



# Bulletin

## Environmental Crimes Section

November 2021

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“We hope that today’s sentencings cause people to think twice before engaging in irresponsible and reckless behavior in the vicinity of an active pipeline,” said Andrea M. Kropf, Special Agent-in-Charge, Midwestern Region, U.S. Department of Transportation Office of Inspector General. “Working with our federal law enforcement and prosecutorial partners, we will continue our vigorous efforts to protect the safety and integrity of the pipeline transportation system, as well as our nation’s natural resources and environment.” From [press release](#) following the sentencing of Eric Jay Weckwerth-Pineda and Tanner John Sik. Photo depicts emergency personnel responding to pipeline discharge caused by the defendants. See, [below](#), for more details on this case.



District/Circuit	Case Name	Statutes
Eastern District of California	<b>United States v. Luis Madrigal-Reyes, et al.</b> <b>United States v. Everado Cuadro Campos</b> <b>United States v. Jeremiah Young, et al.</b>	<b>Marijuana Cultivation/Drugs, Depredation to Public Lands</b> <b>Biodiesel Manufacturer/CWA, Conspiracy, Tampering</b>
Northern District of California	<b>United States v. James Philip Lucero</b>	<b>Wetlands/CWA</b>
Southern District of California	<b>United States v. Evangelina Amaro</b> <b>United States v. WellgreensCA, Inc., et al.</b> <b>United States v. Esther Guadalupe Garibay Chirinos</b> <b>United States v. Kathy Velazquez Montufar</b> <b>United States v. Jesus Mauricio Reyes, et al.</b>	<b>Parrot Smuggling/Smuggling</b> <b>Hazardous Waste Abandonment/ RCRA</b> <b>Pesticide Smuggling/Conspiracy, FIFRA, Smuggling</b>
District of Connecticut	<b>United States v. John Magness, et al.</b>	<b>Boat Scuttling/RHA</b>
Middle District of Florida	<b>United States v. Alcir DeSouza</b>	<b>Worker Safety/False Statement, OSHA</b>
Southern District of Florida	<b>United States v. Gary Tucker</b>	<b>Primate Trafficking/False Statement</b>
Middle District of Georgia	<b>United States v. Shaquille Bentley, et al.</b>	<b>Dog Fighting/Animal Fighting Venture, Conspiracy</b>



District/Circuit	Case Name	Case Type/Statutes
District of Kansas	United States v. Wyatt A. Travnichuk	Municipal Employee/SDWA, Tampering
Western District of Kentucky	United States v. Charles L. Stinson, et al.	Brine Waste Injections/SDWA, Recidivist
Eastern District of Louisiana	United States v. Empire Bulkers Ltd., et al. United States v. Vincent F. Rivere, et al.	Vessel/APPS, Obstruction, PWSA Turtle Sales/Lacey Act
District of Minnesota	United States v. Tanner J. Sik, et al.	Pipeline Discharge/CWA
District of Montana	United States v. Signal Peak Energy, LLC, et al.	Mine Operations/Extortion, MSHA, OSHA, Tax
District of New Jersey	United States v. Kang Juntao	Turtle Sales/Money Laundering
Eastern District of New York	United States v. Francis Gurahoo	Songbird Smuggling/Smuggling
Northern District of New York	United States v. William Saiff, III	Hunting over Bait/Lacey Act, Recidivist
District of North Dakota	United States v. Stephan T. Reisinger	Worker Safety/OSHA, Obstruction
Western District of Oklahoma	United States v. James Love	Vehicle Emissions Tampering/CAA
Western District of Tennessee	United States v. DiAne Gordon	Wastewater Sampling/CWA, False Statement
Eastern District of Virginia	United States v. Odell S. Anderson, et al.	Dog Fighting/Animal Welfare Act, Conspiracy



## Indictments

***United States v. Charles L. Stinson, et al.*, No. 1:21-CR-00044 (W.D. Ky.), AUSA Joshua Judd.**

On October 13, 2021, prosecutors charged Logsdon Valley Oil, Inc., a/k/a Hart Petroleum (Logsdon), and operator Charles L. Stinson, with violating the Safe Drinking Water Act (SDWA) (18 U.S.C. § 300h-2(b)(2)).

Logsdon is a Kentucky corporation that owns and operates several oil production wells and tank batteries. On September 13, 2021, Stinson and Logsdon injected fluids into a sinkhole that was not permitted or authorized for underground injection. The defendants previously violated the SDWA in 2013 for the same activity in the very same area. In the previous case, they admitted to injecting brine water (fluids brought to the surface in connection with oil production) from the tank battery to sinkholes and injecting the produced brine water into sinkholes, over an approximately four-year period.

In the previous matter, the court sentenced the defendants jointly and severally for the following fines: \$25,000 to be paid to the Commonwealth of Kentucky; \$10,000 to the U.S. Environmental Protection Agency, and \$10,000 to the U.S. government.

