



Monthly

# Bulletin

## Environmental Crimes Section

December 2020

### Inside this Issue:

<a href="#">Trials</a>	4
<a href="#">Indictments</a>	5-6
<a href="#">Guilty Pleas</a>	7-11
<a href="#">Sentencings</a>	12-19
<a href="#">ECS Contacts</a>	20

Send your federal case updates to:



*Oil sheen visible on the Yellow Medicine River at 7:30 a.m. on April 25, 2019*

Oil sheen resulting from shots fired into pipeline. See [U.S. v Tanner Sik et al.](#), inside, for more details on the case.

District/Circuit	Case Name	Case Type/Statutes
Middle District of Alabama	<a href="#"><u>United States v. Joon LLC</u></a>	Worker Death/OSHA
Eastern District of California	<a href="#"><u>United States v. Armando Vargas Garcia et al.</u></a>	Marijuana Cultivation/ Drug, Depredation of Public Lands, Firearms
Southern District of California	<a href="#"><u>United States v. Veronica Perez</u></a> <a href="#"><u>United States v. Felix Rafael Gutierrez-Valencia</u></a> <a href="#"><u>United States v. Antonio Dejesus Arellano</u></a> <a href="#"><u>United States v. Mirna Velasco Tapia</u></a> <a href="#"><u>United States v. Eishmar Castellanos-Pachecoset et al</u></a>	Pesticide Smuggling/Failure to Present Merchandise for Inspection  Totoaba Bladder Imports/Smuggling
District of Colorado	<a href="#"><u>United States v. Calvin Glover et al.</u></a>	Biodiesel Fraud/Conspiracy
District of Connecticut	<a href="#"><u>United States v. John Magness, et al.</u></a>	Vessel Scuttling/RHA
Northern District of Georgia	<a href="#"><u>United States v. Nathan Horton</u></a> <a href="#"><u>United States v. Kuo Pin Cheng</u></a>	Turtle Trafficking/Lacey Act, Smuggling
Northern District of Iowa	<a href="#"><u>United States v. Patrick Schwarte</u></a>	WWTP Operator/Conspiracy, CWA
Southern District of Iowa	<a href="#"><u>United States v. Russell McKeehan</u></a>	Metal Plating Waste/RCRA
Eastern District of Kentucky	<a href="#"><u>United States v. Sherman Jude, et al.</u></a>	Ginseng Sales/Lacey Act
Eastern District of Louisiana	<a href="#"><u>United States v. Indian Ridge Seafood Company, LLC</u></a>	Oyster Harvesting/Lacey Act

District/Circuit	Case Name	Case Type/Statutes
Western District of Louisiana	<a href="#"><u>United States v. Thomas Wharton</u></a>	Oil Spill Reporting/OPA
District of Minnesota	<a href="#"><u>United States v. Tanner J. Sik et al.</u></a>	Fuel Spill/CWA
Southern District of Mississippi	<a href="#"><u>United States v. Kenneth R. Britt, Jr., et al.</u></a>	Turkey Hunts/Conspiracy, Lacey Act
District of Nebraska	<a href="#"><u>United States v. Kevan Hueftle</u></a>	Hunting/Lacey Act
District of New Jersey	<a href="#"><u>United States v. Jude Amadike</u></a>	Pesticide Imports/FIFRA
Northern District of Ohio	<a href="#"><u>United States v. Andrew K. Ecklund</u></a>	Lab Test Fraud/Wire Fraud
District of Oregon	<a href="#"><u>United States v. Thomas R. Campbell</u></a>	Trout Poaching/Lacey Act
Eastern District of Pennsylvania	<a href="#"><u>United States v. Ralph Tommaso et al.</u></a>	Biodiesel Fraud/Conspiracy, False Statement, Obstruction, Tax, Wire Fraud
Western District of Pennsylvania	<a href="#"><u>United States v. Anthony Nguyen</u></a>	Wildlife Imports/Lacey Act
District of Puerto Rico	<a href="#"><u>United States v. Luis Joel Vargas-Martell</u></a>	Coral Sales/Lacey Act, Smuggling
District of South Dakota	<a href="#"><u>United States v. Richard M. Grohs</u></a>	Eagle Killing/BGEPA
District of Utah	<a href="#"><u>United States v. Jean-Michel Arrigona et al.</u></a>	Wildlife Sales/ESA, Lacey Act
Western District of Wisconsin	<a href="#"><u>United States v. James Moss et al.</u></a>	Ewaste Storage/Conspiracy, RCRA, Tax

## Trials

### ***United States v. Veronica Perez*, No. 20-CR-00869 (S.D. Calif.), ECS Trial Attorney Steve DaPonte and AUSA Melanie Pierson.**

On November 5, 2020, a jury convicted Veronica Perez for smuggling an unregistered Mexican pesticide into the United States (18 U.S.C. § 545). Sentencing is scheduled for January 29, 2021.

After a three-day trial, a jury found that Perez failed to declare 20 containers of Fosfuro de Zinc (zinc phosphide) at the border as she attempted to cross into the United States from Mexico on July 11, 2019.

Zinc phosphide is an extremely toxic rodenticide. Ingesting small amounts can kill animals and humans.

