



Monthly

# Bulletin

## Environmental Crimes Section

February 2021

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“This case demonstrates our continued commitment to enforcing federal environmental laws in our districts,” said U.S. Attorney Shawn N. Anderson of the Districts of Guam and the Northern Mariana Islands. “We will not allow our waters to be dumping grounds for vessel owners and their crews. The substantial penalties imposed by the court are a strong measure of accountability for these unconscionable acts.” From [press release](#) for sentencing of the *M/V Kota Harum* operator and crew members. See [U.S. v. Lua Hai Peng et al.](#), below, for more details on this case.

District/Circuit	Case Name	Case Type/Statutes
District of Alaska	<a href="#"><u>United States v. Robert Albaugh</u></a>	Big Game Hunt/Federal Subsistence Hunt Program, Lacey Act
Southern District of California	<a href="#"><u>United States v. Perla Moreno-Gomez</u></a>	Pesticide Smuggling/Failure to Present Merchandise for Inspection
Middle District of Florida	<a href="#"><u>United States v. Jimmy W. Hammonds</u></a>	Primate Sales/Conspiracy, Endangered Species Act, Lacey Act
Middle District of Georgia	<a href="#"><u>United States v. Jarvis Lockett et al.</u></a> <a href="#"><u>United States v. Kevin Charles et al.</u></a>	Dog Fighting/Animal Welfare, Conspiracy, Drugs
District of Guam	<a href="#"><u>United States v. Lua Hai Peng et al.</u></a>	Vessel/APPS, CWA
Northern District of Indiana	<a href="#"><u>United States v. Samuel Graber</u></a>	Eagle Killing/MBTA
Western District of Kentucky	<a href="#"><u>United States v. Steven DeMoss et al.</u></a>	Mining/Conspiracy, MSHA
Eastern District of Louisiana	<a href="#"><u>United States v. Patrick Huse</u></a> <a href="#"><u>United States v. Brandon Wall</u></a>	Oil Spill Reporting/CWA, OCSLA, OPA
Eastern District of Michigan	<a href="#"><u>United States v. Robert J. Massey</u></a>	Leachate Discharges/CWA
Southern District of Mississippi	<a href="#"><u>United States v. Andrew Walker</u></a>	Wastewater Discharges/Conspiracy, CWA
Southern District of Ohio	<a href="#"><u>United States v. Michael T. Merisola</u></a> <a href="#"><u>United States v. Khaled Ebrigit et al.</u></a>	Wildlife Sales/ESA Abandoned Waste/RCRA
Western District of Pennsylvania	<a href="#"><u>United States v. Pittsburgh Water and Sewer Authority</u></a>	Sludge Discharges/CWA

District/Circuit	Case Name	Case Type/Statutes
Eastern District of Texas	<a href="#"><u>United States v. William C. Blackstone</u></a>	Deer Hunting/Lacey Act
Northern District of Texas	<a href="#"><u>United States v. Cynthia Macias-Martinez</u></a>	Hummingbird Sales/MBTA
Southern District of Texas	<a href="#"><u>United States v. E. I. du Pont de Nemours and Company Inc., et al.</u></a>	Chemical Discharge/CAA
Western District of Wisconsin	<a href="#"><u>United States v. Bonnie Dennee et al.</u></a>	E-Waste/Conspiracy, RCRA, Taxes

## Indictments/Informations

***United States v. Jarvis Lockett et al.*, No. 5:21-CR-00003 (M.D. Ga.), ECS Trial Attorney Banu Rangarajan, AUSA William Keyes, and former ECS Senior Trial Attorney Jenn Blackwell.**

On January 28, 2021, prosecutors unsealed a 136-count indictment charging the following 11 people with violating the Animal Welfare Act, conspiracy, and drug charges: Jarvis Lockett, Derrick Owens, Christopher Raines, Armard Davis, Jason Carter, Shaquille Bentley, Bryanna Holmes, Vernon Vegas, Lekey Davis, Kathy Ann Whitfield, and Rodrick Walton (21 U.S.C. §§ 846, 844, 841; 7 U.S.C. § 2156; 18 U.S.C. §§ 49, 371.)