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

***United States v. Empire Bulk Ltd., et al.*, No. 2:21-CR-00126 (E.D. La.), ECS Senior Litigation Counsel Richard Udell, ECS Senior Trial Attorney Ken Nelson, AUSA G. Dall Kammer, and ECS Paralegal Samantha Goins.**

On October 1, 2021, prosecutors charged Empire Bulk Ltd., Joanna Maritime Limited, and Chief Engineer Warlito Tan, with violating the Act to Prevent Pollution from Ships, the Ports and Water Ways Safety Act (PWSA), and obstruction of justice (33 U.S.C. § 1908; 46 U.S.C. § 70036; 18 U.S.C. §§ 1505, 1519.) Trial is scheduled to begin on February 7, 2022.

Empire operated the *MV Joanna*, a Marshall Islands registered Bulk Carrier, owned by Joanna Maritime. Between October 2020 and March 2021, the companies and Tan tampered with oil pollution prevention equipment and falsified the ship's oil record book. The Coast Guard confirmed that the crew bypassed the ship's oily water separator by inserting a piece of metal into the oil content meter, causing it to detect clean water instead of the overboard discharges. The defendants falsified the log, seeking to obstruct the Coast Guard's inspection.

The defendants also violated the PWSA by failing to immediately report a hazardous situation that affected the ship's safety and threatened U.S. ports and waters. During the inspection on March 11, 2021, the Coast Guard discovered an active fuel oil leak in the ship's purifier room resulting from disabling the fuel oil heater pressure relief valves. This safety feature is designed to prevent catastrophic fires and explosions.

The U.S. Coast Guard Criminal Investigations Division conducted the investigation.



## Guilty Pleas

***United States v. DiAne Gordon*, No. 2:21-CR-20239 (W.D. Tenn.), ECS Trial Attorney Banu Rangarajan, AUSA Dean DeCandia, and ECS Paralegal Claudia Garin.**

On October 26, 2021, DiAne Gordon pleaded guilty to making and using material false documents in connection with fabricating Clean Water Act (CWA) discharge monitoring reports (DMRs) (18 U.S.C. § 1001(a)(3)). Sentencing is scheduled for March 22, 2022.

Gordon co-owned and worked as the chief executive officer for Environmental Compliance and Testing (ECT). ECT claimed to offer full-service environmental consulting services, including, among other things, sampling and testing of stormwater, process water, and wastewater. A federal investigation began in late March 2021 after Mississippi Department of Environmental Quality (MDEQ) personnel noticed several discrepancies in the DMR data submitted by ECT/Gordon. Law enforcement officials subsequently determined that, since 2017, Gordon created and submitted, or caused the submission of, approximately 400 falsified lab reports and chain of custody forms provided to Mississippi and Tennessee state regulators.

Customers, typically concrete companies, hired ECT to take and analyze samples to ensure compliance with the CWA general National Pollution Discharge Elimination System permit requirements. Gordon claimed she gathered and forwarded samples to a full-service environmental testing laboratory, as well as submitted the results to the MDEQ and Tennessee Department of Environment and Conservation. In reality, Gordon fabricated the test results and related reports, and forged documents from a reputable testing laboratory. She then billed her clients for the sampling and analysis.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation, with assistance from the Mississippi Department of Environmental Quality and the Tennessee Department of Environment and Conservation.

***United States v. Alcir DeSouza*, No. 3:21-CR-00099 (M.D. Fla.), ECS Senior Trial Attorney Daniel Dooher and ECS Law Clerk Amanda Backer.**

On October 21, 2021, Alcir DeSouza pleaded guilty to making a false statement during an Occupational Safety and Health Administration (OSHA) investigation (18 U.S.C. § 1001).

DeSouza owned DeSouza Framing, Inc. (DFI), a residential and commercial framing contractor, located in St. John, Florida. On December 20, 2017, DFI employees worked at a jobsite in St. John, Florida. An OSHA inspector arrived onsite to investigate allegations that the site framing contractor failed to provide fall protection for the employees.

Although DeSouza was not at the site, the OSHA inspector spoke with a DFI employee to determine whether DFI and employees complied with applicable OSHA

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## Guilty Pleas

*(Continued from page 5)*

regulations. After further investigation, the OSHA inspector interviewed DeSouza. During the interview, in an attempt to evade responsibility for worker safety at the jobsite and possible fines, DeSouza claimed that he subcontracted with another company to perform the framing work at the site, which he knew was completely false. DFI dissolved as a corporation in July 2018.

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

***United States v. Wyatt A. Travnichek*, No. 5:21-CR-40029 (D. Kans.), AUSA Christine Kenney.**

On October 20, 2021, Wyatt A. Travnichek pleaded guilty to violating the Safe Drinking Water Act for tampering with a public water system and damaging a protected computer during unauthorized access (42 U.S.C. § 300i-1(a); 18 U.S.C. § 1030(a)(5)(B)). Sentencing is scheduled for February 23, 2022.

Travnichek worked for the Post Rock Rural Water District (Post Rock). Post Rock served as a public water system for consumers in eight Kansas counties. As part of his job responsibilities, Travnichek periodically logged into the Post Rock computer system to monitor the plant after hours.

On March 27, 2019, Travnichek hacked into the Ellsworth County Rural Water District's protected computer system without authorization. He then performed activities that shut down cleaning and disinfecting processes at the facility.