In July 2019, the U.S. Attorney's Office for the Southern District of California, the U.S. Department of Justice Environmental Crimes Section, the U.S. Environmental Protection Agency Criminal Investigation Division, and Homeland Security Investigations launched an enforcement initiative focused on the illegal smuggling of cancelled, restricted use, and/or unregistered pesticides. To date, prosecutors have charged more than 40 people.

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



*A jury convicted Perez of smuggling 20 canisters of zinc phosphide (far right side of table)*

## Indictments/Informations

### ***United States v. Jean-Michel Arrigona et al.*, No. 2:20-CR-00384 (D. Utah) ECS Trial Attorney Ryan Connors and AUSA Melina Shiraldi.**

On November 18, 2020, prosecutors charged Jean-Michel Arrigona and Natur, Inc., with two counts of Lacey Act trafficking and one count of illegally importing wildlife under the Endangered Species Act (16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(B), 1538(c)(e), 1540(b)(1)). Trial is scheduled to begin on February 22, 2021.

Arrigona owns Natur, a store that sells wildlife art, taxidermy mounts, bones, and skeletons. Between 2015 and 2020, the defendants imported hundreds of wildlife items from Asia without declaring them to the proper authorities. The wildlife included bats, geckos, starfish, scorpions, and frogs, as well as protected species such as flying foxes and monitor lizards.

The defendants later resold the items to domestic customers and several international buyers. In 2015 and 2016, they sold illegally-imported wildlife to undercover agents. Wildlife inspectors warned them of the illegality of their actions, but the defendants continued to import wildlife as recently as November 2020.

The U.S. Fish and Wildlife Service Office of Law Enforcement conducted the investigation as part of Operation Global Reach. The operation focused on the trafficking of wildlife from Indonesia to the United States.

### ***United States v. Anthony Nguyen*, No. 2:20-CR-00350 (W.D. Pa.) ECS Trial Attorney Patrick Duggan and AUSA Eric Olshan.**

On November 16, 2020, prosecutors charged Anthony Nguyen in a three-count indictment with violating the Lacey Act for trafficking in endangered Asian arowana and invasive snakehead fish (16 U.S.C. §§ 3372(a)(1), (a)(2)(A),(d)(2), 3373(d)(1)(B), (d)(3)(A)).

Nguyen owned and operated a business specializing in the sale of rare and exotic freshwater tropical fish species. In 2016, he sold illegally imported Asian arowana and snakehead fish, in 2019, an invasive and injurious species. Nguyen also falsified paperwork related to the snakehead shipment.

The U.S. Fish and Wildlife Service conducted the investigation, with assistance from the Pennsylvania Fish and Boat Commission, and the California Department of Fish and Wildlife.

### ***United States v. Nathan Horton*, No. 1:20-CR-00429 (N.D. Ga.), AUSAs Alex R. Sistla and Samir Kaushal.**

On November 10, 2020, prosecutors charged Nathan Horton with violating the Lacey Act for illegally trafficking thousands of turtles from Georgia (16 U.S.C. §§ 3372(a)(2)(A), (a)(4), 3373(d)(1)(B)).

Between July 2015 and July 2017, Horton shipped thousands of freshwater turtles from Georgia to California that he trapped using illegal turtle nets. Despite holding a Commercial Turtle permit and receiving citations from local



*Common Musk Turtle*

*(Continued on page 6)*



## Indictments/Informations

(Continued from page 5)

authorities in October 2016 and August 2017 (putting him on notice regarding the illegal traps), Horton continued using them. Among the species he trapped were the Stripe-necked musk turtle, the Loggerhead musk turtle, the Common musk turtle, the Eastern musk turtle, and the Eastern mud turtle.

The U.S. Fish and Wildlife Service Office of Law Enforcement and the Georgia Department of Natural Resources conducted the investigation.

### ***United States v. Richard M. Grohs, No. 1:20-CR-10046 (D.S.D.), AUSA Meghan Dilges.***

On October 14, 2020, prosecutors charged Richard M. Grohs with violating the Bald and Golden Eagle Protection Act (16 U.S.C. § 668(a)). Trial is scheduled to begin on May 25, 2021.

Between April and May of 2018, Grohs illegally killed a Golden Eagle. Grohs allegedly snared the eagle while illegally trapping in South Dakota.

The U.S. Fish and Wildlife Service conducted the investigation.



*Golden Eagle*

### ***United States v. Tanner J. Sik et al., No. 20-mj-00752 (D. Minn.), AUSA Emily Polachek.***

On October 8, 2020, prosecutors filed an information charging Tanner J. Sik and Eric J. Weckwerth-Pineda with violating the Clean Water Act for negligently discharging a pollutant (33 U.S.C. §§ 1311(a), 1319(c)(1)(A)). Trial is scheduled to begin on February 1, 2021.

On April 24, 2019, Sik and Weckwerth-Pineda took weapons to a bridge that spans a dam in Lyon County, Minnesota. The dam controls the outflow of water from Cottonwood Lake to a tributary of the Minnesota River via a creek known as Judicial Ditch 24 (a federally-regulated waterway). From the bridge, the defendants shot at and punctured part of an oil pipeline carrying diesel fuel, “just for fun.” Pipeline owner Magellan Midstream Partners, L.P., estimated that close to 4,000 gallons of fuel spilled into the Ditch and the Yellow Medicine River, causing approximately \$1.1 million in clean up and repair costs.