Between May 2019 and February 2020, Lockett, Owens, Raines, Davis, and Walton participated in a conspiracy to sponsor and exhibit dogs in a dog fight, and possess, train, transport and deliver dogs to use for fights. They attended a number of dog fights during this period and supplied many of the dogs themselves.

Lockett, Owens, Raines, Davis, Carter, Bentley, Holmes, Vegas, Davis, and Whitfield further conspired to possess cocaine base and cocaine, with the intent to distribute. Prosecutors charged Lockett, Davis, Holmes and Walton with additional drug violations.

The Drug Enforcement Administration and the U.S. Department of Agriculture Office of the Inspector General conducted the investigation, with assistance from the United States Marshals Service and local law enforcement agencies.

***United States v. Jimmy W. Hammonds*, No. 8:20-CR-00401 (M.D. Fla.), AUSA Colin McDonell.**

On January 20, 2021, prosecutors charged Jimmy W. Hammonds, also known as “the Monkey Whisperer,” for trafficking in protected primates. Trial is scheduled to begin on July 6, 2021.

Hammonds owned and operated The Monkey Whisperer, LLC, a wildlife breeding and selling business. Between September 2017 and February 2018, Hammonds conspired to sell a capuchin monkey to a buyer in California who did not possess the required documents to legally own a primate. Law enforcement officials later seized the monkey from the residence of the California buyer.

Hammonds illegally sold endangered cotton-top tamarins to buyers in Alabama, South Carolina, and Wisconsin. Hammonds falsified shipping records and also attempted to persuade a witness to lie to a law enforcement officer. Specifically, Hammonds tried to convince a woman who purchased cotton-top tamarins from him to tell law enforcement that she bought them at a flea market instead.

The indictment charges Hammonds with conspiracy, violating the Lacey Act and Endangered Species Act, and witness tampering (18 U.S.C §§ 371, 1512(b)(3); 16 U.S.C. §§ 3372(d)(2), 3373(d)(3), 1538(a)(1), 1540(b)(1)).

The U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission, and the California Department of Fish and Wildlife conducted the investigation.

## **Indictments/Informations**

### ***United States v. Patrick Huse*, No. 2:21-CR-00002 (E.D. La.), AUSAs Spiro G. Latsis and J. Ryan McLaren.**

On January 15, 2021, prosecutors charged Patrick Huse with violations related to oil extraction on the Gulf of Mexico. Trial is scheduled for August 9, 2021.

Huse worked as a Person-In-Charge of an oil platform known as Main Pass 310A (MP-310A). In July 2015, workers noticed a sheen on the water indicating the discharge of oil and other hazardous substances into the Gulf. They alerted Huse the likely cause was sand building up in the filtration equipment. Rather than repairing or replacing the equipment, Huse directed the crew to close certain wells, but otherwise kept the platform operating. As a result, the discharges continued for four more days until a worker activated an emergency shutdown device. Around the time of the emergency shutdown, inspectors announced their plans to return to finish an inspection. Huse told the operators to omit mentioning the sheen, but tell inspectors they needed to shutdown in order to clean and replace equipment. Huse also falsified inspection log books, directing crew to note they conducted various inspections, when they had not.

Prosecutors charged Huse with violating the Clean Water Act for negligently and knowingly discharging oil and other hazardous substances into the Gulf, failure to report a discharge, and violating the Outer Continental Shelf Lands Act for causing false statements to be entered into inspection logs (33 U.S.C. §§ 1321(b)(3), 1319(c)(1)(A), 1319(c)(2)(A); 43 U.S.C. § 1350(c)(2)).

The U.S. Environmental Protection Agency Criminal Investigation Division and the Department of the Interior Office of Inspector General Energy Investigations Unit conducted the investigation.

### ***United States v. Brandon Wall*, No. 2:21-CR-00001 (E.D. La.), AUSAs Spiro G. Latsis and J. Ryan McLaren.**

On January 15, 2021, prosecutors charged Brandon Wall with violations related to oil extraction in the Gulf of Mexico. Trial is scheduled for April 6, 2021.