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

***United States v. James Love*, No. 5:21-CR-00264 (W.D. Okla.), AUSA Charles W. Brown.**

On October 7, 2021, James Love pleaded guilty to violating the Clean Air Act for tampering with a monitoring device (42 U.S.C. § 7413(c)(2)(C)).

Love owned and operated Southwest Diesel Service. Between February 2015 and April 2019, Love caused others to modify and delete the emissions control systems of diesel engines. He did this by removing the emissions control components and replacing the relevant portion of the exhaust system with straight pipes or by hollowing out and replacing the existing emissions control system. Love then caused others to "tune" the heavy-duty diesel trucks by reprogramming the trucks' onboard diagnostic systems. This prevented the trucks from going into "limp mode," precluding the triggering of a malfunction indicator light.

The U.S. Environmental Protection Agency Criminal Investigation Division and the Oklahoma Department of Environmental Quality conducted the investigation.



## Guilty Pleas

***United States v. Signal Peak Energy, LLC, et al.*, Nos. 1:19-CR-00159, 1:21-CR-00079, 00080 (D. Mont.) AUSAs Colin M. Rubich, Zeno B. Baucus, and Timothy Tatarka.**

On October 7, 2021, underground coal mine operator Signal Peak Energy, LLC, pleaded guilty to four counts of willfully violating Mine Safety and Health Act (MSHA) standards (30 U.S.C. § 802(d)). Sentencing is scheduled for January 31, 2022.

The Signal Peak Energy (SPE) prosecution is part of a broad corruption investigation into mine management and operations that resulted in worker safety and environmental convictions, as well as embezzlement, tax evasion, bank fraud, money laundering, drugs and firearms violations.

Former mine officials convicted include Larry Wayne Price, Jr., a former vice president of surface operations, who was sentenced to prison for defrauding companies out of \$20 million; and Zachary Ruble, former surface mine manager, sentenced to probation for conspiring to defraud SPE of \$2.3 million. A third former mine official, Dale Lee Musgrave, former vice president of underground operations, is pending trial after prosecutors charged him with making false statements in mine records and trafficking in cocaine.

Associated cases include Stephen P. Casher, a former Rocky Mountain Bank loan officer, sentenced to prison and fined on bank fraud and money laundering charges for a loan scheme involving Price; James and Timilynn Kisling, owners of Kisling Quality Builders, sentenced to probation and fined for evading taxes in a scheme involving the construction of Price's residence; Nevada resident Mark Luciano, sentenced to prison for conviction on trafficking cocaine; and Todd Alan Irwin, Price's secretary, sentenced to probation for being a felon in possession of firearms. Robert Wayne Ramsey, owner of Peters Equipment Company, pleaded guilty to wire fraud on November 17, 2021, for an equipment sale's scheme.

Between 2013 and 2018, SPE routinely violated the Mine Safety and Health Act's health and safety standards while operating the mine, in addition to environmental and worker safety standards. These violations also occurred with the full knowledge, direction and participation of the mine's most senior management during that period, including the president and CEO, the vice president of surface operations, the vice president of underground operations and the safety manager.

During the summer of 2013, SPE's senior managers directed mine employees to improperly dispose of mine waste by pumping the waste into abandoned sections of the mine. This waste, known as "slurry," consisted of wastewater, industrial chemicals used in the mining process, and unprocessed soil containing heavy metals (including arsenic and lead.) Mine employees pumped this slurry into an abandoned section of the mine for approximately two weeks, until the section was full. Disposing of mine waste in this manner

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## Guilty Pleas

*(Continued from page 7)*

required approval of both MSHA and EPA approval, which SPE did not obtain.

During the spring of 2015, SPE agents commissioned the drilling of two bore holes through the ground leading to another abandoned section of the mine. Senior mine managers directed employees to pump more slurry through the bore holes for approximately six weeks. The pumping stopped after discovering the slurry breached seals between the abandoned mine works and the operating mine, causing flooding in the active mine areas. SPE obtained a permit to inject water into the ground through the bore holes, but this permit did not allow for slurry waste disposal.

In January 2018, SPE failed to report an employee injury. While moving equipment in the mine, a large piece fell onto "John Doe 1's" hand crushing his finger, and requiring amputation. Doe 1 met with the safety manager, who began driving him to the hospital for medical treatment. On the way, Doe 1 received a phone call from the underground operations vice president (VP). The VP pressured Doe 1 not to report the injury as work related and said that he would make it worth his while. The safety manager witnessed this, but did not intervene. The safety manager then dropped Doe 1 at the hospital rather than accompanying him inside pursuant to mine policy. Doe 1 told hospital staff that the injury occurred at home. As a result, sometime later, Doe 1 received an envelope containing \$2,000 from the VP.

In May 2018, SPE failed to report another injured worker. This employee, identified as John Doe 2, was working in the underground portion of the mine when rock sluffed off the wall and onto Doe 2's head, causing a severe laceration. The shift manager immediately called the safety manager. The safety manager met Doe 2 and drove him away from the mine with the stated intention to take him to the hospital. Instead, the safety manager drove Doe 2 home, where he waited until the next morning to seek medical attention. Doe 2 told hospital staff that a shelf fell on his head in his garage at home. Doctors treated the laceration and Doe 2 returned to work for his next scheduled shift. Doe 2's injuries prevented him from working for several days following the accident. Management subsequently charged him vacation leave.