The Department of Transportation Office of Inspector General and the U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation, with assistance from the Pipeline and Hazardous Materials Safety Administration.



*Diesel fuel spraying into ditch*

## Guilty Pleas

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

On November 19, 2020, Felix Rafael Gutierrez-Valencia pleaded guilty to smuggling (18 U.S.C. § 545). Sentencing is scheduled for February 12, 2021.

Authorities apprehended Valencia in April 2020, as he attempted to smuggle Mexican pesticides into California at the border with Mexico. The defendant possessed five one-liter bottles of "Furadan," two one-liter bottles of "Monitor," seven one-liter bottles of "Bayfolan," 30 100-gram containers of "Rodentox," and single one-liter bottles of the following: "Biomec," "Ridomil Gold," "Kanemite," and "Coragen."

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

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

***United States v. Antonio Dejesus Arellano*, No. 3:20-CR-02433 (S.D. Calif.),  
ECS Trial Attorney Steve DaPonte and AUSA Melanie Pierson.**

On November 17, 2020, Antonio Dejesus Arellano pleaded guilty to conspiracy and is scheduled for sentencing on February 28, 2021 (18 U.S.C. § 371). Prosecutors charged Arellano with smuggling pesticides, after authorities apprehended him at the United States/Mexico border in June 2020. Arellano possessed three one-liter bottles of "Monitor 600," and five one-liter bottles of "Bayfolan."

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

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

***United States v. Andrew K. Ecklund*, No. 5:19-CR-00782 (N.D. Ohio), AUSA  
Brad Beeson.**

On November 17, 2020, Andrew K. Ecklund pleaded guilty to nine counts of wire fraud (18 U.S.C. § 1343). Sentencing is scheduled for March 8, 2021.

Ecklund worked as a laboratory analyst with an environmental testing company. Government agencies and other organizations paid the company to analyze environmental samples. Ecklund tested samples for a variety of hazardous substances.

Between January 2012 and July 2015, Ecklund manipulated portions of the quality control testing process on a number of samples, invalidating the results. Because he disguised invalid tests (making them look legitimate) Ecklund increased his productivity rate. The company transmitted these test results to customers.

The U.S. Environmental Protection Agency Criminal Investigation Division, the Army Criminal Investigation Command, the Defense Criminal Investigative Service, the Ohio Environmental Protection Agency, and the Ohio Attorney General's Office conducted the investigation.

## Guilty Pleas

### ***United States v. Jude Amadike*, No. 2:19-mj-03556 (D.N.J.), AUSA Jason Garelick.**

On November 10, 2020, Jude Amadike pleaded guilty to violating the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. §§ 136j(a)(1)(A), 136l(b)(1)(B)). Amadike sold an unregistered pesticide imported from Nigeria to individuals across the United States. Sentencing is scheduled for March 16, 2021.

In March 2018, law enforcement began investigating the sale of Sniper DDVP, an unregistered pesticide, on Amazon and eBay. In April 2018, Amazon prohibited its sale, after alerting customers. Following Amazon's ban, Amadike turned to other websites to sell the product. After executing a search warrant at the defendant's home in November 2018, agents seized 18 cases, and more than 1,700 bottles of Sniper DDVP. Further testing confirmed the presence of diclorvos or DDVP.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation, with assistance from U.S. Customs and Border Protection.

### ***United States v. Indian Ridge Seafood Company, LLC*, No. 2:19-CR-00247 (E.D. La.), AUSA Julia Evans.**

On November 10, 2020, Indian Ridge Seafood Company, LLC, (Indian Ridge) pleaded guilty to violating the Lacey Act for illegally selling oysters (16 U.S.C. §§ 3372 (a) (2)(A), 3373(d)(2)). Sentencing is scheduled for February 18, 2021.

Indian Ridge operated as a licensed seafood wholesaler and retailer, selling oysters. Regulators require wholesalers to maintain accurate records and submit monthly Trip Tickets for all transactions with commercial fishermen.

Between January 2017 and March 19, 2019, Indian Ridge sold approximately 14,346 sacks of Louisiana oysters, valued at approximately \$656,865, without submitting the corresponding Trip Tickets.

The National Oceanic and Atmospheric Administration, the Food and Drug Administration Office of Criminal Investigations, and the Louisiana Department of Wildlife and Fisheries conducted the investigation.



*F/V Sanita*



## Guilty Pleas

### ***United States v. Luis Joel Vargas-Martell*, No. 3:20-CR-00383 (D.P.R.), ECS Trial Attorney Christopher Hale.**

On November 9, 2020, Luis Joel Vargas-Martell pleaded guilty to smuggling and violating the Lacey Act (18 U.S.C. § 554; 16 U.S.C. §§ 3372(a)(2)(A), (d)(2), 3373(d)(1)(B), (d)(3)(A)).