Wall worked as a foreman for an area that included the oil platform known as Grand Isle 43AA (GI-43AA). In December 2017, the GI-43AA experienced sand buildup problems with its filtration systems. After the crew notified Wall about the problem, he instructed the operators to keep the platform “flowing” instead of shutting down to repair or replace the filtration systems. Wall also told the operators to bypass the platform’s safety systems, which would have automatically “shut-in” the platform. Operators knew that putting safety systems in bypass made the platform less safe and increased the risk of a pollution event. The platform operated in this manner for close to a month.

On January 25, 2018, the platform discharged oil and other hazardous substances into the Gulf, causing a sheen. Operators informed their supervisors, including Wall, who eventually alerted authorities of the discharge.

Prosecutors charged Wall with violating the Outer Continental Shelf Lands Act and the Clean Water Act (43 U.S.C. § 1350(c)(3); 33 U.S.C. §§ 1319(c)(1)(A), 1321(b)(3)).

The U.S. Environmental Protection Agency Criminal Investigation Division, and the Department of the Interior Office of Inspector General Energy Investigations Unit conducted the investigation.

## Indictments/Informations

***United States v. E. I. du Pont de Nemours and Company Inc., et al., No. 4:21-CR-00016 (S.D. Tex.), AUSAs John R. Lewis and Belinda Beek and SAUSA Kristina Gonzales.***

On January 7, 2021, prosecutors charged E. I. du Pont de Nemours and Company Inc. (DuPont) and former employee Kenneth Sandel, with violating the Clean Air Act and for negligently releasing an extremely hazardous substance in November 2014 (42 U.S.C. §§ 7413(c)(4), 7413(c)(1), 7412(r)(7)).

DuPont owns chemical manufacturing plants around the world, including one located in La Porte, Texas. The Insecticide Business Unit (IBU) manufactured pesticides, including Lannate and Vydate. Sandel ran the IBU between 2009 and 2014 as the Unit Operations Leader. The IBU used a variety of chemicals to produce Lannate and Vydate, including methyl mercaptan (also known as MeSH), a highly toxic and flammable gas. A particularly dangerous substance, MeSH cannot always be detected by smell.

Sandel and DuPont engineers devised a plan to divert a large volume of MeSH into a waste gas pipe system during the day before, and night of, the fatal incident. Sandel failed to implement necessary procedures (including key safety provisions required in a Risk Management Plan) to evaluate safety parameters and to prohibit workers from opening the pipe to the atmosphere. As a result, on November 15, 2014, employees released 24,000 pounds of MeSH at the La Porte plant killing four employees and injuring several others.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation, with assistance from the Texas Environmental Enforcement Task Force.

## Guilty Pleas

### ***United States v. Michael T. Merisola, No. 2:20-CR-00160 (S.D. Ohio), ECS Trial Attorney Adam Cullman and AUSA Mike Marous.***

On January 29, 2021, Michael T. Merisola pleaded guilty to violating the Endangered Species Act for illegally selling a mounted leopard in November 2019 (16 U.S.C. §§ 1538(a)(1) (F), 1540(b)(1)).

Merisola operates a vintage furniture store in Buffalo, New York. In August 2019, he posted a photograph on his Instagram feed of items for sale, including a mounted leopard. In October 2019, an undercover agent contacted Merisola, who agreed to sell the leopard for \$4,200. The agent traveled from Ohio to Buffalo, New York, and gave Merisola \$1,500 as a down payment on the leopard. Merisola also offered to sell an elephant footstool for \$1,200. After the agent paid the remaining balance on the leopard and the elephant foot, Merisola arranged to ship them to Ohio.

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



*Leopard mount*

### ***United States v. Andrew Walker, No. 3:20-CR-00109 (S.D. Miss.), ECS Senior Trial Attorney Jeremy Korzenik, AUSA Theodore Cooperstein, and ECS Paralegal Chloe Harris.***

On January 27, 2021, Andrew Walker pleaded guilty to conspiracy and illegally discharging industrial waste into the Jackson, Mississippi, sewer system (18 U.S.C. § 371; 33 U.S.C. § 1319(c)(2)(A)). Walker, the owner of Rebel High Velocity Sewer Services, conspired with an industrial waste generator and transporter (Companies A and B) to illegally discharge wastes, avoiding the expense of proper disposal, and evading sewer usage fees.

