



Monthly

Bulletin

Environmental Crimes Section

June 2016

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"We take our mission to support the Fish and Wildlife Service very seriously, especially when violations involve the unlawful baiting of thousands of migratory birds over a prolonged period of time," said U.S. Attorney Wendy J. Olson. "Duck hunting is a time honored tradition for hunters in Idaho, and the defendant has undermined the proud tradition of fair chase for all hunters." [From press release for conviction of [Gregory Obendorf](#)].

District/Circuit	Case Name	Case Type/Statutes
Central District of California	<u>United States v. David Lee Flury</u>	Wastewater Discharges/CWA
Southern District of California	<u>United States v. Daniel Williams</u> <u>United States v. Olga Jimenez</u>	Sewage Disposal/ Misprision of a Felony Sea Turtle Eggs/Smuggling
District of Columbia	<u>United States v. James Powers</u>	Asbestos Removal/CAA, Wire Fraud
District of Delaware	<u>United States v. Joseph M. Deramo</u>	Wetlands/CWA, Bank Fraud
Southern District of Florida	<u>United States v. Airgas Doral, Inc.</u> <u>United States v. Sunland Pest Control Services, Inc.</u>	Worker Deaths/HMTA Home Fumigation/FIFRA, False Statement
District of Idaho	<u>United States v. Gregory Obendorf</u>	Bird Baiting/MBTA, Conspiracy
Central District of Illinois	<u>United States. v. Joseph J. Chernis, IV</u>	Asbestos Removal/CAA, False Statement
District of Massachusetts	<u>United States v. Carlos Rafael</u>	Commercial Fishing/Conspiracy, Lacey Act, Falsified Records, Bulk Cash Smuggling, Structuring Export of Monetary Instruments
District of Michigan	<u>United States v. MST Mineralien Schiffahrt Spedition Und Transport Gmbh</u>	Vessel/APPS, Falsified Records
District of Minnesota	<u>United States v. Yiwei Zheng</u>	Ivory Exports/Smuggling, Lacey Act
Western District of New York	<u>United States v. Andrew Thompson</u> <u>United States v. Ferdinand E. Krizan</u>	WWTP Operator/ CWA Ivory Sales/Lacey Act
Eastern District of Texas	<u>United States v. Trey Joseph Frederick</u> <u>United States v. Rodney Beshears</u>	Whooping Crane Deaths/MBTA, ESA Pipeline Removal/CAA
Northern District of Texas	<u>United States v. Southco Enterprises, Inc.</u>	Hazardous Waste Storage/RCRA

Trials

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

On May 16, 2016, Gregory Obendorf was convicted after a seven-day jury trial, 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)(1)).

Between November 2007 and January 2014, Obendorf conspired to place bait for migratory birds, specifically 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.