In 2014, Vargas-Martell operated a marine life business known as “Carebbean Reefers” that sold coral reef animals such as anemones, zoanthids, and members of the genus *Ricordea*, from the coastal waters of Puerto Rico. This marine wildlife was shipped off-island to the mainland United States and foreign countries.

Organisms belonging to the genus *Ricordea* (known as “rics,” “polyps,” or “mushrooms” in the aquarium industry) are quite popular. They form part of the reef structure and spend their adult lives fastened in place to the reef. These colorful animals “glow” under the UV lights typically used in high-end saltwater aquariums.

It is illegal to collect *Ricordea*, zoanthids, and anemones in Puerto Rico for commercial purposes. A official informed Vargas-Martell of these prohibitions in February 2016. Despite this knowledge, Vargas-Martell personally collected much of the *Ricordea* and other reef creatures they sold, participating in at least 40 interstate shipments and 15 international shipments. They falsely labelled the shipments as “pet supplies,” “ceramic frag plugs,” and “samplers.” Approximately \$90,000 of the wildlife fair market retail value is attributable to Vargas-Martell.

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

### ***United States v. John Magness, et al.*, Nos. 20-CR-00202, 00203, 00206 (D. Conn.), AUSA Lauren C. Clark.**

On November 6, 2020, three defendants pleaded guilty to violating the Rivers and Harbors Act for scuttling abandoned vessels in Long Island Sound (33 U.S.C. §§ 409, 411). John Magness, Peter Albrecht, and Carlos Santos scuttled several sailboats and motor boats. Sentencings are scheduled between January 25, 2021 and February 1, 2021.

Magness owned Bluefish Cove Marina in Bridgeport, Connecticut. While preparing to sell the property in 2018, Magness and Albrecht (a marina employee) engaged Santos in scuttling or sinking several abandoned vessels in the Long Island Sound without a permit. Magness agreed to forgive Santos’ unpaid dockage fees in exchange for his help. Investigators identified five vessels scuttled at Magness’ request between October 2018 and April 2019.

The U.S. Coast Guard Investigative Service conducted the investigation.



*Scuttled boat*

## Guilty Pleas

### ***United States v. Kenneth R. Britt, Jr., et al., No. 5:20-CR-00007 (S.D. Miss.), AUSA Darren LaMarca.***

On November 5, 2020, four hunters pleaded guilty to violations stemming from illegally killing wild turkeys. Sentencing is scheduled for February 9, 2021.

Kenneth R. Britt, Jr., Tony Grant Smith, Barney Leon Bairfield, III, and Dustin Corey Treadway illegally killed wild turkeys in 2017 and 2018 in Kansas and Nebraska, travelling back to Mississippi with trophy spurs and beards. They took more than 25 wild turkeys without the required hunting licenses and in excess of the “two per person per season” limit, in violation of Kansas law. Britt, Smith and Bairfield pleaded guilty to conspiring to violate the Lacey Act (18 U.S.C. § 371) and Treadway pleaded guilty to violating the Lacey Act (16 U.S.C. § 3372(a)(2)(A)).

The U.S. Fish and Wildlife Service Office of Law Enforcement and the Mississippi Department of Wildlife, Fisheries, and Parks conducted the investigation.



*Illegally killed wild turkeys*

### ***United States v. Russell McKeehan, No. 4:20-CR-00072 (S.D. Iowa), AUSA Debra Scorpiniti.***

On November 5, 2020, Russell McKeehan pleaded guilty to violating the Resource Conservation and Recovery Act (RCRA) for storing hazardous waste without a permit (42 U.S.C. § 6928(d)(2)). Sentencing is scheduled for February 18, 2021.

Beginning in 2009, McKeehan, doing business as Chrome Reflections, operated a chrome and metal plating and polishing business in Des Moines, Iowa. After moving to another plant in March 2013, the company continued to store hazardous waste at the former facility for approximately four years, without a permit. These wastes tested positively for toxicity, reactivity, and corrosivity characteristics.

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



*Hazardous waste*

## **Guilty Pleas**

***United States v. Sherman Jude, et al.*, No. 7:20-CR-00009 (E.D. Ky.), AUSA Emily Greenfield.**

On October 30, 2020, Sherman Jude and Jonathon Jude pleaded guilty to violating the Lacey Act for illegally purchasing ginseng and failing to record these purchases (16 U.S.C. 3372(a)(2)(B), 3373(d)(1)(B)). Sentencing is scheduled for February 17, 2020.

Sherman Jude was a licensed dealer of wild American ginseng who worked with his son, Jonathon. Between 2016 and 2019, the Judes falsified Kentucky Ginseng Purchase Forms for multiple purchases of wild ginseng, failed to keep records for all purchases, bought ginseng harvested out of season, and purchased ginseng from out of state that had not been properly certified.

The U. S. Fish and Wildlife Service, the Kentucky Department of Agriculture, and the Kentucky Department of Fish and Wildlife Resources conducted the investigation.

## Sentencings

### ***United States v. Kuo Pin Cheng*, No. 1:19-CR-00288 (N.D. Ga.) AUSA Alex Sistla.**

On November 25, 2020, a court sentenced Kuo Pin Cheng to complete a one-year term of probation and forfeit \$10,000 for smuggling protected turtles from Asia (18 U.S.C. § 545).