The Internal Revenue Service, the Federal Bureau of Investigation, and the U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.



## Guilty Pleas

### ***United States v. Evangelina Amaro*, No. 21-CR-01932 (S.D. Calif.), AUSA Melanie Pierson.**

On October 5, 2021, Evangelina Amaro pleaded guilty to smuggling 22 parrots into the United States from Mexico (18 U.S.C. § 545). Sentencing is scheduled for January 21, 2022.

Authorities apprehended Amaro in June 2021 as she entered the United States at the San Ysidro Port of Entry in San Diego. After telling the primary inspector she had nothing to declare, a screeching sound arose from the vehicle's driver side front door. Using a flashlight, the inspector saw the birds concealed within the car door.

At the secondary inspection area, agents removed the driver's side and passenger's side front interior door panels, revealing 22 parrots inside mesh bags. An agriculture specialist identified all as Yellow Crowned Amazon parrots.

Amaro stated that she entered Mexico to visit family members. While in Mexico, an associate offered her \$500 to smuggle the parrots into the United States. Officials sent all the parrots to New York for quarantine.

The U.S. Customs and Border Patrol and the U.S. Fish and Wildlife Service conducted the investigation.



*Parrot discovered inside door panel*



## Sentencings

### ***United States v. WellgreensCA, Inc., et al.***, No. 3:19-CR-02439 (S.D. Calif.), AUSA Melanie Pierson.

On October 27, 2021, a court sentenced Nadia Malloian to pay a \$15,000 fine, complete a three-year term of probation, and \$26,482 in restitution paid between the San Diego County Department of Environmental Health Services, the California Department of Toxic Substances Control, and the California Department of Transportation.

Malloian worked as a manager for WellgreensCA, Inc., a company that processed cannabis to extract oils for sale. During the manufacturing process, WellgreensCA generated various wastes, including 55-gallon drums of waste ethanol, an ignitable hazardous waste. As a large quantity hazardous waste generator, the Resource Conservation and Recovery Act (RCRA) required the company to transport all hazardous waste off site, with a hazardous waste manifest.

Between February and June 2018, WellgreensCA, Malloian, and company owner Lunar Louissa, paid an individual, R.U. (deceased) to take drums of ethanol waste and dispose of them behind a number of buildings. In May 2018, R.U. abandoned drums behind a supermarket (along with laboratory reports). A supermarket employee contacted local authorities who subsequently traced the barrels back to WellgreensCA, after contacting the laboratory noted in the reports.

The company and Louissa pleaded guilty to violating RCRA for transporting hazardous waste without a manifest. Malloian pleaded guilty to Accessory After-the-Fact (18 U.S.C. §3; 42 U.S.C. § 6928(d)(5)). WellgreensCA and Louissa are scheduled for sentencing on January 10, 2022.

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



*Abandoned drums*



## Sentencings

***United States v. Esther Guadalupe Garibay Chirinos*, No. 3:20-CR-02871 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On October 26, 2021, a court sentenced Esther Guadalupe Garibay Chirinos to complete a four-year term of probation and pay \$12,000 in restitution. Chirinos pleaded guilty to conspiracy to violate the Federal Insecticide, Fungicide, and Rodenticide Act (18 U.S.C. § 371).

In August 2020, authorities apprehended Chirinos as she attempted to drive into the United States from Mexico at the San Ysidro Port of Entry in San Diego. A subsequent inspection of her vehicle yielded 120 bottles of the following highly toxic and cancelled/restricted-use unregistered Mexican pesticides: four one-liter bottles of “Arquia 18 CE”, thirty one-liter bottles of “Metralla Max”, eleven one-liter bottles of “Palgus”, twelve one-liter bottles of “Ami Krone”, thirty one-liter bottles of “Hortimec”, twenty-four one-liter bottles of “Magister”, and nine one-kilogram packages of “Gro Green Campbell Fertilizante.

Those involved in clandestine marijuana grows use these and other illegal pesticides to cultivate unregulated marijuana on both public and private land.

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

***United States v. Vincent F. Rivere, et al.*, No. 2:20-CR-00151 (E.D. La.), AUSA Jon Maestri.**

On October 26, 2021, a court sentenced Vincent F. Rivere and his wife, Megan L. Shoemaker, to complete one-year terms’ of probation. They both pleaded guilty to violating the Lacey Act for illegally selling Louisiana box turtles (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B)).

Investigators initiated an undercover investigation after receiving information from a confidential informant that the defendants illegally captured and sold common box turtles, a protected species, exporting them to New Jersey. In July 2017, an undercover agent purchased turtles from them in an Office Depot parking lot for approximately \$700. Agents arrested the pair, following the transaction.

The United States Fish and Wildlife Service, Homeland Security Investigations, and the United Postal Service conducted the investigation.



