

This case was investigated by the U.S. EPA Criminal Investigation Division and the Indiana Department of Environmental Management Office of Investigations.



*Dry asbestos*



## Sentencings

***United States v. Steven M. Seibert*, No. 4:15-CR-00047 (E.D. Tex.), AUSA Jim Noble.**

On August 2, 2016, Steven M. Seibert was sentenced to complete a two-year term of probation and pay a \$3,500 fine. Seibert was convicted by a jury in February 2016 on Lacey Act and Endangered Species Act violations for his involvement in the shipment of an African Leopard trophy mount from Oklahoma to Texas (16 U.S.C. §§ 3372(d)(2), 3373(d)(3)(A), 1538(a)(1), 1540(B)(1)).

Seibert is the owner/operator of the Triple S Wildlife Ranch located in Oklahoma. He offered guided hunts of domestic and exotic wildlife on this 3,000 acre high-fenced ranch, and commercially traded in taxidermy via his website "Wildlife Creations." In August 2012, the U.S. Fish and Wildlife Service learned that Seibert was offering to sell a full-body African leopard trophy mount (an endangered species) for \$3,995 on his website. Based upon previous interactions with Seibert, the agents knew that he was aware of the restrictions on trading in endangered species.

An undercover agent, acting as a Texas buyer, contacted Seibert about purchasing the leopard mount. Seibert told him that although the leopard trophy was in his inventory in Oklahoma, he could sell it to a Texan so long as they could "keep it straight" that the leopard was actually being sold by another Texas resident. Upon delivery of the mount, the driver gave the agent an invoice indicating that the seller was a Texas resident. When questioned, the driver stated that Seibert had told him to tell "anyone who asked" that the leopard had come from Texas.

Agents subsequently questioned Seibert who falsely stated that the leopard came from Texas and had never left the state. The delivery truck, however, had been under surveillance during the time it left Oklahoma to its arrival in Texas. Seibert then claimed that he was only helping another Texas resident sell a leopard mount that had been sold at a Ft. Worth auction. Investigators confirmed that that leopard was different from the one Seibert had sold from his home in Oklahoma.

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



## Sentencings

### ***United States v. Gregory Obendorf, No. 1:15-CR-00254 (D. Idaho), AUSA Christian Nafzger.***

On August 2, 2016, Gregory Obendorf was sentenced to 15 days' in jail as part of a three-year term of probation. He also will pay a \$40,000 fine and perform 200 hours of community service. Obendorf is banned from hunting or fishing during the term of probation. The court further noted that the defendant's prolonged illegal baiting of ducks contributed to changes in the migratory flight patterns of ducks and geese.

Obendorf was convicted after a seven-day jury trial in May 2016, of conspiracy to bait migratory birds and placing bait for migratory birds, in violation of the Migratory Bird Treaty Act (18 U.S.C. § 371, 16 U.S.C. §§ 704(b)(2), 707(a)). Between November 2007 and January 2014, the defendant conspired to place bait for migratory birds, primarily ducks, for the purpose of allowing others to hunt over the bait on his farm. He also directed the placement of bait for duck hunting in November 2013.

Over the course of the conspiracy, at the beginning of duck hunting season, Obendorf instructed his combine operators to partially combine his corn field to intentionally discharge corn kernels onto the field. Agents from the U.S. Fish and Wildlife Service flew over the property in November of 2013, and observed piles of corn near a duck blind from the air. Law enforcement personnel then entered Obendorf's corn field and discovered that the entire area was baited. After baiting the field with corn, he would flood it and allow hunters to shoot ducks over the baited field. The jury also heard evidence that Obendorf instructed another individual to use a tractor to knock down standing corn in the field at night before his guests would hunt the following day. He boasted in a recorded conversation that he had drawn more than 200,000 ducks in the baited field during the 2013 hunting season. Several hunters who had been invited by Obendorf testified at trial that they were able to take their limits of ducks in less than an hour.

This case was investigated by the U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game.