Between October 2018 and January 2019, Cheng received close to 30 shipments from Hong Kong containing more than 150 live turtles (many of them protected or endangered species). Among the species he received were the Asian Spotted Pond turtle and the Three-Keeled Asian.

Cheng addressed the packages with fake names, labelling them “toys” or “trucks” to avoid detection. After receiving the turtles, Cheng sold them to other collectors in the United States that he met online. Cheng earned approximately \$40,000 from selling the illegally imported reptiles.

This U.S. Fish and Wildlife Service Office of Law Enforcement, and the U.S. Postal Inspection Service conducted the investigation.



*Black-breasted Vietnamese Leaf turtles*

### ***United States v. Thomas R. Campbell*, No. 6:19-CR-00400 (D. Ore.), AUSAs Will McLaren and Pam Paaso.**

On November 23, 2020, a court sentenced Thomas R. Campbell for repeatedly poaching protected and Tribally significant bull trout in violation of the Lacey Act (16 U.S.C. §§ 3372(a)(1), 3373(d)(2)). Campbell will pay a \$6,000 fine and complete a five-year term of probation, during which he may not angle or hunt anywhere in the United States. He also will pay \$650 in restitution to the Oregon State Police for destroying a trail camera designed to catch poachers. Campbell will perform 300 hours of community service with a non-profit agency focused on conservation or one connected with the Confederated Tribes of Warm Springs (CTWS).

On multiple occasions in 2017 and 2018, Campbell poached bull trout from the Metolius River, fishing from both Forest Service lands and while trespassing on the “Eyerly Property” (land held in trust by the United States for the CTWS.) Regulations governing the Metolius require catch-and-release for all fish species, including bull trout. Although one can legally angle for bull trout on the Metolius and in Lake Billy Chinook, it may not be fished elsewhere in Oregon.



*Defendant posted photo on social media with bull trout*

*(Continued on page 13)*



## Sentencings

*(Continued from page 12)*

Campbell targeted and mishandled bull trout despite knowing the catch-and-release requirement. He also ignored numerous warnings from social media followers about his illegal poaching. In December 2017, the defendant posted photographs on his Facebook and Instagram accounts depicting he and a friend holding large bull trout by the gills (which proved they were not releasing them), and encouraged more than 30 people to join him (all of whom face prosecution.) Joshua Alan Hanslovan and Tyler Glenn Chance Warren are scheduled for trial to begin on March 9, 2021.

The United States Fish and Wildlife Services, Office of Law Enforcement; the Oregon State Police, Fish, and Wildlife Division; the Confederated Tribes of Warm Springs, Branch of Natural Resources; and the United States Forest Service, Law Enforcement and Investigations, conducted the investigation.

### ***United States v. Thomas Wharton, No. 6:20-CR-00133 (W.D. La.), AUSA Myers Namie.***

On November 20, 2020, a court sentenced Thomas Wharton to pay a \$10,000 fine and complete a two-year term of probation, after pleading guilty to violating the Oil Pollution Act (33 U.S.C. § 1321(b)(5)).

Wharton worked as a corporate official with Montco Oilfield Contractors, LLC, and oversaw the offshore oil and gas platform known as Vermillion 124. At some point between July 31, 2016, and August 2, 2016, Alliance Energy Services employee, Nathan Shumaker, discharged oily waste into the Gulf of Mexico. Several employees observed (and photographed) the sheen on the water.

Shumaker discussed the discharge with Wharton (the highest ranking employee on the platform). Wharton, however, failed to report the event to authorities. The operator, Black Elk Trust, reported the discharge to the Bureau of Safety and Environmental Enforcement (BSEE) on August 16, 2016.

The BSEE conducted the investigation.

### ***United States v. James Moss et al., Nos. 3:20-CR-00054, 0055, 0056 (W.D. Wisc.), AUSA Dan Graber and RCEC James Cha.***

On November 19, 2020, a court sentenced James Moss to 18 months' incarceration, followed by three years' supervised release. The court scheduled a restitution hearing for January 15, 2021.

Moss conspired to store and transport hazardous waste without required permits and manifests, in violation of the Resource Conservation and Recovery Act, and further conspired to evade the payment of employment taxes and income taxes to the Internal Revenue Service (IRS) (18 U.S.C. § 371).

Moss worked for 5R Processors Ltd. (5R). The company recycled electronic equipment and appliances, operating several facilities and warehouses in Wisconsin, and one in Tennessee. Co-defendant Thomas Drake founded the company in 1988, serving as

*(Continued on page 14)*



## Sentencings

*(Continued from page 13)*

the Chief Executive Officer and Chairman of the Board of Directors. Drake oversaw all aspects of the company's operations, including environmental and worker safety compliance. Moss joined 5R in 2007, and became its president in 2010, managing all plant operations. Co-defendant Bonnie Dennee joined the company in 1997, holding many positions, including Executive Vice President and Director of Environmental, Health, Safety and Certifications.

Workers broke down parts from electronic components (including computer monitors and televisions) for resale. They separated lead-containing cathode ray tubes (CRTs) from clean glass that they sold. Until 2011, 5R paid for shipment of the lead-containing CRT glass for proper disposal.