## Sentencings

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

On October 25, 2021, a court sentenced John Magness to pay a \$45,000 fine, complete a two-year term of probation, perform 50 hours' community service, and pay \$12,181 in restitution. Magness is the final defendant sentenced in this case involving the scuttling of several abandoned vessels (including sail boats and motor boats) in Long Island Sound.

Magness owned Bluefish Cove Marina in Bridgeport, Connecticut. While preparing to sell the property in 2018, Magness and Peter Albrecht (a marina employee) engaged Carlos Santos to sink several abandoned vessels in the Sound, without a permit. Magness agreed to forgive Santos' unpaid dockage fees in exchange for his help.

The court sentenced Santos to pay a \$500 fine, complete a one-year term of probation, and perform 50 hours of community service. Albrecht will pay a \$1,000 fine, complete a one-year term of probation, and perform 30 hours of community service. All three pleaded guilty to violating the Rivers and Harbors Act (33 U.S.C. §§ 409, 411).

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



*Sailboat prior to scuttling (deliberate sinking of the boat)*

***United States v. James Philip Lucero***, No. 4:16-CR-00107 (N.D. Calif.), ECS Trial Attorney Matt Evans and AUSA Frank Riebli.

On October 20, 2021, a court sentenced James Philip Lucero to complete a one-year term of probation, with a special condition of six months' home confinement. Lucero pleaded guilty to a single felony count of unpermitted discharge of fill material into a wetland, in violation of the Clean Water Act (CWA) (33 U.S.C. §§ 1311, 1319 (c)(2)).

During a drought in July and August 2014, Lucero illegally discharged fill material. Lucero organized and personally executed the dumping and spreading of hundreds of dump-truck-sized loads of fill material, without permission from the property owner, and without a U.S. Army Corps of Engineers permit as required under Section 404 of the CWA (33 U.S.C. § 1344).

Prosecutors charged Lucero with three felony CWA counts for unpermitted discharges into a tributary and into wetlands. A jury tried and convicted Lucero in 2018 on all three counts. The Ninth Circuit reversed the convictions, holding that the District Court committed reversible error by improperly omitting from the jury instructions that the

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## Sentencings

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government must prove the defendant knew the discharge of fill material was “into water.” *United States v. Lucero*, 989 F.3d 1088, 1097 (9th Cir. 2021).

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

***United States v. Christopher Casacci*, No. 20-CR-00005 (W.D.N.Y.), ECS Trial Attorney Patrick Duggan, AUSA Aaron Mango, and ECS Paralegal Jillian Grubb.**

On October 18, 2021, a court sentenced Christopher Casacci to 18 months’ incarceration, followed by two years’ supervised release. Casacci pleaded guilty to violating the Lacey Act and the Animal Welfare Act (AWA) for trafficking African wild cats in the exotic pet trade (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B); 7 U.S.C. §§ 2134, 2149(e)).

Between November 2017 and June 2018, Casacci imported and sold caracals and servals. Caracals, also known as the “desert lynx,” are wild cats native to Africa, and grow to approximately 45 pounds. Servals, also wild cats native to Africa, grow to approximately 40 pounds. Both species are protected by the Convention on International Trade in Endangered Species.

Casacci, doing business as “ExoticCubs.com,” illegally sold these cats as pets. He disguised his commercial activity by falsely declaring the animals as domesticated breeds, such as savannah cats and Bengal cats, on shipping records. Casacci also failed to obtain proper licensing necessary for lawfully selling animals, under the AWA.

The U.S. Fish and Wildlife Service and the New York State Department of Environmental Conservation conducted the investigation.



Serval



## Sentencings

### *United States v. Luis Madrigal-Reyes, et al.*, No. 1:19-CR-00186 (E.D. Calif.), AUSA Karen Escobar.

On October 18, 2021, a court sentenced Luis Madrigal-Reyes to 29 months' incarceration for conspiring to manufacture, distribute, and possess with intent to distribute marijuana (21 U.S.C. §§ 841, 846.). The court also ordered him to pay \$48,000 in restitution to the U.S. Forest Service for extensive environmental damage. Co-defendant Lester Eduardo Cardenas-Flores was sentenced to the same terms on November 15, 2021.

In August 2019, law enforcement officers located more than 2,000 marijuana plants in the Dutch Oven Creek area of the Sierra National Forest. Agents apprehended the defendants after observing them carrying fertilizers and bags of groceries into the grow site.

The operation caused extensive environmental damage to the area, which serves as habitat for the endangered Sierra Nevada yellow-legged frog, and the California spotted owl (a species under consideration for endangered-status listing). Agents found deadly banned pesticides sprayed directly onto plants (depicted above.) The defendants also diverted water from the creek to irrigate the plants. The creek is part of the Chiquito Creek watershed, which drains into the Fresno River, before flowing into the San Joaquin River.

The environmental impact of the cultivation operation cannot be overstated. The defendants created eight separate plots, removing all native brush and vegetation. They destroyed large numbers of softwood trees ranging in size from 3 feet to greater than 10 feet in diameter.