In October of 2016, state and municipal authorities discovered that a local manufacturing company (Company A) had been discharging large quantities of its industrial waste directly into the sewer, and ordered it to stop. A few months later, to avoid the cost of pretreatment and legal disposal, Company A hired Company B (a trucking firm) to transport its waste to Rebel where they excavated the Jackson sewer line servicing Rebel's facility. They surreptitiously discharged more than three million gallons of industrial waste into the same Jackson sewer system the manufacturer was prohibited from discharging.

The U.S. Environmental Protection Agency Criminal Investigation Division, the Federal Bureau of Investigation, and the Mississippi Department of Environmental Quality conducted the investigation.

## Guilty Pleas

### ***United States v. Robert J. Albaugh, No. 4:20-CR-00012 (D. Alaska), AUSA Ryan Tansey.***

On January 25, 2021, Robert J. Albaugh pleaded guilty to violating the Lacey Act and for making a false application for a federal Subsistence Hunt Permit (16 U.S.C. §§ 3372(a)(1), 3373(d)(2); 43 U.S.C. § 1733(a)). Sentencing is scheduled for April 28, 2021.

Between 2002 and 2018, Albaugh and his wife received a total of 63 Federal Subsistence Hunt permits. They took 23 caribou and a moose using those permits, falsely claiming rural resident status, and taking unfair advantage of subsistence programs in rural Alaska.

The Federal Subsistence Management Program (FSMP) supports rural Alaskans who hunt and fish for subsistence. The program allows participants to use public lands and waters while maintaining healthy populations of fish and wildlife. Subsistence fishing and hunting provide a large share of the food consumed in rural Alaska. Alaska's indigenous inhabitants rely heavily upon the traditional harvest of wild foods; more and more rural non-Native Alaskans rely upon it as well.

The Bureau of Land Management Office of Law Enforcement and Security conducted the investigation, with assistance from Alaska Wildlife Troopers.

### ***United States v. Robert J. Massey, No. 20-CR-20615 (E.D. Mich.), ECS Senior Counsel Kris Dighe and AUSAs Anne Nee and Jules DePorre.***

On January 14, 2021, Robert J. Massey pleaded guilty to violating the Clean Water Act for illegally discharging landfill leachate (totaling more than 47 million gallons) into the Flint sanitary sewer system (POTW) from more than eight years (33 U.S.C. § 1319(c)(2)(A)). Sentencing is scheduled for May 14, 2021.

Massey owns Oil Chem Inc., a company that reclaims and blends petroleum wastes into usable product. In 2008, Oil Chem received a pretreatment permit allowing it to discharge its liquid waste stream to the POTW. The pretreatment permit prohibited the discharge of organic waste, including landfill leachate.

With this knowledge, starting in 2007, Massey contracted for Oil Chem to receive leachate from a number of Michigan landfills. Workers offloaded the leachate from incoming tanker trucks to a tank onsite (number 103). On a daily basis, Oil Chem employees connected a hose to tank 103, discharging untreated landfill leachate overnight directly into the sanitary sewer. That practice continued until the City of Flint intervened in 2015. One of the landfills contacted the POTW directly about discharging to the sanitary sewer (to bypass Oil Chem) and disclosed that their leachate contained PCBs.



*Oil Chem facility*

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## Guilty Pleas

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Oil Chem received an estimated \$1.2 million from illegally discharging close to 48 million gallons of leachate into the sewer.

The U.S. Environmental Protection Agency Criminal Investigation Division and the Michigan Department of Natural Resources Law Enforcement Division conducted the investigation.

### ***United States v. Kevin Charles et al., No. 1:18-CR-00058 (M.D. Ga.), ECS Trial Attorney Ethan Eddy, AUSA Jim Crane, and ECS Paralegal Gillian Grubb.***

On January 13, 2021, Kevin Charles pleaded guilty to one count of conspiring to violate the animal fighting prohibitions of the federal Animal Welfare Act, and one count of possessing a dog for purposes of having the dog participate in an animal fighting venture (18 U.S.C. §§ 371, 49; 7 U.S.C. §§ 2156(a)(1), 2156(b)).