Between 2011 and 2016, the defendants and others conspired to store broken, crushed, and hazardous CRT glass at unpermitted facilities in Wisconsin and Tennessee. They transported the hazardous waste without required manifests, and concealed their activities from regulators by, among other things: changing the dates on containers, hiding containers inside semi-trailers, stacking pallets in front of containers making it impossible for regulators to inspect them, giving regulators inaccurate shipping records, and storing containers in warehouses without electricity kept deliberately dark.

Moss further conspired to defraud the IRS in the collection of employment and income taxes for 5R and two other related companies, Wisconsin Logistic Solutions and Pure Extractions. In total, Moss and others failed to pay the IRS \$858,100 in employee federal income taxes and Federal Insurance Contributions Act taxes.

Drake and Dennee pleaded guilty to conspiracy and Dennee is scheduled for sentencing on January 26, 2021.

The Wisconsin Department of Natural Resources Bureau of Law Enforcement, the U.S. Environmental Protection Agency Criminal Investigation Division, and the Internal Revenue Service Criminal Investigation conducted the investigation.

## Sentencings

### ***United States v. Kevan Hueftle*, No. 8:20-CR-02014 (D. Neb.), AUSA Donald Kleine.**

On November 18, 2020, a court sentenced Kevan Hueftle to pay a \$5,000 fine to the Lacey Act Reward Fund and \$10,000 in restitution to Nebraska Game and Parks. Hueftle also will complete a three-year term of probation, during which he may not participate in any hunting-related activities. Hueftle pleaded guilty to violating the Lacey Act for providing illegal hunting and guiding services (16 U.S.C. §§ 3372 (a)(2)(A), 3373(d)(2)).

In November 2016, Hueftle, a Hidden Hills Outfitters (HHO) employee, provided outfitting services to a New York resident. After targeting a deer near a bait site, Hueftle helped the client kill the deer with a rifle, in violation of Nebraska law, despite the client possessing an archery permit. Hueftle assisted with final preparations for the deer, including coordinating shipment of the finished mount to the client's New York residence.

This sentencing is part of the ongoing prosecution of numerous defendants related to violations committed by owners, guides, and clients of Hidden Hills Outfitters. To date 34 defendants have pleaded guilty, been sentenced, and ordered to pay a total of \$595,202 in fines and restitution for violations related to deer taken within baited areas; deer, pronghorn, and wild turkeys taken with weapons or firearms prohibited during their respective hunting seasons; deer taken during closed season hours, from the road, or without a valid permit; and mule deer taken within the Mule Deer Conservation Area.

The U.S. Fish and Wildlife Service Office of Law Enforcement and the Nebraska Game and Parks Commission Law Enforcement Division conducted the investigation.



*Photo of deer taken by Hueftle*

### ***United States v. Ralph Tommaso et al.*, No. 5:15-CR-00602 (E.D. Pa.), ECS Trial Attorney Adam Cullman and AUSA Mary Crawley.**

On November 17, 2020, a court sentenced Ralph Tommaso to a year and a day of incarceration, followed by three years' supervised release. The court further held Tommaso jointly and severally responsible for paying \$10,207,000 in restitution to be divided as follows: \$2,800,000 to the U.S. Department of Agriculture and \$7,407,000 to the Internal Revenue Service. Tommaso pleaded guilty to conspiracy to defraud for his role in a green energy fraud scheme (18 U.S.C. § 371).

A jury convicted co-defendant David Dunham in May 2019, on 54 of 55 counts for engaging in a multi-million dollar conspiracy to defraud individuals and the United States in a green energy scam involving used cooking oil. The jury found Dunham guilty of conspiracy, false statements, wire fraud, tax fraud, and obstruction violations (18 U.S.C. §§ 371, 1343; 26 U.S.C. § 7206).

Tommaso pleaded guilty, testified against Dunham, and was sentenced under a

*(Continued on page 16)*

## Sentencings

*(Continued from page 15)*

cooperation plea agreement.

Between 2010 and 2012, Dunham and Tommaso operated, respectively, Smarter Fuel, Inc., and Environmental Energy Recycling Corporation, LLC. They coordinated the activities of these companies, and then formally merged the businesses under the umbrella of Greenworks Holdings, LLC. According to the evidence, the defendants falsely claimed to have produced and sold renewable fuel for which they misappropriated approximately \$50 million in payments, subsidies, and other benefits. Dunham and Tommaso defrauded government programs intended to encourage the production of renewable fuel as an alternative to traditional fossil fuel. By claiming credits for renewable fuel they never produced (and that otherwise did not qualify) they stole tens of millions of dollars from the United States government. Dunham and Tommaso also stole millions more by fraudulently claiming and generating credits they sold to unsuspecting purchasers who believed these credits satisfied their legal obligation to introduce a certain quantity of renewable fuel per year.

The defendants, through their companies, collected used cooking oil from restaurants and other food service locations, sometimes processing it to remove hard particles, water, and other waste. They sold this cleaned cooking oil primarily to renewable fuel producers that used it as a “feedstock” ingredient in their production process. Dunham and Tommaso did not sell their cleaned used cooking oil as a final fuel, but fraudulently claimed otherwise, applying for and receiving government subsidies for every gallon of cleaned used cooking oil that they produced, plus more.