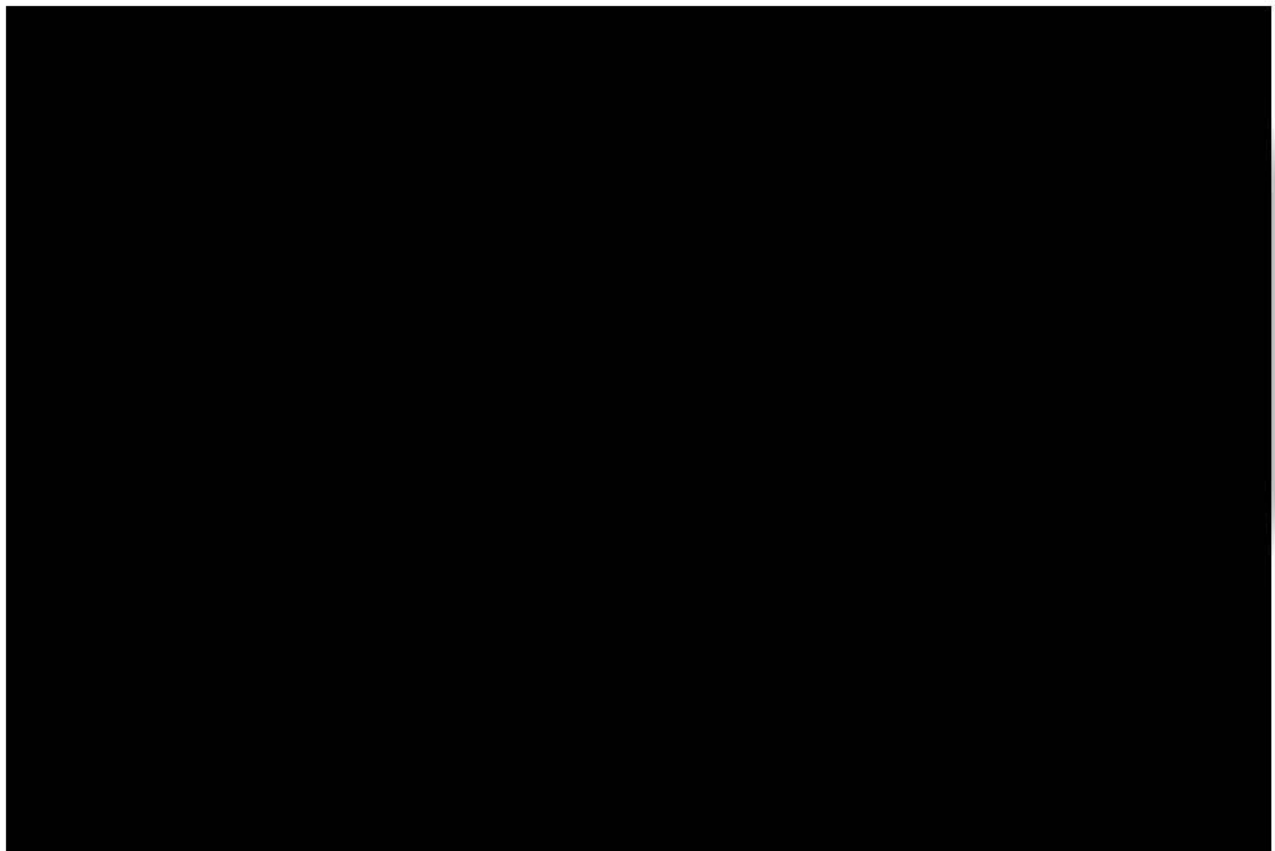
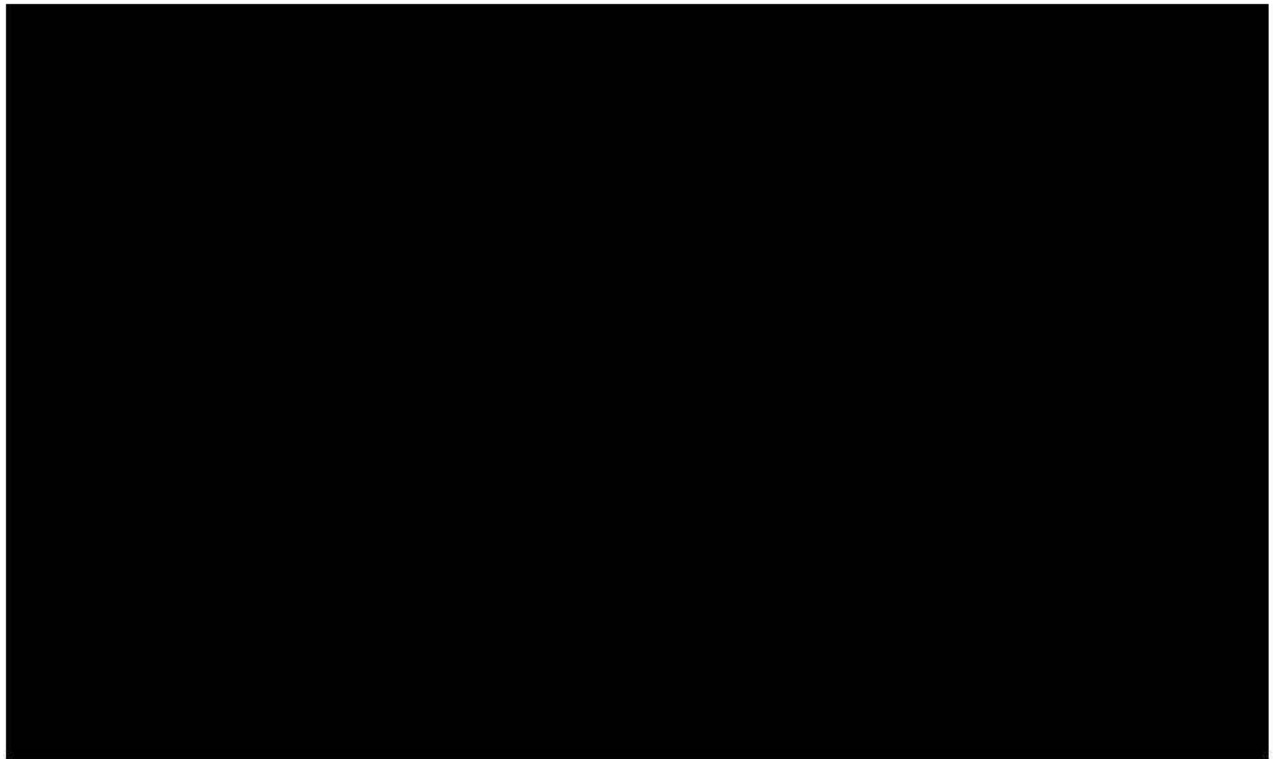


Hunter walking through baited and flooded field

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, Obendorf 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. Obendorf boasted in a recorded conversation that he had over 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.