Prosecutors charged Charles and 11 others in a 37-count indictment based largely on a “two-card” dog fight in Sumter County, Georgia, that agents raided while in progress on January 21, 2017. One of the defendants traveled from Florida to attend and exhibit dogs in the fight. Authorities recovered two injured dogs and one dead dog from the scene of the fight, along with several firearms and more than \$18,000 in U.S. currency.

Charles brought a dog scheduled for the second fight. Law enforcement disrupted the event just before the second card commenced. After executing a search warrant at Charles’ residence, agents seized seven fighting dogs housed on chains, as well as fighting equipment. All of the dogs displayed scars and injuries consistent with dog fighting. Authorities also recovered a pistol and \$1,700 in cash from Charles.

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

### ***United States v. Steven Demoss et al., No. 4:18-CR-00015 (W.D. Ky.), AUSA Corinne Keel and SAUSAs Jason Grover and Dana Ferguson.***

On January 12, 2021, Steven Demoss (a Safety Director at Parkway Mine owned by Armstrong Coal Company) pleaded guilty to violating the Mine Safety and Health Act for interfering with dust-sampling procedures (30 U.S.C. § 820(c)). Demoss was the third defendant to plead guilty, following Ron Ivy in May 2019, and Billie Hearld in September 2019. A fourth, Jeremy Hackney, agreed to pre-trial diversion in January 2021. Trial is scheduled to begin against the remaining defendants on August 26, 2021.

The case involves seven former supervisory and safety officials at two mines formerly owned by Armstrong Coal Company. Prosecutors declined to charge Armstrong since it declared bankruptcy in November 2017. Prosecutors charged the defendants with conspiracy to defraud the Mine Safety and Health Administration (MSHA) by committing dust-sampling fraud (18 U.S.C. § 371.) They attempted to interfere with lawful dust sampling at the Parkway and Kronos mines in a number of ways, including removing personal dust monitors from miners designated to obtain actual readings, shutting off dust

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## Guilty Pleas

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monitors before the end of the sampling period, running dust monitors in clean rooms to dilute the time-weighted sample averages, and falsifying dust-sampling certification cards submitted to MSHA.

MSHA's dust-sampling regulations protect miners from pneumoconiosis, commonly known as "black lung," and silicosis, the most common coal-mine dust-caused diseases. By circumventing the dust-sampling procedures, Armstrong and its co-conspirators, avoided implementing ventilation and production controls that might cost more or slowed production, thus saving money at the expense of exposing miners to elevated levels of respirable coal dust.

The defendants represent corporate agents at every level of Armstrong's management, including Section Foremen Billie Hearld, Jeremy Hackney, and Dwight Fulkerson; Safety Department Sampler John Ellis Scott; Assistant Safety Director Steven Demoss; Safety Directors Brian Casebier and Ron Ivy; Superintendent of Parkway Mine Charley Barber; and the manager of all of Armstrong Coal's western Kentucky mines, Glendal Hardison.

The Mine Safety and Health Administration conducted the investigation.

### ***United States v. Pittsburgh Water and Sewer Authority et al., Nos. 2:20-CR-00342, 00360 (W.D. Penn.), AUSA Michael Ivory and SAUSA Martin Harrell.***

On January 12, 2021, the Pittsburgh Water and Sewer Authority (PWSA), the second largest municipal water authority in Pennsylvania, pleaded guilty to one count of violating a condition of its National Pollutant Discharged Elimination System (NPDES) permit (under the Clean Water Act) and making a false statement (33 U.S.C. §§ 1319(c)(4), 1311, 1342, 1319(c)(2)). Sentencing is scheduled for May 18, 2021.

The investigation initially centered on the PWSA's drinking water treatment plant located on the banks of the Allegheny River. As the investigation progressed, it focused on the treatment and disposition of clarifier sludge.

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

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

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

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## Guilty Pleas

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

Plant supervisor, Glenn Lijewsky, is charged with conspiracy and violating the Clean Water Act.