According to biologists who assessed the grow site, the marijuana plants required an average of 9.5 gallons of water per day. Thus, 2,307 marijuana plants used close to 22,000 gallons daily. Given that the average growing cycle is 150 days, the plants would require 8.55 million gallons of water for the growing season.

The U.S. Forest Service conducted the investigation, with assistance from the California National Guard, the California Department of Justice's Campaign Against Marijuana Planting, the Madera County Sheriff's Office, and the Integral Ecology Research Center.



*Marijuana plant sprayed with pesticide*



## Sentencings

***United States v. Kathy Velazquez Montufar*, No. 3:21-CR-02057 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On October 14, 2021, a court sentenced Kathy Velazquez Montufar to one day of time-served, followed by one year of supervised release. Montufar also will pay \$1,085 in restitution, after pleading guilty to conspiring to violate the Federal Insecticide, Fungicide, and Rodenticide Act (18 U.S.C. § 371).

Authorities apprehended Montufar on June 17, 2021, as she entered the United States from Mexico at the San Ysidro Port of Entry. Upon inspecting her vehicle, they found 36 one-liter bottles of Monitor 600, an illegal Mexican pesticide.

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. Stephan T. Reisinger*, No. 1:19-CR-00240 (D.N.D.), ECS Senior Trial Attorney Chris Costantini, AUSA Gary Delorme, and former Law Clerk Fred Ingram.**

On October 14, 2021, a court sentenced Stephan T. Reisinger to complete an 18-month term of probation. Reisinger pleaded guilty to obstructing an Occupational Safety and Health Administration (OSHA) proceeding into the death of an oilfield worker in 2014 (18 U.S.C. § 1505).

Reisinger worked as a Maintenance Manager at Nabors Completion and Production Services Company (NCPS) at its Williston, North Dakota facility. He supervised approximately 40 employees, including Dustin Payne.

On October 3, 2014, Payne welded on an uncleaned tanker trailer that previously carried "produced water," a liquid waste generated by oil wells containing flammable chemicals and explosive vapor residue. After the tank exploded, Payne died five days later from his injuries. When questioned by OSHA, Reisinger falsely stated that he "did not" know that welding on produced water trailer tanks was hazardous and that he thought the tanks held "just water."

C&J Well Services, the corporate successor to NCPS, previously pleaded guilty to charges related to Payne's death. A court sentenced the company in August 2019, to pay \$2.1 million in fines and restitution.

The Occupational Safety and Health Administration, the U.S. Environmental Protection Agency Criminal Investigation Division, and the U.S. Department of Transportation Office of the Inspector General, conducted the investigation, with assistance from the Bureau of Alcohol, Tobacco, Firearms, and Explosives.



## Sentencings

### ***United States v. Gary Tucker*, No. 1:21-CR-20263 (S.D. Fla.), AUSA Tom Watts-FitzGerald.**

On October 13, 2021, a court sentenced Gary Tucker to complete a three-year term of probation, with a special condition of three-months' home confinement. Tucker also will pay a \$5,000 fine. Tucker pleaded guilty to lying to federal agents during an investigation into international primate trafficking into the United States (18 U.S.C. § 1001(a)(2)).

A long-time participant in the non-human primate (NHP) import business, Tucker worked for a number of companies, coordinating their supply lines from Asia to the United States and directing operations at quarantine facilities. After inspecting some shipments, investigators found discrepancies in the accompanying paperwork. Individuals also incinerated deceased animals and other evidence, prompting investigators to speak to Tucker.

Agents questioned Tucker in July 2019, about his involvement in the NHP business. In particular, they asked him whether he or others working for his employer, Orient BioResource Center (OBRC), had prepared or submitted to OBRC any audits or reports concerning visits to supplier sites in Cambodia. Tucker responded in the negative, stating no paperwork existed that documented supplier site visits, and he denied that any written audit reports were provided to OBRC. In fact, Tucker knew that such documentation was standard procedure.

The U.S. Fish and Wildlife Service conducted the investigation, with assistance from Homeland Security Investigations.

### ***United States v. William Saiff, III*, No. 5:19-CR-00456 (N.D.N.Y.), AUSA Michael Perry.**

On October 7, 2021, a court sentenced William Saiff, III, to pay a \$20,000 fine, and complete a three-year term of probation, with a special condition of 120 days' home confinement. The court further banned Saiff from any hunting or guiding activity while under supervision.

Saiff pleaded guilty to violating the Lacey Act for hiring guides to lead hunters on illegal waterfowl hunts over baited ponds (16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(B)).

Saiff is a professional hunting guide and fishing charter captain. For 18 years, Saiff hosted the popular hunting and shooting sports program *Cabin Country* as seen on Public Television Stations across the country.

In October and November 2018, Saiff directed guides and clients to hunt wild ducks over ponds he baited. Saiff charged a total of 17 hunters \$300 per day of hunting, for four illegal guided hunts. During this period, Saiff was subject to a 17-month term of probation



*Baited pond*

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## Sentencings

(Continued from page 16)

imposed in 2017 for the same hunting-over-bait violation.

For violating probation, the court ordered Saiff to serve 90 additional days' home confinement.