Obendorf is scheduled to be sentenced on August 2, 2016. This case was investigated by the U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game.

Indictments/Informations



Indictments/Informations

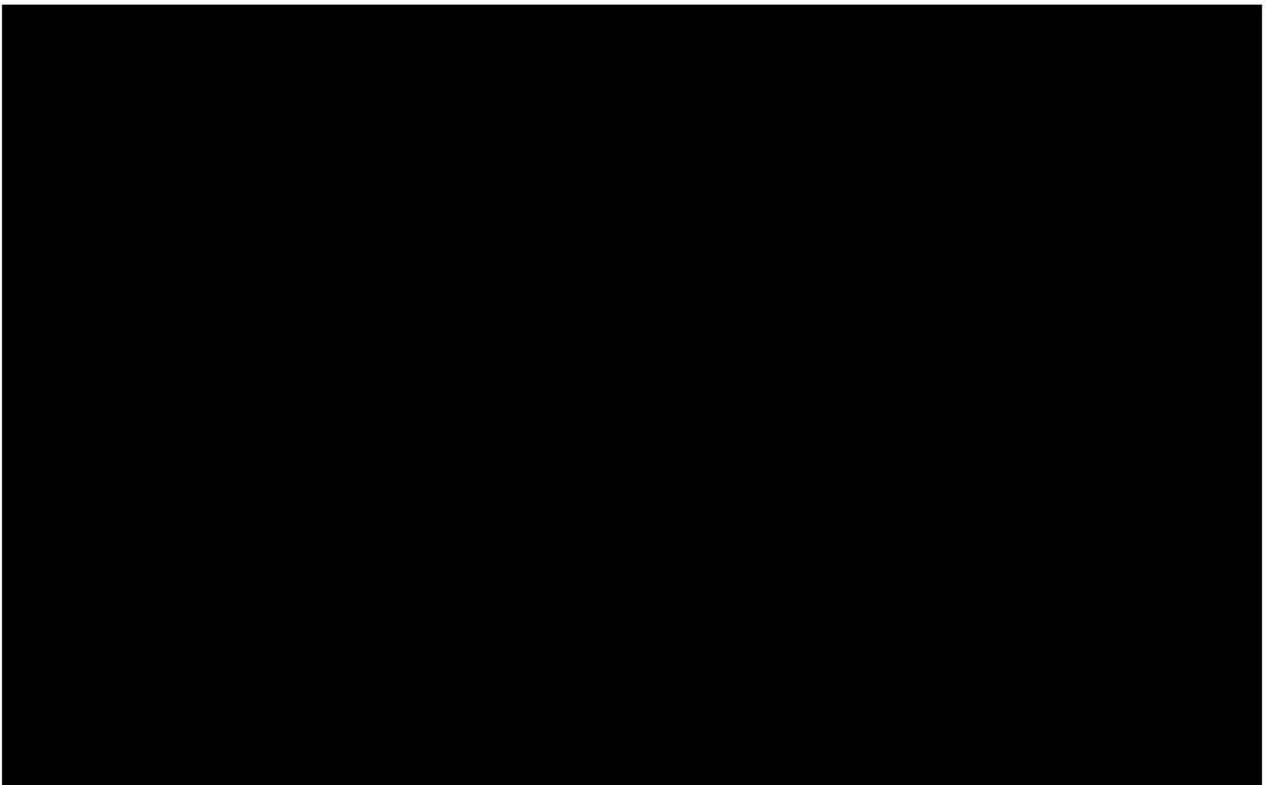
United States v. MST Mineralien Schifffahrt Spedition Und Transport GmbH, No. 16-CR-00134 (D. Minn.), AUSAs Benjamin F. Langner and John Kokkinen.

On May 11, 2016, MST Mineralien Schifffahrt Spedition Und Transport GmbH (MST), a German company and operator of the *M/V Cornelia*, was charged with violating APPS for failing to maintain an accurate oil record book (ORB), and with making false entries/omissions in records used in a federal investigation (33 U.S.C. § 1908(a); 18 U.S.C. § 1519). Trial is scheduled to begin on August 1, 2016.