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

### ***United States v. Perla Moreno-Gomez, No. 3:20-CR-02910 (S.D. Calif.), ECS Trial Attorney Steve DaPonte and AUSA Melanie Pierson.***

On January 11, 2021, Perla Moreno-Gomez pleaded guilty to conspiring to violate the Federal Insecticide, Fungicide, and Rodenticide Act and to failing to present a vehicle and merchandise for inspection (18 U.S.C. § 371). Sentencing is scheduled for April 5, 2021.

Authorities apprehended Moreno-Gomez in September 2020, as she attempted to smuggle three 950-milliliter bottles of "Malathion 1000," a Mexican pesticide, into the United States from Mexico.

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

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

## Sentencings

***United States v. Khaled Ebrigit et al., Nos. 2:19-CR-00252, 2:20-CR-00014 (S.D. Ohio), ECS Trial Attorney Adam Cullman, and AUSA Mike Marous.***

On January 28, 2021, a court sentenced Khaled Ebrigit to 18 months' home confinement, as a condition of three-years' probation. Ebrigit also will pay a \$36,310 fine, \$33,690 in restitution, and perform 780 hours of community service. Ebrigit pleaded guilty to conspiring to violate

the Resource Conservation and Recovery Act (RCRA) for illegally transporting and disposing of hazardous waste (18 U.S.C. § 371; 42 U.S.C. §§ 6928(d)(1),(d)(2)(A)).

In October 2018, Conrex Property Management paid Ebrigit \$5,000 to remove drums containing "chemical substances" from behind a property the company purchased. Ebrigit paid Martin Eldridge \$400 to dispose of three 55-gallon drums and 64 ten-gallon drums, most of which were clearly labeled "flammable" with detailed handling precaution instructions. Fluids leaked from many of the drums. Eldridge loaded the drums into his van and dropped them off next to dumpsters at several apartment complexes throughout Columbus. Emergency personnel responded to reports of the illegal dumping, collecting the drums, and performing site cleanup. Eldridge previously pleaded guilty to violating RCRA and is scheduled for sentencing on March 3, 2021.

The U.S. Environmental Protection Agency Criminal Investigation Division, the Ohio Environmental Protection Agency, and the Franklin County Sheriff's office conducted the investigation.

***United States v. Bonnie Dennee et al., Nos. 3:20-CR-00054, 0055, 0056, 122 (W.D. Wisc.), AUSA Dan Graber and RCEC James Cha.***

On January 26, 2021, a court sentenced Bonnie Dennee to five months' incarceration, followed by three years' supervised release. Dennee pleaded guilty to conspiring to violate the Resource Conservation and Recovery Act (18 U.S.C. § 371.)

Dennee worked for 5R Processors Ltd. (5R). The company recycled electronic equipment and appliances, operating several facilities and warehouses in Wisconsin, and one in Tennessee. Workers broke down parts from electronic components (including computer monitors and televisions) for resale. They



*Leaking drums abandoned in parking lot*



*Crushed CRT glass*

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# Sentencings

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separated lead-containing cathode ray tubes (CRTs) from clean glass that they sold. Co-defendant Thomas Drake founded the company in 1988, serving as 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. Co-defendant James Moss joined 5R in 2007, and began managing all plant operations as president in 2010. Dennee joined the company in 1997, holding many positions, including Executive Vice President and Director of Environmental, Health, Safety and Certifications.

Up 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.

A court sentenced Moss in November 2020 to 18 months' incarceration, followed by three years' supervised release, with restitution to be determined at a later date. On January 15, 2021, the court ordered Moss to pay \$3.9 million in restitution, after pleading guilty to conspiring to violate RCRA and evading the payment of employment taxes and income taxes to the Internal Revenue Service. Drake is not yet scheduled for trial. Prosecutors charged co-defendant Kevin Shibilski in September 2020 on RCRA charges as well as wire fraud and conspiracy to defraud the IRS (42 U.S.C. § 6928(d)(2)(A), 18 §§ 1343, 371, 981(a)(1)(c), 982, 2461(c)).

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.