The U.S. Fish and Wildlife Service and the New York State Department of Environmental Conservation conducted the investigation.

### ***United States v. Francis Gurahoo, No. 1:19-CR-00315 (E.D.N.Y.) AUSA John Vagelatos.***

On October 7, 2021, a court sentenced Francis Gurahoo to complete a three-year term of probation. Gurahoo pleaded guilty to smuggling nearly three dozen live finches through John F. Kennedy Airport (18 U.S.C. § 545.)

Authorities arrested Gurahoo in June 2019, after arriving on a flight from Georgetown, Guyana. Customs officials found 34 live birds in his carry-on luggage hidden inside individual plastic hair curlers.

Enthusiasts place wages on finches from Guyana used for singing contests in Brooklyn and Queens. Gurahoo planned to sell them for approximately \$3,000 each, or a total of more than \$100,000. Authorities were forced to euthanize all the birds.

The U.S. Fish and Wildlife Service and Customs and Border Protection conducted the investigation.



*Bird smuggled inside plastic curlers*



## Sentencings

***United States v. Jesus Mauricio Reyes, et al.*, No. 3:20-CR-02711 (S.D. Calif.),  
ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On October 7, 2021, a court sentenced Jesus Mauricio Reyes to complete a two-year term of probation and to pay \$2,500 in restitution. Reyes pleaded guilty to conspiracy (18 U.S.C. § 371).

Authorities apprehended Reyes and co-defendant Mariaelisa Macias in July 2020 as they entered the United States from Mexico with undeclared pesticides (including Furadan, Biomec, Biozyme, and Etoxozole). Macias was sentenced to complete a two-year term of probation and to pay \$2,500 in restitution.

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. Shaquille Bentley, et al.*, Nos. 5:21-CR-00003, 00040 (M.D. Ga.), ECS Trial Attorney Banu Rangarajan, AUSA William Keyes, and ECS Law Clerks Amanda Backer and Nate Borelli.**

On October 7, 2021, a court sentenced Shaquille Bentley to 13 months' incarceration, followed by one year of supervised release. Jarvis Lockett pleaded guilty to conspiring to participate in an animal fighting venture and distribution of cocaine. On October 5, 2021, Jason Carter was ordered to serve 97 months' incarceration, Reginald Crimes received 24 months, and Lee Benney will serve 21 months. All are subject to three years' supervised release.

Prosecutors variously charged several defendants with Animal Welfare Act, conspiracy, and drug violations: Christopher Raines, Armard Davis, Vernon Vegas, Lekey Davis, Kathy Ann Whitfield, Bryanna Holmes, Rodrick Walton, Derick Owens, Crimes, Lockett, Carter, Bentley, and Benney (18 U.S.C. §§ 371, 49; U.S.C. §§ 2156(a)(1), (b); 21 U.S.C. §§ 841, 844, 846).

Between May 2019 and February 2020, Lockett, Owens, Raines, Davis, Walton, Benney, and Crimes 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.



## Sentencings

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

On October 6, 2021, a court sentenced Tanner J. Sik and Eric J. Weckwerth-Pineda to complete one-year terms' of probation and to pay \$1,138,772 in restitution. Both pleaded guilty to violating the Clean Water Act for negligently discharging a pollutant (33 U.S.C. §§ 1311(a), 1319(c)(1)(A)).

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 Yellow Medicine 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." Later that day, Weckwerth-Pineda and Sik returned to the area, realized the pipeline was leaking, and reported the leak to authorities.

Pipeline owner Magellan Midstream Partners, L.P., estimated that close to 4,000 gallons of fuel spilled into the creek and the 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, the U.S. Coast Guard, and the Lyon County Sheriff's Office.



*Spill cleanup*



## Sentencings

### ***United States v. Everado Cuadro Campos*, No. 2:18-CR-00143 (E.D. Calif.), AUSA Justin Lee.**

October 6, 2021, a court sentenced Everado Cuadro Campos to time-served, followed by three years' supervised release. Campos also will pay \$13,597 in restitution to the U.S. Forest Service.

Campos pleaded guilty to conspiracy to manufacture marijuana, and damage to public lands and natural resources (21 U.S.C. §§ 841, 846; 18 U.S.C. § 1361).

Officers apprehended Campos on July 17, 2018, as he tended marijuana plants in the Shasta-Trinity National Forest. They found chemicals, garbage, and human waste throughout the site, with water diverted from the Rock Creek drainage area. The officers eradicated more than 5,000 plants.

The U.S. Forest Service and the California Department of Fish and Wildlife conducted the investigation.

### ***United States v. Odell S. Anderson, Sr., et al.*, Nos. 3:21-CR-00023 - 00026 (E.D. Va.), ECS Trial Attorney Shennie Patel, AUSA Olivia L. Norman, and ECS Paralegal John Jones.**

On October 6, 2021, a court sentenced Emmanuel A. Powe, Sr., and Odell S. Anderson, Sr., to 18 months' incarceration, followed by three years' supervised release, for their roles in a multi-state dog fighting conspiracy (7 U.S.C. § 2156; 18 U.S.C. §§ 49 and 371). Anderson also took a minor to a dog fight (7 U.S.C. § 2156(a)(2)(B)). The court also sentenced Anderson to 18 months for this violation, to be served concurrently with the conspiracy violation.