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

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

This case was investigated by the U.S. Coast Guard Investigative Service and the U.S. EPA Criminal Investigation Division.



Indictments/Informations

United States v. Joseph M. Deramo, No. 1:16-mj-00092 (D. Del.), AUSA Jennifer Welsh.

On May 10, 2016, Joseph M. Deramo, a foreman for Riverbend Community, LLC, was charged by an information with a negligent violation of the Clean Water Act, for discharging a pollutant into a wetland without a permit (33 U.S.C. §§ 1311, 1319(c)(1)(A), 1344). Co-defendant Joseph L. Capano previously pleaded guilty to one count of bank fraud and to knowingly violating the CWA (18 U.S.C. § 1344; 33 U.S.C. §§ 1319(c)(2)(A), 1311(a)).

Riverbend Community managed a project known as the Riverbend Development project. According to the information, between April 2007 and October 2009, Deramo and other Riverbend employees, at the direction of Capano and the company, performed unpermitted earthmoving, construction, and excavation activities in wetlands areas. Specifically, Capano directed them to expand the entrance road to the development into jurisdictional wetlands. Capano also had them place a water main pipe through this area, even after the Army Corps of Engineers had issued a Cease and Desist order.

As part of his guilty plea, Capano admitted to using a line of credit for his own personal use that was designated to fund the development project.

This case was investigated by the FBI Office of the Special Inspector General for the Troubled Asset Relief Program (SIGTARP), and the U.S. EPA Criminal Investigation Division.

United States v. James Powers, No. 1:16-CR-00076 (D.D.C.), ECS Trial Attorney Cassie Barnum, ECS Senior Trial Attorney Lana Pettus, and AUSAs Jonathan Hooks and Zia Faruqui.

On May 5, 2016, James Powers was charged in a seven-count indictment with violating the Clean Air Act and wire fraud violations stemming from a scheme to improperly remove asbestos from a historic building in the District of Columbia (18 U.S.C. § 1343; 42 U.S.C. §§ 7413(c)(1), (c)(4)). The indictment also includes a forfeiture allegation seeking all proceeds that may be traced to the fraud scheme.

In March 2010, Powers formed a partnership with a local real estate development firm to purchase and renovate the historic Friendship House into condominiums, a development known as the Maples. Prior to renovation, Powers was informed of the presence of asbestos throughout the building. After taking bids for the proper removal of the asbestos, Powers instead hired Lary Miller, a general contractor with no asbestos abatement certification or experience. Powers represented to his partners that a qualified entity would conduct appropriate asbestos abatement at the property and emailed them a proposed contract, but the contract was with a corporation that, unbeknownst to his partners, was an alter-ego for Powers.

In September and October 2011, Miller and his crew conducted interior demolition at the Maples without removing any asbestos. Even after an inspection by local environmental authorities revealed asbestos in the building, Powers directed the workers

(Continued on page 7)

Indictments/Informations

(Continued from page 6)

to continue the demolition. Over the course of the project, the workers disturbed substantial quantities of asbestos.

Miller pleaded guilty in November 2015 to one count of negligent endangerment under the CAA and is awaiting sentencing.

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

United States v. Joseph J. Chernis, IV, No. 3:16-CR-30033 (C.D. Ill.), AUSA Katherine Boyle and SAUSA James Cha.

On May 5, 2016, Joseph J. Chernis, IV, was charged in a six-count indictment with violating the Clean Air Act and making false statements related to asbestos removal at the former Pillsbury Mills/Cargill facility in Springfield, Illinois (42 U.S.C. § 7413; 18 U.S.C. § 1001).

The indictment alleges that in October 2014, Chernis hired an untrained individual to illegally remove dry asbestos pipe insulation from the facility. From October 2014 to August 2015, this insulation was allegedly cut and stripped from pipes inside four buildings at the facility, including a structure known as the Dryer building. The asbestos debris was stuffed into approximately 300 garbage bags and two open-topped cardboard boxes, and left inside vacant buildings at the facility. The indictment further alleges that later that month, Chernis had the Dryer building demolished with more than 1,000 linear feet of asbestos pipe insulation remaining inside the structure.

Among the CAA violations was the failure to adequately wet all regulated asbestos-containing material and ensure that it remained wet until collected for disposal; failure to remove all this material before a building was demolished; and, failure to properly dispose of this material.

The indictment further charges Chernis with two counts of making false statements during a hearing held in October 2015, in connection with a civil action filed against him by the Illinois AG's Office at the request of the Illinois EPA. Chernis allegedly stated that he did not know who had performed the demolition work at the facility, and further represented that another person was responsible for hiring and directing the untrained worker who removed the dry insulation.