## ***United States v. Cynthia Macias-Martinez, No. 3:20-CR-00353 (N.D. Tex.), AUSA Douglas B. Brasher.***

On January 25, 2021, a court sentenced Cynthia Macias-Martinez to pay a \$2,000 fine and complete a one-year term of probation. Macias-Martinez pleaded guilty to violating the Migratory Bird Treaty Act (MBTA) (16 U.S.C. §§ 703,707).

Between June 2017 and April 2019, Macias-Martinez, owner of a Dallas mystic shop, sold dried hummingbird carcasses known as "chuparosas," without a valid permit.

Some believe "chuparosas" impart mystical benefits and use them as amulets or charms. Hummingbirds are protected by the MBTA. The defendant acquired carcasses illegally imported and smuggled into the United States from Mexico.

The U.S. Fish and Wildlife Service, Internal Revenue Service Criminal Investigations, and Homeland Security Investigations conducted the investigation.

## Sentencings

### ***United States v. Lua Hai Peng et al., No. 1:20-CR-00031 (D. Guam), ECS Trial Attorney Steve DaPonte and AUSA Marivic David.***

On January 19, 2021, a court sentenced two individuals for illegally discharging oil from the *M/T Kota Harum*.

In October 2019, an individual with the Port Authority of Guam notified the National Response Center of an oil discharge from the *Kota Harum* in Apra Harbor, Guam. The U.S. Coast Guard responded and found oil in the water near the vessel. During a subsequent inspection, several crewmembers admitted that they failed to utilize the oil water separator and routinely discharged the oily bilge water into the harbor.

Chief Engineer Maung Maung Soe pleaded guilty to violating the Act to Prevent Pollution from Ships (APPS) and will complete a two-year term of probation (33 U.S.C. § 1908(a)). Second Engineer Lua Hai Peng pleaded guilty to violating the Clean Water Act (CWA) and will complete a one-year term of probation (33 U.S.C. § 1321 (b)(3), 1319(c)(2) (A)). Both defendants must submit letters of apology to the People of Guam and the Port Authority. The court also banned them from working as vessel engineers during their respective terms of probation.

A court sentenced Pacific International Lines (Private) Limited (PIL), on February 18, 2021, to pay a \$3 million fine and complete a four-year term of probation, during which all vessels operated by the company and calling on U.S. ports must implement a robust Environmental Compliance Plan. The company pleaded guilty to violating APPS and the CWA for the actions of its crew.

The U.S. Coast Guard conducted the investigation.

### ***United States v. William C. Blackstone, No. 5:21-CR-00004 (E.D. Tex.), AUSA Jim Noble.***

On January 19, 2021, a court sentenced William C. Blackstone to pay a \$4,500 fine, after pleading guilty to violating the Lacey Act for negligently transporting wildlife taken in violation of state law (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(2)). The court also ordered Blackstone to forfeit his hunting equipment.

On three days in November 2019, Blackstone harvested whitetail deer in Oklahoma and transported them to Texas, without properly attaching his name, the time and date of harvest, and his Oklahoma license number to the carcasses. Blackstone also paid additional fines in Texas and Oklahoma related to state proceedings.

The U.S. Fish and Wildlife Service, the Texas Parks and Wildlife Service, and the Oklahoma Department of Wildlife Conservation, conducted the investigation.

# Sentencings

***United States v. Samuel G. Graber, No. 1:20-CR-00026 (N.D. Ind.), AUSA Stacey R. Speith.***

On January 11, 2021, a court sentenced Samuel G. Graber to pay a \$5,000 fine and complete a six month term of probation, after pleading guilty to violating the Migratory Bird Treaty Act (18 U.S.C. § 703, 707(a)). On November 2, 2019, Graber unlawfully killed a bald eagle.

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

<b>Position</b>	<b>Name</b>	<b>Phone</b>
Chief	Deborah Harris	
Deputy Chief		
Assistant Chief		
Assistant Chief		
Assistant Chief		
Assistant Chief		
Senior Litigation Counsel		
Senior Litigation Counsel		
Senior Counsel for Wildlife		
Senior Counsel		
Senior Trial Attorney		
Trial Attorney		
Trial Attorney		
Trial Attorney		
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Trial Attorney		
Trial Attorney		
Trial Attorney	Leigh Rende	
Trial Attorney		