Their claims vastly exceeded actual production. In 2010, they claimed subsidies and other payments on more than 17.5 million gallons of product, while actually producing less than six million gallons. In 2011, they claimed subsidies and other payments of more than 18 million gallons, when they only produced about 7.5 million gallons. Of the cleaned used cooking oil they did produce, the vast majority did not qualify for credit or subsidy. Dunham and Tommaso’s fraudulent claims included more than one million gallons of process wastewater generated from cleaning the used cooking oil, the non-fuel sales of their product as a feedstock ingredient (for biofuel producers to use in buyers’ production of biofuel), and transactions that existed on paper only. The defendants provided false information and altered documents provided to government and private auditors in an effort to conceal their fraud. They directed employees to alter the documentation of obviously unqualified sales and change them to show qualifying sales.

Dunham underreported his taxable income for the tax years 2009 and 2010. In his filings, he altered the dates on sales invoices, and delayed generating invoices on other sales, to avoid paying the taxes until a subsequent tax year. He also obstructed an IRS audit of Smarter Fuel.

A court sentenced Dunham in August 2020 to 84 months’ incarceration, followed by three years’ supervised release and the restitution previously described.

The U.S. Environmental Protection Agency Criminal Investigation Division, Internal Revenue Service Criminal Investigations, Department of Agriculture Office of Inspector General, U.S. Postal Inspector Service, and the Federal Bureau of Investigation conducted the investigation.

## Sentencings

***United States v. Mirna Velasco Tapia*, No. 3:20-CR-02181 (S.D. Calif.), ECS Trial Attorney Steve DaPonte and AUSA Melanie Pierson.**

On November 13, 2020, a court sentenced Mirna Velasco Tapia to pay a \$1,000 fine, complete a three-year term of probation, and pay \$1,200 in restitution to the U.S. Environmental Protection Agency. Tapia pleaded guilty to conspiracy for attempting to smuggle Mexican pesticides into the United States (18 U.S.C. § 371).

In April 2020, officials apprehended Tapia with four one-liter bottles of the Mexican pesticide “Qufuran,” two one-liter bottles of the Mexican pesticide “Biomec,” two 240 milliliter bottles of the Mexican pesticide “Tetrasan,” and four 100 gram containers of the Mexican pesticide “Rodentox.”

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

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

***United States v. Eishmar Castellanos-Pachecoset et al.*, Nos. 3:19-CR-03621, 2727 (S.D. Calif.), AUSA Melanie Pierson.**

On November 13, 2020, a court sentenced Eishmar Castellanos-Pachecoset to time-served (74 days’ incarceration), followed by two years’ supervised release. The court further ordered the defendant to pay \$1,500 in restitution to the government of Mexico. Castellanos-Pachecoset pleaded guilty to smuggling for illegally importing *Totoaba macdonaldi* into the United States from Mexico (18 U.S.C. § 545).

In June 2019, Pachecoset drove over the border with co-defendant Fernando Salvat-Garcia. Pachecoset told an inspector they had nothing to declare. A secondary inspection revealed approximately 14 *Totoaba macdonaldi* swim bladders (weighing close to eight pounds) in bags on the floor, concealed beneath the seats, and in the trunk.

*Totoaba macdonaldi* is an endangered species found only in Mexico in the Sea of Cortez. Salvat-Garcia failed to produce the appropriate documentation permitting him to import an endangered species, and knew he violated Mexican law. Buyers paid the pair \$300 to deliver the bladders, with a fair market value of approximately \$215,000.

The court sentenced Salvat-Garcia in October 2019 to time-served, followed by one year of supervised release, and \$1,000 in restitution to the government of Mexico. Salvat-Garcia pleaded guilty to violating the Lacey Act (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)).

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

## Sentencings

***United States v. Patrick Schwarte*, No. 5:19-CR-04001 (N.D. Iowa), AUSAs Matthew Cole and Tim Vavricek.**

On November 9, 2020, a court sentenced Patrick Schwarte to pay a \$5,000 fine and complete a two-year term of probation, to include two months' home confinement

Between 2012 and June 2015, Schwarte worked as a plant supervisor at the Sioux City wastewater treatment plant (WWTP). The WWTP serves a three-state region and dozens of industries, including a number of agricultural and industrial users. The plant discharges its effluent into the Missouri River, a haven for wildlife and a popular recreational destination.

Authorities required the WWTP to adhere to effluent limits defined within its National Pollution Discharge Elimination System (NPDES) permit, which specified fecal coliform and *E. coli* limits, as well as total residual chlorine (TRC). Schwarte directed employees to add high levels of chlorine to the plant's wastewater on days they sampled for *E. coli*. This fraudulent procedure ensured that the plant's effluent always appeared to meet its permitted limits for fecal coliform, *E. coli*, and TRC. Schwarte pleaded guilty to conspiracy to defraud the United States and to violating the Clean Water Act (18 U.S.C. § 371; 33 U.S.C. § 3319(c)(4)).