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



Bags of asbestos containing material

Indictments/Informations

United States v. Carlos Rafael, No. 1:16-CR-10124 (D. Mass.), AUSAs Andrew Lelling and David Tobin.

On May 4, 2016, a sheriff's deputy and the owner of one of the largest commercial fishing businesses in the United States were charged in connection with a long-running scheme involving submitting falsified records to the federal government to evade fishing quotas and then smuggling the profits to Portugal.

Carlos Rafael, the owner of Carlos Seafood, Inc., was indicted on conspiracy, falsifying federal records, 25 counts of submitting falsified records in violation of the Lacey Act, and one count of bulk cash smuggling. Antonio Freitas, a deputy with the Bristol County Sheriff's Office, was charged with one count of bulk cash smuggling and one count of structuring the export of U.S. currency (18 U.S.C. §§ 371, 1519; 16 U.S.C. §§ 3372(d), 3373(d); 31 U.S.C. §§ 5316, 5324(c)(3), 5332(a)).

The charges arose out of an undercover investigation in which federal agents posed as organized crime figures interested in buying Carlos Seafood. According to the indictment, from 2012 to January 2016, Rafael routinely lied to the National Oceanic and Atmospheric Administration about the quantity and species of fish his boats caught, in order to evade federal quotas designed to guarantee the sustainability of certain fish species.

As alleged in the indictment, during that period Rafael misreported approximately 815,812 pounds of fish, telling NOAA the fish was haddock when in fact the fish was cod, sole, or other species subject to strict quotas. After submitting false records to federal regulators, Rafael allegedly sold most of the fish to a wholesale business in New York City in exchange for cash. During meetings with the undercover agents, Rafael allegedly said that in his most recent dealings with the New York buyer he received \$668,000.

The indictment further states that Rafael, with the assistance of Freitas (who also worked as a Department of Homeland Security Task Force Officer giving him access to restricted areas of Logan Airport), smuggled at least some of that cash out of the United States to his native Portugal. On February 5, 2016, with assistance of another individual, Freitas allegedly smuggled \$17,500 through airport security and later deposited the money in a Portuguese bank account belonging to Rafael.

This case was investigated by the Internal Revenue Service Criminal Investigations, the U.S. Coast Guard, the National Oceanic and Atmospheric Administration Office of Law Enforcement, Department of Homeland Security Office of Inspector General, and the Federal Bureau of Investigation.

Guilty Pleas

***United States v. Trey Joseph Frederick*, No. 1:16-CR-00007 (E.D. Tex.), AUSA Joseph R. Batte.**

On May 23, 2016, Trey Joseph Frederick pleaded guilty to violating the Migratory Bird Treaty Act and the Endangered Species Act (16 U.S.C. §§ 703, 707(a), 1538(a)(1)(d), 1540(b)(1)).

On January 11, 2016, a Texas Game Warden received calls reporting that two whooping cranes had been shot. Further investigation revealed that Frederick had been seen in the area with a hunting rifle and had claimed to be hunting geese. Agents subsequently contacted him at his home where he admitted to killing the cranes.



Deceased whooping cranes

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

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

On May 20, 2016, Andrew Thompson pleaded guilty to negligently violating the Clean Water Act (33 U.S.C. §§ 1311(a), 1319(c)(1)(A)). Sentencing is scheduled for August 16, 2016.

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 NPD PES permit for the Westfield WWTP 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.

***United States v. Daniel Williams*, No. 16-CR-01003 (S.D. Calif.), AUSA Melanie Pierson.**

On May 10, 2016, Daniel Williams pleaded guilty to misprision of a felony (18 U.S.C. § 4), admitting that he concealed the illegal underground disposal of sewage at a recreational vehicle (RV) storage site for almost a decade. Sentencing is scheduled for August 5, 2016.

In 2005, Williams formed a partnership known as Dunes Toy Storage (DTS) with another individual. Williams acknowledged that a septic leach system was installed at DTS even though his county permit specifically prohibited the use of leach lines, and was not authorized by the EPA.

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Guilty Pleas

(Continued from page 9)

Despite knowing about the prosecution of Glamis Dunes Storage for the same offense, he concealed the existence of the underground discharges at DTS. Over the last decade, hundreds of thousands of gallons of waste were discharged at the site.

This case was investigated by the U.S. Bureau of Land Management Office of Law Enforcement and the U.S. EPA Criminal Investigation Division.