*Aerial view of dry cornfield*



*Corn field after flooded with water*



## Sentencings

### ***United States v. Hawaiian Accessories, Inc., No. 1:15-CR-00442 (D. Hawaii)*** **AUSA Ronald Johnson.**

On July 26, 2016, the final defendant was sentenced in this case involving a conspiracy to smuggle and sell illegally acquired ivory, bone, and coral carvings and jewelry made from whale, walrus, black coral, and other wildlife. Kauioakaala Chung will pay a \$1,000 fine and complete a two-year term of probation to include six months' home confinement. Sergio Biscocho was sentenced on July 21st to pay a \$2,000 fine and will complete a two year term of probation, plus six month's home confinement. Elmer Biscocho was sentenced on July



*Black coral jewelry smuggled from Mexico*

19th to pay a \$2,500 fine and will complete a two year term of probation, with four months' home confinement. He also will perform 100 hours of community service. On July 6th Kauilani Wilmington was ordered to pay a \$5,000 fine, and complete a two-year term of probation, with six months' home detention. Curtis Wilmington was sentenced to six months' incarceration, followed by three years' supervised release. He will pay a \$40,000 fine. His company, Hawaiian Accessories, Inc., will pay a \$50,000 fine and complete a five-year term of probation. The company also has surrendered approximately \$100,000 in ivory and black coral products.

NOAA and the U.S. Fish and Wildlife Service initiated an undercover operation in 2014. Their investigation revealed a scheme whereby individuals purchased ivory and bone products from other states, brought them into Hawaii, smuggled them to the Philippines to be carved, and smuggled them back to Hawaii to be sold to unsuspecting tourists and residents as genuine Hawaiian-made products. The indictment listed 21 charges including violations of the Lacey Act, Marine Mammal Protection Act, and Endangered Species Act. Curtis Wilmington and Hawaiian Accessories ultimately pleaded guilty to conspiracy to smuggle goods into and out of the U.S. The Biscochos pleaded guilty to smuggling, and Kauilani Wilmington and Chung pleaded guilty to violating the Lacey Act (18 U.S.C. §§ 371, 545; 16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(A), (d)(3)(A)).

Between October 2014 and February 2015, falsely manifested shipments were intercepted containing smuggled whale bone or walrus ivory carvings from the Philippines to the Hawaii-based business. Before sending the shipments, Sergio Biscocho, the owner and president of JR Wooden Inc., a Philippines-based export company, separately sent packing lists reflecting the true contents to the other defendants.

Between November 2014 and April 2015, undercover agents purchased whale

*(Continued on page 17)*



## Sentencings

(Continued from page 16)

bone and walrus ivory carvings from Hawaiian Accessories. From June 2013 to May 2015, Curtis Wilmington knowingly ordered and received illegal shipments of black coral carvings from Mexico. Additionally, he purchased raw sperm whale teeth and walrus ivory from undercover agents. The business also sold “proboscidean” ivory (i.e. either elephant or mammoth), but could not easily be distinguished. In some instances, the business falsely marketed and sold illegal walrus ivory as “fossil” and “mammoth.” Kauilani Wilmington and Chung were managers for Hawaiian Accessories and Elmer Biscocho worked as a contractor with the company.

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

***United States v. MST Mineralien Schifffahrt 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 25, 2016, German company MST Mineralien Schifffahrt Spedition Und Transport Gmbh (MST) was sentenced after previously pleading guilty to violating APPS (33 U.S.C. § 1908(a)). The company will pay an \$800,000 fine, complete a three-year term of probation, and implement an environmental compliance plan. It also will make a \$200,000 community service payment to the Minnesota Environmental Fund.

MST was the operator of the *M/V Cornelia*. From February 2015 through October 2015, the ship 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 oil record book.

On November 3, 2015, the vessel entered the Port of Duluth to load grain for transport to Africa. During a its Port State Control examination, Coast Guard inspectors 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 Criminal Investigation Division.



Valve opening for “clean” bilge tank

## 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 Ceresse      | ████████ |
| 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 [Brief Bank](#) has been improved! You can now sort and search using filters and/or key words. Please send [REDACTED] any pleadings you believe would be useful for posting in the Brief Bank. Older materials are still available on the [Document Bank Archives](#) page. We also have updated our [People with Expertise List](#).\*

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.

The public version of the [ECS Bulletin](#) is available for non-law enforcement readers.

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.