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

***United States v. Joon LLC*, No. 3:20-CR-00093 (M.D. Ala.), ECS Trial Attorney Erica Pencak, former AUSA Ben Baxley, AUSA Stephanie Billingslea, and ECS Paralegal Jillian Grubb.**

On November 9, 2020, a court sentenced Joon LLC, d/b/a Ajin USA (Ajin). Ajin previously pleaded guilty to willfully violating an Occupational Safety and Health (OSH) Act standard resulting in the death of an employee (29 U.S.C. § 666 (e)). Ajin will pay the statutory maximum \$500,000 fine plus \$1,000,000 in restitution to the victim's estate. The company will complete a three-year term of probation, during which it must comply with a safety compliance plan, overseen by a third-party auditor.

Employee Regina Elsea worked at Ajin's Cusseta, Alabama, facility. On June 18, 2016, the 20 year-old entered an enclosure (called a "cell") containing several robots and other pieces of machinery. While troubleshooting a sensor fault inside the cell, one of the machines started up. A robotic arm struck Elsea, who later died of her injuries. The OSH Act requires employers to develop and utilize procedures to de-energize machinery during maintenance and servicing activities to prevent the kind of unplanned startup that killed Elsea. Ajin developed these procedures, but supervisors failed to effectively enforce them for approximately two years. The company's safety and HR managers repeatedly raised their concerns to upper management, but management failed to take any meaningful steps to rectify them.

The U.S. Department of Labor Office of Investigations conducted the investigation.



## Sentencings

***United States v. Armando Vargas Garcia et al.*, No. 2:19-CR-00176 (E.D. Calif.), AUSA Adrian T. Kinsella.**

On November 5, 2020, a court sentenced Armando Vargas Garcia and Eduardo Montero Aleman to 21 months' incarceration, followed by two years' supervised release. Each will also pay \$34,931 in restitution to the U.S. Forest Service for the damage they caused to public lands.

Between August 29, 2019 and September 5, 2019, the defendants grew approximately 9,000 marijuana plants in the Big Mountain area of Shasta-Trinity National Forest. Agents discovered two compound archery bows, nine arrows, and 42 rounds of hollow-point .22-caliber ammunition on the site. They also located bottles of carbofuran, a toxic pesticide, which is banned in the United States. They pleaded guilty to conspiracy to cultivate marijuana and depredation of federal lands and resources (21 U.S.C. §§ 841, 846; 18 U.S.C. § 1361).

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

***United States v. Calvin Glover et al.*, Nos. 1:18-CR-00346, 1:18-CR-00197 (D. Colo.), DOJ Tax Attorneys Leslie Goemaat, Arthur J. Ewencyk, Stephen Moulton, and Sarah Kiewlicz.**

On October 27, 2020, a court sentenced Calvin Glover to 15 months' incarceration, followed by three years supervised release. Glover is jointly and severally responsible for \$591,454 in restitution to the Internal Revenue Service (IRS). Glover pleaded guilty to participating in a multi-million dollar biodiesel tax credit fraud scheme (18 U.S.C. § 371)

Between 2009 and 2018, Glover and co-conspirators Matthew Taylor and Martin Fields worked to defraud the United States by filing false claims for renewable fuels tax credits. In 2009, they created Shintan, Inc., a fake company purporting to create renewable fuels. From 2010 to 2013, they filed claims with the IRS for more than \$7.2 million in tax credits for renewable fuel produced. In fact, Shintan produced no qualifying renewable fuel, and the defendants filed fraudulent documents with the IRS. Taylor personally netted approximately \$4.5 million from the scheme, with an additional \$2.7 million going to co-conspirators. To avoid detection, the defendants transferred the fraudulently obtained funds through bank accounts belonging to Shintan and other shell companies.

A court sentenced Taylor in February 2020, to 83 months' incarceration, followed by 48 months' supervised release. Taylor also will pay \$7,244,097 in restitution to the IRS (with Glover jointly responsible for \$591,454 of the total amount.) Taylor pleaded guilty to conspiracy and money laundering (18 U.S.C. §§ 371, 1956(h), 1957.) A jury convicted Fields in November 2019, but he passed away.

The Internal Revenue Service Criminal Investigations conducted the investigation.

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

<b>Position</b>	<b>Name</b>	
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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	Jennifer Blackwell	
Senior Trial Attorney	Christopher Costantini	
Senior Trial Attorney	Daniel Dooher	
Senior Trial Attorney	Todd Gleason	
Senior Trial Attorney	Jeremy Korzenik	
Senior Trial Attorney	Ken Nelson	
Trial Attorney	Cassandra Barnum	
Trial Attorney	Mary Dee Carraway	
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	Matthew Evans	
Trial Attorney	Stephen Foster	
Trial Attorney	Christopher Hale	
Trial Attorney	Joel LaBissonniere	
Trial Attorney	Samuel (Charlie) Lord	
Trial Attorney	Shennie Patel	
Trial Attorney	Erica Pencak	
Trial Attorney	Richard Powers	
Trial Attorney	Banu Rangarajan	
Trial Attorney	Leigh Rende	
Trial Attorney	Lauren Steele	