Co-conspirator Chester A. Moody was previously sentenced to serve one year and one day of imprisonment, followed by one year of supervised release. Moody also will perform 120 hours of community service. Co-conspirator Carlos L. Harvey is scheduled for sentencing in December 2021.

Beginning in 2013 through July 2018, the defendants and others participated in animal fighting ventures, involving training, transporting, breeding, and dog fighting setups, including at least one specific "two-card" dog fighting event on April 2, 2016. The fights extended across the District of Columbia, Maryland, Virginia, and New Jersey. Authorities executed multiple search warrants leading them to the discovery of the conspiracy.

This case is part of Operation Grand Champion. The U.S. Department of Agriculture Office of the Inspector General conducted the investigation, with assistance from the Federal Bureau of Investigation.



*Dog rescued from defendant  
Moody's property*



## Sentencings

### ***United States v. Kang Juntao*, No. 1:19-CR-00107 (D.N.J.), ECS Trial Attorneys Ryan Connors and Lauren Steele, and ECS Paralegal Chloe Harris.**

On October 6, 2021, a court sentenced Kang Juntao to 38 months' incarceration, followed by one year of supervised release. Kang also will pay a \$10,000 fine. Kang pleaded guilty to money laundering, following his extradition from Malaysia in December 2020 (18 U.S.C. §§ 1956(a)(2)(A)).

While in his native China, Kang organized a network of suppliers and shippers in at least eight states to smuggle approximately 1,500 protected box turtles, wood turtles, and spotted turtles worth \$2,250,000 from the United States to Hong Kong. Kang sent a series of financial transactions into the United States to pay for the turtles, which were resold in the Asian pet trade black market.

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



*Eastern box turtles stuffed into socks*

### ***United States v. Jeremiah Young, et al.*, No. 2:18-CR-00068 (E.D. Calif.), AUSAs Philip A. Scarborough and Paul Hemesath.**

On October 4, 2021, a court sentenced Christopher Young to 18 months' incarceration, followed by one year of supervised release. Young also will pay a \$50,000 fine for conspiracy, tampering with monitoring equipment, and discharging industrial wastewater, in violation of the Clean Water Act (CWA) (18 U.S.C. § 371; 33 U.S.C. §§ 33 U.S.C 1317(d), 1319(c)(2)(A), (c)(4)).

Young worked as Director of Operations for American Biodiesel d/b/a/Community Fuels between 2010 and 2016. His brother, Jeremiah Young worked as an assistant operator. Community Fuels manufactured biodiesel fuel. Regulators permitted the company to discharge wastewater meeting certain parameters (including pH and methanol concentration total flow levels) to the local publically owned treatment works (POTW). The company led local authorities to believe that it transferred unpermitted wastewater off-site to an appropriate wastewater disposal facility. In reality, employees dispersed the wastewater on the facility grounds via landscaping sprinklers, as well as illegally discharging it to the POTW, after tampering with monitoring devices. Both Jeremiah and Christopher Young participated in this scheme, which amounted to hundreds of thousands of gallons illegally discharged into the local sewer system.

In one instance in 2016, the City of Stockton conducted a surprise inspection and

*(Continued on page 22)*



## Sentencings

*(Continued from page 21)*

found plant personnel engaged in a procedure that misreported the pH level data and the flow rate of wastewater going into the POTW. The City issued an immediate cease and desist order. Christopher Young then met with the city inspectors, telling them the discharge was accidental and that he had disciplined his employees. But later, he sent an email instructing an employee to restart dumping wastewater to the sewer, because inspectors were unlikely to appear after hours.

A court sentenced Community Fuels in July 2019 to pay a \$400,000 fine, and complete a three-year term of probation, to include implementing an environmental compliance plan. The company also must grant 24-hour facility access to authorities for unannounced inspections. The court further ordered the company to pay \$256,206 in restitution divided between the City of Stockton and the Port of Stockton, California. Community Fuels pleaded guilty to conspiracy and tampering with monitoring equipment.

Jeremiah Young was sentenced to time served, followed by three years' supervised release, after pleading guilty to violating the CWA (33 U.S.C §§ 1317(d), 1319(c)(2)(A)).

The U.S. Environmental Protection Agency Criminal Investigation Division, the City of Stockton Municipal Utilities Department, the San Joaquin County Environmental Health Department, the Port of Stockton, and the California Department of Toxic Substances Control conducted the investigation.



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

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Senior Counsel for Wildlife	Elinor Colbourn		
Senior Counsel	Kris Dighe		
Senior Trial Attorney	Christopher Costantini		
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Senior Trial Attorney	Ken Nelson		
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Trial Attorney	Ryan Connors		
Trial Attorney	Adam Cullman		
Trial Attorney	Stephen DaPonte		
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Trial Attorney	Patrick Duggan		
Trial Attorney	Ethan Eddy		
Trial Attorney	Matthew Evans		
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Trial Attorney	Richard Powers		
Trial Attorney	Banu Rangarajan		
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