United States v. David Lee Flury, No. 14-CR-00095 (C.D. Calif.), AUSA Joe Johns.

On May 9, 2016, David Lee Flury pleaded guilty to violating the Clean Water Act (33 U.S.C. §§ 1311(a), 1319(c)(2)(A)) for dumping 11,000 gallons of waste water and soap into Los Coyotes Creek, a tributary of the San Gabriel River. Flury is scheduled to be sentenced on August 15, 2016.

Flury is the owner and operator of Flury Industries, Inc., a waste-hauling company. He represented to his customers that he would pick-up their various waste products and transport them to a proper disposal facility. In October 2008 and February 2009, Flury discharged approximately 5,000 and 6,000 gallons, respectively, into the creek. The City of Santa Fe Springs spent nearly \$750,000 on clean up. The San Gabriel River is one of the three most important waterways in Southern California.

This case was investigated by the City of Santa Fe Springs Fire Department, the City of Santa Fe Springs Police Department, the L.A. Department of Public Works, the California Department of Toxic Substances Control, and the U.S. EPA Criminal Investigation Division.



Clean up of Los Coyotes Creek

Guilty Pleas



United States v. Southco Enterprises, Inc., No. 3:16-CR-00148 (N.D. Tex.), AUSA Errin Martin.

On May 3, 2016, Southco Enterprises, Inc., the owner of PrimePack (d/b/a Al Kel and Southco) pleaded guilty to a RCRA storage violation (42 U.S.C. § 6928(d)(2)(B)).

Southco operated several waste transportation vehicles in the Dallas area. The vehicles were stored at facilities including Al Kel Chemical. In December 2007, the Texas Commission on Environmental Quality (TCEQ) issued a NOV to Al-Kel Alliance, Inc., for storing numerous 55 gallon drums and 350 gallon totes containing unknown chemicals. The NOV also noted two stationary "box trailers" that held totes and drums. TCEQ instructed Al-Kel to evaluate all the containers, including the contents of the two trailers, conduct an adequate waste determination, and ship the waste to an appropriate facility.



Aerial view of trailers concealing thousands of totes and drums

In October 2010, a former Al Kel employee tipped off TCEQ (which then informed U.S. EPA) of hazardous wastes illegally stored at the facility, with some leaking onto the ground.

This case was investigated by the U.S. EPA Criminal Investigation Division and the Texas Commission on Environmental Quality.

Sentencings

United States v. Rodney Beshears, No. 2:14-CR-0006 (E.D. Tex.), AUSA Jim Noble.

On May 26, 2016, Rodney Beshears was sentenced to 12 months and a day of incarceration, followed by two years' supervised release. Beshears, the owner of Taz N Sons Pipeline Construction Company, previously pleaded guilty to violating the Clean Air Act for the illegal removal of an asbestos-covered pipeline (42 U.S.C. § 7413).

In October, 2011, Beshears and others under his direction began the excavation and removal of a Kinder Morgan Tejas Pipeline. Beshears was informed by another contractor that the pipeline was coated with asbestos-containing material (ACM). In December 2011, a state inspector also informed him of the ACM coating. A few weeks later, Beshears received training on the proper removal of ACM.

In January 2012, Beshears excavated another pipeline and was again alerted to the presence of asbestos by a state inspector. He continued to excavate the pipe through March 2012 without wetting the coating, instead removing and pulverizing the ACM to expose the pipe for cutting.

Beshears took the excavated pipe to Jennings Scrap Metal and Salvage to sell it for scrap. The company accepted it, unaware that the pipe was coated in asbestos. Jennings was forced to hire a company to clean up the chips that were knocked off the pipes during the recycling process. Beshears will pay \$9,360 in restitution to Jennings.

This case was investigated by the U.S. EPA Criminal Investigation Division, the Texas Commission on Environmental Quality Criminal Investigation Division, and the Texas Department of Parks and Wildlife.

United States v. Airgas Doral, Inc., No. 1:16-CR-20270 (S.D. Fla.), AUSA Jose Bonau, with assistance from ECS Senior Litigation Counsel Richard Udell.

On May 26, 2016, Airgas Doral, Inc. was sentenced after recently pleading guilty to willfully and recklessly violating the Hazardous Materials Transportation Act (HMTA), causing the deaths of three individuals (49 U.S.C. § 5124). The company will pay a \$4.3 million fine and \$2.7 million in restitution to be equally divided among the three victims' estates. Airgas also will complete a two-year term of probation, to include the following special conditions: implement an environmental compliance plan, obtain an independent auditor, and submit to searches and/or inspection of the corporate properties.

Airgas Doral is a subsidiary of Airgas, Inc., a leading U.S. distributor of industrial, medical, and specialty gases and the successor-in-interest to Airgas South, Inc. that operated the Miami fill plant. Between March 12, 2008 and May 14, 2008, the company made eight shipments of cryogenic liquid Argon in violation of DOT/HMTA regulations designed to ensure the safe shipment of dangerous gases.



Illegal removal of asbestos-covered pipeline

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Sentencings

(Continued from page 12)

The investigation was initiated after three workers died inside the hold of a ship in Port Everglades, Florida, when an Argon tank leaked in May 2008. Argon is heavier than air and if not properly contained, will supersaturate the air and cause suffocation in a confined space. Three stevedores who entered the vessel's hold were asphyxiated and died as a result of their exposure to the gas. Airgas plant employees and managers at the Miami company failed to comply with various required safety measures including, failing to properly inspect this container, failing to take required readings, and failing to have shipping papers accompanying the shipment warning of the dangers and providing critical information about how to store and handle the Argon gas container. Airgas also failed to provide training to its hazmat employees and managers at the Miami facility.

This case was investigated by the U.S. Department of Interior Office of the Inspector General, with assistance from the Pipeline and Hazardous Materials Safety Administration.

United States v. Ferdinand E. Krizan, No. 15-CR-00187 (W.D.N.Y.), AUSA Aaron Mango.

On May 19, 2016, Ferdinand E. Krizan was sentenced to pay a \$30,000 fine into the Lacey Act Reward Fund and will forfeit approximately 100 elephant ivory carvings. Krizan previously pleaded guilty to a Lacey Act violation for trafficking in elephant ivory (16 U.S.C. §§ 3372(1)(1), 3373(d)(1)(B)).

In November 2013, the defendant purchased two elephant tusks from an auction house in Quebec, Canada, for \$4,320 CAD. He had the tusks shipped to an address in Ontario, Canada, where he subsequently transported them into the U.S. In May 2014, Krizan sold the two tusks (along with four additional elephant tusks) to a Massachusetts resident for \$50,000.

In addition to this transaction, Krizan admitted to either buying or selling numerous other wildlife items, including: (1) a Narwhal tusk he sold for \$8,000; (2) two elephant tusks he sold for \$66,000; (3) one elephant tusk he purchased for \$3,130; and (4) one hippo ivory carving he sold for \$1,400. The total value of the wildlife Krizan trafficked was approximately \$142,000.

This case was investigated by the U.S. Fish and Wildlife Service and the N. Y. State Department of Environmental Conservation.



Seized ivory products

Sentencings

United States v. Sunland Pest Control Services, Inc., No. 16-CR-14001 (S.D. Fla.), AUSA Tom Watts-FitzGerald and RCEC Jodi Mazer.

On May 12, 2016, Sunland Pest Control Services, Inc., Grenale Williams, and Canarie Deon Curry were sentenced after previously pleading guilty to charges stemming from the illegal application of a pesticide that resulted in injuries to a child. Williams and Curry will be incarcerated for 12 months, followed by one year of supervised release. The company will complete a five-year term of probation, and a restitution hearing has been scheduled for August 8, 2016.

In June 2015, a family contracted with Terminix for a home fumigation for termites under an existing warranty. Terminix, without warning or approval, subcontracted the job to Sunland. The fumigation occurred over a weekend in August 2015, and the family returned to their home after seeing a posted notice indicating that it was safe to enter. During the evening, several family members became ill, and medical attention was sought for a nine-year-old boy. It was determined that the family's symptoms were consistent with pesticide poisoning.

A subsequent investigation revealed that the defendants failed to, among other things: provide a fact sheet for the pesticide utilized; have the required number of properly trained personnel on site following the application of the pesticide; properly aerate the fumigated space; and conduct clearance testing with an approved Low Fumigant Level Detection Device. The defendants pleaded guilty to a FIFRA violation for the illegal application of sulfuryl fluoride, and Sunland also pleaded guilty to making false statements (7 U.S.C. § 136/(b)(1)(B), 18 U.S.C. § 1001).

This case was investigated by the U.S. EPA Criminal Investigation Division, the Florida Department of Agriculture and Consumer Services Bureau of Pesticide and Incident Response, and the Florida Office of Agricultural Law Enforcement.

Sentencings

***United States v. Yiwei Zheng a/k/a Steve Zheng*, No. 15-CR-00092 (D. Minn.), AUSA Laura M. Provinzino, with assistance from ECS Trial Attorney Gary Donner.**

On May 9, 2016, Yiwei Zheng a/k/a Steve Zheng, a former professor at St. Cloud State University, was sentenced to pay a \$500,000 fine (to go into the Lacey Act Reward Fund), complete a three-year term of probation (to include a six-week period of intermittent confinement), and perform 150 hours of community service.

Zheng operated an online business known as Crouching Dragon Antiques. As part of this business, Zheng offered for sale and sold a variety of objects, including items made from elephant ivory and rhinoceros horn. In May 2011, U.S. Customs and Border Protection officers at the International Mail Facility in Chicago, Illinois, identified a parcel being exported from the United States and destined for an individual in Shanghai, China. The shipper was identified as Professor Zheng. A wildlife inspector determined the package contained a number of elephant ivory carvings. The accompanying paperwork completed by the shipper described the contents as "Chinese artifact: Desk Decorative Item" with a declared value of \$35.



Jewelry box carved from ivory

Investigators determined that Zhen did not possess a CITES permit to export ivory, and that the ivory they had intercepted had, in fact, been purchased from eBay for almost \$7,000. Zheng purchased two rhinoceros horns in July 2010 from an individual in Florida for more than \$20,000 and subsequently smuggled the horns out of the United States to China where they were sold at auction for approximately \$68,000.

Zheng previously pleaded guilty to smuggling and a Lacey Act violation (16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(A); 18 U.S.C. § 554) for smuggling elephant ivory and for illegally exporting rhinoceros horns from the United States. In total, He smuggled into and out of the this country and sold in China and elsewhere, elephant ivory, rhinoceros horn and products with a fair market value in excess of \$1 million.

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

Sentencings

***United States v. Olga Jimenez*, No. 15-CR-02867 (S.D. Calif.), AUSA Melanie Pierson.**

On May 6, 2016, Olga and Jose Jimenez were sentenced to six months' incarceration, after previously pleading guilty to smuggling approximately 900 sea turtle eggs from endangered Olive Ridley and Kemp's Ridley sea turtles into the United States from Mexico (18 U.S.C. § 545). In imposing sentence, the court noted that the case involved the largest seizure in U.S. history of sea turtle eggs imported from Mexico, and the method of transportation (26 hours on ice by bus) killed the eggs, precluding any mitigation.

In November 2014, Olga Jimenez boarded a bus destined for Tijuana with a large cooler containing a number of small plastic bags filled with sea turtle eggs. Jose Jimenez drove from Hemet, California, to the Mexican border and crossed into Mexico as a pedestrian with two small coolers. At the bus station in Tijuana, the defendants moved the sea turtle eggs from the large cooler to the two smaller ones, concealing them under layers of ice, fish, and shrimp.

Two of the defendants' sons had traveled to Mexico to meet their aunt and drive her from the bus station in Tijuana to her residence in the Los Angeles area. The defendants asked their son to take the two coolers across the border in his pick-up truck. Their sons agreed after being told that the coolers contained only fish and shrimp, presuming the coolers would be dropped off at their parents' home in Hemet.

The sons and their aunt attempted to enter the U.S. in the pick-up truck, while the defendants entered the U.S. as pedestrians. At the San Ysidro Port of Entry, their son driving declared the fish and shrimp he was told were in the cooler. The border inspectors began searching the cooler and quickly discovered the contraband sea turtle eggs. When confronted with the eggs, all three individuals in the pick-up truck told the officers that they were unaware of the eggs' origin or presence.

Olga Jimenez has been stopped at the border on several occasions for attempting to bring seafood and protected species into this country. She paid numerous administrative penalties (and was labelled a recidivist) for attempting to bring a commercial quantity of seafood into the U.S. over an approximately ten-year span.

The significance of the defendants' illegal acts is further heightened by the scarcity of olive ridley sea turtles in Mexico. According to NOAA, the Nayarit area currently has a nesting population of only 100 females. The impact of poaching on this small population is more significant than on a large nesting beach, as sea turtles come back to the same beach from which they hatched. The 911 eggs taken by the defendant represent 4.3% of the total egg production for that nesting season at the beach in Nayarit.

A hearing is scheduled for June 10, 2016, to determine the amount of restitution to be paid to the government of Mexico for the loss of its natural resource.

This case was investigated by the U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration Office of Law Enforcement.

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Trial Attorney	Ryan Connors	████████
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Trial Attorney	Thomas Franzinger	████████
Trial Attorney	Christopher Hale	████████
Trial Attorney	Joel LaBissonniere	████████
Trial Attorney	Leslie Lehnert	████████
Trial Attorney	Charlie Lord	████████
Trial Attorney	Brandy Parker (USCG)	████████
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

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

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

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

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